



# **South West Country Zone**

## **Minutes**

**27 June 2023**

**City of Busselton  
Council Chambers  
Busselton**

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# South West Country Zone

Meeting to be held at

City of Busselton Council Chambers, 2 Southern Drive, Busselton

Commenced at 9.00am, Tuesday 27 June 2023

## Minutes

### 1. OPENING AND WELCOME

#### 1.1 Acknowledgement of Country

We, the South West Country Zone of WALGA acknowledge the Nyoongar people, the Traditional Custodians of this land, and pay our respects to their Elders past, present and future.

### 2. ATTENDANCE AND APOLOGIES

#### Attendance

<b>Shire of Augusta Margaret River</b>	President Cr Paula Cristoffanini Ms Stephanie Addison-Brown, Chief Executive Officer
<b>Shire of Boyup Brook</b>	President Cr Richard Walker Mr Leonard Long, Chief Executive Officer non-voting delegate
<b>Shire of Bridgetown-Greenbushes</b>	President Cr Jenny Mountford
<b>City of Bunbury</b>	Mr Mal Osborne, Chief Executive Officer
<b>City of Busselton</b>	Mayor Grant Henley Mr Tony Nottle, Chief Executive Officer non-voting delegate
<b>Shire of Capel</b>	President Cr Doug Kitchen Gordon MacMile, Chief Executive Officer non-voting delegate
<b>Shire of Collie</b>	Deputy President Cr Ian Miffling Mr Stuart Devenish, Chief Executive Officer non-voting delegate
<b>Shire of Dardanup</b>	President Cr Michael Bennett Mr Phil Anastasakis A/Chief Executive Officer non-voting delegate
<b>Shire of Donnybrook Balingup</b>	Commissioner Gail McGowan Mr Ben Rose, Chief Executive Officer non-voting delegate
<b>Shire of Harvey</b>	President Cr Paul Gillett

Ms Annie Riordan, Chief Executive Officer non-voting delegate

**Shire of Manjimup**

Hon President Cr Paul Omodei

**Shire of Nannup**

President Cr Tony Dean  
Mr David Taylor, Chief Executive Officer non-voting delegate

**WA Local Government Association Secretariat**

Tony Brown, Executive Director Member Services  
Rebecca Brown, Policy Manager Environment & Waste

**RDA South West**

Mr Charles Jenkinson, Director Regional Development

**Apologies**

**Shire of Bridgetown-Greenbushes**

Mr Tim Clynch, Chief Executive Officer non-voting delegate

**City of Bunbury**

Deputy Mayor Tresslyn Smith (Deputy)

**Shire of Collie**

Cr Sarah Stanley

**Shire of Dardanup**

Mr André Schönfeldt, Chief Executive Officer non-voting delegate

**Shire of Manjimup**

Mr Brian Robinson, Temporary Chief Executive Officer non-voting delegate

**Department of Local Government, Sport and Cultural Industries**

Mr Brendan McNally, Regional Manager Peel-South West

**Australia's South West**

Catrin Allsop, Chief Executive Officer

**NEMA**

Sam Ramsay, Recovery Support Officer

**South West Development Commission**

Ms Mellisa Teede, Chief Executive Officer

### **3. DECLARATIONS OF INTEREST**

Commissioner Gail McGowan indicated that as the former Director General of the Department of Planning, Lands and Heritage she was part of the initiation of the Aboriginal Heritage Act development and consequently would not vote on that item.

Nil.

### **4. ANNOUNCEMENTS**

#### **4.1 Attachments**

The following were provided as attachments to the agenda:

1. South West Country Zone Minutes – 21 April 2023
2. Mining Tenements **Attachment 2** – refer to Item 7.2
3. WALGA President's Report
4. DLGSC Update Report
5. BAM Act Review – Stage 3 – WALGA Draft Submission
6. State Council Agenda link: [State Council Agenda 5 July 2023](#)
7. Warren Blackwood Alliance of Council Correspondence – Regional Climate Alliance Program

### **5. GUEST SPEAKERS / DEPUTATIONS**

#### **5.1 City of Busselton**

*Mayor Grant Henley and Mr Tony Nottle, Chief Executive Officer*

Mayor Grant Henley and Mr Tony Nottle, Chief Executive Officer, provided an update to the meeting on priorities and key projects.

#### **5.2 Aboriginal Cultural Heritage Act - Update**

*Ben Harvey, Executive Director Heritage Services, Department of Planning, Lands and Cultural Heritage*

Ben provided an update to members in regard to the changes in Legislation for the Aboriginal Cultural Heritage Act.

Presentation **attached**.

#### **5.3 Rescheduled - Professor Cobie Rudd, Deputy Vice Chancellor (Regional Futures)**

*Professor Cobie Rudd, Deputy Vice Chancellor, Edith Cowan University*

Professor Cobie Rudd was unable to attend the rescheduled meeting date and therefore has confirmed to present at the November Zone meeting.

**Noted**

## 5.4 Future Presentations

### August 2023

1. Shire of Nannup
2. South West Gateway Alliance – Nicole Walton, Community and Stakeholder Engagement Manager

### November 2023

1. Shire of Capel
2. Professor Cobie Rudd, Deputy Vice Chancellor, Edith Cowan University

WALGA Secretariat has sent an invitation to Minister for Ports; Local Government; Road Safety; Minister Assisting the Minister for Transport, Hon David Michael MLA to a future Zone meeting. Should the Minister be available to attend a future meeting, this will be confirmed via the relevant Agenda.

**Noted**

## 6. MINUTES

### 6.1 Confirmation of Minutes from the South West Country Zone meeting held Friday 21 April 2023 (Attachment 1)

The Minutes of the South West Country Zone meeting held on Friday 21 April 2023 have previously been circulated to Member Councils and are provided as an attachment to this agenda.

### RESOLUTION

**Moved:** Mayor Grant Henley  
**Seconded:** President Cr Jenny Mountford

**That the minutes of the South West Country Zone meeting held Friday 21 April 2023 are confirmed as a true and accurate record of the proceedings.**

**CARRIED**

#### 6.1.1 Business Arising

Nil.

## 7. ZONE BUSINESS

### 7.1 2025 Election Priorities and Outcomes

The next State Election will be held on 8 March 2025. The next Federal Election is also expected to be held during 2025.

It is suggested that the Zone commence discussions on electoral advocacy priorities during 2023, with a view to producing an advocacy document by mid-2024.

Initial discussion on priorities was sought at the April meeting to provide initial guidance to CEOs, who will then meet mid-year to generate and refine ideas. The Following Action Items and Timeline were resolved:

- *The Zone discussed that member Local Governments would undertake further discussions on regional priorities at Council level*
- *The Zone noted that there would be differences between advocacy approaches for the State and Federal elections*
- *Issues raised include:*
  - *Agri-business precinct, which links to issues associated with aviation and freight*
  - *Treatment and prevention of mosquito borne diseases*
- *Timeline amended, as per below:*
  - *To be completed by the February 2024 meeting, ahead of the both the State Budget and the 2024 ALGA National General Assembly*
  - *For the CEOs to present a draft at the August 2023 meeting*
- *Amended timeline:*
  - *April 2023 Initial discussions and concepts*
  - *June-July 2023 CEO Discussions regarding initial ideas and requests*
  - *August 2023 Zone Workshop – Prioritisation*
  - *October 2023 Local Government elections November 2023 Consideration of first draft advocacy document February 2024 Final consideration*

The South West CEOs met at a Shire of Capel hosted workshop on 19 May 2023 to develop initial ideas and potential requests, in relation to Federal and State election priorities as agreed. The workshop included:

- a review of items and outcomes from recent past elections (2021 and 2022),
- a review of whether potential priorities had changed; and
- potential priorities at a regional and local level for future elections.

Outcomes from the workshop will be circulated in late June / early July, with a follow up workshop to further develop information and priorities in late July / early August.

## **RESOLUTION**

**Moved:** Mayor Grant Henley  
**Seconded:** President Cr Richard Walker

**That the South West Country Zone, WALGA and Local Governments notes the work to date on future election priorities and seeks to host both a regional Cabinet meeting and a Director’s General meeting as part of the future advocacy strategy.**

**CARRIED**

## **7.2 Mining Tenement Applications – DMIRS Procedural Review**

*By Shire of Donnybrook Balingup*

**Attachment 2:** *24 May 2023 Council Report (Minutes) – Mining Tenements within the Shire of Donnybrook Balingup*

## **BACKGROUND**

### **Summary:**

- 7 March 2023: Five out of seven motions raised at the Shire of Donnybrook Balingup (SoDB) Annual General Meeting of Electors related to mining tenements within the Shire and the role of local government in the consultation process.
- 22 March 2023: SoDB Council (the Commissioner) resolved to receive and acknowledge the motions raised as well as recommend a number of actions. One of the actions from this resolution included:

*“Instruct the CEO to advocate via the South West Zone of WALGA for overall improved [Department of Mines, Industry Regulation and Safety] DMIRS processes of notification requirements for mining tenement applications, particularly as they relate to private landholders”*

- 24 May 2023: Report (**Attachment 2**) provided to SoDB Council (the Commissioner) at the Ordinary Council Meeting on the actions undertaken by staff to date including:
  - A preliminary desktop review of surrounding local government's, specifically the recent Shire of Manjimup Council report of 23 March 2023 relating to mining tenement applications and the similar issues raised by their community;
  - Consideration of written notifications to landowners when a mining tenement application is received which was not supported;
  - Consideration of website publication and/or electronic mail notifications for when a mining tenement application is received by the local government which was supported;
  - Consideration of a formal position of Council relating to the permissibility of mining operations within the SoDB as part of the development of the local planning framework. This included a desktop comparison of surrounding Shire's and the permissibility of 'industry – mining' within their relevant Zoning Tables;
  - Development of a specific page on the SoDB website for 'mining tenements' including:
    - A fillable field for the community to add their email address to the Shire's formal mailing list for direct notification when a copy of a mining tenement application is received with information directing recipients to DMIRS for any enquiries / objections; and
    - Links to DMIRS electronic databases (eMiTS Mineral Titles and the TENEGRAPH Web Public mapping system).
  - In addition, Shire officers committed to:
    - Raising the issue of mining tenements with the CEO's of the South West Zone of WALGA and presenting a copy of the Council report to the upcoming Zone Meeting agenda (**Attachment 2**);
    - Finalising an information sheet as it relates to mining tenements, and how they differ from extractive industries with a copy to be provided on the SoDB website and to the developed electronic mailing list;
    - Directly notifying the developed electronic mailing list when a future mining tenement application is received by the Shire; and
    - Continue to liaise with the community and Council regarding the position of mining tenements and general operations within the SoDB as part of the review of the local planning framework.

### **Shire of Donnybrook Balingup Comment:**

The granting of mining tenements within Western Australia is administered by the Minister for Mines and Petroleum, as supported by DMIRS, in accordance with the provisions of the *Mining Act 1978* and the *Mining Regulations 1981*. The Minister may also delegate roles and functions directly to DMIRS.

Whilst the Mining Act has been in effect for over 40 years, community interest regarding the issue of mining tenements has increased within the Shire and across Western Australia, particularly in the southwest with changes to industry and the discovery of different minerals.

Notwithstanding that the responsibility of mining tenements falls with DMIRS, the SoDB (and other local governments within the southwest region) are facing increased pressure from community to engage in public community consultation. The SoDB considers that a greater level of consultation should be occurring, however should not be the responsibility of local governments to facilitate such a resource intensive process for an application procedure that they have little to no statutory control over.



As outlined in **Attachment 2**, the current statutory consultation requirements under the *Mining Act 1978* and the *Mining Regulations 1981*, depend on the technicality of the mining tenement application and whether it is not less than 30m below the lowest part of the natural surface of private land. Notwithstanding the legislation, particularly as it relates to mineral rights and technical land ownership, the SoDB believes that these consultation requirements are insufficient, particularly when compared to the level of consultation and engagement that contemporary local communities should expect, particularly in the southwest region where this issue is becoming increasingly prevalent.

Regardless of each local government's position on mining operations, the SoDB believes that DMIRS should review their current consultation requirements and develop more contemporary, thorough engagement procedures that are more practical and reasonable for landowners. In addition, increased consultation conducted by the determining authority (DMIRS) will alleviate some of the pressures local government officers are facing from their communities associated with mining tenement applications and general uncertainties landowners are experiencing.

## RESOLUTION

**Moved:** Commissioner Gail McGowan  
**Seconded:** Cr Paul Omodei

**That the South West Country Zone request the WALGA State Council to adopt an advocacy position that seeks the Department of Mines, Industry Regulation and Safety to undertake:**

- 1. A formal review of the current statutory consultation procedures as they relate to mining tenements; and**
- 2. Improved public consultation for mining tenement applications, particularly for private landowners, regardless of the depth of land applicable.**

**CARRIED**

### 7.3 Aboriginal Cultural Heritage Act Update

*By WALGA Secretariat*

#### BACKGROUND

With the *Aboriginal Cultural Heritage Act 2021* (ACH Act) coming into effect on 1 July 2023, the following is 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.

Please also refer to [9.6 Item for Noting](#), in the State Council Agenda on this matter.

The South West Local Governments are concerned that the Department of Planning, Lands and Cultural Heritage have not carried out targeted consultation with Local Government and the Community, and that there should be a delay to the implementation by 12 months.

## RECOMMENDATION

Moved:

Seconded:

The SWCZ request WALGA to advocate for a 12 month delay in implementation of the Legislation to enable further targeted consultation with the community.

## MOTION LAPSED

### 7.4 Review of the Biosecurity and Agriculture Management Act 2007: Stage 3 Review

*By Rebecca Brown, Manager Environment and Waste*

#### 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](mailto: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

### 7.5 Strategic Waste Management Discussion

Zone members were looking to be provided with further information on the State Waste Strategy.

Rebecca Brown, Policy Manager Environment and Waste, provided an overview from WALGA of the Draft State Waste Infrastructure Plan, the review of the State Waste Strategy, the recent Waste Avoidance and Resource Recovery Levy (WARR Levy) announcement, and the range of waste related regulatory reforms currently being developed.

This was an opportunity for the Zone to discuss these issues and provide input to inform WALGA's advocacy.

## RESOLUTION

**Moved:** Deputy President Cr Ian Miffing

**Seconded:** Cr Paul Omodei

**That the South West Country Zone requests WALGA to:**

1. **Call on the Waste Authority to support a deferral of the draft State Waste Infrastructure Plan to allow alignment between a new Waste Strategy and an infrastructure plan that is to implement waste strategy direction;**
2. **Request the Department of Water and Environmental Regulation to defer consideration of the draft State Waste Infrastructure Plan until the terms of a new Waste Strategy are determined, so as to allow alignment between document;**
3. **Incorporate within a submission to the Waste Authority, the following in relation to a new Waste Strategy:**
  - a. **Vigorous support for the circular economy principle, encouraging new technologies to regenerate resources from waste;**
  - b. **Support for localized (close to source) waste processing initiatives that can regenerate waste as a resource;**
  - c. **Maximise the value of waste as a resource, creating commodity value;**
  - d. **Actively encourage innovation in-line with circular economy principles; and**
  - e. **Outline pathways that will enable innovative solutions, including alternative waste processing practices.**

**CARRIED**

## **7.6 Cessation of Funding – Regional Climate Alliance Program**

### **BACKGROUND**

Correspondence received from Warren Blackwood Alliance of Councils (WBAC) on Monday 19 June is **attached** with the agenda.

WBAC are seeking support from members to advocate and write to members of Parliament for reinstatement of the Regional Climate Alliance Program.

WALGA will provide an update at the meeting regarding advocacy on this matter.

### **RESOLUTION**

**Moved:** President Cr Jenny Mountford  
**Seconded:** President Cr Richard Walker

**That the South West Country Zone supports the request from the Warren Blackwood Alliance of Councils Board and:**

- 1. Requests WALGA advocate to the Minister for Environment; Climate Action for the reinstatement of the Regional Climate Alliance Program;**
- 2. Writing directly to the South West Members of Parliament seeking the reinstatement of the Regional Climate Alliance Program**

**CARRIED**

**The meeting adjourned for morning tea at 10:16am**

**The meeting resumed at 10:46am**

## **7.7 Mining Royalties Funding**

*By Shire of Harvey*

### **BACKGROUND**

While State and Federal Governments apply mining royalties it is felt that not all areas benefit from this windfall.

Mining Resources are owned by the Community and it is a fair expectation that a fair and reasonable payment is received for the loss of non-renewable mineral resources. A percentage could be used specifically for land development, sustainable housing projects, wind energy and sports and recreation facilities.

It is envisaged that this fund is used to reduce the burden on local ratepayers and not reduce the contributions of State and Federal Government funding within the region.

Australia is one of the worlds leading producers of bauxite, iron ore, lithium, gold, lead, diamond, rare earth elements, uranium and zinc. Australia also has large mineral sands deposits of ilmenite, zircon and rutile.

Many areas within the Zone but in particular the Shires of Bridgetown-Greenbushes where the Talison Mine is located and the Shire of Harvey where the Kemerton Industrial Park is located and the largest processing plant in the Southern Hemisphere is, are facing enormous pressures to provide Community infrastructure and services to cater for the rapid growth in population to deliver renewable energy targets.

This Funding could assist to alleviate the added financial pressure on Local Governments to deliver vital infrastructure, increase amenity and liveability and maintain sustained employment growth.

## RESOLUTION

**Moved:** President Cr Paul Gillett  
**Seconded:** President Cr Richard Walker

**That the SWCZ seeks the support of WALGA to lobby for, and the establishment of a Mining Investment Fund to be collected and used within the South West region.**

**CARRIED**

## 8. WALGA BUSINESS

### 8.1 WALGA Status Report

*By Executive Officer*

#### BACKGROUND

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

Agenda Item	Zone Resolution	WALGA Response	Update	WALGA Contact
3 May State Council Agenda Item 7.4 <b>Speed Management Reform Advocacy Position</b>	<p>That the Speed Management Advocacy Position as follows, be endorsed:</p> <ol style="list-style-type: none"> <li>1. <i>That WALGA supports Local Governments wishing to manage travel speeds, including speed limit changes, as a means of achieving the many health, social and environmental benefits for communities.</i></li> <li>2. <i>That Main Roads WA (MRWA) retain the overarching authority for speed limit setting/zoning.</i></li> <li>3. <i>That Main Roads WA speed zoning policies and processes be reformed so that Local Governments are more influential in the determination of speed limit decreases or increases for local roads.</i> <ol style="list-style-type: none"> <li>a. <i>This will include applications that are deemed to be approved when the application:</i> <ol style="list-style-type: none"> <li>i. <i>is based on assessments by competent Local Government practitioners,</i></li> <li>ii. <i>contains evidence-based identification of the benefits,</i></li> <li>iii. <i>contains preliminary designs for infrastructure safety upgrades associated with applications to increase speed limits, and</i></li> <li>iv. <i>includes an engagement strategy for managing community and stakeholder expectations.</i></li> </ol> </li> <li>b. <i>Allows for Main Roads WA to decline an application, within a mutually agreed timeframe, on the basis that it:</i> <ol style="list-style-type: none"> <li>i. <i>does not meet the above criteria, and</i></li> <li>ii. <i>provides specific evidence for declining the application.</i></li> </ol> </li> </ol> </li> </ol>	<p>State Council Resolution</p> <p>That the Speed Management Advocacy Position as follows, be endorsed:</p> <ol style="list-style-type: none"> <li>1. That WALGA supports Local Governments wishing to manage travel speeds, including speed limit changes, as a means of achieving the many health, social and environmental benefits for communities.</li> <li>2. That Main Roads WA (MRWA) retain the overarching authority for speed limit setting/zoning.</li> <li>3. That Main Roads WA speed zoning policies and processes be reformed so that Local Governments are more influential in the determination of speed limit decreases or increases for local roads. <ol style="list-style-type: none"> <li>a. This will include applications that are deemed to be approved when the application: <ol style="list-style-type: none"> <li>i. is based on assessments by competent Local Government practitioners,</li> <li>ii. contains evidence-based identification of the benefits,</li> <li>iii. contains preliminary designs for infrastructure safety upgrades associated with applications to increase speed limits, and</li> <li>iv. includes an engagement strategy for managing community and stakeholder expectations.</li> </ol> </li> <li>b. Allows for Main Roads WA to decline an application, within a mutually agreed timeframe, on the basis that it: <ol style="list-style-type: none"> <li>i. does not meet the above criteria, and</li> <li>ii. provides specific evidence for declining the application.</li> </ol> </li> </ol> </li> <li>4. That WALGA seeks to work with Main Roads WA and other stakeholders, to develop a speed management guide for Local Governments.</li> </ol>	Ongoing	<p>Ian Duncan  <b>Executive Manager Infrastructure</b>  <a href="mailto:iduncan@walga.asn.au">iduncan@walga.asn.au</a>  9213 2031</p>



	<ul style="list-style-type: none"> <li>ii. contains evidence-based identification of the benefits,</li> <li>iii. contains preliminary designs for infrastructure safety upgrades associated with applications to increase speed limits, and</li> <li>iv. includes an engagement strategy for managing community and stakeholder expectations, <u>and provides a greater weighting for community views on speed changes.</u></li> </ul> <p>b. Allows for Main Roads WA to decline an application, within a mutually agreed timeframe, on the basis that it:</p> <ul style="list-style-type: none"> <li>i. does not meet the above criteria, and</li> <li>ii. provides specific evidence for declining the application.</li> </ul> <p>4. That WALGA seeks to work with Main Roads WA and other stakeholders, to develop a speed management guide for Local Governments.</p>			
<p><b>26 August 2022</b>  <b>Zone Agenda</b>  <b>Item 7.2 Renergi</b>  <b>Waste Processing</b></p>	<p>That the South West Country Zone request WALGA to:</p> <ol style="list-style-type: none"> <li>1. Adopt a position that supports the utilisation of emerging waste processing technologies; and</li> <li>2. Advocate to the Minister for Environment to review the regulatory framework surrounding environmental approvals and operational obligations to allow new, alternative treatment processes and technologies that will reduce landfill reliance by improving</li> </ol>	<p>Following the Renergi presentation to the Environment Policy Team and MWAC meeting on 26 October 2022, further consideration was given by both groups at their December meeting to the Zone motion. Additional feedback from the Shire of Collie and Renergi was provided to the Policy Team and MWAC to inform their recommendation.</p> <p>That the Environment Policy Team and MWAC:</p> <ol style="list-style-type: none"> <li>1. Do not support WALGA adopting a position that supports the utilisation of any particular waste processing technologies.</li> <li>2. Notes that as part of the current Department of Water and Environmental Regulation Reform process, WALGA will advocate to ensure that the regulatory framework does not disadvantage new technologies which meet environmental and human health requirements and have the</li> </ol>	<p>Ongoing</p>	<p><b>Nicole Matthews</b>  <b>Executive Manager</b>  <b>Policy</b>  <b>nmatthews@walga.asn.au</b>  <b>9213 2039</b></p>

	resource recovery rates, including the processing of FOGO and un-separable, co-mingled material.	potential to assist Local Governments to meet the targets specified in the Waste Avoidance and Resource Recovery Strategy.		
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## RESOLUTION

**Moved:** Mr Mal Osborne  
**Seconded:** President Cr Michael Bennett

**That the South West Country Zone WALGA June 2023 Status Report be noted.**

**CARRIED**

## 8.2 Review of WALGA State Council Agenda

### 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 link: [State Council Agenda 5 July 2023](#)

The Zone can 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

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**

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**

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**

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 Summary and Advocacy Position**

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. That the application of Fair Value principles be reviewed in the context of the audit.

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

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 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.

## RESOLUTION

**Moved:** Mayor Grant Henley  
**Seconded:** Commissioner Gail McGowan

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

1. firstly, propose a new Constitution to give effect to the alternate model as per the attached; and
2. secondly, in the event that 1 is not carried amend the Constitution to retain the current governance model with necessary changes, as per the attached mark-up.

**CARRIED**

### **Policy Team and Committee Reports**

- 8.1 Environment and Waste Policy Team Report
- 8.2 Governance and Organisational Services Policy Team Report
- 8.3 Infrastructure Policy Team Report
- 8.4 People and Place Policy Team Report
- 8.5 Municipal Waste Advisory Council (MWAC) Report

### **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:** President Cr Michael Bennett  
**Seconded:** Mayor Grant Henley

That the South West Country Zone:

1. Supports all Matters for Decision, Policy Team and Committee reports as listed above in the 5 July 2023 State Council Agenda, with amendments;
2. Notes all Matters for Noting as listed in the 5 July 2023 State Council Agenda;
3. Item 7.1 amend Advocacy Position Urban Forest to include that urban forest outcomes should be realised for all urban areas across the State; and
4. Item 7.6 amended as per previous resolution.

**CARRIED**

## 9. AGENCY REPORTS / PRESENTATIONS

### 9.1 WALGA President's Report

Tony Brown, Executive Director Member Services, provided a brief update to the Zone on behalf of the WALGA President.

### 9.2 South West Development Commission

Mellisa Teede, Chief Executive Officer, was an apology for the meeting.

### 9.3 Regional Development Australia – South West

Director of Regional Development, Charles Jenkinson, provided a brief update to the Zone.

### 9.4 Department of Local Government, Sport and Cultural Industries

Brendan McNally, Regional Manager Peel South-West was an apology for this meeting. An update report was **attached** with the agenda.

### 9.5 Australia's South West

Chief Executive Officer, Catrin Allsop was an apology to the meeting.

### 9.6 National Emergency Management Agency

Sam Ramsay, NEMA, was an apology for this meeting.

## 10. FINANCIAL REPORT

### 10.1 Financial Report

	Budget	Actual	Comments
	FY	YTD	
	\$	31/5/23	
	\$	\$	
Opening Cash			
Balance	12,748	12,748	
<b>Income</b>			
Subscription Income	7,200	7,200	12 @ \$600 each

<b>Total Income</b>	<b>7,200</b>	<b>7,200</b>	
<b>Expenses</b>			
Bank Charges	72	60	12 months @ \$6
<b>Total Expenses</b>	<b>72</b>	<b>60</b>	
<b>Closing Cash Balance</b>	<b>19,876</b>	<b>19,889</b>	

**RESOLUTION**

**Moved: Mayor Grant Henley**  
**Seconded: President Cr Paul Gillett**

**That the Financial Report be received.**

**CARRIED**

**11. EMERGING ISSUES**

**11.1 Shire of Capel – Local Planning Policy LPP 6.2 Extractive Industries**

The Shire of Capel is considering an Extractive Industries Policy, which is attached to the Minutes for the Zone’s information.

**Action: An item be prepared for the next Zone meeting on Extractive Industries**

**12. DATE, TIME AND PLACE OF NEXT MEETINGS**

**12.1 Future Meeting Dates**

Meeting dates remaining for 2023 are listed below.

<b>MEETING DATE</b>	<b>HOST LOCAL GOVERNMENT</b>
Friday <b>25 August</b> 2023	Nannup
Friday <b>24 November</b> 2023	Capel

## 12.2 Next Meeting

MEETING DATE	HOST LOCAL GOVERNMENT
Friday 25 August 2023	Nannup

\* The Chair advised that the August meeting will commence at 2pm and to be followed by some fellowship to farewell Zone representatives who may be finishing.

## 13. CLOSURE

There being no further business the Chair declared the meeting closed at **12.13pm**.