



Regional Capitals Alliance

WESTERN AUSTRALIA

Regional Capitals Alliance Western Australian Meeting

Minutes 7th April 2022

Contents

1	OFFICIAL OPENING.....	3
2	RECORD OF ATTENDANCE	3
3	DECLARATIONS OF INTEREST.....	4
4	CONFIRMATION OF MINUTES AND BUSINESS ARISING FROM MINUTES OF PREVIOUS MEETINGS	4
5	CORRESPONDENCE.....	8
6	TREASURER’S REPORT MARCH 2022	17
7	EXECUTIVE OFFICER BI-MONTHLY REPORT (FEBRUARY 2022 – MARCH 2022).....	23
8	FORMAL PRESENTATIONS.....	35
9	RCA UPDATE.....	37
10	ABORIGINAL CULTURAL HERITAGE BILL 2021	38
11	PERFORMING ARTS AND ENTERTAINMENT CENTRE REVIEW (PAEC)- EOI.....	40
12	LG REFORM –ELECTORS SPECIAL MEETINGS	55
13	AROUND-THE-GROUNDS.....	58
14	RCAWA HOUSING SOLUTIONS AND ACTION PLAN	59
15	RCAWA STRATEGIC PLANNING	62
16	OTHER BUSINESS.....	65

1 OFFICIAL OPENING

Meeting opened at: 9:00 am

2 RECORD OF ATTENDANCE

Attendees:

Attendee	Position	Method
Dennis Wellington	Mayor City of Albany (Chair)	In person
Andrew Sharpe	CEO City of Albany (Secretary)	In person
Sam Mastrolembo	CEO Shire of Broome	Zoom
Jaysen de San Miguel	Mayor City of Bunbury	In person
Gary Barbour	A/CEO City of Bunbury	In person
Grant Henley	Mayor City of Busselton	Zoom
Oliver Darby	A/CEO city of Busselton	Zoom
Ian Mickel	Shire President of Esperance	Zoom
Holly Phillips	A/CEO Shire of Esperance	Zoom
Shane Van Styn	Mayor City of Greater-Geraldton (Treasurer)	Zoom
Ross McKim	CEO City of Greater Geraldton	Zoom
John Bowler	Mayor City of Kalgoorlie-Boulder	In person
Andrew Brien	CEO City of Kalgoorlie-Boulder	In person
Peter Long	Mayor City of Karratha	In person
Chris Adams	CEO City of Karratha	In person
Jason Whiteaker	CEO Shire of Northam	Zoom
Peter Carter	Mayor Town of Port Hedland	Zoom until 9.30
Carl Askew	CEO Town of Port Hedland	Zoom
Paul Rosair	Executive Officer, RCAWA	In person
Jane Lewis	Executive Assistant, RCAWA	In person
Josh Turner	Research Officer, RCAWA	In person

Visitors:

Attendee	Position	Method
Anthony Kannis	Director General, Department of Planning, Lands and Heritage	In person
Rachael Sweeney	RCA Executive Officer	Zoom
Cr Karen Chappel	President WALGA	Zoom
Nic Sloan	CEO WALGA	Zoom

Apologies:

Name	Position
Shane Burge	CEO Shire of Esperance
Chris Antonio	Shire President of Northam
Mike Archer	CEO City of Busselton
Malcolm Osborne	CEO City of Bunbury
Harold Tracey	Shire President of Broome

3 DECLARATIONS OF INTEREST

Nil

4 CONFIRMATION OF MINUTES AND BUSINESS ARISING FROM MINUTES OF PREVIOUS MEETINGS

Attachment: 1. Outstanding Business Arising Items and Actions Sheet

Link to Strategic Directions:		Budget Implications	
Partnership and collaboration		Nil	
Resolution(s)		Action(s)	
That the Minutes of the Western Australian Regional Capitals Alliance Meeting held on Thursday, 17 th February 2022, be confirmed as a true and correct record of proceedings.		See Attachment 1	
Moved:	Peter Long	Responsible:	See Attachment
Seconded:	Grant Henley	Due date:	TBD

Attachment 1: Outstanding Business Arising Items and Actions Sheet

DATE	ITEM	ACTION	STATUS	PRIORITY	COMMENTS
			OS=Outstanding I=In Progress C=Complete OG=ON GOING	1=Urgent 2=high 3=moderate 4=Low	* = will be archived and will not show in future reports

Date	Item and Resolution / Action	Status	Priority:	Comments *= will be archived
ADMINISTRATION				
17/2/22	Item 14 – Special Electors Meetings <ul style="list-style-type: none"> EO to consult with CEOs and write a collective letter to the Premier and Minister regarding concern over Local Government Special Electors meetings. To be circulated to members before sending. 	In Progress	2	Letter drafted by EO and circulated for feedback. To be updated and signed by Chair for sending
17/2/22	Item 16 – RCAWA April 2022 meeting <ul style="list-style-type: none"> EA to update members on April meeting 	Complete	2	* Email sent
17/2/22	Item 16 – 2022/23 – 2027/28 Strategic Plan <ul style="list-style-type: none"> EA to email Alliance members seeking expressions of interest from interested staff as a development opportunity, working with the EO, in revising and updating the 2022/23 – 2027/28 Strategic Plan. 	In Progress	3	Email sent – no nominations provided
17/2/22	Item 16 – EO 2-year contract extension <ul style="list-style-type: none"> EO to prepare a \$100K (GST excl.) proposal to be negotiated out of session by the Chair and Secretary whereby NAJA Business Consulting Services provides services inclusive of EO, EA and Benchmarking data collection and high-level reporting. 	Complete	2	* Sent to Chair and Secretary 25/2/22. Contract signed, tabled in Correspondence April meeting
17/2/22	Item 16 – 2022 Federal Election flyer <ul style="list-style-type: none"> EO to take appropriate action to update the Federal Election Flyer, reflecting RCAs Federal Election material including new items such as Covid and Housing. EO to again explore staff development opportunities for this activity. 	In Progress	2	Flyer updated at a cost of \$200 for graphic design, 500 copies printed, at a cost of \$168 plus GST. To be sent out with letters to sitting members and pre-selected candidates
17/2/22	Item 16 – Regional Cities Program	In Progress	4	EO sent relevant information to Tristan Prasser.

RCAWA MEETING 7TH APRIL 2022

Date	Item and Resolution / Action	Status	Priority:	Comments * = will be archived
LOCAL GOVERNMENT REFORM				
17/2/22	ITEM 13: Local Government Reform Response <ul style="list-style-type: none"> The Alliance submits the prepared response to the State Government Reform Paper 	Complete	2	* 24/2/22: Submission sent incorporating Northam's response
ABORIGINAL CULTURAL HERITAGE BILL				
17/2/22	ITEM 10: Aboriginal Cultural Heritage Bill RCAWA to: <ul style="list-style-type: none"> Seek to be engaged by the Department of Planning, Lands and Heritage (DPLH) as a key stakeholder in the consultation phase of the development of the regulations and other documentation that gives effect to the Act. Advocate for Regulations to allow for a single Aboriginal Cultural Heritage Plan to be applied to all land areas and activities within a city or shire boundary. Request DPLH to provide any cost modelling undertaken on consultation fees, permit fees and impact compensation, that might apply to Local Government activities, to assist with strategic budgeting as required under the Local Government Act. Requests priority be given to the establishment of the Local Aboriginal Cultural Heritage Services (LACHS) in Regional Capitals jurisdictions. Authorises the EO to write to the Acting Director General of DPLH seeking ongoing engagement during implementation of the Act. Funds of up to \$2,000 be used to further contract Duncan Ord to work with the Executive Officer in carrying out the above tasks. 	In Progress	3	Letter sent to Anthony Kannis, DG DPLH on 7 th March 2022. EO and Duncan Ord met with Anthony Kannis and Vaughan Davies from the Department on the 4 th April 2022. Anthony to attend RCAWA April meeting.
REGIONAL PERFORMING ARTS AND ENTERTAINMENT CENTRES REVIEW				
17/2/22	ITEM 11 - Regional Performing Arts and Entertainment Centres Review <ul style="list-style-type: none"> That the RCAWA authorises the Executive Officer to prepare Terms of Reference for a Review of the Regional Performing Arts and Entertainment Centres. That the RCAWA authorises the Executive Officer, in consultation with the CEOs, to identify a suitable consultant to lead the review. 	In Progress	3	Draft EOI prepared and circulated to CEOs for feedback. Secretariat advised to send the EOI to 3 consultants.

RCAWA MEETING 7TH APRIL 2022

Date	Item and Resolution / Action	Status	Priority:	Comments * = will be archived
	<ul style="list-style-type: none"> That RCAWA sets aside between \$25,000 to \$30,000 (depending on final scope) from the approved projects item of the 2021-22 budget to undertake the review. 			The Secretary will form a panel of CEOs to assess the responses and make a recommendation of appointment.
RCAWA HOUSING SOLUTIONS AND ACTION PLAN				
17/2/22	Implementation of actions identified in the plan	On Going	3	<p>EO has been advised that he is being scheduled to present to the Ministerial sub-committee on housing.</p> <p>EO meeting with Shelter WA on the 5th April to identify opportunities to collaborate.</p>
BENCHMARKING				
17/2/22	Action: EO to include provision of benchmarking data collection and initial high- level reporting within his new 2022/2024 contract proposal. The Alliance members to decide at a later time whether or not to engage additional support for a more in-depth analysis of the information.	Ongoing		New EO contract now includes benchmarking data collation and reporting.
MACWA				
9/12/2021	<p>9. Other Business</p> <ul style="list-style-type: none"> That the MACWA Awards for 2021 be advertised in February / March 2022 	In Progress	3	Flyer sent to all judges, WALGA and 139 LGs. Posted on the RCAWA site. Department advised and Minister briefing scheduled for 4 th April. Sponsors and ambassador confirmed.

5 CORRESPONDENCE

Date of Report:	7th April 2022
Report Author:	Executive Officer – Paul Rosair
Disclosure of Interest:	Nil
Attachment(s)	Attachment 2: Local Government Reform Submission Letter Attachment 3: Aboriginal Heritage Act Reform Attachment 4: Letter of Engagement – NAJA Business Consulting Services Attachment 5: Rachael Sweeney RCAWA Federal Election Flyer

Note, there has been numerous email correspondence between the Executive Officer, Executive Assistant and Ministerial offices, departmental staff and industry bodies which do not form part of this formal correspondence item as they are considered administrative in nature.

Correspondence Out:

Date: 24th February 2022

To: Act review @ dlgc

Re: Local Government Reform

Date: 7th March 2022

To: Anthony Kannis, Director General DPLH

Re: Aboriginal Heritage Act Reform and meeting invite

Date: 15th March 2022

To: Michael Barnes, Under Treasurer

Minister Amber-Jade Sanderson

Minister Buti

Minister Don Punch

Minister Paul Papalia

Minister Rita Saffioti

Re: Invitations to RCAWA bi-monthly meetings (not attached)

Date: 30th March 2022
To: Paul Rosair, Principal NAJA Business Consulting Services
Re: EO contract - Letter of Engagement

Date: 31st March 2022
To: Rachael Sweeney, RCA CEO
Re: Copy of Federal Election Flyer

Link to Strategic Directions:

Budget Implications:

Nil

Link to Strategic Directions:		Budget Implications	
Advocacy and policy Influence Partnership and collaboration Representation		Nil	
Resolution(s)		Action(s)	
That the correspondence be received.		Nil	
Moved:	Peter Long	Responsible:	-
Seconded:	Jaysen de San Miguel	Due date:	-

Attachment 2: Correspondence out – Local Government Reform Submission Letter



Enquiries: Paul Roseir:
Executive Officer RCAWA
0419930467

To: Whom it may Concern

actreview@dlgsc.wa.gov.au

Date: 24th February 2022

Re: Local Government Reform

The Regional Capitals Alliance Western Australia (RCAWA) is an association representing ten Capitals across WA which comprise in excess of 50% of the population of Regional WA.

The Alliance leads the sustainable, strategic growth of Western Australia's regional capitals, with a focus on excellence and opportunity creation. We achieve this through Partnerships and Collaboration, Advocacy and Policy Influence and Representation.

The Alliance has adopted a strong, cohesive approach to lead change and implement projects that will drive the growth of regional centres as attractive places to live, work, visit and invest.

We note that the reform is endeavouring to deliver the following key elements:

- Clear Legislative Intent
- An Agile System
- Inclusive Local Democracy
- Smart Planning and Efficient Service Delivery
- Enhanced Accountability, Self-Regulation and Integrity

This phase of the reform appears to primarily focus on more operational/regulatory matters surrounding "an Inclusive Local Democracy" and "Enhanced Accountability, Self-Regulation and Integrity", with an associated risk of introducing additional administration and red tape if the implementation is not well managed.

Please find attached our submission accordingly; being an agreed response from the 10 elected members.



The Alliance is also very keen to participate in the next phase of legislative reform, focusing on innovation and the development of Agile Systems and service delivery models.

The Alliance would like your support to develop and pilot innovative local service delivery models for regional WA as part of this next phase of the reform agenda.

Further, the Alliance offers an opportunity to personally brief you and/or your organisation on our position in relation to the reform items. This can be arranged by contacting our Executive Officer, Paul Rosair on 0419930467.

Finally, we appreciate your consideration of this submission

Kind Regards

Mayor Dennis Wellington

Attachment 3: Correspondence out - Aboriginal Heritage Act Reform



Enquiries: Paul Roseir:
Executive Officer RCAWA
paul@nejs.com.au
0419930467
7th March 2022

To:
Anthony Kannis,
Director General,
Department of Planning, Lands and Heritage
140 William Street Perth
6000

Dear Anthony,

Aboriginal Heritage Act 2021

Firstly, on behalf of the Regional Cities Alliance WA (RCAWA), I would like to congratulate you on your recent appointment as Director General of the Department of Planning, Lands and Heritage and look forward to working with you again in your new role.

RCAWA also seeks to congratulate the Department on the assent of the new Aboriginal Cultural Heritage Act 2021 and to offer our support in the development of the regulations, key documentation and tiers of activity required for implementation.

RCAWA recognises the Act significantly expands the scope of Aboriginal cultural heritage and acknowledges the value Aboriginal Culture and Heritage represents to the whole community and to contemporary Australian identity. We seek to be proactive in having the Aboriginal Cultural Heritage Directory populated so that the ongoing development of our regional cities can progress with certainty and in full respect of Aboriginal Cultural Heritage values.

The RCAWA would like to be considered as a key stakeholder during the transitional phase of the Act and would value being included in the consultation process for the development of the regulations, the ACH Directory, the Local Aboriginal Cultural Heritage Services, tiers of activity and potential exemptions.

In assessing the implications of the new legislation, it appears Local Government may be exposed to increased compliance costs for our own development and works programs and we would appreciate receiving any cost modelling that would facilitate our strategic budgeting processes.

RCAWA have authorised me, executive officer for the RCAWA, to invite you or a nominated officer to attend next RCAWA meeting in April 2022 in Perth so that we can gain a better understanding of the priorities for implementation and opportunities for early support of our local Aboriginal traditional owners who will be assuming greater responsibility for heritage protection in the future.



They have also requested I meet with you as soon as possible to discuss RCAWA engagement in the Act implementation process. RCAWA has also sought advice from Duncan Ord, former Director General of Local Government and Deputy Director General of Aboriginal Affairs, and I would like to include him in the meeting(s) or in a meeting with your designated senior officers,

Yours Sincerely

Paul

A handwritten signature in black ink, appearing to read "Paul Rosair".

Paul Rosair
Executive Officer
Regional Capitals Alliance WA (RCAWA)

Cc Vaughan Davies Assistant Director General

Attachment 4: Correspondence out Letter of Engagement – NAJA Business Consulting Services



Our Ref: P Rosair Letter of Engagement
Enquiries:
Dennis Wellington
RCAWA Chair

Paul Rosair
NAJA Business Consulting Services

5th April 2022

Dear Paul,

Following on from your recent proposal for the extension of Executive Officer services that was considered at the Board Meeting held on 17th February 2022. The Regional Capitals Alliance of WA (RCAWA) are pleased to advise that the members agree to the terms as outlined within that proposal and wish to offer NAJA Business Consulting Services (NAJA) an extension from the 1st May 2022 until the 30th April 2024.

Under this contract, NAJA will provide Executive Officer (EO), Executive Assistant (EA) and Research Officer (RO) services and associated administrative support for a fee of \$100,000 p.a. (GST Excl.).

Services include:

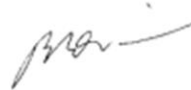
- Attendance by both the EO and EA at RCAWA meetings (6 per year, generally in Perth via Zoom and at least one meeting per year in a member regional capital)
- Strategic advice and oversight of key RCAWA strategy, initiatives and projects
- Facilitation and development of key strategies, submissions, research and documents
- Administrative and executive support services, agenda and minutes preparation website updates, meeting arrangements and correspondence
- Arrangements for Alliance and CEO ring around meeting logistics, venues and catering
- Organising and liaising with meeting guests and presenters as required

- Calendar bookings associated with the above
- Liaison with the Chair and Secretary's Executive Assistants
- Maintenance of the RCAWA's website (Excluding the costs associated with hosting)
- Collection, collation and basic reporting of RCAWA's annual benchmark data
- Annual Reports, previously outsourced, content of which will now be done inhouse under contract, desktop quality publication and printing will be at additional cost

As per the previous contract, the appointment is in accordance with AS 4122-2010 General Conditions of Contract for Consultants which outlines the Alliance Standard conditions for engagement. Please sign this letter and return at your earliest convenience.



Dennis Wellington



Paul Rosair

Attachment 5: Correspondence out: Rachael Sweeney RCAWA Federal Election Flyer

RCAWA Federal Election Flyer



Jane Lewis <jane@reditresearch.com.au>

13:55 (32
minutes ago)

to Rachael, Paul

Good afternoon Rachael,

On behalf of the RCAWA, please find attached an electronic copy of the RCAWA Federal Election Flyer which has incorporated and indicates support for the RCA key Federal priorities of:

- Local Roads and Community Infrastructure Program (LRCI)
- Building Better Regions Fund (BBRF)
- Aviation and tourism Support
- Regional Digital Connectivity Strategy
- Regional Arts Funding
- Decentralisation

This flyer is currently in the process of being printed, and will, from next week, be used by the Alliance in its advocacy and dealings with appropriate stakeholders.

Kind regards, Jane

6 TREASURER'S REPORT MARCH 2022

Date of Report:	7th April 2022
Author	Mayor – City of Greater Geraldton
Disclosure of Interests:	Nil
Attachments:	<ul style="list-style-type: none"> 6. RCAWA February Profit and Loss Statement 7. RCAWA February Balance Sheet 8. RCAWA February Accounts Payable 9. RCAWA February Accounts Receivable 10. RCAWA March Profit and Loss Statement 11. RCAWA March Balance Sheet 12. RCAWA March Accounts Payable 13. RCAWA March Accounts Receivable

Purpose:

To inform the Alliance members of the RCAWA financial situation.

Discussion:

As required

Link to Strategic Directions:		Budget Implications	
Partnership and collaboration		Nil	
Resolution(s)		Action(s)	
That the members receive and note the Treasurer's Report for the periods ending 28 th February 2022 and 31 st March 2022 and the accompanying financial documents.		Nil	
Moved:	Shany Van Styn	Responsible:	-
Seconded:	Andrew Sharpe	Due date:	-

Attachment 6: RCAWA February Profit and Loss Statement

12:06 PM

05/03/22

Accrual Basis

WA Regional Capitals Alliance Inc
Profit & Loss Budget vs. Actual
 July 2021 through February 2022

	<u>Jul 21 - Feb 22</u>	<u>Budget</u>	<u>\$ Over Budget</u>
Income			
Interest Received	3.17	50.00	-46.83
Membership Fee 2021/22	150,000.00	150,000.00	0.00
Total Income	<u>150,003.17</u>	<u>150,050.00</u>	<u>-46.83</u>
Expense			
Accountancy Fees	600.00	1,100.00	-500.00
Administration Costs	11,504.58	18,000.00	-6,495.42
Audit Fees	100.00	900.00	-800.00
Bank Charges	93.62	200.00	-106.38
Donations	500.00	1,500.00	-1,000.00
Executive Support	50,227.26	86,350.00	-36,122.74
Meetings and Functions	0.00	2,000.00	-2,000.00
Projects	11,520.20	33,500.00	-21,979.80
Rent	2,166.64	3,250.00	-1,083.36
Travelling Expenses	1,971.59	3,250.00	-1,278.41
Total Expense	<u>78,683.89</u>	<u>150,050.00</u>	<u>-71,366.11</u>
Net Income	<u><u>71,319.28</u></u>	<u><u>0.00</u></u>	<u><u>71,319.28</u></u>

Attachment 7: February Balance Sheet

12:07 PM

05/03/22

Accrual Basis

WA Regional Capitals Alliance Inc
Balance Sheet
 As of February 28, 2022

	Feb 28, 22
ASSETS	
Current Assets	
Chequing/Savings	
WARCA Cheque Account	109,063.83
WARCA Savings Account	47,576.33
Total Chequing/Savings	156,640.16
Accounts Receivable	
Trade Receivables	76.00
Total Accounts Receivable	76.00
Total Current Assets	156,716.16
TOTAL ASSETS	156,716.16
LIABILITIES	
Current Liabilities	
Accounts Payable	
Trade Creditors	12,303.51
Total Accounts Payable	12,303.51
Other Current Liabilities	
Tax Payable	-1,496.00
Total Other Current Liabilities	-1,496.00
Total Current Liabilities	10,807.51
TOTAL LIABILITIES	10,807.51
NET ASSETS	145,908.65
EQUITY	
Opening Bal Equity	136,570.00
Retained Earnings	-61,980.63
Net Income	71,319.28
TOTAL EQUITY	145,908.65

Attachment 8: February Accounts Payable

12:07 PM

05/03/22

WA Regional Capitals Alliance Inc
A/P Ageing Summary
 As of February 28, 2022

	Current	1 - 30	31 - 60	61 - 90	> 90	TOTAL
Greensted Services	3,000.00	0.00	0.00	0.00	0.00	3,000.00
NAJA Business Consulting Services	9,237.51	0.00	0.00	0.00	0.00	9,237.51
Pam Weston's Bookkeeping	66.00	0.00	0.00	0.00	0.00	66.00
TOTAL	12,303.51	0.00	0.00	0.00	0.00	12,303.51

Attachment 9: February accounts Receivable

12:08 PM

05/03/22

WA Regional Capitals Alliance Inc
A/R Ageing Summary
 As of February 28, 2022

	Current	1 - 30	31 - 60	61 - 90	> 90	TOTAL
Peter Carter	0.00	0.00	0.00	0.00	76.00	76.00
TOTAL	0.00	0.00	0.00	0.00	76.00	76.00

Attachment 10: March Profit and Loss Statement

5:25 PM

03/04/22

Accrual Basis

WA Regional Capitals Alliance Inc
Profit & Loss Budget vs. Actual
 July 2021 through March 2022

	Jul 21 - Mar 22	Budget	\$ Over Budget
Income			
Interest Received	3.53	50.00	-46.47
Membership Fee 2021/22	150,000.00	150,000.00	0.00
Total Income	150,003.53	150,050.00	-46.47
Expense			
Accountancy Fees	690.00	1,100.00	-410.00
Administration Costs	13,140.95	18,000.00	-4,859.05
Audit Fees	100.00	900.00	-800.00
Bank Charges	105.12	200.00	-94.88
Donations	500.00	1,500.00	-1,000.00
Executive Support	56,988.62	86,350.00	-29,361.38
Meetings and Functions	0.00	2,000.00	-2,000.00
Projects	11,520.20	33,500.00	-21,979.80
Rent	2,437.47	3,250.00	-812.53
Travelling Expenses	2,834.49	3,250.00	-415.51
Total Expense	88,316.85	150,050.00	-61,733.15
Net Income	61,686.68	0.00	61,686.68

Attachment 11: March Balance Sheet

5:25 PM

03/04/22

Accrual Basis

WA Regional Capitals Alliance Inc
Balance Sheet
 As of March 31, 2022

	Mar 31, 22
ASSETS	
Current Assets	
Chequing/Savings	
WARCA Cheque Account	96,450.76
WARCA Savings Account	47,576.69
Total Chequing/Savings	144,027.45
Accounts Receivable	
Trade Receivables	76.00
Total Accounts Receivable	76.00
Total Current Assets	144,103.45
TOTAL ASSETS	144,103.45
LIABILITIES	
Current Liabilities	
Accounts Payable	
Trade Creditors	10,285.70
Total Accounts Payable	10,285.70
Other Current Liabilities	
Tax Payable	-2,458.30
Total Other Current Liabilities	-2,458.30
Total Current Liabilities	7,827.40
TOTAL LIABILITIES	7,827.40
NET ASSETS	136,276.05
EQUITY	
Opening Bal Equity	136,570.00
Retained Earnings	-61,980.63
Net Income	61,686.68
TOTAL EQUITY	136,276.05

Attachment 12: March Accounts Payable

5:26 PM
03/04/22

**WA Regional Capitals Alliance Inc
A/P Ageing Summary
As of March 31, 2022**

	<u>Current</u>	<u>1 - 30</u>	<u>31 - 60</u>	<u>61 - 90</u>	<u>> 90</u>	<u>TOTAL</u>
NAJA Business Consulting Services	10,186.70	0.00	0.00	0.00	0.00	10,186.70
Pam Weston's Bookkeeping	99.00	0.00	0.00	0.00	0.00	99.00
TOTAL	10,285.70	0.00	0.00	0.00	0.00	10,285.70

Attachment 13: March Accounts Receivable

5:26 PM
03/04/22

**WA Regional Capitals Alliance Inc
A/R Ageing Summary
As of March 31, 2022**

	<u>Current</u>	<u>1 - 30</u>	<u>31 - 60</u>	<u>61 - 90</u>	<u>> 90</u>	<u>TOTAL</u>
Peter Carter	0.00	0.00	0.00	0.00	76.00	76.00
TOTAL	0.00	0.00	0.00	0.00	76.00	76.00

7 EXECUTIVE OFFICER BI-MONTHLY REPORT (FEBRUARY 2022 – MARCH 2022)

Date of Report:	7th April 2022
Report Author:	Executive Officer – Paul Rosair
Disclosure of Interest:	Nil
Attachment(s):	14. Executive Officer Bi-Monthly Report – February 2022 - March 2022

Purpose:

To update RCAWA on the Executive Officer services provided for the period February 2022 - March 2022 inclusive.

Background:

The attached report provides information about the services provided, activities undertaken and time allocation over the past three months.

Discussion:

As required.

Link to Strategic Directions:		Budget Implications	
Advocacy and policy Influence Partnership and collaboration Representation		As per 2021/22 approved RCAWA budget.	
Resolution(s)		Action(s)	
That the information be received		Nil	
Moved:	John Bowler	Responsible:	-
Seconded:	Andrew Brien	Due date:	-

Attachment 14: Executive Officer Bi-Monthly Report – Feb/Mar 2022

Executive Officer RCAWA

Bi - Monthly Report



Prepared for RCAWA

February 2022 – March 2022



naja

Business Consulting Services

ABN 42 759 221 541

1. OVERVIEW

Over the past two months the Executive Officer (EO) has had meetings with key government, industry, business, community groups, political stakeholders and alliance members (one-on-one and as a group). On behalf of the group, the EO has been working on the following:

Aboriginal Cultural Heritage Act 2021:

The Aboriginal Cultural Heritage Act 2021 (ACHA) is a new Act replacing the existing Aboriginal Heritage Act 1972 (AHA) through two-year transitional arrangements.

At the December 2021 Alliance meeting it was agreed that the CEO engage the services of a consultant to prepare a briefing paper on the new legislation and the potential consequences of the act on the Regional Cities. Duncan Ord, a former senior public servant, with considerable knowledge and experience in this field, was subsequently engaged to undertake this work.

A paper with recommendations has been developed for consideration at the February 2022 alliance meeting. The EO has also subsequently met with WALGA CEO and staff to discuss how best to work together on a coordinated response to the Department to ensure a streamlined implementation of the Act, via regulation, is achieved with as little additional cost and red tape as possible.

Subsequent to the February meeting the EO wrote to the Acting Director General of DPLH seeking ongoing engagement during implementation of the Act and subsequently received an affirmative response.

This resulted in a meeting being scheduled for the 4 April 2022 and an acceptance to attend today's meeting. The EO will provide an overview of the initial meeting and further details will be included in June's RCAWA agenda.

The EO and Duncan Ord are scheduled to meet with the Director General, Anthony Kannis and Executive Director, Vaughan Davies to progress this engagement.

Funds of up to \$2,000 were agreed by the Alliance to further contract Duncan Ord to work with the Executive Officer in carrying out the above tasks.

Local Government Reform Agenda and Review of Local Government Act 1995:

The Executive Officer reviewed the 65 Reform Recommendations made by the David Michael review panel and developed a consolidated position on behalf of the Alliance about its stance. An Agenda item was tabled to discuss this matter at the April 2021 meeting. It was decided that Local Government "Renovation" would be better terminology to describe the Alliance's stance on Local Government Reform.

Subsequently, a delegation of Alliance members met with the Minister in June 2021, to ascertain his position on reforming the sector before deciding a pathway forward, if any.

The Alliance needs to discuss what more action it wants the EO to take in relation to this matter, meanwhile the EO met with Executive Directors, Erin Gauntlet and Tim Fraser from the Department of Local Government to discuss how the Alliance can be involved moving forward. The EO was informed that the alliance should consider identifying and trialling an “innovative service delivery model” with the support of the Minister and the Department.

The EO has reached out to the new Director General of DLGSCI on several occasions, seeking a meeting to provide an overview and update of the Alliance and its activities.

This matter was considered at the February 2022 meeting and as a consequence a submission was prepared and a response to the reform measures submitted after collating and consolidating members responses.

Subsequently, another reform matter was raised by members and considered. Special General Meetings are a cause of some concern to members so as a consequence a letter to the Minister was prepared and sent to the Minister to have “the matters to be considered” and “the number of electors” needed to initiate such a meeting considered for amendment under any new reform measures.

Performing Arts and Entertainment Centres Review

The Regional Capitals Performing Arts and Entertainment Centres play a critical role in supporting the vibrancy of our communities, those who live within the city and those for whom the city is a services centre. The COVID pandemic has decimated the Arts sector and placed significant financial pressure on the viability of Performing Arts infrastructure and operations.

The Alliance had placed a review of the performance of / and operating models of these centres on its work program some time back and it is now being addressed.

This is also being done to prepare the Alliance for post COVID recovery and potential negotiations with the State Government for increased financial support as part of ongoing PEAC funding arrangements.

At the February meeting, a proposal to undertake a review of existing, and future, Performing Arts and Entertainment Centres was agreed upon by alliance members. An EOI was created by the EO and circulated amongst CEOs for feedback.

A shortlist of consultants was created in consultation with the EO and Secretary, and the EOI was sent out to the following consultants on the 5th April 2022:

- Element WA - Andrew Howe, Director/Principal Urban Design

- Mainsheet Capital - Gerard Moody, Perth Director
- Greensted Consulting - Duncan Ord, Principal

It is intended that any proposals received will be assessed by the Secretary, Andrew Sharpe, together with two other nominated Alliance CEOs (with administrative support from the EO), to conclude a decision.

The intention is that an appointment will be made out of session, after consultation with members, so the successful consultant can present to the Alliance at its June Zoom meeting.

RCAWA Benchmarking Framework:

The Executive Officer has completed his work with the research officer to oversee the enhancement of the Benchmark framework and peer reviewed the updated Corporate Benchmarking Report for the 2019-2020 / 2020-2021 financial years incl. 2022 budget data.

Following the tabling of these reports in February 2021 and December 2021 the framework continues to be enhanced with feedback from the group. This has included measuring State and Federal Government services such as Health, Education, Housing, Policing and Social Services. Displaying results by residents in addition to ratepayers has also been incorporated.

A paper was tabled at the August 2021 meeting to canvass members on what additional indicators could be considered and measured as part of the 2020/2021 benchmarking exercise. As a consequence, the EO and Research Officer canvassed alliance members widely to determine a consensus on what parameters should be included. Views varied considerably across members, and this combined with the difficulty in accessing the raw data necessary has resulted in a reduced, high-level set of data, to be incorporated into this year's benchmarking exercise. A paper was tabled at the November 2021 meeting and considered as a result.

With Brain Sharp no longer available to support the benchmarking project the EO has now incorporated the ongoing base support for the back-end collation, data entry and reporting aspects of the benchmarking project into the new EO contract which commences in May 2022, which was accepted by the Alliance at its February 2022 meeting. Joshua Turner will now undertake that role. The need for any further sophisticated analysis of the 2021/22 results will be considered as a separate exercise once the base report has been produced.

2022 - MACWA Awards Launch:

The MACWA awards were successfully run again in 2021, thanks to the major contribution from Jane Lewis, MACWA Ambassador Melissa Northcott, judges and all sponsors. The awards culminated in a presentation by the Alliance Chair and Sponsors to all award winners at the WALGA AGM on Tuesday 7th September 2021. A summary paper was presented at the November 2021 alliance meeting in Kalgoorlie.

The 2022 awards have now been launched and Flyers have been sent to all LGs, WALGA, Department of Communities and judges for distribution and action. All sponsors have recommitted and the Awards Ambassador, Melissa Northcott will once again perform that role.

RCAWA Housing solutions and action plan:

A situational analysis was both tabled with the Minister and at the Broome meeting in June 2021.

As a result of the Minister's positive engagement and as resolved at the June meeting, the EO drafted a scope of works to undertake the development of a housing issues and solutions plan. Subsequently, Greg Cash was engaged to assist the EO with this work. The EO met several times with Greg, refining the scope, guiding Greg and reviewing his work. A report was completed and was tabled at the November 2021 meeting for Alliance consideration and discussed with the Minister for Regional Development, who suggested that we work with the Regional Development Commissions, via WARDA, in pursuing the recommendations in the report.

After meeting with the Minister for Housing it was suggested by him that the Housing Action Plan be tabled before the Ministerial Sub Committee on Housing.

The EO also met with Mike Rowe, Director General Department of Communities in July 2021 and discussed how best to engage with the Department in the development of the action plan. Mike suggested we work with Mark Brydon (formerly Department of Finance), who has taken on the role of Executive Director Housing as the best officer to work with.

Mike then subsequently addressed the Alliance August 2021 meeting. The EO has met briefly with the Minister at a number of functions, who repeated his keenness to see the housing solutions and action plan at an upcoming Ministerial Sub Committee meeting.

A RCAWA Housing Solutions and Action Plan was developed and was be tabled at the November meeting for discussion. The EO has subsequently presented the report to the Minister for Housing's Office and to the WARDA RDC CEOs on December 9, 2021, and Shelter WA – the report has now been circulated to all parties and subsequently WALGA.

Since November, the Executive Officer has met with the Minister for housing's office, the Director General of the Department of Communities, Regional Development Council of the 9 Development Commissions, Housing Industry of Australia and Shelter WA.

The EO has been in regular contact with Mark Brydon, Sub Committee Executive Officer and subsequently Emma Colombera from the Minister's Office and a presentation to the Ministerial Sub Committee is now scheduled for the April 2022 meeting.

The EO again met with Mike on Friday the 1st April 2022 and reiterated RCAWA's commitment to this initiative.

The EO is now working on:

- Commencing the implementation of the Action Plan.
- Preparing a scope of works to implement the actions and a project outline to potentially engage the services of Elysian Consulting to work with the Alliance to implement priority actions and
- The Alliance releases this report publicly with an appropriate media statement

RCAWA Research Project:

An Agenda item to discuss this matter was tabled at the April 2021 meeting which sought guidance from members. The Executive Officer and Research Officer, investigated research topics to support the Alliance's objectives, projects and its focus for future activities. The initial areas for this work included – this remains work in progress:

- Researching State and Federal services, such as Health, Education, Housing, Policing and Social Services (This will be included in benchmarking model)
- Regional Capitals vs. Metropolitan Councils – Is there a level playing field
- Are Regional Capitals demonstrably capable
- Justification of Regional Capitals unique prospects
- Impacts and opportunities from the COVID-19 pandemic
- Review of University of WA's past research

Reviews and Submissions

EO continues to also monitor progress after the Alliance made submissions for the following.

- A) Streamlining WA – State Government initiative, B) Service Priority Review – C) Public Library System - D) Review of Heritage Act 1990 - E) Local Government Act - F) Planning Reform - G) Productivity Commission Report – watching brief and liaison with appropriate stakeholders as required - H) EPBC Act Review - Completed I) Aboriginal Heritage Act – J) Regional Airline Airfares Review – K) Infrastructure Western Australia (IWA) State Infrastructure Strategy submission. L) Ministerial Executive Council Electoral Reform Submission. M) Local government Reform. N) 2021 Regional Telecommunications Review. O) DAP Review Submission

Research Officer's Work Program:

The Executive Officer has finalised the Research Officer's work program. An outline of the completed program is tabled below. However, given the departure of Brian Sharp and the

appointment of Joshua Turner with a reduced set of duties this work program will be reviewed once Joshua formally commences in May 2022.

Brian Sharp
Regional Capitals Alliance
2021 Benchmarking Report Timeline

Legend

	Any Time
	Specific Time

August September October November December January February

1 Existing Benchmarks

- Prepare Templates and Master File
- Distribute Templates
- Councils Collect Data
- Collate and Analyse Data
- Complete Report
- Table Report
- Follow Up Work - TBD

2 Additional Benchmarks

- Agree New Benchmarks
- Identify Data Sources
- Collect Data - Councils or Research Officer
- Analyse Data and Complete Report
- Table Report
- Follow Up Work - TBD

Actions and Business Arising:

Continuous updating of all Actions and Business Arising from RCAWA.

Stakeholder Engagement: Regular meetings with relevant stakeholders as per Section 3.

2 DETAILS OF BI-MONTHLY ACTIONS

KEY OBJECTIVES		OVERVIEW OF BI-MONTHLY ACTIONS
ADVOCACY & POLICY INFLUENCE	Preparation of Submissions and Delegations	Has worked on: <ul style="list-style-type: none"> Local Government Reform IWA State Infrastructure Strategy Submission Infrastructure WA – Briefing Sessions on IF Planning Reform Local Government Act Review DAP Review Special Electors Meetings

KEY OBJECTIVES		OVERVIEW OF BI-MONTHLY ACTIONS
	Advocacy on Key Issues	Nil
ADVOCACY & POLICY INFLUENCE	Development of Policy Position Papers	<p>Developed an Aboriginal Cultural Heritage Action Impacts paper and commenced stakeholder engagement phase.</p> <p>Finalised a scope of works for a review of Performing Arts and Entertainment Centres models and costs in determining an optimal model for the future and issued EOI to shortlisted consultants for quotes.</p> <p>Finalised the Housing Issues Solutions and Action Plan on behalf of the Alliance and commencing implementation of actions.</p> <p>Produced the Federal Election 2022 flyer “agenda for growth” for distribution leading up to the 2022 election.</p> <p>Working with Alliance members to develop a position on Local Government Structural Reform. The matter was discussed and debated at the February 2021 Strategic Workshop and again in April 2021. In light of meeting with the Minister it has yet to be decided what further action, if any, the EO will undertake in regards to this issue.</p> <p>Finalised and submitted the RCAWA Local Government Reform submission.</p> <p>Reviewed the Infrastructure WA State Infrastructure Strategy and prepared a submission on behalf of the Alliance.</p>
PARTNERSHIP & COLLABORATION	Investment Framework	The IF document continues to be distributed to external stakeholders.
	COVID-19	The EO maintaining a watching brief and liaises with Jodi Cant as necessary and will raise issues and opportunities as they arise.
	Communications Support	EO, Secretary and EA continuing to implement actions contained within the Communications Plan.
	Strategic Planning Workshop	Standing item at August meeting with last workshop session held on Friday 18 th February 2021 at the City of Perth. It should be noted that 21/22 is the final year of the current strategic plan so a strategy to review the plan will be prepared. The EO has commenced the process for this review with a planned strategic plan review session scheduled for August 2022.
	RCAWA Meetings and Reporting	<ul style="list-style-type: none"> • CEO Ring Around Thursday 10th February 2022 • RCAWA Meeting 17th February 2022 - Zoom • Secretariate / EO meeting 21/22 March 2022 - Albany • RCAWA AGM and Meeting Zoom 9th December 2021

KEY OBJECTIVES		OVERVIEW OF BI-MONTHLY ACTIONS
		<ul style="list-style-type: none"> CEO Ring Around Friday 1st April 2022

3 STAKEHOLDER ENGAGEMENT

STAKEHOLDERS	DATE	KEY MEETING OUTCOMES
Dennis Wellington: <i>Mayor CoA and Chair RCAWA</i>	February 2022 – March 2022	Regularly discussed and sought guidance on strategic RCAWA matters
Andrew Sharpe: <i>CEO CoA and Secretary RCAWA</i>	February 2022 – March 2022	Regularly discussed and sought guidance on strategic RCAWA matters
Jane Lewis: <i>Principal Redit Research</i>	February 2022 – March 2022	Regularly discussed and sought guidance on strategic RCAWA matters
Nick Sloan: <i>CEO Western Australian Local Government Association</i>	4 th February 2022	Regular meeting with Nick on a range of matters including WALGA’s understanding and stance on the new Aboriginal Cultural and Heritage Act. A full governance review of WALGA and State Council is being considered at the March Council meeting.
Jeff Robson: <i>Consultant (referred by Andrew Sharpe)</i>	9 th and 13 th February 2022	Provided overview of the RCAWA Benchmarking Project to ascertain whether or not Jeff might be able to undertake the analysis work previously done by Brian Sharp.
Nick Sloan: <i>CEO Western Australian Local Government Association</i>	10 th February 2022	Discussed WALGA attendance at February 17 th 2022 meeting.
Nicole Matthews and Susie Moir: <i>Western Australian Local Government Association</i>	11 th February 2022	Discussed WALGA’s understanding and stance on the new Aboriginal Cultural and Heritage Act.
Candy Choo: <i>CEO LGPRO</i> Wayne Sheggia: <i>Policy Officer LGPRO</i>	15 th February 2022	General catchup and discussions around RCAWA matters such as Housing action plan, Benchmarking and Local Government Reform.
Ms Rebecca Stephens MLA: <i>Member for Albany</i> <i>Acting Speaker of the Legislative Assembly</i>	28 th February 2022	Discussed possible function and meetings at parliament house during the Alliance’s April meeting.

RCAWA MEETING 7TH APRIL 2022

STAKEHOLDERS	DATE	KEY MEETING OUTCOMES
John Bowler: <i>Mayor, City of Kalgoorlie Boulder</i>	2 nd March 2022	Discussed regional application of COVID rules at community sporting events and the inconsistency with similar metropolitan events.
Dennis Wellington: <i>Mayor, City of Albany</i>	2 nd March 2022	Discussed regional application of COVID rules at community sporting events and the inconsistency with similar metropolitan events.
Duncan Ord: <i>Principal Greensted Consulting</i>	2 nd March 2022	Discussions around next steps in the drafting of the Aboriginal Cultural Heritage Act regulations and around the issues relating to performing arts and entertainment centres across the State.
Michelle Reynolds: <i>CEO City of Perth</i>	7 th March 2022	Discussed the possibility of holding the April Alliance meeting at the City of Perth and the Housing Action plan the RCAWA has developed.
Mike Rowe: <i>Director General Department of Communities</i>	18 th March 2022	General discussions around RCAWA matters including the Housing Action Plan and the upcoming MACWA awards.
Lisa Smith: <i>CEO City of Albany CCI</i>	21 st March 2022	Provided brief overview of the RCAWA and opportunities to collaborate.
Dennis Wellington: <i>Chair RCAWA</i> Andrew Sharpe: <i>Secretary RCAWA</i>	21 st and 22 nd March 2022	Annual catch up with the Secretariat to discuss priorities for the coming year and to negotiate terms and conditions of the new EO 2-year contract. Finalised draft agenda for the April 2022 RCAWA meeting.
Ms Rebecca Stephens MLA: <i>Member for Albany Acting Speaker of the Legislative Assembly</i>	25 th March 2022	Continuing discussions regarding possible function and meetings at parliament house during the Alliance's April meeting.
James Watt: <i>Finance Manager Shire of Broome</i>	24 th March 2022	Discussed RCAWA benchmarking report.
Gerard Moody: <i>Principal Mainsheet Pty Ltd</i> Andrew Howe: <i>Principal Element WA Market Force</i>	30 th March 2022	Advised of the Performing Arts and Entertainment Centres review EOI.

4 TIME ALLOCATION SUMMARY

Time allocation summary: Executive Officer

CONTRACT YEAR	BUDGETED TOTAL ANNUAL CONTRACT HRS	TOTAL BILLED HRS AND TOTAL ACTUAL HRS	YTD TOTAL BILLED HRS AND YTD TOTAL ACTUAL HRS
May 2018 – March 2022 Total Reconciliation	1,495 hrs	Total Billed 1,565.00 hrs Total Actual 1,600.25 hrs	N/A
May 2018 - April 2019 (Inc.) Completed	400 hrs	Total billed hours for April 2019 35 hrs. (35.5 hrs. actual)	400 hrs billed (408.5 hrs actual)
May 2019 - April 2020 (Inc.) Completed	400 hrs	Total billed hours for April 2020 35 hrs. (48 hrs. actual)	400 hrs billed (433 hrs actual)
May 2020 - April 2021 (Inc.) Completed	400 hrs	Total billed hours for April 2021 35 hrs. (41.5 hrs. actual)	400 hrs billed (389.5 hrs actual)
May 2021 - April 2022 (Inc.) In Progress	400 hrs	Total billed hours for February 2022 and March 2022 70 hrs (83 hrs actual)	365 hrs billed (369.25 hrs actual)

Time allocation summary: Executive Assistant

CONTRACT YEAR	BUDGETED TOTAL ANNUAL CONTRACT HRS	TOTAL BILLED HRS AND TOTAL ACTUAL HRS	YTD TOTAL BILLED HRS AND YTD TOTAL ACTUAL HRS
May 2020 – Mar 2022 Total Reconciliation	630 hrs	Total Billed 630 hrs Total Actual 652.25 hrs	N/A
May 2020 - April 2021 (Inc.) Completed	330 hrs	Total billed hours for April 2021 30 hrs. (23.5 hrs actual)	330 hrs billed (316.25 hrs actual)
May 2021 - April 2022 (Inc.) In Progress	330 hrs	Total billed hours for February and March 2022 60 hrs (59.5 hrs actual)	300 hrs billed (336 hrs actual)

8 FORMAL PRESENTATIONS

Date of Report:	7th April 2022
Report Author:	Executive Officer, Paul Rosair
Disclosure of Interest:	Nil
Attachment(s)	Nil

Purpose:

The Alliance to receive presentations from key stakeholders.

Background:

Leading up to this meeting, Alliance members were canvassed about issues pertinent to the portfolios of the presenters: a consolidated list is provided in the discussion and has been forwarded to the relevant presenters as appropriate.

Discussion:

Thursday 7th April 2022

Time: 10:00 -10:30
Anthony Kannis; Director General DLPH

Topics for Discussion: Planning Reform update
 Aboriginal Cultural Heritage Act
 Development Assessment Panel Review – Public comment

Time: 11:00 – 11:15
Rachael Sweeney; RCA Executive Officer

Topics for Discussion: RCA update
 Federal budget response
 Federal election strategy

Time: 11:40-12:10
Cr Karen Chappel; President WALGA
Nic Sloan; CEO WALGA

Topics for Discussion: Local government reform
 WALGA governance review
 Federal election strategy

Link to Strategic Directions:		Budget Implications	
Advocacy and policy Influence Partnership and collaboration Representation		Nil	
Resolution(s)		Action(s)	
That the information be received		Send RCAWA adopted Land Tenure Policy Document to Anthony Kannis	
Moved:	Andrew Sharpe	Responsible:	EA
Seconded:	Dennis Wellington	Due date:	13 th April 2022

9 RCA UPDATE

Date of Report:	7th April 2022
Report Author:	Grant Henley, Mayor City of Busselton
Disclosure of Interest:	Nil
Attachment(s)	NIL

Purpose:

To provide an overview of items and issues from RCA which pertain to RCAWA business and to canvass Alliance members as to matters which they believe are warranted to raise with RCA.

Discussion:

Rachael Sweeney, RCA Executive Officer and Grant Henley to provide an RCA update

Link to Strategic Directions:		Budget Implications	
Partnership and collaboration Representation		Nil	
Resolution(s)		Action(s)	
That the information be received		Nil	
Moved:	Grant Henley	Responsible:	-
Seconded:	Andrew Sharpe	Due date:	-

10 ABORIGINAL CULTURAL HERITAGE BILL 2021

Date of Report:	7th April 2022
Report Author:	Paul Rosair, Executive Officer and Duncan Ord, Greensted Consulting,
Disclosure of Interest:	Nil
Attachment(s)	NIL

Purpose:

To update the Alliance on the passing of the Aboriginal Cultural Heritage Act 2021 and the transitional arrangements that will apply during its implementation.

Background:

The Aboriginal Cultural Heritage Act 2021 (ACHA) is a new Act replacing the existing Aboriginal Heritage Act 1972 (AHA) through two-year transitional arrangements.

At the December 2021 Alliance meeting it was agreed to engage Duncan Ord, a former senior public servant, with considerable knowledge and experience in this field to prepare a briefing paper on the new legislation and the potential consequences of the act on the Regional Cities. The resultant Aboriginal Cultural Heritage Act 2021 Briefing paper was attached for consideration by Alliance members at the February 2022 meeting. Recommendations from the Paper was that it could be used to:

- Engage RCA member's staff in discussion about local implications of the new legislation.
- Guide the collective efforts of the RCA in engagement with the State Government; and
- Provide context to discussions with Aboriginal community leaders on Heritage protection.

The EO subsequently met with WALGA CEO and staff to discuss how best to work together on a coordinated response to the Department to ensure a streamlined implementation of the Act, via regulation, is achieved with as little additional cost and red tape as possible.

Informal discussions with the Department indicated that the Government is still open to consider further exemptions from the approvals process for activities undertaken consistent with the Planning and Development Act. This implies Local Government will be a key consultation stakeholder during the development of the regulations and guidelines.

The Department has been funded to develop a *Dial before you dig* style of web portal to allow landholders easy access to the information held on the ACH Directory. It was recommended that it would advantageous that the Regional Capitals seek State support to map Aboriginal Cultural Heritage places and landscapes that have yet to be recorded in the existing Heritage register of sites.

Resolutions from the February meeting were:

- That RCAWA seek to be engaged by the Department of Planning, Lands and Heritage (DPLH) as a key stakeholder in the consultation phase of the development of the regulations and other documentation that gives effect to the Act.
- That RCAWA advocate for Regulations to allow for a single Aboriginal Cultural Heritage Plan to be applied to all land areas and activities within a city or shire boundary.
- That RCAWA request DPLH to provide any cost modelling undertaken on consultation fees, permit fees and impact compensation, that might apply to Local Government activities, to assist with strategic budgeting as required under the Local Government Act.
- That RCAWA requests priority be given to the establishment of the Local Aboriginal Cultural Heritage Services (LACHS) in Regional Capitals jurisdictions.
- That RCAWA authorise the EO to write to the Acting Director General of DPLH seeking ongoing engagement during implementation of the Act.
- Funds of up to \$2,000 be used to further contract Duncan Ord to work with the Executive Officer in carrying out the above tasks.

Discussion:

A letter was sent to Anthony Kannis, the newly appointed Director General of DPLH on 7th March 2022 to request a meeting with Paul Rosair, RCAWA EO and Duncan Ord, Greensted Consulting.

This resulted in a meeting scheduled for the 4th April 2022 and an acceptance to attend today’s meeting. The EO will provide an overview of the initial meeting and further details will be included in June’s RCAWA agenda.

Link to Strategic Directions:		Budget Implications	
Advocacy and Policy Influence		Up to \$2,000 from the special project budget	
Resolution(s)		Action(s)	
<p>That the Alliance, through the Executive Officer and Duncan Ord continue to engage with the Department during the development of the associated regulations.</p> <p>That the RCAWA “Aboriginal Cultural Heritage Act Review” paper be forwarded to the Department.</p>		Forward the RCAWA “Aboriginal Cultural Heritage Act Review” paper to the Department., noting that the RCAWA is keen to proactively engage with the Department so as to ensure no unintended consequences occur as a result of the new regulations.	
Moved:	John Bowler	Responsible:	EA
Seconded:	Chris Adams	Due date:	13 th April 2022

11 PERFORMING ARTS AND ENTERTAINMENT CENTRE REVIEW (PAEC)– EOI

Date of Report:	7th April 2022
Report Author:	Paul Rosair, Executive Officer
Disclosure of Interest:	Nil
Attachment(s)	15. EOI Email - Request to Consultants 16. RCAWA - Performing Arts Centres Review EOI 2022-001

Purpose:

To advise the Alliance that an EOI has been distributed to 3 shortlisted consultants for the provision of services to undertake an in-depth review of the Alliance members Performing Arts and Entertainment Centres, providing an operational performance analysis and future direction/model recommendations.

Background:

The Regional Capitals Performing Arts and Entertainment Centres play a pivotal role in supporting the vibrancy of their communities, those who live within the city and those for whom the city is a services centre.

The Alliance had placed a review of the performance of / and operating model of these centres on its work program some time back (first mentioned in February meeting 2020) and it is now timely to raise this action again so as to prepare the Alliance for post COVID recovery and potential negotiations with the State Government for increased financial support as part of ongoing PEAC funding arrangements.

Discussion

At the February meeting, a proposal to undertake a review of existing, and future, Performing Arts and Entertainment Centres was agreed upon by alliance members.

A shortlist was created in consultation with the EO and Secretary, and the EOI was sent out to the following consultants on the 5th April 2022:

- Element WA - Andrew Howe, Director/Principal Urban Design
- Mainsheet Capital - Gerard Moody, Perth Director
- Greensted Consulting - Duncan Ord, Principal

It is intended that any proposals received will be assessed by the Secretary, Andrew Sharpe, together with two other nominated Alliance CEOs (with administrative support from the EO), to conclude a decision. The intention is that an appointment will be made out of session, after consultation with members, so the successful consultant can present to the Alliance at its June Zoom meeting.

The EOI document was circulated to CEOs for feedback and is attached.

Link to Strategic Directions:		Budget Implications	
Advocacy and Policy Influence Partnership and collaboration		Up to \$30,000 (figure to remain in confidence throughout EOI process) approved at the February 2022 meeting to be allocated from the 2021/22 approved RCAWA projects budget.	
Resolution(s)		Action(s)	
<p>That the members endorse the evaluation process and that</p> <p>Mike Archer and Mal Osborne participate on the selection panel in addition to the Secretary</p>		Executive Officer to facilitate the collection and presentation of EOI responses for an out of session evaluation and selection by the selection panel.	
Moved:	Jaysen de San Miguel	Responsible:	Executive Officer, Selection Panel
Seconded:	Peter Long	Due date:	15 th May 2022

Attachment 15: EOI email - Request to Consultants

Dear ____,

Further to your conversation with the RCAWA Executive Officer, Paul Rosair, please see attached an Expression of Interest seeking your proposal to undertake a review of the RCAWA Performing Arts and Entertainment Centres.

The submission of the EOI is due by COB on 6th May.

If you would like to discuss further, please contact Paul Rosair at admin@waregionalcapitals.com.au or on 0419 930 467.

Kind regards,

Attachment 16: RCAWA - Performing Arts Centres Review EOI 2022-001 (first draft)**Expression of Interest**

Consultancy to review the operational performance and future direction for Performing Arts and Entertainment Centres (PAEC) located across the Alliance membership

DOCUMENT ID NUMBER:	RCAWA 2022-001
EXPRESSION OF INTEREST:	RCAWA Review of Performing Arts and Entertainment Centres
CLOSING DATE FOR SUBMISSIONS :	5pm - 6 th May 2022
DELIVERY METHOD:	<p>Post to: RCAWA 459 Albany Highway Victoria Park WA 6100</p> <p>Or Email to: admin@waregionalcapitals.com.au</p>
CONTACT PERSON(S):	Paul Rosair – Executive Officer Andrew Sharpe – Secretary

Table of Contents

1	CONDITIONS OF RESPONDING	3
2	SPECIFICATION	3
2.1	Introduction to RCAWA	3
2.2	Background	4
2.3	Scope of Works	5
2.4	EOI Outcomes	5
2.5	Supporting Documentation	5
3	CONTRACTORS RESPONSIBILITIES	7
4	RCAWA's RESPONSIBILITIES	7
5	GENGERAL CONDITIONS OF CONTRACT	8
5.1	Contract Duration	8
5.2	Insurances	8
6	EVALUATION CRITERIA	9
6.1	Compliance Criteria	9
6.2	Qualitative Criteria	9
7	PRICE INFORMATION	11
7.1	Price	11
7.2	Price Schedule	11
8	RESPONDENTS OFFER	12

1 CONDITIONS OF RESPONDING

The Regional Capitals Alliance Western Australia (RCAWA) (the Principal) will not be liable for payment to the Respondent for any costs, losses or expenses incurred by the Respondent in preparing their Response to this Expression of Interest, regardless of the outcome.

The Respondent shall have satisfied themselves as to the correctness and sufficiency of their Response, including prices which will be deemed to cover the cost of complying with all the Conditions of Responding and of all matters and things necessary for the due and proper performance and completion of the work described in this Expression of Interest.

2 SPECIFICATION

2.1 INTRODUCTION TO RCAWA

The RCAWA local governments represent the most significant concentrations of employment in regional Western Australia. With diverse economies and lifestyles, they offer exciting places to live, work, visit and invest.

RCAWA advocates strategic planning for growth and investment in Western Australia's regional capitals. The RCAWA Alliance is comprised of membership from City of Albany, Shire of Broome, City of Busselton, City of Bunbury, Shire of Esperance, City of Greater Geraldton, City of Kalgoorlie-Boulder, City of Karratha, Shire of Northam and Town of Port Hedland.

When it comes to leveraging maximum value from investment, the RCAWA members are uniquely positioned to optimise impact. Each has well-developed capacity – in terms of their organisation, their community and their local industries. Combine this with their significant business prospects; opportunities abound.

RCAWA members are adept at achieving results – even where there are many potential obstacles. Alliance members face challenges ranging from booming populations through to meeting the needs of a vast geographic catchment operating as a service hub with a relatively small population

Some members have seen rapid industry growth and significant expenditure on infrastructure, in parallel, other Alliance members have grappled with transitioning key industries. What sets RCAWA members apart is their ability to proactively respond as circumstances evolve. Alliance members provide an enabling environment where industry can develop efficient and innovative ways of work.

They build cohesive communities with quality services and strong social fabric. Even in circumstances of geographic isolation, this has not been a barrier to developing a thriving community and economy. Alliance members may not all follow the same approach but are unified by their ability to recognise opportunities and facilitate positive outcomes for their communities, with flow on benefits across the regions.

4.1 2.2 Background

The Regional Capitals Performing Arts and Entertainment Centres (PEACs) play a pivotal role in supporting the vibrancy of their communities. The facilities are valued by residents who live within the regional centre and also those residents for whom the regional centre is a regional capital.

The COVID pandemic has had a severe impact on the Arts sector and placed significant financial pressure on the viability of Performing arts infrastructure throughout Australia.

The Alliance had sought to undertake a review of the performance and operating model of these centres and it is now timely to raise this action again. The outcome of the review will assist to prepare the Alliance for post COVID recovery and potential negotiations with the State Government for increased financial support as part of ongoing PEAC funding arrangements.

The Alliance has been keen to re-evaluate and create a centralised process in managing individual PAECs. Identifying differences between the way regional and metropolitan centres are maintained and operated will need to be identified, analysed and documented as part of this review. Locations of existing centres are set out below. The review will also look into facilities that are in planning stages.

Location of existing or Planned Performing Arts (and Cultural) and Entertainment Centres:

Local Government	Name	Address
City of Albany	Albany Entertainment Centre	2 Toll Place, Albany
City of Bunbury	Bunbury Regional Entertainment Centre	2 Blair Street, Bunbury
City of Greater Geraldton	Queens Park Theatre	75 Cathedral Avenue, Geraldton
City of Kalgoorlie Boulder	Goldfields Arts Centre	35 Cheetham Street, Kalgoorlie
City of Karratha	Red Earth Arts Precinct	27 Welcome Road, Karratha
Shire of Broome	Broome Civic Centre	27 Weld Street, Broome
Shire of Esperance	Esperance Civic Centre	77 Windich Street, Esperance
Town of Port Hedland	Matt Dann Theatre & Cinema	35 Hamilton Road, South Hedland
Shire of Northam (Cultural Centre)	Bilya Koort Boodja	2 Grey Street, Northam
City of Busselton (Planned)	Busselton Performing Arts and Convention Centre	Corner of Queen Street and Marine Terrace, Busselton

2.3 Scope of Works

Objective:

To provide an in-depth review of the Alliance members PAECs, providing an operational performance analysis and future direction/model recommendations. The RCAWA seeks the support of a consultant(s) to conduct a review of the alliance members PAECs to enable maximisation of the level of utilisation in their communities. The Review should take the form of a written report of suitable quality and complexity for use by the RCAWA to support a range of uses including advocacy to all levels of government and industry for relevant investment and funding.

In conducting this review, the consultant will be expected to:

- Review the existing RCAWA Agenda for Growth and Regional Investment Framework against the proposal outlined in this EOI.
- Review and identify opportunities contained within State and Federal Government “COVID response initiatives” which could support recommendations coming out of this review.
- Review each of the RCAWA members PAEC annual performances, including data on visitor demographics, usage by event type (musicals, performances, community meetings etc) and revenue streams.
- Review and determine the most profitable business model that can be used. Is there a singular best model? What other Local Government PAEC is a good benchmark/example?
- Consultation with State and Federal and Local Government bodies and agencies to ascertain information surrounding financial contribution, how regional models compare with metropolitan models and the ideal mix of venues to create a viable touring and production circuit.

The Consultant is also expected to provide a program for approval by the RCAWA that encompasses the total strategic design, tasks, deliverables, and critical path as outlined above to inform the overall review and project timeframe.

4.2 2.4 EOI Outcomes

A final Report that addresses the scope of works through the findings of a Literature Review, Performance Analysis and potential Site visits alongside proposed recommendations on next steps going forwards.

4.3 2.5 Supporting Documentation (available on Website)

- RCAWA – Regional Investment Framework
- RCAWA - Strategic Plan
- RCAWA - 2021 Annual Report
- RCAWA – Agenda for Growth

Contract award is currently estimated to be awarded before the **20th May 2022 with estimated completion by 31st August 2022.**

The Consultant will engage with, resolve and develop solutions, in order to determine appropriate design, staging and prioritisation to achieve maximum impact for spend, in close consultation with the RCAWA.

Contract award will include an agreed Tasks and Deliverables plan that document key milestones and a payment schedule.

3 CONTRACTORS RESPONSIBILITIES

The appointed Consultant will be required to nominate a Lead, who will assemble and coordinate a team (as necessary) to complete the requirements of the brief, and act as the key liaison and sole point of contact for the duration of the project.

The project lead is to be of Director/Associate level, capable of decision making on the team's behalf. The Consultant is to provide a proposal, methodology and timeline to undertake the work as per the scope of works and responsibilities as detailed in this Expression of Interest.

4 RCAWA'S RESPONSIBILITIES

The RCAWA will provide:

- An inception teleconference with the Preferred Consultant to discuss the Proposal and Refine the Proposal/Brief of the Project.
- On final appointment:
 - Assign a designated single contact point (Project Manager) to have oversight of the project from Appointment to Final Delivery.
 - Establish and assemble a Project Control Group consisting of the Project Manager and three CEO's of relevant RCAWA Local Government Authorities.
 - Liaison with the Contractor regarding required Client Liaison Activities.
 - Relevant background documentation and contacts to the appointed Consultant to assist undertaking the required works. Note: the Consultant should allow for a thorough investigation of the region capitals and subject matter necessary to achieve the stated outcomes. It must not solely rely on the information provided above from the RCAWA. The Consultant will be required to fill any information gaps.

The RCAWA contact person for the quotation period is Paul Rosair, Executive Officer (email: info@naja.com.au). All initial enquiries should be in writing via email.

The RCAWA will manage financial payments on an agreed Milestone basis for the contract. Payment will be in accordance with the RCAWA's standard thirty (30) day terms.

5 GENERAL CONDITIONS OF CONTRACT

The General Conditions of Contract will be in accordance with Standards Australia AS4122.

This Request for Quotation does not contain a copy of any Australian Standards. It is the responsibility of the Respondent to obtain a copy if required.

5.1 Contract Duration

The Contract will be complete on supply of the goods and/or services as negotiated and agreed with RCAWA. However, in the event of the successful Contractor failing in any manner to carry out the Contract to the RCAWA's satisfaction, the RCAWA may forthwith terminate the Contract by written notice to the Contractor.

The RCAWA reserves the right to claim cost/time penalties should the Contract not be completed on time, if it can be shown that the RCAWA has made every reasonable effort to maintain the schedule agreed by both parties at the commencement of the Contract.

5.2 Insurances

The Contractor is required to maintain the following insurance and minimum level of cover for the Contract duration:

Type	Insured Amount
Public Liability	\$20,000,000 any one occurrence
Workers Compensation or Personal Accident Insurance	If applicable, the Contractor shall insure against liability for death of or injury to persons employed by the Contractor including liability by statute and at common law to a limit of not less than \$20,000,000. Cover extended to include Principals Indemnity Clause.
Professional indemnity	\$1,000,000 any one claim and in the aggregate

6 EVALUATION CRITERIA

The RCAWA has adopted a best value for money approach and will assess each Response to determine the most advantageous outcome. The RCAWA is not bound to accept the lowest Response and may reject any or all Responses submitted. Failure to address any of the Compliance and Qualitative criteria may eliminate the submission from consideration.

6.1 Compliance Criteria

In order to submit a compliant quotation, the following requirements need to be addressed:

DESCRIPTION	SELECT	
a. Compliance with the Conditions of Responding as per Part 1 of this Request.	Yes <input type="checkbox"/>	No <input type="checkbox"/>
b. Compliance with the Specification contained in the Request.	Yes <input type="checkbox"/>	No <input type="checkbox"/>
c. Completion of the Offer Form, including the signature of the Authorised Signatory.	Yes <input type="checkbox"/>	No <input type="checkbox"/>
d. Pricing schedules submitted in the format requested by the principal.	Yes <input type="checkbox"/>	No <input type="checkbox"/>

6.2 Qualitative Criteria

In determining the most advantageous Response, the following qualitative criteria will be point scored:

A. Relevant Experience & Capacity	Weighting 40%
<p>1. Provide the information regarding proposed personnel to be allocated to this project, including:</p> <p>(a) Role; and (b) Current commitment and availability.</p> <p>2. Outline the Company/Practice expertise, skills and capacity to undertake this work including experience on other projects of a similar nature and understanding of the Local Government Sector and State Governments Royalties for Regions Fund.</p>	<p>Tick if attached</p> <input type="checkbox"/>
B. Methodology & Timeline	Weighting 30%
<p>Quotation submissions are to provide the following information with regard to the project approach, methodology and proposed timeline:</p> <p>a) Acknowledgement of Scope of Services and demonstrated understanding of the key elements. Identify the key opportunities/risks particular to this project and how these will be managed;</p> <p>b) Outline your approach to the scope of services; and</p> <p>c) A proposed timeline for completion.</p>	<p>Tick if attached</p> <input type="checkbox"/>

C. Fees and Value for Money	Weighting 30%
<p>Submissions are to provide the following information with regard to professional Development Consultant fees that are aligned with the Scope of Service's nominated within the RFQ. The Consultant fees are to be GST inclusive.</p> <p>Personnel fees and project disbursements are to be listed within separate tables and GST inclusive.</p>	<p>Tick if attached</p> <p><input type="checkbox"/></p>

7 PRICE INFORMATION

7.1 Price

Prices quoted are to be on a lump sum basis. All prices for goods and/or services offered are to be fixed for the term of the Contract. Quoted prices must include Goods and Services Tax (GST). Any charge not stated in the Quotation as being additional will not be allowed as a charge for any transaction under any resultant Contract.

7.2 Price Schedule

Respondents are requested to provide a breakdown of the costs to deliver the work. The following price schedule may be used, or a separate document should be attached to your response:

No	Item Description	Unit	Price \$ (ex GST)	Price \$ (incl GST)
TOTAL				

Expected Completion of Services as detailed above	Weeks	Days

8 RESPONDENTS OFFER

I/We (Registered Entity Name):

Registered Entity Street Address: _____

Registered Entity Postal Address: _____

ABN:

ACN (if any):

Telephone No:

Facsimile No:

Email:

I/We agree that there will be no cost payable by the principal towards the preparation or submission of my/our Response to this Request for Quotation irrespective of its outcome. I/We confirm that I/we will comply with this Request for Quotation and my/our Response and the Response consideration is provided in the prescribed format and is submitted with this Response. I/We agree that by submitting this Response I/we authorise the Principal to disclose my/our identity and the lump sum consideration to any person/organisation requesting such information, but only if my/our Response is successful.

Dated this:

Day of:

Year:

Name of Authorised Signatory:

12 LG REFORM –ELECTORS SPECIAL MEETINGS

Date of Report:	7th April 2022
Report Author:	Executive Officer and Research Officer
Disclosure of Interest:	Nil
Attachment(s)	Attachment 17. Electors Special Meetings – Minister letter (first draft)

Purpose:

To advise the members of action taken regarding Alliance concerns with the current Electors Special Meeting legislation.

Background:

At the RCAWA February meeting it was raised by several Alliance members that numerous electors special meetings had been called, and that in many instances they duplicated subject matter and pertained to issues which were either not relevant to local government or outside its sphere of influence. An action was created for the EO to write a letter to the Minister for Housing; Lands; Homeless; Local Government and also to the Premier.

Discussion

See below for the first draft of a letter to be sent. This has been circulated to members, and the Chair and Secretariat will incorporate feedback before sending.

Link to Strategic Directions:		Budget Implications	
Advocacy and policy Influence		Nil	
Resolution(s)		Action(s)	
That the amended letter be sent to the Minister for Housing; Lands; Homeless; Local Government and the Premier.		Secretary to amend letter and send to Minister and Premier.	
Moved:	John Bowler	Responsible:	Andrew Sharpe
Seconded:	Jaysen de San Miguel	Due date:	15 th May 2022

Attachment 17: Electors Special Meetings – Minister letter (first draft)



Ref: ESM05042022
Enquiries: Paul Rosair,
RCAWA Executive Officer

Hon. John Newton Carey MLA BA (Hons)
Minister for Housing; Lands; Homelessness; Local Government

Date:

Dear Minister,

Re: Electors Special Meetings

I am writing to you on behalf of the Regional Capitals Alliance of Western Australia (RCAWA) in relation to concerns raised by members regarding the Local Government Act 1995 – Section 5.28 Electors' Special Meetings.

This legislation outlines that:

1. A special meeting of the electors of a district is to be held on the request of not less than –
 - a. 100 electors or 5% of the number of electors – whichever is the lesser number; or
 - b. 1/3 of the number of council members
2. The request is to specify the matters to be discussed at the meeting and the form or content of the request is to be in accordance with regulations
3. The request is to be sent to the mayor or president
4. A special meeting is to be held on a day selected by the mayor or president but not more than 35 days after the day on which he or she received the request

Under the current provisions of the Act there are some perceived flaws, inconsistencies and ambiguities that the Alliance members feel should be resolved in light of recent experiences in dealing with both valid and vexatious Covid related elector's special meetings.

Specifically:

- There are currently no restrictions on the number of times these special meetings can be requested and no restrictions on duplication of the subject matter, whether that be at a previous electors special meeting or a general Council meeting. This differs from matters raised by Elected members who can only have the matter dealt with once;
- The number (100) of electors would seem a small representation. While it may be appropriate for smaller Local Governments (LGs), Alliance members are of the opinion that 5% of electors would be more reasonable for the size of their towns/cities;
- Regular Council meetings allow for deputations, public question time and community access sessions already exist and provide a platform where these matters can be raised;
- An annual electors meeting is already a mandatory requirement of LG's
- A Council does not have the right of refusal to hold special elector's meetings on issues not relevant to LGs or those that are outside their ability to resolve. This was particularly evident with the current call across the state on LGs to hold electors special meetings about vaccine mandates which is a State Government responsibility. Effectively the use of these meetings as lobbying forums could be viewed as a LG providing a platform or a public rally, using town/city funds, resources and time.

Given the Government is currently amending the Local Government Act, the Alliance members are requesting that the following amendments, or similar, are made to the electors special meeting legislation:

1. Duplication of subject matter topics shall not be permitted within a twelve-month period
2. The number of electors required to request an electors special meeting should be based on a percentage of the electorate population numbers and that 5% would be appropriate
3. Councils should be able to exercise a right of refusal if the issues to be raised are either
 - a. Not relevant to the Local Government
 - b. Outside the Local Government sphere of influence

The Alliance would welcome your response and is happy to discuss in further detail if required.

Yours Sincerely

Dennis Wellington;
Chair RCAWA

13 AROUND-THE-GROUNDS

Date of Report:	7th April 2022
Report Author:	Executive Officer, Paul Rosair
Disclosure of Interest:	Nil
Attachment(s)	Nil

Purpose:

For Alliance members to share information that may have an impact on other regional capitals either in the form of a collaborative opportunity, a win or a warning.

Background:

At the 18th February 2021, Alliance members showed an interest in incorporating an around-the-grounds item into future meetings. A Recommendation was passed at the April meeting that the format of the around-the-grounds item will be 2-3 minutes per capital per meeting for a maximum total of 30 minutes. If members wish to pursue a topic in more detail, they can pursue it out of session or raise it as an agenda item for the next meeting.

Discussion:

As required.

Link to Strategic Directions:		Budget Implications	
Partnership and collaboration		Nil	
Resolution(s)		Action(s)	
That the information be received		Nil	
Moved:	Andrew Sharpe	Responsible:	-
Seconded:	Dennis Wellington	Due date:	-

14 RCAWA HOUSING SOLUTIONS AND ACTION PLAN

Date of Report:	7th April 2022
Report Author:	Executive Officer, Paul Rosair
Disclosure of Interest:	Nil
Attachment(s)	Attachment 18: Shelter WA 1st March Newsletter Article

Purpose:

To update the Alliance on progress on the development of a Housing Solutions and Action Plan.

Background:

After housing shortage discussions at the April 2021 Alliance meeting, it was resolved to develop a situational analysis of all Alliance members with the view to preparing a housing action plan. A summary of the situational analysis was presented to the Minister for Housing on Wednesday 9 June 2021.

At the June 2021 Alliance meeting it was agreed to engage a consultant to assist with the development of a Housing Solutions and Action Plan. Elysian Consulting was subsequently engaged to undertake this work and presented the completed Plan at the November 2021 meeting. Future actions were passed as resolutions at this meeting which included:

- That the Alliance initially present this Action Plan to the Minister for Housing's Ministerial subcommittee and that the future actions below be held over pending the outcome of this meeting
- Pending:
 - That the Action Plan be developed as outlined above.
 - The EO scopes a project outline to engage the services of Elysian Consulting to work with the Alliance to implement priority actions and
 - The Alliance releases this report publicly with an appropriate media statement

Discussion:

Since November, the Executive Officer has met with the Minister for housing's office, the Director General of the Department of Communities, Regional Development Council of the 9 Development Commissions, Housing Industry of Australia and Shelter WA.

The Alliance needs to now consider the actions contained within the Housing report and how it would like to progress implementation. One consideration is to develop a scope of works and engage the services of a consultant to assist the EO progress the action plan. This would entail

Link to Strategic Directions:		Budget Implications	
Advocacy and policy Influence Partnership and collaboration Representation		Nil	
Resolution(s)		Action(s)	
That the Executive Officer develop a scope of works for up to \$5,000 to continue the implementation of the Housing Solution and Action Plan		EO to develop a scope of works that includes actions that can be undertaken on behalf or by the Alliance and that are within the Alliances jurisdiction.	
Moved:	Andrew Sharpe	Responsible:	Exectutive Officer
Seconded:	Chris Adams	Due date:	Draft to be tabled June meeting

Attachment 18: Shelter WA 1st March Newsletter Article

Collective effort to improve housing market in regional centres

Homelessness and rental stress in WA's regions are at record levels and housing availability challenges exist to varying degrees across all of WA's regions.

Housing Challenges

Shelter WA met with the Regional Capitals Alliance WA (RCAWA) Executive Officer to discuss mutual priorities for addressing housing challenges in major regional centres.

RCAWA represents 10-member local governments (Albany, Bunbury, Busselton, Greater-Geraldton, Esperance, Kalgoorlie-Boulder, Northam, Port Hedland, Karratha and Broome), all established regional centres, which account for approximately half the population of regional WA.

Housing Solutions

Their newly released *Housing Solutions and Action Plan* outlines RCAWA's objective to increase awareness of housing issues in regional WA and deliver long-term improvement in the efficiency of regional housing markets.

"RCA members are encouraged by the Minister for Housing's response to this work. We are committed to working with State and Federal Governments, the private sector and non-government organisations to implement a range of actions and initiatives to create more balanced and efficient housing markets," said Paul Rosair, Executive Officer for RCAWA.

"Create more balanced and efficient housing markets."

The report recommends 16 actions relevant to local government, including planning incentives for affordable housing, to encourage and support Community Housing Providers and Indigenous Organisations to invest in additional housing in regional WA, and the collation and publication of regional housing data.

The report is intended to guide actions for RCA members, collective effort and advocacy and is available on the RCAWA [website](#).

Entrenched Issues

"Many regional housing challenges are a result of entrenched issues beyond economic cycles and require a long-term, collective response. We congratulate the RCAWA for this work and Shelter WA looks forward to supporting the Regional Capitals Alliance, our members and local stakeholders in implementing this work," said Michelle Mackenzie, CEO of Shelter WA.

"Shelter WA were pleased to receive support from Lotterywest to develop a regional engagement framework and Rhiannon Bristow-Stagg, our Regional Engagement Manager will be working to more strongly connect our work with the regions," Michelle said.

[L to R]: Greg Cash (Elysium Consulting), Michelle Mackenzie, Paul Rosair (RCAWA), Rhiannon Bristow-Stagg



15 RCAWA STRATEGIC PLANNING

Date of Report:	7th April 2022
Report Author:	Executive Officer, Paul Rosair
Disclosure of Interest:	Nil
Attachment(s)	Nil

Purpose:

Alliance to continue implementing items from the RCAWA Strategic Planning Workshop.

Note: the current Strategic Plan 2017/18 – 2021/22 is due to expire and a new planning process is about to commence for the 2022/23 – 2027/28 Strategic Plan. An early draft is expected to be developed for the Alliance meeting in Perth in August 2022 to workshop its content.

A development opportunity still exists for members to nominate an officer(s) to work with the EO and to be involved in the Strategic Plan review process.

Background:

In 2017 a high-level Strategic Plan was developed to guide the Alliance actions from 2017/18 - 2021/22. It outlined the vision, focus and priorities and explained “what we do” and “how we work”. This Strategic Plan has been circulated to nearly every Minister and Director General in WA, a number of Federal Ministers and Politicians and has been discussed with a myriad of Government Agencies, industry bodies and associations. Following on from this, a Strategic Planning workshop was held on 7th August 2020 in which members made decisions regarding key stakeholders and focus areas going forward. Subsequently, another workshop was held in February 2021 at the City of Perth to refine priorities.

Discussion:

As a result of the workshop, key focus areas and stakeholders were identified. The following Strategic Planning Document has been updated and will be used to assist discussion and delegation of actions at strategic planning meetings.

- It should be recognised that key stakeholders should be aligned with the focus areas chosen by the members and that the list may evolve in line with project priorities.
- Due to the recent election and Cabinet shuffle, the key stakeholder list has also been adjusted to reflect the current person responsible for the identified portfolios of interest. Members are asked to consider if the State Government Stakeholder list reflects the priorities of the Alliance.
- Completed Items and stakeholders that have addressed the members have been removed

RCAWA MEETING 7TH APRIL 2022

FOCUS AREAS	ACTION TAKEN/REQUIRED	NOTES/ KEY STAKEHOLDERS
Research	Housing project in progress Cultural, Performing Arts and Entertainment Centres Strategy EOI to be sent to 3 consultants next week	Alliance members, EO,
Advocacy and communications strategy	Alliance needs to develop a strategic approach to its future engagement with WALGA.	Not resolved
Benchmarking and baselining	Ongoing.	Executive Officer
Federal election strategy	Flyer updated and printed. Copies given to Alliance members and first round will be posted to Senators and members by 8 th April 2022	Alliance members, EO
MACWA	Nomination flyers have been sent to all LGs , WALGA, Department of Communities and judges for distribution and action	WALGA, Department of Communities, RCAWA
State aviation strategy	No further action at this point.	
STATE GOVERNMENT STAKEHOLDERS	LATEST CONTACT	NOTES
Hon Mark McGowan; Premier; Treasurer; Minister for Public Sector Management; Federal- State Relations	15 March 2022	Letter sent –meeting invite.
Hon Amber-Jade Sanderson BA MLA; Minister for Health; Mental health	15 March 2022	Letter sent –meeting invite.
Hon Don Punch MLA Minister for Disability Services; Fisheries; Innovation and ICT; Seniors and Ageing	15 March 2022	Letter sent –meeting invite. Meeting booked 4 th April 2022
Michael Barnes PSM; Under Treasurer	15 March 2022	Letter sent –meeting invite.
Hon Paul Papalia CSC MLA; Minister for Police; Road Safety; Defence Industry; Veterans	15 March 2022	Letter sent –meeting invite.
Hon. Dr Antonio (Tony) De Paulo Buti MLA; Minister for Finance; Lands; Sports and Recreation; Citizenship and Multicultural Interests	15 March 2022	Letter sent –meeting invite.
Hon. Rita Saffioti MLA; Minister for Transport; Planning; Ports	15 March 2022	Letter sent –meeting invite.
INDUSTRY/ASSOC. STAKEHOLDERS	LATEST CONTACT	NOTES
Chamber of Minerals and Energy	4 Dec 2020	EO met with Warren Pearce, CEO Association of Mining and Exploration Companies (AMEC). EO to follow up future meeting attendance with Paul Everingham, CEO

RCAWA MEETING 7TH APRIL 2022

Mining companies – Rio, FMG, Hancock Prospecting	14 Dec 2020	Meeting held with Katherine Savage, Government Relations Manager, Hancock Prospecting at Pivot in the Park offices. EO contacted Andrew Forrest to update him on RCAWA matters and subsequently met with the FMG CIO, John Hartman from the Fortescue Tattarang Group.
CBH	In progress	
Airlines – Qantas, Virgin and Rex	In progress	
Brendon Hammond	30 Jan 2021	EO has made contact.
2022 Meeting Dates	Location	Notes
17 th February 7 th April 16 th June 18 th and 19 th August 20 th and 21 st October 15 th December	Zoom Perth Zoom Perth Busselton Zoom	City of Perth Meeting and Strategic Planning Regional meeting and tour

Link to Strategic Directions:		Budget Implications	
Advocacy and policy Influence Partnership and collaboration Representation		Nil	
Resolution(s)		Action(s)	
That the information be received		Prepare workshop for August Strategy meeting.	
Moved:	Andrew Sharpe	Responsible:	Executive Officer and Executive Assistant
Seconded:	Jaysen de San Miguel	Due date:	August 2022

16 OTHER BUSINESS

ITEM	INFORMATION	ACTIONS REQUIRED
EO Contract:	Letter of contract signed by Paul Rosair, NAJA Business Consulting Services for a 2-year term. (See Item 5, Attachment 4)	Nil
MACWA:	Flyer sent to all LGs, WALGA, Department of Communities and judges for distribution and action	Alliance members to promote the awards within their own and surrounding LGs
Federal Election Strategy	Flyer updated, printed and sent to Federal Senators and Members	Alliance members to distribute the flyers as they see fit
Collaboration Opportunity	Benchmarking project to be expanded to incorporate Business Service Reviews, Land Assessment and other opportunities for collaboration - to be discussed by Andrew Sharpe	To be discussed off-line and at the August Strategy Workshop
Development Assessment Panel Regulations Reform	<p>The State Government has released proposed amendments to the Development Assessment Panels (DAP) Regulations for public comment until Friday, 22 April. The amendments are being introduced as part of the Action Plan for Planning Reform DAP reform and the WA Recovery Plan, and include the creation of a Special Matters DAP to replace the existing Part 17 State Development Assessment Unit (SDAU) approval pathway.</p> <p>WALGA have prepared a submission outlining key areas of concern for the LG sector (see attachment 19 below)</p>	EO to seek feedback from Alliance members on whether they concur with WALGA's draft submission or provide their own submission so that the EO can prepare a consolidated response on behalf of the Alliance.

ITEM	INFORMATION	ACTIONS REQUIRED
<p>2022 Meeting Schedule</p>	<p>16th June: 2-5pm Zoom</p> <p>18th August: 2pm onward and 19th August 9am-12.30pm: Perth Meeting / Strategic Planning (Possibly Optus Stadium)</p> <p>20th pm and 21st October am: Busselton Regional meeting and tour</p> <p>15th December: 2-5pm Zoom</p>	<p>Calendar invites to be sent and meeting schedules to be tabled each meeting.</p>

Discussion:

As required

Link to Strategic Directions:		Budget Implications	
<p>Advocacy and policy Influence Partnership and collaboration Representation</p>		<p>Nil</p>	
Resolution(s)		Action(s)	
<p>That the information be received</p>		<p>Nil</p>	
Moved:	Andrew Sharpe	Responsible:	-
Seconded:	Dennis Wellington	Due date:	-

Attachment 19: Submission (Draft) on Development Assessment Panel Regulations

NOTE: Copied from WALGA website: including highlights and edits



Submission (Draft) on Development Assessment Panel Regulations

1. Introduction

The Western Australian Local Government Association is the united voice of Local Government in Western Australia. The Association is an independent, membership - based group representing and supporting the work and interests of 139 Local Governments in Western Australia.

The Association provides an essential voice for 1,222 elected members and approximately 22,600 Local Government employees as well as over 2 million constituents of Local Governments in Western Australia. The Association also provides professional advice and offers services that provide financial benefits to the Local Governments and the communities they serve.

WALGA welcomes the opportunity to comment on the proposed amendments to the Development Assessment Panel Regulations 2011 (draft Regulations). Local Governments have been consulted in the development of this submission and it has been endorsed by WALGA State Council.

Local Government is a decision maker, regulator, and participant in the planning system, and has a key role in setting the strategic land use planning framework and managing statutory functions at a local level as part of the Western Australian planning system. As such, the community has a strong expectation that local character will continue to be considered within the planning framework and that Local Government is the level of government best placed to ensure this.

WALGA acknowledges the ongoing engagement between the Department of Planning, Lands and Heritage (DPLH) and the Local Government sector throughout the State Government's planning reform agenda. The opportunity for Local Government officers and Elected Members engagement has been positive. However, the Association wishes to express its concern with the limited timeframe provided to comment on these proposed amendments, which has restricted the ability for Local Governments to seek a Council Resolution for their submission, which, considering the community interest on this issue, would have been preferred and appropriate.

WALGA has previously commented on a number of reviews to the planning system, including submissions on the *Planning makes it happen – Phase 2 Planning Reform Discussion Paper* in 2013, the *Planning makes it happen – phase two: Blueprint for planning reform* in 2014, the *Independent Planning Reform – Green Paper* in 2018, and both Phase 1 and Phase 2 of the *Action Plan for Planning Reform*.

WALGA has a demonstrated, long-held commitment to supporting planning reform, in particular the aim to refocus strategic priorities, address design and operational problems in the planning approval process and clarify and streamline institutional arrangements. As part of this work, WALGA has undertaken several reviews of the DAPs system. The reviews found that the system still fails to meet its intended aims and objectives and needs further reforms if these objectives are to be achieved. The outcomes and findings of these reviews form the basis of WALGA's existing policy advocacy positions.

~~WALGA has sought comment from Local Governments to inform this submission.~~ The submission also reflects the Association's existing positions as well as key issues and concerns raised by WALGA members during the consultation period.

2. Background

WALGA opposes the DAP system in its current form and has proposed a number of reforms to the planning system to ensure it operates in an efficient, effective, and transparent way, and importantly, to ensure that matters of local planning context are adequately considered by decision makers.

The DAP system was established in 2011 with the intention of creating a more streamlined planning assessment process and to establish a better balance between professional advice and community representation for significant development proposals. Justification for its establishment centred on the encroachment of local politics into planning decision making and the need to ensure significant proposals that align with the state planning framework are given an expedited assessment pathway.

Both justifications questioned the suitability of Local Government to continue its role as decision maker for development proposals and insinuated that this task has become less efficient and ineffective in recent years. These assertions were not substantiated with any quantitative evidence at the time and in subsequent years have been refuted by evidence produced by WALGA through the Performance Monitoring Project.

Considering the findings of WALGA's review of the DAP system and responses to the State Government's planning reform agenda, the Association has endorsed the following position in relation to DAPS:

That WALGA does not support DAPs in their current form, and supports

1. *the abolishment of the current 'mandatory' mechanism where a proposal has a value of \$10 million or greater, and its replacement with an 'opt in' mechanism for all proposals,*
2. *raising the DAP threshold from the current \$2 million to \$5 million,*
3. *the composition of DAPs should also be modified to provide equal representation of Specialist Members and Local Government Members,*
4. *The creation of a distinct Special Matters DAP is considered unnecessary, given there are already multiple avenues for determination on the basis of zoning and monetary value of applications,*
5. *In principle, the further reduction in the number of panels from five to three is supported, to the extent that this reduces the administrative burden on local governments and enhances consistency of decision making,*
6. *WALGA supports the permanent appointment of panel members where this results in consistent decision-making, reduces the potential for conflicts of interest and ensures sound knowledge of DAP processes and procedure,*
7. *WALGA is wholly supportive of greater transparency around DAP processes and decisions, as community distrust of DAP decision-making is a key area of concern for many local governments,*
8. *Local Government supports the introduction of Third-Party Appeal Rights for decisions made by Development Assessment panels.*

3. Summary Comments

Several proposed amendments to the DAP Regulations align with WALGA's advocacy positions and are generally supported, including:

- The reduction in the number of district DAPs to three,
- The appointment of permanent specialist members,
- The centralisation of DAP secretariat functions within DPLH,
- The removal of the minimum district DAP Mandatory Threshold.

WALGA, in its submissions to both the *Planning and Development Amendment Act 2021 (Amendment Act)* and *Phase 2 Planning Reform*, opposed the establishment of a Special Matters Development Assessment Panel (SMDAP) on the grounds that such a panel is unnecessary, given there are already multiple avenues for determination on the basis of zoning and monetary value of applications. WALGA maintains this position and does not support the proposal in the draft Regulations to establish a SMDAP.

Whilst WALGA strongly opposes the establishment of the SMDAP, it is acknowledged that the legal framework to establish is enshrined in the *Planning and Development Act 2005*, and passage of the Regulations is likely. Thus, in line with the Association's general position to seek to improve the DAP system, the following modifications to the SMDAP are recommended:

1. Proposals that meet the threshold or criteria should be able to opt -out of the SMDAP pathway and allow assessment and determination by Local Government,
2. The draft DAP Regulations should be amended to mandate consultation with the relevant Local Governments prior to the issuing of a Ministerial Order in relation to SMDAP Precinct Criteria, and
3. That the membership of the SMDAP should include the Local Government members of the District DAP.

Consideration of the proposed amendments and their alignment with WALGA's existing advocacy positions, as well as additional comment on the amendments are provided in the sections below.

4. Comments on Government proposals

Comments in this table relate to significant matters proposed by the Government

Proposal	Alignment with WALGA Position	Comments and Recommendations
Reduction in number of District DAPs to three	Aligned	<p>WALGA endorsed conditional support for the reduction in the number of District DAPs in its submission on Phase 2 Planning Reform. Support was conditional on the proposal reducing the administrative burden on Local Governments, enhancing the consistency of decision making, and the appointment of permanent presiding members. These matters have all been satisfactorily addressed in the proposed DAP Regulations.</p> <p>The reduction in the number of panels will likely see the need for more Local Governments and members of the community to travel greater distances to access meetings.</p> <p>Recommendation:</p> <p>The State Government should ensure that the DAP secretariat is adequately resourced to support DAP meetings and provide adequate online access for the community so that distance does not become a barrier to participation.</p>
Appointment of permanent specialist members	Aligned	<p>WALGA endorsed conditional support for the appointment of permanent specialist members to the District DAPs in its submission on Phase 2 Planning Reform. This change should result in consistent decision-making, reduce the potential for conflicts of interest and ensures sound knowledge of DAP processes and procedures. It is proposed that the Presiding and Deputy Presiding Member must have planning expertise, this is broadly supported. However, this requirement should be worded to include broad planning expertise in government as well as consulting, with a preference for those that have recent and extensive statutory planning work within a Local Government.</p> <p>Transparency in the recruitment process for appointment to the panel and independence of panel members from interference from the DPLH and Government is critical to enhancing public understanding and trust of DAP decision-making. The draft Regulations propose that the permanent specialist members would be employed by DPLH and appointed by the Minister. The DAP Regulations should be amended to make clear the role of the permanent specialist members and outline their broad independence in decision making.</p>

		<p>Permanent panel members should be restricted from undertaking other paid work in the planning and development industry, or other industries deemed to create a real or perceived conflict to improve transparency and reduce negative community perceptions related to conflicted or biased processes.</p> <p>Recommendation:</p> <p>That the DAP Regulations be amended to outline the role of DAP specialist members and the need for that role to be undertaken without interference from DPLH, the Minister or external forces.</p>
Centralisation of DAP secretariat functions within DPLH	Aligned	<p>It is proposed that the secretariat and administrative support for both District DAPs and the Special Matters DAP will be provided by DPLH.</p> <p>Under the current arrangements DPLH maintains a DAP secretariat that provides a range of services to administer parts of the DAP system, however Local Governments have historically been expected to provide administrative support to DAP meetings. This has led to additional administrative burden on Local Governments and thus increased costs.</p> <p>The proposal will see a reduction in costs for Local Governments and support more consistent administration of the DAP system. The proposal is supported.</p>
Minimum District DAP Mandatory Threshold Removed	Aligned	<p>It is proposed that the minimum mandatory thresholds for District DAPs be removed. The current system mandates that all proposals for development approval that have a value of greater than \$10m are required to be determined by a District DAP.</p> <p>Having the option to 'opt' into the system for all proposals would allow applicants to choose whether they want to go to a DAP or through a Local Government to gain an approval, and hence 'opt out' of the DAPs system. A WALGA survey of Local Governments in 2016 found that within the 'opt in' threshold of DAPs at that time, 75% of applications were determined by Local Government, and that those decisions on average were made more quickly than those made by a DAP.</p> <p>WALGA has supported the removal of the mandatory threshold since 2020 following analysis of all decisions made by DAPs collected between July 2011 until the end of the 2020/21 financial year. Thus, the proposal to remove the minimum mandatory thresholds are supported. However, the ability of an applicant to choose their preferred pathway should be extended to proposals that meet the criteria for assessment by the SMDAP. This matter is discussed in detail below.</p>

		<p>WALGA current policy position is that an opt-in mechanism should exist for all proposals, including those proposed to fall within Special Matters DAP.</p>
<p>Local Planning Scheme to have statutory weight in decisions made by Special Matters DAP</p>	<p>Partially Aligned</p>	<p>In 2020, the State Government proposed amendments to Planning and Development Act 2005 that sought to establish a new process for significant projects with the WAPC as the decision maker. The resulting State Development Assessment Unit was established to manage this new process. Of particular concern for the Local Government Sector was the ability of the WAPC to not be bound by a Local Planning Scheme when approving a proposal. In its decision-making on a number of proposals through the SDAU pathway, the WAPC exercised discretion outside the established statutory framework, thus approving development that would not have otherwise been able to be approved. Such decisions have been a matter of great concern for Local Governments and their communities.</p> <p>It is noted that these powers to ‘suspend’ local planning frameworks will not be extended to the SMDAP, and that the SMDAP will need to act as the Local Government would in determining any proposal and thus give appropriate statutory weight to the Local Planning Scheme. This is appropriate and supported.</p> <p>Noting of course that support for this change should be read in the context of WALGA’s general opposition to the establishment of the SMDAP.</p>
<p>Establishment of a Special Matters DAP</p>	<p>Not Aligned</p>	<p>In July 2020, the Amendment Act was passed by the WA Parliament. This legislation included the establishment of a Special Matters DAP to determine projects of state or regional importance, or certain types of applications in precincts of state or regional importance.</p> <p>WALGA in its submissions to both the Amendment Act and Phase 2 Planning Reform opposed the establishment of a SMDAP on the grounds that such a panel is unnecessary, given there are already multiple avenues for determination on the basis of zoning and monetary value of applications. WALGA’s current advocacy position is that it opposes the establishment of a Special Matters DAP.</p> <p>The draft Regulations provide the administrative framework for the SMDAP, and provide for:</p> <ul style="list-style-type: none"> • The criteria for proposals to be considered by the Special Matters DAP, • The assessment, referrals and determination process, and • The membership of the Special Matters DAP. <p>Proposals that meet the SMDAP criteria would be lodged and assessed by officers of the DPLH. All SMDAP applications would be treated as complex applications and thus require public consultation. Comment from Local Governments would be sought on all applications and the response given ‘due</p>

regard' by the SMDAP. The SMDAP will need to act as the Local Government would in determining any proposal and this give statutory weight to the Local Planning Scheme.

It is also proposed that the DAP Regulations would be supported by a range of Ministerial Order/s which specify:

- The projects of State and regional importance to be determined by the Special Matters DAP
- The precincts of State and regional importance and the type of applications that will be determined by the Special Matters DAP in these areas.

Proposals must meet the project criteria and construction value threshold to be eligible for the SMDAP pathway. The proposed threshold is \$50m in the Perth and Peel Region Scheme boundaries and \$30m outside. Proposals in the precincts of State and regional importance must met both the precinct and project criteria.

Whilst WALGA opposes the establishment of the SMDAP for the reasons outlines above, it is acknowledged that the legal framework to establish it is already enshrined in the Planning and Development Act 2005, and passage of the Regulations is highly likely. Thus, in line with the Association's general position to seek to improve the DAP system, the following modifications to the SMDAP are recommended:

1. Proposals that meet the threshold or criteria should be able to opt-out of the SMDAP pathway and allow assessment and determination by Local Government,
2. The draft DAP Regulations should be amended to mandate consultation with the relevant Local Governments prior to the issuing of a Ministerial Order in relation to SMDAP Precinct Criteria, and
3. That the membership of the SMDAP should include the Local Government members of the District DAP.

In support of Recommendation 1 above, analysis of DAP decisions with a project value above the proposed SMDAP threshold shows that Local Governments recommend approval for such applications in over 90% of circumstances and took on average 108 days to determine these applications.

For example:

for the 23 high-value mining related proposals considered by a DAP between 2011-12 and 2020-21:

- all were recommended for approval by the Local Government.
- took on average 86 days to determine, and

- had a total value of \$43.8 billion,

for the 26 high-value mining related proposals considered by a DAP between 2011-12 and 2020-21:

- 25 were recommended for approval by the Local Government.
- took on average 106 days to determine, and
- had a total value of \$4.6 billion

for the 4 airport related proposals considered by a DAP between 2011-12 and 2020-21:

- all were recommended for approval by the Local Government
- took on average 58 days to determine, and
- had a total value of \$73 million

Allowing proposals to be determined by a Local Government would reduce decision timeframes; reduce administrative and regulatory burden on both levels of governments and applicants; and provide applicants with greater choice. Determination by a Local Government would also remove the need for mandatory complex advertising where it is not required by the Local Planning Scheme. The Association is concerned that by mandating advertising for proposals that otherwise do not require advertising under the Local Planning Scheme, the profile of these proposals is raised and as a result they are more likely to invite vexatious objections, objections based on non-planning grounds, and objections that relate to other approval processes, such as those under the Environmental Protection Act 1986.

Local Governments advise WALGA that from a planning perspective high value industrial and energy proposals, and proposals for mixed use developments in activity centres (such as Cockburn Central) , would likely be determined under delegation as the land uses are proposed on appropriate land and such proposals generally don't seek policy variation or scheme discretion.

In support of Recommendation 2 above, it is noted that the Regulations give power to the Minister to issue Orders to identify precincts of State and regional importance and the type of applications that will be determined by the Special Matters DAP in such areas. While examples are provided in the consultation supporting documentation, it is understood that the final thresholds have not been determined. It is vital that a formal process be included in the draft Regulations that mandates engagement with the relevant Local Government and consideration of any submission prior to the Minister issuing the Order.

Recommendation:

That the DAP Regulations be amended to:

1. allow proponents with proposals that meet the threshold or criteria being able to opt-out of the SMDAP pathway and allow assessment and determination by Local Government,
2. to mandate consultation with the relevant Local Governments prior to the issuing of a Ministerial Order in relation to SMDAP Precinct Criteria, and
3. allow membership of the SMDAP to include the Local Government members of the District DAP.

5. Additional Comments related to WALGA Positions

Comments in this table raise matters concerning WALGA's existing advocacy positions where they are not related to matters proposed by the Government

Topic	Comments and Recommendations
Maintenance of two Local Government members on District DAPs	<p>The draft Regulations proposes no change to the make-up of district DAPs. Each district DAP will continue to have 2 Local Government members, 2 specialist members and a presiding member.</p> <p>WALGA's current advocacy position is that the composition of district DAPs should be 3 Local Government members, 2 specialist members and an independent presiding member. This would create an equal share of local and specialist input in decision making by DAPs.</p> <p>Recommendation:</p> <p>That Regulation 25(1)(a) be amended to read:</p> <p><i>the 3 local government members included on the local government register for the relevant local government in relation to the development application; and</i></p> <p>That Regulation 26(2)(a) be amended to read:</p> <p><i>3 of whom must be designated as the local government members for the local government; and</i></p>

<p>District DAP opt-in threshold retained at \$2m</p>	<p>The draft Regulations proposes to maintain the current ‘opt-in’ threshold for DAPS at \$2 million, meaning any development application with a value above this can choose to have their proposal considered by either the DAP or Local Government.</p> <p>The Association’s detailed analysis of all DAP decisions from 2011/12 to 2019/20 found that the decision to reduce the entry threshold from \$3m to \$2m saw a range of negative consequences that have reduced the effectiveness of the DAP system to achieve its aims and objectives by focusing on assessing significant and more complex proposals. There has been a steady increase in the number and proportion of proposals that falls within the \$2m-\$3m value range. In 2015/16, 10% and 29% of proposals fell within \$2m-\$3m and <\$5m value brackets, respectively, however in 2019/20 this increased to 26% and 38%, respectively.</p> <p>Developments with a lower development value are unlikely to be strategic in nature, such as proposals for service stations, childcare and small-scale residential developments, and they are considerably more likely to be refused or deferred by a DAP.</p> <p>WALGA’s current advocacy position is that the DAP threshold should be raised from \$2 million to \$5 million.</p> <p>Raising the application cost threshold would remove the low cost, simple applications, the vast majority of which would be determined under delegation by Local Government. Given that these correlate to the large proportion of resource intensive applications, being those that are either refused or deferred, would help to deliver greater efficiency within the planning assessment process. Increasing the threshold would also have a positive impact on the perception of the planning system in the community; the DAP process has the tendency to politicise/fuel greater community concern for certain types of proposals and an increase in the threshold would reduce this.</p> <p>Recommendation</p> <p>Raise the DAP threshold from the current \$2 million to \$5 million.</p>
<p>Third Party Appeal Rights for decisions made by Development Assessment Panels</p>	<p>WALGA supports the introduction of Third-Party Appeal Rights for decisions made by Development Assessment Panels, in certain circumstances. WALGA has developed a preferred model for third party appeals that clarifies who can appeal a decision, how to appeal a decision and the benefit of the proposed model for the Local Government sector.</p>

	<p>WALGA’s position applies to all DAPs, and as such supports the inclusion of third-party appeal rights, in line with our preferred model, for decisions made by the Special Matters DAP.</p> <p>It is acknowledged that any change to incorporate third-party appeals into the planning system, will require modifications to the Planning and Development Act 2005, and this cannot be brought about through changes to the DAP Regulations alone.</p>
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6. Specific comments

Comments in this table raise minor matters of a technical nature that go to an efficient and effective DAP system

<p>Local Government clearing and certifying conditions</p>	<p>The supporting consultation documentation states that in relation to a SMDAP that:</p> <p><i>Following the determination of an application, local governments will be responsible for the clearance and compliance of conditions.</i></p> <p>Under the current arrangements, conditions on approvals issued by the WAPC through the SDAU process are cleared by the DPLH with assistance and input by the Local Government. This arrangement is appropriate as it is the WAPC that is issuing the approval and has ownership of the conditions. The proposed arrangement would see Local Government’s required to clear conditions that they may not have been involved in setting and may not support. The proposal also has the potential to impact the resourcing of Local Government planning teams, particularly as Local Government planning fees have not been increased since 2013. The Association supports the current arrangement that the DPLH is responsible for clearing conditions that they recommend for inclusion on approvals.</p> <p>Recommendation:</p> <p>That DPLH should be responsible for the clearing of conditions and compliance relating to any approval of the SMDAP.</p>
<p>Timeframes</p>	<p>Regulation 12(3) provides the report must be provided at least 12 days prior to the application being otherwise refused under the planning instrument.</p> <p>The <i>Planning and Development (Local Planning Schemes) Regulations 2015</i> provides the ability for the Local Government to not accept a proposal until such time the application is taken to be accepted once the Local Government is satisfied that all information has been provided (Regulation 63A).</p>

	Clarification is required on whether the time taken to provide the report commences on lodgement of a DAP application, or once the application is accepted by the Local Government.
Submissions	<p>Regulation 12(5) should be amended to include a new sub-clause, requiring any public submissions on the matter and the responsible authority's response to be included in the report to the DAP.</p> <p>Whilst many Local Governments already include a schedule of submissions, this is not enshrined in regulation.</p> <p>It is particularly important that all public submissions be required to be provided to the DAP where access to public participation may otherwise be limited by reducing the number of DAPs. This should apply to both the District and Special Matters DAPs.</p> <p>Recommendation: Regulation 12(5) should be amended to require the preparation of a schedule of submissions and the responsible authority's response as part of a responsible authority report to a DAP/</p>
Further Services from Responsible Authority	<p>Several Local Governments have raised concerns with WALGA about presiding members lodging Regulation 13 requests, including alternate recommendations, and requiring these to be provided the same business day. Ad-hoc and late requests for additional information from the responsible authority prior to a DAP being considered is inappropriate and compromises effective decision making. Further, requests that seek complex and extensive responses should allow reasonable time for the work to occur and adequately outline the service required. Legal advice provided to Local Governments have called into question the validity of directions under R.13 where these tests are not met.</p> <p>Recommendation: Regulation 13(2) should be amended to require a minimum timeframe and level of detail in which the presiding member may request the responsible authority provide additional services such as technical advice and information.</p>
Commencement Date	Regulation 16A should be amended to clarify the date in which the decision is made is not the date in which development approval is granted by the DAP, rather, the date in which the decision is conveyed to the applicant in line with recent determinations of the State Administrative Tribunal (SAT v City of Swan 2022 (WASAT 17)). The Regulations do not provide such a timeframe in which to convey the decision.
Fees	<p>The draft Regulations set a higher sitting fee for specialist members than Local Government members. No justification is provided for this discrepancy.</p> <p>Recommendation: The fee for attendance of the local government member to the district DAP should be the same as for a specialist member, given all members are deliberating and making decisions on the same agenda.</p>

7. Conclusion

Thank you for the opportunity to provide comment on the Development Assessment Panel Regulations 2011 (draft Regulations), and for the Department's consultation with WALGA and the sector to date in shaping the proposed reforms. As outlined in the above submission, a number of the proposed amendments align with existing WALGA positions and are therefore supported. Notwithstanding, the draft Regulations contain several provisions which are of great concern to the Local Government sector and as such the draft Regulations should not proceed in their current form without the revisions outlined above. WALGA looks forward to further consultation with the Local Government sector on these important reforms to the DAP system as the Regulations progress.

MEETING CLOSED: