

State Council Full Minutes

3 March 2021

NOTICE OF MEETING

Meeting No. 1 of 2021 of the Western Australian Local Government Association State Council to be held at WALGA, 170 Railway Parade, West Leederville on Wednesday, 3 March 2021, beginning at 4:30pm.

1. ATTENDANCE, APOLOGIES & ANNOUNCEMENTS

1.1 Attendance

Members	President of WALGA - Chair	Mayor Tracey Roberts JP
	Deputy President of WALGA, Northern Country Zone	President Cr Karen Chappel JP
	Avon-Midland Country Zone	President Cr Ken Seymour
	Central Country Zone	President Cr Phillip Blight
	Central Metropolitan Zone	Cr Paul Kelly
	Central Metropolitan Zone	Cr Jenna Ledgerwood
	East Metropolitan Zone	Cr Catherine Ehrhardt
	East Metropolitan Zone	Cr Cate McCullough
	Goldfields Esperance Country Zone	President Cr Malcolm Cullen
	Gascoyne Country Zone	President Cr Cheryl Cowell
	Great Eastern Country Zone	President Cr Stephen Strange
	Great Southern Country Zone	Cr Ronnie Fleay
	Kimberley Country Zone	Cr Chris Mitchell JP
	Murchison Country Zone	Cr Les Price
	North Metropolitan Zone	Cr Frank Cvitan JP
	North Metropolitan Zone	Mayor Mark Irwin
	North Metropolitan Zone	Cr Russ Fishwick JP
	Peel Country Zone	President Cr Michelle Rich
	Pilbara Country Zone	Mayor Peter Long
	South East Metropolitan Zone	Cr Julie Brown
	South East Metropolitan Zone	Mayor Ruth Butterfield <i>to 5.40pm</i>
	South Metropolitan Zone	Cr Doug Thompson
	South Metropolitan Zone	Mayor Carol Adams OAM
	South Metropolitan Zone	Mayor Logan Howlett JP
	South West Country Zone	President Cr Tony Dean
Ex Officio	Lord Mayor – City of Perth	Lord Mayor Basil Zempilas <i>to 5.01pm</i>
Secretariat	Chief Executive Officer	Mr Nick Sloan
	EM Commercial & Communications	Mr Zac Donovan
	EM Governance & Organisational Services	Mr Tony Brown
	EM Infrastructure	Mr Ian Duncan
	EM Strategy, Policy & Planning	Ms Narelle Cant
	Manager Strategy & Association Governance	Mr Tim Lane
	Intergovernmental Relations & Risk	Ms Joanne Burges
	Chief Financial Officer	Mr Rick Murray
	Manager Governance	Mr James McGovern

1.2 Apologies

Local Government Professionals WA

Mr Jamie Parry

ORDER OF PROCEEDINGS

OPEN and WELCOME

The Chair declared the meeting open at 4:31pm

Acknowledgement of Country

I would like to acknowledge the Whadjuk Nyoongar People who are the Traditional Custodians of this land we meet on today and I would like to pay my respects to their Elders past, present and future.

Welcome to:

Lord Mayor Basil Zempilas

State Councillors and WALGA Secretariat

2. DECLARATION OF INTEREST

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

- *Mayor Logan Howlett declared an interest in Item 5.1 External Oversight and Intervention – Authorised Inquiries and Show Cause Notices as an Elected Member for City of Cockburn.*
- *Cr Chris Mitchell declared an interest in Item 5.5 as a candidate for WA Local Government Grants Commission*
- *Cr Phillip Blight declared an interest in Item 5.5 as a candidate for WA Local Government Grants Commission.*
- *Cr Catherine Ehrhardt declared an interest in Item 5.5 as a candidate for Biosecurity Council of WA.*
- *Mayor Tracey Roberts and Cr Paul Kelly declared an interest in section 4 of Item 5.7 as members of the LGIS Board.*
- *Cr Ronnie Fleay declared an interest in Item 6.4 as a member of the WAPC.*

PAPERS

State Councillors received the following papers under separate cover:

- Strategic Forum Agenda
- Item 5.4 Finance and Services Committee Meeting Minutes 17 February 2021;
- Item 5.5 Selection Committee Meeting Minutes 26 February 2021 - Confidential;
- Item 5.6 Use of Common Seal;
- Item 5.7 LGIS Board Meeting Minutes;
- Item 5.8 LGIS Marketing Function Review;
- CEO's Report to State Council;
- March President's Report (previously emailed to Zone meetings)

3. MINUTES

3.1 Minutes of 2 December 2020 State Council Meeting

Moved: Mayor Logan Howlett

Seconded: Mayor Carol Adams

That the Minutes of the State Council Meeting held on [2 December 2020](#) be confirmed as a true and correct record of proceedings.

RESOLUTION 173.1/2021

CARRIED

3.1.1 Business Arising from the Minutes of 2 December 2020

Nil

3.2 Flying Minute of Submission – Draft Local Government Regulations Amendment (Employee Code of Conduct) Regulations 2020 – 5 January 2021

Moved: Mayor Logan Howlett

Seconded: Cr Chris Mitchell

That the Flying Minute of the [Submission - Draft Local Government Regulations Amendment \(Employee Code of Conduct\) Regulations 2020](#) date, be confirmed as a true and correct record of proceedings.

RESOLUTION 174.1/2021

CARRIED

3.2.1 Business Arising from the Flying Minutes of the Submission - Draft Local Government Regulations Amendment (Employee Code of Conduct) Regulations 2020.

Nil

3.3 Flying Minute of Draft State Planning Policy 4.2: Activity Centres Submission – 28 January 2021

Moved: Mayor Logan Howlett

Seconded: Cr Chris Mitchell

That the [Flying Minute – Draft State Planning Policy 4.2: Activity Centres Submission – 28 January 2021](#), be confirmed as a true and correct record of proceedings.

RESOLUTION 175.1/2021

CARRIED

3.3.1 Business Arising from the Flying Minutes of the Flying Minute – Draft State Planning Policy 4.2: Activity Centres Submission – 28 January 2021

Nil

3.4 Flying Minute – Registration of Builders (and Related Occupations) Reforms Submission – 28 January 2021

Moved: Mayor Logan Howlett
Seconded: Cr Chris Mitchell

That the [Flying Minute – Registration of Builders \(and Related Occupations\) Reforms Submission – 28 January 2021](#) , be confirmed as a true and correct record of proceedings.

RESOLUTION 176.1/2021

CARRIED

3.4.1 Business Arising from the Flying Minute – Registration of Builders (and Related Occupations) Reforms Submission – 28 January 2021

Nil

3.5 Flying Minute – Reportable Conduct Scheme – 28 January 2021

Moved: Mayor Logan Howlett
Seconded: Cr Chris Mitchell

That the [Flying Minute – Reportable Conduct Scheme – 28 January 2021](#) , be confirmed as a true and correct record of proceedings.

RESOLUTION 177.1/2021

CARRIED

3.5.1 Business Arising from the Flying Minute – Reportable Conduct Scheme – 28 January 2021

Nil

4. EMERGING ISSUES

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

5. MATTERS FOR DECISION

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

6. MATTERS FOR NOTING / INFORMATION

- As per matters listed.

7. ORGANISATIONAL REPORTS

7.1 Key Activity Report

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

7.2 Policy Forum Reports

- 7.2.1 Policy Forum Reports

7.3 President's Report

Recommendation

That the President's Report for March 2021 be received.

7.4 CEO's Report

Recommendation

That the CEO's Report for March 2021 be received.

7.5 Ex Officio Reports

- 7.5.1 LG Professionals President, Jamie Parry, to provide LG Professionals Report to the meeting.
- 7.5.2 Lord Mayor Basil Zempilas to provide City of Perth Report to the meeting.

8. ADDITIONAL ZONE RESOLUTIONS

To be advised following Zone meetings.

9. DATE OF NEXT MEETING

The next meeting of the WALGA State Council will be held at City of Cockburn on Wednesday 5 May 2021.

10. CLOSURE

Agenda Items

5. MATTERS FOR DECISION.....	7
5.1 External Oversight and Intervention – Authorised Inquiries and Show Cause Notices (05-034-01-0001 FM).....	7
5.2 Cost of Revaluations (05-034-01-0001 TB).....	10
5.3 Eligibility of Slip On Fire Fighting Units for Local Government Grants Scheme Funding (05-024-02-0001 SM).....	11
6. MATTERS FOR NOTING / INFORMATION	13
6.1 Local Government Car Parking Guideline – Western Australia (05-036-03-0063 AR)	15
6.2 Submission – Draft Local Government Regulations Amendment (Employee Code of Conduct) Regulations 2020 (05-034-01-0104 TB).....	18
6.3 Submission – Proposed Reportable Conduct Scheme for Western Australia (05-034-01-0104 TB).....	19
6.4 Submission – Draft State Planning Policy 4.2: Activity Centre (05-036-03-0020 CH)	21
6.5 Submission – Registration of Builders (and Related Occupations) Reforms (05-015-02-0010 CL).....	23
6.6 Report Municipal Waste Advisory Council (MWAC) (01-006-03-0008 RNB)	26
7. ORGANISATIONAL REPORTS.....	29
7.1 Key Activity Reports	29
7.1.1 Report on Key Activities, Commercial and Communications (01-006-03-0017 ZD)....	29
7.1.2 Report on Key Activities, Governance and Organisational Services (01-006-03-0007 TB)	35
7.1.3 Report on Key Activities, Infrastructure (05-001-02-0003 ID)	38
7.1.4 Report on Key Activities, Strategy, Policy and Planning (01-006-03-0014 NC)	41
7.2 Policy Forum Reports	45
7.2 Policy Forum Reports (01-006-03-0007 TB)	45
Status Report on State Council Resolutions	52

5. MATTERS FOR DECISION

5.1 External Oversight and Intervention – Authorised Inquiries and Show Cause Notices (05-034-01-0001 FM)

By Tony Brown, Executive Manager Governance and Organisational Services, and Felicity Morris, Acting Manager Governance and Procurement

That WALGA:

1. Continues to advocate for the State Government to increase resourcing of the Department of Local Government, Sport and Cultural Industries particularly by engaging experienced and qualified staff to conduct timely inquiries and interventions when instigated under the provisions of the Local Government Act 1995; and
2. Requests the Departmental CEO, of the Department of Local Government, Sport and Cultural Industries to engage with affected Local Governments in order to attempt to resolve identified issues, improve performance and achieve good governance before considering an intervention under Part 8 of the Local Government Act 1995; and
3. Requests the Minister for Local Government to:
 - a. Provide written reasons prior to issuing any Show Cause Notices;
 - b. Require regular progress reports to be provided to any Local Government that is the subject of any Authorised Inquiry; and
 - c. Require that any Authorised Inquiry be conducted within a specified timeframe that may be extended with the approval of the Minister.
4. Advocates for legislative change to ensure that Show Cause Notices are required to contain reasons.

RESOLUTION 178.1/2021

CARRIED

Executive Summary

- The Central Metropolitan Zone has requested WALGA advocacy for improved and consistent processes for Authorised Inquiries and Show Cause Notices.
- The Local Government sector has expressed concern at the time taken for authorised enquiries to be carried out and the manner in which the powers under Part 8 of the Local Government Act have been exercised.
- This item is recommending amendments to the State Government process for more engagement with Local Governments when issues arise to avoid Show Cause notices and Authorised Inquiries and for any inquiry to be carried out with regular progress reports and within a specified timeframe.

Policy Implications

The recommendation aligns with WALGA's Advocacy Position 2.6 Local Government Legislation, which:

calls on the State Government to ensure there is proper resourcing of the Department of Local Government, Sport and Cultural Industries to conduct timely inquiries and interventions when instigated under the provisions of the Local Government Act 1995.

In addition, the proposed recommendation supports WALGA's Advocacy Positions for a New Local Government Act on External Oversight:

The Local Government sector supports:

- 1. Establishing an Office of the Independent Assessor to replace the Standards Panel to provide an independent body to receive, investigate and assess complaints against elected members and undertake inquiries.*
- 2. Remove the CEO from being involved in processing complaints.*
- 3. That an early intervention framework of monitoring to support Local Governments be provided with any associated costs to be the responsibility of the State Government.*

Background

For a number of years, the sector has expressed concerns regarding the manner in which powers under Part 8 of the *Local Government Act 1995* are exercised. These concerns have largely focused on Authorised Inquiries, conducted by persons authorised by the CEO of the Department of Local Government, Sport and Cultural Industries (the Department) under s.8.3 of the Act.

The Select Committee Into Local Government *Final Report – Inquiry into Local Government* (the Report) noted that the Department ‘has conducted a record program of Authorised Inquiries since it was established as part of the 2017 MoG [Machinery of Government] changes’. The Report records that thirteen Authorised Inquiries commenced since January 2017. Of those, three were withdrawn and three are ongoing. The Inquiries that reached a conclusion did so after an average of 22 months. The Report includes Recommendation 23 that:

‘The Government ensure that the Department of Local Government, Sport and Cultural Industries is appropriately resourced to conduct authorised inquiries in a timely manner.’

This is substantially consistent with WALGA’s advocacy position.

The Town of Cambridge was the subject of an Authorised Inquiry from April 2018 until November 2020. On 26 May 2020, while the Inquiry was ongoing, the Town was issued with a Show Cause Notice (the Notice), under s.8.15B of the Act. Since 2017, the Shire of Perenjori and Town of Port Hedland in 2019 were also issues show cause notices. On 20 July 2020 the Town of Cambridge sought judicial review of the Notice. The decision in *Town of Cambridge v The Hon David Templeman MLA, Minister for Local Government; Heritage; Culture and the Arts [2020] WASC 350*, was handed down on 2 October 2020, granting the Town relief by prohibiting the Minister from making any of the orders in the Notice.

On 26 November 2020, the Central Metropolitan Zone resolved:

That WALGA:

- 1. Notes the Supreme Court Decision [2020] WASC 350, made by Justice Tottle on 2 October 2020 about the Show Cause Notice issued by the Minister for Local Government on 26 May 2020 against the Town of Cambridge;*
- 2. Requests the Minister for Local Government to:*
 - 2.1 Acknowledge the Supreme Court Findings made by Justice Tottle in his decision [2020] WASC 350, as these are applicable to other local governments;*
 - 2.2 Not issue any Show Cause Notices against local government without giving prior written reasons and prior engagement with the affected Council, in order to attempt to resolve identified issues; and*
 - 2.3 Consider that the process for an Authorised Inquiry will be amended to:*
 - a) Require prior engagement with the affected local government, in order to attempt to resolve issues, improve good governance and performance;*
 - b) Require regular progress reports be provided to the affected local government; and*
 - c) Require a specified time frame to be stated for the conduct of the Authorised Inquiry and any extension of the Inquiry to require the Minister’s approval.*

Comment

The purpose of interventions under Part 8 of the Act must be to support, and where necessary to restore, good governance. This purpose can only be achieved where an intervention is both timely and proportionate, and occurs within a framework of early engagement and consistent communication. Undue delay in determining an outcome and corrective action is also an undue delay in returning good governance to the community of an affected Local Government. Protracted Inquiries represent a drain on the resources of the Local Government, may negatively impact the morale of officers, community and council members, and contribute unnecessarily (or avoidably) to continued erosion of good government outcomes.

In contrast, early engagement may enable a Local Government to identify and take action to mitigate emerging issues, without the need for a formal intervention. Where an Authorised Inquiry is required, a Local Government that is kept regularly informed will be better able to adopt progressive improvements and respond to a final report. In addition, improved communication and a defined timeframe will mitigate the uncertainty currently associated with Authorised Inquiries and assist Local Governments to more effectively manage the resources required. Where suspension or dismissal of a democratically elected Council is contemplated, the Town of Cambridge decision affirms the need for robust and current evidence of serious dysfunction.

The specific concerns raised by the Central Metropolitan Zone are captured within the context of WALGA's broader advocacy. In the short term, this recommendation is directed towards the State Government ensuring that the Department has the capability and commitment to fulfil its responsibilities in a manner that is timely, and follows consistent and proper processes. As progress is made towards a new Local Government Act, WALGA supports the establishment of an independent oversight body that is robust, adequately resourced and fit for its purpose of delivering proportionate, efficient and effective interventions to support and restore good governance to local communities.

5.2 Cost of Revaluations (05-034-01-0001 TB)

By Tony Brown, Executive Manager Governance and Organisational Services

Moved: Cr Julie Brown
Seconded: Cr Frank Cvitan

That WALGA advocate to the State Government for the equal distribution of valuation costs for properties where the Water Corporation, the Department of Fire and Emergency Services and the Local Government require the valuation.

RESOLUTION 179.1/2021

CARRIED

Executive Summary

- The South East Metropolitan Zone has requested WALGA advocacy in respect to the sharing of costs for the carrying out of revaluations by the Valuer General.
- Currently the cost is not divided equally by the three organisations that utilise the valuations.
- This item recommends advocating to the State Government for the equal distribution of costs.

Background

Local Governments are charged by the Valuer General to cover the cost of triennial Gross Rental revaluations and also for the annual unimproved revaluations.

Currently in respect to the triennial Gross Rental Valuations (GRV) the Valuer General apportions the revaluation cost between the three bodies that need the revaluation: the Local Government; the Water Corporation; and the Department of Fire and Emergency Services (DFES) for the Emergency Services Levy (ESL).

The Valuer General has confirmed that in relation to properties where each of the three bodies needs the valuation, the cost of the valuation is apportioned in the following way:

- | | |
|---------------------|-----|
| • Local Government | 39% |
| • Water Corporation | 39% |
| • DFES | 22% |

The Valuer General has indicated that this apportionment is not prescribed in legislation but is a matter of precedent most likely established by a former Valuer General. It was further noted that it was probably implemented on the basis that DFES was collecting substantially less money through the ESL than the Water Corporation or the relevant Local Government.

Comment

The basis for charging costs based on the ability to pay is rejected as the basis for apportionment, which does not happen in any other type of purchase. That is, if you need something, you pay the price of the product, regardless of how or how much the product will be utilised.

The Local Government sector takes the position that where each of the three organisations requires the valuation, the costs should be distributed equally on a one-third basis.

The Local Government sector seeks equality on the payment of revaluations between agencies that require the valuations.

5.3 Eligibility of Slip On Fire Fighting Units for Local Government Grants Scheme Funding (05-024-02-0001 SM)

By Susie Moir, Policy Manager Resilient Communities

That WALGA:

- 1. Supports the inclusion of capital costs of Trailer Fire Fighting Units and Slip On Fire Fighting Units including for Farmer Response Brigades (for use on private motor vehicles) on the Eligible List of the Local Governments Grants Scheme (LGGS).**
- 2. Requests the Local Government Grants Scheme Working Group to include this matter on the Agenda of their next Meeting (expected March 2021).**
- 3. Requests WALGA to work with the Local Government Grants Scheme Working Group to develop appropriate operational guidelines and procedures for the safe use of Slip On Fire Fighting Units funded in accordance with the LGGS.**
- 4. Supports the update of the WALGA membership of the Local Government Grants Scheme Working Group to include one Local Government Elected Member and one Local Government Officer, with these appointments determined through the WALGA Selection Committee process.**

RESOLUTION 180.1/2021

CARRIED

Executive Summary

- The South West Country Zone passed a resolution at their meeting on 27 November 2020 supporting the reinstatement of Slip On Fire Fighting Units (for use on private motor vehicles) as an eligible item under the LGGS administered by the Department of Fire and Emergency Services (DFES).
- Prior to 2010, Slip On Fire Fighting Units were an eligible item under the LGGS. The 2011/12 LGGS Manual provided that “slip-on units were not an eligible item as they are subject to an alternative grants program”. The 2014/15 LGGS Manual provided that Slip On Fire Fighting Units were an ineligible item. Presently they are ineligible items and there is no alternative grants program.
- Slip On Fire Fighting Units attached to private vehicles provide the majority of the firefighting capacity across many rural regions in Western Australia, especially broadacre farming areas, where there are only a small number of bushfire brigade appliances for vast areas of land and the majority of landowners own Slip On Fire Fighting Units to enable them to respond to fires on their own and neighbouring properties.
- The Local Government Grants Scheme Working Group was established in 2019 to provide a consultative forum between stakeholders for key matters pertaining to the operations of the LGGS and includes two representatives from WALGA, DFES, the Association of Volunteer Bushfire Brigades and the State Emergency Services Association. Thus far, WALGA staff members have attended the Working Group. As the LGGS Working Group meetings involve technical discussions on Bush Fire Brigade issues, it is proposed that the Local Government sector is represented by a Local Government Elected Member and Officer representatives, with WALGA staff attending as observers.

Policy Implications

WALGA has previously advocated for a review of the Emergency Services Levy (ESL), its administration, fee structure and distribution mechanism to facilitate funding back to Local

Government to support their Emergency Management responsibilities as legislated in the *Emergency Management Act 2005* (WALGA Position Statement 8.3 Emergency Services Levy, State Council Resolution July 2014-59.3/2014; July 2013 – 219.3/2013). The ESL was reviewed by the Economic Regulation Authority (ERA) in 2017. The LGGS Working Group was established as a result of advocacy that WALGA undertook for a review of the LGGS following the review of the ESL.

Background

Slip On Fire Fighting Units (usual configuration - tank, motor/pump, hose and reel on rigid frame) are designed for quick loading onto the load space of flat back utilities. Slip On Fire Fighting Units are an important part of the rapid bushfire response capacity of many regional Local Government bushfire brigades and are a fraction of the cost of fully equipped appliances.

DFES has raised concerns about Slip On Fire Fighting Units with respect to personal safety, lack of standardization in terms of type and water capacity, overloading of vehicles, secure attachment of Slip On Fire Fighting Units to vehicles, training of operators and vehicle roadworthiness.

Comment

Local Government has a role in emergency management across all 27 hazards and is the prescribed agency for fire suppression pursuant to the *Emergency Management Act 2005*. Under the *Bushfires Act 1954* Local Governments have legislative responsibilities for bushfire risk management on all land tenures within a Local Government area.

Specific powers of Local Government pursuant to the *Bush Fires Act 1954* include:

- Section 36(f): Assist an occupier of farm lands within its district to acquire appliances, equipment and apparatus for the prevention, control and extinguishment of bush fires upon or threatening such land; and
- Section 36(e): Use any vehicle in controlling or extinguishing a bushfire or in attempting to do so.

Slip On Fire Fighting Units have previously been eligible for LGGS funding. *DFES Directive 3.3 Operational Support SA 3.3C Vehicle Identifiers* acknowledges that emergency response is often supplemented in regional Western Australia by local farmers and landowners with private fire fighting vehicles and recommends the use of Vehicle Identifier Stickers to enable the identification of private vehicles and persons suitable for access to an incident ground.

Recommendation 9 of the Report of the Special Inquiry into the January 2016 Waroona Fire (Ferguson Report) was that the State Emergency Management Committee (SEMC) in consultation with relevant stakeholders establish systems for the voluntary registration of (among others) farmer firefighting units to facilitate the safe, efficient and effective recognition, organization, development, management and coordination of farmer, contractor and forestry firefighter resources. The May 2017 Discussion Paper [Registration of Farmer Firefighting Units](#) prepared by DFES acknowledges that there are a number of locations in Western Australia where farmer and other private firefighting unit resources are an *essential* part of the response to fires in the community and these arrangements work well for low intensity and short duration fires (level 1).

The ERA review of the ESL in 2017 recommended that the funding allocation manual for frontline service delivery organisations should be described sufficiently broadly so as not to be too prescriptive, in turn allowing for discretion and flexible decision making based on needs (Recommendation 20). Further discussions will be required to develop appropriate operational guidelines and procedures for the safe use of Slip On Fire Fighting Units funded pursuant to the LGGS. The Bushfire Guidelines for Operating Private Equipment was published by FESA (now DFES) in 2011, and provide requirements for private equipment to ensure its suitability for firefighting. These Guidelines are currently under review. The [SA Country Fire Service Private Farm Fire Unit Handbook](#) released in October 2020 provides a recent example of guidelines that support a consistent approach to the use of private firefighting units during bushfire events including wearing of Personal Protective Equipment, vehicles and ancillary equipment standards, communications, and fire ground expectations.

Moved: Cr Karen Chappel
Seconded: Cr Ronnie Fleay

That Item 7.5.2 – Lord Mayor Report, be brought forward for discussion.

7.5.2 City of Perth Report

Lord Mayor Basil Zempilas, City of Perth, provided an update to the meeting.

The Lord Mayor left the meeting at 5.01pm and did not return.

MATTERS FOR CONSIDERATION BY STATE COUNCILLORS (UNDER SEPARATE COVER)

5.4 Finance and Services Committee Minutes (01-006-03-0006 TB)

Moved: Cr Paul Kelly
Seconded: Cr Karen Chappel

That the Minutes of the Finance and Services Committee Meeting held 17 February 2021 be endorsed.

RESOLUTION 181.1/2021

CARRIED

5.5 Selection Committee Minutes (01-006-03-0011 TL) – CONFIDENTIAL

Cr Chris Mitchell, Cr Phillip Blight, Cr Catherine Ehrhardt, declared an interest in Item 5.5 and left the room at 5.02pm

Moved: Cr Karen Chappel
Seconded: Cr Les Price

That the recommendations contained in the 26 February 2021 Selection Committee Minutes be endorsed.

RESOLUTION 182.1/2021

CARRIED

Cr Chris Mitchell, Cr Philip Blight, Cr Catherine Ehrhardt returned to the meeting at 5.05pm

5.6 Use of the Association's Common Seal (01-004-07-0001 NS)

Moved: Cr Julie Brown
Seconded: Cr Chris Mitchell

That State Council:

1. Approve the use of the Common Seal for the LGIS Bank Guarantee for 2021;
2. Note the use of the Common Seal for the Local Government House Trust Deed of Variation.

RESOLUTION 183.1/2021

CARRIED

5.7 LGIS Board Minutes

Mayor Tracey Roberts and Cr Paul Kelly declared an interest in point 4 of Item 5.7 and left the meeting at 5.06pm

Moved: Cr Jenna Ledgerwood
Seconded: Cr Phillip Blight

That State Council:

1. Approve the Scheme Management fee annual adjustment payable to JLT/Marsh be adjusted to increase by 2% for the 2021/22 financial year.
2. Approve a reciprocal 2% adjustment to remuneration to WALGA from the LGIS scheme.
3. Recognise that the contracted remuneration adjustments for both the Scheme Manager and WALGA may be subject to change during the period dependant on the outcomes of the review of the Agreement and subsequent negotiations.
4. Approve that remuneration for LGIS Board members be increased by 2.0% for the 2021/22 financial year as per the LGIS Corporate Governance Charter guidance.
5. Note the minutes of the LGIS Board meetings held on 4 December and 4 February.

RESOLUTION 184.1/2021

CARRIED

Mayor Tracey Roberts and Cr Paul Kelly returned to the meeting at 5.15pm

5.8 LGIS Marketing Function Review

Moved: Cr Chris Mitchell
Seconded: Mayor Mark Irwin

That State Council note the completion of the review of the LGIS marketing function and expenditure.

RESOLUTION 185.1/2021

CARRIED

6. MATTERS FOR NOTING / INFORMATION

6.1 Local Government Car Parking Guideline – Western Australia (05-036-03-0063 AR)

By Ashley Robb, Project Officer Planning and Improvement

Moved: Cr Karen Chappel
Seconded: Cr Chris Mitchell

That That State Council note the *Local Government Car Parking Guideline – Western Australia*.

RESOLUTION 186.1/2021

CARRIED

Executive Summary

- New development car parking requirements have historically been regulated by setting minimum parking requirements for each land use in local planning schemes or policies.
- In December 2020, WALGA launched the *Local Government Car Parking Guideline - Western Australia*. The guideline has been prepared for Local Governments who are seeking to trial and adopt alternative policy approaches to improve parking provision and management in cities or town centres.
- The guideline was launched at an event attended by over 120 people from Local Government, State agencies and industry groups. Since the launch, the guideline has been accessed by over 100 Local Government staff and is already being used by Local Governments to review and prepare parking strategies, plans and local planning policies.
- The guideline is an innovative and collaborative project that demonstrates WALGA's capacity to bring its members together with State agencies, to collaborate and address key planning issues.

Attachment

[Local Government Car Parking Guideline - Western Australia](#)

Policy Implications

Key Strategies

WALGA's relevant Advocacy Position Statements:

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

6.3 Planning Improvement Program - The Association supports the establishment of a Planning Improvement Program specifically for the Local Government sector.

Background

Local Governments generally set minimum parking requirements for individual land uses in local planning schemes or policies to ensure that development provides sufficient parking for customers and staff onsite. International studies have recognised that this approach can cause a number of issues, including: underused parking bays in non-peak periods; more traffic, air and noise pollution;

suboptimal built form outcomes; and, inflated new development costs, which are passed on to customers, tenants and home buyers.

Since 2017, WALGA has worked with the Department of Transport, the Department of Planning, Lands and Heritage, and a reference group of Local Government officers, to identify the advantages and disadvantages of this conventional approach and alternative policy approaches applied nationally and internationally.

In 2018, WALGA's State Council noted the report: *Review of Local Government Car Parking Requirements in Western Australia* (2018). This report was commissioned by WALGA and the Department of Transport and found that minimum parking requirements set out in local planning schemes and policies are poorly related to demand generated by development, and may be impeding the optimal use of land and achievement of strategic community objectives.

In 2019, WALGA prepared a discussion paper with State agencies and the reference group. The discussion paper summarised alternative policy approaches to parking provision and management, and was released for consultation to all Local Governments, relevant State agencies and industry groups. The discussion paper was accessed by over 150 Local Government planning and engineering staff.

In 2020, WALGA used the content of the discussion paper and feedback collected from members and industry groups to prepare a guideline for Local Governments who are seeking to trial and adopt alternative policy approaches, to improve parking provision and management in cities or town centres in both metropolitan and regional areas.

In December 2020, the guideline was launched at an event attended by over 120 people from Local Government, state agencies and industry groups. The launch featured a keynote presentation from Distinguished Research Professor Donald Shoup, from the University of California, Los Angeles (UCLA). Professor Shoup, who is recognised as the world's leading car parking expert, was joined by interstate and local speakers.

The guideline is a comprehensive summary of the alternative approaches being applied by Local Governments across the world. It includes sections on off-street (private) parking, on-street parking, off-street (public) parking, several case studies from Western Australia, and other useful resources and images.

International studies have shown that applying the alternative policy approaches outlined in the guideline, such as parking maximums, dynamic pricing and parking benefits districts, can help communities improve access to local businesses, decrease development costs, reduce traffic congestion in town centres, improve the appearance and safety of streetscapes, and improve the vibrancy and functionality of public spaces.

Importantly, reconsidering the way parking is provided and managed allows communities to use potentially unnecessary parking space in other ways, like parks and gardens, alfresco dining, bioswales, bike paths, wider footpaths, and street trees.

Since the launch, the guideline has been accessed by over 100 Local Government staff through WALGA's Planning Improvement Portal and main website, and is already being used by members to review and prepare parking strategies, plans and local planning policies.

WALGA's planning and infrastructure teams have worked together to deliver this project, with valuable assistance from the governance, marketing and communications teams.

Comment

The simplicity of calculating and enforcing minimum parking requirements using conventional approaches may continue to be useful in a range of situations, particularly where resources to conduct parking surveys are limited. However, alternative approaches exist, and Local Governments in Western Australia are beginning to adopt and apply these approaches for the benefit of local communities, business customers and workers, and developers.

This innovative and collaborative project has demonstrated WALGA's capacity to bring its members together with State agencies, to collaborate and address key planning issues.

In 2021, WALGA and the Local Government parking reference group will continue to work closely with the Department of Planning, Lands and Heritage and the Department of Transport to ensure that Western Australia's planning system supports alternative approaches to parking provision and management that help members and their communities achieve strategic community objectives.

6.2 Submission – Draft Local Government Regulations Amendment (Employee Code of Conduct) Regulations 2020 (05-034-01-0104 TB)

By Tony Brown, Executive Manager Governance and Organisational Services

Moved: Cr Karen Chappel
Seconded: Cr Chris Mitchell

That the submission to the Draft Local Government Regulations Amendment (Employee Code of Conduct) Regulations 2020 be noted.

RESOLUTION 187.1/2021

CARRIED

Executive Summary

- The Department of Local Government sought feedback on draft regulations relating to an employee code of conduct.
- The Government is seeking to have the regulations gazetted early February 2021 ahead of the caretaker period commencing.
- The draft submission highlights a number of issues, most notably relating to gifts and inconsistencies with existing requirements for Elected Members and the CEO.
- State Council endorsed the submission by Flying Minute on 6 January 2021.

Attachment

[Flying Minute incorporating Draft submission – Draft Local Government Regulations Amendment \(Employee Code of Conduct\) Regulations 2020](#)

Background

The Department of Local Government, Sport and Cultural Industries wrote to the sector seeking comment on draft regulations for an Employee Code of Conduct in December 2020 requesting feedback by 6 January 2021.

Comment

The draft submission highlights a number of issues with the draft regulations, principally in relation to consistency with requirements relating to gifts for Council Members and the CEO in terms of gifts, and the need for a template Employee Code of Conduct for the Local Government sector.

The draft submission was endorsed by State Council via Flying Minute on 6 January 2021.

The Government is aiming for the Regulations to be Gazetted in early February ahead of the caretaker period commencing.

6.3 Submission – Proposed Reportable Conduct Scheme for Western Australia (05-034-01-0104 TB)

By Tony Brown, Executive Manager Governance and Organisational Services

Moved: Cr Karen Chappel

Seconded: Cr Chris Mitchell

That the submission to the Ombudsman, Western Australia in respect to the Draft Reportable Conduct Scheme for Western Australia be noted.

RESOLUTION 188.1/2021

CARRIED

Executive Summary

- The State Government is consulting on a proposed Reportable Conduct Scheme for Western Australia that will require relevant organisations to investigate and report employee misconduct involving children.
- The proposed Scheme was a recommendation of the Royal Commission into Institutional Responses to Child Sexual Abuse and will provide independent oversight of how certain organisations prevent and handle allegations and convictions of child abuse involving employees.
- The Ombudsman released the *Parliamentary Commissioner Amendment (Reportable Conduct) Bill 2020* for consultation.
- WALGA's submission highlights that obligations imposed on a Local Government and the Chief Executive Officer (CEO) of a Local Government (as the head of a relevant entity) are significant. The Scheme introduces a complex and onerous reporting framework (more onerous than the reporting obligations under the *Corruption, Crime and Misconduct Act 2003*) that will require support and funding from the State and/ or Commonwealth Government to educate Local Governments on Scheme obligations.
- State Council endorsed the submission by Flying Minute on 29 January 2021.

Attachment

[Flying Minute incorporating Submission – Proposed Reportable Conduct Scheme for Western Australia](#)

Background

The Royal Commission into Institutional Responses to Child Sexual Abuse Final Report was handed down in December 2017 and since that time the State and Commonwealth Governments have been implementing a number of the Recommendations. In 2018 the State Government passed the legislation required to establish the National Redress Scheme. In April 2020 WALGA State Council endorsed a Memorandum of Understanding with the State Government providing for Local Government to formally join the National Redress Scheme and all Local Governments have now passed Council resolutions to join.

During 2021 the State Government will be consulting on the Reportable Conduct Scheme, the development of an Independent Oversight System and the proposal for Local Governments to designate child safety officer positions from within existing staff profiles.

Comment

The proposed Reportable Conduct Scheme is a scheme to report employee misconduct involving children. The Royal Commission found that organisations need to improve their responses to child abuse and recommended that State and Territory Governments set up schemes which oblige heads of organisations to notify an independent body of misconduct involving children by their employees, volunteers and contractors (reportable conduct).

The proposed Scheme will apply to organisations that exercise a high degree of responsibility for children and where there is a heightened risk of child abuse. These organisations will need to notify the Parliamentary Commissioner of allegations and convictions of child abuse involving their employees. The Parliamentary Commissioner can then review the findings made and the action taken by the organisation or undertake their own investigation.

Many Local Government Chief Executive Officers (CEOs) will lack the expertise and capacity to adequately and appropriately investigate allegations or convictions of child abuse involving an employee and will likely engage an independent investigator to conduct the relevant investigation.

The *Parliamentary Commissioner Amendment (Reportable Conduct) Bill 2020* (Bill) is largely based on the legislation establishing the Reportable Conduct Schemes in NSW and Victoria. The Scheme was implemented in NSW in 1999, and in Victoria and the ACT in 2017. In preparing the submission WALGA has considered both the NSW and Victorian legislation and the intention of the Scheme as outlined in the Royal Commission's Final Report.

The submission recommends a number of recommendations to address sector concerns and the submission was endorsed by State Council via Flying Minute and provided to the State Government by 29 January 2021.

6.4 Submission – Draft State Planning Policy 4.2: Activity Centre (05-036-03-0020 CH)
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Chris Hossen, Acting Policy Manager, Planning & Improvement

Moved: Cr Thompson
Seconded: Mayor Howlett

That the endorsed submission on the draft State Planning Policy 4.2: Activity Centre be noted.

RESOLUTION 189.1/2021

CARRIED

Executive Summary

- In October 2020 the Western Australian Planning Commission released the draft *State Planning Policy 4.2: Activity Centres* (SPP4.2) with implementation guidelines,
- The intent of SPP4.2 is to ensure planning and development adequately considers the distribution, function and broad land use considerations for activity centres.
- The submission was endorsed by State Council by Flying Minute on 28 January 2021.

Attachment

[Flying Minute incorporating Submission – Draft State Planning Policy 4.2: Activity Centres](#)

Background

In October 2020 the Western Australian Planning Commission (WAPC) released the draft *State Planning Policy 4.2: Activity Centres* (SPP4.2) with the draft implementation guidelines. The intent of SPP4.2 is to ensure planning and development adequately considers the distribution, function and broad land use considerations for activity centres.

The advertised policy is proposed to replace the current *SPP4.2: Activity Centres for Perth and Peel*, which was gazetted over 10 years ago. SPP4.2 will apply to the Perth, Peel and Greater Bunbury Region Scheme Areas. Local Governments in other parts of the state will be able to apply the principles of the policy to the planning of their activity centres, in collaboration with the WAPC.

In contrast to the current version of SPP4.2 detail regarding the preparation and content of Activity Centre Structure Plans have been removed from the policy. As part of the DesignWA initiative, the Planning Reform agenda Activity Centre Plans have been removed from the planning framework and replaced by precinct structure plans. The recently gazetted *State Planning Policy 7.2: Precinct Design* (SPP7.2) will form the basis for matters that require consideration in precincts that are also activity centres. The Association's submission to SPP7.2 supported the inclusion of activity centre precinct design into the DesignWA framework. This change is a positive simplification of the planning framework.

This change to SPP4.2 provides for a more succinct policy that focuses on the maintenance of the activity centre hierarchy (strategic, secondary, district and specialised activity centres, to ensure that decisions in one centre do not unduly impact on the viability of others. The objectives of policy are to:

1. Provide a hierarchy and network of activity centres that meets community need and provides social, economic and environmental benefits to all Western Australians.
2. Enable the distribution of a broad range of goods, services and activities, including retail, commercial and mixed-use developments that do not undermine the hierarchy of activity centres.
3. Ensure consistency and rigour in the planning and development of activity centres.

Comment

Local Governments have indicated their general support of the draft policy and guidelines. The Department of Planning, Lands and Heritage (DPLH) has consulted broadly with the sector and other stakeholders during policy and guideline preparation. However, as noted in the submission, the policy and guidelines require further refinement prior to adoption by the WAPC. These changes are largely minor in nature, and thus the Association can support SPP4.2 subject to the consideration of these changes.

The planning of successful multi-functional activity centres is important to Western Australia's economic and social success. In recent years, economic factors and changes in business models have led to a range of concerns in activity centre planning that have caused stresses on Local Governments. Of particular concern are proposals that challenge the established activity centre hierarchy and major development proposals that seek to place themselves outside existing activity centres.

SPP4.2 attempts to address these concerns through the establishment or refinement of two tools: a 'Needs Assessment' and an 'Impact Test'. It is proposed that Local Governments may prepare a Needs Assessment as part of their local strategic planning, or that an applicant may prepare one when proposing a major development. The Impact Test, previously known as a Retail Sustainability Assessment, is required to be prepared when there are concerns that a proposal will unduly impact on the proposed or existing centres. The Impact Test will allow Local Governments to make a more informed decision on such proposals. The inclusion and refinement of these tools are supported.

The draft Policy also takes steps to address the management of supermarkets and also establishes a process for Local Governments to propose changes to the Activity Centre Hierarchy, both matters that have previously been lacking from the state planning framework. The inclusion of supermarkets is of particular importance to the sector. Changing development models and the introduction of new competitors has seen a proliferation of full-line supermarkets into lower level activity centres and also in 'out of centre' locations. This has caused considerable concern about impacts on the viability of existing centres and has also challenged the functionality of local activity centre frameworks. The Association has proposed in its submission even greater certainty when determining supermarket proposals through the establishment of a Model Definition for both 'Neighbourhood Supermarkets (with a maximum size) and supermarkets. This would allow Local Governments to set, through their Local Planning Scheme, the appropriate form of supermarket in each commercial zone.

The Association's submission was prepared in consultation with Local Governments. An early draft of the submission was circulated to members via the Planning Improvement Portal in December 2020. This feedback has been used to inform the final submission. The comment period for submissions closes on 12 February 2021.

The draft submission was presented to the People and Place Policy Team for feedback on 20 January. Members discussed the complex technical nature of the changes and supported the submission. The submission was subsequently endorsed, subject to one minor amendment, by WALGA's State Council via Flying Minute on 28 January 2021 (RESOLUTION 196.FM/2021). The amendment related to the inclusion of an additional recommendation seeking the WAPC consider the inclusion of a 'Shop-Small' land-use definition as part of any future amendments to the Local Planning Scheme Regulations.

6.5 Submission – Registration of Builders (and Related Occupations) Reforms (05-015-02-0010 CL)

Claire Lings, Project Officer, Planning and Improvement

Moved: Cr Karen Chappel
Seconded: Cr Chris Mitchell

That the endorsed submission on the Registration of builders (and related occupations) reforms be noted.

RESOLUTION 190.1/2021

CARRIED

Executive Summary

- In October 2020 Department of Mines Industry Regulation and Safety (DMIRS) released a consultation paper proposing changes to the Building Services (Registration) Act 2011 (BSR Act) and Building Services (Registration) Regulations 2011.
- Submissions on the Consultation Regulatory Impact Statement close on 29 January 2021. However, an extension until 12 February 2021 has been requested and granted by DMIRS.
- The submission was endorsed by State Council by Flying Minute.

Attachment

[CRIS Appendix D – Map 1: Areas of the State where builder's registration is required \(Schedule 3\)](#)

Background

The State Government has committed to implementing the recommendations of the Commonwealth Government commissioned *Shergold Weir-Building Confidence Report*. As part of this, DMIRS have released a consultation paper proposing changes to the Building Services (Registration) Act 2011 (BSR Act) and Building Services (Registration) Regulations 2011. The BSR Act establishes the registration regime for builders, building surveyors and painters in WA.

The consultation paper seeks comment on:

- a proposed shift from a single class (tier) of builder registration in WA to three tiers and how these reforms could best be implemented in WA;
- registration of project managers responsible for coordinating and planning commercial buildings in WA, and owners' representatives of commercial buildings;
- mandatory continuing professional development requirements for registered builders and building surveyors;
- proposals to strengthen disciplinary and enforcement powers under the BSR Act; and
- the extension of mandatory builder registration to currently exempt areas of remote and regional WA.

The major impact of the reforms on the Local Government sector is the extension of mandatory builder registration to currently exempt areas of remote and regional WA that may increase compliance workload for regional Local Governments.

Currently the BSR Regulations establish both when and where builder registration is required in WA. Regulation 13 of the BSR Regulations defines 'builder work' for which registration is required as work:

- for which a building permit is required
- has a value of \$20,000 or more; and
- is carried out in an area of the state set out in Schedule 3.

Schedule 3 currently lists those areas of the state that do not require a registered builder to carry out the work and this includes most areas outside the South West land division and outside of designated town sites in all other regions (see Attachment: CRIS Appendix D- Map 1). The proposal for change is to repeal Schedule 3 of the BSR Regulations, therefore requiring that if work requires a building permit under the Building Regulations and is over \$20,000 in construction value then a registered builder is required to carry out the work.

Comment

Local Governments have indicated their general support of reforms, however concern has been expressed with the impact that this change may have on already limited resources, particularly if mandatory inspections are introduced and considering the increase in construction activity due to the current State and Commonwealth stimulus packages. This may lead to some regional and remote Local Governments not having the resources to carry out their building control function.

The repeal of Schedule 3 of the BSR Regulations will significantly expand the areas of the State and the types of building work where a registered builder must be used. One key advantage of extending registration requirements for builders is that consumers in these areas can have more confidence that should they have a dispute with their builder, the builder will be more likely to resolve the matter as there will be disciplinary consequences. Whilst the disciplinary consequences are managed by DMIRS, it is often Local Government who are the first point of contact with the community when a dispute arises. In many cases the initial compliance inspection is also carried out by the Local Government before an issue is elevated to a disciplinary complaint. It is this extra workload that would be difficult to manage for regional and remote Local Governments where building work is carried out in remote and some regional areas. There are currently no legislated fees for compliance work carried out by a Local Government and the cost implication of carrying out inspections for compliance matters in regional and remote areas can be significant. Whilst inspections are currently not mandatory in Western Australia the implementation of mandatory inspections is currently under review by DMIRS. Should mandatory inspections be introduced then Local Governments may be required to carry out inspections at various stages throughout the building process under the Building Act requirements. With the implementation of State and Commonwealth stimulus packages already bringing increased construction activity Local Governments will require support to continue their compliance functions.

The BSR Regulations apply a \$20,000 construction value to work that requires a registered builder. In metropolitan areas this value will allow some residential additions to be carried out by an unregistered person or the owner. Local Governments have raised the issue that many additions in regional and remote areas are over \$20,000 some only due to the bushfire-prone location and energy requirements. It has been recommended that the minimum estimated value of work requiring a registered builder of \$20,000 should be reviewed to better align with current building costs in regional and remote areas.

This report was circulated to Local Government Building Surveyors for comments, with feedback received from officers at the City of Bunbury, Shire of Waroona and Town of Victoria Park.

The draft submission was presented to the People and Place Policy Team for feedback on 20 January. Members discussed the complex technical nature of the changes and supported the submission. The submission was subsequently endorsed by WALGA's State Council via Flying Minute on 28 January 2021 (RESOLUTION 197.FM/2021).

The endorsed recommendation states:

That WALGA:

- 1. Advise the Department of Mines Industry Regulation and Safety (DMIRS) that the Consultation Regulatory Impact Statement, registration of builders (and related occupations) reforms is supported in principle, subject to the following matters being addressed in consultation with the Local Government sector:***
 - a. Prior to any regulatory changes, undertake a review of the minimum estimated value of building work required to engage a registered builder of \$20,000 to ensure it better aligns with current building costs in regional areas.***
 - b. Other regulatory and policy changes that are the subject of current proposals for change, such as mandatory inspections, registration of engineers, and the***

impact of State and Commonwealth building stimulus programs on construction be considered in conjunction with this proposal to ensure Local Government and industry are adequately resourced in remote and regional areas.

- 2. Provide this report to DMIRS as feedback on the Consultation Regulatory Impact Statement.**

6.6 Report Municipal Waste Advisory Council (MWAC) (01-006-03-0008 RNB)
--

By Rebecca Brown, (Manager, Waste & Recycling)

Moved: Cr Karen Chappel
Seconded: Cr Chris Mitchell

That State Council note the resolutions of the Municipal Waste Advisory Council at its 26 August, 28 October and 9 December 2020 meetings.

RESOLUTION 191.1/2021

CARRIED

Executive Summary

- This item summaries the outcomes of the MWAC meetings held on 26 August, 28 October and 9 December 2020.

Background

The Municipal Waste Advisory Council is seeking State Council noting of the resolutions from the **26 August, 28 October and 9 December 2020** meetings, consistent with the delegated authority granted to the Municipal Waste Advisory Council to deal with waste management issues.

Copies of Agendas and Minutes are available from WALGA staff, on request.

Comment

The key issues considered at the meetings held on **26 August, 28 October and 9 December 2020** included:

Increasing the Use of Recycled Construction & Demolition materials

The Department of Water and Environmental Regulation held an information session on the Roads to Reuse Program – which encouraged Main Roads to use recycled C&D in some projects. This is one of the major actions to increase the use of recycled C&D material in the Waste Authority Action Plan. However, there are a range of other actions which are needed to address the issues associated with use of recycled materials, including specifications and effective market development. MWAC considered the best way to progress this issue.

MUNICIPAL WASTE ADVISORY COUNCIL MOTION

That the Municipal Waste Advisory Council endorse correspondence to the Environment Minister requesting the formation of Construction & Demolition Reference Group.

Moved: Cr Thompson **Seconded:** Cr Abetz
CARRIED

WARR Levy and Economic Impact of COVID-19

Local Government needs certainty regarding the Levy in order to ensure the Waste Plans being developed are well informed and economically considered. COVID-19 is likely to have a significant impact on the WA economy and on Local Governments and their communities, this impact will vary across WA and the metropolitan area. Government also needs to reinvest the Levy to facilitate waste avoidance and resource recovery.

MUNICIPAL WASTE ADVISORY COUNCIL MOTION

That the Municipal Waste Advisory Council endorse correspondence to the Environment Minister seeking information on the future direction to the WARR Levy and identifying the economic impact of COVID-19 on Local Government and their communities.

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

Second Wave Planning

Local Government and the waste industry were well organised and quickly responded to the first wave of COVID-19, putting in place comprehensive business continuity and contingency plans. There is the potential for a second wave. Therefore WALGA, working with Local Governments and Preferred Suppliers, developed a Second Wave Planning document which identifies the various waste management activities which would change based on the levels of restriction that are imposed in response to a second wave. WALGA also sought advice from the Industrial Relations Team within WALGA regarding worker safety issues.

MUNICIPAL WASTE ADVISORY COUNCIL MOTION

That the Municipal Waste Advisory Council:

- **Endorse the Second wave planning document**
- **Send correspondence highlighting the work to the Environment Minister and Director General of the Department of Water and Environmental Regulation.**

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

Office of the Auditor General Report Response

A short response has been drafted to the recommendations from the Office of the Auditor General Report into Waste Management Service delivery. The Office of the Auditor General usually only audits State Government entities, however with the expansion of the role of the Office, Local Government is now also auditable. When it is a State Government entity the entity responds to the Office, however in this instance there is an opportunity for a collective Local Government response developed through MWAC. The response highlights the collective and constructive approach that Local Government is taking to addressing the issues raised in the Report.

MUNICIPAL WASTE ADVISORY COUNCIL MOTION

That the Municipal Waste Advisory Council:

- **Endorse the response to Office of Auditor General report on Waste Management Service Delivery**
- **Send correspondence to the Local Government Minister highlighting the response to the Report.**

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

Industry Training Reference Group

The need for waste management specific qualifications has been raised by the sector on numerous occasions. To address this WALGA partnered with another Registered Training Organisation (RTO) to deliver the Waste Management Certificate III training package. The training package has now changed and WALGA is working to bring the Cert III onto WALGA's scope to deliver as WALGA is also a RTO.

To ensure the training package is fit for purpose and has good engagement with the sector it is proposed that an Industry Reference Group be formed, with representatives from Local Government, LGIS and the waste industry. The Group will be selected through an Expression of Interest process, seeking interested individuals with skills and expertise in waste education/behaviour change, waste management operations or other relevant skill sets.

MUNICIPAL WASTE ADVISORY COUNCIL MOTION

That the Municipal Waste Advisory Council endorse:

- **The formation of an Industry Training Reference Group**
- **Terms of Reference for the Group.**

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

WARR Act Review Submission

Due to the timeline for Submissions, MWAC considered the Draft Submission on the Waste Avoidance and Resource Recovery Act (WARR Act) review via an out of session flying minute. The MWAC Submission focused on:

- An Independent Waste Agency
- Clarity required on Local Government Waste Services
- Include Waste Education / Behaviour Change in definition of waste services
- Strengthen Act to enable Extended Producer Responsibility
- Consideration of Circular Economy and regional collaboration.

MUNICIPAL WASTE ADVISORY COUNCIL MOTION

That the Municipal Waste Advisory Council confirm the outcome of the out of session Flying Minute – WARR Act Review Submission – 20 November 2020 as a true and accurate record of the proceedings.

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

Guideline: Better Practice Composting

The Department of Water and Environmental Regulation released a Draft Guideline: Better Practice Composting for comment. MWAC has provided feedback on two previous iterations of this document in 2015 and 2016 – which were Environmental Standards. The most recent draft is pitched as a Guideline for Better Practice, however the document is focused on environmental compliance. MWAC worked with the composting industry and Local Government to develop feedback on the document.

MUNICIPAL WASTE ADVISORY COUNCIL MOTION

That the Municipal Waste Advisory Council endorse the draft Submission on the Department of Water and Environmental Regulation Guideline: Better Practice Composting.

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

Waste Derived Materials Legislative Framework

The Department of Water and Environmental Regulation released a Discussion Paper on Waste Derived Materials Legislative Framework. This Framework is intended to protect the environment and provide a clear pathway for material *applied to land* to cease to be considered a waste (under the Environmental Protection and Waste Avoidance and Resource Recovery Act).

MUNICIPAL WASTE ADVISORY COUNCIL MOTION

That the Municipal Waste Advisory Council endorse the draft Submission on the Department of Water and Environmental Regulation Discussion Paper on a Waste Derived Materials Framework.

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

7. ORGANISATIONAL REPORTS

7.1 Key Activity Reports

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

By Zac Donovan, Executive Manager Commercial and Communications

Moved: Cr Chris Mitchell
Seconded: Cr Les Price

That the Key Activities Report from the Commercial and Communications Unit to the March 2021 State Council meeting be noted.

RESOLUTION 192.1/2021

CARRIED

Commercial and Communications comprises of the following WALGA work units:

- Commercial Development
- Commercial Management
- LGIS Contract Management
- Communications (Marketing and Events)
- Media and Advocacy (currently vacant)

The following provides an outline of the most recent key activities of Commercial and Communications:

Commercial Development

Preferred Supplier Panel Transition

The process of shifting the Preferred Supplier program into a new structure is now midway through its transition phase.

- The legal drafting for new Contracts is near completion, and several hundred Preferred Suppliers have been shifted from the previous Contract model to the new simplified structure.
- Online communications are being maintained to guide the transition, and greater attention is being directed towards refreshing the Scope of Services for each of the contract categories.

The workflow is scheduled to continue until June 2021, at which time 36 former contracts will have been converted into 11 new Preferred Supplier Panels.

On completion of transition WALGA will open its Panels to new Preferred Supplier tenders and have an expedited and more agile structure to bring new supplier options into the Panels. There is also a strong focus on delivering quantifiable Preferred Supplier value to Members which remains a core focus of the transition process.

Energy Project

WALGA has commenced a project to explore the feasibility to price and contract an aggregate energy load for participating Members. The project is intended to source generation from renewable sources, thereby assisting Members to achieve Renewable Energy Targets.

The project also intends to use the economy of scale volume of supply to reduce costs. Early indications are that an initial load of 120GWh of electricity supply will be priced through the market

process, followed by the addition of gas and carbon offsets. WALGA is at the initial stage of the project scoping and has commissioned legal advisors to obtain an ACCC determination and exemption to allow for the project buying group to consolidate the load into a single aggregate purchase.

A webinar has been hosted and initial load profile data collected for interim analysis. There is strong Member support and subject to anticipated legal and commercial outcomes both being confirmed a formal project brief will be developed for adoption. The next milestone is on February 4 2021 where the retailer feedback on capacity to supply will be lodged.

Commercial Management

Preferred Supplier Performance

The Preferred Supplier Program is currently slightly ahead of budgeted income by \$39,000 with 73% of submissions for the second quarter. Activity is well in advance as at the same time last year with 31% higher turn over which equates to an additional \$18 million in Member expenditure through the panels.

Progressive activity in the top 5 Preferred Supplier panels for the quarter are:

- Waste Collection reporting activity of \$13.9 million from 73.7% of submissions received
- Road Building and Materials at \$10.5m from 68% of submissions
- Energy Services at \$5.5m from 78.4% of submissions
- Temporary Labour at \$5.3m from 76.8% of submissions
- Parks and Gardens at \$6m from 77.9% of submissions

Member Engagement

The improved performance of the Preferred Supplier Program on the previous year should be expected given the unit has proactively increased the number of face to face engagements with the sector.

The Commercial Management Teams Member engagement strategy saw the team visit approximately 50 Members between October 2020 and early December 2020, with a further 33 Member visits now locked in for the period early February 2021 to the end of March 2021.

A Member visitation calendar capturing all Members during 2021 is currently being finalised. In addition to raising awareness with Members around the PSP transition and restructure.

Marketing and Events

State Election Campaign

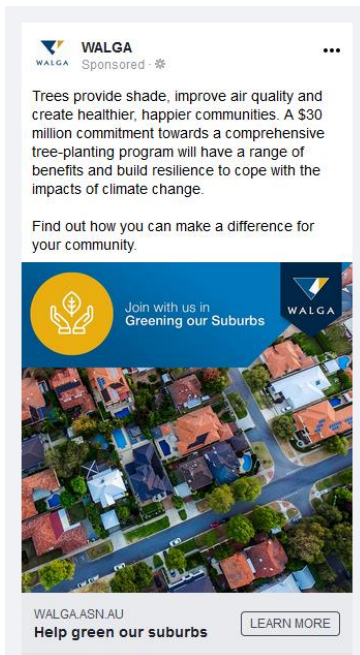
In the lead up to the State Election WALGA has initiated a campaign to highlight nine key issues important with the sub headings of: Greening our Suburbs; Getting Goods to Market; Funding for Local Roads; Protecting our Coast; Lighting the Way; Sport and Recreation; New Act; Fairer Fees; and Working Together.

Each of the issues and the sector's position are detailed on an interactive webpage on the WALGA website at <https://walga.asn.au/StateElection>.

The campaign is supported by digital advertising scheduled to target demographics most salient to each specific issue. The intention of the campaign is to encourage candidates in the State Election to commit to the sector's position on the various points by realising the opportunity available in working with their local community.

The State Election social media campaign began on Monday 18 January 2021, with six different posts scheduled for a six-week period with sponsored ads running across Facebook and Instagram.

The first post on the first week of the campaign was featuring the 'Greening our Suburbs' creative and ran from Monday 18 Jan – Sunday 24 Jan 2021, it reached 33,279 people and had 608 link clicks. The spend was \$460 for 7 days. Additional posts will be monitored for performance and spend over the next five weeks.



Happy Place Sector Promotional Campaign

With the conclusion of the State election in March, WALGA will commence a new campaign to promote the various facilities and services provided by the sector in WA. The campaign has been created to help enhance awareness and support for Local Government services and to refute the proposition that Councils limit themselves to road repairs and rubbish services.

The campaign will include advertising in both regional and metropolitan television, state-wide press and online, including a competition mid-way through the campaign to help engage the community.

The concept underpinning the campaign is to encourage recognition that Local Governments provide services and facilities that help improve the quality of life in their local area. Themed as "What's Your Happy Place?" the campaign initially presents WA sporting personalities in their self-nominated "happy place" and explaining why the location they have chosen is important to them. The later stages of the campaign will draw on the experiences of everyday people from the community nominating their Local Government 'happy place.'

The timing of the campaign commencement is twofold – to both ensure messaging is not lost in the activity leading up to the election and to gain greater value for money for advertising expenditure by not purchasing at a time of higher demand.

West Australian Advertorial

WALGA has commenced offering the monthly p4 editorial placement in the West Australian to member Local Governments to feature their local area, context and achievements.

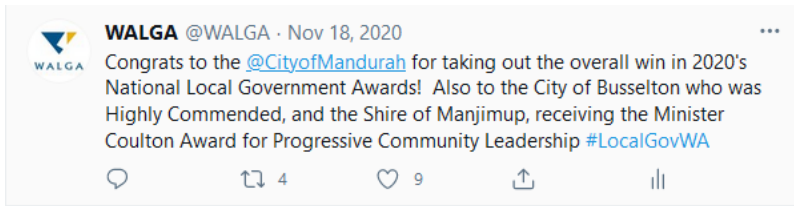
Featured during the period were: City of Bayswater (November); City of Mandurah (December); and WA Local Government Sector Sesquicentenary (January).

WALGA Social Media

Twitter

In the 3-month period from 1 November 2020 to 29 Jan 2021, WALGA's Twitter page earned 17,100 impressions, a 11% increase on the previous quarter (15,400 impressions).

The top tweet for Impressions in this period was a tweet on 18 November 2020 stating the winners in the 2020 National Local Government Awards, congratulating the @CityofMandurah as the overall winner. The tweet generated 2,441 impressions and 29 engagements.



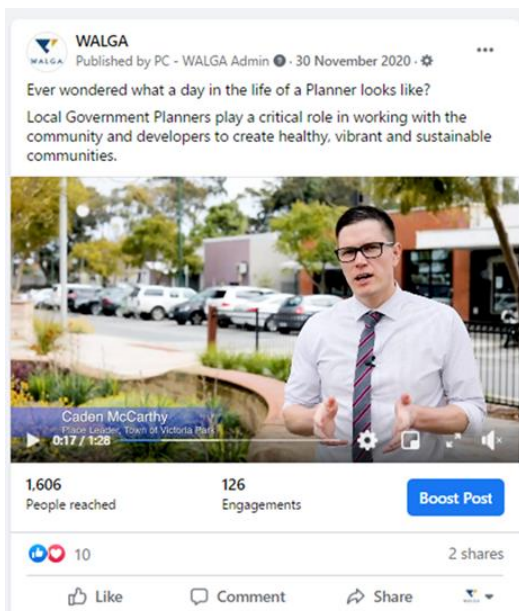
The tweet with the highest number of engagements was posted on 28 Jan 2021 announcing that WALGA had partnered with @WaterCorpWA to deliver the State Government funded 2021/22 Urban Canopy Grant Program. This post had a total of 53 engagements and an engagement rate of 5.7% (much higher than the 3 month average of 2.8%).



Over this period, the WALGA Twitter profile gained 47 new followers, (doubling the amount from last quarter which was 20) totaling 1956 followers; with 20 retweets, 44 likes and 33 link clicks.

Facebook

The WALGA Facebook post with the highest reach during this 3 month period was a short video created by the WALGA Content Producer featuring Local Government Planners explaining their job role. This post had an organic (unpaid) reach of 1606 people, 126 engagements and the video was viewed 510 times. The post was not boosted with additional spend.



Over this 3 month period, the WALGA Facebook page received 20 new likes, totaling 1872 , with a total of 94 new followers, taking the new total to 1967.

LinkedIn

The most popular post for Impressions on LinkedIn over this period was a post about a WALGA hosted forum discussing the building stimulus program, discussing changes to the State's planning reform agenda. This post had 4,193 impressions and 51 likes.



Over this period the WALGA LinkedIn page received 524 engagements, 2800 link clicks and 111 new followers bringing it to a total of 11,533.

While the new follower count is less than the previous quarter (211), the number of engagements for the LinkedIn page in this quarter climbed to 524 (previously 163) and the number of link clicks has increased significantly from 438 to 2800. However, this can also be attributed to this quarter having 15 posts with more clickable links, while last quarter had only 8 posts.

YourEveryday website

Adding new content to the YourEveryday website recommenced in November 2020 with the start of the new Digital and Content Coordinator in early November. 7 new videos have been published in this quarter featuring: City of Joondalup; Shire of Ginigin; Shire of Sandstone; Shire of Murray; Shire of Dalwallinu; Shire of Yalgoo; Town of Victoria Park.

Sector Statements

Media Statements released during the period were:

Wednesday, 27 January Grant Program to Increase Tree Canopies

Quarterly Reports were distributed to CEOs on January 20, and to Elected Members on January 22.

WALGA Events

During the period, WALGA's Event Team helped to coordinate the following events:

30 October: Webinar - Economic Recovery Supporting Local Business: Hosted by WALGA as part of a series of webinars to inform Local Governments about the impact of the pandemic on their local economy and business community and the role they can play in supporting the recovery. Featured Chamber of Commerce and Industry WA Chief Economist Aaron Morey, Regional Chambers of Commerce CEO Kitty Prodonovich and Small Business Commissioner David Eaton.

5-6 November: Pilbara Waste Summit 2020: The Pilbara Waste Summit brought together high profile speakers to the region as well as showcasing local initiatives and opportunities. Participants had the opportunity to workshop local waste management issues and opportunities with their colleagues from the region.

27 November: Trees in a Liveable City: An Urban Forest Conference. The conference showcased achievements of the organisations involved in growing Perth's urban canopy, including best practice examples and latest research, to provide attendees with the knowledge needed to make positive change in their own roles, organisations and communities.

Upcoming Events

11 February - Transport and Roads Forum: The Transport and Roads Forum will take place at Crown Perth on Thursday, 11 February. The Forum aims to stimulate discussion, challenge thinking, share knowledge and provide the opportunity to network with other Elected Members and Local Government staff. The program includes speakers from Local Government, Main Roads WA, the Department of Transport and industry experts.

2021 WA Local Government Convention: This year's Convention has been confirmed for Monday, 20 – Tuesday, 21 September, with the Convention Cocktails taking place on Sunday, 19 September. The event will move to Crown Perth, and the theme for this year is *Leading the WAY: Looking Forward, Looking Back*.

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

By Tony Brown, Executive Manager Governance & Organisational Services

Moved: Cr Chris Mitchell
Seconded: Cr Les Price

That the Key Activities Report from the Governance and Organisational Services Unit to the March 2021 State Council meeting be noted.

RESOLUTION 193.1/2021

CARRIED

Governance and Organisational Services comprises of the following WALGA work units:

- Governance and Procurement
- Employee Relations
- Training
- Regional Capacity Building
- Strategy & Association Governance

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

Governance and Procurement

Local Government Act Review – Regulatory amendments

The *Local Government Legislation Amendment Act 2019* introduced amendments to the *Local Government Act 1995* to implement the priority reforms identified in the Local Government Act Review process. However, amendments requiring a model Code of Conduct for Council Members (Model Code) and model standards for CEO recruitment, performance and termination (Model Standards) are yet to come into effect. In November and December 2020, the Department of Local Government, Sport and Cultural Industries released three sets of draft regulations to prescribe the Model Code, Model Standards, and requirements for employee Codes of Conduct. The titles of the draft regulations have changed since they were first released, and so are referred to here by subject matter.

WALGA carried out a consultation process with the sector on each of the draft regulations, before presenting the feedback to State Council for decision. WALGA has provided formal submissions to the Department, as well as continued advocacy on the concerns raised by the sector.

Mandatory Standards for CEO Recruitment, Performance Review and Termination

On 2 December 2020, State Council resolved as follows:

1. That WALGA support the establishment of CEO Recruitment, Selection and Performance Review Standards subject to:
 - a) removal from the Regulations the requirement to re-advertise CEO positions after 10 year's continual service;
 - b) Encouraging, rather than mandating, the involvement of an independent person in the CEO Recruitment and Selection Process;
 - c) The retention of Regulation 18C of the *Local Government (Administration) Regulations*;

- d) Deletion of the requirement under Regulation 18FB(4) to provide a copy of a council resolution certifying compliance with the CEO standards to the Departmental CEO;
 - e) The conduct of an independent assessment of potential industrial and employment law consequences arising from the proposed regulations under Schedule 2, Division 4 'Standards for termination of employment of CEOs'; and
 - f) Deferral of Regulation 18FC pending an independent assessment of the Schedule 2, Division 4 'Standards for termination of employment of CEOs'.
2. Seek that the CEO Recruitment and Selection, Performance Review and Termination Working Group be reconvened to oversee the development of CEO Standards Regulations.

A submission to this effect was developed and provided to the Department on 4 December 2020.

WALGA has been advised that some amendments have been made to clarify elements of decision making in the selection process. Importantly, this includes clarification that a Local Government must have regard to, but is not bound by, a recommendation by the selection panel. However, the issues identified in State Council's resolution have not been addressed.

The *Local Government (Administration) Amendment Regulations 2021* have been published in the Government Gazette and came into effect on 3 February 2021.

Model Code of Conduct

On 2 December 2020, State Council resolved as follows:

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

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

A submission to this effect was prepared and provided to the Department on 4 December 2020.

WALGA has been advised an amendment in accordance with part (a) of State Council's resolution has been incorporated in the draft regulations. The requirements for Local Governments to deal with complaints of alleged behavioural breaches have been maintained, with some minor amendments.

The *Local Government (Model Code of Conduct) Regulations 2021* have been published in the Government Gazette and came into effect on 3 February 2021. WALGA will continue to advocate for the provision of appropriate support and guidance to Local Governments in implementing the Model Code.

Employee Code of Conduct

On 4 January 2021 State Council endorsed by flying minute, a submission recommending the harmonisation of employee gift requirements with those of CEOs and Council Members, and requesting the development of a template Employee Code of Conduct.

This submission was provided to the Department on 6 January 2021.

WALGA has been advised that significant changes have been made to employee gift requirements, allowing CEOs to determine the appropriate arrangements to be specified in the Code of Conduct.

The *Local Government Regulations Amendment (Employee Code of Conduct) Regulations 2021* have been published in the Government Gazette and came into effect on 3 February 2021. WALGA will continue to advocate for the preparation of a template Employee Code of Conduct for the assistance of the sector.

Employee Relations

Ministerial Review of State IR System - Updated

The Legislative Council of Western Australia had its final sitting day for the 40th Parliament on 26 November 2020. The *Industrial Relations Legislation Amendment Bill 2020 (IR Bill)*, which seeks to have all WA Local Governments operate in the State Industrial Relations system, was not passed before the final sitting day.

We anticipate that if the current State Government is re-elected at the next State election, due in March 2021, it is likely to proceed with the IR Bill in the new Parliament.

The Association will seek to re-survey members to confirm their position on this issue and continue to advocate against this proposed legislation.

Training

WALGA training is introducing more flexible and targeted delivery methodologies in 2021 including, Face to Face at WALGA, Face to Face at your Local Government, Virtual Classes via ZOOM delivered in multiple two hour slots and where applicable Self-Paced and eLearning.

The aim is to make training more accessible and to increase the training offerings.

Many courses have been revised and updated to reflect current legislative changes including:

- Procurement and Contract Management (all course offerings)
- Town Planning
- Emergency Management
- Local Government Act - Essential and Advanced
- All Council Member Essential Courses (Universal Training)

In early 2021 there is also a set of new courses including:

- Procurement and Contract Management – Developing Specification for Excellence
- Environment and Sustainability in Local Government
 - Module 1 Biosecurity
 - Module 2 Organisation and Community Sustainability
- Waste Management Essentials

The new WALGA Training Directory will be emailed out early February 2021

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

By Ian Duncan, Executive Manager Infrastructure

Moved: Cr Chris Mitchell

Seconded: Cr Les Price

That the Key Activities Report from the Infrastructure Unit to the March 2021 State Council meeting be noted.

RESOLUTION 194.1/2021

CARRIED

Roads

Condition Assessment of Roads of Regional Significance

Funds have been provided through the *State Road Funds to Local Government Agreement* to perform condition surveys of all the Roads of Regional Significance. For the first phase, Talis Consultants have been engaged to survey roads in the Mid West region including recording video of regionally significant unsealed roads. This project is nearing completion and TALIS will deliver a presentation to the Mid West Regional Road Group at their next meeting.

The Great Southern and Goldfields – Esperance Regions will be surveyed in the next phase that is scheduled for the first half of 2021. A RFQ has been issued through the WALGA preferred supplier panel. WALGA will liaise with the RRG Technical Groups before work commences.

ROADS 2040: Development Strategies for Regionally Significant Local Roads

The criteria for roads to be included in the development strategies for regionally significant roads are under review. Outside the metropolitan area, only these roads are eligible for Road Project Grant funding through the *State Road Funds to Local Government Agreement*. A draft revision to the selection guidelines was provided to all Regional Road Groups for feedback. Feedback indicates that the guidelines need to be flexible enough to account for the different regional environments. Feedback will be incorporated into a second draft for further comment. When finalised, the Regional Road groups will be tasked to review their roads and strategies for development of the next version of this important strategic document.

Transport and Roads Forum 2021

The next Transport and Roads Forum will be held on Thursday, 11 February 2021, and is currently in planning by the Association. This biennial event is jointly presented by WALGA and Main Roads WA, attracts nearly 200 delegates, primarily Local Government Councillors, Chief Executive Officers and senior managers as well as other key stakeholders in the transport sector across Western Australia.

Funding

Local Roads and Community Infrastructure Program

The Federal Budget allocated \$1 billion to Phase 2 of the Local Roads and Community Infrastructure Program. Funding Allocations for Phase 2 were determined by formula based on road length and population. The eligibility criteria were also amended. Under Phase 2, Eligible Funding Recipients are required to maintain their overall capital spending on roads and community infrastructure, funded by their own revenue, at or above their 2020-21 capital spending level. Some Local Governments that significantly brought forward planned capital expenditure from 2021/22 and 2022/23 into 2020/21 in order to provide economic stimulus to assist recovery from COVID-19 restrictions are unable to maintain this level of capital expenditure from own source revenue. The Association has been

working through ALGA to seek an arrangement that recognises the “additionality principle” adopted by the Commonwealth and the fact that 2020/21 capital expenditure programs are artificially high.

Underground Power Programs

Following a workshop involving 27 Local Government representatives with officers from Western Power and Energy Policy WA a policy position regarding future Underground Power Programs was developed and adopted by WALGA State Council in December 2020.

The policy position has been communicated to Energy Policy WA and the Minister for Energy, Hon Bill Johnson. An incoming State Government will need to prioritise underground power program arrangements to avoid a gap following completion of the current program in late 2022.

Drones

The Association is represented on the WA Government’s Drones Reference Group, which also includes WA Police, Main Roads WA, Department of Transport, Department of Water and Environmental Regulation, Department of Biodiversity, Conservation and Attractions. Matters of concern that have been raised with this group include the lack of capability to manage the privacy and noise impacts of drone use, including recreational drones. WALGA also responds directly to the Federal Government with respect to drone regulation issues, as appropriate.

WA Local Government Grants Commission’s Asset Preservation Model

WALGA has begun a review of the WA Local Government Grants Commission’s Asset Preservation Model, which is used to allocate State and Federal Government road grant funding in Western Australia. The first stage of this review was to prepare a manual, providing an overview of the principles and structure of the model. The findings contained within this manual were presented to the Infrastructure Policy Team, and an options paper is being drafted for consideration by the WALGA Zones.

Urban and Regional Transport

Review of taxes and government spending on WA motorists

WALGA is developing estimates of the taxes charged on WA motorists by Federal and State Governments, and the expenditure on roads and other benefits to motorists. Data collection and modelling is currently in progress. Preliminary discussions are being planned with advocacy organisations that have aligned objectives in relation to this matter with a view to combining resources and advocacy efforts.

Road Safety

Road Safety Council Update

The Minister responsible for road safety, the Hon. Michelle Roberts MLA, addressed the Road Safety Council at the November 2020 meeting. The Minister spoke about the Government’s newly released *Driving Change* road safety strategy for WA 2020-2030 with its target to reduce the number of people killed, severely or seriously injured in WA by 50 – 70%, by 2030. The need to develop a speed reform plan, in the context of the Strategy, was discussed as was opportunities to engage with Local Governments around promoting key road safety messages.

At the same meeting Main Road WA presented information on the Urban Road Safety Improvement Program which will fund low-cost road safety treatments on selected Local Government managed roads in urban areas. A pilot is currently being undertaken in the Cities of Stirling and Vincent and Main Roads WA is preparing guidelines for broader implementation.

RoadWise Activity

To find out more about RoadWise activities, view the monthly newsletter at <https://www.roadwise.asn.au/roadwise-road-safety-newsletter.aspx> and visit the RoadWise Facebook page at <https://www.facebook.com/WALGARoadWise/>.

7.1.4 Report on Key Activities, Strategy, Policy and Planning (01-006-03-0014 NC)

By Narelle Cant, Executive Manager Strategy, Policy and Planning

Moved: Cr Michelle Rich
Seconded: Cr Julie Brown

That the Key Activities Report from the Strategy, Policy and Planning Unit to March 2021 State Council meeting be noted and request the Department of Local Government, Sport and Cultural Industries for an extension on the consultation process on the Child Safety Officers issue from 2 April to 30 June 2021.

RESOLUTION 195.1/2021

CARRIED

The following provides an outline of the key activities of Strategy, Policy and Planning Portfolio since the last State Council meeting.

RESILIENT COMMUNITIES

Grants and Awards

The Resilient Communities team has sat on a number of assessment panels for grant funding and awards of relevance to Local Government, including:

- National Disaster Resilience Program (total of \$1.4 Mill allocated, hosted by DFES)
- WA Seniors Awards (including the WA Age Friendly Local Government Award, total of \$248,000 allocated, hosted by COTA)
- AWARE (All Western Australians Reducing Emergencies, \$230,000 allocated, hosted by DFES)
- Flood Mitigation Infrastructure Program (\$50 million Commonwealth program, hosted by DFES)
- Injury Matters 2021 Injury Prevention and Safety Promotion Awards (hosted by Injury Matters)

Local Government Emergency Management Online Network

In late 2019 WALGA consulted members about ways WALGA could support the sector in Emergency Management and an online network was identified as a useful tool. WALGA is now in the process of establishing an online network (Google Group) for Local Government staff who work in Emergency Management. The purpose of the Network is to assist WALGA to share information and resources with, and obtain feedback from, the sector; enable the sharing of peer to peer advice and learnings between Local Governments; explore opportunities for partnership and collaboration between Local Governments; and coordinating of meetings and events.

Child Safety Consultations

The State Government is currently consulting on proposed actions resulting from three of the recommendations of the Royal Commission into Child Sexual Abuse:

- Reportable Conduct Scheme: The Ombudsman is consulting on a Scheme that will require relevant organisations to investigate and report employee misconduct involving children. A submission was drafted and endorsed by State Council by Flying Minute. Consultation closed on 31 January 2021.

- Independent Oversight System: The Department of Premier and Cabinet is leading the work to develop an independent oversight system designed to improve child safety in organisations. The system will be designed to support legal compliance with the National Principles for Child Safe Organisations which were endorsed by the Council of Australian Governments in February 2019. A submission is being prepared and will be circulated to State Council by Flying Minute.
- Local Government Child Safety Officers: Recommendation 6.12 of the Royal Commission was that, with support from Commonwealth and State Governments, Local Governments should designate child safety officers from existing staff profiles to develop child safe messages in Local Government facilities, assist local institutions to access online child safe resources, provide child safe information and support to local institutions as needed, and to support local institutions to work collaboratively with key services to ensure child safe approaches are culturally safe, disability aware and appropriate for children from diverse backgrounds. The Department of Communities and DLGSC have released a discussion paper for the WA Local Government sector. WALGA is preparing a sector response. Consultation closes on 2 April 2021.

PLANNING

Car Parking Guideline – Launch Event

In December 2020, WALGA's *Local Government Car Parking Guideline* was launched at an event attended by over 120 people from Local Government, state agencies and industry groups. The launch featured a keynote presentation from Distinguished Research Professor Donald Shoup, from the University of California, Los Angeles (UCLA). Professor Shoup, who is recognised as the world's leading car parking expert, was joined by interstate and local speakers.

The guideline is a comprehensive summary of the alternative approaches being applied by Local Governments across the world. It includes sections on off-street (private) parking, on-street parking, off-street (public) parking, several case studies from Western Australia, and other useful resources and images. The Guidelines can be accessed from [WALGA's website](#).

Building Policy Area – 2021 Project Plan

The planning team in coordination with the Building Surveyor Officers' Group have developed a detailed project plan for 2021. This includes a range of projects designed to build the capacity of the sector and aid decision making, including the development of:

1. BA20 - Guide for Owners,
2. Draft LG practice notes,
3. Fire Separation Carport exemption for patios – ABCB proposal for change, and
4. the organization of a Governance and Risk Education Session in conjunction with DMIRS and LGIS.

A regional building surveyor group has also been established to compliment the metropolitan group that already meets regularly.

Social Media Videos

The Planning team has been preparing videos to explain the important role of Local Government planners and communicate the performance of planning and building teams. The videos came largely as a response to the misinformation being communicated by certain industry groups about Local Government performance and capacity at the height of the COVID-19 pandemic. The first video was released in November and is available to view [here](#), a second video will be released in coming weeks.

DAP Dashboard

The report, *Development Assessment Panels 2011-20 Review*, was noted by State Council at its September 2020 meeting. As part of that review, and in line with the Associations views on the need for the DAPs system to be more accountable, a publicly accessible online [DAP Decision Dashboard](#) has been developed. The Dashboard allows for the interrogation of the data by several filters, aiding in the identification of trends. The Dashboard went live in October and is available through WALGA's Planning Improvement Portal.

ENVIRONMENT

Urban Forest Conference

On 27 November 2020, WALGA in collaboration with the 24 members of the Urban Forest Working Group hosted the 'Trees in a Liveable City: An Urban Forest Conference' at UWA. The Conference was attended by over 150 people and was opened by the Hon Dave Kelly, Minister for Water, and featured speakers from Local Government, the private sector and academia. The Conference was an opportunity to share the positive outcomes Local Governments are achieving in improving and protecting their urban forests.

2021/22 Local Government Urban Canopy Grant Program

The Water Corporation has partnered with WALGA to deliver the 2021/22 Local Government Urban Canopy Grant Program, which aims to increase tree canopy in high urban heat risk areas. The State Government has provided \$750,000 to assist 32 Local Governments in the Perth and Peel region to deliver tree planting projects between June 2021 and June 2022. Grant applications opened on Wednesday 27 January for a period of six weeks.

Trees can cool the temperature by between two and five degrees and are considered the most effective way to reduce street temperatures and the harmful impacts of heatwaves on our communities. Maintaining and growing green spaces is particularly important as the population increases and urban consolidation and infill occurs. The Grant Program contributes to the achievement of the State Government's Waterwise Perth Action Plan.

WALGA will monitor and report on the collective canopy cover increase over time resulting from the tree planting. For more information, please visit WALGA's [website](#).

Regional Climate Alliances Program

WALGA is managing a Regional Climate Alliances Program, which aims to strengthen the ability of Local Governments to reduce their vulnerability to the impacts of climate change (adaptation) and reduce greenhouse gas emissions (mitigation). Through the program, two pilot alliances, made up of partnerships between groups of regional Local Governments will be formed to carry out projects that address climate risk and provide social, environmental and economic benefits.

The Program is funded by the State Government and a Committee has been formed with the Department of Water and Environmental Regulation (DWER) and the Department of Local Government, Sport and Cultural Industries (DLGSC) to collaborate on the program design, oversight and evaluation. Funds will be available to employ a regional facilitator (part-time) and for small grants to carry put climate related projects.

Expressions of interest will be called for soon from regional Local Governments interested in partnering with other Local Governments to form an alliance.

LGMap update

LGmap scheduled data update was released in early February, including several new mapping data and layout enhancements. A new LGmap login has been set up to support the delivery of the Urban

Canopy Grant Program. The benefits of LGmap were demonstrated at the Transport Forum held on 11 February and several training sessions were held, including one delivered at the Shire of Donnybrook-Balingup.

Herbicide Use and Integrated Weed Management

In mid-December last year, WALGA hosted a workshop on Herbicide Use and Integrated Weed Management, attended by 64 participants from 38 Local Governments. The workshop was in response to a growing number of Local Governments seeking advice from WALGA on weed control and the use of herbicides, following increasing interest by local community members in exposure to chemicals.

The City of Joondalup and Shire of Augusta Margaret River presented on the learnings and challenges from an Integrated Weed Management approach. An interactive workshop session then invited feedback on the cost and effectiveness of non-chemical weed control methods, best practice operational procedures, research priorities and key messages for communications with members of the public. The presentations and workshop feedback are available on WALGA's [website](#).

7.2 Policy Forum Reports

7.2 Policy Forum Reports (01-006-03-0007 TB)

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

Moved: Cr Chris Mitchell
Seconded: Cr Les price

That the report on the key activities of the Association's Policy Forums to the March 2021 State Council meeting be noted.

RESOLUTION 196.1/2021

CARRIED

Policy Forums

The following Policy Forums have been established

- Mayors / Presidents Policy Forum
- Mining Communities Policy Forum
- Economic Development Policy Forum

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

In addition, the Container Deposit Legislation Policy Forum has been disbanded following the commencement of the scheme.

A meeting of the Mining Communities Policy Forum will be organised in the near future.

7.3 President's Report

Moved: Cr Chris Mitchell
Seconded: Cr Les price

That the President's Report for March 2021 be received.

RESOLUTION 197.1/2021

CARRIED

Mayor Ruth Butterfield left the meeting at 5.40pm and did not return.

7.4 CEO's Report

Moved: Cr Chris Mitchell
Seconded: Cr Les Price

That the CEO's Report for March 2021 be received.

RESOLUTION 198.1/2021

CARRIED

7.5 Ex-Officio Reports

7.5.1 LG Professionals Report

Mr Jamie Parry, President, LG Professionals, was an apology for the meeting.

8. ADDITIONAL ZONE RESOLUTIONS

Moved: Mayor Logan Howlett
Seconded: Cr Catherine Ehrhardt

That the additional Zone Resolutions from the March 2021 round of Zones meetings as follows be referred to the appropriate policy area for consideration and appropriate action.

RESOLUTION 199.1/2021

CARRIED

GOLDFIELDS ESPERNACE COUNTRY ZONE

Review of WALGA State Council Agenda - Policy Forum Reports – (Governance and Organisational Services)

That the GVROC:

1. Notes the Policy Forum Reports update.
2. Requests that WALGA as a matter of urgency progress with holding a Mining Communities Forum and an Economic Development Policy Forum, with dates set for these, based on the WA economy and mining industry now rapidly expanding post the major effect of the COVID-19 downturn.
3. Note that the Shire of Coolgardie, through its CEO, offer to host, support and help WALGA in holding the next Mining Communities Forum.

Municipal Waste Advisory Council – (Strategy, Policy and Planning)

That the GVROC:

1. Note the resolutions of the WALGA Municipal Waste Advisory Council at its 26 August, 28 October and 9 December 2020 meetings.
2. Request that the WALGA Municipal Waste Advisory Council consider, address and drive not only items within the greater metropolitan area but also focus on waste issues and solutions in regional WA offered by regional LGAs.

SOUTH WEST COUNTRY ZONE (Strategy, Policy and Planning)

Lobbying For State Government Policy Alignment With Respect to Development

That WALGA writes to relevant Ministers and Directors General to request the current lack of policy alignment be addressed with respect to planning and development matters.

GASCOYNE ZONE (Strategy, Policy and Planning)

Issues with the Disaster Recovery Funding Arrangements Western Australia (DRFAWA) Claims and Approvals Process

That the Gascoyne Country Zone recommend WALGA request DFES to form a working group of participants from affected Shires to review the current process and report back on outcomes and solutions.

Rainfall Monitoring

That the Gascoyne Country Zone recommend that WALGA advocate to the Bureau of Meteorology to increase the density of automatic rain gauges towards a 50km grid coverage.

GREAT EASTERN COUNTRY ZONE (Governance and Organisational Services)

State Councillor Report

That WALGA note the Zone comments that some Local Governments have experienced delays with the finalization of the 19/20 financial year audits and enquire from the sector on their satisfaction or otherwise to the audit process.

PEEL COUNTRY ZONE (Governance and Organisational Services)

CEO Employment Standards, Council Member and Employee Codes of Conduct Regulations

The Peel Zone:

1. Expresses its strong disappointment that the feedback provided by the sector and WALGA on the CEO Employment Standards and Council Member and Employee Codes of Conduct Regulations was substantially ignored; and this puts into question the commitment to the principles of the Partnership Agreement.
2. Requests the WALGA Secretariat provide a detailed outline of the misalignment between the feedback provided by the sector and WALGA on the CEO Employment Standards and Council Member and Employee Codes of Conduct Regulations and the Regulations as gazetted (the State's policy).

GREAT SOUTHERN COUNTRY ZONE

Dog Attacks on Stock – (Governance and Organisational Services)

That the Great Southern Zone of WALGA requests that WALGA raise the issue of dog attacks on stock with the State Government to look at ways and means of reducing such attacks through such measures as substantially increasing the penalty to owners for dogs found roaming on farms, adding an additional penalty for owners of dogs which are proven to have attacked stock, and having some avenue for Police to be involved in the investigation.

Low Risk Clearing Proposals – (Strategy, Policy and Planning/Infrastructure)

WALGA to advise the Great Southern Zone with what specific criteria the CEO of DWER would determine that a proposed clearing could be considered trivial, and what is considered to be a low risk clearing proposal.

CENTRAL COUNTRY ZONE (Governance and Organisational Services)

Submission – Draft Local Government Regulations Amendment (Employee Code of Conduct) Regulations 2020

That the Central Country Zone express its concern at the implementation of the Local Government (Administration) Amendment Regulations 2021 and in particular the regulations requiring the need for Councils to advertise CEO positions after a period of 10 years and request WALGA to pursue all avenues to remove this requirement.

Submission – Proposed Reportable Conduct Scheme for Western Australia

That:

1. The submission to the Ombudsman, Western Australia in respect to the Draft Reportable Conduct Scheme for Western Australia be noted; and
2. Given the significance of the proposed legislation and its likely impact on small and medium sized Councils, WALGA express concern to the Ombudsman that the time constraint imposed for a submission meant it was unable to consult with the Local Government sector and request the opportunity for the submission period to be reopened to enable adequate consultation.
3. The Central Country Zone acknowledges the importance of the Royal Commission Recommendations but it is of the view that it is not the function of local government to undertake the role and functions of Child Safety Officer.

Local Government Audits

That the Central Country Zone request that WALGA investigate with the sector how Local Government audits may be expedited and completed within a shorter time frame and it is expected that this will include discussions with the OAG

Disposition of Plant and Machinery over \$75,000 – Inability to Offer Plant and Machinery as Trade-in

That the Central Country Zone write to WALGA seeking for it to advocate to initiate an amendment to Regulation 30(3)(b) of the *Local Government Functions and General Regulations* as follows:

- (b) *The entire consideration received by the local government for the disposition is used to purchase other property, and where the total consideration for the other property is not more, or worth more, than \$75,000*

ASSET PRESERVATION MODEL (Infrastructure)

GASCOYNE COUNTRY ZONE

That the Gascoyne Country Zone recommend the implementation of options 1 to 4 sequentially with report back at the conclusion of each phase for direction to proceed further.

CENTRAL METROPOLITAN ZONE

That the Central Metropolitan Zone supports WALGA advocate:

1. For option 4 “Full model review and rebuild” of the Asset Preservation Model (APM) and;
2. That motor vehicle, bicycle and pedestrian transport infrastructure be included in the scope of a rebuilt APM.

KIMBERLEY COUNTRY ZONE

That the Kimberley Regional Group:

1. Supports Option 4, which is to undertake an appropriately resourced process to review and rebuild the APM.
2. Notes the methodology to distribute costs above grant funding across local governments as well as the total contribution per shire will need to be considered in any final decision making, pending the outcomes of WALGA advocacy.

SOUTH EAST METROPOLITAN ZONE

That the South East Metropolitan Zone supports Option 5, accept the status quo with no further action.

NORTH METROPOLITAN ZONE

That the WALGA State Council defer the matter to enable details be sought from the Grants Commission as to how the funding allocations are made to Local Governments and what are the criteria, logic and rationale that support the model.

NORTHERN COUNTRY ZONE

That the Northern Country Zone retain Status Quo (Option 5) and request further information to explain the current model at a future meeting.

SOUTH METROPOLITAN ZONE

That the South Metropolitan Zone supports WALGA advocate:

1. For option 4 “Full model review and rebuild” of the Asset Preservation Model (APM) and;
2. That motor vehicle, bicycle and pedestrian transport infrastructure be included in the scope of a rebuilt APM.

PILBARA COUNTRY ZONE

That the Pilbara Country Zone considers WALGA should proceed with Option 1, but in addition, lobby to increase the size of the fund, rather than how it is administered.

GREAT EASTERN COUNTRY ZONE

That the Great Eastern Country Zone retain Status Quo (Option 5) and request further information to explain the current model at a future meeting.

EAST METROPOLITAN ZONE

That the East Metropolitan Zone:

1. Defers a decision on any review of the Road Asset Preservation Model until the next East Metropolitan Zone meeting; and
2. Requests that each member Council seeks further advice from staff regarding a review of the Road Asset Preservation Model.

SOUTH WEST COUNTRY ZONE

That the South West Country Zone of WALGA:

1. Supports option one of the options presented
2. Requests that discussion on this issue be referred to Regional Road Groups
3. Request Chris Berry, or an appropriate officer from the WA Local Government Grants Commission, to present to the Zone on the Asset Preservation Model methodology

PEEL COUNTRY ZONE

That the Peel Country Zone supports Option 4, subject to the Zone requesting the opportunity to consider the parameters for the review of the model, such as:

- Funding levels
- Vehicle size and loads, and resulting impact on asset consumption
- Changing transport corridor / network loads and uses; current and future
- Impact of changed construction standards
- Other factors that contribute to inequity

GREAT SOUTHERN COUNTRY ZONE

That WALGA defers the matter of the preferred advocacy approach to any review of the Road Asset Preservation Model (AMP) until further information is provided and the issue becomes clearer, as this matter has significant implications.

AVON MIDLAND COUNTRY ZONE

The Avon Midland Country Zone supports Option 5.

CENTRAL COUNTRY ZONE

That the Central Country Zone:

1. Endorses the approach outlined in Option 1 of the Infrastructure Policy Team's Options Paper on a proposed review of the Road Asset Preservation Model used by the WA Local Governments Grants Commission; and
2. Requests WALGA include a session on the Asset Preservation Model in 2021 Local Government Transport and Roads Forum scheduled to be held Friday 14 May 2021 and that if that is not possible for a session to be included in the program of the 2021 WALGA Convention.

GOLDFIELDS ESPERANCE ZONE

That the GVROC:

1. Request that the GVROC Executive Officer, with assistance from the CEO – Shire of Dundas, compile a combined regional response to the WALGA Infrastructure Policy Team regarding a preferred advocacy approach to any review of the Road Asset Preservation Model (APM) for sign off by the GVROC Chair.
2. Request that each GVROC LGA CEO provide their LGA's views and input to the combined regional response to the GVROC Executive Officer by 16 April 2021 so that the response can be completed in time for the next WALGA State Council meeting to be held on 5 May 2021.

9. DATE OF NEXT MEETING

That the next meeting of the Western Australia Local Government Association State Council be held at the **City of Cockburn, on Wednesday 5 May 2021.**

10. CLOSURE

There being no further business the Chair declared the meeting closed at 5.55pm

Status Report on State Council Resolutions

To the March 2021 State Council Meeting

MEETING DATE	RESOLUTION	COMMENT	Completion Date	Officer Responsible
2020 December 2 Item 5.1 Local Government Act Review Advocacy Paper Key issues from Recent Inquiries into LG	That: - Ongoing advocacy relating to the Review of the <i>Local Government Act 1995</i> be noted; and, - The Advocacy Positions for a New Local Government Act: <i>Key issues from recent Inquiries into Local Government</i> – be endorsed, subject to the following amendments; - Roles and Responsibilities: That clarification of the roles and responsibilities for mayors / presidents, councillors and CEO's be considered <u>to ensure that there is no ambiguity</u>. - External Oversight: The Local Government sector supports: - Establishing an Office of the Independent Assessor to replace the Standards Panel to provide an independent body to receive, investigate and assess complaints against elected members and undertake inquiries. - Remove the CEO from being involved in processing complaints. - That an early intervention framework of monitoring to support Local Governments be provided <i>with any associated costs to be the responsibility of the State Government</i>. - Financial Management and Procurement: That the Local Government sector: - Requests the Minister for Local Government to direct the Department of Local Government to prepare a Model set of <i>Financial Statements and Annual Budget Statements</i> for the Local Government sector, in consultation with the Office of the Auditor General; - Requests the Department of Local Government to re-assess the amount of detail required to be included in annual financial reports, in particular for small and medium sized entities as suggested by the Office of Auditor General; - Supports Local Governments being able to use freehold land to secure debt; - Supports Building Upgrade Finance being permitted for specific purposes such as cladding, heritage and green improvements; - Supports the alignment of Local Government procurement thresholds, rules and policies with the State Government. - Intergovernmental Cooperation: That a Partners in Local Government Agreement promoting a collaborative partnership approach be signed by the Premier, Minister for Local	Positions have been updated to reflect the endorsement of the "Advocacy Positions for a New Local Government Act: <i>Key issues from recent Inquiries into Local Government</i> ".	December 2020	Tony Brown Executive Manager Governance & Organisational Services

MEETING DATE	RESOLUTION	COMMENT	Completion Date	Officer Responsible
	Government, <i>Western Australian Local Government Association and Local Government Professionals WA</i> , at the commencement of each term of the State Government.			
2020 December 3 Item 5.2 Submission – Registration of Building Engineers in WA	That WALGA: 1. Advise the Department of Mines Industry Regulation and Safety (DMIRS) that the registration of Building Engineers in WA is supported. 2. Request that DMIRS also consider the registration of Electrical Engineers, Façade Engineers, Energy Assessors, Bush Fire Consultants, Access consultants, Swimming pool companies, Patio installers and Demolition contractors. 3. Request that DMIRS clarify that dilapidation reports may only be undertaken by Registered Engineers. 4. Provide this report to Department of Mines Industry Regulation and Safety as feedback on the Consultation Regulatory Impact Statement.	The Department of Mines Industry Regulation and Safety has been advised of the State Council resolution. The Department will consider the submissions and will release a further consultation paper in 2021 on the preferred option.	Ongoing	Narelle Cant Executive Manager Strategy, Policy and Planning
2020 December 2 Item 5.3 Family and Domestic Violence and the Role of LGs	That: 1. WA Local Governments recognise the prevalence, seriousness and preventable nature of family and domestic violence and the roles that Local Governments can play in addressing gender equity and promoting respectful relationships in their local community. 2. WALGA advocates to the State Government: a. to work with Local Government in defining the role and responsibilities and expectations of Local Governments in family and domestic violence. b. for adequate funding for family and domestic violence programs and services, particularly in regional areas. c. for appropriate resources and funding be allocated to Local Governments to implement any particular roles and actions addressing family and domestic violence as defined in the State Strategy. d. to provide support to Local Government in the broader rollout of the Prevention Toolkit for Local Government. e. to continue advocacy to the Commonwealth Government for additional funding and support. 3. WALGA organises presentations for Local Governments that address family and domestic violence, as part of relevant events or webinars.	WALGA is currently developing an Advocacy Plan and is meeting with the Department of Communities in February 2021.	Ongoing	Narelle Cant Executive Manager Strategy, Policy and Planning
2020 December 2 Item 5.4 Underground Power	1. That Local Government supports the: a) continuation of cooperative arrangements between the State Government, Western Power and Local Government to progressively replace the overhead electricity distribution network in residential areas with underground power.	The Association has written to Energy Policy WA, the responsible State Government agency setting out the policy position adopted and rationale.		Ian Duncan Exec Manager Infrastructure

MEETING DATE	RESOLUTION	COMMENT	Completion Date	Officer Responsible
	b) development of a new approach to identifying and prioritizing areas for investment in underground power, initiated by the need to invest in the overhead network to meet safety, reliability and capability requirements. c) development of a new approach to allocating State Government resources to facilitate projects proceeding in areas with a high electricity network need and lower economic capacity of ratepayers while retaining a commitment to funding an average of 25% of program costs. d) opportunity for Local Governments to initiate projects to convert areas to underground power be retained with Western Power to continue to contribute the amount recoverable as an efficient investment as calculated by the New Facilities Investment Test (NFIT). 2. That WALGA advocate for a targeted funding mechanism through the State Government to assist property owners in underground power program project areas that would suffer disadvantage as a result of needing to contribute to the cost of underground power.	The policy endorsed by State Council was discussed with the Minister for Energy during January 2021. The Minister committed to consider the options following the State Election.		
2020 December 2 Item 5.5 CEO Recruitment & Selection, Performance Review & Termination Standards Regulations	3. That WALGA support the establishment of CEO Recruitment, Selection and Performance Review Standards subject to: g) removal from the Regulations the requirement to re-advertise CEO positions after 10 year's continual service; h) Encouraging, rather than mandating, the involvement of an independent person in the CEO Recruitment and Selection Process; i) The retention of Regulation 18C of the <i>Local Government (Administration) Regulations</i>; j) Deletion of the requirement under Regulation 18FB(4) to provide a copy of a council resolution certifying compliance with the CEO standards to the Departmental CEO; k) The conduct of an independent assessment of potential industrial and employment law consequences arising from the proposed regulations under Schedule 2, Division 4 'Standards for termination of employment of CEOs'; and l) Deferral of Regulation 18FC pending an independent assessment of the Schedule 2, Division 4 'Standards for termination of employment of CEOs'. 4. Seek that the CEO Recruitment and Selection, Performance Review and Termination Working Group be reconvened to oversee the development of CEO Standards Regulations.	A submission advising of State Councils resolution was developed and provided to the Department on 4 December 2020. WALGA has been advised that some amendments have been made to clarify elements of decision making in the selection process. Importantly, this includes clarification that a Local Government must have regard to, but is not bound by, a recommendation by the selection panel. However, the issues identified in State Council's resolution have not been addressed. The <i>Local Government (Administration) Amendment Regulations 2021</i> will be published in the Government Gazette and come into effect in early February.	December 2020	Tony Brown Executive Manager Governance & Organisational Services
2020 December 2 Item 5.6 Model Code of Conduct for Council Members, Committee Members and	That WALGA generally supports the <i>Local Government (Model Code of Conduct) Regulations 2020</i> with the following recommendations: d) Amend Division 2, Clause 4(d) to read '<i>identify and appropriately manage any conflict of interest</i>';	A submission to this effect was prepared and provided to the Department on 4 December 2020. WALGA has been advised an amendment in accordance with part (a) of State Council's resolution has been incorporated in the draft regulations. The	December 2020	Tony Brown Executive Manager Governance & Organisational Services

MEETING DATE	RESOLUTION	COMMENT	Completion Date	Officer Responsible
Candidates Regulations	e) Does not support the inclusion of local level complaints about alleged behavioral breaches and Local Governments dealing with complaints provisions in Division 3, Clauses 10 and 11; and f) Supports an external oversight body to manage local level complaints involving council members as prefaced in the <i>Local Government Review Panel Report, City of Perth Inquiry Report and Select Committee into Local Government Report</i>, to be considered in a future Local Government Act.	requirements for Local Governments to deal with complaints of alleged behavioural breaches have been maintained, with some minor amendments. It is anticipated that the <i>Local Government (Model Code of Conduct) Regulations 2021</i> will be published in the Government Gazette and come into effect in early February. WALGA will continue to advocate for the provision of appropriate support and guidance to Local Governments in implementing the Model Code.		
2020 December 2 Item 7.6 Item of Special Urgent Business	That WALGA write to the President of the Legislature, to request for the erroneous information recorded in Hansard on 11 November 2020 relating to comments made by the Hon Sue Ellery MLC, in respect to the Disallowance Motion concerning Regulation 9 of the Local Government (Rules of Conduct) Regulations 2007 be redacted.	Correspondence was prepared and sent to the President of the Legislative Council.	December 2020	Tony Brown Executive Manager Governance & Organisational Services
2020 September 2 Item 5.5 Local Government Review Panel Final Report	That WALGA: 1. Acknowledges the panel report and the recommendations received from Zones and continue to work with the Government to undertake further consultation on the recommendations contained therein; 2. Requests a formal commitment from the Minister for Local Government that the Local Government Sector be consulted on the Draft Local Government Bill in line with the State / Local Government Partnership Agreement and that WALGA actively participates in the legislative drafting process to develop the new Local Government Act; and 3. Strongly encourages individual Local Governments to consider responding to the recommendations of the panel report and advise WALGA of their submissions by 31 October 2020.	WALGA has written to the Minister for Local Government as per resolution 2. In respect to resolution 3 advice was provided to the sector requesting responses to the Panel report be submitted to WALGA. Many Local Governments have provided their responses and the material is being considered in developing a Local Government Act Advocacy Paper.	Ongoing	Tony Brown Executive Manager Governance & Organisational Services
2020 July 1 Item 4.2 Work health and Safety Bill 2019	That WALGA: 1. recommend that the Standing Committee on Legislation investigate the drafting and interpretation of offences in the context of Western Australia's Criminal Code, and consider whether the standard imposed in s30B and s31 is appropriate for an offence punishable by imprisonment; and 2. recommend that the Standing Committee on legislation ensure there is adequate time following proclamation of the WHS Bill for all industries in Western Australia to transition to the new, harmonised work place safety and health provisions. <u>RESOLUTION 89.3/2020</u>	Correspondence was sent to the Standing Committee on Legislation advising of the State Council resolution on 3 July 2020. It is anticipated that the new <i>Workplace Health and Safety Bill 2019</i> will become law in 2021. To support the WA Local Government sector, WALGA have partnered with LGIS and a legal firm to provide tailored advice on what the changes mean for the sector. LGIS will be sharing a series of materials, guidelines with members and WALGA will host a webinar. The webinar was held on Thursday 19 November 2020.	Awaiting a response	Tony Brown Executive Manager Governance & Organisational Services

MEETING DATE	RESOLUTION	COMMENT	Completion Date	Officer Responsible
2020 July 1 Item 4.3 Teacher Housing Availability	That WALGA contact the Director General of the Department of Housing to: 1. Seek action and acknowledge the extra challenges in attracting and retaining public sector staff in remote and rural areas of the state; 2. Immediately review and address the issue of insufficient GROH housing (and the high cost of subsidised rental) for public sector staff and actively seek and enter into Joint Venture arrangements with Councils to address the shortfall in accommodation; 3. Request that the agencies be requested to engage with WALGA to seek a solution to the current short supply of GROH housing within all regions. <u>RESOLUTION 91.3/2020</u>	In July 2020 a letter was sent to the Director General Department of Communities as the responsible agency for Government Regional Officer Housing (GROH) seeking a response to the Resolution. In August 2020, WALGA received a response from the Director General, Communities, which stated that the Department of Communities has diverted much of its resources towards the social and economic recovery of the State. Therefore work on the planned GROH review is placed on hold until the conclusion of the COVID-19 emergency period. It was acknowledged that GROH plays an important role in attracting and retaining staff in regional and remote communities. On 21 August 2020 WALGA met with relevant staff from the Department of Communities to further discuss the issue. WALGA staff are meeting with the Department of Communities to receive an update on GROH on 18 February 2021.	In progress	Narelle Cant Executive Manager Strategy, Policy and Planning
2020 July 1 Item 5.4 WALGA JLT Scheme Management Agreement Extension	State Council require that: a) The terms of existing WALGA JLT/Marsh Scheme Management Agreement be maintained for a further 12 months or until the review actions are completed. b) A contingency planning project be undertaken to ensure the WALGA LGIS insurance service is competitive, resilient and appropriate to serve the needs of Member Councils. c) All other details as to the State Council LGIS review to remain confidential. <u>RESOLUTION 95.3/2020</u>	a) Action implemented. Completed b) Contingency planning project in scoping stage. To be aligned with previous review actions with a June 2021 completion target.	July 2021	Zac Donovan Executive Manager Commercial and Communications
2020 May 6 Item 4.1 COVID-19 Pandemic – WALGA Response	That the information contained in this report relating to WALGA's response to the COVID-19 pandemic and WALGA's advocacy on requesting no additional State Government cost impositions on Local Governments be noted. <u>RESOLUTION 57.2/2020</u>	This item noted WALGA's advocacy on COVID-19 and more broadly on requesting no additional cost impositions on the sector. On 5 June, 2020 the Western Australian Planning Commission (WAPC) approved a new Position Statement – Expenditure of Cash-in-Lieu of Public Open Space. This Position Statement was issued following advocacy from the Association and member Councils to revise the requirements for expenditure of funds held in trust for public open space, to enable the bringing forward of projects for COVID-19 recovery. The new Position Statement provides: • Additional guidance on where and on what cash-in-lieu funds may be spent; • New provision for Local Government to request approval of a grouped program of works across multiple areas rather than just a single location; • Updated references to align with the Planning and Development Act 2005; and	Ongoing	Narelle Cant Executive Manager Strategy, Policy & Planning

MEETING DATE	RESOLUTION	COMMENT	Completion Date	Officer Responsible
		General updates to align with current cash-in-lieu process, formatting and terminology. A more comprehensive review of the planning framework relating to public open space will be undertaken, which will include a review of <i>Development Control Policy 2.3 Public Open Space in Residential Areas</i> and will include consultation with Local Government.		
2020 March 4 Item 4.1 Stop Puppy Farming Legislation	That WALGA write to the Minister and request that he withdraw the Stop Puppy Farming Bill and more appropriately consult with the sector, traditional custodians and the wider community, or failing that, that he remove any reference to Local Government in the bill as the sector does not endorse it in its current form. <u>RESOLUTION 13.1/2020</u>	Correspondence has been sent to the Minister for Local Government advising of State Council's position	Ongoing	Tony Brown Executive Manager Governance & Organisational Services
2020 March 4 Item 8 Additional Zone Resolutions Federal Government Drought Communities Program	That State Council endorse the recommendation from the Great Eastern Country Zone relating to the Federal Government Drought Communities Program. That the Great Eastern Country Zone requests WALGA, in consultation with ALGA, to liaise with the WA State Government Ministers for Water, Agriculture and Environment to provide a coordinated holistic response in respect to the ongoing drying climate issues and access to the Drought Communities Funding Program. <u>RESOLUTION 37.1/2020</u>	WALGA is in dialogue with DWER and DPIRD to determine the program design for the Commonwealth \$10m for Regional Drought Resilience Planning. The program will provide funding to consortia of local councils or equivalent entities to develop Regional Drought Resilience Plans for agriculture and allied industries. It is worth noting that this program element is reflective of the advocacy of member of the Central Country Zone of WALGA. It is also worth noting that there is some disagreement between the Commonwealth and State Government on the program design. WALGA continues to liaise with the DWER and DPIRD and relevant Ministers on the need for a coordinated holistic response in respect to the ongoing drying climate issues and further access to the Drought Communities Funding Program.	Ongoing	Narelle Cant Executive Manager Strategy, Policy and Planning
2019 Dec 4 Item 4.1 Bushfire Fighting Vehicles	That WALGA State Council: - Note this issue and support the concerns raised. - Commit to working collectively with Local Governments to resolve this issue with the State Government and Department of Fire and Emergency Services (DFES) as a matter of urgency. <u>RESOLUTION 141.7/2019</u>	WALGA facilitated attendance by DFES at a meeting with the Shire of Esperance to discuss concerns raised and options for improvements to their fleet. It has been reported to WALGA that the actions were to trial large tyres and central tyre inflation systems (2 x Tankers), work is progressing on both A Bushfire Fleet Mobility Working Group (working group), including DFES, Shire of Esperance personnel, volunteers and subject matter experts, was established to address the matters raised. The working group agreed on three actions: 1 Central Tyre Inflation System (CTI)	Ongoing	Narelle Cant Executive Manager Strategy, Policy and Planning

MEETING DATE	RESOLUTION	COMMENT	Completion Date	Officer Responsible
		- A CTI system was fitted to a DFES 3.4 Tanker for evaluation trials that commenced with the Shire in May 2020. - A local Shire tanker has since been fitted with the CTI system for a five month trial during the southern bushfire season. - Results of these trials will further inform the final report which will be presented to the working group for consideration. 2 Diesel Particulate Diffusers (DPD) and Engine Control Unit (ECU) remapping - Results of re-mapping and testing of DPD and ECU was positive. - Documentation and certification was approved by Department of Transport (DoT). - A DFES tanker has been remapped and provided to the Shire. - A five month trial commenced with the Shire in November 2020. - Results of these trials will further inform the final report which will be presented to the working group for consideration. 3 Super Single Tyres - Super single tyres and rim combinations, were installed and tested on an Isuzu FTS800. - Test results are positive with documentation and engineering reports submitted to Department of Transport and Main Roads. - Approval was granted by DoT in November 2020. - A DFES tanker has been fitted with the larger tyres and provided to the Shire. - A five month trial commenced with the Shire in November 2020. - Results of these trials will further inform the final report which will be presented to the working group for consideration. Evaluation forms have been provided to the relevant brigades to record findings. This will be revisited in March 2021 to assess evaluation progress. COMPLETE		
2019 Dec 4 Item 5.10 Local Government as Collection Agency for	1. That WALGA advise the Construction Training Fund (CTF): 1.1 That due to the operational improvements and establishment of an on-line portal for payments of the Building and Construction Industry Training	Correspondence has been sent to the CTF Board advising them of the State Council Resolution. Separate letters have also been sent to the Ministers for	Ongoing	Narelle Cant Exec Manager Strategy, Policy and Planning

MEETING DATE	RESOLUTION	COMMENT	Completion Date	Officer Responsible
Construction Training Fund	Fund, Local Government will not continue to be a collection agency for these payments 1.2 That the online receipt issued upon payment of the <i>Building and Construction Industry Training Fund</i>, must clearly show the property address and estimated building value to ensure it complies with section 20 of the <i>Building Act 2011</i> 1.3 That the Department of Mines, Industry Regulation and Safety (DMIRS) must provide access to the data collated in the Building Permit Database Project to assist CTF in their acquittal process, and 1.4 That a review of the apprenticeship pathways should be undertaken, as the Local Government sector can provide many potential apprentice pathways directly connected to the construction and development industry. 2. That WALGA advise the Minister for Local Government, Minister for Education & Training and Minister for Commerce that the current CTF collection process is unnecessary administrative red tape for the Local Government sector, and seek their support for Local Government to not continue to be a collection agency for these payments. <u>RESOLUTION 151.7/2019</u>	Commerce, Education and Training and Local Government to seek their support. The CTF Executive Director has responded, advising the following: <i>"While 37 of the State's 140 LGAs responded to the WALGA's recent survey about collection of the BCITF, CTF is concerned that stakeholders in the building and construction industry – who would be affected by the changes to current permit allocation procedure – have not to date been consulted. As such, CTF has approached HIA an MBA for feedback from their members..."</i> CTF advised that they will meet with WALGA once feedback from the building and construction industry has been received before establishing a way forward to address the issues arising from the State Council's recommendation. The Minister for Commerce has also provided a response, indicating that they will be working with the CTF to enable access to the data already being captured by the Building Permit Database project. If a local government isn't providing this data, the CTF may still require information direct from those Local Governments. The Minister for Education & Training has also provided a response, similar in content to the CTF letter, that Local Government provides a 'one stop shop' for Industries payment of the fees. As at 02/02/21, no date for a meeting has been provided by the CTF to discuss the issue. At a building industry forum held on 7 December 2020, hosted by WALGA and attended by the Minister for Housing the matter of Local Government, access to the CTF was raised. The Association subsequently wrote to the Minister for Housing reiterating the sector's position and seeking a review of the CTF fund to allow access for Local Government apprenticeships. No response has been received as at 02/02/21.		
2018 December 5 Item 4.1 State / Local Government Partnership Agreement on Waste Management and Resource Recovery	1. That State Council endorse investigating a State / Local Government Partnership Agreement on Waste Management and Resource Recovery. 2. That the item be referred to MWAC for is development and negotiation with the State Government. 3. A report regarding a proposed "State / Local Government Partnership Agreement on Waste Management and Resource Recovery" be brought back to the next meeting of State Council. <u>RESOLUTION 131.7/2018</u>	The development of the Agreement has been delayed due to COVID-19, however will be further progressed in 2021.	Ongoing	Narelle Cant Exec Manager Strategy, Policy and Planning

MEETING DATE	RESOLUTION	COMMENT	Completion Date	Officer Responsible
2018 December 5 Item 5.1 Proposed Removal by Main Roads WA of the "Letter of Approval" Restricted Access Vehicle Operating Condition	That WALGA: 1. Opposes withdrawal of the "Letter of Approval" Restricted Access Vehicle Operating Condition until an acceptable alternative to Local Government is developed; 2. Supports the position that Local Governments not use provision of the Letter of Authority to charge transport operators to access the Restricted Access Vehicle network; 3. Supports the development of standard administrative procedures including fees and letter formats; and 4. Supports the practice of Local Governments negotiating maintenance agreements with freight owners/ generators in cases where the operations are predicted to cause extraordinary road damage as determined by the Local Government. 5. Advocates to Main Roads to establish a stakeholder working group to develop an appropriate mechanism through which the increased infrastructure costs from the use of heavy vehicles and those loaded in excess of limits (concessional loading) can be recovered from those benefiting, and redirected into the cost of road maintenance. <u>RESOLUTION 132.7/2018</u>	On advice from the State Solicitors Office, Main Roads WA is intending to remove the CA07 condition that requires a transport operator to obtain a letter of approval from the relevant Local Government. Main Roads is proposing to replace the condition with a notification process (CA88). After consultation with Regional Road Groups and a Stakeholder Working Group, the overwhelming majority of participants are of the view that the proposed arrangement is not an acceptable alternative. WALGA has written to Main Roads WA stating that WALGA does not support the alternative and that the position adopted by Sate Council in December 2018 has not changed.	Ongoing	Ian Duncan Exec Manager Infrastructure
2018 September 7 Item 5.8 Interim Submission to the Independent Review of the Strategic Assessment of the Perth and Peel Regions	That the Interim Submission to the Independent Review of the Strategic Assessment of the Perth and Peel Regions be endorsed <u>subject to the inclusion of:</u> 1. Further guidance regarding the form of a assurance and adaptive management framework; and 2. Reference to the costs to Local Government of the ongoing management of conservation areas and how decisions the impacts of land use within urban areas will impact on peri-urban areas. <u>RESOLUTION 109.6/2018</u>	Following the SAPPR Review Panel's report to Government, which identified unresolved 'gateway issues' – legal risk, flexibility and funding - in February 2019 it was announced that the review would be extended so that these issues could be progressed and options developed. WALGA met with the Panel on 31 May 2019 to discuss funding options. The Review Panel also briefed the Growth Area Alliance Perth and Peel at its 13 June meeting. The Review Panel provided its report to the Deputy Premier in August 2019. WALGA met the Review Panel again in on 3 September and subsequently wrote to the Review Chair on 27 September to reiterate WALGA's in-principle support for the SAPPR, contingent on the issues raised in earlier submissions and feedback to the Review Panel being addressed satisfactorily and the establishment of a consultative and transparent process is established going forward. On the 26 March 2020, the Premier announced that the review of SAPPR will be deferred indefinitely, in an effort to free up resources and allow the State Government to continue to focus all efforts on responding to COVID-19.	Ongoing	Narelle Cant Exec Manager Strategy, Policy and Planning

MEETING DATE	RESOLUTION	COMMENT	Completion Date	Officer Responsible
		https://www.mediastatements.wa.gov.au/Pages/McGowan/2020/03/Administrative-changes-to-support-COVID-19-response-.aspx		
2017 July 5 5.5 Corella Project (05-046-02-0003 MH)	That State Council 1. Note the outcomes of the Coordinated Corella Control pilot program. 2. Endorse WALGA's proposed approach to the continuation and expansion of the Program in 2017/18. 3. Seek to have the program expanded to the whole of the State, including the provision of adequate resources.	The Minister for Agriculture has agreed to the review of the Biosecurity and Agricultural Management Act (2007), and WALGA will raise the need to address significant incursions of this pest in town-sites and the peri urban areas across the south-west land division. The Preferred Supplier Program provides for contractors to manage this species, and WALGA continues to maintain the pest bird portal for interested members.	Ongoing	Narelle Cant Exec Manager Strategy, Policy and Planning

DECLARATION

These minutes will be confirmed at the meeting held on 5 May 2021.

Signed: _____
Person presiding at the meeting at which these minutes were confirmed