

The logo for the Shire of Dardanup features a stylized, flowing line in shades of green and blue, resembling a mountain range or a wave.

Shire of Dardanup

APPENDICES

ORDINARY MEETING

To Be Held

Wednesday, 4 September 2019
Commencing at 5.00pm

At

Shire of Dardanup
ADMINISTRATION CENTRE EATON
1 Council Drive - EATON

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Upon request.



DARD / 2019 / 00

Structure Plan Amendment No. 1

LOT 503 GARVEY ROAD, CROOKED BROOK

PREPARED FOR GARVEY ROAD PTY LTD





DOCUMENT CONTROL

ISSUE	DATE	ISSUE DETAILS	APPROVED
Draft	Feb 2019	Draft for Shire preliminary review	LG
Rev 1	April 2019	Assessment	LG

COMMERCIAL IN CONFIDENCE

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Structure Plan, Amendment No. 1: Lot 503 Garvey Road, Crooked Brook

This structure plan is prepared under the provisions of Shire of Dardanup Local Planning Scheme No. 3.

IT IS CERTIFIED THAT THIS STRUCTURE PLAN AMENDMENT WAS APPROVED BY RESOLUTION OF THE WESTERN AUSTRALIAN PLANNING COMMISSION ON:

Date

Signed for and on behalf of the Western Australian Planning Commission:

_____ an officer of the Commission
duly authorised by the Commission pursuant to section 16 of the Planning and Development Act 2005 for
that purpose, in the presence of:

_____ Witness

_____ Date

_____ Date of Expiry

Table of Amendments

Amendment No.	Summary of the Amendment	Amendment Type	Date approved by the WAPC
1.	<ul style="list-style-type: none"> • Adding proposed building envelopes • Providing a cul-de-sac on the boundary with Lot 502 pending future extension of the road to the west • Widening the battle-axe access leg of Lot 14 to 6m • Modifying the Building Exclusion Zone • Modifying Note (7) to apply a 50m setback from all buildings, structures and on-site effluent disposal systems to any wetland and natural water bodies but not to the manmade Gavin's Gully sub-drain. 	Minor	



Executive Summary

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Executive Summary

Across Planning and *Calibre Professional Services Pty Ltd* (Calibre) have been engaged by Garvey Road Pty Ltd to prepare an amendment to the Subdivision Guide Plan Lot 503 Garvey Road Crooked Brook (now referred to as a structure plan) endorsed by the WAPC on 29 February 2016 (WAPC Ref: SPN 0716).

The subject land is zoned 'Small Holding' (Rural Residential) under the Shire of Dardanup Local Planning Scheme No. 3 and forms part of the wider Dardanup Small Holdings Structure Plan endorsed by the WAPC in 2007.

The endorsed Subdivision Guide Plan provides for 22 rural residential lots ranging from 1.0 - 2.73 ha. Stage 1 (Lots 1 - 7) has already been developed. Stage 2 (Lots 8-14 and 19-22) is currently under construction. Stage 3 (final stage) will involve lots 15-18.

The purpose of Amendment No. 1 is to add proposed building envelopes to each lot (to provide greater clarity and certainty for prospective purchasers and decision-makers), to modify the Building Exclusion Zone (consistent with site conditions and proposed supplementary filling of building envelopes – where required), and modifying the Note (7) on the Structure Plan Amendment No. 1 map to apply a 50m setback from all buildings, structures and on-site effluent disposal systems to any wetland and natural water bodies but not to the manmade Gavin's Gully sub-drain. This overcomes the situation in which development of dwellings on several lots cannot comply with the existing endorsed Subdivision Guide Plan, which was unintended in the original wording of Note (7).

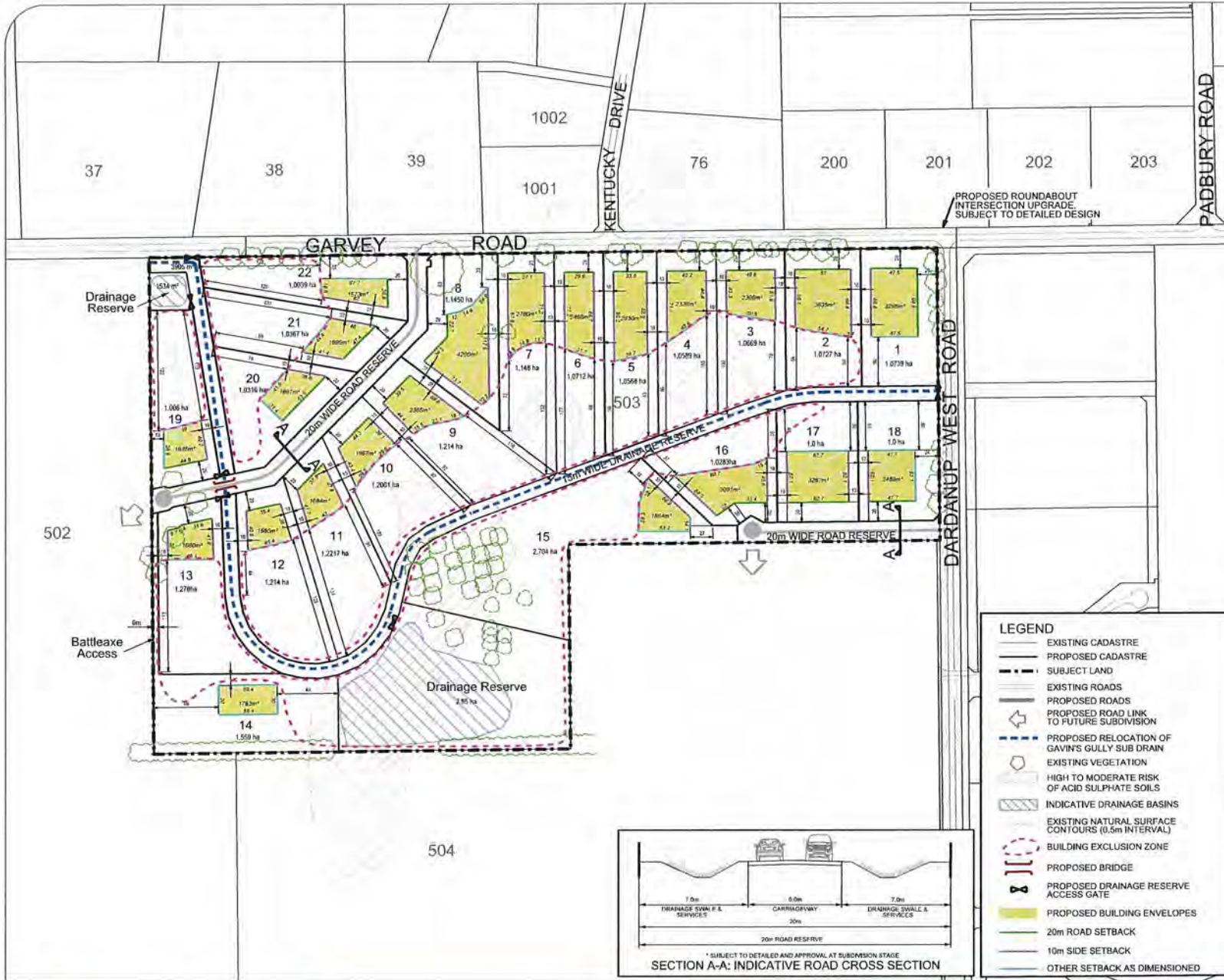
The *Planning and Development (Local Planning Schemes) Regulations 2015* Schedule 2 Deemed Provisions for Local Planning Schemes contains Part 4 'Structure plans'. Clause 29 provides for amendment of a structure plan. Sub-clause (1) states that a structure plan may be amended by the Commission at the request of the local government or a person who owns land in the area covered by the plan.

Given the circumstances surrounding Amendment No. 1 (including no change to proposed land use, lot layout and lot yield) it is considered that the changes to the requirements for making a structure plan as set out in Part 4 must necessarily be limited to the relatively minor modifications arising from the amendment.

Accordingly, Amendment No. 1 is limited to the Structure Plan – Amendment No. 1 map and the matters addressed in this amendment report.

Clause (3) states that, despite subclause (2), the local government may decide not to advertise an amendment to a structure plan if, in the opinion of the local government and the Commission, the amendment is of a minor nature. As described above, the proponent considers the amendment is of a minor nature that does not warrant advertising.

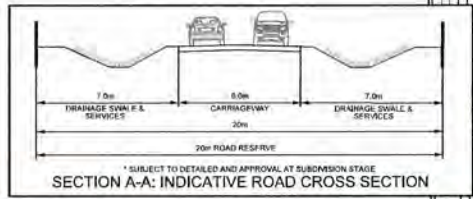
Table 1 Summary Table provides a summary of the principal structure plan data. It confirms that there is no change to the proposed land use, lot layout and number of lots.



- NOTES:**
At subdivision stage, the Local Government shall request the Western Australia Planning Commission impose the following (but not limited to) as conditions of approval:
- Section 70A notification on title advising land owners that all dwellings shall be constructed to have a minimum finished floor level of 500mm above the nearest adjoining road level or 600mm above natural ground level, whichever is the greater, as determined by a licensed surveyor;
 - Section 70A notification on title advising land owners that the area is subject to seasonal mosquito infestation;
 - Section 70A notification on title advising land owners that the area may be subject to seasonal inundation;
 - Preparation and implementation of a landscaping plan;
 - Preparation and implementation of an acid sulphate soils management plan;
 - No more than 1 dwelling is permitted per lot.
 - All buildings, structures and on-site effluent disposal systems on each lot shall conform to the minimum setbacks as follows:
 - 20 metres from any road;
 - 50 metres from line edge of any natural water body or wetland (sumpland) or native vegetation line or man-made drainage basin (excluding Gavins Gully Sub-drain);
 - 10 metres from all side boundaries;
 - Be outside of all "Building Exclusion Zones" as identified on the endorsed Structure Plan Amendment No. 1.
 - Stormwater is to be managed in accordance with the decision process for stormwater management in WA (DoW 2009) and the Stormwater management manual for Western Australia (DoW 2004-2007). Compliance with this may be achieved through provision of engineering drawings and specifications.
 - Section 70A notification on title advising land owners that they may be impacted by noise levels above the normal assigned level for night time but within the bounds of the noise regulation 17 approved.
 - Drainage Reserve to be fenced and provided with access gates at the intersection of the reserve and the proposed road reserve, Garvey Road and Dardanup West Road.
 - Bridge over drainage reserve to be installed at the time of subdivision, at the subdividers cost to the satisfaction of the Shire of Dardanup.
 - A Fire Management Plan is to be prepared and implemented to the satisfaction of the Shire of Dardanup and the Department of Fire of Emergency Services.
 - Section 70A notification on title advising landowners there is to be a minimum vertical separation distance of 500mm from the base of the irrigation area of an Alternative Effluent Treatment System to the highest-known water table. Approval shall be sought from Shire of Dardanup prior to installation of an effluent disposal system.
 - The 2.85ha Drainage Reserve shall be revegetated with locally endemic wetland species to the specifications of the Department of Biodiversity, Conservation and Attractions (Parks and Wildlife Branch) to the satisfaction of the Shire of Dardanup.
 - The Groundwater Depth Investigation Report (TME 2014) is to be updated prior to subdivision to take into account available long-term data to the specifications of Department of Water and Environment Regulation.
 - As a condition of subdivision, the drainage reserve is to be shown on the diagram or plan of survey as a reserve for drainage and vested in the Crown under Section 152 of the Planning and Development Act 2005, such land to be provided free of cost and without payment of compensation by the Crown.

LEGEND

- EXISTING CADASTRE
- PROPOSED CADASTRE
- SUBJECT LAND
- EXISTING ROADS
- PROPOSED ROADS
- PROPOSED ROAD LINK TO FUTURE SUBDIVISION
- PROPOSED RELOCATION OF GAVINS GULLY SUB DRAIN
- EXISTING VEGETATION
- HIGH TO MODERATE RISK OF ACID SULPHATE SOILS
- INDICATIVE DRAINAGE BASINS
- EXISTING NATURAL SURFACE CONTOURS (0.5m INTERVAL)
- BUILDING EXCLUSION ZONE
- PROPOSED BRIDGE
- PROPOSED DRAINAGE RESERVE ACCESS GATE
- PROPOSED BUILDING ENVELOPES
- 20m ROAD SETBACK
- 10m SIDE SETBACK
- OTHER SETBACK AS DIMENSIONED



calibre
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Unit 5, 53 Victoria Street
Bunbury WA 6230
Ph 08 9791 4411
www.calibregroup.com

STRUCTURE PLAN AMENDMENT No. 1
Lot 503, Garvey Road, Crooked Brook

Plan No: 14119P-SP-01
Date: 03.04.2019
Rev: REV B
Scale: A1 @ 1:2500, A3 @ 1:5000
Co-ords: MGA
Aerial: NA

(Appendix ORD: 12.1A)

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This plan has been prepared for planning purposes. Areas, contours and dimensions are subject to variation.



Table 2 Summary Table

Item	Data
Total area covered by the structure plan	32.3031 hectares
Area of each land use proposed:	Hectares Lot yield
• Rural Residential	26.1907 22
Total estimated lot yield	22
Estimated number of dwellings	22
Estimated population	55
Estimated area and percentage of public open space	Not required for Rural Residential
Estimated percentage of natural area (drainage reserve and wetland)	3.03434 + 1.8377 (15m wide reserve) Total 4.8426 hectares 15 %



1. Part One – Implementation

Part One contains the amended structure plan map and outlines the requirements that will be applied when assessing subdivision and development applications over the land to which the structure plan relates.

The structure plan aligns with Local Planning Scheme No. 3 and relevant WAPC policy requirements.

1. Structure plan area

The structure plan applies to the whole of Lot 503 Garvey Road Crooked Brook comprising 32.4439ha as shown on the Structure Plan – Amendment No. 1 map.

2. Operation

The amended structure plan comes into effect on the date the structure plan amendment is approved by the Western Australian Planning Commission.

3. Staging

Stage 1 (Lots 1 – 7) has already been developed. Stage 2 (Lots 8-14 and 19-22) is currently under construction. Stage 3 (final stage) will involve lots 15-18.

4. Subdivision and development requirements

Modifications to the subdivision and development requirements are set out as Notes on the Structure Plan – Amendment No. 1 map.



2. Part Two – Explanatory section and technical appendices

The purpose of Part Two is to support the structure plan contained in Part One by providing the background and explanatory information used to prepare the structure plan amendment.

The information included is to be relevant and sufficient to support the structure plan and provide further information to assist decision-making.

In this instance, being of a minor nature, Amendment No. 1 proposes only limited changes to the existing Subdivision Guide Plan. Accordingly, Part Two only addresses the changes.

2.1. Building Envelopes

The Structure Plan – Amendment No. 1 shows ‘Proposed Building Envelopes’ – one per lot. The purpose is to provide greater clarity and certainty for prospective purchasers and decision-makers. Each designated building envelope complies with the required boundary setbacks and Bushfire Attack Level (BAL) setbacks and achieves the required minimum vertical separation distance from the base of the irrigation area of an Alternative Effluent Treatment system and the highest-known water table.

Amendment No. 1 also modifies the ‘Building Exclusion Zone’. It is unclear precisely how the original Building Exclusion Zone was defined because it is now evident that it does not fully reflect actual site conditions. Although it appears the intent of the zone was to exclude dwellings and other buildings from being built in low-lying areas, the zone boundary only partially reflected this.

Importantly, some borrow material is available on-site to provide supplementary fill where a particular building envelope may require this. Earthworks for the road at the western end of the site have already taken place, with some borrow already benefiting some proposed building envelopes as well as road construction. Remaining suitable borrow material can be selectively extracted and re-located to building envelopes, where needed.

2.2. Wetland Setbacks

Note (7) on the existing Structure Plan map states that:

“All buildings, structures and on-site effluent disposal systems on each lot shall conform with the minimum setbacks as follows:

- 20 metres from any road;
- 50 metres from line edge of any wetland (sumpland) or natural vegetation line, man-made water bodies or waterway;
- 10 metres from all side boundaries;
- Be outside of all “Building Exclusion Zones” as identified on the endorsed Subdivision Guide Plan No. 1.”

Under Amendment No. 1, the 50-metre setback from the line edge of any natural water body or wetland (sumpland) or native vegetation line or man-made drainage basin is maintained. However, the man-made



Structure Plan, Amendment No. 1: Lot 503 Garvey Road, Crooked Brook

Gavins's Gully Sub-drain is excluded from the 50-metre setback requirement. This will remedy the current situation in which development of dwellings on several lots cannot comply with the existing endorsed Subdivision Guide Plan, which was un-intended in the original wording of Note (7).

2.3. Other changes

The other changes in Amendment No. 1 are the correction of minor typos or updating titles, such as the names of some Government agencies.

2.4. Bushfire Management Plan

Lush Fire and Planning has prepared a Bushfire Management Plan (BMP) for Stages 2 and 3 of the subject land. They confirm that the changes proposed in Amendment No. 1 conform to the BAL setbacks and other requirements of the BMP and no modification is necessary, apart from the Structure Plan – Amendment No. 1 map (including the revised Building Exclusion Zone) being reflected in the BMP report.

Lush Fire and Planning is liaising directly with the Shire to re-submit the updated BMP.

2.5. Urban Water Management Strategy

Calibre has prepared an Urban Water Management Strategy (UWMS) for the subject land. Calibre notes that the amended building envelopes on Lots 12, 13 and 15 slightly encroach into the modelled 1;100ARI floodplain. The reduced floodplain storage is minimal and will have no significant impact on flood levels within the development area or upstream. Calibre sees no reason to update the approved UWMP to reflect this minor change to building envelope areas (refer Appendix 1).

2.6. Endorsement

It is recommended that the Shire of Dardanup and the WAPC endorse the Structure Plan – Amendment No. 1 Lot 503 Garvey Road Crooked Brook.



Appendix A – Calibre letter dated 19th February 2019



CALIBRE PROFESSIONAL SERVICES PTY LTD

PO Box 733 Bunbury WA 6231

Level 1, Unit 5, 53 Victoria Street Bunbury WA 6230

+61 8 9791 4411 ABN 55 070 683 037 www.calibregroup.com

Our Ref: 16057

19th February 2019

Across Planning

Attention: Larry Guise

Dear Larry

Review of building envelopes in relation to water management at Lot 503 Garvey Road, Crooked Brook

Calibre has reviewed the amended building envelopes for Lot 503 Garvey Road in relation to water management across the site.

It is noted that the building envelopes on internal proposed lots 12, 13 and 15 slightly encroach into the modelled 1:100ARI floodplain. The reduced floodplain storage is minimal and will have no significant impact on flood levels within the development area or upstream.

The envelope area also doesn't form a constriction to the flow rate along the drain, beyond that posed by the modelled internal road culvert and crossing.

For these reasons the change to building envelopes is unlikely to change the flood flows or levels.

As such, Calibre see no reason to update the approved UWMP to reflect this minor change to building envelope areas.

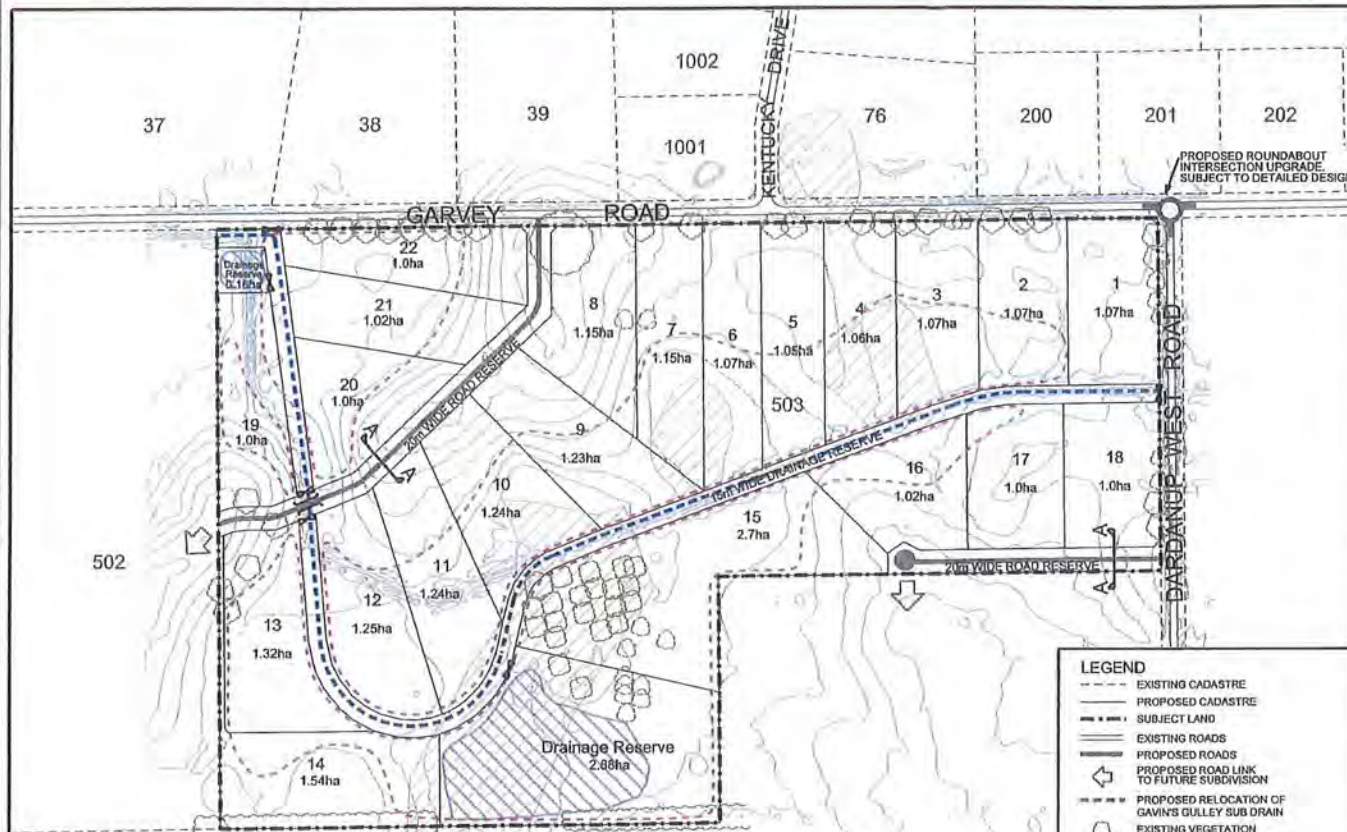
Yours sincerely

Calibre Professional Services Pty Ltd

A handwritten signature in blue ink, appearing to read 'Brendan Oversby'.

Brendan Oversby

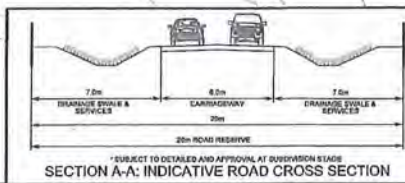
Manager Water and Environment



- NOTES:**
At Subdivision stage Local Government shall request the Western Australia Planning Commission impose the following (but not limited to) as conditions of subdivision:
- Section 70A notification on title advising land owners that all dwellings shall be constructed to have a minimum finished floor level of 500mm above the nearest adjoining road level or 600mm above natural ground level, which ever is the greater, as determined by a licensed surveyor;
 - Section 70A notification on title advising land owners that the area is subject to seasonal mosquito infestation;
 - Section 70A notification on title advising land owners that the area may be subject to seasonal inundation;
 - Preparation and implementation of a landscaping plan;
 - Preparation and implementation of an acid sulphate soils management plan;
 - No more than 1 dwelling is permitted per lot.
 - All buildings, structures and on site effluent disposal systems on each lot shall conform with the minimum setbacks as follows:
 - 20 metres from any road;
 - 50 metres from line edge of any wetland (sumpland) or natural vegetation line, man made water bodies or waterway;
 - 10 metres from all side boundaries;
 - Be outside of all "Building Exclusion Areas" as identified on the endorsed Subdivision Guide Plan.
 - Stormwater is to be managed in accordance with the *Decision process for stormwater management in WA (DoW 2009)* and the *Stormwater management manual for Western Australia (DoW 2004-2007)*. Compliance of this may be achieved through provision of engineering drawings and specifications.
 - Section 70A notification on title advising land owners that they may be impacted upon by noise levels above the normal assigned level for night time but within the bounds of the noise regulation 17 approved.
 - Drainage Reserve to be fenced and provided with access gates at the intersection of the reserve and the proposed road reserve, Garvey Road and Dardanup West Road.
 - Bridge over drainage reserve to be installed at the time of subdivision, at the subdividers cost to the satisfaction of the Shire of Dardanup.
 - A Fire Management Plan is to be prepared and implemented to the satisfaction of the Shire of Dardanup and the Department of Fire of Emergency Services.
 - Section 70A notification on title advising there is to be a minimum vertical separation distance of 500mm from the base of the irrigation area of an Alternative Effluent Treatment System to the highest-known water table. Approval shall be sought from Shire of Dardanup prior to installation of an effluent disposal system.
 - The 2.88ha Drainage Reserve shall be revegetated with locally endemic wildlife species to the specifications of the Department of Parks and Wildlife to the satisfaction of the Shire of Dardanup.
 - The Groundwater Depth Investigation Report (TME 2014) is to be updated prior to subdivision to take into account available long term data to the specifications of Department of Water.
 - As a condition of subdivision the drainage reserve is to be shown on the diagram or plan of survey as a reserve for drainage and vested in the Crown under Section 152 of the *Planning and Development Act 2005*, such land to be provided free of cost and without payment of compensation by the Crown.

LEGEND

- EXISTING CADASTRE
- PROPOSED CADASTRE
- SUBJECT LAND
- EXISTING ROADS
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- INDICATIVE DRAINAGE BASINS
- EXISTING NATURAL SURFACE CONTOURS (0.5m INTERVAL)
- BUILDING EXCLUSION ZONE
- PROPOSED BRIDGE
- PROPOSED DRAINAGE RESERVE ACCESS GATE



ENDORSED STRUCTURE PLAN
To provide a framework for future detailed planning at the subdivision and development stage

Date: 29/12/16
Delegated under s.16 of the Planning & Development Act 2005

This Structure Plan is in accordance with the Crooked Brook/Dardanup West Structure Plan and the Shire of Dardanup Town Planning Scheme No. 3 (Small Holdings) and represents a framework for subdivision and development.

Chief Executive Officer
Date

**STRUCTURE PLAN
LOT 503 GARVEY ROAD
CROOKED BROOK**

1:500 @ A1 - 1:4000 @ A3
ALL DISTANCES & AREA IN METRES

REVISION	DESCRIPTION	DRAWN BY	DATE
J			
I			
H			
G			
F			
E	Modifications as per comments from WAPC	K.S.	24.11.2014
D	Modifications as per comments from DPA	TGB	16.03.2014
C	Modifications as per comments from DPA	TGB	16.02.2014
B	L1413, 16.10.14 Final Drainage Reserve Change	TGB	28.07.2014
A	Modifications as per comments from DPA	K.S.	11.07.2014

ORIGINAL PLANNER:	ST
ORIGINAL DRAWN BY:	KS
CREATED DATE:	24.03.2014
AERIAL DATA:	HEARMAP
CADASTRAL DATA:	UDA
TOPOGRAPHIC DATA:	LDNR



12232P-DP-01E

Figure 10

(Appendix ORD: 12.1B)



Your Ref : O-15-117460
Enquiries : Hannah Paget (Ph 9791 0593)



Chief Executive Officer
Shire of Dardanup
P O Box 7016
EATON WA 6232

Approval Subject To Condition(s) Freehold (Green Title) Subdivision

Application No : 151949

Planning and Development Act 2005

Applicant	:	Tme Town Planning Management Engineering Pty Ltd Po Box 733 BUNBURY WA 6230
Owner	:	Garvey Road Pty Ltd 17 Mckenna Place BUNBURY WA 6230
Application Receipt	:	20 May 2015

Lot Number	:	
Diagram / Plan	:	49940
Location	:	
C/T Volume/Folio	:	2628/72
Street Address	:	Lot 503 Garvey Road, Crooked Brook
Local Government	:	Shire of Dardanup

The Western Australian Planning Commission has considered the application referred to and is prepared to endorse a deposited plan in accordance with the plan date-stamped **20 May 2015** once the condition(s) set out have been fulfilled.

This decision is valid for **four years** from the date of this advice, which includes the lodgement of the deposited plan within this period.

The deposited plan for this approval and all required written advice confirming that the requirement(s) outlined in the condition(s) have been fulfilled must be submitted by **02 March 2020** or this approval no longer will remain valid.

Reconsideration - 28 days

Under section 151(1) of the *Planning and Development Act 2005*, the applicant/owner may, within 28 days from the date of this decision, make a written request to the WAPC to

South West Office, Sixth Floor, Bunbury Tower, 61 Victoria Street, Bunbury, Western Australia 6230
Tel: (08) 9791 0577; Fax: (08) 9791 0576; TTY: (08) 9264 7535; Infoline: 1800 626 477
e-mail: corporate@wapc.wa.gov.au; web address: <http://www.planning.wa.gov.au>
ABN 35 482 341 493



reconsider any condition(s) imposed in its decision. One of the matters to which the WAPC will have regard in reconsideration of its decision is whether there is compelling evidence by way of additional information or justification from the applicant/owner to warrant a reconsideration of the decision. A request for reconsideration is to be submitted to the WAPC on a Form 3A with appropriate fees. An application for reconsideration may be submitted to the WAPC prior to submission of an application for review. Form 3A and a schedule of fees are available on the WAPC website: <http://www.planning.wa.gov.au>

Right to apply for a review - 28 days

Should the applicant/owner be aggrieved by this decision, there is a right to apply for a review under Part 14 of the *Planning and Development Act 2005*. The application for review must be submitted in accordance with part 2 of the *State Administrative Tribunal Rules 2004* and should be lodged within 28 days of the date of this decision to: the State Administrative Tribunal, Level 6, State Administrative Tribunal Building, 565 Hay Street, PERTH, WA 6000. It is recommended that you contact the tribunal for further details: telephone 9219 3111 or go to its website: <http://www.sat.justice.wa.gov.au>

Deposited plan

The deposited plan is to be submitted to the Western Australian Land Information Authority (Landgate) for certification. Once certified, Landgate will forward it to the WAPC. In addition, the applicant/owner is responsible for submission of a Form 1C with appropriate fees to the WAPC requesting endorsement of the deposited plan. A copy of the deposited plan with confirmation of submission to Landgate is to be submitted with all required written advice confirming compliance with any condition(s) from the nominated agency/authority or Local Government. Form 1C and a schedule of fees are available on the WAPC website: <http://www.planning.wa.gov.au>

Condition(s)

The WAPC is prepared to endorse a deposited plan in accordance with the plan submitted once the condition(s) set out have been fulfilled.

The condition(s) of this approval are to be fulfilled to the satisfaction of the WAPC.

The condition(s) must be fulfilled before submission of a copy of the deposited plan for endorsement.

The agency/authority or Local Government noted in brackets at the end of the condition(s) identify the body responsible for providing written advice confirming that the WAPC's requirement(s) outlined in the condition(s) have been fulfilled. The written advice of the agency/authority or Local Government is to be obtained by the applicant/owner. When the written advice of each identified agency/authority or Local Government has been obtained, it should be submitted to the WAPC with a Form 1C and appropriate fees and a copy of the deposited plan.

If there is no agency/authority or Local Government noted in brackets at the end of the condition(s), a written request for confirmation that the requirement(s) outlined in the condition(s) have been fulfilled should be submitted to the WAPC, prior to lodgement of the deposited plan for endorsement.



Prior to the commencement of any subdivision works or the implementation of any condition(s) in any other way, the applicant/owner is to liaise with the nominated agency/authority or Local Government on the requirement(s) it considers necessary to fulfil the condition(s).

The applicant/owner is to make reasonable enquiry to the nominated agency/authority or Local Government to obtain confirmation that the requirement(s) of the condition(s) have been fulfilled. This may include the provision of supplementary information. In the event that the nominated agency/authority or Local Government will not provide its written confirmation following reasonable enquiry, the applicant/owner then may approach the WAPC for confirmation that the condition(s) have been fulfilled.

In approaching the WAPC, the applicant/owner is to provide all necessary information, including proof of reasonable enquiry to the nominated agency/authority or Local Government.

The condition(s) of this approval, with accompanying advice, are:

CONDITIONS:

1. Engineering drawings and specifications are to be submitted, approved, and subdivisional works undertaken in accordance with the approved plan of subdivision, engineering drawings and specifications, to ensure that those lots not fronting an existing road are provided with frontage to a constructed road(s) connected by a constructed road(s) to the local road system and such road(s) are constructed and drained at the landowner/applicant's cost. (Local Government)
2. Satisfactory arrangements being made with the Local Government for the partial cost of upgrading of Garvey Road. (Local Government)
3. Dardanup West Road being widened (by three metres) where the subdivision area abuts Dardanup West Road by the landowner/applicant transferring the land required to the Crown free of cost for the purpose of widening. (Local Government)
4. All local streets within the subdivision being truncated in accordance with the Western Australian Planning Commission's *DC 1.7 General Road Planning*. (Local Government)
5. The proposed access ways being constructed and drained at the landowner/applicant's cost to the specifications of the Local Government. (Local Government)
6. Suitable arrangements being made with the Local Government for the provision of vehicular crossovers to service the lots shown on the approved plan of subdivision. (Local Government)
7. Prior to the commencement of subdivisional works, an urban water management plan is to be prepared and approved, in consultation with the Department of Water. (Local Government)



8. Engineering drawings and specifications are to be submitted and approved, and works undertaken in accordance with the approved engineering drawings and specifications and approved plan of subdivision, for the filling and/or draining of the land, including ensuring that stormwater is contained on-site, or appropriately treated and connected to the local drainage system. Engineering drawings and specifications are to be in accordance with an approved Urban Water Management Plan (UWMP) for the site, or where no UWMP exists, to the satisfaction of the Western Australian Planning Commission. (Local Government)
9. The land being filled, stabilised, drained and/or graded as required to ensure that
 - a) lots can accommodate their intended development; and
 - b) finished ground levels at the boundaries of the lot(s) the subject of this approval match or otherwise coordinate with the existing and/or proposed finished ground levels of the land abutting; and
 - c) stormwater is contained on-site, or appropriately treated and connected to the local drainage system. (Local Government)
10. Prior to the commencement of subdivisional works, the landowner/applicant is to provide a pre-works geotechnical report certifying that the land is physically capable of development or advising how the land is to be remediated and compacted to ensure it is capable of development and in the event that remediation works are required, the landowner/applicant is to provide a post geotechnical report certifying that all subdivisional works have been carried out in accordance with the pre-works geotechnical report. (Local Government).
11. Suitable arrangements being made with the Water Corporation for the drainage of the land either directly or indirectly into a drain under the control of that body. (Water Corporation)
12. Drainage easements and reserves as may be required by the Local Government for drainage infrastructure being shown on the diagram or plan of survey (deposited plan) as such, granted free of cost, and vested in that Local Government under Sections 152 and 167 of the *Planning and Development Act 2005*. (Local Government)
13. Prior to the commencement of subdivision works a Landscape Management Plan is to be prepared and approved to ensure the protection and management of the sites environmental assets with satisfactory arrangements being made for the implementation of the approved plan. (Local Government)
14. Measures being taken to ensure the identification and protection of any vegetation on the site worthy of retention that is not impacted by subdivisional works, prior to commencement of subdivisional works. (Local Government).
15. An acid sulphate soils self-assessment form and, if required as a result of the self-assessment, an acid sulphate soils report and an acid sulphate soils management plan shall be submitted to and approved by the Department of Environment Regulation before any subdivision works or development are commenced. Where an



acid sulphate soils management plan is required to be submitted, all subdivision works shall be carried out in accordance with the approved management plan. (Department of Environment Regulation)

16. Arrangements being made to the satisfaction of the Western Australian Planning Commission and to the specification of Western Power for the provision of an underground electricity supply to the lots shown on the approved plan of subdivision. (Western Power)
17. The transfer of land as a Crown reserve free of cost to Western Power for the provision of electricity supply infrastructure. (Western Power)
18. The landowner/applicant is to prepare, have approved by the Water Corporation, and implement a detailed plan demonstrating the location and capacity of fire emergency infrastructure to the satisfaction of the Western Australian Planning Commission. (Department of Fire and Emergency Services)
19. A bushfire management plan being prepared, approved and relevant provisions implemented during subdivisional works, in accordance with the WAPC's *Guideline for Planning in Bushfire Prone Areas, December 2015* to the specifications of the Local Government and/or the Department of Fire and Emergency Services (DFES)
20. A notification, pursuant to section 70A of the *Transfer of Land Act 1893* is to be placed on the certificates of title of the proposed lots. Notice of this notification is to be included on the diagram or plan of survey (deposited plan). The notification is to state as follows:

'The lot(s) is/are subject to a fire management plan.' (Local Government)

21. A notification, pursuant to Section 165 of the *Planning and Development Act 2005* is to be placed on the certificates of title of the proposed lots advising of the existence of a hazard or other factor. Notice of this notification is to be included on the diagram or plan of survey (deposited plan). The notification is to state as follows:

'This lot is in close proximity to known mosquito breeding areas. The predominant mosquito species is known to carry viruses and other diseases.'

'All dwelling shall be constructed to have a minimum finished floor level of 500mm above the nearest adjoining road level or 600mm above natural ground level, whichever is greater, as determined by a licensed surveyor.'

'The area may be subject to seasonal inundation.'

'Landowners may be impacted upon by noise levels above normal assigned level for night time but within the bounds of noise regulation 17 approved.'

'There is to be a minimum vertical separation distance of 500mm form the base of the irrigation area of an Alternative Effluent Treatment System to the highest known water table. Approval shall be sought from the Shire of Dardanup prior to installation of an effluent disposal system.' (Western Australian Planning Commission)



22. The landowner/applicant contributing towards development infrastructure provisions pursuant to the Shire of Dardanup Local Planning Scheme No. 3. (Local Government)
23. Traffic management devices are to be designed and constructed to the satisfaction of the Local Government. (Local Government)
24. The proposed bridge over the drainage reserve shall be installed at the time of subdivision, at the subdividers cost to the satisfaction of the Shire of Dardanup and Main Roads WA. (Local Government)
25. A traffic Impact Report is to be prepared demonstrating that the proposed subdivision will not compromise the function of the road network in the locality. (Local Government)
26. Drainage reserves shown in the approved plan of subdivision shall be fenced to the satisfaction of the Local Government. Restricted access gates are to be provided at the intersection of the reserve and the proposed road reserve, Garvey Road and Dardanup West Road. (Local Government)
27. The 2.88ha drainage reserve as shown on the approved plan of subdivision shall be revegetated with local endemic wetland species to the specifications of the Department of Park and Wildlife to the satisfaction of the Shire of Dardanup. (Local Government)

ADVICE:

- i. Condition 15 makes reference to an 'acid sulphate soils self-assessment form'. This form can be downloaded from the Western Australian Planning Commission's website at: www.planning.wa.gov.au

The 'acid sulphate soils self-assessment form' makes reference to the Department of Environment Regulation's 'Identification and Investigation of Acid Sulphate Soils' guideline. This guideline can be obtained from the Department of Environment Regulation's website at: www.der.wa.gov.au
- ii. In regard to Condition 16, Western Power provides only one underground point of electricity supply per freehold lot.
- iii. In relation to Condition 2, the Shire of Dardanup advise that a contribution of \$4,962.00 is currently required however the fee is upgraded in line with the Local Government Cost Index for WA. The fee applicable will be determined at the time of payment and may therefore vary from the quoted figure.



- iv. In relation to Condition 22, the Shire of Dardanup advise that a contribution of \$408.00 per lot is currently required however the fee is upgraded in line with the Local Government Cost Index for WA. The fee applicable will be determined at the time of payment and may therefore vary from the quoted figure.

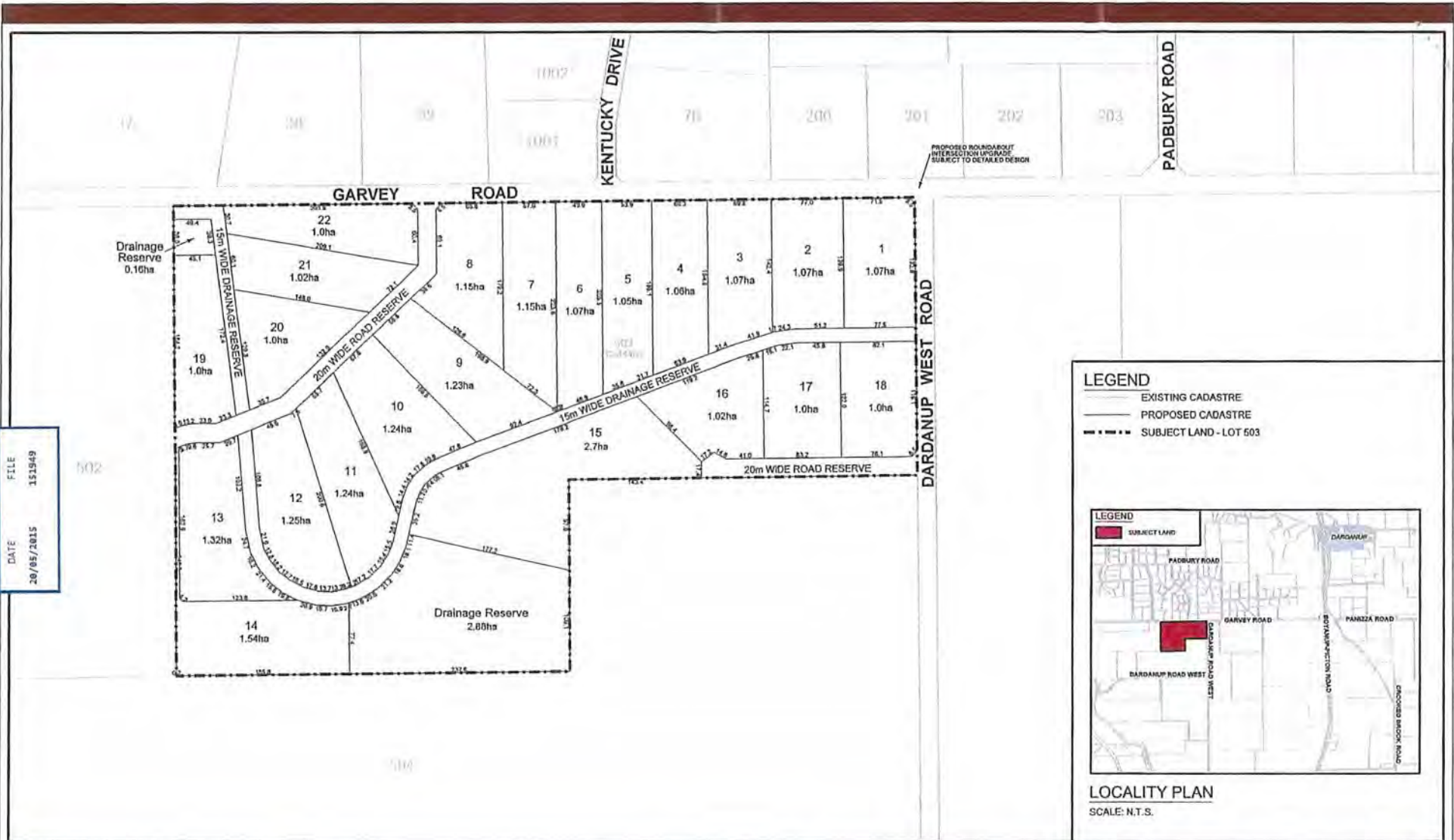
A handwritten signature in black ink that reads "Kerrine Blenkinsop".

Kerrine Blenkinsop
Secretary
Western Australian Planning Commission
2 March 2016

Advice to Shire of Dardanup

It is noted that there is not an access way to the 2.88 Drainage Reserve on the plan of subdivision. While it is understood that there is an existing arrangement between the Shire and the Water Corporation for the management of the drainage channels to be the Shire's responsibility (which will allow future access to the reserve) it is up to the Shire to ensure that access to the reserve can be achieved.

DEPARTMENT OF PLANNING
 FILE
 DATE
 20/05/2015
 151949



LEGEND
 — EXISTING CADASTRE
 — PROPOSED CADASTRE
 - - - - SUBJECT LAND - LOT 503



LOCALITY PLAN
 SCALE: N.T.S.

**PROPOSED SUBDIVISION PLAN
 LOT 503 GARVEY ROAD
 CROOKED BROOK**



0m 100m 200m

1:2000 @ A1 1:1:4000 @ A3
 ALL DISTANCES ARE IN METRES

REVISION	DESCRIPTION	DRAWN	DATE
-J-			
-I-			
-H-			
-G-			
-F-			
-E-			
-D-			
-C-			
-B-			
-A-			

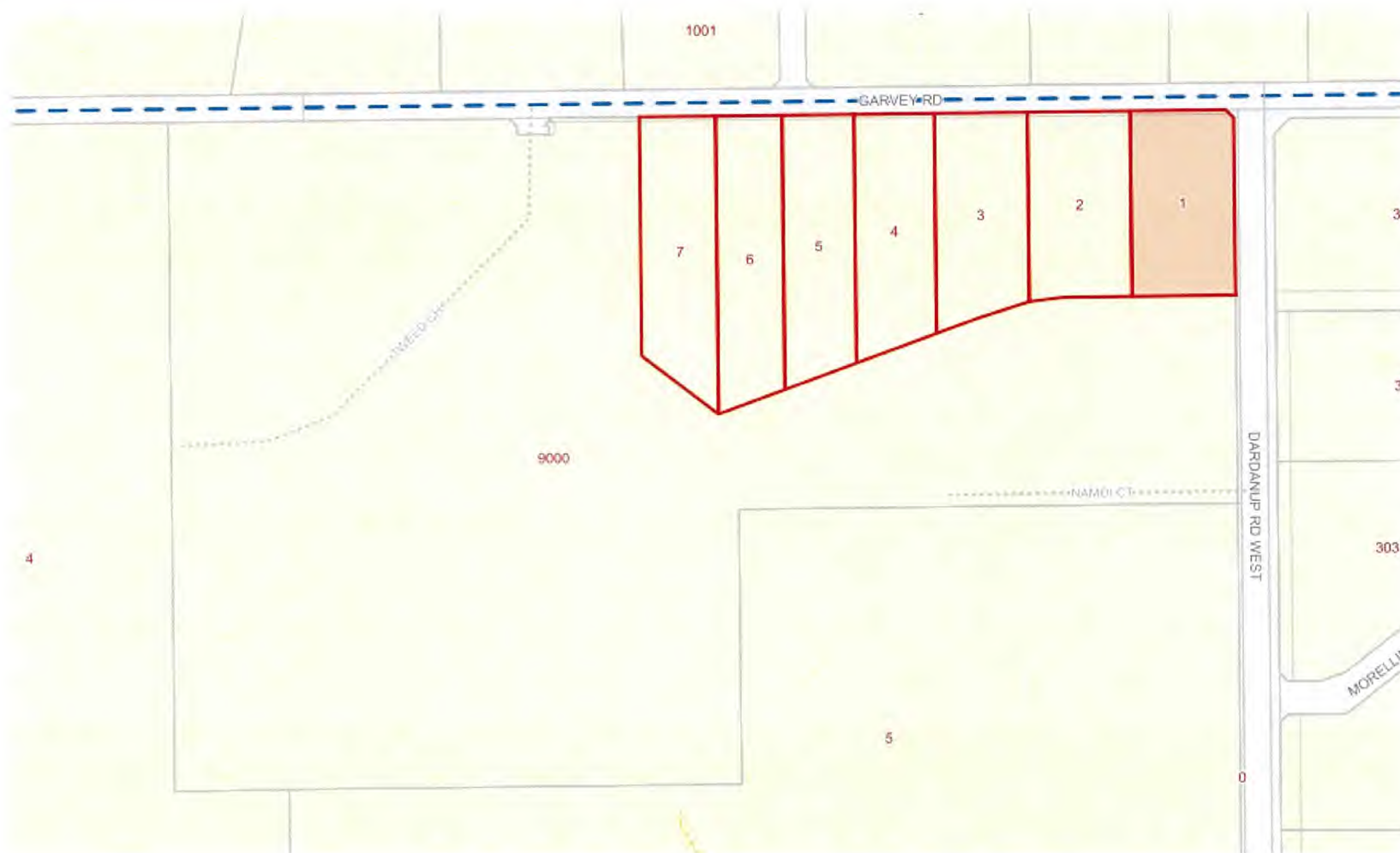
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ORIGINAL PLANNER: GB
 ORIGINAL DRAWER: TDD
 CREATED DATE: 24.03.2015
 AERIAL DATA: HEARMAP
 CADASTRAL DATA: MSA
 TOPOGRAPHIC DATA: LGAR



13225P-SU-01

Landowner advertising - existing developed lots affected by amendment





Department of Biodiversity,
Conservation and Attractions



Your ref: STP-R0630122
Our ref: PRS 44061 2018/002778
Enquiries: Tracy Teede
Phone: 08 9725 4300
Email: swianduseplanning@dbca.wa.gov.au

Chief Executive Officer
Shire of Dardanup
PO Box 7016
EATON WA 6232

ATTENTION: Cecilia Muller

**PROPOSED STRUCTURE PLAN AMENDMENT –
LOT 503 GARVEY ROAD CROOKED BROOK**

The Department of Biodiversity Conservation and Attractions' Parks and Wildlife Service South West Region has no comments on the above proposal.

It is considered that the proposal and any potential environmental impacts will be appropriately addressed through the existing planning framework.

Thank you for the opportunity to comment on this application. Please contact Tracy Teede at the Parks and Wildlife Service's South West Region office on 9725 4300 if you have any queries regarding this advice.

A handwritten signature in black ink, appearing to read "Bob Hagan".

For Bob Hagan
Regional Manager
Parks and Wildlife Service

20 June 2019



Government of Western Australia
Department of Fire & Emergency Services
Rural Fire Division



Our Ref: D10194
Your Ref: STP-R0636650

Cecilia Muller
Shire of Dardanup
Cecilia.Muller@dardanup.wa.gov.au

Dear Ms Muller

RE: PROPOSED STRUCTURE PLAN AMENDMENT - LOT 503 GARVEY ROAD, DARDANUP

I refer to your e-mail dated 31 May 2019 regarding the submission of a Bushfire Management Plan (BMP) (revision C), prepared by Lush Fire and Planning and dated 24 May 2019, as part of the above proposed Structure Plan Amendment. The BMP was accompanied by a report titled "Structure Plan Amendment No. 1" prepared by Across Planning and dated April 2019.

It should be noted that this advice relates only to *State Planning Policy 3.7 Planning in Bushfire Prone Areas* (SPP 3.7) and the *Guidelines for Planning in Bushfire Prone Areas* (Guidelines). It is the responsibility of the proponent to ensure that the proposal complies with all other relevant planning policies and building regulations where necessary. This advice does not exempt the applicant/proponent from obtaining necessary approvals that may apply to the proposal including planning, building, health or any other approvals required by a relevant authority under other written laws.

Assessment

1. Policy Measure 6.3 c) Compliance with the bushfire protection criteria

Issue	Assessment	Action
Vehicular Access	<p>A3.3 – Cul-de-sac – does not comply</p> <p>Cul-de-sac and dead end roads are to be avoided in bushfire prone areas, and where they can't be avoided, the maximum allowable length is 200 metres.</p> <p>The BMP correctly identifies that Road No. 1 will not comply with the A3.3, given its length exceeds 200 metres. DFES notes that the structure plan was endorsed by the WAPC on the 29 February 2016 and subdivision was approved in March 2016 without consideration of SPP 3.7.</p> <p>However, the BMP has not identified how the proposed cul-de-sac's will meet the full requirements of A3.3. It is important that both proposed Road No. 1 and Road No. 2 comply with the technical requirements of the Guidelines (Table 6, Column 2).</p>	Modification to the BMP required.

Vehicular Access	A3.4 Battle-axe – not demonstrated DFES notes that the structure plan was endorsed by the WAPC on the 29 February 2016 and subdivision was approved in March 2016 without consideration of SPP 3.7. Battle-axe legs are to be avoided in bushfire prone areas. They are only considered an acceptable solution 'where no alternative exists'. The structure plan includes one battle axe lot. DFES notes the proposed Structure Plan amendment includes an amendment to the battle axe access leg width to 6 metres. However, the BMP has not demonstrated how the battle-axe leg will meet the full technical requirements of the Guidelines. It is important that all of the requirements in relation to battle-axe legs are met, including the technical specifications outlined in Table 6, Column 3.	Modification to the BMP required.
Vehicular Access	A3.5 Private Driveway – not demonstrated Private driveways should comply with the requirements of A3.5 of the Guidelines, specifically Table 6, Column 3.	Modification to the BMP required.

Recommendation – not supported modification required

The proposed Structure Plan amendment is not supported for the following reasons:

The BMP does not adequately address the policy requirements of SPP 3.7 and the Guidelines. DFES has assessed the structure plan and accompanying BMP, and has identified several issues that need to be addressed prior to support of the proposal (refer to the tables above).

Should you require further information, please contact me on telephone number 6551 4032.

Yours sincerely



Craig Scott
SENIOR LAND USE PLANNING OFFICER

17 June 2019



Government of Western Australia
Department of Fire & Emergency Services
Rural Fire Division



Our Ref: D10194
Your Ref: STP-R0636650

Cecilia Muller
Shire of Dardanup
Cecilia.Muller@dardanup.wa.gov.au

Dear Ms Muller

**RE: PROPOSED STRUCTURE PLAN AMENDMENT - LOT 503 GARVEY ROAD,
DARDANUP**

I refer to your email dated 11 July 2019 regarding the submission of a revised Bushfire Management Plan (BMP) (Version D) prepared by Lush Fire and Planning and dated 10 July 2019, for the above proposal. The BMP is accompanied by a document prepared by Lush Fire and Planning addressing DFES previous comments and summarising modifications made to the revised BMP.

It should be noted that these comments relate only to *State Planning Policy 3.7 Planning in Bushfire Prone Areas* (SPP 3.7) and the *Guidelines for Planning in Bushfire Prone Areas* (Guidelines). It is the responsibility of the proponent to ensure that the proposal complies with all other relevant planning policies and building regulations where necessary. This advice does not exempt the applicant/proponent from obtaining necessary approvals that may apply to the proposal including planning, building, health or any other approvals required by a relevant authority under other written laws.

Recommendation – supported compliant application

DFES advises that the BMP has adequately identified issues arising from the bushfire risk assessment and considered how compliance with the bushfire protection criteria can be achieved.

Should you require further information, please contact me on telephone number 6551 4032.

Yours sincerely

Craig Scott
SENIOR LAND USE PLANNING OFFICER

6 August 2019



Government of **Western Australia**
Department of **Health**

Your Ref: STP-R0630122
Our Ref: F-AA-14495/2 D-AA-19/81428
Enquiries: Vic Andrich (08) 9222 2000

Mr Mark Chester
Chief Executive Officer
Shire of Dardanup
PO Box 7061
EATON WA 6232



Attention: Ms Suzanne Occhipinti, Senior Planning Officer

Dear Mr Chester

**PROPOSED STRUCTURE PLAN AMENDMENT – LOT 503 GARVEY ROAD,
CROOKED BROOK**

Thank you for your letter of 23 May 2019 requesting comments from the Department of Health (DOH) on the above proposal. The DOH provides the following comment:

1. Water Supply and Wastewater Disposal

The proposed development is required to connect to scheme water and be in accordance with the *Draft Country Sewerage Policy*.

Where scheme water is not available, developments are to have access to a sufficient supply of potable water that is of the quality specified under the *Australian Drinking Water Quality Guidelines 2004*.

For on-site wastewater disposal systems, a winter 'site-and-soil evaluation' (SSE) in accordance with Australian New Zealand Standard 1547 is required. A site specific detailed SSE is required to select and size treatment/on-site wastewater management systems.

The proponents should be advised that approval is required for any on-site waste water treatment process with such proposals being in accordance with DOH publications which may be referenced and downloaded from:

- http://ww2.health.wa.gov.au/Articles/N_R/Recycled-water; and
- [http://ww2.health.wa.gov.au/Articles/U_Z/Water-legislations-and-guidelines.](http://ww2.health.wa.gov.au/Articles/U_Z/Water-legislations-and-guidelines)

2. Medical Entomology

The proposal is located in an area that may be prone to mosquitoes as wetlands are in the vicinity. Stormwater management infrastructure such as culverts, road drainage systems, etc. should be in accordance with the Department of Water publication *Stormwater Management Manual for Western Australia* and be to the satisfaction of the local government.

(http://www.water.wa.gov.au/__data/assets/pdf_file/0020/4772/44217.pdf).

The Urban Water Management Strategy should be consistent with Mosquito Management principles. Information on mosquito management may be downloaded from: http://ww2.health.wa.gov.au/Articles/J_M/Mosquito-management

Should you have any queries or require further information please contact Vic Andrich on 9222 2000 or ehinfo@health.wa.gov.au

Yours sincerely



Dr Michael Lindsay
**A/EXECUTIVE DIRECTOR
ENVIRONMENTAL HEALTH DIRECTORATE**

12 June 2019

Att.



Guidance on Site-and-soil evaluation for Onsite Sewage Management

Site-and-soil evaluation (SSE) requirements for the design and management of onsite sewage systems in areas that are not connected to reticulated sewerage have now been incorporated into the *Government Sewerage Policy 2018 (GSP)*. The GSP uses the SSE approach of the *Australian Standard AS/NZS1547:2012 On-site Domestic Wastewater Management (AS/NZS 1547)*.

This document explains SSE requirements to ensure that unsewered development only proceeds on land that has an acceptable capacity for sustainable onsite sewage management, and where constraints have been identified and addressed.

What is a Site-and-soil evaluation (SSE)?

An SSE is a written report that examines the various aspects of a site in relation to sewage collection, treatment and onsite disposal to ensure adequate management over time.

The assessment is to be in accordance with *AS/NZS 1547 On-site domestic wastewater management* reviewing all relevant constraints and the risks to public health and the environment potentially posed by an onsite sewage system. Whilst AS/NZS 1547 only applies to domestic wastewater management, the guidance for SSE is also relevant to non-residential development.

The overall objectives of the SSE process are to:

- assess the capacity of the site to sustainably manage sewage within lot boundaries;
- identify public and environmental health risks of onsite sewage management especially the effect on groundwater and surface water on the site;
- identify the most appropriate on-site system in consideration of site conditions and the nature of the proposed development; and
- identify and implement a management program to minimise these risks if required.

Why is an SSE required?

An SSE ensures that the property is large enough to accommodate an appropriately-sized treatment system, land application (irrigation, disposal or reuse) system for the size and location of the development and infrastructure that the property owner wishes to build. Where there is insufficient land to sustainably manage the proposed volume of wastewater, the size of the proposed development will need to be reduced.

When is an SSE required?

The GSP requires site and soil evaluations in support of planning and development applications in unsewered areas, including local planning scheme amendments, subdivision, and commercial and industrial developments and subdivisions and multi-unit residential developments.

An SSE may also be required to determine whether an existing development can sustainably contain all treated wastewater as part of an application to install an onsite sewage system in accordance with the *Health (Treatment of Sewage and Disposal of Effluent and Liquid Waste) Regulations 1974*.

The SSE should be undertaken as early as possible in the planning phase of the development or subdivision.

The table below shows the stages in the planning process and scale of development and determines the timing and the level of detail of investigation and reporting.

Stages in Planning Process	Scale of Proposal	Level of Assessment Required	Purpose
Sub-regional/district plans and local planning strategies	<ul style="list-style-type: none"> catchment-wide (multiple local government areas) one local government area part of an local government area 	<ul style="list-style-type: none"> broad SSE to determine areas which are most favourable for new developments desktop analysis based on soil landscape maps, GIS (geographic information systems), reports, studies and local knowledge representative testing of different soil landscape types (if necessary) 	<ul style="list-style-type: none"> review practicability of sewerred versus unsewerred option for wastewater management determine broad suitability for onsite sewage management eliminate areas not suitable for onsite sewage management or where technological solutions are cost prohibitive or ecologically unsustainable evaluating environmental and public health risks identify local government resourcing requirements to monitor on-site sewage management
Rezoning and local structure plan	<ul style="list-style-type: none"> one local government area part of an local government area specific site 	<ul style="list-style-type: none"> detailed SSE for site-specific rezoning 	<ul style="list-style-type: none"> determine minimum lot sizes identify appropriate treatment technologies and onsite sewage management system (e.g. disposal, reuse) establish performance standards/criteria determine management and monitoring options
Subdivision	<ul style="list-style-type: none"> specific site 	<ul style="list-style-type: none"> detailed SSE if not done at the earlier planning stage 	<ul style="list-style-type: none"> determine capacity of proposed lots to contain sewage on-site without compromising environmental and public health outcomes select and size treatment/onsite sewage management system, including land application area identify management and monitoring

			<ul style="list-style-type: none"> options define adequate onsite sewage management locations
Development	<ul style="list-style-type: none"> individual lot 	<ul style="list-style-type: none"> site specific SSE if not done at the earlier planning stage 	<ul style="list-style-type: none"> determine capacity of site to contain proposed development and sewage on-site, without compromising environmental and public health outcomes design precise treatment/onsite sewage management system implement management and monitoring options
SSE – Site and Soil Evaluation			

Who should undertake an SSE?

Individual landowners or developers are responsible for engaging a suitably qualified and experienced professional to undertake an SSE for unsewered developments and subdivisions.

What are the competencies of SSE assessors?

The assessor should either possess an appropriate tertiary-level qualification or specific knowledge and practical experience of soil science, in particular soil hydrological and soil chemical processes.

An SSE professional should possess technical expertise and experience with the broader, inter-disciplinary fields of onsite sewage management, including skills in the interpretation of site, soil and climate conditions, undertaking water and nutrient balances, selection and design of appropriate wastewater treatment systems, disposal and reuse options, and other relevant skills.

What are the stages of an SSE?

After clarifying the property owner’s objectives, an SSE has the following stages:

- a desk top study,
- an onsite and surrounding area field check and,
- land capability testing and evaluation.

What risks are to be considered in an SSE?

Australian Standard AS/NZS 1547 takes a risk management based approach in the assessment, design, installation, operation and monitoring of onsite sewage management systems. This includes the identification, assessment, reduction and monitoring of risks to public health, the environment and local amenity. The extent of the evaluation should be proportionate to level risk associated with on-site sewage disposal. It is expected that in areas where health and environmental risks are minimal, the extent of the SSE can be scaled down. Risks need to be well managed to avoid:

- contamination of drinking water supplies,

- contamination of groundwater or recreational waters,
- exposure to wastewater,
- negative impacts on aquatic and terrestrial ecosystems,
- reduction in the amenity value of land, water and air through odours, boggy areas, ponding, scums and algae overgrowth,
- contamination of food sources.

What are the reporting requirements of an SSE?

The desk top study and the field visit must identify features on and adjacent to the property in accordance with AS/NZS 1547. This may include, but is not limited to:

- water and nutrient balance
- topographical features including slope and aspect
- underlying geology, soil types, rocky outcrops, presence of restrictive soil horizons and bedrock and shallow soils
- potentially poorly drained areas, drainage lines, seepage, watercourses and flood frequency
- legal and planning information including boundaries and existing and proposed infrastructure, landuses
- location, depth, nature and value of aquifers and bores, depth to shallow perched or seasonally high water table
- potable water supply catchments, dams and waterways
- risks from stormwater flows and flooding
- rainfall and pan evaporation readings
- vegetation type and density
- the degree of previous soil disturbance, contamination, compaction and imported fill
- risk of erosion and land slippage
- distance to surface waters, road cuttings, embankments, retaining walls, fence and buildings
- soil surface conditions – stoniness, dampness, hardness, soil cracks
- salinity
- sodic and dispersive soils
- soil permeability (constant head) test in accordance with AS/NZS 1547
- sensitive environments inside and around the lot boundaries

As an SSE must be carried out in accordance with the AS/NZS 1547 please refer to the Standard for full details.

The scale and nature of the reporting requirements will be proportionate to the level of risk associated with the scale and nature of future development and the physical and environmental conditions of the site.

Are there any other relevant documents?

This factsheet supplements a number of documents for onsite sewage management in the WA, including the following:

- Department of Health – *Health (Treatment of Sewage and Disposal of Effluent and Liquid Waste) Regulations 1974*
- Government of Western Australia - *Government Sewerage Policy*
- Standards Australia - AS/NZS1547:2012 *On-site Domestic Wastewater Management*

More Information:

Environmental Health Directorate
Department of Health
PO Box 8172
PERTH BUSINESS CENTRE WA 6849

Telephone: 08 9388 4999
Facsimile: 08 9388 4910

**This document can be made available in alternative formats
on request for a person with a disability.**

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health.wa.gov.au

Development
Services

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Perth WA 6000

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F 08 9442 1001



Your Ref: STP-R0630122
Our Ref: 57112799 - WM348592
Enquiries: Kevin Purcher
Direct Tel: 9420 2385

10 June 2019

Shire Of Dardanup
PO Box 7016
EATON WA 6232

Attention of: Cecilia Muller

Re: Proposed Structure Plan Amendment – Lot 503 Garvey Road Crooked Brook – Request for Comment – Lot 503 Garvey Road

Thank you for your letter dated 23 May 2019. We offer the following comments in regard to this proposal.

There is a current subdivision application, WAPC 151949 covering the subject area. The Water Corporation will also address all our requirements via that process. John Mighall is the contact officer for that application.

But please also note the following -

Water and Wastewater

Reticulated water and sewerage is currently not available to the subject land.

Drainage

The subject area falls within the Collie River Drainage District, a rural drainage system. The Gavins Gully Sub Drain traverses the subject site. Rural drains are not designed to give flood protection at all times and some inundation of land can be expected. Water Corporation maintains its existing drains to ensure they are capable of clearing water from adjacent rural properties within three days of a storm event, where contours and internal drainage make this physically possible.

Developments within this catchment are required to contain the flows from a one in one hundred year storm event on site. Discharge to the drain must be compensated to pre-development levels. The developer of this land should be advised to liaise with Water Corporation at the preliminary planning stage to determine detailed planning requirements as this area could be prone to future flooding. At the time of subdivision the developer may be required to provide calculations from a consulting engineer to demonstrate, to the satisfaction of Water Corporation, that the runoff from the development has been restricted to pre development levels.

Future governance and maintenance of this drain is to be undertaken by the Shire of Dardanup. Some discussions have place regarding this matter.

General Comments

The information provided above is subject to review and may change. If the proposal has not proceeded within the next 6 months, please contact us to confirm that this information is still valid.

Please provide the above comments to the land owner, developer and/or their representative.

Should you have any queries or require further clarification on any of the above issues, please do not hesitate to contact the Enquiries Officer.



Kevin Purcher
Senior Planner
Development Services

Rhianna Scheffner

From: Suzanne Occhipinti
Sent: Friday, 7 June 2019 10:58 AM
To: Cecilia Muller
Subject: FW: Proposed Structure Plan Amendment – Lot 503 Garvey Road, Crooked Brook (DWER ref: DWERT891~2 , PA 027312 ; Shire ref: STP-R0630122)
Attachments: Attachment 1b.png; Attachment 1c.png; Lot 503 Garvey Road UWMP Rev 3; Attachment 2.jpg

This was in the submission inbox yesterday..

From: Daniel Wong [mailto:daniel.wong@dwer.wa.gov.au]
Sent: Thursday, 6 June 2019 2:00 PM
To: Submissions Planning
Subject: Proposed Structure Plan Amendment – Lot 503 Garvey Road, Crooked Brook (DWER ref: DWERT891~2 , PA 027312 ; Shire ref: STP-R0630122)

6th June 2019

Our Reference: DWERT891~2 , PA 027312

Your Reference: STP-R0630122

To: Shire of Dardanup

From: Department of Water and Environmental Regulation

Attention: Cecilia Muller

RE: Proposed Structure Plan Amendment – Lot 503 Garvey Road, Crooked Brook

Dear Cecilia,

Thank you for providing the proposed Structure Plan Amendment for the Department of Water and Environmental Regulation to consider.

The Department provides the following advice and comments on matters relevant to the department's responsibilities

The department has identified this proposal has the potential for impact on the environment and/or water resource values and management. While the request is supported in principle key issues and recommendations are provided below, and these matters should be addressed:

- **Issue 1:** Discrepancy in the drainage design (Gavin's Gully) between the 'Structure Plan Amendment No. 1 (Plan No: 14119P-SP-01, dated 03.04.2019)' and 'Building Envelopes - Proposed Stage 2 earthworks (Plan No: 14119P-MP-03, dated 03.04.2019)'
- **Recommendation 1:** Confirm the proposed drainage design, which should be consistent throughout the document

- **Issue 2:** Potential risk for erosion and flooding due to the sharp bend and possible filling of Gavin's Gully (which may impinge upon its floodway) as seen in Attachment 1b and 1c (see black circle in attachment)

- **Recommendation 2:** Demonstrate that the risks of erosion and potential flooding can be mitigated with the revised design
- **Issue 3:** In the absence of drainage reserves (especially for Lot 5 and Lot 13), there is a risk of disputes between landholders over drainage matters, in particular where upstream lots require to drain into Gavin's Gully.
- **Recommendation 3:** Drainage easements should be established and clearly demarcated in the Amended Structure Plan, such as for Lot 13; and as shown in Attachment 2 for Lot 5 in the Urban Water Management Plan (UWMP)
- **Issue 4:** Management of drainage reserves in the short and long term timeframe.
- **Recommendation 4:** The vesting, roles and responsibilities of drainage reserves should be clarified to ensure their smooth and adequate management (refer to 'Lot 503 Garvey Road UWMP Rev 3' email attachment for more detail).
- **Issue 5:** As the UWMP has not been finalised (to DWER's knowledge and as discussed today), there remains uncertainties regarding Issues 1-4, to which may carry a risk of erosion, flooding and potential for drainage disputes.
- **Recommendation 5:** That the UWMP be finalised; or additional information be provided to allow the Shire to satisfy itself that the above Issues 1-4 are resolved.

Should you require any further information on the comments please contact the undersigned.

Thank you.

Yours faithfully,

Daniel Wong

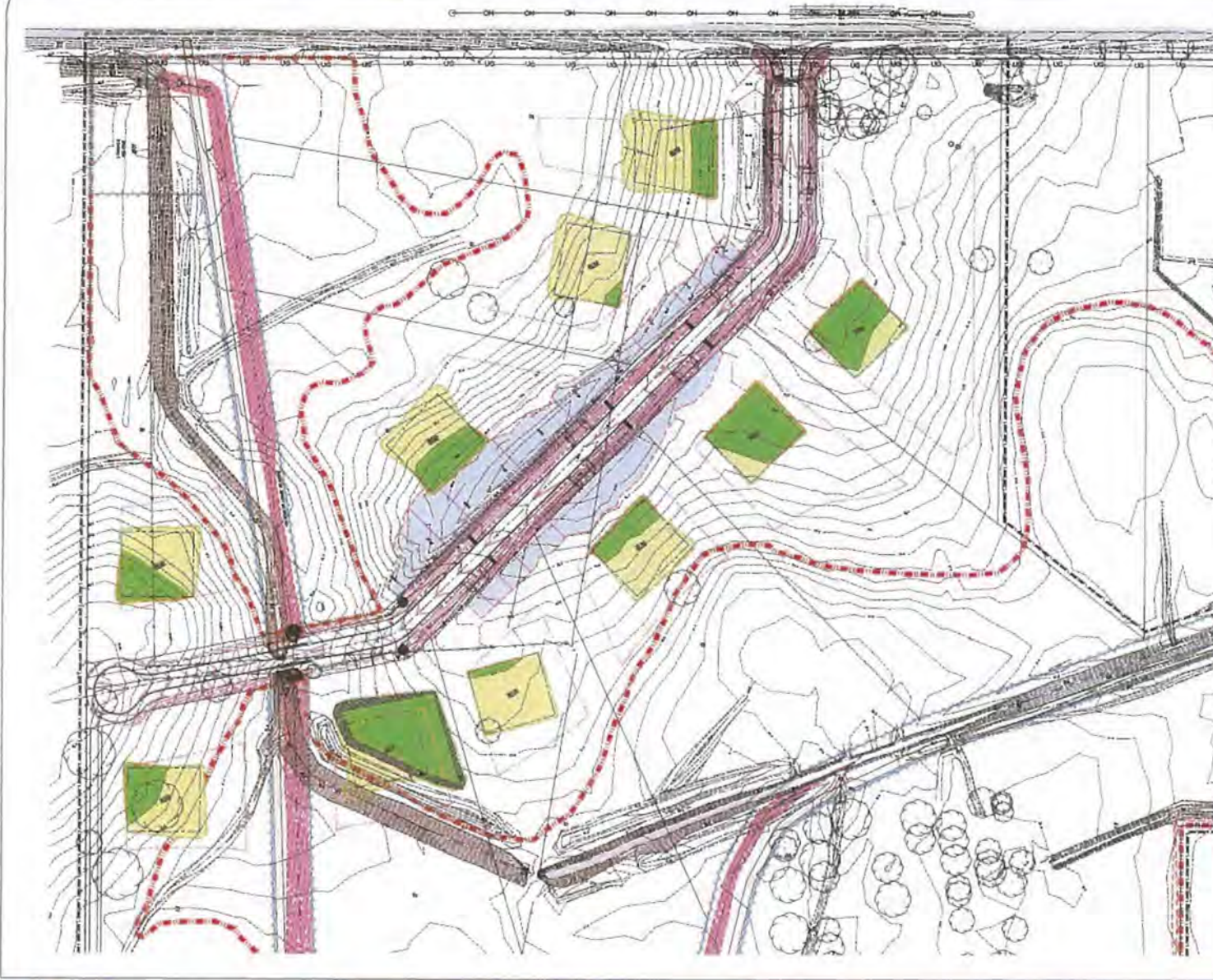
Environmental Officer
Department of Water and Environmental Regulation
Planning Advice South West Region

Email: daniel.wong@dwer.wa.gov.au
Phone: 08 9726 4113
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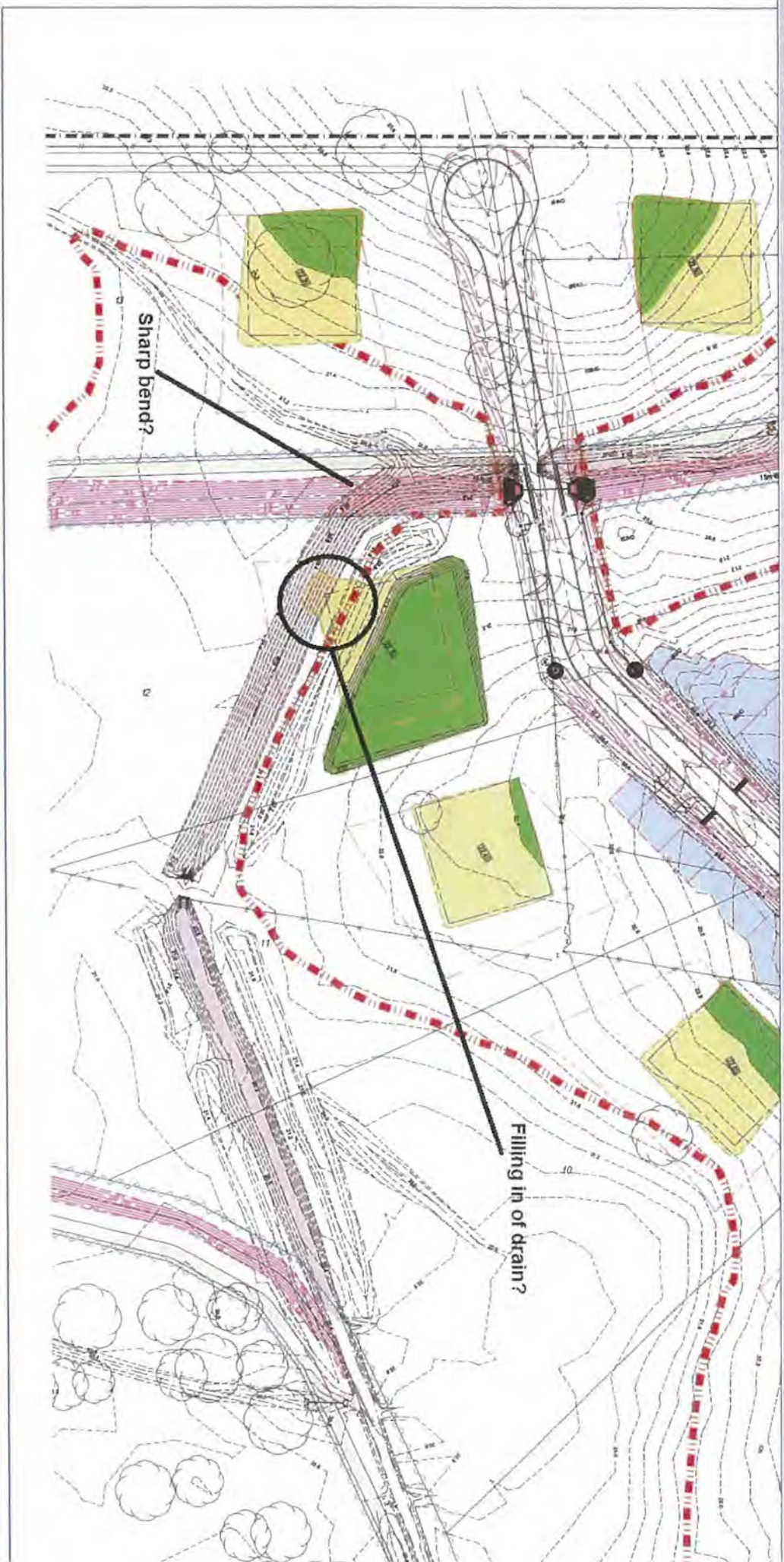
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LEGEND

-  Building Envelopes
-  Building area prepared by developer with indicative RL
-  Building envelope earthworks - fill
-  Building envelope earthworks - cut
-  Fill from roadworks
-  1:100 year flood line
-  Stage 2 boundary

Note: Earthworks shown within the Building Envelopes is to be undertaken by the developer. Lot owners may choose to build elsewhere within the designated Building Envelope.



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Building Envelopes - Proposed Stage

Lot 503, Garvey Road, Crooked Brook

Rhianna Scheffner

From: Krish Seewraj <krish.seewraj@dwer.wa.gov.au>
Sent: Wednesday, 9 August 2017 11:33 AM
To: James Reilly; Neil Nicholson
Subject: Lot 503 Garvey Road UWMP Rev 3
Attachments: DoW Comments - Lot 503 Garvey Road - UWMP - 09-08-17.xlsx

Hi James/Neil,

We have received the UWMP for Lot 503 Garvey Road (Rev 3 dated July 2017).

I have gone through the response and actions to comments and am comfortable with all bar comment 6, which raises two points:

1. The drain that I was alluding to was the one that traverses across Lot 13 (as per the Subdivision Guide Plan see below), as this drain also services the upstream property that is outside of the subdivision boundary (as per Figure 6 of the UWMP see below). As you will be aware there has been neighbourhood disputes in this area with regard to the upkeep of drains that serve more than one property. To avoid future complications it is recommended that this drain is also protected by an easement, similar to what has been done for Lot 5. All other details lot drains only serve one lot.
2. The UWMP does not include any detail as to the easement details, who is it vested with and what are the roles and responsibilities. I assume that these drains will be vested with the Shire but the individual lot owners will be initially responsible for lot drainage management and the easement will provide the Shire the ability to come in to undertake additional works on Lots 5 and 13 only if required to service upstream systems.

Subdivision Guide Plan:

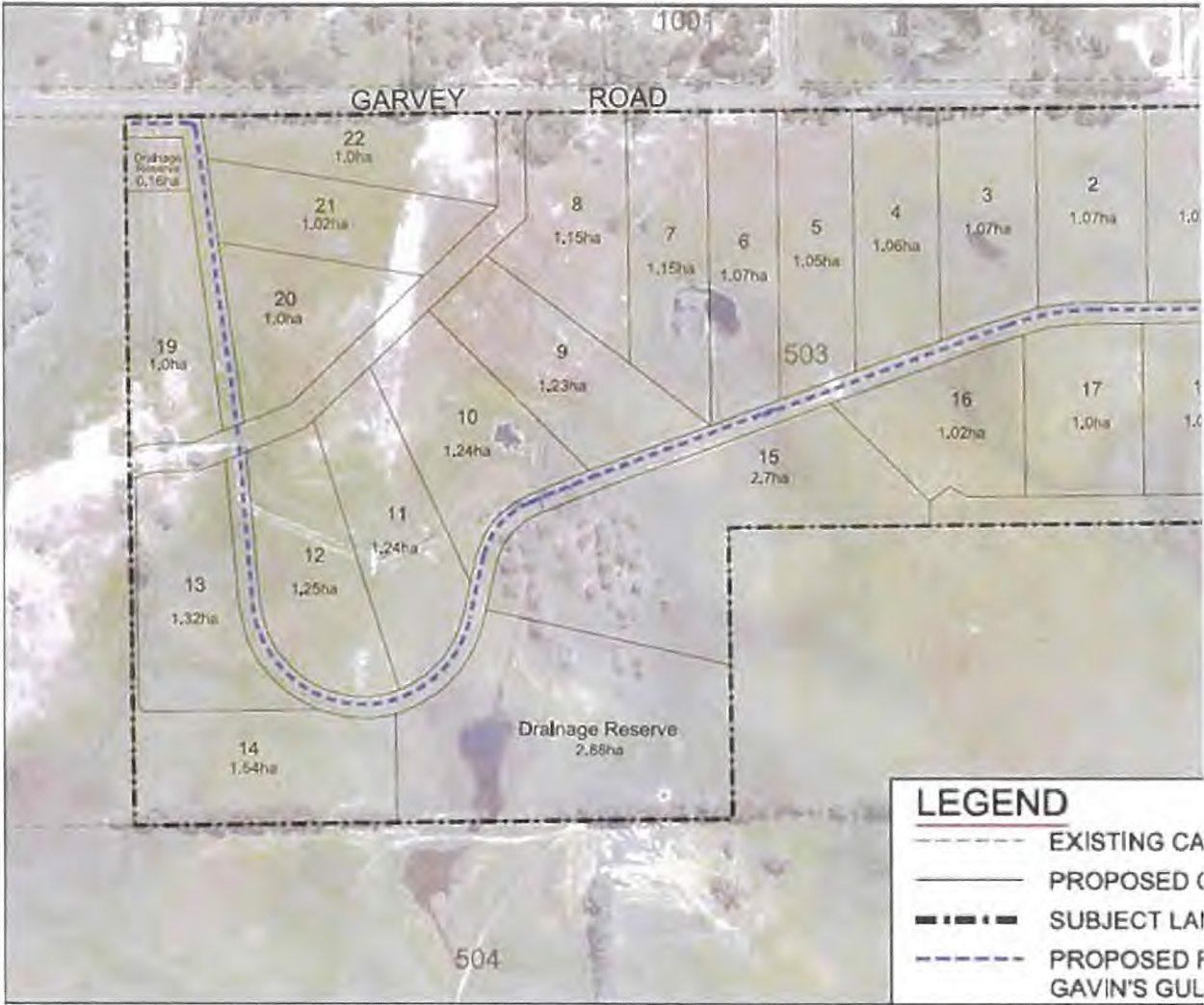
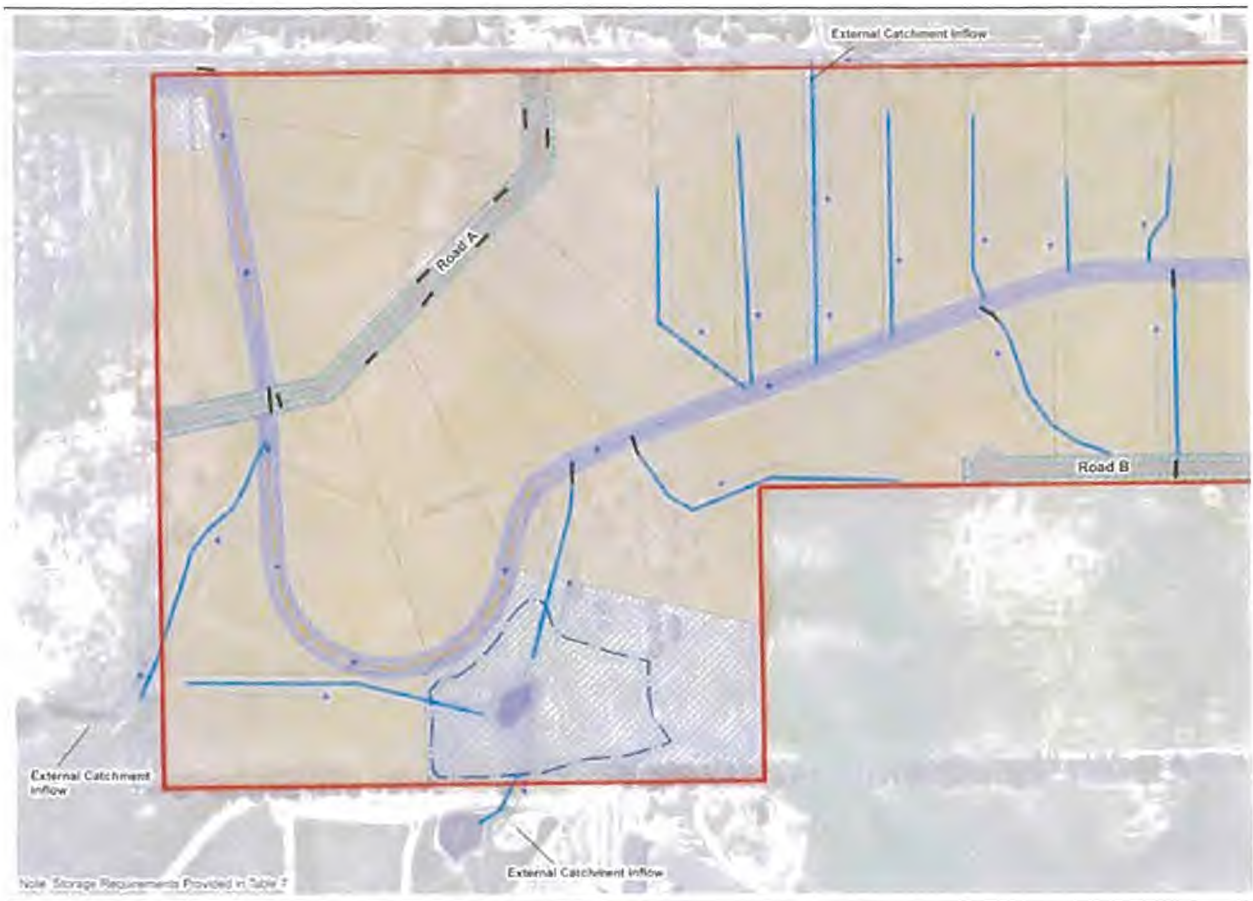
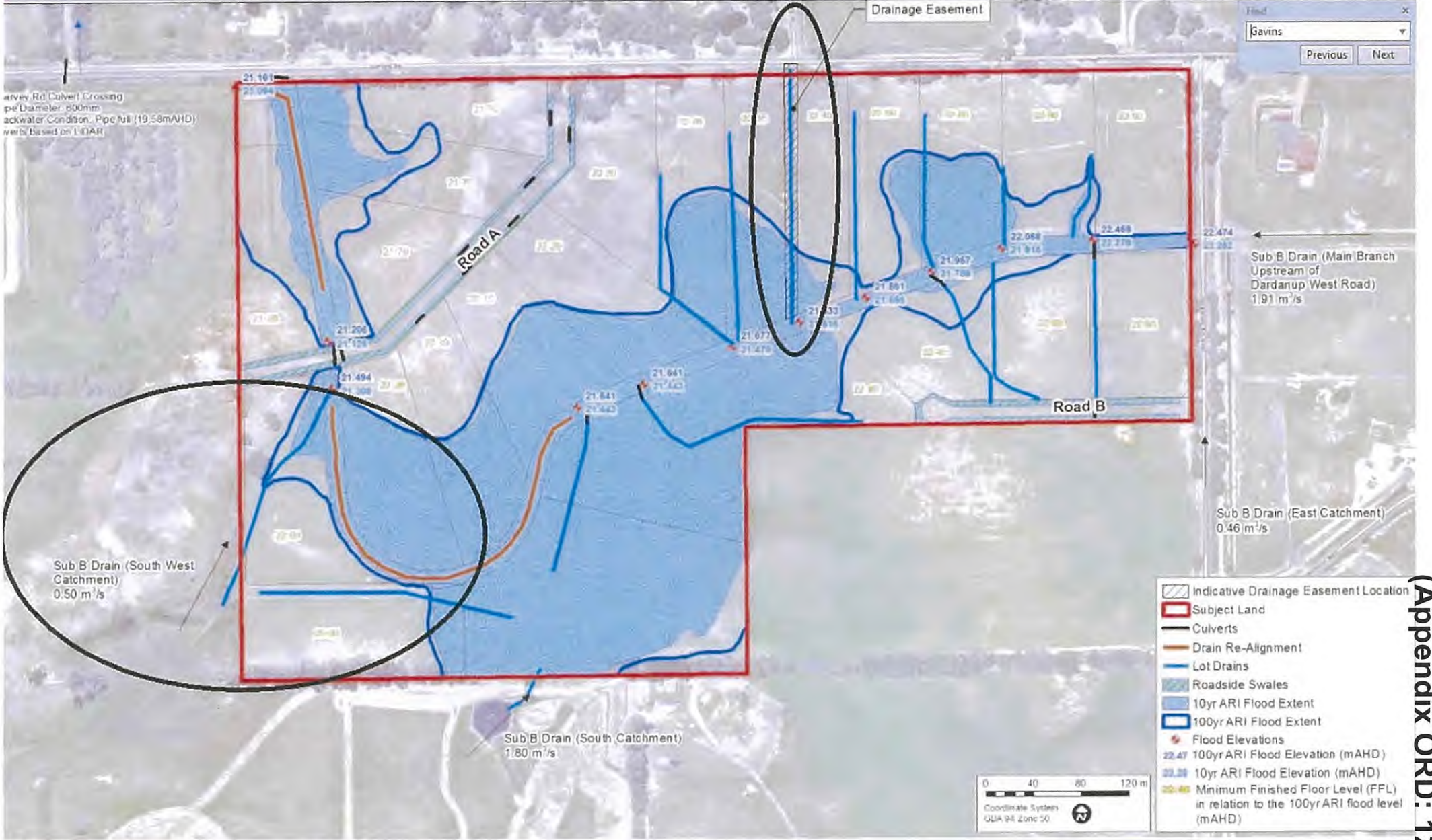


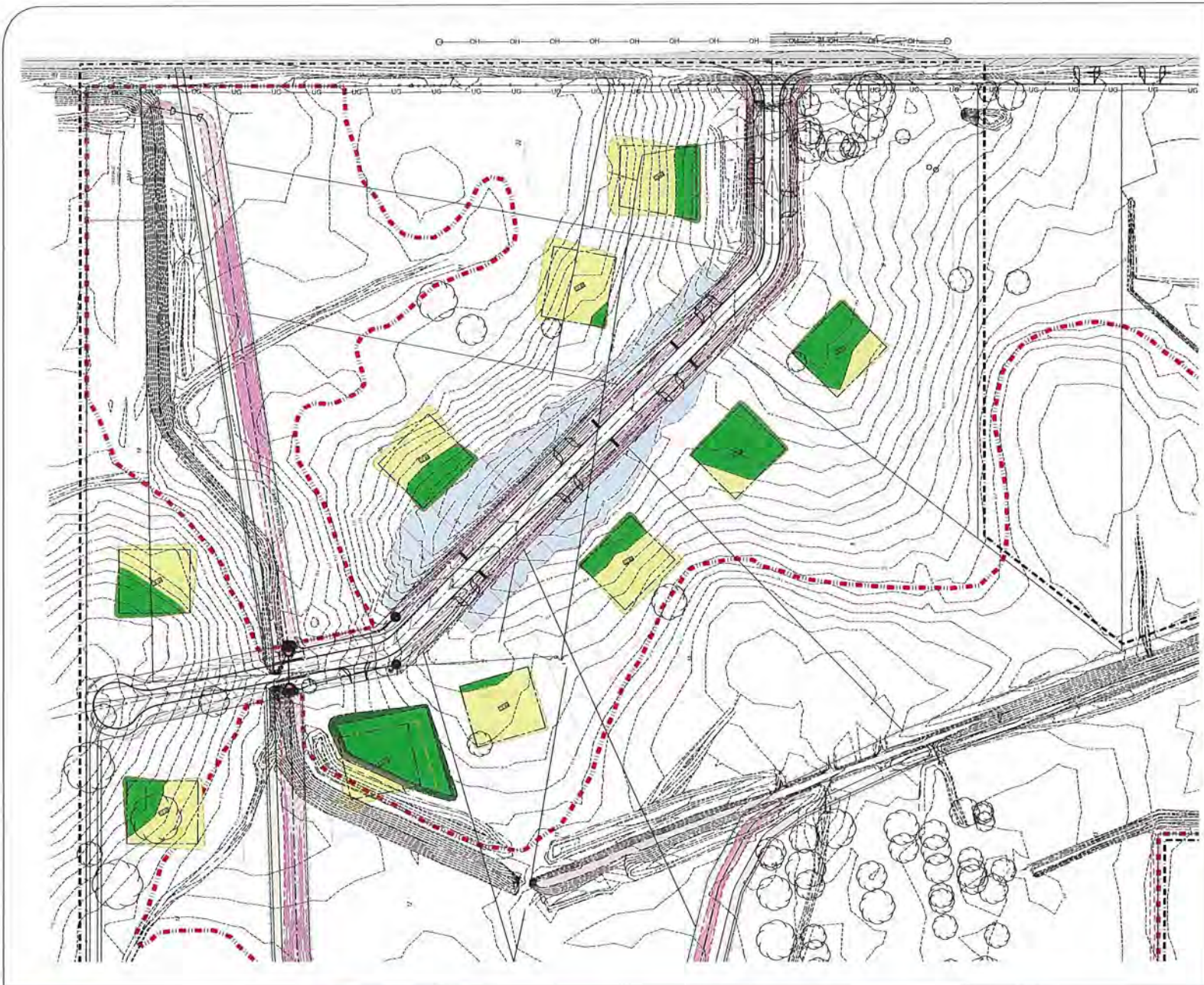
Figure 6 from the UWMP Rev 3:



Krish Seewraj
Land Use Planning Program Manager
South West Region

Department of Water and Environmental Regulation
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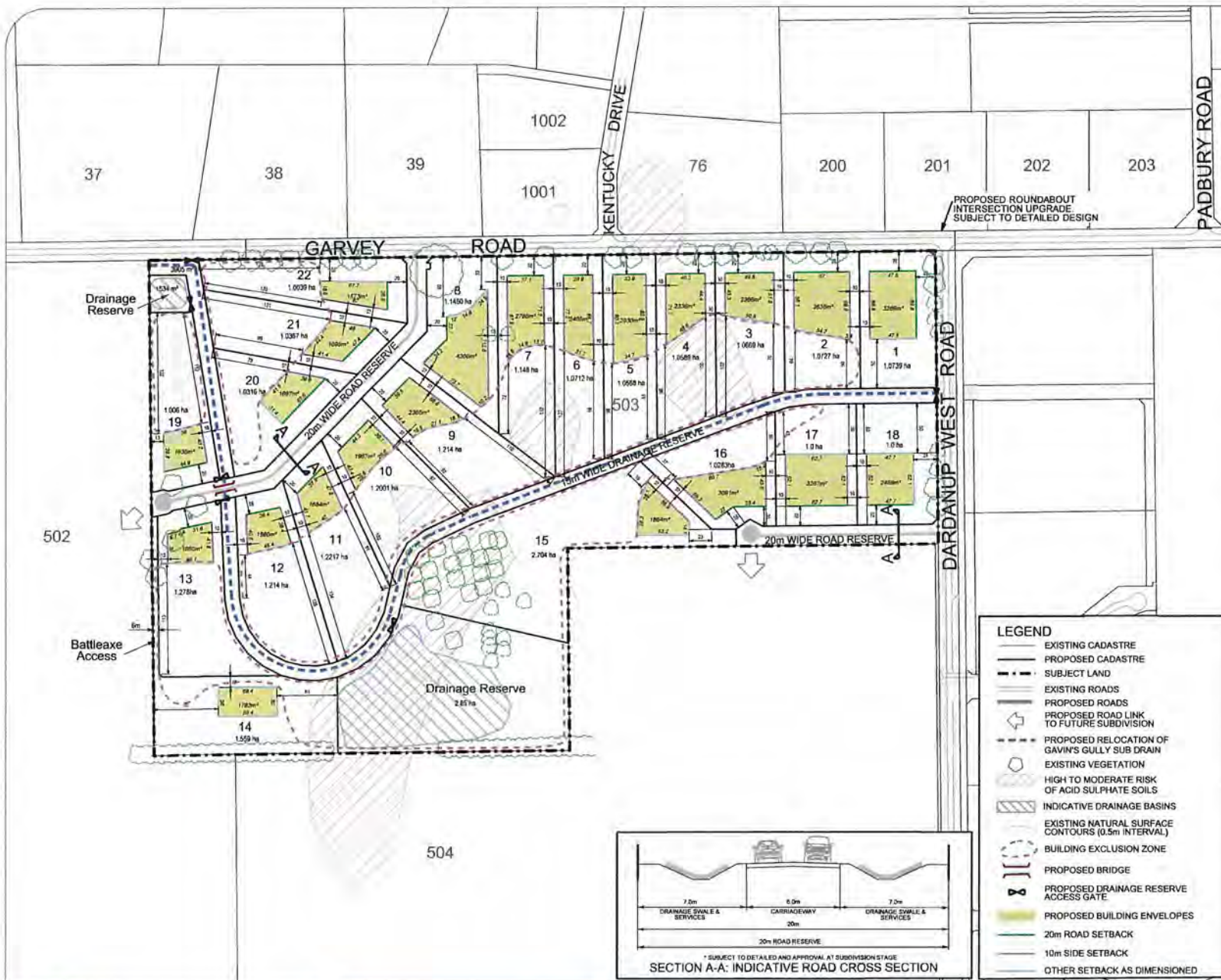


LEGEND

- Building Envelopes
- Building area prepared by developer with indicative RL
- Building envelope earthworks - fill
- Building envelope earthworks - cut
- Fill from roadworks
- Portion of Gavins Gully drain to be filled as part of realignment works
- 1:100 year flood line
- Stage 2 boundary

Note: Earthworks shown within the Building Envelopes is to be undertaken by the developer. Lot owners may choose to build elsewhere within the designated Building Envelope.

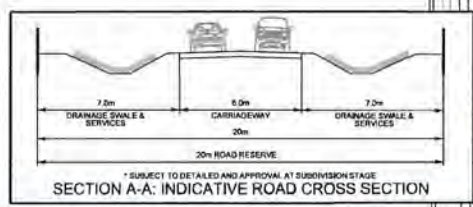




- NOTES:**
At subdivision stage, the Local Government shall request the Western Australia Planning Commission impose the following (but not limited to) as conditions of approval:
- Section 70A notification on title advising land owners that all dwellings shall be constructed to have a minimum finished floor level of 500mm above the nearest adjoining road level or 600mm above natural ground level, whichever is the greater, as determined by a licensed surveyor;
 - Section 70A notification on title advising land owners that the area is subject to seasonal mosquito infestation;
 - Section 70A notification on title advising land owners that the area may be subject to seasonal inundation;
 - Preparation and Implementation of a landscaping plan;
 - Preparation and Implementation of an acid sulphate soils management plan;
 - No more than 1 dwelling is permitted per lot.
 - All buildings, structures and on-site effluent disposal systems on each lot shall conform to the minimum setbacks as follows:
 - 20 metres from any road;
 - 50 metres from line edge of any natural water body or wetland (sumpland) or native vegetation line or man-made drainage basin (excluding Gavins Gully Sub-drain);
 - 10 metres from all side boundaries;
 - Be outside of all "Building Exclusion Zones" as identified on the endorsed Structure Plan Amendment No. 1.
 - Stormwater is to be managed in accordance with the Decision process for stormwater management in WA (DoW 2009) and the Stormwater management manual for Western Australia (DoW 2004-2007). Compliance with this may be achieved through provision of engineering drawings and specifications.
 - Section 70A notification on title advising land owners that they may be impacted by noise levels above the normal assigned level for night time but within the bounds of the noise regulation 17 approved.
 - Drainage Reserve to be fenced and provided with access gates at the intersection of the reserve and the proposed road reserve, Garvey Road and Dardanup West Road.
 - Bridge over drainage reserve to be installed at the time of subdivision, at the subdividers cost to the satisfaction of the Shire of Dardanup.
 - A Fire Management Plan is to be prepared and implemented to the satisfaction of the Shire of Dardanup and the Department of Fire of Emergency Services.
 - Section 70A notification on title advising landowners there is to be a minimum vertical separation distance of 500mm from the base of the irrigation area of an Alternative Effluent Treatment System to the highest-known water table. Approval shall be sought from Shire of Dardanup prior to installation of an effluent disposal system.
 - The 2.85ha Drainage Reserve shall be revegetated with locally endemic wetland species to the specifications of the Department of Biodiversity, Conservation and Attractions (Parks and Wildlife Branch) to the satisfaction of the Shire of Dardanup.
 - The Groundwater Depth Investigation Report (TME 2014) is to be updated prior to subdivision to take into account available long-term data to the specifications of Department of Water and Environment Regulation.
 - As a condition of subdivision, the drainage reserve is to be shown on the diagram or plan of survey as a reserve for drainage and vested in the Crown under Section 152 of the Planning and Development Act 2005, such land to be provided free of cost and without payment of compensation by the Crown.
 - A drainage easement is required and is to be shown on the diagram or plan of survey over the constructed drain on lot 13 as detailed on the approved engineering plans.

LEGEND

- EXISTING CADASTRE
- PROPOSED CADASTRE
- SUBJECT LAND
- EXISTING ROADS
- PROPOSED ROADS
- PROPOSED ROAD LINK TO FUTURE SUBDIVISION
- PROPOSED RELOCATION OF GAVIN'S GULLY SUB DRAIN
- EXISTING VEGETATION
- HIGH TO MODERATE RISK OF ACID SULPHATE SOILS
- INDICATIVE DRAINAGE BASINS
- EXISTING NATURAL SURFACE CONTOURS (0.5m INTERVAL)
- BUILDING EXCLUSION ZONE
- PROPOSED BRIDGE
- PROPOSED DRAINAGE RESERVE ACCESS GATE
- PROPOSED BUILDING ENVELOPES
- 20m ROAD SETBACK
- 10m SIDE SETBACK
- OTHER SETBACK AS DIMENSIONED



Appendix ORD: 12.1G



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Our Ref: 13177

18 July 2019

Shire of Dardanup
PO Box 7016
Eaton WA 6232

Attention: Cecilia Muller

Dear Cecilia

Request for Easement for Purpose of Emergency Access Way

Calibre have been engaged by the landowners, Tronox (formally Cristal Pigment Australia Ltd) to pursue an Amendment to the Shire of Dardanup's Town Planning Scheme No.3 to facilitate the future development of a Waste Management Facility at Lot 4580 Panizza Road, Crooked Brook.

The amendment has been assessed by the Shire of Dardanup and the Western Australian Planning Commission (WAPC).

The WAPC have advised additional work will be required to progress the finalisation of the amendment, being:

1. A fire management plan for the site; and
2. Resolution of secondary access from the site to address the fire regulations.

A Bushfire Management Plan (BMP) has since been undertaken by an accredited person under the Bushfire Planning and Design Accreditation Scheme and this confirms the risk in terms of Bushfire Hazard can be managed through the application of acceptable solutions under the Bushfire Guidelines

This site has road frontage on the northern boundary to Panizza Road, which will be upgraded by Tronox at a time when the development of the site proceeds.

To facilitate the secondary access from the site in case of emergency, it is proposed that an Emergency Access Way (EAW) be constructed from the western boundary of the site through the southern portion of Lot 80, owned by the Shire of Dardanup.

The proposed EAW as shown in the BMP utilises the existing track on lot 80 while avoiding, as much as possible, the established vegetation on the lot boundary. Specific details of the track are contained in Table 4 of the BMP.

The proposed easement location and size as shown on the Emergency Access Easement Plan encompasses the existing track on Lot 80 and allows space for turnaround or passing areas should these be required in the future. For ease of administrating and survey, the proposed easement has been kept regular in shape.

Request for Easement for Purpose of Emergency Access Way

We would like to request permission from the Shire to allow the EAW through Lot 80 and that this be facilitated by an easement to cover the location of the track as detailed in the attached Proposed Emergency Access Easement Plan. All cost associated with the construction of the track, gates and maintenance will be the burden of Tronox.

Tronox will also cover any cost associated with the easement process, which will be by way of an "Interest Only" Deposited Plan prepared by a licenced surveyor and an Easement Document to be lodged with Landgate. The easement document will formalise arrangements in regard to construction, timing, use, maintenance and other relevant details.

We hope that Council will consider this request favourably.

Yours sincerely

Calibre Professional Services Pty Ltd



Kylie Shaw

Senior Project Manager

ATTACHMENTS

1. Proposed Emergency Access Easement Plan

BANKSIA ROAD

PANIZZA ROAD 4576

4577

4577
D & P DEPIAZZA

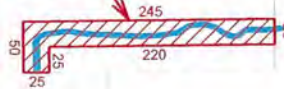
190
WATER CORPORATION

80
SHIRE OF DARDANUP

4580
MILLENNIUM INORGANIC CHEMICALS LTD

MARGINATA ROAD

Proposed EAW Easement
6744m²



82
WATER CORPORATION

20 82
WATER CORPORATION

81
CPSS PTY LTD

State Forest

(Appendix ORD: 12.2)



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PROPOSED EMERGENCY ACCESS EASEMENT

Martinata Road, Crooked Brook, Shire of Dardanup



Plan No: 13177P-MP-02

Date: 16.07.2019
Rev: ORIGINAL
Scale: A3 @ 1:5000
Co-ords: MGA
Aerial: Nisarnap

Extract from *Hansard*
[COUNCIL — Wednesday, 26 June 2019]
p4616e-4629a

Hon Simon O'Brien; Hon Sue Ellery; Hon Martin Aldridge; Hon Robin Chapple; Hon Rick Mazza; Hon Charles Smith; Hon Peter Collier; Hon Robin Scott

SELECT COMMITTEE INTO LOCAL GOVERNMENT

Establishment — Motion

HON SIMON O'BRIEN (South Metropolitan) [1.06 pm]: I move —

- (1) That a select committee into local government is established.
- (2) The select committee is to inquire into how well the system of local government is functioning in Western Australia, with particular reference to —
 - (a) whether the Local Government Act 1995 and related legislation is generally suitable in its scope, construction and application;
 - (b) the scope of activities of local governments;
 - (c) the role of the department of state administering the Local Government Act 1995 and related legislation;
 - (d) the role of elected members and chief executive officers/employees and whether these are clearly defined, delineated, understood and accepted;
 - (e) the funding and financial management of local governments; and
 - (f) any other related matters the select committee identifies as worthy of examination and report.
- (3) The select committee shall comprise five members.
- (4) The select committee shall report by no later than 12 months after the motion for its establishment is agreed to and may, if it sees fit, provide interim reports to the house.

I seek the approval of the house to establish a select committee for the purposes outlined. In support of that proposition, I present the following. The Constitution Act 1889 provides at section 52 —

- (1) The Legislature shall maintain a system of local governing bodies elected and constituted in such manner as the Legislature may from time to time provide.
- (2) Each elected local governing body shall have such powers as the Legislature may from time to time provide being such powers as the Legislature considers necessary for the better government of the area in respect of which the body is constituted.

This provision dates from 1979, but the history of local government in Western Australia predates it by a long time. In 1971, the then Department of Local Government published a booklet reflecting on 100 years of local government in Western Australia. It opens with these fine words —

“We will never bring disgrace to this Our City, by any act of dishonesty or cowardice, nor ever desert our suffering comrades in the ranks; we will fight for the ideals and sacred things of the city, both alone and with many; we will revere and obey the city’s laws and do our best to incite a like respect in those above us who are prone to annul or set them at nought; we will strive unceasingly to quicken the public’s sense of civic duty. Thus in all these ways we will transmit this city not only not less, but greater and more beautiful than it was transmitted to us.”

That was an oath sworn by citizens in ancient Athens as they prepared to involve themselves in civic affairs. They do not write oaths like that anymore!

The same booklet also provides this, drawn from the councillors’ handbook, a publication of the Western Australian Local Government Association —

“Local Government has been defined as that part of the Government of a nation or State which deals mainly with such matters as concern the inhabitants of a particular district or place, and which it is thought desirable should be administered by local authorities, subordinate to the central government.”

I am moved by that definition’s simplicity and brevity, which is also something of a lost art. If we examine civic affairs from the earliest days of the Swan River colony until now, we can see a history of so many of our fellow Western Australians committed to working long and hard to improve the community in which they live, whether as elected members or people employed in local government in its many iterations over the years. I want to support those elected members and employees. I would like to harness the authority of this Legislative Council to examine the legislative environment we are responsible for creating and maintaining. We should do so to make sure that those many fine and dedicated people are empowered but not unnecessarily encumbered. We are the legislature, which is referred to in the Constitution Act. Indeed, the Legislative Council provided much of the enabling

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Hon Simon O'Brien; Hon Sue Ellery; Hon Martin Aldridge; Hon Robin Chapple; Hon Rick Mazza; Hon Charles Smith; Hon Peter Collier; Hon Robin Scott

legislation and, in passing, the Constitution Act 1889 itself established the Legislative Assembly and our bicameral system, which are all very good things.

In 1971, we saw the marking of the centenary of the passing of the Municipalities Act and the Road Districts Act 1871. The preamble to the latter commenced with this —

WHEREAS it is expedient that the inhabitants of the country districts should be empowered to construct and keep in repair the roads and bridges in their respective districts, and that all sums of money devoted to that purpose from the general revenue of the colony or otherwise should as far as practicable be expended under local authority and supervision; And whereas it may be necessary that such sums of money should be supplemented by local rates, and it is desirable that such rates should be raised and expended under the authority of district boards, by and with the consent of the inhabitants of such districts as expressed by their representatives elected to such boards: Be it therefore enacted ...

There is a long history of parliamentary support for all the principles of local government, and that should and must continue in the twenty-first century. The acts I have just mentioned were amended and later succeeded again and again by sundry other acts. In more recent times, major changes in local government acts demonstrate what an increasingly complex field local government has become. The Local Government Act 1960, for example, was 13 years in the making. According to the second reading speech, it had several false starts along the way. This act was amended many times, not least in 1975 with the celebrated Dadour provisions.

The Local Government Act 1995, the present act, has been subject to many amendments over the years and generally that has been as a result of emerging issues and the evolution of practices in the sector. In this Parliament alone, there have been several amending bills. If the government brings it on, another local government bill will be dealt with later today. There have been plenty of reviews of local government, too. The former government commissioned the Robson report in 2012. The government also commissioned a Local Government Advisory Board report in 2006. There have been several parliamentary inquiries. In 2003, the Standing Committee on Public Administration and Finance looked at the rating system and the distribution of funds. In 2005–06, the Legislative Assembly's Public Accounts Committee looked at some aspects. The Legislative Council's Standing Committee on Legislation has had bills referred to it—for example, the Local Government Amendment (Regional Subsidiaries) Bill 2010—and, of course, there have been sundry private members' bills over the years.

I turn now to the proposed terms of reference for the Select Committee into Local Government. At this time, a process is in train whereby a panel has been appointed by the government to review and ultimately rewrite the Local Government Act 1995. In due course, it is proposed that we will see a green bill to that effect. I would have thought the first thing that should happen is to determine what the community expects of its system of local government before embarking on such a project; a contemplation of what we want local government to look like in the years ahead; to ask questions such as what works and what does not; to reflect on what "local" actually means; and then develop the legislation in its form and substance to reflect all those aspirations. Our first term of reference should be to determine whether the Local Government Act 1995 and related legislation is generally suitable in its scope, construction and application. Even a cursory examination of the current 472-page statute invites the view that it is overly prescriptive. That view may be rebuttable, but examination of much of the material presented in the very many submissions to the current review does nothing to reassure me about that. The willingness in some quarters to address concerns by making this legislation and all of its subsidiary parts more and more detailed as a way of improving it and making it easier to work with strikes me as counterintuitive. We might discover that, as a workable statute, this is a pretty good doorstep!

The scope of activities of local governments is the second term of reference. The current act superseded the 1960 act, but the 1960 act still lives on—it has been renamed the Local Government (Miscellaneous Provisions) Act. Its current form is dramatically hollowed out from what it once was. It was seen as overly prescriptive in 1995, but at least it told local governments what they were meant to be attending to. An examination of some of the content refers to cattle trespass, pounds, poundkeepers and rangers; defining what a "building" is; and all that sort of bread-and-butter stuff that one would expect in a local government act.

What next, though, for local government? Commercial operations have been mooted—indeed, the capacity exists in the current act. I would suggest that it is a potential minefield that needs to be reconnoitred very carefully. We need to look at the role of the department of state that administers the Local Government Act and related legislation.

I would submit that it is long overdue for this Parliament to examine the Department of Local Government, Sport and Cultural Industries and assess how well it is resourced to carry out its functions, which, judging by the current number of authorised inquiries alone, seem to be onerous. We should also examine the relationship between the department and the Western Australian Local Government Association. Many participants in the sector look to WALGA for guidance and advice, not to the department. Is the balance right? We do not know. WALGA has an important function in supporting its member councils. I am sure that if any of us were a shire president or mayor

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and there was not a local government association, we would seek to set one up, but we do want to make sure that the balance is right and ensure that government is not abrogating any of its necessary responsibilities.

I must declare before we start that I have some views about a further term of reference. As members would know, I have expressed the view many times that any inquiry has to be genuine. I will try to put my preconceptions to one side, but I question in the proposed term of reference —

the role of elected members and chief executive officers/employees and whether these are clearly defined, delineated, understood and accepted;

One of the factors that has drawn my attention to these matters in recent years is that these roles are not clearly defined, delineated, understood or accepted. It strikes me as curious that elected members anywhere can find themselves elected and then unable to comment on issues of the day. The act is not meant to function in this way, one would hope, but in many places it does. It is time for something to be done about that, and that responsibility should, with respect, be picked up by this house. That is one thing in particular that this select committee needs to examine and seek to resolve. It is absolutely unconscionable in a democracy, such as Western Australia, let alone ancient Athens, that anyone, particularly in elected office, should be gagged from representing the views of those who elected them.

[Interruption from the gallery.]

The PRESIDENT: Order!

Hon SIMON O'BRIEN: I move now to the question of the funding and financial management of local governments. I came across an anecdote from many years ago, as I tend to do, about a former iteration of local government, the Perth Town Trust. Back in 1838, I think it was—some other members may have been there, but I was not—it set about building a jetty that cost 800 quid, a very substantial price in those days. The interest was to be met from tolls paid by those crossing the Swan River to arrive at this jetty. I think it ended up as what the American military would characterise as a limited success. The jetty was opened on 7 November 1842, and by the end of July 1843, only £21 11s 4p had been collected in tolls. It gets worse, because that did not even pay the wages of the bloke who was there to collect the tolls. That reflects a different time, when we had perhaps a couple of thousand non-Indigenous inhabitants in the colony. We did not have the infrastructure that had grown over centuries, of criss-crossing roads, with hamlets or villages at the crossroads. Heck, we did not have any crossroads; we did not even have any roads. The economies of scale that we witness today were not present then, and they were great challenges of the time, as that story demonstrates.

Many shires in our great state have very small populations, and have to take on local government responsibilities for very large areas, including roads. They do so in very difficult circumstances. Someone said, colloquially, that a few shires out in the regions are only one bad decision away from bankruptcy. We need to shine a light on this, and work out how we are going to pull together to make sure that everybody's interests are preserved. Another thing we will find about all of those shires is that, if we tell them they are going to get a dose of efficiency and will be amalgamated, all of those residents—those few residents—will push back hard, because they value what their shire represents to them, for their capacity for local self-determination and the setting of priorities. That is something to which we need to be sensitive. Sometimes we see reports commissioned by governments that turn into exercises about efficiencies of scale and all the rest of it, but they are actually drawing lines on a map. We must never lose sight of the fact that we as elected representatives, and local government councillors as elected representatives, are in the people business, not the lines on a map business. We must always be sensitive to that.

It is always prudent to reassure ourselves, as a responsible legislature, by measuring the extent or otherwise of financial discipline, wherever it is exhibited in any part of the government sector. Indeed, the recent application of the powers of the Auditor General will be helpful, and should be reviewed by the select committee, but there are other questions to be explored about the nature of local government funding—the role of the commonwealth, for example. Issues have also been raised about insurance arrangements for councils. Indeed, some very unflinching allegations have been raised and communicated to members. Whatever the truth of the matter, it does not hurt to examine matters, so that we can all be reassured about the state of play and, where necessary, take the appropriate action.

The select committee is not constrained by its terms of reference in relation to other areas that may be identified as worthy of examination and report. The reason for that last term of reference is that this select committee needs to go out and call for submissions, so that our community can identify the issues of concern. That is the first thing that has to happen, and it will. I propose that the select committee comprise five members. A number of members have agreed to serve on the select committee, and I thank them for that. I hope all of us, if the motion succeeds, will find this a great opportunity for participating members to find out a bit more about the life of our state, in all its far corners. There will be opportunities for travel. We are about at that time of year when that reporter in *The Sunday Times* says that everyone is going to be jetting off to warmer climes. It happens every June. This

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committee will be heading off to northern climes as well, if I have anything to do with it. We need to go to places like Wanneroo. If members are up for it, on a good day we will go to Melville. We might go to Toodyay, or Menzies or even Yalgoo. I have another story about Yalgoo, and maybe I will have time to talk about it on another occasion.

Those, briefly, are the reasons I seek the house's concurrence in this matter. I thank members for their interest, and I look forward to hearing and participating in the debate.

[Interruption from the gallery.]

The PRESIDENT: Order! To those very special visitors in the gallery, you are most welcome in this chamber to watch and listen. Sadly, you are not actually able to participate, and even clapping can be a distraction for the member who is on their feet speaking, so I would ask if you would not do that, and if you would just listen attentively.

HON SUE ELLERY (South Metropolitan — Leader of the House) [1.28 pm]: I rise to put the government's position on the motion. The honourable member has proposed a very wide-ranging inquiry into the system of local government, and the government accepts that there are opportunities to improve the local government sector. Part of what I want to do now is to put on the record the program of reforms that this government is putting in place. These reforms address both the operational and legislative framework of local government. Extensive consultation has occurred on these reforms, and there is expectation in the community, by the sector and other stakeholders, that significant progress will continue to be made. For those reasons, the government does not see the need or the benefit of such an inquiry. Also, the government does not want to see any such inquiry have a negative impact on the progress of these reforms, so we will not be supporting the establishment of the inquiry. However, I can count, and I understand that that may well be the position taken by the house.

Over the last two years, the McGowan government has been transforming local government to improve and modernise the way in which it works for the community. We have been getting on with the business of local government reform, and significant progress has already been made. The first legislative amendment passed following our election transferred the responsibility of auditing local governments to the Auditor General. The role played by the former government in that reform was recognised at the time by both major parties and acknowledged by the minister. We are already seeing dividends from the greater scrutiny offered by the Auditor General. In March this year, the Auditor General published the results of 42 financial audits of local government, which found many areas in which financial control and governance could be improved. That was one of the benefits of the reform.

As well as auditing local government finances, the reforms enable the Auditor General to conduct performance audits of local government. The Auditor General has already examined records management in local government, local government procurement, the timely payment of suppliers and controls over corporate credit cards. In addition, the Auditor General is currently conducting performance audits into local government building approvals, fraud prevention in local government and governance in local government. These examinations will inquire into how well local governments are carrying out their important role. Each performance audit is conducted using the Auditor General's rigorous and exacting methods, and they have identified areas for improvement for specific local governments and the sector as a whole. These performance audits are driving reform to local government systems and processes that will result in better governance and service delivery.

In regard to suspension and dismissal powers, the McGowan government has delivered legislative change that enables the minister to take appropriate and decisive action to resolve issues in dysfunctional local governments—we have heard news about that in recent days, including this morning, if people were listening to the radio—while protecting local democracy and adhering to natural justice. I was talking about Gosnells.

Hon Simon O'Brien: Why won't you leave the south metropolitan councils alone?

Hon SUE ELLERY: Let us talk about what the last government did to the south metro councils, shall we? I know the honourable member and I were on the same ticket on that issue and at odds perhaps with the former Premier and the approach he took in managing relationships between local government and the state government, particularly in respect of amalgamations, when what he wanted to do was to fix the western suburbs. What he tried to do was mess up the southern suburbs.

Hon Simon O'Brien: I think I got it right on that occasion, too, didn't I?

Hon SUE ELLERY: Hon Simon O'Brien did. I do not agree with him today.

Ministerial intervention in a legitimate tier of government is not a trifling matter. These reforms protect the integrity of local democracy but enable the minister to act in the interests of local communities.

I refer to the Local Government Act review. The two reforms that I have just referred to are just the beginning. As I just referred to, under the previous government we saw a really messy attempt to force amalgamations in metropolitan Perth, which damaged the relationships between local government and the state government and the ability to achieve the ultimate outcome of better local government for all Western Australians. That is why

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we went to the last election with a commitment to review the Local Government Act, and we are delivering on that commitment.

With respect to the phase 1 reforms, a bill is before the house to introduce important reforms that will result in better local government. These reforms are supported by the community and directly target many of the matters that are canvassed in the terms of reference for the proposed select committee. The reforms will better prepare council members for their challenging role, strengthen governance, empower councils to communicate with residents using modern technology and expand the amount of information available online to the public. Reforms such as universal training of candidates and the introduction of best practice standards for chief executive officer recruitment have previously been recommended by independent inquiries, such as the Robson report referred to by the honourable member and inquiries by the Corruption and Crime Commission. The reforms within the bill have been informed by an extensive community consultation process. More than 29 workshops were held across Western Australia to hear the views of those affected by local government. Importantly, everyone was encouraged to have their say, including individual residents, council members, staff and local governments. Engagement with local government, business groups and the broader community has been a priority. During the preparation of the phase 1 consultation paper, the Department of Local Government, Sport and Cultural Industries met with industry and community groups as well as representatives from state and local government. Meetings were held with organisations, including Inclusion WA, the Youth Affairs Council of Western Australia, the Minister for Citizenship and Multicultural Interests' multicultural advisory group, the Corruption and Crime Commission and many more.

Participants attending workshops were drawn from a wide range of backgrounds, with participants' experience with local government being informed by their involvement in community groups, sports groups, art groups, ratepayers associations and local environmental protection organisations. During the four-month public submission period 243 submissions were received. Submissions were welcomed in any format, with submissions published for everyone to see on the department's website. The phase 1 reforms reflect the majority of viewpoints heard from community members in consultation with them in workshops and through written submissions. These viewpoints were published in the policy position documents. More than 90 per cent of community members support training of council members. More than 86 per cent of community members want councils to have additional support in making decisions about CEO recruitment. Almost 80 per cent of the community want gift declaration rules tightened. Between 70 and 100 per cent of community responses support the availability of additional information online, depending on the type of information.

Opinions on the future of local government vary considerably. The reforms do not capitulate to the will of the sector; there are clear distinctions between the reforms and the position of the Western Australian Local Government Association on such things as universal training, the mandating of CEO recruitment standards and gifts. As the minister has previously said, local government reform does not occur without the participation of local government. The previous Liberal-National government learnt this the hard way in its attempt to amalgamate metropolitan local governments. The state has 137 local governments, with more than 1 200 council members and more than 20 000 staff. Lasting reform requires a partnership. It is imprudent to believe that local government reform can occur without the involvement of the sector's peak bodies. The clear message from the community is that it expects the best from local government. The reforms the McGowan government is delivering on reflect community expectations.

With respect to phase 2, the public submission period on a new Local Government Act closed in March 2019. More than 3 100 responses to the review were received. More than 100 workshops and meetings were held across Western Australia to hear the diverse views of the community and those within local government. To prepare a new Local Government Act, the review examined the many inquiries and investigations that had been held in Western Australia and elsewhere and canvassed ideas on the ways to transform local government elections, how local governments raise and spend money, how the community should be engaged, how council meetings are run and how integrity agencies should respond when things go wrong. The review is tackling the very issues and more that the motion before the house now seeks to canvass.

Following consideration of the more than 15 000 pages of ideas about the future of local government that were received, a draft of a new Local Government Act will be published for everyone in the community to again have their say. Each submission is being carefully considered, because residents, council members and those working in local government have taken their time already to express their views. As over 3 000 responses have been received, the minister has provided some examples for me to share with the house, but he wants me to encourage members to read the responses to that consultation, which are available on the department's website. The responses tell a story that people want reform. They are crying out for reform. They are tired of talking about reform. They want the government to get on with the business of delivering reform. There are also those who do not want local government reform; they are happy with the status quo and they wish to stifle the work that is involved in delivering local government reform.

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There are some who may well wish to use the proposed committee to air their specific local grievances and continue some of the unfortunate infighting that we have heard in the media. There was a classic example of that this morning. Local government needs reform and we should all be working together to ensure this is delivered for the people of WA. The McGowan government is getting on with delivering those reforms, which are informed by input from integrity agencies such as the CCC and the Office of the Auditor General, as well as the detailed and varied feedback received during 10 months of engagement conducted to date as part of the Local Government Act review. It is also anticipated that the inquiry into the City of Perth will make recommendations to strengthen local government accountability, transparency and performance. The Western Australian community has been asking the government to get on with local government reform. That is what we have been doing, in a very consultative way.

The government will not support this motion, and instead calls on the chamber to support the reform program being undertaken by the Minister for Local Government.

HON MARTIN ALDRIDGE (Agricultural) [1.39 pm]: I rise to support the motion that has been brought to the house by Hon Simon O'Brien. On behalf of the Nationals WA, I thank him for doing so.

It was interesting to listen to the contribution of the Leader of the House, in which she said that the Legislative Council should get on and support the government's reform agenda. It is a bit hard to get on and support a reform agenda that the Leader of the House has not brought on for debate. The bill was introduced into the Assembly in March. We are now in June. We keep being told how urgent these reforms are for the sector and how important they are for the government, yet here we are, on the second from last day of the sitting prior to the winter recess, and we still have not had one minute of debate time on that legislation in the Legislative Council. I am surprised that the Leader of the House even made those remarks, given her leadership record in this place in pursuing the various reforms that she says are so important.

There are 137 local governments in Western Australia, according to the Department of Local Government, Sport and Cultural Industries' website. I was reflecting with some of my colleagues who sit next to me on how many of us have served on local councils. Compared with political standards in other jurisdictions, we probably do not have a lot of elected members in this chamber who have served in local government. I know Hon Laurie Graham and Hon Alannah MacTiernan have. There could be others, but not to my knowledge. I look forward to their contributions.

Hon Rick Mazza: Also Hon Adele Farina.

Hon MARTIN ALDRIDGE: Hon Adele Farina has just been pointed out to me; I was not aware of that. I look forward particularly to the contributions of Hon Adele Farina and Hon Laurie Graham, because I think they could bring some really interesting context to this debate. I do not have direct experience in local government, whereas members such as Hon Laurie Graham and Hon Adele Farina do. We have heard that the Labor Party is going to oppose this motion; I will be really interested to hear of the experiences of its members and why this motion ought to be opposed, as the Leader of the House has just outlined.

I know that Hon Darren West also has a lot to say on my electorate, the Agricultural Region. I will try not to use all of my 20 minutes, so that he can make a contribution.

The PRESIDENT: Neither should you encourage him, member.

Hon MARTIN ALDRIDGE: About 60 of the 137 local governments are in my electorate, the Agricultural Region, and many of them are the very small local governments that Hon Simon O'Brien mentioned. Local governments are an extraordinary part of my electorate, of my community, and, indeed, of the social fabric of regional Western Australia. Western Australia, and particularly the Agricultural Region, is sparsely populated. As such, local governments in that region have a significant challenge, with small populations and a small rate base but the need to deliver on community expectations.

Local governments in my electorate are often the only government services in town, beyond perhaps a schoolteacher or a police officer, so we rely on them to do a lot of things. Not only "we", as the community, but also "we", as a legislature, rely on local governments to do a lot of things. I think we expect more of regional local governments than perhaps we do of some of their metropolitan counterparts.

I will reflect briefly on the National Party's state constitution, which I do not think I have ever quoted before. One of our objectives, in clause 6.1.2, reads —

the devolution of power, wherever practicable, from the Commonwealth to the State and from the State to Local Government;

It is an interesting objective. Obviously, we have that objective because we think the best decisions are made closest to the people. But when I speak to local governments, I often hear that it is the increasing legislative and regulatory responsibilities that we, as a legislature, are placing on them that is making their job much more difficult, and making it difficult for them to be able to resource and fund the things that we expect of them.

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Increasingly, we see local governments delivering more and more varied services in our community. I pause to question, particularly in the context of this motion before the house, how well we are preparing them to do those things. How well are we compensating them to do those things? I think this well laid out motion before the house will look at those two things in particular. Often, we hear members of Parliament taking sides with constituents on what are considered to be unreasonable rate increases, but how many of us have stopped and reflected on the role that we, as legislators, have played in contributing to those rate increases?

The President tabled the Auditor General's twenty-eighth report today. It is fresh off the printer, and members may not have had the opportunity to consider it. This report has been published since we gave the Auditor General not only financial audit powers—that was something the Leader of the House mentioned—but also performance audit powers. I am not sure whether this is the Auditor General's first performance audit of local government—if it is not the first, it would be one of the first. The report is titled "Local Government Building Approvals". The overview of the report is interesting and reads—

I was pleased to find that the local government entities reviewed in the audit were properly assessing permit applications against requirements in the *Building Act 2011* and issuing most building permits within the legislated timeframes. The audit also identified opportunities for local government entities to strengthen their controls to reduce the risks of inappropriate permit approvals, and improve the transparency of their building control activities.

It was however disappointing to find that local government entities undertake limited monitoring and inspections of building works, and that compliance issues were not always resolved quickly. The *Building Act 2011* provides local government entities with compliance and enforcement powers that can assist with ensuring buildings comply with permits and are safe, but that also act as a significant deterrent to anyone contemplating non-compliance. However, we found these powers were little used.

This is interesting. When I returned to my unit last night, I turned on the news, and there was a story about people having to be evacuated from a building in the Australian Capital Territory, as it had to be propped up. That was a good example of what to try to avoid when building and construction goes wrong. The Auditor General found in her report that local governments are doing a lot of good things. I think this is a good example of some of the things that we are increasingly expecting local governments to do. The safety of buildings in our community is a pretty critical function of that role, but how well prepared are local governments to do that? How are we ensuring that they have the capacity to do that, as the legislature passing on that responsibility?

We are seeing regional local governments being forced into being a provider of last resort. That varies from jurisdiction to jurisdiction; for example, in my electorate, we see local governments involved in aged care, child care, the provision of doctors and dentists, community housing, airports, water and sewerage—things that are not common in a metropolitan context. Interestingly, in Hon Jacqui Boyde's electorate of the Mining and Pastoral Region, one local government is providing cash incentives to nurses to work in a state hospital. There are some extraordinary examples out there of local governments that are shifting beyond the scope of what local government was designed for—in many cases, for good reason—because they are on the ground and dealing with the realities that they face in their communities, and their communities expect a lot of them. It is not uncommon to find local governments in my electorate that spend more on the recruitment and retention of a doctor than they spend on things such as road maintenance or the employment of a CEO or senior staff. These are real challenges faced by regional local governments. I would not think that too many Perth local governments would even contemplate recruiting or retaining a doctor or employing a strategy or allocating a budget to do such a thing.

I think a range of views will be expressed by members in either supporting or opposing this motion. A lot of the correspondence that I have received in the last fortnight has probably been from people, organisations, ratepayers associations and the like who have some type of issue, whether it be a localised, personal issue or an ongoing, systemic issue. Obviously, the Leader of the House contemplated the point that a committee inquiry may well provide an opportunity for those people to express their views. I would think that that is the purpose of a committee inquiry. It would allow people to make submissions, raise concerns and put suggestions or ideas about how local government is serving them and their community.

Without dismissing or commenting on any of those specific cases in the short time that I have, I want to make it clear that this is really about making sure that we have a strong, sustainable local government sector that is fit for purpose and will serve Western Australia and Western Australians well into the future. We talk about a sense of community, and Hon Simon O'Brien talked about putting people ahead of lines on a map. The comments of the Leader of the House about forced boundary reform were interesting. If I am not mistaken, the Labor Party supported the City of Perth Bill, which forced boundary change. The Leader of the House, Hon Darren West and others who were here during that time should consider how they voted on that matter. A sense of community is really important. It is really strong, and more so regionally. Often local government is the hub of that sense of community. I have 60 local governments in my electorate and they come in all shapes, forms, sizes and styles, so

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I cannot comment on each one of them. But, generally speaking, local governments are important hubs of our community, along with places like our community resource centres.

I think that over the 12 months of this inquiry, the committee will look at and examine a lot of these issues in greater detail. It is a good time to do so, particularly as this government has embarked on a local government reform agenda. Hopefully, at some stage today or tomorrow, we will commence debate on the Local Government Legislation Amendment Bill 2019 that is before the house. The history of that bill is quite interesting, but I will not comment any further on that. I am sure that we will have an opportunity to talk about that bill when it is brought on for consideration by the Leader of the House.

The National Party will support this motion. Certainly, if it is the will of the house that the motion succeeds and if it is the will of the house to determine the membership of the committee, I would express an interest in serving as a member of this committee, as I am sure will other members of the house. I hope that we can work in a bipartisan fashion, noting that, as the Leader of the House has said, the Labor government does not support the motion and nor is it seeking to amend it to see it come to a positive conclusion today.

I will finish where I started. The best way in which some of these debates can be advanced is by people expressing their view from their history, their experiences, their skills and the things that they bring to the Legislative Council chamber. Only a few members of this chamber have been directly involved in local government, and I look forward to them expressing their view on local government, the things that it does well and the things that it does not do well, and the reasons that an inquiry like this would benefit not only the Legislative Council, but also all Western Australians. Having said that, I support the motion and I look forward to their contributions.

HON ROBIN CHAPPLE (Mining and Pastoral) [1.54 pm]: The Greens will support the motion. I wish to make a few basic comments. Two members of the Greens have been on local government, so we come with some knowledge of that area. Many years ago, I served on what was the Country Shire Councils Association and the Western Australian Municipal Association, which was the predecessor to the Western Australian Local Government Association.

It is very interesting to note the proposed Select Committee into Local Government's term of reference to note whether the Local Government Act 1995 and related legislation is generally suitable in scope, construction and application. Having gone through the 1995 amendments as a councillor, I know that the Port Hedland council was the first council to have a local government manager, which it was given by special dispensation by Ian Taylor, the then local government minister. I am not sure that, as a result of the amendments in 1995, the role of local government managers is in the best interests of the community or, indeed, in the best interests of democracy. Over time, the democratic position of elected members has been made subservient to a large degree to the role of local government managers, and I think there is a fundamental problem with that. We have certainly always supported the democratic position of local government, whether it be by the election process or in the way it operates. As most members would know, we believe that local government should be enshrined in the Constitution as a legitimate third tier of government and not be subservient to state governments. I am hopeful that some of those positions will be put forward to the committee. As the Greens member who has carriage of local government matters, I know that we will make some submissions on this.

The other problem for the committee, if we are going to have one, is that over the last few weeks or months, we have had a plethora of communication via email from a range of disparate people. Some of them are sensible arguments and some of them are wildly fanciful. I am sure that the committee will be exposed to the many views of groups such as reform local government and Western Australians against corruption in local government. Many of the councillors and mayors have written to me. I am sure that former member of the Legislative Assembly Larry Graham will be making a journey to the committee's doors.

I think the poor committee will have to deal with a raft of issues in a very broad context. Having said that, I think it is a very valuable time to do this. I take on board that the government is currently moving through phase 2 of its proposed amendments for the local government sector, which we support. We have made submissions to that process. I hope that this committee can work as an adjunct to that process on some of the issues that will not be canvassed in the second phase of the government's amendments. I would certainly like to appear before the committee at some stage and give my deep and, hopefully, valued contribution about some of the systemic problems that I see with local government. I make it very clear that some of the issues that I hold very dear are the democratic process of local government, absentee voters and the inappropriate controls exerted by local government managers over their councillors. The issue of whether we should have directly elected or community-elected mayors is also a substantial issue. We will support the motion, but I advise the committee that it has not heard the last from me.

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HON RICK MAZZA (Agricultural) [1.59 pm]: I would like to thank Hon Simon O'Brien for bringing this very important motion to the house. I indicate from the outset that I will be supporting this motion to establish a select committee to look into the local government system.

I will not go back to ancient Athens in reference to local government, but it was interesting to note the Western Australian Local Government Association's submission to the Productivity Commission's research into assessing local government revenue-raising capacity. It provided a brief historical background, which states —

The establishment of Local Government in WA dates back to 1838 —

That is obviously less than a decade after the foundation of the Swan River Colony —

with the enactment of the *Towns Improvement Act* that authorised the establishment of Town and Country Trusts for the purpose of building roads.

In 1871, when the population had just reached 25,000, the *Municipalities Act* and the *Road Districts Act* were passed to lay the foundations of our current Local Government structure. The *Municipalities Act 1871* transformed the Town and Country Trusts into authorities responsible for services touching the daily lives of people in country towns. Added powers that were conferred on these new municipalities included the licensing and regulation of slaughter-houses, markets, carts and carriages, straying and grazing of livestock in towns, and dogs. Councils could also draft by-laws to carry out these functions; they could condemn food considered unfit for human consumption, plant and preserve trees and shrubs and regulate weights and measures. Councils were also given the power to establish and maintain public libraries, museums, botanical gardens and places of public recreation ...

The more things change, the more they stay the same. Unfortunately, some councils began to move outside the scope of the basics of servicing the community for what people need in their towns—things like changing the date of Australia Day or reaching into people's backyards to decide whether or not they can prune a shrub. It would be good for councils to get back to their core business.

As was stated earlier, there are 137 local governments and two Indian Ocean territories—those being the Cocos (Keeling) Islands and Christmas Island. According to the Department of Local Government, Sport and Cultural Industries' website, local government employs around 15 000 people, spends more than \$4 billion on service delivery and infrastructure and manages more than \$40 billion worth of assets. That is a fairly big part of the community in respect of service delivery to the communities concerned.

I know that Hon Simon O'Brien touched on this and it is something that has been floated around—it is something that I have a real problem with—and that is the establishment of corporate entities by local councils to set up businesses for the provision of services to their local communities or to any commercial enterprise that wants to use them. I have a few problems with that. The first one is that they would compete with businesses within the community for the same sort of service provision. Secondly, using ratepayers' funds for a commercial enterprise is a recipe for disaster. I would like to ensure that local governments do not set up commercial enterprises. They have enough on their hands without having to go down that path, and, of course, they should be supporting local businesses.

In saying that, the local governments I have visited in my region are generally very passionate about their communities. They are there to do the right thing and they often look for guidance on how things are going within the communities they serve. I went to a WALGA zone meeting at Williams last year, at which it was going over the amending legislation that provided for the Auditor General to audit local governments, the effect it would have, and what some of the councillors and CEOs had found. WALGA was actually quite positive about it. It identified a lot of inefficiencies within its councils and was moving to cover them off. I think that first amending legislation that came through this chamber has had some quite positive effects.

But we cannot ignore, particularly in the Agricultural Region, the fact that we have local councils that are, for whatever reason, failing. One such case was reported yesterday in Perenjori, where five councillors had resigned. Obviously, there are some great problems within that council, and we have seen others implode. It is very important that we look into this matter through a select committee to find ways to cover off some of those things.

The second local government amending legislation made provision to be able to surgically suspend or remove a problematic councillor rather than dismiss an entire council. I think that also was a very positive step forward, and credit where credit is due. The government in this term has covered off on a couple of areas that have been of concern. We are able to now suspend a troublesome individual or individuals from a council until a certain process has been undertaken for those matters to be resolved. That amending legislation was a good piece of legislation. We are now looking at a third piece of amending legislation, which we are yet to start debating; it mainly relates to minimum standards and education. However, these are a patchwork quilt of amendments and band-aids, and not a full review of the Local Government Act, which is what we really need to embark on. I know other jurisdictions

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have carried out full reviews of their local government acts, and maybe the select committee could look at some of those jurisdictions to see what they have done to modernise their legislation. There is no doubt that we need a full review and I think this select committee could go some of the way towards shaping how the act can be reviewed.

There is also the issue of the natural tension, if you like, between ratepayers and councils. We are always going to have that. I must say that after decades in this place, Hon Simon O'Brien must have some friends at *The West Australian*, because I saw that its editor reported today on the prospective setting up of this committee. There was also some coverage relating to the very large increase in rates in some local governments. I think the City of Rockingham might have been one that had quite high rates. In some cases, they are 277 per cent above the rate of inflation. There is always that natural tension. Ratepayers want good value for money, they want the basics done, and they want smooth running of their community without excessive rate hikes.

With that, I will be supporting the motion before the house, and I look forward to its report in 12 months' time.

HON CHARLES SMITH (East Metropolitan) [2.07 pm]: I rise to support this motion to set up a select committee. As I conclude my remarks, I will be moving to amend the motion.

I am quite surprised that no-one has yet got down to the nitty-gritty of what is going on in local government; no-one is talking about what is happening at the coalface, inside town halls, at the grassroots level. Perhaps I can shed a little light on that, and shine some light on the Western Australian Local Government Association. I agree that there are some outspoken members in the community—some of them are here today in the gallery—who say that many local government councils are broken and dysfunctional. They are not particularly democratic, with freedom of speech being stifled through disciplinary measures and so on. The state monopoly that is the Western Australian Local Government Association has drawn the ire of many people, including local government councillors and ratepayers alike.

I recently had a meeting in my office with representatives from WALGA, who concluded the meeting with words to the effect that "local government is WALGA; WALGA is local government." That did not really sit right with me, and I hope that does not sit right with members of this house. Some councillors have approached me, echoing the following sentiment. If the state government, via WALGA, controls local government and all that councillors do is act as box-tickers for CEOs, why do we continue with this sham of local government? Local government democracy exists for the people.

The confidence in local government is wearing very thin indeed amongst many ratepayers. It is seen somewhat as a boys' club with unhealthy relationships with property developers, for example; that is the widely held belief in the community. WALGA appears to be mistrusted by a significant number of councillors and ratepayers. Does the state want to improve confidence in this monopoly? It appears to be somewhat of a parasite clipping the ticket on ratepayers funding local government. The local government insurance scheme is a particular example of this rent-seeking behaviour, encouraging members to broker their insurance well above market rates and taking a significant commission that is bordering on serious unethical conduct.

I also note that WALGA has completed a spectacular backflip. I refer to the compulsory training for candidates and elected councillors as referred to in the bill. Back in 2016, WALGA held the following view —

"We stopped short of endorsing compulsory training in the belief that it was undemocratic to place educational prerequisites on a person's right to represent their community unless that was to be the standard for all spheres of government.

I agree with that. It continues —

Furthermore, there is the risk you could discourage individuals from standing for election at a time when we're trying to increase diversity on Councils.

The truth is that although we can mandate training, we cannot mandate learning. Simplistic tactics such as mandating processes do not address underlying issues that can ultimately cause more problems than they solve. I agree with what WALGA said back in 2016, but now it is taking the opposite view. Why? I believe that democracy and freedom of speech is under threat in local government with dissenting voices often stifled through local government standards panels. The new education modules coming through, outlining how we should behave and what we should say in local government, are a great worry to me and others. Under a Liberal government, this idea was rejected, but now amazingly under a Labor government it is okay.

The political impartiality of WALGA is also a concern and deserves to be investigated. I have noticed in the past WALGA's position in politics, such as opposing Australia Day celebrations. That does not sit right with me. The Western Australian Local Government Association should not have any political opinion, but it obviously does and that needs to stop. It is important to note that WALGA is not local government. It has no regulatory powers

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and no legislative authority over councils. Since its inception, it has manoeuvred itself into the mainstream of local government decision-making in a way that no other lobby group has done. It is as though while we were not looking, WALGA has suddenly taken control of local government. This house needs to get to the bottom of why a legislated monopoly should be made in the act and we should investigate WALGA's activities and its future role in local government. I believe in direct democracy; that is government by the people for the people, not some unelected technocrats without the accountability to ratepayers. Therefore, I will move to amend this motion as follows.

Amendment to Motion

Hon CHARLES SMITH: I move —

To insert after paragraph (2)(e) —

- (f) the scope, activities and future role of the Western Australian Local Government Association (WALGA); and

HON SIMON O'BRIEN (South Metropolitan) [2.15 pm]: I am not closing the debate. I will address this question very briefly. It might have been perhaps a little better if I had had some notice of this proposed amendment to give my colleagues and me an opportunity to contemplate it. I listened with great interest to Hon Charles Smith making his argument. I think it is fair to say that I raised the issue of insurance premiums. I have certainly raised and argued for the contemplation of the respective roles of elected members, chief executive officers and employees and what is involved there. I think there is some scope there for many of the things that he has mentioned—codes of conduct, for example. The mandated training is contemplated by a bill that is yet to be debated by this house, but I also have a strong antipathy to mandating training. Be that as it may, the terms of reference are sufficiently strong and wide in their scope to contemplate all the issues that he has raised, whether it is through terms of reference (a), (c), (d) or, for that matter, (e), or indeed the currently proposed (f).

The way that a parliamentary inquiry evolves in such a broad area of activity would generally be, in the first instance, to call for submissions to identify issues that it needs to examine. Again, that gives another avenue to the concerns that the member has just articulated and many more that I am aware of to be canvassed. Conversely, without having had the time to think about it particularly, I think a select committee inquiry should be an open-minded one and I do not want to see, in the way that the amendment has been moved, a deliberate hostility being exhibited towards anybody or any party that might be able to assist the select committee in its role. It would be easy for me to just say, "Oh, yeah, that sounds great", because, as I have said, I think we can and will look at all these issues that have just been raised, and more, anyway. However, we have a coming together of parties in this place.

I am well aware of many discussions that have been had behind the Chair and a broad agreement has been reached across all parties, with one exception, that they would agree to this amendment. I am not inclined to now move the goalposts, not in a material sense, but in the sense of the suggestions that it sends to the local government sector. I am not inclined to support the amendment, but if the house collectively is, I do not have a drama with that either.

HON SUE ELLERY (South Metropolitan — Leader of the House) [2.19 pm]: I rise to indicate that the government also will not be supporting this amendment. A couple of things need to be taken into account. First, the scope of the terms of reference before the house is already very wide. Second, the committee will be calling for submissions and will be calling witnesses. I would be enormously surprised if the Western Australian Local Government Association did not provide a submission and, indeed, seek to appear before the committee to express its view on the limitations, or otherwise, of the Local Government Act, and on the other terms of reference. Therefore, to call an organisation as a witness to assist the committee, at the same time as we are effectively inquiring into that organisation, I think sets up a structural inconsistency in the inquiry that the house is seeking to establish.

An argument may well be put at some time that the house ought to do this kind of examination. However, certainly from the government's point of view, I would not take a position on that until we have had a discussion with WALGA. WALGA is not an organisation that is part of government. It is not subject to our rules and statutory regimes. It is a separate organisation. Therefore, the house should tread lightly before seeking to investigate an organisation that is not part of government.

For those reasons, the government will not be supporting this amendment.

HON RICK MAZZA (Agricultural) [2.20 pm]: I rise to say that although I empathise with Hon Charles Smith in trying to highlight the issues that he has articulated, there is no doubt that the current paragraph (f) in the motion is very wide and broad when it comes to capturing some of the issues that have been raised. I will not be supporting the amendment. I think that the motion as it is currently drafted is able to capture the issues that have been raised by Hon Charles Smith. Therefore, I do not see the amendment as being necessary.

Extract from Hansard

[COUNCIL — Wednesday, 26 June 2019]

p4616e-4629a

Hon Simon O'Brien; Hon Sue Ellery; Hon Martin Aldridge; Hon Robin Chapple; Hon Rick Mazza; Hon Charles Smith; Hon Peter Collier; Hon Robin Scott

HON ROBIN CHAPPLE (Mining and Pastoral) [2.21 pm]: The Greens will not be supporting the amendment. I am sympathetic towards the position that has been put by Hon Charles Smith. However, as Hon Simon O'Brien has pointed out, the terms of reference for the select committee, which we are supporting, are already broad enough. That is particularly the case with paragraph (d), which states —

the role of elected members and chief executive officers/employees and whether these are clearly defined, delineated, understood and accepted;

One would assume that the appointment of those people would be done through predetermined methods; therefore, we can touch on that issue through paragraph (d) of the terms of reference. This matter could also be considered under the current paragraph (f), which states —

any other related matters the select committee identifies as worthy of examination and report.

Therefore, although many people in the chamber and in the gallery might have concerns about the functions of the Western Australian Local Government Association, those concerns can be effectively dealt with by the committee's terms of reference as they stand.

HON PETER COLLIER (North Metropolitan — Leader of the Opposition) [2.22 pm]: I would like to formalise the comments of the mover of the motion, Hon Simon O'Brien. I also say "ditto" to the comments of Hon Robin Chapple and Hon Rick Mazza. I do not in any way, shape or form doubt the sincerity of Hon Charles Smith and what he is trying to achieve by his amendment. However, I think that can be captured through the current paragraph (f) of the motion. I did not intend to comment on the motion, but I have been promoted to make a few comments when we get to the formal debate. I believe that any issues with regard to the Western Australian Local Government Association can be determined through paragraph (f) of the motion. Therefore, the opposition will not be supporting the amendment.

Amendment put and negatived.

Motion Resumed

HON ROBIN SCOTT (Mining and Pastoral) [2.24 pm]: I rise on behalf of Pauline Hanson's One Nation. We are very happy to support the motion moved by Hon Simon O'Brien.

HON PETER COLLIER (North Metropolitan — Leader of the Opposition) [2.24 pm]: I barely had time to reply to my text! Well done! I love those speeches.

As I have said, I had no intention of making a contribution today, but I was prompted by comments from the Leader of the House. I would first like to thank Hon Simon O'Brien for bringing this matter to the chamber. This is the sort of issue that we need to deal with in this place. We much better reflect the community than the mob in the other place—we really do. This place is a broad cross-section of Western Australians. We have representation across the state. These are the sorts of motions we need to deal with.

There are some evident issues in our community with regard to local government. One does not need to have a PhD to work that out. We can take piecemeal approaches to local government, either our mob or the mob opposite, and try to resolve the issues. However, quite frankly, that is like putting a bandaid on a broken arm. We can amend one part of the Local Government Act, and the other mob will amend another part of the act. However, we fundamentally need an oversight or assessment of the issues that exist. The best way to do that is through an upper house committee. I challenge every member in this chamber to find any committee of this chamber over the last decade that did not provide a valuable resource for the area it investigated. Therefore, I do not know how the government could look at an area that evidently needs greater direction and say, "We will not support it. We have got it right. These amendments to the act will resolve it."

I want to remind members of the history of local government. Back in 1901, the founding fathers, in their wisdom, decided that local government did not need recognition in our Constitution. That is the merit that they gave local government. They gave the federal government powers and they gave the state government powers, and they ignored local government. They ignored the government that is the most attuned to the local level. That is what they did in their wisdom. That created a problem for our Constitution. As we all know, I would hope, our Constitution provides the exclusive powers of the federal government and the exclusive powers of the state government, and concurrent powers that are shared by the federal government and state governments. That has worked well, has it not? Has anyone looked at our federal structure lately and at what happens with education and health? The two levels of government argue against each other all the time. It is an almighty mess. Until we have some structure in our Constitution to give our levels of government formal recognition and formal powers, we will continue to have problems with each level of government. Compare our state's Constitution with the Australian Constitution. The Australian Constitution is about 10 times as big, and it says half as much. Frankly, we only need to look at the concurrent powers of the two levels of government. The Constitution states that the two levels of

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government have shared responsibilities. However, if there is conflict, who takes precedence? The federal government. As a former minister, I can tell members that it is not a nice position to be negotiating with the federal government on a certain issue and it dangles a little thing called finance and says, "Okay, you can have that money, so long as you do this, that or the other thing." That is no way to run a Federation.

It is the same with local government. The problem with local government is that because it does not have formal recognition in the Constitution, it has suffered for over a century in revenue-raising capacity across the board, in capacity sharing, and with ambiguity with regard to its role. Of course, local government will get smashed when it raises rates, and it will get smashed when it has planning issues and the like, and people will say local government is terrible. I can tell members that as a state government, we got smashed for planning decisions. We got smashed for finance. The federal government is exactly the same. We have a system of government that, as a beast in itself, is not directly responsible for its problems. We as a community are responsible for its problems. For decades upon decades, we have ignored and criticised local government and all it stands for, while at the same time we have not given it a formal structure.

Hon Simon O'Brien, to his credit, is providing this chamber with a unique opportunity to do something that no other government has done. We are saying that everyone should have a look at the system of local government. We are not saying it is the gospel according to the Liberals. We are not saying it is the gospel according to the Labor Party. We are saying let us have a collective, bipartisan approach to it to form a rich tapestry of all of us working together. Why on earth the government is opposed to this is beyond me. What possible disadvantage could occur as a result of the select committee? Nothing! The government should not be afraid of anything. It has its majority down there; it will get through what it wants. But up here, we reflect on things much more forensically for the Western Australia community. If members ask people what they think of local government, they will be a bit ambivalent. Unlike the state and federal governments that have compulsory voting, local government has voluntary voting; therefore, not that many members of the community actually vote for local government. That is irrelevant. That is the system of government. It is the same as in the United States—people carry on that Mr Trump did not get a majority of the votes because there is voluntary voting. So what? Those people who did not vote are more the suckers. They cannot go out and criticise the system.

This is what we have here with our system of local government—the people who engender interest in their local community are the ones who will go and vote for local government. If there is a way to improve that, we can do that through this select committee. This is what we can do. The people at the local level, who are most affected, will be empowered. At the national and state level, people feel disempowered. We have seen massive swings in the voting patterns over the last 15 years, because people have felt disempowered. Who would have thought that Kevin Rudd would not be Prime Minister three years after he was swept to power in 2007? Who would have thought that Tony Abbott would not be Prime Minister in 2016, having been swept to power in 2013? Who would have thought that Campbell Newman would not be Premier of Queensland in 2015 after he was swept to power with 80 out of 89 seats in 2012? That is why I say to members opposite that they can get all cocky, but the political fortunes of parties nowadays swing massively.

At the local government level, we are empowering the people. That is vital. Rather than throwing the baby out with the bathwater and having reviews and making changes to this act and that act, we should do what Hon Simon O'Brien is suggesting, which is eminently sensible, and have a look at the whole structure. We will include the Western Australian Local Government Association and look at whether changes or improvements need to be made. I think there needs to be some changes and improvements there. The committee could look at the basic structure of local government. We could do something for the nation that no-one else has been brave enough to do. Everyone can moan and groan about local government, but when it comes down to it, has anyone done anything other than make these cosmetic changes? It is just like putting a bandaid on a broken arm; it can be put there for cosmetic value, but it really does not do anything.

From my perspective, and as Leader of the Opposition, of course we are going to support the motion; it is one of our own. I applaud Hon Simon O'Brien. It is something he has been passionate about for so long. Going around this chamber, it is evident that every party in the chamber other than the government agrees with him. I am so disappointed that the government could not come on board with this. We could have sent a very real, transparent, unambiguous message to the people of Western Australia that we want to do something meaningful to improve the processes of local government, so that the government at the most local level, which empowers people better than any other level of government, will be improved. For those reasons, the opposition emphatically and enthusiastically supports the motion.

HON SIMON O'BRIEN (South Metropolitan) [2.33 pm] — in reply: If no other member wishes to record their impressions at this time, I would be delighted to reply. I would like to thank members across a broad range of party backgrounds for their support for this proposal. First, the government response is disappointing. I think that the

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notes that were provided to the Leader of the House were drafted in the same overly bureaucratic fashion as the act and sundry other departmental publications, diluted perhaps and flavoured a little by some input from that bloke who provides the non-answers to questions raised by members—that is, they address anything but the issue at hand. This betrays a fundamental lack of empathy for the sector. Similarly, the disinterest from the government benches to do anything other than what the leader says, which is to oppose the motion, is also a trifle disappointing. Be that as it may, I appreciate the gestures and indications of support from members in all other parts of the chamber.

I will address a few items that were raised. I think it was Hon Rick Mazza who referred to the fruits of the current Local Government Act review manifesting into a green bill in due course. It strikes me that this committee might well be a good vehicle to review a green bill before it comes to the Parliament for endorsement, so there is another benefit. There is nothing in the terms of reference that relates to that, but it can certainly be easily done by a simple direction of the house at the time to refer a green bill or, indeed, a regular bill to this committee in due course. The select committee would be in a good position to evaluate the contents of any such bill.

I think it was also Hon Rick Mazza who referred to criticism about rate rises and whether they related to inflation. A story in the paper today highlighted that the City of Rockingham had raised its rates by 2.75 per cent—higher than anyone else—when the consumer price index is about 1.1 per cent. Whether the two are related, I offer no direct view. Whether the story is right or wrong, I offer no direct view—I do not want to pick a fight with anyone whom I do not need to pick a fight with. But I will tell members this: I have known Mayor Barry Sammels for well over 20 years and members would battle to find a better advertisement of a civic leader in the twenty-first century in this town. He is a very fine mayor and leader of his council. I think he is currently the longest serving mayor, at a time when, as the Leader of the Opposition has told us, loyalties tend to shift, particularly in the dynamic area of local government.

Regarding the proposal for an amendment, which the house has dealt with, I do not know whether anyone wants to criticise in due course the way we dealt with that. Let me tell members this: there is no question that the proposal that I put forward is designed to deliver a robust inquiry into the subject matter—no ifs, no buts. Please do not anybody pretend that it is in some way watered down—it is as broad and as powerful as we can make it. That is fitting, and will reward those who are already delivering positively to the local government role in our community. That is what they deserve and is just another reason this motion deserves the support of this house. A lot of people have contributed very solidly to local government over very many years. Indeed, even reaching into this house, the ongoing legacy of the former secretary of the Yalgoo Road Board in the early 1950s is never underestimated and I am sure is appreciated by members on both sides of the house.

Division

Question put and a division taken, the Acting President (Hon Adele Farina) casting her vote with the noes, with the following result —

Ayes (20)

Hon Martin Aldridge	Hon Colin de Grussa	Hon Rick Mazza	Hon Aaron Stonehouse
Hon Jacqui Boydell	Hon Diane Evers	Hon Simon O'Brien	Hon Dr Steve Thomas
Hon Robin Chapple	Hon Donna Faragher	Hon Robin Scott	Hon Colin Tincknell
Hon Tim Clifford	Hon Nick Goiran	Hon Tjorn Sibma	Hon Alison Xamon
Hon Peter Collier	Hon Colin Holt	Hon Charles Smith	Hon Ken Baston (<i>Teller</i>)

Noes (11)

Hon Alanna Clohesy	Hon Adele Farina	Hon Kyle McGinn	Hon Darren West
Hon Stephen Dawson	Hon Laurie Graham	Hon Samantha Rowe	Hon Pierre Yang (<i>Teller</i>)
Hon Sue Ellery	Hon Alannah MacTiernan	Hon Matthew Swinbourn	

Pairs

Hon Jim Chown	Hon Dr Sally Talbot
Hon Michael Mischin	Hon Martin Pritchard

Question thus passed.

Appointment of Members — Motion

On motion without notice by **Hon Simon O'Brien**, resolved —

- (1) That the following members be appointed to the Select Committee into Local Government: Hon Simon O'Brien; Hon Diane Evers; Hon Charles Smith; Hon Martin Aldridge; and Hon Laurie Graham.

Extract from *Hansard*

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Hon Simon O'Brien; Hon Sue Ellery; Hon Martin Aldridge; Hon Robin Chapple; Hon Rick Mazza; Hon Charles Smith; Hon Peter Collier; Hon Robin Scott

- (2) That the Chair is to be Hon Simon O'Brien.
- (3) That the Deputy Chair is to be Hon Laurie Graham.



**Interim
Submission
Select Committee into
Local Government**

August 2019



About WALGA

The WA Local Government Association (WALGA) is working for Local Government in Western Australia. As the peak industry body, WALGA advocates on behalf of 138 Western Australian Local Governments. As the united voice of Local Government in Western Australia, WALGA is an independent, membership-based organization representing and supporting the work and interests of Local Governments in Western Australia. WALGA provides an essential voice for 1,222 Elected Members, approximately 22,000 Local Government employees (16,500 Full Time Equivalent's) as well as over 2.5 million constituents of Local Governments in Western Australia.

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DRAFT

Executive Summary

Local Government in Western Australia:

- Plays a key role in Australia's Federation;
- Provides democratic representation and democratic expression for its communities;
- Delivers a range of complex and evolving services;
- Is place-based, and plans for the future of place;
- Advocates on behalf of its communities;
- Is a steward for significant publicly owned built assets;
- Is accountable to the community through the ballot box and a range of other mechanisms; and,
- Consists of many committed people –Elected Members and staff – passionate about making the community a better place to live, work and recreate.

The *Local Government Act 1995* is generally appropriate as it is based on the principle of 'general competence': Local Governments are enabled by the Act to exercise their democratic mandate to do what's required for their community.

The Local Government sector supports the Review of the *Local Government Act 1995* to modernise the legislative framework and has endorsed a number of policy positions regarding the Act and regulations.

Place-based, and with a direct connection to communities all across Western Australia, the services that Local Governments deliver have evolved from services to property to incorporate a range of services to people and communities. This evolution of services, which is in line with international trends, is in response to the needs and demands of the community and the withdrawal of services by other spheres of government. Local Government is responsible for maintaining a vast road network on behalf of the people of Western Australia, as well as significant public assets. These assets must be managed and maintained for the present day as well as for future citizens.

While the Department of Local Government, Sport and Cultural Industries consists of committed and diligent officers, it is the Local Government sector's view that the Department, due to resourcing pressures, does not meet the Local Government sector's expectations for timely advice, robust capacity building, or early interventions to prevent governance or relationship breakdowns.

The role of a Local Government Elected Member is challenging, and perhaps not broadly understood. Elected Members, as community leaders, are expected to represent their local community and make decisions at Council and Committee Meetings. Elected Members are ultimately responsible for overseeing a complex business that provides a broad range of functions, manages significant public assets, and employs many staff, all in a political and publicly accountable environment. The expectation that Elected Members may be able to



individually 'get things done' does not mesh with the reality that Elected Members are only able to exercise authority as one member of a decision making body at formal meetings.

Chief Executive Officers of Local Governments also occupy a challenging role, with responsibility for managing the Local Government's physical, financial and human resources, often with significant financial and capacity constraints.

Local Government's workforce, consisting of committed and dedicated officers in a diverse range of occupations, make a significant contribution to the communities in which they work, particularly in non-metropolitan Western Australia.

Rates, which represent Local Governments' principal method of funding their diverse range of service activities, are an efficient taxation mechanism. There are too many rating exemptions, causing significant revenue leakage, which shifts the burden of funding Local Governments' services and functions onto fewer ratepayers.

Similarly, there are too many restrictions on Local Government's ability to set fees and charges appropriate to the service being provided. Many fees and charges are specified in legislation, often below the level of cost recovery, which effectively forces ratepayers to subsidise the activity for which the fee is levied.

Grant transfer payments have eroded over time, adding to the pressure on Local Government to do more with less. The Local Government sector supports the campaign at the national level for grants from the Commonwealth Government to the Local Government sector to return to one percent of Commonwealth taxation revenue.

The Local Government sector supports the State Local Government Partnership Agreement and the opportunities for the Local Government sector and the State Government to work together to achieve mutually beneficial strategic outcomes.

WALGA would like to thank the Committee for considering this submission, and emphasise that this Inquiry presents a tremendous opportunity to highlight the countless examples of dedicated Elected Members and staff going above and beyond to achieve excellent results for their communities.

Introduction

Local Governments play a key role in the Australian Federation. Local Governments in Western Australia provide democratic representation and a range of services to their respective communities which span the length and breadth of the state.

Local Governments, in one form or another, have existed in Western Australia since the arrival of settlers from Britain in the nineteenth century. The first piece of legislation to weave the fabric of today's Local Government sector was the *Towns Improvement Act of 1838*.¹ Today, Local Government is constituted and primarily regulated by the *Local Government Act 1995* but there are many other legislative instruments which impact the way Local Governments operate in their diverse array of activities.

Local Governments are a key democratic institution in Western Australia's local communities. Councils have well-established relationships with the communities they serve and represent, local businesses and organisations as well as other spheres of government.²

Services provided by the 139 Local Governments in Western Australia include the traditional roads and waste collection but also now extend to recreation, medical services and other human services.³ Often, Local Governments taking on new or expanded roles in service delivery or advocacy is as a result of gaps left by other spheres of Government reducing their service delivery, or due to community pressure for Local Governments to step into a particular space.

All Local Governments throughout Western Australia continually strive to provide the highest quality services within the constraints of Local Government revenue streams, Australia's vertical fiscal imbalance and ongoing cost-shifting from other spheres of Government, all of which are well documented by the 2003 Hawker Report⁴ and many reports on Local Government finances before and since.⁵

Local Government in Western Australia, with a presence in every community in the state represents a significant component of the State's economy. Local Government is the steward of public assets of \$48 billion, including responsibility for more than 88 percent of the public road network, employs a workforce of 22,000 people (16,500 FTEs) and spends \$4.1 billion per year.⁶

¹ WALGA (2011)

² Aulich *et al* (2011) Volume 2 p13

³ PricewaterhouseCoopers (2006)

⁴ House of Representatives Standing Committee on Economics, Finance and Public Administration, (2003)

⁵ See also PricewaterhouseCoopers (2006) and Aulich *et al* (2011) Volume 1

⁶ WALGA (2019a)



Trust in Government

The 2019 Edelman Trust Barometer, the pre-eminent study of peoples' trust in institutions around the world found, that:

- Trust in Government remains low in Australia with people generally 'distrusting' of Government, and,
- Only a minority in western democracies believe "the system is working for me".⁷,

This lack of trust in democracy and in institutions has a real impact. A lack of trust in the system leads to increased fear and increased fear erodes trust and negatively affects our collective wellbeing.

This places Local Government in a very important position and creates significant opportunities for Local Government as a legitimate and connected sphere of Government.

As trust in Government and institutions declines to an all-time low, there is a small slice of good news for Local Government. The 2014 Griffith University Constitutional Values Survey found that, of our three spheres of Government, Local Government is the most trusted.⁸

Specifically, in Western Australia, while 69.8 percent of respondents trust Local Government to do a good job in carrying out its responsibilities, 63.2 percent of respondents trust the State to do a good job and only 56.9 percent trust the Federal Government to do a good job with its responsibilities.

Not only does the community trust Local Government to do a good job, 75 percent of people believe that Local Government is best placed to make decisions about the local area.⁹

With global uncertainty, and the erosion of trust in government, many people are looking for community, connection and stability. The challenge being embraced by Local Governments across Western Australia is to enable and facilitate this community connection.

This Select Committee presents a tremendous opportunity to further build trust in Local Government as a legitimate and democratically mandated sphere of government. This can be achieved by highlighting the achievements of Local Government.

It would be a real shame, and an opportunity lost, if this Parliamentary Inquiry is hijacked by those with an axe to grind using the committee process to air their often unfounded or unsubstantiated grievances. Instead, this Inquiry has a tremendous opportunity to highlight the achievements of Local Government in building cohesive and resilient communities.

⁷ Edelman (2019)

⁸ Griffith University (2014)

⁹ Ryan, R. et al (2015)

To that end, WALGA would like to pay tribute to Western Australia's 1,222 Elected Members who have been willing to step up and take a leadership role in their communities, often in a challenging political role in the public realm. Unfortunately, Local Government has recently attracted uninformed criticism from a small number of noisy individuals who seem to have an axe to grind.

WALGA would like to remind the Committee that it's not the critics, comfortable in their cheap seats behind anonymous social media pages who matter, it's the men and women who put themselves forward to take a leadership position in their community.

As Theodore Roosevelt famously said:

"It is not the critic who counts; not the man who points out how the strong man stumbles, or where the doer of deeds could have done them better. The credit belongs to the man who is actually in the arena, whose face is marred by dust and sweat and blood; who strives valiantly... who at the best knows in the end the triumph of high achievement, and who at the worst, if he fails, at least fails while daring greatly."¹⁰

That's not to assert that the Local Government sector in Western Australia is perfect; of course there is room for improvement and Local Governments welcome opportunities to improve their efficiency, effectiveness and their engagement with their communities.

Local Government has embraced a range of recent initiatives to improve their efficiency, effectiveness and engagement with their communities. For instance, the Integrated Planning and Reporting Framework was introduced into Western Australia at the behest of the Local Government sector who saw the opportunity for a more integrated and strategic approach to community, financial and business planning.

Performance audits, undertaken by the Auditor General, have also been welcomed by the Local Government sector. Performance audit participants have welcomed the opportunity to have their systems and processes critically examined by an external agency, and the learnings from the performance audits have been widely shared across the sector.

The increasing prevalence of deliberative democracy techniques, such as participatory budgeting, further demonstrates the desire and willingness of Local Governments to meaningfully engage with their communities.

¹⁰ Brown (2019)



It is WALGA's and the Local Government sector's expectation that the Committee will take the time to consider the full range of positive examples of Local Governments continual drive to deliver services efficiently, be an effective steward of community infrastructure, and engage meaningfully with citizens as a key component of Western Australia's vibrant democracy.

Local Government Collaboration

Local Governments, while democratically representing their communities, strive to deliver services effectively and efficiently. One way Local Governments aim to improve their service provision is by collaborating with other Local Governments in partnerships, as members of Regional Local Governments, or as members of voluntary collaborative groups.

Collaboration in Local Government has a number of drivers. A key driver for Local Governments to work together to achieve community outcomes is to strive for better, more strategic, and regionally appropriate outcomes. When Local Governments collaborate to, for example, develop aged housing facilities, or promote regional tourism, they are collaborating because together they can drive better outcomes than they could as one Local Government undertaking a task more suited to a regional scale.

Local Government collaboration is also driven by necessity. In many cases, Local Governments collaborate because the service is more efficiently provided at a regional level. For example, in metropolitan Perth, Local Governments are members of Regional Local Governments to collaboratively provide waste services at an appropriate scale and level of service.

It is important to note that Local Governments also actively seek to work collaboratively with Government agencies, industry, local business and civil society in delivery community outcomes. Across regional WA, Local Governments work closely with Regional Development Commissions and regional offices of the Commonwealth's Regional Development Australia (RDA) network to undertake regional planning, develop regional projects and leverage State and Federal funding.

WALGA recently produced a "Cooperation & Shared Services" document that provides demonstrations of the collaboration currently being undertaken in the sector.

The document can be found here: [Cooperation & Shared Services document](#) and is also attached as Addendum 1.

Legislation

a) *Whether the Local Government Act 1995 and related legislation is generally suitable in scope, construction and application*¹¹

The legislative framework governing Local Government is generally appropriate and the underpinning principle of 'general competence' is strongly supported by the Local Government sector.

However, additions and amendments since the current Local Government Act was introduced over 20 years ago have created a layered, spaghetti-like regulatory regime that needs to be untangled and simplified. Similarly, practice and procedures have changed since the current Act's introduction and, as a result, the legislative framework requires modernisation.

For these reasons, the Local Government sector has strongly supported the State Government's goal to undertake a full Review of the *Local Government Act 1995* and the associated regulations.

Local Government Act Review

WALGA has been a strong supporter of the current Review of the Local Government Act and has supported the Government's intent to streamline and modernise the legislative framework.

WALGA put forward a comprehensive submission to Government that was the culmination of a signification consultation and engagement process, and the collection of policy and advocacy positions developed over many years.

The Local Government sector participated in a comprehensive process leading up to the adoption of the advocacy positions, as detailed below:

WALGA partnered with the Department of Local Government, Sport and Cultural Industries to deliver facilitated workshops across all WALGA Zones, held throughout October and November 2018. Approximately 500 Elected Members and senior administrators attended 19 workshops held in each of the 17 WALGA Zones.

WALGA, LG Professionals and the Department of Local Government, Sport and Cultural Industries partnered to host the Future of Local Government Forum, which was held at Curtin University on Wednesday, 30 January 2019 and was attended by 230 participants.

¹¹ Select Committee Terms of Reference



A total of 73 member Local Governments provided responses to the WALGA consultation process, either through an individual response or a Zone/regional group response. 42 individual Local Governments responded with additional collective responses from three WALGA Zones representing a further 31 member Local Governments.

The WALGA State Council, consisting of 25 representatives from across the State, in adopting advocacy positions in March 2019 endorsed the positions unanimously. This demonstrates the veracity of the consultation process. In addition, the Department of Local Government, Sport and Cultural Industries received over 3,000 submissions from the community, Local Governments and stakeholder bodies.

Key Principles

State Council, in finalising WALGA's submission to the Local Government Act Review process, endorsed the following key principles as fundamental drivers of future Local Government legislation.¹²

1. Retain General Competence Powers.

The Local Government Act is founded on the general competence powers principle, which gives Local Governments the legal capacity to do anything that is not prohibited by law. This principle is uniformly supported by the Local Government sector and that it should not be diluted by over-regulating the operations of Local Government.

The general competence principle recognises the democratic mandate of Local Government to represent, plan, and provides services for its community.

2. Provide Flexible, Principles-based Legislative Framework.

The Local Government Act works well when Local Governments apply their general competence powers within a legislative framework that provides for good governance, with accountability to the community for decision-making. The Local Government sector seeks a light-touch regulatory approach accompanied by best practice guidance, support and assistance.

There is concern that, without adequate care and sector input, the new Local Government Act will be overly prescriptive and mistakes of the past will be repeated. Prescriptive compliance regimes do not typically drive innovation or organisational performance; instead boxes are ticked and processes to comply are implemented leading to inefficiencies and distractions.

¹² WALGA (2019b)

The Local Government Act should focus on principles and objectives, not on process. As an example, Local Governments in 2016 were given the ability to establish Regional Subsidiaries. A key feature of the model is to enable Local Governments to establish a subsidiary that is fit-for-purpose by adapting the governing charter to the subsidiary's purpose and structure. Instead, the regulations are prescriptive and a number of Local Governments have considered the model and opted not to pursue it. Best practice, guidance material and smart people working together to solve problems drive innovation; prescriptive regulation drives compliance for the sake of compliance.

To focus on the process and not the principles and objectives risks embedding today's practice into legislation instead of allowing Local Governments the flexibility to innovate and adapt to new methods and new technologies. Not everything a Local Government should do needs to be legislated. Ultimately, Councils are considered to be generally competent and are accountable to the community through democratic elections held every two years.

3. Size and Scale Compliance Regime

There is a marked appetite in the response to the Facilitated Workshops, Detailed Discussion Papers and Future of Local Government Statewide Forum for differentiation between Local Governments based on size and scale.

- 4. Promote enabling legislation that empowers Local Government to carry out activities beneficial to its community taking into consideration the Local Government's role in creating a sustainable and resilient community through:**
- i. Economic development;**
 - ii. Environmental protection; and,**
 - iii. Social advancement.**

The need to provide enabling legislation with a 'menu of opportunities' for the sector. The State Government needs to set legislation that enables Local Governments to carry out activities, even though all Local Governments may not want to carry the activity; those that wish to, should be permitted to. A good example of this is the proposed introduction of beneficial enterprises.

5. Avoid Red Tape and de-clutter the extensive regulatory regime that underpins the Local Government Act.

WALGA has called for the de-cluttering of the extensive regulatory regime that underpins the Local Government Act. The Act Review provides a timely reminder that the legislative burden on Local Government is vast and burdensome; the Local Government Act itself runs to over 500 pages and the 9 associated Regulations combine to approximately 400 additional pages. It would not be unfair or unkind to observe that few within each Local Government's administration, and fewer Elected Members, would grasp the level of detail contained throughout the Act and Regulations, creating of its own accord a compliance burden.

This scale of legislation represents a considerable challenge to the delivery of effective and efficient governance. WALGA echoes the sentiments of Dr David Cox, Chair of the Law Reform Commission of Western Australia, who stated at the Local Government Act Forum in January 2019:

“Consideration in drafting (the new Act) is to think about who you are drafting it for? Consider who has to read it and write it for normal people – not law graduates. People want to know what’s governing them and they need to understand it.”¹³

6. The State Government must not assign legislative responsibilities to Local Governments unless there is provision for resources required to fulfil the responsibilities.

The State Government should not impose responsibilities to Local Governments without adequate resourcing. This principle is contained within the British Columbia Community Charter¹⁴ and is supported by the Local Government sector.

Key Policy Positions

The following key policy positions are considered to be of primary importance to the sector:

Rates, Fees and Charges

Rating Exemptions

- Rating Exemptions - Request that a broad review be conducted into the justification and fairness of all rating exemption categories, Sector Revenue foregone 2017/18 - \$45.6m;
- Local Government Act should eliminate exemptions for commercial (non-charitable) business activities of charitable organisations;
- Support for exemptions of genuine Charitable activities that qualify under the Commonwealth Aged Care Act 1997;
- Eliminate exemptions for Government Trading Enterprises;
- Support for the principle that all users of Local Government services should make a contribution to these services.

Rating Restrictions – State Agreement Acts

- Resource projects covered by State Agreement Acts should be liable for Local Government rates.

¹³ Cox, D. (2019)

¹⁴ British Columbia (2019)



Imposition of Fees and Charges: Section 6.16

- That a review be undertaken to remove fees and charges from legislation and Councils be empowered to set fees and charges for Local Government services, regardless of the enabling legislation.

No Rate Capping

The Local Government sector opposes rate capping or any externally imposed limit on Local Government's capacity to raise revenue as appropriately determined by the Council.

Beneficial Enterprises

The *Local Government Act 1995* should be amended to enable all Local Governments to establish Beneficial Enterprises (formerly known as Council Controlled Organisations).

Beneficial Enterprises are:

- Arm's length entities to deliver projects and services required by the community;
- Vehicle for greater efficiency and improved partnering practices for Local Government;
- Provide services & facilities that are not attractive to private investors;
- Cannot carry out any regulatory function of a Local Government;
- Skills Based Board – Alternate governance model;
- Not about outsourcing essential services.

Building Upgrade Finance

That WALGA advocate for amendments to the Local Government Act that enable a Building Upgrade Finance mechanism in Western Australia.

The Building Upgrade Finance position is advocating for reforms to Western Australian legislation that would enable local governments to guarantee finance for building upgrades for non-residential property owners. In addition to building upgrades to achieve environmental outcomes, advocates have identified an opportunity to use this approach to finance general upgrades to increase the commercial appeal of buildings for potential tenants. In this way, Building Upgrade Finance is viewed as means to encourage economic investment to meet the challenges of a soft commercial lease market in Perth and achieve economic growth. Further benefits of this proposal include the potential for heritage protection, universal access and building safety.

Community Engagement Policy

That the Local Government Act 1995 include a requirement for Local Governments to adopt a Community Engagement Policy, with each Local Government to determine how to implement community engagement strategies.

Additional Policy Positions

A complete schedule of the Local Government sectors adopted policy positions, grouped according to the Government's three themes of agile, smart and inclusive, relating to specific elements of the Local Government legislative regime were included in WALGA's submission to the Review of the Local Government Act which can be found [here](#) and is also attached as Addendum 2.

Scope of Activities of Local Government

b) The scope of activities of local governments

Local Government is an important sphere of Government that undertakes functions most appropriately implemented at the local level. As the sphere of Government closest to the people, and with a significant emphasis on *place*, Local Government affects the daily lives of all people and businesses and is well-positioned to have unique insight into the needs and aspirations of their communities.¹⁵

While Local Governments provide significant services, research demonstrates that the community highly values the long term focus of Local Government in looking after place. Eighty percent of Australians rate 'planning for the future' as one of the most important functions undertaken by Local Government.¹⁶

Across Western Australia, there is significant diversity in the range of functions and services that are provided by Local Government.

While there is some diversity of function across Local Governments in Western Australia, all Local Governments undertake a number of regulatory functions such as authorisation of planning and building developments, waste management, administration of food safety laws, regulation of companion animals, and provision of local roads. Most Local Governments provide social services as well, including provision of recreation and community facilities, economic development promotion and community festivals and events.

Local Governments in Western Australia manage the majority of the Western Australian road network, of approximately 127,500km. In addition, on behalf of the community, Local Governments are responsible for nearly \$14 billion of built assets (excluding transport assets). These primarily comprise recreation facilities, including ovals and pitches for a wide range of sports, swimming pools, tennis courts, gymnasiums, libraries, arts and other community centres. Local Governments with coastal or river frontage provide and maintain recreational boat launching facilities and associated infrastructure.

Some of the diversity of functions and services is driven by financial capacity. For instance, small, remote Local Governments do not have the financial resources to provide the community recreation services that a large metropolitan Local Government provides.

Diversity of functions can also be driven by community demand. For instance, Local Governments in country Western Australia deliver services, such as health services, that would otherwise be provided by the market or the State Government in metropolitan Perth.

¹⁵ Productivity Commission (2017)

¹⁶ Ryan, R. (2019)

Local Governments in non-metropolitan regions also often provide housing and other incentives to attract and retain health and other professionals.

Evolution of Local Government's role to encompass human, social and community services is in response to the dynamics on the ground, including the withdrawal of services from other spheres of Government or in response to the democratic aspirations of the community.

The retreat from service provision from the State Government often means that Local Government, at the behest of the community through the democratically elected Council, will step up to fill the gaps. For example, a number of Local Governments provide security services in their suburbs and communities. Often this sort of service eventuates due to the demands of citizens for a safer community.

Similarly, a number of Local Governments are actively becoming involved in seeking to address homelessness in their communities. While the State Government's Department of Communities is the lead agency responsible for addressing homelessness, Local Governments often play a role in coordinating agencies and not-for-profit service providers, again filling a gap in service provision from another sphere of Government. As Professor Roberta Ryan observed at the 2019 WA Local Government Convention, Local Government, with its focus on place, is the only body capable of pulling together government and non-government resources to address place-based disadvantage.¹⁷

Waste Management and Resource Recovery

The Local Government sector provides contemporary waste management (and often resource recovery) services as an essential service to their communities in order to maintain public health standards and minimise the environmental impact of municipal solid waste, with the *Waste Avoidance and Resource Recovery Act 2007*, the *Public Health Act 2016* and the *Local Government Act 1995* providing the primary heads of power. Resource recovery operations are subject to international commodity price fluctuations, foreign environmental import standards and contamination rates that impact the quality of the commodities recovered. Importantly, recycling also generates three-to-one employment opportunities compared to traditional landfill.

The 2016-17 Census of Local Government Waste and Recycling Services found that Local Governments in Western Australia spent \$295 million in collecting 1.5 million tonnes of domestic waste in 2016-17.¹⁸ Sixteen Local Governments reported investing in new waste and recycling infrastructure and/or initiatives in 2016–17.

These investments included:

¹⁷ Ryan, R. (2019)

¹⁸ Waste Authority (2018a)

- New or upgraded transfer stations (completed or commenced construction) in the shires of Dardanup, Harvey, Moora, Cuballing and the City of Busselton;
- A new landfill cell in the Shire of Augusta–Margaret River;
- The installation of a landfill weighbridge in the Shire of Broome;
- A new regional waste facility in the Shire of Ravensthorpe;
- A new green waste kerbside collection service in the City of Subiaco; and,
- The introduction of a fortnightly kerbside recycling service in the City of Karratha and the Shire of Coorow.

36 Local Governments reported recycling their own construction and demolition waste and 73 Local Governments reported recycling green waste from their own operations, and a number of metropolitan Local Governments are investing in waste to energy solutions for residual waste. Fifty two Local Governments and regional councils reported spending a total of approximately \$3 million in waste and recycling education programs in 2016–17. About half (52 per cent) was expended by regional councils.

All of this innovation is being achieved with minimal strategic planning or financial support from State or Commonwealth Governments. The new State Waste Strategy is uncosted and unfunded. It is important to note that in 2017, the Waste Avoidance and Resource Recovery Levy generated approximately \$76m in receipts, of which 75 percent went to consolidated State revenue, with the Minister for Environment approving the allocation of just \$19 million to the WARR Account.¹⁹ Of the \$19m, approximately half went to underwriting the waste branch of the Department of Water and Environmental Regulation, leaving approximately \$8.5m for strategic waste initiatives.

Local Government contends that there are a number of improvements that would assist in delivering more efficient and effective outcomes – including meeting the targets of the State Waste Strategy – primarily though hypothecating all funds collected from the Waste Avoidance and Resource Recovery Levy into strategic waste reduction and management activities (as identified in the State Waste Strategy and Action Plan). Strategic investments could then include 50:50 funding for FOGO (3 bin) infrastructure, state-wide and regional waste infrastructure plans to direct future public and private investments, the State Government mandating sustainable procurement policies across all departments and agencies, and matching funding for Local Government regional landfill upgrades. A State/Local Government Partnership Agreement on Waste Management and Resource Recovery would provide the required governance framework to achieve this.

¹⁹ Waste Authority (2018)

Roads, Bridges, Paths and Drains

Local Governments are responsible for 127,500km of roads in Western Australia, which represents 88 percent of the public road network.

With just 10.5 percent of the national population, Western Australian Local Governments are responsible for 19.4 percent of the national Local Government road length. This equates to 49.4km of road per person in WA, which is nearly double the National average of 26.8km of Local Government road per person. For comparison, NSW Local Governments are responsible for just 18.6km of roads per person. This reflects both the extensive nature of the road network in WA and the responsibility of Local Government in Western Australia for all but the highest order roads (primarily freeways and highways). This has clear ramifications for the capacity to fund road maintenance and renewal. This issues is discussed further in the section relating to Local Government funding.

To support active transport (walking, cycling) Local Governments provide and maintain more than 15,800km of sealed walking and cycling paths and an additional 715km of gravel paths.

There are 894 bridges managed by Local Governments across Western Australia.

Effective drainage is critical but typically unseen infrastructure provided and maintained by Local Governments to avoid damage to public and private infrastructure from inundation.

With an estimated replacement value of \$27.18 billion at June 2018, the roads, paths, bridges and drains are one of the most valuable State assets in a financial sense as well as underpinning the connectivity of communities and industries.

Local Governments spent \$982 million on roads, bridges and paths during 2017/18. Nearly half of this expenditure is funded by Local Governments from rates and other revenues. The balance is funded by the Federal Government (22 percent) and the State Government (28 percent).

Local Governments are also seeking to innovate in the construction of roads and paths with many utilising recycled material.

Transport Planning

Almost every journey involves the road and path network under the control of Local Governments. Consequently, Local Governments are actively involved in transport planning to ensure that community and industry expectations for access and safety are delivered. This activity assists to address key issues of congestion, particularly around activity centres, parking and integration between modes, particularly public transport.

In industrial, rural and regional areas, freight movements are an important consideration as efficient movement of freight underpins the economic growth of these areas.

In the five years to 2017, 50.4 percent of those killed and 59 percent of those seriously injured in road crashes were on roads under the control of Local Governments. Identifying high risk locations, suitable treatments to ameliorate the risks and sourcing funding for these projects is an important Local Government function.

Provision of transport related services and infrastructure accounts for nearly 30 percent of total Local Government expenditure.²⁰

Local Governments are innovating in their transport planning responsibilities as much as possible. For instance, Local Governments are utilising data from mobile phones and vehicle navigation systems to inform transport planning, using drones and other remote sensing technology to improve efficiency and reduce risks, and building and providing charging infrastructure for electric vehicles.

Land Use Planning

Local Governments' land use planning function aims to maintain and improve the wellbeing of local communities. Local Government has been involved in planning for its local communities since the *Town Planning and Development Act 1928* took effect in 1929. This Act provided for planning and development control to be achieved primarily through 'town planning schemes' prepared by local governments and approved by the Minister. Over the years, the level of detail and content of local planning schemes has evolved, guided by State Government requirements to address numerous state-wide planning issues and concerns at a local level to ensure the consideration of local perspectives and preservation of community values. Each Local Planning Scheme has been endorsed by the State Planning Agency (of the day) and has been granted formal approval by the Planning Minister to guide development in the local area.

Western Australian Local Governments are providing effective planning frameworks for the consideration of planning matters within their jurisdictions. Confirmation of this effectiveness was affirmed in a recent review of the planning and development performance of 19 Local Governments. These Local Governments encompass 90 percent of the total population of the Greater Perth region and 84.5 percent of the region's population growth between 2016 and 2017. The project provided an excellent representation of how the sector is achieving its strategic and statutory planning functions and meeting statutory timeframes of the planning and building approvals processes.

Key findings from this detailed review include:

²⁰ Western Australian Local Government Grants Commission (2018)

- 99 percent of all building applications were approved by Local Governments within statutory timeframes.
- 98 percent of all planning applications were approved or responded to within the statutory timeframes. Planning applications include all development applications, subdivision referrals and clearances, building strata clearances (Form 26s) and building permits.
- 97 percent of applications were approved under delegated authority, allowing Local Government officers to assess and approve the application rather than being considered at a full Council meeting.
- Of the total time taken to process a scheme amendment, on average 40 percent is spent with the WA Planning Commission, Minister for Planning or the Environmental Protection Authority.
- On average each Local Government has seven strategic planning documents which support land use planning functions, including: Strategic Community Planning, Community infrastructure, Commercial, Housing, Environment, Economic, Transport, Activity Centres, Heritage and an Public Open Space. This demonstrates that Local Governments consider a complex array of planning matters when assessing planning applications, yet still meet statutory timeframe requirements.

There are a number of improvements that would assist the Local Government sector in fulfilling its planning responsibilities, including:

- Resourcing the Department of Planning, Lands and Heritage to assist in the implementation of the proposed Planning Reform measures that will be outlined in the response to the 'Green Paper';
- Review and refinement of the State Government Planning framework, given the large number of policies, guidelines, manuals and position statements to which Local Government must refer;
- Review of the Local Planning Strategy process given the massive amount of information expected to be included in the document, as outlined in the Local Planning Manual. The review should also include the connection to the State's Integrated Planning Framework and provide scalability of the content for smaller local governments;
- Providing legislated timelines for all referral agencies to provide advice on both strategic and statutory proposals that are cognisant of Local Government decision making requirements;
- Timeframes for State Planning Policy review processes, as some 'reviews' have been underway for numerous years which affect a Local Government's ability to incorporate this proposed information into their local planning framework; and
- A review of the Planning Fees and Charges, which have been frozen since 2013, providing Local Government with the ability to establish fees and charges for their own districts.

Other issues being faced by the sector which inhibit its capacity to fulfil its planning responsibilities include:

- The dichotomy between the current focus on the standardisation of all Local Governments' local planning controls and the clear role of a Local Planning Scheme in upholding the specific local character and objectives of an area;
- A lack of a full cost benefit analysis of Development Assessment Panels (DAPs), to determine the effectiveness of the system, and what is an appropriate level of DAP involvement within the WA Planning system;
- Planning for waste in the peri-urban areas in a strategic manner, rather than each Local Government having to consider applications in an ad hoc manner;
- Lack of clarity and assistance in resolving financial and liability concerns in coastal planning implementation after completing a coastal hazard risk management plan;
- Different requirements and expectations of the various State Agencies in the implementation of Bush Fire Planning mechanisms; and
- Lack of coordinated state-wide planning for the provision of Regional Open Space. Local Governments are collaborating to try and achieve this outcome.²¹ Also compounded by the spending of the funds within Metropolitan Region Improvement Fund in order to progress regional open space and other regional infrastructure items, to ensure that the regions continue to grow.

Building Control

Local Government has been involved in building control for its local communities for many decades, providing for the health and safety of its residents through the assessment and issuing of building licences and monitoring of the licence conditions. A major change in the Building functions occurred in 2012, with the private sector able to be more involved in the process, through the private certification of Building Permit Applications.

Local Governments are Permit Authorities under the *Building Act 2011*. Building Permits are issued by Local Government for any building work for which a building permit application is required pursuant to the *Building Act 2011* (Part 5) and the *Building Regulations 2012* and are assessed using the National Construction Codes, *Building Act 2011* and *Building Regulations 2012*, relevant Australian Standards, and other relevant legislation.

A recent Office of Auditor General report found that the Local Government entities reviewed in the audit were properly assessing permit applications against requirements in the *Building Act 2011* and issuing most building permits within the legislated timeframes. Combined with the statistics from the recent Performance Monitoring project undertaken by WALGA – specifically that 99 percent of all Building Applications were approved within the statutory timeframes – the sector is effectively performing its building permit function.

²¹ See www.gapp.org.au/

There are a number of improvements that could assist the Local Government sector in fulfilling its Building responsibilities including:

- A review of the operation of the *Building Act 2011* and regulations, to address the improvements that the Local Government sector requires, in order to effectively administer the Act; specifically on the following topics:
 - clarity of information required to be submitted to Local Government;
 - mandatory inspections, including when and how they are undertaken;
 - time frames and fees;
 - amended plans process;
 - difficulties in building in bush fire prone areas;
 - appropriate infringements;
 - ongoing training and training of swimming pool inspectors;
 - registration of technical specialists;
 - role of the Department of Fire and Emergency Services; and
 - Clarity on the other prescribed approvals that are required.
- A review of the fees and charges to ensure cost recovery is able to be achieved for the entire building process, not just the Building Permit assessment process. Specifically, Local Governments should be empowered to determine the appropriate level of fee for services provided by Local Government.

Other issues being faced by the sector which inhibit its capacity to fulfil its building responsibilities include:

- The constant industry pressure to introduce a full private certification model as occurs in the Eastern States, without the acknowledgement that a full regime of independent regulatory inspections would also need to be included to protect the consumer;
- Resources within a Local Government to provide a regulatory and enforcement service, as the fees currently only pay for a portion of the Building Permit issuing function, and not enforcement;
- Encouraging more people to enter into a Building Surveying function in Local Government. The funds from the Construction Training Levy Fund does not include Local Government building surveyor trainees; and
- Lack of clarity and advice from the Building Commission on the operation of the Building Act. The Local Government sector spends significant time and resources obtaining advice from other Local Governments or from legal experts, in order to effectively implement the Act.

Emergency Management

Emergency Management is a relatively new Local Government responsibility. The roles assigned to Local Governments under the *Bushfires Act 1954* could be considered a traditional role of Local Government, as have been in place since 1954 and currently affect approximately 120 Local Governments. The Bushfires Act is primarily related to the management of bushfire brigades, enforcement of bushfire preparation and enforcement measures for non-compliance.

The *Emergency Management Act 2005* prescribed further responsibilities to Local Governments including requirements to:

- Undertake Emergency Risk Management assessments;
- Establish and chair a Local Emergency Management Committee;
- Develop and maintain local emergency management arrangements;
- Manage Recovery following an emergency; and,
- Appoint a Local Recovery Coordinator.

Furthermore in 2015, Bushfire Risk Management Planning was enshrined in State Emergency Management Policy (SEMP 2.9, Management of Emergency Risks). This policy identifies AS/NZS ISO 3100:2009 Risk Management – Principles and Guidelines as the standard for emergency risk management in Western Australia. Schedule 3 of this policy identifies Local Governments with high or extreme level of bushfire risk require a specific plan. Local Governments named in the schedule are required to develop an integrated plan with participation from other agencies and landowners, and are named as the custodians of the plan for ongoing review. As this program matures, Local Governments are now facing the implications of undertaking works to mitigate the identified risks. The State is yet to embed mitigation policy and funding mechanisms into the State framework.

Since 2017, the Local Government sector has been adapting to the responsibilities outlined in Australia's strategy for protecting crowded places from terrorism. The Strategy has introduced the concept of 'shared responsibility' to counter terrorism which has not featured as strongly within the existing counter terrorism arrangements in Western Australia.

This has posed many challenges to Local Governments as outlined most recently in the Community Development and Justice Standing Committee Inquiry into crowded places. In brief, the sector is currently grappling with the implementation of the Strategy including:

- The strategy is not linked to any legislation or policy framework within WA and is therefore not mandatory;
- With no identified standards for compliance, there is a lack of clarity on the role of Local Governments as an owner operator and / or as the approver of events,
- The strategy lacks coordination across government with many State Government agencies acting independently on their own interpretation of their responsibilities,

- A risk management based approach to event approvals and consideration of mitigation measures is the preferred approach by Local Governments,
- There has been no funding provided to assist and support Local Governments to undertaken these responsibilities or in implementing mitigation measures,
- Local Governments are concerned with the implications of these measures on events that are being hosted by community groups. Many Local Governments are challenged by asking these groups to be considering counter terrorism when it is the intention of these groups to be building community connections and wellbeing;
- The costs associated with implementing mitigation measures is cost prohibitive for community groups and Local Governments.

Climate Change

Any objective analysis of how each of the three spheres of government is tackling the issue of climate change would indicate that it is Local Government that is determined not to allow short term politics to impede good long term public policy, and action. No level of government wants to scare its community, but there is a clear duty of care to ensure that decisions made benefit the community in the long term. Whether we like it or not, we are now in a climate crisis, with the most recent examples being highlighted in the recently released State Government report on coastal erosion hotspots.²²

Across a range of priority areas, from understanding local risks of climate change, to reducing operational energy costs and carbon intensity, to planning for the impacts of coastal erosion and bush fire risk, to driving innovations in water use efficiency, Local Governments are engaging with, listening to, and responding to their communities on climate change. A number of Local Governments have long committed to energy reduction targets for their own operations, to drive innovation and cost savings for their communities.

Local Government has identified a number areas where the State Government can assist:

1. Accelerated action and fast tracked reform to remove regulatory barriers and facilitate the transition to a low carbon, energy efficient economy.

Local Governments are already active in renewable energy and energy efficiency projects, but State level regulations continue to hamper Local Governments from undertaking or supporting a range of high impact cost-effective energy efficiency and renewable energy projects. For example, LED street lighting retrofits and large scale renewable energy projects, including power purchase agreements and community energy projects. Local Governments are also seeking amendments to Regulation 54 of the *Local Government (Financial Management) Regulations 1996* to include 'renewable energy infrastructure' as a prescribed charge. This would allow Local Governments to

²² Department of Transport (2019)

fund the installation of solar panels on the roof of residents that opt in, and then the resident is able to repay the cost of the panels over 10 years by adding a small amount onto the resident's rates bill. It would provide an economic stimulus to SME's in the solar industry, and address a major barrier to low social-economic households transitioning to a low carbon economy, realising savings on their energy bills, and countering rising electricity prices.

2. A State level emissions reduction target and/or renewable energy target.

Western Australia is the only State or Territory without an emissions reduction target or a renewable energy target. The State Government has previously indicated it considers it the responsibility of the Federal Government to enact any targets, however following the recent Federal election, there is a now a stronger argument to be put for setting a state level target. The Premier recently "warned that States such as WA could go it alone on climate policy unless the Morrison Government comes up with a workable national approach to reducing greenhouse gases and supply certainty to investors".²³

3. Planning for climate proof communities (incl. funding for innovative climate change projects).

This priority speaks to the need for State Government and Local Government to work in partnership to build healthy, resilient communities by ensuring that climate change considerations (both mitigation and adaptation) are embedded in Government policies and regulations. A key aspect of this is a State Planning regime that adequately incorporates climate change in planning policies, along with related environmental issues such as urban forestry, biodiversity, water security and emergency management.

4. Comprehensive, effective adaptation planning.

It is recognised that there is planning around coastal adaptation currently occurring, but effective planning needs to take in comprehensive identification of, and response to, the effects of climate change. It also needs to expand out to other effects of climate change such as heat waves and other extreme weather events, bush fire planning and water management.

By way of an existing example, an increasing number of the 44 coastal Local Governments are undertaking Coastal Hazard Risk Management and Adaptation Plans to identify and understand the level of risk on the assets in coastal areas. Through this process, with assistance from the WAPC, Local Governments are able to investigate management and adaptation measures that are appropriate to minimise the identified risks to a more acceptable level. What is not clear, without a State Climate Change Policy,

²³ The West Australian (31 May 2019)

and coastal specific legislation, is how such risks can be addressed in an efficient, effective and equitable manner.

A State/Local Government Partnership Agreement on Climate Change and Sustainability would provide the required governance framework to achieve these outcomes for Local Government on behalf of the people and communities of Western Australia.

Economic Development

The Local Government sector has recognised that Local Government plays a key role in creating sustainable and inclusive economic growth as a way to support local communities and contribute to the Western Australian economy. Attention is now turning to ways to diversify the economy and position WA as a vibrant and innovative place to live, invest and do business. While economic development is typically seen to be the responsibility of State and Federal Governments, the role that Local Governments can, and do, play in creating economic conditions is often overlooked.

Far from the traditional responsibilities of 'roads rates and rubbish' which necessarily reflected the function of Local Government in its emerging role at the turn of the 19th century, Local Government is now a legitimate partner with State and Federal Governments in developing local, regional, State and National economies.

The Local Government sector's responsibilities are broad and include a wide range of functions, all of which have an impact on the economic and business environment. The sector is also responsible for overseeing hundreds of local laws which influence the behaviour of businesses and consumers. Local Governments also derive powers from other State legislation and are tasked with implementing a broad range of regulations on behalf of the state, such as the *Planning and Development Act 2005*, the *Building Act 2012* and the *Public Health Act 2016*.

The sector's economic footprint is significant and clearly positions it as a major contributor to the State's economy. In 2016/17 WA Local Governments spent \$4.1billion on important services for the community, and managed assets worth more than \$48 billion. Local Government raised \$2.2 billion in rates revenue in order to fund community services and collected \$976 million in fees and charges. In terms of its contribution to the State's employment targets, the sector employs 22,000 people (approximately 16,500 FTEs).

Local Governments clearly have an important role in supporting economic activity at a local and regional level through:

- Local leadership in setting a framework that fosters economic development
- Planning for the future
- Providing economic infrastructure such as roads, bridges, public spaces and facilities

- Minimising regulatory and compliance burdens on businesses, in particular the planning system
- Providing for appropriate land for business, industry and residential development
- Undertaking local procurement
- Creating liveable communities
- Marketing and promoting the local area
- Tourism
- Supporting the private sectors' wealth creation
- Building commercial relationships
- Coordinating and collaborating with stakeholders including other levels of government and the business sector
- Advocating to other levels of government
- Seed funding ventures where private sector funding is not available

In response to Local Government's increasing focus on its role in economic development, in 2019 after a sector-wide consultative process, WALGA launched its *'Economic Development Framework for Local Government'*²⁴ and through the review of the Local Government Act, the sector has agreed to imbed economic development as a key role of the Local Government sector.

Airports and Airfields

There are approximately 150 airports and airstrips owned, maintained and operated by Local Governments across regional Western Australia. Of these, 23 Local Government airports serve regular passenger transport (RPT) services. These facilities provide access to essential services, including medical services as well as facilitate industry and tourism across the State. They range in scale from gravel airstrips without services, to Karratha Airport which served 448,000 passengers in the year ending May 2019. The Shire of East Pilbara managed Newman airport served 318,000 passengers in the year to May 2019²⁵ and the City of Kalgoorlie-Boulder managed airport grew passenger numbers by 13.1 percent to 295,000 in the year to May 2019.

Other Services

As can be seen, Local Governments have evolved to be far more than roads, rates and rubbish. This is not empire building. Local Governments are responding to their community's aspirations and expectations.

²⁴ Available from: <https://walga.asn.au/Policy-Advice-and-Advocacy/Economic-Development/Economic-Development-Framework>

²⁵ Bureau of Infrastructure, Transport and Regional Economics (2019)

Other Services include:

- Aged Care
- Child Care
- Doctors and Allied Health Services
- Housing, including community housing as well as Government Regional Officer Housing addressing a shortage of Government Employee accommodation
- Natural Resource Management
- Parks and Recreation facilities and programs
- Libraries
- Museums
- Community Events
- Lifeguard and Beach control services
- Community Development
- Public Health services, including food control
- Rangers and Animal Control
- Swimming Pool Inspections

Department of Local Government

c) The role of the department of state administering the Local Government Act 1995 and related legislation

WALGA and the Local Government sector have a strong working relationship with the Department of Local Government, Sport and Cultural Industries, which is comprised of committed and dedicated officers and executives.

Notwithstanding, it is WALGA's observation that, over several years, the Department of Local Government has been diminished in its resources and, consequently, its ability to quickly respond to issues in the sector has been compromised. This decline in the Department's capacity over a number of years manifests itself in a number of ways.

Firstly, there is significant benefit in many cases in early interventions in relationship breakdowns within Local Governments, which, if not addressed, can deteriorate into substantial governance issues. An early intervention when there are signs of declining relationships or issues beginning to arise can arrest a downward spiral that may lead to the suspension of the Council, appointment of one or more commissioners and a formal inquiry into a particular Local Government, all of which impart significant cost to public funds, reduce trust in Government generally, and deprive a community of democratic representation while the inquiry is underway.

Secondly, the decline in service from the Department of Local Government to the Local Government sector represents a cost shift from the State to Local Government. WALGA has, over the past ten years, enhanced its governance and advice service offering to Local Governments, in part to fill the gap left by the State.

While WALGA is well placed to provide advice, support and capacity building initiatives for and on behalf of the Local Government sector, as a membership-based organisation without legislative mandate WALGA is not in a position to intervene in the affairs of a Local Government in the same way that the Department of Local Government can intervene with its legislative backing.

In addition, the absence of the Department from advice and capacity building activities further erodes the Department's capacity for intervention.

As part of WALGA State Council's deliberations relating to the current Review of the *Local Government Act 1995*, State Council adopted the following position relating to the Department of Local Government's role:

- a) *"Support the continuance of the Department of Local Government, Sport and Cultural Industries as a direct service provider of compliance and recommend the Department*

fund its capacity building role through the utilisation of third party service providers;
and,

- b) Call on the State Government to ensure there is proper resourcing of the Department of Local Government, Sport and Cultural Industries to conduct timely inquiries and interventions when instigated under the provisions of the Local Government Act 1995.”²⁶

The rationale for the position adopted above was listed as follows:

“The addition of item (b) is in recognition of the sector’s response that intervention strategies proposed in the Local Government Act Review (Phases 1 and 2) are only one part of the challenge to providing an adequate response when a breakdown in good governance occurs. The sector seeks both a just and timely resolution when intervention is needed. For the Department to provide a timely response it must be properly resourced to avoid unnecessary delay in the intervention process. Undue delay in determining an outcome and corrective action is also an undue delay in returning good governance to the community of an affected Local Government.”²⁷

WALGA does not seek to criticise or impugn the commitment and dedication of officers or executives of the Department of Local Government; the issues are systemic and relate to the broader State Government’s commitment to appropriately funding the Department to fulfil its capacity building, regulatory, compliance and early intervention mandate.

Other Related Legislation

In addition to the requirement to administer the Local Government Act, Local Governments are directly affected by other state legislation such as the following:

- Aboriginal Heritage Act 1972
- Agriculture and Related Resources Protection Act 1976
- Animal Welfare Act 2002
- Aquatic Resources Management Act 2016
- Auditor General Act 2006
- Biosecurity & Agricultural Management Act 2007
- Biodiversity Conservation Act 2016
- Building Act 2011
- Building and Construction Industry Training Fund and Levy Collection Act 1990
- Building Service (Complaint Resolution and Administration) Act 2011
- Bush Fires Act 1954

²⁶ WALGA (2019b) p25

²⁷ WALGA (2019b) p25-26

- Caravan Parks & Camping Grounds Act 1996
- Cat Act 2011
- Cemetery Act 1986
- Child Care Services Act 2007
- City of Perth Act 2016
- Commercial Tenancy (Retail Shops) Agreements Act 1985
- Conservation and Land Management Act 1984
- Contaminated Sites Act 2003
- Control of Vehicles (Off-road Areas) Act 1978
- Corruption, Crime and Misconduct Act 2003
- Country Housing Act 1998
- Criminal Code Act Compilation Act 1913
- Defamation Act 2005
- Disability Services Act 1993
- Dividing Fences Act 1961
- Dog Act 1974
- Electoral Act 1907
- Emergency Management Act 2005
- Environmental Protection Act 1986
- Equal Opportunity Act 1984
- Fire Brigades Act 1942
- Fire and Emergency Services Act 1998
- Food Act 2008
- Freedom of Information Act 1992
- Health (Miscellaneous Provisions) Act 1911
- Heritage Act 2018
- Land Administration Act 1987
- Legal Deposit Act 2012
- Library Board of Western Australia Act 1951
- Liquor Control Act 1988
- Local Government Grants Act 1978
- Local Government (Miscellaneous Provisions) Act 1960
- Main Roads Act 1930
- Marine and Harbours Act 1981
- Mental Health Act 2014
- Metropolitan Redevelopment Authority Act 2011
- Mining Act 1978
- National Redress Scheme for Institutional Child Sexual Abuse Act 2018
- Occupational Safety and Health Act 1984
- Planning & Development Act 2005
- Port Authorities Act 1999
- Public Health Act 2016

- Public Interest Disclosure Act 2003
- Public Transport Authority Act 2003
- Public Works Act 1902
- Rates and Charges (Rebates and Deferments) Act 1992
- Regional Development Commissions Act 1993
- Residential Tenancies Act 1987
- Residential Parks (Long-stay Tenants) Act 2006
- Retail Trading Hours Act 1987
- Retirement Villages Act 1992
- Rights in Water and Irrigation Act 1914
- Road Traffic Act 1974
- Road Traffic (Administration) Act 2008
- Royalties for Regions Act 2009
- Salaries and Allowances Act 1975
- Soil and Land Conservation Act 1945
- State Administrative Tribunal Act 2004
- State Records Act 2000
- Statistics Act 1907
- Strata Titles Act 1985
- Swan and Canning Rivers Management Act 2006
- Transfer of Land Act 1893
- Trustees Act 1962
- Waste Avoidance and Resource Recovery Act 2007
- Water Services Act 2012
- Waterways Conservation Act 1976
- Workers Compensation and Injury Management Act 1981
- Working with Children (Criminal Record Checking) Act 2004

The above list relates to State legislation. There is a myriad of Commonwealth legislation that also applies to Local Government.

In addition, the Department of Local Government, Sport and Cultural Industries does not provide advice or support to Local Governments regarding their obligations under legislation outside of the Department's portfolio. In relation to legislative heads of power managed by other departments or agencies, the Local Government sector has experienced reluctance or insufficient capacity in these agencies to provide advice to Local Governments regarding implementation or compliance.

When legislation imposes powers or duties on Local Government, the State Government should ensure engagement and implementation strategies are also funded to ensure the Local Government sector is capable of consistently delivering the desired outcomes, recognising the challenges of size and scale across Local Governments.

Roles of Elected Members and Chief Executive Officers

d) The role of elected members and chief executive officers / employees and whether these are clearly defined, understood and accepted

The *Local Government Act 1995* clearly defines the role of a Councillor:

A councillor —

- (a) represents the interests of electors, ratepayers and residents of the district; and*
- (b) provides leadership and guidance to the community in the district; and*
- (c) facilitates communication between the community and the council; and*
- (d) participates in the local government's decision-making processes at council and committee meetings; and*
- (e) performs such other functions as are given to a councillor by this Act or any other written law.*

The role of the Council is generally considered to be strategic in nature, with the Council employing a Chief Executive Officer to manage the day-to-day operations of the Local Government in accordance with the Council's strategic direction.

The role of a Councillor is challenging. Councillors are responsible for overseeing a complex business – that provides a broad range of functions, manages significant public assets, and employs in some cases hundreds of staff – all in a political and publicly accountable environment.

Councillor vs Council

It is also important to acknowledge, contrary to some community understanding, individual Councillors, including the Mayor or President, have little power as individuals. The power and authority of a Councillor only exists as a member of a Council making formal decisions at a legally constituted Council meeting.

The then Department of Local Government and Communities, in guidance for prospective candidates in advance of the 2017 Local Government elections are absolutely clear on this point. The Fact Sheet states:

“Generally, local government council members, who include the mayor, president and councillors, do not have any authority to act or make decisions as individuals. They

are members of an elected body that makes decisions on behalf of a local government through a formal meeting process.”²⁸

This may be contrary to community expectations, particularly in relation to the Mayor or President, elected on a mandate to make certain changes or to fulfil certain commitments, which may not be achievable due to the determinations of the Council as a collective.

In Victoria, the review of their Local Government Act addressed this very issue:

“The role of mayors is not properly understood by the community. Many councillors argue that mayors are ‘first among equals’ and that the role is merely ceremonial—such as representing council at public functions like citizenship ceremonies—as well as chairing council meetings. Out in the community, people often have a completely different view: that the mayor has an important leadership role in council; that they are responsible for holding councillors to account for their actions and have the power to do so; and that they also have broader responsibilities for how the council, including its administration, fulfils its role.”²⁹

It may be the case that some of the public disquiet about Local Government relates to the misalignment between the public understanding of the role of individual Councillors including the Mayor or President, and the actual role defined by the *Local Government Act 1995*.

Councils are not Boards

There has been some commentary in recent times that Councils are equivalent to a Board of Directors. This misunderstands and misrepresents the fundamental role of Council to make *political* decisions in a *public* setting.

Councillors are very much encouraged to adopt ‘board-like behaviour’ in their deliberations and decision making in Council meetings and their dealings with constituents.

Councillors are community representatives – not professional directors that would be found in the private sector – tasked with a number of complex and often competing roles, such as providing good democratic government, supporting the community, managing places, delivering and maintaining infrastructure, and delivering services efficiently while ensuring rates are kept low.³⁰ Again, these roles are performed in a publicly and contested political environment.

²⁸ Department of Local Government and Communities (2017)

²⁹ The State of Victoria Department of Environment, Land, Water and Planning (2016), p38

³⁰ Skatsooon (2019)

Training and Professional Development

The complexity of the role, coupled with its public and political nature, demonstrates that training, professional development, capacity building and ongoing advice and support for Elected Members is essential. For this reason, WALGA, as the Local Government sector peak body, has invested significant resources in ensuring training and advice are available to Elected Members at all levels.

WALGA is a Registered Training Organisation (RTO) that offers a range of Nationally-Accredited Elected Member professional development courses that have been designed to provide the essential knowledge and skills to support Councillors to perform their role as defined in the *Local Government Act 1995*.³¹

With a range of flexible courses to choose from, including a qualification specifically developed to meet the needs of Elected Members in Western Australia, there are a variety of ways for Elected Members to maintain and develop their professional capabilities.

Completion of training and assessment activities from all three Stages of WALGA's Learning and Development Pathway, will result in the achievement of the Diploma of Local Government (Elected Member) qualification. Since 2011, 35 Elected Members have completed the Diploma qualification and there are a further 36 currently enrolled.

Role of the Chief Executive Officer

The *Local Government Act 1995* clearly defines the role of a Local Government Chief Executive Officer:

The CEO's functions are to —

- (a) advise the council in relation to the functions of a local government under this Act and other written laws; and*
- (b) ensure that advice and information is available to the council so that informed decisions can be made; and*
- (c) cause council decisions to be implemented; and*
- (d) manage the day to day operations of the local government; and*
- (e) liaise with the mayor or president on the local government's affairs and the performance of the local government's functions; and*
- (f) speak on behalf of the local government if the mayor or president agrees; and*
- (g) be responsible for the employment, management supervision, direction and dismissal of other employees (subject to section 5.37(2) in relation to senior employees); and*

³¹ WALGA (2019)

- (h) ensure that records and documents of the local government are properly kept for the purposes of this Act and any other written law; and
- (i) perform any other function specified or delegated by the local government or imposed under this Act or any other written law as a function to be performed by the CEO.

The Chief Executive Officer is the principal adviser to the Council and assists Elected Members to perform their role by providing advice and information so they can make informed decisions that are legally within the Council's powers while taking account of financial and resource constraints.³²

The CEO implements Council's decisions and is answerable to the Council for the performance of the Local Government in delivering services and facilities to the community.³³ Employment, management and supervision of all other staff is the responsibility of the CEO, who is responsible for managing operations on a day-to-day basis.

Given the Council has only one employee – the Chief Executive Officer – it is crucial that the Council makes a good decision when employing a CEO, and also that Council is able to effectively manage the performance of the CEO. As Councillors are often community representatives, who may not be experienced or qualified in contemporary human resource management practices, employment, management and performance appraisal of the CEO may be one of the Council's most significant challenges.

The *Local Government Act 1995* requires that performance criteria for the purpose of reviewing the CEO's performance are established. Similarly, development of these performance criteria are crucial for the Council to get right.

For these reasons, WALGA offers an Elected Member training course on CEO Performance Appraisals, and provides Elected Members with significant advice and assistance through the CEO recruitment and performance appraisal cycle.

It is also acknowledged that the recent amendments to the Local Government Act in June 2019 provide for guidelines to be produced for the CEO recruitment and performance review process.

Chief Executive Officer Remuneration

At times, there has been uninformed commentary in the public realm about the pay of Chief Executive Officers in the Local Government sector. The remuneration of Chief Executive Officers is subject to a determination every year by the Salaries and Allowances Tribunal,

³² WALGA (2019a)

³³ WALGA (2019a)

the same body that determines the pay and conditions for Members of Parliament, senior executives of Government Trading Entities such as Synergy and the Water Corporation, and Judges and Magistrates.

The Salaries and Allowances Tribunal's process for determining CEO remuneration is transparent and well-established and it should be noted that recent determinations have only provided for modest increases in remuneration to reflect the broader economic circumstances and wage restraint in the public and private sector.

To criticise Local Government CEOs for 'earning more than the Premier', which seems to be a common trope among the uninformed, is misguided. Notwithstanding post-political entitlements payable to Government Ministers and long-serving Parliamentarians, the Premier occupies a political office; a Local Government CEO occupies an executive management administrative office and is often responsible for management of significant sums of public money. The CEO of a Local Government is more comparable to a Director General or senior bureaucrat than a politician.

In the case of large metropolitan Local Governments, the Chief Executive Officer may be responsible for an organisation with \$170 million in annual revenue and 1,000 employees. To suggest that someone with such responsibility would not command a significant remuneration package is naïve and misguided.

Local Government Workforce

An inquiry into Local Government in Western Australia must consider the substantial economic and community contributions made by Western Australia's Local Government workforce.

Nationally, close to 200,000 people work in the Local Government sector, and employment in Local Government is particularly important in non-metropolitan areas.³⁴ In Western Australia, Local Government employs approximately 22,000 people.³⁵

Local Governments undertake workforce planning as part of the integrated planning framework to identify future workforce needs and potential skills gaps. Local Governments, and particularly rural and remote Local Governments, can be susceptible to skills gaps and skills shortages. Due to competition from the private sector in terms of remuneration, lack of suitably qualified or experienced candidates locally, and remoteness or location, 69 percent of Local Governments have experienced skills shortages, particularly relating to engineers, town planners, building surveyors, environmental health officers, and project managers.³⁶

³⁴ Ryan, R. (2019)

³⁵ WALGA (2018a)

³⁶ ALGA (2018)

It is important for the committee to acknowledge the contribution the Local Government workforce makes to communities all across Western Australia. The vast majority of Local Government employees are dedicated and committed community minded people seeking to make their communities better while, in many cases, confronting funding and capacity challenges.

DRAFT

Funding and Financial Management

e) *The funding and financial management of local governments*

The removal of constraints to Local Government revenue capacity is a critical success factor for an improved system of Local Government in Western Australia.

The place of Local Government in Australia's Federation and in the context of the vertical fiscal imbalance has been well documented and well researched. The revenue constraints impacting on Local Government in virtue of its role in the Federation is perhaps best summarised by the Systemic Sustainability Study Panel:

"The positioning of Australian Local Government in jurisdictional roles, determined by State legislation and with revenue sourced from State and Commonwealth sources along with own-source rates and charges, provides significant scope for role and funding tensions between the three levels of government."³⁷

This tension sometimes manifests in commentary about Local Government rate setting, which occasionally degenerates to a discussion about the merits or otherwise of specific rate increases. A debate of this nature can be destructive; rate rises above the consumer price index may be essential for a number of reasons, and may be a manifestation of a democratic mandate for the Local Government to provide specific services to a certain level of service.

Rates are Local Governments' only taxation mechanism available to fund the myriad of services expected by the community and mandated by State legislation. This is because other sources of income are subject to varying degrees of control by other spheres of government: fees and charges may be set or capped by regulation and not increased over time and grants and transfers are not subject to Local Government control. Secondly, due to a large infrastructure backlog, there is a need for Local Governments to raise sufficient revenue to fund future obligations for infrastructure replacement and renewal. Failure to do this represents an inequitable transfer of liabilities to future generations of ratepayers.

A significant infrastructure backlog is a tangible manifestation of Local Governments' revenue constraints. In 2017-18 there was a \$136 million shortfall between the \$717 million estimated to be required to maintain the road network in its current condition and the \$584 million that was spent by Local Governments on road preservation. This gap has grown by around \$48 million per year over the past five years. The gap between actual and required expenditure on roads is largest in the Wheatbelt region and has been for many years. The cumulative effect of this is clear in road condition data across the network, where between 20 and 25 percent of the sealed roads are in a poor or very poor condition. This challenge is not able to be resolved by Local Governments alone. In the Wheatbelt South Region it has been calculated that, in aggregate, Local Governments would have to spend 100 percent of their

³⁷ WALGA (2006) p19

revenue raising capacity (a theoretical maximum calculated by the WA Local Government Grants Commission) in addition to the grants received in order to meet their road preservation needs. The increased service levels required by high productivity vehicles (over-mass, road trains) add to the challenges faced by Local Governments in these regions.

Remote regions are heavily dependent on Federal and State Governments to fund road maintenance and renewal. In the Gascoyne Region, around 90 percent of road funding is from Federal and State Governments, and in the Kimberley around 80 percent of funding is from Federal and State Governments.

Furthermore, this is a major example of Local Governments' asset management obligations which extend to the buildings and facilities on which the community relies for a whole range of services, including recreation, arts and culture, places of heritage significance and tourism. Local Governments have a significant responsibility to adequately fund the ongoing management, maintenance and renewal of these assets.

Beyond acknowledging Local Government's place in Australia's Federal system of Government, characterised by a significant vertical fiscal imbalance, there are some practical reforms that would enhance the revenue capacity of Local Governments and improve equity in the community.

Rates

Rates, which represent Local Governments' only tax instrument and primary form of own-source of revenue, are a tax on wealth, not tied to any specific services, but rather used to fund a broad range of community facilities and services.³⁸

Local Government is a legitimate and essential sphere of Government with the democratically enshrined mandate to raise revenue through rates to fund infrastructure and services for the benefit of their community.

Councils' deliberative rate setting processes reference their Integrated Planning Framework – a thorough strategic, financial and asset management planning process – and draw upon the community's willingness and capacity to pay.

The Henry Tax Review puts forward five key principles that the tax system should seek to address:³⁹

1. Equity
2. Efficiency

³⁸ Deloitte Access Economics (2013)

³⁹ Commonwealth of Australia (2010)

3. Simplicity
4. Sustainability
5. Policy Consistency

It can be seen in the following table that rates perform well when assessed against the principles of taxation.

Principle	Definition ⁴⁰	How rates perform
Equity	The tax and transfer system should treat individuals with similar economic capacity in the same way, while those with greater capacity should bear a greater net burden. Further, the tax system should be progressive.	As rates are directly related to property value, those with higher valued properties will pay more in rates than those with lower valued properties in the same jurisdiction. It should be noted that while rates are related to property value in relation to equity among ratepayers, rates are calculated using either gross rental value or unimproved value, not capital value.
Efficiency	The tax and transfer system should raise and redistribute revenue at the least possible cost to economic efficiency and with minimal administration and compliance costs.	Rates are a relatively efficient tax as they are unlikely to substantially affect economic decision-making. In fact, the Henry Tax Review contends that "the estimated welfare losses of municipal rates and land tax are lower than, or similar to, those of the GST, and a lot lower than for personal tax on labour income and company income tax." ⁴¹
Simplicity	The tax and transfer system should be easy to understand and simple to comply with.	Rates are simple, easy to understand, easy to comply with, and difficult to avoid.
Sustainability	A principal objective of the tax system is to raise revenue to fund government programs... [and] should have the capacity to meet	Rates are sustainable. As a tax on land, which is immobile, revenue from rates is relatively fixed when compared to other forms of taxation.

⁴⁰ Commonwealth of Australia (2010)

⁴¹ Commonwealth of Australia (2010),

http://www.taxreview.treasury.gov.au/content/FinalReport.aspx?doc=html/publications/papers/Final_Report_Part_1/chapter_1.htm#Chart_1_5

	the changing revenue needs of government on an ongoing basis.	
Policy Consistency	Tax and transfer policy should be internally consistent.	Rates are not inconsistent with other forms of taxation and there is a direct link between rates and services provided to the property and the broader community.

Rate Exemptions

Rating exemptions undermine the efficacy of rates in relation to the criteria outlined in the table above.

Exemptions from rates represent significant revenue leakage for Local Governments and this transfers the rate burden to remaining ratepayers. The Local Government sector supports a broad review into the justification and fairness of all rating exemption categories currently prescribed under section 6.26 of the *Local Government Act 1995*. Rate exemptions can be particularly perverse where commercial operations are clearly evident.

To understand the impact of ratings exemptions on the sector, WALGA conducted a survey of its members during July 2018. The survey sought to quantify the impact of ratings exemptions during the 2017-18 financial year.

Some 100 Local Governments responded to the survey, representing Local Governments of all sizes and from across both metropolitan and regional WA. 30 respondents were from the metropolitan area, 63 were from regional WA, and the remainder did not state their location.

The total value of revenue foregone in 2017-18 as a result of ratings exemptions was \$45,633,541. This represents approximately two percent of total rates revenue (based on 2016-17 figures). The impost of rates exemptions was relatively evenly spread across the sector, with the largest share of revenue forgone attributed to the City of Stirling (11 percent) and City of Greater Geraldton (9 percent).

In dollar terms, the largest overall financial impost to the sector from rating exemptions related to land used exclusively for charitable purposes (\$16,564,788), followed by crown land (\$7,522,264), and land used as a non-government school (\$7,247,816). It is noted that some Local Governments had difficulties accessing gross rental values for crown land and so the revenue forgone is potentially much higher.

The most common type of property that was exempt from rating during the 2017-18 financial year was land which is property of the crown (13,905 properties). This was followed by land used exclusively for charitable purposes (2,919 properties) and land owned by a regional local government (2,811 properties).

Charitable Purposes Rating Exemption

Of particular concern to the Local Government sector is the rate exemption relating to charitable purposes. In 2005, the Local Government Advisory Board inquired into the operation of section 6.26(2)(g) of the *Local Government Act 1995*.⁴² This section provides that "land used exclusively for charitable purposes" is exempt from Local Government rates.

In principle, this section of the Act is supported by the Local Government sector. Clearly, Local Government, like any sphere of government, ought to continue to play a role in supporting and encouraging charitable organisations in their work for the benefit of the community. Accordingly, advocacy by the Local Government sector for legislative amendments relating to this section of the Act should not be misinterpreted as disregard for the positive work of charities in the community.

The Local Government sector contends that exemptions under this section of the Act have extended beyond the original intention and now provide rating exemptions for non-charitable purposes, which increase the rate burden to other ratepayers.

The most prominent example of this is the exemption provided under this section of the Act to Independent Living Units (ILU), which is well documented in the Local Government Advisory Board's Report.⁴³ It was estimated by the Local Government Advisory Board that approximately \$3 million of revenue was foregone by Local Governments in 2005 as a result of this section of the Act.⁴⁴ This figure has significantly increased since the Advisory Board's report published over a decade ago, with WALGA's 2018 survey of Local Governments suggesting that \$16.5 million of rate revenue is forgone due to the charitable purposes rate exemption.

If this issue is not addressed, the rate burden on other ratepayers will continue to increase as the demand for Independent Living Units increases as the population ages.

The Local Government Advisory Board recommended in 2005 that Independent Living Units should not be exempt from rates.⁴⁵ The Legislation Reform Working Group recommended in 2010 that Independent Living Units should not be exempt from rates.⁴⁶ WALGA's policy position on this issue is that the *Local Government Act 1995* should be amended to remove the rate exemption for Independent Living Units. There may be an argument for exemptions to be granted by State or Federal legislation. Examples include exemptions granted by the Commonwealth *Aged Care Act 1997* and group housing for the physically and intellectually

⁴² Local Government Advisory Board (2005)

⁴³ Local Government Advisory Board (2005) p14-22

⁴⁴ Local Government Advisory Board (2005) p3

⁴⁵ Local Government Advisory Board (2005) p22

⁴⁶ Legislation Reform Working Group (2010) p2

disabled which is supported under a government scheme such as a Commonwealth-State Housing Agreement or Commonwealth-State Disability Agreement.

Recent policy decisions of the State Government have further exacerbated this problem. Currently, the Department of Housing pay ex-gratia rates to the Local Government for their public housing stock. Many of these houses are now being transferred to management of not-for-profit organisations that are not making the same ex-gratia rate payments.

The sphere of government that determines that exemptions should be granted should fund the exemption. This will ensure that funding the revenue shortfall will be equitably and appropriately distributed amongst taxpayers. For example, the State Government have a compensatory fund of this nature relating to pensioner discounts for the payment of rates.

The *Local Government Act 1995* needs to be amended to provide clarification on rating of land used for charitable purposes.

Rate Equivalency Payments

A similar issue relates to rate exemptions for State Government trading entities.

A particular example is the exemption granted to LandCorp by the *Land Authority Act 1992*. In 1998, the Act was amended to include provisions for LandCorp to pay the Treasurer an amount equal to that which would have otherwise been payable in Local Government rates, based on the principle of 'competitive neutrality'.

This matter is of serious concern to Local Governments with significant LandCorp holdings in their district. The shortfall in rates are effectively paid by other ratepayers, which means ratepayers have to pay increased rates because LandCorp has a presence in the district.

The current situation involving the Perth Airport demonstrates that such a system is appropriate and can work in practice. In this case, the Commonwealth Government requires the lessee to make a rate equivalency payment to the relevant Local Government and not the Commonwealth. There is no reason why a similar system cannot be adopted for State Government Trading Entities.

State Agreement Acts

Before the 1980s, State Government conditions of consent for major resources projects in WA included the requirement for purpose-built towns in close proximity to project sites. These conditions were detailed in State Agreement Acts, which are essentially contracts between the State Government and proponents of major resources projects that are ratified by the State Parliament.

The requirement to provide community services and infrastructure meant State Agreement Acts typically included a Local Government rating restriction clause. Many of these towns have since been 'normalised' due to Local Governments, the State Government and utility providers assuming responsibility for services and infrastructure.

In 2011, the State Government introduced a new policy on 'the application of Gross Rental Valuation to mining, petroleum and resource interests' (the GRV mining policy). The policy would apply for a 3 year trial period from 1 July, 2012. The trial period was recently extended until 30 September, pending the outcomes of a review of the policy. The primary objectives of the policy were to clarify the circumstances where Local Governments could apply GRV rating to mining land and enable the use of GRV rating on new (i.e., initiated after June 2012) mining, petroleum and resource interests. This included the application of GRV rating to new State Agreement Acts.

However, existing State Agreement Acts continue to restrict Local Government rating. Local Governments can only rate projects covered by existing Agreements in the unlikely event of 'both parties agree[ing] to adopt the policy'. Alternatively, the State Government has also stated that 'projects that operate under existing State Agreements and currently exempt from rates may apply the policy as part of their respective Agreement Variation processes with the Department of State Development during the trial period'. Again, this statement suggests it is unlikely that the rating exemptions will be removed for existing State Agreements since variations are infrequent and there is no real requirement to remove the exemptions.

Rating exemptions on State Agreement Acts mean that Local Governments are denied an efficient source of revenue. There are also equity issues associated with the existing exemptions since they only apply to a select group of mining companies whose projects are subject to older State Agreement Acts. Removing the rates exemption clauses from the pre-July 2012 State Agreement Acts would provide a fairer outcome for all other ratepayers, including the proponents of new resources projects.

Differential Rating

The current legislative process for the imposition of differential rates is poorly timed and steeped in bureaucratic red tape. This process should be revised to remove the legislative burden, specifically the need to seek Ministerial approval in some instances. Ministerial input should only be required if the community feedback, after advertising, requests this action.

Restrictions on Borrowings

Another Local Government finance issue is a disincentive for Local Government investment in community infrastructure due to borrowing restrictions in the *Local Government Act 1995*.

Section 6.21(2) states that a Local Government can only use its 'general funds' as security for borrowings to upgrade community infrastructure, and is restricted from using its assets to secure its borrowings.

This provision severely restricts the borrowing capacity of Local Governments and reduces the scale of borrowing that can be undertaken to the detriment of the community.

This is particularly relevant since the Global Financial Crisis. Treasury now requires member Local Governments to show as contingent liabilities in their balance sheet their proportion of contingent liabilities of the Regional Local Government of which they are a member. Given that the cost of provision of an Alternative Waste Disposal System is anything up to \$100 million, the share of contingent liabilities for any Local Government is significant. Even under a 'Build-Own-Operate' financing method, the unpaid (future) payments to a contractor must be recognised in the balance sheet of the Regional Local Government as a contingent liability.

This alone is likely to prevent some Local Governments from borrowing funds to finance its own work as the value of contingent liabilities are taken into account by Treasury for borrowing purposes.

Fees and Charges

Fees and charges are, on average, the second largest source of Local Government discretionary revenue.⁴⁷ Local Governments are able to charge users for specific, often incidental, services. Examples include dog registration fees, fees for building approvals and swimming pool entrance fees.

In some cases, Local Governments will recoup the entire cost of providing a service or even make a profit. In other cases, user charges may be set below cost recovery to encourage a particular activity with identified community benefit, such as sporting ground user fees or swimming pool entry fees.⁴⁸

Currently, fees and charges are determined according to three methods:

- By legislation
- With an upper limit set by legislation⁴⁹
- By the Local Government.

Fees determined by State Government legislation are of particular concern to Local Governments and represent significant revenue leakage. Examples of fees and charges of this nature include dog registrations fees, town planning fees and building permits. Since

⁴⁷ WALGA (2008) p80

⁴⁸ WALGA (2008b) p81

⁴⁹ See Section 6.17(3) of the *Local Government Act 1995*

Local Governments do not have direct control over the determination of fees set by legislation, this revenue leakage is recovered from rate revenue.

Under the principle of 'general competence' there is no reason why Local Governments should not be empowered to make decisions regarding the setting of fees and charges for specific services.

There may be an argument that certain fees and charges should be consistent across the State or the metropolitan area; however it is not clear why dog registration fees, as an example, should be the same in every Local Government area. Local Governments in most other states are able to set animal registration fees.

Car registration fees are not the same in every State and few would argue they ought to be; setting fees, charges and tax rates is a core function of government and Local Governments, as a legitimate sphere of government, should be able to make policy decisions regarding their services and revenue streams.

Councils should be empowered to make policy decisions regarding user-paid services provided by the Local Government.

Grants

Grants and transfers from other spheres of Government are the other main revenue source for Local Government. Financial Assistance Grants, provided by the Commonwealth and distributed by the State Government's Local Government Grants Commission are a key funding source for many Local Governments.

The Department of Local Government, Sport and Cultural Industries website explains Financial Assistance Grants:

"Local Government Financial Assistance Grants funded by the Commonwealth Government are distributed among 137 local governments in Western Australia each year. The grants are the State's entitlement for financial assistance from the Commonwealth Government, paid in equal quarterly instalments for a financial year, under the Australian law, Local Government (Financial Assistance) Act 1995. The distribution of Financial Assistance Grants is for local government purposes, to achieve equitable levels of services by reasonable effort.

Western Australia's share of Commonwealth funding for 2018-19 is \$293,275,889, which equals 11.93 per cent of the national allocation of \$2.457 billion. The allocation has increased from \$287.355m. The funding is untied; there are no conditions on how

*the funds should be spent. The amount is divided into two parts, a general purpose component and a local roads component.*⁵⁰

Particularly for smaller, more remote Local Governments, financial assistance grants can comprise of a significant portion of revenue. As the Australian Local Government Association (ALGA) notes, Financial Assistance Grants are particularly important in areas with a low rate base, and/or high growth rate, and rapidly expanding service and infrastructure needs.⁵¹

Local Governments in Western Australia strongly support ALGA's advocacy campaign to restore Financial Assistance Grants to one percent of Commonwealth taxation revenue, which was the level of funding provided in 1996.⁵² Since then, despite the Australia's Gross Domestic Product growing strongly, Financial Assistance Grants funding has eroded to now represent approximately 0.55 percent of Commonwealth taxation revenue.⁵³

This decline in revenue support from the Commonwealth coincides with the responsibilities and demands of Local Government increasing as the State Government reduces services to address budget issues and Local Government seeks to address the infrastructure backlog, which improves the economic capacity of Western Australia's communities.

⁵⁰ Department of Local Government, Sport and Cultural Industries (2019)

⁵¹ ALGA (2019)

⁵² ALGA (2019a)

⁵³ ALGA (2019a)

Other Related Matters

- f) Any other related matters the select committee identifies as worthy of examination and report*

Transparency and Accountability

Local Government is a unique combination of a complex organisation, operating in the public realm with significant transparency and accountability requirements.

Appropriately, given Local Government's role as steward of public assets and public funds, there is a high level of public scrutiny related to Local Government operations and decision-making. In particular, Council meetings, with limited exceptions, are open to the public, and community members can avail themselves of public question time at Council meetings. Further, Local Governments are required to hold a public meeting of electors annually, and members of the community are able to petition for special electors meetings to be held to address specific issues.

In addition, the role of an Elected Member includes a role in facilitating communication between the community and the Council. Elected Members are generally approachable and make themselves available to be contacted about community issues in person at events or via telephone, email or social media. Information, including agendas and minutes, is available on each Local Government's website, meaning that Council decisions are generally accessible.

Local Governments embrace accountability, openness and transparency. Accusations to the contrary are fundamentally misguided, given the existing legislative transparency requirements coupled with Local Government practice that enhances transparency even further.

A prime example of Local Government's culture of openness is highlighted by the commencement of performance audits by the Office of the Auditor General. Despite the resource requirement in facilitating an audit of this nature, Local Governments have embraced the opportunity for an independent agency to access their organisation and provide recommendations on how performance can be improved to reduce risk or enhance efficiency or effectiveness.

The performance audits conducted by the Office of the Auditor General are not only relevant to the subset of Local Governments chosen for audit, but also provide learnings for other Local Governments. It is a credit to the Local Government sector that the performance audits have been welcomed by Local Governments, and not resisted.



State Local Government Partnership Agreement

In August 2017, the following State and Local Government sector leaders signed the Western Australian State Local Government Agreement:⁵⁴

- Premier – Hon Mark McGowan MLA;
- Minister for Local Government – Hon David Templeman MLA;
- President, WALGA – Cr Lynne Craigie; and,
- President, Local Government Professionals Australia WA – Mr Jonathan Throssell.

The objectives of the partnership agreement are to facilitate the State Government and the Local Government sector working together to enhance communication and consultation between the two spheres of Government, and to provide good governance for the people of Western Australia.

Importantly, the Agreement sets out a communication and consultation framework that commits the State Government to thoroughly consulting with the Local Government for 12 weeks for proposals that “will have a significant impact on Local Government responsibilities or operations.”⁵⁵

Further, the Agreement establishes the State and Local Government Partnership Group comprising the following State and Local Government leaders:

- Premier;
- Treasurer;
- Minister for Local Government;
- Minister for Planning / Transport;
- WALGA President;
- LG Professionals President; and,
- Such other Ministers and Local Government representatives as appropriate to the subject matter on the agenda.

The Partnership Agreement provides opportunities for both the State Government and the Local Government sector.

For the Local Government sector, the commitment to consultation timeframes and regular, formal access to key Government leaders, such as the Premier and Treasurer, are important.

For the State Government, there are opportunities to leverage Local Government’s reach in every community in Western Australia in the pursuit of State Government objectives.

⁵⁴ Government of Western Australia, Local Government Professionals Australia WA, and WALGA (2017)

⁵⁵ Government of Western Australia, Local Government Professionals Australia WA, and WALGA (2017)



For example, WALGA commissioned a consultancy to review the WA Plan for Jobs and provide information to Local Government about opportunities for leveraging the State's work in this space.⁵⁶ This provided Local Governments with options and opportunities at the regional and local level, allowing Local Governments to develop their local and regional economies in line with State objectives.

Similarly, as part of the Review of the Local Government Act, WALGA partnered with the Department of Local Government, Sport and Cultural Industries to host workshops around Western Australia leveraging WALGA's Zones to provide consolidated input into the State's review process.

State Industrial Relations Review

WALGA would like to draw the Committee's attention to the ongoing State Industrial Relations Review.

Although there is a State Local Government Partnership Agreement, there are times when there are differing views on particular issues. The recent Ministerial review of the WA Industrial Relations system is a case in point.

This particular example is where the State Government are proposing an agenda that disadvantages the Local Government sector.

The WA State Government undertook a review of the WA Industrial Relations System in which the following recommendations have been made:

- *Local Government employers and employees be regulated by the State industrial relations system.*
- *To facilitate this recommendation, the State Government introduce legislation into the State Parliament that declares, by way of a separate declaration, that each of the bodies established for a Local Government purpose under the Local Government Act 1995 (WA) is not to be a national system employer for the purposes of the 2018 IR Act.*
- *If the declaration is passed by the State Parliament, the State expeditiously attempt to obtain an endorsement under s 14(2)(c) and s 14(4) of the FW Act by the Commonwealth Minister for Small and Family Business, the Workplace and Deregulation, to make the declaration effective (the endorsement).*

⁵⁶ WALGA (2018)

Clearly a political decision, the State Government has advised they will **not** be modernising the State IR system, including updating the *Minimum Conditions of Employment Act 1993*, *Industrial Relations Act 1979* or state awards.

If this recommendation is enacted 88 percent of Local Governments or 93 percent of employees currently operating in the federal system will be forced to operate in a jurisdiction which is antiquated and does not provide minimum conditions reflective of the modern workplace.

Further, no consideration appears to have been given by the State Government to the fact that Local Governments have operated in the federal jurisdiction for well over a decade i.e. before the *Fair Work Act 2009* came into effect. The foundations in which Local Governments have established core functions and services for their communities has been enabled through a federal and modernised system.

While purporting to provide jurisdictional certainty, this politically driven decision will force Local Governments to review the viability of services and operations with ultimately members of the community paying the price.

WALGA and the sector are of the view that Local Government employers and employees in WA should not be exclusively regulated by the State IR system.

Whole of Government Data Sharing

The State Government's *Western Australian Government ICT Strategy 2016-2020* and recently released *Privacy and Responsible Information Sharing Discussion Paper*, provide substantial opportunity for improved planning and decision making across the whole of government, including State Government and the Local Government sector.

The Government's ICT Strategy observes:

"Information that is higher quality and analysed properly should enable better governance decisions, and support government digital services that provide data of real value to the community."⁵⁷

The State Government, through its Departments and Agencies, prepare a vast array of strategic planning and future directions documents that guide State and Local Government decision making and activity. These documents are based upon data and assumptions curated by each Department or Agency, specific to the purposes of their objective.

⁵⁷ Government of Western Australia (2016)



The absence of consistent, accurate and relevant data sets that guide the development of the State's strategic direction contribute to variability, inconsistency and at times even conflict in the planning directions for State and Local services and policies.

This is compounded through Local Governments' reliance on State Government strategic planning and directions documents as a key influence in developing Local Government Strategic Community Plans and Corporate Business Plans for Local Governments' communities.

The duplication of effort across State Government Departments and Agencies and each Local Government in sourcing, curating and refining data is inefficient and incurs a substantial cost on the Western Australian community, not only for the data collection process, but in the resulting variability and inconsistency of strategic outcomes.

WALGA considers that there is opportunity for the State Government to coordinate baseline data sets, assumptions and forecast data that can be collected, curated, managed and shared in formats, capable of being tailored in macro and micro formats to suit regional and local districts, so that State and Local Government strategic planning is based upon relevant, consistent and reliable data sets.

Provision of a 'single source of truth' for State and Local Government data (statistical, forecast and assumptions), provides for efficiency and consistency in whole of Government planning and decision making.

Conclusion

WALGA would like to take the opportunity to thank the Committee for considering this submission.

As this submission demonstrates, Local Governments, across the breadth and width of Western Australia, deal with a wide range of issues and strive to provide efficient services and effective democratic representation on behalf of their constituents and communities.

This Committee Inquiry presents a tremendous opportunity for best practice and innovation to be highlighted. While no Local Government is perfect, WALGA contends that the Local Government sector contains countless examples of dedicated Elected Members, executives and staff striving to achieve positive outcomes on behalf of the community.

WALGA President, Cr Lynne Craigie OAM, and Chief Executive Officer, Nick Sloan, would welcome the opportunity to present to the Committee on the matters contained in this submission or any other matters relevant to the Inquiry.

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25 January 2018

Department of Local Government, Sport and Cultural Industries
Gordon Stephenson House
GPO Box R1250
PERTH WA 6844

Email: legislation@dlgsc.wa.gov.au

Dear Sir

RE: SHIRE OF DARDANUP SUBMISSION LOCAL GOVERNMENT ACT REVIEW

The Shire of Dardanup has considered the making of a submission to the review of the Local Government Act 1995.

The attached submission was endorsed by Council at the ordinary meeting of Council on the 22 January 2018.

Council will continue to participate in the review process and looks forward to positive changes being made to improve the function of local government and to continue to provide good government to the community.

Please contact my Manager Governance and HR Services, Mrs Cathy Lee on 9724 0306 or via email cathy.lee@dardanup.wa.gov.au to seek further information if required.

Yours sincerely

MR MARK L CHESTER
Chief Executive Officer

Att: Shire of Dardanup Submission to the Review of the Local Government Act 1995

Shire of Dardanup Submission to the Review of the Local Government Act 1995

- **Local and Statewide Public Notice (s.1.7 and 1.8) (City of Bunbury (CoB) proposal)**

The Shire supports an amendment to the local and statewide public notice requirements to take advantage of the wider audience available through web based advertising and public notifications via social media.

Local Governments should have the option to advertise in statewide and local print media as circumstance suit the needs of the individual authority.

- **Role of Council (s 2.7) (Shire of Dardanup (SoD) proposal)**

The Act requires changes to s 2.7 to be more specific about the role of a council, being to set policy, strategic direction and to adopt the Corporate Business Plan and the annual budget.

The existing terminology under s 2.7 is far too broad, ambiguous and leaves too much room for misinterpretation, especially when 2.10 (e) refers to performing such other functions as are given to a councillor by this Act or any other written law. The table below explains the concerns more fully:

2.7. Role of council	
<p>(1)The council —</p> <p>(a) governs the local government's affairs; and</p> <p>(b) is responsible for the performance of the local government's functions.</p>	<p>The wording is ambiguous enough to enable interpretation by elected members to involve themselves in operational matters, including directing staff.</p> <p>Elected members that either intentionally or unintentionally involve themselves in administration and or guiding the actions of staff create unnecessary angst between themselves the Chief Executive Officer and staff. The anxiety affects staff as they are aware of what the Act and Code of Conduct says but are vulnerable because they do not wish to cause the elected member or their supervisors grief.</p> <p>Even publishing a protocol to guide elected members and staff causes angst as some may not agree with the direct nature of such guidelines and feel that they are being disempowered even though they should understand what the Act says.</p> <p>Recommendation to amend this section: -</p> <p>(1)The council is responsible for —</p> <p>(a) governing the local government's affairs; and</p> <p>(b) is responsible for the performance of the local government's functions, through;</p>

	<p>(2) Without limiting subsection (1), the council is to —</p> <p>(a) (c) the oversee oversight of the allocation of the local government's finances and resources; and</p> <p>(b) (d) by determine determining the local government's policies.</p>
<p>(2) Without limiting subsection (1), the council is to —</p> <p>(a) oversee the allocation of the local government's finances and resources; and</p> <p>(b) determine the local government's policies.</p>	Supported

• **Role of Councillors (s 2.10) (SoD)**

The Act requires changes to make s.10 more specific about the role of a Councillor, being to set policy, strategic direction and to adopt the Corporate Business Plan and the annual budget.

The existing terminology under s 2.10 is far too broad, ambiguous and leaves to much room for misinterpretation. The table below explains the concerns more fully.

<p>2.10. Role of councillors A councillor —</p>	
<p>(a) represents the interests of electors, ratepayers and residents of the district; and</p>	Supported
<p>(b) provides leadership and guidance to the community in the district; and</p>	Supported
<p>(c) facilitates communication between the community and the council ; and</p>	<p>Clarity is required to establish that the facilitation doesn't include being the intermediary for the community member/developer that seeks the information from officers then passes it on to third parties.</p> <p>Recommended amendment to this section: -</p> <p>(c) facilitates communication between the community and the council, through the adopted communication strategy of the council ; and</p>
<p>(d) participates in the local government's decision-making processes at council and committee meetings; and</p>	Supported

<p>(e) performs such other functions as are given to a councillor by this Act or any other written law.</p>	<p>Supported, however requires clarification, refer to 2.7 Role of Council, e.g. governs the affairs of council, responsible for performance of the local governments functions.</p>
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- **Elected Member Training (SoD)**

Professional development of elected members is supported, and can only be enforced if legislation requires it and if there is a consequence for not attending training.

The consequence should be either suspension or a reduced allowance until the training has been attended.

- **Extraordinary Vacancies (Division 6 of Part 2) (CoB)**

At present, if a sitting Councillor is elected by the electors to the office of Mayor or President, an extraordinary vacancy occurs pursuant to section 2.32(f). The vacancy created by that Councillor being elected to the office of Mayor or President can only then be filled at an extraordinary election.

It is suggested that where an ordinary election is required (ie more candidates than vacancies), that the vacancy created by virtue of the sitting Councillor being elected to the position of Mayor or President be filled by the candidate who records the next highest number of votes in that election.

The Shire supports the City of Bunbury proposal.

- **Legislative Power of Local Government (s3.5) (SoD)**

The Act enables Local Government to make local laws.

There is a flaw in the making of local law process that can be readily corrected by a change in the process.

Currently Local Government go through a lengthy process of preparing a draft local law, presenting the draft to the public (via statewide public notice), reporting submissions to Council, then presenting the local law to the relevant Minister and subsequently the Parliament committee on delegated legislation.

It is invariably at the end of the process when the parliamentary committee assesses the local law that there are errors and/or ultra vires wording that the committee then moves a disallowance motion in the Parliament to reject the local law. The Local Government is sent back to the starting point at significant cost in resources.

The process can be made more efficient and reasonable if the Act was amended to require the State Solicitors Office or the legal counsel for the Parliamentary committee on delegated legislation to review the draft before it is presented to the public to ensure that the contents of the proposed law is not at odds with any other legislation, and the wording is of a nature that it can be defended in a court of law if challenged.

An alternative to the above suggestion is that all local laws be created as model local laws that are validated by the State Solicitors Office or the Department of Local Government to ensure their compliance. Each Local Government should then only be required to insert maps or diagrams as relevant to their district.

These changes would align with the State Governments call for Local Governments to be more collaborative across boundaries by adopting the same policies and local laws to remove or reduce the confusion that landowners and developers voice objection to when dealing with various local governments.

- *Control of Certain Unvested Facilities (s3.53) (CoB)*

The Act includes provisions, under section 3.53, that have been carried forward from section 300 of the former *Local Government Act 1960*. Former Section 300 stated:

s300. A council has the care, control, and management of public places, streets, ways, bridges, culverts, fords, ferries, jetties, and drains, which are within the district, or, which although not within the district, are by this Act placed under the care, control, and management, of the council, or are to be regarded as being within the district, except where and to the extent that under an Act, another authority has that care, control, and management.

Section 3.53 refers to infrastructure as an 'otherwise unvested facility', and is defined to mean "a thoroughfare, bridge, jetty, drain, or watercourse belonging to the Crown, the responsibility for controlling or managing which is not vested in any person other than under this section."

Section 3.53 places responsibility for an otherwise unvested facility on the Local Government in whose district the facility is located. Lack of ongoing maintenance has resulted in much infrastructure falling into a dilapidated state. This, together with the uncertain provenance of many of these facilities, particularly bridges, can place an unwarranted and unfunded burden on Local Governments.

The City supports the deletion of section 3.53 of the Act, and that responsibility for facilities located on Crown Land return to the State as the appropriate land manager.

The Shire of Dardanup supports the City of Bunbury's proposal.

- ***Tender Threshold (Reg 11 Local Government (Functions and General) Regulation 1996) (CoB)***

The City supports an increase to the tender threshold from \$150,000 to \$250,000, which is consistent with the State Government tender threshold. This would allow better responsiveness by Local Governments when procuring relatively low value goods and services.

It must be noted that any purchases up to the tender threshold are already governed by a Local Governments purchasing policy developed under regulation 11A, which ensures probity in all facets of procurement up to the tender threshold.

The Shire of Dardanup supports the City of Bunbury's proposal.

- ***Regional Subsidiaries (CoB)***

The Act was amended in late 2016 to enable Local Governments to establish regional subsidiaries. The *Local Government (Regional Subsidiaries) Regulations 2017*, which were enacted in early 2017, contain significant restrictions that limit flexibility, and reduce the benefits of the regional subsidiary model. In particular, the regulations prevent regional subsidiaries from borrowing from any organisation other than a constituent local government, entering into a land transaction, or commencing a trading undertaking.

The City of Bunbury supports legislative change that would enable regional subsidiaries to:

1. Borrow in their own right;
2. Enter into land transactions; and
3. Undertake commercial activities.

The Shire of Dardanup supports the City of Bunbury's proposal.

- ***Eligibility of non-resident owners and occupiers to be enrolled s4.30 (SoD)***

It is recommended that consideration be given to amend the Act to allow non-resident owners of property in the district to be automatically included on the electoral roll for local government elections as the owner/s are responsible for the funding of services and facilities that are provided through their property rates.

- ***Conduct of Postal Elections (s.4.20 and 4.61) (CoB)***

Currently, the WA Electoral Commission has a legislatively enshrined monopoly on the conduct of Local Government postal elections.

The City of Bunbury supports any change to legislation that would also allow the Australian Electoral Commission and Local Governments to conduct postal elections, thus making the process more competitive and removing the current monopoly.

The Shire of Dardanup supports the City of Bunbury's proposal.

- ***Electors' General Meeting (s5.27) (CoB)***

The Act currently requires a general meeting of electors be held each financial year. There is adequate provision in the Act for the public to participate in Local Government matters and access information by attending meetings, participating in public question time, lodging petitions, and requesting special electors' meetings.

Accordingly the City of Bunbury supports any amendment to legislation that does not make meetings of electors mandatory.

The Shire of Dardanup supports the City of Bunbury's proposal.

- **Code of Conduct (s5.103) (SoD)**

The Act is mandatory for all Local Governments to comply with, however, s5.103 requires each Local Government to prepare and adopt a code of conduct, the code ought to be identical for all Local Governments and not be subject to alteration, a standard code should apply across the industry so that there is no ambiguity or misinterpretation if elected members and officers consult with each other from different Local Governments and because of subtle differences confusion arises.

- **Gifts and Contributions to Travel (s.5.82 and 5.83) (CoB)**

The current gift provisions in the Act are very confusing and overly prescriptive. The City of Bunbury supports WALGA's position in advocating for the following through the Department of Local Government's Gift Working Group:

1. That there only be one section in the Act for declaring gifts; remove declarations for travel;
2. That there be no requirement to declare gifts received in a genuinely personal capacity;
3. That gift provisions apply only for Elected Members and Chief Executive Officers. Other staff should be covered under the Local Government's Codes of Conduct;
4. That only gifts above \$500.00 need to be declared;
5. That there be no defined categories of notifiable or prohibited gifts; and
6. That there be exemption for electoral gifts received that relate to the State and Commonwealth Electoral Acts. Therefore, Elected Members who are standing for State or Federal Parliament will only need to comply with the State or Federal electoral act and not declare it as a Local Government gift.

The Shire of Dardanup supports the City of Bunbury proposal.

- **Complaints Officer (s5.120) (SoD)**

The Act requires each Local Government to designate a senior employee to be its complaints officer. A senior employee is defined under s 5.37: -

5.37. Senior employees

- (1) *A local government may designate employees or persons belonging to a class of employee to be senior employees.*
- (2) *The CEO is to inform the council of each proposal to employ or dismiss a senior employee, other than a senior employee referred to in section 5.39(1a), and the council may accept or reject the CEO's recommendation but if the council rejects a recommendation, it is to inform the CEO of the reasons for its doing so.*
- (3) *Unless subsection (4A) applies, if the position of a senior employee of a local government becomes vacant, it is to be advertised by the local government in the manner prescribed, and the advertisement is to contain such information with respect to the position as is prescribed.*

- (4A) *Subsection (3) does not require a position to be advertised if it is proposed that the position be filled by a person in a prescribed class.*
- (4) *For the avoidance of doubt, subsection (3) does not impose a requirement to advertise a position where a contract referred to in section 5.39 is renewed.*

Many Local Governments do not have designated senior employees (including the Shire of Dardanup); therefore the Chief Executive Officer is automatically the complaints officer.

It is unfair and unreasonable that an officer of council, a designated senior employee or a Chief Executive Officer should be the complaints officer that has to deal with complaints against elected members.

This is particularly unreasonable for a Chief Executive Officer. It is clear that there is potential for bias and for procedural fairness to be compromised when an officer has the task of investigating and reporting to the Standards Panel about allegations of breaches of the Rules of Conduct by a Councillor, whom will at some point in time sit in judgement of that officer.

It is recommended that the role of complaints officer be a task assigned to the Department of Local Government. All costs can be recovered from the Local Government and the sanction against an elected member may include the penalty of reimbursing these costs to the Local Government.

If a complaint is found to be unproven then no costs are awarded to either party. If a complaint is proven to be vexatious then consideration needs to be given to the complainant paying the costs.

The consequence of punitive penalties will be a deterrent to repetitive recalcitrant behavior and time wasting complaints.

- *Revoking or Changing Decisions (Reg. 10 Local Government (Administration) Regulations 1996) (CoB and SoD change).*

Regulation 10 of the *Local Government (Administration) Regulations 1996* provides a mechanism for the revocation or change to a previous decision of Council. It does not however, contain any provision clarifying that the provisions do not apply to Council decisions that have already been implemented.

At present, this regulatory deficiency is managed administratively (through Standing Orders), but warrants an appropriate legislative amendment to assist in clarifying the rights of an Elected Member seeking a revocation or change.

Reg. 10 states : -

- (1a) *Notice of a motion to revoke or change a decision referred to in subregulation (1) is to be signed by members of the council or committee numbering at least $\frac{1}{3}$ of the number of offices (whether vacant or not) of members of the council or committee, inclusive of the mover.*

It is recommended that the regulation be amended to insert the words after the words Notice of a motion *as prescribed by the local governments standing orders.*

(1a) will then read

- (1a) *Notice of a motion as prescribed by the local governments standing orders to revoke or change a decision referred to in subregulation (1) is to be signed by members of the council or committee numbering at least $\frac{1}{3}$ of the number of offices (whether vacant or not) of members of the council or committee, inclusive of the mover.*

The Shire of Dardanup supports the City of Bunbury proposal and the insertion of the words *as prescribed by the local governments standing orders*, after the words Notice of motion.

- *Local Government (Rules of Conduct) Regulations 2007 (CoB with SoD change)*

The City of Bunbury supports the implementation of official conduct legislation to govern the behaviour of Elected Members. It is suggested that the General Principles of Behaviour outlined in regulation 3 of these regulations would be an appropriate starting point.

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

The Shire of Dardanup supports the City of Bunbury proposal.

- ***Rating Exemptions – Charitable Purposes (s.6.26(2)(g)) (SoD)***

The Shire of Dardanup supports an amendment to the Act that removes the rate exemption for independent living units that are located within estates operated by charitable organizations and community housing dwellings located throughout the district.

There is sufficient evidence that the independent living units and community housing stock are occupied by residents that continue to enjoy the services and facilities provided by the ratepayers of the district and the fact that they move from one dwelling to another does not remove their right to have access to these services and facilities, however it should not remove their responsibility to make a continued contribution to the provision, maintenance and future replacement of such facilities.

- ***Basis of Rates (s.6.28) (CoB)***

The method of valuation of land to be used as the basis of rating in Western Australia is either:

- Gross Rental Value for predominantly non-rural purpose; or
- Unimproved value of land for rural purposes.

These are the only two methods available under the section 6.28 of the Act in Western Australia. Eastern State Local Governments can elect to rate on one of the following options:

1. Site Value - levy on the unimproved value of land only and disregards the value of buildings, personal property and other improvements;
2. Capital Value - value of the land including improvements; and
3. Annual Value - rental value of a property (same as GRV).

The City of Bunbury supports the examination of the limitations of the current methods of valuation of land in Western Australia, with a view to exploring other alternatives.

The Shire of Dardanup supports the City of Bunbury proposal.

- ***Differential Rates (s.6.28 and 6.33) (CoB)***

It is noted that concern has previously been raised by metropolitan Local Governments at the amount of vacant land remaining in an undeveloped state for an extensive period of time and holding up development opportunities.

The City of Bunbury supports any amendment to the current legislative provisions in relation to differential rating to enable a differential rate to be applied on the basis of the length of time a property has remained in an undeveloped state.

The Shire of Dardanup supports the City of Bunbury proposal.

- ***Exemption from AASB 124 (Reg. 4 Local Government (Financial Management) Regulations 1996) (CoB)***

Regulation 4 of the *Local Government (Financial Management) Regulations 1996* provides a mechanism for an exemption from the Australian Accounting Standard. Regulation 16 is an example of the use of this mechanism, relieving Local Governments from the requirement to value land under roads.

The City of Bunbury supports an amendment that would allow an exemption from the implementation of AASB 124 'Related Party Transactions' due to the current provisions in the Act on declarations of interest at meetings and in Primary and Annual returns. This is regarded as providing appropriate material declaration and disclosure of interests associated with function of Local Government.

The Shire of Dardanup supports the City of Bunbury proposal.

- ***Suspension or dismissal of individual Elected Members – New proposal (SoD)***

The Minister for Local Government has publicly stated that legislation is being drafted to give the Minister power to suspend or dismiss an elected member that is found to have consistently breached the Rules of Conduct.

This proposal is supported on the basis that it is profoundly unfair that the entire council has to be punished when the issue is that one or two councillors are causing the problems with the functions of the Council and the delivery of good government to the district.

The Shire of Dardanup supports this proposal as proposed by the Minister.

- ***Commercial Enterprises by Local Government s3.59 (7)***

S3.59 (7) The local government can only commence the undertaking or enter into the transaction with the approval of the Minister if it is of a kind for which the regulations require the Minister's approval.

The Local Government (Functions and General) Regulations 1996, Part 3, Regs 7, 8 and 9, state that a Local Government outside the metropolitan area and not being a regional centre as defined by the Act (20,000 population) has a limit of \$2,000,000 on a transaction that does not require the approval of the Minister.

It is recommended that the Act be amended to empower all Local Governments to have complete autonomy to undertake a commercial undertaking, including the buying and selling of land by a decision of absolute majority of the Council, following the publication of a business plan and the receiving and considering public submissions.

ISSUE 9 | AUGUST 2019 | PORT OPERATIONS AND SUPPLY CHAIN

Westport’s shortlist of options has been determined, based on criteria and weightings informed by research and widespread consultation. While Bunbury Port does not feature in the shortlisted options, there are still plenty of opportunities for future growth.

Westport’s analysis and evaluation process has revealed a number of opportunities for Bunbury Port and the South West’s burgeoning industries that could increase trade and economic growth for the region well into the future.

Bunbury Port expansion opportunities

Westport’s investigation into whether Bunbury Port should be a location for a major container port included gaining an understanding of how local industries are transporting containerised freight for import or export to/from the South West region by road, and the potential to sustainably transfer this freight onto rail.

Independent to Westport, Southern Ports has been progressing its master plan for the long-term development and expansion of Bunbury Port.

An artist’s impression comparing the Bunbury Inner Harbour’s current state with what it could look like if the Revised Inner Harbour Structure Concept Plan (*draft only*) goes ahead, are shown to the right (images courtesy of Southern Ports).

This Concept Plan is a preliminary draft and will be subject to a public consultation process by Southern Ports.



Image 1: Bunbury Port currently (January 2019)



Image 2: Bunbury Revised Inner Harbour Concept Plan (draft only – subject to public consultation)

Key findings for Bunbury

1. Westport's consultation with South West businesses found that the current annual volume of containers exported from the region is approximately 33,000 containers (TEU).
2. An annual task of approximately 20,000 TEU – or 60 per cent of the current freight task – would be required to support a daily rail freight service to transport containers from Bunbury up to the Fremantle North Quay Rail Terminal (NQRT) for export.
3. No major improvements or capital upgrades to the freight rail corridor or intermodal terminal feeder roads would be required to support the daily rail freight service from Bunbury to NQRT in the short-term.
4. When comparing the costs of road versus rail transportation, it was found that a rail-based container supply chain is commercially comparable with trucks, subject to sufficient volumes and meeting the customers' needs.
5. It is estimated that an additional 10,000 to 50,000 TEU will come on line in the South West region in coming years with expansions and new ventures, including the Albemarle lithium hydroxide manufacturing facility in Kemerton, which is under construction.
6. An assessment of suitable intermodal terminal (IMT) locations (where containers transfer from road to rail and vice versa) found multiple potential sites in Picton and Bunbury Port areas.

Further work with relevant State Government agencies must be undertaken before a decision on the IMT location can be made.

Capitalising on these opportunities

There are several steps that can be taken in the short-term to facilitate the growth of the South West's container trade with a view to establishing a niche container operation at Bunbury Port.

1. The Department of Transport is working with the Department of Planning, Lands and Heritage (DPLH), Southern Ports and Bunbury stakeholders to undertake more detailed supply chain work to confirm the most suitable location for a future IMT and to better understand requirements for integrating IMTs into the South West rail supply chain.
2. Steps will be taken to investigate the feasibility of protecting the requisite road and rail corridors in the local planning scheme, so the land is available if and when required. Having suitable corridors in place may allow Bunbury to be integrated into Perth's supply chain at a later date if it becomes viable. This issue will be investigated with the relevant Government agencies.
3. The working group can encourage identified local exporters and their freight logistics providers to transfer from road to rail by promoting the benefits of the rail based supply chain to NQRT.

Growing the local container task may eventually lead to the critical mass required to establish a niche stevedore operation at Bunbury Port.

Establishing a container operation at Bunbury Port would encourage large industries to operate in the area – especially with such an abundance of industrial land available close to the port. Facilitating industrial development could also spur social and economic development for the region as it would create skilled job opportunities for locals and bring more people to the area for work purposes.

With an initial container freight consolidating IMT site operating and then a potential container-handling facility in place, Bunbury may be well-positioned to be included in handling the growing freight needs of the Perth metropolitan area in the long-term.

Why didn't Bunbury make Westport's shortlist?

While Westport is undertaking many tasks, our main priority is specifically addressing the issue of Perth's container terminal capacity and land transport access, as stated in the 2019 Infrastructure Australia priority list.

Due to its distance from Perth, Bunbury Port was unlikely to compare favourably with Fremantle and Kwinana in terms of handling container imports destined for consumers in the Perth metropolitan area. However, it was timely to take a fresh look at Bunbury to see whether ongoing improvements in transport and construction methods had changed this outlook.

A much earlier assessment for a 1989 report which investigated having dedicated container-handling facilities at either Geraldton, Bunbury, Wilbinga or Breton Bay found that:

- land transport costs associated with cartage between a regional container port and Perth were prohibitive, given that the majority of containers had an origin or destination in the metropolitan area;
- there would be high costs for upgrading rail connections to these ports to handle high volumes of containers; and

- regional ports go against the international trend of consolidated container port facilities.

These findings are supported by the Fremantle Ports Container Movement Study 2017, which found that only 3.5 per cent of containers handled at the Inner Harbour are transported more than 100km from the port for unpacking (see Table 1 below).

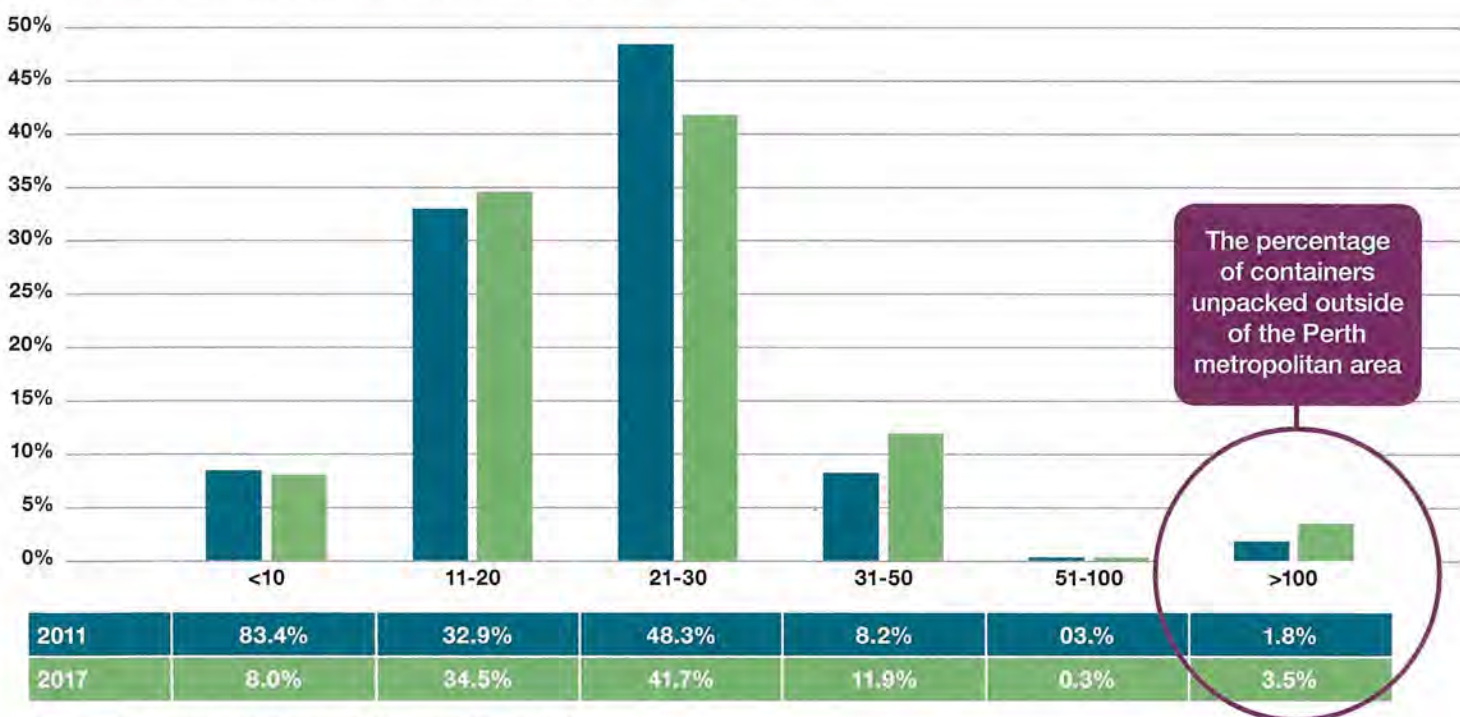
With distance comes cost – the cost of having to build more infrastructure, as well as the higher operational costs of transporting goods across long distances – which would then likely be passed onto consumers.

In the case of Bunbury Port, to build an effective supply chain operation to Perth would require a duplication of the South West Main rail line. While the capital costs of building heavy rail are significant, there would be further costs including land acquisitions, grade separations at several key crossings, and management of the other 100-plus level crossings. The large increase in daily rail movements would also cause disruption and impact the amenity of communities lining the rail corridor.

The road enhancements required to make Bunbury Port a major container port – including duplication of Willinge Drive and several grade separations on Forrest and South West Highways – also present significant costs.

(continued overleaf)

Table 1: Radial distance from the port for unpack locations – combined



Source: Fremantle Ports Container Movement Study 2017

Another major challenge is the basalt layer which sits under the Bunbury Inner Harbour channel and extends under Koombana Bay at a depth of around 14m below sea level. To reach the estimated end-state port depth of 18m would necessitate extensive blasting, which would potentially cost billions of dollars as well as posing environmental risks.

The final issue for the Bunbury options related to questions over whether the port's capacity could be increased enough to handle the end-state container capacity of 3.8 million TEU. Even the proposed extensions inland and additional berths were unlikely to be sufficient, requiring the port to be extended out to sea – creating further costs and environmental damage.

The issues highlighted above make Bunbury unsuitable in playing a central role for Perth's container supply chain, but do not present hurdles for creating a niche container trade servicing the South West. This opportunity can now be explored by local stakeholders.

Over time, as Perth's population extends further south and new technologies are developed – such as rapid, cost-effective transportation methods – there is also every chance that Bunbury can and will play a bigger role in the metropolitan supply chain.

Next steps

The four Bunbury options outlined in Westport's long-list will not be progressed any further through the process. The five shortlisted options will be the only options tested in MCA-2 and the cost-benefit analysis.

The Transport Portfolio will work with Southern Ports and local stakeholders in Bunbury and the South West region to determine how to best realise opportunities to improve freight transport supply chains.

Thank you to Westport's valued Bunbury stakeholders

Westport would like to extend our sincerest thanks to the members of the Westport Taskforce who championed Bunbury and the South West throughout our process, and provided us with valuable information and data:

- Arc Infrastructure
- Aurizon
- Bunbury Geographe Chamber of Commerce and Industry
- Bunbury Geographe Economic Alliance
- City of Bunbury
- LandCorp
- Main Roads WA
- Member for Bunbury, Hon. Don Punch MLA
- Shire of Dardanup
- South West Development Commission
- Southern Ports
- Watco

We also thank the following organisations for their input:

- Albemarle
- Centillion
- Cristal Mining
- Cristal Pigment
- Doral
- Iluka Resources
- Laminex and Wespine
- MZI Keysbrook
- Simcoa Kemerton
- Talison Lithium
- V&V Walsh Meat
- Wren Oil

Thanks are extended to everyone who attended our community events in Bunbury, the local media and everyone who engaged with Westport.

updates at: mysaytransport.wa.gov.au/westportbeacon



transport.wa.gov.au/Westport



enquiries@westport.wa.gov.au



08 6551 6525

Information contained within this publication was correct at the time of production.



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31 July 2019

Ms Bec Pianta
Grants Manager
Department of Fire & Emergency Services
20 Stockton Bend
COCKBURN CENTRAL WA 6164

Email: bec.pianta@dfes.wa.gov.au

Dear Bec

RE: 2018-19 NATIONAL DISASTER RESILIENCE PROGRAM FUNDING – REF: NDRP1819-34

Thank you very much for your notification that the Shire was successful in obtaining funding under the Natural Disaster Resilience Program for the Shire's Alternative Power Supply in Emergencies project.

At the present time, the Shire is in the process of designing a new Administration Centre and Library building and ideally we would like to incorporate this alternative power supply into the new building.

At the Shire of Dardanup's Ordinary Council Meeting held on 17 July 2019, Council resolved the following:

THAT Council:

- 1. Acknowledges the advice from the Department of Fire and Emergency Services that the Shire of Dardanup has been successful in obtaining funding of \$44,250 under the Natural Disaster Resilience Program (NDRP) for the Shire of Dardanup Alternative Power Supply in Emergencies Project.*
- 2. Instruct the Chief Executive Officer to write to the Department of Fire and Emergency Services and request that \$44,250 available under the Natural Disaster Resilience Program be held over until such time as the new administration centre is designed and construction commences.*
- 3. Incorporate into the Shire of Dardanup Long Term Financial Plan a provision for matching capital contribution and ongoing maintenance and operating costs.*

.../2

I would be grateful if you could please advise if it is possible for the \$44,250 grant awarded to the Shire under the Natural Disaster Resilience Program be held over to the 2021-22 financial year when construction is due to commence on the new administration centre and library.

I look forward to receiving your favourable response.

Yours sincerely



MR ANDRÉ SCHÖNFELDT
Chief Executive Officer

Marisa Blandford

From: UNDERWOOD Stephanie <Stephanie.Underwood@dfes.wa.gov.au>
Sent: Monday, 5 August 2019 10:00 AM
To: Gaylene Godfrey
Cc: Erin Hutchins; PIANTA Bec
Subject: National Disaster Resilience Program Funding – Ref: NDRP1819-34

Good Morning Mr Schönfeldt,

Thank you for your letter dated 31 July 2019 regarding National Disaster Resilience Program Funding – Ref: NDRP1819-34

Congratulations on receiving funding as part of the National Disaster Resilience Program (NDRP) for the Shire of Dardanup's *Alternative Power Supply in Emergencies* project. Based on the information provided in your letter and original application we have reviewed the existing deliverables, and can continue to support the purchase and installation of the generator, trailer and associated works for the Eaton Recreation Centre,. We are unable to transfer works or carry forward the funds for the proposed Administration Centre and Library building in replacement of the Eaton Administration Building.

As the current Eaton Administration Building will be replaced with the new building in approximately three years, we will also not support the works being undertaken at the existing building. You are, however, welcome to submit subsequent applications to NDRP to cover future costs (providing the projects are eligible).

With this in mind, the 2018-19 NDRP sum offered to the Shire of Dardanup will reduce. The budget submitted as part of the original application is listed below, with an updated budget sought.

Expenditure item	Original budget
Generator ATS switchboard and mains connection to Eaton Administration Building	15,000
Generator ATS switchboard and mains connection to Eaton Recreation Centre	15,000
100 KVA GENSET supply and install	45,000
GENSET trailer	5,000
Oil and fuel	2,500
Concrete pad	2,000
Fencing	3,500
Fire extinguisher	500
TOTAL	\$ 88,500

Please provide DFES with revised budget information by 19 August 2019 to reflect this change. Should it be deemed acceptable, an updated Funding Agreement will be forwarded.

We trust you understand our position on this matter.

Please send the budget information and direct any queries to Bec Pianta, Grants Manager at Bec.Pianta@dfes.wa.gov.au or call 9395 9512.

Thank you.

Stephanie Underwood

Executive Manager, State Emergency Management Committee Business Unit
Department of Fire and Emergency Services
Emergency Services Complex , 20 Stockton Bend, Cockburn Central WA 6164
T +61 8 9395 9888 M: +61 4 1172 8841 E Stephanie.Underwood@dfes.wa.gov.au

SHIRE OF DARDANUP

MINUTES FOR THE SHIRE OF DARDANUP LOCAL EMERGENCY MANAGEMENT COMMITTEE MEETING HELD ON THURSDAY 1 AUGUST 2019, AT SHIRE OF DARDANUP – EATON ADMINISTRATION CENTRE, COMMENCING AT 2.00PM.

1 DECLARATION OF OPENING/ANNOUNCEMENT OF VISITORS

The Chairman, Cr Mick Bennett declared the meeting open at 2.00pm, welcomed those in attendance and referred to the Acknowledgement of Country; the Disclaimer and Affirmation of Civic Duty and Responsibility on behalf of Councillors and Officers:

Acknowledgement of Country

The Shire of Dardanup wishes to acknowledge that this meeting is being held on the traditional lands of the Noongar people. In doing this, we recognise and respect their continuing culture and the contribution they make to the life of this region by recognising the strength, resilience and capacity of Wardandi people in this land.

Affirmation of Civic Duty and Responsibility

Councillors and Officers of the Shire of Dardanup collectively declare that we will duly, faithfully, honestly and with integrity fulfil the duties of our respective office and positions for all the people in the district according to the best of our judgement and ability. We will observe the Shire's Code of Conduct and Standing Orders to ensure efficient, effective and orderly decision making within this forum.

Committee members acknowledge that only the Chief Executive Officer or a member of the Shire of Dardanup staff appointed by the Chief Executive Officer is to have contact with consultants and suppliers that are appointed under contract to undertake the development and implementation of projects.

The exception to this Policy is when there is a meeting of the committee or working group with the consultant and the Chief Executive Officer or the Chief Executive Officer's representative is present.

Members of committees acknowledge that a breach of this Policy may result in a request to Council to have them removed from the committee.

Emergency Procedure

In the event of an emergency, please follow the instructions of the Chairperson who will direct you to the safest exit route. Once outside, please proceed to the Assembly Area points located to the western side of the front office car park near the skate park and gazebo where we will meet (and complete a roll call).

2. RECORD OF ATTENDANCE/APOLOGIES/LEAVE OF ABSENCE PREVIOUSLY APPROVED

2.1 Attendance

Cr Michael Bennett	-	Shire President [Chairperson]
Cr. Patricia Perks	-	Elected Member
Mrs Erin Hutchins	-	Coordinator Emergency & Ranger Services
Mr John Kowal	-	Manager Recreation Services
Mr Nathan Ryder	-	Manager Operations
Mr Dave Smith	-	Main Roads WA
Mr Peter Stewart	-	Department of Fire & Emergency Services
Mr Vik Cheema	-	Department of Fire & Emergency Services
Mr Tim Stevens	-	Department Primary Industries & Development
Ms Sharon Hutchins	-	Department of Communities
Ms Roma Boucher	-	Department of Communities
Ms Jess Newman	-	Department of Biodiversity, Conservation & Attractions
Mrs Peta Nolan	-	Personal Assistant – Director Infrastructure

2.2 Apologies

Mr Jon Sproule	-	Salvation Army
Mr André Schönfeldt	-	Chief Executive Officer
Mr Luke Botica	-	Director Infrastructure
Mr Phil Anastasakis	-	Deputy Chief Executive Officer
Mr Brenton Scambler	-	Manager Development Services
Mr Anton Manning	-	Senior OSH Coordinator
Snr Sgt Mark Smith	-	OIC Australind Police Station
Mr Alf Read	-	Water Corporation
Ms Nicky Waite	-	Water Corporation
Mr Murray Halden	-	Senior Ranger
Ms Zoe Schatz	-	Salvation Army
Mrs Phillippa Laskowski - Peter Buckley	-	Shire Ranger Water Corporation

3. PETITIONS/DEPUTATIONS/PRESENTATIONS

None.

4. CONFIRMATION OF MINUTES OF PREVIOUS MEETING

4.1 Local Emergency Management Committee Meeting Held 2 May 2019

**OFFICER RECOMMENDED RESOLUTION
& LOCAL EMERGENCY MANAGEMENT COMMITTEE RESOLUTION**

LEM 05-19 MOVED - Mr Peter Stewart SECONDED - Mr Tim Stevens

THAT the Minutes of the Local Emergency Management Committee Meeting held on 2 May 2019, be confirmed as true and correct subject to the following correction:

- Resolution [LEM 04-19] on page 6 of the Minutes be amended from "2018-2019 LEMC Annual Business Plan" and to read "2019-2020 LEMC Annual Business Plan".

CARRIED

5. ANNOUNCEMENTS OF MATTERS FOR WHICH MEETING MAY BE CLOSED

None.

6. QUESTIONS BY MEMBERS OF WHICH DUE NOTICE HAS BEEN GIVEN

None.

7. DECLARATION OF INTEREST

Discussion:

Chairperson, Cr. M T Bennett asked if there were any declarations of interest to be made.

There were no declarations of interest made.

8 REPORTS FROM OFFICERS AND COMMITTEE MEMBERS

8.1 Title: Update Report from Shire of Dardanup

Reporting Department: Sustainable Development Directorate
Reporting Officer: Mrs Erin Hutchins - Coordinator Emergency & Ranger Services
Legislation: Local Government Act 1995
 Emergency Management Act 2005

- Acronyms & Terms

There have been no amendments or additions to the emergency management list of acronyms or terms.

- Confirmation of LEMA Contact Details and Key Stakeholders

An electronic copy of the Shire of Dardanup LEMA contact and key stakeholder details has been provided to LEMC members. It is requested that any changes to contact and key stakeholders details are notified to the Shire of Dardanup via records@dardanup.wa.gov.au

- Committee Membership & Resources

There are no new membership requests at this time.

- Status of Local Emergency Management (Recovery) Arrangements (LEMA)

The Shire of Dardanup LEMA was adopted by Council at its Ordinary Council meeting held 1 April 2016. A full review will occur in 2021.

- Exercises that Tested the LEMA

The Shire is working towards an appropriate exercise that will test how the Shire of Dardanup responds in an emergency (recovery scenario). As mentioned at the previous meeting in May, the exercise can incorporate multiple agencies relevant to the local area to ensure cohesion between departments. It is proposed that the exercise will be run in lieu of the May 2020 meeting. This will also ensure sufficient time to apply for any available funding to assist with the exercise as well ensure availability of members.

- Sub-Committees or Working Groups - Nil to report.

- Projects Undertaken - Nil to report.

- Key Achievements - Nil to report.

- Local Training Needs or Opportunities - Nil to report.

- Funding Opportunities

The Department of Fire and Emergency Services (DFES) has advised the Shire that its application to the Natural Disaster Resilience Program (NDRP) for the purchase of a generator was successful. The Shire was eligible to receive funding of **\$44,250** towards the *Shire of Dardanup Alternative Power Supply in Emergencies Project*.

The Shire recommend that Council not support the immediate funding opportunity at this time, but request that the Department of Fire & Emergency Services hold over the allocation of this funding to enable a backup power supply to be incorporated into the new administration building. This will enable Council to incorporate the acquisition and ongoing maintenance costs into its long term financial plans, and ensure that the equipment is fit for purpose.

At the Shire of Dardanup's Ordinary Council Meeting held on 17 July 2019, Council resolved the following:

THAT Council:

1. *Acknowledges the advice from the Department of Fire and Emergency Services that the Shire of Dardanup has been successful in obtaining funding of \$44,250 under the Natural Disaster Resilience Program (NDRP) for the Shire of Dardanup Alternative Power Supply in Emergencies Project.*
 2. *Instruct the Chief Executive Officer to write to the Department of Fire and Emergency Services and request that \$44,250 available under the Natural Disaster Resilience Program be held over until such time as the new administration centre is designed and construction commences.*
 3. *Incorporate into the Shire of Dardanup Long Term Financial Plan a provision for matching capital contribution and ongoing maintenance and operating costs.*
- Incident Support Group Activations/ Incidents - Nil to report.
 - Emergency Risk Management Processes/Treatment Strategies - Nil to report.
 - Post Incident / Exercise Reports - Nil to report.
 - Completion of Annual and Preparedness Report Capability Survey - Nil to report.
 - South West Emergency Management Alliance (SWEMA)

At the last SWEMA meeting held in Nannup on 21 May 2019, members put forward the following motion;

Motion:

1. *Agree in principle to winding up the SWEMA in its current form.*
2. *The funds currently held in trust by the City of Bunbury be applied to a professional development day for members. City of Busselton to host and coordinate presentation.*
3. *Member councils be encouraged to continue to maintain accurate details for a regional contact list.*

The Shire awaits further details from the City of Busselton in relation to a professional development day for members. It is suggested that members only convene once a year whether physically, by tele/video conferencing, or for a professional development day.

- Seasonal review – fire season preparedness

Refer DFES report if applicable.

- Seasonal review – storm season preparedness

Refer DFES report if applicable.

Discussion:

With regard to the Natural Disaster Resilience Program (NDRP) mentioned above, Department of Fire and Emergency Services Representative, Mr Vik Cheema asked when the Shire anticipated that the NDRP would be spent on the generator?

Cr. M T Bennett advised that the Shire would be requesting an extension to the funding of approximately three years to allow for the construction of the new administration centre.

Cr. M T Bennett advised that it is disappointing that the SWEMA is not continuing. He suggested that he may need to speak about this at the WALGA – South West Zone meetings to see if these meetings can continue in some form.

Department of Communities Representative, Mrs Roma Boucher advised that she sees the benefits of the SWEMA. The benefits are particularly evident in a disaster situation.

Mr V Cheema advised that SWEMA is a great opportunity for local governments to get together to discuss issues and that there is also the SW Zone meeting of CEO's and Shire Councillors where there is a decision making capacity for emergency management.

There was discussion about if Mr Elliot Fischer from the SW Zone of WALGA could assist with the role of managing the SWEMA meetings and agendas.

8.2 Title: Agency Reports – Various

Reporting Department:	Various
Reporting Officer:	Various
Legislation:	Local Government Act 1995 Emergency Management Act 2005

(In the interest of time efficiency report to be accepted as presented, not read aloud at the meeting)

Background

Each agency is invited to provide the meeting with a report of their activities for the benefit of the committee.

◇ **District Emergency Management Advisor – Mr Vik Cheema**

Discussion:

Mr Vik Cheema advised that the State Emergency Management Committee are looking at two exercises. – Human Epidemic and Fire. These are the current focus.

Mr V Cheema suggested that the Dardanup LEMC have a discussion with community and key agencies for preparedness leading into the fire season.

Mr V Cheema suggested that the Shire consider identifying areas at risk within the Shire.

Co-ordinator Emergency and Rangers Services, Mrs Erin Hutchins advised that she would arrange for Mr Ben Anderson – Bushfire Risk Planning Coordinator to attend the next meeting to provide information about the Bushfire Risk Management Plan and areas at risk due to bushfire.

Mr V Cheema also advised that there will be a meeting of the SEMC on 9 August 2019 and the last DEMC meeting was on 7 May 2019.

Note: Cr. P R Perks left the meeting [2.26pm]

There was discussion about involvement in the Lewana Bushfires including the impacts on private property.

Note: Cr. P R Perks returned to the meeting [2.29pm]

◇ **Department for Communities**

**SOUTH WEST DISTRICT EMERGENCY SERVICES OFFICER'S
QUARTERLY REPORT
1st Quarter – 01st July to 30th September 2019**

Meeting: Shire of Dardanup

Date: Thursday 1st August 2019

1. I've also attended the following events –

- 7th May – SW Emergency Management Alliance (SWEMA) meetings at Nannup.
- 13-16th May – DC Emergency Services Unit Conference and we spent some time mapping recovery items anticipated for a large-scale State Recovery event.

2. The Department was activated for the following event –

- City of Busselton and Shire of Augusta Margaret River – Blackwood Complex Bushfires on Thursday 6th June. This event comprised 3 bushfires in the vicinity of Jarrahwood townsite; Vasse Plantation (near Treeton/Jindong) and east of Cowaramup; and Baudin Plantation and Sues Bridge near Mowen Road, between Sues Road and Jalbarragup Road. Each of these fires were escapes from pine harvest debris and the first two reached Emergency Warning levels. Residents from the town of Jarrahwood and residents in the vicinity of the Vasse Plantation were advised to leave and an evacuation centre was opened at the Geographe Leisure Centre, Busselton. Two residents registered with us and another family of 8 called at the centre prior to us arriving. All evacuees went to family and friends in Busselton.

During the day another fire, cause accidental, escalated in the western part of Forrest Grove, approximately 14kms south of Margaret River. In expectation of worsening conditions, it was decided the MR Independent School would be evacuated to the MR Recreation Centre. The Shire opened the facility which was a staging place for the children to be safe until collected by parents/guardians.

Note:

From the 5th June there was a DFES Severe Weather warning issued for South West and Lower South West, together with a Total Fire Ban for Geopraphe, Lower West Coastal and Lower West Inland weather districts for Thursday 6th June. Rain started to impact the area from about 1pm on Wednesday 6th June which assisted firefighters at the various locations.

◇ **Department of Primary Industries and Regional Development (DPIRD)**

Discussion

DPIRD Representative, Mr Tim Stevens tabled the CAWE Communique for information.

◇ **Department of Fire & Emergency Services - Mr Peter Stewart**

Discussion

*Report for the Shire of Dardanup Local Emergency Management Committee
Thursday 1st Aug 2019*

AUSTRALIND SES BUILDING

The Australind SES (Shire of Harvey) are having a new HQ being built and should be ready for operations in February 2020. The cost of the building is approximately \$900,000.00.

The Australind SES assist and serve the residents of Eaton and surrounding areas within the Shire of Dardanup.

COLLIE EMERGENCY SERVICES FACILITY

DFES is working with the Shire of Collie to identify a suitable site for the new Collie Emergency Services Facility. Of main interest will be the inclusion of a Level 3 Incident Control Centre and a Driver Training facility for both career and volunteer personnel. As details of the design and progress of the construction are released we will keep our LEMC members informed.

BUSHFIRE MITIGATION

DFES Bushfire Mitigation Officers are working closely with Local Governments to develop their Bushfire Risk Management Plans of which the Shire of Dardanup are well into their program. Their main focus is on UCL and UMR for mitigation works.

SEASONAL OUTLOOK

The BOM have released their seasonal outlook for August - October. Access to this forecast is available via this link - <http://www.bom.gov.au/climate/outlooks/#/overview/video>

Basically we are to expect average to below average rainfall and average to above average temperatures. This is despite above average rainfall experienced during June.

BUSHFIRE CENTRE OF EXCELLENCE

DFES Rural Fire Division - Bushfire Centre of Excellence (BCoE) has been officially launched and operating out of temporary facilities in Pinjarra. A new purpose built facility is being designed and will be located at the Peel Business Park just outside of Pinjarra. DFES are currently undertaking recruitment to fill the full time positions.

Training courses have already commenced and a training schedule is being developed for publication. They are also reviewing current bush firefighting training products and courses.

Further details of the BCoE are available on their website:

<https://www.dfes.wa.gov.au/bushfirecoe>

Peter STEWART
District Officer Emergency Management South West
9780 1907
0409 153 931

- ◇ **Department of Biodiversity, Conservation and Attractions – Nil to Report**
- ◇ **WA Police – Nil to Report**
- ◇ **Western Power – Nil to Report**
- ◇ **Main Roads WA – Mr Dave Smith**

Main Roads WA representative, Mr Dave Smith advised that the Bunbury Outer Ring Road is going to affect the Shire from an emergency management perspective. Once a Contractor is appointed they will liaise with Main Roads WA about the interchanges and the impact it will have during the construction to emergency services.

Mr D Smith further advised that the lithium trucks are being monitored. If there is an increase in trucks this could cause more incidents. In the case of Dardanup West Road, it is being avoided in an incident because it is narrow and people tend to get lost. Boyanup Picton Road (southern section) bends and there have been a couple of accidents due to the lower grade of road.

North Boyanup Road is already showing fatigue from the current truck use.

- ◇ **Department of Transport – Nil to Report**
- ◇ **Water Corporation – Nil to Report**
- ◇ **WA Country Health Service – Nil to Report**
- ◇ **TransWA– Nil to Report**
- ◇ **Aqwest – Nil to Report**
- ◇ **Atco Gas – Nil to Report**
- ◇ **Australian Rail Group – Nil to Report**
- ◇ **St John Ambulance – Nil to Report**
- ◇ **Telstra – Nil to Report**

9. ELECTED MEMBER MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN
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None.

10. NEW BUSINESS OF AN URGENT NATURE

None

11. MATTERS BEHIND CLOSED DOORS

None

12. CLOSURE OF MEETING.

The Chairperson advises that the date of the next Local Emergency Management Committee Meeting will be Thursday 7 November 2019, commencing at 10.00am at the Shire of Dardanup - Administration Centre Eaton.

There being no further business the Chairperson declared the meeting closed at 2.48pm.

SHIRE OF DARDANUP

MINUTES OF THE SHIRE OF DARDANUP ROADWISE COMMITTEE MEETING HELD ON THURSDAY 1 AUGUST 2019, AT SHIRE OF DARDANUP – EATON ADMINISTRATION CENTRE, COMMENCING AT 3.30PM.

1 DECLARATION OF OPENING/ANNOUNCEMENT OF VISITORS

The Chairperson, Mr Ken Lowth declared the meeting open at 3.30pm, welcomed those in attendance and referred to the Acknowledgement of Country; Emergency Procedure; the Disclaimer and Affirmation of Civic Duty and Responsibility on behalf of Councillors and Officers:

Acknowledgement of Country

The Shire of Dardanup wishes to acknowledge that this meeting is being held on the traditional lands of the Noongar people. In doing this, we recognise and respect their continuing culture and the contribution they make to the life of this region by recognising the strength, resilience and capacity of Wardandi people in this land.

Affirmation of Civic Duty and Responsibility

Councillors and Officers of the Shire of Dardanup collectively declare that we will duly, faithfully, honestly and with integrity fulfil the duties of our respective office and positions for all the people in the district according to the best of our judgement and ability. We will observe the Shire's Code of Conduct and Standing Orders to ensure efficient, effective and orderly decision making within this forum.

Committee members acknowledge that only the Chief Executive Officer or a member of the Shire of Dardanup staff appointed by the Chief Executive Officer is to have contact with consultants and suppliers that are appointed under contract to undertake the development and implementation of projects.

The exception to this Policy is when there is a meeting of the committee or working group with the consultant and the Chief Executive Officer or the Chief Executive Officer's representative is present.

Members of committees acknowledge that a breach of this Policy may result in a request to Council to have them removed from the committee.

Emergency Procedure

In the event of an emergency, please follow the instructions of the Chairperson who will direct you to the safest exit route. Once outside, please proceed to the Assembly Area points located to the western side of the front office car park near the skate park and gazebo where we will meet (and complete a roll call).

2. RECORD OF ATTENDANCE/APOLOGIES/LEAVE OF ABSENCE PREVIOUSLY APPROVED

2.1 Attendance

Mr Ken Lowth	-	Chairperson
Cr Patricia Perks	-	Elected Member
Cr Peter Robinson	-	Elected Member
Cr Mick T Bennett	-	Shire President (Proxy)
Cr James Lee	-	Elected Member
Mr Luke Botica	-	Director Infrastructure
Mr Kal Falcone	-	Engineering Technical Officer
Mrs Peta Nolan	-	Personal Assistant to DI

Observers

Ms Nicky Smith	-	Regional Road Safety Adviser
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2.2 Apologies

Mr Cedric Getley	-	Community Member
Mrs Jill Cross	-	Community Member
Ms Alex Moir	-	Main Roads WA
Cr Janice Dow	-	Elected Member
Ms Bev Fortescue	-	Dardanup Primary School
Snr Sgt Mark Smith	-	WA Police – Australind Station

3. PETITIONS/DEPUTATIONS/PRESENTATIONS

None.

4. CONFIRMATION OF MINUTES OF PREVIOUS MEETING

4.1 Roadwise Committee Meeting Held 19 June 2019**OFFICER RECOMMENDED RESOLUTION &
ROADWISE COMMITTEE RESOLUTION**

RW 06-19 MOVED - Cr. P R Perks SECONDED - Cr. P Robinson

THAT the Minutes of the Roadwise Committee Meeting held on 19 June 2019, be confirmed as true and correct subject to no corrections.

CARRIED
7/0

5. ANNOUNCEMENTS OF MATTERS FOR WHICH MEETING MAY BE CLOSED
--

None.

6. QUESTIONS BY MEMBERS OF WHICH DUE NOTICE HAS BEEN GIVEN

None.

7. DECLARATION OF INTEREST

Discussion:

Chairperson, Mr Ken Lowth asked the Committee and staff if there were any Declarations of Interest to be made.

There were no Declarations of Interest made.

8. REPORTS OF OFFICERS AND COMMITTEE MEMBERS

8.1 Title: Roadwise Road Safety Advisor – South West Report

Reporting Organisation *WALGA – Roadwise*

Reporting Officer: *Mrs Nicky Smith*

Please find attached the report provided by the Roadwise Road Safety Advisor (Appendix RW: 8.1).

For information.

Discussion:

There was discussion about the Towards Zero Community Forums in Bunbury.

The following representation was agreed for the Dardanup Roadwise Committee:-

*Cr P Robinson will attend the Tuesday morning session for stakeholders;
Cr P R Perks will attend the Monday evening session for community;
Mr K Lowth will attend the Tuesday morning session for stakeholders; and
Mr L Botica will attend the Tuesday morning session for stakeholders;*

Roadwise Road Safety Adviser, Mrs Nicky Smith talked about the Driver Fatigue campaign designed for the region which would include the purchase of keep cups. Mrs N Smith outlined the project plan as follows:-

The "Don't Trust Your Tired Self" project will address the issue of driver fatigue in the South West region by raising awareness, providing education and seeking to measure a change in

knowledge and attitude towards driver fatigue over a 12 month period. The project will involve engaging with local cafes, Visitor Centres and Community Resource Centres as well as existing Coffee Stop locations and any operating Driver Revivers in the region.

The project will involve the production of 3000 reusable coffee cups branded with the "Don't Trust Your Tired Self" promo line and Road Safety Commission logo. The aim is to utilise the 'offer' of a free reusable coffee cup as motivation to participate in the driver fatigue education and survey. The project will promote that while taking a break and having a coffee is often promoted as a strategy to avoid driver fatigue, the only real cure or preventative measure is quality sleep. The campaign will also include information on vehicle safety technologies that assist with fatigue management.

People participating in the campaign will be requested to complete a pre-survey on their knowledge and attitudes about driver fatigue and agree to provide their email for a follow up survey. Participants will then be offered a branded reusable coffee cup and a flyer with information on effects, causes, risks and tips on driver fatigue based on the Road Safety Commission Fatigue information sheet. The participants will be requested to complete the same questions in a post survey to see if the information provided had changed their knowledge and attitude over time.

There was discussion about other means of preventing driver fatigue eg. safer vehicles, technology etc.

Mrs N Smith advised that there would be no financial contribution required by the Shire. It will be funded by grants.

Mrs N Smith requested the Committee to consider the proposal and provide support. She further advised that the grant will be submitted in September 2019.

ROADWISE COMMITTEE RESOLUTION

RW 07-19 MOVED - Cr. P Robinson SECONDED - Cr. P R Perks

THAT the Roadwise Committee support the establishment and implementation of a Regional Driver Fatigue Campaign.

CARRIED
7/0

8.2 Title: Roadwise Strategic Action Plan – Update

Reporting Department: Infrastructure

Reporting Officer: Director Infrastructure - Mr Luke Botica

The Roadwise Strategic Action Plan has been updated with the progress on each action to date. The updated Strategic Action Plan is attached at (Appendix RW: 8.2).

Officer Comment

The Committee is requested to consider the following items highlighted in blue in the Strategic Action Plan and provide comment and recommendations for action at the meeting:-

- Child Car Restraints (CCR) funding for Fit Right Fit Tight car seat fitting;
- Identification of locations for speed display signs to be deployed; and

- Consideration of opportunities for promotion of Safe Vehicles.

Discussion:

Safer Road Use – Child Car Restraints

PA to Director Infrastructure, Mrs Peta Nolan read out a report from the Shire Programs Officer regarding the Fit Right, Sit Tight for Roadwise assistance of \$1200.

As discussed, we are currently holding free sessions for parents and grandparents to have their car seats professionally checked by Lauren from Fit Right, Sit Tight. Lauren is an authorised WALGA RoadWise Type 1 Fitter of Child Restraints. These sessions are held once a month on the second Wednesday from 9:00am until 11:00am. Each month we have filled each of the eight spaces and usually have a waitlist for the next month's checks. Each session cost \$200 and Lauren is currently not registered for GST.

Chairperson, Mr K Lowth advised that he supports the program as it is contributing to saving lives.

Cr. M Bennett advised that we could be looking at corporate sponsorship as an option for future funding.

Cr. P Robinson advised that the fitting sessions are fully booked and they are worthwhile.

Cr. P R Perks suggestion that we fund \$1000 and revisit the funding, if required, in the mid year budget review.

ROADWISE COMMITTEE RESOLUTION

RW 08-19 MOVED - Cr. P Robinson SECONDED - Cr. P R Perks

THAT the Roadwise Committee support the expenditure of \$1,000 from the Roadwise Budget for the purpose of providing assistance to the Shire Program - Fit Right, Sit Tight.

CARRIED
6/1

Safe Speeds – Location of Courtesy Speed Sign Displays

Mr L Botica advised that two speed signs have been purchased and asked the Committee to consider locations to implement a program for the installation of the signs. The Committee identified the following roads:-

- *Hamilton Road*
- *Eaton Drive - Near Bridge*
- *Martin Pelusey Road*
- *Shenton Road*
- *Recreation Drive*
- *Monash Avenue*
- *Glen Huon Boulevard*
- *Millard Street*

Senior Engineering Technical Officer, Mr Kal Falcone will be co-ordinating this program.

Safe Vehicles – ANCAP Promotion - Sunshades

Mrs N Smith advised that the windscreen sunshades have arrived to promote the purchase of five star safety rating for vehicles.

Mrs P Nolan advised that an audit of vehicles had been undertaken by the Shire's Procurement Officer and it has been confirmed that all Shire vehicles hold a five star rating.

Mrs N Smith asked the Committee to consider ways to promote this campaign.

Cr. P R Perks suggested that the parks crew could use these in their vehicles as they are moving around the Shire on a daily basis.

Mrs N Smith commented that the sunshades should be used in conjunction with a promotional campaign so that people are aware of what the five star campaign means.

RW ACTION 07-19:

Request the Chief Executive Officer to prepare a media campaign to promote vehicle safety features and ANCAP ratings when purchasing a vehicle with the community.

Cr. J Lee suggested that the Shire continue to pursue the Driver be Aware stickers campaign to raise awareness for drivers about cyclists.

Mrs N Smith suggested that we speak to the Dardanup Roadwise cycling representative first to see if there would be support for this project.

RW ACTION 08-19:

Cr James Lee to liaise with Mr Cedric Getley regarding the Cyclist Sticker Campaign and investigate the cost and design of the stickers campaign for the next meeting.

8.3 Title: Imagine Zero Consultation - Workshop of Local Ideas

Reporting Department: Infrastructure Directorate
Reporting Officer: Director Infrastructure - Mr Luke Botica

Background

The Road Safety Council is consulting with people in facilitated forums across WA to share information and to understand what the community would support in the State's next road safety strategy.

The local Imagine Zero Community Forum will be held in Bunbury on Monday 12 August 2019 and to date Cr. P Perks, Cr. P Robinson and Chairperson, Mr K Lowth have advised of their nominations to attend the forum to represent Dardanup Roadwise.

The Shire has also been advised that there will be a stakeholder forum most likely to be held on Tuesday 13 August 2019, however date and time to be confirmed.

The Consultation Paper is attached at (Appendix RW 8.3)

Legal Implications - None.

Strategic Community Plan

Strategy 3.4.1 - To enable community safety and a sense of security. (Service Priority: Very High).

Strategy 5.1.3 - To provide a safe road transport network where crashes resulting in death or serious injury are minimised. (Service Priority: High).

Environment - None.

Precedents - None.

Budget Implications - None.

Risk Assessment - Low.

Officer Comment

Committee members are requested to read the consultation paper in preparation for discussion at the Committee meeting.

Discussion:

Mr Ken Lowth advised that he had read the consultation paper and has several comments of which he will share with the Committee.

One issue he is concerned about is the change in the law whereby a compulsory driving test for drivers over the age of 80 is not required.

Mrs N Smith advised that there are two scenarios in the consultation asking which scenario people would support.

8.4 Title: WA Police Update

Reporting Department: WA Police - Australind

Reporting Officer: Snr Sgt Mark Smith

Officer in Charge, Sgt Mark Smith will provide an update of current road safety issues in the Shire of Dardanup.

Nil to report.

8.5

Title: Dardanup Roadwise Committee Action Sheet

RW RES#	MEETING DATE.	PERSON RESPONSIBLE	ACTION	OUTCOME	STATUS
ACT 02-19	11-04-2019 19-06-2019	Mrs N Smith Roadwise Road Safety Advisor	The Chief Executive Officer be requested to make arrangements for Fergus the Bull to be lit up in yellow between 6 and 12 May 2019 for National Road Safety Week	Due to time constraints this item could not be completed by shire operations staff in 2018. Provide costs for yellow perspex for 2020 project. Obtain approval from Main Roads WA. Approval from Main Roads WA required.	Pending
ACT 03-19	11-04-2019	Kal Falcone Shire ETO	That the Chief Executive Officer be requested to provide traffic data and community statistics relating to Dardanup Townsite to Main Roads	The traffic counts will be installed on Monday 22 July 2019 at the following approximate locations: <ul style="list-style-type: none"> • Hayward St SLK 0.50 • Charlotte St SLK 0.25 • Charlotte St SLK 0.40 • Ferguson Rd SLK 0.50 They will be out for 2 weeks. The timing has been selected to avoid installing them during school holidays as this is not best practice. Data will be available early next week.	Current
ACT 04-19	11/04/2019	Luke Botica Shire DECS	That the Chief Executive Officer be requested to invite the Road Safety Commission Director Strategy, Policy and Legislation to meet with Shire staff and Roadwise Committee members regarding the Trial 40kph Speed Limit in the Dardanup Town site Project.	See item 8.3 of the meeting of the 19-06-2019 Pending traffic counts as per ACT 03-19 and further progress with the project	Pending
RW04-19	20-06-2019	Mrs P Nolan	Council to request that WALGA seek the support of local governments within the region and facilitate an initial regional forum with the aim of workshopping and discussing collective projects amongst local governments in the South West.	Endorsed by Council 17-07-2019 Email sent to Roadwise 19-07-2019 with request.	Current
ACT 06-19	19-06-2019	Mrs N Smith	Mrs N Smith to write a proposal for a Regional Fatigue Campaign for the Committee's consideration at the next meeting.	Mrs N Smith to provide update.	Current

For Information.

9. ELECTED MEMBER MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

None.

10. NEW BUSINESS OF AN URGENT NATURE

Note: Cr. M T Bennett left the meeting [4.40pm]

Discussion:

Mr Ken Lowth raised the issue of consistency with the time and day of the meeting. Mrs P Nolan advised that the meeting times had only changed at the request of members to ensure a quorum and attendance. It was agreed that the next meeting time would stay as scheduled and that the new Committee can reassess the meeting times following the October 2019 elections.

11. MATTERS BEHIND CLOSED DOORS

None.

12. CLOSURE OF MEETING.

The Chairperson advised that the date of the next Roadwise Committee Meeting will be Thursday 14 November 2019, commencing at 3.30pm at the Shire of Dardanup - Administration Centre Eaton.

There being no further business the Chairperson declared the meeting closed at 4.46pm.

SHIRE OF DARDANUP

MINUTES OF THE SHIRE OF DARDANUP EATON TOWNSCAPE COMMITTEE MEETING HELD ON WEDNESDAY 21 AUGUST 2019, AT SHIRE OF DARDANUP – EATON ADMINISTRATION CENTRE, COMMENCING AT 4.30PM.

1	DECLARATION OF OPENING/ANNOUNCEMENT OF VISITORS
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The Chairperson Cr. P R Perks, declared the meeting open at 4.30pm, welcomed those in attendance and referred to the Acknowledgement of Country; Emergency Procedures, the Disclaimer and Affirmation of Civic Duty and Responsibility on behalf of Councillors and Officers:

Acknowledgement of Country

The Shire of Dardanup wishes to acknowledge that this meeting is being held on the traditional lands of the Noongar people. In doing this, we recognise and respect their continuing culture and the contribution they make to the life of this region by recognising the strength, resilience and capacity of Wardandi people in this land.

Affirmation of Civic Duty and Responsibility

Councillors and Officers of the Shire of Dardanup collectively declare that we will duly, faithfully, honestly and with integrity fulfil the duties of our respective office and positions for all the people in the district according to the best of our judgement and ability. We will observe the Shire's Code of Conduct and Standing Orders to ensure efficient, effective and orderly decision making within this forum.

Committee members acknowledge that only the Chief Executive Officer or a member of the Shire of Dardanup staff appointed by the Chief Executive Officer is to have contact with consultants and suppliers that are appointed under contract to undertake the development and implementation of projects.

The exception to this Policy is when there is a meeting of the committee or working group with the consultant and the Chief Executive Officer or the Chief Executive Officer's representative is present.

Members of committees acknowledge that a breach of this Policy may result in a request to Council to have them removed from the committee.

Emergency Procedure

In the event of an emergency, please follow the instructions of the Chairperson who will direct you to the safest exit route. Once outside, please proceed to the Assembly Area points located to the western side of the front office car park near the skate park and gazebo where we will meet (and complete a roll call).

2. RECORD OF ATTENDANCE/APOLOGIES/LEAVE OF ABSENCE PREVIOUSLY APPROVED

2.1 Attendance

Cr. Patricia Perks	-	Elected Member - Chairperson
Cr. M T Bennett	-	Shire President
Cr. Carmel Boyce	-	Elected Member
Cr. James Lee	-	Elected Member
Mr. Luke Botica	-	Director Infrastructure
Mr. Mick Saunders	-	Manager Assets
Mr. Brenton Scambler	-	Manager Development Services [4.41pm]
Mrs. Julie King	-	Community Representative
Ms. Katrina McKain	-	Community Representative
Mr. Pankaj Sinha	-	Community Representative
Mr. Ken Lowth	-	Community Representative
Mr. Robert Hooyberg	-	Community Representative
Ms. Vicki Pretorius	-	Landscape Design Officer
Mrs. Peta Nolan	-	Executive Governance Officer

2.2 Apologies

None.

3. PETITIONS/DEPUTATIONS/PRESENTATIONS

None.

4. CONFIRMATION OF MINUTES OF PREVIOUS MEETING

4.1 Eaton Townscape Committee Meeting Held 3 April 2019

**OFFICER RECOMMENDED RESOLUTION
& EATON TOWNSCAPE COMMITTEE RESOLUTION**

ETC 03-19 MOVED - Cr. C N Boyce SECONDED - Cr. M T Bennett

THAT the Minutes of the Eaton Townscape Committee Meeting held on 3 April 2019, be confirmed as true and correct subject to no corrections.

CARRIED

5. ANNOUNCEMENTS OF MATTERS FOR WHICH MEETING MAY BE CLOSED

None.

6. QUESTIONS BY MEMBERS OF WHICH DUE NOTICE HAS BEEN GIVEN

None.

7. DECLARATION OF INTEREST

Discussion:

Chairperson, Cr. P R Perks asked Councillors, staff and community members if there were any declarations of interest to be made.

There were no Declarations of Interest made.

8. ACTION SHEET UPDATE

PENDING ACTIONS:

ETC RES#	MEETING DATE.	PERSON RESPONSIBLE	ACTION	OUTCOME	STATUS
ETC 02-19	03-04-2019	Director Infrastructure	THAT The Eaton Townscape Committee recommends that Council endorse the revised draft design plan shown at (Appendix ETC: 9.1C) for Stage 1 of the Peninsula Lakes Park playground to proceed to detailed design, documentation and construction.	The lead time for ordering the playground equipment is around 14 weeks. Based on placing the order mid-August, the construction of the playground is expected to be completed by around Christmas time. Note that there are ongoing planning matters being resolved.	On hold

9. REPORTS OF OFFICERS AND COMMITTEES
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9.1. Title: Leschenault Historic Walk Trail Concept Design

Reporting Department: Infrastructure Directorate
Reporting Officer: Ms Vicki Pretorius - Landscape Design Officer
Legislation: Local Government Act 1995

Overview

The Eaton Townscape Committee is requested to:

1. Consider the proposed concept design for the 'Leschenault Historic Walk Trail' and recommend that Council endorse the design. This will allow detailed design and documentation to progress, in order to meet the requirements of the project schedule as outlined in the executed Financial Assistance Agreement (FAA) for the project;
2. Consider the proposed concept design with reference to the Shire's approved Disability Access and Inclusion Plan 2018-2023 and recommend that Council approve the proposal for the Pratt Road limestone walk trail to be upgraded to a universally accessible sealed path, in accordance with the Shire's approved Pathways Asset Management Plan (PAMP) 2019-2020.

Background

At its meeting on 5 June 2019, Council resolved [159-19] as follows:

THAT Council:

1. Authorise the Chief Executive Officer and Shire President to sign the Financial Assistance Agreement for the 'Leschenault Historic Walk Trail' project to allow for disbursement of funds from the State Government prior to the 7 June 2019 Deadline;
2. Endorse the 'Leschenault Historic Walk Trail' project and request that the Chief Executive Officer proceed with the design for this project following receipt of State Government funding; and
3. Confirms the inclusion of the 'Leschenault Historic Walk Trail' project in the Capital Expansion – Dual Use Paths section of the Transport Capital Expansion program in the 2019-2020 Budget;

<i>Project</i>	<i>Section</i>	<i>Total Expenditure</i>	<i>Total Income</i>	<i>Net Cost to Council</i>
<i>Collie River Foreshore</i>	<i>Bobin St - Boardwalk</i>	<i>\$114,411</i>	<i>\$114,411</i>	<i>\$0</i>
<i>Collie River Foreshore</i>	<i>Bowling Club – Old Coast Road</i>	<i>\$135,589</i>	<i>\$135,589</i>	<i>\$0</i>

The proposed Leschenault Historic Walk Trail pathway is included in the Pathways Asset Management Plan 2019-20 (PAMP) under the name 'Collie River Foreshore'. It is also referred to internally by the working title of the 'Eaton Heritage Trail.' The FAA was subsequently signed by the Shire President and Chief Executive Officer on 5 June 2019 and has now been executed by Department of Primary Industries & Regional Development (DPIRD). The Shire received the grant funding of \$275,000 (inc. GST) on 27 June 2019.

At the Ordinary Council meeting on 21 October 2009, Council resolved [340/09]:

THAT Council:

1. *Does not construct a shared pathway along Pratt Road.*
2. *Writes to the Department of Transport advising of Council's resolution and the reasons for the decision.*
3. *The following pathway project allocations being amended in the 2009-2010 Budget:*

<i>Job No.</i>	<i>Project</i>	<i>Total Expenditure</i>	<i>Income R4R</i>	<i>Net Cost to Council</i>
<i>J12562</i>	<i>Cormorant Entrance</i>	<i>0</i>	<i>0</i>	<i>0</i>
<i>J12563</i>	<i>Watson Street</i>	<i>0</i>	<i>0</i>	<i>0</i>
<i>J12561</i>	<i>Shenton Road</i>	<i>\$35,000</i>	<i>\$35,000</i>	<i>0</i>
<i>New</i>	<i>Hands Avenue Path Extension</i>	<i>\$3,000</i>	<i>0</i>	<i>\$3,000</i>

4. *The standard of construction of the Collie River Walk Trail to be set and maintained to a stabilised limestone standard.*
5. *Request a report be prepared for Council on the non-compliance of crossovers on the south side of Pratt Road.*

Legal Implications - None.

Strategic Community Plan

Strategy 3.1.4 - To recognise and support the rich and varied heritage of the Shire. (Service Priority: Moderate)

Strategy 4.2.4 - To enhance the Eaton Foreshore: Develop cafe and tourism opportunities. (Service Priority: Very High)

Strategy 5.1.5 - A series of interconnected walkways, pathways and cycle ways that meets community needs and expectations. (Service Priority: High)

Strategy 5.2.1 - To encourage physical activity by providing services and recreational facilities that encourage our community towards an active and healthy lifestyle. (Service Priority: Very High)

Environment

In the Eaton Foreshore section, the pathway will need to be set back sufficiently from the banks of the Collie River to allow for the creation of a buffer zone for the implementation of future erosion mitigation works. This requirement will need to be balanced with the State's desire for the path to be located alongside the river and the consideration of the Foreshore as a space popularly used for community festivals. It is not desirable to dissect the Foreshore with a path through its centre but to instead locate it as close as practicable to the alignment shown in the endorsed Eaton Foreshore Master Plan, with amendments as necessary to allow for suitable buffer zones.

Just west of the car park opposite the bowling club, the path has two options shown for proposed alignment. The first alignment, as proposed in the Eaton Foreshore Master Plan, shows the path tracking alongside the river until it reaches the north eastern corner of the car park. The second or alternative alignment, shown in the Draft Leschenault Historic Walk Trail Concept Plan of June 2019

(Appendix ETC: 9.1) proposes to connect the path in to the existing sealed path alignment along Pratt Road in order to avoid a duplication of paths in close proximity to one another – as the first alignment as shown in the Eaton Foreshore Master Plan would see two paths running for a distance of nearly 100m at separation distances of between 10-17m. This could be perceived as unnecessary. It may also be desirable to route the new pathway to the south of an existing stand of old Peppermint trees in this location for environmental reasons including these trees being identified as Western Ringtail Possum habitat and due to greater river bank erosion in this vicinity.

In the Pratt Road section, the sealing of the pathway will not be able to achieve the 2.5m width desired by the State for its whole length, due to the presence of existing trees which are important to retain for riverbank stabilisation, habitat and biodiversity values. Some sections of the path will only be able to achieve 2.2m width due to the drop-off from the top of the riverbank. Future riverbank stabilisation measures may be required to maintain the current path corridor width and to protect existing vegetation which is serving an important function in holding the riverbank together.

It will need to be considered that water that currently flows from Pratt Road over some sections of the foreshore between Pratt Road and the existing walk trail, particularly at low points, should be diverted or more ideally evenly distributed and slowed down as it traverses the slope, to allow for the water to have more chance of percolating into the ground in the bushland area where it is useful rather than hitting the path at greater speed and potentially exacerbating erosion issues.

Precedents - None.

Budget Implications

The current project cost estimate is as follows:

Cost Estimate - Item of Expenditure	
Preliminaries – survey deleted, design & project management to be undertaken in house, heritage consultation as required retained	\$3,500
Pathway 1. New sealed section (red coloured concrete); 2. Through existing car park; 3. Along existing limestone path alignment (utilise as base)	\$221,270
Heritage Interpretive Signage	\$15,590
Seating	\$9,640
Total Budget	\$250,000

Budget – Whole of Life Cost

There will be ongoing costs associated with maintenance and future renewal. Whole of life costs will form part of the Shire’s asset management plans. These ongoing costs have been minimised by the selection of concrete along the Eaton Foreshore.

Council Policy Compliance

By constructing the entire length of the heritage trail as a universally accessible sealed path, the Shire will be demonstrating a commitment to the objectives outlined in the Shire’s Disability and Access Inclusion Plan 2018-2023.

Risk Assessment - Low.

Officer Comment

The proposed draft concept design for the ‘Leschenault Historic Walk Trail’ is shown in (Appendix ETC: 9.1).

As stated in the Project Description of the FAA, the Project will deliver an approximately 2 kilometre long, average of 2.5 metre wide sealed path on the southern side of the Collie River from the Old Coast Road Bridge to the Collie River lookout at the northern end of Hands Avenue. The path will be multi-purpose catering for recreational pedestrians and cyclists and will highlight the local area's cultural and natural heritage through a series of interpretive signs featuring local historical stories and images. Seating in selected locations along the path will also be constructed. It is proposed to use an earthy red colour wherever possible, with the Eaton Foreshore section proposed to be red coloured concrete and the Pratt Road Foreshore section proposed to be in a red coloured asphalt. The colour of any seal which might be applied to a part of the existing car park opposite the bowling club will be determined through detailed design.

The Trail forms part of a 2017 election commitment to deliver a waterfront historic walk trail between Eaton and Australind. The State Government has committed \$250,000 to both the Shire of Dardanup and the Shire of Harvey to deliver path ways that will connect to become 'The Eaton to Australind Historic Walk Trail.'

The Shire is required to complete the project by the end of June 2020, in accordance with the FAA. To meet this deadline it will be necessary for Council to endorse the concept design, to allow it to progress to detailed design and construction.

The proposed alignment that the new section of path follows is shown in the endorsed Eaton Foreshore and Boat Ramp Facility Masterplan. It utilises the existing car park and proposes to upgrade the limestone walk trail along the Pratt Road Foreshore for the remainder of the trail.

The concept design is in accordance with the final Summary Investment Proposal (SIP) lodged in December 2018 in which a 'sealed path... of minimum 2.5m width' was proposed for the heritage trail. The pinch points, where it is not possible to achieve 2.5m width, along the Pratt Road Foreshore trail alignment have already been flagged with the South West Development Commission.

A proposal for red asphalt to be used for the heritage trail was discussed with the Project Steering Group. This initial design proposal was formulated based on advice received from the Department of Transport with respect to their material recommendation for dual use paths, particularly for use by bicycles.

Concerns regarding the ongoing maintenance implications of asphalt paths were raised by engineering staff from the Shire of Harvey, particularly with respect to potential saline ingress into asphalt leading to possible problems with path delamination. The Shire President also raised an objection to red asphalt being used along the Eaton Foreshore section of the heritage trail, stating that the path in this vicinity should be of a higher grade and constructed in concrete to maintain the amenity of the Foreshore. Shire staff agree that the Eaton Foreshore, as a prime recreational precinct within the Shire and the broader Region, warrants treatment to the highest grade that is possible within the project budget.

It is proposed to seal the existing limestone path along the Pratt Road Foreshore with red asphalt as that is a relatively low cost and aesthetically suitable option which would still blend in with the natural bush environment in this vicinity. The provision of a sealed path along Pratt Road is in accordance with the Shire's PAMP 2019-20 for proposed path upgrades, recorded in the Budget as the 'Collie River Foreshore: Bobin St – Boardwalk.' It should be noted that back in 2009, Council resolved (340/09) to leave the Collie River Walk Trail at a stabilised limestone standard. However, the current project aims to improve accessibility that will require a sealed standard.

The Department of Biodiversity, Conservation and Attractions routinely uses red asphalt or red gravel mixes in their recreational trails, balancing construction affordability with aesthetics that are sensitive to a natural bush setting.

It should be noted that there is no allowance for lighting within the heritage trail project due to budgetary restraints. There is some lighting already existing along the Eaton Foreshore close to the river however no lighting is currently installed along the existing Pratt Road foreshore path.

Once the Concept Plan is endorsed by Council it will be possible to advertise this plan for community comment and to circulate it to external stakeholders including the Department of Biodiversity, Conservation and Attractions and the appropriate Noongar elders for their feedback.

The Project Schedule as outlined in the FAA is as follows:-

Shire Deliverables	Date
Executed FAA	Projected in FAA: 28 May 2019 <i>Actual date: 11 June 2019</i>
Detailed path designs accepted by DPIRD	1 Oct 2019 (slight extension possible)
Monitoring and Evaluation (M&E) Plan	Within 6 months of signed FAA <i>Completed August 2019</i>
Tender awarded	14 Feb 2020
Install interpretive signage and seating	31 May 2020
Project completion – implementation	28 June 2020
Completion of Project including all of the Shire’s Obligations	28 September 2020

Council Role - Executive/Strategic.

Voting Requirements - Simple Majority for Committees.

Discussion:

Cr P Perks clarified that the upgrading is of the limestone trail to a red asphalt surface.

Cr C Boyce asked about the close areas of the path to the drop off.

Landscape Design Officer, Ms. Vicki Pretorius, advised that the width of the path would need to vary in some areas to allow for existing trees to be retained and to assist in erosion mitigation. For example there is one spot where there will be a reduction in the width of path to two metres. This would be a minimum width for the path.

Note:

Manager Development Services, Mr. Brenton Scambler joined the meeting at (4.41pm)

**OFFICER RECOMMENDED RESOLUTION
& EATON TOWNSCAPE COMMITTEE RESOLUTION**

ETC 04-19 MOVED - Cr. C N Boyce SECONDED - Mr. Ken Lowth

THAT the Eaton Townscape Committee recommend that Council:

1. **Endorses the standard of construction of the Collie River Walk Trail (now known as the ‘Leschenault Historic Walk Trail’) be improved to a universally accessible standard.**

2. **Endorses the proposed concept design for the ‘Leschenault Historic Walk Trail’ as attached in (Appendix ETC: 9.1).**

3. **Request the Chief Executive Officer to liaise with key stakeholders regarding the identification of key heritage sites, interpretive signage and facilities along the Leschenault Historic Walk Trail’;**
4. **Requests the Chief Executive Officer to proceed with detailed concept development, detailed design and documentation of the heritage trail project, taking into consideration community and stakeholder input, in accordance with the project schedule as outlined in the Financial Assistance Agreement with the Department of Primary Industries and Regional Development.**

CARRIED

9.2 Title: Watson Reserve

Reporting Department: Infrastructure Directorate
Reporting Officer: Ms Vicki Pretorius - Landscape Design Officer
Legislation: Local Government Act 1995

Background

At The Eaton Townscape Committee Meeting of 5 December 2018 and the Ordinary Council Meeting of 23 January 2019 it was resolved [Ord 05-19]:

THAT Council:

1. *Endorse the draft landscape concept design for the Proposed Landscape Upgrade Project 2020-21 at Watson Reserve, as shown in drawing R25417-18-600A 'Landscape Concept Plan Stage 1' (Appendix ORD: 12.11B).*
2. *Endorse advertising of the Concept Design Plan to the local community for comment.*

The plan was advertised to the community for a four week period from 12 February 2019 to 12 March 2019.

Legal Implications - None.

Strategic Community Plan

Strategy 2.1.1 - To protect and preserve open spaces, natural vegetation and bushland. (Service Priority: Very High)

Strategy 2.6.1 - To provide a variety of places to live, work and play that meet the current and future needs of the community. (Service Priority: Very High)

Strategy 3.1.1 - To foster creativity in the community through our public spaces and urban environment. (Service Priority: High)

Strategy 5.2.1 - To encourage physical activity by providing services and recreational facilities that encourage our community towards an active and healthy lifestyle. (Service Priority: Very High)

Environment - None.

Precedents - None.

Budget Implications

The 2019-2020 Parks and Reserves Asset Management Plan has funds allocated in 2020/2021 for minor improvements at Watson Reserve and additional upgrades in future years as follows:

2020-21	\$8,300 (approximate) allocated for park furniture (seating and signage);
2023-24	\$92,000 (approximate) allocated for an iron filtration system;
2026-27	\$118,000 (approximate) allocated for additional landscape upgrade works.

Once the Watson Reserve Landscape Concept Plan has been finalised, the various upgrades will be prioritised. This will enable Officers to show which upgrades can be funded and which upgrades will be shown as 'future possible works' (subject to funding.)

Risk Assessment - Low.

Officer Comment

The concept design endorsed by Council for community comment is shown in (Appendix ETC: 9.2A). The Submissions Table from the recent community consultation is included in (Appendix ETC: 9.2B).

Since the consultation period, a Metro count traffic assessment has been undertaken to determine access patterns and relevant data for:

1. Vehicles accessing the reserve via the access drive; and
2. Vehicles accessing the car park near the water's edge.

The results of this will be used in consideration of any future works to the access driveway and car park.

Concerns continue to be raised by the community regarding real or perceived conflict of use situations between people with dogs and those without dogs. Signage is therefore identified as a priority and could focus on 'shared use guidelines' presented in a friendly manner. Examples of signage have been researched and draft wording for such a sign forwarded to Shire Ranger Services for review and comment.

The Committee is invited to review the feedback from the community and make recommendations for any changes to the plan that it believes are warranted. The revised draft plan has also been forwarded to external stakeholders including the South West Aboriginal Land and Sea Council and the Department of Biodiversity, Conservation and Attractions for feedback and all comments will be taken into consideration in any review of the draft master plan prior to presenting it to the Eaton Townscape Committee.

In reviewing the concept plan, it is important to realise that once the concept is developed, the Shire will estimate the whole of life costs of the masterplan. The concept plan will be used to identify possible funding sources and enable the Shire to approach organisations to secure funding. However, all items contained within the concept are dependent on securing adequate funds.

Voting Requirements - Simple Majority.

Discussion:

Community Member, Mr Rob Hooyberg - referred to Item 28 where there is access to the water for Kayaks.

Ms V Pretorius - there will be a path for safe access. Gaps will be made large enough for people to launch small craft. For larger craft it is suggested that the boat ramp be used at the Eaton Foreshore.

Mr Rob Hooyberg - suggested to make the access wide enough to access, however, include bollards to prevent vehicle access encouraging them to use the Eaton Foreshore boat ramp.

Ms V Pretorius - there is environmental risks for vehicles to be in this area.

Mr L Botica - if we have boats being launched there we can register the boat ramp and possibly source funding for the project.

Cr P Perks – asked the Committee to think about the purpose of the area and do we want to encourage the launching of boats. If we register as a boat ramp we need to be mindful of what that entails for the project e.g. Increase in parking etc.

Mr R Hooyberg – agreed that boat launching is being used rarely and the size of the car park has limitations.

Community Member, Ms. Julie King - the boats going up and down the river are the vessels causing the erosion not necessarily the launching.

The Committee agreed not to register the area as a boat launching area.

Community Member, Mr. Ken Lowth - advised to leave it how it is.

Ms V Pretorius – Another option could be to selectively place bollards or other barriers to discourage the use of vehicles in this area, however allowing people to walk their small craft. Also signage can be used to keep the area clear from vehicles.

Mr. Ken Lowth - asked if this design will be accessible?

Ms. V Pretorius - one of the main things people asked for was to preserve the natural character of the reserve.

Cr P Perks - suggested we consider the road entry to provide accessibility.

Ms. V Pretorius - there is a steep drop off area on either side of the road.

Mr. L Botica - there are also some environmental constraints with regard the road into Watson Reserve. At the moment the road sides are battered.

Mr R Hooyberg - what is being addressed in terms of security? There are issues with safety.

Ms. V Pretorius - staff are currently looking at lighting and this is a part of the project. There is also suggestion on the plan to include security camera surveillance.

Cr. M Bennett - are we intending to have lower lighting so that the areas under trees are lit?

Cr P Perks - would like to see more lighting within the plan.

Cr C Boyce - likes the plan however is a bit disappointed in the scope. There are two boardwalks that she thinks should be considered. Those being, to the Scout Hall and to Leake Street.

Mr. L Botica – the boardwalks are included in the asset management plan for renewal in future.

Cr C Boyce - suggested that the project is not in the Shire Asset Management Plan until 2026. Can we bring this forward as the plan will be out of date by this time.

Cr P Perks - Council is looking at reprioritizing the projects in the asset management plans and the Watson Reserve Masterplan may be a project for reconsideration.

Ms. V Pretorius – suggested to amend additional notes to investigate the best option for a security system rather than a hinged pole system.

Ms. V Pretorius - with regards to extending the scope of the masterplan to the scout hall, this area was included initially however most of the comments were at the main Watson Reserve area. Ms. V Pretorius to add a note to include the boardwalks and area near the scout hall.

**OFFICER RECOMMENDED RESOLUTION
& EATON TOWNSCAPE COMMITTEE RESOLUTION**

ETC 05-19 MOVED - Cr. C N Boyce SECONDED - Mr P Singha

THAT the Eaton Townscape Committee:

- 1. Acknowledge the community submissions received for the Watson Reserve Concept Plan;**
- 2. Recommend that the following amendments be made to the Watson Reserve Concept Plan:**
 - a) To retain the informal canoe launching area.**
- 3. Acknowledges that further consultations are now being undertaken with key stakeholder groups and that any review of the Watson Reserve Concept Plan will also take stakeholder feedback into consideration with the final design being referred back to the Eaton Townscape Committee.**

CARRIED

9.3 Title: Millbridge Park Signage – Symbol Design

Reporting Department: Infrastructure Directorate
Reporting Officer: Ms Vicki Pretorius - Landscape Design Officer
Legislation: Local Government Act 1995

Overview

The Eaton Townscape Committee is being asked to consider a proposed new symbol for use in park signage and other potential applications within Millbridge and to recommend that Council endorse this graphic concept for further development and use. The symbol being proposed is the 'Baudin's Black Cockatoo with Marri gumnuts and leaves.'

Background

At its meeting held on 12 August 2009 the following resolution [262-09] was made by Council:-

THAT Council:

1. *Adopt the standard sign concept as shown on Drawing 'A' for use on parks and reserves within the Shire.*
2. *Refers the naming of un-named parks and reserves within each respective town to the Dardanup, Burekup and Eaton Townscape Committees, requesting that names be determined and recommended to Council for each.*
3. *Refers the selection of four (4) colours to be used on all signs within each respective town to the Dardanup, Burekup and Eaton Townscape Committees.*
4. *Adopts the use of "Fergus the Bull" as shown in Drawing 'A' as the official symbol for the Dardanup town.*
5. *Adopts the use of the "Pelican" as shown in Drawing 'B' as the official symbol for Eaton.*
6. *Refers the selection of an official symbol to represent the Burekup town to the Burekup Townscape Committee.*

For information the Council report is attached at (Appendix ETC: 9.3).

Existing iconic symbols can be found on park welcome signs and other assets such as bus stops throughout the Shire of Dardanup.

Legal Implications - None.

Strategic Community Plan

Strategy 1.6.2 – Promote a positive public image for the Council through appropriate marketing activities and high standards of customer service. (Service Priority: Very High)

Strategy 2.6.1 - To provide a variety of places to live, work and play that meet the current and future needs of the community. (Service Priority: Very High)

Strategy 5.2.1 - To encourage physical activity by providing services and recreational facilities that encourage our community towards an active and healthy lifestyle. (Service Priority: Very High)

Environment

Each park welcome sign is located at a prominent location within a park, such as at an entrance or other key point.

Precedents

Location symbols can be found on park signage throughout the Shire.

Budget Implications

The proposal to endorse a symbol for development and use does not have budget implications itself. However Council may decide in future to upgrade the signage in Millbridge and the other localities to be in line with any new adopted symbols.

Budget – Whole of Life Cost - None.

Council Policy Compliance - None.

Risk Assessment - Low.

Officer Comment

To date, each locality symbol has been of an animal which is representative of that locality. In addition to the symbols outlined in the report to Council attached, the Burekup Townscape Committee proposed a frog to be adopted as the new graphic symbol for Burekup. This graphic has yet to be finalised and endorsed for use.

The Landscape Design Officer has developed a draft concept graphic for a proposed new symbol for Millbridge. This features the Baudin's Black Cockatoo (otherwise known as the White-Tailed Black Cockatoo), a local native bird characteristic of the Millars Creek corridor. It enjoys eating the fruit popularly known as gumnuts from the Marri tree (*Corymbia calophylla*) which are also characteristic of this area.

A Western Ringtailed Possum was also considered as a symbol option however the selection of the Baudin's Black Cockatoo as the preferred symbol was based on a recommendation from the Shire's Environmental Officer that the Baudin's Black Cockatoo is perhaps more representative of the Millar's Creek corridor than the possum.

The draft proposed image is as follows:

Diagram A

It is acknowledged that this will need to be simplified for use as a final graphic, particularly for cut-out applications e.g. bus stops.

New symbols may be considered in the future for Wanju – for example, possibly a Western Longnecked Tortoise or other local native fauna for the area. The future Waterloo Industrial Park could possibly consider a symbol which is representative of new sustainable industry. This would need to be determined at the appropriate time.

Council Role - Executive/Strategic.

Voting Requirements - Simple Majority.

Officer Recommended Resolution

Discussion

Cr P Perks - is there is a boundary for Millbridge?

Mr. L Botica - advised that there is a suburb boundary.

Cr. M Bennett - how did the selection of the bird come about?

Mr. L Botica - the Shire is now installing the signs in the parks in Millbridge and the symbol is part of the project.

Cr. M Bennett - these birds are in the suburb for three months of the year and then they are gone.

Cr P Perks - has an issue with suburbs being defined and whether new signs are demarking the suburbs. The towns of Burekup and Dardanup are different to this issue.

Cr. M Bennett - suggested the pelican remain as the symbol across the suburbs.

Ms. V Pretorius - advised that there was a sign proposed for Hunter Circle and this is how the signage symbols came about.

OFFICER RECOMMENDED RESOLUTION

THAT the Eaton Townscape Committee recommends that Council endorse the symbol of the 'Baudin's Black Cockatoo with Marri gumnuts and leaves' concept for further development into a graphic that can be used for park signs and other public applications in Millbridge.

**ELECTED MEMBER ALTERNATE RESOLUTION
& EATON TOWNSCAPE COMMITTEE RESOLUTION**

ETC 06-19 MOVED - Cr. M T Bennett SECONDED - Cr. C N Boyce

THAT the Eaton Townscape Committee recommends that Council endorse the current symbol of the Pelican used as the standard for park signs and other public applications in Millbridge and Eaton.

CARRIED

9.4 Title: Project Updates

Reporting Department: Infrastructure Directorate
Reporting Officer: Mr. Mick Saunders – Manager Assets
Legislation: Local Government Act 1995

Background

The following projects have been discussed at previous Eaton Townscape Meetings.

- Eaton Foreshore Project
- Fenced Dog Exercise Area Project
- Peninsula Lakes Project

A brief update on each project is provided in the Officer Comment section.

Legal Implications - None.

Strategic Community Plan

Strategy 2.6.1 - To provide a variety of places to live, work and play that meet the current and future needs of the community. (Service Priority: Very High)

Strategy 5.2.1 - To encourage physical activity by providing services and recreational facilities that encourage our community towards an active and healthy lifestyle. (Service Priority: Very High)

Environment - None.

Precedents - None.

Budget Implications - None.

Risk Assessment - Low.

Officer Comment

- **Eaton Foreshore Project Update – Manager Operations Comment**

The Shire of Dardanup has received Lotterywest funding for the project, being a total of \$82,300. This combined with donations and Council funds will be used to undertake the works approved by Council on the Eaton foreshore area.

Progress with the works are as follows;

- Weathersafe WA have been approved and an order issued for the supply and installation of the BBQ shelter. Installation is expected in late August 2019.
- A detailed site survey has been undertaken to finalise shade sail locations and flying fox. Detailed design information has been requested from the preferred suppliers detailed in the Council report dated the 29 August 2018. These details will be incorporated into the design to clarify position and reduce potential service conflicts with underground infrastructure.

- **Fenced Dog Exercise Area Update – Manager Assets Comment**

At the Eaton Townscape Committee on 5 December 2018 it was resolved [ETC 06-18]:

THAT the Eaton Townscape Committee recommends that Council:

- 1. Supports the further development of the concept for the Fenced Dog Exercise Area at the eastern end of the Eaton Foreshore to include nature based features of a successful dog park with reference to the "Unleashed – A Guide to Successful Dog Parks" guidelines; and*
- 2. Refer the new concept back to the Eaton Townscape Committee for further consideration.*

Following the Eaton Townscape Committee meeting, the Shire received objections from Eaton residents expressing their opposition to the idea of a fenced dog exercise area at the considered location on the Eaton Foreshore. Having received these objections from members of the community (prior to any formal consultation being conducted), the Council considered the future of this project at the proposed location, weighing up the risk of further investment of Shire resources into a project that may meet with significant objection from the community and may ultimately not proceed.

At the Ordinary Meeting of Council held on 23 January 2019 Council resolved [RES: 06-19]:

THAT:

- 1. Council direct the Chief Executive Officer to develop a survey to ascertain whole community opinion concerning the provision of a fenced dog exercise area.*
- 2. The survey be directly communicated to registered dogs' owners and generally to the broader community.*
- 3. The data obtained from the survey be presented to Council by 27 March 2019.*

Following the community consultations and the results of the community survey were presented to Council at its Ordinary Meeting on 23 January 2019 Council whereby it was resolved [RES: 06-19]:

THAT Council:

- 1. Receives the results of the 'Proposed Fenced Dog Exercise Area for Eaton' survey and notes the general support from the Community for a Fenced Dog Exercise Area with Eaton Foreshore as the preferred location.*
- 2. Supports the further development of the concept for the Fenced Dog Exercise Area at the eastern end and western end of the Eaton Foreshore to include nature based features of a successful dog park with reference to the "Unleashed – A Guide to Successful Dog Parks" guidelines and the concept is developed in consultation with the affected property owners; and*
- 3. Refer the design for the Fenced Dog Exercise Area back to the Fenced Dog Exercise Area Working Group and Eaton Townscape Committee for further action.*

The delivery of this project will require a Consultant to undertake the facilitation of three community workshops; the first being a 'whole of community' workshop inviting general design ideas and considering the general aspects of both of the proposed locations, and each of the subsequent two workshops inviting specific design input related to each of the two locations and

an in-depth exploration of the pros and cons of each particular location, with a separate workshop held for each of the proposed locations (East and West neighbouring property workshops.) Shire staff have finalised the project documentation in preparation for project delivery and it is expected that the community workshops will be advertised to the community at the beginning of September, with the workshops proposed to be held across the second half of September.

Shire staff will then prepare concept designs for each location, to be presented to the Fenced Dog Exercise Area Working Group and then to the Eaton Townscape Committee before Council is requested to make a decision on the preferred site for the Fenced Dog Exercise Area. Detailed design for the final endorsed site will then be able to proceed.

- ***Peninsula Lakes Project Update – Landscape Designer Comment***

At the Eaton Townscape Committee meeting held on 3 April 2019, the Committee endorsed an amended design for Stage 1 of the Peninsula Lakes Park playground.

Council subsequently endorsed the amended design layout at its meeting held on 17 April 2019 [Res 102-19].

The playground layout plan had been modified from the original draft design, based on community feedback requesting that it provide more suitable features for much younger children and to allow for more opportunities for those with disabilities. While rubber soft fall surfacing could not be accommodated within the Stage 1 project budget, the modified layout allows greater scope for accessible paths connecting key features of the playground when these are able to be implemented.

The recommended supplier for this project has been identified as Active Discovery, whose proposal demonstrated the best value for money and greater suitability for users of all abilities. Active Discovery is a business located within the Shire of Dardanup and is a WALGA preferred supplier with considerable experience, particularly in the field of adventure and nature play.

A social media update was issued to the community, advising that the equipment had been ordered, while Staff arranged final details for the procurement.

The funds for the implementation of this project have been carried forward into the current financial year to allow for the project to be implemented as soon as ground conditions are favourable. Staff will liaise with the Shire's Media Officer to communicate information related to the project's delivery status to the community.

10. ELECTED MEMBER MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

None.

11. NEW BUSINESS OF AN URGENT NATURE

Discussion

Cr. M T Bennett advised that there is money being made available for rivers which is an opportunity to retain the foreshore area like is being undertaken in other areas such as Mandurah and Bunbury.

Ms. V Pretorius advised that the Shire Environmental Officer is currently looking at opportunities to jointly appoint a river erosion specialist to undertake some mapping in conjunction with Shire of Harvey. This will provide recommendations for works to address erosion along the Collie River.

12. MATTERS BEHIND CLOSED DOORS

None.

13. CLOSURE OF MEETING.

The Chairperson advised that the date of the next Eaton Townscape Committee Meeting is to be advised.

There being no further business the Chairperson to declare the meeting closed at 5.48pm.



The Leschenault Historic Walk Trail is an election commitment by the State Government and will be fully funded through the Royalties for Regions program.

Not to scale

It is proposed as a 2.5 metre wide recreational path within the Shire of Dardanup local government area to connect with a similar path north of the Collie River by the Shire of Harvey, with interpretive signage showcasing the Aboriginal and European heritage of the area and seating proposed for enhanced community amenity. The component of the path that will be built by the Shire of Dardanup is sometimes referred to by the working title of the **Eaton Heritage Trail**. The project is due to be completed by the end of 2019-20.

LEGEND

- - - **Yellow:** Eaton Foreshore, via alignment proposed in Eaton Foreshore Master Plan. Proposed red / rammed earth coloured concrete path in turf area = approx. 840 linear metres
- - - **Orange:** Possible alternative routing (recommended), taking constraints from this location into consideration. Materials as per 'Yellow' alignment above. Connect into existing path.
- - - **Cyan:** Link through car park near Bowling club. Utilise existing car park as shared zone with possible smoother strip along edge for path = 136 linear metres
- - - **Red:** Pratt Road Foreshore, via existing path alignment. Proposed reddish coloured asphalt surfacing (width varies) to be laid on top of existing limestone path = 833 linear metres

Notes: The alignment shown in this plan is conceptual and subject to approval and detailed design. The orange 'alternative routing' shown just west of the car park near the Bowling Club is recommended over the alignment shown in the Eaton Foreshore Master Plan as it takes site constraints into consideration, including avoiding duplication of paths in this vicinity, environmental concerns (bank erosion and possum habitat) and allows for a possible Fenced Dog Exercise Area facility in this location. Heritage interpretive signs and seating to be located along path in detailed plans. Total heritage trail distance = approximately 1800 metres.

