

# Northern Country Zone

## Minutes

27<sup>th</sup> August 2018



# Northern Country Zone

Hosted by the Shire of Mingenew

Mingenew Sports Pavilion Mingenew – Phone 9928 1102

27 August 2018 commencing at 10am

## Minutes

### **MEMBERS**

Shire of Carnamah	Cr Dwayne Woolorton Ms Karen Osborn, Chief Executive Officer
Shire of Chapman Valley	Cr Anthony Farrell Mr Maurice Battilana, Chief Executive Officer
Shire of Coorow	Cr Moira Girando Mr Peter Crispin, Chief Executive Officer
Shire of Irwin	Cr Ian West Cr Michael Smith Mr Shane Ivers, Acting Chief Executive Officer
Shire of Mingenew	Cr Helen Newton Mr Nils Hay, Chief Executive Officer
Shire of Morawa	Cr Karen Chappel Mr Chris Linnell, Chief Executive Officer
Shire of Northampton	Cr Craig Simkin Cr Shane Krakouer
Shire of Perenjori	Cr Laurie Butler Mr Stephen Tindale, Acting Chief Executive Officer
Shire of Three Springs	Ms Sylvia Yandle, Chief Executive Officer
WALGA Representatives	Ms Joanne Burges, Executive Manager People and Place Mr Ian Loxton, Contract and Business Analyst
Roadwise	Ms Samantha Adams
Mid West Development Commission	Mr Gavin Treasure, Chief Executive Officer Ms Rebecca Davidson
Department of Local Government & Cultural Industries	Mr Richard Malacari Regional Manager Mid West Gascoyne

### **Guest Speakers**

Mr Peter Marklew – IT Vision  
Mr David Duff – City of Greater Geraldton

### **Apologies**

Shire of Carnamah	Cr Merle Isbister
Shire of Chapman Valley	Cr Kirrilee Warr
City of Greater Geraldton	Mayor Shane Van Styn Mr Ross McKimm – Chief Executive Officer
Shire of Mingenew	Cr Crispan Lukin
Shire of Northampton	Mr Garry Keefe – Chief Executive Officer
Member Agricultural Region	Mr Laurie Graham, MLC

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**1. DEPUTATIONS/PRESENTATIONS**

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**1.1 10.30am Mr Peter Marklew - Consulting Services Manager - National Business Development Mgr – IT Vision Update on Atlus and Smart Cities Projects**

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**2. CONFIRMATION OF MINUTES**

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**RECOMMENDATION**

**Moved Cr Butler**  
**Seconded Cr Farrell**

**That the Minutes of the meeting of the Northern Country Zone held on 25<sup>th</sup> June 2018 be confirmed as a true and accurate record of the proceedings.**

**Carried**

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**3. DECLARATION OF INTEREST**

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

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**4. BUSINESS ARISING**

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A Status Report outlining the actions taken on the Zone's resolutions was circulated prior to the meeting.

**Noted**

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**5. REPORT FROM THE CHAIR / STATE COUNCILLOR – July 2017\**

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**5.1 The Chair/State Councillor report for July 2017 was tabled.**

**Moved Cr Simkin**  
**Seconded Cr West**

**That the Chair/State Councillor's Report for July 2017 be noted.**

**Carried**

**5.2 Executive Officer Position**

At the June meeting of the Zone, authorisation was given to the Zone President, Deputy President and Acting Executive Officer to manage the recruitment process including selection of a suitable applicant for the position of Executive Officer.

The position was advertised through member council's social media pages, and three applications were received.

Dianne Daniels has been appointed to the position.

## 6. FINANCE

### 6.1 Detailed Income Statement and Bank Reconciliation for period ending 31 July 2018.

INCOME AND EXPENDITURE STATEMENT				
<i>For the period ending 31 July 2018</i>				
	<i>Date</i>	<i>Ref</i>	<i>Amount</i>	<i>Description</i>
Opening Balance	31/05/2018		32,821.34	
Payments Received			0.00	
Bank Interest Received	29/06/2018		0.86	
<b>TOTAL FUNDS AVAILABLE</b>			<b>32,822.20</b>	
Payments Made	25/06/2018	369	-254.99	Shire of Mingenew - reimb for Zone meeting 26/02/2018
	25/07/2018	370	-2,478.60	J Law - Executive Officer Services 1/05/2018 - 30/06/2018
	25/07/2018	371	-313.60	Cheque cancelled
	27/07/2018	372	-363.00	Shire of Mingenew - reimb for Zone meeting 25/06/2018
<b>TOTAL PAYMENTS MADE</b>			<b>-3,410.19</b>	
<b>Closing Balance</b>	<b>31/07/2018</b>		<b>29,412.01</b>	

  

NORTHERN COUNTRY ZONE OF WALGA				
BANK RECONCILIATION SUMMARY				
<i>As at 31 July 2018</i>				
Cash at Bank	31/01/2018		29,112.10	
Deposits and Credits			13,603.59	01/07/2017 to 31/07/2018
Cheques and Payments			-13,303.68	01/07/2017 to 31/07/2018
<b>Total Cleared Transactions</b>			<b>29,412.01</b>	
Bank Statement	31/07/2018		32,822.20	
Less O/S chq 369			-254.99	
Less O/S chq 370			-2,478.60	
Less O/S chq 371			-313.60	
Less O/S chq 372			-363.00	
<b>Reconciliation</b>	<b>31/07/2018</b>		<b>29,412.01</b>	

## **Recommendation**

**Moved Cr Farrell  
Seconded Cr Girando**

**That the Detailed Income Statement and Bank Reconciliation for the Northern Country Zone of WALGA for the period ended 31 July 2018 be received.**

**Carried**

### **6.2 Northern Country Zone – Bank Signatories**

The Zone bank account is held at the National Australia Bank (NAB), Dongara. The signatories to the account were not amended when Barrye Thompson pasted, as the incoming Executive Officer was only appointed for a six-month period and the other two signatories were available to sign required payments and other documents. This is not the case going forward.

The NAB requires a resolution from the Zone to make changes to the signatories.

## **Recommendation**

**Moved Cr Girando  
Seconded Cr Farrell**

**That;**

- 1. the Northern Country Zone of WALGA authorise the following persons to operate the National Australia Bank Account, 21924-6179;**
  - a. Cr Karen Chappel                      President Northern Country Zone of WALGA**
  - b. Cr Ian West                              Deputy President Northern Country Zone of WALGA**
  - c. Mr Maurice Battilana                CEO Shire of Chapman Valley**
  - d. Mrs Dianne Daniels                Executive Officer Northern Country Zone**
- 2. Account 21924-6179 be able to access internet banking; and**
- 3. The following signatories be removed as authorised persons to operate account 21924-6179**
  - a. Mr Barrye Thompson**
  - b. Mr Darren Simmons**

**Carried**

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## **7. CORRESPONDENCE**

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### **7.1 Nil**



## **8. STATE COUNCIL AGENDA - MATTERS FOR DECISION AND NOTING**

*(Zone delegates to consider the Matters for Decision contained in the WA Local Government Association State Council Agenda and put forward resolutions to Zone Representatives on State Council)*

Please refer to the State Council Agenda.

### **5.1 Local Government Act Review (05-034-01-0001 TB/JM)**

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

## **Recommendation**

**That WALGA:**

- 1. Support the policy positions announced by the Minister for Local Government relating to phase 1 of the Local Government Act review process in relation to:**
  - a. Acceptance and declaration of gifts;**
  - b. Universal training;**
  - c. Standards of behaviour;**
  - d. CEO Recruitment and Performance;**
  - e. Public notices and access to information; and,**
  - f. Administrative efficiencies.**
- 2. Seek a formal commitment from the Minister for Local Government that WALGA and Local Government Professionals WA now actively participate in the legislative drafting process to develop the Local Government Amendment Bill relating to Phase 1 of the Review;**
- 3. Note the process for phase 2 of the Act review process and encourage Local Governments and Zones to provide input; and,**
- 4. Acknowledge the timely progress of the Local Government Act Review and the Minister for Local Government's ongoing prioritisation of the Review within his portfolio of responsibilities.**

## **In Brief**

- The Minister for Local Government commenced a review of the Local Government Act with both a community and a Local Government consultation process in 2017.
- WALGA conducted a comprehensive consultation process with member Local Governments, resulting in the adoption of policy positions on the Local Government Act by State Council in December 2017.
- The Minister for Local Government announced Phase 1 policy positions at the WALGA Annual General Meeting on 1 August 2018.
- The majority of the sectors position requests have been included in the Ministers policy position papers
- The Minister for Local Government has announced the consultation process for phase 2 of the Act review process.

## **Attachments**

1. Minister for Local Government Policy Position Information Sheets available at [https://www.walga.asn.au/getattachment/Documents/Item-5-1-attachment-1-LG-Act-Policy-Positions-\(1\).pdf.aspx?lang=en-AU](https://www.walga.asn.au/getattachment/Documents/Item-5-1-attachment-1-LG-Act-Policy-Positions-(1).pdf.aspx?lang=en-AU)
2. WALGA Local Government Act Policy Positions endorsed at March 2018 State Council Meeting available at <https://www.walga.asn.au/getattachment/Documents/Item-5-1-attachment-2-WALGA-response-to-DLGSC-consultation-paper-on-th.pdf.aspx?lang=en-AU>

## Relevance to Strategic Plan

### Key Strategies

#### Engagement with Members

- Deliver a broad range of benefits and services that enhance the capacity of member Local Governments;
- Improve communication and build relationships at all levels of member Local Governments;
- Provide ongoing professional development and interactive opportunities for Elected Members to contribute to debate on sector issues;
- Build a strong sense of WALGA ownership and alignment.

#### Sustainable Local Government

- Continue to build capacity to deliver sustainable Local Government;
- Provide support to all members, according to need;
- Represent the diversity of members' aspirations in the further development of Local Government in Western Australia;
- Foster economic and regional development in Local Government.

#### Enhanced Reputation and Relationships

- Communicate and market the profile and reputation of Local Government and WALGA;
- Promote WALGA's advocacy successes with the sector and the wider community;
- Strengthen effective relationships with external peak bodies and key decision makers in State and Federal Government;
- Develop simple and consistent messages that are effectively articulated;
- Promote WALGA's supplier agreements to assist Local Governments.

### Policy Implications

This report reflects upon the majority of WALGA Policy Positions endorsed at the December 2017 State Council meeting.

### Budgetary Implications

Nil.

### Background

WALGA conducted a comprehensive consultation with member Local Governments and State Council adopted a suite of policy positions on the LGA Review in December 2017 (attached). Additionally, State Council adopted the following key principles regarding the review process and the role of the Department of Local Government, Sport and Cultural Industries in March 2018:

*That WALGA;*

1. *Endorse the responses to the Department of Local Government, Sport and Cultural Industries consultation paper provided in this report;*
2. *Forward the WALGA policy positions endorsed at the December 2017 State Council meeting to the Department as part of this submission for the Act review process;*
3. *Request that the Department of Local Government, Sport and Cultural Industries ensure that representation from WALGA and the Local Government Professionals WA is included in any legislative drafting as a result of the Local Government Act review process; and*
4. *Support the Department of Local Government undertaking a role as an enabler for the Local Government sector with a clear delineation between the Department's compliance function and the Department's capacity building function.*

### Phase 1

The Minister for Local Government announced the State Government's policy position on Phase 1 of the Local Government Act Review at the WALGA Annual General Meeting on Wednesday 1 August 2018, and in an accompanying media statement. The 'Local Governments for the Future' Information Sheets, detailing each policy position, are attached to this Report.

## Comment

The 'Local Governments for the Future' Information Sheets accompanying the Minister's recent announcement summarise each policy direction intended to guide the drafting of a Local Government Amendment Bill relating to Phase 1 of the Local Government Act Review.

The following commentary highlights the Government's policy position on each element of Phase 1, as expressed in the Information Sheets, and a comparative analysis against WALGA's suite of policy positions.

### 1. Gifts

The Minister for Local Government announced that amendments to the gift provisions will feature the following elements:

- Council members and CEOs will be prohibited from receiving gifts that are intended to influence decision-making or a perceived conflict of interest
- Gifts received by council members and CEOs in their official role valued at \$300 or more must be declared within 10 days of receipt
- Council members will have to declare a conflict of interest if they have received a gift or gifts over \$300 from any person who has a matter come before council. They will not be able to vote on the matter or participate in the meeting.

The Information Sheet also informs:

- a 'gift' is to be defined as 'the receipt of property or a benefit for inadequate consideration';
- Local Governments will be required to develop and publish a policy covering council members and CEO attendance at events, addressing who will pay for the tickets.

## WALGA Comment

WALGA's policy position on gifts states:

The *Local Government Act 1995* and Regulations should be amended so that:

- There be one section for declaring gifts. Delete declarations for Travel (gifts and travel to be one section).
- No requirement to declare gifts received in a genuinely personal capacity, as gifts only to be declared in respect to an Elected Member or CEO carrying out their role.
- Gift provisions only for Elected Members and CEO's.
- Other staff fall under Codes of Conduct from the CEO to the staff.
- Gifts only to be declared if above \$500.00.
- There will not be any category of notifiable gifts or prohibited gifts.
- Exemptions for ALGA, WALGA and LG Professionals.
- Exemption for electoral gifts received that relate to the State and Commonwealth Electoral Acts, so Elected Members who are standing for State or Federal Parliament will only need to comply with the State or Federal electoral act and not declare it as a Local Government gift.

WALGA's principle policy objectives are recognised in the Government's policy proposal, with the gift threshold of \$300.00 differing from the proposed \$500.00 threshold. However, this is balanced by the intent to equate the new gift threshold with that placed on State Government.

The sectors request for there to be no prohibited gift has been accepted.

WALGA welcomes limiting the gift provisions to Council Members and CEO's, and only to gifts received in the course of performing their respective roles.

WALGA's effort to exclude gifts given in a genuinely personal capacity may not be achievable due to anticipated difficulty with legislative drafting of such a concept, however limiting the declaration of gifts to those 'intended to influence decision-making or a perceived conflict of interest' is a significant improvement on the currently complex gift declaration responsibilities.

## **2. Universal Training**

The Minister for Local Government announced universal training for Council Members and election candidates:

- Online induction for candidates so they better understand the role of a council member and laws covering election campaigning
- Formal training for all council members to be completed within 12 months of election
- A requirement for councils to develop and report on a continuing professional development program for elected members, including adoption of policy.

### **WALGA Comment**

WALGA's principle policy position in this regard is for the Elected Member Skillset to form the basis of universal training. The following skillset content is acknowledged as foundational competencies in the Information Sheet:

- Understanding Local Government;
- Serving on Council (includes Ethical Decision Making);
- Understanding Financial Reports and Budgets;
- Conflicts of Interest; and,
- Meeting Procedures and Debating.

The training is to be available in-person and electronically by ELearning to cater for remote locations.

WALGA will continue to promote the importance of a Government funding program to offset the cost of training, particularly in rural and remote Local Government districts, acknowledged as an issue in the Information Sheet.

## **3. Standards of Behaviour**

The Minister for Local Government announced the following key elements to improve the Standards of Behaviour in Local Government:

- Continued role for the Standards Panel as an independent umpire
- Introduction of a mandatory Code of Conduct applicable to all council members and candidates, with the Code separating out matters that are to be considered through an internal resolution process from those which are referred to the Standards Panel
- Greater transparency with adverse findings by the Standards Panel against a council member to be tabled at the council's next ordinary council meeting
- Confidentiality of all complaints to the Standards Panel until a finding has been made

### **WALGA Comment**

The proposed introduction of confidentiality of all complaints made to the Standards Panel is long-awaited and welcome. Bringing Local Government election candidates under a mandatory Code of Conduct, together with the candidate training proposal, stands to alleviate the poor conduct and behaviours observed at recent Local Government elections.

It is notable that outlier behaviours in the Local Government sector often include wilful ignorance of the intent and consequences of the Rules of Conduct Regulations and the role of the Local Government Standards Panel. The potential for mandatory Codes of Conduct to play a practical role

in improving standards of behavior of Council Members cannot be gauged until the necessary development task (in consultation with the Local Government sector and Public Sector Commission) is undertaken.

#### **4. CEO Recruitment and Performance**

The Minister for Local Government announced that minimum standards are to be adopted by local governments for CEO recruitment, selection, performance review and termination.

A number of improvements will be introduced to provide a more structured and consistent framework, in the areas of recruitment and selection, performance management and early termination.

The introduction of universal training will assist Council Members in better understanding their roles and responsibilities in relation to CEO recruitment and performance management

#### **WALGA Comment**

The Government's policy position aligns with WALGA's views. Recognition in the Information Sheet that 'independent guidance and assistance will improve the selection and performance review of Local Government CEO's while ensuring autonomy is maintained' is welcome comment.

#### **5. Public Notice / Improved Access to Information**

The Government's policy positions include:

- Flexibility for public notice requirements allowing new technologies to be used
- More information to be published on a Local Government's website
- CEO total benefits package and Council Member fees and allowances to be published in the Local Government's Annual Report

#### **WALGA Comment**

Recognition that statewide publication of a public notice will no longer be required in Local Government districts that do not receive delivery of a statewide newspaper lifts an inherent anachronism in the Local Government Act. Transitioning to modern communication technologies will benefit the Sector and their communities.

The prospect of publishing a range of information on a Local Government website raises no apparent issues given Local Governments have a long-standing record of publishing a significant amount of corporate information and number of publications on their websites in the absence of any legislative requirement to do so.

#### **6. Administrative Efficiencies**

The Minister's announcement of the Administrative Efficiencies policy position includes remedies to out of date provisions, removal of which will improve administrative efficiencies and reduce red tape. Included in this proposal are:

- Removing the requirements relating to designated senior employees
- Harmonising the appointment of authorized persons provisions in the Local Government Act and other legislation affecting Local Government
- Removing the requirement for a special majority
- Improving the evidence provisions in the Local Government Act

#### **WALGA Comment**

It is particularly pleasing that the designated senior employee provisions, a constant source of misunderstanding to the Sector, will be removed.

#### **Phase 1 Summary**

The timely progress of the LGA Review and preparation of policy positions relating to Phase 1 is appreciated and the general competence principles currently embodied in the Local Government Act remains unaffected by the policy positions.

Inevitably, the development of the Local Government Amendment Bill will require additional sector involvement to ensure the 'devil in the detail' of legislative drafting is efficient and does not impose unintended outcomes. This will mainly be achieved through WALGA and LG Professionals WA participating in this drafting process, as per WALGA policy (Ref: Resolution 6.1/2018)

*Request that the Department of Local Government, Sport and Cultural Industries ensure that representation from WALGA and the Local Government Professionals WA is included in any legislative drafting process as a result of the Local Government Act review*

## **Phase 2**

The Minister for Local Government has also announced the consultation process for Stage 2 of the Act review process.

Phase 2 of the process can include any subject that is worthy of consideration. To commence the process the following topics have been identified;

1. Role of Local Government
2. Community Engagement
3. Integrated Planning and Reporting
4. Elections
5. Financial Management (including procurement)
6. Rating
7. Beneficial Enterprises (Council Controlled Organisations)
8. Council Meetings
9. Complaints Management
10. Local Laws
11. Administrative Efficiencies

The Department of Local Government, Sport and Cultural Industries have held topic forums, with membership (Council Members and Local Government Officers) appointed following an expressions of interest period between 12 and 22 June 2018.

The following consultation process will be undertaken by the State Government;

### **September 2018**

- Department to release discussion papers on the topic forum issues that will be collated against the Ministers key themes for the review process of;
  - Inclusive
  - Smart and
  - Agile

### **October/November 2018**

- Department of Local Government, Sport and Cultural Industries to hold forums around the State

### **December 2018**

- Submissions to be finalized by 7 December 2018

The intent of the State Governments timeline is to finalise the first stage of consultation in 2018 to enable the drafting of a Green Bill (Exposure Bill), *Local Government Act 2020* to take place in mid-2019, which will then be followed by a second 12 week consultation process and then legislation to be introduced to Parliament in March 2020.

The Minister has established a Reference Group for Phase 2 that includes the following representatives;

- David Michael MLA, Member for Balcatta, Chair
- Office of the Minister for Local Government
- Department of Local Government, Sport & Cultural Industries
- WALGA (4 representatives)
- LG Professionals WA (4 representatives)
- WA Council of Social Services
- WA Electoral Commission
- Chamber of Commerce & Industry
- Regional Chamber of Commerce & Industry
- Australian Services Union
- Rangers Association

### **WALGA Comment**

The proposed timeline brings forward the initial consultation on phase 2 of the Act review process to be from now until early December 2018, however also provides a second consultation process in mid-2019.

The important new dimension to this process, is the State Government intend to introduce a new *Local Government Act 2020* which will include the phase 1 amendments to the Local Government Act 1995 and the issues developed in phase 2 of the review process.

WALGA will prepare information to the sector requesting feedback to the Departments discussion papers to assist in preparing a response that will be considered by Local Governments and Zones in the November/December 2018 round of Zone and State Council meetings.

### **Phase 2 Summary**

The sector is encouraged to participate in the Department of Local Government, Sport & Cultural Industries forums and to provide a submission to WALGA and the Department in the September to December 2018 consultation process.

All ideas and issues should be considered in this phase as well as the identified subjects. By constructing a new Local Government Act 2020, allows for the ability to have less prescription in the Act and required controls can be provided for in regulations. For example any reference to a dollar amount in the Act could be removed and this could be provided for in regulation.

### **Agenda Item Summary**

In considering the range of issues put forward for the drafting of legislation for phase 1 of the Act review process, it should be noted the majority of requests the sector put forward have been included in the Ministers policy positions.

The phase 2 timeline will provide two opportunities for the sector to have consultation and also allows for significant change to be considered.

The following is recommended:

- I. Support the policy positions announced by the Minister for Local Government relating to phase 1 of the Local Government Act review process in relation to:
  - a. Acceptance and declaration of gifts;
  - b. Universal training;
  - c. Standards of behaviour;
  - d. CEO Recruitment and performance;
  - e. Public notices and access to information; and,
  - f. Administrative efficiencies.
- II. Seek a formal commitment from the Minister for Local Government that WALGA and Local Government Professionals WA now actively participate in the legislative drafting process to develop the Local Government Amendment Bill relating to Phase 1 of the Review;
- III. Note the process for phase 2 of the Act review process and encourage Local Governments and Zones to provide input;
- IV. Acknowledge the timely progress of the Local Government Act Review and the Minister for Local Government's ongoing prioritisation of the Review within his portfolio of responsibilities;

**Moved Cr West**  
**Seconded Cr Girando**

**That WALGA recommendation 5.1 be endorsed.**

**Carried**

<b>5.2 Stop Puppy Farming – Local Government Consultation (05-034-01-0001 JM)</b>
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*By James McGovern, Manager Governance*

## **Recommendation**

**That WALGA:**

- 1. Welcomes a cost modelling review of the financial impact on Local Governments of any new legislation to Stop Puppy Farming;**
- 2. Acknowledges the benefit of mandatory de-sexing of dogs not used for approved breeding purposes;**
- 3. Supports a centralised dog registration system that is developed, operated and maintained by State Government;**
- 4. Supports the introduction of compulsory registration of dog breeders;**
- 5. Supports appropriate legislative exemptions for livestock working dogs in recognition of their special breeding requirements; and**
- 6. Supports the transition of pet shops to adoption centres.**

## **In Brief**

- The McGowan Government has committed to introducing laws to:
  - stop puppy farming and the supply chains that support this industry;
  - improve the health and welfare of dogs in Western Australia; and
  - stop the overbreeding of dogs.
- The Government released a public Consultation Paper in May 2018
- The Government prepared a Local Government Consultation Paper and requested WALGA coordinate a sector response.
- WALGA is conducting this consultation process in alignment with the State and Local Government Partnership Agreement.



## Attachments

Nil

## Relevance to Strategic Plan

### Key Strategies

#### Engagement with Members

- Deliver a broad range of benefits and services that enhance the capacity of member Local Governments;
- Improve communication and build relationships at all levels of member Local Governments;
- Provide ongoing professional development and interactive opportunities for Elected Members to contribute to debate on sector issues;
- Build a strong sense of WALGA ownership and alignment.

#### Sustainable Local Government

- Continue to build capacity to deliver sustainable Local Government;
- Provide support to all members, according to need;
- Represent the diversity of members' aspirations in the further development of Local Government in Western Australia;
- Foster economic and regional development in Local Government.

#### Enhanced Reputation and Relationships

- Communicate and market the profile and reputation of Local Government and WALGA;
- Promote WALGA's advocacy successes with the sector and the wider community;
- Strengthen effective relationships with external peak bodies and key decision makers in State and Federal Government;
- Develop simple and consistent messages that are effectively articulated;
- Promote WALGA's supplier agreements to assist Local Governments.

## Policy Implications

This report will assist develop WALGA policy on the Stop Puppy Farming proposal.

## Budgetary Implications

Nil.

## Background

The McGowan Government released a Public 'Stop Puppy Farming' Consultation Paper in May 2018, explaining its commitment to introduce laws to:

- stop puppy farming and the supply chains that support this industry;
- improve the health and welfare of dogs in Western Australia; and
- stop the overbreeding of dogs

The Government aims to implement the following key elements of the Stop Puppy Farming initiative:

- mandatory de-sexing of dogs unless an exemption is requested for breeding purposes or for reasons stated by a registered veterinarian;
- a centralised registration system to ensure every dog and puppy can be identified at the point of sale or adoption, including in advertisements for sale; and
- the transition of pet shops into adoption centres that will only sell puppies and dogs from approved rescue organisations and animal shelters;
- mandatory standards for dog breeding, housing, husbandry, transport and sale.

WALGA, together with Local Government Professionals WA, are members of the Ministerial Working Group overseeing the Stop Puppy Farming initiative and have promoted the view that the Local Government sector should be the subject of a consultation process separate to the public consultation process.

Local Government has a long-standing involvement in animal welfare and has a majority interest in the introduction of legislative measures to reduce overbreeding which results in unwanted and abandoned dogs, and the poor animal welfare standards often associated with unregulated breeding of dogs for profit.

In a separate process, the Department of Local Government, Sport and Cultural Industries will soon develop a cost modelling project aimed at collecting current information about the cost to Local Governments to implement the Dog Act and the projected costs associated with implementation of the Stop Puppy Farming initiative.

The feedback provided in both processes will assist to inform the Government on the role of Local Governments support for the implementation of the stop puppy farming initiative, identify resource requirements and cost implications.

## **Local Government Consultation**

The Stop Puppy Farming Consultation Paper sought Local Government views on a wide range of issues. WALGA received Council-endorsed responses from 25 Local Governments; 13 from rural and regional Local Governments and 12 from metropolitan Local Governments.

For the purpose of this analysis, there will be a focus on the key issues affecting the Local Government sector with a view to developing policy positions that reflect how Local Government will be involved in and affected by the legislation necessary to Stop Puppy Farming. Further analysis of feedback will be conducted by the Ministerial Stop Puppy Farming Working Group when the community consultation response and Local Government consultation response are jointly analysed.

### **1. Cost Recovery**

#### Consultation Paper Summary

Currently, Local Government collect dog registration fees that contribute to Local Government costs. The State Government is responsible for setting dog registration fees which apply to all Local Government jurisdictions – these have been set after surveying Local Governments as to their costs. It is proposed that Local Governments could recover costs through the following fees:

- dog registration fees;
- dog breeder registration fees;
- kennel establishment fees.

The amount of these fees would be based on recovering costs for Local Governments.

#### Local Government Response

##### **1.1 What mechanisms should Local Governments use to collect funds to cover the costs associated with enforcing the new provisions under the Dog Act?**

By charging cost-recoverable dog registration and dog breeder registration fees to cover all costs – 48%

By charging dog registration and dog breeder registration fees at a level to recover these costs and increasing fines to recover enforcement costs – 52%

##### **1.2 Should fees used to cover the costs incurred by Local Governments to enforce the Dog Act be consistent across the State, or should Local Governments be able to set their own fees?**

Fees should be consistent across the State – 80%

Fees set by the individual Local Government and apply to their district only – 12%

Unsure – 3%

### **1.3 Is charging cost recovery likely to have any adverse impacts for your community?**

No – 15%

Yes – 80%

Unsure – 5%

### **1.4 Are there benefits in your Local Government subsidising registration costs?**

Yes – 45%

No – 35%

Unsure – 20%

#### WALGA Comment

The overall response to the question of cost recovery resulted in a balance of views. Local Governments recognise that current regulated dog registration fees recover less than 50% of dog management costs; Local Governments are equally aware that imposing a full cost recovery fee structure on dog owners and breeders will be unwelcome and potentially onerous. Local Government feedback indicates that should registration fees remain regulated, they should be reviewed annually, with the dog registration fees last reviewed in 2013.

## **2. Mandatory De-sexing**

#### Consultation Paper Summary

Currently, dogs are not required to be de-sexed in Western Australia. Owners are encouraged to de-sex their dogs, and owners of de-sexed dogs pay a lower dog registration fee than owners of other dogs.

Dog owners will be required to de-sex their dog unless they register as a dog breeder. The objective is to stop indiscriminate breeding, and only allow people that are registered breeders to breed dogs, so they can be identified and traced.

#### Local Government Response

### **2.1 Should mandatory dog de-sexing apply to all dogs, including existing dogs, or just dogs born after a particular date?**

All existing dogs, with phase-in period when existing dogs must be de-sexed – 35%

Only dogs born after a particular date – 55%

Unsure – 10%

### **2.2 Please indicate your preference for the following:**

Option 1: registration, microchipping and de-sexing by six months – 85%

Option 2: limited registration at three months; full registration on de-sexing – 15%

### WALGA Comment

Respondents recognised the difficulty associated with immediately enforcing de-sexing of all dogs, preferring this requirement be phased in after dogs are born.

## **3. Livestock Working Dogs**

### Consultation Paper Summary

Livestock working dogs require particular traits, with dogs that demonstrate these traits being bred to ensure that future working dogs also have these particular traits. Livestock working dogs are generally only used for breeding once the dog has a proven ability as a working dog, usually by two to three years of age.

If a primary producer is required to de-sex their dog at an early age, they will not be able to assess whether a dog has the desirable traits and should be used for breeding. Mandatory de-sexing could reduce the working dog gene pool. On the other hand, unintended breeding could result in unwanted dogs.

### Local Government Response

#### **3.1 Should livestock working dogs be exempt as a class from mandatory dog de-sexing?**

Yes - 72%

No - 0%

Unsure - 28%

#### **3.2 If working dogs are required to be de-sexed by a particular age, at what age should working dogs be required to be de-sexed?**

6 months – 5%

Between 6 months and 3 years – 85%

Other – 10%

### WALGA Comment

Respondents recognise working dogs represent a special case for consideration due to their importance to the agricultural sector. Comments related to the need to allow working dogs some time to develop and identify whether their traits and suitability for breeding, which often takes 3 to 4 years. Mandatory de-sexing would therefore place an unwarranted restriction of breeding patterns of working dogs.

## **4. Centralised Registration System**

### Consultation Paper Summary

A key element of the McGowan Government's Stop Puppy Farming commitment is the introduction of an online centralised dog registration system in Western Australia. The centralised registration system will be used to identify every dog or puppy by recording:

- dog registrations
- dog breeder registrations
- any change in ownership of dogs or puppies.

Currently under the Dog Act, the Local Government is responsible for keeping a record of dogs registered in their district. The dog register is specific only to that Local Government district (unless two or more Local Governments work together to maintain a joint system). This can create difficulties in identifying lost dogs from different Local Government districts, particularly if a dog's microchip information has not been updated with the current owner's details.

The following table explains the intended access rights for users of the proposed centralised dog registration system.

	View and update own information*	View and update all information	Limited dog breeder verification information**	Search for dogs on the system
Dog owners	X			
Dog breeders	X			
Local Governments and State government authorities	X	X	X	X
Members of the public			X	
Dog management facilities and recognised dog shelters and rescues	X		X	X

#### WALGA Comment

Local Governments support the concept of a centralised dog registration system to be developed, operated and maintained by State Government. Local Governments also recognised the benefit of a corresponding cat registration system. This aligns with the State Government's view that the current fragmented registration system is inefficient and a potential barrier to achieving the Stop Puppy Farming objectives.

Local Government and community responses regarding the operation and access to a centralised registration will be analysed by the Ministerial Stop Puppy Farming Working Group.

### **5. Dog registration information**

#### Consultation Paper Summary

In addition to the current information held in the dog registration system, dog owners will be required to provide:

- further information on their dog's sterilisation status
- their unique dog owner number (if known, otherwise they will be issued with one)
- the dog owner number of the dog's breeder (if known).

#### Local Government Response

Local Governments favoured additional dog registration information to include whether the dog was a livestock working dog and whether it was an assistance dog.

### **6. Application and Approval – Dog Breeder Registration**

#### Consultation Paper Summary

A dog breeder will be broadly defined under the Dog Act, and will include any owner who has a dog that is not de-sexed, except if the dog is not de-sexed on health grounds. The requirement to register as a dog breeder will come into effect once the centralised registration system is operational.

The Dog Act allows a dog registration officer from the Local Government, with the consent of the owner or occupier, to enter and inspect premises to ascertain whether a dog will be effectively confined on the premises. It is a condition of dog registration that a dog must be effectively confined to the premises in which it is kept.

**6.1 Should Local Governments have the power to enter and inspect premises of a dog breeder, or premises that are subject to a dog breeder application or renewal?**

Yes – 80%

No – 0%

Unsure – 20%

**6.2 Should primary producers in WA be exempt from registering as dog breeders where they breed and transfer livestock working dogs to other primary producers?**

Yes – 20%

No – 60%

Unsure – 20%

Local Government Response

Local Governments anticipate a role inspecting dog breeder premises, and there is a view that breeders of working dogs should not be exempt from the intention to register breeders.

## **7. Transitioning Pet Shops to Adoption Centres**

Consultation Paper Summary

It is intended to amend the Dog Act 1976 (the Dog Act) so that pet shops will only be able to source puppies and dogs for sale from 'properly accredited' rescue organisations or shelters. The areas of implementation on which further input is sought are:

- the accreditation of rescue organisations or shelters;
- the assessment of the health and behaviour of dogs;
- the period to transition pet shops to adoption centres;
- the arrangements that will need to be developed between pet shops and rescue organisations and shelters; and
- enforcement, including who will be responsible and how enforcement will be undertaken.

The objective of transitioning pet shops to adoption centres is to help break the supply chain with puppy farms and to address the homeless dog problem. Consumers that purchase an abandoned or surrendered dog from a pet shop will assist in reducing the number of unwanted dogs that are either euthanised or kept at rescue or shelter facilities.

Local Government Response

Local Government respondents support the proposed transition of pet shops to adoption centres. Respondents also expressed little interest in being involved in pet shop inspections, commenting this should be a role for a State Government agency such as the Department of Commerce.

## 8. Transferring a dog

### Consultation Paper Summary

Under the new centralised registration system, every owner that registers a dog will be issued with a 'dog owner number' that is unique to the owner. Effectively, every dog owner will have an identification number. Any person who sells, gives away, transfers or advertises a dog will be required to provide their 'dog owner number' and the dog's microchip number. Both numbers must be provided in any advertisement that advertises dogs or puppies for sale.

Consumers will be educated about only sourcing dogs from dog owners that provide their dog owner number and the dog's microchip number. This will help members of the public source dogs and puppies from registered dog breeders that can be identified and held accountable.

To monitor compliance with this requirement, members of the public will be encouraged to report non-compliant advertisements to an enforcement agency.

### Local Government Response

The Local Government preference is that either the Department of Commerce or the Department of Local Government, Sport and Cultural Industries should be responsible for prosecuting dog owners and breeders that do not comply with the transfer and advertisement requirements.

## 9. Enforcement

### Consultation Paper Summary

Local Governments will be required to enforce the requirement that dog breeders, and owners of dogs that are not de-sexed unless they are exempt, are registered. Enforcement will involve:

- Processing dog breeder applications;
- Cancelling dog breeder registrations where non-compliance with the dog breeder conditions is discovered;
- Investigating dog breeding by unregistered dog breeders;
- Prosecuting or fining an unregistered dog breeder.

The expectation is that Local Governments will investigate non-compliance with the dog breeder requirements upon complaint. This could include inspecting premises to determine compliance with the Dog Act, including whether a dog owner is breeding dogs without being registered, or keeping more than the number of dogs allowed on their premises.

Economic modelling will be undertaken to assess the costs that Local Governments will incur as a result of enforcing these requirements.

### **9.1 To ensure dog breeders are complying with the requirements under the Dog Act, would your local government prefer to:**

Investigate non-compliance upon complaint - 85%

Undertake a regular inspection regime – 15%

### **9.2 Are the current fines under the Dog Act sufficient to cover the cost of investigating and enforcing non-compliance?**

Yes – 20%

No – 70%

Unsure – 10%

### Local Government Response

Legislation that prevents unregistered breeders from being active will be a key element to the success of the Stop Puppy Farming initiative. The Local Government sector recognises through its response that it will remain actively involved in receiving dog complaints including investigating activities of unregistered breeders. Future Stop Puppy Farming legislation will require robust enforcement powers and fines to ensure the sector and others potentially involved in investigations can adequately manage unregistered dog breeders.

## Summary

The consultation respondents indicated a general willingness that the Local Government sector retain a primary role in dog management and only extend this role to assist in the Stop Puppy Farming initiative where Local Government is the most obvious and capable agency. For this reason, extending the role of Local Government to one of an accreditation and inspection agency for pet shops, rescue organisations and shelters is not supported.

The current low level of cost-recovery for dog management remains an issue and will only be exacerbated if not addressed by the introduction of a more realistic fee structure. WALGA appreciates that the Ministerial Stop Puppy Farming Working Group, through the Department of Local Government, Sport and Cultural Industries, is planning to assess the cost impact of puppy farming regulatory changes on the Local Government sector and the potential impact of the new regulations will have on the sector's resourcing capacity. It is understood this work is due to commence in September/October 2018.

<b>5.3 Interim Submission on Green Paper – Modernising WA's Planning System: Concepts for a Strategically Led System (05-047-02-0015 VJ)</b>
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*By Vanessa Jackson, Policy Manager, Planning and Improvement*

## Recommendation

**That the interim submission to the Independent Planning Reform Team's Green Paper - *Modernising WA's Planning System: Concepts for a strategically-led system*, be endorsed.**

## In Brief

- In December 2017, the Minister for Planning commissioned an Independent Team to review the WA planning system. On 25 May 2018, a Green Paper was released to outline possible improvements to the planning system.
- Consultation with all stakeholders, including Local Government, was undertaken in June 2018 to assist in outlining the proposed changes in the Green paper.
- As the deadline for submissions was 20 July 2018, an interim submission was prepared.

## Attachment

The Green Paper *Modernising WA's Planning System: Concepts for a strategically-led system* is available at <https://www.planning.wa.gov.au/Planning-reform.aspx>

The interim submission on the Green Paper is also attached to this report.

## Relevance to Strategic Plan

### Key Strategies

#### Sustainable Local Government

- Represent the diversity of members' aspirations in the further development of Local Government in Western Australia;

#### Enhanced Reputation and Relationships



- Strengthen effective relationships with external peak bodies and key decision makers in State and Federal Government;
- Develop simple and consistent messages that are effectively articulated;

## Policy Implications

The Local Government sector supports the underlying principles of planning reform and the continuing focus of streamlining the planning system. (Resolutions July 2018 - 86.5/2018, Sept 2017 - 92.9/2017, March 2017 - 9.1/2017, December 2016 - 108.6/2016, September 2016 - 84.5/2016, March 2016 - 5.1/2016, December 2014 - 118.5/2014, December 2013 - 274.5/2013).

## Budgetary Implications

Nil.

## Background

Following National planning reform discussions by the Council of Australian Governments (COAG) in 2005 and 2011, the State's planning system has been the subject of a number of reviews including:

- *Building a Better Planning System* Consultation Paper released in March 2009, proposed a review of the Town Planning Regulations 1967 (Model Scheme Text) and also resulted in the release of Directions 2031 and Beyond; the Multi-Unit Housing Code, Model Subdivision Conditions and discussion papers on Development Assessment Panels and Structure Planning Guidelines;
- *Planning Makes It Happen - a Blueprint for Planning Reform* released after the public comment period for the above (September 2009) outlined the 11 strategic priorities and a further 22 actions that would be undertaken over a two year period, primarily focusing on statutory approvals processes and governance arrangements;
- In 2010, an amendment of the *Planning and Development Act 2005* saw the introduction of Development Assessment Panels, significant extension of improvement plans and planning control areas, a new head of power to create the overriding regulations for Local Planning Schemes, head of power for regulations to enable Local Government data collection, and additional Ministerial 'Call in' powers within Section 76 of the Act;
- In September 2013, the *Phase Two Blueprint for Planning Reform* discussion paper proposed a review of the *Planning and Development Act 2005*, a review of Development Assessment panels and the possible streamlining of the Scheme Amendment process; and
- In August 2014, the Minister for Planning introduced a range of new planning reform initiatives through *Phase Two Blueprint for Planning Reform*, which also resulted in the Planning and Development (Local Planning Schemes) Regulations being enacted in 2015.

In November 2017, the Minister for Planning, Hon Rita Saffioti commissioned an independent review of the planning system to identify ways to make it more efficient, open and understandable to everyone. On 25 May 2018, a Green Paper was released, prepared by the Planning Reform team led by Evan Jones, proposing five key reform areas for the planning system to be strategically-led, legible, transparent, efficient and delivering smart growth.

The release of the Independent Planning Reform Green Paper aligns with several WALGA resolutions that been made over the last few years, requesting an independent review be undertaken prior to any additional reforms being initiated. An Independent Review of the Planning System was raised at the August 2016 WALGA Annual General Meeting, and further considered at the WALGA State Council meeting on the 7 December 2016 (RESOLUTION 108.6/2016): -

1. *That WALGA request that the Minister for Planning initiate an independent review of decision making within the WA planning system, including the roles and responsibilities of State and Local Government and other decision making agencies, Development Assessment Panels and the State Administrative Tribunal appeal process, that gives consideration to:*

- a. *How the aspirations or values of the community are incorporated into the decision making framework;*
  - b. *What improvements are required to the statutory framework, including Local Planning Schemes, that would improve the transparency, certainty and consistency of the decision making process;*
  - c. *Ensuring that decision making occurs at appropriate levels that promotes good and efficient decisions for the community;*
  - d. *The erosion of the role of Local Government in planning for their communities; and*
  - e. *How the community can be better engaged in the metropolitan planning process.*
2. *That WALGA undertakes research on third party appeals around Australia and further consults with members regarding the current policy position.*

The request for an Independent Review was also considered within the review of Third Party Appeal Rights in Planning at the WALGA State Council meeting on 8 September 2017 (RESOLUTION 92.9/2017) :-

- (4) *WALGA continue to advocate that an independent review of decision making within the WA planning system is required, including the roles and responsibilities of State and Local Government and other decision making agencies, Development Assessment Panels and the State Administrative Tribunal appeal process.*

## Comment

Public comment was invited on the Green Paper - *Modernising WA's Planning System: Concepts for a strategically-led system*, with the feedback to be used by the Independent Team to inform a White Paper that will be provided to Government for formal consideration of the proposed reforms. The Green Paper was only a discussion paper and did not commit the State Government to adopt any of the proposals.

To assist in the discussions on the Green Paper the following sessions were arranged for the Independent Reform Team to present direct to members and to provide feedback into the preparation of a submission (attendees of each session are listed).

### 11 June 2018 - Webinar with Regional Local Governments

1 Elected Member & 39 officers from Busselton, Augusta-Margaret River, Beverley, Wyndham-East Kimberley, Mandurah, Ashburton, Dardanup, Greater Geraldton, Albany, Capel, Collie, Toodyay, Katanning, York, Denmark, Broome, East Pilbara and Nannup.

### 12 June 2018 - Workshop with Inner Metropolitan Local Governments

15 officers attended from Melville, Bassendean, Bayswater, Belmont, Cambridge, Canning, East Fremantle, Fremantle, Mosman Park, Peppermint Grove, South Perth, Vincent, Victoria Park and Stirling.

### 12 June 2018 - Workshop with Outer Metropolitan Local Governments

9 officers attended from Mundaring, Armadale, Kwinana, Gosnells, Kalamunda, Mandurah, Wanneroo, Murray and Serpentine Jarrahdale.

### 29 June 2018 – Information session and Webinar (hosted by the City of South Perth)

21 Elected Members & 7 officers attended from South Perth, Cottesloe, Joondalup, Subiaco, Northam, Fremantle, Melville, Armadale, Claremont, Mosman Park, Broome and Murray.

### 18 July 2018 – Information session (hosted by the City of Subiaco)

8 Elected Members & 4 Officers from Subiaco, Cambridge Cottesloe

The focus of the attached interim submission provides comment on each of the seventy seven (77) recommendations, however, the submission starts with the legislation/projects/planning issues that are missing within the Reform Team's Green Paper and must be considered in the preparation of the proposed White Paper.

The list of additional items are based on previous WALGA State Council resolutions and previous advocacy, as follows: -

- Provision of a Clear Implementation Plan
- Establishment of a Stakeholder Reference Group
- Review of Planning Fees and Charges
- Full Review of Development Assessment Panels
- Review of other State Government Planning Mechanisms
- Expansion of MRIT to other Regions
- Full Review of the Local Planning Manual
- Comprehensive Review of WAPC Delegations
- Review of the Single House Approval provisions
- Acknowledgement of Local Government Diversity
- Rationalisation of EPA referral process for 'basic' scheme amendments
- How the reforms will assist in preserving Local Character

The interim submission has:

- 16 recommendations that are supported as a 'Yes',
- 41 recommendations that are supported 'In Part',
- 16 recommendations that are referred to as 'No, Unclear' and
- 4 recommendations as a 'No' not supported.

The majority of these reforms (74%) stated that support is 'In Part' or 'No, Unclear' as without the clarity being provided, it is not clear whether the reforms will help to streamline the planning system, or just create another layer to an already complicated system. Other suggestions in the submission also request further clarity on how the proposed reforms are intended to be implemented, as it is critical to understanding whether they are practical improvements.

This approach in responding to the Green Paper has been taken, as there is the potential for the reforms to be expanded if the comment is just 'Yes' support. For example, this was the case in the original DAPs discussion papers where the original proposal of only 'State significant' DAP applications, was 'supported' by many Local Governments and WALGA. However, the resulting legislation was far from the original intent that was outlined in the initial discussion papers. Therefore, a small amount of caution has been placed over many of these proposed reform measures, as although the proposed reforms seem sound, full support is reserved until the exact details can be provided.

At the recent July 2018 State Council Meeting, the following resolution was also endorsed:

1. That State Council note the release of the Independent Planning Reform Green Paper and the consultation currently being undertaken with members;
2. That the WALGA interim submission should include that Third Party Appeal Rights for Development Assessment Panel should be addressed in the paper; and
3. That the WALGA interim submission should include that open and transparent Declarations of Interest should be addressed in the paper.

(RESOLUTION 86. 5/2018)

The inclusion of Third Party Appeal rights to Development Assessment Panels has been incorporated into section 3.6.7, and the request that the submission should include that open and transparent Declarations of Interest has been included in both section 3.6.3 (DAPs) and section 4.1.4 (WAPC) of the interim submission.

The public comment period closed on Friday July 20, 2018, therefore an interim submission was prepared. Formal comments on the Green Paper were received from eleven members to assist in the preparation of the interim submission as follows: Capel, Cockburn, Dardanup, Fremantle, Greater Geraldton, Mandurah, Murray, Rockingham, Stirling, Toodyay, Wanneroo and two individual submissions from Elected Members. Feedback from members was incorporated into the WALGA interim submission.

In accordance with State Council policy, the interim submission was referred to the Executive Committee for consideration. The interim submission has been submitted to the Independent Planning Reform Team to meet the public comment period deadline of 20 July 2018.

## **5.4 Regional Health Services in Western Australia – Survey of Local Governments (05-031-01-0001 EDR)**

*By Evie Devitt-Rix, Senior Policy Advisor, Community*

### **Recommendation**

**That the recommendations of the WALGA *Regional Health Services in Western Australian Survey of Local Governments* be endorsed.**

### **In Brief**

- In May 2017 the Murchison Zone requested assistance from WALGA on the matter of staffing arrangements for Regional Health Services. As a result of this request, WALGA staff met with WA Country Health Service (WACHS) and St John Ambulance late in 2017, to ascertain levels of assistance, and future opportunities, from these agencies.
- WALGA met with key stakeholders in December 2017 to determine opportunities to tailor existing and future resources to the needs of communities.
- The issue was brought to the WALGA State Council's Strategic Forum in March 2018 to determine the extent of the issue for Local Governments across Western Australia.
- In May 2018 WALGA conducted the Regional Health Services in Western Australia Survey of Local Governments, receiving a total of 161 responses from 91 Local Governments.
- This report summarises survey findings and makes recommendations for State Council endorsement.

### **Attachment**

WALGA Paper: Health Services in Regional Areas

### **Relevance to Strategic Plan**

### **Key Strategies**

#### Engagement with Members

- Deliver a broad range of benefits and services that enhance the capacity of member Local Governments;
- Improve communication and build relationships at all levels of member Local Governments;
- Provide ongoing professional development and interactive opportunities for Elected Members to contribute to debate on sector issues;
- Build a strong sense of WALGA ownership and alignment.

#### Sustainable Local Government

- Continue to build capacity to deliver sustainable Local Government;
- Provide support to all members, according to need;
- Represent the diversity of members' aspirations in the further development of Local Government in Western Australia;
- Foster economic and regional development in Local Government.

#### Enhanced Reputation and Relationships

- Communicate and market the profile and reputation of Local Government and WALGA;
- Promote WALGA's advocacy successes with the sector and the wider community;

- Strengthen effective relationships with external peak bodies and key decision makers in State and Federal Government;

## Background

At the May State Council meeting it was noted and carried that:

*The Murchison Country Zone raise with WALGA State Council and other relevant bodies the critical issue with regard to the Staffing of Health Centres in the Murchison region. This region recommends that Government policy should dictate that at least two nurses, as a minimum, should be stationed at Health Centres where there is no hospital.*

The shortage and/or lack of adequate staffing at remote nursing posts has been a problem for many years. The Parliament of Australia launched an inquiry into the nurse shortages and the impact on health services in 2002<sup>1</sup>. The report noted that workforce planning and education has been sporadic, poorly integrated and inadequate. At this time it was highlighted that recruiting and retaining skilled experience nurses, with no forecast to improvements, was likely. In conducting the Regional Health Services in Western Australia Survey of Local Governments (the Survey), in May 2018, it is evident there has been no change in presenting challenges.

Some other underpinning factors for consideration when discussing the shortages of health services in Western Australia may include:

- Ageing population, with age being a significant predictor of health, disability and chronic disease.
- Indigenous population life expectancy and prevalence of chronic disease and illness.
- Commonwealth Government policy reform to 'Ageing In Place' in 2000 and the introduction of Community Aged Care packages.
- The 2011 Western Australian Governments *Delivering Community Services in Partnership Policy* which emphasised the not-for-profit sector or community care services.
- Western Australian Department of Health 2018 strategic priority to reduce demand on hospital services by increasing ambulatory care and improved community care coordination.
- New technologies, such as Telehealth, and the impact on education and the scope of practice for nurses and allied health professionals.
- Variable healthcare expenditure from Commonwealth and State budgets and the expenditure on nurses and developing the health care workforce more broadly.
- Increased incidence of mental illness, depression and the emergence of social complexities such as child and elder abuse and violence.
- Increase knowledge and awareness of community and higher or shifting expectations of individuals on health services, both qualitatively and quantitatively.

These trends are exemplified in rural and remote areas where nurses are the major, and sometimes only provider of health services. Members of the Murchison Zone note that *working in a single person staffed remote area nursing post is dangerous and not liked by nurses. Having two nurses at Nursing Posts would encourage more nurses to work at these locations.*

WALGA engaged with members to ascertain the current and specific issues that are experienced by Local Governments across the State, in order to determine where to best direct energy in order to

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<sup>1</sup> Parliament of Australia (2002) Senate Standing Committee on Community Affairs, *Inquiry nurse shortages and the impact on health services*. Available online: [https://www.apf.gov.au/Parliamentary\\_Business/Committees/Senate/Community\\_Affairs/Completed\\_inquiries/2002-04/nursing/report/c02](https://www.apf.gov.au/Parliamentary_Business/Committees/Senate/Community_Affairs/Completed_inquiries/2002-04/nursing/report/c02)

enact change that will assist Local Governments in ensuring the communities they serve are best accommodated for.

## Comment

The most predominant themes to emerge from analysis of survey responses were:

1. **Workforce** challenges in recruiting and retaining doctors, nurses and allied health staff (health professionals).
2. **Distance** to travel to see a health professional.
3. **Access** to health professionals (Hours of operation or number of staff providing service).
4. **Aged care** services for people to stay within their region as they age are limited.

It is apparent from conducting the survey that some Local Governments are procuring the services of doctors and nurses in their communities. Those that do not pay for their wages directly, may provide financial incentives or are providing facilities.

Conducting the Regional Health Services in Western Australia Survey of Local Governments has highlighted the priority of this topic as a widespread area of concern for the majority of Western Australian Local Governments.

Local Governments have provided WALGA with specific responses to the concerns around levels of services and service delivery gaps in the regions and some have provided examples of how Local Government are driving solutions to meet needs and service the communities they serve. It is highly apparent that the types of challenges facing regional members are not experienced by their metropolitan counterparts, however this exercise has raised the profile of this important issue across all urban and regional Local Governments.

It can be concluded that there is significant work to be done before Local Governments can be confident in the coverage of health services in their communities.

<b>5.5 WA Foodborne Illness Reduction Strategy (05-031-01-0001 EDR)</b>
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*By Evie Devitt-Rix, Senior Policy Advisor, Community*

## Recommendation

**That the WA Food-borne Illness Reduction Strategy be endorsed.**

## In Brief

- In May 2018 the Department of Health approached the Association requesting that State Council endorse the WA Foodborne Illness Reduction Strategy 2018-2021+ (the WA Strategy).
- The WA Strategy was developed concurrently to a national Foodborne Illness Reduction Strategy, with the input of WA Local Governments through early consultation in March 2018, and representation on a Strategy Across-Government Advisory Group.
- WALGA assisted the Department of Health in seeking feedback from Local Governments on the WA Strategy and Priorities through our communications channels and contact list. Consultation was open for a period of four weeks in July, and resulted in no changes to the WA Strategy and Priorities.

## Attachment

WA Foodborne Illness Reduction Strategy

<http://ww2.health.wa.gov.au/~media/Files/Corporate/general%20documents/food/PDF/Foodborne-illness-reduction-strategy.pdf>

## Relevance to Strategic Plan

### Key Strategies

#### Engagement with Members

- Deliver a broad range of benefits and services that enhance the capacity of member Local Governments;
- Improve communication and build relationships at all levels of member Local Governments;
- Provide ongoing professional development and interactive opportunities for Elected Members to contribute to debate on sector issues;
- Build a strong sense of WALGA ownership and alignment.

#### Sustainable Local Government

- Continue to build capacity to deliver sustainable Local Government;
- Provide support to all members, according to need;
- Represent the diversity of members' aspirations in the further development of Local Government in Western Australia;
- Foster economic and regional development in Local Government.

#### Enhanced Reputation and Relationships

- Communicate and market the profile and reputation of Local Government and WALGA;
- Promote WALGA's advocacy successes with the sector and the wider community;
- Strengthen effective relationships with external peak bodies and key decision makers in State and Federal Government;
- Develop simple and consistent messages that are effectively articulated.

## Background

The Department of Health Food Unit worked closely with WALGA during the implementation of the *WA Food Act 2008* (circa 2007-2012). Since then, the implementation of the Act has matured and the focus of work has shifted to the *Public Health Act 2016*.

In April 2017 the Australia and New Zealand Ministerial Forum on Food Regulation (the Forum) agreed that the Food Regulation Standing Committee develop a national strategy outlining specific interventions across the food chain to reduce foodborne illness associated with *Campylobacter* and *Salmonella*. A consultation document was developed to facilitate the collaborative development of the Australian Foodborne Illness Reduction Strategy. Stakeholder consultation commenced on 12 February 2018 and closed on 29 March 2018.

On 29 June 2018, the Forum endorsed Australia's Foodborne Illness Reduction Strategy 2018-2021+. The WA Strategy was developed concurrently with Australia's Foodborne Illness Reduction Strategy, through consultation sessions to Local Governments in March 2018. Priorities to reduce Salmonellosis were also developed at this time, and are available on the WA Health website.

Consultation sessions with Local Governments were held at the Department of Health and included discussion on the following topics:

- Key challenges to managing the risks of foodborne illness;
- Aspects that should be covered by the WA Strategy;
- Initiatives/activities are already underway in this sector that could contribute to a national strategy;

- Proposed and additional activities that could be included in a national strategy;
- How the evidence-base for decision-making could be strengthened;
- Definition of success of the WA Strategy; and
- Involvement of the stakeholder group.

The WA Strategy was further developed through consultation with an Across-Government Advisory Group which included two Local Government representatives.

The WA Strategy aims to recognise Local Governments' integral role in monitoring food safety across Western Australia's more than 22,000 food businesses. The risk management approach outlined in the WA Strategy supports public health and good economic outcomes for the food industry and government.

Further guidance documents will be developed to accompany the WA Strategy and Priorities, and WALGA will assist with circulation and consultation on these documents.

## Comment

2017 was a record year for Salmonella levels, and Campylobacter levels are very high compared to comparable countries. More than any other state or territory, the role of Local Government in Western Australia is critical to the success of foodborne illness reduction. Local Governments in WA are directly appointed by the State Government, in regulation, to be the enforcement agency for 98+% of food businesses, including some farming establishments.

Once this document is endorsed, WALGA will promote the strategy in communications to the public and the Minister. Future work for the Association includes assisting in the development and dissemination of guidance documents and other material associated with the Strategy where possible, including engaging with officers and Elected Members on this issue.

The Department of Health has indicated they would then like to prepare a formalised State and Local partnership for foodborne illness reduction, which identifies how support and communication will be managed across State and Local Government, as addressed in priority 5 of the Implementation Plan.

WALGA will continue to work with the Department of Health to ensure that Local Government is supported through the implementation of the WA Strategy, and that their input is sought at each stage of the development of guidance documents to support the WA Strategy.

## 5.6 Developing a National Plan on Elder Abuse – Interim Submission (05-086-03-0004 KD)

*By Kirstie Davis, Policy Manager Community*

## Recommendation

**That the recommendations of the WALGA *Developing a National Plan on Elder Abuse – Interim Submission* be endorsed.**

## In Brief

- On 24 February 2016, the Australian Law Reform Commission (ALRC) received Terms of Reference to undertake an inquiry into Protecting the Rights of Older Australians from Abuse. In accordance with the *Australian Law Reform Commission Act 1996*, the ALRC released the [\*Elder Abuse—A National Legal Response\*](#)<sup>2</sup>, final report (ALRC Report 131, 2017).
- On 27 June 2018, Grahame Searle, Department of Communities, Director General wrote to Cr Lynne Craigie, WALGA President encouraging a submission to be made on behalf of the Local Government sector.
- Within the given timeframes, WALGA developed a draft submission to inform the sector wide submission.
- The interim submission was lodged with the Department of Communities on 16 July 2018.

<sup>2</sup> ALRC Report 131, 2017. Elder Abuse – A National Legal Response. Available online: [https://www.alrc.gov.au/sites/default/files/pdfs/publications/elder\\_abuse\\_131\\_final\\_report\\_31\\_may\\_2017.pdf](https://www.alrc.gov.au/sites/default/files/pdfs/publications/elder_abuse_131_final_report_31_may_2017.pdf)



## **Attachment**

Developing a National Plan on Elder Abuse – Submission

### **Relevance to Strategic Plan**

#### **Key Strategies**

##### Engagement with Members

- Deliver a broad range of benefits and services that enhance the capacity of member Local Governments;

##### Sustainable Local Government

- Continue to build capacity to deliver sustainable Local Government;
- Provide support to all members, according to need;
- Represent the diversity of members' aspirations in the further development of Local Government in Western Australia;

##### Enhanced Reputation and Relationships

- Communicate and market the profile and reputation of Local Government and WALGA;
- Promote WALGA's advocacy successes with the sector and the wider community;
- Strengthen effective relationships with external peak bodies and key decision makers in State and Federal Government;

### **Background**

Western Australia's overall ageing population is has risen 4% in the last four years and the national average has risen 8% of the total population in four years. Population projections anticipate these figures will continue to double. On page 45 of the ALRC Report, it is indicated that 'substantially more work is required to understand and conceptualise elder abuse in the Aboriginal context, especially among different groups in different circumstances'. A Western Australian study determined that most concerns about abuse in Aboriginal communities relate to taking advantage of an older person's financial resources. There is no doubt that there is a need to address the risk of abuse that faces people as they age. All states and territories experienced growth in people aged 65 years and over in the year ended 30 June 2015.

Development of a National Plan was a key recommendation of ALRC Report in order to address evidence of serious physical abuse, financial abuse, neglect and exploitation of older people.

#### **Comment**

The role and responsibility of Local Government in the management and prevention of elder abuse can be defined as:

- Implement local policies as aligned to State and Commonwealth legislation.
- Inclusion of National Plan principles in Access and Inclusion, Age Friendly and other localised plans that are reported through the Integrating and Reporting Framework.
- On the ground supports and responses through community capacity building and cultural change through community awareness initiatives.

Given the short timeframe between the request to provide a submission and the close date, WALGA developed a draft submission and sought feedback from State Council People & Place Policy Team and Executive Committee to inform the sector wide submission.

Feedback was received and included to inform the final interim submission which was lodged with the Department of Communities on 16 July 2018.

*By Marissa MacDonald, Policy Officer Transport and Roads*

## **Recommendation**

**That WALGA:**

- 1. Supports the consideration, where possible, of vehicle emissions during planning, designing and construction of large scale infrastructure projects.**
- 2. Supports the consideration of vehicle emissions during the process of purchasing new fleet, in addition to fleet policies.**
- 3. Supports the consideration of policies that facilitate the adoption of electric vehicles and electric vehicle charging infrastructure.**
- 4. Advocates to the proposed Infrastructure Western Australia body, when it is established by the State Government, to consider vehicle emissions as part of the assessment process and cost-benefit analysis for projects.**
- 5. Advocates to Infrastructure Australia to consider vehicle emissions such as particulate matter, other than greenhouse gas emissions, during the assessment of projects.**
- 6. Advocates to State Government for the broader implementation of the Department of Water and Environmental Regulation 'CleanRun' roadside emissions monitoring program, as a behaviour change initiative which has the potential to reduce fuel consumption.**

## **In Brief**

- In February 2017 the South Metropolitan Zone requested an investigation into vehicle diesel particulate emissions, transport, planning and human health. A report was prepared for the WALGA State Council Infrastructure Policy Team and it was recommended to conduct a broader assessment including the consideration of all vehicle emissions and actions that Local Governments have responsibility for.
- Motor vehicles emit carbon monoxide, nitrogen oxides, sulfur oxides, hydrocarbons and particulate matter that have adverse impacts on air quality, human health and community wellbeing.
- Local Governments are already carrying out tree planting programs and promoting alternative forms of transport to their communities to address air quality.
- While Local Governments have fleet purchasing policies that consider vehicle emission standards, there is opportunity that Local Governments may compare the output of vehicle emissions during the purchasing of new fleet, in addition to their fleet policies.
- The uptake of electric vehicles has been slow in Australia, however Local Governments may encourage the uptake of electric vehicles to their communities by creating policies or strategies and also considering the installation of supportive infrastructure such as charging stations.

## **Attachment**

Vehicle Emissions: Discussion Paper via link: <https://walga.asn.au/getattachment/Policy-Advice-and-Advocacy/Infrastructure/Urban-and-Regional-Transport/Vehicle-Emissions/Vehicle-Emissions-FINAL.pdf.aspx?lang=en-AU>

## **Relevance to Strategic Plan**

## **Key Strategies**

### Enhanced Reputation and Relationships

- Promote WALGA's advocacy successes with the sector and the wider community;
- Strengthen effective relationships with external peak bodies and key decision makers in State and Federal Government

## **Policy Implications**

Nil.

## **Budgetary Implications**

Nil.

## **Background**

At the 20 February 2017 meeting the South Metropolitan Zone requested that WALGA advocate to State Government that the impact on human health of vehicle diesel particulate emissions are fully integrated into transport and urban planning with a view to reducing the harm caused by them.

The Zone resolved for WALGA to:

- a) seek to ensure that diesel particulate emissions and their cost to human health and the consequent need to reduce them are integrated into all relevant State Government policies as these are updated and reviewed;
- b) advocate for an integrated approach by all levels of government to the reduction in absolute terms of vehicle diesel particulate pollution; and
- c) support the integration of the health costs of diesel particulate pollution into benefit – cost ratio analyses used to evaluate transport infrastructure and other significant projects.

A report on diesel emissions and transport planning was presented to the WALGA State Council Infrastructure Policy Team on 5 July 2017. Members concluded that Local Government policy and actions should focus on those matters for which they have responsibility, particularly land use planning, human health and community wellbeing. The Infrastructure Policy Forum endorsed a broader assessment including the consideration of all vehicle emissions. The importance of efficient supply chains to port for the economic wellbeing of West Australians was highlighted.

The Policy Team recommended that:

1. WALGA develops a succinct policy position in relation to ensuring vehicle emissions do not adversely affect community wellbeing through appropriate land-use planning and other cost effective measures.
2. The draft policy position be considered by WALGA Zones and State Council.

An amended paper was provided to the WALGA State Council Infrastructure Policy Team on 7 March 2018. The members concluded that the paper should be considered by the South Metropolitan Zone for further feedback and comment. A discussion paper was prepared for the South Metro Zone and was considered at the June 2018 meeting. The Zone resolved to support the recommended policy actions.

## **Comment**

Motor vehicles emit carbon monoxide, nitrogen oxides, sulfur oxides, hydrocarbons and particulate matter that have adverse impacts on air quality, human health and community wellbeing. Of particular concern are particulate matter emissions. Diesel engines emit particulate matter at levels higher than petrol engines. Particulate matter, mostly particles under 2.5 micrometers in diameter (PM<sub>2.5</sub>), can penetrate the lungs and can contribute to cardiovascular illness and death. Diesel emissions were

listed as a 'known carcinogen' by the International Agency for Research on Cancer, part of World Health Organisation, in June 2012. Additionally ozone, a secondary pollutant formed from the interaction of hydrocarbons and nitrogen oxides has detrimental effects on the environment and human health.

The continued growth in population, together with increased demand for transport and growing urbanisation will contribute to the growth in vehicle emissions over time. Busy congested roads and dense urban areas are more likely to have higher particulate and emission levels.

Australian ambient air quality standards and advisory reporting standards are set by the National Environment Protection Council (NEPC) under the National Environment Protection Measure for Ambient Air Quality. Air pollution levels are regularly monitored, and those exceeding acceptable levels are reported on.

The Commonwealth Government has had road vehicle emission standards for new vehicles in place since the early 1970s. Over time these have been progressively updated and strengthened to fall into line with the United Nations standards (Euro) where possible. The standards known as the Australian Design Rules are regulated under the *Motor Vehicle Standards Act 1989 (Cth)*. The current minimum standard for new heavy vehicles is Australian Design Rule 80/03, which is based on the Euro V standards and the current minimum standard for light vehicles is Australian Design Rule 79/03 and 79/04 based on Euro 5 standards. The Commonwealth Government is currently deliberating whether Australia should further adopt the Euro VI (heavy vehicles) and Euro 6 (light vehicles) emission regulations that were adopted in Europe in 2012 and 2014 respectively. Equivalent standards were also adopted in most developed countries. The Bureau of Infrastructure, Transport and Regional Economics has projected that nitrogen oxides and particulate matter for both light and heavy vehicles would plateau or increase by 2050 if Australia doesn't adopt more stringent vehicle emission standards over time

Infrastructure Australia, established is an independent statutory body which assesses, prioritises and progresses nationally significant infrastructure projects through an Infrastructure Priority List. Infrastructure Australia's assessment component includes greenhouse gas emissions which includes carbon dioxide, methane and nitrogen oxides. The scope of Infrastructure Australia's environmental impact assessment component could be further strengthened through the consideration of vehicle emissions other than greenhouse gas emissions.

The WA State Government announced in February 2018 its intention to set up Infrastructure Western Australia, based on the models in other States and Infrastructure Australia. This provides an opportunity to recommend that vehicle emissions are considered in the assessment framework for large scale infrastructure projects.

The Western Australian State Government is addressing air quality through Perth Air Quality Management Plan (AQMP) which was developed in 2000 provides strategic direction for air quality until 2029. In addition, as part of the plan the Department of Water and Environmental Regulation runs the 'CleanRun' roadside emissions monitoring program that monitors the exhaust emissions of passing vehicles using a remote sensing device. The program assists with identifying high emitting vehicles, helps drivers with identifying when their car needs servicing and raises awareness of vehicle emissions among drivers. It also assists drivers to understand the links between efficient vehicle performance and savings on fuel. The program only runs for a short time frame of two days per site and commonly only six sites and up to 20,000 vehicles are monitored. It would be beneficial if the program would continue over a longer period of time and more different locations. This would increase the accuracy of the vehicle emissions data collected.

Urban forest plays a significant role in improving air quality in inner city/metropolitan areas. Research has demonstrated that trees filter contaminants in air and reduce motor vehicle hydrocarbon and nitrogen oxide vehicle emissions. There are many WA Local Governments developing and implementing urban forest strategies and similar initiatives aimed at reducing the loss of trees and where possible increasing tree canopy cover. Local Governments are developing policies to address loss of trees on private land and are actively planting trees in public open spaces such as verges and parks and near car parks to improve air quality.

Most Local Governments have developed health or transport related strategic plans that include promoting alternative methods of transport (walking and cycling) to their communities which directly contributes to improving air quality. With the introduction and rollout of the Your Move program, in partnership between Local Governments and the Departments of Transport and Local Government, Sport and Cultural Industries, more local communities are being mobilised to pursue alternative modes of transport.

During the planning, designing and construction of large scale infrastructure projects, Local Governments could improve how they address overall air quality. Local Governments could consider following Main Roads WA's lead. This could include:

- where feasible adopting a preference for the installation of roundabouts, rather than traffic signals, as in most cases they reduce congestion resulting in less concentrated vehicle emissions in a particular area.
- using renewable/recycled materials that have a smaller carbon footprint and produce less emissions during construction.
- reporting plant emissions during construction of projects, including plant and vehicle fleet used. Ensuring that plant equipment used for construction meets current standards of Euro 5 (light vehicles) and Euro V (heavy vehicles).
- using the Infrastructure Sustainability Council of Australia's Rating Scheme to assess projects .

Local Governments have fleet purchasing policies that consider vehicle emission standards, however there is an opportunity that Local Governments may compare the output of vehicle emissions during the purchasing of new fleet. This would assist in identification of the vehicle with the least emissions and the lowest impact on local communities.

There are approximately two million electric vehicles being used worldwide, however only 1,369 electric vehicles were sold in Australia in 2016 which is approximately 0.1% of the market. While the uptake of electric vehicles has been slow in Australia, Local Governments may encourage the uptake of electric vehicles to their communities by creating policies or strategies and also considering the installation of supportive infrastructure such as charging stations.

<b>5.8 Interim Submission to the Independent Review of the Strategic Assessment of the Perth and Peel Regions (05-036-03-0020 NM)</b>
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*By Nicole Matthews, Environment Policy Manager*

## **Recommendation**

**That the interim submission to the Independent Review of the Strategic Assessment of the Perth and Peel Regions be endorsed.**

## **In Brief**

- The State Government announced the suspension of the Strategic Assessment of the Perth and Peel Regions (SAPPR) in April 2018, pending an independent review of the ongoing costs, risks and benefits for Western Australia.
- A four person panel has been appointed to undertake the review, which is due to report to Government by the end of 2018.
- On 3 July WALGA was invited to make a short submission to the review based on the terms of reference by 27 July. The interim submission is focused on the [terms of reference](#) of the review and builds on WALGA's State Council endorsed 2016 submission on the Green Growth Plan (GGP).
- The Submission expresses concern about further delay to the SAPPR process and reiterates the view that a strategic assessment is the best way forward to reduce uncertainty for future development. It stresses that the assessment must be based on a plan that is informed by the

best available data and research (including the likely impacts of climate change); that adequately addresses the long-term environmental impacts of development in the Perth and Peel; can be administered and implemented effectively within the WA environmental and planning systems; and has a sustainable funding mechanism.

- The Submission notes the short timeframe to make a submission was insufficient for consultation with Local Governments as required under the State and Local Government Partnership Agreement. In light of this WALGA has encouraged affected Local Governments to make submissions directly to the Review Panel. WALGA has made clear its expectation that the Government will consult fully with Local Government when considering the recommendations of the SAPPR Review.
- WALGA organised a workshop on 13 August for Local Governments to provide their views directly to the review panel.
- WALGA is now seeking State Council endorsement of the interim submission.

## **Attachments**

- WALGA Interim Submission to the Independent Review of the SAPPR
- WALGA media release: [Decision Leaves Doubt On Future Land Use](#), 18 April 2018
- Review [Terms of Reference](#)

## **Relevance to Strategic Plan**

### **Key Strategies**

#### Engagement with Members

- Deliver a broad range of benefits and services that enhance the capacity of member Local Governments;
- Improve communication and build relationships at all levels of member Local Governments;
- Provide ongoing professional development and interactive opportunities for Elected Members to contribute to debate on sector issues;
- Build a strong sense of WALGA ownership and alignment.

#### Sustainable Local Government

- Continue to build capacity to deliver sustainable Local Government;
- Provide support to all members, according to need;
- Represent the diversity of members' aspirations in the further development of Local Government in Western Australia;
- Foster economic and regional development in Local Government.

#### Enhanced Reputation and Relationships

- Communicate and market the profile and reputation of Local Government and WALGA;
- Strengthen effective relationships with external peak bodies and key decision makers in State and Federal Government;
- Develop simple and consistent messages that are effectively articulated.

## **Policy Implications**

WALGA's interim submission on the Green Growth Plan was endorsed by State Council in July 2016 (63.4/2016). In endorsing the submission, State Council directed WALGA to seek a State Government commitment to a timeline for the delivery of a both an implementation plan and an equitable funding model, and to ensure full consultation occurs with the affected Local Governments. The final submission was amended accordingly and this point was stressed when the final submission was provided to the Department of the Premier and Cabinet (DPC).

## **Budgetary Implications**

Nil.

## Background

The SAPPR process commenced in July 2011 and resulted in the release of the draft Perth and Peel Green Growth Plan (GGP) in December 2015. The SAPPR process and GGP were designed to improve environmental and development outcomes by securing approval under Part 10 of the *Commonwealth Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act) and deliver streamlined approvals processes under the Western Australian *Environmental Protection Act 1986* (EP Act) for development forming one of the following 'classes of action':

- Urban and industrial development;
- Rural residential development;
- Infrastructure development;
- Basic raw materials extraction; and
- Harvesting of pine plantations.

The draft GGP identified a series of conservation and environmental outcomes and objectives that it would seek to achieve over its 30 year lifespan. Most notable amongst these commitments were:

- The designation of 170,000 ha new and expanded conservation reserves;
- The harvesting and removal of 24,348 ha of pine plantations to promote ground water recharge and replanting of 5,000 ha of pine plantations for Carnaby's cockatoo habitat; and
- An Urban and Industrial Development Action Plan that set out additional dwelling supply targets of:
  - Infill 47% / 377,105 ha;
  - Undeveloped zoned urban 36% / 283,749 ha; and
  - Urban expansion 17% / 131,691 ha.

WALGA made a comprehensive submission to the DPC on the GGP in May 2016 (endorsed by State Council in July 2016). The submission was informed by two workshops attended by Local Government Officers and Elected Members from 22 different Local Governments, and individual Local Government submissions.

The WALGA Submission supported the GGP's intent to integrate environmental outcomes within land use planning by incorporating environmental considerations at the outset of regional planning across the Perth and Peel regions. The intention of improving certainty in the development process was also supported. However the submission expressed concerns about a number of aspects of the GGP, in particular the failure to set out a clear implementation and funding plan. The draft GGP did not provide any details regarding the funding arrangements which undermined its objectives and created doubt as to how it would be successfully implemented. In addition to the absence of funding details, the GGP failed to provide full details regarding implementation and connection with land use planning instruments and other statutory controls. In the absence of these details, the Association's submission called on the State Government to commit to a timetable and a consultation process for the development and implementation of both a sustainable funding mechanism and an agreed implementation plan for the Green Growth Plan.

There has been no response to submissions or consultation with stakeholders since the end of the public comment period in 2016. WALGA officers met with DPC officials on numerous occasions during 2017 and were advised that changes to the plan, including additional conservation measures to address impacts on Carnaby's Cockatoo were being considered, but that no decisions had been made by the State Government about whether the SAPPR would proceed. Advice from DPC in early 2018 was that a revised Plan would be released in mid-2018.

The State Government subsequently announced in April 2018 that the SAPPR was to be suspended pending an independent review of the ongoing costs, risks and benefits for Western Australia. In announcing the suspension, the Government indicated that while much good work had been done, "the project presents many policy, legal and financial challenges which have been proving difficult to resolve, amongst the competing priorities of the government."

A four member panel has been appointed to conduct the review: Mr Darren Cooper (Chair), Ms Robyn Glindemann, Mr Ross Holt and Professor Michael Poole. The review is being overseen by the Deputy Premier, the Hon. Roger Cook MLA. The panel is to report by the end of 2018.

## Comment

In the WALGA [media statement](#) issued on the day the SAPPR was suspended, President Cr Lynne Craigie said that “the Local Government sector was concerned that the delay in implementation of the SAPPR would derail long-term land use planning and development decisions” and called for “an equitable, transparent and low-impact funding mechanism with a clear plan for implementation of the Green Growth Plan.”

WALGA wrote to the Chair of the review on 18 June 2018 to reiterate support for the SAPPR and its commitment to working constructively with the Panel and the State Government to develop a feasible way forward that realises benefits for all parties. WALGA also stressed the need for consultation in line with the Partnership Agreement and asked that relevant information pertaining to the issues under consideration by the review be made available to stakeholders to inform their submissions.

The Panel invited WALGA to provide a two page submission to the review by 27 July. Given the short timeframe, WALGA has encouraged Local Governments to make their own submissions to the Panel and has also arranged for a workshop for Local Governments to make direct representations to the review panel on 13 August. WALGA will meet with the review panel on 20 August to follow up on the submission and workshop.

The attached submission to the SAPPR review is framed around the [terms of reference](#) and builds on the Association’s 2016 GGP submission. It notes that there are 37 Local Governments within or adjacent to the SAPPR boundary and that the outcomes of the assessment have potentially significant implications for these Local Governments both in terms of their statutory land use planning responsibilities and as land owners and managers. The main points made in the submission are:

- That a strategic assessment based on a plan with clearly defined objectives, supported by the best available data and a sustainable funding mechanism offers the best opportunity to deal with the cumulative impacts of development on state and national environmental values and thereby reduce regulatory burden and increase certainty for future development;
- That long unresolved issues around how the any resulting plan would be implemented within Western Australia’s environmental and planning legislative frameworks has been a fundamental failing of the SAPPR to date and must be addressed;
- That there must be robust assurance and adaptive management mechanisms developed to ensure that any resulting plan is implemented as agreed, is achieving its objectives and allows some degree of flexibility to accommodate new scientific information if required;
- That the costs and benefits of implementing the SAPPR must be viewed in comparison to the costs and benefits of the existing planning and environmental approval processes (including the costs of duplication and delays to development), including the current piecemeal approach to the identification and acquisition of offset land by proponents;
- There are a number of mechanisms that could potentially be used to implement the SAPPR and/or provide for environmental outcomes, including an extension to the Metropolitan Region Improvement Tax to include the Peel and Greater Bunbury Region Scheme areas; incorporation of specific controls for conservation through amendments to the Metropolitan Region Scheme; extension of development contributions to cover provision of offsets; and the creation of a coordinated strategic environmental offset fund; and
- That a continuation of the status quo of project by project assessment and the need for separate EPBC Act approval is not feasible. Without a long term plan to manage and conserve the environmental values of the Swan Coastal Plan, assessments will become more complex and as cumulative impacts and risks the environment escalate, raising costs and uncertainty.



## **5.9 Interim Submission on Proposed new Biodiversity Conservation Regulations and Ministerial Guidelines (05-014-01-0002 MD)**

*By Melanie Davies, Biodiversity and Sustainability Project Officer*

### **Recommendation**

**That WALGA's interim submission to the Department of Biodiversity, Conservation and Attractions supporting the new Biodiversity Conservation Regulations and Ministerial Guidelines be endorsed.**

### **In Brief**

- The Department of Biodiversity, Conservation and Attractions (DBCA) has drafted new Biodiversity Conservation Regulations, which will provide for the licensing and management of activities that affect biodiversity.
- Ministerial Guidelines have also been prepared, which provide detail on the criteria and procedures for the listing of threatened species and ecological communities, other specially protected species, critical habitat and key threatening processes.
- WALGA has prepared a submission to DBCA which supports the draft Biodiversity Conservation Regulations and Ministerial Guidelines, and also makes comment on particular activities and licensing arrangements.

### **Attachment**

1. WALGA Interim Submission to DBCA on the draft Biodiversity Conservation Regulations and Ministerial Guidelines
2. InfoPage on the draft Biodiversity Conservation Regulations and Ministerial Guidelines via link: [https://walga.asn.au/getattachment/Policy-Advice-and-Advocacy/Environment/Biodiversity-Conservation-Act-Regulations-and-Ministerial-Guidelines-InfoPage-Final-\(1\).pdf.aspx?lang=en-AU](https://walga.asn.au/getattachment/Policy-Advice-and-Advocacy/Environment/Biodiversity-Conservation-Act-Regulations-and-Ministerial-Guidelines-InfoPage-Final-(1).pdf.aspx?lang=en-AU)

### **Relevance to Strategic Plan**

#### **Key Strategies**

##### Engagement with Members

- Deliver a broad range of benefits and services that enhance the capacity of member Local Governments.

##### Sustainable Local Government

- Continue to build capacity to deliver sustainable Local Government;
- Provide support to all members, according to need;
- Represent the diversity of members' aspirations in the further development of Local Government in Western Australia.

##### Enhanced Reputation and Relationships

- Strengthen effective relationships with external peak bodies and key decision makers in State and Federal Government.

### **Background**

The *Biodiversity Conservation Act 2016* (BC Act) was partially proclaimed in the *Government Gazette* on 2 December 2016. Certain provisions of the Act are now in operation, including the ability to establish biodiversity management programmes, and biodiversity conservation agreements and covenants. The Act replaces the *Wildlife Conservation Act 1950* and the *Sandalwood Act 1929*, which are outdated and lack modern biodiversity conservation objectives and provisions.

The remaining provisions of the Act will come into effect when the Biodiversity Conservation Regulations (BC Regulations) commence. The Biodiversity Conservation Regulations have been drafted, and it is intended they will be published in the *Government Gazette* by mid-September 2018. Following publication, the Biodiversity Conservation Regulations will not come into effect until 1 January 2019 to enable a period of education and awareness raising. The Biodiversity Conservation Regulations include provisions for the licensing and management of activities that affect biodiversity. It is intended that the BC Regulations streamline processes and reduce regulatory red tape.

- For the first time in Western Australia, the Biodiversity Conservation Act provides a statutory basis for the listing of threatened ecological communities, other specially protected species, critical habitat and key threatening processes. DBCA has prepared six draft Ministerial Guidelines, which provide detail on the criteria and procedures that apply.
- WALGA supports the identified fee structures in the Biodiversity Conservation Regulations, however recommends that recovered income is allocated to items that support the Biodiversity Conservation Acts objectives of the conservation and protection of biodiversity and its ecologically sustainable use. This may include the employment of additional staff in environmental regulations and compliance functions, streamlined application processes, and improved data collection and management to inform adaptive management.
- WALGA commends the Biodiversity Conservation Act and supporting Ministerial Guidelines for adopting internationally recognised methodology and a best practice approach to the conservation and protection of biodiversity in Western Australia. The adoption of an approach that seeks to implement a common assessment method and national uniformity in listing processes is supported.

## Comment

DBCA released the Biodiversity Conservation Regulations and Ministerial Guidelines for public comment on 11 July. WALGA organised a briefing by DBCA on the key areas of relevance to Local Government on 26 July, and promoted the draft BC Regulations and Ministerial Guidelines in an InfoPage. To assist with feedback, DBCA provided stakeholders with discussion notes that summarised the content of the Biodiversity Conservation Regulations. Upon request, the draft Biodiversity Conservation Regulations were also made available to WALGA to provide 'in confidence' to interested members.

Comments on the Biodiversity Conservation Regulations were required by 31 July, however WALGA was granted an extension until 10 August to enable consideration of submissions from the sector. The sub-optimal consultation timeframe of 4 weeks was noted in WALGA's submission. DBCA did advise that comments could be received on the discussion notes and Ministerial Guidelines up until 30 September. Feedback provided at this later date would not be able to be incorporated in the BC Regulations prior to publication in mid-September, hence was not considered by WALGA to be genuine consultation. This issue was raised with DBCA, who recognised the limitations but were constrained by the timeframe under the Biodiversity Conservation Act to publish the Biodiversity Conservation Regulations.

One submission from the Town of Port Hedland was received, together with informal comments from the Local Government Authorities of Toodyay, Canning and Swan, and the South West Group voluntary regional organisation of councils.

Out-of-session approval for the submission by the Executive Committee was sought on 9 August 2018. The interim submission notes that WALGA reserves the right to modify or withdraw the comments provided as directed by State Council.

The Biodiversity Conservation Act strengthens biodiversity conservation in Western Australia. Notably, the Biodiversity Conservation Act increases protection for threatened species and communities by introducing new maximum penalties for illegal taking of \$500,000 for an individual

and \$2.5 million for a corporation (compared to \$10,000 under the Wildlife Act). New maximum penalties for unlawful sandalwood harvest are \$200,000 for an individual and \$1 million for a corporation (compared to \$200 under the Sandalwood Act). Overlap with fisheries legislation has been removed and there is greater protection for whales and dolphins.

**10 August 2018**

**Ref: 05-014-01-0002MD**

Office of the Director General  
Department of Biodiversity, Conservation and Attractions  
17 Dick Perry Avenue  
Technology Park, Western Precinct  
KENSINGTON WA 6151

Dear Sir/Madam,

### **COMMENTS ON THE DRAFT BIODIVERSITY CONSERVATION REGULATIONS AND MINISTERIAL GUIDELINES**

The Western Australian Local Government Association (WALGA) is the peak industry body for Local Government in Western Australia. WALGA is an independent, membership-based organisation that represents and supports the interests of 138 Local Governments in WA.

WALGA thanks the Department of Biodiversity, Conservation and Attractions (DBCA) for the opportunity to comment on the Draft Biodiversity Conservation Regulations (BC Regulations) and Ministerial Guidelines. WALGA received notification on 11 July that the BC Regulations and Ministerial Guidelines were open for comment. On 17 July, WALGA promoted the opportunity to attend a briefing by DBCA on the key areas of relevance to Local Government, and summarised the content of the BC Regulations and Ministerial Guidelines in an InfoPage (Attachment 1). The briefing was attended by the Local Government Authorities of Toodyay, Canning and Swan, together with a member of the South West Group (which represents the Local Government Authorities of Cockburn, East Fremantle, Fremantle, Kwinana, Melville and Rockingham).

DBCA advised that the BC Regulations would be published in the *Government Gazette* by 21 September 2018, the final date of the allowable two year transition period following the partial proclamation of the *Biodiversity Conservation Act 2016*. Comments to DBCA were due by 31 July, however WALGA was granted an extension until 10 August.

WALGA received one submission from the Town of Port Hedland in response to the invitation to contribute to a coordinated submission. The Local Governments that attended the DBCA briefing provided feedback during discussions, which is also detailed within this submission.

In providing this submission, WALGA wishes to state at the outset that the 4 week timeframe provided by DBCA did not meet the 8 week consultation period with Local Governments as required under the State and Local Government Partnership Agreement signed by the Premier in August 2017. As such, the Association reserves the right to modify or withdraw this submission as directed by State Council, at the next meeting to be held on 6 September 2018. WALGA's expectation is that the State Government will consult with Local Government in accordance with the timeframes set out in the Partnership Agreement when regulations or other compliance requirements will have an impact on Local Governments responsibilities or operations.

#### ***Biodiversity Conservation Regulations***

Based on feedback received from Local Government submissions and attendance at the DBCA briefing, WALGA provides in-principle support for the draft Biodiversity Conservation Regulations. Feedback on particular activities and licensing arrangements are as follows:

- *the sale of commercial firewood or log timber:* WALGA supports the introduction of a licence to collect commercial firewood or log timber from private property for sale directly to the public or a wholesaler, with the licence number on display. Some Local Governments have noted illegal felling of trees and removal of firewood from national parks and local reserves within their municipality. Such activity can result in the spread of dieback (*Phytophthora* sp.) and other soil borne pathogens, and also lead to removal of hollow logs and fallen timber that provides valuable habitat for local mammals, birds and insects. To date, management of the issue has been problematic for Local Government, as the origin of the wood is difficult to prove unless the perpetrator was caught in the act. WALGA considers the new licence provisions will assist land managers ascertain whether collected timber has been lawfully obtained, and that timber is not sold for commercial gain unless authorised. It will also provide a controlled market for a valuable clearing by-product (e.g. from fire break maintenance) that is currently under-utilised due to the lack of regulations supporting commercial sale.
- *management of overabundant fauna or fauna outside its natural range:* WALGA supports the definition of Managed Fauna areas using Local Government Authority boundaries. WALGA hopes the collection of data on the numbers of individual culled through the licence reporting system will help build knowledge of species population sizes. This is required to inform the target take numbers by land managers, where management rather than eradication is the desired outcome. WALGA also recommends that education materials are produced and provided to Local Government Authorities on managed fauna species, which provides photographs and key identifying features of each species. This will help to educate the public and avoid the accidental take of non-target species.
- *sandalwood supply, processing and dealing:* WALGA supports the introduction of a licence to harvest wild and cultivated sandalwood on private land to ensure the legal origin of sandalwood can be established.
- *flora processing and dealing:* WALGA supports the regulation of activities involving the commercial harvesting and selling of native flora, including flowers, seed and whole plants. The Town of Port Hedland in particular noted regular requests for permission to collect seeds from within its municipal lands, and values the introduction of a clear licensing system to ensure collections occur in accordance with licence conditions.
- *biological surveys and fauna relocation:* WALGA supports the proposed change to allow environmental consultants and researchers to apply for a licence that authorises a range of standard operating methods for related activities over multiple years, rather than for particular projects. It is recommended that the terms or conditions of the licence requires demonstration of the skills, qualifications or experience required by the person who takes, manages or releases fauna under the licence, in addition to a description of the standard operating methods that must be used. In the absence of an accreditation system for environmental consultants, WALGA considers that this is important to ensure competent personnel are licensed to undertake works, and that they operate as per the best practice approach.
- *feeding of wildlife:* WALGA supports prohibition of the feeding of fauna through the fauna disturbing licences for commercial or other purposes. However, these controls do not assist Local Governments who have reported difficulties in managing the public feeding of wildlife, despite ongoing education campaigns and signage. In particular, the feeding of aquatic birds at wetlands, and pest birds attracted to the deliberate provision of food in private residences, can result in sick wildlife, fouling of local areas, potential transmission of disease, and unwanted intrusion of nuisance species (e.g. Australian White Ibis, Australian Raven, introduced corellas) into neighbouring residences. WALGA recommends that DBCA provide Local Government with information on offences and penalties that may be applied if required to manage non-commercial feeding under the BC Regulations, as part of the awareness raising period before the new Regulations come into effect on 1 January 2019.
- *commercial take of kangaroos:* WALGA supports the proposed changes, however recommends a reference to the Western Australian *Food Act 2008* to ensure that all carcasses taken with an end use of consumption are managed appropriately. As part of the licensing

process, it is recommended that registrations of meat processing facilities under the *Food Act 2008*, together with Hazard Analysis Critical Control Plans are also submitted. This process would trigger consultation with the Department of Health to ensure that the licence applicant is reputable.

- *keepers and dealers of aviculture and herpetofauna*: WALGA supports the proposed regulation of the keeping of, and trade, of birds, reptiles and amphibians. It is recommended that DBCA notify the relevant Local Government Authority when an application for the commercial breeding and sale of animals is received, to ensure that all activities that may require assessment and approval under local town planning schemes are captured.
- *display of fauna*: WALGA supports the proposed changes to the arrangements for the regulation of wildlife for display. It is recommended s. 129 of the BC Regulations are amended to provide the conditions, inspection process and required action(s) of a wildlife officer to ensure that the ongoing welfare of animals kept for display is protected.
- *fees and charges*: WALGA considers the identified fee structures in the BC Regulations are non-restrictive and appropriate. WALGA supports the use of a higher licence application fee and reduced renewal fee that reflects the differing level of assessment required. Section 150 of the BC Regulations states that money will be credited to the Biodiversity Conservation Account, and DBCA have advised that all income from fees and charges will be reinvested into consolidated revenue. WALGA recommends a similar allocation of income to that used by the Department of Water and Environmental Regulation (DWER) in the 2018-19 budget. DWER have stipulated that funds recovered through a new fee structure for environmental regulation services, including prescribed premise licences and works approvals, will be allocated to the employment of additional staff in environmental regulation and compliance functions, and invested in new systems such as the development of a streamlined online application process.
- *penalties*: Section 255(4) of the Biodiversity Conservation Act states “*the regulations may provide for offences against the regulations and prescribe penalties for those offences not exceeding a fine of \$50,000*”. The penalties outlined in Schedule 7 of the BC Regulations are substantially lower than the maximum allowed. As per s. 277 of the BC Act, it is recommended a review of the effectiveness of the licensing and compliance provisions at achieving the objectives of the Act is undertaken at the first five year anniversary following commencement.

### **Ministerial Guidelines**

WALGA commends the BC Act for providing, for the first time, a statutory basis for the listing of threatened ecological communities, other specially protected species, critical habitat and key threatening processes in Western Australia. WALGA believes the BC Act provides a modern approach to the conservation and protection of biodiversity in Western Australia, and aims to provide national uniformity with listing processes in the states, territories and commonwealth.

WALGA supports the criteria and procedures outlined in Ministerial Guidelines 1 to 6. The use of the internationally recognised IUCN assessment criteria, and alignment with the IUCN Red List categories, ensures Western Australia adopts best practice methodology. WALGA also supports the introduction of community consultation mechanisms, such as public nominations for listing.

Should you wish to discuss this submission, please contact Melanie Davies, Biodiversity and Sustainability Project Officer, at [mdavies@walga.asn.au](mailto:mdavies@walga.asn.au) or telephone 9213 2065.

Yours sincerely

**Ricky Burges**  
**CHIEF EXECUTIVE OFFICER**

ATTACHMENT 1: InfoPage on the Draft Biodiversity Conservation Regulations and Ministerial Guidelines

ATTACHMENT 2: General corrections to Biodiversity Conservation Regulations

<b>5.10 2018 WALGA Annual General Meeting (01-003-02-0003 TL)</b>
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*By Tim Lane, Manager Strategy and Association Governance*

## **Recommendation**

**That:**

- 1. The Motions passed by the 2018 Annual General Meeting be noted; and,**
- 2. Items 4.2, 4.3 and 4.4 be forwarded to the relevant State Council Policy Teams for action.**

## **In Brief**

- The WALGA Annual General Meeting was held on Wednesday, 1 August 2018 at the Perth Convention and Exhibition Centre;
- Four motions were adopted by the meeting;
- Item 4.1 amended the WALGA Constitution and the amendments have now taken effect;
- Items 4.2, 4.3 and 4.4 were also endorsed by the meeting; and,
- It is recommended that items 4.2, 4.3 and 4.4 be forwarded to the relevant Policy Teams of State Council for action, as is standard practice.

## **Attachment**

Minutes of the 2018 WALGA Annual General Meeting can be found here: <https://walga.asn.au/About-WALGA/WALGA-AGM-Agenda-and-Minutes.aspx>

## **Relevance to Strategic Plan**

### **Key Strategies**

#### Engagement with Members

- Deliver a broad range of benefits and services that enhance the capacity of member Local Governments;
- Improve communication and build relationships at all levels of member Local Governments;
- Provide ongoing professional development and interactive opportunities for Elected Members to contribute to debate on sector issues;
- Build a strong sense of WALGA ownership and alignment.

#### Sustainable Local Government

- Continue to build capacity to deliver sustainable Local Government;
- Provide support to all members, according to need;
- Represent the diversity of members' aspirations in the further development of Local Government in Western Australia;
- Foster economic and regional development in Local Government.

#### Enhanced Reputation and Relationships

- Communicate and market the profile and reputation of Local Government and WALGA;
- Promote WALGA's advocacy successes with the sector and the wider community;
- Strengthen effective relationships with external peak bodies and key decision makers in State and Federal Government;
- Develop simple and consistent messages that are effectively articulated;
- Promote WALGA's supplier agreements to assist Local Governments.

## Policy Implications

Nil.

## Budgetary Implications

Nil.

## Background

The 2018 WALGA Annual General Meeting was held on Wednesday, 1 August at the Perth Convention and Exhibition Centre.

Five items were considered by the meeting, including one item of special urgent business.

Item 4.1 related to amendments to the WALGA Constitution to:

1. Ensure metropolitan and country representation in the two office bearer positions of President and Deputy President;
2. Ensure the Presidency of WALGA rotates between the Metropolitan and Country constituencies;
3. Apply State Councillor eligibility provisions to ex-officio members of State Council;
4. Broaden the State Councillor eligibility provisions to incorporate numerous types of Ministerial Suspension of a Council or Councillor;
5. Clarify that the WALGA President is entitled to vote in elections for the positions of President and Deputy President;
6. Update the name of Local Government Professionals Australia WA; and,
7. Broaden the Zone delegate eligibility provisions to incorporate numerous types of Ministerial Suspension of a Council or Councillor.

These Constitutional amendments were previously endorsed by State Council by special majority at the May 2018 meeting of State Council.

The remaining items were:

- 4.2 – Roadside Vegetation: Regulatory Amendments;
- 4.3 – GST Revenue Distribution Share for WA
- 4.4 – Rural, Regional and Remote Community State Government Funding Cuts
- 4.5 – Matter of Special Urgent Business – Proposed Amendments to *Planning and Development (Local Planning Schemes) Regulations 2015*

Items 4.2, 4.3, and 4.4 were endorsed by the meeting, while Item 4.5 was lost. It is standard process for items passed by the Annual General Meeting to be referred to the relevant Policy Team of State Council for action.

As per WALGA's Corporate Governance Charter, the Policy Teams are comprised of six State Councillors and are responsible for the following functions:

- *To advise the State Council on the development, implementation and review of Association policy in the relevant areas.*
- *To ensure all policy proposals are considered in terms of their economic, social and environmental impacts.*
- *To monitor and report to State Council on the activities of State and Federal Governments in relevant policy areas.*
- *To monitor and report to State Council on the activities of the major political parties in Opposition in relevant policy areas.*
- *To investigate, research and advise the State Council on emerging strategic issues relative to the relevant policy area.*

- *To consult with Member Local Governments, key external agencies and other stakeholders on policy issues in the relevant area for the development of recommendations to the State Council.*
- *To assist the President, Deputy President, State Councillors and CEO in the advocacy of the Association's policy positions.*
- *To promote the Association's policy positions to Member Local Governments.*
- *To action directions from the State Council.*
- *To develop, monitor and report on Key Result Areas as endorsed by the State Council.*

## **Comment**

Item 4.1 to amend WALGA's Constitution was passed by special majority and those amendments have now come into effect. Details of the amendments can be found in the Minutes of the 2018 Annual General Meeting, the Minutes of the May 2018 meeting of State Council or in the amended Constitution available on the WALGA website.

The remaining motions that were carried by the meeting are detailed below.

It is recommended that the motions below be referred to the relevant Policy Teams of State Council for action as is standard process.

### **Item 4.2 – Roadside Vegetation: Regulatory Amendments**

*That the Environmental Protection (Clearing of Native Vegetation) Regulations 2004 be amended to permit clearing or reduction of vegetation:*

1. *Within 30m of all farm driveways/gates/entrances; and,*
2. *On road bends and intersections obstructing 'line of sight', be cleared.*

It is recommended that *Item 4.2 – Roadside Vegetation: Regulatory Amendments* be forwarded to the Infrastructure Policy Team for action.

### **Item 4.3 – GST Revenue Distribution Share for WA**

*That WALGA adopts a policy and position as the representative of the WA Local Government section to persistently seek and advocate for an increase of the GST distribution share back to Western Australia.*

It is recommended that *Item 4.3 – GST Revenue Distribution Share for WA* be forwarded to the Governance and Organisational Services Team for action.

### **Item 4.4 – Rural, Regional and Remote Community State Government Funding Cuts**

*That WALGA express its deep concern to the W.A State Government regarding the continued attack on rural, regional and remote communities in W.A through reducing funding to critical services and infrastructure programs, cuts that disproportionately discriminate against already disadvantaged communities across W.A.*

It is recommended that *Item 4.4 – Rural, Regional and Remote Community State Government Funding Cuts* be forwarded to the People and Place Policy Team for action.

**Moved Cr Butler**  
**Seconded Cr Smith**

**That WALGA recommendations 5.2 to 5.10 be endorsed.**

**Carried**



# MATTERS FOR NOTING / INFORMATION

## 6.1 State and Local Government Partnership Agreement Update (04-001-03-0001 TL)

*By Tim Lane, Manager Strategy and Association Governance*

### Recommendation

**That State Council note the update on the State and Local Government Partnership Agreement.**

### In Brief

- The State and Local Government Partnership Agreement was signed by the Premier, Minister for Local Government, WALGA President and LG Professionals President, in August 2017;
- When endorsing the signing of the Agreement, State Council resolved for State Council to be updated regularly regarding the Agreement;
- As detailed in this item, it is the view of the secretariat that progress has been made since the signing of the Agreement in August 2017;
- The State Local Government Partnership Agreement Leadership Group comprising the Premier, Treasurer, Minister for Local Government, Minister for Transport; Planning; Lands, WALGA President and LG Professionals Deputy President met in June 2018;
- The Leadership Group agreed that the Agreement has guided relationships and improved communication between the two spheres of Government and that a Working Group to undertake the business of the Agreement would be established; and,
- Following their first meeting, the Leadership Group issued a Communique outlining issues discussed and action to be taken, which is reproduced in this agenda item.

### Attachment

State and Local Government Partnership Agreement – via link:

<https://walga.asn.au/getattachment/News,-Events-and-Publications/Media/Community-Voice-in-Partnership-Agreement/state-and-LG-partnership-agreement.pdf.aspx>

### Relevance to Strategic Plan

#### Key Strategies

##### Engagement with Members

- Deliver a broad range of benefits and services that enhance the capacity of member Local Governments;
- Improve communication and build relationships at all levels of member Local Governments;
- Provide ongoing professional development and interactive opportunities for Elected Members to contribute to debate on sector issues;
- Build a strong sense of WALGA ownership and alignment.

##### Sustainable Local Government

- Continue to build capacity to deliver sustainable Local Government;
- Provide support to all members, according to need;
- Represent the diversity of members' aspirations in the further development of Local Government in Western Australia;
- Foster economic and regional development in Local Government.

##### Enhanced Reputation and Relationships

- Communicate and market the profile and reputation of Local Government and WALGA;
- Promote WALGA's advocacy successes with the sector and the wider community;
- Strengthen effective relationships with external peak bodies and key decision makers in State and Federal Government;
- Develop simple and consistent messages that are effectively articulated;
- Promote WALGA's supplier agreements to assist Local Governments.

## Background

The State and Local Government Partnership Agreement was signed by the Premier, Hon Mark McGowan MLA, Minister for Local Government, Hon David Templeman MLA, WALGA President, Cr Lynne Craigie and LG Professionals President, Jonathan Throssell on 2 August 2017.

In July 2017, State Council resolved as follows:

*That:*

1. *The State and Local Government Partnership Agreement (as attached) be endorsed for signing by the WALGA President.*
2. *WALGA review the Partnership Agreement annually and report to State Council.*

As the one-year anniversary of the signing of the Agreement passes, it is timely for State Council to review the progress made under the Agreement.

Broadly, the Agreement:

- Sets out principles to guide the relationship and interactions between the two sectors;
- Establishes a Partnership Executive Group comprising senior decision makers from the State and Local Government; and,
- Details a protocol for communication and consultation between the two sectors.

The Agreement is available online from <https://walga.asn.au/getattachment/News,-Events-and-Publications/Media/Community-Voice-in-Partnership-Agreement/state-and-LG-partnership-agreement.pdf.aspx>.

## Comment

The signing of the State and Local Government Partnership represented an advocacy achievement for the Local Government sector as signing such an agreement was a priority in the lead up to the 2017 State Election. While signing of the Agreement was significant in itself, it is crucial that the Agreement leads to outcomes and an improved relationship between Local Government and the State Government.

It is the secretariat's view that relationships with senior State Government decision-makers have improved and that there is goodwill between the State Government and Local Government at present.

For example, of particular note and significant strategic importance is the ongoing Local Government Act review process. In general, it is the secretariat's view that the Minister for Local Government, and the Department of Local Government, Sport and Cultural Industries have conducted the review process by openly engaging with the Local Government sector, while all parties acknowledge there is likely to be disagreement relating to specific issues. Pleasingly for the Local Government sector, the Department of Local Government, Sport and Cultural Industries will include sector representatives in the process of drafting instructions to the State Solicitors Office to give effect to the Government's policy decisions through amendments to the Act.

As noted above, the Partnership Agreement established an Executive Group, which enables Local Government sector leaders to meet with the Premier, Treasurer, Minister for Local Government and other key State Government Ministers at least once per year.

The first meeting of the State Local Government Partnership Agreement Leadership Group was held on 19 June 2018.

The Group agreed that:

- The Partnership Agreement has set the tone of the relationship between the two spheres of Government and has delivered on its intent of improved communication and consultation between State and Local Government; and,
- A Working Group to support the business of the Partnership Agreement would be established.

The Leadership Group also made key decisions relating to a number of issues including the WA Plan for Jobs, Climate Change and a review of Local Government Fees and Charges. The decisions of the Leadership Group are contained in a Communique which is reproduced below:

### **State Local Government Partnership Agreement Leadership Group – Communique**

The State Local Government Partnership Leadership Group Agreement held its first meeting on Tuesday 19 June 2018. Chaired by Hon Mark McGowan, Premier and Hon David Templeman, Minister for Local Government, State and Local Government leaders came together to consider and discuss matters that deliver beneficial outcomes for local communities across Western Australia.

There was a genuine spirit of good will and a renewed commitment to work collaboratively. It comes at time of momentous change and reform to the public sector in Western Australia. The Leadership Group acknowledged that whilst there will not always be consensus between the partners, that is our mutual aim and committed to working through issues respectfully.

Matters discussed, and key outcomes included:

### **State Local Government Working Group**

- The establishment of an outcomes focused State Local Government Working Group to bring together key government agencies, local government, and other identified interests to develop and drive a long-term agenda and culture of collaboration. The working group will:
  - Measure and monitor the performance of the State/Local Government Partnership Agreement;
  - Develop a three-year strategic blueprint for improved collaboration and efficiencies between State and Local Government;
  - Provide an ongoing engagement mechanism for Local Government to inform and influence State Government reform that impacts on the business of local government; and
  - Provide a framework for better alignment with government strategy (State and Federal).

### **WA Plan for Jobs -Securing WA's Future**

- The Leadership Group discussed the need to identify and progress initiatives that create new jobs and new investment in WA.
- WALGA advised Local Government is embracing the WA Plans for Jobs and has commissioned a report to inform Local Governments in identifying ways the sector can engage with the State's policy platform as part of their local economic development activities.
- The Leadership Group welcomed WALGA's initiative and the Premier committed to examining the Report's findings and recommendations. The Leadership Group agreed to discuss future directions and next steps through the Working Group.

### **Modernising Western Australia's Planning Systems**

- Minister Saffioti led the discussion on the importance of reform for the WA Planning Systems to make the system more efficient, open and understandable to everyone. The five proposed

reform areas centre on a system that is strategically led, legible, transparent, efficient and delivers smart growth. The Leadership Group welcomed the reform noting it was critical to have modern and well understood planning system for WA.

### **Fees and Charges**

- A long-standing issue for Local Government is the lack of efficient indexation of fees and charges determined by State Government legislation and regulation. Supposedly cost reflective, they quickly lose relevance to their cost base if they are not periodically reviewed which makes service planning and delivery challenging for Local Government. The Leadership Group acknowledged the need to address these concerns, tasking the Working Group to develop options.

### **Climate Change, Sustainability and Coastal Erosion**

- The need to advance the collective effort to address climate change was discussed. It was agreed to task the Working Group to determine common goals and priority areas in relation to climate change and sustainability, including coastal erosion.

### **Fostering Better Relationships**

- The Leadership Group discussed the need for relationship management between Elected Members and Administration of local governments. LG Professionals WA highlighted how dysfunctional and fractured relationships, have a significant impact on productivity and most importantly the health and wellbeing of all parties involved. The Leadership Group has tasked the Working Group to consider these issues and develop options to achieve positive outcomes for their communities.

### **Procurement**

- The Procurement landscape in WA was discussed including the opportunity to address unmet need, deliver savings for the business of government and explore Local Government alignment with State procurement arrangements. The Leadership Group has tasked the Working Group to explore options.

### **Road Funding**

- The Leadership Group acknowledged the budgetary restrictions on road funding and a genuine willingness to work together to reach a positive outcome. Further discussions will be progressed as part of the State/Local Government Road Funding Agreement negotiations.

The State Local Government Working Group will be convened for July 2018. Next meeting of the Leadership Group will be held in November 2018.

<b>6.2</b>	<b><i>Strata Titles Amendment Bill 2018 and the Community Titles Bill 2018 (05-047-01-0011 CH)</i></b>
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*By Christopher Hossen, Senior Planner, Planning and Improvement*

### **Recommendation**

**That State Council note the Introduction to Parliament of the *Strata Titles Amendment Bill 2018* and the *Community Titles Bill 2018*.**

### **In Brief**

- In October 2014 the former Minister for Lands and Landgate released a discussion paper about proposed reforms to the *Strata Titles Act 1985*. A submission on this discussion paper was endorsed by State Council at its March 2015 meeting.

- Consultation was undertaken on draft versions of the Strata Titles Bill and Community Titles Bill over 2017 and 2018. The *Strata Titles Amendment Bill 2018* and *Community Titles Bill 2018* were introduced to Parliament in June 2018.
- The purpose of this report is to provide State Council with an update on the actions of the secretariat over the past four (4) years, as well as tangible changes made to the relevant Bills following the Association's advocacy.

## **Attachment**

Nil.

## **Relevance to Strategic / Business Plan**

- Providing strong representation for Local Government
- Providing effective leadership for Local Government

## **Policy Implications**

Nil.

## **Budgetary Implications**

Nil.

## **Background**

On the 31 October 2014, the then Hon Minister for Lands and Landgate released a discussion paper on the proposed reforms to the *Strata Titles Act 1985*. The consultation period was initiated on 31 October 2014 running until 16 January 2015.

The proposed reforms outlined in the discussion paper encompass the following areas:

1. Community Titles
2. Leasehold Strata
3. Vendor Disclosure
4. Dispute Resolution
5. Management of Strata
6. Termination of Schemes.

The Association prepared a submission to the discussion paper, endorsed by State Council in March 2015, which prescribed a series of comments and recommendation designed to assist Landgate in finalising the proposed reforms and drafting of the new Strata Titles Act and Community Titles Bill. The State Government announced in January 2016 that Cabinet had determined to move ahead with reform to the Strata Titles Act, inclusive of new Strata management and termination arrangements together with two new types of strata, 'community title strata' and 'leasehold strata'.

From January 2017 Landgate began a process of rolling consultation on both draft Bills; due to the size of the Bills this was generally undertaken in sections. With a period of comment provided on the Bills in their entirety in early 2018. The Association was invited to participate in this process through its entirety.

Due to the nature of the consultation, the Association established an email based Local Government Advisory Group, from which comment was sourced. Further, at critical points in the consultation process, such as when the completed Bills were circulated, wider comment was sought. The Association also organised a workshop between officers of Landgate and Local Government officers in March 2018.

Lastly, it is noted that while a formal period of consultation in line with the intent of the Western Australian State Government Partnership Agreement did not occur, there was a clear intent by the

State Government to consult with the Local Government sector on both the Bills, and this is acknowledged.

## Comment

Both the *Strata Titles Amendment Bill 2018* and *Community Titles Bill 2018* have undertaken considerable modification since the publication of the first discussion paper in October 2014, and therefore the need to present for noting to State Council.

The reform package now encompasses seven (7) key areas of reform:

**Community Schemes:** - A new option for subdividing a single parcel of freehold land into multiple community titles schemes that together are called a community scheme. It is not intended for Community schemes to replace strata and survey-strata schemes which will still operate under the *Strata Titles Act 1985*.

**Leasehold Schemes:** - A new type of strata that is essentially a strata / survey-strata scheme that is set up for a fixed term of 20 to 99 years. The scheme, all of the lots in the scheme and the strata leases for each of the lots all expire on the expiry day. The owner of a lot in a leasehold scheme has a long-term lease of a lot (a strata lease).

**Flexible Staged Strata Subdivision:** - A staged strata / survey-strata subdivision is a scheme that is intended to be subdivided in stages by one or more amendments to the strata / survey-strata plan.

**Improved Management:** - The reforms are designed to make strata better by introducing more flexibility and require people who manage the scheme to do so in a more accountable and transparent manner. It is stated that Strata managers will be regulated and made more accountable; while owners will have more of a say in the running of their scheme. Lastly, additional requirements directed at scheme developers and members of the council of a strata company are proposed in an effort to ensure greater accountability.

**Simplified Dispute Resolution:** -The reforms propose two major reforms to 'clean-up' and 'simplify' strata dispute resolutions. It is proposed that the State Administrative Tribunal (SAT) be the sole arbiter of strata dispute resolution, while also strengthening the SAT's powers to allow for disputes to be resolved more efficiently.

**Better Buyer Information:** - The reforms are designed to ensure that the most relevant information is provided to a buyer of a strata / survey-strata subdivision. Further, they allow for this information to be laid out in a clearer manner, with the aim of establishing a greater level of understanding for the buyer.

**Termination of Schemes (Safeguards):** - The reforms propose to create a new and transparent process for the termination of a strata / survey-strata subdivision. The overarching intent is to establish additional safeguards for owners, require a vote as part of any termination (not currently required by law), and establish an ability for the SAT to undertake a full procedural review where a vote is not unanimous, but is a majority vote. A majority vote in favour is required for the termination to continue and is defined as: 75% (4 lots or mote); two votes (three lot scheme); or one vote (two lot scheme).

The Association has through the consultation process advocated for a number of changes, in line with the endorsed positions of State Council, to the draft Bills. These changes ae primarily related to the Community Titles Bill, and how that Bill relates to the planning system. These are outlined below:

**Local Government input into Community Title Schemes:** - As with subdivision the WAPC is proposed to be the approval authority for Community Title Schemes. However unlike subdivision applications it is proposed that Local Government be tasked with the public advertising of proposals, and can be compelled to advertise a proposal. With regard to this point, the Association has advocated for a clear role in the consultation process, and assurance that the comments of the relevant Local Government are given 'due regard'. It has also been argued that the reliant Planning

Regulations be amended to allow Local Governments to recoup costs related to any advertising of a Community Development Statement.

**Waiving of planning requirements:** - The draft community Titles Bill provides the power for the WAPC to waive the requirements of any planning instruments in its decision making, similar powers exist in the *Planning and Development Act 2005*. The Association has argued that where it is proposed to utilise these powers in the approval of a Community Development Scheme, that consultation with the relevant Local Government should occur. The final version of the Bill reflects this advocacy.

**Differential Rating Proposal:** - The discussion paper states that *“owners within the community title scheme may find they are responsible for maintaining open space and road networks on common property and yet may pay full council rates. In this scenario, the only service the local council may render is garbage collection. This may generate inequitable results if no rating differential is applied to reduce council rates for owners in the community title scheme.”*

It was proposed that the Valuer General be permitted to apply a discount for rating purposes in a community title scheme; and that SAT be given jurisdiction to approve an appropriate rate discount methodology. Both these proposals were opposed by WALGA. Both these proposals are absent from the Draft Bill.

The *Strata Titles Amendment Bill 2018* and *Community Titles Bill 2018* await passage through the parliamentary process.

### **6.3 Bicycle Share Schemes (05-005-03-0009 MM)**

*By Marissa MacDonald, Policy Officer Transport and Roads*

#### **Recommendation**

**That State Council note the Bicycle Share Schemes Discussion Paper.**

#### **In Brief**

- Bicycle share schemes involve the short-term rental of bicycles for short local trips, typically one to five kilometres in length, commonly used in metropolitan areas.
- There are two types of bicycle share schemes; docked and dockless. A docked bicycle share scheme enables bicycles to be picked up at any self-serve bicycle station and returned to any other bicycle station. In a dockless bicycle share scheme, bicycles do not need to be physically locked with a conventional chain or returned to a designated station or rack.
- A discussion paper was developed in response to requests from Local Governments who have been approached by operators to introduce dockless bicycle share schemes in the Perth metropolitan area. In recent years dockless bicycle share schemes have been introduced in Sydney, Melbourne and Adelaide with varying degrees of success.
- The parking issues associated with dockless bicycle share schemes not only affects the Local Governments who have allowed operators to run their schemes, but it can affect neighbouring Local Governments depending on where users leave their bicycles. It therefore has the potential to become a more widespread issue amongst many Local Governments.
- Under the *Local Government Act 1995*, Local Governments can restrict and manage the types of activities permitted in public areas. In alignment with this legislation, operators are required to apply for a permit to operate bicycle share schemes.
- The main issue with dockless bicycle share schemes is that users can park bicycles in any location rather than at designated stations. This has resulted in bicycles obstructing footpaths causing safety issues for other users, dumped into rivers, discarded in trees, on top of bus shelters and accumulating in certain areas.

## Attachment

Bicycle Share Schemes Discussion Paper via link: <https://walga.asn.au/getattachment/Policy-Advice-and-Advocacy/Infrastructure/Urban-and-Regional-Transport/Bicycle-Share-Schemes/Bicycle-Share-Schemes-Discussion-Paper.pdf.aspx?lang=en-AU>

## Relevance to Strategic Plan

### Key Strategies

#### Engagement with Members

- Deliver a broad range of benefits and services that enhance the capacity of member Local Governments;
- Build a strong sense of WALGA ownership and alignment.

#### Sustainable Local Government

- Continue to build capacity to deliver sustainable Local Government;
- Provide support to all members, according to need;

## Background

Bicycle share schemes involve the short-term rental of bicycles for short local trips, typically one to five kilometres in length, commonly used in urban areas. The aim of bicycle share schemes is to enable cycling to become a viable mode of transport as part of the whole transport network. It aims to promote cycling, increase mobility choices, improve air quality and reduce congestion. Bicycle share schemes may also assist in promoting cycling as an ideal mode of transport fitting into everyday life, normalising the image and acceptance of cycling. In order to appeal to a wide variety of users, shared bicycles need to be user-friendly, adaptable to different user's heights and very reliable.

Bicycle share schemes originated in Amsterdam in the 1960's. Due to theft and vandalism they were terminated. The schemes didn't re-emerge in popularity until the early 21<sup>st</sup> century when increasing air quality and health concerns led to renewed interest in urban planning to facilitate active travel. With the widespread adoption of mobile phone apps and low cost GPS tracking, bicycle share schemes have grown significantly in the last few years. Globally it is estimated that there are over 1,000 schemes currently in place with more than 14 million bicycles.

To use a bicycle from a scheme, a user downloads a mobile phone app, registers their details and provides payment before a bicycle can be unlocked to use. Helmets are provided to meet the mandatory helmet legislation requirements. Bicycles are commonly tracked using GPS to monitor their locations. After finishing the ride, a user must park their bicycle in an appropriate location and record that they have finished their journey in the mobile phone app.

There are two types of bicycle share schemes; docked and dockless. A docked bicycle share scheme enables bicycles to be picked up at any self-serve bicycle station and returned to any other bicycle station, which makes bicycle-sharing ideal for point-to-point trips. In a dockless bicycle share scheme, bicycles do not need to be physically locked with a conventional chain or returned to a designated station or rack. Users register, pay, unlock and lock dockless bicycles all through a mobile phone app.

## Comment

This paper was developed in response to Local Governments who have been approached by operators to introduce bicycle share schemes in the Perth metropolitan area. These schemes are likely to be implemented across Local Government boundaries making a broadly consistent set of policies and regulations important to facilitate this opportunity. WALGA was requested by the Department of Transport's WA Bicycle Network Implementation Reference Group to consider a policy position. The Department of Transport has since developed a policy paper for consideration



which has been considered in the development this paper. WALGA's Local Government Cycling Reference Group also supported the development of this paper.

This discussion paper identifies the issues, opportunities and learnings of bicycle share schemes implemented overseas and within Australia and the policy issues pertinent to WA Local Governments considering enabling the implementation of a scheme. The paper has been provided to the WALGA's Local Government Cycling Reference Group members of which include the City of Stirling, City of Fremantle, City of Joondalup, City of Perth, City of Vincent and City of Wanneroo, and additionally the City of South Perth which may be targeted by operators.

In recent years dockless bicycle share schemes have been introduced in Sydney, Melbourne and Adelaide with varying degrees of success. Operators want to introduce dockless bicycle share schemes in Perth as soon as possible. The main issue with dockless bicycle share schemes is that users can park the bicycle in any location rather than at designated stations. This has resulted in bicycles obstructing footpaths causing safety issues for other users, being dumped into rivers, discarded in trees, on top of bus shelters and accumulating in certain areas. There are also no mechanisms in place to prevent theft of the bicycles and abuse of privileges including locking bicycles in inaccessible locations for personal use (e.g. garages). Commonly, dockless bicycles have a built-in GPS tracker which hypothetically means that if bicycles are left outside a designated operating area, the user loses credit points and eventually is blacklisted from using that particular bicycle shared scheme. Users however can always create a new account to gain access to a bicycle and the GPS doesn't provide any mechanism to deter theft or vandalism from occurring.

The parking issues associated with dockless bicycle share schemes not only affects the Local Governments who have allowed operators to run their schemes, but it can affect neighbouring Local Governments depending on where users leave their bicycles. It therefore has the potential to become a more widespread issue amongst many Local Governments.

Additionally it is responsibility of dockless bicycle users to ensure that bicycle helmets are stored in the front basket of the bicycle or looped into the smart lock device at the end of the journey. In the eastern states however this has become a major issue due to helmets being stolen. Local Governments have Agreements with the operators to ensure that all bicycles are deployed with helmets, however the rate of helmet theft is larger than the replacement of helmets. Local Governments in Sydney have noted that from experience and observations, many dockless bicycles are without helmets which means there is a proportion of users who are not riding with helmets. If this issue occurred in Western Australia users would be riding without helmets and it would be in contravention to the *Road Traffic Code 2000*.

Under the *Local Government Act 1995*, Local Governments can enact a local law to restrict and manage the types of activities permitted in public areas. In alignment with this legislation, operators are required to apply for a permit to operate bicycle share schemes. If an operator starts operating a bicycle share scheme without a permit granted by a Local Government, they may face a penalty.

Local Governments are encouraged to consider a formal agreement with an operator before the dockless bicycle share scheme operation begins to avoid the issues experienced in other Australian cities. A formal agreement sets out operations and maintenance of bicycles, any restricted parking areas for bicycles, maximum number of bicycles deployed by the operator, and any penalties for operators not complying. Local Governments have authority through Local Laws to issue penalties to operators and collect bicycles that are discarded in inappropriate places.

As experienced in Sydney and Melbourne, a formal agreement is sometimes not enough to ensure compliance by the operator. In Melbourne, Victoria's Environmental Protection Authority stepped in to issue the operator oBike with Litter Abatement Notices under the *Environment Protection Act 1970 (Vic)*. The operator was asked to remove bicycles that were left haphazardly or blocking access, bicycles left in trees/roofs/waterways and bicycles that had been vandalised. The provisions allowed fines of up to \$3,000 per incident to be issued by the City of Melbourne. The official Litter Abatement Notices also required the operator oBike to produce a management plan for abandoned bicycles. The operator could not comply with the requirements and was told to cease operation in June 2018.

*By Rebecca Brown, Manager, Waste & Recycling*

## **Recommendation**

**That State Council note the resolutions of the Municipal Waste Advisory Council at its 27 June meeting.**

## **In Brief**

- *This item summaries the outcomes of the MWAC meeting held on 27 June.*

## **Attachment**

Nil

Relevance to Strategic Plan

## **Key Strategies**

### Engagement with Members

- Deliver a broad range of benefits and services that enhance the capacity of member Local Governments;
- Improve communication and build relationships at all levels of member Local Governments;
- Provide ongoing professional development and interactive opportunities for Elected Members to contribute to debate on sector issues;
- Build a strong sense of WALGA ownership and alignment.

### Sustainable Local Government

- Continue to build capacity to deliver sustainable Local Government;
- Provide support to all members, according to need;
- Represent the diversity of members' aspirations in the further development of Local Government in Western Australia;
- Foster economic and regional development in Local Government.

### Enhanced Reputation and Relationships

- Communicate and market the profile and reputation of Local Government and WALGA;
- Promote WALGA's advocacy successes with the sector and the wider community;
- Strengthen effective relationships with external peak bodies and key decision makers in State and Federal Government;
- Develop simple and consistent messages that are effectively articulated;
- Promote WALGA's supplier agreements to assist Local Governments.

## **Background**

The Municipal Waste Advisory Council is seeking State Council noting of the resolutions from the **27 June 2018** meeting, consistent with the delegated authority granted to the Municipal Waste Advisory Council to deal with waste management issues.

Minutes of the meeting are available from the WALGA website <http://walga.asn.au/About-WALGA/Structure/State-Council/Agenda-and-Minutes.aspx>. Copies of specific items and further supporting information are available on request from Municipal Waste Advisory Council staff.

## **Comment**

The key issue considered at the meeting held on **27 June 2018** included:

## **Draft Submission on DoEE Product Stewardship Act Review**

The Department of Energy and Environment (DoEE) is currently reviewing the *Product Stewardship Act 2011* and the National TV and Computer Recycling Scheme (NTCRS). To date, only three Schemes have been implemented or accredited under the *Product Stewardship Act 2011*. The NTCRS (Co-regulatory Scheme), MobileMuster and Fluorocycle (Voluntary Schemes). A number of other Voluntary Schemes operate outside the framework of the Act, with limited regulatory oversight, or requirements on a minimum, acceptable level and type of service offering.

The Draft Submission emphasises the importance of political will and availability of Government resources to progress Product Stewardship Schemes. To date, there has been limited action on problematic products that have been included on the Minister's Annual List of Priority Products.

The Association has recommended that future Schemes are designed to reflect all objects of the Act, and assign manufacturers, importers, distributors and Arrangements with a financial or physical responsibility for managing actual end-of-life impacts, as opposed to projected end-of-life impacts. The delivery of fewer Schemes that address multiple classes of similar products, could facilitate consistent engagement with the community, Local Government and the resource recovery industry. It is important that end of life recycling/recovery options are made available prior to the release of new products onto the market.

With respect to the NTCRS, a key recommendation is to apply the recycling target on a jurisdictional basis, and specify the amount of material that Arrangements must collect from individual sites to fulfil reasonable access requirements, as the current approach to reasonable access has not delivered equitable access to services.

#### MUNICIPAL WASTE ADVISORY COUNCIL MOTION

That the Municipal Waste Advisory Council endorse the Draft Submission on the review of the *Product Stewardship Act 2011* and the National TV and Computer Recycling Scheme.

**Moved: Mayor Howlett Seconded: Cr Abetz  
CARRIED**

#### **Draft Submission on DWER Industry Regulation Guide to Licensing**

The DWER has released a Draft Industry Regulation Guide to Licensing Part V *Environmental Protection Act 1986*. The Draft includes information for applicants on the process of preparing, submitting, assessing, and determining applications for works approvals, licences (including amendments and transfers), and registrations of prescribed premises.

DWER held a consultation session on the Draft Guideline, on Wednesday 6 June. At this session it was identified that within the Draft Guideline were key areas of change from previous practice, which were being consulted on through this process:

- Concurrent processing of Works Approvals and Licence Conditions - Works Approvals need to precede Licence applications.
- Scope of works permitted to be undertaken as a licence amendment vs a Works Approval – this will be tightened and the scope of when a Works Approval is needed expanded.
- Departments Timeframe for Assessment extended – from 40 days to 60.
- Requirement for Planning Approval from Local Government prior to application for Works Approval/Licence – the Draft Guideline is more ambiguous and suggests it is up to the proponent as to whether they go ahead with a Works Approval prior to receiving Local Government planning approval.

The Draft Submission suggests that the Guideline is reworked to accommodate end users, with the inclusion of process diagram(s). The Draft Guideline also needs to provide information on:

- How existing sites are to navigate the licencing process (they do not need a works approval as they are already operational)
- How, and under what circumstances, licence exemptions apply.

The discussion at the Consultation session on the Draft Guideline again highlighted the need for DWER to provide guidance, such as Environmental Standards, to assist both proponents and DWER in the licencing process.

The main area of concern highlighted in the Submission relates to planning and other approvals that Local Government may issue. The *Planning and Development Act 2005* requires planning approval before site works are commenced. Therefore Planning and other approvals need to be issued first, then provided to DWER, before a Works Approval is issued. For existing facilities seeking a licence, they would need to provide planning and other associated approvals prior to a licence being issued.

#### MUNICIPAL WASTE ADVISORY COUNCIL MOTION

That the Municipal Waste Advisory Council endorse the Draft Submission on the DWER Industry Regulation Guide to Licensing.

**Moved: Mayor Howlett Seconded: Cr Abetz**

**CARRIED**

#### ACCC Response to Tyre Stewardship Australia

At the February 2018 MWAC meeting, it was agreed that the Municipal Waste Advisory Council:

1. Endorse the Draft Submission to the ACCC on Tyre Stewardship Australia
2. Cease to be a member of Tyre Stewardship Australia, pending the outcome of the ACCC Review.

The outcome of the ACCC review has now been finalised, with the ACCC's decision to "grant authorisation to Tyre Stewardship Australia (TSA) to allow for the continuation of its revised Tyre Stewardship Scheme (the Scheme) for a further six years until 15 June 2024". MWAC Staff provided verbal feedback to the ACCC following the release of the Draft ACCC determination. The ACCC have put no additional requirements on TSA to ensure that it operates more effectively or addresses issues with end of life tyre management.

MWAC discussed, and agreed, the key messages that will be used to communicate Local Government's concerns with the performance of the Scheme:

- *Costs to Local Government*  
The Scheme does not directly address costs to Local Government in responding to illegal dumped tyres or managing end-of-life tyres (recycling and/or disposal).
- *Approach to Market Development*  
The Scheme's approach to market development does not guarantee equitable outcomes across Australia, or demand for tyre derived products. There has been limited activity on the establishment of local solutions for end-of-life tyres.

#### MUNICIPAL WASTE ADVISORY COUNCIL MOTION

That the Municipal Waste Advisory Council:

- Withdraw from Tyre Stewardship Australia
- Communicates the key reasons for this decision to:
  - Tyre Stewardship Australia
  - Waste Related Media
  - State and Federal Government
  - Local Government Associations.

**Moved: Mayor Howlett Seconded: Cr Abetz**

**CARRIED**

**Moved Cr Simkin**

**Seconded Cr Newton**

**That items 6-1 – 6.4 of the State Council Agenda be noted.**

**CARRIED**

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## 9. BUSINESS

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### 9.1 Shire of Carnamah – Fixed Standpipes

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Driven by customer and staff feedback on issues associated with fixed standpipes Water Corporation commenced a review of Fixed Standpipes in early 2017. The aim was to collate corporate knowledge of fixed standpipes, and critically analyse all aspects of the management process.

An issues paper was released, and the affected stakeholders were invited to provide feedback by 20<sup>th</sup> October 2017.

As a result of that discussion paper and consultation process Water Corp is meeting with local government to discuss proposed changes to the current arrangements.

The following is an extract from Water Corp's Frequently asked questions regarding the proposed changes

***What is changing?***

*Local Government Authorities (LGAs) are entitled to access concessional pricing for water used for their own purposes. This will not change; however high flow rate LGA owned fixed standpipes that are publicly accessible will no longer be charged concessional rates and commercial rates will instead apply.*

***Who does this pricing change affect?***

*This change will affect users of high flow LGA owned fixed standpipes in country areas. Although the price is charged to the LGA directly, the costs may be passed on to businesses, farmers and properties not connected to the scheme.*

***How will rates and charges be applied to fixed standpipes?***

*The new pricing structure is linked to the size of the standpipe meter, as this determines the flow rate. Small standpipes (20mm and 25mm) generally deliver between 20 – 40 litres per minute. Large standpipes (any pipe larger than 25mm) generally deliver from 80 litres per minute and above.*

*All LGA standpipes with a meter size of 20mm or 25mm will receive concessional rates and are to be used by the LGA or for community purposes only (such as drought assistance for farmers or households not connected to scheme water when a drought condition is announced by the Government).*

*All standpipes with a meter size above 25mm will be charged at a commercial rate, but an exemption to consumption charges will apply for water used for fire-fighting purposes. (\$8+)*

*Standpipes with a meter above 25mm that are located in a shire depot or locked for Shire use only will be able to access the concessional rate by providing evidence of the ability to control user access.*

*There will be no change to Fire Standpipes or fixed standpipes installed on privately owned property.*

The concern within the zone is the proposal to restrict the size of the community access standpipes to 25mm, which depending on the location could be a fire disaster if Bush Fire Brigades need to fill from these in an emergency.

Water Corp has advised it is meeting with each individual local government to discuss the proposal and providing each LGA with options. Each LGA has 3 months to advise Water Corp via an action plan of their preferred option.

Water Corp is yet to meet with all LGA's in the zone. (They were approached to attend this meeting, but no staff working on this project were available to attend)

Links to the discussion papers and FAQ's can be found at <https://www.watercorporation.com.au/-/media/files/business/starting-up/regional-fixed-standpipes/fixed%20standpipes%20lga%20faqs.pdf> and [https://www.watercorporation.com.au/-/media/files/business/starting-up/fixed\\_standpipes\\_issues\\_paper.pdf](https://www.watercorporation.com.au/-/media/files/business/starting-up/fixed_standpipes_issues_paper.pdf).

**Moved Cr Woolorton**  
**Seconded Cr Butler**

**That the Northern Country Zone:**

- 1. Petition Water Corporation to enable community access standpipes in bush fire prone areas to remain 50mm in diameter to ensure adequate flow for firefighting purposes.**
- 2. Request WALGA to advocate on this matter on behalf of the sector.**

**Carried**

## **9,2 Zone Forum -State Council Meeting**

An Update on the Zone Forum Program for Thursday 6<sup>th</sup> September was discussed.

## **9.3 Regional Issues**

At the February Zone meeting it was resolved that 'in person' meetings include provision in the agenda to discuss regional issues.

No matters have been lodged with the Acting Executive Officer.

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## **10. REPORTS**

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### **10.1 WALGA President's Report to the Zone**

**Moved Cr Farrell**  
**Seconded Cr Smith**

**That the WALGA President's Report for September 2018 be noted.**

**Carried**

### **10.2 Mid West Development Commission – Mr Gavin Treasure**

Mr Gavin Treasure provided an update on the activities of Mid West Development Commission.

**Noted**

### **10.3 Department of Local Government Sport and Cultural industries.**

Mr Richard Malacari tabled a report and provided an update on the activities of Department of Local Government Sport and Cultural Industries.

**Noted**

### **10.4 Roadwise**

Ms Samantha Adam provided a Roadwise report.

**Noted**

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## **11. OTHER BUSINESS**

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### **11.1 Local Government Act Review**

Cr Chappel gave a brief overview of the Act Review process going forward and advised that the Department was planning further community consultation on the next phase of the process. She suggested that instead of a community forum the Zone lobby for workshop within the Zone. The Shire of Mingenew offered to host.

### **11.2 Regional Tourism**

The meeting discussed the need for a zone wide approach to tourism. It was agreed that the February 2019 meeting have a strong focus on this issue. The Executive Officer to work with WALGA to assist with process to bring all the players together and commence the formulation of a regional tourism strategy.

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## **12. DATE, TIME AND PLACE OF NEXT MEETING**

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That the next ordinary meeting of the Northern Country Zone to be held on 26<sup>th</sup> November 2018 via "Flying Minute".

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## **13. CLOSURE**

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There being no further business the Chair declared the meeting closed at 11.45am.