



**WALGA**

WORKING FOR LOCAL GOVERNMENT

# AGENDA

Annual General Meeting

Perth Convention Exhibition Centre  
Perth

Wednesday, 2 August 2017



**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 2 August 2017**

**2017  
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 Mark McGowan MLA, Premier of Western Australia**
- 1.55pm**      **Address from Hon Mike Nahan MLA, Leader of the Opposition**
- 2.05pm**      **WALGA President's Annual Report, Cr Lynne Craigie, WALGA President**
- 2.15pm**      **Address from President David O'Laughlin, ALGA President**
- 2.25pm**      **Announcement of Local Government Honours for:**
- Long & Loyal Service Awards
  - Merit Awards
  - Local Government Distinguished Officer Awards
  - Eminent Service
- Recipients are invited on to stage for presentation and group photograph
- 3.05pm**      **Presentation of Local Government Diploma Certificates and Scholarship**
- 3.10pm**      **Anzac Day Award**
- 3.20pm**      **Introduction of the WALGA State Council by Ricky Burges, Chief Executive Officer, WALGA**
- 3.30pm**      **Afternoon tea**
- 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 2016/2017 Financial Statements; and
  - Consideration of Executive and Member Motions
- 5:30pm**      **Close of Annual General Meeting**

## 1.1 Annual General Meeting – Order of Proceedings

### **Record of Attendance and Apologies**

### **Announcements**

### **Confirmation of Minutes**

Minutes of the 2016 WALGA Annual General Meeting are contained within this AGM Agenda.

### **DRAFT MOTION:**

**That the Minutes of the 2016 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 2016/2017 is contained within this AGM Agenda.

### **DRAFT MOTION:**

**That the President’s Annual Report for 2016/2017 be received.**

### **3.0 WALGA 2016/2017 Financial Statements**

The audited 2016/2017 WALGA Financial Statements will be distributed to all members prior to the meeting.

### **DRAFT MOTION:**

**That the WALGA Financial Statements for 2016/2017 be received.**

### **4.0 Consideration of Executive and Member Motions**

As per motions listed.

### **5.0 Closure**

## 1.2 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  
City 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 Wickiepin

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 Derby/West Kimberley  
Shire of Wyndham/East Kimberley

Shire of Cocos (Keeling) Island  
Shire of Halls Creek

Shire of Christmas Island

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  
City of Karratha

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 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)(Deceased)  
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)(Deceased)  
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)(Deceased)  
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)(Deceased)  
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)(Deceased)  
Park OAM, Mr H (Humphery)  
Parry AM JP, Dr J (John)(Deceased)  
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 financial challenge. The gloomy fiscal climate is further exacerbated by the State Government's budget crisis and the meagre share of GST.

However, the sector is also illuminated by a more cordial working relationship with the new State Government. The current cabinet has indicated a willingness to work with the sector, agreeing on several election platforms set out by the Association.

This new era of positive progress is certainly welcomed by the Association. It is in stark contrast to the way the sector was treated by the previous State Government that made constant demands with scant discussion and unwarranted criticism.

WALGA has a role to achieve the best possible outcome 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.

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.

The Association has launched the Members First program. The program reflects WALGA's fresh perspective on how to better understand and respond to the needs of Local Government by focusing on improving Member engagement and service.

It's about reconnecting and listening to feedback from Members and ensuring that the Members are consulted on all matters related to their membership and Local Government business.

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 2016/2017

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 Outcome**

WALGA developed the State election campaign position on behalf of the sector with short term and long term objectives. 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.

The current State Government has agreed to the platforms, pending a cost-benefit analysis.

#### **Vehicle Licence Fee Concessions**

Advocacy continues with the new Government to have the decision to apply licence fees (and stamp duty) to Local Government vehicles from 1 July 2017 be reversed. A letter detailing why this decision of the previous Government should be reversed was sent to the Minister for Transport and a further letter was sent to the Premier. The Hon Rick Mazza introduced a disallowance motion in the Legislative Council in relation to the regulation changes and all Legislative Council members were contacted, urging them to support the disallowance motion and outlining the reasons for this.

### **Natural Disaster Recovery and Relief Arrangements**

Discussions between the Federal Government, the States and ALGA concerning a potential new "up-front" payment arrangement to assist States and Local Governments responding to natural disasters occurred during 2016 with the view to piloting some new measures prior to 2018. Widespread flooding during February, which affected the majority of Local Governments, was the catalyst to trial a key element of the potential new arrangements, enabling Local Governments to recover the costs associated with using their own labour and equipment to undertake disaster reconstruction work. Although details of the exemption required from the Federal Government took a very long time to achieve, about 10 Local Governments are using their own resources for some reconstruction work and in so doing trialing the process. Unfortunately the agreement to provide an initial up-front payment to enable Councils to proceed with reconstruction work was subsequently withdrawn. WALGA will continue to seek ways that will enable reconstruction to proceed quickly without the constraint of inadequate cash flow.

### **Local Government Industry Reference Committee**

At a national level, WALGA has been successful in its nomination for membership of the Local Government Industry Reference Committee which provides a conduit for industry feedback to government on the review, development and implementation of the Local Government Training Package. This places WALGA at the center of Local Government Training Package development for the next 3-4 year term of the Committee.

### **Local Government Act Review**

One of the key Policy Priorities listed in WALGA's State Election Campaign document was for a commitment to comprehensively review the key areas of the *Local Government Act*. The new State Government has agreed to this request and the Minister for Local Government has advised of a two stage process to review the Act and Regulations.

The first stage will focus on modernising Local Government, with the policy work and consultation to be completed in 2017 with a Bill in 2018. Key topics in this phase will be simplifying the disclosure of gifts, amendments to Regional Subsidiary legislation and regulation, increasing elector participation, electronic disclosure (making information more readily available), and some red tape reduction provisions.

The focus for the second phase is delivering for the community, with the policy work and consultation to be completed in 2018 with a Bill in 2019. Key themes for this phase will be improving behaviour and relationships, increasing community participation, enabling Local Government enterprises, improving financial management and reducing red tape.

WALGA will carry out a thorough consultation process with the sector on the key issues for the Act review processes.

### **Regional Subsidiary Model**

The Association welcomed the passing of legislation by the State Government to enable the regional subsidiary model for Local Government cooperation in late 2016. 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.

Unfortunately the regulations that have been established following the Act amendment have applied a number of significant restrictions on Regional Subsidiaries that will restrict many groups of Local Governments from wanting to establish a Subsidiary. The primary governance control for a Subsidiary should be the Charter it establishes and not the Act or Regulations.

The most significant restrictions are as follows;

- Restriction on Land Transactions – Currently a Subsidiary cannot acquire or dispose of land, which means it cannot lease, purchase or sell property.
- Restriction on Borrowing – A subsidiary cannot borrow in its own right, it can only borrow from one or more of the recipients.
- Restriction on Trading Undertakings – A subsidiary needs to be able to undertake commercial activity. It is acknowledged that a Subsidiary is not set up to carry out major commercial enterprises; this would be more appropriate for a Council Controlled Organisations (Local Government Enterprises).

WALGA has advocated to the new Local Government Minister seeking amendments to the Act and Regulations. The Minister has advised that amendments will be considered in a review of the Act to take place in 2017/18.

### **Effective Leadership**

#### **Regional Reform Program for Aboriginal Communities**

WALGA continues to work with the State Government to implement the Regional Reform Program for Aboriginal Communities. It is a commitment to transformational change and is part of the broader Commonwealth reform program to reform service delivery and human services. 'Resilient Families: Strong Communities' Road Map released in July 2016, set out 10 actions for the State Government to reform the delivery of housing, education, employment and human services. This included priority locations in the Kimberley (Ardayaloon, Baylulu, Beagle Bay, Bidyadanga,

Djarindjin Lombadina, Mowanjum and Warmun) and Pilbara (Wakathuni and Yandeyarra).

A number of strategies have been announced including the Kimberley School Project, Aboriginal Regional Employment Package, North West Housing Fund and most recently the Essential Services and Municipal Services Upgrade Program to improve infrastructure and facilitate the provision of essential services by regulated service providers which may also include Local Government. Work has commenced on the development of service standards/guidelines for municipal service delivery. WALGA is supporting members to work with the State Government to develop considered and practical guidelines for Local Government.

### **National Disability Insurance Scheme**

As part of our commitment to support our members through complex reform processes, WALGA has developed an evidence base to better understand the implications of the National Disability Insurance Scheme (NDIS) for Local Government. This body of research provided a profile of Local Government and their role in provision of services to support people with disabilities and their families; identified key trends that will affect Local Government services with the roll out of the NDIS and other reform processes being led by the Western Australian Government; identified key challenges and opportunities to improve the Disability Access and Inclusion Plans framework through review of State Disability Services Act 2003 and potential service delivery, funding and policy gaps (perceived or real) within the identified staged roll out areas in Western Australia. WALGA continues to work with the State Government to develop appropriate support for Local Governments with this Commonwealth reform process.

### **WALGA commitment to Reconciliation**

WALGA is committed to ensuring that the Association has a Reconciliation Australia's Action Plan (RAP) program in place. A RAP provides a common framework to develop plans that outline practical actions the organisation will take to build strong relationships and enhance respect between Aboriginal and Torres Strait Islander peoples and other Australians. WALGA has developed a Reflect RAP and commences the development of an Innovate RAP in the new financial year. It has been an interesting process and a good opportunity to reflect on the work we are already doing to support and promote deeper understanding and awareness of Aboriginal Culture and where possible support Aboriginal Businesses. Having a RAP provides WALGA with a framework to realise our vision for reconciliation and guides the respective business units across the organisation to document what they will do within their sphere of influence to contribute to reconciliation in WA.

### **State Governments Planning Reform Program**

The Association continues to provide detailed submissions to the WA Planning Commission on various Planning Reform proposals affecting the Local Government sector. With the change in Government, and in line with the 2016 WALGA AGM resolution, the Association has requested that the new Minister for Planning initiate an independent review of decision making within the WA planning system, including the roles and responsibilities of State and Local Government and other decision making agencies, Development Assessment Panels (DAP's) and the State Administrative Tribunal appeal process. This review must be undertaken prior to the State continuing on their reform program, or initiating any new reform activities, to ensure that the reforms are actually achieving a more streamlined and efficient system.

### **Development Assessment Panels**

The Association conducted a five year review on Development Assessment Panels (DAP's) that provides evidence to demonstrate that the system is failing to meet its aims and objectives. The findings of the statistical analysis of the DAP's system supports the long held position of the Association that the DAP's system was ill prepared and is in need of significant reform for it to achieve its objectives of greater transparency, consistency and efficiency in decision-making on significant planning applications. WALGA continues to advocate to the State Government for a full cost benefit analysis to be undertaken to show the true cost of this additional layer of bureaucracy on the Industry, the applicant and the Local Government sector.

### **Review of Emergency Services Levy**

The Association prepared a submission on behalf of the sector addressing the questions for parties as outlined in the Review of Emergency Services Levy (ESL). WALGA has been advocating for a full review of the ESL for over ten years and was pleased the State Government accepted all recommendations from the Special Inquiry into the Waroona Fire and tasked the Economic Regulation Authority with conducting a full and independent review. WALGA coordinated the submission on behalf of members, which included a comprehensive engagement strategy with 115 members participating with the provision of information for the submission which advocates for a thorough examination of the administration, fee structure and distribution mechanism to facilitate funding back to Local Government to support their emergency management responsibilities as legislated in the *Emergency Management Act 2005*.

### **Rural Landfills**

WALGA has been working with the Department of Environment and Water Regulation on the development of an Environmental Standard for small rural landfills.

The development of this Standard was initiated because of Local Government concerns regarding the issue. When finalised, this Standard will provide clear and constructive guidance that is appropriate for the siting, design and operation of small non-metropolitan landfills.

#### **Container Deposit Scheme for WA**

Following the motion at last year's AGM, the then State Government announced the introduction of a Container Deposit Scheme for Western Australia. The current Government is also committed to the implementation of a Scheme. A long term item of strong advocacy by the Association, the Department of Environment and Water Regulation is now preparing a discussion paper on potential models for implementation. WALGA looks forward to working with the Government to achieve this by early 2019.

#### **Biosecurity Policy Position**

The Association has advocated for the State Government to undertake a review of the operation and effectiveness of the Biosecurity and Agriculture Management Act due to a continual decline in post border management of invasive species by the State Government lead agency, the Department of Agriculture and Food. Following the State Council review of the WALGA Biosecurity Policy Position in March, the President has raised the issue with the Minister for Agriculture, and staff are currently liaising with both the Biosecurity Council and DAFWA policy staff in order to ensure that key recommendations, including increased regulatory effort by DAFWA, the required statutory review of the *Biosecurity and Agriculture Management Act (2007)*, and consideration of either the reintroduction of the Agriculture Protection Board or adopting elements of the NSW Local Land Services model, are all undertaken as a matter of priority by the Government.

#### **Rail Interface Agreements**

The Association has worked with members, rail operators and the Rail Safety Regulator to assist Local Governments meet the requirements of the *Rail Safety National Law (WA) Act 2015* that became law in November 2015. A total of 95 Local Governments needed to enter into 111 Interface Agreements with Rail Infrastructure Managers. Currently, there are five Local Governments still to sign Interface Agreements with four Rail Infrastructure Managers. Western Australia is well placed to have all Agreements signed by Local Governments by the end of 2017

#### **Use of Land in Non-Operational Rail Reserves**

An Agreement template for Local Governments to use land in the non-operational rail reserves of the Brookfield Rail network was completed. The model was trialed with two Local Governments which recently signed the Agreement allowing them to use rail reserve land for community benefit. The Agreement template and process

will be reviewed to determine if improvements are required and will be communicated to the sector.

#### **Metropolitan Local Roads Program Manager**

Delays in delivering State Government funded road improvement projects weakens the case for on-going funding and is a reputational risk for the sector, particularly when safety related projects are not completed on time. There are often many stakeholders in these projects, including Main Roads (approvals), utilities (infrastructure relocations), other grant funders and communities seeking consultation. A consultant was engaged in conjunction with Main Roads to support Local Governments delivering road projects funded through the BlackSpot program and the State Road Funds to Local Government Agreement. This initiative has driven changes in the way the overall program is managed and we are hopeful that the improvements observed will be sustained over time.

#### **State and Local Government Political Forum**

Held on Wednesday, 3 August prior to the WALGA AGM and WA Local Government Convention at the Perth Convention and Exhibition Centre. The Forum was attended by 132 Mayors, Presidents and CEOs. It featured a program of 10-minute 'speed date' style exchanges between Councils and Departmental Directors-General; presentation from Government Ministers and Shadow Ministers with portfolios relevant to Local Government. The forum facilitated discussions with the aim of creating open dialogue between Local Government and State Government leaders.

#### **2016 WA Local Government Convention**

The 2016 WA Local Government Convention theme was Local Impact. The theme aimed to focus on the ways in which individual contributions can markedly influence communities, with their effect moving beyond just the activity taken. 473 full delegates attended the Convention with speakers including Sir Robin Wales, Mayor of London Borough of Newham, Lieutenant-General David Morrison AO, retired senior officer of the Australian Army who shot to fame when a video of him ordering Army troops to accept women as equals or "get out" went viral and Peter Bell, former captain of the Fremantle Dockers. The speaker program was complemented by practical concurrent sessions and the largest Trade Exhibition (118 exhibitors) held to date.

#### **Other Sector Events**

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

#### **EM Breakfast with Euan Ferguson / ESL Workshop – 23 August 2016**

75 Elected Members, CEOs and Local Government Officers attended a breakfast presentation by Waroona Bushfire Special Inquirer, *Euan Ferguson*. Mr Ferguson

discussed the Waroona Fire report, highlighting relevant recommendations and opportunities for Local Governments.

Following the breakfast presentation, members were given the opportunity to discuss the Emergency Services Levy (ESL) Project. The project will inform WALGA's advocacy to State Government with regards to recommendation 17 (ESL review) of the Waroona Fire report.

#### **NAMN Forum: Urban Fauna Management – 30 August 2016**

This forum provided an opportunity for Local Government and other stakeholders to engage in the discussion of Urban Fauna Management and was held at the Cockburn Wetlands Education Centre.

#### **Local Government People and Culture Seminar 2016 – 2 September 2016**

This Seminar provided the opportunity for 85 Local Government colleagues from a number of Local Government disciplines at a range of organisational levels to engage with different and thought-provoking presentations alongside each other.

#### **Cultural Planning Forum - 29 September 2016**

WALGA and the Chamber of Culture and Arts WA hosted a professional development forum on cultural planning and measuring outcomes.

#### **DFES Breakfast Presentation for Building surveyors - 4 November 2016**

DFES Built Environment branch held a breakfast for Local Government Building Surveyors. The presentation outlined DFES's role in the building approval stage following submission of building plans (class 2-9), by the Independent Building Surveyor and/or Fire Engineer.

#### **Heritage Workshop for LG: Municipal Inventories and Heritage Lists – 16 November 2016**

Using case studies, feedback and open discussion, 43 attendees explored best practice, pitfalls and positive solutions for undertaking heritage reviews and listings. A further eight participants joined in via webinar.

#### **President's End of Year Function – 22 November 2016**

The 2016 President's End of Year function was held in the WALGA Boardroom and was attended by 80 guests including State Council, Life Members, CEOs, Mayors and Presidents, Members of Parliament and senior WALGA staff.

#### **NAMN Forum: Weed Management – 23 November 2016**

76 Attendees learned about weed control in bushland and transport corridors, innovations in non-chemical weed control methods and how to measure the economic and ecological impact of weed control efforts.

The forum concluded with a site visit at the West Leederville Community Garden.

#### **WALGA/LGIS Joint Human Resources Forum – 30 November 2016**

This event was the first in a series of forums (metro and regional) aimed at facilitating discussions on HR, ER and OHS matters with a specific focus on topics that are of relevance to the Local Government sector or particular regions. This half-day-forum was attended by 60 Local Government Human Resource Officers from around WA.

#### **End of Year Function for Preferred Suppliers and LG Officers – 1 December 2016**

The 2016 End of Year function for WALGA Preferred Suppliers and Local Government staff was attended by over 150 Preferred Supplier representatives and Purchasing Officers working in Local Government.

#### **Ceding and Vesting Workshop – 2 February 2017**

This workshop was organised for those Local Governments responsible for the management of foreshores reserves in order to obtain a Local Government sector position for discussion with various State Government Departments around sector responsibilities, concerns and opportunities for engagement on this issue. It was attended by 20 representatives from 10 Local Governments.

#### **Bushfire Planning and Biodiversity Management Forum – 22 February 2017**

Fully subscribed with 120 attendees, this Forum provided Local Government officers an opportunity to hear from organisations and land managers experienced in the challenge of managing bushfire risk whilst maintaining biodiversity values in natural areas. Due to its popularity, this event was also available as a free webinar. 30 people took part in the webinar which was streamed live from the venue.

#### **Mayors and Presidents' Forum – 28 February 2017**

The first of two scheduled Mayors and Presidents' Forums for 2017, the guest speakers at this Forum were Amanda Reid and Jason Marocchi from GRA Everingham who provided an overview of the 2017 State Election. The presentation was followed by discussion on emerging sector issues and a sundowner. 28 Mayors, Presidents and State Councillors attended.

#### **Bushfire Planning and Biodiversity Management Forum – 10 March**

With over 60 attendees from the south west registered, this Forum was a repeat of the successful Bushfire Planning and Biodiversity Management Forum held on Wednesday, 22 February in Perth. This event was a joint collaboration between the Planning and Environment Policy Units at WALGA, and featured a Land Use Planning session, followed by a session on Biodiversity Management.

**NAMN Forum – Habitat Creation and Wildlife Corridors – 2 May 2017**

Presentations from organisations and land managers undertaking projects to create green spaces in the urban environment and assist wildlife move through the landscape. Speakers include representatives from the WA Biodiversity Science Institute, UWA, Perth NRM, DPaW, the Water Corporation and the City of Perth.

**HR Forum – 10 May 2017**

This Forum is part of a series of ongoing events aimed at facilitating discussions on HR, ER and OHS matters.

**Breakfast with Minister Templeman – 23 May 2017**

WALGA's Special Breakfast Series is an opportunity for Elected Members and Local Government Chief Executive Officers to hear from Ministers and other Members of Parliament whose portfolios have strong interactions and inter-relationships with Local Government.

In his address to the breakfast, Minister Templeman outlined that he wanted to be "a champion of local government" and represent the sector's interests and promote positive achievement. The Minister also said that he did not support rate capping and while it was considered by the Government in the lead up to the March State election, he was glad that it had not become an ALP policy. On the subject of rates, he also encouraged the sector to better communicate to the community that the Emergency Services levy, collected by Local Government in rates notices, was not revenue for their Council.

**Planning Excellence Breakfast – 25 May 2017**

WALGA and PIA presented a joint breakfast showcasing WA's recent National Award winners for Planning Excellence and the launch of WALGA's new Preferred Supplier Arrangement for Town Planning and Related Services.

**Positive Profile****Media Reports**

Throughout the course of the past 12 months, WALGA and the Local Government Sector were featured in approximately 1326 media reports of which the overwhelming majority were either neutral or positive in their representation.

***Localeye App***

WALGA's app *Localeye*, gives residents and visitors the ability to locate Council facilities, places of interest and local events and also report any problems direct to their Council. The *Localeye* App has been significantly updated and now includes more Council information such as Council representatives and statistics.

WALGA has worked to make the updating of the app as quick and simple as possible for Councils, this is now

done through the new Manage My Council portal which is housed on the WALGA website. The information inputted into *Localeye* is also being displayed on the [www.knowyourcouncil.com](http://www.knowyourcouncil.com) website which is currently being advertised through TV Commercials as well as through digital channels.

**Local Government Directory**

The WALGA Local Government Directory which has traditionally been delivered to each Council in a hard copy format, is now available online. The directory will no longer be produced in a hard copy. Having the directory online allows information to be continually updated throughout the year and is easily accessible by all. WALGA has undergone a number of enhancements to our corporate website, giving Members the ability to update their Council information in the directory, as well as appear on the *Localeye* App and the [www.knowyourcouncil.com](http://www.knowyourcouncil.com) website through the *Manage My Council* portal. The interface is simple and easy to use, and we have received a lot of positive feedback from Councils.

**RoadWise**

WALGA's RoadWise works with communities to take action to reduce road trauma. This involves a network of more than 5,500 individuals, engaging 1,822 organisations and community groups across the state, working together to plan and implement local road safety activities. During the year the RoadWise network delivered 2,039 local road safety projects and campaigns. There were 512 events or displays, 1,220 media activities, 196 educational projects (workshops, tools and resources), 22 policy projects (typically related to fleet and workplaces) and 94 advocacy initiatives, such as speed zone changes. In addition to addressing the most common behavioral risk factors such as: excess and inappropriate speed, drink or drug driving, seatbelts, driver distraction, fatigue, novice drivers, the RoadWise network developed local solutions for local issues framed by the good practice safe system principles. Coordination of 6 Driver Reviver operations, 15 Coffee Stops and 1,913 Type 1 Child Car Restraint installations, inspections and corrections were achieved.

**Enhancing Capacity****Preferred Supplier Program**

WALGA delivered superior prices and value for money to Members purchasing goods and services through contracts with more than 660 Preferred Suppliers. Almost \$300 million of goods, services and works was procured through the program, achieving aggregate savings of about \$47 million to the sector.

Ten new Preferred Supplier Arrangements were developed during the year including Road Building and Related Services, an improved Signage contract, Business Software Systems, Energy, and Natural Area Management. Responding quickly to the needs of its



Members, WALGA has also developed a Inter Library Loans Vans contract to assist with the movement of books and other materials between libraries and the State Library of WA.

### Procurement Services

Throughout the year, WALGA continued to support its Members with the delivery of procurement services. These services were particularly relevant to Local Governments that did not have the capacity to undertake procurement activity, including tenders, through the use of their own resources – or needed additional capacity at peak times. A considerable number of Local Governments, both metropolitan and regional, utilised WALGA's Procurement Advisory Service and its customised capacity building workshops to improve and better understand procurement and contract management requirements.

### Industrial Matters

During the past year, the Association handled 41 formal industrial matters of which 37 were finalised in the 2016/2017 financial year. The formal industrial matters were predominantly unfair dismissal applications in the Fair Work Commission but there was a wide variety of different types of claims including a slight increase in bullying complaints and better explanation sought by the Commission related to enterprise agreements.

### Collective/ Enterprise Agreements

The Association was engaged as expert negotiators for six organisations in their enterprise agreement bargaining meetings during the 2016/2017 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

### Training

WALGA presented 221 training courses this financial year with 111 being delivered in the metropolitan area and 110 in the regions. 79 of these regional programs were delivered with the support of the Department of local Government & Communities (DLGC) through the State Government's Royalties for Regions funding for Country Local Governments.

WALGA's eLearning program participation increased by 28% in 2016/17 to 727 completions, with four webinars also attracting 295 registrations.

### Building Act - 'Top Ten' improvements

Following workshop sessions with members discussing the current operation of the Act, the Association has endorsed the 'Top Ten' issues for improvements to the Building Act, to assist Local Governments to effectively administer the entire Act. The items range from simple points of clarity, to changes to the wording of the Act. This list will assist the Building Commissioner in the

monitoring and review of the operation of the Act, as required under the *Building Services (Complaint Resolution and Administration) Act 2011*. WALGA is supporting members to work with the Building Commission to provide greater clarity on the provisions and operation of the Act.

### LG Risk Vision

The LG Risk Vision on-line tool was released to members in December 2016. LG Risk Vision assists all Local Governments to conduct emergency management risk assessments, providing a user friendly tool to record and manage their risk management activities. It is provided free to our members and accessible through the WALGA Website. At this stage we have 34 councils logged onto the system. The Office of Emergency Management have endorsed the tool as being compliant with the National Emergency Risk Assessment Guidelines and support the use of LG Risk Vision for councils involved in the State Risk Project – Local currently underway in the South West and Upper Great Southern.

### Household Hazardous Waste

The Household Hazardous Waste Program, funded by the Waste Authority through the Waste Avoidance and Resource Recovery Account, has meant over 611 tonnes of HHW has been diverted from landfill to more beneficial uses. This Program continues to ensure the community can dispose of their unwanted paint, pesticides and batteries for free.

### Environmental Planning Tool

WALGA has continued to expand the Local Government user base for the Environmental Planning Tool. An additional staff resource has been engaged to assist members to take advantage of the service. The EPT 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. WALGA is also now piloting a module to assist in Bushfire Attack Level (BAL) assessments for members. Last year, 10 training EPT sessions were held at WALGA and around the state. These were attended by 67 Local Government staff and 5 State Government Agency representatives. Two hour EPT training sessions were also delivered at the 2017

Wetlands Conference and two separate EPT demonstrations were also presented to Regional Road Groups (Mid-West and South-West).

### Guidelines and Specifications for Residential Cross – Overs

A guideline and set of specifications for residential cross-overs was completed to encourage a more consistent approach across the sector and reduce the confusion that the current approach causes for builders and their contractors. This is now available for Local Governments to adopt in whole or in part. The impetus for this project



was driven by Councils experiencing high rates of residential development and was an initiative from the 2016 Building Summit.

#### **Guidelines for Design and Construction of Shared Paths**

A guideline for the design and construction of shared paths has been prepared in conjunction with the Department of Transport and a reference group including technical staff from Local Governments and engineering consultants. This document will guide the development of infrastructure funded through the Perth Bicycle Network and Regional Bicycle Network grants programs and is also expected to influence other projects initiated by land developers and Local Governments.

#### **Recovery of Road Wear Costs**

Building on the Guide to Recovery of Road Wear Costs on Sealed Local Roads published last year, which was well received by Local Governments, work to extend this

to include unsealed roads was undertaken during the year. A rigorous, scientific approach is again being used to ensure that the proposed cost recovery is demonstrably fair to all parties and will withstand challenge from stakeholders.

A model policy was also developed to assist Councils identify the situations in which a cost recovery arrangements should be entered into.

#### **Underground Power Program**

After a long hiatus it was pleasing that the next round of Underground Power Program projects was announced in February this year. This round is expected to deliver 17 projects across 8 Local Government areas. This program is keenly sought by many Local Governments, with 56 projects proposed in this round. The Association is continuing to work with the State Government and Western Power to facilitate greater opportunities for communities seeking underground.

## 4. Consideration of Executive and Member Motions

Following the 2016 WALGA Annual General Meeting (AGM), there was feedback and discussion at Zone meetings on establishing criteria for accepting Member motions for the AGM.

In March 2017, following consideration by all Zones, State Council resolved the following in respect to criteria for Member Motions at the Annual General Meeting:

A. *That WALGA amend the Association's Corporate Governance Charter to provide for the following criteria in determining Member motions to be considered at an Annual General meeting:*

*Motions will be included in the Business Paper agenda where they:*

- 1. Are consistent with the objects of the Association (refer to clause 3 of the constitution);*
- 2. Demonstrate that the issue/s raised will concern or are likely to concern a substantial number of Local Governments in WA.*
- 3. Seek to advance the Local Government policy agenda of the Association and/or improve governance of the Association;*
- 4. Have a lawful purpose (a motion does not have a lawful purpose if its implementation would require or encourage non-compliance with prevailing laws);*
- 5. Are clearly worded and unambiguous in nature;*

*Motions will not be included where they are:*

- 6. Consistent with current Association advocacy/policy positions. (As the matter has previously considered and endorsed by the Association).*

*Motions of similar objective:*

- 7. Will be consolidated as a single item.*

B. *Determination of acceptable motions be carried out by WALGA's Executive Committee and the Terms of Reference of the Executive Committee be amended accordingly.*

In accordance with the WALGA constitution a notice was sent to all Member Councils advising of the Annual General Meeting and calling for motions.

At the close of nominations on Tuesday 6 June 2017, no motions had been received.

## 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:  
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.  
  
Notice will be deemed to have been delivered immediately if transmitted electronically or on the second working day after posting.
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 –
    - (a) by the President or if the President is not present at the meeting, by the Deputy President;
    - (b) if neither the President nor Deputy President is present at the meeting, by a majority of delegates present;
    - (c) if only one delegate is present, by that delegate; or
    - (d) 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:
  - (a) Record of attendance and apologies;
  - (b) Announcements;

- (c) Confirmation of minutes of previous meetings;
- (d) President's report;
- (e) Financial report for the financial year; and
- (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:
  - (a) rise and remain standing unless unable to do so by reason of sickness or disability;
  - (b) address the meeting through the person presiding;
  - (c) state their name and Local Government before otherwise speaking;
  - (d) refrain from reading comment printed in the agenda paper in support of a motion, but may identify key points or make additional comment; and
  - (e) 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 –
  - (a) 5 minutes in his or her opening address; and
  - (b) 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:
- (a) that the motion be amended;
  - (b) that the meeting be adjourned;
  - (c) that the debate be adjourned;
  - (d) that the question be now put;
  - (e) that the meeting proceed with the next item of business; or
  - (f) 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.



WALGA

WORKING FOR LOCAL GOVERNMENT

# MINUTES

## Annual General Meeting

Perth Convention Exhibition Centre  
Perth

Wednesday, 3 August 2016

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# **MINUTES**

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

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**





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## Attendance

### Record of Attendance and Apologies:

- Mayor Phil Marks (Belmont)
- Cr Martin Glynn (Boddington)
- Cr Paul Kelly (Claremont)
- Cr Glyn Yates (Collie)
- Cr Janeane Mason (Corrigin)
- Cr Eliza Downing (Cuballing)
- President Turk Shales (Exmouth)
- Cr John Lally (Karratha)
- Cr Frank Pritchard (Kojonup)
- Cr Ian Pedler (Kojonup)
- Cr Graeme Hobbs (Kojonup)
- Cr Jason Homwood (Mount Magnet)
- Cr Stuart Faulkner (Mt Marshall)
- Cr Camilo Blanco (Port Hedland)
- Cr Sharon Hawkins-Zeeb (South Perth)
- Cr David McDonnell (Swan)
- Cr Therese Chitty (Toodyay)
- Cr Matt Buckles (Vincent)
- Mr Len Kosova (Vincent)
- Cr Julie Russell (Wickepin)
- Cr Keith Wright (Wyndham-East Kimberley)

### Announcements

Nil.

#### 1.0 Confirmation of Minutes

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

**Moved: Mayor Henry Zelones (Armadale)**

**Seconded: Mayor Kelly Howlett (Port Hedland)**

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

**CARRIED**

#### 2.0 Adoption of President's Annual Report

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

**Moved: Cr Gerry Pule (Bassendean)**

**Seconded: Cr Janet Davidson (Perth)**

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

**CARRIED**

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

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

**Moved: Cr Karen Chappel (Morawa)**

**Seconded: Mayor Peter Long (Karratha)**

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

**CARRIED**

**4.0 Consideration of Executive and Member Motions**

As per motions listed.

**5.0 Closure**

There being no further business, the Chair declared the meeting closed at 5.45pm.

## 4. Consideration of Executive and Member Motions

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

Executive Member:

**Moved: Mayor Henry Zelones (Armadale)**  
**Seconded: Cr Gerry Pule (Bassendean)**

**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.

**CARRIED BY SPECIAL MAJORITY**

### 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:

Moved: Cr Michael Bennett (Dardanup)  
Seconded: Cr Gerry Pule (Bassendean)

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.

### AMENDMENT

Moved: Mr John Read  
Seconded: Mayor Logan Howlett

That item 2 be added;

2. WALGA State Council advocate for WANDRRA to amend its policy to allow Local Government work forces to carry out approved natural disaster recovery work during normal working hours.

THE AMENDMENT WAS PUT AND CARRIED

### AMENDMENT

Moved: Mayor Carol Adams  
Seconded: Cr Matthew Whitfield

That items 3 to 8 be added;

3. Request that WALGA State Council Improve the Western Australian Natural Disaster and Relief and Recovery Arrangements (WANDRRA) criteria process
4. Improve the timeliness of access to funds
5. Strengthen the relationship between the Natural Disaster Relief and Recovery Arrangements (NDRRA) and WANDRRA
6. Request WALGA to develop consistent Funding eligibility between NDRRA and WANDRRA
7. Improve communication with Local Government during the claims process
8. Request consultation with Local Governments throughout the process

THE AMENDMENT WAS PUT AND CARRIED



## THE MOTION NOW READS

1. 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.
2. WALGA State Council advocate for WANDRRA to amend its policy to allow Local Government work forces to carry out approved natural disaster recovery work during normal working hours.
3. Request that WALGA State Council Improve the Western Australian Natural Disaster and Relief and Recovery Arrangements (WANDRRA) criteria process.
4. Improve the timeliness of access to funds
5. Strengthen the relationship between the Natural Disaster Relief and Recovery Arrangements (NDRRA) and WANDRRA.
6. Request WALGA to develop consistent Funding eligibility between NDRRA and WANDRRA.
7. Improve communication with Local Government during the claims process.
8. Request consultation with Local Governments throughout the process.

**MOTION AS AMENDED WAS PUT AND CARRIED**

## 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:

**Moved: Cr Nicholas**  
**Seconded: Cr Practico**

**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.**

#### **AMENDMENT**

**Moved: Cr Moira Girando**  
**Seconded: Cr Bruce Jack**

That item 2 be added;

**2. That the public Transport Authority & Brookfield Rail work with WALGA and any interested Local Governments to develop a separate policy and/or procedures in order to facilitate third party use of operational rail corridors, in particular uses that demonstrate a clear community benefit.**

**THE AMENDMENT WAS PUT AND CARRIED**

**THE MOTION NOW READS:**

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

**MOTION AS AMENDED WAS PUT AND CARRIED**

#### **MEMBER COMMENT**

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.”<sup>1</sup> 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 General<sup>2</sup>.

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<sup>1</sup> The Management of Western Australia's Freight Rail Network 2014 Economics and Industry Standing Committee Inquiry Report No 3 Parliament of Western Australia

<sup>2</sup> Management of the Rail Freight Network Lease, Twelve Years Down the Track 2013 Auditor General's Report

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.

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

City of South Perth:

**Moved:** Mayor Sue Doherty (South Perth)  
**Seconded:** Cr Steve Wolff (Belmont)

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.

#### AMENDMENT

**Moved:** Cr Fiona Reid (South Perth)  
**Seconded:** Mayor Henry Zelones (Armadale)

That the following amendments be made with new item 2 and item 2 becomes item 3 as below;

2. As part of the review WALGA advocates for the abolition of Development Assessment Panels (DAPs) and advise the Minister for Planning of its concerns with the actions and decisions of the Development Assessment Panels; and

3. In the event that the State Government is unwilling to pursue an independent review of the decision-making process and/or the abolition of the DAPS, WALGA engage with members and advocate for practical reforms that will ensure greater accountability, transparency

#### 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.

**and procedural fairness for ratepayers, through the Joint Development Assessment Panel's decision making processes.**

**THE AMENDMENT WAS LOST**

**ORIGINAL MOTION PUT AND CARRIED**

## **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.

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 loggerhead 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:

**Moved:** Mayor Ron Norris (Mosman Park)  
**Seconded:** Cr Bruce Haynes (Claremont)

### IN BRIEF

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

**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
- 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.

## AMENDMENT

Moved: Cr Russ Fishwick (Joondalup)  
Seconded: Cr Christine Hamilton-Prime (Joondalup)

- 2.3 Requiring the DAP to set the meeting date for consideration of the development applications no later than thirty working days after the application being received to enable inclusion within the community consultation process;

THE AMENDMENT WAS PUT AND CARRIED

THE MOTION AS AMENDED WAS PUT IN THREE (3) PARTS:

MOTION ONE:

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.

LOST

MOTION TWO:

That WALGA:

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

**CARRIED**

**MOTION THREE:**

**That WALGA:**

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

**CARRIED**

**THE MOTION NOW READS**

**That WALGA:**

1. 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:
  - 1.1 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;

- 1.2 Requiring equal membership on the DAP between Local Government and Appointed Specialist members with an independent chair approved by both State and Local Governments;
  - 1.3 Requiring the DAP to set the meeting date for consideration of the development applications no later than thirty working days after the application being received to enable inclusion within the community consultation process;
  - 1.4 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;
  - 1.5 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;
  - 1.6 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;
  - 1.7 Providing a public template for ratepayers to assist with the preparation of feedback as part of the Community consultation process;
  - 1.8 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;
  - 1.9 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
  - 1.10 Providing a Local Government aggrieved by a DAP decision a right of review at the State Administrative Tribunal.
2. 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
- 4.7. 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.
- 4.8. 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:
  - 4.8.1. 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.
  - 4.8.2. 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.
  - 4.8.3. 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:
    - 4.8.3.1. Claremont Football Oval;
    - 4.8.3.2. Bassendean Football Oval;
    - 4.8.3.3. Midland Football Oval; and
    - 4.8.3.4. 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:

### **MOTION**

**Moved: Cr Darren Slyns (Dandaragan)**

**Seconded: Cr Michael Aspinall (Gingin)**

**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

**CARRIED**

### **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:

**Moved: Cr Peter Robinson (Dardanup)**

**Seconded: Cr Michael Bennett (Dardanup)**

**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 animals, 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

**CARRIED**

### 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:

**Moved: Cr Brendan Kelly (Bunbury)**

**Seconded: Cr Wendy Giles (Bunbury)**

**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.

### AMENDMENT

**Moved: Cr Gerry Pule (Bassendean)**

**Seconded: Cr Cliff Collinson (East Fremantle)**

**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 an adequate fixed feed in tariff for extended periods to enable effective business planning and funding arrangements.**

**THE AMENDMENT WAS CARRIED**

**THE MOTION NOW READS:**

**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 an adequate fixed feed in tariff for extended periods to enable effective business planning and funding arrangements.**

**MOTION AS AMENDED WAS PUT AND CARRIED**

### 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:

**Moved: Cr David Dow (Toodyay)**  
**Seconded: Cr Brian Rayner (Toodyay)**

**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.**

**CARRIED**

### IN BRIEF

- 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.

### 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;
  
- 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:

### **MOTION**

**Moved: Cr Brendan Kelly (Bunbury)**

**Seconded: Cr Wendy Giles (Bunbury)**

### **IN BRIEF**

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

**That the Western Australian Local Government Association:**

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.**

**CARRIED**

### **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:

**Moved:** Cr Antonio Practico (Bridgetown-Greenbushes)

**Seconded:** Cr John Nicholas (Bridgetown-Greenbushes)

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.

### AMENDMENT

**Moved:** Mayor Carol Adams (Kwinana)

**Seconded:** Cr Ruth Alexander (Kwinana)

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 issues associated with use of 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.

**THE AMENDMENT WAS PUT AND CARRIED**

### THE MOTION NOW READS

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 issues associated with use of force by members of the public when such force is effected in the course of defending family and property from intruders.

**MOTION AS AMENDED WAS PUT AND CARRIED**

### 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”.

#### 4.12A MATTER OF SPECIAL URGENT BUSINESS: Corella Management Strategy (05-046-02-0003)

City of Rockingham:

Moved: Cr Deb Hamblin (Rockingham)  
Seconded: Cr Matthew Whitfield (Rockingham)

That members agree that the following item of Special Urgent Business relating to a Corella Management Strategy be considered.

**CARRIED BY ABSOLUTE MAJORITY**

#### 4.12B Corella Management Strategy (05-046-02-0003)

City of Rockingham:

Moved: Cr Deb Hamblin (Rockingham)  
Seconded: Cr Matthew Whitfield (Rockingham)

**IN BRIEF**

- Development and implementation of a Corella Management Strategy for the Perth metropolitan Region is sought.

“That the State Government through the auspices of the Department of Parks and Wildlife, in consultation with Perth metropolitan Local Governments take a leadership role in the development and implementation of a Perth metropolitan area wide Corella Management Strategy with the objective of:

- Managing populations of corellas at a sustainable and ecologically appropriate level.
- Limiting the deleterious impact current Corella populations are having on local ecosystems.
- Limiting the significant damage current Corella populations are inflicting on public open space and associated infrastructure.
- Limiting the public health risks that are being created, and public amenity being threatened, by the large levels of Corella faeces being deposited in public open spaces.”

#### AMENDMENT

Moved: Cr Deb Hamblin (Rockingham)  
Seconded: Cr Moira Girando (Coorow)

“That the State Government through the auspices of the Department of Parks and Wildlife, in consultation with all Local Governments take a Western Australia leadership role in the development and implementation of a state-wide Corella Management Strategy with the objective of:

- Managing populations of corellas at a sustainable and ecologically appropriate level.
- Limiting the deleterious impact current Corella populations are having on local ecosystems.
- Limiting the significant damage current Corella populations are inflicting on public open space and associated infrastructure.
- Limiting the public health risks that are being created, and public amenity being threatened, by the large levels of Corella faeces being deposited in public open spaces.”

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**THE AMENDMENT WAS PUT AND CARRIED**

**THE MOTION NOW READS**

“That the State Government through the auspices of the Department of Parks and Wildlife, in consultation with all Local Governments take a Western Australia leadership role in the development and implementation of a state-wide Corella Management Strategy with the objective of:

- (a) Managing populations of corellas at a sustainable and ecologically appropriate level.
- (b) Limiting the deleterious impact current Corella populations are having on local ecosystems.
- (c) Limiting the significant damage current Corella populations are inflicting on public open space and associated infrastructure.
- (d) Limiting the public health risks that are being created, and public amenity being threatened, by the large levels of Corella faeces being deposited in public open spaces.”

**MOTION AS AMEDNED WAS PUT AND CARRIED**

**MEMBER COMMENT**

The Department of Parks and Wildlife (DPaW) estimate that there are 7,000 to 10,000 corellas in the Perth metropolitan area made up of a single population that move throughout the metropolitan area. This number is currently growing at approximately 7% per year.

There are two species identified as requiring management being the Little Corella (*Cacatua sanguinea*) native to the north of Western Australia and the **Eastern Long-billed Corella** (*Cacatua tenuirostris*) which is an introduced Eastern States species.

*Corellas cause a number of issues within the urban environment, being:*

- Noise issues through their characteristic screeching particularly at sun rise and sunset
- Large flocks can cause issues with defecation on property and infrastructure particularly at roost sites
- Damage to trees through defoliation and picking at fruits and nuts
- Damage to turf areas while digging and plucking at shoots looking for food
- Damage to buildings through rubbing of their beaks and chewing at infrastructure
- Competing with native bird species for breeding habitat and food source

Western Australian Local Government Association currently facilitate a Corella Coordination Working Group (CCWG) made up of representatives from the following;

- WALGA
- DPaW
- Department of Agriculture and Food – Western Australia (DAFWA)
- East Metropolitan Regional Council (EMRC)
- South West Group
- City of Joondalup
- City of Wanneroo
- City of Swan

- City of Stirling
- City of Rockingham

The aim of the Corella Coordination Working Group is to develop an operational plan and gain commitment regarding the management of Corella populations in the metro area over the next two years. DPaW have committed \$50,000 to Corella Management and are seeking commitment from the working group members to also provide funding and resources.

City officers recognise that population numbers can't be properly controlled at a local level and a collaborative approach needs to be undertaken. Getting commitment from state and local authorities has proved difficult due to varying priorities and no one department looking to take overall responsibility.

Whilst the present working group is a step forward it does not provide a comprehensive metropolitan wide overall approach to the issue, led by the State setting direction for the whole area, devising goals and objectives and identifying a range of approaches to pursue so that it can achieve and measure its success.

#### **SECRETARIAT COMMENT**

WALGA welcomes participation of any affected Local Government in the working group.

## Attachment 3: Action Taken on Resolutions of the 2016 Annual General Meeting

### Action Taken on Resolutions of the 3 August 2016 Annual General Meeting

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

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.”

The Constitution has been amended to reflect the changes approved by the Annual General Meeting.

As per *Section 9.58 (4) of the Local Government Act 1995* a copy of the amendment was provided to the Minister for Local Government and the Commissioner as defined in the *Fair Trading Act 2010 section 6*.

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

1. 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

Major changes in the management of natural disaster recovery arrangements in WA have been achieved. Responsibility for WANDRRA administration moved from Premier and Cabinet to the newly formed Office of Emergency Management (OEM) in December. Strong relationships have been established with key staff at the OEM.

Senior staff at the OEM have been provided with

## Action Taken on Resolutions of the 3 August 2016 Annual General Meeting

<p>affected by the impacts of natural disasters that meet the Western Australia Natural Disaster and Recovery Arrangements (WANDRRA) criteria.</p> <ol style="list-style-type: none"> <li>2. WALGA State Council advocate for WANDRRA to amend its policy to allow Local Government work forces to carry out approved natural disaster recovery work during normal working hours.</li> <li>3. Request that WALGA State Council Improve the Western Australian Natural Disaster and Relief and Recovery Arrangements (WANDRRA) criteria process.</li> <li>4. Improve the timeliness of access to funds</li> <li>5. Strengthen the relationship between the Natural Disaster Relief and Recovery Arrangements (NDRRA) and WANDRRA.</li> <li>6. Request WALGA to develop consistent Funding eligibility between NDRRA and WANDRRA.</li> <li>7. Improve communication with Local Government during the claims process.</li> <li>8. Request consultation with Local Governments throughout the process.</li> </ol>	<p>information on the issues impacting Local Governments and have commenced engaging directly.</p> <p>Following major flooding in early February that affected large parts of the State, WALGA met with the OEM and agreed to support an application for an exemption from the NDRRA determination to allow Local Governments to claim costs associated with using their own labour and resources, including overheads, in restoration of essential public assets. WALGA also worked with the OEM and MRWA to develop the assurance tools required. Following advocacy at State and Federal Government levels, the exemption was ultimately provided.</p> <p>A pre-payment process that would provide 40% of the estimated cost as a pre-payment was negotiated as part of the revised arrangements, but this element was subsequently withdrawn. Agreement was reached to process more regular claims, and quickly process all uncontested elements of a claim to provide greater cashflow to Local Governments. A better arrangement will be pursued in future.</p> <p>Liaison between OEM, Main Roads and Local Government is continuing in an effort to improve communications, and identify issues with the current pilot in preparation for a new NDRRA determination expected in mid-2018. If successful, the Association will seek that the ability to claim costs and overheads using Local Government resources and labour be made permanent.</p> <p>Contact has been made with officers from every Local Government affected by the February floods in an effort to improve communications, understand the issues and minimise the risks.</p>
<p><b>4.3 Non Operational Rail Corridors (05-009-03-0037)</b></p> <ol style="list-style-type: none"> <li>1. That the public Transport Authority &amp; Brookfield Rail work with WALGA and any interested Local Governments to develop 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.</li> <li>2. That the public Transport Authority &amp; Brookfield Rail work with WALGA and any interested Local Governments to develop a separate policy and/or</li> </ol>	<ol style="list-style-type: none"> <li>1. A tri-partite agreement template for Local Governments to use land in the non-operational rail reserves of the Brookfield Rail network was completed in 2017 and was trialed with two Local Governments. The agreement is between a Local Government, the PTA and Brookfield Rail and is designed to allow a Local Government to use land in non-operational rail reserves for identified purposes for community benefit. Local Governments can apply now to Brookfield Rail to use land in a non-operational rail reserve. To assist Local Government in the application process, Brookfield Rail will develop a decision</li> </ol>



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<p>procedures in order to facilitate third party use of operational rail corridors, in particular uses that demonstrate a clear community benefit.</p>	<p>matrix, which will be communicated to the sector by WALGA when completed.</p> <p>2. The PTA and Brookfield Rail are not agreeable to develop a policy allowing Local Governments to use land in operational rail corridors.</p>
<p><b>4.4 Planning Systems Review (05-047-01-0014)</b></p> <p>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:</p> <p>1.1 How the aspirations or values of the community are incorporated into the decision making framework</p> <p>1.2 Improvements to the statutory framework, including Local Planning Schemes, that would improve the transparency, certainty and consistency of the decision making process;</p> <p>1.3 Ensure that decision making occurs at appropriate levels that promotes good and efficient decisions for the community;</p> <p>1.4 Ensure that Local Governments have a third party right to present local community views to the State Administrative Tribunal;</p> <p>1.5 The erosion of the roles of Local Government in planning for their communities.</p> <p>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.</p>	<p>WALGA's State Council met on 7 December 2016 and resolved as follows:-</p> <p>1. That WALGA request that the Minister for Planning initiate an independent review of decision making within the WA planning system, including the roles and responsibilities of State and Local Government and other decision making agencies, Development Assessment Panels and the State Administrative Tribunal appeal process, that gives consideration to;</p> <p>a. How the aspirations or values of the community are incorporated into the decision making framework;</p> <p>b. What improvements are required to the statutory framework, including Local Planning Schemes, that would improve the transparency, certainty and consistency of the decision making process;</p> <p>c. Ensuring that decision making occurs at appropriate levels that promotes good and efficient decisions for the community;</p> <p>d. The erosion of the role of Local Government in planning for their communities; and</p> <p>e. How the community can be better engaged in the metropolitan planning process.</p> <p>2. That WALGA undertakes research on third party appeals around Australia and further consults with members regarding the current policy position.</p> <p style="text-align: right;">(RESOLUTION 108.6/2016)</p> <p>In regards to part 2 of the AGM motion, the improvements to Development Assessment Panels were considered as part of AGM motion 4.5 (below).</p> <p>With the appointment of a new Minister for Planning after the March Elections, this resolution has been sent to the new Minister for consideration.</p> <p>A Third Party Appeals discussion paper has been circulated to members since April, and a report on</p>



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	<p>whether a review of the current policy position is required will be presented to the September 2017 WALGA State Council Meeting.</p>
<p><b>4.5 Abolitions of DAPS (05-047-01-0016)</b></p> <p>That WALGA:</p> <ol style="list-style-type: none"> <li>1. 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:             <ol style="list-style-type: none"> <li>1.11 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;</li> <li>1.12 Requiring equal membership on the DAP between Local Government and Appointed Specialist members with an independent chair approved by both State and Local Governments;</li> <li>1.13 Requiring the DAP to set the meeting date for consideration of the development applications no later than thirty working days after the application being received to enable inclusion within the community consultation process;</li> <li>1.14 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;</li> <li>1.15 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;</li> <li>1.16 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;</li> <li>1.17 Providing a public template for ratepayers to</li> </ol> </li> </ol>	<p>WALGA's State Council met on 9 September 2016 and resolved as follows:-</p> <p>That WALGA endorse the findings and recommendations of the Association's report <i>Development Assessment Panels, 2011-16 Review</i> and advocate for;</p> <ol style="list-style-type: none"> <li>1. A full and comprehensive cost-benefit analysis of Development Assessment Panels be conducted by an independent organisation.</li> <li>2. 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 minimum value of \$20 million, as has been adopted in the eastern states.</li> <li>3. The Local Government sector be consulted prior to any amendments to the Development Assessment Panels system, to ensure that operational efficiencies can be achieved. (RESOLUTION 83.5 /2016)</li> </ol> <p>In regards to specific improvements to the DAPs system, WALGA ran a workshop with members to discuss specific improvements, with 37 suggestions raised, and then presented a report to WALGA's State Council for consideration of these suggested improvements. State Council met on 7 December 2016 and resolved as follows:-</p> <p>That WALGA:</p> <ol style="list-style-type: none"> <li>1. Present the outcomes of the Local Government engagement on suggested amendments to the Development Assessment Panels system to the Minister for Planning, and;</li> <li>2. Endorse the top 15 suggested amendments contained within the report as recommendations which WALGA advocates for as practical reforms to the DAP system, in addition to WALGA's previous resolution regarding Development Assessment Panels. (RESOLUTION 109.6/2016)</li> </ol> <p>With the appointment of a new Minister for Planning</p>

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<p>assist with the preparation of feedback as part of the Community consultation process;</p> <p>1.18 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;</p> <p>1.19 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</p> <p>1.20 Providing a Local Government aggrieved by a DAP decision a right of review at the State Administrative Tribunal.</p> <p>2. Advise the Minister for Planning of its concerns with the actions and decisions of the Development Assessment Panels.</p>	<p>after the March Elections, this resolution has been sent to the new Minister for consideration.</p>
<p><b>4.6 Introduction of Container Deposit Scheme (CDS) (05-050-02-0001)</b></p> <p>That WALGA:</p> <ol style="list-style-type: none"> <li>Continue to actively advocate for the implementation of a Container Deposit Scheme in Western Australia; and</li> <li>Include the implementation of a Container Deposit Scheme in the Association's Election Platform.</li> </ol>	<p>WALGA has set up a Policy Forum to deal with the matter. MWAC recently met the incoming Minister for Environment, who expressed his support for a Container Deposit Scheme, and the new Department of Water and Environment Regulation is developing a discussion paper for public comment. WALGA will be making a strong submission, utilising MWAC, the Container Deposit Policy Forum and member feedback. The implementation of a Container Deposit Scheme was included in the Association's Election Platform.</p>
<p><b>4.7 Declared Pest Plant C3 Review by DAFWA (05-046-03-0015)</b></p> <p>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 animals, 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</p>	<p>The Association President has met with Minister for Agriculture, following the revised biosecurity policy position endorsed by State Council in March 2017. A suite of recommendations has been made to the Government to improve the policy settings to ensure efficient, effective and equitable policies and programs are put in place for post border biosecurity, including a review of the Biosecurity and Agriculture Management (BAM) Act 2007, adequate resourcing for DAFWA, the reinstatement of the APB or the NSW Local Land Services model, improved commination with stakeholders and DAFWA undertaking its regulatory responsibilities. WALGA staff are liaising with DAFWA and the State</p>

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<p>Western Australia, including but not limited to Cotton Bush, wild dogs, cane toads, skeleton weed, Blackberry and Patterson's Curse.</p>	<p>Biosecurity Council to advocate for the improvements identified in the endorsed Policy Position and Recommendations report.</p>
<p><b>4.8 Renewable Energy (05-028-04-0009)</b></p> <p>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 an adequate fixed feed in tariff for extended periods to enable effective business planning and funding arrangements.</p>	<p>It is acknowledged that a fixed feed in tariff would provide greater certainty for local governments that are looking to invest in renewable technology.</p> <p>There is considerable uncertainty surrounding the future of the state's electricity market which makes these types of reforms difficult at present.</p> <p>The previous State Government had committed to reform of the electricity market, including changes to the Wholesale Electricity Market, and the transition of regulatory responsibilities from the Economic Regulation Authority to the Australian Energy Regulator. However, the timeframes for this reform were not met, and the change of government has meant that future reform directions are unclear. While new energy minister Ben Wyatt has indicated that he is supportive of some elements of the previous government's electricity reform agenda, it is not clear whether the full reform agenda will proceed.</p> <p>A further challenge is that the WA electricity grid is isolated, and at present is oversupplied with generation capacity. It has been estimated that in 2016-17, the SWIS will have 23% or approximately 1,000 megawatts of surplus capacity, resulting in increased costs being borne by consumers and the WA State Government. In this environment, policies that will encourage additional capacity will be difficult to justify given the additional costs this will impose on consumers and the Government.</p> <p>WALGA has previously indicated that these reforms will be examined as part of a broader work program focussed on energy issues for the local government sector. WALGA will continue to explore these opportunities once there is clarity about the future direction of the state's electricity market.</p>
<p><b>4.9 Reducing Regulatory Burden on Local Government (05-099-03-0001)</b></p> <p>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.</p>	<p>A combined WALGA and Local Government sector advocacy effort has resulted in the Minister for Local Government Hon. David Templeman agreeing to prioritise red tape reduction in phase one of the review of the Local Government Act, commencing in July 2017. With an anticipated focus on repealing unwarranted and ineffectual compliance obligations in the Act and associated Regulations, WALGA expects this phase of red tape reduction to significantly lift the compliance burden currently</p>

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	<p>experienced throughout the Sector. Phase two of the review in 2018 will result in further red tape reduction benefits and the expected introduction of a multi-tiered compliance regime, of particular benefit to under-resourced rural and regional Local Governments.</p>
<p><b>4.10 Most Accessible Regional City in Australia Awards (01-006-04-0001)</b></p> <p>That the Western Australian Local Government Association:</p> <ol style="list-style-type: none"> <li>1. Develop assessment criteria to formally recognise the contribution that Western Australian local governments are taking to promote and improve accessibility within their jurisdictions.</li> <li>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.</li> <li>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.</li> </ol>	<p>This resolution was presented for consideration at the September 2016 State Council meeting. State Council resolved that the item be forwarded to the Planning and Community Development Policy Team for consideration.</p> <p>At its meeting of 7 December 2016, the Planning and Community Development Policy Team determined to recommend that WALGA develop a 'Most Accessible Regional City in Australia Awards system for Metro, Regional and Remote Local Governments, with the following recommendation developed for presentation at the February Executive Committee meeting:</p> <ol style="list-style-type: none"> <li><b>1. That State Council endorse the Most Accessible Regional City in Australia' award to commence in 2017</b></li> <li><b>2. That the process for the establishment and implementation of a Most Accessible City in Australia Award be further developed by the Planning and Community Policy team.</b></li> </ol> <p>The Recommendation was considered by the Executive Committee with discussion focussing on the current availability of similar National Awards. Based on this discussion the following Resolution was carried by the Executive Committee:</p> <p><b>That the process for the establishment and implementation of a Most Accessible Local Government in Western Australia Award be further examined by the Planning and Community Development Policy Team and be reported back to the Executive Committee.</b></p> <p>The resolution was further considered by the Planning and Community Development Policy Team where the following action was resolved.</p> <p><b>That correspondence be prepared to the WA Regional Capitals Alliance (WARCA) ascertaining their level of interest in pursuing the Most Accessible Regional City in Australia awards as part of their activities.</b></p>

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	<p>At the time of writing this report the WARCA were in the process of appointing new Executive Officers. Once this contact has been established the correspondence will be forwarded for consideration.</p>
<p><b>4.11 Discussion Paper Excessive Force (01-003-02-0001)</b></p> <p>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 issues associated with use of force by members of the public when such force is effected in the course of defending family and property from intruders.</p>	<p>The AGM motion was referred to the Minister for Police.</p>
<p><b>4.12B Corella Management Strategy (05-046-02-0003)</b></p> <p>“That the State Government through the auspices of the Department of Parks and Wildlife, in consultation with all Local Governments take a Western Australia leadership role in the development and implementation of a state-wide Corella Management Strategy with the objective of:</p> <ul style="list-style-type: none"> <li>(a) Managing populations of corellas at a sustainable and ecologically appropriate level.</li> <li>(b) Limiting the deleterious impact current Corella populations are having on local ecosystems.</li> <li>(c) Limiting the significant damage current Corella populations are inflicting on public open space and associated infrastructure.</li> <li>(d) Limiting the public health risks that are being created, and public amenity being threatened, by the large levels of Corella faeces being deposited in public open spaces.”</li> </ul>	<p>The Association has developed (in partnership with the Department of Parks and Wildlife), a Local Government working group to deal with non-native corella species. In 2016/17, \$50 000 funding was negotiated from DPAW, along with in-kind support to assist in control activities across the metropolitan area and the Peel in 2016/17 to assist with contractor costs for control activities. A members only web based portal has also been constructed to assist members in the reporting of corella movement and to assist information sharing and knowledge capture. A further \$50 000 has since been negotiated with DPAW to continue the program in 2017/18, with an additional focus on affected members in the South West Zone also. Additional funding has also been sought from members impacted by corellas, in order to ensure maximum control activity can be strategically undertaken.</p>