



State Council Meeting

Agenda

5 December 2018

NOTICE OF MEETING

Meeting No.7 of 2018 of the Western Australian Local Government Association State Council to be held at WALGA, 170 Railway Parade, West Leederville in the Boardroom on Wednesday 5 December 2018, to commence at 4pm.

1. ATTENDANCE, APOLOGIES & ANNOUNCEMENTS

1.1 Attendance

Members	President of WALGA Deputy President of WALGA, North Metropolitan Zone Avon-Midland Country Zone Central Country Zone Central Metropolitan Zone Central Metropolitan Zone East Metropolitan Zone East Metropolitan Zone Gascoyne Country Zone Goldfields Esperance Country Zone Great Eastern Country Zone Great Southern Country Zone Kimberley Country Zone Murchison Country Zone North Metropolitan Zone North Metropolitan Zone Northern Country Zone Peel Country Zone Pilbara Country Zone South East Metropolitan Zone South East Metropolitan Zone South Metropolitan Zone South Metropolitan Zone South Metropolitan Zone South West Country Zone	President Cr Lynne Craigie -Chair Mayor Tracey Roberts Cr Jan Court JP President Cr Phillip Blight Cr Jenna Ledgerwood Cr Paul Kelly Cr Brooke O'Donnell Cr Giorgia Johnson (Deputy) President Cr Cheryl Cowell President Cr Malcolm Cullen President Cr Stephen Strange President Cr Keith House JP Cr Chris Mitchell JP Cr Les Price Cr Giovanni Italiano JP Cr Russ Fishwick JP President Cr Karen Chappel President Cr Michelle Rich President Cr Kerry White Cr Julie Brown Cr Brian Oliver Mayor Logan Howlett JP Cr Doug Thompson Mayor Carol Adams President Cr Tony Dean
Ex-Officio	Local Government Professionals (WA) Commissioner, City of Perth	Mr Ian Cowie Mr Eric Lumsden
Guests	Minister for Local Government, Heritage, Culture and Arts	Hon David Templeman MLA
Secretariat	Chief Executive Officer Deputy Chief Executive Officer EM Environment & Waste EM Governance & Organisational Services EM Finance & Marketing EM People and Place EM Infrastructure EM Business Solutions Manager Strategy and Association Governance Manager Governance Executive Officer Governance	Ms Ricky Burges Mr Wayne Scheggia Mr Mark Batty Mr Tony Brown Mr Zac Donovan Ms Jo Burges Mr Ian Duncan Mr John Filippone Mr Tim Lane Mr James McGovern Ms Margaret Degebrodt
1.2 Apologies	East Metropolitan Zone	Cr Kate Driver

1.3 Announcements

The Hon David Templeman MLA, Minister for Local Government, Heritage, Culture and the Arts will address the State Council meeting.

2. MINUTES

Recommendation

2.1 Minutes of Ordinary Meeting 7 September 2018

That the Minutes of the Western Australian Local Government Association (WALGA) State Council meeting held on 7 September 2018 be confirmed as a true and correct record of proceedings.

2.2 Minutes of Flying Minute – 29 October 2018

That the Flying Minute decision dated 29 October 2018 be confirmed as true and correct.

3. DECLARATIONS OF INTEREST

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

4. EMERGING ISSUES

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

5. MATTERS FOR DECISION

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

6. MATTERS FOR NOTING / INFORMATION

- As per matters listed.

7. ORGANISATIONAL REPORTS

7.1 Key Activity Report

- 7.1.1 Environment and Waste
- 7.1.2 Governance and Organisational Services
- 7.1.3 Infrastructure
- 7.1.4 People and Place

7.2 Policy Forum Reports

- 7.2.1 Policy Forum Reports

7.3 President's Report

Recommendation

That the President's Report for December 2018 be received.

7.4 CEO's Report

Recommendation

That the CEO's Report for December 2018 be received.

7.5 Local Government Professional's Report

Mr Ian Cowie, President, Local Government Professionals will provide an update on the activities of Local Government Professionals.

Recommendation

That the Local Government Professionals report be received.

8. **ADDITIONAL ZONE RESOLUTIONS**

To be advised following Zone meetings.

9. **MEETING ASSESSMENT**

President Cr Keith House has been requested to provide feedback as to the effectiveness of the meeting.

10. **DATE OF NEXT MEETING**

Recommendation

That the next meeting of the Western Australia Local Government Association State Council be held on Wednesday 6 March 2019 at WALGA 170 Railway Parade West Leederville commencing at 4:00pm.

11. **CLOSURE**

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5. MATTERS FOR DECISION

5.1 Proposed Removal by Main Roads WA of the “Letter of Approval” Restricted Access Vehicle Operating Condition (05-006-03-0001 MB)

By Mark Bondietti, Policy Manager Transport and Roads

Recommendation

That WALGA:

1. **Opposes withdrawal of the “Letter of Approval” Restricted Access Vehicle Operating Condition until an acceptable alternative is developed;**
2. **Supports the position that Local Governments not use provision of the Letter of Authority to charge transport operators to access the Restricted Access Vehicle network;**
3. **Supports the development of standard administrative procedures including fees and letter formats; and**
4. **Supports the practice of Local Governments negotiating maintenance agreements with freight owners/ generators in cases where the operations are predicted to cause extraordinary road damage.**

In Brief

- Current Main Roads policy allows Local Governments to request that Main Roads WA impose a condition on some or all roads included in the Restricted Access Vehicle (RAV) or Accredited Mass Management Scheme (AMMS) networks to require that Restricted Access Vehicle operators obtain and carry a current letter of approval from the Local Government (CA07 condition) when using those roads.
- Main Roads advised WALGA that advice they have received from the State Solicitor’s Office concludes the practice of some Local Governments in charging transport operators (e.g. transport company or truck owner) a fee for the letter of approval is likely unlawful and they are intending to abolish the CA07 condition.
- WALGA has engaged affected Local Governments to understand current practices and assess the consequences of withdrawing the CA07 condition.
- Seventy Local Governments were surveyed and the overwhelming majority consider the CA07 condition an essential management tool and oppose its removal.
- The CA07 condition assists Local Governments to manage the quantity and timing of RAV movements without compromising the safety of other vehicle users.
- Most Local Governments do not charge transport operators a fee for the letter of approval.
- The CA07 condition alerts Local Governments to transport tasks that are likely to cause extraordinary road damage and provides an opportunity to negotiate a maintenance agreement with the freight owner/ generator (e.g. mining company, timber company). Abolishing the condition may jeopardise current and future agreements.
- It is concluded that the concerns raised can be resolved by Main Roads WA informing Local Governments that it is unlawful to charge transport operators for the CA07 letter of approval and by standardising administrative procedures.

Attachment

Nil.

Relevance to Strategic Plan

Key Strategies

Engagement with Members

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

Sustainable Local Government

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

Policy Implications

The following policy positions relate to this report:

Position Statement

The Association supports heavy vehicle road user pricing which is efficiently simple, generates a sustainable funding stream to maintain service standards of the road network and provides incentives for road transport operators to utilise the lowest cost supply chain.

State Council Resolution
September 2013 – 249.4/2013
June 2011 – 65.3/2011

Position Statement

The Association supports the Heavy Vehicle Cost Recovery Policy Guideline for Sealed Roads to assist Local Governments implement their own policies to recover costs associated with unforeseen heavy vehicle transport tasks.

State Council Resolution
July 2017 - 61.7/2017

Budgetary Implications

Nil.

Background

A Restricted Access Vehicle (RAV) is any truck and trailer combination that exceeds 19 metres in length or 42.5 tonnes gross mass. These are typically road trains and B-doubles. RAVs are only able to be legally driven on a defined road network (RAV route) or with a permit.

It is Main Roads policy to consult with Local Governments before adding or amending a Restricted Access Vehicle (RAV) route on the network. Applications to add or amend a RAV route are referred by Main Roads WA to the relevant Local Government for preliminary assessment and endorsement. This provides an opportunity for the Local Government to propose operating conditions, for example time restrictions, speed restrictions, restrictions in wet conditions and restrictions in relation to school bus operations. The assessed application is returned to Main Roads WA for detailed route assessment and approval.

Local Governments may propose an operating condition that requires the Operator to obtain current written approval from the Road Owner. The letter of approval must be carried in the vehicle and

produced upon request. This is commonly referred to as a CA07 condition. It is Main Roads WA policy to apply the CA07 to all roads that are designated Type A or B Low Volume Roads. Records indicate that there are a 117 Local Governments that have roads with the CA07 condition.

In July 2018, Main Roads advised WALGA that the practice of charging the transport operator a fee for the letter of approval is problematic. Main Roads advised that the State Solicitors Office has informed them that Local Governments do not have specific power under the Local Government Act to charge transport operators for access to a public road. Consequently they are proposing to abolish the CA07 condition to eliminate the risk that this occurs. WALGA has advised Main Roads that changes should only be considered once there is a proper understanding of the functioning of the current arrangements. WALGA agreed to engage with Local Governments to determine how and why the CA07 is applied and to determine the consequences of withdrawing it and what alternative mechanisms may be appropriate.

In August 2018, WALGA engaged Hamersley Advisory & Consulting to perform a telephone survey of Local Governments regarding the CA07 condition. A number of questions were discussed with senior officers from each Local Government including:

- Under what circumstance is the CA07 condition applied?
- Is there a charge for providing a Letter of Authority and if so how much?
- Do you consider the CA07 an important management tool?
- Would you object to the removal of the CA07 condition?
- Do you use the CA07 as a way of collecting road user charges?
- Do you have road user charging agreements in place? If so, how many and what is the total value?
- Are the Agreements with the transport operator (e.g. transport company or truck owner) or the freight owner/generator (e.g. mining company, timber company).

Hamersley Advisory & Consulting provided a report to WALGA in September 2018. A total of 70 Local Governments responded to the survey and the main findings were as follows:

1. 79% of respondents actively use the CA07 as a management tool.
2. 16% of respondents charge an administrative fee for the CA07. The fees range from \$40 to \$550.
3. The overwhelming majority of Local Governments (95%) object to the removal of the CA07 condition.
4. 34% of Local Governments responding to the survey have established some type of road user maintenance agreement with the freight owner.
5. Two Local Governments (3% of respondents) are using the CA07 as a mechanism to charge transport operators.
6. Some Local Governments use the CA07 to trigger road maintenance agreements in relation to transport campaigns usually as a result of mining activities. In many of these agreements the freight owner undertakes to maintain the road themselves with inspections conducted jointly with Local Government staff.

Comment

Current Use of the CA07 condition

Local Governments report that the CA07 condition serves many purposes including:

1. Controlling access by RAV vehicles, specifically on low volume roads where the infrastructure does not meet all standards but access for a small volume of trucks under strict conditions is able to be supported. This is particularly important where there is no

viable alternative route. This allows the Local Government to support increased freight productivity while ensuring the safety of other road users and the community.

2. Providing a mechanism to reinforce and manage adherence to the operating conditions such as time restrictions, speed restrictions, volume restrictions, restrictions in wet conditions and restrictions in relation to school bus operations that are required to enable RAVs to safely operate on roads that would otherwise be unsuitable.
3. The request for a Letter of Authority provides information about intended freight tasks that enables the Local Government to consider whether it is necessary and appropriate to engage the freight generator in a discussion around upgrades and sustainable road maintenance, particularly if the proposed task is forecast to cause extraordinary road damage. Discussions may result in the applicant maintaining the road themselves or paying a road user charge to the Local Government. This is in the best interest of both the proponent and the community.

Heavy Vehicle User Charging in the Local Government context

Main Roads WA advised that the reason for proposing to remove the CA07 condition relates to the practice of it being used for charging road transport operators. It is therefore important to understand the different charging practices that are implemented.

Extraordinary Loading related to a defined task

There have been many examples where a particular transport activity, commonly in the resources industry, results in a sudden and extraordinary increase in heavy vehicle traffic on a road that was not designed for this purpose. In some cases roads have completely failed leaving the Local Government and ultimately the community to bear the cost of repair that can amount to millions of dollars. As a result Local Governments began negotiating agreements with individual industry proponents (freight owners) to either pay compensation to assist the Local Government in maintaining or upgrading the road or for the proponent to upgrade and maintain the road themselves. Provisions in the Road Traffic (Administration) Act 2008 Part 7, s.132 & s.136 have been used to underpin this approach. *Carbone Bros Pty Ltd vs Shire of Harvey 2015* examined a number of matters in relation to this approach. (Note these comments are not a legal opinion).

The current Main Roads WA policy to consult with Local Governments in determining RAV access and the CA07 condition are the primary triggers for Local Governments to consider the necessity for an agreement with a major freight generating business. Research indicates that the total value of these types of agreements in funding both improvements and maintenance of roads is well in excess of \$20 million per year. WALGA has compiled a model policy to guide Local Governments to implement this type of Agreement with the freight owner. The model policy has been endorsed by WALGA State Council and Main Roads WA.

Concessional Loading

Main Roads issues permits to transport operators to carry heavier loads than allowed under the regulations on a defined network of roads termed the "Concessional Loading Restricted Access Vehicle Network". This additional mass causes accelerated wear to the road surface and results in shortening of the serviceable design life of the road. Some Local Governments have been asserting that they should be compensated for the consequences of concessional loading. This issue is very different to the previous category in that it is related primarily to the transport operator as opposed to the freight owner. There have been some limited cases where a Local Government has implemented a policy to charge operators a tonne kilometre fee and it is alleged that the CA07 condition may have been used as leverage. Main Roads WA has expressed concern with this type of charging.

Administrative Charges

Some Local Governments charge transport operators an administrative fee for providing the letter of approval needed to meet the approval condition (CA07). The survey results indicate that fees range from \$40 - \$550. Main Roads considers these fees as problematic, although Main Roads applies a range of fees to transport operators seeking approvals or permits under various regulations.

Findings in relation to road user charging and administration fees

Main Roads advised WALGA that based on advice from the State Solicitor applying a road user charge to transport operators is problematic. They have further indicated that the practice of charging the transport operator a fee for the letter of approval is also problematic.

Only two of the Local Governments that were surveyed indicated they have used the CA07 condition as mechanism to charge transport operators based on recouping part of the assessed increase in road maintenance costs that the Local Government faces. Some Local Governments (15%) charge administrative fees for the letter ranging from \$40 to \$550.

Consequences of abolishing the CA07 condition

The CA07 Condition provides an important tool to assist Local Governments in monitoring and controlling RAV operations on the network. Abolishing the tool could result in a scenario in which there is no control over the number of heavy vehicles operating on Local Government roads and negative consequences are likely to include:

1. Local Governments knowledge of current and future RAV operations would be severely compromised and this will restrict their ability to provide a safe and sustainable road network.
2. There will be situations where an industry or mine site, without any notice to the Local Government, generates large freight volumes using RAV vehicles on roads that are not designed for that purpose resulting in extraordinary damage to the road and leaving the Local Government bearing the repair costs. Affected unsealed roads may rapidly deteriorate rendering them unsafe and this may result in closure of the road.
3. RAV vehicles operating on roads without any limits on volume, operating times, speed and other conditions may cause conflict with other road users and community operations for example school buses. This may result in unsafe operating conditions particularly on roads designed only for low volumes and on unsealed roads. The CA07 condition provides a mechanism for the Local Government to manage these access conditions.
4. Unrestricted RAV operations in unsafe conditions for example in wet weather or when other maintenance activities are in progress.
5. Jeopardise existing and future maintenance agreements with freight owners leaving Local Governments with increased road maintenance costs. Ultimately the community will have to pay to provide sustainable road infrastructure for large industry tasks on roads that were never designed for this purpose. This is likely to be beyond the capacity of some Local Governments.
6. Reluctance of Local Governments to support existing and future RAV and Concessional Mass networks due to the absence of any understanding of or on-going control over the volume of RAVs using particular roads.

Conclusions and Recommendations

The consultation with Local Governments undertaken has concluded that the concerns of Main Roads WA regarding the charging of administrative fees and the charging of transport operators a fee to access the network are practiced by only a small minority of Local Governments. The CA07 condition serves as an essential road management tool for Local Government and they object to its discontinuation. Since the concerns of Main Roads WA only affect a small number of Local Governments the focus is on resolving these issues without compromising the Local Government sector.

It is recommended that:

1. Main Roads WA formally advise Local Governments with roads to which the CA07 condition applies that the CA07 condition is not to be used for charging road maintenance fees (this does not prevent Local Governments from establishing Agreements with freight generating businesses in instances of large transport tasks likely to cause extraordinary road damage).
2. Develop a standard administrative process including fees and letter formats.
3. Retain the letter of approval condition on low volume roads and where requested by the Local Government until an acceptable alternative is developed.

Main Roads WA has been seeking to eliminate any legal risk to the State by moving quickly to resolve claims of unlawful charging. Consequently WALGA has conveyed this as a recommended approach to Main Roads WA.

5.2 Bus Stop Infrastructure Partnership Agreement 2018/19-2022/23 (05-001-03-0037 MM)

By Marissa MacDonald, Policy Officer – Transport and Roads

Recommendation

That the Bus Stop Infrastructure Partnership Agreement be endorsed.

In Brief

- The Bus Stop Infrastructure Partnership Agreement was introduced in 2015 to clarify the roles and responsibilities of the Public Transport Authority (PTA) and Local Governments in the provision and maintenance of bus stop infrastructure.
- The Agreement defines the communication and consultation process between the PTA and Local Governments to be applied in different situations including when bus routes are changed, bus stops are added or removed, and bus stop infrastructure is upgraded.
- The initial three year Agreement expired on 30 June 2018. Feedback received indicates that the agreement has been successful in assisting Local Governments and their communities.
- A new Agreement until June 2023 has been proposed with minor amendments to the existing Agreement.
- The Agreement applies to all Local Governments with SmartRider ticketed regular public transport services.
- The proposed new Agreement introduces a funding cap to the Bus Shelter Subsidy Program (BSSP) of \$7,000 per shelter. The rationale for the funding cap per shelter is to improve equity in the distribution of BSSP funding between Local Governments and maximize the impact of the funding available in improving the quality of the public transport experience.

Attachment

Partnership Agreement Defining the Roles and Responsibilities for the Planning, Installation and Maintenance of Bus Stop Infrastructure 2018/19 - 2022/23.

Relevance to Strategic Plan

Key Strategies

Engagement with Members

- Deliver a broad range of benefits and services that enhance the capacity of member Local Governments;
- Improve communication and build relationships at all levels of member Local Governments;
- Build a strong sense of WALGA ownership and alignment.

Sustainable Local Government

- Continue to build capacity to deliver sustainable Local Government;
- Provide support to all members, according to need;

Enhanced Reputation and Relationships

- Communicate and market the profile and reputation of Local Government and WALGA;
- Promote WALGA's advocacy successes with the sector and the wider community;
- Strengthen effective relationships with external peak bodies and key decision makers in State and Federal Government;

Policy Implications

State Council initially considered entering into a Partnership Agreement in 2008, resolving:
That:

1. the development of a State / Local Government Partnership Agreement for the provision of Bus Stop Infrastructure be endorsed;
2. the State takes responsibility for the provision of identification of bus routes at bus stops, including audio identification facilities; and
3. consideration is given to private bus operators and maintenance/renewal in the work of the proposed working group.

RESOLUTION 405.4/2008

1. That State Council endorse the attached Bus Stop Infrastructure Partnership Agreement; and
2. That WALGA further advocate for a Bus Stop Infrastructure Partnership Agreement for Regional WA.

RESOLUTION 10.1/2015

That WALGA endorse the attached Variation to the Bus Stop Infrastructure Partnership Agreement.
RESOLUTION 9.1/2016

Budgetary Implications

Nil.

Background

Bus services are an integral part of the public transport system and services are expected to continue to develop and expand. In order to comply with the Commonwealth Disability Standards for Accessible Public Transport 2002, as required by the *Disability Discrimination Act 1992*, a level concrete hard-stand passenger boarding area at correct kerb height and tactile ground surface indicators are progressively being installed at bus stops by the PTA through the Bus Stop Accessibility Works Program.

Neither Local Government nor the PTA has a legal obligation to provide infrastructure such as shelters, seats or bins at bus stops. However, provision of a shelter at the bus stop is consistently rated as the fourth most important service characteristic for bus patrons (after punctuality, cost and service frequency). Bus stop infrastructure such as shelters, seats and bins is often provided by Local Governments.

Prior to introducing the Agreement there were on-going issues between Local Governments and the PTA regarding the roles and responsibilities for bus stop infrastructure. This resulted in unfavourable outcomes including bus shelters not being provided in some areas, impacting on bus patrons, and negative media attention.

The purpose of the Agreement was to improve consultation and communication between the PTA and Local Governments in providing and maintaining bus stop infrastructure by clarifying the roles and responsibilities of each party. The initial Agreement was developed in consultation with a working group of metropolitan Local Government officers.

The Agreement encompasses:

- PTA Funding Programs and Subsidy Arrangements
- Roles and Responsibilities
- Adding, Removing, Modifying or Upgrading Bus Stop Infrastructure
- Maintenance of Bus Stop Infrastructure

In the Agreement the PTA is responsible for:

- ensuring bus stops are positioned in the road reserve in safe locations for pedestrians and road users in compliance with the *Road Traffic Code 2000*;
- ensuring bus stops are positioned at locations that best serve the public transport needs of the community;
- installing all Core Bus Stop Infrastructure at bus stops – defined in the Agreement as the bus stop pole, a level concrete hard-stand passenger boarding area at correct kerb height

(minimum of 170 millimetres), tactile ground surface indicators and up to three metres of connecting concrete pathway;

- the upkeep and maintenance of all Core Bus Stop Infrastructure;
- ensuring all bus stops eventually comply, and continue to comply, with the access requirements of the Disability Standards; and
- providing patronage data for specific bus stops to Local Governments when requested so that they make informed decisions about bus shelters and other Ancillary Bus Stop Infrastructure.

The PTA may, at its discretion, install Ancillary Bus Stop Infrastructure (i.e. bus shelters) at bus stops located in the road reserve which it will own and be responsible for, including ongoing maintenance. Currently this circumstance only exists for Perth CAT bus shelters and information system modules. The PTA recognises the growing importance of public transport services to the community and in the future it is likely that for some priority bus routes, it may install bus shelters and other Ancillary Bus Stop Infrastructure in the road reserve for the benefit of public transport patrons.

Local Government is responsible for the installation and maintenance of all Ancillary Bus Stop Infrastructure, including bus shelters, located in the road reserve unless the PTA has specifically agreed to take responsibility.

The Agreement was endorsed at the March 2015 State Council meeting with the recommendation to include regional Local Governments. The Agreement came into operation on 30 April 2015. A Variation to include regional Local Governments with SmartRider-ticketed regular public transport services was developed in consultation with regional Local Governments. This Variation to the Agreement was endorsed at the March 2016 State Council meeting. The Variation included the Cities of Albany, Bunbury, Busselton, Geraldton, Kalgoorlie-Boulder and Port Hedland.

Comment

The existing three year Agreement ended on 30 June 2018. A review of the Agreement between the PTA and WALGA began in March 2018 to allow for development of a new Agreement. Local Government officers provided feedback on the existing Agreement with the majority supporting it in its current form with only minor amendments required.

The main amendment proposed by the PTA is to the Bus Shelter Subsidy Program (BSSP). The BSSP is administered by the PTA and provides funding, subject to meeting criteria, to Local Government for the purpose of installing bus shelters. Funding is provided on a dollar for dollar basis. Funding for the BSSP is currently \$500,000 per annum. The proposed new Agreement introduces a maximum funding contribution from the PTA of \$7,000 per shelter. The rationale for the funding cap per shelter is to improve equity in the distribution of funding to Local Governments. Bus shelters that cost more than \$14,000 in total will require increased contribution from Local Governments under the proposed changes. Local Government officers reviewed this amendment and were supportive of its introduction. The Infrastructure Policy Team also supported the introduction of the cap provided this cap maintains a 50% contribution to a range of suitable shelters. The PTA maintains a bus shelter panel contract arrangement that provides a suite of standard bus shelter designs that can be selected by Local Governments under the BSSP. The PTA has recently updated the panel contract for their shelters and the majority of shelters are within a total of \$14,000.

In recognition of the costs incurred by Local Governments to maintain bus shelters, the PTA provides funding to participating Local Governments under the Bus Shelter Maintenance Assistance Scheme (BSMAS). Total funding for the BSMAS is \$500,000 per annum. While not all Local Governments make a claim, the PTA provides a contribution of approximately \$185 per shelter per year. Bus shelters provided to Local Governments under Infrastructure Commercial Agreements are excluded from receipt of BSMAS payments. The BSMAS was determined to be effective and therefore no changes were proposed in the new Agreement.

The proposed new Agreement introduces the process of determining whether a bus shelter is retained, repositioned or removed as a consequence of the work PTA needs to undertake to the

boarding area under the Bus Stop Accessibility Works Program. This depends on whether the bus shelter is serviceable and is compliant with the Disability Standards.

The proposed new Agreement will apply to any future SmartRider ticketed regular public transport services, excluding school bus services. Since the previous Agreement came into effect in 2015, SmartRider ticketed regular bus services have started in the City of Karratha. The proposed new Agreement now includes these services in Karratha making the City eligible for funding from the PTA.

The proposed new Agreement will be in place ending in June 2023.

Attachment 5.2

Bus Stop Infrastructure Partnership Agreement

Partnership Agreement between WALGA and the Public Transport Authority:

Defining the Roles and
Responsibilities for the Planning,
Installation and Maintenance of
Bus Stop Infrastructure

2018/19 - 2022/23



**Public Transport
Authority**



Preliminaries

The Public Transport Authority (PTA) and Local Governments in Western Australia recognise the importance of public transport in achieving efficient personal mobility and the importance of making public transport an attractive option for West Australians. There are over 13,000 public transport bus stops in Western Australia that must be upgraded to comply with the Disability Standards. This Agreement will assist in ensuring that investments by the PTA and Local Government in bus stop infrastructure deliver good value to the community. This Agreement is made subject to the provisions of the *Local Government Act 1995*, the *Public Transport Act 2003* and the *Land Administration Act 1997*.

Parties to this Agreement

In entering this Partnership Agreement both State and Local Government recognise that they have an interest and role in the provision and improving bus stop infrastructure, and pathways to bus stops for the people of Western Australia.

The signatories to this Partnership Agreement are:

- Public Transport Authority of Western Australia: Managing Director; and
- Local Government: President, Western Australian Local Government Association (WALGA).

Definitions

Ancillary Bus Stop Infrastructure means fixtures and fittings which are erected or installed immediately adjacent to Core Bus Stop Infrastructure, including (without limitation) bus shelters, bins, seats and footpaths.

Consultation means seeking and providing information to/from the other party regarding plans that may affect the other party's current or proposed infrastructure; for each party to have regard for advice provided and offer feedback concerning the final decision.

Core Bus Stop Infrastructure means a bus stop pole, a level concrete hard-stand passenger boarding area at correct kerb height (minimum of 170 millimetres), tactile ground surface indicators and up to three metres of connecting concrete pathway.

Disability Standards means the Commonwealth Disability Standards for Accessible Public Transport ('Disability Standards') 15 August 2002 which created a legal duty under the *Disability Discrimination Act 1992* (DDA) to construct all new bus stops to this standard and to progressively upgrade all existing bus stops to achieve full compliance to the Disability Standards by December 2022.

Infrastructure Commercial Agreement means a legally binding contractual agreement between Local Government and another commercial entity that places an obligation upon that entity to provide, design, construct, install, and maintain infrastructure such as bus shelters, seats and rubbish bins (and may include payment obligations) for a fixed period of time in return for receiving the advertising rights on the relevant infrastructure.

Local Government means a local government established under section 2.5 of the *Local Government Act 1995*.

Maintenance means all activities undertaken to preserve infrastructure in serviceable condition, including restoration of existing items which have been damaged but can be repaired without replacement with entirely new infrastructure (e.g. painting, replacing broken, damaged or scratched panels/glass etc).

Partnership Agreement means this agreement.

PTA means the Public Transport Authority of Western Australia, a body corporate established under section 5 of the PTA Act.

PTA Act means the *Public Transport Authority Act 2003* (WA).

Road Reserve means the area of land provided under section 55(1)(a) of the *Land Administration Act 1997* typically from the property boundary on one side to the property boundary on the other side provided for public travel, including roads, lanes, car parks, footpaths, bridges, reserves and nature strips.

Upkeep means updating timetable and signage information at bus stops which is undertaken by the PTA.

Preamble

This Partnership Agreement provides the general framework through which the planning, installation and maintenance of bus stop infrastructure on Road Reserves will operate throughout Western Australia. The Partnership Agreement is based on negotiations and discussions between the parties and the general template for State/Local Government Partnership Agreements. This Agreement applies to Local Governments with regular public transport SmartRider ticketed services operating in its boundaries.

This Partnership Agreement is predicated on PTA and Local Governments mutual understanding of their legislated functions and histories of collaboration (including financial collaboration) with respect to bus stop infrastructure in the Road Reserve.

Road Reserve

Responsibility for assets and infrastructure located in the Road Reserve is complicated in nature making the issue of responsibility for bus stop infrastructure similarly complicated. Most suburban bus stops are located in the Road Reserve which is provided under Section 55 (1)(a) of the *Land Administration Act 1997*.

Under section 16 of the *Main Roads Act 1930*, the Commissioner of Main Roads is responsible for care, control and management of land over which a main road or highway is declared (that is the area incorporating the Road Reserve).

Under Sections 3.53(2) and 3.1 of the *Local Government Act 1995*, the relevant Local Government is responsible for controlling and managing roads that do not fall within the control of the Commissioner of Main Roads (that is all other roads).

Complicating the circumstance is the fact that various Government Agencies access the Road Reserve for the purpose of providing services for the benefit of the whole community. Common examples include infrastructure required for the provision of water, electricity, gas and telecommunications where the entity installing the infrastructure in the Road Reserve is responsible for its ongoing maintenance. Similarly, for any bus stop infrastructure located in the Road Reserve, the owner of the asset is responsible for its ongoing care and maintenance.

History of Bus Stop Infrastructure

Historically, the PTA (and its predecessors such as the Metropolitan (Perth) Passenger Transport Trust and the Department of Transport) has been responsible for determining the locations of bus stops in the Road Reserve and for installing and maintaining them. Local Government has traditionally taken responsibility for the installation and maintenance of Ancillary Bus Stop Infrastructure located in the Road Reserve.

However, in recognition of the particular enhanced amenity derived from bus shelters for intending passengers and the general community, the State Government has traditionally provided funding support (using various funding support arrangements) for Local Governments to provide bus shelter infrastructure located in the Road Reserve.

Disability Standards

The PTA has undertaken extensive community consultation with various groups representing people with disabilities to establish a set of standard bus stop layouts applicable to a variety of circumstances typically encountered, as detailed in the PTA Bus Stop Layout Guidelines in Schedule 1.

In December 2009 the State Government formally recognised its obligations under the *Disability Discrimination Act 1992* and the Disability Standards by providing funding to the PTA to progressively upgrade Core Bus Stop Infrastructure at all bus stops across the State to achieve compliance to the Disability Standards.

The parties acknowledge that there are compounding legislative uncertainties with respect to the interaction between the *PTA Act 2003*, the *Land Administration Act 1997* and the *Local Government Act 1995*. This Partnership Agreement seeks to develop a framework for each party to work within, in a partnership approach.

Principles

The following principles will be achieved through open and honest consultation, engagement, communication, participation, cooperation and collaboration between the parties at both the strategic and operational levels.

All parties are committed to a partnership approach in delivering Disability Standards-compliant bus stop infrastructure that connects with the local footpath network wherever possible.

The parties recognise that a partnership approach between State and Local Government:

- is essential for the continued delivery of Core Bus Stop Infrastructure and Ancillary Bus Stop Infrastructure for the Western Australian community;
- will provide a high level operational framework for the parties to follow; and
- will be sensitive and responsive to the functions, needs and constraints of both spheres of government.

The parties involved will:

- identify and understand the roles and responsibilities of both spheres of government within this Partnership Agreement;
- ensure that these roles are considered and respected in the decision making process;
- commit to open and timely communication on all aspects of this Partnership Agreement;
- undertake purposeful consultation at mutually agreed stages to facilitate understanding and agreement;
- recognise that new partnership agreements can be initiated by either State or Local Government;
- promote a realistic approach to funding and resource issues;
- utilise a transparent approach where changes to roles, responsibilities and budgets are negotiated and agreed and resources necessary to implement changes are identified; and
- adopt clearly defined reporting, dispute resolution and review mechanisms.

PTA programs and subsidy arrangements

Bus Stop Accessibility Works Program

In January 2010 the PTA formally commenced its Bus Stop Accessibility Works Program (BSAWP) which aims to upgrade a minimum of 600 bus stops each year to achieve compliance to the Disability Standards. The BSAWP is a long-term program to upgrade all public bus stops in the State to comply with Disability Standards, costing the State in the order of \$88 million.

Works under the BSAWP require considerable effort in planning and design before site works commence and the PTA will:

- consult and work with the relevant Local Government about the planned works with the intention of minimising any adverse impacts from these works (as far as reasonably practicable); and
- notify nearby residents about any planned works prior to commencement.

Any issues or complaints about these works received by Local Government from the public or affected residents should be directed as soon as reasonably practicable to the PTA for resolution by the PTA.

BSAWP works typically include: installation of a bus stop pole or information module in correct position; construction of a level concrete hard-stand passenger boarding area at correct kerb height (minimum of 170 millimetres); installation of tactile ground surface

indicators; and construction of up to three metres of connecting pathway to the existing footpath network.

Bus stop upgrades are planned and managed by the PTA with external contractors undertaking all site works. Prior to undertaking any works, the PTA will firstly validate that the existing bus stop location meets all of its safety, operational and community requirements and that it can be physically upgraded to comply with the Disability Standards. If these requirements cannot be met, the PTA will typically select an alternative suitable stop location and consult with the relevant Local Government about that location.

Further details and typical bus stop design scenarios are detailed in Schedule 1 – PTA Bus Stop Layout Guidelines.

Bus Shelter Subsidy Program

The Bus Shelter Subsidy Program (BSSP) is administered by the PTA and provides funding in approved circumstances for Local Governments (and other entities) for the purpose of installing bus shelters.

Annual funding for the BSSP is currently limited to \$500,000 per annum and applications are considered by the PTA on an ongoing basis using criteria detailed in Schedule 2. The allocation of BSSP funds is a transparent process and a list of project applications and approvals will be maintained by the PTA and be made available to WALGA annually.

Under the BSSP, the PTA typically takes responsibility for undertaking all physical works to install bus shelters and Local Governments are responsible for undertaking any required community consultation before work proceeds. In limited circumstances (typically for bus shelters located in regional areas), it may be more practical for Local Governments to purchase and install a bus shelter. In this circumstance, the PTA may agree to provide an equivalent amount of BSSP funding for this purpose.

The PTA maintains a bus shelter panel contract arrangement that provides a suite of standard bus shelter designs that can be selected by Local Governments under the BSSP. Local Governments seeking funding support under the BSSP are required to use only those bus shelter designs available through the PTA's panel contract to prevent the proliferation of different bus shelter designs across the State. The PTA regularly reviews its panel contract arrangements for the purpose of ensuring a reasonable suite of bus shelter options are available at competitive prices.

Under BSSP funding arrangements, the relevant Local Government must pay to the PTA the required financial contribution and accept ownership and ongoing maintenance responsibility of the bus shelter. The PTA will construct a compliant passenger boarding area and contribute 50% of the supply and installation cost of a bus shelter to a maximum amount of \$7,000 (i.e. total bus shelter cost of \$14,000). If a higher cost bus shelter is selected, the applicant will be required to pay for the balance of funds. The intent of this arrangement is to encourage the selection of value for money bus shelter options to maximise the overall community benefit provided through the BSSP. The PTA's maximum bus shelter financial contribution amount of \$7,000 will be indexed annually by movements in the Perth (All Groups) Consumer Price Index.

Where a Local Government seeks to install a bus shelter at a bus stop location that is not eligible for BSSP funding support from PTA the Local Government should consult with the PTA not less than 12 months in advance of intended shelter installation to ascertain the bus stop location's status in PTA's BSAWP forward works schedule. If the bus stop location has not been upgraded this consultation may provide opportunities for the Local Government to mitigate obligations arising from section 32.1 of the Disability Standards whereby the Local Government would otherwise become responsible for making the bus stop boarding area compliant with the Disability Standards due to the shelter installation. In the case of non-upgraded locations, the PTA may, subject to BSAWP priorities and program flexibility, be able to schedule the upgrade of Core Bus Stop Infrastructure concurrent with shelter installation.

Should a Local Government elect to install a bus shelter of its own volition to a non-upgraded bus stop location and assume obligations arising under the Disability Standards, then a detailed drawing of the planned work must be submitted to the PTA for PTA's approval.

Bus Shelter Maintenance Assistance Scheme

In recognition of the costs incurred by Local Governments to maintain bus shelters, the PTA agrees to provide funding support to participating Local Governments under the Bus Shelter Maintenance Assistance Scheme (BSMAS). Total funding for the BSMAS will be capped to a total of \$500,000 per annum, with any increase in the annual funding cap being the subject of review and agreement by the State Government. Total funding cap reviews for the PTA's BSMAS will be undertaken at the discretion of the State Government but will occur no less than every five years.

BSMAS payments to Local Governments will be made on a per shelter basis and total payments will be capped to the total funding made available under the BSMAS. Bus

shelters provided to Local Governments under Infrastructure Commercial Agreements will be excluded from receipt of BSMAS payments. Local Governments must keep accurate and up to date data on all bus shelters provided under these arrangements and to make this information available to the PTA in a timely manner upon its reasonable request.

In consultation with WALGA, the PTA will undertake an annual review of the BSMAS rates taking into consideration; the number of eligible shelters and the overall fairness/equity of the BSMAS payment arrangements to the participants.

The PTA will make BSMAS payments annually in March. Payment will only be made to formal participants in the scheme and funds are not able to be carried forward to future financial years. To qualify, each Local Government must follow the spirit and intent of this Partnership Agreement and complete the “Participation Agreement” detailed in Schedule 4 on an annual basis.

Roles and responsibilities

General

The PTA is responsible for the planning and delivery of public bus services for the benefit of the local community which includes; selection of bus routes, setting of service frequencies, selection of bus stop locations and the operation of bus services. Local Government is responsible for the care and maintenance of its assets located within Road Reserve for the benefit of the local community. Whilst each party will remain ultimately responsible for the delivery and performance of its responsibilities, both parties agree to work collaboratively with the stated aim of minimising resultant issues for the other party as a consequence of any decisions made.

Core Bus Stop Infrastructure

The PTA is responsible for:

- ensuring bus stops are positioned in the Road Reserve in safe locations for pedestrians and road users in compliance with the *Road Traffic Code 2000*;
- ensuring bus stops are positioned at locations that best serve the public transport needs of the community;
- the installation of all Core Bus Stop Infrastructure at bus stops;
- the upkeep and maintenance of all Core Bus Stop Infrastructure;
- ensuring that all of its bus stops eventually comply, and continue to comply, with the access requirements of the Disability Standards; and

- providing patronage data for specific bus stops to Local Government when requested so that they can make informed decisions about bus shelters and other Ancillary Bus Stop Infrastructure.

Ancillary Bus Stop Infrastructure

Local Government may, at its discretion, install Ancillary Bus Stop Infrastructure (including bus shelters) in the Road Reserve and will be responsible for its ongoing care and maintenance unless the PTA has specifically agreed to take responsibility as detailed in section 0. To assist Local Government deliver these responsibilities the PTA provides funding through the following arrangements; the Bus Shelter Subsidy Program (BSSP) and the Bus Shelter Maintenance Assistance Scheme (BSMAS).

PTA owned Ancillary Bus Stop Infrastructure

- (i) The PTA may at its discretion, install Ancillary Bus Stop Infrastructure at bus stops located in the Road Reserve which it will own and be responsible for, including ongoing care and maintenance.
- (ii) The PTA recognises the growing importance of public transport services to the community and in the future it is likely that for some priority bus routes (and light rail), it may install bus shelters and other Ancillary Bus Stop Infrastructure in the Road Reserve for the benefit of public transport patrons. In this circumstance, the PTA will:
 - consult with the relevant Local Government prior to its installation or construction;
 - be the owner of the Ancillary Bus Stop Infrastructure; and
 - be responsible for its ongoing maintenance.
- (iii) All Ancillary Bus Stop Infrastructure in the Road Reserve currently owned and maintained by the PTA is detailed in Schedule 3. The PTA will update Schedule 3 and advise affected Local Governments if it installs additional items of Ancillary Bus Stop Infrastructure in the Road Reserve.

Responsibilities for compliance to Disability Standards

All Core Bus Stop Infrastructure and Ancillary Bus Stop Infrastructure installed or constructed by Local Government or the PTA, must eventually be compliant to the requirements of the Disability Standards and the 'PTA Bus Stop Site Layout Guidelines' as detailed in Schedule 1. The PTA is responsible for ensuring that public bus stops comply with the requirements of the Disability Standards and Local Government should consult with the PTA to ensure this is achieved before proceeding with any planned works (including Infrastructure Commercial Agreement arrangements) that may render a

compliant bus stop non-compliant. Simple repositioning/replacement of existing or the installation of new Ancillary Bus Stop Infrastructure can have unintended consequences by blocking required access ways/clearances and render a compliant bus stop non-compliant to the Disability Standards which will need to be rectified.

Adding, removing, upgrading or modifying bus stop infrastructure

New Core Bus Stop Infrastructure

- (i) Before creating a new bus stop for a new or existing bus route and installing Core Bus Stop Infrastructure in the Road Reserve the PTA will consult with officers of the relevant Local Government to confirm the suitability of planned bus stop locations and invite comment for its consideration. The purpose of this consultation is to determine the suitability of each proposed stop location from a functional/operational perspective; this information is specifically not provided for the purpose of Local Government undertaking public consultation with nearby households, or for dissemination to elected members or officials that may attempt to exercise undue influence over the result – the PTA's decision making process for selecting bus stop locations is strictly limited to functional and operational matters and will not be influenced by extraneous issues. The PTA will, wherever possible, aim to produce mutually acceptable outcomes and provide feedback to Local Governments about its decisions if required.
- (ii) Before introducing a new bus route (that will ultimately require new bus stops as outlined above), the PTA typically undertakes a community consultation process, where Transperth patrons and relevant entities like Local Government are invited to make comment for its consideration. The PTA commits to taking into consideration issues raised by affected participants, including Local Governments and, wherever possible, producing mutually acceptable outcomes.

Upgrading Core Bus Stop Infrastructure

- (i) Before undertaking BSAWP bus stop upgrade works to Core Bus Stop Infrastructure, at an existing bus stop located in the Road Reserve, the PTA will consult with the relevant Local Government and invite comment for its consideration. The PTA will, wherever possible, aim to produce a mutually acceptable outcome and provide feedback if required.
- (ii) PTA's BSAWP funding is limited and if a Local Government requires Core Bus Stop Infrastructure to be constructed with more expensive materials or construction techniques not typically used by the PTA (for example, paving, coloured/patterned concrete, pre-cast kerbing or in-situ concrete tactile pavers), the Local Government

may be asked to fund the PTA's resultant additional costs of meeting such requirements.

- (iii) Where a Local Government nominates products not typically used by the PTA, the PTA will only consider use of those products if the Local Government agrees to accept responsibility for ongoing maintenance and any liability claims that may arise from those products.
- (iv) Once the PTA has upgraded a bus stop to achieve compliance to the Disability Standards, the relevant Local Government must not undertake or approve any activity or action at that bus stop location which will render the bus stop non-compliant.
- (v) The party responsible for rendering a compliant bus stop non-compliant will be responsible for resolving the issue to the reasonable satisfaction of the PTA, or for reimbursing the PTA's reasonable cost of resolving the issue (including the cost of installing a new bus stop with Core Bus Stop Infrastructure and any Ancillary Bus Stop Infrastructure, if applicable, at an alternative location if the original site is rendered unusable). Affected Local Governments should consult with the PTA to ensure proposed actions or approvals will not adversely impact upon a bus stop and the PTA commits to achieving mutually acceptable solutions.

Local Government works/approvals near Core Bus Stop Infrastructure

- (i) Local Government should consult with the PTA before undertaking any works or approvals near a bus stop which may impact on the functionality or safety of a bus stop location. Installations of additional traffic lanes, turn-pockets, roundabouts, pram ramps, pedestrian refuges, new or replacement kerbing, road resurfacing, pedestrian crossings, crossovers, property development approvals, new footpaths or footpath upgrades can adversely impact upon the functionality or safety of nearby bus stop locations on a temporary or permanent basis.
- (ii) If the works or approvals of a Local Government renders a nearby compliant bus stop non-compliant or unusable for bus operations, it will be responsible for resolving the issue, or for reimbursing the PTA's reasonable cost of resolving the issue (which may include the cost of installing a new permanent or temporary bus stop at an alternative location if the original site is rendered unusable). Local Governments should consult with the PTA to ensure that any proposed works near a bus stop will not adversely impact upon it and the PTA commits to achieving mutually acceptable solutions.

New Ancillary Bus Stop Infrastructure

- (i) New Ancillary Bus Stop Infrastructure or other incidental infrastructure installed by Local Governments (including bus shelters, seats and bins or any infrastructure

provided under Infrastructure Commercial Agreements) can inadvertently render a compliant bus stop non-compliant. Before proceeding with the installation of any infrastructure or footpath modifications at or near to a bus stop (which may then become Ancillary Bus Stop Infrastructure or Core Bus Stop Infrastructure), the relevant Local Government should consult with the PTA to ensure the planned works do not adversely impact upon a bus stops compliance to the Disability Standards.

- (ii) When the PTA becomes aware of Ancillary Bus Stop Infrastructure obstructing the bus stop area and making it non-compliant, it will consult with the relevant Local Government with the intent of modifying the positioning or removing the Ancillary Bus Stop Infrastructure so that compliance can be restored as a matter of priority.
- (iii) As detailed in Section 0, the PTA may install Ancillary Bus Stop Infrastructure at bus stops located in the Road Reserve and be responsible for its maintenance.

Bus Stop Accessibility Works Program (BSAWP) and bus shelter impacts

Where the BSAWP affects an existing bus shelter that is not the subject of an Infrastructure Commercial Agreement the following applies:

(i) Retaining existing bus shelters

If the required upgrade works to the passenger boarding area does not necessitate the relocation of an existing bus shelter, and the existing bus shelter is serviceable but non-compliant to the Disability Standards, the relevant Local Government may elect to keep the bus shelter or make application to the PTA for a replacement bus shelter under the BSSP, subject to the requirements of the BSSP; or

(ii.) Repositioning or relocation of existing bus shelters

If the required upgrade works to the passenger boarding area necessitates the repositioning or relocation of the existing bus stop passenger boarding area inclusive of a bus shelter, the PTA will either:

- Fund the cost of relocating the bus shelter to the revised/replacement bus stop location, if the existing bus shelter is compliant to the Disability Standards and capable of being safely relocated,; or
- Remove the old bus shelter and fund the purchase and installation of a new bus shelter of its choosing at the new bus stop location from the PTA's bus shelter panel contract, if the existing bus shelter is not compliant to the Disability Standards and cannot be economically repaired or safely relocated, subject to the bus stop location satisfying the BSSP criteria. If a Local Government requires a higher cost bus shelter, it will be required to fund the PTA's additional cost. If the bus stop location does not satisfy the requirements of the BSSP criteria, in consultation with the relevant Local Government, the PTA will remove

the existing bus shelter and undertake the required passenger boarding area upgrade works (unless the Local Government wishes to fund the full cost of a replacement bus shelter).

Planning for bus stop removals

- (i) Before making the decision to cancel or significantly modify an existing bus route which may result in existing bus stops being moved or deleted, the PTA typically undertakes a community consultation process and relevant entities such as affected Local Governments will be invited to make comment for its consideration. The PTA commits to taking into consideration issues raised by all participants, including affected Local Governments and, wherever possible, producing mutually acceptable outcomes.
- (ii) Local Government decisions restricting road utilisation, such as alterations to traffic flows or introduction of traffic calming measures can adversely impact on bus operations and the utility of existing bus stop infrastructure resulting in the need to remove a bus stop or change a bus route. Where a decision of Local Government could possibly render existing bus stops unusable and therefore require removal, the relevant Local Government should consult with the PTA to determine alternative solutions or the likely cost implication to the PTA of making this decision (which may ultimately be borne by that Local Government).

Cost implications of changes to bus routes and bus stop locations

As a general principle, it is agreed that whichever party makes a change (to the bus route or the road) which subsequently requires a bus stop to be moved then the party (PTA or Local Government) causing the change will be responsible for the resultant reasonable additional bus stop infrastructure costs incurred by the other party. In all bus stop relocation circumstances, both parties commit to working in partnership with each other to minimise the cost implications for the party meeting the costs.

Cost implications for bus stop changes caused by Local Government

If the affected bus stop(s) has not been upgraded to Disability Standards, the PTA's cost of removing Core Bus Stop Infrastructure is typically minimal and it will likely move the bus stop at no cost to Local Government as part of its normal operations, subject to PTA review and acceptance of the proposed location. However, where a bus stop has been upgraded by the PTA to Disability Standards and/or there is PTA owned Ancillary Bus Stop Infrastructure in place, there will likely be significant cost implications to the PTA. Therefore, in this circumstance, if the bus stop needs to be moved due to the requirements of Local Government, the resultant reasonable costs

of the PTA will be met by the relevant Local Government. Typical costs would likely include, but are not limited to, the removal of existing bus stop infrastructure and its relocation or the installation of new replacement infrastructure (inclusive of survey, design and approval costs).

Cost implications for bus stop changes caused by the PTA

If the PTA alters a bus route as part of its performance of its responsibilities and functions, the PTA will meet the cost of removing and relocating its bus stops and all reasonable costs incurred by Local Government to relocate and/or remove its Ancillary Bus Stop Infrastructure (including bus shelters) and making the redundant bus stop sites good (to a standard similar/acceptable to the immediate surrounding area), inclusive of remediating damaged kerbs and footpaths or the removal of unnecessary pram ramps.

The PTA will not be liable for claims from Local Government made with respect to moving Ancillary Bus Stop Infrastructure (including bus shelters) provided to Local Government under Infrastructure Commercial Arrangements. In limited and exceptional circumstances, the PTA will consider providing funding assistance.

Bus embayments no longer utilised

If a bus embayment is no longer required by the PTA for use as a bus stop, the PTA agrees to liaise with the relevant Local Government (or Main Roads Western Australia), to determine the required level of rectification that will be undertaken at the cost of the PTA.

Utility provider works impacting bus stop infrastructure

If a Local Government becomes aware of any utility works that will likely, or will, adversely impact upon a bus stop, the PTA should be advised as soon as practicable. Following Local Government advice of utility works, the PTA will liaise directly with the relevant utility regarding impacts upon bus stop locations.

Maintenance of bus stop infrastructure

Maintenance of Core Bus Stop Infrastructure

The PTA is responsible for maintaining and updating all of its Core Bus Stop Infrastructure to standards required by State Government. Any maintenance issues identified by Local

Governments for Core Bus Stop Infrastructure should be reported to the PTA as soon as reasonably practicable for resolution by the PTA.

Maintenance of Ancillary Bus Stop Infrastructure

Maintenance of Ancillary Bus Stop Infrastructure provided by Local Government is the responsibility of the relevant Local Government. In recognition of the benefit derived by its patrons from the provision of bus shelters by Local Government, the PTA agrees to provide funding support to participating Local Governments under the “Bus Shelter Maintenance Assistance Scheme” (BSMAS) described in section 0 and detailed in Schedule 4.

Maintenance of Ancillary Bus Stop Infrastructure provided by the PTA is the responsibility of the PTA.

Bus Shelter Database

The PTA will maintain the primary bus stop and bus shelter database used to make BSMAS payments. WALGA/Local Governments agree to provide the PTA with updated/revised bus shelter information on a regular basis; but no less than annually, so that the accuracy of PTA's database is maintained. In undertaking its duties, if the PTA becomes aware of discrepancies in the bus shelter database it will consult directly with the relevant Local Government to clarify and update the primary database. Bus shelters provided under Commercial Infrastructure Agreements must be included in the bus shelter listing and be appropriately identified so that the PTA may exclude them from BSMAS payment arrangements.

1.1 Identification of Damage to Bus Shelters

Local Governments will use their own resources to identify damage to bus shelters and respond with maintenance as soon as reasonably practicable. Any bus shelter maintenance issues identified by the PTA through its staff, bus drivers or the public will be reported to the relevant Local Government as soon as reasonably practicable for its resolution.

Governance

Modification and review process

This Partnership Agreement is to apply from the date of both parties' signatures until 30 June 2023, with a formal evaluation commencing in January 2023. The formal evaluation process will be initiated and managed jointly by PTA and WALGA officers who will report with recommendations to the Managing Director, PTA and the WALGA State Council. This

Partnership Agreement may be modified during the life of the agreement with the written consent of both parties.

Dispute resolution process

In relation to any matter that may be in dispute between the parties in relation to this Partnership Agreement, the dispute is to be resolved by the Chief Executive Officer of WALGA and the Director General of Transport working in good faith to achieve agreeable outcomes.

Break clause

This Partnership Agreement may be terminated at any time by the mutual agreement of the WALGA State Council and the Managing Director, PTA. Prior to terminating this Partnership Agreement it is intended that wherever possible and appropriate the parties use all available mechanisms to keep the Partnership Agreement alive and active.

Application of GST

- (i.) All monetary references in this Partnership Agreement are exclusive of GST.
- (ii.) Any monetary remittance by PTA to a Local Government under the BSMAS or BSSP will include GST.

1.1 Agreement in good faith

This is an agreement made in good faith based on the commitment of the parties to an effective and sustainable partnership. It does not seek to establish a legal relationship between the parties.

SIGNED on behalf of the PUBLIC TRANSPORT AUTHORITY by

Mark Burgess

Managing Director, Public Transport Authority

On ____/____/____ (date)

SIGNED on behalf of the WESTERN AUSTRALIAN LOCAL GOVERNMENT ASSOCIATION by

Cr Lynne Craigie

President, Western Australian Local Government Association

On ____/____/____ (date)

Schedule 1**PTA Bus Stop Layout Guidelines****Schedule 2****Bus Shelter Subsidy Program**

In recognition of the significant benefit derived by PTA patrons from the provision of bus shelters by Local Government (and other entities), the PTA subsidises the cost of providing this infrastructure through the Bus Shelter Subsidy Program (BSSP).

The BSSP is administered by the PTA and to access the funds and services provided by the PTA under this program, Local Governments are required to make a brief submission to the PTA simply detailing the stop location for the PTA's consideration. In general terms, the PTA will support approval for a bus shelter under this program if:

1. the bus stop has consistent passenger boardings over fifteen people (average weekday basis);
2. the applicant agrees to pay to the PTA the required financial contribution toward the cost of purchasing and installing the bus shelter; and
3. the applicant agrees to own and accept ongoing maintenance responsibility for the bus shelter.

The PTA's minimum passenger boarding requirements will be reduced for applications received from regional areas and a greater emphasis will be placed on supporting the provision of bus shelters at key community centres.

To encourage ongoing Local Government participation, applications may be submitted to the PTA at any time. The PTA commits to undertaking assessments and providing an initial response within two weeks. Approvals will be made on a first come, first served basis.

Funding for the program is currently limited to \$500,000 each financial year and the PTA will proactively endeavour to ensure that all funds are spent each year. The PTA agrees to manage the funds being made available under the BSSP in an open and transparent manner, noting that the decisions of the PTA are final. Upon request, the PTA will provide a schedule to WALGA of all project applications and funds approved after the conclusion of each financial year. To facilitate a fair distribution of funds, the following aspects will also be taken into consideration by the PTA if required:

- if high volumes of applications are received resulting in the likely consumption of all funds early in the financial year - the PTA reserves the right to increase the passenger boarding requirement in criterion 1.

- if funding for the program is exhausted for the current financial year - applications may be automatically carried forward to the next financial year (if the applicant is agreeable).
- if a single Local Government submits an excessively high number of applications – the PTA will scale-back the number of applications it will approve in that year.
- if a Local Government has demonstrated a strong commitment to funding the provision of Ancillary Bus Stop Infrastructure (particularly non-qualifying BSSP bus shelters) - the passenger boarding requirement under criterion1 may be reduced (if BSSP funding is available).
- special case applications (universities, health campuses, shopping centres) - the passenger boarding requirement under criterion 1 may be reduced (if BSSP funding is available).
-

Submissions are to be sent to transperthsignage@pta.wa.gov.au, or call 9326 2922 for assistance.

Schedule 3

Ancillary Bus Stop Infrastructure Owned and Maintained by the PTA

Stop Number	Location	Suburb	CAT Stop Name	CAT Number	CAT Route
10467	South Tce after Wray Av	Fremantle	N/A	N/A	N/A
10465	South Tce after Price St	Fremantle	N/A	N/A	N/A
10565	Hampton Rd before Lefroy Rd	Beaconsfield	N/A	N/A	N/A
10689	Hampton Rd after Lefroy Rd	Beaconsfield	N/A	N/A	N/A
10571	Rockingham Rd before Forrest Rd	Hamilton Hill	N/A	N/A	N/A
10573	Rockingham Rd before Carrington Rd	Hamilton Hill	N/A	N/A	N/A
10654	Rockingham Rd after Leda St	Hamilton Hill	N/A	N/A	N/A
10648	Rockingham Rd before Phoenix Rd	Spearwood	N/A	N/A	N/A
10647	Rockingham Rd after Kent St	Spearwood	N/A	N/A	N/A
10578	Rockingham Rd before Kent St	Spearwood	N/A	N/A	N/A
10645	Rockingham Rd before Spearwood Av	Spearwood	N/A	N/A	N/A
10642	Rockingham Rd before Newton St	Spearwood	N/A	N/A	N/A
10585	Rockingham Rd before Barrington St	Spearwood	N/A	N/A	N/A
10640	Rockingham Rd after Barrington St	Spearwood	N/A	N/A	N/A
10637	Rockingham Rd after Marvell Av	Munster	N/A	N/A	N/A
10635	Rockingham Rd after Beelira Dr	Beeliar	N/A	N/A	N/A
10592	Rockingham Rd before Wattleup Rd	Wattleup	N/A	N/A	N/A
10626	Rockingham Rd after Wattleup Rd	Wattleup	N/A	N/A	N/A
17037	Gilmore Av after Pengilly Rd	Medina	N/A	N/A	N/A
17085	Gilmore Av after Brownell Cres	Medina	N/A	N/A	N/A
17039	Gilmore Av before Christmas Av	Medina	N/A	N/A	N/A
17041	Gilmore Av before Sulphur Av	Calista	N/A	N/A	N/A
17083	Gilmore Av after Summerton Rd	Calista	N/A	N/A	N/A
17048	Gilmore Av before Rhodes Cr	Calista	N/A	N/A	N/A
17079	Gilmore Av after Rhodes Cr	Calista	N/A	N/A	N/A
17076	Gilmore Av before Sloan Dr	Calista	N/A	N/A	N/A
17075	Gilmore Av after Feilman Dr	Leda	N/A	N/A	N/A
17058	Dixon Rd after Ennis Av	Hillman	N/A	N/A	N/A
17067	Dixon Rd before Ennis Av	East Rockingham	N/A	N/A	N/A
17060	Dixon Rd before Dowling St	Rockingham	N/A	N/A	N/A
17065	Dixon Rd after Dowling St	Rockingham	N/A	N/A	N/A
11496	Stubbs Tce after Selby St	Daglish	N/A	N/A	N/A
11515	Stubbs Tce before Selby St	Daglish	N/A	N/A	N/A
16949	Trafalgar Rd	East Perth	Nile Street Princess Margaret Hospital	6	Yellow
23088	Murray St	West Perth	William Street	20	Yellow
12900	Wellington St	Perth	WACA	24	Yellow
16938	Nelson Cr	East Perth	Victoria Avenue	1	Red
16910	Hay St	Perth	Central Park	7	Red
16912	Hay St	Perth		12	Red
16916	Hay Street	West Perth	Parliament	15	Red
17511	Outram St	West Perth	Outram Street	18	Red
17509	Ord St	West Perth	Ord Street	19	Red
17510	Ord St	West Perth	Havelock Street	20	Red

Stop Number	Location	Suburb	CAT Stop Name	CAT Number	CAT Route
17497	Murray St	West Perth	Gordon Street	21	Red
16968	Murray St	Perth	Royal Perth Hospital	26	Red
16969	Goderich St	Perth	Mercedes College	27	Red
16937	Hay St	East Perth	Queens Gardens	29	Red
16974	Barrack Sq	Perth	Barrack Square <i>*temporary</i>	2	Blue
12130	Beaufort St	Perth	Museum	5	Blue
12936	Aberdeen St	Perth	Art Centre	6	Blue
12937	Aberdeen St	Perth	Central Institute	7	Blue
12938	Aberdeen St	Northbridge	Aberdeen Street	8	Blue
12939	Aberdeen St	Northbridge	Francis Street	9	Blue
12935	James St	Northbridge	James Street	12	Blue
26650	Colin St	West Perth	Ord Street	6	Green
26652	Colin St	West Perth	Hay Street	7	Green
26656	Leederville Stn - Access Rd	West Leederville	Leederville Station	11	Green
26653	Colin St	West Perth	Hay Street	15	Green
26651	Colin St	West Perth	Kings Park Road	16	Green
10117	St Georges Tce	Perth	Cloisters	20	Green
12915	Wellington St	East Perth	Wellington Square	4 9	Red / Yellow
12924	Wellington St	Perth	Forrest Place	10 14	Red / Yellow
12901	Wellington St	Perth	Perth Station	24 25	Red / Yellow

Schedule 4

Public Transport Authority of Western Australia

Bus Shelter Maintenance Assistance Scheme – Participation Agreement

2018/19

Local Government Authority Name:

Number of qualifying Bus Shelters in this Jurisdiction:

Number of non-qualifying Bus Shelters provided under Infrastructure Commercial Agreements in this jurisdiction:

Bus Shelter Maintenance Assistance Scheme Payment Claim:

Chief Executive Officer Certification:

I certify that all bus shelters under my care, control and management within this Local Government jurisdiction have been maintained to a safe and reasonable standard and that the information provided above is true and correct.

Signature

Date

5.3 2019-20 State Budget Submission (05-001-03-0006 DM)

By Dana Mason, Policy Manager Economics

Recommendation

That WALGA's submission to the State Government in advance of the 2019-20 Budget be endorsed.

In Brief

- Each year, WALGA prepares a submission to the State Government outlining the sectors' priorities for the upcoming budget.
- Although the State's financial position has improved slightly since then, there remains significant constraints on the State Budget and the Government is still focussed on fiscal repair in order to pay down the record levels of debt that have accumulated in recent years.
- In this context, WALGA's 2019-20 State Budget Submission encourages the State Government to focus on economic growth and development as a way of addressing the state's budget challenges and delivering priority services and infrastructure for the community. The submission identifies a number of priority areas for spending and microeconomic reform that are needed from the sector's perspective to set WA on a path for future prosperity and deliver on important community needs.
- In developing the submission, WALGA has sought feedback from members and the State Council.

Attachment

WALGA 2019-20 State Budget Submission.

Relevance to Strategic Plan

Key Strategies

Sustainable Local Government

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

Enhanced Reputation and Relationships

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

Policy Implications

The submission reflects related WALGA policy positions.

Budgetary Implications

Nil.

Background

- The 2019-20 Budget will be set against a backdrop of an improving economy. After contracting by 2.7% in 2016-17, the WA economy is on track for growth, and is forecast to expand by 3.75% in 2019-20, and 3% in the following two years.
- While the WA economy has now turned a corner, challenges still remain.
 - The State's financial position remains challenging and it will take a number of years before improved economic conditions translate into a more favourable budget outcome. The budget is still expected to remain in deficit (of \$160 million) in 2019-20, while total public sector net debt will reach its peak of \$40.8 billion (or 82% of revenue). Even though the budget is expected to return to surplus in 2020-21, it will take years for debt to return to more sustainable levels. The Commonwealth Government has committed to funding to WA under the revised GST arrangements which will provide a boost to the state's revenues, however this is expected to be used for debt repayment rather than new recurrent spending initiatives. As a result, the State Government will have only limited capacity to fund new spending initiatives in the short term.
 - There are a range of challenges on the horizon for the WA economy, driven by disruptive trends including technological change; the ageing population; environmental change and shifts in the global economy.
- Against this backdrop, WALGA considers that the 2019-20 Budget should be used to introduce measures to grow the state's economy in order to improve the budget position, prepare the state's economy for emerging challenges and deliver continued improvements in wellbeing for communities over the longer term.
- Local Government is a willing partner and can work with the State Government to achieve its economic goals as a way to support better community outcomes. However, the sector requires support from the State Government to effectively deliver on its activities, due to the restrictions that are imposed on its operations – in particular the capacity to raise revenue and recover costs, and engage in structures that will allow more efficient resource and asset management.
- These restrictions create significant challenges for the sector in managing the impact of changing economic and fiscal conditions on its budget, and mean that Local Government is reliant on funding from other levels of government to supplement revenue from rates, fees and charges in order to provide the services and infrastructure that are demanded by the community.
- The 2019-20 Budget should continue to provide funding support to Local Governments for priority areas identified by the community, and set in place reforms that will free up the sector to better deliver on its functions in an efficient manner.
- WALGA's submission identifies a number of priority areas for spending and microeconomic reform that are needed from the sector's perspective to set WA on a path for future economic growth and prosperity and deliver on community needs.

• Policy Area	• Spending Priority	• Reform Priority
• <i>Better Government</i>		
• <i>Economic Development</i>	• Funding should be provided in the 2019-20 Budget to create an Economic Development Strategy for WA.	• The State Government should take a leadership role to bring together all stakeholders to develop a joined up approach to the future development of the WA economy.

<ul style="list-style-type: none"> <i>Fiscal management</i> 		<ul style="list-style-type: none"> Fiscal repair must remain a priority for the 2019-20 Budget. Spending cuts must first be targeted at removing waste and inefficiencies from the public sector, and then focussed on moving service delivery to a sustainable base. Spending cuts must deliver genuine savings, rather than shifting costs onto Local Government, the not-for-profit or private sectors. Windfall gains from reform to the GST distribution mechanism must not be wasted. A strategic decision must be made around priorities for investing in key local infrastructure and paying down debt, and resist the temptation to direct windfall GST revenue into new spending initiatives. The WA Government should advocate to the Commonwealth for a review of the tax system as part of a longer term reform agenda.
<ul style="list-style-type: none"> <i>Local Government Act Review</i> 	<ul style="list-style-type: none"> The 2019-20 Budget must include provision for sufficient funding to enable a comprehensive consultation process with the Local Government sector and the general community as part of the development of the New Local Government Act. 	
<ul style="list-style-type: none"> <i>Local Government Fees and Charges</i> 	<ul style="list-style-type: none"> Funding should be provided in the 2019-20 Budget for an independent review into Local Government Fees and Charges, to inform the New Local Government Act. 	<ul style="list-style-type: none"> Local Governments should have the autonomy to set the level of their fees and charges.
<ul style="list-style-type: none"> Better Cities, Towns and Regions 		
<ul style="list-style-type: none"> <i>Infrastructure</i> 	<ul style="list-style-type: none"> Additional funding support will be needed to address the local infrastructure backlog given the constraints on the ability of Local Governments to raise own sourced 	<ul style="list-style-type: none"> Effective, transparent and genuinely open consultative and engagement processes with all stakeholders, including Local Governments, is critical to ensuring that the value of Infrastructure WA is realised. In

	<p>revenue. The priority areas are:</p> <ul style="list-style-type: none"> ○ Improvements that will reduce run-off road crashes on the local road network; ○ Additional funding across the forward estimates to support the Perth integrated cycling network; ○ Priority investments identified under the Revitalising Agricultural Regional Freight Strategy; and ○ Telecommunications infrastructure in regional areas identified through the State Telecommunications Infrastructure Audit. 	<p>developing an infrastructure plan for WA, Infrastructure WA should adopt a state-wide focus and consult with appropriate community groups and Local Government.</p> <ul style="list-style-type: none"> • The Local Government sector seeks representation on the Infrastructure WA Board on the basis that Local Governments are a key strategic partner in the delivery, care, control and management of community infrastructure and contribute to planned, integrated and sustainable outcomes. A well respected leader with strong understanding of the Local Government sector would make a valuable contribution to the Infrastructure WA Board, particularly during the establishment phase as systems and processes are developed and implemented. • Infrastructure WA needs to have a sufficiently broad mandate and sufficient resourcing to identify infrastructure gaps that may not have yet been adequately defined and developed by Government agencies. Given the proposed \$100 million threshold for projects, which aligns with Infrastructure Australia, there may be advantages in defining projects broadly, either across functions or spatially, and considering the costs and benefits over a long term time horizon. • Within the forward estimates, the State Government needs to develop an appropriate mechanism through which the increased infrastructure costs from the use of heavy vehicles and those loaded in excess of limits can be recovered from those benefitting, and redirected into the cost of road maintenance.
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		<ul style="list-style-type: none"> The State Government must examine options for the replacement of mercury vapour street lights in line with the anticipated requirements of the Minamata Convention. Options that should be examined include bulk replacements and reform to street lighting tariffs to include a range of options to facilitate and encourage managed re-investment in this important community infrastructure. WALGA considers that any LED should be the default replacement technology now that it is available in Western Power's standard product list.
<ul style="list-style-type: none"> <i>Waste</i> 	<ul style="list-style-type: none"> Establishment costs for the Container Deposit Scheme should be funded by funds collected through the Waste Avoidance and Resource Recovery Levy. 	<ul style="list-style-type: none"> All revenues raised from the Waste Avoidance and Resource Recovery Levy should be directed into strategic waste management activities.
<ul style="list-style-type: none"> <i>Planning</i> 	<ul style="list-style-type: none"> Funding should be provided for the planning and delivery of infrastructure upgrades at priority METRONET and other train precincts where significant forward planning has already been undertaken by the Local Government. 	<ul style="list-style-type: none"> Monies raised from the Metropolitan Regional Improvement Tax should be used for their intended purpose to assist in long term planning for the metropolitan region and fund the cost of land acquisition for major infrastructure projects. WALGA is supportive of a staged approach to the geographical expansion of the Metropolitan Regional Improvement Tax, beginning with the Greater Bunbury and Peel regions.
<ul style="list-style-type: none"> <i>Environment</i> 	<ul style="list-style-type: none"> The Independent Review of the Strategic Assessment of the Perth and Peel Regions must be progressed as a matter of priority. Sufficient funding must be provided to ensure appropriate consultation and ensure that the review is fully inclusive of the views and requirements of Local Government. 	<ul style="list-style-type: none"> The Government should respond to the independent review of the Strategic Assessment of the Perth and Peel Regions as soon as possible with a view to implementing the Perth and Peel Green Growth Plan to facilitate future development and provide a long term framework for the protection of the environment and provide certainty for sustainable land development.

	<ul style="list-style-type: none"> Funding should be provided in the 2019-20 Budget to undertake a full review of the Biosecurity and Agriculture Management Act (2007). 	<ul style="list-style-type: none"> The State Government, through a State Local Government Climate Change Partnership Agreement, should work collaboratively with Local Government to adequately prepare the required adaptation and mitigation strategies to address climate change. The cost of climate change adaptation and mitigation measures should be equitably shared between levels of Government.
<ul style="list-style-type: none"> Healthy Western Australians 		
<ul style="list-style-type: none"> <i>Essential Services in Regional Communities</i> 	<ul style="list-style-type: none"> Funding should be provided in the 2019-20 Budget to develop workforce strategies to assist communities in regional areas of the state to access and retain an essential services workforce including medical and healthcare professionals, police, and teachers and other education providers. 	
<ul style="list-style-type: none"> <i>Sport and recreation</i> 	<ul style="list-style-type: none"> The Community Sporting and Recreation Facilities Fund should be reinstated to \$20 million per annum. 	
<ul style="list-style-type: none"> <i>Public Health</i> 	<ul style="list-style-type: none"> The State Government must continue to fund the implementation of the Public Health Act 2016 including the provision of funding to build the capacity of the Local Government workforce and support the development of local health plans. 	
<ul style="list-style-type: none"> Future Skills and Work 		
<ul style="list-style-type: none"> <i>Public Libraries</i> 		<ul style="list-style-type: none"> Fiscal repair must remain a priority for the 2019-20 Budget. Spending cuts must first be targeted at removing waste and inefficiencies from the public sector, and then focussed on moving service delivery to a sustainable base. Spending cuts must deliver genuine savings, rather than shifting costs onto Local

		<p>Government, the not-for-profit or private sectors.</p> <ul style="list-style-type: none"> • Windfall gains from reform to the GST distribution mechanism must not be wasted. A strategic decision must be made around priorities for investing in key local infrastructure and paying down debt, and resist the temptation to direct windfall GST revenue into new spending initiatives. • The WA Government should advocate to the Commonwealth for a review of the tax system as part of a longer term reform agenda.
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Comment

- Although the State's financial position has improved, the State Government is likely to remain focused on fiscal repair and delivering on its election commitments in the 2019-20 Budget.
- Repairing the State budget is an important and necessary task that is critical to the long term best interests of all Western Australians. Prudent financial management means that there is less pressure to increase taxes and charges on households and businesses. It also means that funds are managed with an eye to the future service and infrastructure needs of the community. Currently, the State is spending around \$1 billion per year on interest payments to service the record levels of debt, which comes at a significant opportunity cost in terms of service to the community.
- WALGA's submission seeks to position Local Government as a legitimate partner to work with the State to achieve its goals, and sets out the role that the sector can play in driving local economic outcomes.
- WALGA consulted with Members and State Council in recent months seeking support for this approach, and to identify the spending and reform priorities that are critical for inclusion in the 2019-20 Budget. A range of important funding sources, programs and areas for reform are specified in the submission.
- WALGA's 2019-20 State Budget Submission:
 - Sets out the important role of Local Government in the economy and the community, and the scope for the State Government to work with the sector to deliver better economic and community outcomes.
 - Identifies the key challenges and constraints that face the sector in terms of funding and models of service delivery, and reinforces the need for continued funding support and reforms to free up the sector to deliver on the community's needs and expectations.
 - Reinforces that the State Government must not shift costs onto Local Government as a way to shore up its own financial position.
 - Identifies priority areas of spending and reform that should be progressed in the 2019-20 Budget to deliver favourable economic and community outcomes over the longer term.

Attachment 5.3

WALGA 2019-20 State Budget Submission



2019-20 State Budget Submission

Submission to the State Government in advance of the 2019-20 Budget

December 2018

Western Australian Local Government Association
ONE70, LV1, 170 Railway Parade, West Leederville, WA 6007
P.O. Box 1544, West Perth, WA 6872
T: (08) 9213 2096
E: dmason@walga.asn.au

Introduction

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 136 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 more than 1,200 Elected Members, approximately 14,500 Local Government employees, and the 2.4 million constituents that they serve and represent. The Association also provides professional advice and offers services that provide financial benefits to the Local Governments.

WALGA is grateful for the opportunity to provide a submission in advance of the 2019-20 State Budget.

After a difficult period, the WA economy is starting to show signs of improvement. This is welcome news, and over time will relieve some of the pressure on the budget position as revenues improve in line with the increase in economic activity. The state budget will also benefit in coming years as a result of the Commonwealth Government's commitment to increase funding to WA under the revised GST arrangements.

While this is good news, it is important that we do not lose sight of the need to repair the state's budget position. Since coming to office, the State Government has focussed on fiscal repair and has made headway in improving the state's financial position. It is important that this commitment to fiscal repair remains in the future, with a focus on paying down the record levels of debt that have accumulated in recent years.

While reducing wasteful and inefficient spending will be essential to addressing structural imbalances in the budget and must remain a priority, expenditure cuts are not the only solution. WALGA considers that a priority for the 2019-20 budget should be to introduce measures to grow the state's economy in order to address both the short term fiscal constraints, and deliver continued improvements in wellbeing for communities over the longer term. Local Governments are increasingly focussed on the role that they can play in driving sustainable economic development outcomes, and there is a significant opportunity for both levels of Government to work collaboratively to achieve these outcomes through the State Local Government Partnership Agreement.

WALGA's submission identifies a number of priority areas where reform is needed from the sector's perspective to set WA on a path for future economic growth and prosperity. The submission also identifies priority areas for Government spending in 2019-20 as defined by Local Governments and their communities.

Executive Summary

The past few years have been challenging for Western Australians, as the economy has transitioned from the mining investment boom. As well as the more difficult economic environment, there has been limited capacity for spending on services and infrastructure as the Government has been forced to focus on the important task of budget repair.

Although the WA economy is starting to improve, it will take some time for this to translate through into an improved and sustainable financial position. Although the State is on track to return to surplus, underpinned by the improvement in revenues as the economy gains pace and windfall revenues from the proposed changes to the GST allocation formula, there still remains a significant task to pay down the record levels of debt that were accumulated during the mining boom years.

As well as addressing the challenges necessary to bring the state's finances back onto a sustainable footing, the Government will also need to put in place measures to ensure the state's prosperity into the future by identifying new sources of economic growth, managing expenditure relative to that growth and generally enhancing WA's economic resilience. The state's continued economic success will be a critical strategy to grow revenues and improve the overall budget position.

Against this backdrop, WALGA considers that the 2019-20 Budget should be used to introduce measures to grow the state's economy in order to address both the short term fiscal constraints, and deliver continued improvements in wellbeing for communities over the longer term. The 2019-20 Budget should concentrate on strategies to encourage sustainable economic growth and diversification, and ensure our economy and communities are resilient and well placed for the future.

Local Government is endowed with a power of general competence under the *Local Government Act 1995*, and this, combined with the nature of the sector's prescribed functions and activities, means that it has a significant impact on local economic outcomes and can be an important partner for the State government in delivering on its economic priorities.

The State-Local Government Partnership Agreement provides an important opportunity for a closer, more collaborative relationship between the two levels of Government across a range of issues including economic development. While specific areas for collaboration are not articulated, economic development clearly fits within the scope of the Agreement which notes that improved quality of life relies on workforce participation, social inclusion, a healthy environment, a growing economy, improving productivity and vibrant communities.

WALGA's recent research has demonstrated that Local Governments are increasingly focussed on economic development, and that they have an important role to play in terms of coordinating stakeholders, planning for the future, direct service and infrastructure provision, and creating a business friendly environment through its role as a regulator.

However, in exercising this role, Local Governments often require support from the State Government to effectively deliver on these important activities, due to the restrictions that are imposed on its operations – in particular the capacity to raise revenue and recover costs, and engage in structures that will allow more efficient resource and asset management. These restrictions create significant challenges for the sector in managing the impact of changing economic and fiscal conditions on its budget, and mean that Local Government is reliant on funding from other levels of government to supplement revenue from rates, fees and charges in order to provide the services and infrastructure that are demanded by the community.

To ensure it can deliver on its role in supporting the state's future growth and development and facilitate improvements in wellbeing for local communities, it is critical that the Local Government sector is enabled to deliver on these functions, and retains access to reliable, long term funding from the State Government to support revenue shortfalls and the provision of important services and infrastructure.

WALGA's submission identifies a number of priority areas for spending and microeconomic reform that are needed from the sector's perspective to help progress WA along the State's path for future economic growth and prosperity. These priorities align with the broader national agenda identified by the Productivity Commission and will help to position the WA economy for the future.

Recommendations

Policy Area	Spending Priority	Reform Priority
<i>Better Government</i>		
<i>Economic Development</i>	<ul style="list-style-type: none"> Funding should be provided in the 2019-20 Budget to create an Economic Development Strategy for WA. 	<ul style="list-style-type: none"> The State Government should take a leadership role to bring together all stakeholders to develop a joined up approach to the future development of the WA economy.
<i>Fiscal management</i>		<ul style="list-style-type: none"> Fiscal repair must remain a priority for the 2019-20 Budget.

		<ul style="list-style-type: none"> • Spending cuts must first be targeted at removing waste and inefficiencies from the public sector, and then focussed on moving service delivery to a sustainable base. • Spending cuts must deliver genuine savings, rather than shifting costs onto Local Government, the not-for-profit or private sectors. • Windfall gains from reform to the GST distribution mechanism must not be wasted. A strategic decision must be made around priorities for investing in key local infrastructure and paying down debt, and resist the temptation to direct windfall GST revenue into new spending initiatives. • The WA Government should advocate to the Commonwealth for a review of the tax system as part of a longer term reform agenda.
<i>Local Government Act Review</i>	<ul style="list-style-type: none"> • The 2019-20 Budget must include provision for sufficient funding to enable a comprehensive consultation process with the Local Government sector and the general community as part of the development of the New Local Government Act. 	
<i>Local Government Fees and Charges</i>	<ul style="list-style-type: none"> • Funding should be provided in the 2019-20 Budget for an independent review into Local Government Fees and Charges, to inform the New Local Government Act. 	<ul style="list-style-type: none"> • Local Governments should have the autonomy to set the level of their fees and charges.
<i>Better Cities, Towns and Regions</i>		
<i>Infrastructure</i>	<ul style="list-style-type: none"> • Additional funding support will be needed to address the local infrastructure backlog given the constraints on the ability of Local Governments to raise own sourced revenue. The priority areas are: <ul style="list-style-type: none"> ○ Improvements that will reduce run-off road 	<ul style="list-style-type: none"> • Effective, transparent and genuinely open consultative and engagement processes with all stakeholders, including Local Governments, is critical to ensuring that the value of Infrastructure WA is realised. In developing an infrastructure plan for WA, Infrastructure WA should adopt a state-wide focus and consult with

	<p>crashes on the local road network;</p> <ul style="list-style-type: none"> ○ Additional funding across the forward estimates to support the Perth integrated cycling network; ○ Priority investments identified under the Revitalising Agricultural Regional Freight Strategy; and ○ Telecommunications infrastructure in regional areas identified through the State Telecommunications Infrastructure Audit. 	<p>appropriate community groups and Local Government.</p> <ul style="list-style-type: none"> • The Local Government sector seeks representation on the Infrastructure WA Board on the basis that Local Governments are a key strategic partner in the delivery, care, control and management of community infrastructure and contribute to planned, integrated and sustainable outcomes. A well respected leader with strong understanding of the Local Government sector would make a valuable contribution to the Infrastructure WA Board, particularly during the establishment phase as systems and processes are developed and implemented. • Infrastructure WA needs to have a sufficiently broad mandate and sufficient resourcing to identify infrastructure gaps that may not have yet been adequately defined and developed by Government agencies. Given the proposed \$100 million threshold for projects, which aligns with Infrastructure Australia, there may be advantages in defining projects broadly, either across functions or spatially, and considering the costs and benefits over a long term time horizon. • Within the forward estimates, the State Government needs to develop an appropriate mechanism through which the increased infrastructure costs from the use of heavy vehicles and those loaded in excess of limits can be recovered from those benefitting, and redirected into the cost of road maintenance. • The State Government must examine options for the replacement of mercury vapour street lights in line with the anticipated requirements of the Minamata Convention. Options that should be examined include bulk replacements and reform to street lighting tariffs to include a range of options to facilitate and encourage managed re-investment in this important community infrastructure. • WALGA considers that any LED should be the default replacement technology
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		now that it is available in Western Power's standard product list.
<i>Waste</i>	<ul style="list-style-type: none"> Establishment costs for the Container Deposit Scheme should be funded by funds collected through the Waste Avoidance and Resource Recovery Levy. 	<ul style="list-style-type: none"> All revenues raised from the Waste Avoidance and Resource Recovery Levy should be directed into strategic waste management activities.
<i>Planning</i>	<ul style="list-style-type: none"> Funding should be provided for the planning and delivery of infrastructure upgrades at priority METRONET and other train precincts where significant forward planning has already been undertaken by the Local Government. 	<ul style="list-style-type: none"> Monies raised from the Metropolitan Regional Improvement Tax should be used for their intended purpose to assist in long term planning for the metropolitan region and fund the cost of land acquisition for major infrastructure projects. WALGA is supportive of a staged approach to the geographical expansion of the Metropolitan Regional Improvement Tax, beginning with the Greater Bunbury and Peel regions.
<i>Environment</i>	<ul style="list-style-type: none"> The Independent Review of the Strategic Assessment of the Perth and Peel Regions must be progressed as a matter of priority. Sufficient funding must be provided to ensure appropriate consultation and ensure that the review is fully inclusive of the views and requirements of Local Government. Funding should be provided in the 2019-20 Budget to undertake a full review of the <i>Biosecurity and Agriculture Management Act (2007)</i>. 	<ul style="list-style-type: none"> The Government should respond to the independent review of the Strategic Assessment of the Perth and Peel Regions as soon as possible with a view to implementing the Perth and Peel Green Growth Plan to facilitate future development and provide a long term framework for the protection of the environment and provide certainty for sustainable land development. The State Government, through a State Local Government Climate Change Partnership Agreement, should work collaboratively with Local Government to adequately prepare the required adaptation and mitigation strategies to address climate change. The cost of climate change adaptation and mitigation measures should be equitably shared between both levels of Government.
<i>Healthy Western Australians</i>		
<i>Essential Services in Regional Communities</i>	<ul style="list-style-type: none"> Funding should be provided in the 2019-20 Budget to develop workforce strategies to assist communities in regional areas of the state to access and retain an essential services workforce 	

	including medical and healthcare professionals, police, and teachers and other education providers.	
<i>Sport and recreation</i>	<ul style="list-style-type: none"> The Community Sporting and Recreation Facilities Fund should be reinstated to \$20 million per annum. 	
<i>Public Health</i>	<ul style="list-style-type: none"> The State Government must continue to fund the implementation of the <i>Public Health Act 2016</i> including the provision of funding to build the capacity of the Local Government workforce and support the development of local health plans. 	
<i>Future Skills and Work</i>		
<i>Public Libraries</i>	<ul style="list-style-type: none"> Funding must be provided to in the 2019-20 Budget to progress the implementation of the WA Public Library Strategy. As a starting point, the introduction of a system for the allocation of annual State Government funding should be considered as a priority. 	

Economic and Fiscal Context

WA Economic Snapshot

After a difficult period, there are signs emerging that the WA economy has turned the corner and will return to growth in the years ahead.

After falling into recession for the first time in almost 30 years during 2016-17, partial indicators of the economy have since pointed towards an improving outlook for the state. The WA domestic economy, as measured by State Final Demand, has now expanded in annual terms for four consecutive quarters after increasing by 0.75 over the year to June 2018. This follows almost four years of decline, and has occurred as the rate of contraction in business investment has started to slow.

The state's labour market has also shown signs of improvement, with employment growth increasing in annual terms for the past 14 consecutive months. Some 15,900 jobs have been created over the year to September 2018. The state's unemployment rate has also improved compared to recent years, but still remains at 6% - well above the record low of 2.3% recorded in October 2008.

Looking ahead, the WA economy is expected to strengthen with Treasury predicting that Gross State Product will expand by 3.75% in 2019-20, and 3% in the following two years. Although the economy is expected to recover, a return to the exceptional rates of growth recorded during the mining boom

years is not likely in the foreseeable future, with growth predicted to remain below the long run average of 4.7% per annum across the forward estimates.

Although the WA economy is starting to improve, it will take some time for this to translate through into an improved and sustainable financial position. The budget is still expected to remain in deficit (of \$160 million) in 2019-20, but is on track to return to a surplus position of \$1.3 billion by 2020-21. The return to surplus will also be supported by an improvement in the state's revenue outlook. After declining in 2016-17, revenues are expected grow by 4.2% in 2018-19, and average growth of 3.5% across the forward estimates. The pick-up in revenue will be driven by Commonwealth grants, which are expected to increase by 6.7% per annum across the forward estimates, underpinned by an improvement in the State's GST relativity from 34.4% in 2017-18, to 64.9% in 2021-22.

Since these figures were provided in the Budget, the Commonwealth has also committed to provide 'top up' funding to WA to address the State's declining share of the GST distribution over the period from 2016-20 to 2021-22, which will provide a further boost to the State's revenues in the short term until the proposed 70 cent in the dollar floor is introduced from 2022-23.

While the improvement in revenue will help to drive the budget back into the black, this does not mean that the state's financial problems are solved. While the State Government has undertaken significant work to rein in the excessive rates of growth in spending that have occurred under successive Governments for a number of years now, this must remain a priority. Government spending is predicted to grow by just 1.4% on average across the forward estimates, and it will be important that the Government holds firm on this commitment.

There also remains a significant task to pay down the record levels of debt that were accumulated during the mining boom years. Total public sector net debt is expected to hit a record \$40.8 billion (or 82% of revenue) in 2019-20. While the return surplus will help see debt start to fall to \$39.7 billion in 2021-22 (or 75% of revenue), it will take years to return to more sustainable levels (for example to meet the previous financial target of a 55% net debt to revenue ratio). In this environment, it will be critical that the Government remains focussed on fiscal repair and that the improvement in revenues is used towards debt repayment.

As well as addressing the challenges necessary to bring the state's finances back onto a sustainable footing, the Government will also need to put in place measures to ensure the state's prosperity into the future by identifying new sources of economic growth, managing expenditure relative to that growth and generally enhancing WA's economic resilience. The state's continued economic success will be a critical strategy to grow revenues and improve the overall budget position.

There are a range of challenges on the horizon for the state. WA, like many other nations, will be impacted by significant shifts in the global economy with the rise of Asia and developing nations; the ageing population; new technologies that will change the way we live, work and do business; and our changing climate and environment.

However, it's not all bad news and there are many opportunities for WA to continue to build on our strong industry base particularly in resources, as well as the potential to capture the opportunities presented by new and emerging industries such as lithium, renewable energy, space, tourism, mining technology and services, agriculture and food, and education and training.

The 2019-20 Budget is an ideal time for the State to put in place measures to prepare the state for these future challenges and opportunities.

Local Government Context

The Local Government sector plays a significant role in the community through the delivery of essential services and infrastructure.

WA Local Governments spent \$4.1 billion in 2016-17 on important services for the community, with the majority directed towards transport and communications, recreation and culture and housing and community amenities. Local Governments also manage assets worth more than \$48 billion, including

responsibility for more than 88% of the public road network. The key roles and responsibilities of the sector include:

- infrastructure and property services, including local roads, bridges, footpaths, drainage, waste collection and management;
- provision of recreation facilities, such as parks, sports fields and stadiums, golf courses, swimming pools, sport centres, halls, camping grounds and caravan parks;
- health services such as water and food inspection, immunisation services, toilet facilities, noise control and meat inspection and animal control;
- community services, such as child-care, aged care and accommodation, community care and welfare services;
- building services, including inspections, licensing, certification and enforcement;
- planning and development approval;
- administration of facilities, such as airports and aerodromes, ports and marinas, cemeteries, parking facilities and street parking; and
- cultural facilities and services, such as libraries, art galleries and museums.

Local Government is endowed with a power of general competence under the *Local Government Act 1995*, and this, combined with the nature of the sectors prescribed functions and activities, means that it has a significant impact on local economic outcomes and can be an important partner for the State government in delivering on its economic priorities. This important role has been acknowledged by the World Bank, which stated that “strategically planned local economic development is used by communities to strengthen the local economic capacity of an area, improve the investment climate, and increase the productivity and competitiveness of local businesses, entrepreneurs and workers. Particularly through its role in addressing market failures through regulation and delivery of services and infrastructure, Local Governments have a direct impact on economic activity, and can also influence the environment indirectly through the creation of vibrant and liveable communities.

The State-Local Government Partnership Agreement provides an important opportunity for a closer, more collaborative relationship between the two levels of Government across a range of issues including economic development. While specific areas for collaboration are not articulated, economic development clearly fits within the scope of the Agreement which notes that improved quality of life relies on workforce participation, social inclusion, a healthy environment, a growing economy, improving productivity and vibrant communities. The Partnership Agreement also notes that the State Government, with its leadership and ability to set policy and implement programs for all of Western Australia, and the Local Government sector, with a presence in all Western Australian communities, have complementary strengths that can be combined to benefit the state overall.

WALGA’s recent research has demonstrated that Local Governments are increasingly focussed on economic development, and that they have an important role to play in terms of coordinating stakeholders, planning for the future, direct service and infrastructure provision, and creating a business friendly environment through its role as a regulator.

However in exercising this role, Local Governments often require support from the State Government to effectively deliver these important activities, due to the restrictions that are imposed on its operations – in particular the capacity to raise revenue and recover costs, and engage in structures that will allow more efficient resource and asset management. These restrictions create significant challenges for the sector in managing the impact of changing economic and fiscal conditions on its budget, and mean that Local Government is reliant on funding from other levels of government to supplement revenue from rates, fees and charges in order to provide the services and infrastructure that are demanded by the community.

In the current financially-constrained environment, the recent focus on fiscal consolidation at other levels of Government has affected Local Governments own budgets and ability to meet community needs and priorities. WALGA acknowledges that this has been a necessity, as the task of budget repair is in the best long term interests of the state and must be shared among the community.

Local Governments have contributed to budget repair in a number of different ways. Principally, funding provided to the sector through the *State Road Funds to Local Government Agreement* has been reduced from 27% of vehicle licence revenue to approximately 20%. The combination of these progressive funding cuts and conservative forward estimates of vehicle licence fees (VLF) have resulted in total allocated funding of \$791 million over the term of the Agreement, or 22.6% of total VLF revenue. This is \$155 million less than initially established under the Agreement. There has also been a 40% reduction to the direct grant component of State funding for Local Roads.

Local Government has also increasingly taken on responsibility for services to the community that were provided by the State Government, without access to an additional revenue source to fund them. Some examples include assuming responsibility for the metropolitan library courier service; club development officers; and community and human services such as aged care and disability services, mosquito control, Aboriginal Health; Domestic Violence; and public and preventative health such as mosquito control, smoking in venues and programs to encourage physical activity.

To ensure it can deliver on its role in supporting the state's future growth and development and facilitate improvements in wellbeing for local communities, it is critical that the Local Government sector is enabled to deliver on these functions, and retains access to reliable, long term funding from the State Government to support revenue shortfalls and the provision of important services and infrastructure.

2019-20 State Budget Priorities

Against this backdrop, WALGA considers that the 2019-20 Budget should be used to introduce measures to grow the state's economy in order to address both the short term fiscal constraints, and deliver continued improvements in wellbeing for communities over the longer term. The 2019-20 Budget should set out a strategy to ensure our economy is flexible, resilient, and prepared for the future.

The challenges on the horizon are not unique to WA, but are being influenced by trends that will shape economies around the globe. These trends have already been considered at a national level by the Productivity Commission, which set out a reform agenda to ensure the nation's ongoing growth and prosperity. This agenda focuses on:

- More Efficient Government;
- Better Towns and Cities;
- Healthy Australians; and
- Future Skills and Work.

The work undertaken by the Productivity Commission in setting out a national reform agenda and the themes identified are also relevant at other levels of Government, and provides an important guide for the State and Local Governments in planning for WA's economic future.

WALGA's submission identifies a number of priority areas for spending and microeconomic reform that are needed from the sector's perspective to set WA on a path for future economic growth and prosperity. These priorities align with the broader national agenda set out by the Productivity Commission and will help to position the WA economy for the future.

More efficient Government *State Economic Development Plan*

Although there is a range of activities currently under way to support our future economic development, there is scope to do more to ensure our state is well positioned to ride out the challenges and to make the most of the opportunities that lie before us.

A more strategic approach needs to be taken to the future economic development of our state, to ensure that all levels of government, business and the community are working towards a common goal. This will

require a partnership approach which sees closer collaboration and alignment between Governments at all levels, industry and the community.

There is a clear role for the State Government to take the lead and bring together all stakeholders to develop a joined up approach to the future development of the WA economy.

Within WA, there is a range of organisations whose focus is on encouraging economic development. Organisations from all levels of Government, business and industry groups, research bodies, think tanks and academia are involved in activities aimed at driving economic development in the state. With such a large number of organisations operating in this area, it is essential that roles and responsibilities are understood and activities are coordinated and directed towards achieving a common agenda.

The State Government should set aside funding in the 2018-19 Budget for the establishment of a State Economic Development Strategy, that will be used to guide all economic development activities in the state and set out a clear direction for all stakeholders in order to facilitate closer alignment of goals and reduce areas of duplication, overlap and inconsistency. It is essential that any economic development strategy for WA does not focus on 'picking winners', but is based upon the state's industry strengths and comparative advantages. There are a number of important elements of a State Economic Development Strategy, including a long term perspective, measurable targets and alignment with a national economic policy agenda.

The State Economic Development Strategy should also be based on a vision for the future of the WA economy that is developed in collaboration with key stakeholders from Government, industry and the community. Local Governments are a key stakeholder in this process and should be involved to ensure the unique needs and challenges for individual areas and regions are taken into consideration.

Developing a shared vision will be a critical step towards a more collaborative approach to economic development, and will reduce areas of duplication, overlap or inconsistency by providing a common basis on which each organisation's economic development activities are built.

Recommendations

- *An Economic Development Strategy for WA should be created, which sets out an overarching plan for the future direction of WA. In developing the strategy, the Government must consult with stakeholders including Local Governments to ensure that the unique needs and challenges for individual areas and regions are taken into consideration.*
- *A State Economic Development Strategy should:*
 - *Be based on a shared vision for the state's future developed in consultation with key stakeholders and the community.*
 - *Consider a long term time horizon.*
 - *Build on the State's existing industry base and comparative advantages to capture the benefits from new and emerging industries.*
 - *Include measurable targets and allocate responsibility for achieving these.*
 - *Align with the national policy agenda.*

Budget repair

It is recognised that repairing the state's finances has been an important focus for the McGowan Government since coming to office, and this must remain a priority in the 2019-20 Budget.

The Association recognises that efforts to restore the budget are critical to the long term best interests of all Western Australians. Prudent financial management means that there is less pressure to increase taxes and charges on households and businesses. It also means that funds are managed with an eye to the future service and infrastructure needs of the community.

Addressing the structural issues facing the budget will ultimately require reductions to spending, and it is important that any cuts are first targeted at removing waste and inefficiencies from the public sector, and

then focussed on moving service delivery to a sustainable base. While spending cuts are necessary, funding must still be made available for priority services for the community. In determining spending cuts and ensuring that taxpayer dollars are directed to priority areas, consultation with all affected stakeholders will be critical to ensure that scarce funds are directed to essential services that will deliver the greatest benefits to local communities, and to identify any unintended consequences of proposed spending cuts.

Local Governments are an important and willing partner in this process. Local Governments are part of their communities, and are best placed to understand their unique needs. Working with Local Governments can help ensure that the State's scarce resources are targeted to priority areas, and ensure vibrant, well planned and inclusive communities.

It is critical that any efforts to address excessive levels of State Government spending deliver genuine savings, and do not merely shift costs onto Local Government, the not-for-profit or private sectors. The Local Government sector has come under growing pressure in recent times, as it has taken on a greater role in the delivery of services that were previously undertaken by other levels of Government. The Australian Local Government Association has estimated that cost shifting is costing the sector nationally in the order of \$500 million to \$1 billion per annum. Funding these additional activities is a challenge given that the sector has only one source of its own tax revenue (rates) and it is not feasible for most Councils to provide a sufficient level of services from rates revenue alone.

Recommendations

- *Fiscal repair must remain a priority for the 2019-20 Budget. Addressing the structural issues facing the budget will ultimately require reductions to spending. These should first be targeted at removing waste and inefficiencies from the public sector, and then focussed on moving service delivery to a sustainable base.*
- *It is critical that any efforts to address excessive levels of State Government spending deliver genuine savings, and do not simply shift costs onto Local Government, the not-for-profit or private sectors.*

Tax Reform and the GST

The State's declining share of GST revenue has been a significant issue for a number of years now. Recently, there has been progress towards a solution, with the Federal Government setting out a plan to address WA's declining share without leaving any state worse off. It proposes a phased approach that canvasses a number of key elements including the introduction of a 70 cent in the dollar floor, and funding injections into the GST pool from general revenue to increase the amount available for distribution. These changes are expected to deliver WA an extra \$4.7 billion in GST revenue by 2026-27. The proposed changes have recently been introduced into Parliament, and it is hoped that this will be supported now that the Federal Government has agreed to guarantee that no state will be worse off under the new formula.

While this will help address the State's fiscal challenges, it is important that this windfall is not squandered. There needs to be a proper strategic decision made around priorities for investing in key local infrastructure, paying down the record levels of debt that have accumulated in recent years, and resisting committing to new recurrent spending initiatives.

While the proposed solution will provide some relief for WA, there remains some unanswered questions, particularly as to how the injections to the funding pool will be funded, and what the State's contingency is to guard against a potential fall in the total GST pool if this were to occur in the future.

The plan to reform the GST distribution to the states has also raised in the public debate a call for the Federal Government to examine raising the rate of the GST as part of a broader review of the tax system. WALGA supports these calls for a broader review of the tax system and urges the State Government to advocate to the Commonwealth for review to identify reforms that will improve the efficiency and adequacy of the tax system, beyond the specifics of the GST.

Recommendations

- *Utilisation of windfall gains from reform to the GST distribution mechanism must be maximised. A strategic decision must be made around priorities for investing in key local infrastructure and paying down the record levels of debt that have accumulated in recent years. The State Government must resist the temptation to direct windfall GST revenue into new spending initiatives.*
- *While the proposed solution will benefit WA in the short term, there still remains a need to examine the GST as part of a broader review of the tax system that looks to improve the efficiency and adequacy of the tax system. The WA Government should advocate to the Commonwealth for a review of the tax system as part of a longer term reform agenda.*

Local Government Act Review

The Minister for Local Government has commenced a process to review the *Local Government Act 1995*. This will involve a two stage process, focussed around modernising Local Government, and delivering for the community.

While the process commenced in 2017, and the first phase amendments will be introduced to Parliament in late 2018/early 2019, the second phase of the Review which includes preparing a new Local Government Act and the preparation of a Green Bill, which is scheduled to occur throughout 2019-20. This will comprise of a complete review of the Local Government Act including policy development and consultation related to all areas of the Act together with a focus on the following subjects;

- Financial Management
- Rates
- Beneficial Enterprises
- Administrative efficiencies
- Local laws
- Council Meetings
- Interventions
- Community Engagement
- Integrated Planning & Reporting
- Complaints Management
- Elections

Appropriate resources will need to be allocated to the Department of Local Government, Sport and Cultural Activities and the State Solicitor's Office in the 2019-20 budget to progress the Review and enable a Bill to be introduced by 2020-21 in line with the timeframes articulated.

The budget provision needs to include sufficient funding to enable a comprehensive consultation process with the Local Government sector and the general community.

Recommendations

- *The 2019-20 Budget must include provision for sufficient funding to enable a comprehensive consultation process with the Local Government sector and the general community as part of the development of the New Local Government Act.*

Local Government Fees and Charges

Local Governments in WA face a number of restrictions on their 'own-source' revenue, including restrictions on Local Government fees and charges.

State Government restrictions on Local Government fees and charges are arbitrary (the same fees in other States are often deregulated) and inefficient. Local Governments can impose fees and charges on users of specific, often incidental, services. However, a number of fees and charges are prescribed and restricted by legislation, and are specifically limited to recouping the cost of service provision. Fees determined by

State Government legislation are of particular concern to Local Governments and represent significant revenue leakage because of:

- lack of indexation;
- lack of regular review (fees may remain at the same nominal levels for decades); and
- lack of transparent methodology in setting the fees (fees do not appear to be set with regard to appropriate costs recovery levels).

Examples of fees and charges of this nature include dog registrations fees, town planning fees and building permits. Since Local Governments do not have direct control over the determination of fees set by legislation, this revenue leakage is recovered from rate revenue. This leads to unfair community outcomes in that all ratepayers subsidise services that are only used by a few.

The Association considers that it is appropriate that Local Governments have the freedom to set the level of their fees and charges. In the few cases where legislative restrictions are deemed necessary, they should be justified by a clear and logical rationale. Furthermore, those fees and charges that are prescribed by legislation should be reviewed and indexed on an annual basis to ensure they are set at appropriate cost recovery levels.

An independent review of the various fees and charges levied by Local Government should be undertaken in conjunction with the development of the New Local Government Act.

Recommendations

- *Funding should be provided in the 2019-20 Budget for an independent review of Local Government Fees and Charges, to compliment the development of the New Local Government Act.*
- *Local Governments should have the autonomy to set the level of their fees and charges.*

Waste Avoidance and Resource Recovery Levy

Only 25% of the amount raised by the Waste Avoidance and Resource Recovery Levy is hypothecated into the Waste Avoidance and Resource Recovery Account for strategic waste management activities. Further, this is also used to fund the operational costs of the waste branch within the Department of Water and Environment Regulation.

Increased investment is required to assist WA to meet the targets in the new State Waste Strategy (Waste Strategy 2030), increase employment opportunities and assist Local Government and the private sector to increase operational efficiencies. This is highlighted in both the Recycling Activity in Western Australia 2015-16 report and the 2015-16 Census of Local Government Waste and Recycling Services, which found that despite Local Governments in Western Australia spending \$288 million in collecting 1.5 million tonnes of domestic waste in 2015-16, the recycling rate in the municipal waste sector fell to 36% in the Perth metropolitan region in 2015-16, well below the State's current target of 50%.

WALGA considers that better outcomes would be achieved by directing all funds collected from the Waste Avoidance and Resource Recovery Levy into strategic waste management activities.

Recommendations

- *All revenues raised from the Waste Avoidance and Resource Recovery Levy should be directed into strategic waste management activities.*

Better Towns, Cities and Regions Infrastructure

Planning and prioritisation

Infrastructure is a key enabler of economic and productivity growth. Investing in appropriate infrastructure will be an important way to ensure that the WA economy can transition to a new phase of growth by unlocking new industries and creating jobs over the longer term.

All levels of Government have an important role in the provision of infrastructure. For Local Government, this is largely centred on the provision of roads, public lighting and community infrastructure.

The development an infrastructure plan for the state is an important step to improve infrastructure planning and address existing constraints. This will assist with prioritising projects and ensure that WA is better placed to attract funding from the Commonwealth Government, as well as the private sector. It is critical that appropriate funding is provided to progress the Infrastructure WA initiative and the development of a long term infrastructure plan for the state.

There is strong support from the Local Government sector for the establishment of Infrastructure WA as a statutory body under legislation and the development of a long term infrastructure plan to provide certainty to Local Governments and the private sector about future investments.

It is critical though that any future infrastructure plan is developed in a genuinely collaborative way. A transparent, open and consultative engagement process with all stakeholders will be essential for the full value of Infrastructure WA to be realised. Local Government is a key stakeholder to the extent that almost every proposal intersects with Local Government's role in land use planning, infrastructure provision, transport planning, economic and community development. In alignment with the State and Local Government Partnership Agreement, Local Government should be engaged directly throughout the whole process to ensure a 'whole of government approach'.

Further, the sector seeks representation on the Infrastructure WA Board on the basis that Local Governments are a key strategic partner in the delivery, care, control and management of community infrastructure and contribute to planned, integrated and sustainable outcomes. A well respected leader with strong understanding of the Local Government sector would make a valuable contribution to the Infrastructure WA Board, particularly during the establishment phase as systems and processes are developed and implemented.

Local Governments support the need for the State Government to finalise and/or review State Government departmental/agency strategic plans before work commences on the State Infrastructure Strategy to be prepared by Infrastructure WA. The objectives of existing State Government strategies including Regional Blueprints, Regional Freight Transport Network Plan and the State Aviation Strategy should be considered or if necessary explicitly reviewed to ensure that Infrastructure WA's recommendations and Government Agency plans are aligned. It will also be important that the process for preparing business cases for IWA aligns with the process for Infrastructure Australia to minimise the time and costs to project proponents.

It will also be important that Infrastructure WA has a sufficiently broad mandate and is appropriately resourced to identify infrastructure gaps that may not yet have been adequately defined and developed by Government agencies but will be crucial to the state's economic development.

In examining WA's future infrastructure needs, the State Government will need to be mindful of the important role that it can play in supporting and enabling the growth of emerging and infant industries, for example in WA the lithium and space industries.

In considering the infrastructure needs for our future economy, it is important that the State Government takes a longer term and broader perspective in assessing potential projects.

While a thorough and transparent cost benefit analysis is essential to make sure funding is directed to those which will deliver the greatest benefits to the WA community in terms of enhanced productivity and long term job creation, this must take into consideration the direct and indirect effects of the project. For example, an infrastructure investment in the region may not just directly benefit that area, but deliver broader benefits in terms of reduced congestion in urban areas by creating local jobs. Further, the benefits must be examined over a long time frame, given that particular in the case of new industries, these may not be fully realised in the short term.

Given the proposed \$100 million threshold for projects considered by Infrastructure WA, there may also be advantages in defining projects more broadly across functions or spatially to ensure that important projects are not left off the agenda.

This more holistic view of the economic benefits of an infrastructure investment is particularly important in regional areas of WA, where it may be more difficult to justify investment purely on the short term financial metrics.

Recommendations

- *Effective, transparent and genuinely open consultative and engagement processes with all stakeholders, including and particularly with Local Governments is critical to ensuring that the value of Infrastructure WA is realised. In developing an infrastructure plan for WA, Infrastructure WA should adopt a state-wide focus and consult with appropriate community groups and Local Government.*
- *The Local Government sector seeks representation on the Infrastructure WA Board on the basis that Local Governments are a key strategic partner in the delivery, care, control and management of community infrastructure and contribute to planned, integrated and sustainable outcomes. A well respected leader with strong understanding of the Local Government sector would make a valuable contribution to the Infrastructure WA Board, particularly during the establishment phase as systems and processes are developed and implemented.*
- *Infrastructure WA needs to have a sufficiently broad mandate and sufficient resourcing to identify infrastructure gaps that may not have yet been adequately defined and developed by Government agencies. Given the proposed \$100 million threshold for projects, which aligns with Infrastructure Australia, there may be advantages in defining projects broadly, either across functions or spatially, and considering the costs and benefits over a long term time horizon.*

Heavy Vehicle Productivity

Western Australia has a leading position nationally in facilitating and encouraging increased freight productivity. Many key industries are critically dependent on highly efficient supply chains for movement of inputs and products to market.

Critical parts of the supply chain for these industries require use of the Local Government road network, which were often not designed or constructed to support large volumes of heavy vehicles or the larger, or heavier vehicles often associated with increased road freight productivity. In order to operate safely with other traffic, these vehicles often necessitate road upgrades.

Not as obvious is the impact of increased axle loads from vehicles operating under various schemes that allow them to be loaded in excess of the limits that apply under standard regulations.

These increased loads necessitate more frequent maintenance and in some cases upgrades to road pavements and bridges.

To address these issues, the State Government needs to develop an appropriate mechanism through which the increased infrastructure costs can be recovered from those benefitting within the forward estimate period.

Recommendation

- *Within the forward estimates, the State Government needs to develop an appropriate mechanism through which the increased infrastructure costs from the use of heavy vehicles and those loaded in excess of limits can be recovered from those benefitting, and redirected into the cost of road maintenance.*

Local infrastructure funding

Additional funding support will also be needed to address the local infrastructure backlog given the constraints on the ability of Local Governments to raise own sourced revenue. Priority areas for funding in the 2019-20 Budget include:

- *Regional run off road crashes* – There has been a significant reduction (approximately 38%) in the number of people killed or seriously injured in run-off road crashes over the past decade. However, in rural areas it remains the most common type of crash in which people are killed or seriously injured. The 2019-20 Budget should include funding from the Road Trauma Trust account to deliver cost effective improvements that will reduce run-off road crashes on the local road network.
- *Cycling* – The out years of the 2018-19 budget provides \$5 million per year for Bicycle Network Grants to 2020-21 and a further \$3 million per year for the State Active Street Program. This co-investment with Local Government remains a small proportion of the State's investment in cycling infrastructure. As the integrated cycling network for Perth is further developed this will need reconsideration in the out years to ensure that funding is directed to priority areas.
- *Priority investments identified in the Revitalising Agricultural Region Freight Strategy* - Ensuring appropriate freight routes to move goods to market is essential to the future economic development of the state. The supply chain in WA is integrated and complex, and consist of both road and rail services. WALGA has concerns that the current rail access regime is not operating effectively given that during its period of operation, it has not facilitated the maintenance of the existing railway facilities with closure of rail line as outlined above, which has placed pressure on local roads. In situations where a freight task is to move from rail to Local Government controlled roads, it is important that the sector has access to adequate funding to ensure that designated roads are upgraded and maintained to ensure their efficient operation and with road safety considerations paramount. Given the constraints on the sector's ability to raise revenue, in these circumstances the State Government must provide funding to Local Governments to meet these costs.
- *Telecommunications* - Telecommunications infrastructure has been identified as a key challenge for many regional communities across the state, and a critical area to address to ensure that these areas can benefit from the new technologies that are becoming available. The recently completed the State Telecommunications Infrastructure Audit provides an important guide to understand the existing infrastructure gaps and to direct future investments including those made through the \$22 million Agriculture Telecommunications Infrastructure Fund. While this is a useful tool to identify where there is greatest need for investment, it is important that funding is provided to address these gaps.

Recommendations

- *Additional funding support will also be needed to address the local infrastructure backlog given the constraints on the ability of Local Governments to raise own sourced revenue. The priority areas are:*
 - *Improvements that will reduce run-off road crashes on the local road network;*
 - *Additional funding across the forward estimates to support the Perth integrated cycling network;*
 - *Priority investments identified under the Revitalising Agricultural Regional Freight Strategy; and*
 - *Telecommunications infrastructure in regional areas identified through the State Telecommunications Infrastructure Audit.*

Metropolitan Region Improvement Tax

Local Government is concerned about the apparent reluctance by the State Government to utilise the monies held in the Metropolitan Region Improvement Account for their intended purpose.

Funds collected through the Metropolitan Region Improvement Tax (MRIT) are held in the Metropolitan Region Improvement Account, and used to finance the cost of acquiring land to deliver roads, open spaces, parks and other facilities which are critical to the state's economic development. There is estimated to be \$465 million in the Metropolitan Regional Improvement Account in 2018-19.

The long-term economic benefits and cost savings related to the timely use of these funds are well understood, particularly in periods of deflated land values and reduced demand. Research by the WA Planning Commission found that using the MRIT to purchase and reserve land for future requirements will

deliver savings to the State in the future. WALGA is concerned that the reluctance to use the funds in the Metropolitan Region Improvement Account will continue into the future and that this will further restrict the strategic planning of urban corridors, acquisition of land for regional open spaces and major infrastructure projects, including METRONET projects.

Further to this, the proposed expansion of the MRIT beyond the Perth Metropolitan Region, previously supported by multiple planning reforms, has not progressed. WALGA is supportive of a staged approach to the geographical expansion of the MRIT, beginning with the Greater Bunbury and Peel regions. With the anticipated growth within these regions, particularly within the Peel Region, the creation of a similar Improvement Tax would ensure that acquisitions of land for major infrastructure projects and regional open spaces, is able to be achieved.

Recommendation

- *Monies raised from the Metropolitan Regional Improvement Tax should be used for their intended purpose to assist in long term planning for the metropolitan region and fund the cost of land acquisition for major infrastructure projects.*
- *WALGA is supportive of a staged approach to the geographical expansion of the Metropolitan Regional Improvement Tax, beginning with the Greater Bunbury and Peel regions.*

METRONET Precincts

Many Local Governments have shown a willingness to support integrated planning around established train station precincts. This has been done through activity centre plans, increases to housing densities, and public works improvement projects. However, the timing and delivery of these precinct plans is often limited by the necessary cost of upgrades to state infrastructure, delivery of which is often beyond the scope of a single Local Government. Adequate funding should be provided in the 2019-20 Budget for the planning, in consultation with Local Government, and delivery of infrastructure upgrades at priority METRONET precincts.

It is also unclear as to how the METRONET precincts are being prioritised, therefore, it would be beneficial for the Local Government sector to be involved in the prioritisation process.

Adequate funding should be provided in the 2019-20 Budget for the planning and delivery of infrastructure upgrades at both the priority METRONET precincts and other train precincts where significant forward planning has already been undertaken by the Local Government. Local Government must be consulted as part of this process.

Recommendation

- *Adequate funding should be provided in the 2019-20 Budget for the planning, in consultation with Local Government, and delivery of infrastructure upgrades at both the priority METRONET precincts and other train precincts where significant forward planning has already been undertaken by the Local Government.*

Smart Cities and Suburbs

It is anticipated that the street lighting technology (mercury vapour and compact fluorescent) used in the vast majority of Western Power and Horizon Power operated street lights will be redundant within a decade.

Many Councils have been exploring opportunities to move to more energy efficient public lighting options such as LED luminaires as a way to control rising electricity costs, reduce greenhouse gas emissions and improve amenity. However, progress has been slow, as there are a range of regulatory and other barriers to the adoption of this technology. Some of the key barriers include:

- *The regulatory environment* – The majority of street lights installed by developers and Local Governments have been gifted to Western Power or Horizon Power to manage and operate. As the

lights are unmetered and physically connected to other electricity distributor infrastructure there are limited opportunities for Councils to have lighting provided by new and more efficient technology and take advantage of alternative service offerings.

- *Non-contestability* – At present, only those customers within the South West Interconnected System that are consuming more than 50 megawatt hours (MWh) of electricity a year (an average of 137 units per day) can choose their electricity retailer. Given that individual streetlights are classed as separate exit points, they consume less energy than is required to be eligible for contestable electricity supply – using a maximum of around 2 MWh per year.
- *Lack of Transparency* – Local Governments have no visibility of what contributes to the cost of providing street lights as a service in each luminaire class.
- *Service standards* – At present, the only service standards for street lighting that are included in the current Access Arrangement relate to repair timeframes. There are no standards that relate to other issues such as light levels and spillage.
- *Funding* – As the number of luminaires involved is large, replacing these will ultimately cost well over \$100 million. The level of investment required and operational considerations mean that this resource intensive program must be well planned and executed.

The Minamata Convention that bans manufacturing or importing mercury vapour lamps from the end of 2020 has been signed by 128 countries, including many of Australia's key trading partners, and is being considered for ratification by the Australian Government. The need to install alternative lighting technologies will be driven by the lack of availability of mercury vapour and, to a lesser extent, compact fluorescent globes. This will have significant implications for WA given that approximately 58% of the 264,000 street lights in the South West Interconnected System use mercury vapour lamps.

In light of this looming deadline, it is important that the State Government starts planning now to identify options to address this issue.

Some options that should be examined include the allocation of funding towards a bulk replacement program, or reforms to regulated street lighting tariffs to include a range of options to facilitate and encourage managed re-investment in this important community infrastructure.

WALGA considers that any LED should be the default replacement technology now that it is available in Western Power's standard product list.

Recommendation

- *The State Government must examine options for the replacement of mercury vapour street lights in line with the anticipated requirements of the Minamata Convention. Options that should be examined include bulk replacements and reform to street lighting tariffs to include a range of options to facilitate and encourage managed re-investment in this important community infrastructure.*
- *WALGA considers that any LED should be the default replacement technology now that it is available in Western Power's standard product list.*

Strategic Assessment of the Perth and Peel Regions

In April 2018, the State Government decided to suspend work on the Strategic Assessment of the Perth and Peel Regions (SAPPR) until a review is completed and considered by Government. The Government has since appointed an independent, four member panel to undertake the review over the next six months.

WALGA welcomes the independent review of the SAPPR, as it is clear that despite the resources and time invested in the SAPPR/GGP, it was not progressing in a manner that would deliver an effective long term and strategic response to key environmental issues in the Perth and Peel regions, or streamline

development approvals. WALGA has concerns that the process to date fell short in relation to both planning and conservation outcomes due to the absence of a clear implementation plan, including the connection with land use planning instruments and other statutory controls, and the lack of an equitable and sustainable funding model.

Developing a workable way forward is a priority for Local Government and the sector wishes to play a constructive role in achieving that outcome. The Association supports the intention of the SAPPR to deliver a long term strategic response to key environmental issues within the Perth and Peel regions whilst providing greater guidance about the long term supply of land for development purposes within the two regions, streamlining approval processes and cutting land use planning red tape. The strategy is critical to provide clarity about the long term supply of land to accommodate a growing population and economy.

Sufficient funding must be provided to ensure appropriate consultation and ensure that the review is fully inclusive of the views and requirements of Local Government.

While finalising and implementing the SAPPR is crucial to the future development of the Perth and Peel regions, the independent review must be progressed as a matter of priority to reduce ongoing uncertainty and to provide stakeholders, including Local Government, certainty in relation to both an implementation plan and the funding mechanism required.

The Government should respond to the independent review as soon as possible, and implement the Perth and Peel Green Growth Plan to facilitate future development and provide a long term framework for the protection of the environment and provide certainty for sustainable land development. Any further delays to what has already been a seven year process will jeopardise the delivery of a sustainable and appropriate plan for the future development of the Perth and Peel regions.

Recommendations

- *The Independent Review of the SAPPR must be progressed as a matter of priority to reduce ongoing uncertainty and to provide stakeholders, including Local Government, certainty in relation to both an implementation plan and the funding mechanism required.*
- *Sufficient funding must be provided to ensure appropriate consultation and ensure that the review is fully inclusive of the views and requirements of Local Government.*
- *The Government should respond to the independent review as soon as possible and implement the Perth and Peel Green Growth Plan to facilitate future development and provide a long term framework for the protection of the environment and provide certainty for sustainable land development.*

Review of WA Climate Change Strategy

Local Government acknowledges that the science is clear: climate change is occurring and greenhouse gas emissions from human activities are the dominant cause. Climate change threatens human societies and the Earth's ecosystems, and urgent action is required to reduce emissions, and to adapt to the impacts from climate change that are now unavoidable.

A failure to adequately address this climate change emergency places an unacceptable burden on future generations. Local Government is committed to contributing to national and international emissions reduction targets to achieve the Paris Agreement goal of limiting global temperature rise to well below 2° Celsius and to pursue efforts to limit the temperature increase even further to 1.5° Celsius, and urges the State Government, through a State / Local Government Climate Change Partnership Agreement, to work collaboratively with Local Government, in order for the communities of Western Australia to adequately prepare the required adaptation and mitigation strategies.

This includes the need to equitably share the cost of climate change adaptation and mitigation measures, and to ensure disadvantaged and marginalised groups receive adequate support, including but not exclusive to the provision of support and incentives for communities impacted by the transition to a low carbon future (e.g. by fostering innovation, and supporting workforce adjustment packages and new employment opportunities).

Recommendation

- *The State Government, through a State / Local Government Climate Change Partnership Agreement, should to work collaboratively with Local Government to adequately prepare the required adaptation and mitigation strategies to address climate change.*
- *The cost of climate change adaptation and mitigation measures should be equitably shared between both levels of Government.*

Biosecurity Management

The *Biosecurity and Agriculture Management Act (2007)* is now overdue for due for its statutory review. The Association is concerned at the lack of progress in the development of recognised biosecurity groups, the effectiveness of those groups already formed, and the lack of regulation undertaken by the Department of Primary industries and Regional Development (DPIRD) in relation to declared species.

The Association again calls on the Government to undertake a full review of the Act including the requirement of and resourcing for the DPIRD to fulfil its regulatory role for post border declared species, and that as part of its review, consider the reinstatement of the Agriculture Protection Board and associated powers, or adopt and adapt relevant aspects of the New South Wales *Local Land Services Act (2013)* approach.

In consideration of these options it is essential that:

- There are State Government approved strategic and operational plans which can be understood by landowners and other stakeholders, including Local Governments;
- There is direct contact with, and collaboration between Local Governments, State Government agencies and departments, and major industry groups;
- Either model be funded under the current funding arrangements as outlined in the *Biosecurity and Agriculture Management Act (2007)*; and
- It assists in the delivery of national, state and local priority species management.

Recommendation

- *Funding should be provided in the 2019-20 Budget to undertake a full review of the Biosecurity and Agriculture Management Act (2007).*

Introduction of a Container Deposit Scheme:

The State Government has committed to introduce a container deposit scheme, to commence in 2020. Under the scheme, consumers will be able to return eligible drink containers for recycling and claim a 10 cent refund for each container.

There will be some costs associated with its initial establishment that should be funded in the 2019-20 Budget. The Association considers that this should be funded through the Waste Avoidance and Resource Recovery Levy, which exists to support waste management programs.

Once established, experience in other jurisdictions suggests that the scheme would be self-funding as there is a commercial incentive for retailers to participate through the purchase or lease of RVMs. In New South Wales, the Association understands that retailers will be purchasing or leasing RVMs as a key part of the introduction of the scheme, at no cost to Government. Government financial support will be needed to ensure there is reasonable access to the Scheme for those in remote areas.

Recommendation

- *Establishment costs associated with the introduction of a Container Deposit Scheme should be funded in the 2019-20 budget by funds collected through the Waste Avoidance and Resource Recovery Levy.*

Healthy Western Australians

Essential Services in Regional Communities

WALGA members in regional areas of WA have identified access to essential services as a key issue for their local community and many Local Governments are being forced to directly procure the services of health professionals or to provide financial incentives to address this issue and ensure equitable access to services for all Western Australians. Specifically some of the concerns that have been raised by WALGA members include:

- Difficulties attracting and retaining of appropriately skilled and experienced staff;
- Challenges in recruiting and retaining doctors, nurses and allied health staff (health professionals), police, teachers and education providers;
- Distance to travel to see a professionals or access to essential services; and
- Access to essential services and professionals (hours of operation or number of staff providing service that is not meeting demand).

WALGA recently conducted a survey of its members to better understand the challenges related to health services in regional areas. Some of the examples raised are as follows.

- Twenty-one Local Governments had no medical centre at all. Of those with a medical centre within their boundaries, sixteen have very limited hours, including the Shire of Cue with a doctor visiting one day per fortnight, the Shire of Coorow where a doctor is available 0.5 days per week and Coolgardie responding that they have had a doctor in the past, but not currently.
- Forty-two respondents stated that they had a nursing post operating in their local community, including nurses stationed at the hospital, medical centres, through Silverchain or in communities. Many of the responses stated that nurses worked in their community part-time with some areas having only one day of coverage per week.
- The Upper Gascoyne Hospital has a drive of 150km to reach from the Carnarvon Health Campus, with some residents of the Shire would have to travel up to 500km to receive care. Outer metropolitan Local Governments, such as the Shire of Chittering, must use their closest metropolitan hospitals, despite a lengthy travel to these centres.
- Survey comments on access to health professionals included the hours that doctors and nurses are employed within their Shire with, for example in the Shire of Coorow a doctor visits for 0.5 days per week and Wandering, 120km South-East of Perth, has no health service provision at all.

WALGA considers that a collaborative approach is necessary to overcome these challenges and ensure access to services for regional communities. As part of a broader State Workforce Strategy, an important step will be the development of regional workforce strategies that prioritises the recruitment and retention of these key professions. These strategies should have clear targets for success, and be developed in consultation with Local Governments, private and not-for-profit providers, and the community. Funding should be allocated in the 2019-20 Budget as a priority to develop these strategies.

Recommendation

- *Funding should be provided in the 2019-20 Budget to develop workforce strategies to assist communities in regional areas of the state to access and retain an essential services workforce including medical and healthcare professionals, police, and teachers and other education providers.*

Community Sport and Recreation Facilities Fund

Sporting and recreation facilities deliver numerous benefits, ranging from preventative health and wellbeing of the community to the ability to attract and retain a suitable workforce to support industry.

Research has consistently shown that obesity, stress, depression, mental illness, and associated medical conditions are increasing and forecast to affect up to a third of the population within the next 20 years. The significant costs imposed on health and welfare systems can be reduced by facilitating and encouraging increased physical activity.

The financial assistance provided to Local Government through the CSRFF enables facilities to be developed in a timely manner to meet community demand.

WALGA considers that this represents value for the State as its investment is typically matched by Local Government spending on the applicable projects. On average, each dollar of CSRFF spending is matched by more than four dollars of investment by Local Governments and others.

There have been cuts to funding for the CSRFF in recent years, which have limited the capacity to invest in sport and recreation infrastructure. The fund was reduced to \$7m per annum in the 2015-16 State Budget, it was increased to \$20m for 2016-17 and 2018-19 before being reduced to \$12m per annum in 2019-2020.

Local Government is seeking restoration of the CSRFF to its previous levels in line with strong demand from the state's growing population. There is considerable unmet demand for the CSRFF – every year the program is oversubscribed by several million dollars in bids for sport and recreation infrastructure. Returning funding to \$20 million per annum will ensure funding is available to meet community needs, and to contribute towards a healthy and productive workforce.

Recommendation

- *The Community Sporting and Recreation Facilities Fund should be reinstated to \$20 million per annum.*

Public Health Plans

The *Public Health Act 2016* commenced in Western Australia on July 25, 2016, replacing the *Health Act 1911* and is a major public health initiative and regulatory reform undertaking for Western Australia.

The Act is being introduced in a staged approach, which the significant amount of work required to develop subsidiary legislation that will replace the 47 sets of regulations that currently sit under the *Health Act 1911*. Stage 4 of the process is now complete, which included the commencement of provisions relating to notifiable infectious diseases and related conditions, prescribed conditions of health, serious public health incident powers, and public health emergencies.

The focus of the Act on minimising risk gives the opportunity to address lifestyle issues as well as environmental health and communicable diseases. The Act acknowledges that Local Government needs effective and flexible mechanisms that fit into existing planning frameworks for the sector to undertake its role and to respond to community health and wellbeing needs. It recognises the involvement of Local Government is more likely to ensure sustainable change within communities and the creation of supportive environments, particularly if combined with the introduction of “healthy” public policies.

One new requirement for Local Governments is the development of local health plans which reflect the aspirations of the State Public Health Plan. These plans will then support Local Governments to plan for, and be responsive to, health priorities and ensure the health and wellbeing of the community is included in the overall planning framework.

The Department of Health has released the first Interim State Public Health Plan to inform Local Governments of the State's priorities as they progress with the preparation of their public health plans.

Stage 5 will include the development of new regulations, and the commencement of the enforcement provisions for Public Health Planning, Public Health Assessments, and registration and licensing. It is a significant stage of implementation for Local Government, and is expected to commence in 2019-20.

While the introduction of the *Public Health Act* is welcome, comprehensive systemic and strategic planning is required across Government and service providers to support better public health planning in WA.

Critical to this is a health workforce that reflects the contemporary needs of the new legislation and the diverse communities across the State. WALGA has undertaken initial research which highlights the Local Government workforce needs support to build their capacity and skill sets in order to meet health priorities, particularly the burdens of chronic disease.

It is recognised that the Department of Health has pledged to provide the sector with regular updates, and ensure that adequate notice is provided to assist with preparation for each stage of implementation. The Association also represents the sector on the Department of Health's Public Health Act reference group. The Department of Health has also committed funding for 16 Local Government officers in regional locations to complete the public health planning certificate.

However, it is also essential that the State Government continue to resource the implementation of the *Public Health Act 2016* and provide funding to build the capacity of the Local Government workforce and support the development of local health plans.

While more work needs to be done to determine the appropriate funding model or mechanism for this support, WALGA considers the use of a co-funding model to be appropriate. This would see a genuine partnership approach between the State and Local Governments to develop and implement public health plans.

Recommendation

- *The State Government must continue to fund the implementation of the Public Health Act 2016 including the provision of funding to build the capacity of the Local Government workforce and support the development of local health plans.*

Future skills and work

Public libraries

Public libraries are an important community service provided in partnership between the State Government and Local Government. However, the role of public libraries is changing. No longer just repositories for books, libraries have grown to reflect broader needs of their communities and have adapted their services accordingly.

As a result, there is a pressing need for change at both state and local levels to deliver more efficient and flexible public library services that meet diverse community needs.

With the release of the WA Public Libraries Strategy in December 2017 which sets out the reforms needed to overcome these challenges and modernise the public library system, and the strong support from community and industry stakeholders as well as its endorsement by WALGA State Council and the Library Board of Western Australia earlier this year, there is a real opportunity for a significant evolution of Western Australia's public library system to deliver more efficient and flexible services that meet the State's growing and diverse community needs and better contribute to strong economic and social outcomes for the community.

The Public Libraries Working Group (PLWG) provides the structure for public library service provision planning between State and Local Government. The Working Group is chaired by the Chief Executive Officer and State Librarian, and with representatives from the State Library, WA Library Board, WALGA, Public Libraries WA Inc., and the Department of Local Government Sport and Cultural Industries.

The Group is tasked with providing advice to the State Library on the implementation of the Strategy across its five priority areas.

- Governance.
- New model to support public library service delivery in Western Australia.
- New model to support regional and remote public library services, including the single access card system.
- Public value

It is essential that the Government now provide funding to the Public Libraries Working Group to progress the implementation of the WA Public Library Strategy.

As a starting point, the introduction of a system for the allocation of annual State Government funding should be considered as a priority. This approach would provide the sector with greater choice and flexibility to determine the most appropriate way to spend funds to meet the needs of their community. Funds should not just be limited to physical library stock, but should also be provided for technology infrastructure, programs and other priorities.

Recommendations

- *Funding must be provided to the Public Libraries Working Group in the 2019-20 Budget to progress the implementation of the WA Public Library Strategy.*
- *As a starting point, the introduction of a system for the allocation of annual State Government funding should be considered as a priority.*

5.4 Interim Submission: Cost Recovery for Clearing Permits and Water Licences and Permits – DWER Discussion Paper (05-064-02-0022 MB)

By Mark Batty, Executive Manager Environment and Waste

Recommendation

That the WALGA interim submission which opposes increased cost recovery for clearing permits and water licences and permits by the Department of Water and Environmental Regulation be endorsed.

In Brief

- The Department of Water and Environmental Regulation (DWER) has released a discussion paper proposing increased fees and charges via a cost recovery approach to assessing both clearing permits (under the *Environmental Protection Clearing of Native Vegetation Regulations (2004)*), and water licenses and permit applications (under the *Rights in Water Irrigation Act (1914)*).
- The Discussion Paper proposes significant increases in application fees for permits to clear native vegetation and for water licenses, which will have financial and program implications for Local Governments.
- Cost increases are exponential to the base rate of existing fees and charges.
- The increase costs will particularly impact on local governments undertaking road maintenance activities or seeking additional access to water supplies.

Attachments

1. Draft WALGA submission to the DWER Discussion Paper
2. DWER Discussion Paper
<https://dwer.wa.gov.au/sites/default/files/Cost%20recovery%20discussion%20paper.pdf>

Relevance to Strategic Plan

Key Strategies

Engagement with Members

- Deliver a broad range of benefits and services that enhance the capacity of member Local Governments;
- Improve communication and build relationships at all levels of member Local Governments;
- Build a strong sense of WALGA ownership and alignment.

Sustainable Local Government

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

Enhanced Reputation and Relationships

- Promote WALGA's advocacy successes with the sector and the wider community;
- Strengthen effective relationships with external peak bodies and key decision makers in State and Federal Government;

Policy Implications

Nil

Budgetary Implications

Nil.

Background

In August 2018, the Department of Water and Environmental Regulation (DWER) released its *Discussion Paper on cost recovery for the Department of Water and Environmental Regulation*.

The discussion paper proposes moving away from a minimal flat fee approach to a partial cost recovery approach in meeting the costs to the DWER in assessing applications from proponents. This approach has already been applied to the mining and public water utility sectors.

The DWER held series of consultation workshops over the past two months in Broome, Geraldton, Perth, Bunbury, Manjimup and Northam, and WALGA advised the sector of both the release of the discussion paper and the consultation forums through both LG News (twice), Councillor Direct (once) and by direct email to all Chief Executive Officers.

WALGA has received feedback on the discussion paper from five members, being the Shire of Toodyay, the Shire of Manjimup, the Shire of Carnamah, the Shire of Augusta-Margaret River, the City of Swan and the Shire of Donnybrook-Balingup.

The interim WALGA submission contends that both the clearing of native vegetation and the provision of water for public open space, are both public benefits and should be exempt from cost recovery. This position is reinforced by the Economic Regulation Authority Inquiry into Water Resource Management and Planning Charges.

In its report of 2011¹ the ERA, in outlining its principles for cost recovery notes:

‘Public funding is appropriate where there is a component of public good to some activities, or where parties benefiting from the services cannot be identified.’

Comment

Clearing of Native Vegetation

Western Australian Local Governments represent a significant proportion of all clearing permit applications, second only to the State Government. Over the period 2016-17 to 2017-18, Local Governments submitted approximately 250 clearing permit applications. In 2017-18, 23 per cent of all clearing permit applications were submitted by Local Governments.

Local Governments do not derive a private benefit from the clearing they undertake. Clearing of native vegetation by Local Governments is undertaken for purposes that benefit their local, and in many cases the broader, community. The purposes for which Local Governments submit applications to clear native vegetation are also generally non-discretionary. For example, Local Governments are obligated to maintain and ensure that local roads are safe for public use.

So, while WALGA agrees in principle that the cost of regulatory activities should be borne by those who benefit most from the service, in this case it does not agree that Local Governments should be subject to cost recovery for clearing permit applications. Rather WALGA considers the

¹ Source: Inquiry into Water Resource Management and Planning Charges - Economic Regulation Authority 2011
<https://www.erawa.com.au/cproot/9476/2/20110329%20D62487%20Final%20Report%20-%20Inquiry%20into%20Water%20Resource%20Management%20and%20Planning%20Charges.PDF>

incidence of this cost is already being borne appropriately by Western Australians through general taxation (as is also the case for State Government agencies).

Water allocations and permits

The overwhelming majority of water resource consumption by Local Governments is in relation to the irrigation of public open space, whilst some permits are required. Local Governments do not derive a private benefit from the provision of water to irrigate public open space (POS). Water resource management by Local Governments is undertaken for purposes that benefit their local, and in many cases the broader, community (for example at regional level sporting facilities).

WALGA asserts that Local Government use of water allocations is strictly for the public good (the irrigation of public open space), and therefore given the benefits are accrued to the general public, and not an individual Local Government, that Local Government be exempt from the cost recovery regime proposed in the discussion paper.

Given the desire of the Government to modernise the water legislation in Western Australia, as announced by Minister Kelly on 23 August 2018, it is of concern to WALGA that the DWER has embarked on pre-emptive regulatory reforms based on the RIWI Act (1914) that is over 100 years old, which is now to be the subject of modernization under a new Water Resource Management Bill.

WALGA contends that regulatory approaches must support contemporary water legislation and that therefore that any regulatory reforms should occur after the State Government has determined and delivered on contemporary water legislation.

Analysis of the DWER 2017/18 Annual Report highlights that the DWER is failing to meet its key performance indicators in the assessment of applications for the clearing of native vegetation and for licensing applications for water allocations across the state.

Analysis by WALGA of existing DWER Local Government water licences and permits (2016/17 data) indicates that if the proposed cost regime was applied to current licences and permits, it would represent an additional cost shift of some \$2.36M to the sector.

Item 5.4 Attachment**Draft WALGA Submission to the DWER Discussion Paper**



Discussion Paper on cost recovery for the Department of Water and Environmental Regulation

SUBMISSION

November 2018

Contact:

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INTRODUCTION / GENERAL COMMENTS

The Western Australian Local Government Association (WALGA) is an independent, membership-based organisation representing and supporting the work and interests of 138 Local Governments in Western Australia. The Association provides an essential voice for over 1,200 Local Government elected members, approximately 14,500 employees and over 2 million constituents.

WALGA welcomes the opportunity to provide comment on the proposals in the Department of Water and Environmental Regulation's Discussion Paper on Cost Recovery. In delivering services for their communities and regions, Local Governments have significant interaction with the land clearing permit and water licensing and permitting systems. As such the sector considers it vital that these systems are operating efficiently, effectively and equitably.

It should be noted that this is an interim submission. The submission will be considered by WALGA State Council at its meeting on 5 December 2018. As such, WALGA reserves the right to modify or withdraw these comments as directed by State Council at that meeting.

In considering the impacts of cost recovery for native vegetation clearing permits, water permits and water licence applications, WALGA's comments are not limited to the questions posed in the Discussion Paper. WALGA considers that proposed increased fees should be seen in the context of the overall effectiveness and efficiency of the State Government's approach to native vegetation and water management more broadly.

The user-pays principle

Application of cost recovery on Local Governments for clearing permits and water licences and permits is not appropriate.

The imposition of fees proposed in the Discussion Paper is based on the user-pays principle:

'...the full or partial cost of service of regulatory activities should be borne by those who benefit most from the service.'

The Discussion Paper continues:

'Currently the cost of assessing applications for native vegetation clearing permits and water licences and permits is primarily borne by the taxpayer, not the applicants who derive the benefit.'

WALGA agrees with the user-pays principle and considers cost recovery may be appropriate in an efficient system where there is a private benefit accruing to, in this case, the applicant for a permit or licence. However WALGA argues strongly that the activities undertaken by Local Governments for which these permits or licences are required are almost entirely for public benefit, and that these benefits often extend beyond their local communities. This therefore amounts to cost shifting from one government entity to another. In this case, in accordance with the user-pays principle, WALGA contends that the imposition of cost recovery on Local Governments through

increased fees for clearing permit applications and water licences and permits is not appropriate.

Operation of the regulatory and legislative systems

System and legislative reform should be the first priority.

DWER's own key indicators demonstrate that the regulatory systems for clearing permits and water licensing and permits are not currently operating efficiently and effectively. WALGA considers that the Department's first priority should be to examine and make the necessary changes required to ensure KPIs are met. This will ensure that proponents are not being asked or required to subsidise an inefficient system.

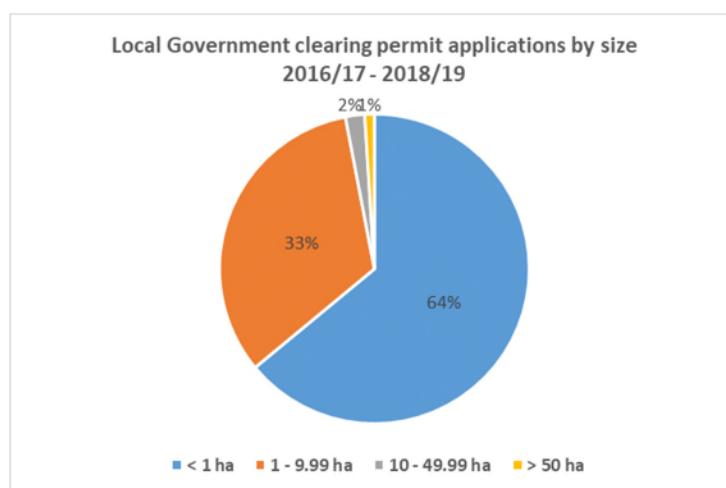
In addition, in relation to water WALGA notes that the State Government has recently given a commitment to undertake significant legislative review of all major water law in Western Australia. Consideration of regulatory reform should be in the context of contemporary water legislation, and as such should occur after the State Government has determined and delivered on contemporary water legislation.

CLEARING PERMITS

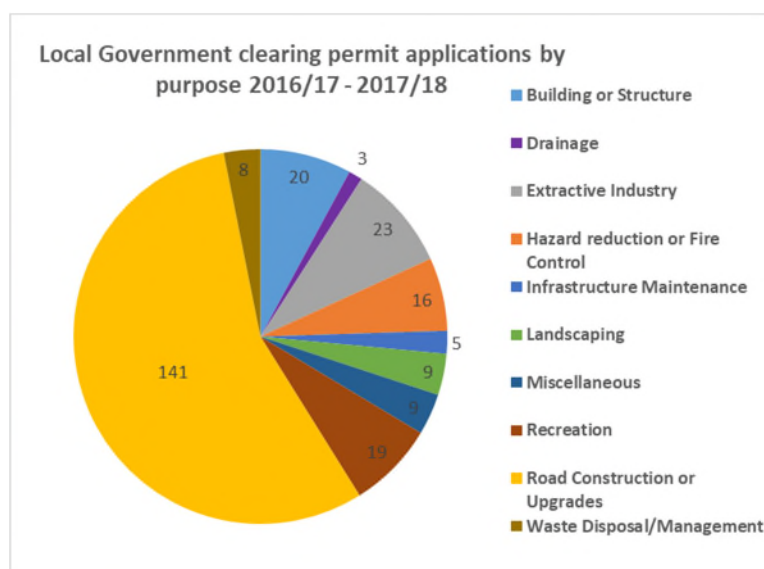
Context

Western Australian Local Governments represent a significant proportion of all clearing permit applications, second only to the State Government. Over the period 2016-17 to 2017-18, Local Governments submitted approximately 250 clearing permit applications. In 2017-18, 23 per cent of all clearing permit applications were submitted by Local Governments.

Almost all Local Government clearing permit applications since 2016-17 have been for clearing of areas of less than 10 ha. Over that same period Local Governments made only two applications to clear more than 50 ha, both of which were in the 'extensive use zone (ELUZ)'. Approximately 90 per cent of all Local Government permit applications were for clearing in the 'intensive use zone (ILUZ)' in the South-West of Western Australia.



As illustrated below, of the 253 clearing permit applications submitted by Local Governments between 2016-17 and 2017-18, 141 (60 per cent) were for road construction, upgrades or maintenance. Other significant activities for which clearing permits are sought include recreation, extractive industries (eg quarrying of gravel, sand and limestone for use in provision of community infrastructure) and hazard reduction or fire control.



Cost recovery for Local Government clearing permit applications

Local Governments should not be subject to cost recovery for clearing permit applications.

Local Governments do not derive a private benefit from the clearing they undertake. Clearing of native vegetation by Local Governments is undertaken for purposes that benefit their local, and in many cases the broader, community. The purposes for which Local Governments submit applications to clear native vegetation are also generally non-discretionary. For example, Local Governments are obligated to maintain and ensure that local roads are safe for public use.

So, while WALGA agrees in principle that the cost of regulatory activities should be borne by those who benefit most from the service, in this case it does not agree that Local Governments should be subject to cost recovery for clearing permit applications. Rather WALGA considers the incidence of this cost is already being borne appropriately by Western Australians through general taxation (as is also the case for State Government agencies).

While WALGA acknowledges the need and efforts of the State Government to improve the State's finances, it is important that in doing so, costs are not simply shifted to Local Government. In addition, fees should not be raised to compensate for the significant ongoing cuts in the State's funding of environmental regulation, including assessment of clearing permit applications. It is particularly relevant in this context to note that funding for the DWER and its predecessor, the Department of Environmental Regulation, including staffing for the assessment of clearing permits, has reduced substantially in parallel with the fall in the

percentage of applications that were decided within DWER's target of 80 percent within 60 working days.

Local Governments consider the proposed cost recovery for clearing permits for Local Government represents a **direct cost shift** to Local Government. For example:

- The Shire of Toodyay has indicated that '...54 per cent of your (DWER's) clients are a combination of both state government and local government it appears the biggest impact will be on these sectors. With no prospect of Local Governments shifting additional costs without raising rates this will mean a reduction in available funds to spend elsewhere or the ratepayers paying more'.
- The Shire of Carnamah comments that 'because we are a small Shire and this proposal amounts to cost shifting a State based financial burden onto an already financially burdened community – who are all still taxpayers. All this means is that Shires will have to get the taxpayers to pay extra, instead of the State using their taxes'.

Local Governments do not see the proposed fee structure as fair or equitable. In particular, the fees will disproportionately impact on some Local Governments, such as those in the ILUZ and those with high road to ratepayer ratios. For example, the Shire of Wandering in the Wheatbelt, 120 km South-East of Perth covers an area of 1 955 km² and has 355 km of roads¹, all of which are local roads. The Shire has a population of 444 and 347 ratepayers². Many of the Shire's roads provide a benefit to those using them but who live outside of the Shire, including one road that has 1 500 vehicle movements per day, but only 150 local ratepayers using it. The Shire has estimated that two applications at the proposed level of cost recovery, without taking into account associated other costs such as flora and fauna surveys, would equate to a one percent increase in Wandering's rates.

While the proposed fee structure seeks to differentiate between the ELUZ and ILUZ, the revised fee structure will have significant impact on Local Governments such as the Shire of Murchison, which is responsible for 1 647 kilometers of roads³, has a population of 153 and \$456 000 in levied rates in 2017-18⁴. In 2017-18, the Shire of Murchison lodged only one application to clear native vegetation (Purpose permit CPS7955/1) at \$200 and in 2016-17, the Shire lodged five clearing applications (purpose permits for road construction and gravel extractions) totaling \$1000 in fees. Under the proposed fee structure, the costs to the Shire would be \$12 000 for the six purpose permit applications. The costs of the proposed fees would represent nearly 3 per cent of current rate revenue.

¹ Source: <https://walga.asn.au/getattachment/Policy-Advice-and-Advocacy/Infrastructure/Roads/Report-on-Local-Government-Road-Assets-and-Expendi/report-2016-2017.pdf.aspx?lang=en-AU>

² Source: <https://knowyourcouncil.com/Council-Details.aspx?council=Shire%20of%20Wandering>

³ Source: <https://walga.asn.au/getattachment/Policy-Advice-and-Advocacy/Infrastructure/Roads/Report-on-Local-Government-Road-Assets-and-Expendi/report-2016-2017.pdf.aspx?lang=en-AU>

⁴ Source: <https://knowyourcouncil.com/Council-Details.aspx?council=Shire%20of%20Murchison>

Based on the number of clearing applications submitted by Shire of Esperance between 2016-18 and 2017-18, the proposed fee structure would result in the increase in fees cost from \$5 400 for 25 clearing applications to \$72 250 for the same applications. Considering that the Shire of Esperance is responsible for 4 259km of roads⁵, it is reasonable to assume that it will continue to be one of the Local Governments with a high number of clearing applications.

The proposed cost recovery must also be seen in the context of the already significant financial impost on Local Governments in complying with regulatory requirements for clearing of native vegetation. These costs include the need for site assessments that can cost many thousands of dollars for specialist expertise, as well as offsets and other measures that may be required as part of conditions for approval. Based on data provided by DWER, since the offsets register was established, Local Governments have been required to acquire approximately 1 500 ha of offset land as part of their approval to clear. Additionally, the time taken for decisions to be made on permit applications creates uncertainty for Local Governments and can impact on the timely delivery of projects and/or maintenance. In this context WALGA notes that decision times have risen significantly from 46 business days in Q1 2016-17 to 73 in Q3 2017-18⁶.

Use of strategic permits

WALGA supports a more strategic approach to native vegetation clearing and the ability for Local Governments to consolidate their clearing applications. Such an approach has the potential to recognise efficiencies in the process, reduce costs and the regulatory requirements burden on Local Governments. WALGA notes that the capacity of Local Governments to utilise strategic permits will vary and that smaller Local Governments may find the requirements of such a process challenging. Not only are forward plans of work required, site assessments and surveys of areas where clearing would need to occur upfront, as would consideration of offsets. The up-front clearing approval of road projects reduces Local Governments ability to cover associated costs (clearing permit fees and surveys) via road projects grants. To assist Local Governments, WALGA considers that appropriate support and guidance must be provided, including assistance for the undertaking of surveys and the application of fees payable *after* completion of road works rather than up front.

Operation of the regulatory system for clearing of native vegetation

The first priority should be the effective and efficient operation of the regulatory system, before any consideration of cost recovery is considered.

WALGA is concerned that cost recovery for clearing permits is being proposed while DWER's performance, as measured by the Department's own effectiveness and efficiency indicators, shows it is not meeting its KPIs, as evidenced in the DWER 2017-18 annual report⁷:

⁵ Source: <https://walga.asn.au/getattachment/Policy-Advice-and-Advocacy/Infrastructure/Roads/Report-on-Local-Government-Road-Assets-and-Expendi/report-2016-2017.pdf.aspx?lang=en-AU>

⁶ Source: https://dwer.wa.gov.au/sites/default/files/RegulatoryPerformanceReport_1-July-2017_31-March-2018.pdf

⁷ Source: https://dwer.wa.gov.au/sites/default/files/DWER_AR2017-18_2_PerformanceReport.pdf#overlay-context=about/Annual_Report_2017-18 pp.29-30

Outcome 2 Emissions, discharges and clearing of native vegetation are effectively regulated to avoid unacceptable risks to the public, health and environment	2017-18 Target %	2017-18 Actual %
Percentage of regulatory compliance activities completed as planned	100	78
Percentage of potential environmental risks identified during compliance monitoring program that are rectified within two months	80	45
Service 4 Environmental Regulation		
Average cost per native vegetation clearing permit application	\$7 991	\$34 405

DWER's Q3 2017-18 regulatory performance report also illustrates the Department's underperformance in relation to native vegetation clearing permit applications⁸:

Applications	2016-17				2017-18		
	Q1	Q2	Q3	Q4	Q1	Q2	Q3
No. of applications carried over from previous periods	122	130	138	161*	181**	190	192
No. of applications received	137	109	99	116	103	120	104
No. of decisions on applications	129	101	72	90	94	118	91
No. of open applications as of end of quarter	130	138	163	187	190	192	205
Average time for decision (calendar days minus time in 'stop-the-clock')	46	53	48	63	74	74	73
No. of decisions that were subject to 'stop-the-clock'	42	35	25	33	50	48	41
Average time in 'stop-the-clock' for decisions in calendar days	31	26	18	59	72	100	62
Percentage of applications that were decided within 60 working days (target = 80% of applications decided)	76%	74%	74%	57%	47%	44%	42%

Declining service delivery standards and increasing delays in decision making have been largely caused by significant reductions in DWER staff numbers and underinvestment in systems and data. In this context, before any consideration of increased cost recovery, WALGA considers that DWER should improve its performance, including consideration of how the costs of administering permits and the regulatory burden for proponents, including Local Governments, can be reduced. In this regard, Local Governments have expressed concerns about the current clearing permit regulations:

- a lack of appropriate guidance on land clearing permit process and requirements;
- inconsistent advice;

⁸ Source: https://dwer.wa.gov.au/sites/default/files/RegulatoryPerformanceReport_1-July-2017_31-March-2018.pdf

- protracted assessment times and delays in decision making;
- time taken to determine appeals;
- lack of available data;
- anomalies and inconsistencies in the regulatory system (particularly in relation to requirements for roadside maintenance);
- the need for accreditation of environmental consultants; and
- duplication between the State and Commonwealth assessment and approval processes.

Given that Local Governments represent a significant proportion of overall clearing permit applications and that most of these are for areas of less than 10 ha, WALGA considers there are a number of measures that DWER could considered to address these concerns:

- the creation of a dedicated Local Government Service Unit within DWER that could provide advice and assistance to Local Governments related to their native vegetation clearing permit needs (particularly in relation to road construction and maintenance) and strategic permit processes;
- financial assistance to Local Government for the undertaking of surveys, potentially through loans refundable via road project funding;
- consideration of funding for the development and implementation of an integrated roadside environmental management framework for Local Governments via the Roadside Conservation Committee (such as that implemented in NSW in 2017);
- Development of an on-line checklist for vegetation clearing permit requirements where any project that will involve vegetation clearing will need to be entered for an assessment whether a clearing permit is exempt or not, determination of the type of the clearing permit and listing of matters that will need to be addressed. This system would also facilitate better monitoring of native vegetation clearing rates; and
- Undertake a comprehensive consultative review of all matters in relation to vegetation clearing for Local Government.

Addressing these concerns has the potential to reduce costs for DWER due to the provision of higher quality clearing permit applications requiring less time to assess; Local Governments needing less time and resources to prepare applications on which decisions would be made in shorter timeframes; and achieve better environmental outcomes.

WALGA acknowledges the anticipated service improvement proposed in the Discussion Paper is proposed to be funded by the \$1.3m additional revenue from increased fees to 'improve service delivery and efficiency in its regulatory services' (p8):

- employing additional assessment staff, including to develop strategic approaches for the assessment and management of native vegetation;
- additional compliance staff to allow more targeted and proactive inspection and audit activities;
- improving systems;
- streamlining business processes; and

- publication of relevant data.

The Discussion Paper indicates that these measures will 'improve the timeliness of decision-making and ensure an appropriate response to the increasing demand for environmental assessment and approvals related to economic growth'. WALGA considers further information on the level of, and specific commitments to, service improvements expected from these measures is required.

A more comprehensive approach to protecting native vegetation in Western Australia is needed

WALGA notes the findings of the Western Australian Auditor General, referencing the last *State of the Environment Report 2007*:

'In some parts of WA (especially the Wheatbelt and parts of the Swan Coastal Plain) native vegetation has been cleared beyond safe ecological limits. Continued clearing will result in loss of biodiversity and extinctions, with fragmented habitats becoming more susceptible to climate change, disease, and weed and introduced animal invasion.'

This Discussion Paper, coming more than 10 years after the State of the Environment and Auditor General's report makes the same comment (p6). In addition to illustrating the need for ongoing State of the Environment Reporting, WALGA considers that the acknowledgement by the Department that ecological limits of clearing have been exceeded in the Wheatbelt and the Swan Coastal Plain requires consideration by the State Government of a strategic, comprehensive and sustainably funded, approach to the protection of native vegetation of which clearing regulation is only one part. It is clear that the current case-by-case consideration of clearing permits and other proposals impacting on native vegetation without a broader vision and strategy for the protection of native vegetation in the South-West and the Wheatbelt is creating complexity for DWER and proponents, including Local Governments and is resulting in sub-optimal environmental outcomes.

WATER LICENCES AND PERMITS

Local Governments should not be subject to cost recovery for water allocation licences or permit application assessments.

Context

Local Governments consume approximately 3 per cent of the State water budget⁹.

The overwhelming majority of water resource consumption by Local Governments is in relation to the irrigation of public open space. Local Governments do not derive a private benefit from the provision of water to irrigate public open space (POS). Water resource management by

⁹ Source: State Water Plan Summary – Government of Western Australia 2007
https://www.water.wa.gov.au/_data/assets/pdf_file/0013/5161/82413.pdf

Local Governments is undertaken for purposes that benefit their local, and in many cases the broader community (for example at regional level sporting facilities).

The purposes for which Local Governments submit applications to access water supplies are also generally non-discretionary. For example, Local Governments are obligated to maintain and ensure that active public open space provided through the land development process is maintained to community expectations.

The sector acknowledges and has long understood the importance of water efficiency, through participation in the ICLEI Water Campaign and more recently the Water Corporation Waterwise program. WALGA contends that no other sector has been as efficient in managing its water allocations, nor been subject to as much public or State Government scrutiny.

In the provision of public open space, Local Governments have invested heavily in water related infrastructure such as wastewater recycling schemes, managed aquifer recharge (through the local drainage system), urban stormwater harvesting, as well as in the broader waterwise agenda (water sensitive urban design, Development in Groundwater Constrained Environments guidelines, Better Urban Water Management (2007) guidance, input into the review of the Department of Planning and Heritage water related state planning policies, water quality improvement plans and active investment and participation in the CRC for Water Sensitive Cities). Local Governments have also been at the forefront of innovations in water use efficiency for public open space, including irrigation efficiency, remote control irrigation systems, soil moisture sensors, real time water use monitoring and hydrozoning.

So, while WALGA agrees in principle that the cost of regulatory activities should be borne by those who benefit most from the service, in this case it does not agree that Local Government should be subject to cost recovery for water allocation licenses or permits.

Rather WALGA considers that in this incidence, the cost is already being borne appropriately by Western Australians through general taxation (as is also the case for State Government agencies). This view is reinforced by the Economic Regulation Authority (ERA). In its report of 2011¹⁰ the ERA, in outlining its principles for cost recovery notes:

‘Public funding is appropriate where there is a component of public good to some activities, or where parties benefiting from the services cannot be identified.’

Further to this, the ERA then states that (p18):

‘The Authority therefore recommends that the water resource management and planning costs associated with public open spaces be recovered from public funds, as the costs of recovering costs from private beneficiaries would outweigh the benefits of cost recovery.’

¹⁰ Source: Inquiry into Water Resource Management and Planning Charges - Economic Regulation Authority 2011
<https://www.era.gov.au/cproot/9476/2/20110329%20D62487%20Final%20Report%20-%20Inquiry%20into%20Water%20Resource%20Management%20and%20Planning%20Charges.PDF>

WALGA asserts that Local Government use of water allocations is strictly for the public good (the irrigation of public open space), and therefore given the benefits are accrued to the general public, and not an individual local government, that Local Government be exempt from the cost recovery regime proposed in the discussion paper.

In terms of demonstrating the public benefit allocation of the water resource, Local Government groundwater licences also require a water conservation plan to be prepared. Therefore current allocations are known, and could simply be added to the environmental flow allocations to provide a comprehensive public benefit allocation that is determined by both the environmental flow proportion, and the public benefit portion (both exempt from the proposed fees and charges regime).

Water law reform

WALGA notes the view of the Productivity Commission in their recently released report on the National Water Initiative, that:

‘All jurisdictions, except Western Australia and the Northern Territory, have created statutory-based, clear and secure long-term water rights for consumptive uses’¹¹, and goes on to note that “...Western Australia and the Northern Territory have not yet introduced legislation to create the statutory-based entitlement and planning arrangements that provide for these features. Delay in adopting legislative reforms is likely to constrain economic activity in these jurisdictions, as investors will not have certainty about water rights and allocation arrangements’.¹²

The State Government has recently given its commitment to undertake significant legislative review of all major water law in Western Australia, including reviews of the *Water Service Act (2012)*, the *Rights in Water Irrigation Act (1914)* and the *Water Corporations Act (1995)*.

Given the desire of the Government to modernise the water legislation in Western Australia, as announced by Minister Kelly on 23 August 2018, it is of concern to WALGA that the DWER has embarked on pre-emptive regulatory reforms based on the RIWI Act that is over 100 years old, which is now to be the subject of modernisation.

WALGA contends that regulatory approaches must support contemporary water legislation and that therefore that any regulatory reforms should occur after the State Government has determined and delivered on contemporary water legislation. For example, how does this proposed cost recovery schedule integrate with the potential for consumptive pools, or indeed over-allocated resources?

Regulatory efficiencies

In terms of the strategic outcomes for the DWER, WALGA notes that there is considerable room for improvement in the DWER meeting Objective One – *Western Australia’s growth*

¹¹ Productivity Commission Inquiry Report No.87, December 2017, p8 <https://www.pc.gov.au/inquiries/completed/water-reform/report>

¹² Productivity Commission Inquiry Report No.87, December 2017, p12 <https://www.pc.gov.au/inquiries/completed/water-reform/report>

and development is supported by the sustainable management of water resources for the long-term benefit of the state.

WALGA notes that the DWER has consistently failed to manage its cost base in water planning allocation and optimisation, particularly in relation to the average cost per plan, report or guidance document to support said water planning, allocation and optimisation.

As outlined in the table below¹³, timeframes in 2017/18 are also not being met in relation to processing water licence applications and permits.

Water licence and permit applications by risk category – Target 80% of applications processed within KPI timeframe

Water Licence and Permit Applications – Low Risk	2017-18		
	Q1	Q2	Q3
No. of applications received	425	518	470
No. of applications processed	458	636	674
Percentage of applications processed within 65 working days (target = 80% of applications processed within 65 working days)	79%	57%	70%
Water Licence and Permit Applications – Medium Risk	2017-18		
	Q1	Q2	Q3
No. of applications received	22	37	18
No. of applications processed	33	57	41
Percentage of applications processed within 75 working days (target = 80% of applications processed within 75 working days)	61%	44%	46%
Water Licence and Permit Applications – High Risk	2017-18		
	Q1	Q2	Q3
No. of applications received	34	46	38
No. of applications processed	58	81	48
Percentage of applications processed within 95 working days (target = 80% of applications processed within 95 working days)	60%	36%	35%
Applications awaiting assignment of risk level at close of quarter	254	248	271

Unfortunately, there is little demonstration in the Discussion Paper of how the proposed cost recovery schedule actually leads to improved efficiencies, and in how it meets DWER strategic outcomes and water related KPI's.

WALGA is concerned that there is no service level guarantee related to the cost recovery pricing regime, and that there has not been an articulated or transparent roadmap to system

¹³ Source: https://dwer.wa.gov.au/sites/default/files/RegulatoryPerformanceReport_1-July-2017_31-March-2018.pdf

improvement, net of two recent Ministerial announcements on water law reform and additional resourcing for the EPA Service Unit.

There is also the concern from proponents that the potential for further cost recovery increases may come without demonstrable and transparent improvements to the existing inefficiencies in the licensing and permit assessment process. There is a lack of clarity as to the drivers for the DWER to deliver greater operating efficiencies, regardless of the cost recovery approach mooted in the discussion paper.

A demonstration of the efficiencies currently being pursued and their estimated impact on KPI's would not only help proponents understand the estimated improved level efficiency currently funded (i.e. without revenue from cost recovery), but would also provide the opportunity to potentially revise downwards the estimated cost of assessment to be borne through cost recovery.

WALGA appreciates that the current investments in DWER assessments will take time to consolidate. This then leads to the WALGA recommendation that this regulatory approach should be deferred until the legislative reform agenda (such as the Water Resource Management Bill) is drafted and then considered by the Minister, and ultimately, the Parliament.

Further to this, the DWER should consider:

- A further consolidation of existing Local Government groundwater licences in order to reduce the administration costs borne by both DWER and Local Government; and
- Work with and invest in the ability of Local Government to increase its capacity to assess water management issues.

Cost Shifting

Based on data provided by the DWER, if the proposed regime was applied to existing Local Government water licenses and permits (only), it would represent a cost shift approximating an additional \$2.360m to Local Government.

Costs to economic development and employment

WALGA notes the concerns of members such as the Shire of Manjimup on the implications of the proposed regime to local and regional economic development. In their submission on the discussion paper in relation to uncertainty and its impact on local economies, employment and growth, the Shire asserts that:

'Whilst larger businesses within the Shire may be able to absorb these proposed costs, many smaller primary producers may find that the proposed costs will have greater financial impacts. Furthermore, the majority of primary producers will not have opportunity to pass the cost of those licencing fees on to consumers.'

The Government will need to take into account the implications of such perverse outcomes for its policies in relation to regional economic development, jobs and growth.

5.5 Waste Levy Policy Statement (05-037-04-0001 RNB)

By Rebecca Brown, Manager Waste and Recycling

Recommendation

That the Waste Levy Policy Statement 2018 be endorsed.

In Brief

- The Municipal Waste Advisory Council (MWAC) undertook a review and developed a Discussion Paper on the WALGA Waste Avoidance and Resource Recovery Levy Policy Statement, highlighting areas to consider amending the Policy Statement.
- Using the Discussion Paper, WALGA then consulted Local Governments regarding their views on these issues.
- Written responses were received from 34 Local Governments. MWAC considered the responses from Local Government and made amendments to the Policy Statement accordingly. Feedback was also provided to those Local Governments that had commented on how their position had been incorporated.
- The Waste Levy Policy Statement being put forward for consideration by State Council includes the following amendments:
 1. Rationale for the Levy – additional commentary added to emphasize the need to expend Levy funds in a timely manner.
 2. Differential Levies – this section was removed to reflect that the Levy is not applied differentially to inert or putrescible waste, as was previously the case.
 3. Basis for Setting Levy rates – an additional point was included to indicate Local Government support for, at least, a five year rolling schedule for the Levy to facilitate orderly long term budgetary and infrastructure planning by Local Government.
 4. Administration of the Levy – this section was removed in recognition of the need to undertake further consideration of the role of the Waste Authority, in the context of the review of the Waste Legislation Policy Statement.
 5. Funding Scope – a new section was added to the Policy Statement which identifies that Local Government expects State Government funding programs that support waste management activities to:
 - Provide adequate funding and support for Regional Councils, non-metropolitan and metropolitan Local Governments
 - Reflect the targets and priorities within the State Waste Strategy
 - Fully fund and acknowledge the life-cycle costs of infrastructure and services
 - Facilitate the development and implementation of Product Stewardship Schemes.
 6. Regulation of the Levy – a new section was added to emphasize that without effective regulation, the Levy's ability to raise funds and act as an economic instrument to reduce waste to landfill was negated.

Attachments

1. Proposed WALGA Policy Statement on the Waste Levy
2. Local Government Response to WALGA Waste Levy Policy Statement 2009
<https://walga.asn.au/getattachment/Documents/Item-5-5-Attachment-LG-Responses-MWAC-Recommendations.pdf.aspx?lang=en-AU>

Relevance to Strategic Plan

Key Strategies

Engagement with Members

- Deliver a broad range of benefits and services that enhance the capacity of member Local Governments
- Improve communication and build relationships at all levels of member Local Governments;
- Build a strong sense of WALGA ownership and alignment.

Sustainable Local Government

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

Policy Implications

This is an update of an existing Policy to ensure the document continues to be relevant.

Budgetary Implications

Nil.

Background

In late 2017 the Municipal Waste Advisory Council identified that given the substantial changes to the Levy and the diversion of funds away from strategic waste management activities, it was timely to review the Waste Levy Policy Statement. The first stage of this process was, following consideration by MWAC, the development of a Discussion Paper which outlined the potential areas for change and the case for change. These areas included:

- Basis for Local Government support for the Levy
- Application of the Levy to waste generated in the non-metropolitan area
- Rationale for the Levy
- Differential Levies
- Basis for Setting Levy rates
- Administration of the Levy
- Funding Scope
- Regulation of the Levy.

Engagement with Local Government

In December 2017, the Municipal Waste Advisory Council of the WA Local Government Association released a Discussion Paper, Review of the WALGA Waste Levy Policy Statement 2009. The Discussion Paper was circulated for comment through an Infopage, newsletters, direct email, inclusion on the April WALGA State Council Agenda 2018 and a letter to all Local Government CEOs. As a result of Local Government feedback, the consultation period was extended to 29 June 2018. 34 written responses were received on the Discussion Paper from 2 Regional Councils, 11 metropolitan Local Governments and 21 non-metropolitan Local Governments. Some responses were endorsed by Council, whereas others were from the administration. The comments were considered by MWAC and a response paper was developed.

Comment

The feedback from Local Government was very useful in developing the updated Policy Statement, which is attached for State Councils consideration. The feedback from Local Government included:

- Basis for Local Government support for the Levy: Consideration was given to whether the Policy Statement should be amended to focus only on the portion of the Levy that was allocated to Waste Avoidance and Resource Recovery (WARR Account). The response from Local Government was there was support for the Policy Statement to continue to cover

the entire Levy amount, rather than just the 25% directed to the WARR Account, and the sector considered that the entire Levy should be hypothecated to fund strategic waste management activities

- Application of the Levy to waste generated in the non-metropolitan area – There was a difference of opinion on the application of the Levy to the non-metropolitan area. Given the State Government’s approach to implementing the Levy in the metropolitan area, the current position is retained – that there is no support for the application of the Levy to the non-metropolitan area.
- Rationale for the Levy – There was support for the Policy Statement to be amended to reflect that any funds raised for, and allocated to, strategic waste management activities must be expended in a timely manner.
- Differential Levies – There was no significant objection to the removal of the differential Levies section of the Policy, as there is no longer a differential Levy applied to inert and putrescible waste.
- Basis for Setting Levy rates – There was support for an additional point in the Policy Statement to indicate Local Government support for, at least, a five year rolling schedule for the Levy, to facilitate long term planning.
- Administration of the Levy - There was no significant objection to the removal of this section, on the basis that further consideration of the role of the Waste Authority would be undertaken in the context of the review of the Waste Legislation Policy Statement.
- Funding Scope: There was support for the new section on funding, this section identifies that Local Government expects State Government funding programs that support waste management activities to:
 1. Provide adequate funding and support for Regional Councils, non-metropolitan and metropolitan Local Governments
 2. Reflect the targets and priorities within the State Waste Strategy
 3. Fully fund and acknowledge the life-cycle costs of infrastructure and services
 4. Facilitate the development and implementation of Product Stewardship Schemes.
- Regulation of the Levy – There was support for a new section to emphasize that without effective regulation, the Levy’s ability to raise funds and act as an economic instrument to reduce waste to landfill was negated. There was also positive feedback that the Levy needs to be supported by a comprehensive regulatory regime for both licenced premises and other sites.

Additional feedback from the consultation process included:

- *State Government’s use of waste policy instruments* - Local Governments provided feedback that there had been a reliance on the Levy over and above other waste policy instruments and approaches. The State Government’s use of the Levy as a ‘blunt’ economic instrument, with no consideration of the context in which it operates, has resulted in the diversion of waste to the cheapest available disposal option, legitimate or otherwise. Feedback highlighted the need for State Government investment in initiatives such as community engagement, market development and extended producer responsibility schemes to improve Western Australia’s waste management performance.
- *Licensing of new landfill sites* - The sector expressed concern at the Department’s current practice of licensing of new landfill sites with no consideration of existing landfill space or alternative options. WALGA has continued to raise this issue, in line with its previously endorsed position, that the *Environmental Protection Act (1986)* is amended to ensure the CEO can refuse a license application if the facility will undermine the State Waste Strategy outcomes and targets.
- *Application of the Levy to landfill operations* - One Local Government provided very detailed feedback on how the Levy is applied, in a technical sense, to landfill operations. These concerns relate to the impact of the Levy, when applied to landfill operations and closure design. WALGA will raise these concerns with the Department of Water and Environmental Regulation.

Attachment Item 5.5
Waste Levy Policy Statement



Waste Levy Policy Statement

PREPARED BY THE



MUNICIPAL WASTE ADVISORY COUNCIL
"Getting the Environment Right"

August 2018

Status of this Policy Statement

This Policy Statement has been prepared by the Municipal Waste Advisory Council and adopted by the Western Australian Local Government Association. The Municipal Waste Advisory Council is a standing committee of the WA Local Government Association with delegated authority to represent the Association in all matters relating to solid waste management.

The Municipal Waste Advisory Council has been formed through collaboration with Regional Councils who are not ordinary members of the WA Local Government Association. The resulting body effectively represents the views of all Local Government bodies responsible for waste management in Western Australia.

Policy Statements adopted by the WA Local Government Association represent a consolidated viewpoint from local government and may differ from the positions adopted by individual member organisations. The Municipal Waste Advisory Council and the WA Local Government Association will strive to promote this Policy Statement and to act consistently with its contents. Individual Local Governments and Regional Councils are encouraged to support them in this but are not bound by the document.

The Municipal Waste Advisory Council's member organisations are:

City of Greater Geraldton
Eastern Metropolitan Regional Council
Mandarie Regional Council
Rivers Regional Council
Southern Metropolitan Regional Council
Western Australian Local Government Association
Western Metropolitan Regional Council

Policy Statement on the Waste Levy

Title:	Municipal Waste Advisory Council Policy Statement on the Waste Levy <i>"A Policy Statement to enunciate the Local Government position on Levies charged on the weight or volume of waste received at licensed premises and the application of those funds to waste management activities."</i>
Statement of Policy:	<p>1. Context This policy statement has been developed in a context which includes the following constraints, intentions and insights:</p> <ul style="list-style-type: none"> a. Coverage of consensus views In line with the MWAC Policy Development Framework, this Policy Statement is intended to cover issues where there is substantial commonality of views within Local Government. b. Ongoing work in absence of Consensus Where this commonality of views is absent, MWAC will work to explore and communicate the issues and perspectives and seek to reach consensus. c. Limited Lifespan This Policy Statement will be reviewed if any significant developments regarding the Levy occur. d. Alternative mechanisms are recognised A range of alternative instruments could be used to capture funding for waste management that use waste generating behaviour as the fundamental criterion for contribution to the funds. These could include levies directly upon waste sent to landfill, ESL (Environmental Services Levy) style levies, and advance disposal fees. The potential advantages of some of these instruments over aspects of the Waste Levy instrument are recognised. e. Policy Statement speaks to Existing Mechanism This Policy Statement provides comment with respect to the existing Waste Levy. Hence certain comments should be taken to reflect upon this particular method of implementation rather than acceptance of the principle of taxing waste generation per se. <p>2. Conditional support for Waste Levy Continuing Local Government support for the Levy is subject to the provision (on an ongoing basis) of robust evidence, made available to the public, demonstrating the Levy is achieving its broad objectives, and on a number of conditions regarding the Levy's operation and the application of Levy funds.</p> <ul style="list-style-type: none"> a. Support for a Levy that is hypothecated to strategic waste management activities Local Government strongly opposes the application of the Levy to non-waste management related activities, such as funding State Government core activities. Local Government supports funds from the Levy being applied to strategic waste management activities. b. There is no support for the Levy to be applied to waste received at licensed premises whose primary purpose is resource recovery Local Government strongly opposes the application of the Levy to waste delivered to licensed premises which have, as a primary purpose,

	<p>resource recovery (such as materials recovery facilities (MRFs), green waste processing facilities and alternative waste treatment (AWTs) facilities). Local Government will consider the appropriateness of the Levy being applied to waste delivered to other types of licensed premises (for example mine dumps) on a case-by-case basis.</p> <p>c. There is no support for the Levy to be applied to licensed landfills outside the metropolitan area</p> <p>Application of the Levy to licensed landfills outside the metropolitan area would prove to be a significant logistical and financial impost on Local Government landfill operators and potentially have severe environmental impacts. Levy application in these areas could increase the frequency of illegal dumping and provide a disincentive to the regionalisation of landfills.</p> <p>3. Rationale for the Waste Levy</p> <p>A clear rationale for the Levy is essential for assessing the appropriateness of all policy decisions which relate to the Levy, such as how it is charged, the rate applied and where the money is spent. In addition, any funds raised for, and allocated to, strategic waste management activities must be expended in a timely manner.</p> <p>a. Primarily for raising strategic funds</p> <p>The primary rationale for the Levy is that it provides a means of generating secure funding for strategic activities in waste management. For the purposes of the Levy, appropriate strategic activities must be identified by a current State Waste Strategy.</p> <p>b. Alternative rationale/s</p> <p>Where State Government identifies an alternative rationale for the Levy, Local Government will only support the alternative rationale to the extent it agrees that the alternative rationale is valid.</p> <p>c. State Government rationale/s to be clarified and supported</p> <p>State Government must clearly state, explain, justify and publicly communicate the rationale/s for applying the Levy, particularly if the State Government intends to apply the Levy to non-metropolitan regions.</p> <p>4. Inter-regional Transfers of Funds</p> <p>The application of Levy funds to projects in areas where the Levy is not raised may be acceptable to Local Government where there is a justified business case consistent with the State Waste Strategy. In determining that the transfer of funds from Levy-paying residents to fund waste management projects outside their community is justified, the State Government should consider whether projects have the capacity to deliver substantial benefits to the State in terms of environmental impacts and efficiencies.</p> <p>5. Local Government Claim on Funds</p> <p>A fixed proportion of monies collected from Local Government should be made available to Local Government on a first call basis in the form of project money to support the objectives of the State Waste Strategy. Currently, under Section 4(2d) of the <i>Waste Avoidance and Resource Recovery Levy</i></p>
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	<p><i>Act 2007, Local Government can claim “reimbursement of administrative costs incurred by the person, organisation or licensee collecting the levy”.</i></p> <p>6. Basis for Setting Levy Rates Consistent with its views regarding the appropriate rationale for the Waste Levy, Local Government considers that the rate of the Waste Levy should be set by reference to a well defined set of criteria. The criteria which Local Government would support are:</p> <p>a. Capacity to fund the State Waste Strategy It is necessary that the Levy rate(s) is/are set such that the annual objectives identified under the State Waste Strategy can be funded. Local Government recognises that total annual expenditures may sometimes exceed and at other times fall below the total revenues raised by the Levy. It is also appropriate that funds from Consolidated Revenue be used to achieve State Government objectives</p> <p>b. Capacity to achieve stated objectives The State Government may indicate that it will use the Levy to achieve objectives other than the generation of funds for strategic activities. If so, then the State Government must give valid reasons to show how a change in the Levy will support those objectives before Local Government would support the use of Levy funds. For instance, State Government may consider that at a higher rate, the Levy will discourage landfilling of some waste types, but this belief should be supported with something more than anecdotal evidence and also demonstrate that there would not be other financial imposts on Local Government such as an increase in illegal dumping that would need to be cleaned up.</p> <p>c. Capacity to pay the Levy The State Government must take into account the capacity of Local Governments and their communities to pay the Levy. This capacity to pay the levy is affected by social, economic and political constraints.</p> <p>d. Capacity to Plan To ensure Local Government can plan and budget for changes to the Levy, and has a firm basis for business cases to change service provision, at least a 5 year rolling schedule for the Levy is required.</p> <p>7. Funding from the Levy The scope of activities and projects able to be funded through the Waste Levy must recognise differences in regional priorities. Local Government strongly supports funding programs that:</p> <p>a. Provide adequate funding Provide adequate funding and support for Regional Councils, non-metropolitan and metropolitan Local Governments</p> <p>b. Reflect targets and Priorities Reflect the targets and priorities within the State Waste Strategy</p> <p>c. Fully Fund Fully funds and acknowledges the life-cycle costs of infrastructure and services</p> <p>d. Facilitate Product Stewardship</p>
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	<p>Facilitate the development and implementation of Product Stewardship Schemes.</p> <p>8. Regulation of the Levy Without effective regulation, the Levy's ability to raise funds and act as an economic instrument to reduce waste to landfill is negated. The Levy must be supported by a comprehensive regulatory regime for both licenced premises and other sites.</p>
Date of Adoption	<p>2005 Amended February 2008 Amended November 2009 Amended August 2018</p>
Associated Policies:	<p>Policy Statement on Waste Management Legislation (2004) Policy Statement on Extended Producer Responsibility (June 2008)</p>
Definitions	<p>ESL style levies The <u>Emergencies Services Levy</u> (ESL) raises funds to pay for the operations of the Fire and Emergency Services Authority and is charged against landholders. The ESL is calculated as the Gross Rental Value of the property multiplied by the rate applicable to that region of the state. Regions of WA have been divided into categories based on the level of emergency services available in those regions. The rate is higher in regions which enjoy a higher level of emergency services.</p> <p>Resource Recovery Resource recovery is defined as any waste management operation that diverts a waste material from the waste stream and which results in a certain product with a potential economic or ecological benefit. Resource recovery mainly refers to the following operations: <ul style="list-style-type: none"> - material recovery, i.e. recycling; - energy recovery, i.e. re-use a fuel; - biological recovery, e.g. composting; - re-use. </p> <p>State Waste Strategy The State waste Strategy refers to the <i>Western Australian Waste Strategy 'Creating the Right Environment'</i>.</p> <p>The Waste Levy References to "the Waste Levy" are references to the existing instrument established under the <i>Environmental Protection (Landfill) Levy Act 1998</i> and the <i>Waste Avoidance and Resource Recovery Levy (WARRL) Act 2007</i>. The existing Levy is charged on the basis of tonnes of waste received at Metropolitan landfill sites plus tonnes of Metropolitan waste received at non-Metropolitan landfill sites.</p>
End of Policy Statement	

5.6 Standard Development Conditions Guidelines (05-036-04-0005 AR)

By Ashley Robb, Project Officer, Planning and Improvement

Recommendation

That the *Standard Development Conditions Guideline*, be endorsed and that WALGA recommends use of the resource by Local Governments when reviewing and/or preparing standard development conditions.

In Brief

- The application of development conditions on new development approvals has been identified by Local Governments as a planning process which offers scope for improvement.
- WALGA has prepared this Guideline to: provide a list of standard development conditions that can be considered and used by Local Governments when reviewing their own standard conditions; provide guidance on the preparation of development conditions; and, help improve consistency in the way that development conditions are worded, structured and applied across jurisdictions.
- The Guideline provides a set of 67 development conditions, covering 25 different planning matters. Importantly, the conditions in the Guideline have been reviewed by certified legal practitioners who have experience in dealing with planning related matters, using current case law.
- The Guideline provides an important reference document that Local Governments can have confidence in, when reviewing their own set of standard conditions and formulating conditions through-out the development assessment process.

Attachment

The *Standard Development Conditions Guideline* is attached to this report.

Relevance to Strategic Plan

Key Strategies

Engagement with Members

- Deliver a broad range of benefits and services that enhance the capacity of member Local Governments.

Sustainable Local Government

- Continue to build capacity to deliver sustainable Local Government;
- Provide support to all members, according to need.

Policy Implications

This Guide is consistent with, and will have similar policy implications to the following State Council recommendations:

- Guide for Planning Delegations Development Applications (March 2015 - 5.1/2015)
- Local Government Town Planning Guidelines for Alcohol Management (September 2013 - 252.4/2013)
- Model Local Planning Policy Advertising of Planning Proposals (July 2016 - 61.4/2016)
- Planning for Waste Management Project (May 2015 - 41.2/2015)
- Model Local Planning Policy for Water Wise Entry Statements (May 2015 - 38.2/2015)
- Guidelines and Specifications for Residential Crossovers (December 2016 - 114.6/2016)
- Model Heritage Strategy for Local Governments (March 2017 - 10.1/2017)

Budgetary Implications

Nil.

Background

The application of development conditions on new development approvals has been identified by Local Governments as a planning process which offers scope for improvement. WALGA's Planning Improvement Program (PIP) survey identified that 42% of Local Government members considered the topic as a high priority, while a further 52% identified the topic as a priority, making development conditions the highest rated topic amongst surveyed Local Governments.

Given this situation, WALGA has prepared this Guideline in order to:

- Provide a list of standard development conditions that can be considered and used by Local Governments, where appropriate and in consideration of local circumstances;
- Provide guidance on the preparation of development conditions, including relevant tests of validity; and,
- Help to improve consistency in the way that development conditions are worded, structured and applied across Local Government jurisdictions.

A methodological approach has been applied by WALGA to prepare this Guideline. This approach included the following steps:

- Request for information - Members were requested to provide information detailing the current set of standard development conditions being applied in their jurisdictions. Twenty members responded with information.
- Categorisation into common planning matters - The conditions provided by members were then categorised based on the planning matter being addressed by each condition. This categorisation helped to identify the most commonly occurring planning matters that Local Government standard conditions seek to address, and the specific conditions being applied to address those matters. Twenty key planning categories were identified.
- Draft standard conditions - A draft set of standard conditions was prepared for each of these planning matters, by referring to the standard conditions provided by members and the most commonly applied content and form used in these conditions. At the request of members, the draft conditions also include conditions related to emerging planning matters, such as bushfire hazard management. The draft conditions were then provided to members for input and modified based on this input.
- Legal review - The draft set of conditions was then reviewed by certified legal practitioners who have experience in dealing with planning related matters. In particular, the legal review sought to: review the draft standard development conditions to ensure they are legally sound; identify conditions which require amendment, to ensure the conditions comply with the current law (principally using searches and comparisons with decided cases of the SAT and the Courts); and, answer questions regarding particular draft conditions, tests of validity and prosecution.

In the absence of a state-wide set of model or standard development conditions, generally Local Governments have drafted their own standard development conditions. This Guideline provides up-to-date and peer reviewed information that Local Governments can now refer to when reviewing or developing their own standard development conditions.

Conditions for subdivision have not been included in this Guideline. Model subdivision conditions have been prepared by the Department of Planning, Lands, and Heritage and can be accessed through the Department's website. Furthermore, advice notes have not been reviewed or included in this Guideline, as Local Governments have not raised advice notes as a significant issue of concern. It is intended that this Guideline will be reviewed and updated at regular intervals, therefore, there is potential to include advice notes in future iterations.

The final Guideline provides a set of 67 development conditions, covering 25 different planning matters. The Guideline also provides guidance regarding the preparation of development conditions, including relevant tests of validity.

Comment

Members have clearly indicated, through the Planning Improvement Program survey and direct contact, that development conditions offer scope for improving the way in which development assessment processes are undertaken by Local Governments in Western Australia. Furthermore, members who are currently reviewing their own standard conditions have recently sought updates from WALGA as to the progress of this Guideline.

This Guideline encourages consistency in the way in which conditions are structured, worded and applied across jurisdictions. The potential for improvement in application processes across jurisdictions was raised within the recent State Government Independent Planning Reforms.

The Guideline does not cover all planning matters addressed by Local Governments. However, the methods used to prepare this Guideline ensure that the most common planning matters being dealt with by members have been captured. Reviewing the Guideline at regular intervals, e.g. every two to three years, will allow new information such as emerging planning matters and new decisions made by the State Administrative Tribunal and the Courts, to be considered and integrated in future iterations.

Importantly, while the conditions in the Guideline have been reviewed by certified legal practitioners, the Guideline does not replace legal advice and it is not intended for the conditions in the Guideline to be simply applied across all jurisdictions as a matter of course. Thorough and careful assessment, and consideration of relevant conditions for each particular circumstance, should continue to be exercised by members. However, the Guideline does provide an important reference document that Local Governments can have confidence in, when reviewing their own set of standard conditions and formulating conditions throughout the development assessment process.

Pending a decision from State Council, it is intended that the Guideline will be: formatted in accordance with other WALGA guidelines; distributed to members and uploaded to the Planning Improvement Portal; and, as noted above, updated at regular intervals as new information and resources become available.

Attachment 5.6
Standard Development Conditions Guideline



Standard Development Conditions Guideline

Contact:

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Suggested Citation:

WA Local Government Association (2018) *Standard Development Conditions Guideline*, Perth, Western Australia

Disclaimer:

The development conditions set out in this Guideline have been reviewed by certified legal practitioners. However, the Guideline does not replace legal advice. Local Governments preparing development conditions are encouraged to seek advice and assistance to ensure appropriate adaptation of the development conditions provided in this Guideline to their specific local circumstances.

1.0 PURPOSE

The application of development conditions on new development approvals has been identified by Local Governments as a planning process which offers scope for improvement. For example, WALGA's most recent Planning Improvement Program (PIP) survey identified that 42% of Local Government members considered the topic as a high priority, while a further 52% identified the topic as a priority, making development conditions the highest rated topic amongst surveyed Local Governments. Given this situation, WALGA has prepared this Guideline in order to:

- Provide guidance on the preparation of development conditions, including relevant tests of validity (Section 4);
- Provide a list of standard development conditions that can be considered and used by Local Governments, where appropriate and in consideration of local circumstances (Section 5); and,
- Help to improve consistency in the way that development conditions are worded, structured and applied across Local Government jurisdictions.

2.0 BACKGROUND

Development approvals are legal documents generated by statutory planning officers. Development approvals are subject to the assessment of development applications and approval by a Council or Local Government officers acting in accordance with delegated authority. Approval of development applications can be granted with or without conditions. However, in reality, the majority of development approvals will contain conditions. The appropriate use of planning conditions can improve the quality of a development proposal, often enabling an application to be approved which may otherwise be refused.

In the absence of a state-wide set of model or standard development conditions, generally Local Governments have drafted their own standard development conditions. This Guideline provides information that Local Governments can refer to when reviewing or developing their own standard development conditions.

Local Governments should note that the conditions provided in this Guideline should not simply be applied as a matter of course, and that thorough and careful assessment and consideration of relevant conditions for each particular circumstance should continue to be exercised.

Conditions for subdivision have not been included in this Guideline. Model subdivision conditions have been prepared by the Department of Planning, Lands, and Heritage and can be accessed through the Department's website. Furthermore, advice notes have not been reviewed or included in this Guideline, as Local Governments have not raised advice notes as a significant issue of concern. It is intended that this Guideline will be reviewed and updated at regular intervals. Therefore, there is potential to include advice notes in future iterations.

3.0 GUIDELINE PREPARATION

3.1 Request for Standard Development Conditions Information

To prepare this Guideline, WALGA contacted 42 Local Government planning departments and requested copies of the standard development conditions currently being applied. Twenty Local Governments provided information. This information varied in format, content and details, i.e. from spreadsheets and documents containing a list of standard conditions, to Council endorsed standard condition manuals.

3.2 Identification of Common Planning Matters and Conditions

The standard conditions outlined in the information provided by Local Governments were then categorised based on the planning matter being addressed by each condition. This categorisation helped to identify the most commonly occurring planning matters that Local Government standard conditions seek to address, and the specific conditions being applied to address those matters. Provided below is a list of the twenty most commonly occurring planning matters identified through this step.

1. Home Occupation/Home Business: Conditions relating to the operation of home occupations/home business (e.g. hours of operation, signage, area).
2. Landscape Plan: Conditions requiring a landscape plan, often including details of what the plan should contain and to the satisfaction of who.
3. Stormwater: Conditions relating to the retention and disposal of stormwater.
4. Carpark Design: Conditions relating to the design and construction of car parks and driveways. These conditions often reference Australian Standard AS2890.1
5. Crossovers: Conditions relating to crossovers (e.g. the removal of and/or construction of new).
6. Fencing: Conditions relating to the design and location of fencing (e.g. maximum height, visual permeability, location within setback).
7. Bin Storage Areas: Conditions relating to the design and location of bin storage areas.
8. Retention of Street Trees and Vegetation: Conditions relating to the retention and protection of trees and vegetation both on construction site and on verge.
9. Colours and Materials: Conditions relating to external colours and materials, often requiring the submission of a schedule of colours and materials.
10. Payment of Cash-in-lieu: Conditions relating to cash-in-lieu for parking.
11. Aged or Dependent Person's Dwelling: Conditions relating to aged or dependent persons dwelling (which often cite notification to be registered on title as per section 70A of the Transfer of land act).
12. Design & Provision of Parking Spaces and EFT Facilities
13. Period of Approval
14. Finish of Boundary Wall: Conditions relating to finish and colour.
15. Development in Accordance with Approved Plans
16. Heritage: Conditions relating to retention and compatible finish.
17. Illuminated Lights
18. Dust Management Plan
19. Waste Management Plan

20. Construction Management Plan

3.3 Draft Standard Conditions

A draft set of standard conditions was then prepared for each of these planning matters, by referring to the standard conditions provided by Local Governments and the most commonly applied content and form used in these conditions. Conditions relating to emerging planning matters were also included, such as bushfire hazard management. This draft set of conditions was circulated to all Local Governments for review prior to seeking review by certified legal practitioners. Three Local Governments provided additional input, which helped to refine the draft set of conditions and identify issues requiring legal clarification.

3.4 Legal Review

The draft set of development conditions was then reviewed by certified legal practitioners who have experience in dealing with planning related matters. In particular, the legal review aimed to:

- Review the draft standard development conditions to ensure they are legally sound;
- Identify conditions that require amendment / correction to ensure the conditions comply with the current law (principally by searches and comparisons with decided cases of the SAT and the Courts); and,
- Answer questions regarding particular draft conditions and content provided within the Guideline.

Section 5 provides the final set of standard development conditions. Local Governments using this Guideline should note that this Guideline does not replace legal advice. Local Governments preparing development conditions are encouraged to seek advice and assistance to ensure appropriate adaptation of the development conditions provided in this Guideline to their specific local circumstances.

The legal advice provided by certified practitioners during this step is available to members upon request through planning@walga.asn.au.

4.0 PREPARING CONDITIONS

This section provides guidance regarding the preparation of development conditions, including relevant tests of validity.

4.1 Validity of Conditions

The State Administrative Tribunal (SAT) and other appeal bodies in Australia have generally adopted the approach taken in *Newbury DC v Secretary of State for the Environment (1981) AC578* when considering the validity of conditions. This decision holds that in order to be valid, a condition must:

- Be imposed for a planning purpose;
- Fairly and reasonably relate to the development considered; and,
- Be reasonable, i.e. the condition is not so unreasonable that no reasonable planning authority could have imposed it.

Additionally, conditions should also:

- Be enforceable;
- Be precisely and consistently worded with no ambiguity or uncertainty;
- Represent the end of the relevant approval process; and,
- Not duplicate other legislation or obligations.

Planning Purpose

The first requirement is that a condition must have a planning purpose. This rule has two aspects. The first considers if the condition bears a relationship to planning theory and/or policy. The second aspect is to determine if the condition is necessary to fulfil the proper planning purpose in the particular circumstances of the case.¹

In considering whether a particular condition is necessary, the question should be asked: if a particular condition were not imposed, would the proposed development need to be refused? In other words, compliance with the requirements of a condition should not amount to a substantially different proposal.² If the proposed development would not need to be refused, the necessity and justification for the condition must be provided to ensure it has proper planning purpose to the proposal. The argument that a condition would do no harm is not justification for its imposition. The condition's purpose must be justified and there must be a definite need for the condition.³

A condition which duplicates controls under separate legislation would not normally be necessary and may not fulfil a planning purpose. However where other controls are unavailable, a condition may be needed to address the land use effects of the proposed development. For example, a condition would not normally be appropriate to control the level of emissions from a proposed development where these are subject to control under the *Environmental Protection Act 1986* (WA). However the condition may be necessary to address the effect of the emissions on land use which are not controlled by the *Environmental Protection Act 1986* (WA) (e.g. conditions that require separation distances). On the other hand, a development condition that conflicts with other controls may be considered *ultra vires* and therefore, found to be invalid.⁴

Relevance

The second test of validity is that the condition fairly and reasonably relates to the development application. It is not sufficient that a condition is related to planning objectives, it must also be justified by the nature of the development and the effect on its surroundings. For example, if development approval is granted subject to a condition requiring a development to be managed so that the amenity of the locality is not detrimentally affected, then it would be necessary to demonstrate that the condition is justified by the nature and effect of the proposal on the local amenity.⁵

¹ Western Australian Planning Commission, *Model Subdivision Conditions Schedule May 2016*

² *McKimm and WAPC* [2008] WASAT 128

³ City of Bunbury, *Standard Conditions of Planning Approval Manual, August 2012, V.2.11*

⁴ Western Australian Planning Commission, *Model Subdivision Conditions Schedule May 2016*

⁵ City of Bunbury, *Standard Conditions of Planning Approval Manual, August 2012, V.2.11*

In some instances the relationship between the condition and the effect of the development is capable of being quantified. For example, a condition which requires a contribution for footpath upgrading would not be relevant without sufficient justification that the contribution would result from the need for, and impact, of the development on the footpath network as opposed to simply being required for the larger public benefit.⁶

Reasonableness

The third test of validity of a condition is that it should be reasonable, that is, a condition should not be imposed if it is so unreasonable that no reasonable body or persons could have made the decision.⁷

A condition may be unreasonable because it is unduly restrictive. A condition may in principle impose a continuing restriction on the use of land (providing there are good planning reasons for the restriction) but should not be imposed if the restriction effectively nullifies the benefit of the approval. For example, it may be reasonable to limit the hours during which an entertainment venue may be open so as not to affect the amenity of the locality. However, it would be unreasonable to limit them to such an extent as to make it impossible for the business to operate effectively. If it appears that an approval could only be given subject to conditions that effectively remove the benefit of the approval, then the proposed development should be refused.⁸

It is also unreasonable to impose a condition worded in a positive form which developers are unable to comply with themselves, or which they can only comply with following the consent or authorisation of a third party. For example, a condition which requires a developer to enter into a legal agreement with a third party or which require the applicant to obtain an authorisation from another body (such as the Environmental Protection Authority, Water Corporation etc.) would be unreasonable. However, a condition might achieve the same intent but be worded in a negative form, by prohibiting development until a specified action has been taken. For example, it might be reasonable to impose a condition requiring that a development should not commence until a particular road is closed if there were reasons to suppose that the local government would be willing and able to take the necessary action.⁹

An unreasonable condition does not become reasonable because an applicant suggests it or agrees to its terms. The condition will normally run with the land and therefore, may still be operative long after the applicant has moved on. Conditions should always be justified on their planning merits.¹⁰

Enforceable

⁶ City of Bunbury, *Standard Conditions of Planning Approval Manual*, August 2012, V.2.11

⁷ Western Australian Planning Commission, *Model Subdivision Conditions Schedule May 2016*

⁸ Shire of Roebourne, *Model Development Conditions*, May 2016

⁹ Western Australian Planning Commission, *Model Subdivision Conditions Schedule May 2016*

¹⁰ Western Australian Planning Commission, *Model Subdivision Conditions Schedule May 2016*

There are other practical matters in considering the imposition of planning conditions. The framing of conditions requires care to ensure that the condition is enforceable. For example, a condition limiting the number of patrons using a particular development at one time would pose difficulties in enforcement if it does not contain an effective mechanism for monitoring compliance. To be enforceable, conditions should be capable of being monitored and there should be clear evidence of any breaches.

Precise

In order to be enforceable, conditions must be precise. This means the condition must be complete and must be clear and free from any ambiguity leading to possible differences of interpretation. For example, a condition that requires “the submission and approval of a landscaping plan” would be incomplete as it does not clearly state when the plan is to be submitted, who is to approve the plan, and when the plan is to be completed.

Vague expressions should also be avoided because they do not express clear requirements of an applicant, e.g. “the proposed development is not to cause annoyance to nearby residence”. Conditions subject to qualifications which do not provide specific criteria should also be avoided, e.g. “the trees as identified on the approved site plan shall be retained unless removal becomes necessary”.¹¹

Conditions that Modify the Application

Sometimes an application may contain insufficient details of an aspect of the development (e.g. car parking or landscaping) or there may be a need to modify that particular aspect to the satisfaction or approval of the Local Government. In these situations conditions may be applied which seek incidental modifications to the application plans. In this case, approval may be granted subject to a condition requiring that details (or further details) of the specified aspect of the development are submitted for approval before the development commences, provided that if it is an incidental issue that has to be approved or decided to the satisfaction of the Local Government, such approval or decision would not lead to any significant change in the nature, extent or characteristics of the development. However it is generally preferred that the outstanding information is provided prior to the issue of an approval.¹²

Development Approval Conditions Linked to Building Permits

There is some discussion that the *Building Act 2011* (WA) does not prevent the issue of a building permit because of a planning condition. However, it is possible for a planning authority to condition the submission of a building permit on the compliance of a condition of a development approval, where that condition directly relates to building activity. The important consideration is that the development approval condition relates to building activities which would have to be complied with.

Control over Other Land

¹¹ Western Australian Planning Commission, *Model Subdivision Conditions Schedule May 2016*

¹² Western Australian Planning Commission, *Model Subdivision Conditions Schedule May 2016*

Conditions might be applied that require works to be carried out on land other than the development site, e.g. reciprocal parking arrangements on a nearby site. Conditions cannot be imposed requiring works to be carried out on a site other than the development site unless the approval body is satisfied that the proponent has sufficient control over the alternative site to enable the arrangement to be carried out and completed.¹³

4.2 Preparing Conditions - Summary

In summary, planning conditions must be able to serve the following functions:¹⁴

- Conditions must serve a planning purpose, that is, principally they must somehow regulate the development of land;
- Conditions should not address issues covered under other legislation and cannot require compliance with other legislation;
- Conditions cannot change the character of the application. For example, if the application is for a 6m² sign, a condition should not be used to reduce the size of the sign to 4m², the applicant must either change their application or the application should be refused;
- Conditions must be measurable, i.e. 'neat and tidy' is not measurable;
- Conditions must relate to the land that is the subject of the application. For instance, a condition should not say that a footpath should be upgraded, it must say that prior to the occupation of the development, satisfactory arrangements must be made for the upgrade of the footpath;
- Conditions must reasonably be within the purview of the owner of the site. That is a condition cannot require that the owner enter into an agreement with the owner of an adjoining site, as the other owner may refuse to enter into such an agreement and the condition may therefore be seen as unreasonable;
- Conditions should qualify timeframes for when actions need to happen and for satisfactory completion of the condition. Generally, these requirements should be stated at the start of the condition, e.g. "Prior to commencement of works, a drainage management plan must be approved by the *Local Government*";
- Conditions should not refer to any individual council officer, either by name or title, e.g. to the satisfaction of the Manager of Planning Services. Rather, the condition should refer to the name of the Local Government, i.e. Shire/Town/City of (insert location). Internally documented authorisations or delegations will determine who the Local Government's decision maker is; and,
- Development approvals run with the land and responsibility for fulfilling the conditions of any development approval rests with the landowner. Therefore, planning conditions must be drafted with reference to the owner of the land only, and not the proponent, applicant or developer.

¹³ Western Australian Planning Commission, *Model Subdivision Conditions Schedule May 2016*

¹⁴ City of Bunbury, *Standard Conditions of Planning Approval Manual, August 2012, V.2.11* and Shire of Roebourne, *Model Development Conditions, May 2016*

4.3 Breach of Conditions and Prosecution Timeframes

Section 218 of the *Planning and Development Act 2005* (WA) (P&D Act) states that “a person who ... commences, continues or carries out any such development which is required to comply with a planning scheme otherwise than in accordance with any condition imposed under this Act or the scheme with respect to the development, or otherwise fails to comply with any such condition, commits an offence”. Section 228(2) of the P&D Act requires that an infringement notice for a prescribed offence (i.e. prescribed by regulation) must be given to the alleged offender within six months after the alleged offence is believed to have been committed.

Where a Local Government elects to prosecute for a breach, recent decisions made by the Supreme Court of WA indicate that the Local Government must commence proceedings within 12 months after the date on which the allegation of the contravention was made, rather than within 12 months after the date on which the alleged contravention occurred. Therefore, the time limit for prosecution commences from the date where an allegation of the alleged contravention is first made, such as by way of correspondence or by way of a direction notice issued to the person that carried out the alleged contravention.

Consequently, specifying a time for compliance in a condition should not impact the capacity of Local Governments to bring enforcement proceedings after the expiry of the timeframes specified in the relevant condition.

5.0 STANDARD DEVELOPMENT CONDITIONS

This section provides the list of standard development conditions which can be referred to by Local Governments when preparing their own list of standard conditions. Within this list, the term *Local Government* should be replaced by the name of the Local Government applying the particular condition.

Home Occupation/Home Business

Deliveries:

- All pick-up and deliveries of goods or materials associated with the (Home Business / Home Occupation) activity carried out by anyone other than the applicant are:
 1. not permitted*; or
 2. only permitted during (hour) to (hour), (day) to (day)*.

[* Delete option that is not applicable.]

Employed persons:

- The (Home Business) must not employ more than (*insert number*) persons who are not members of the occupier's household.
- The (Home Occupation) must not employ any person who is not a member of the occupier's household.

[Guidance note: Local Governments should consider their own local planning schemes to ascertain the maximum number of employees for each type of use.]

Home business area:

- The (Home Business / Home Occupation) hereby permitted must not occupy an area greater than (*insert number*) square metres.

[Guidance note: Local Governments should consider their own local planning schemes to ascertain the maximum floor area to be inserted.]

Hours of operation:

- The (Home Business / Home Occupation) hereby permitted is restricted in its hours of operation to the following:
 - (a) Monday – Friday: Between (hour) and (hour) / not at all*;
 - (b) Saturday: Between (hour) and (hour) / not at all*;
 - (c) Sunday: Between (hour) and (hour) / not at all*; and
 - (d) Public Holidays: Between (hour) and (hour) / not at all*.

[* Delete options that are not applicable.]

Required intervals:

- Only (*insert number*) client/clients is/are permitted to access the (Home Business / Home Occupation) premises at any one time and there must be at least a (*insert number*) minute break between each client consultation. The applicant must keep a record of clientele in the form of a diary available for viewing by the *Local Government*.

[Guidance note: Local Governments who apply this condition generally require a ten to fifteen minute interval between clients.]

Signage:

- The applicant must not erect or otherwise display on the (Home Business / Home Occupation) premises any sign with an area exceeding 0.2 square metres.

A sign erected under this condition must:

- (a) only describe the type of (Home Business / Home Occupation) and provide the relevant contact details*;
- (b) be placed on a building, wall, fence or entry statement of the (Home Business / Home Occupation) premises*;
- (c) not be illuminated nor use reflective or fluorescent materials*; and
- (d) comply with the (*insert details of any relevant local planning schemes, policies or local laws*)*.

[* Delete options that are not applicable.]

Affect amenity:

- The (Home Business / Home Occupation) activity must not cause nuisance or degrade the amenity of the neighbourhood in any way, including by reason of the emission of noise, light, vibration, electrical interference, odour, fumes, smoke or other pollutant, vapour, steam, soot, ash, dust, waste water, water products, grit, oil or impact on public safety or otherwise.

Parking (Home Business):

- All vehicles and parking associated with the (Home Business) must be confined to the (Home Business) premises.
- The (Home Business) must not involve the presence, use or calling of a vehicle more than (*insert number*) tonnes tare weight.

Parking (Home Occupation):

- All vehicles and parking associated with the (Home Occupation) must be confined to the (Home Occupation) premises.
- The (Home Occupation) must:
 - (a) not involve the presence, use or calling of a vehicle more than (*insert number*) tonnes tare weight; and
 - (b) not include provision for the fuelling, repair or maintenance of motor vehicles.

Landscape Plan

Existing landscape:

- Prior to lodging an application for a building permit, a detailed landscaping plan for the subject site and/or the road verge(s) must be submitted to and approved by the *Local Government*, and must include the following:
 - (a) the location, number, size and species type of existing ground covers, shrubs and trees*;
 - (b) any existing landscape areas to be retained*;
 - (c) those areas to be updated, reticulated or irrigated*;
 - (d) verge treatments*.
- Prior to occupation of the development, the existing landscaping must be upgraded, reticulated or irrigated in accordance with the approved landscaping plan and maintained thereafter to the satisfaction of the *Local Government*.

[* Delete options that are not applicable.]

New landscaping/landscape plan:

- Prior to lodging an application for a building permit, a detailed landscaping and reticulation plan for the subject site and/or the road verge(s) must be submitted to, and approved to, the satisfaction of the *Local Government*, and must include the following:
 - (a) The location, number and type of proposed trees and shrubs including planter and/or tree pit sizes and planting density*;
 - (b) Any lawns to be established*;
 - (c) Any existing vegetation and/or landscaped areas to be retained*;
 - (d) Any verge treatments*;
 - (e) Evidence that the proposed landscaping will not, at maturity, negatively impact the development or adjoining properties*.
- The approved landscaping and reticulation plan must be fully implemented within the first available planting season after the initial occupation of the development, and maintained thereafter, to the satisfaction of the *Local Government*. Any species which

fail to establish within the first two planting seasons following implementation must be replaced in consultation with and to the satisfaction of the *Local Government*.

[* Delete options that are not applicable.]

[Guidance note: Local Governments should consider their own local laws to ensure consistency with any local laws which address verge improvements.]

Stormwater

- All stormwater must be contained and disposed of on-site at all times, to the satisfaction of the *Local Government*.
- Prior to lodging an application for a building permit, stormwater disposal plans, details and calculations must be submitted for approval by the *Local Government* and thereafter implemented, constructed and maintained to the satisfaction of the *Local Government*.

Carpark Design

- Prior to the commencement of works, the applicant is to submit, and have approved to the satisfaction of the *Local Government*, a detailed parking plan design which complies with the Australian Standard AS/NZS 2890.1/2004 and AS/NZS 1428, including (*insert number*) parking bay/s (comprising (*insert number*) visitor bays, (*insert number*) loading bays, (*insert number*) disabled bays, (*insert number*) motorcycle / scooter bays), aisle widths, circulation areas, driveway/s and points of ingress and egress.
- Prior to occupation or use of the development the approved parking plan must be implemented, constructed and thereafter maintained to the satisfaction of the *Local Government*, for the life of the development.

Crossovers

Existing crossovers:

- Prior to occupation or use of the development, the redundant crossover/s to Lot (*insert number*), as shown on the approved plans, must be removed and the verge and kerb reinstated to the specification and satisfaction of the *Local Government*.

Serviced by a crossover:

- Prior to the occupation of the development, a vehicle crossover is to be constructed to the specification and satisfaction of the *Local Government*. The vehicle crossover must be constructed with a maximum width of (*insert number*) metres and located a minimum of (*insert number*) metres away from the outside of the trunk of any street tree [include in (*insert number*) metres from light pole etc. if applicable].

Fencing

- Prior to the commencement of works, detailed plans of the proposed fencing which demonstrate compliance with (*insert details of Local Planning Policy*) are to be submitted to and approved by the *Local Government*.

- Any fences / walls in the front setback of the property must comply with the provisions of the Residential Design Codes, which require front walls and fences to be visually permeable:
 - 1.2 metres above natural ground level within the primary street setback area; and
 - 0.75 metres above natural ground level within 1.5 metres of the intersection of a driveway and a public street or where two streets intersect.

Bin Storage and Utilities

Bin storage:

- All areas of outdoor storage must be screened from public view. Design plans for the location, materials and construction of proposed screening are to be included on the development plans to the satisfaction of the *Local Government* prior lodging an application for a building permit.

Utilities:

- All piped, ducted and wired services, air conditioners, hot water systems, water storage tanks, service meters and bin storage areas must be located to minimise any visual and noise impact on the occupants of nearby properties and screened from view from the street. Design plans for the location, materials and construction for screening of any proposed external building plant must be submitted to and approved by the *Local Government*, prior to lodging an application for a building permit.

Schedule of Materials

- A schedule of the colour and texture of the building materials, demonstrating that the proposed development complements the surrounding area, must be submitted to and approved by the *Local Government*, prior to lodging an application for a building permit. The development must be finished, and thereafter maintained, in accordance with the schedule provided to and approved by the *Local Government*, prior to occupation of the development.

Retention of Street Trees and Vegetation

- Existing trees located within the verge are a *Local Government* asset and as such must be retained except where otherwise approved for removal by the *Local Government*.
- Existing trees identified on the approved site plan must be retained and protected in accordance with AS 4970-2009 and to the satisfaction of the *Local Government*.

Cash-in-lieu

- Prior to lodging an application for a building permit and in accordance with (*insert the relevant local planning scheme, local planning policy, etc*), the applicant must arrange with the *Local Government* to make a cash contribution in lieu of the provision of (*insert number*) car parking bays, as a proportion of the total number of (*insert number*) car parking bays required.

[Guidance note: Local Governments should consider their own local planning schemes/policies, the context of the permitted use on the land and whether the imposition of a cash in lieu condition would be reasonable in all the circumstances.]

Aged or Dependant Person's Dwelling

- Any Aged or Dependent Persons' Dwelling must be designed and used only for the permanent accommodation of a person who: (i) is aged 55 years or more; or (ii) has a recognised form of disability requiring special or supported accommodation; and may also accommodate the spouse or carer of that person and in any case no more than one other person.

[Guidance note: Local Governments should consider their own local planning schemes/policies, or similar concerning the development of aged or dependent persons' dwellings.]

Notification on Title

- Prior to lodging an application for a Building Permit, the owner must execute and provide to the *Local Government* a notification pursuant to Section 70A of the *Transfer of Land Act 1893* (as amended) to be registered on the Certificate of Title advising prospective purchasers that the use of the land is subject to the aged persons or dependent persons restriction set out in Condition (AG-1) to the satisfaction of the *Local Government*.
- Prior to the sale of residential units, a section 70A notification, pursuant to the Transfer of Land Act 1893 (as amended) must be placed on the Strata Title of each residential apartment alerting prospective purchasers that the land is located within an inner-city mixed use precinct and may be affected by high levels of activity, light, noise, traffic and late hours of operation within public and private areas.

[Guidance note: A Local Government contemplating the imposition of a development condition requiring a section 70A notification advising of amenity impacts should be satisfied that the notification will serve a proper planning purpose and otherwise be reasonable or appropriate in the circumstances of the case.]

Design and Provision of Parking Spaces and End of Trip (EOT) Facilities

- Prior to occupation of the development, a total of (*insert number*) bicycle facilities must be provided in accordance with Australian Standard AS 2890.3 and to the satisfaction of the *Local Government*. The facilities must thereafter be retained for the life of the development to the satisfaction of the *Local Government*.

Approval Valid for XX Months

- If the development, the subject of this approval, is not substantially commenced within a period of (*insert number*) months from the date of the approval, the approval will lapse and be of no further effect. For the purposes of this condition, the term "substantially commenced" has the meaning given to it in the *Planning and Development (Local Planning Schemes) Regulations 2015* as amended from time to time.

Limited Approval

- This development approval is valid for a period of two years. On or prior to the end of this period, the structure is to be permanently removed from the lot / USE is to cease and the land reinstated to its former / original condition.¹⁵
- The approval for the use/development hereby permitted allows the use/development to be operated/occupied by (*insert name of operator / occupier*). If operator / occupier ceases to operate/occupy the use/development on the subject site, the approval for the use/development shall expire.

Finish of Boundary Walls

- Prior to the use and occupation of the development, and unless otherwise approved in writing by the *Local Government*, the external surface finish of the boundary wall(s) must be finished to the same standard as the rest of the development to the satisfaction of the *Local Government* provided access is granted by the adjoining landowner.

Development in Accordance with Approved Plans

- Development may be carried out only in accordance with the details of the application as approved herein and any approved plan.

Heritage

- The facades of the building must be restored to reflect the heritage significance of the place as outlined within Council's Municipal Heritage Inventory. Prior to lodging an application for a building permit, colour elevation plans detailing proposed restoration measures on all sides of the building matched to the original façade based upon documentary, photographic and physical evidence (paint scrapes) are to be submitted to and approved by the *Local Government*. Restoration must be carried out in accordance with the approved elevation plans.

Illuminated Signs

- The advertisements must not be illuminated, moving, pulsating, flashing, incorporate animation or movement into their design or structure, to the satisfaction of the *Local Government*.
- All advertisements erected or otherwise displayed at the development site must:
 - (a) not be illuminated or contain any moving, pulsating or flashing lighting*;
 - (b) not incorporate animation or movement into their design or structure*;
 - (c) comply with the *Local Government's* local laws concerning signage*;
 - (d) otherwise be erected to the satisfaction of the *Local Government*.

[* Delete options that are not applicable, taking into account any relevant local laws concerning signage and the location of the proposed advertisement.]

Dust Management Plan

- Prior to lodging an application for a building permit, the applicant must submit, have approved, and thereafter implement, a management plan detailing how risks of wind

¹⁵ Local Governments may choose to include the following Advice Note: In the event that additional time is necessary, a further development approval is required.

and/or water borne erosion and sedimentation will be minimised during the works, to the satisfaction of the *Local Government*.

Construction Management Plan

- Prior to lodging an application for a building permit, the applicant must submit and have approved by the *Local Government*, and thereafter implement to the satisfaction of the *Local Government*, a construction management plan addressing the following matters:
 - (a) How materials and equipment will be delivered and removed from the site;
 - (b) How materials and equipment will be stored on the site;
 - (c) Parking arrangements for contractors;
 - (d) Construction waste disposal strategy and location of waste disposal bins;
 - (e) Details of cranes, large trucks or similar equipment which may block public thoroughfares during construction;
 - (f) How risks of wind and/or water borne erosion and sedimentation will be minimised during and after the works; and
 - (g) Other matters likely to impact on the surrounding properties.

Waste Management Plan

- A Waste Management Plan must be submitted to and approved by the *Local Government* prior to lodging an application for a building permit. The plan must include the following details to the satisfaction and specification of the *Local Government*:
 - (a) the location of bin storage areas and bin collection areas;
 - (b) the number, volume and type of bins, and the type of waste to be placed in the bins;
 - (c) details on the future ongoing management of the bins and the bin storage areas, including cleaning, rotation and moving bins to and from the bin collection areas; and
 - (d) frequency of bin collections.

The Waste Management Plan must be implemented at all times to the satisfaction of the *Local Government*.

- Prior to the commencement of any site works, a Construction Waste Management Plan prepared by a suitably qualified person in consultation with the *Local Government*, must be submitted to the *Local Government*. The Plan must address, but not be limited to, the following matters:
 - (a) Recycling of demolition materials including concrete;
 - (b) Removal of hazardous materials and disposal at an approved waste disposal facility in accordance with the requirements of the relevant legislation, codes, standards and guidelines, prior to the commencement of any building works;
 - (c) Details demonstrating compliance with the relevant legislative requirements, associated with the removal of hazardous waste, particularly the method of containment and control of emission of fibres to the air, are to be submitted to the satisfaction of the *Local Government* prior to the removal of any hazardous materials; and
 - (d) *(insert other specified material, if applicable)*.

Development Contribution Plans

- Prior to the issue of a building permit*, the applicant must contribute (*insert \$ amount*) towards development infrastructure pursuant to the *Local Government's Town Planning Scheme No. (insert number)* to the satisfaction of the *Local Government*.
- Prior to the occupation of the building, the applicant must contribute (*insert \$ amount*) towards development infrastructure pursuant to the *Local Government's Town Planning Scheme No. (insert number)* to the satisfaction of the *Local Government*.

[* The time for making a contribution may need to be amended in accordance with the relevant Local Government planning scheme.]

[Guidance note: Local Governments should also consider whether this condition may lawfully be imposed pursuant to the LPS Regulations and any relevant planning schemes/policies. Local Governments should also consider whether the condition meets the "Newbury test", i.e. it must fairly and reasonably relate to the development.]

Alcohol Outlets

Restriction on Trading Hours:

- Unless a variation to the trading hours is approved in writing by the *Local Government*, the trading hours are limited to the following:
 - (a) Monday – Friday inclusive: Between (hour) and (hour) / not at all*;
 - (b) Saturday: Between (hour) and (hour) / not at all*;
 - (c) Sunday: Between (hour) and (hour) / not at all*; and
 - (d) Public Holidays: Between (hour) and (hour) / not at all*.

ADDITIONAL / ALTERNATIVE CONDITION (IF APPLICABLE)

- The service of liquor is to be limited to the times specified in the management plan, generally being:
 - (a) Monday – Friday inclusive: Between (hour) and (hour) / not at all*;
 - (b) Saturday: Between (hour) and (hour) / not at all*;
 - (c) Sunday: Between (hour) and (hour) / not at all*; and
 - (d) Public Holidays: Between (hour) and (hour) / not at all*.

[* Delete options that are not applicable, having regard to the *Liquor Control Act 1998* (WA) and any relevant planning policy / local law of the Local Government.]

ADDITIONAL / ALTERNATIVE CONDITION (IF APPLICABLE)

- No extended trading permits to allow an increase in trading hours will be granted.

Interior Design Requirements:

- With the exception of the dance floor, the premises are to be furnished with chairs, lounges and tables.
- Tables and chairs must be set up throughout the licensed premises to accommodate not less than (*insert number*) patrons.

- At all times the premises are to be set up for dining. The approved 'lounge' areas situated in/on/at the *(insert description location e.g. ground floor, first floor, etc)* must be set up and operated in accordance with the approved plans at all times. All dining furniture is to remain in situ during the hours of operation.
- No more than *(insert number)* tables and *(insert number)* chairs shall be set up in the alfresco dining area.

Capacity Limits:

- The capacity of the venue must not exceed *(insert number)* patrons.
- The *(insert description of location e.g. the public bar area, the eating and drinking area, etc.)* is limited to a maximum floor area of *(insert number)* square metres. Any increase in this area requires a development approval from the *Local Government*.

Noise/Entertainment Restrictions:

- Prior to commencement of the approved use, the applicant must submit for approval by the *Local Government* a noise management plan prepared by an accredited acoustic engineer, which shall detail noise attenuation measures sufficient to ensure compliance of the approved use with the *Environment Protection (Noise) Regulations 1997 (WA)* as amended from time to time. The noise management plan as approved by the *Local Government* must be implemented at all times.

Provision of Security Patrols and Crowd Controllers:

- A minimum of *(insert number)* security personnel, licensed pursuant to the *Security and Related Activities (Control) Act 1996* as amended from time to time, must provide security at the premises at the following times:
 - (a) Monday – Friday: Between (hour) and (hour) / not at all*;
 - (b) Saturday: Between (hour) and (hour) / not at all*;
 - (c) Sunday: Between (hour) and (hour) / not at all*;
 - (d) Public Holidays: Between (hour) and (hour) / not at all*; and
 - (e) At any other times when the premises are occupied by more than *(insert number)* people*.

[* Delete options that are not applicable.]

- During these times, at least *(insert number)* licensed security guard(s) are to patrol the areas outside of the building.

Provision of Food:

- The kitchen must remain open with staff available to provide the full menu at all times during trading hours* / until 30 minutes before closing time on any night* / at all times up until (hour) Monday to Saturday and (hour) Sunday*.
- The licensed premises must contain kitchen facilities that are suitable for the preparation of the meals supplied by the licensee.

[* Delete options that are not applicable.]

Alternative Transport Provisions:

- Internal promotion encouraging the use of public transport (specifically taxis) to be clearly visible to patrons.
- Patrons must also have access to an operational telephone inside the premises with phone numbers of taxi companies* / a taxi rank* / a complementary taxi calling service*.

[* Delete options that are not applicable.]

Bushfire

Bushfire Management Plans:

- The applicant must implement all of the recommendations contained in the Bushfire Management Plan prepared by (*insert name of BAL Assessor or Bushfire Planning Practitioner*) dated (*insert date*) and approved by the *Local Government* for the duration of the development.

[Sample advice note: Please be advised that prior to lodging an application for a building permit, certain condition of planning approval may need to be satisfied in order for an amended Bushfire Attack Level (BAL) assessment to be lodged as part of the building permit. This may involve clearing and other measures to downgrade the BAL rating.]

[Guidance note: Local Governments should consider whether it is appropriate to require an Emergency Evacuation Plan (EEP) as part of the development application (as opposed to requiring an EEP as a condition of development) having regard to all the circumstances of the case and *State Planning Policy 3.7*.]

Construction of Dwellings:

- The dwelling and/or extensions must be constructed in accordance with Australian Standard 3959 – Construction of Buildings in Bush Fire Prone Areas (or superseding standard) and the approved Bushfire Management Plan.

Landscaping / Fuel Loadings:

- Prior to the use or occupation of the development, the Asset Protection Zone (APZ) must be established and the property thereafter maintained in accordance with the Bushfire Management Plan as approved by the *Local Government*.

Notification on Title:

- A Section 70A Notification pursuant to the Transfer of Land Act 1893 (or as amended) must be placed on the titles of all lots, at the full cost of the applicant, alerting landowners to the existence of the approved Bushfire Fire Management Plan and advising landowners of their obligations in respect to the use and ongoing management of the land.

5.7 WALGA Paper – Off Road Vehicles and Local Government (05-053-03-008 EDR)

By Evie Devitt-Rix, Senior Policy Advisor, Community

Recommendation

That WALGA advocates for the State Government to:

1. Conduct a review of current legislation to align registration and licensing of Off Road Vehicles (ORVs) with other vehicle types and users.
2. Allocate funding for feasibility studies to identify suitable sites for new ORV Permitted Areas throughout the State, which considers environmental values, future land use planning impacts, public safety, amenity and environmental issues and Local Government risk and liability issues.
3. Develop and implement, in collaboration with WALGA and ORV stakeholders, educational resources and training suitable to the specific needs of ORV users, stakeholders and Local Governments. Resources should include; guidance on compliance and enforcement arrangements aligned with the *Control of Vehicles (Off-road Areas) Act 1978* and other relevant legislation, user and permitted area operational safety, signage standards, insurance and liability mitigation strategies.
4. Develop and implement, in collaboration with ORV vendors, resources and practices that ensure ORV buyers are informed at the point of sale about ORV registration, regulation and restrictions applicable to ORV vehicle use and consequences of non-compliance.
5. Consider and consult on the regulation of the vendor's role in providing information to buyers regarding ORV registration, regulation and restrictions.
6. Develop and implement, in collaboration with stakeholders and industry representatives, resources to educate and raise community awareness about the proper use of ORVs, ORV permitted and prohibited areas, and the consequences of non-compliance.
7. Ensure that the WA Police Force allocates resources to address unlawful ORV use in consultation with Local Government law enforcement.

In Brief

- Off-road vehicle (ORV) use has been an issue for Local Governments for decades.
- In response to ongoing member concern, WALGA has developed an 'Off-road Vehicles discussion paper', which was been distributed for sector comment in early September 2018.
- The paper received comment from five individual Local Government, and the South West Group which represents six Local Governments in southern areas of Perth. Comments indicate broad support for the majority of recommendations.

Attachment

Paper – Off-road Vehicles and Local Government

Relevance to Strategic Plan

Key Strategies

Engagement with Members

- Deliver a broad range of benefits and services that enhance the capacity of member Local Governments;
- Improve communication and build relationships at all levels of member Local Governments;
- Build a strong sense of WALGA ownership and alignment.

Sustainable Local Government

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

Enhanced Reputation and Relationships

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

Background

ORV use has been an issue for Local Governments for decades.

The control of vehicles in off-road areas is regulated under the *Control of Vehicles (Off-road areas) Act 1978* and is the responsibility of Department of Local Government, Sport and Cultural Industries (DLGSC).

The Act currently only operates in certain areas of the State; however provides the Governor with the authority to extend operation of the Act. The extension of operational areas presents potential benefits to Local Government including: user identification, a greater deterrent to anti-social and illegal riding, and the ability to establish permitted areas and prohibited areas for riding.

Nearly 10 years ago, the then Department of Sport and Recreation (DSR) and other State agencies developed the *State Trail Bike Strategy* in response to a significant increase in riders and expanding residential areas putting pressure on the availability of lawful places to ride. This led to concerns over legal action, accidents, noise and environmental damage, conflict between trail users and costs to Local Governments of legal and illegal trail biking.

In 2007, DSR consulted with WALGA to seek support of the Strategy. In response, WALGA surveyed Local Governments that in principle agreed to support the *State Trail Bike Strategy* in April 2008.

"The Local Government sector advocates for changes to the current management of unlicensed trail bikes due to their adverse impact on the environmental and community amenity, in line with the WA State Trail Bike Strategy 2007."

Despite the existence of the State Trail Bike Strategy, only parts were implemented, and Local Governments across Western Australia continue to experience the detrimental impacts of ORV use on community safety and amenity. This primarily occurs outside permitted areas.

In 2016, WALGA's South East Metropolitan Zone highlighted their concerns and requested WALGA to review and advocate for the State Trail Bike Strategy to be updated with specific advocacy on the issue of unlicensed off-road vehicles as a 2017 State election issue. In response, WALGA contacted the then Department of Local Government and Communities (DLGC) seeking clarification on the status of the State Trail Bike Strategy and noted the Department's Circular No 02/2017 (Ref 57-00701) which detailed options available for controlling off-road vehicle use in the community under the *Control of Vehicles (Off-road Areas) Act 1978*.

WALGA and DLGC hosted a workshop in April 2017 to further inform Local Governments of enforcement options under current legislation and to scope issues and share ideas on potential solutions. WALGA circulated workshop feedback to the sector and in July 2017, wrote to The Hon David Templeman MLA, Minister for Local Government; Heritage, Culture and the Arts, requesting a meeting to discuss the sector's issues and to seek support for a way forward.

In July 2017, WALGA met with representatives from the South West Group, Department of Environment and City of Kwinana who provided a comprehensive presentation on the operation of Permitted ORV areas. WALGA's South East Metropolitan Zone, the 'Growth Alliance Perth and Peel' group (comprising ten Local Government CEOs) and Pilbara Regional Road Group (including six Local Government representatives) have also raised concerns regarding ORV use particularly around community safety. WALGA has received further enquiries from Local Governments, seeking details on the progress of State Trail Bike Strategy actions.

WALGA has convened meetings with the Department of Local Government, Sport and Cultural Industries (DLGSC) representatives, the Department of Biodiversity, Conservation and Attractions, and the Recreational Trailbike Riders' Association in addition to other stakeholders regarding ORV issues to progress sustainable and effective outcomes.

In November 2017, WALGA distributed a survey to 138 Local Governments seeking advice on the impacts of ORV use to their Local Governments and communities, and seeking further strategies for WALGA to assist in improving ORV management.

WALGA received 28 responses to the survey. Some Local Governments provided two responses. Survey respondents were:

City of Armadale	City of Gosnells	Shire of Manjimup
Shire of Bridgetown-Greenbushes	Shire of Halls Creek	Shire of Menzies
Shire of Chapman Valley	Shire of Irwin	Shire of Murray
Shire of Coorow	Shire of Kondinin	Shire of Northampton
Shire of Esperance	City of Kwinana	Shire of Pingelly
City of Greater Geraldton	Shire of Jerramungup	Town of Port Hedland
Shire of Gingin	City of Karratha	City of Wanneroo

The key findings were grouped and are summarised within the *Off-road Vehicles and Local Government paper*, and were central in developing recommendations. The recommendations have been developed to address common concerns across the Local Government sector and there is not a 'one size fits all' solution.

Comment

The Association has developed the *Off-road Vehicles and Local Government paper* based on engagement with Local Government, particularly the November 2017 survey. The paper was distributed for sector comment in early September. A consultation period of six weeks was provided to ensure sufficient time for a Council position.

The following Local Governments made comment on the paper:

- Shire of Murray;
- City of Greater Geraldton;
- South West Group - comprising the Cities of Cockburn, Fremantle, Kwinana, Melville and Rockingham and the Town of East Fremantle;

- Town of Port Hedland;
- Shire of Esperance; and
- Shire of Gingin

Broad support for the majority of recommendations was indicated, with common themes in the feedback including:

- support for mandatory registration of off-road vehicles;
- support for the identification of suitable sites for ORV permitted areas throughout the State, and the development of educational resources for Local Governments, ORV users and stakeholders;
- a request for clarity on whether ORV use on beaches is legislatively controlled; and
- requests to broaden the Act to encompass the entire State.

Local Government respondents also emphasised the positive contribution to tourism in their local area brought by ORV users, and urged a balanced approach, to ensure that visitor numbers to their attraction were not 'diminished by overreaction'.

During the consultation period, additional questions referred to WALGA about ORV use demonstrated the lack of clarity provided by the Act, particularly with regards to opportunities to create permitted or prohibited areas.

It is anticipated that current work being undertaken by the DLGSC, in addition to endorsement of the recommendations of this paper, will lead to continued progress in providing clarity and support to Local Government on management of ORV issues. WALGA looks forward to a continued positive working relationship with State Government to progress this agenda.

Recommendations made by the *Off-road Vehicles and Local Government* paper are included below:

This paper recommends that WALGA advocates for State Government to:

- 1. Conduct a review of current legislation to align registration and licensing of ORVs with other vehicle types and users.**
- 2. Allocate funding for feasibility studies to identify suitable sites for new ORV Permitted Areas throughout the State, which considers environmental values, future land use planning impacts, public safety, amenity and environmental issues and Local Government risk and liability issues.**
- 3. Develop and implement, in collaboration with WALGA and ORV stakeholders, educational resources and training suitable to the specific needs of ORV users, stakeholders and Local Governments. Resources should include; guidance on compliance and enforcement arrangements aligned with the *Control of Vehicles (Off-road Areas) Act 1978* and other relevant legislation, user and Permitted Area operational safety, signage standards, insurance and liability mitigation strategies.**
- 4. Develop and implement, in collaboration with ORV vendors, resources and practices that ensure ORV buyers are informed at the point of sale about ORV registration, regulation and restrictions applicable to ORV vehicle use and consequences of non-compliance.**
- 5. Consider and consult on the regulation of the vendor's role in providing information to buyers regarding ORV registration, regulation and restrictions.**
- 6. Develop and implement, in collaboration with stakeholders and industry representatives, resources to educate and raise community awareness about the**

proper use of ORVs, ORV permitted and prohibited areas, and the consequences of non-compliance.

7. **Ensure that the WA Police Force allocates resources to address unlawful ORV use 'hot spots', in consultation with Local Government law enforcement.**

Attachment Item 5.7
Off-Road Vehicles and Local Government



Off-road Vehicles and Local Government

November 2018

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1.0 Executive Summary

For decades the use of off-road vehicles (ORV) has raised concerns for Local Governments and their communities. In Western Australia and other jurisdictions in Australia the impacts of ORV use are well documented and centre primarily on community safety, environmental, economic and social impacts. Most recently, the WALGA South East Metropolitan Zone, other peri-urban and regional Local Governments have highlighted their concerns by raising with WALGA a call to action.

While conversation and reports tend to focus on the negative impacts of ORV use, some Local Governments and user groups have pointed to the opportunities ORV use may invite. Opportunities include economic development through tourism, environmental conservation (through effective operation of ORV Permitted Areas rather than illegal use in unapproved areas), and the potential for social cohesion and other physical health benefits to users (despite the high risk of the activity).

Concerns have historically been discussed in context of trail bike use, however the definition of an ORV extends to quad bikes, beach buggies and other vehicles, including road licensed vehicles such as four wheel drives when used in off-road locations, especially in coastal regions.

In 2008, WALGA established a position supporting the recommendations of the *WA State Trail Bike Strategy 2008* (a Strategy prepared by trail bike user groups, funded by State Government). The WALGA Advocacy Statement sought changes to the management of unlicensed trail bikes due to the adverse impact on the environment and community amenity. The *WA State Trail Bike Strategy 2008* is focussed on trail bikes and does not take into account the full scope of ORV. That said, the impacts of trail bike use and the recommendations of the strategy do have application to broader ORV uses.

It is fair to say that there has been little progress achieved toward the *WA State Trail Bike Strategy 2008* recommendations and the impact of illegal use of ORVs on our community remains an ever increasing public safety, amenity and environmental risk.

Purpose

This paper:

- Identifies key stakeholders and their responsibilities and roles
- Considers relevant ORV data
- Examines WALGA Local Government survey results regarding ORV use and its impacts on Local Government
- Considers ORV user perspectives
- Uses the above context to inform recommendations to improve the management of ORVs in WA for Local Governments and their communities.

This paper recommends that WALGA advocates for State Government to:

1. **Conduct a review of current legislation to align registration and licensing of ORVs with other vehicle types and users.**
2. **Allocate funding for feasibility studies to identify suitable sites for new ORV Permitted Areas throughout the State, which considers environmental values, future land use planning impacts, public safety, amenity and environmental issues and Local Government risk and liability issues.**
3. **Develop and implement, in collaboration with WALGA and ORV stakeholders, educational resources and training suitable to the specific needs of ORV users, stakeholders and Local Governments. Resources should include; guidance on compliance and enforcement arrangements aligned with the *Control of Vehicles (Off-road Areas) Act 1978* and other relevant legislation, user and Permitted Area operational safety, signage standards, insurance and liability mitigation strategies.**
4. **Develop and implement, in collaboration with ORV vendors, resources and practices that ensure ORV buyers are informed at the point of sale about ORV registration, regulation and restrictions applicable to ORV vehicle use and consequences of non-compliance.**
5. **Consider and consult on the regulation of the vendor's role in providing information to buyers regarding ORV registration, regulation and restrictions.**
6. **Develop and implement, in collaboration with stakeholders and industry representatives, resources to educate and raise community awareness about the proper use of ORVs, ORV permitted and prohibited areas, and the consequences of non-compliance.**
7. **Ensure that the WA Police Force allocates resources to address unlawful ORV use 'hot spots', in consultation with Local Government law enforcement.**

This paper was prepared by the WALGA Community team with valued input from the Department of Local Government, Sport and Cultural Industries, Department of Biodiversity, Conservation and Attractions, user groups and the WALGA Governance and Roads teams.

The paper was circulated for comment to Local Government through WALGA e-newsletters LG News and Councillor Direct on the week of 3 September, and was available on the WALGA website at this time. The paper was also sent to key stakeholders who had previously been involved in ORV consultation at this time. A six week consultation period was provided to create an opportunity for the paper to go through the Council process in Local Government, and for all interested parties to have time to comment.

The Local Governments who provided a comment to the paper:

- Shire of Esperance – the Shire has an established ORV Working Group, which is a formal Committee of the Council. The ORV Working Group provided comments to the paper.
- Shire of Gingin
- City of Greater Geraldton
- Shire of Murray
- Town of Port Hedland – Officer Comments
- Peter Nash, Regional NRM Facilitator, South West Group

2.0 Background

In 2007, WALGA surveyed Local Governments seeking feedback on the draft *WA State Trail Bike Strategy*. The strategy was funded by State Government and developed by user representative groups:

- Department of Sport and Recreation;
- Department of Parks and Wildlife;
- Department for Planning; and
- Department of Local Government and Communities.

The survey feedback resulted in the following position statement endorsed by WALGA State Council in 2008:

“The Local Government sector advocates for changes to the current management of unlicensed trail bikes due to their adverse impact on the environmental and community amenity, in line with the WA State Trail Bike Strategy 2007.”

Despite the release of the *WA State Trail Bike Strategy* in 2008, it has never been formally endorsed nor its recommendations funded by State Government. Very few initiatives have been implemented; meanwhile, Local Governments across Western Australia continue to invest substantial public resources in managing the impacts of illegal ORV use.

In 2016, WALGA's South East Metropolitan Zone highlighted concerns with the limited progress to address community issues arising from illegal ORV use and requested WALGA to review and advocate for the *WA State Trail Bike Strategy 2008* to be updated with specific advocacy on the issue of unlicensed ORV as a 2017 State election priority. In response, WALGA contacted the then Department of Local Government and Communities (DLGC) seeking clarification on the status of the *WA State Trail Bike Strategy 2008*.

The DLGC distributed a Ministerial [Circular No 02/2017](#) (Ref 57-00701) in January 2017, detailing options for controlling illegal off-road vehicle use under the *Control of Vehicles(Off-road Areas) Act 1978* (i.e. controlling use in Permitted Areas) as well as other legislation relevant to illegal ORV use, including:

- *Conservation Land Management Act 1984* and regulations;
- *Land Administration Act 1997*;
- *Metropolitan Water Supply, Sewerage and Drainage Act 1909* and Bylaws 1981;

- *Road Traffic Act 1974* and subsidiary legislation;
- *Motor Vehicle (Third Party Insurance) Act 1943* and Regulations 2009; and
- Local Government Local Laws (where applicable to land under the care, control and management of the relevant Local Government).

This list of legislation serves to highlight the ‘*cobbled together*’ legislative framework under which Western Australia is attempting to effect control of illegal ORV use; demonstrating the confusing, incomplete and ineffective regulation of a prevalent recreational activity, which when undertaken illegally has substantial implications for the environment, public safety and local community amenity.

In April 2017, the DLGC and WALGA hosted a workshop to further inform Local Governments of enforcement options under current legislation and to scope issues and share ideas on potential solutions. WALGA circulated workshop feedback to the sector and in July 2017 wrote to the Minister for Local Government requesting a meeting to discuss the sector’s issues and to seek support for determining a way forward. WALGA did not receive a response from the Minister.

In July 2017, WALGA and DLGSC met with representatives from the South West Group, Department of Biodiversity, Conservation and Attractions (DBCA) and City of Kwinana who provided a comprehensive presentation on their experiences with successful operation of Permitted ORV Areas. The South West Group is a voluntary regional organisation of councils, comprising six member Councils in the South West Metropolitan Region including City of Cockburn, Town of East Fremantle, City of Fremantle, City of Kwinana, City of Melville and City of Rockingham. These Local Governments correspond with the membership of the South East Metropolitan Zone.

The South West Group partner and collaborate with the State and Commonwealth Government, industry, business and community on activities that benefit and facilitate further economic development in the South West Metropolitan Region.¹ The South West Group have been investigating off-road vehicle issues and potential solutions for a number of years, including research into best practice examples across Australia.

WALGA’s South East Metropolitan Zone, Growth Alliance Perth and Peel (comprising ten Local Government CEOs representing the Cities of: Armadale, Cockburn, Gosnells, Kalamunda, Kwinana, Mandurah, Rockingham, Swan and Wanneroo and the Shire of Serpentine - Jarrahdale), and the Pilbara Regional Road Group (representing the City of Karratha, Town of Port Hedland and the Shires of East Pilbara and Ashburton) have also reiterated concerns regarding ORV use, particularly relevant to community safety matters.

Local Governments continue to seek advice from WALGA regarding the progress of the State Trail Bike Strategy recommendations.

¹ South West Group website. Retrieved on 29/06/18 from www.southwestgroup.com.au

Following a meeting between the DLGSC, DBCA, WALGA, user groups and Local Governments in November 2017, WALGA wrote a further letter to the Minister for Sport and Recreation, the Hon Mick Murray MLA requesting a meeting and subsequently provided the Minister with further detail on ORV licensing and registration issues. The group chose to involve the Minister for Sport and Recreation due to his interest in ORV from a recreation perspective, and commitment to meeting with the Recreational Trail Bikes Association with regard to ORV issues. WALGA did not receive a response to this letter. WALGA and DLGSC also convened a field trip for Local Government and State Government representatives to visit ORV sites at Pinjar and Medina to gather further information.

In addition, WALGA developed and distributed a survey to all Local Governments requesting feedback on the impacts of ORV use in their communities to provide current evidence. This feedback has informed the development of the recommendations contained in this paper.

WALGA acknowledges the value that the *WA State Trail Bike Strategy 2008* and *Back on Track Implementation Plan* have contributed to holistic and comprehensive recommendations to address trail bike use and regulation in the community. It is unfortunate that these recommendations have not as yet gained traction with successive State Governments.

WALGA also recognises the substantial work of user groups, such as Track Care WA, which aim to mitigate environmental damage caused by ORV use.

The issues faced by Local Government however, go beyond trail bike use and include other recreational vehicles such as; quad bikes, licensed four wheel drives, dune buggies and any other motorised vehicles used illegally in off road environments (especially in coastal areas). Illegal use of ORVs has detrimental impacts on the environment, public safety and community amenity and incurs substantial Local Government cost for enforcement, and also the protection and repair of land and infrastructure community assets.

WALGA continues to liaise closely with the Department of Local Government, Sport and Cultural Industries and Department of Conservation, Biodiversity and Attractions representatives regarding ORV issues, seeking to work towards sustainable and effective outcomes in collaboration with Local Government members and ORV stakeholders.

2.1 What is an Off-road Vehicle?

For the purpose of this paper, in Western Australia the *Control of Vehicles (Off-road Areas) Act 1978 (WA)* defines an off-road vehicle as any vehicle which is not licensed, deemed to be licensed or the subject of a permit granted under the *Road Traffic (Vehicles) Act 2012 (WA)*.

The Department of Transport website describes ORV as including any vehicle that is not primarily designed for on-road including:

- Trail bikes
- All-terrain vehicles (ATVs)
- Forklifts and mobile plant

- Golf carts
- Non-compliant tractors
- Non-compliant utility vehicles
- Quad bikes²

Outside of this, Western Australian legislation provides that road licensed vehicles, such as four wheel drives, are permitted to use designated Permitted Off-road Areas.

3.0 Roles and Responsibilities

3.1 Control of Vehicles (Off-road Areas) Act 1978

The control of vehicles in off-road areas in Western Australia is regulated under the *Control of Vehicles (Off-road Areas) Act 1978* and is administered by the Department of Local Government, Sport and Cultural Industries (DLGSC).³

The *Control of Vehicles (Off-road Areas) Act 1978*:

- prohibits the use of off-road vehicles in certain places
- makes provisions as to the use of off-road vehicles otherwise than on a road
- provides for areas where the use of off-road vehicles is permitted
- provides requirements for the registration of off-road vehicles.

Importantly, the *Control of Vehicles (Off-road Areas) Act 1978* currently only operates in certain areas of the State (Permitted Areas); and provide the Governor with the authority to extend operation of the Act to other areas. It is recognised that issues with ORV use most often occur illegally and outside these permitted areas of operation.

The *Control of Vehicles (Off-road Areas) Act 1978* regulates the illegal use of ORV inside designated Prohibited Areas, but does not provide for the regulation of illegal ORV use outside of prescribed Prohibited or Permitted Areas.

Through the consultation process, Local Governments commented that they would like to see the *Control of Vehicles (Off-road Areas) Act 1978* apply across Western Australia to increase its effectiveness and provide the same opportunity to control ORV areas to all Local Governments.

3.2 Permitted Areas

Permitted areas are established under the *Control of Vehicles (Off-road Areas) Act 1978* and are where registered ORVs, as well as licensed on road vehicles, are allowed to be operated. Private land can only be declared as a Permitted Area with written authority of the owner. Restrictions may be placed on the type of off-road vehicle that can use a specific Permitted Area; for example, it may be restricted to motorcycles of a certain size and noise output.

² Retrieved on 04/07/18 from <https://www.transport.wa.gov.au/licensing/license-an-off-road-vehicle.asp>

³ Retrieved on 09/02/18 from <https://www.dlgc.wa.gov.au/AdviceSupport/Pages/Off-road-vehicles.aspx>

The current publicly available, approved Permitted Areas, respective land managers and vehicles permitted in these areas are:

- Gnangara, Department of Parks and Wildlife, motorcycles and quad bikes of all engine capacities.
- Pinjar, Department of Parks and Wildlife, Motorcycles and quad bikes (not side by sides).
- Lancelin and Ledge Point, Shire of Gingin, Motorcycles and quad bikes of all engine capacities, four wheel drives and buggies. The area boundaries are marked with orange buoys. Tracks leading from the area (e.g. to Wedge Island) are restricted to full road registered vehicles only.
- Medina ORV Area, Department of Planning, Lands and Heritage, Motorcycles and quad bikes of all engine capacities.
- York, Shire of York, Motorcycles and quads only.
- Karratha, City of Karratha. All off road vehicles.

Under the *Control of Vehicles (Off-road Areas) Act 1978*, it is possible to apply to the DLGSC to create a Permitted Area.

The process includes the proponent developing a proposal, which should include information about the area. This is submitted to DLGSC for consideration by the Advisory Committee.

The proposal would need to contain:

- Area and land description, including vesting/ownership;
- Plan for management of the area;
- Proposed plans for development (including signage), access and facilities;
- Any proposed restrictions under the act (e.g. restricted to trailbikes, no four wheel drives); and
- Information on potential noise levels.⁴

Local Governments are able to take part in this process if they wish to create a Permitted Area within their jurisdiction.

3.3 Prohibited Areas

The *Control of Vehicles (Off-road Areas) Act 1978* provides that all vehicles, including licensed on-road vehicles, may be forbidden from designated Prohibited Areas, whether or not the land is private, if the Minister for Local Government is of the opinion that public interest requires the Prohibited Area to be established. Proposals for the establishment of new Prohibited Areas can be submitted the Minister. The Minister cannot establish a Prohibited Area over private land without the consent of the owner and occupier, unless the Minister is satisfied that for public interest reasons of the:

- need to protect livestock or preserve wildlife;
- environmentally sensitive nature of the land;
- proximity of the land to residential development; and

⁴ Discussion with Department of Biodiversity, Conservation and Attractions, 17/8/18

- provisions of any town planning scheme.⁵

A person who is the owner or occupier of land declared a Prohibited Area or worker for such a person has the right to use a vehicle on that land. Prohibited Areas may be declared so that they apply to limited classes of vehicles.

Similar to creating a Permitted Area, a proponent can develop a proposal to create a Prohibited Area, which is then submitted to DLGSC for consideration by the Advisory Committee. The proposal should include:

- Area and land description, including vesting/ownership
- Any site management plans and restrictions
- Justification for establishing a prohibited area.⁴

The option to create a Prohibited Area within their jurisdiction can be considered by Local Governments who wish to have a greater level of enforcement over areas of land.

3.4 Advisory Committee

The *Control of Vehicles (Off-road Areas) Act 1978* provides that an Advisory Committee is constituted and is responsible for providing advice and recommendations to the Minister for Local Government in relation to the use of land by off-road vehicles, including the declaration of permitted areas and prohibited areas. The Committee shall comprise of seven permanent members for a period not exceeding three years. Appointments to the Committee are approved by the Minister and membership is in accordance of section 21(1) of the *Control of Vehicles (Off-road Areas) Act 1978*.

The make-up of the Advisory Committee includes:

- a Chair, Mrs Julie Knight (DLGC) ;
- two members selected from a panel of names submitted to the Minister by WALGA, Cr Michael Aspinall (Lancelin), Cr Ross Paine (Busselton);
- two members selected from people with (in the opinion of the Minister) appropriate experience in the operation of off-road vehicles, Mr Mark Haffenden, Mr Steven Dobson;
- one member selected from people with (in the opinion of the Minister) appropriate experience in the operation of four wheel drive vehicles, Mr Steven Grossmith; and
- one member nominated by the Minister (to whom the administration of the Conservation and Land Management act 1984 is committed), who in the opinion of the Minister has appropriate experience in environmental matters, Mr Stuart Harrison, Department of Biodiversity, Conservation and Attractions.⁴

Deputies:

Local Government - Cr Peter Feasey (Kwinana)

Four Wheel Drive - Mr Nathan Crossley

Off road Vehicles - Mr Geoffrey Couper, Mr Michael Cramb

Department of Biodiversity, Conservation and Attractions - Mr Brett Fitzgerald.⁴

⁵ *WA Control of Vehicles (Off-road Areas) Act*. Retrieved on 9/2/18 from [https://www.legislation.wa.gov.au/legislation/prod/filestore.nsf/FileURL/mrcmp_29413.pdf/\\$FILE/Contr%20of%20Vehicles%20\(Off-road%20Areas\)%20Act%201978%20Compare%20%5B05-b0-01%5D%20-%20%5B05-c0-00%5D.pdf?OpenElement](https://www.legislation.wa.gov.au/legislation/prod/filestore.nsf/FileURL/mrcmp_29413.pdf/$FILE/Contr%20of%20Vehicles%20(Off-road%20Areas)%20Act%201978%20Compare%20%5B05-b0-01%5D%20-%20%5B05-c0-00%5D.pdf?OpenElement)

3.5 Licensing and Registration

3.5.1 Registered and Licensed vehicles

Off-road vehicles may be licensed for use on road reserves, under the *Road Traffic (Vehicles) Act 2012*; or registered for use in Permitted Areas, under the *Control of Vehicles (Off-road Areas) Act 1978*.

The Department of Transport is responsible for the administration of vehicle licensing (on-road use) and registration of ORV (Permitted Area use), through the Department's Vehicle and Licensing Services.

ORV Registration

ORVs registered through the Department of Transport under the *Control of Vehicles (Off-road Areas) Act 1978* are required to comply with the following:

- ORVs must be registered with the Department of Transport.
- A person must be aged 18 years or over to register an ORV.
- All registrations for ORVs expire on 30 September each year.
- If the registration for an ORV is expired more than 15 days, owners are required to return the vehicle plates and apply for a new ORV licence.
- A registered ORV must display off-road vehicle plates.
- A registered ORV may only be used:
 - On private land with the consent of the owner; or
 - In Permitted Areas covered by the Act.
- Permitted Areas currently include Gnangara, Pinjar, Lancelin, Ledge Point, Medina, York and Karratha.
- Use of a registered ORV outside of an ORV Permitted Area, on a road reserve, or on public or private land without the consent of the owner or occupier or in a Prohibited Area is an offence.
- ORV Registration fee is currently \$25 for a new registration, and \$15 annual renewal.⁶

Local Governments who provided comment to this paper have stated their strong support of mandatory ORV licensing and registration. To date, issues such as difficulty with policing, licensing and registration due to the different legislative parameters which apply when using ORVs in different areas, have prevented this from occurring.

Off road vehicle account

All ORV registration fees are directed to the 'Off-road Vehicles Account' (ORV Account) which is held by the Department of Local Government, Sport and Cultural Industries. The

⁶ Department of Transport. *License an off-road vehicle*. Retrieved on 16/08/18 from <https://www.transport.wa.gov.au/licensing/license-an-off-road-vehicle.asp>

account is administered under the Act and funds are apportioned as directed by the Minister for Local Government; Heritage; Culture and the Arts, with approval of the Treasurer. In 2017, the Minister approved the following priorities for the expenditure of funds held in the ORV Account:

1. Information on the location of ORV areas, including building awareness on where the Control of Off-road Vehicles Act applies and the location of permitted and prohibited areas.
2. Information to assist Local Governments with the administration of the Act, including processes required to be undertaken to have the Act apply to their district, to prescribe ORV areas and to prohibit areas from ORV use.
3. Increasing registration numbers/compliance.
4. Suitable of potential ORV areas.
5. Increased rider safety initiatives,
6. Management of existing permitted areas, including the provision of funding to maintain permitted ORV areas.⁷

Local Governments can apply to the Off Road Vehicles Advisory Committee to spend funds from the ORV account on projects which meet the criteria of these priorities. As more ORVs are registered, it is anticipated that more money will be available for Local Government to access within the ORV Account, and therefore spent on the management and improvement of ORV Areas. This could create an increased incentive for people to register their ORVs.

Conditional (restricted use) vehicle licence

If there is a genuine reason for an ORV to access public roads, an application is required to be submitted to the Department of Transport's Driver and Vehicle Services, Vehicle Safety and Standards Branch. A conditional (restricted use) vehicle licence will only be issued to an ORV if the following criteria are met:

- There is a legitimate need to access one or more public roads (even if it is only for the purpose of crossing).
- Access can be performed safely.

Applicants must be 18 years of age or over and vehicles must pass a roadworthiness inspection before a conditional (restricted use) vehicle licence can be issued.

The Town of Port Hedland created an agreement with local fuel suppliers to discourage the ORV users from using public roads. Suppliers have signed an agreement with the Town that bans the sale of fuel to ORVs that are not being carried on a vehicle. Any ORV that is driven to the establishment will be prevented from refuelling and the occurrence reported to Town Rangers or Police. This action alone has seen a positive change for the community by lowering ORV street usage.

⁷ Ministerial Briefing Note – Priorities for expenditure of funds held in the Off-Road Vehicles Account established under the Control of Vehicles (Off-road Areas) Act 1. Provided by the DLGSC

Licensed ORVs

Road licensed vehicles, under the Road Traffic (Vehicles) Act 2012, do not require a separate off-road vehicle registration and can operate on road reserves and in ORV Permitted Areas.

Use of a licensed ORV on public land or private land without the consent of the owner or occupier or in a Prohibited Area is illegal.

Unlicensed and Unregistered ORVs

ORVs are not required to be licensed or registered if they are restricted to use on private property with the consent of the property owner or occupier.

Use of unlicensed and unregistered ORVs in a Permitted Area or Prohibited Area or on public land or private land without the consent of the owner or occupiers is illegal.

The following table provides a guide for ORV registration requirements.

Table 1 – Guide to vehicle and driver licence and registration requirements⁸

Private Property	ORV Area	Events	Public Roads & Trails
Drivers licence not required		Drivers licence required	
No registration			
ORV registration			
Class B Conditional Registration			
Class A Full Road Registration			

3.6 Other regulatory matters relevant to ORVs

Motor Injury Insurance

Motor Injury Insurance (MII) does not apply to registered, unregistered or unlicensed ORVs.⁹

Local Government

Local Governments are responsible for administering and enforcing the *Control of Vehicles (Off-road Areas) Act 1978*.

⁸ So where can ride? Your Guide to Legal Off Road Riding in Western Australia

⁹ Retrieved on 09/02/18 from <https://www.dlgs.wa.gov.au/AdviceSupport/Pages/Off-road-vehicles.aspx>

Local Governments may appoint authorised officers under s.38(3) of this Act and further, the Minister may also appoint, by gazettal, Council Members as authorised officers. Authorised officers may fulfil specified functions prescribed within the Act.

Section 38(11) provides powers for Authorised Officers to, without warrant, stop, seize and detain any vehicle referred to in the Act, where the authorised officer believes that any vehicle has been used or driven in contravention of a provision of this Act and the vehicle appears to be neither licensed, under the *Road Traffic (Vehicles) Act 2012* or not registered under the *Control of Vehicles (Off-road Areas) Act 1978* and the identity of the responsible person, or a driver of the vehicle cannot be established to the satisfaction of the officer.

Whilst Local Governments have the authority to appoint authorised officers for the purpose of giving effect to the *Control of Vehicles (Off-road Areas) Act 1978*, Local Government are not the appropriate first responders for dangerous and high risk situations which are often evident for the enforcement of ORV matters.

WA Police Force however have specialised training and expertise to enable them to effectively and safely pursue vehicles and stop/detain offenders.

WA Police Force and Local Government enforcement is further complicated when jurisdictions overlap, land owner/occupier identity is uncertain, and legal authority is unclear.

In addition to the *Control of Vehicles (Off-road Areas) Act 1978* other legislation provides State and Local Governments with powers that may be applicable in specific circumstances to ORV uses and ORV areas, including:

- *Civil Liability Act 2002 (WA);*
- *Land Administration Act 1997 (WA);*
- *Environmental Protection (Noise) Regulations 1997*
- *Bushfires Act 1954*
- *Road Traffic Act 1974*
- *Occupiers Liability Act 1985 (WA);*
- *Local Government Act 1995 (WA); and*
- *Local Government Local Laws;*

This legislation is not however, drafted to specifically deal with the issues arising from illegal use of ORVs in public or private land, presenting legal and administrative complexities which are prohibitive to the effective control of illegal ORV uses.

Duty of care requirements may arise according to/under common law principles of negligence. Duty of care measures for Local Governments includes signage, management, inspection and maintenance of off-road areas.¹⁰

¹⁰ Local Government Insurance Services. *LGIS Off-road vehicle area guidance notes for Western Australian Local Government*. Provided by LGIS.

In addition, Local Governments take interest and are increasingly involved in economic development, community safety, and the health and well-being of their communities and appropriately regulated recreational ORV use is recognised as providing community benefits.

Information about permitted/prohibited areas for ORVs can be obtained on request from the relevant Local Government and the DLGSC.¹¹

Local laws

The *Control of Vehicles (Off-road Areas) Act 1978* provides Local Governments with the power to make Local Laws for the purposes permitted by the Act.

A review of the DLGSC's Local Laws Register indicates that no such local laws have been made.

The *Control of Vehicles (Off-road Areas) Act 1978* also provides for the Governor to make Regulations which operate as Local Laws and for the Governor to make Model Local Laws. Neither of these powers has been exercised.

Local Governments also have powers under the *Local Government Act 1995* to make Local Laws relevant to the control of activities on land under the care, control and management of the Local Government. These Local Laws allow Local Governments to enforce where land is used for prohibited activities or without required approvals.

Local Laws do not apply to private land or land controlled by other State or Federal Government agencies.

Local Government Insurance Services (LGIS)

LGIS is a not-for-profit industry based self-insurance scheme owned by WA Local Governments and offers a coordinated and holistic approach to risk management, claims management and injury management.¹² In response to Local Government activity, LGIS developed a series of guidance notes to provide practical risk management considerations to the issues and concerns which cover:

- Determining Demand and Suitable Location for an Off-road Vehicle Area
- Designing and Constructing an Off-road Vehicle Area
- Signage for an Off-road Vehicle Area
- Operating an Off-road Vehicle Area.¹³

The landowner or occupier retains legal liability, which is a significant concern for Local Governments. Advice from LGIS suggests the actual risk may be low provided that a reasonable risk management strategy is in place. The *Civil Liability Amendment Act 2003* is

¹¹ Retrieved on 17/01/18 from <https://www.dlgs.wa.gov.au/AdviceSupport/Pages/Off-road-vehicles.aspx#sthash.OTHp8CSA.dpuf>

¹² Retrieved from <https://www.lgiswa.com.au/pages/public/WhatWeDo> on 28/03/2018

¹³ Local Government Insurance Services. *LGIS Off-road vehicle area guidance notes for Western Australian Local Government*.

seen to provide important protection for all landowners hosting activities that have an obvious and inherent risk. There have been no successful ORV related claims since the *Civil Liability Act 2002* was introduced.

Other State Government Key Stakeholders

Western Australia Police Force

Section 38(12)(a) of the Control of Vehicles (Off-road Areas) Act 1978 empowers any member of the WA Police Force as authorised officers for the purposes of the Act. Police officers are also empowered under much broader legislation to pursue, stop and detain offenders. Police officers are provided with substantial training to support them in fulfilling these public safety roles.

The provisions of the Control of Vehicles (Off-road Areas) Act 1978 require a person driving an ORV that is involved in an incident resulting in damage to property or injury to another person to stop immediately and ensure those persons receive assistance, including medical aid, and also report the matter to police. The owner of or responsible person for or any person who had possession or control of the ORV vehicle is required to provide information to police which leads to the identity of the person driving the vehicle at the time of an incident leading to the death or injury of a person. In such situations there is the potential for interaction and co-operation between police and Local Governments.

Police may assist or work in conjunction with Local Governments and other designated government agencies in relation to matters dealing with the Control of Vehicles (Off-road Areas) Act 1978. Any operations or co-operation would be based upon the outcome of discussions and agreements reached between senior personnel from the organisations involved.

Department of Biodiversity, Conservation and Attractions

The Parks and Wildlife Service within the Department of Biodiversity, Conservation and Attractions is responsible for protecting and conserving the State's natural environment on behalf of the people of Western Australia. The Service manages the State's 100 national parks, 17 marine parks, State forests and other reserves, which collectively cover more than 31 million hectares of diverse landscapes and seascapes.

The Parks and Wildlife Service is also responsible for managing the access to, and use of, WA's natural areas for nature-based tourism and recreation, including ORVs. The Service manage two gazetted ORV areas at Pinjar and Gnangara, and work closely with stakeholder groups such as Motorcycling WA, the Recreational Trail Bike Riders Association and the WA 4WD Association to manage ORV activities on their reserves, including trail bikes.

The Parks and Wildlife Service are also represented on the *Control of Vehicles (Off-road Areas) Act 1978* Advisory Committee.

Sport and Recreation WA

Sport and Recreation (WA), a division of the Department of Local Government, Sport and Cultural Industries, develops and implements government policy and initiatives in sport and recreation, while contributing to the healthy lifestyle of Western Australians by increasing physical activity through sport and recreation and providing assistance and advice to:

- Local communities
- The sports industry, organisations and clubs
- Businesses
- Other government departments.

Its key objectives are:

- Getting more Western Australians active
- Supporting achievement
- Creating great places to be active
- Building capacity of service providers

Sport and Recreation (WA):

- Provides industry leadership and coordination for sport and recreation services state-wide.
- Establishes partnerships within the industry, across government and with other stakeholders.
- Involves clients in all aspects of service planning and delivery.
- Provides consultancy services and resource support to individuals, organisations and community groups delivering sport and recreation.¹⁴

Intersecting jurisdictions

It is important to note that intersecting jurisdictions, legislation and other variables make enforcement difficult for Local Governments and all stakeholders, and the path to a solution is consequentially complex.

Other stakeholders WALGA has engaged include:

- Local Government Insurance Services
- South West Group
- South West Catchment Council – the Regional Natural Resource Management (NRM) organisation for the South West of WA. NRMs provide support and management of Australia's land, water and biodiversity assets.¹⁵
- Recreational Trail Bike Riders Association. This Association aims to represent the interests of recreational trail bike riders, and encourage safe and responsible riding, including providing information on registration and off-road vehicle areas.¹⁶
- Track Care WA. This organisation aims to provide support to organisations, government bodies, and programs in the sustainable management and environmental protection of vehicular tracks including those of cultural & heritage significance.¹⁷
- Tending the Tracks project coordinator – the Tending the Tracks project is a collaborative initiative between the Northern Agricultural Catchments Council, the Conservation Council WA, Track Care WA and the WA 4WD

¹⁴ Retrieved on 20/01/18 from <http://www.dsr.wa.gov.au/about>

¹⁵ Retrieved on 4/7/18 from <https://nrmregionsaustralia.com.au/what-is-nrm/>

¹⁶ Retrieved on 4/7/18 from <http://rtra.asn.au/>

¹⁷ Retrieved on 4/7/18 from <http://www.trackcare.com.au/wp-content/uploads/2018/02/2018-Track-Care-WA-membership-form.pdf>

Association aimed at building a community-based capacity to assist managers in protecting the coastal environments of the northern agricultural region.¹⁸

WA State Trail Bike Strategy 2008

The *WA State Trail Bike Strategy 2008* was developed to identify the issues around trail bike riding in WA. The strategy recommends changes to improve the current situation for trail bike riders, land managers, residents and other stakeholders. While the Strategy was developed ten years ago, many of its recommendations are still relevant.¹⁹

4.0 ORV user perspective

Understanding the perspective of ORV users and acknowledging this recreational activity can assist in developing approaches to improve the status quo for Local Governments and other stakeholders.

In general, there is a great deal of focus on ORV users who do not comply with regulation both outside and within designated Permitted Areas. There is likely to be a proportion of ORV users who will not comply regardless of regulation, enforcement or other measures. However there is evidence that there are users whose population would comply to regulation, if provided with opportunities for awareness and education. The following examples demonstrate that ORV users believe there is a need for more ORV Permitted Areas.

A survey conducted and reported in the *WA State Trail Bike Strategy 2008* questioned user groups (amongst other stakeholders). It highlighted findings of trail bike users which included their top four concerns as: lack of designated areas (84%), trails being closed (76%), safety (62%), and irresponsible riders (60%). The Strategy also recommended the upgrading of existing ORV areas and the development of new ORV areas in regional areas to provide greater legal access to managed settings.

In 2015, 'Off-road Vehicle Areas in the Northern Agricultural Region of Western Australia' was commissioned by the Northern Agricultural Catchments Council (NACC) with funding from Coastwest as a response to community and environmental concerns about unmanaged ORV use within the coastal zone of the Northern Agricultural Region (NAR) of Western Australia. The study incorporated the Shires of Carnamah, Chapman Valley, Coorow, Dandaragan, Gingin, Irwin, Northampton and the City of Greater Geraldton.

The study categorised its riders into 3 broad groups:

1. Riders and bikes least likely to cause legal problems and liability issues were identified as Competition Motocross and Road Registered Trail/Enduro riders.

¹⁸ Retrieved on 4/7/18 from <https://www.nacc.com.au/event/tending-the-tracks/>

¹⁹ Retrieved 12/03/18 from <http://www.dsr.wa.gov.au/about/plan-for-the-future/state-trail-bike-strategy>

2. Riders causing some legal problems and liability issues, but not likely to be the cause of many resident complaints such as family groups, quads and side-by-side tourers, considerate “UnUns” – Unregistered vehicle and/or unlicensed rider, but with an awareness of and respect for others.
3. Riders representing the real problem element: no licence / no registration / no respect – they ignore the law and show no consideration to other people or the environment.

The objective is to bring as many ORV users as possible into a more desirable group.

A survey conducted as part of this study revealed that less than 25% of respondents who lived in the study area belonged to a club, and over 90% stated they usually ride with a family group.

Coastal trails, beach and sand dunes were where riders preferred to ride with only 5.7% having preference for commercial Motocross tracks.

Importantly, riders were not highly concerned that areas were illegal; however, only 25% were opposed to paying \$25 for a commercial facility.

Similarly, an on-line forum discussion convened by the Local Government Association of South Australia identified the same issue where the most common concern among riders related to the lack of accessible facilities. There was a perception among forum participants that facilities and space available for off-road motorcycle use was diminishing and that regulation of these spaces had become more restricted.

The Queensland Moto Park example, as outlined in the next section, has demonstrated that an off-road motorcycle area reduced problem riding and associated community complaints by up to 40%. It can also reinforce sustainable riding concepts such as staying on marked trails which will benefit not only the ORV areas but other managed lands. As such they play an important element in the control of trail and quad bike riding in Western Australia.

In 2017, the Shire of Manjimup received State Government funding to engage consultants to undertake a feasibility study into ORV areas within its jurisdiction. The study was prompted by user interest and the perceived need to support ORV user groups in this recreational activity. The Manjimup Trail Bike Trails Hub Feasibility Report projected a potential annual economic benefit of \$13.4 million to the region.

A trails hub is a town or destination which is widely known for its trails offering through the provision of high quality trails, strong branding, trail-user-related services, facilities and businesses, supportive governance and resourcing structure and maintenance regime. A trails hub can achieve this status through the provision and promotion of either a critical mass of complementary mixed-use trails or single use trails, providing there is a range of types suited to a range of experience levels and user types and a suitable maintenance regime in place.²⁰

²⁰ Shire of Manjimup. Manjimup Trail Bike Hub Feasibility Study. Retrieved on 4/7/18 from <https://www.manjimup.wa.gov.au/our-services/community-development/sportandrec/Pages/Manjimup-Trail-Bike-Hub-Feasibility-Study.aspx>

The feasibility study through literature reviews, reviews of existing facilities, and stakeholder and community engagement:

- Investigated and recommended potential sites for a trails hub; and
- Prepared concept plans, implementation plans, cost calculations and draft operational plans.²⁰

In March 2018, the Council of the Shire of Manjimup endorsed phase two of the project and committed \$25,000 seed funding for the initial implementation of the Trails Hub project.

It is considered that completing the pre-stage will enable the preparation of a robust business case that can be used to seek substantial project delivery funding. With what is known about the uniqueness of the project in Western Australia, the overwhelming support of trail bike riders and the prospective economic opportunity the project provides, the potential for the Shire of Manjimup to successfully source project delivery funding is considered high.

These examples, amongst others suggest that more designated areas would assist to improve and mitigate some existing ORV issues by diverting riders from illegal activity to a managed recreational activity. The *WA State Trail Bike Strategy 2008* recommendations, and similarly the South Australian ORV Management Master Plan 2012 and the Queensland Management Plan also support this notion.

4.1 Benefits of ORV Use

ORV user and advocacy groups have identified and support a range of benefits to ORV users and their communities which are outlined below.

4.1.1 Social

- Physical and mental health benefits.
- Individual and community benefits of social cohesion.

4.1.2 Environmental

- Education on conservation.
- Signage that identifies natural and cultural heritage which may assist with conservation efforts.

4.1.3 Economic

- An increase in visitor numbers through ORV activity can contribute to economic development to benefit the wider community.

- Where there will be a cost associated with the management of ORV trails there are also economic benefits for the community. Such benefits include the support of local businesses, increased tourism and creation of employment.²¹

5.0 Other Australian Jurisdictions

Other jurisdictions throughout Australia contend with similar issues around ORV use. There is currently no other state or territory that adopts the same registration, licensing and land-use regulations as WA. Each jurisdiction is quite disparate in its approach as outlined below.

Aside from licensing and registration of ORVs, a number of initiatives and approaches are being implemented across Australia with the aim of improving the management of ORVs in communities, some of which are highlighted.

5.1 Queensland

Conditional registration is available for ORVs in Queensland which allows:

- limited access to Queensland roads
- protection of compulsory third party (CTP) insurance in the event of a crash occurring on a road causing personal injury
- determination of the conditions for use to ensure safe operation of the vehicle while on a road.

When a vehicle is to be used for recreational purposes it is recommended access approvals are obtained from the land/road owner as well as the Queensland Police Service before applying for registration. Vehicles cannot be used unless access approvals are held.

There are three categories of road access allowable under conditional registration:

- limited access registration where vehicles are predominantly restricted to worksites and designated areas
- zone access registration where vehicles are allowed to travel on road for distances of 20km, 40km or 80km - depending on their areas of operation in Queensland
- unrestricted access registration where appropriate vehicles will be allowed unlimited access but may still have conditions that apply to the time of operation.

The Australasian Off-road Vehicle Association (AORVA) reports this system as unworkable for weekend riding opportunities and remains extremely complex even for those experienced commercial operators.²²

5.1.1 Queensland Moto Park

The Queensland Moto Park (QMP) is an ORV area that caters for off-road motorcycles. The land on which it operates is State Government owned while a group of Local Governments

²¹ Management of off Road recreation Vehicles in South Australia Discussion paper, December 2011 Retrieved from https://www.lga.sa.gov.au/webdata/resources/files/Off_Road_Vehicles_Discussion_Paper1.pdf on 05/01/2018

²² Retrieved on 15/02/18 from <https://www.aorva.com.au/state-regulations>

(South East Queensland Council of Mayors) partnered with Motorcycling Australia, Motorcycling Queensland and the Queensland State Government to establish the facility.

QMP is leased and run by Motorcycling Queensland on a pay-its-own-way basis and employs six staff with a manager living on-site. It is open five days per week including weekends, with track maintenance done on closed days. It attracts riders from up to two hours' drive away and 50% of riders are family groups. There were 32,000 riders that used the facility in its first year, with usage now around 25,000 per year.

The facility cost \$1.2million to construct (excluding an access road to the site). These costs include: forming the trails; fencing and signage; buildings (office, manager's residence, amenities block, showers, and toilets); dam and track irrigation (dust suppression) system; track construction and maintenance machinery.

Rider fees range from \$9.90 per day per child to \$57.90 per day per adult. QMP generates approximately \$800,000 per annum through rider fees which allows the QMP to cover its annual operating costs.

The site has extensive fencing to separate riders and a one-way system of laneways to access tracks. All tracks are one-way only and protective clothing and well-maintained bikes are required and monitored by QMP. Junior riders are separated from seniors; and juniors are also restricted in what size (engine capacity) bikes they can ride. Quads bikes are separated from two wheel bikes. Tracks are opened and closed at specific times and the track rotation schedule allows junior riders to ride on all tracks. Junior riders are supervised by QMP staff at all times. The injury rate (defined as the need for an ambulance to attend) is 0.2% of rider registrations.²³

5.2 New South Wales

New South Wales offers conditional registration in only one location (Stockton Beach) where recreational vehicles, such as designated trail bikes and ATVs, quad bikes, can be used. Riders do not need a current driver's licence and must be over the age of 8 years old.²⁴ To establish any ORV use in NSW National Parks and Wildlife Services or Forest NSW ORV users' needs to become an approved Lessee or contractor.²⁵

5.3 Victoria

Victoria offers a recreational registration which limits access to roads that are not freeways or arterial roads, and are outside built up areas (limited to zones of under 100km/hr).

²³ 2017 Discussion with Peter Nash, South West Group

²⁴ Retrieved on 15/02/18 from <http://www.rms.nsw.gov.au/roads/registration/get-nsw-registration/vehicle-sheets/recreation-vehicle.html>

²⁵ Retrieved on 15/02/18 from <https://www.aorva.com.au/state-regulations>

The person operating a vehicle must be at least 18 years of age and hold an appropriate learner permit or licence. This 2-wheeled registration system allows for access to 36,000kms of public roads, State forest and reserves.²⁶

5.4 Tasmania

Tasmania offers ORV Restricted Registration (RV) in addition to full registration and enables access to forest, beach and mountain riding around Tasmania. For quad bike registration a current car driver's licence is required and available from the age of 17.

There are nine primary tracks, 10 secondary tracks and many parks and forests in the 'Ride Around Tasmania' system which are supported by state government departments and industry.²⁷

5.5 Northern Territory

The Northern Territory only offers conditional registration for a quad bike or ATVs for work related purposes. Riding restrictions on conditional registration include speed restrictions and a current 'C' or 'R' class driver licence.²⁸

5.6 South Australia

South Australia offers a 'restricted miscellaneous vehicle' registration category that specifically includes four wheel motorbikes, and requires an explanation of the use of the vehicle including details of where the vehicle will be used, to be lodged along with an application form. Essentially this category of registration is open to registrar discretion. Application can be made for conditional registration and compulsory third party insurance. In September 2012 the South Australian Government released the 'South Australia Off-road Motorcycling Strategy and Facilities Masterplan' following a discussion paper 'Management of Off-road Recreational Vehicles in South Australia' released by the Local Government Association of South Australia in December 2011. Since then the Local Government Association of South Australia continues to experience the similar issues to WA with ORVs and is in further high level discussions on how to progress this work.

6.0 ORV Use in Context

ORVs as defined by the *Control of Vehicles (Off-road Areas) Act 1978* includes a variety of vehicles used in Western Australia. Local Governments' concerns centre primarily on unregistered ORVs and licensed 4WD vehicles that are used illegally on reserves, beaches, parks in addition to public other spaces without the consent of the land owner or occupier. The issues arising from illegal use of ORVs include community safety, amenity, environmental and economic impacts.

²⁶ Retrieved on 15/02/18 from [https://www.vicroads.vic.gov.au/searchresultpage?collection=vicroads-web&query=recreational registration](https://www.vicroads.vic.gov.au/searchresultpage?collection=vicroads-web&query=recreational+registration)

²⁷ Retrieved on 15/02/18 from <https://www.aorva.com.au/state-regulations>

²⁸ Retrieved on 15/02/18 from <https://www.aorva.com.au/state-regulations>

Notwithstanding these issues, a number of Local Governments have made comment on tourism opportunities and the potential for economic development. The Shire of Gingin commented that their ORV areas made a positive contribution to tourism in their local area brought by ORV users, and urged a balanced approach to ensure that visitor numbers to their attraction were not 'diminished by overreaction'. Potential negative impacts on the tourism and economic development of Local Governments with permitted ORV areas is not the aim of this paper's recommendations, and the amelioration of these type of negative impacts needs to be kept front of mind when designing new strategies for ORV management.

There is also evidence that supports the benefits of social cohesion and physical activity of ORV user groups in their communities.

6.1 ORV Registrations

There are an estimated 58,000 adventure, trail, motocross, quad and mini bikes being operated in Western Australia, with only 2,868 of those currently registered (less than 5%).

Motorcycling WA estimates that 90% of adult and 95% of child bike riders are not members of clubs and are recreational riders that require trails.²⁹ There is evidence that demonstrates the uptake of ORV use is on the rise and is not likely to diminish.³⁰

Table 2 shows the number of ORV registrations in WA from 2014 to 2018 by category of vehicle. Although sales figures indicate that numbers of trail bikes are on the increase, registrations do not align. There is a fall in registrations across the board with the exception of off-road beach buggies which have increased marginally.³¹

Table 2 – ORV registrations in WA

ORV registrations in WA 2014 - 2018					
Vehicle	Jan-14	Jan-15	Jan-16	Jan-17	Jan-18
ORV 3 wheel vehicle	56	54	54	44	49
ORV 4 wheel vehicle	2206	2109	1750	1608	1626
Off-road air cushion	3	3	3	3	3
ORV Beach buggy	126	123	120	122	132
ORV Motorcycle	1357	1273	1059	1064	1022

²⁹ Shire of Manjimup. April 2017. Retrieved on 16/03/18. *Manjimup trail Bike Trails Hub Feasibility Report*.

³⁰ Retrieved on 07/02/18 from

https://www.lga.sa.gov.au/webdata/resources/files/Off_Road_Vehicles_Discussion_Paper1.pdf

³¹ Department of Transport. 2018.

ORV other body	56	53	46	39	36
Total	3804	3615	3032	2880	2868

6.2 ORV complaints and crash statistics

In January 2017 the State Government reported that illegal trail bike complaints had risen over 90% in three years.³²

In 2018, the Road Safety Commission reported that between 2012 and 2016 there were 106 people killed or seriously injured on trail bikes, including 90 hospitalisations and 16 deaths in WA.

Needless to say there is growing concern from communities that ORV use is compromising the safety of members of the community, visitors, and ORV users, which is in addition to growing concerns about environmental, amenity and economic impacts.

Data on injury, serious injury and death is not widely reported. There is limited data relating to ORV incidents in general, with State Government agencies generally reporting on-road vehicle crashes and stolen vehicles which do not differentiate vehicle types. However there are some recent initiatives that do report ORV incidents.

6.2.1 Royal Perth Hospital Injury Data – Quad Bikes

Royal Perth Hospital has recently released collated data on quad bike injuries which revealed that between 2008 and 2017, there were 270 trauma patients admitted to RPH with significant injuries related to quad bike accidents. Analysis of the data shows:

- Injuries were mainly caused from falling from the quad bike; or colliding with a stationary object (e.g. a tree) or colliding with another vehicle (e.g. bike or four wheel drive).
- Injury locations: 46% off-road, 12% on a farm, 9% on a street/road, 3% at home, and 30% at other locations.
- Males account for 80.3% of people injured and females account for 19.7%.
- The age range of people injured is from 12 years of age to 82 years of age.
- The most common age group of people injured was 16 to 30 years followed by 30 to 45 years. Four people injured were aged over 75 years. (Figure 1)
- Riders account for 90% of people injured and pillion passengers account for 7%.
- 23% of the injuries were major trauma.
- Drug and/or alcohol use was reported in at least 24% of incidents (the use of drugs/alcohol is self-reported so it is arguably under-reported).

³² Retrieved on 27/02/18 from <https://www.mediastatements.wa.gov.au/Pages/Barnett/2017/01/Tough-new-hoon-laws-to-come-into-orce.aspx>

- 43% of people injured were not wearing any form a safety device; a further 19% were unknown. (Figure 2)
- The average length of hospital admission was 4.5 days for minor trauma and 8.67 days for major trauma, with 74% of patients discharged home, rather than to a rehab facility.

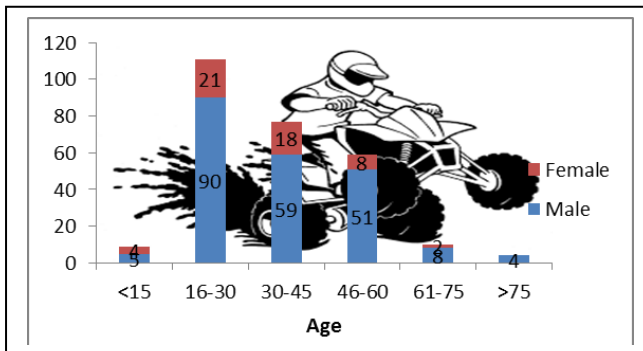


Figure 1 – Age of quad bike riders

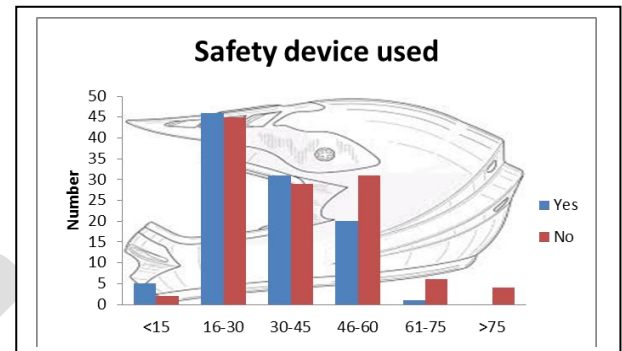


Figure 2 – Safety device used

Figure 3 shows the ten year trend of injuries from quad bike use. It is evident that from 2011 there is a steady increase in the number of injuries.³³

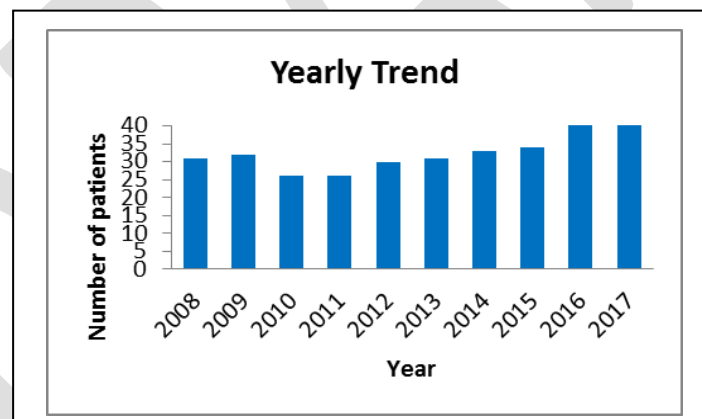


Figure 3 – Ten year trend – quad bike injuries

As well as the significant impact injury has on people and communities, a study on the economic cost of fatalities from quad bike use found that the cost to the Australian economy

³³ Royal Perth Hospital. 2018. *Quad bike accidents requiring admission to Royal Perth Hospital*

between 2001 and 2010 was an average of \$2.3 million per incident with a total annual cost approaching \$30 million.³⁴

Research undertaken by Monash University Accident Research Centre investigated the frequency of fatalities and hospital-treated injuries among on-road and off-road motorcyclists, the demographic profile of injured riders, causes of injury, and the nature and site of injuries. The research revealed that off-road motorcycling presents a much higher proportion of injuries in younger people than on-road riding.³⁵

The cause of injuries differs between on-road and off-road riding, with on-road injuries primarily a result of collisions with other vehicles while off-road riding injuries are usually the result of non-collision accidents i.e. falling off the bike. This is a reflection of the different risks and hazards posed by on-road and off-road riding.³⁶

6.3 Impacts of ORV Use

The impacts of ORV use are widely reported throughout literature and align with Local Government feedback.

The *WA State Trail Bike Strategy 2008* provides comprehensive detail on each of the following impacts which can be attributed to broader ORV use outside trail bikes only.³⁷

6.3.1 Social

The social impacts of ORV use include:

- damage and trespass to private and public property
- dangerous driving
- trail user conflict
- noise and nuisance
- parking issues
- irresponsible and anti-social behaviour

6.3.2 Environmental

The environmental impacts of ORV use are far reaching and are widely documented. In WA, a survey conducted to inform the *WA State Trail Bike Strategy 2008* revealed many community concerns related to environmental issues including:

- soil degradation

³⁴ Australian quad bike fatalities: what is the economic cost? Tony Lower, Kirrily Pollock, Emily Herde. *Australian Centre for Agricultural Health & Safety, School of Public Health, University of Sydney Research into the Benefit-Cost of Providing Off-Road Motorcycle Facilities in Victoria*

³⁵ An investigation of serious injury motor vehicle crashes across metropolitan, regional and remote Western Australia, Peter Palamara; Kriti Kaura and Michelle Fraser January 2013 Retrieved from <https://c-marc.curtin.edu.au/local/docs/ISIMVCMRRWA.pdf> on 30/03/18

³⁶ *Research into the Benefit-Cost of Providing Off-Road Motorcycle Facilities in Victoria*

³⁷ *WA State Trail Bike Strategy. 2008.* Retrieved on 05/12/17 from <http://www.tbma.com.au/stbs>

- erosion
- compacting soil
- removal of vegetation
- disruption to fauna including shorebirds
- spread of phytophthora dieback
- increased litter and dumping
- translocation of weeds and pathogens
- death or injury to fauna

6.3.3 Economic

The potential economic costs of ORV use include:

- maintenance cost of the trails in Permitted Areas
- repair of property and environmental damage on private and public property resulting from illegal ORV use
- signage
- education
- relevant levels of enforcement
- use of land owner resources to manage and enforce e.g. Local Government
- economic impact from personal injuries; loss of income, absenteeism, and public health costs.
- cost to Local Government in responding to community complaints and enforcement regarding illegal use.

It is important to note, however, that costs associated with education and enforcement will escalate if the regulation of ORV use is improved.³⁸

7.0 Local Government Survey Feedback

Over a number of years, WALGA has received Local Government feedback on the social, environmental and economic costs of ORVs to their Councils with a call to action by the Association. Most recently these have been identified by the South East Metropolitan Zone, other peri-urban Local Governments and regional Local Governments.

WALGA has undertaken a number of initiatives, including a workshop with the then DLGC in 2017; letters to the Minister for Local Government and the Minister for Sport and Recreation; and convened a working group of stakeholders to commence work with the aim of improved outcomes for Local Government.

³⁸ Retrieved on 15/02/18 from
https://www.lga.sa.gov.au/webdata/resources/files/Off_Road_Vehicles_Discussion_Paper1.pdf

In November 2017, WALGA distributed a survey to 138 Local Governments seeking advice on the impacts of ORV use to their Local Governments and communities, and seeking further strategies for WALGA to assist in improving ORV management.

WALGA received 28 responses to the survey. Survey respondents were the City of Armadale, Shire of Bridgetown-Greenbushes, Shire of Chapman Valley, Shire of Coorow, Shire of Esperance, City of Greater Geraldton, Shire of Gingin, City of Gosnells, Shire of Halls Creek, Shire of Irwin, Shire of Kondinin, City of Kwinana, Shire of Jerramungup, City of Karratha, Shire of Manjimup, Shire of Menzies, Shire of Murray, Shire of Nannup, Shire of Northampton, Shire of Pingelly, Town of Port Hedland and City of Wanneroo. Some Local Governments provided two responses.

The key findings were grouped and are summarised below and were central in developing the recommendations following. The recommendations have been developed to address common concerns across the Local Government sector and there is not a 'one size fits all' solution.

7.1 Local Government Survey Themes

1. What are the impacts of ORV use in your District?

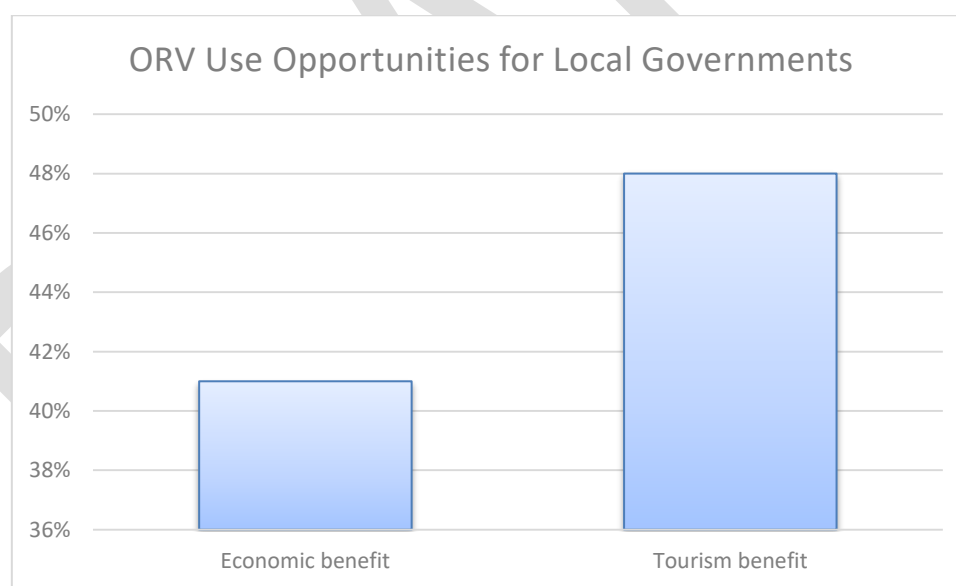


Figure 4 – ORV Use Opportunities for Local Governments

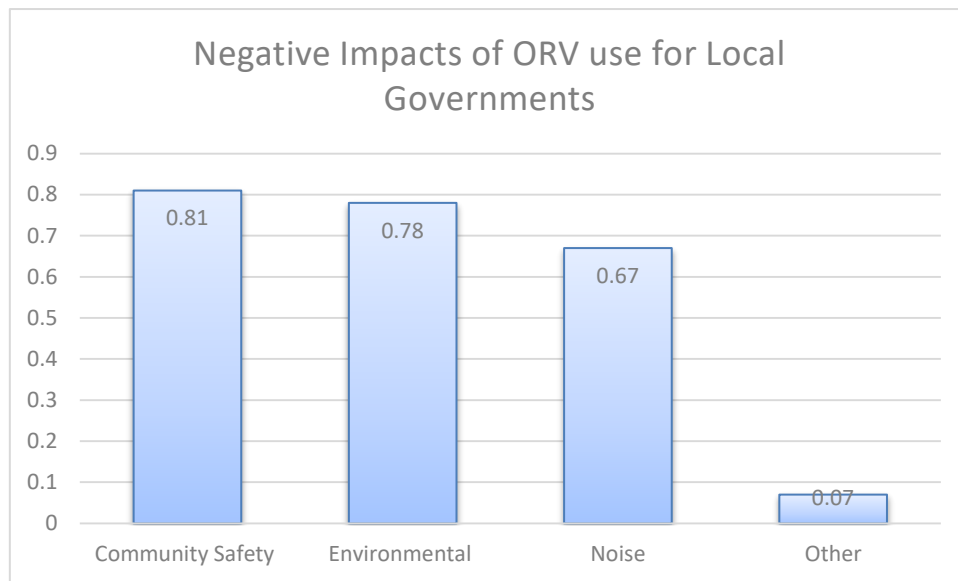


Figure 5 –Negative impacts of ORV use for Local Governments

The 'other' category (7%) included fire and criminal activity.

Figures 4 and 5 illustrate the vast majority of respondents identify community safety as the main impact of ORV use (81%), followed by environmental (78%); then noise (67%); then tourism (48%); and economic development (41%).

2. How is your Local Government addressing these issues?

The key themes around addressing the issues included:

Designated areas

- Establishing or seeking to establish ORV areas
- Welcoming ORV tourism
- Adopting ORV signage

Enforcement

- Undertaking patrols
- Responding to complaints on reserves and public places but will not pursue offenders
- Reliance on police officers to pursue and apprehend offenders
- Using covert cameras to record illegal behaviour

Education

- Creating opportunities to provide the community with information

Environmental

- Undertaking rehabilitation and dune fencing

3. What are the risks, issues and opportunities your Local Government consider most important for improved control of ORVs?

Safety

- Safety in terms of vehicles and pedestrians and rangers, visitors, residents
- Illegal behaviour
- Users getting lost on remote tracks

Environmental

- Spread of weeds
- Erosion
- Litter
- Fire management
- Structural damage
- Damage to dunes
- Noise issues

Space

- No designated areas which aggrieves the problem

Legislation

- Local Governments have no powers to address issues
- Inability to effectively enforce compliance
- Lack of enforcement options and penalties

Education

- Improved education and set agreed policies
- Be clear on where ORVs are acceptable

4. What changes to regulation or State Government policy do you consider would best support your Local Government in dealing with ORVs?

- Identify more ORV areas with Local Governments, feasibility studies, development of programs for riders
- Identify funding for ORV areas
- Address Local Government concern relating to insurance and liability
- Enforcement with higher penalties
- Improved signage and education to the public

5. Estimate how many hours per week your Local Government spend addressing ORV control, regulation, response to complaints and other related issues?

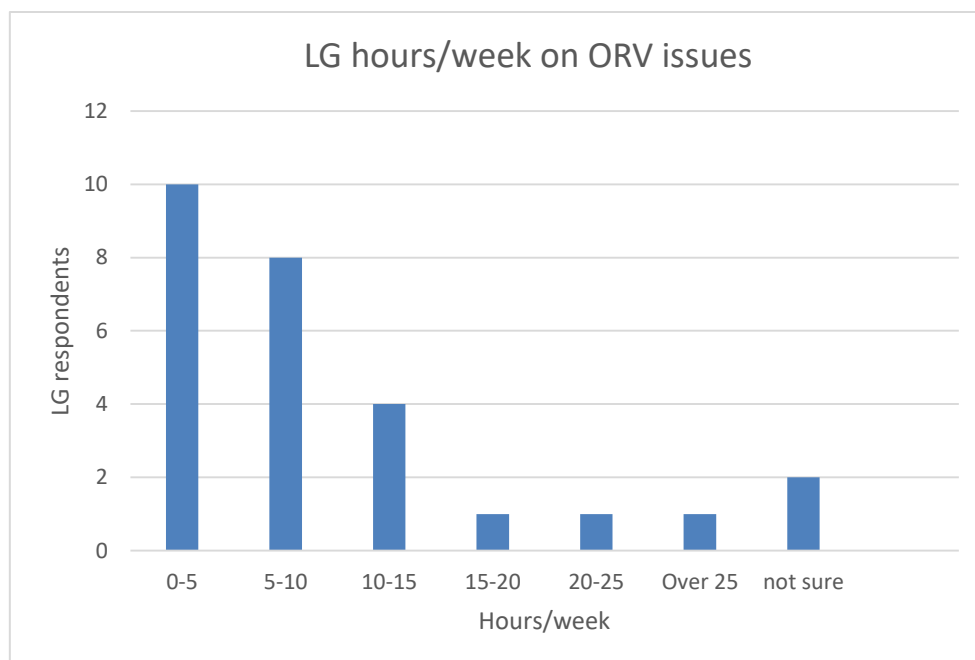
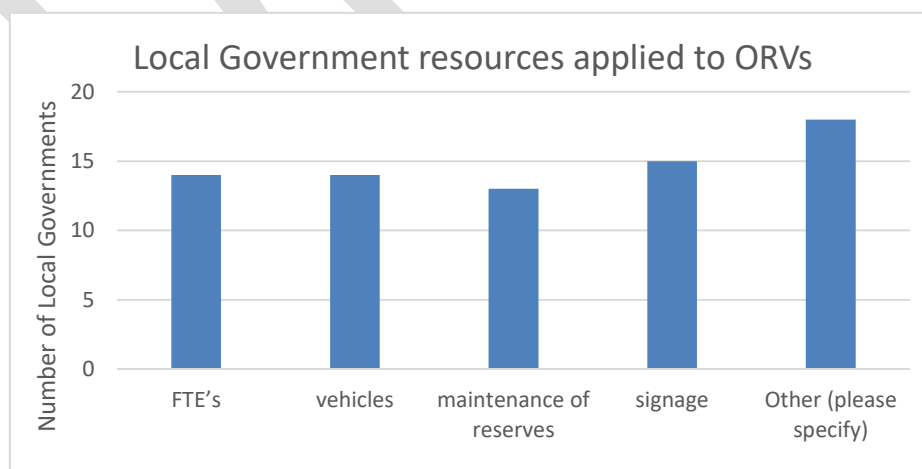


Figure 6 – LG hours/week on ORV issues

This demonstrates the majority of Local Government respondents report spending between 0-15 hours per week on ORV issues in their communities.

6. What Local Government resources are applied?

Figure 7 – Local Government resources applied to ORVs



The “Other” category included monitoring cameras, City Assist patrols, administrative follow-up, and community event education.

7. How can WALGA assist your Local Government?

Legislation, registration and licensing

- Mandatory licensing and registration of ORVs
- Review of the ORV Act and process of dealing with ORV issues

ORV areas

- Assistance to address ORV use in unmanaged crown land and unmanaged reserves
- Lobby for State Government funding to develop and maintain ORV areas

Education

- Development of clear procedures, enforcement tools and training for regulatory officers

Engagement

- Continue to work with stakeholders in the decision-making process.

8.0 Recommendations

The Local Government sector has identified that addressing ORV issues would contribute to improved outcomes for the sector and its communities on a number of levels including community safety, environmental, economic and social impacts. What is clear, is that in order to achieve this, there is no one solution or model, nor is there one stakeholder alone that can act to address common Local Governments issues.

In response to feedback from Local Governments and considering the broader context of ORV management and evidence to support outcomes, WALGA advocates that:

8.1 Recommendation 1

1. State Government conducts a review of current legislation to align licensing and registration of ORVs with other users and vehicles.

Prioritising mandatory licensing and registration of ORVs is fundamental to enabling State and Local Government agencies to effectively regulate the use of ORVs within and outside designated ORV Permitted Areas.

All Local Government respondents supported this recommendation. A table including comments is included below.

Local Government	Comments
Shire of Esperance	A review of the current legislation to align licencing and registration of ORV's is strongly supported by the Working Group. The current legislation does not provide enough clarity in regards to licencing and registration.
Shire of Gingin	Not provided for this recommendation.
City of Greater Geraldton	Not provided for this recommendation.
Shire of Murray	<p>The proposal for legislative changes relating to licensing and registration of ORVs detailed in Recommendation 1 are fully supported.</p> <p>Current enforcement of the Control of Vehicles (Off-road Areas) Act 1978 (the "Act") is extremely difficult due to the majority of offenders/culprits being minors and not criminally responsible for offences committed. Additionally infringements do not act as a deterrent because offences committed by persons under the age of 18 years cannot be referred to the Fines Enforcement Registry (FER).</p> <p>Unlike other legislation involving vehicle offences (i.e. Part 4, Division 2 Road Traffic Administration Act 2008, s.9.13 Local Government Act 1995, etc.) the absence of any requirement under the Act to identify who was in charge of the vehicle at the time the offence makes meaningful enforcement outcomes impossible to achieve.</p>

	<p>Furthermore, Police resourcing and understandably competing operational priorities means that enforcement of the ORV legislation is not always a high priority for WA Police. In most cases complaints to WA Police are forwarded to local government and this needs to be taken into account when the legislation is reviewed.</p> <p>Also during the review of the Act consideration needs to be given to –</p> <ol style="list-style-type: none"> 1. Ensuring the Act is applies throughout the State not just in promulgated areas (reference GG dated 21 December 2010 [page 6753]; 2. Simplify the legislation (plain language) to enable outcomes, objectives and offences to be understood not only by the enforcing agency, but by the general public; 3. Improve the scope of seizing, impounding and confiscation powers for ORV's found in contravention of the Act (during or after the fact) by local government officers without the need for a court order, as is currently the case under s.42 of the Act). Reference is made "Hoon Laws" under Part V, Division 4, Subdivision 2 of the Road Traffic Act 1974. Consequential amendment may be required to the Local Government Act 1995 (LGA) to deal with impounding ORV's so LGA requirements do not apply, and; 4. Significantly increase available modified penalties under the associated subsidiary legislation to provide meaningful deterrent value. <p>In January 2015 a number of local government, Water Corporation, WA Police, Parks and Wildlife representatives meet with then Minister for Local Government, Hon. Mr. Tony Simpson in Mundijong to consider ORV issues limiting enforcement. At this meeting the points outlined above were discussed along with improving education, registration and licencing requirements at the point of sale (whether new or second hand).</p> <p>Obvious frustration was very evident with the current legislation across the broad representation at this meeting and it would be reasonably expected that this view remains at this point in time.</p>
<p>Town of Port Hedland – Officer Comment</p>	<p>Prioritising mandatory licensing of all ORV's, exceeding 200Watt power output, would benefit Local Government and WA Police significantly allowing for the rapid identification of compliant / non-compliant vehicles at any time. The requirement to register ORV's would also enable the public to report in more detail registered ORV's that are witnessed committing offences such as entering Town or State land, damaging the environment etc.</p>

	<p>It is strongly recommended that the licencing/registration of ORV's be brought in line with the requirements of the Road Traffic (Vehicles) Act 2012. This would require registered vehicles to display registration plates in clear view. Failure to display registration plates would then result in vehicles being treated as unregistered thus providing a clear framework for enforcement action.</p> <p>It is recommended that a tiered registration model be adopted governing the type of licence/registration required to operate on certain land. If the vehicle is expected to only be used on private land then a basic licence/registration type should be required. If the ORV is expected to be used on State land or reserves then a higher level of licence/registration type with conditions of use should be required. This would be reflected on the registration plate allowing for easy visual identification by authorised officers, Rangers and Police.</p> <p>Further to the above comments, it is strongly recommended that legislation be adapted/modified to capture all ORV's used on public land which are not licenced/registered. The provisions of s80 O of the Road Traffic Act 1974 provides Police the ability to impound an 'unlicensed motor cycle used on road'. This severely limits the authority of Police to intervene in situations where ORV's such as quad bikes or dune buggies are used in public thoroughfares.</p>
Peter Nash, Regional NRM Facilitator, South West Group	Registration of ORV's should be mandatory, not voluntary. This would generate an income stream that can be reinvested to support ORV use and would provide a means of identifying and prosecuting those using ORVs illegally or irresponsibly.

Rationale behind proposed changes to legislation

Western Australian law provides for the regulation and control of vehicles and their operation in most circumstances in the community. The rationale behind current vehicle regulation is summarised as providing minimum standards for:

- Vehicle safety relevant to vehicle construction, maintenance, fixtures and fittings;
- Safe use, operation and driving of vehicles;
- The control of criminal activity and address risks to public safety and amenity via the:
 - Identification of vehicles; and
 - Identification of persons responsible for ownership, operation or driving of a vehicle.

Current legislation however, does not apply these principles consistently to all vehicle types, resulting in ORVs being almost completely uncontrolled as shown in Table 3.

Vehicle Type	Vehicle Licence / Identification Required?	Road Worthiness / Safety Requirements	Driver Licence / Ticket Required?	Use Locations Restricted?	Enforcement Agency
Cars, Trucks, SUVs, 4WD, Motorbikes, etc. <i>Road Traffic (Vehicles) Act 2012</i>	✓	✓	✓	✓ Road Reserves	DoT WAPF
Recreational Boats	✓	✓	✓	✓	DoT WAPF
Off Road Recreational Vehicles <i>Road Traffic (Vehicles) Act 2012 and Control of Vehicles (Off-road Areas) Act 1978</i>	✓ LIMITED TO ONLY Conditional Licensing OR Registration for Permitted Areas	✓ LIMITED TO ONLY where conditional Licensing applies	×	✓ LIMITED legislation does not enable effective regulation	<ol style="list-style-type: none"> 1. WAPF 2. LG – limited to LG property and Permitted Areas 3. CALM – limited to CALM land 4. Water Corp. – limited to Water Corp. land

Table 3 - Current legislation applications

The limitations for effective regulation and control of ORVs both inside and outside of Permitted Areas has been an ongoing major concern for the community and authorities for many years, contributing to negative impacts for user safety, public safety and amenity, and also illegal activity.

There is a strong argument for ORV regulatory arrangements to be amended to align with the regulatory rationale applied to on-road vehicles and recreational boats.

Regulatory Arrangements in 2018

The *Control of Vehicles (Off-road Areas) Act 1978* is:

An Act to prohibit the use of vehicles in certain places, to make provision as to the use of vehicles otherwise than on a road, to provide for areas where the use of off-road vehicles shall be permitted, for the registration of off-road vehicles, and for related purposes.

The Act defines an *off-road vehicle* as meaning - a vehicle which is not licensed, deemed to be licensed, or the subject of a permit granted, under the *Road Traffic (Vehicles) Act 2012*. This includes any vehicle that is not primarily designed for on-road use.

Whilst the *Control of Vehicles (Off-road Areas) Act 1978* provides for registration of vehicles under s.28A, the registration of any vehicle is at the discretion of the owner, dependent on its proposed use, either as licensed or registered.

Once licensed or registered the vehicle is required to display the relevant number plate.

Section 34(2) of the Act prescribes as an offence, the driving or using of a vehicle licensed under the *Road Traffic (Vehicles) Act 2012* on any land (other than as per the *Road Traffic (Vehicles) Act* or on private land with consent) unless number plates are affixed.

Section 6 prescribes a range of offences for driving or using an ORV, which in operation includes:

- In the following land areas:
 - Crown Land.
 - Local Government property, including land under the care, control or management of the Local Government.
 - Private land without the owner's consent.
 - Prohibited Areas declared under s.16 of the *Control of Vehicles (Off-road Areas) Act 1978*.
- Creating or causing excessive noise, whether or not on private land.

Off-road vehicles and ORV users are not, however, required to be registered or licensed for use outside the above prescribed circumstances, resulting in the majority of ORV use being uncontrolled meaning the existing regulatory controls are unable to be effectively and consistently enforced.

Legal Framework Gaps

Successive State Government proposals for improving regulatory arrangements for ORV enforcement have focused on requiring a range of regulatory bodies, including Local Governments, to leverage existing land control and regulation mechanisms as shown in Table 4.

Legislation	Responsible Agency for Enforcement
<i>Conservation and Land Management Act 1984</i> and <i>Conservation and Land Management Regulations 2002</i>	Department of Water and Environment Regulation
<i>Land Administration Act 1997</i>	Department of Planning, Lands and Heritage
<i>Metropolitan Water Supply, Sewerage and Drainage Act 1909</i> and By-laws 1981	Department of Water and Environment Regulation
<i>Road Traffic Act 1974</i> and associated subsidiary legislation	WA Police Force
<i>Motor Vehicle (Third Party Insurance) Act 1943</i> and <i>Motor Vehicle (Third Party Insurance) Regulations 2009</i>	Insurance Commission of Western Australia
Local Laws	Local Government

Table 4 – Regulatory mechanisms

The majority of these regulatory instruments, however, relate to offences regarding the use of land without appropriate approval. They were never contemplated or intended for the purpose of regulating vehicles, protecting users, maintaining public safety or amenity, or controlling illegal use of ORVs.

Therefore, when attempting to apply these existing regulatory mechanisms to ORV use, they are rendered incapable of effective enforcement due to:

- the inability to identify vehicles; or
- the inability to identify vehicle owners or responsible person; or
- the inability to identify vehicle drivers or operators; or
- the absence of legislative authority for the various agencies to pursue vehicles or detain/apprehend drivers or operators.

Improving ORV regulation and control

Amendments are required to existing legislation to provide for:

- The registration or licensing of any vehicle other than when used solely on private property with the consent of the property owner or occupier.
- The registered owner of an ORV is responsible for any contraventions or offences committed by a person under 16 years of age who is operating or driving the ORV at the time.
- The registered or licensed owner of an ORV is responsible for any contraventions or offences where the person responsible for operating or driving an ORV at the time the contravention or offence occurs cannot be identified.

Given the nature of offences involving ORVs (i.e. an ORV user can simply drive away from law enforcement), many of the regulatory agencies, other than WA Police, do not have the resources nor trained personnel to appropriately and safely pursue and apprehend ORV users. WA Police are key to ORV enforcement particularly in circumstances where there is evidence of serious risk to the safety of ORV users and/or the public.

8.2 Recommendation 2

2. State Government to allocate funding for feasibility studies to identify suitable sites for new ORV Permitted Areas throughout the State which considers environmental values, future land use planning, public safety and amenity and Local Government risk and liability issues.

All Local Government commenters supported this recommendation, with the Peter Nash, Regional NRM Facilitator, South West Group requesting the inclusion of 'environmental values' in the recommendation. This has now been included. A table including comments is included below.

Local Government	Comments
Shire of Esperance	The Working Group would welcome funding for feasibility studies to help identify new suitable ORV sites and would hope this funding would be available for projects across multiple land tenures and managers.
Shire of Gingin	Not provided for this recommendation.
City of Greater Geraldton	Not provided for this recommendation.
Shire of Murray	<p>The proposal for further investigation outlined in Recommendation 2 are supported, depending on timely outcomes being achieved.</p> <p>The lack of suitable areas for ORV use has been an ongoing issue for many years. The Shire of Murray actively participated in the development of the State Trail Bike Strategy (STBS) that was instigated jointly by the former Departments of Sport and Recreation and the Department of Local Government. Participation also occurred in the development of the Swan-Collie Land Use Planning study commissioned by the former Department of Environment and Conservation.</p> <p>These studies were completed in 2008 and 2010 respectively. In 2010 the Minister for Sport and Recreation confirmed that cross agency support was required to progress the report recommendations and a chair of a Joint Agency Implementation Committee had been appointed. To date no real progress has been achieved from the outcome of either study, notwithstanding the opportunity to report on this paper</p> <p>Illegal and legal ORV use transcends local and regional boundaries and the State must play the primary role in the master planning process, with input from all stakeholders to identify, develop and manage a sufficient number of approved ORV areas to effectively cater for all classes of off road vehicle use, within reasonable close proximity to the Perth Metropolitan Region or close by regional areas.</p> <p>Whilst it is acknowledged that some unlawful ORV will continue to occur irrespective of legal use opportunities being available and provided. Having legal use options provides the opportunity</p>

	<p>to educate and divert the vast majority of ORV users to approved locations, and this in turn will reduce illegal use.</p> <p>If and when more legal ORV use areas are provided framework needs to be established to enable the not for profit sector, such as the Recreational Trailbike Riders Association or other like associations or other entities to manage legal operating area on crown managed land, with the appropriate support by the State to fund insurance needs and ongoing maintenance.</p> <p>The burden for funding approved ORV areas, wherever located should not be the responsibility of local government either singularly or collectively.</p>
Town of Port Hedland – Officer Comments	<p>The provision of appropriate, quality recreation areas for the people of Port Hedland has remained a strong focus of the Town. Through community consultation and long term master planning that Town currently offers a variety of both specialised and mixed use recreational sites. At present that Town currently has two locations where the use of ORV's is not regulated. These are provided with the hope that the community will restrict the use of these vehicles to these sites alone.</p> <p>Unfortunately the use of ORV's in areas such as protected reserves, streets and public places continues to be an ongoing issue, and an issue that has put a significant drain on both the Town and Police resources.</p> <p>While support for the investigation of additional locations for ORV use is a good outcome of the review, a more comprehensive review on the necessities of ORV sites such as appropriate signage including conditions of use would be a better outcome for Local Governments and regulatory authorities.</p>
Peter Nash, Regional NRM Facilitator, South West Group	<p>Recommendation 2 currently reads "State Government to allocate funding for feasibility studies to identify suitable sites for new ORV Permitted Areas throughout the State which considers future land use planning, public safety and amenity and Local Government risk and liability issues."</p> <p>It should be amended to read "State Government to allocate funding for feasibility studies to identify suitable sites for new ORV Permitted Areas throughout the State which considers environmental values, future land use planning, public safety and amenity and Local Government risk and liability issues."</p>

Local Governments have identified the need for more ORV Permitted Areas which may assist in addressing some current issues by diverting users from illegal unmanaged areas to properly designated, managed, and legal areas. While there is likely a proportion of ORV users who will not comply regardless of regulation, enforcement and other measures, there is evidence from Local Governments, other jurisdictions within Australia, and from user

groups that suggests there is a cohort who are simply unaware and would comply with better knowledge and education around Permitted Areas and registration.

As discussed, the *WA State Trail Bike Strategy 2008* survey revealed that the primary concern reported by users was lack of facilities, with currently only Pinjar and Medina available in the metropolitan area.

WALGA acknowledges this recommendation will not be suitable for all Local Governments; however in the right setting it does have a sound evidence base. It is noted that in peri urban areas and metropolitan areas, land is far less available than in regional areas and different approaches need to be scoped, for example, shared regional facilities.

8.3 Recommendation 3

3. State Government to develop and implement, in collaboration with WALGA and ORV stakeholders, educational resources and training suitable to the specific needs of ORV users, stakeholders and Local Governments. Resources should include; guidance on compliance and enforcement arrangements aligned with the ORV Act and other relevant legislation, user and Permitted Area operational safety, signage standards, insurance and liability mitigation strategies.

All Local Government respondents supported this recommendation. A table including comments is included below.

Local Government	Comments
Shire of Esperance	Educational resources and training would be very welcomed and supported, currently the lack of resources and training is leaving a vacuum, and leads to misinformation around ORV's.
Shire of Gingin	Some basic planning and management tools relating to signage, education and sound management will allow and enable all users to continue enjoying this area for years to come. The development of a "Toolkit" encompassing sound information including educational information backed up by improved signage and education monitoring and development will allow our Dunes to be enjoyed for a lot longer - otherwise who is going to replace our growing economy from the Icon Sand Dune Attraction.
City of Greater Geraldton	Not provided for this recommendation.
Shire of Murray	The proposals outlined to broadly support compliance, enforcement and improve education and training on the various issues, as detailed in Recommendation 3 are supported.
Town of Port Hedland – Officer Comments	The development of community and user education would be of great benefit for all involved. If the public is fully informed about their liabilities and associated risks prior to using an ORV, the user could be held more accountable for their own action rather than the State or a Local Government.

	The development of a regulatory framework encompassing signage standards comparable to the Road Traffic Code 2000 and enforcement action similar to the provisions of the Road Traffic Act 1974 or Road Traffic (Vehicles) Act 2012 would provide a clear structure that can be easily rolled out through educational mechanisms.
Peter Nash, Regional NRM Facilitator, South West Group	Not provided for this recommendation.

Local Government survey data as well as feedback from the workshop in April 2017 recommended the development of community and user educational resources to enable better understanding of the relevant legislation, enforcement options (including appropriate advisory signage) insurance, liability and risk management issues for Local Governments.

With greater clarity of current regulation and best practice, Local Governments are best placed to make informed decisions for the future. This is an opportunity for WALGA to provide support to Local Government through capacity building.

A current literature review should be considered with the intention of updating and collating resources into a package which is complemented by relevant training for Local Government officers.

8.4 Recommendation 4

4. State Government to develop and implement, in collaboration with ORV vendors, resources and practices that ensure ORV buyers are informed at the point of sale about ORV registration, applicable vehicle use regulations and consequences of non-compliance.

All Local Government commenters supported this recommendation. A table including comments is included below.

Local Government	Comments
Shire of Esperance	A standardised resource pack, providing information at the point of sale of an ORV is supported and will help provide clear consistent advice to ORV purchasers.
Shire of Gingin	Not provided for this recommendation.
City of Greater Geraldton	Not provided for this recommendation.
Shire of Murray	Recommendation 4 is supported as one-step to raise awareness about ORV registration. Has consideration been given to applying to a means of making ORV registration compulsory for all ORV's (trailbikes, quads, pitbikes, beachbuggys etc) at the point of sale and during second hand transactions?

	Applying compulsory registration will have long term benefits for enforcement and the number of stolen bikes may be reduced by improved identification and data recording.
Town of Port Hedland – Officer Comments	<p>The Town's comments thus far have indicated a strong position on mandatory registration/licensing of ORV's. To ensure that this process commences at the earliest point it is recommended that ORV vendors provide clear information at the point of sale regarding</p> <ul style="list-style-type: none"> - areas where ORV's can be used legally, - information regarding registration/licensing - safe ORV operation and personal protective equipment - securing the ORV to prevent theft - where the purchaser can access additional information <p>To support the above outcome, the development of an online resource site to provide comprehensive information regarding owning and operating ORV's should be established.</p> <p>Carrying on from the topic of education at the point of sale, the Town of Port Hedland has sought a signed agreement from local fuel suppliers to ban the sale of fuel to ORV's that are not on a trailer or ute etc. Any ORV that is driven to the establishment will be prevented from refuelling and the occurrence will be reported to Town Rangers or Police. This action alone has seen a positive change for the community by lowering ORV street usage.</p>
Peter Nash, Regional NRM Facilitator, South West Group	Not provided for this recommendation.

Importantly it is currently not compulsory to register an ORV. While a vendor can inform the purchaser of an ORV about registration, the onus is ultimately on the purchaser to licence or register the ORV.

Again, while there is a proportion of ORV users who will not comply regardless of regulation, enforcement or other measures, there are users who are simply unaware and would comply with better knowledge and education about Permitted Areas and registration particularly in the case of trail and quad bikes.

The nominal registration fee of \$15 safe-guards ORV owners through vehicle identification, should they ever be stolen. This benefit is not always recognised by ORV owners.

8.5 Recommendation 5

5. Consider and consult on the regulation of the supply chain and retailer's role in providing information to buyers regarding ORV registration, regulation, restrictions and enforcement.

All Local Government respondents supported this recommendation, with the Shire of Esperance requesting the inclusion of the supply chain in the recommendation. This has now been included. A table including comments is included below.

Local Government	Comments
Shire of Esperance	The Working Group agrees that providing this information is required but feels that regulating the retailer's role in providing information is going too far, and other players in the ORV sale like the manufacture should also play a role in providing this information.
Shire of Gingin	Not provided for this recommendation.
City of Greater Geraldton	Not provided for this recommendation.
Shire of Murray	Not provided for this recommendation.
Town of Port Hedland – Officer Comments	It is clear that education regarding the safe use and legal operation of ORV's needs to start at the point of sale. This process will not only enable owners to be fully informed from the outset but enable enforcement to be a much cleaner process with arguments such as "I didn't know about the laws" or "no one told me I couldn't ride here" becoming invalid.
Peter Nash, Regional NRM Facilitator, South West Group	<p>Motorcycle and motor vehicle dealers are licensed, which readily enables the state government to require retailers under the terms of their license to supply the customer at time of purchase with a brochure or other written information explaining the penalties for its illegal use. It could be included in or attached to the Contract of Sale. While likely to meet with resistance from retailers, this would be a more effective mechanism of ensuring the customer is supplied with the information than encouraging ORV retailers to communicate the penalties verbally.</p> <p>Despite it being illegal for anyone other than a licensed motorcycle dealer to sell new motorcycles, cheap motorcycles are often imported and sold illegally by unlicensed backyard sellers. The state government needs to clamp down on this illegal activity to ensure that the community can only buy new motorcycles from licensed motorcycle dealers who can be mandated to provide the customer with any ORV information deemed necessary.</p>

At this time, in the absence of any major community education campaign, it is considered that many ORV users are completely unaware that their recreational use is often occurring in illegal circumstances i.e. on private or public land without the owner's permission.

There are perhaps some responsible retailers who ensure prospective ORV buyers are advised of the requirements for ORV registration, regulations and restrictions affecting the use of ORV in Permitted Areas as well as the offences and enforcement arrangements where an ORV is used in illegal circumstances.

However, consistently providing this information to all prospective ORV buyers is likely to impact buyer decisions, and may cause reduced sales opportunities for retailers.

The risk of reduced sales opportunities may be a substantial disincentive for retailers to voluntarily and consistently provide the information to prospective ORV buyers.

Substantial benefits may however be obtained by ensuring buyer education before a purchasing decision is made:

- Buyers invest with full understanding of how and when they may use their ORV within the requirements of the law.
- Increase responsible ownership and reduced ORV use in illegal circumstance.
- There are no surprises for new ORV owners, when they are caught using vehicles in illegal circumstances.
- Some Buyers will chose not to purchase, once they understand the restrictions and enforcement requirements, providing a benefit through the reduction in illegal use.
- Increased community awareness of ORV responsible use requirements.

8.6 Recommendation 6

6. State Government to develop and implement, in collaboration with stakeholders and industry representatives, resources to educate and raise community awareness about the proper use of ORVs, ORV permitted and prohibited areas, and the consequences of non-compliance.

All Local Government respondents supported this recommendation. A table including comments is below.

Local Government	Comments
Shire of Esperance	The Working Group support the development and implementation of resources to educate and raise community awareness about proper use of ORV's and would like the resources to include safety and environmental effects of ORV use.
Shire of Gingin	Not provided for this recommendation.
City of Greater Geraldton	Not provided for this recommendation.
Shire of Murray	<p>Community education on the appropriate use of ORVs and restrictions as to where and how ORVs can and cannot be used, will contribute to improved consumer decisions about their choices in purchasing ORVs and the manner in which they may or may not be able to use them. It will also assist existing ORV owners and users to recognise where their usage and behaviours may actually be offences and assist them in finding ways to avoid future offences.</p> <p>Broader community awareness of appropriate and illegal use, will contribute to a cultural shift for how our community engages with and identifies offenders and reports offences.</p>
Town of Port Hedland – Officer Comments	Education, no matter what the subject, will always improve safety and compliance. To that end, the development of a 'one stop shop' resource for information regarding the safe, legal and appropriate use of ORV's is essential. Combining this with a wide-reaching educational campaign targeting all demographics within the ORV user base will no doubt provide a marked improvement. The Town would strongly support outcomes in this area.
Peter Nash, Regional NRM Facilitator, South West Group	Not provided for this recommendation.

Community education on the appropriate use of ORVs and restrictions as to where and how ORVs can and cannot be used, will contribute to improved consumer decisions about their choices in purchasing ORVs and the manner in which they may or may not be able to use them. It will also assist existing ORV owners and users to recognise where their usage and behaviours may actually be offences and assist them in finding ways to avoid future offences.

Broader community awareness of appropriate and illegal use, will contribute to a cultural shift for how our community engages with and identifies offenders and reports offences.

8.7 Recommendation 7

7. Ensure that WA Police Force allocates resources to address unlawful ORV use 'hot spots', in consultation with Local Government law enforcement

All Local Government respondents supported this recommendation. A table including comments is below.

Local Government	Comments
Shire of Esperance	Strongly support WA Police Force having the adequate resources to address unlawful ORV behaviour.
Shire of Gingin	Not provided for this recommendation.
City of Greater Geraldton	<p>During joint ORV operation discussions with Geraldton Police and Ranger Services, Police confirmed Police pursuit of ORV drivers would not occur due to the potential of causing injury.</p> <p>This feedback is provided to assist with potential reluctance of Police to agree to pursue ORV's as contained within the content of Recommendation 7 content.</p>
Shire of Murray	<p>Local Government Law Enforcement officers (Rangers and other authorised officers) are often the first called to deal with unlawful ORV use or excessive noise complaints. Local Government officers may need to engage several vehicles and personnel to try to locate and stop unlawful ORV users who are causing social, environmental and community asset damage.</p> <p>The very nature of ORVs however, makes difficult to track down and stop ORV users who are determined to evade law enforcement.</p> <p>It is not the role of Local Government law enforcement personnel to engage in vehicle chase and blockade tactics, nor are Local Government law enforcement personnel suitably trained for these purposes. Therefore, Local Governments will request WA Police to attend, particularly where the unlawful ORV use is causing public safety risks, substantial detriment to public amenity and / or substantial damage to the environment or community assets.</p> <p>WA Police will respond where they have sufficient available resources; however WA Police response to ORV issues in the community is often treated as a low policing priority. The result is that in some circumstances, unlawful ORV use, the public safety risks and damages to environment and community assets is unable to be controlled and offenders are not infringed or prosecuted.</p> <p>It is recommended that WA Police work collaboratively with Local Government to develop policing strategies, which can respond to Local Government requests for assistance to</p>

	address ORV illegal use 'hot spots' in a coordinated and targeted manner.
Town of Port Hedland – Officer Comments	As a local government we understand the drain on resources that issues such as ORV regulation can place on an organisation. To that end, any outcome that sees funded and supported dedicated resources for ORV regulation within the WA Police Force would be greatly supported. Existing partnerships between local governments and Police, bolstered by State and Federal support, would have a dramatic effect on the occurrences of inappropriate ORV use.
Peter Nash, Regional NRM Facilitator, South West Group	Not provided for this recommendation.

Local Government Law Enforcement officers (Rangers and other authorised officers) are often the first called to deal with unlawful ORV use or excessive noise complaints. Local Government officers may need to engage several vehicles and personnel to try to locate and stop unlawful ORV users who are causing social, environmental and community asset damage.

The very nature of ORVs however, makes difficult to track down and stop ORV users who are determined to evade law enforcement.

It is not the role of Local Government law enforcement personnel to engage in vehicle chase and blockade tactics, nor are Local Government law enforcement personnel suitably trained for these purposes. Therefore, Local Governments will request WA Police to attend, particularly where the unlawful ORV use is causing public safety risks, substantial detriment to public amenity and / or substantial damage to the environment or community assets.

WA Police will respond where they have sufficient available resources; however WA Police response to ORV issues in the community is often treated as a low policing priority.

The result is that in some circumstances, unlawful ORV use, the public safety risks and damages to environment and community assets is unable to be controlled and offenders are not infringed or prosecuted.

It is recommended that WA Police work collaboratively with Local Government to develop policing strategies, which can respond to Local Government requests for assistance to address ORV illegal use 'hot spots' in a coordinated and targeted manner.

8.7.1 Additional Local Government Feedback

Although strong support for the majority of the recommendations was indicated, the Shire of Gingin urged caution with heavy restriction, enforcement and policing, as the benefits of ORV tourism are vital to their region's economy.

The Shire of Esperance expressed concern about the use of ORVs on beaches, and sought clarity about the legislative requirements that they can operate and be controlled under.

Peter Nash, Regional NRM Facilitator, South West Group, commended WALGA for considering the broadest definition of ORV's (e.g. to include registered vehicles used in off-road locations) in this paper. Irresponsible use of 4WD's causes major environmental damage and poses significant risks to human safety.

Peter Nash went on to comment that segregation of 4WD's, dune buggies and side-by-sides from motorcycle riding areas in designated ORV areas is essential for the safety of motorcycle riders, especially children and novice riders, and is essential if more riders are to be encouraged to ride in designated ORV areas. Providing fit-for-purpose, safe ORV areas has significant potential to reduce illegal ORV use in parks and reserves. He also suggested that the opportunity to make environmental gains should be thoroughly investigated when planning to invest in new ORV areas, or in upgrading existing underdeveloped ORV areas.

Peter Nash also cited existing examples (for example the Queensland Moto Park) where Local and State Governments and ORV organisations have effectively collaborated to fund and manage regional ORV facilities that provide regional benefits and which operate effectively on a user-pays basis.

9.0 Conclusion

Local Governments require support in the management of ORVs in their jurisdictions to improve community safety and for better environmental, economic and tourism outcomes.

The recommendations in this paper were broadly supported by Local Government respondents. As the level of Government closest to the community, WA Local Governments have a wealth of experience with ORV issues to draw on, and have identified opportunities which will add value to the implementation of these recommendations.

Addressing these recommendations will require ongoing sustained commitment from decision makers across the board. Clearly, the implementation of the recommendations will also necessitate all stakeholders at all levels to work in partnership to achieve the best possible outcomes for the communities and jurisdictions which they serve.

10.0 Appendix Local Government Comment

Shire of Murray

City of Greater Geraldton

Peter Nash, Regional NRM Facilitator, South West Group

Town of Port Hedland, Officer.

Shire of Esperance Working Group

Shire of Gingin

DRAFT

5.8 Submissions – *Public Health Act 2016* Regulation Review Program (05-031-01-0001 EDR)

By Evie Devitt-Rix, Senior Policy Advisor, Community

Recommendation

That the interim submissions provided to the Department of Health *Public Health Act 2016* Discussion Papers on Regulations for Construction Sites Facilities, Temporary Toilets and Cloth Materials be endorsed.

In Brief

- *The Public Health Act 2016* (the Public Health Act) is progressing through a five-stage process of implementation and is currently at Stage 4.
- All regulations from the previous *Health Act 1911* will be repealed, and replaced with new regulations at the commencement of Stage 5.
- As part of the regulation review program, the Department of Health (DOH) released discussion papers on sanitation provision and maintenance at construction sites and mobile, temporary or remote worksites; cloth materials; and temporary toilets in July 2018. These papers were circulated for Local Government consultation, which was open for a period of 12 weeks.
- WALGA engaged with Local Governments to produce a response to each of these discussion papers.

Attachments

Three Submission Letters

Discussion Papers can be accessed here <https://ww2.health.wa.gov.au/Improving-WA-Health/Public-health/Public-Health-Act/Regulation-review-program>

Relevance to Strategic Plan

Key Strategies

Engagement with Members

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

Sustainable Local Government

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

Enhanced Reputation and Relationships

- Communicate and market the profile and reputation of Local Government and WALGA;
- Promote WALGA's advocacy successes with the sector and the wider community;

- Strengthen effective relationships with external peak bodies and key decision makers in State and Federal Government.

Background

The development and introduction of the Public Health Act is a major public health initiative and regulatory reform undertaking for Western Australia. WALGA State Council has consistently advocated for the introduction of the Public Health Act as a foundation for a risk management approach to public health for both State and Local Government. (Resolutions 0159.COM.6/2005, 307.6/2007, 9.1/2015).

The Public Health Act together with the supporting *Public Health (Consequential Provisions) Act 2016* received Royal Assent on the 25th July 2016, and is moving through a process of staged implementation. Currently the Public Health Act has completed Stage 4 of implementation.

Stage 5 of the Public Health Act will include the development of new regulations, and the commencement of the enforcement provisions for Public Health Planning, Public Health Assessments and registration and licensing. Stage 5 is a significant stage of implementation for Local Government, and the DOH has worked with officers and Elected Members in the lead up to this stage, including consulting on the development of regulations. Stage 5 is expected to commence in 2021 on a date fixed by proclamation. Provisions in the Public Health Act relating to environmental health matters will be commenced, and this will involve the development of new regulations for areas including the built environment, water, personal safety and pests and vectors. Equivalent provisions in the *Health (Miscellaneous Provisions) Act 1911* and regulations and by-laws made under that Act will be repealed.

The preparatory work for the development of new regulations under the *Public Health Act 2016* relating to environmental health matters has now commenced and proposes new regulations to address:

- the built environment
- water (including treatment of sewerage and disposal of effluent and liquid waste and underground water supply)
- body art and personal appearances
- pests and vectors.

WALGA previously made comment on the Public Health regulations, and provided information to Local Governments on the Morgues discussion paper and Offensive Trades regulations. Currently the discussion paper for Aquatic Facilities and Public Buildings have been circulated for consultation, and WALGA will provide a response to each of these papers.

In August and September 2018, WALGA provided comment on the following discussion papers: *Managing sanitation provision and maintenance at construction sites and mobile, temporary or remote worksites under the Public Health Act 2016*; *Management of the public health risks associated with cloth materials in Western Australia* and *Managing the public health risks associated with temporary toilets*.

The closing date for comment was outside of the State Council process, so the letters of response were sent to the People and Place Policy Team and WALGA Executive Committee for review and approval before providing to the DOH as an interim submission, awaiting final State Council endorsement at the December meeting.

Comment

Through the regulation review process, each regulation from the *Health (Miscellaneous Provisions) Act 1911* will be consulted on, through a working group or consultation session, and a discussion paper prepared to discuss the future options for each regulation.

These options may include:

- retaining the status quo by replacing the current regulation with the equivalent regulation under the *Public Health Act 2016*;

- repealing the existing regulations and replacing with a Public Health Guideline, supported by the *Public Health Act 2016* general public health duty;
- taking no action and allowing existing regulations to be repealed without replacement; or
- updating regulations.

Sanitation Provision and Maintenance at Construction Sites and Mobile, Temporary or Remote Worksites

The Discussion Paper *Managing Sanitation Provision and Maintenance at Construction Sites and Mobile, Temporary or Remote Worksites* (the Construction Sites Discussion Paper), reviewed the requirement to provide a temporary toilet at a construction site under the existing *Health (Temporary Sanitary Conveniences) Regulations 1997* and the *Health (Construction Work) Regulations 1973*. The Discussion Paper outlines the DOH preferred option – to develop a Guideline which is supported by the general public health duty in the *Public Health Act 2016*.

The Association placed an item in *LG News* and *Community and Place News* requesting feedback on the Construction Sites Discussion Paper, and additionally requested feedback from Local Governments through the Metropolitan Environmental Health Managers Group (MEHMG). As no feedback was received by the requested date, Association officers sought feedback directly from three Local Government Environmental Health Officers (EHOs) from the City of Cockburn, Shire of Serpentine Jarrahdale and Shire of Murray. The feedback received indicated that these Local Governments were comfortable with the DOH's suggested course of action.

Additionally, advice was sought from the WALGA Governance team to ensure that support of this option would result in beneficial outcomes for Local Governments more broadly. Feedback from the Governance team included concerns that a Guideline was not enforceable by law, and that the general public health duty may not be an effective legal measure to enforce a Guideline.

WALGA's response to the DOH included both the Local Governments' response, and the concerns raised by the Governance team, to ensure that the DOH were able to consider the full legal consequences of the chosen option.

Cloth Materials

This Discussion paper: *Managing the risks of Cloth Materials* received feedback from Local Governments on the management of public health risks associated with the sale and hire of second-hand items such as clothing and costumes, carpets and other soft floor coverings, footwear, and bedding.

The Association used the channels previously outlined to gather feedback from Local Governments. The three previously identified Local Government representatives were comfortable with the DOH's preferred option, to repeal the *Health (Cloth Materials) Regulations 1985* without replacement, and develop a Guideline for the sanitation of hire and second-hand clothing and goods. Additionally, a comprehensive written response received from the City of Belmont outlined the additions to a potential Guideline which would ensure that all scenarios are addressed, to continue to allow EHOs power to enforce the range of possible situations that may arise. This feedback was included in WALGA's response.

WALGA officers again utilised the advice of the WALGA Governance team to address this discussion paper, and they too were comfortable with supporting the DOH preferred option.

Temporary Toilets

The *Managing the Public Health Risks Associated with Temporary Toilets* Discussion Paper outlines options for temporary toilets used at events and short-term worksites from the perspective of the provision of accessible toilets.

WALGA engaged Local Governments using the communication channels described above. Discussions with the three Local Government (allowing for a consistent approach) officers demonstrated that Local Governments are comfortable with Option D, to repeal the *Health*

(Temporary Sanitary Conveniences) Regulations 1997 and develop a DOH Public Health Guideline for the provision of temporary toilets.

The Association also used the WALGA advocacy position on Disability, endorsed by State Council, to comment on the paper, as one of the key questions in the paper was related to accessibility of temporary toilets. The Governance team's comments on the Construction Sites Discussion Paper were also included, as they were relevant to both issues.

During the consultation process on the three regulation review discussion papers, WALGA were unable to elicit feedback from the majority of Local Governments. Discussions with MEHMG at their September 2018 meeting resulted in the suggestion of a more streamlined method for Local Governments sharing feedback with both the DOH and WALGA. This approach has already been successful in gathering feedback for comment on the DOH Aquatic Facilities and Public Buildings discussion papers, which are currently being consulted on.

Item 5.8 Attachment 1
Temporary Toilets Consultation



13 September 2018

Our Ref: 05-031-01-0001EDR

Temporary Toilets Consultation
Environmental Health Directorate
Department of Health
PO Box 8172
PERTH BUSINESS CENTRE WA 6849

Dear Sir/Madam,

RE: DISCUSSION PAPER: MANAGING THE PUBLIC HEALTH RISKS ASSOCIATED WITH TEMPORARY TOILETS

Thank you for the opportunity to comment on the discussion paper: *Managing the Public Health Risks Associated with Temporary Toilets* (the discussion paper).

As the peak body representing WA Local Governments, the Association appreciates the long consultation time, which provides Local Government ample time to comment. The input of Local Government Environmental Health Officers (EHOs) is vital for the regulation review program, as they are a key enforcement body for the *Public Health Act 2016* and regulations

WALGA has engaged Local Government EHOs for comment on the Discussion Paper. Overall, these discussions with the sector have demonstrated that EHOs are comfortable with Option D, to repeal the Health (*Temporary Sanitary Conveniences*) Regulations 1997 and develop a Department of Health (DOH) Public Health Guideline for the provision of temporary toilets.

Local Governments have commented that the requirement for accessible toilets for events should be included in the Events regulations, and that the issue of numbers and types of accessible toilets made available at events should be discussed by the DOH Events Working Group.

WALGA's position on Disability is as follows: The Local Government sector is committed to creating inclusive communities by people with disabilities having the same opportunities as other community members to access information, facilities and services provided by Council.

Therefore WALGA would appreciate information on types of accessible temporary toilets being made available under a Guideline, and that a Guideline recommends that provision of temporary toilets with the highest level of accessibility possible (for example, Accessible Plus or Fully Accessible temporary toilets) is considered in each circumstance that temporary toilets are required.



Although Local Governments have expressed support for the repeal of the regulations and replacement with a Guideline, in considering this change from a risk point of view, the Association would like to ensure the following points are considered before the DOH makes its final decision on how to proceed.

- Mobile or temporary toilets can present a significant public health risk if they malfunction.
- Guidelines are not enforceable by law, and Local Governments may experience difficulties prosecuting under the general public health duty, due to the lack of specificity in the legislation.
- Rather than providing clarity, the intersection of all regulations which address mobile and temporarily toilets leaves current best practice open to interpretation. If a new regulation was to be developed under the *Public Health Act 2016*, this would provide consistency and clarity to Environmental Health Officers across the State, as well as a framework that they are able to enforce with the weight of the law behind them.
- The Association would appreciate a risk analysis and risk matrix being made available to assist Local Governments with decision-making on these matters.

Thank you again for the opportunity to comment on the discussion paper. Should you require further clarification on any aspect of this correspondence please contact Evie Devitt-Rix, Senior Policy Advisor, Community on edevitt-rix@walga.asn.au or 9213 2082.

Yours sincerely

Ricky Burges
Chief Executive Officer

Item 5.8 Attachment 2

Cloth Materials



13 September 2018

Our Ref: 05-031-01-0001EDR

Cloth Materials
Regulation review submission
Science and Policy Unit
Environmental Health Directorate
Department of Health
PO Box 8172
PERTH BUSINESS CENTRE WA 6849

Dear Sir/Madam,

RE: DISCUSSION PAPER: MANAGEMENT OF THE PUBLIC HEALTH RISKS ASSOCIATED WITH CLOTH MATERIALS IN WESTERN AUSTRALIA

Thank you for the opportunity to comment on the discussion paper: *Management of the public health risks associated with cloth materials in Western Australia* (the discussion paper).

As the peak body representing WA Local Governments, the Association appreciates the long consultation timeframe, which provides Local Government with sufficient time to comment. The input of Local Government Environmental Health Officers (EHOs) is vital for the regulation review program, as they are a key enforcement body for the *Public Health Act 2016* and regulations.

WALGA has engaged Local Government EHOs for comment on the Discussion Paper. Overall, these discussions with the sector have demonstrated that EHOs are comfortable with the Department of Health's (DOH) preferred option, to repeal the *Health (Cloth Materials) Regulations 1985* without replacement, and develop a DOH Guideline for the sanitation of hire and second-hand clothing and goods.

However, Local Governments are cautious about being in a position where they have no powers of enforcement if issues arise. Although the general public health duty has been proposed as a method of enforcement, there may be circumstances where this power cannot be used. One example which has been provided to WALGA is if a shop is selling odorous clothes or furniture. In cases such as these there is not a clear "harm to public health", but they are undesirable, and it is appropriate for EHOs to have power to act when they receive complaints about these or similar issues.

Local Governments have asked that the Guidelines be termed to address these issues, including specifying what operators should be doing to remove infectious or undesirable agents, odours, filth or soil. While some of these may not cause "harm", if their removal is required under the Guidelines, then any infringement notice can refer back to the expectations of the Guidelines. It has been suggested that a useful addition to the Guidelines would be to capture "nuisance" as well as "harm".



WA Local Governments have advised of the risk of removing all Local Government control, which could result in an increase of unscrupulous operators, especially as second-hand clothing and furniture is a growing industry for both charities and private operators. If a business experiences an impact on profit due to requirements such as disinfection or cleaning, the removal of these requirements will result in standards dropping in some operators. Trusting in the power of social media to keep businesses to a standard of operating also creates a considerable risk; particularly when there is not an added level of enforcement to refer to if community pressure has little impact.

Although the discussion paper mentions that there have been a low level of complaints related to cloth materials, it is difficult to quantify whether that this is due to the current regulations which are followed by reputable operators. WALGA and Local Governments request that the DOH ensure that a Guideline includes all possible scenarios related to cloth materials, to allow EHOs power to enforce the range of possible situations that may arise.

Local Governments have expressed to WALGA that they would like the following areas covered by the Guideline:

- Sale of second-hand clothing;
- Sale of second-hand mattresses;
- Hire clothing and wigs;
- Hire footwear (for example bowling shoes, ice skates);
- Hire helmets;
- Bed bases, carpets, rugs, cushions and soft furnishings (due to the potential harbouring of bed bugs and fleas).

Thank you again for the opportunity to comment on the discussion paper. Should you require further clarification on any aspect of this correspondence please contact Evie Devitt-Rix, Senior Policy Advisor, Community on edevitt-rix@walga.asn.au or 9213 2082.

Yours sincerely

Ricky Burges
Chief Executive Officer

Item 5.8 Attachment 3
Sanitation Provision at Construction Sites



31 August 2018

Our Ref: 05-031-01-0001:RB/EDR

Sanitation Provision at Construction Sites and
Mobile Temporary or Remote Worksites Consultation
Environmental Health Directorate
Department of Health
PO Box 8172
PERTH BUSINESS CENTRE WA 6849

Dear Sir/Madam,

RE: DISCUSSION PAPER: MANAGING SANITATION PROVISION AT CONSTRUCTION SITES AND MOBILE TEMPORARY OR REMOTE WORKSITES CONSULTATION

Thank you for the opportunity to comment on the discussion paper: *Managing sanitation provision and maintenance at construction sites and mobile, temporary or remote worksites* (the discussion paper). As the peak body representing WA Local Governments, WALGA appreciates the long consultation time, which provides Local Government ample time to comment. As the key enforcement body for the *Public Health Act 2016* and regulations, the input of Local Government Environmental Health Officers (EHOs) is vital for the regulation review program.

WALGA has engaged Local Government EHOs for comment on the Discussion Paper. Overall, these discussions with the sector have demonstrated that EHOs are comfortable with the Department of Health's (DOH) preferred option, to repeal the *Health (Construction Work) Regulations 1973* and Part 3 of the *Health (Temporary Sanitary Conveniences) Regulations 1997* and develop a DOH Guideline for the provision of toilets on construction sites and mobile, temporary or remote worksites.

However, in considering this change from a risk point of view, the Association would like to ensure the following points are considered before the DOH makes its final decision on how to proceed.

- mobile or temporary toilets can present a significant public health risk if they malfunction
- guidelines are not enforceable by law, and Local Governments may experience difficulties prosecuting under the general public health duty, due to the lack of specificity in the legislation
- rather than providing clarity, the intersection of all regulations which address mobile and temporarily toilets leaves current best practice open to interpretation. If a new regulation was to be developed under the *Public Health Act 2016*, this would provide consistency and clarity to Environmental Health Officers across the State, as well as a framework that they are able to enforce with the weight of the law behind them, and
- The Association would appreciate a risk analysis and risk matrix being made available to assist Local Governments with decision-making on these matters.

Thank you again for the opportunity to comment on the discussion paper. Should you require further clarification on any aspect of this correspondence please contact Evie Devitt-Rix, Senior Policy Advisor, Community on edevitt-rix@walga.asn.au or 9213 2082.

Yours sincerely



Ricky Burges
Chief Executive Officer

5.9 Aboriginal Advocacy and Accountability Office Interim Submission

By Kristie Davis, Policy Manager Community

Recommendation

That the interim submission to An Office for Advocacy and Accountability in Aboriginal Affairs in Western Australia: Discussion paper be endorsed.

In Brief

- The Department of Premier and Cabinet, Aboriginal Policy Unit requested feedback to a discussion paper on the establishment of an Office for Advocacy and Accountability in Aboriginal affairs in Western Australia
- The Association requested feedback from the People & Place Policy team and the Local Government sector through an InfoPage to guide and develop a representative sector submission.

Attachment

Aboriginal Advocacy and Accountability Office Interim Submission.

Relevance to Strategic Plan

Key Strategies

Engagement with Members

- Improve communication and build relationship at all levels of member Local Governments;
- Provide ongoing professional development and interactive opportunities for Elected Members to contribute to debate on sector issues.

Sustainable Local Government

- Represent the diversity of members' aspirations in the further development of Local Government in Western Australia.

Enhanced Reputation and Relationships

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

Policy Implications

The submission reflects the Association's related policy position.

3.18.3 Aboriginal Heritage Act 1972 and South West Native Title Settlement

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

Budgetary Implications

Nil.

Background

The Hon Ben Wyatt MLA, Minister for Aboriginal Affairs, invited submissions to An Office of Advocacy and Accountability in Aboriginal affairs in Western Australia: Discussion Paper on 11 July 2018. The discussion paper outlines a proposal for a new statutory office to strengthen government's

accountability to Aboriginal Western Australians and to advocate for Aboriginal people's interests in Government policy and performance. The office would be independent from the Government of the day, have statutory powers and work with a specific focus on Aboriginal people and the issues that matter to them. All feedback will inform a model for the new office that will be considered by the Government, together with the anticipation of new funding and supporting legislation as required.

Comment

The Association, sought feedback from the sector to inform the submission. The consultation process followed included:

- WALGA placed an INFOpage in the LG News on 17 August 2018 requesting feedback from the sector and received responses from four Local Government Elected Members from the Shire of Kalamunda, Shire of Mosman Park, Shire of Nannup and the Shire of Wagin.
- WALGA requested feedback from the Sector Reference group established to provide feedback for the *Aboriginal Heritage Act 1972* review and received a further three responses from City of Perth, City of Rockingham and City of Wanneroo.
- The Interim submission was provided to WALGA State Council Executive Committee and the People & Place Policy Team for final review between 7 and 12 September before submitting to the Department.

Feedback provided in principle support to the proposal to establish an independent office to advocacy for Aboriginal affairs in Western Australia. It was however acknowledged that an ongoing review of the office would be required to maintain relevance over time. There were some concerns that the proposal was idealistic with the potential to be less successful than intended.

The following key points were determined as priorities for Local Government in the consideration of an independent office of this nature:

1. strategic cultural planning for critical and key infrastructure and programs
2. provision of brokerage between parties for key relationships/projects
3. the potential for State Government to address the data gaps in collection and dissemination, determined by Local Government boundaries
4. how Local Governments will communicate with the proposed independent office
5. positive naming of the newly proposed office, and
6. inclusion principles applied to the appointment of the Head of Power.

This submission is attached for State Council endorsement

Item 5.9 Attachment

Aboriginal Advocacy and Accountability Office Interim Submission.



An office for
advocacy and
accountability in
Aboriginal affairs in
Western Australia:
Discussion Paper
Interim Submission

September 2018

Contact:

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1.0 Introduction

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

The Association provides an essential voice for 1,222 Elected Members and approximately 22,000 Local Government employees, along with over two million constituents of Local Governments in Western Australia. The Association also provides professional advice and offers services that provide financial benefits to Local Governments and the communities they serve.

The Association is thankful to the Department of Premier and Cabinet, Aboriginal Policy Unit (the Department) for enquiring into initiatives that facilitate greater advocacy for Aboriginal people and community and for inviting feedback from the Local Government sector. The Association has gathered feedback from its members to provide a response to the: *An office for advocacy and accountability in Aboriginal affairs in Western Australia: Discussion Paper*.

2.0 Background

Aboriginal knowledge, underpinned by an ancestral responsibility, holds an intrinsic obligation for Aboriginal peoples care for Country. This is enshrined in the *Aboriginal Heritage Act 1972* (AHA, currently under review) and the *Koorah, Nitja, Boordahwan (Past, Present, Future) Recognition Act 2016* which recognises the Noongar people as the traditional owners of lands in the south-west of Western Australia.

A review of the *Aboriginal Heritage Act 1972* (AHA) is currently underway and is an opportunity to amend legislation and lead the way in cultural heritage planning and protection. The role and responsibility of Local Government to address outcomes for community capacity building and wider health and wellbeing may be further supported by this process.

The Department has released a discussion paper outlining a proposal for a new statutory office to strengthen government's accountability to Aboriginal Western Australians and to advocate for Aboriginal people's interests in Government policy and performance. The office would be independent from the Government of the day, have statutory powers and work with a specific focus on Aboriginal people and the issues that matter to them.

The discussion paper outlines the Departments' position on instating an office for advocacy and accountability in Aboriginal affairs and to seek feedback about the proposal. All feedback will inform a model for the new office that will be considered by the Government, together with the anticipation of new funding and supporting legislation as required.

The key messages outlined in the discussion paper are:

- frank recognition that government is not serving Aboriginal people as well as it should
- a commitment to support and embed Aboriginal leadership and self-determination in health, wellbeing and safety, and
- enshrine the rightful place of Aboriginal people and communities.

This will be a new way of working, primarily for Commonwealth and State Government agencies, with Aboriginal communities through stronger policy development, decision making and resource allocation.

The accountability and advocacy units' main aim is to ensure Aboriginal voices drive decisions for the health and wellbeing of Aboriginal people whilst providing transparent monitoring and accountability of outcomes through governance and monitoring.

In brief, the functions of the proposed office will be:

- provision of publically available information
- to not subpoena or investigate into matters in the public realm, but to be a mechanism of specialist inquiry by using facts and information for good argument that has the best interest of Aboriginal communities in mind
- it will not be considering individual matters, or matters of one person
- it will not be a representative body for the Aboriginal communities, it will however be operating in the best interests of Aboriginal people and their communities
- it will not be an alternative means of engaging with Aboriginal people and/or communities, and
- it will however be a mechanism for better understanding the priorities and be a conduit for practical implementation about system improvements through to State Government in the best interest of Aboriginal people.

A number of submissions were received by member organisations as outlined in Appendix A. There is in principle support for the establishment of an independent office, with Local Governments drawing particular attention to six key areas as outlined in the discussion below.

3.0 Discussion

The Association, on behalf of its members, provides in principle support to the proposal to establish an independent office to advocacy for Aboriginal affairs in Western Australia. It is however acknowledged that an ongoing review of the office will be required to maintain relevance over time. There are also some concerns that the proposal may be idealistic with the potential to be less successful than intended. In order to maintain the best possible outcome the following key points were determined as priorities for Local Government in the consideration of an independent office of this nature:

1. strategic cultural planning for critical and key infrastructure and programs
2. provision of brokerage between parties for key relationships and/or projects
3. the potential for State Government to address the data gaps in collection and dissemination, determined by Local Government boundaries
4. how Local Governments will communicate with the proposed independent office
5. positive naming of the newly proposed office, and
6. inclusion principles applied to the appointment of the Head of Power.

3.1 Strategic cultural planning for critical and key infrastructure and programs

The provision of critical and key infrastructure is the fundamental remit of all three tiers of Government in serving communities. The consideration of Aboriginal heritage and culture in the strategic planning through to construction and implementation of projects is a vital component of success. It is widely recognised there is a gap in the strategic planning of such infrastructure and the early consultation with traditional owners in the process.

The Association considers the inclusion of strategic planning for critical and key infrastructure as fundamental to the success of the new organisation.

3.2 Provision of brokerage between parties for key relationships and/or projects

Local Governments are often seen as the tier of Government closest to the community. In conducting its functions in accordance with the Local Government Act and other relevant legislation this often calls for the appropriate consultation with Aboriginal peoples. Some Local Governments have formalised Reconciliation Action Plans to assist in conducting these function whilst others have identified Aboriginal Engagement Officers.

The Association determines brokerage between parties for key relationships and projects for Local Government as a critical component of the new organisation.

3.3 Data warehousing

The instatement of an independent office is seen by the Local Government sector as an opportunity to address data gaps in the collection and dissemination of data, and for this to be determined by Local Government boundaries. Whilst it is appreciated that boundaries across sectors and between agencies may differ, acknowledgement of Local Government boundaries as the third tier of Government is critical to service alignment. The provision of consistent and quality data by Local Government boundary will support locally driven community initiatives, enable effective evaluation and drive continuous improvement.

The Association supports the inclusion of regular and timely data collection and reporting to enable localised evaluation in program design and implementation that drives continuous improvement.

3.4 How Local Governments will communicate with the proposed independent office

The effectiveness and efficiency of communication and information transfer between Local Government and the Office is an important consideration. Local Governments are often required to respond and operate in fluid environments as a direct response to the communities they serve. Therefore access to an operational communication channel with Local Government is deemed essential.

The Association requests a Communication Plan with Local Government be considered in the initial pre planning stages of an Office and to include WALGA and local Aboriginal Advisory Groups as stakeholders.

3.5 Positive naming of the new Office

With regard to the potential name of the new organisation it is the request of the sector for this to be inclusive and positively framed, in such that use of the word accountability is not supported. To which suggestions include:

- The Office of Aboriginal Advocacy
- dual naming to include words with meaning to the broader Aboriginal community
- to be developed in consultation with the Aboriginal community and/or Aboriginal people employed with NGO and government organisations, or
- Western Australian Aboriginal Advocacy Commission (WAAAC).

3.6 Principles for appointment of Head of Power

Local Governments propose that Aboriginal organisations and other interested parties are provided with the opportunity to structure an appointment process and elect a committee to engage an officer in a transparent manner. For the appointment of the Head of Power, further engagement and consultation should be conducted with:

- Aboriginal leaders across the state
- Aboriginal employees of Aboriginal organisations
- Aboriginal Community

With broader involvement also including:

- Aboriginal and non-Aboriginal professional community development practitioners
- The Department of Premier and Cabinet Aboriginal Policy Unit
- Public Sector Commission and the *Public Sector Management Act 1994* (PSM Act).
- Equal Opportunity in Public Employment (DEOPE)
- Equal Opportunity Commission
- Human Rights Commission
- Aboriginal Local, State and Commonwealth Government employees
- Local Government RAP Working Groups
- Local Government Advisory Groups and Committees

There was a significant amount of discussion around the clause “the holder of the office should be an Aboriginal person” and queries to the correctness of this clause with reference to diverse and equal opportunity. A suggestion is that every effort must be made first to find an Aboriginal Head of Power, and if not possible, then the position should be open to others. It is recognised by the sector that only Aboriginal people can fully understand the challenge their communities face and the appointment of the appropriate person in this position underpins the organisations success.

The Association seeks clarification around the statutory powers of the Head of Power, size of the organisations workforce and the appointment process for positions and that the principles for appointment of the office bearer as outlined above are considered.

4.0 Conclusion

An organisation with a focus on Aboriginal affairs is required and the Local Government sector commends the Minister raising this as a State Government priority.

Having a broad scope is useful and conducive to addressing the true nature of interrelated issues. The discussion paper outlines the establishment of an organisation that would be well placed to identify challenges, prioritise and systemically advocate for change. The promise of permanence, independent of the Government of the day, is a notion that many people feel is necessary, not just for Aboriginal affairs, with increasing frustration arising from ongoing Australian Government instability.

The Local Government sector welcomes a supportive system that fairly and equitably improves the social, economic, cultural and human outcomes for Aboriginal people and by Aboriginal people that can be made possible by reducing and removing technical barriers in the current system.

As a final note, the Association acknowledges the Minister's commitment to address the advocacy needs for Aboriginal people and key issues facing Aboriginal communities with a three tiered system of governance. It is anticipated that if this proposal is successful the newly appointed office will drive policy for Government and hold others to account for the services they deliver to Aboriginal people. To which, the Local Government sector, through the Association, provides in principle support, for the aspirations outlined in the discussion paper and looks forward to remaining engaged in the developments moving forward.

5.0 Appendix A: Local Government responses

Shire of Kalamunda

Shire of Mosman Park

Shire of Nannup

City of Perth

City of Rockingham

City of Wanneroo

Shire of Wagin

6.0 Appendix A: City of Perth Submission



City of Perth

4 September 2018

Ms Ricky Burges
Chief Executive Officer
WA Local Government Association

via e-mail: kdavis@walga.asn.au

Dear Ms Burges

Aboriginal Accountability and Advocacy Submission

Thank you for the opportunity to provide input into WALGA's submission to the Department of the Premier and Cabinet, on the *Discussion Paper for an office for advocacy and accountability in Aboriginal affairs in Western Australia*.

The City of Perth supports initiatives that facilitate greater advocacy for Aboriginal peoples, by Aboriginal people in their local communities. As a result the City of Perth supports WALGA's request to the Department of the Premier and Cabinet to seek further clarification on the points below:

1. Coordination and use of data.

The potential for State Government to address gaps in the collection and dissemination of data, determined by Local Government boundaries, is significant. This can help ensure consistent data is collected and collated across regional and metropolitan Local Authority areas, where it currently does not exist.

Such data can support locally driven communities initiatives to evaluate projects and to improve outcomes. The City also supports any opportunity to reduce the burden of 'consultation fatigue' on Aboriginal people and organisations.

2. Communication protocols.

How expediently and effectively Local Governments will be able to communicate with the proposed independent office is a pragmatic concern. The City has been actively engaging with the local Aboriginal community and working in collaboration with stakeholders, community and other levels of government through the adoption and launch of its Reflect Reconciliation Action Plan (Reflect RAP) in April 2018.

To improve the City's service, respect and recognition to the Whadjuk Nyoongar peoples of Perth, a straightforward communication plan from the Department of the Premier and Cabinet to facilitate direct engagement with the proposed new entity would be highly instrumental.

Council House, 27 St Georges Terrace, Perth
GPO Box C120, Perth Western Australia 6839

P 9461 3333 | perth.wa.gov.au | ABN 85 780 113 622

Enquiries to: Karen Abercromby
Arts, Culture and Heritage (9461 3598)

Email: karen.abercromby@cityofperth.wa.gov.au
Our Ref: 217919/2018 Your Ref: AA & AS

COP - SA5C0041011021 5/9/18 10:35 AM

- 2 -

3. Cultural awareness and facilitation

The ability to provide brokerage between parties for key relationships and projects is particularly relevant for local government. Through the *Reflect RAP*, the City has a strong focus on building the foundations for relationships, respect and opportunities, whilst focusing on building a positive internal culture and awareness of Aboriginal and Torres Strait Islander histories and cultures, particularly Nyoongar cultures.

The City would welcome an entity that would provide improved brokerage between Aboriginal and non-indigenous parties for key relationships, programs and deliverables across the tiers of government.

4. Strategic advice and guidance

The inclusion of strategic cultural planning for critical and key infrastructure and programs will play an important role in the success of future projects of State and Local Government. The City is privileged to be home to sites of cultural and historical significance to the Whadjuk people including; Gargatup (Kings Park), Matagarup (Heirisson Island), Pinjar (the lakes - location of the Perth train station and surrounds) and Byerbrup (ridge line linking Gargatup and Matagarup).

The City is keen to see how the proposed entity can better facilitate strategic cultural planning (across the tiers of government) for key infrastructure and programs which are championed by the Whadjuk Nyoongar peoples for their traditional lands.

In addition to this letter, the City has also provided a direct response to the Department of the Premier and Cabinet. I look forward to hearing from you and a successful outcome from your submission.

Yours sincerely



Robert Mianich
A/Chief Executive Officer

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7.0 Appendix B: City of Wanneroo Submission

Advocacy and Accountability in Aboriginal Affairs City of Wanneroo comments

1. What are your views about the outline of the office's basic features?

In principle the idea appears to fill a gap that is identified in the report. The business and functions of the office, if implemented well, would be of great benefit to increase accountability of government in respect to Aboriginal issues and affairs.

The City of Wanneroo welcomes a supportive system that fairly and equitably improves the social, economic, cultural and human outcomes for Aboriginal people.

2. What should be the formal name of the office be?

- This should be developed in consultation with the Aboriginal community and/or Aboriginal people employed with NGO and government organisations.
- A suggestion could be "Western Australian Aboriginal Advocacy Commission" (WAAAC).

3a. How should Aboriginal people and organisations be involved in the appointment process of the office holder?

The Department of Premier and Cabinet Aboriginal Policy Unit should engage and consult with:

- Aboriginal leaders across the state
- Aboriginal employees of Aboriginal organisations
- Aboriginal Community

3b. Who should be involved?

- Aboriginal and non-Aboriginal professional community development practitioners
- The Department of Premier and Cabinet Aboriginal Policy Unit
- Public Sector Commission and the Public Sector Management Act 1994 (PSM Act).
- Equal Opportunity in Public Employment (DEOPE)
- Equal Opportunity Commission
- Human Rights Commission
- Aboriginal Local, State and Commonwealth Government employees and RAP Working Groups can also provide advice

The potential for State Government to address the data gaps in collection and dissemination, determined by Local Government boundaries:

This would be useful in regards to data gathering, however, collection of data doesn't necessarily ensure any real outcomes

How will Local Governments communicate with the proposed independent office?

It would more effective if administration/civil servants are able to communicate with the office (as opposed to needing to communicate through elected members or political officials).

To provide brokerage between parties for key relationships/projects:

This would be useful as the office is likely to have thorough knowledge of all stakeholders and assist in identifying synergies across networks and organisations.

The inclusion of strategic cultural planning for critical and key infrastructure and programs:

This would be useful at a state level, however, the functions of the office, according to the paper, are more of a monitoring and assessing functions and doesn't appear to include any scope for any creative/developing purpose.

5.10 Royal Commission into Institutional Responses to Child Sexual Abuse (05-086-03-0004 KD)

By Kirstie Davis, Policy Manager Community

Recommendation

That the interim submission: Royal Commission into Institutional Responses to Child Sexual Abuse: A Local Government Response to the Western Australian State Government Child Safety Implementation Plan be endorsed.

In Brief

- The Department of Local Government, Sport and Cultural Industries requested input from the Local Government sector to develop the Western Australian State Government Child Safety Implementation Plan.
- The Association requested feedback from the WALGA State Council Executive Committee, People & Place Policy Team and the Local Government sector through two separate webinars to develop a representative sector submission.

Attachment

Royal Commission into Institutional Responses to Child Sexual Abuse: A Local Government Response to the Western Australian State Government Child Safety Implementation Plan Interim Submission.

Relevance to Strategic Plan

Key Strategies

Engagement with Members

- Improve communication and build relationship at all levels of member Local Governments;
- Provide ongoing professional development and interactive opportunities for Elected Members to contribute to debate on sector issues.

Sustainable Local Government

- Represent the diversity of members' aspirations in the further development of Local Government in Western Australia.

Enhanced Reputation and Relationships

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

Budgetary Implications

Nil.

Background

The Royal Commission into Institutional Responses to Child Sexual Abuse Final Report was handed down in December 2017. One of the Royal Commission's recommendations specifically applies to Local Government, with other areas of impact including businesses, community organisations and the broader community. The recommendation for Local Government is:

Recommendation 6.12

With support from governments at the national, state and territory levels, Local Governments should designate child safety officer positions from existing staff profiles to carry out the following functions:

- a. developing child safe messages in Local Government venues, grounds and facilities*
- b. assisting local institutions to access online child safe resources*
- c. providing child safety information and support to local institutions on a needs basis*
- d. supporting local institutions to work collaboratively with key services to ensure child safe approaches are culturally safe, disability aware and appropriate for children from diverse backgrounds.*

In June 2018 Premier Mark McGowan, Attorney General John Quigley and Child Protection Minister Simone McGurk released the Western Australian Government's response to the Royal Commission's recommendations, apologised to people affected by child sexual abuse in government institutions, and announced that Western Australia would join the National Redress Scheme.

The Department of Local Government, Sport and Cultural Industries (the Department), approached WALGA to assist in engaging Local Governments in the consultation process to run from July to October 2018.

During this time, WALGA received written submissions from 35 Local Governments, administered additional one-on-one consultations as requested, and facilitated two webinars for the Department to directly receive feedback from more than 50 individuals, representing a total of 33 Local Governments. Further feedback was received and provided by two regional organisation of Councils and one Local Government officer network. Several Local Governments reported an inability to respond within the given timeframes. A consultation summary can be viewed in Appendix A of the attachment.

Comment

It is summarised that Local Government understands that the recommendation is final as determined by the Royal Commission, with the area of influence focusing around the Western Australian State Government Implementation Plan (WA Child Safety Plan). Furthermore, there was consensus around the principles of the recommendation as fundamentally sound, in that it determines the role of Local Government as a capacity building function with all resources, training and associated materials to be the responsibility of the State Government's Department of Communities.

The majority of feedback was generalised support. However there is a need for greater discussion around:

- Local Government workforce wellbeing
- Levels of service
- Strategic alignment
- Deliberative consultation and good governance
- Data collection
- Financial management
- Volunteer and community groups, and;
- Rural and remote communities.

This interim submission was submitted to the Department on 20 September 2018 and is now tabled and attached for State Council endorsement.

Item 5.10 Attachment

Royal Commission into Institutional Responses to Child Sexual Abuse:



Royal Commission into Institutional Responses to Child Sexual Abuse

A Local Government Response to the Western Australian State Government Child Safety Implementation Plan

September 2018

Contact:

Kirstie Davis

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1.0 Introduction

The Western Australian Local Government Association (the Association) commends Minister McGurk for inviting a collaborative, methodical and rigorous process to ensure we can build a community where children are safe.

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

The Association provides an essential voice for 1,222 Elected Members and approximately 22,000 Local Government employees, along with over two million constituents in Western Australia. The Association also provides professional advice and offers services that provide financial benefits to Local Governments and the communities they serve.

The Association has gathered feedback from its members to provide a response to the: *Royal Commission into Institutional Responses to Child Sexual Abuse: A Local Government Response to the Western Australian State Government Child Safety Implementation Plan*.

2.0 Background

The Royal Commission into Institutional Responses to Child Sexual Abuse Final Report was handed down in December 2017. One of the Royal Commission's recommendations specifically applies to Local Government, with other areas of impact including businesses, community organisations and the broader community. The recommendation for Local Government is:

Recommendation 6.12

With support from governments at the national, state and territory levels, Local Governments should designate child safety officer positions from existing staff profiles to carry out the following functions:

- a. developing child safe messages in Local Government venues, grounds and facilities*
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- c. providing child safety information and support to local institutions on a needs basis*
- d. supporting local institutions to work collaboratively with key services to ensure child safe approaches are culturally safe, disability aware and appropriate for children from diverse backgrounds.*

In June 2018 Premier Mark McGowan, Attorney General John Quigley and Child Protection Minister Simone McGurk released the Western Australian Government's response to the Royal Commission's recommendations, apologised to people affected by child sexual abuse in government institutions, and announced that Western Australia would join the National Redress Scheme.

The Department of Local Government, Sport and Cultural Industries (the Department), approached WALGA to assist in engaging Local Governments in the consultation process to run from July to October 2018.

During this time, WALGA received written submission from 35 Local Governments, administered additional one-on-one consultations as requested, and facilitated two webinars for the Department to directly receive feedback from more than 50 individuals, representing a total of 33 Local Governments. Further feedback was received and provided by two regional organisation of Councils and one Local Government officer network. Several Local Governments reported an inability to respond within the given timeframes. A consultation summary can be viewed in Appendix A.

It is summarised that Local Government understands that the recommendation is final as determined by the Royal Commission, with the area of influence focusing around the Western Australian State Government Implementation Plan (WA Child Safety Plan). Furthermore, there was consensus around the principles of the recommendation as fundamentally sound, in that it determines the role of Local Government as a capacity building function with all resources, training and associated materials to be the responsibility of State Government, Department of Communities.

The majority of feedback is generalised support. However there is a need for greater discussion around:

- Local Government workforce wellbeing
- levels of service
- strategic alignment
- deliberative consultation and good governance
- data collection
- financial management
- volunteer and community groups, and;
- rural and remote communities.

Feedback received during the consultation period has formed the basis of this submission which is explored in greater detail below.

3.0 Discussion

The Local Government sector were highly engaged throughout the consultation period of July through to the end of September 2018. However it has been noted that several Local Governments did not have the capacity to respond within the given timeframes. During this period several core themes arose as part of that discussion as outlined below.

3.1 Local Government Workforce Wellbeing

WALGA is proud to represent a collective of Local Government officers who are values based, community led, and professional. Therefore recognition of the impact to these employees as front line servants to the community, needs to be acknowledged and planned for when implementing programs and initiatives to promote community health and wellbeing, and in this case, childhood safety.

Develop, fund and adequately resource an Employee Wellness Scheme that all individuals with a role in ensuring child safety can access.

Scope creep is a concern of the sector, as often the Local Government employee is the first to identify the need, has the will to respond and often has the greatest ability to influence positive change in the community.

A straightforward Local Government Workforce Safety Plan is requested in the implementation of the WA Child Safety Plan.

Reportable conduct was an area of great unease, to which the Department has identified that other State Government agencies, such as the Department of Child Protection and the Police will have a role and responsibility in responding when a report of child abuse has been made. There are however, several Local Government areas in rural and remote locations of which services are limited and in some cases non-existent.

Provide a flow chart of the roles and responsibilities of each individual (identified by profession) that addresses service gaps in locations, and is reviewed annually.

3.2 Levels of Service

Acknowledgement of the expectations placed on Local Governments to increase levels of service and the impact of this, is central to Local Government strategic planning and operational management. Already a considerable amount of officer time has been spent on consultation, preparation of solutions focused responses and early consideration of implications to strategic and operational planning. There is a will for Local Government to be involved, however recognition of the implications and flow on effect must be acknowledged and wherever possible, resource support provided.

Provide additional support to existing networks such as Regional Organisations of Councils and the Local Government Professionals Western Australia Community Development Network, who are best placed to promote child safety policies and community safety and wellbeing policy more broadly.

3.3 Strategic Alignment

Creating and enhancing child safe environments will be achieved through alignment of legislation, plans and strategies from all three tiers of Government. Positioning of the WA Child Safety Plan must reference (but may not be limited to):

- Local Government Toolkit for Family and Domestic Violence, Department of Social Services (Commonwealth)
- The National Plan to Reduce Violence Against Women and Their Children 2010-2022 (Council of Australian Governments, 2011) and the Fourth Action Plan, 2018
- Family and Domestic Violence Strategy (in development) (State)
- *Public Health Act 2016* (State)
- Youth Strategy 2018 (in development) (State)
- Community Strategic Plans (Local)
- Local Action Plans for example: Early Years Strategies (Local).

Position the WA Child Safety Plan within identified legislation and strategies across all three tiers of Government.

3.4 Deliberative Consultation and Good Governance

The success of the WA Child Safety Plan will be underpinned by ongoing consultation with key stakeholders and through the development of good governance procedures. It has been mentioned in the consultation phase that further work needs to be done before this can be achieved.

Solutions that have arisen to assist in bridging this gap is the creation of a steering committee that is chaired by a community organisation, or peak body with identified capacity, with the Department of Communities to provide executive administration for its functioning.

For consideration in the Terms of Reference for the committee (but not limited to):

- incorporate perspectives from key stakeholders into further development and resourcing
- develop agreed indicators to measure success
- to be referred to for the development of training and associated materials
- oversee the ongoing implementation of the plan
- report back to relevant sectors and the wider community on progress made through a clear and simple consultation and engagement strategy
- report back to the Minister with key advocacy messages as derived through consultation with all stakeholders.

Create a WA Child Safety Steering Committee of key stakeholders, which includes Local Government representatives.

A Community of Practice is currently in place to support Local Governments who are trialling the Commonwealth Government, Department of Social Services, Local Government Toolkit for Family and Domestic Violence. This is an opportunity for the three tiers of Government to come together in an asset based approach. The provision of Zoom, or other teleconferencing/videoconferencing products and preliminary supports will assist Local Government officers, who are identified as designated officers, to come together (face to face or virtually) and share information and create peer to peer learning.

Resource and support a Community of Practice network.

Alternatively, the Australian Human Rights Commission, Child Safe Organisations Working Group is currently in place.

Consider aligning Western Australian Community of Practice network to the Australian Human Rights Commission, Child Safe Organisations Working Group.

3.5 Data Collection

Whilst it is appreciated that boundaries across sectors and between agencies differ, acknowledgement of Local Government boundaries as the third tier of Government, is critical

to service alignment. Specifically, baseline data, key demographics and effective evaluation is vital. Therefore the provision of consistent and quality data by Local Government boundary will support locally driven community initiatives and programs that enable effective evaluation and drive continuous improvement. The three tiers of Government provide an ideal platform to create this collaborative environment.

Regular and timely data collection and reporting by Local Government boundary, to enable localised evaluation in program design and implementation that drives continuous improvement, and;

Establish ongoing actions and measures that Local Governments may include in strategic planning processes to ensure ongoing alignment.

It was also acknowledged through the consultation period that the capacity of community groups and volunteer based organisations capacity to capture data will be quite low.

Develop simple mechanisms for community groups to capture data, and provide ongoing resources and training to facilitate sustainable practices.

3.6 Financial Management

It is recognised that resourcing the Child Safety Plan will be the responsibility of the Department, to include covering the associated costs for implementation. However, several conversations arose that were related to Local Government financial management and due diligence policy and procedure. As part of its functions, Local Government often provide financial support to community groups to deliver services to the broader community. In the instance a community group is non-compliant with child safety measures, which has been funded by its Local Government, this poses a significant risk to the Local Government in terms of managing its budget to the wider community expectations.

There is a real need for Local Governments to be provided with clearly outlined processes for measuring how safe organisations are and for timely provision of information when there has been a breach of child safety principles, and;

Develop a Community Procurement Procedure for use by community and volunteer groups and organisations, which considers Local Government process, and includes child safety measures to adhere to when seeking financial support from their Local Government.

The [Australian Government, Australian Institute of Family Studies](#) provides an effective overview of the economic costs of child abuse and neglect in monetary and human terms.

Align Local, State and Commonwealth financial measurement and evaluation processes.

3.7 Volunteers and Community Groups

The Department has identified a solutions focused approach to first responders, specifically volunteers, volunteer based organisations and Working With Children (WWC) checks as an

area in need of development. Each organisation and sector will need to access training specifically tailored to their needs.

Tailored training packages for specific populations need to be considered for (but not limited to) Local Government officers, volunteer and community based organisations, sport and recreation clubs, culturally and linguistically diverse organisations and organisations with access, inclusion and diversity needs.

Tailor training packages that are suitable to the population they are intended for, that are developed by consulting with them on their need and capacity.

Getting the balance right will be integral to success. In smaller communities, highly developed policy and procedures may not be followed, or could render the organisation with no other choice than to disband. This may leave the community with a service provision gap, or a service level increase to the Local Government, if it is determined they need to step in as caretaker.

Develop a Community Health Check process for monitoring and supporting community groups to maintain best practice that includes a lever for best practice functioning, and;

Develop a Community Governance funding stream that sponsors community groups to develop and implement child safety best practice governance policy and processes, and rewards those who maintain them over time.

3.8 Regional and Remote Communities

It is undoubtedly beyond the capacities of several Local Governments in rural and remote locations to increase the level of service currently being provided to the communities they serve. Extraordinary workloads of rural and remote Local Government officers, and officers more generally across the state is at a critical level. Acknowledgement of this is crucial.

Deliver a small grants managed process for smaller rural and regional Local Governments to deliver Child Safety Plan principles and support for community.

4.0 Conclusion

The Association applauds the Department for providing access to professional and personable staff who actively engaged and listened to the Local Government sector for the duration of the consultation process. Further acknowledgement from the Local Government sector goes to Minister McGurk's leadership in promoting child safety and the broader principles of social justice.

Collective governance is pivotal in promoting the common good, enhancing public value and generating community empowerment. This can be achieved through a sustained and strategic approach that uses evidenced informed practice for continuous improvement.

The Local Government sector looks forward to working with the Department to continue to embed capability and capacity of all stakeholders and to promote safe and liveable environments. Together we will not tolerate harm to children.

5.0 Appendix A: Local Government Involvement

Thank you to the following Local Governments for participating and engaging in the development of this submission:

City of Armadale	Shire of Plantagenet
City of Belmont	Town of Port Hedland
City of Bunbury	Shire of Quairading
Shire of Broome	City of Rockingham
Shire of Bruce Rock	City of South Perth
Shire of Chapman Valley	City of Subiaco
Shire of Cunderdin	City of Swan
City of Fremantle	Shire of Toodyay
Shire of Gnowangerup	Shire of Wagin
City of Joondalup	City of Wanneroo
City of Karratha	Shire of Yilgarn
Shire of Kellerberin	Shire of Victoria Plains
Shire of Koorda	City of Greater Geraldton
Shire of Menzies	Shire of West Arthur
City of Melville	Shire of Wyalkatchem
Shire of Mingenew	AWDL Region of Councils
Shire of Mt Marshall	Great Eastern Country Zone
Shire of Mukinbudin	

5.11 Partnering with Local Government for Youth (05-065-04-0001 KD)

By Kirstie Davis, Policy Manager Community

Recommendation

That the following amended policy statement be endorsed:

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.

In Brief

- The Association was invited by the Hon Peter Tinley, Minister Housing; Veterans Issues and Youth Affairs to attend a roundtable discussion on 27 September 2018 with Terri Butler MP, Shadow Assistant Minister for Young Australians and Youth Affairs, Shadow Minister for Employment Services, Workforce Participation and Future of Work.
- Within the given timeframes the Association requested feedback from selected Local Governments to inform a discussion at the Roundtable.
- The 2019 Federal Election campaign has started and youth is one of the key topics.
- The Association seeks endorsement from WALGA State Council for the advocacy position outlining key priorities for Local Government and Youth.

Attachment

Partnering with Local Government for Youth.

Relevance to Strategic Plan

Key Strategies

Engagement with Members

- Improve communication and build relationship at all levels of member Local Governments;
- Provide ongoing professional development and interactive opportunities for Elected Members to contribute to debate on sector issues.

Sustainable Local Government

- Continue to build capacity to deliver sustainable Local Government;
- Represent the diversity of members' aspirations in the further development of Local Government in Western Australia.
- Foster economic and regional development in Local Government.

Enhanced Reputation and Relationships

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

Policy Implications

3.24 Children and Young People

Position Statement

The Local Government sector supports the development and well-being of children and young people through 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.

Budgetary Implications

Nil.

Background

The Association was invited by the Hon Peter Tinley, Minister for Housing, Veterans Issues and Youth Affairs to attend a roundtable discussion on 27 September 2018 from 7.00pm – 9.00pm with Terri Butler MP, Shadow Assistant Minister for Young Australians and Youth Affairs, Shadow Minister for Employment Services, Workforce Participation and Future of Work. An additional 12 other stakeholders were also in attendance as seen in the table below.

<i>Name</i>	<i>Position</i>	<i>Organisation</i>
John Thomson	Manager	Anglicare
Linda Crumlin	State Director	Red Cross
Juan Larranaga	WA State Manager	Save the Children
Michelle Mackenzie	CEO	ShelterWA
Chrissie Smith	Homelessness Services Manager	St Vincent De Paul
Taryn Harvey	CEO	WAAMH
Rikki Battersby	Project Officer - Youth Mental Health Project	WAAMH
Kirstie Davis	Policy Manager Community	WALGA
Mike Dixon	WA State Manager	Whitelion
Shane Mauger	a/CEO	YMCA WA
Ross Wortham	CEO	Youth Affairs Council of WA
Mason Rothwell	Senior Policy & Advocacy Officer	Youth Affairs Council of WA
Dana Anderson	Coordinator	Youth Futures

The impromptu meeting was called by Minister Tinley who reached out to his Commonwealth counterpart, MP Terri Butler, early in her appointment. The key purpose of the meeting was to progress Western Australian priorities relating to youth in preparation for the 2019 Federal Election. The discussion presented a unique opportunity to represent the diversity of the Western Australian Local Government sector and campaign for the unique challenges and opportunities.

The Association reached out to several Local Governments and received an overwhelming response from all who were approached. These submissions, together with feedback from the Australian Local Government Association formed a discussion piece attached.

Comment

As we progress towards the next Federal Election the discussion presented a unique opportunity for Local Government to have a prominent voice at the table with State and Federal Governments and locally based peak and not for profit organisations.

The evening in summary included discussions around the following:

- Consensus that a National Youth Affairs Coalition is needed (in lieu of a national peak body).
- Mental health, affordable housing and homelessness continues to be the number one priority across all sectors and stakeholders as in need of addressing
 - Focus needs to be on quality with many headspace and CAMHS services reportedly not working, with diminishing consistency between centres

- Instead of better access (increasing number of provisions under mental health care plans) consider improving the quality of what currently exists first
 - Culturally sensitive and flexible models have not progressed and are still in need of improvements/development
 - Ricky Battersby, Youth Officer at the WA Association for Mental Health (WAAMH) has mapped 25 young people's journey and we look forward to this work being commissioned for further exploration.
- Young carers and the increasing levels of concerns and prevalence - what followed was a short discussion around what can be done in this space
 - Potentially the development of a DSS funding model (similar to the DSS Family and Domestic Violence Toolkit for Local Government model currently underway) may be a good model
 - Feedback provided on this model that success may be hinging on funding and support with the future sustainability currently resting with peak bodies and Local Governments to provide peer to peer learning for ongoing success
 - General exploration around grants based models and programs as an alternative such as [Communities for Children](#) and [Deadly Choices](#).
- Education, employment and training and the integration of social work in school programs
 - KPMG actively researching in this space
 - Access and disability employment for young people is a key area in need of support
 - Halls Creek has a current 17% attendance. The focus needs to be around providing teachers, and bus drivers and a bus to collect students and bring them in. Thinking outside of the box, funding and support required to mobile ideas.
- NDIS and young people and the identified gap for 18-25 year olds
 - Consider the (Independent Community Living Scheme (ICLS) model for young people.
- Regional and Remote
 - There was a last minute conversation about the geographic and other access issues unique to rural and remote Western Australia. WALGA was requested to provide a recent survey of Local Governments in this space (The [full report](#) is available on page 83, located on the WALGA website).

Specific to Local Government:

- Partner with Local Government
 - A robust framework exists that provide a great opportunity to strengthen local, state and national alignment making Local Government the ideal partner
 - Awareness of current 'structural federation issue' and 'Machinery of Government' status
 - Core function of Local Government is driven by community need and compliance. Therefore these need to be the consideration of State and Federal when considering partnering with Local Government
 - Capacity building function of Local Government.
- Youth Advisory Councils
 - Opportunities for leadership, connected voice and localised engagement.
- Youth Development Officers, Youth Workers
 - Opportunities to build upon and provide further support for the current Local Government workforce strengths for young people (to be further explored).
- Call to action
 - State and Federal Government develop transparent workforce strategies that prioritises regional and remote employment.

Position Statement

The Association's current position statement 3.24 Children and Young People, is as follows:

The Local Government sector supports the development and well-being of children and young people through 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.

It is being proposed to change this wording to include Local Government as a key partner:

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.

The Association seeks State Council endorsement of the change in wording to the position statement and for the attached advocacy position Partnering with Local Government for Youth.

Item 5.11 Attachment

Partnering with Local Government for Youth.

Partnering with Local Government for Youth

27 September 2018, 7.00pm – 9.00pm @ Foyer Oxford, 196 Oxford Street, Leederville WA

Hon Peter Tinley Minister Housing; Veterans Issues; Youth and
Terri Butler MP, Shadow Assistant Minister for Young Australians and Youth Affairs, Shadow
Minister for Employment Services, Workforce Participation and Future of Work.



LOCAL GOVERNMENT PRIORITIES FOR YOUTH

Strategic Community Plans

Greater alignment between National, State and Local strategies sees greater return and benefit to community, reduces gaps and generates collective action. Strategic Community Plan informs budgetary planning and decision making.

1. **National alignment that is localised is essential to success** www.allpoliticsislocal.com.au/
2. **Alignment to Local Government Community Strategic Planning and local Youth Plans.**

Partnerships

Local Government has well developed relationships and networks with members of the community and local community groups. This is an opportunity to advance State, Federal and mutual interests that generate outcomes.

1. **Sponsor Local Government YACtivate! biannual conference**
2. **Partnership opportunities for youth service providers and Youth Advisory Councils**
3. **Develop civic responsibility and leadership through early, consistent engagement and partnerships with young people**
4. **Partner with Local Government to develop professional pathways for young people.**

Community Services

A significant proportion of Western Australian's local community infrastructure is at risk of disrepair with community facilities in need of significant renewal.

1. **Funding for localised infrastructure and facilities that meet specific needs of young people**
2. **Provide greater access to sport, recreation, cultural and arts programs**
3. **List of all services available to youth that is available from a centralised depository.**

Education, Training and Employment

The next generation of young West Australian's will need to be skilled and educated with digital and financial literacy and with high enterprise and interpersonal skills.

1. **Develop business incubator specific to drive technical, digital and creative industries**
2. **Access to training and development opportunities in the regions**
3. **Creation of local employment opportunities in rural and remote locations**
4. **Increase support for youth internships and formal mentoring opportunities.**

Prevention

Nationally, Local Government has been a partner in preventative health measures as they relate to planning, environment and infrastructure, and in delivering Commonwealth preventative health initiatives such as Healthy Communities.

1. **Provision of local mental health, drug and alcohol and health support for young people**
2. **Partner with schools, Police and the justice system to address at risk, disengaged young offenders for in community support programs to keep them at home, specifically in Broome.**

Housing and Homelessness

Local governments continue do some "heavy lifting" on affordable housing with their communities in a financially-constrained environment which is exacerbated by cost-shifting, suggested rate-capping and rate concessions for community housing.

1. **Provisions for Safe Places for Youth in the regions**

*document pending endorsement by WALGA State Council at 5 December 2018 meeting

CONTACTS

5.12 Managing Alcohol in our Communities Guide (06-045-01-0001 EB)

By Elle Brunsdon, Policy Officer Community

Recommendation

That the Managing Alcohol in our Communities (MAIOC) Guide be endorsed.

In Brief

- The aim of the Guide is to support existing Local Government activities, responsibilities and processes to address alcohol-related issues within their communities. The Guide promotes a prevention and risk management approach to create a safe and healthy place for people to work, live and play.
- The Guide has been developed in partnership with the Mental Health Commission (MHC), the Public Health Advocacy Institute of Western Australia (PHAIWA) and WALGA.
- WALGA will hold a launch with the key project partners on Friday, 1 March 2019.

Attachment

The Managing Alcohol In Our Communities (MAIOC) Guide can be found on the WALGA [website](https://walga.asn.au/Policy-Advice-and-Advocacy/People-and-Place/Health-and-Wellbeing.aspx) <https://walga.asn.au/Policy-Advice-and-Advocacy/People-and-Place/Health-and-Wellbeing.aspx>.

Relevance to Strategic Plan

Key Strategies

Engagement with Members

- Deliver a broad range of benefits and services that enhance the capacity of member Local Governments;
- Build a strong sense of WALGA ownership and alignment.

Sustainable Local Government

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

Enhanced Reputation and Relationships

- Communicate and market the profile and reputation of Local Government and WALGA;
- Strengthen effective relationships with external peak bodies and key decision makers in State and Federal Government.

Policy Implications

Nil

Budgetary Implications

The MAIOC project is funded under a Grant supervised by the Association. The Guide was a pre-determined output and falls within budget.

Background

The Guide is part of an ongoing collaborative Local Government Alcohol Project (LGAP) with the Mental Health Commission (formerly Drug and Alcohol Office) since 2005 to provide Local Governments with evidence-based alcohol management options that could be applied based on local

need and circumstances. The Guide supersedes the 2007 Local Government Alcohol Management Package.

Comment

Local Government alcohol management action occurs alongside a comprehensive range of targeted and whole-of-population approaches aimed at preventing and reducing alcohol-related problems in Western Australia.

The MAIOC Guide promotes a whole-of-organisation approach to local alcohol issues. It is relevant to all spheres of a Local Government organisation including Elected Members, management, policy and operational officers.

WALGA will be hosting a launch of the Guide on Friday, 1 March 2019. Invites to Local Governments, project partners and key dignitaries will be released shortly.

The Association will provide workshops for Local Government Officers on how to use the Guide, including regional areas. The training will be delivered in five regions; Kimberley, Pilbara, Goldfields, South West, and Perth Metropolitan. These workshops will be held between February-April 2019 (specific dates to be confirmed).

6. MATTERS FOR NOTING / INFORMATION

6.1 Local Government Act Review (05-034-01-0001 TB)

By Tony Brown, Executive Manager Governance and Organisational Services

Recommendation

That State Council note the update on the Local Government Act Review process.

In Brief

- The Minister for Local Government commenced a review of the Local Government Act with both a community and a Local Government consultation process in 2017.
- WALGA conducted a comprehensive consultation process with member Local Governments, resulting in the adoption of policy positions on phase 1 of the Local Government Act by State Council in December 2017 and March 2018. The Minister for Local Government announced Phase 1 policy positions at the WALGA Annual General Meeting on 1 August 2018 and intends to introduce legislation prior to the end of the year.
- The Minister for Local Government announced the consultation process for phase 2 of the Act review process in August 2018.
- WALGA in conjunction with the Department of Local Government, Sport & Cultural Industries coordinated 19 Local Government Act forums across the State in Zone groupings in October and November 2018.
- Local Governments are being requested to provide a submission on the Act Review to WALGA by 28 January 2019.
- A State-wide Local Government forum is proposed for 30 January 2019.
- Sector positions on the Act review will be considered at the February/March 2019 round of Zone/State Council meetings to comply with the deadline date of 31 March 2019.

Attachment

Nil

Relevance to Strategic Plan

Key Strategies

Engagement with Members

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

Sustainable Local Government

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

Enhanced Reputation and Relationships

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

Background

The Minister for Local Government commenced a review of the Local Government Act with both a community and a Local Government consultation process in 2017.

WALGA conducted a comprehensive consultation process with member Local Governments, resulting in the adoption of policy positions on phase 1 of the Local Government Act by State Council in December 2017 and March 2018.

The Minister for Local Government announced Phase 1 policy positions at the WALGA Annual General Meeting on 1 August 2018 and intends to introduce legislation prior to the end of the year. WALGA and Local Government Professionals have been consulted on the draft legislation.

The Minister for Local Government announced the consultation process for phase 2 of the Act review process in August 2018.

The following consultation process was proposed by the State Government;

September 2018

- Department to release discussion papers on the topic forum issues that will be collated against the Ministers key themes for the review process of;
 - Inclusive
 - Smart and
 - Agile

October/November 2018

- Department of Local Government, Sport and Cultural Industries to hold forums around the State

December 2018

- Submissions to be finalized by 7 December 2018

The intent of the State Governments timeline was to finalise the first stage of consultation in 2018 to enable the drafting of a Green Bill (Exposure Bill), *Local Government Act 2020* to take place in 2019, which will then be followed by a second 12 week consultation process and then legislation to be introduced to Parliament in 2020.

WALGA successfully advocated for a longer consultation period to 31 March 2019 rather than finishing in early December 2018. The Minister accepted this request.

Phase 2 of the process can include any subject that is worthy of consideration. To commence the process, subjects have been categorised following the Ministers themes of Agile, Smart and Inclusive and the Department of Local Government, Sport & Cultural Industries has prepared discussion papers on the following topics;

- Agile
 - Beneficial Enterprises
 - Financial Management
 - Rates
- Smart
 - Administrative Efficiencies
 - Local Laws
 - Council Meetings
 - Interventions
- Inclusive
 - Community Engagement
 - Integrated Planning and Reporting
 - Complaints Management
 - Elections

The Minister for Local Government has also advised of the following key positions for the Local Government Act review process;

- There will be No Forced Amalgamations
- There will be No Rate Capping
- The review will be on Local Government Act and Regulations only – No other Acts
- The Valuer General is carrying out a review of the rating valuation system, so this Local Government Act review process will not be undertaking this task.

To inform the development of a new Local Government Act for Western Australia, WALGA and the Department of Local Government Sport and Cultural Industries hosted a series of Local Government Act Forums. These facilitated forums were held generally in WALGA Zone groupings between 10 October and 15 November 2018.

This approach was undertaken to maximize the opportunity for Council's input and to have as many Local Government representatives participate as possible.

The forums were held in the following locations:

Date	Zone	Location	Number of Attendees
10/Oct	Gascoyne Country Zone	Carnarvon	12
11/Oct	Central Country Zone	Narrogin	25
16/Oct	Central Metropolitan Zone	Cottesloe	22
22	Great Southern Country Zone	Cranbrook	46
22/Oct	Northern Country Zone	Geraldton	30
24/Oct	South East Metropolitan Zone	Victoria Park	31

24/Oct	Great Eastern Country Zone	Merredin	34
25/Oct	East Metropolitan Zone	Mundaring	27
26/Oct	Avon-Midland Country	Moora	18
29-Oct	East Kimberley Local Governments	Kununurra	17
29/Oct	South Metropolitan Zone	Cockburn	36
1/Nov	Murchison Country Zone	Cue	18
1-Nov	Goldfields Esperance Country Zone	Kalgoorlie	10
2/Nov	South West Country Zone	Busselton	61
5/Nov	West Kimberley Local Governments	Broome	7
5-Nov	Peel Country Zone	Pinjarra	9
13-Nov	West Pilbara Local Governments	Port Hedland	15
15-Nov	East Pilbara Local Governments	Newman	21
15-Nov	North Metropolitan Zone	Wanneroo	21

Each Zone will be provided with a report on their forum and the information will be considered together with submissions from Local Governments in forming a sector position.

Comment

The following were the main themes coming out of the forums;

Local Government Act Framework

There is general support for a simplified Act and Framework to operate with;

- a. Less prescription in the Act and Regulations
- b. Use of Local Government Instructions in place of regulation to provide guidance or best practice in support of the General Competence powers principle.
- c. More discretion to consider matters (ie may/can rather than must/shall).

Beneficial Enterprises

There has been strong support for Local Governments to establish Beneficial Enterprises.

A Beneficial Enterprises is a standalone arm's length business entity to carry out commercial enterprises and to deliver projects and services for the community. Local Governments would have the ability to create Beneficial Enterprises through the Local Government Act, however the stand alone business entity would be governed by the Corporations Act (ie normal company law). Beneficial Enterprises provide services and facilities that are not attractive to private investors or where there is market failure. A Beneficial Enterprise cannot carry out a regulatory function of a Local Government.

More information on a Beneficial Enterprise is contained in the Governance & Organisational Services Key Activity Report.

Rating

There is strong support that the Local Government Act should eliminate exemptions for commercial (non-charitable) business activities of charitable organisations. Also support for the principle that all users of Local Government services should make a contribution to these services

There were differing opinions on whether rate exemptions should be in the Act or at the discretion of the Local Government

- a. Some consider it should be left to Councils to determine
- b. Other believe that State Government should determine so as to keep some consistency between Local Governments

Financial Management

There is support for simplifying the financial management provisions including the regulations.

Reduction in ratios with the aim of just requiring the key ratios to be reported on.

Support for procurement tender thresholds to be consistent with State Government requirements.

Elections

Strong support for on-line voting if security concerns can be addressed and the process be financially viable.

There was support in respect to if a vacancy exists within 12 months of an election being held, the person who was not elected but the next closest can be appointed by the Local Government.

In respect to the issue of compulsory voting, there was majority opposition to this proposal.

Most support was for the current system of 4 year terms with 2 year intervals.

Council Meetings

Support for remote access to meetings (video conferencing) being discretionary to each Local Government.

Support to remove the compulsory requirement for Annual Electors Meetings. Annual reports are considered as part of a Council meeting, where Electors can attend and ask questions through question time.

Support for the ratios for calling Special Elector meeting to be reviewed.

Conclusion

The Local Government Act forums carried out in October/November 2018 were awareness and information sharing sessions that enabled the sector to consider the issues for the Local Government Act review and to be in a position to provide submissions to the Department of Local Government, Sport & Cultural Industries and WALGA.

The Department are accepting submissions from Local Governments, individual Elected Members and Officers as well as the general community. WALGA's submissions will only be received by the Local Government entity, so as to obtain a sector position.

The following is an overview of the WALGA process that will be carried out on the Act review process:

- November 2018 – WALGA will distribute an InfoPage requesting Local Governments (Council decision required) to provide a submission on the Act review process. A submission

to WALGA is requested by 21 January 2019. This will enable Councils to consider an item at their December meetings.

- November Zone Meetings/December 2018 State Council Meeting – Item for noting will be prepared that will cover information on the LG Act review process and a summary of the forums held in October/November and general themes coming through.
- 30 January 2019 – State-wide Forum on the future of Local Government – The forum will include a review of the information coming through from the Local Government Act forums and submissions, in addition there will be guest speakers presenting on the future of Local Government.
- February Zone Meetings/March 2019 State Council Meeting – Item for Decision on sector positions feedback following feedback from Local Government submissions.

All Local Governments are encouraged to provide input and submissions to the Local Government Act review process.

6.2 Economic Development Project (05-088-03-001 DM)

By Anne Bank McAllister, Regional Capacity Building Manager and Dana Mason, Policy Manager Economics

Recommendation

That State Council note the WALGA's Economic Development Project update.

In Brief

- In 2018, WALGA commenced a project to help Local Governments to understand their role in supporting their local economy, and to provide practical tools to help the sector to understand the types of activities that they can undertake.
- The project outputs will include:
 - Local Government Economic Development Framework – Tool to assist the sector to understand its role and inform economic development activities.
 - Discussion paper – Research summary and policy agenda to support Local Governments to undertake their role in driving local economic development.
 - Ongoing support to WALGA members.
- WALGA has engaged broadly with its members and other stakeholders in scoping and progressing the project and has received positive feedback to date. The project is well under way, and final documents are being prepared for the State Council meeting in March 2019.

Attachment

Nil

Relevance to Strategic Plan

Key Strategies

Engagement with Members

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

Sustainable Local Government

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

Enhanced Reputation and Relationships

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

Background

This year, WALGA has commenced a project to help Local Governments to understand their role in supporting their local economy, and to provide practical tools to help the sector to understand the types of activities that they can undertake. The project aims to:

- Understand the current economic development landscape in WA.
- Help Local Governments to understand their role in economic development and create appropriate strategies.
- Support the sector to develop and implement their economic development strategies and activities.
- Advocate for changes to address legislative and policy impediments to local economic development.
- Establish an ongoing professional network for local economic development practitioners.

The project is consistent with the objective identified in WALGA's 2015-2020 Strategic Plan, and responds to the Kimberley Zone Resolution July 2016 Item 11.6 WALGA Support for Economic Development. The resolution requested that:

- WALGA investigates expanding its services to member Councils to pursue economic development opportunities for the local government sector.
- The scope of this service to include identifying systemic blockages of legislative impediments to economic development in the regions of Western Australia.

They key deliverables of the project include:

- Local Government Economic Development Framework
 - Tool to assist the sector to understand its role and inform economic development activities.
 - Flexible and relevant to all Local Governments - no 'one size fits all' approach.
 - Informed by research and evidence.
- Discussion Paper
 - Summarise research
 - Identify key policy issues for the sector
 - Inform WALGA's advocacy strategy
- Ongoing support to WALGA members

Progress Update

The project is well progressed, and final documents are being prepared for the State Council meeting in March 2019.

Reference Group

In late January, WALGA sought nominations to participate in the Industry Reference Group. The following nominations were accepted.

Metropolitan		
City of Wanneroo	Dr Ian Martinus	Manager, Advocacy & Economic Development
Town of Bassendean	William Barry	Senior Economic Development Officer
City of Belmont	Jay Hardison	Manager Property & Economic Development
City of Belmont	Kaitlyn Scannell (proxy to Jay Hardison)	Property & Economic Development Advisory

City of Armadale	Scott Jarvis	Manager Economic Development & Tourism
City of Swan	Kylie Cugini	Manager Business & Tourism Services
City of Canning	Arthur Kyron	Chief Executive Officer
City of Canning	Joy Mickelson (proxy to Arthur Kyron)	Business Engagement & Development Officer
South West Group	Tom Griffiths	Director
Non Metropolitan		
City of Karratha	Chris Adams	Chief Executive Officer
Shire of Manjimup	Andrew Campbell	Chief Executive Officer
City of Kalgoorlie-Boulder	John Walker	Chief Executive Officer
Shire of York	Paul Martin	Chief Executive Officer
Shire of Derby-West Kimberley	Stephen Gash	Chief Executive Officer
Pilbara Regional Council	Tony Friday	Chief Executive Officer

The reference group has met four times this year to date, with further meetings scheduled before the end of 2018.

A State Council Policy Forum has also been established to examine economic development issues on behalf of the sector and to guide the project. The Forum will meet for the first time on 4 December 2018. The Members of the Forum are:

Cr Lynne Craigie (State President) - Chair	Shire of East Pilbara
Cr Keith House (State Councillor)	Shire of Gnowangerup
Cr Kate Driver (State Councillor)	Shire of Mundaring
Mayor Logan Howlett (State Councillor)	City of Cockburn
Cr Chris Mitchell (State Councillor)	Shire of Broome
Mayor Grant Henley	City of Busselton
Mayor Renee McLennan	Town of Bassendean
Anthony Vuleta (Chief Executive Officer)	Town of Victoria Park
Andrew Campbell (Chief Executive Officer)	Shire of Manjimup

Data collection and research

The first phase of the project relates to research and consultation to ensure that the framework is underpinned by a sound evidence base, and is relevant to the sector's needs. The research will also be used to inform the policy agenda and ongoing support offered by WALGA.

The initial phase of the project involved a desktop review of existing literature around the role of Local Government in economic development. While there has not been a detailed study of Western Australia, research from other jurisdictions showed a number of common themes around the role of the sector and the current landscape.

- The role for Government is in enabling and facilitating. Local Governments should focus on addressing areas of market failure, not competing against businesses.
- Economic development activities should form part of a larger, integrated strategy – which is aligned to the broader regional context and linked to a community's unique competitive advantages.
- Collaboration between different levels of Government, business and the community is critical to the success of local economic development initiatives.

- Economic development should not be undertaken in isolation - it is a lens for all Local Government activities.
- Creating a business friendly environment by encouraging competition and productivity growth is important to positive economic development outcomes.

As well as desktop research and a consideration of existing literature about the role of Local Government in economic development, WALGA is also conducting its own research into the economic development landscape in WA through a series of surveys, workshops and face to face meetings with Local Government Officers, Elected Members, State and Commonwealth Government agencies and business organisations.

The key findings of the research to date show that:

- Economic development is becoming a growing focus for Local Governments, though there is no consistent approach to how the sector is going about this. Some Local Governments have formal and well researched Economic Development strategies, while others are undertaking economic development in a more ad hoc manner.
- There is no 'one size fits all' approach. Each community has its own unique characteristics and priorities that need to be taken into consideration.
- Local Governments have an important role in terms of enabling and facilitating economic development, particularly through its functions in:
 - Planning and coordination
 - Alignment between stakeholders, and providing leadership in the community
 - Addressing market failures, through traditional activities such as provision of services and infrastructure, and more innovative areas such as seed funding new initiatives.
- Collaboration is key to economic development, but there is scope to do much more. There are many organisations in WA involved in economic development and they are not necessarily working together at present. In particular, there is considerable scope to work more collaboratively with State and Commonwealth Government economic development agencies – but for this to work they need to see Local Government as a partner.
- Businesses believe that Local Government has an important role to play in supporting local economic development, and that the focus should be on creating a business friendly environment. There is a need to recognise that business is part of the community, not separate to it.
- The types of support that Local Governments can provide to support businesses included a dedicated officer for businesses, local procurement, investment attraction and business friendly policies.

A number of Elected Member workshops were also held in September and November, and an Elected Member survey was distributed in late October. The findings of these will be collated and used to inform the project.

Stakeholder engagement and consultation

WALGA has also been engaging broadly with other stakeholders involved in economic development with meetings held with a range of organizations including:

- *Economic Development Australia (EDA)* – A formal relationship has been established with EDA, given that the majority of its members are from Local Government. The EDA WA Practitioners Network is currently reviewing its strategic direction, with the key focus to be around policy development and advocacy; networking and professional development; and events. WALGA

and EDA will collaborate on events and professional development and advocacy where appropriate.

- *Committee for Economic Development of Australia (CEDA)* – CEDA has become aware of the project, and approached WALGA to explore opportunities to collaborate in this area. There are a number of opportunities that are being explored, including the option to host a special CEDA Trustee Event on the role for Local Government in Economic Development. WALGA partnered with the City of Perth to host the launch of CEDA's "Community Pulse" research.
- *Regional Development Australia (RDA)* – RDA Perth was happy to be briefed about the project, and has shared its contact list of Local Government Economic Development Practitioners. WALGA has also engaged with RDA Wheatbelt, who would be willing to develop a closer and more collaborative relationship to drive regional economic development in the future.
- *Department of Local Government, Sport and Cultural Industries (DLGSC)* – The DLGSC has approached WALGA to understand the project and to identify opportunities to collaborate given the State Government's focus on economic development through its Plan for Jobs. The DLGSC attend the reference group meeting as an observer. WALGA also partnered with the Department to host a breakfast at the WALGA convention focused on Beneficial Organisations.
- *Department of Treasury* – WALGA briefed Treasury's microeconomic reform and regulatory reform units on the project. Treasury is keen to be informed as the project progresses and to obtain advanced copies of the discussion paper and policy agenda to assist with their identification of priorities in developing a microeconomic reform agenda for the state.
- *Department of Jobs, Tourism, Science and Innovation* – There is a strong focus on Local content and procurement issues as part of the State Governments economic development strategy, the Plan for Jobs, and there may be opportunity for Local Governments to streamline processes in order to generate opportunities for small businesses.
- *Department of Planning, Lands and Heritage* – The Department is willing to speak to Local Governments about the opportunity to leverage crown land as part of a broader economic development agenda.
- *Small Business Development Corporation (SBDC)* – SBDC is willing to provide feedback on the framework as it is developed, and to share tools and resources. It has also provided WALGA with an update on the Small Business Friendly Local Government Program. SBDC assisted with the distribution of WALGA's Business Survey.
- *Wheatbelt Development Commission* – WALGA recently presented to the WDC board and have been in regular engagement with key officers. The WDC is willing to continue to engage with WALGA to support regional economic development.
- *University of Western Australia (UWA)* – The Centre for Regional Development is actively engaged in economic projects with Regional Development Commissions and Local Governments. There is scope for WALGA to tap into UWA students to assist with the project. UWA has also previously provided training for Local Governments on regional economic development, and there may be scope to undertake this again if there is an interest.
- *University of Technology Sydney* – UTS recently released a research paper on Local Government and Economic Development, and has formed a research alliance with WALGA for this project which includes data sharing and peer review of research.
- *Regional Chambers of Commerce and Industry (RCCI)* – The RCCI provides an important avenue for WALGA to gauge business perspectives throughout the project. RCCI have indicated their willingness to participate including at the Local Government Convention 2018. RCCI assisted with the distribution of WALGA's Business Survey.
- *Chamber of Commerce and Industry of WA (CCIWA)* – WALGA met with key policy staff from CCIWA to brief them on the project, and presented to their Economic Development Policy Forum. There was agreement to remain engaged going forward on this and other areas of common interest.
- *Tourism Council of WA (TCWA)* – Given that tourism has been identified as the focus of many economic development strategies, WALGA met with TCWA to discuss the project and to seek input into the key considerations for the sector in pursuing growth in the tourism industry. TCWA

provided a detailed overview of the key considerations and identified collaboration and branding as key issues for the sector to consider.

- Urban Development Institute of WA (UDIA) – WALGA briefed UDIA on the project, who agreed to assist with to distribution of the business survey to its members. UDIA assisted with the distribution of WALGA's Business Survey.
- *Association of Mining and Explorations Companies (AMEC)* – WALGA briefed AMEC on the project, who agreed to assist with to distribution of the business survey to its members.
- *Chamber of Minerals and Energy (CME)* – The CME is supportive of the project, and assisted WALGA to engage with its members including through distribution of the business survey. WALGA presented to CME's Economics and Tax Committee on the project, and there was broad support and interest from the sector.

Plan for Jobs

To assist the sector understand how it can align local activities with the State Government's economic development priorities, WALGA has prepared a review of the McGowan Government's Plan for Jobs, which outlines the impact on local areas and ways the sector can engage with the associated programs and projects.

The document was launched at an event at the City of Belmont in September. We were highly appreciative the Premier and Minister for Local Government attended and recognised the role Local Government plays in the State's economy and the scope for both sectors to collaborate in order to achieve our common goals.

Local Government Convention 2018

For the first time, a concurrent session focussing on Economic Development was held at the Local Government Convention.

The session was entitled *Leading Local Economies* and examined the role of Local Government in economic development, business insights, and practical examples of economic development. The speakers included:

- Professor Lee Pugalys, University of Technology Sydney
- Kitty Prodonovich, CEO, Regional Chambers of Commerce and Industry
- Anthony Vuleta, CEO, Town of Victoria Park
- Andrew Campbell, CEO, Shire of Manjimup.

These presentation were followed by a 30-minute facilitated panel session on the role of Local Government in economic development facilitated by Paula Rogers, State Manager, CEDA.

Comment

Overall, WALGA has received positive feedback from stakeholders about the importance of the project and the role that Local Governments can play in driving economic development outcomes.

While there has been a significant body of work undertaken to develop the Framework and Discussion Paper, it is expected that there will be an ongoing role for WALGA to support the sector in this area.

6.3 Report: Review of Local Government Car Parking Requirements in Western Australia (05-036-03-0063 AR)

By Ashley Robb, Project Officer, Planning and Improvement

Recommendation

That State Council note the report: *Review of Local Government Car Parking Requirements in Western Australia*.

In Brief

- In 2017, WALGA hosted a workshop to discuss the regulation of car parking requirements, as well as potential options for addressing a range of car parking issues.
- Historically, car parking requirements have been regulated through the codification of minimum parking ratios in local planning schemes and local planning policies.
- A key finding from the 2017 member workshop was that the historical basis for these minimum car parking ratios, and how these ratios have evolved over time, is uncertain.
- WALGA, in collaboration with the Department of Transport and Cardno, has finalised a report which evaluates the historical bases being used to identify car parking requirements by Local Governments in Western Australia.
- The report finds that the use of minimum car parking ratios in Western Australia is poorly related to demand and broader community needs. The report identifies that existing parking requirements have usually been informed by a patchwork of sources.
- These findings suggest that while these sources provide a convenient set of tools for identifying and codifying parking requirements, they are not designed to achieve the environmental, economic or social strategic objectives of individual Local Governments and their communities. The report also includes a discussion of potential policy alternatives.
- Next steps are likely to include the preparation of short case studies and a member workshop to help explain where and how these policy alternatives have been implemented.

Attachment

Review of Local Government Car Parking Requirements in Western Australia:

https://www.walga.asn.au/getattachment/Documents/Cardno_Review-of-LG-Parking-Requirements_Main-Report_vFINAL.PDF.aspx?lang=en-AU

Relevance to Strategic Plan

Key Strategies

Sustainable Local Government

- Provide support to all members, according to need.

Enhanced Reputation and Relationships

- Strengthen effective relationships with external peak bodies and key decision makers in State and Federal Government.

Background

In 2017, WALGA hosted a workshop to discuss the regulation of car parking requirements, as well as potential options for addressing a range of car parking issues.

Historically, new development car parking requirements have been regulated through the codification of minimum parking ratios in local planning schemes and local planning policies. For example, the

City of Stirling requires that any new development classed as “Restaurant” provides one car bay per 7m² of gross floor area. Similarly, the City of South Perth requires new development classed as “Local Shop” to provide one car bay per 25m² of gross floor area.

While some Local Governments seem to be shifting away from the use of minimum parking ratios, such as the City of Vincent and City of Perth, most Local Governments in Western Australia continue to apply minimum parking ratios.

A key finding from the 2017 member workshop was that the historical basis for these minimum car parking ratios, and how these ratios have evolved over time, is uncertain.

This uncertainty raises questions as to the rationale for, and effectiveness of, using minimum car parking ratios to meet the parking demands created by new development, and strategic community objectives such as to: improve traffic flow and decrease congestion; support integrated transport systems and alternative transport modes; increase public transport usage; create pedestrian friendly town centres; increase economic activity in town centres; and, ensure the efficient use of urban land.

Following the 2017 workshop, in early 2018 WALGA contacted senior transport planners at the Department of Transport to discuss the issue. The Department agreed to provide funding to engage transport planning engineers at Cardno to evaluate the source and evolution of new development car parking requirements in Western Australia. In particular, the report aimed to:

- Identify the origins of minimum parking ratios being applied in Western Australia;
- Evaluate how these ratios have been adapted and applied over time; and,
- Discuss whether these ratios are likely to meet the transport needs of new development users and the broader local community, or if other approaches should be considered.

The report used the following methods to meet these aims:

- Review historical and recently updated Local and State Government policy documents;
- Contact Local Governments directly to identify current and previous requirements and seek an anecdotal overview of parking requirements in their jurisdiction; and,
- Review national and international best-practice sources, journals and historic documents.

The Report was completed in September 2018. Overall, the report finds that the design of existing parking requirements in Western Australia is poorly related to demand and broader community needs. The report identifies that existing parking requirements have usually been informed by a patchwork of sources, including:

- Parking surveys completed in the USA and Sydney, some as long ago as the 1970's;
- Results of an investigation for a single development application that then became the standard for all subsequent developments;
- Requirements applied by a neighbouring Local Government which may be perceived to be attractive to users and as such, are adopted more broadly without proper analysis; and,
- An evolution from previous requirements, adjusted incrementally to reflect changing attitudes to local parking supply.

Notably, most Local Governments contacted during the report's preparation do not have documentation available which explains the rationale for adopting their current parking requirements. Furthermore, the vast majority of new development parking requirements do not seem to promote or consider the impact of pricing on parking demand, nor the role of the adjacent on-street and public parking environment.

These findings suggest that while the previously mentioned sources provide a convenient set of tools for identifying and codifying new development parking requirements, these sources are not designed to achieve the environmental, economic or social objectives of individual Local Governments and their communities.

Importantly, the report also includes a brief discussion of potential policy alternatives. These policy alternatives include:

- Nuanced parking management, to accommodate varying land uses such as residential dwellings and restaurants, which may have conflicting parking requirements;

- Shared and public parking (communal car parking), facilitated by shared, reciprocal and cash-in-lieu provisions;
- Consolidated or banded land use parking ratios, to reduce assessment overheads. This option identifies common parking requirements for similar land uses;
- Parking requirements for large development sites, by requiring applicants to prepare access and parking plans. This option ensures that the provision of parking is tailored to suit the particular needs of individual development sites;
- Sustainability targets and congestion mitigation, by applying caps on supply across an activity centre or precinct; and,
- Accommodating technological change and reduced demand for parking, due to the impending uptake of automated vehicles. This option would locate parking offsite or require a proportion of parking to be adaptable to other land uses.

Following consultation with the Department of Transport (funders of the project) and a small member working group, the report was finalised and disseminated to all members through WALGA's Planning Improvement Program portal in September 2018.

Comment

At the 2017 workshop, members noted that the rationale for applying minimum car parking ratios was likely to be questionable and that the application of these ratios was unlikely to be meeting broader strategic community objectives.

This report answers those questions while also providing an important platform for the investigation and consideration of policy alternatives.

The report also provides a list of potential next steps. Given the breadth of these next steps, WALGA is currently consulting with the Department of Transport and members to prioritise these steps. As a result of consultation undertaken to date, it is likely that immediate next steps will include:

- The preparation of short case studies to help explain where and how the policy alternatives outlined in this report have been implemented by Local Governments in Western Australia and interstate; and,
- A workshop with transport planners from the Department of Transport and other transport planning specialists, to present and discuss the case studies with members.

In summary, the 2017 workshop and 2018 report demonstrate that Local Governments are considerate of the broader implications of applying existing parking requirements and are actively seeking to identify and apply policy alternatives which meet the changing needs of community and technological advancements.

6.4 Event for Elected Members – Health Services in Regional Areas (05-031-01-0001 EDR)

By Evie Devitt-Rix, Senior Policy Advisor Community

Recommendation

That State Council note that WALGA will host an event on Wednesday, 6 March 2018, to provide information on the current situation and future opportunities in regional health to Elected Members and CEOs.

In Brief

- In May 2017 the Murchison Zone requested assistance from WALGA on the matter of staffing arrangements for Regional Health Services. As a result of this request, WALGA staff met with WA Country Health Service (WACHS) and St John Ambulance late in 2017, to ascertain levels of assistance, and future opportunities, from these agencies.
- The issue was brought to the WALGA State Council's Strategic Forum in March 2018 to determine the extent of the issue for Local Governments across Western Australia.
- In May 2018 WALGA conducted the Regional Health Services in Western Australia Survey of Local Governments, receiving a total of 161 responses from 91 Local Governments. A report summarising survey findings and making recommendations was endorsed by State Council in September 2018.
- In order to address these recommendations, and build the capacity for Local Governments to seek support for these issues, WALGA will host an event for Elected Members and CEOs prior to the next State Council meeting on 6 March 2018.

Attachment

Nil

Relevance to Strategic Plan

Key Strategies

Engagement with Members

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

Sustainable Local Government

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

Enhanced Reputation and Relationships

- Communicate and market the profile and reputation of Local Government and WALGA;
- Promote WALGA's advocacy successes with the sector and the wider community;
- Strengthen effective relationships with external peak bodies and key decision makers in State and Federal Government.

Background

At the May 2017 Murchison Zone meeting it was noted and carried that:

The Murchison Country Zone raise with WALGA State Council and other relevant bodies the critical issue with regard to the Staffing of Health Centres in the Murchison region. This region recommends that Government policy should dictate that at least two nurses, as a minimum, should be stationed at Health Centres where there is no hospital.

As a result of communication with regional Local Governments, WALGA met with the WA Country Health Service (WACHS) and St John Ambulance to determine opportunities to tailor existing and future resources to the needs of these communities. These meetings were productive and provided insight into opportunities that Local Government can take up, to support their communities and provide greater health coverage in regional areas. This included telehealth, and using St John audits to determine gaps in emergency services, which can then be addressed in a range of innovative ways.

The issue was raised at the WALGA State Council Strategic Forum in March 2018, to determine whether allocation of health services was a state-wide issue that would benefit from the Association's advocacy. As an outcome of the meeting, the Association was requested by State Council to seek more information from members and Zones on this issue. This information was reported to State Council to determine the next steps to be taken.

WALGA engaged with members to ascertain the current and specific issues that are experienced by Local Governments across the State, in order to determine where to best direct energy in order to enact change that will assist Local Governments in ensuring the communities they serve are best accommodated for. The Regional Health Services Survey opened on Wednesday, 9 May 2018 and closed on Friday, 1 June 2018. The Survey was sent through WALGA's *LG News* and *Councillor Direct* communications channels, and was also emailed to all Elected Members on WALGA's contact list.

The Survey received 161 responses from 91 Local Governments. The Survey asked for contact details and Local Government details of the health services currently available in the area, and information on any gaps experienced, or solutions Local Governments have used to boost the service to their community. Respondents were predominantly from regional, rural and remote Local Governments, with three metropolitan Local Governments also responding.

The most predominant themes to emerge from analysis of survey responses were:

1. **Workforce** challenges in recruiting and retaining doctors, nurses and allied health staff (health professionals).
2. **Distance** to travel to see a health professional.
3. **Access** to health professionals (Hours of operation or number of staff providing service).
4. **Aged care** services for people to stay within their region as they age are limited.

Conducting the Regional Health Services in Western Australia Survey of Local Governments has highlighted the priority of this topic as a widespread area of concern for the majority of Western Australian Local Governments.

It was concluded that there is significant work to be done before Local Governments can be confident in the coverage of health services in their communities.

These issues and recommendations by the Association to address them were endorsed by WALGA State Council in September 2018.

Comment

Since endorsement of the WALGA survey report, WALGA staff have met with the Rural Health Agency Reference Group, which includes Rural Health West, WA Country Health Services, WA Primary Health Alliance (WAPHA) and St John Ambulance. The survey report and recommendations were discussed as part of the meeting. WALGA officers have also met with WAPHA separately to discuss issues in regional health.

The Association has also met with the National Health Cooperative to discuss how their co-operative model of health works and whether it could be applied in the Western Australian context.

As a next step to address the Survey Report's recommendations, WALGA will host an event for Elected Members and CEOs on 6 March 2019, bringing together key stakeholders in regional health. The aim of the event is to discuss the opportunities provided by Rural Health West, WACHS, WAPHA, St John Ambulance and the Aboriginal Health Council, in regional, rural and remote areas, and to provide information and key contacts relevant to each region. A session to discuss these issues in smaller groups (such as a 'speed dating' session) will be part of the program. Webinar facilities, and a recording of the event to view at a later date, will be provided.

WALGA acknowledges the inconsistency of hosting an event for regional Local Governments in the city, but would like to take the opportunity to gather WA leaders of each of these health organisations at one central event to contribute to this process and body of work. The Association also acknowledges that the issue was initially raised by State Councillors, and therefore has ensured that the event is run at a time that will make it easier for all State Councillors to attend.

To support Local Government staff and Elected Members in regional areas, WALGA will seek out opportunities to carry out targeted and deliberative consultation during 2019 in the regions, including bringing together representatives of health agencies and Local Governments across WA, if this is desired by Local Government.

The aim of bringing together these agencies and Local Governments, is to find synergies and opportunities to aid in establishing more cohesive health support across WA.

The event will also include a workshop component, to gather information from members on how they would like WALGA to further the issue on their behalf. More information will be provided as the planning of this event progresses.

6.5 Government Regional Officer Housing (GROH) (05-018-04-0004 KD)

By Kirstie Davis, Policy Manager Community

Recommendation

That State Council note the findings from research into the Government Regional Officer Housing (GROH) Initiative.

In Brief

WALGA has:

- Received official correspondence from the Northern Country and South West Country Zones at their scheduled meetings on 22 June 2018.
- Written to the Commissioner of Police on 27 August 2018 and received a written response from Assistant Commissioner of Police on 22 October 2018 clarifying the Western Australian Police Force's position on the matter.
- Met with key officers at the Western Australian Police Union in September and the Department of Communities (Housing) in October.
- Included in State Budget submission the wider issues of regional service disparity being experienced in Western Australia and outlined solutions and recommendations.
- Wrote to the Minister for Housing on 1 November 2018 and is awaiting a response.
- WALGA now provides for State Council a synopsis of the current state of play and a brief overview of the current Local Government activities underway.

Attachment

Nil

Relevance to Strategic Plan

Key Strategies

Sustainable Local Government

- Provide support to all members, according to need;
- Foster economic and regional development in Local Government.

Enhanced Reputation and Relationships

- Strengthen effective relationships with external peak bodies and key decision makers in State and Federal Government;

Background

The Northern Country Zone at meeting held on 22 June 2018 proposed the following:

1. *The Northern Country Zone request WALGA to support the Police officers campaigning to remove the planned increase in GROH rents for police officers serving in regional areas.*
2. *That the Northern County Zone requests WALGA to advocate to the Commissioner of Police to address the inequity in those locations classified as desirable thus attracting rent viz those classified not desirable and are rent free, which in turn creates difficulty in recruiting placement officers.*
3. *The Northern Country Zone requests WALGA to advocate to other Shires whose police officers are also affected.*

4. *That WALGA investigates how these proposed rental increases will affected other public servants employed in regional areas.*

The South West Country Zone meeting held on 22 June 2018 proposed the following:

1. *Write to the Minister for Housing and the Minister for Police to highlight the concerns including:*
 - *Condition of housing available*
 - *Costs of rent and rent increases*
 - *Lack of surety in tenure to assist with rental options for Police Officers*
2. *Request that WALGA also raise these concerns outlined above with the relevant Ministers and Departments as this issue is common across Regional Western Australia in relation to Government Regional Officer Housing (GROH) as a whole.*

With further commentary:

The City of Busselton has recently been approached by the WA Police Union in relation to issues that their members are experiencing with GROH allocated housing within the South West Region. In addition these issues such as increasing rents, affordability and quality of housing are not isolated concerns with Police Officers. Other government employees such as teachers, nurses, parks and wildlife officers have also outlined similar concerns.

The attraction and retention of key government personnel within the Regions is extremely important to deliver the services expected by the community. At times, the housing situation has caused some government employees to leave their positions prematurely, which has an impact on service delivery and potentially puts Regional communities at risk.

The WA Police Union states that the State Government will be increasing GROH rents by a further \$30 per week which is on top of the \$30 increase applied the previous year. These rent increases essentially make it less attractive for Police Officers to serve in regional towns. The WA Police Union states that GROH rental costs will be increased over a 2 year period by \$3,120 per annum, however, the incremental pay increase of an average Police Officer is only \$2,000 over the same period.

This financial penalty for Police Officers is clearly a deterrent for officers wishing to consider relocation to our Region. As it is also understood that the quality of housing and availability of housing are also concerns with other sectors of government.

At present, the State School Teachers Union of WA is also running an active petition to lobby against the increases in GROH housing. More specifically, they are requesting the State Government to:

- *Commit to a full review of the mechanism for GROH Rent Fixing;*
- *Direct DoE to suspend all GROH rent increases pending the outcome of this review; and*
- *Guarantee GROH will not be privatised, reduced or removed.*

Basic requirements such as housing is a key attractant when recruiting staff to the Regional area. It is felt that housing should be made as an attractant and not a deterrent when government employees such as Police Officers, teachers, nurses etc. consider moving to our regional towns.

WALGA wrote to the Commissioner of Police on 27 August 2018 seeking support in alignment to the above outlined views of the Zones and received a response from Assistance Police Commissioner, Mr Murray Smalpage. The response outlined that the Western Australian Police Force (WAPol), through negotiations, were able to absolve the increase for the 2016-17 financial year, with no ability to keep rental increases capped at \$10 per week beyond that. WAPol further outlined a commitment to their regional portfolio and shared concerns about the longer term impacts of increasing rents for police officers and other government workers in regional Western Australia, with an invitation to meet and discuss in the near future. WALGA is in the process of making these arrangements to honor a commitment to serve members in regional locations.

On 26 October 2018, WALGA met with GROH officers at the Department of Communities (Housing) (DoC), who confirmed the Department of Treasury (DoT) was the lead agency in directing the DoC to amend *Tenant Rent Setting Framework Policy* (the Policy) in November 2015. Since the Policy

change, most Government agencies have applied the \$30 per week annual increase to GROH tenants' rent and are no longer required to apply the \$30 increase as they have reached the Policy maximum.

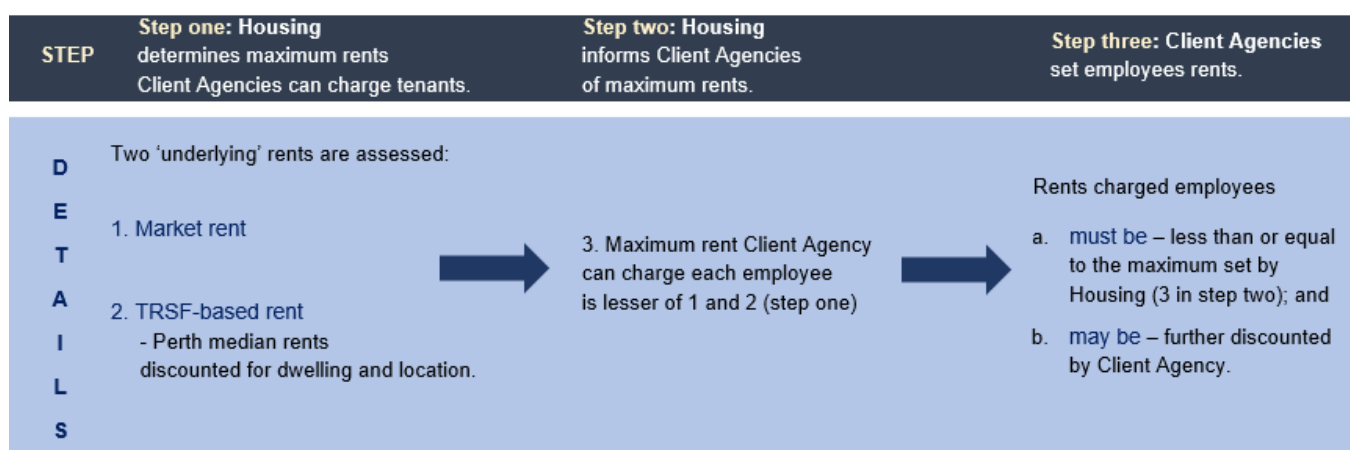
The purpose of the Policy is to make clear how the DoC sets and revises the maximum rents State Government agencies may charge a GROH tenant in a GROH dwelling. It also clearly outlines State Government agencies' obligations when setting and revising the rents they charge. The intent to attract and retain staff in regional towns is a key consideration of the Policy.

Each year, DoC revises the maximum rents that State Government agencies can charge GROH tenants. To determine these maximums, it calculates:

- a. A discounted rent, in which a dwelling discount and a location discount are applied to the Perth median rent for a dwelling of a similar configuration; and
- b. The market rent, which is set by a licensed independent valuer each year for every GROH dwelling.

The lesser of these amounts is the maximum rent that State Government agencies can charge GROH tenants. Client agencies may charge less than the maximum amount, depending on their need to attract and retain staff in a particular regional location.

The rent-setting process is outlined in the flow chart below:



Below is an example of how rents are discounted under the TRSF Policy.

<u>Medium Amenity Three Bedroom in Broome</u>	
Perth Median Rent for 3 Bedroom	\$157.00
Discount of 20% for Medium Amenity	\$ 31.40

Adjusted Median Rent	\$125.6

<u>Sum the Discounts for the Location</u>	
- Distance from Perth	20%
- Distance from the coast	0%
- Distance from a regional centre and;	0%
- The assessed amenity level of the location.	4%
Discount to Apply to adjusted median rent	24%
Employee Rent	\$95.00*
* Rounded to nearest dollar	

<u>Medium Amenity Three Bedroom in Broome</u>	
Perth Median Rent for 4 Bedroom	\$425
Discount of 20% for medium amenity	\$85
<u>Sum the Discounts for the Town's location</u>	
- Distance from Perth	20%
- Distance from the coast	0%
- Distance from a regional centre; and	0%
- Town's attributes	4%
Discount to Apply to adjusted median rent	24%
Discount amount	\$82
Total Discount	\$167
Max. rent tenant may be charged (to nearest dollar)	\$258

Housing's officers confirmed that fluctuations in property markets and the time lag between when rents are set and when these rents take effect (in the following financial year) can be challenging.

On 5 November 2018 WALGA wrote to the Minister for Housing to outline the number of partnerships currently underway between Local Government and DoC to meet demand in the regions. Local Government currently leasing property back to the DoC to add to GROH stock as an initiative to meet localised demand, include the Shire's of:

Bruce Rock	Carnamah	Corrigin
Cranbrook	Dowerin	Dumbleyung
Gnowangerup	Jerramungup	Kellerberrin
Kojonup – in progress	Kulin	Menzies
Merredin	Mukinbudin – in progress	Nyabing
Southern Cross	Tambellup – in progress	Wyalkatchem

Comment

Key principles of the Policy include:

- Each year Government Regional Officers' Housing issues employee rent-setting guidelines for agencies.
- The annual Perth median rents published by Real Estate Institute of WA (REIWA) are discounted for each GROH dwelling and location.
- Agencies must not charge employee rents above those calculated by the Policy.
- In locations that are difficult to staff, agencies can, subject to the needs of whole of Government, charge less than the GROH maximum rents. They may also decide not to charge employee rent.
- Each agency is responsible for its compliance with the Policy when setting employees' rents.
- Agencies are required to be sensitive to the public sector impacts in decision making.

WALGA has been clearly instructed by its members to advocate for the vastly diminishing services in regional locations. Officers will pursue a meeting with the Minister of Housing and the Commissioner of Police to continue to advocate on behalf of members for the GROH program.

6.6 National Redress Scheme (05-086-03-0004 KD)

By Kirstie Davis, Policy Manager Community

Recommendation

That State Council note the emerging discussions between WALGA, the Department of Local Government, Sport and Cultural Industries and the Department of Premier and Cabinet about the National Redress Scheme.

In Brief

- The Association, together with the Department of Local Government, Sport and Cultural Industries consulted with the Local Government sector to develop the Western Australian State Government Child Safety Implementation Plan which is provided as an Item for Decision at the December 2018 meeting.
- It has now come to the attention of the Association that there needs to be an additional consideration for Local Governments to join the National Redress Scheme and discussion about what this may look like are emerging.

Attachment

Nil.

Relevance to Strategic Plan

Key Strategies

Engagement with Members

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

Sustainable Local Government

- Continue to build capacity to deliver sustainable Local Government;
- Provide support to all members, according to need;

Enhanced Reputation and Relationships

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

Background

In June 2018 Premier Mark McGowan, Attorney General John Quigley and Child Protection Minister Simone McGurk released the Western Australian Government's response to the Royal Commission's recommendations, apologised to people affected by child sexual abuse in government institutions, and announced that Western Australia would join the National Redress Scheme.

Between July and October 2018 the Association and the Department of Local Government, Sport and Cultural Industries (DLGSC) consulted with the sector to provide input to the Western Australian State Government Implementation Plan, which is presented to State Council for endorsement at the December 2018 meeting.

On 2 November 2018, the Association was approached and met accordingly with the Department of Premier and Cabinet (DPC), DLGSC and Local Government Insurance Scheme (LGIS) to discuss

Local Government's role and possible inclusion in the National Redress Scheme, either independently or as a state declared agency.

The National Redress Scheme (the Scheme) is the recognition of harm to children in institutions. The Scheme has developed a financial contribution framework to be paid to individuals that establish a claim. To establish a claim against a Local Government, a survivor must meet the requirements as established through the Scheme.

The meeting held on 2 November 2018 was for specific consideration to how Western Australian Local Governments are dealt with in the Scheme.

Comment

The first conversation on 2 November 2018 between the DPC, DLGSC, LGIS and WALGA raised many questions that the Association is now seeking a response to before developing a process in which to consult with the Local Government sector.

The Scheme will come into effect from 1 January 2019, however, the ultimate deadline for inclusion decisions is 30 June 2020.

6.7 Family and Domestic Violence (05-086-03-0004 KD)

By Kirstie Davis, Policy Manager Community

Recommendation

That State Council notes the Association's ongoing activity in family and other domestic violence legislative reviews and resource development.

In Brief

- The Association's workload with family and domestic violence (FDV) related matters has been significantly increasing.
- The Association will continue to advocate for State and Federal Government to consider appropriate resources required to support a localised and coordinated response to FDV.

Attachment

Nil.

Relevance to Strategic Plan

Key Strategies

Engagement with Members

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

Sustainable Local Government

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

Enhanced Reputation and Relationships

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

Background

Since March 2018, WALGA has been requested to represent the sector on a variety of FDV key topics. This has included Local, State and Commonwealth Government legislative reviews and the development of resources. An outline of activity in chronological order is as follows:

- Commonwealth Government, Department of Social Services, Local Government Family and Domestic Violence Prevention Toolkit (the Toolkit), representation on a National Secretariat for development of the Toolkit
- State Government, Department of Communities, submission on Elder Abuse

- State Government, Department of Local Government, Sport and Cultural Industries, submission on the Royal Commission into Child Sex Abuse
- State Government, Department of Communities, Family and Domestic Violence Strategy, early consultation advice
- State Government, Department of Premier and Cabinet, National Redress Scheme
- COAG National Summit on Reducing Violence against Women and Children developed key policy directions to underpin the Fourth Action Plan of the *National Plan to Reduce Violence against Women and their Children 2010 – 2022*.

In October 2018, State Government decided to defer the *Residential Tenancies Legislation Amendment (Family Violence) Bill 2018*, a key piece of legislation which would make it easier for victims of FDV to escape their situation without penalty, to the WA Parliament's Standing Committee on Legislation. The changes in legislation are essential for keeping people experiencing FDV safe, by allowing them to:

- Terminate a tenancy quickly, by giving the lessor a notice of termination on the grounds of FDV supported by required evidence;
- Make modifications to the home they are renting to ensure safety, such as changing the locks without having to seek approval prior from the lessor; and
- Affix any prescribed fixture, or make prescribed renovation, alteration or addition to the premises to prevent the perpetrator's entry onto the premises.

The Association recognises the contributions the Western Australian Council for Social Services (WACOSS) and Shelter WA have provided via submissions to the Standing Committee within the given timeframes, and continues to remain cognisant of the progress and possible implications for the Local Government sector

Further in October 2018, Shelter WA and researchers at the University of South Australia launched a study into the policy work required around the *Residential Tenancies Act 1987* and the *Residential Parks (Long-stay Tenants) Act 2007*, to better understand how tenancy law impacts on women and children who have left, or want to leave, a violent relationship.

Comment

There has been an increase in attention to FDV as a public health issue and recognition of the critical role Local Governments play in the culture and attitudes of their community through the services and initiatives they run at a local level.

The Association will continue to advocate through its Local, State and National partnerships for the Commonwealth Government, Department of Social Services, to resource a suitably appointed Western Australian based organisation to:

- Support the wider implementation of the Toolkit;
- Advocate for legislative change; and
- Partner with relevant agencies for a coordinated approach.

6.8 Report Municipal Waste Advisory Council (MWAC) (01-006-03-0008 RNB)

By Rebecca Brown, Manager Waste and Recycling

Recommendation

That State Council notes the resolutions of the Municipal Waste Advisory Council at its 29 August and 24 October meetings.

In Brief

- This item summaries the outcomes of the MWAC meetings held on 29 August and 24 October.

Attachment

Nil

Relevance to Strategic Plan

Key Strategies

Engagement with Members

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

Sustainable Local Government

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

Enhanced Reputation and Relationships

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

Background

The Municipal Waste Advisory Council is seeking State Council noting of the resolutions from the **29 August and 24 October 2018** meetings, consistent with the delegated authority granted to the Municipal Waste Advisory Council to deal with waste management issues.

Minutes of the meeting are available from the WALGA website <http://walga.asn.au/About-WALGA/Structure/State-Council/Agenda-and-Minutes.aspx>. Copies of specific items and further supporting information are available on request from Municipal Waste Advisory Council staff.

Comment

The key issue considered at the meetings held on **29 August and 24 October 2018** included:

Consistent Communications

At the MWAC meeting on 27 June, the Council discussed the issue of consistent communication regarding recycling systems. This matter has also been discussed by the State Governments Waste Taskforce. For consistent communications to occur all of the Material Recovery Facility (MRF) operators need to agree what materials can be included, or should be excluded, from the recycling bin. Previously the Facilities had slightly different acceptance criteria, particularly for flexible plastic.

Material Recovery Facility operators have now agreed on a common list of materials that can and cannot be recycled through the kerbside bin – this information was tabled at the MWAC meeting. MWAC identified that this agreement represents a significant step forward for the waste management industry in Western Australia. It was agreed that consistency of both high level and detailed communications on what material can be processed through the kerbside recycling system is required. There was discussion about the implications that this will have on contracts with different scopes of materials and existing community engagement initiatives.

In discussing the role that MWAC should take, there was agreement that a multi-pronged approach was required. Including engagement with the Waste Taskforce, feedback to the Material Recovery Facility operators, approaching smaller MRF's and providing information to Local Governments on the new, consistent, approach. The will be for MWAC to work with Local Governments to update communication material, have a common message on why the change was necessary and request funding from the State Government to update communication material.

MUNICIPAL WASTE ADVISORY COUNCIL MOTION

That the Municipal Waste Advisory Council:

1. Write to the Chair of the Ministerial Waste Taskforce indicating support for the collective message agreed by the Material Recovery Facility Operators and identifying the need for funding and support to articulate the agreed messages to the community.
2. Write to the Material Recovery Facility Operators thanking them for developing the agreed position and requesting information on how these Operators will engage with their customers on this issue.
3. Seek support for the consistent approach from smaller Material Recovery Facility operators in the non-metropolitan area.
4. Provide information to Local Government on this issue.

Moved: Mayor Howlett Seconded: Cr Court
CARRIED

Review of the WALGA Policy Statement on the Waste Levy

In December 2017, MWAC released a Discussion Paper to the sector on the Review of the WALGA Waste Levy Policy Statement 2009. The Discussion Paper was circulated for comment through an InfoPage, newsletters, direct email, inclusion on the April WALGA State Council Agenda 2018 and a letter to all Local Government CEOs. As a result of Local Government feedback, the consultation period was extended to 29 June 2018.

Feedback on the Policy Statement indicated that there was support for the Policy Statement to continue to cover the entire Levy amount, rather than just the 25% directed to the WARR Account and the hypothecation of all Levy funds to the WARR account for expenditure on strategic waste management activities. There was support for the inclusion regarding the timely expenditure of Levy funds, a minimum five year rolling schedule for the Levy and a new section on the regulation of the Levy. There were no significant objections to the removal of the differential Levies and administration of the Levy sections of the Policy Statement. There was a difference of opinion on the application of the Levy to the non-metropolitan area. Given the State Government's approach to implementing the Levy in the metropolitan area, it is recommended that the current position is retained.

MUNICIPAL WASTE ADVISORY COUNCIL MOTION

That the Municipal Waste Advisory Council:

- Endorse the summary of responses to the Policy Statement Discussion Paper and the provision of this summary to all Local Government who responded to the consultation
- Endorse the amended Waste Levy Policy Statement after considering the feedback from Local Government and the Officers Advisory Group.

Moved: Mayor Howlett Seconded: Cr Court
CARRIED

Submission on the Australian Packaging Covenant Organisation Discussion Paper: Towards 2025 Packaging Sustainability in Australia

The Australian Packaging Covenant Organisation (APCO) is an agreement between industry and government which aims to increase recycling, improve packaging design and reduce litter. WALGA, through the MWAC, actively represented the interests of Local Government on the Covenant Council from 1 November 2005 to 24 June 2015. However, MWAC withdrew from the Covenant in 2015, due to significant concerns about limited improvements in packaging design, ineffective funding approaches and governance. The APCO has released a Discussion Paper regarding the future direction of the Covenant.

A draft Submission has been developed based on feedback previously provided to the Covenant and Government on the performance of each party, with respect to recycling, packaging design and litter. In the draft Submission, concerns are raised at the ability of the Covenant to effect change – given the current level of industry buy-in and industry's ability to voluntarily participate in the majority of Covenant initiatives. The Association has provided the draft Submission to other Local Government Associations, to ensure a consistent dialogue is maintained and provided by the sector. APCO, has also invited MWAC to become a member of the organization and to potentially consider nominating for the Board. It was agreed that MWAC should not join APCO until progress had been demonstrated.

MUNICIPAL WASTE ADVISORY COUNCIL MOTION

That the Municipal Waste Advisory Council endorse the draft Submission on the *Australian Packaging Covenant Organisation Discussion Paper: Towards 2025 Packaging Sustainability in Australia*.

Moved: Mayor Howlett Seconded: Cr Court
CARRIED

Submission on the CDS Regulatory Impact Statement

DWER has released a Consultation Regulation Impact Statement, to comply with the Western Australian Better Regulation Unit requirements and the requirements of the Commonwealth Office of Best Practice Regulation. The consultation RIS provides an analysis of the policy issues and options and an assessment of the costs and benefits of the CDS.

A Submission has been drafted with a number of suggestions on how to further strengthen the analysis. Comment is also made on the Government's approach to the development and implementation of the Scheme. Many assumptions in the cost benefit analysis are based on matters that the Government is yet to undertake consultation on, such as the metrics underpinning reasonable access.

MUNICIPAL WASTE ADVISORY COUNCIL MOTION

That the Municipal Waste Advisory Council endorse the draft Submission on the CDS Consultation Regulation Impact Statement.

Moved: Mayor Howlett Seconded: Cr Court
CARRIED

Submission on Draft Request for Proposal – Scheme Coordinator for the WA Container Deposit Scheme

It is anticipated that the Request for Proposal for the CDS Scheme Coordinator will be released in late October and close in December 2018, with the preferred respondent notified in February 2019.

Amendments to the Waste Avoidance and Resource Recovery (WARR) Act and the development of Regulations will be progressed concurrently, in addition to the procurement process for the collection network. The Scheme Coordinator cannot be appointed until the change to the WARR Act and Regulations have progressed. WALGA has highlighted that the appointment of the Scheme Coordinator is essential to ensure the Scheme can commence on time.

The Draft Request for Proposal places considerable financial risk on potential applicants, who are expected to invest in developing the Scheme Coordinator structure without certainty of outcome, there is no financial risk assigned to Government. There is a risk that this approach will limit the type of organisations willing to develop a proposal.

MUNICIPAL WASTE ADVISORY COUNCIL MOTION

That the Municipal Waste Advisory Council endorses the Interim Submission on the DWER Draft Request for Proposal - Scheme Coordinator for the Western Australia Container Deposit Scheme.

Moved: Cr Lynes Seconded: Cr Cook

CARRIED

Waste Authority Community and Industry Engagement Grants

The Waste Authority replaced the Strategic Partnership Program in place with a competitive grants process. To seek funds for important project, MWAC applied for 11 CIE, covering the following areas:

- Sponsorship of the Waste & Recycle Conference [Successful]
- Reuse Shop Awards
- Container Deposit Scheme Pilot
- Bin Tagging implementation [Successful]
- Multiple Dwelling Development roll out
- Implementation of the Love Food, Hate Waste Campaign
- Non metropolitan Waste Summit
- Illegal Dumping Tool
- Non-Metropolitan Landfill Audit
- Construction & Demolition material use by Local Government
- Waste Management Certificate III - incentive

All of the projects are worthwhile undertakings, however MWAC has limited resources. There are several projects where for a relatively small investment of staff time, positive results can be achieved. These projects include the Reuse Shop Awards, Non-Metropolitan waste summit and the CDS Pilot project for events (Royal Show and Wagin Woolerama). The response to the CIE Grant applications also provides MWAC with an opportunity to highlight the limitations of the current Waste Authority grants approach and again identify the need for a Strategic Partnership Program to be put in place. MWAC highlighted that there were a number of projects put forward which would have benefited from funding from the WARR Levy, including the illegal dumping tool.

MUNICIPAL WASTE ADVISORY COUNCIL MOTION

That the Municipal Waste Advisory Council endorse:

- Providing feedback to the Waste Authority on the CIE Projects
- Undertaking the following Projects as staffing capacity allows:
 - Reuse Shop Awards
 - Non-Metropolitan Waste Summit
 - Container Deposit Scheme – events

Moved: Mayor Howlett Seconded: Cr Court

CARRIED

Submission on the National Waste Policy

Preparation of the Discussion Paper titled *Updating the 2009 National Waste Policy: Less Waste, More Resources* has been coordinated by the Australian Government, with input from state and

territory government officials, the Australian Local Government Association, business and industry associations and non-government organisations.

The purpose of the Discussion Paper is to seek input on priority issues to be considered in future Australian waste management and resource recovery. It is anticipated that an updated Policy will be presented to Environment Ministers for consideration in December 2018.

MUNICIPAL WASTE ADVISORY COUNCIL MOTION

That the Municipal Waste Advisory Council endorse the Draft Submission on the Review of the National Waste Policy.

Moved: Cr Cook Seconded: Cr Price

CARRIED

Withdrawal from Tyre Stewardship Australia

In February 2018, MWAC endorsed a submission to the ACCC on Tyre Stewardship Australia and resolved to cease its membership, pending the outcome of the ACCC Review. The ACCC did not place any additional requirements on TSA to ensure that it operates more effectively or addresses issues with end of life tyre management. In June 2018 MWAC resolved to withdraw from Tyre Stewardship Australia.

A response has been received from the Chair of Tyre Stewardship Australia, which does not address all of the concerns raised by the Association in commencing this action. There was agreement at the OAG that the key points for withdrawing from TSA should be referred to MWAC for consideration. The key messages regarding the withdrawal from TSA are as follows:

- *The Tyre Product Stewardship Scheme does not reduce costs to Local Government* - Local Government and the community expend considerable funds responding to illegally dumped tyres or managing end of life tyres (recycling and/or disposal). These costs are neither addressed nor minimised by Tyre Stewardship Australia. Other approaches to product stewardship schemes have resulted in a change in how material is managed and effectively funded recycling for those products. Another voluntary scheme, Paintback, has provided immediate improvements and cost reduction for Local Government. In its first full year of operation, Paintback reduced the disposal costs of paint collected through the Western Australian Household Hazardous Waste (HHW) Program by approximately \$400,000 (January – December 2017). This cost saving is expected to increase as further collection sites are made available to the community.
- *The Tyre Product Stewardship Scheme does not establish local solutions for end of life tyres* - To date, Tyre Stewardship Australia's approach to market development has resulted in funds expended on a market development strategy, awareness campaigns and various research and development projects. This approach does not guarantee equitable outcomes across Australia, or that there will be sufficient demand, and associated value, for tyre derived products. It is regrettable that there has been limited activity on the establishment of local solutions for end of life tyres.

MUNICIPAL WASTE ADVISORY COUNCIL MOTION

That the Municipal Waste Advisory Council:

- Note the Draft Media Release on MWAC's withdrawal from Tyre Stewardship Australia
- Endorse the key messages for withdrawal from Tyre Stewardship Australia.

Moved: Mayor Howlett Seconded: Cr Court

CARRIED

Submission on the Battery Product Stewardship Scheme

The Battery Stewardship Council has released a Draft Discussion Paper on the proposed voluntary Product Stewardship Scheme for Batteries for consultation. The Discussion Paper has been informed by meetings with representatives from the battery industry and external stakeholders such as the retailers and Government Departments.

The Battery Stewardship Council will consider the feedback provided, to identify a preferred path forward with respect to the design of the Scheme and further consultation. The Scheme proposed will aim to meet the costs of battery recycling and also encourage local sorting and reprocessing options to support industry. The Proposed Scheme is supported, with some minor amendments.

MUNICIPAL WASTE ADVISORY COUNCIL MOTION

That the Municipal Waste Advisory Council endorse the Submission on the Battery Product Stewardship Scheme.

Moved: Mayor Howlett Seconded: Cr Court

CARRIED

Submission on AgStewardship Australia's ACCC Application

The drumMUSTER and ChemClear Programs facilitate the collection of used, unwanted, empty agricultural and veterinary chemical containers and chemicals through a voluntary levy on manufacturers and suppliers of these chemicals. AgStewardship Australia requires ACCC authorisation to continue operating these voluntary Product Stewardship Schemes.

In drafting a Submission on the application, the Association sought feedback from Local Government on how these Schemes are operating. Responses were received from 42 Local Governments, which is a response rate of 53.8% of Local Governments currently participating in these Programs. Feedback provided by Local Government on the design and implementation of the drumMUSTER and ChemClear Programs, indicates that there is support for the continuation of these Programs and the proposed increase of the levy.

The success of these Programs relies heavily on maintaining a good working relationship with Local Government. The declining collection rate of eligible containers identified in the Application, shows there is a need for a refreshed approach. The scope of eligible containers and chemicals needs to be reviewed to ensure these Programs adequately incentivise and fund the recovery of agvet materials. Changes in the type of plastics and the containers that are used in the manufacture of agvet chemical may affect the future viability of the drumMUSTER and ChemClear Programs.

MUNICIPAL WASTE ADVISORY COUNCIL MOTION

That the Municipal Waste Advisory Council endorses the Interim Submission on AgStewardship Australia's ACCC Application for re-authorisation.

Moved: Cr Lynes Seconded: Cr Maurice

CARRIED

6.9 Draft National Biosecurity Statement (05-028-03-0011 NM)

By Nicole Matthews, Environment Policy Manager

Recommendation

That State Council notes the WALGA submission on the draft National Biosecurity Statement.

In Brief

- The Australian Government Department of Agriculture and Water Resources (DAWR) has released a draft [National Biosecurity Statement](#) for comment.
- Creating a National Biosecurity Statement was a recommendation of the 2017 independent report, [Priorities for Australia's Biosecurity System, also known as the IGAB Review](#).
- The draft Statement was developed by an independent working group comprising industry, state government and environmental sector representatives.
- A final version of the Statement, incorporating stakeholder feedback will be presented for endorsement at the 2018 National Biosecurity Forum on 29 November 2018. It will then be endorsed by the National Biosecurity Committee, Agriculture Senior Officials Committee and the Agricultural Minister's Forum.
- WALGA informed the sector of the draft Statement through WALGA newsletters and encouraged Local Governments to provide comment by 10 October for inclusion in WALGA's submission or directly to DAWR. WALGA did not receive any comments.
- WALGA's submission on the draft Statement is consistent with the Association's *Biosecurity Policy Position and Recommendations to the State Government* endorsed by State Council in March 2017 (14.1/2017) and comments on the IGAB Review Discussion Paper and Draft Review Report.
- To meet the closing date for submissions, and noting that the draft statement will be finalised before State Council will have the opportunity to consider the WALGA submission, Executive Committee approval of the submission was sought out of session.

Attachments

WALGA draft National Biosecurity Statement submission.

Relevance to Strategic Plan

Key Strategies

Engagement with Members

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

Sustainable Local Government

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

Enhanced Reputation and Relationships

- Communicate and market the profile and reputation of Local Government and WALGA;

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

Background

A draft [National Biosecurity Statement](#) was released by the Commonwealth Department of Agriculture and Water Resources for comment by 31 October 2018. The Statement was developed by an independent working group consisting of industry, state government and environmental sector representatives.

Creating a National Biosecurity Statement was a recommendation of the 2017 independent report, [Priorities for Australia's Biosecurity System, also known as the IGAB Review](#). The National Biosecurity Statement is intended to present a common and unified approach to biosecurity by:

- Providing a national vision and goals for biosecurity;
- Providing clarity on the roles and responsibilities of all participants; and
- Outlining priorities and principles for managing biosecurity risk.

DAWR intends that final version of the Statement, incorporating stakeholder feedback will be presented for endorsement at the 2018 National Biosecurity Forum on 29 November 2018. It will then be endorsed by the National Biosecurity Committee, Agriculture Senior Officials Committee and the Agricultural Minister's Forum.

Comment

WALGA's submission on the draft Statement is with WALGA's policy position on biosecurity endorsed by State Council in March 2017 (14.1/2017):

1. *Local Government believes that State Government has responsibility for the following parts of a biosecurity system:*
 - *Pre-border and border biosecurity measures and contingency funds to deal with new pest outbreaks;*
 - *Assistance to the private sector for newly established, industry-specific pests*
 - *Assistance to land managers for newly established pests (where the incursion has occurred despite the land owner's best biosecurity management effort);*
 - *Establishment of a biosecurity network and regional cooperative arrangements;*
 - *Enforcement of regulations;*
 - *Compliance with regulations on State Government managed land;*
 - *Specific research projects and specialised diagnostic services; and*
 - *Enhancement of barrier fences.*
2. *Local Government are not supportive of Recognised Biosecurity Groups (RBGs).*
3. *Local Government calls on the State Government to either reinstate the Agriculture Protection Board or develop a model similar to the NSW Local Land Services Act (2013) approach, and in consideration of either model that:*
 - *There are State Government approved strategic and operational plans which can be understood by landowners and other stakeholders, including Local Governments;*
 - *There is direct contact with Local Governments, State Government agencies and departments, and major industry groups;*
 - *That either model is resourced by State Government to undertake the required activities.*
 - *That either model be funded under the current funding arrangements as outlined in the Biosecurity and Agriculture Management Act (2007); and*
 - *That it assists in the delivery of national, state and local priority species management."*
4. *That as matter of priority, the Government undertake a review of the operation and effectiveness of the Biosecurity and Agriculture Management Act (2007) and its regulations.*

The submission is also consistent with WALGA's comments on the IGAB Review Discussion Paper and IGAB Review Draft Report. These comments stressed the important role of Local Government in post border biosecurity as a community representative, service provider and as a regulator. Concern was also expressed regarding the Western Australian Government's approach to, and resourcing of, post border biosecurity in Western Australia. WALGA was pleased that the IGAB Review Report released in July 2017 acknowledged Local Governments' role in the biosecurity system and in particular that the CEO of the Australian Local Government Association be included as a member of the National Biosecurity Committee.

The submission expresses disappointment that this recommendation has not yet been acted upon and that there has not been a comprehensive national response to the IGAB review recommendations.

Against this background WALGA's submission on the draft Statement expresses concern that the main body of the draft Statement makes no reference to the role of Local Government in the Australian biosecurity system. This is left to the accompanying table *Government, industry and community biosecurity responsibilities*, which, while providing a generally sound overview for each system participant, mischaracterises the role of Western Australian Local Governments in a number of areas.

WALGA's submission also restates the sector's significant concerns with the Western Australian Government's approach to post-border biosecurity, arising from a failure to set state wide strategic biosecurity priorities and provide a framework for addressing them; the cumulative impact of a decline in the resourcing of, and support for, post border management of invasive species over the last two decades; abrogation of its regulatory responsibilities; and cost shifting to Local Government. WALGA has repeatedly called for an urgent review of the operation and effectiveness of the operation of the BAM Act and the provision of adequate resourcing for the management of pest and weeds in State Government managed conservation estate and national parks.

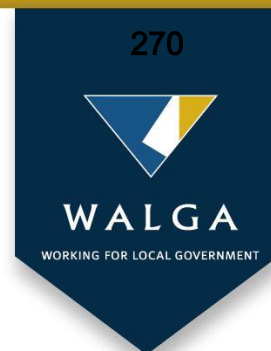
In this regard the WALGA submission notes a number of areas in which the Western Australian Government does not currently adequately or effectively fulfil the responsibilities of State Governments as described in the table.

Finally, the WALGA submission recommends that draft Statement should place a greater emphasis on environmental biosecurity, consistent with Recommendation 8 and the draft biosecurity statement in the IGAB Final Report.

WALGA informed the sector of the draft Statement through WALGA newsletters and encouraged Local Governments to provide comment by 10 October for inclusion in WALGA's submission or directly to DAWR. WALGA did not receive any comments. To meet the submission closing date of 30 October, and noting that the draft statement will be finalised before State Council will have the opportunity to consider the WALGA submission, it was referred to the Executive Committee for consideration out of session.

Item 6.9 Attachment

WALGA draft National Biosecurity Statement Submission.



29 October 2018

Our Ref: 05-010-01-0001MB

Biosecurity Consultation
Department of Agriculture and Water Resources
GPO Box 858
Canberra ACT 2601

Draft National Biosecurity Statement

The Western Australian Local Government Association (WALGA) is an independent, membership-based organisation representing and supporting the work and interests of 138 Local Governments in Western Australia. The Association provides an essential voice for over 1,200 Local Government elected members, approximately 14,500 employees and over 2 million constituents.

This submission draws on and reiterates key points from WALGA's previous comments on the *Intergovernmental Agreement on Biosecurity (IGAB) Review Discussion Paper* and the *IGAB Review Draft Report* which focused on the important role of Local Government in post border biosecurity as a community representative, service provider and as a regulator. In its comments, WALGA also expressed concerns regarding the Western Australian Government's approach to, and resourcing of, post border biosecurity in Western Australia.

The comments contained in this submission have not yet been considered or endorsed by WALGA's State Council. WALGA reserves the right to modify or withdraw these comments as directed by State Council.

WALGA was pleased that the *IGAB Review Final Report* acknowledged Local Governments' important role in the biosecurity system, and in particular recommendation (19), that the CEO of the Australian Local Government Association be included as a member of the National Biosecurity Committee (NBC). However WALGA is disappointed that after more than 12 months this straightforward recommendation has yet to be implemented, nor has there been a consolidated national response to the IGAB Review recommendations, or indeed a new IGAB as promised in the Agriculture Ministers' Joint Statement of 26 July 2017.

In this context WALGA is concerned that the body of the Draft National Biosecurity Statement provided for comment is devoid of reference to the role of Local Government.

WALGA considers that the sentence in the first paragraph should be amended to 'The biosecurity system relies on a partnership between the Commonwealth, State and Territory and Local governments, industry, environmental groups and the broader public', and be elevated to the beginning of the document.

WALGA supports the concept of a National Biosecurity Statement that 'outlines a common and unifying approach to biosecurity for all system participants' as recommended by the IGAB Review panel. Such a statement should articulate a national vision and goals for biosecurity and key biosecurity principles; provide clarity on roles, responsibilities and accountabilities of participants; and outline national priorities and principles for managing biosecurity.

WALGA considers that the draft statement contained in the IGAB Review Final Report represented a good basis for consultation. However WALGA contends that the draft statement provided for public comment is inferior to, and deviates significantly from, the draft in the IGAB Review Final Report in both tone and substance. As currently drafted the statement does not meet the purpose and objectives articulated by the IGAB Review Panel. In particular:

- The purpose and target audience of the draft statement is unclear, exacerbated by the use of ambiguous terminology such as ‘we’, ‘our’, ‘you’, ‘your’ and ‘each (one) of us’;
- The document contains no high level goals or principles for an effective biosecurity system;
- The reference to a vision for ‘an effective and sustainable biosecurity system’ at the end of the document is actually a list of characteristics of an effective biosecurity system. The vision should be upfront and clearly articulate the outcome being sought, such as “effective national biosecurity” or a n”; and;
- The purpose of including examples is unclear and is inconsistent with a high level statement of this kind.
- WALGA considers *Table 1: Government, industry and community biosecurity responsibilities* provides a reasonable overview for each of the participants in the biosecurity system. With regard to the responsibilities of WA Local Governments:
 - A number of the responsibilities are relevant for Local Governments only in relation to managing Local Government owned or managed lands;
 - No. 4 - WA Local Governments are not responsible for publishing information about Australia’s biosecurity system;
 - No. 18 - Is not a responsibility of Local Government; and
 - No. 21 - Managing local and regional incursion response programs in WA is the primary role of the State Government and Recognised Biosecurity Groups (RBGs) under the Biosecurity and Agriculture Management Act 2007 (BAM Act).

As stated in its previous comments, WALGA considers that the Western Australian Government does not adequately or effectively fulfil all of the responsibilities of State Governments described in Table 1.

WALGA has significant concerns with the Western Australian Government’s approach to post-border biosecurity, arising from a failure to set state wide strategic biosecurity priorities and provide a framework for addressing them; the cumulative impact of a decline in the resourcing of, and support for, post border management of invasive species over the last two decades; abrogation of its regulatory responsibilities; and cost shifting to Local Government.

WALGA has repeatedly called for an urgent review of the operation and effectiveness of the operation of the BAM Act and the provision of adequate resourcing for the management of pest and weeds in State Government managed conservation estate and national parks.

In particular, WALGA considers that the Western Australian Government does not adequately undertake:

- No. 2 - Managing biosecurity within state borders, including enforcement actions and regulatory interventions;
- No.5 - Developing and promoting partnerships between biosecurity participants including for consultation and information sharing;
- No. 13 - Incorporating biosecurity risks into threat reduction and recovery plans for threatened species and ecological communities;
- No. 17 - Managing pests, weeds and diseases on land under its responsibility;
- No. 23 - Providing leadership for strategic biosecurity issues, including responses to and management of significant pests, weeds and diseases;


- No. 24 - Supporting landholders and the community to manage established pests, weeds and diseases;
- No. 25 - Collaborating on and managing regional biosecurity issues; and
- No. 26 - Contributing to the protection of public assets including parks and reserves.

Finally, WALGA considers that the draft Statement should place a greater emphasis on environmental biosecurity, consistent with Recommendation 8 and the draft biosecurity statement in the IGAB Final Report.

Thank you for the opportunity to comment on the Draft national Biosecurity Statement.

For further information or discuss any aspect of this submission please contact Ms Nicole Matthews, Policy Manager - Environment on (08) 9213 2039 or nmatthews@walga.asn.au

Yours sincerely



Mark Batty
Executive Manager, Environment and Waste

Cc: Hon Alannah MacTiernan MLA, Minister for Regional Development; Agriculture and Food.

Mr Ralph Addis, Director General, Department of Primary Industries and Regional Development.

Mr Simon McKirdy, Chair, Biosecurity Council of Western Australia.

6.10 Release of the Better Urban Forest Planning Guide (05-038-04-2211 CP)

By Craig Perry, Environment Policy Advisor

Recommendation

That State Council notes the release of the *Better Urban Forest Planning Guide* on 8 November 2018.

In Brief

- The *Better Urban Forest Planning Guide* was released on 8 November 2018.
- WALGA collaborated with the Department of Planning, Lands and Heritage to develop the Guide, which is designed to assist Local Governments understand the significance of, plan for, monitor and manage their urban forests.
- The document provides information, tools and case studies and a toolbox of statutory and strategic planning instruments and guidance to promote the tree retention and planting.
- WALGA's involvement in developing the guide recognises the significant and increasing concern of the sector regarding the loss of trees across the metropolitan area, particularly on private land.
- Many local governments are seeking to address tree loss, including through the preparation and implementation of urban forest strategies, amendments to local planning schemes and the use of tree bonds.
- WALGA is continuing to advocate strongly for changes to State planning policies to support Local Governments efforts in this area.

Attachment

Better Urban Forest Planning Guide

https://www.planning.wa.gov.au/dop_pub_pdf/Better_Urban_Forest_Planning.pdf

Relevance to Strategic Plan

Key Strategies

Engagement with Members

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

Sustainable Local Government

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

Enhanced Reputation and Relationships

- Communicate and market the profile and reputation of Local Government and WALGA; and
- Strengthen effective relationships with external peak bodies and key decision makers in State and Federal Government.

Policy Implications

Nil.

Budgetary Implications

Nil.

Background

The loss of tree canopy cover, particularly from the removal of mature trees on private land, is a significant and growing concern for Local Government. Reduced canopy cover impacts on public amenity, human health and biodiversity. Furthermore, trees are often replaced with hard surfaces, leading to increases in average temperatures, urban heat islands and resultant increases in energy and water use.

The health impacts of reduced tree canopy fall disproportionately on those in the community who are most vulnerable to increases in temperature, particularly children, the elderly and lower socioeconomic groups. Urban forests are an importance defence against the increasing average air temperatures, declining rainfall and more extreme heat events being experienced as a result of climate change.

Concern about the loss of tree canopy is well illustrated by the City of Stirling, which has over the last 5 years incurred an annual average loss of 20.2 ha. This totals more than 1 million m², with three-quarters of this loss occurring on private land. At this rate the City has estimated that almost half the canopy in its residential areas would be lost over the next 15 years, leaving only 5 percent of residential land being shaded by trees.

Many Local Governments are seeking to address the loss of trees in their jurisdictions. Measures include the development and implementation of urban forest strategies, significant tree registers, Local Planning Policies that have provisions for minimum canopy cover and deep soil zones and implementing verge tree programs. A number of Local Governments are also considering or have already amended their Local Planning Schemes in an effort to provide a greater level of tree retention on private property.

State Council considered this issue in March 2017 (13.1./2017), and resolved that WALGA:

1. Advocate and work with the State Government to further prevent the loss of urban tree canopy, which is a significant environmental and social issue for communities across the State; and
2. Work with member Councils to develop a system of appropriate market based and regulatory instruments to promote the increase in the urban tree canopy on private property.

As part of its advocacy and support to Local Government on this issue, WALGA has worked with the Department of Planning, Lands and Heritage (DPLH) to develop the *Better Urban Forest Planning Guide* (the Guide). The Guide was informed by a WALGA survey of Local Governments conducted in August 2017. The results of the survey reinforced the findings of previous research and consultation, highlighting that Local Governments are seeking tools and case studies on statutory and strategic planning mechanisms and guidance to promote urban trees in the community.

The Guide aims to assist Local Governments understand the significance of, plan for, monitor and manage their urban forests. It includes information on:

- how to develop urban forest strategies;
- how to access urban forest data (2009, 2014 & 2016), which is available on WALGA's Environmental Planning Tool (EPT);
- planning, market based and regulatory 'tools' that can be used by Local Governments, such as amendments to planning schemes, significant tree registers and tree bonds; and
- Local Government case studies that highlight 'best-practice' actions.

A number of Local Governments, including the Cities of Stirling, Subiaco, Belmont, Armadale, Cockburn, Gosnells, Melville and Vincent provided significant input into the development of the Guide with the provision of case studies and feedback on draft versions.

The Guide was endorsed by the Western Australia Planning Commission on 24 October 2018 and was released to the public and Local Government sector on 8 November 2018, and can be found at https://www.planning.wa.gov.au/dop_pub_pdf/Better_Urban_Forest_Planning.pdf

Comment

In addition to developing the Guide, WALGA is continuing to advocate strongly for changes to State Government planning policies to support Local Governments' efforts to maintain their urban tree canopy. The WALGA survey highlighted that it is essential that State planning policies support Local Governments efforts in this area.

In particular WALGA has been advocating for the State Government to develop consistent overarching statutory guidance, including:

- That SPP 7 (Design of the Built Environment), and the complimentary policies that make up Design WA, must include requirements for the retention of mature trees and incorporation of trees across all forms of development, including minimum specified deep soil zones, minimum verge widths and appropriate setbacks.

Of particular concern is provision for retention / incorporation trees in medium density housing, the 'missing middle', where the greatest canopy loss is occurring.

- The development of Model Scheme Provisions for tree retention and planting.

Another key area identified in the WALGA survey was the importance of access to high quality, consistent and reliable urban canopy data.

It is suggested that the State Government makes Urban Monitor data available to Local Government at regular intervals in an accessible format to enable the establishment of tree canopy baselines and to monitor progress.

WALGA has appreciated DPLH's investment in the provision of CSIRO's Urban Monitor tree canopy data and is advocating for the continued collection and provision of this data as essential to State and Local Governments understanding and managing tree stock and flows as the metropolitan area expands, renews and densifies. WALGA is promoting and supporting Local Governments' use of the Urban Monitor data by making it available via the Environmental Planning Tool.

6.11 WALGA Reconciliation Action Plan (03-047-01-0001 RA)

By Rowena Amistad, Human Resources Manager

Recommendation

That the update relating to WALGA's Reflect Reconciliation Action Plan be noted.

In Brief

- WALGA launched its Reflect Reconciliation Action Plan (RAP) in March 2018;
- Development of a RAP aims to enable organisations to:
 - Build meaningful relationships;
 - Create sustainable opportunities;
 - Set timelines and targets;
 - Engage within their sphere of influence; and
 - Align the goals and aims of the RAP to organisational goals.
- Since the launch of the RAP in March 2018, WALGA has held a number of workshops and events for staff including cultural awareness training and has commenced the development of a cultural protocol and policy guide, and an education guide;
- WALGA's Reflect Reconciliation Action Plan is available on the WALGA website at: <https://walga.asn.au/About-WALGA/Reconciliation-Action-Plan.aspx>

Attachment

WALGA's Reflect Reconciliation Action Plan – via link: <https://walga.asn.au/About-WALGA/Reconciliation-Action-Plan.aspx>

Relevance to Strategic Plan

Key Strategies

Engagement with Members

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

Sustainable Local Government

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

Enhanced Reputation and Relationships

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

- Promote WALGA's supplier agreements to assist Local Governments.

Background

The establishment of a Reflect Reconciliation Action Plan (RAP) represents a significant milestone on WALGA's Reconciliation journey.

WALGA's commitment to Reconciliation provides opportunities to generate a greater understanding and mutual respect across cultures. WALGA has worked alongside Local Government advocating for policies and funding that properly support and recognise the autonomy of Aboriginal and Torres Strait Islander Peoples.

The Chief Executive Officer, Ricky Burges, recognised the importance of having a Reconciliation Action Plan to have a formal commitment to Reconciliation to complement the Association's sector advocacy and business services. Making the commitment to the Reconciliation journey is about building a mutual relationship based on trust and respect between Aboriginal and non-aboriginal Australians. Through this, it is hoped that outcomes such as historical acceptance, equal access to opportunities and equitable participation in services that are culturally appropriate can be met.

A Reconciliation Action Plan seeks to turn good intentions into action by:

- Building meaningful relationships;
- Creating sustainable opportunities;
- Setting timelines and targets;
- Engaging within the organisation's sphere of influence; and,
- Aligning it to organisational objectives.

More information about Reconciliation Action Plans and their aims is available on the Reconciliation Australia website at the following link: <https://www.reconciliation.org.au/reconciliation-action-plans/>

There are four levels of RAPs that an organisation can undertake which starts at the Reflect level. The Reflect RAP is about creating awareness and exploring relationships within their sphere of influence to inform a sustainable vision of what Reconciliation means for the organisation.

WALGA first established a RAP working group at the end of 2014 comprised initially of interested employees and later expanding to include external members from community that were able to provide the knowledge and lived experience to create WALGA's first Reflect RAP. The group came together to put forward actions that would support and signal WALGA's journey to Reconciliation.

WALGA was in a position to submit the RAP to Reconciliation Australia in June 2017 and later that year employed a short term project officer to assist with the launch and roll out of the Reconciliation Action Plan.

Following several rounds of feedback with Reconciliation Australia, WALGA's Reconciliation Action Plan was endorsed and launched in March 2018 at an event attended by State Council, WALGA staff and external stakeholders.

Comment

WALGA's Reconciliation Action Plan is focussed on building a culturally competent workforce able to engage effectively with its Aboriginal and Torres Strait Islander Peoples through its advocacy, services and business undertakings. WALGA has long been involved in advocacy and services relating to Aboriginal and Torres Strait Islander Peoples including supporting the work of the Public Health Advocacy Institute, supporting the review of the 'Keeping our Mob Safe' strategy, and highlighting suppliers appointed to the Preferred Supplier program that are Aboriginal businesses through the WALGA directory and contract information.

The Reconciliation Action Plan has also provided further opportunities for engagement and enhancing the knowledge of WALGA staff. Since the launch, the actions implemented that have focussed on building cultural awareness include:

- The provision of Cultural Awareness Training to WALGA staff;
- The creation of an E-Learning module to induct and engage new employees to the organisation;
- Two “lunch time yarns” with guest speakers providing creation stories and lived experience from the Stolen Generation; and,
- A Noongar language class.

Another key focus area is the opportunity to recognise significant events in history and celebrate the culture of Aboriginal and Torres Strait Islander Peoples. Since the launch of the RAP, WALGA has:

- Recognised the significance of National Reconciliation Week through educational resources, a guest speaker, and a morning tea; and,
- Celebrated NAIDOC week with the RAP working group attending an external event and encouraging staff to attend events in their local area.

A third focus is for WALGA to create a welcoming environment for our Aboriginal and Torres Strait Islander Peoples and learn how to properly engage with our community of stakeholders to get the best mutually beneficial outcomes. This will be achieved through:

- Signs and symbols in our workplaces, to create a welcoming environment;
- Creating a Cultural Protocol and Policy Guide for WALGA staff; and,
- Creating a Cultural Educational Guide for WALGA staff.

Since the March 2018 launch, WALGA has received a number of enquiries from its members seeking advice in a number of areas including:

- How to create a RAP;
- Queries relating to protocol; and,
- Desire to read and view WALGA’s Reflect Reconciliation Action Plan.

WALGA’s Reflect Reconciliation Action Plan is available to view on the WALGA website at the following link: <https://walga.asn.au/About-WALGA/Reconciliation-Action-Plan.aspx>

The Reflect RAP for WALGA is on track to be completed by March 2019. WALGA has signalled further discussion at the executive level for next steps in its Reconciliation journey.

7. ORGANISATIONAL REPORTS

7.1 Key Activity Reports

7.1.1 Report on Key Activities, Environment and Waste Unit (01-006-03-0017 MJB)

By Mark Batty, Executive Manager Environment & Waste

Recommendation

That the Key Activity Report from the Environment Unit to the December 2018 State Council meeting be noted.

The following report outlines key activities for the Environment Policy Unit since the last State Council meeting:

Events and Newsletters

Wetland Management and Restoration Event

WALGA and Perth NRM jointly held an event on Wetland Management and Restoration on 6 September, which was fully subscribed with 120 participants. The event focused on successful wetland restoration techniques and interventions to address poor water quality.

The event commenced with information on the importance of wetlands in Aboriginal culture, including traditional management practices and food sources, provided by Wardandi Bibbulmun elder Dale Tilbrook. Representatives from State Government discussed treatments to reduce phosphorus concentrations in waterbodies, and technologies available to prevent and manage algal blooms. The Local Governments of Cockburn and Bayswater discussed the restoration of eutrophic wetlands using nutrient stripping systems and revegetation programs. Attendees were warned to be vigilant for the aquatic weed Amazon frogbit, regarded as the most threatening weed our wetlands have faced to date. Delegates also heard from a community catchment group about the vital role volunteers play in wetland care and community engagement.

Participant feedback showed that over 95% of attendees were grateful to come together to discuss the topic, and will share their new knowledge with their colleagues or community. The presentations from the event are available on WALGA's website [here](#).

Embedding Sustainability and Enabling Behaviour Change Event

WALGA organised an event on Embedding Sustainability and Enabling Behaviour Change on 8 November at Perth Zoo, with 60 participants attending. The event focused on mechanisms to embed sustainability within Local Government and across communities. This was complemented with information on the underlying psychological principles of behaviour change, and how these can be used to drive individual action and sustained change.

Expert speakers include representatives from the Local Governments of Fremantle, Canning and Melville, Perth Zoo, Department of Biodiversity, Conservation and Attractions, Curtin University Sustainability Policy Institute, Murdoch University, sociologists, not-for-profit community organisations and WALGA. Attendees learned how sustainability frameworks such as One Planet Living and the UN Sustainable Development Goals can benchmark organisational performance and ensure sustainability is integral to the business of all directorates. The success of behaviour change programs such as Living Smart (for community members) and the ClimateClever (for schools) was demonstrated.

Climate Change Forum: Renewable Technologies Event

WALGA is hosting an event on Renewable Technologies on 29 November at WALGA with 40 participants attending. The event will focus on existing and emerging renewable technologies, and the opportunities these technologies provide for Local Governments to reduce energy bills and carbon emissions, increase amenity and improve service reliability.

Expert speakers include representatives from Local Government, the Public Utilities Office, ATCO Gas, Western Power, Power Ledger, Augusta Margaret River Clean Community Energy and Toyota. Attendees learned about an innovative scheme that allows households to store power generated from rooftop solar panels in a central Tesla battery for use at peak times, a research trial to produce, store and use renewable hydrogen to energise a commercial-scale microgrid, how businesses and governments can use digital technologies to underpin power systems that are resilient low cost and low carbon, and a community-led renewable energy project.

Sustainability Officers Network Group (SONG)

WALGA hosted a SONG meeting on 27 September on 'Building Upgrade Finance and optimising the energy efficiency of Council facilities', with 14 attendees. The City of Perth outlined how Building Upgrade Finance is a cost effective way to improve the environmental performance of buildings, and submissions of support can be made through the [Local Government Act Review](#) until 31 March 2019. The City of Gosnells discussed the latest energy improvements to council facilities, and the City of Mandurah outlined a feasibility study for a district level cooling system for council facilities. The final SONG meeting for the year will be held in December.

EnviroNews

The October and November 2018 editions of EnviroNews can be accessed electronically on the WALGA website [here](#). The final edition for 2018 is scheduled for release on 19 December.

Policy and Advocacy

Environmental Planning Tool (EPT) - updated

One training session was held at WALGA on 14 November and in-house training was delivered at the Shires of Dardanup, York and Kulin.

In November, the updated version of the EPT was released, including the addition of 36 new layers, update to 23 existing layers and upgrades to the EPT platform performance.

A survey of Local Governments was conducted to inform the development of new EPT functionality, with focus on natural resource management. A follow up workshop to identify further EPT extension priorities has been scheduled for 11 December.

EPT presentations were delivered to the WALIS Marine Group, at the Regional Road Sub-group meeting held in Kulin and at the Murchison Country Zone Meeting in Cue. On October 16, EPT display and demonstrations were given at the WA Transport Forum.

Corella Control

A workshop was held with West Midland and Avon Shires on 12 October to develop a strategic regional approach to the issue of an over-abundance of Corellas impacting on the region. Shires heard from representatives from DPIRD, DBCA and CBH, and examined the current and future regulatory frameworks, required relationships and management techniques. A number of the shires are pursuing a regional coordinated approach, and giving consideration to supporting a recognised Biosecurity Group.

South West Shires are currently going to tender for a suitably qualified contractor to undertake control works across a number of the South West Country Zone Shires, whilst WALGA has recently awarded its contract for control across the metropolitan and peri-urban areas, and is now working with the contractor on site selection.

Review of the Strategic Assessment of the Perth and Peel Regions (SAPPR)

WALGA's final submission to the Review of the SAPPR was provided to the Review Panel in September, following State Council's consideration in September. The Review Panel has finalised its report which has been provided to the Deputy Premier. No date has been announced as to when the Government will respond the report.

Biosecurity

WALGA has provided a submission on a draft [National Biosecurity Statement](#) to the Australian Government Department of Agriculture and Water Resources (DAWR). Developing a national statement was a recommendation of the 2017 independent report, [Priorities for Australia's Biosecurity System, also known as the IGAB Review](#).

A final version of the Statement, incorporating stakeholder feedback was to be presented for endorsement at the 2018 National Biosecurity Forum on 29 November 2018 and then then be endorsed by the National Biosecurity Committee, Agriculture Senior Officials Committee and the Agricultural Minister's Forum.

WALGA's submission on the draft Statement is consistent with its earlier comments on the IGAB Review Discussion Paper and Draft Review Report and the Association's Biosecurity Policy Position and Recommendations to the State Government endorsed by State Council in March 2017 (14.1/2017). To meet the closing date for submissions, and noting that the draft statement was to be finalised before State Council will have the opportunity to consider the WALGA submission, Executive Committee approval of the submission was sought out of session. The submission is included in the State Council agenda papers.

Department of Water and Environmental Regulation Cost Recovery Discussion Paper

WALGA has drafted an interim submission on the DWER proposals to increase cost recovery on its assessment of clearing permits and water allocation licences and permits, respectively.

Due to the 15th November deadline, the interim draft submission was sent to Executive Committee out of session for its endorsement. The draft submission opposes any increase to Local Governments on the basis of the DWER needing to resolve its own inefficiencies before seeking cost recovery from proponents, that (in relation to water licences and permits) the Governments legislative reform on water resource management needs to occur before regulatory reform to the outdated Rights in Water Irrigation Act (1914), and that Local Government should be exempt from any cost recovery on the basis that the sector is delivering public benefit outcomes that are in the interests of the community of Western Australia.

Meeting with Director General of the Department of Water and Environmental Regulation

WALGA staff met with Mike Rowe, Director General of DWER on 31 October. Key points of discussion were on:-

- Development of the State Local Government Climate Change Partnership Agreement
- Strategic and Minor Infrastructure Purpose Permits
- Regulatory reform and resourcing priorities
- DWER's plans for increased enforcement regarding the Waste Levy
- Ensuring DWER integration of work on waste management (e.g. ensuring the Container Deposit Scheme is developed to complement the State Waste Strategy and Product Stewardship Schemes).
- Water law reform and the urban water policy agenda.

Outcomes from the meeting include a commitment to quarterly meetings with the Director General, the creation of a DWER/WALGA working group on regulatory reform, and a further meeting to explore the development of the State Local Government Partnership Agreement on Climate Change.

Local Government environmental management and sustainability

In 2017, WALGA and Perth NRM surveyed Local Governments and Natural Resource Management organisations about Local Government and NRM environment and sustainability programs. Key findings from the survey are:

- Natural area management was identified as having the highest levels of adoption of best practice, with Local Governments reporting competency for areas such as bushland restoration and bushfire risk management;
- Organisational sustainability had the greatest capacity gaps for areas such as State of the Environment monitoring and changing community behaviour; and
- Some areas were not addressed by a fifth of Local Governments, including Aboriginal cultural heritage and water sensitive urban design.

Survey participants indicated that the resources provided by WALGA and WA's seven NRM organisations are highly valued.

Feedback on areas where the sector could be further supported was also provided, including increasing the ability of Local Government to engage with and educate local communities, facilitating the exchange of best practice knowledge and skills between government and land managers, and working with stakeholders to ensure research priorities and legislative or policy reviews incorporate the needs of local government. The [final report](#) and an InfoPage summarising the key results can be found on WALGA's website [here](#).

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

By Tony Brown, Executive Manager Governance and Organisational Services

Recommendation

That the Key Activity Report from the Governance and Organisational Services Unit to the December 2018 State Council meeting be noted.

Governance and Organisational Services comprises of the following WALGA work units:

- Governance Support for Members
- Employee Relations
- Training
- Regional Capacity Building
- Recruitment
- Strategy & Association Governance

The following provides an outline of the key activities of Governance and Organisational Services since the last State Council meeting.

Sector Governance Support

Update – Social Media, Cyber Bullying and Abuse

At the May 2018 WALGA State Council Meeting it was resolved to seek ALGA's support in advocating for Commonwealth legislation amendments so that all Australians are provided protections from cyber bullying and abuse.

ALGA advises that WALGA's concerns and the need for legislative reform has been included in a submission to the Regional Telecommunications Independent OPReview Committee however, the Commonwealth has no immediate plans to initiate legislative amendments.

Through ALGA's advocacy, the Commonwealth Office of the eSafety Commissioner has provided some addition information to assist Elected Members in responding to and reporting serious incidences of cyber abuse, much of which can be found at the Office of the eSafety Commissioner's website – www.esafety.gov.au

The eSafety Commissioner has also provided a direct contact for WA Elected Members who need advice regarding cyber bullying and abuse.

Members have been advised of the availability of this support via LG News (24 October 2018), Council Direct (1 November 2018) and an Infopage to Councillors and CEOs (25 October 2018).

Stop Puppy Farming

At the State Council meeting held 7 September 2018, State Council considered feedback from Zones in respect to the State Governments Stop Puppy Farming proposal and resolved as follows;

That WALGA:

- *Welcomes a cost modelling review of the financial impact on Local Governments to ensure that Local Government is able to fully recover costs and not be disadvantaged in ensuring compliance of any new legislation to Stop Puppy Farming;*
- *Acknowledges the benefit of de-sexing of dogs not used for approved breeding purposes, and request further information on the complexities associated with de-sexing of dogs prior to considering supporting the proposal;*
- *Supports a centralised dog registration system that is developed, operated and maintained by State Government;*
- *Supports appropriate legislative exemptions for livestock working dogs in recognition of their special breeding requirements; and*
- *Do not support the transition of pet shops to adoption centres, and*
- *Requests there be a Local Government-specific consultation process in relation to the proposed amendments to the Animal Welfare Act to introduce Standards and Guidelines for the Health and Welfare of Animals including dogs; and*
- *Supports a State Government-led education initiative whereby the community is encouraged to purchase puppies from professional registered breeders; and*
- *Requests the State Government discontinue the use of the term 'Farming' due to the negative connotation that may be associated with other regulated industries, and consider re-naming the initiative 'Stop Puppy Mills'.*

The Ministerial Stop Puppy Farming Working Group has now completed their role following the community feedback from the public and Local Government sector consultation process.

The State Government will now develop its policy position on the Stop Puppy Farming initiative. No timeline has been determined for this task as yet and State Council and the Zones will be informed of progress accordingly.

Beneficial Enterprises

WALGA has been advocating for Local Governments to have the ability to form Beneficial Enterprises (formerly known as Council Controlled Organisations) for approximately ten (10) years.

Advocacy has increased with Beneficial Enterprise's being considered by the State Government as part of the review of the Local Government Act.

A Beneficial Enterprises is a standalone arm's length business entity to carry out commercial enterprises and to deliver projects and services for the community. Local Governments would have the ability to create Beneficial Enterprises through the Local Government Act, however the stand alone business entity would be governed by the Corporations Act (ie normal company law).

Beneficial Enterprises provide services and facilities that are not attractive to private investors or where there is market failure. A Beneficial Enterprise cannot carry out a regulatory function of a Local Government.

Examples

- Urban regeneration; A Land Development may not be attractive to a private developer, however the ability to develop the land may be beneficial for the Local Government in respect to strategic development/connection of an area. Or may be worth a joint venture with a developer.

- Measures to address economic decline in Regional WA – A small business may not be viable for a private citizen, however maybe considered an essential service for the Local Government. ie Could be the local Pharmacy or local mechanical workshop.
- Regional Airports
- Major Waste Management facilities

Benefits of establishing a Beneficial Enterprise include:

- (a) The ability to employ professional directors and management with experience specific to the commercial objectives of the entity;
- (b) Removal of detailed investment decisions from day-to-day political processes while retaining political oversight of the overarching objectives and strategy;
- (c) The ability to take an overall view of commercial strategy and outcomes rather than having each individual transaction within a complex chain of inter-related decisions being subject to the individual notification and approval requirements of the Local Government Act;
- (d) The ability to quarantine ratepayers from legal liability and financial risk arising from commercial or investment activities;
- (e) The ability to set clear financial and non-financial performance objectives for the entity to achieve; and
- (f) Greater flexibility to enter into joint venture and partnering relationships with the private sector on conventional commercial terms.

Recruitment

WALGA Recruitment has had a busy 2018 year to date.

Currently WALGA Recruitment are actively assisting a number of Local Governments.

Active positions:

- CEO - Shire of Koorda
- CEO – Shire of Derby West Kimberley
- Acting CEO – Shire of Upper Gascoyne
- Executive Corporate and Community – Shire of Carnarvon
- Executive Development Services – Shire of Serpentine Jarrahdale

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

By Ian Duncan, Executive Manager Infrastructure

Recommendation

That the Key Activity Report from the Infrastructure Unit to the December 2018 State Council meeting be noted.

The following provides an outline of the key activities of the Infrastructure unit since the last State Council meeting.

Roads

Methodology for Calculating the Cost of Road Wear on Unsealed Roads

In response to member requests, WALGA has worked closely with ARRB to develop a guide for calculating the cost of road wear on unsealed roads subject to a significant increase in heavy vehicle traffic. This builds on similar work completed for sealed roads and now adopted by many Councils.

The ARRB report has been completed and work commenced on the final stage, the development of a User Guide to enable the model to be applied in a practical way. The User Guide is scheduled for completion within the next three months.

Review of the Restoration and Reinstatement Specification

WALGA has commenced a project in partnership with the Institute of Public Works Engineering Australasia (IPWEA) to review and update the *Restoration and Reinstatement Specification*. This specification will be a key supporting resource to a Model Policy Guideline for Managing Third Parties Working in the Road Reserve. The Specification was originally published in 2002 and IPWEA has endorsed a comprehensive review to be performed by a working group of industry experts.

Proposed Changes to Main Roads WA Policy on Control of Heavy Vehicle Operations on Local Government Roads

It is Main Roads policy to consult with Local Governments before adding or amending a RAV route. Local Governments may propose an operating condition that requires the Operator to obtain written approval from the Road Owner. The approval letter must be carried in the vehicle and produced upon request. This is commonly referred to as a CA07 condition. It is Main Roads WA policy to apply this condition to all roads that are designated Type A or B Low Volume Roads. Records indicate that there are a 117 Local Governments that have roads with the CA07 condition.

Some Local Governments are charging transport operators a fee to obtain the letter of approval. Main Roads have advised WALGA that instructions have been received from the State Solicitors Office that Local Governments do not have the powers to charge transport operators to access a public road (note that the practice of establishing a maintenance agreement with a freight owner / generator in instances of an extraordinary transport task is a separate issue). Consequently they are proposing to abolish the condition.

WALGA has advised Main Roads that changes should only be considered once there is a proper understanding of the functioning of the current arrangements. Seventy Local Governments participated in the survey undertaken by the Association. Results indicate that the overwhelming majority of Local Governments are against withdrawal of the CA07 condition and that only a minority are charging transport operators. WALGA has subsequently advised Main Roads that the sector does not support withdrawal of the condition and that the issues can be resolved by advising Local Governments not to use the letter to charge transport operators and to establish consistent administrative practices regarding fees and letter formats. A report seeking endorsement for this position will be submitted to State Council in December.

Development of a Model Policy Template for Works or Events in the Local Government Road Reserve

The requirement for notifications, approval and management of works and events in the road reserve is an important responsibility of Local Government. Currently these responsibilities are specified in different documents causing confusion for Local Governments, utility providers and contractors. Based on requests from Local Governments and utility providers, WALGA developed a draft model policy template to assist Local Governments frame consistent and robust policy to govern works or events in the local road reserve or on land owned by a Local Government. The draft model policy template was released to the sector and other interested parties for feedback, which closed on 2 November. Analysis of the feedback will frame the final version of the draft model policy template.

2018 Transport and Roads Forum

The 2018 Transport and Roads Forum was held on Tuesday 16 October at Crown Perth. The event provided an important and timely opportunity for Local Government leaders to engage with senior officers and Ministers with responsibility for the transport related portfolios. The Forum was attended by 250 Local Government elected members, CEO's, managers and officers, speakers and exhibitors. Very positive feedback was received from delegates.

Some the speaker highlights included:

- Anthony Vuleta's proposal that arriving at the most desirable infrastructure design solutions can be considerably enhanced by asking the customer how they would like to be engaged at the earliest opportunity in the process.
- Dr Theuns Henning demonstrated that the "worst first" policy for road maintenance is not the most effective use of funding and showed that scheduling maintenance for unsealed roads by combining feedback from road users with simple roughness measures provides higher levels of satisfaction than traditional rotational scheduling methods.
- Examples of how different organisations have partnered to deliver a range of outcomes to improve cycling facilities across the State.
- A challenge from Road Safety Commissioner, Iain Cameron, for the whole community to turn our collective minds to how a vision of Zero deaths and serious injuries on the roads will be achieved.

It is proposed that the next Transport and Roads Forum will be held in 2020.

Operational Responsibility in the Road Reserve

For many years there has been no formal agreement between Main Roads and Local Government regarding the boundaries of responsibilities in the road reserve. The State Road Funds to Local Government Advisory Committee (SAC), at its meeting on the 6 April 2018, resolved that a Working Group be established to identify and resolve the issues that are hindering the adoption of the Agreement. A Terms of Reference has been drafted and is being considered by the Parties.

Funding

State Road Funds to Local Government Agreement

A new State Road Funds to Local Government Agreement was signed by all the parties on 16 October 2018. The Agreement will run for five years from 2018/19 to 2022/23 and commits 20% of motor vehicle licence fee collections to be allocated for the improvement and maintenance of the Local Government road network. The parties have agreed to review the share of revenue within the next two years. The new agreement includes a particular focus on road safety management systems and bridge asset management with the parties agreeing to establish a framework to monitor and support Local Governments to perform level 1 bridge inspections.

Copies of the Agreement will be distributed to all Local Governments and posted on the WALGA website.

Local Government Commodity Freight Roads Fund

The Department of Primary Industries and Regional Development (DPIRD) has allocated \$10M to Main Roads WA for an Agricultural Commodity Routes Fund as part of the Royalties for Regions Programme.

This will be combined with the Commodity Route Supplementary Fund provided via the State Road Funds to Local Government Agreement, offering a total allocation of \$15 million over the financial years of 2019-20 and 2020-21. The first \$10 million will be allocated to fully fund projects i.e. no co-funding required. The remaining \$5 million will be allocated on a cost sharing basis, requiring a $\frac{1}{3}$ co-contribution from the Local Government or from industry.

The call for applications closed on 26 October. The Technical Review will prioritise the submissions and make recommendations to the State Road Funds to Local Government Advisory Committee by February 2019.

Disaster Recovery Funding Arrangements (DRFA-WA)

The Commonwealth has now published the new Disaster Recovery Funding Arrangements (2018). The State has determined, in consultation with the Commonwealth, that these arrangements will take effect for all new disasters from 1 November 2018. The success of the arrangements from a Local Government perspective will depend on the processes and procedures implemented to meet the overarching accountability requirements. The new arrangements will be referred to as Disaster Recovery Funding Arrangements (DRFA-WA). The Association has been working closely with senior staff from the Department of Fire and Emergency Services to facilitate input from Local Government to support development of:

- a new set of guidelines, draft templates and checklists help users work through the documents to support the DRFA-WA;
- a frequently asked questions document; and
- recommendations to address current challenges associated with Local Government cashflow concerns and delays to the processing of claims.

A well-attended webinar was held to inform Local Government staff of the new arrangements and briefings have been provided at each Regional Road Group meeting. The Association is continuing to work closely with the DRFA-WA team to achieve a good outcome and facilitate on-going direct engagement between the new DRFA-WA team and Local Governments.

Freight in Agricultural Regions

Work has been completed on several interrelated projects with the common objective of improving the sustainability of road freight networks and the productivity of freight in the agricultural region. The Wheatbelt Secondary Freight Routes project is being led by the Wheatbelt North and Wheatbelt South Regional Road Groups with strong support from RDA Wheatbelt and several other organisations including WALGA. A proposed network and investment priority has been completed and a business case for detailed planning completed by Pracsys consultants. Several applications for funding from both State and Federal Governments are in place, seeking support for the next level of planning and business case development.

The Revitalising Agricultural Region Freight project lead by the Department of Transport and the Department of Primary Industries and Regional Development is nearing conclusion of a draft strategy. The Association is strongly advocating that the draft be open to public consultation to provide all Local Governments a further opportunity to contribute to this important strategy.

Street Lighting

The Association is advocating that LED street lighting technology be available and supported to improve the quality of public area lighting, reduce costs, reduce energy consumption and reduce greenhouse gas emissions.

As a result of submissions and advocacy from the Association, the Economic Regulation Authority has required that, as part of its regulatory approval, Western Power provide:

- a clearer basis of services, more robustly defining the street lighting services that Western Power provides including light levels, spillage and technology (currently the only performance measure is repair times for specific types of faults);
- an LED replacement service;
- different street light ownership models; and
- a new metering type based on metering-grade information technology within smart street lighting controllers and similar devices.

The overarching aim to provide Local Governments with choices in the street lighting provided and the ways in which this is delivered. A series of workshops involving senior Local Government officers has been completed with Western Power, to provide some detail around the choices different Local Governments are seeking. Discussions have also been held with the Public Utilities Office and Synergy.

The key issue of tariffs associated with the new lighting technologies is yet to be resolved.

Underground Power

Eight of the seventeen underground power projects funded in Round 6 of the State Underground Power Program are now either under construction or in the final stages of design and contracting. The Association has been supporting members engaged in these projects and advocating on behalf of the sector at Steering Committee and Expanded Steering Committee meetings that provide the governance and oversight for these projects. Scope and budget issues dominate these agendas.

Urban and Regional Transport

Bus Stop Infrastructure Agreement

A review of the Bus Stop Infrastructure Partnership Agreement between Local Government and the Public Transport Authority (PTA) endorsed by State Council in March 2016 has been completed in consultation with a working group of Local Government officers. The Agreement defines the roles and responsibilities for providing and maintaining bus stop infrastructure and sets out the consultation process between the PTA and Local Governments to be applied when bus routes are changed, bus stops added or removed and bus stop infrastructure upgraded. The review indicated that Local Governments and PTA are supportive of how the Agreement is working. Minor amendments have been proposed by the PTA for consideration in the new Agreement. Local Governments and the Infrastructure Policy Team are supportive of these proposed changes. The proposed new Agreement will be considered by the WALGA State Council in December.

Bicycle and scooter share schemes

WALGA developed a discussion paper identifying the various issues a Local Government should consider when approached by operators seeking to establish a bike share scheme. The discussion paper highlighted that areas of operation of bike share schemes often extend over Local Government boundaries adding to the degree of complexity in supporting and optimising the opportunities, and managing any adverse impacts. The discussion paper was noted by WALGA State Council at its September 2018 meeting. More recently scooter share schemes are emerging and expanding, with similar issues being faced by Local Governments across the world. To further discuss both bicycle and scooter share schemes, a workshop was held with inner City Local Governments in November. The workshop focused on assisting Local Governments with managing schemes and developing agreements with operators to minimise problems.

Electric Vehicles

WALGA has accepted an invitation to contribute to an interagency working group established to progress actions set out in a sub-national collaboration on electric vehicles. The working group is seeking to progress initiatives including:

- taking a coordinated approach to planning and constructing (charging) infrastructure for electric vehicles
- considering how to build market and promote uptake of electric vehicles

- sharing information on policies to encourage uptake of electric vehicles including standards and incentives, and
- developing a jurisdictional plan to increase the number of electric vehicles in fleets.

The Association is seeking to represent Local Government, focussing particularly on infrastructure and fleet issues. Meetings have been held with Western Power, Main Roads WA and researchers from the University of Western Australia, delivering a research project defining the location and types of charging infrastructure required to support a projected electric vehicle fleet in WA. There has also been engagement with Landcorp regarding land use planning considerations in the location and type of charging facilities.

Road Safety

Road Safety Council Update

The Road Safety Council has met on two occasions since the last report. The August meeting was hosted by the Minister for Road Safety, the Hon. Michelle Roberts MLA who addressed the Road Safety Council and presented certificates of appreciation to recognise individual contributions to road safety in WA. The main items of business for the Road Safety Council, at both meetings, included: reviewing performance towards zero deaths and serious injuries; monitoring community attitudes and behaviour segmentation; preparation for the development of the next road safety strategy; updates to governance frameworks and documents; consideration of impaired driving law reforms and a proposal to review the penalties associated with the Road Traffic Code 2000. The October meeting also involved initial discussions around the development of the 2019-20 Road Trauma Trust Account budget recommendations.

A follow-up workshop was held in October, for participants of the inaugural Executive Road Safety Leadership Program. Groups that were formed to lead discussion and engagement on a number of road safety challenges presented on their work to date. The challenge topics cover many aspects, such as: building community support for a paradigm shift; accelerating the update of vehicles with advanced safety features; enabling communities to implement lower urban speed limits; infrastructure and speed limit trade-off; workplace leadership. A number of groups will continue working on these challenges into the new year.

RoadWise Road Safety Newsletter

The August, September, October and October (Special) 2018 editions of the *RoadWise Road Safety Newsletter* can be accessed electronically at <http://roadwise.asn.au/roadwise-road-safety-newsletter.aspx>. The November edition is scheduled for release on Tuesday, 20 November 2018.

New subscribers can register to receive the newsletter directly through the following link: <http://eepurl.com/PHFsr>.

The newsletter is currently distributed to almost 2000 members of the community road safety network in Western Australia. Readership of the newsletter is estimated to be significantly higher than distribution.

RoadWise Achievements Report 2017-18

The RoadWise Achievements Report highlights some of the key achievements of WALGA's RoadWise from the wide range of road safety activities undertaken between July 2017 and June 2018. The report and a one-page summary can be downloaded from the RoadWise website at <https://www.roadwise.asn.au/onlineform/>.

New Look RoadWise Website

WALGA's RoadWise has a new look website. The new design incorporates block colours and information tiles to highlight popular road safety topics, projects and resources. The RoadWise can be viewed at www.roadwise.asn.au.

7.1.4 Report on Key Activities, People and Place (01-006-03-0014 JB)

By Joanne Burges Executive Manager People and Place

Recommendation

That the Key Activity Report from the People and Place Team to the December 2018 State Council meeting be noted.

The following provides an outline of the key activities of the People and Place Team since the last State Council meeting.

COMMUNITY

Community Policy Reform Project

The Project aims to provide a broad vision for community development issues affecting WA Local Governments. The intended goal of the Project is to establish a framework of priorities that sets a clear direction for the Community Policy team which will ensure better outcomes for WALGA members. Local Government Directors are invited to a workshop on 22 November 2018 to identify the broad vision, priorities and areas of focus for the future of community development.

Move it Australia funding submission

WALGA has partnered with Western Australian Centre for Rural Health (WACRH) and the Department of Local Government, Sport and Cultural Industries to submit a \$2million grant application to *Move it Aus Better Ageing Grants Program*. The Program objective is to increase access to and uptake of age-appropriate sport and physical activity for older people residing in regional, rural and remote WA. The Program activities will be community-based and appropriate to needs and will be achieved by an evidence based framework of three pillars; Partnership Networks, Capacity Building, and Funding (reduction of barriers).

Access and Inclusion

WALGA met with staff from the Department of Communities to develop a roadmap for the coming two years which includes a major review of the *Disability Services Act 1993*. It is anticipated the Department will release a discussion paper for comment in early 2019 and a deliberative consultation process will follow.

Library Strategic Plan

WALGA is representing the sector on a statewide working group to look at ways to implement the State Strategic Plan for public libraries. The first working group workshop was held on 31 October at which a tiered funding model was explored. Some of the key considerations for Local Governments that need to be reconciled are interpretations around diverse financial management of library stock, stock ownership and potential shared pool of stock and potential procurement innovations. It is anticipated a Discussion Paper on these areas be developed in 2019.

Nature Play WA

The Nature Play WA AGM was held on 26 October 2018 reporting very high advocacy rates with community members, including over 200,000 primary school students engaged in Outdoor Classroom Day. Nature Play WA continues to work closely with several Local Government through trail development and other programs and is able to provide a concise return on investment report back to Local Governments who choose to participate. Nature Play WA looks forward to continuing with developing its web based App in conjunction with the City of Wanneroo and will be holding a Barefoot by the Bay, informal networking session in February 2019 to share information with interested parties.

Information Session - Public Health Act and Public Health Planning for Elected Members and CEOs held September 12

WALGA hosted an information session on the *Public Health Act 2016* and Public Health Planning for Elected Members and CEOs on 12 September 2018. 67 people attended from 35 Local Governments, with nineteen regional and sixteen metropolitan Local Governments represented.

The event focussed on local public health planning with presentations from the Department of Health, the Public Health Advocacy Institute of WA (PHAIWA) and Metropolitan and Country Health Service Providers. Local Government officers, CEOs and Elected Members from the Town of Victoria Park, City of Armadale, City of Vincent and Shire of Collie presented practical examples of how their Local Governments had responded to the challenges and opportunities they have encountered while developing their Public Health Plans. The presentation slides and a full recording of the session are available on the WALGA website under 'Health and Wellbeing'. <https://www.walga.asn.au/Policy-Advice-and-Advocacy/People-and-Place/Health-and-Wellbeing.aspx>

Information session – Public Health Planning for Not-for-Profit Organisations

In building capacity for WA Local Governments and their partner organisations to fulfil their obligations under the *Public Health Act 2016*, WALGA hosted a session for health not-for-profits on partnering with Local Governments to assist with public health planning on 24 October 2018.

There were over 50 participants from 28 not-for-profit organisations together with representatives from Injury Matters, Act Belong Commit and Cancer Council. The event included presentations on Strategic Community Plans and the role of Public Health Plans in Local Government. The Shire of Mundaring shared information on their partnership with not-for-profit organisations and how that has assisted and informed their public health planning process.

Food-Borne Illness Reduction Strategy

The WA Foodborne Illness Reduction Strategy (FBIRS) was not endorsed by State Council at the September meeting, and an alternative motion was endorsed:

That the WA Foodborne Illness Reduction Strategy not be endorsed until the roles and responsibilities proposed for Local Governments are known and cost to the sector of any additional responsibilities are understood.

WALGA is seeking to clarify the role of Local Governments in the FBIRS, and will report back to State Council when this is clear.

The FBIRS will continue to be implemented, and the Association is assisting the Department of Health in circulating messages about foodborne illness reduction to Local Governments through our communication channels. The Department of Health has initiated a Food Service and Retail project, which will be run by a project group of Department of Health and Local Government representatives.

PLANNING

Local Government Performance Monitoring project 2017/18

Following the release of the *Local Government Performance Monitoring Project 2016/17* to accurately reflect the planning and building performance during the 2016/17 financial year, the *Local Government Performance Monitoring Project 2017/18* project has now been initiated. The following nineteen Local Governments are finalising their data sets and the compiled data will be available in November 2018;

Armadale	Cockburn	Gosnells
Mandurah	Melville	Canning
Belmont	Kwinana	Rockingham
Wanneroo	Swan	Stirling
Vincent	Bayswater	Joondalup
Subiaco	South Perth	Mundaring
Victoria Park		

WALGA has been discussing this project with other Local Government members, with a view to increasing the Local Government participation in the coming years. If interested in next year's *Local Government Performance Monitoring Project*, please email planning@walga.asn.au or call one of the Planning team on 9213 2000.

Interim Submission – Planning for Entertainment Noise in the Northbridge Area - Position Statement

The Department of Planning, Lands and Heritage (DPLH) and Department of Water and Environmental Regulation (DWER) have released a consultation paper outlining potential changes to the *Environmental Protection (Noise Regulations) 1997* and relevant planning framework for Northbridge. These changes aim to support existing music venues and Western Australia's cultural industries within this specific entertainment precinct.

It is understood that the Northbridge model may provide a guide for other entertainment precincts across Western Australia. A copy of the consultation paper can be viewed [here](#). WALGA is currently seeking members comment and will be preparing an interim submission to meet the public consultation deadline of the 26 November 2018.

Concrete Batching Plant Working Group

The Minister for Planning has requested that the Department of Planning Lands and Heritage (DPLH) establish a Concrete Batching Stakeholder Working Group (CBSWG). The purpose of the CBSWG is to develop and share advice on measures to ensure the ongoing sustainability of the supply of concrete to the central metropolitan area. The CBSWG includes representatives of State and Local Government and relevant industry bodies; WALGA's Policy Manager Planning, the Cities of Perth and Bayswater are the WA Local Government Association representatives on the Working Group. Only one meeting has been held to discuss the draft terms of reference and to hear the issues and concerns from the Industry representatives, the Cement Concrete & Aggregates Australia.

Workshops and Information sessions

18 October 2018. Coastal Hazard Planning Issues Paper Workshop – the Planning Team has been working closely with the Environment Team and members to prepare an Issues Paper. The Paper aims to clearly identify: issues that Local Governments are experiencing in meeting coastal hazard planning responsibilities established by State Planning Policy 2.6; and, options for resolving these issues. Twenty officers from nine different Local Governments attended this workshop. A draft Issues Paper is currently being prepared. This project is closely aligned with the Minister for Planning's request to address coastal erosion issues through the State Partnership Agreement.

26 October 2018 - Container Deposit Scheme (CDS) Workshop. The WA Government has committed to the delivery of a Container Deposit Scheme (CDS) by early 2020. The Department of Planning, Lands and Heritage (DPLH) has identified that some of the CDS collection points will require development approval under the *Planning and Development Act 2005*. The workshop sought advice of Local Government planners on what measures might be implemented to guide and standardise the development approval process for CDS proposals. A new 'Position Statement' will be prepared and all Local Governments will be consulted between December 2018 and February 2019.

9 November 2018 - Implementation of Infringement Notices under the Building Act - Information Session. The Building and Energy Division (formerly the Building Commission and Energy Safety) of the Department of Mines, Industry Regulation and Safety (DMIRS) is currently working on introducing infringement notices as an option for permit authorities when enforcing the Building Act 2011. Amendments to the Building Regulations 2012 are close to finalisation and it is likely that the changes will come into effect in late November. The information session was provided for Local Government Building Surveyors to discuss the implementation of the new notices.

15 November 2018 - Third Party Appeal Rights for Decisions made by Development Assessment Panels Workshop. At the May 2018 WALGA State Council meeting, it was resolved to amend the policy position to support the introduction of Third Party Appeal Rights for decisions made by Development Assessment Panels (DAPs). This new policy position was provided to the State Government and also submitted during the consultation on the Independent Review of the Planning System in July 2018 (the Green paper).

The Hon Minister for Planning has replied, indicating that Third Party Appeal Rights are not included in the Green paper, as it would *“add unnecessary complexity and red tape to the planning framework, contrary to the intent of the review”*. This statement could perhaps be challenged as the objectives of the Review were also about providing a modern and accountable planning system.

As the proposed White Paper on the Planning Reforms is due for release in early 2019, WALGA further consulted with members to provide more clarity on the exact details of the criteria that would be needed to be established for any Third Party Appeal Rights for decisions made by DAPs. As WALGA may still wish to continue to advocate for the introduction of a form of Third Party Appeals for DAPs, the information from the workshop could be included in the submission on the upcoming White Paper.

Urban Development Advisory Committee (UDAC)

Convened by the Water Corporation since 1994, stakeholders including Landcorp, Civil Contractors Federation, Consult Australia, Housing Industry Association, Master Builders Association, Spatial Industries Business Association and WALGA attend UDAC on a quarterly basis to keep abreast of matters relating to the development industry. The Association ensures that Local Government's voice is heard at these meetings and that Water Corporation and those that attend are aware of specific requirements relating to the sector. Further once a year the Association is hosted at a Breakfast to hear from Water Corporation staff regarding Local Government specific issues. Senior staff and the CEO's of Swan and Kalamunda attended this year with presentations on the Standpipe review and specific matters raised during the last Zone round, Contractor Quality Assurance and Waterwise Councils.

EMERGENCY MANAGEMENT

Bushfire Mitigation Forum

WALGA attended the Bushfire Mitigation Forum hosted by DFES and the Rural Fire Division on Thursday 4 October 2018. It was held at the Kalamunda Performing Arts Centre, within the City of Kalamunda and included representatives from all the key stakeholder groups from the bushfire sector. Improving on the last forum, the Local Government sector had representation from the WALGA zones, with a further forty Bushfire Brigade volunteers in the room from all over Western Australia. The Forum provided an opportunity for participants to ask questions directly of the Minister for Emergency Services, Hon Logan MLA, DFES Commissioner Darren Klemm, SEMC Chair, Ron Edwards and Rural Fire Division Executive Director, Murray Carter. There were two workshop activities which focused on working together in Bushfire Mitigation and the designing the Bushfire Centre of Excellence. Formal communication from the day will be provided by the Rural Fire Division in due course.

Community Development Justice Standing Committee– Crowded Places report released.

WALGA and many Local Governments have been requested to make submissions and provide evidence at the hearing of the Community Development Justice Standing Committee (CDJSC) inquiry into Crowded Places. WALGA provided a written submission and further evidence at a hearing on 27 June 2018. The CDJSC have released an initial report titled, 'Near enough is not good enough', posing further questions on how crowded places are managed in Western Australia. The full report can be read [here](#).

Concurrently WALGA have been working with key stakeholders in this field including, WA Police, Department of Health and Main Roads WA to increase the understanding of this issue across sectors. This also includes Local Governments responsibility under the Commonwealth Strategy, 'Australia's Strategy for Protecting Crowded Places from Terrorism'. WALGA have facilitated two meetings of these key stakeholders promoting a shared understanding of the requirements and frameworks that are applicable to Local Governments.

Recovery Webinar

WALGA hosted a webinar for Local Governments on organisational resilience and preparedness for the upcoming cyclone and bushfire season. In partnership with DFES information was shared on lessons learned from Local Governments in recent emergencies such as the Waroona/Yarloop Fire with presentations from Shire of Augusta Margaret River, City of Mandurah and the DFES State

Recovery Team. Over 40 Local Government Officers joined us to hear initiatives and considerations they could be taking in readiness for the season. The webinar is the first of a series and can be listened to [here](#).

DFES Operational Fleet Project Board

Local Government is represented on the DFES Operational Fleet Project Board by Jo Burges, Executive Manager People & Place to ensure Local Governments interests are heard and considered where required, and to keep abreast of the projects progress. With representation from Department of Fire and Emergency Services, Emergency Services Volunteer Association, United Fire Fighters Union, WA Volunteer Fire and Rescue Services Association, State Emergency Service Volunteer Association, Association of Volunteer Bush Fire Brigades, Volunteer marine Rescue, the Project Board recently had their first meeting with a second to follow in early December.

Interdepartmental Committee – Bushfire Mitigation on Crown Land

Local Government is represented on the Interdepartmental Committee – Bushfire Mitigation on Crown Land by Jo Burges, Executive Manager People & Place.

The Committee exists to provide advice and recommendations on a Whole of Government, risk based approach to prioritising strategic bushfire mitigation activities on Crown land and an efficient governance mechanism for allocating state government funding to these activities in accordance with their priority.

The Committee has broad representation including the Departments of Biodiversity, Conservation and Attractions, Fire and Emergency Services, Planning Lands and Heritage, Premier and cabinet, Treasury, Water and Environmental Regulation, WALGA, Western Power, main Roads WA and the Water Corporation.

7.2 Policy Forum Reports (01-006-03-0007 TB)

The following provides an outline of the key activities of the Association's Policy Forums since the last State Council meeting.

Recommendation

That the report on the key activities of the Association's Policy Forums to the December 2018 State Council Meeting be noted.

7.2.1 Mayors/Presidents Policy Forum

By Tony Brown, Executive Manager Governance & Organisational Services

The Mayors/Presidents Policy Forum has been tasked with addressing the following key issues;

- i. Advise the WALGA President on emerging policy issues;*
- ii. Serve as a stakeholder forum to effectively support and complement the broader work of the Western Australian Local Government Association;*
- iii. Provide a networking opportunity for all Mayors and Presidents across the State;*
- iv. Provide a forum for guest speakers to present on topical sector issues.*

Comment

A Mayors and Presidents' Policy Forum has not been held since the last State Council meeting.

The next Mayors and Presidents' Forum will be held in early March 2019.

A notice of meeting and an agenda advising of guest speakers will be prepared early in the New Year.

7.2.2 Mining Community Policy Forum

Wayne Scheggia, Deputy CEO

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

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

Comment

There has not been a meeting of the Policy Forum since the previous State Council meeting.

7.2.3 Container Deposit Legislation Policy Forum

By Mark Batty, Executive Manager Waste and Environment

A Container Deposit Scheme (CDS) is a form of Extended Producer Responsibility which seeks to place financial/physical responsibility for a product (at end of life) on the original producer.

The objectives of the Container Deposit Scheme Policy Forum shall be to:

- Provide constructive input into the development of a CDS for WA*
- Ensure that regional and remote communities have access to the benefits of a CDS*
- Engage with Local Government, and collectively negotiate with the Scheme operator, to ensure the sector has the opportunities to be involved in the implementation of a CDS.*

Comment

The Policy Forum met on Tuesday 25 September 2018 to discuss issues relating to the design of the Scheme, which is now anticipated to commence in early 2020.

Matters discussed included:

- CDS Consultation Regulation Impact Statement (August 2018)
- The draft Request for Proposal - Scheme Coordinator (September 2018).
- The Draft customer service standards for collection network (Nov/Dec 2018)
- Assisting DWER and the Department of Planning, Lands and Heritage to engage with Local Government planners (session at WALGA 26 November 2018)
- Assisting DWER to engage with LG Officers and Elected Members (workshop at DWER 7 November 2018)
- Revised proposal to Minister to trial CDS at Local Government community events

7.2.4 Economic Development Policy Forum

Tony Brown, Executive Manager Governance & Organisational Services

The Economic Development Policy Forum has been tasked with addressing the following key issues;

- 1. Provide sector leadership on Local Government's role in economic development*
- 2. Provide guidance on effective engagement with Elected Members to inform the Economic Development Framework Project*
- 3. Review and provide input into the draft outcomes of the Economic Development Framework Project, including the Local Government Economic Development Framework, Economic Development Discussion Paper, Economic Development Policy and Advocacy Strategy and Sector Support Strategy*
- 4. Monitor the outcomes and effectiveness of the Economic Development Framework Project*
- 5. Provide guidance on ongoing work to support the sector in its economic development activities*
- 6. Provide input into the development of economic development policy and advocacy*
- 7. Provide input and guidance into WALGAs responses to emerging issues as they relate to economic development*

Comment

WALGA President Lynne Craigie has recently formed an Economic Development Policy Forum to support the work being carried out in assisting Local Governments in the area of Economic Development. This aligns with one of WALGA's key strategies from its Strategic Plan which is to "Foster economic and regional development in Local Government".

The membership of the forum is as follows;

Cr Lynne Craigie - Chair

Cr Keith House, State Councillor, Shire of Gnowangerup

Cr Kate Driver, State Councillor, Shire of Mundaring

Mayor Logan Howlett, State Councillor, City of Cockburn

Cr Chris Mitchell, State Councillor, Shire of Broome

Mayor Renee McLennan, Town of Bassendean

Mayor Grant Henley, City of Busselton

Anthony Vuleta, CEO, Town of Victoria Park

Andrew Campbell, CEO Shire of Manjimup

The first meeting of the Policy Forum will be held on Tuesday 4 December 2018.