



GVROC Council Meeting to consider WALGA State Council Agenda Items

Unconfirmed Minutes

Friday 25 June 2021
Zoom Videoconference, commencing at 9.00am

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GOLDFIELDS VOLUNTARY REGIONAL ORGANISATION OF COUNCILS (GVROC)

Videoconference meeting of the GVROC Council to consider WALGA State Council Agenda Items was held Friday 25 June 2021 9.00am

AGENDA

1. OPENING AND ANNOUNCEMENTS

The purpose of the meeting is to provide advice to the WALGA State Council Representative, Cr Mal Cullen on the Agenda for the WALGA State Council Meeting to be held on 7 July 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.

3. RECORD OF ATTENDANCE, APOLOGIES AND LEAVE OF ABSENCE

3.1 Attendance

Cr Mal Cullen (Chair)	President, Shire of Coolgardie
Cr Tracey Rathbone	Councillor, Shire of Coolgardie
Mr Robert Hicks	Director of Operations (Proxy for James Trail)
Mr David Trevaskis	CFO, City of Kalgoorlie Boulder (Proxy for John Walker)
Cr Laurene Bonza	President, Shire of Dundas
Mr Peter Fitchat	CEO, Shire of Dundas
Cr Ian Mickel	President Shire of Esperance
Cr Ron Chambers	Councillor, Shire of Esperance
Mr Shane Burge	CEO, Shire of Esperance
Cr Patrick Hill	President, Shire of Laverton (Left the meeting at 9:37am)
Mr Peter Naylor	CEO, Shire of Laverton
Mr Jim Epis	CEO, Shire of Leonora
Mr Kevin Hannagan	CEO, Shire of Ngaanyatjarraku
Mr Cary Green	Director Governance & Corporate, Shire of Ngaanyatjarraku
Mr Andrew Mann	Executive Officer, GVROC

3.2 Apologies

Mr James Trail	CEO, Shire of Coolgardie
Cr John Bowler	Mayor, City of Kalgoorlie-Boulder
Cr David Grills	Councillor, City of Kalgoorlie Boulder
Mr John Walker	CEO, City of Kalgoorlie Boulder
Cr Sharon Warner	Councillor, Shire of Dundas
Cr Shaneane Weldon	Councillor, Shire of Laverton
Cr Peter Craig	President, Shire of Leonora
Cr Jill Dwyer	Councillor, Shire of Menzies
Mr Brian Joiner	CEO, Shire of Menzies
Cr Damian McLean	President, Shire of Ngaanyatjarraku
Cr Keith Mader	Councillor, Shire of Menzies
Cr Jim Quadrio	President, Shire of Wiluna
Cr Timothy Carmody	Councillor, Shire of Wiluna
Ms Laura Dwyer	CEO, Shire of Wiluna

3.3 Guests

Emma Horsefield LGIS - Safety Program Manager

3.4 WALGA Representatives

Mal Shervill Road Safety Policy Officer
Kirsten Wren Principal, Strategic Projects and Economics.
Engel Prendergast Senior Road Safety Consultant

3.5 DLGSC Representatives

Nil attendees

4. MINUTES OF MEETINGS

4.1 Minutes of a Meeting of GVROC to consider WALGA State Council Agenda Items held 23 April 2021

Minutes of the GVROC Council Meeting to consider WALGA State Council held Friday 23 April 2021 are presented for adoption (**Attachment 1**).

RECOMMENDATION:

That the Unconfirmed Minutes of the GVROC Council Meeting to consider WALGA State Council held Friday 23 April 2021 be confirmed as a true and correct record of proceedings.

RESOLUTION: Moved: *Cr Patrick Hill, Shire of Laverton*
Seconded: *Cr Ian Mickel, Shire of Esperance*

Carried

4.2 Action Sheet Report

An update on the actions based on the resolutions from the WALGA State Council meeting held 23 April 2021 are presented for noting (**Attachment 2**).

RECOMMENDATION:

That the Action Sheet Report as listed for noting be received.

RESOLUTION: Moved: *Cr Tracey Rathbone, Shire of Coolgardie*
Seconded: *Cr Patrick Hill, Shire of Laverton*

Carried

4.3 Matters for Noting

The following matters were presented for noting.

1. Shire of Esperance has advised in writing a change in Elected Member Representation on the GVROC – Cr Ron Chambers replacing Shelley Payne (**Attachment 3**).
2. WALGA response to Proposed Review of the Road Asset Preservation Model in response to Action Sheet Report Item from meeting 23 April 2021 (**Attachment 4**)

RECOMMENDATION:

That the matters for noting listed be received.

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

Carried

5. PRESENTATIONS

5.1 LGIS Mutual Services (15 mins)

Presentation from Emma Horsefield, Safety Program Manager – LGIS, on WHS changes in legislation, which is a key issue within the sector at the moment.

6. 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 7 July 2021 can be found at **Attachment 5**.

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

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

7.1 Reviews of the Cat Act 2011 and Dog Act 1976 (05-034-01-0001 JM)

WALGA Recommendation

That WALGA seek a commitment from the State Government:

- 1. for the conduct of comprehensive reviews of the Cat Act 2011 and Dog Act 1976; and**
- 2. that the reviews incorporate Local Government-specific consultation processes, coordinated in discussion with WALGA and Local Government stakeholders.**

IN BRIEF

- The Department of Local Government, Sport and Cultural Industries released the Statutory Review of the Cat Act 2011 and Dog Amendment Act 2013 Report in December 2019;
- A number of Local Governments, Zones and VROCs have requested that this statutory review progress to a full review of both Acts, with a particular emphasis on the Cat Act;
- In February 2021, WALGA's Governance Policy Team endorsed a recommendation that State Council seek this commitment from the State Government.

ATTACHMENT

- The Statutory Review of the *Cat Act 2011 and Dog Amendment Act 2013 Report* can be found [here](#).

BACKGROUND:

The Department of Local Government, Sport and Cultural Industries released the *Statutory Review of the Cat Act 2011 and Dog Amendment Act 2013 Report* in December 2019. A statutory review of legislation is required when a provision is included in the statute, which appears in Section 86 of the *Cat Act* and Section 60 of the *Dog Amendment Act*.

The Report summarises the consultation process that led to the summary of findings. The feedback and information gathered as part of the Review were intended to inform any future review or amendments of the Acts.

CONSULTATION

The review commenced in May 2019 for a 12 week period with the release of the 'Pause for Paws' Paper. The Department received approximately 7,000 written and online submissions in total, substantially from members of the public and dog and cat representative associations and bodies.

Consultation with the Local Government sector was planned in discussion with WALGA, Local Government Professionals WA and WA Rangers Association, resulting in the following key themes arising:

1. *A centralised registration database – to include microchip details and if a dog has been declared dangerous.*
2. *The need for rangers to have the power to enter premises, seize animals and obtain owners details in some situations. It was noted that this would be particularly useful in circumstances of repeated non-compliance of pet owners.*
3. *Sterilisation*
 - a. *Mandatory sterilisation should be introduced for dogs (unless an approval to breed or other exemption is approved)*
 - b. *Sterilisation age for cats should be reduced as they reach sexual maturity before six months (the current sterilisation age)*
4. *Penalties should be incurred when cats wander/trespass on property without consent. A cat curfew should be introduced, or cats should be confined to their property.*

The Summary of Findings in Appendix 1 of the Report contains the range of proposals arising from the entire consultation process.

In communicating the outcome of the Statutory Review, the Department informed WALGA that *'the Government is considering the feedback from the review and...if specific changes to the Cat Act or Dog Act are to be considered/proposed (as a result of the review), further detailed consultation would be undertaken'*¹. There is yet to be an announcement by the State Government of an intention to conduct a full review and *Cat Act* and/or *Dog Act*.

COMMENT

Commentary from Local Governments and Zones since the Review is that Item 4 of the above key themes is of particular importance to the sector, with Local Governments currently frustrated with the lack of enforcement capability for cats wandering, causing a nuisance or impacting on sensitive environments.

The local law-making head of power under Section 79 of the *Cat Act 2011* does not permit Local Governments to require that cats be contained within their owner's property, as is the case with the *Dog Act* requiring dogs to be 'effectively confined' within the owner's property, and creates an offence for a 'person liable for the control of a dog' if it is not kept under effective control in a public place (except a dog exercise area).

The Annual Report 2014² of the Joint Standing Committee on Delegated Legislation identifies a number of occasions when attempts to make local laws that require containment of cats to properties were frustrated by the lack of the relevant head of power under the *Cat Act*.

RECOMMENDATION

GVROC support the WALGA recommendation as stated.

RESOLUTION:

Moved: Cr Laurene Bonza, Shire of Dundas

Seconded: Cr Tracey Rathbone, Shire of Coolgardie

Carried

¹ Email from DLGSC to WALGA, 3 December 2019.

² [Report 74](#), January 2015, Pages 10-13

7.2 Amendments to WALGA's Constitution (01-001-01-0001 TL)

WALGA Recommendation

That the WALGA Constitution be amended as follows:

1. INSERT Definition – “*Present*” means attendance in person or by electronic means deemed suitable by the Chief Executive Officer.
2. Clause 5 (10) – DELETE “and Associate Members”.
3. Clause 5 (11) – DELETE “Ordinary Member or”, REPLACE “State Council” with “Chief Executive Officer” in the first sentence, INSERT “or its delegate” after State Council in the second sentence.
4. Clause 6 (3) – REPLACE “31 May” with “30 June”.
5. Clause 7 (2) – REPLACE “30 June” with “31 July”.
6. Clause 11 (1) – after Chief Executive Officer, INSERT “in accordance with the Corporate Governance Charter”.
7. Clause 11 (2) – after Chief Executive Officer INSERT “by providing notice to State Councillors of the date, time, place and purpose of the meeting”
8. DELETE Clause 11 (3)
9. Clause 12 (1) – DELETE “as, being entitled to do so, vote in person”
10. DELETE Clause 12 (2)
11. Clause 12 (3) – DELETE “as, being entitled to do so, vote in person”
12. Clause 12 (4) – DELETE “as, being entitled to do so, vote in person”
13. Clause 16 (1) & (2) – After Any election INSERT “other than to elect the President or Deputy President”, REPLACE “generally in accordance with the provisions of the *Local Government Act 1995* as amended (2) For the purposes of the election referred to in subsection (1)” with “as follows”.
14. Clause 16 (2) (f) – REPLACE two instances of “2” with “1”.
15. INSERT Clause 16A – Election Procedure – President and Deputy President
 - (1) An election to elect the President or Deputy President shall be conducted as follows:
 - (a) the Chief Executive Officer or his/her delegate shall act as returning officer;
 - (b) representatives are to vote on the matter by secret ballot;
 - (c) votes are to be counted on the basis of “first-past-the-post”;
 - (d) the candidate who receives the greatest number of votes is elected;
 - (e) if there is an equality of votes between two or more candidates who are the only candidates in, or remaining in, the count, the count is to be discontinued, and the meeting adjourned for not more than 30 minutes;
 - (f) any nomination for the office may be withdrawn, and further nominations may be made, before or when the meeting resumes;
 - (g) when the meeting resumes, an election will be held in accordance with subsections 1(a), 1(b), 1(c) and 1 (d);
 - (h) if two or more candidates receive the same number of votes so that subsection 1(d) cannot be applied, the Chief Executive Officer is to draw lots in the presence of any scrutineers who may be present to determine which candidate is elected.
16. Clause 21 (4) – REPLACE “Chairman” with “Chair”.
17. Clause 22 (1) – REPLACE “in August or September of” with “prior to 31 October”.
18. Clause 22 (3) – DELETE “in person”
19. DELETE Clause 22 (4) (b).
20. Clause 23 (3) – DELETE “in person”
21. Clause 24 (2) – DELETE “and of which vote is to be exercised in person”
22. Clause 24 (4) – DELETE “as, being entitled to do so, vote in person”
23. Clause 28 (1) – DELETE “The common seal shall be held in the custody of the Chief Executive Officer at all times.”
24. Clause 29 (1) – DELETE “as, being entitled to do so, vote in person”
25. Clause 29 (2) – DELETE “as, being entitled to do so, vote in person”
26. Clause 31 (4) (c) – DELETE “and Regional Development”.

Voting Requirement: **SPECIAL MAJORITY**

IN BRIEF

- A number of amendments are proposed to the WALGA Constitution;
- Amendments are necessary:

- To remove requirements for delegates to attend annual and special general meetings in person; and,
- As a result of WALGA's change of financial year end to 30 June, from the previous 31 May year end.
- Other amendments are proposed to:
 - Allow a second vote to be conducted if two candidates tie in an election for President or Deputy President;
 - Clarify the application process for Ordinary and Associate Members;
 - Simplify the process for providing notice of State Council meetings;
 - Allow motions at Special State Council meetings to be passed with a simple, as opposed to absolute, majority, except as required elsewhere in the Constitution, such as the absolute majority requirement to adopt the budget; and,
 - Tidy up outdated wording.
- Amendments to the Constitution require a Special Majority of State Council and a Special Majority at a General Meeting;
- Consequently, these Constitutional Amendments will also be put to the 20 September 2021 Annual General Meeting.

ATTACHMENT

- WALGA Constitution – Proposed Amendments Mark-Up

BACKGROUND:

Amendments to the Constitution are required to allow delegates to attend and vote virtually through a videoconference, webinar or other platform at Annual or Special General Meetings of the Association if required.

In addition, WALGA has this year changed its financial year end from 31 May to 30 June. The 30 June year end means that WALGA's financial year now aligns with Local Governments' year end. Amendments to clauses relating to the budget, termination of membership and the timeframe for holding the AGM are required as a result of this change.

The requirement to amend the Constitution has provided an opportunity to amend the election procedure for WALGA President and Deputy President. The proposed change would enable a second ballot to be held if two or more candidates are tied for the position. This aligns with the procedure in the *Local Government Act 1995* for the election by Council of Mayors, Presidents, Deputy Mayors and Deputy Presidents.

Other minor changes to remove outdated and tidy up wording are proposed, as per the mark-up version of the Constitution attached.

COMMENT

Amendments to the Constitution require endorsement by a special (75 percent) majority at State Council, as well as a 75 percent majority at an Annual General Meeting or Special General Meeting.

Consequently, if the proposed amendments are endorsed by State Council, they will be put to the 20 September 2021 WALGA Annual General Meeting

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

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

8.1 Submission to Ministerial Expert Committee on Electoral Reform (01-006-02-0010 TL)

WALGA Recommendation

That the Submission to the Ministerial Expert Committee on Electoral Reform be noted.

IN BRIEF:

- The Minister for Electoral Affairs, Hon John Quigley MLA, has announced the formation of a Ministerial Expert Committee to take submissions and make recommendations to Government to reform the Legislative Council electoral system.
- To facilitate the development of a WALGA submission to the Ministerial Expert Committee, the WALGA President established a Policy Forum of State Councillors that met twice during May 2021.
- The Policy Forum:
 1. Considered a [background paper](#) and the Expert Committee's [discussion paper](#),
 2. Discussed key issues with ABC Election Analyst, Antony Green,
 3. Considered a range of models, ultimately recommending a preferred model, and
 4. Shaped the arguments put forward in the submission.
- Following the Policy Forum's deliberative process, a submission was put forward for State Council consideration at the 2 June 2021 special meeting of State Council.
- Following a number of amendments, the final submission was endorsed via Flying Minute on Friday, 4 June.

ATTACHMENTS

- [Flying Minute – Draft Submission to the Ministerial Expert Committee on Electoral Reform](#)

BACKGROUND:

Hon. John Quigley MLA, Attorney General; Minister for Electoral Affairs, announced on Friday, 30 April 2021 the [establishment of a Ministerial Expert Committee](#) to advise the Government on electoral reform.

The Committee's Terms of Reference are as follows:

The Government now asks the Committee to review the electoral system for the Legislative Council and provide:

1. *Recommendations as to how electoral equality might be achieved for all citizens entitled to vote for the Legislative Council, and*
2. *Recommendations for the distribution of preferences in the Legislative Council's proportional representation system.*

The Ministerial Panel comprises the following members:

- Hon. Malcolm McCusker QC AO (Chair)
- Professor John Phillimore
- Professor Martin Drum
- Dr Sarah Murray

The Ministerial Panel's website is available here: <https://www.wa.gov.au/government/wa-electoral-reform>.

To consider and develop a submission on the issues to be addressed by the Ministerial Panel's Terms of Reference, the WALGA President, Mayor Tracey Roberts, convened a Policy Forum, comprised of the following State Councillors:

- Mayor Tracey Roberts (Chair)
- President Cr Karen Chappel
- Mayor Carol Adams
- President Cr Phil Blight
- Cr Ronnie Fleay
- Mayor Albert Jacob
- Cr Les Price
- President Cr Michelle Rich
- President Cr Stephen Strange

The Policy Forum held two meetings to deliberate on the issues associated with Legislative Council electoral reform and to shape a draft submission for State Council consideration.

At the first meeting, the Policy Forum considered the [Background Paper](#) and the [discussion paper prepared by the Ministerial Expert Committee](#).

Antony Green, ABC Elections Analyst, presented to the first meeting of the Policy Forum and discussed key issues. Antony Green's brief was to:

- Outline key issues, including the issues identified by the Government such as malapportionment and group ticket voting, and
- Discuss options for reform.

Following Antony Green's presentation, discussions focused on the need for maintenance of political representation for rural and remote Western Australia, and arguments in support of this position, which are enunciated in the submission.

At this meeting, the Policy Forum also agreed to the first two recommendations put forward in the draft submission, being:

1. That Group Ticket Voting be removed from the Legislative Council electoral system, and reforms be adopted modelled on the Senate reforms of 2016; and,
2. That a regional system be retained, and the whole state electorate option be rejected.

The second meeting of the Policy Forum focused on strengthening the arguments in the submission and agreeing on a region-based model to put forward for State Council to consider submitting to the Ministerial Expert Committee. To facilitate the Policy Forums' discussions, a paper with eight options for consideration was prepared.

The Policy Forum reiterated the need for political representation of rural and remote Western Australia. Following deliberations, the Policy Forum agreed to recommend a model for State Council consideration.

State Council considered the draft submission at the 2 June Special Meeting and resolved not to include a preferred model as part of the submission, as follows:

That:

- 1. the draft submission to the Ministerial Expert Committee on Electoral Reform be amended as follows:**
 - a. remove pages 11 and 12**
 - b. amend recommendation 3 to the following:**

That the Ministerial Expert Committee on Electoral Reform be required to consider the importance of political representation for rural and regional Western Australia.
 - c. provide information regarding the importance of representation for Aboriginal communities.**
- 2. the amended submission be considered by State Council by way of Flying Agenda/Minutes.**
- 3. Local Governments be encouraged to put forward a submission to the Ministerial Expert Committee on Electoral Reform.**

The final submission was endorsed by State Council on Friday, 4 June by Flying Minute.

COMMENT:

The final submission contains the following sections:

- **Background** – including establishment of the panel and the State Council Policy Forum.
- **Group Ticket Voting** – recommending that group ticket voting be removed from the electoral system.
- **Whole State Electorate** – rejecting the option of electing the Legislative Council from an electorate comprising the whole state of WA.
- **Regional, Rural and Remote Representation** – arguing the importance of political representation for rural, remote and Aboriginal communities, highlighting the increased role for Local Government if Parliamentary representation is reduced, pointing out the economic contribution of regional Western Australia, and noting lower levels of government services relative to more populous regions. Also noting that Aboriginal communities remain significantly disadvantaged in Regional Western Australia and removing or limiting access to Members of Parliament will have significant repercussions and does not achieve electoral equality.
- **Conclusion** – emphasising the importance of rural and remote political representation, and restating the recommendations put forward in the submission.

The deadline for submissions to be received by the Ministerial Expert Committee was 5:00pm, Tuesday, 8 June 2021.

RECOMMENDATION:

GVROC note the WALGA Submission to the Ministerial Expert Committee on Electoral Reform.

RESOLUTION:

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

Carried

8.2 Legal Response to the Coastal Hazard Planning Issues Paper (05 036-03-0065 AR)

WALGA Recommendation

That the update on the *Legal Response to the Local Government Coastal Hazard Planning Issues Paper (2021)* be noted.

IN BRIEF:

- The *Legal Response to the Coastal Hazard Planning Issues Paper (2021)* is a certified legal response to questions outlined in the *Coastal Hazard Planning Issues Paper (2019)*.
- The legal response will be useful for Local Governments preparing and revising Coastal Hazard Risk Management and Adaptation Plans (CHRMAs), which Local Governments are required to prepare under *State Planning Policy 2.6: State Coastal Planning Policy*.
- The legal response is a confidential document owned by the organisations who contributed funding and resources to seek the advice; 28 Local Governments, WALGA and LGIS.
- The project is estimated to have saved the sector approximately \$1.3 million in legal fees, had each participating Local Government sought independent legal advice.

RELEVANCE TO STRATEGIC PLAN

Key Strategies

Sustainable Local Government

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

BACKGROUND:

The *Legal Response to the Coastal Hazard Planning Issues Paper (2021)* is a certified legal response to questions raised in the *Coastal Hazard Planning Issues Paper (2019)*.

The issues paper was noted by State Council in September 2019. It was prepared by WALGA and LGIS in partnership with the Local Government Coastal Hazard Risk Management and Adaptation Planning (CHRMAs) Forum and considers nine coastal adaptation scenarios common to Local Governments in Western Australia (WA). Each scenario raises a number of questions, mostly of a legal nature. The CHRMAs forum determined that a qualified legal response to these questions was needed, to clarify Local Government responsibilities and potential legal liabilities in each scenario, and help Local Governments prepare and revise CHRMAPs, which Local Governments are required to prepare under *State Planning Policy 2.6: State Coastal Planning Policy*.

In 2020, WALGA, on behalf of the forum, released an expression of interest to all Local Governments in WA with coastal or estuarine lands to co-fund the legal response through an equal contribution model. 28 Local Governments (listed below) responded and formed a collaborative funding partnership with WALGA and LGIS to engage a qualified legal firm from WALGA's preferred supplier list. McLeods Barristers and Solicitors was selected by a governing subcommittee of collaboration representatives. The report was completed and distributed to participants in April 2021.

COMMENT:

The legal response is a confidential document owned by the organisations who contributed funding and resources to seek the legal advice, which include the participating Local Governments, WALGA and LGIS. The report's findings are general in nature and owners should consider seeking specific legal advice and assistance to ensure appropriate adaptation of the general advice to specific local circumstances.

A selection of the report's key findings include:

- a) In a coastal context, the primary role of a Local Government is to manage risks and impacts to public assets which they own and manage. The preparation of CHRMAPs is an important aspect of the Local Government's role.

- b) Determinations on applications for development approval in coastal zones must consider coastal risks, and SPP2.6 will be an important factor in assessing the planning merits. Provided the Local Government's decision has due regard to relevant considerations and has a reasonable basis, the risk of the decision attracting liability is minimised.
- c) Local Governments should consider amending local planning schemes to create special control areas that apply to coastal hazard zones. Doing so will allow greater control to be exercised over development which is likely to be affected by coastal hazards, and for suitable guidelines and development standards to be applied to permissible development.
- d) Where land falls within a mapped coastal hazard area, the Local Government should take steps to ensure that the information is linked to the Local Government's property file and online mapping for the affected land, to ensure that the existence of the coastal hazard is made known (or is at least available) to those who make an enquiry about the property.
- e) Unlike in other Australian states, in WA, private land that becomes permanently inundated by coastal waters is likely to remain in private ownership under the current legislative framework. This means that in order to maintain public coastal access and recreational use in areas where the shoreline is projected to recede beyond private property boundaries, the options are, in no particular order, (1) stabilise the existing shoreline using engineering techniques to prevent shoreline recession; (2) advocate for change to the current legislative framework to preserve long-established public uses in areas where private land may be permanently inundated, or (3) acquire affected private land to extend the public foreshore reserve.

The report is the first of its kind in any state or territory in Australia and is estimated to have saved the sector approximately \$1.3 million in legal fees had each participant sought independent legal advice. It puts participating Local Governments on the front foot in supporting their communities to prepare for the changes posed by increasing storm intensities and rising sea levels due to climate change.

The project was administered within budget and a small credit note was issued to contributors upon project completion. Local Governments who did not participate in the funding collaboration will be able to seek access by way of making a funding contribution to support the future activities of the LG CHRMAP Forum, to be determined but likely in line with the <\$1500 contributions made by participating Local Governments. The LG CHRMAP Forum, WALGA and LGIS will now consider the findings of the report to identify matters beyond the powers or resources of Local Governments to address and that require collaboration with State or Commonwealth Agencies.

Participating Local Governments: City of Albany, Shire of Ashburton, Shire of Augusta-Margaret River, City of Belmont, Shire of Broome, City of Bunbury, City of Busselton, Town of Cambridge, Shire of Carnamah, City of Cockburn, Town of Cottesloe, Shire of Dandaragan, Shire of Dardanup, Town of East Fremantle, City of Fremantle, Shire of Gingin, City of Greater Geraldton, City of Joondalup, Town of Kwinana, City of Mandurah, City of Melville, Town of Mosman Park, Shire of Murray, City of Perth, Town of Port Hedland, City of Rockingham, City of Stirling, City of Wanneroo.

RECOMMENDATION:

GVROC note the WALGA update on the Legal Response to the *Local Government Coastal Hazard Planning Issues Paper (2021)*.

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

Carried

8.3 WALGA Submission: Child Safety Officer (05-065-03-006 BW)

WALGA Recommendation

That the submission to the Department of Local Government, Sport and Cultural Industries and the Department of Communities in response to the *Discussion Paper On The Implementation Of Child Safety Officers In Local Governments* be noted.

IN BRIEF:

- The State Government is consulting on the proposed implementation of child safety officers within Local Government, which is a recommendation of the Royal Commission into Institutional Responses to Child Sexual Abuse (Recommendation 6.12).
- WALGA hosted a series of online discussions to gather feedback from Local Governments and encouraged Local Governments to make individual submissions.
- WALGA has made a number of recommendations, including the establishment of a State and Local Government working group to guide future consultation and policy development.
- The submission was endorsed by State Council via flying minute on 31 March 2021 and was provided to DLGSC on 1 April 2021. It is anticipated the State will release a findings paper in June and following this, invite WALGA to participate in a focus group to assist in the policy development.

ATTACHMENT

- [Flying Minute – WALGA Submission: Child Safety Officer](#)

BACKGROUND:

In December 2020, DLGSC and Department of Communities released the “*Discussion paper on the implementation of child safety officers in local governments*” to guide the consultation on recommendation 6.12 of the Royal Commission into Institutional Responses to Child Sexual Abuse.

In order to provide feedback on the discussion paper, WALGA hosted a series of online discussions for Local Governments with LG Professionals, DLGSC and Department of Communities in attendance. 111 people from 56 Local Governments participated in these with participants ranging from CEOs to staff in Community Development, Governance, Human Resources, Recreation Services, and Libraries. Diverse Local Governments in terms of size, capacity and perspective participated. The majority of Local Government participants in the consultation process acknowledge that Local Governments have a role to play in child safety.

COMMENT:

WALGA acknowledges that this is the State Government’s first phase in consultation on Recommendation 6.12 with a focus on identifying opportunities and requirements for the Child Safety Officer role; therefore Local Governments are not required to make a decision about resourcing implications at this stage. WALGA welcomes this early consultation with the sector, however a lack of clarity around the staged approach to the consultation and the timeline has caused some concern and confusion in the sector.

The submission makes the following recommendations:

1. It is recommended that the State Government, in consultation with Local Government, develop a clear framework for the implementation of Recommendation 6.12 and in that framework approach child safety as a function (similar to disability access and inclusion) within a Local Government, rather than an officer. This approach will provide a clear delineation between State and Local Government roles and responsibilities; limit risk to individual staff members; and enable Local Government to consider ways to strengthen child safety across all areas of the organisation, rather than focusing on one team or area of the organisation.

2. It is recommended that the scope of the Child Safety Officer function be clearly articulated, including minimum requirements and reporting requirements, and ensure that it does not cross over into child protection work. Prioritising the development of a clear framework within which the child safety function sits will address this issue.
3. The State Government should provide capacity building support to Local Governments, through the provision of resources including the following:
 - a. supporting materials such as template policies, procedures and guidelines ;
 - b. consistent key messaging and resources to promote and share in venues and facilities and online;
 - c. examples of best practice, including case studies;
 - d. self-assessment tools to assist Local Government ; and
 - e. ongoing training and skills development for Local Government staff to ensure that they can adequately fulfil the child safety function, including online training options.
4. It is recommended that the State's independent oversight body is resourced to provide expert officers within each region to provide support and guidance to Local Government on child safety. This is similar to the approach in NSW where a Local Government child safety advisor is provided by the NSW Children's Guardian.
5. It will be necessary for the State or Commonwealth to provide funding for the delivery of the child safety function within smaller, less well resourced (Tier 3 and Tier 4) Local Governments, as they do not have the current capacity to fulfil the child safety function. Consideration should be given to an alternative model for delivery of the child safety function in regional and remote areas, utilising existing State Government agencies such as DLGSC/Department of Communities outreach officers attached to the independent oversight body.

It is recommended that State Government and Local Government form a Working Group to guide further consultation and policy development on child safety.

RECOMMENDATION:

GVROC note the WALGA submission to the Department of Local Government, Sport and Cultural Industries and the Department of Communities in response to the *Discussion Paper On The Implementation Of Child Safety Officers In Local Governments.*

RESOLUTION:

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

Carried

8.4 State Planning Policy 3.1 Residential Design Codes Volume 1 – Medium Density Code (05-015-02-002 CH)

WALGA Recommendation

That the endorsed submission on the interim review of State Planning Policy 3.1 Residential Design Codes Volume 1 Medium Density Code be noted.

IN BRIEF:

- On 27 November 2020, the WA Planning Commission (WAPC) released the draft State Planning Policy 3.1 Volume 1: Medium Density Code (Medium Density Code) for public comment. The comment period closed on 16 April 2021.
- The submission was presented to the People and Place Policy Team on 1 April 2021 and subsequently endorsed by State Council via Flying Minute.

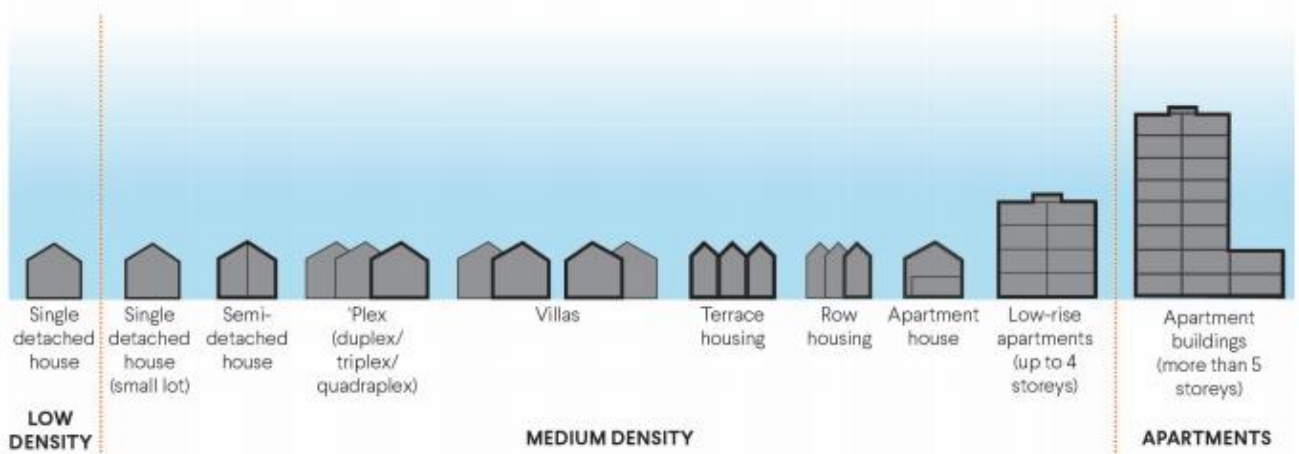
ATTACHMENT:

- [Flying Minute – State Planning Policy 3.1 Residential Design Codes Volume 1 – Medium Density Code](#)

BACKGROUND:

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

As part of these reforms the R-Codes is being split into two distinct volumes: Volume 1 medium density (townhouses and low-level apartments), and low density (single houses); and Volume 2 higher density (apartments). The figure below provides a visual explanation of the parts of the R-Codes.



Unlike other states, the delivery of medium density housing products is not a new phenomenon in Western Australia, these housing types form most infill development in the metropolitan region. This trend has settled on a common type of infill development, being 3 to 4 units placed on a traditional suburban block. The form of development has come under growing criticism in recent years both in terms of how the style of development has changed neighbourhoods (altered streetscapes, loss of trees), and how the internal design of homes has led to energy inefficiencies and reduced quality of life for residents. The intent of the Medium Density Code is to improve the quality and consistency of housing in WA and promote a wider range of building types that are more in keeping with their site, the streetscape and neighbourhood around them. The policy emphasises:

- More trees and gardens;
- Better solar access and ventilation
- Flexible, functional living spaces
- Safe, attractive streetscapes
- More space for people and less cars

COMMENT:

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

Local Government as the level of government that administers and applies the R-Codes is a key stakeholder in any review. The WAPC directly engaged with Local Government officers to assist in the framing and testing of the proposed modifications and this early engagement is supported. The WAPC has also actively engaged with the sector during the community consultation period.

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

During the public consultation period, the Association sought feedback from the Local Government sector to inform a representative submission to the WAPC. Feedback from officers at the Town of Bassendean, and Cities of Fremantle and Stirling was received.

The public comment period closed on the 16 April 2021. The submission was presented to the People and Place Policy Team on 1 April 2021 and subsequently determined (200.FM/2021) by State Council via flying minute. The endorsed submission was provided to DPLH before the submission deadline.

RECOMMENDATION:

GVROC note the WALGA endorsed submission on the interim review of State Planning Policy 3.1 Residential Design Codes Volume 1 Medium Density Code resolutions.

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

Carried

8.5 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 28 April 2021 meeting.

IN BRIEF:

- This item summaries the outcomes of the MWAC meeting held on 28 April 2021.

BACKGROUND:

- The Municipal Waste Advisory Council is seeking State Council noting of the resolutions from the **28 April** meeting, 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 meeting held on **28 April 2021** included:

Submission on the National TV and Computer Product Stewardship Scheme Rules

The TV and Computer Product Stewardship Scheme (the Scheme) is a Program, funded by importers of TVs and Computers which was intended to cover the costs associated with recycling these materials. The Scheme was initially put in place through the *Product Stewardship Act 2011*. The Rules are the new Regulations required to implement the Scheme because the legislation which was the head of power for the Scheme has changed. In 2018, the Scheme was reviewed and the updated Rules contain some improvements.

However, as highlighted in the Draft Submission some of the major concerns that were raised in the Review of the Scheme have not been addressed, in particular the need to make recycling targets applicable at a State/Territory level, rather than national. WALGA will continue to advocate, along with the other State and Territory Local Government Associations, to improve the Scheme and expand it to cover all electronic waste and the costs associated with recycling these products.

MUNICIPAL WASTE ADVISORY COUNCIL MOTION

Moved: Cr Abetz

Seconded: Mayor Butterfield

That the Municipal Waste Advisory Council endorse the draft Submission on the National TV and Computer Product Stewardship Scheme Rules.

CARRIED

Submission on the Inquiry into the Hazardous Waste (Regulation of Exports and Imports) Amendment Bills 2021

The Australian Government, with other signatories, agreed to various changes to the Basel Convention in May 2019. These changes will be enacted through the Hazardous Waste (Regulation of Export and Imports) Amendment Bill 2021.

The main focus of the Associations short Submission was to ensure there was no duplication of effort or inconsistency with the Waste Plastic Rules, which will be implemented under the *Recycling and Waste Reduction Act 2020*.

MUNICIPAL WASTE ADVISORY COUNCIL MOTION

Moved: Cr Abetz

Seconded: Mayor Butterfield

That the Municipal Waste Advisory Council endorse the draft Submission to the Inquiry into the Hazardous Waste (Regulation of Export and Imports) Amendment Bill 2021.

CARRIED

Submission on the Waste Plastic Export Ban Rules

MWAC provided [comment](#) on the Discussion Paper on the Waste Plastic Export Ban, which preceded the development of the Rules (the regulations required to implement the ban).

In the draft Submission on the Rules, the key issues highlighted include:

- Waste Plastic Specifications – further clarification is required to determine what materials will be accepted for export and the standards that the material will need to meet
- Contingency planning – will ensure that if processing facilities are impacted by natural disasters or other events it is important that options are available, such as export, if the alternative is that the material would be landfilled.

MUNICIPAL WASTE ADVISORY COUNCIL MOTION

Moved: Cr Abetz

Seconded: Mayor Butterfield

That the Municipal Waste Advisory Council endorse the draft Submission on the Waste Plastic Export Ban Rules.

CARRIED

Submission on the Review of the NEPM for Used Packaging

The National Environmental Protection (Used Packaging Materials) Measure (Packaging NEPM) is the legislative framework which currently underpins the Australian Packaging Covenant Organisation (APCO).

The review of the Packaging NEPM offers an opportunity for significant change to how packaging is managed in Australia, including making it easy for the community to recycle, for the materials collected to be recycled and ensuring that the packaging industry take financial and/or physical responsibility for their products at end of life.

MUNICIPAL WASTE ADVISORY COUNCIL MOTION

Moved: Cr Abetz

Seconded: Mayor Butterfield

That the Municipal Waste Advisory Council endorse the draft Submission on the Review of the co-regulatory arrangement under the National Environmental Protection (Used Packaging Materials) Measure 2011.

CARRIED

RECOMMENDATION:

GVROC note the the resolutions of the Municipal Waste Advisory Council at its 28 April 2021 meeting.

RESOLUTION:

Moved: Cr Laurene Bonza, Shire of Dundas

Seconded: Cr Ian Mickel, Shire of Esperance

Carried

8.6 Local Government Performance Monitoring Project (05-047-01-0011 CH)

WALGA Recommendation

That the results of the *Local Government Performance Monitoring Report (2019/2020)* be noted.

IN BRIEF:

- In 2018, WALGA initiated the Local Government Performance Monitoring Project and through this project prepared the *Local Government Performance Monitoring Report (2018)*. This report demonstrates the planning and building performance of 11 Local Governments during the 2016/17 financial year. WALGA has continued and expanded the Project producing subsequent reports in 2019, 2020.
- This new report: *Local Government Performance Monitoring Report (2021)* demonstrates the planning and building performance of 29 Local Governments from across Western Australia during the 2019/20 financial year.
- The report indicates that Local Governments continue to provide efficient and effective management of their planning and building regulatory functions.

ATTACHMENT:

- [Local Government Performance Monitoring Report \(2021\)](#)

BACKGROUND:

In September 2016 the Property Council released the report *Benchmarking Greater Perth Local Governments*, which purported to measure the planning performance of 29 Local Governments in the Greater Perth area. The media stated at the time that the report had “*shone a light on the poor performance of local planning by most Local Governments in Greater Perth*” and highlighted “*a worrying lack of strategic and statutory planning amongst councils.*”

The release of the Property Council’s report, which contained a number of inaccuracies and selective use of data, was not well received by Local Governments.

In response to the Property Council report, the Chief Executive Officers of WALGA’s Growth Alliance Perth and Peel (GAPP) policy forum initiated the *Local Government Performance Monitoring Project*, to accurately report the planning and building performance of GAPP Local Governments during the 2016/17 financial year. 11 Local Governments participated in this report.

Due to the positive reception to the 2016/2017 report, WALGA has continued to encourage other Local Governments to participate in the project. This advocacy resulted in additional Local Governments participating in the project in each subsequent year. This new report: *Local Government Performance Monitoring Report (2021)*, demonstrates the planning and building performance of 29 Local Governments from across Western Australia during the 2019/20 financial year.

COMMENT:

29 Local Governments participated in the 2019/2020 report: the Cities of Armadale, Bayswater, Belmont, Bunbury, Busselton, Canning, Cockburn, Fremantle, Gosnells, Greater Geraldton, Joondalup, Kalamunda, Kwinana, Mandurah, Melville, Mundaring, Rockingham, South Perth, Stirling, Subiaco, Swan, Vincent, Wanneroo; the Towns of Bassendean, Port Hedland and Victoria Park; and, the Shires of Augusta-Margaret River, Broome and Nannup.

These Local Governments are home to approximately 79% of Western Australia’s population and between 2009 and 2019 accounted for 86% of the state’s total population growth. As such they provide a strong indication of how the Local Government sector in Western Australia is performing in the areas of strategic and statutory planning.

Key findings from the *Local Government Performance Monitoring Report (2021)*:

- 94% of all applications assessed by Local Governments (planning development applications, subdivision referrals and clearances, and building permits) were approved or responded to within statutory timeframe requirements.

8.7 Review of Fire Weather Districts (05-024-03-0004 SM)

WALGA Recommendation

That State Council note information regarding the consultation on the review of the Western Australian Fire Weather Districts (FWD) being conducted by the Department of Fire and Emergency Services (DFES) and the Bureau of Meteorology (BoM).

IN BRIEF:

- Issues have been identified with the current West Australian Fire Weather Districts.
- DFES and BOM through the Interagency Bushfire Operations Committee Australian Fire Danger Rating System Subcommittee has determined that the new ADFRS presents an appropriate opportunity to review and update the current Fire Weather Districts.
- A working group comprising DFES and BoM representatives are managing the consultation and review process.

ATTACHMENTS:

- [Fire Weather Districts Review – Feedback Form](#)

RELEVANCE TO STRATEGIC PLAN

Key Strategies

Engagement with Members

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

Enhanced Reputation and Relationships

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

BACKGROUND:

Fire danger ratings (FDR) are issued for Fire Weather Districts on a scale of low to catastrophic. The FDR for each Fire Weather District is calculated as the highest FDR value that covers at least 10% of the Fire Weather District. Therefore if only 15% of a Fire Weather District is forecast to have a severe FDR, the severe rating is applied across the remaining 85% of the Fire Weather Districts. This results in a FDR that may not be representative of the whole Fire Weather District.

This can create over warning and result in confusion for the public, significantly impact industries and agencies subject to regulations that are linked to FDR thresholds, such as Total Fire Bans and the automatic cancelling of Permits to Burn. For example, when a catastrophic FDR has been forecast for a Fire Weather District the usual Total Fire Ban exemptions do not apply.

Furthermore, the current Fire Weather Districts do not necessarily take into account boundaries of fuel types, terrain or weather influence which can significantly impact fire behaviour. In addition, the Fire Weather District boundaries do not necessarily align with Local Government boundaries, which can result in confusion for the community, agricultural sector and industry.

DFES and BOM through the Interagency Bushfire Operations Committee Australian Fire Danger Rating System Subcommittee determined that the new Australian Fire Danger Rating System presents an appropriate opportunity to review and update the current Fire Weather Districts and has undertaken consultation with key stakeholders including Local Government. The consultation closes on 4 June 2021.

The following principles have guided the review:

- Where possible, to avoid confusion align Fire Weather Districts and Public Forecast Boundaries
- Combine areas of similar climate
- Combine areas of similar land use and vegetation;
- Reduce area of the largest Fire Weather Districts
- Use Local Government boundaries where possible

- Use climate, vegetation, land use and infrastructure (such as major roads) as boundaries where possible
- Consider activity restrictions impacting industry and agriculture
- Limit the number of Fire Weather Districts (i.e. BOM have suggested a maximum of 40, due to practicality of issuing daily forecasts).

COMMENT:

DFES and BOM's primary method for consulting with Local Government on the Fire Weather District review was intended to be through presentations at bushfire District Operational Advisory (DOAC) and Regional Operational Advisory (ROAC) meetings, however due to a delay in the preparation of the consultation materials this was not achieved in all instances.

WALGA assisted to ensure that Local Government were adequately consulted by disseminating the consultation materials to Local Government via Infopage and through the Local Government Emergency Management Network and WALGA Emergency Management newsletter; facilitating a webinar for Local Government on 21 May attended by representatives from 15 Local Governments; and scheduling for DFES to present on the review to the Local Government Emergency Management Advisory Group meeting on 28 May 2021.

The Interagency Bushfire Operations Committee Australian Fire Danger Rating System Subcommittee plans to finalise the changes to the Fire Weather Districts prior to September to allow for BOM Australian Fire Danger Rating System testing.

RECOMMENDATION:

GVROC note the WALGA information regarding the consultation on the review of the Western Australian Fire Weather Districts (FWD) being conducted by the Department of Fire and Emergency Services (DFES) and the Bureau of Meteorology (BoM).

RESOLUTION:

Moved: *Cr Laurene Bonza, Shire of Dundas*

Seconded: *Cr Tracey Rathbone, Shire of Coolgardie*

Carried

8.8 2021-22 State Budget Submission Approach (05-001-03-0006 DM)

WALGA Recommendation

That the approach for the 2021-22 State Budget Submission, which was endorsed via flying minute be noted.

IN BRIEF:

- Each year, WALGA prepares a submission to the State Government outlining the sector's priorities for the upcoming budget.
- The attached presentation outlines WALGA's proposed approach to this submission, based on the current economic and political environment.
- It is proposed that WALGA has the best chance of achieving funding by putting forward a targeted list of initiatives that are aligned with Government priorities, and deliver a demonstrated return for the State and Community.
- The Association's approach to the State Budget Submission was endorsed by State Council on 21 May 2021 via Flying Minute.
- The final submission will be provided to State Council for endorsement in mid-June.

ATTACHMENT:

- [Flying Minute – 2021-22 State Budget Submission Approach](#)

BACKGROUND:

Each year, WALGA prepares a submission to the State Government outlining the sector's priorities for the upcoming budget. Given the recent State Election and delays to the 2020-21 Budget, this year's budget will now be handed down in September.

The stronger than expected recovery in the WA economy and the record iron ore price has meant that there will be a substantial budget surplus (expected to be in the order of \$4 billion) in 2020-21, with further surpluses expected across the forward estimates. However, net debt is also at record levels. WALGA has received feedback that focus of the Budget will be to deliver on existing election commitments.

There is significant competition for funding from the State Budget. WALGA's submission will be one of many put forward by industry associations, advocacy groups, Government agencies and individuals.

WALGA has identified 10 initiatives that it is proposed will form the basis of the 2021-22 State Budget Submission. These include:

- Funding to fill existing gaps in **FOGO processing infrastructure** needed to turn the collected FOGO into high quality compost.
- Evolution of the **State Underground Power Program**, with State Government funding prioritized to project areas where the benefits to the households are less (lower property values) and the financial capacity to contribute is less.
- Investment in **climate change adaptation**, including funding for managing urgent **coastal erosion** hotspots, and enhancing the **urban tree canopy**.
- Funding to repurpose, upgrade and build new **cultural and social infrastructure** at a local level and as part of joint initiatives between the State and Local Governments and community organisations.
- Additional investment in **telecommunications infrastructure**, to unlock further opportunities to work in partnership with the Commonwealth and other key players to reduce communications gaps in regional areas.
- Extending the election commitment for funding for **homelessness outreach services** for an additional financial year.

- Extending funding for the **Small Business Friendly Approvals Program** to allow a greater number of Local Governments to participate.
- **Support for the Local Government sector to transition to the State Industrial Relations System.**
- Funding to WALGA for a service level agreement with the Department of Local Government, Sport and Cultural Industries to provide **capacity building support to assist Local Governments with good governance, financial management and process.**

COMMENT:

The State Budget Submission is an important opportunity to put forward priority issues for Local Governments, and to demonstrate the sector's willingness to work collaboratively with the State Government.

There is significant competition for funding from the State Budget. WALGA's submission will be one of many put forward by industry associations, advocacy groups, Government agencies and individuals.

To provide the best chance of receiving funding, the submission will be:

- Targeted and succinct – An extended list of priorities is not likely to be considered by Government given they already have a full agenda of election commitments and other emerging priorities.
- Aligned to Government priorities – The Government is more likely to fund requests that align with their agenda or that address a pressing or emerging issue.
- Infrastructure-focussed – The windfall nature of the surplus means that there is a better chance of receiving funding for capital, rather than recurrent programs.
- Deliver a return for the State and the Community – A strong evidence base is needed to demonstrate the value that the initiatives will deliver for the community. Those which already have a demonstrated track record, or where there is a co-funding arrangement are likely to have a greater chance of success.

The final submission is being developed in the coming month and will be provided to State Council for endorsement in mid to late June.

Once the State Budget Submission has been provided to the State Government, WALGA will engage with Government officials and Members of Parliament to discuss the issues set out in the Submission.

RECOMMENDATION:

That GVROC:

1. **note the WALGA approach for the 2021-22 State Budget Submission, which was endorsed via flying minute.**
2. **consider any budget items that could be raised by the Chair at State Council for consideration for inclusion in WALGA's 2021-22 State Budget Submission.**

RESOLUTION:

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

Carried

8.9 Managing Public Health Risks from Wastewater Conveyance, Treatment and Disposal in WA (05-031-01-0001 MM)

WALGA Recommendation

That the submission to the Department of Health in response to the Managing Public Health Risks from Wastewater Conveyance, Treatment and Disposal in WA consultation be noted.

IN BRIEF:

- On Thursday, 18 February the Department of Health released the “Managing Public Health Risks from Wastewater Conveyance, Treatment and Disposal in Western Australia” discussion paper for public comment.
- There are 19 Local Governments which manage wastewater schemes that are currently exempt from licensing under the *Water Services Act 2012* (‘19 Local Government wastewater managers’).
- The discussion paper presents three options for the *future regulation of wastewater conveyance, treatment and disposal*. The majority of Local Government responses received by WALGA support Option 3 - the development of new regulations largely based on the existing regulations with minor amendments, including training requirements and accreditation of Site and Soil Evaluators.
- Feedback indicated that Local Governments do not support the full adoption of the Australian Standards AS/NZS1547 in the new regulations as there is limited evidence in the discussion paper to support its adoption.
- The discussion paper presents three options for the *future management of wastewater systems*. WALGA received limited feedback from the 19 Local Government wastewater managers, and as such does not have a definitive position on the three options presented in the discussion paper.
- WALGA recommends that the Department of Health engage further with Local Government when developing any new regulations.
- The submission was endorsed by State Council via Flying Minute on 2 June 2021.

ATTACHMENT:

- [Flying Minute - Managing Public Health Risks from Wastewater Conveyance, Treatment and Disposal in WA: WALGA Submission](#)

BACKGROUND:

The Department of Health released the “Managing Public Health Risks from Wastewater Conveyance, Treatment and Disposal in Western Australia” discussion paper for public comment in February 2021. The purpose of the consultation is to determine the best way to manage the public health risks from wastewater conveyance, treatment and disposal. The consultation forms part of the implementation of the *Public Health Act 2016* which requires the review the *Health (Miscellaneous Provisions) Act 1911* and associated regulations. The regulations being reviewed are the *Health (Treatment of Sewage and Disposal of Effluent and Liquid Waste) Regulations 1974 (Wastewater Regulations)*.

Local Government is an enforcement agency under the *Public Health Act 2016*, with Local Government Environmental Health Officers (EHO’s) playing a key role in administering the regulations relating to wastewater. There are also a number of Local Governments that own and manage wastewater systems, with 19 Local Governments having Class Exemptions from licensing under the *Water Services Act 2012* as they service less than 1,000 customers (19 Local Government wastewater managers). These 19 regional Local Governments are the Shires of Brookton, Coolgardie, Dalwallinu, Denmark, Dowerin, East Pilbara, Goomalling, Jerramungup, Kent, Koorda, Moora, Morawa, Northam, Ravensthorpe, Victoria Plains, Wickepin, West Arthur, Yilgarn and the City of Karratha (Karratha Airport).

The discussion paper presents three options for the future regulation of wastewater conveyance, treatment and disposal:

- Option 1 - Retain the status quo by replicating the existing regulations as far as practicable.
- Option 2 - Deregulate the wastewater industry and repeal the current legislation associated with wastewater management. That is, to repeal without replacement the relevant provisions of the

Health (MP) Act and its subsidiary legislation and adopted codes associated with wastewater management without replacement.

- Option 3 - Develop new public health regulations for wastewater management under the Public Health Act, which align with its principles and establish the necessary compliance requirements and processes. Option 3 is the Department of Health's preferred option.

The discussion paper also presents three options for the future management of wastewater systems of relevance to the 19 Local Government wastewater managers.

COMMENT:

The discussion paper is complex with 150 primarily technical questions. Feedback from some Local Governments was that the discussion paper did not make a compelling case for the recommended proposals or include potential implications for Local Governments of the proposed options.

In developing its submission WALGA consulted with Local Governments through various methods including co-hosting a webinar with the Department of Health on Thursday, 15 April, emails and phone conversations with EHO's. In the submission, WALGA has not provided a response to all 150 questions, but rather commented on issues of most significance to Local Government.

With respect to the *regulating of wastewater conveyance, treatment and disposal*, the majority of Local Government feedback supports Option 3 - to develop new regulations, which are largely based on the existing regulations and with the inclusion of minor amendments including training requirements and accreditation of Site and Soil Evaluators.

Feedback received by WALGA indicated that Local Government does not generally support the full adoption of the Australian Standards AS/NZS1547 in the new regulations. Limited evidence has been provided in the discussion paper to support the adoption of this standard. Adoption of this standard will likely increase the size requirement for wastewater systems, resulting in increased expenses for home builders.

With respect to the *three options for managing wastewater systems*, WALGA received limited feedback from the 19 Local Government wastewater managers, and as such does not have a definitive position on the three options presented in the discussion paper. WALGA recommends that the Department of Health engage further with Local Government when developing any new regulations.

As recommended by the *Select Committee into Local Government Final Report*, the regulatory impact statement for the development of any new regulations should outline the estimated costs and the resources that the State Government will provide to Local Government to meet the costs of any regulatory change.

RECOMMENDATION:

GVROC note the WALGA submission to the Department of Health in response to the Managing Public Health Risks from Wastewater Conveyance, Treatment and Disposal in WA consultation.

RESOLUTION:

Moved: Cr Tracey Rathbone, Shire of Coolgardie

Seconded: Mr Jim Epis, Shire of Leonora

Carried

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

- 9.1 Report on Key Activities, Commercial and Communications (01-006-03-0017 ZD)
- 9.2 Report on Key Activities, Governance and Organisational Services (01-006-03-0007 TB)
- 9.3 Report on Key Activities, Infrastructure (05-001-02-0003 ID)
- 9.4 Report on Key Activities, Strategy, Policy and Planning (01-006-03-0017 NC)

GVROC COMMENT:

GVROC note the Organisation Key Activity Reports as provided.

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

Carried

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

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

Recommendation

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

Policy Forums

The following Policy Forums have been established

- Mayors / Presidents Policy Forum (see attached President's report for July – **Attachment 6**)
- Mining Communities Policy Forum
- Economic Development Policy Forum

RECOMMENDATION:

GVROC notes the Policy Forum Reports update

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

Carried

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

11.1 Complete Status Report on State Council Resolutions - To the July 2021 State Council Meeting

GVROC COMMENT:

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

RECOMMENDATION:

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

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

Carried

12. DLGSC Update

The DLGSC has provided its June 2021 local matters update, which can be viewed at the attached link.

<http://mailchi.mp/dlgsc.wa.gov.au/local-matters-june-2021>

RECOMMENDATION:

GVROC notes the local matters update from the DLGSC.

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

Carried

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

1. The Chair, Cr Mal Cullen, provided a brief overview of the meetings held with various Ministers and Director Generals, during the recent GVROC Law and Order Delegation to Perth on 1-2 June 2021. Of note was discussions with Minister for Local Government, John Carey MLA regarding:
 - Local Government Reform
 - Minister looking at CEO recruitment and attraction and retention / Review of CEO SAT Bands/Allowances/Potential of shared CEO roles across smaller LGAs.
 - Housing issues across the State

Regarding the CEO discussion, Mr Peter Naylor, CEO Shire of Laverton, advised that he had in a previous role undertaken a shared CEO role in two smaller councils in the Wheatbelt. While, some advantages it does place extra workloads on the CEO with two monthly Council meetings to organise papers for and attend, two sets of financial statements and budgets to oversee etc. this needs to be noted and considered in any proposed changes.

Also on the CEO discussion, Me Kevin Hannagan, CEO Shire of Ngaanyatjarraku, also advised the issues the Shire is having in finding a replacement for him. The Shire has written to the SAT regarding Isolation allowances and have had little feedback or understanding of the circumstances, with the Shire currently classed in the same isolation areas as Port Hedland, Menzies etc, which does not reflect the remoteness of the Shire. Kevin committed to provide details on this to Andrew Mann, GVROC Executive Officer.

The Chair will work with the GVROC Executive Officer on these CEO items and look to raise these through WALGA State Council and directly with the Minister.

A further detailed report from the GVROC law and order delegation will be provided at the next in person GVROC meeting to be held in Leonora on 30 July 2021.

2. Cr Tracey Rathbone asked all GVROC member councils to consider whether they would like to visit the DFES Emergency Rescue Helicopter Service Facility at Jandakot Airport (following the presentation and invitation received at our meeting on 28 May 2021 from Steven Sartain, A/ Director Aviation Services) when in Perth for our GVROC meeting aligned with the LGA Convention in Perth and WALGA AGM on 20-21 September 2021. If interested please advise Andrew Mann, GVROC Executive Officer.
3. Cr Laurene Bonza advised that the Shire of Dundas was attending the 2021 Transport and Roads Forum on 1 July 2021 in Perth. If other GVROC member councils are not able to attend but have any roads items that they would like raised at the forum to pass these through to the Andrew Mann, GVROC Executive Officer to collate and provide to Cr Laurene Bonza.

14. FUTURE MEETINGS

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

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

- 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 (regional hosted Shire of Coolgardie)

The following are the remaining 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:

- 2-3 September 2021 – **(GVROC Video Conference on 20 August 2021)**
- 1 December 2021 – **(GVROC Video Conference on 19 November 2021)**

15. CLOSURE OF MEETING

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