



State Council

Full Minutes

3 September 2021

NOTICE OF MEETING

Meeting No. 5 of 2021 of the Western Australian Local Government Association (WALGA) State Council was hosted by the Shire of Broome at The Continental Hotel, Broome on Friday, 3 September 2021 commencing at 10:00am.

1. ATTENDANCE, APOLOGIES & ANNOUNCEMENTS

1.1 Attendance

Members	President of WALGA - Chair Deputy President of WALGA, Northern Country Zone Avon-Midland Country Zone Central Country Zone Central Metropolitan Zone Central Metropolitan Zone East Metropolitan Zone East Metropolitan Zone Goldfields Esperance Country Zone Great Eastern Country Zone Great Southern Country Zone Kimberley Country Zone Murchison Country Zone North Metropolitan Zone North Metropolitan Zone North Metropolitan Zone Peel Country Zone Pilbara Country Zone South East Metropolitan Zone South East Metropolitan Zone South Metropolitan Zone South Metropolitan Zone South Metropolitan Zone South West Country Zone	Mayor Tracey Roberts JP President Cr Karen Chappel JP Cr Ken Seymour President Cr Phillip Blight Cr Paul Kelly Cr Jenna Ledgerwood Cr Catherine Ehrhardt Cr Cate McCullough President Cr Malcolm Cullen President Cr Stephen Strange Cr Ronnie Fleay Cr Chris Mitchell JP Cr Les Price Cr Frank Cvitan JP Mayor Mark Irwin Cr Russ Fishwick JP President Cr Michelle Rich Mayor Peter Long Cr Julie Brown Cr Timothy Porter (Deputy) Cr Doug Thompson Mayor Carol Adams OAM Cr Deb Hamblin (Deputy) President Cr Tony Dean
Secretariat	Chief Executive Officer EM Commercial & Communications EM Governance & Organisational Services EM Infrastructure Acting EM Strategy, Policy & Planning Manager Strategy & Association Governance Policy Manager, Planning & Building Executive Officer Governance	Mr Nick Sloan Mr Zac Donovan Mr Tony Brown Mr Ian Duncan Ms Nicole Matthews Mr Tim Lane Mr Chris Hossen Ms Katherine Robertson

1.2 Apologies

- Cr Cheryl Cowell, Gascoyne Country Zone
- Mayor Ruth Butterfield, South East Metropolitan Zone
- Mayor Logan Howlett JP, South Metropolitan Zone
- The Rt. Hon Lord Mayor Basil Zempilas, City of Perth
- Mr Jamie Parry, President of Local Government Professionals WA

1.3 Announcements

- 1.3.1** WALGA acknowledges the Yawuru people who are the Traditional Custodians of the land on which we meet today, and pays respects to their Elders past and present.

ORDER OF PROCEEDINGS

OPEN and WELCOME

The Chair declared the meeting open at **10:47am**.

Welcome to:

- State Councillors and WALGA secretariat
- Deputy State Councillor Timothy Porter, South East Metropolitan Zone
- Deputy State Councillor Deb Hamblin, South Metropolitan Zone
- Observers from the Kimberley Zone

Apologies

- Cr Cheryl Cowell, Gascoyne Country Zone
- Mayor Ruth Butterfield, South East Metropolitan Zone
- Mayor Logan Howlett JP, South Metropolitan Zone
- The Rt. Hon Lord Mayor Basil Zempilas, City of Perth
- Mr Jamie Parry, President of Local Government Professionals WA

PAPERS

State Councillors were distributed the following papers under separate cover:

- Item 5.4 Partners in Government Agreement;
- Item 5.5 Foundations for a Stronger Tomorrow – Submission to the Draft State Infrastructure Strategy;
- Item 5.6 Finance and Services Committee Minutes;
- Item 5.7 Selection Committee Minutes;
- Item 5.8 CEO Performance Review Committee Minutes – CONFIDENTIAL;
- Item 5.9 LGIS Board Minutes – CONFIDENTIAL;
- Item 5.10 LGIS Board Tenure – CONFIDENTIAL;
- Item 5.11 WALGA LGIS Member Administration – CONFIDENTIAL;
- Item 5.12 Use of the Association's Common Seal;
- CEO's Report to State Council for September 2021;
- President's Report for September 2021 (previously emailed to your Zone meeting).

2. MINUTES

2.1 Minutes of meeting held 7 July 2021

Moved: Mayor Carol Adams
Seconded: Cr Cate McCullough

That the Minutes of the WALGA State Council meeting held on [Wednesday, 7 July 2021](#) be confirmed as a true and correct record of proceedings.

RESOLUTION 254.5/2021

CARRIED

2.1.1 Business arising from the Minutes of meeting held 7 July 2021

Nil.

2.2 Flying Minute – 2021-22 State Budget Submission

Moved: Cr Julie Brown
Seconded: President Cr Malcolm Cullen

That the [Flying Minute – 2021-22 State Budget Submission](#), be confirmed as a true and correct record of proceedings.

RESOLUTION 255.5/2021

CARRIED

2.2.1 Business arising from the Flying Minute – 2021-22 State Budget Submission

Nil.

2.3 Flying Minute – WALGA Submission: Inquiry into the Delivery of Ambulance Services in Western Australia

Moved: Cr Julie Brown
Seconded: President Cr Malcolm Cullen

That the [Flying Minute – WALGA Submission: Inquiry into the Delivery of Ambulance Services in Western Australia](#), be confirmed as a true and correct record of proceedings.

RESOLUTION 256.5/2021

CARRIED

2.3.1 Business arising from the Flying Minute – WALGA Submission: Inquiry into the Delivery of Ambulance Services in Western Australia

Nil.

2.4 Flying Minute – WALGA Submission on Guideline: Native Vegetation Referral, Part V *Environmental Protection Act 1986*

Moved: Cr Julie Brown
Seconded: President Cr Malcolm Cullen

That the [Flying Minute - WALGA Submission on Guideline: Native Vegetation Referral, Part V *Environmental Protection Act 1986*](#), be confirmed as a true and correct record of proceedings.

RESOLUTION 257.5/2021

CARRIED

2.4.1 Business arising from the Flying Minute – WALGA Submission on Guideline: Native Vegetation Referral, Part V *Environmental Protection Act 1986*

Nil.

3. DECLARATION OF INTEREST

Pursuant to our Code of Conduct, State Councillors must declare to the Chair any potential conflict of interest they have in a matter before State Council as soon as they become aware of it.

- WALGA President Mayor Tracey Roberts declared an interest in Emerging Issue item 4.1: Protocols for State Councillors Contesting State or Federal Elections, and an interest in items 5.9: LGIS Board Minutes and 5.10: LGIS Board Tenure.
- Cr Paul Kelly declared an interest in items 5.9: LGIS Board Minutes and 5.10: LGIS Board Tenure.
- Cr Ronnie Fleay declared an interest in item 5.3: Phase 2 Planning Reform Submission as a member of the WA Planning Commission.

4. EMERGING ISSUES

Notification of emerging issues must be provided to the Chair no later than 24 hours prior to the meeting.

4.1 Protocols for State Councillors Contesting State or Federal Elections

By President Cr Phillip Blight, Central Country Zone

WALGA President Mayor Tracey Roberts declared an interest and left the room at 10:52am

Moved: President Cr Phillip Blight
Seconded: Cr Ken Seymour

In the event the WALGA President or State Councillor contest a State or Federal Election, in order to manage any perceived conflicts of interest, the following is hereby inserted into the Corporate Governance Charter:

- **Ministerial Meetings** – the Deputy President or relevant Policy Team Chair to accompany the President to all Ministerial Meetings;
- **Parliamentary Commitments** – the Deputy President or relevant Policy Team Chair to accompany the President to all WALGA related meetings with Members of Parliament;
- **Media releases and responses** – the Deputy President to be consulted in-conjunction with the President on all media responses and media releases with State or Commonwealth policy implications; and

- Ministerial Letters – the Deputy President to be included on consultation on proposed correspondence to State and Commonwealth Ministers.

AMENDMENT

Moved: Cr Karen Chappel
Seconded: Mayor Carol Adams

That a fifth dot point be included as follows:

- In the event of WALGA's advocacy position presenting a conflict of interest to the President in the combined judgement of the Deputy President and CEO, the Deputy President provides and responds to any public comment.

WALGA staff left the room at 11:00am.

Moved: President Cr Tony Dean
Seconded: Cr Julie Brown

That Standing Orders be suspended.

RESOLUTION 258.5/2021

CARRIED

Moved: President Cr Michelle Rich
Seconded: Cr Catherine Ehrhardt

That Standing Orders be resumed.

RESOLUTION 259.5/2021

CARRIED

RESOLUTION 260.5/2021

THE AMENDMENT WAS PUT AND CARRIED

AMENDMENT

Moved: President Cr Michelle Rich
Seconded: President Cr Phillip Blight

That a second part be included as follows:

- State Council request the CEO to provide a report to a future State Council meeting recommending amendment to the Association's Constitution to deal with matters related to State Councillors Candidature for State or Federal elections.

RESOLUTION 261.5/2021

CARRIED

THE AMENDED MOTION NOW READS:

1. In the event the WALGA President or State Councillor contest a State or Federal Election, in order to manage any perceived conflicts of interest, the following is hereby inserted into the Corporate Governance Charter:
 - Ministerial Meetings – the Deputy President or relevant Policy Team Chair to accompany the President to all Ministerial Meetings;
 - Parliamentary Commitments – the Deputy President or relevant Policy Team Chair to accompany the President to all WALGA related meetings with Members of Parliament;
 - Media releases and responses – the Deputy President to be consulted in-conjunction with the President on all media responses and media releases with State or Commonwealth policy implications; and
 - Ministerial Letters – the Deputy President to be included on consultation on proposed correspondence to State and Commonwealth Ministers.
 - In the event of WALGA’s advocacy position presenting a conflict of interest to the President in the combined judgement of the Deputy President and CEO, the Deputy President provides and responds to any public comment.
2. State Council request the CEO to provide a report to a future State Council meeting recommending amendment to the Association’s Constitution to deal with matters related to State Councillors Candidature for State or Federal elections.

RESOLUTION 262.5/2021

THE AMENDED MOTION WAS PUT AND CARRIED

Mayor Mark Irwin and Cr Frank Cvitan requested their votes against the motion be recorded.

WALGA President Mayor Tracey Roberts and WALGA staff returned to the room at 11:34am.

5. MATTERS FOR DECISION

- As per matters listed
- Items Under Separate Cover to State Council only

6. MATTERS FOR NOTING / INFORMATION

- As per matters listed

7. ORGANISATIONAL REPORTS

7.1 Key Activity Report

- 7.1.1 Commercial and Communications Unit
- 7.1.2 Governance and Organisational Services
- 7.1.3 Infrastructure
- 7.1.4 Strategy, Policy and Planning

7.2 Policy Forum Report

7.3 President's Report

7.4 CEO's Report

7.5 Ex Officio Reports

7.5.1 LG Professionals President, Jamie Parry, was an apology for this meeting.

7.5.2 The Rt. Honourable Lord Mayor Basil Zempilas was an apology for this meeting.

8. ADDITIONAL ZONE RESOLUTIONS

- As per resolutions listed.

9. DATE OF NEXT MEETING

The next ordinary meeting of the WALGA State Council will be held in the Boardroom at WALGA, ONE70, LV1, 170 Railway Parade, West Leederville on Wednesday, 1 December commencing at 4:00pm.

10. CLOSURE

Items

5.	MATTERS FOR DECISION	10
5.1	External Oversight of Local Level Complaints (05-034-01-0001 JM)	10
5.2	Tender Exemption Provisions – General Practitioner Services (05-034-01-0005 TB)	13
5.3	Phase 2 Planning Reform Submission (05-047-02-0015 CH/RP)	15
	MATTERS FOR CONSIDERATION BY STATE COUNCILLORS (UNDER SEPARATE COVER).....	47
5.4	Partners in Government Agreement (04-001-03-0001 TL).....	47
5.5	Foundations for a Stronger Tomorrow – Submission to the Draft State Infrastructure Strategy (05-001-03-0018 ID).....	49
5.6	Finance and Services Committee Minutes 25 August 2021 (01-006-03-0006 TB)...	53
5.7	Selection Committee Minutes (01-006-03-0011 CO).....	54
5.8	CEO Performance Review Committee Minutes – CONFIDENTIAL	55
5.9	LGIS Board Minutes – CONFIDENTIAL.....	56
5.10	LGIS Board Tenure – CONFIDENTIAL	57
5.11	WALGA LGIS Member Administration – CONFIDENTIAL	59
5.12	Use of the Association’s Common Seal (01-004-07-0001 NS).....	62
6.	MATTERS FOR NOTING / INFORMATION.....	63
6.1	Stop Puppy Farming Legislation (05-034-01-0001 FM).....	63
6.2	Regional Telecommunications Resilience (05-059-03-003 JB).....	65
6.3	Report Municipal Waste Advisory Council (MWAC) (01-006-03-0008 RNB).....	67
6.4	2021-22 State Budget Submission (05-001-03-0006 DM).....	68
6.5	WALGA Submission: Inquiry into the Delivery of Ambulance Services in Western Australia (05-030-03-0001 BW)	71
7.	ORGANISATIONAL REPORTS.....	73
7.1	Key Activity Reports	73
7.2	Policy Forum Report (01-006-03-0007 TB)	82
7.3	President’s Report.....	83
7.4	CEO’s Report	83
7.5	Ex-Officio Reports	83
8.	ADDITIONAL ZONE RESOLUTIONS.....	84
9.	DATE OF NEXT MEETING	87
10.	CLOSURE.....	87
	STATUS REPORT ON STATE COUNCIL RESOLUTIONS.....	87

5. MATTERS FOR DECISION

5.1 External Oversight of Local Level Complaints (05-034-01-0001 JM)

By James McGovern, Manager Governance and Procurement

Moved: President Cr Phillip Blight

Seconded: Cr Ronnie Fleay

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 263.5/2021

CARRIED UNANIMOUSLY

Executive Summary

- The *Local Government (Model Code of Conduct) Regulations 2021* were Gazetted on 3 February, with a requirement that all Local Governments adopt Code of Conduct based on the Model within three months;
- Division 3 of the Model Code introduced new provisions for behavioural complaints to be made and managed at the local level, with the Model Code requiring Local Government to deal with complaints and arrive at findings;
- The Local Government sector has expressed concern that the new system of local level complaints will give rise to actual or perceived conflicts of interest, particularly where Councillors who are the complainant or respondent are involved in dealing with the complaint.
- WALGA's Governance and Organisational Services Policy Team considered this matter on 6 July, resolving:

That the Governance and Organisational Services Policy Team SUPPORT the preparation of an agenda item to the next State Council meeting in September 2021, summarising the external oversight models in other jurisdictions and make recommendation for the adoption of a model closely aligned to the Victorian Councillor Complaints Framework.

Background

The Local Government sector is concerned that the regulated local level complaints management system directly involves Local Governments in the assessment, findings and determining actions arising from complaints. This is exemplified in the State Council resolution of December 2020:

That WALGA:

- *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.*

At the same State Council meeting, the following WALGA advocacy position was adopted in relation to the Local Government Act Review Panel Report:

2.6.7 External Oversight

Position Statement The Local Government sector supports:

1. *Establishing an Office of the Independent Assessor to replace the Standards Panel to provide an independent*

- body to receive, investigate and assess complaints against Elected Members and undertake inquiries.
2. Remove the CEO from being involved in processing complaints.
 3. That an early intervention framework of monitoring to support Local Governments be provided with any associated costs to be the responsibility of the State Government.

Research undertaken into the approach of other jurisdictions identifies similar legislation dealing with local level complaints but incorporating an independent assessment mechanism. The following information provides a summary of the independent assessment of council member complaints:

Victoria

A Councillor Conduct Framework was established under the *Local Government Act 2020* (Vic) which provides a hierarchy for the management of Councillor conduct issues. Under the Councillor Conduct Framework:

- complaints of misconduct by a Councillor are heard and determined under the Council's internal arbitration process by an independent arbiter;
- complaints of serious misconduct by a Councillor are heard and determined by independently established Councillor Conduct Panels; and
- allegations of gross misconduct are dealt with by Victorian Civil and Administrative Tribunal.

The Municipal Association of Victoria (MAV) provided comment indicating support for the Councillor Conduct Framework, albeit the legislation is relatively new. MAV are confident that the consultation leading to the adoption of the *Local Government Act 2020* will provide for a fair, timely and independent resolution of Councillor Complaints. A detailed summary can be found [here](#).

Queensland

The *Local Government (Councillor Complaints) and other Legislation Amendment Act 2018* (Qld) established the Office of the Independent Assessor (OIA) to investigate and assess Councillor complaints, and provided the OIA with jurisdiction to investigate and prosecute claims against Councillors from all Local Governments in Queensland. The Independent Assessor reports directly to the Minister for Local Government.

The Independent Assessor investigates and assesses complaints about Councillor conduct involving inappropriate conduct and misconduct; corruption allegations received by the OIA are referred to the Queensland CCC. The Independent Assessor also:

- provides advice, training and information about dealing with alleged or suspected inappropriate conduct, misconduct or corrupt conduct to Councillors, Local Government employees and the public.
- prosecutes misconduct offences via the Councillor Conduct Tribunal.

The Local Government Association of Queensland provided comment that there are some concerns with the operation of the OIA due to the interpretive nature of the '*inappropriate conduct*' and '*misconduct*' definitions within the legislation. This is resulting in a growing number of seemingly trivial matters being dealt with by the OIA and the LGAQ is currently seeking a review of the *Local Government (Councillor Complaints) and other Legislation Amendment Act 2018*. A detailed summary can be found [here](#).

Tasmania

In 2016 Tasmania established a Code of Conduct Framework, replacing a former model where complaints dealt with by individual Councils was regarded as lacking consistency and credibility.

Key aspects of the current framework, which is currently under review, include:

- A Model Code of Conduct (made by order of the Minister for Planning and Local Government) which prescribes the standard of behaviour that all Tasmanian Councillors are required to meet when performing their role;
- The Minister's independent Local Government Code of Conduct Panel which is responsible for the investigation and determination of code of conduct complaints; and
- The availability of new sanctions to the Panel in relation to breaches and an ability to dismiss frivolous and vexatious complaints.

The Local Government Association of Tasmania provided comment that the Code of Conduct Framework was being used for unintended purposes and resulting in high legal costs, for example; a Council raised concern that the Code provisions were being used to threaten Councillors on the basis of how they vote on matters; and Member Councils provided information that dealing with the Code is leading to the accumulation of legal costs from between \$40,000 and \$100,000. Having identified the unintended consequences of the Code of Conduct Framework, the Association has been lobbying for a review of the Code and this remains in the consultation phase. A detailed summary can be found [here](#).

South Australia

Legislation currently before the State's Parliament will soon be proclaimed and introduce behavioural standards to be managed by an independent Behavioural Standards Panel. Concurrently, the legislation will require that Local Governments develop a Behavioural Management Policy based on statewide behavioural standards given effect by the Minister for Local Government with alleged breaches of the policy to be referred to the Standards Panel, which will have powers ranging from censure to three month suspension. Local Governments will have the ability to manage behavioural issues by arranging for mediation or arbitration depending on the behavioural issue arising and the willingness of involved parties to participate.

The Local Government Association of South Australia provided comment that the new legislation is reflective of feedback from the SA Local Government sector and the Association is confident the legislated process meets expectations.

Conclusion

The Governance and Organisational Services Policy Team members requested that the Secretariat ensure that advocacy includes considering flexibility in how matters might be dealt with locally and to ensure that any future complaints process did not detract from the leadership role of the Mayors and Presidents to guide Council Members. There remains a role for Mayors and Presidents to play a leadership role by encouraging behavioural concerns or inter-personal disputes between Elected Members to be conciliated to a satisfactory conclusion between the parties, without necessarily requiring recourse to a local level complaints process.

The Minister for Local Government, Hon John Carey addressed WALGA State Council in May 2021 and has expressed tacit support for an independent approach to managing local level complaints. WALGA's assessment of the separate jurisdictional approaches to external oversight models favours the Victorian model as it most closely meets the WALGA advocacy positions relating to independent complaints management frameworks.

5.2 Tender Exemption Provisions – General Practitioner Services (05-034-01-0005 TB)

By Tony Brown, Executive Manager, Governance and Organisational Services

Moved: President Cr Karen Chappel
Seconded: President Cr Phillip Blight

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.

RESOLUTION 264.5/2021

CARRIED

Executive Summary

- Local Governments advise that:
 - There is a limited pool of General Practitioners (GPs) willing to relocate to regional areas, let alone remain long term as a part of the community;
 - Communities place high value on local GP services and therefore, value Local Government exercising general competence powers to attract and retain GP services;
 - GP services are acquired by either directly engaging a GP as an employee of the Local Government, or by tendering for services;
 - Community expectations are inconsistent with Local Government tender obligations where a community expects the Local Government to retain a well-regarded GP that is willing to continue in the role, but compliance requires Local Government to re-market GP services initially acquired by a tender process with potential risk that the current service provider may not engage in the new tender process.
- WALGA advocacy for a ‘*size and scale*’ regional tender exemption for GP services will support regional Local Governments and their communities to secure necessary primary health care.
- Further research is proposed to support WALGA’s proposed advocacy.

Policy Implications

This report proposed WALGA’s adoption of a new Advocacy Position for Tender Exemption – Regional General Practitioner Services.

Background

The Central Country Zone at its meeting held 21 February 2020 requested WALGA investigate tendering issues for General Practitioner (GP) services in rural areas and consider a tender exemption for GP services under the *Local Government (Functions and General) Regulations 1996*.

At the March 2020 State Council meeting, the matter was referred to the Governance and Organisational Services Policy Team which resolved on 29 June 2020, to include this issue as part

of WALGA's Phase 2 Local Government Act Review advocacy. The Policy Team revisited the issue in July 2021 and support the proposed advocacy recommendation.

It is noted that in February 2000, a related issue led to the amendment of Regulation 30(2) of the *Local Government (Functions and General) Regulations 1996* to provide for an exemption from the disposal of property provisions under s.3.58 of the *Local Government Act 1995* where a Local Government is 'leasing of land to a person registered under the Health Practitioner Regulation National Law (Western Australia) in the medical profession to be used for carrying on his or her medical practice'.

Comment

Advocacy proposed in this report aligns with WALGA's existing advocacy position in relation to Regional Health Services, adopted in 2018:

The Association supports continuing to work with affected Local Governments and key stakeholders to identify and develop collaborative strategies. The Association supports continuing to advocate to the State Government to prioritise regional health and the regional health workforce. The Association supports developing a policy connection with the Australian Local Government Association as a pathway for advocating for stronger specialised regional health workforces.

(State Council Resolution September 2018 – 105.5/2018)

Robust advocacy will require research and consideration of a range of matters, including:

- The proposal for a tender exemption for procurement of GP services. This may be an opportunity for 'size and scale' innovation, but should also consider probity and best value principles.
- The implications of State and Federal Government policy settings and other factors contributing to reduced primary health care services in regional communities and the consequential cost shifting to Local Government. This may require separate advocacy considerations.
- The number of regional Local Governments and the quantum of costs incurred through contracting GP services, to evidence the costs that have been shifted to the Local Government sector.

5.3 Phase 2 Planning Reform Submission (05-047-02-0015 CH/RP)

By Chris Hossen, Policy Manager, Planning and Building & Ruby Pettit, Policy Officer Planning

Cr Ronnie Fleay declared an interest and left the room at 11:36am.

Moved: President Cr Michelle Rich
Seconded: Cr Paul Kelly

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

RESOLUTION 265.5/2021

CARRIED

Cr Ronnie Fleay returned to the room at 11:37am

Executive Summary

- Phase 2 of the *Action Plan for Planning Reform* has been released for comment by the Department of Planning, Lands and Heritage (DPLH). Phase 2 builds upon the reforms initiated through the Independent Planning Reform Team's Green Paper (2018) and the State Government's Action Plan for Planning Reform.
- Phase 2 proposes 28 reform initiatives under three overarching goals, while also requesting community and stakeholders submit their own ideas for additional reforms of the planning system.
- WALGA's submission provides a response to all relevant reform initiatives as well as detailed commentary on suggested further areas for reform. Broadly the Association's suggested reforms aim to enhance liveability and sustainability, as well as improve efficiency and role definition within the planning system.

Attachments

- [Planning Reform Phase 2 – Action Plan for Planning Reform](#)
- [WALGA Planning Reform Phase 2 Submission](#)

Policy Implications

Relevant WALGA Advocacy Position Statements:

6.1 Planning Principles – All legislation and policy that deals with planning and development must:

- *ensure role clarity and consistency across all legislation controlling development, to avoid confusion of powers and responsibilities,*
- *be easily interpreted by, understood by, and accessible to all sections of the community, and*
- *be amended only with WALGA involvement and/or consultation/involvement with Local Government.*

6.2 Planning Reform – The Local Government sector supports the underlying principles of planning reform and the continuing focus of streamlining the planning system.

6.5 Development Assessment Panels – the Association does not support Development Assessment Panels, in their current structure.

The Recommendations in the submission are consistent with WALGA's previous submissions on Phase 1 Planning Reform, the Independent Planning Reform Green Paper and the Planning Makes it Happen reform process.

Background

The current planning reform process was initiated as a result of the Independent Reviewer's Green Paper (2018), which proposed five key areas of reform: strategically-led, legible, transparent, efficient and delivering smart growth. In 2019, an Action Plan for reform of the planning system was released by the Minister for Planning. The first phase of planning reform was introduced through amendments to the *Planning and Development (Local Planning Schemes) Regulations 2015* and amendments to the *Planning and Development Amendment Act* in 2020, with the intent to create a more flexible, responsive and contemporary planning system to drive Western Australia's economic recovery through the COVID-19 pandemic. This included creation of a State Development Assessment Unit (SDAU) to assess State Significant development, the creation of a head of power to establish a Special Matters Development Assessment Panel, and a reduction in the number of Development Assessment Panels from nine to five.

Phase 2 builds on these earlier reforms of the Action Plan, proposing reforms across three key themes: planning creates great places for people; planning is easier to understand and navigate; and planning systems are consistent and efficient. It is intended that feedback on Phase Two will inform drafting of amendments to the *Planning and Development Act 2005* and *Planning and Development (Local Planning Schemes) Regulations 2015*.

In addition to a number of potential reforms, Phase 2 consultation seeks additional suggestions for further areas of reform across the planning system. For this reason, the submission prepared by WALGA has been structured in two parts – part one providing comment on the Department's proposed reforms, and part two suggesting further areas of reform.

Comment

The release of Phase 2 Planning Reform is generally welcomed, as there has been a clear commitment to date from the State Government to work alongside the Local Government sector prior to implementing proposed reforms. The opportunity for Local Government officers and elected members to be engaged early in these processes has been a positive and constructive approach. Further, WALGA has a demonstrated, long-held commitment to planning reform, in particular the aim to refocus strategic priorities, address design and operational problems in the planning approval process and clarify and streamline institutional arrangements.

WALGA in its submission has provided a response to all relevant reform initiatives as well as detailed commentary on suggested further areas for reform. The majority of reforms proposed by the Department are supported by the Association, noting however that further detail is required on a number of proposals in order to provide meaningful comment on their implications for the sector. The submission also grants the Association a unique opportunity to outline further reforms of the planning system.

As the reforms progress, it is anticipated the Association will have further opportunities to provide comment and engage the Local Government sector on reforms, including through the establishment of working groups. The Minister for Local Government is undertaking complimentary consultation with the sector through both a Red Tape Reduction and Crossover Working Group. WALGA and Local Government representatives are participating in both groups.

The public comment period closed on Tuesday, 31 August, with an extension granted to the Association to provide its comment by Friday, 3 September.

WALGA provided a draft submission to the sector on 9 July for a four-week comment period. WALGA identified three Council endorsed submission (Bayswater, Fremantle and Serpentine Jarrahdale) on the Phase 2 reforms and officer comments were received from seven Local Governments (Vincent, Gosnells, Rockingham, Harvey, Bassendean, Serpentine Jarrahdale and Busselton). These submissions were overwhelmingly supportive of both WALGA's positions on the proposed reforms and suggested improvements. Two additional suggested reforms have been incorporated into the submission following proposals from Local Governments.

Attachment to item 5.3

Planning Reform Phase 2

Submission

August 2021



Contact:

Chris Hossen

Policy Manager, Planning and Building

WALGA

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1.0 About us

The Western Australian Local Government Association (WALGA) is the peak industry body for Local Government in Western Australia. WALGA is an independent, membership-based organisation representing and supporting the work and interests of 139 Local Governments in Western Australia.

WALGA provides an essential voice for approximately 1,222 Elected Members and approximately 22,000 Local Government employees as well as over 2.5 million constituents of Local Governments in Western Australia. WALGA also provides professional advice and services that provide financial benefits to the Local Governments and the communities they serve.

WALGA's governance structure is comprised of WALGA State Council, the decision-making representative body of all Member Councils, responsible for sector-wide policy making and strategic planning on behalf of Local Government, and Zones, (5 metropolitan and 12 country), groups of geographically aligned Member Councils responsible for direct elections of State Councillors, providing input into policy formulation and providing advice on various matters.

2.0 WALGA's comments

WALGA welcomes the opportunity to comment on Phase 2 of the State Government's planning reform agenda. **Local Governments have been consulted in the development of this submission and it has been endorsed by WALGA State Council.**

Local Government is an important decision maker, regulator, and participant in the planning system, and has a key role in setting the strategic land use planning framework and managing statutory functions at a local level as part of the Western Australian planning system. As such, the community has a strong expectation that local character will continue to be considered within the planning framework and that Local Government is the level of government best placed to ensure this.

WALGA acknowledges the ongoing engagement between the Department of Planning, Lands and Heritage (DPLH) and the Local Government sector throughout the State Government's planning reform agenda. The opportunity for Local Government officers and elected members to be engaged early in these processes has been a positive and constructive approach to date, and we welcome opportunities to continue this going forward.

WALGA has previously commented on a number of reviews to the planning system, including submissions on the *Planning makes it happen – Phase 2 Planning Reform Discussion Paper* in 2013, the *Planning makes it happen: phase two: Blueprint for planning reform* in 2014, the *Independent Planning Reform – Green Paper* in 2018, and the Phase 1 of the *Action Plan for Planning Reform*.

WALGA has a demonstrated, long-held commitment to supporting planning reform, in particular the aim to refocus strategic priorities, address design and operational problems in the planning approval process and clarify and streamline institutional arrangements. To this end WALGA has operated the Planning Improvement Program (PIP) since 2012, whose mission statement is to ensure better outcomes through consistency and efficiency by providing best practice examples and information for Local Government.

In framing a response to The State Government's Phase 2 consultation WALGA is guided by the State Council endorsed principle that all legislation and policy which deals with planning and development must:



- ensure role clarity and consistency across all legislation controlling development, to avoid confusion of powers and responsibilities,
- be easily understood by, and accessible to, all sections of the community,
- be amended only with WALGA involvement and/or more direct consultation/involvement with Local Government.

The comments in this submission are in two parts. The first relates to the proposed reforms raised by the State Government in its *Phase 2 Reform Summary*, with comments in this section restricted to those relevant to Local Government. The second part of the submission responds to the State Government's request for further suggestions for reform and details other matters WALGA considers would improve the effectiveness of the planning system for the benefit of the community.

Several of the proposed reforms outlined by the Government are at this stage lacking in detail. While the Association has provided conditional support to these as concepts, with disclaimers as necessary, should the Government move ahead with these reforms comprehensive engagement with the Local Government sector will be required to ensure that the regulatory settings of any changes will not create unexpected consequences for applicants, decision makers and the communities they serve.

3.0 Comment on proposed amendments

WALGA's position and additional commentary on proposed reforms raised by the State Government in its *Phase 2 Reform Summary* are summarised in the table below. Comments in this section are restricted to those amendments of relevance to local government.

Potential reform	Level of support	Comment
Planning creates great places for people		
Government led structure planning for areas of key strategic importance with fragmented land ownership. Consider and test legislative or regulatory amendments required.	Further Information required	<p>The State Government has a range of existing regulatory tools to manage the comprehensive planning of strategic and/or complex sites. This includes Improvement Plans and Schemes, Planning Control Areas, Special Control Areas, identification of land as a Redevelopment Area under the Metropolitan Redevelopment Authority Act 2011, and through the establishment of specific legislation such as the Swan Valley Planning Act 2020.</p> <p>While the Association is not opposed to the State Government taking a more involved role in structure planning for strategic sites, there is insufficient information within this proposal to comment in detail at this stage. The establishment of such a regime and the testing of any new instrument should be done in cooperation with the Local Government sector.</p> <p>In the experience of Local Governments, the key barrier to delivering infill development in areas of fragmented land ownership is the coordination and delivery of infrastructure, particularly trunk infrastructure. A decision of the State to take on structure planning activities for an area may provide an opportunity for better coordination between infrastructure agencies in the delivery of infrastructure for planned areas as determined through the approval process in an agreed timeframe.</p>
Introduce statutory and regulatory amendments to reduce duplication in decision-making and better balance land use, transport and road planning outcomes for key urban roads and highways. Finalise new Movement and Place Framework.	Supported	<p>For development proposals that seek access to or near a major road a second approval is often required from the authority charged with managing the road, generally Main Roads or the WAPC. This approval, while often sought in conjunction with a development approval is not subject to the same review rights and may, depending on the view of the transport authority, not align with the intended place outcome of the planning authority. Thus, the desires of the transport authority may usurp or undermine the agreed urban development outcome for a site.</p> <p>The current legislative framework has the effect of giving primacy to the interests of transport authorities, often at the expense of Local Governments. Transport authorities are primarily concerned with the need to ensure efficiency (continuous vehicle flows) in the road network, which is often at odds with Local Governments who are invested in the development of economically and culturally successful urban corridors and activity centres. Under the current legislative</p>

Potential reform	Level of support	Comment
		<p>framework matters such as access, traffic speeds, pedestrian crossing points, and intersection treatments are wholly in the purview of Main Roads and therefore, seeking approval for alternative arrangements that support vibrant places can be difficult. For these reasons, the Association has previously supported shifting the overarching responsibility for transport planning along identified urban corridors within the Central Sub-Regional Planning Framework to the Department of Transport.</p> <p>The Association has been an active participant in the development of the Movement and Place Framework being prepared by the Department of Transport and supports the Framework's finalisation following consultation with the Local Government sector. This Framework offers the potential to create a whole of Government position on the role of particular roads and streets as both movement corridors and places in their own right. Finalisation of the Framework will be an important step in delivering on the intent of this proposed planning reform.</p>
<p>Review and reform developer contribution plans, specifically to streamline the assessment and approvals process.</p>	<p>Not supported</p>	<p>The WAPC recently completed a comprehensive review of State Planning Policy 3.6 Infrastructure Contributions (SPP3.6). This review took over five years to complete. Following the completion of SPP 3.6 several modifications to the Local Planning Scheme Regulations 2015 are being drafted to operationalise the Policy.</p> <p>It is the Association's view that further changes to the Development Contribution system are not required at this time. Rather, the newly gazetted SPP 3.6 should be afforded time to be implemented and monitored before additional changes are contemplated.</p> <p>The proposed reform talks to reviewing development contribution plans to streamline assessment and approval. The need for this reform is unclear as development contribution plans do not affect the delivery of subdivision or development given that interim contributions are made possible by SPP 3.6 and widely used.</p> <p>Streamlining the creation and assessment of development contribution plans should not be prioritised at the expense of landowners and developers having rights to be consulted on the way that development contributions are determined, and the opportunity to seek a review by an independent third party regarding the calculation of costs and return of funds.</p>
<p>Reduce duplication and conflict in decision making across State and local Government through</p>	<p>Supported</p>	<p>Western Australia has three region schemes in operation - The Metropolitan Region Scheme, the Peel Region Scheme, and the Greater Bunbury Region Scheme, which operate in tandem with Local Planning Schemes.</p>

Potential reform	Level of support	Comment
regulatory and statutory amendments.		<p>Under the current planning framework dual approval under both a region and local planning scheme is required. In practice most approvals under a region scheme are delegated to Local Government and an applicant only observes one process. However, applicants are still technically required to lodge two forms and receive approval under both Schemes, where relevant.</p> <p>However, the current arrangement creates a complex and convoluted series of delegations from the WAPC to Local Government, which may not only affect the proposal but also the tenure of the land or the response from state authorities as part of a referral process.</p> <p>WALGA supports regulatory amendments to reduce the need for dual determination under both local and region schemes.</p> <p>For example, it is recommended that the WAPC instrument of delegation be amended such that advice from government agencies (such as Main Roads WA) is advice only and does not determine whether a local government is required to refer an application to the WAPC for determination where the recommendations of the agency and local government differ.</p> <p>Secondly, applications on reserved land should be lodged directly to the WAPC for determination. The current requirement is for local governments to receive the applications, and then immediately forward the application to the WAPC within 7 days. This process is confusing for applicants as well as being inefficient and creating additional regulatory burden for both Local Government and the DPLH.</p> <p>The Association recommends that the WAPC establish a Local Government Stakeholder Reference Group to guide the formulation of a contemporary dual approval process and reorganisation of WAPC delegations to Local Government.</p>
Finalise new State Planning Policy to guide medium density development	Supported	<p>WALGA has previously provided a submission regarding SPP7.3. WALGA broadly supports the intention of SPP7.3 to guide medium density development, particularly its intent to increase housing diversity and high-quality infill outcomes.</p> <p>WALGA support for this initiative should be read in conjunction with the specific comments made in its submission on SPP7.3.</p>

Potential reform	Level of support	Comment
<p>Develop and consult on a new Neighbourhood Design Policy to modernise and replace existing policy guidance.</p>	<p>Supported</p>	<p>The 2016 Independent Review into the Planning System (Green Paper) that informed the Action Plan for Planning Reform proposed to establish a new Smart Growth State Planning Policy (for infill areas) and to elevate Liveable Neighbourhoods (LN) to a SPP status.</p> <p>The Association supports the proposition to elevate LN to a SPP status, noting:</p> <p><i>“The underlying notion that the matters dealt with in the current iteration of Liveable Neighbourhoods should be elevated to the Status of a State Planning Policy is supported. However the Association finds contradiction in this recommendation and that of recommendation 5.2.1, which seek to develop two new standalone State Planning Policies outside the single State Planning Policy proposed in recommendation 2.2.1.”</i></p> <p>The Association continues to be of the view that the principles of Liveable Neighbourhoods and Smart Growth are strongly aligned and the principles of Smart Growth should apply to both greenfield and urban in-fill sites.</p> <p>Therefore, in line with the common theme of simplifying the planning system, it would seem logical for an elevated Neighbourhood Design Policy to have common Smart Growth principles and objectives for urban development in both greenfield and in-fill areas located outside activity centres and designated precincts.</p>
<p>Planning is easier to understand and navigate</p>		
<p>Elevate status of local planning strategies to ensure all local governments have a clear development vision for their communities.</p>	<p>Conditional Support</p>	<p>The Association supports in principle the idea of elevating the status of Local Planning Strategies to give certainty to development outcomes for local communities. There is growing community angst concerning the form and scale of development occurring within both existing communities and growth areas. While Local Governments are committed to delivering the state planning framework and dwelling targets through their local planning frameworks, the connection between these targets and how they will be met through local planning strategies has weakened in recent years by what at times appears to be arbitrary increases in density required by the WAPC prior to advertising. This growing disconnect has partially fuelled community concern towards development.</p> <p>Clearer guidance will be required in the Local Planning Manual to clarify what is required to be included within a Local Planning Strategy. The existing requirements within the manual are extensive and arguably onerous for many Local Governments. The manual should also be amended to support a stronger connection to the Strategic Community Plan and more appropriate scalability of the content for smaller and low growth local governments.</p>

Potential reform	Level of support	Comment
		<p>The Association has made additional recommendations regarding Local Planning Strategies in Part 4 of this Submission. Comments in this part should be read in conjunction with those in Part 4.</p>
<p>Introduce a new simplified and efficient system for review of State planning policies, including new Regulations.</p>	<p>Supported</p>	<p>The <i>Planning and Development Act 2005</i> outlines the process for creating and reviewing SPPs. The Act currently does not distinguish between a new SPP and an amendment to an existing SPP. Thus, any change to an SPP requires full compliance with the requirements of the Act.</p> <p>Establishing a process through Regulations that allows for a contemporary approach to SPP review is supported. WALGA supports the retention of the current wording of Cl. 28(1) of the Act, which mandates consultation with impacted Local Governments and/or WALGA during the preparations of a SPP, with detail on how this should occur being placed in Regulation.</p> <p>WALGA recommends consideration of a ‘minor’ amendment pathway for SPPs as this will reduce regulatory burden and ensure that low-impact changes to SPPs can occur outside formal review periods, or where complimentary changes are required in response to other new or amended SPPs.</p> <p>At the time of writing, several SPPs are outdated and require review to align with State Planning Strategy and contemporary urban planning principles. The older policies have reduced effectiveness as their age calls into question the level of due regard that decision makers should give them.</p> <p>Consideration should also be given to setting end dates to SPPs and standard policy review periods. This approach has been systematically implemented for other statutory and policy tools within the planning framework. Such a mechanism would ensure that SPPs remain contemporary and relevant and are able to be afforded the appropriate level of regard in decision making.</p>
<p>Launch online planning portal to track applications and facilitate improved community engagement.</p>	<p>Conditional support</p>	<p>WALGA is unable to provide its full support of this recommendation until further information is provided, including:</p> <ul style="list-style-type: none"> • Clarification on what types of applications will be tracked by the portal i.e. will it only be used for applications lodged with the State or by all decision makers, including Local Governments? • Clarification that Local Governments will be involved in the design of the portal, to ensure its usability for local practitioners, decision makers and residents.

Potential reform	Level of support	Comment
		<ul style="list-style-type: none"> Clarification that the State will be responsible for the portal's construction and maintenance costs i.e. that this responsibility will not fall to Local Governments. <p>Many Local Governments have implemented application tracking software that incorporates community consultation and transparency features. These systems are generally integrated into the information technology suites used by Local Governments. It is important that any portal developed by the state does not make these systems redundant and that any State tool developed offers the same level of functionality as currently provided by Local Government.</p>
Further improve consistency of consultation on development applications	Conditional support	<p>Phase 1 of Planning Reform was partially tasked with creating greater consistency in community consultation on local development matters. The Association has supported these reforms through Local Government Stakeholder Reference Groups that informed the Phase 1 Reforms.</p> <p>Phase 1 Reforms implemented:</p> <ul style="list-style-type: none"> New consultation requirements for non-complex and complex DAs, including the requirement to advertise complex applications for 28 days, have a sign on-site and to provide written notification to owners and occupiers within a minimum 200m radius of the development, and Mandating online publication of applications and associated documents. <p>The Association has been working with Local Governments to improve community consultation practices since 2015 and has prepared an <i>Advertising of Planning Proposals Model Local Planning Policy</i> and a <i>Guide to Community Engagement on Planning Matters</i>. These documents have been used extensively by Local Governments in the development of their community consultation Local Planning Policies. The Association is not opposed to greater consistency in consultation practices for development applications, however such work should be informed by Local Government practitioners through a Local Government Stakeholder Reference Group to inform the nature and extent of any proposed reform in this regard.</p>
Introduce new requirements for plain English, one-page community focused summaries of proposed local and regional planning scheme amendments.	Conditional support	<p>Local governments currently provide sufficient information within advertised Scheme amendments as part of their consultation process and during the scheme amendment initiation process. As a result, the production of one-page community focused summaries may be a duplication of process and therefore, represents an additional administrative burden to local governments in the case of local Scheme amendments.</p> <p>Where a Scheme Amendment is lodged by an applicant there may be value in the inclusion of a one-page summary as a requirement of lodgement. Where an amendment may lead to a change in built form, a graphical representation of this change should be included.</p>

Potential reform	Level of support	Comment
<p>Clarify use and function of local planning policies and identify an appropriate lifespan for their operation.</p>	<p>Neutral</p>	<p>Clause 3 of Schedule 2 of the Planning and Development (Local Planning Schemes) Regulations 2015 is clear on the ability for Local Governments to prepare a Local Planning Policy (LPP) and states that - <i>“[a] local government may prepare a local planning policy in respect of any matter related to the planning and development of the Scheme area.”</i></p> <p>While this regulation permits LPPs to be established over a broad range of matters, the wording of cl. 3(2) and cl. 3(3) of the deemed provisions clarify this further. Clause 3(3) states that an LPP can address a strategic or operational matter but must be based on sound town planning principles. Further, cl. 3(2) states that an LPP may be applied to either one or more classes of matters and can be applied to a part or the entirety of a Scheme area.</p> <p>The Association contends that the use of LPPs is clearly outlined in the Regulations, and that the discretion of local governments to determine if a local planning policy is warranted to address a specific local planning matter should be retained.</p> <p>There is however a need to better clarify the purpose of an LPP within the planning decision making, as this is not currently clearly defined. The State Administrative Tribunal has provided some guidance on this matter, stating that an LPP <i>“as a matter of ‘[g]ood public administration’, is for the decision-maker to formulate, adopt and publish planning principles that find expression in a planning policy in order to guide the decision-maker’s exercise of discretion in planning assessment decision making.”</i>¹</p> <p>The Association supports the formation of a Local Government Stakeholder Reference Group to guide further consideration of the function of LPPs within the planning framework.</p> <p>The Association is not opposed to the principle of applying clearly defined lifespans for LPPs. Notwithstanding, it must be noted that Local Governments already undertake regular reviews of their local planning frameworks. As a principle, where a Local Government undertakes a public review of a LPP any timespan set through the Regulations should reset.</p> <p>Further, the application of lifespans to LPPs should take into consideration the pace of change for different communities across Western Australia. That is, it would not be appropriate for a rural Local Government with slow (or no) population growth and limited development activity to be held to the same review schedule as a growth metropolitan Local government with a dynamic population and local planning framework.</p> <p><small>1 Clive Elliott Jennings & Co Pty Ltd v Western Australian Planning Commission (2002) 122 LGERA 433 [24]</small></p>

Potential reform	Level of support	Comment
Develop standard manner and form for local planning policies to ensure consistency across all local governments.	Conditional support	<p>In 2019 WALGA produced the <i>Model Local Planning Policy – Guideline</i> in collaboration with eight Local Governments. This guideline was produced in response to variations in the content and style of LPPs across Local Governments and the perception that this negatively affected legibility of the planning system. The purpose of the Guide is to:</p> <ul style="list-style-type: none"> • Assist in improving consistency in the way that LPPs are worded, structured and applied across Local Government jurisdictions, • Provide guidance on the preparation and writing of LPPs, • Provide guidance on the way that LPPs could be ordered and numbered, • Provide guidance on how LPPs could be structured, and • Provide a template LPP <p>The continued use of LPPs, and the ability of Local Governments to set their own local planning frameworks, is vital in ensuring that communities have faith in the planning system’s capacity to provide appropriate contextual responses as Western Australia continues to grow. Standardisation of the content and planning controls within LPPs is not supported by WALGA, and given this situation, is not the purpose of WALGA’s guideline. However, WALGA acknowledges that there is scope to improve both the consistency and legibility of LPPs while retaining appropriate local content and planning controls.</p> <p>The <i>Model Local Planning Policy – Guideline</i> may provide a sound basis for the development of a manner and form for LPPs, and such development should occur alongside Local Government practitioners through a Local Government Stakeholder Reference Group.</p>
Finalise new Planning Engagement Toolkit	Conditional support	<p>WALGA has previously provided a submission to DPLH regarding The Planning Engagement Toolkit. WALGA broadly supports the intention of the Toolkit.</p> <p>WALGA support for this initiative should be read in conjunction with the specific comments made in its submission on the Toolkit.</p>
Develop clear and consistent guidance for structure plans, planning schemes and scheme amendments	Further Information required	<p>Further information is required to allow WALGA to make detailed comment on this proposed reform.</p> <p>WALGA has in the past supported a comprehensive update to the Local Planning Manual. The clear and concise guidance outlined in this proposal should be included in any update to the Manual, following consultation with the Local Government sector.</p>

Potential reform	Level of support	Comment
Planning systems are consistent and efficient		
Scope and implement a new, streamlined pre-lodgement model for development applications, and progressively implement a similar model for other planning processes.	Conditional support	<p>WALGA's understanding of this recommendation is that a formalised process for pre-lodgement advice will be incorporated into the LPS Regulations; and that Local Government will be able to charge a commensurate fee for this service.</p> <p>Based on this understanding, WALGA conditionally supports this recommendation and the proposal is generally welcomed by Local Governments. This support is reflective of the fact that for many Local Governments this is a process that already occurs before an application is lodged. However, pre-lodgement advice is not currently a matter that Local Governments can charge a fee for service, therefore, this portion of the recommendation is welcomed.</p> <p>Any system of pre-lodgement advice must be fit for purpose and designed to work for all Local Governments, including those that have small planning teams or no planning staff (where a consultant may assist in planning matters).</p> <p>The Association recommends that consideration be given to Local Government capacity when considering the wording of any proposed regulation, particularly as to whether this is a 'mandatory' requirement or one in which a request from an applicant for pre-lodgement advice 'cannot be refused' by the Local Government.</p>
<p>Review land use classifications across local planning schemes.</p> <ul style="list-style-type: none"> Rationalising the number of land use classifications. Establishing a more consistent approach to permissible uses. 	<p>Not supported</p> <p>Conditional support</p>	<p>Rationalising land use classifications is not considered appropriate, as land use classifications provide certainty on the type of use and permissibility in differing zones. Reducing the number of land use classifications will result in more applications for 'uses not listed', which adds complexity to planning frameworks and is not a desirable outcome. Considering how fundamental a driver land-use classifications are to the Western Australian decision-making framework any review must look beyond just rationalising the current list. The Local Government sector would be the key stakeholder in any review of land-use classifications. Any review of land-use classification should ensure that contemporary land-uses are considered for inclusion.</p> <p>A Local Government reference group should be established to investigate the potential to standardise land use permissibility in activity centres.</p>

Potential reform	Level of support	Comment
<ul style="list-style-type: none"> Developing a suite of consistent car parking requirements. 	Conditional support	<p>WALGA, in collaboration with state agencies and Local Governments, has prepared a comprehensive Car Parking Guideline to improve consistency in car parking provision and management and encourage the uptake of progressive car parking policies.</p> <p>WALGA supports the establishment of a Local Government reference group to work with state agencies to (1) identify a common set of standard minimum parking requirements that simplify application processes for decision-makers and proponents and (2) identify provisions that allow Local Governments to adopt and apply progressive and alternative approaches to parking provision and management that are evidence-based, enable development and support vibrant, walkable, mixed-use centres.</p> <p>These alternative approaches might include: grouping and rationalising minimum parking requirements, setting requirements based on local demand and supply, removing minimum parking requirements, and introducing parking maximums. WALGA also supports expanding this scope to include end of trip facilities and bike parking.</p>
Working with the local government sector, define timeframes and establish consistent approaches for crossovers (connecting driveway to street).	Conditional support	<p>The establishment of state-wide standards for crossovers is generally supported. WALGA has produced the <i>Guidelines for Residential Vehicle Crossovers</i>, which provides a consistent framework to assist understanding of the requirements of local governments. It is however considered outside the scope of 'planning reform' to establish and impose requirements relating to timeframes and procedural approaches as the management of crossovers is through other Acts of Parliament.</p> <p>WALGA is currently part of a Crossover Working Group convened by the Minister for Housing and Local Government to investigate opportunities for greater consistency and enhanced efficiency with regard to crossovers.</p>
Investigate a central referral process across State Government agencies to improve consistency in consideration of related development matters such as heritage, environment and traffic.	Supported	<p>Delays in development assessment due to late or absent referral responses continue to be a source of frustration for the Local Government sector, evidenced by surveys undertaken by WALGA. The Local Government sector generally shoulders the blame for these kinds of delays, when a significant amount of time is attributable to waiting for a referral agency to respond.</p> <p>Referral processes currently in use in other States should be investigated as part of this suggested reform. For example, timeframes and expectations of referral agencies are embedded within the Queensland planning system and fees payable to referral agencies directly in South Australia help to resource agencies to manage and process referrals. Such measures would greatly improve processes and consistency of referrals in Western Australia.</p>

Potential reform	Level of support	Comment
		<p>A centralised referral system should also be accessible to applicants so that they can see the dates that a request was lodged and the time that it has taken to receive a response from the agency.</p> <p>It is recommended that any central system:</p> <ul style="list-style-type: none"> • be fully funded by the State Government, • be subject to extensive trials before being widely implemented, • be designed and tested by both state referral agencies and Local Government prior to such trials.
<p>Reduce red tape in assessment and decision-making for region schemes, structure plans and amendments.</p>	<p>Supported</p>	<p>There is wide scope to reduce the regulatory burden associated with decision making for region schemes and structure plans, and amendments to both.</p> <p>Region Schemes</p> <p>While a minor and major amendment pathway exists for region scheme amendments, in practice both processes are lengthy and involve the same steps. All amendments require referral to the Environmental Protection Authority (EPA) to decide whether environmental assessment is needed, public advertising and presentation to the Minister. The Association supports the establishment of a ‘true’ minor amendment pathway for region schemes.</p> <p>WALGA, in its submission on proposed changes to the <i>Environmental Protection Act 1986</i>, proposed that ‘minor’ amendments to a region scheme that do not materially impact the environment should not require referral to the EPA. This matter is outlined in greater detail in Part 4 of this submission.</p> <p>Structure Plans</p> <p>The implementation of the Local Planning Scheme Regulations in 2015 created additional regulatory burden for applicants lodging structure plans. Previously, structure plans that did not facilitate subdivision, as well as minor amendments to existing structure plans, could both be handled solely by the Local Government. In the case of minor amendments these could often be determined under delegation by officers.</p> <p>The approval of minor amendments to Structure Plans should be re-delegated to Local Government. This will result in reduced decision timeframes and allow DPLH to focus on larger, more complex structure plans and matters of strategic importance. Secondly, structure plans that do not facilitate subdivision should also be delegated to Local Government.</p>

Potential reform	Level of support	Comment
		WALGA has also made several additional recommendations regarding MRS decision making in part 4 of this submission.
Review advertising timeframes for schemes and local planning strategies.	Support	WALGA supports a review of the advertising timeframes for both schemes and local planning strategies. This work should be informed by Local Government practitioners through a Local Government Stakeholder Reference Group.
Continue collaboration with local government and key stakeholders to identify data and collection method for mandatory reporting of planning activity.	Conditional support	<p>WALGA has been collecting planning and building performance data for the past 4 years through its Performance Monitoring Project. It is WALGA's preference that this data be collected by DPLH through a central database.</p> <p>Data collection/mandatory reporting of planning activity should be applied to all decision makers, not only local government. WALGA has been participating in the Data Collection Stakeholder Reference Group as part of Phase 1 of Planning Reform and will continue to positively contribute to this work.</p>
Development assessment panels (DAP)		
Further reduce the number of panels to three (3).	Conditional support	<p>In principle, the further reduction in the number of panels from five to three is supported, to the extent that this reduces the administrative burden on local governments and enhances consistency of decision making. The reduction in the number of panels will likely see the need for more Local Governments and members of the community to travel greater distances to access a JDAP meeting. The State Government should ensure that the DAP secretariat is adequately resourced to support DAP meetings and provide online access to the community so that distance does not become a barrier to participation.</p> <p>It is important that this reduced number of panels operates in tandem with the following reform to appoint permanent panel members, in order to ensure, as much as possible, that decision-makers possess both expert knowledge and awareness of unique contexts across the state.</p>
Appoint permanent panel members.	Conditional support	WALGA supports the permanent appointment of panel members where this results in consistent decision-making, reduces the potential for conflicts of interest and ensures sound knowledge of DAP processes and procedures. Transparency in the recruitment process for appointment to the panel and independence of panel members from interference from the DPLH and Government is critical to enhancing public understanding and trust of DAP decision-making. Permanent panel members should be restricted from undertaking other paid work in the planning and development industry, or other industries deemed to create a real or perceived conflict to improve transparency and reduce negative community perceptions related to conflicted or biased processes.

Potential reform	Level of support	Comment
Create new Special Matters DAP to deal with development proposals of State significance.	Not supported	<p>The creation of a distinct Special Matters DAP is considered unnecessary, given there are already multiple avenues for determination on the basis of zoning and monetary value of applications. With the above proposed reduction in the number of panels, and appointment of permanent panel members, the need for an additional Special Matters DAP is unclear.</p> <p>Creation of a Special Matters DAP has the potential to further erode public trust in the DAP system as decision-making is further removed from its local context.</p> <p>Rather than the creation of an additional Special Matters DAP, WALGA has formed a position on a number of further reforms required to the current DAP system. These are outlined in detail below in Section 4 of this submission.</p>
Improve public access to clear explanatory materials and greater transparency of DAP decisions.	Supported	<p>WALGA is wholly supportive of greater transparency around DAP processes and decisions, as community distrust of DAP decision-making is a key area of concern for many local governments. As outlined above, transparency should as much as possible extend to the process of appointment and ongoing training of permanent panel members.</p> <p>Other measures such as livestreamed/recorded DAP meetings which give the public better understanding of decision-making processes are also encouraged.</p>
Western Australian Planning Commission (WAPC)		
Consider WAPC composition to reframe it as a more flexible and independent board.	Comment	This reform is noted. WALGA does not support any reduction in the current level of Local Government representation on the WAPC or its committees.
Clarify WAPC functions and powers of the WAPC to ensure focus remains on strategic planning, oversight of the planning system and policy framework, and it will also inform emerging trends and challenges.	Comment	This reform is noted. WALGA has provided a range of recommendations within this submission that seeks to remove minor statutory functions from the WAPC and delegate them to Local Government. The delegation of additional responsibilities from the WAPC will support it in having more of a strategic focus.

4.0 Further recommendations for modernisation of the planning system

Additional recommendations and suggestions to modernise the planning system are detailed below. WALGA has focused heavily on proposals that will improve the effectiveness of the planning system for the benefit of the community, streamline the planning system, reduce unnecessary regulatory burden on decision makers and help achieve strategic planning objectives outlined in various State agency documents such as state planning policies.

These initiatives are provided without prejudice and will require further consultation with the Local Government sector during development and prior to implementation.

4.1 Addressing Tree Loss on Private Land

What is the reform?

The 2017 report *Where should all the trees go?* showed an overall decline in established vegetation across Perth and Peel between 2009 and 2016 and that 85 per cent of Perth's canopy loss is occurring on private land. In Western Australia the removal of a tree on private land is not generally controlled through the planning system. While some mechanisms do exist to protect *significant* urban trees, such as significant tree registers and tree preservation orders, these apply to only a subset of canopy trees on private land and as a result have been unable to reduce the trend of declining urban canopy cover on private land.

The loss of mature trees in urban areas, combined with the impacts of climate change, is contributing to creating hotter cities, suburbs and regional centres. As well as lessening the impact of the urban heat island effect and increasing resilience to a changing climate, improving tree canopy cover increases neighbourhood liveability and amenity, improves air quality, assists to conserve biodiversity and contributes positively to psychological and emotional wellbeing.

The recent changes to the state planning framework to preserve existing trees and include additional trees in new developments will assist in this regard. Likewise, Local Governments are taking action to reduce tree loss on private land and implementing extensive tree planting programs on street verges, parks and other public areas. However, while these initiatives may slow the rate of urban canopy loss, they will not be sufficient to reverse the current trend.

The recently released draft *State Infrastructure Strategy: Foundations for a Stronger Tomorrow* outlines the importance of trees in urban settings and identifies the current planning framework as being deficient in reversing current trends and development patterns. The draft Strategy identifies a State-led approach as necessary to ensure more strategic and equitable outcomes. Recommendation 25 (d) of the draft Strategy states that there is a need to: *'Develop an overarching urban forest strategy for the Perth and Peel regions. This should include: further reviewing existing planning policy settings with regards to the treatment of trees in new greenfield and infill developments.'*

WALGA and the 26 Local Governments that make up the Urban Forest Working Group are currently working to identify new ways to protect urban trees on private land outside the development assessment process. For these initiatives to be successful, support will be required from the State Government.

Thus, a collaboration between the WAPC and Local Government sector is proposed to develop a consistent and effective mechanism within the planning system to protect mature urban trees on private land.

What outcomes is the reform likely to achieve?

This reform will assist in developing a preferred and consistent model for the protection of urban trees across the State's urban landscapes that has both the support of the State and Local Government.

The development of a preferred model will assist Local Governments in working with the community to reduce urban canopy loss on private land. This will in turn help reduce the impact of climate change and the urban heat island effect on communities, increase suburban amenity and liveability and assist in the preservation of Western Australia's unique biodiversity.

The establishment of an agreed mechanisms to address tree loss is an opportunity to improve consistency in the way in which the urban canopy is protected, across jurisdictions, improving legibility of the planning system for decision makers and proponents.

What are the ramifications if the reform is not introduced?

Without an effective model for protecting trees on private land, the current trend in decline of tree canopy will continue. Evidence shows that extensive public planting undertaken by Local Government cannot replace the loss occurring on private land. While the new initiatives through DesignWA go some way to changing the consideration of trees during the development process, trees will remain at risk from removal prior to a DA or subdivision application being lodged or when no DA is required, without changes to the current system.

Should no agreed approach be developed Local Governments will continue to trial and test their own approaches to achieve local objectives, potentially creating confusion for decision makers and proponents who have responsibilities and interests across jurisdictions.

The ongoing loss of our urban forest will lead to our communities being less resilient to climate change, more vulnerable to urban heat, and further diminish the character of our suburbs.

4.2 Advancing Net Zero Carbon Buildings

What is the reform?

In Western Australia, the construction and operation of buildings produces about 25 per cent of the State's carbon emissions. To achieve the objectives of the Western Australian Climate Policy and State net zero emissions target, and avoid catastrophic global warming, emissions from the construction and operation of buildings will need to be significantly reduced.

There are many ways to improve the energy efficiency of buildings, reduce emissions and provide operating cost savings to occupants; however, a range of challenges often prevent these outcomes from occurring, such as up-front construction and renovation costs, the availability of energy efficiency information on individual properties at point of sale or lease, and inadequate planning and building provisions.

This reform would in the first instance establish a key stakeholder reference group, including industry and decision makers, to identify measures to overcome these challenges and help the State achieve a net zero carbon building stock by 2050.¹

¹ Measures may include extending the State's carbon emissions targets for social housing under the housing stimulus package to all new buildings. See [Western Australian Climate Policy](#) (Department of Water and Environmental Regulation 2020, p.36).

What outcomes is the reform likely to achieve?

This reform will stimulate economic activity and job creation in the construction, manufacturing and transport industries by identifying and implementing reforms that encourage the uptake of energy efficiency measures in new builds, refurbishments and renovations. This reform will take pressure off the public energy network and make a substantial contribution to reducing the State's greenhouse gas emissions and achieving its net zero emissions target. The reform will align Western Australia with action being taken in other states.²

What are the ramifications if the reform is not introduced?

Jobs in the State's construction industry have grown rapidly over the past twelve months due to State and Commonwealth home builder grant programs. As these programs come to end and the construction industry inevitably slows, workers in the sector will seek employment. There is a significant risk of job growth stagnation and economic slowdown in the absence of measures that keep this workforce employed.

Further, buildings constructed today will be standing in 2050 and beyond. As the State's climate continues to warm, the cost of maintaining the habitability of these buildings through growing operating costs and refurbishment will continue to increase. Additionally, achieving the State's net zero emissions targets will become increasingly difficult as the number of energy inefficient buildings grows.

4.3 Supporting Local Governments who implement CHRMAPs

What is the reform?

State Planning Policy 2.6: Coastal Planning Policy, requires Local Governments to prepare Coastal Hazard Risk Management and Adaptation Plans (CHMRAPs) to prepare their communities for the effects of rising sea levels and increasing storm intensities resulting from climate change.

Implementing CHRMAPs requires Local Governments to make decisions which may affect property values or are perceived by the community to affect property values. These decisions include establishing special control areas in local planning schemes to oversee development in coastal hazard areas, applying conditions of development approval that require the removal of buildings as sea levels increase and shorelines change, and applying notifications on property titles that notify current and future property owners that land is located in a coastal hazard area.

In NSW, Local Government Councils are afforded protection from litigation when acting in good faith, which would include applying the planning instruments mentioned above. In Western Australia, Local Government staff are afforded protection from such claims through the Local Government Act and Civil Liability Act; however, Local Government Councils are not afforded such protections.

Changes to the Local Government Act would support Local Governments who are required to implement CHRMAPs in accordance with State Planning Policy 2.6.

What outcomes is the reform likely to achieve?

This reform will encourage Local Government Councils to adopt and apply planning instruments to implement local CHRMAPs given they will have confidence that actions carried out in good faith will not be the subject of litigious and vexatious claims by private property owners. The implementation

² For example, see Victoria's [environmentally sustainable development of buildings and subdivisions initiative](#).

of local CHRMAPs is imperative if Western Australia's coastal communities are to effectively adapt to the impending and substantive challenges associated with increasing sea levels and storm intensities.

What are the ramifications if the reform is not introduced?

Local Governments who make decisions may be subjected to litigation from property owners who, rightly or wrongly, claim that property values have been affected by Council decisions. In turn, Local Governments may avoid making difficult decisions due to the potential for expensive, litigious action, compromising the capacity of Local Governments to adapt to coastal erosion and inundation.

4.4 Preserving Public Beaches and Foreshores

What is the reform?

The *WA Coastal Zone Strategy (2017)* and *State Planning Policy 2.6: State Coastal Planning Policy (2013)* include clear objectives to preserve Western Australia's beaches and foreshores for public use. However, unlike in other States, permanently inundated land in Western Australia is likely to remain in private ownership due to a quirk in the Land Administration Act.

This issue means that as sea levels rise and coastal and estuarine shorelines move inland and across private property boundaries, more and more of Western Australia's public beaches will become private property.

The definition of Crown Lands in the Land Administration Act should be reviewed and amended so as not to interfere with the common law doctrine of accretion and erosion, which is not interfered with by legislation in any other states, meaning that the Courts can apply the common law doctrine.

A time limited and targeted State Government funding program should be established to accompany this legislative change that offers relief to private property owners who may be affected in the short term.

What outcomes is the reform likely to achieve?

This reform allows coastal managers and planning authorities to preserve public beach access in line with objectives outlined in *State Planning Policy 2.6: State Coastal Planning Policy* and the *WA Coastal Zone Strategy*, particularly those who may not have revenue streams to construct and maintain engineering structures or purchase private property.

What are the ramifications if the reform is not introduced?

In order to prevent beaches from becoming private property as sea levels rise, coastal managers would need to either (1) stabilise shorelines through expensive coastal engineering structures and measures such as seawalls, rock groynes and sand nourishment programs; or (2) purchase private property to expand foreshore reserves. Most Local Governments do not have the resources to adopt these approaches and therefore, conflicts over public beach access and private property rights will become a major issue in Western Australia as sea levels continue to rise for the next several centuries.

4.5 Responsive Planning Systems to Coastal and Climactic Science Change

What is the reform?

To ensure that coastal hazard areas can continue to be used for development and housing, planning authorities need to be able to assess new development and apply flexible conditions of development approval that allow the continued use of private and public land until hazards materialise.

The main planning instrument for ensuring oversight of new development in coastal hazard areas is a special control area, introduced through an amendment to a local planning scheme. Special control areas can be delineated by coastal hazard maps.

Coastal and climatic science is rapidly advancing and changing, meaning that coastal hazard maps can quickly become outdated, which means that special control areas may also quickly become outdated.

This reform would establish a reference group to identify mechanisms that allow planning authorities to quickly adapt planning instruments to respond to changes in coastal and climatic science without having to process costly and lengthy planning scheme amendments.

What outcomes is the reform likely to achieve?

This reform allows planning authorities to ensure that development assessment processes can quickly respond to changes in coastal and climatic science, such as new studies about a local beach or large studies like sea level rise projections by CSIRO and the Intergovernmental Panel on Climate Change (IPCC).

What are the ramifications if the reform is not introduced?

61 Local Governments across Western Australia have coastal and/or estuarine land. Many of these Local Governments, who have developed and developable land in coastal hazard areas, would need to introduce special control areas into their local planning schemes to ensure the safe and appropriate development of these areas into the future as sea levels rise.

Within the present framework, making changes to these special control areas, as new information, studies and science become available, will require the processing of expensive, lengthy and cumbersome scheme amendments, absorbing substantial resources that could be focused on more pressing needs.

4.6 Waive the requirement for small local governments to prepare local planning strategies in particular circumstances

What is the reform?

Introduce an additional sub-regulation to Part 3, Regulation 11 of the *Planning and Development (LPS) Regulations 2015* to provide the Minister for Planning with power, on the request of a Local Government, to waive the requirement to prepare a Local Planning Strategy.

What outcomes is the reform likely to achieve?

This proposal aims to remove additional regulatory burden associated with preparing a Local Planning Strategy for smaller and low growth Local Governments.

Such Local Governments are currently required to prepare a Strategic Community Plan (SCP) as part of their Integrated Reporting Framework. The SCP outlines community long term (10+ years) vision, values, aspirations and priorities, with reference to other local government plans, information and resourcing capabilities. A full review is required every four years with a desktop review every two years.

The preparation of a Local Planning Strategy for communities not experiencing development and growth pressures is unnecessary and largely replicates the work undertaken to prepare a CSP.

What are the ramifications if the reform is not introduced?

The costs and resources required to prepare and review a Local Planning Strategy will continue to act as a significant barrier to the preparation and review of these documents for smaller Local Governments and consequently, these Local Governments may delay updating and refreshing their Local Planning Schemes. This proposal would also free up resources for the WAPC and DPLH to focus on other important priorities.

This proposal could see the SCPs incorporate matters deemed necessary to inform a new Local Planning Scheme. On the finalisation of a new SCP the previous Local Planning Strategy would be rescinded and the SCP, or parts of the SCP would take its place.

This proposal would not only free up resources for Local Government but also for the DPLH / WAPC as well, to focus resources on more important priorities.

4.7 Streamline subdivision by delegating small subdivision applications

What is the reform?

Subdivision applications for freehold and survey strata lots of no more than five lots should be delegated to Local Government, consistent with built strata subdivisions. Subdivision clearances for these applications should also be processed by Local Government.

The WAPC currently utilises Model Subdivision Conditions for almost all subdivision applications, this would continue under the proposed reform. Most conditions placed on subdivisions are recommended by the Local Government and many of these are cleared by the Local Government. Local Governments would be required to use model conditions as part of any delegation.

What outcomes is the reform likely to achieve?

This reform will, for the first time since the establishment of the *Town Planning and Development Act 1928*, provide subdivision assessment and decision responsibilities to Local Government, in certain circumstances.

This reform will see small subdivision applications lodged with a Local Government instead of the WAPC, and the assessment of the proposals and referral of the application to State agencies also undertaken by the Local Government. Delegating small subdivision applications to Local Government would likely reduce assessment timeframes, creating a faster pathway for proponents while supporting the State's infill targets.

What are the ramifications if the reform is not introduced?

By not supporting this reform the WAPC and DPLH would continue focus on assessing and determining minor applications that generally do not have state significance instead of key strategic issues facing the State and major complex proposals.

4.8 MRS Matters Requiring WAPC Approval Submitted Directly to WAPC

What is the reform?

Remove cl. 29(1) of the MRS, which requires Local Governments to receive certain applications for approval and forward them to the WAPC for a decision. Any application meeting the criteria of this clause, i.e. on reserve land or subject to a notice under Clause 32, should be submitted directly to the WAPC as the determining body instead of being lodged with the relevant Local Government.

What outcomes is the reform likely to achieve?

Any application meeting the criteria of this clause (i.e. on reserve land or subject to a notice under Clause 32) should be submitted directly to the WAPC as the determining body instead of being lodged with the relevant Local Government. This reform will improve legibility of the planning system and avoid confusion for applicants, further to this it will reduce regulatory burden from Local Government.

What are the ramifications if the reform is not introduced?

The need for Local Governments to refer these applications to the WAPC within 7 days for determination will continue the current confusion and unnecessary delays in processing the application currently being experienced by proponents.

4.9 Powers of Local Governments and Referral Agencies

What is the reform?

Provision 4(b) of the instrument of delegation within the Planning and Development Act 2005 should be amended to enable Local Governments to determine applications proposed on zoned land where the recommendation by a public authority specified in the delegation notice is not acceptable to the Local Government. The current delegation requires Local Government to forward such applications to the WAPC for a decision.

What outcomes is the reform likely to achieve?

Currently, where the state agency referral advice is not acceptable, the Local Government is required to refer the application and advice to the WAPC, creating confusion for applicants and unnecessary delays in processing the application. This reform would reduce unnecessary red tape from the planning system and create greater certainty for applicants.

What are the ramifications if the reform is not introduced?

In many instances, advice received from agencies is either vague or general in nature, does not provide a recommendation in support of or against a proposal, or poses an objection to the proposal that is not founded on planning grounds.

Public authorities should be acting as an advice agency within the decision-making process and should not have authority to circumvent the decision-making process by providing referral comments. This reform would reduce unnecessary red tape from the planning system, clearly outline what the role of referral agencies is in the planning system and create greater certainty for applicants.

4.10 Preserving public open space in infill areas

What is the reform?

Section 153 (3) of the Planning and Development Act 2005 should be removed or amended to enable the WAPC to impose a requirement for public open space (or cash-in-lieu) on subdivisions creating fewer than three lots.

The SAT has considered POS requirements extensively (see *Bestry v WAPC*, *Bileck v WAPC*, *Claddah Holdings Pty Ltd v City of Gosnells*, *Tierney v WAPC* and *CNES Property Pty Ltd v City of Gosnells*) with the following findings:

- POS can be imposed where there is a demonstrated need;
- Need or nexus is not limited to walkable catchments, but is to have regard for the strategic planning for POS outside of these catchments;
- POS can be imposed on built strata-title subdivisions; and
- POS conditions can be validly imposed on both strata title and freehold subdivisions.

It has therefore been demonstrated on numerous occasions that the provision of POS conditions is valid, particularly where infill development is occurring and in established urban areas where POS has already been provided as part of the original subdivision/development of the area.

What outcomes is the reform likely to achieve?

This reform will allow Public Open Space (POS) contributions to be more closely linked to need and demand in areas experiencing change. POS conditions are being imposed for infill and strata title subdivisions within existing urban areas, where POS is already established as a result of earlier planning.

What are the ramifications if the reform is not introduced?

Smaller scale developments in in-fill areas will continue to be approved without a contribution towards upgrading or improving local POS. As areas continue to be built out additional demand will be placed on existing POS due to increased population density associated with infill. Under the current regime the cost burden of upgrading existing POS (or providing additional POS) would fall to Local Governments, rather than the developments that create, at least in part, the need for upgraded/additional facilities.

4.11 Streamline the Local Planning Scheme Amendment Process

What is the reform?

This reform has two parts:

- a) Remove the requirement to refer any 'basic' local planning scheme amendment to the Environmental Protection Authority (EPA).

Basic scheme amendments are largely administrative in nature. For instance, by definition of the P&D Act, a scheme amendment that is inconsistent a local planning scheme, planning strategy or state planning policy cannot be categorised as a basic amendment. Consequently, the likelihood of a basic amendment meeting the threshold of assessment under s. 48A(b) or being incapable of being made environmentally acceptable under s. 48A(c) the EP Act is extremely low and should not be required to be referred to the EPA.

This change requires modifications to the Planning and Development Act 2005 and possibly the Planning and Development (Local Planning Scheme) Regulations 2015 (LPS Regulations) but is not likely to require modifications to s. 48A of the Environmental Protection Act 1986.

- b) Consider the potential to remove or reduce the regulatory burden of referring 'standard' and 'complex' amendments where there is no likelihood, or low risk, that the amendment will materially impact the environment.

The P&D Act currently requires all planning schemes and amendments to planning schemes to be referred to the EPA for determination as to whether an environmental assessment is required under the EP Act. This requirement applies for both region and local planning schemes.

With the decision in 2015 to create a tiered system of local planning scheme amendments there is an opportunity to alter s. 81 of the P&D Act to remove or reduce the regulatory burden of formal referrals to the EPA on scheme amendments where the amendment is 'basic', or where the amendment is 'standard' or 'complex' and there is no likelihood that the amendment will materially impact the environment.

The meanings for both 'standard' and 'complex' amendments as provided for in r. 34 of the LPS Regulations include several descriptions that are either administrative in nature or relate to matters that would not likely involve the need to consider the environmental impact of the proposal. An example of this would be point (e) of the 'Complex' amendment definition. This requires all proposals for a development contribution scheme or an amendment to such a scheme to be considered as a 'complex' amendment. In this example the amendment could be as simple as amending a cost schedule or altering the administrative requirements in the cost schedule, both of which would pose no risk to the environment of the Scheme area or the wider environment.

WALGA does not support a blanket removal of the referral requirement under s. 81 of the P&D Act for 'standard' and 'complex' amendments. Instead, it is recommended that a streamlined 'referral' process for such proposals is adopted. Where a Local Government has determined to adopt or prepare an amendment, and that amendment is determined to be 'complex' or 'standard', it is proposed to allow the Local Government to make an initial assessment on whether a formal referral is required or not. On making such a decision the Local Government would then forward this to the EPA. The EPA would have a period of time (~14 days) to determine if this is the appropriate decision. Should the EPA determine that a formal referral is required then the Local Government would refer the amendment in line with the current requirements of s.48A of the EP Act and s. 81 of the P&D Act.

What outcomes is the reform likely to achieve?

Such changes would greatly reduce the regulatory burden of the EPA in reviewing and responding to the large number of scheme amendments processed each year that are unlikely to reach the threshold of requiring environmental assessment. The EPA's 2019/20 Annual report found that of the 156 determinations made by the EPA on the level of assessment required that 111 or 71 per cent were not assessed (with no advice) and 28 per cent were not assessed (with public advice). No amendments referred to the EPA in 2019/20 were assessed for environmental assessment under the EP Act or deemed incapable of being made environmentally acceptable.

This would also reduce timeframes for the processing of scheme amendments, particularly 'basic' amendments, for both Local Governments and the WAPC. WALGA's *2021 Performance Monitoring Report* found that 15 per cent of the time taken to process a local planning scheme amendment in 2019/20 can be attributed to referring an item to the EPA for advice and awaiting the response. This finding is consistent with those in the three previous iterations of WALGA's performance monitoring reports. By removing some referral requirements and reducing timeframes for others, a significant improvement in this important statutory process can be made, while still ensuring that those matters likely to have an impact on the environment are still adequately captured and considered for environmental assessment.

What are the ramifications if the reform is not introduced?

The continuation of current practice will see the forwarding of all region and local planning scheme amendments to the EPA to review if an environmental assessment is required. The need for the EPA to review all amendments places a significant resource requirement on the EPA and this in turn reduces that agency's ability to focus on matters of true environmental importance and strategic concerns. In many instances, such as the normalisation of structure plans, development has already occurred, making an environmental assessment redundant.

The time taken to forward referrals to the EPA and the time taken to receive the response accounts for over 10 per cent of the total time to determine a Local Planning Scheme Amendment. This is a considerable period for a process that, in many cases, does not provide an environmental or public amenity benefit.

4.12 Development Assessment Panel Reform

What is the reform?

This reform includes two changes:

- Abolish the current 'mandatory' mechanism which requires a DAP to act as the decision maker where a proposal has a value of \$10 million or greater, and replace this with an 'opt in' mechanism for all proposals, and
- Raise the DAP threshold from the current \$2 million to \$5 million

These reforms are existing WALGA policy positions.

What outcomes is the reform likely to achieve?

The current system, in which proposals exceeding \$10 million in value or greater **must** be decided by DAPs, results in significant inefficiencies and is therefore contrary to the intent of planning reform. WALGA has undertaken extensive analysis of the operation of DAPs since their introduction in 2011. Inefficiency of DAP decision making was a key finding of WALGA's analysis, and the presentation of some of these findings below presents strong evidence for reconsideration of the current \$10 million mandatory threshold.

Since 2011 the average processing time for DAs, Form 2 applications and deferred DAs (DA Ds) have generally increased year on year. The average processing time for all forms of decisions by a DAP now stands at 145 days, double the average number of days in the first year. A breakdown of the main decision categories shows average processing time:

- for a DA in 2019-20 was 147 days, an increase of 37 per cent since the 2015-16 report,
- for a Form 2 in 2019-20 was 94 days, an increase of 51 per cent since the 2015-16 report, and
- to determine a DA (Deferred) in 2019/20 was 148 days, an increase of 19 per cent since the 2015-16 report.

Furthermore, in 2019-20 the proportion of DAs that exceeded 90 days to determine was 68 per cent, with 41 per cent taking more than 120 days. These timeframes far exceed the legislated timeframes for DA determination of 60 days (no advertising required) or 90 days (advertising required). Similar trends are observable in the data for both Form 2s and Deferred DAs. WALGA analysis indicates a rate of 72.9 per cent of DAP applications being determined within statutory timeframes for 2018/19.

Deferrals are not only taking longer to determine but there has been a significant increase in the likelihood of deferral, with currently around 12 per cent of decisions deferred. Perhaps of most

concern is the rate at which DAPs will defer an application when an RAR has recommended an approval.

Rates of refusal by DAPs now sit between 11-13 per cent, down from the high of 19.5 per cent in 2015-16. These numbers stand in stark contrast to the rates that Local Governments approve DAs, with the Local Government Performance Monitoring Report finding that 98 per cent of all DAs assessed by Local Governments are approved. The above examples demonstrate that, in many instances, the DAP system can hardly be described as 'efficient' in comparison with Local Government decision making. With efficiency a key principle of this phase of planning reform, it appears well within the scope of reform to look into ways applicants can choose their own preferred approval pathway.

Removing the mandatory \$10 million threshold would allow applicants to choose whether they wanted to submit applications to a DAP or to a Local Government and hence 'opt out' of the DAP system. A WALGA survey of Local Governments in 2016 found that within the 'opt in' threshold of DAPs at that time, 75 per cent of applications were determined by Local Government and that those decisions on average were made more quickly than those made by a DAP.

A further proposed reform to the DAP system is to raise the entry threshold from \$2 million to \$3 million, reversing an earlier reform. The decision to reduce the entry threshold from \$3 million to \$2 million in 2015 has reduced the effectiveness of the DAP system to achieve its aims and objectives of focusing on assessing significant and more complex proposals. The percentage of lower value, smaller scale proposals has increased in 2015-16, 10% and 29 per cent of proposals fell within \$2-\$3million and <\$5 million value brackets respectively, however in 2019-20 this increased to 26 and 38 per cent respectively. Developments with a lower development value are unlikely to be strategic in nature, such as proposals for service stations and small-scale residential developments, and they are considerably more likely to be refused or deferred by a DAP.

Raising the application cost threshold would remove these low cost, typically simple applications, the vast majority of which could be determined under delegation by Local Government. Given that these are a larger proportion of resource intensive applications, being those that are either refused or deferred, this reform would help to deliver greater efficiency within the planning assessment process.

What are the ramifications if the reform is not introduced?

The DAP system will continue to be focused on low value non-strategic proposals that the community largely see as being matters of local significance. The community will continue to be concerned that issues of local amenity are ignored by DAPs and this will in turn politicise the planning system and reduce community trust in the State planning system and planning professionals.

Applicants will be afforded less choice in which decision maker they choose to advance their proposal and be forced to use the DAP system when a faster and more favourable decision may be possible through the Local Government.

4.13 *Modernisation of the Metropolitan Region Scheme*

What is the reform?

Review and modernise the Metropolitan Region Scheme (MRS) text to bring it in line with that found in the Peel Region Scheme and Greater Bunbury Region Scheme.

This proposal should be read in conjunction with the proposals 4.7, 4.8 and 4.8 of this submission that propose changes to the WAPC delegations and decision making.

What outcomes is the reform likely to achieve?

This reform will aid in streamlining the current planning framework within the metropolitan region and ensure that decision making, delegation of decision making and the tools within the MRS are contemporary. This reform will also create greater uniformity between the current three region schemes.

What are the ramifications if the reform is not introduced?

The MRS will continue to function, but the tools and contemporary processes available to other parts of the State will remain unavailable to the metropolitan region. This will reduce the effectiveness of the planning system and reduce the likelihood that the intent of the Government's planning reform agenda will be successful.

4.14 Local Government Fees and Charges Reform

What is the reform?

That the fees and charges associated with Local Government planning functions be set by Local Government.

Clause 47 and 48(5) of the Planning and Development Regulations 2009 set the maximum fees a Local Government can charge for specific planning services and an hour rate for Local Government staff, respectively. The rate is currently set by the State Government and is not determined by Local Government. The current rates have not been amended or reviewed since 2015, thus considerable revenue leakage occurs that is likely covered by rates revenue.

Over the same period planning fees associated with the planning functions of the WAPC have increased significantly. As an example, since 2015 DAP fees collected by DPLH have been increased by nearly 40 per cent, while Form 1A subdivision application fees have increased by 41% since 2016.

The current regime for setting fees and charges is inequitable to Local Government and requires reform.

What outcomes is the reform likely to achieve?

This reform will see planning fees become more reflective of the cost to the Local Government in providing the service. This reform will support the adequate resourcing of Local Government planning departments by reducing rates leakage and ensure that those benefiting from the service are the primary contributors not ratepayers.

This reform will remove the need for DPLH to undertake complex reviews of the costs associated with Local Government planning functions to determine an appropriate change in fees and charges.

What are the ramifications if the reform is not introduced?

Significant revenue leakage from Local Government planning functions will continue to occur and cross subsidisation by ratepayers. The inability to recover costs from user-pay activities will reduce the ability for Local Governments to adequately resource their planning departments and potentially increase timeframe for assessment and decision making.

5.0 Conclusion

WALGA appreciates the opportunity to comment on Phase 2 of the State Government's planning reform agenda. The opportunity to propose additional areas of planning reform is also welcomed, and in the preceding paragraphs a range of initiatives have been put forward that will improve the planning system and reduce regulatory burden on decision makers, while ensuring that local amenity and character are protected. WALGA looks forward to further collaboration with the State Government on planning reform.

MATTERS FOR CONSIDERATION BY STATE COUNCILLORS (UNDER SEPARATE COVER)

5.4 Partners in Government Agreement (04-001-03-0001 TL)

Updated following discussion with the Minister for Local Government's office on 30 August 2021. Minor wording changes have been proposed under the heading of Community Support on the final page of the Draft Agreement.

Moved: Cr Chris Mitchell
Seconded: Cr Julie Brown

That the Partners in Government Agreement be endorsed for signing by the WALGA President at the 2021 WALGA Annual General Meeting.

RESOLUTION 266.5/2021

CARRIED

Executive Summary

- Draft Partners in Government Agreement is presented to State Council for endorsement ahead of the 2021 WALGA Annual General Meeting
- As discussed by State Council at the December 2020 Strategic Forum, the agreement has shifted in focus to be more strategic and outcomes focused incorporating key focus areas
- The agreement will continue twice-annual Partners in Government Group Meetings where Local Government sector leaders will meet with the Premier and senior Government Ministers
- Following discussion with the Office of the Minister for Local Government, a minor change has been proposed to the Community Support focus area

Attachment

- Draft Partners in Government Agreement – UPDATED

Policy Implications

Ratification of the proposed Partners in Government Agreement aligns with State Council's policy position contained in the Advocacy Paper – [Advocacy Positions for a New Local Government Act: Key Issues from Recent Inquiries into Local Government](#) – adopted by State Council in December 2020:

That a Partners in Government Agreement promoting a collaborative partnership approach be signed by the Premier, Minister for Local Government, Western Australian Local Government Association and Local Government Professionals WA at the commencement of each term of the State Government.

Background

As per the policy implications above, signing of a Partners in Government Agreement with the State Government is a longstanding goal of the Local Government sector.

A draft of the Partners in Government Agreement was considered by State Council at the December 2020 Strategic Forum in advance of the March 2021 State Election. Key to the discussion at the Strategic Forum was the renewed direction of the proposed Agreement based on the sector's experience during the previous term of government.

The previous Agreement, signed in 2017, was framed around the need for consultation with the Local Government sector, primarily when the State Government initiated reform. In reviewing the efficacy of the previous Agreement, and the maturity of the relationship between the State and Local Government sectors, it has been proposed by WALGA, as an outcome of the December 2020

Strategic Forum discussion, that the next iteration of the agreement should be more strategic and outcomes-focused without a prescriptive consultation requirement.

In addition, the proposed 2021-2025 Agreement will be titled the *Partners in Government Agreement* to highlight the agreement's aim of the State and Local Government sectors governing collaboratively for the benefit of all Western Australian communities. Importantly, a section on 'Focus Areas' has been added to the agreement as an addendum to identify priorities and issues where our two spheres of Government can collaborate for maximum benefit. It is expected that the focus areas will evolve over time following discussion at Partners in Government Group meetings.

At the December 2020 Strategic Forum, State Council indicated support for the draft Agreement. There are only minimal changes to the draft Agreement since the December meeting.

Comment

The Partners in Government Agreement is presented for State Council endorsement to enable the agreement to be signed by the WALGA President at the 2021 Annual General Meeting.

The agreement has been reframed to be strategic and outcomes-focused without a strict consultation requirement.

There are a number of facets to the move away from the consultation requirement that created challenges for WALGA and did not result in positive outcomes for the Local Government sector. Firstly, as WALGA was unable to enforce the consultation requirements, there was the potential for the diminishment of WALGA's standing among members, and for conflict with the State Government. Secondly, in discussions with the Department of Local Government, Sport and Cultural Industries, and the Minister for Local Government, the State Government has made clear that it will not sign an agreement that contains specified consultation requirements, preferring a more agile and case-by-case approach.

Changes to WALGA's governance processes have enabled quicker responses to requests for submissions from Government. Where more exhaustive consultation with the Local Government sector is necessary, WALGA will seek an appropriate consultation timeframe.

There are also benefits to shifting the focus of the agreement to outcomes over process. In particular, the shift in focus will facilitate a collaborative approach to realise shared goals for the benefit of the Western Australian community. Focus areas are included as an addendum to the agreement which will be reviewed on a regular basis, ensuring the agreement remains relevant and dedicated to achieving shared goals.

The proposed draft agreement maintains the Partners in Government Group that will meet twice per year and comprises senior Local Government sector and State Government leaders including the WALGA President and Chief Executive Officer, the Premier and a number of Ministers relevant to the Local Government sector.

Meetings with the Partners in Government Group are valuable to WALGA and the Local Government sector to showcase Local Government's positive contribution to Western Australia and to advocate for Local Government's interests with the Premier and senior Ministers.

The draft agreement as presented has been approved by the State Government and is expected to be ratified by Local Government Professionals WA ahead of the 2021 WALGA Annual General Meeting, where it will, if endorsed, be signed.

At a meeting with the Office of the Minister for Local Government held on 30 August, minor wording changes have been proposed to the Community Support focus area, as follows:

Community Support

State and Local Government are focused on supporting our most vulnerable residents, providing community and ~~through the provision of critical~~ health services, supporting Aboriginal communities, revitalising culture and the arts, and ~~providing~~ creating opportunities for community engagement, recreation, and employment in these industries.

5.5 Foundations for a Stronger Tomorrow – Submission to the Draft State Infrastructure Strategy (05-001-03-0018 ID)

By Ian Duncan, Executive Manager, Infrastructure with extensive input from across the organisation

Moved: President Cr Stephen Strange
Seconded: Cr Julie Brown

That:

- 1. The submission to Infrastructure WA in response to the draft State Infrastructure Strategy, Foundations for a Stronger Tomorrow, be endorsed.**
- 2. WALGA continue to advocate for on-going engagement between Infrastructure WA and Local Governments in the implementation and subsequent reviews of the State's infrastructure strategy.**

RESOLUTION 267.5/2021

CARRIED UNANIMOUSLY

Executive Summary

- Infrastructure WA was established in 2019 and following extensive stakeholder engagement, research and analysis has released a draft 20 year State Infrastructure Strategy titled **Foundations for a Stronger Tomorrow** for consultation.
- The draft Strategy makes 88 recommendations across:
 - seven themes: Digital connectivity and technology; Aboriginal cultural heritage, wellbeing and enterprise; Climate change and sustainability; Regional development; Planning and coordination; Infrastructure delivery; Asset management; and
 - nine sectors: Energy; Water; Waste; Transport; Social and Affordable Housing; Health; Education; Arts, culture, sport and recreation; Justice and public safety.

The WALGA submission supports the strategic approach to infrastructure planning and management proposed by Infrastructure WA and the vast majority of the recommendations. However, the draft strategy makes little reference to the significant role that Local Governments play in the planning and delivery of infrastructure. The submission highlights that without explicit consideration of these functions, it is difficult to take a state-wide approach to infrastructure development. It is also not clear from the Draft Strategy how it will align and connect with existing Local Government Strategic Community and infrastructure plans.

Across the identified themes and sectors the submission seeks to highlight:

- the importance and value of maintaining local decision-making;
- constraints on Local Government's capacity to raise own sourced revenue and the need to avoid transferring unfunded responsibilities onto the sector; and
- the need to continue genuine consultation with Local Governments in finalising, implementing and ultimately reviewing the strategy.

The submission is based on the structure of the draft State Infrastructure Strategy. No comment is provided for recommendations that are not relevant to the Local Government sector or where the draft recommendation is supported without further clarification.

Key recommendations of concern that the submission opposes, seeks significant amendment or draws attention to are:

Regional Development

- Highlights that resourcing will be a critical consideration for developing any new regional service delivery model. To the extent that Local Governments are expected to play a greater role in facilitating and supporting place-based integrated service models, adequate funding must be provided to the sector to deliver on any additional responsibilities.

Planning and coordination

- Opposes extension of changes to Part 17 of the Planning and Development Act 2005 that give effect to the State Development Assessment unit beyond the current end date.
- Identifies practical examples of the failure of current arrangements to facilitate infill development where this is actively sought by Local Governments, to ensure proposed changes resolve the existing constraints.
- Extend the recommendation to identify and secure strategic sites through a recurrent fund for regional land acquisition to include support for delivery of infrastructure projects by Local Governments.

Water

- Seeks that the need for water to sustain public spaces is recognised

Waste

- Opposes state-wide application of the Waste Levy.
- Calls for all the funds generated from the Levy to assist in the implementation of the State Waste Strategy.
- Seeks waste to energy infrastructure and strategic location of waste facilities be identified.

Transport

- Opposes the proposal to amend the existing hypothecation of motor vehicle licence fee revenue, specifically to use this funding for public transport operational expenditure. Motor vehicle licence fee revenue is currently hypothecated to Main Roads WA under legislation and a portion of this provided under agreement for the maintenance, renewal and upgrade of roads under the control of Local Governments.
- Seeks regional aviation infrastructure be considered amongst strategic transport planning needs.

Health

- Funding for and clarity of the key role for Local Governments envisaged in the Sustainable Health Review is required. This is critically important in regional WA where there is a lack of GP and allied health services.

Attachment

- Submission: Foundations for a Stronger Tomorrow

The draft State Infrastructure Strategy, Foundations for a Stronger Tomorrow is available at: [State Infrastructure Strategy | Infrastructure WA](#)

Policy Implications

This submission draws on and consolidates policy positions previously endorsed by State Council.

Background

WALGA has advocated for and supported development of a long term State Infrastructure Strategy since at least April 2006. At the time, the Association provided a submission to the State Government development of a State Infrastructure Strategy focused on the key issues of planning, development, renewal, preservation and funding of the infrastructure that is vital to the economic and social development of the people of Western Australia. The Association provided comment on the Green Paper considering a State Infrastructure Strategy towards the end of 2006.

Infrastructure Australia was established in 2008 and State based infrastructure advisory bodies were established or revitalised in the following years.

In 2015 the WALGA State Council again endorsed a recommendation to advocate to the State Government to develop a long term State Infrastructure Strategy. Local Governments sought engagement with the State and Federal Government in transparent processes leading to efficient long term infrastructure planning.

The *Infrastructure WA Act (2019)* came into effect in July 2019, establishing Infrastructure WA for the principal purpose of providing advice and assistance to the Government on matters relating to infrastructure. Through a consultative process Infrastructure WA staff under the direction of the Board have developed a draft State Infrastructure Strategy titled Foundations for a Stronger Tomorrow.

Once finalised, the State Infrastructure Strategy will be submitted to the Premier later in 2021. The *Infrastructure WA Act (2019)* sets out the timetable for the Premier to respond and table the strategy and government response in Parliament.

All Local Governments have been invited to contribute to the development of the draft strategy through consultation forums, surveys and direct input. WALGA has participated in the External Stakeholder Reference Group and other topic specific workshops.

The draft State Infrastructure Strategy was released for consultation on 21 July 2021. The Association prepared an analysis and framework to facilitate engagement with and feedback from Local Government officers. This was published on 6 August with Local Governments and Regional Councils providing feedback over the following three weeks.

Input was received from 7 metropolitan and 4 non-metropolitan Local Governments.

- Augusta – Margaret River
- Belmont
- Canning
- Chapman Valley
- Dundas
- Esperance
- Gosnells
- Kalamunda
- Kwinana
- Rockingham
- Serpentine-Jarrahdale
- Vincent

Advice was also provided by East Metropolitan Regional Council, advocating on behalf of five Local Governments in the region.

The limited time frame made meant that some were unable to respond during the time period, particularly those for who the Infrastructure WA workshops were scheduled after the WALGA State Council meeting date.

Eighty four percent of the responses were provided by Band 1 or Band 2 Councils.

Comment

High quality infrastructure underpins our economic prosperity and many aspects of the lifestyle enjoyed by West Australians. This public infrastructure is provided by State and Local Governments. The establishment of Infrastructure WA in 2019 has opened the opportunity for a whole of State Government approach to the development of infrastructure proposals. However, it should also open the opportunity for stronger and structured engagement between State and Local Government to align the needs and opportunities at a regional and local level. Consequently Local Government should continue to contribute to the development of sound State infrastructure planning and delivery processes.

The draft State Infrastructure Strategy focusses on State Government managed infrastructure and State Government Department and agency responsibilities and processes. The Local Government sector could choose to not participate in the consultative processes, including this opportunity, offered by Infrastructure WA. However, Local Government typically relies on funding from State and Federal sources to contribute to infrastructure development and renewal. More importantly, regional and local economic development is closely linked to the provision of essential infrastructure based services. For these reasons the Local Government sector through WALGA and directly should actively participate in the development of infrastructure strategies and plans.

Foundations for a Stronger Tomorrow identifies few capital investment projects. The specific projects noted are high profile and are most already on a development path. It is acknowledged that some Local Governments may be disappointed not to see specific projects that are key to unlocking the development potential of their area identified. However this Infrastructure WA document is a high level strategy. If adopted and successfully implemented it will guide the processes to ensure greater value from future infrastructure investments.

The attached submission draws on advocacy positions previously adopted by WALGA State Council. The cross-cutting themes of Planning and Coordination and Regional Development are likely to have the most far-reaching implications across many aspects of Local Government.

5.6 Finance and Services Committee Minutes 25 August 2021 (01-006-03-0006 TB)

By Tony Brown, Executive Manager Governance and Organisational Services

Moved: Cr Julie Brown
Seconded: Cr Chris Mitchell

That the Minutes of the Finance and Services Committee Meeting held 25 August 2021 be endorsed.

RESOLUTION 268.5/2021

CARRIED

Executive Summary

- The Finance and Services Committee met on 25 August 2021.
- The Minutes and related attachments have been distributed to the members of State Council under separate cover.

Attachments

- Minutes of 25 August 2021 meeting
- Item 2.1 attachment 1 – Governance Financials Pack 30 June 2021
- Item 2.1 attachment 2 – Financial Dashboard 30 June 2021
- Item 2.1 attachment 3 – Management Financials Pack
- Item 2.3 attachment 1 – FY2021 WALGA Financial Report
- Item 2.3 attachment 2 – Deloitte's Closing Audit Report to Finance and Services Committee
- Item 2.4 attachment 1 – Financial Metrics Dashboard 31 July 2021
- Item 2.4 attachment 2 – Balance Sheet 31 July 2021
- Item 3.1 attachment – Preferred Supplier Program graph

Terms of Reference

The Finance and Services Committee operates under the following delegated powers:

On behalf of State Council, and in accordance with any policies, directions or limitations set by State Council, undertake the following functions:

- *Determining key directions in relation to the establishment and/or development of new and current business opportunities that result in the delivery of outputs which enhance the financial and operational capacity of members and the Association.*
- *Adoption of business plans for the Association's service delivery units that deliver the key objectives within the Association's Strategic Plan, with regular monitoring of outcomes against agreed performance indicators.*
- *Oversee the financial management of the Association, including the recommendation of a draft annual Governance Budget to State Council, long term financial planning, monitoring/assessment of financial reports, approving and/or recommending budgetary reallocations to State Council, committing or reallocating reserve funds for special purposes, and auditing and presentation of the Association's annual accounts.*
- *Internal audit including monitoring/assessing compliance against financial and asset management and internal control policies.*
- *Oversee the delivery of business development, business management, human resource management and information management and corporate services.*
- *Establish a risk governance structure which ensures that management has implemented sound risk management policies and procedures across the Association, and which is regularly reviewed.*
- *Establish risk management and internal control performance indicators that are regularly evaluated through internal and external audit processes.*

Background

Minutes of the Meeting of the Finance and Services Committee held on **25 August 2021 together with attachments** have been distributed to the members of the State Council under separate cover.

Comment

Finance and Services Committee members will be in attendance at the State Council meeting to respond to questions from members and provide any further explanation that may be sought.

5.7 Selection Committee Minutes (01-006-03-0011 CO)

By Chantelle O'Brien, Governance Support Officer

Moved: President Cr Phillip Blight

Seconded: Mayor Carol Adams

- 1. The recommendation contained in the 18 August 2021 Selection Committee Flying Minute be endorsed; and**
- 2. The resolution contained in the 18 August Selection Committee Flying Minutes be noted.**

RESOLUTION 269.5/2021

CARRIED

Executive Summary

- The Selection Committee held their meeting by Flying Minute on 18 August 2021 to consider nominees to be put forward for appointment to the Local Health Authorities Analytical Committee and Public Library Working Group.
- The Flying Minutes containing the Selection Committee's recommendation for State Council endorsement and resolution for noting, are provided as an attachment.

Attachment

- Selection Committee Minutes – 18 August 2021

Background

Pursuant to the resolution of State Council in February 2002, the WA Local Government Association Selection Committee was established to oversee the selection process for Local Government vacancies on boards and committees.

The Selection Committee conducts a merit-based and transparent assessment process encompassing the principle of "best person for the job". Upon completion of the assessment of nominations for vacancies, the Selection Committee either endorses preferred candidates for appointment (under delegated authority) or makes advisory recommendations to State Council for ratification of preferred candidates.

Comment

The Minister for Health formally requested WALGA to recommend a panel of at least three Local Government Elected Members or Officers for consideration to be appointed as Metropolitan Member to the Local Health Authorities Analytical Committee (LHAAC). The vacancy is due to the incumbent's term having expired.

Two nominations were received including the incumbent member. The Selection Committee recommends that a panel of two be put forward to the Minister as per the attached Minutes.

Nominations were also sought for the newly created position of Public Library Working Group, Non Metropolitan Member, however, no nominations were received. Accordingly, the Selection Committee resolved to re-advertise this position.

5.8 CEO Performance Review Committee Minutes – CONFIDENTIAL

WALGA CEO Nick Sloan and staff left the room at 11:47am.

Moved: President Cr Karen Chappel
Seconded: Mayor Mark Irwin

That State Council endorse the Minutes of the CEO Performance Review Committee meeting held on 31 August.

RESOLUTION 270.5/2021

CARRIED UNANIMOUSLY

WALGA CEO Nick Sloan and staff returned to the room at 11:49am.

Executive Summary

- The CEO Performance Review Committee met on 31 August.
- The Minutes have been provided to State Council under separate cover.

Attachment

- CEO Performance Review Committee Minutes – 31 August (CONFIDENTIAL)

Background

- The Committee met with the CEO on 31 August.
- The objective of the meeting was for the Committee to consider the Chief Executive Officer's employment contract extension.
- Minutes of the CEO Performance Review Committee meeting held on 31 August have been distributed to members of State Council under separate cover.

Comment

Members of the CEO Performance Review Committee will be in attendance at the State Council meeting to respond to questions from members and provide any further explanation that may be sought.

5.9 LGIS Board Minutes – CONFIDENTIAL

By Craig Hansom, LGIS Contract Manager, Commercial and Communications

WALGA President Mayor Tracey Roberts and Cr Paul Kelly declared an interest in items 5.9 and 5.10 and left the room at 11:49am.

Moved: Cr Russel Fishwick
Seconded: Cr Ronnie Fleay

That State Council endorse:

- 1. That WALGA instigate an independent review of LGIS Board Directors fees; and**
- 2. The minutes of the LGISWA Scheme Board meeting held on 12 August.**

RESOLUTION 271.5/2021

CARRIED

Executive Summary

- The LGIS Finance and Audit Committee requested that WALGA give consideration to instigating a fresh independent review of the quantum of LGIS Board Directors fees.
- The LGIS Board:
 - Adopted revision of major claims reporting to the Board, including the new LGIS Motor portfolio.
 - Adopted minor revisions to the Reinsurance Management Strategy.
 - Endorsed addition of a Fraud / Conflict of Interest risk item following findings from Internal Audit.
 - Endorsed proposed actions in response to the Risk Mitigation Review recommendations.
 - Accepted the Scheme Actuary's Reports.

Attachment

- LGISWA Scheme Board Minutes 12 August 2021

Background

Minutes of the LGIS Board meeting held on 12 August have been distributed to the members of the State Council under separate cover.

Items of note from the LGIS minutes include:

- The LGIS Finance and Audit Committee requested that WALGA give consideration to instigating a fresh independent review of the quantum of LGIS Board Directors fees.
- The Board adopted the following future reporting of major claims:
 - LGIS Liability, Property, WorkCare and Bushfire Volunteers claims: \$350,000; and
 - LGIS Motor: \$100,000.
- The Board adopted the recommended revisions to the LGISWA Reinsurance Management Strategy.
- The Board endorsed the risk appetite and risk profile details for the newly developed Fraud / Conflict of Interest risk item.
- The Board endorsed the Management's proposed actions in response to the Risk Mitigation Review Report recommendations.
- The Board accepted the Scheme Actuary's Report for the LGIS WorkCare and Liability Outstanding Claim Liabilities as at 30 June 2021.

Comment

LGIS Board members include WALGA President Mayor Tracey Roberts, Cr Paul Kelly and WALGA CEO Nick Sloan. All intend to be in attendance at the State Council meeting to respond to questions and provide any further explanation that may be sought.

5.10 LGIS Board Tenure – CONFIDENTIAL

By Zac Donovan, Executive Manager, Commercial and Communications

Moved: President Cr Stephen Strange
Seconded: President Cr Phillip Blight

That State Council endorse the reappointment of each of the following individuals to the LGIS board for three-year terms commencing 1 January 2022:

- 1. Mr Peter Forbes – as one of three independent directors**
- 2. Cr Paul Omodei – as Elected Member (non-metropolitan) representative**
- 3. Mr John Pearson – as Officer (metropolitan) representative**

RESOLUTION 272.5/2021

CARRIED

WALGA President Mayor Tracey Roberts and Cr Paul Kelly returned to the room at 11:52am.

In Brief

- As per the LGIS Corporate Governance Charter, the LGIS Board has nine directors.
- These comprise Independent directors (3 persons); Elected Member representatives (one each metropolitan and non-metropolitan); Officer representatives (one each metropolitan and non-metropolitan); WALGA President and WALGA CEO.
- LGIS Board director terms are for a three-year period with a consecutive maximum tenure of three terms, unless otherwise resolved by State Council.
- On 1 January 2022, three of the existing LGIS Board directors, including the current LGIS chair, will complete their current three-year terms.
- None of these three board directors' tenure however will have attained the maximum consecutive three terms.
- The reappointment of the three directors each for an additional three-year term is subject to the endorsement of State Council.

Relevance to Strategic Plan

Strategic Themes

Advocating and Facilitating Sector Solutions and Policy

- We connect and bring together expertise to maximise sector outcomes
- We empower the sector so Local Governments can take greater responsibility for their own future

Delivering Member-centric Quality Services

- We understand Members needs
- We provide integrated, Member centric services to help Members succeed
- We deliver quality and relevant service and programs

Policy Implications

WALGA is enabled under Section 9.58(6)(b) of the *Local Government Act 1995* to provide the LGIS mutual Scheme. WALGA is governed by State Council and as such State Council has authority and responsibility for endorsing or otherwise agreements binding the Association.

Budgetary Implications

There are nil additional financial implications for the WALGA's Budget 2021/22 as a consequence of the recommended actions.

Background

- The initial appointment of LGIS Board directors is via an executive selection panel (for independent directors); the WALGA Selection Committee (for sector representatives); and as a consequence of their role for the WALGA President and WALGA CEO.
- As per the LGIS Corporate Governance Charter (Section 5, parts (ii) & (iii)), individuals are appointed to the LGIS board for terms of three years, with a maximum consecutive three terms "or where the WALGA State Council resolves otherwise".
- On 1 January 2022, three of the existing LGIS board directors, including the current LGIS chair, will complete their current three-year terms.
- The individual board directors subject to reappointment on 1 January 2022, and their completed tenure at that date are:

NAME	SECTOR POSITION	BOARD ROLE	COMPLETED TENURE
Mr Peter Forbes	NA	Independent chair	Second three-year term
Cr Paul Omodei	Shire of Manjimup Shire President	Elected Member representative (non-metropolitan)	Second three-year term
Mr John Pearson	City of Rockingham Corporate Services Director	Officer representative (metropolitan)	First three-year term

- As depicted above none of the three directors subject to the item will exceed the limit of three consecutive three-year terms as a consequence of reappointment on 1 January 2022.
- Reappointment of exiting LGIS board directors' tenure is approved on recommendation of the WALGA CEO and LGIS Board chair, subject to endorsement of State Council.
- As Mr Forbes is the current LGIS board chair, the renewal of his board tenure is on the recommendation of the WALGA CEO and WALGA President.
- The reappointments of Cr Omodei and Mr Pearson is on the recommendation of the WALGA CEO and LGIS Board chair.
- WALGA State Council has the option to accept the recommended reappointments for each or all of the existing board members subject to this item, or request that new selection processes are undertaken for any or all of the positions.
- As per the LGIS Corporate Governance Charter, Independent directors are selected via a process that may include public advertising or professional search consultants but which is determined by a panel consisting the WALGA President, WALGA CEO and LGIS CEO.
- Sector representatives (both for Elected Member and Officer roles) are subject to the WALGA Selection Committee process.
- As per the LGIS Corporate Governance Charter (Section 5, part (iv)), WALGA may also "*in its absolute discretion*" terminate the appointment of a director "*at any time and without specifying a reason*".

5.11 WALGA LGIS Member Administration – CONFIDENTIAL

By Zac Donovan, Executive Manager, Finance and Marketing

Moved: Cr Chris Mitchell
Seconded: President Cr Michelle Rich

That State Council:

1. **As per section 30 (b) of the Trust Deed to establish LGIS, make variations to the Deed to insert additional text to clauses 27.1 and 27.4 to align the role of the Trustee with other provisions in the document in regard to Local Government participation as follows;**
 - a. **Section 27.1 The Board, with the consent of WALGA, shall determine the terms and conditions of membership and may determine different terms and conditions for different Members or classes or descriptions of Members including the ability to determine such terms and conditions according to different classes of risks.**
 - b. **Section 27.4 The Board, with the consent of WALGA, from time to time by absolute majority resolution admit to the Scheme any other body having a direct involvement with Local Government and having generally similar risks of Civic Risk to Local Government which makes application to the Board in accordance with provision of the Rules.**
2. **Consider the participation of Western Australian Local Governments who are not Members of WALGA, admission to the LGIS Mutual Scheme on payment of the WALGA general membership fee that would have otherwise been applicable, on the proviso that their participation would be beneficial to the scheme.**

RESOLUTION 273.5/2021

CARRIED UNANIMOUSLY

In Brief

- WALGA is Trustee of the LGIS mutual Scheme with the consequence that State Council has ultimate governance responsibility for the provision of the service to WA Local Governments.
- In the current Trust Deed there exists a misalignment between the Trustee's involvement in the admission of Local Governments to the Scheme and for the expulsion of participants.
- In addition, a previous LGIS board decision (26 June, 2014) created significant financial disadvantages for those Local Governments wanting to participate in the Scheme who were not also Members of WALGA.
- State Council (2 June, 2021) endorsed the revised calculation of the WALGA fee from the Scheme as an extension the contribution of Member Local Governments to risk mitigation and aligned with the requirements of the *Trustees Act 1962 WA*.
- The item seeks to provide for enhanced oversight for the LGIS Trustee (WALGA) as to the admission of Local Governments to the Scheme, and provide a more equitable requirement on non-Member Local Governments based on and supported by external legal advice.

Attachment

- LGIS Trust Deed – Amended 6 September 2019

Relevance to Strategic Plan Strategic Themes

Advocating and Facilitating Sector Solutions and Policy

- Connect and bring together expertise to maximise sector outcomes.
- Empower the sector so Local Governments can take greater responsibility for their future.

Delivering Member-centric Quality Services

- Understand Member needs.
- Translate research and evidence into practical sector-wide solutions.
- Provide integrated Member-centric services to help Members succeed.
- Deliver quality and relevant services and programs.

Policy Implications

WALGA is constituted pursuant to Section 9.58 of the *Local Government Act 1995* for the purposes among other things, providing services to Local Government in WA.

LGIS is established by the WA Local Government Association under a Trust Deed that provides for WALGA as Trustee of the Scheme and to carry out the objects and purposes of the Trust and Scheme.

Since the establishment of the Trust Deed in 1996 there has been need on eight occasions for WALGA to amend the Trust Deed.

WALGA is governed by State Council and as such State Council has authority and responsibility for endorsing or otherwise agreements binding the Association.

Specifically as per Section 30 of the Trust Deed, variations to the Deed can be made by either: 30(a) variation by WALGA to take effect on execution of the Deed; OR 30(b) by a resolution of WALGA adopting or agreeing to text variation in the Deed.

As recommended 30(b) has been preferred to enact the current proposed amendments as such requires resolution by WALGA (being State Council).

Budgetary Implications

There are no financial implications to the WALGA Budget 2021/22 as a consequence of the recommended actions.

The recommendation in part (b) sets out to preserve the financial exposure of current WALGA Members to a change in membership status of Local Governments wanting to participate in the Scheme that would otherwise impact the WALGA operational budget.

Comment

- The LGIS mutual Scheme is provided by WALGA to WA Local Governments via a management Agreement with JLT (Marsh).
- Underpinning the Agreement is a Trust Deed of which WALGA is Trustee, and in effect placing WALGA State Council ultimately responsible for the governance of the Scheme.
- Currently however the Trust Deed allocates all responsibility to the LGIS Board for determination of the admission of Local Governments to the Scheme, but by contrast, the expulsion of Members from the Scheme, the Deed requires any Board decision to be endorsed by WALGA.
- It is consequently proposed that the Trust Deed be amended to require the admission of WA Local Governments to the Scheme align with the requirements regarding expulsion, in that any LGIS board decision requires endorsement by the WALGA as Trustee.
- The specific changes to the Trust Deed would be the addition of the phrase “with the consent of WALGA” (as at section 26.3.4 regarding expulsion) at the end of sections 27.1 and 27.4.
- The proposed amendments would read:
 - Section 27.1 The Board, with the consent of WALGA, shall determine the terms and conditions of membership and may determine different terms and conditions for different Members or classes or descriptions of Members including the ability to determine such terms and conditions according to different classes of risks.

- Section 27.4 The Board, with the consent of WALGA, from time to time by absolute majority resolution admit to the Scheme any other body having a direct involvement with Local Government and having generally similar risks of Civic Risk to Local Government which makes application to the Board in accordance with provision of the Rules.
- As reported to State Council (7 July, 2021) WALGA and JLT (Marsh) have enacted a Heads of Agreement for the continued operation of the Scheme in the interim of negotiating and agreeing on the terms of an updated management Agreement.
- To facilitate the Heads of Agreement, State Council (2 June, 2021) endorsed a new model for determination of the WALGA fee charged to the Scheme that largely recognises the contribution of WALGA and Members in providing services that help mitigate risk for the Scheme.
- On legal advice from Herbert Smith Freehills (HSF), WALGA established the fee structure to reflect the requirements of the *Trustees Act 1962 WA* both as to the quantum charged by the Trustee and the rationale as to the contribution to the overall performance of the Scheme.
- Currently all WA Local Governments are Members of WALGA and as such contribute via the WALGA general membership subscription to the provision of services and programs that assist to mitigate risk to the LGIS mutual Scheme.
- A resolution of the LGIS board (26 June, 2014) requires that Local Governments that are not WALGA Members can apply to join the Scheme but are subject to loss of a number of entitlements, some of which have significant detrimental financial implications.
- It is proposed that the previous requirements for admission for non-WALGA members to the Scheme (as per the LGIS board decision 26 June 2014) be replaced by the more equitable requirement that the non-Member pay the otherwise applicable WALGA general subscription.
- The payment of the general subscription to the Scheme by the non-Member Local Government would be captured in each annual Scheme contribution and forwarded to WALGA to align with the financial contribution of Member Local Governments to services that assist to mitigate risk.
- Alternatively State Council could retain the existing requirements for non-Member Local Governments to access the Scheme that are defined as the loss of: the 25% contribution discount; any surplus dividend payments; risk management entitlements, access to the health and wellbeing service; and subsidy for asset valuation costs.
- However, it is not recommended that WALGA retain these requirements given advice from HSF that while WALGA as Trustee is able to determine the conditions by which Local Governments can access the Scheme, there is also the obligation to act in the best interests of the Scheme.
- That is, the admission of Local Governments to the Scheme that are excluded from participating in the risk mitigation program would arguably present those Local Governments as a greater risk and as such detrimental to the Scheme performance and best interests of participants overall.
- State Council may also determine in consideration of the item that the preference would be to simply not admit non-Member Local Governments to the Scheme and therefore negate the need for an appropriate contributory payment to support services that mitigate risk.
- However also for the reason of needing to act in best interests of the Scheme, there would likely be few cases where the addition of the non-Member Local Government would not benefit the Scheme through the contribution of additional scale.
- That is not to say there would not be Local Governments for which the Scheme would have an improved performance with their absence, and therefore it is suggested denial of access of any non-Member should be considered on a case-by-case basis rather than all encompassing.
- The amendments to the Trust Deed as proposed, to provide WALGA endorsement of all Membership decisions, would provide for the discretion of State Council in acting in the best interests of the Scheme.

5.12 Use of the Association’s Common Seal (01-004-07-0001 NS)

Moved: Mayor Carol Adams
 Seconded: President Cr Stephen Strange

That the use of the Association’s Common Seal be noted.

Document	Document Description	Signatories	State Council prior approval
WALGA-JLT Heads of Agreement	LGIS Agreement for 2021-22, including: <ul style="list-style-type: none"> • Fixed fee Indemnity Cover; and • New Motor Fund. 	WALGA President, Mayor Tracey Roberts WALGA CEO, Nick Sloan	No

RESOLUTION 274.5/2021

CARRIED

In Brief

The common seal has been used once since the last report to State Council.

Background

Clause 26 of the WA Local Government Association Constitution, which establishes and regulates the use of the Association’s common seal, provides that:

‘The Association shall have a common seal which shall be held in the custody of the Chief Executive Officer at all times. The common seal may be affixed to documents by resolution of the State Council in the presence of the Chief Executive Officer and one of either the President or Deputy President.

The Chief Executive Officer shall maintain a register in which shall be recorded the details of all documents to which the common seal has been affixed.’

On 4 December 2002, the State Council carried a resolution establishing parameters for all use of the common seal and delegating power to affix the common seal in instances where obtaining prior approval is not practical to the Chief Executive Officer and one of either the President or Deputy President. The resolution, which is recorded below, is to be applied retrospectively to all applications of the common seal:

1. *That affixation of the Association’s Common Seal be undertaken upon the resolution of State Council except where it is impractical to obtain prior approval;*
2. *That in instances where obtaining prior approval is impractical, authority to affix the Common Seal be delegated to the Chief Executive Officer and one of either the President or Deputy President; and*
3. *That a regular report be submitted to State Council “for noting” outlining all instances where the Common Seal has been used without prior resolution.*

Comment

Nil.

6. MATTERS FOR NOTING / INFORMATION

6.1 Stop Puppy Farming Legislation (05-034-01-0001 FM)

By Felicity Morris, Governance Specialist

Moved: Cr Catherine Ehrhardt

Seconded: Cr Doug Thompson

1. That the update on the Dog Amendment (Stop Puppy Farming) Bill 2021 be noted.
2. That:
 - a. any additional costs incurred by a Local Government in administering the *Dog Act* be paid by the State Government; and
 - b. the Fees and Charges set in Regulations are reviewed bi-annually and at minimum, be adjusted by the Local Government Cost Index.

RESOLUTION 275.5/2021

CARRIED

Executive Summary

- State Council adopted a detailed position in relation to the Stop Puppy Farming Initiative, and subsequently sought the withdrawal of the Dog Amendment (Stop Puppy Farming) Bill 2020 (the 2020 Bill).
- The Dog Amendment (Stop Puppy Farming) Bill 2021 (the 2021 Bill) was introduced on 2 June 2021. The 2021 Bill is substantially similar to the 2020 Bill but provides an exemption from sterilisation for livestock working dogs.
- There may be an opportunity to engage with DLGSC on remaining issues of significance to the sector, primarily cost recovery through fees and charges.

Background

- At its September 2018 meeting, State Council adopted a detailed position in relation to the Stop Puppy Farming Initiative (*Advocacy Position 2.11, Resolution 103.6/2018*).
- The Dog Amendment (Stop Puppy Farming) Bill 2020 (the 2020 Bill) was introduced to Parliament on 19 February 2020.
- At its March 2020 meeting, State Council resolved:

“That WALGA write to the Minister and request that he withdraw the Stop Puppy Farming Bill and more appropriately consult with the sector, traditional custodians and the wider community, or failing that, that he remove any reference to Local Government in the bill as the sector does not endorse it in its current form.”

Advocacy Position 2.11, Resolution 13.1/2020
- The 2020 Bill was not passed by the Legislative Council, and lapsed when Parliament was prorogued on 7 December 2020. The Dog Amendment (Stop Puppy Farming) Bill 2021 (the 2021 Bill) was introduced on 2 June 2021.
- On 6 July 2021, the Governance and Organisational Services Policy Team supported:
 1. That WALGA continue to engage with DLGSC to advocate for the outstanding points of Advocacy Position 2.11, and in particular to ensure that fees and charges are set at levels that achieve cost recovery for Local Governments.
 2. That an Item for Noting be prepared for the September 2021 State Council meeting.

Comment

The 2021 Bill has been introduced without the further consultation requested in Resolution 13.1/2020. However, given the State Government’s control of both Houses of Parliament, it may be more effective to engage with the State Government in relation to key points from WALGA’s original

advocacy position (Resolution 103.6/2018), rather than seeking the Bill's withdrawal. The details of that Resolution are considered below.

Resolution 103.6/2018	2021 Bill
1. Welcomes a cost modelling review of the financial impact on Local Governments to ensure that Local Government is able to fully recover costs and not be disadvantaged in ensuring compliance of any new legislation to Stop Puppy Farming.	Fees and charges to be prescribed based on 2018 cost modelling. WALGA seeking further information from DLGSC to ensure cost recovery.
2. Acknowledges the benefit of de-sexing of dogs not used for approved breeding purposes, and request further information on the complexities associated with desexing of dogs prior to considering supporting the proposal.	Requires sterilisation of all dogs by 2 years of age unless exempt. Exemptions apply if dogs already registered, vet provides a certificate stating that sterilisation would adversely affect health, dog owned by person with approval to breed, dog is primarily kept for droving or tending of stock, the dog is sterile, or belongs to a class of dogs to be prescribed.
3. Supports a centralised dog registration system that is developed, operated and maintained by State Government.	DLGSC will be responsible for the establishment of the centralised registration system. Local Governments and DLGSC will be responsible for recording information, keeping it up to date, and correcting any errors.
4. Supports appropriate legislative exemptions for livestock working dogs in recognition of their special breeding requirements.	Provides for a dog to be exempt from sterilisation if it is primarily kept to be used in the droving or tending of stock. This will allow the owners of livestock working dogs to assess the suitability of each animal for breeding, before making a decision to apply for an approval to breed.
5. Does not support the transition of pet shops to adoption centres.	The transition of pet shops to adoption centres is a key feature of the 2021 Bill, as in the 2020 Bill.
6. Requests there be a Local Government-specific consultation process in relation to the proposed amendments to the Animal Welfare Act to introduce Standards and Guidelines for the Health and Welfare of Animals including dogs.	It is proposed that standards and regulations under the <i>Animal Welfare Act 2002</i> will relate to the keeping and housing of dogs. WALGA has not been advised of the process for developing these standards but will continue to advocate for Local Government consultation.
7. Supports a State Government-led education initiative whereby the community is encouraged to purchase puppies from professional registered breeders.	Not provided for in the 2021 Bill.
8. Requests the State Government discontinue the use of the term 'Farming' due to the negative connotation that may be associated with other regulated industries, and consider re-naming the initiative 'Stop Puppy Mills'.	The term 'Puppy Farming' has been used consistently by the Government since consultation on the subject began in 2018. This is unlikely to change.

Unlike the 2020 Bill, the 2021 Bill has addressed point 4 of the advocacy position, as clause 23 provides for a dog to be exempt from sterilisation if it is primarily kept to be used in the droving or tending of stock. This will allow the owners of livestock working dogs to assess the suitability of each animal for breeding, before making a decision to apply for an approval to breed.

A key remaining concern is the introduction of significant additional Local Government responsibilities, without an assurance that fees and charges will be set at a level that achieves full cost recovery. Local Governments will be responsible for the assessment and grant or refusal of approvals to breed and pet shop approvals, as well as associated investigation and enforcement functions. WALGA is continuing to liaise with DLGSC to advocate for fees and charges to be set at levels to achieve full cost recovery.

6.2 Regional Telecommunications Resilience (05-059-03-003 JB)

By Joanne Burges, Senior Advisor, Intergovernmental Relations & Risk

Moved: Cr Catherine Ehrhardt

Seconded: Cr Doug Thompson

That the update on Regional Telecommunications Resilience be noted.

RESOLUTION 276.5/2021

CARRIED

Executive Summary

- At the National level, WALGA continues to access the knowledge and influence of key parliamentarians to ensure all Western Australians can access equitable, affordable and reliable telecommunication that is appropriate for emergencies.
- The Association is contributing to a Working Group established at the request of the Fire and Emergency Services Commissioner, consisting of the State Government agencies of the Departments of Fire and Emergency Services (DFES), Primary Industries and Regional Development (DPIRD) and Power and Telecommunication providers seeking a collaborative approach to telecommunication resilience.
- Regional Telecommunications Review Issues Paper released 16 July 2021 with the Committee accepting submissions until 30 September 2021.
- Each WALGA Zone requested to consider the Regional Telecommunications Review as part of the Agenda for their August round of meetings.

Attachment

- [Regional Telecommunications Review Issues Paper:](#)

Background

Late in 2019, Local Governments generously provided examples of their experience of Telecommunication issues. The initial focus of the examples provided centered on:

- Blackspots
- Battery Back Up Failures
- Outages (Planned and Unplanned)
- Telstra Notification Systems

These issues were presented by WALGA to the State Emergency Management Committee (SEMC) on Friday, 13 December 2019, and further to Senator Dean Smith on 22 July 2020.

Significant natural events across the nation have resulted in the following progress:

The Commonwealth Government announcement of \$37.1 million through the Strengthening Telecommunications Against Natural Disasters (STAND) package developed in response to the Black Summer Bushfires, to strengthen telecommunications resilience in bushfire and disaster-prone areas so that communities can stay connected during emergencies.

The package contains four elements:

- 1) Improving the resilience of regional and remote mobile phone base stations
- 2) Portable communications facilities to allow quicker service restoration
- 3) Program to deliver improved communications
- 4) Enhanced telecommunications for rural fire authorities and evacuation centres

Stage 1 of the program announced in December 2020 provided \$13.2 million in Commonwealth Government funding to Optus, Telstra and TPG to improve network resilience by upgrading battery backup power at 467 base stations. Western Australia was successful in receiving funding for 108 sites under Round 1 of the Government's Mobile Black Spot Program. These upgrades will increase backup operation to at least 12 hours. Telstra have advised that all of the upgrades to Telstra base stations was completed in early July 2021.

At the State Government level, DFES were able to provide the Commonwealth with data based on Bushfire and Community Resilience Risk Rating to assist in prioritising sites. Although Telco's were funded directly, DFES continues to ensure close contact with the Commonwealth on progress of this project.

In line with the second and third element, NBN Co has confirmed with DFES that a 'Road Muster' satellite truck has been based at Belmont from early January 2021, and that two (2) portable satellite communications systems have been provided to NBN WA.

Element four progressed through the DFES working with NBN Co and Local Governments resulted in the installation of satellite communications services to 19 pilot sites. A further application process in March 2021 resulted in 79 Local Governments applying for 141 NBN fixed satellite services to facilities such as community evacuation centres, community halls or Local Government offices. The Commonwealth has endorsed all applications which are now being assessed by NBN for installation suitability based on the data provided by Local Governments.

Building telecommunication resilience during emergencies for both the community and emergency responders is at the core of the Working Groups focus and is resulting in positive outcomes for Local Governments and their communities.

Further, every three years a Regional Telecommunications Independent Review Committee (the Committee) is established to conduct a review into telecommunications services in regional, rural and remote parts of Australia.

Committee reports are important in setting the regional communications policy agenda in the following years.

With the Consultation Period running from 6 July 2021 to 30 September 2021, the Committee is inviting regional communities, businesses and governments to engage directly through face to face consultations, written submissions and online forums. The Association encourages Local Government to make a submission and take the opportunity to be involved in a consultation forum.

WALGA will be coordinating a whole of sector response and welcomes Local Government contributions on this important issue to our rural, regional and remote members and those who live, work or visit your communities.

Comment

The Association will continue to advocate for equitable provision of telecommunication in regional WA, particularly to ensure resilient solutions for telecommunications during and after disaster events.

Further, the Association will provide a submission to the Regional Telecommunications Review, incorporating the views of member Local Governments and will seek to ensure that the views of the sector are heard via the consultation process including providing prompt advice to members on locations and/or timing, particularly if these are being held virtually.

6.3 Report Municipal Waste Advisory Council (MWAC) (01-006-03-0008 RNB)

By Rebecca Brown, (Manager, Waste & Recycling)

Moved: Cr Catherine Ehrhardt

Seconded: Cr Doug Thompson

That State Council note the resolutions of the Municipal Waste Advisory Council at its 30 June meeting.

RESOLUTION 277.5/2021

CARRIED

Executive Summary

- This item summaries the outcomes of the MWAC meeting held on 30 June 2021.

Background

The Municipal Waste Advisory Council is seeking State Council noting of the resolutions from the 30 June meeting, consistent with the delegated authority granted to the Municipal Waste Advisory Council to deal with waste management issues.

Copies of Agendas and Minutes are available from WALGA staff, on request.

Comment

The key issues considered at the meeting held on **30 June 2021** included:

Advocacy Strategy for Effective Product Stewardship

MWAC has considered advocacy for both the TV and Computer Product Stewardship Scheme and in relation to the Export Bans on recycling (plastics, paper and cardboard and tyres). These two national issues present an opportunity for Local Government to advocate at both the State and Federal level for effective product stewardship for key products collected through kerbside (paper, cardboard and plastics) and vergeside / drop off facilities (electronic waste). Both of the Product Stewardship Schemes have key decision points in the coming months, which provide an opportunity for change to the current approach.

TV and Computer Product Stewardship Scheme

The TV and Computer Product Stewardship Scheme was put in place in 2011 and is a co-regulatory product stewardship scheme. The Scheme initially covered all of the costs associated with recycling the products covered. In the time since the Scheme implementation less of the costs are being covered and the materials being collected that are not covered by the Scheme have increased. An ongoing concern is that the recovery targets for the Scheme are national, rather than state based. From the 2018/19 data (which is the most recent publically available) WA collection amounts are only 5% of the material collected, despite WA having 10% of the national population. The Scope of the Scheme is due for review, which presents an opportunity for Local Government nationally to provide consistent feedback on the improvements needed of the Scheme.

Export Bans

Without effective product stewardship, the Export Bans on plastics, cardboard and paper are likely to significantly impact the cost of kerbside recycling. Government and industry are investing in on shore processing options, however it is likely this will be at a higher costs / reduced revenue than the current export options.

MUNICIPAL WASTE ADVISORY COUNCIL MOTION

That the Municipal Waste Advisory Council endorse the Draft Advocacy Strategy for Effective Product Stewardship.

**Moved: Cr Price Seconded: Mayor Butterfield
CARRIED**

6.4 2021-22 State Budget Submission (05-001-03-0006 DM)

By Dana Mason, Principal – Economics and Strategic Projects

**Moved: Cr Catherine Ehrhardt
Seconded: Cr Doug Thompson**

That the Immediate Priorities for State Government policy platform, which was endorsed via Flying Minute, be noted.

RESOLUTION 278.5/2021

CARRIED

Executive Summary

- Each year, WALGA prepares a submission to the State Government outlining the sector's priorities for the upcoming budget.
- The proposed approach to the 2021-22 Submission and priorities were endorsed by State Council in May via Flying Minute (Resolution 201.FM/2021).
- Since then, WALGA has received further information from the State Government about its focus for the budget and timeframes for the 2022-23 State Budget. As a result of this new information, WALGA has adjusted its approach to the State Budget Submission to ensure the initiatives have the best chance for success.
- While there has been no fundamental change to the priority initiatives, the context has been reframed. Instead of focusing just on the 2021-22 Budget, the document has shifted to a more strategic policy platform identifying the immediate spending priorities for the McGowan Government in its second term. It is intended that this submission would cover the next two budget periods, 2021-22 and 2022-23.
- The final submission was endorsed by State Council via Flying Minute (Resolution 205.FM/2021).

Attachment

- [Flying Minute – 2021-22 State Budget Submission](#)

Background

Each year, WALGA prepares a submission to the State Government outlining the sector's priorities for the upcoming budget. Given the recent State Election and delays to the 2020-21 Budget, this year's budget will now be handed down in September.

In May 2021, WALGA circulated a proposed submission approach and list of priorities to the State Council, which was endorsed. It asserted that to provide the best chance of success and standing out from the crowd, WALGA's submission would be:

- Targeted and succinct – An extended list of priorities is not likely to be considered by Government given they already have a full agenda of election commitments and other emerging priorities.
- Aligned to Government priorities – The Government is more likely to fund requests that align with their agenda or that address a pressing or emerging issue.
- Infrastructure-focussed – The windfall nature of the surplus means that there is a better chance of receiving funding for capital, rather than recurrent programs.
- Return for the State and the Community – A strong evidence base is needed to demonstrate the value that the initiatives will deliver for the community. Those which already have a demonstrated track record, or where there is a co-funding arrangement are likely to have a greater chance of success.

The priorities proposed for the submission included:

- Funding to fill existing gaps in **FOGO processing infrastructure** needed to turn the collected FOGO into high quality compost.
- Evolution of the **State Underground Power Program**, with State Government funding prioritized to project areas where the benefits to the households are less (lower property values) and the financial capacity to contribute is less.
- Investment in **climate change adaptation**, including funding for managing urgent **coastal erosion** hotspots, and enhancing the **urban tree canopy**.
- Funding to repurpose, upgrade and build new **cultural and social infrastructure** at a local level and as part of joint initiatives between the State and Local Governments and community organisations.
- Additional investment in **telecommunications infrastructure**, to unlock further opportunities to work in partnership with the Commonwealth and other key players to reduce communications gaps in regional areas.
- Extending the election commitment for funding for **homelessness outreach services** for an additional financial year.
- Extending funding for the **Small Business Friendly Approvals Program** to allow a greater number of Local Governments to participate.
- **Support for the Local Government sector to transition to the State Industrial Relations System.**
- Funding to WALGA for a service level agreement with the Department of Local Government, Sport and Cultural Industries to provide **capacity building support to assist Local Governments with good governance, financial management and process.**

Since WALGA put the proposed priorities to State Council, it has received feedback from the State Government regarding the focus of the 2021-22 Budget and the timing for the 2022-23 Budget. Specifically:

- The 2021-22 Budget will be focused on the delivery of election commitments, and as a result, there is limited scope for any other initiatives. This means that any submission put forward by WALGA for this Budget would have minimal impact.
- The 2022-23 Budget will be handed down in May 2022. This means that the timeframe for the next budget process would commence almost immediately after the 2021-22 Budget is handed down in September.

As a result, WALGA has adjusted the context for the final submission. The broad principles that underpin the submission and the priority initiatives remain largely unchanged.

Given the close timeframes for the 2021-22 and 2022-23 Budget, the Submission is now intended to cover both Budget periods and has been framed in terms of the immediate spending priorities for the McGowan Government in its second term.

This approach is considered appropriate given that the priority initiatives are not expected to fundamentally change in coming months. It also mitigates potential perceptions that WALGA is out of touch with State Government processes and priorities.

Two initiatives have been removed from the submission, as it was deemed that there was greater chance of achieving funding for these initiatives through other advocacy channels. Although these issues have been removed from the submission, they remain priority issues for the sector and will be pursued through other avenues, and in future budget submissions.

- **Local Government Capacity Building** - The new Minister for Local Government and Director General of the Department of Local Government, Sport and Cultural Industries have advised of their commitment to strengthen the Department of Local Government. In light of this, it is considered that WALGA should continue to support its existing advocacy position: *“WALGA supports the continuance of the Department of Local Government, Sport and Cultural Industries as a direct service provider of compliance and recommend the Department fund its capacity building role through the utilisation of third party service providers. In addition, WALGA calls on the State Government to ensure there is proper resourcing of the Department of Local Government, Sport and Cultural Industries to conduct timely inquiries and interventions when instigated under the provisions of the Local Government Act 1995.”*
- **Social and Cultural Infrastructure** – It was considered that inclusion of this item was premature, given that further information on the Government’s infrastructure priorities will become available once the State Infrastructure Strategy is released in coming months. Given the breadth and importance of this initiative, a more specific funding request will be developed to support this initiative once further information becomes available.

Comment

The State Election and the delay to the State Budget has meant that there is a condensed timeframe to prepare the 2021-22 State Budget submission. The Government’s decision to hand down the 2022-23 Budget in May 2022 has exacerbated this issue.

It is considered that the revised approach will provide the best opportunity to represent the sector’s interests without duplicating activities or risking reputational damage by being viewed as out for touch with State Government priorities and processes. Once the Submission has been provided to the State Government, WALGA will seek to meet with Government officials and Members of Parliament to discuss the key initiatives.

Putting forward this document does not preclude WALGA from undertaking additional advocacy on these initiatives, or from putting forward other spending priorities to the State Government as they arise. The State Budget Submission is just one opportunity to represent the sector’s interests, and the Association continues to advocate for the initiatives contained in the submission through other channels.

6.5 WALGA Submission: Inquiry into the Delivery of Ambulance Services in Western Australia (05-030-03-0001 BW)

By Bec Waddington, Policy Officer, Resilient Communities

Moved: Cr Catherine Ehrhardt
Seconded: Cr Doug Thompson

That the submission to the Standing Committee on Public Administration on the Inquiry into the Delivery of Ambulance Services in Western Australia, which was endorsed via Flying Minute, be noted.

RESOLUTION 279.5/2021

CARRIED UNANIMOUSLY

Executive Summary

- The Standing Committee on Public Administration commenced an inquiry into the delivery of ambulance services in Western Australia on 23 June with submissions due by 23 July.
- Given the short time frame WALGA emailed all CEOs directly and put an article in LG News encouraging submissions and that WALGA would also make a submission if there was sufficient sector interest.
- Three regional Local Governments provided feedback to WALGA that expressed support for the current volunteer based ambulance system in regional Western Australia and highlighted the potential risk to service levels if it is taken over by the State Government.
- The submission was endorsed by State Council via Flying Minute (Resolution 206.FM/2021).

Attachment

- [Flying Minute: WALGA Submission - Inquiry into the Delivery of Ambulance Services in Western Australia](#)

Background

The Standing Committee on Public Administration commenced an inquiry into the delivery of ambulance services in Western Australia on 23 June 2021 with submissions due by 23 July 2021.

The Terms of Reference sought submissions on the following matters:

- how 000 ambulance calls are received, assessed, prioritised and despatched in the metro area and in the regions;
- the efficiency and adequacy of the service delivery model of ambulance services in metro and regional areas of WA; and
- whether alternative service delivery models in other jurisdictions would better meet the needs of the community.

Given the short timeframe WALGA emailed all CEOs directly and put an article in LG News encouraging submissions, indicating that WALGA would also make a submission if there was sufficient sector interest. Three Local Governments; the Shire of Lake Grace, Shire of Carnamah and Shire of Mt Marshall provided comment to WALGA.

Comment

When announcing the Inquiry the Chair of the Standing Committee, Hon Pierre Yang MLC said:

'Ambulance services constitute a vital part of our health system, directly impacting hundreds of Western Australians every single day. For this reason, ambulance services are always topical for the community.'



This is particularly the case in regional Western Australia. The three responses received all emphasised the importance of the ambulance service in their regions, expressed support for the current volunteer based ambulance system in regional Western Australia and highlighted the risk to service levels through the potential loss of volunteers if the service were taken over by the State Government.

WALGA's submission highlights that any changes recommended to the operation or ownership of the service must not negatively impact on regional areas where the current ambulance system provides an important contribution to community connectedness through volunteering and accessibility to health services at the local level.

The submission also acknowledges that changing demographic patterns and an aging population means that in some areas there may be difficulty attracting ambulance volunteers in the future and a hybrid model of volunteers and career ambulance personnel may be appropriate, and that some Local Governments are partners in the provision of regional health services through the operation of airports which support patient transfer between ambulance and Royal Flying Doctor Service.

7. ORGANISATIONAL REPORTS

7.1 Key Activity Reports

7.1.1 Report on Key Activities, Commercial and Communications Unit (01-006-03-0017 ZD)

By Zac Donovan, Executive Manager Commercial and Communications

Moved: Cr Ronnie Fleay
Seconded: President Cr Malcolm Cullen

That the Key Activity Report from the Commercial and Communications Unit to the September 2021 State Council meeting be noted.

RESOLUTION 280.5/2021

CARRIED

Commercial and Communications comprises of the following WALGA work units:

- Commercial Development
- Commercial Management
- LGIS Contract Management
- Communications (Marketing and Events)

Commercial Development

Energy Project Update

There have now been 43 Local Governments sign up to the non-binding Memorandum of Understanding for the Energy Sustainability and Renewables project.

Support for the project comes as State Government recently released plans to establish the world's largest renewable energy hub to encourage investment towards sustainable infrastructure technology for the WA market. WALGA's sustainable buying group will place our Members in a strong position to draw resources from upcoming renewable developments.

WALGA has prospectively secured the required volume from the Sector to meet indicative price targets. The project intends to release the Request for Quotation in the second week of August. The process is being governed by a Local Government led Steering Group.

The original project intend was to provide the sector participants with contract pricing early in the New Year, however it is now anticipated that this will be delivered by mid-October 2021.

Commercial Management

Member Engagement

The Commercial Management Team has continued to prioritise visits to Member Local Governments. During the past period, representatives from the team have visited 19 Local Governments, which brings the total to 87 visited since the start of the year. Local Governments visited in the past period were:

- 20-21 July: Shires of Cunderdin, Tammin, Kellerberrin, Narembeen, Bruce Rock, Quairading and Beverley.
- 3-4 August: City of Karratha, Town of Port Hedland, and the Shires of East Pilbara and Ashburton.
- 17-19 August: Shires of Gnowangerup, Jerramungup, Denmark, Plantagenet, Cranbrook, Broomehill-Tambellup and Boddington, and the City of Albany.

LGIS Contract Management

Heads of Agreement

WALGA and JLT have now finalised the operational Heads of Agreement that will form the basis of the new LGIS Scheme Management Agreement to be presented to State Council for endorsement.

The new Heads of Agreement is an interim operational agreement to facilitate the continued operation of the Scheme while the new formal Agreement is negotiated between the parties. It is intended that the new Agreement will establish a set term for the Scheme management, from the current in perpetuity arrangement, with defined performance review requirements and obligations.

In enacting the Heads of Agreement interim arrangement, fees payable to JLT for the Fund Year commencing 30 June 2021 are \$2,161,700 for the LGISWA Scheme Indemnity Cover Broking and Placement services fee; and \$11,372,633 Scheme Management fee comprising:

- LGIS WorkCare fund management fee \$4,000,264
- LGIS Liability fund management fee \$3,150,715
- LGIS Property fund management fee \$2,635,284
- LGIS Bush Fire Volunteers Personal Injury fund management fee \$190,370
- LGIS Motor fund management fee \$1,396,000

Marketing and Communications

West Australian Rates Competition

The WALGA and The West Australian newspaper rates competition – conducted recently to help increase awareness on how rates are calculated – received almost 100,000 entries.

As part of the competition, entrants were required to correctly nominate (from three options) how rates were calculated. WALGA sponsored the competition prize of 10 rates paid for a year (residential rates capped at \$3,500). Seven West Media supported the competition with print, television and radio advertising with an estimated value of \$170,000. Based on previous competition in the newspaper, The West Australian estimated the rates competition would attract 30,000 entrants. The final number of correct entries submitted was 99,136.

Electoral Reform Social Campaign

In response to State Council direction, WALGA is currently developing material for a social media-based campaign to present the sector's position regarding the State Electoral reform process. An initial tactic of the campaign will be to publish the perspective of regional Local Government on the potential outcomes in the monthly WALGA column in The West Australian.

WALGA Events

HR Forum – 24 June

Support for the Governance and Organisational Services unit to hold the HR Forum for Local Government practitioners at the Wembley Gold Course.

Roads and Transport Forum – 1 July postponed

As a consequence of the most recent Perth and Peel COVID-19 lockdown, the Roads and Transport Forum that was scheduled for 1 July was again postponed. It is the third time the event has needed to be postponed due to pandemic restrictions. Given the proximity of the WALGA annual convention and the overlap for delegates, it is now intended to attempt to reschedule the Roads and Transport Forum to March 2022 to coincide with a Local Government interactive fleet exhibition.

**7.1.2 Report on Key Activities, Governance and Organisational Services Unit
(01-006-03-0007 TB)**

By Tony Brown, Executive Manager Governance and Organisational Services

Moved: Cr Ronnie Fleay
Seconded: President Cr Malcolm Cullen

That the Key Activities Report from the Governance and Organisational Services Unit to the September 2021 State Council meeting be noted.

RESOLUTION 281.5/2021

CARRIED

Governance and Organisational Services comprises of the following WALGA work units: Governance and Procurement, Employee Relations, Training, Regional Capacity Building and Strategy and Association Governance

The following provides an outline of the key activities of Governance and Organisational Services since the last State Council meeting.

Governance and Procurement

2021 Local Government Elections

With the October 2021 Local Government elections approaching, WALGA has prepared resources for Candidate information's sessions on the role of an Elected Member and WALGA's Governance and Organisational Services staff are available to attend Local Government Candidate Information Forums. Currently WALGA has been invited to 11 forums covering 14 Local Governments.

In addition WALGA will be hosting a webinar for candidates on Wednesday, 18 August at 5:00pm. This webinar will be recorded and will be available for Local Governments to place the link on their websites on election information for community members.

Employee Relations

Potential Transition to the State Industrial Relations (IR) System

State Government engagement

Following the State Council Resolution carried on 5 May regarding the review of the State IR System, President Tracey Roberts, Tony Brown (Executive Manager, Governance and Organisational Services) and Davina Hunter (Employee Relations Service Manager) met with the Hon. Stephen Dawson MLC, Minister for Mental Health, Aboriginal Affairs; Industrial to discuss the potential Industrial Relations Legislation Amendment Bill (Bill) that is likely to be re-introduced into WA Parliament this year.

At the meeting the Minister confirmed:

- (a) The Government intends to re-introduce the Bill later this year with an aim to it being passed by Parliament before Christmas 2021.
- (b) Minor amendments to the Bill will be made including to introduce five days' family and domestic violence leave.
- (c) In response to WALGA's request for funding of \$15 million to fund the transition (as supported by evidence provided through a sector wide survey), that no funding was currently allocated to Local Governments to assist with the transition.
- (d) The Government has no intention to further modernise the State IR system at this time, despite the WALGA request for amendments to the Bill.

- (e) A regulatory impact assessment has not been undertaken by the Government on the legislation requiring Local Government employers to transition from the Federal to the State IR system, as this issue was the subject of a special review process.
- (f) The Department of Mines, Industry Regulation and Safety, which provides resources and advice to State system employers, has no additional resources allocated at this time to prepare for the transition, however will be available to assist Local Governments and WALGA.
- (g) An additional Commissioner will be appointed to the Western Australian Industrial Relations Commission.

WALGA will continue to advocate for funding in our State Budget submission and will also continue to advocate for modernization of the State IR system

Sector Reference Group

WALGA convened a Sector Reference Group on 24 June to discuss the proposed Bill and to seek feedback from Local Governments about the key support measures they require from WALGA and the State Government. The Group had over 34 participants in person and via Zoom.

Training

WALGA Training has produced a new Council Member Essential brochure in preparation for the upcoming October 2021 election. This will be available in printed and e-version within the next few weeks.

The Training team is receiving daily enquiries from Local Governments for the Council Members Essential training for on-site Training and eLearning subscriptions and we are working to finalise the review to update all course materials in preparation for a busy period ahead.

General course numbers have been increasing with some courses catering for 20 participants. The feedback we are collecting and analysing after every course demonstrated that learners are very satisfied with the updated training they receive at WALGA.

Nationally Accredited Training development is also taking shape as we are hoping to add three qualifications onto our Registered Training Organisation (RTO) Scope of registration in the near future. The three courses being developed are:

- Type 1 Child Car Restraint Fitting,
- Certificate III in Waste Management and
- The new Diploma for Local Government - Elected Member.

All courses are developed with input from Industry Advisory Groups and the feedback we have received during the consultation phase has been very insightful and helpful for our product developers to ensure our training meets the need of industry.

Strategy & Association Governance

WALGA Annual General Meeting – 20 September 2021

WALGA's Annual General Meeting will be held on Monday, 20 September at Crown Perth.

All member Local Governments are entitled to be represented by two voting delegates. Registration of voting delegates is due by Friday, 27 August.

The Annual General Meeting will include presentation of WALGA's Annual Report, political addresses, presentation of Honours Program Awards and five motions, as follows:

- Amendments to WALGA's Constitution
- Cost of Regional Development

- Community Sporting and Recreation Facilities Fund (CSRFF) Funding Pool and Contribution Ratios
- Regional Telecommunications Program
- Review of the Environmental Regulations for Mining

The Agenda for the AGM will be distributed to Members by mid-August.

7.1.3 Report on Key Activities, Infrastructure Unit (05-001-02-0003 ID)

By Ian Duncan, Executive Manager, Infrastructure

Moved: Cr Ronnie Fleay
Seconded: President Cr Malcolm Cullen

That the Key Activities Report from the Infrastructure Unit to the September 2021 State Council meeting be noted.

RESOLUTION 282.5/2021

CARRIED

Roads

Road Asset Preservation Model

Feedback from WALGA Zones regarding strategic options for review of the Road Asset Preservation Model was considered by State Council in May. In accordance with the State Council resolution, the WALGA President wrote to the Chair of the Local Government Grants Commission, requesting that Commission officers be made available to brief Zones or Regional Road Groups, as requested. Commission officers have indicated a willingness to provide information to the sector, as requested, and have begun labelling and formatting changes to the model, to improve the model's legibility.

Condition Assessment of Roads of Regional Significance

Talis Consultants have commenced the second phase of a project to assess the condition of all Roads of Regional Significance. This phase covers the Great Southern and Goldfields-Esperance regions. In addition to the condition assessment and video data capture of sealed roads, the survey will include video of Significant unsealed roads and condition reporting on access roads to remote Aboriginal communities. Funding has been provided through the *State Road Funds to Local Government Agreement* to perform visual condition surveys of Significant sealed roads over a five year cycle. The first phase of this project, a survey of the roads in the Mid-West region, was recently completed.

Road Safety Management System

WALGA, Main Roads WA and the South West Regional Road Group have finalised modifications to the project prioritisation guidelines and multi-criteria assessment model to provide a greater focus on road safety when setting the annual roads program for the region. The South West Regional Road Group will consider the revised guidelines and model. This is an important pilot to deliver the commitment agreed in the *State Road Funds to Local Government Agreement 2018/19 to 2022/23* to work towards establishing a road safety management system. If the approach is successful, work will commence with other Regional Road Groups regarding the road safety focus of their project prioritisation guidelines.

Road – Rail Interface Agreements

WALGA, Main Roads WA and the Public Transport Authority (PTA) continue to develop a revised Road-Rail Interface Agreement. The draft Agreement, which identifies the responsibilities of the parties to manage risks associated with a road/rail crossing on the PTA network, will be provided to Local Governments for consideration and feedback.

Transport and Roads Forum 2021

Due to repeated COVID-related postponements, the Transport and Roads Forum has been cancelled for 2021. All registration fees have been refunded. Planning will begin for a 2022 Transport and Roads Forum later this year.

Funding

Regional Road Safety Program

A proposed \$35 million program of work to provide sealed shoulders and audible edge lines on about 1,000km of Local Government roads in 2021/22 has been developed in conjunction with Local Governments and Main Roads WA. Main Roads has informed all Local Governments with proposed projects that have been put forward to the Commonwealth for approval. The program must be completed in two six month tranches starting in July 2021. The first tranche of projects have been approved by the Commonwealth Government. WALGA has been working with the Local Governments in the South West region, seeking to identify the best ways to support the procurement and delivery of these projects

Urban and Regional Transport

Regional Roadworks Signage Review

Engagement with Local Governments, the traffic management industry, road contractors, transport industry and the general public concerning their experience with roadworks signage in regional WA has been completed. This input, along with findings of video-recorded drive throughs of road works sites and desk top analyses is being used to inform recommendations to the Minister for Transport that will be finalised in August.

Draft State Infrastructure Strategy

Work has commenced to identify the opportunities, threats and missed opportunities for Local Governments as a consequence of the infrastructure strategy as set out in the draft "*Foundations for a Stronger Tomorrow*". Local Governments are encouraged to participate in the forums being delivered by Infrastructure WA.

Agricultural Supply Chain Improvements Program

The Association has encouraged and supported Local Governments to actively participate in forums convened by the Department of Transport to consult with stakeholders regarding the prioritisation of projects identified in the Revitalising Agricultural Region Freight Strategy and the Tier 3 rail engineering reviews. There is \$178 million of Federal and State funding to be allocated over the coming three years.

7.1.4 Report on Key Activities, Strategy, Policy and Planning Unit (01-006-03-0017 NM)

By Nicole Matthews, Acting Executive Manager, Strategy, Policy and Planning

Moved: Cr Ronnie Fleay
Seconded: President Cr Malcolm Cullen

That the Key Activities Report from the Strategy, Policy and Planning Unit to the September 2021 State Council meeting be noted.

RESOLUTION 283.5/2021

CARRIED

Economics and Strategic Projects

Immediate Spending Priorities for the WA Government

WALGA recently prepared a strategic policy platform identifying the immediate spending priorities for the McGowan Government in its second term (see item 6.4). WALGA is encouraging the Government to use the State's strong financial position to build upon the success of its COVID-19 Recovery Plan, and further invest in areas that will ensure that the State is well placed to address looming economic, environmental and social challenges. These initiatives primarily relate to the extension or expansion of existing successful State Government programs in areas including climate change adaptation, waste management, small business support, underground power and housing. The document will be provided to the State Government in coming weeks.

Economic Briefing

In August, WALGA released its latest Economic Briefing, which contained updated forecasts for the Local Government Cost Index (LGCI). Costs faced by Local Governments are expected to rise in coming years due to strengthening economic activity and capacity constraints in the construction sector. WALGA's latest forecasts indicate that the LGCI will grow by 3.2% in 2021-22, and 2.8% in 2022-23. Given challenges with forecasting in the current environment, WALGA is urging caution when using the LGCI, and encouraging Local Governments to take into account their own local issues and experiences when considering cost pressures, and prepare multiple scenarios for cost increases coming years.

Environment

Regional Climate Alliances

Following strong advocacy from WALGA, the State Government provided \$550,000 over two years to support a trial of regional Local Governments forming alliances or partnerships to work collaboratively to drive action on climate change as a key initiative of the *Western Australian Climate Policy*. Following a competitive expression of interest process, the South Coast Alliance (Shires of Plantagenet, Jerramungup, Denmark and the City of Albany) and the Goldfields Voluntary Regional Organisation of Councils (GVROC) (City of Kalgoorlie-Boulder, Shires of Coolgardie, Dundas, Esperance, Laverton, Leonora, Menzies, Ngaanyatjarraku and Wiluna) were selected. Under the trial, the alliances will receive funding to employ alliance facilitators and grants for climate change mitigation and adaptation actions.

WaterWise Perth Urban Canopy Grants Program

WALGA is administering the Water Corporation's WaterWise Perth Urban Canopy Grants Program, which aims to increase canopy cover in high heat risk areas of the Perth and Peel regions through support for additional tree planting or the bringing forward of future planting in Local Governments' urban forest plans. A total of \$607,500 in grants has been awarded to 18 Local Governments: the Cities of Armadale, Bayswater, Canning, Cockburn, Fremantle, Gosnells, Kalamunda, Kwinana,

Melville, Perth, Rockingham, South Perth, Swan and Vincent; the Shire of Serpentine-Jarrahdale; and the Towns of Bassendean, Cottesloe and East Fremantle.

Planning and Building

Crossover Working Group

WALGA is participating in the Minister for Local Government's Crossover Working Group which is aimed at achieving greater standardisation of both crossover approval processes and crossover specifications, and reducing regulatory burden for proponents. Membership of this group includes officers from metropolitan and regional Local Governments alongside government and industry representatives. The group is currently working through a preferred new model that will meet the Government's objectives. WALGA is taking a proactive and positive approach while also seeking to ensure that the interests of Local Government are highlighted and considered. The work of the group is likely to result in regulatory changes, with these being subject to consultation with the sector at a later date.

CHRMAP Forum

WALGA hosted the Local Government Coastal Hazard Risk Management and Adaptation Planning (CHRMAP) Forum on Thursday, 24 June. The Forum provides opportunities for officers working in coastal Local Governments in WA to share information, challenges and experiences in relation to coastal hazard risk management adaptation planning and coastal adaptation in general. Over 30 officers participated in the latest forum. Guest presentations from Cardno and the City of Rockingham focused on planning for coastal inundation. The Forum is also currently developing an *Advocacy Priorities Paper*.

DAP Working Groups and Planning Reform Phase 2

The Department of Planning, Lands and Heritage (DPLH) is currently engaging with stakeholders on changes to the DAP system as part of Phase 2 of the State Government's Planning Reform agenda. This includes the formation of stakeholder reference groups (SRGs) for industry and Local Government. The Local Government group, which includes WALGA and officers from eight Local Governments, has met twice, focusing on the regional DAPs and the new Special Matters DAP. The DAP SRGs are running concurrently with the Government's Phase 2 Planning Reform consultation. WALGA, through its submission on the Government's Phase 2 Planning Reforms, has outlined a number of proposed changes to the DAP system in line with existing advocacy positions. The draft submission is presented for endorsement as part of the September 2021 State Council Agenda (item 5.3).

Local Government Building Surveyor Snapshot

WALGA recently undertook a survey of Local Government Building Surveyors to better understand the current sustainability of the industry. In recent months, WALGA has been approached repeatedly with difficulties around filling vacancies and the demographic trends in the profession. WALGA received 64 responses from 39 Local Governments, which equates to approximately half of all Local Government building surveyors. Of these, **51% plan** to leave the industry within five years, which equates to **628 years** of local experience leaving the sector. WALGA has briefed the Commerce Minister's office on these findings and met with the Department of Mines, Industry Regulation and Safety (DMIRS) Director General to discuss options to address this issue.

Resilient Communities

Animal Welfare in Emergencies Grants

WALGA is currently administering the second round of the Animal Welfare in Emergencies Grant Program. This round includes funding to cover the cost of incident response training for Local Government officers and project grants of up to \$10,000 for individual Local Governments and collaborative grants of up to \$25,000.

On Tuesday, 22 June WALGA hosted a webinar on Local Plans for Animal Welfare, with presentations from the City of Swan, Shire of Mundaring and DPIRD about their experiences during the Woorloo Bushfires earlier this year. The recording is available [here](#).

South West Native Title Settlement Webinar

On Thursday, 17 June WALGA hosted a webinar to provide an update for Local Governments on the South West Native Title Settlement (SWNTS), with more than 90 regional and metropolitan Local Government officers participating. The update included an overview of the SWNTS; the governance structure of the South West Aboriginal Land and Sea Council (SWALSC) and the six Noongar regional corporations; the Noongar Land Estate; Aboriginal heritage; and customary activities on Crown and conservation estate lands. The presentations and recording are now available on the [WALGA website](#). WALGA will continue to work in partnership with SWALSC, the Noongar Boodja Trustee, the Department of the Premier and Cabinet (DPC) and the Department of Planning, Lands and Heritage (DPLH) to provide information and support to Local Governments.

WALGA is hosting an all-day Aboriginal Engagement and Reconciliation Forum for officers and Elected Members at the Crown Perth on Wednesday, 22 September 2021. The Forum will focus on how Local Governments can develop strong, ongoing relationships with local Aboriginal communities that recognise our shared cultural heritage, create opportunities for Aboriginal empowerment, and celebrate successes.

Future Emergency Welfare Management Partnership Forum

On Tuesday, 27 July 2021 WALGA staff attended the Future Emergency Welfare Management Partnership Forum hosted by the Department of Communities. The focus of the Forum was to explore how stakeholders can best collaborate to build capability and capacity to support communities during and after disasters; establish what processes, systems and frameworks need to be in place at a local, regional and state level prior to and during a disaster and recovery. Discussion focused on the six emergency welfare domains that are the responsibility of the Department of Communities: emergency accommodation, emergency food provision, emergency clothes and personal requisites, personal support services, registration and reunification and financial assistance.

7.2 Policy Forum Report (01-006-03-0007 TB)

By Tony Brown, Executive Manager, Governance and Organisational Services

Moved: Cr Frank Cvitan
Seconded: Cr Chris Mitchell

That the report on the key activities of WALGA Policy Forums to the September 2021 State Council meeting be noted.

RESOLUTION 284.5/2021

CARRIED

Electoral Reform Policy Forum

WALGA President, Mayor Tracey Roberts JP, established an Electoral Reform Policy Forum in May 2021 to guide WALGA's submission to the [Ministerial Expert Committee on Electoral Reform](#), formed by the Minister for Electoral Affairs, Hon John Quigley MLA, on 30 April to put forward:

1. Recommendations as to how electoral equality might be achieved for all citizens entitled to vote for the Legislative Council, and
2. Recommendations for the distribution of preferences in the Legislative Council's proportional representation system.

The Policy Forum met twice in May 2021 to develop [WALGA's submission](#) to the Ministerial Expert Committee, which was endorsed by State Council by Flying Minute on Friday, 4 June 2021.

Since the close of the submission period, the WALGA President has requested a meeting with the Minister for Electoral Affairs, Hon John Quigley MLA, to present the Local Government sector's views on this issue, and has written to all Members of Parliament to outline the sector's concerns and provide a copy of WALGA's submission.

The Policy Forum met again on 22 July 2021 to consider a request from the Central Country Zone for a social media campaign emphasising the importance of regional, rural and remote political representation. To that end, a social media-based campaign is being developed to present the sector's position on this issue. An initial tactic of the campaign will be to publish the perspective of regional Local Government on the potential outcomes in the monthly WALGA column in The West Australian.

WALGA will continue to keep the sector informed on developments relating to Electoral Reform relating to the Legislative Council.

No other Policy Forums have met since the last State Council meeting.

7.3 President's Report

Moved: Cr Les Price
Seconded: Cr Deb Hamblin

That the President's Report for September 2021 be received.

RESOLUTION 285.5/2021

CARRIED

7.4 CEO's Report

Moved: President Cr Phillip Blight
Seconded: Cr Chris Mitchell

That the CEO's Report for September 2021 be received.

RESOLUTION 286.5/2021

CARRIED

7.5 Ex-Officio Reports

7.5.1 LG Professionals Report

Mr Jamie Parry, President, LG Professionals WA, is an apology for the meeting.

7.5.2 City of Perth Report

The Rt. Hon. Lord Mayor Basil Zempilas is an apology for the meeting.

8. ADDITIONAL ZONE RESOLUTIONS

Moved: President Cr Phillip Blight
Seconded: Mayor Peter Long

That the additional Zone Resolutions from the September 2021 round of Zone meetings as follows be referred to the appropriate policy area for consideration and appropriate action.

RESOLUTION 287.5/2021

CARRIED UNANIMOUSLY

CENTRAL COUNTRY ZONE

Social Housing Economic Recovery Package Grant Funding (Strategy, Policy and Planning)
That the Zone requests WALGA to advocate for more state funding for housing in the regions.

CENTRAL METROPOLITAN ZONE

Model Local Planning Policy – Bicycle Parking and Infrastructure (Strategy, Policy and Planning)

That WALGA support and advocate to the State Government through Planning Reform, the development of a Model Local Planning Policy which provides consistency and certainty with regards to Bicycle Parking and Infrastructure in relation to residential, mixed and commercial development applications.

This is important to provide appropriate and consistent minimum ratios and requirements for appropriate locations of secure bicycle parking, as well as providing adequate and accessible end of trip facilities for cyclist across all Local Governments in Western Australia. It is also recommended that in its development, e-bikes, e-scooters, and motorcycles are also considered as their use and needs are similar, and becoming increasingly popular.

That WALGA support Priority 60 of the Infrastructure Draft Strategy by way of submission.

WALGA Submission on Infrastructure WA Draft Strategy (Infrastructure)

That the Central Zone request the WA Local Government Association makes a submission regarding the Infrastructure WA Draft Strategy pertaining to Priority (21)(b) page 266 “Modernising infrastructure legislation through targeted amendments, by evaluating the success of temporary COVID19 measures and identify if these changes in project approvals are suitable for permanent adoption” that include:

1. Opposition to the extension of operation or the permanent adoption of the State Development Assessment (SDAU) Process
2. A position that strengthens and prioritises the role of the Local Government Planning Schemes to ensure orderly and proper planning
3. A recommendation that WAPC consult with WALGA to agree on steps to create greater clarity, balance and transparency in the consultation process with the relevant local government(s) in respect of SDAU applications, while the SDAU process is in effect
4. A recommendation that WALGA be consulted on any terms of reference going forward that assess the “success of temporary COVID19 measures”.

EAST METROPOLITAN ZONE

Abandoned Shopping Trolleys (Governance and Organisational Services)

That the East Metropolitan Zone requests WALGA to lead an advocacy program to the State Government and major retailers on behalf of Local Governments for improvements related to the management of shopping trolleys in public spaces. This could include an amendment to the *Local Government Act*, which includes the power for a dedicated shopping trolley containment system Local Law to be created, or any other suitable mechanism that will reduce the number of abandoned shopping trolleys.

Regional Telecommunications Review (Intergovernmental Relations and Risk)

That the East Metropolitan Zone provides the following input to the WALGA submission:

- The East Metropolitan Zone would like an independent telecommunications committee to be established to deal with black spots and telecommunications issues in peri urban and metropolitan areas.

Elected Member Training (Governance and Organisational Services)

That WALGA be requested to consider providing some Elected Member training on Saturdays.

GASCOYNE COUNTRY ZONE

Regional Telecommunications Review (Intergovernmental Relations and Risk)

That the Gascoyne Country Zone provides the following input to the WALGA submission:

1. Lack of communication between utility companies
2. Poor mobile phone coverage

GREAT EASTERN COUNTRY ZONE

Regional Telecommunications Review (Intergovernmental Relations and Risk)

That the Great Eastern Country Zone provides the following input to the WALGA submission:

1. The Zone would like to establish a better policy with the providers on the use of backup generators for better service reliability and delivery.
2. More engagement with Local Governments for input, particularly in regards to local blackspots and optimum tower locations.

NORTH METROPOLITAN ZONE

Local Government Caretaker Policy (Governance and Organisational Services)

The North Metropolitan Zone notes the changes in the date of the 2021 WALGA conference and asks for WALGA to send out a guidance note to Councils to advise Councils to address their election caretaker policy to ensure no elected members are disadvantaged. The City of Stirling advised they will put in a recommendation to their Council to that effect.

PEEL COUNTRY ZONE

State Government Support for Pensioner Rebates for Rates (Governance and Organisational Services)

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.

Bauxite Mining Expansion and State Agreements (Strategy, Policy and Planning)

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.

PILBARA COUNTRY ZONE

Regional Telecommunications Review (Intergovernmental Relations and Risk)

That the Pilbara Country Zone provides the following input to the WALGA submission:

1. Request the Federal Government to fulfil the commitment of full mobile coverage on the North West Coastal Highway.
2. Request the Federal Government to ensure that the drawdown of data, particularly from autonomous vehicles used by the mining sector, doesn't compromise the quality and reliability of service.

SOUTH EAST METROPOLITAN ZONE

Planning Fees (Strategy, Policy and Planning)

That the South East Metropolitan Zone asks WALGA to object, in the strongest possible terms, to the State Government's decision to increase DAP application fees by 1.75% this year, while leaving Local Government development application fees on hold again.

Transparency in State Government Fees and Charges (Governance and Organisational Services)

That the South East Metropolitan Zone asks WALGA to advocate for greater transparency in fees charged by State Government agencies that have a monopoly on the delivery of services to Local Governments, including the Office of the Auditor General, the Valuer General and the Western Australian Electoral Commission, with invoices issued to Local Governments detailing how fees are determined.

Administration Fee for the Emergency Services Levy (Strategy, Policy and Planning)

That the South East Metropolitan Zone asks WALGA to advocate for an increase in the administration fee for the Emergency Services Levy as an interim measure in advance of a full review.

SOUTH WEST COUNTRY ZONE

Role of the Department of Local Government (Governance and Organisational Services)

That the South West Country Zone requests WALGA to advocate for additional resources to be provided to the Department of Local Government to enable the Department to provide greater compliance and regulatory framework support to the Local Government sector.

Regional Telecommunications (Intergovernmental Relations and Risk)

That the South West Country Zone:

1. Notes the Regional Telecommunication Review 2021; and
2. Encourages individual Local Governments to provide input to the WALGA submission.

9. DATE OF NEXT MEETING

The next ordinary meeting of the WALGA State Council will be held in the Boardroom at WALGA, ONE70, LV1, 170 Railway Parade, West Leederville on **Wednesday, 1 December** commencing at 4:00pm.

10. CLOSURE

The Chair thanked the Shire of Broome and the Kimberley Country Zone for their hospitality.

There being no further business the Chair declared the meeting closed at **12:05pm**.

DECLARATION

These minutes will be confirmed at the next meeting held on 1 December 2021.

Signed

Person presiding at the meeting at which these minutes were confirmed

STATUS REPORT ON STATE COUNCIL RESOLUTIONS To the September 2021 State Council Meeting

MEETING DATE	RESOLUTION	COMMENT	Completion Date	Officer Responsible
7 July 2021 Item 5.1 Reviews of the <i>Cat Act 2011</i> and <i>Dog Act 1976</i>	That WALGA seek a commitment from the State Government: <ol style="list-style-type: none"> 1. for the conduct of comprehensive reviews of the Cat Act 2011 and Dog Act 1976; 2. that the reviews incorporate Local Government-specific consultation processes, coordinated in discussion with WALGA and Local Government stakeholders; 3. any call for review includes specific outcomes rather than just consultation with the Local Government sector; and 4. any review include cost recovery permitted by Local Government through animal registrations. RESOLUITION 232.4/2021	Correspondence has been sent to the Minister for Local Government advising of the State Council resolution.	Complete	Tony Brown Executive Manager Governance and Organisational Services
7 July 2021 Item 5.2 Amendments to WALGA's Constitution	That the WALGA Constitution be amended as follows: <ol style="list-style-type: none"> 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) 	An item has been prepared for the Annual General Meeting to be held on 20 September 2020 where a Special majority of 75% of delegates is required to amend the constitution.	In-progress	Tony Brown Executive Manager Governance and Organisational Services

MEETING DATE	RESOLUTION	COMMENT	Completion Date	Officer Responsible
	<p>9. Clause 12 (1) – DELETE “as, being entitled to do so, vote in person”</p> <p>10. DELETE Clause 12 (2)</p> <p>11. Clause 12 (3) – DELETE “as, being entitled to do so, vote in person”</p> <p>12. Clause 12 (4) – DELETE “as, being entitled to do so, vote in person”</p> <p>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”.</p> <p>14. Clause 16 (2) (f) – REPLACE two instances of “2” with “1”.</p> <p>15. INSERT Clause 16A – Election Procedure – President and Deputy President</p> <p>(1) An election to elect the President or Deputy President shall be conducted as follows:</p> <p>(a) the Chief Executive Officer or his/her delegate shall act as returning officer;</p> <p>(b) representatives are to vote on the matter by secret ballot;</p> <p>(c) votes are to be counted on the basis of “first-past-the-post”;</p> <p>(d) the candidate who receives the greatest number of votes is elected;</p> <p>(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;</p> <p>(f) any nomination for the office may be withdrawn, and further nominations may be made, before or when the meeting resumes;</p>			

MEETING DATE	RESOLUTION	COMMENT	Completion Date	Officer Responsible
	<p>(g) when the meeting resumes, an election will be held in accordance with sub-sections 1(a), 1(b), 1(c) and 1 (d);</p> <p>(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.</p> <p>16. Clause 21 (4) – REPLACE “Chairman” with “Chair”.</p> <p>17. Clause 22 (1) – REPLACE “in August or September of” with “prior to 31 October”.</p> <p>18. Clause 22 (3) – DELETE “in person”</p> <p>19. DELETE Clause 22 (4) (b).</p> <p>20. Clause 23 (3) – DELETE “in person”</p> <p>21. Clause 24 (2) – DELETE “and of which vote is to be exercised in person”</p> <p>22. Clause 24 (4) – DELETE “as, being entitled to do so, vote in person”</p> <p>23. Clause 28 (1) – DELETE “The common seal shall be held in the custody of the Chief Executive Officer at all times.”</p> <p>24. Clause 29 (1) – DELETE “as, being entitled to do so, vote in person”</p> <p>25. Clause 29 (2) – DELETE “as, being entitled to do so, vote in person”</p> <p>26. Clause 31 (4) (c) – DELETE “and Regional Development”.</p> <p>RESOLUTION 233.4/2021</p>			
<p>5 May 2021 Item 5.1 Local Government Financial Ratios</p>	<p>That WALGA:</p> <p>1. Advocate to the Minister for Local Government to amend the <i>Local Government (Financial Management) Regulations 1996</i> to prescribe the following ratios:</p> <p>a. Operating Surplus Ratio,</p> <p>b. Net Financial Liabilities Ratio,</p>	<p>Correspondence has been sent to the Minister for Local Government advising of this resolution. The letter was also cc'd to the Director General of the Department of Local Government Sport & Cultural Industries.</p> <p>A response has been received from the Minister as follows;</p> <p><i>WALGA s recommendations have been forwarded to the Department of Local Government, Sport and Cultural</i></p>	<p>Complete</p>	<p>Tony Brown Executive Manager Governance and Organisational Services</p>

MEETING DATE	RESOLUTION	COMMENT	Completion Date	Officer Responsible
	<p>c. Debt Service Coverage Ratio, and d. Current Ratio.</p> <p>2. Recommend that Local Governments consider including Asset Management ratios in their Annual Report.</p> <p>3. Request the Department of Local Government, Sport and Cultural Industries to review the Asset Management ratios in consultation with the Local Government sector.</p> <p>4. Continue the Local Government Financial Ratios Working Group as a reference group for the development of a Model set of Financial Statements and Budget Statements, and to establish new financial indicators.</p> <p>RESOLUTION 204.2/2021</p>	<p><i>Industries (DLGSC) to enable them to progress the project and provide further advice on the proposals for model financial statements, model budget statements and reduced detail in annual financial reports.</i></p> <p><i>The sector's contribution on these initiatives is encouraging and I am supportive of the DLGSC continuing to work with WALGA's reference group.</i></p>		
<p>5 May 2021 Item 5.3 Western Australian Development Index</p>	<p>That the development and implementation of the Western Australian Development Index, led by the Department of Local Government, Sport and Cultural Industries, be supported, subject to:</p> <p>1. WALGA and the Local Government sector being represented on the governance group providing oversight to the project, and</p> <p>2. The Department of Local Government, Sport and Cultural Industries committing to provide further consultation opportunities to the Local Government sector as the project progresses.</p> <p>RESOLUTION 206.2/2021</p>	<p>Correspondence has been sent to the Department of Local Government Sport and Cultural Industries advising of State Council's resolution.</p> <p>No response has been received to date.</p>	Ongoing	Tony Brown Executive Manager Governance and Organisational Services
<p>5 May 2021 Item 5.4 Review of the State Industrial Relations System</p>	<p>That WALGA:</p> <p>1. Seek confirmation from the State Government on whether it intends to re-introduce legislation for Local Governments to operate solely in the State Industrial Relations System.</p> <p>2. If the State Government reintroduces legislation to require all Local Governments to operate within the State Industrial Relations System, continue to advocate for the State Government to:</p>	<p>Correspondence has been sent to the Minister for Industrial Relations advising of this resolution.</p> <p>A meeting was held with the Minister for Industrial Relations on 14 July 2021.</p> <p>The Minister advised that this legislation is likely to be introduced in the spring session in Parliament and hopes the</p>	Ongoing	Tony Brown Executive Manager Governance and Organisational Services

MEETING DATE	RESOLUTION	COMMENT	Completion Date	Officer Responsible
	<p>a. Amend the <i>Industrial Relations Act 1979 (WA)</i> to include additional provisions to modernise the State IR system; and</p> <p>b. Provide adequate funding and resourcing to ensure Local Governments are equipped with the appropriate tools and training to enable a smooth transition.</p> <p>RESOLUTION 207.2/2021</p>	<p>legislation will go through State Parliament prior to Christmas 2021.</p> <p>This legislation then requires the support of the Federal Government.</p>		
<p>3 March 2021 Item 5.3 Eligibility of Slip On Fire Fighting Units for Local Government Grants Scheme Funding</p>	<p>That WALGA:</p> <ol style="list-style-type: none"> Supports the inclusion of capital costs of Trailer Fire Fighting Units and Slip On Fire Fighting Units including for Farmer Response Brigades (for use on private motor vehicles) on the Eligible List of the Local Governments Grants Scheme (LGGGS). Requests the Local Government Grants Scheme Working Group to include this matter on the Agenda of their next Meeting (expected March 2021). Requests WALGA to work with the Local Government Grants Scheme Working Group to develop appropriate operational guidelines and procedures for the safe use of Slip On Fire Fighting Units funded in accordance with the LGGGS. Supports the update of the WALGA membership of the Local Government Grants Scheme Working Group to include one Local Government Elected Member and one Local Government Officer, with these appointments determined through the WALGA Selection Committee process. <p>RESOLUTION 180.1/2021</p>	<p>A letter was sent to DFES Commissioner Klemm on 16 March 2021 advising of State Council's decision on 3 March. The Local Government Grants Scheme Working Group met on 20 March 2021 however did not discuss eligible items in the Manual. An EOI process for the Officer position was successful but a second round process will be run for the Elected member position.</p> <p>DFES has advised that the Local Government Grants Scheme Working Group has been discontinued. WALGA CEO Nick Sloan is meeting with the DFES Commissioner Darren Klemm on 2 August to discuss how Local Government input to the LGGGS Manual will be collected in future.</p> <p>DFES advised on 4 June 2021 that the matter of eligibility of slip on units was not yet finalized. A further follow up email was sent on 26 July 2021.</p>	May 2021	Narelle Cant Executive Manager Strategy, Policy and Planning
<p>2 December 2020 Item 5.3 Family and Domestic Violence and the Role of LGs</p>	<p>That:</p> <ol style="list-style-type: none"> 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. 	<p>In February 2021 WALGA wrote a letter to the Director General Communities, Michelle Andrews, to advise of WALGA State Council's newly adopted policy position on family and domestic violence.</p> <p>WALGA met with the Department of Communities on Thursday, 25 February 2021 to discuss WALGA State Council's endorsed policy position and key advocacy</p>	Ongoing	Narelle Cant Executive Manger Strategy, Policy and Planning

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	<p>2. WALGA advocates to the State Government:</p> <ol style="list-style-type: none"> to work with Local Government in defining the role and responsibilities and expectations of Local Governments in family and domestic violence. for adequate funding for family and domestic violence programs and services, particularly in regional areas. 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. to provide support to Local Government in the broader rollout of the Prevention Toolkit for Local Government. to continue advocacy to the Commonwealth Government for additional funding and support. <p>3. WALGA organises presentations for Local Governments that address family and domestic violence, as part of relevant events or webinars.</p> <p>RESOLUTION 144.6/2020</p>	<p>statements. The key message provided was that the Department of Communities needs to engage more thoroughly with Local Governments, and in particular more engagement and communication is required regarding the State Strategy which was adopted in July 2020.</p> <p>Since 18 January 2021 WALGA has been meeting with the Australian Local Government Association and other Local Government Associations, together with Our Watch (the National prevention agency established by the Commonwealth Government) to share information and combine advocacy efforts for Local Governments across Australia. Our Watch is working on a strategy to engage more thoroughly with Local Governments across Australia through this group.</p> <p>WALGA in collaboration with the Local Government Community Safety Network Steering Committee delivered an event on 18 May focusing on family and domestic violence.</p> <p>WALGA has recently been added to the Department of Communities Path to Safety Steering Group. The next meeting is on 16 August 2021.</p>		
<p>1 July 2020 Item 5.4 WALGA JLT Scheme Management Agreement Extension</p>	<p>State Council require that:</p> <ol style="list-style-type: none"> The terms of existing WALGA JLT/Marsh Scheme Management Agreement be maintained for a further 12 months or until the review actions are completed. A contingency planning project be undertaken to ensure the WALGA LGIS insurance service is competitive, resilient and appropriate to serve the needs of Member Councils. All other details as to the State Council LGIS review to remain confidential. <p>RESOLUTION 95.3/2020</p>	<ol style="list-style-type: none"> Action implemented. Completed Contingency planning project in scoping stage. To be aligned with previous review actions with a June 2022 completion target. 	July 2021	Zac Donovan Executive Manager Commercial and Communications
<p>5 December 2018 Item 5.1</p>	<p>That WALGA:</p> <ol style="list-style-type: none"> Opposes withdrawal of the "Letter of Approval" Restricted Access Vehicle Operating Condition until 	<p><i>On advice from the State Solicitors Office, Main Roads WA is intending to remove the CA07 condition that requires a transport operator to obtain a letter of approval from the</i></p>	Ongoing	Ian Duncan Executive Manager Infrastructure

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Proposed Removal by Main Roads WA of the "Letter of Approval" Restricted Access Vehicle Operating Condition	<p>an acceptable alternative to Local Government is developed;</p> <ol style="list-style-type: none"> Supports the position that Local Governments not use provision of the Letter of Authority to charge transport operators to access the Restricted Access Vehicle network; Supports the development of standard administrative procedures including fees and letter formats; and Supports the practice of Local Governments negotiating maintenance agreements with freight owners/ generators in cases where the operations are predicted to cause extraordinary road damage as determined by the Local Government. Advocates to Main Roads to establish a stakeholder working group to develop an appropriate mechanism through which the increased infrastructure costs from the use of heavy vehicles and those loaded in excess of limits (concessional loading) can be recovered from those benefiting, and redirected into the cost of road maintenance. <p>RESOLUTION 132.7/2018</p>	<p><i>relevant Local Government. Main Roads is proposing to replace the condition with a notification process (CA88). After consultation with Regional Road Groups and a Stakeholder Working Group, the overwhelming majority of participants are of the view that the proposed arrangement is not an acceptable alternative. WALGA has written to Main Roads WA stating that WALGA does not support the alternative and that the position adopted by State Council in December 2018 has not changed.</i></p>		
<p>5 December 2018 Item 4.1</p> <p>State / Local Government Partnership Agreement on Waste Management and Resource Recovery</p>	<ol style="list-style-type: none"> That State Council endorse investigating a State / Local Government Partnership Agreement on Waste Management and Resource Recovery. That the item be referred to MWAC for is development and negotiation with the State Government. A report regarding a proposed "State / Local Government Partnership Agreement on Waste Management and Resource Recovery" be brought back to the next meeting of State Council. <p>RESOLUTION 131.7/2018</p>	<p>MWAC has sought a meeting with the new Minister for Environment, Hon Amber-Jade Sanderson, MLA and this matter will be on the agenda.</p>	Ongoing	Narelle Cant Executive Manager Strategy, Policy and Planning