



# State Council Agenda

2 March 2022

## NOTICE OF MEETING

Meeting No. 1 of 2022 of the Western Australian Local Government Association (WALGA) State Council to be held at WALGA, ONE70, LV1, 170 Railway Parade, West Leederville on Wednesday, 2 March beginning at **4:00pm**.

### 1. ATTENDANCE, APOLOGIES & ANNOUNCEMENTS

#### 1.1. Attendance

Members	Acting President of WALGA - <b>Chair</b> Avon-Midland Country Zone Central Country Zone Central Metropolitan Zone Central Metropolitan Zone East Metropolitan Zone East Metropolitan Zone Goldfields Esperance Country Zone Gascoyne Country Zone Great Eastern Country Zone Great Southern Country Zone Kimberley Country Zone Murchison Country Zone North Metropolitan Zone North Metropolitan Zone North Metropolitan Zone Peel Country Zone Pilbara Country Zone South East Metropolitan Zone South East Metropolitan Zone South Metropolitan Zone South Metropolitan Zone South Metropolitan Zone South West Country Zone	President Cr Karen Chappel JP Cr Ken Seymour President Cr Phillip Blight Cr Paul Kelly Cr Helen Sadler Cr Catherine Ehrhardt Cr John Daw President Cr Laurene Bonza President Cr Cheryl Cowell President Cr Stephen Strange President Cr Chris Pavlovich Cr Chris Mitchell JP Cr Les Price Cr Frank Cvitan JP Mayor Mark Irwin Cr Russ Fishwick JP President Cr Michelle Rich Mayor Peter Long Cr Carl Celedin Mayor Ruth Butterfield Cr Doug Thompson Mayor Carol Adams OAM Mayor Logan Howlett JP President Cr Tony Dean
Ex Officio	Lord Mayor – City of Perth Local Government Professionals WA	Lord Mayor Basil Zempilas Ms Annie Riordan
Secretariat	Chief Executive Officer EM Governance & Organisational Services EM Infrastructure Acting EM Strategy, Policy & Planning Principal Special Projects and Acting EM Communications Acting EM Commercial Manager Strategy & Association Governance Manager Governance & Procurement Chief Financial Officer Principal, Policy and Advocacy	Mr Nick Sloan Mr Tony Brown Mr Ian Duncan Ms Nicole Matthews Ms Narelle Cant  Mr Craig Hansom Mr Tim Lane Mr James McGovern Mr Rick Murray Ms Kelly McManus

#### 1.2. Apologies

### 1.3. Announcements

- 1.3.1. WALGA acknowledges the Whadjuk Nyoongar people who are the Traditional Custodians of the land on which we meet today and pays respect to their Elders past and present.

## 2. MINUTES

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### 2.1. Minutes of the Meeting held 1 December 2021

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#### RECOMMENDATION

That the Minutes of the WALGA State Council Meeting held on [Wednesday, 1 December 2021](#) be confirmed as a true and correct record of proceedings.

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### 2.2. Flying Minute – Submission to Salaries and Allowances Tribunal Local Government Remuneration Inquiry

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#### RECOMMENDATION

That the [Flying Minute – Submission to Salaries and Allowances Tribunal Local Government Remuneration Inquiry](#) be confirmed as a true and correct record of proceedings.

## 3. DECLARATIONS OF INTEREST

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

## 4. EMERGING ISSUES

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

## 5. MATTERS FOR DECISION

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

## 6. MATTERS FOR NOTING / INFORMATION

- As per matters listed.

## 7. ORGANISATIONAL REPORTS

### 7.1 Key Activity Reports

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

### 7.2 Policy Forum Report

### 7.3 Policy Team Reports

- 7.3.1 Environment and Waste Policy Team
- 7.3.2 Governance and Organisational Services Policy Team
- 7.3.3 Infrastructure Policy Team
- 7.4.4 People and Place Policy Team

### 7.4 President's Report

#### **RECOMMENDATION**

That the President's Report for March 2022 be received.

### 7.5 CEO's Report

#### **RECOMMENDATION**

That the CEO's Report for March 2022 be received.

### 7.6 Ex Officio Reports

- 7.6.1 Local Government Professionals WA President, Annie Riordan, to provide the LG Professionals report to the meeting.
- 7.6.2 The Rt. Hon. Lord Mayor Basil Zempilas to provide City of Perth report to the meeting.

## **8. ADDITIONAL ZONE RESOLUTIONS**

To be advised following Zone meetings.

## **9. DATE OF NEXT MEETING**

The next ordinary meeting of the WALGA State Council will be hosted by the South Metropolitan Zone at the City of Cockburn Administration Centre on Wednesday, 4 May.

## **10. CLOSURE**

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## 5. MATTERS FOR DECISION

### 5.1 Short-Term Accommodation Regulatory Scheme (05-036-03-0016 CH)

By Chris Hossen, Policy Manager, Planning and Building

#### RECOMMENDATION

**That the draft Short-Term Accommodation Regulatory Reform submission be endorsed**

#### Executive Summary

- In December 2021, the Department of Planning, Lands and Heritage (DPLH) released [Draft Position Statement: Planning for Tourism and Guidelines](#) (the position statement) for public consultation.
- The Department of Local Government, Sport and Cultural Industries (DLGCS) simultaneously [sought comment](#) on the implementation of a new state-wide registration system for short-term accommodation.
- The proposal is in response to the State Government's acceptance of the recommendations of the Inquiry into Short-Stay Accommodation by the Legislative Assembly's Economics and Industry Standing Committee in 2019.
- The proposals are broadly consistent with the Inquiry's findings that Local Governments are best placed to plan for tourism within their communities and WALGA's existing Advocacy Position on short-term accommodation.

#### Attachment

- Draft Short-Term Accommodation submission

#### Policy Implications

WALGA's existing policy position on short-term accommodation was adopted in 2017 (Advocacy Position 6.40 Short-Stay Accommodation). This position called for a review of the planning framework for short-term accommodation, contemporary land-use definitions and a preferred approach for home-sharing in the planning framework. The proposed policy measures in the [Draft Position Statement: Planning for Tourism and Guidelines](#) are broadly consistent with the existing position. It is proposed that recommendations 1, 2 and 3 of the draft submission will supersede the existing policy position, and the existing position will be deleted.

#### Background

The short-term accommodation sector, and the tourism sector more broadly, plays an important role in local economic development, providing employment, training opportunities, and injections of tourist expenditure into local communities across the State. Changes in the short-term accommodation market have been challenging for Local Governments and their communities, particularly amenity issues such as noise, parking and waste management. Several Local Governments have sought to address these challenges through their local planning frameworks and through local registration schemes governed by local laws. These approaches have had varying degrees of success in addressing amenity concerns.

In 2017, WALGA prepared a [Short-Term Rental Accommodation Discussion Paper](#) in consultation with Local Governments. This Discussion Paper led to the adoption of a formal advocacy policy position by WALGA State Council in December 2017.

WALGA made a [submission](#) to the Legislative Assembly Economics and Industry Standing Committee [Inquiry into Short-Stay Accommodation](#) in 2019 and appeared before the Committee with a number of other Local Governments. The [Inquiry Report](#), tabled in September 2019, was generally welcomed by the Local Government sector. All 45 of the Inquiry's findings and 9 of the 10 recommendations were accepted by the State Government. The sector was pleased that the Government accepted Recommendations 2 (updated land use definitions), 3 (updated planning guidance), 7 (working group to be established), 9 (data sharing) and 10 (Local Government

responsibilities as part of registration scheme) and these recommendations form the basis of the matters included in the current consultation being administered by the DPLH and DLGSC.

The [Draft Position Statement: Planning for Tourism and associated Guidelines](#) are part of the Government's response to the Inquiry's recommendations. Consultation on the Statement and Guidelines is open from 6 December 2021 until 7 March 2022.

No formal consultation with Local Government or WALGA occurred prior to the release of the position statement and that the consultation does not include any details to justify certain aspects of the position statement or policy guidance. The items outlined in Recommendation 7 of the Inquiry provided a robust set of considerations that would have adequately guided the working group. The recommendation and the Government's response also outlined the importance of engaging with the Local Government sector to support the working group's activities. However, there has not been a formal approach by the working group to Local Government or WALGA to support their work.

WALGA hosted a sector webinar with officers of DPLH and DLGSC on 16 December 2021 which was attended by officers and Councillors from over 50 Local Governments. Attendees were surveyed on key elements of the position statement and proposed regulatory scheme, with this feedback used to inform the draft Submission.

WALGA sought comment on the draft Submission from Local Governments over a three-week period in January 2022. Officer comments were received from the Shires of Augusta-Margaret River, Dowerin, and Serpentine Jarrahdale, the Towns of East Fremantle and Victoria Park, and the City of Vincent. Formal Council support was received from the Shire of Merredin.

## Comment

The Position Statement is a positive step forward in the provision of clear and consistent direction to Local Governments on the definition and treatment of short-term rental accommodation in the Western Australia planning framework. In particular:

- Planning Bulletin 99 - Holiday Home Guidelines, has been superseded and replaced with a contemporary range of 'Land Use' definitions and a preferred model for the management of home-sharing in the planning framework. These approaches are consistent with WALGA's current policy advocacy positions.
- The Position Statement identifies that *'Local Governments are best placed to plan for tourism within their communities, with local knowledge of tourism activities, opportunities, constraints, including potential impacts and what requirements, if any, should be places on tourism proposals'*. The general and specific policy measures generally align with this intent and the position statement's intent and objectives are supported.
- The Association supports the establishment of a state-wide registration scheme for short-term accommodation. Local Governments have indicated strong support for such a scheme and the benefits it would bring to the regulation of short-term accommodation in their localities. However, given the limited detail provided, the Association's support for the scheme is conditional upon a range of conditions being satisfied.

The sector has raised significant concerns regarding the proposal to exempt 'unhosted accommodation' from the need to obtain development approval where this use is not proposed to be let for more than 60 days per calendar year. This policy response was not proposed in either the Parliamentary Inquiry or the Government's response. There is broad sector support for the exemption of 'hosted accommodation', and incorporation of the existing bed and breakfast land-use definition into this definition.

## Item 5.1 Short-Term Accommodation Regulatory Scheme Attachment – Draft Short-Term Accommodation Submission

### Introduction

The Western Australian Local Government Association is the united voice of Local Government in Western Australia. The Association is an independent, membership-based group representing and supporting the work and interests of 139 Local Governments in Western Australia.

The Association provides an essential voice for 1,212 elected members and approximately 22,600 Local Government employees, as well as over 2 million constituents of Local Governments in Western Australia. The Association also provides professional advice and offers services that provide financial benefits to the Local Governments and the communities they serve.

The short-term accommodation sector, and the tourism sector more broadly, plays an important role in local economic development, providing employment, training opportunities, and injections of tourist expenditure into local communities across the state.

Changes in the composition of the short-term accommodation market have been challenging for Local Governments and their communities, particularly amenity issues such as noise, parking and waste management. Several Local Governments have sought to address these challenges through their local planning frameworks and through local registration schemes governed by local laws. These approaches have had varying degrees of success in addressing amenity concerns. Most concerningly, requirements set at the local level have not been sufficient to compel compliance from peer-to-peer platforms on matters such as data sharing and compliance with local requirements.

The Association therefore welcomes the opportunity to provide feedback on short-term accommodation to the Department of Planning Lands and Heritage (DPLH) and Department of Local Government, Sports and Cultural Industries (DLGSC) to inform the effective and efficient regulation of this sector.

This submission reflects the Association's existing positions as well as key issues and concerns raised by WALGA members during the consultation period.

### Background

The emergence and rapid rise of the 'sharing economy', which utilises peer-to-peer platforms to rapidly connect customers and service providers, has produced several challenges for Local Government. In particular, platforms that support short-term rental accommodation offer these services in residential buildings and neighbourhoods that have not been designed to accommodate or provide these services.

The growth in short-term rental accommodation platforms and associated services has been rapid; however, planning legislation that governs short-term accommodation in Western Australia has not been revised since 2009. The absence of adequate State Government guidance about how to manage these services has been challenging for some Local Governments, which has led to many Local Governments regulating short-term accommodation through their local planning framework and the *Local Government Act 1995*.

In 2017, the Association prepared a *Short-Term Rental Accommodation Discussion Paper* in consultation with Local Governments. This discussion paper led to the adoption of a formal advocacy policy position by the WALGA State Council in December 2017, which states:

1. That WALGA request the Minister for Planning to establish, through the Department of Planning, Lands and Heritage, a Technical Working Group, with a goal to reviewing the planning framework in relation to short-term rental accommodation, that gives consideration to:



- a. A review of Planning Bulletin 99 – Holiday Home Guidelines, with a particular emphasis on expanding the scope of Planning Bulletin 99 beyond ‘Holiday Homes’, to reflect changes in the accommodation market,
- b. A review of ‘Land Use’ definitions within the Planning framework that relate to short-term accommodation, and
- c. Establishing a ‘preferred’ approach for the management of ‘home-sharing’ within the planning framework

## Parliamentary Inquiry into Short-Stay Accommodation

Considering WALGA’s adopted policy advocacy positions, the Association welcomed the nature and scope of the terms of reference for the Inquiry into Short-Stay Accommodation by the Legislative Assembly’s Economics and Industry Standing Committee in 2019.

The detail of the Association’s submission to the inquiry focused on points one (1) and three (3) of the terms of reference, providing a snapshot of the way Local Governments regulate short-term accommodation in Western Australia. WALGA’s submission also outlined the various concerns of Local Government and local communities regarding the impact that changes to the short-term accommodation market have had, and are continuing to have, on their localities. Finally, commentary was made on the issue of data-sharing, or lack thereof, between online listing websites, holiday house providers and government authorities and the issues this creates for authorities.

The findings and recommendations of the Inquiry, tabled in September 2019, were generally welcomed by the Local Government sector. For example, Recommendations 2 and 3 sought to contemporise land-use definitions through the *Planning and Development (Local Planning Scheme) Regulations 2015* and update planning guidance to reflect the changes to the definitions. These recommendations largely aligned with the Association’s adopted policy advocacy positions.

Recommendations 7 through 10 proposed the need for a state-wide registration scheme, established through appropriate legislative or regulatory mechanisms, and developed by an interdepartmental government working group in consultation with industry and the Local Government sector. The Committee’s findings placed considerable weight on the collective evidence provided by Local Government on how the short-term accommodation sector needs to be managed in line with local conditions and context. Recommendation 7 makes clear reference to the need for any state-wide registration scheme to ‘ensure that Local Governments maintain the ability to require the provision of additional information and impose additional licencing or operational requirements, depending on their circumstances’. Recommendation 10 listed a range of matters that Local Governments should be responsible for. The State Government accepted both recommendations noting that the relationship between State and Local Government will be a critical issue in implementing a state-wide scheme.

The Association was pleased that the Government accepted Recommendations 2, 3, 7, 8, 9 and 10 and notes that these recommendations form the basis of the matters included in the current consultation being administered by the Department of Planning, Lands and Heritage (DPLH) and Department of Local Government, Sport and Cultural Industries (DLGSC).

## General Comments

The Association welcomes the recent release of the *draft Position Statement: Planning for Tourism* and associated Guidelines for public consultation. The draft Position Statement and Guidelines are a positive step forward in the provision of clear and consistent direction to Local Governments on the definition and treatment of short-term rental accommodation in the Western Australia planning framework. Amongst other things, the draft Position Statement and Guidelines supersede and replace Planning Bulletin 99 and provide a more contemporary range of ‘Land Use’ definitions and a preferred model for the management of home-sharing in the planning framework. These approaches are consistent with WALGA’s current policy advocacy positions.

The draft Position Statement identifies that *'Local Governments are best placed to plan for tourism within their communities, with local knowledge of tourism activities, opportunities, constraints, including potential impacts and what requirements, if any, should be places on tourism proposals'*. The general and specific policy measures generally align with this intent and the draft Position Statement's intent and objectives are supported.

The Association does have significant concerns regarding the proposal to exempt 'unhosted accommodation' from the need to obtain development approval where this use is not proposed to be let for more than 60 days per calendar year. This policy response was not proposed in either the Parliamentary Inquiry or the Government's inquiry response. Furthermore, the draft Position Statement provides limited justification as to why the exemption is being proposed. Consultation with Local Governments indicates that there is broad opposition to this exemption for a range of reasons. Detailed commentary on this matter is outlined in the Specific Comments section (Appendix 1).

The Association supports the exemption of 'hosted accommodation', and incorporation of the existing bed and breakfast land-use definition into this definition. Detailed commentary on this can be found in the Specific Comments section (Appendix 1).

The Association is concerned that there has not been any consultation with Local Government or WALGA prior to the release of the position statement and that the consultation does not include any details to justify certain aspects of the position statement or policy guidance. The Government accepted the finding of the Inquiry in February 2020 and shortly after formed the interdepartmental working group to advance the matter. The items outlined in Recommendation 7 of the Inquiry provided a robust set of considerations that would have adequately guided the working group. The recommendation and the Government's response also outlined the importance of engaging with the Local Government sector to support the working group's activities. However, there has not been a formal approach by the working group to Local Government or WALGA to support their work. The Association understands that the DLGSC has only recently been appointed as the lead agency for the proposed registration scheme. WALGA looks forward to the opportunity to engage with the Department on the development of this scheme in line with the Inquiry's recommendations and the State Government's response.

The Association supports in-principle the establishment of a state-wide registration scheme. Local Governments have indicated strong support for a scheme and the benefits it would bring to the regulation of short-term accommodation in their localities. However, given the limited detail provided, the Association's support for the scheme is conditional upon inclusion of the following features:

1. All hosted and un-hosted short-term accommodation must be required to be registered with the scheme before being able to advertise the property
2. All peer-to-peer platforms that seek to let short-term accommodation must be regulated through the scheme as a host platform
3. Obligations of registration for both hosts and platforms must be clear and appropriate infringements and compliance tools should be embedded in the regulatory framework
4. Local Governments must be able to maintain the ability to require the provision of additional information and impose additional licencing or operational requirements, depending on their circumstances
5. Local Government's must be able to set fees commensurate with the cost of providing the service for any role undertaken as part of the scheme, and
6. Local Governments must have access to all necessary data collected by the scheme to adequately manage the potential impacts of short-term accommodation providers and to ensure local requirements are being met by hosts.

**Recommendations:**

1. **The intergovernmental working group be re-formed to guide the establishment of a state-wide registration scheme, which includes Local Government as a key stakeholder to ensure that the experience and knowledge of the sector informs the scheme's formulation.**

2. **A state-wide registration scheme be developed for short-term accommodation and peer-to-peer platforms with the inclusion of the following features:**
  - a. **All hosted and un-hosted short-term accommodation must be required to be registered with the scheme before being able to advertise the property**
  - b. **All peer-to-peer platforms that seek to let short-term accommodation must be regulated through the scheme as a host platform**
  - c. **Obligations of registration for both hosts and platforms must be clear and appropriate infringements and compliance tools should be embedded in the regulatory framework**
  - d. **Local Governments must be able to maintain the ability to require the provision of additional information and impose additional licencing or operational requirements, depending on their circumstances**
  - e. **Local Government's must be able to set fees commensurate with the cost of providing the service for any role undertaken as part of the scheme, and**
  - f. **Local Governments must have access to all necessary data collected by the scheme to adequately manage the potential impacts of short-term accommodation providers and to ensure local requirements are being met by hosts.**
  
3. **No exemptions for 'unhosted accommodation' are allowed until the details of the state-wide registration scheme are finalised and deemed sufficient to adequately manage the impacts of short-term accommodation.**

## Specific Comments

Section	Comment
Hosted accommodation	<p>The draft Position Statement proposes that a new definition of ‘hosted accommodation’ be incorporated into the Local Planning Scheme Regulations as a model provision. It is proposed that the definition of hosted accommodation will encompass all low-scale proposals where a host resides on site, this would include bed and breakfasts. The current definition of bed and breakfast would be deleted from the model provisions. The proposed definition of hosted accommodation would apply to all dwelling types and limit the number of visitors to 4 adult persons in a maximum of 2 bedrooms, this aligns with the current definition of bed and breakfast. Comments received in response to WALGA’s discussion paper in 2017 and in response to this consultation indicate broad support for the new definition of hosted accommodation and the subsequent deletion of bed and breakfast from the LPS Regulations. The Association supports this change.</p> <p>It is also proposed that hosted accommodation be exempt from requiring development approval through an amendment to clause 61 of the Deemed Provisions. That is to say that where the proposal meets certain conditions, such as the number of rooms and number of guests, there would be no requirement to seek development approval for the use. Local Governments indicated broad support for the use of exemptions for hosted accommodation. The Association supports this change.</p> <p>The draft Position Statement indicates that all hosted accommodation (including those not requiring development approval) would be required to be registered on the state-wide registration scheme. This would ensure that Local Governments are aware of relevant matters that would enable suitable regulation of the land uses to protect amenity issues should they arise.</p> <p>The Draft Guidelines indicate that Local Governments should consider including hosted accommodation as a ‘permitted’ land use in the residential zone and as Local Governments deem appropriate in other zones. Current practice generally specifies bed and breakfast as either an ‘A’ or ‘D’ use in most suitable zones. It is unusual for a bed and breakfast to be a ‘P’ use. DPLH will need to consider transitional arrangements for existing schemes and definitions and how the exemption will be incorporated into</p>

	<p>the deemed provisions to facilitate the policy objectives of the Draft Position Statement. DPLH will also need to consider the appropriateness of exempting unhosted accommodation in bushfire prone areas and the alignment of such a decision with the intent and objectives of <i>State Planning Policy 3.7 Planning for Bushfire Protection</i>.</p> <p><b>Recommendations:</b></p> <ol style="list-style-type: none"> <li><b>4. Establish new definitions for hosted accommodation</b></li> <li><b>5. Include hosted accommodation as a matter exempt from seeking development approval in clause 61 of the Deemed Provisions, subject to suitable conditions relating to number of guests and number of rooms, and consideration of bushfire or other natural hazard.</b></li> </ol>
<p>Unhosted short-term accommodation</p>	<p>The draft Position Statement proposes that two new and one amended definition related to unhosted accommodation be incorporated into the LPS Regulations as a model provision. Currently the model provisions provide a single definition for ‘holiday house’. It is proposed to split this definition into three definitions that reflect the three types of dwellings in the Residential Design Codes: Single House, Grouped Dwelling, and Multiple Dwelling. The definitions are identical except for the type of dwelling.</p> <p>Several Local Governments currently use definitions to distinguish between holiday homes in single houses and either grouped or multiple dwellings. Generally, land-use permissibility and number of guests vary between the two definitions with lower maximum guests’ numbers on proposals in grouped and multiple dwellings. The draft Position Statement proposes that guest numbers and room caps would be managed through the local planning framework.</p> <p>There is merit in splitting the land-use definitions by dwelling type, and this is supported. It is recommended that the words, ‘for hire or reward’ be added to the end of all three draft definitions. This will clarify that this land use is only to be applied to those holiday houses/units that are being used in a commercial manner and not for the personal use of a holiday home by the owner. Consideration should also be given to maintaining limits on the maximum number of guests and number of rooms that can be accommodated in each proposed definition. For example, limiting the maximum number of guests to 2 persons per bedroom.</p> <p>The Draft Guidelines indicate that Local Governments should consider including holiday house/unit/apartments as a ‘discretionary’ land use in appropriate zone and suggest</p>

	<p>that advertising be required for proposals with more than 7 or more guests. This is generally consistent with current practice and supported.</p> <p>Lastly, it is proposed that unhosted short-term accommodation (in a single house, grouped or multiple dwelling) will be exempt from requiring development approval where it is let for less than 60 days per calendar year. As already stated, no justification has been provided to support this proposal and this proposal was not contemplated or deemed necessary by the Parliamentary Inquiry. Submissions from Local Governments indicate that the practicalities of enforcing this requirement would be impossible and for many Local Governments that have established comprehensive regulatory regimes the change would mean a significant reduction in the ability to adequately manage short-term accommodation and manage the amenity issues in line with community expectations.</p> <p>It is noted that all unhosted accommodation, including those exempt from development approval, would be required to be registered through the state-wide scheme, and that this may allow for adequate regulatory oversight of unhosted accommodation. The lack of information in this consultation on how the scheme will operate, the data reporting requirements, and how local requirements will be incorporated into the scheme does not allow positions to be taken or recommendations made by the Association. Until such a time that additional information is provided, the Association is not able to support or oppose the exemption for unhosted accommodation. This position will be reassessed following the release of information on the Scheme and further consultation with Local Government.</p> <p><b>Recommendations:</b></p> <ol style="list-style-type: none"> <li><b>6. Include the words ‘for hire or reward’ to the draft definitions of holiday house, holiday unit and holiday apartment</b></li> <li><b>7. Consider the need for maximum guest and room limits for each draft definition</b></li> </ol>
<p>State-wide registration scheme</p>	<p>The Association supports the establishment of a state-wide registration scheme for short-term accommodation. Consultation with members demonstrates overwhelming support for a scheme and the benefits it would bring to the regulation of short-term accommodation in their localities.</p>

Local Government experience of local regulation of short-term accommodation through local laws shows the benefits of registration and regulation outside the planning system. The planning system has traditionally not been a useful instrument to manage ongoing compliance, and the use of local laws has shown to be successful at ensuring amenity is maintained and hosts are held to account for the behaviour of their guests and the suitability of the premises.

Experience shows that local laws, and their registration scheme in Western Australia, has had limited success in compelling peer-to-peer hosting platforms to ensure compliance with local requirements prior to accepting properties for hire. As has been experienced in New South Wales and Tasmania, state-managed schemes have the power to compel such platforms to follow the rules and ensure compliance. This is vital for the success of any scheme.

As has been identified in the draft Guidelines, several Local Governments in Western Australia currently operate local registration and regulatory schemes. This is reflective of the varying impact short-term accommodation has on different communities. It is important that any state-wide scheme be able to capture this variation and reflect the desire of some communities to restrict and/or manage short-term accommodation.

In the Government's response to Inquiry recommendation 7 it was noted that the design of the system *'...needs to be flexible and not too onerous'* and *'simple, low cost and user friendly'*. Considering these requirements alongside the need to incorporate local requirements into registration, the development of a system similar in design to the section 39 and 40 requests in the liquor licencing regime has merit. This operates by an applicant lodging a request for registration with a state agency, as part of the application process a request for a certificate of compliance from the Local Government would be issued. This would allow the Local Government to determine if all local requirements, such as local registration, development approval, pool permit and food licence etc, had been met. Should those items not be required, this would be indicated in the response. This system would be consistent with the intent of Inquiry recommendation 10 and if adequately resourced would not act as an impediment to registration.

As previously stated, as there is limited detail on the scheme, the Association's support for the scheme should be read alongside several features already mentioned in the general comments.

Implications for Building Classification

Under the National Construction Code apartments are designated as Class 2 Buildings while buildings hosting tourist accommodation are generally classified as Class 3. There are significant differences between the two classes, such as sprinkler protection in Class 3. The design of Class 2 buildings regularly relies on performance solutions that assume a level of resident familiarity with the building, which is not the case for short-term guests. Class 3 buildings address this through higher safety standards.

The existence of short-term accommodation in residential class 2 buildings causes difficulties for Local Governments when approving uses. Under current legislation, a change in the classification triggers compliance with the current standards. This would likely be onerous upgrades, particularly in older buildings. Secondly, it is unclear if the trigger would apply to only the apartment or the whole building. More guidance is needed on this issue.

***Recommendation:***

- 8. DLGSC should seek guidance from DMIRS on possible solutions regarding the different safety standards for Class 2 and 3 buildings for short-term accommodation. This issue should be discussed in collaboration with Local Government.**



## 6. MATTERS FOR NOTING / INFORMATION

### 6.1 COVID-19 – Update

*By Nicole Matthews, Acting Executive Manager, Strategy, Policy and Planning / COVID-19 Response*

**Please note: The information in this report is current as of 31 January 2022. Supplementary information will be provided at Zone and State Council meetings, as well as through other channels, including regular COVID-19 Updates from the WALGA President and CEO.**

#### RECOMMENDATION

**That the COVID-19 Update report be noted.**

#### Executive Summary

- At the time of writing the Omicron variant of COVID-19 is circulating Western Australia with community cases reported in many regions of the State.
- The reopening of Western Australia's borders that was scheduled for February 5 has been delayed, with further reviews of border controls to be considered over the next 2-3 weeks.
- State of Emergency Directions, particularly in relation to mandatory vaccination, proof of vaccination and mask wearing have had significant implications for Local Governments.
- WALGA has continued to provide dedicated COVID-19 support and advocacy for Members, including regular updates, webinars, guidance and analysis.

#### Background

The Omicron COVID-19 variant, which appears to be milder but more contagious, is now the dominant strain of the virus in Australia and around the world. Case numbers, hospitalisations and deaths have increased dramatically since late December. At the time of writing, it appears some eastern states may have reached a peak in daily cases.

#### COVID-19 in WA

The latest information on COVID-19 in WA can be found at [COVID-19 coronavirus \(www.wa.gov.au\)](https://www.wa.gov.au) and on the [WA Department of Health website](#).

Omicron is circulating in Western Australia, with cases reported in many regions of the State. The Chief Health Officer has indicated that it will not be possible to eliminate Omicron in WA.

#### Vaccinations

91 per cent of the WA 12+ population are double dose vaccinated and 36 per cent of 18+ Western Australians have received a third dose. Vaccination rates in country regions are lower at approximately 84 percent double dose, with particular areas of concern in the Pilbara (57 per cent), Kimberley (71 per cent) and Goldfields (79 per cent).

Current information on vaccination rates by Local Government Area can be found [here](#). It should be noted that for some Local Government areas the information is not available, may be inaccurate and is based on the 15+ population (WA vaccination rates are based on 12+ population).

#### Restrictions and Directions

[WA State of Emergency and State of Health Emergency Declarations](#) remain in force.

On Thursday, 20 January 2022 the Premier announced that the WA border would not be opening as planned on 5 February 2022 based on [advice from the Chief Health Officer](#).

A revised [Transition Plan for Western Australia](#) has been released.

The State Government has also [released the settings](#) that will apply when WA moves into a high COVID-19 caseload environment:

- a new close contact definition will apply, and casual contacts will cease
- new testing and isolation protocols will take effect, including the use of Rapid Antigen Testing (RAT)
- critical workers will be those that cannot work from home and are vital to maintain critical services and avoid catastrophic losses. For Local Governments this includes waste management services and social assistance services workers.

### *Mask Wearing*

The wearing of face masks has been made mandatory in Perth, Peel, and the South West, Wheatbelt and Great Southern areas in all public indoor settings, vehicles (unless the person is travelling alone or with members of the same household), indoor and outdoor residential aged or disability care facilities and hospitals.

### *Mandatory Vaccination*

The Government implemented mandatory vaccination requirements in late 2021. The Directions relating to these requirements are available [here](#). Local Governments employ 22,000 people in over more than 170 occupations groups which are impacted by at least 10 of the Directions.

It has been difficult for Local Governments to navigate, interpret and communicate the Mandatory Vaccination Directions which only provided for a very short implementation time. Local Governments are now in the process of managing those employees who do not wish to be vaccinated.

### *Vaccination Proof of Entry*

Proof of vaccination requirements for ages 16+ were extended to venues and events state-wide on 31 January 2022. Local Government venues (and staff working in these venues) covered by the requirements include:

- Cafés and hospitality venues, which may be part of a larger facility for example in a recreation centre, sporting venue or hall
- Live music venues
- Indoor play centre
- Cinemas – including drive in and outdoor cinemas
- Gyms, indoor sporting centres, health clubs and dance studios
- A place where an event with more than more than 500 patrons, whether in public or private, and whether undertaken or engaged in on a for profit or not for profit basis (other than an excluded gathering).

Community sport, even if being undertaken in one of the venues covered by the Directions, are exempt from proof of vaccination requirements.

The Directions are available [here](#).

## **Comment**

### WALGA Sector Support and Advocacy

WALGA has continued to provide dedicated COVID-19 support and advocacy for the sector, including through:

- Direct engagement with the Chief Health Officer, Department of Health and Department of Premier and Cabinet regarding mandatory vaccination and proof of vaccination requirements under the Directions.
  - Based on feedback from the sector, WALGA strongly advocated for all Local Government owned and operated facilities and premises, and workers required to enter those facilities and premises, to be covered by the mandatory vaccination Directions to remove confusion. This outcome would have provided Local Governments with a mandate to ensure employees are vaccinated and to enable the continued provision of critical and essential Local Government services when there is widespread community transmission

- of COVID-19 in WA. The Government did not progress this approach which has caused considerable confusion across the sector and significant employee relations challenges.
- Proof of vaccination entry requirements are also causing considerable confusion and implementation issues for the sector. WALGA has received a large volume of queries from Local Governments, particularly in relation to mixed use facilities, such as recreation centres, and is seeking urgent clarification.
  - Responding to a large volume of COVID-19 related queries from the sector – more than 300 to WALGA Employee Relations and over 100 to WALGA COVID-19 Response from October 2021 to January 2022.
  - Representing the sector at Ministerial Roundtables, meetings of the State Emergency Management Committee COVID-19 Coordination Group, State Welfare Emergency Committee, State Recovery Advisory Group and the State Health Incident Coordination Centre.
  - Waste services continuity and planning – WALGA has updated the Mutual Assistance MoU for Local Government and preferred suppliers of waste collection, processing and disposal services. This provides a mechanism for assistance to be sought from other organisations if a workforce is impacted by COVID-19.
  - Undertaking a bulk purchase of competitively priced Rapid Antigen Test kits for the sector, with over 70,000 ordered in the first tranche.
  - Regular [WALGA COVID-19 Local Government Updates](#) – 136 updates have been issued since March 2020. There are over 1500 subscribers to these updates.
  - COVID-19 Local Government Survey – WALGA is surveying the sector monthly to inform its COVID-19 support and advocacy. 77 Local Governments responded to the first survey with 40 per cent reporting a shortage of workers or skilled workers, 70 per cent reporting shortages of building material supplies and 60 per cent reporting shortages of machinery, all of which are leading to longer lead times on contracts and resulting in higher costs.
  - Webinars and seminars:
    - 29 October 2021: HR Responses to COVID-19 Breakfast Seminar, attended by 86 representatives from Local Government
    - 21 January 2022: Preparing for Omicron, attended by 300 representatives from Local Government (webinar recording available [here](#))
    - 3 February 2022: COVID-19 Preparedness in the Regions
  - WALGA Employee Relations subscriber resources – 83 per cent of the sector subscribes to the WALGA ER Service. The Service has developed in-depth FAQs, template letters and checklists and COVID-19 specific ER alerts to assist Local Governments in implementing the COVID-19 mandatory vaccination requirements.

## 6.2 2022-23 Federal Budget Submission (05-088-03-0004 DM)

By Dana Mason, Manager Economics and Strategic Projects

### RECOMMENDATION

**That the 2022 WALGA Federal Budget Submission be noted.**

#### Executive Summary

- The WALGA President has written to the Federal Treasurer and Assistant Treasurer to support the initiatives identified in ALGA's 2022-23 Federal Budget Submission.
- WALGA's submission also seeks a commitment to address additional issues of particular importance for WA Local Governments:
  1. funding to build the capacity, reliability and resilience of telecommunications infrastructure across remote, regional and peri-urban areas;
  2. additional funding for road programs, including Local Government road priorities across the agricultural region; and
  3. the creation of a funding model for managing coastal erosion hot spots and additional funding from the Commonwealth to support the implementation of coastal hazard risk planning;
- The submission was provided to Commonwealth Treasury, the Treasurer and Assistant Treasurer in January 2022, and will be sent to all WA Members of Federal Parliament in coming weeks.

#### Attachment

- [WALGA 2022 Federal Budget Submission Letter](#)
- [ALGA 2022 Federal Budget Submission](#)

#### Background

The Federal Assistant Treasurer recently called for submissions for the 2022-23 Budget.

Each year, ALGA prepares a submission on behalf of the Local Government sector nationally. The 2022-23 ALGA submission requests funding for a range of initiatives across the following key themes:

- Economic recovery;
- Transport and Community Infrastructure;
- Building Resilience (including disaster mitigation; climate change; Closing the Gap initiatives; health; and arts and culture); and
- Circular economy.

These initiatives have been assessed by independent economists, and if funded and implemented would contribute at least \$6.58 billion to Australia's Gross Domestic Product and create 44,436 new jobs per annum.

A copy of ALGA's 2022-23 Budget Submission is attached.

The WALGA Acting President wrote to the Treasurer and Assistant Treasurer in January 2022 in support of the ALGA submission. WALGA's submission (attached) also seeks a commitment to address additional issues of particular importance for WA Local Governments:

- Telecommunications and digital connectivity – Additional funding to build the capacity, reliability and resilience of critical telecommunications infrastructure across remote, regional and peri-urban Western Australia through programs such as the Mobile Network Hardening Program (MNHP); Strengthening Communications Against Natural Disasters (STAND); and Peri-urban Mobile Program (PUMP);
- Road Transport – In addition to funding for key programs such as Roads to Recovery and the Local Roads and Community Infrastructure Program, additional funding of \$50 million is being sought for the Local Government roads prioritised across the agricultural region; and

- Managing coastal erosion hot spots – Creation of a sustainable, equitable and efficient funding model to enable the implementation of coastal hazard risk planning. A funding contribution from the Commonwealth is being sought to assist Local Governments with the costs associated with the implementation of coastal hazard risk planning.

These priorities have previously been endorsed by State Council in September 2017, March 2018 and December 2021.

WALGA's submission has also been provided to all WA Members of Federal Parliament to highlight these priority initiatives.

### **Comment**

The 2022-23 Federal Budget is an ideal opportunity to advocate for priority initiatives for the WA Local Government sector in advance of the upcoming Federal Election.

WALGA will be seeking opportunities to engage with WA Members of Federal Parliament on these and other key issues for the sector in advance of the 2022 Federal Election.

## 6.3 Detection of Polyphagous Shot-hole Borer and Implications for Local Government (05-046-03-0017 RZ)

By Renata Zelinova, Policy Officer, Biodiversity and Natural Area Management

### RECOMMENDATION

That State Council note:

1. The emerging biosecurity threat following the detection of the polyphagous shot-hole borer (PSHB) in the metropolitan area.
2. That PSHB has the potential to significantly impact on Local Governments' street trees and public open space.
3. The response activities being coordinated by the Department of Primary Industries and Regional Development, including the imposition of a Quarantine Area Notice covering 17 Local Government areas and expanded surveillance program.

### Executive Summary

- Polyphagous shot-hole borer (PSHB), an exotic wood-boring beetle not previously found in Australia, was detected in Perth in September 2021.
- Establishment of this pest would have significant impact on amenity trees, native vegetation and the fruit and nut industries.
- There is currently no known effective eradication treatment for PSHB. Early detection, removal and advanced treatment of infested trees/branches and tree stumps are the best control methods.
- A PSHB Quarantine Area (QA) has been imposed across 17 metropolitan Local Government areas that restricts the movement of wood and plant material from properties within the QA and requires machinery used to process green waste to be cleaned before leaving the QA.
- The Department of Primary Industries and Regional Development (DPIRD) has expanded PSHB surveillance to selected regional towns by distributing pest specific traps (which will remain in place for up to six months).
- DPIRD is continuing to work with Local Governments, other government agencies and residents to control PSHB populations while the incursion is fully considered as part of the nationally coordinated response to pest incursions.
- WALGA has facilitated DPIRD briefing sessions for the sector, is providing updates to the sector and has established a dedicated webpage for downloadable resources for Local Government to support communications to residents.
- WALGA will continue to work with DPIRD to ensure the implications of the incursion for Local Governments are considered in the ongoing response to PSHB.

### Background

Polyphagous shot-hole borer (PSHB) is a 2mm long wood boring beetle native to South-East Asia. It has a symbiotic relationship with a *Fusarium* fungus, cultivating it inside a tree for food. In susceptible trees, this fungus causes dieback and tree death, killing some trees within two years.

PSHB had not been detected in Australia until September 2021 when it was found in a tree in East Fremantle. It is believed to have arrived via infested wood products from its country of origin or other areas of known infestations.

Due to its small size and its lifecycle, PSHB detection and potential control treatments are challenging. Research is underway in South Africa and California on chemical treatment options but results to date are limited and chemicals tested are not registered for use in Australia.

An initial PSHB Quarantine Area (QA) imposed in September 2021 to control the spread of PSHB was further expanded in November to cover 17 Local Government areas: Cambridge, Canning, Claremont, Cockburn, Cottesloe, East Fremantle, Fremantle, Melville, Mosman Park, Nedlands, Peppermint Grove, Perth, South Perth, Stirling, Subiaco, Victoria Park and Vincent. The expanded

QA conditions are less onerous on impacted Local Governments as green waste movement within the QA is unrestricted. Exemptions have also been arranged for selected green waste processing facilities outside the QA to allow the continuation of green waste collections within the 17 Local Government areas.

DPIRD is working directly with impacted Local Governments to provide them with information on the borer, QA Notice restrictions and communications material to help support affected residents. Local Governments in the Perth metropolitan region have assisted DPIRD investigations by providing information on the locations of one of the key host trees, the box elder (*Acer negundo*) as well as information on green waste processing facilities.

DPIRD's has also undertaken extensive inspections of potential host trees (555 inspections completed during 13-16 December 2021), responded to public reports of suspected infestations and placed PSHB traps at strategic locations (358 traps deployed during 13-16 December 2021).

On 22 December 2021, DPIRD delivered a stakeholder update which noted that 39 properties were identified with infested trees, all within the QA. Analysis of tissue samples showed that the species of *Fusarium* fungi found in the Perth infestations is different to the species used elsewhere in the world. Consequently, a list of host tree species may also be different to the known list of hosts. [Twenty one species of trees](#) have been identified as host trees within the QA, including two new species; mango and sea hibiscus/cottonwood that were not previously listed elsewhere.

To determine how far PSHB may have spread, DPIRD is placing specifically designed traps in 18 regional Local Government areas, including Albany, Bunbury, Busselton, Greater Geraldton, Bridgetown-Greenbushes, Chittering, Dandaragan, Donnybrook-Ballingup, Esperance, Katanning, Lake Grace, Manjimup, Moora, Plantagenet, Wickepin, Wongan-Ballidu, Narrogin and Northam. Up to five traps are being placed in priority towns and will remain in place for up to six months.

The detection of PSHB has also triggered a national level response via the Consultative Committee on Emergency Plant Pests (CCEPP) and the National Management Group which consider the technical feasibility of eradication and response plans to new pest incursions in Australia. DPIRD's ongoing investigations inform the PSHB response decisions.

## Comment

Since the establishment of the PSHB QA, WALGA has facilitated DPIRD briefing sessions, provided regular updates to the sector and established a dedicated [webpage](#) for downloadable resources for Local Government to support communications to residents.

PSHB has potentially significant implications for affected Local Governments' management of green waste, street trees and public open space. Initial WALGA analysis of street tree lists and street tree mapping data from four metropolitan Local Governments indicates that more than half of the tree species used by these Local Governments are potential hosts for the PSHB.

While DPIRD continues undertaking investigations to determine the most appropriate response to PSHB, Local Governments are encouraged to monitor their trees for any [signs of PSHB](#) and consider the implications of the establishment of the PSHB in their area, especially the impact on the tree canopy.

WALGA will continue to work with DPIRD to ensure the implications of the incursion for Local Governments are considered in the ongoing response to PSHB.

## 6.4 State Planning Policy 2.9: Planning for Water - Submission (05-036-03-0070 AR)

By Ashley Robb, Senior Policy Advisor, Planning

### RECOMMENDATION

**That the endorsed Draft State Planning Policy 2.9: Planning for Water submission be noted.**

#### Executive Summary

- In August 2021, the Department of Planning, Lands and Heritage (DPLH) released *Draft State Planning Policy 2.9: Planning for Water* (the policy) and policy guidelines for public consultation.
- The draft policy is an amalgamation of six different state planning policies related to water, and the Government Sewerage Policy.
- WALGA provided extensive input on the draft policy's formulation as a member of the stakeholder reference group.
- Many of WALGA's recommendations were included in the draft policy and guidelines. Consequently, WALGA's submission proposed mostly minor amendments to strengthen existing provisions and support the policy's implementation.
- State Council endorsed the submission by Flying Minute on 8 November 2021. The submission was provided to the DPLH on 8 November 2021.

#### Attachment

- [Flying Minute: State Planning Policy 2.9: Planning for Water](#)

#### Background

In August 2021, the Department of Planning, Lands and Heritage (DPLH) released [Draft State Planning Policy 2.9: Planning for Water](#) and policy guidelines for public consultation.

The intent of the new policy is “to ensure that planning and development considers water resource management and includes appropriate water management measures to achieve optimal water resource outcomes”. The policy's objectives are broad and encompass environmental, social, cultural and economic water related values; protection of drinking water sources; riverine flooding; water supply and reuse; resiliency to climate change; and wastewater management.

The draft policy is an amalgamation of the *Government Sewerage Policy* (2019) and six different state planning policies related to water: *SPP 2.1 - Peel-Harvey coastal plain catchment* (1992); *SPP 2.2 - Gnamagara Groundwater Protection* (2005); *SPP 2.3 - Jandakot Groundwater Protection* (2017); *SPP 2.7 - Public drinking water source* (2003); *SPP 2.9 - Water resources* (2006); and *SPP 2.10 - Swan-Canning river system* (2006).

Preparation of the new policy commenced in 2018. As part of the process, the DPLH established a stakeholder reference group that included representatives from the Department of Water and Environmental Regulation; the Department of Biodiversity, Conservation and Attractions; Main Roads Western Australia; Water Corporation; the Peel Harvey Catchment Council; and the Urban Development Institute of Australia (WA). WALGA was represented on this group by its Planning and Building Team and Environment Team.

WALGA's advocacy in relation to the preparation of SPP 2.9 and this submission included:

- Representation on the stakeholder reference group since 2018;
- A Local Government workshop in 2019 attended by approximately 30 participants including Local Government planners and engineers, representatives from DPLH, the Western Australian Planning Commission (WAPC) and private consultant Urbaqua, to seek Local Government input early in the policy formulation process;
- Targeted consultation with Local Governments most likely to be affected by the policy, particularly those in Perth's growth areas in 2020;



- The release of WALGA's draft submission for sector feedback; and
- A webinar in October 2021 attended by approximately 70 Local Government planners, engineers and other officers with water related responsibilities, and representatives from the DPLH, to discuss the policy and draft submission.

### **Comment**

Many of the recommendations proposed by WALGA during the policy review process were included in the draft policy and guidelines, demonstrating the productive working relationship between WALGA and the DPLH and the Department's comprehensive approach to stakeholder engagement in preparing the policy.

The following key areas of WALGA advocacy and support were addressed in the draft policy:

- Clarity on the role of planning instruments that can be used to apply the policy, such as special control areas and local planning policies;
- The importance of preserving ecological linkages to mitigate ecological system fragmentation;
- Local Government discretion to exempt dams from the requirement to seek planning approval;
- Strengthening the need for proposals to manage nutrient exports within acceptable levels, particularly for intensive agricultural land uses and in accordance with State Government requirements;
- A four-stage process for assessing the cumulative impact of large development proposals;
- A clear presumption against the intensification of development within defined floodways;
- Requirement for site and soil evaluators to be accredited and registered; and
- Key implementation recommendations such as fact sheets, consistent planning scheme and policy provisions, and support for Local Governments to identify approaches that ensure appropriate development can continue on subdivided, unsewered lands within the bounds of the policy and guideline requirements.

WALGA's submission therefore contains mostly minor amendments to strengthen existing provisions within the policy and guidelines to ensure:

- Public open spaces have adequate fit-for-purpose water resources so new communities have access to irrigated public open spaces; and
- Proponents seek the support of the relevant Local Government when that Local Government is not the relevant planning authority, where it is intended that Local Government will be the infrastructure asset manager or where the proposed location of water infrastructure assets impact Local Government assets or facilities.

The submission also makes recommendations to support the policy's implementation. The DPLH has advised that budget has been allocated to support on-ground policy implementation following the policy's formal adoption.

The People and Place Policy Team endorsed the submission on 25 October 2021. State Council endorsed the submission by Flying Minute on 8 November 2021. The submission was submitted to the DPLH on 8 November 2021.

## 6.5 Submission to Salaries and Allowances Tribunal – Local Government Remuneration Inquiry (05-034-01-0102 TL)

By Tim Lane, Manager Strategy and Association Governance

### RECOMMENDATION

**That the endorsed Submission to the Salaries and Allowances Tribunal Remuneration Inquiry for Local Government Chief Executive Officers and Elected member be noted.**

### Executive Summary

- The Salaries and Allowance Tribunal (SAT) are undertaking their annual Inquiry into Local Government Chief Executive Officer and Elected Member Remuneration, with submissions sought by Friday, 28 January 2022.
- Due to the timeframes involved, the submission was endorsed by State Council by Flying Minute following consideration by the State Council Governance and Organisational Services Policy Team.
- The submission makes three recommendations relating to Elected Member remuneration and the Regional/Isolation Allowance that may be payable to Chief Executive Officers as follows:
  - That Elected Member Fees and Allowances (including maximum reimbursable expenses) are increased by up to four percent.
  - That the maximum payable Regional/Isolation Allowance be increased for Local Governments that are particularly isolated, long distances from population centres with low amenity.
  - That the Salaries and Allowances Tribunal publish the methodology, criteria, and weightings for the Regional/Isolation Allowance.

### Attachment

- [Flying Minute – Submission to Salaries and Allowances Tribunal – Local Government Remuneration Inquiry](#)
- [Submission to Salaries and Allowances Tribunal – Remuneration Inquiry: Local Government Chief Executive Officers and Elected Members](#)

### Background

The Salaries and Allowances Tribunal wrote to WALGA on 2 December 2021 advising of their annual Inquiry into Local Government Chief Executive Officers' and Elected Members' Remuneration with submissions invited from Local Governments and other stakeholders by Friday, 28 January 2022.

Given the late January deadline, which does not align with State Council's meeting schedule, the draft submission was considered by State Council via Flying Minute, following consideration by State Council's Governance and Organisational Services Policy Team.

### Comment

The submission discusses two issues:

1. The need for a broad increase in remuneration for Elected Members given very limited increases over the past five years coupled with increasing responsibilities and time commitments of the role, and
2. A need for an increase in the maximum payable Regional/Isolation Allowance for particularly remote and isolated Local Governments, coupled with a request for more detail of the Regional/Isolation Allowance's methodology to be published.

In relation to Elected Member remuneration, the submission:

- Highlights that Elected Member remuneration has increased by one percent during the past five years while, in the four years to June 2021, the consumer price index for Perth has increased by 7.14 percent and the public sector wage price index has risen by 4.68 percent.

- Argues that the responsibilities and workload of Elected Members is increasing and references mandatory training requirements, data from the 2021 Local Government elections in terms of uncontested and unfilled vacancies, and the Minister for Local Government's proposal to reduce the number of Elected Members in many Local Governments.
- Argues that the remuneration framework should not be a barrier to enhanced diversity in Elected Member representation to reflect community demography.
- Recommends that Elected Member Fees and Allowances, including limits for reimbursable expenses, are increased by up to four percent.

In relation to the Regional/Isolation Allowance which may be payable to Chief Executive Officers, the submission:

- Notes the inadequacy of the Regional/Isolation Allowance is a concern to many of WALGA's members, particularly remote and isolated Local Governments, and therefore recommends that the maximum payable Allowance be increased for remote and isolated Local Governments to facilitate Chief Executive Officer attraction and retention.
- Highlights the confusion and uncertainty in the Local Government sector regarding the methodology for calculating the Regional/Isolation Allowance and, on that basis, recommends that further information regarding the methodology, criteria and weightings be published.

The [final submission](#), which was first considered and endorsed by State Council's Governance and Organisational Services Policy Team, was endorsed by State Council by Flying Minute on 25 January 2022 and has been put forward to the Salaries and Allowances Tribunal for their consideration.

The Local Government Remuneration Determination is expected to be published in early April 2022.

## 7. ORGANISATIONAL REPORTS

### 7.1 Key Activity Reports

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

*By Craig Hansom, Acting Executive Manager Commercial*

#### RECOMMENDATION

**That the Key Activity Report from the Commercial and Communications unit to the March State Council meeting be noted.**

Commercial and Communications comprises of the following WALGA work units:

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

#### Commercial Development

With the first phase of the Energy Contract now complete, and phased transitions into aggregate supply rates between now and 1 April 2022, attention will now turn towards scoping for PPA infrastructure, and options for bill verification and carbon measurement services.

The Commercial team has completed a number of small tenders with approximately 50 new Preferred Suppliers onboarded to the program.

A new Preferred Supplier Program (PSP) for Built Environment and Construction is being developed. Tenders will shortly be called for modular and temporary housing as the first category of supply for the new Panel.

The VMWare licensing arrangement that is utilised by 25 WALGA Members has been refreshed for a new Contract Term.

#### Commercial Management

##### PSP Annual Report

During the 2021-22 Q1 period, the program delivered \$80.06 million of goods, services and works, providing estimated savings of \$8.25 million. Additional benefits are realised through a reduction in administrative activities, alongside the added value of contract management oversight, due diligence and risk mitigation. More than 500 supplier engagements were facilitated through WALGA's eQuotes portal during this time.

##### Member Engagement

The Contract Management team continues with Member engagement to support use of the WALGA PSP. During the October to December 2021 quarter, there were 20 Member visits to the following regional Members:

- City of Greater Geraldton
- City of Kalgoorlie-Boulder
- Shire of Broome
- Shire of Coolgardie
- Shire of Cue
- Shire of Derby-West Kimberley
- Shire of Dundas
- Shire of Esperance
- Shire of Halls Creek

- Shire of Laverton
- Shire of Leonora
- Shire of Meekatharra
- Shire of Menzies
- Shire of Mount Magnet
- Shire of Murchison
- Shire of Ravensthorpe
- Shire of Sandstone
- Shire of Wiluna
- Shire of Wyndham-East Kimberley
- Shire of Yalgoo

During the 2021 calendar year, more than 120 visits were made to regional Member by the Commercial Management Contract Managers. Metropolitan Members were engaged on a needs focused basis.

### **LGIS Contract Management**

An item under separate cover for this State Council meeting covers a new LGIS Scheme Management Agreement between WALGA and JLT.

A summary of the LGISWA Scheme Board meeting held on 25 November along with the Minutes from that meeting are also provided under separate cover.

The following WALGA sponsored projects are currently in progress:

- Review of LGIS reporting against APRA standards;
- LGIS Board remuneration review; and
- Updates to the LGIS Corporate Governance Charter to reflect recent State Council endorsed changes.

### **Marketing and Communications**

#### **Happy Place Campaign Placements**

The remaining sector promotion budget is being used to continue the Happy Place Campaign using TV and press advertising over summer. TV placements are run in nightly news and half-page press placements in the Saturday West on a light schedule to extend until March.

#### **New Website**

Work is complete on the refresh of the WALGA website that includes integration with the Preferred Supplier CRM and updated search functionality. Content on the site has been rearranged to match usage patterns.

#### **Your Everyday Production**

During the 2021 calendar year, more than 26 Your Everyday productions were published on the website. The Your Everyday now has over 242 productions promoting our Members right across the state.

This year will focus on any Members where there has been a change of Mayor or President and any other Members that have not yet been represented.

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

By Tony Brown, Executive Manager Governance and Organisational Services

### RECOMMENDATION

**That the Key Activity Report from the Governance and Organisational Services Business Unit to the March 2022 State Council meeting be noted.**

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

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

### Strategy & Association Governance

#### Best Practice Governance Review

State Council, at their December 2021 meeting, resolved to undertake a Best Practice Governance Review during 2022 and 2023.

Identified as a key strategic initiative during the development of WALGA's [Corporate Strategy 2020-2025](#), the following drivers underscore the importance of the project:

1. Alignment with the Corporate Strategy: *We have contemporary governance and engagement models,*
2. State Council's 3 September 2021 resolution requesting amendment to the Constitution to "deal with matters related to State Councillors' Candidature for State or Federal Elections",
3. Misalignment between key governance documents – Constitution, Corporate Governance Charter, State Council Code of Conduct, and Standing Orders – stemming from amendments over the past 15-20 years, and
4. Proposed legislative reforms to remove WALGA from being constituted under the *Local Government Act 1995*.

The project will incorporate the following five stages over the 2022 and 2023 calendar years:

1. Planning and Commencement – including appointment of a Steering Committee
2. Review and Assessment – incorporating a review of WALGA's governance model, examination of similar organisations, consideration of options, and development of recommendations
3. Recommendations and Determination – resulting in a final report to be considered at the December 2022 meeting of State Council
4. Drafting Governance Documents – ensuring the Constitution, Corporate Governance Charter, State Council Code of Conduct and Standing Orders are contemporary and aligned, and
5. Final Approval and Implementation – following the 2023 Annual General Meeting.

The Local Government sector will be engaged and consulted as the project progresses.

#### 2022 Local Government Honours Program

The Local Government Honours Program affords significant public recognition and celebration of the outstanding achievements and lasting contributions made by Elected Members and employees to their respective Councils, the Local Government sector and the wider community.

Nominations for this year's Program are now open. Following a thorough review of the Program last year, two new awards have been added, alongside four existing awards:

1. Local Government Medal
2. Life Membership
3. Eminent Service Award

4. Merit Award (*new for 2022*)
5. Local Government Distinguished Officer Award
6. Young Achievers Award (*new for 2022*)

The new Merit Award has combined two previous awards (Merit and Long & Loyal Service) and is intended to recognise notable contributions to WALGA, Local Government and/or the Local Government sector. The Young Achievers Award is open only to Elected Members and employees aged 35 years or younger, recognising notable commitment and demonstrated potential for professional success.

Nomination forms and further information can be found on the WALGA website [here](#). Nominations will close at 5:00pm on Friday, 24 June.

## Employee Relations

### New Industrial Relations Legislation Amendment Act 2021

The Industrial Relations Legislation Amendment Bill 2021 (IR Bill) was given [Royal Assent](#) on 22 December 2021 as Act No. 30 of 2021. Part 1 of the [Industrial Relations Legislation Amendment Act 2021](#) (WA) (IRLA Act) commenced on 22 December, which deals with preliminary matters. All other parts of the IRLA Act will be proclaimed by publishing a notice of proclamation in the Western Australian Government Gazette.

The declaration that all Local Governments are not national system employers will have the effect of transitioning all Local Governments to the State industrial relations system if it is endorsed by the Federal Minister for Industrial Relations, Senator the Hon Michaelia Cash.

We have not received confirmation on whether the declaration will be endorsed by the Federal Minister, however WALGA has secured an upcoming meeting with the General Advisor to the Federal Minister.

### WA Government's Mandatory COVID-19 Vaccination Policy

The WALGA Employee Relations service has been receiving a high number of queries regarding the WA Government's mandatory COVID-19 vaccination requirements for employees. WALGA Employee Relations is regularly updating its Frequently Asked Questions documents and has released a number of template letters and checklists to assist subscribers to the service.

## Governance and Procurement

### Council Meetings and COVID-19

During a state of emergency, public health emergency or under a Direction, options are available for Local Governments to meet online rather than in person.

In March 2020, in response to COVID-19, the Government introduced the *Local Government (Administration) Regulations* 14C, 14D and 14E. These provisions apply to ordinary council meetings, special council meetings, committee meetings and audit committee meetings.

A Local Government may determine to hold a meeting by electronic means (eMeeting) during a state of emergency, public health emergency or due to a Direction. To do so, either the Mayor/President or Council can authorise an eMeeting if they consider this appropriate due to a public health emergency or state of emergency, or if a Direction prevents meetings being held in person – r.14D(2). Please note that r.14D(2)(b)(ii) permits the Mayor/President or Council to authorise, by a single authorisation, that more than one council meeting will be held by electronic means, e.g. authorise that the March 2022 through to June 2022 council meetings will be held by electronic means.

If choosing to hold ordinary council meetings as eMeetings, the Local Government should give local public notice under r.12(3) to ensure the community is aware the meetings will not be held in-person. WALGA has had this advice confirmed by the Department of Local Government, Sport and Cultural Industries.

The Mayor/President or Council, in consultation with the Local Government CEO, can determine the means by which an eMeeting will be held – r.14D(3).

Regulation 14C introduced the option that permits individual Council Members to seek authorisation to attend electronically at an in-person Council meeting if “*because of the public health emergency or state of emergency, the member is unable, or considers it inappropriate, to be present at an in person meeting*” – r.14C(2)(b).

When conducting eMeetings, Local Governments are to observe modifications made to the *Local Government Act* under r.14E relating to public question time, giving notice of meetings etc. WALGA developed the [Electronic Council Meetings \(eMeeting\) Guideline](#) to assist Local Governments meet the requirements for online meetings.

### **Annual Electors Meetings**

WALGA has been receiving queries from Local Governments on the ability to hold Electors Meetings electronically in the case of the potential increase in community spread of COVID-19. Electors Meetings are treated differently to Council and Committee meetings and currently Electors Meetings are required to be held in-person.

Previously in 2020, there was a Ministerial Order that suspended Electors Meetings, and this could occur again should there be widespread community infection rates or in anticipation of the State border re-opening. We are in regular communication with the Department of Local Government, Sport and Cultural Industries on this matter and will update the sector accordingly.

### **Local Government (Administration) Regulations (No.2) 2021– Electronic Meetings**

The Department of Local Government, Sport and Cultural Industries is looking at draft amendments to the *Local Government (Administration) Regulations 1996*, to enable electronic meetings outside of a declared state of emergency. This will require amendments to Regulations 14A-E.

WALGA is generally supportive of this proposal subject to retaining the requirement for a Suitable Place to be approved, but only to the extent of the place providing for confidentiality and not based upon distance from meeting place.



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

*By Ian Duncan, Executive Manager Infrastructure*

#### **RECOMMENDATION**

**That the Key Activity Report from the Infrastructure Unit to the March 2022 State Council meeting be noted.**

#### **Roads**

##### **Condition Assessment of Roads of Regional Significance**

Funding has been provided through the State Road Funds to Local Government Agreement to perform visual condition surveys of Significant sealed roads and video of the Significant unsealed roads over a five-year cycle. The first two phases of this project, covering the Mid West, Great Southern and Goldfields-Esperance regions have been completed. In addition, the survey has included condition reporting on access roads to remote Aboriginal communities. It is proposed to cover the Wheatbelt regions in the next phase which is scheduled for the start of 2022.

##### **Road Safety Management System**

WALGA, Main Roads WA and the South West Regional Road Group have finalised modifications to the project prioritisation guidelines and multi criteria assessment model to provide a greater focus on road safety when setting the annual roads program for the region. This is an important pilot to deliver the commitment agreed in the State Road Funds to Local Government Agreement 2018/19 to 2022/23 to work towards establishing a road safety management system. With agreement from the Regional Road Group chairs, WALGA will examine the common elements of the prioritisation guidelines and multi criteria assessment models for all the regions and develop a standard template including road safety and sustainability in the prioritisation process for setting the annual roads program for each region. Any changes will need to be supported by the relevant Regional Road Group.

##### **Road – Rail Interface Agreements**

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

##### **Local Government Road Research Program**

WALGA and Main Roads will be developing a research program that will deliver guidance to Local Governments to assist in the adoption of technologies and practices that will enhance productivity and delivery of roads and transport initiatives. WALGA is currently collecting topic proposals that will then be prioritised by an operations team of Local Government practitioners.

#### **Funding**

##### **State Road Funds to Local Government Agreement**

The current Agreement expires in June 2023. The Minister of Transport and Planning has given approval to proceed with negotiations for a new Agreement and SAC has endorsed a timeline and process. WALGA and Main Roads will be meeting fortnightly to facilitate the process which will include consultation with Regional Road Groups, Zones and State Council.

#### **Urban and Regional Transport**

##### **Regional Roadworks Signage Review**

Recommendations from a working group, that included WALGA, overseeing a review of regional roadworks signage, presented a report to the Minister for Transport in August. The State Government announced in October that it had accepted all the recommendations. The data and trends in other jurisdictions indicate that effective identification and treatment of risks to road users and road workers

is required, even on low volume rural roads. Changes proposed will be reflected in the Codes and Standards that guide temporary traffic management for road works.

## **Road Safety**

### **Traffic Management Information Seminar**

WALGA and Main Roads WA recently held a Traffic Management Information Seminar, which provided an update on the state of practice of Traffic Management in Western Australia. This seminar provided an opportunity for Local Governments in the Perth Metropolitan area to receive an update on the state of practice and liaise directly with Main Roads WA and other Local Governments.

At the seminar, Main Roads provided an overview of the current Traffic Management for Works on Roads Code of Practice (updated 2021) and the AustRoads Guide to Temporary Traffic Management (published 2021) and discussed other new developments in this area. The sessions closed with a presentation from the City of Swan, providing the Local Government perspective.

### **Road Safety Council Update**

The Road Safety Council have met on two occasions since October 2021. At the 25 November meeting the Road Safety Council received presentations on the Regional Roadworks Signage Review (Department of Transport), the Road Safety Outcomes Framework designed to monitor the Driving Change road safety strategy (Road Safety Commission) and speed zoning policies and practices (Main Roads WA). Information around the new regulations for eRideables was noted and preliminary consideration given to the projects submitted for Road Trauma Trust Account (RTTA) funding in 2022-2023. The 17 December meeting focused on compiling the RTTA budget which has subsequently been recommended to the Minister responsible for road safety, in accordance with the *Road Safety Council Act 2022*.

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

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

### RECOMMENDATION

**That the Key Activity Report from the Strategy, Policy and Planning Unit to the March 2022 State Council meeting be noted.**

The Strategy, Policy and Planning (SPP) Portfolio comprises:

- Economics and Strategic Projects
- Environment
- Planning and Building
- Resilient Communities
- Waste and Recycling (see MWAC Report)

The following provides outlines the key activities of SPP since the last State Council meeting.

### Economics and Strategic Projects

#### Federal Budget Submission

WALGA's submission to the Federal Government in advance of the 2022-23 Budget supports the priorities put forward by ALGA and identifies the need for additional funding for local priorities including telecommunications, agricultural freight routes and coastal hazard management (Agenda Item 6.2 refers).

#### Economic Briefing

In December 2021, WALGA released its latest Economic Briefing, which contained updated forecasts for the Local Government Cost Index (LGCI). The LGCI is used to estimate future changes in costs to Local Governments based on the spending patterns of the sector across the State. WALGA forecasts the LGCI to rise 3.9% in 2021-22 as the increased demand from Government stimulus arrives at the same time as labour supply is constrained by closed interstate and international borders, and supply issues continue for materials from both domestic and global challenges. Cost increases experienced by Local Governments in recent months are now being reflected in the data.

The LGCI forecasts will be updated in February 2022. To subscribe to the quarterly briefing or find out more contact WALGA Economist Daniel Thomson on [dthomson@walga.asn.au](mailto:dthomson@walga.asn.au).

#### COVID-19 Survey

WALGA has commenced a monthly, sector-wide survey to gather data and an on-the-ground assessment of the impact of COVID-19 on Local Governments and their communities. This information will be used by WALGA to inform WALGA's advocacy on behalf of the sector.

### Environment

#### Biosecurity and Agriculture Management Act (BAM Act) Review

It is expected that the review of the BAM Act will commence in mid to late 2022. WALGA is continuing to engage with the Department of Primary Industries and Regional Development and as a member of the Biosecurity Senior Officers Group to influence the direction and content of the review and ensure there is comprehensive consultation with the sector.

#### National Carbon Accounting Guidelines

WALGA is working with the Australian Local Government Association (ALGA) to promote a nationally consistent approach to carbon accounting for Local Governments to assist the sector in measuring its progress towards net zero emissions. The proposal, which was developed by WALGA in consultation with Climate Active (a Federal Government agency), will see Guidelines developed specifically for Local Government in measuring their emissions.

### Electric Vehicles

Over 80 Local Government Officers from 39 Councils have responded to WALGA's expression of interest regarding transitioning fleets and EV Infrastructure arrangements. An internal WALGA working group will be progressing this work over coming months.

WALGA is holding an [Electric Vehicles and Hydrogen Technology Forum](#) on 31 March 2022, focussing on charging infrastructure governance and procurement considerations, guidance on transition strategies, heavy vehicles hydrogen fuel cell technology, and WALGA's new Energy Preferred Supplier Panel.

## **Planning and Building**

### Development Assessment Panel (DAP) Regulations

Consultation on proposed amendments to the DAP Regulations are expected to begin in early February, in response to previously flagged changes to the system as part of Phase 2 of the State's Planning Reform agenda. It is understood that this will include the introduction of a Special Matters DAP. WALGA will consult with the sector to prepare a submission and work with DPLH to ensure Local Government is engaged during the consultation period.

### Swimming Pool Inspector Training

WALGA hosted a professional development day for Local Government swimming pool inspectors on 6 December 2021 attended by over 100 Local Government swimming pool inspectors. The provision of professional development was recommended by the Ombudsman WA in its report, Investigation into Ways to Prevent or Reduce Deaths of Children by Drowning.

### Energy Efficiency Discussion Paper

The Planning and Building and Environment teams have been working with the Environmentally Sustainable Building Design Reference Group – represented by Local Government planners and building surveyors – to prepare a discussion paper on energy efficiency in the built environment. The discussion paper will identify key challenges and opportunities for Local Governments who are seeking to improve the thermal performance and energy use of residential and non-residential buildings in their local built environment. The paper is the next step following WALGA State Council's endorsement of a policy position to support the Trajectory for Low Energy Buildings, in December 2021. The paper will be ready for consultation with Members in February.

### Carport/Patio Fire Separation State Building Variation

The report to DMIRS to support a draft proposal for a state addition to the National Construction Code (NCC) to address the historical application of the carport exemption to patios in Western Australia has been finalised. Local Government building surveyors have been calling for this change through WALGA's working groups. The report supports WALGA's advocacy for clear and consistent regulations for the assessment of structures used as covered outdoor living areas which are currently not adequately addressed in the NCC. Meetings have been held with both DMIRS and DFES following the report's completion and WALGA's advocacy will continue in line with the current policy position to encourage good decision making and effective administration and regulation in building control.

### Local Government Coastal Facilitator

WALGA has appointed a Local Government Coastal Facilitator with funding provided by the CoastWA Program. The Coastal Facilitator will support coastal and estuarine Local Governments to access CoastWA funding and develop and implement Coastal Hazard Risk Management and Adaptation Plans.

## **Resilient Communities**

### Work Health and Safety Act 2020 (WHS Act) and Volunteer Bushfire Brigades

Following advocacy efforts by WALGA and other stakeholders, the commencement of the WHS legislation was delayed from January to March 2022.

WALGA and LGIS are continuing to support the sector with the transition to the WHS Act, particularly in relation to the management of volunteer Bushfire Brigades. On 9 February 2022 WALGA is hosting a sector webinar, with presentations from the Department of Mines, Industry Regulation and Safety (DMIRS) and LGIS providing an overview of the requirements of the new legislation for Local Governments with responsibility for managing Bushfire Brigades. LGIS is currently developing a resource to support Local Governments, and WALGA has developed a dedicated webpage with relevant information and resources.

#### Consolidated Emergency Management Legislation

In October 2021 the Department of Fire and Emergency Services (DFES) re-established the Interagency Working Group for the proposed *Consolidated Emergency Services Act*, which had not met since 2015. The new legislation will replace the *Fire Brigades Act 1942*, the *Bush Fires Act 1954*, and the *Fire Emergency Services Act 1998*. It is anticipated that an Exposure Draft Bill will be released for public comment in mid-2022.

#### Local Government Emergency Management (LEMA) Review

WALGA and DFES have received grant funding to undertake a review of Local Emergency Management Arrangements (LEMA). WALGA will engage an officer to undertake consultation with the sector in order to identify and pilot options for contemporary, scalable and sustainable emergency management arrangements for Local Governments.

#### Office of Auditor General Audit of Funding of Volunteer Fire and Emergency Services Groups

The Office of the Auditor General (OAG) is conducting a performance audit of the management of funding for volunteer fire and emergency services groups in Western Australia. In December 2021 WALGA met with the OAG to provide preliminary information relating to Local Government management of volunteer bushfire brigades and the Local Government Grants Scheme for their consideration in determining the scope of the audit.

#### The Community Industry Reference Group (CIRG)

The CIRG has been established to provide WALGA with strategic advice and expertise to assist in the development of effective advocacy and policy. The CIRG comprises a diverse group of senior regional and metropolitan Local Government executives' extensive leadership experience in community development and social policy. The CIRG has identified five social policy priorities: Reconciliation; Community and Cultural Infrastructure; Homelessness and Housing; Mental Health and Wellbeing; and Volunteering.

#### Public Libraries Strategy

WALGA CEO Nick Sloan is the current chair of the Public Libraries Working Group (PLWG) which comprises WALGA, the State Library of Western Australia, Public Libraries WA, a representative from a Tier 2 regional public library, the Department of Local Government, Sport and Cultural Industries, the Office of Digital Government, the Department of Primary Industries and Regional Development and LG Professionals WA. The PLWG has developed a new 5-year Public Library Strategy. Public consultation on the draft strategy will commence in February 2022.

#### Upcoming Submissions

The Resilient Communities Team is developing the following submissions:

- Senate Estimates Committee *Homelessness Services Inquiry*;
- *Food Act Review* by the Department of Health; and
- WA Health Promotion Strategic Framework consultation by Department of Health.

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

*By Tony Brown, Executive Manager, Governance and Organisational Services*

The following provides an outline of the key activities of Policy Forums that have met since the last State Council meeting.

### RECOMMENDATION

**That the report on the key activities of WALGA Policy Forums to the March 2022 State Council meeting be noted.**

### Mining Communities Policy Forum

The Mining Communities Policy Forum meet for the first time since 2019 on 8 November 2021 via Microsoft Teams.

In attendance were President Cr Karen Chappel (Chair), Mayor Peter Long, President Cr Malcolm Cullen, Cr Les Price, CEO Paul Martin, and from WALGA, CEO Nick Sloan, Executive Manager Tony Brown and Principal Policy and Advocacy Kelly McManus.

The Forum discussed how Local Governments have very little say about mining companies that operate within their boundaries. The *Mining Act* is old, and a review is long overdue. Mining companies are more focussed on mining than the community. Mining Agreements have become city centric with most major mining companies head offices located in the Perth CBD.

There is a need for a more formal communications structure as a point of reference for Local Government and mining companies.

More alignment is needed with the Aboriginal Heritage Bill and Native Title. Local Government must be recognised by the State Government as a significant stakeholder and engaged appropriately. One way to achieve this is to seek membership on the Mining and Management Program Liaison Group (MMPLG). The MMPLG is chaired by the Department of Industry and Resources on behalf of the Minister for State Development.

It was noted during the meeting that there is little Government appetite for a full review of the *Mining Act*. A suggestion was made that the sector seeks to identify the relevant parts of the Act associate Regulations that require Advocacy from WALGA.

The next meeting of the Mining Communities Policy Forum will be held in the first quarter of 2022.

## 7.3 Policy Team Reports

### 7.3.1 Environment and Waste Policy Team Report

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

*The Environment and Waste Policy Team includes the following subject areas:*

- *Climate change*
- *Native vegetation and biodiversity*
- *Biosecurity*
- *Water resources*
- *Sustainability*
- *Waste management*

This Report provides an update on matters considered by the Environment and Waste Policy Team at its meeting held on 13 December 2021.

#### 1. Matters for State Council Decision

Nil

#### 2. Matters for Noting by State Council

##### 2.1 Election of Chair

The Policy Team elected Cr Les Price (Murchison Country Zone), Chair.

##### 2.2 Policy Team Priorities

The Policy Team discussed key priorities for 2022, which included:

- Climate Change – the Policy Team discussed the role of Local Government in all aspects of Climate change prevention, mitigation and adaption. There was also a focus on Electric Vehicles and an update was requested for the next meeting.
- Biosecurity – the Policy Team requested an item for noting for State Council on the Polyphagous Shot Hole Borer.
- A review of Environment Policies and the need for the sector to strong and focused advocacy on these key priority areas.

#### POLICY TEAM RECOMMENDATION

**That State Council note the matters considered by the Environment and Waste Policy Team.**

## 7.3.2 Governance and Organisational Services Policy Team Report

By Tony Brown, Executive Manager Governance and Organisational Services

The Governance and Organisational Services Policy Team includes the following subject areas:

- Employee relations
- Governance
- Strategy and Association Governance
- Training
- Regional Capacity Building / Local Government Reform

This Report provides an update on matters considered by the Governance and Organisational Services (GOS) Policy Team at its meetings held on 6 July, 10 September, 2 November and 16 December 2021.

### 1. Matters for State Council Decision

#### 1.1 WALGA Advocacy Position Reviews [GOS-06/07/2021-6.0]

The GOS Policy Team reviewed five WALGA Advocacy Positions as per below and provides recommendations for State Council consideration. Where the GOS Policy Team has recommended the Advocacy Position be retained, it may be reviewed in the WALGA [Advocacy Position Manual](#).

##### Advocacy Position 2.2 Local Government Reform

GOS Policy Team Comment: No change to this Advocacy Position – issue remains current.

**RECOMMEND that WALGA Advocacy Position 2.2 Local Government Reform is retained.**

##### Advocacy Position 2.2.1 Structural Reform

GOS Policy Team Comment: No change to this Advocacy Position – issue remains current.

**RECOMMEND that WALGA Advocacy Position 2.2.1 Structural Reform is retained.**

##### Advocacy Position 2.4.2 Country Local Government Fund

GOS Policy Team Comment: No change to this Advocacy Position – issue remains current.

**RECOMMEND that WALGA Advocacy Position 2.4.2 Country Local Government Fund is retained.**

##### Advocacy Position 2.1.13 Rates Notices

Position Statement      *Section 6.41 of the Local Government Act 1995 should be amended to:*  
1. *Permit rates notices to be issued electronically; and,*  
2. *Introduce flexibility to offer regular rate payments (i.e. fortnightly, monthly etc.) without the requirement to issue individual instalment notices.*

State Council Resolution      December 2017 – 123.6/2017

GOS Policy Team Comment: The [Local Government Legislation Amendment Act 2019](#) amended s.6.41 of the *Local Government Act 1995* inserting a new subsection s.6.41(4) as follows:

- (4) The rate notice may be given by email if the local government has obtained the consent of the owner or occupier, as the case requires, to giving the rate notice in that way.

This amendment achieved part 1 of the WALGA Advocacy Position 2.1.13 Rates Notices, however part 2 has not yet been achieved.

**RECOMMEND that WALGA Advocacy Position 2.1.13 Rates Notices be reviewed and submitted for State Council consideration to:**

- **Note that Part 1 was achieved through the *Local Government Legislation Amendment Act 2019*; and therefore**
- **Delete Part 1 from the Advocacy Position.**





- b. note the following Advocacy Positions as achieved and approve removal from the WALGA Advocacy Position Manual:
    - i. 2.6.6 Panel Tenders
  - c. retain and amend the following Advocacy Position:
    - i. 2.1.13 Rates Notices – removing part 1 as it is achieved.
2. note the matters considered by the Governance and Organisational Services Policy Team.

### 7.3.3 Infrastructure Policy Team Report

By Ian Duncan, Executive Manager Infrastructure

The Infrastructure Policy Team includes the following subject areas:

- Roads and paths
- Road safety
- Transport
- Freight
- Utilities (including telecommunications and underground power)

This Report provides an update on matters considered by the Infrastructure Policy Team at its meeting held on 23 December 2021.

## 1. Matters for State Council Decision

The Infrastructure Policy Team reviewed the below WALGA Advocacy Positions and provides recommendations for State Council consideration. Where the Infrastructure Policy Team has recommended the Advocacy Position be retained, it may be reviewed in the WALGA [Advocacy Position Manual](#).

### 1.1 WALGA Advocacy Positions Reviews

The following Advocacy Positions were considered by the Infrastructure Policy Team:

- Advocacy Position 5.1.3 Defined Heavy Vehicle Network
- Advocacy Position 5.1.4 Concessional Mass Loading
- Advocacy Position 5.1.5 Performance Based Standards (PBS)
- Advocacy Position 5.1.6 Heavy Vehicle Road User Pricing
- Advocacy Position 5.1.7 National Freight and Supply Chain Priorities
- Advocacy Position 5.1.8 Heavy Vehicle Cost Recovery Policy Guideline for Sealed Road
- Advocacy Position 5.1.8 Heavy Vehicle Cost Recovery Policy Guideline for Sealed Road
- Advocacy Position 5.1.9 Assessing Applications to Operate Restricted Access Vehicles on Local Government Roads
- Advocacy Position 5.1.10 Review of the Western Australian Rail Access Regime
- Advocacy Position 5.1.11 Restricted Vehicle Operating Condition CA07 Letter of Approval
- Advocacy Position 5.2.3 Default Open Speed Limit in WA
- Advocacy Position 5.2.5 The Role of Local Government in the Future Management of Warden Controlled Children's Crossings
- Advocacy Position 5.2.6 Speed Enforcement
- Advocacy Position 5.2.7 Road Safety Strategy (Imagine Zero)
- Advocacy Position 5.2.9 Review of the Administrative Road Classification Methodology
- Advocacy Position 5.3.1 Public Transport
- Advocacy Position 5.3.2 Western Australian Bicycle Network
- Advocacy Position 5.3.3 Cycling on Footpaths
- Advocacy Position 5.3.4 Licensing Cyclists and Registering Bicycles
- Advocacy Position 5.5 Street Lighting
- Advocacy Position 5.5.1 LED Street Lighting
- Advocacy Position 5.9 Bus Stop Infrastructure

**RECOMMEND that the above WALGA Advocacy Positions be retained.**

## 2. Matters for State Council Noting

### 2.1 Election of Infrastructure Policy Team Chair

On 23 December 2021, the Infrastructure Policy Team elected President Cr Stephen Strange (Great Eastern Country Zone), Chair.

## 2.2 Matters Raised by Zones

In relation to driving on closed roads, the Gascoyne Country Zone resolved:

*That WALGA:*

1. *Investigate technologies available to physically close roads remotely and provide costings for such;*
2. *Investigate the current legislative frameworks and provide comment on the remedies practicality of enforcing such;*
3. *Investigate and make comment on what other State Jurisdictions legislative interventions are used and the remedies provided thereunder to discourage motorists driving on closed roads.*

In response to the above, the Infrastructure Policy Team resolved at its meeting on 23 December 2021:

*That advice be sought from the next meeting of the Goldfields-Esperance, Kimberley, Mid West and Pilbara Zones regarding the magnitude of road damage arising from vehicles being driven on closed roads and potential measures that would effectively reduce this risk. Advice from the Zones be considered at the next Infrastructure Policy Team meeting.*

## 2.3 Other Items

- Delegates asked to note that a Transport and Roads Forum and trade day is provisionally planned for **Wednesday, 30 March 2022** at the Cannington Expo and Showgrounds.
- The Association has responded to concerns raised by Local Governments about the lack of available Diesel Exhaust Fluid (marketed as AdBlue etc) with the Australian Government through ALGA and with the Western Australian Freight and Logistics Council. This is on-going

## POLICY TEAM RECOMMENDATION

**That State Council:**

1. **determine to retain the following Advocacy Positions unchanged:**
  - a. **5.1.3 Defined heavy vehicle network**
  - b. **5.1.4 Concessional Mass Loading**
  - c. **5.1.5 Performance Based Standards (PBS)**
  - d. **5.1.6 Heavy Vehicle Road User Pricing**
  - e. **5.1.7 National Freight and Supply Chain Priorities**
  - f. **5.1.8 Heavy Vehicle Cost Recovery Policy Guideline for Sealed Road**
  - g. **5.1.9 Assessing Applications to Operate Restricted Access Vehicles on Local Government Roads**
  - h. **5.1.10 Review of the Western Australian Rail Access Regime**
  - i. **5.1.11 Restricted Vehicle Operating Condition CA07 Letter of Approval**
  - j. **5.2.3 Default Open Speed Limit in WA**
  - k. **5.2.5 The Role of Local Government in the Future Management of Warden Controlled Children's Crossings**
  - l. **5.2.6 Speed Enforcement**
  - m. **5.2.7 Road Safety Strategy (Imagine Zero)**
  - n. **5.2.9 Review of the Administrative Road Classification Methodology**
  - o. **5.3.1 Public Transport**
  - p. **5.3.2 Western Australian Bicycle Network**
  - q. **5.3.3 Cycling on Footpaths**
  - r. **5.3.4 Licencing cyclists and registering bicycles**
  - s. **5.5 Street Lighting**
  - t. **5.5.1 LED Street Lighting**
  - u. **5.9 Bus Stop Infrastructure**
2. **note the matters considered by the Infrastructure Policy Team.**

## 7.3.4 People and Place Policy Team Report

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

*The People and Place Policy Team includes the following subject areas:*

- *Community*
- *Emergency Management*
- *Planning and Building*

This Report provides an update on matters considered, since the last State Council meeting, by the People and Place Policy Team at its meetings held on 6 August, 25 October and 16 December 2021.

### 1. Matters for State Council Decision

The People and Place Policy Team reviewed WALGA Advocacy Positions as per below and provides recommendations for State Council consideration. Where the People and Place Policy Team has recommended the Advocacy Position be retained, it may be reviewed in the WALGA [Advocacy Position Manual](#).

#### 1.1 WALGA Planning and Building Advocacy Positions Reviews

On 6 August 2021, the People and Place Policy Team endorsed an initial review of WALGA's Advocacy Positions as they relate to planning and building.

WALGA has 20 active policy advocacy positions that relate to the Planning and Building policy areas. A number of these have been in place for over ten years and have not been subject to a review to determine their ongoing suitability. To ensure that WALGA's policy guidance remains relevant, the Policy Team was requested to review and support a proposed timeframe and approach for the review of these policy areas.

An initial review of the existing planning and policy advocacy positions was undertaken. This review has made an initial recommendation as to whether the existing position should be retained, deleted or updated.

As per the Policy Team recommendation, those matters requiring review or deletion will be presented to State Council in the future for actioning. For those matters deemed to be retained without modification they are provided to State Council below for endorsement of the Policy Team's recommendation.

##### Advocacy Position 6.4 Third Party Appeal Rights

People and Place Policy Team Comment: No change to this Advocacy Position – issue remains current.

**RECOMMEND that Advocacy Position 6.4 is retained.**

##### Advocacy Position 6.5 Development Assessment Panels

People and Place Policy Team Comment: No change to this Advocacy Position – issue remains current.

**RECOMMEND Advocacy Position 6.5 is retained.**

##### Advocacy Position 6.8 Planning Fees and Charges

People and Place Policy Team Comment: No change to this Advocacy Position – issue remains current.

**RECOMMEND Advocacy Position 6.8 is retained.**

##### Advocacy Position 6.12 Town Planning and Alcohol Outlets

People and Place Policy Team Comment: No change to this Advocacy Position – issue remains current.

**RECOMMEND Advocacy Position 6.12 is retained.**

Advocacy Position 6.18 Industrial Planning

People and Place Policy Team Comment: No change to this Advocacy Position – issue remains current.

**RECOMMEND Advocacy Position 6.18 is retained.**

Advocacy Position 6.15 Senior Housing Strategy

People and Place Policy Team Comment: No change to this Advocacy Position – issue remains current.

**RECOMMEND Advocacy Position 6.15 is retained.**

Advocacy Position 6.19 Special Residential Zones

People and Place Policy Team Comment: No change to this Advocacy Position – issue remains current.

**RECOMMEND Advocacy Position 6.19 is retained.**

Advocacy Position 6.3 Local Government Planning Improvement Program

Position Statement	The Association supports the establishment of a Planning Improvement Program specifically for the Local Government sector.
Background	The Program’s key mission statement is to ‘ensure better outcomes through consistency and efficiency’ providing best practice examples and information for local government planning departments to undertake improvements within their organisation rather than the imposition of reform measures.
State Council Resolution	September 2012 – 108.5/2012
Supporting Documents	Local Government Planning Improvement Program - Action Plan
People and Place Policy Team Comment: This Advocacy Position is no longer relevant and should be removed.	

**RECOMMEND Advocacy Position 6.3 is removed from the WALGA Advocacy Position Manual.**

Advocacy Position 6.9 Prostitution Legislation

Position Statement	The Local Government sector supports in principle, the recognition and licensing of prostitution in WA as it allows normal regulatory controls to be put in place, on condition that brothels should be excluded from predominantly residential areas.
Background	The Association has been involved in discussions / proposals to decriminalize prostitution since 1999. State Council has determined the position through consultation with all member Councils (on several occasions), and consideration of feedback and representative position papers, workshops, discussions with other government agencies, support groups and members of the prostitution industry. The Association will only comment on regulatory, operational, amenity and cost implications that arise for local government from any proposed legislation – not moral issues.
State Council Resolution	October 2011 – 109.5/2011
People and Place Policy Team Comment: This Advocacy Position is no longer relevant and should be removed.	

**RECOMMEND Advocacy Position 6.9 is removed from the WALGA Advocacy Position Manual.**

Advocacy Position 6.10 Directions 2031

Position Statement	To enable the success of Directions 2031 and its associated policies, the Association recommends that the Minister for Planning re-establish a State/Local Government consultative committee to assist with the implementation of <i>Directions 2031 and Beyond</i> and its associated policies.
Background	Additional recommendations specifically requested that:

- the Minister for Planning establish implementation funding for the implementation of *Directions 2031 and Beyond* and its associated policies; and
- the WAPC seek a partnership approach between State/Local Government and UDIA in reviewing urban infill and greenfield dwelling targets in the Peel Sub-Regional Strategy area based upon a reassessment of Urban Investigation Areas linked with employment generating activity centres, industrial precincts and transport networks over a longer term planning horizon to prevent land shortages that will drive up housing prices and reduce affordability.

State Council Resolution 18 February 2011 – 11.1/2011

People and Place Policy Team Comment: This Advocacy Position is no longer relevant and should be removed.

**RECOMMEND Advocacy Position 6.10 is removed from the WALGA Advocacy Position Manual.**

## **2. Matters for State Council Noting**

### **2.1 Election of Policy Team Chair**

At its 16 December 2021 meeting, the People and Place Policy Team elected President Cr Tony Dean (South West Country Zone), Chair.

### **2.2 WALGA Emergency Management Advocacy Position Review**

WALGA has a number of State Council endorsed Advocacy Position Statements relating to Emergency Management that have been developed over the years. To ensure that WALGA's advocacy positions remain contemporary, the Policy Team is requested to support a proposed approach for the review of existing Advocacy Position Statements.

An initial review of the existing Emergency Management Advocacy Position Statements has been undertaken. This review resulted in an initial recommendation for all existing advocacy statements to be reviewed. A review of State Council Minutes for the previous 10-year period was also undertaken in order to ensure that issues previously considered by State Council are captured in the process.

The proposed steps to this review are:

1. Seek Policy Team agreement to the development of a Comprehensive set of Emergency Management Advocacy Position Statements.
2. WALGA Resilient Communities Team to develop a Comprehensive set of Emergency Management Advocacy Position Statements for consultation with the sector through the development of a Discussion Paper.
3. The WALGA Resilient Communities Team will work collaboratively with other WALGA policy areas where there is cross-over in subject matter (for example, infrastructure, environment and planning) to ensure that Position Statements are interdisciplinary in focus.
4. Present Comprehensive set of Emergency Management Advocacy Position Statements to People and Place Policy Team for endorsement.
5. Present final Comprehensive set of Emergency Management Advocacy Position Statements to State Council for endorsement.

During the meeting, Policy Manager Resilient Communities Susie Moir gave an overview of the proposed policy position review. Members were supportive of the proposed steps for review.

### **2.3 Advocacy Position for Future Review**

At future meetings, the People and Place Policy Team will review the following Advocacy Positions:

- Advocacy Position 6.1 Planning Principles
- Advocacy Position 6.2 Planning Reform

- Advocacy Position 6.6 Bush Fire Hazard Mitigation and Planning
- Advocacy Position 6.7 Building Act and Fees
- Advocacy Position 6.11 Coastal Planning
- Advocacy Position 6.13 Public Open Space
- Advocacy Position 6.14 Affordable Housing
- Advocacy Position 6.16 Capital City Planning Framework
- Advocacy Position 6.17 Built Heritage
- Advocacy Position 6.20 Short-Stay Accommodation

## **POLICY TEAM RECOMMENDATION**

**That State Council:**

- 1. determine to:**
  - a. retain the following Advocacy Positions unchanged:**
    - i. 6.4 Third Party Appeal Rights**
    - ii. 6.5 Development Assessment Panels**
    - iii. 6.8 Planning Fees and Charges**
    - iv. 6.12 Town Planning and Alcohol Outlets**
    - v. 6.15 Senior Housing Strategy**
    - vi. 6.18 Industrial Planning**
    - vii. 6.19 Special Residential Zones**
  - b. note the following Advocacy Positions are no longer relevant and approve removal from the WALGA Advocacy Position Manual:**
    - i. 6.3 Local Government Planning Improvement Program**
    - ii. 6.9 Prostitution Legislation**
    - iii. 6.10 Directions 2031**
- 2. note the matters considered by the People and Place Policy Team.**



## STATUS REPORT ON STATE COUNCIL RESOLUTIONS To the March 2022 State Council Meeting

MEETING	RESOLUTION	COMMENT	Completion Date	Officer Responsible
<b>1 December 2021</b> <b>Item 5.1</b> Paid Family and Domestic Violence Leave Entitlements	That WALGA: Endorse the submission to the Fair Work Commission (FWC) regarding paid family and domestic violence leave (FDVL) which: 1. highlights that FDVL for employees is an important issue for the sector; 2. supports the introduction of a new entitlement in modern awards for employees to receive five days' paid FDVL per year as a minimum entitlement; 3. advocates for employees to be able to access their paid personal/carer's leave in circumstances of family and domestic violence; and 4. does not support the introduction of a new entitlement in modern awards, at this point in time, for employees to receive 10 days' paid FDVL per year as sought by the Australian Council of Trade Unions (ACTU). RESOLUTION 292.7/2021	Submission was forwarded to the Fair Work Commission.	Completed	Tony Brown Executive Manager Governance & Organisational Services
<b>1 December 2021</b> <b>Item 5.2</b> Payment to Independent Committee Members	That WALGA request the Minister for Local Government to amend the Local Government Act 1995 to allow the payment of meeting attendance fees to, and/or defined reimbursements for time committed by, 'other persons' appointed as Committee members under s.5.8 of the Local Government Act 1995. RESOLUTION 293.7/2021	Correspondence has been sent to the Minister for Local Government advocating for this position.  A response was received from the Minister advising of in principle support for reimbursing a committee member for their time and application of relevant skills and expertise through committees. The Minister has asked the Department of Local Government, Sport and Cultural Industries to examine the implementation of WALGA s request in the ongoing process of the development and drafting of legislative reforms.	Ongoing February 2022	Tony Brown Executive Manager Governance & Organisational Services
<b>1 December 2021</b> <b>Item 5.3</b> 2021 Annual General Meeting	That: 1. The following resolutions from the 2021 WALGA Annual General Meeting be endorsed for action:  <u>Cost of Regional Development</u> That WALGA makes urgent representation to the State Government to address the high cost of development in regional areas for both residential and industrial land, including the prohibitive cost of utilities headworks, which has led to market failure in many regional towns.	WALGA will make representations on this issue with the Minister for Housing; Lands; Homelessness; Local Government and the Minister for Regional Development.  WALGA will also raise with Development WA.	February 2022	Nicole Matthews Acting Executive Manger Strategy, Policy and Planning

MEETING	RESOLUTION	COMMENT	Completion Date	Officer Responsible
	... RESOLUTION 294.7/2021			
<b>1 December 2021</b> <b>Item 5.3</b> 2021 Annual General Meeting	That: 1. The following resolutions from the 2021 WALGA Annual General Meeting be endorsed for action: ... <u>CSRFF Funding Pool and Contribution Ratios</u> That WALGA lobby the State Government to: 1. Increase the CSRFF funding pool to at least \$25 million per annum and revert the contribution ratio to 50% split to enable more community programs and infrastructure to be delivered. 2. Increase the \$1 million per annum quarantined for female representation to at least \$2 million per annum. RESOLUTION 294.7/2021	The Acting WALGA President wrote to the Minister for Sport and Recreation, Minister Templeman, on this issue on 28 January 2022 and will raise in a meeting with the Minister on 31 January 2022.	Ongoing	Nicole Matthews Acting Executive Manger Strategy, Policy and Planning
<b>1 December 2021</b> <b>Item 5.3</b> 2021 Annual General Meeting	That: 1. The following resolutions from the 2021 WALGA Annual General Meeting be endorsed for action: ... <u>Regional Telecommunications Project</u> That WALGA strongly advocates to the State Government to increase funding for the Regional Telecommunications Project to leverage the Federal Mobile Black Spot Program and provide adequate mobile phone coverage to regional areas that currently have limited or no access to the service. RESOLUTION 294.7/2021	A multi-prong approach will be implemented over time to take advantage of opportunities to improve mobile phone coverage in regional (including peri-urban) areas.  Since the last State Council meeting, working through the State Emergency Management Committee, a \$240,000 grant from the joint Commonwealth State funded National Disaster Risk Reduction Program has been secured. This grant is to create a consolidated data set of mobile phone towers, including their power supply, to identify how to best improve regional telecommunications availability and reliability.  The Association has also highlighted and encouraged eligible Local Governments to take advantage of additional Federal funding under the Peri-urban Mobile Black Spot program (PUMP) and identify mobile Black Spots.	Ongoing	Ian Duncan Executive Manager Infrastructure
<b>1 December 2021</b> <b>Item 5.3</b> 2021 Annual General Meeting	That: ... 2. The following resolution passed at the 2021 WALGA Annual General Meeting be referred to the Mining Communities Policy Forum and the People and Place Policy Team for advocacy work to be undertaken: <u>Review of the Environmental Regulations for Mining</u> Regarding a review of the Mining Act 1978: 1. To call on Minister Bill Johnston, Minister for Mines and Petroleum; Energy; Corrective	This issue will be considered at the next meeting of the Mining Communities Policy Forum.	Ongoing	Tony Brown Executive Manager Governance & Organisational Services

MEETING	RESOLUTION	COMMENT	Completion Date	Officer Responsible
	<p>Services to instigate a review of the 43-year-old Mining Act to require mining companies to abide by environmental regulations, and to support research and development into sustainable mining practices that would allow mining without detriment to diversification and community sustainability through other industries and development.</p> <p>2. That abandoned mines in regional Western Australia receive a priority action plan with programmes developed to work with rural and remote communities to assist in the rehabilitation of these mines as a job creation programme, with funding allocated for diversification projects for support beyond mine life across Western Australia.</p> <p>RESOLUTION 294.7/2021</p>			
<p><b>1 December 2021</b>  <b>Item 5.4</b>            Review of advocacy positions relation to the <i>Building Act 2011</i> and Building Regulations 2012</p>	<p>That State Council endorses the replacement of Section 6.7: Building Act and Fees of WALGA's advocacy positions document relating to the Building Act 2011 and Building Regulations 2012 with the following:</p> <ol style="list-style-type: none"> <li>1. Support the retention of Local Government as the primary permit authority in Western Australia for decisions made under the Building Act 2011.</li> <li>2. Supports mandatory inspections for all classes of buildings, however, Local Government should not be solely responsible for all mandatory inspections.</li> <li>3. Advocate for the State Government to urgently prioritise legislative reform that addresses systemic failures in the current building control model and to provide clarification on the role of Local Government in building control to ensure building legislation supports the following objectives:               <ol style="list-style-type: none"> <li>a. Quality buildings that are cost efficient.</li> <li>b. Functional, safe and environmentally friendly buildings.</li> <li>c. Good decision making in all aspects of building.</li> <li>d. Efficiency and effectiveness in building management, administration and regulation.</li> <li>e. Openness and accountability with respect to all building matters.</li> <li>f. Recognition of the rights and responsibilities of all parties in building matters in an equitable manner.</li> </ol> </li> </ol>	<p>WALGA's Policy Manual has been updated to reflect the decision of State Council.</p>	<p>Completed</p>	<p>Nicole Matthews            Acting Executive            Manger Strategy,            Policy and Planning</p>

MEETING	RESOLUTION	COMMENT	Completion Date	Officer Responsible
	4. Existing and proposed building control related fees and charges to be cost recovery for Local Government. 5. WALGA will work with members, state agencies and industry groups to develop training opportunities and to promote the Local Government building surveying profession to ensure sustainability of Local Government building control services. 6. WALGA supports the Australian Building Codes Boards Trajectory for Low Energy Buildings by supporting Local Governments to meet community strategic objectives of a net zero carbon future by 2050 through work with members, state agencies and industry groups. RESOLUTION 295.7/2021			
<b>1 December 2021</b> <b>Item 5.5</b> Draft WA Building Surveyors Code of Conduct	That WALGA: 1. Recommend to the Department of Mines, Industry Regulation and Safety (DMIRS) that the Draft WA Building Surveyors Code of Conduct be reviewed to ensure it addresses the following matters: a) The impact of the obligations recommended in the draft Code be considered in relation to the current Western Australian building control model to ensure Local Government are able to maintain their statutory functions in line with community expectations. b) That other building reform that will greatly impact the role of Local Government in the current Western Australian building control model, such as mandatory inspections and minimum documentation, be formalised prior to the Code of Conduct being introduced to ensure Local Government in Western Australia are able to maintain their statutory functions in line with community expectations. c) Ensure that communities in remote and regional areas are considered when developing policy to restrict building surveyors being involved in design consultation work. 2. Endorse the attached consultation response summary on the draft Code. RESOLUTION 296.7/2021	WALGA provided the submission to DMIRS and has met with DMIRS to discuss the sector's concerns.  DMIRS has provided an updated version of the Code that includes a number of positive changes in line with the endorsed submission. WALGA's Regional and Metropolitan Local Government Building Surveyor Working Groups will discuss the updated code at their meetings in February 2022. The result of these discussions will inform WALGA's ongoing engagement with DMIRS on the Code.	Ongoing	Nicole Matthews Acting Executive Manger Strategy, Policy and Planning
<b>1 December 2021</b> <b>Item 5.11</b> Constitution and Governance Review	That the proposed Constitution and Governance Review as outlined in this report be endorsed. RESOLUTION 301.7/2021	Project planning has commenced and the project will incorporate the following five stages over the 2022 and 2023 calendar years: 1. Planning and Commencement – including appointment of a Steering Committee	February 2022	Tony Brown Executive Manager Governance & Organisational Services

MEETING	RESOLUTION	COMMENT	Completion Date	Officer Responsible
		<p>2. Review and Assessment – incorporating a review of WALGA’s governance model, examination of similar organisations, consideration of options, and development of recommendations</p> <p>3. Recommendations and Determination – resulting in a final report to be considered at the December 2022 meeting of State Council</p> <p>4. Drafting Governance Documents – ensuring the Constitution, Corporate Governance Charter, State Council Code of Conduct and Standing Orders are contemporary and aligned, and</p> <p>5. Final Approval and Implementation – following the 2023 Annual General Meeting.</p> <p>State Council will be engaged and consulted as the project progresses.</p>		
<p><b>1 December 2021</b> <b>Item 5.12</b> WALGA President Vacation of Office</p>	<p>1. That State Council note and accept the President’s resignation and thank her for her service to WALGA and wish her best for the future.</p> <p>2. That State Council determine that the vacancy be filled by the current Deputy President until the next scheduled election (being 2 March 2022).</p>	<p>This item has been actioned. The election process for the positions of President and Deputy President has commenced and an election will be held on 2 March 2022</p>	<p>February 2022</p>	<p>Tony Brown Executive Manager Governance &amp; Organisational Services</p>
<p><b>1 December 2021</b> <b>Item 5.13</b> Appointments to State Council Policy Teams and Committees</p>	<p>That the appointments to Policy Teams and the Finance and Services Committee outlined below be endorsed (subject to the election of the President and Deputy President):</p> <p>Finance and Services Committee – (four State Councillors)</p> <ul style="list-style-type: none"> <li>• WALGA President (Chair)</li> <li>• President Cr Karen Chappel</li> <li>• Mayor Logan Howlett</li> <li>• Cr Paul Kelly</li> <li>• Cr Carl Celedin</li> <li>• Mr Colin Murphy (independent representative)</li> </ul> <p>Environment and Waste Policy Team –</p> <ul style="list-style-type: none"> <li>• Cr Doug Thompson</li> <li>• Cr Les Price</li> <li>• President Cr Michelle Rich</li> <li>• Mayor Ruth Butterfield</li> <li>• Cr John Daw</li> </ul> <p>Governance and Organisational Services Policy Team –</p> <ul style="list-style-type: none"> <li>• Mayor Carol Adams</li> <li>• Mayor Mark Irwin</li> <li>• Cr Ken Seymour</li> <li>• Cr Russ Fishwick JP</li> </ul>	<p>Committee and Policy Team appointments endorsed subject to the election of the President and Deputy President at the 2 March 2022 State Council meeting.</p>	<p>February 2022</p>	<p>Tony Brown Executive Manager Governance &amp; Organisational Services</p>

MEETING	RESOLUTION	COMMENT	Completion Date	Officer Responsible
	<ul style="list-style-type: none"> <li>President Cr Cheryl Cowell</li> </ul> Infrastructure Policy Team – <ul style="list-style-type: none"> <li>President Cr Stephen Strange</li> <li>President Cr Laurene Bonza</li> <li>President Cr Chris Pavlovich</li> <li>Cr Chris Mitchell</li> <li>Cr Helen Sadler</li> </ul> People and Place Policy Team – <ul style="list-style-type: none"> <li>President Cr Phil Blight</li> <li>Mayor Peter Long</li> <li>President Cr Tony Dean</li> <li>Cr Catherine Ehrhardt</li> <li>Cr Frank Cvitan JP</li> </ul> RESOLUTION 303.7/2021			
<b>1 December 2021</b> <b>Item 5.13</b> Appointments to State Council Policy Teams and Committees	That the appointments to the remaining State Council Committees be referred back to the Secretariat in liaison with the Acting President for consideration and that recommendation for appointments be presented to State Council at the next ordinary meeting on 2 March 2022. RESOLUTION 304.7/2021	A State Council agenda item will be prepared for the March State Council meeting in liaison with the Acting President.	February 2022	Tony Brown Executive Manager Governance & Organisational Services
<b>1 December 2021</b> <b>Item 8</b> Additional Zone Resolutions	That WALGA requests that the Minister for Local Government extends the consultation period by 1 month to 4 March 2022. RESOLUTION 310.7/2021	The Minister for Local Government extended the submission deadline to 25 February 2022.	February 2022	Tony Brown Executive Manager Governance & Organisational Services
<b>3 September 2021</b> <b>Item 5.1</b> External Oversight of Local Level Complaints	That WALGA advocate for an external oversight model for local level behavioural complaints made under Council Member, Committee Member and Candidate Codes of Conduct, that is closely aligned to the Victorian Councillor Complaints Framework. RESOLUTION 263.5/2021	The Minister for Local Government released a local Government legislative reform program that has included an external oversight framework.	February 2022	Tony Brown Executive Manager Governance & Organisational Services
<b>3 September 2021</b> <b>Item 5.2</b> Tender Exemption Provisions – General Practitioner Services	That WALGA: <ol style="list-style-type: none"> <li>Adopt a new Advocacy Position Statement under ‘Local Government Legislation - Tender Exemption General Practitioner Services’:  <i>WALGA advocates for the inclusion of a tender exemption for General Practitioner (GP) services under Part 4, Division 2 of the Local Government (Functions and General) Regulations 1996, to support Local Governments to secure and retain necessary primary health care services for their communities; and</i> </li> <li>Undertake additional research in support of the Advocacy Position with the following aims:</li> </ol>	<ol style="list-style-type: none"> <li>Correspondence has been sent to the Minister for Local Government advocating for this position.</li> <li>Further research is carried out as per this resolution.</li> </ol>	Ongoing – February 2022	Tony Brown Executive Manager Governance & Organisational Services

MEETING	RESOLUTION	COMMENT	Completion Date	Officer Responsible
	a. Identify State and Federal Government policy settings and other factors contributing to gaps in primary health care services in regional communities; and b. Quantify the number of regional Local Governments that have current contracts, or are proposing to enter into contracts, for General Practitioner services and the associated costs to Local Government incurred. RESOLUTION 264.5/2021			
<b>3 September 2021</b> <b>Item 6.1</b> Stop Puppy Farming Legislation	1. That the update on the Dog Amendment (Stop Puppy Farming) Bill 2021 be noted. 2. That: a. any additional costs incurred by a Local Government in administering the Dog Act be paid by the State Government; and b. the Fees and Charges set in Regulations are reviewed bi-annually and at minimum, be adjusted by the Local Government Cost Index. RESOLUTION 275.5/2021	Correspondence has been written to the Minister for Local Government advising of resolution 2.	Ongoing – February 2022	Tony Brown Executive Manager Governance & Organisational Services
<b>5 May 2021</b> <b>Item 5.4</b> Review of the State Industrial Relations System	That WALGA: 1. Seek confirmation from the State Government on whether it intends to re-introduce legislation for Local Governments to operate solely in the State Industrial Relations System. 2. If the State Government reintroduces legislation to require all Local Governments to operate within the State Industrial Relations System, continue to advocate for the State Government to: a. Amend the <i>Industrial Relations Act 1979 (WA)</i> to include additional provisions to modernise the State IR system; and b. Provide adequate funding and resourcing to ensure Local Governments are equipped with the appropriate tools and training to enable a smooth transition. RESOLUTION 207.2/2021	Correspondence has been sent to the Minister for Industrial Relations advising of this resolution.  The Industrial Relations Legislation Amendment Bill 2021 (IR Bill) was given Royal Assent on 22 December 2021 as Act No. 30 of 2021. Part 1 of the <i>Industrial Relations Legislation Amendment Act 2021 (WA)</i> (IRLA Act) commenced on 22 December, which deals with preliminary matters. All other parts of the IRLA Act will be proclaimed by publishing a notice of proclamation in the Western Australian Government Gazette.  The declaration that all Local Governments are not national system employers will have the effect of transitioning all Local Governments to the State industrial relations system if it is endorsed by the Federal Minister for Industrial Relations, Senator the Hon Michaelia Cash.  We have not received confirmation on whether the declaration will be endorsed by the Federal Minister, however WALGA has secured an upcoming meeting with the General Advisor to the Federal Minister.	February 2022	Tony Brown Executive Manager Governance and Organisational Services

MEETING	RESOLUTION	COMMENT	Completion Date	Officer Responsible
<p><b>3 March 2021</b> <b>Item 5.3</b> Eligibility of Slip On Fire Fighting Units for Local Government Grants Scheme Funding</p>	<p>That WALGA:</p> <ol style="list-style-type: none"> <li>1. Supports the inclusion of capital costs of Trailer Fire Fighting Units and Slip On Fire Fighting Units including for Farmer Response Brigades (for use on private motor vehicles) on the Eligible List of the Local Governments Grants Scheme (LGGGS).</li> <li>2. Requests the Local Government Grants Scheme Working Group to include this matter on the Agenda of their next Meeting (expected March 2021).</li> <li>3. Requests WALGA to work with the Local Government Grants Scheme Working Group to develop appropriate operational guidelines and procedures for the safe use of Slip On Fire Fighting Units funded in accordance with the LGGGS.</li> <li>4. Supports the update of the WALGA membership of the Local Government Grants Scheme Working Group to include one Local Government Elected Member and one Local Government Officer, with these appointments determined through the WALGA Selection Committee process.</li> </ol> <p>RESOLUTION 180.1/2021</p>	<p>A letter was sent to DFES Commissioner Klemm on 16 March 2021 advising of State Council's decision on 3 March. The Local Government Grants Scheme Working Group met on 20 March 2021 however did not discuss eligible items in the Manual. An EOI process for the Officer position was successful but a second round process will be run for the Elected member position.</p> <p>DFES has advised that the Local Government Grants Scheme Working Group has been discontinued. WALGA CEO Nick Sloan is meeting with the DFES Commissioner Darren Klemm on 2 August to discuss how Local Government input to the LGGGS Manual will be collected in future.</p> <p>DFES advised on 4 June 2021 that the matter of eligibility of slip on units was not yet finalized. A further follow up email was sent on 26 July 2021.</p> <p>A further follow up email was sent to DFES on 20 January 2022.</p>	<p>Ongoing</p>	<p>Nicole Matthews Acting Executive Manger Strategy, Policy and Planning</p>
<p><b>2 December 2020</b> <b>Item 5.3</b> Family and Domestic Violence and the Role of LGs</p>	<p>That:</p> <ol style="list-style-type: none"> <li>1. WA Local Governments recognise the prevalence, seriousness and preventable nature of family and domestic violence and the roles that Local Governments can play in addressing gender equity and promoting respectful relationships in their local community.</li> <li>2. WALGA advocates to the State Government:             <ol style="list-style-type: none"> <li>a. to work with Local Government in defining the role and responsibilities and expectations of Local Governments in family and domestic violence.</li> <li>b. for adequate funding for family and domestic violence programs and services, particularly in regional areas.</li> <li>c. for appropriate resources and funding be allocated to Local Governments to implement any particular roles and actions addressing family and domestic violence as defined in the State Strategy.</li> <li>d. to provide support to Local Government in the broader rollout of the Prevention Toolkit for Local Government.</li> </ol> </li> </ol>	<p>In February 2021 WALGA wrote a letter to then Director General Communities, Michelle Andrews, to advise of WALGA State Council's newly adopted policy position on family and domestic violence. A follow up meeting was held with the Department in February 2021 to discuss WALGA State Council's endorsed policy position and key advocacy statements. The key message provided was that the Department of Communities needs to engage more thoroughly with Local Governments, and in particular more engagement and communication is required regarding the State Strategy which was adopted in July 2020.</p> <p>WALGA is a member of the Department of Communities Path to Safety: Western Australia's Strategy to Reduce Family and Domestic Violence 2020 – 2030 Reference Group, which reconvened 8 December 2021.</p> <p>A report on the progress of the first Action Plan 2020-2022 highlighted of State Government funding of \$23 million provided as part of the WA Recovery Plan , to help address family and domestic violence in the community. These measures are further supported by the National Partnership Agreement COVID-19 Domestic and Family Violence</p>	<p>Ongoing</p>	<p>Nicole Matthews Acting Executive Manger Strategy, Policy and Planning</p>



MEETING	RESOLUTION	COMMENT	Completion Date	Officer Responsible
	<p>e. to continue advocacy to the Commonwealth Government for additional funding and support.</p> <p>3. WALGA organises presentations for Local Governments that address family and domestic violence, as part of relevant events or webinars.</p> <p>RESOLUTION 144.6/2020</p>	<p>Responses (National Partnership Agreement). The WA State Government has issued all the \$14.2 million funding received through the National Partnership Agreement. Approximately \$7.9 million in grants have been awarded to WA family and domestic violence service organisations. A quarter of the grants were awarded to Aboriginal Controlled Community Organisations (ACCOs), further building capacity in this sector to deliver culturally safe supports, including services that are specifically targeted at regional and remote parts of the State.</p> <p>WALGA continues to work closely with ALGA and Our Watch, the national peak body in the primary prevention of violence against women and their children in Australia. In consultation with ALGA and representatives from all Local Government Associations Our Watch is developing a suite of webinars and other resources targeting Local Government to support the ongoing roll out and implementation of the Prevention Toolkit. The new webinars will be delivered to the sector in March – June 2022.</p> <p>WALGA in collaboration with the Local Government Community Safety Network Steering Committee delivered an event for the sector on 18 May 2021 focusing on family and domestic violence.</p>		
<p><b>5 December 2018</b> <b>Item 5.1</b> Proposed Removal by Main Roads WA of the “Letter of Approval” Restricted Access Vehicle Operating Condition</p>	<p>That WALGA:</p> <ol style="list-style-type: none"> <li>1. Opposes withdrawal of the “Letter of Approval” Restricted Access Vehicle Operating Condition until an acceptable alternative to Local Government is developed;</li> <li>2. Supports the position that Local Governments not use provision of the Letter of Authority to charge transport operators to access the Restricted Access Vehicle network;</li> <li>3. Supports the development of standard administrative procedures including fees and letter formats; and</li> <li>4. Supports the practice of Local Governments negotiating maintenance agreements with freight owners/ generators in cases where the operations are predicted to cause extraordinary road damage as determined by the Local Government.</li> <li>5. Advocates to Main Roads to establish a stakeholder working group to develop an appropriate mechanism through which the increased infrastructure costs from</li> </ol>	<p>On advice from the State Solicitors Office, Main Roads WA is intending to remove the CA07 condition that requires a transport operator to obtain a letter of approval from the relevant Local Government. Main Roads is proposing to replace the condition with a notification process (CA88). After consultation with Regional Road Groups and a Stakeholder Working Group, the overwhelming majority of participants are of the view that the proposed arrangement is not an acceptable alternative. WALGA has written to Main Roads WA stating that WALGA does not support the alternative and that the position adopted by Sate Council in December 2018 has not changed.</p> <p>WALGA has subsequently met with Main Roads who confirm that the status quo remains in place until further notice.</p>	<p>Ongoing</p>	<p>Ian Duncan Executive Manager Infrastructure</p>

MEETING	RESOLUTION	COMMENT	Completion Date	Officer Responsible
	<p>the use of heavy vehicles and those loaded in excess of limits (concessional loading) can be recovered from those benefiting, and redirected into the cost of road maintenance.</p> <p>RESOLUTION 132.7/2018</p>			
<p><b>5 December 2018</b>  <b>Item 4.1</b>            State / Local Government Partnership Agreement on Waste Management and Resource Recovery</p>	<ol style="list-style-type: none"> <li>1. That State Council endorse investigating a State / Local Government Partnership Agreement on Waste Management and Resource Recovery.</li> <li>2. That the item be referred to MWAC for is development and negotiation with the State Government.</li> <li>3. A report regarding a proposed “State / Local Government Partnership Agreement on Waste Management and Resource Recovery” be brought back to the next meeting of State Council.</li> </ol> <p>RESOLUTION 131.7/2018</p>	<p>A new Partners in Government Agreement between WALGA, LG Professionals and the State Government, endorsed by State Council, was signed on 20 September 2021. Focus areas of the Partners in Government Agreement will evolve over time. Current focus areas are: Economic Sustainability, Infrastructure, Community Support, Climate Action, the Local Government Act, Closing the Gap Agreement and National Cabinet.</p> <p>The WALGA Acting President and the MWAC Chair will seek a meeting with the new Environment Minister, Hon Reece Whitby and raise this issue.</p>	<p>Ongoing</p>	<p>Nicole Matthews            Acting Executive Manger Strategy, Policy and Planning</p>