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Local Government Reform Review

Department of Local Government, Sport & Cultural Industries (DLGSC)

PO Box 8349

Perth Business Centre WA 6849 17.2.22

Dear LG Reform Officers,



**Submission to LOCAL GOVERNMENT REFORM**

Thank you for the opportunity to contribute to this important law reform.

Friends of Mosman Park Bushland is a passionate group of volunteers working with our local council, Town of Mosman Park on State strategies of Native vegetation protection, EPA strategy of species and biodiversity preservation using linkages and the state Urban Forest Strategy and Water sensitive cities strategies while fostering Aboriginal cultural values by protecting urban nature and waterways.

We are concerned that our council often finds itself in the position of investigating requests for slices of our bushland for yet another recreational pursuit that are incompatible with the above strategies. Our urban bushland already is challenged from degradation and fragmentation threatening our mental and physical wellbeing. Species are being pushed to the brink of extinction without a collective government approach to protecting them.

We are disappointed that the Local Government reforms have not been considered and ask that these are included in the final document **for a healthier and more resilient future:**

1. Better outcomes for the natural environment.
2. No further net loss or degradation of native vegetation on the Swan Coastal Plain.
3. Protecting and managing Bush Forever Sites.
  1. Compulsory development of a Local Biodiversity Strategy and Local Biodiversity Plan by each Council and associated formal incorporation into their Town Planning Scheme (TPS).
  2. Introducing 'local biodiversity conservation land use' category in Model Scheme Text (MST) and Local Planning Schemes (LPS) that has appropriate protections.
  3. Protecting and enhancing green space to ensure adequate ecological linkages.
  4. Reducing the 'heat-island-effect' whilst actively demonstrating accountability to State Government and Local Government Laws, Policies and Strategies to reduce 'heat-island-effect' such as Urban Forest Strategy and Native Vegetation Protection Policy
  5. Establishing a "Tree Protection By-law on private and public lands (including penalties for damage or removal).
  6. In addition to required 'green space', establishing and managing on all freehold and lease-hold properties a living, green space (i.e. not plastic or non-living lawn, plants, greenery).
  7. Limiting population growth and urban sprawl.
  8. Carbon neutral status for all Councils.

9. Compulsory voting for all Council elections.
10. Introducing Third Party Appeal Rights (TPARs).
11. Stop political donations from property developers
12. Amend *Integrity (Lobbyists) Act 2016 (WA)* to apply it to “local governments” and “town planning”.

Below, please find our specific comments on the six themes presented for consideration.

**LG REFORM: Theme 1 – Earlier intervention, effective regulation and stronger penalties**

Ref.	Proposal	Support	Neutral or N/A	Do NOT Support	COMMENTS	IMPROVEMENTS
1a	The LG Inspector	✓			<p>We support this with a re-direction of staff &amp; resources from DLGSC.</p> <p>IE we are concerned that the LG Inspector and associated executive, researchers and monitors etc could become a large agency that will be requiring significant State Government budget and may be duplicating roles in the State agency.</p> <p>Will there be a <b>‘user fee’</b> for LG Monitors to ensure that councils do not inappropriately use them to provide mediation, governance advice, legal guidance, HR and procurement guidance?</p> <p>Who pays for <b>Proposed Conduct Panel?</b></p>	<p>Introduction of ‘user fee’ for certain levels and/quantities of specialist assistance/guidance provided by LG Monitors.</p>
1b	LG Monitors	✓				
1c	Stronger penalties				For environmental damage.	
1d	Mandatory Training	✓			Include knowledge and understanding of the natural environment, its intrinsic value, its economic value as estimated by the ecosystem services it provides, including the health and wellbeing of residents and what is required to manage it properly.	

**Theme 1: OTHER COMMENTS**

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**LG REFORM: Theme 2 – Reducing red tape, increasing consistency and simplicity**

Ref.	Proposal	Support	Neutral or N/A	Do NOT Support	COMMENTS	IMPROVEMENTS
2a	Standardised Meeting Procedures across all Local Governments	✓				
2b	Greater Consistency for Small Business			✗	<p>Do not support without more clarity around what these might be.</p> <p>Big concerns that this could mean reducing what some people incorrectly refer to as ‘red tape’ that is actually critical assessment processes that protect our natural environment and/or good governance requirements.</p>	

**Theme 2: OTHER COMMENTS**

**LG REFORM: Theme 3 – Great transparency and accountability**

Ref.	Proposal	Support	Neutral or N/A	Do NOT Support	COMMENTS	IMPROVEMENTS
3a	Mandatory Recording of Council Meetings	✓			Access to how agenda items were discussed, and decisions made is critical for community understanding.	Including recording of deputations and questions.
3b	Guidance for Confidential Meeting	✓			This removes the temptation of some councils to use this ‘confidential’ facility inappropriately.	
3c	Transparency and Accountability	✓			Transparency and accountability are critical components of good governance.	LGA’s need to show how they have used the WAPC Engagement toolkit

Ref.	Proposal	Support	Neutral or N/A	Do NOT Support	COMMENTS	IMPROVEMENTS
					The community (e.g., members of local 'friends of groups' whom are volunteering to care for bushland owned and/or managed by their council) need to be able to understand how decisions are made and what resources, actions and timings are involved.	
3e	Consistent Recording of all Votes	✓			Important that Councillors and Mayors are visibly accountable for how they vote and thus impact on the delivery of services and management across the councils.	

### Theme 3: OTHER COMMENTS

Strongly support the good governance and transparency of the introduction of mandatory reporting as **online registers** for:

- Leases
- Community Grants
- Interest Disclosure
- Applicant contributions
- Contracts Register

We also support the mandatory **quarterly updating of these online registers**.

**LG REFORM: Theme 4 – Stronger local democracy and community engagement**

Ref.	Proposal	Support	Neutral or N/A	Do NOT Support	COMMENTS	IMPROVEMENTS
4f	Community Engagement Charter	✓			<p>The consultation process must mean that people are involved in the decision-making process, not just informed about a decision. Having a clear charter is critical to enabling residents and ratepayers to understand how and when they will be consulted and what the level of community engagement will be as per the International Association of Public Participation’s Spectrum (e.g. Inform; Consult; Involve: Collaborate or Empower).  <a href="https://iap2.org.au/wp-content/uploads/2020/01/2018_IAP2_Spectrum.pdf">https://iap2.org.au/wp-content/uploads/2020/01/2018_IAP2_Spectrum.pdf</a></p> <p>As you are aware, the local voluntary community conservation contribution via ‘Friends of Groups’ and ‘Urban Landcare Groups’ to the protection and management of local neighbourhood nature is extremely significant. Added to this the development and nurturing of local community provides a key contribution to the wellbeing of the local community.</p> <p>In fact, these natural areas and the local community would suffer, if not for such volunteer efforts. These reforms need to acknowledge this and ensure that such community groups will be given ‘group collaboration status’ and actively included in the management decisions for these important local areas of bushland and wetland.</p>	<p>Proposed developments must be <b>requirement to details</b> how the development aligns with engagement of the community (including those who use and care for the area).            Note: Unfortunately community workshops are often misused as vehicles for disseminating the developers plans rather than truly engaging the community for the best environmental, social and cultural outcomes.</p>

**Theme 4: OTHER COMMENTS**

**LG REFORM: Theme 5 – Clearer Roles and Responsibilities**

Ref.	Proposal	Support	Neutral or N/A	Do NOT Support	COMMENTS	IMPROVEMENTS
5a	Principles	✓			Support: <ul style="list-style-type: none"> <li>• recognition of the unique status of Aboriginal West Australians</li> <li>• guidance for community engagement</li> <li>• guidance for financial management</li> </ul>	How Indigenous guidance has influenced decision making must be acknowledged and documented.

**Theme 5: OTHER COMMENTS**

Support roles and responsibilities of elected members and senior staff be better defined by law

**LG REFORM: Theme 6 – Earlier intervention, effective regulation and stronger penalties**

Ref.	Proposal	Support	Neutral or N/A	Do NOT Support	COMMENTS	IMPROVEMENTS
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**Theme 6: OTHER COMMENTS**

To ensure non-selective reporting, increased understanding and transparency, the reform of *LG Act 3.59* Business Plans need to clearly document:

1. Indigenous cultural values,
2. Environmental values,
3. Social values, as well as
4. economic values.

Sue Conlan

On behalf of the Friends of Mosman Park Bushland community volunteer group

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