



Great Eastern Country Zone

Minutes

Tuesday, 20 June 2023
Commenced at 9:03am

Shire of Kellerberrin
Recreation and Leisure Centre
110 Massingham Street Kellerberrin 6410

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1. **Opening and Welcome**

The Chair declared the meeting open at 9.03am.

1.1 Acknowledgement of Country

We, the Great Eastern Country Zone of WALGA acknowledge the Traditional Custodians of this land, and pay our respects to their Elders past, present and future.

2. Attendance and Apologies

Shire of Bruce Rock	President Cr Stephen Strange Deputy President Cr Tony Crooks [JM1] Mr Darren Mollenoyux, Chief Executive Officer, non-voting
Shire of Cunderdin	Mr Stuart Hobley, Chief Executive Officer, non-voting
Shire of Kellerberrin	Deputy President Cr Emily Ryan Mr Raymond Griffiths, Chief Executive Officer, non-voting
Shire of Koorda	President Cr Jannah Stratford
Shire of Merredin	President Cr Mark McKenzie
Shire of Mount Marshall	President Cr Tony Sachse (Chair) Deputy President Cr Nick Gillett Mr Ben McKay, Chief Executive Officer, non-voting
Shire of Nungarin	President Cr Pippa de Lacy Deputy President Cr Gary Coumbe
Shire of Tammin	President Cr Glenice Batchelor Ms Joanne Soderlund, Chief Executive Officer, non-voting
Shire of Westonia	President Cr Mark Crees Jasmine Geier – Deputy CEO, non-voting
Shire of Wyalkatchem	President Cr Quentin Davies (Deputy Chair) Cr Mischa Stratford
Shire of Yilgarn	Deputy President Cr Bryan Close Mr Nic Warren, Chief Executive Officer, non-voting
Guests	
Water Corporation	Rebecca Bowler, Manager, Customer & Stakeholder
Regional Development Australia	Mandy Walker, Director RDA Wheatbelt
NEMA	Amelta Balme
Main Roads WA	Mohammad Siddiqui, Regional Manager Wheatbelt
WALGA	Paul Kelly WALGA Deputy President,



James McGovern, Manager Governance & Procurement
Naoimh Donaghy, Governance & Organisational Services Officer

Apologies

Shire of Cunderdin	President Cr Alison Harris Deputy President Cr Tony Smith
Shire of Dowerin	President Cr Robert Trepp Cr Darrel Hudson Ms Rebecca McCall, Chief Executive Officer, non-voting
Shire of Kellerberrin	President Cr Scott O' Neill
Shire of Kondinin	President Kent Mouritz Deputy President Cr Beverley Gangell Mr David Burton, Chief Executive Officer, non-voting
Shire of Koorda	Mr Darren Simmons, Chief Executive Officer, non-voting Deputy President Cr Buster Cooper
Shire of Merredin	Cr Donna Crook Ms Lisa Clack, Chief Executive Officer, non-voting
Shire of Mukinbudin	President Cr Gary Shadbolt Deputy President Romina Nicoletti Mr Dirk Sellenger, Chief Executive Officer, non-voting
Shire of Narembeen	President Cr Kellie Mortimore Deputy President Cr Scott Stirrat Mr Paul Sheedy, A/Chief Executive Officer, non-voting
Shire of Tammin	Deputy President Cr Tanya Nicholls
Shire of Trayning	President Cr Melanie Brown Deputy President Cr Geoff Waters Ms Leanne Parola, Chief Executive Officer, non-voting
Shire of Westonia	Mr Bill Price, Chief Executive Officer, non-voting Deputy President Cr Ross Della Bosca
Shire of Wyalkatchem	Deputy President Cr Owen Garner Mr Peter Klein, Chief Executive Officer, non-voting
Shire of Yilgarn	President Cr Wayne Della Bosca
Guests	
Wheatbelt Development Commission	Susan Hall, A/Chief Executive Officer Pip Gooding, Regional Development Officer Wheatbelt South



Department of Local Government,
Sport, & Cultural Industries
Wheatbelt Development Commission

Samantha Cornthwaite, Regional Manager Wheatbelt
Renee Manning, Principal Regional Development Officer

Members of Parliament

Hon Mia Davies MLA, Member for Central Wheatbelt
Hon Martin Aldridge MLC, Member for Agricultural Region
Hon Darren West MLC, Member for Agricultural Region
Hon Peter Rundle MLA, Member for Roe

WALGA

Cliff Simpson, Regional Road Safety Advisor

Attachments

The following are provided as attachments to the minutes:

1. Item 8.5 Water Corporation presentation

4. Declarations of Interest

2. Announcements

The Chair welcomed Cr Paul Kelly WALGA Deputy President to the meeting.

6. Guest Speakers / Deputations

6.1 Speakers for the August Zone Meeting

NIL

7. Members of Parliament

Any Members of Federal and State Government in attendance were invited to provide a brief update on matters relevant to the Zone.

Noted



8. Agency Reports

8.1 Department of Local Government, Sport, and Cultural Industries

Samantha Cornthwaite, Regional Director Wheatbelt is an apology. The May 2023 report was attached.

Noted

8.2 Wheatbelt Development Commission

Renee Manning, Principal Regional Development Officer is an apology, The June 2023 report was attached.

Noted

8.3 Regional Development Australia Wheatbelt

Mandy Walker, Director Regional Development, provided an update to the Zone.

Noted

8.4 Main Roads Western Australia

Mohammad Siddiqui, Regional Manager Wheatbelt, provided an update to the Zone.

Noted

8.5 Water Corporation

Rebecca Bowler, Manager Customer & Stakeholder provided an update to the Zone.

Rebecca's presentation is now attached to the Minutes (Attachment 1)

9. Minutes

9.1 Confirmation of Minutes from the Great Eastern Country Zone meeting held on Monday, 17 April 2023

The Minutes of the Great Eastern Country Zone meeting held on Monday, 17 April 2023 have previously been circulated to Member Councils.

RESOLUTION

Moved: Shire of Tammin

Seconded: Shire of Nungarin

That the minutes of the Great Eastern Country Zone meeting held on Monday, Monday, 17 April 2023 be confirmed as a true and accurate record of the proceedings.

CARRIED

9.2 Business Arising from the Minutes from the Great Eastern Country Zone Meeting held on Monday, 17 April 2023

Nil

9.3 Minutes of the Great Eastern Country Executive Committee Meeting held on Tuesday, 6 June 2023

The Minutes of the Great Eastern Country Zone Executive Committee meeting held on Tuesday, 6 June 2023 are attached.

RESOLUTION

Moved: Shire of Tammin

Seconded: Shire of Koorda

That the Minutes of the Great Eastern Country Zone Executive Committee Meeting held on Tuesday, 6 June 2023 be endorsed.

CARRIED

10. Zone Business**10.1 Biosecurity and Agriculture Management Act 2007: Stage 3 Review**

By Rebecca Brown, Manager Environment and Waste

WALGA draft Submission

Executive Summary

- Consultation for Stage 3 of the review of the Biosecurity and Agriculture Management Act 2007 (BAM Act) has commenced, with feedback sought on potential biosecurity reform opportunities.
- WALGA has developed a draft Submission for sector feedback by 26 June.
- Zones are asked to consider and provide feedback on the proposals in the discussion paper and WALGA's draft Submission.
- Local Governments are also strongly encouraged to provide feedback directly to the Review Panel via the online portal by 30 June 2023.
- Local Governments are invited to attend a WALGA webinar on the proposed reforms, which will include a presentation from the Chair of the Independent BAM Act Review Panel, Kaylene Gulich, at 10.30am, Wednesday 14 June.

Background

The first 10-year [statutory review](#) of the [Biosecurity and Agriculture Management Act 2007](#) (BAM Act) is currently underway; this is a key opportunity for Local Government to influence the how post-border biosecurity is managed in Western Australia. The [Independent Panel](#) undertaking the review, is using a three-stage engagement process.

Stage 1 (closed) - Used open submissions and a survey to identify major themes and issues. To inform comment on this stage of the review WALGA prepared a [Discussion Paper](#) which includes 11 key biosecurity themes and related recommendations reflecting issues raised by Local Government, and those identified in the [Auditor General's 2013 and 2020 Reports](#).

Stage 2 (closed) - Stage 1 identified the key themes and stage 2 provided an opportunity to focus on these issues, which included:

- principles to underpin WA's biosecurity, including biosecurity in all contexts and shared responsibility.

- legal foundations of WA's biosecurity, including prioritising pests, weeds and diseases, and enabling industry and community action.
- planning, coordinating, and resourcing WA's biosecurity system, including responsibilities and timing.
- community-led pest and weed management, including the Declared Pest Rate and Recognised Biosecurity Groups.

Stage 3 – (now open) A [Discussion Paper](#) sets out nine priority reform areas, and identifies 21 opportunities to clarify, strengthen and support a strengthened biosecurity system in WA. The nine priority reform areas are:

1. Clarifying the role of the BAM Act
2. Working together to protect WA
3. Planning and reporting- vital to a better biosecurity system
4. Prioritising pests and diseases
5. Emergency powers- a necessary precaution
6. Compensation can boost biosecurity efforts
7. Enabling industries to act
8. Community-led pest management
9. Compliance with WA's biosecurity laws.

Policy Implications

[4.5 Post Border Biosecurity](#)

Western Australia's economy, environment and the community are facing increasing challenges posed by already established and new pests, weeds, and diseases. Local Government has a significant role in biosecurity management, as land managers and regulators, and therefore has an interest in ensuring that Western Australia's biosecurity system, including control of declared pests, is effective and appropriately resourced. WALGA considers significant changes to the operation of the State's biosecurity system, including the Biosecurity and Agriculture Management Act 2007, are required to ensure these risks can be managed now and into the future.

To be effective the Western Australian biosecurity system must:

1. *Take a transparent approach to the notion of 'shared responsibility' by ensuring that:*
 - a. *The respective roles and responsibilities of Commonwealth, State and Local Government, industry, landholders, community groups and individuals are agreed and clearly articulated; and*
 - b. *There is improved pest management on State Government managed land and a formalised structure for State Government agencies with responsibilities for biosecurity management to work together and coordinate their activities.*
2. *Be underpinned by a strategic framework, developed in collaboration with stakeholders, that:*
 - a. *Establishes priorities for biosecurity threats in geographically defined regions, sets measurable targets and guides investment in biosecurity activities; and*
 - b. *Is regularly evaluated and reported on.*
3. *Have a greater focus on environmental biosecurity, through the increased recognition and management of pest species that have significant ecological impacts.*
4. *Be adequately, sustainably, and equitably funded:*
 - a. *The appropriateness and effectiveness of the Declared Pest Rate (DPR) and Recognised Biosecurity Group (RBG) model as key mechanisms for the management of widespread and established declared pests should be reviewed and alternate mechanisms considered;*
 - b. *Increased and more equitable distribution of funding for every step in the biosecurity continuum and adequate resourcing for all stakeholders, including Local Government; and*
 - c. *The provision of funding for declared pest management in metropolitan areas.*
5. *Ensure that the criteria and process for listing of declared pests is evidence-based, timely and transparent.*
6. *Have an increased emphasis on compliance through education and enforcement activity, to ensure land managers are aware of their legislative responsibilities and are supported to implement biosecurity actions.*
7. *Facilitate the use of new technologies, strategic monitoring, and the establishment of data management systems to inform biosecurity investment decisions and support adaptive management.*
8. *Improve the community's understanding, awareness and action in relation to biosecurity to assist with threat surveillance and timely response to incursions.*

Comment

WALGA has developed a Draft Submission (attached) for consideration by the sector and is requesting feedback by **COB Monday 26 June** (via environment@walga.asn.au). WALGA is hosting a webinar regarding Stage 3 of the Review, at 10.30am, Wednesday 14 June, with a presentation from the Chair of the Independent Review Panel, Kaylene Gulich. Register [here](#).

WALGA requests that the Zone consider the Draft Submission and provide feedback to WALGA on:

- The top priority reform areas (from the nine listed) for the Zone
- Any key reform areas which have been missed
- Feedback on WALGA's comments regarding the 21 Opportunities identified.

Local Governments are strongly encouraged to provide feedback directly to the Review Panel by Friday, 30 June 2023 through the online survey portal [here](#).

Noted

10.2 Aboriginal Cultural Heritage Act 2021 - Aboriginal Cultural Heritage Act Update

With the *Aboriginal Cultural Heritage Act 2021* (ACH Act) coming into effect on 1 July 2023 I wanted to take the opportunity to provide you with some information on the legislation's operation and WALGA's advocacy.

The ACH Act replaces the *Aboriginal Heritage Act 1972*. It is intended to provide a contemporary legislative framework for the identification, protection, and management of Aboriginal cultural heritage across WA. Key features of the ACH Act include:

1. An updated definition of Aboriginal cultural heritage (ACH);
2. New structures for the management of Aboriginal cultural heritage, including Local Aboriginal Cultural Heritage Services (LACHS) as a central point of contact for proponents, and the Aboriginal Cultural Heritage Council (ACH Council) to oversee the system;
3. A tiered land use assessment and approvals system that focuses on consultation and agreement making between Traditional Owners and land users;
 - a. This is based around the classification of [activities into tiers](#), depending on the level of ground disturbance;
 - b. Each tier has a corresponding process, and activities are classified as tier 1, tier 2, tier 3, or exempt activity;
 - c. Land users will be required to negotiate agreements with Traditional Owners for any activities considered medium to high ground disturbance that may harm Aboriginal cultural heritage;
 - d. Activities involving minimal or low ground disturbance will benefit from a streamlined approval pathway, encouraging proponents to avoid or minimise impacts;
4. The establishment an online ACH directory of information and documents relevant to Aboriginal cultural heritage;
5. Provisions for the establishment of Protected Areas; and
6. The establishment of new penalties and offences for breaches of the ACH Act.

It is important to bear in mind that all ACH is also protected under the current legislation – the approvals process for disturbing ACH and the system is changing, however all ACH is protected under the current legislation and in fact the exemptions under the new ACH Act do not exist under the current legislation.

WALGA facilitated an Aboriginal Cultural Heritage Education Session delivered by the Department of Planning, Lands and Heritage (DPLH) and WALGA on Wednesday, 10 May which was attended by 80 Local Government representatives from across the State. I encourage those who were unable to attend this session to view the [presentation](#) and [recording](#) from the workshop (including a Q&A session) which provide detailed information on the development and operation of the ACH Act.

Since 2018, WALGA has undertaken the following advocacy and capacity building activities in relation to the development of the ACH Act:

1. Developed five State Council endorsed submissions – most recently WALGA’s Phase Three submission which was endorsed by State Council on 23 December 2022. WALGA’s submissions to the 2022 co-design process can be viewed [here](#).
2. DPLH Director General Anthony Kannis and staff presenting to State Council in September 2022.
3. Provision of formal feedback to DPLH twice via correspondence and a survey.
4. Co-delivered 10 place-based online workshops to contribute to the preliminary work in developing the activity categories in 2021.
5. Convened the Local Government Aboriginal Heritage Reference Group, which has included representation from 26 Local Governments.
6. Co-delivered five information sessions and webinars with DPLH to facilitate consultation with, and provide information to, Local Governments.
7. Advocated for funding for the establishment and ongoing functioning of the new Aboriginal heritage system, with respect to the ACH Council, Local ACH Services (LACHS) and Local Governments in the [2023-24 WALGA Budget Submission](#) and meetings with the Minister for Aboriginal Affairs.

A clear message from sector consultations is that the ACH Act must balance the need to protect Aboriginal cultural heritage with the requirements on Local Government to deliver essential infrastructure works and emergency activities efficiently and effectively to maintain public safety and comply with other legislative responsibilities. Conversations around the activity categories dominated the consultation sessions due to the lack of consideration given to the works undertaken by Local Government early in the co-design process.

As a result of WALGA’s advocacy, significant improvement to the activity categories was made with consideration now given to many every day and emergency works that Local Governments undertake. This includes the exemption of activities such as:

1. Maintaining existing infrastructure that does not involve disturbance to ground beyond that which was disturbed during the construction;
2. Maintenance of waterways and coastlines to rectify accretion and erosion of natural material; and
3. An emergency management activity intended to prevent imminent loss of life, prejudice to the safety, or harm to the health, of persons or animals.

WALGA’s submissions also highlighted the need for the Aboriginal Cultural Heritage Council and Local Aboriginal Cultural Heritage Services (and Local Governments) to be adequately resourced to enable them to respond to applications for permits and management plans pursuant to the new legislation. The [State Government has announced its \\$77million investment](#) into the ACH system which will further support the successful implementation of the ACH Act.

Upcoming Aboriginal Cultural Heritage Act 2021 Education Workshops

DPLH is facilitating education workshops across the State from 24 May – 28 June to support the implementation of the new legislation. Workshops will be held online and, in the Kimberley, Pilbara, Goldfields, Great Southern, Midwest, Southwest, and metropolitan regions. You can register for these workshops [here](#).

WALGA is continuing to advocate for support from DPLH to enhance Local Government knowledge and capability with respect to ACH and the new legislation.

The WALGA President has written to the Minister for Aboriginal Affairs advising that Local Governments across the State require support. Seeking support for the following proposals, which are based on discussions and WALGA’s consultation with Local Governments during the co-design process:



- **Local Government ACH Facilitator**
 - A Local Government ACH Facilitator would provide advice and support to Local Government with respect to their obligations under the Act and build capability, including through facilitating a community of practice, the development of templates and case studies. A similar arrangement already exists through the CoastWA Facilitator role which is funded by DPLH and located at WALGA to provide support and build capacity within Local Government to undertake coastal adaptation planning and management. This arrangement has been very beneficial for DPLH and Local Government and was recently extended by DPLH for a further 3 years.
- **Training**
 - WALGA understands that DPLH and South Metropolitan TAFE are developing ACH training for LACHS. This training could be adapted and made available for Local Government. WALGA is a Registered Training Organisation and may be able to assist in the delivery and/ or development of this tailored Local Government training.
- **Guidance Materials**
 - Given the lack of understanding of ACH in the general community, it is anticipated that Local Governments will receive many enquiries from community members, landowners, small-scale property developers and local businesses about the application of the new legislation. It is proposed that DPLH develops guidance material that Local Governments could share and use to respond to queries and an Advice Note that could be included on development and subdivision approvals.
 - Local Governments and other proponents are required to comply with various legislative and regulatory requirements in addition to the Act, including environmental, planning, and building requirements. There is uncertainty regarding how these legislative requirements interact with one another, when and in what order approvals are required. This would be assisted through the provision of information that articulates step-by-step the processes required to comply with ACH, environmental and other relevant legislative requirements.
- **Additional DPLH regional officers**
 - WALGA welcomes the additional DPLH staff to be located in Broome, Karratha, Geraldton, Kalgoorlie, and Albany to support implementation of the Act. Western Australia has a very large geographic area, with 137 Local Governments, and WALGA would support additional DPLH staff being located in the Wheatbelt, Mid-West and Murchison regions, so that all regional Local Governments have access to regionally based DPLH staff.
- **Extend grant funded project timeframes and include ACH costs**
 - ACH processes are likely to increase the costs and delivery timeframes for Local Governments' Road and other infrastructure projects. As noted in WALGA's submissions during the co-design process, many State and Commonwealth grant funded infrastructure and road projects must be completed within 12 months and do not include ACH costs. This is a major concern for the delivery of Commonwealth or State Government grant funded projects such as those funded under the State and Federal BlackSpot programs, State Road Project Grants, the Commonwealth Local Roads and Community Infrastructure Program, the Mitigation Activity Fund and CoastWA. Delivery of these projects is already challenging given the skilled labour and supply chain constraints in the current economic environment. It is requested that the timeframes for relevant State Government grant programs be extended where required to accommodate ACH approvals and that provision be made to include these costs as part of the grant. Similarly, I would ask for the State Government to support the Local Government sector in dealing with the Commonwealth in relation to impacts on the delivery of Commonwealth Government funded projects.



WALGA Recommendation

1. That the Great Eastern Country Zone request the Department of Planning Lands and Heritage (DPLH) to provide information on the cost to Local Governments of implementing the regulations.
2. Request WALGA to collate the information from the Local Governments feedback on the on Aboriginal Heritage Act and the implementation of the Regulations.

RESOLUTION

Moved: Cr Stephen Strange

Seconded: Cr Quentin Davies

- 1. That the Great Eastern Country Zone request the Department of Planning Lands and Heritage (DPLH) to provide information on the cost to Local Governments and to fund implementation of the regulations.**
- 2. Request WALGA to collate the information on the impacts/anticipated costs to Local Governments of the Aboriginal Cultural Heritage Act 2021 and the implementation of the Regulations.**
- 3. That the Great Eastern Country Zone writes urgently to DPLH to raise concerns the community feedback from the wheatbelt community forum on the Aboriginal Cultural Heritage Act 2021, held in Merredin on 19 June 2023 needs to be addressed urgently. Key concerns include:**
 - a. Further details and guidance is needed to understand how decision-making criteria should be applied, and the consultation process with the LACHs (Local Aboriginal cultural heritage services)**
 - b. Traditional Owners raised concerns about who can talk for County in the Eastern Wheatbelt, calling on communities and Shires for their support for an additional LACH to be endorsed for our area. As the Act will be in effect within weeks, this is something that urgently need consideration by the Government and Minister.**
 - c. Based on the above, WALGA State Council advocate for a delay in the implementation of the Aboriginal Cultural Heritage Act 2021 until such time as all affected stakeholders are satisfied.**

CARRIED

11. Zone Reports

11.1 Zone President Report

President Tony Sachse

Today's meeting has had to be rescheduled due to the clash with the Aboriginal Cultural Heritage Act 2021 meeting in Merredin on Monday, 19th June 2023. After rescheduling our meeting, the Phase Out of Live Sheep Exports by Sea meeting in Merredin today 20th June 2023 beginning at midday was advertised. Every endeavor will be made to conclude today's meeting to allow travel time for those wishing to attend both meetings today.

Bearing that in mind, we will just have Agency reports today and no Guest speakers.



RESOLUTION

Moved: Shire of Wyalkatchem

Seconded: Shire of Nungarin

That the Zone President's Report be received.

CARRIED

11.2 Local Government Agricultural Freight Group (LGAFG)

President Tony Sachse

The LGAFG meeting last met on 13th July 2022. A meeting in 2023 has so far not been scheduled. There is nothing else to report.

RESOLUTION

Moved: Shire of Wyalkatchem

Seconded: Shire of Nungarin

That the Local Government Agricultural Freight Groups Report be received.

CARRIED

11.3 Wheatbelt District Emergency Management Committee (DEMC)

President Tony Sachse

The May 2023 update report was attached.

The Wheatbelt DEMC Members Contact List as at 1 June 2023 was attached.

RESOLUTION

Moved: Shire of Tammin

Seconded: Shire of Merredin

That the Wheatbelt District Emergency Management Committee Report be received.

CARRIED

11.4 Regional Health Advocacy Group

Cr Alison Harris was an apology. Attached was the June 2023 report.

RESOLUTION

Moved: Shire of Koorda

Seconded: Shire of Nungarin

That the Regional Health Advocacy Report be received.

CARRIED

11.5 WALGA RoadWise

Cliff Simpson, Road Safety Advisor, was an apology. The June 2023 report was attached.



RESOLUTION

**Moved: Shire of Bruce Rock
Seconded: Shire of Tammin**

That the WALGA RoadWise Report be received.

CARRIED

12. Western Australian Local Government Association (WALGA) Business

12.1 State Councillor Report

Cr Stephen Strange

RESOLUTION

**Moved: Shire of Westonia
Seconded: Shire of Wyalkatchem**

That the State Councillor Report be received.

CARRIED

12.2 WALGA Status Report

By James McGovern, Executive Officer

BACKGROUND

Presenting the Status Report for June 2023 which contains WALGA's responses to the resolutions of previous Zone meetings.

GREAT EASTERN COUNTRY ZONE STATUS REPORT June 2023

Zone	Agenda Item	Zone Resolution	WALGA Response	Update	WALGA Contact
Great Eastern C	13 February 2023 Zone Agenda Item 13.1 Review of Audit Process by the Office of Auditor General	That the Great Eastern Country Zone supports a comprehensive review, prioritised, and led by WALGA, of the audit process managed by the Office of the Auditor General.	<p>WALGA in conjunction with LG Professionals carried out a survey of the Local Government sector on their experiences with the Audit process.</p> <p>The results of the survey have been collated as an item for Decision in the July State Council agenda.</p>	June 2023	<p>Tony Brown Executive Director, Member Services 9213 2051 tbrown@walga.asn.au</p>

ZONE COMMENT

This is an opportunity for Member Councils to consider the response from WALGA in respect to the matters that were submitted at the previous Zone Meeting.

RESOLUTION

Moved: Shire of Koorda

Seconded: Shire of Tammin

That the Great Eastern Country Zone, WALGA Status Report for June 2023 be noted.

CARRIED

12.3 Review of WALGA State Council Agenda's – Matters for Decision

12.3.1 State Council Agenda Items – 5 July 2023

Background

WALGA State Council meets five times each year and as part of the consultation process with Member Councils circulates the State Council Agenda for input through the Zone structure.

The full State Council Agenda can be found via this link: [State Council Agenda 5 July 2023](#)

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

Matters for Decision

7.1 Review of Urban Forest Advocacy Position

Executive Summary

- It is proposed that the 2017 Advocacy Position 4.6 Urban Forestry be replaced with a new position that reflects Local Governments' urban forest advocacy priorities.
- The new position has been prepared in collaboration with the officers of the Local Government Urban Forest Working Group and has been endorsed by both the People and Place Policy Team and Environment and Waste Policy Team at a special joint meeting on 31 May 2023.

WALGA Recommendation

That WALGA endorse a new Advocacy Position 4.6 Urban Forest as follows:

To promote the growth of Western Australia's urban forest the State Government should:

1. Identify a lead agency with responsibility for setting the strategic direction and oversight of urban forest initiatives.
2. In consultation with Local Government:
 - a. Develop an Urban Forest Strategy, based on the overarching principles of a resilient, connected, expanded and equitable urban forest including:
 - i. an overall tree canopy target for the Perth and Peel regions,
 - ii. robust and contemporary data to inform decision making,
 - iii. funding mechanisms to support growth in urban canopy.
 - b. Develop contemporary legislative and policy mechanisms to enable the protection and growth of urban forest, including:
 - i. an effective and efficient regulatory mechanism that allows Local Government to consider the removal or alteration of a significant tree as a form of development.
 - ii. prioritisation of trees and vegetation as a key structural element in the design of new neighbourhoods to facilitate climate resilient and liveable communities.
 - iii. consideration of public realm design to maximise opportunities for tree retention and new planting consistent with any tree canopy targets.
3. Work with Local Government and other stakeholders to increase community awareness and promote behaviour change in relation to urban forest growth and retention to support State and Local Government targets and action.
4. Provide recurrent funding for a comprehensive and accessible Urban Greening Grant program to support Local Government investment in public realm planting, focusing on high urban heat areas and enhancing biodiversity outcomes.

7.2 State Planning Policy 3.7 – Bushfire

Executive Summary

- *State Planning Policy 3.7 Bushfire* (SPP3.7) directs how land use and planning proposals should address bushfire risk in Western Australia. It applies to all land designated as bushfire prone, which is approximately 93% of the state.
- The Department of Planning, Lands and Heritage has released a revised version of SPP3.7 and *Planning for Bushfire Guidelines* for public comment.
- Future changes to the *Map of Bush Fire Prone Areas* are planned that will create a revised mapping standard for lower risk areas, such as significantly built-up urban areas.
- The revised SPP 3.7 and Guidelines propose a nuanced response compared to the existing policy framework, with the intent of better reflecting the type of planning or development proposal and the level of bushfire risk.
- WALGA's submission generally supports the revised SPP3.7 and Guidelines. The more nuanced policy response better reflects the level of bushfire risk across the State and is a positive evolution of policy design. Several matters of concern and technical comments are raised in the submission.
- The public comment period closes on Monday, 17 July 2023.

WALGA Recommendation

That WALGA endorse the submission on State Planning Policy 3.7 Bushfire and the Planning for Bushfire Guidelines.

7.3 Reforming WA Disability Legislation Submission

Executive Summary

- In March 2023, the Department of Communities (DoC) released the consultation paper 'Reforming WA Disability Legislation'.
- DoC is developing new disability legislation for Western Australia, largely driven by the State Disability Strategy 2020-2030 and the recommendations of the *Royal Commission into Violence, Abuse, Neglect and Exploitation of People with Disability*.
- Under the current *Disability Services Act 1993* (DSA), Local Governments are legislated to implement Disability Access and Inclusion Plans (DAIPs).
- WALGA has consulted with the sector and developed a submission with 11 key recommendations.
- The recommendations make the case for additional measures to support Local Governments implement DAIPs to deliver enhanced access and inclusion outcomes within local communities through standardized governance, training, support, and funding.

WALGA Recommendation

That WALGA endorse the submission to the Department of Communities relating to the Consultation Paper – Reforming WA Disability Legislation.

7.4 Landfill Bans Advocacy Position

Executive Summary

- The State Government has committed to delivering a state-wide E-waste ban to landfill by 2024, with the aim of improving management and recycling of e-waste produced by households and businesses across the State.
- Consultation has occurred on the proposed ban and a WALGA Submission on this matter was endorsed by State Council in March 2023.

- A key recommendation of this and previous WALGA Submissions is that any material subject to landfill bans must be covered by a fully effective product stewardship scheme prior to ban implementation.
- Without effective product stewardship arrangements in place for items covered under landfill bans, the burden of managing the product at end of life falls disproportionately to Local Governments.
- A new advocacy position is proposed that makes it clear that landfill bans are not supported in the absence of effective product stewardship schemes, or other funding mechanisms, for products which would be subject to the ban.
- A contemporary and clear advocacy position on landfill bans will enable WALGA to strongly discourage this policy approach and advocate to the Government for the range of conditions necessary to increase resource recovery and reduce disposal of material to landfill.

WALGA Recommendation

That WALGA endorse the following Landfill Ban Advocacy Position:

Landfill bans are not supported in the absence of effective product stewardship schemes, or other funding mechanisms, for products which would be subject to the ban.

7.5 Audit Experience Survey Results and Advocacy Position

Executive Summary

- In April, WALGA in partnership with LG Professionals WA conducted a survey of the Local Government sector to seek feedback on the annual audit process.
- A range of views were captured in the feedback, both positive and negative.
- The responses highlighted five key emerging issues in the audit process:
 - timeframe and delays;
 - additional workload on Local Government staff;
 - cost;
 - inconsistent advice from contract Auditors and the OAG; and
 - asset valuation requirements.
- WALGA and LG Professionals will continue to work with the OAG to reform the audit process in line with sector feedback, with a particular focus on those issues above.

WALGA Recommendation

That:

1. State Council note the Audit Experience Survey Results Summary; and
2. WALGA advocate to the Office of the Auditor General (OAG) to reform the audit process for Local Governments by seeking:
 - a. Audits of Local Governments are completed and reported on in a timely manner and that the processes, procedures, and scope of audits are consistently applied.
 - b. That the OAG review the requirements for pre-audit information with a view to reducing the need for additional information where possible;
 - c. That the OAG review their costing formulae for Local Government audits and show constraint in audit cost increases;
 - d. That the OAG provide a breakdown on the cost of the audit and justification for any variance to the estimate to the Local Government as part of the final billing process;
 - e. That auditors be required to improve their communication and information management and avoid repeated requests for information that has already been provided;
 - f. That Local Governments only be required to communicate with contract Auditors (*unless the OAG is directly auditing the Local Government*) and the onus be placed on the

- contract Auditors to confirm their advice with the OAG before instructing the Local Government; and
- g. In-conjunction with the Department of Local Government, Sport and Cultural Industries, review the application of Fair Value principles in the context of the audit.

7.6 Amendments to WALGA's Constitution

Executive Summary

- At its last meeting, State Council resolved for two sets of constitutional changes to be developed for consideration by State Council, with the intention that Members would consider both sets of amendments at the 2023 Annual General Meeting:
 - One set to give effect to the alternate model, as per the [Best Practice Governance Review Final Report](#); and
 - A second set to refine the current Constitution to address inconsistencies and other issues while maintaining the current governance model.
- The constitutional changes have been prepared by legal firm, Jackson McDonald.
- Amendments to the [Association Constitution](#) require both a special (75 percent) majority at State Council and a special (75 percent) majority at a General Meeting of Members.
- Consequently, if the proposed sets of amendments are endorsed by State Council, they will be put to the 2023 Annual General Meeting on Monday, 18 September.

WALGA Recommendation

That State Council endorse putting two items to the 2023 Annual General Meeting that:

1. propose a new Constitution to give effect to the alternate governance model as per the attached; and
2. amend the Constitution to retain the current governance model with necessary changes, as per the attached mark-up.

VOTING REQUIREMENT: 75% SPECIAL MAJORITY

Policy Team Reports

8.1 Environment and Waste Policy Team Report

Landfill Bans

The Policy Team considered and recommended State Councils endorsement of the proposed Policy Position on Landfill Bans (see [Agenda Item 7.4](#)).

Matters Referred by Zones

Avon-Midland Country Zone referred comments regarding clearing permits and recommending a fee to lodge an appeal against the grant, conditions, or amendment of a clearing permit. The Policy Team noted the recommendation from the Zone but decided that WALGA should not advocate for the introduction of a fee in relation to clearing permit appeals. The Policy Team noted WALGA's policy priority to support Local Governments to deliver on their statutory obligations related to native vegetation clearing, including development of a strategic biodiversity offset framework as part of the implementation of the State Native Vegetation Policy. WALGA provided additional feedback to the Zone which is included in the Zone Status report.

The North Metropolitan Zone requested a report on the progress of community batteries from WALGA. WALGA has provided the Zone with information on Round 1 of the [ARENA Community Battery Funding](#). The Zone has been encouraged to invite Western Power and Synergy, who are undertaking community battery installation across WA, to attend the next Zone meeting to directly address the issues raised.

Updates provided

The following updates were noted:

- **Australian Renewable Energy Agency (ARENA) EV charging infrastructure funding application:** WALGA is finalising the Expression of Interest to submit to ARENA for consideration at its 7 June Panel meeting (Note: this has now been lodged). This project:
 - Has the commitment of 22 Local Governments, representing 58% of the Western Australian population, to accelerate the transition to BEVs.
 - Will require 112 AC and 35 DC dual outlet chargers.
 - Will see the purchase of 121 light BEVs, and software for charging infrastructure, at a cost of \$7.11 million, by the 22 participating Local Governments.
 - Will accelerate these Local Governments transition to BEV's by an average of 2 years and provide the infrastructure to assist Local Governments into the medium and long term phases of their transition plans. The participating Local Governments have a fleet of over 900 vehicles.
 - Has secured a \$1 million State Government funding commitment to this project, which has been used to reduce the funding requested from ARENA.
 - Is seeking ARENA funding of \$4.22 million, to contribute towards the purchase and installation of the charging infrastructure.
 - Has a total project budget of \$12.128 million and if funded, will be implemented from January 2024 to June 2025.
- **Biosecurity and Agriculture Management Act (BAM Act) Review** has developed a draft submission on the proposed reforms for sector feedback **by 26 June 2023**. The draft submission provides analysis against the [WALGA Biosecurity advocacy position](#), endorsed by State Council in December 2023 and on anticipated benefits or issues of the proposed reforms. The draft submission will be provided as an item for Zones' consideration in the June round of meetings. As well as providing comments to WALGA, Local Governments are being strongly encouraged to [respond directly](#) to DPIRD by 30 June.
- **Polyphagous Shot Hole Borer (PSHB):** The quarantine zone for the PSHB has expanded and now covers the majority of the metropolitan area. To ensure Local Governments are informed regarding the potential implications of the PSHB and their legislative requirements, WALGA is hosted an online information session on Tuesday 9 May. WALGA is also engaging with the Department of Primary Industries and Regional Development to ensure the sector is informed, and engaged, ahead of any further changes to the quarantine zone.
- **Draft State Waste Infrastructure Plan:** The Department of Water and Environmental Regulation has released the draft [Western Australia State Waste Infrastructure Plan](#) for comment, with consultation open until 23 June 2023. WALGA hosted an online information session on Wednesday 31 May for Local Governments to provide feedback on a draft Submission.
- **Urban Forest:** In 2022 WALGA, through the Urban Forest Working Group, developed an Issues Paper: *Local Government Approaches to Tree Retention*.
 - The Issues Paper identified the key challenges faced by Local Government using existing measures for tree retention and explored opportunities for further measures. In July 2022, a briefing was provided to the Environment and Waste Policy Team on the key legal issues identified. WALGA has recently completed a procurement process for the legal advice on these issues, appointing McLeod's, and anticipates provision of the advice within 3 months.
 - Local Governments will be able to 'buy-in' to the legal advice for a nominal fee. Based on the success of the coastal planning legal advice project, WALGA anticipates at least 50 Local Governments will purchase the advice, representing a \$1m saving for the sector compared to each Local Government seeking the advice individually.
 - The findings of the advice will be used to inform WALGA's ongoing advocacy around urban forest, assist Local Governments in updating their planning frameworks to improve protections for existing significant trees.

At the meeting on 31 May 2023, the Environment and Waste Policy Team considered an item on updating the Urban Forest Policy advocacy position in conjunction with the People and Place Policy Team (see [Agenda Item 7.1](#)).

WALGA Recommendation

That the matters considered by the Environment and Waste Policy Team be noted.

8.2 Governance and Organisational Services Policy Team Report

The GOS Policy Team provides recommendations regarding three [Advocacy Positions](#) for State Council's decision.

Advocacy Position 2.1.10 Recovery of Rates and Service Charges

Policy Team Comment: Amendment of s.6.56 of the *Local Government Act 1995* has not been addressed in the current Local Government Amendment Bill 2023 and the matter is therefore unresolved. **Recommend State Council retain Advocacy Position 2.1.10 Recovery of Rates and Service Charges**

Advocacy Position 2.5.25 Attendance at Council Meetings by Technology

Policy Team Comment: This advocacy position has been achieved through the *Local Government (Administration) Amendment Regulations 2022*, implemented in November 2022, which included provisions that enable Council Members to individually attend by electronic means up to half the council or committee meetings held within any 12-month period. **Recommend State Council delete Advocacy Position 2.5.25 Attendance at Council Meetings by Technology**

Advocacy Position 2.5.31 Annual Electors' General Meetings

Policy Team Comment: The Minister for Local Government has not included or proposed a provision in the current Local Government Act Reform proposals that would give effect to this advocacy position. **Recommend State Council retain Advocacy Position 2.5.31 Annual Elector's General Meetings**

The GOS Policy Team endorsed the WALGA 2023 State Wage Case submission at its meeting held on 3 May, subject to the submission including an example of the street lighting costs.

WALGA Recommendation

That State Council:

1. retain, without amendment, Advocacy Positions:
 - (a) 2.1.10 Recovery of Rates and Service Charges; and
 - (b) 2.5.31 Annual Electors' General Meetings;
2. delete Advocacy Position 2.5.25 Attendance at Council Meetings by Technology; and
3. notes that the Governance and Organisational Services Policy Team endorsed the WALGA 2023 State Wage Case submission.

8.3 Infrastructure Policy Team Report

The Infrastructure Policy Team noted the expanding number of activities and prioritised:

- Developing effective responses to barriers and challenges to achieving timely and on-budget deliver of funded road projects in conjunction with Regional Road Groups;
- Revising and providing updated tools, model policies and advice to Local Governments concerning heavy vehicle cost recovery, including options available to Councils considering extending access to concessional mass vehicles;
- Improving the implementation and effectiveness of Disaster Recovery Funding Arrangements, noting that there are currently three on-going inquiries or reviews initiated by the Commonwealth, and a need to resolve implementation issues with the Department of Fire and Emergency Services;
- Addressing management of road works during Total Fire Bans.

WALGA Recommendation

That State Council note the matters considered by the Infrastructure Policy Team.

RESOLUTION

Moved: Shire of Tammin

Seconded: Shire of Nungarin

That the Great Eastern Country Zone:

- 1. Supports Matters for Decision, items 7.1 to 7.6 as listed above in the July 2023 State Council Agenda;**
- 2. Supports Matters for Noting and Organisational Reports Items 8.1 to 8.3**

CARRIED

8.4 People and Place Policy Team Report

At the meeting on 31 May, the People and Place Policy Team:

- In conjunction with the Environment and Waste Policy Team, endorsed a new Urban Forest advocacy position for consideration by State Council (see [Agenda Item 7.1](#))
- Endorsed the WALGA submission on Consistent Local Planning Schemes and an updated Planning Reform advocacy position for consideration by State Council via the Flying Minute process;
- Noted a matter referred from Peel Country Zone on the establishment of a Coastal Hazard Risk Management and Adaptation Plan (CHRMAP) Taskforce and endorsed actions to be undertaken by WALGA Secretariat, including the preparation of a discussion paper on the matter; and
- Endorsed the WALGA submission to the Department of Communities on Reforming WA Disability Legislation (see [Agenda Item 7.3](#)).

At the meeting on 3 May, the People and Place Policy Team:

- Received a presentation from the Planning and Building Team on Non-Residential Car Parking Requirements – Draft Interim Guidance;
- Received a presentation from the Planning and Building Team on Local Government Planning and Building Performance for the 2022-23 reporting year (see [Agenda Item 9.3](#));
- Received an update from the Planning and Building Team on WALGA's work on planning fees and charges; and
- Received an update from the Planning and Building Team on Urban Forest.

WALGA Recommendation

That State Council note the matters considered by the People and Place Policy Team.

8.5 Municipal Waste Advisory Council (MWAC) Report

Submission on WA Container Deposit Scheme Expansion

A [Discussion Paper](#) has been released on expanding the scope of the eligible containers covered by the WA Container Deposit Scheme. The scope of the proposed expansion includes glass wine and spirit bottles, and beverage containers up to 3L.

The draft Submission supports the expansion of the Scheme and proposes that plain and milk alternatives also be included. The Draft Submission was circulated for Local Government consultation during March, with general support received. WALGA has also been appointed to a Department of Water and Environmental Regulation Working Group focusing on the expansion of the Scheme.

MUNICIPAL WASTE ADVISORY COUNCIL MOTION

That the Municipal Waste Advisory Council endorse the Submission on Discussion Paper: Container Deposit Scheme – Expanding the Scope of Eligible Beverage Containers.

Policy Position Landfill Bans

The Department of Water and Environmental Regulation released a [Consultation Paper](#) on the proposed e-waste landfill ban. The State Government made an election commitment to deliver a state-wide ban by 2024, with the aim of improving management and recycling of e-waste produced by households and businesses across the State.

A Submission on DWER's Consultation Paper was circulated for State Council and MWAC endorsement out of session following Local Government engagement. A key recommendation of the Submission is that any material subject to landfill bans be covered by a fully effective product stewardship scheme prior to ban implementation. This item is included in the State Council [Agenda item 7.4](#).

MUNICIPAL WASTE ADVISORY COUNCIL MOTION

That the Municipal Waste Advisory Council endorse the Policy Position:

Landfill bans are not supported in the absence of effective product stewardship schemes, or other funding mechanisms, for products which would be subject to the ban.

MWAC discussed the following matters:

- Release of the draft [State Waste Infrastructure Plan](#): The draft Plan is open for consultation until 23 June 2023. The draft Plan has been developed to guide decision making for the planning and development of waste infrastructure in Western Australia and focuses on the built waste and recycling infrastructure needed to achieve 2030 State Waste Strategy targets. MWAC provided initial feedback on the Draft to inform the development of the WALGA Submission.
- *Review of Waste Policy Statements*: WALGA has 8 Waste Management related [Policy Statements](#) in place with publication dates ranging from 2003 to 2018. While much of the content is still relevant, the statements need to be reviewed to ensure currency of references and information as well as consistency of approach. The proposed scheduled for review was agreed:
 - In progress: Household Hazardous Waste and Waste Management Education (consider revisions June Officer Advisory Group (OAG)/MWAC)
 - Initial Review June OAG/MWAC: Waste management data and information management (consider revisions August OAG/MWAC)
 - Initial Review August OAG/MWAC: Standards for Recycled Organics Applied to Land (consider revisions October OAG/MWAC)
 - Initial Review October OAG/MWAC: Waste Levy Policy statement (consider revisions December OAG/MWAC).
 - Reviewed in 2024: Container Deposit Systems, Extended Producer Responsibility and Waste management legislation.
- Packaging Product Stewardship and national advocacy on flexible plastic recycling.
- WALGA's investigations into e-cigarette disposal options and the regulatory framework for used and disposal of these products and advocacy underway.
- Contingency Planning for waste management, including the development of a Mutual Assistance Memorandum of Understanding (MoU) for Local Governments and WALGA Preferred Suppliers of waste fleet.
- Waste management and biosecurity, including:
 - working with Department of Primary Industries and Regional Development (DPIRD) on undertaking preparedness activities for any disposal requirements resulting from Foot and Mouth Disease (FMD), such as landfill capacity and resourcing, logistics and communications as part of a coordinated emergency response.
 - the expansion of the Quarantine Area, for the invasive Polyphagous Shot-hole Borer, impacts 25 Local Government FOGO, GO and verge collections.

WALGA Recommendation

That State Council note the resolutions of the 19 April 2023 Municipal Waste Advisory Council.

Matters for Noting/Information

- 9.1 Flying Minute – Submission to 2023 State Wage Case
- 9.2 Environmental Protection Amendment Regulations 2022: Consultation Response
- 9.3 Local Government Performance Monitoring Project
- 9.4 Street Lighting Tariffs
- 9.5 2023-24 Federal and State Budgets
- 9.6 Update on the Commencement of the Aboriginal Cultural Heritage Act 2021
- 9.7 State Award Variations Impacting on Local Governments

RESOLUTION

Moved: Shire of Tammin

Seconded: Shire of Koorda

That the Great Eastern Country Zone supports Matters for Noting Items 8.4 and 8.5

CARRIED

[JM2]

12.4 WALGA President's Report – July 2023

The WALGA President's Report was attached to the agenda.

RESOLUTION

Moved: Shire of Nungarin

Seconded: Shire of Merredin

That the Great Eastern Country Zone notes the WALGA President's Report.

CARRIED

13. Emerging Issues

- 13.1 The Executive Officer reminded members that the WALGA Employee Relations team are seeking representatives from the Zone to sit on a working group related to the State IR transition. A notification will soon be sent to the sector.

Noted

14. Date, Time, and Place of Next Meetings

The next Executive Committee meeting will be held on Tuesday, 8 August 2023 via Teleconference.

The next Great Eastern Country Zone meeting will be held on Monday, 21 August 2023 commencing at 9.30am. This meeting will be hosted by the Shire of Merredin.

15. Closure

There being no further business the Chair declared the meeting closed at 11.13am.