



# GVROC Council Meeting to consider WALGA State Council Agenda Items

## Unconfirmed Minutes

Friday 19 February 2021  
Zoom Videoconference, commencing at 8.30am

## CONTENTS

<b>1.</b>	<b>OPENING AND ANNOUNCEMENTS.....</b>	<b>3</b>
<b>2.</b>	<b>DECLARATION OF INTEREST.....</b>	<b>3</b>
<b>3.</b>	<b>RECORD OF ATTENDANCE, APOLOGIES AND LEAVE OF ABSENCE .....</b>	<b>3</b>
	3.1 Attendance .....	3
	3.2 Apologies.....	3
	3.3 Guests .....	4
	3.4 WALGA Representatives (Via Videoconference).....	4
	3.5 DLGSC Representatives (Via Videoconference) .....	4
<b>4.</b>	<b>MINUTES OF MEETINGS.....</b>	<b>4</b>
	4.1 Minutes of a Meeting of GVROC to consider WALGA State Council Agenda Items held 27 November 2020 .....	4
	4.2 Matters for Noting .....	4
<b>5.</b>	<b>EMERGING ITEMS .....</b>	<b>5</b>
	5.1 Royal Commission into Child Sexual Abuse recommendation for Local Government Child Safety Officers.....	6
	5.2 Proposed Review of the Road Asset Preservation Model (APM) -Options Paper.....	8
<b>6.</b>	<b>Review of WALGA State Council Agenda - Matters for Decision .....</b>	<b>11</b>
	6.1 External Oversight and Intervention – Authorised Inquiries and Show Cause Notices (05-034-01-0001 FM).....	11
	6.2 Cost of Revaluations (05-034-01-0001 TB) .....	14
	6.3 Eligibility of Slip On Fire Fighting Units for Local Government Grants Scheme Funding (05-024-02-0001 SM).....	15
<b>7.</b>	<b>Review of WALGA State Council Agenda - Matters for Noting/Information.....</b>	<b>17</b>
	7.1 Local Government Car Parking Guideline – Western Australia (05-036-03-0063 AR)17	
	7.2 Submission – Draft Local Government Regulations Amendment (Employee Code of Conduct) Regulations 2020 (05-034-01-0104 TB) .....	19
	7.3 Submission – Proposed Reportable Conduct Scheme for Western Australia (05-034-01-0104 TB).....	20
	7.4 Submission – Draft State Planning Policy 4.2: Activity Centre (05-036-03-0020 CH)22	
	7.5 Submission – Registration of Builders (and Related Occupations) Reforms (05-015-02-0010 CL).....	24
	7.6 Report Municipal Waste Advisory Council (MWAC) (01-006-03-0008 RNB).....	26
<b>8.</b>	<b>Review of WALGA State Council Agenda - Organisational Key Activity Reports .....</b>	<b>29</b>
	8.1 Report on Key Activities, Commercial and Communications (01-006-03-0017 ZD) 29	
	8.2 Report on Key Activities, Governance and Organisational Services (01-006-03-0007 TB) 29	
	8.3 Report on Key Activities, Infrastructure (05-001-02-0003 ID) .....	29
	8.4 Report on Key Activities, Strategy, Policy and Planning (01-006-03-0014 MJB) ....	29
<b>9.</b>	<b>Review of WALGA State Council Agenda - Policy Forum Reports .....</b>	<b>29</b>
<b>10.</b>	<b>Review of WALGA State Council Agenda – State Council Status Report .....</b>	<b>30</b>
	10.1 Complete Status Report on State Council Resolutions - To the March 2021 State Council Meeting.....	30
<b>11.</b>	<b>DLGSC Update .....</b>	<b>30</b>
<b>12.</b>	<b>LATE ITEMS as notified, introduced by decision of the Meeting .....</b>	<b>30</b>
<b>13.</b>	<b>FUTURE MEETINGS .....</b>	<b>31</b>
<b>14.</b>	<b>CLOSURE OF MEETING.....</b>	<b>31</b>

# GOLDFIELDS VOLUNTARY REGIONAL ORGANISATION OF COUNCILS (GVROC)

Videconference meeting of the GVROC Council to consider WALGA State Council Agenda Items was held Friday 19 February 2021 8.30am

## AGENDA

### 1. OPENING AND ANNOUNCEMENTS

The purpose of the meeting is to provide advice to the WALGA State Council Representative, Cr Mal Cullen on the Agenda for the WALGA State Council Meeting to be held on 3 March 2021.

### 2. DECLARATION OF INTEREST

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

#### Declarations:

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

### 3. RECORD OF ATTENDANCE, APOLOGIES AND LEAVE OF ABSENCE

#### 3.1 Attendance

Cr Mal Cullen (Chair)	President, Shire of Coolgardie
Mr James Trail	CEO, Shire of Coolgardie
Cr Tracey Rathbone	Councillor, Shire of Coolgardie
Cr Laurene Bonza	President, Shire of Dundas
Mr Peter Fitchat	CEO, Shire of Dundas
Mr Jim Epis	CEO, Shire of Leonora
Cr Timothy Carmody	Councillor, Shire of Wiluna
Mr Cary Green	Director Governance & Corporate, Shire of Ngaanyatjaraku
Mr Andrew Mann	Executive Officer, GVROC

#### 3.2 Apologies

Cr John Bowler	Mayor, City of Kalgoorlie-Boulder
Mr John Walker	CEO, City of Kalgoorlie Boulder
Cr David Grills	Councillor, City of Kalgoorlie Boulder
Cr Ian Mickel	President Shire of Esperance
Mr Shane Burge	CEO, Shire of Esperance
Cr Shelley Payne	Councillor, Shire of Esperance
Cr Sharon Warner	Councillor, Shire of Dundas
Cr Patrick Hill	President, Shire of Laverton
Mr Peter Naylor	CEO, Shire of Laverton
Cr Shaneane Weldon	Councillor, Shire of Laverton
Cr Peter Craig	President, Shire of Leonora
Cr Jill Dwyer	Councillor, Shire of Menzies



## **5. EMERGING ITEMS**

**From:** Chair GVROC

**Background:**

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

A full copy of the State Council Agenda for the 3 March 2021 can be found at **Attachment 2**.

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

## **5.1 Royal Commission into Child Sexual Abuse recommendation for Local Government Child Safety Officers**

*Presented by Ben Armstrong, A/ Director Strategic Coordination and Delivery - Planning and Service Delivery at the Department of Local Government, Sport and Cultural Industries*

### **DLGSC Recommendation**

**That the GVROC/ Goldfields WALGA Zone LGAs provide a response (endorsed by Council) by Friday, 2 April 2021 on the discussion paper on the implementation of child safety officers in local governments.**

### **IN BRIEF**

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.

This item relates to the last point around the implementation of Child Safety Officers within LGAs.

### **ATTACHMENTS**

[Discussion paper on the implementation of child safety officers in local governments \(dlgsc.wa.gov.au\)](https://dlgsc.wa.gov.au)  
(also found at **Attachment 3**).

### **BACKGROUND**

- The Royal Commission into Institutional Responses to Child Sexual Abuse (the Royal Commission) was established to investigate failures up public and private institutions in protecting children from child sexual abuse.
- The Royal Commission's Final Report made 409 recommendations, with 310 applicable to the Western Australian State Government.
- The Royal Commission recommended a range of mechanisms to support child safe organisations.
- The Royal Commission recognised that organisations in regional and remote areas do not receive the same level of support in comparison to their urban counterparts. The Royal Commission recognised the proximity of local governments to regional and remote organisations and their focus on promoting community safety and community development.
- Royal Commission Recommendation 6.12 states that with the support from national, state and territory governments, local governments should designate child safety officer positions from within existing staff profiles to complete a range of functions.

- The State Government through the Department of Communities and Department of Local Government, Sport and Cultural Industries has drafted a discussion paper for local governments to consider the implementation of this Royal Commission recommendation.
- Responses will inform State Government policy development.
- WALGA is preparing a sector response.
- Local Governments are requested to provide a response (endorsed by Council) by Friday, 2 April 2021.

## **RECOMMENDATION**

**That the GVROC:**

- 1. Request that the GVROC Executive Officer compile a combined regional response for the Goldfields WALGA Zone on the DLGSC discussion paper on the implementation of child safety officers in local governments for sign off by the GVROC Chair by the due date of Friday 2 April 2021.**
- 2. Request that each GVROC LGA CEO provide their LGA's views and input to the general combined response to the GVROC Executive Officer by 20 March 2021 to meet the due date of Friday 2 April 2021.**
- 3. Request that within the response an invitation be extended for members of the Royal Commission and officers from the various responsible Federal and State Government Departments to visit the Goldfields region to see and understand the existing issues happening on the ground and limited resources of the LGAs to implement such policies as those coming out of the recommendations.**
- 4. Note, that notwithstanding the above recommendations that each individual GVROC LGA, can if they wish, submit their own direct response to the discussion paper.**

**RESOLUTION:**                    **Moved: Cr Tracey Rathbone - Shire of Coolgardie**  
   **Seconded: Cr Timothy Carmody - Shire of Wiluna**

---

**Carried**

## **5.2 Proposed Review of the Road Asset Preservation Model (APM) -Options Paper**

### **WALGA Recommendation**

#### **That the Zone:**

- **Provide feedback to the WALGA Infrastructure Policy Team regarding a preferred advocacy approach to any review of the Road Asset Preservation Model (APM).**

#### **IN BRIEF**

- A Zone Council recommendation to review the Road Asset Preservation Model (APM) was referred to the Infrastructure Policy Team in December 2020. The Policy Team resolved to seek views from Zones before recommending the development of a formal State Council agenda paper.
- This paper sets out options to guide the development of a Zone resolution.
- The Asset Preservation Model was developed as a Commonwealth requirement for the distribution of Commonwealth Government road grants among Local Governments in an efficient and equitable manner, taking account of local asset preservation needs and costs. It is currently used to distribute a range of Federal and State Government grant funding allocations.
- Despite being used to allocate large sums of public funding, operation of the APM is not well understood within the Local Government sector.
- The APM is not readily accessible to Local Governments. Limited documentation and complexity means that more open access alone would not be helpful in achieving strong understanding of the processes that underpin the output.
- Complexity of the APM makes it difficult to predict the effects on funding allocations of changes to the model or input parameters.
- This paper proposes five options that could be considered to address this issue, for WALGA to advocate to the Grants Commission.
- The options are not mutually exclusive, and some could be combined as a staged approach.
- The five options are:
  1. Re-format and re-label the model, to improve its legibility for all users and make it available to the Local Government sector in a form that would enable stakeholders to understand it.
  2. Review the parameters within the model, in order to increase the accuracy of road maintenance costs within the model.
  3. Advocate to the Grants Commission to undertake a review of the cost regions and minimum standards to ensure that these appropriately reflect the costs faced by Local Government and the current development of the road network
  4. Advocate to the Grants Commission to undertake an appropriately-resourced process to review and rebuild the road Asset Preservation Model. This new model should be as simple as possible while still delivering an equitable distribution of funding among Local Governments. Its variables and assumptions should be easily indefinable to model users, being clearly labelled and documented.
  5. Accept the status quo with no further action.

#### **ATTACHMENTS**

Refer to **Attachment 4** - Options Paper

#### **BACKGROUND:**

A Zone Council recommendation to review the APM was referred to the Infrastructure Policy Team in December 2020. The Team resolved to seek feedback from the Zones as the matter had not been widely identified as an issue of concern.



The Asset Preservation Model was developed by Main Roads WA and Local Government representatives, to distribute the untied roads component of the Commonwealth Financial Assistance Grants between Local Governments.

The WA Local Government Grants Commission took over responsibility for distributing the identified Commonwealth road funds and undertook a comprehensive review of the Asset Preservation Model and modified and refined it. Application of the APM has since been broadened and it is now used to determine the distribution between Local Governments of a range of state and federal funding.

To assist Local Governments make decisions regarding preferred approaches to the use and development of the Asset Preservation Model a manual has been developed by WALGA describing the APM and how it functions. The manual can be viewed [here](#).

## **Problem Statement**

The Road Asset Preservation Model is used to allocate large sums of funding. Despite the importance of the model, it is not widely understood, due to its complexity and limited documentation. This results in a lack of transparency, risk of corporate memory loss, the risk of unfair or otherwise inappropriate allocations of funding, and the reputational risk due to funds distribution not being fully explainable and region allocations being subject to question.

## **Options**

***There are five options identified in the text below, and the table on the final page of this paper. Note that the options are not mutually exclusive and all or some of them could be recommended to be implemented in phased approach.***

1. Advocate to the Grants Commission to re-format and re-label the APM, to improve its legibility for all users. A detailed record should also be made of the model's parameters, and the process that was used for determining their values.
2. Advocate to the Grants Commission for a review of the various parameters contained within the APM, such as the array of annual maintenance costs for different asset types, road reconstruction frequencies and the components of reconstruction costs. This option would increase the accuracy of road maintenance costs within the model, although would not address the underlying problems of excessive complexity and a lack of transparency and predictability.
3. Advocate to the Grants Commission to undertake a review of the cost regions and minimum standards to ensure that these appropriately reflect the costs faced by Local Government and the current development of the road network.
4. Advocate to the Grants Commission to undertake an appropriately-resourced process to review and rebuild the APM. This new model should be as simple as possible while still delivering an equitable distribution of funding among Local Governments. Its variables and assumptions should be easily indefinable to model users, being clearly labelled and documented.
5. Retain Status quo.

It should be noted that these are all advocacy positions. The Road Asset Preservation Model is controlled by the WA Local Government Grants Commission and any decisions regarding development of the model or use of a different approach would be made by the Commission. It must be noted that if Options 2, 3 or 4 are implemented, there is a risk of some Local Governments receiving a lower grant allocation. This risk may be mitigated by advocating for increased funding from the State or Federal Governments, although there is no guarantee that such funding would be forthcoming.

The current membership of the WA Local Government Grants Commission is:

- Chairperson — Hon Cr Fred Riebeling AM JP
- Deputy Chairperson — Mr Luke Stevens, Legal Counsel, DLGSC
- Metropolitan Member — Cr Deb Hamblin, Deputy Mayor, City of Rockingham
- Country Urban Member — Dr Wendy Giles, Councillor, City of Bunbury

- Country Rural Member — Cr Ian West, Shire of Irwin
- Deputy to the Deputy Chairperson — Ms Darrelle Merritt, A/Director - Strategic Initiatives, DLGSC
- Deputy Metropolitan Member — Vacant
- Deputy Country Urban Member — Cr Deborah Botica, City of Kalgoorlie-Boulder
- Deputy Country Rural Member — Cr Moira Girando, President, Shire of Coorow

### **Analysis of the Options**

The options have varying levels of cost, effort and risk attached to them (refer to **Attachment 4** Options Table).

Changes to the APM would affect the funding allocation between Local Governments in ways that are difficult to predict, due to the complexity of the model. The total available funding is fixed, so an increase in one Local Government's funding would necessarily reduce the level of funding available to others, unless additional funding can be secured.

There are also risks associated with no change being made to the APM. The model's complexity and incomplete documentation and labelling creates a risk of corporate memory loss. There is also a reputational risk associated with large sums of money being allocated based on a model that is not well understood by the Local Government sector.

Comparatively simple and lower-cost changes can be made to the APM, under Options 1, 2 and 3. These options would address some of the concerns raised here, but do not address the underlying problems noted above.

### **Next Steps**

Resolutions made by the Zones will guide the development of an agenda item for the next meeting of State Council, to provide WALGA with direction on the sector's preference for its advocacy position regarding the Road Asset Preservation Model.

### **RECOMMENDATION**

**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.**

**RESOLUTION:**

**Moved: *Mr Cary Green - Shire of Ngaanyatjarraku***  
**Seconded: *Cr Tracey Rathbone - Shire of Coolgardie***

---

**Carried**

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

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

#### **WALGA Recommendation**

#### **That WALGA:**

- 1. Continues to advocate for the State Government to ensure that 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; and**
- 2. Requests the Minister for Local Government to:**
  - a. 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;**
  - b. Provide written reasons prior to issuing any Show Cause Notices;**
  - c. Require regular progress reports to be provided to any Local Government that is the subject of any Authorised Inquiry; and**
  - d. Require that any Authorised Inquiry be conducted within a specified timeframe that may be extended with the approval of the Minister.**

#### **IN BRIEF**

- 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.



## **6.2 Cost of Revaluations (05-034-01-0001 TB)**

### **WALGA Recommendation**

**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.**

### **IN BRIEF**

- 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.

### **RECOMMENDATION**

**GVROC support the WALGA recommendation as stated above.**

**RESOLUTION:**                      **Moved: Cr Tracey Rathbone - Shire of Coolgardie**  
   **Seconded: Cr Laurene Bonza - Shire of Dundas**

---

**Carried**

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

#### **WALGA Recommendation**

##### **That WALGA:**

- 1. Supports the inclusion of capital costs of 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.**

#### **IN BRIEF**

- 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.

## RECOMMENDATION

**GVROC note the WALGA recommendation as stated, however it requests that WALGA reconsider the current recommendation to look at Trailer Fire Fighting Units instead of Slip On Fire Fighting Units, given the concerns around safety of the Slip on Fire Fighting Units.**

**RESOLUTION:**                      **Moved: Cr Timothy Carmody - Shire of Wiluna**  
   **Seconded: Cr Tracey Rathbone - Shire of Coolgardie**

**Carried**



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

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

#### **WALGA Recommendation**

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

#### **IN BRIEF:**

- 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.

**RECOMMENDATION:**

**GVROC note the WALGA recommendation and the the *Local Government Car Parking Guideline – Western Australia*.**

**RESOLUTION:**

**Moved: Cr Tracey Rathbone - Shire of Coolgardie  
Seconded: Cr Laurene Bonza - Shire of Dundas**

---

**Carried**



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

#### **WALGA Recommendation**

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

#### **IN BRIEF:**

- 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.

**RECOMMENDATION:**

**GVROC note the WALGA submission to the Ombudsman, Western Australia in respect to the Draft Reportable Conduct Scheme for Western Australia.**

**RESOLUTION:**                      **Moved: Cr Tracey Rathbone - Shire of Coolgardie**  
   **Seconded: Cr Laurene Bonza - Shire of Dundas**

---

**Carried**

## **7.4 Submission – Draft State Planning Policy 4.2: Activity Centre (05-036-03-0020 CH)**

### **WALGA Recommendation**

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

### **IN BRIEF:**

- 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.

### **ATTACHMENTS**

[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.

**RECOMMENDATION:**

**GVROC note the WALGA endorsed submission on the draft State Planning Policy 4.2: Activity Centres.**

**RESOLUTION:**

**Moved: Cr Timothy Carmody - Shire of Wiluna**  
**Seconded: Cr Tracey Rathbone - Shire of Coolgardie**

---

**Carried**

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

### **WALGA Recommendation**

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

#### **IN BRIEF:**

- 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.

#### **ATTACHMENTS**

[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.***

**RECOMMENDATION:**

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

**RESOLUTION:**                      **Moved: Cr Tracey Rathbone - Shire of Coolgardie**  
   **Seconded: Cr Timothy Carmody - Shire of Wiluna**

---

**Carried**

## **7.6 Report Municipal Waste Advisory Council (MWAC) (01-006-03-0008 RNB)**

### **WALGA Recommendation**

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

### **IN BRIEF:**

- 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**

**RECOMMENDATION:**

**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.**

**RESOLUTION: Moved: Cr Timothy Carmody - Shire of Wiluna  
Seconded: Cr Tracey Rathbone - Shire of Coolgardie**

---

**Carried**



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

### 10.1 Complete Status Report on State Council Resolutions - To the March 2021 State Council Meeting

**GVROC COMMENT:**

Additional to the Complete Status Report on State Council Resolutions, **Attachment 5** provides the relevant Goldfields Esperance Country Zone Status Report.

**RECOMMENDATION:**

GVROC notes the Complete State Council Status Report to the March 2021 State Council meeting and the Goldfields Esperance Country Zone Status Report.

**RESOLUTION:**                      **Moved: Cr Timothy Carmody - Shire of Wiluna**  
   **Seconded: Cr Tracey Rathbone - Shire of Coolgardie**

Carried

## 11. DLGSC Update

The following link to the DLGSC Zone Update for February 2021 has been provided by DLGSC on activities of interest for the Region.

Click on the link for the DLGSC Zone Update - [DLGSC Zone Update Feb 2021](#)

**RECOMMENDATION:**

GVROC notes the DLGSC Zone Update Feb 2021 report.

**RESOLUTION:**                      **Moved: Cr Tracey Rathbone - Shire of Coolgardie**  
   **Seconded: Mr Jim Epis - Shire of Leonora**

Carried

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

Nil.

## **13. FUTURE MEETINGS**

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

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

- 26 March 2021 (regional hosted Shire of Dundas)
- 28 May 2021 (central meeting hosted by CKB in Kalgoorlie)
- 30 July 2021 (regional hosted Shire of Leonora)
- 21 September 2021 (Aligned with LGA Convention in Perth and WALGA AGM Sept 20-21)
- 26 November 2021 (tbc)

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

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

## **14. CLOSURE OF MEETING**

There being no further business the Chair declared the meeting closed at 10:20am.