



GVROC Council Meeting to consider WALGA State Council Agenda Items

Unconfirmed Minutes

Held Friday 27 November 2020
Via Zoom Videoconference, commencing at 9.00am

CONTENTS

1.	OPENING AND ANNOUNCEMENTS.....	4
2.	DECLARATION OF INTEREST.....	4
3.	RECORD OF ATTENDANCE, APOLOGIES AND LEAVE OF ABSENCE	4
3.1	Attendance	4
3.2	Apologies.....	4
3.3	Guests	5
3.4	WALGA Representatives (Via Videoconference).....	5
3.5	DLGSCI Representatives (Via Videoconference)	5
4.	MINUTES OF MEETINGS.....	5
4.1	Minutes of a Meeting of GVROC to consider WALGA State Council Agenda Items held 28 August 2020	5
4.3	Correspondence for Noting	6
5.	EMERGING ISSUES.....	6
6.	Review of WALGA State Council Agenda - Matters for Decision	7
6.1	Local Government Act Review Advocacy Paper – Key Issues from Recent Inquiries into Local Government (05-034-01-0001 TL).....	7
6.2	Submission – Registration of Building Engineers in WA (05-015-02-0010 VJ)	10
6.3	Family and Domestic Violence and the Role of Local Governments (05-086-03-0004 MM)	12
6.4	Underground Power (05-049-02-0001 ID)	14
6.5	CEO Recruitment and Selection, Performance Review and Termination Standards Regulations (05-034-01-0001 JM).....	19
6.6	Model Code of Conduct for Council Members, Committee Members and Candidates Regulations (05-034-01-0001 JM).....	23
7.	Review of WALGA State Council Agenda - Matters for Noting/Information.....	27
7.1	Submission to the Infrastructure WA State Infrastructure Strategy Discussion Paper (05-085-03-0001 DM)	27
7.2	Draft Amendments to the Planning and Development (Local Planning Scheme) Regulations 2015 (05-047-01-0017 VJ)	30
7.3	Interim Review – State Planning Policy 3.1 Residential Design Codes (05-015-02-0002 CH)	33
7.4	State and Federal Budgets (05-088-03-0001 DM).....	35
7.5	Noongar Heritage Agreement for Local Government (05-032-01-0001 SM)	37
7.6	Aboriginal Cultural Heritage Bill Consultation (05-032-01-0001 SM).....	38
7.7	Local Government Animal Welfare in Emergencies Grant Program (06-081-01-0001 EDR)	40
7.8	2020 Annual General Meeting (01-003-02-0003 TL)	42
7.9	COVID-19 - Update	44
8.	Review of WALGA State Council Agenda - Organisational Key Activity Reports	48
8.1	Report on Key Activities, Commercial and Communications (01-006-03-0017 ZD)	48
8.2	Report on Key Activities, Governance and Organisational Services (01-006-03-0007 TB)	48
8.3	Report on Key Activities, Infrastructure (05-001-02-0003 ID)	48
8.4	Report on Key Activities, Strategy, Policy and Planning (01-006-03-0014 MJB)	48
9.	Review of WALGA State Council Agenda - Policy Forum Reports	48
10.	Review of WALGA State Council Agenda – State Council Status Report	49
10.1	Complete Status Report on State Council Resolutions - To the December 2020 State Council Meeting.....	49
11.	GOLDFIELDS VOLUNTARY REGIONAL ORGANISATION OF COUNCILS BUSINESS	50
11.1	GVROC Support to Shire of Wiluna to be formally recognised as part of the RDA Goldfields Esperance Boundary.....	50
12.	DLGSC Update	52
13.	LATE ITEMS as notified, introduced by decision of the Meeting	52

14. FUTURE MEETINGS	52
15. CLOSURE OF MEETING	52

GOLDFIELDS VOLUNTARY REGIONAL ORGANISATION OF COUNCILS (GVROC)

Videconference meeting of the GVROC Council to consider WALGA State Council Agenda Items was held Friday 27 November 2020 at 9.00am

AGENDA

1. OPENING AND ANNOUNCEMENTS

The purpose of the meeting is to provide advice to the WALGA State Council Representative, Cr Mal Cullen on the Agenda for the WALGA State Council Meeting to be held on 2 December 2020.

2. DECLARATION OF INTEREST

Pursuant to the Code of Conduct, Councillors and CEOs must declare to the Chairman any potential conflict of interest they may have in a matter before the Goldfields Voluntary Regional Organisation of Councils as soon as they become aware of it. Councillors, CEOs and Deputies may be directly or indirectly associated with some recommendations of the Goldfields Voluntary Regional Organisation of Councils. If you are affected by these recommendations, please excuse yourself from the meeting and do not participate in deliberations.

Declarations:

Cr Shelley Payne, Shire of Esperance - declares a standing interest as a member of the GEDC.

Cr Shelley Payne, Shire of Esperance declares a standing conflict of interest until March 2021 in relation to her selection on the agricultural region ticket for the Legislative Council for the upcoming State Election.

Ms Laura Dwyer, Shire of Wiluna – declares an interest in relation to Agenda Item 11.1 as the Shire is requesting the letter of support from GVROC.

3. RECORD OF ATTENDANCE, APOLOGIES AND LEAVE OF ABSENCE

3.1 Attendance

Cr Mal Cullen (Chair)	President, Shire of Coolgardie
Mr James Trail	CEO, Shire of Coolgardie
Mr John Walker	CEO, City of Kalgoorlie Boulder
Cr Laurene Bonza	President, Shire of Dundas
Mr Peter Fitchat	CEO, Shire of Dundas
Cr Sharon Warner	Councillor, Shire of Dundas
Cr Ian Mickel	President Shire of Esperance
Mr Shane Burge	CEO, Shire of Esperance
Cr Shelley Payne	Councillor, Shire of Esperance
Mr Peter Naylor	CEO, Shire of Laverton
Cr Shaneane Weldon	Councillor, Shire of Laverton
Cr Peter Craig	President, Shire of Leonora
Mr Jim Epis	CEO, Shire of Leonora
Mr Richard Brookes	A/CEO, Shire of Menzies
Ms Laura Dwyer	CEO, Shire of Wiluna
Mr Kevin Hannagan	CEO, Shire of Ngaanyatjaraku
Mr Andrew Mann	Executive Officer, GVROC

3.2 Apologies

Cr Tracey Rathbone	Councillor, Shire of Coolgardie
Cr Sherryl Botting	Councillor, Shire of Coolgardie

Cr John Bowler	Mayor, City of Kalgoorlie-Boulder
Cr David Grills	Councillor, City of Kalgoorlie Boulder
Cr Patrick Hill	President, Shire of Laverton
Cr Jill Dwyer	Councillor, Shire of Menzies
Cr Keith Mader	Councillor, Shire of Menzies
Cr Jim Quadrio	President, Shire of Wiluna
Cr Timothy Carmody	Councillor, Shire of Wiluna
Cr Damian McLean	President, Shire of Ngaanyatjaraku

3.3 Guests
Nil

3.4 WALGA Representatives (Via Videoconference)

Marissa MacDonald, Senior Community Policy Advisor
James McGovern, Manager Governance
Carol-Anne Bradley, Goldfields-Esperance Road Safety Advisor

3.5 DLGSCI Representatives (Via Videoconference)

Darrelle Merritt, A/Director – Strategic Initiatives
Julie Knight,
Caitlin Marson, Project Officer

4. MINUTES OF MEETINGS

4.1 Minutes of a Meeting of GVROC to consider WALGA State Council Agenda Items held 28 August 2020

Minutes of the GVROC Council Meeting to consider WALGA State Council held Friday 28 August 2020 are presented for adoption (**Attachment 1**).

RECOMMENDATION:

That the Unconfirmed Minutes of the GVROC Council Meeting to consider WALGA State Council held Friday 28 August 2020 be confirmed as a true and correct record of proceedings.

RESOLUTION: **Moved: Mr John Walker, City of Kalgoorlie Boulder**
 Seconded: Mr Kevin Hannagan, Shire of Ngaanyatjaraku

Carried

4.2 Matters for Noting

The following matters are presented for noting.

1. WALGA President's Report – December 2020 (**Attachment 2**)

RECOMMENDATION:

That the matters for noting listed be received.

RESOLUTION: **Moved: Mr Kevin Hannagan, Shire of Ngaanyatjaraku**
 Seconded: Mr Jim Epis, Shire of Leonora

Carried

4.3 Correspondence for Noting

The following correspondence is presented for noting.

1. Letter received from Tennis West Australia dated 9 November 2020 from Michael Roberts, CEO, Tennis West and General Manager, ATP Cup Perth regarding Tennis West expressing its interest in presenting to the Goldfields Esperance Zone at the next available meeting in 2021 (**Attachment 3**).
2. Letter received from GEDC dated 9 November 2020 from CEO, Kris Starcevich regarding the GVROC Economic Policy Plan for the Region (**Attachment 4**)
3. Letter received from Minister for Local Government; Heritage; Culture and the Arts, the Hon David Templeman MLA regarding the GVROC Economic Policy Plan for the Region (**Attachment 4.1**)
4. Letter received from Premier of Western Australia regarding the GVROC Economic Policy Plan for the Region (**Attachment 4.2**)

RECOMMENDATION:

That the GVROC:

1. Receive the correspondence as listed for noting.
2. Request that the GVROC Executive Officer contact Tennis West and invite them to present to the GVROC at its meeting in Esperance on 29 January 2021.
3. Request that the GVROC Chair and Executive Officer follow-up with the Department of Local Government, Sport and Cultural Industries regarding the proposed roundtable between the Minister with local governments to discuss financial and economic issues.

RESOLUTION:

Moved: Mr Kevin Hannagan, Shire of Ngaanyatjaraku
Seconded: Cr Laurene Bonza, Shire of Dundas

Carried

<h2>5. EMERGING ISSUES</h2>

From: Chair GVROC

Background:

WALGA State Council meets five times each year and as part of the consultation process with Member Councils circulates the State Council Agenda for input through the Zone structure. The Zone can provide comment or submit an alternate recommendation that is then presented to the State Council for consideration.

A full copy of the State Council Agenda for the 2 December 2020 can be found at **Attachment 5**

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

- As per matter listed

6. Review of WALGA State Council Agenda - Matters for Decision

6.1 Local Government Act Review Advocacy Paper – Key Issues from Recent Inquiries into Local Government (05-034-01-0001 TL)

WALGA Recommendation

That:

1. Ongoing advocacy relating to the Review of the *Local Government Act 1995* be noted; and,
2. The Advocacy Positions for a New Local Government Act: *Key issues from recent Inquiries into Local Government* – be endorsed.

IN BRIEF

- WALGA has developed an Advocacy Paper focusing on key issues identified in final reports of three recent Local Government Inquiries:
 1. [Final Report of the Local Government Review Panel](#)
 2. [Report of the Inquiry into the City of Perth](#)
 3. [Select Committee into Local Government Final Report](#)
- The Advocacy Paper aims to highlight strategic policy issues, leveraging previous detailed policy development work, at a key stage of Phase two of the Review of the *Local Government Act 1995*.

Attachment

Advocacy Positions for a New Local Government Act: *Key issues from recent Inquiries into Local Government (Attachment 6)*

Policy Implications

Policy positions encapsulated in the Advocacy Paper are consistent with WALGA's existing policy positions.

BACKGROUND:

The Review of the *Local Government Act 1995* has been a key focus of the Local Government sector and WALGA since the review was announced in 2017.

Stage one, focusing on priority reforms, are now mostly in place following the passage of the *Local Government Legislation Amendment Act 2019*.

As part of Phase two of the Review, which focuses on wide ranging reforms, the Government established the Local Government Review Panel in November 2019.

The [Final Report of the Local Government Review Panel](#) was released in August 2020.

In addition, the final reports of the following two key inquiries were released in September 2020:

- [Report of the Inquiry into the City of Perth](#)
- [Select Committee into Local Government Final Report](#)

The three reports make recommendations relating to a range of topics and issues relevant to the Review of the Local Government Act.

COMMENT

Leveraging the concurrent release of the final reports of three Inquiries, an advocacy paper highlighting key issues has been prepared.

The advocacy paper addresses the issues listed below:

- New Local Government Act
- Legislative Intent
- Intergovernmental Cooperation
- Elections
- Rating Exemptions
- Fees and Charges
- Road Funding
- Regional Collaboration
- Community Engagement
- Roles and Responsibilities
- External Oversight
- Financial Management and Procurement
- Accountability and Audit

The Advocacy Paper approach aims to:

- Ensure the Local Government sector's key concerns are prominent during stage two of the Local Government Act Review
- Leverage the timing and inherent legitimacy of the three key reports to highlight ongoing strategic advocacy priorities
- Concentrate engagement at the strategic policy level, rather than the detail of specific proposals that may or may not represent government policy, and
- Link to WALGA's state election advocacy campaign.

The Advocacy Paper does not replace or diminish existing detailed policy positions, which are underpinned by multiple consultation processes and State Council deliberations.

Key Local Government sector policy positions are listed in the Recommendations section of the paper, attached.

GVROC Officer Amendment for Consideration

James Trail, CEO of Shire of Coolgardie has suggested the following amendment for GVROC consideration to the recommendation on page 32 of Advocacy Positions for a New Local Government Act - Key issues from recent inquiries into Local Government - Financial Management and Procurement

The current Advocacy paper recommendation on page 32 is:

Local Government Position:

That the Local Government sector:

- 1. Requests the Minister for Local Government to require the Department of Local Government to prepare a Model set of Financial Reports for the Local Government sector, in consultation with the Office of the Auditor General;**
- 2. Requests the Department of Local Government to re-assess the amount of detail required to be included in annual financial reports, in particular for small and medium sized entities as suggested by the Office of Auditor General;**
- 3. Supports Local Governments being able to use freehold land to secure debt;**
- 4. Supports Building Upgrade Finance being permitted for specific purposes such as cladding, heritage and green improvements;**
- 5. Supports the alignment of Local Government procurement thresholds, rules and policies with the State Government.**

The suggested amendment for GVROC consideration to take back to WALGA State Council as follows highlighted in yellow.

Local Government Position:

That the Local Government sector:

1. Requests the Minister for Local Government to require the Department of Local Government to prepare a Model set of Financial **Statements and Annual Budget Statements** for the Local Government sector, in consultation with the Office of the Auditor General;
2. Requests the Department of Local Government to re-assess the amount of detail required to be included in annual financial reports, in particular for small and medium sized entities as suggested by the Office of Auditor General;
3. Supports Local Governments being able to use freehold land to secure debt;
4. Supports Building Upgrade Finance being permitted for specific purposes such as cladding, heritage and green improvements;
5. Supports the alignment of Local Government procurement thresholds, rules and policies with the State Government.

RECOMMENDATION

The GVROC:

1. Note WALGA's ongoing advocacy relating to the Review of the *Local Government Act 1995*; and,
2. Endorse the WALGA Advocacy Positions for a New Local Government Act: *Key issues from recent Inquiries into Local Government* document with the amendment to the Recommendation 1 on page 32 to read as follows:

*1. Requests the Minister for Local Government to require the Department of Local Government to prepare a Model set of Financial **Statements and Annual Budget Statements** for the Local Government sector, in consultation with the Office of the Auditor General;*

RESOLUTION:

Moved: Cr Laurene Bonza, Shire of Dundas

Seconded: Cr Ian Mickel, Shire of Esperance

Carried

6.2 Submission – Registration of Building Engineers in WA (05-015-02-0010 VJ)

WALGA Recommendation

That WALGA:

1. Advise the Department of Mines Industry Regulation and Safety (DMIRS) that the registration of Building Engineers in WA is supported.
2. Request that DMIRS also consider the registration of Electrical Engineers, Façade Engineers, Energy Assessors, Bush Fire Consultants, Access consultants, Swimming pool, Patio installers and Demolition contractors.
3. Request that DMIRS clarify that dilapidation reports may only be undertaken by Registered Engineers.
4. Provide this report to Department of Mines Industry Regulation and Safety as feedback on the Consultation Regulatory Impact Statement. That the submission on the Decision Paper on Swimming Pool and Safety Barrier Control, be endorsed.

IN BRIEF

- In July 2020, Department of Mines Industry Regulation and Safety (DMIRS) released a Consultation Regulatory Impact Statement (CRIS) focused on the registration of Building Engineers in WA.
- Broad support is provided as the registration of technical experts has been advocated by the Association for many years. Additional registration of professionals and businesses is also requested to assist in improving the quality of buildings and professional standards in WA.
- Submissions on the Consultation Regulatory Impact Statement closes on the 3 December 2020.

Attachment

Consultation Regulatory Impact Statement on the registration of Building Engineers in WA ([here](#)).

Policy Implications

The proposed recommendation is aligned with the March 2017 State Council meeting (Resolution 7.1/2017), where the Top Ten improvements to the Act were endorsed, including the Registration of Technical Specialists, as follows:

- Technical specialist (such as fire engineers) should be registered with the Building Commission
- Registration of Energy Assessors, Bush Fire consultants and Access consultants is required.

At 30 April 2020 meeting, the Central Metropolitan Zone considered a report on the process surrounding Dilapidation Reports and recommended that “WALGA lodge a submission to State Government, in support for formal registration of practitioners conducting dilapidation reports to industry standards”.

BACKGROUND:

The Consultation Regulatory Impact Statement (CRIS) proposes to amend the *Building Services (Registration) Act 2011* to require the following categories of engineers to be registered to carry out building engineering work: civil engineers; structural engineers; hydraulic engineers; mechanical engineers; geotechnical engineers and fire safety engineers.

The proposals in the CRIS are aligned with the national registration model being developed by the Australian Building Codes Board ([here](#)). The CRIS is open for comment from 8 July to 3 December 2020

COMMENT

Since 2017, WALGA has been advocating for the registration of technical experts within the building approval and construction process. Concerns with technical specialists providing incorrect information on critical aspects such as fire safety, wind ratings and cyclone suitability, has resulted in numerous problems over the years for ratepayers. The ACT and WA are the only jurisdictions with no regulatory requirements for building-related engineers. All other jurisdictions regulate engineers in the building industry to varying degrees through building or occupational licensing legislation.

Over the years, WALGA has recommended that Structural Engineers and Fire Engineers be accredited in the same manner as Building Surveyors. WALGA has also advocated for the registration process to be expanded to cover Bushfire Attack Level (BAL) Assessors and Energy Efficiency assessors. Other additional 'engineering services' that could also be included in a registration process could be Electrical Engineers (Emergency lighting & exit signs, automatic fire detection systems for major developments) and Façade Engineers (weatherproofing and cladding compliance on major developments). Otherwise, the system does not sufficiently acknowledge the expertise that is required within these other specific fields, to ensure buildings are safe to occupy.

The CRIS seeks responses to a total of 23 questions, primarily focused on the professional qualifications, ongoing professional development processes, and registration costs and funding arrangements to establish the registration process. Broad support of the registration of the proposed categories of building related engineers is provided as it aligns with previous WALGA policy positions.

The concerns of the Central Metropolitan Zone are not covered within this CRIS. If the new registration process specifically indicates that dilapidation reports can only be undertaken by one of these qualified professionals, then this may be a solution. Clarity is therefore required when DMIRS prepares the upcoming Decision Regulatory Impact Statement.

Finally, the CRIS released addresses the registration of Structural and Fire Engineers, however, the registration of Electrical and Façade Engineers, Energy Assessors, Bush Fire consultants and Access consultants has not been considered in this paper.

Feedback was also sought from members on other professions or businesses that should be registered; the registration of swimming pool and patio installers, and demolition contractors would also assist in improving the rigor around these professionals involved in the building process.

This report was circulated to Local Government Building Surveyors for comments, with feedback received from officers at the Cities of Perth, Joondalup and Melville.

RECOMMENDATION

GVROC support the WALGA recommendation as stated above.

RESOLUTION: **Moved: *Mr Kevin Hannagan, Shire of Ngaanyatjaraku***
 Seconded: *Cr Laurene Bonza, Shire of Dundas*

Carried

6.3 Family and Domestic Violence and the Role of Local Governments (05-086-03-0004 MM)

WALGA Recommendation

- 1. WA Local Governments recognise the prevalence, seriousness and preventable nature of family and domestic violence and the roles that Local Governments can play in addressing gender equity and promoting respectful relationships in their local community.**
- 2. WALGA advocates to the State Government:**
 - a. to define and communicate the role, responsibilities, and expectations of Local Governments in family and domestic violence.**
 - b. for adequate funding for family and domestic violence programs and services, particularly in regional areas.**
 - c. for appropriate resources and funding to be allocated to Local Governments to implement any particular roles and actions addressing family and domestic violence as defined in the State Strategy.**
 - d. to provide support to Local Government in the broader rollout of the Prevention Toolkit for Local Government.**
 - e. to continue advocacy to the Commonwealth Government for additional funding and support.**
- 3. WALGA organises presentations for Local Governments that address family and domestic violence, as part of relevant events or webinars.**

IN BRIEF

- WALGA received two separate requests from the South West Country Zone in March 2019 and the East Metropolitan Zone in November 2019 to analyse the role of Local Governments in addressing family and domestic violence.
- A discussion paper was prepared in response to the Zone requests which encompassed the roles of all three levels of Government and comparison across States and Territories as well as Local Government Associations.
- The analysis in the discussion paper recommends that WALGA should strengthen advocacy efforts, including updating the outdated 2011 WALGA State Council endorsed policy position.

Attachment

Family and Domestic Violence: The Role of Local Governments Discussion Paper
<https://walga.asn.au/getattachment/Documents/Item-5-3-attachment-Local-Government-and-FDV-Discussion-Paper-FINAL.PDF?lang=en-AU>

Policy Implications

In December 2011 WALGA State Council endorsed a submission to the State Government's former 'Enough is Enough Interpersonal Violence Prevention Strategy', along with adopting a now outdated set of principles that aligned with that Strategy at the time - RESOLUTION 144.7/2011.

BACKGROUND:

Family and domestic violence is an ongoing pattern of behaviours intended to coerce, control or create fear between family members or in current or past intimate partner relationships. Gender inequality, gender norms and stereotypes and attitudes towards women are all recognised as key drivers of family and domestic violence. Family and domestic violence behaviours can involve physical violence, sexual assault, verbal or emotional abuse, controlling behaviour, stalking and financial abuse. It can contribute to and cause anxiety and depression, suicide and self-harm, early pregnancy loss, alcohol and drug use and homelessness.

WALGA received two requests from the South West Country Zone in March 2019 and the East Metropolitan Zone in November 2019 to analyse the role of Local Governments in addressing family and domestic violence.

A discussion paper was prepared in response to the Zone requests that provided a broad analysis of the roles of all three levels of Government and comparison across jurisdictions as well as Local Government Associations. The results from WALGA's family and domestic violence survey collected between September 2019 and January 2020, with 26 individual Local Government responses was also included in the discussion paper. Not in scope for this paper was the analysis of the legal and judicial system associated with family and domestic violence, the direct support services provided to help support victims (e.g. crisis accommodation) or the specific programs facilitated to change the behaviour of offenders. Also not in scope was the Commonwealth Government's Royal Commission into Institutional Responses to Child Abuse recommendations and responses.

In August 2020 the discussion paper was provided to the South West Country Zone and the East Metropolitan Zone for consideration. Both of the Zones supported progressing the recommendations from this paper, with a minor amendment from the East Metropolitan Zone. In September 2020 all Local Governments were then provided an opportunity to review and provide further comment on the discussion paper for a period of five weeks, with the feedback received being incorporated. Feedback was received from the City of Swan and the City of Wanneroo, as well as the community alliance 'Peel Says No to Violence' which the City of Mandurah supports.

COMMENT

Historically Local Governments around Australia have not had a defined role and are not legislatively obligated to address family and domestic violence, except for Victorian Local Governments. The Commonwealth Government however recognises the role of Local Governments in the primary prevention of family and domestic violence outlined in the National Plan, as well as through the release of the Prevention Toolkit for Local Government which was piloted in five Local Governments across Australia, including the City of Mandurah. Some WA Local Governments with capacity are taking action by developing policies and delivering community initiatives targeted towards the primary prevention of family and domestic violence. This includes installing 'purple benches' to raise awareness of the issue in partnership with the Women's Council for Domestic and Family Violence Services WA.

The State Government developed and released the State Strategy in July 2020 without the opportunity for Local Governments and WALGA to provide input. WALGA's main role therefore is to advocate rather than administer a specific program or network, as there are no specific funding commitments from the State Government to Local Governments and there is an absence of legislation compelling Local Government to address the issue unlike in Victoria. The survey conducted by WALGA with 26 Local Government responses, supports the position that WALGA should strengthen advocacy efforts including updating the outdated 2011 WALGA State Council endorsed policy position to align with current approaches and evidence.

RECOMMENDATION

GVROC support the WALGA recommendation as stated above with an inclusion that the Department of Communities provide adequate resources, funding and regular consultation and engagements with Goldfields Esperance LGAs.

RESOLUTION: **Moved: Mr Kevin Hannagan, Shire of Ngaanyatjaraku**
 Seconded: Cr Laurene Bonza, Shire of Dundas

Carried

6.4 Underground Power (05-049-02-0001 ID)

WALGA Recommendation

That Local Government supports the:

- 1. continuation of cooperative arrangements between the State Government, Western Power and Local Government to progressively replace the overhead electricity distribution network in residential areas with underground power.**
- 2. development of a new approach to identifying and prioritizing areas for investment in underground power, initiated by the need to invest in the overhead network to meet safety, reliability and capability requirements.**
- 3. development of a new approach to allocating State Government resources to facilitate projects proceeding in areas with a high electricity network need and lower economic capacity of ratepayers while retaining a commitment to funding an average of 25% of program costs.**
- 4. opportunity for Local Governments to initiate projects to convert areas to underground power be retained with Western Power to continue to contribute the amount recoverable as an efficient investment as calculated by the New Facilities Investment Test (NFIT).**

IN BRIEF

- The last projects identified under Round 6 of the State Underground Power Program will be completed in late 2022.
- It is timely for the Association to review its policy position in relation to underground power and formulate an advocacy position for future investment.
- The current, competitive process is unlikely to be sustainable, as conversion to underground power the inner, coastal and river front suburbs is nearly completed. The current costs borne by householders (50 – 90% of project costs) are too high in lower socio-economic areas.
- Western Power will need to invest significantly in parts of the network particularly that built between 1950 and 1980. Investing the avoided costs of this renewal in replacing the overhead network with underground power, offers the potential to significantly reduce the costs faced by residents.
- The State Government should continue to financially support underground power, targeting investment in those areas with high network need and lower financial capacity of ratepayers.

Policy Implications

State Council Resolution 111.5/2010

Submission to the Economic Regulation Authority Inquiry into the State Underground Power Program which made the following specific recommendations:

1. Re-examine the objectives of the State Underground Power Program (SUPP) within broader State Government policies including energy and environmental policy objectives.
2. Western Power be required to develop a high level program for the undergrounding of all electricity distribution infrastructure over 20 – 40 years utilizing best practice asset management principles and use this as the basis to determine the sequence of work within the SUPP (notwithstanding the opportunity to bring forward projects identified below).
3. Determine whether the benefits received by stakeholders are similar across all projects and if not, identify the principles for a project specific basis for cost sharing between the beneficiaries.
4. Assess whether the benefits of higher property prices have changed over time (as underground power becomes more common) and whether that benefit is sustainable if the vast majority of the entire network is underground.
5. Estimate the benefits from improved reliability of the power network to electricity generators and retailers and include these in share of costs on the beneficiary pays principle as appropriate.
6. Investigate the potential benefits to community health from higher exercise rates arising from improved street lighting.
7. Include network asset management principles and economics more clearly in the project identification, prioritization and funding determination process.
8. This Inquiry specifically consider the perspectives of owner-occupiers, private investors, government owned homes and other investors in assessing the benefits received by property owners.

9. This Inquiry should consider whether measures such as the SEIFA index for an area provide a sufficient measure of the capacity of a property owner to contribute to the cost of an underground power program.
10. Cost estimates used to gauge community support for projects be adjusted for cost inflation during the expected time between the consultation period and project construction.
11. This Inquiry should give guidance as to the analysis of equity considerations between those who have already received a public contribution to the provision of underground power and those yet to do so.
12. Within the context of an established program for progressive replacement of overhead electricity distribution infrastructure with an underground network, provide the opportunity for communities to bring forward the work in their area by contributing the marginal cost of early infrastructure write-off and capital expenditure.
13. Evaluate the implications to the overall SUPP and its objectives of broadening the scope of the program to include peri-urban areas and the undergrounding of electricity distribution infrastructure to accommodate road expansion and upgrade works.

BACKGROUND:

The benefits of providing underground power include:

- More reliable power supply (particularly during storms);
- Better quality power supply (reduced damaged to electrical appliances and flickering lights that occur with fluctuations in power supply);
- Greater public safety due to less opportunity for contact with live power lines and collisions with non-frangible poles;
- Eliminating pole top fires, that typically occur in damp conditions following extended dry periods;
- Improved visual amenity of streetscapes with poles and wires removed and the opportunity for more tree planting;
- Better street lighting as the location of lights can be optimised as part of the design, rather than constrained by the distance poles are apart. This improves road and community safety; and
- Reduced vegetation management costs to keep trees clear of overhead power lines and the opportunity for increased tree canopy cover.

The State Government owned corporations, Western Power and Horizon Power, have responsibility for electricity distribution infrastructure within their geographic areas of operation. Road Reserves in which the electricity infrastructure is located are Crown Land, with care and control vested in Local Governments (s.3.53 of the *Local Government Act 1995* and s.55 (2) of the *Land Administration Act 1997*). The *Local Government Act 1995* (s 6.38) and *Local Government (Financial Management) Act 1996* (Regulation 54(c)) provide the head of power for Local Governments to apply a service charge to recover some or all of the costs to provide underground power. Councils have historically provided financing arrangements to enable property owners to defer payment and pay for underground power over an extended period of time.

Since 1996 Local Governments, Western Power and the State Government have worked together to replace overhead electricity distribution wires with underground cables. At the conclusion of the current Round 6 of the State Underground Power Program (SUPP), it is anticipated that 70 Major Residential Projects will have been completed, converting approximately 105,000 residences to underground power. All new residential subdivisions are required to have underground power distribution. Nearly 60% of residential properties in the Perth metropolitan area are now served by underground power. However, there remains more than 350,000 residential properties in Perth and 90,000 properties in regional urban areas that have overhead power connections.

A program to retrospectively provide underground power in residential areas has enjoyed bi-partisan political support for 25 years.

Despite very significant investment in pole replacement over the past decade, nearly 30% of the 622,300 wooden poles in the Western Power distribution network are more than 40 years old¹. Cross arms in the distribution network have a similar age profile. This indicates that Western Power will need to continue large scale investment in pole reinforcement and pole replacement in the immediate future. The installation of underground power eliminates the need to replace poles that have reached the end of their service life and reinforce poles during their service life.

¹ Western Power, State of the Infrastructure Report 2018/19 page 16
<https://westernpower.com.au/media/4296/state-of-the-infrastructure-report-2018-19-20200630.pdf>

Competition for underground power projects remains strong. There were 62 proposals from 14 Local Governments for Round 6 Major Residential Projects, with just 17 projects approved by the Minister for Energy for development. There were 89 project proposals in the previous Round 5.

Current Models for Converting to Underground Power

There are currently three ways in which existing overhead electricity distribution wires and poles may be replaced with underground infrastructure:

1. State Underground Power Program (SUPP)
2. Retrospective (Customer Funded) Underground Power (RUP)
3. Network Renewal Underground Power Pilot (NRUPP)

State Underground Power Program

The Guidelines for the most recent round of the State Underground Power Program (SUPP), Round 6, provided for the Local Government to contribute between 50% and 100% of the project cost. Western Power provides a contribution up to the amount that is recoverable as an efficient investment as calculated by the New Facilities Investment Test (NFIT)² and the balance is funded by the State Government. Across the first eleven projects in Round 6, on average Local Government has provided 66% of the funding (50%-90%), Western Power 23% (10%-33%) and the State Government 11% (0%-29%).

Typically ratepayers, through their Local Government, have been required to contribute between \$3000 and \$9000 per property for underground power conversion through the SUPP.

The last of the 17 projects planned for delivery under Round 6 (SUPP) is scheduled for completion in late 2022.

Retrospective (Customer Funded) Underground Power

In some situations Local Governments or property developers have elected to work directly with Western Power to fund the replacement of overhead wires and poles with underground power. There is no funding from the State Government under these arrangements.

Typically these projects cost \$4000 to \$10,000 per property.

Network Renewal Underground Power (Pilot)

In a small number of situations the condition of the overhead network is such that replacement with underground power meets the new facilities investment test (NFIT) that Western Power is subject to for capital investment. Four pilot projects are in development or implementation. The funding model is that the resident, through the Local Government, funds the underground connection to the property (green dome plus connection from the dome to the house as this infrastructure is not owned by Western Power). Western Power funds all of the street works.

In the small number of projects developed to date, ratepayers, through their Local Government, have been required to contribute between \$1,500 and \$2,500 per property for underground power conversion.

COMMENT

New Approaches to Underground Power Conversion

Three approaches to underground power conversion have been identified for future consideration:

1. State Underground Power Program Round 7
2. Network Investment Priority Driven Co-investment Model
3. Customer Funded

State Underground Power Program Round 7

This approach requires the State Government to initiate a competitive project selection process using the criteria and guidelines (or similar) to the previous Round 6.

From a funding perspective, the Local Government bids the share of project costs it is willing to fund (subject to a minimum); Western Power funds up to the amount able to be approved under the New Facilities Investment Test (NFIT) and the State Government funds the balance. The State Government determines the investment priorities, based on network need or risk, maximising the impact of its funding contribution and minimising the risk of community opposition.

² <https://www.erawa.com.au/electricity/electricity-access/western-power-network/western-power-network-augmentations>

Strengths

- i. Every Local Government is provided the opportunity to propose and compete for underground power projects;
- ii. Well understood structure;
- iii. Transparent process;
- iv. Equitable (broadly) with projects delivered since 2000.

Weaknesses

- i. Increasingly difficult to identify project areas where residents are willing and able to fund 50% or more of the project costs;
- ii. Investment does not maximise opportunities from Western Power critical maintenance expenditure. New investment in the overhead network reduces the amount Western Power is able to contribute to underground conversion;
- iii. Process of funding rounds results in a long period of time (up to 6 years) between project initiation and completion;
- iv. Difficult to maintain a steady flow of project work to encourage investment in the industry and competition between contractors;

Network Investment Priority Driven Co-investment Model

Development of a new network investment priority driven approach requires the State Government to determine a contribution to each project. This could be a fixed amount or share (percentage) or a variable amount or share based on relevant factors. The Economic Regulation Authority Inquiry into the State Underground Power Program³, proposed State Government contributions range from 5% to 40% of project costs based on median house prices. Alternative factors or measures include:

- Index of relative socio-economic disadvantage⁴;
- Relative Average Gross Rental Value (GRV) in the project area
- Relative unimproved land value; and
- Small area income or wealth measures⁵.

The structure of this approach requires potential underground conversion project areas are identified by Western Power based on planned maintenance investment. This information is currently available (not publicly) and would be expected to be regularly updated. The New Facilities Investment Test (NFIT) determines the Western Power financial contribution to the project.

The Local Government(s) within the project area are invited to consider the project area proposed by Western Power for conversion to underground electricity distribution having been advised of the estimated ratepayer contribution required to fill the gap between project costs and contributions from Western Power and the State Government. Projects would be proposed on a rolling basis, rather than a funding round. However, indicative project areas for a five year period could be used for planning purposes. If the Local Government declines the invitation, Western Power would invite the Local Government responsible for the next highest priority project area to consider a project. In the area where overhead power is to remain, Western Power will undertake the required work on the overhead network to ensure safety of the infrastructure and supply.

Strengths

- i. Ultimately (40 years +) provides for underground power to most residential properties on the Swan Coastal plain and regional centres.
- ii. Maximises the opportunities provided by essential Western Power investment in network maintenance and renewal. In the highest priority project areas, this represents 52% of estimated project costs.
- iii. Offers the potential to make a significant impact on the network constructed between the 1950's and 1980's which is approaching the end of its service life and subject to pressure from infill development and solar generation.

³ Inquiry into State Underground Power Program Cost Benefit Study 2011
<https://www.erawa.com.au/cproot/9988/2/20111020%20-%20D76272%20-%20Final%20report%20-%20inquiry%20into%20State%20Underground%20Power%20Program.pdf>

⁴ Australian Bureau of Statistics <https://www.abs.gov.au/websitedbs/censushome.nsf/home/seifa>

⁵ For example
<https://www.abs.gov.au/Ausstats/abs@.nsf/0/603D7F27299009A7CA25810F001B15DD?OpenDocument>

- iv. Rolling program shortens the length of time between community consultation and project implementation.
- v. Broadly equitable with funding Rounds 5 and earlier, that provided a greater State Government contribution to lower socio-economic areas with the added benefit of higher Western Power contribution.

Weaknesses

- i. Not every Local Government or every community will be offered the opportunity to convert to underground power under this program within the short to medium term;
- ii. Not very transparent, as Western Power investment priorities and plans are complex and difficult to communicate in an open way;
- iii. Project areas may straddle Local Government boundaries and not align with communities of interest.

Customer Funded

Property developers and Local Governments can approach Western Power to design and construct replacement underground electricity distribution infrastructure. A series of up-front payments are required for the cost estimates and design costs, prior to a final agreement to proceed to construction.

Western Power to determine and provide a financial contribution to customer funded underground power projects up to the amount that is able to be approved under the New Facilities Investment Test (NFIT).

Strengths

- i. Every Local Government able to propose areas for conversion;
- ii. Western Power agrees to contribute the value of benefits accrued to the network (avoided costs).

Weaknesses

- i. Does not leverage maintenance and renewal investment;
- ii. Results in potential early write-off of electricity distribution assets;
- iii. Unlikely to have a significant impact across the network due to high costs faced by property owners.

Conclusions

The current approach to identifying areas for conversion to underground power is not sustainable. A future program requires that the investment priorities of Western Power, the State Government and ratepayers are better aligned so that the benefits received by ratepayers equal or exceed to costs they face. Focussing on areas that have the highest impact in terms of electricity network benefits will lower the costs faced by ratepayers.

The State Government should continue to have a role in the program recognising the benefits accruing to the wider community and to provide equitable treatment for those electricity consumers still served by an overhead network.

A new Electricity distribution network driven approach to project identification be supported.

The opportunity for Local Governments to initiate underground power conversion in areas, with co-investment by Western Power to the amount recoverable as an efficient investment as calculated by the New Facilities Investment Test (NFIT) be supported.

RECOMMENDATION

GVROC support the WALGA recommendation as stated above in relation to underground power.

RESOLUTION: **Moved: Cr Laurene Bonza, Shire of Dundas**
 Seconded: Cr Peter Craig, Shire of Leonora

Carried

6.5 CEO Recruitment and Selection, Performance Review and Termination Standards Regulations (05-034-01-0001 JM)

WALGA Recommendation

1. That WALGA support the establishment of CEO Recruitment, Selection and Performance Review Standards subject to:
 - a) removal from the Regulations the requirement to re-advertise CEO positions after 10 year's continual service;
 - b) Encouraging, rather than mandating, the involvement of an independent person in the CEO Recruitment and Selection Process;
 - c) The retention of Regulation 18C of the *Local Government (Administration) Regulations*;
 - d) Deletion of the requirement under Regulation 18FB(4) to provide a copy of a council resolution certifying compliance with the CEO standards to the Departmental CEO;
 - e) The conduct of an independent assessment of potential industrial and employment law consequences arising from the proposed regulations under Schedule 2, Division 4 'Standards for termination of employment of CEOs'; and
 - f) Deferral of Regulation 18FC pending an independent assessment of the Schedule 2, Division 4 'Standards for termination of employment of CEOs'.
2. Seek that the CEO Recruitment and Selection, Performance Review and Termination Working Group be reconvened to oversee the development of CEO Standards Regulations.

IN BRIEF

- The *Local Government Legislation Amendment Act 2019* was proclaimed in July 2019. This Act contemplated the introduction of model CEO Standards for recruitment, performance review and termination (Sec. 5.39A) and mandatory Code of Conduct for Elected Members, Committee Members and Candidates (Sec. 5.103)
- The Department of Local Government, Sport and Cultural Industries conducted a process in relation to the proposed CEO Standards, with State Council adopting an advocacy position in December 2019.
- The Department released draft *Local Government (Administration) Amendment Regulations 2020* in October 2020, and agreed to extend consultation with the sector to permit WALGA Zones and State Council to provide comment.

Attachment

The Draft *Local Government (Administration) Amendment Regulations 2020* can be found [here](#).

BACKGROUND:

Prior to the proclamation of the Local Government Legislation Amendment Act 2019, the Department established a Working Group to assist develop the CEO Standards. Following is a precis of the timeline of consultation on the Model Standards for CEO Recruitment, Performance and Termination:

- March 2019 : Working Group formed by Department involving WALGA, LG Professionals, Public Sector Commission, Ombudsman. First draft CEO Standards discussed at meeting of 28 March 2019;
- May 2019 : Second draft released to Working Group. Sector consultation proposed for late May 2019. Working Group did not adopt preferred model and no further meetings were held;
- September 2019 : Departmental Circular 9 announced consultation on the draft CEO Standards (and Mandatory Code of Conduct);
- October 2019 : WALGA released Draft Submission on CEO Standards for Sector consultation;
- December 2019 : WALGA Zones provided feedback leading to State Council resolution 145.7/2019:

That WALGA:

1. Request the CEO Recruitment and Selection, Performance Review and Termination Working Group be reconvened by the Department of Local Government, Sport and Cultural Industries; and

2. *Refer the following matters to the Working Group for consideration:*
 - (a) *Removal from the Model Standards the requirement to readvertise CEO positions after 10 years of continuous service;*
 - (b) *Encouraging, rather than mandating, the involvement of an independent person in the CEO Recruitment and Selection Process;*
 - (c) *Reconsideration of the proposal for independent review of the recruitment process;*
 - (d) *Support the role of the Department of Local Government, Sport and Cultural Industries as the regulator for monitoring and compliance; and*
 - (e) *Further investigate a role for a Local Government Commissioner.*
3. *Recommend the Working Group develop endorsed Model Standards for further consultation with the Local Government sector.*

Following the communication of the above advocacy positions, WALGA communicated with the Department throughout 2020 to seek advice on progress and encouragement of a collaborative approach. Despite informal reassurances, the release of the draft Regulations in October 2020 was the first instance of a formal communication between the Department and WALGA.

WALGA subsequently released an InfoPage on 30 October 2020, whilst strongly objecting to the unreasonably short timeframe permitted for feedback. On 6 November, WALGA advised the sector of the Department's agreement to extend the consultation period from 13 November 2020 to 6 December 2020.

At the time of writing, WALGA received a response from the following Local Governments:

Shire of Bruce Rock	Shire of Manjimup
Shire of Carnamah	Shire of Mingenew
Shire of Dowerin	Shire of Murray
City of Greater Geraldton	Shire of Narrogin
City of Joondalup	Shire of Ngaanyatjaraku
City of Kalamunda	Shire of Plantagenet
Shire of Kent	Shire of Shark Bay
City of Kwinana	Shire of Waroona
Shire of Laverton	Shire of Upper Gascoyne
Shire of Leonora	Shire of Yilgarn

The CEO Standards will be introduced by amending the Local Government (Administration) Regulations and the prescription of Model Standards for CEO Recruitment, Performance and Termination in a new Schedule 2.

COMMENT

The above timeline associated with the development of the CEO Standards is highly material to the commentary that follows. In essence, the proposed CEO Standards presented to the sector in 2019 form the basis for the development of the draft Regulations without any apparent consideration of WALGA's advocacy positions.

For this reason, the concerns that WALGA expressed to the Department on behalf of the sector in 2019 remain and it is therefore both unfortunate and inevitable that recent sector feedback on the CEO Standards mirror the same concerns in evidence in State Council resolution 145.7/2019.

In addition to the aforementioned State Council advocacy position, member feedback raised additional concerns that are summarized below:

CEO Recruitment

- **Deletion of Regulation 18C 'Selection and appointment process for CEOs**

Currently a Local Government is required to approve a process for the selection and appointment of a CEO under Regulation 18C of the *Local Government (Administration) Regulations 1996*. The deletion of this provision, which is both unexplained and not contemplated in the Department's earlier

consultation, is not supported as it provides opportunity for a clear and transparent process to be developed and adopted by Council. This remains an important feature of the CEO recruitment process and is not replaced in the *Local Government (Administration) Amendment Regulations 2020*. It is therefore recommended that Regulation 18C be retained.

- **New Regulation 18FB ‘Certification of compliance with adopted standards for CEO recruitment’**
- **New Regulation 18FC ‘Certification of compliance with adopted standards for CEO termination’**

Regulation 18FB(4) introduces a requirement for certification of compliance with the adopted standards for CEO recruitment to be sent to the Departmental CEO. This was not proposed in the Department's 2019 consultation.

Regulation 18FC(4) introduces a similar requirement, but related to compliance with adopted standards for CEO termination. A proposal that there be an independent review of termination was contemplated in the Department's 2019 consultation, with State Council resolving:

‘Reconsideration of the proposal for independent review of the recruitment process’

Regulation 18FB(4)

There is no evident benefit in requiring Local Governments to provide a copy of certification of process to the Departmental CEO. The CEO standards require the recruitment process to publicly advertised and the Minutes of Council meetings are now required to appear on a Local Government's official website under recent introduction of Section 5.96A(1)(f) of the Act. The Minutes are therefore readily accessible to the Department and the proposed regulatory requirement is both inefficient and indicative of unnecessary red tape. It is therefore recommended that Regulation 18FB(4) be deleted.

Regulation 18FC

This Report highlights concerns with the proposed CEO termination standards, recommending an independent assessment. It is therefore recommended that Regulation 18FC be deferred until the terminations standards achieve an independent warranty in terms of compliance with industrial and employee law frameworks.

- **Schedule 2, Clause 8 ‘Establishment of selection panel for appointment of CEO’**

This provision will mandate the involvement of an external panel member, being neither a council member or employee of the Local Government; the panel is not required to be formed under Section 5.8 of the Local Government Act as a committee of Council, and therefore the Code of Conduct will not apply to an external participant. Additionally, there is no requirement for a Local Government to engage a suitably qualified, independent licensed employment consultant to assist in the process.

- **Schedule 2, Clause 9 ‘Recommendation by selection panel’ and Clause 10 ‘New process to be commenced if no suitable applicants’**

Particular sector feedback identified concern with the following provision under Clause 9(2)(b):
‘if the selection panel considers that none of the applicants are suitable for appointment to the position of CEO – advise the local government of that fact’

The apparent authority for the selection panel to determine an unsuccessful outcome to the CEO recruitment process is confirmed by Clause 10(1):

‘If the selection panel advises the local government under clause 9(2)(b) that the selection panel considers that none of the applicants are suitable for appointment to the position of CEO, the local government must carry out a new recruitment and selection process for the position in accordance with these standards.’

Clause 10 therefore mandates that Council is bypassed in determining the suitability of applicants for the role and ‘must’ (which denotes the lack of any discretion) restart the recruitment and selection process on the advice of the selection panel.

Should Clauses 9 and 10 remain unchanged, it is predictable that a local government will appoint a majority, or all, council members to the selection panel to ensure the Council effectively makes the determination that no candidate is suitable, thus ensuring the decision to restart the recruitment and selection process is a decision of Council. The inefficiency of such an outcome is self-evident.

CEO Performance Review

- **Schedule 2, Clause 13 'Recruitment to be undertaken on expiry of certain CEO contracts'**

WALGA's InfoPage of 2 November 2020 contained the following commentary on CEO contracts:

Section 5.39(2)(b) of the Local Government Act already limits CEO contracts to a maximum of 5 years and Councils have general competence powers to consider whether to renew the incumbent's contract or advertise the position. Suggesting that a Council must re-advertise the position of a CEO after 10 or more years is likely to prove unworkable or counterproductive in any case as:

- Councils conducting a selection process known to involve an incumbent CEO will risk allegations of non-compliance with Section 5.40 of the Local Government Act 'Principles affecting Local Government employees' due to actual or perceived bias, nepotism and lack of merit and equity in relation to other applicants;
- May result in highly performing incumbent CEOs actively seeking alternative employment as the 10-year horizon approaches, meaning that a CEO that has provided satisfactory or perhaps exemplary service will be unnecessarily lost to the local government;
- Where a CEO is re-employed as a consequence of re-advertising after the 10 year period, this process would incur unnecessary costs and time waste for the local government, distracting from achieving its strategic objectives and may further entrench perceptions that contracts are for life, thus negating the very purpose of this proposal.

Further, Division 3 of the Draft Regulations seeks to improve the capacity of local governments to effectively manage CEO employment. This is a far more appropriate and adapted mechanism to address a perceived issue of 'contracts for life', by ensuring that the performance of CEOs, whether long serving or newly appointed, is appropriately assessed and managed.

WALGA therefore recommends the removal from the Regulations of the requirement to re-advertise CEO positions after 10 or more year's continual service.

CEO Termination

WALGA's Employee Relations service has reviewed the proposed termination standards in the context the contemporary industrial and employment frameworks in providing the following comment:

- The manner in which the regulations have been drafted presumes termination will be the outcome of a disciplinary / performance management process;
- The regulations indicate that if you follow these steps a CEO can be terminated. Following these regulations will not reduce industrial risk nor guarantee a fair and just process;
- The language used, for example 'impartial, transparent and procedural fairness' is open to inconsistent interpretation;
-
- The level of detail in the draft regulations does not contemplate employment law or the framework set out in State and Federal legislation with respect to employment and may give rise to a conflict.

WALGA is concerned the proposed termination standards are foreseeably problematic and with potential for unintended consequences to arise. It is therefore recommended that there be an independent assessment of the proposed CEO termination provisions, to identify, ameliorate and warranty against potential industrial and employment law consequences.

RECOMMENDATION

GVROC support the WALGA recommendation as stated above.

RESOLUTION: **Moved: Mr Kevin Hannagan, Shire of Ngaanyatjaraku**
 Seconded: Cr Ian Mickel, Shire of Esperance

Carried

6.6 Model Code of Conduct for Council Members, Committee Members and Candidates Regulations (05-034-01-0001 JM)

WALGA Recommendation

That WALGA generally supports the *Local Government (Model Code of Conduct) Regulations 2020* with the following recommendations:

- a) Amend Division 2, Clause 4(d) to read '*identify and appropriately manage any conflict of interest*';
- b) Does not support the inclusion of local level complaints about alleged behavioural breaches and Local Governments dealing with complaints provisions in Division 3, Clauses 10 and 11; and
- c) Supports an external oversight body to manage local level complaints involving council members as prefaced in the *Local Government Review Panel Report, City of Perth Inquiry Report* and *Select Committee into Local Government Report*, to be considered in a future Local Government Act.

IN BRIEF

- In December 2019, State Council adopted an advocacy position in response to proposals released for public consultation by the Department in October 2019;
- The draft *Local Government (Model Code of Conduct) Regulations 2020* ('Model Code') was released for comment by the Department of Local Government, Sport and Cultural Industries on 30 October 2020;
- In addition to introducing a mandatory Model Code of Conduct, the draft Regulations will repeal and replace the current *Local Government (Rules of Conduct) Regulations 2007*.

Attachment

The Draft *Local Government (Model Code of Conduct) Regulations 2020* can be found [here](#).

BACKGROUND:

Prior to the proclamation of the *Local Government Legislation Amendment Act 2019*, the Department established a Working Group to assist develop the Model Code. Following is a precis of the timeline of consultation:

- February 2019 : Working Group formed by Department involving WALGA, LG Professionals, Public Sector Commission, Ombudsman with preliminary meeting held on 18 February 2019;
- April 2019 : First draft Model Code released to Working Group and no further meetings were held;
- September 2019 : Departmental Circular 9 announced consultation on the draft Model Code;
- October 2019 : WALGA released Draft Submission on Model Code for Sector consultation;
- December 2019 : WALGA Zones provided feedback leading to State Council resolution 144.7/2019:

That WALGA:

1. Request the Mandatory Code of Conduct Working Group be reconvened by the Department of Local Government, Sport and Cultural Industries;
2. Refer the following matters to the Working Group for further consideration:
 - (a) Part A – Principles - Supported
 - (b) Part B – Behaviours
 - i. ensuring principles of natural justice can be adequately upheld in all circumstances;
 - ii. training opportunities that will assist Council Members determine complaint outcomes under Part B;
 - iii. development of a template Complaints Management Policy;
 - iv. reconsider the purpose of allowing 'any person' to make a complaint;
 - v. ensuring Committee Members and Candidates are included in Part B; and
 - vi. re-naming 'Rules' to an appropriate term throughout Part B.

- vii *Develop a complaint process that is carried out by DLGSC or another party (which must be external of the local government). For any breach of the Code (being part b or part c) and where the Council, Mayor/President or CEO are not the decision makers in determining whether the breach has or has not occurred and/or whether any action is required.*

(c) Part C – Rules of Conduct

- i. *review the rationale for creating a new Rule of Conduct breach where three or more breaches of Part B – Behaviours are found and the Local Government resolves to refer the matter to the Local Government Standards Panel; and*
- ii. *review the proposal to amend the definition of an 'interest' relating to Impartiality Interests from the present definition in Regulation 11 of the Local Government (Rules of Conduct) Regulations.*
- iii. *Develop a complaint process that is carried out by DLGSC or another party (which must be external of the local government). For any breach of the Code (being part b or part c) and where the Council, Mayor/President or CEO are not the decision makers in determining whether the breach has or has not occurred and/or whether any action is required.*
- iv. *Review the appropriateness of the elements of the rule of conduct to only apply to a person who is a Council Member or Candidate both at the time of the conduct and at the time of the panel decision.*

- 3. *Recommend the Working Group develop an endorsed Mandatory Code of Conduct for further consultation with the Local Government sector*

The development of the Model Code then followed a similar path to the CEO Standards, in that WALGA communicated with the Department throughout 2020 to seek advice on progress of State Council's advocacy position and encouraged a collaborative approach. Despite informal reassurances, the release of the draft Model Code in October 2020 was the first instance of a formal communication between the Department and WALGA.

WALGA subsequently released an InfoPage on 6 November 2020, whilst strongly objecting to the unreasonably short timeframe permitted for feedback. On 6 November, WALGA advised the sector of the Minister for Local Government's agreement to extend the consultation period of 13 November 2020 to 6 December 2020.

At the time of writing, WALGA received a response from the following Local Governments:

City of Busselton
Shire of Carnamah
City of Canning
City of Greater Geraldton
City of Joondalup
Shire of Manjimup
Shire of Mt Marshall
Shire of Murray
Shire of Plantagenet
Shire of Shark Bay
Shire of Waroona
Shire of Yilgarn

The Model Code will result in the repeal and replacement of the *Local Government (Rules of Conduct) Regulations*.

COMMENT

The Model Code will be given effect by the introduction of Schedule 1 of the *Local Government (Model Code of Conduct) Regulations 2020* :

- **Division 2- General Principles** [Section 5.103(2)(a)]
- **Division 3 – Behaviour** [Section 5.103(2)(b)]
- **Division 4 – Rules of Conduct** [Section 5.103(2)(c)]

Member feedback received at the time of writing is summarized in the comments below:

Division 2 – General Principles

Feedback indicates the General Principles expressed in Division 2 are adequate, with the exception of Division 2, Clause 4(d):

;identify and appropriately manage any conflict of interest including by the refusal of gifts that may give the appearance of a conflict of interest or an attempt to corruptly influence behaviour’.

The *Local Government Legislation Amendment Act 2019* made substantial changes to the gift declaration requirements affecting council members and CEOs, and introduced an additional provision that permits council member attendance at events that are encompassed in a Local Government policy. It is the sector's view that modernized gift provisions adequately and clearly define the responsibilities associated with receiving and declaring gifts and attendance at events, with non-compliance representing a serious breach of the *Local Government Act*.

Division 3 - Behaviour

- **Division 3, Clause 10 ‘Complaints about alleged breach’**
- **Division 3, Clause 11 ‘Local government to deal with complaints’**

State Council's 2019 resolution identified the potential for the impartiality of the local level complaints handling process to be affected by actual or perceived factionalism:

‘The Mandatory Code informs that the complaints handling process must observe the principles of natural justice (the hearing rule; the bias rule; the evidence rule). A number of respondents commented that if a Council became factionalised, whether actual or perceived, it may hinder application of natural justice (e.g. the bias rule) when dealing with complaints or lead to a rash of complaint upon complaint.’

Since that time, the *Local Government Review Panel Report* (Recommendations 57 to 59), City of Perth Inquiry Report (Recommendation 323 – 332) and Select Committee into Local Government Report (Recommendation 25) collectively propose some form of external oversight which will encompass dealing with complaints involving elected members and the removal of the administration, particularly the CEO, from involvement.

The Report Recommendations were formulated during the hiatus in consultation by the Department on the Model Code and it is arguable that Division 3, Clauses 10 and 11 are now surpassed by recognition that an independent approach to local level complaint handling is an optimal outcome, and one that is likely to feature in consideration of a future Local Government Act.

It is therefore recommended that the local level complaint provisions Division 3, Clauses 10 and 11 be deleted from the draft Regulations, and be considered as a matter for external oversight in the development of a future Local Government Act. This is consistent with WALG's Advocacy Paper being considered in Item 5.1.

Division 4 – Rules of Conduct

State Council resolved in 2019 that there be reconsideration of a proposal to create a new Rule of Conduct for continued behavioural breaches under Division 3:

‘review the rationale for creating a new Rule of Conduct breach where three or more breaches of Part B – Behaviours are found and the Local Government resolves to refer the matter to the Local Government Standards Panel’

It is noted that Division 4 does not contain a provision for this purpose.

- **Division 4, Clause 19 ‘Disclosure of interests’**

State Council resolved in 2019 that there be reconsideration of a proposal to amend the definition of ‘impartiality interest’:

‘review the proposal to amend the definition of an ‘interest’ relating to Impartiality Interests from the present definition in Regulation 11 of the Local Government (Rules of Conduct) Regulations.’

It is noted the definition of ‘impartiality interest’ in Division 4, Clause 19 remains as currently worded in the *Local Government (Rules of Conduct) Regulations 2007*.

RECOMMENDATION

GVROC support the WALGA recommendation as stated above.

RESOLUTION: **Moved: Cr Laurene Bonza, Shire of Dundas**
 Seconded: Cr Peter Craig, Shire of Leonora

Carried

7. Review of WALGA State Council Agenda - Matters for Noting/Information

7.1 Submission to the Infrastructure WA State Infrastructure Strategy Discussion Paper (05-085-03-0001 DM)

WALGA Recommendation

That the endorsed Submission to the Infrastructure WA State Infrastructure Strategy Discussion Paper be noted.

IN BRIEF:

- WALGA has prepared a submission in response to the Infrastructure WA (IWA) Discussion Paper to guide the development of a State Infrastructure Strategy.
- The Discussion Paper focusses on the guiding principles, objectives, methodology and governance for the development of the strategy, as well as opportunities and challenges over the medium to long term. It does not consider specific infrastructure projects, but is focused on the broader strategic framework.
- WALGA's submission advocates for the following issues.
 1. A sound strategic framework to guide the development of the State Infrastructure Strategy. This should contain a number of key elements including:
 - *A long-term vision for infrastructure in WA* which is underpinned by the broader vision for our State and its economy, environment and social fabric. The vision should be developed in consultation with the community.
 - *Infrastructure needs should be considered as a whole*, rather than examining specific regions or projects in isolation. The Strategy should recognise the interconnectivity of systems and flows of people and goods.
 - The strategy should *bring together existing plans for the state* (for example, regional plans, land use, transport, community plans etc.), to ensure alignment and consistency. *Any existing plans should be reviewed* to ensure that they remain relevant and fit for purpose.
 - The strategy should be developed *based on a robust and objective assessment of evidence* including data, stakeholder engagement and other analysis to determine the most pressing needs and priorities.
 2. An integrated approach to infrastructure planning and provision across all levels of Government and the private sector. The Discussion Paper makes little reference to the role that Local Government plays in the planning and delivery of infrastructure, with the focus instead in on infrastructure owned and delivered by the State Government agencies, GTEs and statutory authorities.
 3. Local Government plans to be used to inform the State Infrastructure Strategy through a bottom up approach. Local Governments have extensive community and land use plans that provide valuable local level insights to inform the Strategy.
 4. Clear targets to measure progress against the State Infrastructure Strategy. The objectives identified in the Discussion Paper are appropriate but broad, and should be distilled into clear targets to ensure that progress in achieving the Strategy can be clearly measured.
 5. A focus on technology, data and digital connectivity as a key objective to underpin the State Infrastructure Plan. Digital technology will have significant implications for both our economy and community going forward, and appropriate digital connectivity should be designed and built into all public infrastructure.

6. Innovative solutions to deliver on the state's future infrastructure needs in a fiscally constrained environment, including leveraging funding from other sources such as the private sector and broader policy reforms and non-build solutions. For Local Governments, amendments to the Local Government Act 1995 to allow for the creation of Beneficial Enterprises will be an important reform to facilitate investment and collaboration with the private sector for infrastructure delivery.
 7. A focus on getting the most out of existing infrastructure and improving maintenance. The infrastructure strategy scope should include maximising the benefits of and minimising the lifecycle costs of existing infrastructure.
 8. Prioritisation criteria to not only consider a project's economic impacts, but also the social and environmental implications. There is a need to strike a balance between promoting new economic development and improvements in core service delivery.
 9. Resilience of infrastructure to be considered when it is planned, designed, delivered and managed, and should be of an appropriate standard to withstand the known climate change impacts likely to be experienced in the future.
 10. Infrastructure WA to explore the use of functional economic regions (which group a number of Local Government areas together based on real economic linkages) as a way to identify and deliver large-scale opportunities across regional borders. In some circumstances, it may be useful to consider a program of work that cuts across regional boundaries to support a particular strategic outcome, rather than individual projects.
 11. Greater use of technology to allow people to stay in regional areas and stem the decline in population, but will require access to fast and reliable telecommunications infrastructure.
 12. A clear way of facilitating bottom up input from outside of State Government agencies through the engagement process to develop the State Infrastructure Strategy.
- The submission also provides commentary on the trends and issues related to the WA economy and infrastructure sectors identified in the Discussion Paper.

Attachment

WALGA submission to the Infrastructure WA State Infrastructure Strategy Discussion Paper
<https://walga.asn.au/getattachment/Documents/Item-6-1-attachment-IWA-Discussion-Paper-Submission-FINAL.PDF?lang=en-AU>

BACKGROUND:

Infrastructure WA was established in 2019 to provide advice and assistance to the WA Government on infrastructure matters. IWA has a range of responsibilities, including the delivery of a State Infrastructure Strategy, which addresses Western Australia's infrastructure needs and priorities over a 20 year horizon.

IWA is consulting broadly in the development of this strategy. In June 2020 IWA released the "A Stronger Tomorrow: State Infrastructure Strategy Discussion Paper", which provides the foundation for the development of the State Infrastructure Strategy. The Discussion Paper focuses on:

- the guiding principles and objectives that will help define the Strategy parameters;
- the methodology and governance for developing the Strategy; and
- the priority opportunities and challenges the Strategy should address, particularly over the medium to long-term.

IWA is seeking feedback on this document from industry, the community and all levels of Government through 22 consultation questions, which explore these issues in further detail.

WALGA has prepared a submission, which sets out the key issues for Local Government in line with the Association's current policy position. In developing the submission, WALGA provided the opportunity for the Infrastructure Policy Team and broader membership to provide feedback. WALGA received written feedback from five Local Governments for inclusion in the submission (City of Armadale, City of Canning, City of Gosnells, City of Swan and Shire of Serpentine-Jarrahdale).

WALGA also participated in the IWA consultation workshop on this Discussion Paper.

COMMENT:

WALGA is broadly supportive of the Discussion Paper.

However, the Association has concerns that it does not go far enough to recognise the important role of Local Governments in infrastructure planning and provision. Local Governments have extensive community and land use plans that provide valuable local level insights and should be used to inform the State Infrastructure Strategy through a bottom-up approach.

It will be important that IWA looks to enhance cross-government coordination and planning across all three levels of Government, and ensure that Local Government infrastructure plans and Local Government planning schemes are reflected and acknowledged in the infrastructure planning framework.

The submission was endorsed by the Infrastructure Policy Team and subsequently endorsed by WALGA's State Council via Flying Minute (RES 112.FM/2020), and the submission was forwarded to Infrastructure WA.

RECOMMENDATION:

GVROC note the WALGA endorsed Submission to the Infrastructure WA State Infrastructure Strategy Discussion Paper.

RESOLUTION:

Moved: *Mr Jim Epis, Shire of Leonora*

Seconded: *Cr Laurene Bonza, Shire of Dundas*

Carried

7.2 Draft Amendments to the Planning and Development (Local Planning Scheme) Regulations 2015 (05-047-01-0017 VJ)

WALGA Recommendation

That the endorsed Submission on the Draft Amendments to the Planning and Development (Local Planning Scheme) Regulations 2015, be noted.

IN BRIEF:

- On 20 August 2020, the WA Planning Commission released draft amendments to the *Planning and Development (Local Planning Schemes) Regulations 2015*.
- The public comment period closed on 18 September 2020.
- A submission was prepared for State Council endorsement via Flying Minute.

Attachment

WALGA Submission on the Draft Amendments to the *Planning and Development (Local Planning Scheme) Regulations 2015*.

https://walga.asn.au/getattachment/Documents/Item-6-2-attachment-WALGA_Response-to-LPS-Regulations_2020-FINAL-06102.pdf?lang=en-AU

Policy Implications

WALGA's Current Policy positions on Planning Reforms: -

6.1 Planning Principles - All legislation and policy which deals with planning and development must

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

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

BACKGROUND:

The draft amendments to the Planning and Development (Local Planning Schemes) Regulations 2015 (LPS Regulations) fit within three main areas of proposed reforms: -

1. *Cutting Unnecessary Red Tape* - proposing to include a broader range of exemptions for small projects and exempt more change of use applications in retail, commercial and industrial area. These exemptions will make it easier for people to undertake small improvements to their homes or businesses, getting more people back to work and boosting the local economy.
2. *Streamlined Planning Process* - to streamline approvals for single residential dwellings, improve the assessment and referral process for development applications, provide more consistent and contemporary community consultation requirements.
3. *Improved Consultation Practices* – to improve community engagement and consultation process, making the planning system easier to navigate and establishing clear and transparent consultation practices. The proposed regulatory reforms will support new planning laws recently passed by Parliament and complement changes to State Planning Policies, including the revised residential design codes policy.

COMMENT:

The release of draft amendments to the *Planning and Development (Local Planning Scheme) Regulations 2015* (LPS Regulations) is welcomed. Since the introduction of the provisions in 2015, the Association has advocated for amendments, to clarify the provisions and to remove some of the unintended consequences that occurred following the gazettal of the Regulations. It is acknowledged that this first round of amendments will be followed by additional amendments in 2021, with many of those amendments also addressing the concerns raised by the Association over the last 5 years.

Local Government as the level of government that predominately administers and applies the LPS Regulations, is a key stakeholder in any review. In July, the Department of Planning Lands and Heritage established three working groups to work through the review of the *Planning and Development (Local Planning Schemes) Regulations 2015*, being: -

- Local planning frameworks, including local planning strategies, schemes and amendments, and local planning policies.
- Structure plans, activity centre plans and local development plans.
- Development Assessment Processes, including consultation.

WALGA called for expressions of interest from the sector to attend these working groups and provided 51 officer nominations to the Department, representing 32 Local Governments from metropolitan, regional and rural areas. The involvement of Local Government planners, in the discussion on the proposed amendments has been positive. It is hoped that similar engagement continues to occur as part of future reforms to the planning system.

The intent and approach that has been taken by the draft LPS Regulations is broadly supported, however, there remains a number of matters that require modification. These matters are addressed in the broad comments and recommendations in this report, while a detailed spreadsheet of 74 comments provided:-

- 14 amendments are supported
- 42 amendments have been given in-principal support, subject to conditions
- 1 amendment is unable to be supported because proposal is unclear
- 17 amendments are not supported.

In regards to the proposed amendments that are not supported, the following rationale is provided on the main themes: -

1. Several 'Discretionary' uses are proposed to be exempt from requiring planning approval (cl.61(2)(b)). Although the types of uses outlined are accompanied by conditions, the preparation of a Local Planning Scheme has been based on carefully choosing the uses that are 'Permitted' and the ones that require discretion in order to be considered, based on the location and information provided by the applicant. In effect exempting these 'Discretionary' uses, automatically makes them 'Permitted' uses across all 139 Local Government's Planning Schemes. The dictionary definition of discretion is: -

- *the right or ability to decide something*
- *choice, or the right to make a choice, based on judgment*
- *the right to choose something, or to choose to do something, according to what seems most suitable in a particular situation.*

Therefore, it is not possible to exempt these land uses and remove the judgement needed to determine whether these land uses are appropriate for the particular zone. Further, without any analysis being undertaken on the potential impact of this change on all Local Planning Schemes, this change is not supported.

2. Publishing the Local Planning Scheme, Local Planning Strategy and State Planning Policies on a Local Governments website (r.16, cl.25, cl. 27, c.29, cl.31). Thorough the draft regulations there are requirements for a Local Government to place various large documents on their website, even though these documents are already held centrally on the WAPC website. For smaller Local Governments, this could place a strain on the IT platform, and for all Local Governments it duplicates information which could also result in older versions being maintained on a website. It would be preferable for just the link to the WAPC website be provided on the Local Governments website, rather than being a mandatory requirement to host the documents.
3. Only one request for further information (cl.65A(3)). This clause outlines that a Local Government can only ask for additional information once, however, there should be no limit on the number of times additional information can be requested, as the submission of new information can change the development footprint, which upon reassessment, can require additional details to be provided. And combined with the clause that provides an applicant with the right to refuse submitting additional information (cl.65B), there is the potential for more applications to be refused. Local Governments aim to assist applicants with their development applications, to help with economic stimulus, these clauses seem to be counter to this objective.

4. Car parking provisions - Generally support reforms that enable economic recovery and these exemptions should assist in that endeavour by reducing costs for businesses. However, an effect of these car parking reforms will be an increased demand for parking in on-street and off-street public bays in urban centres, particularly through cumulative impacts, and reduced income streams, i.e. cash-in-lieu, to provide alternative forms of parking and transport modes for local communities. Further, a ten year period does not allow enough time to raise enough capital to fund multi-storey car parking facilities. These facilities cost \$20 million plus to construct, therefore, 10 years is highly unlikely to be sufficient time to raise adequate capital, design and construct these structures. Local Governments should therefore be given the opportunity to extend the ten year period in particular circumstances, with the approval of the Commission. Refunding contributions after 10 years is also not supported.
5. Site Works (non-residential) - This provision exempts site works less than 500mm above or below the natural ground level, within 1m of the boundary. There is no condition that the site works must also comply with the clearing regulations, therefore, this could result in large non-residential sites being excessively cleared and significant vegetation or trees removed prior to lodging a Development Application.
6. A new clause has been included that specifies that as part of the review of a local planning scheme and report presented to the WAPC, advice must be provided as to whether a structure plan or Local Development Plans is either satisfactory, should be amended or approval revoked. It would be difficult at the report of review stage to know whether an approved structure plan or local development plan require amending or revocation, or whether they are satisfactory in their existing form. Given the number of structure plans and local development plans that currently exist within some Local Governments (some have over 300), it would be difficult for this assessment to be made within the required 6 month period.

During the public consultation period, the Association sought feedback from the Local Government Sector to inform a representative submission to the WA Planning Commission. Given the short 4 week consultation period, feedback was only received from the Cities of Bayswater, Belmont, Kwinana and Busselton, Shire of Harvey and Town of Victoria Park.

The submission was presented to the People and Place Policy Team for feedback on 9 September 2020. Members discussed the complex technical nature of the changes, but supported the submission as the comments have been prepared by both Local Government and WALGA technical officers.

The submission was subsequently endorsed by WALGA's State Council via Flying Minute on 17 September 2020 (**RESOLUTION 137.FM/2020**) and the submission was forwarded to the WAPC to meet the 18 September 2020 deadline.

RECOMMENDATION:

GVROC note the WALGA endorsed Submission on the Draft Amendments to the Planning and Development (Local Planning Scheme) Regulations 2015.

RESOLUTION: **Moved: *Cr Ian Mickel, Shire of Esperance***
 Seconded: *Cr Laurene Bonza, Shire of Dundas*

Carried

7.3 Interim Review – State Planning Policy 3.1 Residential Design Codes (05-015-02-0002 CH)

WALGA Recommendation

That the endorsed submission on the interim review of State Planning Policy 3.1 Residential Design Codes, be noted.

IN BRIEF:

- On 11 July 2020, the WA Planning Commission released the interim review of the State Planning Policy 3.1 Residential Design Codes (R-Codes) for public comment. The comment period closed on 10 September 2020.
- The submission was endorsed by State Council by Flying Minute.

Attachment

Attachment 1: Submission on the interim review of the R-Codes

<https://walga.asn.au/getattachment/Documents/Attachment-1-Submission-Interim-RCodes-Review-2020-Final-v1.pdf?lang=en-AU>

Policy Implications

WALGA's Current Policy positions on Planning Reforms: -

6.1 Planning Principles - All legislation and policy which deals with planning and development must

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

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

BACKGROUND:

The State Government through its Action Plan for Planning Reform has identified three main goals for reform of the WA planning system, being: that planning creates great places for people; that planning is easier to understand and navigate; and that planning systems are consistent and efficient. Beneath each goal sits a range of initiatives, including Design WA, a project that seeks to elevate the importance of design quality across the whole built environment. As part of Design WA is the review and reorganisation of the suite of State Planning Policies that relate to built form, the most important of these being the R-Codes.

As part of these reforms the R-Codes is being split into three distinct policies; higher density (apartments), medium density (townhouses and low-level apartments), and low density (single houses).

According to the State Government, the interim review of the R-Codes has been brought forward as part of their planning reforms to support Western Australia's economic recovery in response to the COVID19 pandemic. Further changes to the R-Codes are expected to be announced in coming weeks with the release of the draft medium density code, applying to most residential development between the density codes of R40 and R80. The R-Codes will continue to apply to all low-density residential development for the foreseeable future.

COMMENT:

The Association welcomes the release of the interim review of R-Codes for public consultation. The R-Codes control the design of most residential development in WA, and thus are fundamental in ensuring that both homes and communities across WA remain sustainable and liveable through the maintenance of high qualities of urban amenity. Continued improvements to the R-Codes to ensure that its policy measures meet both the expectations of the community and contemporary practice are therefore necessary to ensure that relevancy is maintained.

Local Government as the level of government that administers and applies the R-Codes is a key stakeholder in any review. The WA Planning Commission (WAPC) in the formulation of the proposed changes directly engaged with Local Government officers to assist in the framing and testing of the provisions. The early involvement of Local Government planners, in the framing and testing of the proposed modifications is supported.

Several proposals within the interim review seek to simplify the approvals process for new home builds and renovations, by amending common triggers for development approval and streamlining assessment processes for minor works. The Association supports these initiatives, and notes that many Local Governments already facilitate such outcomes through their local planning frameworks.

The Association has been supportive of the Design WA initiative as good design and positive built form outcomes have always been at the forefront of Local Government intentions and the land use planning outcomes that the sector seeks to achieve. To this end, while the Association broadly supports the intent and approach that has been taken by the interim review of the R-Codes, there remains a number of matters that require modification to ensure that optimal land-use outcomes can be achieved across Western Australia. These matters are addressed in the specific comments and recommendations of the submission.

During the public consultation period, the Association sought feedback from the Local Government sector to inform a representative submission to the WAPC. Feedback from officers at the Town of Bassendean, and Cities of Cockburn, Fremantle and Stirling was received. The Association also facilitated an online information session on the proposed changes for Local Government officers and Elected Members with 64 attendees from 30 Local Governments.

The draft submission was presented to the People and Place Policy Team for feedback on 2 September. Members discussed the complex technical nature of the changes but supported the submission as the comments have been prepared by both Local Government and WALGA technical officers.

The submission was subsequently endorsed by WALGA's State Council via Flying Minute on 9 September 2020 (**RESOLUTION 136.FM/2020**) and the submission was forwarded to the WAPC to meet the 10 September 2020 deadline.

RECOMMENDATION:

GVROC note the WALGA endorsed submission on the interim review of State Planning Policy 3.1 Residential Design Codes.

RESOLUTION: **Moved: Cr Peter Craig, Shire of Leonora**
 Seconded: Cr Ian Mickel, Shire of Esperance

Carried

7.4 State and Federal Budgets (05-088-03-0001 DM)

WALGA Recommendation

That the update on the 2020 Federal and State Budgets be noted.

IN BRIEF:

- The State and Federal Budgets were handed down in recent weeks. The Budgets revealed the significant and lasting impact of the COVID-19 pandemic on our economic and financial position.
- The Budget showed that COVID-19 had an immediate impact on the state's labour market, particularly those industries directly affected by the restrictions such as hospitality, arts and recreation and retail. This saw our domestic economy record the largest quarterly contraction on record (-6%) in June.
- However, the WA economy is still faring better than other states, and with our performance boosted by the state's dominant mining industry and the early containment of the virus, which allowed restrictions to be lifted.
- Even though WA is expected to perform better than other states, the impact of COVID-19 will still be long lasting, with unemployment expected to be elevated for a number of years.
- In light of this, the focus of the both the State and Federal Budgets were on COVID-19 recovery, and will see the use of debt to fund a range of initiatives intended to kick-start the economy.
- The headline of the State Budget was the previously announced \$5.5 billion COVID recovery plan, and an Asset Investment Program worth \$27 billion that will be funded through operating surpluses and additional debt.
- There were limited new announcements in the budget, but those which are welcome news for the sector, include:
 - \$7.6 million to implement the 'Stop Puppy Farming' legislation
 - \$5 million to assist local coastal managers to protect coastal erosion hotspot sites
 - \$15 million to treat priority bushfire and other risks on unallocated or unmanaged Crown land, including that under the care of Local Government
 - \$16.1 million over four years to target high casualty and high-risk intersections on local government roads within the metropolitan area.
- The Commonwealth has directed significant funding towards tax relief and incentives for both households and businesses to encourage spending and restart the economy.
- The Federal Budget contained more news that is positive for Local Governments, particularly the announcement of a \$1 billion investment in local roads and community infrastructure.
- Local Governments that rely heavily on domestic and international visitors will also benefit from the Federal Budget's \$50 million Regional Tourism Recovery initiative, and a new \$200 million round of the Building Better Regions Fund.
- Further detail about the State and Federal Budgets can be found in the Budget summary documents and WALGA Economic Briefing.

Attachments

https://walga.asn.au/WalgaWebsite/media/WALGA_Media/Comms%20and%20Events/state-budget-202021v1.pdf

<https://alga.asn.au/alga-analysis-of-the-2020-21-federal-budget/>

October 2020 Economic Briefing.

<https://walga.asn.au/getattachment/e262974b-efa9-47e6-a8fe-09d10f5f06ef/WALGA-Economic-Briefing-October-2020.pdf>

BACKGROUND:

The COVID-19 pandemic meant that both the State and Federal Budgets were delayed until October order to provide greater certainty around the impact on the economy and the State and Nation's finances.

WALGA's Pre-Budget submission was originally submitted to Government with the expectation that the May budget would go ahead. In light of these changes, WALGA released a policy document titled Reboot, which sought funding for a number of programs and projects that will quickly support WA jobs, while also providing long-lasting and widespread benefits to all of WA's communities.

COMMENT:

While both budgets contained some positive news for Local Governments, there was more in the Federal Budget for Local Government this year. In particular, the \$1 billion investment in local roads and community infrastructure is a vote of confidence in the sector's ability to drive local economic prosperity.

The State Budget contained some initiatives that were welcome news for the sector including partial commitments towards several requests in WALGA's Pre-Budget Submission and Reboot document.

However, the Government missed the opportunity to invest in programs that could quickly boost jobs and provide lasting benefits to WA communities such as the Community Sport and Recreation Facilities Fund and the commodities freight route program.

We were also disappointed that there are going to be significant increases in some key fees and charges that are imposed on Local Government, including increases in excess of 10% in 2020-21 for street lighting tariffs for Horizon Power customers and 2.9% for electricity tariffs.

These are important issues for the sector, and WALGA will ensure they remain a central part of our advocacy agenda in the coming period.

RECOMMENDATION:

GVROC note the WALGA update on the 2020 Federal and State Budgets.

RESOLUTION:

Moved: *Mr Kevin Hannagan, Shire of Ngaanyatjaraku*
Seconded: *Cr Laurene Bonza, Shire of Dundas*

Carried

7.5 Noongar Heritage Agreement for Local Government (05-032-01-0001 SM)

WALGA Recommendation

That the update on the Noongar Heritage Agreement for Local Government be noted.

IN BRIEF:

- In August 2020 State Council endorsed the Template Noongar Heritage Agreement for Local Government (NHALG) which was developed by WALGA, the South West Aboriginal Land and Sea Council (SWALSC), the Department of Planning, Lands and Heritage (DPLH), the Department of the Premier and Cabinet (DPC), and the State Solicitors Office to facilitate a consistent approach to Aboriginal heritage across the area of the South West Native Title Settlement (SWNTS), which affects 101 Local Governments.
- In October 2020 SWALSC requested that commencement of the NHALG be delayed whilst they determine resourcing requirements to enter into NHALGs in a timely manner.
- SWALSC's resourcing issues also mean that they are unable to respond to Local Government's directly on heritage matters and have requested all Local Governments' to contact DPLH for heritage advice.

BACKGROUND:

The NHALG template has been developed to offer Local Governments an additional tool to assist them to fulfil their obligations under Western Australia's Aboriginal cultural heritage legislation, to build positive relationships with SWALSC and local Aboriginal knowledge holders, and to facilitate a consistent approach to Aboriginal heritage in the SWNTS area.

Since 2018 WALGA has participated in the South West Native Title Settlement Group (SWNTS Group), which comprises WALGA, SWALSC, DPLH, and DPC. Meeting quarterly, the purpose of the SWNTS Group is to keep Local Government engaged and informed about the progress of the SWNTS. A key priority that the SWNTS Group identified was supporting Local Government to engage more closely and build lasting relationships with local Aboriginal communities, and to comply with the requirements of the Aboriginal Heritage Act 1972. To this end, the SWNTS Group agreed to develop a template Noongar Heritage Agreement for Local Government.

COMMENT:

In October 2020 SWALSC requested that commencement of the NHALG be delayed whilst they determine resourcing requirements to enter into NHALGs in a timely manner.

SWALSC's resourcing issues also mean that they are unable to respond to Local Government's directly on heritage matters and have requested all Local Governments' to contact DPLH for heritage advice. Instead SWALSC will advise Local Governments who have heritage enquiries to make contact directly with DPLH.

DPLH upon receipt of a request will continue its current system of providing advice directly to Local Governments which may include:

- Advice on application of the Due Diligence Guidelines (DDG) and the likelihood of impacting heritage;
- Advice on whether a Regulation 10, section 16 or section 18 may or may not be required;
- Where a survey is being undertaken by Local Government, provide the names of informants for the survey.

Local Governments within the area of the SWNTS are encouraged to send emails to heritageenquiries@dplh.wa.gov.au and copy the South West Heritage team on swsheritage@dplh.wa.gov.au if there are questions on the process.

RECOMMENDATION:

GVROC note the WALGA update on the Noongar Heritage Agreement for Local Government.

RESOLUTION:

Moved: Cr Ian Mickel, Shire of Esperance

Seconded: Cr Laurene Bonza, Shire of Dundas

Carried

7.6 Aboriginal Cultural Heritage Bill Consultation (05-032-01-0001 SM)

WALGA Recommendation

That the update on the consultation on the Aboriginal Cultural Heritage Bill be noted.

IN BRIEF:

- In September 2020 the Department of Planning, Lands and Heritage released the Aboriginal Cultural Heritage Bill (ACHB) for a short five week consultation period. The ACHB reflects the feedback of Aboriginal people, industry and stakeholders across the State gathered over two years of consultation.
- This followed consultation in 2018 and 2019 on the development of new legislation for the protection of Aboriginal cultural heritage for Western Australia.
- WALGA lodged a response to the ACHB consultation survey on 1 October 2020.

Attachments

WALGA Aboriginal Heritage Act 1972 – 2018 Review Submission – Stage 1 – July 2018

<https://walga.asn.au/getattachment/Documents/Item-6-6-Attachment-1-July-2018-WALGA-State-Council-Aboriginal-Heritag.pdf?lang=en-AU>

WALGA Submission – Aboriginal Heritage Act Review Consultation Phase 2 – May 2019

<https://walga.asn.au/getattachment/Documents/Item-6-6-Attachment-2-July-2019-WALGA-State-Council-Aboriginal-Heritag.pdf?lang=en-AU>

WALGA Response to ACHB Consultation Survey – October 2020

<https://walga.asn.au/getattachment/Documents/Item-6-6-attachment-3-ACHB-Survey-Response-1-October-2020.pdf?lang=en-AU>

BACKGROUND:

In March 2018 the Minister for Aboriginal Affairs initiated a review of the *Aboriginal Heritage Act 1972* (the AHA). More than 130 written submissions were received by DPLH including a submission from WALGA and submissions from five Local Governments.

Feedback received during the 2018 review indicated that the scope and the purpose of the AHA needed to change and new legislation was needed.

In March 2019, the Minister for Aboriginal Affairs released a Discussion Paper and additional materials setting out proposals for a new Aboriginal heritage system to recognize, protect, manage and celebrate the places and objects that are important to Aboriginal people, as well as providing an efficient land use proposal framework. WALGA engaged with members as stated below and submitted a sector submission in July 2019:

- Co-presenting with DPLH an Info-session and webinar in May 2019 which was attended by officers, managers and Elected Members from 9 Local Governments (Perth, Gosnells, Armadale, East Pilbara, Derby – West Kimberley, Busselton, Broome, Augusta – Margaret River and Northam).
- A member survey seeking feedback on the review which was advertised in LG News and received 10 responses (seven from metropolitan Local Governments and three from regional and rural Local Governments).
- Establishing a Sector Reference Group during the 2018 review which was refreshed prior to preparing the submission in 2019. An Expression of Interest process was undertaken through LG News in April 2019 to provide a further opportunity for involvement to WALGA members. Members were from Rockingham, Boddington, Augusta - Margaret River, Perth, Wanneroo, and Derby – West Kimberley.

WALGA staff were briefed by DPLH in September 2020 and then prepared a response to the DPLH Consultation Survey based on previous submissions, advice from the Infrastructure, Governance and Organisational Services and Strategy, Planning and Policy teams. The short consultation timeframe did not allow detailed consultation with the sector however feedback received from members was incorporated into WALGA's response where available. An Item was run in LG News on 11 September 2020 advising the sector of the consultation and asking members to provide copies of their submissions to WALGA. One submission was received.

COMMENT:

In broad terms the sector supports the development of new Aboriginal cultural heritage legislation for Western Australia that recognizes the rights of Aboriginal people to protect their cultural heritage and provides the same rights to Aboriginal people and proponents of activity. Issues raised in WALGA's submissions have highlighted the need for adequate resourcing and governance support to be provided to Aboriginal Cultural Heritage Services and the Aboriginal Cultural Heritage Council; clarification of the relationship between the ACHB and aspects of the Planning and Development Act 2005; the need for further guidance and the development of a support package for Local Government as to their heritage obligations when undertaking particular types of infrastructure works and the definitions of exempt activities; and the need for fees for heritage services to be managed.

DPLH will shortly be commencing a twelve month consultation on the development of the Regulations to support the ACHB. WALGA will refresh the Sector Reference Group in the coming months and continue to provide input into that process.

RECOMMENDATION:

GVROC note the WALGA update on the consultation on the Aboriginal Cultural Heritage Bill.

RESOLUTION:

Moved: *Mr John Walker, City of Kalgoorlie Boulder*

Seconded: *Cr Laurene Bonza, Shire of Dundas*

Carried

7.7 Local Government Animal Welfare in Emergencies Grant Program (06-081-01-0001 EDR)

WALGA Recommendation

That State Council note:-

- 1. The Local Government Animal Welfare in Emergencies Grant Program is a collaboration between the Department of Primary Industries and Regional Development (DPIRD) and WALGA to build the capacity of Local Government to assist their communities in responding to, and recovering from, emergencies.**
- 2. Recipients of the Grant funding have been notified and will commence their projects in November.**

IN BRIEF:

- The Local Government Animal Welfare in Emergencies Grant Program has been funded by DPIRD and administered by WALGA.
- Individual grants up to a maximum of \$10,000, and collaborative grants of up to \$5,000 per Local Governments were made available.
- Local Governments will use the funding to prepare or update a Local Government Animal Welfare in Emergencies Plan, procure equipment to house animals in the event of an emergency, host an exercise, facilitate training, or to develop their own project to build their capacity to respond to, and recover from emergencies.
- Twenty grants have been funded, including seven in the metropolitan area and thirteen in regional areas.

Budgetary Implications

WALGA is the administrator of this Grant program. In accordance with the WALGA Grants Policy FS140, 10% (\$50 000) has been charged as part of the grant for administrative costs.

BACKGROUND:

In 2018, the State Emergency Management Committee (SEMC) formally assigned the role and responsibility for coordinating animal welfare in emergencies to DPIRD. The State Support Plan - Animal Welfare in Emergencies (this Plan) was subsequently prepared by DPIRD in collaboration with the SEMC, relevant hazard management agencies (HMAs) and controlling agencies and the Animals In Emergencies Working Group under the sponsorship of the SEMC – Response Capability Subcommittee.

The Plan acknowledges that the owner or person responsible for caring for an animal is responsible for the welfare of that animal, and that the owner or carer's ability to address animal welfare issues may be hampered or prevented due to the nature of the emergency. In such cases, local arrangements may assist. If local arrangements do not exist, are inadequate or have been exhausted, the controlling agency or HMA may determine the need to access the arrangements under this Plan.

Local Government considerations under the Plan include activating their Local Government Plan for Animal Welfare in Emergencies (LPAWE), and liaising with DPIRD to provide a coordinated approach to animal welfare response actions where relevant.

As part of implementation of the Plan, DPIRD partnered with WALGA to hold WA Local Government Animal Welfare in Emergencies Workshops, which introduced participants to the importance of considering animals and their welfare in emergencies, highlighting the unique and sometimes challenging issues that arise. As a result of these workshops, DPIRD developed a Local Government Plan for Animal Welfare in Emergencies (LPAWE) Guide and Template, to assist Local Governments to develop a LPAWE that is relevant to their area of responsibility, the risks they face and the community they support.

To further build the capacity of Local Governments to support animal owners and carers in emergencies, DPIRD has provided WALGA with \$500,000 of funding to deliver the Animal Welfare in Emergencies grant program for Local Governments. The grant program aims to improve the preparedness and response of Local Governments, and their communities, to the impacts of emergencies on animal welfare and biosecurity, and to improve the animal's chances of survival and recovery.

Grants up to a maximum of \$10,000 were made available to individual Local Governments, with collaborative grants also offered of up to \$5,000 per Local Government. Local Governments were offered the opportunity to apply for a grant to prepare or update an LPAWE, procure equipment to house animals in the event of an emergency, host an exercise, facilitate training, or to develop their own project.

COMMENT:

The project team, comprising staff from DPIRD and WALGA, assessed the twenty grant applicants, and all twenty of the applicants were successful in receiving grant funding. Seven Local Government recipients are from the metropolitan area and 13 from the regions, including two collaborative grants.

More than half the grants awarded are to procure equipment used to house and look after animals in the event of an evacuation. A quarter of the recipients will use their grants to review and develop new animal welfare in emergencies plans. Many of these projects are accompanied by a community awareness program. Other projects include exercising the Local Government's arrangements, and the development of information videos for residents.

Grant recipients will have between November 2020 and June 2021 to complete their projects.

A full list of grant recipients is available on the WALGA [website](#).

RECOMMENDATION:

GVROC note:

- 1. The Local Government Animal Welfare in Emergencies Grant Program is a collaboration between the Department of Primary Industries and Regional Development (DPIRD) and WALGA to build the capacity of Local Government to assist their communities in responding to, and recovering from, emergencies.**
- 2. Recipients of the Grant funding have been notified and will commence their projects in November.**

RESOLUTION:

Moved: *Mr John Walker, City of Kalgoorlie Boulder*

Seconded: *Cr Peter Craig, Shire of Leonora*

Carried

7.8 2020 Annual General Meeting (01-003-02-0003 TL)

WALGA Recommendation

That the actions taken on the resolutions from the 2020 WALGA Annual General Meeting be noted.

IN BRIEF:

- WALGA's 2020 Annual General Meeting was held on Friday, 25 September 2020
- The meeting resolved for WALGA to take action in relation to two policy issues:
 1. Drought in Western Australia, and
 2. State Owned Unallocated Crown Land (UCL) House Blocks.
- Both items are consistent with WALGA Policy Positions and action has been undertaken consistent with the intent of the motions.

Attachment

[WALGA 2020 Annual General Meeting Minutes.](#)

Policy Implications

Both resolutions carried at the Annual General Meeting are consistent with existing WALGA policy.

BACKGROUND:

Two member motions, as follows, were considered, and supported by members, at the 2020 WALGA Annual General Meeting, which was held on 25 September 2020:

1. Drought in Western Australia

That WALGA:

1. *Requests assistance from the Federal Minister for Agriculture, Water and Environment, to reconsider the Federal Government's approach when determining the criteria on what areas are eligible for drought assistance, and*
2. *Requests the State Minister for Agriculture and Food to reconsider the State Government approach of not assisting with the drought situation, and if the State cannot help under their Water Deficiency Program that is implemented to cart water, then an alternative assistance package be considered.*

2. State Owned Unallocated Crown Land (UCL) House Blocks

That WALGA request the Minister for Local Government, Hon. David Templeman to consider a review into the justification and fairness of the State Government not paying rates on Unallocated Crown Land (UCL).

COMMENT:

The following action has been taken on each item:

1. Drought in Western Australia

The motion is consistent with the State Council resolution of March 2020, requesting WALGA, in consultation with ALGA, to liaise with the WA State Government Ministers for Water, Agriculture and Environment to provide a coordinated holistic response in respect to the ongoing drying climate issues and access to the Drought Communities Funding Program. RESOLUTION 37.1/2020

WALGA has written to the Federal Minister for Agriculture, Water and Environment and a favourable response has been received in respect to the On-farm Emergency Water Infrastructure Rebate Scheme (the Minister announced a further \$50m for the Scheme in October 2020, with a co-contribution expected from the State) and in acknowledging sector frustration with the then Drought Communities Program Extension Program. The Minister is now focused on finalising the details of the Local Government Regional Drought Resilience Planning Program with the WA State Government. Once the details are finalised, the successful undertaking and completion of these Plans by Local Government will inform decisions about future funding allocations by the State and Commonwealth.

Correspondence was also sent to the Western Australian State Minister for Agriculture and a positive response to reviewing the matter has been received, with the Minister committing to work with the Minister for Water to ensure that Local Governments optimally benefit from the Future Drought Fund, and that DPIRD and DWER will continue to work closely with WALGA to seek solutions to improve drought resilience throughout the state.

2. State Owned Unallocated Crown Land (UCL) House Blocks

The motion is consistent with WALGA's current policy of requesting for a broad review to be conducted into the justification and fairness of all rating exemption categories currently prescribed under Section 6.26 of the Local Government Act. This would include the current exemption for State Government Unallocated Crown Land (UCL).

It is also worth noting that the Local Government Review Panel have recommended that "*The Economic Regulation Authority (ERA) should be asked to undertake a review of the rating system, including a thorough examination of the case for the current wide range of exemptions*".

The request for an Independent review of all rate exemptions is also part of WALGA's advocacy paper being considered in item 5.1 of the State Council Agenda for December 2020.

RECOMMENDATION:

GVROC note the WALGA actions taken on the resolutions from the 2020 WALGA Annual General Meeting.

RESOLUTION: **Moved: Cr Laurene Bonza, Shire of Dundas**
 Seconded: Mr Jim Epis, Shire of Leonora

Carried

7.9 **COVID-19 - Update**

Please note: The information in this report is up-to-date as of 30 October 2020. Supplementary information will be provided at Zone and State Council meetings, as well as through other channels, such as the COVID-19 Update from the WALGA President and CEO if required.

WALGA Recommendation

That the information contained in this report be noted.

IN BRIEF:

- At the time of writing there has been no community transmission of COVID-19 in WA since 11 April. Significant recent increases in WA's active cases are due to returning international travelers in quarantine and crew members of arriving international vessels.
- The national picture has improved, with the number of active cases falling, the Victorian outbreak coming under control and restrictions relaxed.
- The Premier announced on 30 October that effective 14 November WA will move from a 'hard' to a 'controlled' interstate border, subject to advice from the WA Chief Health Officer. The modified 2 sqm rule (with exemptions) and remote Aboriginal community restrictions will remain in place.
- The State Government's COVID-19 priorities continue to be promoting economic recovery, the development and testing of COVID-19 outbreak and surge plans and ensuring the integrity of the quarantine management system.
- WALGA has continued to provide dedicated COVID-19 support and advocacy for members, including regular updates, webinars, guidance and analysis.

Policy Implications

The advocacy detailed in this item is in accordance with existing policy positions; some of the advocacy detailed in this item relates only to the current pandemic situation, so will not impact existing policy positions.

BACKGROUND: **COVID-19 in WA**

The latest information on COVID-19 in WA (including by Local Government Area) and nationally can be found on the WA Health website [here](#).

At the time of writing there has been no community transmission of COVID-19 in WA since 11 April. Increasing WA case numbers have been due to returning international travellers and crew members of arriving international vessels.

Restrictions and Directions

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

On 30 October the Premier announced that from Saturday, 14 November, WA will move from a 'hard' to a 'controlled' interstate border under the *Emergency Management Act*, subject to every state and territory recording a 14-day rolling average of less than 5 community cases of COVID-19 per day.

Under the new arrangements travellers arriving in WA from very low risk states and territories, defined as having no community transmission in the previous 28 days, will no longer need to self-quarantine but will be subject to health screening, temperature check and a COVID-19 test if deemed necessary. They will also need to have completed a G2G PASS declaration stipulating they do not have any COVID-19 symptoms and where they have been in the past 14 days. At the time of writing Tasmania, Queensland, South Australia, the ACT and the Northern Territory meet this low risk criteria.

Residents from low risk jurisdictions, defined as less than 5 community cases per day on a 14 day rolling average, currently NSW and Victoria, will still need to take a COVID-19 test if deemed necessary, self-quarantine for 14 days in a suitable premise and present for a COVID-19 test on day 11.

Remote aboriginal community restrictions and the modified 2 sqm rule for selected entertainment venues (refer below and [WA COVID-19 Roadmap](#)).

Events

There have been two significant changes in relation to the holding of events:

- From 25 September public or private events of more than 500 people that already require Local Government approval also require an approved COVID Event Plan.
 - Events assessed as low or medium COVID-19 risk can be approved by the Local Government as an extension of the usual events approval process.
 - Events assessed as high risk are escalated to the Department of Health for review and approval.
- From 24 October selected entertainment venues including performing arts centres, theatres, concert halls, auditoriums/amphitheatres, cinemas and comedy lounges are exempt from the 2 sqm rule and can operate at 60 per cent capacity for seated and ticketed performances. This exemption does not apply to events that are required to develop a COVID Event Plan.

Further information on requirements for events can be found [here](#).

Economic impacts

The State and Federal Budgets handed down in October revealed the significant impact that COVID-19 has had on the Australian and WA economies.

In Australia, Gross Domestic Product fell by 0.2% in 2019-20 and is forecast to fall by a further 1.5% in 2020-21. The impact of COVID-19 on the WA economy was less severe due to the State's relative containment of the virus and the export sector being largely unaffected. Although economic growth forecasts were revised downwards, Gross State Product still increased by 2% in 2019-20 and is forecast to increase by 1.25% in 2020-21. The State's labour market is, however, still expected to take a hit in 2020-21. Employment growth is expected to be -0.25% during this financial year, meaning there will be fewer workers at the end of 2020-21 than there were at the beginning.

More information on the impact of COVID-19 on the economy, the economic outlook, Government Budget initiatives and how the State and Federal Budgets will impact on the Local Government sector is provided at Item 6.4 of the State Council Agenda.

Outbreak planning

The State Government's COVID-19 outbreak and surge planning is ongoing. The State Health Incident Coordination Centre (SHICC) has developed Integrated COVID-19 Outbreak Response Plans which set out the State's strategic response to outbreaks, both at a state-level and for 'high risk' settings. Plans have been developed for: Remote Aboriginal communities; Residential aged care; Prisons; Hospitals; Schools and Childcare services; Mining and Offshore facilities; Commercial vessels; and Congregate living. An Integrated COVID-19 Welfare Response Plan has also been developed to integrate with the Integrated Outbreak Plans.

WALGA is continuing to liaise with the SHICC and Department of Communities to ensure that implications for Local Governments are considered and that roles and responsibilities in an outbreak are understood.

A webinar providing more information on the COVID-19 Outbreak Response Planning can be viewed [here](#).

It is essential that Local Governments are prepared for a second wave/outbreak of COVID-19, which could impact their workforce and capacity to deliver essential services. In particular Local Governments should be reviewing and testing their business continuity/pandemic plans. LGIS is available to assist members in developing, updating and testing BCPs, as well as in undertaking COVID Hazard Assessments that focus on the work health and safety controls associated with COVID-19.

COVID-19 Recovery

- 73 Local Governments responded to a second survey by the State Recovery Controller on focussing on emerging impacts, successes, gaps in service delivery and pre-season preparedness relating to local government operations.

Support and Advocacy

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

- Membership of the State Emergency Management Committee COVID-19 Coordination Group, State Welfare Emergency Committee and State Recovery Advisory Group;
- Representation at the SHICC (SHICC), enabling WALGA to raise issues and provide input into arising operational issues and strategies as they relate to Local Government;
- *Planning* - Providing a detailed submission on the proposed amendments to the *Planning and Development (Local Planning Scheme) Regulations 2015* to support the recent changes to the Planning and Development Amendment Bill 2020. Further information is provided at Item 6.2 of the State Council Agenda;
- *Waste services outbreak planning* - WALGA has been working with Local Governments and Preferred Suppliers to develop a plan for managing waste management activities in the event of a second wave of COVID-19 in Western Australia (or future event). This plan builds on the rapid response of Local Government and the waste industry to the first wave of COVID-19. The plan was endorsed by the Municipal Waste Advisory Council (MWAC) on 28 October. It has been provided to the Minister, Department of Water and Environmental Regulation and the SHICC as an input to the State's outbreak planning;
- *Events* – WALGA, in consultation with the City of Busselton and Shire of Augusta-Margaret River, successfully advocated for a reconsideration of the State Government's decision to cancel Leavers 2020 celebrations, which will now proceed with COVID event plans in place;
- *Economic analysis* - WALGA is continuing to expand and update its analysis of the economic impact of COVID-19 on WA's local economies. This analysis includes:
 - How local jobs have been impacted since the start of the pandemic, measured as a proportion of total payroll job changes in each Local Government Area;
 - How local business have been impacted since the start of the pandemic, measured as a proportion of organisations within each Local Government Area that were accessing the JobKeeper subsidy in April; and
 - The overall economic impact of COVID-19, relative to other Local Government Areas and regions.
- *Procurement and support for local suppliers* - The Vendor Panel marketplace initiative now has 8093 local suppliers registered. The platform has had \$18.8 million in activity at the mid-point of the 12 month free trial;
- *COVID-19 Updates* - 88 updates have been provided to the sector up to 30 October. There are approximately 1300 subscribers to these updates, which have been viewed more than 170,000 times. Updates can be viewed on WALGA's COVID-19 website [here](#); and
- *Webinars* - The following State to Sector briefing and other COVID-19 related webinars have been held since the end of August:

26 August	WA Recovery Plan Local Government Minister the Hon David Templeman and State Recovery Controller Sharyn O'Neill
16 October	WA State Budget Webinar Deputy Under Treasurer Michael Court and WALGA Policy Manager Economics
30 October	Local Business Recovery Webinar CCI Chief Economist Aaron Morey, Regional Chambers of Commerce CEO Kitty Prodonovich and Small Business Commissioner David Eaton
13 November	Hon Ben Wyatt MLA, Treasurer, Minister for Finance; Aboriginal Affairs; Lands State Government's Aboriginal Affairs policy agenda
25 November	Hon Alannah MacTiernan MLC, Minister for Regional Development; Agriculture and Food; Ports

RECOMMENDATION:

GVROC note the WALGA COVID-19 update.

RESOLUTION:

Moved: *Cr Laurene Bonza, Shire of Dundas*

Seconded: *Mr John Walker, City of Kalgoorlie Boulder*

Carried

8. Review of WALGA State Council Agenda - Organisational Key Activity Reports

- 8.1 Report on Key Activities, Commercial and Communications (01-006-03-0017 ZD)
- 8.2 Report on Key Activities, Governance and Organisational Services (01-006-03-0007 TB)
- 8.3 Report on Key Activities, Infrastructure (05-001-02-0003 ID)
- 8.4 Report on Key Activities, Strategy, Policy and Planning (01-006-03-0014 MJB)

GVROC COMMENT:

GVROC note the Organisation Key Activity Reports as provided.

RESOLUTION: *Moved: Cr Ian Mickel, Shire of Esperance*
 Seconded: Cr Laurene Bonza, Shire of Dundas

Carried

9. Review of WALGA State Council Agenda - Policy Forum Reports

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

Recommendation

That the report on the key activities of the Association's Policy Forums to the December 2020 State Council Meeting be noted.

Policy Forums

The following Policy Forums have been established

- Mayors / Presidents Policy Forum
- Container Deposit Legislation Policy Forum
- Mining Communities Policy Forum
- Economic Development Policy Forum

All Policy Forums have not held meeting since the last State Council meeting.

RECOMMENDATION:

GVROC notes the Policy Forum Reports update

RESOLUTION: *Moved: Cr Laurene Bonza, Shire of Dundas*
 Seconded: Cr Ian Mickel, Shire of Esperance

Carried

10. Review of WALGA State Council Agenda – State Council Status Report

10.1 Complete Status Report on State Council Resolutions - To the December 2020 State Council Meeting

GVROC COMMENT:

Additional to the Complete Status Report on State Council Resolutions, **Attachment 7** provides the relevant Goldfields Esperance Country Zone Status Report.

RECOMMENDATION:

GVROC notes the Complete State Council Status Report to the December 2020 State Council meeting and the Goldfields Esperance Country Zone Status Report.

RESOLUTION:

Moved: *Cr Peter Craig, Shire of Leonora*

Seconded: *Mr John Walker, City of Kalgoorlie Boulder*

Carried

11. GOLDFIELDS VOLUNTARY REGIONAL ORGANISATION OF COUNCILS BUSINESS

11.1 GVROC Support to Shire of Wiluna to be formally recognised as part of the RDA Goldfields Esperance Boundary

Reporting Officer: Andrew Mann, GVROC Executive Officer

Disclosure of Interest: No interest to disclose

Date: November 2020

Attachments: GVROC Letter of Support to Shire of Wiluna (**Attachment 8**)

Background:

On 29 October 2020, the CEO of Shire of Wiluna formally requested a letter of support from the GVROC towards its business case required to be submitted to the Australian Government's Department of Infrastructure, Transport, Cities and Regional Development to be considered to change its RDA regional boundary from the Midwest to Goldfields Esperance.

The process for this change of boundary is set out in the RDA Better Practice Guide (pg17 https://www.rda.gov.au/sites/default/files/documents/2019_rda_better_practice_guide.pdf), which in summary states:

1.7 RDA Boundaries

In a small number of cases a local government area may be divided between two RDA Committees where a clearly definable district aligns better with one RDA Committee, whilst the remainder aligns better with another RDA Committee. Such arrangements are only entered into with the agreement of both RDA Committees and the support of relevant stakeholders such as the local governments affected and partner State or Territory governments.

1.7.1 RDA Boundary Adjustments

RDA Boundaries may be adjusted where changes to local government boundaries, changing demographics or other relevant factors make such changes desirable.

RDA Committees, and partner State or Territory governments and local governments, may request RDA Boundary adjustments. The Department may initiate boundary changes where necessary. Boundary adjustment requests must be made in writing to the Department's liaison officer specified in the Funding Agreement, and include:

- a clear business case for the proposed change;*
- written support from all RDA Committees affected by the proposed changes;*
- where relevant, written support from a partner State or Territory government; and*
- written support from other relevant stakeholders such as local chambers of commerce, local members of parliament and the like.*

Consideration of requests for boundary changes will be on a case-by-case basis by the Commonwealth Minister with responsibility for the RDA program, in conjunction with their State or Territory Ministerial counterpart in partner jurisdictions, and with the President of the Local Government Association of South Australia for RDA Committees in South Australia.

Changes to funding to support any changes resulting from boundary adjustments will be negotiated with the affected RDA Committees prior to a decision to change a Boundary. The views of partner State or Territory governments may also be considered in any changes to respective RDA Committees' Funding allocations.

Any changes to Boundaries of an RDA Committee will require a variation to their Funding Agreement(s) to reflect the changes to the area covered.

The Shire of Wiluna is also in the process of having its State Development Commission boundary changed as well from the Midwest Development Commission to the Goldfields Esperance Development Commission.

The changes to the Development Commission boundaries is a State matter and with Federal Boundaries this is with RDAs.

State Development Commission boundary changes require legislative changes to the *WA Regional Development Commissions Act 1993* to accommodate, however for Federal just a business case submitted between 15 January and 15 February of each calendar year to the Department of Regional Development addressed to the relevant Commonwealth Minister, hence this request for a letter of support from the GVROC.

In regard to the changes of the State Development Commission Boundary, the GEDC has confirmed with the Shire of Wiluna that they are just waiting on the change to go through legislation.

Officer Comment

An out of session in-principle letter of support was circulated to all GVROC delegates, other than the Shire of Wiluna on 2 November 2020 for approval and confirmation of support.

Members from the Shires of Coolgardie, Dundas, Esperance, Ngaanyatjaraku and the City of Kalgoorlie Boulder gave in principle support back via email. No response was received from Shires of Laverton, Leonora or Menzies.

At the GVROC meeting held on 13 November 2020 the GVROC resolved the following in regard to this request:

RECOMMENDATION:

That the GVROC now endorse the previous in principle letter of support to the Shire of Wiluna circulated out of session, to be formally recognised as part of the RDA Goldfields Esperance Boundary.

RESOLUTION: *Moved: Cr Ian Mickel, Shire of Esperance
Seconded: Cr Laurene Bonza – Shire of Dundas*

Defeated 5 to 4

Following discussion and debate on this item a vote for and against was called on the recommendation.

The vote was 5 to 4 not in favour of endorsing support, on the basis that no representatives from the Shire of Wiluna were present at the meeting to present their case.

Motion called

That the GVROC request the item be presented back at the next meeting on 27 November 2020, at which time the Shire of Wiluna can present its case regarding the application to be recognised under RDA Goldfields Esperance.

RESOLUTION: *Moved: Cr Ian Mickel, Shire of Esperance
Seconded: Cr Tracey Rathbone – Shire Coolgardie*

Carried

Based on the above resolution the request from the Shire of Wiluna is presented again for consideration of the GVROC to endorse the initial recommendation.

RECOMMENDATION:

That the GVROC now endorse the previous in principle letter of support to the Shire of Wiluna circulated out of session, to be formally recognised as part of the RDA Goldfields Esperance Boundary.

RESOLUTION: *Moved: Mr John Walker, City of Kalgoorlie Boulder
Seconded: Cr Ian Mickel, Shire of Esperance*

Carried

12. DLGSC Update

General Update to be provided by DLGSC on activities of interest for the Region.

Question was raised regarding Local Government inquiries being initiated through the DLGSC, with some GVROC LGAs still waiting for findings after a long period of time with little response or explanation coming from the DLGSC, which impacts on the LGAs ability to operate and ongoing morale/mental health of staff. It was recommended that the Chair raise this in writing with the Director General of DLGSC.

RECOMMENDATION:

That the GVROC Chair to write to the Director General of DLGSC to seek clarity on what triggers, the methodology and timeliness for delivering findings for LGA inquiries.

RESOLUTION: **Moved: Mr John Walker, City of Kalgoorlie Boulder**
 Seconded: Cr Ian Mickel, Shire of Esperance

Carried

13. LATE ITEMS as notified, introduced by decision of the Meeting

Nil.

14. FUTURE MEETINGS

With the continuing and evolving situation of the COVID-19 “Corona Virus” scheduling of future meetings as in person is a watching brief. This will be reviewed at each meeting by GVROC and decisions made on whether the meetings are held as in person meetings or conducted through Zoom video conferencing.

In noting the above, the following suggested dates in 2021 have been set for the remaining GVROC meetings.

- 29 January 2021 (hosted by Shire of Esperance in Esperance)
- 26 March 2021 (central meeting hosted by CKB in Kalgoorlie)
- 28 May 2021 (hosted by Shire of Dundas)
- 30 July 2021 (Aligned with LGA week in Perth possibly August tbc)
- 24 September 2021 (hosted by Shire of Leonora)
- 26 November 2021 (tbc)

The following are the WALGA State Council meeting dates in 2021 with suggested GVROC Zoom video conference meeting dates prior to these to inform the GVROC’s representatives attending the meetings with relevant input for State Council Agenda Items:

- 3 March 2021 – (GVROC Video Conference on 19 February 2021)
- 5 May 2021 – (GVROC Video Conference on 23 April 2021)
- 7 July 2021 – (GVROC Video Conference on 25 June 2021)
- 2-3 September 2021 – (GVROC Video Conference on 20 August 2021)
- 1 December 2021 – (GVROC Video Conference on 19 November 2021)

15. CLOSURE OF MEETING

There being no further business the Chair declared the meeting closed at 10:00am.