



WALGA

WORKING FOR LOCAL GOVERNMENT

AGENDA

Annual General Meeting

Perth Convention Exhibition Centre
Perth

Wednesday, 3 August 2016



WALGA

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AGENDA

**Annual General Meeting
of the
Western Australian
Local Government Association**

to be held at the
Perth Convention Exhibition Centre
21 Mounts Bay Road, Perth
Riverside Theatre (Level 2)
on
Wednesday, 3 August 2016
at 1.30 pm

1. Meeting Program

- 1.30pm** **Welcome address by WALGA President, followed by the National Anthem and the Welcome to Country**
- 1.45pm** **Address from Hon Tony Simpson MLA, Minister for Local Government; Community Services; Seniors and Volunteering Youth**
- 1.55pm** **Address from Mr David Templeman MLA, Shadow Minister for Local Government**
- 2.05pm** **WALGA President's Annual Report, Cr Lynne Craigie, WALGA President**
- 2.20pm** **Mayor Troy Pickard, President, Australian Local Government Association**
- 2.30pm** **Announcement of Local Government Honours for:**
- Long & Loyal Service Awards
 - Merit Awards
 - Local Government Distinguished Officer Awards
 - Eminent Service
 - Life Membership
- 3.05pm** **Presentation of Local Government Diploma Certificates and WALGA President Local Government Scholarship Diploma**
- 3.15pm** **Introduction of the WALGA State Council by Ms Ricky Burges, Chief Executive Officer, WALGA**
- 3.30pm** **Afternoon refreshments**
- 3.45pm** **AGM Business Session Commences:**
- Attendance, Apologies and Announcements;
 - Confirmation of Minutes from last AGM (Attachment 2);
 - Adoption of President's Report;
 - Consideration of 2015/2016 Financial Statements; and
 - Consideration of Executive and Member Motions
- 5:30pm** **Close of Annual General Meeting**

1.2 Annual General Meeting – Order of Proceedings

Record of Attendance and Apologies

Announcements

Confirmation of Minutes

Minutes of the 2015 WALGA Annual General Meeting are contained within this AGM Agenda.

DRAFT MOTION:

That the Minutes of the 2015 Annual General Meeting be confirmed as a true and correct Record of proceedings.

2.0 Adoption of President's Annual Report

The President's Annual Report for 2015/2016 is contained within this AGM Agenda.

DRAFT MOTION:

That the President's Annual Report for 2015/2016 be received.

3.0 WALGA 2015/2016 Financial Statements (Item Under Separate Cover)

The audited 2015/2016 WALGA Financial Statements will be distributed to all members prior to the meeting.

DRAFT MOTION:

That the WALGA Financial Statements for 2015/2016 be received.

4.0 Consideration of Executive and Member Motions

As per motions listed.

5.0 Closure

1.3 Metropolitan and Country Zones

The Zones of the metropolitan and country Local Governments of the Western Australian Local Government Association are as listed below.

Metropolitan Zones

Central Metropolitan

Town of Cambridge
Town of Mosman Park
City of Subiaco

Town of Claremont
Shire of Peppermint Grove
City of Vincent

Town of Cottesloe
City of Perth

East Metropolitan

Town of Bassendean
Shire of Kalamunda

City of Bayswater
Shire of Mundaring

City of Belmont
City of Swan

North Metropolitan

City of Joondalup

City of Stirling

City of Wanneroo

South Metropolitan

City of Cockburn
City of Kwinana

Town of East Fremantle
City of Melville

City of Fremantle
City of Rockingham

South East Metropolitan

City of Armadale
City of South Perth

City of Canning
Town of Victoria Park

City of Gosnells

Country Zones

Avon – Midland Country Zone

Shire of Chittering
Shire of Gingin
Shire of Northam
Shire of Wongan-Ballidu

Shire of Dalwallinu
Shire of Goomalling
Shire of Toodyay
Shire of York

Shire of Dandaragan
Shire of Moora
Shire of Victoria Plains

Central Country Zone

Shire of Beverley
Shire of Cuballing
Shire of Lake Grace
Shire of Quairading
Shire of West Arthur

Shire of Brookton
Shire of Dumbleyung
Shire of Narrogin
Shire of Wagin
Shire of Wickepin

Shire of Corrigin
Shire of Kulin
Shire of Pingelly
Shire of Wandering
Shire of Williams

Goldfields Esperance Country Zone

Shire of Coolgardie
City of Kalgoorlie-Boulder
Shire of Menzies
Shire of Wiluna

Shire of Dundas
Shire of Laverton
Shire of Ngaanyatjaraku

Shire of Esperance
Shire of Leonora
Shire of Ravensthorpe

Gascoyne Country Zone

Shire of Carnarvon
Shire of Upper Gascoyne

Shire of Exmouth

Shire of Shark Bay

Great Eastern Country Zone

Shire of Bruce Rock
Shire of Kellerberrin
Shire of Merredin
Shire of Narembeen
Shire of Trayning
Shire of Yilgarn

Shire of Cunderdin
Shire of Kondinin
Shire of Mount Marshall
Shire of Nungarin
Shire of Westonia

Shire of Dowerin
Shire of Koorda
Shire of Mukinbudin
Shire of Tammin
Shire of Wyalkatchem

Great Southern Country Zone

City of Albany
Shire of Denmark
Shire of Katanning
Shire of Plantagenet

Shire of Broomehill-Tambellup
Shire of Gnowangerup
Shire of Kent
Shire of Woodanilling

Shire of Cranbrook
Shire of Jerramungup
Shire of Kojonup

Kimberley Country Zone

Shire of Broome
Shire of Halls Creek

Shire of Christmas Island
Shire of Wyndham/East Kimberley

Shire of Derby/West Kimberley

Murchison Country Zone

Shire of Cue
Shire of Murchison

Shire of Meekatharra
Shire of Sandstone

Shire of Mount Magnet
Shire of Yalgoo

Northern Country Zone

Shire of Carnamah
City of Greater Geraldton
Shire of Morawa
Shire of Perenjori

Shire of Chapman Valley
Shire of Irwin
Shire of Mullewa
Shire of Three Springs

Shire of Coorow
Shire of Mingenew
Shire of Northampton

Peel Country Zone

Shire of Boddington
Shire of Waroona

City of Mandurah
Shire of Serpentine-Jarrahdale

Shire of Murray

Pilbara Country Zone

Shire of Ashburton
Town of Port Hedland

Shire of Cocos (Keeling) Islands
Shire of Roebourne

Shire of East Pilbara

South West Country Zone

Shire of Augusta-Margaret River
City of Bunbury
Shire of Collie
Shire of Harvey

Shire of Boyup Brook
City of Busselton
Shire of Dardanup
Shire of Manjimup

Shire of Bridgetown-Greenbushes
Shire of Capel
Shire of Donnybrook-Balingup
Shire of Nannup

1.4 Zone Representatives to State Council 2015/2016

Five (5) ordinary meetings of the WALGA State Council were held between July 2015 and May 2016 with attendance as follows:

<u>Members</u>	<u>Attendance</u>	<u>Members</u>	<u>Attendance</u>
WALGA President		Murchison Country Zone	
President Cr Lynne Craigie (Appointed 2015)	5	Cr Simon Broad	5
Deputy President		North Metropolitan Zone	
Mayor Tracey Roberts JP (Appointed 2015)	3	Cr David Michael	5
Avon-Midland Country Zone		Cr Geoff Amphlett (Retired 2015)	0
Cr Lawrie Short (Retired 2015)	1	Cr Russ Fishwick (Appointed 2015)	3
Cr Darren Slynns (Appointed 2015)	3	Cr John Logan (Deputy)	1
Cr Steven Pollard (Deputy)	1	Northern Country Zone	
Central Country Zone		President Cr Karen Chappel	5
President Cr Phil Blight	4	Peel Country Zone	
Central Metropolitan Zone		Cr Wally Barrett	5
Cr Janet Davidson JP	5	Pilbara Country Zone	
Mayor Heather Henderson	5	Mayor Kelly Howlett (Appointed 2015)	3
Cr Pauline O'Conner (Deputy)	1	Mayor Peter Long (Deputy)	1
East Metropolitan Zone		Cr Fiona White-Harding (Deputy)	1
Cr Steve Wolff (Retired 2015)	0	South Metropolitan Zone	
Cr Mick Wainwright (Retired 2015)	0	Mayor Carol Adams	4
Cr Sue Bilich (Appointed 2015)	3	Cr Doug Thompson	5
Cr Darryl Trease (Appointed 2015)	2	Mayor Logan Howlett	5
Cr Catherine Ehrhardt (Deputy)	1	Cr Frank Cvitan (Deputy)	2
Goldfields Esperance-Country Zone		Cr Ronald Pease (Deputy)	1
Mayor Ron Yuryevich AM RFD (Retired 2015)	1	South East Metropolitan Zone	
President Cr Malcolm Cullen		Mayor Henry Zelones OAM JP	5
(Appointed 2015)	3	Cr Fiona Reid	5
Cr Suzie Williams (Deputy)	1	South West Country Zone	
Gascoyne Country Zone		Cr Wayne Sanford	5
Cr Ross Winzer (Retired 2015)	1	LGMA (ex-officio)	
President Cr Cheryl Cowell (Appointed 2015)	4	Mr Mark Chester (Retired 2015)	1
Great Eastern Country Zone		Mr Jonathon Throssell (Appointed 2015)	1
Cr Eileen O'Connell (Retired 2015)	1	Mr Ian Cowie (Deputy)	2
President Cr Stephen Strange		Associate Member (ex-officio)	
(Appointed 2015)	4	Rt Hon Lord Mayor, City of Perth	
Great Southern Country Zone		Ms Lisa Scaffidi	0
President Cr Ken Clements	5		
Kimberley Country Zone			
Cr Chris Mitchell (Retired 2015)	2		
Cr Elsie Archer (Appointed 2015)	2		

1.5 Local Government Medal Recipients and Honorary Life Members

LOCAL GOVERNMENT MEDAL RECIPIENTS *(Alphabetical order)*

Lang OAM, Mr HM (Murray)(2003)
Manea AM, Dr E (Ern)(2000)
Maslen AM AFSM, Mr R (Rich)(1999)
Mickel AM JP, Cr I (Ian)(2005)
Mitchell AM JP Mr W (Bill) (2010)

Morris AM JP, Mrs P (Pat) (2006)
Reynolds AM JP, Mayor Cr L (Linton)(2005)
Robartson AM, OAM, Cr C (Clive)(2005)
Yuryevich AM RFD, Mayor RS (Ron)(2016)

HONORARY LIFE MEMBERS *(Alphabetical order)*

Archer, President Cr E (Elsia)
Bajada, Mr A (Alex)
Barrett-Lennard OAM JP, Mr I (Irwin)
Boothman, Mayor D (David)
Brockman, OAM Mr F (Frank)(Deceased)
Broad, Cr S (Simon)
Campbell JP, Mr P (Peter)
Chown, Mr EL (Ted)
Clements, Cr K (Ken)
Cole, Mrs D (Delys)
Cook OAM JP, Cr J (Jim)
Cooper JP, Mr P (Phil)
Cowan, Cr H (Halley)
Cox OAM JP, Mr J (John)
De San Miguel OAM JP, Mr D (Don)
D'Orazio, Mr J (John) (Deceased)
Donaldson, Hon Mr BK (Bruce)
Donohoe, Mr K (Ken)
Finlayson AM MM JP, Mr R (Ray) (Deceased)
Foulkes-Taylor OAM, Mr HMJ (Michael)
Hardwick AM JP, Mrs C (Christine)
Henderson, Mayor (Heather)
Kelly, Mr P (Paul)
Kenyon, JP Mayor T (Terence)
Knight AM JP, Mrs A (Annette)
Kyle AM, Mr P (Peter)
Lang OAM, Mr HM (Murray)

Lynch, Mr J (John)
Manea AM, Dr E (Ern) (Deceased)
Maslen AM AFSM, Mr R (Rich)
Mickel AM JP, Mr I (Ian)
Mitchell, AM JP, Mr W (Bill)
Monagle, Cr P (Peter)
Morris AM JP, Mrs P (Pat)
Norris, Mayor R (Ron)
North AM JP, Mr J (Joe)
Park OAM, Mr H (Humphery)
Parry AM JP, Dr J (John)
Paterson JP, Dr J (John)
Patroni, OAM JP Cr R (Romolo)
Pech AM JP, Cr K (Ken)
Reynolds AM JP, Mayor Cr L (Linton)
Robartson AM, OAM, Cr C (Clive)
Rowell OBE, Mr RM (Rob)
Sabourne OAM JP, Cr J (John)
Snook, Mr G (Gary)
Star, AM Mrs J (Jan)
Strugnell SC, Mr P (Peter)
Stubbs AM, Mr R (Roger)
Trent, Cr K (Kevin)
Tyzack, Cr T (Terence)
Yuryevich AM RFD, Mayor RS (Ron)
Zelones OAM JP, Mayor H (Henry)

2. President's Message

Local Government in WA is entering a time of opportunity. Circumstances and events are converging that are set to present the sector with an almost once in a decade chance to optimise its financial position, assert its legitimacy in defining public policy and enhance its relevance to the community.

At the centre of this opportunity is the State election next March and the expectation of a tight campaign. Already political candidates and incumbents have begun to emerge to elevate their profiles and position their interests and ambitions. Local Government has the same opportunity.

An environment where the two major political parties genuinely believe they could win is an environment the Local Government sector should seek to leverage in key areas of roads and infrastructure, waste management, planning reform and financial sustainability.

With four year terms for State elections and almost all administrations always gaining at least two terms, the opportunities presented by a close campaign only come around every eight or 12 years.

WALGA has a role to maximise the opportunity for the Local Government sector and is well advanced to this end. I will detail the positioning and planning underway by the Association later in this review of the past year. But first I want to encourage the sector to appreciate that we all have a role in maximising this opportunity for the benefits of our communities.

There are State wide initiatives that WALGA will campaign on but so too are there regional issues specific to groups of Councils, local issues for individual Local Governments and even personal objectives of individual Elected Members. We have to seize this opportunity together.

During the past year the Association has commenced developing its State election strategy in consultation with the sector commencing with a workshop of State Council. In addition our latest public campaign aims to position the sector ahead of the election period as transparent and relevant.

Launched in June, the knowyourcouncil.com website has been created to provide the community with useful information to help them to access local services and engage with their Council. It is supported by State wide

television and digital advertising and the database of the Localeye smartphone app.

The knowyourcouncil.com advertising will build up to the election period to help position the sector as aligned with the community. It will then be suspended for the Association to implement the specific State election campaign messaging.

Among the key issues that are emerging for the sector to be part of an election campaign include securing a new State Road Funds to Local Government Agreement; opposing the introduction of rate capping; establishing a meaningful Partnership Agreement with government; and commitment to extending poll provisions to give communities a say on any amalgamations.

I want to assure all Members that I appreciate the importance of my role as Association President to drive these objectives on behalf of the whole sector. In March I was re-elected WALGA President after serving in the interim period after the previous President stepped down to devote more time to the national agenda. I am grateful to have the support of State Council and am committed to the Association living to its objective of working for Local Government in WA.

As we move into this rare period of opportunity my focus is to continue to ensure that WALGA is as open and relevant for its Member Local Governments just as Councils should aspire to be for their communities. At the core of my thinking is that WALGA exists to support and benefit its Members with a service orientated attitude across the organisation.

Finally I would finally like to recognise the hard work of Ricky Burges, her Executive Team and all WALGA staff as well as the valuable contributions and support of State Council and all those who have helped to bring about the sector's achievements during the year.

Cr Lynne Craigie
President

2.1 Overview of key outcomes for 2015/2016

WALGA is committed to providing representation and services that deliver value to Member Local Governments.

It delivers these benefits by:

- Providing Strong Representation
- Providing Effective Leadership
- Building a Positive Profile
- Enhancing the Capacity of the Sector

In support of these objectives, significant achievements by WALGA for its Members during the past year are as follows:

Strong Representation

State Election Campaign

WALGA has been developing the State election campaign position on behalf of the sector with short term and long term objectives. A workshop of State Council was conducted and a campaign timing schedule established to commence next month (September). In developing the State election campaign it has been recognised that the Association needs to have focussed priorities, simply expressed that demonstrate benefit to a wide scope of stakeholders including the State and acknowledge the tight fiscal climate. The key strategic issues being considered for the campaign focus are Securing a Partnership Agreement and Consultation Protocol with the State Government; Opposition to the Introduction of Rate Capping; Commitment to Poll Provisions to give the community a vote on any amalgamation; Securing a State Local Road Funding Agreement that restores the 27% allocation from motor vehicle licence fees; Restoration of the Country Local Government Fund; Restoration of the Community Sporting and Recreational Facilities Funding to \$20m per annum; Restructuring of Library Arrangements; Major Review of the Local Government Act to reduce unnecessary and outdated compliance requirements; Introduction of a Container Deposit Scheme; and the Deregulation of Local Government Fees and Charges.

Regional Subsidiary Model

The Association welcomed the passing by the Lower House of legislation by the State Government to enable the regional subsidiary model for Local Government

cooperation. The Association has long campaigned for the legislative change based on the South Australian Subsidiary Model whereby a Regional Group forms a legal entity for the delivery of services on a regional basis without the need to become a formal Regional Council. This suits Councils that prefer a representative structure to carry out a shared service delivery model. It is hoped that the legislation will pass the Upper House by the end of the year.

State Road Funds to Local Government Agreement

The current State Road Funds to Local Government Agreement expires in 2018 making the year ahead a critical time to seek a new agreement to reinstate funding to 27% of motor vehicle licence fees. To this end over the past 12 months, WALGA has continued negotiations with the Minister for Transport's office. The current funding arrangement allocates 21% of motor vehicle licence fees to local roads, which comprise 88% of the road network in WA. It is intended that the new agreement redress the State Government decision in 2014 to move back from the 27% allocation which effectively stripped \$100 million over three years from local road funding. This, in addition to the loss of \$10 million in the State Budget for regional run off safety programs and the withholding of \$99 million for road safety projects in the Road Trauma Trust Account was a serious blow to the sector, which continues to try and cope with a \$100 million annual backlog for maintenance on local roads.

Development Assessment Panels Review

WALGA is in the final stages of preparing a report on a five-year review of the Development Assessment Panels. It is anticipated the report will be presented to State Council next month (September).

Urban Development Groundwater Draft Specification

In partnership with the UDIA, Department of Water, IPWEA and Local Governments, the creation of draft specification for the Separation Distances for Groundwater Controlled Urban Development, provides criteria that defines acceptable levels of risk in assessing and approving groundwater level separation distances in areas for development constrained by high groundwater tables.

Industrial Matters

During the past year, the Association handled 52 formal industrial matters of which 51 were finalised and one underway. The formal industrial matters were predominantly unfair dismissal claims and adverse actions in the Fair Work Commission, but there was a wide variety of different types of claims.

Collective/Enterprise Agreements

The Association was engaged as expert negotiators for five organisations in their enterprise agreement bargaining meetings during the 2015/16 financial year. The Employee Relations staff also provided support to a number of other Local Governments to help assess their existing agreements for compliance, ambiguities and opportunities and to help tailor enterprise agreement document drafts to their specific strategic needs.

Rural Landfills Guidance

WALGA was invited by the Department of Environment Regulation to facilitate Local Government input into an Environmental Standard for Rural Landfills. The Department is developing this Environmental Standard as a priority because of the feedback from Local Government and WALGA on this issue. The Environmental Standard will mean that, for the first time, there is specific guidance available for small rural Local Governments on the environmental considerations relevant to developing small landfills.

State Closed Circuit Television Strategy

WALGA has expanded its Preferred Supplier panel for the provision of Closed Circuit Television infrastructure in response to successfully securing \$5m in State Government grants for the purpose. This was done in conjunction with and strongly supported by the WA Police. During the year the grants were issued to Local Governments as part of the State CCTV Strategy.

Effective Leadership

State Emergency Risk Framework

In working with the State Emergency Management Committee to implement the State Emergency Risk Framework to Local Government, WALGA has commenced development of an online risk management tool. The WALGA Local Government Emergency Management Risk Support System will soon be

completed and enable Councils to better track their exposure across all 27 hazards that are prescribed in emergency management legislation. The project ensures emergency strategies keep up with growing challenges such as climate change, population growth, infrastructure and resource project expansion.

Household Hazardous Waste

The Household Hazardous Waste Program, funded by the Waste Authority through the Waste Avoidance and Resource Recovery Account, has meant over 740 tonnes of HHW has been diverted from landfill to more beneficial uses. As part of the Program this year three Temporary Drop off events were held in the Cities of Joondalup, Melville and Swan. Attended by over 1,320 people, there was over 52 tonnes of chemicals recovered for correct disposal. This Program continues to ensure the community can dispose of their unwanted paint, pesticides and batteries for free.

Public Libraries – Visioning project

WALGA has secured State Government support for a public libraries working group to progress the Vision 2025 framework for public libraries in Western Australia. The Association led the comprehensive review of library services and operations, both as they currently stand and as they may evolve over the next ten years.

Underground Power Program

The Association represented the diverse needs of Local Governments in the development of Round 6 of the State Underground Power Program. After a hiatus a new funding round was announced in December 2015 and there was a high level of interest from Local Governments. It is anticipated that successful project areas will be announced later this year.

Rail Interface Agreements

Local Governments with rail lines in their area are required by the Rail Safety Act 2010 (repealed and replaced by the National Rail Safety Law (WA) Act 2015) to enter into an agreement with railway operators to manage safety at rail crossings. The Association has and continues to play an active role in assisting Members to reach an acceptable agreement under the constraints of the legislation. The 80 Local Governments that are required to enter into an agreement with Brookfield Rail have been a particular focus of this ongoing work.

2015 WA Local Government Convention and Trade Exhibition

The 2015 WA Local Government Convention aimed to inspire new ways of thinking, new ways of working, and assist the Local Government sector in shaping its own future. 470 full delegates attending the Convention with speakers including Garry Kasparov, Chess Grandmaster and Chairman of the Human Rights Foundation International Council, Dr Bruce Weinstein, a professional ethicist known as The Ethics Guy, sailor and Antarctic adventurer Tony Mowbray, and former Christchurch Mayor Sir Bob Parker. The speaker program, which 75% of delegates rated as either good or excellent, was complemented by practical concurrent sessions and the largest Trade Exhibition (115 exhibitors) held to date.

State and Local Government Political Forum

Held on Wednesday, 5 August prior to the WALGA AGM and WA Local Government Convention at the Perth Convention & Exhibition Centre. The Forum was attended by approximately 120 Mayors, Presidents and CEOs and featured a program of ten minute 'speed date' style exchanges between Councils and Departmental Directors General; presentations from Government Ministers and Shadow Ministers with portfolios relevant to Local Government and facilitated discussions with the aim of creating open dialogue between Local Government and State Government leaders.

Other Sector Events

Throughout the year WALGA coordinated special events to help enhance leadership within the sector. Among these were:

Professional Risk and Natural Hazards **9 & 10 November**

LGIS and WALGA invited Dr Michael Eburn to Western Australia to discuss professional risk in Local Government, as it relates to planning for natural hazards. Seminars explored how Local Governments disclose information relating to all natural hazards and what risks are associated with this disclosure.

Preventing Misconduct in Local Government **13 November**

Corruption and Crime Commissioner John McKechnie QC and Public Sector Commissioner Mal Wauchope were guests at this special breakfast held at the Hyatt Regency Perth. The 87 participants had the opportunity to hear about recent changes to legislation relating to

misconduct in Local Government and ways to maintain best practice within the sector.

Cultural Planning Forum **18 November**

Held at the Rendezvous Hotel Perth Scarborough and attended by 68 participants, this event included presentations from Robyn Archer AO on how to embed cultural planning in your Council as well as the Department of Culture and the Arts, the Chamber of Arts and Culture and Local Governments. The day was completed with a practical workshop to equip registrants with the skills and knowledge to create vibrant communities.

President's End of Year Function **1 December**

The 2015 President's End of Year function was held in the boardroom of ONE70. Those invited included State Council, Life Members, CEOs, Mayors and Presidents, Members of Parliament and senior WALGA staff.

New Councilor Seminar **4 December**

The New Councilor Seminar was held at the Hyatt Regency Perth following the October Local Government Elections and attracted 96 participants. The seminar focused on the essential elements of Good Governance & Professional Development, the Relationship between Mayor and CEO, Integrated Strategic Planning and Leadership.

End of Year Function for Preferred Suppliers and LG **9 December**

The 2015 End of Year function for WALGA Preferred Suppliers and Local Government staff was held in the courtyard of ONE70. Those invited included Preferred Supplier main contacts and purchasing officers working in Local Government.

Biosecurity Workshops **29 January to 11 February 2016**

Local Government Elected Members, CEOs, and Officers were invited to attend one of WALGA's six regional biosecurity workshops and attracted a total of 90 participants. Participants engaged with senior representatives from the Department of Agriculture and Food and learned about the history and current status of post border biosecurity management in Western Australia as it relates to Local Government.

2016 WA Transport & Roads Forum

12 February

Jointly hosted by WALGA and Main Roads WA, the 2016 WA Transport and Roads Forum was held at El Caballo Resort, Wooroloo. This one-day event attracted 115 participants and featured speakers including: Hon Dean Nalder MLA, Minister for Transport; Stephen Troughton, Main Roads; Ian Webb, Roads Australia and Mike House, Survivalist, Business Leader and Interpreter.

Members of Parliament Breakfast

17 May

Hosted by WALGA President Councillor Lynne Craigie, this annual breakfast was held at Fraser's, Kings Park and was attended by 44 guests. This breakfast presented an opportunity for State Councillors and WALGA Executive staff to meet with Members of Parliament in a relaxed environment.

Breakfast with David Templeman MLA

29 June

Held at Hyatt Regency Perth, this event provided an opportunity for Elected Members to hear from Shadow Minister for Local Government; Volunteering; Heritage; Peel; Wheatbelt; Mid-West, David Templeman MLA. More than 50 Elected Members will be in attendance.

Tourism Strategy Workshop

2 August

To be held just prior to the Local Government Convention, this workshop will involve Tourism WA's senior management, Local Government CEOs and senior management and will focus on the Local Government and Tourism Discussion Paper was endorsed by the State Council in September 2015. It is anticipated 50 attendees will participate in the forum.

Positive Profile

Local Government Television Campaign

The successful *Places to Start* television promotion campaign was recently replaced with the Know Your Council sector promotion campaign. Supported by state wide television and digital advertising the campaign is underpinned by a website designed to provide a resource that is useful to the community and that helps them to maximise their interaction with their Council around key community-facing aspects of Local Government. For each of six key portfolios, the site has information on how to better engage the various services with the capacity for users to access information specific

to their Local Government. It also features information on each Council drawn from the Local Government Directory and leverages the facilities and events database captured as part of the localeye app. The site also provides opportunities for individual Councils to leverage the campaign and website and contribute to the content on behalf of their Local Government. One of the key areas addressed by the new site is rates – to this end WALGA engaged independent financial analysis (both for expertise and to be arms-length) to define average residential rates for all Councils for the past four periods. Where this information is listed for each Local Government there is the opportunity for the relevant Council to enter commentary as to the rationale of their rates and budget objectives and strategy. This is intended to assist the community to understand the economic drivers and public expectations placed on Local Government finances and the challenge facing Councils.

Media Reports

Throughout the course of the past 12 months, WALGA and the Local Government sector were featured in approximately 1,655 media reports of which the overwhelming majority were either positive or neutral in their representation.

Localeye

The localeye mobile application has been updated and released to the public on the Apple, Android and Microsoft platforms. The application enables users to find Local Government facilities and events wherever they travel throughout the State. In response to feedback from Members, the application has been further enhanced to be more user friendly and enable Councils to more easily update their information. The application now includes the option to receive alerts and warnings from the Department of Fire and Emergency Services and an off line facility to assist find facilities and services when visiting areas of the State with poor connectivity.

Bin Tagging Program

Following on from the success of the Bin Tagging Pilot Program, WALGA received funding from the Waste Authority, through the Waste Avoidance and Resource Recovery Levy, to continue implementing a behaviour change campaign that reduces contamination and increases resource recovery from the kerbside collection system. Widely referred to as 'Bin Tagging,' this Program was rolled out in five Local Governments:

Towns of Bassendean and Mosman Park, Cities of Cockburn and Joondalup and the Shire of Capel between February and April 2016. Through the Program these Local Governments saw an increase in correct recycling behaviour by up to 24%, and a significant reduction in contamination of the recycling and organic/greenwaste bins.

Road Ribbon for Road Safety Christmas Campaign

The WALGA RoadWise Program launched the new Road Ribbon for Road Safety Christmas campaign with 80 participating metropolitan and regional Local Governments. The campaign urged people to take care on the roads and promote road safety messages to friends, family and colleagues to help reduce road trauma in Western Australia. The campaign included developing an extensive suite of resources and promotional material to encourage and assist community involvement in the new campaign. More than 40,000 road ribbons were distributed across the State with the campaign estimated to have reached 640,000 people.

Community Research Program

The Association's initiatives to improve the perception of the sector and raise the profile of WALGA are underpinned by a comprehensive annual survey of the community. The survey comprises a random sample of 1,000 people geographically stratified across the State into inner metropolitan, outer metropolitan, regional centres, and remote and rural. The survey has a sampling error of ± 3.1 per cent at the 95 per cent level of confidence. Respondents were asked how they currently learn about their Council's/Shire's activities and how they prefer to get such communication. The survey showed that the community was most likely to be influenced, and prefer to receive information, through three communication channels: local newspapers, mail (not electronic) and the Council/Shire website. Members are able to use the findings of this research to better tailor their communication strategies and ensure messages are being received by the intended audience. A key finding in the 2016 community research was that 70% of people want to better understand how their residential rates are calculated by Council.

Enhancing Capacity

Preferred Supplier Program

WALGA delivered superior prices and value for money to Members purchasing goods and services

through contracts with more than 600 Preferred Suppliers. Almost \$300 million of goods, services and works was procured through the program, achieving aggregate savings of more than \$55m to the sector. To meet ever changing sector requirements during the year, new Preferred Supplier arrangements were established using strong input from the sector's own subject matter experts.

Procurement Services

Throughout the year, WALGA continued to provide support to its Members with the delivery of procurement services. These services were particularly relevant to Local Governments that did not have the capacity to undertake tenders through the use of their own resources. In addition, a considerable number of Local Governments, both metropolitan and regional utilised WALGA's Procurement Improvement Services and in particular its customised capacity building workshops to improve and better understand their procurement and contract management requirements.

Guide for Planning Delegation

In March 2015, the Guide for Planning Delegations Development Applications was endorsed by State Council. This guide provides a model process for setting delegation arrangements, highlighting that there is not a "one-size-fits-all" approach. The Guide was awarded a Commendation at the WA Planning Institute of Australia Awards on 6 November 2015.

Water Services Act Exemption

The Association has successfully advocated on behalf of 14 regional Local Governments for licence exemptions to the State Government Water Services Act (2012) so as to reduce the regulatory burden on Local Government waste water treatment plant service providers and will help ensure their services are affordable for ratepayers. Exempt are the Shires of Brookton, Coolgardie, Dalwallinu, Denmark, Dowerin, East Pilbara, Goomalling, Kent, Koorda, Moora, Ravensthorpe, Victoria Plains, Wickiepin and Yilgarn. It is estimated the exemptions will save each Local Government between \$30,000 and \$50,000.

Environmental Planning Tool

WALGA has continued to expand the Local Government user base for the Environmental Planning Tool. For the 2016/17 financial year an additional staff resource has

been engaged to assist Councils to take advantage of the service. Designed to inform Local Government decision making, regardless of its internal capacity to access and analyse mapping information, it has been specifically developed to improve the efficiency and consistency of consideration of biodiversity in land use planning and to support strategic planning for natural reserve management. The benefits of the tool include improved efficiency in the preparation of desktop assessments for proposed planning scheme amendments and development proposals, access to up-to-date environmental information within and outside Local Government boundaries (providing a regional context to proposals), and a cost effective method of communicating with key stakeholders on various aspects of local strategic, statutory and biodiversity conservation planning and management.

Changing Places

The success of the Association's partnership with the Disability Services Commission (DSC) to deliver the Changing Places project has been recognised with a State award. In June DSC, WALGA and National Disability Services (NDS) was presented the Best Practice in Collaboration with Government award by the Institute of Public Administration Australia. The project itself was established to develop change place facilities and invest in community infrastructure. It provided \$2.8m to Local Governments to improve access and inclusion to community infrastructure to assist people with disabilities. In support of this initiative Local Governments have been able to access the Association's Preferred Supplier Program.

Training

The WALGA training programs have experienced a 26% increase in participation in the past year with a total of 2110 courses undertaken. The participation comprised 42% regional attendees, 36% metropolitan attendees and 22% of attendees engaging the program via the online e-learning facility. In regard to the Local Government Diploma there were 22 participants in the past year which was twice the number of the previous year.

Specification for Supply of Recycled Road Base

Pavement building materials based largely on recycled crushed concrete have been shown to have superior structural properties compared to virgin crushed road base for some applications. Importantly using recycled materials has significant environmental benefits

including minimising the use of finite resources and lessening the demand for land-fill. With IPWEA, WALGA has developed a specification to assist Local Governments seeking to use this material in road construction.

Bus Stop Infrastructure Agreement

The Bus Stop Infrastructure Agreement between Local Government and the PTA was extended to include regional towns and cities with formal SmartRider ticketed public transport. This Agreement provides some funding to Local Governments for maintenance of shelters and seeks to improve the communication and engagement between the PTA and Local Governments in the management of bus stop infrastructure.

Shared Path Design Guidelines

WALGA entered into a partnership with the Department of Transport to develop Technical Design Guidelines for Shared Paths. Once adopted, this Guideline will help ensure that Shared Path users have a consistent experience across the network and provide a clear tool to assist Local Governments designing extensions or changes to their network.

4. Consideration of Executive and Member Motions

4.1 Amendments to the WALGA Constitution (01-001-01-0001)

Executive Member to move:

Special Majority Required

MOTION

That the WALGA Constitution be amended as follows:

- 1. In Clause 5(7)(b) of the Constitution for “sub-clause 5(9)” read “sub-clause 5(11)”.**
- 2. Clause 10 (2) of the Constitution be amended with the last sentence to read:
“The President shall exercise a casting vote only, in the event of there being an equality of votes in respect of a matter considered by the State Council but excluding an election held in accordance with Clause 16.”**
- 3. Clause 10 of the Constitution be amended by inserting as sub-clause (9):
“(9) State Council shall adopt Standing Orders that will apply to all meetings.”**
- 4. Clause 14(4a) and Clause 20 of the Constitution be amended by inserting as sub-clause (h) and sub-clause (j), respectively:
“is a Councillor of an Ordinary Member that has been peremptorily suspended under Section 8.15C (2)(c) of the Local Government Act 1995”**
- 5. Clause 16(2)(b) of the Constitution be amended to read:
“(b) representatives are to vote on the matter by secret ballot.”**
- 6. Clause 17 of the Constitution be amended by inserting as sub-clause (5):
“(5) Where the incumbent President seeks and is re-elected for a consecutive term, that person shall not hold office beyond two (2) full consecutive terms.”**

IN BRIEF

- Amendments to the WALGA Constitution that were resolved by State Council in March 2016.
- Finalisation of WALGA’s periodic governance review that focused on consistency among governance documents.

SECRETARIAT COMMENT

In accordance with Clause 29 of the Western Australian Local Government Association (WALGA) Constitution, amendments to the Constitution must be agreed to by a special majority of State Council and by a special majority at an Annual General Meeting of WALGA. The Motion, above, was resolved by a special majority at the 2 March 2016 meeting of State Council.

The proposed amendments are outcomes of WALGA’s periodic governance review which commenced in July 2015 with the release of a discussion paper for feedback from the Local Government sector. A total of 15 responses were received from individual Local Governments, with composite responses from the Great Eastern, Central Country and East Metropolitan Zones, representing a total of 53 responses from Member Councils. The 2015 Review focused on ensuring consistency between the Constitution, Corporate Governance Charter and Standing Orders.

The proposed amendments are as follows:

1. Technical Wording Amendment – Clause 5(7)(b)

It is recommended that:

In Clause 5(7)(b) of the Constitution for “sub-clause 5(9)” read “sub-clause 5(11)”.

Clause 5(7) should refer to sub-clause 5(11) as this relates to the process for application to join WALGA as an Associate Member, as does clause 5(7).

2. Clarify that a Casting Vote does not apply to an Election – Clause 10(2)

It is recommended that:

Clause 10 (2) of the Constitution be amended with the last sentence to read:

“The President shall exercise a casting vote only, in the event of there being an equality of votes in respect of a matter considered by the State Council but excluding an election held in accordance with Clause 16.”

This recommendation is to explicitly state that the President shall not be entitled to a casting vote if there is an equality of votes relating to an election in accordance with Clause 16.

3. State Council to Adopt Standing Orders – Clause 10(9)

It is recommended that:

Clause 10 of the Constitution be amended by inserting as sub-clause (9):

“(9) State Council shall adopt Standing Orders that will apply to all meetings.”

State Council resolved to amend the Constitution to include a clause that State Council will adopt Standing Orders to recognise the importance of meeting procedures in the efficient operation of State Council.

4. Suspension of Elected Members – Clause 14(4a) and Clause 20

It is recommended that:

Clause 14(4a) and Clause 20 of the Constitution be amended by inserting as sub-clause (h) and sub-clause (j), respectively:

“is a Councillor of an Ordinary Member that has been peremptorily suspended under Section 8.15C (2)(c) of the Local Government Act 1995”

There is a requirement to clarify that an Elected Member who has been peremptorily suspended under Section 8.15C(2)(c) of the Local Government Act (where a Council is also suspended) becomes ineligible to be a Zone delegate during this period of suspension.

As a result, a consequential amendment is required to Clause 20 'Vacation of Office' which applies to State Councillors and Deputy State Councillors.

5. Election Procedure – Clause 16(2)(b)

Clause 16(2)(b) of the Constitution be amended to read:

“(b) representatives are to vote on the matter by secret ballot.”

Clause 16 of the Constitution refers to the election process and must follow the procedure set out under sub-clause (2).

Currently, sub-clause (2)(b) states the following (emphasis added):

“(b) representatives or delegates are to vote on the matter by secret ballot;”

The reference to 'delegates' in sub-clause (2)(b) is erroneous. The definition of both 'Delegate' and 'Representative' is set out in Clause 2(1) of the Constitution (emphasis added):

*“**Delegate**” means a councillor or officer nominated or appointed to represent an Ordinary Member and exercise voting entitlements at General Meetings of the Association pursuant to clauses 22 and 23 of this Constitution, or on a Zone pursuant to clause 14 of this Constitution;*

*“**Representative**” means a member on the State Council elected or appointed by the country and metropolitan constituencies in accordance with the provisions of sub-clause 9(1) and 9(3);*

The definition of 'delegate' identifies that they are representatives of an Ordinary Member and limits their voting entitlement to General Meetings of the Association and Zone meetings. The reference to a 'delegate' in sub-clause (2)(b) is therefore inappropriate with only a 'representative', being a country or metropolitan constituency appointee to State Council, entitled to vote in an election conducted under Clause 16(2)(b).

6. Presidential Term Limit – Clause 17

It is recommended that:

Clause 17 of the Constitution be amended by inserting as sub-clause (5):

“(5) Where the incumbent President seeks and is re-elected for a consecutive term, that person shall not hold office beyond two (2) full consecutive terms.”

The President and Deputy President are elected by State Council for two year terms following the election of State Councillors by the Zones. Following a State Councillor's election as President, the Zone that elected that State Councillor is entitled to elect a replacement State Councillor to maintain that Zone's representation around the State Council table.

WALGA's original discussion paper on the governance review canvassed the issue of term limits for the President and Deputy President as currently, there is a two term limit on the position of Deputy President with no limit for the position of President.

There was a majority view, amongst submissions from Local Governments and Zones, that Clause 17 of the Constitution should be amended to align the terms served by the President and Deputy President, with the President to serve a maximum of two full consecutive terms to achieve consistency with the Deputy President as currently defined in Clause 18(4).

4.2 Natural Disaster Recovery Support Funding (05-001-03-0029)

Shire of Dardanup to move:

MOTION

Request that WALGA State Council investigates the development and implementation of Natural Disaster Recovery Support Funding that will provide advice and financial support for Local Governments affected by the impacts of natural disasters that meet the Western Australia Natural Disaster and Recovery Arrangements (WANDRRA) criteria.

IN BRIEF

- Process to receive funding is difficult.
- Government response is slow.
- New source of funding is required.

MEMBER COMMENT

The Western Australia Natural Disaster and Recovery Arrangements (WANDRRA) is jointly funded by the State and Commonwealth Governments and administered by the Department of the Premier and Cabinet (DPC), with assistance from other agencies. Through WANDRRA, the Western Australian and Commonwealth Governments provide help to people who have suffered the direct impact of a proclaimed natural disaster event.

Assistance is provided via a range of relief measures to assist communities to recover from an eligible natural disaster event including: bushfire; cyclone; earthquake; flood; landslide; meteorite strike; storm; storm surge; tornado or tsunami.

The Department of the Premier and Cabinet will activate WANDRRA if it is one of the ten events mentioned above; and the anticipated cost of eligible measures will exceed \$240,000.

Who Can Receive Assistance?

The relief measures are intended to provide assistance for the recovery of communities and are available for:

- Individuals and families Small Business
- Primary Producers
- Local Government
- State Government Agencies

It is evident that the experience of Local Governments in this situation has found that the financial support and response through WANDRRA is not satisfactory. There is not a lot of financial support or advice for the Local Governments that are impacted to recover infrastructure and for community rebuilding.

The process to receive funding is difficult to address and it takes a long time to develop the assistance application and to get feedback on how the application is progressing.

There is also a gap in responses, and a lack of recognition and understanding of the demands on Local Government staff time that has to be diverted to the recovery, the ongoing commitment, plus

initial cost demands. The response by government is slow and the problem is that the Council must deal with the problem immediately.

Councils cannot get definitive answers on claims making the management of the process more difficult and the strain on the budget and resources challenging.

It is proposed that this gap in the provision of financial support and advice for affected local governments be filled by an industry sponsored initiative that involves WALGA setting up a fund to be available to provide support for local government.

The source of funding for the initiative is a matter for State Council to consider and canvass support from member Councils; however, the Association has been very successful in developing a strong business model that has not required member subscriptions to increase for many years.

Sources of funding for the initiative may include:

- Profits from the existing business model (e.g. Training);
- Increased subscriptions to accumulate capital in a reserve fund; and
- A levy on all member Councils.

WALGA may also consider presenting the business model to the Premier for consideration to match any funding that the Natural Disaster Recovery Support Funding was to accumulate.

SECRETARIAT COMMENT

The Commonwealth Government has established and administers the Natural Disaster Relief and Recovery Arrangements (NDRRA) to provide financial assistance to the States for relief and recovery after a declared natural disaster event. The Commonwealth provides for partial reimbursement of the costs incurred by the States, provided the State's measures are as set out in the Federal NDRRA Determination and certain financial thresholds have been met. Under this arrangement the Commonwealth has delegated responsibility for identifying the type and level of assistance required for natural disasters to the States. The States are not limited to the guidance and conditions provided under the NDRRA Determination and can provide assistance beyond this scope, although these costs are not being eligible for reimbursement from the Commonwealth. The Western Australia Natural Disaster and Relief and Recovery Arrangements (WANDRRA) were established by the Western Australian Government in line with the NDRRA Determination.

It is generally acknowledged that the relationship between the NDRRA and the WANDRRA is inconsistent and not meeting the needs of Local Governments.

The provision of funds from the State Government to Local Governments through WANDRRA for disaster recovery has been on average \$30 million per year between 2010/2011 and 2014/15, of which about \$28m per year was for reconstructing roads.

Department of Premier and Cabinet and Main Roads WA staff provide "advice" to Local Governments affected by disasters. However, because all decision-making in relation to funding eligibility under NDRRA is by Emergency Management Australia in Canberra, issues are often referred and responses slow. Furthermore, these advisors are primarily acting in the interests of the State, rather than Local Government.

In establishing an arrangement that provides funding support to Local Governments impacted by disasters, careful consideration would need to be given to its structure if the intent was that at least some of the costs incurred would ultimately be recovered from the NDRRA and the WANDRRA.

The Australian Local Government Association (ALGA) has continued to advocate, on behalf of WALGA and other State Associations, for more funding, support and conditions for natural disaster relief and recovery for Local Governments. In January 2016 the ALGA prepared a 2016-2017 Submission to the Federal Government Budget that included advocacy for natural disaster recovery funding. This submission recommended that the Federal Government:

- maintain the levels of support for the Natural Disaster Relief and Recovery Arrangements (NDRRA);
- fund a targeted disaster mitigation program at a level of \$200 million per annum; and
- include betterment funding as a core element of the NDRRA.

4.3 Non Operational Rail Corridors (05-009-03-0037)

Shire of Bridgetown-Greenbushes Delegate to move:

MOTION

That the Public Transport Authority and Brookfield Rail work with WALGA and any interested Local Governments in developing a policy and/or procedures in order to facilitate third party use of non-operational rail corridors, in particular uses that demonstrate a clear community benefit.

MEMBER COMMENT

IN BRIEF

- Brookfield Rail has a lease over an extensive network of rail infrastructure in Western Australia
- This lease includes non-operational rail corridors, where in some cases rail use hasn't occurred for 20 years or more.
- There is potential for the non-operational rail corridors to be used by local governments or other third parties for a community benefit however to date it has proven difficult to get Brookfield Rail and the Public Transport Authority to recognise this potential.
- A policy to facilitate such uses should be developed with input from interested local governments

Brookfield Rail has a lease until 2049 on 5,100km of rail infrastructure throughout the southern half of Western Australia. It is responsible for maintaining the network and granting access to operators.

Over the last few years the Shire of Bridgetown-Greenbushes has experienced frustrations dealing with Brookfield Rail on issues concerning the non-operational rail corridor, including:

- Refusal to allow minor landscaping;
- Refusal to allow minor encroachments of services (power) into the corridor;
- Refusal to allow formalised pedestrian crossings on the rail line even though the rail line hasn't been operational for approximately 25 years;
- Restrictions on community use of the service roads either side of the rail line, specifically as trails, but at the same time allow indiscriminate and uncontrolled vehicular use of the same roads; and
- Inconsistent requirements for and maintenance of signage on rail crossings and failure to progress rail interface agreement for management of rail crossings in the rail corridor.

Consultation with other south west local governments indicates similar concerns, including:

- Non-operational rail corridors detract from townscapes and essentially divide town sites with ugly deteriorating infrastructure;
- Non-operational rail corridors accumulate rubbish that is unsightly; and
- Non-operational rail corridors that do not have vegetation managed appropriately do present a source of significant fire fuel that under the right conditions would significantly contribute as entry points for wild fire into town sites.

Our motion focuses on the need for the Public Transport Authority to develop a policy framework for third party access to non-operational rail corridors for the purpose of allowing the corridors to be developed for appropriate community use. Such a policy should be developed in consultation with interested local governments.

In many of the non-operational rail corridors rail use has been non-existent for upwards of 20 years. There is no rail freight task foreseeable in the short, medium or long term future that would warrant the capital investment to bring the rail back up to standard. Permanent closure of the rail corridors would be short-sighted however the use restrictions should be minimised. If the rail was to ever re-open there should be an obligation on the end user to cease the use and return infrastructure back to original condition.

SECRETARIAT COMMENT

The rail network subject to the Brookfield Rail lease includes nearly 1,300km of rail corridors and track that is non-operational. The Public Transport Authority (PTA) publicly claims that it has a “light touch” approach to managing the lease with Brookfield Rail, providing the company opportunity “quiet use and enjoyment of the network by the lessee.”¹ The PTA have indicated that there is an express clause in the lease agreement to this effect. This approach by the PTA has been strongly criticised in a number of inquiries and by the Western Australian Auditor General².

The PTA have strongly resisted proposals that would impact on rail corridors, even with soft infrastructure (parks and playgrounds) and in situations where the rail services ceased more than two decades ago.

Identifying and promoting the potential benefits to Brookfield Rail from supporting the use of non-operational rail corridors presents an opportunity for these State-owned assets to be utilised for the benefit of Western Australians.

¹ The Management of Western Australia’s Freight Rail Network 2014 Economics and Industry Standing Committee Inquiry Report No 3 Parliament of Western Australia

² Management of the Rail Freight Network Lease, Twelve Years Down the Track 2013 Auditor General’s Report

4.4 Planning Systems Review (05-047-01-0014)

City of South Perth Delegate to move:

MOTION

1. Request the Western Australian Local Government Association to advocate for an independent review of decision making in the Western Australian Planning System, including the roles of local government, delegated authorities, Joint Development Assessment Panels and State Administrative Tribunal appeal processes that gives consideration to:

1.1 How the aspirations or values of the community are incorporated into the decision making framework;

1.2 Improvements to the statutory framework, including Local Planning Schemes, that would improve the transparency, certainty and consistency of the decision making process;

1.3 Ensure that decision making occurs at appropriate levels that promotes good and efficient decisions for the community;

1.4 Ensure that Local Governments have a third party right to present local community views to the State Administrative Tribunal;

1.5 The erosion of the roles of Local Government in planning for their communities.

2. In the event that the State Government is unwilling to pursue an independent review of the decision-making process, request the Western Australian Local Government Association to engage with members and advocate for practical reforms that will ensure greater accountability, transparency and procedural fairness for ratepayers through the Joint Development Assessment Panel's decision making processes.

MEMBER COMMENT

The Local Government sector has raised concerns including the erosion of the roles of local Government and the decisions being made by JDAPs, whereby poor planning outcomes are resulting and the communities are left blaming the local council representatives who are the minority on the JDAPs. Issues such as having a majority of government appointees on JDAPs is perceived to be creating a culture of lack of care and limited responsibility for the outcomes of planning decisions upon the community or the longer term ramifications.

JDAPs are not required to look at any other aspects other than the application before it. This is perceived to be leading to decisions being made that will adversely impact on broader community future planning outcomes.

A number of metropolitan local government Mayors at recent forums have outlined a range of issues being encountered by JDAPs.

IN BRIEF

- Issues arising from decisions of Joint Development Assessment Panels needs to be addressed.
- Issues arising from State Administrative Tribunal need to be addressed.
- Local Government Planning Policies are being disregarded in decision making.
- The Planning System is no longer providing for the voice of communities to be effectively heard.
- The State Government continues to support and protect its reforms leaving the LG sector to deal with community dissatisfaction.
- An Independent review will seek to provide a strong basis for improved advocacy in the lead up to a State election.

The key issue raised are:

- Chair of JDAPs are not independent.
- Council Policies are not being considered in deliberations.
- Council Reporting Officers are having to make a recommendation and an alternative recommendation which enables the JDAPs to be selective in their decision making.
- JDAPs are taking longer and costing the community more.
- Developers are using JDAPs to put through incomplete and inferior planning applications.

Some local governments are now questioning what could be done to raise the profile of this issue and as a result recently the City of Vincent passed a resolution on the matter. The City of Belmont is also considering a report regarding the issues they are experiencing and will be sending all their community complaints to the Department of Planning (DoP) for their review.

The City of South Perth recently dealt with a 29 storey tower development through its JDAP which resulted in Supreme Court action by local residents. The developer subsequently re-submitted an application for a 44 storey building on the same site which has led to issues with the State Administrative Tribunal excluding the City of South Perth from a directions hearing stating the City of South Perth was not a party to the action.

The common theme being reiterated by many local governments dealing with JDAPs, SAT and the WA planning system functions in general, is that communities are being disengaged from the decisions and believe leveraging broader community support will be the only way the local government can get a commitment from the State Government to look at its planning decision making processes.

The planning system should be focussed on good decisions. Whilst consideration to abolishing the JDAPs system has been called for, this gives no guarantee in and of itself that the decisions would be better. Clearly, locally elected Councillors have a far better understanding of the impacts of developments on the community than appointed persons, however, in some circumstances, the added expertise may be warranted for some decisions.

By way of an example, some Local Authorities in WA represent less than 1000 people and deal with relatively few applications per year. If an application for major infrastructure was applied for, understandably, the Council may not be able to gauge how their planning scheme should be applied, or what appropriate conditions may be applied, due to a lack of familiarity with the system. On the other hand, very large local authorities such as Stirling manage a population 40% of the State of Tasmania, but are not allowed to deal with a \$2 million shed, if the applicant seeks a JDAP determination. The system put in place by the State is a one size fits all planning system, rather than one that supports decision making at the appropriate level.

As has been pointed out by the State Government and numerous developer lobbies, the JDAPs are bound by the Local Planning Schemes, which whilst approved by the Minister, in most cases have been drafted by the local authorities. This would be the most appropriate place to start any review of the planning decision process. Much of the issue comes from planning schemes, which give significant amounts of discretion, with little guidance on how it should be applied. For example if a scheme simply says that the height of a development can be increased, but gives no reason as the circumstances in which this variation can happen, of course there will be debate about whether it was appropriate if that discretion is applied.

Clearly the elected members have a better understanding of the strategic intent of certain provisions of their planning schemes and this knowledge should be respected and clearly articulated. There is significant context set out in the strategic plans of the local governments that should be incorporated into the decision making process.

The advent of JDAPs was largely due to criticism by the development industry that some Councils were anti-development and incorrectly refusing applications, forcing the need for review at State Administrative Tribunal (SAT). Whilst this analysis is debatable, the other reforms that occurred over the same period were changes to the Local Government Act, which allows for the Minister for Local Government to suspend Councils or individual Councillors and mandate training to assist in their decision making.

Local Governments through their lead body WALGA would recommend that any review of decision making not be limited to the JDAPs system, but should look at how better decisions can be made across all levels of decisions in the planning system, from Ministerial decisions down to delegate decisions by officers and also the appeal processes undertaken by SAT.

A previous parliamentary inquiry was held into the functionality of the regulations surrounding JDAPs, however the scope of the review did not allow for a true investigation into the need for such a mechanism. The parliamentary inquiry was not seen by the Local Government sector as being broad enough to deal with all the issues being experienced and also not seen as being truly independent nor giving voice to the community. Further review will find improvements to the planning system which will benefit the community and developers alike.

In conclusion, if the Local Government Industry wants to see real changes in JDAPS and SAT they must also look at the planning system as whole. All Local Governments must be prepared to support reforms across the entire system otherwise the issues surrounding JDAPS will continue unless fair compromise between State and Local Government can be reached.

It is fair to say that if the State Government does not agree to partner with Local Government to undertake an independent and thorough review of the entire planning system then the loggery will continue.

SECRETARIAT COMMENT

Since 2009, the WA Planning Commission have been pursuing a reform process aimed at improving the land use planning and development approvals system in WA. *Planning Makes It Happen - a blueprint for planning reform* set out 11 key strategic priorities and a forward work program that included 22 actions for the State.

In September 2013, the Minister for Planning released *Planning makes it happen: phase two* outlining a range of additional projects and process improvements aimed at streamlining the approval processes. The State's reform documents are located <http://www.planning.wa.gov.au/Planning-makes-it-happen.asp>

The current State priority reforms outlined in *Phase Two* include the following: -

What	Why
Review of the Metropolitan Region Scheme	Consistent planning frameworks. Appropriate level of decision making.
Improve amendment process for region planning schemes	Simplify application processes. Fast track land supply.
Concurrent amendment of region and local planning schemes	Simplify application processes. Fast track land supply.
Improve local planning scheme review process	Consistency across local governments. Simplify planning processes. Fast track housing approvals.
Improve local planning scheme amendment process	Improve application processes. Fast track land supply.
Streamline structure plan process	Simplify application processes. Fast track land supply.
Private certification of development applications	Fast track housing approvals.
Standardise delegations of local government development decisions	Consistency across local governments. Appropriate level of decision making.
Electronic application system	Improve customer service – easier, faster applications and tracking of progress.
Design and development	Deliver quality development as the urban form of towns and cities across WA changes.
Review the role of the Western Australian Planning Commission (WAPC)	Ensure strategic leadership and good quality decision making.
Improve the function of the Infrastructure Coordinating Committee (ICC)	Improve coordination of infrastructure planning and delivery.
Funding of region planning schemes	Improve regional land acquisition and infrastructure provision.

4.5 Abolitions of DAPS (05-047-01-0016)

City of Subiaco Delegate to move:

MOTION

That WALGA:

1. **Advocates for the abolition of Development Assessment Panels (DAPs) on the basis that:**
 - 1.1. **DAPs by means of their majority unelected membership are not democratic bodies representing the ratepayers and accordingly do not reflect the aspirations or values of the community;**
 - 1.2. **DAPs represent a significant erosion of planning powers by elected representatives who have been given a mandate by ratepayers to make these decisions; and**
 - 1.3. **Previous decisions made by the Joint Development Assessment Panel have gone well beyond the purpose, intent and application of relevant Local Planning Scheme and Policies adopted by each local council; and**
2. **Advocates for consideration of the following reforms, in the event that DAPs remain in place, to ensure greater accountability, transparency and procedural fairness for ratepayers through the Panel's assessment and decision making processes:**
 - 2.1. **Abolishing the current opt-in mechanism which allows applicants to choose either elected Councils or the DAP as the decision maker in favour of a Ministerial call-in power for projects of state or regional significance, with a minimal value of \$20 million, as has been adopted in the eastern states;**
 - 2.2. **Requiring equal membership on the DAP between Local Government and Appointed Specialist members with an independent chair approved by both State and Local Governments;**
 - 2.3. **Requiring the DAP to set the meeting date for consideration of the development applications no later than five working days after the application being received to enable inclusion within the community consultation process;**
 - 2.4. **Requiring the DAP agenda and local government report and recommendation to be published no less than ten business days prior to the scheduled meeting date;**
 - 2.5. **Requiring a minimum of five business days between publishing the DAP agenda and the date by which ratepayers can make public presentations to the DAP, to provide more time to prepare a formal response;**
 - 2.6. **Mandating that respondents to the development application can nominate e-mail or Australia Post as their preferred contact method for information and requiring the local government to contact registered respondents throughout the process as deadlines are reached;**
 - 2.7. **Providing a public template for ratepayers to assist with the preparation of feedback as part of the Community consultation process;**
 - 2.8. **Requiring any changes to a development application between the community consultation period and final proposal for decision by the DAP to be published on the local government's website and to notify all respondents to the original community consultation of those changes;**
 - 2.9. **Removing the need for the local government to obtain the applicant's consent for further consultation or an extension of time to report the applicant's development proposal to a DAP meeting for determination; and**

IN BRIEF

- That WALGA advocate for the abolition of Development Assessment Panel (DAPs).

2.10. Providing a Local Government aggrieved by a DAP decision a right of review at the State Administrative Tribunal.

3. Advise the Minister for Planning of its concerns with the actions and decisions of the Development Assessment Panels.

MEMBER COMMENT

1. Following the lead of the City of Vincent, a version of this motion has been passed by the following councils:
 - 1.1. Vincent, Mosman Park, Nedlands, Cambridge, Subiaco, Stirling, Bayswater, South Perth, Belmont, Cottesloe, Claremont, Peppermint Gove, and Victoria Park.
2. The following Councils are working up support for this motion:
 - 2.1. Swan, Gosnells, Cockburn and Kwinana.
3. The following local communities have been adversely affected by a DAP/SAT decision or have concerns over the loss of amenity from proposed development to be approved by the DAP:
 - 3.1. Ascot, Alfred Cove, Applecross, Bayswater, Broome, Carine, Claremont, Como, Cottesloe, Daglish, Dalkeith, Dianella, Floreat, Guildford, Gwelup, Kensington, Mandurah, Maylands, Mount Hawthorn, Mount Lawley, North Beach, North Perth, Scarborough, South Perth, Subiaco Town Centre, Subiaco East, Subiaco West, Swanbourne, Wembley, and Woodlands.
4. The communities affected by DAP development applications have raised the following concerns in their submissions to their local council:
 - 4.1. The process of updating Local Planning Schemes, costing hundreds of thousands of dollars, will not stop the DAP system from considering development applications (DA) which do not comply with these schemes and policies.
 - 4.2. All ambit claims (DA) must be presented to a DAP regardless of their extreme non-compliance, costing ratepayer's councils valuable time and money preparing a Responsible Authority Report.
 - 4.3. The decisions made by unelected DAP panel members are unaccountable and untouchable. The Minister has backed every controversial decision raised by the community, and they cannot be voted out at the next election.
 - 4.4. Developers can appeal DAP decisions at State Administrative Tribunal (SAT), a flawed system which does not give affected parties a seat at the table to defend their amenity rights.
 - 4.5. The only avenue of appeal is to the Supreme Court costing ratepayers or residents hundreds of thousands of dollars.
 - 4.6. The use of discretionary clauses by the DAP/SAT system has created uncertainty and a loss of trust in the planning system. The uncertainty prevents homebuyers from knowing exactly what the rules are that govern the area / suburb / community where they may wish to invest in, buy their home, raise their family or retire. The uncertainty for those already settled concerns what changes to their living environment may be summarily visited on them. Since the residents are afforded no rights of appeal against such decisions, they are effectively left just to "hope" that they won't have to face such a decision.
 - 4.7. Changing Local Planning Schemes and policies offers no hope of controlling discretion to approve any development. Discretion exists in other State Government planning/development, policy and regulations such as:
 - 4.7.1. Residential Design Codes (R-Codes) Part 2 – Judgement of merit which allows the DAP/SAT to use Design Principles (a subjective view) to approve any non-complying development. If the DAP exercise its judgement based on

- objectives and design principles, as the decision maker it can ignore the deemed to comply provisions, ref. 2.5.1 Exercise of judgement.
- 4.7.2. R-Codes Part 5 – Design principles and their use are problematic for local planning schemes and policies. The State Government put in place a subjective list of design principles which are futuristic, a one size fits all approach, and open to subjective views and discretionary powers by the DAP.
- 4.7.3. Local councils adopting Centre Activity Structure Plans are high level subjective documents which inadvertently impose significant change to the interpretation of local town planning schemes and policies. These Centre Activity Structure Plans are used by developers and their legal team to argue Judgement of merit for their development, and have unintended consequences for communities such as those affected by the State Government’s plans to redevelop Western Australia’s football ovals such as:
- 4.7.3.1. Claremont Football Oval;
 - 4.7.3.2. Bassendean Football Oval;
 - 4.7.3.3. Midland Football Oval; and
 - 4.7.3.4. Subiaco Football Oval.
- 4.8 These undemocratic decisions will have irreversible consequences for Western Australia’s local communities, in the City and in regional towns

SECRETARIAT COMMENT

The current WALGA position regarding Development Assessment Panel (DAPs) is for a full and comprehensive cost benefit analysis of the DAP system to be conducted to assess the net benefit of DAPs (State Council March 2015). At this meeting, State Council also resolved that if the cost benefit analysis isn’t undertaken, then the following improvements should be made to the operation of the system:

1. That the minimum monetary threshold for an application to be eligible for consideration by a DAP be increased to at least \$30 million.
2. That the DAP system be amended to be an opt-in only process, so that when an application does meet the minimum monetary threshold, the proponent still has to elect to have the application determined by a DAP. This will identify individual Local Governments that are unable to adequately satisfy applicant expectations and allow the industry to determine the relevance of DAPs.
3. That a procedure similar to that in NSW be introduced to ‘call in’ a development application where it has state or regional significance and should be determined by a DAP, even if it is below the monetary threshold.
4. That DAPs be permitted to process development applications that are below the new minimum monetary threshold, providing the application has been ‘called in’ as having either state or regional significance or referred by a Local Government.
5. That a system be introduced to temporarily remove the planning powers of a Council due to ongoing poor performance and DAPs be utilised to process development applications that cannot be dealt with under delegated authority during the suspension period.
6. That the Parliamentary Committee investigate specific examples of DAP decisions provided by Local Government members, in order to consider the transparency of the meeting process.

7. That the Department of Planning's proposed changes to the regulations as a result of their internal review of DAPs in 2013, be put on hold until a cost-benefit analysis of DAPs has been undertaken and the outcomes of this Parliamentary review are finalised.

WALGA President, Cr Lynne Craigie and senior staff met with the new Minister for Planning and Disability Services, Hon Donna Faragher MLC on Wednesday, 25 May 2016. The Association advised the Minister about the disappointment of the recent Parliamentary Committee's review of DAPs which failed to actually address fundamental problems with DAPs, as well as the concerns from the sector and increasing dissatisfaction with the role of DAPs within the planning system. The Minister expressed her willingness to work with the sector to consider improvements to the DAPs system.

The Association is currently in the process of reviewing all decisions made by DAPs and when complete will present a report to State Council examining the performance and effectiveness of the DAP system across its full five years of operation. It is intended that this report will examine all of the issues raised in the numerous member's resolutions to abolish DAP's, including the appropriateness of DAP's development cost thresholds and the transparency of the decision making system. As part of the review, the Association will be seeking member's feedback on their experiences with DAP's, via a survey, and will also collate development application processing information from Local Governments to enable a direct comparison of the effectiveness of the DAP system compared to Local Government performance.

4.6 Introduction of Container Deposit Scheme (CDS) (05-050-02-0001)

Shire of Dandaragan Delegate to move:

MOTION

That WALGA:

1. **Continue to actively advocate for the implementation of a Container Deposit Scheme in Western Australia; and**
2. **Include the implementation of a Container Deposit Scheme in the Association's Election Platform.**

IN BRIEF

- WALGA has advocated for a CDS over a number of years
- In 2008 WALGA established a Policy Statement in support of Container Deposit Legislation
- A CDS will assist in litter reduction and improve resource recovery

MEMBER COMMENT

WALGA has been advocating for a CDS to be implemented throughout Western Australia for a number of years. In 2008, WALGA established a Policy Statement in support of Container Deposit Legislation (CDL).

CDL has been in place in South Australia since the 1975, which imposed a deposit on a range of beverage containers. The deposit is included in the retail price of the item and refunded when the container is returned to the collection point.

Local Government has significant investment in kerbside recycling programs and landfill operations of which beverage containers make up a large percentage of material. An additional issue is that roadside litter and drainage debris consist of a higher proportion of beverage containers as well.

The introduction of CDL would provide an incentive for community organisations, individuals and the packaging companies themselves, to take responsibility for the lifecycle of their waste.

SECRETARIAT COMMENT

The motion is consistent with current WALGA Policy.

4.7 Declared Pest Plant C3 Review by DAFWA (05-046-03-0015)

Shire of Dardanup to move:

MOTION

THAT member Councils request that WALGA lobby the Minister for Agriculture and Food WA to ensure that the Biosecurity and Agriculture Management Act 2007 (BAM Act) review results in the Act giving the Department of Agriculture and Food WA the responsibility to control, manage and facilitate the eradication of pest plants and weeds, including Cotton Bush, and that the Department be adequately funded to undertake eradication programs for all species that have the potential to negatively impact on the production of agriculture in Western Australia, including but not limited to Cotton Bush, wild dogs, cane toads, skeleton weed, Blackberry and Patterson's Curse.

IN BRIEF

- Request for WALGA to lobby the Minister for Agriculture and Food WA to ensure that the BAM Act review results in the Act giving the DAFWA the responsibility to control, manage and facilitate the eradication of pest plants and weeds, including Cotton Bush
- Department be adequately funded to undertake eradication programs

MEMBER COMMENT

The Biosecurity and Agriculture Management Act 2007 (BAM Act) is scheduled for review in 2017.

A number of Local Governments have endorsed and contributed financially to Regional Biosecurity Groups. It is evident that the Department of Agriculture and Food (WA) has limited resources and over the last twenty years the Department's budget has steadily declined and the ability to manage biosecurity in Western Australia has suffered because of it.

It is requested that WALGA lobby the Minister for Agriculture and Food WA to ensure that the BAM Act review results in the Act giving the Department of Agriculture and Food WA the responsibility to control, manage and facilitate the eradication of pest plants and weeds, including Cotton Bush.

It is also requested that the Department be adequately funded to undertake eradication programs for all species that have the potential to negatively impact on the production of agriculture in Western Australia, including but not limited to Cotton Bush, wild dogs, cane toads, Skeleton Weed, Blackberry and Patterson's Curse.

SECRETARIAT COMMENT

The Association will be making a comprehensive submission to the review of the Biosecurity and Agriculture Management Act 2007, and will advocate the submission recommendations to the Minister for Agriculture and Food, the Director General of DAFWA and the State Biosecurity Council.

4.8 Renewable Energy (05-028-04-0009)

City of Bunbury to move:

MOTION

That the Western Australian Local Government Association advocates for reforms to the parameters applied by the WA Government regarding generation of energy through renewable sources by local governments, either individually or in partnership with private sector specifically seeking a fixed feed in tariff for extended periods to enable effective business planning and funding arrangements.

IN BRIEF

- WALGA to advocate for changes to the rules and regulations governing feed in tariffs for renewable energy, providing for a guaranteed fixed feed in tariffs over an extended period.

MEMBER COMMENT

Local government typically incurs significant annual electricity costs in providing services to the community, ie. recreation centres, street lighting, community facilities etc.

As has been demonstrated in other areas of Australia, local governments are moving to become more reliant on renewable energy sources and on a small scale this is effective, however for local governments to invest substantial funding into renewable energy sources there is a need for long term agreements and arrangements to ensure the viability of the investment. Where a local government may seek to offset its electricity usage through the provision of renewable energy sources, the rules governing the rate of feed in tariff vary depending on the amount of electricity being generated through renewable sources and the location of the facilities, making it difficult to develop a business case to justify investment in.

A fixed feed in tariff for local government in this regard would provide certainly for local governments looking to either partly or fully offset their energy use through renewable sources, demonstrating leadership in implementing measures to tackle climate change and reliance on fossil fuel power generation.

SECRETARIAT COMMENT

The City of Bunbury's proposal - *to simplify the current arrangements and provide certainty for local governments that are looking to invest in renewable technology* - seems logical as a way to encourage greater take up of renewables.

At the moment there are a range of different feed in tariffs for both residential and non-residential customers, depending on the amount of electricity being generated and/or the time at which this occurs.

There are a number of "unknowns" at this stage, which warrant investigation and report prior to advocating a specific position, such as;

- what implications the proposal would have for the broader market;
- the implications of the market transition to the Australian Energy Regulator;
- the likely rate/time frame for any set tariff.

4.9 Reducing Regulatory Burden on Local Government (05-099-03-0001)

Shire of Toodyay Delegate to move:

MOTION

That all new legislation, regulation or quasi-regulation imposed on Local Government be accompanied by an independent regulatory impact assessment including the opportunity for input from the Local Government sector.

MEMBER COMMENT

In May 2015 the State Government launched a project to launch the Reinvigorating Regulatory Reform Project. The plan purports to support four actions:

- Cutting red tape;
- Progressive deregulation and regulatory reform;
- Improving regulatory assessment;
- Ensuring success through communication and engagement.

One of the priority areas for improvement was releasing administrative burden.

Placing additional regulatory or compliance burdens on Local Government increases the cost of Local Governments performing their functions and ultimately, increases the cost to the community and business. Any increase in the cost of doing business for Local Government will in due course be funded by increased rates or reduced levels of service.

Recently the State Government conducted a series of workshops with Local Governments to seek to improve the Integrated Planning and Reporting Process which now forms part of the compliance requirement for Local Government. During that process the Department was unable to answer:

- The increased cost to the sector of the new provisions; and
- Whether a regulatory burden assessment was completed prior to implementation, and if the assessment was done, what was the outcome?

Gather any group of elected members or Local Government employees together and they will be able to list new compliance requirements imposed in the last five years. The list will be long, but will include:

- Integrated Planning and Reporting Framework;
- Regulation 17 of the Local Government (Audit) Regulations
- New deemed provisions in all Local Planning Schemes;
- Changes to Planning for Bushfire Protection;
- Introduction of Fair Value Accounting for Assets;
- Changes to reporting requirements for gifts;
- Introduction of My Council website;

INBRIEF

- The State Government is committed to red tape reduction.
- Increased Local Government compliance requirements have not been subject to the same level of scrutiny.
- All new legislation, regulation or quasi-regulation should be subject to a regulatory impact assessment.

- Introduction of Registered Biosecurity Groups (while reducing State Government services); and
- Changes to compliance and reporting requirements for rates.

Many of these changes are important and worthwhile and have been embraced by the sector. Others are clearly reactions to political issues of the day, but will remain as requirements long after the issues have passed.

The State Government has recently reformed the compliance requirements for incorporated associations, providing three levels of reporting reflective of the level of risk to the community. This is good reform and represents the risk based approach which is also a feature of the red tape reduction policy. It is curious that the same risk based approach cannot be applied to Local Government instead of a single prescriptive one size fits all approach.

If efforts to reduce red tape are genuine and serious, all new legislation, regulation and quasi-regulation (circulars, guidelines etcetera) which impose or potentially impose a cost to the Local Government sector should be accompanied by an independent and publicly released impact assessment to quantify both the compliance cost and the estimated benefit.

Any new burden on business would be subject to this kind of assessment. There seems to be a lack of appreciation that any new cost to Local Government ends up being a cost to the community and business.

SECRETARIAT COMMENT

WALGA supports the concepts of reduced red tape and unwarranted compliance.

4.10 Most Accessible Regional City in Australia Awards (01-006-04-0001)

City of Bunbury to move:

MOTION

That the Western Australian Local Government Association:

IN BRIEF

- Introduce an annual awards program coinciding with LG Week to acknowledge local governments promoting and improving accessibility in Western Australia

1. **Develop assessment criteria to formally recognise the contribution that Western Australian local governments are taking to promote and improve accessibility within their jurisdictions.**
2. **Conduct an annual awards process coinciding with Local Government Week to recognise local governments nominated for work undertaken in no. 1 above based on metropolitan, Regional and remote categories.**
3. **Nominate the winning local government from each category for the National Awards for Local Government – Disability Access and Inclusion Awards conducted by the Department of Infrastructure and Regional Development.**

MEMBER COMMENT

The City of Bunbury's first objective in the Community and Culture Key Priority Area of its Strategic Community Plan is to Establish Bunbury as the most accessible regional city in Australia by 2020, by providing services and information that are accessible and inclusive for community members of all abilities.

The City recognises access and inclusion as being a key component in enhancing community well-being and the quality of life for the people who live and work in Bunbury, and considers this philosophy to be applicable to all local governments throughout Western Australia.

It is suggested that making provision for such awards in Western Australia can then naturally feed into the national awards for Disability Access and Inclusion administered by the Federal Department of Infrastructure and Regional Development, where no Western Australian local government has ever been successful in winning that category.

SECRETARIAT COMMENT

The Association has held annual awards in the past in respect to specific issues such as Biodiversity awards.

4.11 Discussion Paper Excessive Force (01-003-02-0001)

Shire of Bridgetown-Greenbushes Delegate to move:

MOTION

That WALGA, recognising that a significant role of local government is to lobby and advocate to higher levels of government on matters of concern to local constituents, advocate to the State Government for a discussion paper to be prepared on the issue of decriminalising the use of excessive force by members of the public when such force is effected in the course of defending family and property from intruders.

IN BRIEF

- There have, in recent years, been some well publicised incidents of property owners being charged for causing injury to intruders in the course of defending family and property.
- This is an issue of concern to the broader community and it has been raised at many community forums across the State.
- Local Government has an advocacy role to take on matters of concern raised by the community even when they are not directly related to local government service provision.
- The Motion is merely seeking the development of a discussion paper in order to allow widespread debate of this issue in the community.

MEMBER COMMENT

It is accepted that some local governments will query the merits of the subject matter of this Motion being on the WALGA AGM agenda. This was an argument debated by the Shire of Bridgetown-Greenbushes councillors when the Motion was proposed. However it is our belief that the subject matter is appropriate for consideration by local governments and at the WALGA AGM as it falls under the “advocacy” role that the local government sector plays. There are many issues outside the direct control of local government that are of interest to the sector and that the sector, either individually or collectively, seeks to have input into.

The issue of decriminalising the use of excessive force in the defence of family and property has been raised at the local community level, including at many community forums throughout the State.

How are members of the public expected to lobby for Government to consider and review this issue? Individually approaching Members of Parliament is unlikely to generate momentum for this issue to be added to the ever-increasing list of judicial reviews, statutory reviews, etc. Alternatively individual members of the public could band together to instigate petitions to the government on this issue. History however would question the effectiveness of such an approach. By raising the issue at the WALGA AGM and hopefully having the Motion carried would add weight to the issue with the decision being reflective of an overall community wish for this issue to be discussed.

The Motion is not seeking an immediate change to the criminal code or other related legislation. Such a Motion would be presumptuous and would ignore the processes required to effect legislative change. The Motion instead seeks the development of a discussion paper in order to allow widespread debate, from the community level to the judicial level, on the issues concerning the use of force by property owners when defending family and property.

There have, in recent years, been some well publicised incidents of property owners being charged for causing injury to intruders in the course of defending family and property.

The motion deliberately uses the term “excessive force” as that is the term often used when persons are charged after causing injury to intruders in the course of defending family and property. Even if a property owner uses “appropriate” force the reality is that if injury or death is caused to the intruder the judicial determination would be that the force used in defending family or property was excessive in the circumstances.

The Motion isn’t condoning the use of excessive force – it is simply seeking some discussion on the issue as it is an issue of concern to the broader community.

SECRETARIAT COMMENT

The Association currently does not have a policy position on “excessive force”.

Attachment 1: Association Standing Orders

- 1. INTERPRETATIONS**
For the purposes of these Standing Orders, if not inconsistent with the context, the following words shall have the following meanings:
- 1.1 "Absolute Majority"** means:
a majority of delegates of the Association whether present and voting or not.
- 1.2 "Association"** means:-78
all or any part of the Western Australian Local Government Association.
- 1.3 "Delegate or Deputy Delegate"** means:
those persons duly nominated, from time to time, to represent a Member Local Government at a meeting of the Association.
- 1.4 "Deputy President"** means:
the Deputy President for the time being of the Association.
- 1.5 "Meeting"** means:
an Annual or Special General Meeting of the Association.
- 1.6 "Member Local Government"** means:
a Local Government admitted to ordinary membership of the Association in accordance with the provisions of the Constitution.
- 1.7 "President"** means:
the President for the time being of the Association.
- 1.8 "Simple Majority"** means:
a majority of the delegates from the Association that are present and voting.
- 2. CONDUCT OF MEETINGS**
The proceedings and business of meetings of the Association shall be conducted according to these Standing Orders.
- 3. NOTICE OF MEETING**
- 3.1 Annual General Meeting**
The Chief Executive Officer of the Association shall give at least ninety (90) days notice of an Annual General Meeting to all Member Local Governments, advising of the closing date for submission of motions for inclusion on the agenda.
- 3.2 Special General Meeting**
A Special General Meeting of the Association is to be held if a request is received by the Association President, in accordance with the requirements of the Association's Constitution. No business shall be transacted at a Special General Meeting other than that for which the Special General Meeting was called.
- 3.3** Notice shall be given at the destinations appearing in the records of the Association.
- 4. QUORUM**
- 4.1** The Association shall not conduct business at a meeting unless a quorum is present.
- 4.2** At any meeting of the Association greater than one half of the delegates who are eligible to vote must be present to form a quorum.
- 4.3** The Association is not to transact business at a meeting unless a quorum is present.
- 4.4** If a quorum has not been established within the 30 minutes after a meeting is due to begin then the Association can be adjourned –
- by the President or if the President is not present at the meeting, by the Deputy President;
 - if neither the President nor Deputy President is present at the meeting, by a majority of delegates present;
 - if only one delegate is present, by that delegate; or
 - if no delegate is present, by the Chief Executive Officer or a person authorised by the Chief Executive Officer.
- 4.5** If at any time during a meeting a quorum is not present, the President shall thereupon suspend the proceedings of the meeting for a period of five (5) minutes and if a quorum is not present at the expiration of that period, the meeting shall be deemed to have been adjourned and the person presiding is to reschedule it for some future time.
- 4.6** Notice of a meeting adjourned because of absence of a quorum is to be given to all Member Local Governments.
- 5. MEETINGS OPEN TO THE PUBLIC**
The business of the Association shall be open to the public except upon such occasions as the Association may by resolution otherwise decide.
- 6. ORDER OF BUSINESS**
Unless the Association should decide otherwise, the order of business at meetings of the Association, with the exception of special meetings or an adjourned meeting, shall be as follows:
- Record of attendance and apologies;
 - Announcements;
 - Confirmation of minutes of previous meetings;
 - President's report;
 - Financial report for the financial year; and
- Notice will be deemed to have been delivered immediately if transmitted electronically or on the second working day after posting.

(f) Consideration of Executive and Member Motions.

7. VOTING ENTITLEMENTS

- 7.1 Each Member Local Government shall be entitled to be represented at any meeting of the Association.
- 7.2 Only eligible and registered delegates may vote.
- 7.3 A delegate shall be entitled to exercise one vote on each matter to be decided. Votes are to be exercised in person.
- 7.4 A delegate unable to attend any meeting of the Association shall be entitled to cast a vote by proxy.
- 7.5 A proxy shall be in writing and shall nominate the person in whose favour the proxy is given, which person need not be a delegate. Proxy authorisations shall be delivered to the Chief Executive Officer of the Association before the commencement of the meeting at which the proxy is to be exercised and shall be signed by the delegate or by the Chief Executive Officer of the Member Local Government that nominated the delegate.

8. SPECIAL URGENT BUSINESS

At any time during a meeting a delegate may, with the approval of an absolute majority, introduce a motion relating to special urgent business that calls for an expression of opinion from the meeting.

In presenting an item of special urgent business, a delegate shall have sufficient copies of the motion in writing for distribution to all delegates present at the meeting and, where practicable, give prior notice to the President of such intention.

9. PRESIDENT

In the construction of these Standing Orders unless the context requires otherwise, the word "*President*" shall in the absence of the President include the Deputy President or the delegate chosen by resolution to preside at any meeting of the Association.

10. DELEGATE AND DEPUTY DELEGATE

- 10.1 In the construction of these Standing Orders unless the context requires otherwise, the word "delegate" shall in the absence of the delegate include the deputy delegate.
- 10.2 A deputy delegate acting in the capacity of a delegate unable to attend a meeting of the Association shall exercise all rights of that delegate.

11. PRESIDENT TO PRESIDE

- 11.1 The President shall preside at all meetings of the Association, but in absence of the President, the Deputy President shall preside.
- 11.2 In the absence of the President and the Deputy President, the delegates shall choose by resolution, a delegate present to preside at the meeting.

12. SPEAKING PROTOCOL

- 12.1 Only registered delegates and members of the Association's State Council shall be entitled to speak at meetings of the Association.
- 12.2 The first person that is entitled to speak at a meeting who attracts the attention of the person presiding shall have precedence in speaking.
- 12.3 Speakers are to use the microphones supplied.
- 12.4 When addressing a meeting, speakers are to:
- rise and remain standing unless unable to do so by reason of sickness or disability;
 - address the meeting through the person presiding;
 - state their name and Local Government before otherwise speaking;
 - refrain from reading comment printed in the agenda paper in support of a motion, but may identify key points or make additional comment; and
 - refrain from using provoking or discourteous expressions that are calculated to disturb the peaceful current of debate.
- 12.5 Mobile phones shall not be switched on while the meeting is in session.

13. DEBATE PROCEDURES

- 13.1 A delegate moving a substantive motion may speak for –
- 5 minutes in his or her opening address; and
 - 3 minutes in exercising the right of reply.
- 13.2 Other speeches for or against motions are to be limited to 3 minutes unless consent of the meeting is obtained which shall be signified without debate.
- 13.3 No delegate, except the mover of a motion in reply, is to speak more than once on the same motion except by way of personal explanation.
- 13.4 As soon as the right of reply has been exercised, the motion is to be forthwith put to the vote without further comment.
- 13.5 No discussion shall take place on any motion unless it is moved and seconded. Only one amendment on any one motion shall be received at a time, and such amendment shall be disposed of before any further amendment can

- be received. Any number of amendments may be proposed.
- 13.6** The provisions of these Standing Orders applicable to motions apply mutatis mutandis to amendments, except that the mover of an amendment shall have no right of reply.
- 13.7** When a motion has been moved and seconded, the person presiding shall at once proceed to take a vote thereon unless a delegate opposes it or an amendment is proposed.
- 13.8** No more than two delegates shall speak in succession on one side, either for or against the question before the meeting, and if at the conclusion of the second speaker's remarks, no delegate speaks on the other side, the motion or amendment may be put to the vote.
- 13.9** Notwithstanding clause 13.7, where a composite motion is moved which embodies the core aspects of subsequent motions listed on the agenda, a delegate whose motion has been superseded shall have the opportunity to speak on the question of the composite motion before it is put.
- Once a composite motion has been carried, no further debate shall be permitted in respect of the superseded motions.
- 13.10** At any time during a debate, but after the conclusion of a delegate's comments, a delegate who has not spoken during the debate may move, without discussion, "that the question be now put". If that motion is seconded and carried by a majority, the question shall be submitted at once to the meeting, after the mover has replied.
- 14. QUESTIONS**
Any delegate seeking to ask a question at any meeting of the Association shall direct the question to the President.
- 15. POINT OF ORDER**
A delegate who is addressing the President shall not be interrupted except on a point of order, in which event the delegate shall wait until the delegate raising the point of order has been heard and the question of order has been disposed of, whereupon the delegate so interrupted may, if permitted, continue.
- 16. MOTION - SUBSTANCE TO BE STATED**
A delegate seeking to propose an original motion or amendment shall state its substance before addressing the meeting thereon and, if so required by the President, shall put the motion or amendment in writing.
- 17. PRIORITY OF SPEAKERS**
If two or more delegates wish to speak at the same time, the President shall decide who is entitled to priority.
- 18. PRESIDENT TO BE HEARD**
Whenever the President signifies a desire to speak during a debate, any delegate speaking or offering to speak is to be silent, so that the President may be heard without interruption.
- 19. WITHDRAWAL OF MOTION**
A motion or amendment may be withdrawn by the mover with the consent of the meeting, which shall be signified without debate, and it shall not be competent for any delegate to speak upon it after the mover has asked permission for its withdrawal, unless such permission has been refused.
- 20. PRESIDENT MAY CALL TO ORDER**
The President shall preserve order, and may call any delegate to order when holding an opinion that there shall be cause for so doing.
- 21. RULING BY PRESIDENT**
The President shall decide all questions of order or practice. The decision shall be final and be accepted by the meeting without argument or comment unless in any particular case the meeting resolves that a different ruling shall be substituted for the ruling given by the President. Discussions shall be permitted on any such motion.
- 22. RESOLUTIONS**
- 22.1** Except as otherwise provided in the Association Constitution and these Standing Orders, all motions concerning the affairs of the Association shall be passed by a simple majority.
- 22.2** Any matter considered by the Association at a Special Meeting shall not be passed unless having received an absolute majority.
- 23. NO DISCUSSION**
Where there is no discussion on a motion, the President may deem the motion to be passed unless the meeting resolves otherwise.
- 24. PERMISSIBLE MOTIONS DURING DEBATE**
- 24.1** When a motion is under debate, no further motion shall be moved except the following:
- that the motion be amended;
 - that the meeting be adjourned;
 - that the debate be adjourned;
 - that the question be now put;
 - that the meeting proceed with the next item of business; or
 - that the meeting sits behind closed doors.
- 24.2** Any delegate who has not already spoken on the subject of a motion at the close of the speech of any other delegate, may move without notice any one of the motions listed in clause

- 24.1 (b)-(f) and, if the motion is seconded, it shall be put forthwith.
- 24.3** When a debate is adjourned, the delegate who moves the adjournment shall be the first to speak on the motion when the debate is resumed unless the delegate advises of no desire to speak on the motion. Where this occurs, the President shall then call for further speakers, with the exception of those delegates who have previously spoken (unless the meeting otherwise agrees).
- 25. RESCISSION OF RESOLUTION**
- 25.1 At the same meeting**
Unless a greater majority is required for a particular kind of decision under the Standing Orders (in which event that shall be the majority required), the Association may, by simple majority at the same meeting at which it is passed, rescind or alter a resolution if all delegates who were present at the time when the original resolution was passed are present.
- 25.2 At a Future Meeting**
Unless a greater majority is required for a particular kind of decision under the Standing Orders (in which event that shall be the majority required), the Association may rescind or alter a resolution made at an earlier meeting:
- (a) by simple majority, where the delegate intending to move the motion has, through the Chief Executive Officer, given written notice of the intended motion to each delegate at least seven (7) days prior to the meeting; or
- (b) by absolute majority, in any other case.
- 26. METHOD OF TAKING VOTES**
The President shall, in taking a vote on any motion or amendment, put the question first in the affirmative, and then in the negative and may do so as often as is necessary to enable formation and declaration of an opinion as to whether the affirmative or the negative has the majority on the voices or by a show of hands or by an electronic key pad voting system.
- 27. DIVISION**
The result of voting openly is determined on the count of official voting cards and, immediately upon a vote being taken, a delegate may call for a division.
- 28. ALL DELEGATES TO VOTE**
- 28.1** At meetings of the Association, a delegate present at the meeting when a question is put shall vote on the question.
- 28.2** Each delegate shall be entitled to exercise one deliberative vote on any matter considered.
- 29. PRESIDENT'S RIGHT TO VOTE**
The President shall have a casting vote only.
- 30. SUSPENSION OF STANDING ORDERS**
- 30.1** In cases of urgent necessity or whilst the Association is sitting behind closed doors, any of these Standing Orders may be suspended on a motion duly made and seconded, but that motion shall not be declared carried unless a simple majority of the delegates voting on the question have voted in favour of the motion.
- 30.2** Any delegates moving the suspension of a Standing Order shall state the object of the motion, but discussion shall not otherwise take place.
- 31. NO ADVERSE REFLECTION ON ASSOCIATION**
A delegate shall not reflect adversely upon a resolution of the Association, except on a motion that the resolution be rescinded.
- 32. NO ADVERSE REFLECTION ON DELEGATE**
A delegate of the Association shall not reflect adversely upon the character or actions of another delegate nor impute any motive to a delegate unless the Association resolves, without debate, that the question then before the Association cannot otherwise be adequately considered.
- 33. MINUTES**
- 33.1** The Chief Executive Officer of the Association is to cause minutes of the meeting to be kept and preserved.
- 33.2** The minutes of a meeting are to be submitted to the next Annual or Special General Meeting for confirmation.
- 33.3** Copies of the minutes will be supplied to all delegates prior to the meeting.



MINUTES

Annual General Meeting

Perth Convention Exhibition Centre
Perth

5 AUGUST 2015



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Annual General Meeting – Order of Proceedings

1.1 Record of Attendance and Apologies

Apologies:

- Cr Pixie Pidgeon (Cue)
- Cr Valerie Ammon (Gingin)
- President Ronnie Fleay (Kojonup)
- Cr Andrew Walker (Lake Grace)
- Cr Dean Bavich (Manjimup)
- President Robert Breakell (Mt Marshall)
- President Ken Clements (Plantagenet)
- Cr Rob Butler (Perth)
- Cr Janet Davidson (Perth)
- Cr Doug Thompson (Fremantle)

1.2 Announcements

Nil

2.0 Confirmation of Minutes

Minutes of the 2014 WALGA Annual General Meeting is contained within the AGM Agenda.

Moved: Cr J Brown (Gosnells)

Seconded: Cr G Pule (Bassendean)

That the Minutes of the 2014 Annual General Meeting be confirmed as a true and correct record of proceedings.

CARRIED

3.0 Adoption of President's Annual Report

The President's Annual Report for 2014/2015 is contained within the AGM Agenda.

Moved: Cr E O'Connell (Nungarin)

Seconded: Cr D Michael (Stirling)

That the President's Annual Report for 2014/2015 be received.

CARRIED

4.0 WALGA 2014/2015 Financial Statements

The audited 2014/2015 WALGA Financial Statements were distributed to all members prior to the meeting.

Moved: Cr K Chappel (Morawa)

Seconded: Cr W Barrett (Murray)

That the WALGA Financial Statements for 2014/2015 be received.

CARRIED

5.0 Consideration of Executive and Member Motions

As per motions listed.

6.0 Closure

There being no further business, the President declared the meeting closed at 5.46pm.

4. Consideration of Executive and Member Motions

4.1 Eradication of Trachoma in Australian Populations (05-030-02-0009 AH)

Town of Bassendean:

Moved: Cr G Pule (Bassendean)
Seconded: Cr A Pratico (Bridgetown-Greenbushes)

That WALGA advocate to the Federal and Western Australian State Government a Nationwide program for the eradication of Trachoma in Indigenous Populations, especially in Western Australia.

AMENDMENT

Moved: Cr M Halleen (Murchison)
Seconded: Cr G Pule (Bassendean)

That WALGA advocate to the Federal and Western Australian State Government a Nationwide program for the eradication of Trachoma in all geographically isolated communities, especially in Western Australia.

CARRIED

THE AMENDMENT BECAME THE MOTION, WAS PUT AND CARRIED

MEMBER COMMENT

That WALGA State Council seek the State Governments advice on how reduced Commonwealth health funding and the introduction of the Indigenous Advancement Strategy (IAS) program has impacted on health service delivery to discrete Aboriginal Communities, in order to address a Western Australian program for the eradication of Trachoma in Indigenous Populations.

There are 287 discrete Aboriginal Communities in Western Australia with over 17,000 people across 22 Local Governments. As part of the Federal Budget 2014/2015, the Commonwealth Government announced significant policy reform to Aboriginal service delivery with the introduction of the Indigenous Advancement strategy and Remote Community Advancement Network.

There is \$4.9 billion of programme funding over four years that is available under the five IAS programmes managed by the Department of Premier and Cabinet. There is concern that the funding structure is not addressing the health needs of remote communities and that many organisations who were funded are no longer. Further funding changes have been made to the Commonwealth Health

Budget which has resulted in a number of health programmes ceasing. This has impacted health service delivery in Western Australia.

A key concern is the future of funding and support for the eradication of trachoma in Aboriginal Communities. The State Government has announced the development of an Aboriginal Investment strategy. The Aboriginal Affairs Cabinet Sub Committee considers cross-agency initiatives to improve the effectiveness of spending and reduce duplication. The Committee has recommended the development of an Aboriginal Investment Strategy for Western Australia.

The development is being led by the Department of Regional Development.

Background

The Fred Hollows Foundation has estimated that the elimination of Trachoma in Australia (Western Australia) can be achieved with a program funded by ten million dollars and Indigenous People can be involved. Australia is the only Developed Country in the world that still has extensive Trachoma affected peoples. This presents a great challenge to Australian Governments to train and utilise Indigenous people to address not only Trachoma, but the turn-around of remote indigenous communities.

Such programs can be the lynch pin to revitalize and renew remote communities. There has already been an assessment of rating sustainability in remote communities with many seen as sustainable. These communities need programs of sustainability and such proposed Trachoma Eradication Programs can be the core of a betterment and sustainability system for remote communities. The involvement of Indigenous people in their own community sustainability is greatly beneficial.

Knowledgeable and expert Foundations like the Fred Hollows Foundation can become the core of such a Trachoma Program and this can be done for a very small investment in "Closing the Gap". Closing the Gap identifies the deficiencies that affect Indigenous Populations and Trachoma ranks as a major contributor to the impact on negative health of Indigenous People.

Trachoma is a completely preventable disease and can be prevented if only the will be there.

SECRETARIAT COMMENT

The need for greater investment in controllable diseases is acknowledged. There is already a comprehensive State program for Trachoma Management in WA for discrete Aboriginal Communities. WA is one of the leading States in the management of Trachoma through targeted personal hygiene programs and use of new generation 6 month and 12 month antibiotics.

4.2 Prescribed Burning Program (05-024-02-0044 AH)

Shire of Bridgetown-Greenbushes:

Moved: Cr A Pratico (Bridgetown-Greenbushes)
Seconded: Cr P Scallan (Bridgetown-Greenbushes)

That WALGA lobby the Minister for Regional Development to negotiate conditions on the use of Royalties for Regions funds for enhancement of the State Government's prescribed burning program to ensure that these additional funds are used only for prescribed burns for asset preservation and protection around towns and settlements and that the funds not be used for broad scale prescribed burning of forests and national parks distant from towns and settlements.

CARRIED

IN BRIEF

- The State Government has announced an additional \$20 million investment in prescribed burning under the Royalties for Regions Program.
- The focus of this additional investment should be on asset preservation and protection around towns and settlements rather than broad scale prescribed burning

MEMBER COMMENT

On 11 May 2015 the State Government announced a four year Royalties for Regions investment of \$20 million to increase prescribed burning in the South West. These funds are on top of the Department of Parks and Wildlife annual prescribed burning budget of \$10 million per annum.

The Government announcement stated that the new funding will fund extra positions and extended employment contracts for seasonal land management officers to expand the prescribed burning effort. The Minister for Regional Development, the Hon Terry Redman MLA was quoted as saying that "the extra Royalties for Regions investment would bring greater security and protection to South-West communities".

The Shire of Bridgetown-Greenbushes endorses the above comments of the Minister for Regional Development. Royalties for Regions funding shouldn't be used to prop up the normal operations of Government departments that have otherwise been short changed from years of reduced budget allocations. Instead Royalties for Regions funding should be used to enhance normal Government expenditure and in this case it should be ensured that the additional funding directed to the prescribed burning program should be focused on the preservation of assets and public safety in our settlements and towns rather than the funding being simply used by the Department of parks and Wildlife to meet acreage targets in the easier to burn areas such as forests and national parks. Often these areas are remote from towns and settlements and it is easier to carry out larger burns. Whilst there may well be strong environmental benefits in such burns the focus of the additional funding over the next four years should be the preservation of built assets.

SECRETARIAT COMMENT

Given the limited funding available within the state for bushfire risk mitigation, it is critical that any additional funding for prescribed burning is used in high priority areas of the state, particularly those that are in close proximity to towns, settlements and significant economic infrastructure.

Identification of the priority areas and the subsequent prescribed burning programs could be done through coordination of the results of the bushfire risk management planning process, which is currently being piloted by several Local Governments, the DFES mapping generated for the purposes of the soon to be implemented, WAPC state planning policy – bushfire prone areas and the office of bushfire risk management's approvals process.

4.3 Bushfire (Planning) Regulations – Local Government Impacts (05-024-02-0056 AH)

City of Bunbury:

Moved: Cr B Kelly (Bunbury)
Seconded: Cr D Prosser (Bunbury)

1. That WALGA move to seek that the Fire and Emergency Services Commissioner recognises existing Local Government bushfire risk assessment processes that demonstrate sufficient rigour and accept that Local Government's Bushfire Risk Mapping in the application of the new Bushfire (Planning) Regulations.
2. That appropriate support be provided to Local Government, to offset the costs and delays that will be incurred as a result of implementing the new Regulations into the development application processes. This would include (but not limited to) training in bushfire risk assessment - Bushfire Attack Level (BAL). A media campaign to explain the new Regulations and its impacts would assist in deflecting some of the negative reaction that may be incurred by Local Governments.
3. That WALGA request the State Government to assist with the implications of State owned lands providing risk to developments. Rather than insist on construction requirements to increase resilience for new structures, it may be more beneficial to treat the risk. This would be especially important where existing structures are also impacted. Currently, the Bush Fires Act (1954) does not bind the Crown.

IN BRIEF

- The State Government has brought down new regulations on development within areas of the State declared as 'bushfire prone'.
- A State wide map will highlight areas that will be declared, being essentially, any land that is within 100 metres of bushland greater than 1 hectare in area.
- Local Government will be expected to manage the application of the Regulations, to new development within those areas, upholding the requirements of 'AS 3959 (2009) – Construction of buildings in bushfire-prone areas'.

CARRIED

MEMBER COMMENT

Large areas of the State are likely to be declared as Bushfire Prone by the Fire and Emergency Services Commissioner. These will be demonstrated on a State map of Bushfire Prone Areas. The rationale for the decision on bushfire prone status is essentially any area that is within 100 metre proximity to bushland that is greater than 1 hectare in area. Some smaller parcels will also be included, whereby they may be relatively close to other areas of bushland that can be aggregated in some situations.

While no-one would be against recognising and avoiding high risk developments, this suite of arrangements passed from State Government, will be highly problematic for Local Government.

Local Governments were given limited opportunity to comment on early risk assumptions, through a relatively crude process. Early communications indicated that the Office of Bushfire Risk Management (OBRM) would accept a Local Government's risk mapping, if the Commissioner was satisfied with its rigour. This has not happened at this stage, nor have we seen the final OBRM maps, to indicate the potential of this situation to impact Local Governments.

These new regulations have the potential to impact considerably upon Local Governments through the following:

- This system only looks at new development applications, putting the bushfire safety focus on that environment alone. It does not recognise the need to manage existing risks.
- This system will require a cadre of bushfire risk assessors, likely to be contractors, adding to development costs. The competencies required and formal training programs for these persons, has not yet been established.
- The focus on risk management in this case, will be on the building proponent (element at risk) not on the bush land manager (source of risk). There is no focus on working to reduce risk by treating areas presenting that risk. It is likely that any land managed by Local Government that is seen to present increased complexity and/or costs to a developer or owner, would attract considerable criticism for that Local Government.
- There is a strong potential for insurance premium rises on existing structures, due to a likely increase in replacement construction costs.
- For construction within declared bushfire prone areas, there will be an increase in cost to construct to the new standards, a need for Local Government to understand, apply and police the construction standards. There is likely to be a relatively hostile reaction from builders/owners to this new regime of costs and compliance complexity.
- Some areas of land, rated as BAL 40 or BAL FZ may be now impossible to build on, due to an external risk (adjacent bushland). This would drastically reduce the value of these lands, with likely political backlash.

The AS 3959 considers bushfire risk based upon only three factors, being the proximity of potential development to bushland, the predominant vegetation type and the gradient under that vegetation. The new Bushfire (Planning) Regulations consider only proximity to bushland. This is a crude risk assessment process, which will cause huge areas to be presumed to be high risk. It will be up to the developer/owner to prove lower risk levels exist, which in many cases will be the case.

Using the *AS/NZS ISO 31 000 (2009) – Risk Management – Principles and guidelines* encourages that consideration of ‘risk versus consequence’ measures and other factors such as bushfire behaviour, would be prudent. Further, the use of the National Risk Assessment Guidelines (NERAG) to challenge the assumptions made, would further add confidence to risk assessments.

Where a Local Government could demonstrate that their processes contain that rigour, then these should be upheld. A very high percentage of the land that is within 100 metres of existing bushland (and likely to be declared as bushfire prone) could easily be demonstrated to be an acceptable bushfire risk and avoid the added complexity of the new Regulations.

SECRETARIAT COMMENT

The declaration of bushfire prone areas by the State Government and the application of minimum state-wide bushfire standards for development in bushfire prone areas is consistent with State Councils resolution of May 2013 (200.2/2013). Prior to forming this resolution, the Association undertook widespread consultation with members to discuss arrangements for managing bushfire risk and received strong support from the sector for the State Government taking the lead in identifying bushfire risk areas and establishing state wide planning provisions for bushfire mitigation.

The Association understands that the Western Australia Planning Commission (WAPC) have made substantial modifications to the previously advertised draft State Planning Policy (SPP) 3.7 Planning

for Bushfire Risk Management and its associated Guidelines. The Association has been informed by the Department of Planning intends to release the revised draft Policy and Guidelines for public consultation in July. The Association will be preparing a submission to WAPC in relation to the revised draft SPP and will be seeking feedback from members to inform this submission.

The Association understands that any default declaration of 'bushfire prone areas' as being within in 100m of a hectare of bushfire vegetation is only an interim measure which will be superseded by the release of bushfire prone area mapping. This mapping will be further refined over time. Further, it is important to note that the declaration of a bushfire area does not automatically mean that higher construction standards will be necessary, rather a more accurate assessment of bushfire risk will need to be undertaken by development proponents.

Throughout the process of developing the proposed land-use planning bushfire risk management policy framework, the Association has consistently advocated that the State provides the necessary funding for any additional requirements placed on Local Governments, including any training for Local Government officers.

4.4 Integrated Response by Local Governments to Hoarding (05-026-03-0016 AH)

City of Bunbury:

Moved: Cr B Kelly (Bunbury)
Seconded: Cr D Prosser (Bunbury)

That WALGA:

- 1. acknowledge that hoarding is a complex problem for Local Governments to address in Western Australia.**
- 2. facilitate the development of an integrated response to the problem of hoarding by using consistent best practice standards which can be applied by all Local Governments in Western Australia.**

IN BRIEF

- A Toolkit exists for Metropolitan Local Governments however this does not apply for regional Councils.
- Local Governments can only prosecute offenders under Health Legislation
- An integrated response to the problem which can be applied by all Local Governments would be an initial step to looking at these issues

CARRIED

MEMBER COMMENT

The Department of Health has developed a squalor toolkit which is used by the Metropolitan Local Governments.

In circumstances when regional Local Governments have tried to implement the recommendations/requirements of the tool kit for cases, the support from key agencies was not available in regional areas.

This results in regional Local Governments only ability to address the problem being to prosecute the offender under Health legislation and on some occasions this action may result in the Local Government incurring considerable costs.

It is felt that an integrated response to the problem of hoarding by using consistent best practice standards which can be applied by all Local Governments in Western Australia would be an initial step to looking at these issues.

SECRETARIAT COMMENT

The recommended action is consistent with WALGA policy.

4.5 Shark Hazard – Local Government Expectations (05-017-02-0006 AH)

City of Bunbury:

Moved: Cr B Kelly (Bunbury)
Seconded: Cr D Prosser (Bunbury)

1. That WALGA move to seek that the State Government declare Shark Attack as a 'hazard' within the Emergency Management Regulations (2006) and assign an Hazard Management Agency, for the development and maintenance of Hazard Management Arrangements. This agency would then also be responsible for the provision of community information and advice, to enable the community to make informed decisions with their use of the marine environment.
2. That WALGA recommend the adoption of the South West Local Government Response Flowchart and Responsibility Matrix, as the basis for Local Government response to any credible risk from sharks in local waters.
3. That WALGA act on behalf of WA Local Governments in the negotiation with the Department of Fisheries, to ensure that Local Government Officers are not expected to make any response decisions, where they do not have the Subject Matter Expertise, nor jurisdiction (i.e. when to open a beach after sighting, or when to close a beach etc.) for those decisions.

IN BRIEF

- The Shark hazard in WA is not a 'declared hazard' under the Emergency Management Regulations. No agency is identified to be responsible to manage community information or advice, nor develop arrangements to manage the hazard.
- The Department of Fisheries has developed draft Hazard Plans that identify a range of responsibilities to Local Government (as land owners), where they would have limited subject matter expertise or jurisdiction, to under-pin any decisions or actions.

CARRIED

MEMBER COMMENT

There is currently an expectation from the Department of Fisheries (DoF), that Local Government staff will respond to any shark sighting (confirmed or not) and close beaches and warn public. This also assumes that Local Government Officers remain constantly available to travel to a beach to carry out this work, immediately. This was first noted in the draft Shark Hazard Plan from that Department on 20 September 2012.

Local Governments in the main, have jurisdiction only to the high water mark and would not be considered to be experts in shark behaviour. The DoF have established and funded a 'Shark Response Unit', which presumably, would have the peak body of knowledge on this subject. Therefore, it would seem odd that the DoF would expect Local Governments to be making decisions, with respect to the risk that a shark may present and/or what should be done in respect of that risk.

As a result of a string of unfortunate fatal encounters with sharks, the media showed understandably high levels of interest in the shark risk. In the absence of a credible response agency, these reports were not challenged for credibility, nor wisdom. The resultant media coverage then raised the public interest and the matter became political. If there had been an identified Hazard Management Agency to provide an active and visible spokesperson role, that interest could have been managed and taken the form of public safety information and advice. It would have tempered the tone of the reporting and gone some way to educating the community on the actual risks and presumably, what people could

do to manage their exposure. Any other declared hazard enjoys the benefit of a ‘one source – one message’ environment, which ensures consistent, credible information is provided on which community members may base their decisions, along with the mandated responsibility to communicate.

In early 2014 the City of Bunbury, through the Chief Executive Officer, sought the assistance of the other South West Local Governments mentioned in the DoF Draft Shark hazard Plan (plus Harvey). The result was the establishment of a working group who worked collaboratively to develop a process and ultimately a Response Plan. This plan was developed to guide any Local Government response to any report of a shark hazard. This work recognised the limitations of Local Government in the jurisdiction and subject matter expertise as well as other agencies that would have a role (i.e. Department of Parks and Wildlife (DPaW)). The group then conducted a workshop, funded by WALGA and the participating Local Governments, along with the agencies that would be impacted in the South West. The Departments of Fisheries and Premier and Cabinet had senior staff in attendance, including the Acting Director General of DoF.

DoF and Premier and Cabinet continued not to accept the South West proposed processes.

With the summer tourist season beginning, the City of Busselton took to providing an interim solution, essentially causing a hiatus in the collaborative work that was being undertaken. Further, it would seem that DoF and the State Government were not concerned with the discontent of a few Local Governments and keen to preserve the status quo.

Under the current situation, whereby DoF have effectively handed over responsibility to Local Governments, there is potential conflict between community expectations for a safe environment and the risks that Local Governments and their Officers face in making decisions. This is especially the case, in a subject area where they do not possess the expertise nor jurisdiction to operate. DPaW and other land managers are in a similar position (though DPaW do have jurisdiction on the water). Should there be scrutiny over a decision that was made prior to an incident, the Local Government and/or it's Officer may held to account over why they had made a decision that had ended unsatisfactorily. Equally, adherence to the ‘do nothing’ option carries its own risks, in that public safety may be seen to be compromised, especially if a Local Government could be proven to have known of that risk.

Any action or decision taken as a result of a shark sighting, should be under-pinned with due recognition of the skills and knowledge of the decision-maker and their jurisdiction to act. Protection from subsequent scrutiny and criticism must be provided by a process which follows sound risk management processes and clear, concise guidance documentation.

SECRETARIAT COMMENT

In 2012 the State Emergency Management Committee developed a comprehensive risk management strategy for Western Australia to have a better understanding of the risks to which the State is exposed and to ensure that emergency management strategies are in place. In 2013 the State Government commenced the *State Risk Project* which has identified 27 hazards - both natural and made in Western Australia. The State Risk project demonstrates an integrated approach and consistent framework for risk assessment and management across the State.

4.6 Inland Waterway Shoreline Management (05-064-01-0001 MB)

City of Mandurah:

Moved: Cr D Lee (Mandurah)
Seconded: Mayor M Vergone (Mandurah)

That WALGA lobby for a single State Government agency to be responsible for inland waterway shoreline management in the same manner as the Department of Transport' current role to administer the State Government's policy directly relating to coastal management.

IN BRIEF

- WALGA's support is requested to address the management and responsibility of inland waterways shoreline management.

CARRIED

MEMBER COMMENT

Local Governments which have estuarine and riverine environments experience shoreline erosion. Others may have a coastal environment where-in coastal erosion occurs from time to time.

It is agreed that the requirement to investigate the mechanisms of shoreline erosion and to undertake significant protection works is equal to that which is required along the coastline.

Inland waterway shoreline erosion is addressed through a number of agencies that have specific interests. For example, the Swan River Trust and the Department of Water have specific areas of interest. On the other hand, the Department of Transport has carriage of coastal management via its Coastal Protection Policy for Western Australia.

The aims of this Coastal Protection Policy are to:

- Ensure the provision of the appropriate level of advice and assistance to coastal managers investigating and recommending coastal protection solutions
- Ensure that valuable coastal assets, whether natural or constructed, are protected from the unwanted impacts ocean forces
- Ensure the adoption of the most appropriate and cost-effective interventions to project coastal property at risk of damage from sea erosion
- Provide support to broader coastal management policies of the State.

The specific principles that guide this Coastal Projection Policy are to:

- Minimise the need to interfere with natural coastal processes
- Undertake coastal protection works only if the benefits outweigh the cost
- Ensure that the direct beneficiaries of coastal development carry all consequential costs
- Ensure that the coast continues to be available for the benefit of the whole Community Services and Infrastructure Projects
- Ensure that local coastal managers receive proper guidance and assistance to solve their coastal protection problems
- Establish that coastal protection is a partnership between the State and local coastal managers, with the lead taken by the local coastal managers, and
- Ensure that the most appropriate coastal protection technologies are considered.

Both the policy and principles should be equally applicable to estuarine and riverine environments.

There appears to be a reluctance to address inland waterways shoreline management in the same manner that currently applies to coastal management.

Support via WALGA to address this anomaly is sought.

SECRETARIAT COMMENT

As outlined in the July 2015 State Council Agenda, the Department of Transport is reviewing its *Coastal Protection Policy for Western Australia*. It is noted that the new draft policy document does not provide greater clarity for local government and does not provide a greater amount of transparency on how the Department of Transport will be helping to manage the coastal environment.

The policy is pared back from the previous version (as cited by the City of Mandurah). Therefore, at a time when coastal management roles and responsibilities should be solidified, the Department seems to be tempering its response to this issue and notions of operational responsibility.

It is also noted that the Swan River Trust has recently developed a comprehensive foreshore asset management system to manage the approximately 300km of foreshore of the Swan Canning system. As members may be aware, the Swan River Trust is currently in the process of being absorbed into the Department of Parks and Wildlife (DPAW).

Discussion with the Director General of the Department of Parks and Wildlife have indicated the potential for such a role to be considered by DPAW, beyond the current remit of the Swan and Canning River estuaries.

4.7 Planning for Waste Management Facilities (05-025-03-0003 MB)

Shire of Toodyay:

Moved: Cr D Dow (Toodyay)
Seconded: Cr B Rayner (Toodyay)

That WALGA request the State Government as a matter of urgency:

- **Develop a waste management infrastructure plan for Western Australia**
- **Progress regulatory reforms to establish a framework for planning and siting of landfills.**
- **Implement a moratorium on new private landfill approvals until adoption of a durable planning framework.**

IN BRIEF

- Planning for future landfills in WA has stalled.
- State policy discourages new landfills on the Swan Coastal Plain.
- New landfills are considered on a case by case basis by small LGAs with no State Plan.
- Planning framework for waste management now urgent.

CARRIED

MEMBER COMMENT

The State Waste Strategy *Creating the right environment*³, adopted in 2012, identifies targets for waste diversion from landfill for the metropolitan and non-metropolitan areas. In the 2014, the Department of Environment Regulation (DER) released a *Discussion Paper on the Review of the Waste Avoidance and Resource Recovery Act*⁴. The Paper identified that “about 43% of Perth’s waste is currently recovered... the balance is sent to landfills which have capacity until around 2025 on current projections or until 2030 if the targets in *Western Australia’s Waste Strategy, Creating the right environment*, are met”.

The Paper states one of the “Waste Strategy’s initiatives is long-term planning for waste and recycling processing. The focus of the planning is on waste processing and recycling facilities that divert waste from landfill to promote the most efficient use of resources”. The process of developing this plan was commenced through a Strategic Waste Infrastructure Planning Project⁵ however after the initial research (which is still to be released) this process appears to have stalled.

Regulatory reform is also highlighted in the DER Paper. The Paper notes there is a need for reform to the planning and siting of landfills and the establishment of framework to assist decision making for new landfills. The Paper states:

There is increasing pressure for metropolitan waste to be disposed to landfill outside of the metropolitan area. These pressures are in part the result of increased waste generation, and the limited supply of future putrescible landfill space in the metropolitan area arising from the preference for no new putrescible landfills on the Swan Coastal Plain to address groundwater issues.

³ Waste Strategy, available from <http://www.wasteauthority.wa.gov.au/publications/western-australian-waste-strategy-creating-the-right-environment>

⁴ DER Discussion Paper, available from

⁵ Strategic Waste Infrastructure Project, available from <http://www.wasteauthority.wa.gov.au/programs/strategic-waste-infrastructure-planning/>

There is a strong case to reform the landfill policy and regulatory framework to include planning, siting and compliance considerations so that landfills can be managed consistent with government policy. Policy considerations should balance the need to ensure availability of sufficient landfill space to manage residual waste and unplanned events (such as spikes in waste caused by natural disasters or failures in alternative waste-processing infrastructure) with the need to limit supply to encourage maximum diversion from landfill.

Despite the reforms and planning highlighted, there is not a strategic infrastructure plan in place for waste management facilities. Decisions regarding waste management facilities, whether it be landfills, recycling facilities or waste to energy plants, are made on a company by company or Council by Council basis. Small rural Councils are bearing the brunt of the lack of a wider planning framework. The industry licensing system is also out dated and under review. Private waste management companies may be able to take advantage of this policy vacuum, resulting in inappropriate facilities with long term licenses.

SECRETARIAT COMMENT

WALGA fully supports the need for better strategic planning for all waste management facilities and understands the concerns raised by the Shire. The Association's Submission on the Review of the Waste Avoidance and Resource Recovery Act highlighted that without such planning there will be limited coordination of infrastructure selection and placement.

4.8 Management of Narrow Leafed Cotton Bush (05-046-03-0010 MB)

Shire of Murray:

Moved: Cr W Barrett (Murray)
Seconded: Cr C Thompson (Murray)

That WALGA Lobby the Minister for Agriculture and Food seeking support for a multi-tiered approach to the management of Narrow Leafed Cotton Bush including:

- **Training Local Government staff who can assist with infringing any land-owners not managing cotton bush and other declared pests.**
- **Provide funding to regional biosecurity groups of \$100,000 per annum to ensure their survival.**
- **Make Changes to the Biosecurity and Agriculture Management Act 2007 (BAM) to ensure any pest rate raised stays within the district**
- **Request cabinet address the issue of cotton bush and the inaction of state departments in managing their own land.**

IN BRIEF

- The current situation and impacts of Cotton Bush and other Declared Species in the South West Agricultural Region
- That State Government work with Local Government who are in the firing line of these impacts and empower them under current legislation
- That the proposed funding model is reviewed.

AMENDMENT

Moved: Cr M Cullen (Coolgardie)
Seconded: Cr Williams (Kalgoorlie-Boulder)

That WALGA Lobby the Minister for Agriculture and Food seeking support for a multi-tiered approach to the management of Narrow Leafed Cotton Bush including:

- **Training Local Government staff who can assist with infringing any land-owners not managing cotton bush and other declared pests.**
- **Provide funding to regional biosecurity groups of \$100,000 per annum to ensure their survival.**
- **Make Changes to the Biosecurity and Agriculture Management Act 2007 (BAM) to ensure any pest rate raised stays within the district**
- **Request cabinet address the issue of cotton bush and the inaction of state departments in managing their own land.**
- **That WALGA be requested to conduct a state wide forum on issues around biosecurity, including the management of narrow leafed cotton bush, and its impact on Local Governments across the State with all key stakeholders to be invited.**

CARRIED

THE AMENDMENT BECAME THE MOTION, WAS PUT AND CARRIED

MEMBER COMMENT

Several Local Governments in the South West Agricultural Region (including the Shire of Murray) are suffering and continue to suffer from the impacts of C3 declared pest species and in particular from narrow Leafed Cotton Bush (*Gomphocarpus fruticosus*).

Two years ago the Shires of Murray and Dardanup tabled a motion to the WALGA AGM asking them to lobby the government to put more resources into control of Cotton Bush. Since then the Department of Agriculture and Food have suffered several significant cuts to its personnel and operations. This has led to a significant loss of on ground control and compliance measures.

Due to the increase in absentee landholders and idle subdivisions fuelled by the land speculation in the economic boom followed by stagnation since the global financial crisis this has led to a significant number of peri urban properties being effectively unmanaged which has helped lead to an uninhibited spread of Cotton Bush throughout Murray and many other LGAs.

In Murray alone there are 177 recorded instances of Cotton Bush infestations one of which is over 1200 hectares in size. This is 9% of all the properties in the Shire. This is expected to lead to a cumulative impact on the agricultural sector of WA between \$400,000 and \$800,000 per annum. The State Government has favoured a community based model for delivery of pest management in the form of a Recognised Biosecurity group and there is one set up in the Peel region which is making some positive impact. However the Shire feels that this is not enough and has some serious concerns about the potential imposition of a Declared Pest Rate which is an effectively another levy on rate payers in an area suffering from significant unemployment. There is also the fact that under the Biosecurity and Agriculture Management Act 2007 (BAM) there is no guarantee that any money collected in a rate has to be spent in that region.

It is also a concern that the rate would be effectively penalising those who are currently doing the right thing and may be used to fund government owned tracts of land being managed.

Murray has also been lobbying to have Local Government officers empowered under the BAM Act in a similar way to how the Fire Act is managed as there are already provisions in the Act for this to occur. The Shire has been requesting this for two years but to date there has been no action.

The Shire would like support from WALGA in achieving these goals and achieving a continuation of the current RBG funding framework which sees Local Government money matched by State for their continued running without the impost of a declared pest rate. The Shire of Murray seeks support in generating a whole of government approach including:

- Training up any Local Government staff who can assist with infringing any land-owners not managing cotton bush and other declared pests.
- Giving those trained staff the authority to infringe landowners not managing cotton bush and other pests
- Provide funding to regional biosecurity groups of \$100,000 per annum to ensure their survival.
- Make Changes to the BAM Act to ensure any pest rate raised stays within the district.
- Have cabinet address the issue of cotton bush and the inaction of state departments in managing their own land.

SECRETARIAT COMMENT

The current funding from the DAFWA to underpin the creation of Recognised Biosecurity Groups is from a strategic grant from the State NRM Program. Accordingly there is no certainty that the current level of DAFWA support for the formation of RBGs will continue.

There is no core funding in the forward estimates of the DAFWA budget to ensure the continuation of funding required to support future Recognised Biosecurity Groups (RBG's). A policy shift by the Government is therefore required if it is to match Local Government investment, be it through contributions to a levy raised by an RBG, or of its own volition and revenue (rates).

In relation to the issue of regulation and enforcement, the Association position is to empower a Local Government CEO, should the relevant Local Government desire, to be delegated under the *Biosecurity and Agricultural Management Act (2007)* to undertake regulatory functions, thereby having the force of the BAM Regulations at their disposal for specific declared species.

The Association has raised this with both the Minister directly, and through its interim submission on the draft State Biosecurity Strategy, and will continue to advocate for this outcome. Funding will be required to build the capacity of local government officers in undertaking a regulatory role on specific declared species.

An amendment of the BAM Act legislation will be required to ensure that any monies collected within a region are spent in the region in which it is collected, as currently Section 138 (f) of the BAM Act provides Director General discretion in the use of funds in the Declared Pest Account for "any purpose authorised under this Act or another written law".

4.9 Illegal Camping (05-034-01-0007 JMc)

Shire of Northampton:

Moved: Cr G Wilson (Northampton)
Seconded: Cr C Simkin (Northampton)

That WALGA is to investigate legislation changes to allow Local Governments to recover fines issued to illegal campers through vehicle hire companies (as a majority of offenders are from overseas using hire vans/vehicles), as an example, to try and assist Local Governments to control this activity and recover costs incurred in policing illegal camping.

IN BRIEF

- Local Government needs a tight legal mechanism to allow receipt of infringements to assist in recouping part of the costs for policing this activity

CARRIED

MEMBER COMMENT

Illegal camping throughout the Shire and other coastal areas (and no doubt inland areas) is becoming a real problem with many offenders being from overseas. We issue infringement notices (on the spot fines) where illegal camping is occurring within our town sites but those fines and our Rangers warnings/ requests to relocated are simply ignored by these persons.

Local Government needs a tight legal mechanism to allow receipt of infringements to assist in recouping part of the costs for policing this activity and also to act as a deterrent. Use of local laws provisions is simply not good enough.

SECRETARIAT COMMENT

Difficulties associated with recovery of illegal camping fines is an Australia-wide issue particularly impacting popular coastal locations.

Illegal camping often presents a conundrum to communities, keen on the one hand for tourism visitations to stimulate the local economy but aware also of the negative impact illegal camping may have on sensitive environments or the general amenity of popular local attractions.

The capacity to issue infringements for illegal camping has a positive deterrent effect on responsible tourists, but it is agreed that recovering fines in certain circumstances is problematic.

It is notable there is no similar State-based legislation of the nature proposed in the Member motion, and research will be required to determine whether it is legislatively feasible and will result in a workable deterrent to the practice of illegal camping.

4.10 Non-rateable Properties: Charitable use of Land (05-034-01-0007 JMc)

City of Mandurah:

Moved: Cr D Lee (Mandurah)
Seconded: Mayor M Vergone (Mandurah)

That WALGA increases its lobbying for an amendment to the Local Government Act 1995 Section 6.26(2)(g) to allow land used for charitable purposes to be rateable if it is used for housing.

IN BRIEF

- The Western Australian Local Government Association's support is requested to lobby for legislative amendments to allow land used for charitable purposes to be rateable if it is used for housing.

CARRIED

MEMBER COMMENT

Non-rateability of land used for charitable purposes, particularly in the areas of retirement and social housing, is presenting an increasing cost burden to the community if Local Government is to be able to provide services and infrastructure. This also raises issues of equity and fairness in both the rating of properties and the ability to access and utilise Local Government services and facilities.

The demographic shift towards an ageing population is likely to see a growth in retirement/lifestyle housing and the involvement of charitable organisations will probably increase with it. Although meeting the needs of the aged is a charitable purpose, it is not the exclusive domain of charitable organisations. Residents of these villages are not forced by their personal circumstances to seek shelter but mostly are making a lifestyle decision to move to the village. The business model of villages operated by charitable organisations is the same as commercial providers in that in-going residents provide a substantial payment, generally as an interest-free loan, and pay for all operating costs. The services provided, the financial arrangements and quality of accommodation are the same, and in some cases better, than commercial providers. In these circumstances it is not equitable that a non-profit organisation should be relieved of a rates burden for providing the same service and facilities as their commercial counterpart. It also brings into question the nature of the charity actually being provided.

As a matter of policy, the implementation of tax exemptions for older people in an ageing society will tend to skew the cost burden towards a reducing number of people able to pay. Revenue raising policies which rely on fewer people to provide income tend to act against growth and development. The attraction of cost relief should be resisted to allow agencies such as Local Governments to provide the best possible environment for all of its population. Residents of retirement villages, although not property owners, have available to them the same rebate as property owners under the Rates and Charges (Rebates and Deferments) Act 1992. In addition residents of villages benefit from being exempt from the provisions of minimum rating which local governments can apply under the Local Government Act 1995 S6.35.

With respect to social housing, the need for affordable housing for those who would not otherwise be able to pay for accommodation, or who are otherwise disadvantaged, is recognised. Local Governments should support the progress made in providing these types of accommodation. However, when this form of housing was provided by the Department of Housing, it was known that, as Crown Land, homes were not rateable. Despite this, recognising that residents used Local Government services and facilities, sometimes to a disproportionate extent, the Department paid property rates on an ex gratia basis. Since the decision has been made to outsource this activity, the

non-profit organisations have actively, and mostly successfully, obtained relief from the payment of rates. The business case for outsourcing for the government is self-evident but the cost transfer has been to the rate-paying community.

There is reluctance from the State Government to address this issue. It would appear that the Government is content to allow the matter to be decided through decisions by the State Administrative Tribunal and judgment by the WA Supreme Court. This tends to produce a fragmented solution as individual issues are decided on a case by case basis. It is better to have clarity through legislative amendments so that both Local Governments and housing providers have certainty.

SECRETARIAT COMMENT

The Member motion aligns with the Association's policy in relation to charitable land use rate exemptions, which reads:

1. *Amend the Local Government Act to clarify that Independent Living Units should only be exempt from rates where they qualify under the Commonwealth Aged Care Act 1997;*
2. *Either*
 - a) *amend the charitable organisations section of the Local Government Act 1995 to eliminate exemptions for commercial (non-charitable) business activities of charitable organisations;*
 - or*
 - b) *establish a compensatory fund for Local Governments, similar to the pensioner discount provisions, if the State Government believes charitable organisations remain exempt from payment of Local Government rates.*

The motion also aligns with State Council's current position on affordable housing.

4.11 Financial Limits for Tenders (05-034-01-0001 JMc)

City of Melville:

Moved: Cr C Robartson (Melville)
Seconded: Cr D Macphail (Melville)

That the *Local Government (Functions and General) Regulations 1996* (as amended from time to time) be amended so the minimum threshold for the purchase of a good or service, be altered to match the threshold level from time to time gazetted under the State Supply Policies for State Government Departments and instrumentalities.

IN BRIEF

- Purchases in excess of \$100,000 require a tender.
- The threshold was set in 2007.
- A link to State Government purchasing provides:
 - ongoing review;
 - a higher threshold.

CARRIED

MEMBER COMMENT

The current financial threshold levels under these Regulations require Local Governments to use an open tender process for the purchase of goods or services with a value of over \$100,000. This threshold level has existed since February 2007 when it was changed from \$50,000 by an Amendment to these Regulations.

Local Governments may also avail themselves of the WALGA Contract Panels which allow quotations for work above \$100,000 to be sought from contractors and suppliers who have pre-qualified for the Contract Panels through an open public process that satisfies the requirements of the Regulations.

With respect to State Government Departments and instrumentalities whose purchasing activities are generally covered under the *State Supply Commission Act 1991* and its subsidiary legislation (with a plan for this to be eventually subsumed by the Department of Finance) the minimum threshold for open tenders is a value of \$150,000, and this is varied from time to time by policies issued under the State supply legislation (currently \$250,000).

The proposed motion simply links Local Governments to State Government Departments where similar processes and controls over purchasing practice exist, and then suggests that the Regulations be amended to simply link the Local Government threshold to the one in force from time to time for State Government Departments.

SECRETARIAT COMMENT

The Member motion aligns with current Association policy.

At the time of writing, the Department of Local Government and Communities is finalising amendments to the Local Government (Functions and General) Regulations 1997. It is WALGA's position that the tender threshold should align with the threshold that applies to State Government agencies, \$250,000. The current proposal is to amend the Regulations so that the tender threshold be increased from \$100,000 to \$150,000.

4.12A MATTER OF SPECIAL URGENT BUSINESS: Local Government Governance

City of Vincent:

Moved: Cr G Amphlett (Joondalup)
Seconded: Cr D Michael (Stirling)

That the Members agree that the following item of Special Urgent Business, relating to Local Government Governance be considered.

CARRIED BY ABSOLUTE MAJORITY

4.12B Local Government Governance (05-034-01-0015 TB)

City of Vincent:

Moved: Mayor J Carey (Vincent)
Seconded: Mr L Kosova (Vincent)

That the Western Australian Local Government Association:

1. Develops and advocates a suite of reforms to the Local Government Act 1995 and related Regulations to enhance governance, transparency, accountability and consistency in Local Government, particularly in relation to:
 - a) Recording of Council Member contact with Developers;
 - b) Prohibition of donations from developers to Local Government election candidates;
 - c) Reporting and publicising of gifts and hospitality to Council Members and Local Government employees;
 - d) Reporting and publicising of council paid travel undertaken by Council Members and Local Government employees;
 - e) Appointment and review of performance of the Chief Executive Officer and prescribed contract renewal procedures;
 - f) Any other areas which lead to improved governance and transparency.
2. Develops the suite of reforms referred to in 1 above in consultation with members by no later than 3 months before the March 2017 State Election for consideration by all political parties in Western Australia.

IN BRIEF

- That WALGA advocates for reforms which enhance Local Government transparency and accountability, for presentation to all political parties prior to the February 2017 State Election.

AMENDMENT

Moved: Cr B Kelly (Bunbury)

Seconded: Cr D Prosser (Bunbury)

That the Western Australian Local Government Association:

1. Develops and advocates a suite of reforms to the Local Government Act 1995 through proposed amendments and related Regulations to enhance governance, transparency, accountability and consistency in Local Government, particularly in relation to:
 - a) Recording of Council Member contact with Developers;
 - b) Prohibition of donations from developers to Local Government election candidates;
 - c) Reporting and publicising of gifts and hospitality to Council Members and Local Government employees;
 - d) Reporting and publicising of council paid travel undertaken by Council Members and Local Government employees;
 - e) Appointment and review of performance of the Chief Executive Officer and prescribed contract renewal procedures;
 - f) Any other areas which lead to improved governance and transparency.

2. Develops the suite of reforms through proposed amendments referred to in 1 above in consultation with members by no later than 3 months before the March 2017 State Election for consideration by all political parties in Western Australia.

LOST

Moved: Mayor J Carey (Vincent)

Seconded: Mr L Kosova (Vincent)

That the Western Australian Local Government Association:

1. Develops and advocates a suite of reforms to the Local Government Act 1995 and related Regulations to enhance governance, transparency, accountability and consistency in Local Government, particularly in relation to:
 - a) Recording of Council Member contact with Developers;
 - b) Prohibition of donations from developers to Local Government election candidates;
 - c) Reporting and publicising of gifts and hospitality to Council Members and Local Government employees;
 - d) Reporting and publicising of council paid travel undertaken by Council Members and Local Government employees;
 - e) Appointment and review of performance of the Chief Executive Officer and prescribed contract renewal procedures;
 - f) Any other areas which lead to improved governance and transparency.

2. Develops the suite of reforms referred to in 1 above in consultation with members by no later than 3 months before the March 2017 State Election for consideration by all political parties in Western Australia.

LOST

MEMBER COMMENT

The whole Local Government reform debate became fixated on one primary issue: where lines were drawn on a map. The performance of a Local Government authority should not be measured by its size but its efficiency and effectiveness, its awareness and achievement of community expectations and the attitudes and behaviours that drive the culture in the organisation.

The endgame should be a Local Government that is prepared to foster and encourage innovation, be a facilitator of change and be prepared to think outside the box for policy solutions.

This includes striving to improve and enhance how we governed ourselves including transparency and accountability in decision making. Accordingly, this motion proposes consideration of reforms to the Local Government Act, which will achieve this end goal.

The City of Vincent also believes this is in line with local community expectations, who are demanding more information about how decisions are made.

The City of Vincent believes the sector has two choices; to show strong leadership by beginning the process to advocate a clear pathway for reform or have external authorities and decision makers, like the State Government, determine this for the sector.

4.13A MATTER OF SPECIAL URGENT BUSINESS: Advocacy Fund

Town of Victoria Park:

Moved: Cr G Amphlett (Joondalup)

Seconded: Cr S Thomas (Joondalup)

That the Members agree that the following item of Special Urgent Business, relating to Advocacy Fund be considered.

CARRIED BY ABSOLUTE MAJORITY

4.13B Advocacy Fund (05-034-01-001 TB)

Town of Victoria Park:

Moved: Mayor T Vaughan (Victoria Park)

Seconded: Cr F Reid (South Perth)

- 1. That the Western Australian Local Government Association (WALGA) establish an 'Advocacy Fund' to be used for lobbying the State and or Federal Governments to support the needs for Local Governments where the decisions made by the State and or Federal Governments impact on the services provided by Local Governments to their communities.**

- IN BRIEF***
- WALGA to establish an Advocacy Fund to enable lobbying objecting to decisions that impact Local Governments.

- 2. As a matter of urgency funding be identified within existing resources of the WALGA budget.**

LOST

MEMBER COMMENT

WALGA does not have any funds set aside for lobbying when the services provided by Local Governments are impacted by the decisions made by State and or Federal Governments.

4.14A MATTER OF SPECIAL URGENT BUSINESS: Rate Capping

Shire of Kalamunda:

Moved: Mayor J Gangell (Bassendean)
Seconded: Cr J Brown (Gosnells)

That the Members agree that the following item of Special Urgent Business, relating to Rate Capping be considered.

CARRIED BY ABSOLUTE MAJORITY

4.14B MATTER OF SPECIAL URGENT BUSINESS: Rate Capping (05-034-01-0001 TB)

Shire of Kalamunda:

Moved: Ms R Hardy (Kalamunda)
Seconded: Cr P Blight (Wagin)

That WALGA:

- 1. Oppose the introduction of rate-capping for Western Australian Local Governments as reported to be proposed by the current State Government.**
- 2. Express its opposition to continued cost shifting by the State Government to Local Government by requiring Local Government to assume responsibility for services previously provided by the State.**

IN BRIEF

- Concern at reported comments that the State Government are considering rate capping.
- The Local Government sector needs to oppose the continued cost shifting of services from the State Government to Local Government.

AMENDMENT

Moved: Mayor R Norris (Mosman Park)
Seconded: Cr G Jacob (Port Hedland)

That WALGA:

- 1. Oppose the introduction of rate-capping for Western Australian Local Governments as reported to be proposed by the current State Government.**
- 2. Develops a policy which ensures that the sector is prepared to oppose any attempt by the government to introduce rate-capping in the future.**
- 3. Express its opposition to continued cost shifting by the State Government to Local Government by requiring Local Government to assume responsibility for services previously provided by the State.**

CARRIED

THE AMENDMENT BECAME THE MOTION, WAS PUT AND CARRIED

MEMBER COMMENT

Following the publication of an article in the West Australian on Thursday 16 July 2015, the Premier is quoted as being dissatisfied with the number of Local Governments within the metropolitan area, particularly the smaller Local Governments that have either adopted or proposed Rate increases well above the current Perth CPI figure of 2.5%.

A rate-capping system administered by the State Government could severely diminish the autonomy of Local Government, particularly in financial decision-making.

A blanket rate-capping limit imposed by State Government would not take into account regional variations in price movements, (such as between metropolitan and rural areas).

A rate-capping limit imposed upon Local Governments could be vulnerable to the political expedience of State Government.

Under a State-imposed rate-capping system, the overall income from Rates Charges could be considerably lower and could severely restrict a Local Government's purchasing decisions. In particular, if the initial (pre-cap) rating level is not high enough when the rate-cap is imposed, then a Local Government could struggle to adequately provide services and infrastructure to residents if the population continued to grow, (or if the population changed significantly in composition).

In order to generate the income required to be raised from Rates Charges, a portion of the rate burden would likely be distributed to other ratepayers, (i.e. while some ratepayers would be charged less, other ratepayers would be charged proportionately more).

Whilst there are no specific details of the Premier's proposed rate-capping model, the CPI figure seems to be the main focus.

The utilisation of the standard CPI figure as the basis for rate-capping is considered inappropriate because the items included to determine the CPI rate bear little or no resemblance to the goods and services procured by a Local Government compared to ordinary consumers. In addition, it does not take into account the increases in costs for State Government services past onto Local Governments.

Such a proposal would only add to the significant burden imposed on Local Government over more than two decades of "cost shifting", whereby Local Governments have had to assume more and more responsibilities for services previously provided by the state.

There is also evidence that the introduction of rate-capping by other state governments has caused issues for Local Governments in those states in being able to raise sufficient revenue through rates to provide the level of services and facilities expected by their communities.

The possible introduction of rate-capping has the potential to severely impact the prime untied revenue raising capacity of the Shire with consequential impacts on the provision of services and facilities. In view of this it should be vigorously opposed.

4.15A MATTER OF SPECIAL URGENT BUSINESS: Local Government Reform (05-034-01-0015 TB)

Town of Mosman Park:

Moved: Cr G Pule
Seconded: Cr Brown

That the Members agree that the following item of Special Urgent Business, relating to Local Government Reform be considered.

LOST - ABSOLUTE MAJORITY NOT ACHIEVED

4.15B Local Government Reform (05-034-01-0015 TB)

Town of Mosman Park Delegate to move:

MOTION

1. That this conference records its disappointment at the State Government's failure to reimburse Metropolitan Local Governments for their expenditures directly attributable to the abandoned Local Government reform process, thereby unfairly and unreasonably transferring these costs to ratepayers.
2. That WALGA State Council is requested to consider reviewing its previous policy position on Local Government reform and adopting a policy position which includes:
 - a. Any future State Government proposals to reform the sector without adequate funding being provided for the costs incurred by councils will not be supported by the sector; and
 - b. No forced mergers be proposed by way of boundary adjustments without the requirements for the preparation of a business case and a poll of ratepayers both being in support of the proposal.

IN BRIEF

- Concern regarding State Government policy during the Metropolitan Local Government Reform process, particularly:
 - i. The State Government's refusal to reimburse Local Government expenses; and
 - ii. The policy process used to facilitate structural reform.

ITEM NOT CONSIDERED

Attachment 3: Action Taken on Resolutions of the 2014 Annual General Meeting

Action Taken on Resolutions of the 5 August 2015 Annual General Meeting

<p>4.1 <u>Eradication of Trachoma in Australian Populations (05-030-02-0009 AH)</u></p> <p>That WALGA advocate to the Federal and Western Australian State Government a Nationwide program for the eradication of Trachoma in <u>all geographically isolated communities</u>, especially in Western Australia.</p>	<p>WALGA wrote to Hon Minister of Health Mr Kim Hames and to Senator Fiona Nash, Minister for Rural Health and Deputy Leader of the Nationals seeking better investment and support to eradicate Trachoma in all geographically isolated communities, especially in Western Australia.</p> <p>In March 2016, the Commonwealth Government announced further funding for the Closing the Gap in Eye Health. The total investment for Indigenous eye health is now \$9.1 million</p> <p>The funding was provided to the Indigenous Eye Health Unit at the University of Melbourne who are leading the eradication of Trachoma in Australia.</p> <p>The Indigenous Eye Health Unit provides expert advice and technical support on trachoma control, which is already helping to improve the eye health of Indigenous Australians. The funding provided over three years from July will support the Unit – led by Professor Hugh Taylor – to deliver a range of services.</p> <p>These include providing expert advice to the Department of Health, developing Indigenous eye care resources, providing technical support on trachoma control, and undertaking stakeholder engagement and support for the coordination of Indigenous eye care programmes and services.</p>
<p>4.2 <u>Prescribed Burning Program (05-024-02- 0044 AH)</u></p> <p>That WALGA lobby the Minister for Regional Development to negotiate conditions on the use of Royalties for Regions funds for enhancement of the State Government’s prescribed burning program to ensure that these additional funds are used only for prescribed burns for asset preservation and protection around towns and settlements and that the funds not be used for</p>	<p>The Department of Parks and Wildlife were granted \$20 million over four years from royalties for regions funding. This funding saw three new performance and reporting measures developed for Parks and Wildlife’s prescribed burning program to better reflect the outcomes and residual risks. These new measures are in addition to the ongoing reporting against the annual target of 200 000 hectares for the south west of the State.</p> <p>1. The first measure is the area of prescribed burning</p>

Action Taken on Resolutions of the 5 August 2015 Annual General Meeting

<p>broad scale prescribed burning of forests and national parks distant from towns and settlements.</p>	<p>completed in three zones at defined distances from the interface between populated areas and natural lands. Local government town planning scheme data was used to define populated areas adjacent to Parks and Wildlife-managed lands. Zone A extends away from the urban interface to a distance of 3.5 kilometres, zone B extends a further 7.5 kilometres and zone C comprises the remainder of the department-managed landscape. The annual prescribed burning targets for the three zones are 20 000 hectares, 40 000 hectares and 140 000 hectares respectively.</p> <p>2.The second measure is the proportion of the landscape on which it is less than six years since it was last burnt. This is based on research showing that prescribed burning is effective in significantly reducing the frequency and size of bushfires in the forests of the south west when at least 45 per cent of the landscape is maintained at less than six years since last burnt. As at 30 June 2015, this figure was at 35 per cent.</p> <p>3.The third measure is the ratio of area affected by bushfire to area of prescribed burning completed annually, which is one of a suite of national reporting measures on the state of Australian forests.</p> <p>This additional reporting approach will assist to better portray prescribed burning outcomes and provide a more meaningful set of indicators relating to Parks and Wildlife’s prescribed burning program and bushfire risk mitigation with the first measure directly relating to the prescribed burns for asset preservation and protection around towns and settlements.</p>
<p><u>4.3 Bushfire (Planning) Regulations – Local Government Impacts (05-024-02-0056 AH)</u></p> <p>1. That WALGA move to seek that the Fire and Emergency Services Commissioner recognises existing Local Government bushfire risk assessment processes that demonstrate sufficient rigour and accept that Local Government’s Bushfire Risk Mapping in the application of the new Bushfire (Planning) Regulations.</p>	<p>1.The Association understands that the State Government derived their new Bushfire regulations on existing Local Government bushfire risk assessment processes and the existing bushfire mapping held by Local Governments. Further, Local Governments have been given the opportunity to provide input to the bushfire prone area mapping prior to its release in December 2015, and further in the release of the updated ‘bushfire prone area mapping’ in May 2016. Maps will now be updated on a yearly basis, with Local</p>

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<p>2. That appropriate support be provided to Local Government, to offset the costs and delays that will be incurred as a result of implementing the new Regulations into the development application processes. This would include (but not limited to) training in bushfire risk assessment - Bushfire Attack Level (BAL). A media campaign to explain the new Regulations and its impacts would assist in deflecting some of the negative reaction that may be incurred by Local Governments.</p> <p>3. That WALGA request the State Government to assist with the implications of State owned lands providing risk to developments. Rather than insist on construction requirements to increase resilience for new structures, it may be more beneficial to treat the risk. This would be especially important where existing structures are also impacted. Currently, the Bush Fires Act (1954) does not bind the Crown.</p>	<p>Government able to submit further edits, to ensure that changes can be incorporated.</p> <p>2. Following the Association's advocacy, the State Government agreed to provide funding to Local Governments enabling officers to undertake the 'five day BAL assessor's course' at a subsidised cost, and have also been delivering a 'two day planning and building course' examining the new bushfire regulations (presented by the Fire Protection Association Australia). The Association sought a deferral of the enactment of the Bushfire regulations (enacted on the 8 April) to ensure that all officers in Local Government were able to access the training prior to the regulations being gazetted, however, the State considered that enough training and information had been provided within the 4 month implementation period.</p> <p>3. WALGA have provided this advice to State Government in its submission to the Review of the Emergency Services Act (resolution 59.3/2014) and more recently in the submission to the Waroona Fire Inquiry (resolution 37.2/2016).</p>
<p>4.4 <u>Integrated Response by Local Governments to Hoarding (05-026-03-0016 AH)</u></p> <p>That WALGA:</p> <p>1. acknowledge that hoarding is a complex problem for Local Governments to address in Western Australia.</p> <p>2. facilitate the development of an integrated response to the problem of hoarding by using consistent best practice standards which can be applied by all Local Governments in Western Australia.</p>	<p>In response to Local Government requests for guidance, the Environmental Health Directorate within the Department of Health has prepared a guideline and toolkit to support Environmental Health Officers and others involved in the management of hoarding and severe domestic squalor. Two documents were developed through a consultative process with Local Government and other agencies.</p> <p>Copies of the best practice guidelines are available from :</p> <p>http://www.public.health.wa.gov.au/cproot/5846/2/Strategy%20Document%20250814.pdf</p> <p>http://www.public.health.wa.gov.au/cproot/5845/2/Guideline%20250814.pdf</p>

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<p>4.5 <u>Shark Hazard – Local Government Expectations (05-017-02-0006 AH)</u></p> <ol style="list-style-type: none"> 1. That WALGA move to seek that the State Government declare Shark Attack as a ‘hazard’ within the Emergency Management Regulations (2006) and assign an Hazard Management Agency, for the development and maintenance of Hazard Management Arrangements. This agency would then also be responsible for the provision of community information and advice, to enable the community to make informed decisions with their use of the marine environment. 2. That WALGA recommend the adoption of the South West Local Government Response Flowchart and Responsibility Matrix, as the basis for Local Government response to any credible risk from sharks in local waters. 3. That WALGA act on behalf of WA Local Governments in the negotiation with the Department of Fisheries, to ensure that Local Government Officers are not expected to make any response decisions, where they do not have the Subject Matter Expertise, nor jurisdiction (i.e. when to open a beach after sighting, or when to close a beach etc.) for those decisions. 	<p>The State Government has developed a shark notification and response framework. It has been in operation since 2014.</p> <p>The information from all sightings and detections are available on the shark smart activity map (sharksmart.com.au/shark activity) The information is available to all that register and is digitally mapped to enable users to check recent shark activity on a smart phone before using the beach.</p> <p>Local Government are involved in the framework and receive information about shark sightings via sms and can then make the decision to close beaches or install warning signs based on their own procedures.</p> <p>WALGA has raised the inclusion of Shark Attack to be discussed as part of the State Risk Project which is being led by the State Emergency Management Committee (SEMC).</p> <p>WALGA has also recommended to SEMC that the State consider the adoption of the South West Local Government Response Flowchart and Responsibility Matrix, as the best practice guide for Local Government.</p>
<p>4.6 <u>Inland Waterway Shoreline Management (05-064-01-0001 MB)</u></p> <p>That WALGA lobby for a single State Government agency to be responsible for inland waterway shoreline management in the same manner as the Department of Transport’ current role to administer the State Government’s policy directly relating to coastal management.</p>	<p>WALGA is continuing negotiations with the Department of Parks and Wildlife and other stakeholders such as the Peel Harvey Catchment Council and the Peel Harvey Estuary Management Committee (which is responsible for the oversight of operations and on-the-ground activities across Government related to the health of the Peel Harvey Estuary and is responsible for major policy development that impacts on the health of the estuary and waterways).</p> <p>WALGA also notes the State Government launch of the \$20m Regional Estuaries Initiative in April 2016.</p>
<p>4.7 <u>Planning for Waste Management Facilities (05-025-03-0003 MB)</u></p> <p>That WALGA request the State Government as a matter of urgency:</p> <ul style="list-style-type: none"> • Develop a waste management infrastructure 	<p>In 2012 the Environment Minister, through the Waste Authority, established the Strategic Waste Infrastructure Planning Working Group, which over two years undertook research which was intended to inform the first of five proposed waste infrastructure plans for Western Australia, each geographically</p>

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<p>plan for Western Australia</p> <ul style="list-style-type: none"> • Progress regulatory reforms to establish a framework for planning and siting of landfills. • Implement a moratorium on new private landfill approvals until adoption of a durable planning framework. 	<p>based.</p> <p>The Working Group finalised its Investigation Report in June 2014, the Report was released in late 2015. WALGA wrote to the Waste Authority and Environment Minister seeking clarification on the next steps in the development of a Strategic Waste Infrastructure Plan for the Perth/Peel. The responses indicated that:</p> <ul style="list-style-type: none"> • The Government considers there is sufficient land available for waste management infrastructure. • There needs to be improved planning alignment between State and Local Governments and private entities. • The Government review of the <i>Waste Avoidance and Resource Recovery Act 2007 (WARR Act)</i> proposed improved waste planning through existing mechanisms including Part 4 of the WARR Act, which focuses on Local Government waste plans. • The Waste Authority will be largely focusing on these plans to promote improved consistency of waste planning within the Local Government sector. <p>WALGA is awaiting further detail on how these plans, developed at an individual Local Government level, will be used to improve consistency and address the need for strategic waste planning.</p>
<p>4.8 <u>Management of Narrow Leafed Cotton Bush (05-046-03-0010 MB)</u></p> <p>That WALGA Lobby the Minister for Agriculture and Food seeking support for a multi-tiered approach to the management of Narrow Leafed Cotton Bush including:</p> <ul style="list-style-type: none"> • Training Local Government staff who can assist with infringing any land-owners not managing cotton bush and other declared pests. • Provide funding to regional biosecurity groups of \$100,000 per annum to ensure their survival. • Make Changes to the Biosecurity and 	<p>WALGA has raised the issues with the new Minister for Agriculture and Food in June 2016. The Biosecurity and Agricultural Management Act (2007) is due for review in 2017, and WALGA envisages proposing significant changes to the legislation to ensure DAFWA provides greater regulatory and financial support to recognised biosecurity groups.</p> <p>In December 2015 WALGA released a discussion paper on biosecurity and followed up in January and February 2016 with a series of workshops across the south west land division. The outcomes of that process have been released to the sector for comment. Feedback from the sector will inform the revision of the existing WALGA policy position, in the</p>

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<p>Agriculture Management Act 2007 (BAM) to ensure any pest rate raised stays within the district</p> <ul style="list-style-type: none"> • Request cabinet address the issue of cotton bush and the inaction of state departments in managing their own land. • That WALGA be requested to conduct a state wide forum on issues around biosecurity, including the management of narrow leafed cotton bush, and its impact on Local Governments across the State with all key stakeholders to be invited. • 	<p>lead up to the statutory legislative review and the WALGA submission and subsequent advocacy.</p>
<p>4.9 <u>Illegal Camping (05-034-01-0007 JMc)</u></p> <p>That WALGA is to investigate legislation changes to allow Local Governments to recover fines issued to illegal campers through vehicle hire companies (as a majority of offenders are from overseas using hire vans/vehicles), as an example, to try and assist Local Governments to control this activity and recover costs incurred in policing illegal camping.</p>	<p>Investigation continues into both the legislative and complex cross-jurisdictional fines enforcement arrangements that will be necessary to pursue fines involving vehicles belonging to hire companies that are based either in Western Australia or interstate.</p>
<p>4.10 <u>Non-rateable Properties: Charitable use of Land (05-034-01-0007 JMc)</u></p> <p>That WALGA increases it's lobbying for an amendment to the Local Government Act 1995 Section 6.26(2)(g) to allow land used for charitable purposes to be rateable if it is used for housing.</p>	<p>In correspondence to the WALGA President in February 2016, the Minister for Local Government gave notice of his unequivocal support for the current rating exemptions prescribed under Section 6.23(2)(g) of the Local Government Act. WALGA will continue to maintain a policy position that a review the rate exemption provisions is critical to ensuring the recipients of this benefit are as Parliament intended when proclaiming the Local Government Act.</p>
<p>4.11 <u>Financial Limits for Tenders (05-034-01-0001 JMc)</u></p> <p>That the <i>Local Government (Functions and General) Regulations 1996</i> (as amended from time to time) be amended so the minimum threshold for the purchase of a good or service, be altered to match the threshold level from time to time gazetted under the State Supply Policies for State Government Departments and instrumentalities.</p>	<p>The Local Government (Functions and General) Regulations 1996 were amended in October 2015; an amendment raised the tender threshold to \$150,000. WALGA will continue advocating for alignment with the tender threshold under State Supply Policies (currently \$250,000) when the Regulations next come under review.</p>

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<p>4.14B Rate Capping (05-034-01-0001 TB)</p> <p>That WALGA:</p> <ol style="list-style-type: none"> 4. Oppose the introduction of rate-capping for Western Australian Local Governments as reported to be proposed by the current State Government. 5. Develops a policy which ensures that the sector is prepared to oppose any attempt by the government to introduce rate-capping in the future. 6. Express its opposition to continued cost shifting by the State Government to Local Government by requiring Local Government to assume responsibility for services previously provided by the State. 	<p>Opposition to rate capping and cost shifting remain key WALGA policy positions.</p> <p>A comprehensive policy that argues against the introduction of rate capping was endorsed by State Council in December 2015.</p> <p>The policy outlines a cogent rationale against rate capping, based on the following key points:</p> <ol style="list-style-type: none"> I. Local Government is a legitimate and essential sphere of Government with the democratically enshrined mandate to raise revenue through rates to fund infrastructure and services for the benefit of their community; II. Councils' deliberative rate setting processes reference their Integrated Planning Framework and draw upon the community's willingness and capacity to pay; III. Rate-capping prejudices Local Government's long-term financial management and can lead to significant infrastructure maintenance and renewal backlogs; IV. Rate capping places undue pressure on sound financial management at a time when Local Governments are subjected to increasing costs beyond their control, often imposed by other spheres of Government; and V. Local Government rates have remained steady for many years at approximately 3.7 percent of GDP in Australia; meaningful tax reform would require thorough investigation of the total taxation burden, not an external cap on Local Government rates.
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