

THE VOICE OF LOCAL GOVERNMENT

3 MAY 2012

STATE COUNCIL FULL MINUTES



W A L G A

MINUTES OF MEETING

Meeting No. 3 of 2012 of the Western Australian Local Government Association State Council held at the Mandurah City Council Chambers on Thursday 3 May 2012, commencing 9am

1. ATTENDANCE, APOLOGIES & ANNOUNCEMENTS

1.1 Attendance

Chairman	President of WALGA	Mayor Troy Pickard
Members	Avon-Midland Country Zone Central Country Zone Central Metropolitan Zone East Metropolitan Zone Goldfields Esperance Country Zone Gascoyne Country Zone Great Eastern Country Zone Great Southern Country Zone Kimberley Country Zone Murchison Country Zone North Metropolitan Zone Northern Country Zone Peel Country Zone Pilbara Country Zone South East Metropolitan Zone South Metropolitan Zone South West Country Zone	Cr Lawrie Short Mayor Don Ennis Cr Janet Davidson JP Mayor Heather Henderson Cr Bob Emery (Deputy) Cr Mick Wainwright Mayor Ron Yuryevich AM RFD Cr Ross Winzer President Cr Eileen O'Connell President Cr Barry Webster President Cr John Moulden President Cr Simon Broad Mayor Tracey Roberts JP Cr Geoff Amphlett JP Cr David Michael President Cr Karen Chappel President Cr Wally Barrett President Cr Lynne Craigie Cr Kevin Trent (Deputy) Cr Julie Brown Mayor Cr Carol Adams Cr Doug Thompson Cr Maria Rico (Deputy) President Cr John Gardiner
Ex-Officio	Local Government Managers Australia	Mr Mark Chester (Deputy President)
Secretariat	Acting Chief Executive Officer EM Environment & Waste EM Governance & Strategy EM Marketing & Communications A/EM Planning & Community Development EM Workplace Solutions EM Corporate Business Solutions Manager Governance EO Governance and Strategy Manager Finance	Mr Wayne Scheggia Mr Mark Batty Mr Tony Brown Mr Zac Donovan Ms Jodie Holdbrook Mr John Phillips Mr Nick Wood Mr James McGovern Ms Janet Done Ms Tina Moss crop

1.2 Apologies

East Metropolitan Zone South East Metropolitan Zone South East Metropolitan Zone South Metropolitan Zone Chief Executive Officer EM Planning & Community Development EM Infrastructure The Right Hon Lord Mayor of Perth President LGMA	Cr Glenys Godfrey Mayor Henry Zelones Cr Merri Harris (Deputy) Cr Tony Romano Ms Ricky Burges Ms Allison Hailes Mr Ian Duncan Ms Lisa Scaffidi Dr Shayne Silcox
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1.3 MEETING ASSESSMENT

Cr David Michael was invited to undertake a meeting assessment at the conclusion of the meeting.

2. MINUTES OF THE PREVIOUS MEETINGS

2.1 Minutes of 7 March 2012 State Council Meeting

RECOMMENDATION:

Moved: Mayor D Ennis

Seconded: Cr J Davidson

That the Minutes of the Western Australian Local Government Association (WALGA) State Council Meeting held on 7 March 2012 be confirmed as a true and correct record of proceedings.

RESOLUTION 54.3/2012

CARRIED UNANIMOUSLY

2.1.1 Business Arising from the Minutes of March 2012

There was no business arising from these Minutes.

3. DECLARATION OF INTEREST

The following declarations of interest were made by State Councillors in relation to items contained within the Agenda:

Cr Short in relation to Item 5.11 Selection Committee Minutes, as he is a nominee for a vacancy

PAPERS

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

- President's Report (previously emailed to your Zone meeting)
- Agenda Item: Appointment of ALGA Representatives
- Agenda Item: Finance & Services Minutes;
- Agenda Item: Selection Committee Minutes;
- Agenda Item: Honours Panel Minutes;
- CEO's report to State Council

4. EMERGING ISSUES

There were no emerging issues.

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5. MATTERS FOR DECISION

5.1 Resolution of Misconduct Complaints at the Local Level (05-034-01-0006 JMc)
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By James McGovern, Manager Governance

Moved: Cr K Trent
Seconded: Cr J Brown

That WALGA inform the Minister for Local Government:

1. that the 'Resolution of Misconduct Complaints at the Local Level' Consultation Paper requires extensive consultation with the Local Government Sector, to minimise the potential for unintended negative consequences and to maximise the potential to benefit the performance of the Local Government Standards Panel;
2. that a working group between the Department of Local Government and WALGA be established to consider the requirement for a uniform code of conduct and that a draft be presented to WALGA State Council for consideration;
3. that it does not support Mayors or Presidents being responsible for determining any statutory form of dispute resolution at the local level;
4. that it supports empowering the Local Government Standards Panel to dismiss allegations made under the Rules of Conduct Regulations that are determined to be vexatious or frivolous;
5. that it supports the introduction of a Peer Review Panel on the following basis:
 - a) that it be utilised on an as-needs basis by the Local Government Standards Panel to assist in mediating local level misconduct complaints under the existing Rules of Conduct Regulations;
 - b) that the cost of activating the Peer Review Panel be the responsibility of the Department of Local Government, in the same manner it funds the operations of the Local Government Standards Panel;
 - c) that Peer Review Panels be formed on a regional basis and that they conduct in-person mediation at the Local Government where complaints originate; and
 - d) that the Peer Review Panel be utilised by the Local Government Standards Panel in the manner outlined in the diagram included in the body of this report.
6. that the above recommendations underpin WALGA's previously expressed recommendations for improvement to the Local Government Standards Panel and its processes by promoting as the main focus of the Standards Panel Review that the fundamental objective of the Local Government Standards Panel's operation is to provide the most expeditious of resolutions to a breach allegation, achieved through improvements to the Standards Panel's operational processes, by legislative amendment and through the formation of additional and adequately resourced Standards Panels; and
7. that strong consideration be given to introducing a right to confidentiality for all persons involved in a minor breach allegation under the Rules of Conduct Regulations during the complaints process, by amending Section 5.123 of the Local Government Act 1995 to give this effect.

RESOLUTION 55.3/2012

CARRIED UNANIMOUSLY

In Brief

- A review of the operation of the Local Government Standards Panel was conducted in 2010.
- In response to the review, the Minister for Local Government proposes the introduction of new processes to deal with low level misconduct at the local level.

Attachment

'Resolution of Misconduct Complaints at the Local Level' Consultation Paper. A link to the Standards Panel Review Committee Report of June 2011 can be found at the following website:
<http://www.dlg.wa.gov.au/Content/Legislation/UnderReview/StandardsPanel/Default.aspx>

Relevance to Strategic / Business Plan

- Providing strong representation for Local Government
- Providing effective leadership for Local Government
- Building a positive profile for Local Government
- Enhancing the capacity of Local Government to deliver services

Policy Implications

State Council promoted change to the Local Government Act to introduce legislative capacity for particular breaches of the Act by individual Elected Members to be considered by an independent panel. The Official Conduct Act 2007 came into effect as a consequence, following the October 2007 elections.

Budgetary Implications

Nil.

Background

The Minister for Local Government released the *'Resolution of Misconduct Complaints at the Local Level'* Consultation Paper on 26th March 2012. This Paper outlines proposals for dealing with low level misconduct at the local level informed by the Standards Panel Committee Report of June 2011.

The Minister for Local Government has requested a response to the Consultation Paper by 11th May 2012. WALGA released an InfoPage to the Sector, requesting written submissions by 13th April; no submissions were received at the time of writing due to this extremely short notice period. It is anticipated the majority of Sector responses will be via WALGA Zones, as is encouraged in the InfoPage.

Review of the Local Government Standards Panel

The Official Conduct Act 2007 led to changes to Part 5 of the Local Government Act, introduction of the Rules of Conduct Regulations and the power to form a Local Government Standards Panel. These provisions came into operation in October 2007. A review of the operation of the Local Government Standards Panel, charged with the task of assessing minor breach allegations under the Rules of Conduct Regulations, commenced in 2010. WALGA participated in this review, resulting in the following State Council resolution of April 2011:

1. That WALGA:

- A. *Promote as the main focus of the Standards Panel Review that the fundamental objective of the Local Government Standards Panel's operation is to provide the most expeditious of resolutions to a breach allegation, achieved through improvements to the Standards Panel's operational processes, by legislative amendment and through the formation of additional Standards Panels;*

- B. Recommend the Review Committee give consideration to developing operational and/or legislative mechanisms that will allow the Standards Panel to deal more quickly with complaints, by empowering the Standards Panel to make a preliminary ruling on whether a complaint is meritorious of further enquiry; and*
 - C. Reiterate the right to confidentiality for all persons involved in a minor breach allegation to the Standards Panel during the complaints process, by amending Section 5.123 of the Local Government Act 1995 to give this effect.*
 - D. Notwithstanding the Review, that the Department immediately provide additional resources to ensure a more efficient and responsive consideration of complaints.*
2. That WALGA:
- A Maintain it's close working relationship with the Department of Local Government to effect recommendations arising from the Standards Panel Review process; and*
 - B. Request the Department of Local Government to consult with the Association in developing any proposed legislative amendments arising from the Review Committee's recommendations.*

The Minister for Local Government considered the Standards Panel Review findings, which highlighted the following specific data:

- the number of complaints submitted to the Standards Panel has grown steadily since its commencement and the cost of dealing with those complaints has also grown;
- the total number of complaints made were attributable to approximately one quarter of all Local Governments;
- most allegations made to the Panel resulted in findings of no breach;
- the period of time in many instances between receiving an allegation and making a determination was unacceptably lengthy; and
- under current legislation, the Standards Panel is required to deal with every allegation.

This data formed the basis for development of the '*Resolution of Misconduct Complaints at the Local Level*' Consultation Paper.

Consultation Paper Proposals and WALGA Comment

Uniform Code of Conduct for Elected Members

An area of improvement identified in the Review is in the nature of low level misconduct. It is proposed a Uniform Code of Conduct for Elected Members be introduced and that any allegations of breaches of this Code be dealt with at the local level by the Mayor or President, by referral of the complaint by the appointed Local Government Complaints Officer.

It is anticipated the Uniform Code of Conduct will reflect the existing general principles to guide the behaviour of Elected Members, defined in Regulation 3(1) of the Rules of Conduct Regulations:

- (1) General principles to guide the behaviour of council members include that a person in his or her capacity as a council member should —
- (a) act with reasonable care and diligence; and
 - (b) act with honesty and integrity; and
 - (c) act lawfully; and
 - (d) avoid damage to the reputation of the local government; and
 - (e) be open and accountable to the public; and
 - (f) base decisions on relevant and factually correct information; and
 - (g) treat others with respect and fairness; and
 - (h) not be impaired by mind affecting substances.

WALGA Comment:

The Consultation Paper is silent on the rationale for the proposed introduction of an additional complaints mechanism that Elected Members may pursue against one another, which if introduced will essentially form a sub-set of the existing Rules of Conduct Regulations. It is also unclear what benefit will be derived in terms of the operation of the Local Government Standards Panel should this proposal be implemented.

Presently, neither the Standards Panel nor any other body has a statutory role investigating 'low level complaints'.

The Consultation Paper informs that "the majority of respondents to the review of the Standards Panel supported the need for a uniform code of conduct for elected members". It is concerning the basis of this response was a leading question in the Standards Panel Review survey questionnaire - *"Should the Department of Local Government prepare a uniform code of conduct that applies to all local governments (and which could be added to by local governments)?"*. Respondents are not likely to be aware that a positive response would have consequences outreaching the apparent intent of the question.

Furthermore, the requirement for a uniform code of conduct was not reflected in comments received by WALGA either from Local Governments directly or via the Zone meetings during the 2011 Standards Panel review consultation process.

The Consultation Paper proposal to base the Uniform Code of Conduct on the general principles described in Regulation 3 of the Rules of Conduct Regulations is likely to be problematic as they are just that; principles. The development of a cogent, enforceable set of rules that are clear enough to be easily observed and adjudicated will be central to the success of local level dispute resolution, but this remains an unknown component of the overall proposal.

It is therefore recommended this proposal be opposed as it has a questionable foundation in the manner the need for a uniform code was established, it has little or no basis in improving the operation of the Local Government Standards Panel and will introduce without justification a new complaints regime set against unspecified behavioural rules.

'Low Level Misconduct' and the role of the Mayor or President

The Consultation Paper proposes the Standards Panel refer allegations considered to be 'low level misconduct' made under the Rules of Conduct Regulations for investigation by the Mayor or President of the Local Government where the complaint emanated. It is also recommended the Mayor or President be empowered to assess allegations of breaches of the proposed (yet unspecified) Uniform Code of Conduct.

If a complaint referred to the Mayor or President is upheld, they will have access to a range of actions including mediation, training, a ruling the allegation is frivolous or vexatious or referral to a Peer Review Panel.

The Mayor or President will not be involved if they are a party to an allegation, and the complaint will then be dealt with by the Deputy Mayor or Deputy President; should they too be a party, another Elected Member will be appointed by the Council to assess the complaint.

WALGA Comment:

The Consultation Paper makes reference to a category of complaints received by the Standards Panel regarded as 'low level misconduct', without identifying which elements of the Rules of Conduct Regulations constitute 'low level misconduct'. It is also recommended the Mayor or President be empowered to assess allegations of breaches of the proposed (yet unspecified) Uniform Code of Conduct.

Notwithstanding the lack of clarity in just what 'low level misconduct' Mayors and Presidents will be empowered to investigate, the Secretariat is strongly opposed to Mayors or Presidents being cast in the role of arbitrating any statutory complaints process. The primary

role of Mayors and Presidents is leading the Council and its Elected Members as a cohesive team; placing the onus for determining complaints against members of that team has very real potential to undermine this function and increase potential for conflict within the elected body.

The Consultation Paper makes no reference to the active role Mayors and Presidents currently play in mediating inter-personal issues that arise between Elected Members from time to time, and it appears no research or contemplation of this role was considered by the Review Committee.

Mayors and Presidents are elected to a political role. It may be inappropriate for a political player to adjudicate on matters of misconduct (albeit minor) involving another political player. It is inappropriate to involve a political leader in judgment of his or her political colleagues (and potentially, opponents). It is for this reason that independent bodies are established – the Standards Panel, the Public Sector Commission and the proposed Peer Review Panel – to assess allegations objectively and free of perceived or actual bias.

It is agreed any formal complaint under the Rules of Conduct Regulations should adhere to the established process of being investigated by an independent body. It cannot be said a Mayor or President is truly independent therefore this proposal is contrary to the underlying principles that established the Standards Panel under the Official Conduct Act.

There is also serious concern that the level of training required to bring all Mayors or Presidents (together with Deputy Mayors and Deputy Presidents and any other Elected Member proposed to be involved) to a level of understanding and capability to assess statutory complaints and objectively perform the role of complaints adjudicator, will be a confronting logistical and practical challenge.

Peer Review Panel

The Consultation Paper proposes the formation of a Peer Review Panel which can be formed on an as-needs basis if the complainant/respondent is not satisfied with the process undertaken by the Mayor or President's decision on a matter referred to them.

The Peer Review Panel will be drawn from a state-wide pool and would be activated by individual Local Governments, essentially to conduct an appeals process. The Local Government from where the complaint emanated will pay the costs associated with the Peer Review Panel.

The Peer Review Panel will have the ability to address complaints in a similar manner to the Mayor or President and it is proposed to introduce a new Rule of Conduct that deals with a failure to comply with a directive of the Peer Review Panel. Decisions of the Peer Review Panel will not be reviewable.

WALGA Comment:

It is the Association's view that the proposed Peer Review Panel will be established to perform a function initially intended by the Local Government sector as the role of the Local Government Standards Panel, at the time the Official Conduct legislation was drafted.

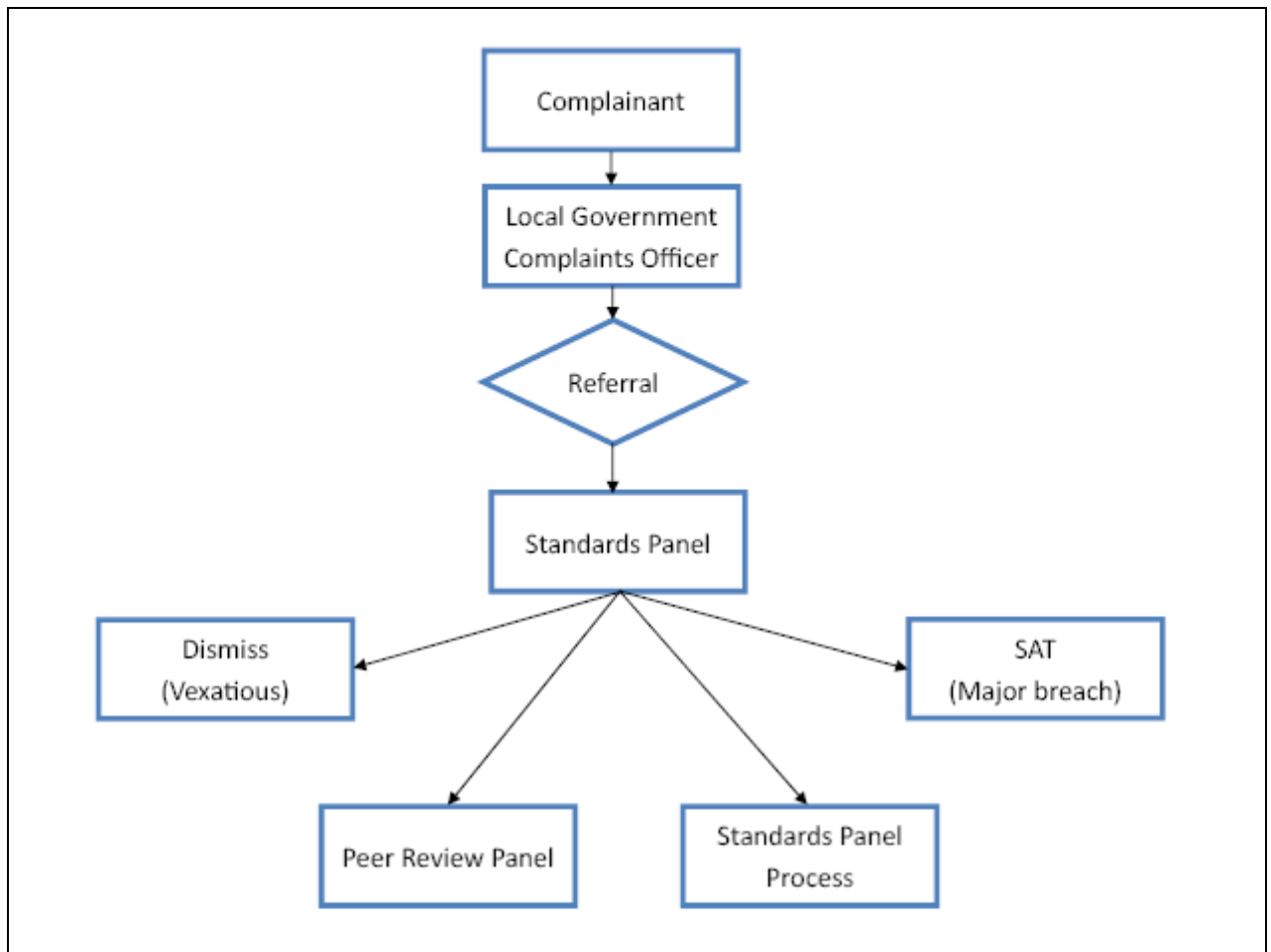
It would be of greater benefit to the operations of the Local Government Standards Panel to have access to a Peer Review Panel, which could be assigned to mediate local level allegations made under the Rules of Conduct on its behalf. This would obviate the need for low level complaints to be referred to Mayors or Presidents and further reduce the argument there is need to develop a Uniform Code of Conduct and associated complaints process.

In terms of operational process, a number of Peer Review Panels should be formed to service Local Government regions, to meet in person at the location of the complaint. The cost of the Peer Review Panel should be met by the Department of Local Government in the same way it meets the cost of operating the Local Government Standards Panel.

Under this model the Standards Panel remains the central point where *all* complaints are referred initially. The Standards Panel then makes a determination to:

- dismiss the complaint as vexatious or frivolous
- refer to a Peer Review Panel
- deal with the complaint, or
- refer to the State Administrative Tribunal as a major breach.

The following diagram exemplifies this approach:



Handling Vexatious Complaints

The Standards Panel Review also identified that some people make vexatious or frivolous complaints for reasons other than a genuine pursuit of resolution. In some circumstances, individuals have repeatedly lodged complaints which lack substance.

It is proposed the Standards Panel and the Mayor or President will be empowered to dismiss any complaint deemed to be vexatious or frivolous. It is further proposed that there will be no right of review by the State Administrative Tribunal or the Peer Review Panel of any complaint deemed to be vexatious or frivolous by the Standards Panel or the Mayor or President.

WALGA Comment:

The Association welcomes the ability of the Standards Panel to dismiss complaints on these grounds, as it meets one part of State Council's Resolution (1 B.) of April 2011:

".....by empowering the Standards Panel to make a preliminary ruling on whether a complaint is meritorious of further enquiry"

The Association does not see a role for Mayors or Presidents in deciding whether or not a complaint is vexatious or frivolous. Decisions of this nature under the proposed Uniform Code of Conduct should be referred to the Local Government Standards Panel for determination, as it has the requisite skills and expertise to make a determination that addresses principles of procedural fairness and natural justice.

SUMMARY

The Association is concerned at the uncertainty and lack of specification with many key aspects of the *'Resolution of Misconduct Complaints at the Local Level'* Consultation Paper. It is equally concerning that limited time has been provided to the Local Government sector to consider the proposals and reflect upon the consequences; positive and negative, potential and actual; that may arise. These are critical factors in any proposal that is intended to be enshrined in legislation.

There is support for some aspects of the proposal that are reflective of State Council policy therefore the Standards Panel should be able to determine whether a complaint made under the Rules of Conduct Regulations is vexatious or frivolous. WALGA also supports the formation of a Peer Review Support, to assist the Local Government Standards Panel deal with complaints of low level misconduct at the local level.

As an additional point, the Standards Panel Review Committee determined in its report that the confidentiality of complaints prior to a decision of the Standards Panel is not warranted and it is quoted that confidentiality would be inconsistent with how the CCC operates.

It is recommended this perspective be revisited due to the strong support for confidentiality from the Review respondents. It is the Association's long-held view that Rules of Conduct breach allegations are at the low end of the misconduct scale and the public exposure of the subject of a complaint can be an unjustified penalty in itself, particularly in regional communities and more so if a complaint is subsequently dismissed.

ATTACHMENT – Item 5.1



Government of Western Australia
Department of Local Government

Resolution of Misconduct Complaints at the Local Level

Consultation Paper

March 2012



Resolution of Misconduct Complaints at the Local Level

Consultation Paper

March 2012

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1. EXECUTIVE SUMMARY

In 2010, Hon John Castrilli MLA, Minister for Local Government, requested the Department of Local Government to undertake a review of the Local Government Standards Panel (Standards Panel) and its supporting legislation. The Minister has considered the Report of the Review Committee and has identified that there is an opportunity to implement a more effective process for resolving complaints against elected members involving low-level misconduct.

Specifically, data contained in the report highlighted that:

- the number of complaints submitted to the Panel has grown steadily since its commencement and the cost of dealing with those complaints has also grown;
- the total number of complaints made were attributable to approximately one quarter of all local governments;
- over 75 per cent of allegations made to the Panel resulted in findings of no breach in the 2010/11 financial year;
- the period of time in many instances between receiving an allegation and making a determination was unacceptably lengthy; and
- under current legislation, the Standards Panel is required to deal with every allegation made.

Consequently, the Minister has directed the Department to examine the implementation of a locally based solution for dealing with misconduct complaints of a low-level nature. This solution would be designed to complement and streamline the operations of the Standards Panel.

The aim of the proposed model is to put in place processes to allow complaints of low-level misconduct to be dealt with at the local level – in the first instance by the Mayor or President and, if unresolved, by a panel of peers. This will empower local governments to deal with issues of low-level misconduct which are best dealt with locally.

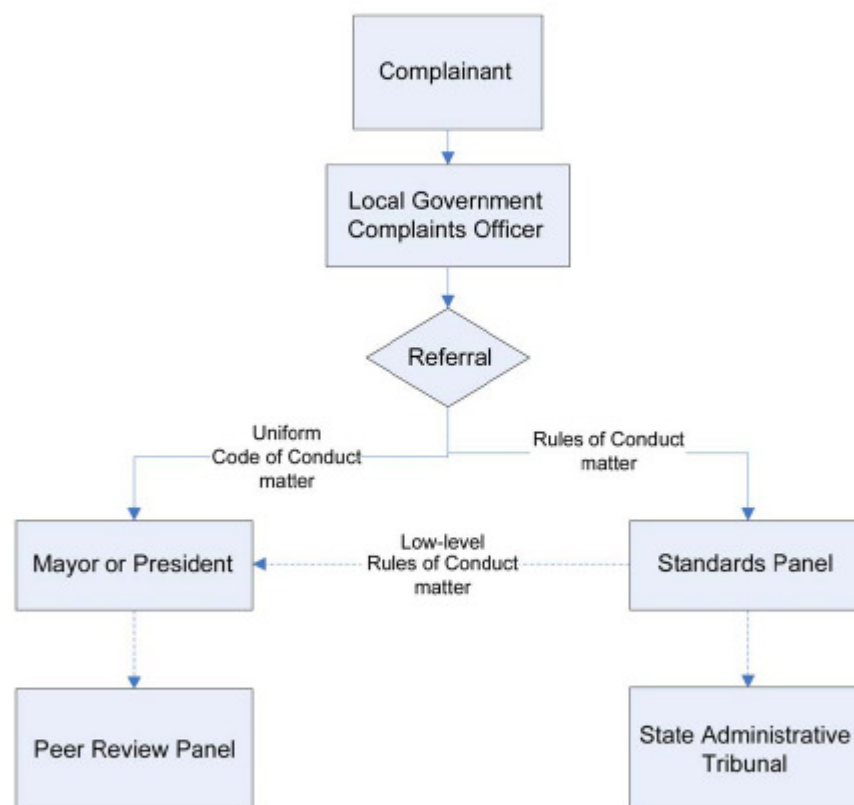
An integral feature of the proposed model is to empower the Standards Panel to refer a low-level breach of the Rules of Conduct for assessment by the relevant Mayor or President. This will enable complaints of a low-level nature to be dealt with without being subjected to the more formal processes of assessment undertaken by the Standards Panel. This will ensure that the Standards Panel can deal with complaints of a minor breach of the Rules of Conduct in a more timely and efficient manner. Where an allegation is against the Mayor or President, the Deputy Mayor or Deputy President will assess the complaint unless they are the complainants. In this instance, the matter will be dealt with by another elected member appointed by the council.

The key components of the proposed model include:

- the development of a uniform Code of Conduct for elected members that is applicable to all local governments;

- the introduction of a framework for handling complaints at the local level. Specifically, such complaints would include -
 - complaints relating to breaches of the uniform code of conduct (see section 4.1)
 - complaints relating to breaches of the Rules of Conduct which are considered by the Standards Panel to be low-level and better dealt with at the local level (see section 4.3.1); and
- improved processes for dealing with trivial or vexatious complaints which would allow the Standards Panel to reject such complaints.

A proposed 'two pronged' model for dealing with allegations of low-level misconduct is outlined below.



(Fig. 2: From page 10.)

The proposed changes to the current disciplinary framework are intended to:

- empower local governments to better manage the risk of misconduct;
- establish a more pro-active complaints management culture; and
- streamline and simplify the process of dealing with complaints that allege low-level misconduct or that are trivial or vexatious.

2. BACKGROUND

2.1 *Local Government (Official Conduct) Amendment Act 2007*

The *Local Government (Official Conduct) Amendment Act 2007* (Official Conduct Act) provides a disciplinary framework to deal with individual misconduct by local government elected members. Prior to the introduction of the Official Conduct Act, apart from prosecution, the only avenue for action in response to allegations of inappropriate behaviour was the power to suspend or dismiss an entire council following an inquiry.

The Official Conduct Act allowed for the establishment of a state-wide Standards Panel to deal with complaints about minor breaches in contravention of the then newly introduced code of conduct. The panel was empowered to apply penalties comprising public censure, public apology, or an order to undertake training.

In addition to the establishment of a Standards Panel, the Official Conduct Act also allowed for complaints about serious breaches to be made to the Department of Local Government for possible referral to the State Administrative Tribunal (SAT) for determination.

In addition to the penalties described above, the SAT can apply stronger penalties for a serious or recurrent breach of up to six months suspension or up to five years disqualification from holding office as a member of a council.

The Official Conduct Act also contains detailed provisions enabling regulations to be made prescribing Rules of Conduct for elected members.

2.2 *Local Government (Rules of Conduct) Regulations 2007*

The *Local Government (Rules of Conduct) Regulations 2007* (Rules of Conduct) established a standard set of minor breach laws for all local government elected members throughout the State.

Matters outlined in the Rules of Conduct are:

- conduct relating to meeting procedure local laws;
- use of information;
- securing personal advantage or disadvantage over others;
- misuse of local government resources;
- a prohibition against elected member involvement in the administration of a local government;
- elected member relations with local government employees;
- disclosure of interest; and
- gifts.

An allegation of a minor breach of the Rules of Conduct is addressed to the Standards Panel for decision.

3. STANDARDS PANEL

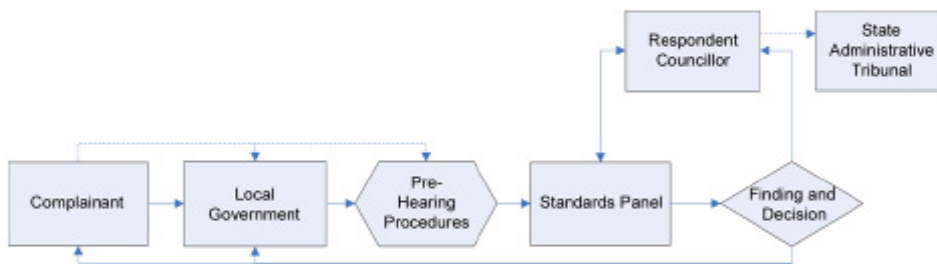
The Standards Panel was established in 2007 following the commencement of the Official Conduct Act and Rules of Conduct. The key functions of the Standards Panel are to determine, relatively quickly and informally:

- whether a minor breach (as defined in section 5.105(1) of the *Local Government Act 1995*) has been committed by an elected member; and
- if so, what, if any, sanction should be applied in respect of that minor breach.

Once received, an allegation of a minor breach must be referred to the Standards Panel. The Panel has no power to reject an allegation on the basis of it being trivial or vexatious.

Figure 1 outlines the current process whereby allegations of a minor breach of the Rules of Conduct are addressed to the Standards Panel for consideration.

Fig. 1: Current Standards Panel Process



3.1 Minor Breach Allegations

The table below outlines the number of minor breach allegations completed by the Standards Panel in the 2010/11 financial year.

Minor Breach Allegations Completed 1 July 2010 to 30 June 2011										
For Minor Official Conduct Projects										
	Breach of Meeting Procedures Local Law (Standing Orders)	General Principles Governing Elected Member Behaviour	Improper Use of Information	Miscellaneous	Misuse of Local Government Resources	Non-Disclosure of Interest Adverse to Impartiality	Prohibition Against Involvement in Administration	Relations with Local Government Employees	Securing Personal Advantage or Disadvantaging Others	Total
No Breach	14	3	3	2	2	5	7	12	25	73
Public Apology	2							5	2	9
Training	5									5
Public Censure			1						2	3
Complaint Dismissed					1				1	2
No Jurisdiction								1		1
Censure and Public Apology									1	1
Total	21	3	4	2	3	5	7	18	31	94

Source: Department of Local Government, *Annual Report 2010-11*.

3.2 Review of the Standards Panel

When the disciplinary framework was established in 2007 under the previous government, it was done so with a commitment to undertake a review of its operation after the initial 'start-up' phase. Consequently, Hon John Castrilli MLA, Minister for Local Government, requested the Department of Local Government to undertake a review of the Standards Panel and its supporting legislation in 2010.

The Standards Panel Review Committee has submitted its report, which was undertaken after extensive consultation with the local government sector and key stakeholders.

The Minister for Local Government has considered the report and has identified that there is an opportunity to implement a process for resolving low-level misconduct matters more effectively.

Specifically data contained in the report highlighted that:

- the number of complaints submitted to the Standards Panel has grown steadily since its commencement and the cost of dealing with those complaints has also grown;
- the total number of complaints made were attributable to approximately one quarter of all local governments;
- most allegations made to the Panel resulted in findings of no breach;
- the period of time in many instances between receiving an allegation and making a determination was unacceptably lengthy; and
- under current legislation, the Standards Panel is required to deal with every allegation made.

Consequently, the Minister has directed the Department to examine the implementation of a locally based solution for dealing with complaints relating to low-level misconduct.

4. PROPOSED MODEL

The aim of the proposed model is to put in place processes to allow allegations of low-level misconduct to be dealt with at the local level – in the first instance by the Mayor or President and, if unresolved, by a panel of peers. This will empower local governments to deal with issues of low-level misconduct which are best dealt with locally. This will also ensure that the Standards Panel can deal with complaints of a minor breach of the Rules of Conduct in a more timely and efficient manner.

An integral feature of the proposed model is to amend the *Local Government Act 1995* to

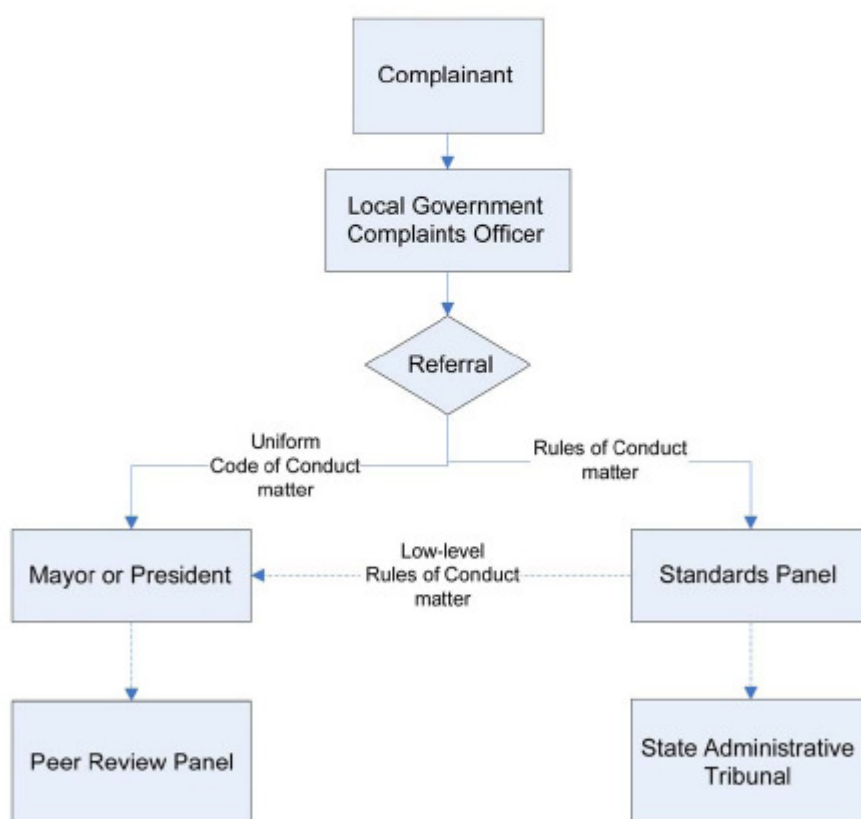
- a) empower the Standards Panel to refer a low-level breach of the Rules of Conduct regulations for assessment by the relevant Mayor or President (see figure 2);
- b) and b) to allow the Standards Panel to reject complaints on the basis that they are trivial or vexatious. This will enable complaints of a low-level nature to be dealt with without being subjected to the more formal processes of assessment undertaken by the Standards Panel.

The key components of the proposed model include:

- the development of a uniform code of conduct for local governments;
- the introduction of a framework for handling complaints at the local level. Specifically, such complaints would include -
 - complaints relating to breaches of the uniform code of conduct (see section 4.1)
 - complaints relating to breaches of the Rules of Conduct which are considered by the Standards Panel to be low-level and better dealt with at the local level (see section 4.3.1); and
- improved processes for dealing with trivial or vexatious complaints.

A proposed 'two pronged' model for dealing with allegations of low-level misconduct is outlined in figure 2 below.

Fig. 2: Referral Process for Code and Rules of Conduct Complaints¹



¹ Note: 'Uniform Code of Conduct matters' referred to the Mayor or President exclude allegations of Minor Breach (Rules of Conduct) which must be referred to the Standards Panel.

4.1 Uniform Code of Conduct

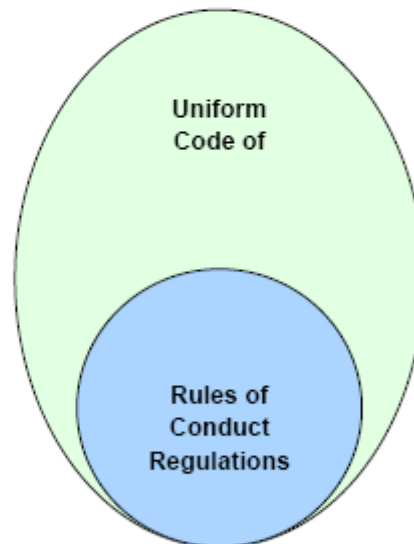
Under section 5.103 of the *Local Government Act 1995*, a local government is required to prepare or adopt a code of conduct to be observed by elected members, committee members and employees.

A majority of respondents to the review of the Standards Panel supported the need for a uniform code of conduct for elected members across Western Australian local governments.

It is proposed that a uniform code of conduct for elected members be developed in consultation with stakeholders that will encompass the Rules of Conduct (as outlined in figure 3). It is anticipated that a uniform code of conduct would also reflect the existing general principles to guide the behaviour of elected members included in the Rules of Conduct Regulations.

It should be noted that a uniform code of conduct will guide the behaviour of elected members, and is not intended to replace existing local government codes of conduct which guide the behaviour of local government employees (as required by section 5.103 of the *Local Government Act 1995*).

Fig. 3: Accountability Framework²



The introduction of a mandatory uniform code of conduct for elected members would support a holistic approach to managing the risk of misconduct in the local government sector.

² Note: While the existing Rules of Conduct are intended for inclusion within the uniform code of conduct for elected members, it is anticipated that these will be included as a separate attachment to the new uniform code of conduct. This should provide clarity for local government complaints officers as to whether the allegation is a Rules of Conduct matter to be referred to the Standards Panel, or any other low-level code of conduct matter, to be addressed at the local level.

4.2 Local Resolution of Complaints

Provisions in the *Local Government Act 1995* require the local government complaints officer to forward all complaints of a breach of the Rules of Conduct to the Standards Panel. In order to empower local governments to better manage the risk of misconduct, there needs to be a streamlined way of dealing with low-level misconduct complaints at the local government level.

The introduction of a uniform code of conduct for elected members is intended to provide clearer guidance for elected member behaviour. Clear behavioural and conduct guidelines for elected members will enable a range of measures to be introduced which will allow allegations of low-level misconduct to be handled at the local level.

With the exception of Western Australia and the Northern Territory, all Australian jurisdictions have mechanisms in place to attempt to deal with allegations of low-level misconduct at the local level, before a higher authority becomes involved.

4.2.1 Referral to Mayor or President

In light of the leadership role that local government Mayors and Presidents play in the pursuit and demonstration of good governance, the Standards Panel Review Committee recommended that they should be empowered to manage allegations of low-level misconduct. This change would empower the Mayor or President to assess, and take action as appropriate, any allegation of a breach of the uniform code of conduct (other than a rule of conduct) by an elected member.

A range of actions would be made available to the Mayor or President in addressing the complaint, and could include:

- dismissal of the complaint;
- mediation;
- an order to undertake mentoring;
- an order to undertake training; or
- referral to a Peer Review Panel.

While the Mayor or President may decide the allegation or complaint could be resolved via mediation, it should be noted that mediation is a voluntary process, undertaken by the agreement of the two affected parties. If agreement cannot be reached between the two parties within a defined period of time, the Mayor or President may choose to refer the matter to the Peer Review Panel.

Where an allegation is against the Mayor or President, the Deputy Mayor or Deputy President will assess the complaint unless they are the complainants. In this instance, the matter will be dealt with by another elected member appointed by the council.

Figure 4 (Section 4.2.3) outlines the process for complaints to be addressed at the local level.

4.2.2 Peer Review Panels

In addition to low-level misconduct complaints being addressed at the local level by the Mayor or President, a new system of Peer Review Panels is proposed. A Peer Review Panel could be formed on an as needs basis, if the complainant and/or respondent is not satisfied with the outcome of the process undertaken by the Mayor or President and seeks a review.

The three-member Peer Review Panel would be drawn from an approved pool of eminent persons with experience in local government. It is suggested that the process for forming a pool of eligible panel members is via nomination and Ministerial appointment.

The three-member panel would be drawn from the state-wide pool and would be activated by individual local governments, as required, whenever an application is made to that local government to deal with a misconduct matter.

To ensure the timeliness of Peer Review Panel decisions, and taking into account the geographic diversity of Western Australia, it is anticipated that a Peer Review Panel would meet via teleconference in most instances. Sitting fees for a Peer Review Panel will be met by the local government.

A Peer Review Panel will have the ability to hear allegations of low-level misconduct where the complainant or respondent is not satisfied with the outcome of the Mayor or President's decision on the matter. The range of actions available to the Peer Review Panel in addressing the complaint reflects the powers of the Mayor or President and may include:

- dismissal of the complaint;
- an order to undertake mentoring; or
- an order to undertake training.

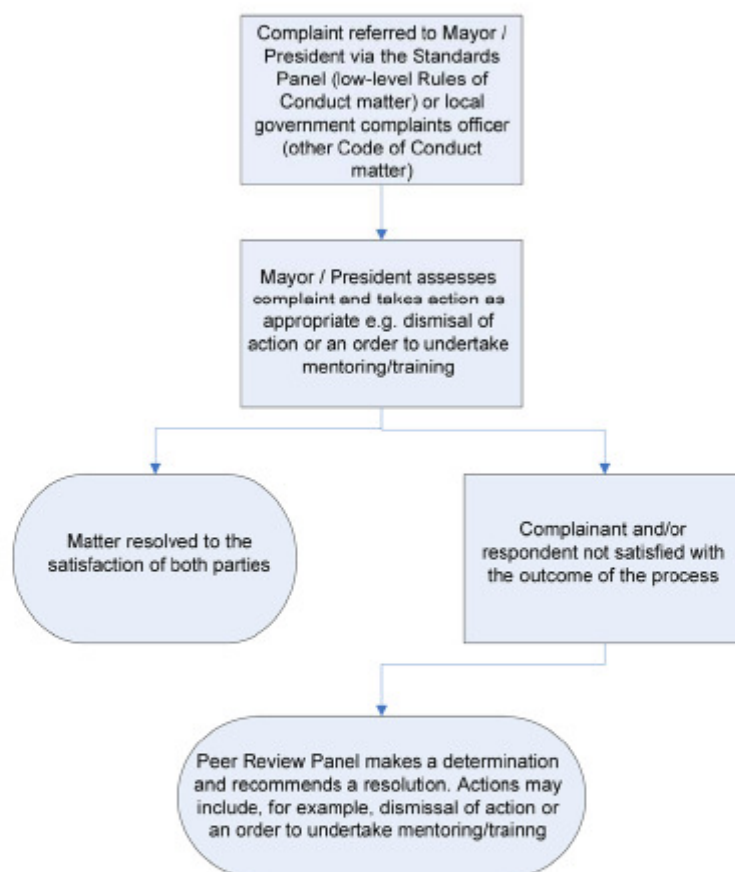
There is no right of review for a Peer Review Panel decision. It is proposed to create a new Rule of Conduct that deals with a failure to comply with a directive from the Peer Review Panel. A failure to comply with a direction would be referred to the Standards Panel as a Minor Breach allegation and, if substantiated, would result in a finding of breach by the Standards Panel which may in turn result in the imposition of a formal sanction. The Standards Panel would not consider the substance of the original matter dealt with by the Peer Review Panel, only whether the Peer Review Panel's direction had been complied with.

Figure 4 (Section 4.2.3) outlines the process for complaints to be addressed at the local level.

4.2.3 Mayor or President / Peer Review Panel Referral Processes

Figure 4 outlines the proposed process by which code of conduct complaints will be dealt with by the Mayor or President / Peer Review Panel, at the local level.

Fig. 4: Proposed Process for Consideration of Code of Conduct Complaints by Mayor or President / Peer Review Panels



Guidelines will be developed to assist local government Mayors and Presidents, and Peer Review Panel members, to ensure consistency, effectiveness, transparency, timeliness and accountability in the complaints process.

It is proposed that training and support will be made available to Mayors and Presidents to assist them in dealing with complaints and settling disputes.

4.3 Standards Panel Resolution of Complaints

The *Local Government Act 1995* outlines that all complaints of a minor breach under the Rules of Conduct regulations must be referred from the local government complaints officer to the Standards Panel. The Standards Panel is required to deal with each complaint referred to it by a complaints officer that falls within its jurisdiction. However, many complaints referred to the Standards Panel are of a very low level of seriousness and would be more appropriately dealt with by the relevant local government.

As part of the changes to establish a more pro-active complaints management culture, and increase the efficiency with which the Standards Panel handles complaints, the following changes are proposed:

4.3.1 Standards Panel Referral Processes

In order to streamline the complaints process, it is proposed that the Standards Panel be empowered, through an amendment to the *Local Government Act 1995*, to refer an allegation of a low-level breach of the Rules of Conduct to the relevant Mayor or President, as outlined in Figure 2 above. This will enable complaints of that kind to be dealt with without being subjected to the more formal processes of assessment undertaken by the Standards Panel.

Guidelines will be developed to assist complainants to determine if an allegation should be considered low-level and, therefore, referred to a Mayor or President of a local government for decision.

Complaints directed by the local government complaints officer to the Standards Panel are proposed to be handled in a similar fashion to the current Standards Panel process (described in Figure 1). During Standards Panel pre-hearing procedures, allegations of a low-level breach of the Rules of Conduct will be identified. Ultimately, the Standards Panel will decide if it wishes to address the complaint, or whether the matter would be better addressed at the local level by the Mayor or President.

4.4 Handling Vexatious Complaints

Responsible complaints bodies are expected to make every effort to respond with respect and courtesy to complaints, and to uphold the principle of procedural fairness. However, responses to the Standards Panel Review Committee recognised that people make vexatious complaints for reasons other than a genuine pursuit of resolution. Moreover, in some circumstances, a person may become a habitual complainant repeatedly lodging complaints which lack substance. Habitual complainants and vexatious complaints may unnecessarily monopolise Departmental resources and Standards Panel members' time.

To achieve efficiencies in the dispute resolution system, it is critical that the Standards Panel has the power not to deal with vexatious or frivolous complaints. It is therefore proposed that amendments are made to the

Local Government Act 1995 to allow the Standards Panel to dismiss any complaint defined as vexatious or frivolous.

The ability for the State Administrative Tribunal to review a Standards Panel decision not to deal with a complaint on the above grounds is considered unnecessary.

In addition to new powers for the Standards Panel in addressing vexatious or frivolous complaints, it is proposed that similar powers are given to the Mayor or President in addressing allegations of low-level misconduct. A decision by the Mayor or President that an allegation is vexatious or frivolous cannot be referred to a Peer Review Panel.

Clear guidelines and criteria will be developed for the Standards Panel, Mayors and Presidents to assist in making decisions as to whether an allegation can be treated as vexatious or frivolous.

5. CONCLUSION

The Local Government Standards Panel Review Report identified that there is an opportunity to implement a process for resolving low-level misconduct matters more effectively. Specifically, data contained in the report highlighted that:

- the number of complaints submitted to the Panel has grown steadily since its commencement and the cost of dealing with those complaints has also grown;
- the total number of complaints made were attributable to approximately one quarter of all local governments;
- most allegations made to the Panel resulted in findings of no breach;
- the period of time, in many instances, between receiving an allegation and making a determination was unacceptably lengthy; and
- under current legislation, the Standards Panel is required to deal with every allegation made.

The proposed changes to the current disciplinary framework are intended to:

- empower local governments to better manage the risk of misconduct;
- establish a more pro-active complaints management culture; and
- streamline and simplify the process of dealing with complaints that allege low-level misconduct or that are trivial or vexatious.

This is expected to lead to significant improvements in the timeliness and responsiveness of decision-makers in addressing complaints against elected members. In turn, this is expected to lead to wider benefits in the form of improved governance for a strong and sustainable local government sector.

5.2 Building Act 2011 (05-015-02-0005 VJ)

Vanessa Jackson, Policy Manager, Planning Reform and Improvement

Moved: President Cr W Barrett

Seconded: Cr L Short

That WALGA writes to the Minister for Commerce:

- 1. Expressing dissatisfaction with the implementation process of the Building Act 2011, particularly the failure to deliver a clear communication, engagement and training strategy for the transition to the new building approvals system, not only for Local Government but for the building industry and the general public; and**
- 2. Seeking the Minister's commitment to improving the communication, engagement and training strategies in the immediate future.**

RESOLUTION 56.3/2012

CARRIED UNANIMOUSLY

In Brief

- The new Building Act 2011 came into effect on 2 April 2012.
- The Local Government sector has expressed significant concerns about the entire implementation process of this new legislation, particularly the information and communication provided by the Building Commission, which has not assisted in a smooth implementation of the Building Act.

Attachment

Attachment 1 – Letter to the Building Commission on changes to the regulations.

Relevance to Strategic / Business Plan

- Providing strong representation for Local Government
- Providing effective leadership for Local Government
- Enhancing the capacity of Local Government to deliver services

Policy Implications

In February 2011, State Council considered a report on the Building Legislation Reform, and resolved that: -

- 1. A detailed submission outlining Local Government's main areas of concern highlighted in this report be developed for final approval by the WALGA President and submitted to the Minister for Finance; Commerce and Small Business and the Building Commission on the Building Bill 2010;*
- 2. The Minister be advised that Local Government is supportive of the modernization of the building legislation in WA and will work with the Government to achieve this;*
- 3. WALGA requests the Minister postpone further debate on the Building Bill 2010 in Parliament, to enable the matters identified by Local Government and other stakeholders to be addressed in the Bill and through the preparation of associated regulations; and*
- 4. WALGA requests the Building Commission work in partnership with the sector, in the refinement of the Bill and development of the regulations in the preparation of an implementation strategy for the transition to the new building approvals system.*

RESOLUTION 16.1/2011

Budgetary Implications

Nil

Background

- The building legislation has been subject to many drafts over the last 10 years. In October 2010 the Building Commission notified WALGA that the building reform legislation had been completed and submitted to Cabinet for approval to introduce into Parliament prior to the Christmas 2010 recess.
- Following advocacy by WALGA and the Local Government sector, the then Minister Bill Marmion agreed to delay the passage of the Building Bill 2010 until the autumn session of Parliament in 2011. Additional consultation was undertaken by the Building Commission with the Local Government sector before the Building Bill was read into Parliament in April 2011.
- The Building Bill 2011 was given Royal Assent on the 11 July 2011, with regulations to be prepared and enacted on the 31 October 2011. Both WALGA and industry stakeholders requested that the commencement date be extended to 1 January 2012, which was later extended to 2 April 2012 as the regulations has not been developed.

Comment

In a media statement of 4 October 2011, the Minister for Commerce advised that the delay in the implementation date was because *“the building industry and Local Government would benefit from additional preparation time, and be better placed to assist their customers because of it”*.

The media statement failed to outline that the main delay in the delivery of the Building Bill has been in the finalization of the Building Regulations, which have been prepared by the Building Commission. The regulations outline the processing requirements for Local Government, application forms and guidance manuals would explain the various processing requirements. Without this level of detail, it was impossible for the Local Government sector to implement any changes to the current building application process, or advise its customers on the proposed changes.

The first draft of the regulations circulated for stakeholders comment were received on 8 December 2011, with the final regulations promised by the Building Commission to be finalised at the end of January. The final draft version of the regulations was only released on the 1 March 2012 and included a major change to the application process for uncertified applications.

Previous drafts of the regulations for uncertified applications placed the onus of responsibility on the applicant to ensure the relevant information and approvals were obtained prior to lodging a building permit application, so that the new 25 day period could be achieved. Removing this requirement was a significant change to the processing of uncertified applications, which was made without consultation with the Local Government sector. A letter was sent to the Building Commission outlining these concerns (Attachment 1), however a formal response has not been received at the time of writing this report.

An important communication tool for the delivery of the Building Act by the Building Commission was through the establishment of the Building Act Stakeholder Reference Group, of which WALGA is a member. In the last six months the Stakeholder Reference Group has had limited involvement in the finalization of the new building process. The last few meetings were all about what the Building Commission was intending to do, rather than actively engaging with the stakeholders to review the processes, documents and information to accompany the Building Act. When feedback was requested, it was generally required within a week of receiving the documents, thereby, not allowing effective engagement with the various stakeholders' members. The last meeting was held on 29 November 2011, where a brief outline of the implementation process was provided.

The delivery of the regulations, training and procedure manuals has been extremely haphazard; with the following examples provided: -

- Comments were provided by WALGA in relation to the draft regulations early in January. The Commission did not engage any further with the Stakeholders Reference Group on the comments received or any further revisions to the regulations; the final version of the Regulations were just uploaded on its website on 1 March 2012;
- Formal training manuals were going to be developed for use by the Stakeholder reference groups members to train its members as part of the formal communication of the new regulations. The guidance manuals that have been provided outline the provisions and outline the process, but are not manuals that could be utilized for training purposes.
- 'Training sessions' were promised to be undertaken for Local Government and industry; the sessions that were conducted in the middle of March were only information sessions rather than formalized training. At these sessions, when Local Government members queried the use of specific clauses or interpretation of the process that was required, reference was made to clauses in the regulations or the guidance manuals, but no additional clarity was provided around the questions posed;
- The prescribed forms were still being edited one week before the implementation date and were not available in a format that a Local Government could download into its information technology and records systems. Officers at the Building Commission have also advised that in the first few month of the new Act's operation, the forms may be revised based on feedback and use of the forms by the industry, thereby requiring more administrative work for a Local Government to ensure the most recent versions are used.
- The guidance manuals on the Building Commission website are still labeled 'draft' (at the time of writing this report), therefore, it is uncertain whether changes to the manuals will be undertaken which could potentially require more changes to the processing of applications by Local Government; and
- The new regulations and guidance manuals do not provide clarity on a number of issues relating to the processing of building applications. For example, there is no information on the process for considering amended plans prior to the issue of a building permit. If a Local Government has not asked for 'additional information', it is silent on how to consider an amended plan that is lodged by the applicant. The lack of clear guidance on amended plans will result in a variety of processing interpretations by Local Government contrary to the State Government's aim of providing consistency in this process. Another challenge is the specific clauses relating to 'work affecting other land'. There are considerable hurdles that builders and Local Governments will have to deal with in respect to lodging applications for building permits and the issuing of permits. The Commissions' guide on 'work affecting other land' provides no guidance, in fact the Commission is silent on setting the parameters for defining such work, therefore, as it is open to interpretation many builders, Local Governments and other industry personnel are confused about the process. These two examples alone show how it is difficult to provide effective customer service and deliver the new provisions in an efficient manner.

WALGA has supported the modernization of the Building Approvals system in WA, providing that the Local Government sector was fully involved in the preparation of the regulations and development of the guidance manuals. Feedback from the sector has indicated that the implementation process for the Building Act has been extremely flawed, as the lack of an implementation strategy has resulted in confusion on the requirements in processing building permits, for both the building industry and Local Government.

Now that the Act is operational, WALGA has invited Housing Industry Association (HIA), Master Builders' Association (MBA) and the Australian Institute of Building Surveyors (AIBS) to attend monthly meetings to discuss the feedback it will be receiving from its members. The meetings will aim to provide formal consolidated feedback to the Building Commission on the Building Act, Regulations and associated guidance manuals, with suggestions for improvement.

It is however recommended that WALGA writes to the Minister for Commerce outlining its dissatisfaction with the implementation of the Building Act, through the lack of a clear communication, engagement, and training strategy for the transition to the new building approvals system.

ATTACHMENT – Item 5.2

7 March 2012

Our Ref:05-015-02-0005 VJ/RB

Mr Peter Gow
Executive Director
Building Commission
Locked Bag 12
WEST PERTH WA 6872

Dear Peter,

CHANGES TO THE PROPOSED BUILDING REGULATIONS – DRAFT 7

I refer to the recently released Draft 7 of the Building Regulations, specifically the processing of uncertified applications in Part 3(16)(3)(b).

Officers at the Building Commission have advised that uncertified applications lodged with a Local Government will no longer require all other approvals to have been obtained, prior to applying for a building permit. Therefore, there will be no change to the current system, other than the amount of time a Local Government has to process the application ie 25 days instead of the current 35 days.

Previous drafts of the regulations for uncertified applications placed the onus of responsibility on the applicant to ensure that all relevant information and approvals were obtained prior to lodging a building permit application, so that the 25 day period could be achieved. Removing this requirement is a significant change to the processing of uncertified applications and has been made without consultation with the local government sector.

Commission staff are quoted as stating that the Commission will still be strongly encouraging applicants to get all other approvals prior to the lodgement of an application, to ensure it can be dealt with in the new time frame.

The question must then be asked, if the Commission recognises that the lack of supporting information / approvals will affect the processing of an application why have the Regulations (Draft 7) been changed to allow the submission of an incomplete application?

Whilst the Association accepts that the Act gives local governments a choice about *how* to process uncertified applications, this seems incongruous with the State Governments stated objectives of timely approvals and *consistency* across local governments.

The local government sector considers Building Permit applications should be the last item submitted to the relevant local government for approval to enable state wide consistency for the proponent. It is only through compliance with all other written laws, prior to submission of an uncertified application, that such consistency and streamlining can be achieved.

WALGA is of the view that this late change to the Regulations will either result in local governments adopting individual administrative requirements and processes to ensure that all of the relevant information is provided by the applicant upon lodgement, or automatically using the section of the Regulations that enables further information to be sought within an additional 21 days approval time.

It is recommended that if the change to the processing of uncertified applications is to be gazetted on the 2 April 2012, the timeframe for processing such applications is amended from the 25 days specified in the draft regulations, to 35 days per the existing process.

Your early response to this matter would be appreciated. Should you require further information please do not hesitate to contact Ms Vanessa Jackson, Manager Planning Reform and Improvement on 9213 2064 or vjackson@walga.asn.au

Yours sincerely

Allison Hailes
Executive Manager, Planning and Community Development

5.3 Government Sewerage Policy – Consultation Draft (05-026-03-0014 CP)

By Caroline Perks, Environment Policy Officer

Moved: Cr J Brown
Seconded: Mayor D Ennis

That the interim submission on the Government Sewerage Policy – Consultation Draft be endorsed.

RESOLUTION 57.3/2012

CARRIED UNANIMOUSLY

In Brief

- *The Government Sewerage Policy (Consultation draft) was released for public comment until 1 April 2012.*
- *An interim submission has been prepared for State Council endorsement.*
- *The purpose of the policy is to protect public health and the environment by promoting the provision of reticulated sewerage to all new developments and subdivision in Western Australia.*
- *Where reticulated sewerage cannot be provided, the requirements for on-site sewerage disposal within this policy will ensure that developments and subdivisions are managed appropriately, having regard to matters of public health, environment, public and private drinking water supplies, and the efficient use of public funds.*
- *The Association is concerned that the DoH led 'Government Sewerage Policy Review Committee' seeks the endorsement of the Policy from the Minister for Local Government, yet the Department of Local Government was not part of the Committee, nor has there been any representation to include WALGA (in representing the views of Local Government).*

Attachment

Interim submission on the Government Sewerage Policy – Consultation Draft

Relevance to Strategic / Business Plan

- Providing strong representation for Local Government
- Providing effective leadership for Local Government
- Building a positive profile for Local Government
- Enhancing the capacity of Local Government to deliver services

Policy Implications

Nil.

Budgetary Implications

Nil.

Background

It has been identified that the existing Government sewerage policies (Government Sewerage Policy – Perth Metropolitan Region, established in 1981, and draft Country Sewerage Policy, introduced in 2002) should be reviewed in light of the ages of the policies, the ongoing draft status of the Country Sewerage Policy, and changes in wastewater technologies in Western Australia.

The Department of Health (DoH) approved the release of the Government Sewerage Policy – Consultation Draft for public comment. The aim of the Consultation draft was in order to adopt best management practices for unsewered developments and subdivisions in Western Australia.

To achieve a consistent approach, the existing sewerage policies have been updated and merged into one document, thereby condensing the requirements for metropolitan and regional developments and subdivisions into one State-wide policy.

The draft policy recognises that connection to reticulated sewerage is not always available to many developments and subdivisions. To achieve long-term, safe and sustainable on-site sewerage disposal, unsewered developments and subdivisions must be able to demonstrate the requirements outlined in this policy.

Submissions closed on 1 April 2012.

Comment

WALGA prepared an interim submission to meet the public comment period deadline. Generally, the comments relate to definitions that were used within the Consultation Draft as well as specific comments about the process for approval of the policy.

It would have been beneficial for a Discussion Paper to have accompanied the draft policy, to outline the main changes proposed by the new policy position. It would have also assisted in focusing the comments being provided by various organisations.

An interim submission has therefore been prepared to meet the public comment period deadline and is attached to this report.

ATTACHMENT – Item 5.3

Comments Template

Government Sewerage Policy – Consultation Draft (December 2011)

Submission details

Please fill in your details in the table below. Your submission may not be accepted if there are missing or incomplete details.

Name	Caroline Perks
Agency / Company	Western Australian Local Government Association
Division / Branch (if applicable)	Environment and Waste
Position title	Environment Policy Officer
Address / Postal Address	15 Altona St, West Perth
Contact phone number	9321 5055
Date of submission	30/03/2012

Comments

Please provide your comments in the table below. For consistency and ease of understanding, comments should follow the format of the example provided in the table. Add more rows to the table as required.

Page No.	Section	Sub-section (if applicable)	Comment
Example			
21	9. Unsewered development and subdivision	9.2 Non-residential development or subdivision	Please state your comment in relation to a specific section and sub-section (where possible)
3	Introduction	Agency Involvement Endorsement	The Association is concerned that the DOH led 'Government Sewerage Policy Review Committee' seeks the endorsement of the Policy from the Minister for Local Government, yet the Department of Local Government was not part of the Committee, nor has there been any representation to include WALGA (in representing the views of Local Government). Is the Department actually asking the Minister for Local Government to sign off a on a Policy in which there has been no Departmental or sector representation? This does not appear to represent good public policy development.

3	Minimum lot sizes for unsewered developments and subdivisions	2 nd paragraph	The paper indicates that the WA studies recommend minimum lot sizes between 850m ² to 1200 m ² , and DoH considers 1000m ² is the appropriate minimum lot size for unsewered developments/subdivisions. The technical rationale for choosing 1000m ² is not clear other than the superficial comments provided in this document and given that the studies were conducted in 1987, it is interesting that this policy review does not clearly explain why the 1000m ² will still be the minimum.
8	Role and Responsibilities	Table 1 Role and Responsibilities.... WAPC	Suggest that the order of the agencies is changed, with the WAPC placed before the Department of Planning. The WAPC is responsible for the approval of all subdivision and rezoning applications and is the statutory authority. DoP should be after as they are the agency to assist. The current format implies that DoP has a greater level of responsibility than the WAPC.
8	Role and Responsibilities	Table 1 Role and Responsibilities... .Local government authorities	The second dot point indicates that Local Government consults with referral agencies on development applications and <i>planning scheme amendments</i> . The WAPC is responsible under the Planning and Development Act for the approval of advertising of all planning scheme amendments, therefore this item should be included in the WAPC roles and responsibilities as follows: <ul style="list-style-type: none"> • Recommends to the Minister for Planning on planning scheme amendments.
8	Role and Responsibilities	Table 1 Role and Responsibilities... Local government authorities	All references should be 'Local Government' not 'Local Government Authorities'
9	Role and Responsibilities	Other agencies and Stakeholders	Suggest the inclusion of the word 'rezoning' as follows: Other agencies and stakeholders may be involved in the rezoning , development and subdivision application process.....with an opportunity to comment on an application for a proposed rezoning , development or subdivision.
10	Definitions	Aged or dependent person' dwelling development.	Recommend that the title remove the word 'development' as it is superfluous. Suggest the first line be amended to read: - "A dwelling that accommodates the special needs of...."

10	Definitions	Development	Remove the word 'development; from the third dot point for it reads: "Aged and dependent person's dwelling"
10	Definitions	Formal Planning Approval	Remove the word 'Formal' from the title as it is not terminology that is used, all Planning Approvals are formal approvals, so its reiterative.
11	Definitions	House	This definition needs a full review as both the terminology 'Dwelling' and 'house' is used within this document and it is confusing having the two terms. Although the definition of 'house' is from the Health Act, it is a very strange definition with old fashioned terminology of 'victualler' used. Given that the Health Act is under review and soon to be released for public comment, this terminology should be reviewed.
11	Definitions	House	Change the word 'flat' to 'apartment' as it is more contemporary terminology.
12	Definitions	Referral Agencies	Change 'Local Government Authorities' to 'Local Government'
12	Definitions	Residential development or subdivision.	This definition is poorly worded. Suggest the following words: <i>Development or subdivision which creates a permanent single dwelling.....</i>
13	Definitions	Small infill development and subdivision	The following wording "Development and subdivision that complete rather than extend an existing pattern...." The use of the word complete is unusual, suggest the following words: "Development and/or subdivision that consolidates existing land rather than extend an existing pattern...."
13	Definitions	Small infill development and subdivision	The last sentence 'Lot sizes and land use are consistent with the existing pattern of development or subdivision' is not correct. A significant portion of infill development is to create lot sizes that aren't consistent with the surrounding lots. Suggest that this sentence be deleted
13, 14	Definitions	Statutory Authority	Last sentence is not 100% correct, suggest the following wording: <i>'For development, local government is predominately the statutory authority, however, development applications can be considered by the WA Planning Commission, Metropolitan Redevelopment Authority or a Development Assessment Panel (DAP).</i>
14	Definitions	Supplementary accommodation	This terminology has not been formally endorsed as it is part of the Residential Design Codes review, therefore, this term may or may not be used in the final gazetted version. Support that the minimum floor space requirement has been removed.
14	Definitions	Unacceptable impact	Only an impact on the surfacewater ? – Suggest 'Any impact altering the ground or surface water quality so that ecological processes and

			environmental values of surface or groundwater systems are changed or likely to change’.
16	Reticulated Sewerage requirements	6.5	Include the word ‘reticulated’ before sewerage
16	Reticulated Sewerage requirements	6.6	Include the word ‘reticulated’ before sewerage
19	Table 3 Minimum requirements for all on-site sewerage disposal systems	Flooding	The new policy changes the inundation level from a 1:10 year event to a 1:20 year event. The main concern raised is the level of consultation with the Local Governments and land owners impacted by this change as a significant number of landowners would now be unable to develop their site with an on-site option. Is there a rationale for this change?
22	Aged or dependent person’ dwelling development	Heading and section ii	Suggest the removal of the word development in the title, as the dwelling is already a development. Request the removal of the word ‘authority’ after ‘Local Government’.
23	Small infill development or subdivisions	i	Suggest the following change: i. The proposal consolidates existing land rather than extend an existing pattern....
24	Policy implementation	10.1	Reword the sentence 10.1 For all applications for reticulated sewerage or on-site sewerage arrangements for development, subdivision and rezoning;
24	Policy implementation	10.1.2	Provision states that local government must apply the policy in order to receive approval from itself, or other statutory authorities as suggested in the definition comment. Suggest that the section be reworded as follows: - <i>All statutory authorities in Western Australia shall apply the relevant provisions of this policy.</i>
24	Policy implementation	10.1.4	Remove the word ‘formal’ as explained in the definitions comment above.
30	Table 6	footnote	The use of the * in the last row is confusing as there are two asterisk’s on the same page.
30, 31, 32	Table 6	Notes	The formatting of the ‘Notes’ section is confusing as it has notes, footnotes and references over three pages which does not add to the readability of the document.

Additional comments, suggestions and feedback

Please add any additional comments, suggestions or feedback you have about the revised draft Government Sewerage Policy.

A Discussion paper would have been beneficial to outline the main changes to the policy. It would have assisted in the consideration of this new sewerage policy by advising of the rationale for several major changes and assisted in focussing the comments being provided by various organisations.

Returning your comments

Return this completed form to either:

- Email: GSP@health.wa.gov.au
- Post: Manager, Water Unit
Environmental Health Directorate
PO Box 8172
PERTH BUSINESS CENTRE WA 6849

Thank you for your submission.

Office use only

Submission number	
Date received	
Officer details	

5.4 Sharing the Rivers – Swan Canning Riverpark Aquatic use Review and Management Framework (05-064-03-0032 CP)

By Caroline Perks, Environment Policy Officer

Moved: President Cr W Barrett

Seconded: Cr J Brown

That the interim submission on the Sharing the Rivers – Swan Canning Riverpark Aquatic Use Review and Management Framework be endorsed.

RESOLUTION 58.3/2012

CARRIED UNANIMOUSLY

In Brief

- *A draft Swan Canning Riverpark Aquatic Use Review and Management Framework (draft Framework) was released by the Swan River Trust for public comment until 29 February 2012.*
- *An interim submission has been prepared for State Council endorsement.*
- *With the increase of Perth's population, it is predicted that the volume and variety of uses within the Riverpark will continue to grow. Due to this, the Swan River Trust (the Trust) and the Department of Transport (DoT) have embarked on a systematic review of the aquatic use and management within the Riverpark.*

Attachment

Interim submission on the Sharing the River - Swan Canning Riverpark Aquatic Use Review and Management Framework

Relevance to Strategic / Business Plan

- Providing strong representation for Local Government
- Providing effective leadership for Local Government
- Building a positive profile for Local Government
- Enhancing the capacity of Local Government to deliver services

Policy Implications

Nil.

Budgetary Implications

Nil.

Background

The Swan River Trust and the Department of Transport approved the release of the Draft Aquatic Use Review and Management Framework for public comment. The aim of the draft Framework was to ensure the safe, equitable, sustainable use of the waterways with minimal conflicts into the future.

The key components of the draft Framework include:

- Speed limits, ,
- Water Ski Areas,
- Aquatic Event Area,
- Personal Water Craft (PWC),
- Closed Waters - Motorised Vessels (Boating Prohibited)
- General uses, including increased areas with speed limits, enhancement of navigational aids, prohibition of floating objects (crab nets), raised awareness of Aboriginal culture in relation to the Riverpark, review of yacht turning marks and encouraged mixed use for all users, with exceptions.

Submissions closed on 29 February 2012.

Comment

During the consultation period for the revised policy, WALGA sought comment from the Local Government sector to inform the preparation of a representative submission. Written comment was received from the City of Melville and the City of South Perth.

The comments received assisted in the preparation of an interim Association Submission to meet the public comment period deadline. Generally the comments received supported the intent of the draft Framework to improve safety, equity of access and future conflict of uses. The draft Framework focuses mainly on the use and function of the river but fails to mention any of the impacts that could occur upon the land adjacent to the river as a consequence of these changes.

The majority of comments are in relation to the environmental impact on the riverbank's flora and fauna. Some concern is expressed that changes in traffic flow around new access points and the proposed speed limits may have a negative impact. It is also suggested that by conducting ongoing ecological and environmental impact assessments on the riverbank, these impacts may be measured and reassessed after a period of time to determine the level of impact.

There were also some concerns regarding increased infrastructure on the riverbank. The draft Framework highlights areas that may experience an increase in traffic but doesn't elaborate on what new infrastructure may be required or how this infrastructure should be designed, planned and funded.

Given the importance of reducing all of the negative impacts on the riverbank, this submission, makes a number of recommendations and highlights areas within the draft Framework that require further consideration by the Swan River Trust and the Department of Transport.

ATTACHMENT – Item 5.4

WALGA Submission for the Sharing the Rivers – Swan Canning Riverpark Aquatic Use Review and Management Framework

Introduction

The Western Australian Local Government Association ('The Association') is the united voice of Local Government in Western Australia. The Association is an independent, membership-based group representing and supporting the work and interests of all 139 Local Governments in Western Australia, plus the Christmas Island and Cocos (Keeling) Island Councils.

The Association provides an essential voice for almost 1,400 elected members and over 12,000 employees of the Local Governments in Western Australia. The Association also provides professional advice and offers services that deliver financial benefits to Local Governments and the communities they serve.

Areas of concern within the Framework

1. General issues within the Framework
2. Ecological or Environmental Impact - Assessment
3. Continue funding support for foreshore restoration and protection
4. Stringent monitoring and enforcement
5. Lack of specific information for foreshore planning
6. Funding support to improve facilities
7. Full impact of closing areas
8. Management measures, such as limiting numbers through a timed system
9. Adequate signage and water markers to be implemented
10. Remove the transit channel upriver of Canning Bridge (West of Como)
11. Maximum Speed Allowance
12. 60 metre offshore limit applied uniformly
13. Further assessment of skiing take off area in Aquinas Bay
14. Opening other areas such as dams to compensate for the loss of ski activities
15. Special Events
16. Appendices

1. General issues within the Framework

- *The Department of Planning and Infrastructure Nautical Charts* are named at the top of each of the maps. This may cause confusion as there is no longer a Department with that title and the nautical charts are now within the Department of Transport's (The Department's) portfolio.
- In addition, the Executive Summary document within *Key Components* section, the last bullet point of this section states that the 'encourage mixed use for all users except in the following specific components;' however no specific items are listed.

2. Ecological or Environmental Impact Assessment

The Framework fails to highlight what the environmental impacts upon land adjacent the river will be as a consequence of any proposed changes made to traffic around new access points. The Association would suggest, if it has not already been done, conducting an Ecological or Environmental Impact Assessment on all areas of foreshore that may be impacted by the Framework, as it would highlight the existing environment values and whether they align with the proposed Framework.

The Association would also suggest that a periodical review of the environmental conditions of the foreshore be conducted, to ensure that the proposed infrastructure outcomes from the Framework don't impact negatively on the shoreline and the surrounding environment.

Within the Framework there only seems to be one mention of protection and maintaining the environment on the foreshore, which is at the Belmont Ski Area. The Framework states, “The Trust and Transport to jointly apply for funding for remedial foreshore protection works, while reviewing use in the medium term to further address safety and environmental impacts through the Operational Working Group.”

There is no mention of how the potential environmental impact will be assessed within Appendix 4, as it states that Clubs and Marinas may have “new ways of sharing/improving aquatic club facilities may be supported where there is a demonstrated public benefit and no detrimental environmental impact.” By completing an Environmental Impact Assessment on all areas of the foreshore that may be impacted by the proposed framework, there will be more information to assess the need for more funding for remedial foreshore protection works and to determine the possibility of detrimental environmental impacts occurring with the development of new foreshore facilities.

3. Continuing funding support for foreshore restoration and protection

The Swan River Trust and the Department should continue providing funding opportunities similar to the Riverbank Proactive Funding to areas that will require remedial foreshore protection works in response to the proposed changes in the Framework.

4. Stringent monitoring and enforcement

The Framework should specify how the restrictions included in the document will be enforced. This should include clearly defining the role and responsibilities of the Department, Police, Local Governments, the Swan River Trust and any other relevant organisations in managing the Framework. In areas such as Deepwater Point decreasing the take-off area has environmental benefits such as reduced wave action and sediment disturbance along riverbanks. There are some concerns that the objective will not be achieved unless there is stringent monitoring and enforcement of the proposed changes.

5. Lack of specific information for foreshore planning

The Framework fails to highlight the potential increase in intensity of existing, or new access points. There are no proposals included within the Framework for new development on or adjacent to the waterway for features such as boat ramps, refuelling facilities, footpaths, car parks, beach access, picnic and other informal recreational activities. As such the Framework raises no immediate land use planning issues and for this reason it is difficult to determine how the Framework will impact upon Local Government bordering the waterway.

This is an important element to highlight as it will directly affect the management of these areas by Local Government. This is highlighted within Appendix 4 of the Framework that offers “support for the construction of additional jetty structures where appropriate.” Such development would require liaison with adjacent Local Government and on this basis, a clearer definition of where additional jetties would be appropriate would be helpful.

6. Funding support to improve facilities

The Swan River Trust and the Department should also consider providing funding opportunities to areas that will require increased foreshore infrastructure in response to the changes proposed within the Framework.

One specific example where funding could improve facilities is in the Waylen Bay ski area. Water ski users from upriver will also likely be pushed into the Waylen Bay ski area, which is proposed to be made larger to allow for increased use. However this area has insufficient community facilities to cater for the proposed increased use. Currently Waylen Bay has no boat ramp or formal parking facilities, with the exception of street parking which is impractical for cars with trailers.

Funding should be provided to improve facilities at Waylen Bay so it can function as an alternative ski location. The creation of improved facilities would also have environmental benefits by funnelling users into one location, and minimising potential erosion risks that may occur along the foreshore if use was not managed.

7. Full impact of closing areas

The Framework does not explain the full impact of closing the Chidley Point Water Ski Area. It is unclear how many people currently use the area and what its impact upon other Water Ski Areas will be, particularly the impact upon the associated land based facilities such as car parking and access areas.

8. Management measures, such as limiting numbers through a timed system

Within the Framework's Appendix 3.C it states that "Future management measures may be considered in future reviews as use increases; for example limits on numbers through a timed system." This management measure should be seriously considered currently for ski areas, prior to any additional reviews.

One specific example of how this management measure could be utilised prior to additional reviews is that increased pressure will be placed on Deepwater Point ski area from the previously mentioned restrictions and proposed closures elsewhere in the river (for example, Chidley Point Reserve and Mosman Park.) Increasing the use of Deepwater Point will create additional water traffic and may lead to disturbance of fauna and flora through contact with marine vessels, wave action and sediment disturbance. The Canning River is a productive ecosystem that is home to an array of both aquatic and bird species that breed, nest and feed in these waters. Disturbance of these systems could lead to a reduction in quality of habitat and future reductions in population numbers.

Environmental risks associated with increased use can be minimised if the use could be spread over peak and non-peak times, rather than further increases occurring during peak periods. Management measures, such as limiting numbers through a timed system (as mentioned in Appendix 3.C) should be seriously considered for this ski area.

9. Adequate signage and water markers to be implemented

Adequate signage and water markers will need to be implemented along the Deepwater Point foreshore to point out water ski take-off areas and identify prohibited take-off areas. The City of Melville is concerned that unauthorised take-off activities may occur further along the Deepwater Point foreshore due to congestion and over-use of the proposed take-off areas. This section of foreshore is highly susceptible to erosion, and rock-walls have been installed by the City of Melville to attempt to reduce this.

10. Remove the transit channel upriver of Canning Bridge (West of Como)

The City of Melville does not support a transit channel of up to 30 knots, upriver of Canning Bridge. High speed transiting adjacent to the Mt Pleasant ski area doing speeds of up to 15 knots is a safety concern, however increased cumulative vessel wake can also damage river banks. The Mt Pleasant foreshore is particularly sensitive to erosion and much stabilisation and restoration works have been carried out at this location by the City of Melville. The City's suggestion would be to remove the transit channel upriver of Canning Bridge, and consider either extending the Mt Pleasant ski area ensuring a sufficient buffer between the ski area boundary and the boat moorings, or introducing a suitable speed limit for all areas outside of the water ski area.

11. Maximum Speed Allowance

Within Appendix 3, it introduces a maximum 40 knot speed limit for areas not gazetted to a lesser speed. Whereas in the Executive Summary it states that

- Retention of the 10 knot speed limit between sunset and sunrise in those areas not subjected to a 5 knot speed limit
- Introduction of a speed limit of 30 knots between sunrise and sunset in those areas not subjected to a 5 knot speed limit

These statements seem contradictory and potentially confusing for power boat drivers and other motorised vessel owners.

It is also unclear why the 30 knot speed restrictions set out on page 5 of the Executive Summary *Speed Limits* have been introduced and also what sections of the river these restrictions relate to. All the areas that are not subjected to a 5 knot speed limit, as stated within the Executive Summary, could be listed to clarify.

12. 60 metre offshore limit applied uniformly

The offshore distance of 60 metres which was put forward and discussed at the stakeholder forum has not been included within the Framework. It is important that this change be applied to the skiing area upstream of Deepwater Point as conservation and restoration activities around the shoreline have been ongoing.

Vessel skippers will not be aware of the bathymetric depths. A 60 metre off shore limit is proposed to the western side of the ski area (along the Esplanade shoreline), so it would be less confusing for boat skippers if this 60 metre off shore limit is applied uniformly to the ski area.

The Framework states that the change of speed limit in existing 8 knot areas to 5 knot will not be applied to where greater speeds are required for motorised vessels. The adverse effect of boat wake on the foreshores of Mt Henry Peninsula will continue unless a 5 knot speed is applied within 60 metres of the shore.

13. Further assessment of skiing take off area in Aquinas Bay

The proposed take off area from the private property of Aquinas College will create problems of security and lack of public amenities for Aquinas College property managers. These problems already exist and could be exacerbated with the new proposal.

14. Opening other areas such as dams to compensate for the loss of ski activities

The City of Melville acknowledges that the proposed changes to restrict ski activities to only water skiing in the area of Belmont and Point Belches Water ski area may reduce congestion and conflict between incompatible uses; however these changes may have an environmental flow-on effect downriver. Users that are unable to conduct activities such as ski-tubes and other recreational marine towing will likely begin to utilise facilities further downriver, such as at Deepwater Point or Waylen Bay. These ski areas occur in sections of the river where the banks are currently unstable and are being eroded.

Consideration could be given to opening other areas such as dams to compensate for the loss of ski activities, which would reduce demand on downriver ski areas.

15. Special Events

Furthermore the Framework offers support within Appendix 4 for “floatplanes” using the waterway for landing and taking off as part of special events. Depending upon the regularity/intensity of aircraft using the waterway for landing and taking off, then planning consent may be required along with permission from other bodies. In addition the increased use of the waterway by aircraft may have an impact upon housing in regards to noise and land adjacent to the River for further facilities such as access and other associate facilities. Therefore close consultation and co-operation with all potentially effected Local Governments should be sought.

16. Appendices

- 16.1.1 City of Melville - Submission on Swan Canning Riverpark Aquatic Use Review and Management Framework – Public Environmental Review
- 16.1.2 City of South Perth – Submission on behalf of Mt Henry Peninsula Conservation Group and Aquinas College

5.5 Submission on the Draft River Protection Strategy for Swan Canning Riverpark (05-064-01-0001 KB)

By Karen Barlow, Environment Policy Manager

Moved: Mayor R Yuryevich
Seconded: Cr L Short

That the submission on the Draft River Protection Strategy for Swan Canning Riverpark be endorsed.

RESOLUTION 59.3/2012

CARRIED UNANIMOUSLY

In Brief

- The Draft River Protection Strategy for the Swan Canning Riverpark was released by the Swan River Trust for public comment until 30 March 2012.
- The Draft River Protection Strategy outlines the strategic activities envisaged for all stakeholders in relation to the Swan and Canning Rivers.
- Submissions from the City of Belmont, the Town of East Fremantle and the EMRC have informed interim submission which has been prepared for State Council endorsement.

Attachment

Interim submission on the Draft River Protection Strategy for Swan Canning Riverpark.

Relevance to Strategic / Business Plan

- Providing strong representation for Local Government
- Building a positive profile for Local Government
- Enhancing the capacity of Local Government to deliver services

Policy Implications

This submission is consistent with the Association's *Priority Plan for Investment in the Swan Canning Catchment*.

Budgetary Implications

Nil.

Background

The Swan Canning Riverpark is showing signs of environmental stress and is under growing pressure from increased use and demand from an urban catchment.

The (WALGA) Swan Canning Policy Forum responded to concerns about continuing water quality decline and asset degradation in and along the Swan and Canning Rivers. The resulting *Priority Plan for Investment in the Swan Canning Catchment* - May 2011 addressed current management issues and proposed new funding and management structures to address those issues.

Implementation of the recommendations in the Plan would directly contribute to ecosystem health values of the Strategy and in turn the other identified values of sense of place, community and economic benefit values.

Comment

There has been a lack of government leadership in WA to address urban water quality issues which has led to fragmented programs and investments which have delivered few beneficial outcomes to the environment and the community. Local Governments abutting the river system are the biggest collective investor in the Riverpark with approximately \$23.2 million spent in 2009/10.

The Trust was referred to the recommendations within the Priority Plan. Key items in the Association's draft submission are:

- An urgent need to establish a robust framework for relevant statutory stakeholders to improve land use planning, land and water management practices and community behaviours.
- Sustainable financial resources in order to address urban storm water quality throughout the catchment need to be identified and agreed.
- The ongoing evaluation and monitoring of any activities undertaken under the Strategy is crucial to determine the success of the various measures to be implemented, and to ensure the ongoing support of the community and the government.

ATTACHMENT – Item 5.5



Draft River Protection Strategy for Public Comment

1. Public comment on the draft River Protection Strategy for the Swan Canning Riverpark

The draft River Protection Strategy ('the draft Strategy') and supporting documents, prepared by the Swan River Trust has been released for public comment period which closes on Friday, 30 March 2011.

The Trust invites you to make a submission on any or all aspects of the draft Strategy. You can comment as much or as little as you like. All survey questions are optional; however, we do require your name and a contact email address. Your email address is confidential and will not be used for any other purpose or disclosed to any third party, nor will you get any unsolicited bulk email (known as 'spam').

Individual comments will be aggregated before being analysed and will not be attributed to authors. A list of submitters will be compiled. If you do not wish your name to be included in the list of submitters, please indicate your preference below.

1. Confidentiality: would you like to be added to the list of form submitters? Yes

2. Your Details

1. Name:	Caroline Perks
2. Organisation (If applicable):	Western Australian Local Government Association (on behalf of WA Local Governments)
3. Street Address:	Local Government House, 15 Altona Street
4. Suburb / Town:	West Perth
5. Post :	6005
6. Email:	cperks@walga.asn.au

3. General Comment

The draft Strategy is comprised of:

Part I - The draft Strategy;

Part II - Supporting documents – Strategic Management Program;

Part III - Supporting documents - Management Guides;

Part IV - Supporting documents - Resourcing; and

Part V - Supporting documents - Summary.

Feedback is encouraged on all/any of these parts, but if you prefer to make one general comment, please fill in the section below.

Do you have any comments you would like to make about the draft River Protection Strategy for the Swan Canning Riverpark?

The Trust is to be commended for its recommended collaborative approach towards Riverpark management. There is a strong need for cross-agency collaboration to undertake management activities in a co-ordinated and efficient manner and it is anticipated that the Trust will drive the formation of collaborative arrangement between different agencies.

There has been a lack of government leadership and policy direction in WA to address urban water quality issues which has led to fragmented programs and investments, which in turn have delivered few beneficial outcomes to the environment and the community.

WALGA, on behalf of the Local Governments abutting the river system, is committed to ensuring that the sector plays a leadership role in advocating for improved policy frameworks, governance arrangements and an increased and sustainable level of investment to restore and enhance Perth's most important natural asset.

This commitment is evidenced by the establishment of the (WALGA) Swan Canning Policy Forum in response to sector and community concerns about continuing water quality decline and asset degradation in and along the Swan and Canning Rivers. The resulting Priority Plan for Investment in the Swan Canning Catchment- May 2011 (copy attached) is a comprehensive document which addresses current management issues and proposes new funding and management structures to address those issues. Implementation of the recommendations in the plan would directly contribute to improving the ecosystem health values recognised in the Strategy, and in turn the other identified values of sense of place, community and economic benefit values.

Specific recommendations of Local Governments

This submission has been prepared with input from the Local Governments and regional councils whose submissions are attached. We note and support the area-specific comments within the submissions of the City of Belmont, the Town of East Fremantle and the East Metropolitan Regional Council.

Other: Comments

Inconsistent use of landowner (used in Part 1) and land owner (in Part III).

Use of Noongar, Aboriginal and Indigenous needs to be consistent and depends on the context used. If the reference is specific, Noongar should be used. If it encompasses other Aboriginal groups, use Aboriginal. If it encompasses or is meant to be specific to Aboriginal and other ethnic groups, such as Torres Strait islanders (but this perhaps is unlikely) then use Indigenous.

It is suggested that the draft Strategy contains too many elements and contains chapters with assumed information, and therefore could potentially be located within the supporting information category rather than within the Strategy e.g., Chapter 3 Management Framework and Chapter 5 Roles and Responsibilities.

Is the Swan Canning Riverpark Iconic Trails Project a component of the Iconic Swan and Canning River Trail System or are they totally separate projects? When referred to in the Strategic Management Program Documents are they the same project or something different? The Trust may need to clarify and use a standard term throughout the document.

4. Part I – Comments on the Draft Strategy

1. Do you have any comments on the Executive Summary?

Last paragraph should read ‘culturally significant’ not “cultural”.

2. Do you have any comments on Chapter 1 (Page 7) – Overview?

Clarification is sought on the intention of the principle to ‘maintain view corridors from public open spaces’. In particular, whether this has any implications for vegetation within POS (either existing or potential) blocking views of the river.

The guiding principle: “to promote appropriate forms of recreation” is not included. Should be included to align with State Planning Policy 2.10.

Does the principle to “secure public access,” mean “secure appropriate public access,” or is this meant to refer to public ownership?

A map of the Development Control Areas referred to under section 1.5 would be useful.

Page 10 – 1.5 Management Area Definitions. Catchment scale management area is defined but limited reference is made to management activities undertaken at this scale, that contribute to the overall Riverpark management objectives. This is most evident where local government authorities have little or no actual Riverpark area.

3. Do you have any comments on Chapter 2 (Page 13) – Riverpark Values?

WALGA supports the identification of community values and aspirational goals as outlined in this chapter. Refer to section 4 of WALGA’s Priority Plan.

Other:

Page 13 – There is a spelling error in the first bolded paragraph – becuase.

4. Do you have any comments on Chapter 3 (Page 15) – Management Framework?

There is an urgent need to establish a robust framework for relevant statutory stakeholders to improve land use planning, land and water management practices, community behaviours and sustainable financial resources in order to address urban storm water quality throughout the catchment. The current framework with many different agencies and organisations having varying responsibilities, structures, funding sources and actual commitment requires very careful coordination by the Trust to ensure alignment with overall objectives.

The Priority Plan (section 4) outlines the proposed development of a “Healthy Catchments Framework” which includes the establishment of a sustainable funding mechanism and a centralised representative Board to collect and distribute funds. The Plan also includes an analysis of best practice models used for urban storm water management and water quality improvement around Australia and internationally.

5. Do you have any comments on Chapter 4 (Page 18) – Land and Waterway Use Plan?

The draft Strategy classifies the land and waterways in the Trust's jurisdiction into zones, which indicate future preferred uses and development. Were existing marine parks or Bush Forever sites taken into consideration in drafting these?

The defined management zones and overlays in conjunction with the proposed *Draft Aquatic Use Management Framework* and precinct planning process available provide strategies to balance the conservation and recreational uses within the Riverpark. Will the *Swan and Canning Rivers Foreshore Assessment and Management Strategy* (Swan River Trust, 2008) be reviewed and updated in the future? Will there be other strategies identified to assist with balancing conservation and recreation usage?

Map(s) are needed to show proposed zones and overlays. The implications of these could then be clearly seen.

Zone 1 – Conservation zone (ii). When discussing the activities and development that are permitted within conservation zones, the term “generally” is used. “Generally, development will be limited to that necessary to support conservation objectives.” Any exceptions to this limited development should be listed for clarification.

Page 19 – 4.1.1 Zone 1 – Conservation zone. Environmental assessments should be conducted within Zone 1 areas to identify the particular areas conservation values and natural character. Reassessment after a period of time will determine whether the value of the conservation zone has improved after implementation of the River Protection Strategy.

Page 20 – 4.4.2. Activities and development. Boat launching facilities are included within facilities that will generally be developed but also included in the later paragraph, “The following activities and development will generally not be supported in the zone: boat launching.” This needs to be clarified.

Page 21 – 4.4.3. Zone 3 – Waterways general zone. Under *Activities and development* it is stated that “Commercial development may be supported where it can be demonstrated that it can contribute to the public benefit, harmonise with the character of the area and enhance other Riverpark values.” How can this be demonstrated? What is needed to support commercial development specifically?

Page 22 – 4.4.4. Zone 4 – Waterways controlled zone. Under the heading *Other matters to be considered*, the general presumption against development is stricter than the general presumptions for Zone 3, is this intentional?

Page 22 – 4.4.5 Marine Facilities. The draft Strategy says “entertaining and function facilities not associated directly with club activities and exclusively for the use of club members are not considered with the intent of the overlays or the base zoning.” Many of the Town of East Fremantle's yacht clubs on the river also double up as function centres. Does the Swan River Trust hold a position on the use of these marine facilities as function centres? Is this consistent with the Land and Waterway Use Plan? If so, why is this only acceptable for clubs? Perhaps this could be reworded to say “only small scale development/ uses additional to existing club facilities are acceptable in this overlay.”

Page 23 – 4.4.5 Marine Facilities. The second last paragraph states “The Trust may require any new development or significant redevelopment to provide public access along the foreshore, if none already exists. This would not be required only if there was a compelling reason, such as risk to public safety, not to do so.” It could be argued that this risk should be mitigated regardless, so that public access can be provided.

Page 25 – 4.5. Performance Criteria. “Endemic” is used multiple times with regards to native vegetation and species selection for revegetation. This isn't the correct choice of word. In most instances, we should be concerned about planting locally native species, not just plants that don't occur naturally outside of WA. “of local provenance” is the suggested verbiage.

6. Do you have any comments on Chapter 5 (Page 26) – Roles and Responsibilities?

In table 5.1, WALGA has been identified with planning responsibilities in the Riverpark e.g. cycle and walking paths, sedimentation and park amenities. As a representative organisation with no specific statutory responsibilities in these areas, WALGA should not be represented in this table.

In addition, the summary of agency responsibilities on page 35 should also identify responsibility for implementation. If the lead agency is responsible for implementation, this could be explained under Section 5.2.3 or in the table itself.

One of Local Governments responsibilities is to “manage commercial, residential and industrial premises.” Would it be more appropriate to licence these premises as opposed to managing?

The section on Redevelopment Authorities needs to be updated to reflect the proclamation of the *Metropolitan Redevelopment Authority Act 2011* which commenced 31 December 2011 and repealed four redevelopment acts (Armadale, East Perth, Subiaco and Midland).

Page 33 – 5.2.3. There is an error in the last paragraph – Management Guides

7. Do you have any comments on Chapter 6 (Page 38) – Management Objectives?

WALGA supports the management objectives as outlined and their links with the values for protecting the Riverpark system. The identification of involving and engaging the community as a strategy to increase their awareness is a positive step.

In regard to *Community Benefit* on page 46, more recent data on WA’s population can be found within “WA Tomorrow” document, prepared by the Department of Planning.

8. Do you have any comments on Chapter 7 (Page 49) – Measuring Success?

The ongoing evaluation and monitoring of any activities undertaken under the Strategy is crucial to determine the success of the various measures to be implemented to ensure the ongoing support of the community and the elected government.

In regard to the methodology outlined in the document, it is anticipated that in future years the targets will be able to include targets achieved rather than work commenced. Some use of “hard” data such as the length of foreshore in good/poor condition, the number of development/ planning applications approved in accordance with, or contrary to, the draft Strategy may be useful.

9. Do you have any comments on Chapter 8 (Page 58) – Conclusion?

Under the Minister for Planning (page 66), reference should be made to the establishment of the Metropolitan Redevelopment Authority.

5. Part II - Supporting documents – Strategic Management Program

1. Do you have specific comments on any of the 115 actions listed in the five year Strategic Management Program (Chapter 1, Page 3)? Please specify which action(s)

Page 3 – More actions and involvement in the upper catchment are recommended. The Department of Water (DoW) could provide more assistance in this area. DoW have a lot of management actions notes in the Strategic Management Programme and it would be beneficial if the SRT developed a means of ensuring such state agencies to deliver on these actions.

Page 4 – Action 13. Instead of specifying private development, could it refer generally to development?

Page 4 – Action 20. Ensure commercial operations in the Riverpark, does this only apply to commercial operations? Does this include private member clubs? If this does, how could this be measured to ensure that the action is achieved?

Page 5 – Action 31. This action is to “Improve understanding of social science,” wording could be included additional to this “and these impacts on the Riverpark”.

Pages 5-8 Ecosystem health. Actions should reflect more of the catchment-scale on-ground work that is undertaken or provided as support by Local Government authorities that have limited or no Riverpark area but contribute to the health of the rivers especially in relation to the major tributaries in the eastern reaches of the Swan River.

Page 9 – Action 89. Lead responsibility should have SRT and DoT.

2. Do you have any comments on Chapter 2 (Page 12) – Collaborative Arrangements?

The South West Aboriginal Land and Sea Council is identified as a lead and support agency for actions related to Statutory Planning and Sense of Place objectives as part of the management framework, however, they have not been allocated specific management actions in this section.

Consider acknowledging catchment-scale management activities undertaken by Local Governments that have limited or no Riverpark area but contribute to the Riverpark management objectives especially in relation to improving water quality and ecosystems especially health, for e.g. the Shire of Mundaring works in the eastern tributaries which act as a biofilter buffer between the Swan and Avon rivers and contribute to improving downstream water quality and ecosystem health.

Page 13 – Table 2.1, Subsection 35. Timing should be updated.

Page 18 - Action 102, The proposed projects to meet the action should include Local Government involvement.

Page 19 – Table 2.3, Action 55. Timing should be updated unless project already completed.

Page 24 – Table 2.5. In the opening sentence, delete ‘of’ or change ‘managing’ to management.

Page 25 – Action 84. Review timing unless action/project already completed.

Page 27 – Table 2.6, Action 94. Typo in action statement – lanowner instead of landowner.

Page 30 – Table 2.7, Action 44. Typo: downstream

Page 30 – Table 2.7, Action 52. Is SwanCatch a typo or the name of a programme?

Page 32 – Table 2.8, Action 76. Typo: significant should be significance.

Page 37 – Table 2.9 Local Government Authorities, Subsection 63 -82. General: include catchment scale on-ground activities undertaken by foreshore land managers and local community groups such as catchment groups and friends of groups.

Page 46 – Table 2.12, Action 11. Typo: should be ‘...preparation of precinct plans’.

Page 46 – Action 15. Is the reference to the *Trails master plan* interchangeable with the *Swan Canning Riverpark*

Iconic Trails Project and the Swan and Canning River Trail System or are they different /separate projects or components of a larger project?

Page 50 – Action 64. Typo – should be landowner.

Page 51 – Action 69. Typo – should be landowner.

Page 59-60 – Table 2.15, Subsection Objective 10. What about the implementation/use of State Planning policy 2 Environment and Natural Resources Policy and State Planning Policy 2.8 Bushland Management in the Perth Metropolitan Region (Bush Forever Policy) to achieve some of the WAPC objectives such as objectives 4,5 and 10?

Page 61-62 – Appendix A – Abbreviations. Amend to reflect new redevelopment authority arrangements. The four redevelopment authorities have been replaced with the Metropolitan Redevelopment Authority.

Part III - Supporting documents - Management Guides

1. Do you have any comments on the management guides?

Could possibly include the role of the WAPC and statutory and non-statutory planning processes in relation to drainage management in the recommended roles table as a planning role.

Update Table 12 and the weeds section to reflect that the *Biosecurity and Agricultural Management Act 2007* is now also in force where relevant.

Part IV - Supporting documents – Resourcing

1. Do you have any comments on Resourcing?

Over \$28 million is invested in drainage infrastructure annually by metropolitan local governments as well as funds for community education foreshore rehabilitation and land use planning. Better value for money could be achieved by an integrated strategy to improve water quality discharges and therefore, the health of waterways throughout the catchment.

A number of revenue streams are explored in the Priority Plan (section 4.1) with the preferred option being a healthy catchments rate within a framework that includes improvements in wetland and asset management, land use planning policies and local laws, consistent community education programs and improved institutional arrangements. The proposed framework would be managed by a central independent board responsible for administering the funds for catchment restoration and water quality improvement.

The value and importance of the waterways in the catchment is not reflected in the level of investment being made to protect their health. The SRT is the statutory body responsible for the management and protection of the Swan Canning River System with a small annual budget of approximately \$13M. The system is under stress due to past and current practices and the necessary investment in the management of the river system has not kept pace with its increased needs, or community expectations.

The investment model proposed in the Priority Plan supports the design and delivery of projects linked to the Strategy for example; Development of Department of Water Arterial Drainage Scheme; Infill Sewerage Programme, continuation of project such as New Waterways Programme and water quality projects. WALGA recommends inclusion of these catchment based and capacity building programs within the Strategy.

5.6 Asbestos Management (05-012-04-0002 JH)

By Jodie Holbrook, Policy Manager – Community

Moved: Cr L Short
Seconded: Cr M Wainwright

- 1. That WALGA requests the State Government to develop and resource a Western Australian Asbestos Management Strategy that includes:**
 - a. Formalizing an intergovernmental Asbestos Taskforce which includes representation from Local Government;**
 - b. Public communication strategy to improve the awareness of the prevalence and risks of asbestos and knowledge of safe disposal practice of asbestos; and**
 - c. Significant increase in penalties for illegal dumping and disposal of asbestos**
- 2. That WALGA requests the Western Australian Waste Authority to exempt asbestos from the landfill levy as a gesture of support for a whole of government approach to asbestos management. The exemption will exclude commercial contractors, large volumes of asbestos, and all soil contaminated with asbestos.**

AMENDMENT

Moved: Cr J Brown
Seconded: Cr K Trent

- 1. That WALGA requests the State Government to develop and resource a Western Australian Asbestos Management Strategy that includes:**
 - a. Formalizing an intergovernmental Asbestos Taskforce which includes representation from Local Government;**
 - b. Public communication strategy to improve the awareness of the prevalence and risks of asbestos and knowledge of safe disposal practice of asbestos; and**
 - c. Significant increase in penalties for illegal dumping and disposal of asbestos**
- 2. That WALGA requests the Western Australian Waste Authority to exempt asbestos from the landfill levy as a gesture of support for a whole of government approach to asbestos management.**
- 3. The Association notes that the request for exemption is primarily focused on the householder however it would have no objection to commercial contractors of large volumes of asbestos or soil contaminated with asbestos also being exempt from the levy.**

LOST

THE ORIGINAL MOTION WAS PUT AND

RESOLUTION 60.3/2012

CARRIED UNANIMOUSLY

In Brief

- In 2011 the Department of Health undertook a survey of Local Government experience in Asbestos Management as part of its review of the *Health (Asbestos) Regulations 1992*. This is the primary legislation used by Local Government and DOH to protect the public from asbestos risks.
- WALGA is participating on an interagency Asbestos Management Taskforce initiated by the Metropolitan Environmental Health Managers Group (MEHMG) with representatives from WorkSafe, Department of Health and Department of Environment and Conservation.
- In February 2012 the Municipal Waste Advisory Council surveyed Local Government landfills to ascertain the ongoing costs for the disposal of small amounts of asbestos.

Attachment

Nil.

Relevance to Strategic / Business Plan

- Providing strong representation for Local Government
- Providing effective leadership for Local Government
- Building a positive profile for Local Government
- Enhancing the capacity of Local Government to deliver services

Background

All spheres of Government are working on establishing better methods of managing the issue of asbestos in Australia, as well as identifying the roles and responsibilities in relation to this management.

In July 2011 the Environmental Health Directorate (EHD) at the Department of Health (DOH) undertook a survey of Local Government experiences associated with asbestos and demolitions, removals and illegal dumping, to identify patterns of public health risk from asbestos that may need to be better managed. The survey was part of the broader reforms proposed to the Health (*Asbestos*) Regulations 1992.

The regulations are the primary piece of legislation used by Local Government to protect the public from the risks associated with asbestos. The current penalties under the Health (Asbestos) Regulations have been found to be an inadequate deterrent; therefore the Minister for Health has given approval for penalties under the Health (Asbestos) Regulations, to be increased. This will occur with the introduction of the new Public Health Bill which is scheduled to go before Parliament in May this year.

The Local Government Asbestos Management Survey was conducted following the occurrence of a number of asbestos contamination issues arising from the demolition of buildings and removal (including dumping) of asbestos containing materials (ACM) in residential and public areas. DOH was made aware of these incidents through public complaints, Local Government requests for advice and Department of Environment and Conservation (DEC) notifications of asbestos contaminated sites, pollution, illegal dumping and contaminated recycled demolition products.

The final report is available to download at:

http://www.public.health.wa.gov.au/3/1143/2/asbestos_in_the_home.pm

Occupational Health and Safety issues are also being addressed through the harmonisation of Work Safety Laws in Australia including asbestos removal licensing requirements. In December 2011 Safe Work Australia released the following updated Codes of Practice, *How to Safely Remove*

Asbestos and How to Manage and Control Asbestos in the Workplace. The Codes are available at the following website. <http://www.safeworkaustralia.gov.au/LEGISLATION/MODEL-COP/Pages/Model-COP.aspx>

Local Government continues to demonstrate a proactive approach for better asbestos management across the sector. The Metropolitan Environmental Health Managers Group (MEHMG) is leading an Interagency Taskforce with representatives from Local Government, Department of Health, Department of Environment and Conservation (DEC) WorkSafe and WALGA to investigate issues relating to the handling and disposal of asbestos in Perth. The immediate aims of the taskforce is to raise community awareness of how to safely handle asbestos, and to increase the intensity of monitoring of contractors who demolish structures containing asbestos especially when the demolition materials may be destined for crushing/recycling.

Longer term aims are to simplify the process of disposing of asbestos to encourage home owners to do so safely and to achieve a greater level of regulatory compliance. This is particularly important given the growing number of cases of mesothelioma emerging in the DIY sector (the third wave of this disease).

The Commonwealth Government announced the establishment of the Asbestos Management Review (the Review) on 29 October 2010. The terms of reference for the Review are broad in scope and encompass asbestos management issues beyond work health and safety, including environmental and public health issues. The Review has been designed to complement existing work already underway at both the Commonwealth and State/Territory levels. It will also complement the development of harmonised work health and safety laws which include regulations and codes of practice relating to asbestos management and removal.

The Chairman of the Review is Mr Geoff Fray. The Review will provide recommendations for the development of a National Strategic Plan to improve asbestos awareness and management to the Government, with a final report to be provided by 30 June 2012. Significant public consultation was held across the nation in 2011 and early 2012.

Comment

WA seems to be behind some other States in regard to coordinating and prioritising the management of asbestos risks. This is despite WA's substantial history of asbestos mining, use and associated health problems. Whilst it is acknowledged there is a historical legacy of poor management practice, many of the issues today are due to recent activities. For example poor demolition by DIY home renovators who are (unknowingly in many cases) removing asbestos materials without appropriate precautions, pose a number of potential associated or flow-on risks to the public including asbestos dust exposure of the public or nearby residences at the time; possible contamination of the site with asbestos and long term risk to the occupiers, and possible contamination of soil or building rubble which may be used for recycling purposes off-site where people may be exposed. In addition to public health risks, poor asbestos practice can cause major and unnecessary costs in terms of clean-ups, time delays, legal action and public angst.

There were several key recommendations identified in the DOH Local Government Survey:

- a) Proper asbestos management is hampered in WA in comparison to some other States by the lack of coordination and collaboration, further efforts should be made to create and convene an adequately resourced and empowered regulatory group for this purpose;
- b) That group should develop a plan of work and mechanism such as subgroups to undertake activities which may include:
 - o Identifying issues of concern from this report or other sources which are not in the process of being addressed and determining ways to address them in a prioritized manner, such as making asbestos disposal easier and cheaper;

- Monitoring and coordinating WA input to national initiatives related to asbestos management;
- Identifying and assisting development of relevant collaborative arrangements such as MOUs between Government Departments e.g. on complementary inspection systems;
- Developing means of collecting data and being able to report upon asbestos incidents whether they are of potential occupational or public health concern; and
- Developing a standardised and consistent response procedure for asbestos incidents and complaints across WA, including after hours emergency arrangements.

The MEHMG Interagency Taskforce has done a tremendous amount of work to bring stakeholders together to achieve better management. The key points to note are:

Greater community awareness and access to Information

- Local Governments can provide a link to the Asbestos Information Web Site provided by the WA Department of Health (DoH).
- DoH is collaborating with Murdoch University and The Cancer Council to develop a web based training package for DIY renovators.

Stricter use of regulations – Zero Tolerance

The Minister for Health has agreed to increase the penalties for breach of the Health (Asbestos) Regulations up to a possible maximum of \$50,000 and the legislative process has commenced by the Department of Health.

DEC will review all of their licences for crushing/recycling of construction and demolition waste to ensure that strict conditions prevent asbestos from being present in the recycled materials. This is especially important because all tiers of government support the safe recycling of these materials and in December 2011 the WA Minister for the Environment approved the use of the recycled building material by Main Roads in the construction of roads throughout WA.

Worksafe has contacted all 750 licensed asbestos contractors advising them of the new stricter use of regulations – zero tolerance approach and reminding them to apply high standards of safety when dealing with asbestos. Particular attention will be given to contractors who are also involved in demolition and recycling. Worksafe is currently auditing licensed asbestos contractors and priority will be given to companies who are reported by Council officers. Contractors who are found to be breaching the safety standards will have their licenses revoked and face prosecution.

DEC and Council's will carry out audits of waste premises especially landfills to ensure that asbestos is handled safely and to an acceptable standard.

Simplify the disposal process for domestic volumes of asbestos

Illegal dumping of asbestos may indicate that disposal costs and clear disposal options for asbestos are an issue. There is a need to identify the ongoing costs to Council's with landfills, for the disposal of small volumes of asbestos.

The Municipal Waste Advisory Council (MWAC) surveyed Metropolitan Local Governments who are operating landfills licensed to accept asbestos. These were Armadale, Cockburn, Eastern Metropolitan Regional Council (EMRC) Mindarie Regional Council (MRC) and Rockingham. The results concluded that there is significant cost to Local Government for the disposal of asbestos. Whilst Local Government strives to achieve full cost recovery many are balancing sound management practice with the broader public health implications of illegal asbestos dumping.

Currently all waste to landfill that is generated or disposed of in the Perth Metropolitan area attracts the Waste Avoidance and Resource Recovery Levy (WARR Levy). This Levy is intended to discourage waste from being disposed in landfill. However asbestos should only be disposed at a licensed landfill and responsible disposal should be encouraged. Forcing the payment of the landfill levy on asbestos potentially discourages its appropriate disposal. It is therefore recommended that WALGA Support the exemption of Asbestos from the Levy.

The exemption will exclude commercial contractors, large volumes of asbestos, and all soil contaminated with asbestos.

5.7 National Audit of Municipal and Essential Services Report 2012 (05-032-02-0010 JH)

By Jodie Holbrook, Policy Manager-Community

Moved: Mayor R Yuryevich

Seconded: Cr D Michael

That WALGA:

- 1. Requests the Hon Minister Jenny Macklin, Commonwealth Minister For Indigenous Affairs to:**
 - a. Release copies of the National Audit of Municipal and Essential Services Report 2012 and the National Audit of Municipal and Essential Services Jurisdictional Report for Western Australia 2012 to the Western Australian Local Government Association; and**
 - b. Invite the Australian Local Government Association (ALGA) to participate in the Multilateral Working group established by the Standing Council on Community, Housing and Disability Services (SCCHDS) to represent the interests of Local Government to support the negotiation of revised arrangements for the transfer of municipal services under *National Partnership Agreement on Remote Aboriginal Housing (2009)*;**
- 2. Advocates to the Hon Peter Collier, Western Australian State Minister For Indigenous Affairs, to invite WALGA to represent the interests and participate on the Western Australian Joint Advisory Group, to support the Multilateral Working Group established by the Standing Council on Community, Housing and Disability Services (SCCHDS) to support the negotiation of revised arrangements for the *National Partnership Agreement on Remote Aboriginal Housing (2009)*; and**
- 4. Request *Infrastructure Australia* to provide advice to WALGA on the progress of the development of the National Strategic Policy Framework for planning and developing infrastructure in remote Aboriginal Communities and potential impacts for Local Government in Western Australia.**

RESOLUTION 61.3/2012

CARRIED UNANIMOUSLY

In Brief

- The Council of Australian Governments' (COAG) National Aboriginal Reform Agreement provides the current framework for the Commonwealth, State and Territory governments to work together with Aboriginal Australians and the broader community to achieve the target of 'Closing the Gap' in Aboriginal disadvantage.
- The key objective from a Local Government perspective is the progressive transfer of responsibility of municipal and essential services to the States by 1 July 2012, outlined in the National Partnership Agreement on Remote Aboriginal Housing (2009)
- In April 2009, the Planning Ministerial Council announced that an audit of essential and municipal service delivery in select Aboriginal Communities across Australia would be undertaken to assess the level of outstanding need and clarify funding and service responsibility for municipal and essential services.
- The Standing Council on Community, Housing & Disability Services met on Friday 30 March to consider the National Audit of Municipal and Essential Services Report.

- Infrastructure Australia has established an Indigenous Task Group, a sub-committee of the Infrastructure Australia Council, to develop a National Strategic Policy Framework and funding model for remote Indigenous infrastructure planning and development.

Attachment

Nil

Relevance to Strategic / Business Plan

- Providing strong representation for Local Government
- Providing effective leadership for Local Government
- Building a positive profile for Local Government
- Enhancing the capacity of Local Government to deliver services

Policy Implications

Nil

Budgetary Implications

Nil

Background

The Council of Australian Governments' (COAG) *National Aboriginal Reform Agreement* provides the current framework for the Commonwealth, State and Territory governments to work together with Aboriginal Australians and the broader community to achieve the target of '*Closing the Gap*' in Aboriginal disadvantage.

Underpinning the Closing the Gap targets outlined in the National Aboriginal Reform Agreement are other National Agreements which contain Aboriginal specific outcomes, and a series of National Partnership Agreements. One such agreement is the National Partnership Agreement on Remote Aboriginal Housing (NPARIH)

The NPARIH was established as a ten-year funding strategy to reform responsibilities between the Commonwealth and State Governments for the provision of housing for Indigenous people in remote communities and to address overcrowding, homelessness, poor housing conditions and severe housing shortage in remote Indigenous Communities.

In 2009, the Planning Ministerial Council announced that an audit of essential and municipal service delivery in select Aboriginal Communities across Australia would be undertaken as part of the transfer in the (NPARIH)

The key objective of the audit was to assess levels of outstanding need and to clarify funding and service responsibilities for the future delivery of municipal and essential services in remote Indigenous communities.

The audit focused on the level of outstanding need in both the Remote Service Delivery (RSD) priority communities and those Indigenous communities where the Commonwealth currently funds municipal and essential services delivery. In Western Australia, the initial communities were identified as Halls Creek communities and Dampier Peninsula with a focus on: Ardyaloon, Fitzroy Valley and Beagle Bay.

To progress the negotiations with the Commonwealth Government on the audit scope and implementation, WALGA was invited to be a member of the State Reference Group. (SRG) The role of the reference group was to provide advice to the Department of Premier and Cabinet and Department of Housing, who are leading the discussions/negotiations with the Commonwealth. The

Department of Local Government, Department of Planning, Department of Water and Main Roads and Utilities were represented.

At the time, WALGA as part of the SRG, expressed concern with the limitations of the audit and negotiated for a further 12 Aboriginal Communities to be scoped. These were: Warburton, Balgo, Bayulu, Yakanarra, Muludja, Yiyili Ganinyi, Burringurrah, Djarindjin/Lombadina, Billard, Joy Springs, Ngurawaana, and Yandeyarra

A number of comparable non-Indigenous communities were also included in the audit scope for the purposes of establishing base level standards for comparative purposes to assess outstanding need in remote Indigenous communities. The non Indigenous comparator communities were selected on the basis of population size and their ARIA index classification to enable as close as a comparison as possible with the audited Indigenous communities. These were Wyndham, Marble Bar and Gascoyne Junction.

The audits were undertaken between 2009 and 2010 in Western Australian. There were delays nationally with other jurisdictional audits.

In March 2012, WALGA was advised by Department of Local Government and Australian Local Government Association that the National Audit of Municipal and Essential Services – jurisdictional report for Western Australia Audit (MES Audit) was completed and would be considered by the Standing Council on Community, Housing and Disability Services (SCCHDS) at their 30 March meeting. The SCCHDS has assumed carriage for the carriage for the NPARIH.

The Western Australian Government was represented by the Hon Robyn McSweeney, Minister for Community Services and Mr Graham Searle, Director General Department of Housing at the SCCHDS meeting. A full copy of the SCCHDS communiqué is available to download at:

http://www.jennymacklin.fahcsia.gov.au/statements/Pages/housing_and_disability_services_300312.aspx

The key points to note are:

1. Ministers noted the National Report on the audit of municipal and essential services in remote Indigenous communities, which was a commitment under the National Partnership Agreement on Remote Indigenous Housing (NPARIH).
2. Ministers agreed that negotiations on revised arrangements would be urgently progressed through the Standing Council.
3. The Commonwealth will establish a multilateral working group, reporting to the Community and Disability Services Ministers' Advisory Council, to develop a proposal for COAG consideration. The working group will report back to the next meeting.

Infrastructure Australia has established an Indigenous task group, a sub-committee of the Infrastructure Australia Council, to assist with one of their key priorities to improve the infrastructure in remote and regional Indigenous Communities.

A working group has been established with representation from Commonwealth and the WA, NT, QLD, NSW and SA Government. For Local Government the critical body of work to be produce includes:

- National Strategic Policy Framework for planning and developing infrastructure in remote Aboriginal Communities
- Indigenous investment funding model
- Communication and Governance framework for prioritization of investment

Comment

It appears there is a growing appreciation and understanding at a Commonwealth level of the need to review the current arrangements and acknowledgment of the frustrations of Western Australian Local Governments as outlined in the recent Communiqué endorsed by State Council in March 2012.

On 2 April, WALGA CEO and Executive Staff met with the Director General of Department of Local Government (DLG) and Executive Staff from the Department of Indigenous Affairs (DIA) to discuss the outcomes of the SCCHDS meeting and how Western Australia's Interests should be taken forward.

The Association is seeking copies of the National MES Audit Reports through ALGA so that members can review the MES Audit findings and recommendations.

From discussions with DLG and DIA, it is understood the Minister Macklin has recognised that negotiating new arrangements to address the broad range of issues that arise at all levels of government will take time, and that she considers the first step is to complete the national audit process and finalize the MES Audit.

The WA State Government has not yet endorsed the Audit Report or the accompanying Western Australian Jurisdiction Report and DLG and DIA have indicated that it wishes to work through the Report in relation to municipal services with Local Government before the State response is finalized.

In order to progress this, the Western Australian State Government is establishing a Joint Advisory Group to support the WA State Government representative on the SCCHDS Multilateral Working Group in order to develop a revised arrangements proposal for COAG consideration. Both DLG and DIA confirmed that WALGA is considered a critical partner and will be invited to participate in the Advisory Group.

WALGA is seeking further advice from Infrastructure Australia on how WALGA can inform their work plan and any opportunities that may arise for involvement. WALGA is also seeking advice from the WA State Government on who is their representative on the sub working group and what guidance and advice has been provided in respect to Local Government service delivery to Aboriginal Communities.

5.8 Closed Circuit Television (05-019-02-0014 RS)

By Richard Struik, Community Policy Officer

Moved: Mayor D Ennis

Seconded: Mayor H Henderson

That WALGA advocate for:

- 1. WA Police to establish a Designing Out Crime program which addresses CCTV**
- 2. WA Police to establish a CCTV partnership agreement between State and Local Government which facilitates the implementation of the Auditor- General's Use of CCTV Equipment and Information report, including:**
 - 1. The development of a Communications Protocol template to address the access and use of CCTV equipment and information, and review of policing outcomes through CCTV**
 - 2. The roles and responsibilities of Police and Local Government in the provision, monitoring and maintenance of CCTV**
- 3. The State Government consider the development of a CCTV Strategy for Western Australia which addresses:**
 - a) The ongoing implementation of Blue Iris as the central register for CCTV as the central register for CCTV cameras**
 - b) The standardization across technological platforms to support both CCTV owners, Police and Courts to provide effective footage.**

AMENDMENT

Moved: Cr L Short

Seconded: Cr M Wainwright

That WALGA advocate for:

- 1. WA Police to establish a Designing Out Crime program which addresses CCTV**
- 2. WA Police to establish a CCTV partnership agreement between State and Local Government which facilitates the implementation of the Auditor- General's Use of CCTV Equipment and Information report, including:**
 - 3. The development of a Communications Protocol template to address the access and use of CCTV equipment and information, and review of policing outcomes through CCTV**
 - 4. The roles and responsibilities of Police and Local Government in the provision, monitoring and maintenance of CCTV**
- 3. The State Government consider the development of a CCTV Strategy for Western Australia which addresses:**
 - c) The ongoing implementation of Blue Iris as the central register for CCTV as the central register for CCTV cameras**
 - d) The standardization across technological platforms to support both CCTV owners, Police and Courts to provide effective footage.**
- 4. The underlying principal in relation to this item is the voluntary participation of Local Governments.**

CARRIED

THE AMENDMENT BECAME THE MOTION AND WAS

RESOLUTION 62.3/2012

CARRIED UNANIMOUSLY

In Brief

- Closed Circuit Television (CCTV) continues to be a well utilized tool as part of Local Government crime prevention strategies
- Member Councils have sought the Association's support to advocate that the State Government provide greater support for Closed Circuit Television infrastructure owned and managed by Local Government.
- WALGA has sought Member feedback, which supports continued funding and greater Police involvement to maximize the potential of CCTV infrastructure as a crime prevention method

Attachment

Nil

Relevance to Strategic / Business Plan

- Providing strong representation for Local Government
- Providing effective leadership for Local Government
- Building a positive profile for Local Government
- Enhancing the capacity of Local Government to deliver services

Policy Implications

Nil

Budgetary Implications

Nil

Background

Since 2009, the State Government has allocated around \$6 million to its Community Crime Prevention Program through WA Police Strategic Crime Prevention Directorate (SCP), previously the Office of Crime Prevention. In July 2011 WA Police merged the three previously separated funds to form the consolidated Community Crime Prevention Fund. Through the fund Local Government is able to competitively apply for funding to purchase CCTV products. In 2012 the Fund was slightly oversubscribed. Other funding opportunities which can be used for CCTV include the Criminal Property Confiscation Grants through the Department of the Attorney-General (approximately \$4 million in matched funding in July 2011, next round anticipated later in 2012). The Commonwealth Government has also recently offered a \$3 million pool of grant funding for CCTV under the Commonwealth Attorney- General's Proceeds of Crime Act Funding for anti-graffiti projects.

In October 2011, the Auditor-General released a report assessing the *Use of CCTV Equipment and Information* <http://www.audit.wa.gov.au/report2011.php> . The report called for improved information sharing and strategic use of CCTV between Police and Local Governments. It also called upon all CCTV owners to consider investment into CCTV carefully to ensure costings and effectiveness are well informed; and that outcomes are monitored in partnership with WA Police.

In January 2012 WALGA requested member feedback through an online survey as to how Local Governments are approaching their CCTV strategies, infrastructure and partnerships with WA Police. Thirty-two (32) responses were received (17 regional, 15 metropolitan).

Comment

The survey results demonstrated that CCTV continues to be a well utilized tool as part of Local Government crime prevention strategies. Although it is acknowledged that Councils bear significant resource costs in choosing to maintain and staff CCTV infrastructure, based on member feedback and the utilization levels of grant funding from WA Police, current funding levels appear to be appropriate. For example, 74% indicated that external funding has supported Council's decision to increase the levels of CCTV infrastructure; 23% indicated a non-grant investment of over \$10,000 p.a. towards the maintenance and monitoring of CCTV infrastructure, with 23% indicating a non-grant spend of over \$50,000 p.a. on the installation of CCTV.

Some felt that the increasing use of CCTV in public places should be the responsibility of WA Police. Other respondents did not believe that CCTV was proving an effective crime prevention tool to combat anti-social behaviour in particular, and that its effectiveness in prosecuting offenders was a matter of luck unless extensive networks of cameras were consistently monitored.

Members valued their Police relationships, however requested greater consistency. Almost 40% of respondents had no arrangements with WA Police around CCTV; of those who did, 70% were satisfied with these relationships. Members still believed WA Police at a district and local level need to be more consistently proactive to ensure that Local Government CCTV strategies are well informed; that clear policies should be in place around requests and use of footage; that monitoring is provided where appropriate; and that Police provide feedback as to the quality and effectiveness of footage.

Members also described the technological challenges associated with effective use of CCTV, and requested access to greater expertise to address technological issues which are impacting on the success of CCTV. These include the successful implementation of Blue Iris as the central register of CCTV, and the development of a universal software platform for members, Police and the Courts. Members have noted the rapid increase in the levels of technology available in both cameras and CCTV networking, and an increase in cheaper product from smaller suppliers. As a result, members expressed difficulty in selecting the most appropriate product.

Overall, member feedback highlighted both the continuing demand from communities for CCTV and a trend towards Local Governments undertaking broader CCTV strategies across public places.

Research shows that CCTV is most successful in reducing or solving crime when there is an active Police interest in advising on setting up CCTV, being involved in monitoring CCTV, and being able to effectively use the evidence it can provide¹. WA Police continue to support Local Government by providing grant funding opportunities, access to online information resources, loan mobile CCTV cameras, and access to localised security audits. However, funding for a dedicated CCTV program within WA Police Strategic Crime Prevention Directorate was withdrawn in July 2010. In March 2010 the Association wrote to WA Police Commissioner Dr Karl O'Callaghan raising concerns around the impacts of discontinuing the program. In 2012 members are continuing to identify a need for a centralised CCTV advisory unit within WA Police Crime Prevention. This unit would provide interface with State Agencies, Local Government and private CCTV operators, improve research to identify and update best practice, technology trends and relationship building.

The significant investment across the state into CCTV, and CCTV's value to Police as a prosecution resource supports a case for the establishment of a state-wide CCTV Strategy. Such a Strategy would inform, drive and maximize the potential of CCTV as a crime prevention measure for all owners. As this Strategy would require multi-agency involvement, WALGA recommends that the Crime Prevention Council, which guides the prioritisation and implementation of the *State Community Crime Prevention Plan 2011-2015* (endorsed by State Council in August 2011), would be an appropriate forum to lead the development.

¹www.crimeprevention.gov.au/agd/WWW/...5.../Tip+Sheet+5.pdf

A key recommendation of the Auditor General's Report is the need for better communication and partnerships. This is also reflected in the *WA Police Crime Prevention Strategy* (endorsed by State Council as part of the *State Community Crime Prevention Plan 2011-2015* in August 2011). WALGA secretariat recommends that a partnership agreement between WA Police and Local Government should be developed. The partnership agreement would increase the level of consistency in CCTV relationships through the development of communications protocols to be negotiated at a local level, along with a formalization of roles and responsibilities.

Designing Out Crime is referred to as a priority area under both the *State Tough on Graffiti Strategy 2011-2015* (TOG) and the *State Community Crime Prevention Plan 2011-2015*. The TOG was endorsed by State Council in December 2011, along with a recommendation to establish a Designing out Crime program which supports Designing out Graffiti. The proposed CCTV advisory unit could also align well within a broader Designing Out Crime program. The CCTV advisory unit would prove a valuable interface between Police, other Agencies, Local Government and private CCTV operators, and work to implement the proposed CCTV Strategy.

5.9 Appointment of Australian Local Government Association Delegates (04-001-02-0001 JD)

By Janet Done, Executive Officer Governance and Strategy

Moved: Cr D Michael
Seconded: Mayor T Roberts

That:

1. the Association President, Mayor Troy Pickard be reappointed and Deputy President, Cr Lynne Craigie be appointed as the Western Australian delegates on the ALGA Executive Committee effective March 2012 to March 2014; and
2. the Association President and Deputy President exercise the four votes for Western Australia at the ALGA Annual General Meetings, being two votes respectively.

RESOLUTION 63.3/2012

CARRIED

5.10 Finance & Services Committee Minutes – (Attached) (01-006-03-0006 NW)

By Nick Wood, Executive Manager, Corporate Business Solutions

Moved: President Cr W Barrett
Seconded: President Cr B Webster

That the Minutes of the Finance and Services Committee meeting of 11 April 2012 be received.

RESOLUTION 64.3/2012

CARRIED

5.11 Selection Committee Minutes (01-006-03-0011 JD)

By Janet Done, Executive Officer Governance and Strategy

Cr Short declared an interest and left the Chambers at 9.41am

Moved: President Cr L Craigie
Seconded: Mayor R Yuryevich

That the resolutions made under delegated authority to the Selection Committee as detailed in the Minutes dated 24 April 2012 be noted.

RESOLUTION 65.3/2012

CARRIED UNANIMOUSLY

Cr Short returned to the meeting at 9.43am

5.12 Honours Panel Minutes (01-006-04-0002 JD)

By Janet Done, Executive Officer Governance and Strategy

Moved: Mayor R Yuryevich
Seconded: Mayor D Ennis

That the Minutes of the Honours Panel meeting held on 7 March 2012 be received.

RESOLUTION 66.3/2012

CARRIED UNANIMOUSLY

6. MATTERS FOR NOTING / INFORMATION

6.1 Metropolitan Local Government Review (05-034-01-0018TL)

By Tony Brown, Executive Manager Governance and Strategy

Moved: President Cr E O'Connell

Seconded: Cr J Davidson

That the process for the consideration of the Association's submission to the Metropolitan Local Government Review Panel in response to their Draft Findings, which includes a meeting of Metropolitan Mayors & Presidents to review and make recommendations on ~~adopt~~ the interim submission, to be presented to a future State Council meeting.

AMENDMENT

Moved: Cr D Thompson

Seconded: Mayor D Ennis

That the process for the consideration of the Association's submission to the Metropolitan Local Government Review Panel in response to their Draft Findings, which includes a meeting of Metropolitan Mayors & Presidents to review and make recommendations on the interim submission, be presented to a future State Council meeting for endorsement.

CARRIED

THE AMENDMENT BECAME THE MOTION AND WAS

RESOLUTION 67.3/2012

CARRIED UNANIMOUSLY

In Brief

- The Metropolitan Local Government Review Panel, formed in June 2011 by the Minister for Local Government, will be releasing their Draft Findings by the end of April 2012
- To facilitate Local Government input into the Association's Submission on the Draft Findings, an indicative response will be distributed shortly after the distribution of the Panel's Draft Findings
- Submissions to the Panel on the Draft Findings are likely to be open for a four week period and input to WALGA will be requested approximately one week prior to the submission deadline
- Due to the significance of the Panel's Draft Findings for metropolitan Local Governments, a meeting of metropolitan Mayors and Presidents will be held to consider the Association's Submission
- The Submission will be presented to the Panel conditional on future State Council endorsement

Attachment

Nil

Relevance to Strategic / Business Plan

- Providing strong representation for Local Government
- Providing effective leadership for Local Government
- Building a positive profile for Local Government
- Enhancing the capacity of Local Government to deliver services

Background

The Minister for Local Government, Hon John Castrilli MLA, announced a review of Local Government in metropolitan Perth in June 2011. The Review is being undertaken by a three-member Panel who are due to report to the Minister by June 2012.

The Metropolitan Local Government Review Panel released an *Issues Paper* late in 2011 and requested submissions. WALGA provided a comprehensive submission to the Panel on 31 January 2012 following a round of Special Zone Meetings and a Special State Council Meeting.

The WALGA Submission represents a response to the Panel's Terms of Reference and *Issues Paper* Questions and sits in the context of WALGA's policy of supporting voluntary reform which retains local representation and enables regional cooperation.

The Association's submission was the result of a thorough consultation and engagement process with the Local Government sector. During the review process the Association hosted a Visioning Forum and a Governance Models Forum for Metropolitan Local Governments, held a number of focus groups with current and former Local Government leaders and regularly engaged with Local Governments.

The WALGA President also established a policy forum – the President's Advisory Group (PAG) – to guide the Association's Submission to the Review.

The recommendations from the Association's Submission, which are best read in the context of the commentary contained in the submission, are listed at the conclusion of this agenda item.

Comment

The Association was informed on Thursday, 12 April 2012 that the release of the Panel's Draft Findings had been delayed by approximately two weeks. Accordingly, the Association's planned schedule will have to be amended accordingly. Advice to Local Governments will be distributed as information becomes available.

The Metropolitan Local Government Review Panel have indicated that their Draft Findings will be released on by the end of April 2012. A four week consultation period will follow.

The Association previously advised Local Governments of the likelihood of a condensed timeframe for responses to the Panel's Draft Findings. It is important that Local Governments are prepared to offer a considered response to the Panel, and provided feedback to WALGA, prior to the Panel's deadlines.

To facilitate input from Local Governments, the Association will be preparing and distributing an indicative response to the Draft Findings shortly after their release. Feedback to the Association will be requested to be received approximately one week prior to the Panel's submission deadline date.

The release of the Metropolitan Local Government Review Panel's Draft Findings will be of great significance to Local Governments, particularly in the metropolitan area.

As a result, a meeting of metropolitan Mayors and Presidents had been organised for Wednesday, 9 May 2012, but due to the delay in the release of the Panel's Draft Findings, will be postponed.

Due to the unique circumstances of the Metropolitan Local Government Review, it is proposed that the meeting of Mayors and Presidents will consider the Association's Response to the Panel's Draft Findings. Each Council will have one deliberative vote to be exercised by the Mayor or President. Chief Executive Officers of metropolitan Local Governments have been invited to attend the meeting as observers.

Metropolitan Councils are strongly encouraged to attend the meeting of metropolitan Mayors and Presidents as it represents a significant opportunity to make a tangible contribution to the Association's response to the Metropolitan Local Government Review Panel.

The Association's Submission on the Draft Findings will be provided to the Panel subject to subsequent State Council endorsement.

Recommendations – WALGA Submission

1	A protocol guiding communication and consultation between the State Government and the Local Government sector be developed and implemented as a matter of urgency
2	A Local Government Commission be established in Western Australia as proposed in this submission
3	A comprehensive review of the <i>Local Government Act 1995</i> be undertaken to restore the Act to the principle of 'general competence'
4	<ol style="list-style-type: none"> The <i>Local Government Act 1995</i> be amended to remove the rate exemption for Independent Living Units. The <i>Local Government Act 1995</i> be amended to provide clarification on rating of land used for charitable purposes.
5	That LandCorp and other Government Trading Entities' rate equivalency payments be made to the relevant Local Governments instead of the State Government
6	That Section 6.21 of the <i>Local Government Act 1995</i> be amended to allow Local Governments to use freehold land, in addition to its general fund, as security when borrowing
7	That a review be undertaken to remove fees and charges from legislation and Councils be empowered to set fees and charges for Local Government services
8	A review, with the involvement of the Association and the Local Government sector, examining the regulatory and compliance burden of Regional Local Governments be undertaken.
9	That the <i>Local Government Act 1995</i> and Regulations be amended to enable Local Governments to establish regional subsidiaries as intended by the <i>Local Government Amendment (Regional Subsidiaries) Bill 2010</i>
10	That the <i>Local Government Act 1995</i> and Regulations be amended to enable Local Governments to establish Council Controlled Organisations
11	<p>That a Governance Model based on the following guiding principles be adopted for the Perth metropolitan region:</p> <ul style="list-style-type: none"> Determination of Local Government boundaries based on sustainability principles (economic, social, environmental and organisational) with reference to <i>Directions 2031</i>. The existence of strategic industrial areas, other major land uses should also be considered Establishment of regional bodies to undertake regional service delivery and regional strategic planning, and Enhancement of Intergovernmental Relations between State Government and the Local Government sector at the strategic, policy and project levels.
12	That the Metropolitan Review Panel develops a transition plan as part of their final representations to the Minister
13	That the Metropolitan Local Government Review Panel ensures the State Government is made aware of the potential impacts of their recommendations on the workforces and financial positions of Local Governments
14	That any change to the Structure and Governance of Local Governments whether forced or voluntary, to be funded by the State Government.
15	That the Local Government sector and Local Government peak bodies – WALGA and the LGMA – are involved in any Local Government reform initiative stemming from the Metropolitan Local Government Review
16	That the Metropolitan Local Government Review Panel, when releasing their draft findings for public comment, provide substantiating commentary
17	That the Metropolitan Local Government Review Panel's final report be made public

6.2 Review of Royalties for Regions Country Local Government Fund (05-055-03-0005TL)

By Tim Lane, Governance & Strategy Facilitator

Moved: Mayor R Yuryevich
Seconded: President Cr E O'Connell

That:

- 1. State Council notes the release of the Review of Royalties for Regions Country Local Government Fund report; and**
- 2. the draft submission of the Review of Royalties for Regions Country Local Government Fund be circulated to all State Councillors for comment prior to submitting.**

RESOLUTION 68.3/2012

CARRIED

In Brief

- The Western Australian Regional Development Trust's report – *Review of Royalties for Regions Country Local Government Fund* – has been released for public comment with submissions due by 11 May 2012
- The Association has distributed an InfoPage seeking Local Government feedback by 3 May 2012 to assist in shaping the Association's submission
- The report proposes a shift in the nature of the Country Local Government Fund (CLGF) to be more strategic and outcomes focused
- The Trust recommends that the intention to allocate 100 percent of the 2013-14 round of funding to groups of Local Governments should be scrapped and that the CLGF should incorporate flexibility to allocate funding to individual Local Governments or groups of Local Governments based on anticipated outcomes
- The Trust recommends that the CLGF contain two pools of funding: a contestable pool and a non-contestable pool
- The Trust also recommends an enhanced role for the Department of Regional Development and Lands to assess Local Government eligibility for both the contestable and non-contestable pools of funding based on prospects, capability, capacity and risk

Attachment

Nil.

Relevance to Strategic / Business Plan

- Providing strong representation for Local Government
- Providing effective leadership for Local Government
- Building a positive profile for Local Government
- Enhancing the capacity of Local Government to deliver services

Background

In June 2011, the Minister for Regional Development referred a review of the Country Local Government Fund (CLGF) to the Western Australian Regional Development Trust (WARDT).

The WARDT released an *Issues Paper* and called for submissions from Local Governments, WALGA and other stakeholders.

The Association provided a comprehensive submission to the Trust, containing nine recommendations, which was endorsed by State Council on 7 December 2011.

The Association's full submission to the *Issues Paper* is available to download from <http://www.walga.asn.au/MemberResources/GovernanceStrategy/CurrentandEmergingIssues.aspx>.

The WARDT provided a comprehensive report to the Minister for Regional Development in January this year. The report – *Review of the Royalties for Regions Country Local Government Fund* – containing 26 recommendations, has now been publically released and is available from <http://www.rdl.wa.gov.au/>.

The report has been released for a comment period closing on Friday, 11 May 2012. An InfoPage has been distributed to all Local Governments seeking feedback by Thursday, 3 May 2012 to guide the Association's submission. The Association's submission will be presented at the 4 July State Council meeting for endorsement.

Comment

If the Trust's 26 recommendations are implemented, there will be changes to the nature of the Country Local Government Fund and the way it is allocated to Local Governments from July next year.

The Trust's recommendations are broadly consistent with the Association's submission to the *Issues Paper*. However, some matters, particularly regarding the role of the Department of Regional Development and Lands (RDL) as assessors of Local Governments, present as *prima facie* concerns for the sector.

The Trust has recommended that the CLGF should continue with current or increased funding and should become more strategic and outcomes focused. Changes are also proposed to the accountability of the program.

The focuses of the CLGF will continue to be infrastructure creation and renewal, Local Government capacity building and the facilitation of amalgamations.

The Trust has recommended scrapping the fixed percentage split between individual Local Governments and regional groupings of Local Governments in line with the shift towards an outcomes based and more strategic program. The Trust's *Recommendation 9* states that the CLGF should contain both an individual component and a regional component. Further, the Trust recommends against the 2013-14 CLGF to be allocated entirely to regional groups of Local Government.

The Trust argues in the report that some Local Governments, particularly geographically large Local Governments, regional centres and SuperTowns, should be considered 'regions' in their own right and should not be forced into regional groups that deliver sub-optimal outcomes. Conversely, the Trust argues that some Local Governments should only have access to funding as part of a regional group of Local Governments.

The Trust has recommended that there should be two CLGF funding pools: a contestable funding pool and a non-contestable grants pool. The Trust argues the CLGF should be outcomes focused and not 'entitlement' focused.

A potential issue of concern for the sector is the enhanced role proposed for the Department of Regional Development and Lands as assessors of Local Governments. The Trust has recommended that funding to Local Governments from the CLGF be contingent on RDL

assessments of Local Governments in terms of prospects, capability, capacity and risk. The Trust has also recommended that RDL analyse all Local Government Forward Capital Works Plans to ascertain infrastructure status, needs and priorities of each Local Government. The Trust envisages that RDL's assessment and rating process may deem some Local Governments ineligible for one or both pools of funding.

This presents as a particular issue of concern for the Local Government sector. If the Trust's recommendations are implemented, some Local Governments, potentially with the least financial capacity and a significant infrastructure backlog, may be determined as ineligible for CLGF funding.

Changes to the accountability requirements for the CLGF are also proposed. The report suggests that the Local Government audit process could be refined to provide a thorough assessment of CLGF projects to prevent multiple auditing of projects. The Trust also recommends the standardisation of Local Government accounting systems, asset management systems, depreciation systems and forward capital works plans.

A positive recommendation from the Trust is the move from the current 'financial year' approach to a 'project time' approach. The Association argued for this change in its submission to the *Issues Paper*.

Another positive proposal from the Trust is the recommendation that the Department of Regional Development takes a less 'desktop' based approach to administering the CLGF. It is recommended that RDL project officers get out into the country to directly liaise with Local Governments involved in CLGF projects.

The Trust has also recommended that the role and involvement of the Regional Development Commissions be clarified in future iterations of the CLGF.

The Association will prepare a response to the report by the 11 May 2012 deadline. Input from Local Governments is requested by 3 May 2012 to assist in shaping the Association's submission.

6.3 Local Government Service Delivery to Aboriginal Communities Forum (05-032-03-0008 JH)

By Jodie Holbrook, Community Policy Manager

Moved: Mayor D Ennis
Seconded: President J Gardiner

That State Council notes the report on the Local Government Service Delivery to Aboriginal Communities Forum held on 8 March 2012.

RESOLUTION 69.3/2012

CARRIED

In Brief

- On Thursday, 8 March, 2012 the Department of Local Government sponsored a full day Forum for Elected Members and CEOs from 22 Councils who will be asked to service remote Aboriginal communities as part of the COAG National Partnership of Remote Indigenous Housing.
- Presentations were received from Ms Jennifer Mathews, Director General Department of Local Government, Mr Cliff Weeks, Director General, Department of Indigenous Affairs, and Mr Kenn Donohue, Chief Executive Officer, Shire of Broome.
- A Strategic Action Plan based on the forum discussions is being developed and will be presented to the July 2012 meeting of State Council.

Attachment

- Presentation given by Jennifer Mathews
- State Planning Policy Guideline 3.2 and
- WAPC list of Aboriginal settlements with a Community Layout plan

can be accessed from the WALGA web page at

<http://www.walga.asn.au/MemberResources/StateCouncilDocuments/AgendasampMinutes/2012.aspx>

Relevance to Strategic / Business Plan

- Providing strong representation for Local Government
- Providing effective leadership for Local Government
- Building a positive profile for Local Government
- Enhancing the capacity of Local Government to deliver services

Background

On Thursday, 8 March, 2012 the Department of Local Government sponsored a full day Forum for Elected Members and CEOs from 22 Councils who will be asked to service remote Aboriginal communities. The Forum was held at the City of Melville and coordinated by WALGA. This was the second forum held to discuss service delivery to Aboriginal Communities. The first was held on December 5 2011, which resulted in the Local Government Service Delivery to Aboriginal Communities Communiqué, subsequently endorsed by State Council at their April 2012 meeting.

The Communiqué essentially sets out the requirements of Local Government and the fundamental issues and resources required as part of the transition outlined in the Council for Australian Government (COAG) National Partnership on Remote Housing. copies of the endorsed Local Government Communiqué have been sent, with covering letters, to relevant State and Federal Ministers.

The 8 March Forum was understood by most as an effort to develop a shared understanding and a partnership with the State Government. Ms Jennifer Mathews, Director General of the Department of Local Government and Mr Cliff Weeks, Director General of the Department of Indigenous Affairs presented. It was also an opportunity to hear how Local Governments are planning for delivery and workshop issues in a different way with the assistance of freelance strategist Rebecca Cotton.

Jennifer Mathews, Director General of Department of Local Government, acknowledged the paradigm shift in Service Delivery to Aboriginal Communities and agreed there must be clearer direction from the Commonwealth Government to move forward. Ms Mathews outlined the extensive body of work that Local Governments have undertaken in collaboration with the Department over the past 18 months to cost and scope services to Aboriginal Communities, and noted that this work would be critical in informing discussions with the Commonwealth. A copy of her presentation is attached to this item.

Mr Cliff Weeks, Director General of the Department of Indigenous Affairs, has expressed to the Commonwealth, through the Working Group on Indigenous Reform, chaired by the Hon Jenny Macklin, Commonwealth Minister for Indigenous Affairs and at meetings with senior officials of the Department of Families, Housing, Community Services and Indigenous Affairs, the dire situation Local Governments are facing in Western Australia with the looming 1 July 2012 deadlines for the transfer of responsibility for the delivery of municipal services to Aboriginal communities. The response from Commonwealth was not definitive.

In summary:

- continuation of MUNS funding will be considered in the May federal budget;
- the Commonwealth are aiming to submit the National Audit to COAG by June 2012; and
- preparations should continue for detailed discussions with the Commonwealth regarding future arrangements.

Mr Weeks commended the work of Local Government to date and hopes to continue with the partnered approach. He argued that because the services identified by the Commonwealth are new and not just a transfer of existing services, appropriate funding sources had to be found and existing funding streams reviewed. It is important that the Commonwealth, State and Local Government engage in urgent discussions regarding service delivery to remote Aboriginal communities to ensure outcomes for Aboriginal people are improved.

Following the presentations, Forum Facilitator Rebecca Cotton introduced delegates to the Centre of Gravity technique. A Centre of Gravity (CoG) is a focal point that serves to hold an entire system, structure, organisation or group together and that draws power from a variety of sources and provides the system, structure, organisation or group with purpose and direction.

The CoG is important to the development and successful implementation of any strategy. It is through the CoG that an organisation or group achieves its mission. An organisation that doesn't know, and/or can't express its CoG, runs the risk of setting the wrong mission, or a mission that simply can't be achieved. Delegates were asked to reflect on the CoG for the Commonwealth and State Government, Local Government and Aboriginal Communities and develop strategies for the following:

1. Establishing Strategic Communications
2. Creating Supportive Legislative & Policy Environments
3. Planning for Staged Roll Out (operational implementation)
4. Participation of/with Aboriginal Communities

The workshop discussion was transcribed into a *Book of Proceedings* which is being sent to all delegates for review. Copies will be available on the WALGA website once finalized. A Strategic Action Plan based on the forum discussion is being developed with recommendations for sector

consideration on the best way to facilitate Local Government Service Delivery to Aboriginal communities. This will be presented to State Council at their July 2012 meeting.

The key points of discussion at the forum can be summarised as follows:

- Broad endorsement of the COAG National Framework – Closing The Gap of Indigenous disadvantage
- Genuine partnership and dialogue with Local Government for improved co-operation and outcomes for Aboriginal people
- Changes must not result in any cost shifting from the Commonwealth or State to Local Government
- Current financial assistance to Local Government is inadequate for Councils to deliver a range of Local Government services to communities
- Changes should develop and promote initiatives that will increase the access to Local Government services by Indigenous people in a sustainable way
- Negotiations should assist Local Government to meet service delivery obligations and to strengthen the capacity of Local Government to work with Aboriginal communities
- The principle of one level of Government having primary responsibility for delivery should identify outcomes and revenue streams
- Flexibility for Local Government to work in response to local community needs
- The new arrangements need to address existing legislative and land tenure impediments.

Comment

Local Government is working hard to map out potential service delivery options to Aboriginal Communities and resource requirements, against a backdrop of State Government led sector reform. Similarly we know there are pressures at the Commonwealth Government level through efficiency reforms.

Local Government has identified the gaps in knowledge and resources that are still required for true engagement. These are outlined in the Local Government Service Delivery to Aboriginal Communities Communiqué.

WALGA continues to work in good faith and trust that negotiations for service delivery to Aboriginal Communities between Commonwealth and State Government will not result in adverse consequences for Local Government and their communities.

As a part of the data gathering process, WALGA has identified a critical body of work that needs to be undertaken on legislative and land tenure impediments to service delivery.

WALGA has requested the Department of Local Government consider funding a research project to ascertain what currently exists and potential options to address these impediments. WALGA believes this would be a project mutual benefit to the Department of Indigenous Affairs and other State Agencies including Housing, Health and Education for future service planning, and infrastructure investment in regional Western Australia. Further advice will be provided once the outcome of the request is known.

A separate item on the COAG Municipal and Essential Services Audit (see Item 6.6) is contained within the May 2012 State Council Agenda. The report provides an overview of the review process for the National Partnership on Remote Indigenous Housing and the COAG Municipal and Essential Services Audit. LGA is participating to ensure Local Government concerns are addressed. The report also outlines a separate but related body of work being led by Infrastructure Australia. Infrastructure Australia has established an Indigenous Taskforce Group, a sub-committee of the Infrastructure Australia Council, to develop a National Strategic Policy Framework and funding model for remote Indigenous infrastructure planning and development.

6.4 Affordable Housing Strategy 2010 - 2020 (05-036-03-0020 CG)

Christopher Green, Planning Coordinator Reform and Improvement

Moved: Mayor D Ennis
Seconded: President J Gardiner

That the Affordable Housing Strategy 2010-2020, Opening Doors to Affordable Housing and the Minister for Housing, Affordable Housing Roundtable be noted.

RESOLUTION 70.3/2012

CARRIED

In Brief

- The Minister for Housing intends holding a Ministerial Roundtable to discuss opportunities for providing solutions to affordable housing issues across the State and has invited a range of stakeholders from a relevant of sectors including WALGA's President.
- The Affordable Housing Strategy 2010-2020, Opening Doors to Affordable Housing was released in December 2010. The strategy encourages Local Government to develop local housing strategies which identify the demand for affordable housing within their communities.

Attachment

Nil

Relevance to Strategic / Business Plan

- Providing strong representation for Local Government
- Providing effective leadership for Local Government
- Enhancing the capacity of Local Government to deliver services

Background

Affordable Housing Strategy 2010-2020, Opening Doors to Affordable Housing was released by the Department of Housing in December 2010. The Strategy sets out a number of measures designed to increase the availability of homes, affordable to those on low to moderate incomes, which are appropriate to the needs of individuals. The key issues raised by the Strategy which are relevant to the Local Government sector are, as follows;

- Local Governments are expected to produce housing strategies which identify current and future housing needs;
- A best practice model for housing approvals will be developed, (although it remains unclear when this guidance will be published), and;
- The Strategy encourages planning reforms to promote greater diversity in the choice of housing options available.

Subsequent to the Affordable Housing Strategy, the Minister for Housing is establishing a Ministerial Roundtable to discuss new ideas and opportunities concerning the provision of affordable housing. The Terms of Reference state that the Roundtable will "function as a high-level think tank to inform policy directions and implementation of the State Government's Affordable Housing Strategy 2010-2020 and specifically to:

1. provide advice to government about significant opportunities and barriers to increasing the supply and diversity of affordable housing in WA;

2. identify strategic opportunities and priorities for government-industry cooperation in the financing, development and delivery of affordable housing; and
3. exchange workable ideas to improve housing affordability.”

Comment

The Affordable Housing Strategy, 2010-2020, Opening Doors to Affordable Housing, was published just over a year ago and therefore Local Governments will be aware of the Strategies requirements that are relevant to the sector. Of these, the most apparent requirement for Local Governments is the expectation to develop housing strategies which identify current and future housing needs for their communities. It is important that these strategies are developed using a robust evidence base. The Department of Housing intends to publish area specific housing supply and affordability data, enabling Local Governments to develop housing strategies which reflect local housing demand. However, given the current absence of this information, Local Governments will have to use alternative data sources as an evidence base in developing their housing strategies. One possible solution could be to use the recently released population and demographic projections set out by WA Tomorrow as method for predicting future levels of housing and affordable housing demand (See State Council item number 6.5).

Whilst the Affordable Housing Strategy states that model planning policies regarding the provision of affordable housing together with a best practice model for housing approvals will be developed, no timeframe is given for when this guidance will be released. However the publication of this guidance is critical if the Strategies target of providing an additional 20,000 affordable homes by 2020 is to be achieved. Furthermore, given that the Strategy does not support formal inclusionary zoning to set out a mandatory affordable housing quota and instead states that Local Governments are encouraged to offer developers voluntary incentives to include wider affordable housing components; it is imperative that further guidance is offered to the Local Government sector.

The Roundtable presents the opportunity to discuss the progress made by Local Governments in preparing their housing strategies and to highlight the obstacles and challenges that Local Governments face in delivering affordable homes. Furthermore, the Association will use this opportunity to confirm its commitment to working closely with the Department of Housing to enhance the availability of affordable housing and to ensure that suitable guidance is produced to assist Local Governments in the production of housing strategies. The first Ministerial Roundtable will be held on 26 April 2012.

6.5 Western Australia Tomorrow Population Report No. 7, 2006 to 2026 (05-098-03-0001 CG)

Christopher Green, Planning Coordinator Reform and Improvement

Moved: Mayor D Ennis

Seconded: President J Gardiner

That the Western Australia Tomorrow Population Report No.7, 2006 to 2026, be noted.

RESOLUTION 71.3/2012

CARRIED

In Brief

- Western Australia Tomorrow Population Report No.7 was released in February 2012 and sets out a series of population projections including a population forecast for each Local Government.

Attachment

Nil

Relevance to Strategic / Business Plan

- Providing strong representation for Local Government
- Providing effective leadership for Local Government
- Enhancing the capacity of Local Government to deliver services

Background

Western Australia Tomorrow Population Report No.7, has been recently released by the Western Australian Planning Commission (WAPC) and outlines a series of population projections which are designed to help various stakeholders, including Local Governments, plan for the future.

There are five sets of population forecasts included within WA Tomorrow which range from a low population growth scenario through to a high population growth scenario. The forecast figures are broken down into age and sex bands and cover each Local Government area as well as the State's Planning Regions. The population projections are based on trends since the 1980's, with 2006 used as the baseline year for the forecasts. It is important to note the projections are restricted to using past information, therefore the accuracy of the projections is limited as it does not take into account planned initiatives which will affect population growth. The analysis undertaken in this summary refers to the median growth forecasts only.

Comment

The forecasts set out by WA Tomorrow indicate that the population of the Western Australia is anticipated to grow by approximately 50% to a population of 3 million by 2026. The majority of the population growth forecast by WA Tomorrow is predicted to be within the outer areas of the Perth Metropolitan region. Indeed, the forecasts predict that 65% of the total WA population growth will occur within just ten Local Government areas, all of which are located within the Perth and Peel region. In total, the population of the Perth Metropolitan Region is predicted to grow by 752,400; accounting for just over three-quarters of the States anticipated population growth. In terms of absolute numbers, WA Tomorrow anticipates that the largest growth at the Local Government level, will occur within the City of Wanneroo where by the population will increase by 162,200 to 278,100 by 2026. However, the City of Perth is predicted to experience the largest growth relative to the 2006 population baseline, with the City's total population projected to increase by 267% from 12,500 to 45,900.

Population trend forecasts are used by the WAPC to inform plans strategies which manage growth, such as Directions 2031 and Beyond. Directions 2031 has been prepared by the WAPC to manage growth within the Perth and Peel region and is based on a regional population projection of 2.2 million by 2031. However, the WA Tomorrow population projections anticipate that by 2026, five years ahead of the Directions 2031 forecasts, the Perth and Peel region will have a larger population, measuring in excess 2.4 million people.

The WA Tomorrow population projections for each of the eight 'Supertowns' differ somewhat significantly. Only four of the eight towns are forecast to experience a population growth of more than 1,000 persons. The Shire of Augusta-Margaret River is projected to experience the largest population growth, rising from 11,100 persons to 17,200 by 2026. Only marginal, absolute population growth, representing approximately 10% or less of the existing population, is forecast for the Shires of Collie, Katanning Manjimup and Morawa. As such, the WA Tomorrow population projections for these Local Governments, differ significantly from the anticipated growth, set out by the growth plans prepared for these 'Supertowns'.

However it is important to note that the WA Tomorrow population projections do not predict uniformed growth across the State. The forecasts identify a number of growth hotspots as well a number of Local Government areas and regions where a decrease in the size of the existing populations is forecast. The WA Tomorrow projections anticipate that by 2026, the size of the existing populations located within 46 Local Governments will decrease. The majority of these Local Governments are situated in the State's northern regions.

In relation to age, WA Tomorrow projections forecast that the number of people aged 65 and over, within WA, will increase by 123% to a total of 539,685 persons by 2026. This increase means that across WA, the proportion of the population aged 65 or over will increase from approximately 12% to 18% by 2026. However, again, this growth in the number of persons aged 65 or above, is not uniform across the state. Some Local Governments are predicted to experience a greater increase in the numbers of people aged over 65 than others. The forecasts predict that by 2026 the largest concentrations of persons aged 65 or above will be located within Stirling, Wanneroo, Mandurah, Joondalup and Rockingham. Combined, these five Local Governments will account for 36% of the growth in the number of persons aged 65 or over within WA.

Although for many Local Governments the growth in the absolute number of persons aged 65 and above may be relatively small when compared to the absolute growth anticipated for other Local Governments; the growth forecast within this age group will represent a very significant population demographic shift. Indeed the WA Tomorrow forecasts predict that by 2026, 20 Local Governments will have populations whereby more than 25% of all residents are aged 65 or above.

It is clear that the WA Tomorrow population growth projections together with the forecast of a demographic shift towards an older population will have a number of wide ranging implications for Local Governments. Arguably, the two most critical issues for Local Governments concern the supply of sufficient housing and secondly the provision of municipal services.

The Affordable Housing Strategy, 2010-2020, Opening Doors to Affordable Housing, sets out a Local Governments requirement to develop housing strategies which identify current and future housing needs for their communities. The Department of Housing intends to release area based housing demand figures, however given the current absence of this figures, Local Governments may wish to use the WA Tomorrow population projections as an alternative evidence base for their local Housing Strategies. However, it is important to note that there are many factors which combine to influence housing demand, not only population and demographic forecasts. In addition, the WA Tomorrow projections are based on past trends, as such, Local Governments will need to undertake further, more detailed analysis of the WA Tomorrow forecasts to interpret future demand for homes and affordable housing within their communities. Furthermore, by undertaking more detailed analysis of the population forecasts, Local Governments may be able to adopt strategies which encourage sustainable population growth rather than the population decline as forecast for

some localities by WA Tomorrow. Nevertheless with regards to the provision of homes two clear conclusions can be drawn. Firstly, in order to satisfy a larger population, more homes are needed and secondly; the WA Tomorrow forecasts confirm the need for greater diversity in the type/size of homes being built in order to ensure that the supply of homes suits the accommodation needs of an older population.

In addition to the impact that the population growth forecast by WA Tomorrow will have on housing demand, population growth will add further pressures to the wide range of Local Government services and infrastructure. The population growth and demographic shift forecast by WA Tomorrow will lead to increasing demand for education, health, leisure and recreation facilities, waste management infrastructure, transport infrastructure, and employment centres. Managing this growth successfully to provide sustainable communities will require ongoing collaboration between a range of stakeholders including State and Local Governments.

Whilst the population projections set out by WA Tomorrow are a useful tool for Local Governments and other stakeholders in planning for the future, the absence of adjustments built into the calculations to reflect government strategies such as 'Supertowns' means that the reliability of projections is diminished. The Association intends to work with the WAPC so the population projections set out in future revisions of the WA Tomorrow Population Report series consider WAPC and other State Government programs affecting the States growth. The release of the 2011 census will also improve the baseline figure on which forecast have been made.

6.6 Report Municipal Waste Advisory Council (MWAC) (01-006-03-0008 RNB)
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By Rebecca Brown, Manager, Waste & Recycling

Moved: Mayor D Ennis
Seconded: President J Gardiner

That the resolutions of the Municipal Waste Advisory Council at its 22 February 2012 meeting be noted.

RESOLUTION 72.3/2012

CARRIED

Background

Under previous arrangements, the Municipal Waste Advisory Council has reported to each Western Australian Local Government Association meeting following its meetings. Minutes were submitted for noting consistent with the delegated authority bestowed on the Municipal Waste Advisory Council.

The full minutes of the Municipal Waste Advisory Council meeting and relevant documents are available from the State Council section of the WALGA website. The Municipal Waste Advisory Council is seeking State Council noting of the resolutions from **22 February 2012**, consistent with the delegated authority granted to the Municipal Waste Advisory Council to deal with waste management issues.

Copies of specific items and further supporting information are available on request from Municipal Waste Advisory Council staff.

Comment

The key issues considered at the meeting held on **22 February 2012** included:

Response to the Metropolitan Local Government Review

Background

In June 2011, the Minister for Local Government, John Castrilli, announced an independent review of Perth metropolitan Local Government and broader governance structures. An Issues Paper has been released to facilitate feedback to inform the development of recommendations. WALGA developed a Submission on behalf of the sector.

MWAC also responded to the Issues Paper, outlining a number of the key issues for Local Government concerning waste management activities.

MUNICIPAL WASTE ADVISORY COUNCIL MOTION

That the Municipal Waste Advisory Council:

1. Endorse the Response to the Metropolitan Local Government Review.

Landfill Levy Background Paper

Background

This intent of this Paper is to provide an overview of issues associated with Landfill Levies and to inform future discussions regarding the Levy. The key conclusions from the Background Paper are:

- A high Levy rate does not necessarily result in a high recycling rate – that is, from comparing Levy rates and recycling rates, there is no clear correlation. For example NSW has the highest Levy in Australia but not a correspondingly high recycling rate;
- There are a range of factors which influence recovery rate – these include enforcement activities by government agencies, lack of local/state/federal government leadership and direction, market development, collection systems, infrastructure, education and landfill price (including levies); and
- The Levy, as a direct economic driver, may not be the best way to increase recycling of municipal solid waste – given the range of factors that influence recovery rates, a price signal alone (and one that is indirect) is not as effective as other approaches in increasing MSW recovery.

Actions/Advocacy Activity

WALGA

- Through the WALGA Budget Submission, meeting with the Premier and other Government Ministers, the issue of the need to hypothecate funds from the Levy to waste management will be emphasised.

MWAC

- Will write to the Environment Minister to ascertain whether it is intended for the WARR Levy to increase 2012/13.
- Will provide the Background Paper to the Waste Authority, for their information.
- MWAC members use information in the Background Paper for their own advocacy activities, such as in correspondence to local Members/Minister.

MUNICIPAL WASTE ADVISORY COUNCIL MOTION

That the Municipal Waste Advisory Council endorse the Landfill Levy Background Paper, and this Paper be used to inform advocacy activities in relation to the Waste Avoidance and Resource Recovery (WARR) Levy.

Household Hazardous Waste (HHW) Program – Advisory Committee

Background

As part of the WALGA / DEC Agreement on the delivery of the HHW Program an Advisory Committee has to be established. This Committee includes representatives from MWAC, DEC, Local Government (metro and non-metro) and HHW producers/retailers. Two organisations facilitating Product Stewardship have been approached to be part of the group - Australian Battery Recycling Initiative and the Australian Paint Manufacturers Federation. The inclusion of these groups will assist in the development of Product Stewardship for these key products (highest volume and cost waste streams). The Committee's first task will be to undertake the 6 month review of the HHW Program.

The Advisory Committee will be responsible for:

- Investigating and making recommendations to improve the efficiency of the HHW Program;
- Reviewing expenditure on HHW recycling and disposal; and
- Other activities as requested by the parties.

Actions/Advocacy Activity

The Committee will be convened to review the Program. The Committee will determine future advocacy activities.

MUNICIPAL WASTE ADVISORY COUNCIL MOTION

That the Municipal Waste Advisory Council nominate Peter Hoar (City of Joondalup) as the MWAC representative on the HHW Program Advisory Committee.

Non-Metropolitan Meeting

Background

The MWAC non-metropolitan meeting will be held Monday 30 April to Tuesday 1 May 2012. The meeting will include visiting Local Governments north of the Perth metropolitan area and the Mid

West Regional Council (MWRC). The main purposes of the meeting include strengthening relationships between MWAC, member Councils and Local Government; provide Councillors and Officers in the non-metropolitan area with information on various issues and for MWAC to gain a greater understanding of the waste management issues for these areas.

The main activities planned for the meeting include:

- Meeting at the Shire of Gingin with Local Government representatives in the area;
- Site visit to the Shire of Gingin waste facility;
- Meeting with the MWRC;
- Site visit of the Shire of Three Springs waste facility; and
- Meeting/Dinner with the Shire of Dandaragan.

Actions/Advocacy Activity

The information and networks gained through this activity will be used to inform advocacy on key issues.

MUNICIPAL WASTE ADVISORY COUNCIL MOTION

That the Municipal Waste Advisory Council agree to:

1. The non-metropolitan meeting being held on Monday 30 April to Tuesday 1 May 2012; and
2. The suggested activities for the non-metropolitan meeting.

7. ORGANISATIONAL REPORTS

7.1 Key Activity Reports

7.1.1	Report on Key Activities, Environment and Waste Unit (01-006-03-0017 MJB)
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By Mark Batty, Executive Manager Environment & Waste

Moved: Cr D Thompson

Seconded: Mayor D Ennis

That the Key Activities Report from the Environment and Waste Unit to May 2012 State Council meeting be noted.

RESOLUTION 73.3/2012

CARRIED

The following provides an outline of the key activities of Environment and Waste since the last State Council meeting.

Local Government Climate Change Declaration

Local Governments have the opportunity to sign up to a Local Government Climate Change Declaration. The Declaration is consistent with the intent of the Association's endorsed Climate Change Policy Statement, and was endorsed at the August 2011 meeting of State Council.

This Declaration will stand as a voluntary opportunity for Councils to demonstrate their political commitment to locally appropriate climate change management, and to participate in a sector wide leadership approach. The Association encourages all Local Governments to become signatories to the Declaration. It will support the Association's policy and advocacy work on this issue, including the development of a funded sector-wide program to assist Local Governments to respond to climate change risks and impacts.

The 24 Western Australian Local Governments who have become signatories to the WALGA Climate Change Declaration will be invited to an official Climate Change Declaration Signing Ceremony on the 15th of May 2012, at the City of Stirling.

For more information on the Declaration please see:

<http://www.walgaclimatechange.com.au/AnnouncementRetrieve.aspx?ID=54699>

Sustainable Street Lighting Project for Western Australia

The Association, in consultation with Ironbark Consulting, SAGE Consulting Engineers and Western Power has developed a project proposal for a proactive accelerated transition to sustainable street lighting technologies. This project is designed to cut greenhouse gas emissions from street lighting, and to assist Local Governments in reducing energy costs. The project proposal was submitted to the Commonwealth Government Community Energy Efficiency Program funding round on 23 March 2012. More information can be found here:

<http://www.walgaclimatechange.com.au/AnnouncementRetrieve.aspx?ID=58512>

Carbon Pricing Mechanism Impacts on Local Government

The Association has developed an information briefing on the recent suite of carbon and clean energy legislation, and its impacts on Local Government. The briefing gives advice on how to best manage any cost, legal and environmental risks that might arise from implementation of the policy and legislative package.

As this is an evolving space, and not all regulations are yet in place, more research and information will be available in coming months on the suite of new legislation and governance arrangements

from the Commonwealth Government. You can find the full briefing document here: <http://www.walgaclimatechange.com.au/announcements/the-cef-and-local-government>.

For further information please contact Executive Manager Environment and Waste, Mark Batty on 9213 2078 or mbatty@walga.asn.au

The Draft Guidelines for Incorporating Climate Change Impacts into the Local Government Planning Framework

The Western Australian Local Government Association is developing a resource package which aims to assist Local Government Planners, Elected Members and other Senior Officers to access relevant resources, recommendations, policy guidance and information regarding embedding climate change risks and impacts into the planning framework. You can find more information on the draft guidelines and planning package here:

<http://www.walgaclimatechange.com.au/announcements/climate-change-and-planning-policy-guideline>

For further information please contact Executive Manager Environment and Waste, Mark Batty on 9213 2078 or mbatty@walga.asn.au

WALGA Preferred Supplier Panel - Sustainability and Environment Consultancy Panel Launch

The new Preferred Supplier Panel for Environmental Consultancy has now been launched and will provide direct access to services in the following five categories:

- Sustainability Services, incorporating consultancy related to the environment, social, economic and reporting services
- Climate Change Consultancy, including mitigation, adaption and communication, education and training services
- Water Conservation, including water conservation and management but excluding ground water monitoring as there is an incumbent panel for this service (ref TPS 0902)
- Environmental Engineering, covering impact assessment, sustainable building design consultancy, site assessments, etc, and
- Ecological Services, incorporating biodiversity and conservation studies, native vegetation surveys, environmental impact assessments, and many other services

An official launch function for the panel will be held on the 15th of May 2012 at the City of Stirling. These panels will complement the already 'up-and-running' Sustainable Energy & Infrastructure Panel, which provides a range of energy efficiency and renewable energy options to Local Governments. For more information on the panels or the launch event contact Emma Gillespie on egillespie@walga.asn.au

New Working Group to tackle European Wasp

The Department of Agriculture and Food has established a group uniting state and Local Government, industry and community groups to strengthen the control of the European Wasp in WA. The group has representation from the Association and 7 metropolitan Local Governments.

The working group will look at increasing community awareness and consider ways to improve surveillance and response actions to detections. Since its first meeting in December 2011, the group has increased the distribution of locally designed wasp traps through its adopt-a-trap initiative and achieved increased media coverage and literature distribution of literature.

7.1.2 Report on Key Activities, Governance and Strategy (01-006-03-0007 TB)

By Tony Brown, Executive Manager Governance & Strategy

Moved: Cr D Thompson
Seconded: Mayor D Ennis

That the Key Activities Report from the Governance and Strategy Unit to the May 2012 State Council meeting be noted.

RESOLUTION 74.3/2012

CARRIED

The following provides an outline of the key activities of the Governance & Strategy Policy Unit since the last State Council meeting.

Local Government Amendment Bill 2011

The Local Government Amendment Bill 2011 has passed through both houses of State Parliament.

The Bill contained the following;

1. Elected Member Fees and Allowances – Range to be determined by the Salaries and Allowances Tribunal.
2. CEO Salaries – Remuneration to be determined by the Salaries and Allowances Tribunal (as opposed to the present production of remuneration guidelines) – In respect to this item, an Amendment was put forward in the Legislative Council and supported by both Houses of Parliament to provide some protection for existing CEO's who are currently paid above the prescribed band, to be allowed to remain above the band for the current contract and future contracts with their Council.
3. Proposal for the peremptory suspension of a Council.
4. Elected Member to resign when elected to State or Commonwealth Parliament.
5. Local Government Investments – Regulations to be prepared to advise on permitted investments.
6. Align criminal conviction criteria for Elected Members with that of Members of Parliament.
7. Underground Power:
 - a) Amendments to clarify ability for Councils to use Service Charge provisions for recouping Underground Power Charges. Also protection clauses for those Councils that have used Service Charge provision and Specified Area Rate provision in the past. There is no amendment to allow for Specified Area Rating in the future;
 - b) Rates and Charges (Rebates and Deferments) Act amended to allow for a 50% eligible pensioner rebate and 25% eligible senior rebate on Underground Power.

The above amendments require amendments to the Financial Management regulations. The Department has drafted the Regulation amendments that relate to the following;

- I. Consequential amendments to provide terminology consistency with the changes to the Service Charge provisions.
- II. Creating a new regulation to prescribe restrictions on Local Government investing in accordance with proposed new section 6.14 in LG Amendment Act 2012.
- III. Enabling differential rating based on town/district
- IV. Updating the maximum interest rates prescribed in regulations 19A, 68 and 70 that local governments can impose on ratepayers.

- V. Amending regulation 50 to provide new financial ratios to enable Local Governments to be able to link integrated planning with auditing of asset and financial management KPIs.
- VI. Mandating the use of fair value in Local Government financial reporting.

At the time of writing this report, the suggested regulation changes had just been received. The following comments have been provided to the Department of Local Government;

Amendment Regulation 7 (Reg 16A) – Assets – fair value measurement

The Association is concerned that the requirement to introduce the fair value accounting does not allow sufficient time for all local governments to obtain the professional valuation services required to comply with the proposed regulation. There are a limited number of professional valuers available to carry out this work. Consideration should be given to extending the proposed timeframes by at least 2 years.

Amendment Regulations 8,14 and 15 Maximum Rate of Interest on Money owing

These amendments are not supported. Interest rates for money owing to a Local Government should be formulae based and tied to a bank bill rate so that the rate can go up and down with movement in the financial market. The reduction in interest rate will have a significant effect on Local Governments. The date to specify the formulae needs to be a designated time prior to a Councils Budget; for example the March quarter financial statistics.

The Legislative Review Committees recommendations of proposing the variable overdraft interest rate for instalment payments and then doubling this for the Interest on overdue money is logical.

This proposal requires further consideration and discussion with the Local Government sector.

Amendment 9 (Reg 19C) Investment of Money

The proposal to invest with an authorised deposit-taking institution as defined in the Banking Act 1959 is supported. I would like to clarify an aspect of the amendment; we would interpret that a Local Government could not purchase Commonwealth Government bonds (theoretically the most risk free investment in Australia) under these regulations, as the Reserve Bank is not an ADI. While this is unlikely to be a material constraint in the immediate future, perhaps some additional flexibility in this respect might be warranted to provide an alternative option.

Amendment Regulation 12 (Reg 54) Service Charges

It is requested the Department consider a supplementary amendment to Reg 54 (d) to define 'water' either as 'water and water services' or 'water services'. 21 Local Governments presently have an involvement in providing drainage and/or sewerage services to property and express constraint against using the service charge provision as it is presently worded, which is regarded as referring to potable water. No Local Government has an involvement in provision of potable water supply in WA.

The broader definition as proposed will have the effect of aligning with the definition of 'water services' in the proposed Water Services Bill, but in the meantime will be useful to Local Governments that wish to specify water service charges rather than incorporate these costs in the general rate.

Consultation

WALGA is concerned at the lack of consultation on these regulation amendments. These are important considerations and a thorough consultation process should be undertaken with the Industry Associations and the sector in general.

Cat Act 2011 –Development of Regulations

The Department of Local Government has formed an Advisory Group to consider regulations associated with the *Cat Act 2011*. Membership of the Advisory Group includes WALGA officers, LGMA representatives, the WA Rangers Association and representatives from animal welfare groups including the Cat Haven and RSPCA.

Regulations address a number of issues including registration fees. The Department of Local Government has advised that they will be consulting with Local Governments broadly in relation to registration fees. A review of dog registration fees is likely to be undertaken at the same time.

The Department of Local Government intends for the regulations to be in place by 1 November 2012, when some provisions of the Act come into effect. Most provisions of the Act, including the requirement for cat owners to register, microchip and sterilise their cats, come into effect on 1 November 2013.

Country Local Government Fund (CLGF)

The Association continues to work with the Department of Regional Development and Lands and country Local Governments to ensure the sustainable future of the CLGF. WALGA congratulates country Local Governments on ensuring that their acquittals, adjusted Forward Capital Works Plans, FAA's and Half Yearly Reports are completed in a timely manner. The sector is still experiencing issues in some compliance and resource capacity areas. The Association recently sent out an INFOPAGE requesting identification of these issues to assist in the ability to advocate for positive outcomes, complimentary to this, senior staff are working with the Department to determine workable solutions that will assist Local Governments to navigate the reporting and compliance requirements of the fund while meeting the onerous transparency requirements placed on the Department by Treasury, Parliament and the public.

Regional Collaboration

Local Governments from across the state were recently involved in three excellent examples of regional cooperation and collaboration. In York, elected members, officers and interested stakeholders from the Avon-Midland Zone, Central Country Zone and Great Eastern Zone attended the Wheatbelt Conference 2012 – Working Together for Regional Advantage. Held on 29 & 30 March at the newly completed Recreation and Convention Centre, guest speakers and workshop panellists provided attendees with thought provoking concepts and activities to assist in strengthening the region. Cooperation was the key to the success of this event particularly the organising steering committee that included the Executive Officers of each of the zones, the Wheatbelt Development Commission and the Shire of Goomalling.

Elected members and officers from the Pilbara and Kimberley gathered in Perth on 30 & 31 March for the Pilbara-Kimberley Leadership Forum. Attendees were exposed to high level, strategic thinking processes to support in their planning and response to the rapid growth occurring in the region. This year's Forum was hosted by the Pilbara Regional Council, with President of WALGA, Mayor Troy Pickard as MC.

The Northern Country Zone held a forum on "Working and Growing Together" in Geraldton. The forum had presentations on the WA Regional Development Trust, WA Grants Commission review, Land Use Planning issues for Regional Towns together with information on sustainable communities. WALGA CEO Ricky Burges and the Director General of the Department of Local Government, Jennifer Mathews also provided presentations.

Local Government Act Gift Provisions – Section 5.100A

Member Local Governments have expressed concern with the interpretation by the Department of Local Government (DLG) of the recent introduction of Regulation 34AC of the Administration Regulations introduced the ability for a Council to recognise a retiring Elected Member by providing them with a prescribed gift.

This Regulation was made possible by the inclusion of Section 5.100A into the Local Government Act in 2009:

5.100A. Gifts to council members

A local government cannot give a gift to a council member unless —

- (a) the gift is given in prescribed circumstances; and
- (b) the value of the gift is less than a prescribed amount.

It is WALGA's position this section of the Act was specifically introduced to provide the ability to recognise retiring Elected Members, but has since been interpreted to mean a range of other 'gifts' such as Christmas hampers, seasonal dinners or other incidentals normally associated with the role of the Council are no longer permitted as they are not described in Regulation 34AC.

WALGA expressed the Sectors' concerns to the Department and it has been agreed that a Working Party will be established consisting of DLG, WALGA and LGMA representatives to examine this and other gift-related issues.

A Governance Roundtable meeting has been held with the Department on the issue, however at the time of writing this report a Working Party meeting had not been held.

Commonwealth Regional Development Australia (RDA) - Perth

WALGA has provided support to RDA Perth under the terms of an Operational Funding Contract (Funding Contract) dated 31 May 2010. The RDA Perth Committee Inc. was successfully incorporated on 1 February 2012 and as a result of this the Department of Regional Australia, Local Government, Arts and Sport officially terminated the Funding Contract with WALGA on 23 February 2012. WALGA has and will continue to support the RDA Perth Committee Inc. under a short term contract until it has appointed its own Executive Officer. The contract with both the Australian Government and directly with the RDA Perth Committee Inc. has proved successful and rewarding for all stakeholders.

7.1.3 Report on Key Activities, Infrastructure (05-001-02-0003 ID)

By Ian Duncan, Executive Manager Infrastructure

Moved: Cr D Thompson

Seconded: Mayor D Ennis

That the Key Activities Report from the Infrastructure Unit to the May 2012 State Council meeting be noted.

RESOLUTION 75.3/2012

CARRIED

The following outlines the key activities of the Infrastructure Unit since the last State Council meeting:

Local Government Roads and Transport Forum 2012

The Infrastructure team has been working to develop the 2012 Local Government Roads and Transport Forum that will be held on Friday, 4 May 2012 at the Burswood Entertainment Complex. The theme for 2012 is 'Smart Investment for the Road Ahead'. The Forum is an important opportunity for Local Government to develop and express a strong voice on issues affecting local roads and transport.

The program will identify critical issues facing roads and transport planning in Western Australia, with a focus on Local Government investment for the future. Arrangements are in place to host more than 200 Local Government representatives from across the State. It will provide an opportunity to speak with State Government decision makers at both the political and departmental level including the Minister for Transport, Hon Troy Buswell MLA and the Acting Director General of the Department for Transport, Ms Sue McCarrey. Registration and program details have been distributed.

ROMAN Replacement Project – ROMAN II

A Strategic Advisory Committee comprising senior representatives from ROMAN II stakeholders has been formed and met. This committee is providing direction in the formulation of a five year Strategic Plan for ROMAN II which has been drafted. A User Group has also been formed. This is providing strong peer support for users of the system and driving the system development agenda.

A customer feedback survey has been completed which will guide the service delivery priorities enabling good targeting of Local Government needs in ongoing service delivery, training and support.

Commodity Routes Supplementary Fund

The State Road Funds to Local Government Agreement 2011/12 – 2015/16 item 5.2.3, makes provision for an amount of \$2.5 million for a Commodity Route Supplementary Fund (CRSF) effective from 2012/13. Commodity Routes are defined as routes where there is a significant high priority transport task associated with the transport of a commodity such as grain, timber, agricultural lime, iron ore etc. The Commodity Route Supplementary Fund will be applied to projects not eligible or not prioritised for Road Project Grant Funding.

After consultation with the Regional Road Groups and MRWA, WALGA has prepared Application Forms, Application Guidelines and Assessment Guidelines for the CRSF. The documents were approved by the State Road Funds to Local Government Advisory Committee (SAC) on the 30 January 2011. On the 6 February, WALGA invited Local Governments to submit applications for funding via the Regional Road Groups. The application period closed on 2 March 2012. In accordance with the process, WALGA then convened a technical review group to assess the applications. The group met on the 31 March and formulated recommendations which will now be forwarded to SAC for approval.

Western Australia Natural Disaster Relief Arrangements

Emergency Management WA (FESA) initiated a brief review of the Western Australia Natural Disaster Relief and Recovery Arrangements (WANDRRA).

This review included:

- Assessing the intent, timeliness of the activation process and awareness of WANDRRA in its current form;
- Defining and exploring the application and boundaries of WANDRRA's current eligibility measures as relief and recovery assistance;
- Examining the link between WANDRRA and NDRRA to determine the boundaries of both; and
- Examining the rules, guidelines and monetary limits for the WANDRRA's Personal Hardship and Distress payments, and re-examining indexing of these payments.

A sample of Local Governments completed a detailed survey and the Association also provided input to this review based on information gathered from the Sector. A preliminary draft final report for the WANDRRA Review is expected to be finalised by April 2012 and decisions made about the progression after the Auditor General's Review is completed in August 2012.

The issue of day labour cost recovery was raised at the March 2012 ALGA board meeting and all branches provided support for this issue. It was determined this issue would be addressed at the Federal level by ALGA.

Western Australian State Aviation Strategy

The Department of Transport is developing a Western Australian State Aviation Strategy in accordance with Terms of Reference as approved by the Minister of Transport. These include;

- Identifying a network of metropolitan and regional airports.
- Identifying medium and long term aviation needs.
- Identifying how best to integrate private airports.
- Identifying the locations of alternatives to Perth Airport.
- Private sector investment.
- Planning controls in the metropolitan area.
- Establishing goals, objectives and priorities for the development of aviation infrastructure across the state.

WALGA is represented on the steering committee and will ensure that Local Government is adequately consulted during the process.

Western Australian Regional Freight Network Plan

The draft Regional Freight Network Plan is nearing completion. It is anticipated that this will be submitted to Government shortly. While it is hoped that there will be a period of consultation provided on the draft plan, this is a matter for a State Government decision. Planning priorities include regional intermodal terminals, rail access to strategic industrial estates, inbound freight facilities and laydown areas and the protection of strategic corridors. WALGA is a member of the Steering Committee for this project.

Western Australian Bicycle Network Plan

The State Government released the long awaited draft Bicycle Network Plan in March. WALGA has commenced analysis of the draft plan and its implications from a Local Government perspective and will be working with Local Government Councillors and Officers to prepare a response prior to the closing date for submissions in June.

Street Light Back Billing

Synergy advised of their intention to back bill Local Governments for street lights provided and not previously invoiced. This situation arose due to technical issues interfacing their new billing system installed in late 2009 with the Western Power street light asset system. The issue affects over 100 Local Governments serviced by Synergy / Western Power.

With the support of a group of Local Government senior officers, WALGA has been seeking to negotiate an acceptable outcome for Local Governments. A proposal from Synergy was provided to all Local Governments to ascertain the acceptability of the offer. The accuracy of street light asset data and lack of transparency in the invoicing process remain of concern to many Local Governments and this issue is on-going.

WA Grain Freight Network

WALGA has been assisting the Department of Transport and Main Roads WA to prepare a advice to the State Government in response to the Local Government Priority Grain Freight Network for Bin to Bin and Bin to Port Transport Report. This response focusses on the size and mass of vehicles permitted to utilise various Local Government controlled roads, and the implications of these decisions on the heavy vehicle road network as a whole and the rail freight task. Eighteen Local Governments were contacted regarding specific routes within their area. Information regarding the current and desired future access arrangements across the priority grain freight network for bin to bin and bin to port transport has been consolidated and a report is being prepared.

State Underground Power Program

The Office of Energy is undertaking a wide ranging review of the State Underground Power Program, seeking to recommend the structure, funding, project selection processes and criteria for the next funding round. Two workshops involving Local Government representatives have been held with robust discussion concerning various options tabled. WALGA continues to provide input to these deliberations.

Public Bus Stop Infrastructure

WALGA distributed an Info Page in January 2012 requesting Local Government feedback to determine a policy position regarding the responsibility and funding of bus stop infrastructure. WALGA is currently reviewing the feedback received will be working with the relevant stakeholders and endeavour to achieve the outcomes requested by the Sector. A meeting with the Public Transport Authority Managing Director is scheduled for April.

Road Construction and Material Supply Panel Contract

Technical support is being provided for the development of a WALGA panel contract for the supply of road construction contractors and material suppliers. Contractors were invited to submit an expression of interest in January 2012. The EOI has been reviewed and contractors have been selected to submit formal tenders. The contract is scheduled for commencement in June 2012.

Business Cases for Run-off Road Regional and Remote Crashes; and Urban Intersection Crashes

In October 2011, WALGA and Main Roads WA submitted to the Road Safety Council joint business cases and project plans for (1) Run-off Road Regional and Remote Crashes on the Local Road Network; and (2) Urban Intersection Crashes. The submissions are to obtain funding from the Road Trauma Trust Account and, if successful, will provide Local Governments with access to funds for Safe System improvements to the local road network. The business cases were endorsed by the Road Safety Council and will proceed for consideration by the Ministerial Road Safety Council, Economic Audit Committee and State Cabinet.

A Role for Local Government in Speed Enforcement

On 05 October 2011 WALGA State Council resolved that negotiations be held with the WA Police to secure their support to develop a voluntary partnership model to formally provide monthly vehicle travel speed data to inform road policing strategies. In February 2012 the WA Police informed WALGA they were willing to research and develop the proposed model. Negotiations are currently underway with the WA Police and select Local Governments to determine the format and methodology of providing vehicle travel speed data that meets the needs of both parties.

Road/Rail Interface Agreements

The *Rail Safety Act 2010* became law in February 2011 and requires all rail managers and road managers enter into Interface Agreements for every rail/road crossing in Western Australia by February 2014. The purpose of an Interface Agreement is to record the risks to safety at a rail/road crossings and the measures to manage those risks. WALGA continues to represent Local Government on a Working Group, chaired by Main Roads WA, to develop necessary plans and templates to meet the requirements of the *Act*. WALGA continues to inform and consult with Local Governments as the work of the Working Party progresses; and negotiate with relevant rail owners to assist the Local Government sector meet their obligations under the *Rail Safety Act 2010*.

Road Crash Data

WALGA continues to liaise with Main Roads WA to provide specific road crash statistics for Local Governments desirous of undertaking Local Government Safe System Improvement Program. The requirements of the Program will be used to develop a road crash data report prototype for the Local Government sector. Select Local Governments will be provided with the prototype as part of the Local Government Safe System Improvement Program to obtain feedback on the relevance and application of the prototype. The feedback will be used to develop an annual road crash statistical report for Local Government regions for a five year period.

Fencing Road Reserves in Pastoral Regions for Straying Stock

WALGA represented the Local Government sector on the Fencing Road Reserves in Pastoral Regions Working Group. The Working Group, chaired by MRWA, reviewed current road reserve fencing responsibilities, legislative requirements, policies and management practices aimed at improving road safety in pastoral regions. A report with recommendations was endorsed by Main Roads WA and forwarded to the Hon Minister for Transport for consideration in February 2012.

Local Government Involvement in Speed Limit Setting

WALGA is currently undertaking a project relating to the involvement of Local Governments in setting speed limits on local roads. The project will determine what role Local Governments want to have in setting speed limits on local roads in the future; and determine their attitude to the current Main Roads WA "Application and Approval Guidelines – Speed Zoning" process. Local Governments are currently being consulted to progress this project.

Options for Measuring the Marginal Cost of Road Wear by Heavy Vehicles

Various initiatives have progressed in attempting to create a usable mechanism for Local Government to forecast the marginal cost of road wear by heavy vehicles. WALGA is assessing the work that has been done, both in WA and nationally and will report on the current status and make recommendations.

The Impact of Heavy Vehicles on Road Wear

WALGA is in the process of developing a report that explains the relative impact of vehicle type on road wear. WALGA is also planning to schedule a series of training sessions on this topic in the coming financial year.

Road Safety Council Update

The Road Safety Council (RSC) meets on a regular basis to oversee and monitor road safety progress in WA. The following routine matters were considered by the RSC in February 2012: the 2011 road crash data shows fatalities trending downwards though WA continues to record higher rates of road trauma than all other Australian states, progress was reported on a number of legislative amendments, and the draft recommendations of the cycling safety forums were presented.

In addition, two major decisions were taken. In light of all available evidence, including recent research, the RSC will not recommend the introduction of power to weight ratio restrictions for novice drivers in WA rather priority will be given to more effective measures aimed at the underlying behaviours and causes of novice driver crashes. One area of particular concern is novice driver safety in regional areas. The RSC will establish a working group, to be chaired by WALGA, to develop a new inter-agency campaign specifically designed to increase supervised driving hours in various conditions, the uptake of vehicles (including 4WDs) fitted with active safety features such as electronic stability control and ongoing education and enforcement activities to address risky behaviours.

A regular communiqué is produced following each RSC meeting and is available at <http://www.ors.wa.gov.au/Road-Safety-Council/Communique.aspx>.

Local Government Safe System Project

WALGA's RoadWise Program hosted a booth at the recent IPWEA (WA Division) State conference, which featured information about the Local Government Safe System Project (LGSSP). A Safe System Coordinator also presented an update of the project at the conference as part of the road safety stream. The presentation introduced a number of new resources specifically developed for WA Local Governments, including the Declaration for road safety, Local Government Safe System Improvement Program, and Safe System Guiding Principles for Local Government.

During phase one it was recognised by the Local Government sector that enhanced skills and knowledge are required to implement a safe system. In order to provide relevant resources and training to Local Governments the LGSSP have commenced a second series of workshops. These workshops introduce the current resources available, as well as providing an opportunity to discuss skills and knowledge building throughout Local Governments for the implementation of the safe system approach to road safety. The first workshop was held at the City of Rockingham with 15 attendees. A number of workshops in other regions will take place in the future. For further information contact a Safe System Coordinator on 9213 2008.

Community Road Safety Grants Program

The Community Road Safety Grants Program provides funds for community-based road safety projects aligned to *Towards Zero*, WA's Road Safety Strategy. Four types of grants are available which include Project Grants; Speed Display Trailer Grants; Workforce Development Grants and Sponsorship. Community road safety grants are awarded monthly and those granted in February and March 2012 rounds are included below:

Projects

- Landsdale Residents Association, Drop 5 in Landsdale - \$11,485.00
- City of Busselton, Busselton Speed Alert Trailer - \$17,780.00
- Wongan Hills District High School, Slow Down, Stay Safe - \$1,000.00

Sponsorship Grants

- Vintage Sports Car Club WA Inc, Northam Flying 50 - \$1,000.00
- Williams Gateway Expo Inc, Williams Gateway Expo - \$1,000.00
- City of Swan, Blessing of the Roads - \$300.00
- Roe Districts men's Hockey Assn, RDMHA Adrian Smoker Memorial Match – Season Opening - \$410.00
- Shire of Irwin, Easter Races - \$750.00

- Avon Football Association, Northern Colts Carnival - \$540.00
- Coolgardie Day Celebrations, Coolgardie Day Celebrations - \$1,000.00
- Esperance Pony Club, Esperance Pony Club One Day Event - \$420.00

Information about the Community Road Safety Grants Program is contained available on the website at www.roadwise.asn.au/road_safety_grants

Road Safety Round-Up

The *Road Safety Round-Up* newsletter is distributed to over 3000 members of the community road safety network state-wide. The March and April 2012 editions of *Road Safety Round-Up* are available from <http://www.roadwise.asn.au/news/RRup>.

Easter Road Safety Campaign, *Blessing of the Roads*

In the lead up to the Easter long weekend, many Local Governments are supporting WALGA's RoadWise Program's *Blessing of the Roads* campaign by hosting local ceremonies to formally bless the roads and raise awareness of road safety during the holiday period.

7.1.4 Report on Key Activities, Planning and Community Development (01-006-03-0014 AH)
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By Allison Hailes, Executive Manager Planning and Community Development

Moved: Cr D Thompson
Seconded: Mayor D Ennis

That the Key Activities Report from the Planning and Community Development Unit to May 2012 State Council meeting be noted.

RESOLUTION 76.3/2012

CARRIED

The following provides an outline of the key activities of Planning and Community Development since the last State Council meeting.

PLANNING

State Planning Policy 3.1 – Residential Design Codes (R-Codes)

At the December State Council meeting, it was resolved that a second draft of the R-Codes should be prepared for consultation with stakeholders prior to the document being formally considered by the WAPC and Minister for Planning (RESOLUTION 142.7/2011). Following the review of the submission received during the public consultation period and revisions to the policy, the Department of Planning have agreed to run a testing session of the revised R-Codes on the 11 April 2012. Representatives from six Local Governments and WALGA will participate as well as several other industry stakeholders, to ensure that the revisions to the policy are appropriate. A further update will be provided after the meeting in April.

Update on the Planning Improvement Program

Workshops have been held with Local Government planning officers on the proposed Planning Improvement Program. On the 14 February 2012, metropolitan officers discussed the outline and content of the program, then the same session was run on the 21 March 2012 for non-metropolitan officers. A combined session was then arranged on the afternoon of the 21 March 2012, to consolidate the priority actions and discuss roles, responsibilities and potential opportunities for the delivery of the program. The findings of the three sessions will be compiled and presented to the Planning Reform Policy Forum for its meeting on the 2 May 2012.

Land Use Planning and Building Codes Taskforce.

On 13 February 2011, COAG endorsed the *National Strategy for Disaster Resilience* as the first step in developing a national integrated approach to disaster resilience. As part of this process, the National Emergency Management Committee (NEMC) have been preparing an action plan that will ensure that land use planning decisions and building codes integrate consideration of priority hazards. Association officers have been providing comment on the draft documents '*Enhancing disaster resilience in the Built Environment*' due to the timelines imposed by the Committee. WALGA has requested that wider consultation be undertaken, given that it is providing a snapshot view of the existing policy position and the report outlines the future actions being recommended with stakeholder's responsibilities being allocated. A copy of the full report will be presented to State Council once it is released.

Draft State Planning Policy (SPP) 2.6 – State Coastal Planning Policy

The WA Planning Commission has released a draft SPP on State Coastal Planning Policy. The draft revised policy proposes revisions and additional to provide more robust guidance to the WAPC, State Government bodies and Local Government for land use and development on land on or adjacent to the WA Coastline. An information session was held on the 27 March for Local Governments interested in hearing more about the changes proposed by the draft policy. The policy is out for public comment until the 31 May 2012, therefore an interim submission will be prepared and presented for endorsement at the July State Council meeting.

Building Act Implementation – Establishment of a feedback group

The new Building Act was enacted on the 2 April 2012. It is anticipated that WALGA will receive feedback on the implementation of the Building Act, particularly if there are any difficulties in fulfilling the new legislative requirements. The Association has invited HIA, MBA and AIBS to collectively discuss the feedback received from its members and to provide an opportunity for consolidated feedback to be delivered to the Commission. Developing a consensus view on the feedback received and suggesting improvements to the process as a group would ensure that any suggested improvements to the process will benefit all members. The first meeting is planned to be held in early May.

Proposed State Planning Policy for Activity Centres Parking

The Department of Planning (DoP) held a workshop on the 28 March 2012 with Local Government planners, to discuss the development of a State Planning Policy (SPP) for parking and access matters within Activity Centres. The workshop participants suggested that the SPP should provide broad guidance and specific 'best practice' examples but should not be a prescriptive requirement for all activity centres as each centre has different parking needs. The original timeline for the release of the discussion paper and draft SPP was April 2012, however, DoP advised that the draft policy will be presented to the WAPC's Infrastructure Coordinating Committee in June 2012, with public advertising occurring in July and August 2012.

COMMUNITY DEVELOPMENT

Review of the Disability Sport and Recreation Sector

In July 2011, the Department of Sport and Recreation (DSR) engaged consultants to review the disability sport and active recreation sector. The purpose of the review was to identify good practice and gaps in service delivery and to develop recommendations to improve the coordination of services for people with disabilities in Western Australia. A stakeholder reference group provided advice, guidance and feedback to the consultants during the process.

Based on the findings, outlined in the preliminary findings and issues paper, the consultants formulated a 'Recommendations report' containing 19 recommendations. These included reform of the current funding model, increased local collaboration and improved access to programs and services. This report is available at <http://www.dsr.wa.gov.au/disabilitysectorcallforcomment> with the opportunity for public feedback on the recommendations. Association representatives continue participate in DSR's Fairplay Strategy Group, which aims to increase inclusion for people with disabilities across sport and recreation. Fairplay will play a role in the implementation of the Review later this year.

North Metropolitan Community Violence Prevention Strategy

The Injury Control Council of Western Australia launched the North Metropolitan Community Violence Prevention Strategy (CVPS) on Friday, 30th March 2012. The launch was attended by Minister for Police Mr Rob Johnson MLA and Minister for Corrective Services Mr Terry Redman MLA, amongst several other members of Parliament, Police, community and Local Government representatives. The CVPS brings together a number of State Agencies led by the Department of Health and WA Police, as well as a range of service providers aiming to provide a framework and guide for community violence prevention initiatives at a local community and inter-agency level. Association representatives are participating on the Reference Group to reflect Local Government interest in working towards community safety and health outcomes. To view the strategy, please visit <http://www.iccwa.org.au/community-violence>

Community Safety Network

The Community Safety Network, after a brief hiatus, held a meeting hosted by the City of Mandurah in March 2012. This network brings together Local Government officers and managers, along with some Police and other agency representatives. The Association is to provide a brief update at each meeting on its activities in this area. In response to attendees requests and interests, WALGA will trial a Googlegroup to enable information sharing, networking and advice across this portfolio.

Aquatics Strategic Facilities Plan- Perth and Peel

The Aquatic Strategic Facility Plan (ASFP) was completed in November 2011 on behalf of the Department of Sport and Recreation (DSR), and in conjunction with Swimming WA, Masters Swimming, Water Polo, and Diving WA.

The ASFP aims to support clubs and associations in meeting their facility needs, as well as provide a framework for clubs and associations, Local Government and State Government in the appropriate planning and development of aquatic facilities.

A series of workshops and public sessions were held in 2010-2011 to develop the AFSP. In February 2012 the Department of Sport and Recreation approached WALGA, and Local Governments directly for comment on the AFSP. Subsequently WALGA issued an infopage and faxback to all Councils, requesting member feedback on the recommendations within the AFSP. This feedback has been provided to DSR, with a copy of the submission available on the WALGA website.

Library Exchange System Consultancy

In 2007 a review was undertaken looking at public library services in Western Australia. Structural Reform of Public Library Services in Western Australia recommended a large number of strategies to achieve the required changes. A key recommendation was to ensure content meets need through the development of a new exchange system for library materials across the State. The Strategic Library Partnership Agreement Steering Committee has engaged external consultants, Empired Pty Ltd, to undertake a review of the current Exchange System. The consultancy is progressing well. The final report is expected to be ready by July 2012. Further advice will be provided to State Council at that time.

A Guide for Planning and Managing Shared Use of Community Facilities

WALGA is a member of the Physical Activity Taskforce and the subcommittee *The Built Environment Advisory Committee Schools Working Group*. The Working Group has identified, as a priority, the need for the development of a resource to guide the planning and management of shared use facilities.

The Taskforce Secretariat, on behalf of the Departments of Education and Sport and Recreation and WALGA, has prepared a request for quote for the development of the guide. The process for awarding the tender is being finalised. The development of this guide is being funded by the Taskforce, Department of Education, Department of Sport and Recreation and WALGA.

EMERGENCY MANAGEMENT

Keelty Implementation Committee

The majority of the recommendations from the Keelty Enquiry into the Perth Hills fires have either been completed or are sufficiently progressed as to be subject of periodical scrutiny from the Implementation Committee. A major six month project was launched on 27 February. The project, known as the *Bushfire Risk Identification & Mitigation Project* will investigate and make recommendations to the Implementation Committee on bushfire prone mapping methodologies, development and building standards, and bushfire risk mitigation. An options paper will be tabled at the Implementation Committee in mid May 2012.

Bushfire Legislation

WALGA is a member of the Emergency Services Legislation Working Group. The group has been formed by FESA to oversee the development of the new Emergency Services Act. The committee has met on one occasion; however the work has been delayed due to the important work driving the implementation of FESA as a department of State government and those legislative instruments. As soon as this work has been completed, a concerted effort will be made on the emergency services Act. The Emergency Services Act will be subjected to a wide consultation process.

7.2 Policy Forum Reports

7.2 Policy Forum Reports (01-006-03-0007 TB)
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The following provides an outline of the key activities of the Association's Policy Forums since the last State Council meeting.

Moved: Cr D Thompson

Seconded: Mayor D Ennis

That the report on the key activities of the Association's Policy Forums to the May 2012 State Council meeting be noted.

RESOLUTION 77.3/2012

CARRIED

7.2.1 President's Advisory Group (Tony Brown, Executive Manager Governance & Strategy)

The President's Advisory Group has been tasked with addressing the following key issues;

- I. Provide guidance and direction to the President and Deputy President of WALGA in their advisory role to the panel.*
- II. Facilitate roundtable discussions and open forums allowing for a wide range of Local Government Elected Member and Officer input and contribution.*
- III. Consider and review:*
 - a) Local Government governance models for metropolitan regions with particular reference to Brisbane, Auckland, Vancouver and other national and international examples*
 - b) Contemporary research and information relating to Local Government, regional governance and metropolitan regions including research and reports from the Australian Centre of Excellence for Local Government (ACELG), Directions 2031 and other relevant material.*
 - c) State Government and Local Government rationalisation of services and service delivery models and responsibilities*
 - d) The appropriate boundary of the metropolitan area suitable for long term planning.*
- IV. Develop recommendations for State Council consideration on the Metropolitan Local Government Reform review.*
- V. Endorsement of a Communication Plan that will be prepared to keep the sector informed of any developments and information during the independent panel's review.*

Comment

The President's Advisory Group has met on one occasion since the last State Council meeting. The Policy Forum considered the process to respond to the draft findings of the Metropolitan Local Government Review Panel when they are released on 13 April 2012.

This matter is covered in State Council Agenda item 6.1.

7.2.2 Regional Delivery Policy Forum (Tony Brown, Executive Manager Governance & Strategy)

The Regional Delivery Policy Forum has been tasked with addressing the following key issues;

- i. Identify opportunities and recommend strategies relating to Regional Service Delivery.*
- ii. Progress the principles and recommendations of the Systemic Sustainability Study concerning Regional Service Delivery.*
- iii. Provide policy development direction in relation to the proposal for Local Government Enterprises and the advocacy surrounding this concept.*
- iv. Provide policy development direction in respect to Local Government Sector issues concerning the Royalties for Regions programme.*

Comment

The Regional Delivery Policy Forum has not met since the last State Council meeting. The Policy Forum has continued to advocate for Regional Subsidiaries and Council Controlled Organisations (formerly known as Local Government Enterprises) as Regional Service Delivery models.

The next meeting of the Policy Forum will focus on realigning the Terms of Reference of the Policy Forums to;

- a) Promoting the benefits of Regional Service Delivery models and provide case studies as examples for Local Governments.
- b) Providing a framework for Regional Service Delivery Models and process examples for those ROC's or VROC'S that may consider transitioning to the Subsidiary Model if it is successful in its passage through Parliament.

7.2.3 Planning Reform Policy Forum (Allison Hailes, Executive Manager Planning & Community Development)

The Planning Reform Policy Forum's objectives have been identified as follows:

- i. Identify opportunities and recommend strategies for reform of planning and building services provided by Local Government in the areas of:*
 - electronic planning*
 - approvals processes*
 - policy and plan making*
 - performance measurement and reporting*
 - coordination of infrastructure and land use planning*
 - elected member comprehension of planning legislation and responsibilities;*
 - structure plans and schemes;*
 - delegated authority and policies; and*
 - role of external agencies to improve planning efficiencies.*
 - to ensure Local Government effort, guidance, processes and regulations are applied where they are effective and to reduce unnecessary burdens on staff, elected members and individuals whilst increasing business efficiency, job satisfaction, customer service and community satisfaction.*
- ii. Provide direction and comment on the Commonwealth and State Government planning reform agendas; and*
- iii. Identify and make recommendations on proposed Government legislation, policy and processes that impact on Local Government planning and development functions.*

Comment

The Planning Reform Policy Forum did not meet on the 7 March 2012, as new State Councillor training was being conducted at the same time. The Forum was also awaiting the appointment of two new members to provide a quorum. The next meeting will be held on the 26 April 2012.

7.2.4 Mining Community Policy Forum (Wayne Scheggia, Deputy CEO)

The Mining Communities Policy Forum has been tasked with addressing the following key issues;

- i. Monitor and assess the continuing impacts of State Agreement Acts on Local Government revenue raising capacity and service delivery;*
- ii. Monitor and assess the impacts of State Government legislation, regulation and policies on the capacity of Local Governments to appropriately rate mining operations.*
- iii. Develop and recommend relevant advocacy strategies in relation to i & ii;*
- iv. Consider and recommend relevant strategies in respect to “Fly-in, Fly-out (FIFO) and “Drive-in Drive-out” (DIDO) workforce practices with specific reference to;*
 - a. The effect of a non-resident, FIFO/DIDO workforce on established communities, including community wellbeing, services and infrastructure;*
 - b. The impact on communities sending large numbers of FIFO/DIDO workers to mine sites.*

Comment

The MCPF last met on 7 March and the dominant discussion was around the pending hearing of the House of Representatives Standing Committee on Regional Australia which is inquiring into the use of 'fly-in, fly-out' (FIFO) and 'drive-in, drive-out' (DIDO) workforce practices in regional Australia.

WALGA (as represented by the MCPF) has been asked to appear before the hearing to discuss the relevant Local Government issues in relation to the Committee's Terms of reference, which are:

- the extent and projected growth in FIFO/DIDO work practices, including in which regions and key industries this practice is utilised;
- costs and benefits for companies, and individuals, choosing a FIFO/DIDO workforce as an alternative to a resident workforce;
- the effect of a non-resident FIFO/DIDO workforce on established communities, including community wellbeing, services and infrastructure;
- the impact on communities sending large numbers of FIFO/DIDO workers to mine sites;
- long term strategies for economic diversification in towns with large FIFO/DIDO workforces;
- key skill sets targeted for mobile workforce employment, and opportunities for ongoing training and development;
- provision of services, infrastructure and housing availability for FIFO/DIDO workforce employees;
- strategies to optimise FIFO/DIDO experience for employees and their families, communities and industry;
- potential opportunities for non-mining communities with narrow economic bases to diversify their economic base by providing a FIFO/DIDO workforce;
- current initiatives and responses of the Commonwealth, State and Territory Governments;
- any other related matter.

The Forum also discussed the focus of its future research effort and agreed that the following issues would be given attention;

- Research into impact of industry on roads and recovery of costs associated with infrastructure damage;
- Research into common principles that should underpin Local Government negotiations for 'social licence' contributions, above and beyond rating arrangements;
- Research into fluctuations in Violence Restraining Orders (VRO's) issued by Magistrates Courts that might be indicative of family breakdown issues associated with or attributable to FIFO operations and work practices;
- Broad research into the population health and concentration of actual and potential community impacts in resource communities that may be associated with FIFO/DIDO

The President adjourned the meeting for 15 minutes meeting at 10.45am for a coffee break; and the meeting resumed at 11.02am with all members present.

7.3 President's Report

Moved: Cr K Trent
Seconded: Mayor D Ennis

That the President's Report for May 2012 be received.

RESOLUTION 78.3/2012

CARRIED

7.4 CEO's Report

Moved: Cr K Trent
Seconded: Mayor D Ennis

That the CEO's Report for May 2012 be received.

RESOLUTION 79.3/2012

CARRIED

8. **ADDITIONAL ZONE RESOLUTIONS**

Moved: Cr J Davidson
Seconded: Cr L Short

That the additional Zone Resolutions, including the South Metropolitan Zone, from the May 2012 round of Zones meetings as follows be referred to the appropriate policy area for consideration.

RESOLUTION 80.3/2012

CARRIED

GOLDFIELDS ESPERANCE COUNTRY ZONE

Maximum Rate of Interest on Money Owing

That the GVROC:

4. Request WALGA strongly advocate on behalf of the sector to the Minister for Local Government, Members of Parliament and others to ensure that prior to any amendment of regulation 19A - Maximum rate of interest on money owing of the *Local Government (Financial Management) Regulations 1996* adequate and effective consultation is undertaken and if necessary seek intervention to disallow the amendment to the *Local Government (Financial Management) Regulations 1996*.

GREAT EASTERN COUNTRY ZONE

Maximum Rate of Interest on Money Owing

That the Great Eastern Country Zone:

4. Request WALGA strongly advocate on behalf of the sector to the Minister for Local Government, Members of Parliament and others to ensure that prior to any amendment of regulation 19A - Maximum rate of interest on money owing of the *Local Government (Financial Management) Regulations 1996* adequate and effective consultation is undertaken and if necessary seek intervention to disallow the amendment to the *Local Government (Financial Management) Regulations 1996*.

CENTRAL COUNTRY ZONE

Maximum Rate of Interest on Money Owing

That the Central Country Zone:

4. Request WALGA strongly advocate on behalf of the sector to the Minister for Local Government, Members of Parliament and others to ensure that prior to any amendment of regulation 19A - Maximum rate of interest on money owing of the *Local Government (Financial Management) Regulations 1996* adequate and effective consultation is undertaken and if necessary seek intervention to disallow the amendment to the *Local Government (Financial Management) Regulations 1996*.

SOUTH EAST METROPOLITAN ZONE

Financial Management Regulation

As the Office of the Minister for Local Government has agreed to meet with WALGA to review the impacts of the regulation amendment that the Minister be requested to immediately reinstate the 11% and 5.5% maximum interest rates, or at the very least, the Minister be requested to defer the operative date of the reduced rates for at least 12 months, thereby enabling LGs to phase-in the necessary budget changes to offset what may be a significant revenue reduction without notice or consultation.

GASCOYNE COUNTRY ZONE

Fish Waste Management

That the Gascoyne Country Zone request WALGA to lobby the Minister for Fisheries, Hon. Norman Moore MLC, requesting his consideration for legislative change that allows for the processing of offal waste derived from a recreational catch.

Future of Local Government Environmental Health Services

That the Gascoyne Country Zone request WALGA to write to the Minister for Health, Hon. Dr Kim Hames, to:-

1. express concern over the cessation of Environmental Health courses at Curtin University and the way in which this has occurred;
2. request that the Minister correspond with Curtin University advising of the importance of the Environmental Health profession to public health in Western Australia and seek the reconsideration of their decision to cease operation of the Environmental Health Masters and Post Graduate courses and not to discontinue the Undergraduate Environmental Health course; and
3. request the Minister's support the Public Health Bill by taking this matter up with his colleagues to facilitate the urgent enactment of the same.

SOUTH WEST COUNTRY ZONE

Local Government Act – Disqualification Provisions

That WALGA seek a response from the Department of Local Government and Western Australian Electoral Commission (where appropriate) on the expectations and requirements for local governments to check whether all serving elected members remain eligible for their positions in light of the new disqualification provisions for local members (indictable offences) and whether standard processes will be introduced for future local government elections to guide returning officers in determining the eligibility of candidates under Section 2.22 of the Local Government Act.

CENTRAL METROPOLITAN ZONE

Retention of the Poll Provisions under Schedule 2.1 of the Local Government Act 1995

That the Central Metropolitan Zone of WALGA seek unambiguous confirmation from State Council that WALGA is committed to the retention of the poll provisions under Schedule 2.1 of the *Local Government Act 1995* and that upon confirmation the Premier, the Minister for Local Government and the Chair of the Metropolitan Review Panel be advised accordingly.

Proposed Amendments to the Local Government (Financial Management) Regulations 1996

That WALGA:

1. Express strong concern in respect to the reduction on Interest Rates for late payments and Instalment Rates and the inadequate Consultation Process.
2. Seek urgent discussion with the Minister to have Regulations revert to original.
3. Investigate options for a disallowance motion of the Regulation Amendment.

GREAT SOUTHERN COUNTRY ZONE

ROMAN II

That WALGA be asked to investigate the online connections and data uploading issues with ROMAN II and training requirements of each Council.

AVON MIDLAND COUNTRY ZONE

Building Act 2011

The Zone supports the recommendation in the State Council Agenda and requests WALGA seek clarification from the Water Corporation regarding the lodging of building applications with the Water Corporation when no Water Corporation infrastructure is involved.

SOUTH METROPOLITAN ZONE

Southern Metropolitan Regional Council (SMRC) Waste Facility

1. That the Zone endorse and support WALGA's response to the issue of the effective closure of the SMRC Waste Facility.
2. That the Zone express its concern at the impact that the current decision if left unamended will have on Zone Council members capacity to comply with the State Government Waste Strategy.
3. That should the Government's decision on the SMRC plant force its closure the Zone requests WALGA undertake a strategic review of Local Governments response to the State Government's Waste strategy with a view to providing advice to Local Governments on the viability of seeking to achieve the strategy targets.

9. MEETING ASSESSMENT

Cr David Michael provided feedback as to the effectiveness of the meeting.

10. DATE OF NEXT MEETING

That the next meeting of the Western Australia Local Government Association State Council be held in the Boardroom at WALGA, 15 Altona Street West Perth, on **Wednesday 4 July 2012**, and a new timetable will be trialled as below:

10am – 12 midday	Meeting of Co-Chairs
12 Midday – 1pm	Lunch
1pm – 3pm	Budget Workshop
3pm – 3.30pm	Strategic Forum for State Councillors
3.30pm – 4pm	Reading Time
4pm	State Council Meeting
6pm	Dinner

11. CLOSURE

The President extended his thanks to Mayor Paddi Creavey and the City of Mandurah for hosting the Regional State Council Meeting and Zone Presentation with special thanks to President Cr Wally Barrett for his assistance in developing the program. He also expressed his sincere appreciation to Zone and WALGA staff for all their efforts in making the visit a success.

There being no further business, the President declared the meeting closed at 12.08pm



LOCAL EMERGENCY MANAGEMENT COMMITTEE MINUTES

**City of Wanneroo and City of Joondalup
Local Emergency Management Committee Meeting**

**City of Wanneroo and City of Joondalup
Local Emergency Management Committee
City of Wanneroo, Leschenaultia Room
Dundebar Road, Wanneroo**

10:00am, 3 May 2012

1. ATTENDANCES AND APOLOGIES

ATTENDANCES:		
Name	Position	Organisation
Visitor	Manager Community Development and Safety	Shire of Augusta/Margaret River
Paul Gravett		
Cr Dot Newton, JP	LEMC Chairperson	City of Wanneroo
Alan McColl	Manager Regulatory Services	City of Wanneroo
Ian McDowell	Coordinator Community Safety	City of Wanneroo
Resmie Greer	Senior Emergency Management and Community Safety Officer	City of Wanneroo
Philip Hay	Community Emergency Services Manager (CESM)/Chief Bush Fire Control Officer (CBFCO)	City of Wanneroo/FESA
Christine Robinson	A/Manager Asset Management	City of Joondalup
Derek Fletcher	Emergency Management Officer	City of Joondalup
Phil Anderson	A/Senior Environmental Health Officer	City of Joondalup
Derrick Briggs	Emergency Management Officer NW Metro	WA Police
Geoff DeSanges	Inspector – Assistant District Officer Joondalup	WA Police
Wayne Dohmen	Inspector – Assistant District Officer Joondalup	WA Police
Craig Wanstall	OIC – Joondalup	WA Police
Tony Sacco	OIC – Hillarys	WA Police
Phil Birch	OIC – Clarkson	WA Police
Mal Jones	OIC – Warwick	WA Police
Gary Baxter	District Manager	FESA
Mike Teraci	District Manager North Coastal	FESA
Bill Hansen	Local Manager	SES
Steve Pethick	Primary Response Coordinator	Western Power
Darryl Welsby	Manager Business Risk	ECU

Ruth Lane	Emergency Service Coordinator	Red Cross
Helen Barrett	Disaster Management Coordinator	Ramsay Health

APOLOGIES:

Name	Position	Organisation
Karen Caple	Director City Businesses	City of Wanneroo
Wayne Harris	Coordinator Health Services	City of Wanneroo
Cr John Chester	Elected Member	City of Joondalup
Charlie Reynolds	A/Director Infrastructure Services	City of Joondalup
Charles Slavich	Principal Environmental Health Officer	City of Joondalup
Jo-Anne Bennett	District Emergency Services Officer	DCP
Natalie Choules	A/Community Emergency Management Officer	EMWA (FESA)
Christopher St Roas	Manager Hillarys Boat Harbour	DPI
Leigh Sage	Fire Protection Officer	DEC
Kristian Pollock	Fire Operations	DEC
David Doherty	Emergency Services Coordinator	Red Cross
Mark Jeffs	Manager Policy & Business Management Systems	PTA
Mary McConnell	Disaster Management Coordinator	Ramsay Health
Chris Ruck	OIC – Wanneroo	WA Police
Mike Candillo	DEC - Wanneroo	DEC

Cr Dot Newton opened the meeting at 10:05am and welcomed those members in attendance. A special welcome to the guest speaker, Paul Gravett from the Shire of Augusta/Margaret River.

2. PRESENTATION

2.1 Paul Gravett, Manager Community Development and Safety from the Shire of Augusta/Margaret River provided a presentation on lessons learnt during the recovery process of the Margaret River Bushfires in November 2011. The main points discussed:

- Community Welfare Centre (hubs of safety, comfort and information);
- Lots of response in recovery;
- Impacts on business continuity;
- Seeking expert/additional information;
- Managing HR/Delegation;
- Communication to stakeholders; and
- Taking a leadership role.

The Recovery Committee for the incident consisted of Welfare, Restoration, Finance and Communications.

Cr Newton thanked Paul Gravett for sharing his recovery experiences with the LEMC members.

3. CONFIRMATION OF PREVIOUS MINUTES (2 February 2012)

The Minutes of the Local Emergency Management Committee meeting held on 2 February 2012 were confirmed as a true and accurate record.

Proposed Ian McDowell, **Seconded** Derrick Briggs.

4. BUSINESS ARISING

Item	LEMC Meeting	Subject	Responsible Agency/Person
2.1	2 February 2012 3 May 2012	Risk register review update Refer Item 6 below – Risk Mitigation (Risk register review update) Draft copy of the Emergency Management Risk Registers will be distributed to LEMC members. Any comments/feedback to be discussed at the next LEMC meeting of 2 August 2012.	(a) City of Joondalup (b) City of Wanneroo R Greer provided the project status update.
6.2	2 February 2012 3 May 2012	(a) City of Wanneroo Local Emergency Management Arrangements and Recovery Arrangements. (b) City of Joondalup Local Emergency Management Arrangements and Recovery Arrangements Refer Item 6 below – Local Emergency Management Arrangements.	Resmie Greer Derek Fletcher Resmie Greer advised that City of Wanneroo will submit a report to Council and recommend Emergency Management Plans be noted and seeking Council sign-off.
6.2	3 November 2011 3 May 2012	Joint LEMC Exercise Joint LEMC Exercise to be held on Wednesday 8 th August 2012. Further details to be disclosed at a later date.	Phil Hay Phil Hay

5. CORRESPONDENCE

The Inwards and Outwards correspondence was tabled at the meeting for reviewing and comments. Resmie Greer referred members to items 25 (Metropolitan LEMC Report and 26 (SEMC First Quarter Emergency Management Information Sheet).

6. STANDING ITEMS

6.1. District Agency Updates:

- **City of Wanneroo**

Phil Hay proposed for the joint LEMC exercise to be held on the 8 August 2012, commencing at 10:00am and concluding at 2:00pm. Further details on the exercise scenario will be forwarded at a later date.

Ian McDowell reported that the City of Wanneroo recently hosted "Introduction to Emergency Management" workshop. EMWA facilitated the workshop with a total of 29 participants in attendance.

Ian McDowell mentioned his involvement with the ISG at the recent bushfire in Koondoola. The City's internal Local Emergency Management Group was on stand-by and ready for the activation of the Local Emergency Recovery Coordination Centre.

- **City of Joondalup**

Derek Fletcher – nothing to report.

- **WA Police**

Derrick Briggs reported Police have been involved in two major music festivals:

- (a) Future Music (risk management plan was submitted);
- (b) Superfest Festival (risk management plan was submitted but lacked detail)

Wayne Dohmen mentioned the necessity for Event Organising Committees to have clear traffic and emergency management procedures in place prior to major events. There also needs to be more cooperation between the Police and Event Management Committees prior to these events.

Local governments do assist Police with traffic management wherever possible.

Derrick Briggs advised that processes are in place for Police to meet with Joondalup Arena Management and Event Organisers to discuss accountability issues. Derrick Briggs will contact NSW Police Force to ascertain how they approach traffic and emergency issues surrounding music festivals.

Derrick Briggs confirmed that the next District Emergency Management Committee (DEMC) meeting will be held at Joondalup Health Campus on Thursday 17 May 2012.

- **Fire and Emergency Services Authority (FESA)**

Garry Baxter reported as follows:

(a) Koondoola Bushfire (28 March 2012) located at the corner of Beach Road and Alexander Drive spread quickly. Significant resources were deployed to the area, including the assistance of the local government;

(b) Bushfire Information Session was held on the 11 April 2012 for the local community following the bushfire incident. A notice was sent to surrounding properties. The community was encouraged to attend to discuss how the fire may impact of their property and how to reduce bushfire risk. Unfortunately, the evening was not well attended by residents;

(c) FESA has commenced winding down in regard to the bushfire season; and

(d) FESA's Winter Safe Programs have commenced.

- **Department of Environment and Conservation (DEC)**

No one in attendance.

- **Department of Child Protection (DCP)**

No one in attendance.

- **Western Power**

Steve Pethick reported that there was good consultation between FESA and Western Power during the Koondoola Bushfire. Western Power has allocated a dedicated resource officer to attend emergency hazard incidences.

Steve Pethick advised of Western Power's difficulty in obtaining a list of properties impacted by the bushfire. The request for this information was to be a pro-active step to stop the mail-out of accounts to properties impacted by the fire.

Discussion took place regarding the Privacy Act and the need to release names and addresses during an emergency.

Discussion also took place on two-way radios and the need for interoperability communications during emergencies.

- **Joondalup Health Campus**

Helen Barrett mentioned that officers from Joondalup Health Campus attended an exercise at the RAAF Base in Pearce. The main lesson learnt from this exercise was lack of communication.

- **Red Cross**

Ruth Lane advised Red Cross Emergency Services offers a range of short training courses for example personal support, outreach, state inquiry centre, AIIIMS and team leader training. These courses meet the requirements of the State Arrangements and are available to other agency personnel to participate. A copy of the 2012 Red Cross Training Calendar will be made available to LEMC members.

- **Edith Cowan University**

Nil to report.

- **Other Key Stakeholders**

Nil to report.

6.2. LEMC Arrangements:

- **Planning:**

Resmie Greer reported that the Cities of Wanneroo and Joondalup are now at the stage where the complete review of the Local Emergency Management Arrangements and Recovery Plans (LEMA) has been conducted and a compliance checklist has been undertaken by Emergency Management Western Australia (EMWA). The plans for both Cities were tabled at the meeting for formal endorsement.

Proposed Ian McDowell, **Seconded** Derrick Briggs that the Local Emergency Management Arrangements and the Local Recovery Management Arrangements be endorsed by the City of Wanneroo/City of Joondalup LEMC.

Resmie Greer informed the meeting that a report would be presented to Council advising that the Emergency Management Plans have been endorsed at the LEMC meeting of 3 May 2012 and recommend that Council notes the acceptance of the

Emergency Management Arrangements and Recovery Plan by the LEMC. Following this process, the plans will be submitted to the District Emergency Management Committee (DEMC) for noting.

- ***Risk Mitigation Treatments:***

Resmie Greer provided a progress status report on the risk analysis process which was conducted over two workshops.

Workshop 1 was hosted at the City of Wanneroo to analyse the following hazards:

- (a) Bushfire;
- (b) Severe Storm

Workshop 2 was hosted at the City of Joondalup to analyse the following hazards:

- (a) Road Transport Emergencies
- (b) Human Epidemic
- (c) Cliff Collapse/Rock Fall

The draft Emergency Management Risk Registers will be distributed to LEMC members for comment and discussion at the next LEMC Meeting where assigning of acceptability and responsibility for each risk will be agreed upon.

- ***Training Activities/Simulations:***

Introduction to Emergency Management Training was held at the City of Wanneroo on 26 April 2012.

Derrick Fletcher mentioned that Emergency Management WA (EMWA) has developed a flexible training delivery strategy, which includes "a range of flexible delivered learning options made available to the learner irrespective of time and place." A computer is required to complete this flexible training option (EMWA mail out a CD-ROM). Not all Emergency Management training courses are delivered in this fashion.

Resmie Greer advised that the City of Wanneroo will be engaging EMWA to deliver the "Introduction to Recovery Management" later this year, possibly during the month of August.

- ***Other Emergency Activations for mention:***

Nil to report.

- ***Review/Outcomes/Lessons Learnt:***

Nil to report.

7. REPORTING REQUIREMENTS

Resmie Greer reported that the LEMC Annual Report is due for submission to the DEMC by the 30 June 2012 and asked for the support of Derek Fletcher and Derrick Briggs to complete the report.

8. NEW BUSINESS

Nil.

9. NEXT MEETINGS

The next City of Wanneroo/City of Joondalup Local Emergency Management Committee meeting will be held on Thursday 2 August 2012 at the City of Joondalup.

10. CLOSE

There being no further business, the meeting was closed at 11:30am.