

# State Council

## Agenda

6 December 2023

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## NOTICE OF MEETING

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Ordinary meeting no. 5 of 2023 of the Western Australian Local Government Association (WALGA) State Council to be held at ONE70, LV1, 170 Railway Parade, West Leederville on Wednesday, 6 December beginning at 4:15pm.

### 1. ATTENDANCE & APOLOGIES

#### 1.1 Attendance

<b>Members</b>	WALGA President - <b>Chair</b> WALGA Deputy President Avon-Midland Country Zone Central Country Zone Central Metropolitan Zone East Metropolitan Zone (2 representatives) Goldfields Esperance Country Zone Gascoyne Country Zone Great Eastern Country Zone Great Southern Country Zone Kimberley Country Zone Murchison Country Zone North Metropolitan Zone (3 representatives) Northern Country Zone Peel Country Zone Pilbara Country Zone South East Metropolitan Zone (2 representatives) South Metropolitan Zone (3 representatives) South West Country Zone	President Cr Karen Chappel AM JP Cr Paul Kelly
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*This will be the first meeting of the new State Council, with Zones electing their State Councillors and Deputy State Councillors during the November round of Zone meetings.*

<b>Ex Officio</b>	The Rt. Hon. Lord Mayor – City of Perth Local Government Professionals WA President	Lord Mayor Basil Zempilas Mr Anthony Vuleta
<b>Secretariat</b>	Chief Executive Officer Executive Director Member Services Acting Executive Manager Advocacy Executive Manager Infrastructure Executive Manager Policy Chief Financial Officer Manager Governance and Procurement Manager Association and Corporate Governance Executive Officer Governance	Mr Nick Sloan Mr Tony Brown Mr Jamie Wilkinson Mr Ian Duncan Ms Nicole Matthews Mr Rick Murray Mr James McGovern Ms Kathy Robertson Ms Meghan Dwyer

#### 1.2 Apologies

## 2. ACKNOWLEDGEMENT OF COUNTRY

WALGA acknowledges the continuing connection of Aboriginal people to Country, culture and community. We embrace the vast Aboriginal cultural diversity throughout Western Australia, including Boorloo (Perth), on the land of the Whadjuk Noongar People, where WALGA is located and we acknowledge and pay respect to Elders past and present.

WALGA is committed to supporting the efforts of WA Local Governments to foster respectful partnerships and strengthen relationships with local Aboriginal communities.

## 3. ANNOUNCEMENTS

Welcome to all new and returning State Councillors.

## 4. MINUTES

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### 4.1 Minutes of the State Council meeting held 13 September 2023

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#### RECOMMENDATION

That the Minutes of the WALGA State Council meeting held on [Wednesday, 13 September](#) be confirmed as a true and correct record of proceedings.

**4.1.1 Business arising from the Minutes of the State Council meeting held 13 September 2023**

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### 4.2 Flying Minute – Submission to the Review of the Main Roads Pedestrian Crossing Facilities Guidelines

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#### RECOMMENDATION

That the [Flying Minute - Submission to the Review of the Main Roads Pedestrian Crossing Facilities Guidelines](#) be confirmed as a true and correct record of proceedings.

**4.2.1 Business arising from the Flying Minute – Submission to the Review of the Main Roads Pedestrian Crossing Facilities Guidelines**

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### 4.3 Flying Minute – Draft Operational Policy 2.3 Planning for Public Open Space

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#### RECOMMENDATION

That the [Flying Minute - Draft Operational Policy 2.3 Planning for Public Open Space](#) be confirmed as a true and correct record of proceedings.

**4.3.1 Business arising from the Flying Minute – Draft Operational Policy 2.3 Planning for Public Open Space**

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#### **4.4 Flying Minute – Independent Review of Commonwealth Disaster Funding**

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##### **RECOMMENDATION**

That the [Flying Minute - Independent Review of Commonwealth Disaster Funding](#) be confirmed as a true and correct record of proceedings.

**4.4.1 Business arising from the Flying Minute – Independent Review of Commonwealth Disaster Funding**

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#### **4.5 Flying Minute – Objection to the 2023 WA Electoral Distribution Commission Proposed Boundaries**

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##### **RECOMMENDATION**

That the [Flying Minute - Objection to the 2023 WA Electoral Distribution Commission Proposed Boundaries](#) be confirmed as a true and correct record of proceedings.

**4.5.1 Business arising from the Flying Minute – Objection to the 2023 WA Electoral Distribution Commission Proposed Boundaries**

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#### **4.6 Flying Minute – Submission on the Exposure Draft of the Recycling and Waste Reduction (Export – Paper and Cardboard) Rules 2023**

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##### **RECOMMENDATION**

That the [Flying Minute - Submission on the Exposure Draft of the Recycling and Waste Reduction \(Export – Paper and Cardboard\) Rules 2023](#) be confirmed as a true and correct record of proceedings.

**4.6.1 Business arising from the Flying Minute – Submission on the Exposure Draft of the Recycling and Waste Reduction (Export – Paper and Cardboard) Rules 2023**

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#### **4.7 Flying Minute – Aboriginal Heritage Legislation Amendment and Repeal Bill, Regulations, Consultation Policy and Section 18 Guideline – Submission to the Department of Planning, Lands and Heritage**

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##### **RECOMMENDATION**

That the [Flying Minute - Aboriginal Heritage Legislation Amendment and Repeal Bill, Regulations, Consultation Policy and Section 18 Guideline – Submission to the Department of Planning, Lands and Heritage](#) be confirmed as a true and correct record of proceedings.

**4.7.1 Business arising from the Flying Minute – Aboriginal Heritage Legislation Amendment and Repeal Bill, Regulations, Consultation Policy and Section 18 Guideline – Submission to the Department of Planning, Lands and Heritage**

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## 4.8 Flying Minute – Asbestos National Strategic Plan

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### RECOMMENDATION

That the [Flying Minute - Asbestos National Strategic Plan](#) be confirmed as a true and correct record of proceedings.

#### 4.8.1 Business arising from the Flying Minute – Asbestos National Strategic Plan

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## 4.9 Flying Minute – Draft Code of Practice for Onsite Wastewater Disposal

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### RECOMMENDATION

That the [Flying Minute - Draft Code of Practice for Onsite Wastewater Disposal](#) be confirmed as a true and correct record of proceedings.

#### 4.9.1 Business arising from the Flying Minute – Draft Code of Practice for Onsite Wastewater Disposal

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## 4.10 Flying Minute – 2024-25 State Budget Submission

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### RECOMMENDATION

That the [Flying Minute – 2024-25 State Budget Submission](#) be confirmed as a true and correct record of proceedings.

#### 4.10.1 Business arising from the Flying Minute – 2024-25 State Budget Submission

## 5. DECLARATIONS OF INTEREST

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

## 6. EMERGING ISSUES

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

## 7. MATTERS FOR DECISION

- As per matters listed
- Items Under Separate Cover to State Council only

## 8. POLICY TEAM AND COMMITTEE REPORTS

- 8.1 Environment and Waste Policy Team Report
- 8.2 Governance and Organisational Services Policy Team Report
- 8.3 Infrastructure Policy Team Report
- 8.4 People and Place Policy Team Report
- 8.5 Municipal Waste Advisory Council (MWAC) Report

## 9. MATTERS FOR NOTING / INFORMATION

- As per matters listed

## 10. ORGANISATIONAL REPORTS

### 10.1 Key Activity Reports

- 10.1.1 Report on Key Activities, Advocacy Portfolio
- 10.1.2 Report on Key Activities, Infrastructure Portfolio
- 10.1.3 Report on Key Activities, Member Services Portfolio
- 10.1.4 Report on Key Activities, Policy Portfolio

### 10.2 President's Report

#### **RECOMMENDATION**

That the President's Report for December 2023 be received.

### 10.3 CEO's Report

#### **RECOMMENDATION**

That the CEO's Report for December 2023 be received.

### 10.4 Ex Officio Reports

- 10.4.1 The Rt. Hon. Lord Mayor Basil Zempilas will provide the City of Perth Report to the meeting.
- 10.4.2 LG Professionals WA State President will provide the LG Professionals Report to the meeting.

## 11. ADDITIONAL ZONE RESOLUTIONS

To be advised following Zone meetings.

## 12. DATE OF NEXT MEETING

The next ordinary meeting of the WALGA State Council will be held in the Boardroom at WALGA, ONE70, LV1, 170 Railway Parade, West Leederville on Wednesday, 6 March 2024 commencing at 4:15pm.

The State Council meeting schedule for 2024 is as follows:

<b>Date</b>	<b>Venue</b>
Wednesday, 6 March	WALGA
Wednesday, 1 May	North Metropolitan Zone
Wednesday, 3 July	WALGA
Thursday-Friday, 5-6 September	South West Country Zone
Wednesday, 4 December	WALGA

## 13. CLOSURE

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## 7. MATTERS FOR DECISION

### 7.1 2023 Annual General Meeting Resolutions

By Kathy Robertson, Manager Association and Corporate Governance

#### WALGA RECOMMENDATION

That:

1. the following resolutions from the 2023 WALGA Annual General Meeting be referred to the People and Place Policy Team for further work to be undertaken:

- 5.1 Local Governments' representation at the State Administrative Tribunal relating to planning matters within its district

*That WALGA lobby the State Government for legislative reform to enable Local Governments the automatic right to be a represented party at all State Administrative Tribunal hearings related to planning matters within its district.*

- 5.2 Land Use Policy

*That WALGA establish and promote policies to protect and prioritise the preservation of agricultural land against its displacement by non-agricultural activities that lead to a net reduction of the State's productive agricultural land.*

- 5.4 Regional and Remote Housing

*That WALGA advocates to the WA State and Commonwealth Governments to address the dire shortage of affordable key worker family housing options in regional and remote towns to encourage families to live and work in regional and remote towns. Social housing is addressed at both the State and Federal levels.*

2. State Council notes that the following resolution is being considered in Agenda item 7.2 of this meeting Agenda:

- 5.3 Transparency – Management Order Determinations

*That WALGA:*

1. *Advocates for Department of Planning, Lands and Heritage to consult and collaborate with Local Governments in reviewing and publishing its policies, decision making criteria, guidelines and procedures associated with the administration of management orders;*
2. *Ensure the review recognises the cost burden on local governments in managing reserves and options for supporting local governments in meeting that responsibility; and*
3. *Calls for proactive consultation and advice to Local Government management bodies.*

#### Executive Summary

- WALGA's 2023 Annual General Meeting was held on Monday, 18 September 2023.
- The meeting resolved for WALGA to act in relation to four Member motions:
  1. Local Governments' representation at the State Administrative Tribunal relating to planning matters within its district
  2. Land Use Policy
  3. Transparency – Management Order Determinations

4. Regional and Remote Housing
  5. Proposed New WALGA Constitution
- Two Executive Motions, one proposing a new Constitution giving effect to an alternative governance structure and the other proposing amendments to the existing Constitution, were both lost as they failed to reach the required Special Majority of support from Members.
  - The action taken or proposed to be taken in relation to each of the resolutions since the Annual General Meeting has been summarized for State Council's information.

### Attachment

- [WALGA 2023 Annual General Meeting Minutes](#)

### Background

The 2023 Annual General Meeting (AGM) was held on Monday, 18 September 2023.

Four Member motions, as follows, were considered and supported by Members at the AGM.

#### 5.1 Local Governments' representation at the State Administrative Tribunal relating to planning matters within its district

*That WALGA lobby the State Government for legislative reform to enable Local Governments the automatic right to be a represented party at all State Administrative Tribunal hearings related to planning matters within its district.*

#### 5.2 Land Use Policy

*That WALGA establish and promote policies to protect and prioritise the preservation of agricultural land against its displacement by non-agricultural activities that lead to a net reduction of the State's productive agricultural land.*

#### 5.3 Transparency – Management Order Determinations

*That WALGA:*

1. *Advocates for Department of Planning, Lands and Heritage to consult and collaborate with Local Governments in reviewing and publishing its policies, decision making criteria, guidelines and procedures associated with the administration of management orders;*
2. *Ensure the review recognises the cost burden on local governments in managing reserves and options for supporting local governments in meeting that responsibility; and*
3. *Calls for proactive consultation and advice to Local Government management bodies.*

#### 5.4 Regional and Remote Housing

*That WALGA advocates to the WA State and Commonwealth Governments to address the dire shortage of affordable key worker family housing options in regional and remote towns to encourage families to live and work in regional and remote towns. Social housing is addressed at both the State and Federal levels.*

Two Executive Motions were also considered by Members at the 2023 AGM. Both Executive Motions proposed amendments to the Association Constitution and therefore required support from a Special Majority of Members (being 75% of Delegates from Members, whether present and voting or not). The first Executive Motion, which proposed a new Constitution to give effect to an alternative governance model for WALGA, was lost. The second Executive Motion, which proposed amendments to the current Constitution and otherwise maintaining the existing governance structure, was also lost for lack of a Special Majority.

## Comment

Comment on the 2023 AGM resolutions is below:

### 5.1 Local Governments' representation at the State Administrative Tribunal relating to planning matters within its district

It is recommended that this resolution be referred to the People and Place Policy Team.

### 5.2 Land Use Policy

It is recommended that this resolution be referred to the People and Place Policy Team.

### 5.3 Transparency – Management Order Determinations

State Council [Agenda item 7.2](#) deals with this resolution, proposing an Advocacy Position on Crown Land and Management Order Administration – *Land Administration Act 1997*.

### 5.4 Regional and Remote Housing

It is recommended that this resolution be referred to the People and Place Policy Team.

In considering these resolutions from the AGM, State Council and State Council Policy Teams are guided by Clause 22(7) of the [WALGA Constitution](#), as follows:

*Where the State Council considers that a direction or decision from an Annual General Meeting has been made without information or a material nature or in circumstances which have materially altered and such direction or decision is not in the best interests of the Association, the State Council may decline to follow that direction or decision and, in that event, the Chief Executive Officer by notice shall advise the Ordinary Members of the decision of the State Council and the reasons for that decision.*

Members will be informed of progress on the above issues through Policy Team Reports in future State Council Agendas and through the AGM Status Report in next year's AGM Agenda.

## 7.2 Advocacy Position – Crown Land and Management Order Administration – *Land Administration Act 1997*

By Lyn Fogg, Governance Specialist

### WALGA RECOMMENDATION

That WALGA endorse the below Advocacy Position:

#### Crown Land and Management Order Administration - Land Administration Act 1997

*WALGA advocates to the Department of Planning, Lands and Heritage (DPLH) to:*

1. Apply the following principles when dealing with matters affecting Local Government's role in managing Crown land:
  - a. Local Government is an equal partner with State Government in managing, developing and administration of Crown land for community benefit.
  - b. Local Government should be provided timely advice and consulted where State Government proposals impact management of or investment in Crown land.
  - c. Ensure timely communication with Local Government where DPLH intends to challenge an intention to levy leasing or land use revenues under a power to lease arrangement.
  - d. Decision-making criteria, policy and procedure transparency contributes to whole of government efficiency, effectiveness and accountability.
2. Publish the policies and procedures that underpin decision making regarding:
  - a. Establishing, varying or revoking management orders.
  - b. Leasing Crown land or facilities, subject to a management order.
  - c. Decision review where a management body or proponent lessee is dissatisfied with a decision or process.

### Executive Summary

- Issues have been raised by the Gascoyne Country Zone and Growth Alliance Perth and Peel and are subject of a resolution from the 2023 WALGA Annual General Meeting (see [Agenda Item 7.1](#)).
- Issues are further evidenced by a sample survey of Local Governments in the: Pilbara, Gascoyne, Northern Country, Peel Country, South-West Country and South-East Metropolitan Zones.
- Transparency of the Department of Planning, Lands and Heritage (DPLH) decision making policy and procedures will help to:
  - Streamline application and decision-making processes, reduce backlog and delays.
  - Avoid wasted time, effort, resources and costs and enable consistent, transparent, and accountable decisions.
- This report seeks adoption of a new WALGA Advocacy position: 'Crown Land and Management Order Administration - Land Administration Act 1997'.

### Policy Implications

If the recommendation is endorsed, a new WALGA Advocacy Position will be created.

### Background

Crown land care, control and management is assigned to Local Government via:

- Management orders under the *Land Administration Act 1997*: Orders may limit purposes for which Crown land is used and require Ministerial approval for proposed leasing of that land; or
- Section 3.58 of the *Local Government Act 1995* prescribes Local Government is responsible for controlling and managing every otherwise unvested facility in a Local Government District, including thoroughfares, bridges, jetties, drains or watercourses belonging to the Crown.

These provisions require substantial Local Government investment to manage, develop, and administer Crown land, with most activities never providing a financial return. For example:

- Land and environmental management, e.g. fire mitigation, dealing with pest flora and fauna.
- Regulation, patrolling, enforcement and clean-up to preserve public amenity and address illegal activities, e.g. unauthorised camping, off-road vehicle use, dumped rubbish.
- Public amenity, tourism and activation infrastructure, e.g. road and pedestrian access, fencing, drainage, bridges, landscaping, toilets, shade, shelter, BBQs, playgrounds, trails, viewing platforms, parking, cafes, rubbish removal, cleaning, etc.

The Gascoyne Country Zone at its meeting on 24 June 2022, sought advocacy for a review of Management Order administration and Local Government approvals to lease Crown land.

The Growth Alliance Perth and Peel meeting in February 2023, raised issues regarding Local Government leasing Crown land to telcos for infrastructure delivery, lack of transparency of DPLH policy and Local Governments being denied leasing revenue.

The GOS Policy Team considered the issue on 12 April 2023. Subsequent advice was sought and provided by DPLH in June 2023 address the Gascoyne Country Zone examples. DPLH's response clarified some aspects however didn't clarify policy criteria or procedures that informed decisions.

A sample of Local Governments identified consistent themes that informed the proposed Advocacy:

- Policies and procedures are not transparent, contributing to wasted time, effort and cost where proposals are refused, or re-work required; some identified requirements changed mid-process.
- Inequitable decisions that do not adequately recognise Local Government investment.
  - Leasing refused, with the State instead seeking to be the lessor, or to take lease revenue, despite buildings / facilities having been funded / developed by the Local Government.
  - Conditions on management orders requiring Local Governments to expend revenue only on the Crown land from which the revenue was earned.
- Decision delays and policy that have financial consequences for Local Government and lessees.
  - Local Governments often not updated on progress of matters, requiring multiple follow-ups.
  - Business operator lease renewals (cafe/restaurant), previously renewed multiple times, delayed beyond lease expiry or refused on the basis that they are 'commercial'.
  - Complex matters unresolved over many months and in some cases years.
- Onerous / unreasonable conditions imposed, pre-requisite to consideration of applications.
  - A requested management order revocation required the Local Government to - find and negotiate with a new lessee for the State to enter into; declare that the building is not contaminated (former 1950s State school, included asbestos); if these conditions were not met, Local Government was asked to demolish and remediate the site.
  - Detailed 'business case' required to justify Local Government retaining even a portion of lease revenue for buildings developed by the Local Government.

The 2023 WALGA AGM endorsed the Shire of Carnarvon's member motion that WALGA:

1. *Advocates for Department of Planning, Lands and Heritage to consult and collaborate with Local Governments in reviewing and publishing its policies, decision making criteria, guidelines and procedures associated with the administration of management orders;*
2. *Ensure the review recognises the cost burden on local governments in managing reserves and options for supporting local governments in meeting that responsibility; and*
3. *Calls for proactive consultation and advice to Local Government management bodies.*

A productive meeting between WALGA officers and DPLH senior policy officers was held on 4 October, with agreement that further consultation would support DPLH to develop guidance resources.

## Comment

The principles included in the recommended Advocacy Position, enable broader consideration of what an equal partnership between State and Local Government may demonstrate, including:

- Local Government investment in managing, developing and administration of unallocated Crown land and land subject to management orders, to be recognised by State Government decisions.
- The State should be responsible for an equitable share of costs arising from site conditions, asset dilapidation and/or contamination existing prior to a management order being assigned to a Local Government.
- Ensure timely communication with Local Government where DPLH intends to challenge an intention to levy leasing or land use revenues under a power to lease arrangement.
- Ensure Local Governments are engaged, consulted and provided with sufficient information to enable effective performance of management body functions, including:
  - Specifying constraints on types of activities, development, or leasing that may be undertaken relevant to different management order purposes.
  - Enable third party proponents to be directed to DPLH in the first instance, where appropriate.
  - Define circumstances where the State will seek to replace Local Government as the agency responsible for Crown land, enabling any third-party proponents to be directed to DPLH in the first instance.



## 7.3 Review of Public Open Space Advocacy Positions

By Coralie Claudio, Senior Policy Advisor, Planning

### WALGA RECOMMENDATION

That WALGA endorse:

1. the deletion of Advocacy Position 4.3 *Water Management*;
2. the deletion of Advocacy Position 4.4 *Public Open Space*; and
3. new Advocacy Position 6.11 *Public Open Space* as follows:

#### 6.11 Public Open Space

*New subdivisions and developments should provide appropriate Public Open Space (POS) or POS contributions to provide environmental benefits and meet the needs of the community.*

*The State Government should take a leadership role in the strategic planning of POS, in consultation with Local Government, including:*

1. *Reviewing the requirement for a minimum 10 per cent of all new residential land to be provided as POS to determine if this metric is still appropriate.*
2. *Developing a 10+ year regional level sporting facilities plan to identify and prioritise gaps in regional sporting facilities and acquire and fund regional open spaces, specifically sporting facilities, in a timely manner to align with population growth.*
3. *Developing contemporary legislative and policy mechanisms to ensure that:*
  - a. *POS design and delivery:*
    - i. *appropriately allocates different POS uses and purposes, balancing environmental, recreational, sporting and community needs.*
    - ii. *does not have its use impeded by drainage and utilities facilities.*
    - iii. *is accessible and appropriately distributed.*
    - iv. *is cost effective to enable sustainable maintenance and replacement by Local Government.*
    - v. *is responsive to urban ecology, regional climatic conditions, and climate change.*
    - vi. *considers water requirements and availability as a priority, includes water sensitive urban design principles, and prioritises water allocations for the irrigation and maintenance of functional active recreational and sport facilities.*
  - b. *POS cash in lieu contributions are equitable, transparent, and simplified by:*
    - i. *streamlining the process to collect and expend cash in lieu contributions by delegating functions to Local Government.*
    - ii. *broadening how cash in lieu funds can be spent to include works beyond the current scope.*
    - iii. *allowing for the collection of cash in lieu contributions at development application stage and for all forms of subdivision, including two lot subdivisions or developments.*
    - iv. *investigating the option of a standard fixed rate contribution fee per lot or dwelling when contributions are intended for public open space upgrades.*
4. *Providing guidance documents and support to assist Local Governments with their strategic POS planning.*

### Executive Summary

- It is proposed that the Advocacy Positions 4.4 and 6.11 Public Open Space be replaced with a new position that reflects Local Governments' Public Open Space priorities.

- The new position has been informed by WALGA's [Background Paper: Public Open Space in Residential Areas](#), WALGA's submission on draft *Operational Policy 2.3 Planning for Public Open Space* and input from Local Governments.
- The position was endorsed by both the People and Place Policy Team and the Environment and Waste Policy Team at a joint meeting on 17 October.

## Attachment

- Proposed New Advocacy Position 6.11 Public Open Space

## Policy Implications

WALGA's Existing Advocacy Positions:

### 4.4 Public Open Space

*Local Government:*

- *acknowledges that public open space is fundamental to lifestyle wellbeing, mental and physical health*
- *asserts that new developments should have a minimum of 10 percent public open space, characterised by a combination of active, passive, regional, local areas, landscaping and natural bushland.*

### 6.11 Public Open Space

*As public open space is fundamental to lifestyle wellbeing, mental and physical health, Local Government supports the development of new subdivisions that are characterised by a combination of public open space for recreational, sporting or natural purposes, and are distributed for neighbourhood, district and regional use.*

### 4.3 Water Management

*Local Government:*

- *asserts that water for public open space should be secured in all water allocation plans, and that future community growth must be considered in allocation plans*
- *asserts that water for public open space should be excluded from any water trading regime*
- *acknowledges irrigation of public open space should be water efficient and Local Governments should continue to invest in water efficiency technologies*
- *asserts that water availability for public open spaces should be given a greater priority when planning for new development*
- *asserts that State Government, in collaboration with all stakeholders, undertake an extensive review of public open space in Western Australia and commit to further investment in this area.*

The proposed new POS Advocacy Position is attached.

## Background

Public Open Space (POS) is fundamental to lifestyle, wellbeing, mental and physical health and accommodates environmental and social features. Local Government has the responsibility to manage most POS across Western Australia and thus has considerable interest in how POS is delivered and upgraded to satisfy community needs.

WALGA currently has two very similar POS advocacy positions, one in the Environment section - *4.4 Public Open Space*, and the other in the Place (Planning and Development) section *6.11 Public Open Space*. Another Advocacy Position *4.3 Water Management* also addresses POS specifically in the context of water allocation and management. The advocacy positions haven't been updated in over a decade.

The current POS planning framework is fragmented with *Development Control Policy 2.3 Public Open Space in Residential Areas* (DCP 2.3) being the key document governing POS provisions. DCP 2.3 establishes the requirement for 10 per cent of the gross subdivisible area to be provided free of cost



by the subdivider and circumstances in where cash in lieu of land for open space may be appropriate as governed by provisions in the *Planning and Development Act 2005* (the Act).

In June 2023 draft [Operational Policy 2.3 Planning for Public Open Space](#) (draft Policy) was released by the Department of Planning, Lands and Heritage (DPLH) for public consultation and will replace DCP 2.3. WALGA prepared [Background Paper: Public Open Space in Residential Areas](#) in 2023 to provide an overview of the POS planning framework and WALGA's previous POS advocacy to inform the review of DCP 2.3 and the advocacy positions.

WALGA prepared a submission generally supporting the draft Policy that was endorsed by State Council via the flying minute process and is included as an Item for Noting in this State Council agenda.

Several key advocacy priorities have been identified through the above work:

1. As population and development densities increase, and residential block sizes decrease, WA communities are more reliant on functional POS to provide for a diverse range of recreational, sporting, environmental and community functions while integrating drainage, services, and utilities. The advocacy position seeks to ensure that POS is provided for new subdivisions and development and adequately accommodates all increasing demands while being site responsive and cost effective to maintain and replace. To this effect, a recommendation has also been included to review the long standing 10 per cent POS provision which originated from the 1955 Stephenson Hepburn Plan.
2. Infill developments in established suburbs are placing pressure on existing POS. Existing POS cash in lieu arrangements provide rigorous parameters on expending funds and a cumbersome process to dispense funds, which often require Minister approval. The advocacy position provides recommendations to ensure there is an equitable, transparent, and simplified mechanisms to request, collect, process, and expend POS contributions.
3. There is a gap in the planning and delivery of regional-level sporting facilities, specifically in the outer metropolitan areas where there is rapid population growth. The need to identify and fund regional level sporting infrastructure to inform investment priorities and develop 10+ year regional-level sporting facility plan was identified in Infrastructure WA in the *State Infrastructure Strategy*.
4. The draft Operational Policy 2.3 places an increasing emphasis on Local Governments to have updated local planning frameworks, specifically Local Planning Strategies, that strategically consider open space and inform contribution amounts. Additional guidance documents and support from the State Government is required to assist Local Governments with this complex and resource intensive strategic POS planning.

### **Comment**

WALGA's Advocacy Positions on POS 4.6 and 6.11 and Water Management 4.3 are outdated and do not reflect the sector's current POS advocacy priorities for legislative, regulation and policy change to manage POS design, funding, and delivery.

The proposed position has been informed by feedback from Local Government officers, WALGA's submission on draft operational policy 2.3, other previous submissions on state planning policies and WALGA's [Background Paper: Public Open Space in Residential Areas](#).

An advocacy position on broader water management issues and water allocation to general community activities will be considered when WALGA undertakes consultation on the Government's proposed Water Reform Bill in 2024.

On 17 October 2023, the People and Place Policy Team and the Environment and Waste Policy Team jointly endorsed the deletion of Advocacy Positions 4.3 and 4.6 and the new POS Position.

Item 7.3: Review of Public Open Space  
Advocacy Positions  
**Attachment: Proposed New Advocacy  
Position 6.11 Public Open Space**

# Public Open Space Policy Statement

## Policy Statement

New subdivisions and developments should provide appropriate Public Open Space (POS) or POS contributions to provide environmental benefits and meet the needs of the community.

The State Government should take a leadership role in the strategic planning of POS, in consultation with Local Government, including:

1. Reviewing the requirement for a minimum 10 per cent of all new residential land to be provided as POS to determine if this metric is still appropriate.
2. Developing a 10+ year regional level sporting facilities plan to identify and prioritise gaps in regional sporting facilities and acquire and fund regional open spaces, specifically sporting facilities, in a timely manner to align with population growth.
3. Developing contemporary legislative and policy mechanisms to ensure that:
  - a. POS design and delivery:
    - i. appropriately allocates different POS uses and purposes, balancing environmental, recreational, sporting and community needs.
    - ii. does not have its use impeded by drainage and utilities facilities.
    - iii. is accessible and appropriately distributed.
    - iv. is cost effective to enable sustainable maintenance and replacement by Local Government.
    - v. is responsive to urban ecology, regional climatic conditions, and climate change.
    - vi. considers water requirements and availability as a priority, includes water sensitive urban design principles, and prioritises water allocations for the irrigation and maintenance of functional active recreational and sport facilities.
  - b. POS cash in lieu contributions are equitable, transparent, and simplified by:
    - i. streamlining the process to collect and expend cash in lieu contributions by delegating functions to Local Government.
    - ii. broadening how cash in lieu funds can be spent to include works beyond the current scope.
    - iii. allowing for the collection of cash in lieu contributions at development application stage and for all forms of subdivision, including two lot subdivisions or developments.
    - iv. investigating the option of a standard fixed rate contribution fee per lot or dwelling when contributions are intended for public open space upgrades.
4. Providing guidance documents and support to assist Local Governments with their strategic POS planning.

## Background

Public open space (POS) provides essential health, social and environmental benefits to communities. Local Government has the responsibility to manage most open spaces and recreational facilities across Western Australia.

The long-standing requirement that 10 per cent of developable residential land be provided for POS originated from the 1955 Plan for Metropolitan Regional Perth and Fremantle (Stephenson-Hepburn Plan) and needs to be reviewed to determine if it is still appropriate in the current WA context.

As population and development densities increase, and residential block sizes decrease, WA communities are more reliant on functional POS to provide for a diverse range of recreational, sporting, environmental and community functions while integrating drainage, services, and utilities.

Often POS have been designed and developed with little regard for the natural topography, existing tree canopy, impacts of drainage on the usability of POS and the long-term maintenance costs. Designing public open spaces to be adaptable to water availability and climate conditions are other issues currently faced by Local Government.

**Attachment: Proposed New Advocacy Position 6.11 Public Open Space**

The current POS planning framework is fragmented and outdated with a lack of strategic POS planning leading to inconsistent planning decisions, specifically in relation to POS contributions. The lack of strategic planning and funding for regional sporting facilities is specifically a concern for outer growth metropolitan area which experience high population growth.

Infill developments in established suburbs are increasing placing pressure on existing POS to provide for additional residents as often there is limited land available for new POS. The current POS cash in lieu arrangements provides rigorous parameters on what funds can be spent on and a cumbersome process to dispense funds often requiring Minister approval.

## 7.4 2024 Salaries and Allowances Tribunal Remuneration Inquiry for Local Government Chief Executive Officers and Elected Members

By Kathy Robertson, Manager Association and Corporate Governance

### WALGA RECOMMENDATION

**That WALGA endorse the submission to the 2024 Salaries and Allowances Tribunal Remuneration Inquiry for Local Government Chief Executive Officers and Elected Members.**

### Executive Summary

- The Salaries and Allowances Tribunal (SAT) conduct an annual inquiry into Local Government Chief Executive Officer and Elected Member remuneration.
- In preparation for the inquiry to be undertaken early next year, WALGA has prepared a draft submission to SAT that makes recommendations in relation to Elected Member remuneration, Chief Executive Officer remuneration and the Regional/Isolation Allowance.
- The submission argues for:
  - An increase of 4 percent for Elected Member Fees and Allowances (including maximum reimbursable expenses);
  - An increase to the Chief Executive Officer remuneration bands of 4 percent;
  - An increase to the maximum payable Regional/Isolation Allowance for Local Governments that are particularly isolated, long distances from population centres and lacking in amenities;
  - A review of the methodology, criteria and weightings for the Regional/Isolation Allowance; and
  - Publication of guidance about how the Regional/Isolation Allowance is applied in terms of methodology, criteria and weightings.
- SAT will likely publish its determination for 2024-2025 in April.

### Attachment

- WALGA submission to the 2024 Salaries and Allowances Tribunal Remuneration Inquiry – Local Government Chief Executive Officers and Elected Members

### Policy Implications

The current Advocacy Position relating to this submission is [2.10 Elected Member Remuneration](#):

*The Local Government sector supports appropriate remuneration of Local Government Elected Members on the basis of:*

1. *Vibrant democracy and good governance: fees and allowances payable to Elected Members should be sufficient to ensure that a diversity of candidates from a range of backgrounds seek election to local Government leadership positions. Further, corporate governance literature suggests that diverse leadership groups make better decisions;*
2. *Demands of the role: as the complexity of Local Government increases, and the demands placed upon Elected Members grow in the social media age, the remuneration paid to Elected Members for their significant time commitment must compensate them for the personal and opportunity costs of taking on significant community leadership positions;*
3. *Skills and training: as Elected Members continue to undertake training – and with the implementation of the State Government’s universal Elected Member training policy likely to occur in the near future – the time that Elected Members spend on professional development should be recognised by the fees and allowances framework; and,*
4. *Economic erosion: in recent years there have been a number of ‘no increase’ determinations in relation to Elected Member fees and allowances, which means that the relative value of Elected Member fees and allowances have eroded over time. WALGA contends that this trend should be arrested and fees and allowances should be increased.*

Previous WALGA submissions to SAT have advocated for increases to Elected Member fees and allowances, increase to the Regional/Isolation Allowance and greater clarity with regards to the methodology used by SAT to determine the Regional/Isolation Allowance.

## Background

The Salaries and Allowances Tribunal (SAT) conduct an annual Inquiry into Local Government Chief Executive Officers' and Elected Members' Remuneration. SAT invites submissions from Local Government and other stakeholders.

SAT are yet to invite submissions for the 2024 Inquiry, however in anticipation of the upcoming end of year closure period and noting that the next ordinary meeting of State Council will be in March, the submission has been drafted early for consideration by Zones and State Council.

## Comment

The submission makes five recommendations:

1. That Elected Member Fees and Allowances (including maximum reimbursable expenses) are increased by 4 percent.
2. That the Chief Executive Officer remuneration bands are increased by 4 percent.
3. That the maximum payable Regional/Isolation Allowance be increased for Local Governments that are particularly isolated, long distances from population centres, and lacking in amenities.
4. That the methodology, criteria and weightings for the Regional/Isolation Allowance be reviewed.
5. That clear guidance be published to the Local Government sector outlining how the Regional/Isolation Allowance is applied in terms of methodology, criteria and weightings.

In relation to Recommendation 1: Elected Member Remuneration, the submission:

- Highlights the increasing responsibilities and challenges inherent to the role of Elected Member in Local Government, particularly in light of recent amendments to the *Local Government Act 1995* which has effectively reduced the number of Elected Member positions on some Councils.
- Argues that the remuneration framework should not be a barrier to prospective community leaders from diverse backgrounds.
- Points to the significant amount of positions elected unopposed in the 2023 Local Government elections and suggests that an increase to the remuneration framework would better facilitate competitive elections and enhance democracy.
- Describes the current economic environment characterised by soaring living costs fuelled by high inflation.

In relation to Recommendation 2: Chief Executive Officer Remuneration, the submission:

- Highlights the current economic conditions that warrant an increase to the Chief Executive Officer remuneration bands, namely the tight labour market and growing Wage Price Index.

In relation to Recommendations 3, 4 and 5: Regional/Isolation Allowance which may be payable to Chief Executive Officers, the submission:

- Underlines the importance of the Regional/Isolation Allowance for attracting and retaining quality Chief Executive Officers to some Local Governments that are particularly isolated or remote.
- Highlights the confusion and uncertainty in the Local Government sector regarding the methodology for calculating the Regional/Isolation Allowance.
- Recommends both a review of, and publication of guidance about, the methodology, criteria and weightings for the Allowance to provide clarity for the sector.

**Item 7.4: 2024 Salaries and Allowances Tribunal  
Remuneration Inquiry for Local Government Chief  
Executive Officers and Elected Members**

Attachment: WALGA submission to the 2024 Salaries and  
Allowances Tribunal Remuneration Inquiry – Local  
Government Chief Executive Officers and Elected Members

# Submission

## Salaries and Allowances Tribunal

### Remuneration Inquiry: Local Government Chief Executive Officers and Elected Members

# December 2023

**Item 7.4: 2024 Salaries and Allowances Tribunal Remuneration Inquiry for Local Government Chief Executive Officers and Elected Members**

Attachment: WALGA submission to the 2024 Salaries and Allowances Tribunal Remuneration Inquiry – Local Government Chief Executive Officers and Elected Members

## About WALGA

The Western Australian Local Government Association (WALGA or 'the Association') is the peak organisation for Local Government in Western Australia. The Association is an independent, membership-based group representing and supporting the work and interests of 137 mainland Local Governments in Western Australia, plus the Indian Ocean Territories of Christmas Island and Cocos (Keeling) Islands.

The Association provides an essential voice for 1,137 Elected Members, approximately 22,000 Local Government employees, and the 2.8 million constituents that they serve and represent. The Association also provides professional advice and offers services that provide financial benefits to Local Governments.

## Contacts

Tony Brown  
Executive Director Member Services  
(p) (08) 9213 2051 | (e) [tbrown@walga.asn.au](mailto:tbrown@walga.asn.au)

Kathy Robertson  
Manager Association and Corporate Governance  
(p) (08) 9213 2036 | (e) [krobertson@walga.asn.au](mailto:krobertson@walga.asn.au)

WALGA  
ONE70, LV1, 170 Railway Parade, West Leederville, WA, 6007  
PO Box 1544, West Perth, WA, 6872  
(p) (08) 9213 2000 | (e) [info@walga.asn.au](mailto:info@walga.asn.au)



## Item 7.4: 2024 Salaries and Allowances Tribunal Remuneration Inquiry for Local Government Chief Executive Officers and Elected Members

Attachment: WALGA submission to the 2024 Salaries and Allowances Tribunal Remuneration Inquiry – Local Government Chief Executive Officers and Elected Members

# Background

WALGA appreciates the opportunity to make a submission on behalf of its Local Government members to inform the Salaries and Allowances Tribunal's Inquiry into Local Government Chief Executive Officer and Elected Member Remuneration.

The remuneration framework is respected and supported by the Local Government sector and provides assurance to the community that Elected Members and Chief Executive Officers are being remunerated appropriately in accordance with their skills, expertise, and contribution.

While the remuneration framework is supported overall, WALGA contends there is room for improvement particularly in relation to the Regional/Isolation Allowance. A review of the methodology, criteria and weighting for the Allowance may address some of the apparent inconsistency in application as experienced by Local Governments within the same region. Moreover, there is a notable lack of transparency of process when the Tribunal responds to submissions made by Local Governments seeking a review of their Regional/Isolation Allowance rates. To enhance understanding of the Regional/Isolation Allowance in the Local Government sector, the methodology and criteria should be made available, to provide guidance, clarity and transparency.

Local Government Elected Members, who have received only minor remuneration increases over the last five years, should be recognised for the increasing responsibilities and challenges of the role with a broad increase in fees and allowances. Similarly, the Chief Executive Officer remuneration bands should be increased in line with wider economic conditions to continue to attract and retain quality professionals to the sector, and to recognise the skill, time commitment and importance of the role.

# Elected Member Fees and Allowances

WALGA would like to reinforce both the importance and challenging nature of the role of Elected Member in Local Government. Elected Members must be appropriately remunerated for the time and commitment they bring to their decision-making and community leadership responsibilities.

Recent reforms to the *Local Government Act 1995* setting a maximum and minimum number of council seats for Local Governments based on population has effectively reduced the number of Elected Member positions on some Councils around the state. This will mean that for some Councils, the community liaison, representation, and leadership responsibilities will be borne by fewer Elected Members.

The composition of Councils in terms of diversity of representation becomes even more pressing when the number of available seats is reduced. It is WALGA's view that the overall Local Government system, including the remuneration framework, should strive to enhance the diversity of representation on Councils to reflect community demography. As community representatives, it is important that a Council includes members from a range of backgrounds and life experiences. Despite ongoing advocacy efforts, there is still more to be done to foster diversity of representation on Councils. The remuneration framework can play a role in these efforts by ensuring that serving on Council is not financially prohibitive to a broad range of prospective community leaders.

Data from the 2023 Local Government elections suggests that there may be a mismatch between the responsibilities and commitment required to serve on Council, and the fees and allowances payable to Elected Members. At the 2023 elections, 49 Local Governments (35%) did not hold an election as there was the same amount of candidates (or fewer) than the number of vacancies. Of the 619 positions up for election, over one quarter (26%) were filled by candidates unopposed. A further 20 positions were not filled and will require extraordinary elections to be held to fill the vacancies. It is WALGA's view that the remuneration framework should aim to facilitate competitive elections to enhance democracy and Council legitimacy in the eyes of the community.

#### Item 7.4: 2024 Salaries and Allowances Tribunal Remuneration Inquiry for Local Government Chief Executive Officers and Elected Members

Attachment: WALGA submission to the 2024 Salaries and Allowances Tribunal Remuneration Inquiry – Local Government Chief Executive Officers and Elected Members

The current economic environment, characterised by soaring living costs, is putting pressure on households including those of Elected Members and potential candidates. Fuelled by historically high inflation and a steep rise in interest rates, the cost of living in Western Australia has been growing at the fastest rate since the 1980s. The Consumer Price Index (CPI) for Perth peaked at an annual growth rate of 8.29% in December 2022 and as of the September quarter is currently sitting at 5.77%. Excluding 'volatile items', Perth CPI is currently 5.53% in annual terms, suggesting that inflation is widespread across the economy. In the last three financial years, Perth CPI increased by 17.3%. This rapid increase has been driven by the impact of COVID on global production and trade, natural disasters, geopolitics and wars. The Reserve Bank of Australia is forecasting inflation to return to the upper level of their target band by the end of 2025.

Finally, the value of fees and allowances paid to Elected Members has been eroded over the last five years with a number of 'no increase' determinations by the Tribunal. The small increases in the last two years<sup>1</sup> do not make up for the previous stagnation in allowances. Moreover, in comparison, Members of Parliament have received notably higher increases in remuneration over the past two years.<sup>2</sup> As the demands on Elected Members increase, this trend of no or minimal increases should be reversed.

WALGA contends that the fees and allowances payable to Elected Members should be broadly increased to recognise the increasing responsibilities of the role, and to ensure that a diverse range of skilled and experienced candidates are not deterred from nominating for these important leadership positions, particularly during the current cost of living crisis.

### Recommendation

1. That Elected Member Fees and Allowances (including maximum reimbursable expenses) are increased by 4%.

## Chief Executive Officer Remuneration Bands

The role of Chief Executive Officer within the Local Government sector is undeniably one of importance. The expertise, skills, workload and time commitment required from the role must be reasonably compensated to both retain existing CEOs, as well as attract new, prospective candidates with the requisite qualifications and experience. The role must compete in the broader labour market, which is continuing to see strong wage increases. Western Australia, like the rest of the nation, is currently experiencing a very tight labour market with the unemployment rate sitting at 3.3% in September 2023, marking two years since the unemployment rate was above 4.0%. As a result, wages have increased with the Wage Price Index (WPI) for Perth growing 4.2% in the year to June 2023; the highest rate since December 2012. Over the last three years the WPI has increased 8.6%. In comparison, the CEO remuneration bands have increased by only 6% since 2021.<sup>3</sup>

Index	2020-21	2021-22	2022-23	Last three financial years
CPI - Perth	4.1%	7.4%	4.9%	17.3%
WPI	1.6%	2.7%	4.2%	8.6%

Looking forward, the best forecast of WA WPI comes from the WA Treasury and is updated in May (Budget) and December (Mid-year review). In May, the WPI for 2023-24 was forecast to be 4.0% falling to 3.75% in 2024-25. However, wages have grown faster than Treasury forecast. In May 2022,

<sup>1</sup> Salaries and Allowances Tribunal, Local Government Chief Executive Officers and Elected Members Determination No 1 of 2022 (2.5% increase), 2023 (1.5% increase).

<sup>2</sup> Salaries and Allowances Tribunal, Members of Parliament Tribunal Determination No 1 of 2022 (2.75% increase), 2023 (3.0% increase).

<sup>3</sup> Salaries and Allowances Tribunal, Local Government Chief Executive Officers and Elected Members Determination No 1 of 2021 (no increase), 2022 (2.5% increase), 2023 (3.5% increase).

#### **Item 7.4: 2024 Salaries and Allowances Tribunal Remuneration Inquiry for Local Government Chief Executive Officers and Elected Members**

Attachment: WALGA submission to the 2024 Salaries and Allowances Tribunal Remuneration Inquiry – Local Government Chief Executive Officers and Elected Members

they forecast an increase of 3.75% for 2022-23, however it increased by 4.2%. There is a reasonable chance that they will increase their forecast WPI for 2023-24 in the Mid-year review. However, this will depend on the next WPI reading, due mid-November, as well as Treasury's modelling.

Private sector wages are quicker to react to changing market conditions. They increased by 2.99% in the year to June 2022 and 4.35% in the year to June 2023. Public sector wages growth have significantly accelerated in the last year, increasing 3.54% after very low growth of 1.15% in the year to June 2022 (and in the years prior). A large driver of this in WA has been the end of the State Government 'wage freeze' as well as increases in award pays. Changes in Public sector wages typically lag the Private sector both on the way up and on the way down.

To acknowledge the rising cost of living, align with the growing WPI for Perth, and to generally keep pace with the broader economic context, the Chief Executive Officer remuneration bands should be increased.

### **Recommendation**

2. That the Chief Executive Officer remuneration bands are increased by 4%.

## **Regional/Isolation Allowance**

The Regional/Isolation Allowance payable to Chief Executive Officers remains an issue of importance, raised consistently by many of WALGA's members.

### **Maximum Payable Allowance**

There is a view, particularly among WALGA's more remote and isolated members, that the Regional/Isolation Allowance is insufficient to attract and retain suitably qualified and experienced Chief Executive Officers. The shortage of Chief Executive Officers in regional areas has been an ongoing issue for Local Governments in WA, with some Councils struggling to attract quality Chief Executive Officers. This is having an impact on the Local Government sector, with flow on issues to the efficient operations and accountability of many regional Councils.

We are again seeking greater flexibility with the upper limit of the Regional/Isolation Allowance to aid attraction and retention. Our view is that "isolation" and "remoteness" are insufficiently recognised. There are examples of particularly remote Local Governments that have significant difficulties recruiting a suitable Chief Executive Officer.

### **Recommendation**

3. That the maximum payable Regional/Isolation Allowance be increased for Local Governments that are particularly isolated, long distances from population centres, and lacking in amenities.

### **Methodology and Criteria**

Some members have also expressed concern with the lack of clarity around how the application of the Regional/Isolation Allowance is determined. For some of the states' most remote Local Governments that are long distances from regional centres, have very limited (if any) passenger air services and limited amenities, the application of the Regional/Isolation Allowance can be the difference between attracting and retaining a suitably qualified person to the position.

There is a perception that the Regional/Isolation Allowance is applied inconsistently as between Councils, which has created confusion and uncertainty in the Local Government sector. The rationale for the boundaries between eligible and ineligible Local Governments is unclear.

For example, there is a small Local Government in the Wheatbelt region that is located over 200km from Perth and 50km from the nearest population centre (which is a larger Local Government). The

**Item 7.4: 2024 Salaries and Allowances Tribunal Remuneration Inquiry for Local Government Chief Executive Officers and Elected Members**

Attachment: WALGA submission to the 2024 Salaries and Allowances Tribunal Remuneration Inquiry – Local Government Chief Executive Officers and Elected Members

larger population centre is eligible for the Regional/Isolation Allowance, while the small Local Government (despite applications to the Tribunal) is not. It is difficult to understand the logic in the smaller Local Government not receiving the allowance when their neighbours do. It is argued that both Local Governments should receive the isolation allowance.

Councils in remote parts of Western Australia need the tools and flexibility to be able to attract, retain and negotiate with their Chief Executive Officer or prospective candidates, while recognising the challenges for professionals living in distant, isolated parts of the state.

The Local Government sector is seeking a review of how the Regional/Isolation Allowance is applied in terms of the methodology, criteria and their relative weightings. Whilst it is noted that the Tribunal has reviewed the quantum of the formula and boundary in previous inquiries, the ongoing review and improvement of the Regional/Isolation Allowance is essential to best support the recruitment efforts of particularly remote and isolated Local Governments in WA.

## **Recommendations**

4. That the methodology, criteria and weightings for the Regional/Isolation Allowance be reviewed.
5. That clear guidance be published to the Local Government sector outlining how the Regional/Isolation Allowance is applied in terms of methodology, criteria and weightings.

## 7.5 Household Hazardous Waste Policy Statement and Advocacy Position

By Rebecca Brown, Manager Waste and Environment

### WALGA RECOMMENDATION

That WALGA:

1. Rescind the 2003 WALGA *Household Hazardous Waste Policy Statement and Advocacy Position 7.10 Household Hazardous Waste*; and
2. Endorse a new Household Hazardous Waste Policy Statement and Advocacy Position as follows:

#### 7.10 Household Hazardous Waste

1. *Household Hazardous Waste (HHW) is a small but significant component of the waste stream which requires specialised management strategies to protect human health, property and the environment.*
2. *This requires:*
  - a. *Effective Product Stewardship for all HHW; and*
  - b. *The maintenance and expansion of the HHW Program, funded by the State Government and Product Stewardship Schemes, to provide for the management of HHW collected from the community by Local Government.*

### Executive Summary

- The Household Hazardous Waste (HHW) Policy Statement and Advocacy Position 7.10 Household Hazardous Waste are 20 years old and require updating to reflect the roles and expectations of all tiers of government, industry and the producers of materials which become HHW.
- The Municipal Waste Advisory Council (MWAC) endorsed a new Policy Statement and Advocacy Position in August 2023.
- The new Policy Statement and Position will support WALGA's ongoing advocacy on behalf of the sector.

### Attachment

- Household Hazardous Waste Policy Statement

### Policy Implications

This item replaces the [existing Policy Statement](#) and Advocacy Position [7.10 Household Hazardous Waste \(HHW\)](#).

### Background

#### Policy Statement

The WALGA [Household Hazardous Waste Policy Statement](#) was endorsed in 2003, prior to the enactment of the *Waste Avoidance and Resource Recovery Act 2007* and was used as the basis to advocate for the Household Hazardous Waste Program currently administered by WALGA.

In reviewing the Policy Statement, consultation occurred with the Officers Advisory Group, Municipal Waste Advisory Council, as well as the Local Governments and Regional Councils which are part of the HHW Program. The feedback received focused on the concerns regarding the inequity for Local Governments/Regional Councils where a large proportion of those using the HHW facilities are not rate payers contributing to the facility operations.

### Advocacy Position

The existing WALGA Advocacy Position [7.10 Household Hazardous Waste \(HHW\)](#) is:

#### *Local Government:*

1. *Acknowledges the importance of a state-based collection system for Household Hazardous Waste;*
2. *Considers that the EPR approach should be applied to this waste stream; and*
3. *Acknowledges there is a need for the principle of waste minimisation to be applied to the management of this waste stream in the future (with regard to the Waste Management Hierarchy).*

It is proposed to replace the existing Advocacy Position with:

#### **7.10 Household Hazardous Waste**

*Household Hazardous Waste (HHW) is a small but significant component of the waste stream which requires specialised management strategies to protect human health, property and the environment.*

#### *This requires:*

1. *Effective Product Stewardship for all HHW; and*
2. *The maintenance and expansion of the Household Hazardous Waste Program, funded by the State Government and Product Stewardship Schemes, to provide for the management of HHW collected from the community by Local Government.*

### **Comment**

Household Hazardous Waste is, and continues to be, of significant importance for Local Government in relation to waste management. For example, the challenges presented by the management of lithium batteries in relation to fires is one example of why this waste stream requires a specific Policy Statement and Advocacy Position.

The HHW Policy Statement (2003) has been a successful document, as it provided the basis for WALGA to effectively advocate for a HHW Program for Local Government. Through the three subsequent iterations of the HHW Program, it has been used as a reference point for ensuring the inclusion of agreed roles and responsibilities in the Program design. The current HHW Program guarantees over \$10 million for the 5 year Program.

This review of the Policy Statement, and associated Advocacy Position, has focused on documenting the key roles and responsibilities for all tiers of government and the importance of product stewardship in ensuring the ongoing effective management of HHW.

MWAC considered and endorsed the new Policy Statement and Advocacy Position at the August 2023 meeting.



**Item 7.5: Household Hazardous Waste  
Policy Statement and Advocacy  
Position**

Attachment: Household Hazardous Waste  
Policy Statement

# Household Hazardous Waste Policy Statement

## **Item 7.5: Household Hazardous Waste Policy Statement and Advocacy Position**

Attachment: Household Hazardous Waste Policy Statement

### **Policy Statement**

This policy statement has been developed to outline the roles and expectations of Government and industry in respect to the management of Household Hazardous Waste in Western Australia.

### **Background**

Household Hazardous Waste (HHW) is a small but significant component of the waste stream which requires specialised strategies to manage responsibly. If not managed well, HHW has the potential to cause harm to human health and the environment. HHW is anything that is labelled toxic, flammable, corrosive, reactive, infectious or radioactive and can threaten personal health and safety if used improperly or disposed of improperly. HHW is distinguished by the characteristics of being likely to be found on residential premises and likely to find its way into the Local Government managed waste stream. Examples of hazardous products are cleaners, hydrocarbons, paint, solvents, swimming pool chemicals, pesticides and the packaging that these products come in.

Under the *Waste Avoidance and Resource Recovery Act 2007*, Local Government is empowered to collect and manage Local Government waste, which includes waste from the Local Governments own activities and households. Local Government is committed to being a responsible link in the management chain for HHW.

The involvement of State Government, Federal Government and those manufacturers producing material which becomes HHW is essential to ensure a sustainable system for managing Household Hazardous Waste.

The Household Hazardous Waste (HHW) Program was established in 2008 and is administered by WALGA. The objective of the program is to support Local Governments to safely collect and manage hazardous materials generated by households that present a significant risk to human health and the environment. The program supports permanent collection sites for Household Hazardous Waste, operated by Local Governments and Regional Councils, as well as ad hoc drop off days, allowing households to safely dispose of these materials. The Program works with, or seeks to establish, Product Stewardship Schemes to facilitate producer responsibility for the materials collected through the Program.



## **Roles and expectations**

### **Local Government**

- Resourcing and operating (or contracting operation) of drop-off points to accept Household Hazardous Waste, from the community.
- Complying with regulatory requirements specific to handling and storage of Household Hazardous Waste, including Environmental and Work Health and Safety considerations.
- Collecting and reporting on data on Household Hazardous Waste accepted through drop off facilities and temporary collection days.
- Undertaking behaviour change activities to support safe Household Hazardous Waste collections and waste avoidance.

### **Collection contractors**

- Undertaking collection, transport and reuse, recycling, recovery or disposal of HHW material from drop off points and temporary collection days.
- Identification of unknown materials, from all facilities.
- Reporting accurately on collection and processing amounts, recovery activities and end markets for collected materials.

### **State Government**

- Funding Programs to ensure the safe collection, transport and reuse, recycling, recovery or disposal of HHW from Local Government or Regional Council drop off facilities, or temporary collection days.
- Developing, and resourcing, behaviour change campaigns and tools to assist Local Government with educating and engaging the community in safe Household Hazardous Waste collection and waste avoidance.
- Developing guidelines for Local Government and Regional Council on the appropriate procedures for handling and storage of Household Hazardous Waste.
- Supporting the development and implementation of Product Stewardship Schemes for Household Hazardous Waste.

### **Federal Government**

- Supporting the development and implementation of Product Stewardship Schemes for Household Hazardous Waste.

### **Producers/Manufacturers of Household Hazardous Waste**

- Work with Government to develop and implement Product Stewardship Schemes for Household Hazardous Waste.

## 7.6 Waste Education Policy Statement and Advocacy Position

By Rebecca Brown, Manager Waste and Environment

### WALGA RECOMMENDATION

That WALGA:

1. Rescind the existing WALGA *Waste Management Education Policy Statement 2008 and Advocacy Position 7.8 Waste Management Education*; and
2. Endorse a revised WALGA *Waste Education Policy Statement 2023 and Advocacy Position* as follows:
  1. *Waste education is essential part of waste management that empowers the community to engage in waste avoidance, reuse and recovery, and to use services correctly.*
  2. *Effective waste education requires:*
    - a. *Consistent communications by all stakeholders to ensure messages are clear and the community has confidence in the information provided.*
    - b. *A strategic and long-term investment from the State Government, with funding mechanisms in place to support and enable collaboration between Local Governments and Regional Councils.*
    - c. *Recognition of waste education in the definition of 'waste service' in the Waste Avoidance and Resource Recovery Act 2007, in order to allow a charge for waste education as part of the waste service charge.*
    - d. *Identification of priority problematic materials within the waste stream and ongoing advocacy for evidence based alternative approaches.*

### Executive Summary

- The WALGA Waste Management Education Policy Statement was endorsed in 2008, prior to prior to any significant State or Federal Government involvement or investment in waste education.
- The Policy Statement has been updated to incorporate feedback from MWAC to define the role of Regional Councils and highlighting the need for a long-term strategic approach to waste education.
- The Advocacy Position on Waste Education has been updated to reflect the essential nature of waste education in the management of waste, roles and responsibilities of all stakeholders, the importance of sustained and strategic investment and the challenges certain materials pose at point of disposal.
- The Advocacy Position and Policy Statement were considered and endorsed by the Municipal Waste Advisory Council in October 2023.

### Attachment

- 2023 Waste Education Policy Statement

### Policy Implications

This item proposed the amends an existing policy statement and advocacy position [7.8 Waste Management Education](#).

### Background

The WALGA [Waste Management Education Policy Statement](#) was endorsed in 2008, prior to any significant investment by the State or Federal Government in waste education. The Policy Statement was developed to inform WALGA and Local Government advocacy in relation to the roles and responsibilities of Local, State and Federal Governments regarding waste education. The

Policy Statement has been revised and updated to reflect contemporary roles and expectations of all levels of government as well as industry and community partnerships.

The *Waste Management Education Policy Statement* has been used successfully in WALGA and Local Government advocacy to increase resourcing and focus on waste education as a key element of effective waste management. The Policy Statement was reviewed and updated following feedback from a working group of waste education experts, convened through the Consistent Communications Collective and following review by the Officers Advisory Group and Municipal Waste Advisory Council.

The existing Advocacy position [7.8 Waste Management Education](#) is:

*Local Government asserts that the different spheres of government have different roles and responsibilities in relation to waste education: Local Government's role is primarily concerned with 'behavioural change', whereas State and Federal Governments have a strategic role that focuses on 'attitudinal change'.*

It is proposed this be replaced with:

### **7.8 Waste Management Education**

1. *Waste education is essential part of waste management that empowers the community to engage in waste avoidance, reuse and recovery, and to use services correctly.*
2. *Effective waste education requires:*
  - a. *Consistent communications by all stakeholders to ensure messages are clear and the community has confidence in the information provided.*
  - b. *A strategic and long term investment from the State Government, with funding mechanisms in place to support and enable collaboration between Local Governments and Regional Councils.*
  - c. *Recognition of waste education in the definition of 'waste service' in the Waste Avoidance and Resource Recovery Act 2007, in order to allow a charge for waste education as part of the waste service charge.*
  - d. *Identification of priority problematic materials within the waste stream and ongoing advocacy for evidence based alternative approaches.*

### **Comment**

Since the Policy Statement was first developed the awareness and importance of waste education, as an essential part of waste management, has significantly increased. The complexity of waste has increased, and commensurately, so have the solutions being put in place and the behaviours requested from the community. With the increased expectations of the community for managing their own waste, without effective waste education, systems and infrastructure put in place will not be used effectively and waste avoidance will not be possible.

This review of the Policy Statement, and associated Advocacy Position, has focused on:

- Documenting the importance of consistent communications regarding waste education, by all stakeholders, to reduce any potential community confusion and ensure there is public confidence in the messages provided.
- The key role for Local Government and Regional Councils in educating the community, as well as identify other stakeholders and their respective roles.
- The need to ensure that funding for waste education is sustained and strategic and provides mechanisms to assist Local Government and Regional Councils to collaborate, through programs such as Recycle Right (provided by Resource Recovery Group).
- Ensuring that waste education was recognized and included in the relevant legislation.
- Difficult to manage and problematic materials were also identified as a focus, this was associated with the consequences of these materials being disposed of in the kerbside system. For example the link between battery disposal in kerbside bins and truck fires.



MWAC discussed a draft Advocacy Position at its August meeting and requested that the position be strengthened to reflect that without effective waste education no effective services can be implemented. MWAC considered and endorsed the Policy Statement and Advocacy Position at the October 2023 meeting.

**Item 7.6: Waste Education Policy Statement  
and Advocacy Position**  
Attachment: 2023 Waste Education Policy  
Statement

# Waste Education Policy Statement

## Policy Statement

The Waste Education Policy Statement has been developed to identify the roles and expectations of Local, State and Federal Governments and the private sector regarding Waste Education for the community. Without this clarity, duplication of effort and mixed messages are likely to occur.

## Background

Waste education is an essential part of waste management, as it provides information and motivation necessary to empower the community to engage in waste avoidance, reuse and recovery and accurately use services provided.

Strong community support and positive engagement with waste programs is essential to meet State Waste Strategy targets to reduce overall waste generation, maximise recovery of resources from waste and minimise waste to landfill.

Improved sorting and disposal behaviour by the community assists in reducing contamination across all waste streams and providing higher quality material to be recovered as resources.

While all levels of government have roles to play in waste education, there are many areas where they intersect. Local Government has greater responsibility for direct waste education to the communities it services, while State and Federal Government support and enable the implementation of effective waste management systems by Local Government, through strategic planning and funding mechanisms.

## Roles and Expectations

### WALGA

Through active collaboration with Local, State and Federal Government, and the wider waste industry, WALGA facilitates the development of consistent messaging to assist Local Governments in effective waste education and engagement.

WALGA's engagement with State and Federal Government on waste policy, along with other State and Territory Associations, informs consistency in messaging across jurisdictions.

### Local Government

Local Government takes the primary role in waste education, as the first point of contact for waste queries from the community. Acting as both service provider and educator, Local Government's key commitments are to provide information on available waste services and engage with the community to encourage positive waste behaviours that contribute to State Waste Strategy targets.

Individual Local Governments, some in collaboration with Regional Councils, have varying capacities to undertake waste education and engagement activities, dependent on availability of resources. The use of consistent messaging, relevant to Local Government waste management systems, is therefore key to ensuring effective communication to all community members.

Local Government:

- Informs the community about waste, recycling, reuse and resource recovery services available and relevant to their area
- Uses consistent and data informed waste education messaging tailored to their local area
- Takes a holistic approach to education throughout the waste 'lifecycle' through providing clear information on collection and recovery processes

## Item 7.6: Waste Education Policy Statement and Advocacy Position

Attachment: 2023 Waste Education Policy Statement

- Encourages active community participation in waste management through highlighting the individual impact of correct waste separation and contribution to overall environmental goals, including State waste Strategy targets

### Regional Councils

Regional Council refers to an entity formed by two or more Local Governments for a specific purpose under the *Local Government Act 1995*, in this context to manage waste on behalf of its members.

Regional Councils' role in waste education supports their member Local Governments through:

- Providing waste education resources, including staff support, for events and programs
- Raising awareness of collection and processing activities through facilitating site tours and providing clear and timely information for reporting and communication purposes
- Coordinating and delivering joint waste education and engagement programs and services across Local Governments to increase value while providing consistent messaging.

### State Government

State Government provides the strategic direction for waste management in Western Australia through the State Waste Strategy targets and Action Plan.

To facilitate achievement of the State Waste Strategy, State Government provides overarching communication and education strategies, implemented by Local Government, ensuring consistency of information to minimise community confusion.

In respect to Waste Education, State Government:

- Provides assistance, through funding for statewide and targeted education and communications programs
- Undertakes research to ensure programs are evidence based and fit for purpose
- Provides appropriate strategies to minimise waste impacts
- Creates Waste Education programs that can be used co-operatively between Local and State Governments
- Provides specific State and Local Government level waste data and recovery information to improve awareness of waste management activities and progress toward targets.

### Federal Government

Federal Government provides national strategic direction and legislation on waste management, however its involvement in waste activities does not extend to policy regarding kerbside waste collection or direct waste education to the community.

In respect to Waste Education, Federal Government:

- Provides assistance, through funding for national and targeted education and communications programs
- Provides national influence on industry practices to contribute to waste avoidance
- Sets national priority and direction for product stewardship schemes
- Provides national waste data and recovery information to improve awareness of waste management activities and progress toward targets.

## **Item 7.6: Waste Education Policy Statement and Advocacy Position**

Attachment: 2023 Waste Education Policy Statement

### **Partnerships and Support**

Local Government partnerships with community groups, not for profit organisations, the waste industry and product stewardship organisations contribute to waste education throughout the community.

#### **Community Groups and Organisations**

Community groups and organisations, including not for profit organisations, support waste education activities by delivering consistent messaging on the importance of positive waste behaviours in their engagement with the community.

Opportunities include delivering joint waste reduction and education programs and services, using resources from all partners to increase reach and value across the community.

#### **Waste Industry**

The role of the waste industry is to provide clear and factual information on collection and processing activities and end markets for collected materials. This is key to maintaining public awareness and confidence in waste management activities.

#### **Product Stewardship Organisations**

Product stewardship initiatives place responsibility on producers and manufacturers of products to drive environmentally beneficial outcomes through the product lifecycle, by designing out waste, using components and materials that are easier to recover and reuse and funding recovery activities.

Organisations managing product stewardship schemes provide financial and operational support for Local Governments to recycle specific materials through collection networks, while partnering with Governments and private industry to deliver clear information to the community on correct disposal, processing activities and end markets.

A key element of success in product stewardship schemes is community engagement. Consulting Local Government throughout the development and implementation process of product stewardship schemes is essential to ensure consistency of information and approach.



## 7.7 Submission E-Waste Landfill Ban Regulations

By Rebecca Brown, Manager Waste and Environment

### WALGA RECOMMENDATION

That WALGA endorse the Submission on the *Waste Avoidance and Resource Recovery (e-waste) Regulations 2023*.

### Executive Summary

- The Department of Water and Environmental Regulation (DWER) has released a [consultation draft of the Waste Avoidance and Resource Recovery \(e-waste\) Regulations 2023](#) (draft Regulations) for comment.
- The draft Regulations have been developed to support the implementation of a statewide ban on e-waste disposal to landfill by 2024, with the aim of improving management and recycling of e-waste produced by households and businesses across the State.
- The draft Regulations outline the materials to be covered in the first stage of the ban from 1 July 2024, as well as the regulatory obligations for e-waste service providers, commercial e-waste generators and landfill operators.
- WALGA has developed a Submission on the regulations which requests clarification on several areas and reiterates our Advocacy Position that comprehensive and effective product stewardship schemes must be implemented for products subject to the e-waste landfill ban prior to the ban taking effect.
- WALGA was granted an extension to the 22 November 2023 closing date to allow State Council consideration of the submission at the 6 December meeting.

### Attachment

- Submission on the Waste Avoidance and Resource Recovery (e-waste) Regulations 2023

### Policy Implications

WALGA's [existing Advocacy Position](#) is reiterated in the Submission.

#### 7.12 Landfill Bans

*Landfill bans are only supported in the presence of effective product stewardship schemes, or other funding mechanisms, for products which would be subject to the ban.*

### Background

The Western Australian Government has committed to deliver a statewide ban on e-waste disposal to landfill by 2024, with the aim of improving management and recycling of e-waste produced by households and businesses across the State. The [draft Regulations](#), which have been released for comment, are the legal instrument to implement the ban.

The draft Regulations include:

- A Schedule of applicable e-waste items, ensuring sufficient detail for the scope of items included in the ban.
- Regulatory obligations that focus on responsible waste management for:
  - E-waste service providers (e.g. collection network, recyclers, waste management industry),
  - Commercial e-waste generators (where they are a 'significant business' with over 200 employees),
  - Landfill operators.
- Reporting and recordkeeping obligations.

- Defenses to prosecution in relation to the Regulations, under certain circumstances.
- Exceptions where matters are considered out of scope for the Regulations, or in extraordinary circumstances.

### **Comment**

WALGA developed a draft Submission on the draft Regulations, which reiterates its position that comprehensive and effective product stewardship schemes must be implemented for products subject to landfill bans prior to the ban taking effect. The ban in its current form will have significant financial implications for Local Governments and the communities they service. WALGA undertook consultation with Local Government on the Draft Submission, including hosting a webinar, for Local Government. The Submission has been updated to reflect the feedback from Local Government.

Through the consultation, questions were raised about the intent and wording of certain sections of the draft Regulations. WALGA met with DWER to clarify:

- That as currently written in the regulations, Local Governments collecting e-waste through transfer stations would be considered as e-waste providers.
- The focus of the ban is to regulate e-waste separated for recycling. E-waste that is unintentionally captured and mixed with putrescible or other general waste in kerbside collections, or verge skip bins, would be considered as 'incidental capture' and covered by the exceptions in Section 6 of the draft Regulations.
- That the wording 'landfill operators must separate regulated e-waste from mixed waste' in Section 14 is intended to apply to large quantities of commercial e-waste. For example, a truck arriving at a landfill with mixed waste containing predominantly regulated e-waste items that could be easily separated.
- For landfill operators that are not licensed to collect and store e-waste, the requirement for licence amendments would be dependent on licence thresholds. Under the Environmental Protection Act 1986, the trigger for a licence is 500 tonnes of material per year.
- There would be direct communications to designated entities and licence holders until the end of 2023, however the responsibility to identify the need for licence amendments will be on the licence holder.

WALGA raised with DWER that clear communication will be essential to support the ban's implementation, as there is potential for significant increases in the amounts of both regulated and non-regulated e-waste received by Local Governments.

WALGA has requested, and received, an extension to the deadline to allow State Council to consider this Submission at the 6 December meeting.

**Item 7.7: Submission E-Waste Landfill Ban Regulations**

Attachment: Submission on the Waste Avoidance and Resource Recovery (e-waste) Regulations 2023

## Submission on the Waste Avoidance and Resource Recovery (E-waste) Regulations 2023 Consultation Draft

November 2023

### About WALGA

The Western Australian Local Government Association (WALGA) is the united voice of Local Government in Western Australia. The Association is an independent, membership-based organisation representing and supporting the work and interests of 139 Local Governments in Western Australia, comprising 1,215 Elected Members and approximately 22,600 Local Government employees, as well as over 2.5 million constituents of Local Governments in Western Australia.

Western Australian Local Governments vary greatly in:

- size, ranging from less than 1.5 to over 370,000 square kilometres,
- population, just over 100 to more than 224, 000 people,
- the number of staff employed, from less than 10 to over 1000,
- in revenue received, which in 2019-20 ranged from just over \$2 million to just over \$226 million.

### Acknowledgement of Country

WALGA acknowledges the continuing connection of Aboriginal people to Country, culture and community. We embrace the vast Aboriginal cultural diversity throughout Western Australia, including Boorloo (Perth) on the land of the Whadjuk Noongar People where WALGA is located, and we acknowledge and pay respect to Elders past and present.

WALGA is committed to supporting the efforts of WA Local Governments to foster respectful partnerships and strengthen relationships with local Aboriginal communities.

### Introduction

WALGA appreciates the opportunity to comment on the [Consultation Draft of the Waste Avoidance and Resource Recovery \(E-Waste\) Regulations 2023](#) (the Draft Regulations).

The Western Australian Government has committed to deliver a statewide ban on e-waste disposal to landfill by 2024, with the aim of improving management and recycling of e-waste produced by households and businesses across the State.

WALGA acknowledges the objectives of the ban and its alignment to global, national and local environmental and recovery targets, in particular the [Waste Avoidance and Resource Recovery Strategy 2030](#). However, as stated in previous [submissions](#), the implementation of an e-waste to landfill ban by 2024, in its proposed form, will have significant financial implications for Local Governments, and the communities they service.

WALGA's Advocacy Position on landfill bans is clear - *Landfill bans are only supported in the presence of effective product stewardship schemes, or other funding mechanisms, for products which would be subject to the ban.*

**WALGA reiterates its position that comprehensive and effective product stewardship must be implemented for products subject to the e-waste landfill ban prior to the ban taking effect.** WALGA acknowledges the provision of grant funding to assist in increasing the capacity of

## Item 7.7: Submission E-Waste Landfill Ban Regulations

Attachment: Submission on the Waste Avoidance and Resource Recovery (e-waste) Regulations 2023

recyclers in WA to accept increasing amounts of e-waste and to assist with collection and reuse. However, this does not address the key concern of Local Government regarding ongoing funding to cover all costs associated with e-waste recycling.

While the Draft Regulations outline the responsibilities of designated entities within the e-waste collection and recycling process. However, clarification of the roles and responsibilities of Local Governments, in collecting and managing e-waste, is needed in order for the Regulations to be effective and practicable.

### Definitions and responsibilities

The Draft Regulations outline responsibilities for designated entities under the ban, which have been classified into three categories:

- An e-waste service provider: a person who conducts a business or undertaking that involves or includes the collection or receipt of regulated e-waste for storage, management, aggregation, treatment, processing, sorting, recycling, transfer or disposal.
- A landfill operator: a person who occupies premises which constitute or include a landfill site.
- A significant business: an entity involved in business, industry, trade or commerce that, together with any related entity (if the entity is a body corporate), in relation to any financial year —
  - a) has 200 or more employees at the beginning of the financial year; or
  - b) created, during the immediately preceding financial year, 5 or more tonnes of regulated e-waste.

A number of WA Local Governments will fit into all three categories; as they would be considered an e-waste service provider (for example by collecting e-waste at a transfer station), could operate a landfill and may also be a significant business.

To relieve administrative burden on Local Governments, it is recommended the Department streamline reporting requirements. The Department of Water and Environmental Regulation (DWER) has acknowledged Local Government has existing mandatory reporting requirements for waste and recycling data, including e-waste, under Regulation 18C of the *Waste Avoidance and Resource Recovery Regulations 2008* (WARR Regulations), and is investigating how additional requirements may be integrated into the reporting system.

**Recommendation: That Local Governments are not subject to the Reporting requirements in the Draft Regulations, and instead continue to report through the existing mandatory reporting requirements under the *Waste Avoidance and Resource Recovery Regulations 2008*.**

The ability of Local Governments to establish e-waste collections for recycling is dependent on the licence condition of the site under the *Environmental Protection Act 1986* (EP Act), which may require licence application or amendment to the Department for Local Governments which are not currently aggregating e-waste for recycling.

In particular, the collection and storage of lithium-ion batteries as part of an e-waste collection presents a fire risk to Local Government sites and may require upgrades to on-site systems to meet safety requirements.

DWER has confirmed that:

- the requirement for a licence, or licence amendment, under the EP Act is dependent on the annual amount of waste accepted at a site, and smaller sites aggregating e-waste may not be required to apply for a licence if the received amounts are below the threshold; and

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- designated entities and licence holders will be directly contacted regarding their responsibilities under the regulations, however the responsibility to identify if a change of licence conditions is required will be on the licence holder.

DWER recommended Local Governments refer to the [Guideline: Industry Regulation Guide to Licensing](#) or contacting its Waste Industries Licensing section for guidance on works approvals and licensing or registration of prescribed premises.

The definition of ‘landfill site’ in the Draft Regulations is as follows:

**landfill site** means premises —

- which are used for the purpose of receiving waste; and
- in respect of which the occupier is required to hold a licence within the meaning of the EP Act, whether or not such a licence is in force.

**Recommendation: Clarification is required on whether the description of landfill site in the Draft Regulations applies to those landfills which are registered rather than licenced, including the 109 landfills managed under the Remote Essential and Municipal Services (REMS) program.**

### Prohibition of disposal to landfill and operator requirements

**Recommendation: The wording on prohibition of e-waste to landfill, in Section 14, requires further clarification in relation to the responsibility of landfill operators.**

Throughout the consultation process on the landfill ban to date, it has been made clear that unintentionally captured regulated e-waste, for example which has been placed in a kerbside bin, is not subject to the regulations. This is confirmed in the Draft Regulations, Section 6 – Exceptions. Section 14 refers to ‘regulated e-waste received by a landfill operator which is mixed with other waste’ and specifies the landfill operator ‘must separate the regulated e-waste from other waste’. DWER has confirmed the intent of Section 14 is to identify and separate significant amounts of e-waste, for example, if a commercial truck arrived at a landfill with mixed waste containing multiple TVs or whitegoods which could be easily separated, then the regulation would apply.

It is not intended to apply to small amounts mixed with putrescible or other general waste, as this is covered by the exceptions in Section 6, which would be considered incidental capture.

**Recommendation: That the wording of Section 14 on what constitutes ‘regulated e-waste which is mixed with other waste’ be revised and clarified if this is not intended to refer to e-waste incidentally captured through the kerbside or other collection systems.**

Defences to a breach under Section 14 are as follows:

- It is a defence to a charge for an offence under subregulation (2) to prove that the landfill operator —
  - (a) took reasonable steps to avoid the commission of the offence; or
  - (b) did not know, and could not reasonably have known, that regulated e-waste was mixed with other waste.

Further guidance will be required to ensure that the “reasonable steps” identified in the regulation are clearly defined, otherwise it is likely that this will generate significant administrative burden for landfill sites, for example if requiring a signed declaration from each individual depositing waste. This is further complicated for small regional landfills which may not be staffed.



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**Recommendation: That the Department develop guidance on what the ‘reasonable steps’ identified in the Regulations would include.**

### Regional considerations

Consultation with regional Local Governments has shown costs to establish and maintain e-waste recycling activities are significantly higher due to transport distances and limited economies of scale. Consumers, Local Governments and retailers operating in regional and remote areas of WA are subject to higher than average costs of living and operation, which places added pressure on meeting any additional costs outside of scheme operations.

Several regional Local Governments have expressed concern over their ability to resource additional requirements in the management and recording of e-waste, particularly in areas with unstaffed landfills where monitoring of the loads will require significant resourcing changes.

DWER has acknowledged the concerns of regional Local Governments about the additional resourcing that would be required to monitor e-waste at landfills and confirmed that staff at small regional landfills would not be expected to separate waste, noting that where there are clearly significant amounts that are able to be separated and it is not unintended capture, the intent of the regulations supports that those amounts are separated and sent to recovery.

WALGA notes the draft Regulations provide for exemptions in extraordinary circumstances where compliance with the regulations may not be feasible, such as geographical remoteness affecting the availability of facilities or resources.

**As a number of regional Local Governments are not currently collecting e-waste for recycling due to feasibility, clarification is required on what would be considered eligible for an exemption under the criteria.**

In all circumstances where an exemption is applied for, ensuring the appropriate level of resourcing within DWER to assess and grant the exemption in a timely manner is essential, to mitigate the risks of stockpiling regulated e-waste or potentially breaching further sections of the regulations.

**Recommendation: DWER develop guidelines for exemptions, similar to the [Waste Levy Exemption guidelines](#) and ensure sufficient resourcing to assess and grant exemptions in a timely manner.**

### Schedule 1 - Regulated e-waste

Schedule 1 of the Draft Regulations sets out the materials to be covered by the initial stage of the ban. Feedback from Local Governments highlighted that the implementation of an e-waste to landfill ban will require the development of a comprehensive communications and education campaign to ensure effective community participation and minimise administrative and resourcing burden on Local Governments. Local Government feedback shows community confusion currently exists around the definition of e-waste, and Local Governments are primarily the point of contact for residents with queries on disposal options.

A key concern of Local Governments is that unclear definitions of e-waste and lack of awareness around which materials are subject to the ban will lead to community members bringing unregulated e-waste to drop off sites expecting it to be recycled. E-waste not covered by a product stewardship scheme (known as ‘by-catch’) currently costs Local Governments \$650 per tonne to recycle, along with increased transport, resourcing and administrative costs.

Existing e-waste recycling messaging needs to be further developed and expanded to clarify which items are accepted under product stewardship schemes such as the NTCRS, as well as how the

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ban will affect disposal options for different items. Table 1 provides commentary on several of the materials.

**Recommendation: That the Department actively engage with Local Government in the development and delivery of e-waste landfill ban messaging.**

**Table 1: Materials Subject to the Ban**

Material	Comments
TVs and Computers	<p>As stated in WALGA’s <a href="#">submission</a> on the e-waste to landfill ban consultation, while it is acknowledged that there are Product Stewardship Schemes in place for some of the products subject to the ban, such as the National TV and Computer Recycling Scheme (NCRS) and Flurocycle, a new National Product Stewardship Scheme, anticipated to cover a wider scope of e-waste, is not scheduled for introduction until mid-2025, with on ground implementation timeframes still to be determined.</p> <p>Local Governments are currently and will continue to incur significant costs for e-waste recycling, as the Product Stewardship Schemes in place cover only a percentage of the total cost of recycling. This is a significant barrier for Local Governments in establishing and maintaining e-waste collections for their communities, particularly in regional WA.</p> <p>A 2021 survey of 29 Local Governments offering e-waste collection services to the community showed that each Local Government provides staffing, infrastructure and sites which contribute to the in-kind costs of recycling e-waste. The amount of financial in-kind costs varied from \$1,000 - \$150,000 per year per Local Government, for both in and out-of-scope NCRS products. WALGA understands that recycling of NCRS material is a direct cost of \$350 per tonne to Local Government, and e-waste not included in the NCRS \$650 per tonne.</p>
Fluorescent lights	<p>Flurocycle, the voluntary national product stewardship scheme, does not provide any funding for recycling of fluorescent lighting. 22,403kg of fluorescent lighting materials were collected through the Household Hazardous Waste (HHW) Program in 2021-22 and cost \$70,568 to recycle, excluding transport. This material comprised 5 per cent of the overall material collected through the HHW Program.</p>
Batteries	<p>The inclusion of batteries as a blanket category in the regulations requires further review, as there are a range of battery types not covered by an existing product stewardship scheme or large-scale recycling programs.</p> <p>The national battery product stewardship scheme, Bcycle, accepts household batteries of all sizes, button batteries, rechargeable batteries up to 5kg, and batteries that can be easily removed from devices such as power tools and cameras. Mobile phone and portable device batteries are covered under Mobile Muster and the NCRS scheme, while lead acid batteries are accepted for recycling through a range of retailers.</p>



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	<p>There are currently no product stewardship schemes or viable recycling options available for larger batteries such as those used to power electric vehicles, e-scooters and bikes, or residential energy storage.</p> <p><b>Recommendation: A staged approach be taken to including batteries in the ban:</b></p> <ul style="list-style-type: none"> <li>• Phase 1: Batteries covered by the BCycle scheme and automotive batteries (with an existing recycling option and end market)</li> <li>• Phase 2: Batteries not included in the BCycle Scheme, once a Product Stewardship Scheme or other funding mechanism is in place.</li> </ul>
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## 7.8 Submission on Philanthropic Engagement Framework for Emergency Management

By Susie Moir, Policy Manager Resilient Communities

### WALGA RECOMMENDATION

**That WALGA endorse the submission to the State Emergency Management Committee on the Draft Philanthropic Engagement Framework for Emergency Management.**

### Executive Summary

- The State Emergency Management Committee is currently consulting on a draft [Philanthropic Engagement Framework for Emergency Management](#).
- The Framework has been developed in recognition of the increasing role of philanthropic organisations in emergencies, the increasing frequency and severity of natural disasters, and the current lack of a governance framework to guide and manage these interactions.
- The Framework aims to support increased collaboration between public and private sectors for an effective and efficient emergency management system and provides guidance on the key issues to be considered when determining appropriate governance arrangements for public-private partnerships for emergency management across preparedness, prevention, response and recovery (PPRR).
- WALGA's submission supports the development of the Framework as an important milestone in the growing maturity of emergency management governance in Western Australia, noting that fundamental responsibility for emergency management rests with the State Government, and makes a number of recommendations, including that the Framework should:
  1. Seek to strengthen the decision-making and ownership of community across PPRR.
  2. Ensure equitable philanthropic funding to meet the needs of communities.
  3. Clarify the roles and responsibilities of philanthropic organisations across PPRR.
  4. Support LEMCs and DEMCs to identify, develop and maintain partnerships with philanthropic organisations.
  5. Incorporate an additional guiding principle based on building resilience.

### Attachment

- Letter to State Emergency Management Committee Chair - WALGA Submission on Draft Philanthropic Engagement Framework for Emergency Management

### Policy Implications

The submission is aligned to [WALGA Advocacy Positions](#) as follows:

#### 8.1 Emergency Management Principles

1. *The State Government bears fundamental responsibility for emergency management and has the role of providing strategic guidance, support and services for emergency management activities in Western Australia.*
2. *The State Government should provide financial and resourcing support as necessary to enable Local Governments to adequately deliver their extensive emergency management roles and responsibilities under the State Emergency Management Framework.*
3. *The Local Government Sector should be engaged as a partner in policy and legislative reviews that impact Local Government emergency management roles and responsibilities.*

## 8.2 State Emergency Management Framework

*Local Governments are supported to undertake their emergency management responsibilities by a simple and streamlined State Emergency Management Framework with the primary objectives of:*

- 1. Protecting people, the economy, and the natural environment from disasters;*
- 2. Supporting communities in preventing, preparing for, responding to and recovering from emergencies;*
- 3. Clearly outlining roles, responsibilities and accountabilities for Local Government and other emergency management stakeholders;*
- 4. Scalability and adaptability that supports Local Governments of varied capacity and capability; and*
- 5. Supporting agency interoperability through common systems and approaches to key activities including data management, communications, and hazard management.*

### **Comment**

WALGA participated in a design workshop on 8 June 2023 to support the development of the Philanthropic Engagement Framework, as well as arranging a meeting between the consultants and representatives from the Shire of Mundaring and the City of Swan, to enable them to share insights from the 2021 Wooroloo bushfires.

The Framework will provide useful guidance for those wishing to engage with philanthropic organisations, with potential benefits including:

- Clarity on the emergency management capability and resources that can be provided by philanthropic organisations, and any costs involved.
- Reduced costs to the sector through philanthropic engagement.
- Improved opportunity to pre-plan any partnerships or arrangements with the philanthropic sector that may be utilised in an emergency response or recovery context before an emergency occurs.
- Enhanced community resilience, and improved ability for a community to recover from a significant event due to expanded and well-developed support from a range of stakeholders.
- Greater partnership between philanthropic organisations and all levels of government in WA.
- Greater connectivity between community and philanthropic organisations.
- Increased capacity and capability across the emergency management sector.

There are no obligations placed on Local Governments.

**7 December 2023**

Via email: **SEMC chair**

Ms Emma Cole  
 Chair  
 State Emergency Management Committee  
 Emergency Services Complex  
 20 Stockton Bend  
 Cockburn Central WA 6164

**Item 7.8: Submission on Philanthropic Engagement Framework for Emergency Management**

Attachment: Letter to State Emergency Management Committee Chair - WALGA Submission on Draft Philanthropic Engagement Framework for Emergency Management

Dear Ms Cole

**WALGA SUBMISSION ON DRAFT PHILANTHROPIC ENGAGEMENT FRAMEWORK FOR EMERGENCY MANAGEMENT**

Thank you for the opportunity to provide a submission in response to the draft *Philanthropic Engagement Framework for Emergency Management* (the Framework). **This submission was endorsed by WALGA State Council on 6 December 2023.**

As the peak body for the 139 Local Governments in Western Australia and a member of the State Emergency Management Committee (SEMC), WALGA undertakes advocacy and policy development work on behalf of Local Government and supports our members to discharge their extensive roles and responsibilities in emergency management. These responsibilities include preparing Local Emergency Management Arrangements (LEMA), managing recovery following an emergency, local bushfire response and management of volunteer Bush Fire Brigades, and providing evacuation centres for communities during incidents, among others.

The Local Government sector is highly diverse with respect to capacity, capability, financial and human resources, local populations, and geographic location (metropolitan, regional, remote).

The purpose of the Framework is to provide guidance on the key issues to be considered when determining appropriate governance arrangements for public-private partnerships for emergency management across preparedness, prevention, response and recovery (PPRR). WALGA supports the development of the Framework, which is an important milestone in the growing maturity of emergency management governance in our State, and informed by recent emergency events including the 2021 Wooroloo bushfires and Tropical Cyclone Seroja. The Framework provides a sound starting point to further develop our understanding and approach to engaging with philanthropic organisations.

To date, engagement with the emergency management sector by private and philanthropic organisations has been largely on an ad-hoc as needed basis, with little to no coordination or strategic oversight. While there are clear benefits associated with partnering with philanthropic and private organisations in the emergency management space, WALGA also acknowledges the potential risks associated and the importance of defining roles, responsibilities and expectations for such arrangements.

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WALGA has a number of Advocacy Positions relevant to the Framework:

**8.1 Emergency Management Principles**

1. The State Government bears fundamental responsibility for emergency management and has the role of providing strategic guidance, support and services for emergency management activities in Western Australia.
2. The State Government should provide financial and resourcing support as necessary to enable Local Governments to adequately deliver their extensive emergency management roles and responsibilities under the State Emergency Management Framework.
3. The Local Government Sector should be engaged as a partner in policy and legislative reviews that impact Local Government emergency management roles and responsibilities.

**8.2 State Emergency Management Framework**

Local Governments are supported to undertake their emergency management responsibilities by a simple and streamlined State Emergency Management Framework with the primary objectives of:

1. Protecting people, the economy, and the natural environment from disasters;
2. Supporting communities in preventing, preparing for, responding to and recovering from emergencies;
3. Clearly outlining roles, responsibilities and accountabilities for Local Government and other emergency management stakeholders;
4. Scalability and adaptability that supports Local Governments of varied capacity and capability; and
5. Supporting agency interoperability through common systems and approaches to key activities including data management, communications, and hazard management.

These Advocacy Positions speak clearly to the approach outlined by the Framework, in particular Advocacy Position 8.2 (2), (3) and (4) which provide that the State Emergency Management Framework should support communities in PPRR: clearly outline roles, responsibilities and accountabilities of emergency management stakeholders; and be scalable and adaptable.

As WALGA's *Advocacy Position 8.1 Emergency Management Principles* states, the State Government bears fundamental responsibility for emergency management and it is essential that the Framework is a complement to the contribution of other emergency management stakeholders, rather than diminishing or eroding the contribution and leadership of the State Government in emergency management.

Emergency events are becoming increasingly frequent and severe, being driven in part by climate change. Since 2020, there have been 32 declared disasters impacting 77 of the 139 WA Local Governments. Communities experiencing forms of inequity are often more severely affected by disasters than others and have fewer opportunities to access the resources required for recovery, thereby further entrenching disadvantage.

A risk in developing the Framework is the potential for inequitable distribution of benefits leveraged via the Framework. It will be essential that all stakeholders endeavour to ensure that the benefits that flow from the Framework benefit the entire community. In this regard, the Framework needs to carefully balance the importance of local and place-based approaches with considerations of equity as well as the capacity of individual emergency management agencies to engage with philanthropic organisations. A tiered approach to State level, regional level, district level and local level partnerships should be developed.

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Local Government has been a key participant in enabling philanthropic giving to support community members impacted by emergency events through the Lord Mayor's Distress Relief Fund (LMDRF) established in 1961 following severe fires in Dwellingup. The LMDRF was established in conjunction with the State Government, and the City of Perth has donated administrative and other support services to the LMDRF since its inception. The LMDRF provides a permanent fund for the alleviation and relief of distress, suffering, hardship and misfortune brought about by any declared disaster or emergency event. The LMDRF has been activated 50 times, and since 1996 raised and distributed more than \$50 million and assisted over 2000 people.

The LMDRF provides a strong mechanism for collecting financial donations from individuals and philanthropic organisations and ensuring that all funds raised are distributed to impacted individuals, as well as redirecting people from donating goods which is an additional management burden for communities impacted by emergency events. Natural disasters are occurring with more frequency and some are more high profile than others. The funds raised by the LMDRF are specific to each event, and as a result much more funding is available per person for some events than others, for example, the Wooroloo bushfires vs Tropical Cyclone Seroja, which can lead to inequitable outcomes.

The Framework offers an opportunity to tap into the resources and capabilities of philanthropic organisations to enhance PPRR across Western Australia. In particular, philanthropic investment should be utilised to build resilience and preparedness through systemic change, and ensure that solutions across PPRR benefit the whole of community. By engaging with these organisations, Western Australia is presented with the unique opportunity to build equitable resilience where it is needed most. The most benefit will flow if philanthropic investment is focused on where the comparative advantages of philanthropy, such as risk tolerance and responsiveness, are best targeted.

An existing philanthropic mechanism that may complement the Framework is the [Resources Community Investment Initiative](#) announced in August 2023 as a new partnership between the State Government and the resources industry, facilitating investment in iconic State infrastructure projects and community and social initiatives across the State for the benefit of Western Australians for generations to come.

The Framework provides a high-level overview for how philanthropic engagement may be structured in the State. WALGA recognises the benefits of developing and implementing this Framework, including but not limited to:

- Clarity on the emergency management capability and resources that can be provided by philanthropic organisations, and any costs involved.
- Reduced costs to the sector through philanthropic engagement.
- Improved opportunity to pre-plan any partnerships or arrangements with the philanthropic sector that may be utilised in an emergency response or recovery context before an emergency occurs.
- Enhanced community resilience, and improved ability for a community to recover from a significant event due to expanded and well-developed support from a range of stakeholders.
- Greater partnership between philanthropic organisations and all levels of government in WA.
- Greater connectivity between community and philanthropic organisations.
- Increased capacity and capability across the emergency management sector.



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WALGA submits that the following Recommendations should be integrated into the Framework:

The Framework should:

1. **Seek to strengthen the decision-making and ownership of community across PPRR and ensure all efforts for partnership take into account a community's unique context, knowledge and assets.** There will not be a one-size-fits-all for how philanthropists can support community, and any engagement should be developed collaboratively to ensure it meets the unique needs of that community. It is essential to foster partnerships that are not only responsive to immediate needs but also attuned to the long-term goals and aspirations of the communities being served. It is also important to ensure that local organisations are recognised and supported by larger philanthropic organisations, and that their roles are enhanced not supplanted. While acknowledging that the capacity of some smaller organisations to engage with philanthropic organisations will be limited.
2. **Ensure equitable philanthropic funding to meet the needs of communities impacted by emergency events.** We know from previous events that philanthropic engagement is not always equitable, and that communities severely impacted by disaster may not receive a level of philanthropic funding that correlates to the impact of that event. Where possible, efforts should be made to allocate funding proportionate to the impact on affected communities.
3. **Provide further clarify on the roles and responsibilities of private and philanthropic organisations across PPRR.** This includes:
  - a. How and when philanthropic organisations are involved within risk reduction strategies and programmes.
  - b. How and when philanthropic organisations should engage with the response phase.
  - c. Clear boundaries for engaging during the recovery phase, including how philanthropics fit into the Local Recovery Coordination Committee and into locally-led recovery processes.
4. **Support the identification, development and maintenance of partnerships with philanthropic organisations at the State, regional, district and local level as appropriate.** This includes:
  - a. State Government leadership on partnerships with large philanthropic organisations that are well placed to focus on projects of State wide benefit.
  - b. Exploring opportunities for regional level partnerships facilitated by Regional Development Commissions and other regional level actors.
  - c. Exploring opportunities for district and local level partnerships, acknowledging the often limited resources at that level to foster and develop partnerships. A key principle of these partnerships should be that the capacity and capability of local organisations is enhanced not depleted by the partnerships.

*Note this should also be considered within the context of the current LEMC/DEMC review.*

5. **Incorporate an additional guiding principle based on building resilience.** The Framework provides an opportunity to focus philanthropic engagement on resilience and preparedness where traditionally most resources are directed to response and recovery. Philanthropic partnerships focused on building resilience will reduce risk from future events and enhance resilience at the community and state level. By strategically developing relationships based on improving disaster resilience outcomes, WA communities will be able to reduce vulnerability to disasters and help achieve broader social and economic benefits. Philanthropic organisations that have built existing relationships in



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a community through resilience work will be better placed to provide support in the case of an emergency response or recovery.

WALGA appreciates the opportunity to provide feedback and is supportive of efforts to enhance and invest in our State's emergency management capability.

For enquiries, please contact Susie Moir, Policy Manager Resilient Communities, on [smoir@walga.asn.au](mailto:smoir@walga.asn.au) or telephone 9213 2058.

Yours sincerely

**Cr Karen Chappel AM JP**  
**President**

## 7.9 Submission to the WA Action Plan for Young People Consultation Paper

By Rebecca Hicks, Policy Officer Community

### WALGA RECOMMENDATION

That WALGA endorse the submission to the *WA Action Plan for Young People Consultation Paper*.

### Executive Summary

- On 25 August 2023, the Department of Communities (DoC) released the consultation paper 'WA Action Plan for Young People Consultation Paper'. WALGA obtained an extension to enable this draft submission to be considered by State Council and zones.
- The development of a new three-year whole-of-government Action Plan for Young People in Western Australia (the Action Plan), follows the expiry of the existing ['Beyond 2020 WA Youth Action Plan 2020-22'](#).
- The submission reflects WALGA's advocacy position on Children and Young People, the key issues for the sector on youth policy, and highlights case studies of best practice engagement with youth across the sector.
- The recommendations focus on the need to reflect the diversity of young peoples' needs across the State, the need for ongoing engagement and funding for initiatives, including those delivered by Local Governments, and the need for an evaluation process.
- The submission also restates the WALGA 2024-25 State Budget Submission call to prioritise the establishment of a Child Safeguarding Independent Oversight Body, increased State and Commonwealth funding for primary healthcare services and increased funding for libraries.

### Attachment

- WALGA Submission to the WA Action Plan for Young People Consultation Paper
- [Consultation Paper: WA Action Plan for Young People Consultation Paper](#)

### Policy Implications

This submission aligns with WALGA's existing Advocacy Position 3.6 Children and Young People:

*The Local Government sector supports the development and well-being of children and young people through strategic partnerships and a combination of services and facility provision. The Association advocates that the State and Commonwealth should continue to invest in the wellbeing of young West Australians.*

(State Council Resolution July 2022 – 363.5/2022)

### Background

The whole of government Action Plan will set out the actions the State government will take to achieve improved outcomes for young people in Western Australia over the next three years.

Consultation commenced on 25 August 2023 and closed on 17 November 2023, however WALGA obtained an extension for this submission. DoC consulted via a survey and a number of community consultations were delivered between 23 October to 17 November 2023 throughout WA. WALGA encouraged the direct inclusion of Local Governments in the community consultations and promoted them to members. It is anticipated that the Youth Plan will be published in early 2024, to align with the release of a national youth plan.

The WA Action Plan for Young People Consultation Paper sets out six priority areas:

1. Profile of young people in Western Australia
2. Celebrating young people
3. A voice for young people
4. Success! Reaching your potential
5. Climate Change
6. Wellbeing, connection, and inclusion

The consultation survey questions focused on seeking the views of young people on their aspirational goals, however the consultation paper provided scope for responses from other stakeholders.

### **Comment**

WALGA's capacity to undertake a full sector consultation process was limited by the short consultation period. A high-level consultation approach was developed to ensure the views, successes, and challenges faces by Local Government were covered in the submission. The submission demonstrates the role of Local Government in the delivery, partnership, advocacy, and facilitation of vital youth services, which is enhanced by Local Government's place-based, contextual knowledge. The submission makes six recommendations, identifying additional measures that would support Local Governments in their successful delivery of outcomes for young people.

The submission recommends:

1. the Action Plan reflects the diversity of young person needs across Western Australia and works in partnership key stakeholders with place-based knowledge.
2. the Action Plan aligns with the strategic direction of all tiers of Government to amplify the voice of young people.
3. sufficient funding is provided to implement the Action Plan, with consideration of the role Local Government and other stakeholders provide in delivering vital youth services and opportunities.
4. State Government address the critical under funding of services for young people including primary healthcare services and libraries, as raised in the WALGA State Budget Submission.
5. the Action Plan addresses the broader social issues that disproportionately impact young Western Australians.
6. State Government prioritise the establishment of a Child Safeguarding Independent Oversight Body.
7. the Action Plan includes an evaluation document to review the Beyond 2020 – WA Youth Action Plan 2020-22 and the WA Action Plan for Young People for 2023-2026.

**Item 7.9: Submission to the WA Action Plan for Young People Consultation Paper**

Attachment: WALGA Submission to the WA Action Plan for Young People Consultation Paper

7 December 2023

Via email: [youngpeople@communities.wa.gov.au](mailto:youngpeople@communities.wa.gov.au)

Mr. Mike Rowe  
Director General  
Department of Communities  
42 Queen Street  
FREMANTLE WA 6160

Dear Mr. Rowe

**SUBMISSION TO THE WA ACTION PLAN FOR YOUNG PEOPLE CONSULTATION PAPER**

Thank you for the opportunity to provide a submission on the [WA Action Plan for Young People consultation paper](#). This submission was endorsed by WALGA State Council on 6 December 2023.

The Western Australian Local Government Association (WALGA) is an independent, member-based, not for profit organisation representing and supporting the Western Australian (WA) Local Government sector. Our membership includes all 139 Local Governments in the State. WALGA uses its influence, support and expertise to deliver better outcomes for WA Local Governments and their communities. We do this through effective advocacy to all levels of Government on behalf of our Members, and by the provision of expert advice, services and support to Local Governments. WALGA's vision is for agile and inclusive Local Governments enhancing community wellbeing and enabling economic prosperity.

The Local Government sector is highly diverse with respect to capacity, capability, financial and human resources, local populations, and geographic location (metropolitan, regional, remote). Local Governments implement a range of strategies, policies and plans to engage with young people in their communities.

WALGA supports the development of the WA Action Plan for Young People (The Action Plan). WALGA's Advocacy Position on Children and Young People provides:

**Policy Position 3.6 - Children and Young People**

The Local Government sector supports the development and well-being of children and young people through strategic partnerships and a combination of services and facility provision. The Association advocates that the State and Commonwealth should continue to invest in the wellbeing of young West Australians.

Further WALGA advocacy positions of relevance to young people are provided at [Attachment A](#) to this letter.

The United Nations' World Youth Report identifies the unique and important role of Local Government authorities in delivering effective youth plans and activities.<sup>4</sup> Western Australian Local Governments actively champion the needs and aspirations of young people, supporting them to reach their potential and to foster connection to community and culture. Through their delivery, partnership, and facilitation of vital youth services, enhanced by place-based knowledge, Local Governments are a key stakeholder in achieving State Government aspirations to improve the lives

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<sup>4</sup> United Nations, 'World Youth Report: Youth and the 2030 Agenda for Sustainable Development', 2018, p.98

of young Western Australians. Additionally, Local Governments are well positioned to facilitate and enable connections between stakeholders and service providers.

## The profile of young people across Western Australia

The [WA State Commissioning Strategy for Community Services 2022](#) highlights the need for place-based responses to local community needs. Regional populations for the past ten years have increased, with the Bunbury (SA4) area growing significantly.<sup>5</sup> Young people, aged 10 – 24 years, living outside of Greater Perth, make up 17 per cent of the total WA population.<sup>6</sup> Services for young people in regional areas need to reflect this growth. Regional Local Governments are often restricted through limited resources, lower rates revenue and housing supply shortages for employees and service providers.

These challenges impact the provision and facilitation of youth services in regional areas. By ensuring that youth services are adequately resourced and funded to reflect the diverse regional context, wider policy priorities such as responding to acute shortages of mental health services, can also be addressed. The need for place-based knowledge, connection and capacity building is a priority for the Youth Affairs Council of Western Australia (YACWA). Pilot regional place-based models in the Midwest and Great Southern are delivering results which, with further funding, could be replicated across the State's regions. Another example of innovative responses to place-based youth services is the Manjimup Senior High School trial of in-house General Practitioners in response to limited access to youth mental health services. The Shire of Broome's annual Youth Forum provides an example of Local Government creating opportunities for service providers and local stakeholders to engage with young people on issues that impact them locally.

### Case Study – Young People Across Western Australia

The Shire of Meekatharra provides a dynamic youth program to engage with young people in their community and to promote healthy self-esteem and self-development. Their [Mental Wellbeing Stories](#) project supported by West Australian Primary Health Alliance (WAPHA) highlights the different ways young members of the community keep mentally healthy.

**Recommendation One: The Action Plan reflects the diversity of young person's needs across Western Australia and enables partnerships between key stakeholders with place-based knowledge.**

### Local Governments celebrate young people

Young people are valuable contributors to their communities. Celebrating their achievements is a powerful way of building community connection and support for young people to reach their potential. Local Governments celebrate young people through initiatives such as Youth Week and Young Citizen of the Year Awards. The annual Young Community Citizen of the Year Award category celebrates young person achievements within the community with winners and nominees providing examples of youth engagement and leadership across a wide range of issues. Of the 40 Department of Communities [Youth Week Grants](#) awarded in 2023, 23 recipients were Local Governments.

### Case Study – Celebrating young people

In 2023, the [City of Kalgoorlie-Boulder](#) was selected as the host city for 2023 Youth Week celebrations in Western Australia. The City's Youth Council and Youth Services team collaborated with the Department of Communities and local community organisations to deliver a range of activities and programs to promote and celebrate young people within the region. Activities included an Opening Party, a Young Leaders Forum, and a presentation by the City of the region's new youth precinct.

<sup>5</sup> [2021 Bunbury, Census All persons QuickStats | Australian Bureau of Statistics \(abs.gov.au\)](#)

<sup>6</sup> [2021 Rest of WA, Census All persons QuickStats | Australian Bureau of Statistics \(abs.gov.au\)](#)

## Local Governments provide a voice for young people

The importance of engaging young people in decision-making on services that impact them is acknowledged by the sector. Many Local Governments provide opportunities for youth empowerment through shared decision-making opportunities and young-person initiated and led actions. Some Local Governments, such as the City of Rockingham, have well established Junior Council and Youth Council programs. Others are utilising alternative youth engagement practices such as youth leadership programs.

Although not a legislative requirement, WA Local Governments create the strategic direction for their services with, and in support of, young people through youth plans and strategies. Youth plans and strategies prioritise local spaces for young people, career pathways and development, empowerment for young people and health and wellbeing outcomes. Youth plans are informed by consultation with young people, ensuring their voices are central. The principle of providing a voice for young people is evident in a number of Local Government Youth plans such as the City of Canning [Youth Engagement Framework 2022 – 2024](#).

Young people's increasing activation and involvement in issues for their generation and the wider community are demonstrated by the increase in young people standing for Local Government election.

### Case Study – Young People's Voice

The youngest ever City of Fremantle Councillor, 21-year-old Cr Williamson-Wong, was elected at the 2023 Local Government elections on 21 October.

**Recommendation 2: The Action Plan aligns with the strategic direction of all tiers of Government to amplify the voice of young people.**

## Local Governments provide opportunities for young people to reach their potential

Local Governments facilitate and advocate for young people developing life skills to reach their potential through program delivery and working in partnership with other stakeholders. Local Governments, such as the City of Stirling and the City of Canning, provide opportunities for young people to increase their capacity building and leadership skills through embedding Youth Leadership, change-making and active citizenship activities in their programming. The [WA Youth Award 2023 Finalist](#) Jessica Chant demonstrates the supporting role Local Government plays in providing opportunities for young people to reach their potential.

### Case Study – Reaching Potential

The City of Albany's [Youth Friendly Albany Plan 2022 – 2025](#) was developed in partnership with the Youth Advisory Council. Through partnering with education providers, the Albany Chamber of Commerce and Industry, and Registered Training Organisations, the City have identified the need to promote employment and traineeship opportunities for young people, whilst highlighting the benefits of employing young people to local businesses.

Local Governments also provide a number of employment and training opportunities for young people within their organisations. The [Solid Futures Aboriginal Traineeship Program](#) provides Aboriginal and Torres Strait Islander young persons the opportunity to pursue traineeships within Local Government designed to develop their skills, whilst completing a [Certificate III in Local Government](#). WALGA, as the only Registered Training Organisation to deliver the training in WA, is supporting the skill and knowledge development for Junior Officers to establish a career in Local Government.



**Case Study – Reaching Potential**

The [Regional Youth Driver Education \(RYDE\) Program](#) was developed by the Town of Bassendean in response to marginalised and at-risk young people not being able to complete the necessary supervised driving hours. This program is facilitated and promoted by at least nine Local Governments throughout WA and provides community outcomes for community safety, youth justice and community cohesion.

**Local Governments facilitate young person engagement on climate change**

The [2020 National Survey of Children and Young People on Climate Change and Disaster Risk](#), indicated that 78% of respondents reported being ‘concerned’ or ‘very concerned’ about climate change. All tiers of Government have a role to play in championing climate change policy and engaging young people in the process. Climate change continues to be a policy priority for WALGA and its members. 51 Local Governments have signed the [WALGA Climate Change Declaration](#), representing over 85% of Western Australia’s population. The declaration further supports WALGA to advocate for the appropriate funding and development of legislative mechanisms to support Local Government climate change management. The WALGA Advocacy position on Climate Change reflects the critical importance climate change policy has on future generations.

**Case Studies – Youth Engagement in Climate Change**

The City of Wanneroo recognised the importance of climate change to young community members and consulted with the Climate Change Youth Forum to develop the City’s [Climate Change Adaption and Mitigation Strategy 2020/21-2025/6](#). Similarly, the [City of Fremantle](#) responded to the Fremantle Youth Network’s call for urgent actions to address climate change. The council unanimously supported a declaration on a world state of climate and biodiversity emergency that required urgent action by all levels of government, including by local councils. The Shire of Gingin, the Department of Fire and Emergency Services and the Gingin District High School have partnered to deliver a [Bushfire Cadets Program](#) to raise young person awareness and build capacity within the community to prepare for and respond to bushfire, and other emergencies.

**Local Governments facilitate young person wellbeing, connection and inclusion**

The capacity of Local Governments varies across the State however, all Local Governments have place-based knowledge and ongoing relationships with key stakeholders. These relationships enable Local Governments to play a key role in identifying and facilitating the implementation of effective youth services. These services are both directly and indirectly strengthening young people’s connection and inclusion in their communities, providing vital wellbeing outcomes. Young person services are also supported through the use of Local Government infrastructure such as sports and cultural facilities and libraries.

**Case Study – Wellbeing, Connection and Inclusion**

The Shire of Broome have worked in partnership with the Department of Communities to facilitate a key action of the Shire of Broome’s [Youth Plan 2021 – 2025](#) and [Community Safety Plan 2021 - 2025](#).<sup>7</sup> Through the ‘A Sporting Chance’ program, the Shire has taken an active role in diverting local, at-risk young people from the justice system by implementing a program that has holistic outcomes for the entire community.

Local Governments are increasingly compelled to fill service gaps, especially in regional and remote locations where services provider coverage is limited. This is particularly prevalent in relation to mental health and youth justice. Service provision cost-shift to the Local Government sector diverts funding away from the other essential community services and infrastructure.

<sup>7</sup> [Youth Plan 2021-2025 Shire of Broome](#)

### **Case Study - Wellbeing, Connection and Inclusion**

The Shire of Ashburton, in their recently developed [Youth Strategy 2023 – 2025](#), recognised that young people were struggling to feel a sense of belonging to their towns and identified the need to address engagement barriers. The consultation also highlighted the need for holistic partnerships with mental health service providers and ongoing advocacy for increased culturally appropriate health services.<sup>8</sup> The Shire's Youth Strategy includes actions to increase feelings of representation and identity through youth-directed activities and holistic engagement opportunities, particularly to land and culture.

**Recommendation 3: Sufficient funding is provided to implement the Action Plan, with consideration of the role Local Government and other stakeholders provide in delivering vital local youth services and opportunities.**

**Recommendation 4: State Government address the critical under funding of services for young people including primary healthcare services and public libraries, as advocated for in WALGA's 2-24/25 State Budget Submission.**

### **Wider issues facing young people**

WALGA notes that the scope of the WA Action Plan for Young People is concentrated on the Youth portfolio focus areas of youth development; engagement; promotion; and advocacy. While these are tools to empower young people, they fail to acknowledge the key social issues that are disproportionately impacting young Western Australians such as cost of living, increasing rental prices and online safety. A more holistic approach has already been included in the New South Wales, Queensland, and South Australian Youth Action Plans.

Consideration of, and renewed partnership to deliver, key State Strategy actions impacting young people would fundamentally improve the lives of young people. State Strategies with critical intersectionality with the Action Plan include: *WA Housing Strategy 2020-2030, All Paths Lead to a Home: Western Australia's 10-Year Strategy on Homelessness 2020–2030; Western Australian Mental Health, Alcohol and Other Drug Services Plan 2015-2025; and the At Risk Youth Strategy 2022-2027.*

**Recommendation 5: The Action Plan addresses the broader social issues that disproportionately impact young Western Australians.**

The right to feel safe and respected is a prerequisite for improving the lives of young people. WALGA continues to advocate for the establishment of a Child Safeguarding Independent Oversight Body as proposed by the *Royal Commission into Institutional Responses to Child Sexual Abuse*. An oversight body is essential to oversee and support improvements in child safe cultures and practices across organisations in WA to.

**Recommendation 6: The State Government prioritise the establishment of a Child Safeguarding Independent Oversight Body.**

**Recommendation 7: The Action Plan includes an evaluation of the *Beyond 2020 – WA Youth Action Plan 2020-22* and a framework to evaluate the *WA Action Plan for Young People for 2023-2026*.**

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<sup>8</sup> [Youth Strategy Booklet WEB.pdf \(ashburton.wa.gov.au\)](#) pp.15



## Summary of Recommendations

1. The Action Plan reflects the diversity of young person's needs across Western Australia and enables partnerships between key stakeholders with place-based knowledge.
2. The Action Plan aligns with the strategic direction of all tiers of Government to amplify the voice of young people.
3. Sufficient funding is provided to implement the Action Plan, with consideration of the role Local Government and other stakeholders provide in delivering vital youth services and opportunities.
4. State Government address the critical under funding of services for young people including primary healthcare services and public libraries, as advocated for in WALGA's 2024/25 State Budget Submission.
5. The Action Plan addresses the broader social issues that disproportionately impact young Western Australians.
6. State Government prioritise the establishment of a Child Safeguarding Independent Oversight Body.
7. The Action Plan includes an evaluation of the Beyond 2020 – WA Youth Action Plan 2020-22 and a framework to evaluate the WA Action Plan for Young People for 2023-2026.

WALGA thanks the Department of Communities for providing an extension to enable WALGA to engage with our members through the State Council decision making process to develop this submission.

WALGA looks forward to working with the Department to ensure that the *WA Action Plan for Young People* supports the wellbeing of young Western Australians.

For enquiries, please contact Nicole Matthews, Executive Manager Policy on [nmatthews@walga.asn.au](mailto:nmatthews@walga.asn.au) or telephone 9213 2039.

Yours sincerely,

**Cr Karen Chappel AM JP**  
**President**

## **Attachment A**

### **WALGA Advocacy Positions**

#### **3.7.1 - Community Infrastructure**

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

May 2018 38.2/2018

#### **3.10.2 - Child Safeguarding**

1. Local Government supports:
  - a. the recommendations from the Royal Commission into Institutional Responses to Child Sexual Abuse 2017, in particular Recommendation 6.12 which can be achieved by Local Government implementing and embedding child safeguarding across its functions with support from Governments at the national, state and territory levels; and
  - b. the ten National Principles for Child Safe Organisations (Australian Humans Rights Commission).
2. The State Government through an Independent Oversight Body should provide financial, resourcing and capacity building support to Local Governments to implement and embed child safeguarding across its functions, through the provision of:
  - a. supporting materials such as template policies, procedures and guidelines;
  - b. consistent key messaging and resources to promote and share in venues and facilities and online;
  - c. examples of best practice, including case studies;
  - d. self-assessment tools to assist Local Government;
  - e. ongoing training and skills development for Local Government staff, including online training options;
  - f. funding for the delivery of the child safeguarding function within smaller, less well resourced (Band 3 and Band 4) Local Governments; and [www.walga.asn.au](http://www.walga.asn.au) 93
  - g. expert officers within each region to provide support and guidance to Local Government on child safeguarding.
3. The Local Government sector supports Local Government participation in the State's National Redress Scheme, with full financial coverage by the State.

May 2023 – 440.2/2023

#### **3.11 - Homelessness**

WALGA recognises that Local Government through its planning, health, community development and regulatory powers can facilitate positive local and regional responses to end homelessness, however does not see that it has a lead role. Rather, Local Government's role is one of a stakeholder that requires early engagement in the understanding of collaborative approaches that improve the quality of life for people experiencing homelessness in all of its manifestations.

July 2019 – 71.5/2019

## 8. POLICY TEAM AND COMMITTEE REPORTS

### 8.1 Environment and Waste Policy Team Report

*By Nicole Matthews, Executive Manager Policy*

#### RECOMMENDATION

**That State Council note the matters considered by the Environment and Waste Policy Team.**

*The Environment and Waste Policy Team includes the following subject areas:*

- *Climate change*
- *Native vegetation and biodiversity*
- *Biosecurity*
- *Water resources*
- *Sustainability*
- *Waste management*

This Report provides an update on matters considered, since the last State Council meeting, by the Environment and Waste Policy Team at its meetings held on 6 September and 3 October.

#### 1. Matters for State Council Decision

The Policy Team considered and endorsed Submissions on:

- The Asbestos National Strategic Plan: Phase Three 2024-203 ([Agenda item 9.10](#))
- Draft Code of Practice for On-Site Wastewater Disposal ([Agenda item 9.11](#))

#### 2. Matters Referred by Zones

The Central Country Zone requested WALGA investigate correspondence received by several Local Governments in relation to the *Contaminated Sites Act* requirements for Registered landfills and follow up with the Department of Water and Environmental Regulation.

The Environment and Waste Policy Team agreed that WALGA would investigate the extent that this issue is impacting regional Local Governments with registered landfill sites and engage with the Department of Water and Environmental Regulation, on behalf of the sector, to ensure that the Department's requirements are proportionate to the risk associated with a particular site.

#### 3. Updates Provided

##### 3.1 Regional Climate Alliance Program Evaluation

The Program is in the final stages of evaluation and the results are very positive. WALGA is working to include a funding request in the upcoming State Budget Submission to enable the Program to be implemented state-wide.

##### 3.2 Native Vegetation Clearing Issues Paper

WALGA has commenced work on an Issues Paper to inform input into the work the Department of Water and Environmental Regulation is undertaking through the [Native Vegetation Strategy](#).

## 8.2 Governance and Organisational Services Policy Team Report

By Tony Brown, Executive Director Member Services

### RECOMMENDATION

That State Council:

1. Retain Advocacy Position “2.5.22 Re-counts”, with the following amendment:

***The Local Government sector supports the introduction of standard processes for vote re-counts if there is a very small margin (e.g., 10 or fewer votes) between candidates, inclusive of Regulations that specify the circumstances in which the Returning Officer must arrange for some or all of the votes to be re-counted.***

2. Delete Advocacy Positions:
  - (a) 2.5.2 No Wards for Band 3 and 4 Councils
  - (b) 2.5.5 Tiered Limits on the Number of Councillors
  - (c) 2.5.14 Tender Exemption General Practitioner Services
  - (d) 2.5.21 Candidate Profiles
  - (e) 2.5.23 Electoral Rolls
  - (f) 2.5.24 Standardised Election Caretaker Period
  - (g) 2.5.27 Recording Votes in Council Minutes
  - (h) 2.5.31 Special Electors’ Meeting
3. Notes the Governance and Organisational Services Policy Team’s consideration of the following:
  - (a) Performance of the Auditor General – Audit Experience Survey Results
  - (b) Optional Preferential Voting – Cost to Local Government

The Governance and Organisational Services Policy Team includes the following subject areas:

- Employee Relations
- Governance
- Strategy and Association Governance
- Training
- Regional Capacity Building / Local Government Reform

This Report provides an update on matters considered by the Governance and Organisational Services (GOS) Policy Team at its meeting held on 30 August 2023.

### 1. Matters for State Council Decision

#### 1.1 Advocacy Position Reviews

The GOS Policy Team provides recommendations regarding nine WALGA Advocacy Positions for State Council’s decision. Advocacy Positions may be reviewed in the WALGA [Advocacy Position Manual](#).

The Secretariat advised that the format of the Association’s Advocacy Position Manual will be revised, so that achieved Advocacy Positions will be included in a separate section of the Manual for future reference purposes.

**Advocacy Position recommended for amendment: 2.5.22 Re-counts**

Policy Team Comment: The *Local Government Amendment Act 2023*, sections 46 and 47, proclaimed on 30 June 2023 and effective from 1 July 2023, inserted a new s.4.72A enabling Regulations that specify the circumstances under which a re-count would be mandatory. However, amendments have not included Regulations to this effect and therefore this Advocacy Position should be retained, with modification as recommended.

**Advocacy Positions recommended for Deletion:** as these have been substantially achieved through the *Local Government Amendment Act 2023*:

- (a) 2.5.2 No Wards for Band 3 and 4 Councils
- (b) 2.5.5 Tiered Limits on the Number of Councillors
- (c) 2.5.14 Tender Exemption General Practitioner Services
- (d) 2.5.21 Candidate Profiles
- (e) 2.5.23 Electoral Rolls
- (f) 2.5.24 Standardised Election Caretaker Period
- (g) 2.5.27 Recording Votes in Council Minutes
- (h) 2.5.31 Special Electors' Meeting

**1.2 Management Order Administration – Land Administration Act 1997**

The GOS Policy Team considered a draft advocacy position that responded to concerns raised by the Gascoyne Country Zone seeking a review of Management Order administration by State Government. A resolution on this matter was also passed at the [2023 WALGA AGM](#). Consequentially, a new advocacy position titled 'Crown Land and Management Order Administration – Land Administration Act 1997' is included for consideration in the December State Council Agenda (see [item 7.2](#)).

**2. Matters for State Council Noting**

**2.1 Performance of the Auditor General – Audit Experience Survey Results**

Responding to concerns raised by Great Eastern Country Zone and North Metropolitan Zone, WALGA collaborated with LG Professionals to undertake a survey. Results were provided at the State Council meeting held 5 July 2023 and have now been communicated to the initiating Zones.

**2.3 Optional Preferential Voting – Cost to Local Government**

Responding to concerns raised by Central Country Zone regarding cost of conducting elections through the WAEC, the Governance Policy Team resolved:

*That the Governance and Organisational Services Policy Team support the conduct of a review of Local Government elections 2015 – 2023 and provide a summary of findings in a future report, together with proposals for an alternative engagement strategy that provides for an independent assessment of WALGA's election advocacy.*

It is expected that the GOS Policy Team will consider outcomes of this review in late 2023 or early 2024, with a State Council report to follow.

### **8.3 Infrastructure Policy Team Report**

*By Ian Duncan, Executive Manager Infrastructure*

#### **RECOMMENDATION**

**That the Infrastructure Policy Team Report be noted.**

*The Infrastructure Policy Team includes the following subject areas:*

- *Roads and paths*
- *Road safety*
- *Transport*
- *Freight*
- *Utilities (including telecommunications and underground power)*

The Infrastructure Policy Team have not had a meeting since the last State Council meeting in September.

## 8.4 People and Place Policy Team Report

*By Nicole Matthews, Executive Manager Policy*

### RECOMMENDATION

**That State Council:**

- 1. note the matters considered by the Policy Team; and**
- 2. rescind Advocacy Positions:**
  - a. 6.10 Town Planning and Alcohol Outlets;**
  - b. 6.12 Affordable Housing;**
  - c. 6.13 Senior Housing Strategy;**
  - d. 6.14 Capital City Planning Framework; and**
  - e. 6.15 Built Heritage.**

*The People and Place Policy Team includes the following subject areas:*

- *Community*
- *Emergency Management*
- *Planning and Building*

This Report provides an update on matters considered, since the last State Council meeting, by the People and Place Policy Team at its meeting held on 17 October.

### 1. Matters for State Council Decision

The People and Place Policy Team considered the second tranche of the Planning and Building Team's review of WALGA's Place (Planning and Development) Advocacy Positions. The Policy Team endorsed the rescinding of [Advocacy Positions 6.10, 6.12, 6.13, 6.14 and 6.15](#). These Advocacy Positions are redundant or superseded by new and existing advocacy positions. Where still relevant, matters with the positions proposed for rescinding can be captured by [Advocacy Position 6.1 Planning Principles and 6.2 Planning Reform](#).

The Policy Team considered and endorsed the Public Open Space Advocacy Position Review, in conjunction with the Environment and Waste Policy Team, for State Council decision at the December 2023 meeting (see [Agenda item 7.3](#)). The endorsed recommendation included the deletion of Advocacy Position 4.3 Water Management and Advocacy Position 4.4 Public Open Space, and a new Advocacy Position 6.11 Public Open Space.

### 2. Matters for State Council Noting

The People and Place Policy Team noted an update on the Resilient Communities Team Upcoming State Council Items:

- WALGA Biennial Emergency Management Survey, (see [Agenda item 9.2](#));
- State Emergency Management Committee (SEMC) consultation on a Philanthropic Engagement Framework for Emergency Management (see [Agenda item 7.8](#));
- Aboriginal Heritage Legislation (see [Agenda item 9.3](#));
- State Youth Plan Submission (see [Agenda item 7.9](#)); and
- 2023 Local Government Primary Healthcare Survey.



## 8.5 Municipal Waste Advisory Council (MWAC) Report

By Rebecca Brown, Manager and Recycling

### RECOMMENDATION

**That State Council note the resolutions of the 30 August 2023 and 18 October 2023 Municipal Waste Advisory Council Meetings.**

### Executive Summary

- This item summarises the proceedings of the Municipal Waste Advisory Council (MWAC) meetings held on Wednesday, 30 August and Wednesday, 18 October.
- Copies of MWAC Agendas and Minutes are available from WALGA staff on request.

### Matters for Decision

MWAC considered and endorsed:

- Updated Household Hazardous Waste Policy Statement and Advocacy Position ([Agenda item 7.5](#)),
- Updated Waste Education Policy Statement and Advocacy Position ([Agenda item 7.6](#)), and
- Submission on E-Waste Landfill Ban Regulations ([Agenda item 7.7](#)).

### Matters for Discussion

MWAC considered the following matters:

*E-cigarette/Vape Disposal:* Disposal of these products has become an increased issue for the community and Local Governments. With lack of disposal options, waste fires are reportedly becoming more frequent. WALGA has received funding to undertake a Vape Collection Study, which will inform advocacy. There is both an immediate problem of vape disposal, and the need for producer responsibility for these products.

*WA Reducing Illegal Dumping Strategy:* The Department of Water and Environmental Regulation has flagged its intent to develop a Reducing Illegal Dumping Strategy. Illegal dumping is an ongoing challenge for Local Government which has environmental, social and economic impacts. WALGA has an opportunity to develop priorities for inclusion in a strategy and directly engage with the Department to assist in informing the strategy development. It was agreed to re-form WALGA's Reducing Illegal Dumping Working Group to develop an Advocacy Position and provide input into the Strategy. WALGA is also seeking information from Local Governments on illegal dumping of specific materials such as tyres and mattresses.

*Review of Policy Statement on Recycled Organics Applied to Land:* This Policy Statement provides principles for the development of standards for recycled organics applied to land, however these principles are potentially broadly applicable to any recovered material applied to land. The Department of Water and Environmental Regulation is developing a Recovered Materials Framework to cover the application of waste derived material to land. MWAC supported using the principles/approach in the Organics Policy Statement to develop an Advocacy Position on a Recovered Materials Framework. The Policy Statement will then be rescinded.

*WARR Levy Review:* Earlier this year, the WA Government published the findings of a Review of the WARR Levy. The consultation summary report and supporting consultant report can be accessed on the [Department of Water and Environmental Regulation \(DWER\) Website](#). DWER is preparing a consultation regulatory impact statement (CRIS) on options to expand the area where the WARR levy applies. This CRIS will examine the benefits, costs and financial impacts of



expanding the area. The Government intends to publish the CRIS in late 2023. It will be open for comment for at least twelve weeks. After the CRIS is undertaken, the submissions will be used to formulate a final position for government, incorporating both information and views from respondents. DWER will publish a summary of the consultation and Cabinet will make a final decision based on the results of the consultation.

*Household Hazardous Waste (HHW) Program:* In the 2022-23, the HHW Program expended \$1,768,825 and collected 491,467 kg of HHW. The HHW Program funded collections from 15 Permanent facilities across the state. The main materials collected were gas cylinders (30%), household batteries (17%) and flammable liquids (10%). A new 5-year funding agreement with the Waste Authority commenced from 1 July 2023 with a total budget of \$10.2 million. The Tender assessment has been completed for the new Program, with Cleanaway being appointed the principal contractor and Perth Chemical Services contracted for unknown testing.

*Tyre Product Stewardship:* Tyre Stewardship Australia (TSA) has published its [report](#) into the use, recovery, and recycling of Australia's off-the-road tyres, conveyors, and tracks (OTR rubber products). WALGA is continuing to advocate for a mandatory, effective, product stewardship scheme for Tyres which covers all costs of recycling.

*Packaging Product Stewardship:* The Department of Climate Change, Energy, the Environment and Water (DCCEEW) has commenced consultation with industry and government on the development of a [reformed regulatory scheme](#) for managing packaging in Australia. To drive the transition to a circular economy for packaging that takes a whole-of-supply-chain approach, the Department is proposing four regulatory scheme objectives to be underpinned by mandatory obligations:

1. Ensure all packaging is designed for circularity.
2. Increase the amount of reusable packaging.
3. Ensure packaging is recovered.
4. Increase the amount of recycled content in packaging.

WALGA is working with the Australian Local Government Association (ALGA), and other Local Government Associations, to provide input into the scheme design.

*Export Rules – Paper and Cardboard:* DCCEEW released an [Exposure Draft of the Recycling and Waste Reduction \(Export – Paper and Cardboard Rules 2023\)](#). The Draft includes specific percentage contamination rates, which need to be met, to export the materials. MWAC discussed the Draft Rules and specific concerns with the Export Bans. This matter was considered out of session by MWAC and State Council.

## 9. MATTERS FOR NOTING / INFORMATION

### 9.1 Planning and Development Amendment Bill 2023 and Associated Regulations and Guidelines

By Coralie Claudio, Senior Policy Advisor, Planning

#### WALGA RECOMMENDATION

That State Council notes the *Planning and Development Act Bill 2023* and associated Regulations and Guidance documents.

#### Executive Summary

- The Planning and Development Amendment Bill 2023 (the Bill) was introduced to Parliament on 18 October 2023.
- The Bill includes various changes to the Planning and Development Act 2005 including creation of new permanent significant development pathway, reforms to Development Assessment Panel (DAPs), reform of the Western Australian Planning Commission (WAPC), changes to Local Government delegations relating to Single House developments and other additional modifications with the stated aim to streamline and simplify planning processes.
- The Bill is supported by various new regulations, regulation amendments and guidance documents.
- Previous consultation with WALGA and Local Government on the key elements of the Bill has been occurred over previous years.

#### Attachment

- WALGA summary of changes proposed as part of *Planning and Development Amendment Bill 2023* and associated Regulations and Guidelines
- [Planning and Development Act Bill 2023 and Associated Regulations](#)
- [WALGA Media Release \(18/10/2023\)](#)

#### Policy Implications

##### 6.1 Planning Principles

*All legislation and policy that deals with planning and development must:*

- *ensure role clarity and consistency across all legislation controlling development, to avoid confusion of powers and responsibilities,*
- *be easily interpreted by, understood by, and accessible to all sections of the community, and*
- *be amended only with WALGA involvement and/or consultation/involvement with Local Government.*

##### 6.2 Planning Reform

*The Local Government sector supports the underlying principles of planning reform and the continuing focus of streamlining the planning system while ensuring Local Government retains the ability to respond to local context and characteristics through Local Planning Frameworks.*

#### 6.4 Development Assessment Panels

*The Association does not support Development Assessment Panels (DAPs), in their current structure. Necessary changes to the structure of the DAPs system include:*

- 1. the abolishment of the current 'mandatory' mechanism where a proposal has a value of \$10 million or greater, and its replacement with an 'opt in' mechanism for all proposals,*
- 2. raising the DAP threshold from the current \$2 million to \$5 million,*
- 3. the composition DAPs should be modified to provide equal representation of Specialist Members and Local Government Members,*
- 4. the creation of a distinct Special Matters DAP (SMDAP) is not supported, given there are already multiple avenues for determination on the basis of zoning and monetary value of applications. Should the State Government progress with the implementation of a SMDAP, the following changes are proposed to the model released in March 2022:*
  - allow proponents with proposals that meet the threshold or criteria being able to opt-out of the SMDAP pathway and allow assessment and determination by Local Government,*
  - mandate consultation with the relevant Local Governments prior to the issuing of a Ministerial Order in relation to SMDAP Precinct Criteria, and*
  - ensure SMDAP Precincts be identified through Regulations, rather than by the Minister,*
  - include greater professional planning expertise, and knowledge of local context through the Local Government members of the District DAP, by including majority professional town planner panel members, with two Local Government representatives,*
  - expand the role of Local Governments in SMDAP processes and appropriate remuneration for involvement of Local Governments be included to support the SMDAP decision-making process*
- 5. in principle, the further reduction in the number of panels from five to three is supported, to the extent that this reduces the administrative burden on local governments and enhances consistency of decision making,*
- 6. in principle, the permanent appointment of panel members where this results in consistent decision making is supported as this reduces the potential for conflicts of interest and ensures sound knowledge of DAP processes and procedures,*
- 7. WALGA supports greater transparency around DAP processes and decisions, as community distrust of DAP decision-making is a key area of concern for many local governments.*

*WALGA also supports the introduction of Third-Party Appeal Rights for decisions made by Development Assessment panels (see section 6.4 of this document).*

#### **Background**

The [Planning and Development Amendment Bill 2023](#) (the Bill) was tabled in Parliament in October 2023. The Bill includes various changes to the *Planning and Development Act 2005* focused on increasing housing supply and accelerating the decision-making process.

The Bill, and associated regulations, regulations amendments and guidance documents is the culmination of many key planning reforms initiatives identified by the State Government in the [2019 Action Plan for Reform for Planning Reform](#).

The bill also aligns with the [National Planning Reform Blueprint](#) that was recently agreed by National cabinet and requires states and territory to review their planning system to streamline planning and accelerate housing supply.

The key changes in the Bill include:

- Establishment of a Permanent Significant Development Pathway for the assessment and determination of significant development proposals (\$20 million in metropolitan areas and \$5 million in regional areas).
- Changes to the current DAPs will be implemented through future changes to the Planning and Development (Development Assessment Panels) Regulations 2011 (DAP Regulations).
- All single house applications, including additions (sheds, garages etc), except where heritage is involved, will automatically be delegated to the Local Government administration, removing ability for Council to determine these applications.
- Review of the structure and operation of the WAPC to increase its efficiency and focus on strategic planning.
- Other changes aimed at cutting red tape and streamlining planning processes, including the introduction of Planning Codes and changes to the status of State Planning Policies.

A more detailed summary of the changes with commentary on alignment with WALGA's advocacy positions is attached.

Two consequent amendments to the *Planning and Development (Local Planning Schemes) Regulations 2015* (LPS Regulations) are required to implement changes relating to Planning Codes and Single House delegations and are open for public comment until the 17 November 2023 and the 31 January 2024 respectively.

The changes to the DAP system, including the concept of a 'Special Matters DAP' was publicly consulted on in 2022 and WALGA's submission informed the current advocacy position 6.4 that does not support DAPs in the proposed form and recommended some modifications. In early 2023 the State Government announced modifications to the DAPs and the introduction of a significant development pathway in lieu of the 'Special Matters DAP'.

## Comment

WALGA and Local Governments have been previously consulted on many of the key elements proposed in the Bill through different mechanisms, including formal public consultation as part of the Planning Reform Stage 2 process and targeted consultation with stakeholders through stakeholder reference groups.

The significant development pathway was opposed by WALGA when it was originally introduced on a temporary basis during COVID-19 as it removed Local Government as the decision maker and could ignore Local Planning Schemes. The permanent pathway decisions can still vary local planning frameworks, but the Bill sets out specific circumstances in which this can occur, establishing a clear and transparent framework for WAPC to justify their decision making.

The modifications to the DAPs and the significant development pathway had been announced by the Government earlier this year and were expected as part of this Bill. WALGA has also had a long-held position to oppose DAP system in its current form and the current advocacy position recommends several changes to the DAP system to ensure it operates in an efficient, effective, and transparent way, and where matters of local planning context are adequately considered by decision makers. The retention of Local Government representatives and the removal of the mandatory thresholds making it a completely opt-in pathway aligns with WALGA's recommendations. WALGA will continue to advocate for further improvements to the DAP system consistent with our Advocacy Position.

Changes to Single House delegations have not been previously consulted on but reflects the current level of delegated decision making already in place in most Local Governments. WALGA's Performance Monitoring data demonstrates that the overwhelming majority of development applications across the state are already dealt with under delegation, rather than determined by Council.

**Attachment – WALGA summary of key changes proposed as part of *Planning and Development Amendment Bill 2023* and associated Regulations and Guidelines**

Proposed Changes	Explanation	Comment
<p><b>Permanent Significant Development Pathway</b></p>	<p>A temporary pathway for significant development applications that were assessed by DPLH and determined by WAPC was introduced during COVID-19.</p> <p>The permanent pathway is a refined version of the temporary pathway and is proposed in lieu of the Special Matters DAP' that was publicly consulted on in 2022.</p> <p>The prescribed financial thresholds to opt-in the pathway will be \$20 million for Perth and Peel and \$5 million for regional areas. Proposals not meeting the above criteria may be authorised by the Premier on the recommendation of the Minister for Planning to lodge an application based on their State or regional importance.</p> <p>The pathway retains WAPC as the decision maker and Local Governments will have 60 days to provide comments on applications. Applications subject to 120-day timeframe and include a 28-day public consultation.</p> <p>In its decision making WAPC is not bound by planning framework where:</p> <ul style="list-style-type: none"> <li>• Minor variation to local planning schemes but consistent with other planning policies and strategies,</li> <li>• Local Planning Scheme is not up to date,</li> <li>• Raises issues of state and regional importance and in public interest, and</li> <li>• Other circumstances set out in the Regulations (none currently proposed)</li> </ul>	<p>WALGA has historically opposed the Significant Development Pathway as applications were not bound by local planning frameworks and it eroded the role of Local Government in providing a valuable community perspective on planning proposals.</p> <p>The new permanent pathway still incorporates the ability to ignore local planning frameworks but sets out specific circumstances in which this can occur.</p> <p>Since the State Government announced the permanent pathway in early 2023, WALGA and Local Government officers have been involved in a DPLH Stakeholder Reference Group to provide feedback on the design and operation of the permanent pathway specifically Local Government's role.</p> <p>The introduction of the 60-day Local Government referral timeframe, 28-day public consultation and clear parameters on when local planning frameworks can be varied will provide greater ability for local communities and Local Government to influence planning outcomes.</p> <p>Greater clarity is required on Local Government's role in clearing conditions of development approval and ongoing compliance of approvals. Currently Local Government officers provide significant technical support to DPLH in these areas with no financial compensation. Feedback to this effect was provided to DPLH through WALGA's submission on the Applicant's Guidelines.</p>

	<p>Enforcement and compliance may be undertaken by WAPC or 'normal decision maker' (Local Government)</p> <p>Draft <i>Planning and Development (Significant Development) Regulations 2023</i> and a draft <i>Significant Development Pathway Guide for Applications</i> have been released. DPLH consulted on the Guidelines until 17 November 2023.</p>	
<p><b>DAPs</b></p>	<p>Changes to the current DAPs will be implemented through future changes to the <i>Planning and Development (Development Assessment Panels) Regulations 2011</i> (DAP Regulations)</p> <ul style="list-style-type: none"> <li>○ Reducing the number of panels from five to three.</li> <li>○ Appointing full time, fixed term specialist members and retain a pool of sessional members. Retaining five members on each panel, with two Local Government Members.</li> <li>○ Removal of mandatory thresholds and making the DAP system an opt-in pathway for developments over \$2 million.</li> <li>○ Option for community housing projects to be considered by DAP regardless of size or value.</li> <li>○ Clarification that Responsible Authority Reports are to be submitted by the Chief Executive Officer of the Local Government.</li> </ul> <p>As mentioned above, the 'Special Matters DAP' will not proceed as it is replaced by the permanent significant development pathway.</p>	<p>WALGA's long held position opposes the DAP system in its current form and the current advocacy position recommends several changes to the DAP system to ensure it operates in an efficient, effective, and transparent way, and where matters of local planning context are adequately considered by decision makers.</p> <p>The retention of Local Government representatives and the removal of the mandatory thresholds making it a completely opt-in pathway aligns with WALGA's recommendations.</p> <p>The clarification that Responsible Authority Reports (RAR) need to be submitted by Local Government administration instead of Council will require some Local Governments to review and update their internal processes. There is currently inconsistent practice across the Local Government sector with regards to Council involvement in the approval of RAR.</p> <p>The DAP advocacy position will be reviewed and updated as the position is now outdated, specifically reference to the 'Special Matters DAP' which is been replaced with the significant development pathway.</p>
<p><b>Single House Delegations</b></p>	<p>All single house applications, including additions (sheds, garages etc), except where heritage is involved, will automatically be delegated to the Local Government administration, removing ability for Council to determine these applications.</p>	<p>WALGA's Performance Monitoring Project collects data indicates that 98% of development applications are already determined by Local Government administration under delegation.</p>



	<p>These changes require subsequent modifications to the deemed provisions of the <i>Planning and Development (Local Planning Schemes) Regulations 2015</i> (LPS Regulations) and DPLH are currently seeking comments on these change by 31 January 2024.</p>	<p>Therefore, this amendment will have a negligible impact on most Local Governments and recognises the expertise of Local Government Planners.</p> <p>The Association is currently reviewing the proposed amendments to the LPS Regulations to ensure it is practical and can be easily implemented.</p>
<b>WAPC Reform</b>	<p>Review of the structure and operation of the WAPC to increase transparency, efficiency and enable greater focus on strategic planning matters.</p> <p>The WAPC membership has been reduced from 16 members to 7 – 9 members including at least one Local Government representative.</p>	<p>The current WAPC includes two Local Government representatives, one regional and one metropolitan.</p> <p>While the total number of Local Government representatives on the WAPC will be reduced, the amended WAPC membership will still include adequate Local Government representation.</p> <p>It should be noted that Local Government officers may also be able to serve on the WAPC in their professional capacity in addition to the one Local Government representative.</p>
<b>State Planning Policies (SPPs) and Planning Codes</b>	<p>The 2020 Amendment Act introduced the concept of Planning Codes into the planning framework. The process for creating and amending both Planning Codes and SPPs will be moved from the Act into new regulations. Two new sets of regulations have been prepared that include the processes to prepare, amend and repeal SPPs and Planning Codes.</p> <p>Consequential amendments to the LPS Regulations are required to facilitate these changes and comment on these changes were due to DPLH by 17 November 2023.</p>	<p>Planning Codes are prescriptive policies that will be read into local planning schemes. Currently the Residential Design Codes has been identified as the only Planning Code.</p> <p>The minor amendments to the LPS Regulations are required to integrate Planning Codes into Local Planning Schemes.</p>
<b>Reviewing and Updating Planning Frameworks</b>	<p>New Part introduced which requires the WAPC and Local Governments to review their respective planning frameworks in a 10-year timeframe.</p>	<p>Currently Local Governments are required to review their Local Planning Schemes every 5 years. The new provisions require Local Governments to review local planning instruments every 10 years which is a more reasonable and practical timeframe.</p>



## 9.2 WALGA Emergency Management Survey 2023

By Rachel Armstrong, Senior Policy Advisor, Emergency Management

### WALGA RECOMMENDATION

**That State Council note the update on the WALGA Emergency Management Survey 2023**

### Executive Summary

- WALGA's 2023 Emergency Management Survey was provided to all Local Government CEOs on Monday, 6 November, and will be open until Friday, 1 December 2023.
- Focus areas for the 2023 survey include: resources for emergency management, the Local Government Grants Scheme (LGGs), Community Emergency Services Managers (CESMs), the Commonwealth-State Disaster Recovery Funding Arrangements (DRFA-WA), and the Consolidated Emergency Services legislation, which is currently under development by the State Government.
- The results from the 2023 Survey will support WALGA's emergency management advocacy on 2024-25 State Budget Submission priorities and in the lead up to the 2025 State Government elections.
- A report on the survey results will be provided to State Council in March 2024.

### Background

WALGA undertakes a Local Government emergency management survey every two years, with previous surveys undertaken in 2019 and 2021.

In 2019, WALGA undertook the 'Before, During, After' Local Government emergency management survey. Actions undertaken as a result of the survey feedback include the establishment of a Local Government Emergency Management Network, and development of a new 'Emergency Management for Local Government Leaders' training course.

The 2021 survey aimed to build on the feedback received in the 2019 Survey to inform WALGA's emergency management policy and advocacy on current and emerging matters of importance to the sector, with a specific focus on managing volunteer bushfire brigades. The survey results provided the basis for a review of WALGA's [Emergency Management Advocacy Positions](#) and have enabled us to effectively represent the Local Government sector's interests, including through:

- The State Emergency Management Committee, State Bushfire Advisory Committee, Inter-Agency Bushfire Operations Committee; and
- Representations to Government and policy submissions, including the 2023-24 and 2024-25 WALGA State Budget Submissions.

### Comment

In 2021, 104 Local Governments responded to the Emergency Management Survey. The high response rate meant the survey results provided a robust and reliable evidence base to inform WALGA's advocacy on behalf of the sector. WALGA is seeking to replicate or improve on this response rate in the 2023 survey. The survey results will ensure that WALGA's emergency management advocacy continues to effectively represent the interests of all Western Australian Local Governments.

All Local Governments are strongly encouraged to complete the survey.

## 9.3 WALGA Submission on Aboriginal Cultural Heritage Legislation dated 26 September 2023 and Update

By Hannah Godsave, Senior Policy Advisor Community

### WALGA RECOMMENDATION

That State Council note:

1. The submission to the Department of Lands, Planning and Heritage on the Aboriginal Heritage Legislation Amendment and Repeal Bill Regulations, Consultation Policy and Section 18 Guideline, as endorsed via Flying Minute; and
2. The update on the commencement of the amended *Aboriginal Heritage Act 1972*.

### Executive Summary

- On 8 August 2023 the State Government announced it would repeal the Aboriginal Cultural Heritage Act 2021 (the ACH Act) and restore the Aboriginal Heritage Act 1972 (AH Act), with amendments.
- WALGA engaged with the State Government on the development and implementation of the amended legislation through membership to the DPLH Implementation Group, as well as direct contact with the Minister for Aboriginal Affairs and senior Department officials.
- WALGA provided two submissions to State Government on the Aboriginal Heritage Legislation Amendment and Repeal Bill, including feedback on the draft Regulations, Consultation Policy and Section 18 Guideline.
- The feedback aligns to WALGA's relevant Advocacy Position, previous sector consultations and submissions, and discussions with WALGA's Local Government Aboriginal Heritage Reference Group and People and Place Policy Team.
- WALGA's submission was supportive of the content of the Bill and supporting documents, with the exception of the Fees Regulations.
- WALGA sought, and shared with DPLH, legal advice to give effect to an exemption for Local Government from per site investigation fees.
- State Council endorsed WALGA's submission pertaining to the draft legislation and supporting documents via Flying Minute on 23 September 2023 (RESOLUTION 234.FM/2023).
- The repeal of the ACH Act and commencement of the AH Act as amended will take effect on 15 November 2023.
- Local Government has not been provided with an exemption from per site investigation fees in the Regulations, however DPLH Director General, Anothony Kannis, has agreed to work with WALGA to determine the parameters on Local Government projects that may be eligible for a fee waiver and to provide guidance for works that require approval under Regulation 10 versus Section 18.

### Attachment

- [Flying Minute: Aboriginal Heritage Legislation Amendment and Repeal Bill, Regulations, Consultation Policy and Section 18 Guideline – Submission to the Department of Planning, Lands and Heritage](#)

### Policy Implications

WALGA's submission is consistent with the key principles of **Advocacy Position 3.1.4: Aboriginal Cultural Heritage Act 2021 and South West Native Title Settlement:**

*WALGA supports the introduction of the Aboriginal Cultural Heritage Act 2021 which will provide a modern framework for the recognition, protection, conservation and preservation of Aboriginal cultural heritage and recognises the fundamental importance of Aboriginal cultural heritage to Aboriginal people.*

*The State Government must ensure that:*

- 1. The legislation balances the need to protect Aboriginal cultural heritage with the requirement for Local Government to undertake activities in a timely and affordable manner;*
- 2. The implementation and ongoing operation of the legislative system for the protection of Aboriginal cultural heritage is adequately resourced to ensure that all parties have the capacity, capability and resources to discharge their statutory obligations;*
- 3. Support is provided to Local Governments to ensure that they have the resources, capacity and capability to comply with a complex legislative framework; and*
- 4. Local Governments have the ability to deliver essential infrastructure works and emergency activities efficiently and effectively in order to maintain public safety.*
- 5. Regional local Aboriginal people are actively engaged in the Local Aboriginal Cultural Heritage Services (LACHS) groups; and*
- 6. The various Prescribed Body Corporates (PBCs) be required to actively seek out local regional members to be included in the consultation and decision making process.*

(July 2022 -363.5/2022)

## **Background**

The critical amendments to the AH Act include:

- Greater representation of Aboriginal people on the Aboriginal Cultural Heritage Committee through maintaining the membership created under the 2021 Act;
- Proponents and Native Title parties having the same right of review for Section 18 decisions with clear timeframes and an ability for the Premier to call-in a decision of 'State significance'; and
- A new requirement for a landowner to notify the Minister of any new information arising about any Aboriginal heritage site where a Section 18 approval has been granted.

Through its participation in the DPLH Aboriginal Heritage Implementation Group, WALGA's feedback on the Draft Bill, Regulations and supporting policy and guidance was sought. WALGA's submission recommended:

- That the Section 18 Guideline include a risk matrix to assist proponents, including Local Government, to assess the likelihood of risk to Aboriginal heritage from various activities and determine the appropriate application pathway;
- Guidance be developed on the process and requirements for Regulation 10 approvals in consultation with Local Government and that these approvals are provided in a timely manner to ensure that routine and regular maintenance activities can be undertaken as needed; and
- Local Governments be exempt from site investigation fee for Section 16 and 18 applications.

The submission also restated matters previously raised including the development of an online assessment tool and process map and development of a Local Government Guide to Aboriginal Heritage. Since the announcement of the ACH Act repeal, WALGA has been working with Local and State Government to assist the sector navigate their legislative requirements and ensure the sectors needs and views are reflecting in the amended AH Act.

State Council endorsed WALGA's submission pertaining to the draft legislation and supporting documents via Flying Minute on 23 September 2023 (RESOLUTION 234.FM/2023).

## **Comment**

The repeal of the ACH Act and commencement of the AH Act as amended will take effect on 15 November 2023.

WALGA's advocacy for Local Governments to not be subject to the per site investigation fees as specified in the Regulations was unsuccessful. However the power to waive, reduce or refund fees, or extend the time within which fees can be paid is included in the Regulations, delegated to the Director General of DPLH. The Director General, Anthony Kannis, has committed to work with WALGA to determine the parameters on what types of Local Government projects could be considered eligible for a waiver.



The Director General has also undertaken to provide guidance for works that require approval under Regulation 10 consents versus Section 18. On the 3 November representatives of WALGA's Local Government Aboriginal Heritage Reference Group met with the Registrar of Aboriginal Sites to discuss options for improvement of Regulation 10 processes.

WALGA will continue to advocate for support to build Local Government capacity and capability to comply with Aboriginal Heritage legislation, including monitoring sector costs associated with Section 18 application fees.

## 9.4 Legal Response to the Local Government Approaches to Tree Retention Issues Paper

By Coralie Claudio, Senior Policy Advisor, Planning

### WALGA RECOMMENDATION

That State Council notes the *Legal Response to Local Government Approaches to Tree Retention Issues Paper* prepared by McLeods Lawyers.

### Executive Summary

- The Legal Response to the Local Government Approaches to Tree Retention (2023) provides a certified legal response to questions posed in the March 2023 Issues Paper Local Government Approaches to Tree Retention.
- The legal advice assists Local Governments to understand the existing measures available to retain trees on public (street trees) and private land and the further mechanisms in the planning framework that could be used to Local Government.
- 47 Local Governments have purchased the legal advice from WALGA, with estimated savings of approximately \$1.2 million in legal fees compared to participating Local Government seeking their own advice.
- The legal advice will inform the development of further policy guidance for the sector and advocacy to the State Government on tree retention in the State planning framework.

### Attachment

- [Issues Paper: Local Government Approaches to Tree Retention \(March 2023\)](#)

### Policy Implications

WALGA's existing Advocacy Position 4.6 Urban Forest:

*To promote the growth of Western Australia's urban forest the State Government should:*

1. *Identify a lead agency with responsibility for setting the strategic direction and oversight of urban forest initiatives.*
2. *Provide recurrent funding for a comprehensive and accessible Urban Greening Grant program to support Local Government investment in public realm planting, focusing on high urban heat areas and enhancing biodiversity outcomes.*
3. *In consultation with Local Government:*
  - a. *Develop a state-wide Urban Forest Strategy, based on the overarching principles of a resilient, connected, expanded and equitable urban forest including:*
    - i. *a minimum tree canopy target of 30% by 2040 for the Perth and Peel regions,*
    - ii. *robust and contemporary data to inform decision making,*
    - iii. *funding mechanisms to support growth in urban canopy.*
  - b. *Develop contemporary legislative and policy mechanisms to enable the protection and growth of urban forest, including:*
    - i. *an effective and efficient regulatory mechanism that allows Local Government to consider the removal or alteration of a significant tree as a form of development,*
    - ii. *incentivising the provision and retention of trees on private property within the state planning framework,*
    - iii. *prioritisation of trees and vegetation as a key structural element in the design of new neighbourhoods to facilitate climate resilient and liveable communities,*

- iv. *consideration of public realm design to maximise opportunities for tree retention and new planting consistent with any tree canopy targets.*
4. *Work with Local Government and other stakeholders to increase community awareness and promote behaviour change in relation to urban forest growth and retention to support State and Local Government targets and action.*

## **Background**

The *Legal Response to the Local Government Approaches to Tree Retention (2023)* is certified legal advice responding to questions outlined in the March 2023 *Issues Paper Local Government Approaches to Tree Retention (Issues Paper)*.

The Issues Paper was prepared by WALGA in consultation with the Local Government Urban Forest Working Group (UFWG) Tree Retention Subcommittee. It outlines the key challenges for Local Governments in retaining trees on private land and verges and proposes several hypothetical scenarios based on common situations Local Government experience when they seek to retain trees, as well as other questions relating to additional policy and legislative measures.

The Issues Paper was refined into a series of questions on which legal advice was procured from McLeods Barristers and Solicitors. 47 Local Governments have purchased the advice from WALGA for the nominal sum of \$500. The advice was provided and a briefing session held for officers of participating Local Governments in September 2023.

The advice is general in nature and Local Governments have been advised to consider seeking specific legal advice and assistance to ensure appropriate adaptation of the general advice to specific local circumstances.

## **Comment**

Key findings from the legal advice include:

- The removal of a tree is an activity that falls within the concept of ‘works’;
- Whether or not the works involved in removing a tree amount to a development that requires approval is a matter of fact and degree and is therefore inherently uncertain;
- To remove uncertainty, it would be preferable for the planning framework to stipulate the circumstances in which approval is required to remove a tree. This can be done via scheme or policy provisions;
- There is merit in a tiered system in which the first tier regulates tree damaging activity by requiring development approval, and the second tier provides additional protection for significant trees. Ideally, this should be done via legislative change at State level through the introduction of new deemed provisions or model provisions; and
- The current planning framework does promote the retention of existing trees, but in practice insufficient weight may be given to that objective – particularly in the subdivision process
  - There is scope for Local Governments to advocate for the WAPC to place greater weight on tree retention and improve their policy framework to the same effect.

The legal advice is estimated to have saved the sector approximately \$1.2 million in legal fees had each participating Local Government sought their own independent legal advice. The content and findings are a valuable reference and resource for Local Governments in their planning and decision making related to tree retention.

The current planning framework is lacking guidance on the best practices regulatory and policy mechanisms that can be used to retain trees. Various Local Governments have sought to address this void through different statutory mechanisms including policy and local planning scheme provisions.

WALGA, in consultation with the UFWG, will now develop policy guidance, specifically a model Local Planning Policy for tree retention on private land, to support a consistent approach to how Local Governments action the information in the advice.



WALGA will also continue to advocate to the State Government on tree retention and the importance of this to be considered in the State planning framework, consistent with the endorsed advocacy position.



## 9.5 Flying Minute: Submission to the Review of the Main Roads Pedestrian Crossing Facilities Guidelines

*By Max Bushell, Policy Officer Road Safety and Infrastructure*

### WALGA RECOMMENDATION

**That State Council note:**

- 1. the new Advocacy Position regarding the design and implementation of pedestrian crossings; and**
  - 2. the submission to Main Roads WA on the draft Pedestrian Crossing Facilities Guidelines**
- as endorsed by State Council via Flying Minute.**

### Executive Summary

- Main Roads provided the draft Pedestrian Crossing Facilities Guidelines to WALGA for review and comment.
- Seven overarching principles are proposed to inform revisions to the draft Guidelines document:
  - That planning at the Local Government level be considered in determining where and which crossing types are implemented;
  - That pedestrians must be accommodated with facilities, regardless of vehicle speeds and vehicle volume considerations;
  - That high-quality, pedestrian-priority crossings be considered first rather than last;
  - That lower cost high-quality, pedestrian-priority crossings be considered first, rather than higher cost crossings
  - That the guidelines incorporate a proactive approach, rather than react to pedestrian demand, which is often not present;
  - That the operating speed to implement high-quality, pedestrian-priority crossings be increased, so this is not a barrier to implementing pedestrian crossings;
  - That intersection designs, particularly roundabouts, be included that support pedestrian-priority crossings.
- These principles guide numerous proposed revisions to the text of the draft Guidelines.
- Revisions to the Pedestrian Crossing Facility Guidelines are important to Local Government, as Local Governments maintain most of the path network, have a nuanced understanding of transport in their jurisdiction, and often prepare active transport planning documents that include priority pedestrian networks.
- State Council endorsed the new Advocacy Position and submission via Flying Minute on 11 August. The Advocacy Positions Manual has subsequently been updated and the submission provided to Main Roads.

### Attachments

- [Flying Minute: Submission to the Review of the Main Roads Pedestrian Crossing Facilities Guidelines](#)

### Policy Implications

This submission created a new [Advocacy Position](#), which outlines seven general principles that enable Local Governments to provide pedestrian crossings to support a safe, comfortable, and connected pedestrian network.

### Background

WALGA has been invited by Main Roads WA to review and provide comment on a draft version of the Pedestrian Crossings Facilities Guidelines (the Guidelines) from the Local Government perspective. The current Guidelines were published in 2020. This is part of our standard review

process for Main Roads WA policies that affect Local Governments. Main Roads WA have invited individual Local Governments to make submissions, so this was not duplicated by WALGA.

The Infrastructure Policy Team considered this issue on 28 July 2023 and unanimously supported a recommendation to consider this issue in a State Council Flying Minute. State Council endorsed the principles and submission via Flying Minute on 11 August.

### Comment

The Guidelines provide advice on appropriate types, locations, and treatments for pedestrian crossing facilities and outline the warrants for implementing pedestrian crossing facilities. The stated intent of the Guidelines is to support the provision of facilities for safer, accessible, and convenient pedestrian movements.

WALGA identified elements of the Guidelines that limit the capacity for Local Governments to manage the safe, comfortable, and connected movement of pedestrians, which are outlined in the bullet points below.

- **Planning Documents/Sound Planning:** Local Governments are often responsible for active mobility infrastructure, including the provision of footpaths. The implementation of the pedestrian network of infrastructure elements is often guided by an Integrated Transport Plan, Walk and Ride Plan, or other strategic planning document. No mention is made of Local Government's plans in planning for pedestrians in the Guidelines.
- **Vehicle Volumes/Speed:** The Guidelines, as written, make implementing high-quality pedestrian priority crossing facilities very difficult on roads with higher speeds/higher traffic volumes. However, it is precisely on these roads that such crossing facilities are fundamental to the creation of a safe, comfortable, and connected pedestrian network.
- **Pedestrian Priority:** A cornerstone of delivering a safe, comfortable, and connected pedestrian network is providing crossings with pedestrian priority, i.e. where motorists give way to pedestrians. The Guidelines make it very difficult to implement pedestrian-priority crossings, e.g. zebra/wombat crossings or pedestrian signals, and clearly state that vehicle delay is more important than pedestrian delay.
- **Cost:** Particularly on higher speed or higher volume roads, the Guidelines recommend treatments that are often prohibitively expensive for Local Governments to implement (pedestrian bridges or pedestrian signals). If the Local Government cannot afford the treatment, then pedestrians are not accommodated to cross at all.
- **Retrospective Approach:** Pedestrian demand is a key determinant of the type of crossing that would be proposed or considered. However, without a crossing in place, it is unlikely that pedestrian demand can be demonstrated.
- **Speed Reduction Stipulation:** In order to implement an at-grade pedestrian priority crossing, vehicle speeds must be reduced to 30 km/h or below at that location. This is exceedingly difficult to achieve without substantial cost implications for Local Governments and is particularly difficult to achieve on higher speed roads, making this well-intentioned stipulation a barrier to implementing pedestrian crossings. In addition, Local Governments do not have authority to set speed limits.
- **Crossings at Intersections:** Roundabouts are particularly unfriendly to pedestrians in that vehicles are not required to stop. This guide reinforces vehicular priority at roundabouts. Designs do exist to create roundabouts that are safer and more comfortable for people walking (pedestrian priority), but are not proposed in the Guidelines.

To realise the goals identified in Local Government planning documents (e.g., Integrated Transport Plans, Walk and Ride Plans) of developing a safe, comfortable, and connected pedestrian network, seven principles to inform revisions to the Guidelines are presented below.

These principles align with the following State Strategies/Initiatives:

- Driving Change – Road Safety Strategy for Western Australia – “Community feedback shows widespread support for **traffic calming measures in busy areas** that will prevent collisions with pedestrians and cyclists and **make local communities more people-friendly.**”
- Foundations for a Stronger Tomorrow: State Infrastructure Strategy – Under Tomorrow 2042 - “Fully integrated planning and delivery results in more efficient and flexible connections between transport modes and stimulates and supports greater infill housing development, with **a modal shift towards greater public transport use and active transport.**”
- WA Active Mobility Strategy – “The WA Active Mobility Strategy (AMS) will be an overarching strategic document that outlines **a coordinated approach to increase active mobility in Western Australia.**”
- Your Move: More Ways to Get There – “Your Move is a Department of Transport program that helps **people find alternative, active ways** to get to and from work, school and around their local community.”

### 1. Planning at the Local Government Level

Local Governments have a nuanced understanding of their modal networks. The State Government does not share this micro-level understanding of the local context. These guidelines should acknowledge this expertise and allow sound planning at the Local Government level to inform where and which pedestrian crossing types are implemented.

### 2. Pedestrian Crossings are Essential

High-speed, high-volume roads are the barrier most likely to be encountered by people completing trips on foot across WA. The guidelines should acknowledge that pedestrian crossings are essential regardless of vehicle speed and volume and that not providing a safe crossing is an unacceptable outcome.

### 3. Pedestrian Priority

The Guidelines identify non-priority crossings as the crossings to consider first. However, this type of crossing provides the lowest level of safety and comfort for pedestrians. The guidelines should recommend starting with high-quality, cost-effective, pedestrian-priority crossings in the first instance and recommend only implementing non-priority crossings as a last resort. Pedestrian travel should be given equal weight to vehicular travel. Pedestrian Crossings on roads with heavy vehicles should also be given higher priority toward the implementation of a safe, pedestrian- priority crossings in the Guidelines, based on the risk to the pedestrian.

### 4. Cost

Local Governments are responsible in most instances for the installation and maintenance of active mobility facilities within their jurisdictions. The Guidelines recommend installing pedestrian signals or grade-separated pedestrian crossings under certain circumstances. However, these are often very expensive to construct and maintain. The guidelines should recommend the implementation of lower-cost pedestrian-priority crossings first, rather than high-cost facilities. The Guidelines should also provide guidance on the cost of installing pedestrian crossing facilities and general information on which party may bear the costs.

### 5. Proactive Approach

As vulnerable road users, pedestrians are unlikely to cross in large numbers in areas that are unsafe. The Guidelines should adopt a more proactive approach and acknowledge the value of network planning, instead of responding to pedestrian demand, which will not be present in areas with no crossing facilities. Additionally, a suite of appropriate design options should be provided to fit every situation.

## **6. Speed**

The Guidelines mandate an operating speed reduction to 30 km/h at pedestrian crossings. Most roads in WA are speed zoned at 50 km/h or higher. While this reduction in operating speed is laudable from a safety perspective, this requirement effectively acts as a barrier to implementing pedestrian crossings, due to the difficulty in achieving this reduction without very costly infrastructure improvements and the prevailing high speeds on most roads in WA. Local Governments also do not have the authority to set speed limits.

## **7. Intersections**

Certain infrastructure types, while safer for vehicles, can be very difficult to navigate for pedestrians, particularly roundabouts. The Guidelines should provide designs that accommodate pedestrians with priority at roundabouts to support the creation of a safe, comfortable, and connected pedestrian network.

## 9.6 Flying Minute – Draft Operational Policy 2.3: Planning for Public Open Space

By Coralie Claudio, Senior Policy Advisor, Planning

### WALGA RECOMMENDATION

That State Council note the submission on Draft Operational Policy 2.3 Planning for Public Open Space to the Department of Planning, Lands and Heritage as endorsed by State Council via Flying Minute.

### Executive Summary

- Draft [Operational Policy 2.3 Planning for Public Open Space](#) (draft Policy) released by the Department of Planning, Lands and Heritage (DPLH) will replace *Development Control Policy 2.3 – Public Open Space (DCP 2.3) in Residential Areas* and *Position Statement – Expenditure of Cash in Lieu of Public Open Space* and will supplement the Livable Neighbourhoods policy.
- The draft Policy seeks to retain the minimum 10 per cent POS contribution for greenfield areas and clarifies the circumstances when cash-in-lieu contributions can be charged for infill development and the calculation of the contribution. The draft Policy also provides a greater emphasis on Local Planning Strategies and other higher order planning documents to strategically inform the POS needs of communities.
- WALGA's submission generally supports the draft Policy as it will provide a contemporary update to the current policy framework and sets clear provisions, including clarity and consistency on POS contributions and proposes reasonable reduced contribution amounts for infill development. WALGA recommends further guidance and support from DPLH on the impact of the draft Policy in preparing Local Planning Strategies.
- State Council endorsed the submission via Flying Minute on 21 August and the submission was provided to DPLH on 23 August.

### Attachment

- [WALGA submission on Draft Operational Policy 2.3 Planning for Public Open Space](#)

### Policy Implications

WALGA's submission is consistent with the following WALGA Advocacy Positions:

#### 6.1 Planning Principles

*All legislation and policy that deals with planning and development must:*

- *ensure role clarity and consistency across all legislation controlling development, to avoid confusion of powers and responsibilities,*
- *be easily interpreted by, understood by, and accessible to all sections of the community, and*
- *be amended only with WALGA involvement and/or consultation/involvement with Local Government.*

#### 6.2 Planning Reform

*The Local Government sector supports the underlying principles of planning reform and the continuing focus of streamlining the planning system while ensuring Local Government retains the ability to respond to local context and characteristics through Local Planning Frameworks.*

#### 6.11 Public Open Space

*As public open space is fundamental to lifestyle wellbeing, mental and physical health, Local Government supports the development of new subdivisions that are characterised by a combination of public open space for recreational, sporting or natural purposes, and are distributed for neighbourhood, district and regional use.*

#### **4.6 Urban Forest**

To promote the growth of Western Australia's urban forest the State Government should:

1. Identify a lead agency with responsibility for setting the strategic direction and oversight of urban forest initiatives.
2. Provide recurrent funding for a comprehensive and accessible Urban Greening Grant program to support Local Government investment in public realm planting, focusing on high urban heat areas and enhancing biodiversity outcomes.
3. In consultation with Local Government:
  - a. Develop a state-wide Urban Forest Strategy, based on the overarching principles of a resilient, connected, expanded and equitable urban forest including:
    - i. a minimum tree canopy target of 30% by 2040 for the Perth and Peel regions,
    - ii. robust and contemporary data to inform decision making,
    - iii. funding mechanisms to support growth in urban canopy.
  - b. Develop contemporary legislative and policy mechanisms to enable the protection and growth of urban forest, including:
    - i. an effective and efficient regulatory mechanism that allows Local Government to consider the removal or alteration of a significant tree as a form of development,
    - ii. incentivising the provision and retention of trees on private property within the state planning framework,
    - iii. prioritisation of trees and vegetation as a key structural element in the design of new neighbourhoods to facilitate climate resilient and liveable communities,
    - iv. consideration of public realm design to maximise opportunities for tree retention and new planting consistent with any tree canopy targets.
4. Work with Local Government and other stakeholders to increase community awareness and promote behaviour change in relation to urban forest growth and retention to support State and Local Government targets and action.

#### **Background**

Public Open Space (POS) is fundamental to lifestyle, wellbeing, mental and physical health and accommodates environmental and social features. Local Government has the responsibility to manage most POS across Western Australia and thus has considerable interest in the objectives and policy measures of the draft Policy and how these will impact POS provision, delivery, upgrade and the wider implications on communities from any change in policy.

The current DCP 2.3 establishes the requirement for 10 per cent of the gross subdivisible area to be provided free of cost by the subdivider and circumstances in where cash in lieu of land for open space may be appropriate as governed by provisions in the *Planning and Development Act 2005* (the Act). Cash in lieu requirements generally did not apply to subdivisions of less than 5 lots but can be requested in specific circumstances.

*Position Statement – Expenditure of Cash in Lieu of Public Open Space* (September 2021) provides advice on how to spend cash in lieu contributions in accordance with the Act. The draft Policy will supersede DCP 2.3 and this position statement.

The draft Policy seeks to provide a contemporary framework for planning for POS and has been prepared on the underlying principle that additional residential lots generate additional demand for POS, whether that be in new suburb, or via infill development in established communities. Key elements of the policy include:

- retention of the minimum 10 per cent POS provision in all residential areas to be provided by land or as a cash contribution with the potential to reduce the contribution amount in infill suburbs as existing POS is already provided and caters for some of the community's needs;
- greater emphasis on the role of Local Planning Strategies in identifying community needs for POS in terms of land provision, facilities and distribution, including opportunities for upgrades to existing POS. This is not restricted to just residential areas as demand for POS can also occur in other areas; and



- in absence of strategic planning framework setting reduced default contribution amounts for infill development, specifically five per cent contribution for all infill residential subdivision, excluding two lot subdivisions.

The [development and housing industries](#) have been critical of the draft Policy, specifically raising concerns with the impact on housing affordability due to POS contributions for infill development. On 26 June, the Minister for Planning, Hon. John Carey MLA [announced](#) that “no new changes to the Public Open Space policy will be introduced that halt or create price increases to infill developments”. Minister Carey also announced interim measures to revoke Local Government delegations on any applications of public open space contributions for built strata applications in the Perth metropolitan area and the south-west.

WALGA has previously advocated on issues relating to POS provision and prepared [Background Paper: Public Open Space in Residential Areas](#) in 2023 to inform the review of DCP 2.3. As outlined in the paper, WALGA’s *Advocacy Position 6.11 Public Open Space* hasn’t been reviewed since 2010. While this position is still applicable a revised advocacy position has been drafted and will be considered by State Council and is included as a matter for decision in this agenda.

### **Comment**

The release of the draft Policy was generally welcomed, as it provides a contemporary update to the current DCP 2.3. The draft Policy sets clear provisions, including greater clarity and consistency around the circumstances when POS contributions can be charged and the contribution amount for infill development.

DPLH has proactively engaged with the Local Government sector, with WALGA hosting officers from DPLH for a POS workshop attended by over 30 Local Governments in July 2022 to inform the provisions of the draft Policy. Following the release of the draft Policy WALGA again hosted officers from DPLH for an online Local Government Information Session on 28 June 2023 where feedback was provided to WALGA through an interactive session.

WALGA’s submission generally supports the provisions of the draft Policy, as it retains the ability to collect POS contributions for infill developments, albeit at a reduced rate. These funds are critical to providing sufficient POS for local communities.

WALGA also supports the greater emphasis placed on strategic planning, specifically Local Planning Strategies, to strategically identify the POS needs for local communities. However, the submission recommends assistance in the form of guidance documents and funding from the State Government to facilitate the preparation and processing of these complex documents.

The public comment period closed on Friday, 25 August. The People and Place Policy Team endorsed the submission at its meeting on 9 August. State Council endorsed the submission via Flying Minute on 21 August. The Submission was provided to DPLH on 23 August.



## 9.7 Flying Minute – Submission on Independent Review of Commonwealth Disaster Funding Arrangements

By Rachel Armstrong Senior Policy Advisor Emergency Management

### WALGA RECOMMENDATION

That State Council note WALGA's Submission to the *Independent Review of Commonwealth Disaster Funding Arrangements* as endorsed by State Council via Flying Minute.

### Executive Summary

- The Federal Minister for Emergency Management has commissioned an [Independent Review of Commonwealth Disaster Funding](#) (the Review), led by Andrew Colvin AO.
- The Review will consider how Commonwealth arrangements for disaster funding can be optimized, following the significant government financial support provided to communities over the last three years in response to disasters.
- WALGA's submission to the Independent Review on Commonwealth Disaster Funding was endorsed by the State Council via flying minute in August 2023.
- The final report on the Independent Review of Commonwealth Disaster Funding is expected to be provided to Government in April 2024.

### Attachment

- [Independent Review of Commonwealth Disaster Funding Submission](#)

### Background

The Independent Review of Commonwealth Disaster Funding is examining all Commonwealth disaster funding to ensure it supports a system that is effective and fit-for-purpose given the increasing frequency and severity of natural disasters. It is also considering how government investment in disaster risk reduction, preparedness, response and recovery can better support a national system that makes our communities safer and builds resilience to natural disasters.

The Review is considering how Commonwealth disaster funding measures can be redefined and enhanced to:

- complement and support state and territory arrangements and programs,
- proactively improve resilience and promote disaster risk reduction to constrain growing recovery costs, and
- deliver a system that is effective, responsive, equitable, and accessible.

### Comment

Both Commonwealth and State Government policy identify Local Government as a key player in community disaster resilience, preparedness and response. Commonwealth disaster funding, including through the Commonwealth - State Disaster Recovery Funding Arrangements (DRFA) and other programs such as the Disaster Ready Fund, is critical to enable Local Governments to fulfill their emergency management responsibilities.

WALGA's submission addresses the five questions posed in the request for public submissions, and is intended to be read in conjunction with individual submissions received from WA Local Governments. The submission highlights several areas for improvement so that Commonwealth Disaster Funding better meets the needs to the Western Australian Local Government Sector, including:

- Implementation of the findings of the Royal Commission into National Natural Disaster Arrangements, in relation to recovery services and funding assistance.
- Considering the Commonwealth – State Disaster Recovery Funding Arrangements (DRFA):
  - Incorporating betterment funding;

- Streamlining administration, approvals and evidentiary requirements;
- Providing additional resources, training and support to Local Governments for DRFA administration;
- Reducing the amount of time it takes to reimburse for recovery works;
- Ensuring flexibility of the DRFA to meet local needs; and
- Providing for equity between jurisdictions.
- Considering other Commonwealth disaster funding, such as the Disaster Ready Fund, which provides grants for natural disaster resilience and risk reduction projects:
  - Building a sustainable grant funding model that enables Local Governments to discharge their Emergency Management responsibilities;
  - Increasing the amount of grant funding available to Western Australian Local Governments and revising the co-contribution requirements;
  - Increasing the support available to Local Governments to develop grant ready projects and submit successful applications by funding dedicated project officer positions; and
  - Streamlining Commonwealth Disaster Funding communication and administration and ensuring that application timeframes consider Local Government budget requirements and the impact of the high threat bushfire season.

WALGA's submission to the Independent Review on Commonwealth Disaster Funding was endorsed by the State Council via flying minute in August 2023.

The final report on the Independent Review of Commonwealth Disaster Funding is expected to be provided to Government in April 2024.

## 9.8 Flying Minute – Objection to the 2023 WA Electoral Distribution Commission Proposed Boundaries

By Kathy Robertson, Manager Association and Corporate Governance

### WALGA RECOMMENDATION

That WALGA's objection to the 2023 Western Australian Distribution Commission's proposed boundaries as endorsed via Flying Minute be noted.

### Executive Summary

- In July, the WA Electoral Commission published their proposed electoral boundaries to be used at the next State election in 2025.
- A key proposal from the Commissioners is to amalgamate two non-metropolitan districts.
- Objections to the proposed boundaries could be submitted to the Commissioners up until 21 August.
- Based on existing advocacy positions as well as discussions with State Council at the August Information Forum, the Association drafted an objection on behalf of Local Government Members.
- The objection primarily focused on the impact of reduced political representation for non-metropolitan communities, and asks for increased resourcing for regional electorate offices, particularly those in districts of large geographical size.
- State Council endorsed the submission by way of Flying Minute on 16 August.

### Attachment

- [Objection to the 2023 WA Electoral Distribution Commission Proposed Boundaries](#)

### Policy Implications

The objection aligns with relevant WALGA [Advocacy Positions](#), namely:

#### **2.4.7 Regional, Rural and Remote Representation**

*The Local Government sector recognises the importance of political representation for rural and regional Western Australia.*

#### **2.7 Whole State Electorate**

*In relation to electing members of the Legislative Council, the Local Government sector:*

1. *supports the retention of a regional system; and*
2. *opposes the introduction of a whole state electorate option.*

#### **2.4.5 Legislative Council Member Allowances – Regional Representation**

*Additional allowances should be provided to Members of the Legislative Council provided they have a staffed office in a non-metropolitan location to ensure a regional presence of Parliamentarians.*

### Background

In July, the WA Electoral Commission published their proposed electoral boundaries to be used at the next State election in 2025. The [Electoral Distribution Commissioners' Explanatory Statement](#) lays out the proposed boundaries and explains the approach taken by the Commissioners.

The *Constitutional and Electoral Legislation Amendment (Electoral Equality) Act 2021* requires the Commissioners to calculate the appropriate number of electors in each of the 59 Legislative Assembly districts. The proposed boundaries are based primarily on the distribution of electors within the state. The Commissioners may consider other factors, including community of interest, land use patterns

and existing Local Government boundaries, however elector numbers is the paramount consideration.

The key proposal from the Commissioners is to amalgamate two non-metropolitan districts to allow the creation of a new metropolitan district. This was based on a number of factors, including:

- a high rate of population growth in the expanding northern, eastern and southern areas of the greater Perth region;
- an ongoing trend of elector population within the metropolitan area growing at a significantly faster rate than the elector population located outside the metropolitan area; and
- population reports forecasting the continuation of the above growth trends.

Objections to the proposed boundaries could be submitted to the Commissioners on or before 21 August.

### **Comment**

WALGA President Cr Karen Chappel discussed the possibility of submitting an objection with State Council at an Information Forum on 2 August. There was general support from State Councillors for the Association to prepare an objection on behalf of Members, with regards to the proposal to reduce the number of non-metropolitan Legislative Assembly districts by one.

The draft objection was shaped by WALGA's existing advocacy positions, the Association's previous submission to the Ministerial Expert Committee on Electoral Reform back in 2021, and comments from State Councillors at the August Information Forum.

The focus of the objection was the proposal to amalgamate two non-metropolitan districts and thereby reduce the political representation for regional communities in WA at the State level.

The objection also called for increased resourcing for regional electorate offices, particularly those located in districts covering vast distances.

State Council endorsed the submission via Flying Minute on 16 August, and the submission was subsequently submitted to the Commissioners on 21 August.

## 9.9 Flying Minute: Submission on the Exposure Draft of the Recycling and Waste Reduction (Export – Paper and Cardboard) Rules 2023

By Rebecca Brown, Manager Waste and Environment

### WALGA RECOMMENDATION

That State Council note the Submission on the Department of Climate Change, Energy, the Environment and Water (DCCEEW)'s Exposure Draft of the Recycling and Waste Reduction (Export - Paper and Cardboard) Rules 2023 as endorsed by State Council via Flying Minute.

### Executive Summary

- Western Australia currently relies heavily on export of paper and cardboard for recycling due to the lack of processing infrastructure within the State.
- The draft Rules provide conditions for export including being recyclers being licenced, providing export declarations and meeting strict contamination limits.
- Material Recovery Facility (MRF) operators have expressed concern over meeting the new requirements with their existing infrastructure and resources.
- If paper and cardboard, which represent just over 50% of the material in the kerbside bin, cannot be exported, or requires significantly more processing prior to export, the impact on the cost of kerbside recycling will be significant.
- On the basis of these risks and the lack of processing infrastructure in the State, WALGA strongly recommends an exemption be granted for WA exports of paper and cardboard a minimum of six months before the bans come into effect and will continue advocating for effective product stewardship for the materials covered by the Export Bans.
- State Council endorsed the Submission via Flying Minute on 21 September.

### Attachment

- [Flying Minute – Submission on the Exposure Draft of the Recycling and Waste Reduction \(Export – Paper and Cardboard\) Rules 2023](#)

### Background

The Department of Climate Change, Energy, the Environment and Water has released the Exposure Draft of the Recycling and Waste Reduction (Export – Paper and Cardboard) Rules 2023. These Rules will complete the Government's commitment to implement Export Bans on glass, plastic, tyres and paper and cardboard.

In Western Australia export is the primary way recycling has been undertaken, with the most [recent data](#) (2020/21) showing the vast majority of paper and cardboard is exported. In 2020/21, data from the Material Recovery Facilities showed that of what was collected through kerbside recycling, 54% was paper and cardboard (13% Old News Print, 22% mixed paper/cardboard and 19% cardboard and paper packaging).

As was identified in the Export Ban Regulation Impact Statement, there is limited processing and manufacturing in WA; until this changes export remains a key market for material collected. In 2021, \$30 million in State and Federal Government funding was announced towards a 100,000 tonne waste paper and cardboard facility, which has not yet been constructed. The Government has recently announced an additional infrastructure funding for secondary paper and cardboard sorting infrastructure to upgrade fibre quality.

The Rules provide conditions for the export licences for paper and cardboard and set the conditions that the holder of an export licence must meet to export the material. This includes being licenced and providing the Minister with an export declaration for each consignment and contamination rates.

## Comment

WALGA's Submission was informed by feedback from Material Recovery Facility (MRF) operators and industry groups. MRF operators have indicated the timeframe for introduction of the ban is not adequate to consider infrastructure upgrades or amendments which would assist in meeting the new targets, or to establish safeguards for potential stockpiling of material in the absence of viable processing options.

WA is heavily dependent on export markets to recycle paper and cardboard. The Draft Rules provide for a certain level of contamination, but the additional requirements of the Draft Rules such as licenses for export mean a higher degree of control, and increased regulatory requirements, for material exported.

Feedback from MRFs indicates that paper and cardboard exported from Western Australia is at present subject to strict industry regulation, with requirements set in place by destination markets enforced through regular inspection of loads for export. MRF operators consider that the level of regulation in the current export market is at an appropriate level of maturity to meet quality requirements, and further regulation would be an unnecessary strain on resources.

If paper and cardboard, which represent over 50% of the material in the kerbside bin, cannot be exported, or require significantly more processing prior to export, the impact on the cost of kerbside recycling will be significant.

For the Export Ban to be successful, the necessary conditions include:

- Effective product stewardship for paper and cardboard to:
  - Reduce the amount of unnecessary paper and cardboard produced
  - Generate markets for recycled content
  - Ensure producers contribute to the costs associated with recycling their products at end of life.
- An exemption be granted to export material from Western Australia until processing infrastructure is in place, with the exemption in place six months before the implementation of the ban.
- Processing infrastructure in place in Western Australia to ensure that the material collected through kerbside recycling can meet the contamination levels required by the Rules.
- Contingency planning conditions be established to allow the Minister to grant timely exemptions in the event of recycling infrastructure failure due to natural disaster, fire, or financial instability.

The submission was considered and endorsed by MWAC via Flying Minute, before being endorsed by State Council via Flying Minute on 21 September.

## 9.10 Flying Minute: Submission on National Asbestos Strategic Plan

*By Rebecca Brown, Manager Waste and Environment*

### WALGA RECOMMENDATION

**That State Council note the Submission on the Draft Asbestos National Strategic Plan (2024-2030) as endorsed via Flying Minute.**

### Executive Summary

- The Asbestos Safety and Eradication Agency (ASEA) has released the Draft Asbestos National Strategic Plan (2024-2030) for comment by 13 October. WALGA's request for an extension to this deadline was refused.
- The Plan documents the national priorities for action in relation to asbestos management and identifies the roles and responsibilities of Government and Regulators, including Local Government, in implementing the Plan.
- WALGA's Submission was developed in consultation with other Local Government Associations and national discussions with Local Governments across Australia.
- WALGA's submission generally supports the draft Plan, but recommends further clarification be provided on resourcing, responsibilities, performance measures and targets for the plan to be effectively implemented.
- The Submission was endorsed by State Council via Flying Minute on 12 October 2023 and was provided to ASEA on 13 October 2023.

### Attachment

- [Flying Minute: Submission on National Asbestos Strategic Plan](#)

### Background

The Asbestos Safety and Eradication Agency (ASEA) was established in 2013 to administer the [Asbestos National Strategic Plan](#) (Draft ASNP). The third phase of which is now out for consultation. The aim of the Strategic Plan is to eliminate asbestos related diseases in Australia by preventing exposure to asbestos fibres. The Plan is delivered by Government and regulatory agencies, who are signatories to the Plan, taking action to improve asbestos management. Phase three of the Strategic Plan key priorities are:

- Accurate identification and consistent assessment of asbestos
- Proactive management and removal
- Safe and effective transport and disposal
- International collaboration and leadership.

ASEA has highlighted the changing conditions in relation to asbestos includes increases in emergency events and asbestos related impacts and the aging of asbestos infrastructure which leads to greater risk.

### Comment

WALGA has actively engaged with ASEA to ensure that role of Local Government is appropriately recognised. Local Government has the following roles in relation to asbestos:

- Maintaining asbestos in Local Government assets
- Work health and safety for Local Government workers and volunteers
- Local planning and development
- Community engagement and education
- Illegal dumping response
- Emergency preparedness response and recovery



- Some Local Governments and Regional Councils provide disposal options for their communities.

WALGA's submission generally supports the Plan but recommends:

- Amending the ANSP to include the anticipated timeframe, status and responsibility for delivering actions.
- Including commentary on the current rates of asbestos compliance, illegal dumping and illegal imports, to provide a baseline.
- Ensuring sufficient resources are available to ensure the Plan can be implemented.
- Provide further clarification in the document regarding the roles and responsibilities for all stakeholders and particularly the role that Local Government plays in emergency preparedness, response and recovery.

The Local Government Association of NSW coordinated a Local Government consultation session on the Draft ANSP which was attended by over 30 Local Governments/Local Government Association from across Australia, including Western Australia. This consultation highlighted the need for resourcing for Local Governments to assist with emergency event preparation, response and recovery.

WALGA's request for an extension to the Submission timeframe was refused. The submission was endorsed by the Environment and Waste Policy Team on 3 October and by State Council via Flying Minute on 12 October 2023. The submission was provided to ASEA on 13 October 2023.

## 9.11 Flying Minute: Draft Code of Practice for On-Site Wastewater Disposal

By Rebecca Brown, Manager Waste and Environment

### WALGA RECOMMENDATION

**That State Council note the Submission on the Draft Code of Practice for On-Site Wastewater Disposal in Western Australia 2023, as endorsed via Flying Minute.**

### Executive Summary

- The Department of Health (DoH) is consulting on a Draft Code of Practice for on-site wastewater disposal.
- Local Government has a key role in approving the installation and construction of wastewater disposal systems, including Local Government Authorised Officers (Environmental Health Officers (EHOs)) reviewing all stages of the approval process and ensuring compliance.
- WALGA's submission includes the concerns expressed by the EHOs, as those officers currently implementing the approval/regulatory system, and the impact on cost and complexity in regional and remote areas.
- The WALGA Submission also identifies opportunities to streamline some of the proposed processes and that further resourcing and clarification is needed for successful implementation.
- The Submission was endorsed by State Council via Flying Minute on 12 October 2023 and was provided to DoH on 13 October 2023.
- A copy of the submission is attached.

### Attachment

- [Flying Minute: Draft Code of Practice for On-site Wastewater Disposal](#)

### Background

DoH has developed a [Draft Code of Practice for On-site Wastewater Disposal in Western Australia 2023](#) (Draft Code). Local Government has a key role in approving the installation and construction of these systems. Local Governments have Authorised Officers responsible for reviewing all stages of the approval process, including ensuring compliance with the Draft code and other relevant guidelines and standards.

The Draft Code does not cover all the regulatory approvals and identifies some of the other relevant Guidelines/Codes, such as those relating to Wastewater Recycling and management or disposal of trade waste. The Draft Code only applies to individual lots. For a subdivision an alternative pathway is required. The Draft Code applies to new systems and changes to existing systems made after the Code has commenced.

### Comment

Local Government EHOs have expressed concerns about the adoption, through the Draft Code, of the Australian/New Zealand Standard for the design, installation and operation of on-site wastewater systems on individual lots. The Department of Health intends, by taking this approach, to align with the WA planning framework which includes this standard for unsewered developments and allow for industry innovation. EHO concerns are that this approach will complicate and increase costs, compared to the current system, which is operating efficiently. These concerns, and detailed comments, are covered in a separate submission by the WA Principal EHO Network.

The WALGA Submission includes the concerns expressed by the EHOs, as those officers currently implementing the approval/regulatory system, and emphasises the impact on costs and complexity in regional and remote areas. The WALGA Submission also identifies:

- The opportunity for to streamline the process if the Authorised Officer is able to waive the site and soil evaluation in circumstances where an assessment has already occurred some circumstances.
- That sufficient resourcing of the Department of Health website, as the main resource for key information, is essential to ensure timely application assessment by Local Government.
- There are mechanisms for cost recovery and appropriate penalties.
- There is also need for the Department of Health to provide further clarification on the requirements for the various professional/activities listed in the Draft Code.

The submission requests that these concerns are addressed prior the Code being implemented, and that DoH considers the scope for flexibility in the Code's application for regional and remote areas as appropriate.

The Submission was endorsed by the Environment and Waste Policy Team on Tuesday 3 October and by State Council via Flying Minute on 12 October 2023.

The submission was provided to the Department of Health on 13 October 2022.

## 9.12 Flying Minute – 2024-25 WALGA State Budget Submission

By Dana Mason, Manager Economics

### WALGA RECOMMENDATION

**That State Council note WALGA's 2024-25 State Budget Submission as endorsed by State Council via Flying Minute.**

### Executive Summary

- Each year, WALGA prepares a submission to the State Government outlining the sector's priorities for the upcoming budget.
- Given the 2024-25 Budget will be the last before the State election and the State's financial position is strong, WALGA is seeking funding for a wider range of initiatives than in previous years.
- WALGA's 2024-25 State Budget Submission was endorsed by the State Council via Flying Minute in October 2023.
- A copy of the final submission is attached, along with the Flying Minute.

### Attachment

- [Flying Minute: 2024-25 WALGA State Budget Submission](#)

### Background

Each year, WALGA prepares a submission to the State Government outlining the sector's priorities for the upcoming budget.

WALGA's submission in advance of the 2024-25 Budget sets out initiatives that the Local Government sector considers to be priority areas of spending. These initiatives are consistent with the sector's aspirations to enhance community wellbeing and enable economic prosperity, and seek to contribute towards the following important outcomes:

- Making our roads safer
- Community Infrastructure that meets the needs of a growing population
- Taking action on climate change
- Accelerating the transition to a circular economy
- Communities that are prepared for, and resilient to, disasters
- Improved services
- Better governance and oversight

Details on the specific funding asks can be found in the full submission attached. The Submission was provided to the State Council for endorsement via Flying Minute in October. The submission was endorsed with minor amendments.

### Comment

The State Budget Submission is an important opportunity to put forward priority issues for Local Governments and demonstrate the sector's willingness to work collaboratively with the State Government. Now that the submission has been endorsed by State Council, it will be provided to the State Government for consideration in early November. An advocacy and communications strategy for the submission is also being prepared. WALGA will undertake advocacy linked to the key milestones associated with the State Government's process for developing the Budget and target a range of audiences, including the Minister for Local Government, Premier/Treasurer, key members of the Expenditure Review Committee, other relevant Ministers and heads of agencies.

There will also be traditional and digital media promotion of the key initiatives included in the submission.

## 10. ORGANISATIONAL REPORTS

### 10.1 Key Activity Reports

#### 10.1.1 Report on Key Activities, Advocacy Portfolio

By Jamie Wilkinson, Acting Executive Manager Advocacy

#### RECOMMENDATION

**That State Council note the Key Activity Report from the Advocacy Portfolio for December 2023.**

The Advocacy Portfolio comprises the following work units:

- Marketing
- Communications
- Media
- Member Engagement
- Government Relations
- Events

The following outlines the activities of the Advocacy Portfolio since the last State Council meeting.

#### 2023 WALGA Local Government Convention

The 2023 WALGA Local Government Convention brought together more than 500 Elected Members and Local Government staff from across Western Australia. Under the theme of 'Local Futures', the event offered an unparalleled opportunity for networking and professional development, and to celebrate the Local Government sector.

WA Premier the Hon. Roger Cook MLA, Transport Minister the Hon. Rita Saffioti, Peter Woronzow from Main Roads, WALGA President Cr Karen Chappel and WALGA Chief Executive Officer Nick Sloan, signed the sixth iteration of a five-year, \$1.38 billion Roads Funding Agreement between WALGA and the Department of Transport.

As well as keynote, guest and plenary speakers, this year's Convention also featured an outdoor Supplier Showcase, the Exhibition Showcase, WALGA-hosted supporting events and networking opportunities, including the Mayors and Presidents Forum, Welcome Drinks and Local Government Awards, Heads of Agencies Breakfast, the WALGA Annual General Meeting, Gala Cocktail Function and Convention Breakfast with keynote speaker Michelle Payne.



The WALGA Local Government Convention was held on Sunday, 17 September to Wednesday, 20 September at Crown, sponsored by LGIS, Civic Legal, the Department of Local Government, Sport and Cultural Industries and GovernmentFrameworks.com. WALGA's largest event requires significant work from the Advocacy team and a cohort of staff from across the organisation.

## **Media Engagement August/September/October**

### **Local Government Election Campaign and Elections**

For the first time, WALGA was involved in a partnership with communications staff from the WAEC and the Department for Local Government, Sport and Culture (DLGSC) that promoted candidate nominations and voter engagement through paid and earned media, advertising and social media placement.

While many Councils ran their own promotional campaigns using DLGSC and WAEC resources, WALGA organised information and media interviews with President Chappel throughout the campaign.

As of 31 October, searches on the Local Government Elections through media monitoring revealed 259 separate press, TV, online and radio articles, since 1 September.

Most of the editorial and news coverage appeared in the West, ABC Radio, 6PR, and in community newspapers.<sup>9</sup>

WALGA hosted a Candidate webinar on 14 August, while WALGA's Governance staff officers Tony Brown, Emma Heys, Lyn Fogg and James McGovern provided presentations at 15 Candidate Information Briefings involving 21 Local Governments from 8 August to 14 September.

The Local Government elections remain as one of WALGA's highest profile and most media-covered events, every two years.

### **Other media**

As well as election interviews, interviews with President Chappel were mentioned in 57 separate news and editorial articles. These were mostly on proposed state government changes on planning reforms around medium density housing codes, the provision of social housing, AirBnB policy, and changes to single-dwelling approval processes. President Chappel also spoke to ABC National radio on the removal of banking services from regional towns.

The main outlets were The West (6), ABC Radio National/Perth/regional/online (30), GWN 7 (4), Channel 9 (7) and community and regional newspapers (8).<sup>10</sup>

From August to end of October, WALGA Communications published and distributed ten separate Media Releases, which are also placed on the WALGA website.

Communications also distributed 14 electronic editions of LG Direct, compiled and published the WALGA Annual Report, and published the July/August edition of Western Councillor, distributed in hard copy to all Member Councils.

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<sup>9</sup> Source: MyMedia

<sup>10</sup> Source: MyMedia

## 10.1.2 Report on Key Activities, Infrastructure Portfolio

By Ian Duncan, Executive Manager Infrastructure

### RECOMMENDATION

**That State Council note the Key Activity Report from the Infrastructure Portfolio for December 2023.**

*The Infrastructure Portfolio comprises the following work units:*

- Roads
- Funding
- Urban and Regional Transport
- Utilities
- Road Safety

The following outlines the activities of the Infrastructure Portfolio since the last State Council meeting.

### Roads

#### **Local Government Transport and Roads Research and Innovation Program (LGTRRIP)**

WALGA has published the first of a series of LGTRRIP projects, in collaboration with Main Roads WA and the National Transport Research Organisation. The projects address the selection of low-cost road safety improvements, considerations for sealing Local Government Roads and the selection of sustainable road construction practices. A further four projects have commenced, and these will address the use of crumbed rubber modified bitumen's and reclaimed asphalt products in asphalt and sprayed seal applications, design and construction guidance for the use of crushed recycled concrete and a catalogue of typical pavement structures for local roads.

#### **Update of User Guides for calculating the cost of road wear for defined freight tasks**

Due to recent escalation in road construction costs, WALGA has initiated an update of the unit rates that are used to underpin the methodologies in the User Guides for calculating the cost of road wear for defined freight tasks on sealed and unsealed roads. WALGA will use the data collected in the upcoming unit rates survey by the Grants Commission to determine the appropriate rates for the guides.

#### **Condition Assessment of Roads of Regional Significance**

Proposals to conduct the condition assessment work in the South West region of WA have been received by the WALGA Infrastructure Team and are currently undergoing internal evaluation. The winning proposal is expected to be announced in November 2023 with a likely project commencement date in December/January.

#### **Road Rail Interface Agreements**

Rail Interface Agreements are a requirement under the Rail Safety National Law (WA) Act 2015. A model pro forma agreement between Local Governments and Arc Infrastructure is nearing the end of negotiations and should be available for Local Government review and action soon. This agreement updates various elements of the existing agreements, particularly adding clarification on types of works and the responsibilities of both parties. As soon as this is complete, WALGA will liaise with each affected Local Government to provide advice around the new agreement.



## Funding

### **State Road Funds to Local Government Agreement 2023/24 – 2027/28**

Working groups have been established to progress implementation of the commitments made in the agreement in relation to:

1. Increasing application of the Safe System approach to the local road network
2. Employment of Aboriginal people; and
3. Use of recycled materials in road construction and maintenance.

Terms of Reference have been prepared and WALGA is in the process of recruiting senior officers with expertise in each area to participate with further membership to be added in the new year.

### **Multi-Criteria Assessment (MCA) Model Revisions**

Work continues to harmonise the MCA models used by Regional Road Groups to prioritise project proposals for funding under the Road Project Grant funding pool. The proposed changes reflect the new focus areas of the State Roads Funds to Local Governments Agreement, while still allowing for flexibility to recognise the significant differences between regions. The review processes for each region have commenced with the intent of delivering a new model over the course of 2024.

### **Business Case for Safety Improvement to High Speed Sealed Local Government Roads**

The proposed investment by Federal and State Governments to improve the level of safety provided to users of high speed, sealed Local Government roads in peri-urban and rural areas has been included in the State Budget submission and an advocacy program is being developed in conjunction with program partner the RAC.

## Utilities

### **Underground Power**

Energy Policy WA has provided Guidelines for the new Targeted Underground Power Program to the Minister for Energy for approval. The guidelines were drafted in consultation with the steering committee comprising representatives from State Treasury, Energy Policy WA, Western Power and WALGA.

The steering committee is now considering the template Co-funding Agreement based on input from Local Governments potentially involved in the first tranche of projects, Western Power and Energy Policy WA. Local Governments that will be offered projects in the second tranche have now been informed by Western Power so these can be considered. In response to requests from Local Governments Western Power has agreed to publish a map showing the general sequence of areas that will be considered for underground power which will support their long-term planning. This map will be included on the WALGA website.

### **Bus Stop Infrastructure**

The partnership agreement between WALGA and the Public Transport Authority (PTA), which defines the roles and responsibilities for planning, installation and maintenance of bus stop infrastructure, has recently expired. In preparation for considering the form and scope of a new agreement, meetings with Local Governments that have PTA bus services have been conducted to review how the agreement has worked, difficulties encountered, matters that require clarification and suggestions for any new agreement. This is on-going with the view to engaging with the PTA in coming months.

### **Active Transport Reference Group**

The scope and terms of reference of the Local Government Cycling Reference Group have been broadened to include all human-powered transport modes and e-mobility devices such as e-Scooters. The re-invigorated Active Transport Reference Group will meet in mid-December 2023.

## Road Safety

### **LG Stars: Road Safety Ratings for Local Government Roads Tool**

The LG Stars tool is now complete and available for Local Governments to use. Including both a paper version and online application, the tool provides an easy-to-use, cost-effective, and repeatable method for assessing the safety of Local Government roads. Ultimately, the tool will support the inclusion of road safety considerations in long-term works programs and investment decisions, while providing a baseline assessment of the safety of the Local Government road network. More information about the tool and access to the paper and online versions can be found here: <https://www.roadwise.asn.au/local-government/lgstars.aspx>.

### **Road Safety Council Update**

The [Annual Report on Council Activities 2022-23](#) was reviewed and approved at the September meeting of the Road Safety Council (the Council). That report was tabled in Parliament, by the Minister for Road Safety on 11 October

At the September meeting, the Council also discussed: the development of the next Driving Change Action Plan, evaluation of Road Trauma Trust Account funded programs, unregistered vehicles and unlicensed motorists. WALGA presented the *LG Stars Safety Ratings Tool for Local Government Roads*.

### 10.1.3 Report on Key Activities, Member Services Portfolio

By Tony Brown, Executive Director Member Services

#### RECOMMENDATION

**That State Council note the Key Activity Report from the Member Services Portfolio for December 2023.**

*The Member Services Portfolio comprises the following work units:*

- Association and Corporate Governance
- Commercial Contract Services
- Commercial Development
- Commercial Management
- Employee Relations
- Governance and Procurement
- Training

The following outlines the activities of the Member Services Portfolio since the last State Council meeting.

#### Association and Corporate Governance

##### Constitutional amendments

In March 2022, State Council commissioned the Best Practice Governance Review with the appointment of a Steering Committee.

Following an extensive research and consultation process, the Steering Committee recommended an alternative governance model, which would result in the retention of State Council and Zones and the creation of a Board, with most members elected from and by State Council. In March 2023, State Council resolved to seek further feedback from Members on the proposed model. Key concerns raised by Members during this process related to representation at Board level, particularly the potential for representational imbalances and the appointment of independent members, including a suggestion that independent members would be more likely to be metropolitan based.

Considering this feedback, a special majority of State Council endorsed two sets of constitutional amendments at the July meeting:

1. One set proposing a new Constitution that would give effect to an alternative governance structure; and
2. The second set proposing amendments to the current Constitution, but otherwise maintaining the existing governance structure.

Both sets of constitutional amendments were considered by Members at the 2023 WALGA Annual General Meeting (AGM) on 18 September. Both proposals were defeated. As a result, the current [Constitution](#) remains in place with no change.

#### Commercial

##### Preferred Supplier Program (PSP) Development

WALGA has recently contracted 12 new suppliers to its PSP's across multiple categories with further tenders currently under evaluation.

In particular new Suppliers have been added to the traffic management category to provide additional capacity due to a previous supplier being placed into administration.

A new Leisure Equipment category for PSP005 Leisure, Cultural and Community Services is currently being implemented.

Tenders will shortly be released for additional suppliers to the Construction and Built Environments contract.

As new PSP contracts are implemented updates are made to both eQuotes and the [WALGA Preferred Supplier Directory](#).

New categories of supply are currently being developed under WALGA's Professional Services PSP for HR Services and Organisational and Workforce Services, and for Architectural Services.

A full list of the [WALGA PSP panels and associated categories](#) is available on the WALGA website. Members seeking to have suppliers invited to Tender for the WALGA Preferred Supplier Program should email [commercial@walga.asn.au](mailto:commercial@walga.asn.au) with their requests.

### **Sustainable Energy Project**

The WALGA Sustainable Energy Project formally commenced on 1 April 2022 delivering aggregate energy purchases to 48 WALGA Members. Following six completed quarters of the project the total estimated cost savings are approximately \$16 million and Carbon Offsets total approximately 49,900 tonnes. There has been a substantial increase in the retail cost of electricity since the commencement of the project. The WALGA rates are only fixed until March 2025 and this will heavily impact the future cost of energy following the term of the initial contract. WALGA has drafted a strategy for evolving future phases of the project which will be shortly formalised following Member engagement.

### **EV charging infrastructure**

A Request For Information (RFI) process has been concluded to recommend suitably experienced and capable charging station products and management software to Local Governments participating in the ARENA Future Fuels Project. Seven models of charging stations and the ChargeHub software has been recommended through the process, all with aggregate purchase discounts achieved.

## **Employee Relations**

### **WA Industrial Relations Commission applications**

WALGA ER has been representing the sector in a number of applications regarding the State awards in the WA Industrial Relations Commission (WAIRC). These matters include the following:

- Application FBM 1 of 2023 – WALGA intervened in this matter on behalf of the sector. The resulting decision in [City of Cockburn v WASU and others 2023 WAIRC 00787](#) was favourable for Local Governments as it provides clarity about the interaction of awards and agreements, it confirms individual flexibility arrangement clauses are not enforceable and it clearly outlines what the Commission must consider when registering an industrial agreement.
- Applications APPL 26 and 27 of 2023 – Regarding the review of the Local Government Officers' (Western Australia) Award 2021 and the Municipal Employees (Western Australia) Award 2021. WALGA attended a hearing on 15 September for this matter. This decision resulted in the Commission retaining a number of facilitative clauses in the State awards which will assist Local Government employers and employees agree on work arrangements to suit individual employee circumstances.
- Applications APPL 3 and 4 of 2023 – WALGA is responding to claims from the Western Australian Services Union for additional entitlements in the Local Government Officers' (Western Australia) Award 2021 and the Municipal Employees (Western Australia) Award 2021.

### **Changes to long service leave**

The Department of Local Government, Sport and Cultural Industries have proposed changes to the *Local Government (Long Service Leave) Regulations*. WALGA ER has reviewed the proposed regulations from a technical perspective and sought feedback from the sector through a survey earlier

this year and through direct emails and phone calls. If the *Local Government (Long Service Leave) Regulations* are successfully amended this year, the proposed commencement date is 1 July 2024.

### **Webinar – Workplace investigations**

WALGA ER delivered a webinar on Managing Workplace Investigations on 25 October 2023 which attracted 96 registrants.

### **New ER training courses**

From 12 December 2023, changes to the *Sex Discrimination Act 1984* (Cth) will impose on employers, including Local Governments, a positive duty to prevent sexual harassment and sex-based harassment in the workplace. The Australian Human Rights Commission will also be granted new powers to investigate compliance with this positive duty without necessarily receiving a complaint. To coincide with the changes to the legislation the ER team launched two new three-hour training courses.

The first course is titled Prevent Sexual Harassment & Psychosocial Hazards in the Workplace (Senior Leaders' Workshop). This course covers the legal obligations on employers and employees in relation to sexual harassment and sex-based harassment, the overlap with the obligations to deal with psychosocial risks under workplace health and safety obligations, and practical ways to educate, inform and empower your employees and your leaders to reduce sexual harassment and inappropriate behaviour in your workplace.

The second course is titled Active Bystanders (Train the Trainer) – For HR and Managers. This course will provide HR staff and managers with the information to train their team to understand what an active bystander is and why they are important, legal obligations on employers and employees in relation to sexual harassment and sex-based harassment, what is bullying and the legal implications in your workplace, and different roles active bystanders can play before, during and after an incident.

## **Governance and Procurement**

### **2023 Local Government Elections**

Voter turnout for the 2023 Local Government election was 31.6%, which was an increase on the 2021 election which was 30.20%, which saw an increase of 1.4%

The reforms to the *Local Government Act*, including changes to wards, Councillor numbers and popularly elected Mayors/Presidents has seen a reduction in Councillor numbers from 1213 to 1137. There will be a further decrease in Elected Members at the 2025 elections.

Of the current elected members, 40% are female and 60% male.

## **Training**

WALGA Training has met with all WALGA Trainers who deliver Council Member Essentials training to quality check and confirm the content for all modules.

Since the last report, the Training area has worked hard to continue with the updates to meet the Local Government Reform changes. For our face-to-face courses, all learning resources are ready on time for our first intake in on 13 November. For the eLearning development, 3 modules are fully completed, Understanding Financial Reports and Budgets and Serving on Council is currently being finalised.

Across all our courses but in particular for Council Member Essentials we are currently receiving high volumes of enrolments.

The highlight over the past few weeks has been that we have enrolled 12 students including the four Scholarship students into the Diploma of Local Government – Elected Member course for the upcoming November intake.

## 10.1.4 Report on Key Activities, Policy Portfolio

By Nicole Matthews, Executive Manager Policy

### RECOMMENDATION

**That State Council note the Key Activity Report from the Policy Portfolio for December 2023.**

*The Policy Portfolio comprises the following work units:*

- *Economics*
- *Environment and Waste*
- *Planning and Building*
- *Resilient Communities*

The following outlines the activities of the Policy Portfolio since the last State Council meeting.

### Economics

#### State Budget Submission

WALGA's State Budget Submission, endorsed by State Council in October has been finalised. The Submission will be provided to the Premier/Treasurer, Local Government Minister, Leader of the Opposition, relevant Ministers, Heads of Agencies, and industry groups.

#### Engagement with Small Business Development Corporation

WALGA met with the SBDC to discuss how to assist Local Governments to access resources that enable them to support their local small businesses. WALGA and SBDC also discussed opportunities for SBDC and the sector to continue to work together for the benefit of communities and their small business sector.

#### JTSI Engagements

WALGA has been supporting the Department of Jobs, Tourism, Science and Innovation in consulting with the sector on the development of a new International Education Strategy for Western Australia. WALGA has also been engaging with JTSI and the Department of Premier and Cabinet on a Housing Options study.

### Environment and Waste

#### Natural Resource Management Grants

Nearly \$250,000 in funding has been awarded to Local Government to undertake ecological assessments of Local Government managed lands, development of Local Biodiversity Strategies and development and adoption of local planning policies on native vegetation and biodiversity. Local Governments who were successful in the first round of funding included City of Albany, Shire of Augusta-Margaret River, Avon Regional Organisation of Council (Shires of Toodyay and Victoria Plains), Shire of Donnybrook-Balingup, Shire of Harvey, City of Bunbury, Shire of Esperance, Shire of Manjimup, Shire of Northam and Shire of Serpentine-Jarrahdale.

WALGA has opened a second round of funding, with [application](#) due Friday 8 December 2023.

#### Electric Vehicles

WALGA made its final presentation to the ARENA Board on Thursday, 2 November regarding the aggregated funding application for Local Government charging infrastructure and is now awaiting for formal notification regarding the outcomes of the presentation.

WALGA, working with Horizon Power, Energy Policy WA and MoJo Car Share has assisted Local Governments, and other key stakeholders in the great northern region to try out an Electric Vehicle.



## Planning and Building

### Planning Showcase

WALGA successfully held the 2023 Local Government Planning Showcase on Tuesday, 19 September 2023. Over 140 Local Government Planners, State Government and Industry representatives attended to hear from our expert speakers on new planning practices, policies and projects, from across the state. Following presentations from a variety of Local Government planners and experts, the 2023 Planning Showcase was then closed with a Discussion Panel regarding Local Government Reflections on Planning Reform.

### Environmentally Sustainable Design Session

WALGA held the Environmentally Sustainable Design (ESD) Forum on Tuesday, 26 September 2023. The purpose of the ESD Forum was to hear from speakers from various Local Governments and agencies across the state to discuss ESD provisions and projects which they have adopted. This meeting was attended by over 50 people, with presentations from Local Government officers and consultants from the following agencies:

- National Australia Built Environment Rating System (NABERS) presented on the ESD training they have prepared for Local Government officers.
- Northern Aspects Consulting presented on the new National Construction Codes 2022.
- The Shire of Augusta-Margaret River presented on their new energy requirements under Local Planning Scheme No.2; and
- The Shire of Serpentine-Jarrahdale presented on their updated compliance documentation requirements.

### CoastWA Training Series

WALGA partnered with the Department of Planning, Lands and Heritage and Department of Transport to deliver a CoastWA Training Series which aims to improve Local Governments understanding of coastal hazard risk management and adaptation planning. Three modules (Coastal processes, Coastal protection works, Benefit distribution analysis) were delivered during July and August and are now available online. Future modules of the CoastWA training series will be delivered in early 2024.

## Resilient Communities

### ***Emergency Management***

#### State Emergency Management Committee

The State Emergency Management Committee (SEMC) met on 4 October attended by WALGA CEO Nick Sloan. SEMC Communiques are available [here](#). SEMC is currently consulting on two policy documents:

- [Philanthropic Engagement Framework for Emergency Management](#), closing 8 December (see draft submission in items for noting)
- [State Hazard Plan Crash Emergency](#), closing 24 November.

The SEMC has released a [Local Emergency Management Committee \(LEMC\) Handbook](#) for use by Local Governments. The Handbook provides a summary of the WA emergency management arrangements, key roles, and responsibilities, and best practice advice for the administration of LEMC.

Other updates to the State Emergency Management Arrangements include:

- [State Support Plan – Emergency Relief and Support](#) (formerly State Support Plan - Emergency Welfare)
- [State Hazard Plan – Search and Rescue](#)

#### Emergency Management Survey

The 2023 WALGA Local Government Emergency Management Survey commenced in November. Data from the survey will inform WALGA's advocacy, including the development of the 2024-25 State



Budget and pre-election submissions. A key focus is on gathering information to bolster the argument for a long-term sustainable approach to funding Local Governments to fulfill their emergency management responsibilities.

#### Map of Bushfire Prone Areas

DFES is currently consulting on a [draft map for Bushfire Prone Areas](#), closing on 15 December 2023. The revised Map has enhanced accuracy and has identified suburbs that may pose lower bushfire risk due to being significantly developed. Bush Fire Prone Areas have been revised to reflect changes to on-ground vegetation and the updated Mapping Standard for Bush Fire Prone Areas. The draft Map also introduces new categories to describe bushfire risk.

#### Bushfire Risk Planning Coordinator Hosting

WALGA is currently hosting a Bushfire Risk Planning Coordinator (BRPC), Sarah Conlin, under a grant agreement with DFES. Sarah will be working with a number of Local Governments (LGs) at different stages of the development / finalisation of their Bushfire Risk Management Plans until 30 June 2024.

#### LEMC/DEMC Review

In May 2022, SEMC approved a review of the Local Emergency Management Committee (LEMC) and District Emergency Management Committee (DEMC) functions and governance. In July 2023, WALGA was engaged by DFES to act in an advisory role and promote the ways that Local Governments could input into LEMC and DEMC Review. WALGA developed a LEMC and DEMC Issues Paper based on input that emerged out of the LEMA Review consultation with Local Government to inform the review process and recommendations. Independent consultants delivered a series of focus groups in August with Local Government and LEMC representatives to obtain local level feedback. Findings from the LEMC and DEMC review will be presented to SEMC in December 2023. WALGA will seek further feedback on the LEMC and DEMC Review Outcomes and Recommendations when they become available.

### **Community**

#### 2023 Local Government Primary Healthcare Services Survey.

WALGA is working with Rural Health West (RHW) to explore joint advocacy opportunities to address the increasing need for Local Governments to support the provision of primary healthcare services, particularly in regional areas. To establish an evidence-base, WALGA commissioned RHW to undertake a survey of all Western Australian Local Governments to ascertain the extent of funding and support provided by Local Governments to primary healthcare services. The survey built on the previous 2018 survey by expanded the scope of questions beyond General Practice to a range of primary healthcare services. The survey closed in early September, with 105 Local Governments responding (75%). Initial survey results include:

- 53% of non-metro Local Governments respondents are supporting GP services at a total cost just under \$7.8 million
- Across the State, respondent Local Governments collectively spent \$15.9 million supporting primary health services in FY2021-22.
- 50% of metro Local Government respondents are also supporting one or more primary healthcare services.
- 86% of respondents are willing to engage with WALGA further on this issue.

#### Most Accessible Community Awards (MACWA)

The MACWA awards is an annual opportunity for Local Governments to showcase their commitment to inclusive and accessible communities. Nominations are now closed with WALGA being one of six panel members judging the nominations.

WALGA is continuing its collaborative partnership with the Department of Communities and the Regional Capital Alliance (awards facilitator) to improve the Awards by lifting its profile and increasing Local Government participation. WALGA will be hosting the Awards ceremony on the 13 December 2023. Further details will be announced in the coming weeks.

### WALGA's Aboriginal Engagement Forum

WALGA has begun planning for the next Aboriginal Engagement Forum, which will be hosted on Wednesday 20 March 2024 at Fraser's in Kings Park. The Forum embraces the principles of reconciliation and seeks to empower and build the capacity of Indigenous and non-Indigenous people to achieve better practice policy, programs, and service delivery in Local Government. WALGA is currently finalising the theme for the 2024 event and will begin promoting the event before the end of the year.

### Early Years

WALGA continues to partner with the Department of Communities (DoC) to deliver its Attraction and Retention Packages for regional childcare workers grant program. The purpose of this program is to provide funding to regional Local Governments to support early childhood education and care (ECEC) services. The grant program is part of the State Government's \$5.1 million commitment to improving support to the ECEC sector in regional WA via the 2021 Election Commitment. Round three of the program will be launch in early 2024 and WALGA will continue to be a panel member to support the evaluation of the applications.

DoC have also recently opened an expression of interest process to identify an organisation, or organisations, to present and potentially implement innovative proposals for new models and initiatives to support the early childhood education and care sector across regional WA, including family day care. The process closes on Friday 3 November and WALGA will be a panel member to review and assess responses.

### Local Government Guide to Multiculturalism

The Office of Multicultural Interests (OMI) is reviewing and updating its 2010 publication *Implementing the Principles of Multiculturalism Locally*. The resource aims to assist WA Local Governments to integrate multicultural initiatives into their planning, reporting processes and service delivery. To support the review process WALGA (alongside other Local Government representative) is a member of OMI's reference group established to provide feedback into the process. This work will ensure the framework takes into consideration current priorities and meets Local Government needs.

### Child Safe Organisations

WALGA is working with the West Australian Council of Social Services (WACOSS) to facilitate the inclusion of regional Local Governments in workshops on building organisational capacity for Child Safe Organisations. The project aims to support small, medium and regional organisations implement the National Principles for Child Safe Organisations and is grant funded by the Department of Communities. WALGA has identified the opportunity to share the workshop with Local Governments and increase the reach of the workshops through Local Government connections. Working with partners such as WACOSS and SportWest on capacity building provides opportunities to demonstrate the need for Local Government specific support.

### Mental Health and Wellbeing Support Resource for Local Government

WALGA is co-hosting a consultation webinar with the Mental Health Commission on 8 November seeking feedback on the development of support resources to assist Local Governments with Public Health planning. The work is part of a wider suite of projects around supporting Public Health planning for mental health issues including illicit drug use.

### Working with Local Governments to end Homelessness Event.

WALGA co-hosted a half-day event exploring the role of Local Governments in the movement to end homelessness with ShelterWA in September. The event provided participants with an introduction to practical ideas that Local Governments can adapt and apply to respond to homelessness and included a panel discussion with Local Government representatives. The event had 42 participants of which 28 were Local Government representatives.

## STATUS REPORT ON STATE COUNCIL RESOLUTIONS To the December 2023 State Council Meeting

MEETING	RESOLUTION	COMMENT	Completion Date	Officer Responsible
<p><b>13 September 2023</b></p> <p><b>Item 7.1</b></p> <p>Local Emergency Management Arrangements (LEMA) Advocacy Position</p>	<p>That WALGA endorse the following position on Local Emergency Management Arrangements (LEMA):</p> <ol style="list-style-type: none"> <li>1. The State Government should fund the implementation of the Local Emergency Management Arrangements (LEMA) Improvement Plan endorsed by the State Emergency Management Committee (SEMC).</li> <li>2. A reformed LEMA system should:               <ol style="list-style-type: none"> <li>a) Clearly articulate the roles and responsibilities of Local Governments in emergency management;</li> <li>b) Simplify the reporting processes and reduce the administrative burden of maintaining compliance;</li> <li>c) Provide a suite of scalable tools and guidance materials that are accessible through an online knowledge hub;</li> <li>d) Build the emergency management capacity and capability of Local Governments through the provision of targeted training, exercising support, human resources and sustainable funding;</li> <li>e) Assist Local Governments to continue to deliver their core business activities and provide public information during an emergency event;</li> <li>f) Improve the connectivity of Local Governments' various risk management and hazard planning processes through an integrated approach; and</li> <li>g) Enable resource sharing and collaboration across the Local Government sector.</li> </ol> </li> </ol> <p>RESOLUTION 484.4/2023</p>	<p>The <a href="#">Advocacy Positions Manual</a> has been updated to insert new advocacy position 8.11 Local Emergency Management Arrangements (LEMA).</p>	<p>Complete</p>	<p>Nicole Matthews Executive Manager Policy</p>

MEETING	RESOLUTION	COMMENT	Completion Date	Officer Responsible
<p><b>13 September 2023</b>  <b>Item 7.2</b>            Advocacy Position on Road Works during Total Fire Ban</p>	<p>That WALGA endorse the following principles in relation to the exemptions and conditions under which road works may be undertaken during a Total Fire Ban:</p> <ol style="list-style-type: none"> <li>1. Road Activity Tiers: That there be a tiered risk approach for road work activities and associated controls, based on the proposed activities and fire danger forecast.</li> <li>2. Local Government operations: That any controls specified in regulations to provide effective risk mitigation and response be able to be implemented within the works crew deployed for the task.</li> <li>3. Reduce Red Tape: That the processes where repeated notification to DFES for the same task at the same location is required be streamlined.</li> </ol> <p>RESOLUTION 485.4/2023</p>	<p>The <a href="#">Advocacy Positions Manual</a> has been updated to insert new advocacy position 5.2.12 Road Works during Total Fire Ban.</p> <p>Feedback is now being sought from stakeholders on a proposal to remove most of the regulations concerning roadworks during Total Fire Bans, retaining:</p> <ol style="list-style-type: none"> <li>1. 'road work' as a prescribed activity (r.24Y) meaning that Local Governments can do work during a Total Fire Ban;</li> <li>2. Requirement to stop all road works if there is both a Total Fire Ban and Catastrophic Fire Danger Rating (r.24ZA); and</li> <li>3. Notify DFES of the work (r.24ZB)</li> </ol> <p>The onus falls on the Local Government to ensure fire safety provisions based on the work area and work activities are sufficient to prevent a fire during a Total Fire Ban.</p> <p>It is likely that the existing regulations remain in place for the 2023/24 fire season.</p>	<p>March 2024</p>	<p>Ian Duncan            Executive Manager            Infrastructure</p>
<p><b>13 September 2023</b>  <b>Item 8.5</b>            Municipal Waste Advisory Council (MWAC) Report</p>	<p>That State Council:</p> <ol style="list-style-type: none"> <li>1. rescind Advocacy Position 7.5 Waste Management Data Collection and accompanying Policy Statement; and</li> <li>2. note the resolutions of the 28 June 2023 Municipal Waste Advisory Council Meeting.</li> </ol> <p>RESOLUTION 494.4/2023</p>	<p>The <a href="#">Advocacy Positions Manual</a> has been updated to remove Advocacy Position 7.5 Waste Management Data Collection.</p>	<p>Complete</p>	<p>Nicole Matthews            Executive Manager            Policy</p>

MEETING	RESOLUTION	COMMENT	Completion Date	Officer Responsible
<b>5 July 2023</b> <b>Item 7.6</b> Amendments to WALGA's Constitution	That State Council endorse putting two items to the 2023 Annual General Meeting that: <ol style="list-style-type: none"> <li>1. considers a new Constitution to give effect to the alternate governance model as per the attached, subject to amending clause 2 in respect to the definition of "Special Majority" by inserting the words "the Board or of" after the words "in relation to" and inserting the words "the Board Members or" after the words "comprising enough of" and amending clause 32 as per the following:               <ol style="list-style-type: none"> <li>a. Replace "An Absolute" with "A Special"; and</li> <li>b. Insert the word "Special" before majority and delete "of not less than 75%"; and</li> </ol> </li> <li>2. amend the Constitution to retain the current governance model with necessary changes, as per the attached mark-up.</li> </ol> RESOLUTION 466.3/2023	Both constitution amendments considered at the 2023 Annual General Meeting were lost. The alternate model constitution was lost and the second motion proposing amendments with minor changes to the current constitution was lost for lack of a Special Majority.	Completed	Tony Brown Executive Director Member Services
<b>3 May 2023</b> <b>Item 7.5</b> State Road Funds to Local Government Agreement 2023/24 to 2027/28	That the State Roads Funds to Local Government Agreement 2023/24 – 2027/28 be endorsed.  RESOLUTION 443.2/2023	The State Roads Funds to Local Government Agreement 2023/24 – 2027/28 was signed on 18 September 2023.	Completed	Ian Duncan Executive Manager Infrastructure
<b>1 March 2023</b> <b>Item 7.4</b> Submission on Draft Guideline Minimising Noise Impact from Outdoor Community Basketball Facilities	That WALGA: <ol style="list-style-type: none"> <li>1. Note that the Environment Minister has withdrawn the Draft Guideline: Minimising noise impact from outdoor community basketball.</li> <li>2. Write to the Ministers for Environment, Local Government, Sport and Planning requesting the formation of a cross Government working group, including relevant representative bodies, to consider and develop solutions to balance urban density and infill, public recreation and noise management.</li> </ol> RESOLUTION 422.1/2023	Correspondence has been sent, and several follow up phone calls made to the Ministers Office, awaiting a response.	Ongoing	Nicole Matthews Executive Manager Policy

MEETING	RESOLUTION	COMMENT	Completion Date	Officer Responsible
<p><b>7 December 2022</b>  <b>Item 5.1</b>            2022 Annual General Meeting Resolutions</p>	<p>The following resolutions from the 2022 WALGA Annual General Meeting be referred to the relevant Policy Team for further work to be undertaken:            ...</p> <p>3.1 Road Traffic Issues  <i>That WALGA advocate on behalf of the local government sector to the State Government and in particular, Main Roads, to increase importance and weight given to local knowledge and input regarding road traffic issues including requests for speed reduction, intersection treatments and overall preventative and traffic safety measures.</i></p> <p>RESOLUTION 394.8/2022</p>	<p>The Infrastructure Policy Team resolved:  <i>That efforts to increase the importance given to Local Government knowledge regarding traffic issues be deferred for consideration in mid-2023 after a clear Local Government advocacy position on speed management is developed and endorsed.</i></p> <p>This matter is central to the new Speed Management Policy adopted by State Council in May 2023. Implementation strategy being considered.</p>	<p>Ongoing</p>	<p>Ian Duncan            Executive Manager Infrastructure</p>
<p><b>7 December 2022</b>  <b>Item 5.1</b>            2022 Annual General Meeting Resolutions</p>	<p>The following resolutions from the 2022 WALGA Annual General Meeting be referred to the relevant Policy Team for further work to be undertaken:            ...</p> <p>3.2 Car Parking and Traffic Congestion Around Schools  <i>That WALGA engages with the State Government on behalf of Local Government to review issues associated with car parking and traffic congestion around school sites including but not limited to:</i></p> <ol style="list-style-type: none"> <li>1. <i>Reviewing car parking standards for schools;</i></li> <li>2. <i>Ensuring sufficient land is set aside for the provision of parking on school sites;</i></li> <li>3. <i>Reviewing the co-location of schools to avoid issues being exacerbated;</i></li> <li>4. <i>Restricting school access from major roads;</i></li> <li>5. <i>Developing plans to enable schools to manage school traffic;</i></li> <li>6. <i>Develop programs to educate drivers; and</i></li> <li>7. <i>Develop options and implement initiatives to encourage alternative modes of transport to school.</i></li> </ol> <p>RESOLUTION 394.8/2022</p>	<p>The Infrastructure Policy Team resolved:  <i>That WALGA uses its role at the Safe Active Travel to School Working Group to advocate for these outcomes and provide advice back to the Local Government sector.</i></p>	<p>Ongoing</p>	<p>Ian Duncan            Executive Manager Infrastructure</p>



MEETING	RESOLUTION	COMMENT	Completion Date	Officer Responsible
<p><b>7 December 2022</b> <b>Item 5.1</b> 2022 Annual General Meeting Resolutions</p>	<p>The following resolutions from the 2022 WALGA Annual General Meeting be referred to the relevant Policy Team for further work to be undertaken:</p> <p>3.3 Proposal for Regional Road Maintenance Contracts with Main Roads WA <i>That WALGA assist Local Governments and work with the Hon Minister Rita Saffioti to introduce a similar program that is currently in play in Queensland and introduce a sole invitee Program for Local Governments to engage in a Road Maintenance Performance Contract with Main Roads WA.</i></p> <p>RESOLUTION 394.8/2022</p>	<p>The Infrastructure Policy Team resolved:</p> <p><i>That the opportunities and interest in contracting Local Governments to undertake maintenance and minor works on the State road network be explored in discussion with Main Roads WA.</i></p>	<p>Ongoing</p>	<p>Ian Duncan Executive Manager Infrastructure</p>
<p><b>7 December 2022</b> <b>Item 5.1</b> 2022 Annual General Meeting Resolutions</p>	<p>The following resolutions from the 2022 WALGA Annual General Meeting be referred to the relevant Policy Team for further work to be undertaken:</p> <p>...</p> <p>3.4 Northern Australia Beef Roads Program <i>That WALGA work with the Hon Madeleine King MP Minister for Resources and Minister for Northern Australia to make Beef Road Funding available to all Australian Local Governments north and south, or establish a Southern Australia Beef Road Funding Program to allow for equitable support across Australia's beef and agriculture industries.</i></p> <p>RESOLUTION 394.8/2022</p>	<p>The Infrastructure Policy Team resolved:</p> <p><i>That the Association write to the Goldfields Esperance Regional Road Group identifying the issue raised and invite them to consider whether they may partner with other organizations such as Meat and Livestock Australia, the Pastoral and Graziers Association and the Regional Development Commission and RDA to develop a business case to fund roads critical to the southern pastoral beef industry.</i></p>	<p>Ongoing</p>	<p>Ian Duncan Executive Manager Infrastructure</p>
<p><b>1 December 2021</b> <b>Item 5.3</b> 2021 Annual General Meeting</p>	<p>That the following resolutions from the 2021 WALGA Annual General Meeting be endorsed for action:</p> <p>Cost of Regional Development <i>That WALGA makes urgent representation to the State Government to address the high cost of development in regional areas for both residential and industrial land, including the prohibitive cost of utilities headworks, which has led to market failure in many regional towns.</i></p> <p>...</p> <p>RESOLUTION 294.7/2021</p>	<p>In March the State Government announced the establishment of a new Infrastructure Development Fund that includes a stream to support the delivery of regional worker accommodation with applications open until September 2024. This is an infrastructure investment program to address infrastructure constraints in the water, wastewater and electricity network at a precinct or strategic site scale impacting the delivery of regional worker accommodation. Full details can be found <a href="#">here</a>.</p>	<p>Ongoing</p>	<p>Ian Duncan Executive Manager Infrastructure</p>



MEETING	RESOLUTION	COMMENT	Completion Date	Officer Responsible
<p><b>3 September 2021</b>  <b>Item 6.1</b>            Stop Puppy Farming Legislation</p>	<ol style="list-style-type: none"> <li>1. That the update on the Dog Amendment (Stop Puppy Farming) Bill 2021 be noted.</li> <li>2. That:               <ol style="list-style-type: none"> <li>a. any additional costs incurred by a Local Government in administering the Dog Act be paid by the State Government; and</li> <li>b. the Fees and Charges set in Regulations are reviewed bi-annually and at minimum, be adjusted by the Local Government Cost Index.</li> </ol> </li> </ol> <p>RESOLUTION 275.5/2021</p>	<p>The Department of Local Government, Sport and Cultural Industries recently released a consultation paper in August 2023, seeking Local Government feedback on the formulation of regulations relating to the Stop Puppy Farming amendments to the Dog Act 1976.</p> <p>The feedback from Local Government will inform:</p> <ul style="list-style-type: none"> <li>• Development of draft regulations;</li> <li>• Specifications and functionality of the centralised dog and cat registration system (CRS); and</li> <li>• Resources needed by local government to implement and enforce the legislative requirements of the Stop Puppy Farming legislations.</li> </ul> <p>The Department of Local Government, Sport and Cultural Industries has engaged consultants to review the fees and charges that Local Governments can apply. When this work is complete a further update will be provided.</p>	<p>Ongoing</p>	<p>Tony Brown            Executive Director            Member Services</p>