NOTICE OF MEETING

Meeting No.5 of 2018 of the Western Australian Local Government Association State Council held at WALGA, 170 Railway Parade, commenced at 4:06pm.

1. ATTENDANCE, APOLOGIES & ANNOUNCEMENTS

1.1 Attendance

<table>
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<tr>
<th>Chair</th>
<th>Deputy President of WALGA, North Metropolitan Zone</th>
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<tbody>
<tr>
<td>Members</td>
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<td></td>
<td>Cr Lynne Craigie</td>
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<td>Avon-Midland Country Zone</td>
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<td>Central Country Zone</td>
<td>President Cr Phillip Blight</td>
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<td>Central Metropolitan Zone</td>
<td>Cr Jenna Ledgerwood</td>
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<td>Central Metropolitan Zone</td>
<td>Cr Paul Kelly</td>
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<td>East Metropolitan Zone</td>
<td>Cr Brooke O'Donnell</td>
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<td>East Metropolitan Zone</td>
<td>Cr Kate Driver</td>
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<td>Goldfields Esperance Country Zone</td>
<td>President Cr Malcolm Cullen</td>
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<td>Gascoyne Country Zone</td>
<td>President Cr Cheryl Cowell</td>
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<td>Great Eastern Country Zone</td>
<td>President Cr Stephen Strange</td>
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<td>Great Southern Country Zone</td>
<td>President Cr Keith House JP</td>
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<td>Kimberley Country Zone</td>
<td>Cr Chris Mitchell</td>
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<td>Murchison Country Zone</td>
<td>Cr Les Price</td>
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<td>North Metropolitan Zone</td>
<td>Cr Giovanni Italiano JP</td>
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<td>North Metropolitan Zone</td>
<td>Cr Nige Jones (Deputy)</td>
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<td>Northern Country Zone</td>
<td>President Cr Karen Chappel</td>
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<td>Peel Country Zone</td>
<td>President Cr Michelle Rich</td>
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<td>South East Metropolitan Zone</td>
<td>Cr Julie Brown</td>
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<td>Cr Brian Oliver</td>
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<td>Cr Doug Thompson</td>
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<td>Mayor Carol Adams</td>
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<td>Mayor Logan Howlett JP</td>
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<td>South West Country Zone</td>
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<td>Ex-Officio</td>
<td>Local Government Professionals (WA)</td>
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<td>Mr Ian Cowie</td>
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1.2 Apologies

| North Metropolitan Zone | Cr Russ Fishwick JP                                  |
| Pilbara Country Zone    | President Cr Kerry White                             |
ORDER OF PROCEEDINGS

1. OPEN and WELCOME by President, Cr Lynne Craigie
   • Acknowledgement of Country
     I would like to acknowledge the Whadjuk Nyoongar People who are the Traditional
     Custodians of this land we meet on today and I would like to pay my respects to their
     Elders past, present and future.

APOLOGIES
• Cr Kerry White  Pilbara Country Zone
• Cr Russ Fishwick JP  North Metropolitan Zone

DEPUTIES
• Cr Nige Jones  North Metropolitan Zone

MEETING ASSESSMENT
The Chair invited President Cr Tony Dean to undertake a meeting assessment at the conclusion
of the meeting.

ANNOUNCEMENTS
• Welcome to Cr Jenna Ledgerwood, new State Councillor for the Central Metropolitan
  Zone.
• Email forwarded to State Councillors regarding Related Party Disclosures.
• The Chair reminded Councillors to register for the LG Convention 1 – 3 August.

2. MINUTES OF THE PREVIOUS MEETINGS

2.1 Minutes of Ordinary State Council Meeting held 4 May 2018

Moved: Cr Julie Brown
Seconded: Mayor Logan Howlett JP

That the Minutes of the Western Australian Local Government Association (WALGA)
State Council Meeting held on 4 May 2018 be confirmed as a true and correct record of
proceedings.

RESOLUTION 69.5/2018  CARRIED

2.1.1 Business Arising from the Minutes of 4 May 2018

Nil
2.2 Minutes of the State Council Budget Meeting held 6 June 2018

Moved: Cr Phillip Blight
Seconded: Mayor Logan Howlett JP

That the Minutes of the State Council Budget meeting held 6 June 2018 be confirmed as a true and correct record of proceedings.

RESOLUTION 70. 5/2018 CARRIED

2.2.1 Business Arising from the Minutes of 6 June 2018

Nil

2.3 Flying Minute – State Road Funds to Local Government Agreement

Moved: Cr Julie Brown
Seconded: President Cr Karen Chappell

That the Flying Minute of 2 July, State Road Funds to Local Government Agreement, be endorsed.

RESOLUTION 71. 5/2018 CARRIED

2.3.1 Business Arising from the State Road Funds to Local Government Minutes

Nil

3. DECLARATION OF INTEREST

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

- Cr Paul Kelly declared an impartiality interest in Item 6.2

PAPERS

State Councillors have been distributed the following papers under separate cover:

- President’s Report (previously emailed to your Zone meeting)
- 5.8 - Local Government Insurance Service Governance Review Update
- 5.9 - LGISWA Scheme Board Report and Minutes
- 5.10 - Use of the Association’s Common Seal
- CEO Report
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5. MATTERS FOR DECISION

5.1 Updated Climate Change Policy Statement (05-028-03-0011 LS)

By Laura Simes, Environment Policy Advisor

Moved: Cr Doug Thompson
Seconded: Cr Chris Mitchell

That the revised WALGA Climate Change Policy Statement be endorsed, subject to the inclusion of an additional comment; “that support be provided for communities impacted by any changes to the policy”.

RESOLUTION 72. 5/2018 CARRIED

In Brief

- WALGA’s existing Policy Statement was endorsed by State Council in June 2009.
- The revised Policy Statement reflects contemporary scientific understanding of climate change, international and national political developments, and the increasing urgency for effective climate change adaptation and mitigation action.
- The revised Policy Statement has been developed after extensive consultation with the sector over the last six months, including a Climate Change discussion paper and draft policy statement provided for feedback.
- The overwhelming response from Councils, Elected Members and officers was supportive of producing a stronger climate change policy statement.
- The revised Policy Statement represents the consolidated view of the sector and forms the basis of WALGA’s climate change advocacy. It does not bind individual Local Governments.

Attachments

1. Draft Climate Change Policy Statement 2018
2. WALGA Policy Statement on Climate Change, 2009 (521.3/2009)
3. WALGA Advocacy Position Statements (refer paragraph 4.1)
5. Draft revised WALGA Climate Change Policy Statement (as circulated for sector comment)

Relevance to Strategic Plan

Key Strategies

Engagement with Members

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

Sustainable Local Government

- Continue to build capacity to deliver sustainable Local Government;
- Provide support to all members, according to need;
- Foster economic and regional development in Local Government.
Enhanced Reputation and Relationships

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

Policy Implications

WALGA’s existing Climate Change Policy Position (the existing Policy Statement) was endorsed by State Council in June 2009 (521.3/2009). An extract of this statement is included at paragraph 4.1 of WALGA’s Advocacy Position Statements:

Local Government acknowledges that:
  - Anthropogenic climate change is occurring, and is committed to preventing it;
  - Action should be immediate;
  - Australia has an obligation to act. Local Government supports this by being committed to meeting obligations set by the other tiers of government;
  - Mitigation and adaptation is interdisciplinary. Local Government will support its stakeholders (community and business) to transition towards sustainable lifestyles, but must be adequately resourced from the Australian Government to do so;
  - Mitigation and adaptation strategies must be equitable, locally, nationally and internationally;
  - Local Governments will individually determine their priorities and targets, but acknowledge that climate change must be addressed at all levels of their own operations, and
  - asserts that funds from Commonwealth or State NRM programs should be made available to assist Local Government NRM activities.

The existing Policy Statement has been the foundation for WALGA’s climate change advocacy position, informing action and engagement in this area, and has been referenced in climate change submissions to State and Federal Government.

The Climate Change Policy Statement 2018 (the revised Policy Statement) consolidates climate change positions set out in recent submissions, and updates and strengthens the existing policy position to take account of:

- contemporary scientific understanding of the extent and impacts of climate change;
- political developments domestically and internationally since 2009;
- the current ‘policy vacuum’ at the State and Federal level; and
- recognition of the fact that Local Governments are already experiencing climate change, and taking mitigation and adaptation action.

The proposed ‘headline’ position statement is as follows:

Local Government acknowledges:

I. The science is clear: climate change is occurring and greenhouse gas emissions from human activities are the dominant cause.

II. Climate change threatens human societies and the Earth’s ecosystems.

III. Urgent action is required to reduce emissions, and to adapt to the impacts from climate change that are now unavoidable.

IV. A failure to adequately address this climate change emergency places an unacceptable burden on future generations.

Local Government is committed to addressing climate change.

Local Government is calling for:

I. Strong climate change action, leadership and coordination at all levels of government.

II. Effective and adequately funded Commonwealth and State Government climate change policies and programs.
**Budgetary Implications**

Nil.

**Background**

Climate change is a key issue for Local Governments that impacts almost all aspects of their operations and responsibilities. As the level of government closest to the community, Local Governments manage and plan for a range of impacts of climate change, including on community assets, disruption of council services, unbudgeted financial impacts and adverse health impacts on residents.

Local Governments have been actively engaging in a wide range of climate change mitigation and adaptation actions for many years, and WALGA has had a Policy Statement on Climate Change since 2009. The existing Policy Statement forms the foundation for WALGA’s climate change advocacy on behalf of the sector and has been referenced and expanded upon in submissions on climate change issues, including:

- **Submission to the Department of the Environment and Energy on its Emissions Reduction Fund: Safeguard Mechanism Consultation Paper** (March 2018; endorsed by State Council May 2018)
- **Submission to the Climate Change Authority’s Review of the Carbon Farming Initiative legislation and Emissions Reduction Fund** (September 2017; endorsed by State Council December 2017);
- **Submission to the Australian Government inquiry into the impacts of climate change on housing, buildings and infrastructure** (August 2017; endorsed by State Council September 2017); and

WALGA identified that the existing Policy Statement required updating to take account of significant developments in scientific understanding of the extent and impacts of climate change, as well as significant policy changes at the international and national level since 2009. In addition, as worldwide temperatures increase and greenhouse gas emissions continue to rise\(^1\), there is an increasing urgency for effective climate change adaptation and mitigation action.

A key development since 2009 is the advent of the Paris Agreement under the United Nations Framework Convention on Climate Change in 2015. The Paris Agreement expressly recognises the importance of engagement at all levels of government. As a signatory to the Paris Agreement, Australia has committed to taking action on climate change. However it is widely acknowledged that countries’ existing commitments are insufficient to limit global temperature increases to 2°C Celsius, let alone the 1.5°C Celsius target under the Paris Agreement\(^2\). The revised Policy Statement makes express reference to this imperative, which is also consistent with the commitment and action of many Local Governments to act on climate change.

At the domestic level, since 2009 Australia has seen fluctuations in climate change policy, with the introduction and then repeal of a carbon price, and then the introduction of ‘Direct Action’ policies including the Emissions Reduction Fund (which at the last budget had no further funds allocated to it). In Western Australia, there have also been fluctuations with the State Government having a ‘Climate Change Office’ which was reduced over time to a ‘Unit’ and then just a few people. A

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\(^2\) See for example, the Climate Action Tracker (Climate Analytics, Ecofys & NewClimate Institute), which calculates the gap in current policies, Paris Commitments and the emissions reductions required to keep the world at 1.5°C and 2.0 °C increases. Current Paris pledges would see a global temperature rise of 3.2 °C by 2100. Available here: [https://climateactiontracker.org/global/cat-emissions-gaps/](https://climateactiontracker.org/global/cat-emissions-gaps/).
Western Australian climate change strategy was developed in 2012, primarily dealing with adaptation, but this has not been revisited.

**Comment**

**Consultation**

The sector has been widely consulted in the process of developing the revised Policy Statement, through a discussion paper released for comment in November 2017 and a draft revised Policy Statement released for comment in March 2018. WALGA's Chief Executive Officer also wrote to all Local Government Chief Executive Officers to encourage consideration of the draft Policy Statement and the provision of Council endorsed feedback. All comments received have been considered in finalising the revised Policy Statement that has been provided for State Council's endorsement.

**Climate Change Discussion Paper**


The Discussion Paper outlined key developments that have occurred since the existing Policy Statement was endorsed, including contemporary scientific understanding of the extent and impacts of climate change and political developments domestically and internationally. The following questions were posed in the Discussion Paper, in order to gauge the sector's views on climate change developments, attitudes towards strengthening the statement, and key priority areas for advocacy:

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**Climate Change Policy Statement Discussion Paper - Questions**

**Question 1:** Have you made use of the existing Climate Change Policy Statement? How?

**Question 2:** Have you used the Policy Statement template? How?

**Question 3:** Is it useful to make the Policy Statement available in template format (eg, to assist in developing your own Local Government Climate Change Policy)?

**Question 4:** In light of current observations of the effects of climate change, would you support the inclusion of a stronger statement, similar to that set out in the MAV climate change statement?

**Question 5:** Do you agree that the Policy Statement should emphasise the need for Commonwealth and State governments to play a stronger leadership and coordination role, and engage in long-term planning on climate change?

**Question 6:** Do you agree that Commonwealth (and State) Government climate change mitigation policy settings should include measures that can take advantage of the substantial emissions reductions that can be achieved by Local Governments?

**Question 7:** Do you have suggestions or examples of Local Government projects that could achieve significant emissions reductions?

**Question 8:** Do you agree that the existing mitigation content reflects the Local Government position on mitigation action? Are there any issues in particular you would like to see highlighted? Do you have any suggestions for other content that should be included?

**Question 9:** Do you agree that the Policy Statement should incorporate reference to broad scale shift that is already occurring in Australia?

**Question 10:** Do you agree that the above areas are key issues for Local Government? Are there other key adaptation priorities/issues for Local Governments?

**Question 11:** Do you agree that reference to these issues should be included in the Policy Statement?

**Question 12:** Do you agree that one element of an effective approach to climate change adaptation would include a State/Local Government partnership agreement?

**Question 13:** Do you support an acknowledgment that the impacts of climate change are already being felt, and that Local Governments are currently undertaking adaptation work, as well as planning for the future?
Question 14: Do you support a call for effective long term policy instruments, legislation and/or policies, along with adequate resourcing for climate change adaptation and planning?

Question 15: Do you support inclusion in the Policy Statement of the need for emergency management and disaster relief policies to adequately incorporate climate change in their planning and implementation? Are there other related issues you would like included?

Question 16: Do you agree the Policy Statement should incorporate the Paris Agreement and Australia’s commitment, and urge or support a more ambitious target, and effective adaptation action?

Question 17: Do you agree with incorporating reference to the Sustainable Development Goals in the Policy Statement, including an express statement in support?

### Overview of input received

WALGA received 26 responses from the WA Local Government sector, and one from a climate change advocacy group (Doctors for the Environment Australia – WA Branch). Local Government responses were almost evenly divided between input at the Local Government Council/ organisational level (14) and individual responses (10 Local Government officers, 2 Councillors). There were 21 responses from metropolitan Local Governments, and 5 from country Local Governments.

It is clear from the input received in response to the Discussion Paper that respondents are overwhelmingly supportive of strong climate change action, and advocacy by WALGA to support Local Governments in their actions. Responses were overwhelmingly supportive of producing a stronger climate change policy statement, to reflect the scientific consensus, international developments (ie, the Paris Agreement under the United Nations Framework Convention on Climate Change and the United Nations Sustainable Development Goals (SDGs)) and most importantly, to reflect the fact that Local Governments are *already* experiencing climate change, and taking mitigation and adaptation action. Local Governments supported the contention in the Discussion Paper that they are essentially operating in a policy vacuum, in the absence of a strong role by the Western Australian and Commonwealth Governments. There was one respondent that did not accept the premise of the Discussion Paper, suggesting the climate has always changed, “mainly due to solar activity”.

Respondents indicated strong to unanimous support for a Climate Change Policy Statement that:

- Includes a strengthened statement on the state of climate change, and emphasises the need for urgent action;
- Advocates for greater Commonwealth and State Government leadership and coordination on mitigation and adaptation action, including greater utilisation of emissions reductions that can be achieved in the Local Government sector;
- Advocates for a partnership agreement with the Commonwealth and State Governments;
- Advocates for long-term and effective planning on climate change adaptation; and
- Outlines key mitigation and adaptation priorities for Local Governments (in particular, areas where there are hurdles such as lack of funding or government regulations that continue to hinder action).
Response data

Local Government Responses to Discussion Paper

<table>
<thead>
<tr>
<th>Question</th>
<th>Yes</th>
<th>Yes, but...</th>
<th>No</th>
<th>Other</th>
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Notes:
- Question 7 was an open-ended question so is not included above.
- The answer “Yes, but…” indicates that a Local Government answered the question in the affirmative, but had additional suggestions or recommendations (e.g., three respondents agreed with the inclusion of a statement that there is a climate emergency, but suggested that scientific evidence should be included to back this statement up).

Responses to questions one and two establish that most respondents have not made use of the current Climate Change Policy Statement or template version of the document. Question three responses indicate that Local Governments would value a template version of the updated Policy Statement. These responses also suggest that perhaps the Policy Statement has been underutilised by Local Governments to date, and WALGA could do more to promote the availability of this resource.

As the graph above shows, the questions relating to the suggested content for the revised Policy Statement (questions 4 – 17) all received an overwhelmingly positive response.

The Discussion Paper outlined some topics considered to be key mitigation and adaptation priorities. These were accepted by respondents, and some additional areas were also identified as priorities. These were incorporated into the revised Policy Statement.

Draft Revised Policy Statement

Input received from the sector in response to the Discussion Paper was incorporated into a draft revised Policy Statement that was circulated for comment in March 2018. WALGA’s Chief Executive Officer wrote to all Local Government Chief Executive Officers seeking input, preferably Council endorsed. It was also promoted widely on WALGA’s website, through a range of WALGA newsletters including Local Government News, Councillor Direct and EnviroNews and was emailed direct to WALGA’s Environment and Planning Local Government contacts. Comments on the draft closed on 24 April 2018.
Overview of responses

WALGA received a total of 31 responses, representing 37 Local Governments (including Local Governments represented by Peron Naturaliste Partnership (PNP) and the Western Suburbs Regional Organisation of Councils (WESROC)).

Responses were evenly divided between metropolitan and country Local Governments. Input was provided in a range of capacities ranging from individual responses (Officer/s or Councillor/s), to Local Government Administration (with or without consultation with Councillors), Council endorsed, or Committee endorsed positions. In general terms, the responses provided were mostly Council or organisation level responses (21) with some responses by individual Local Government Officers or Councillors (10).

Respondents were almost unanimous in endorsing the Climate Change Policy Statement (30). One Local Government recommended that State Council not endorse the Climate Change Policy Statement. Ten respondents endorsed the Statement with no further comments, with the remaining 20 respondents providing recommended amendments to the Policy Statement.

Input received

As noted above, all but one respondent recommended endorsement of the Policy Statement. There was a wide range of responses in terms of the detail in each responses, ranging from a simple endorsement, through to an endorsement with a large number of suggested changes. The below table sets out the main themes identified in the responses and how they have been considered:

<table>
<thead>
<tr>
<th>Subject</th>
<th>Views expressed</th>
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<tr>
<td>Overarching policy statement</td>
<td>A number of respondents indicated their express support for the overarching statement of policy (at 1.0 in the Policy Statement).</td>
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<tr>
<td>Aims and objective</td>
<td>Some responses suggested the need for a clear statement of what the document’s aims and objectives are. WALGA has added this.</td>
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| Inclusion of science of climate change       | There were a range of views on this. Some respondents suggested that more scientific evidence on climate change and the effects of climate change should be included. Others suggested that since the overarching Policy Statement (at 1.0) includes Local Governments’ acceptance and acknowledgment of climate change, this did not need to be included at all.  

On balance, the existing overarching science has been left in, and in the interests of keeping the policy statement concise, some further detail has been added as an annexure. |
| State-level renewable energy and/or emissions reduction target | Some responses suggested that in line with the Paris Agreement and its recognition that all levels of government must be engaged, the Policy Statement should consider including a State-level renewable energy and/or emissions reduction target.  

WALGA has included this. |
| “Demands” for action                          | While one respondent expressly endorsed this language, there were a few responses that suggested this language was too strong and/or combative.  

There were also responses suggesting that the Policy Statement should acknowledge the productive partnerships and collaborations |
that Local Government has had with other levels of Government in the past.

WALGA has softened the language, as well as adding some content acknowledging past collaborative partnerships Local Governments have had with other levels of government.

**Resourcing and research**

Some respondents suggested that the Policy Statement should include the value of well-resourced research and tools. WALGA has included this.

**Subjects for inclusion**

It was suggested that energy efficiency and energy productivity should be included – this has been implemented.

It was also suggested that biosecurity should be included – this has been implemented.

Two respondents suggested that advocacy for a Federal legislative amendment for a “greenhouse trigger” under the Environment Protection and Biodiversity Conservation Act 1999 (Cth) would distract from advocacy for more direct mitigation action at the Federal level – WALGA has removed this.

**Actions that Local Government can take**

There were a range of responses that suggested the Policy Statement should provide strategies and examples of projects and areas where Local Governments can take climate action.

WALGA’s view is that this goes beyond the aims of the Policy Statement, given that it is primarily an outward-facing advocacy document. WALGA will, however, give consideration to how it can assist with provision of this type of resource for Local Governments in the future.

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**Local Governments and organisations that participated in the consultations**

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<thead>
<tr>
<th>Local Government / Organisation</th>
<th>Discussion Paper</th>
<th>Policy Statement</th>
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<td>Augusta Margaret River</td>
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<td>Dumbleyung</td>
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</tbody>
</table>
If endorsed, the revised Policy Statement will form the basis for WALGA’s climate change advocacy on behalf of the WA Local Government sector. WALGA will promote the revised Policy Statement and act consistently with its content. Individual Local Governments will be encouraged to support and utilise this Policy Statement in developing and implementing their own climate change strategies and programs, but would not be bound by the Policy Statement.

Actions sought in the revised Policy Statement, as well as feedback received as part of consultations (eg, suggested priority areas for action) will shape the priorities outlined in WALGA’s climate advocacy plan. Where the revised Policy Statement includes a range of priorities for Local Government, the advocacy plan will include detail about how WALGA intends to promote and prosecute Local Governments’ key climate change priorities over the next few years, including:

- expanding upon the issues that are summarised in the revised Policy Statement;
- detailing targets for advocacy; and
• indicating a timeframe/importance for the different priorities.
Attachment 5.1

Updated Climate Change Policy Statement 2018
Climate Change
Policy Statement

Draft – June 2018
## Version tracking

<table>
<thead>
<tr>
<th>Version number</th>
<th>Date</th>
<th>Author</th>
<th>Comments / Modifications</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>February 2018</td>
<td>Laura Simes</td>
<td>Major revision of 2009 Climate Change Policy Statement, taking into account sector responses to the <em>WALGA Climate Change Position Statement Review Discussion Paper (November 2017).</em></td>
</tr>
<tr>
<td>2</td>
<td>May 2018</td>
<td>Laura Simes</td>
<td>Revisions taking into account sector comments on the <em>Draft Climate Change Policy Statement (March 2018).</em> Reviewed by Nicole Matthews and Mark Batty.</td>
</tr>
</tbody>
</table>
1.0 Policy Statement

Local Government acknowledges:

I. The science is clear: climate change is occurring and greenhouse gas emissions from human activities are the dominant cause.
II. Climate change threatens human societies and the Earth’s ecosystems.
III. Urgent action is required to reduce emissions, and to adapt to the impacts from climate change that are now unavoidable.
IV. A failure to adequately address this climate change emergency places an unacceptable burden on future generations.

Local Government is committed to addressing climate change.

Local Government is calling for:

I. Strong climate change action, leadership and coordination at all levels of government.
II. Effective and adequately funded Commonwealth and State Government climate change policies and programs.
2.0 Rationale

2.1 Purpose and intent of this document
Climate change is a key issue for Local Governments that impacts almost all aspects of their operations and responsibilities.

This Policy Statement represents the consolidated position of Western Australian Local Governments regarding this important issue.

WALGA will promote the Climate Change Policy Statement and act consistently with its content. The Policy Statement will form the basis for WALGA’s climate change advocacy on behalf of the WA Local Government sector.

Individual Local Governments are encouraged to support and utilise this Policy Statement in developing and implementing their own climate change strategies and programs, but are not bound by the Policy.

2.2 The science is clear
International scientific consensus is that climate change is occurring, and human activities are the dominant cause.

The Fifth Assessment Report, the latest report of the scientific consensus-based Intergovernmental Panel on Climate Change (IPCC), found:

Warming of the climate system is unequivocal, and since the 1950s, many of the observed changes are unprecedented over decades to millennia. The atmosphere and ocean have warmed, the amounts of snow and ice have diminished, sea level has risen, and the concentrations of greenhouse gases have increased.

Most aspects of climate change will persist for many centuries even if emissions of CO\textsubscript{2} are stopped.

Surface temperatures will remain approximately constant at elevated levels for many centuries after a complete cessation of net anthropogenic CO\textsubscript{2} emissions. Due to the long time scales of heat transfer from the ocean surface to depth, ocean warming will continue for centuries. Depending on the scenario, about 15 to 40% of emitted CO\textsubscript{2} will remain in the atmosphere longer than 1,000 years. It is virtually certain that global mean sea level rise will continue beyond 2100, with sea level rise due to thermal expansion to continue for many centuries.

Further, the IPCC has also found:

It is extremely likely [95–100\%] that human influence has been the dominant cause of the observed warming since the mid-20th century.
2.3 Climate change is a global threat, and Australia has committed to being part of the solution

As a signatory to the Paris Agreement under the United Nations Framework Convention on Climate Change and the United Nations Sustainable Development Goals (SDGs), Australia has committed to taking action on climate change and to ensuring that mitigation and adaptation action is equitable and consistent with the aims of the SDGs.

Local Government is committed to meeting international obligations through Australia’s participation in protocols and agreements established under the UNFCCC, including but not limited to the Paris Agreement and successive international treaties.

The Paris Agreement expressly recognises the importance of engagement at all levels of government. Local Government is committed to contributing to national and international emissions reduction targets to achieve the Paris Agreement goal of limiting global temperature rise to well below 2°C Celsius and to pursue efforts to limit the temperature increase even further to 1.5°C Celsius.

Local Government acknowledges that current worldwide commitments under the Paris Agreement are insufficient to achieve even the 2°C Celsius goal. Australia is a developed country with among the highest per capita greenhouse gas (GHG) emissions in the world. Recognising this, Local Government calls on the Commonwealth Government show international leadership, by committing to a more ambitious Paris target.

Local Government recognises that both the impacts of climate change and the policy responses required to contribute to the avoidance of dangerous climate change have significant equity implications. These equity considerations have domestic and international dimensions, for both present and future generations and for the survival of other species. Climate change disproportionately affects disadvantaged and marginalised groups including the poor and rural and regional communities.

Local Government supports an equitable transition to a carbon constrained world:

- globally, the right of developing countries to increase their share of global wealth in ways that remain within the ecological capacities of the planet;
- domestically, the need to equitably share the cost of climate change adaptation and mitigation and ensure disadvantaged and marginalised groups receive adequate support.

Local Government supports the United Nations Sustainable Development Goals, and supports climate change action as part of a broader sustainable development agenda.
2.4 Local Government is already acting on climate change, but all levels of Government must act

For Australia to meet its international obligations, all levels of government must act. The Western Australian and Commonwealth Governments have an obligation to address climate change in partnership with Local Government, and in consultation with the community.

Local Government calls on the Western Australian and Commonwealth Governments to develop a formalised coordinated approach, such as in the form of a Commonwealth/State/Local Government partnership agreement or Intergovernmental Agreement, establishing consistent and coordinated principles, objectives and actions across Australia that provides for long-term planning to address climate change.

The strategic, long-term planning that Local Government seeks from the Western Australian and Commonwealth Governments includes:

- adequate ongoing funding for essential research, science and innovation to underpin climate change policy initiatives and program design\(^{10}\);
- taking direct responsibility for the delivery of mitigation actions, adaptation and resilience planning in areas that lend themselves to centralised coordination at Western Australian or Commonwealth Government level;
- embedding climate change mitigation and adaptation considerations in Government projects and policies (government procurement, land management, development, investment strategies that move away from fossil fuels etc.);
- partnering with and resourcing Local Government to deliver community emissions reduction programs that are most effectively implemented at the Local Government level;
- removing existing barriers to climate mitigation and adaptation actions by Local Government; and
- ensuring all decisions are guided by the precautionary principle.

Local Government calls on the Commonwealth Government to develop and implement a national plan for action to:

- meet Australia’s international obligations;
- ensure Australia is prepared to adapt to the impacts of climate change; and
- navigate the pathway to a low carbon economy, fostering innovation, new employment opportunities and economic growth.

Local Government calls on the Western Australian Government for a major revision and update of the 2012 climate change strategy\(^{11}\).
2.5 Local Government urges effective mitigation action

Local Government recognises that there is a global climate emergency which requires urgent action.

Local Government is committed to reducing operational GHG emissions and supporting the reduction of GHG emissions in the community.

Local Government recognises that Australia has the capacity to contribute to global climate change mitigation, by reducing emissions now, in a way that creates positive opportunities for communities, business and the economy.

Local Government acknowledges a successful response to the challenge of climate change requires cross-sectoral action by government, business and the community.

However, there are insufficient long-term Western Australian and Commonwealth Government plans or resources directed to climate change action. There is a particularly significant policy vacuum within the Western Australian Government, with negligible demonstrated or coordinated leadership or long-term planning. Australia and the world is seeing a shift away from fossil fuels towards energy efficient and renewable technologies that includes widespread uptake of rooftop solar\textsuperscript{12}, battery storage\textsuperscript{13}, energy trading\textsuperscript{14}, virtual power plants\textsuperscript{15}, electric vehicles\textsuperscript{16}, energy efficiency and energy productivity\textsuperscript{17}. The market, business, insurers, many Local Governments, communities and (other) State Governments are moving in this direction. Local Governments are calling on the Western Australian and Commonwealth Governments to accelerate action and remove barriers to transition to a low carbon, energy efficient economy.

Local Government considers a wide range of policy measures - from regulatory intervention and market-based mechanisms (such as an emissions trading scheme) through to voluntary schemes, education and behaviour change programs - are required to successfully achieve emissions reduction targets.

As part of the required national plan for action, Local Government calls on the Commonwealth Government to put in place efficient, effective and equitable measures to drive national emissions reductions.

Local Government is in a unique position to drive and implement mitigation programs, foster innovation and support sustainability at the community level, and has had successful collaborations and partnerships to implement such programs in the past\textsuperscript{18}.

Local Government calls on the Commonwealth Government to partner with Local Government in its efforts to further reduce GHG emissions, including through:

\begin{itemize}
\item renewable energy projects (small scale and large scale);
\item energy efficiency projects (eg, mass LED public lighting retrofits);
\item waste management;
\item enabling take-up of new renewable and sustainable technologies;
\end{itemize}
■ accelerating the take up of low or zero emissions vehicles (eg, Local Government electric vehicle fleets, installation of electric vehicle charging stations).

**Local Government calls on the Western Australian Government to:**

■ follow the lead of the other States and Territories and introduce a State-level renewable energy and/or emissions reduction target;
■ ensure that statutory planning policies are consistent with climate change mitigation priorities (eg, maintaining and increasing urban forest to reduce heat island effect, best practice building energy efficiency etc.); and
■ drive mass LED public lighting retrofits, by addressing the regulatory hurdles and unaligned incentives that act as a disincentive to the uptake of low cost, energy efficient public lighting.

**Local Government calls on the Environmental Protection Authority** to take a stronger regulatory role in assessing and recommending conditions to mitigate the GHG emissions associated with major projects within the Environment Impact Assessment process.19

### 2.6 Local Government urges effective adaptation and resilience planning

**Local Government is committed** to the common goal of ensuring that Western Australia’s human communities and natural ecosystems have the resources and assistance to enable them to build maximum resilience and adapt to climate change impacts that are now understood to be unavoidable.

**Local Government asserts** that it is the responsibility of all spheres of Australian Government to ensure that their decisions, policies and programs take into consideration the likely impact of climate change on current and future human settlements, natural resources and ecosystems and facilitate adaptation to these. These include but are not limited to disaster relief, national security, environment, energy, infrastructure and land use planning, water, housing, health and transport.

**Local Government notes** there are some policies, programs and limited funding for coastal adaptation in Western Australia, and a body of work completed in relation to bushfire planning and management. While this action is welcome, it is insufficient, and there is currently only minimal capacity and resourcing available to adapt to other effects of climate change, such as changes in temperature and rainfall, extreme weather events such as heatwaves and floods, flow-on effects such as the health and social impacts of climate change.

In many cases, Local Governments do not have the financial resources to shoulder the cost of implementing adaptation measures alone. This must be a shared responsibility.
Effective adaptation and resilience planning by Western Australian and Commonwealth Governments includes:

- a strategic approach to progressing and funding action for climate change adaptation and building resilience;
- adequate assistance, including funding, for Local Governments and Commonwealth and State agencies engaged in adaptation action;
- recognising and planning for the impacts of climate change on biodiversity and agricultural productivity, particularly in relation to biosecurity;
- sustainable management of water resources;
- providing greater certainty for Local Governments managing their risk and liability flowing from adaptation planning decisions;
- a State-Wide Coastal Hazard Map;
- coastal management legislation in Western Australia to define and establish principles, objects, actions, roles and responsibilities for integrated coastal zone management, with specific reference to planned and managed retreat;
- ensuring the Western Australian planning system adequately incorporates consideration of climate change effects and adaptation issues; and
- hazard identification and planning beyond coastal planning, into current and expected effects of changes on extreme weather events, bushfires, biodiversity, invasive flora and fauna, health, social impacts etc.

Local Government is also calling for national and state emergency management and disaster relief policies that adequately incorporate climate change in their planning and implementation. Western Australia Natural Disaster Relief and Recovery Arrangements (WANDRRA) financial measures need to provide funding to reinstate a damaged or destroyed asset to a more disaster resilient standard, where this is an appropriate and cost effective response based on likely recurrence of the disaster event.

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2 As above, at 27.
3 As above, at 28.
4 As above, at 17. The term “extremely likely” is defined by the IPCC as having an assessed likelihood of 95-100%. See “Chapter 1: Introduction” in Climate Change 2013: The Physical Science Basis. Contribution of Working Group I to the Fifth Assessment Report of the Intergovernmental Panel on Climate Change. Cambridge University Press, Cambridge, United Kingdom and New York, NY, USA at 121 (footnote 2).
6 The Climate Action Tracker (Climate Analytics, Ecofys & NewClimate Institute) calculates the gap in current policies, Paris Commitments and the emissions reductions required to keep the world at a 1.5°C and a 2.0 °C increase. Available here: https://climateactiontracker.org/global/cat-emissions-gaps/.

7 Australia has the highest per capita emissions of the OECD countries, and the seventh highest per capita in the world after Kuwait, Brunei, Qatar, Belize, Oman and Bahrain: CAIT Climate Data Explorer (World Resources Institute) (2018). GHG Emissions Totals Excluding Land Use Change and Forestry Per Capita 2014. Available at: http://cait.wri.org/historical.


17 Energy productivity is an indicator of the amount of economic output that is derived from each unit of energy consumed. See, for example, the Australian Alliance for Energy Productivity project to double productivity by 2030: https://www.2xep.org.au/.

18 For example as delivery agents of the Commonwealth Government’s Community Energy Efficiency Program (CEEP) and Local Government Energy Efficiency Program (LGEEP) and the Cities for Climate Protection.

## Appendix A

### Acronyms

<table>
<thead>
<tr>
<th>Acronym</th>
<th>Description</th>
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<tbody>
<tr>
<td>BOM</td>
<td>Bureau of Meteorology</td>
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<tr>
<td>CAIT</td>
<td>Climate Access Indicators Tool</td>
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<tr>
<td>CEEP</td>
<td>Community Energy Efficiency Program</td>
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<tr>
<td>CO₂</td>
<td>Carbon dioxide</td>
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<tr>
<td>CPP</td>
<td>Cities for Climate Protection</td>
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<tr>
<td>CSIRO</td>
<td>Commonwealth Scientific and Industrial Research Organisation</td>
</tr>
<tr>
<td>GHG</td>
<td>Greenhouse Gas</td>
</tr>
<tr>
<td>ICLEI</td>
<td>International Council for Local Environmental Initiatives – Local Governments for Sustainability</td>
</tr>
<tr>
<td>IPCC</td>
<td>Intergovernmental Panel on Climate Change</td>
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<tr>
<td>LED</td>
<td>Light Emitting Diode</td>
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<tr>
<td>LGEEP</td>
<td>Local Government Energy Efficiency Program</td>
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<tr>
<td>NCCARF</td>
<td>National Climate Change Adaptation Research Facility</td>
</tr>
<tr>
<td>SDGs</td>
<td>Sustainable Development Goals</td>
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<tr>
<td>UNFCCC</td>
<td>United National Framework Convention on Climate Change</td>
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<tr>
<td>WALGA</td>
<td>Western Australian Local Government Association</td>
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<tr>
<td>WAMSI</td>
<td>Western Australian Marine Science Institution</td>
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<tr>
<td>WANDRRA</td>
<td>Western Australia Natural Disaster Relief and Recovery Arrangements</td>
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<tr>
<td>WRI</td>
<td>World Resources Institute</td>
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</tbody>
</table>
Appendix B

Background Information

Climate change in Australia:
- Australia's climate has warmed in both surface air temperature and surrounding sea surface temperature by around 1°C since 1910.
- By late this century, Australia's average temperature is projected to increase by 3–5°C compared to a 1986–2005 baseline under the current global trajectory of greenhouse gas emissions, 1.5–2.5°C for a medium emissions scenario or 0.5–1.5°C for a low emissions scenario.
- There has been, and will continue to be, an increase in the number of days with weather conducive to fire in southern and eastern Australia. The number of days is projected to double by the end of the century under a high emissions scenario.
- May–July rainfall has reduced by around 19 per cent since 1970 in the southwest.
- Winter rainfall is projected to decrease across southern Australia, by a median of 17 per cent with a range of 2–32 per cent under a high emissions scenario by the end of the century, relative to 1986–2005, with more time spent in drought.
- Past and ongoing emissions commit us to further sea-level rise around Australia of around 6–19 cm by 2030, relative to the 1986–2005 baseline. By 2100, sea level rise could exceed two metres.
- The rise in mean sea level will amplify the effects of high tides and storm surges.

Intergovernmental Panel on Climate Change (IPCC): This is the international body for assessing the science related to climate change. IPCC assessments provide a scientific basis for governments at all levels to develop climate related policies, and they underlie negotiations at the UN Climate Conferences. IPCC reports undergo multiple rounds of drafting and review to ensure they are comprehensive and objective and produced in an open and transparent way. Thousands of other experts contribute to the reports by acting as reviewers, ensuring the reports reflect the full range of views in the scientific community.

Paris Agreement: The first-ever universal, legally binding global climate deal, adopted by 195 countries at the UNFCCC Conference of Parties in Paris, December 2015. It aims to respond to the global climate change threat by keeping a global temperature rise this century well below 2°C above pre-industrial levels and to pursue efforts to limit the temperature increase even further to 1.5°C. It aims for global greenhouse gases to peak as soon as possible, and seeks to foster resilience and climate adaptation. Full text of the Paris Agreement is available here. As of November 2017, all 195 countries have signed on to the Paris Agreement. The United States of America has indicated an intention to withdraw (it is unable to withdraw until November 2020). Further information tracking country ratifications and targets is available here.

Sustainable Development Goals (SDGs): In September 2015, 193 countries (including Australia) agreed to the United Nations 17 Sustainable Development Goals (SDGs) and 169 targets. The SDGs are a successor to the Millennium Development Goals, but unlike the Millennium Development Goals, relate to all developed and emerging countries, as well as
developing countries. They aim to end poverty, hunger and inequality, take action on climate change and the environment, improve access to health and education, build strong institutions and partnerships, and more. Aims include climate action (Goal 13), affordable and clean energy (Goal 7), responsible consumption and production (Goal 12) and sustainable cities and communities (Goal 11). For further information on how the SDGs are relevant to Local Governments, see the Global Network of Cities, Local and Regional Government (UCLG) publication “The Sustainable Development Goals: What Local governments need to know”, available here.

**United Nations Framework Convention on Climate Change (UNFCCC):** an international environmental treaty adopted on 9 May 1992. The UNFCCC objective is to "stabilise greenhouse gas concentrations in the atmosphere at a level that would prevent dangerous anthropogenic interference with the climate system".

**Western Australia Natural Disaster Relief and Recovery Arrangements (WANDRRA):** provides a range of financial relief measures to assist communities to recover from an eligible natural disaster event, jointly funded by the Western Australian and Australian Governments, which reimburses Local Governments for the restoration and replacement of essential public assets owned by a local government to the extent necessary to restore the asset to the equivalent of its pre-disaster standard.

**Western Australian Local Government action on climate change:** WA Local Governments have, for a number of years, been actively engaged in a range of climate change mitigation and adaptation activity, together with education and encouraging awareness and behaviour change amongst residents. Many Local Governments have made voluntary commitments or pledges in relation to climate change, including the following:

<table>
<thead>
<tr>
<th>Pledge</th>
<th>Description</th>
<th>Number of Local Government Participants</th>
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<tbody>
<tr>
<td>Local Government Climate Change Declaration</td>
<td>Developed by WALGA. A voluntary opportunity for Local Governments to demonstrate their political commitment to locally appropriate climate change adaptation and mitigation action.(^4)</td>
<td>40 (representing 65% of the WA population)</td>
</tr>
<tr>
<td>Divesting from fossil fuels</td>
<td>Commitment to shift money out of banks that fund fossil fuels.(^4)</td>
<td>12 (representing 30% of the WA population)</td>
</tr>
<tr>
<td>Compact of Mayors</td>
<td>A coalition of city leaders around the world committed to addressing climate change.(^5)</td>
<td>4</td>
</tr>
<tr>
<td>Cities Power Partnership</td>
<td>Launched July 2017 by the Climate Council, aims to celebrate and accelerate emission reductions and clean energy in Australian towns and cities.(^6)</td>
<td>10</td>
</tr>
</tbody>
</table>
In the past, Western Australian Local Governments have been key delivery agents of Commonwealth Government climate change mitigation programs, such as the Community Energy Efficiency Program (CEEP), the Local Government Energy Efficiency Program (LGEEP) and the Cities for Climate Protection (CCP) Program that was delivered by ICLEI with Commonwealth Government support. The LGEEP and CEEP grants assisted Local Governments in undertaking a wide range of building energy efficiency, LED public lighting and geothermal projects.

<table>
<thead>
<tr>
<th>Program</th>
<th>Program dates</th>
<th>WA Local Government participants</th>
</tr>
</thead>
<tbody>
<tr>
<td>Cities for Climate Protection</td>
<td>1999-2006</td>
<td>30</td>
</tr>
<tr>
<td>Local Government Energy Efficiency Program (LGEEP)</td>
<td>2011-2014</td>
<td>50 (includes 1 WALGA grant)</td>
</tr>
<tr>
<td>Community Energy Efficiency Program (CEEP)</td>
<td>2011-2016</td>
<td>15 (includes 1 WALGA grant)</td>
</tr>
<tr>
<td>Emissions Reduction Fund (ERF)</td>
<td>2014-present</td>
<td>2 (both transitioned from the Carbon Farming Initiative)</td>
</tr>
</tbody>
</table>

Adaptation is a current issue for Local Government, particularly as the effects of climate change are now unequivocally being felt, and Local Governments are in a position where they need to be planning for further effects of climate change in the future.

The Western Australian State Government provides around $1.3 million funding per year under the CoastWest, Coastal Management Plan Assistance Program and Coastal Adaptation and Protection programs. In contrast, the New South Wales State Government (with a coastline one sixth the length of Western Australia), is providing $63 million over five years. The Queensland State Government (with a coastline a little over half the length of Western Australia) provides $12 million dollars over three years.

The Western Australian state planning system has encompassed coastal adaptation planning, but this has not yet been expanded to deal with other current and expected issues such as changes in temperature, rainfall and extreme weather events (including floods), heatwaves and bushfires.

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4 For a list of Australian Local Governments that have committed to divest see here: [http://gofossilfree.org.au/fossil-free-councils/](http://gofossilfree.org.au/fossil-free-councils/). Not listed are City of Bayswater, City of Subiaco and the Shire of Mundaring, which have also recently committed to divest.

5 Cities of Joondalup, Perth, Melville and Mandurah. Further information about the Compact of Mayors available here: [https://www.compactofmayors.org/](https://www.compactofmayors.org/).

6 Local Governments participating in the Cities Power Partnership are shown on the map here: [http://citiespowerpartnership.org.au/power-partners/](http://citiespowerpartnership.org.au/power-partners/).
5.2 Interim Submission – Model Subdivision Conditions (05-047-01-0003 VJ)

By Vanessa Jackson, Policy Manager Planning and Improvement

Moved: Cr Chris Mitchell
Seconded: Cr Doug Thompson

That the interim submission to the WA Planning Commission on the Model Subdivision Conditions be endorsed.

RESOLUTION 73. 5/2018 CARRIED

In Brief

- On 14 March 2018, the Bush Fire Policy team at the Department of Planning, Lands and Heritage released revised Model Subdivision Conditions for comment.
- The revised subdivision conditions were prepared in response to the recent implementation improvements as part of the ongoing review of the Guidelines for Planning in Bushfire Prone Areas. The model conditions have also been re-numbered to group similar issues together, that being the bushfire and unexploded ordnance (UXO) conditions.
- The public comment period closed on 11 May 2018, therefore an interim submission was prepared.

Attachment

Interim Submission – Model Subdivision Conditions

Relevance to Strategic Plan

Key Strategies

Sustainable Local Government
- Provide support to all members, according to need;
- Represent the diversity of members’ aspirations in the further development of Local Government in Western Australia.

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

Policy Implications

At the 2018 March State Council meeting, a report on the significant shift in the implementation of the Bushfire Management Plans through the subdivision process was considered, and the following recommendation endorsed (RESOLUTION 11.1/2018): -

That WALGA advise the State Government the Local Government sector:

1. Will not agree to the Department of Fire and Emergency Services (DFES) transferring of responsibility to the Local Government sector for the clearance of a subdivision condition for Bushfire Management Plans, when the condition has been requested by DFES;
2. Requires adequate and effective consultation on any review of the model subdivision condition relating to clearance, including relating to Bushfire Management Plans that would result in the transfer of responsibility from any agency for the clearance of a subdivision condition, when that condition has been requested by that agency.
Budgetary Implications
Nil.

Background
On 14 March 2018, the Bush Fire Policy team at the Department of Planning, Lands and Heritage (DPLH) released revised Model Subdivision Conditions for comment via an email sent to Local Government and interested stakeholders from their bushfire policy subscriber list.

The proposed changes have been developed by DPLH in conjunction with Department of Fire and Emergency Services (DFES). The review of the conditions aims to streamline current work practices and to address known inconsistencies. The model conditions are also proposed to be re-numbered to group similar issues together, being bushfire and unexploded ordnance (UXO).

Comment
The interim submission focuses mainly on the changes to the Bushfire Planning subdivision conditions, as this is where the proposed changes will affect Local Government the most.

The main changes are the removal of DFES as a clearing authority for Bushfire Management Plans and other bush fire planning matters, which is not acceptable. If a Local Government does not want to clear these conditions, then the WAPC must also be the clearing agency, particularly if the involvement of DFES has now been removed. This will then align with the State Council resolution in March 2018, which does not support the change in DFES’s approach to these subdivision conditions.

It has been pointed out in the interim submission that the ‘consultation’ via an email subscriber list does not align with the State and Local Government Partnership Agreement, as only those subscribing to the ‘Bushfire Policy Subscriber’ list would have received the information and invitation to comment.

Other suggestions in the submission include further clarity on how the conditions are implemented, as they are not entirely specific as to exactly how and why they are used. Without this clarity, they could be applied in circumstances that make them difficult to clear, or possibly be applied by the WAPC in inappropriate circumstances.

The public comment period closed on 11 May 2018, therefore an interim submission was prepared. Formal comments on the revised conditions were received from the City of Cockburn and Shire of Chapman Valley and this feedback was incorporated into the WALGA interim submission.

In accordance with State Council policy, the interim submission was referred to the Executive Committee for consideration. The interim submission was submitted to the WAPC to meet the public comment period deadline of 11 May 2018.
Attachment 5.2

Interim Submission – Model Subdivision Conditions
INTERIM SUBMISSION TO THE DEPARTMENT OF PLANNING, LANDS AND HERITAGE

Review of Model Subdivision Conditions

INTRODUCTION

The Western Australian Local Government Association (the Association) is the united voice of Local Government in Western Australia. The Association is an independent, membership-based group representing and supporting the work and interests of 138 Local Governments in Western Australia.

The Association provides an essential voice for 1,222 Elected Members and approximately 15,000 Local Government employees as well as over 2 million constituents of Local Governments in Western Australia. The Association also provides professional advice and offers services that provide financial benefits to the Local Governments and the communities they serve.

GENERAL COMMENTS

The Association welcomes the release of an update to the Model Subdivisions Conditions Schedule, specifically as it proposes improvements to the Fire and Emergency conditions contained in Part 7 refined after discussions between the Department of Planning Lands and Heritage (DPLH) and the Department of Fire and Emergency Services (DFES).

It is assumed that these Departments also discussed the implementation of these conditions and the proposed changes with the Local Government sector as part of the review process, as early consultation with the Local Government sector can assist in achieving better outcomes and conditions that are enforceable.

Overall, the proposed modifications to the conditions propose changes because of operational requirements or just a refinement of the existing conditions, which is supported.

What is a little concerning however, is the way in which the ‘consultation’ for this review of the conditions has been undertaken, as it was only emailed to those "local government and interested stakeholders" on the DPLH's bushfire policy subscriber list. If a Local Government has not subscribed to this specific email group, then it would have no awareness that the subdivision conditions are being modified. This consultation approach is therefore not in accordance with the State and Local Government Partnership agreement.

Please note that the comments contained in this submission have not yet been considered or endorsed by WALGA’s State Council, as such, this is an interim submission and that the Association reserves the right to modify or withdraw the comments as directed by State Council.
**Recommendation:**

1. That the Department of Planning, Lands and Heritage ensure that all future consultation is undertaken in accordance with the specific protocols and timeframes stated in the State and Local Government Partnership agreement (Partnership Agreement)

**SPECIFIC COMMENT AND RECOMMENDATIONS**

The majority of the Association’s comments will relate to the bush fire conditions, as the water hydrant conditions and UXO clearances are requested and cleared by other authorities, i.e. DFES or water providers.

**New Condition F1, F2 and F3**

These conditions have been reviewed to reflect the new Bush Fire Management Plan (BMP) templates, with the following justification provided in the consultation email:

*However some local governments have indicated they want to be involved in ensuring compliance with the BMP for actions including provision of roads, emergency access ways, strategic water tanks and provision of asset protection zones. In addition, local government is considered, in most instances, to be best suited to determine the completion of on-ground works.*

*To this end, it is proposed to attribute the new conditions to the local government only. The reference to the implementation table and the certification component of the BMP in new condition will assist local government with ‘clearance’ of the subdivision condition. Under this arrangement it is the responsibility of a bushfire consultant to provide the certification to local government (emphasis added).*

The suggested changes in theory seem like a refinement and improvement, if the Local Government has requested the imposition of the conditions and/or advice notes. The concern is whether in reality DFES will request the condition and/or WAPC will impose conditions that the Local Government are then expected to clear. This could be perceived as another cost and responsibility shift from state to Local Government. It would also be concerning if the Local Government hasn’t asked for the condition to be imposed and if they are not resourced to undertake the clearance of the condition.

In conversations with both the DPLH and DFES, there has been no quantifying of the exact number of Local Governments that have asked for more involvement, therefore making a major change to the clearance authority based on some local governments’ is not considered an acceptable approach.

The way that the condition is proposed to be worded could also result in situations where the Local Government does not request the condition, but it is imposed anyway, then Local Government advises the WAPC that they dont intend to clear the condition, resulting in unnecessary delays for the subdivider while the clearance of the condition is being negotiated.

The proposed approach also doesn’t align with WALGA’s State Council resolution from the 7 March, which states:

*That WALGA advise the State Government the Local Government sector:*

1. *Will not agree to the Department of Fire and Emergency Services’ (DFES) transferring of responsibility to the Local Government sector for the clearance of a subdivision condition for Bush Fire Management Plans, when the condition has been requested by DFES;*
2. Requires adequate and effective consultation on any review of the model subdivision condition relating to clearance, including relating to Bush Fire Management Plans that would result in the transfer of responsibility from any agency for the clearance of a subdivision condition, when that condition has been requested by that agency. (RESOLUTION 11.1/2018)

It is therefore recommended that the WAPC is named as a possible referral agency for these three conditions, to reflect that not all Local Governments will be in a position to clear the Bushire Management Plan condition.

In the ‘Situation’ column of condition F1, the link should also be directly connected to the BMP template to avoid any confusion, rather than to the main Bushfire Planning page of the website.

Recommendations:

2. That the clearing agency at the end of new Conditions F1, F2 and F3 be amended to state “(WAPC/Local Government)” as having the responsibility for the clearance of the condition.

3. That the reference to Bushfire Management Plan Templates be provided as a direct link in the column ‘Situation’ to ensure the information is connected.

New Condition F5

This condition relates to imposition of restrictive covenants to specify BAL-40 or BAL-Flame Zone. Minor addition to this table is required, in the Situation’ column of this condition; reference the part of the Guidelines which details the criteria being referenced.

Recommendations:

4. That the reference to Bushfire Management guidelines be provided as a direct link in the column ‘Situation’ to ensure the information is connected directly.

New Condition F6

It is a little unclear how the new condition F6 is expected to be implemented, given that it relates to hazards on adjoining land. Will this condition only be imposed when the adjoining land is in the same ownership as the proposed land being subdivided? I.e. catering for the greenfields estates and the staging of subdivisions? Where there is the need for a third party consent/approval to clear land outside of the subdivision area, it may not be possible to put condition F6 (new) on a subdivision, where third party consent is not provided or not reasonable to expect.

The ‘temporary’ hazard reference is tied to the four(4) year subdivision approval process, but what happens after this timeframe? Is there an expectation for ongoing oversight from the Local Government, or will it just be managed via legal agreements between the two landowners? And what is expected where clearing of land is proposed on an adjacent site and they have consent from the 3rd party to clear but not consent from the 3rd party to maintain the land, for example if the 3rd party is not planning to use their land to the point where they eliminate the bushfire risk (such as under a power line easement owned by a 3rd party).

Unless the implementation of this new condition is very clear as to when and how it would be applied and covers ongoing management issues, then it could be applied inappropriately.
Also as with the new conditions F1, F2 and F3, if the Local Government doesn’t have the expertise to consider the Bushfire Management Plans and the ‘temporary hazard’ issues, then it should not be the Local Government’s responsibility to clear that condition.

**Recommendations:**

5. That the guidance note for the application and implementation of the new Condition F6 be improved, to clearly articulate when and how the condition is expected to be used and ongoing management issues.

6. That the clearing agency at the end of new Condition F6 be amended to state “(WAPC/Local Government)” as having the responsibility for the clearance of the condition.

**New Condition F9**

This condition relates to the proposing of a reserve for a ‘strategic water supply for firefighting purposes’. The following questions have been posed by the City of Cockburn as it is unclear how the implementation of this condition will be achieved: -

- This condition should only be used with large scale subdivision or development.
- “Strategic” needs to be reinforced or better defined.
- With large scale master plans/estates where the DFES would need a large public water tank/source, it makes sense as to why it’s a public reserve along with any access roads etc.
- However, if it’s on an individual/smaller sites when condition A4.2 states that water tanks are vested in the Local Government and E4.2 states that the tanks are to be maintained in an agreement with the Local Government.
- Confirmation as to which responsible body would be responsible for ensuring the water tanks are filled – would this be the responsibility of the Local Government to which the reserves are vested in?
- How would this be controlled? Will this be applied in lieu of the provision of an availability of a water tank? What happens if the reserve runs dry and who is responsible for ensuring there is an availability of water?
- The City has some sites that could be subdivided into 2 or 3 lots in Banjup. So this condition is not to be used? It should not be in a reserve but more so in a covenant on the title with a legal agreement. This is due to upkeep/access/works/parking etc.

**Recommendations:**

7. That the guidance note for the application and implementation of the new Condition F9 is improved, to clearly articulate when and how the condition is expected to be used and clarify ongoing management issues.

**New Condition F10**

Although this condition is cleared by DFES, who is considered as a suitably qualified person/persons in completing “an assessment survey” for UXO? There is no guidance under either advice notes Fa3 or Fa4 nor is there anything on the website referred to under either of these advice notes (www.defence.gov.au/uxo).

**Recommendations:**

8. Clarity is provided in new condition F10 and advice notes Fa3 and Fa4 as to who is a ‘Suitably qualified person’ in undertaking the UXO assessment survey.
5.3 Interim Submission – Position Statement – Housing on lots less than 100m² (05-306-03-0062 CH)

By Christopher Hossen, Senior Planner – People & Place

Moved: Mayor Tracey Roberts
Seconded: Cr Chris Mitchell

That the interim submission to the WA Planning Commission on Position Statement – Housing on Lots less than 100m² be endorsed, subject to an additional recommendation ensuring careful consideration to avoid undesirable streetscape outcomes of such lots in areas where there is a distinct lack of amenity.

RESOLUTION 74. 5/2018

In Brief

- On 13 March 2018, the Western Australian Planning Commission (WAPC) released draft Position Statement – Housing on Lots less than 100m² (draft Position Statement) for public comment.
- The draft Position Statement aims to provide interim guidance for the location and development of houses on lots less than 100m² and an implementation mechanism to ensure a consistent application state-wide.
- The public comment period closed on the 14 May 2018, therefore an interim submission was prepared.

Attachment

Interim Submission – Position Statement – Housing on Lots less than 100m²

Relevance to Strategic Plan

Key Strategies

Sustainable Local Government
- Provide support to all members, according to need;
- Represent the diversity of members’ aspirations in the further development of Local Government in Western Australia;

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

Policy Implications

Nil.

Budgetary Implications

Nil.

Background

The purpose of the Draft Position Statement is to provide interim guidance for houses on lots less than 100m² in development zones and an implementation mechanism to ensure a consistent application across Western Australia. The Position Statement is in response to a growth in interest in developing such housing products. In 2015, the Association and several Local Governments...
participated in a technical working group that worked to develop criteria and standards for
consideration by the Western Australian Planning Commission (WAPC).

In response to the selective development of House and land packages on lots less than 100m$^2$ in the
eastern states, a number of developers in Western Australia begun working in collaboration with Local
and State Government to facilitate similar outcomes. The most prominent example being in
Ellenbrook within the City of Swan.

With the growth of this housing typology expected, the State Government saw benefit in creating
guidance to ensure consistent delivery of this housing product across the state. The State
Government has advised that they will monitor and review the implementation of housing on lots less
than 100m$^2$, with a view to including them in State Planning Policy 3.1 – Residential Design Codes
(the R-Codes).

The draft Position Statement utilizes the following criteria to achieve its purpose:

- Establishing Location criteria;
- Establishing siting and configuration criteria; and
- Setting development standards that are consistent with the design principles of draft State
  Planning Policy 7 - Design of the Built Environment

Comment

The release of the draft Position Statement is generally welcomed by the Association. The draft
Position Statement is a culmination of considerable consultation with various members of the
Technical Working Group that included the Association. The Association strongly supports similar
collaborative approaches to Government Policy changes now and into the future.

To date there has been a lack of clear guidance from the State Government to Local Government,
the development industry, and the community, on the provision of lots less than 100m$^2$ in the Western
Australian context. This document seeks to redress this omission and provide guidance for the
inclusion of this development form within new residential areas zoned under ‘Development’ zones.

A number of Local Governments have over the past few years been working with the Department of
Planning, Lands and Heritage (DPLH) and the development industry to deliver housing on lots less
than 100m$^2$. These early attempts have been quite limited in scope and scale, and the eventual
adoption of this draft Position Statement will see housing on lots less than 100m$^2$ become more
ubiquitous, with the community more cognisant of their existence.

Whilst welcoming the State Government’s attempt to develop an overarching guide, the Association
through the Interim Submission raised concerns in relation to a number of aspects. There needs to
be a better ground-truthing for the proposed framework and the proposed criteria for their
development. The Association has identified a number of issues with how the structure plan process
is to be used to facilitate this form of housing, as well as some concerns around the standards that
are to be applied.

Importantly there appears to be a divergence from similar housing typologies that have been delivered
in South Australia and Queensland; models that have been used to justify the development of this
draft Position Statement. Further there is a strong reliance on deemed-to-comply standards, which is
in total contradiction to the movement of the design-led outcomes as utilised in Volume 2 of draft
State Planning Policy 7.3 and Design WA objectives.

With this being the first attempt to develop such a standard, the reliance on deemed-to-comply
provisions is understandable. However, the combination of prescriptive standards combined with the
apparent lack of ground-truthing of possible final housing products is likely to deliver either, the need
to modify the Draft Position Statement in the near future, poor housing outcomes, or both.

There is a need to find a balance between not being overly prescriptive in the proposed standards so
as to provide for housing design creativity, while at the same time ensuring that the rules and
standards applied can result in housing that is generally acceptable to the wider population.
Comment was requested from Local Governments through the Association’s Planning Improvement Portal. Feedback was received from the City of Cockburn and the City of Fremantle. The Interim Submission was presented to the Executive Committee for feedback prior to lodgement with the WAPC.
Attachment 5.3

Interim Submission – Position Statement – Housing on Lots Less Than 100m²
INTRODUCTION

The Western Australian Local Government Association (the Association) is the united voice of Local Government in Western Australia. The Association is an independent, membership-based group representing and supporting the work and interests of 138 Local Governments in Western Australia.

The Association provides an essential voice for 1,222 Elected Members and approximately 15,000 Local Government employees as well as over 2 million constituents of Local Governments in Western Australia. The Association also provides professional advice and offers services that provide financial benefits to the Local Governments and the communities they serve.

GENERAL COMMENTS

The Association welcomes the release of the draft Position Statement on Lots less than 100m² (draft Position Statement), and acknowledges the contribution of, and collaboration between, the various members of the Micro Lot Housing Technical Working Group. The Association strongly supports similar collaborative approaches to Government Policy changes now and into the future.

As the draft Position Statement correctly points out there has been a growing trend in the desire for small lot housing around Australia over the past few years, this interest has also been identified in Western Australia, albeit more recently. In other States; Queensland and South Australia, in particular, this form of housing has been seen as an approach to address the demands for different housing needs, assist in the provision of more affordable housing, and facilitate a greater variety of housing typologies. These are all appropriate goals, and desires that sit within the intent and objectives of State Planning Policy 1: State Planning Framework, as well as Liveable Neighbourhoods.

To date there has been a lack of clear guidance from the State Government to Local Government, the development industry, and the community, on the provision of lots less than 100m² in the Western Australian context. This document seeks to redress
this omission and provide guidance for the inclusion of this development form within new residential areas zoned under ‘Development’ zones.

It is well understood that Australians build some of the largest free standing homes in the world, and Western Australians some of the largest in Australia. There is a common argument put that there is a lack of diversity in both dwelling types and size in both the existing and new housing stock. The average new home in Western Australia in 2016/17 was 242.5m², with the average size of a new block of land in the Perth Metropolitan Region was 428m².

It is important to consider these sizes in relation to the cost of both the house and land component on a new build, and understand how these can impact on affordability for a large segments of the population. The average price of land in Perth in 2016 was $733 per square metre and the average build cost on a single storey project home being between $1,000 and $1,250 a square metre.

Within the Perth Metropolitan Region, 82% of dwellings have more than 3 bedrooms; contrast this the fact that some 23% of people in the same area live in lone person households. A conclusion can be drawn that the current Perth housing stock is perhaps not diverse enough to be fit for purpose, or at the very least reduces choice. It is therefore intuitive to see how the provision of small lot housing can deliver more appropriate and affordable housing types, particularly when coupled with proximity to areas of amenity and high quality public transit. The provision of small lot housing has potential to address many symptoms of housing affordability in Perth and within large regional communities.

It is for these reasons that the Association welcomes the publication of the draft Position Statement, and commends the Western Australian Planning Commission (WAPC) for moving forward with this innovative approach. That being said, whilst welcoming the publication the Association has a number of reservations to certain aspects of the draft Position Statement, which shall be outlined below.

A number of Local Government’s have over the past few years been working with the Department of Planning, Lands and Heritage (DPLH) and the development industry to deliver housing on lots less than 100m². The Association wishes to highlight this ground-breaking work and note that this work has been instrumental in the formulation of this draft Positio Statement. These early attempts have been quite limited in scope and scale, and the eventual adoption of this draft Position Statement will see housing on lots less than 100m² become more ubiquitous, with the community more cognisant of their existence.

It is in this frame that we must consider the importance of the policy settings of this initial ‘step’ into state wide regulation of this form of housing product. Acceptance by the community of this important housing form, and the ability to be progressive in lot sizes and housing typologies in the future, will rest greatly on the early implementation of the standards in the draft Position Statement. The quality of the built form, the way this form of housing interacts with the street and more traditional housing forms will be pivotal in this acceptance.
There would appear to be a need to better ground truth the proposed policy framework around the delivery of this new housing product. The Association has identified a number of issues with how the structure plan process is to be used to facilitate this form of housing, as well as some concerns around the standards that are to be applied.

Generally there appears to be a divergence from similar housing typologies that have been delivered in South Australia and Queensland; models that have been used to justify the development of this draft Position Statement. Further there is a strong reliance on deemed-to-comply standards, in contrary to the movement of the design-led outcomes as utilised in Volume 2 of draft State Planning Policy 7.3 and Design WA objectives.

With this being the first attempt to develop such a standard, the reliance on deemed-to-comply provisions is understandable. However, the combination of prescriptive standards combined with the apparent lack of ground-truthing of possible final housing products is likely to deliver either, the need to modify the Draft Position Statement in the near future, poor housing outcomes, or both.

There is a need to find a balance between not being overly prescriptive in the proposed standards so as to provide for housing design creativity, while at the same time ensuring that the rules and standards applied can result in housing that is generally acceptable to the wider population. As such the Association supports the inclusion of deemed-to-comply standards in Appendix 2 but has provided specific recommendations and comments that touch on the need to ensure a high quality built form is the result of this draft Position Statement.

**Recommendation:**

1. That the State Government adopt the draft Position Statement subject to consideration of the Association’s recommendations outlined below.

**SPECIFIC COMMENT AND RECOMMENDATIONS**

**4.0 Implementation**

The draft Position Statement makes clear the appropriate zone, location, and minimum lot sizes deemed to be permissible in this section. Stating that lots less than 100m² should meet the location and siting requirements set out in Appendix 1, be identified on a Structure Plan for that purpose, be given a residential density code of R80 and have a minimum lot size of 80m².

The Association does not have a current view on the appropriate minimum lot size for a residential property in Western Australia, it is however worth noting that the current minimum of 80m² would render the majority of housing typologies as outlined in the Small Lot Housing – National Market Survey; and used to help justify the development of this draft Position Statement, unacceptable.

There is a risk in setting an artificial minimum size in an area where the State Government is keen to facilitate diversity and ingenuity in the delivery of alternative
housing products. As noted in the headline comments above, the built form produced in the early years will greatly influence the ability to be ‘progressive’ in the years ahead.

The Association seeks clarification on a number of matters, specifically how this requirement interfaces with other elements of the planning system that seeks flexibility around minimum lot sizes. Of particular interest is how this draft Position Statement will work alongside:

1. part 5 c1.4 (i) of State Planning Policy 3.1; and
2. the general five percent variation permitted to minimum and average lot sizes under the WAPC’s Development Control Policy 2.2.

Part 5 c1.4 (i) allows for a reduction in minimum lot sizes of 1/3 where a single bedroom dwelling, or aged and/or dependent persons dwellings are proposed. As this provision would allow for a lot to be reduced to approximately 54m², the interaction between this clause and the draft Position Statement should be clarified. Please note that the Association has no current policy position on the appropriateness of applying the 1/3 variation to lots less than 100m².

With regard to the third paragraph in Part 4 of the draft Position Statement, which states:

‘The structure plan will need to demonstrate that lots less than 100m² will be integrated within the wider development area and there will be a continuous activated street frontage able to accommodate on-street visitor parking, street trees, shared use paths/footpaths, refuse collection, and utility services (in accordance with local planning scheme and Liveable Neighbourhoods requirements, as applicable).’

It is unclear how these structure plan requirements, all which have merit, will be able to be facilitated by way of a structure plan. The structure plan process as it currently stands does not facilitate the inclusion of finer grain details. In fact recent changes to the structure plan process have systematically reduced the ability to include such detail. These are matters that are generally handled through the local development plan (LDP) assessment and subdivision process.

Interestingly the fourth paragraph of this section forms a similar role to that of the third, all be it that it requires a LDP to address the same requirements that are expected to be addressed in a structure plan.

The draft Position Statement makes clear the need to consider at a higher level, finer grain urban design matters earlier in the planning process when higher density proposals are considered. However as noted above the structure plan is not necessarily the most appropriate mechanism to undertake this. The Association would consider that an LDP is a more appropriate stage to consider most of these matters, especially as an LDP as a condition of subdivision, can be assessed in coordination with the other requirements of the subdivision, such as engineering drawings, and the design of public open space.

To further ensure that decision makers and proponents have a clear understanding of the expectations of the WAPC and the DPLH for proposals for lots less than 100m²,
additional guidance should be included within the draft Position Statement. This would preferably be by way of an additional appendix that provides a ‘model’ LDP for lots less than 100m².

The last paragraph in Part 4 explains the need for LDP’s to be approved by the Local Government prior to the final approval of a subdivision. The Association is supportive of this approach as it is cognisant and respectful of the role Local Government plays in determining built form outcomes with prospective developers. It is assumed from the wording that endorsement by the WAPC will not be required for LDP’s with lots less than 100m², where they are consistent with the draft Position Statement.

Lastly, the Association notes with interest reference in this section to the draft State Planning Policy 7 Design of the Built Environment, the eventual replacement to Liveable Neighbourhoods; however, the most recent draft has not been circulated for public comment.

Recommendation:

2. Provide clarification if variations to the minimum and average site area, allowed under Part 5 c1.4 (i) of State Planning Policy 3.1, for single bedroom and/or aged or dependent persons’ dwellings are permitted for lots less than 100m².

3. Provide clarification if variations to the minimum and average site area up to five percent, as generally permitted under Development Control Policy 2.2, will be permitted for lots less than 100m².

4. Modify the third paragraph of Section 4, to read as follows:

“The structure plan will need to demonstrate that lots less than 100m² will be integrated within the wider development area.”

5. Modify the fourth paragraph of Section 4, to read as follows:

“the local development plan is to address and be consistent with the design principles outlined in draft State Planning Policy 7 Design of the Built Environment and must detail built form, site coverage, floor and elevation plans, drainage, street trees, car parking (including on-street parking), pedestrian access (including footpath/shared use path locations), refuse collection details, utility services and any other development standards required to address the standards outlines in Appendix 2. The procedure to prepare, publicly advertise and determine local development plans is outlined in the Planning and Development) Local Planning Scheme) Regulations 2015 (Schedule 2, Part 6).”

6. Provide an additional appendix to the draft Position Statement that includes a ‘model’ Local Development Plan;

7. Provide clarification as to if there is a need for endorsement to be sought from the WAPC for an LDP that seeks to vary the standards of the draft Position Statement; and

8. Clarify the use of references to both the draft State Planning Policy 7 Design of the Built Environment and draft Liveable Neighbourhoods.

Appendix 1
Locational Criteria

With regard to point 3 in this section, it is generally supported. The existence of a diverse range of housing sizes and typologies should be the aim of all planning instruments that facilitate greenfields or infill development.

With regard to point 4 and point 5, the Association has concerns around how the draft Position Statement articulates the preferred locations for this new housing form in proximity to district and neighbourhood centres. Figures 'A' and 'B' both outline a preference for small lot housing to be located in a ‘doughnut’ shaped ring around lower level activity centres. Restricting this form of housing on land within the activity centre itself, with the assumed intentions of not allowing it to become the dominant housing form in the centre itself.

The Associations concerns come from the fact that in practice it is unlikely that densities as high as R80 will be found beyond the 400m catchment of a district centre and 200m catchment of a neighbourhood centre. In most scenarios R80 is the highest residential density supported in lower and mid-level centres, particularly in established residential settings. Further to this, such policy frameworks do not acknowledge the reality of the difficult financial reality of delivering higher density residential outcomes, such as apartments, in proximity to low and mid-level activity centres.

The current policy framework in the draft Position Statement has the potential to replicate the classic ‘doughnut effect’ at the macro level around the mid-level urban centres in these new residential estates.

While the assumed desire to restrict residential land-uses from cannibalising commercial zoned land in these types of centres is supported, the Association sees no rationale for restricting housing on lots less than 100m² from residential land directly adjacent to neighbourhood and district level activity centres. And there is no rationale provided within the draft Position Statement to justify the approach.

Further to this, examples from South Australia and Queensland provided in the ‘Small Lot Housing – National Market Survey’ outlines the role this form of housing can play in the provision of innovative ‘shop-top’ or ‘office-top’ housing in the proximity to activity centres. It does not appear that these forms of urban development have been considered in the formulating the current draft locational criteria.

As such the Association’s recommendations will go to creating an order of preference for the location of housing on lots less than 100m², noting that the areas currently indicated in Figures A and B as being the ‘preferred’ locations for this housing type.

Lastly on the matter of the locational criteria, the section is silent on the need for housing of this type to be located within proximity to high frequency public transport routes. Particularly troubling is the lack of consideration of the suitability of this housing form in proximity to ‘train station precincts’. For example, it is common for structure planning and Development’ zones to occur around train station precincts in the ‘central metropolitan’ area, a location where this form of housing would seem to be well suited for consideration. It is unclear in this draft Position Statement as to whether
this housing form is proposed in inner urban areas or just Greenfield sites. A number of recommendations below relate to this matter.

Siting and Configuration

With regard to point 2, it is unclear why it is proposed to limit lots less than 100m² to ‘block ends’ as outlined in Figure C. The restriction of small lot housing to block ends is not found in either of the example estates featured in the ‘Small Lot Housing – National Market Survey’, where lots of this size are placed strategically through the estate. An example of this can be seen below (Figure 1), from the Fitzgibbon Chase estate in Queensland.

Here we see the benefits of a less prescriptive approach to the placement of small lots. We see a range of lot sizes and styles combined to create a diverse and varied street block. It is hard to understand how Figure C within the draft Position Statement currently facilitates a better or complete understanding of how this form of housing should exist in relation to other forms of housing.

The inclusion of a graphic that articulates a situation similar to that above would go to greatly improve the readability of the draft Position Statement. A Cross reference to this additional figure to point 3 of the ‘Locational Criteria’ would also seem rational in tying the two clauses together.

With regard to point 3 in this section of the draft Position Statement, the requirement to ensure that housing on small lots is considered as part of a larger development, in this case a minimum of four (4), is supported. However, it is unclear how this requirement will be met in a practical sense. Traditionally where a single dwelling is proposed, and it is consistent with the requirements of a LDP, then that dwelling is exempt from requiring development approval. It is unclear how a proposal on a lot less than 100m² which facilitates a single dwelling development and necessitate the creation of a LDP through the subdivision process will alter these requirements. It
would perhaps be better to word the requirement to link the preferred minimum number of dwellings to the minimum number of lots to be shown on a LDP, instead.

With regard to point 4 in this section of the draft Position Statement, there is a minimum height of two (Category B) and maximum height of three stories (Category C). These standards are supported. Of concern is that the development provisions that relate to building height within Appendix 2 do not conform to this overarching height standard, or at the very least enable three storey development to occur. Of particular interest in the wording of the ‘note’ for Appendix two which states:

“...All other development standards as per the RMD60 standards, with necessary adjustments to achieve a two storey ‘terrace housing’ built form outcome” (emphasis added)

This broad commentary alongside the lot boundary setback requirements, which limit boundary walls to an average height of 6m, will limit the ability to develop three storey housing on narrow lots. The flow on effects of this must be considered, particularly in relation to the level of open space on a lot, where greater than 2 bedrooms are proposed.

The examples provided for in the ‘Small Lot Housing – National Market Survey’ show the benefits of development standards that facilitate three (3) storey development. The case for three (3) storey boundary walls are particularly justifiable where they adjoin each other in a larger development proposal.

**Recommendations:**

9. Modify point 4 of the locational criteria, to read:

   “Not to be the only or predominate lot or development type in any street block (refer figure C)”

10. Modify point 4 of the locational criteria, to read:

   *Preferably located within 800 metres of the boundary of any existing or proposed district centre or specialised activity centre (not within the activity centre itself – refer figure A)*

11. Modify point 5 of the locational criteria, to read:

   *Preferably located within 400 metres of the boundary of any existing or proposed neighbourhood centre (not within the activity centre itself – refer figure B)*

12. Insert a new point in the locational criteria related to a preference for the location of housing on lots less than 100m² to be in proximity to urban corridors and station precincts, to read:
Preferably located within the boundary of a station precinct or within the ‘transitional zone’ of an urban corridor, as outlined in the Central sub-regional Planning Framework (refer figure B)"

13. Modify Appendix 1 by way of the addition of an additional figure to graphically display the standards as outlined in Recommendation 12 of this submission;

14. Modify point 2 of the siting and configuration criteria, to read:

“Occupy the entirety of a street block end, where proposed at such a location (refer figure C)”

15. Modify Figure C in Appendix 1 to provide a birds-eye view of a subdivision layout that reflects the comments of the Association in relation to point 3 of the locational criteria and point 3 of the siting and configuration Criteria; and

16. Modify point 3 of the siting and configuration criteria to clarify that this provision relates to the need for a proposed LDP for housing on lots less than 100m² to include a minimum of four (4) dwellings.

Appendix 2

Lot boundary setback

Generally the Association is satisfied with the broad controls that have been proposed to this section of Appendix 2, however as noted above, there are concerns related to the controls for boundary walls.

The proposed development standard that relates to boundary walls limits these to a maximum height of seven (7) metres with an average height of six (6) metres. This is reflective of the RMD60 standards, and will facilitate a boundary wall that is for all intents and purposes, two (2) stories in height.

The stated aim of these standards in Appendix 2 is to facilitate narrow lot, rear and front loaded, terraced housing style developments. While the Siting and Configuration’ criteria in Appendix 1 clearly articulate that three (3) storey development is permitted, there is concern that by bringing across this requirement from the RMD60 standards will hinder the ability to achieve this overarching goal.

Limiting boundary wall heights to two (2) stories, narrow terraced style blocks, is unintentionally limiting the ability to produce a three (3) storey outcome. The ability to step back from the boundary wall for the third level is also limited by the overall narrowness of the lot.

Further to this, by limiting the ability to build to three (3) stories, there is potential for limitation of the range of housing types that can be facilitated on these lots. Larger dwellings (3 bedrooms+) will be restricted by these requirements as they would be unlikely to meet open space, parking and setback requirements without the ability to develop a third storey.
Currently there exists no development standard in Western Australia that would facilitate a three (3) storey boundary wall to a single dwelling. As such, the apparent hesitation on the part of the State Government is understandable. However, to facilitate functional and diverse housing forms in this situation, an adjustment to the RMD60 standard for boundary walls in this standard is required. In saying this, it would be prudent to limit boundary walls of this height in length to ensure adequate stepping of height along the block and to ensure appropriate transition to adjoining properties. The recommendations below provide further detail.

Continuing on the matter of boundary walls, the draft Position Statement prohibits the use of rear boundary walls, instead requiring a 1.0m or 1.5m setback dependent length of the wall and the existence or not of major openings. The use of rear boundary walls in dense housing typologies such as the ones proposed is justifiable and has precedence in Australia and Western Australia.

Both the examples provided for in the ‘Small Lot Housing – National Market Survey’ and the recently completed housing on 80m² in Ellenbrook allow for such outcomes. In the case of Ellenbrook, rear boundary walls are permissible along up to 60% of the rear boundary. In the case of Ellenbrook, the ability to build to the rear boundary has clearly allowed for a more efficient utilisation of space, and arguably facilitated a larger courtyard on the ground level. As such, changes to the draft Position Statement related to rear boundary walls are proposed through our recommendations.

The Associations comments on rear boundary walls should be read in conjunction with the commentary on the height of side boundary walls, and the recommendations below.

*Open Space*

The Association is generally satisfied with the provisions as written. However, clarity should be given on the following points:

1. Whether or not the need for 70% of the outdoor living area (OLA) to be uncovered relates to any balcony component; and
2. Where more than one OLA is provided, say where both a balcony and ground level courtyard is proposed (as seen in Ellenbrook), will the minimum dimension of 2.4m apply to both?

The need for the majority of an OLA’s to be uncovered is supported, this provision is important in terms of assisting in access to light, fresh air, and also the facilitation of vegetation on small lots. However, clarification should be provided on how the 70% provision applies to balconies.

There is a general preference for balconies to be covered to allow their use in a range of weather conditions. Further to this as Appendix 2 mandates that balconies front the street, coupled with the elevated nature of balconies, the need to have restrictions on their level of cover is questionable. There would therefore seem merit in distinguishing between balconies and ground level courtyards within the ‘Open Space’ standard of Appendix 2.
Garage setback and width and vehicular access

The Association is generally satisfied with the provisions as written. However, clarity should be given as to why there has been a weakening of the provisions around sharing of vehicle crossovers when compared to what has been delivered by way of an LDP within the Ellenbrook Town Centre, in which the location of crossovers is mandated.

Shared crossovers should be seen as the standard approach where narrow front loaded lots are proposed in order to ensure that orderly planning occurs. Shared crossovers allow for better on-street parking outcomes, and greater opportunities to plant street trees. The acceptability of shared vehicle crossovers, as being only when it is feasible, will be addressed in the recommendations of this interim submission.

It is also noted that Appendix 2 does not include any requirements on garage width as a proportion of the property. Choosing to control this by way of mandated vehicle crossover width, set at three (3) metres, will ensure that the ground floor is not dominated by garage doors.

Parking

The Association is generally satisfied with the provisions as written. However, the Association wishes to note the omission in the standards of on-site parking requirements for dwellings where more than two (2) bedrooms are proposed. It is assumed that in the case of such proposals that there will be a requirement for two (2) parking bays on-site? This should be clarified.

Further to this the Association believes that an additional clause should be included in this section that goes to a preference for tandem parking where more than one (1) on-site bay is proposed, particularly if also restricting the size of the garage (as noted above).

Examples of housing typologies from Queensland and South Australia utilised in the ‘Small Lot Housing – National Market Survey’ show the benefit of this parking formation. Not only does this limit the dominance of garages on any streetscape but it also provides for the opportunity for additional open space through the use of ‘parking courts’.

The preferred wording for this is included in the recommendations below.

Recommendation:

17. Modify the column in Appendix 2 titled ‘Lot boundary setbacks’ where it relates to houses on lot <100m², to read:

<table>
<thead>
<tr>
<th>Houses on Lot &lt;100m²</th>
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</thead>
<tbody>
<tr>
<td><strong>Boundary Setbacks</strong></td>
</tr>
<tr>
<td>Side - nil</td>
</tr>
<tr>
<td>Rear - nil - along up to 60% of the rear boundary, otherwise:</td>
</tr>
</tbody>
</table>
1.5m for wall height 7 or less with major openings; or
1m for wall height of 3.5m or less without major openings

**Boundary walls**
No maximum length to both sides boundaries (except for lots with dual frontage).

Maximum 7m and 6m average height to any part of the side boundary more than half the length of the lot from the front boundary

Maximum 10m and 9m average height to any part of the boundary less than half the length of the lot from the front boundary.

18. Provide clarification as to whether the requirement for 70% of a proposal’s OLA to be uncovered applies to balconies as well as ground level courtyards;

19. If there is a requirement for a balcony to be 70% uncovered, then there be a modification to Appendix 2 to clarify that the open space provisions only apply to courtyards or similar;

20. Modify the requirement within the ‘garage setbacks and width and vehicle access’ section of Appendix 2 to reverse the onus on the need for vehicle crossovers to be shared, where feasible;

21. Clarify the parking requirements for dwellings with more than two (2) bedrooms; and

22. Modify the ‘Parking’ section of Appendix 2 by adding the following additional requirement for a house on Lot <100m²:

   **“Front Load**
   Where more than one on-site bay is proposed, parking is to be in tandem”
5.4 Policy for Restricted Access Vehicles on Roads Not on an Approved Network During Harvest (05-006-03-0004 ID)

By Ian Duncan, Executive Manager, Infrastructure

Moved: President Cr Phillip Blight
Seconded: President Cr Stephen Strange

That WALGA:

1. Subject to part 3 of this resolution, support continuation of the provisions within the Harvest Mass Management Scheme to enable heavy vehicles that meet the requirements of RAV 2, RAV 3 or RAV 4 to travel on roads not assessed for the RAV network between paddocks and the nearest RAV route during the harvest period.

2. Advocate that any roads assessed on the initiative of Main Roads that do not meet the requirements for addition to the RAV network at the level used under the Harvest Mass Management Scheme remain unassessed for the purpose of network definition.

3. Request that Main Roads Heavy Vehicle Services work with stakeholders to provide an alternative solution, prior to the 2018 harvest, to the proposed requirement for an Agricultural Pilot on unassessed roads that meets legal requirements and is acceptable to Industry.

RESOLUTION 75. 5/2018

CARRIED

In Brief

- Heavy Vehicles that exceed prescribed dimensions and mass are defined as Restricted Access Vehicles (RAV) and are provided limited access to parts of the road network under Notice or Permit.

- The Harvest Mass Management Scheme, which provides additional tolerance in allowable gross vehicle mass for grain movements from paddock to receival point was amended in 2016 to allow Restricted Access Vehicles to use roads not assessed for oversized vehicles in order to move between paddocks and the nearest RAV route.

- Main Roads proposes to amend the conditions under which Restricted Access Vehicles can operate on unassessed roads for the 2018/19 harvest.

- The proposed changes impose the added requirement on industry to provide an Agricultural Pilot when a RAV is using a road that has not been added to the RAV network. Main Roads have stated that the arrangements provided in the past two years cannot continue, based on advice received from the State Solicitor.

- It has been suggested by some Local Governments and industry representatives that the proposed changes are impractical for grains industry participants and in the medium term may negatively impact on the capacity of Local Governments to meet industry demands for ongoing paddock access.

- Supporting the proposed changes will improve the safe operation of restricted access vehicles on low volume roads and enable survival of the scheme.

Attachment

Nil.

Relevance to Strategic Plan

Key Strategies

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

Enhanced Reputation and Relationships
ý Strengthen effective relationships with external peak bodies and key decision makers in
  State and Federal Government;

Policy Implications
Previous State Council resolutions related to this matter are:

Resolution 432.5/2008
The Association support the establishment of a concessional mass loading scheme of up to 10 per
cent for grain, from paddock to grain receival points, with penalties for non-compliance in order to
support rural agricultural communities (became known as the Harvest Mass Management Scheme
(HMMS)).

Resolution 40.2/2011
The Association supports a defined network of preferred routes for heavy vehicles.

The matter considered in this policy extends the benefits to industry of the Harvest Mass Management
Scheme.

Budgetary Implications
Nil.

Background
Temporary special access arrangements under the Harvest Mass Management Scheme (HMMS)
were introduced for the 2016/17 harvest period. These arrangements allowed Restricted Access
Vehicles (RAV) participating in the Harvest Mass Management Scheme to use Local Government
roads that were not part of the RAV network, provided they used the most direct route from the
paddock to the nearest road approved for RAV Network access.

Several Local Governments in the eastern wheatbelt strongly advocated for these arrangements to
be introduced. From a grain industry perspective the additional heavy vehicle access helped alleviate
the challenges of a forecasted record harvest. From a Main Roads perspective this provided a
practical response to a significant backlog of RAV route assessments in the grain producing regions.
From a Local Government perspective this relieved pressure to support the addition of new roads to
the Restricted Access Vehicle (RAV) network, with works potentially required to make the roads and
intersections comply with the network requirements.

During 2017 a consultation process with all stakeholders was undertaken to evaluate the success of
the arrangements and to identify issues that needed to be addressed. Most Local Governments who
participated in the consultation were supportive of “first mile” access for RAV’s being allowed on roads
that are not part of the RAV network provided conditions applied to manage any adverse impacts on
other road users and road infrastructure were effective. The issues needing to be addressed that
were raised by Local Government included:
  • Limiting access to roads not part of the RAV network to RAV 4 (and smaller) vehicles (27.5m
    long, 87.5 tonne Gross Vehicle Mass). Where the nearest road approved for RAV network
    access is a State or National highway these are typically approved for RAV 7 (36.5m long,
    107.5 tonne Gross Vehicle Mass) trucks. This means that in many areas, the assessed
    roads that are most suited to heavy vehicles and carry the majority of the freight are limited
to RAV 3 or RAV 4, while access for larger RAV 7 vehicles is permitted on less suitable roads, provided they have not been assessed.

- Limiting the distance able to be travelled as the “first and last mile”, bearing in mind that conditions require the vehicles to travel at less than 40 km per hour. It was reported that some “last mile” legs were more than 30 km from the nearest road approved on the RAV network.

Local Governments questioned whether they faced any increase in risk or liability as a result of the special access arrangements.

No changes were made to the special access arrangements under the Harvest Mass Management Scheme for the 2017/18 harvest.

Main Roads have recently advised industry and Local Government of the outcome of a review of the scheme arrangements. In responding to legal advice, Main Roads propose to amend the conditions associated with access to roads that are not included in the RAV network. The new conditions are:

- A minimum of one (1) Agricultural Pilot must accompany the RAV combination to facilitate the safe movement between the farm and the nearest RAV Network road; and
- The roads being used between the farm and the nearest RAV Network road must be listed on the Transport Operator’s HMMS Approved Road List, which must be provided to the participating Grain Receiver, carried in the vehicle and produced upon request.

The other, continuing conditions are:

- must use the most direct route from the paddock to the nearest road approved for RAV Network access;
- must ensure the RAV combination departing the paddock is not a higher RAV category than the nearest RAV Network;
- must not exceed 40 km/h;
- must display an amber flashing light on the prime mover; and
- must obtain a bridge crossing permit from Main Roads WA for any bridges that are on these roads.

The Agricultural Pilot replaces the requirement for spotters which were previously required at intersections that the driver assessed as having inadequate sight distances. An Agricultural Pilot is defined in the Heavy Vehicle Agricultural Pilot Authorisation (November 2017). No training is required in order to be an Agricultural Pilot. However, a vehicle with suitable signage and driver is required.

**Comment**

The proposed changes to conditions for the 2018/19 harvest have been discussed at several Regional Road Group meetings and at the Local Government Agricultural Freight Group. The concerns raised to date are:

1. that it is impractical for transport operators to ensure that an Agricultural Pilot accompanies each vehicle between the assessed RAV route and the paddock; and
2. the possible implications for Local Governments from triggering assessments of roads listed on the Transport Operators HMMS Approved Road list that are not currently on the RAV network.

Local Governments are responsible for management of roads under their control. However, responsibility for providing access for vehicles that exceed the dimensions for right of access vehicles is held by the Commissioner of Main Roads.

While Local Governments are strongly supportive of economic development within their region, it is the responsibility of the agricultural industry and Main Roads, in their regulatory capacity, to demonstrate how the risks to other road users and to road infrastructure can be managed where large vehicles are using roads that have not been assessed as suitable.
It is likely that Main Roads will review the list of roads included in the Transport Operators’ HMMS Approved road list that are not on the RAV network with the view of triggering an assessment of these routes in priority order. If the road is found to meet the criteria for addition to the RAV network then the Local Government would be requested to support (or not support) the addition of the road to the RAV network.

If a road being used by Restricted Access Vehicles under these arrangements is found not to meet all of the requirements for addition to the RAV network this may trigger an expectation from the landholder and / or carrier that the Local Government will fund and undertake whatever work is necessary to enable the road to be added to the network. It is unknown whether this is economically achievable for the Local Government and a priority for limited resources.

One option to mitigate this risk to Local Government is that when a RAV assessment is completed and determines that the road should not be added to the network at the level currently being used, that it remain “unassessed.” This could allow escorted access to continue under the HMMS.

Main Roads have made it clear that legal advice from the State Solicitor highlighted that operation of the scheme in its current form was not compatible with their obligations to operate a safe and sustainable network. Rather than removing RAV access to unassessed roads, the proposed changes have been developed to allow continuation of the scheme. The scheme provides a significant productivity benefit to the agricultural actor and it is recommended that the changes be supported because they enhance the safe operation of vehicles operating under the scheme and will increase the likelihood of the scheme continuing.
5.5 WA State Library Strategy Implementation Plan and Consultation Report
(05-057-02-0051 KD)

By Kirstie Davis, Policy Manager Community

Moved: Mayor Tracey Roberts
Seconded: Mayor Carol Adams

That:
1. The WA Public Libraries Strategy be endorsed; and,
2. WALGA continue to advocate with Western Australia Public Libraries and key stakeholders to Department of Local Government, Sport and Cultural Industries to prioritise funding for implementation of the strategy.

RESOLUTION 76. 5/2018 CARRIED

In Brief

- The provision of library services in Western Australia is governed through a formal agreement between State and Local Government, governed by the Library Board Act 1951, and formalised through a Partnership Agreement in 2009;
- In December 2017 the Minister for Art and Culture released the WA Public Libraries Strategy (the Strategy) to establish strategic priorities for public library development in Western Australia over the next four years;
- The sector has been consulted throughout the development of the Strategy, and,
- The Public Libraries Working Group requests the endorsement of the finalised Strategy by the WALGA State Council and Western Australian Public Libraries Board before advocating through to State Government for funding to be allocated.

Attachment

WA Public Libraries Strategy

Relevance to Strategic Plan

Key Strategies

Engagement with Members
- Deliver a broad range of benefits and services that enhance the capacity of member Local Governments
- Improve communication and build relationships at all levels of member Local Governments

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

Enhanced Reputation and Relationships
- Strengthen effective relationships with external peak bodies and key decision makers in State and Federal Government
Policy Implications
At the meeting of May 2018 the State Council resolved, \textit{that the Association's contribution to the consultation process for the Draft WA Public Libraries Strategy be noted}. (Resolution 52.2/2018)

3.25 Investing in Communities
The Association supports Local Government initiatives and infrastructure that contribute to health and wellbeing of the community.

3.25.1 Community Infrastructure
The Association continues to advocate for better planning and support for community infrastructure and investment by the State, Commonwealth and private partners.

3.2.6 Public Libraries
The Association supports the provision of Public Library services in Western Australia through a formal partnership between Local Government and the State Government of Western Australia, government by the Library Board Act 1951.

Budgetary Implications
Nil.

Background
The sector has guided the prioritisation of strategies through WALGA’s Vision 2025 and Framework for Strategic Action for Public Library Services in Western Australia and via Public Libraries Western Australia (PLWA). A Public Libraries Working Group has been established, with representation from WALGA and PLWA to coordinate, drive and promote the Strategy with key stakeholders.

Comment
The Public Libraries Taskforce conducted extensive consultation over a three month period and included workshops, meetings, forums, online survey that attracted over 1,300 responses of which 70% came from community. All results of the consultation period were in firm support of the five priority areas outlined in the Strategy.

Priorities for Elected Members highlighted the need for public library services to more closely align with the priorities of their local communities, while at the same time providing a flexible service that caters for a diverse community.

For Local Governments and library practitioners, the new Strategy and all efforts to implement it, need to demonstrate the value of public library services to the community was the outstanding priority. In doing so, 97% of respondents supported the adoption of ALIAs Guidelines, Standards and outcome Measures for Australian Public Libraries and 93% support a state wide subscription to Culture Counts.

There was unanimous agreement of the need for new models to support public library service delivery and regional and remote public libraries, with some respondents raising concerns relating to implementation that will need to be addressed in subsequent stages of the project.

<table>
<thead>
<tr>
<th>Respondent Category</th>
<th>Number of Responses</th>
<th>Percentage of Responses</th>
</tr>
</thead>
<tbody>
<tr>
<td>Local Government Elected Member</td>
<td>14</td>
<td>1.07</td>
</tr>
<tr>
<td>Local Government Officer</td>
<td>53</td>
<td>4.06</td>
</tr>
<tr>
<td>Public Library Manager</td>
<td>59</td>
<td>4.52</td>
</tr>
<tr>
<td>Public Library Staff Member</td>
<td>202</td>
<td>15.47</td>
</tr>
<tr>
<td>Community Resource Centre Representative</td>
<td>34</td>
<td>2.60</td>
</tr>
</tbody>
</table>
Some of these crucial challenges will be sourcing adequate funding and keeping up with technology. Together with responding to change, demonstrating value to decision makers, remaining relevant to community and skills and knowledge of staff, especially with technological advances, are the greatest foreseeable challenges for continued library service delivery into the future.

There are however many opportunities for innovation to manage change and drive service delivery. Many of the prospects involve collaboration and partnership opportunities for smarter and integrated service delivery together with redefining library facilities and community hubs. This together with improved training, greater access to technology and innovative services is identified as the most likely short to medium options for remaining competitive and relevant in this space.

Through the consultation there has been unanimous support for the need for new models to support public library service delivery and flexibility in the diversity to ensure the support for regional and remote services can continue to exist. Overall there is robust support for the Strategy and that funding and appropriate resources are required.
Item 5.5
WA Public Libraries Strategy
WA Public Libraries Strategy
A New Chapter for Our Public Library System
WA Public Libraries Strategy
WA Public Libraries Strategy
A New Chapter for Our Public Library System

Our public libraries are much-loved and much-used facilities. Across WA's 231 public libraries, there are more than one million active library members who borrowed more than 16 million physical items and some 600,000 e-books and audio books in 2015-16.

But there is a need for significant, transformational change to deliver more efficient and flexible public library services to continue to meet Western Australia’s growing and diverse community needs.

The WA Public Libraries Strategy is the result of extensive research undertaken and presented in the Public Library Working Group background paper. As well as that, WALGA's Vision 2025 also identified the need for such a strategic approach to public library development. The context for public libraries is shifting, with libraries operating as community spaces with strong links to community, social cohesion and workforce development. Technological developments continue to change the way people interact with information, requiring public libraries to remain relevant at the forefront of technology, enabling access as well as support for skills development in the community. Public libraries also need to better communicate their connections with, value and impact on the community.

The research highlighted a number of potential opportunities for public libraries in the future, and this strategy document identifies the key areas that can be addressed as priorities over the next four years in order to deliver an improved and more sustainable library service.

The priorities outlined below are intended as a consultation tool to establish a shared strategic vision for public library development in Western Australia.
# 1. Governance

The Library Board of Western Australia Act 1951 and the Library Board (Registered Public Libraries) Regulations 1985 are dated and lack relevance to contemporary public library services in Western Australia.

The following priorities have been identified to ensure good governance:

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<tbody>
<tr>
<td>1.1</td>
<td>Repeal the Library Board (Registered Public Libraries) Regulations 1985 as they do not reflect contemporary public library services.</td>
</tr>
<tr>
<td>1.2</td>
<td>Establish a Library Board sub-committee for governance and strategic oversight of Western Australian public libraries, composed of local and State Government representatives.</td>
</tr>
<tr>
<td>1.3</td>
<td>Consider the adoption of the Australian Library and Information Association’s (ALIA) Guidelines, Standards and Outcome Measures for Australian Public Libraries (2016) as an aspirational framework for benchmarking and measuring public value.</td>
</tr>
<tr>
<td>1.4</td>
<td>Develop new legislation that is reflective of contemporary public library services in Western Australia.</td>
</tr>
</tbody>
</table>

## 2. New model to support public library service delivery in Western Australia

The State Library of Western Australia leads the development of the public library network, primarily through the provision of capital funds for the purchase of library materials. Economies of scale are achieved by the consortia purchasing of print and electronic materials for State-wide delivery for Western Australia’s 231 public libraries. However, the capital funding model for physical materials was developed in the 1950s and does not reflect the evolution of public library services and the expectation to meet the diverse information and recreational needs of the community through a variety of resources, infrastructure and programming.

The following priorities have been identified to implement a sustainable and appropriate model for the support of public library services:

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<tr>
<td>2.1</td>
<td>Implement a multi-tiered support model determined by the ability to meet agreed criteria for service provision and population size.</td>
</tr>
<tr>
<td>2.2</td>
<td>Introduce a system for the allocation of annual State Government funding. Funds are not limited to the purchase of physical library stock; portions can be allocated for technological infrastructure, implementation of innovative programming, administration or other priorities.</td>
</tr>
<tr>
<td>2.3</td>
<td>Develop an accountable and robust reporting framework for expenditure of allocated funds.</td>
</tr>
<tr>
<td>2.4</td>
<td>Investigate ways in which to foster innovation and experimentation in public libraries through the introduction of a competitive innovation grants system, using the available annual State Government funding allocation.</td>
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</table>
3. New model to support regional and remote public library services

Western Australia has 161 regional and remote public libraries in eleven regions across the State. Since 1977, the State Library has supported these libraries through a model in which regional libraries receive additional funding to support smaller libraries within their region. The need for reform of this model was identified in 2011. A new model for the support of regional and remote libraries needs to be sustainable and efficient, providing adequate funding, training and support for staff to ensure equal access to library services across the State.

The following priorities have been identified for a new model to support regional and remote libraries:

3.1 Develop a new support model and an accountable reporting framework for regional and remote public libraries, to ensure equity of service and consistency of support across regions.

3.2 Realign public library regional boundaries with WA Regional Development boundaries to foster better integrated planning at a local level and collaboration within regions, and for administrative efficiency.

3.3 Contribute to a broader strategy to strengthen partnerships and collaboration between libraries, local government and the Western Australian Community Resource Network, business and not-for-profit organisations in the regions to enable a better coordinated approach to service delivery, responding to local needs.

4. Single access card system

There are a number of Library Management Systems currently in use across the State by different local governments, with little interoperability. A consolidated system would benefit all Western Australian library members and enable better collaboration between libraries. Research into a single card access system and shared Library Management System (LMS) demonstrates that centralisation would enable a more efficient loans system, improving accessibility across the State.

The following priorities have been identified to ensure best value service delivery:

4.1 Investigate further the proposed options for the single access card system and shared LMS to determine best value and return on investment.

4.2 Develop a business case for a single access card system and shared LMS for submission in 2018-19.
5. Public Value

Public libraries deliver a diverse range of services to the community, and while the intrinsic value of libraries is understood, it is difficult to measure library services in terms of economic return and social outcomes. ALIA’s Guidelines, Standards and Outcome Measures for Australian Public Libraries provides guidance for measuring library services and programs against social outcomes, and a number of libraries around Australia are using Culture Counts, a digital application which measures public value and quantifies it through metrics, in order to demonstrate the impact they have on the community.

The following priorities have been identified to demonstrate the value of Western Australia’s public libraries:

5.1 Consider the adoption of ALIA’s Guidelines, Standards and Outcome Measures for Australian Public Libraries to provide clear and consistent guidance for measuring the impact of public library services on individuals and communities.

5.2 Investigate the feasibility of a State-wide subscription to Culture Counts as a measurement and evaluation framework to promote a clearer understanding to government, business and community of what libraries deliver and the impact of these services.

5.3 Develop a State-wide marketing campaign promoting the diverse service offerings and value of public libraries in Western Australia.
Image courtesy of City of Wanneroo Libraries.
5.6 Aboriginal Heritage Act 1972 Review Submission to Stage 1 (05-032-01-0001 KD)

By Kirstie Davis, Policy Manager Community

Moved: President Cr Karen Chappel  
Seconded: Cr Julie Brown

That the submission to Stage 1 Review of the Aboriginal Heritage Act 1972 be endorsed.

RESOLUTION 77. 5/2018  CARRIED

In Brief

- The Department of Planning, Lands and Heritage, (the Department), is conducting a review of the Aboriginal Heritage Act 1972 (AHA);
- The AHA is the States’ principal legislation enabling the preservation of Aboriginal cultural heritage places and objects;
- The Association formed a sector reference group to guide the review process and the development of a representative sector submission.

Attachment

Aboriginal Heritage Act 1972 Review Submission to Stage 1.

Relevance to Strategic Plan

Key Strategies

Engagement with Members
- Provide ongoing professional development and interactive opportunities for Elected Members to contribute to debate on sector issues.

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

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

Policy Implications

All Local Governments are bound by the Aboriginal Heritage Act 1972. The AHA has been reviewed previously in 2012.

The submission reflects the Association’s related policy position.

3.18.3 Aboriginal Heritage Act 1972 and South West Native Title Settlement

The Association acknowledges Noongar peoples as the traditional owners of the land. Local Government is supportive of conserving and protecting the State’s Aboriginal heritage.
Budgetary Implications
Nil.

Background
There have been several reviews of the AHA, with amendments gazette in 1981, 1995 and 2008.

The Hon Ben Wyatt MLA, Minister for Aboriginal Affairs, announced a review of the *Aboriginal Heritage Act 1972* (AHA), the legislation that guides the way the State Government protects Aboriginal heritage in Western Australia. The review aims to deliver a contemporary piece of legislation that:

- promotes the understanding and celebration of Aboriginal cultural heritage through the recognition of significant places and objects
- provides transparent and easy to understand processes that offer certainty and predictability for stakeholders
- provides high standards of protection for significant places and objects, while enabling land use.

The review will include three consultation phases:

**Consultation Phase One:** Release of the Consultation Paper.
Targeted questions on key aspects of the Act to help identify the main issues, any gaps in the legislation, and ideas on what modernised legislation should set out to do and how it should operate in the interests of all stakeholders.

**Consultation Phase Two:** Release of a Discussion Paper.
Feedback will be sought on a series of proposals on what new legislation should do, as well as some discussion points. This information will help with the drafting of an Exposure Draft Bill (Green Bill).

**Consultation Phase Three:** The Green Bill will be published for public consultation.
Feedback received during Consultation Phase Three will inform the preparation of a new Aboriginal Heritage Amendment Bill that will be introduced into Parliament.

Comment
It has become clear that elements of the AHA are no longer fit for purpose. The growth of Western Australia over the last 40 years has highlighted changes are necessary to better protect Aboriginal heritage. The Department conducted 40 workshops across the State and the Association liaised directly with a Local Government Sector Reference Group to inform the submission provided.

This submission is tabled and attached for State Council endorsement.
Item 5.6

Aboriginal Heritage Act 1972 Review Submission to Stage 1.
Aboriginal Heritage Act 1972
2018 Review Submission – Stage 1
Contact:

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1.0 Introduction
The Aboriginal Heritage Act 1972 (AHA) was enacted to ensure that Aboriginal heritage, to which the Act applied, could be appropriately protected and preserved.

Provisions within the AHA impact Local Government in a number of ways including:

- As a landowner, Local Governments are required to consult with Aboriginal communities and conduct heritage surveys when proposing development, in compliance with the Act, and
- As a planning body, Local Governments are contacted by developers and owners for advice regarding the position of heritage sites.

The intent of the submission is to provide an open dialogue with the Department of Planning, Lands and Heritage, Aboriginal Affairs (the Department), on Aboriginal heritage reform in Western Australia (WA) taking into consideration the legal and cultural principles, from a local government perspective.

The Association acknowledges the timely review of the AHA and looks forward to working with the Department on the subsequent phases of the review in order to achieve a deeper sense of local, state and national reconciliation.

2.0 Background

In June 2012, the Association prepared a submission on behalf of members on the ‘Seven proposals to regulate and amend the AHA, for improved clarity, compliance, effectiveness and certainty’. A summary is provided below.

<table>
<thead>
<tr>
<th></th>
<th>1: Prescribe the manner and form of the Register</th>
<th>In-principle support</th>
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<tr>
<td></td>
<td>• DIA should be resourced to manage online register</td>
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<td></td>
<td>• Develop a GIS system, incorporated into LG systems, to ensure certainty around locality of registered Aboriginal heritage sites</td>
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<td></td>
<td>2: Additional criteria pertaining to the Aboriginal sites of State importance</td>
<td>Partial support</td>
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<td></td>
<td>• Broadening the criteria to ensure greater inclusion and protection of Aboriginal heritage sites</td>
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<td></td>
<td>• Clarification around the category to ‘benefit current and future generations of WA</td>
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<td>3: Stronger compliance measures including civic penalties and remediation orders and adjustments to the onus of proof provisions</td>
<td>Partial support</td>
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<td></td>
<td>• Increased penalties to match comparable legislation</td>
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<td></td>
<td>4: Site impact avoidance certificates</td>
<td>Partial support – more information required</td>
</tr>
<tr>
<td></td>
<td>• Department to approve certain proposals to increase process efficiencies</td>
<td></td>
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<td></td>
<td>• Supports the establishment of an independent body to ensure due diligence is carried out</td>
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5: Enable the Department to levy fees and recovery costs for surveys and other services
   - Levy fees and recover costs through an independent body

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<tr>
<th>6: Remove risk that section 18 consents may be technically invalid because of the definition of ‘the owner of any land’</th>
<th>In-principle support</th>
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<tbody>
<tr>
<td>• Supported amendments to the definition ‘the owner of any land” for the purpose of increasing clarity</td>
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<tr>
<td>• Any changes to S18 will include an amendment to allow Aboriginal people with an interest in the land to appeal Minister’s/Department decisions.</td>
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<tr>
<th>7: Investigate options to amend the Aboriginal Heritage Act 1972 and the Environmental Protection Act 1986 to streamline decisions about Aboriginal heritage</th>
<th>Partial support – more information required</th>
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<td>• The statement “properly addressed in another process of Government” other than the Environmental Protection Act 1986 is misleading</td>
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<tr>
<td>• The purpose of each legislation is different</td>
<td></td>
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<tr>
<td>• The EP Act contains provision for right of appeal. S18 of the AH Act confines appeal rights to land owners only</td>
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<tr>
<td>• The environmental impact assessment (EIA) process undertaken by EP Act is open and transparent and the review document in made publically available. This process ensures Aboriginal sites are appropriately identified and ultimately protected.</td>
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A further submission was made in 2014, with many of the issues raised by Local Governments addressed in the Aboriginal Heritage Amendment Bill 2014 (the Bill). At this time the endorsed position of the Association supported the following changes:

- The introduction of increased penalties
- Greater transparency through the introduction of the Register of Declarations and Permits (DP Register)
- Increased support for the operation of Register of Aboriginal Sites and Objects (the Register)
- Better coordination of the approvals process

This submission is based on input from a Local Government reference group convened by WALGA on the announcement of this Review. This submission addresses the questions posed within the consultation paper picking up on key themes articulated in section 3.0 Discussion below.

### 3.0 Discussion

Aboriginal people are still to be enshrined in the *Commonwealth of Australia Constitution Act 1900* (the Constitution) as the traditional custodians of their heritage. The Constitution is the supreme law under which the Commonwealth Government operates, including its relationship to the State of Western Australia. It is properly described as the ‘birth certificate of the nation’.
Western Australia has the opportunity through the review of the AHA to lead the way in constitutional recognition. From this all state based legislation and localised policy and procedures can align.

**Recommendations**

1. Recognition in AHA of Aboriginal people as the traditional custodians of their heritage.

2. The Department considers developing a working party or Yarn Group to guide the remainder of the AHA review to ensure recommendations are appropriately discussed and weaved into the review process.

**Stronger compliance and enforcement**

It needs to be acknowledged that Traditional Owners may not be supportive of all sites being publically registered and in some instances unachievable. Efforts spent to address this will be beneficial to a more successful implementation of the AHA.

**Register of Sites and Objects**

There is concern regarding the conflict between using the Register to justify approval permits with the rights of Aboriginal peoples access in privacy to their cultural sites. Supporting the rights of Aboriginal people to control, maintain and protect their cultural heritage is fundamental. The incongruences in the AHA need to address this. Furthermore, the AHA suggests that all Aboriginal culture is a fragment of the past.

**Recommendations**

3. Acknowledgement in section 5 by inclusive definition, the living and dynamic nature of Aboriginal culture as not limited to place and object to ensure Aboriginal cultural heritage values are considered earlier in application processes.

**Expedited Approvals by the Chief Executive Officer (CEO)**

In the Associations 2012 submission, there was support allowing DAA to expedite certain approvals, support is contingent on the expectation that adequate consultation is carried out with relevant stakeholders before approval is given. Increased resources will be required for culturally appropriate consultation to occur.

The Bill included a new Section 18 process, a newly created position of CEO, who could issue a permit where they were satisfied that the activity would not destroy or damage an Aboriginal site, of that there is no significant risk, without reference to the AMC. The power and position of the CEO with no rights of review to Aboriginal people the Government Gazette as the only mechanisms for awareness of like situations is in need of review.
Culturally appropriate consultation

The purpose of the AHA is to provide ‘the preservation on behalf of the community of places and objects customarily used by or traditional to the original inhabitants of Australia of their descendants’ (long title). Amendments to the title to acknowledge the Aboriginal community, not the non-Aboriginal community, would reflect a significant change to the intent of the legislation. This purpose would then need to be carried out through the entire AHA. The appointment of an Aboriginal member at all stages of the process of reviewing and implementing the AHA is required if culturally appropriate consultation is to occur. Specifically the ACMC, which guides the AHA.

Consultation must involve Aboriginal and non-Aboriginal people meaningfully, be culturally appropriate, involve adequate timeframes and be conducted by appropriate processes. Engaging in face to face discussions to reach consensus as part of a two tiered consultation process will be a significant innovation for the AHA.

Recommendations

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<td>4.</td>
<td>Amend section 28(3) stating the ACMC have a member specialised in anthropology relating to “the Aboriginal inhabitants of Australia” be amended to include the ‘appointment of Aboriginal members’</td>
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<tr>
<td>5.</td>
<td>Localised decision made possible through the development of local Committees with members who have the authority to speak for Country.</td>
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<tr>
<td>6.</td>
<td>Include stronger entitlements for Aboriginal community representatives being decision makers and having accountability in applications.</td>
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Section 18 Assessments

There are currently approximately 15,800 lodged heritage places requiring assessment. The Aboriginal Cultural Material Committee (ACMC) is unable to manage this workload.

There is an improvement opportunity within this process. Amendments to the AHA could be amended to provide for an alternative situation where consent is obtained from the relevant Aboriginal parties, via a ‘Consent or Works’. This would significantly reduce the number of Section 18 applications. Ultimately ACMC would only need to assess applications where consent cannot be obtained.

The AHA should also consider the inclusion of a provision for circumstances where the proponent has made reasonable endeavour to undertake Aboriginal heritage survey but the relevant parties have been unable to come to a consensus. This could be addressed through the AHA by the inclusion of the requirement for the proponent to serve notice of ‘request for survey’ and the obligation for the Aboriginal group to undertake the requested survey within a specified timeframe.

Local Governments are of the opinion that the Section 18 process should be more transparent, providing clarity to parties, with timeframes for each approval and recommendation being trackable via the Register.
Recommendations

| 7. | Streamline Section 18 with greater potential for inclusion of ‘Consent for Works’ projects |
| 8. | Acknowledge reasonable endeavours to undertake Aboriginal heritage surveys |
| 9. | Include a ‘Request for Survey’ notice process included as an option under Section 18 |
| 10. | Develop a transparent online function to the Register to monitor the progress of Section 18 applications |

Environmental conservation

There is the possibility through the AHA to recognise all resources, particularly water, which will further accomplish social, cultural and economic benefits of cultural heritage. Native vegetation and biodiversity are intricately linked.

Creating maps and plans to help development proponents to plan for and avoid impacts, conserve strategic landscapes and areas’ containing high Aboriginal cultural value is an important motion forward. It is recognised and supported that the Department be appropriately resourced to develop and provide available and accessible maps via the Register that are accurately maintained.

It is recognised that there will be some additional challenges, outside of being appropriately resourced such as the relationship between the Register and the maps, acknowledging the oral histories, recorded sites, and the intricacies surrounding waterways. However the Association acknowledges that data needs to be managed with accuracy in order to support Local Governments in planning and modelling.

| 11. | Consider the potential to pilot a conservation mapping process in a specific region to support Aboriginal views and knowledge on Country to share knowledge and improve conservation potential. |
| 12. | The Department be appropriately resourced to develop, in partnership with the local communities of the trail site, to provide an available and accessible cultural conservation mapping system via the Register that is accurately maintained. |
| 13. | Include definitions in the AHA to better consider and refer to waterways. |

Land Use Planning

It is not in scope of a submission at this time to discuss Native Title Settlement, particularly the South West Native Title settlement together with progress being made towards a Local Government specific Noongar Standard Heritage Agreement.

However, in the broadest sense, recognition of native title following the High Court of Australia’s Mabo judgement of 1992, has clarified and helped to set parameters about land use planning and management under a native title regime.
14. The Department continues to prioritise discussions and preparations of the South West Native Title Settlement and Local Government specific Noongar Standard Heritage Agreement with relevant stakeholders.

**Broad discussions**

Further to the questions and themes posed within the consultation paper are broader concerns and discussions within Local Governments pertaining to:

- State based Native Title Agreements
- Local Government specific Noongar Standard Heritage Agreement template
- Engagement with Reconciliation Australia
- Procurement policies of Local Government with respect to Aboriginal businesses in line with recently adopted State procurement policy
- Aboriginal Constitutional Recognition
4.0 Recommendations

1. Recognition in AHA of Aboriginal people as the traditional custodians of their heritage.
2. The Department considers developing a working party or Yarn Group to guide the remainder of the AHA review to ensure recommendations are appropriately discussed and weaved into the review process.
3. Amend section 28(3) stating the ACMC have a member specialised in anthropology relating to “the Aboriginal inhabitants of Australia” be amended to include the ‘appointment of Aboriginal members’.
4. Localised decision made possible through the development of local Committees with members who have the authority to speak for Country.
5. Include stronger signals on Aboriginal community representatives being decision makers and having accountability in applications.
6. Acknowledgement in section 5 by inclusive definition, the living and dynamic nature of Aboriginal culture as not limited to place and object to ensure Aboriginal cultural heritage values are considered earlier in application processes.
7. Streamline Section 18 with greater potential for inclusion of ‘Consent for Works’ projects.
8. Acknowledge reasonable endeavours to undertake Aboriginal heritage surveys.
9. Include a ‘Request for Survey’ notice process included as an option under Section 18.
10. Develop a transparent online function to the Register to monitor the progress of Section 18 applications.
11. Consider the potential to pilot a conservation mapping process in a specific region to support Aboriginal views and knowledge on Country to share knowledge and improve conservation potential.
12. The Department be appropriately resourced to develop, in partnership with the local communities of the trail site, to provide an available and accessible cultural conservation mapping system via the Register that is accurately maintained.
13. Include definitions in the AHA to better consider and refer to waterways.
14. The Department continues to prioritise discussions and preparations of the South West Native Title Settlement and Local Government specific Noongar Standard Heritage Agreement with relevant stakeholders.
5.0 Conclusion

Aboriginal knowledge, underpinned by an ancestral responsibility, holds an intrinsic obligation for Aboriginal peoples care for Country. A review of the AHA is an opportunity to amend legislation and lead the way in cultural heritage planning and protection.

The role and responsibility of Local Government to address outcomes for community capacity building and wider health and wellbeing can also be achieved through this process.

The Association recognises the Departments proposal to reform current legislation as a mechanism in achieving this. The Association also supports continuing the conversation with the Department and other key stakeholders into the future to contribute towards local, state and national reconciliation.

6.0 References


5.7 Interim Submission – Review of the State Industrial Relations System (05-034-01-0001 KP)

By Kate Pillai, Employee Relations Service Manager

Moved: Cr Chris Mitchell
Seconded: President Cr Malcolm Cullen

That the interim supplementary submission in response to the Interim Report of the Review of the State Industrial Relations System be endorsed.

RESOLUTION 78. 5/2018 CARRIED

In Brief

- On 22 September 2017, the State Government announced the conduct of a Ministerial review into the State Industrial Relations system (Review).

- WALGA put forward an initial submission to the review in December 2017 as per the State Council resolution in March 2018.

- The Interim Report was published by the Review on 20 March 2018 and WALGA undertook further consultation with the Local Government sector including hosting a further Sector Reference Group consultation meeting and inviting written feedback to build on the representative sector position.

- The sector position opposed the Interim Report recommendation of the Review that Local Government be regulated by the State industrial relations system (recommendation 69).

- WALGA put forward an interim supplementary submission in response to the Interim Report in May 2018, further addressing the position of Local Government industrial relations regulation and transitional considerations for the State Government.

- WALGA now seeks State Council endorsement of the interim supplementary submission.

Attachment

1. Review Terms of Reference
2. Interim Report – Ministerial Review of the State Industrial Relations System
3. WALGAs Interim Supplementary Submission to the Review of the State Industrial Relations System.

Relevance to Strategic Plan

Key Strategies

Engagement with Members

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

Sustainable Local Government

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

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

**Policy Implications**
The following policy position was endorsed by State Council in December 2016 (State Council Resolution 107.6/2016):

That WALGA:
1. Provide information and advice to Local Government to support their assessment of the appropriate industrial relations jurisdiction within which to operate; and
2. Advocate for modernization of the WA industrial relations framework with a view to achieve consistency with the predominant Federal industrial relations system.

**Budgetary Implications**
Nil.

**Background**
The Western Australian State Government has undertaken a review of the Western Australian Industrial Relations System. The review was undertaken by Mr Mark Ritter SC and the Member for Forrestfield, Mr Stephen Price MP, assisted with the review.

The review considered as part of the Terms of Reference (Item 8 - ToRs) whether Local Government employers and employees in Western Australia should be regulated by the State industrial relations system.

A total of 65 submissions to the Ministerial Review were initially received, including WALGA’s initial submission in December 2017 as per the State Council resolution in March 2018, and the Interim Report was published on 20 March 2018.

Chapter 9 of the Interim Report addressed the interim position of the Review on item 8 of the ToRs regarding Local Government and proposed that Local Government employers and employees be regulated by the State industrial relations system (recommendation 69), together with supplementary recommendations about how the change will be facilitated.

The proposed recommendations on item 8 of the ToR regarding Local Government contained in the Interim Report are set out below:

69. Local government employers and employees be regulated by the State industrial relations system.

70. To facilitate recommendation 69 the State Government introduce legislation into the State Parliament consistent with s 14(2) of the FW Act that declares, by way of a separate declaration, that each of the bodies established for a local government purpose under the Local Government Act 1995 (WA) is not to be a national system employer for the purposes of the FW Act (the declaration).

71. If the declaration is passed by the State Parliament, the State expeditiously attempt to obtain an endorsement under s 14(2)(c) and s 14(4) of the FW Act by the Commonwealth Minister for Small and Family Business, the Workplace and Deregulation, to make the declaration effective (the endorsement).
72. As a counterpart to recommendation 70 the State enact legislation that has the effect, upon the endorsement, of deeming local government Federal industrial awards, agreements or other industrial instruments to be State awards, agreements or other industrial instruments for the purposes of the 2018 IR Act.

73. If the endorsement is obtained, a taskforce be assembled and chaired by a representative of DMIRS and include a representative of the Department of Local Government, Sport and Cultural Industries, the WAIRC, the Western Australian Local Government Association, the Western Australian Municipal, Administrative, Clerical and Services Union of Employees, the Western Australian Municipal, Road Boards, Parks and Racecourse Employees’ Union of Workers Perth, the State Solicitor’s Office and a nominee of the President of the Law Society of Western Australia, to oversee, monitor, assist, facilitate and progress the transition of local government employers and employees between the Federal and State industrial relations systems.

Comment

Chapter 9 of the Interim Report of the Review provides a summary of the background in relation to the status of constitutional corporations and the jurisdictional confusion for Local Government under the current dual industrial relations framework and details the reasoning behind the proposed recommendations (pp515-556).

Specifically, the Review notes that Local Government is no ordinary corporation for the purposes of the legislative definition of a constitutional corporation due to its governmental function and undertakes an assessment of the industrial cases that have considered the jurisdictional status of Local Government in Western Australia and the Federal jurisdiction. The Review summarises the two main opinions at paragraph [1483] as follows:

Despite the fact most local councils in Western Australia are currently operating within the Federal industrial relations system, there remains, therefore, differing opinions about the constitutional status of local government. The two main opinions are:

(a) It is unlikely that local government authorities are constitutional corporations, due to the nature of local government as a constitutionally required tier of government, that is a government body even though it may also undertake “trade”.

(b) Local government authorities may be constitutional corporations, depending on the nature and extent of their trading activities.

Further, the Review comments at [1497] that ‘[w]ithout High Court, or even IAC authority on the issue, it is likely that there will be continuing uncertainty as to the constitutional status of local government employers in Western Australia’ and expresses the preliminary opinion that the State Government ought to now make a decision to end the uncertainty of the issue [1534].

The interim position of the Review is summarised in clause 9.11 of the Interim Report (p553-556) noting that it ‘considers it would be preferable to try and end the jurisdictional uncertainty by bringing all local governments within the State system to the extent possible.’ The concluding comments of the Review are set out below:

1564. The Review notes that the majority of local governments are currently operating within the Federal system. That however is based upon a particularly shaky premise; that the local governments are constitutional corporations. There is, in the absence of High Court authority, no certainty that they are. The Review considers there is strength in the collective views propounded by Mr Bennett in his High Court submission in the Work Choices case, in the reasons of Spender J in Etheridge Shire Council, the reasoning of the FWC in the Award Modernisation Case decision and the majority in the Shire of Ravensthorpe, to the collective effect that they are not constitutional corporations. In the interim position of the Review, that strongly supports the view the State should attempt to provide jurisdictional certainty, by way
of a recommendation that local governments and their employees be regulated by the State system.

WALGA's supplementary submission is intended to supplement WALGA's initial submission and addresses the points above made by the Review in Clause 5. Industrial Relations Regulation of Local Government (p7-11) in opposing recommendation 69 of the Review.

WALGA now refers State Council to this discussion for consideration.

The balance of the supplementary submission deals with transitional considerations for the State Government in legislating in accordance with proposed recommendation 69 and further transitional implications for Local Government.

The following are the recommendations provided by WALGA in the interim supplementary submission:

A. The current dual system of industrial relations regulation of the Local Government sector remain unchanged.

B. State Government further consult with the Local Government sector regarding the cost and impact of the jurisdictional uncertainty under the current industrial relations regime to assess the need for change.

C. If recommendation B identifies a need for further certainty, that discussions be held between representatives of all three tiers of government and other key stakeholders in the Local Government industry regarding how industrial relations certainty is best achieved for the Local Government sector in WA.

D. No legislation is introduced to parliament to declare that Local Government is not a national system employer.

E. The State Employment Standards (SES) be introduced as part of the 2018 IR Act consistent with recommendations 47 and 48.

F. That any review of the casual loading be undertaken by the Western Australian Industrial Relations Commissions (WAIRC) or included as part of the SES, following consultation from interested parties.

G. That unpaid Family Domestic Violence (FDV) leave be included in the SES.

If the State government implements proposed recommendation 69 pursuant to recommendations 70 and 71, it is further recommended that:

H. Local Governments, and any applicable federally registered Agreements, transfer to the State IR system following introduction of the SES and that the Agreements are amended to incorporate the SES in place of the National Employment Standards (NES).

I. Award modernisation be undertaken prior to Local Government’s transition to the State IR System.

J. The proposed modernisation of the State Local Government awards be aligned to the modern Local Government Industry Award 2010.

K. The three types of bargaining agreements be reviewed and replaced with a single collective enterprise bargaining agreement in which the parties are the employer and
employees, with the option of the union being a party.

L. That the better off overall test replace the no disadvantage test.

M. The proposed taskforce composition be revised to include two Local Government Officers, to be appointed by WALGA in line with WALGA’s Selection Committee process, and the CCI WA.

N. Any review of portability of entitlements between State and Local Government be considered as part of the current Local Government Act review process.

Summary
As outlined in the supplementary submission, WALGA is of the view that Local Government employers and employees in Western Australia should not exclusively be regulated by the State IR system and submits the recommendations within the supplementary submission for the consideration of the Review.
Item 5.7

WALGAs Interim Supplementary Submission to the Review of the State Industrial Relations System.
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1. About WALGA

The Western Australian Local Government Association (WALGA) is the peak industry body for Local Government in Western Australia. WALGA is an independent, membership-based organisation representing and supporting the work and interests of 138 Local Governments and 9 Regional Local Governments in Western Australia.

WALGA provides an essential voice for approximately 1,222 Elected Members and approximately 22,000 Local Government employees (or approximately 15,000 FTE) as well as over 2.5 million constituents of Local Governments in Western Australia. WALGA also provides professional advice and offers services that provide financial benefits to the Local Governments and the communities they serve.

2. Supplementary Submission - Interim

This submission is intended to supplement WALGA’s Interim Submission to the Ministerial Review of the State Industrial Relations System (Review) dated December 2017 (2017 Submission). WALGA confirms the content of the 2017 Submission as endorsed by the WALGA State Council on 7 March 2018. The 2017 Submission will not be duplicated in this Supplementary Submission (Supplementary Submission) however, may be referenced and/or expanded upon where relevant in providing comment on the Interim Report of the Ministerial Review of the State Industrial Relations System published on 20 March 2018 (Interim Report).

The proposed recommendations contained in Chapter 9 of the Interim Report are extremely significant for Western Australian Local Governments and as such, this Supplementary Submission will focus predominantly on addressing recommendations 69 to 73, and the discussion outlined by the Review within that chapter.

Due to the timeframe of the consultation period, the comments contained in this submission have not yet been considered or endorsed by WALGA’s State Council. Please be advised that, as such, this is an interim Supplementary Submission. WALGA reserves the right to modify or withdraw the comments as directed by State Council. The WALGA State Council will consider endorsing the submission on 4 July 2018.
3. Recommendations

It is recommended that:

A. The current dual system of industrial relations regulation of the Local Government sector remain unchanged.

B. State Government further consult with the Local Government sector regarding the cost and impact of the jurisdictional uncertainty under the current industrial relations regime to assess the need for change.

C. If recommendation B identifies a need for further certainty, that discussions be held between representatives of all three tiers of government and other key stakeholders in the Local Government industry regarding how industrial relations certainty is best achieved for the Local Government sector in WA.

D. No legislation is introduced to parliament to declare that Local Government is not a national system employer.

E. The SES be introduced as part of the 2018 IR Act consistent with recommendations 47 and 48.

F. That any review of the casual loading be undertaken by the WAIRC or included as part of the SES, following consultation from interested parties.

G. That unpaid FDV leave be included in the SES.

If the State government implements proposed recommendation 69 pursuant to recommendations 70 and 71, it is further recommended that:

H. Local Governments, and any applicable federally registered Agreements, transfer to the State IR system following introduction of the SES and that the Agreements are amended to incorporate the SES in place of the NES.

I. Award modernisation be undertaken prior to Local Government’s transition to the State IR System.

J. The proposed modernisation of the State Local Government awards be aligned to the modern Local Government Industry Award 2010.
K. The three types of bargaining agreements be reviewed and replaced with a single collective enterprise bargaining agreement in which the parties are the employer and employees, with the option of the union being a party.

L. That the better off overall test replace the no disadvantage test.

M. The proposed taskforce composition be revised to include two Local Government Officers, to be appointed by WALGA in line with WALGA’s Selection Committee process, and the CCI WA.

N. Any review of portability of entitlements between State and Local Government be considered as part of the current Local Government Act review process.

4. Sector Engagement

As outlined in the 2017 Submission, WALGA has engaged thoroughly with the Local Government sector in relation to the Review. Since publication of the Interim Report in March 2018, further engagement has been undertaken as set out below.

21 March 2018 Employee Relations Alert to newsletter subscribers, advising of Chapter 9 recommendations in the Interim Report, inviting written feedback and registration for Sector Reference Group consultation.

Infopage containing information (as above) emailed directly to all member Local Government CEOs.

23 March 2018 LG News article circulated via email to all member Local Governments containing Chapter 9 recommendations, linking the Interim Report and detailing future consultation.

27 March 2018 Sector reference group consultation meeting held with attendees from 10 member Local Governments including metropolitan and regional attendees.

6 April 2018 Written submissions received from members on the Interim Report and recommendations.
As the Local Government sector peak body, WALGA represents the views of 138 member Local Governments and 9 Regional Local Governments. While individual Local Governments may take a different view to the majority of the sector on certain issues, WALGA represents the view of the Local Government sector in this Supplementary Submission, and the 2017 Submission before it, rather than solely as an individual stakeholder.

WALGA has consulted broadly and widely with Local Governments in Western Australia on many facets of the review including the industrial relations regulation of Local Government, the jurisdictional dilemma, the potential transition process, modernisation of the State system and portability of entitlements. Accordingly, it is with confidence that this submission represents the view of the Local Government sector, as a distinct sphere of Government important to the governance of Western Australia and the daily lives of Western Australians.

5. Industrial Relations Regulation of Local Government

WALGA opposes the Review’s proposed recommendation 69 that Local Government employers and employees should be regulated by the State Industrial Relations System.

69. Local government employers and employees be regulated by the State industrial relations system.

It is understood by WALGA the achievement of jurisdictional certainty for WA Local Government in industrial relations is the primary objective underpinning item 8 of the Terms of Reference in this Review. Further, WALGA acknowledges the concerns raised by the Review associated with Local Governments operating under the potentially changing status as a constitutional corporation based on the judicial activities test as a question of law. Further comments are noted below for the consideration of the Review.

WALGA acknowledges the Review’s comments concluding that Local Government forms part of the body politic of the State. As addressed in the 2017 Submission, WALGA maintains the view that the application of one industrial relations framework over the other should not be determined with reliance on s52 of the Constitution Act 1889 (WA) (WA Constitution), as this is contrary to the purpose of that provision. There is no requirement for Local Governments to be regulated by the State industrial relations system in the WA Constitution. Local Government is a distinct arm of government, separate to the State public service, and should be recognised as such.
Reliance on the foundational principles of the establishment of Local Government in State legislation to determine industrial relations regulation fails to recognise the role of the Commonwealth in legislating pursuant to the corporations power\(^1\), the establishment of Local Government as bodies corporate under the *Local Government Act 1995 (WA)* (LG Act) and the contemplation of trading activities being undertaken by Local Government pursuant to the LG Act. The characterisation of Local Government as ‘no ordinary corporation’ by the Review due to the dual governmental function together with the restrictions on trading under the LG Act, do not negate the application of the Commonwealth legislation to Local Government where a Local Government meets the definition of a constitutional corporation at law.

While the Review’s assessment of the case law on this issue is beneficial to understanding how the current test for determining characterisation as a constitutional corporation has been applied to Local Government on a case by case basis, and provides insight into non-binding comments of advocates on the matter, we respectfully disagree with the Review’s conclusion on the strength in the collective effect that “[Local Government] are not constitutional corporations”\(^2\). It is WALGA’s view that this assessment does not assist in determining the overall characterisation of Local Government employers as constitutional corporations or not. The Review’s conclusion cannot be generalised to the sector in the absence of High Court authority and any suggestion to do so on the basis of the current case law would be inappropriate and unfounded.

WALGA notes the consideration by the Review of unfair dismissal and denied contractual benefits applications made to the Western Australian Industrial Relations Commission (WAIRC) by Local Government employees as part of their assessment. This, in WALGA’s view, fails to provide any substance to the position of the Review as these figures are indicative only of one of the following: the Local Government employer’s operation under the State jurisdiction; an employee applicant’s understanding of the appropriate industrial relations jurisdiction as the WAIRC; or the advice provided to individual employee applicants by employee representatives as to the appropriate jurisdiction. There is no indication of the extent these claims involved Local Governments currently regulated by the State industrial relations system (State system). As denied contractual benefits claims before the WAIRC are open to all WA employees, we propose no weight be given by the Review to these claims in the Local Government context.

Further, the volume of jurisdictional objections raised by Local Governments before the WAIRC only serves to reflect the high number of Local Governments operating under the Federal

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\(^1\) *Commonwealth of Australia Constitution Act* 1900, s51(xx).

\(^2\) *Interim Report at* [1564].
industrial relations system (Federal system). The absence of jurisdictional objections proceeding to hearing is also of little significance in our view, as this may be indicative of the parties’ resolution strategy or motivation by the applicant to proceed to hearing following advice on prospects of a claim.

If the Review intends to understand the historical interaction between Local Governments and industrial tribunals, including the number of jurisdictional objections, it would seem appropriate that a review of interaction with the Fair Work Commission (FWC) across all application types be undertaken for an objective assessment. We note a number of references in submissions to the Review citing the cost to the Local Government sector in mounting and defending jurisdictional objections. Based on the data provided by the Review, very few jurisdictional objections are proceeding to hearing and as such, there may be little actual cost to Local Government in maintaining the current duality of industrial relations systems. A further assessment of this interaction would also assist the Review in determining the true cost to the sector of jurisdictional uncertainty (if any), as supported by statistics.

The Interim Report demonstrates that the Review has placed significant weight on the objective of achieving jurisdictional certainty for the Local Government sector. As the Terms of Reference were formulated by the State Government without consultation with the Local Government sector, it is unclear whether there is any evidential or other persuasive basis indicating that the jurisdictional dilemma is significantly impacting the sector, either financially or in terms of perceived risk associated with mischaracterisation as constitutional corporations, or indeed, that implementation of the proposed recommendation would be in service of Local Government interests. Jurisdictional uncertainty has existed in the Local Government industrial relations landscape for many years and, while occasionally inconvenient, has not, in the main, caused significant problems that would require drastic and fundamental change such as that proposed by the Interim Report.

We do note that the risk to any organisation in mischaracterisation as a constitutional corporation in terms of legislative penalties under the State system is a lesser risk than mischaracterisation as a State system employer, under applicable Commonwealth legislation. This risk is one that has existed since the introduction of the Work Choices regime and been assessed by Local Governments in the context of access to legal advice, and accepted by Local Government employers under the current dual system for over a decade.

In the absence of a clear cost associated with jurisdictional uncertainty, it is difficult to understand how the gravity and cost to Local Government in implementing proposed
recommendation 69 will be weighed against the ‘cost’ of uncertainty by the Review in formulating its final recommendations. With no alternative proposal to remove uncertainty permitted within the scope of the terms of reference of the current Review, which is limited to determining the viability of a single proposed solution being sole State regulation, we repeat and rely on the 2017 Submission regarding the potential cost and impact on the Local Government sector associated with proposed recommendation 69.

Further in response to the Review’s comments in paragraph 1510 of the Interim Report, WALGA can clarify that a small number of Local Governments transferred to State system regulation following the end of the Work Choices transitional period. It is our understanding that the majority of those Local Governments were, at that time and following transition to the State system, applying the terms and conditions of the Federal awards in the absence of State based Local Government awards, which resulted in limited impact to award based terms and conditions of employment (as the Federal awards were mirrored to create State awards) and as such, the viability of Local Government services. The current circumstances differ considerably as the Review proposes that Local Governments transition between the Federal and State systems in light of the Local Government Industry Award 2010 (LGIA) which contains substantially different award conditions as detailed later in this Supplementary Submission. On this basis, WALGA refers the Review to its comments contained in the 2017 Submission regarding the impact of transfer on the sustainability of Local Government services.

Given the limited choice between maintaining the status quo and jurisdictional uncertainty, or a drastic and significant change for Local Government in moving to sole regulation by the State system, as proposed by the Interim Report, the Local Government sector supports the status quo. The remainder of this Supplementary Submission will address further transitional considerations for the Review in assessing the cost benefit of this recommendation.

While the Commonwealth contemplated circumstances where bodies established for Local Government purposes under the law of a State or Territory may be declared not to be national system employers3, WALGA queries the current drive by the State Government to achieve a declaration of this kind, given a similar jurisdictional uncertainty applies to the not for profit sector in WA. Particularly given the historical context of federal industrial relations regulation of Local Government in WA, in the absence of a clear indication by the Local Government sector in support of such a declaration, and further, in opposition to the strong position of Local Government sector employers on this matter. As such, we oppose the interim position of the

3 Fair Work Act 2009 (Cth), s14(2).
Review that ‘the State should attempt to provide jurisdictional certainty, by way of a recommendation that local governments and their employees be regulated by the State system.’

It is recommended that:

A. The current dual system of industrial relations regulation of the Local Government sector remain unchanged.

B. State Government further consult with the Local Government sector regarding the cost and impact of the jurisdictional uncertainty under the current industrial relations regime to assess the need for change.

C. If recommendation B identifies a need for further certainty, that discussions be held between representatives of all three tiers of government and other key stakeholders in the Local Government industry regarding how industrial relations certainty is best achieved for the Local Government sector in WA.

6. Fair Work Act Exemption

WALGA opposes the Review’s proposed recommendations 70 and 71 which facilitate recommendation 69 through the introduction of legislation to State Parliament declaring Local Governments not to be national system employers for the purposes of the Fair Work Act 2009 (Cth) (FW Act) and further endorsement by the Commonwealth Minister.

70. To facilitate recommendation 69, the State Government introduce legislation into the State Parliament consistent with s 14(2) of the FW Act that declares, by way of a separate declaration, that each of the bodies established for a local government purpose under the Local Government Act 1995 (WA) is not to be a national system employer for the purposes of the FW Act (the declaration).

71. If the declaration is passed by the State Parliament, the State expeditiously attempt to obtain an endorsement under s 14(2)(c) and s 14(4) of the FW Act by the Commonwealth Minister for Small and Family Business, the Workplace and Deregulation, to make the declaration effective (the endorsement).

4 Interim report at [1564].
WALGA confirms that while these proposed recommendations are opposed pursuant to the comments set out in clause 5 above, this method of facilitating proposed recommendation 69 would be preferred by WALGA over the removal of the corporate status of Local Governments for the reasons referenced by the Review in clause 9.9(b) of the Interim Report and associated complexities as demonstrated in New South Wales and Queensland.

It is recommended that:

D. No legislation is introduced to parliament to declare that Local Government is not a national system employer.

7. Terms of Reference 1-7 Proposed Recommendations

In order to comment more specifically on transitional considerations in light of the full recommendations included in the Interim Report regarding Terms of Reference 1-7, WALGA welcomes and acknowledges the modernisation of the State system as proposed in recommendations 1-68. However, further comprehensive assessment of the viability of the recommendations has not been considered in this Supplementary Submission due to the limited consultation timeframe.

The following recommendations are endorsed by WALGA and would be considered as fundamental pre-requisites before any transition of Local Government into the State system was effected.

7.1. Term of Reference 5

7.1.1. Recommendations 47 and 48 providing for the introduction of a State Employment Standards (SES).

WALGA endorses the introduction of a SES as part of the 2018 IR Act to provide for minimum conditions of employment for employees covered by the State system as detailed in recommendation 48. As Local Government long service leave entitlements are regulated by the Local Government (Long Service Leave) Regulations (LSL Regs), we withhold any position on the SES as it purports to provide for long service leave in the State system other than that any interaction issues that may occur on between the LSL Regs and the proposed SES be contemplated.

7.1.2. Recommendations 53 and 54 increase to the casual loading and inclusion of
FDV leave.

WALGA supports that the amount set for casual loading should be a matter for consideration by the WAIRC or as part of the proposed SES. While WALGA acknowledges that casual employees operating under the Federal system receive a 25% casual loading and that there may be a need for review of the current rate within the State system, it would be appropriate to do so in the context of a wider review of employee entitlements and conditions. That is, WALGA does not support an arbitrary increase to the casual loading and inclusion in the *Minimum Conditions of Employment Act 1993 (WA)* (MCE Act), in the absence of any review or analysis that supports this change. WALGA suggests that any review of the proposed casual rate be subject to further submissions from interested parties to fully explore the potential need and effects of an increase to the casual rate.

WALGA acknowledges the issue of family and domestic violence and welcomes the need for employers to be supportive and flexible when these matters arise. WALGA supports the inclusion of a minimum unpaid FDV leave entitlement in the SES. In WALGA’s view each employer should be able to determine the quantum of leave and flexibility arrangements they choose to offer on a case by case basis.

7.2. Term of Reference 6

7.2.1. Recommendations 55 and 56 requiring the review and replacement of private sector awards.

WALGA supports and endorses the inclusion of Local Government in the industry list for the implementation of new awards, despite not falling within the scope of the original term of reference and regardless of the outcome of proposed recommendation 69. If recommendation 69 is not implemented, recommendation 55 is endorsed in full by WALGA.

However, given the complexities associated with the proposed transfer of Local Government to the State system and the unknown status of deemed industrial instruments should recommendation 69 be given effect, we oppose the restriction imposed by recommendation 55(a) as it applies to any award modernisation process involving Local Government awards in that instance. This limitation not to reduce current conditions of employment of employees is predicated on the modernisation of private sector awards of the WAIRC, and does not adequately
anticipate the circumstances applicable to modernisation of the Local Government awards in the context of deeming of the LGIA into the State system. In that instance, we submit that the State awards would require a more holistic approach to modernisation with reference to the additional entitlements included in the LGIA that did not otherwise exist in the State awards (such as on call allowances, LGIA clause 24.6). Taking a no-disadvantage approach to award modernisation in that circumstance will result in the minimum conditions across both Federal and State awards being retained without a balancing of the financial impact on Local Government employers. This will be addressed in more detail in relation to recommendation 72 below.

It is recommended that:

E. The SES be introduced as part of the 2018 IR Act consistent with recommendations 47 and 48.

F. That any review of the casual loading be undertaken by the WAIRC or included as part of the SES, following consultation from interested parties.

G. That unpaid FDV leave be included in the SES.

8. Deeming of Federal Industrial Instruments

WALGA opposes the Review’s proposed recommendation 72 in line with the Local Government sector position regarding proposed recommendation 69.

If proposed recommendation 69 is effected by proposed recommendations 70 and 71, WALGA would support the deeming of Federal enterprise agreements to be State agreements as the counterpart to recommendation 70, however, opposes the blanket deeming of the Federal Local Government Industry Award 2010 to be a State award and further opposes the deeming of instruments taking effect upon endorsement as detailed below.

72. As a counterpart to recommendation 70, the State enact legislation that has the effect, upon the endorsement, of deeming local government Federal industrial awards, agreements or other industrial instruments to be State awards, agreements or other industrial instruments for the purposes of the 2018 IR Act.
8.1. Effect following Endorsement

There is complexity in transitioning Federal instruments to the State system as a consequence of changing the applicable safety net and underpinning awards. This process is further complicated by the uncertainty introduced by the proposed State system update and award modernisation process potentially resulting from this Review. The timeframe for each step in the process taking effect should be considered carefully by the State government as the likely impact of changes taking immediate effect are destabilisation of the Local Government sector with increased uncertainty regarding applicable terms of conditions of employment (as discussed in the 2017 Submission).

Following any endorsement by the Commonwealth Minister as proposed by recommendation 71, we submit that the following steps would need to occur prior to Local Government moving to sole State system regulation:

8.1.1. Introduction of the SES – Both enterprise agreements and awards are drafted in contemplation of the applicable legislative safety net, whether it be Federal or State. Currently, there are significant differences between the safety net provided by the National Employment Standards (NES) and the MCE Act and the Termination, Change and Redundancy General Order (TCRG Order) as detailed in Attachment 6B to the Interim Report. In the context of the proposed introduction of the SES to underpin State awards and enterprise agreements, it would be costly, inefficient, disruptive and unreasonable for the large majority of Local Governments to transition from the Federal safety net to the existing State safety net, only to undertake a further transition to the SES once implemented.

8.1.2. Award modernisation – As the SES will replace the MCE Act and the TCRG Order, it follows that introduction of the SES occur prior to modernisation of the State awards as proposed in the Interim Report. Any modernisation of awards prior to the introduction of the SES would require subsequent revision and alignment to the expanded minimum safety net. Further, as State awards provide the underpinning comparison conditions for enterprise agreement bargaining, it follows that clarification of applicable award conditions and award modernisation be undertaken prior to Local Governments transitioning. As with the introduction of the SES, in the context of an impending award modernisation process, transition of Local Government to existing State awards which are largely out of date from the modern Federal system only to undertake a further transition to the new
modernised State award/s would be costly, inefficient and disruptive to the Local Government sector. Further comments regarding the award modernisation process are set out below.

8.1.3. Enterprise bargaining – Although revision of the enterprise bargaining requirements in the *Industrial Relations Act 1979* (WA) (*IR Act 1979*) is not within the scope of the current Review, it warrants consideration as relevant to transition of Local Government to sole State regulation. Please refer to the 2017 Submission regarding the volume of enterprise agreements currently registered with the FWC. The approach to bargaining for collective agreements in the State system differs significantly to that of the Federal system. Consistent with the view submitted by the WASU, we also acknowledge that the Local Government sector has encountered challenges with the onerous form and process requirements in the Federal system in gaining approval and registration of enterprise agreements. We would not support the introduction of similar unworkable requirements from the Federal system to the State system, however, the essential parties to the negotiation in the Federal system align to modern workplace practices with employee bargaining representatives have a key role, in addition to union representation. Given the declining union membership as referenced in the Interim Report, and the entrenchment of the Federal bargaining process in Local Government workplace practices in Western Australia for more than a decade, it is vital that the State system requirement for employers to bargain only with unions is revised to include employee bargaining representatives. Further comments regarding enterprise bargaining are set out below.

8.1.4. Transition of Local Government and deeming of industrial instruments – Having introduced the SES, modernised the State awards and considered the bargaining requirements under the State system, it would then follow that the transition of Local Government to the State system and associated deeming of industrial instruments would be streamlined, reducing the cost and operational impact on Local Governments.

8.2. Deeming Enterprise Agreements

WALGA supports federally registered enterprise agreements (*Agreements*) being deemed State agreements for the purposes of the 2018 IR Act. We submit that this would minimise the initial impact on Local Government operations by allowing a transition period
for alignment of existing Agreement entitlements to State system safety net conditions and underpinning awards. Further, as Agreements contain above award entitlements for employees and have been negotiated between Local Governments and their employees to meet the needs of individual Local Government operations, we support the continued operation of these instruments to allow Local Governments to deliver on their strategic objectives through the transition period. WALGA do not support the reversion of employee’s currently covered by Agreements to State award conditions.

Whilst this recommendation is supported, it is suggested that the matter of the current incorporation of the NES into each Agreement be contemplated. Based on WALGA’s recommendation that the SES and Award modernisation process be undertaken prior to the deeming of Agreements, we further suggest that the Review consider excluding the NES from deemed Agreements and replacing this with the SES.

**It is recommended that:**

**H. Local Governments, and any applicable federally registered Agreements, transfer to the State IR system following introduction of the SES and that the Agreements are amended to incorporate the SES in place of the NES.**

**8.3. Deeming of Federal Awards**

WALGA does not support the proposed recommendation that Federal awards be deemed State awards for the purposes of the 2018 IR Act. While WALGA does support that any future State award/s for Local Government be holistically reviewed and modernised in light of the conditions in the LGIA (see further comments under clause 10 - Award Modernisation below), we are not of a view that deeming the LGIA apply prior to modernisation would be appropriate for the reasons below.

**8.3.1. The scope of the LGIA is industry based excluding the operation of other awards.**

While the existing State awards are also industry based, they do not operate to the exclusion of other awards and it is unclear how the LGIA would interact with the existing State awards. This has the potential to introduce unnecessary ambiguity for both transitioning Local Governments and those currently operating in the State system. Those Local Government’s currently operating in the State system would potentially be required to transition to the LGIA only to transition again to the modernised State Award/s, which is a resource intensive and costly exercise.
8.3.2. Local Governments would be required to transition to the State system, while retaining Federal award entitlements only to transition the State award/s at a later date. We consider this two tiered process to be unnecessary and destabilising for the Local Government sector.

8.3.3. The LGIA like federal Agreements, incorporates the NES, which would require replacement by the SES prior to applying to Local Governments.

8.3.4. Many terms of the LGIA are specific to the provisions of the FW Act. This would require significant alteration prior to being deemed a State award.

**Examples:** Clause 9 Dispute resolution provides for matters to be referred to the FWC and clause 8 consultation (FW Act section 139 (j)). Clause 7 award flexibility (FW Act section 145).

WALGA recommends that the State Government consider undertaking the award modernisation process prior to Local Government’s transition to the State system which would remove the requirement to deem the Federal award a State instrument.

It is recommended that:

1. **Award modernisation be undertaken prior to Local Government’s transition to the State IR System.**

9. **Award Comparison**

We note the Review’s reference to the WASU submission regarding employment conditions in the LGIA as compared to the State awards⁵ and the weight placed on these assertions.⁶

To provide preliminary assistance to the Review in comparing some key entitlements under the three predominant awards applicable to Local Government, we have included wages, allowances and span of hours comparisons for consideration as Appendix 1 – Local Government Awards – Conditions Comparison.

As demonstrated in part in Appendix 1, there are substantial differences in entitlements between the Federal and State awards. Some further examples are set out below:

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⁵ Interim Report at [1521]
⁶ Interim Report at [1561]
• The Municipal Employees (Western Australia) Interim Award 2011 (State MEA), which applies generally to Local Government outside workers, contains provisions for an allowance of $7.41 per day for the removal of bedding infected with typhoid or tuberculosis (clause 19.9.3). This function is obviously outdated and outside workers would not be exposed to such duties in modern Australian workplaces.

• The Local Government Officers (Western Australia) Interim Award 2011 (State LGO) and State MEA do not provide for any on call provisions. We consider this does not reflect the requirements of Local Government, as Rangers, Security Officers and Emergency Service employees at many Local Governments require these positions to be on call.

• Under the terms of the State MEA cleaners can only be rostered Monday to Friday, unless agreement is reached. We do not consider this to align with community expectations for cleaning of public toilets and recreation facilities.

• Some employees under the State LGO receive an allowance for having dependent children. There is no equivalent entitlement for employees under the State MEA. We also consider this to be an entitlement which is not attached to the performance of work, irrelevant to the modern workplace and introduces the potential for discrimination on the basis of family responsibility.

Please note that the wage comparisons are intended as a guide and are based on WALGA’s assessment of the translation of award classifications across the three awards. We recommend that the Review undertake a further assessment of award conditions to establish an evidence based view on Local Government award conditions.

10. Award Modernisation

With reference to the substantial differences between the Federal and State awards, as demonstrated in part in Appendix 1, we suggest the Review carefully consider how the transition between awards will occur, the process of modernisation of the relevant award/s and the timeframes and order of implementing the transition. To assist the Review in these considerations we provide the following information regarding the current State and Federal Local Government awards.

10.1. Background

Together with the Australian Local Government Associations and unions, WALGA was
involved in the development of the LGIA, as part of the Australian Industrial Relations Commission’s award modernisation process completed in 2009. This involved heavy consultation and research across Australia to understand the nature and type of work undertaken by various work groups within the Local Government industry. The result of which was a contemporary Award written in plain English, which contemplated the modern Local Government workplace and the nature and types of work undertaken in the sector.

In 2011, WALGA made submissions to the WAIRC to mirror the LGIA in the State system, for the few Local Governments who operated within that jurisdiction, to provide consistency. This proposal was not supported and ultimately the pre-reform Federal Awards the Local Government Officer’s (Western Australia) Award 1999 and Municipal Employee (Western Australia) Award 1999 were mirrored in the State system as interim Awards (State LGO and State MEA) without review or modernisation.

10.2. Award Conditions

The State LGO and MEA have continued to operate in the State system without amendment since 2011, with the exception of annual wage increases. During this time the LGIA has been reviewed by the FWC as part of the two year modern award review and currently as part of the four year modern award review. Prior to the creation of the LGIA and throughout subsequent award reviews, WALGA has comprehensively and continually consulted with members to ensure the award was contemporary and reflected industry views. In comparison to the contemporary LGIA, the State LGO and MEA have become increasingly more outdated and as a result, out of step with modern workplaces.

WALGA is of the view that should the State LGO and/or MEA be used as a basis for award modernisation, this would fail to take advantage of the significant work undertaken by the FWC to create a contemporary and industry supported award in the LGIA.

Further, as some conditions were transitioned out of the LGIA by incorporation in wage rates, reintroducing all allowances and conditions across three awards raises concern by WALGA that this may result in a protracted modernisation process with the potential for cherry picking conditions and double dipping of extinct entitlements at an increased cost to Local Government.

Example: The State LGO and MEA currently contain provisions for district allowances. Under the terms of the LGIA these were transitioned out and ceased to operate on 31 December 2014. As the LGIA was subject to no reduction in take-home pay, this often
resulted in increased wages. If the allowance was reintroduced and wages remained as is this would result in employees receiving a double benefit for the same entitlement.

To streamline the State award modernisation process and build on the significant body of work undertaken from the Federal modernisation process, we recommend that the proposed modernisation of the State awards be aligned to the LGIA.

It is recommended that:

J. The proposed modernisation of the State Local Government awards be aligned to the modern Local Government Industry Award 2010.

11. Bargaining

WALGA submits that the review of the State system should address the bargaining process and requirements.

WALGA understands that there are three different types of bargaining agreements provided for under the IR Act 1979.

- Industrial agreements (IAs), including single employer and multi-employer agreements of which the union must be a party;
- Employer-employee agreements (EEAs), similar to Australian Workplace Agreements under the Workplace Relations Act 1996 (Cth); and
- Enterprise orders.

It is our understanding that the only type of bargaining agreement which is currently being utilised is IAs. We are of the view that while it is appropriate to maintain IAs, changes are required to modernise the process.

We suggest the three types of bargaining agreements are abolished and replaced with an enterprise bargaining agreement only. That enterprise bargaining be between the employer and employee with the option of the union to be a party to the agreement or involved in negotiations as a bargaining representative for Local Government members. We also suggest that the Review consider including provisions for greenfields and multi-enterprise agreements.

While WALGA understands the value of union involvement in bargaining and has had experience with productive negotiation outcomes as a result of union presence, we would not
attribute the challenges in bargaining as described by the WASU to the Federal negotiation requirements and do not support the compulsory requirement for unions to be a party to an Agreement. With union membership declining, we are not of a view that it is appropriate nor a reasonable expectation that unions can effectively represent the views of ‘potential’ members in the current industrial landscape. Enforcing the involvement of unions in enterprise agreements in situations where they have little or no knowledge of the workplace can thwart negotiations, making them extremely protracted and introduce claims for conditions not highly valued by employees at the expense of other previously negotiated conditions.

WALGA submits that a Better Off Overall Test (BOOT) be applied for the approval of the Agreement, similar to the requirements of the FW Act. WALGA submits that this should replace the current No Disadvantage Test (NDT) which only applies to EEAs. Further that the BOOT would achieve a global or holistic view of whether the Agreement is better than the Award, rather than a line by line comparison as provided for in the NDT.

It is recommended that:

K. The three types of bargaining agreements be reviewed and replaced with a single collective enterprise bargaining agreement in which the parties are the employer and employees, with the option of the union being a party.

L. That the better off overall test replace the no disadvantage test.

12. Transitional Considerations and Taskforce Composition

In addition to the considerations for transition outlined in the 2017 Submission, if proposed recommendations 69-71 were given effect by the State Government, we provide the following further comments for consideration.

If proposed recommendation 69 is effected by proposed recommendations 70 and 71, WALGA would support the establishment of a taskforce as proposed by recommendation 73 with a variation to the taskforce composition as set out below

73. If the endorsement is obtained, a taskforce be assembled and chaired by a representative of DMIRS and include a representative of the Department of Local Government, Sport and Cultural Industries, the WAIRC, the Western Australian Local Government Association, the Western Australian Municipal, Administrative, Clerical and Services Union of Employees, the Western Australian Municipal, www.walga.asn.au
WALGA supports proposed recommendation 73 in relation to the creation of a taskforce to transition Local Government’s between the Federal and State systems. WALGA is of the view that the taskforce, as proposed, inadequately represents the diversity, needs and interest of its Local Government members with WALGA as the sole employer representative.

WALGA proposes that two additional positions be provided for on the taskforce to be filled by Local Government representatives, nominated by WALGA in line with WALGA’s Selection Committee process outlined below, who are able to speak directly to the implications of transitioning to the State system.

WALGA utilises a thorough, merit-based nomination and selection process when seeking Local Government representatives for external boards, committees and advisory bodies. The nomination and selection process is overseen by the WALGA Selection Committee which comprises the following members:

- WALGA Deputy President – Chair;
- State Councillor from the Metropolitan Constituency;
- State Councillor from the Country Constituency;
- Local Government Professionals WA Representative;
- Independent Member with significant experience in recruitment and selection.

WALGA also proposes that consideration be given to appointing a member of the Chamber of Commerce and Industry WA (CCI WA) to the taskforce. We understand that the CCI WA counts in its membership a number of Local Governments and therefore should be afforded the opportunity to represent their interests.

**It is recommended that:**

**M. The proposed taskforce composition be revised to include two Local Government**
Officers, to be appointed by WALGA in line with WALGA’s Selection Committee process, and the CCI WA.

13. Mobility between State and Local Government Employment

WALGA notes the Review’s position in relation to mobility between State and Local Government for employees and portability of entitlements. WALGA acknowledges its policy position adopted in 2006, that ‘employment entitlements should be transferable between State and Local Government employers’. This position was established in the context of the then skills shortages being experienced in the industry. However, it is the view of WALGA the subject of mobility of employees and portability of entitlements between State and Local Government is beyond the scope of the terms of reference of the Review as it does not adequately relate to the question posed in term of reference 8.

As WALGA’s policy position has not been revised since 2006, further consultation is required with our members prior to putting forward a representative position on the matter. WALGA intends to address the issue in further detail as part of the Local Government Act review process.

It is recommended that:

N. Any review of portability of entitlements between State and Local Government be considered as part of the current Local Government Act review process.

14. Conclusion

As outlined in the 2017 Submission and this Supplementary Submission, WALGA are of the view that Local Government employers and employees in Western Australia should not exclusively be regulated by the State system. WALGA submits the recommendations within this submission for the consideration of the Review.

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7 Interim Report at [1530] – [1532].
Appendix 1 – Local Government Awards - Conditions Comparison

Table 1.1 – Award Allowances Comparison

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<td>$11.13 , $7.22 after the completion of each four continuous hours, $10.10 where overtime in excess of four hours duration is required to be worked on a Saturday, Sunday or holiday and $6.59 on each subsequent occasion in the same work period</td>
</tr>
<tr>
<td>Vehicle Allowance</td>
<td>Motor vehicle</td>
<td>$0.78 per km</td>
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<tr>
<td></td>
<td>Motorcycle</td>
<td>$0.26 per km</td>
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</tr>
<tr>
<td></td>
<td>Over 1600-2600cc 67.72 c/km</td>
<td></td>
<td>Over 1600cc and under 55.85 c/km</td>
</tr>
<tr>
<td></td>
<td>Over 1600cc and under 55.85 c/km</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Over 1600cc and under 56.69 c/km</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Over 2600cc and under 61.21 c/km</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Over 23.5 Latitude</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Over 2600cc 103.52 c/km</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Over 1600-2600cc 74.12 c/km</td>
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<tr>
<td></td>
<td>Over 1600cc and under 61.21 c/km</td>
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<tr>
<td></td>
<td>Rest of State</td>
<td></td>
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<tr>
<td></td>
<td>Over 2600cc 99.01 c/km</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Please refer to Award for full listing of entitlements</td>
<td></td>
<td>30.6</td>
</tr>
<tr>
<td>Allowance</td>
<td>Local Government Industry Award 2010</td>
<td>Local Government Officers’ (WA) Interim Award 2011</td>
<td>Municipal Employees (WA) Interim Award 2011</td>
</tr>
<tr>
<td>-----------</td>
<td>-------------------------------------</td>
<td>-----------------------------------------------</td>
<td>-------------------------------------------</td>
</tr>
<tr>
<td>Description</td>
<td>Entitlement</td>
<td>Clause</td>
<td>Entitlement</td>
</tr>
<tr>
<td>Tool Allowance</td>
<td>$19.00 per week</td>
<td>15.3</td>
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<tr>
<td>Camping Allowance</td>
<td>$24.485921 per night</td>
<td>15.4A</td>
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<tr>
<td>Leading Hand Allowance</td>
<td>$23.421316, $31.938158, $40.455000</td>
<td>15.6</td>
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<tr>
<td>First Aid Allowance</td>
<td>$14.904474 per week</td>
<td>15.7</td>
<td>$475.24 per annum ($9.14 per week)</td>
</tr>
<tr>
<td>Adverse Working Conditions (AWC) Allowance</td>
<td>L1: $0.745224 per hour</td>
<td>15.8</td>
<td>n/a</td>
</tr>
<tr>
<td>On Call Allowances</td>
<td>M-F: $21.292105 per day SAT: $31.938158 per day SUN/PH: $42.584211 per day</td>
<td>24.6</td>
<td>n/a</td>
</tr>
<tr>
<td>Sleepover Allowance</td>
<td>$10.646053 per hour</td>
<td>24.7</td>
<td>n/a</td>
</tr>
<tr>
<td>District/Location Allowance</td>
<td>n/a</td>
<td>n/a</td>
<td>Please refer to Award for full listing of entitlements</td>
</tr>
<tr>
<td>Dependent Child Allowance</td>
<td>n/a</td>
<td>n/a</td>
<td>$167.01 per child, $674.08</td>
</tr>
<tr>
<td>Allowance</td>
<td>Local Government Industry Award 2010</td>
<td>Local Government Officers’ (WA) Interim Award 2011</td>
<td>Municipal Employees (WA) Interim Award 2011</td>
</tr>
<tr>
<td>------------------------------------</td>
<td>-------------------------------------</td>
<td>---------------------------------------------------</td>
<td>--------------------------------------------</td>
</tr>
<tr>
<td>Description</td>
<td>Entitlement</td>
<td>Clause</td>
<td>Entitlement</td>
</tr>
<tr>
<td>Working in the Field Allowance</td>
<td>n/a</td>
<td>n/a</td>
<td>$12.43 per day</td>
</tr>
<tr>
<td>Returning Home Allowance</td>
<td>n/a</td>
<td>n/a</td>
<td>n/a</td>
</tr>
<tr>
<td>Traveling to Work Allowance (1km)</td>
<td>n/a</td>
<td>n/a</td>
<td>n/a</td>
</tr>
<tr>
<td>Industry Allowance</td>
<td>Included in AWC allowance</td>
<td>15.8</td>
<td>n/a</td>
</tr>
<tr>
<td>Wet Weather Allowance</td>
<td>Included in AWC allowance</td>
<td>15.8</td>
<td>n/a</td>
</tr>
<tr>
<td>Removing of Dead Animals</td>
<td>Included in AWC allowance</td>
<td>15.8</td>
<td>n/a</td>
</tr>
<tr>
<td>Removing and Destroying of Bedding</td>
<td>Included in AWC allowance</td>
<td>15.8</td>
<td>n/a</td>
</tr>
<tr>
<td>Fire Fighting Allowance</td>
<td>Included in AWC allowance</td>
<td>15.8</td>
<td>n/a</td>
</tr>
<tr>
<td>Excavation and Heights Allowance</td>
<td>Included in AWC allowance</td>
<td>15.8</td>
<td>n/a</td>
</tr>
<tr>
<td>Protective Clothing and Equipment Allowance</td>
<td>Included in AWC allowance</td>
<td>15.8</td>
<td>n/a</td>
</tr>
</tbody>
</table>
Table 1.2 – Award Span of Hours Comparison

<table>
<thead>
<tr>
<th>Employee Group</th>
<th>Local Government Industry Award 2010</th>
<th>Local Government Officers’ (WA) Interim Award 2011</th>
<th>Municipal Employees (WA) Interim Award 2011</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Span of hours</td>
<td>Weekend Penalty</td>
<td>Span of hours</td>
</tr>
<tr>
<td>Aerodromes/airports</td>
<td>Mon-Sun</td>
<td>Yes</td>
<td>Mon-Sun</td>
</tr>
<tr>
<td>Caretakers/hall keepers/caravan park employees</td>
<td>Mon-Sun</td>
<td>Yes</td>
<td>Mon-Sun</td>
</tr>
<tr>
<td>Catering/hospitality</td>
<td>Mon-Sun</td>
<td>Yes</td>
<td>Mon-Fri</td>
</tr>
<tr>
<td>Cleaners</td>
<td>Mon-Sun</td>
<td>Yes</td>
<td>n/a</td>
</tr>
<tr>
<td>Community services</td>
<td>Mon-Sun</td>
<td>No</td>
<td>Mon-Sun</td>
</tr>
<tr>
<td>Customer service centres</td>
<td>Mon-Sun</td>
<td>Yes</td>
<td>Mon-Fri</td>
</tr>
<tr>
<td>Garbage, sanitary and sullage services</td>
<td>Mon-Sun</td>
<td>Yes</td>
<td>n/a</td>
</tr>
<tr>
<td>Local law enforcement and community safety services</td>
<td>Mon-Sun</td>
<td>Yes</td>
<td>Mon-Sun</td>
</tr>
<tr>
<td>Libraries</td>
<td>Mon-Sun</td>
<td>Yes</td>
<td>Mon-Sat</td>
</tr>
<tr>
<td>Livestock and salyards</td>
<td>Mon-Sun</td>
<td>Yes</td>
<td>n/a</td>
</tr>
<tr>
<td>Parking station attendants</td>
<td>Mon-Sun</td>
<td>Yes</td>
<td>Mon-Sun</td>
</tr>
<tr>
<td>Recreation centres/golf courses</td>
<td>Mon-Sun</td>
<td>No</td>
<td>Mon-Sun</td>
</tr>
<tr>
<td>Tourism service</td>
<td>Mon-Sun</td>
<td>Yes</td>
<td>Mon-Fri</td>
</tr>
<tr>
<td>All others</td>
<td>Mon-Fri</td>
<td>No, Overtime</td>
<td>Mon-Fri</td>
</tr>
</tbody>
</table>

www.walga.asn.au
Table 1.3 – Award Wage Rates Comparison

<table>
<thead>
<tr>
<th>Classification Level</th>
<th>Local Government Industry Award 2010 Minimum Weekly Wage</th>
<th>Local Government Officers’ (WA) Interim Award 2011 Classification Level</th>
<th>Municipal Employees (WA) Interim Award 2011 Minimum Weekly Wage</th>
</tr>
</thead>
<tbody>
<tr>
<td>Level 1</td>
<td>$38,630.80</td>
<td>Level 1 (up to 38 hours) $35,916.40</td>
<td>Above 38 hours $36,826.40</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Level 1 (above 38 hours) $36,826.40</td>
<td></td>
</tr>
<tr>
<td>Level 2 – 55%</td>
<td>$21,959.08</td>
<td>Level 1 – 16 years and under $28,413.00</td>
<td></td>
</tr>
<tr>
<td>Level 2 – 65%</td>
<td>$25,951.64</td>
<td>Level 1 - 17 years $30,065.00</td>
<td></td>
</tr>
<tr>
<td>Level 2 – 75%</td>
<td>$29,944.20</td>
<td>Level 1 - 18 years $32,458.00</td>
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<tr>
<td>Level 2 – 85%</td>
<td>$33,936.76</td>
<td>Level 1 - 19 years $34,859.00</td>
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<tr>
<td>Level 2 – 95%</td>
<td>$37,929.32</td>
<td>Level 1 - 20 years $37,241.00</td>
<td></td>
</tr>
<tr>
<td>Level 2</td>
<td>$39,925.60</td>
<td>Level 1 - Adult $38,975.00</td>
<td>Level 2 $38,090.00</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Level 3 $39,228.80</td>
<td></td>
</tr>
<tr>
<td>Level 3</td>
<td>$41,459.60</td>
<td>Level 2 $40,275.00</td>
<td>Level 4 $40,029.60</td>
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<tr>
<td></td>
<td></td>
<td>$41,061.00</td>
<td>$42,073.20</td>
</tr>
<tr>
<td></td>
<td></td>
<td>$42,325.00</td>
<td>$43,511.00</td>
</tr>
<tr>
<td>Level 4</td>
<td>$42,073.20</td>
<td>Level 3 $44,570.00</td>
<td>Level 4A $41,054.00</td>
</tr>
<tr>
<td></td>
<td></td>
<td>$45,252.00</td>
<td>$45,936.00</td>
</tr>
<tr>
<td></td>
<td></td>
<td>$46,618.00</td>
<td></td>
</tr>
<tr>
<td>Level 5</td>
<td>$44,709.60</td>
<td>Level 5 $45,316.00</td>
<td>Level 6 $43,498.00</td>
</tr>
<tr>
<td></td>
<td></td>
<td>$46,618.00</td>
<td></td>
</tr>
<tr>
<td>Level 6</td>
<td>$48,380.80</td>
<td>Level 4 $47,712.00</td>
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<td></td>
<td></td>
<td>$48,171.00</td>
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<td></td>
<td></td>
<td>$48,823.00</td>
<td></td>
</tr>
<tr>
<td>Classification Level</td>
<td>Minimum Weekly Wage</td>
<td>Classification Level</td>
<td>Minimum Weekly Wage</td>
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<td>----------------------</td>
<td>---------------------</td>
<td>----------------------</td>
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<tr>
<td>Level 11</td>
<td>$70,122.00</td>
<td>Level 9</td>
<td>$66,188.00</td>
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<tr>
<td>Level 10</td>
<td>$62,186.80</td>
<td>Level 8</td>
<td>$61,671.00</td>
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<tr>
<td>Level 9</td>
<td>$56,893.20</td>
<td>Level 7</td>
<td>$57,855.00</td>
</tr>
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<td></td>
<td></td>
</tr>
<tr>
<td>Level 8</td>
<td>$53,185.60</td>
<td>Level 6</td>
<td>$55,883.00</td>
</tr>
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<tr>
<td>Level 7</td>
<td>$49,218.00</td>
<td>Level 5</td>
<td>$51,021.00</td>
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<td></td>
</tr>
</tbody>
</table>
5.8 Local Government Insurance Service Governance Review Update

Moved: Cr Paul Kelly  
Seconded: President Cr Karen Chappel

That the update on the actions in response to the Deloitte Governance Review of LGIS report be received.

RESOLUTION 79. 5/2018 CARRIED

5.9 LGISWA Board Minutes

Moved: Cr Paul Kelly  
Seconded: Mayor Logan Howlett JP

That:
1. The May LGIS Board minutes be received, and;
2. The LGIS Board decision to allocate the identified $2.2m surplus to the contribution reduction program be endorsed.

RESOLUTION 80. 5/2018 CARRIED

5.10 Use of the Common Seal

Moved: President Cr Karen Chappel  
Seconded: Cr Julie Brown

That the use of the Association’s common seal for the following purpose be noted:

<table>
<thead>
<tr>
<th>Document</th>
<th>Document Description</th>
<th>Signatories</th>
<th>State Council prior approval</th>
</tr>
</thead>
<tbody>
<tr>
<td>Facility Variation</td>
<td>Variation of facility – WALGA as trustee for LGIS Local Government Insurance Scheme</td>
<td>Cr Lynne Craigie, Ricky Burges</td>
<td>No</td>
</tr>
</tbody>
</table>

RESOLUTION 81. 5/2018 CARRIED
6. MATTERS FOR NOTING / INFORMATION

6.1 Report on Local Government Road Assets and Expenditure 2016/17 (06-007-03-0016 MB)

By Mark Bondietti, Policy Manager Transport and Roads

Moved: Cr Julie Brown
Seconded: President Cr Malcolm Cullen


RESOLUTION 82. 5/2018 CARRIED

In Brief

• The Report on Local Government Road Assets and Expenditure 2016/17 has been finalised.
• This Report provides information, statistics and trends on:
  o the length and types of roads and bridges managed by Local Governments;
  o sources of funding and the use of funds in expanding, upgrading, renewing and maintaining roads, paths and bridges;
  o actual expenditure relative to that needed to sustainably maintain the road network.
• The Report is intended to underpin advocacy for continued and increased Federal and State funding for Local Government roads and to support Councils wishing to benchmark aspects of their own roads programs with similar or neighbouring areas.

Attachment


A hard copy of the full report has been distributed to all Local Governments.

Relevance to Strategic / Business Plan

Key Strategies

Engagement with Members
  ý Deliver a broad range of benefits and services that enhance the capacity of member Local Governments;

Sustainable Local Government
  ý Continue to build capacity to deliver sustainable Local Government;
  ý Provide support to all members, according to need;
  ý Foster economic and regional development in Local Government.

Enhanced Reputation and Relationships
  ý Communicate and market the profile and reputation of Local Government and WALGA;
  ý Strengthen effective relationships with external peak bodies and key decision makers in State and Federal Government;
  ý Develop simple and consistent messages that are effectively articulated;
Background
The Report on Local Government Road Assets and Expenditure 2016/17 was produced by WALGA with assistance from the WA Local Government Grants Commission. The report provides information on the lengths and types of roads, paths and bridges and highlights trends in the data over the preceding five years. It includes statistics and trends on the funding sources and amount of Local Government expenditure on roads, paths and bridges. Details are provided on the allocation of expenditure between expansion, upgrade, maintenance and renewal of the network at a regional level and for individual Local Governments.

The expenditure statistics are analysed to provide comparisons of road preservation performance, net preservation needs and expenditure effort. These comparisons provide insight into the adequacy of funding and the difference between road preservation needs and current expenditure on road preservation.

Comment
Local Government is responsible for 127,708kms of roads with a replacement value of over $25 billion, which makes up 87% of the State road network (excluding Forestry and National Park roads). Only 31% of these roads are sealed with a bitumen surface, the rest being gravel or unformed roads. In 2016/17 the total expenditure on Local Government roads was $904.3 million and 49% of this was funded by State and Federal Government grants. Total annual expenditure increased $35.4 million (4%) compared with the previous year. Six percent of this investment in roads in 2016/17 was to repair flood damage.

Much of the Local Government road network is now approaching the end of its design life and an increasing portion of funding is being spent on maintenance and renewal (collectively termed preservation). In 2016/17 expenditure on preservation made up 69.6% of the total spend and this figure has increased by 14.8% over the past five years.

An important objective of the report is to assess if road expenditure on preservation is keeping up with road preservation needs. This is determined by comparing actual annual expenditure on road preservation with the estimated amount needed to maintain the roads in their current condition in that year. The estimated cost of maintaining the Local Government road network in its current condition in 2016/17 was $691.8 million and Local Governments spent $575.5 million on preservation. There was therefore a shortfall of $116.3 million in 2016/17. The shortfall for the past five years has averaged above $100 million annually, which indicates that the average condition of the road network is deteriorating.

A further important objective is to assess the sustainability and capacity of Local Government to fund their road preservation requirements. For regional Local Governments, 68% of road expenditure is funded by State or Federal Government grants and for the Wheatbelt, this figure rises to 75%. On average, Local Governments spend 22% of their revenue capacity on roads. This illustrates the dependence on State and Federal funding and many regional Local Governments would have to spend almost their entire income on roads if this was the only source of funding.

The statistics and analysis presented in the report provides evidence for the level of expenditure required on Local Government roads and underpins the argument for sustainable funding to maintain and improve the condition and functionality of road network.
Item 6.1

Road Assets Expenditure Conclusions 2016-17 Report
Conclusions
2016-17 Report

1. Local Government is responsible for 127,708 kilometres of local roads of which 31% are sealed. Excluding Forestry and National Park roads, the Local Government roads make up 86.5% of the WA road network. Local Government roads have a replacement value of $25.11 billion as at 30 June 2017.

2. The written down value of the road network is $15.11 billion. The National Local Roads Data System uses the percentage of written down value over replacement value as a National Performance Measure of the state of the road network. It is 60% for local roads compared to 64% for State highways and main roads in WA.

3. In 2016-17 the total expenditure on local roads was $904.3 million, $35.34 million more than in 2015-16. Despite a reduction in Federal funds, there was an increase of $34 million in expenditure from own-source revenue and an increase of $19 million in State funds.

4. In the five years 2012-13 to 2016-17 total road expenditure increased by 17.8% from $767.6 million to $904.3 million.

5. The estimated cost of maintaining WA's road network in its current condition in 2016-17 was $691.8 million. Local Governments spent $575.5 million on road preservation, a shortfall of $116.3 million.

6. The $116.3 million shortfall in 2016-17 was $8.8 million more than in 2015-16 and $13.6 million greater than in 2012-13.

7. State wide, Local Government provided 49.4% of its total road expenditure from its own resources. The Commonwealth Government provided 26.8%, the State Government 22.6%, excluding funds allocated for expenditure by Main Roads WA. Various private sources contributed 1.2% of the total road expenditure.

8. Metropolitan Local Governments receive about a quarter of Federal and State funds while non Metropolitan Local Governments receive about three quarters.
9. Over the whole State, Local Governments would have to spend 26% of their estimated revenue capacity to make up the difference between their road preservation needs and the road grants they receive for preservation. In 2016-17 Local Governments spent 21.6% of their revenue capacity on roads.

10. Local Governments in the Metropolitan Region have to spend only 10% of their estimated revenue capacity to make up the difference between their road preservation needs and the road grants they receive for preservation. In 2016-17 they spent 22% of their revenue capacity, twice the required percentage. Because of their high revenue capacity their roads are in a better state than roads elsewhere.

11. Local Governments in the Wheatbelt North and Wheatbelt South Regions have the lowest capacity in the State to satisfy their road needs. These two Local Government regions would have to spend 87% and 101% respectively of their entire estimated revenue capacity on road preservation to make up the difference between their road preservation needs and the road grants they receive for preservation. In 2016-17 they were able to spend only 20% of their revenue capacity, about 20% of the required percentage. Because of their low revenue capacity their roads are in a worse state than roads elsewhere.

12. Every measure considered in this report leads to the conclusion that current funding arrangements do not properly recognise the road needs of the Wheatbelt South and Wheatbelt North Regions. Roads in these two regions are in a worse state than roads elsewhere. The analysis suggests that these regions have the lowest preservation performance, the oldest roads in the State, the poorest performance in road asset consumption and as mentioned above the lowest capacity to fund their road needs.

13. Expenditure on maintenance and renewal of the existing road network ($629.2 million in 2016-17) has increased 14.8% in the five years from 2012-13 to 2016-17. Expenditure on upgrading and expansion ($275.1 million in 2016-17) has increased by 25.3% since 2012-13.

14. Road preservation expenditure for each class of local road varies considerably. Each road category has different expenditure needs.

### ROAD PRESERVATION EXPENDITURE PER KILOMETRE OF ROAD 2016-17

<table>
<thead>
<tr>
<th>Regional Road Group</th>
<th>Built Up Areas</th>
<th>Outside Built Up Areas</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Sealed Roads</td>
<td>Sealed Roads</td>
</tr>
<tr>
<td></td>
<td>$ per Lane km</td>
<td>$ per Lane km</td>
</tr>
<tr>
<td>Gascoyne</td>
<td>12,040</td>
<td>1,820</td>
</tr>
<tr>
<td>Goldfields Esperance</td>
<td>11,661</td>
<td>2,879</td>
</tr>
<tr>
<td>Great Southern</td>
<td>10,634</td>
<td>2,684</td>
</tr>
<tr>
<td>Kimberley</td>
<td>18,991</td>
<td>2,004</td>
</tr>
<tr>
<td>Metropolitan</td>
<td>10,683</td>
<td>2,603</td>
</tr>
<tr>
<td>Mid West</td>
<td>12,581</td>
<td>1,882</td>
</tr>
<tr>
<td>Pilbara</td>
<td>14,109</td>
<td>923</td>
</tr>
<tr>
<td>South West</td>
<td>8,249</td>
<td>2,325</td>
</tr>
<tr>
<td>Wheatbelt North</td>
<td>8,039</td>
<td>2,060</td>
</tr>
<tr>
<td>Wheatbelt South</td>
<td>7,189</td>
<td>1,748</td>
</tr>
<tr>
<td>STATE</td>
<td>10,553</td>
<td>2,218</td>
</tr>
</tbody>
</table>

Important statistics are presented graphically in the following pages.
Important Statistics

1. Sources of Local Government road funds

Total funding for Local Government roads was $904.3 million in 2016-17, an increase of $35.4 million from the previous year. Local Governments provided 49.4% of their total road expenditure from their own resources (Figure 1). The Federal funds include $121.04 million of Roads to Recovery funds and $9.2 million of Federal Blackspot funds. The State funds include $21.03 million of Royalties for Regions and $9.36 million of Blackspot funds.

![Figure 1](image)

Excludes funds allocated to Local Government roads for expenditure by Main Roads WA.

Road funding levels for the past 20 years are presented in Figure 2. Note that funding has been indexed to 2012/13 dollars using the BITRE Road Construction Cost Index (RCMPI). The contribution of all sectors to the road funding task has increased over the long term. Local government’s contribution has increased significantly over the past 20 years. State Government contributions have increased too, in generally a flatter trajectory. The increase in Commonwealth funding in 2001-2 reflects the introduction of the Roads to Recovery program, with the increased funding from 2015-16 being particularly evident.

![Figure 2](image)
2. Expenditure on maintenance, renewal, upgrade and expansion

Expenditure on upgrading and capital expansion accounts for more than a quarter of total road expenditure (Figure 3). This level of expenditure on upgrading and capital expansion is expected to continue to meet the needs of new development and increased traffic.

The $282.6 million spent on renewal in 2016-17 represents about 1.13% of the Current Replacement Value of the State’s local road infrastructure. This is much less than the 1.5% [based on a road life of 60 to 75 years] that sealed road infrastructure wears in a year and the 5% [based on a road life of 20 years] of unsealed road infrastructure that wears in a year.

![Figure 3: Local Government Road Expenditure 2016-17]

- **Renewal**: $282.6 million, 31.3%
- **Upgrade**: $200.7 million, 22.2%
- **Expansion**: $74.4 million, 8.2%
- **Maintenance**: $346.6 million, 38.3%

*Road expenditure includes bridges and $53.7 million flood damage*
3. Type of roads

Local Government is responsible for 127,708 kilometres of roads representing 86.5% of the State’s road network.

Only 31% of local roads are sealed. The remaining 69% (88,182 kilometres) have a gravel or natural surface.

![Figure 4: Types of Local Government Roads in WA 2016-17](image)

4. Shortfall between road preservation needs and expenditure

Excluding expenditure on repairing flood damage ($53.67 million), Local Governments spent $575.5 million on road preservation. This is $116.25 million below the $691.8 million required to maintain roads at their current condition (Figure 5). The $116.25 million shortfall in 2016-17 is $8.76 million more than in 2015-16 and $12.3 million greater than in 2012-13.

It is clear that the Local Government sector in WA does not have the financial resources required to fully maintain its road network and to keep up with its road improvement needs.

![Figure 5: Shortfall Between Preservation Need And Expenditure](image)

*The shortfall has increased from $107.5 million in 2015-16 to $116.25 million in 2016-17 and is $13.6 million more than in 2012-13*
5. Expenditure on road preservation and capital upgrading and expansion

Expenditure on road preservation has increased by 14.8% over the five years from 2012-13 to 2016-17 (although it was slightly less in 2016-17 than in 2015-16) while expenditure on upgrading and capital expansion has increased by 25.4% (Figure 6).

![Expenditure Trends](image)

6. Road preservation performance

Road preservation performance is the percentage of the amount spent on road preservation over the amount that should have been spent to maintain roads at their current condition (Figure 7).

Overall State Performance is 83%, which means that Local Governments spent 83% of the amount required to maintain their roads at their current condition. However, this performance is overly influenced by the Metropolitan Region which had a very high performance of 109%. When the Metropolitan Region is excluded, the average performance for the non-metropolitan regions is 69%.

The preservation performance varies widely between the regions from 109% for the Metropolitan Region to 46% for the Wheat Belt South Region and 57% for the Wheat Belt North Region.

![Road Preservation Performance](image)
7. Capacity to fund road preservation needs and Local Government road expenditure from its own resources

Over the whole State, Local Governments would have to spend 26% of their estimated revenue capacity from their own resources to make up the difference between their road preservation needs and the road grants they receive for preservation. In 2016-17 Local Governments spent 22% of their estimated revenue capacity on road preservation, much less than the required 26%.

The percentage that Local Governments would have to spend varies widely between the regions (Figure 8, green columns) from 10% for the Metropolitan Region to 101% for Wheatbelt South.

Local Government expenditure on roads from its own resources, expressed as a percentage of estimated revenue capacity (Figure 8, blue columns), averages 21.6% for the State and ranges from 10.6% for the Gascoyne Region to 30.3% for the Great Southern Region.

Figure 8 also highlights the differences in the capacity of Local Governments to meet their road preservation needs. Local Governments in the Wheatbelt South Region would have to spend 101% of their revenue capacity to meet their road preservation needs, but were able to spend only 19%. Local Governments in the Metropolitan Region would have to spend only 10% of their revenue capacity to meet their preservation needs, but spent 22%.

![Figure 8](image_url)

*Figure 8*  
Percentage Revenue Capacity required to meet net Preservation Needs compared to Actual percentage

<table>
<thead>
<tr>
<th>Region</th>
<th>Needs relative to capacity</th>
<th>AP expenditure relative to capacity</th>
</tr>
</thead>
<tbody>
<tr>
<td>Gascoyne</td>
<td>120%</td>
<td>10%</td>
</tr>
<tr>
<td>Great Southern</td>
<td>80%</td>
<td>10%</td>
</tr>
<tr>
<td>Kimberley</td>
<td>40%</td>
<td>10%</td>
</tr>
<tr>
<td>Metropolitan</td>
<td>20%</td>
<td>10%</td>
</tr>
<tr>
<td>Mid West</td>
<td>10%</td>
<td>10%</td>
</tr>
<tr>
<td>Pilbara</td>
<td>5%</td>
<td>10%</td>
</tr>
<tr>
<td>South West</td>
<td>10%</td>
<td>10%</td>
</tr>
<tr>
<td>Wheatbelt North</td>
<td>10%</td>
<td>10%</td>
</tr>
<tr>
<td>Wheatbelt South</td>
<td>101%</td>
<td>10%</td>
</tr>
<tr>
<td>State</td>
<td>100%</td>
<td>10%</td>
</tr>
</tbody>
</table>
8. Total Local Government road expenditure 2012-13 to 2016-17

Figure 9 shows that:

- Total funding increased by 17.8% between 2012-13 and 2016-17, and was $35.4 million more than in 2015-16.

- Local Government funds increased by 9.9%, between 2012-13 and 2016-17; funding in 2016-17 was $34 million more than in 2015-16.

- Federal road grants increased by 48.6% over the last five years.

- State Government grants increased by 11.9% over the last five years.

Figure 10 shows the expenditure trend over twenty years 1997-98 to 2016-17. Note that funding has been indexed to 2012/13 dollars using the BITRE Road Construction Cost Index (RCMPI).

Expenditure on both preservation, and upgrade and expansion, have increased significantly over the long term. Expenditure on preservation has increased 185%, from $324m to $600m over the period. Expenditure on upgrade and expansion of the network has increased similarly (178%), from $161m to $286.5m.
6.2 ERA Draft Decision – Western Power Access Arrangement (05-049-03-0001 DM)

By Dana Mason, Policy Manager, Economics

Moved: Cr Doug Thompson
Seconded: President Cr Malcolm Cullen

That State Council note WALGA’s response to the ERA’s draft decision on the Proposed Western Power Access Arrangement 2017 to 2022.

RESOLUTION 83. 5/2018 CARRIED

In Brief

- The Economic Regulation Authority has released its draft decision on Western Power’s proposed Access Arrangement for the period 2017 to 2022. The Access Arrangement will impact on the charges levied to Local Governments for electricity use, as well as the service standards for key activities such as street lighting.

- WALGA made a submission to the ERA which set out key issues for Local Government in the coming regulatory period. In large part, the issues raised by WALGA are not addressed in the ERA draft decision.

- WALGA has written to the ERA requesting that it considers and responds to these matters in making its final decision on the Access Arrangement. WALGA has also arranged a meeting with the ERA to further discuss these issues.

Attachment

Letter to the ERA - Draft decision on proposed revisions to the Access Arrangement for the Western Power Network.

Relevance to Strategic Plan

Key Strategies

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

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

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

Background

On 2 October, Western Power lodged its proposed Access Arrangement for the period 2017 to 2022 with the ERA. The Access Arrangement, which is subject to review every five years, sets out the terms and conditions (including prices) for third parties seeking access to Western Power’s network.

The Proposal will impact on the charges levied to Local Governments for electricity use, as well as the service standards for key activities such as street lighting.

As the regulator, the ERA is responsible for approving the Access Arrangement, and determining how much revenue is required to enable Western Power to operate and invest in the network during the next five years. The ERA is currently seeking feedback on the draft decision.

WALGA prepared a submission which sets out the key issues for Local Government in the coming regulatory period. In large part, the issues raised by WALGA are not addressed in the ERA draft decision.

The key issues in the draft decision were as follows.

- The ERA’s draft decision sets target revenue of $7.38 billion that Western Power can earn over the five-year period. This is 5.6 per cent below the amount requested by Western Power in its proposed access arrangement.

- The ERA report outlines 91 amendments that are required before the Access Arrangement will be approved. Key amendments required are as follows.
  - Review revenue smoothing profile to avoid price shocks now and into the future;
  - Amend the proposal to transfer revenue between transmission services and distribution services
  - Remove awards and penalties for the services standard adjustment mechanism
  - Amend the price control to remove the correction factor for over or under recovery of revenue, and ensure forecast revenue recovery is based on customer numbers and forecasts in line with the approved AA4 submission
  - Remove two projects that are not likely to proceed from projected capital expenditure (CBD new substation and Picton-Busselton 132kV line)
  - Remove $100 million forecast asset replacement and renewal expenditure which is not justified
  - Reduce proposed distribution network capital spending by $135.1 million due to lower forecast demand and adoption of risk based asset management approach
  - Reduce corporate capital expenditure associated with new customer relationship software
  - Reduce operating expenditure to exclude $28.3 million for Western Power’s business transformation program and address inconsistencies associated with operational and capital spending on Supervisory Control and Data Acquisition
  - Reduce the weighted average cost of capital to 6%, reflecting changes to credit rating, gearing ratio, debt raising and hedging costs
  - New time of use tariffs should not be mandatory

- A comparison of the ERA’s decision versus the draft proposal is below.

<table>
<thead>
<tr>
<th></th>
<th>Western Power Proposal</th>
<th>ERA Decision</th>
</tr>
</thead>
<tbody>
<tr>
<td>Target revenue</td>
<td>$7,817 million</td>
<td>$7,380 million</td>
</tr>
<tr>
<td>Weighted average cost of capital</td>
<td>6.09%</td>
<td>6.00%</td>
</tr>
</tbody>
</table>
In terms of the specific issues raised in WALGA’s submission:

- The introduction of a Public Lighting Code was considered by the ERA to be outside the scope of the draft decision. The ERA did not recommend any changes to address the Association’s concerns with services standards for street lighting such as light levels, spillage and contestability of public lighting maintenance.

- The ERA considered WALGA’s concerns with tax liability on gifted assets, but determined that the provisions of the contributions policy that remain unchanged are still consistent with the requirements of the Access Code.

- WALGA’s concerns about the treatment and recovery of tax on capital contributions were reflected in the draft decision, however the ERA deemed that there is no reason to vary its position on the treatment and recovery of tax on capital contributions when assessing Western Power’s proposal for AA4.

- The ERA acknowledge the uncertainty surrounding street lighting tariffs, given that Western Power’s approach is likely to change given the likelihood that failed lights will be replaced with LEDs, and also the potential for the Australian Government to ratify the Minimata Convention on mercury. The ERA expects an updated proposal from Western Power following the draft decision and it has indicated that it will consider the matters raised by WALGA in its submission in the final decision.

- The ERA has acknowledged the concerns raised by WALGA and others in relation to the the real costs and benefits from seeking to reduce peak demand needs and the responsiveness of customers to time of use tariffs. The ERA considers installing modern electronic devices with enhanced capabilities in new properties and when replacing old meters is consistent with good electricity industry practice however, expenditure for the communications network would need to be supported by a corresponding benefit to consumers to meet the requirements of the new facilities investment test. The ERA found that there were some inconsistencies in data across the information provided by Western Power on its advanced metering business case, and therefore requires the expenditure for the communication infrastructure to be removed from the forecast capital base.

- The ERA does not appear to have addressed concerns raised by WALGA in relation to the following areas.
  
  o Street lighting services to be examined by an independent body and benchmarked against other providers in the National Electricity Market to determine whether these are being delivered efficiently
  
  o Examination of the option to introduce Peer to Peer trading in the SWIS during the coming regulatory period.
  
  o Provision within the coming regulatory period to adopt a new metering type based on metering-grade chips within smart street lighting controllers and similar devices
  
  o The RAB is not adjusted to take into account changes in street lighting infrastructure when assets owned by Western Power move into Local Government possession and vice versa, which could provide an inaccurate reflection of the street lighting network.

<table>
<thead>
<tr>
<th>Capital base at the beginning of AA4</th>
<th>$8,967 million</th>
<th>$8,917 million</th>
</tr>
</thead>
<tbody>
<tr>
<td>Forecast capital base at the end of AA4</td>
<td>$10,414 million</td>
<td>$9,962 million</td>
</tr>
<tr>
<td>Capital expenditure</td>
<td>$3,515 million</td>
<td>$3,048 million</td>
</tr>
<tr>
<td>Operating expenditure</td>
<td>$1,805 million</td>
<td>$1,696 million</td>
</tr>
</tbody>
</table>
Further transparency in relation to the components of asset charges for each type of luminaire.

Greater transparency and regulatory oversight in relation to customer-funded relocation or upgrade of Western Power assets.

Discounting the cost of street lighting removal and upgrades that are customer funded by the recognised depreciation of the asset.

WALGA has written to the ERA requesting that it considers and responds to these matters in making its final decision on the Access Arrangement. WALGA has also arranged a meeting with the ERA to further discuss these issues.

**Comment**

It is disappointing that many of the issues raised by WALGA were considered outside the scope of the Access Arrangement, or were not addressed in the draft decision.

WALGA recognizes that street lighting represents only a small proportion of the Western Power network, however it accounts for a significant proportion of Local Government spending (approximately one third of energy expenditure). In this regard, a priority for the sector in the next Access Arrangement is to reduce Western Power’s market power in relation to street lighting.

However, it is positive that the ERA is willing to engage with the sector particularly in relation to the transition to LED luminaires and the implications of the potential signing of the Minamata Convention.

WALGA will continue to engage with the ERA and other stakeholders on this issue and keep State Council informed on progress.
Item 6.2

Letter to the ERA
Draft decision on proposed revisions to the Access Arrangement for the Western Power Network.
18 May 2018

Ms Nicky Cusworth
Chair, Economic Regulation Authority
Level 14, Albert Facey House
469 Wellington Street
PERTH WA 6000

Dear Ms Cusworth

ERA DRAFT DECISION ON PROPOSED REVISIONS TO THE ACCESS ARRANGEMENT FOR THE WESTERN POWER NETWORK

Thank you for the opportunity to comment on the Economic Regulation Authority (ERA) Draft Decision on Proposed Revisions to the Access Arrangement for the Western Power Network.

The Western Australian Local Government Association (WALGA or ‘the Association’) is the peak organisation for Local Government in Western Australia. The Association provides an essential voice for more than 1,200 Elected Members, approximately 14,500 Local Government employees, and the 2.4 million constituents that they serve and represent. The Association also provides professional advice and offers services that provide financial benefits to the Local Governments.

Local Government has a keen interest in Western Power’s Access Arrangement both as a significant consumer of electricity, and through its role in the provision of street lighting. WALGA recognizes that street lighting represents only a small proportion of the Western Power network, however it accounts for a significant proportion of Local Government spending (approximately one third of energy expenditure). In this regard, a priority for the sector in the next Access Arrangement is to reduce Western Power’s market power in relation to street lighting.

In its initial submission to the ERA, WALGA set out a range of outcomes that Local Governments were seeking to achieve from the Access Arrangement. Chief among these is the accelerated replacement of street lighting with LED luminaires. WALGA recognizes that there is uncertainty surrounding this issue given Western Power’s current LED tender and the potential signing of the Minamata Convention. It is understood that the ERA will examine these issues in making its final decision after more information is supplied by Western Power. WALGA requests that the ERA provide Local Governments with an opportunity to comment on the findings of this aspect of the Access Arrangement before a final decision is made.

Aside from the adoption of LED technologies, Local Governments were also seeking the next Access Arrangement to provide:
A clearer basis of services, more robustly defining the street lighting services that Western Power provides including agreement on technology;
Progress on negotiations with Local Government for the incorporation of smart controls in street lights; and
Greater transparency in the price modelling and maintenance data to help build confidence in pricing, service levels and technology choices.

WALGA outlined a number of issues in its submission that would need to be address in order to achieve these aims as outlined below.

Street lighting services to be examined by an independent body and benchmarked against other providers in the National Electricity Market to determine whether these are being delivered efficiently.
Examination of the option to introduce Peer to Peer trading in the SWIS during the coming regulatory period.
Provision within the coming regulatory period to adopt a new metering type based on metering-grade information technology within smart street lighting controllers and similar devices.
Adjusting the Regulated Asset Base to take into account changes in street lighting infrastructure when assets owned by Western Power move into Local Government possession and vice versa.
Further transparency in relation to the components of asset charges for each type of luminaire.
Greater transparency and regulatory oversight in relation to customer-funded relocation or upgrade of Western Power assets.
Discounting the cost of street lighting removal and upgrades that are customer funded by the recognised depreciation of the asset.

The ERA was largely silent on these issues in its Draft Decision. WALGA requests that the ERA consider and respond to these matters in making its final decision on the Access Arrangement.

We look forward to working with the ERA to ensure that these issues are address for the benefit of Western Australia communities. For further information, please contact WALGA's Policy Manager – Economics, Dana Mason, on 9213 2096 or dmason@walga.asn.au.

Yours sincerely

Cr Lynne Craigie
President
6.3 2017-18 State Budget (05-088-03-0001 DM)

By Dana Mason, Policy Manager, Economics

Moved: Cr Doug Thompson
Seconded: Cr Chris Mitchell

That State Council note the key outcomes for Local Governments in the 2018-19 Budget.

RESOLUTION 84. 5/2018 CARRIED

In Brief

- The 2018-19 Budget continued the Government’s focus on fiscal repair and the implementation of initiatives announced in last year’s budget. However, new measures to improve fiscal conditions were announced including household cost increases. Of particular note for Local Governments is the 10.1% increase in the Emergency Services Levy, which will be used to fund a record investment in Emergency Services including the establishment of a new rural fire service.

- The Budget notes the ongoing negotiation of a new State Road Funds to Local Government Agreement, with 20% of vehicle licencing fees shown as the funding basis in coming years. However, vehicle licence revenue across the forward estimates is now expected to be lower than previous estimates, which would impact Local Government’s share of this pool in dollar terms.

- There were also some positive announcements, with a number of Local Governments receiving grants for road projects, and funding directed towards a range of infrastructure and other local community projects.

Attachment

WA State Budget Summary 2018

Relevance to Strategic Plan

Key Strategies

Engagement with Members

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

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- Continue to build capacity to deliver sustainable Local Government;
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- Communicate and market the profile and reputation of Local Government and WALGA;
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- Strengthen effective relationships with external peak bodies and key decision makers in State and Federal Government;
Develop simple and consistent messages that are effectively articulated;
Promote WALGA’s supplier agreements to assist Local Governments.

## Background

The State’s financial position is expected to improve across the forward estimates, with the budget on track to return to surplus by 2020-21. However, with deficits still expected in the short term, the Government has remained firmly focused on the task of fiscal repair.

Against this backdrop, it’s not surprising that there were very few new spending commitments. A summary of the requests in WALGA’s Pre-Budget Submission versus funding commitments contained in the 2018-19 Budget is below.

<table>
<thead>
<tr>
<th>Request</th>
<th>New funding sought</th>
<th>Met?</th>
<th>Budget Commitment</th>
</tr>
</thead>
<tbody>
<tr>
<td>Spending cuts to address the structural challenges facing the budget position. No cost shifting onto Local Government. Stakeholders consulted as part of any spending cut decisions.</td>
<td>Nil.</td>
<td>Met.</td>
<td>The Budget continued to implement its fiscal repair measures, which has seen spending growth contained to just 0.9% in 2018-19 and 1.2% across the forward estimates. On the face of it, fiscal repair measures do not appear to have shifted further costs to Local Government. The Government has also resorted to tax increases and fees and charges to improve the budget position.</td>
</tr>
<tr>
<td>Ongoing funding sources for Local Government to be maintained at current levels, specifically:  - State Road Funds to Local Government Agreement  - Road Trauma Trust Account support for RoadWise  - Community Sport and Recreation Facilities Fund  - Local Government Grants Scheme  - Public Libraries</td>
<td>Nil</td>
<td>Partially Met</td>
<td>The key funding sources outlined by WALGA’s submission have been retained in the 2018-19 Budget. Although the budget notes the ongoing negotiation of a new State Road Funds to Local Government Agreement, with 20% of vehicle licensing revenue notionally set aside in the Budget Papers, the total amount of funding is likely to be less than previously expected in dollar terms. This is because vehicle licence revenue across the</td>
</tr>
</tbody>
</table>
Funding to continue at current levels for programs that have been identified as community priorities. Specifically:

- Country Local Government Fund – capacity building
- Exploration Incentive Scheme
- Community Resource Centres
- Regional Visitor Centre Sustainability Grant Program
- Regional telecommunications infrastructure
- Community crime safety prevention initiatives
- Community pools revitalization plan
- Mental health
- Ageing in place
- Southern Inland Health initiative
- Run off road crashes
- Perth Bicycle Network and Regional Bicycle Network Grants programs.

<table>
<thead>
<tr>
<th>Funding to continue at current levels for programs that have been identified as community priorities. Specifically:</th>
<th>Nil</th>
<th>Partially Met</th>
</tr>
</thead>
<tbody>
<tr>
<td>While funding appears to be was unchanged for a number of these initiatives, others were adjusted in the 2018-19 Budget.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>• Capacity building funding will be discontinued from 2018-19 onwards.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>• The Exploration Incentive Scheme will continue, but is to be funded by an increase in rents on mining tenements over the next two years.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>• Funding for Community Resource Centres will be cut to $8 million per annum (from $13 million per annum) from 2018-19.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>• $0.5m in funding for Community Pools Revitalisation Fund has been retained in 2017-18.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>• A number of new mental health initiatives were announced, including the Step up/Step down facilities in</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Issue</td>
<td>Funding</td>
<td>Progress</td>
</tr>
<tr>
<td>----------------------------------------------------------------------</td>
<td>----------</td>
<td>----------------</td>
</tr>
<tr>
<td>Retargeting existing pending to deliver better value for money in key areas of spend.</td>
<td>Nil.</td>
<td>Not met.</td>
</tr>
<tr>
<td>• Local Government Grants Scheme</td>
<td></td>
<td></td>
</tr>
<tr>
<td>• Training for Volunteer Firefighters</td>
<td></td>
<td></td>
</tr>
<tr>
<td>• Bushfire risk management plans</td>
<td></td>
<td></td>
</tr>
<tr>
<td>• Waste Avoidance and Resource Recovery Levy</td>
<td></td>
<td></td>
</tr>
<tr>
<td>• State CCTV strategy</td>
<td></td>
<td></td>
</tr>
<tr>
<td>• Child Health Clinics</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Progress the Review of the Local Government Act 1995</td>
<td>Not specified</td>
<td>Met.</td>
</tr>
<tr>
<td>Introduction of a Container Deposit Scheme</td>
<td>Not specified</td>
<td>Partially met</td>
</tr>
<tr>
<td>Funding for Local Government public health plans</td>
<td>Not specified</td>
<td>Not met</td>
</tr>
</tbody>
</table>

WALGA State Council Meeting 4 July 2018
<table>
<thead>
<tr>
<th>Action</th>
<th>Status</th>
<th>Notes</th>
</tr>
</thead>
<tbody>
<tr>
<td>Infrastructure plan for WA</td>
<td>Not specified</td>
<td>Met.</td>
</tr>
<tr>
<td></td>
<td></td>
<td>The Budget contained funding of $15.3 million across the forward estimates for the establishment of Infrastructure WA, which will be tasked with developing a long term infrastructure plan for the state.</td>
</tr>
<tr>
<td>Direct the Economic Regulation Authority to conduct an Inquiry into Local Government fees and charges.</td>
<td>Reprioritisation of funding from within the ERA’s budget.</td>
<td>Not met.</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Not funded.</td>
</tr>
<tr>
<td>Strengthen the Integrated Planning and Reporting Framework.</td>
<td>Not specified</td>
<td>Not met</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Not funded.</td>
</tr>
<tr>
<td></td>
<td></td>
<td>In April 2018, the Government announced that it would suspend work on the Strategic Assessment of Perth and Peel until a critical review of the costs, risks and benefits is completed.</td>
</tr>
<tr>
<td>Develop measurable wellbeing outcomes for WA</td>
<td>Not specified.</td>
<td>Not met.</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Not funded.</td>
</tr>
</tbody>
</table>

Further to these commitments, there were a number of other announcements of interest to Local Governments, as detailed in the WA Budget Summary 2018 attached.

**Comment**

The expected improvement in the budget position reflects favourably on the Treasurer’s commitment to budget repair and WALGA’s own call for the Government to get the economic settings for WA on track. It will be important that the Government remains firm on these commitments to ensure that these outcomes are delivered.

Initiatives to improve fiscal conditions also include household cost increases and a number of these will impact Local Government.

The Budget notes the ongoing negotiation of a new State Road Funds to Local Government Agreement. Continuation of the existing 20% of vehicle licensing fees is shown as the funding basis for the out years. However, vehicle licence revenue across the forward estimates is now expected to be $32.5 million (1.1%) lower than projected by Treasury in last year’s budget – despite the decision to increase vehicle licensing charges. If these projections are to eventuate, this would mean that Local Governments’ 20% share of this revenue pool would be $7 million lower across the next three years.
compared with previous estimates. This doesn't meet our expectations for the sector and highlights the need for continued advocacy to the Government.

spending contained in the budget is directed towards delivering priorities identified by local communities.

There were also some positive announcements, with a number of Local Governments receiving grants for road projects, and funding directed towards a range of infrastructure and other local community projects. It is also pleasing that the State Government is working with the Commonwealth to access additional infrastructure funding.

WALGA is working through the detail of the budget and will keep the sector informed of any implications for Local Government.
Item 6.3

WA State Budget 2018
WA STATE BUDGET 2018

IMPLICATIONS FOR LOCAL GOVERNMENT

By WALGA Policy Manager, Economics Dana Mason

dmason@walga.asn.au | 9213 2096

Friday, 11 May 2018
walga.asn.au
AT A GLANCE

- Budget focussed on improving the State’s finances, strengthening the economy, service delivery and investing in communities.
- Budget deficit of $906 million expected in 2018-19, with forecast return to surplus of $1.295 billion in 2020-21.
- Record $128.5 million investment in Emergency Services, funded by an increase in the Emergency Services Levy.
- $21.5 billion asset investment program
- WA economy expected to grow by 2.5% in 2017-18, and 3.25% in 2018-19.
- 50,000 new jobs to be created across 2017-18 and 2018-19.

WALGA COMMENT

Premier Mark McGowan welcomed industry representatives to the budget lock up by reflecting on the magnitude of the Government’s task in trying to turn around the state’s fiscal challenges. This was the entrée for Treasurer Ben Wyatt to set out their continuing path to surplus as he assessed the outcomes from a year in charge of the government purse strings.

Gross State Product reached a historic low in 2016-17, falling by 2.7%. In a stark turnaround, it is expected to lift by 2.5% this year and continue to climb by 3.25% in 2018-19. Continued stabilisation of the economy is expected to result from the transition to household consumption as the major driver of growth, and business confidence, at its highest level in seven years, will continue to improve, seeing better employment outcomes across the budget period.

This improving scenario reflects favourably on the Treasurer’s commitment to budget repair and WALGA’s own call for the Government to get the economic settings for WA on track. However, initiatives to improve fiscal conditions also include household cost increases and a number of these will impact Local Government.

Electricity charges will increase by 7% - marketed as “30 cents per household per day” – while increases have also been announced for water (5.5%), vehicle licences (5.8%), and the Emergency Services Levy (10.1%).

There were also some positive announcements, with a number of Local Governments receiving grants for road projects, and funding directed towards a range of infrastructure and other local community projects.

The Budget notes the ongoing negotiation of a new State Road Funds to Local Government Agreement. Continuation of the existing 20% of vehicle licencing fees is shown as the funding basis for the out years. However, vehicle licence revenue across the forward estimates is now expected to be $32.5 million (1.1%) lower than projected by Treasury in last year’s budget – despite the decision to increase vehicle licencing charges. If these projections are to eventuate, this would mean that Local Governments’ 20% share of this revenue pool would be $7 million lower across the next three years compared with previous estimates.

Capital expenditure on new and upgraded roads will be a record high $3.2 billion over the budget and forward estimates, largely funded by the Commonwealth Government. However, expenditure on maintenance of existing State roads has been reduced by $323.4 million over the coming four years, compared with the previous budget. The impact of this decision on the condition of the State’s highways will be seen in coming years. Road funding grants to Local Governments are operating expenditure from the State’s perspective and are considered alongside other operating expenditure decisions, including maintenance.

This doesn’t meet our expectations for the sector and highlights the need for continued advocacy to the Government.

In coming weeks, WALGA will work through the detail of the budget and keep the sector informed of any changes that will impact the sector.

“If these projections are to eventuate, this would mean that Local Governments’ 20% share of this revenue pool would be $7 million lower across the next three years, compared with previous forecasts. This doesn’t meet our expectations for the sector and highlights the need for continued advocacy to the Government.”
WA ECONOMIC AND FISCAL OUTLOOK

The expected return to surplus means that the Government will begin to commence the process of paying down debt.

The State’s financial position is expected to improve across the forward estimates, with the budget on track to return to surplus by 2020-21.

A budget deficit of $906 million is expected for 2018-19, following a $1.3 billion deficit in 2017-18. The budget is expected to return to a surplus position of $1.3 billion by 2020-21.

WA Net Operating Balance

![Graph showing Net Operating Balance]

Improvements in the budget position reflect the State’s commitment to its fiscal repair strategy, which aims to bring expenditure under control and address the structural imbalance in the budget. These measures included a new wages policy, voluntary severance scheme, progressive payroll tax scale and the implementation of a point of consumption wagering tax. Reflecting the efforts to reprioritise spending and other budget repair measures, expenditure growth is expected to remain contained across the forward estimates, averaging just 1.2% per annum.

The return to surplus will also be supported by an improvement in the state’s revenue outlook. After declining in 2016-17, revenues are expected grow by 4.2% in 2018-19, and average growth of 3.5% across the forward estimates. The pick-up in revenue will be driven by Commonwealth grants, which are expected to grow by 6.7% per annum across the forward estimates, underpinned by an improvement in the State’s GST relativity from 34.4% in 2017-18, to 64.9% in 2021-22. Tax revenues are also expected to increase on average by 4.8% across the forward estimates as the economy gathers pace, and help to boost the budget bottom line.

The Government has also announced a new revenue measure to assist with the task of budget repair, with an increase to the Foreign Buyers Surcharge from 1 January 2019 from 4% to 7%. This will raise an additional $50 million across the period to 2020-21.

The expected return to surplus means that the Government will begin to commence the process of paying down debt. General Government net debt is forecast to increase from $22.4 billion at 30 June 2018, to $27.5 billion by 30 June 2020, before falling back to $25.7 billion by the end of the forward estimate period. This is a $2.6 billion improvement in the expected level of net debt compared to the Mid-Year Review. Total public sector net debt is also expected to decline from a peak of $40.9 billion in 2019-20, to $39.7 billion in 2021-22.

It is pleasing that the Government’s fiscal repair strategy appears to be translating into improved budget outcomes, and the ability to begin the long and hard task of paying down record debt levels. It will be important that the Government remains firm on these commitments to ensure that these outcomes are delivered.

WA Total Public Sector Net Debt

![Graph showing Total Public Sector Net Debt]
KEY ISSUES FOR LOCAL GOVERNMENT - INFRASTRUCTURE

Infrastructure remains a focus of the Budget as the Government looks to deliver on its election commitments. In 2018-19, the State’s investment program will total $6.2 billion, with $21.5 billion in total to be spent on capital works across the forward estimate period.

Some new projects were announced in the 2018-19 Budget, although these were in large part funded by the Commonwealth Government.

- $750 million over the forward estimates for METRONET projects under development, including the Morley-Ellenbrook line and extension of the Armadale line to Byford.
- $276 million to upgrade and redevelop WA’s hospitals and health services.
- $233 million for the Bunbury Outer Ring Road and infrastructure projects to support road safety.
- $76 million for new primary and secondary schools.
- $41 million for the METRONET Social and Affordable Housing and Jobs Package, which will include 1,390 new homes, including 320 social housing dwellings, 400 affordable homes, and 800 high density METRONET oriented mixed tenure developments.

- $27 million to upgrade fire stations and emergency equipment.

State Road Funds to Local Government

Main roads operating expenditure will decrease by a net $33.2 million to offset a reduction in Motor vehicle licence revenues across the forward estimates, compared to the previous years’ forecasts. If the Agreement is finalised as a percentage of Motor Vehicle Licence Fee revenue this means that Local Governments’ revenue under the State Road Funds to Local Government Agreement will be $7 million lower across the forward estimates than previously expected, though the overall share of VLF will still remain at 20%.

The indicative funding is set out below.

<table>
<thead>
<tr>
<th>Table 1 State Road Funds to Local Government</th>
</tr>
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<tbody>
<tr>
<td>Indicative funding</td>
</tr>
</tbody>
</table>

Main roads expenditure on state initiated local road projects under the State Road Funds to Local Government Agreement has been reduced by $5.3 million in 2021-22. This has been reallocated to local government cycling grant programs as outlined below.

Key Insights

- $21.5 billion in total to be spent on capital works across the forward estimate period
- Vehicle licence revenue has been revised down 1.1% over the next four years. However, the implications for Local Government road funding from the State are only indicative as the next State Road Funds to Local Government Agreement is still being negotiated.
- Further investments in cycling infrastructure and road safety initiatives.
Other infrastructure funding of interest to Local Government is as follows.

- $15.3 million has been provided for the establishment of Infrastructure WA.

- The Principal Shared Path program will receive $20 million increase over the forward estimates, to accelerate the completion of the network. This will be funded through the reprioritisation of $20 million from Main Roads operating expenditure between 2020-21 and 2021-22.

- A further $5.3 million has been allocated in 2021-22 to continue the WA Bicycle Network and Bike Boulevards grant programs to Local Authorities to invest in cycling infrastructure.

- The total value of road transfers from the State to Local Governments has increased by $30.4 million across 2018-19 and 2019-20.

- $124.1 million over the four years from 2018-19 on infrastructure projects to improve road safety, including
  - $70 million on regional roads where there is a high risk of run off road accidents
  - $13.3 million over four years on safety treatments at high priority metro intersections
  - $1.2 million over four years to 2021-22 on advanced warning signs at rural intersections.
KEY ISSUES FOR LOCAL GOVERNMENT - COMMUNITIES

The Budget contained funding for a number of initiatives of interest to the sector.

- Expenditure on disability services will reduce by $3.4 billion over 2017-18 to 2021-22, as a result of the revised Bilateral Agreement between the Commonwealth and WA.

- $20.3 million in 2018-19 and 2019-20 for a sector support package to assist the disability services sector to transition to the NDIS. $14.5 million will be spent on workforce costs to assist with the NDIS transition.

- The Hardship Utilities Grants Scheme has been allocated an additional $3.5 million to meet demand for payments under the scheme, with $6 million to be spent on financial counselling between 2019-20 and 2021-22.

- $4.3 million to implement the National Domestic Violence Order Scheme to enable family and domestic violence perpetrators to change their behaviour.

- An additional $26.3 million will be spent across 2018-19 and 2019-20 for existing Home and Community Care clients prior to their transition to the NDIS.

- $8.1 million will be spent over 2017-18 to 2021-22 to provide a police presence at major events. This will be offset by revenue from organisers of major events.

- $128.5 million record investment towards critical fire and emergency services including:
  
  - $19.5 million for 38 volunteer and marine rescue groups that provide emergency service along the WA coastline.
  
  - $8 million to replace ageing volunteer fire stations in regional locations, and $8.7 million to complete the roll out of crew protection measures.
  
  - $80 million to enhance rural bushfire capacity through the new Rural Fire Division, including $18 million for a Bushfire Centre of Excellence; $34.6 million increase in bushfire mitigation funding and $15 million towards the Bushfire Risk Management Planning program to assist Local Governments to identify and manage their bushfire risks.
  
  - $800,000 boost to finalise remediation works as part of the Yarloop Bushfire clean up.
  
  - $600,000 towards rapid response signs on beaches, which provides grants for Local Governments to install signs to assist emergency services in identifying regional beach locations when responding to calls for assistance.
  
  - $5.3 million in 2018-19 to complete the rollout of crew protection measures in 111 Local Government owned bushfire appliances, primarily in the North West of WA.
KEY ISSUES FOR LOCAL GOVERNMENT
- FEES AND CHARGES

- Changes were announced to a range of household fees and charges, which will see total expenditure by the “representative household” on public sector goods and service increase by 4.8% in 2018-19 or $292.07.

- The key changes to household fees and charges are as follows.
  - 5.8% increase in Vehicle Licence Charges
  - 7% increase in electricity
  - 5.5% increase in water, sewerage and drainage
  - 10.1% increase in the Emergency Services Levy (which will be used to fund reforms to the State’s fire and emergency services).
  - Street lighting tariffs are expected to rise by 3.2% in 2018-19 and thereafter.

KEY ISSUES FOR LOCAL GOVERNMENT - REGIONAL WA

$4 billion in Royalties for Regions funding is guaranteed in the budget, to be invested in a range of different projects and initiatives. A total of $3.4 billion will be invested in regional infrastructure over the next four years.

Some of the key regional funding areas in the Budget are as follows.

- Community Resource Centres will receive $13 million in 2018-19, but funding will reduce to $8 million per annum from 2019-20 to 2021-22.

- Spending on Government Regional Officers Housing will be reduced by $724,000 from 2017-18 to 2021-22.

- Funding for the Community Pools Revitalisation fund has been provided in 2017-18 ($0.5 million), but is discontinued thereafter.

- $795.8 million for country water, sewerage and drainage operations

- $22.5 million for Regional Economic Development Grants program, which will support small community driven projects with the aim of delivering local jobs and stimulating local economic activity.

- $11.7 million for the Wild Dogs Action Plan

- $1.5 million to support a capacity building program for Aboriginal businesses.

- $20.5 million for the new Target 120 initiative – an early intervention program to reduce juvenile offending in WA.

- $21.5 million to continue the Regional Youth Justice Services in the Kimberley and Pilbara to enable diversion and prevention services.

- $10.2 million over five years to construct and operate a Mid-West community mental health step up/step down service.

- $9.3 million to fast track 33 more alcohol and drug rehabilitation beds in the South West.

- $1.1 million for the Kimberley family violence service

- $182.3 million over four years for the Patient Assisted Travel Scheme

- Independent learning coordinators in 10 schools in 2018, to help senior students studying through the School of Distance and Isolated Education.

- $9.3 million for conservation projects in the Pilbara by implementing the Pilbara Offsets Fund.
OTHER KEY ISSUES FOR LOCAL GOVERNMENT

The Budget also contained funding for a number of other programs and initiatives that are of interest to the sector.

- **$628,000** will be spent in 2018-19 on implementation costs associated with the finalisation of the Resolution of Native Title in the South of Western Australia.

- Financial audits of Local Governments to the value of **$21.3 million** will be undertaken from 2017-18 to 2020-21 in accordance with the *Local Government Amending (Auditing) Act 2017*, with costs to be fully recovered from Local Government authorities.

- The removal of indexation for the Local Government Rates Rebate cap will generate savings of **$8.5 million**, from 2018-19 to 2021-22. These savings will be used to fund an equivalent increase in grants and financial counselling associated with the Hardship Utilities Grant Scheme.

- Additional expenditure has been approved for the Exploration Incentive Scheme of **$10 million** per annum from 2019-20, and will be funded by an increase in annual mining tenement rents.

- **$5.5 million** to support development and manufacturing of renewable energy technologies.

- **$250,000** will be spent in 2018-19 to progress planning for the implementation of the initiatives to stop puppy farming.

- **$4.1 million** will be spent over 2018-19 and 2019-20 to revitalise underutilised State and Local Government owned heritage assets through the Heritage Revolving Fund. This will be recouped through asset sales.

- Expenditure of **$11 million** has been approved over 2018-19 to 2021-22 for additional resources in the Department of Water and Environment Regulation (DWER) regulator areas to increase the efficiency of the environmental assessment process.

- **$2.9 million** will be spent over 2018-19 to 2021-22 to support the introduction of additional water licensing requirements, and strengthen DWER compliance and enforcement capabilities.

- **$31 million** for the Natural Resource Management Program.

- **$2.5 million** to protect the habitat of the endangered Carnaby’s cockatoo, by reducing the extent of pine plantation harvesting.

For more information, contact WALGA Policy Manager, Economics Dana Mason
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Friday, 11 May 2018
walga.asn.au
6.4 Research on Verge Permit Fees and Bonds (05-036-03-0061 VJ)

By Vanessa Jackson, Policy Manager, Planning and Improvement

Moved: Cr Doug Thompson
Seconded: Cr Chris Mitchell

That State Council note the review undertaken by the Growth Alliance Perth and Peel (GAPP) Local Governments in regards to verge permit fees and bonds.

RESOLUTION 85. 5/2018 CARRIED

In Brief
- Over the last few years, the Building Industry have complained about the multitude of different approaches from the Local Government sector in regard to verge permit fees and bonds, predominately for single residential development.
- The Growth Alliance Perth and Peel (GAPP) Local Governments initiated a review of the existing verge permit fees and bonds, to determine whether a standardised approach could be achieved.
- The GAPP Councils agreed to a standardised approach in the application of a rental charge, permit or inspection fee and/or bond for the verge area.

Attachment
Attachment - Review of Fees and Bonds 2016-2017

Relevance to Strategic Plan

Key Strategies

Sustainable Local Government
- Provide support to all members, according to need;

Enhanced Reputation and Relationships
- Communicate and market the profile and reputation of Local Government and WALGA;
- Develop simple and consistent messages that are effectively articulated.

Background

The Growth Alliance Perth and Peel (GAPP) comprises the Chief Executive Officers (CEOs) from the ten (10) Outer Metropolitan Councils of Perth and the Peel Region experiencing rapid population growth through development of new greenfields sites for housing and industrial land. It includes the CEOs from the Cities of Armadale, Cockburn, Gosnells, Kalamunda, Kwinana, Mandurah, Rockingham, Swan, Wanneroo and Shire of Serpentine-Jarrahdale.

At its meeting held on 19 October 2017, it was agreed that a research paper be prepared to provide a common standard, or approach, to verge permit fees and bonds following complaints from the Building Industry, specifically the variability in the fees, charges and bonds being applied by different Local Governments.

The Association assisted in this research, compiling the various approaches to verge permit fees and bonds applied by 32 Local Governments across WA in the 2016-17 financial year (attachment).
This assessment shows that Local Governments are taking four broad approaches to building activities which impact on verges and public infrastructure.

<table>
<thead>
<tr>
<th>Approach</th>
<th>$ Low</th>
<th>$ High</th>
<th>$ Mean</th>
<th>$ Mode</th>
</tr>
</thead>
<tbody>
<tr>
<td>Rental Charge</td>
<td>1</td>
<td>5</td>
<td>1.88</td>
<td>1</td>
</tr>
<tr>
<td>Permit or inspection fee</td>
<td>50</td>
<td>500</td>
<td>178</td>
<td>100 &amp; 110</td>
</tr>
<tr>
<td>Bond</td>
<td>400</td>
<td>6,000</td>
<td>2,547</td>
<td>1,000</td>
</tr>
</tbody>
</table>

**Comment**

Local Government street verges, or road verges, are often used by builders to store construction materials, equipment and waste during the construction process, often leading to damage to kerbs, drainage and street trees, or obstruction to public walkways. In other cases, heavy equipment and vehicles used during construction or demolition may damage footpaths, storm water drainage and verge infrastructure, resulting in maintenance or repair costs falling on Local Governments and ultimately, rate payers.

Local Governments have implemented various verge use permit systems and policies including differing fees and performance bonds, to ensure the cost of repairing public infrastructure is met by those causing the damage. Indeed, the underlying philosophy behind the requirement to obtain verge permits and the collection of bonds is that the cost of damage to public infrastructure should be borne by the developer who causes the damage.

An analysis of the approaches is made even more complex because some Local Governments will charge a verge rental, in conjunction with a permit or inspection fee (approaches 2 and 3), while some will charge verge rental, in conjunction with a verge permit or inspection fee and a bond (approaches 2, 3 and 4).

The GAPP considered that there are two options going forward:

- The first would be to recommend a reduced number of approaches or to reduce the potential to combine approaches. Based on the diversity of current approaches, and the extent of change required if some approaches were recommended for abolition, this is not preferred.
- The second option would be to standardise amounts charged under the various approaches. This is the preferred approach of the GAPP members, as it should involve less change.

The current approach of some Local Governments, which involves not charging any fee or bond, would, of course, remain as is.

The GAPP Local Governments then considered the current charges under the various approaches, which are shown in the following table:

At the GAPP meeting on the 12 April 2018, the member Local Governments agreed to the recommended amounts as a standard for single residential development in the 2018/19 financial year, where a rental charge, permit or inspection fee and bond is proposed to be applied (although of course, each Local Government must consider the risk exposure for public infrastructure arising from adjacent development within their District to determine whether the GAPP Local Governments recommended standardised verge fees and bonds are suitable for their operations).
In light of the GAPP Local Government’s resolution, the group of Local Governments have suggested that these recommended amounts for rental charges, permit or inspection fees and bonds should be promoted to all Local Governments as a sector standard for single residential development (acknowledging that individual Local Governments are under no obligation to adopt the standards and, for those Local Governments with no charging regime, no changes are proposed).

This proposal may assist in standardising the approach for single residential development, and decrease criticism received from the Building Industry about inconsistencies in this aspect of development and approvals processes.

The GAPP Local Government's review of verge fees and charges for verge fees and bonds also requires consideration in light of the current review of the Local Government Act 1995, as the Association's endorsed policy position on Imposition of Fees and Charges [s.6.16] is as follows:

*That a review be undertaken to remove fees and charges from legislation and Council's be empowered to set fees and charges for Local Government services.*

### Attachment – Review of Fees and Bonds 2016-2017

<table>
<thead>
<tr>
<th>Local government</th>
<th>Permits or inspection fee</th>
<th>Rental ($/sq.m. /mth)</th>
<th>Refundable bond</th>
<th>Bond threshold / permit conditions</th>
<th>Other fee or bond relevant to building application</th>
</tr>
</thead>
<tbody>
<tr>
<td>City of Armadale</td>
<td>$500 Admin fee</td>
<td>Nil</td>
<td>$400</td>
<td>Single dwelling</td>
<td>- Stormwater permit - $130</td>
</tr>
<tr>
<td></td>
<td>Bond varies min $300</td>
<td></td>
<td>$1000</td>
<td>For 5 or fewer dwellings per annum.</td>
<td>- Stormwater bond - $1000- $2000</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>$2000</td>
<td>For more than 5 dwellings</td>
<td>- Footpath and Kerbing</td>
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<td></td>
<td>security deposit bond $530</td>
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<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>(includes admin inspection fee)</td>
</tr>
<tr>
<td>Shire of Augusta</td>
<td>Nil</td>
<td>Nil</td>
<td>Nil</td>
<td>Nil</td>
<td>- Re-sited Dwellings $6540</td>
</tr>
<tr>
<td>Margaret River</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>- Commercial and Industrial @ $250 per metre min</td>
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<td>$2,000.00</td>
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<td>- Extractive Industry;</td>
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<td>Processing and Tourist Development in Rural Areas</td>
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<td>@ 1% of project min</td>
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<td></td>
<td>$2,000.00</td>
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<tr>
<td>City of Bayswater</td>
<td>$150</td>
<td>Nil</td>
<td>$900</td>
<td>Building work &gt;$20,000</td>
<td></td>
</tr>
<tr>
<td>City of Belmont</td>
<td>$104</td>
<td>$1</td>
<td>Nil</td>
<td>Nil</td>
<td></td>
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<tr>
<td>City of Bunbury</td>
<td>$50</td>
<td>Nil</td>
<td>If required</td>
<td>Damage Bond – discretionary</td>
<td>- Demolition Licence -</td>
</tr>
<tr>
<td></td>
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<td></td>
<td></td>
<td>approximately $1,000</td>
<td>Performance Bond for site</td>
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<td></td>
<td></td>
<td>may be charged for developments</td>
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<td>similar to a house</td>
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<td>construction or smaller</td>
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<td>$2,000 for multiple</td>
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<td>houses or larger</td>
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<td>Commercial or similar</td>
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<td>construction types will</td>
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<td>be calculated upon</td>
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<td>application and</td>
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<td></td>
<td>assessment</td>
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<tr>
<td>City of Busselton</td>
<td>Nil</td>
<td>Nil</td>
<td>Nil</td>
<td>Nil</td>
<td>- Demolition Licence - Performance Bond for site</td>
</tr>
<tr>
<td></td>
<td>clean-up and verge bond</td>
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<tr>
<td>City of Canning</td>
<td>$220</td>
<td></td>
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<tr>
<td>Town of Cambridge</td>
<td>$110</td>
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<td>$5</td>
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<td>$700</td>
<td></td>
<td></td>
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</tr>
<tr>
<td></td>
<td>For $20,000 - 100,000 in works, other charges are in bands: -</td>
<td></td>
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<tr>
<td></td>
<td>• $100,001 - $500,000 (Works Bond $1,500.00 - Administration Fee $220.00)</td>
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<tr>
<td></td>
<td>• $500,001 - $1,000,000 (Works Bond $2,500.00 - Administration Fee $220.00)</td>
<td></td>
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<tr>
<td></td>
<td>• $1,000,001 - $5,000,000 (Works Bond $5,000.00 - Administration Fee $220.00)</td>
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<tr>
<td></td>
<td>• $5,000,001 - $10,000,000 (Works Bond $10,000.00 - Administration Fee $220.00)</td>
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<tr>
<td></td>
<td>• Greater than $10,000,000 (Works Bond $25,000.00 - Administration Fee $220.00)</td>
<td></td>
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</tr>
<tr>
<td>Town of Claremont</td>
<td>Included in building permit</td>
<td></td>
<td></td>
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</tr>
<tr>
<td></td>
<td>Nil</td>
<td></td>
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<td>$1000</td>
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<td>Building work &lt;$50,000</td>
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<td></td>
<td>$3000</td>
<td></td>
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<tr>
<td></td>
<td>Building work &gt;$50,000</td>
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<td></td>
<td>$5000</td>
<td></td>
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<tr>
<td></td>
<td>Lakeway area and demolition work</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>City of Cockburn</td>
<td>Nil</td>
<td></td>
<td></td>
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<td></td>
</tr>
<tr>
<td>Town of Cottesloe</td>
<td>$90</td>
<td></td>
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<tr>
<td></td>
<td>$1</td>
<td></td>
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<td></td>
<td></td>
</tr>
<tr>
<td>City of Fremantle</td>
<td>$65</td>
<td></td>
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</tr>
<tr>
<td></td>
<td>Nil</td>
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<td></td>
<td>$2000</td>
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</tr>
<tr>
<td></td>
<td>Nil</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>City of Geraldton</td>
<td>$52 per linear metre</td>
<td></td>
<td></td>
<td></td>
<td></td>
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<tr>
<td></td>
<td>Kerbing</td>
<td></td>
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<td></td>
</tr>
<tr>
<td></td>
<td>$162 per linear metre</td>
<td></td>
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<tr>
<td></td>
<td>Pathway</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>City of Gosnells</td>
<td>$260</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Nil</td>
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<td>$2000</td>
<td></td>
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</tr>
<tr>
<td></td>
<td>Single residential development</td>
<td></td>
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<td></td>
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<tr>
<td></td>
<td>$5000</td>
<td></td>
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<td></td>
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<tr>
<td></td>
<td>Any other development</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>City of Joondalup</td>
<td>Nil</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Shire of Kalamunda</td>
<td>$115</td>
<td></td>
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<td></td>
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<td></td>
</tr>
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<td></td>
<td>$2500</td>
<td></td>
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<td></td>
</tr>
<tr>
<td></td>
<td>Single street frontage</td>
<td></td>
<td></td>
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<td></td>
</tr>
<tr>
<td></td>
<td>$4000</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Multiple street frontage</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>City of Kalgoorlie Boulder</td>
<td>Nil</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Nil</td>
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<td>Nil</td>
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<td></td>
<td>Nil</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Commercial charges only for verge use</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Demolition permit</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Verge Street Tree Preservation Bond Residential Developments – for all street trees
Works Bond $1,000.00 - Administration Fee $25.00

For demolition permits $3,000 A verge protection bond of $2,000 may be required for obstruction permits.
<table>
<thead>
<tr>
<th>Location</th>
<th>Bond Payment Commercial</th>
<th>Bond Payment Residential</th>
<th>Materials on Street Licence</th>
<th>Inspection Fee for Swimming Pool</th>
<th>Inspection Fee for Single Dwelling</th>
<th>Inspection Fee for Multi Dwelling Commercial/Multi Residential</th>
</tr>
</thead>
<tbody>
<tr>
<td>City of Karratha</td>
<td>$80</td>
<td>$500</td>
<td>$100 inspection fee &lt; $20,000</td>
<td>$150 inspection fee swimming pool</td>
<td>$200 inspection fee single dwelling</td>
<td>$500 inspection fee Commercial/Multi residential</td>
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<tr>
<td>City of Kwinana</td>
<td>$164</td>
<td>$1</td>
<td>Nil</td>
<td>Minimum 12 months rental</td>
<td>Nil</td>
<td>License to deposit building material on/or excavate near a street</td>
</tr>
<tr>
<td>City of Mandurah</td>
<td>Nil</td>
<td>$1</td>
<td>Nil</td>
<td>Nil</td>
<td>Nil</td>
<td>Licence to deposit building material on/or excavate near a street</td>
</tr>
<tr>
<td>Town of Mosman Park</td>
<td>$239</td>
<td>Nil</td>
<td>$5000</td>
<td>Single street frontage</td>
<td>$1000</td>
<td>Licence to deposit building material on/or excavate near a street</td>
</tr>
<tr>
<td>Shire of Mundaring</td>
<td>$220 (£125) Licence</td>
<td>$1000</td>
<td></td>
<td></td>
<td></td>
<td>Licence to deposit building material on/or excavate near a street</td>
</tr>
<tr>
<td>Shire of Murray</td>
<td>Nil</td>
<td>Nil</td>
<td>Nil</td>
<td>Nil</td>
<td>Nil</td>
<td>Licence to deposit building material on/or excavate near a street</td>
</tr>
<tr>
<td>City of Nedlands</td>
<td>$240</td>
<td>Nil</td>
<td>Nil</td>
<td>Renovations, 12 months</td>
<td></td>
<td>Footpath/Kerbing Inspection Fee $72.80</td>
</tr>
<tr>
<td>City of Rockingham</td>
<td>$139 (£125) per day</td>
<td>£1000 + £20</td>
<td>£2000</td>
<td></td>
<td></td>
<td>Footpath/Kerbing Inspection Fee $72.80</td>
</tr>
<tr>
<td>Shire of Serpentine Jarrahdale</td>
<td>$277</td>
<td>£1500</td>
<td>£2000</td>
<td></td>
<td></td>
<td>Footpath/Kerbing Inspection Fee $72.80</td>
</tr>
<tr>
<td>City of South Perth</td>
<td>$110 (£4)</td>
<td>£500</td>
<td>Single House - Minor Works £12,000</td>
<td>Single House - Works &gt; £12,000</td>
<td>Up to 3 Grouped Dwellings or Single House on Corner Lot</td>
<td>More than 3 Grouped Dwellings or Commercial Developments</td>
</tr>
<tr>
<td>City of Stirling (work &gt;£20,000)</td>
<td>2 x £100</td>
<td>£1500</td>
<td>No trees</td>
<td></td>
<td>£3000</td>
<td>One tree up to £6000 value</td>
</tr>
<tr>
<td>City of Swan</td>
<td>Nil</td>
<td>Nil</td>
<td>Nil</td>
<td>$1000 Footpath deposit for demolition works</td>
<td>Nil</td>
<td>Nil</td>
</tr>
<tr>
<td>Town of Victoria Park</td>
<td>Nil</td>
<td>Nil</td>
<td>Nil</td>
<td>Nil</td>
<td>Nil</td>
<td>Nil</td>
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<tr>
<td>City of Vincent</td>
<td>£76</td>
<td>Verge Tree Preservation Bond</td>
<td>Tree less than 5 years old £1,500.00</td>
<td></td>
<td></td>
<td>Tree 5 to 10 years old £3,000.00</td>
</tr>
<tr>
<td>City of Wanneroo</td>
<td>$100</td>
<td>Nil</td>
<td>Nil</td>
<td>Building work &lt;$5000</td>
<td></td>
<td></td>
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<tr>
<td></td>
<td>$2000</td>
<td></td>
<td></td>
<td>Building work &gt;$5000</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Tree removal costs are variable – based on tree heights, removal and replacement calculation, or if traffic management is required.
6.5 Independent Planning Reform – Green Paper (05-047-02-0015 VJ)

By Vanessa Jackson, Policy Manager, Planning and Improvement

Moved: Cr Jenna Ledgerwood
Seconded: Cr Les Price

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

RESOLUTION 86. 5/2018 CARRIED

In Brief

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

Attachment


Relevance to Strategic Plan

Key Strategies

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

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

Background

The Minister for Planning, Hon Rita Saffioti, commissioned an independent review of the planning system to identify ways to make it more efficient, open and understandable to everyone. On 25 May 2018, a Green Paper was released, developed by the Planning Reform team led by Evan Jones, proposing five key reform areas – strategically-led, legible, transparent, efficient and delivering smart growth. The key recommendations in each of these reform areas, as outlined in the Reform Team’s documentation, are outlined below:

Key reform 1: A Strategically-led planning system
- Require local governments to maintain up-to-date local planning strategies in consultation with their communities, and to review the strategy prior to a scheme amendment.
• Amend the Planning and Development Act to make strategic planning for sustainable development the purpose of planning in Western Australia.
• Develop a new State Planning Policy that defines sustainable development and decision-making for sustainable outcomes.
• Require local governments to prepare a local housing strategy to show where growth will be accommodated and what types of housing are needed.

Key reform 2: A legible planning system
• Consolidate State Planning Policies into a single concise framework with easy-to-understand guidance.
• The links between State Planning Strategy and State Planning Policies, and local planning strategies and schemes should be strengthened and made clear and understandable.
• Define common strategic elements for the State planning framework and require all planning documents to be organised around these elements.
• Require all local planning schemes, strategies and policies to be published in a single, easy-to-navigate, standardised format, to be known as a Comprehensive Local Planning Scheme.
• Reduce red tape for business by standardising land use permissibility for the most commonly-used zones.

Key reform 3: A transparent planning system
• Develop a Community Engagement Charter to require contemporary community engagement practices, with a focus on community involvement in developing the vision and strategic plans.
• Provide reasons for decisions on planning proposals and develop a guideline for planning decision-makers.
• Require local governments to report on their performance in undertaking planning responsibilities, including decision-making timeframes and outcomes, and the status of their local planning strategy and scheme.

Changes to Development Assessment Panels (DAPs)
• Schedule DAP meetings at regular times to improve accessibility.
• Require each DAP meeting to be recorded and made available on the DAP website.
• Require the DAP to provide reasons for all of its decisions.
• Create more flexibility in DAP processes for proposals which seek significant variations, to enable better scrutiny and to provide for advice and input from community and stakeholders.
• Require proposals amended as a result of a SAT mediation process be readvertised unless fully compliant.
• Appoint a Presiding DAP Member with responsibility for monitoring, advising and mentoring DAP members.
• Draw specialist DAP members from a state-wide pool of members based on the nature of application being heard.
• Provide that new specialist members be included when SAT invites the DAP to reconsider a decision, to ensure fresh consideration of the proposal.
• Encourage the SAT to prepare a framework that allows third parties with a strong interest to be considered during SAT mediation of DAP matters.

Key reform 4: An efficient planning system
• Use a track-based approach to assess regional scheme amendments, local strategies and local structure plans/activity centre plans.
• Provide a process for decision-makers and applicants to collaborate during the assessment process, including formal pre-lodgement advice.
• Create rules for efficient referral of planning matters.
• A maximum timeframe for decision-makers to request additional information from applicants.
• Provide for up-front agreement on the scope and content of Local Structure Plans.
• Require that Structure Plans and Activity Centre Plans be read as part of the scheme to provide greater certainty to the community and applicants.
• Create a maximum 30-day planning approval process for single houses proposals with only minor variations to the Residential Design Codes.
• Incorporate development contribution schedules in Comprehensive Local Planning Schemes.
• Require local government to report on administration of development contributions

Key reform 5: Planning for connected smart growth
• Arrangement for the planning and delivery of key infill locations in partnership with local governments and other agencies.
• State Government to provide local governments with advice on forward planning of State infrastructure.
• WAPC to assume a leadership role and collaborate with local government for planning of priority infill areas and assist with land use and infrastructure coordination.
• WAPC to prepare a new Consolidated and Connected Smart Growth State Planning Policy to guide planning and delivery of smart growth.
• Elevate Liveable Neighbourhoods to a State Planning Policy.
• Provide for an Industrial Deferred Zone in the Metropolitan Region Scheme to plan effectively for future economic activity.
• Ensure that arrangements for provisions of State infrastructure are in place prior to permitting development in Urban or Industrial Deferment zones.
• Include Urban Corridor as a road category in the Metropolitan Region Scheme, requiring a coordinated transport response for planning proposals within urban corridors.

Comment has been invited on the Green Paper, with the feedback going to be used to inform a White Paper which will be provided to Government for formal consideration. Submissions will close on Friday July 20, 2018. The Green paper is a discussion paper and does not commit the State Government to adopt the proposals.

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

1. That WALGA request that the Minister for Planning initiate an independent review of decision making within the WA planning system, including the roles and responsibilities of State and Local Government and other decision making agencies, Development Assessment Panels and the State Administrative Tribunal appeal process, that gives consideration to;
   a. How the aspirations or values of the community are incorporated into the decision making framework;
   b. What improvements are required to the statutory framework, including Local Planning Schemes, that would improve the transparency, certainty and consistency of the decision making process;
   c. Ensuring that decision making occurs at appropriate levels that promotes good and efficient decisions for the community;
   d. The erosion of the role of Local Government in planning for their communities; and
   e. How the community can be better engaged in the metropolitan planning process.

2. That WALGA undertakes research on third party appeals around Australia and further consults with members regarding the current policy position.

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

(4) WALGA continue to advocate that an independent review of decision making within the WA planning system is required, including the roles and responsibilities of State
Comment

The Independent Planning Reform team have advised that the Green Paper is to facilitate discussions on the problems and issues with the existing planning framework and the key areas of possible reforms, however, the list is not exhaustive. Additional commentary and recommendations are encouraged for any other possible reforms that are needed to improve the planning system.

The Independent Planning Reform Team has requested WALGA’s assistance to discuss the changes recommended in the Green Paper with the Local Government sector. The following sessions have been arranged by WALGA:

- 11 June: Presentation from the Reform team via a webinar for Regional Local Government Planning Officers
- 12 June: Meeting with Inner Metropolitan Local Government Planning Officers
- 12 June: Meeting with Outer Metropolitan and Peel Local Government Planning Officers
- 29 June: Information session for Mayors, Presidents and Elected members hosted by the City of South Perth, with Webinar facilities for regional Elected Members.

As the deadline for submissions on the Green paper is 20 July 2018, an interim submission will be prepared to meet the deadline. The draft WALGA interim submission will be prepared before the end of June and circulated via the Association’s Planning Improvement Portal (www.walgapip.ning.com) seeking any additional comments and improvements.

Any feedback for inclusion in the submission on the Green paper can also be sent to planning@walga.asn.au or by calling one of the Planning team on 9213 2000.
6.6 Update on the Noongar Standard Heritage Agreement for Local Government (05-032-01-0001 KD)

By Kirstie Davis, Policy Manager Community

Moved: Mayor Logan Howlett JP
Seconded: Cr Doug Thompson

That State Council notes the update on the Noongar Standard Heritage Agreement for Local Government.

RESOLUTION 87. 5/2018 CARRIED

In Brief

- Since June 2015, State Government departments and agencies are required to enter into a Noongar Standard Heritage Agreement (NSHA) with South West Aboriginal Land and Sea Council (SWALSC) when conducting an Aboriginal Heritage Survey in any South West Native Title Settlement (SWS) Agreement area.
- Department of Planning, Lands and Heritage (DPLH), Department of Premier and Cabinet (DPC) Land Approvals and Native Title Unit, SWALSC and WALGA are working together to develop a suitable Local Government specific Noongar Heritage Agreement template.
- WALGA procured the services of a suitably appointed supplier with specialist expertise in native title and Aboriginal heritage, planning, environment and local government law.

A final draft of the template has now been produced and is being reviewed by identified stakeholders before seeking final approvals.

Attachment

Nil

Relevance to Strategic Plan

Key Strategies

Engagement with Members

- Deliver a broad range of benefits and services that enhance the capacity of member Local Governments
- Improve communication and build relationships at all levels of member Local Governments

Sustainable Local Government

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

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
Since 8 June 2015, State Government departments, agencies and other authorities and instrumentalities that are identified by the State Government are required to enter into a Noongar Standard Heritage Agreement (NSHA) with South West Aboriginal Land and Sea Council (SWALSC) on behalf of the relevant South West Native Title Settlement (SWS) Agreement group, when conducting an Aboriginal Heritage Survey in any SWS Agreement area.

Figure 1: South West Native Settlement ILUAs [https://www.dpc.wa.gov.au/swnts/Pages/default.aspx](https://www.dpc.wa.gov.au/swnts/Pages/default.aspx) is the largest and most comprehensive agreement to settle Aboriginal interests over land in Australia. It involves six Noongar Native Title Agreement Groups, covers 200,000 square kilometres of land and incorporates 103 Local Governments.

At the same time, Department of Mines, Industry Regulation and Safety (DMIRS) has also implemented a heritage protocol on all new mineral and petroleum titles (including over freehold land) requiring a Heritage Agreement or NSHA before tenement holders can exercise rights in the six Indigenous Land Use Agreement (ILUA) areas.

An ILUA can be:
- over an area where a native title has, or has not yet, been determined
- entered into regardless of whether there is a native title claim over the area or not
- part to the native title determination or settled separately from a native title claim

And cover topics such as:
- native title holders agreeing to a future development
- now native title rights coexist with the rights of other people
- access to an area
- extinguishment of native title
- compensation
- employment and economic opportunities for native title groups
- cultural heritage
- mining
When registered, ILUAs bind all parties and all native title holders to the terms of the agreement. Between June 2015 and February 2018 there have been 175 NSHAs (including 36 government) and 21 alternative Heritage Agreements executed and approximately 238 conditions currently placed on DMIRS titles.

Local Governments are currently not bound by the SWS Agreement and will need to determine if the NSHA is suitable for their needs and complies with the organisations policy and regulations. However it is the preferred position of SWALSC, for all land users to enter an NSHA prior to undertaking heritage surveys.

In the best interest of all key stakeholders DPLH, DPC, SWALSC and WALGA have been working together to develop a Local Government specific Noongar Standard Heritage Agreement template that may be applied to all applications in the SWS Agreement area.

In April 2018, WALGA procured the services of a suitably appointed supplier with specialist expertise in native title and Aboriginal heritage, planning, environment and local government law.

A final draft of the template has now been produced and is being reviewed by identified stakeholders before final approvals before seeking final approval and endorsement by State Council at the September meeting.

**Comment**

The Association see the following benefits of a Local Government specific NSHA template for the SWS Agreement area, namely:

- facilitates the protection and preservation of Aboriginal Sites and Objects in accordance with the *Aboriginal Heritage Act 1972* (AHA) (currently under review)
- NSHAs provide a clear process for engagement with the Aboriginal community about activities that may impact Aboriginal heritage sites, and a structured framework for when and how Aboriginal Heritage surveys will be conducted across the SWS Agreement Area
- NSHAs assist in compliance with the AHA, and ensure the submission of relevant information to DPLH for potential inclusion on the Register of Aboriginal Sites, which can in turn be accessed by future land users.

It is anticipated the NSHA template will be finalised and tabled at the September meeting of the State Council.
6.7 Community Resource Centre Funding and Service Model (05-018-03-0004 KD)

By Kirstie Davis, Policy Manager Community

Moved: Mayor Logan Howlett JP
Seconded: Cr Doug Thompson

1. That State Council notes:
   WALGA has sent a letter to the Hon Alannah MacTiernan MLC, Minister for Regional Development; Agriculture and Food; Minister assisting the Minister for State Development, Jobs and Trade that proposes:
   a. CRCs are involved in the development of service delivery models and tiered funding system
   b. WALGA is involved in correspondence for the 12 directly affected Local Governments; and
   c. A joint information session with industry bodies, State Government agencies and key stakeholders is convened
2. WALGA has written to the 12 directly affected Local Government CEOs to facilitate a way forward.

RESOLUTION 88. 5/2018 CARRIED

In Brief

- On 10 July 2017 State Government announced the CRC contracts were to be shortened to 18 months and funding to be reduced.
- On 30 April 2018, State Government announced a 40% reduction through a new tiered funding model for CRCs, effective March 2019
- State Council endorsed at its meeting in May [Resolution 38.2/2018] that WALGA meet with the Minister and coordinate a representative paper with affected Local Governments
- The Minister has made public comment there will not be a reversal of the funding decision
- WALGA continues to work with State Government agencies, industry bodies and members to convene a joint information session; and
- WALGA has written to the 12 directly affected Local Governments to action their preferred options in moving forward.

Attachment

Nil

Relevance to Strategic Plan

Key Strategies

Engagement with Members
- Improve communication and build relationships at all levels of member Local Governments

Sustainable Local Government
- Continue to build capacity to deliver sustainable Local Government;
- Provide support to all members, according to need;
- Foster economic and regional development in Local Government.

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

Develop simple and consistent messages that are effectively articulated;

Promote WALGA’s supplier agreements to assist Local Governments.

**Background**

The State Government announced on 30 April 2018, the funding allocation for the Community Resource Centre (CRC) program will be reduced from $13 million per annum to $8 million per annum from 1 July 2019. The reduction in funding follows a review of all Royalties for Regions funded programs as a result of the significant budgetary pressure facing the Government.

CRCs are currently asked to deliver against three service level outcomes:

1. Government and Community Information and Access
2. Business and Workforce Development
3. Social Development and Community Capacity Building

In its review of CRCs, State Government identified duplication in service delivery with CRCs providing services in points two and three above, the areas of economic and social development, which would normally be the responsibility of Local Government.

Changes to the proposed service model is that the future functions of CRCs would be to focus solely on the delivery and facilitation of government, health and/or community information and services. Specifically through building the capacity of individuals in the use of technology, such as video conferencing.

The revised CRC Service Delivery Agreement (or Grant Agreement) will contain the minimum service requirements for DPIRD payments to be made.

**Comment**

To date there has been correspondence between WALGA President Cr Lynne Craigie to the Minister for Regional Development the Hon Alannah MacTiernan, to outline the sector’s response and a forthcoming approach. The Association continues to consult with State Government agencies and key industry bodies to strengthen collaborative approaches towards a more sustainable model through a joint information session.

Discussions are emerging about how to collectively champion for continuance of services that are adequately resourced. The Association encourages Local Governments to consider a collective approach within affected regions to further define and value add to the State Government’s revised model.

Specifically the Association would like to propose a joint meeting of Local Governments and CRCs within regions to discuss:

- How to attract other funding partners to develop income generation ideas that will add to the revised funding models;
- Complete an audit of skills and facilities across all CRCs in your region to value add to proposed service delivery models; and,
- A community champion to represent innovations and collective interests and be supported by the services of the Association in communicating these changes to State Government.
6.8 Alternative Approaches to Volunteer Based Health Services in the Regions Survey (05-031-01-0001 EDR)

By Evie Devitt-Rix, Policy Officer Community

Moved: Mayor Logan Howlett JP
Seconded: Cr Doug Thompson

That State Council note WALGA’s engagement with regional WA Local Governments to determine the level of coverage of health services in each region.

RESOLUTION 89. 5/2018 CARRIED

In Brief

- In 2017 WALGA was approached by regional Local Governments experiencing difficulty with regard to volunteering, provision of adequate medical services and capacity of where and how to access assistance to partner in solutions.
- The March 2018 State Council Strategic Forum, requested that WALGA seek more information from members and Zones on this issue, and based on the feedback, report to State Council and/or request a meeting with the Minister for Health.
- WALGA prepared a survey to gather information from Local Governments that was open from 9 May to 1 June 2018 and received a high response rate. WALGA will collate the feedback and communicate the results to State Council for decision at the September meeting.

Attachment

Relevance to Strategic Plan

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

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

Enhanced Reputation and Relationships
- Communicate and market the profile and reputation of Local Government and WALGA
- Promote WALGA’s advocacy successes with the sector and the wider community;
- Strengthen effective relationships with external peak bodies and key decision makers in State and Federal Government
- Develop simple and consistent messages that are effectively articulated.
Background
In 2017 WALGA was approached by regional Local Governments to advocate for greater support for health services in their regions. Regional, rural or remote areas with small or widely-dispersed populations can lack adequate numbers of medical services to appropriately respond to health issues and emergencies in the community. Various factors can contribute to this situation, including the difficulty recruiting and retaining workers, a lack of funding for positions, or a lack of facilities.

As a result of communication with regional Local Governments, WALGA met with the WA Country Health Service and St John Ambulance to determine opportunities to tailor existing and future resources to the needs of these communities. These meetings were productive and provided insight into opportunities that Local Government can take up, to support their communities and provide greater health coverage in regional areas. This included telehealth, and using St John audits to determine gaps in emergency services, which can then be addressed in a range of innovative ways.

The issue was raised at the WALGA State Council Strategic Forum in March, to determine whether allocation of health services was a state-wide issue that would benefit from the Association’s advocacy. As an outcome of the meeting, the Association was requested by State Council to seek more information from members and Zones on this issue. This information will be reported to State Council to determine the next steps to be taken.

To gather feedback from all Local Governments, the Association prepared a survey through WALGA’s communication channels. The survey was opened on Wednesday, 9 May 2018 until Friday 1 June 2018.

Comment.
The Regional Health Services Survey (the Survey), opened on Wednesday, May 9 and closed on Friday, June 1. The Survey was sent through WALGA’s LG News and Councillor Direct communications channels, and was also emailed to all Elected Members on WALGA’s contact list.

Over one hundred responses were received in the first two days that the Survey was open. The Survey asked for contact details and Local Government input for details of the health services currently available in the area, and information on any gaps experienced, or solutions Local Governments have used to boost the service to their community.

Respondents were predominantly from regional, rural and remote Local Governments, but some metropolitan Local Governments have responded. Some Local Governments are involved in supplementing existing health services, often through funding GPs to service the area.

WALGA will collate the information provided to create a picture of the current situation in WA Local Governments and inform further advocacy on this issue.
6.9 Public Health Act 2016 Regulation Review Program (05-031-01-0001 EDR)

By Evie Devitt-Rix, Policy Officer Community

Moved: Mayor Logan Howlett JP
Seconded: Cr Doug Thompson

That State Council note the Department of Health’s regulation review program to develop regulations for the Public Health Act 2016.

RESOLUTION 90. 5/2018 CARRIED

In Brief

- The Public Health Act 2016 is progressing through a five-stage process of implementation and is currently at Stage 4.
- All regulations from the previous Health Act 1911 will be repealed, and replaced with new regulations at the commencement of Stage 5.
- To ensure that new regulations are appropriate for the current health risks and issues, a broad regulation review program is underway.

Relevance to Strategic Plan

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

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

Background

The development and introduction of the Public Health Act 2016 (the Act) is a major public health initiative and regulatory reform undertaking for Western Australia. WALGA State Council has consistently advocated for the introduction of the Act as a foundation for a risk management approach to public health for both State and Local Government. (Resolutions 0159.COM.6/2005, 307.6/2007, 9.1/2015).

The Act, together with the supporting Public Health (Consequential Provisions) Act 2016 (Consequential Act), received Royal Assent on the 25th July 2016.

The Act commenced in July 2016 and is moving through a process of staged implementation. Currently the Act is in Stage 4.

Stage 1 of implementation began on the day of Royal Assent (25 July 2016). On this day clauses 1 and 2 of the Act and the Consequential Act came into operation.

Stage 2 occurred on the day following Royal Assent (26 July 2016). At the initiation of Stage 2 the following clauses to come into operation: Clauses 3-5 – Objects and Principles, terms used and Crown bound. Part 16 – Crown Exemptions and Part 18 – Miscellaneous Provisions and parts of Part 19 will come into operation. These 2 stages involved various technical matters required to facilitate...
the transition from the Health Act 1911 to the Public Health Act 2016. At this stage the Health Act 1911 and its associated regulations, by-laws and local laws will remain in force.

Stage 3 occurred on 24 January 2017. At the commencement of Stage 3 the Health Act 1911 was re-named the Health (Miscellaneous Provisions) Act 1911.

During this stage elements of the administrative framework provided by Part 2 of the Public Health Act 2016 came into operation to replace the equivalent administrative framework provided by Part II of the Health Act 1911.

Stage 4 This stage will include the commencement of provisions relating to notifiable infectious diseases and related conditions, prescribed conditions of health, serious public health incident powers and public health emergencies. Equivalent provisions in the Health (Miscellaneous Provisions) Act 1911 and regulations made under that Act will be repealed. Local Governments are not required to take any action to prepare for this stage. The Department of Health has released the First Interim State Public Health in advance of the commencement of Stage 4, to inform Local Governments of the State’s priorities as they progress with preparation of their Local Public Health Plans.

Stage 5 will include the development of new regulations, and the commencement of the enforcement provisions for Public Health Planning, Public Health Assessments and registration and licensing. Stage 5 is a significant stage of implementation for Local Government, and the Department of Health will work closely with officers and Elected Members in the lead up to this stage, including consulting on the development of regulations. Stage 5 is expected to commence in 2019-2021.

Stage 5 will occur on a date fixed by proclamation, in approximately 2021. Provisions in the Public Health Act relating to environmental health matters will be commenced. Amongst other things, this will involve the development of new regulations for areas including the built environment, water, personal safety and pests and vectors. Equivalent provisions in the Health (Miscellaneous Provisions) Act 1911 and regulations and by-laws made under that Act will be repealed.

The Department of Health has pledged to provide regular updates to Local Government to ensure that adequate notice is given to prepare for each stage of implementation. The Association is represented on the Department of Health’s Public Health Act Reference Group. The Association also hosts a Public Health Advisory Group.

The following regulations will be retained under the Health (Miscellaneous Provisions) Act 1911:
- Health (Notifications by Midwives) Regulations 1994
- Health (Rottnest Island) By-Laws
- Health (Section 335(5)(d) Abortion Notice) Regulations 1998
- Notification of Stillbirth and Neo-Natal Death Regulations
- Registration, Enforcement and Discharge of Local Authority Charges on Land, Regulations.

The following regulations were transitioned under the Act during stage 4 of implementation:
- Blood and Tissue (Transmissible Diseases) Regulations 1985

The following regulations were repealed at Stage 4 of implementation and replaced by the Public Health Regulations 2017:
- Health (Immunisation by Local Governments) Regulations 2000
- Health (Notification of Adverse Event After Immunisation) Regulations 1995
- Health (Venereal Diseases) Regulations 1973
- Health (Notification of Intussusception) Regulations 2007

The preparatory work for the development of new regulations under the Act relating to environmental health matters has now commenced and proposes new regulations to address:
- the built environment
- water
- body art and personal appearances
• pests and vectors.

Comment

Through the regulation review process, each regulation from the Health (Miscellaneous Provisions) Act 1911 will be consulted on, through a working group or consultation session, and a discussion paper prepared to discuss the future options for each regulation.

These options may include
• retaining the status quo by replacing the current regulation with and equivalent regulation under the Public Health Act 2016
• taking no action and allowing existing regulations to be repealed without replacement, or
• updating regulations.

The discussion paper will then go through the Department of Treasury's Better Regulation Unit Regulatory Impact Assessment process, and then be circulated to Local Government for feedback to ensure thorough consultation prior to finalising the paper and drafting the regulation.

The Department has established a number of working groups to provide expert advice and direction on specific public health risk activities including the:
• Public Buildings Working Group
• Events Working Group
• Aquatic Facilities Working Group

A summary of some of the regulatory project work that continues has been outlined below:

Public Buildings  
Review of the Health (Public Buildings) Regulations 1992 is progressing steadily, with members of the Public Buildings Working Group currently reviewing the first draft of the discussion paper, which outlines a number of options for public building management in WA. The paper is aimed for release late 2018. In the interim, the Department has been working closely with the Building Commission to reduce duplication between the Public Buildings Regulations and the Building Codes of Australia. During April 2018, the Building Commission Industry Bulletin 99 was released, which aims to raise awareness amongst building practitioners of the need to consider the requirements of the Public Buildings Regulations in design. This is an important interim measure while the Regulations are under review, and is intended to reduce the incidence of costly post-construction renovations.

Public Events  
An Events Working Group was formed in March 2018, and it is anticipated that a discussion paper will be released within the next six months. While both public buildings and events are currently regulated under the Public Buildings Regulations, it was agreed that each risk activity needed to be reviewed separately due to the potential for different regulatory approaches.

Temporary Toilets  
A discussion paper summarising the review of the Health (Temporary Sanitary Conveniences) Regulations 1997 completed an internal review process and is now with the Better Regulation Unit for consideration. It is hoped that the paper will be released for public consultation in late 2018.

The Department has also been invited to present the findings of research associated with this paper at the 2018 Environmental Health Conference in October.

Construction Sites  
The paper summarising the review of the Health (Construction Work) Regulations 1973 and Part 3 of the Health (Temporary Sanitary Conveniences) Regulations 1997 and an associated guideline has completed an internal review process. It is currently being prepared for release for public consultation.

Drinking Water  
An internal working group has been created to flesh out proposed requirements of a potential water regulation. Work is progressing and the team are aiming to have a draft discussion paper ready for public consultation within the next six months.

WALGA State Council Meeting 4 July 2018
Wastewater
Work on a paper reviewing the wastewater sections of the Health (Miscellaneous Provisions) Act 1911 and the Health (Treatment of Sewage and Disposal of Effluent and Liquid Waste) Regulations 1974 is progressing. A draft discussion paper is planned for completion and release for public consultation by the end of 2018.

Pesticides
Drafting of a discussion paper outlining management options for pesticide management has commenced. The paper will be provided to the Department’s legal team and Better Regulation Unit for consideration, prior to being released publically for comment.

Aquatic facilities
An aquatic facilities working group met throughout 2017, providing input into the drafting of a discussion paper. The paper has recently been reviewed by the Better Regulation Unit. Final changes are being made and the discussion paper is planned to be released for public consultation later in the year.

Asbestos
Amendments to the Health (Asbestos) Regulations 1992 were proclaimed in 2017, as an interim measure to address immediate regulatory concerns. Additional work was progressed to gain approval from the Better Regulation Unit to continue the regulations under the Act, which incorporated a number of additional amendments. A Code of Practice has been drafted which is proposed to be adopted under new regulations. Concerns have now been raised regarding the potential overlapping of specific asbestos management issues with other State regulations such as WorkSafe, Department of Water and Environmental Regulation related to transport and disposal of asbestos, and Department of Mines Industry, Regulation and Safety related to asbestos in mining communities. The intention is to resolve these concerns with the various agencies to continue the progression of the regulations.

Morgues
The Morgues discussion paper was released late 2017 for public consultation. Findings of the consultation have been summarised and will be used to guide a report outlining the preferred option for managing mortuaries in WA.

Skin Penetration
A review of the Health (Skin Penetration Procedures) Regulation 1998 was previously initiated in late 2014, with extensive feedback received by industry and government at the time. Recent advice from the Better Regulation Unit has indicated that further targeted consultation with local governments is now required to provide more specific information around how the proposed regulatory changes may be effectively implemented and operate within local government. The Department will aim to progress this work over the coming year in partnership with local government and industry.

Cloth Materials
A draft discussion paper has been completed for the Health (Cloth Materials) Regulations 1985 and is currently with the Department’s legal team for internal review. It is anticipated this discussion paper will be released for public comment in late 2018.

Offensive trades
The Department partnered with WALGA to host a workshop in February 2018 with local government representatives to discuss offensive trade issues in WA. The outcomes of this workshop are being incorporated into a draft discussion paper. The paper is planned to be submitted to the Better Regulation Unit for feedback prior to being released for public consultation.

Biting insects
A paper outlining management options for biting insects such as mosquitoes has been reviewed by the Better Regulation Unit and Department’s legal team. Comments are being incorporated into the final document prior to be released for public consultation later this year.
Legionella
A fact finding mission has commenced for managing risks associated with air-handling and cooling tower systems. A discussion paper has been drafted and will be presented for internal review. A working group may need to be established later in the year to discuss potential approaches for management within the local government setting.
7. ORGANISATIONAL REPORTS
7.1 Key Activity Reports

7.1.1 Report on Key Activities, Environment and Waste Unit (01-006-03-0017 MJB)

By Mark Batty, Executive Manager Environment & Waste

Moved: Mayor Logan Howlett JP
Seconded: Mayor Tracey Roberts

That the Key Activities Report from the Environment and Waste Unit to the July 2018 State Council meeting be noted.

RESOLUTION 91. 5/2018 CARRIED

The following report outlines key activities for the Environment Policy Unit since the last State Council meeting:

Events and Newsletters

Tree Health and Resilience Forum

120 delegates attended WALGA’s Tree Health and Resilience forum on 2 May. Speakers included renowned experts in forest pathology and restoration, Professor Kingsley Dixon and Professor Giles Hardy, who were joined by representatives from State and Local Government, WALGA Preferred Suppliers and our leading research institutions. The event focussed on the many management actions Local Government can take to improve tree health. These include minimising the use of alkaline irrigation water (> pH 5.5) around native trees to avoid chlorotic decline syndrome, and supporting the presence of digging mammals in ecosystems (such as bandicoots) to assist move beneficial soil fungi across the landscape. The Town of Claremont ended the day by encouraging participants to ‘get planting and go large’!

The presentations from the event are available on WALGA’s website here.

Future planning Perth’s energy supply and targeting water audits in council facilities

WALGA held a Sustainability Officers’ Network Group (SONG) meeting on 7 June, hosted by the Town of Cambridge and attended by 15 Local Government officers. The theme of the meeting was ‘Future planning of Perth’s energy supply and targeting water audits in council facilities’. The meeting heard how Perth is adapting to a diversifying energy market, as well as hints on effectively targeting water audits and key areas to maximise savings in a range of typical council facilities.

EnviroNews

The May 2018 edition of EnviroNews can be accessed electronically on the WALGA website here. The June edition is scheduled for release on 27 June.

Policy and Advocacy

Environmental Planning Tool (EPT)

The Shire of Cuballing subscribed to the EPT in May, bringing the total number of subscribing Local Governments to 48.
Three new tools have been added to the EPT to facilitate bushfire risk planning and management. The tools allow quick classification of vegetation for bushfire risk assessment, mapping of bushfire hazard levels and bushfire attack level contours.

New Urban Forest mapping layers for Perth and Peel are also now available in the EPT which allow for comparison of percentage cover for a range of vegetation layers between 2009 and 2016.

Four EPT training sessions were delivered between May and the end of June, two at WALGA and two at the Shire of Cuballing. As well as providing instruction on general use of the EPT, these sessions demonstrated the EPT analytical and reporting functions designed specifically to meet the requirements of the Department of Water and Environment Regulation for Minor Infrastructure Purpose Permits for native vegetation clearing. These permits negate the need for Local Governments to submit individual clearing permits. The new bushfire risk assessment tools were also demonstrated.

EPT presentations were also made to the MWAC Officers Advisory Group, LGIS representatives and to the State Council Environment Policy Team.

Climate Change
Policy Statement Review

After extensive consultation with the sector, WALGA has developed a revised Climate Change Policy Statement which has been submitted to State Council for endorsement.

The responses to the Climate Change Policy Statement Discussion Paper were overwhelmingly supportive of producing a stronger climate change policy statement. This feedback was incorporated into the draft Climate Change Policy Statement, which was then released to the sector for comment. Of the 31 respondents, only one Local Government recommended that State Council not endorse the Climate Change Policy Statement. Those supporting endorsement made a range of suggested changes which were reviewed and considered. Further detail is included in the State Council paper for decision on this matter.

If endorsed by State Council, the revised Policy Statement will replace the existing Policy Statement on Climate Change (2009), and will form the basis of climate change advocacy by WALGA on behalf of the sector.

WALGA will promote the revised Policy Statement and act consistently with its content. Individual Local Governments will be encouraged to support and utilise this Policy Statement in developing and implementing their own climate change strategies and programs, but would not be bound by the Policy Statement.

Urban Forest
Urban Forest Planning Guide

WALGA has been working with the Department of Planning, Lands and Heritage (DPLH) in developing guidance to support the important work that Local Governments are undertaking to address loss of trees on public and private land. The Better Urban Forest Planning Guide includes advice on how to develop urban forest strategies, planning mechanisms and tools that Local Governments can use such as planning schemes amendments, significant tree registers and tree bonds. The guide also contains Local Government case studies that highlight ‘best-practice’ actions. The Guide is expected to be released shortly.

New urban forest mapping data

New Urban Forest mapping data covering the Perth and Peel regions for 2009, 2014 and 2016 is now available. These datasets have been developed by the Department of Planning, Lands and Heritage in partnership with CSIRO. They are available via the EPT (see above) and also at www.data.wa.gov.au.

Biosecurity
Review of the *Biosecurity and Agriculture Management Act 2007*

The WALGA CEO has written to Mr Ralph Addis, Director General of the Department of Primary Industries and Regional Development to make him aware of the Association’s policy position on post border biosecurity and seeking his assurance that WALGA and Local Governments will have the opportunity to provide input to the review of the *Biosecurity and Agriculture Management Act 2007* that is expected to commence in the second half of 2018.

**Feral Cats pest declaration**

WALGA provided information to the sector on the recommendation to declare the feral cat as a pest in WA. The Department of Primary Industries and Regional Development (DPIRD) has completed a technical assessment and recommended that the feral cat is declared as a pest under the *Biosecurity and Agriculture Management Act 2007*. Should the recommendation be accepted by the Minister, DPIRD will not enforce landholders to undertake management activities. Rather, the declaration is intended to support landscape scale management activities through better coordination of government and community programs. DPIRD is also developing a draft policy aimed at mitigating the risk of harm to domestic pet cats, which will be released for consultation in due course. Further information can be found via an [InfoPage](#) on WALGA’s website.

WALGA staff attended a Feral Cat Symposium organised by the Peel Harvey Catchment Council in Mandurah on 1 June.

**Corella Coordinated Control Program**

A new contractor has been appointed to undertake corella control at three sites in metropolitan Perth until the end of June 2018.

South West Local Governments are working together to coordinate their corella control activity. The City of Bunbury, City of Busselton, Shire of Harvey, Shire of Dardanup and the Shire of Capel have engaged a contractor to undertake control until the end of June.

A corella control information and demonstration session was held in partnership with the Department of Biodiversity, Conservation and Attractions on 22 May. The session was attended by 30 people comprising of representatives from Local Government, consultants and industry. The aim of the session was to increase awareness of the standard operating protocols and practical application of the corella control method. It is hoped that the session will result in an increase in the number of contractors that are able to safely and humanely undertake this work.

The WALGA CEO wrote to Mr Mark Webb, Director General of the Department of Biodiversity, Conservation and Attractions (DBCA) in May to inform him of progress with the coordinated control program, including the significant contributions by Local Governments in metropolitan Perth and the South West. The letter requests the Department extends funding of the program for a further three years.

**Strategic Assessment of the Perth and Peel Regions (SAPPR)**

The State Government suspended the SAPPR in April pending the consideration of recommendations of a ‘critical review of the ongoing costs, risks and benefits to Western Australia’, to be completed by the end of the year. The review is being undertaken by an independent review panel comprising:

- Darren Cooper (chair) - National President of the Urban Development Institute of Australia (UDIA).
- Robyn Glindemann - is an expert in planning and environmental law.
- Ross Holt - former career public servant, including Assistant Under Treasurer and CEO of the WA Land Authority (LandCorp).
- Professor Michael Poole AM - inaugural Chair of the WA Biodiversity Science Institute (WABSI) with a history in agriculture and environmental science.

The panel will review and make recommendations for the SAPPR with specific reference to:
• The merits or otherwise to the State Government and key stakeholders of undertaking a strategic assessment to enable the Perth and Peel regions to accommodate 3.5 million people;
• The key policy and legal risks to the State Government (and other stakeholders) from undertaking a strategic assessment as a formal environmental approval under the EPBC Act;
• The risks and benefits to private landholders from implementation of the strategic assessment;
• The likely costs of the ongoing implementation of the strategic assessment (both to the State Government and industry) and whether these costs provide value for money compared with business as usual or alternative approaches;
• The scope of the strategic assessment, including:
  • Any alternatives to a formal strategic assessment or different options within a formal strategic assessment under the EPBC Act that could be considered by the State Government and associated legal risks and implications; and
  • Any alternatives to approvals reform and streamlining under the Environmental Protection Act 1986 and other relevant legislation both in association with a strategic assessment and without; and
• The implications of terminating the strategic assessment for the State Government and industry.

It is understood that the panel will soon be engaging with stakeholders including industry, local governments and non-government organisations and that it is considering ‘appropriate methods of wider consultation’. WALGA will be seeking to engage with the review panel as a priority and will provide further information as soon as possible about how best to input to the review.

Environmental Measures included in 2018-19 Federal and State Budget

The Unit provided information to the sector on the environmental measures included in the 2018-19 Federal and State budget, released on 8 May and 10 May, respectively. Natural resource management (NRM) and action on climate change were not a focus of either budgets this year, with limited new announcements to support Western Australian Local Governments.

1. The State budget allocated $31 million for the Natural Resource Management Program, $9.3 million for the Pilbara Environmental Offsets fund, and $900,000 for the Swan-Canning Community Rivercare Program. The State budget also imposes greater cost recovery for water and environmental regulation, with increased fees for licences and permits.
2. The Federal budget allocated $1 billion for the National Landcare Program - Phase 2, a reduction on the Phase 1 funding.

An InfoPage on the 2018-19 Federal and State budgets can be found here.
7.1.2 Report on Key Activities, Governance and Organisational Services (01-006-03-0007 TB)

By Tony Brown, Executive Manager Governance and Organisational Services

Moved: Mayor Logan Howlett JP
Seconded: Mayor Tracey Roberts

That the Key Activities Report from the Governance and Organisational Services Unit to the July 2018 State Council meeting be noted.

RESOLUTION 92. 5/2018 CARRIED

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

- Governance Support for Members
- Employee Relations
- Training
- Regional Capacity Building
- Recruitment
- Strategy & Association Governance

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

**Governance**

**Local Government Act Review Update**

As the sector is aware, The Minister for Local Government announced a two-stage review of the Local Government Act and Regulations;

- Phase 1 – Modernising Local Government – aiming to introduce a Bill before the end of 2018
- Phase 2 – Services for the Community – aiming for a Bill in early 2020

**Phase 1 – Modernising Local Government**

The items to be covered in phase 1 are as follows;

- Elected Member training;
- Gifts
- Recruitment and performance review of CEOs;
- Standards of behavior, misconduct and breaches;
- Public Notices;
- Availability of information;
- Administrative Efficiencies

**Phase 1 timeline**

The Department has finalized the position papers on the above items and the Minister is looking to take policy positions to Cabinet in the near future.

The Minister plans to make public the policy positions following Cabinet endorsement, which will allow sector consultation to occur.
The following is the timeline schedule for Phase 1;

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<tr>
<th>Task</th>
<th>Timeframe</th>
<th>Sector Consultation</th>
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<tbody>
<tr>
<td>1. Finalise policy positions</td>
<td>Between now and 31 May 2018</td>
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<tr>
<td>• Complete analysis</td>
<td>2 May 2018</td>
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<tr>
<td>• Finalise recommendations</td>
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<td>• Workshop recommendations with Reference Group</td>
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<tr>
<td>• Prepare drafting instructions</td>
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<tr>
<td>• Prepare Cabinet Submission</td>
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| 1. Cabinet Submission                                                | 1 June 2018                                   | WALGA/LG Professionals Sector Consultation between July and Mid-September. |
| • Approval to draft to Minister’s office                             | 29 June 2018                                  | WALGA/LG Pro also involved in the Drafting work.         |
| • Cabinet approval                                                   | 1 July 2018                                   |                                                         |
| • Minister makes public the States Policy Position to enable sector consultation to commence | 2018 |                                                         |
| • Reference Group meeting – update on approved policy                | Mid-July 2018                                 |                                                         |

| 1. Drafting                                                          | 1 July 2018                                   |                                                         |
| • Request to draft to PCO                                            | Mid-September 2018                            |                                                         |
| • Drafting by PCO                                                    |                                              |                                                         |
| • Interactive consultation with WALGA and LG Pro on drafts           |                                              |                                                         |
| • Finalise draft                                                     |                                              |                                                         |

| 1. Cabinet Submission                                                | Mid-September 2018                            |                                                         |
| • Approval to print to Minister’s office                             | Mid-October 2018                              |                                                         |
| • Cabinet approval                                                   |                                              |                                                         |

| 1. Bill in Parliament                                                | Mid-November 2018                              |                                                         |

**Phase 2 – Services to the Community**

Phase 2 issues are likely to include the following;

- Increasing participation in Local Government Elections
- Financial Management
- Rating
- Beneficial Enterprises (Council Controlled Organisations)
- Integrated Planning & Reporting
- Community Engagement
- Local Laws
- Procurement
- Complaints Management

WALGA’s advocacy will focus on the following key principles adopted by the Sector;
• Retain General Competence Principle
• Provide for a Flexible, Principles-based legislative framework
• Avoid Red Tape
• Size and Scale compliance regime

Phase 2 timeline
The timeline for phase 2 will be as follows;

• Department Discussion Paper September/October 2018
• Consultation and drafting of legislation in 2019
• Introduce Bill to Parliament first session of 2020

WALGA will continue to keep the sector informed as the process progresses.

Puppy Farming

The State Government is committed to introducing measures to stop Puppy Farming. The Minister for Local Government is looking to introduce the necessary legislative provisions to stop puppy farming and improve the health and wellbeing of all dogs in Western Australia.

While there are already legislative powers to investigate and prosecute those who mistreat their animals, legislation relevant to puppy farming is needed to facilitate the investigation and prosecution of puppy farming in WA.

The Department of Local Government, Sport and Cultural Industries has released a Discussion paper on the issue.

The paper is designed for Local Government to discuss the recommended actions and proposed implementation process of the stop puppy farming proposals.

The feedback provided will assist in informing the government on the role of Local Government in supporting the implementation of the stop puppy farming provisions and identify the resource requirements.

The Department is working with WALGA and Local Government Professionals to ensure the discussion paper reflects the information needed for Local Governments to make a considered response and advise on what these initiatives mean for the business of Local Government.

The review of the Cat and Dog Act is likely to commence in the next financial year, which presents an opportunity to start thinking about ‘companion animals’ and how they should be managed, and the process costed. Given the Stop Puppy Farming initiatives will require an amendment to the Dog Act it’s timely to turn our minds to what this may look like.

As such, the Department is partnering with WALGA and Local Government Professionals to develop a cost modelling project. The purpose of this project will be to collect current information about the costs to your council to implement the Dog Act and what you believe may be the costs to implement the Stop Puppy Farming initiatives.

Responses to the Discussion Paper can be provided to WALGA by Friday, 10 August.
For enquiries on Puppy Farming please contact James McGovern.

Local Government Reform / Regional Capacity Building

Beneficial Enterprises (Council Controlled Organisations)

The Local Government Sector has been advocating for Local Governments to have the ability to create Beneficial Enterprises or Council Controlled organisations for over ten years.
WALGA adopted as policy the concept of establishing subsidiary corporate structures as vehicles for greater efficiency and improved partnering practices for Local Government involvement in a range of activities that are distinct from the commonly understood “core functions” of local government. Examples of such activities include affordable housing projects, urban regeneration, measures to address economic decline in regional centres, public-private partnerships to develop local government assets. Specifically the authority for Local Government to create Council controlled organisations as a means of improving Local Government efficiency.

Under such an arrangement, Councils would be able to establish arms-length entities to deliver projects and services needed by the community. The role of Council controlled organisations, as proposed by WALGA, would be to provide services and facilities that are otherwise not attractive to private investors.

In effect such a model would enable Councils to establish organisations that operate at arm’s length to the Local Government in a commercial environment with the support of the community. The introduction of Beneficial Enterprises into WA would modernise the Local Government operations, ultimately improving the capacity of Local Government in WA to deliver on its social obligations.

A Breakfast Forum will be held on Wednesday 1 August 2018 commencing at 7am at the Perth Convention & Exhibition Centre.

This Forum, jointly hosted by WALGA and the Department of Local Government, Sport and Cultural Industries, provides an opportunity for State Government, Local Government and the business sector to hear how Local Governments in other States have successfully established and operated CCOs. Speakers will also participate in a Panel discussion and Q&A session.

**Regional Subsidiaries**

WALGA and the Local Government sector have been advocating since 2008 for Local Governments to be able to establish regional subsidiaries in Western Australia.

The legislation was introduced in 2016 and subsequent Regulations introduced in 2017.

As part of the Local Government Act review process, WALGA has been advocating for a complete review of the *Local Government (Regional Subsidiaries) Regulations 2017* to remove the overly prescriptive compliance regulations.

A key advantage of the regional subsidiary model is the use of a charter, as opposed to legislation, as the primary governance and regulatory instrument. Accordingly, the legislative provisions governing the establishment of regional subsidiaries should be light, leaving most of the regulation to the regional subsidiary charter, which can be adapted to suit the specific circumstances of each regional subsidiary.

It is WALGA’s strong view, that the Regulations should be limited to two matters. Firstly, the regulations should outline what *must* be addressed in the charter of a regional subsidiary. Secondly, the regulations should outline which sections of the *Local Government Act 1995* will apply to a regional subsidiary such as provisions relating to scrutiny of Local Government and protection from liability. It is WALGA’s view that application of the *Local Government Act 1995* should be kept as minimal as possible.

The burden of accountability oversight for a Regional Subsidiary should primarily be contained in the Regional Subsidiary’s charter and not in Regulations. The charter is well-placed to address accountability matters such as procurement, financial and reporting requirements and other important matters. This approach would ensure that the Regional Subsidiary model benefits – flexibility and the ability to establish a subsidiary that is fit-for-purpose – are realised.
In support of the view that the charter should be the primary governing instrument, WALGA's submission argued that there are sufficient compliance obligations inherent in the model including:

1. The obligation of the constituent Councils to undertake their due diligence and be satisfied that entering into a regional subsidiary is in the best interests of their organisation and community;
2. Ministerial Approval of the proposed charter, which provides a significant opportunity for oversight by the regulatory body;
3. Establishment of a Board of Management that can include independent skills-based directors depending on the collaborative function of the subsidiary;
4. Reporting requirements to the board of management which will consist of members from the constituent Councils; and,
5. Reporting requirements to the constituent Councils.

The overriding requirement of a subsidiary is that the responsibility falls to the constituent councils through the Governance charter to provide accountability for the subsidiary and not the Department of Local Government through regulations.

WALGA has contracted a legal firm to prepare the legal drafting of the amendments required for the regulations, for presentation to the Minister for Local Government.

Employee Relations

WALGA Salary and Workforce Survey 2018

The WALGA Salary and Workforce Survey 2017/18 is a comprehensive survey of Local Government workforce, remuneration, benefits and human resource management information. The Salary and Workforce Survey provides valuable data and insights for Local Governments in workforce planning, structuring remuneration and HR management. Subscribers to the survey receive a written report and access to an online portal with more customised results and additional resources.

The survey is a valuable tool to assist with Local Government budgeting.

WALGA has published a remuneration survey for over 20 years to assist Local Governments in designing and implementing salary structures and to help guide strategic workforce planning. Following a review of the survey in 2016, in consultation with the sector, the WALGA Salary and Workforce Survey 2017/18 has been compiled in conjunction with SalaryOne, to produce an expanded data set available to subscribers in two fresh formats.

PDF Report

Some key features of the WALGA Salary and Workforce Survey report include:

1. Exclusive for WA and NT Local Governments.
3. Base salary and total remuneration data for 144 unique positions.
4. Enterprise agreement pay rises.
5. Organisation priorities for people and culture.
6. Workforce data by employment type, age, occupation, diversity and gender.
9. Increased privacy, while retaining some pay transparency.

Online Portal

WALGA is pleased to provide Local Governments who subscribe to the survey report, access to an online portal for full salary data and workforce resources.

The online portal has a number of features not included in the written PDF report, including:
• Salary data search of over 3000 Local Government salaries
• your survey results ranked against industry benchmarks (for survey participants)
• position task descriptors, and
• additional data tables and charts.

*An online remuneration calculator is coming to the online portal soon.

Executive Summary

An Executive Summary is available to Local Governments free of charge. The Summary includes a snapshot of the information that has been collected and presented in the report and the online portal.

Subscribing

If a Local Government wishes to purchase an annual subscription to the 2017/18 survey, please contact WALGA Employee Relations.

The 2018/19 Salary and Workforce survey will commence in August 2018.

Association Governance

Proposed WALGA Constitutional Amendments

A proposal to amend the WALGA Constitution will be put forward to the 1 August 2018 WALGA Annual General Meeting.

The proposed amendments were endorsed by a special majority at the 4 May 2018 meeting of State Council and members have been emailed advice of the proposal.

The proposed amendments are as follows:

1. Amendments to ensure that the President and Deputy President are drawn from opposite constituencies as is currently convention (i.e. if the President is from the Country constituency, the Deputy President must be drawn from the metropolitan constituency, and vice versa);
2. Amendments to ensure that the Presidency will be rotated between the two constituencies (i.e. once a Country President finishes, the next President must be elected from the Metropolitan constituency, and vice versa);
3. Amendments to clarify that the qualification requirements of State Councillors are also applied to ex-officio members of State Council;
4. Amendments to clarify that State Councillors will be disqualified from office if suspended or disqualified from holding the office of Council, no matter which section of the Act is used by the Minister to effect the suspension or disqualification;
5. Amendments to clarify that the President is entitled to vote in elections for President and Deputy President;
6. Amendments to reflect the change of name of the Local Government Professionals Australia WA; and,
7. Amendments to apply the same Ministerial suspension or disqualification provisions to Zone delegates as apply to State Councillors.

Full information will be provided in the Annual General Meeting papers to be distributed in June 2018.
7.1.3 Report on Key Activities, Infrastructure (05-001-02-0003 ID)

By Ian Duncan, Executive Manager Infrastructure

Moved: Mayor Logan Howlett JP
Seconded: Mayor Tracey Roberts

That the Key Activities Report from the Infrastructure Unit to the July 2018 State Council meeting be noted.

RESOLUTION 93. 5/2018  CARRIED

The following provides an outline of the key activities of the Infrastructure unit since the last State Council meeting.

Roads

Review of the Road Classification System

The road classification system used to determine the responsibility for roads in WA under the requirements of the Main Roads Act 1930, was reviewed by a working group of representatives from Local Governments, Main Roads and WALGA. The new methodology for metropolitan roads was endorsed by the WALGA State Council at the March 2018 meeting. The new system adopts a two tier process. The first tier considers the planning and statutory functions of the road and the second comprises a more detailed assessment of the road’s current and future function. Testing of the revised methodology indicates that approximately 25 Metropolitan roads could qualify for redesignation as State roads.

A separate process is now being developed for consideration that will deal with non-metropolitan roads. Main Roads has been undertaking sensitivity studies to determine how any new criteria for non-metropolitan roads perform against the existing criteria. This will be applied to roads ranging from little used local roads to existing State Roads. The consultation process is still to be agreed with Main Roads WA. The aim is that this will commence in the coming quarter.

Methodology for Calculating the Cost of Road Wear on Unsealed Roads

In response to member requests, WALGA has worked closely with ARRB to develop a guide for calculating the cost of road wear on unsealed roads subject to a significant increase in heavy vehicle traffic. This builds on similar work completed for sealed roads and now adopted by many Councils.

A model has now been developed for unsealed roads that is currently being calibrated and tested in a range of situations for which the traffic data and road maintenance costs are known. The final phases of this project involve the development of a User Guide to enable the model to be applied in a practical way.

Review of the Restoration and Reinstatement Specification

WALGA has commenced a project in partnership with the Institute of Public Works Engineering Australasia (IPWEA) to review and update the Restoration and Reinstatement Specification and will be seeking industry experts to join the working group. This specification will be a key supporting resource to a Model Policy Guideline for Managing Third Parties Working in the Road Reserve. The Specification was published in 2002 and IPWEA has endorsed a comprehensive review to be performed by a working group of industry experts.

Revised Traffic Management for Works on Roads Code of Practice

WALGA and other stakeholders have been actively working to develop a revised Traffic Management for Works on Roads Code of Practice that has recently been published by Main Roads WA. A new section (4.5 Authorising Traffic Management Plans) was added to the Code, which impacts on Local Government. Section 4.5 states (in part) that “by signing the Road Authority Authorisation section of
a Traffic Management Plan (TMP) the Road Authority (Main Roads and/or LGA) is endorsing the implementation of temporary traffic management on that road. The Road Authority is not responsible for ensuring every aspect of the TMP is compliant with AS1742.3-2009, this code and/or the Traffic Management for Events Code of Practice (Events Code).”

2018 Transport and Roads Forum

The 2018 Local Government Transport and Roads Forum will be held on Tuesday 16 October at Crown Perth. This will provide an important and timely opportunity for Local Government leaders to engage with senior officers and Ministers with responsibility for the transport related portfolios. Technical topics proposed include:

- New approaches for optimising road preservation works
- Reconstruction and recovery following natural disasters
- Traffic Management
- Unsealed and sealed roads
- Road Safety Management Systems

The program is currently being developed and more details will be released in coming months.

Operational Responsibility in the Road Reserve

For many years there has been no formal agreement between Main Roads and Local Government regarding the boundaries of responsibilities in the road reserve. In response to this issue, the Operational Responsibility for Public Roads in WA (Agreement) was developed between 2005 and 2009, jointly by a Working Group comprising Main Roads WA, IPWEA and WALGA, the latest draft being version 2, December 2009. The purpose of the Agreement is to provide principles and practical guidance for determining how the responsibility for operating and maintaining the different parts or elements of highways and main roads is to be allocated between Main Roads and Local Government. Ongoing discussions between Main Roads and WALGA have identified issues that have prevented adoption of the Agreement.

The State Road Funds to Local Government Advisory Committee (SAC) at its meeting on the 6 April 2018, resolved that a Working Group be established to identify and resolve the issues that are hindering the adoption of the Agreement. It is proposed that Local Government, Main Roads, WALGA and IPWEA will be represented on the Working Group. The working group will be tasked to draft an acceptable amended Agreement and implementation recommendations for consideration by SAC.

Report on Local Government Road Assets and Expenditure 2016/17

The Report on Local Government Road Assets and Expenditure 2016/17 is now available. The report was produced by WALGA with assistance from the WA Local Government Grants Commission. The report provides information on the lengths and types of roads, paths and bridges and highlights trends in the data over the preceding five years. It includes statistics and trends on the funding sources and amount of Local Government expenditure on roads, paths and bridges. Details are provided on the allocation of expenditure between expansion, upgrade, maintenance and renewal of the network at a regional level and for individual Local Governments. The expenditure statistics are analysed to provide comparisons of road preservation performance, net preservation needs and expenditure effort. These comparisons provide insight into the adequacy of funding and the difference between road preservation needs and current expenditure on road preservation.

Hard copies of the report will be posted to all Local Governments in June and further copies available via the website.

Funding

Proposed New State Road Funds to Local Government Agreement
The State Road Funds to Local Government Agreement (SRFLGA) provides an allocation of funds to Local Governments in Western Australia. The amount of funding is based on a percentage of the motor vehicle license fee (MVLF) revenue collected by the State Government. The funding arrangement provides Local Government with some surety in funding for the term of the Agreement. The current Agreement ran from 2011/12 to 2015/16 and was extended a further two years to 2017/18.

Following a meeting between the Minister for Transport; Planning; Lands and the WALGA President and CEO on 27 August 2017, the Minister agreed to the negotiation of a new Agreement. The Minister authorised Main Roads to proceed to negotiate with WALGA to draft the New Agreement.

Based on a Local Government survey performed by WALGA in 2015 and ongoing consultation with the Regional Road Groups and Main Roads WA, WALGA drafted a proposed new Agreement in December 2017. From 2015/16 to 2017/18, the State Government decreased the MVLF portion provided under the Agreement from 27% to approximately 20%. The draft agreement is broadly the same as the current agreement but seeks to return the level of funding to 27% of VLF over the term of the Agreement.

The draft was submitted to Main Roads for consideration and they responded with several points of difference. The major difference being that the State Government is offering only 20% of MVLF over the term of the Agreement. A report summarising the proposed changes in the draft Agreement and the points of difference raised by Main Roads was submitted to State Council in March for noting.

The WALGA President and CEO subsequently met with the A/Managing Director of Main Roads and Director General of the Department of Transport to seek resolution of the outstanding issues. At the meeting the Director General clearly stated that the State Government would not move from their offer of 20% MVLF over the term of the Agreement. This offer was presented to State Council in May where it was rejected and Council resolved to seek a return to 24% of MVLF by 2020/21. Further meetings between WALGA, Main Roads and the Minister has led to the position where the State Government now believes that the best option is to fund work on Local Government roads through Regional Road Groups but without an overarching agreement.

Western Australian Natural Disaster Relief and Recovery Arrangements (WANDRRA)

Work is continuing with representatives from the Office of Emergency Management seeking to achieve effective implementation of new natural disaster relief and recovery funding arrangements. Current efforts are focussed on:

- Ensuring Local Governments are appropriately and directly engaged;
- Processes are developed, in consultation with Local Government, that are practical and deliver the required outcomes;
- Cashflow and other constraints facing Local Governments responding to natural disasters are addressed effectively.

Senior officers from the Office of Emergency Management have commenced engaging directly with Local Government senior officers and elected members at Regional Road Groups and in other forums. This will continue, with WALGA support, over the coming months.

The State is currently engaging with stakeholders regarding the required frequency and depth of asset condition inspections of roads and bridges required by the Commonwealth to demonstrate the pre-disaster condition of damaged or destroyed assets. There are also discussions concerning the provision of independent engineering assessment of cost estimates and the readiness of the WA Auditor General. It is possible that the start date for new arrangements may be deferred several months from the proposed 1 July commencement as the Commonwealth has not yet provided the final Determination.

Street Lighting

The Association is advocating that LED street lighting technology be available and supported to improve the quality of public area lighting, reduce costs, reduce energy consumption and reduce greenhouse gas emissions.
Western Power has concluded commercial agreements with two suppliers for provision of LED street lights. This will provide an option for developers and Local Governments wishing to take advantage of this technology and gift the assets to Western Power. As yet there is no indication of the tariffs that will be charged for each of these luminaires. The Association will shortly be engaging with Local Governments concerning preferred default arrangements for replacement of failed Western Power and Horizon Power street lights.

The Association has provided submissions to the Economic Regulation Authority and met with senior officers working on the arrangements covering Western Power pricing and investment over the coming four year period. In the short term Local Governments are seeking much greater transparency in the cost stack components (operating costs, maintenance costs, renewal costs) that comprise the Western Power tariff. We are also seeking that the ERA assess whether the current costs incurred by Western Power are efficient costs by benchmarking against comparable electricity distributors in other Australian jurisdictions.

Urban and Regional Transport

Secondary Freight Routes in the Wheatbelt Regions
WALGA is supporting Local Governments in the Wheatbelt North and Wheatbelt South Regional Road Groups working collectively to define freight routes in the region, identify the investment required to provide the desired levels of service and develop a business case for investment. Through RDA Wheatbelt application has been made for a $1.25 m Leverage Fund grant from the Department of Primary Industries and Regional Development, subject to a successful funding application to the Federal Government Building Better Regions Fund.

Bus Stop Infrastructure Agreement
A review of the Bus Stop Infrastructure Partnership Agreement between Local Government and the Public Transport Authority (PTA) that was endorsed by State Council in March 2016 has commenced as set out in the provisions of the agreement. The Agreement defines the roles and responsibilities for providing and maintaining bus stop infrastructure and sets out the consultation process between the PTA and Local Governments to be applied when bus routes are changed, bus stops added or removed and bus stop infrastructure upgraded.

Initial consultation with Local Governments and PTA indicates that the Agreement is working well. It has proven challenging to maintain awareness of the Agreement amongst Local Government officers and a small number of Local Governments have not been claiming bus shelter maintenance contributions to which they are entitled. Depending on further advice from members, a new agreement with minor changes is likely to be proposed for consideration.

Bicycle share scheme discussion paper
Docked and dockless bike sharing schemes have been established in some Australian cities with varying degrees of success and various external impacts. These ventures usually require Local Government approval and/or support. The service provided will often extend over several Local Government jurisdictions adding a degree of complexity in supporting the opportunities and managing any adverse impacts.

With a small working group, WALGA is working to produce a discussion paper on bicycle share schemes for consideration by members and to facilitate feedback on how the Association can assist Local Governments dealing with this. This work will build on a position paper on bicycle share schemes drafted by the Department of Transport that indicates broad support for such schemes and identifies some issues and opportunities for consideration.

Road Safety

Development of a Model Policy Template for Traffic Management on the Local Road Network
The requirement for notifications, approval and implementation of traffic management plans on local roads is an important responsibility of Local Government. Currently these responsibilities, particularly in relation to third parties, are specified in different documents. This is causing confusion for Local
Governments, utility providers and contractors. Local Government practitioners and members of the Utility Providers Services Committee have asked WALGA to develop a model policy template to assist Local Governments frame consistent and robust policy and practices to govern works in local road reserves. WALGA will consult with Local Governments and provide opportunity for input during the development process.

Movement of Agricultural Vehicles on the Public Road Network

Due to a recent amendment to regulation 454 of the Road Traffic (Vehicles) Regulations 2014 Main Roads WA is reviewing the requirements of pilots who assist in moving agricultural vehicles and implements on the public road network. This amendment and the increasing dimensions of agricultural vehicles and implements has prompted consideration of creating different classes of agricultural pilots and a short on-line course to provide practical knowledge, raise awareness of the risks associated with moving oversize and/or over-mass vehicles on public roads, and increase safety for all road users. Local Governments, as road authorities, will be provided an opportunity to comment on the proposed changes.

Road Safety Council Update

Since the first meeting of the year the Road Safety Council has made recommendations to the Minister in regard to the 2018-19 Road Trauma Trust Account budget and continued to monitor 2017-18 expenditure. The Council has also commenced work on reviewing its governance framework and associated documents, starting with the Code of Conduct. Other matters considered by the Council include updates on the development of legislative reforms to address substance impaired driving and recidivist offenders and the need for a review of penalties (last reviewed in 2010), in particular for speeding and illegal use of mobile phones while driving.

Two events have been developed with the aim of transferring knowledge and building leadership for road safety. A Road Safety Research Forum, hosted by former Chief Scientist of WA Professor Lyn Beazley AO FTSE, was held on 4 May to showcase how WA research is shaping the future of road safety. The second, strongly supported by the Road Safety Council, is a three-day Road Safety Management Leadership Program to be held in June 2018. This program has been tailored especially for Western Australia by Monash University Accident Research Centre (MUARC). It is based on MUARC’s internationally recognised program, designed to develop and nurture the leadership required to drive improvements in road safety performance. WALGA has liaised with the Road Safety Commission to secure places in the program for the Chairs, or another representative, from each Regional Road Group.

RoadWise Road Safety Newsletter


New subscribers can register to receive the newsletter directly through the following link: http://eepurl.com/PHFsr.

The newsletter is currently distributed to almost 2000 members of the community road safety network in Western Australia. Readership of the newsletter is estimated to be significantly higher than distribution.
7.1.4 Report on Key Activities, People and Place (01-006-03-0014 JB)

By Melissa Pexton, Acting Executive Manager People and Place

Moved: Mayor Logan Howlett JP
Seconded: Mayor Tracey Roberts

That the Key Activities Report from the People and Place Unit to July 2018 State Council meeting be noted.

RESOLUTION 94. 5/2018  CARRIED

The following provides an outline of the key activities of the People and Place Team since the last State Council meeting.

Changing Places
WALGA continues to deliver the Changing Places Grant Program on behalf of State Government. Facilities to achieve final accreditation include Cunderdin, Melville, Broome, Bunbury, Gin Gin, Mandurah, Moora, Narrogin and Port Hedland. A Western Australian State Steering Committee is forming to continue advocacy and promotion of the program. WALGA continues to meet with State Government agencies and key industry bodies to ensure quality standards are maintained and delivered for continuance of the program.

Homelessness
The State of Homelessness in Australian’s Cities: Report on 12 April was released by the Centre of Social Impact at the University of Western Australia (CSI UWA) in partnership with Australian Alliance to End Homelessness (AAEH) and The Western Australian Strategy to End Homelessness: 10 Year Plan on 13 April by the WA Alliance to #EndHomelessness. Shelter WA, WALGA and Local Governments are working to produce a policy statement to support members on better understanding the role of Local Government in addressing homelessness, in alignment with these key documents.

Family, Sexual and Domestic Violence
WALGA continues to work with Federal Government, Department of Social Services and local members in completing a draft toolkit and roll out a project pilot for Local Governments on Family, Sexual and Domestic Violence. Work continues to further determine action research and evaluation plans of the trial, gaining further understanding of the application and better determination around timelines for rollout of the Toolkit to trail sites.

Chief Health Officer Resignation
The WA Chief Health Officer, Professor Tarun Weeramanthri, tendered his resignation after a decade of service on 15 May 2018. Professor Weeramanthri has provided expert advice on public health matters that impact the WA community, most notably the new Public Health Act 2016, opening of the new Perth Children’s Hospital and the State’s inaugural Preventative Health Summit. WALGA thanks and recognises the Professor Weeramanthri for his expert leadership and will be welcoming his predecessor into the role in the near future.

Sustainable Health Review
WALGA continues its involvement in the Prevention, Promotion and Partnerships (PPP) Working Group providing important points of relevance for how Local Governments work around the focus areas of climate and sustainability, family and domestic violence, alcohol and other drugs, funding models for prevention and health prevention and capacity building. Five roundtables will be occurring over June and July to further inform the final report. Robyn Kruk, Independent Chair of the SHR Panel will be attending the next PPP Working Group.

Department of Health to support Local Government Officers to receive Health Promotion training
The Department of Health has worked with WALGA and Curtin University to develop a specific training course to equip Local Government officers with the skills to assist development of Local Public Health Plans in their Local Government. The Department will offer sixteen funded positions to officers who meet a range of criteria. The Association is assisting with development of criteria, and will circulate information on the application process to all Local Governments in the near future. This project is the result of information shared at a WALGA Public Health Advisory Group meeting. The Group brings different perspectives and ideas to the attention of the Association, and benefits to Local Government of strong collaboration between WALGA and the Department of Health.

**Food Bourne Illness Reduction Strategy**

The Department of Health has sought WALGA’s assistance in consultation and endorsement for the Draft WA Foodborne Illness Reduction Strategy (the Strategy). This Strategy is being developed concurrently with Australia’s Foodborne Illness Reduction Strategy, which will be voted on by Commonwealth, State and Territory Ministers on 29 June. The Strategy and Salmonella Implementation Plan have been developed in conjunction with State and Local Government representatives.

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

WALGA will circulate the Strategy for Local Government comment in the near future. The Strategy will then be included in the September State Council Agenda for endorsement.

**Community Safety Events**

The LGCSN will host a full-day conference at the Perth Convention and Exhibition Centre alongside the WALGA Convention on Thursday, 2 August. Keynote speakers include UWA’s Dr Joe Claire, who will present on Safety and Crime, Perceptions and Reality, and Stuart Mearnes who will discuss the Mental Health Co-Response Team Trial. The conference will include information on using local data for crime prevention, and a workshop run by environmental criminologist Dr Paul Cozens.

The Local Government Community Safety Network (LGCSN) runs quarterly events to provide information on crime prevention and community safety to Local Governments, the WA Police and relevant agencies. The LGCSN is open for anyone in Local Government with an interest in community safety. The Network also hosts an online google group to enable members to ask questions or share information with others in the space. The last LGCSN meeting of the year will be hosted by the City of Stirling in October/November.

**National Local Government Cultural Forum and Cultural Planning**

WALGA has been actively participating in discussions with ALGA regarding the National Local Government Cultural Forum with ongoing support from the Australia Council of the Arts. WALGA attended the Forum’s Network Meeting in May and continues to partner with the Chamber for Arts and Culture regarding next steps for Local Governments.

**Empowering Communities (formerly Supporting Communities)**

WALGA supported the Department of Communities to engage with Local Governments to review previous Community and Neighborhood Development Services and Individual and Family Support and Youth Support Services programs for the creation of a single stream Supporting Communities model.

The $9.4 million program tenders have now been released on Tender WA renamed Empowering Communities. WALGA encourages all members to access and apply via the Tender WA website by the end of June.

**Smart Cities and Suburbs Program**

The Department of Infrastructure, Regional Development and Cities (DWR) announced Smart Cities and Suburbs Program grant funding for applications by 2 July 2018. A total of $50 million with
estimated grants valued between $250 thousand and $5 million available for applicants who can meet the criteria. The program aims to support projects that apply innovative technology based solutions to local challenges to achieve livability, productivity and sustainability. WALGA encourages Local Governments to apply.

Reconciliation Week
WALGA attended the Department of Local Government, Sport and Cultural Industries launch of Reconciliation Week, Banner project on Monday 28 May. The Minister for Aboriginal Affairs, Hon, Beeb Wyatt, acknowledged the growing support of local governments, with a total of 19 Local Governments now participating in the program. In a bid to lead by example WALGA staff have also engaged in cultural awareness training as part of implementing the WALGA Reconciliation Plan.

State Youth Strategy 2018-21
The Department of Communities has conducted is final round of consultation on the development of a statewide Youth Strategy. WALGA and more than 40 Local Governments participated in a facilitated session on 31 May to refine the strategies and actions as outlined by State Government. WALGA continues to work with the Department to ensure the voice of its members is heard and considered and looks forward to the launch the Strategy in late August.

Managing Alcohol in our Communities Resource
WALGA, in partnership with the Mental Health Commission and the Public Health Advocacy Institute, has developed an alcohol management resource which provides information and case studies to assist Local Governments in managing alcohol-related issues and includes information on identifying alcohol-related issues in the community; aligning community concerns with Local Government operations; influencing the supply of alcohol and reducing demand for alcohol. The resource will be available to Local Governments in the coming weeks.

Off-road Vehicle Discussion Paper
Off-road vehicles have been an issue for Local Governments for decades with members highlighting their concerns around safety, social, economic and environmental costs to their communities. WALGA has developed an Off-road Vehicle Discussion Paper which has been distributed to the sector for consultation. Feedback will be considered before its inclusion in the September State Council Agenda as an item for decision.
7.2 Policy Forum Reports (01-006-03-0007 TB)

The following provides an outline of the key activities of the Association’s Policy Forums since the last State Council meeting.

Moved: Mayor Logan Howlett JP
Seconded: Mayor Tracey Roberts

That the reports on the Key Activities of the Association’s Policy Forums to the July 2018 State Council meeting be noted.

RESOLUTION 95. 5/2018  CARRIED

7.2.1 Mayors/Presidents Policy Forum
Tony Brown, Executive Manager Governance & Organisational Services

The Mayors/Presidents Policy Forum has been tasked with addressing the following key issues;

i. Advise the WALGA President on emerging policy issues;

ii. Serve as a stakeholder forum to effectively support and complement the broader work of the Western Australian Local Government Association;

iii. Provide a networking opportunity for all Mayors and Presidents across the State;

iv. Provide a forum for guest speakers to present on topical sector issues.

Comment
A Mayors/Presidents Policy Forum has not been held since the last State Council meeting.

The next Policy Forum will be scheduled for Tuesday 31 July 2018 at 3:30pm at the Perth Convention and Exhibition Centre as part of the 2018 Local Government convention.

An agenda advising of guest speakers will be circulated to all Mayors and Presidents prior to the meeting.

7.2.2 Mining Community Policy Forum
Wayne Scheggia, Deputy CEO

The Mining Communities Policy Forum has been tasked with addressing the following key issues;

v. Monitor and assess the continuing impacts of State Agreement Acts on Local Government revenue raising capacity and service delivery;

vi. Monitor and assess the impacts of State Government legislation, regulation and policies on the capacity of Local Governments to appropriately rate mining operations.

vii. Develop and recommend relevant advocacy strategies in relation to i & ii;

viii. Consider and recommend relevant strategies in respect to “Fly-in, Fly-out (FIFO) and “Drive-in Drive-out” (DIDO) workforce practices with specific reference to;

a. The effect of a non-resident, FIFO/DIDO workforce on established communities, including community wellbeing, services and infrastructure;

b. The impact on communities sending large numbers of FIFO/DIDO workers to mine sites.

Comment
There has not been a meeting of the Policy Forum since the previous State Council meeting.
7.2.3 Container Deposit Legislation Policy Forum
Mark Batty, Executive Manager Waste and Environment

A Container Deposit Scheme (CDS) is a form of Extended Producer Responsibility which seeks to place financial/physical responsibility for a product (at end of life) on the original producer.

The objectives of the Container Deposit Scheme Policy Forum shall be to:
• Provide constructive input into the development of a CDS for WA
• Ensure that regional and remote communities have access to the benefits of a CDS
• Engage with Local Government, and collectively negotiate with the Scheme operator, to ensure the sector has the opportunities to be involved in the implementation of a CDS.

Comment
The Policy Forum has not met since the last State Council Meeting.

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

Moved: Mayor Logan Howlett JP
Seconded: Mayor Tracey Roberts

That the reports on the Key Activities of the Association’s Policy Forums to the July 2018 State Council meeting be noted.

RESOLUTION 95. 5/2018 CARRIED

7.3 President’s Report

Moved: President Cr Karen Chappel
Seconded: President Cr Stephen Strange

That the President’s Report for July 2018 be received.

RESOLUTION 96. 5/2018 CARRIED

7.4 CEO’s Report

Moved: President Cr Karen Chappel
Seconded: Cr Brian Oliver

That the CEO’s Report for July 2018 be received.

RESOLUTION 97. 5/2018 CARRIED
7.5 Local Government Professionals (WA) President’s Report

Mr Ian Cowie, President, Local Government Professionals, will provide an update on the activities of Local Government Professionals.

Moved: Cr Julie Brown  
Seconded: Cr Nige Jones

That the Local Government Professionals Report be received.

RESOLUTION 98. 5/2018  
CARRIED

8. ADDITIONAL ZONE RESOLUTIONS

Moved: Mayor Logan Howett JP  
Seconded: Cr Chris Mitchell

That the additional Zone Resolutions from the June/July 2018 round of Zones meetings as follows be referred to the appropriate policy area for consideration and appropriate action.

RESOLUTION 99. 5/2018  
CARRIED

PILBARA COUNTRY ZONE

Mining Camp Rating - Governance and Organisational Services  
That the Pilbara Zone requests mining camp rating be added to the next State Agenda to consider the impact of this form of 'rate capping'.

NORTHERN COUNTRY ZONE

Shire of Coorow – Corella Control in Rural Areas - Environment and Waste  
1. That the Northern Country Zone of WALGA requests WALGA to investigate some viable options for corella control in rural towns, and  
2. That the Northern Country Zone of WALGA requests WALGA to advocate to have other Shires added to the open season for western long-billed corellas and little corellas.

Regional Issues – Police Rural Housing Rental Issues – Shire of Coorow – People and Place  
That:
1. The Northern Country Zone request WALGA to support the Police officers campaigning to remove the planned increase in GROH rents for police officers serving in regional areas.  
2. That the Northern Country Zone requests WALGA to advocate to the Commissioner of Police to address the inequity in those locations classified as desirable thus attracting rent viz those classified not desirable and are rent free, which in turn creates difficulty in recruiting placement officers.  
3. The Northern Country Zone requests WALGA to advocate to other Shires whose police officers are also affected.  
4. The WALGA investigates how these proposed rental increases will affected other public servants employed in regional areas.
SOUTH WEST COUNTRY ZONE

City of Busselton – Police Housing – People and Place

That SW Zone WALGA:

1. Write to the Minister for Housing and the Minister for Police to highlight the concerns including:
   - Condition of housing available
   - Costs of rent and rent increases
   - Lack of surety in tenure to assist with rental options for Police Officers

2. Request that WALGA also raise these concerns outlined above with the relevant Ministers and Departments as this issue is common across Regional Western Australia in relation to Government Regional Officer Housing (GROH) as a whole.

Community Resource Centres – People and Place

Advise WALGA of the concern expressed by members of the potential adverse impact to small communities by the WA Government decision to change the policy regarding the funding support of Community Resource Centres and the likely resultant impost on Council rates across communities.

SOUTH METROPOLITAN ZONE

Regulatory Signage and Line Marking Plans - Infrastructure

That WALGA make representation to Main Roads WA to allow local authorities in the Perth Metropolitan area, as the local road network managers, to design and approve regulatory signage and line marking plans for roads under the care, control and maintenance of the local authorities. All such design shall be to the standards of Main Roads WA.

Emissions Report - Infrastructure

That the recommendations contained in the paper, as follows, be adopted by the Zone and put forward to WALGA for action:

1. Local Governments, where possible, consider vehicle emissions during planning, designing and construction of infrastructure projects.

2. When evaluating tenders Local Governments consider vehicle emissions during the process of purchasing new fleet, in addition to their fleet policies.

3. Local Governments consider policies that facilitate the adoption of electric vehicles and supporting electric vehicle charging infrastructure.

4. That WALGA advocate to the proposed Infrastructure Western Australia body, when it is established by the State Government, to consider vehicle emissions as part of the assessment process and cost-benefit analysis for projects.

5. That WALGA advocate to Infrastructure Australia to consider vehicle emissions, other than greenhouse gas emissions, during the assessment of projects.

6. That WALGA advocate to State Government for the broader implementation of the Department of Environment Regulation ‘CleanRun’ Program, as a behaviour change initiative which has the potential to reduce fuel consumption.
GOLDFIELDS ESPERANCE COUNTRY ZONE

Legislative Protection for Remotely Piloted Aircrafts (Drones) City of Kalgoorlie-Boulder - Infrastructure

That the Goldfields Voluntary Regional Organisation of Councils:
1. Advocate to the State and Commonwealth Governments to develop greater legislative protection for individuals against privacy-invasive technologies including drones; and
2. Advise WALGA of its concern of the need for greater legislative protection for individuals against privacy-invasive technologies including drones.

EAST METROPOLITAN ZONE

Security Arrangements at Public Meetings – Governance and Organisational Services

That the East Metropolitan Zone proposes that WALGA:

a. Investigate the nature of security arrangements during Council and public meetings for Local Government staff, the general public and Elected Members, and;
b. Advocate and lobby for structural models for these arrangements to be improved.

9. MEETING ASSESSMENT

President Cr Tony Dean provided feedback as to the effectiveness of the meeting.

10. DATE OF NEXT MEETING

That the next meeting of the Western Australia Local Government Association State Council be held in Dongara, on Friday 7 September 2018 commencing 11:00am.

11. CLOSURE

There being no further business the Chair declared the meeting closed at 4:55pm.

DECLARATION

These minutes were confirmed at the meeting held on ________________________________

Signed

__________________________________________________________
Person presiding at the meeting at which these minutes were confirmed