

Please note: These minutes are yet to be confirmed as a true record of proceedings

CITY OF BUSSELTON

MINUTES FOR THE COUNCIL MEETING HELD ON 9 JUNE 2021

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MINUTES

MINUTES OF A MEETING OF THE BUSSELTON CITY COUNCIL HELD IN THE COUNCIL CHAMBERS, ADMINISTRATION BUILDING, SOUTHERN DRIVE, BUSSELTON, ON 9 JUNE 2021 AT 5.30PM.

1. DECLARATION OF OPENING / ACKNOWLEDGEMENT OF COUNTRY / ACKNOWLEDGEMENT OF VISITORS / DISCLAIMER / NOTICE OF RECORDING OF PROCEEDINGS

The Presiding Member opened the meeting at 5.30pm.

The Presiding Member noted this meeting is held on the lands of the Wadandi people and acknowledged them as Traditional Owners, paying respect to their Elders, past and present, and Aboriginal Elders of other communities who may be present.

2. ATTENDANCE

Presiding Member:

Cr Grant Henley Mayor

Members:

Cr Kelly Hick Deputy Mayor
Cr Ross Paine
Cr Kate Cox
Cr Paul Carter
Cr Phill Cronin
Cr Jo Barrett-Lennard
Cr Lyndon Miles

Officers:

Mr Mike Archer, Chief Executive Officer
Mr Oliver Darby, Director, Engineering and Works Services
Mr Paul Needham, Director, Planning and Development Services
Mrs Naomi Searle, Director, Community and Commercial Services
Mr Tony Nottle, Director, Finance and Corporate Services
Mrs Emma Heys, Governance Coordinator
Ms Melissa Egan, Governance Officer

Apologies:

Nil

Approved Leave of Absence:

Cr Sue Riccelli

Media:

“Busselton-Dunsborough Times”
“Busselton-Dunsborough Mail”

Public:

3. PRAYER

The prayer was delivered by Pastor Lee Sykes of the Cornerstone Church.

4. APPLICATION FOR LEAVE OF ABSENCE

Nil

5. DISCLOSURE OF INTERESTS

The Mayor noted that a declaration of impartiality interest had been received from Cr Kelly Hick in relation to Agenda Item No. 12.1 'Policy and Legislation Committee - 26/5/2021 - Holiday Home Regulatory Framework Review'.

The Mayor noted that a declaration of financial interest had been received from Cr Jo Barrett-Lennard in relation to Agenda Item No. 12.1 'Policy and Legislation Committee - 26/5/2021 - Holiday Home Regulatory Framework Review'.

The Mayor advised that, in accordance with regulation 22(2)(a) of the *Local Government (Model Code of Conduct) Regulations 2021*, these declarations would be read out immediately before Agenda Item 12.1 was discussed.

6. ANNOUNCEMENTS WITHOUT DISCUSSION**Announcements by the Presiding Member**

Nil

7. QUESTION TIME FOR PUBLIC**Response to Previous Questions Taken on Notice**

Nil

Question Time for Public**7.1 Mr Keith Sims****Question**

Do any City officers own, have located next to them, or very close to them, short-term holiday homes?

Response

(Mayor)

Our officers develop a report based on years of lived experience in regard to the complaints process for people with registered and unregistered holiday homes; those responses that we have provided and also the calls that our rangers and other out-of-hours service have received over that period of time.

Question

The proposed alternative recommendation for Item 12.1 says “The manager to have two hours between 8am and 8pm to respond and after 8pm, they must respond by 10am the following day”. Most nuisance noise complaints would be after 10pm, so waiting until 10am the next day is not a solution. What is the point in having a manager live no more than 30 minutes away when they have 2 hours to respond or, for a late night problem after 8pm, they have 14 hours to respond at 10am the next day? Why can't it be half an hour to respond?

Response

(Mayor)

This is a local law and the local government is empowered to make local laws, but they must pass a test of reasonableness that is set by the Joint Standing Committee of Parliament. We cannot make laws that criminalise activity that should not be illegal. For someone to be slow to respond in that regard is not in the spirit of that local law and would potentially be disallowed, potentially through the Joint Standing Committee. We can make a reasonable response time. We can also make a code of conduct which we are looking at developing through this process. It is very important to note we are putting out a draft for advertising and consultation with the community to determine what moves we make and to what extent. One of the parts of the recommendation is that it be returned to Council for final determination.

Question

You have considered zoning areas but there is no mention of limiting the number of holiday homes in any one street or area. Why was that not considered?

Response

(Mayor)

The committee recommendation is to look at excluding areas. To put a maximum number on holiday homes in one street, when applying the test of reasonableness, there is no reason to exclude one house and allow another.

Question

With regard to rubbish, can an extra bin be supplied [to holiday homes] and the City charge for its collection?

Response

(Mayor)

There was some discussion around the code of conduct and the adequate provision for waste. It would be incredibly difficult to apply that across the whole range of holiday homes, some of which are only rented out one or two times a week, for which one bin is eminently suitable.

Response

(Mr Paul Needham, Director Planning and Development Services)

When the local law was first developed, there was consideration about whether it needed provisions for waste. The decision was made at that point, and some advice was received, that, in most cases, it was not necessary and it would be disproportionate. There may be some holiday homes that, at some times, struggle for bin capacity but having a requirement that every holiday home has to have a second bin service, it is not a reasonable or proportionate response.

Question

Guests will park on the verge or street if the driveway is full. What is the maximum number of cars allowed per home and who will police it?

Response

(Mayor)

This was considered through the committee deliberation. We are looking at the number of carparks provided for the number of guests permitted, that they are required to have a minimum number of parking bays. Also, through the code of conduct, that visiting cars be appropriately accommodated. You are allowed to park on the verge with the owner's permission and a right to park on the street except where it is marked "no standing".

Question

Traditional accommodation, for example bed and breakfasts, do not have noise behaviour problems because they are hosted. What consideration has been given to hosted and unhosted properties in different areas?

Response

(Mayor)

The holiday homes local law and the considerations for planning deal with unhosted accommodation. That is what we are talking about in holiday homes - it is not hosted accommodation. Hosted accommodation, a traditional small bed and breakfast, is allowed in a residential area.

Question

(on behalf of Ms Anne Ryan)

Would Council consider an amendment to item 12.1, such that a reference group is formed consisting of but not limited to two Councillors; two staff members from the planning department; two community members – for instance, neighbour of a holiday home; one hotel accommodation provider; two accommodation holiday home provider providers – one large and one small; to meet stakeholders, consider and review submissions and report back to Council on completion of consultation with workable policy recommendations which are acceptable to stakeholders; and undertake consultation with community and industry stakeholders regarding opportunities for change?

Question

(Mayor)

To action that proposal would require a Councillor to move an amendment to the committee recommendation or an addition to the alternative recommendation put by Councillor Cronin. Point 2 of the recommendation is that Council undertakes consultation with the community and industry stakeholders. I think we can apply some common sense as to who makes up that group.

8. CONFIRMATION AND RECEIPT OF MINUTES**Previous Council Meetings**8.1 Minutes of the Council Meeting held 26 May 2021**COUNCIL DECISION****C2106/110**

Moved Councillor P Cronin, seconded Councillor K Hick

That the Minutes of the Council Meeting held 26 May 2021 be confirmed as a true and correct record.**CARRIED 8/0****Committee Meetings**8.2 Minutes of the Policy and Legislation Committee Meeting held 26 May 2021**COUNCIL DECISION****C2106/111**

Moved Councillor K Cox, seconded Councillor J Barrett-Lennard

That the Minutes of the Policy and Legislation Committee Meeting held 26 May 2021 be noted.**CARRIED 8/0****9. RECEIVING OF PETITIONS, PRESENTATIONS AND DEPUTATIONS****Petitions**

Nil

Presentations

Nil

Deputations

Nil

10. QUESTIONS BY MEMBERS OF WHICH DUE NOTICE HAS BEEN GIVEN (WITHOUT DISCUSSION)

Nil

11. ITEMS BROUGHT FORWARD**ADOPTION BY EXCEPTION RESOLUTION**

At this juncture, the Mayor advised the meeting that, with the exception of the items identified to be withdrawn for discussion, the remaining reports, including the Committee and Officer Recommendations, will be adopted en bloc, i.e. all together.

COUNCIL DECISION

C2106/112 Moved Councillor J Barrett-Lennard, seconded Councillor P Carter




That the Committee and Officer Recommendations in relation to the following agenda items be carried en bloc:

- 12.3 Policy and Legislation Committee - 26/5/2021 - PROPOSED COUNCIL POLICY: MANAGEMENT OF ALLEGED BREACHES OF BEHAVIOUR**
- 14.1 LOCAL GOVERNMENT WASTE PLAN - PREPARED AT REQUEST OF DEPARTMENT OF WATER AND ENVIRONMENTAL REGULATION**
- 14.2 ACKNOWLEDGE WASTE OPTIONS PAPER AND STRATEGIC RECOMMENDATIONS FOR THE REGIONAL ALTERNATE WASTE PROJECT**
- 17.1 COUNCILLORS' INFORMATION BULLETIN**

CARRIED 8/0

EN BLOC

12.3 Policy and Legislation Committee - 26/5/2021 - PROPOSED COUNCIL POLICY: MANAGEMENT OF ALLEGED BREACHES OF BEHAVIOUR

STRATEGIC GOAL	6. LEADERSHIP Visionary, collaborative, accountable
STRATEGIC OBJECTIVE	6.1 Governance systems, process and practices are responsible, ethical and transparent.
SUBJECT INDEX	Council Policies
BUSINESS UNIT	Governance Services
REPORTING OFFICER	Governance Coordinator - Emma Heys
AUTHORISING OFFICER	Director Finance and Corporate Services - Tony Nottle
NATURE OF DECISION	Executive: Substantial direction setting, including adopting budgets, strategies, plans and policies (excluding local planning policies); funding, donations and sponsorships; reviewing committee recommendations
VOTING REQUIREMENT	Simple Majority
ATTACHMENTS	Attachment A Proposed Council policy: Management of Complaints of Alleged Breaches of Behaviour ↓  Attachment B Amended Complaints Form ↓  Attachment C Proposed Council policy: Management of Complaints of Alleged Breaches of Behaviour with Committee Amendments ↓ 

This item was considered by the Policy and Legislation Committee at its meeting on 26/5/2021, the recommendations from which have been included in this report.

OFFICER RECOMMENDATION

That the Council:

1. Adopt the proposed Council Policy: Management of Alleged Breaches of Behaviour (Attachment A) (the Policy); and
2. Approve the amended form in which complaints of alleged breaches of the Code may be received (Attachment B) (the Form).

COUNCIL DECISION AND COMMITTEE RECOMMENDATION

C2106/113 Moved Councillor J Barrett-Lennard, seconded Councillor P Carter

That the Council:

1. **Adopt the proposed Council Policy: Management of Alleged Breaches of Behaviour (the Policy) inclusive of Committee amendments as per Attachment C (as circulated to the Committee); and**
2. **Approve the amended form in which complaints of alleged breaches of the Code may be received (Attachment B) (the Form).**

CARRIED 8/0

EN BLOC

Reasons: Amendments to the proposed Policy, including additional defined terms and expanded compliance detail, was requested by the Committee for improved clarity around process. Minor administrative edits were also made for improved readability.

EXECUTIVE SUMMARY

This report presents a proposed Council policy: Management of Alleged Breaches of Behaviour (Attachment A) (the Policy) for Council endorsement. This report also seeks Council approval of the amended form in which complaints of alleged breaches may be received (Attachment B) (the Form).

BACKGROUND

The *Local Government (Model Code of Conduct) Regulations 2021* (Regulations) were gazetted and came into effect on Wednesday 3 February 2021. Local governments are required to adopt a Code of Conduct for Council Members, Committee Members and Candidates (the Code) within three months of gazettal (being 3 May 2021), as per Section 5.104 of the *Local Government Act 1995* (the Act). Council adopted the Code at its Council meeting of 28 April 2021.

Under Section 5.103 of the Act, the Regulations prescribe a Model Code which includes general principles and behaviours for Council Members, Committee Members and Candidates. Alleged breaches of Part 3 of the Code 'Behaviours' are subject to a complaints process, to be determined and managed by the local government. Officers have developed a Council Policy: Management of Complaints of Alleged Breaches of Behaviour (the Policy) to deal with alleged breaches of behaviours.

Officers presented a proposed council policy: 'Investigation of Complaints of Alleged Breaches of Behaviour' to the Policy and Legislation Committee at its meeting of 28 April 2021. Committee members requested the item be deferred to allow officers undertake further review of the policy and return it for consideration to the meeting of the 26 May 2021.

Under the Regulations, local governments are required to approve a complaint form in which complaints may be received, which Council did on 24 February 2021 (C2102/032). Officers have amended the Form to align with the recently released WALGA template and are seeking Council's approval of the amended form.

OFFICER COMMENT

In accordance with Part 3 of the Code, a person may make a complaint alleging a breach of the behaviour(s) set out in the Code. The procedure for dealing with a complaint may be determined by the local government, to the extent that it is not provided for in the Code. The Policy has been developed to establish a clear process for the management of complaints of alleged breaches of behaviour. The Policy proposes to appoint an experienced third party/parties to investigate complaints in order to address potential conflicts of interest arising from the CEO or employees of the City being involved in investigating complaints. The Policy provides a set of guidelines for the investigation process and outlines how the findings are presented to Council.

Officers believe a stand-alone policy that deals with the overall management of complaints is preferable and cleaner than including the process within the Code itself.

An amended form for receipt of complaints of alleged breaches has been modelled on the template form recently provided by WALGA (Attachment B). The amended form allows a complainant to detail the specific sections of the Code that are alleged to have been breached and to outline if, in accordance with paragraph 5.10 of the Policy, they would be willing to engage in mediation prior to formal investigation of the complaint.

Statutory Environment

Sections 5.103 and 5.104 of the *Local Government Act 1995* provides for regulations that prescribe a Model Code of Conduct and the requirement for local governments to adopt the model code.

Schedule 1, Division 3, clause 11(3) of the Regulations requires Council to authorise one or more persons to receive complaints and withdrawals of complaints, while clause 11(2)(a) requires the approval of a form for the receiving of complaints.

Relevant Plans and Policies

The officer recommendation aligns to the City of Busselton Code of Conduct for Council Members, Committee Members and Candidates.

Financial Implications

There will be financial implications associated with the engagement of an investigator as outlined in the Policy. Funding this resource will require an allocation in the 2021/2022 budget. It is proposed that a figure of \$5,000 is allocated to start with and adjusted as required.

Stakeholder Consultation

The Western Australian Local Government Association (WALGA) have recently developed and released a Code of Conduct Behaviour Complaints Management Policy. The Policy largely aligns with WALGA's policy, noting the City has proposed the appointment of an investigator in lieu of establishing a Complaints Committee in accordance with section 5.8 of the Act.

Risk Assessment

An assessment of the potential implications of implementing the officer recommendation has been undertaken using the City's risk management framework, with risks assessed taking into account any controls already in place. No risks of a medium or greater level have been identified.

Options

As an alternative to the proposed recommendation the Council could choose to:

1. amend the Policy; or
2. not adopt a complaints policy and allow the City's appointed complaints officer to manage complaints – noting the potential for conflicts of interest to arise.

CONCLUSION

Officers have developed a Council Policy: Management of Complaints of Alleged Breaches of Behaviour to deal with complaints of alleged breaches of behaviours.

TIMELINE FOR IMPLEMENTATION OF OFFICER RECOMMENDATION

The Policy will be implemented and placed on the City's website within one week of adoption.



City of Busselton
Geographie Bay

Council Policy

Council Policy Name: Management of Complaints of Alleged Breaches of Behaviour
Responsible Directorate: Finance and Corporate Services **Version:** DRAFT

1. PURPOSE

- 1.1. The purpose of this Policy is to outline the City's approach to the management of complaints relating to breaches of the behaviour requirements in Part 3 of the City of Busselton Code of Conduct for Council Members, Committee Members and Candidates

2. SCOPE

- 2.1. This Policy is applicable to complaints about breaches of the behaviour requirements in Part 3 of the Code, and should be read in conjunction with the Code.
- 2.2. A breach of the Rules of Conduct in the Code is a minor breach under section 5.105(1) of the Act, and is not the intended subject of this Policy. The following are inappropriate to be dealt with under this Policy:
- a. complaints made with the intent of addressing personal grievances or disagreements;
 - b. complaints made to express dissatisfaction with a council or committee member's lawfully made decisions or performance of their role;
 - c. minor breaches under section 5.105(1) of the Act;
 - d. serious breaches under section 5.114 of the Act; and
 - e. allegations of corruption.

3. DEFINITIONS

Term	Meaning
Investigator	an impartial third party, appointed by the CEO, with the skills and knowledge to investigate complaints in accordance with this Policy.
Policy	this City of Busselton Council policy titled "Management of Complaints of Alleged Breaches of Behaviour"

4. STRATEGIC CONTEXT

- 4.1. This Policy links to Key Goal Area 6 – Leadership of the City's Strategic Community Plan 2017 and specifically the Community Objective 6.1: Governance systems, process and practices are responsible, ethical and transparent.

5. POLICY STATEMENT

- 5.1. The Code provides for requirements relating to the behaviour of council members, committee members and candidates.
- 5.2. The Code sets out requirements for:
- a. making a complaint;
 - b. dealing with a complaint;
 - c. dismissal of a complaint; and

d. withdrawal of a complaint.

5.3. This Policy further outlines how the City will deal with a complaint; specifically the mechanism for investigating, determining, making recommendations and implementing action plans when dealing with alleged breaches of the behavioural requirements set out in the Code.

Investigating a complaint

5.4. The Chief Executive Officer (CEO) will appoint an Investigator to investigate complaints of alleged breaches of behaviour.

5.5. A complaint cannot be submitted anonymously.

5.6. The City's complaints officer, within 14 days of receiving a complaint:

- a. will contact the complainant acknowledging that the complaint has been received;
- b. as part of the acknowledgment process, will provide the complainant with a copy of this Policy and the Code;
- c. will outline the process that will be followed and possible outcomes and the application of confidentiality;
- d. will provide the council or committee member to whom the complaint relates with a copy of this Policy, the Code, and a copy of the complaint, including the name of the complainant; and
- e. will send to the Investigator the complaint together with details of the alleged breach and any supporting evidence provided by the complainant.

5.7. Complaints are to be dealt with and considered in the order in which they are received by the City's complaints officer. If more than one complaint is received that relates to the same alleged behaviour, the City's complaints officer may determine to progress those complaints concurrently.

5.8. In investigating the complaint, the Investigator may request the City's complaints officer to search for any relevant records in the City's record management system.

5.9. The Investigator must offer mediation to both parties as the first option for dealing with a complaint and before progressing with the assessment of the complaint.

5.10. If issues raised in the complaint are resolved to the satisfaction of both parties in mediation, or otherwise, the complainant must, before the assessment of the complaint, lodge a withdrawal of complaint in accordance with the Code. In the event that the complainant does not withdraw the complaint, assessment of the complaint will continue.

5.11. Before making an assessment in relation to a complaint, the Investigator must provide the person to whom the complaint relates with an opportunity to respond to the allegations in the complaint, and to provide their own comments and evidence for consideration. The person to whom the complaint relates must do this within 21 days of formally being notified of the complaint.

5.12. After considering a complaint, the Investigator must make an assessment as to whether or not the alleged behaviour breach has occurred.

5.13. The Investigator's assessment must be made within 21 days:

- a. from receiving a complaint from the City's complaints officer; or
- b. from receiving a copy of the response to the allegations by the person to whom the complaint relates; whichever is the later.

- 5.14. Within 21 days of making an assessment on the alleged behaviour breach, the Investigator must provide a report to the City's complaints officer.
- 5.15. If the Investigator makes an assessment that the alleged breach has occurred, the report must make a recommendation as to whether further action is required.
- 5.16. In making a recommendation of further action, the Investigator is to prepare an action plan to address the behaviour of the person to whom the complaint relates.
- 5.17. An action plan should be prepared in consultation with the person to whom the complaint relates. If the person to whom the complaint relates does not participate in the preparation of an action plan, this is to be noted in the Investigator's report to the City's complaints officer and included in the report to Council.
- 5.18. The Investigator may recommend to the council to dismiss a complaint in accordance with paragraph 14 of the Code.
- 5.19. If the Investigator assesses that the behaviour is an offence under the City's *Standing Orders Local Law*, the complaint should be referred back to the City's complaints officer.
- 5.20. The Investigator's deliberations and assessment are to be confidential and reported only to the CEO and the City's complaints officer, but subject to any consultation with the person to whom the complaint relates.

Council finding

- 5.21. The City's complaints officer must provide a confidential report to the council at the next ordinary meeting after receipt of the Investigator's assessment. The report is to include:
 - a. a copy of the complaint;
 - b. the report of the Investigator together with the evidence received and any submissions or other communications from parties;
 - c. a recommendation on the question whether or not a breach of behaviour has occurred;
 - d. a recommendation as to whether any, and if so what, further action is required; and
 - e. an action plan, prepared in consultation with the person to whom the complaint relates, if relevant.
- 5.22. Based on the Investigator's report, the evidence and any further comments or submissions by the parties, the council may:
 - a. dismiss the complaint in accordance with paragraph 3.16 of the Code; or
 - b. find the alleged breach has occurred and decide no further action is required; or
 - c. find the alleged breach has occurred, decide that further action is required and consider the adoption of the action plan; or
 - d. find that the alleged breach has not occurred.

Action plans

- 5.23. An action plan should outline:
 - a. the behaviour/s of concern;
 - b. the actions to be taken to address the behaviour/s;
 - c. who is responsible for the actions; and
 - d. an agreed timeframe for the actions to be completed.
- 5.24. In deciding whether to implement an action plan, Council should consider:
 - a. the nature and seriousness of the breach(es);
 - b. any submission made by the person to whom the complaint relates;
 - c. whether the person to whom the complaint relates breached the Code knowingly or carelessly;

Proposed Council policy: Management of Complaints of Alleged Breaches of Behaviour

- d. whether the person to whom the complaint relates has breached the Code on previous occasions; and
- e. any other matters which may be regarded as contributing to the conduct or mitigating its seriousness.

Confidentiality of complaints

5.25. The complaint, its existence and details, and the processes undertaken in connection with it, are confidential matters and should not be disclosed unless and until the council has reached an outcome in respect of the complaint.

Compliance with plan requirement

5.26. The City's complaints officer is to monitor the actions and timeframes set out in an Action Plan.

6. RELATED DOCUMENTATION / LEGISLATION

- 6.1. *Local Government Act 1995*
- 6.2. *Local Government (Model Code of Conduct) Regulations 2021*
- 6.3. City of Busselton Code of Conduct for Council Members, Committee Members and Candidates
- 6.4. Code of Conduct Alleged Breach Form

7. REVIEW DETAILS

Review Frequency		3 yearly		
Council Adoption	DATE		Resolution #	



Behaviour Complaint

Please read the City of Busselton's Council Policy: Investigation of Complaints of Alleged Breaches of Behaviour before submitting a complaint. This Policy details:

- How the City of Busselton will process and determine a Behaviour Complaint; and
- How confidentiality of the complaint will be handled.

To make a valid Behaviour Complaint:

-
- The allegation must relate to a breach of the behaviour standards in Part 3 of the City of Busselton's Code of Conduct for Council Members, Committee Members and Candidates.
-
- Complete all sections of the Behaviour Complaint Form attached, including any additional information that will support assessment of the complaint. *The Complaints Officer may contact you to clarify or ask for more information.*
-
- The completed Behaviour Complaint Form **MUST** be lodged with the City of Busselton's Complaints Officer within one (1) month of the alleged behaviour breach.
-

Rules of Conduct Complaint

A Rules of Conduct Complaint refers to a breach of the Rules of Conduct outlined in Part 4 of the City of Busselton's Code of Conduct for Council Members and Candidates, including Council Members when acting as a Committee Member. This type of complaint is determined by the Local Government Standards Panel, administered through the Department of Local Government, Sport and Cultural Industries. Further information about Rules of Conduct Complaints may be obtained from:

- Department of Local Government, Sport and Cultural Industries: (08) 6552 7300 or www.dlgsc.wa.gov.au; OR
- The City of Busselton's Rules of Conduct Complaints Officer: (08) 9781 0486 or tony.nottle@busselton.wa.gov.au

Need Advice?

If you require advice in making a Behaviour Complaint, please contact the City of Busselton's Complaints Officer on (08) 9781 0486 or tony.nottle@busselton.wa.gov.au

**Complaint About Alleged Breach Form –
Code of conduct for council members, committee members and candidates**

Part 3 of the City of Busselton Code of Conduct for Council Members, Committee Members and Candidates

NOTE:

A complaint about an alleged breach must be made –

- a. in writing in the form approved by the local government (this form);
- b. to an authorised person; and
- c. within one month after the occurrence of the alleged breach.

Name of the person who is making the complaint:	
Name: _____	
Given Name(s)	Family Name

Contact details of the person making the complaint:
Address: _____
Email: _____
Contact Number: _____

Name of the local government (city, town, shire) concerned:
City of Busselton

Name of the council member, committee member, candidate alleged to have committed the breach:	
Name: _____	
Given Name(s)	Family Name

Select the position that the person was fulfilling at the time the person committed the alleged breach:	
Council Member of the City of Busselton	<input type="checkbox"/>
Committee Member of the City of Busselton	<input type="checkbox"/>
Candidate for election at the City of Busselton	<input type="checkbox"/>

State the full details of the alleged breach. Attached any supporting evidence to this complaint form:

--

Date of the alleged breach:

/ /20

Which of the behaviours prescribed in Part 3 of the City of Busselton’s Code of Conduct do you allege this person has breached?

Personal integrity

9.1 A council member, committee member or candidate —

(a) must ensure that their use of social media and other forms of communication complies with this code; and	<input type="checkbox"/>
--	--------------------------

(b) must only publish material that is factually correct	<input type="checkbox"/>
--	--------------------------

9.2 A council member or committee member —

(a) must not be impaired by alcohol or drugs in the performance of their official duties; and	<input type="checkbox"/>
---	--------------------------

(b) must comply with all policies, procedures and resolutions of the local government.	<input type="checkbox"/>
--	--------------------------

Relationship with others

10.1 A council member, committee member or candidate —

(a) must not bully or harass another person in any way; and	<input type="checkbox"/>
---	--------------------------

(b) must deal with the media in a positive and appropriate manner and in accordance with any relevant policy of the local government; and	<input type="checkbox"/>
---	--------------------------

(c) must not use offensive or derogatory language when referring to another person; and	<input type="checkbox"/>
---	--------------------------

(d) must not disparage the character of another council member, committee member or candidate or a local government employee in connection with the performance of their official duties; and	<input type="checkbox"/>
---	--------------------------

(e) must not impute dishonest or unethical motives to another council member, committee member or candidate or a local government employee in connection with the performance of their official duties.	<input type="checkbox"/>
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Council or committee meetings

11.1 When attending a council or committee meeting, a council member, committee member or candidate —

(a) must not act in an abusive or threatening manner towards another person; and	<input type="checkbox"/>
--	--------------------------

(b) must not make a statement that the member or candidate knows, or could reasonably be expected to know, is false or misleading; and	<input type="checkbox"/>
--	--------------------------

(c) must not repeatedly disrupt the meeting; and	<input type="checkbox"/>
--	--------------------------

(d) must comply with any requirements of a local law of the local government relating to the procedures and conduct of council or committee meetings; and	<input type="checkbox"/>
---	--------------------------

(e) must comply with any direction given by the person presiding at the meeting; and	<input type="checkbox"/>
--	--------------------------

(f) must immediately cease to engage in any conduct that has been ruled out of order by the person presiding at the meeting.	<input type="checkbox"/>
--	--------------------------

<p>List any additional information you have provided as part of this complaint:</p>	

Council Policy: Investigation of Complaints of Alleged Breaches of Behaviour requires that the complainant and the person to whom the complaint relates be offered the opportunity to participate in a mediation process, that if agreed to by BOTH parties, will be undertaken before the complaint is dealt with.

The objective is to support both parties to reach a mutually satisfactory outcome that resolves the issues and restores the relationship between them. An outcome may be that as the complainant, you will have absolute discretion to withdraw or continue with this complaint.

Please contact the City's Complaints Officer if you would like more information.

<p>Would you agree to participate in an mediation process as per point 5.09 of the Management of Complaints of Alleged Breaches of Behaviour Council Policy?</p>	<p>YES</p>	<input type="checkbox"/>
	<p>NO</p>	<input type="checkbox"/>

<p>Signed:</p>	
<p>Complainant's signature:</p>	
<p>Date of signing:</p>	<p> / /20</p>

<p>Received by Authorised Officer</p>	
<p>Authorised Officers' Name: _____</p>	
<p> Given Name(s)</p>	<p> Family Name</p>
<p>Authorised Officers' Signature:</p>	
<p>Date received:</p>	<p> / /20</p>



Council Policy

Council Policy Name: Management of Complaints of Alleged Breaches of Behaviour
Responsible Directorate: Finance and Corporate Services **Version:** DRAFT

1. PURPOSE

1.1. The purpose of this Policy is to outline the City’s approach to the management of complaints relating to breaches of the behaviour requirements in Part 3 of the City of Busselton Code of Conduct for Council Members, Committee Members and Candidates

2. SCOPE

- 2.1. This Policy is applicable to complaints about breaches of the behaviour requirements in Part 3 of the Code, and should be read in conjunction with the Code.
- 2.2. A breach of the Rules of Conduct in the Code is a minor breach under section 5.105(1) of the Act, and is not the intended subject of this Policy. The following are inappropriate to be dealt with under this Policy:
- a. complaints made with the intent of addressing personal grievances or disagreements;
 - b. complaints made to express dissatisfaction with a council or committee member’s lawfully made decisions or performance of their role;
 - c. minor breaches under section 5.105(1) of the Act;
 - d. serious breaches under section 5.114 of the Act; and
 - e. allegations of corruption.

3. DEFINITIONS

Term	Meaning
<u>City’s Complaints Officer</u>	<u>a person authorised in writing by Council resolution or by the CEO exercising delegated authority under clause 12.3 of the Code to receive complaints and withdrawals of complaints and in accordance with this Policy.</u>
Investigator	an impartial third party, appointed by the CEO, with the skills, and knowledge <u>and experience</u> to investigate complaints in accordance with this Policy.
<u>Mediator</u>	<u>an impartial third party, appointed by the CEO, with the skills, knowledge and experience to facilitate mediation between the person to whom the complaint relates and the complainant in accordance with this Policy.</u>
Policy	this City of Busselton Council policy titled “Management of Complaints of Alleged Breaches of Behaviour”

4. STRATEGIC CONTEXT

4.1. This Policy links to Key Goal Area 6 – Leadership of the City’s Strategic Community Plan 2017 and specifically the Community Objective 6.1: Governance systems, process and practices are responsible, ethical and transparent.

5. POLICY STATEMENT

5.1. The Code provides for requirements relating to the behaviour of council members, committee members and candidates.

Proposed Council policy: Management of Complaints of Alleged Breaches of Behaviour with Committee Amendments

- 5.2. The Code sets out requirements for:
- making a complaint;
 - dealing with a complaint;
 - dismissal of a complaint; and
 - withdrawal of a complaint.
- 5.3. This Policy further outlines how the City will deal with a complaint; specifically the mechanism for investigating, determining, making recommendations and implementing action plans when dealing with alleged breaches of the behavioural requirements set out in the Code.

Investigating a complaint

- 5.4. The Chief Executive Officer (CEO) will appoint an Investigator to investigate complaints of alleged breaches of behaviour, and if required under paragraph 5.9, a Mediator.
- 5.5. A complaint cannot be submitted anonymously.
- 5.6. The City's eComplaints eOfficer, within 14 days of receiving a complaint:
- will contact the complainant acknowledging that the complaint has been received;
 - as part of the acknowledgment process, will provide the complainant with a copy of this Policy and the Code;
 - will outline the process that will be followed and possible outcomes and the application of confidentiality;
 - will provide the council or committee member to whom the complaint relates with a copy of this Policy, the Code, and a copy of the complaint, including the name of the complainant; and
 - will send to the Investigator the complaint together with details of the alleged breach and any supporting evidence provided by the complainant.
- 5.7. Complaints are to be dealt with and considered in the order in which they are received by the City's eComplaints eOfficer. If more than one complaint is received that relates to the same alleged behaviour, the City's eComplaints eOfficer may determine to progress those complaints concurrently.
- 5.8. In investigating the complaint, the Investigator may request the City's eComplaints eOfficer to search for any relevant records in the City's record management system.
- 5.9. The Investigator must offer mediation to both parties as the first option for dealing with a complaint and before progressing with the assessment of the complaint.
- 5-9-5.10. If mediation is accepted by both parties, the investigative timelines outlined in this Policy are suspended until such time as the mediation is finalised or discontinued in accordance with paragraph 5.11.
- 5-10-5.11. If issues raised in the complaint are resolved to the satisfaction of both parties in mediation, or otherwise, the complainant must, before the assessment of the complaint, lodge a withdrawal of complaint in accordance with the Code. In the event that the complainant does not withdraw the complaint, assessment of the complaint will continue.
- 5-11-5.12. Before making an assessment in relation to a complaint, the Investigator must provide the person to whom the complaint relates with an opportunity to respond to the allegations in the complaint, and to provide their own comments and evidence for consideration. The person to whom the complaint relates must do this within 21 days of formally being notified of the complaint.

~~5-12-5.13.~~ After considering a complaint, the Investigator must make an assessment as to whether or not the alleged behaviour breach has occurred.

~~5-13-5.14.~~ The Investigator's assessment must be made within 21 days:
~~a. from receiving a complaint from the City's complaints officer; or~~
~~b. from receiving a copy of the response to the allegations by the person to whom the complaint relates;~~
~~e.a. whichever is the later.~~

~~5-14-5.15.~~ Within 21 days of making an assessment on the alleged behaviour breach, the Investigator must provide a report to the City's ~~e~~Complaints ~~e~~Officer.

~~5-15-5.16.~~ If the Investigator makes an assessment that the alleged breach has occurred, the report must make a recommendation as to whether further action is required.

~~5-16-5.17.~~ In making a recommendation of further action, the Investigator is to prepare an action plan to address the behaviour of the person to whom the complaint relates.

~~5-17-5.18.~~ An action plan should be prepared in consultation with the person to whom the complaint relates. If the person to whom the complaint relates does not participate in the preparation of an action plan, this is to be noted in the Investigator's report to the City's ~~C~~omplaints ~~e~~Officer and included in the report to Council.

~~5-18-5.19.~~ The Investigator may recommend to the council to dismiss a complaint in accordance with ~~paragraph clause 14.1~~ of the Code.

~~5-19-5.20.~~ If the Investigator assesses that the behaviour is an offence under the City's *Standing Orders Local Law*, the complaint should be referred back to the City's ~~C~~omplaints ~~e~~Officer.

~~5-20-5.21.~~ The Investigator's deliberations and assessment are to be confidential and reported only to the CEO and the City's ~~C~~omplaints ~~e~~Officer, but subject to any consultation with the person to whom the complaint relates.

Council finding

~~5-21-5.22.~~ The City's ~~C~~omplaints ~~e~~Officer must provide a confidential report to the council at the next ordinary meeting after receipt of the Investigator's assessment. The report is to include:

- a. a copy of the complaint;
- b. the report of the Investigator together with the evidence received and any submissions or other communications from parties;
- c. a recommendation on the question whether or not a breach of behaviour has occurred;
- d. a recommendation as to whether any, and if so what, further action is required; and
- e. an action plan, prepared in consultation with the person to whom the complaint relates, if relevant.

~~5-22-5.23.~~ Based on the Investigator's report, the evidence and any further comments or submissions by the parties, the council may:

- a. dismiss the complaint in accordance with ~~paragraph clause 14.13-16~~ of the Code; or
- b. find the alleged breach has occurred and decide no further action is required; or
- c. find the alleged breach has occurred, decide that further action is required and:
 - i. ~~vary the proposed action plan;~~ or
 - ii. ~~consider the adoption of the action plan;~~

or

- e.d. find that the alleged breach has not occurred.

Action plans

~~5-23-5.24.~~ An action plan should outline:

- a. the behaviour/s of concern;
- b. the actions to be taken to address the behaviour/s;
- c. who is responsible for the actions; and
- d. an agreed timeframe for the actions to be completed.

5.24-5.25. In deciding whether to implement an action plan, Council should consider:

- a. the nature and seriousness of the breach(es);
- b. any submission made by the person to whom the complaint relates;
- c. whether the person to whom the complaint relates breached the Code knowingly or carelessly;
- d. whether the person to whom the complaint relates has breached the Code on previous occasions; and
- e. any other matters which may be regarded as contributing to the conduct or mitigating its seriousness.

Confidentiality of complaints

5.25-5.26. The complaint, its existence and details, and the processes undertaken in connection with it, are confidential matters and should not be disclosed unless and until the council has reached an outcome in respect of the complaint.

Compliance with plan requirement

5.27. The City's Ceomplaints eOfficer is to monitor the actions and timeframes set out in an Aaction pPlan.

5.28. Failure to comply with a requirement included in an action plan is a minor breach under section 5.105(1) of the Local Government Act 1995 and clause 24.1 of the Code.

5.26-5.29. The City's Complaints Officer must provide a report to Council advising of any failure to comply with a requirement included in an action plan.




6. RELATED DOCUMENTATION / LEGISLATION

- 6.1. *Local Government Act 1995*
- 6.2. *Local Government (Model Code of Conduct) Regulations 2021*
- 6.3. *City of Busselton Code of Conduct for Council Members, Committee Members and Candidates*
- 6.4. *Code of Conduct Alleged Breach Form*

7. REVIEW DETAILS

Review Frequency		3 yearly		
Council Adoption	DATE		Resolution #	

14.1 LOCAL GOVERNMENT WASTE PLAN - PREPARED AT REQUEST OF DEPARTMENT OF WATER AND ENVIRONMENTAL REGULATION

STRATEGIC GOAL	3. ENVIRONMENT Valued, conserved and enjoyed
STRATEGIC OBJECTIVE	3.1 Development is managed sustainably and our environment valued.
SUBJECT INDEX	Waste Plan
BUSINESS UNIT	Waste and Fleet Services
REPORTING OFFICER	Waste & Recycling Education Officer - Hayley Bullimore
AUTHORISING OFFICER	Director, Engineering and Works Services - Oliver Darby
NATURE OF DECISION	Executive: Substantial direction setting, including adopting budgets, strategies, plans and policies (excluding local planning policies); funding, donations and sponsorships; reviewing committee recommendations
VOTING REQUIREMENT	Simple Majority
ATTACHMENTS	Attachment A Draft Local Government Waste Plan  Attachment B Letter to Chief Executive Officer from DWER  Attachment C Waste Avoidance and Resource Recovery Strategy 2030 

COUNCIL DECISION AND OFFICER RECOMMENDATION

C2106/114 Moved Councillor J Barrett-Lennard, seconded Councillor P Carter

That the Council:

1. Notes that pursuant to the *Waste Avoidance and Resource Recovery Act 2007*, the City of Busselton is required to develop and adopt a waste plan outlining how, in order to protect human health and the environment, waste services provided by the local government will be managed to achieve consistency with the waste strategy.
2. For purposes of recommendation 1:
 - (a) Endorses the purpose, intent, principles and strategies outlined in this report and the attached draft Local Government Waste Plan (Waste Plan) (Attachment A);
 - (b) Subject to recommendation 2(c), authorises the Chief Executive Officer to finalise and submit the Waste Plan to the Department of Water and Environmental Regulation (DWER) and from time to time, make such changes that are necessary or appropriate for approval of the final Waste Plan by DWER or for implementation and administration of the Waste Plan; and
 - (c) Council to consider any material changes in relation to the purpose, intent, principles and/or strategies of the final Waste Plan.

CARRIED 8/0

EN BLOC

EXECUTIVE SUMMARY

The purpose of this report is for Council to consider and endorse the draft Local Government Waste Plan (Waste Plan) (Attachment A) that has been prepared by the City of Busselton at the request of the Department of Water and Environmental Regulation (DWER) for all local governments of the Perth, Peel and major regional centres, to respond to the objectives and targets set out in Waste Avoidance and Resource Recovery Strategy 2030 (State Waste Strategy) (Attachment C). This report also seeks Council approval to authorise the Chief Executive Officer to implement and administer the Waste Plan in accordance with the recommendations of the City's forthcoming Waste Strategic Direction.

The final Waste Plan will be forwarded to the Department of Water and Environmental Regulation (DWER) for their review and endorsement.

Three attachments support this report:

1. Draft Local Government Waste Plan (Attachment A)
2. Letter to the CEO, City of Busselton from DWER (Attachment B)
3. Waste Avoidance and Resource Recovery Strategy 2030 (Attachment C)

BACKGROUND

In February 2019, the West Australian Government released the State Waste Strategy, which aims to guide the State in its transition towards a more sustainable, low-waste circular economy in which human health and the environment are protected from the impacts of waste.

In November 2019, the Department of Water and Environmental Regulation (DWER) requested local governments in Perth, Peel and major regional centres prepare and submit a Waste Plan in response to the objectives and targets set out in State Waste Strategy by 1 April 2020 (Attachment B). This date was extended until 31 March 2021 due to the COVID-19 pandemic.

DWER set a timeline of first and second draft submission dates, offering local governments the option to submit the draft Waste Plan for feedback on two separate occasions, to allow for clearer alignment with State Waste Strategy objectives and targets.

On 30 September 2020, the City of Busselton submitted a first draft Waste Plan to DWER for review and feedback, meeting the first draft round of requirements. The City of Busselton then revised the plans and re-submitted a final draft Waste Plan for review and feedback to DWER on 31 March 2021.

The City of Busselton forwarded a request to DWER (and was granted) an extension date for the submission of the final draft Waste Plan until 23 June 2021 to provide additional time for Council's consideration and endorsement.

OFFICER COMMENT

The Waste Plan has been prepared by the City of Busselton in response to notice given by DWER to align local government waste services with the objectives and targets in the State Waste Strategy. The State Waste Strategy's material recovery target for municipal solid waste (MSW) in the major regional centres is 55% by 2025 and 60% by 2030. The City's current material recovery is 26%. The Waste Strategy identifies organics, including FOGO, as a focus material.

The proposed Waste Plan informs the State of the City's intention to investigate and analyse the various options for future waste in line with the City of Busselton's current strategic waste direction. The City is committed to providing a waste service that is cost effective, diverts as much waste from landfill as practicable, considers new waste technologies and meets the needs and expectations of our community.

The Waste Plan outlines the City's current waste management services and planned actions for the next five years.

The Waste Plan is formatted in two parts.

- *Part 1 – Services and Performance*
A baseline of current waste management data and services.
- *Part 2 – Implementation Plan*
Planned actions related to existing and new waste services.

Part 1-7.0 (Table 20) provides analysis of the data and information presented in Part 1 and translates to planned short, medium and long term actions (Part 2).

The City has established:

- Short term actions (within the next 1-2 years)
- Medium term actions (within the next 3-5 years)
- Long term actions (more than five years).

Part 2 (Table 21- Implementation plan) of the Waste Plan further outlines the specific actions (with milestones and targets) in five (5) areas:

- Waste services
- Waste infrastructure
- Policies and procurement
- Behaviour change initiatives
- Data collection

Whilst the City is committed to meeting the legislative requirements of the State Waste Strategy, flexibility with scope within the Waste Plan allows the City, via the CEO, to make changes relating to the implementation and administration of the Waste Plan in accordance with the recommendations of the upcoming City Waste Strategic Direction.

Statutory Environment

The officer recommendation aligns to the following relevant legislation:

1. The Waste Avoidance and Resource Recovery Act 2007 (WARR Act)

The *Waste Avoidance and Resource Recovery Act 2007* (WARR Act) states the following as relevant to the Waste Plan:

- (1) Section 40(4) of the WARR Act, gives the Chief Executive Officer (CEO) of the Department of Water and Environmental (DWER) powers to require local governments to include within its plan for the future a waste plan outlining how waste services provided by the local government will be managed to achieve consistency with the State Waste Strategy in the protection of human health and the environment.
- (2) Section 44(1) of the WARR Act gives the CEO of the department powers to require a local government to submit a report to the CEO on the implementation of its waste plan, and may require that any or all of the information in section 44(2) of the WARR Act be included in the report information.

The officer recommendation supports the above state government legislation.

Relevant Plans and Policies

The officer recommendation aligns to the following City of Busselton adopted plans/policies:

- Strategic Community Plan 2017 (Review 2019)
- Corporate Business Plan 2020 -2024
- Waste Local law 2016
- Local Planning Strategy 2019
- Local Planning Scheme No 21
- Sustainability Operational Practice Policy
- Energy Strategy (2019)

The officer recommendation also aligns to the following WA State Government adopted plans/policies:

- WA Waste Avoidance and Resource Recovery Strategy 2030

Financial Implications

For each existing and new action in Part 2, (Table 21) of the Waste Plan, there is indication of the incorporation of an amount into the annual budget (and Corporate Business Plan). A number of the short-term actions in the draft are funded within existing annual budgets. The longer term actions will require consideration and prioritisation in the Long Term Financial Plan, for future budgets to ensure the City continues working towards State Waste Strategy objectives and targets.

In applicable areas, grants offered by the State, Federal and even industry may be sought. For example, grants offered by WALGA, WA Waste Authority, Keep Australia Beautiful Council may be pursued for Waste Education and Litter Prevention initiatives. Typically, grants are more likely to be successful if it aligns with better practice guidelines within the State or Federal Waste Strategy.

Stakeholder Consultation

Aside from the consultation with and feedback received from DWER, no external stakeholder consultation was required or undertaken in relation to this matter.

Risk Assessment

An assessment of the potential implications of implementing the officer recommendation has been undertaken using the City's risk management framework, with risks assessed taking into account any controls already in place. No risks of a medium or greater level have been identified.

Options

As an alternative to the proposed recommendation, the Council could:

1. Not endorse the Waste Plan.
2. Endorse the Waste Plan with revisions.

If the Council does not endorse the Waste Plan, the City would not meet the state legislative requirements as outlined in the Section 40(4) of the WARR Act. The officer recommendation would be to not consider this option.

If the Council endorses the Waste Plan with revisions, City officers will acknowledge and review the revisions as appropriate. Non-authorisation away from the CEO will not allow for flexible decision making in relation to the Waste Plan actions.

CONCLUSION

As per this report, the proposed Waste Plan informs the State Government that the City will investigate and analyse the various options to determine the most viable for Busselton. It meets the DWER requirements, although does not commit the City of Busselton to a specific direction until the longer term Waste Strategy is ratified. The City is seeking Council endorsement of the proposed Waste Plan, with authorisation of the implementation to the CEO, in accordance with the recommendations of the upcoming City Waste Strategic Direction. The CEO will report to Council to consider any material changes in relation to the purpose, intent, principles and/or strategies of the final Waste Plan.

TIMELINE FOR IMPLEMENTATION OF OFFICER RECOMMENDATION

A draft Waste Plan endorsed by Council is due for submission to DWER by 23 June 2021. Following this, DWER has advised that:

- a) The final draft Waste Plan will be considered for endorsement by the CEO of DWER within 60 days of receipt.
- b) Local governments will be required to report on the implementation of their Waste Plan annually. The annual report will be due to DWER by 1 October each year, commencing October 2022.
- c) To ensure consistency with the Waste Strategy, major reviews of waste plans will occur following the review and release of each Waste Strategy. Waste Strategy reviews are initiated five years after release, however the time taken to complete reviews varies. Major waste plan reviews will therefore occur approximately every five years.

Local government waste plan City of Busselton

Part 1 - services and performance

1.0 Introduction

Part 1 of the City of Busselton waste plan establishes the City's waste profile and baseline information in relation to the objectives and targets set out in the Waste Avoidance and Resource Recovery Strategy 2030 (Waste Strategy):

Avoid - Western Australians generate less waste.

Protect - Western Australians protect the environment by managing waste responsibly.

Where data was available, the Department of Water and Environmental Regulation (DWER) has pre-filled sections of Part 1. If any of the pre-filled information is incorrect, please amend accordingly and advise of the changes.

Please take the time to ensure that you complete each section, where relevant. In some tabs, you may need to scroll down to ensure that you have not missed any sections.

<p>Part 1 - Services and performance 2.0 Integrated planning and reporting</p>
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All local governments plan for the future¹ through the development of strategic community plans and corporate business plans. Waste plans form part of local government integrated planning and reporting as an issue-specific informing strategy.

Table 1: Links between plan for the future and waste management (Please complete the table, even if the answer is "waste isn't mentioned in our SCP or CBP")

Strategic Community Plan	
Title:	Strategic Community Plan 2017 (Review 2019)
Came into force:	2017
Date of next review:	Four year review currently in process
Waste-related priorities:	Develop and implement waste management strategies with a focus on waste avoidance, reduction, reuse and recycling.
Corporate Business Plan	
Title:	Corporate Business Plan 2020 -2024
Came into force:	Jul-20
Date of next review:	May-July 2021
Waste-related priorities:	Future Regional Waste Facility In conjunction with the South West Regional Waste Group of Councils continue to investigate the viability of implementing a regional waste management system for the South West Regional Waste Group.

Part 1 - Services and performance

3.0 Avoid

Avoidance of waste generation is the preferred waste management option in the waste hierarchy. This section looks at waste generation rates and the reduction required to contribute to the state's waste generation reduction targets - **2025**: Reduction in MSW generation per capita by 5%, **2030**: Reduction in MSW generation per capita by 10%.

Reviewing this data is a critical element of waste planning as it can show how waste generation has changed, identify potential reasons for changes and indicate areas to target in *Part 2 – Implementation plan* (Table 21).

Table 2: City of Busselton population, households and waste generation compared with state averages and targets for 2025 and 2030
(Local government to review prefilled data)

	Actual					Targets	
	2014-15 (baseline)	2015-16	2016-17	2017-18	2018-19	2024-25	2029-30
Population ⁽¹⁾	34,712	37,760	38,908	40,056	41,204	49,924	59,378
Households ⁽¹⁾	13,885	15,104	15,563	16,022	17,120	19,970	23,751
Total domestic waste generated ⁽²⁾	21,677	25,830	26,402	27,779	29,309		
Waste generation per capita/year (kg) ⁽²⁾	624	684	679	694	711	593	562

(1) Source (except 2014-15): Western Australia Tomorrow Population Report No. 11 <https://www.dph.wa.gov.au/information-and-services/land-supply-and-demography/western-australia-tomorrow-population-forecasts>. Population for 2014-15 from Western Australia Tomorrow Population Report No. 10. Population for intercensal years extrapolated. Households estimated using 'Average people per households' from 2016 ABS Census Quickstats.

(2) Source: Local Government Census data - domestic waste

Additional comments (local government to insert any additional comments that may be applicable)

Part 1 - Services and performance

4.0 Recover

Where waste generation is unavoidable, efforts should be made to maintain the circulation of materials within the economy. Table 3 gives the overall recovery rate for your local government compared to Waste Strategy targets and the state average. This is broken down into the proportion of the recovery which was materials recovery (reuse, reprocessing or recycling) or energy recovery. The Waste Strategy includes a target that from 2020, energy should only be recovered from residual waste (see *Guidance Document – Table 1*, for more information).

Table 3: City of Busseton population, households and recovery rate compared with state averages and targets for 2020, 2025 and 2030

(LG to review the pre-filled data and amend/update if necessary. Add additional comments if necessary.)

	2014-15	2015-16	2016-17	2017-18	2018-19	2020 target	2025 target	2030 target
Population ⁽¹⁾	34,712	37,760	38,908	40,056	41,204			
Households ⁽¹⁾	13,885	15,104	15,563	16,022	17,120			
Overall recovery (%) ⁽²⁾	30%	31%	32%	35%	36%	50%	55%	60%
Materials recovery	30%	31%	32%	35%	36%	>80%	>80%	>80%
Energy recovery	0%	0%	0%	0%	0%	<20%	<20%	<20%
Perth metro average ⁽³⁾	36%	38%	40%	41%				

(1) Source (except 2014-15): Western Australia Tomorrow Population Report No. 11 <https://www.dph.wa.gov.au/information-and-services/land-supply-and-demography/western-australia-tomorrow-population-forecasts>. Population for 2014-15 from Western Australia Tomorrow Population Report No. 10. Population for intercensal years extrapolated. Households estimated using 'Average people per households' from 2016 ABS Census Quickstats.

(2) Source: Local Government Census data - domestic

(3) Source: Waste Authority data fact sheets <http://www.wasteauthority.wa.gov.au/programs/data/data-fact-sheets/>

Additional comments (local government to insert any additional comments that may be applicable)

Energy recovery targets only relevant to potential future waste to energy facilities or any future waste process involving energy recovery.

Part 1 - Services and performance

5.0 Protect

Objective 3 of the Waste Strategy is to protect the environment by managing waste responsibly, with targets for achieving better practice, reducing litter and illegal dumping. By 2030 all waste is managed by and/or disposed to better practice facilities, by 2030 move towards zero illegal dumping and zero littering.

5.1 Better practice

Adoption of better practice approaches to waste management is an important way in which local government can better protect the environment from the impacts of waste, and contribute to achievement of the targets under objective 3 of the Waste Strategy. See Guidance Document - 5.0 Better

Table 4: Better practice approaches and programs adopted by the City of Busseton (S.O to complete the table)

Waste management activity/service	Waste Authority better practice guideline or program	Date of adoption/ implementation	Comment
Behaviour Change	Waste Wise Schools, Bin Tagging, KAB Litter Grants, Community & Industry Engagement Grants	2014-2017	Submitted an FOI to WAI GA to participate in bin tagging/grants in 2022/23
Litter	KAB WA Litter prevention strategy	2017	Promoted to schools
E waste recycling	National Television and Computer Recycling Scheme	2012	100% recycled
Waste Local Law	WAI GA's Template Waste Local Law and Guidance Note	2016	Amended in August 2018

Table 4.1: Other waste management activities/services provided by the City of Busseton

Waste management activity/service	Date of adoption/ implementation	Comment
Drop off Facilities	ongoing	Domestic recycling including cardboard, commingled recycling, batteries, engine oil, cooking oil, paint, aerosols, scrap metal, fridges.
Household Hazardous Waste	ongoing	City funds its own collection via Cleanaway
Illegal Dumping	ongoing	CCTV cameras at waste sites. Minimum charges on waste disposal. Likely to reduce the incidence of illegal dumping.
Green Waste	2008	100% of green waste is mulched and composted. Available to residents.

5.2 Litter

The data in Table 5 was reported by your local government in the 2017-18 local government census. Additional information to be provided by the local government in Table 6 if available.

Table 5: 2017-18 litter or data (S.O to review provided and complete the table)

	Response and comments
Litter hotspot used on a regular basis for littering in 17-18	Busseton and Dumborough Forewarn areas, Yeringup Man Reach, Meekup Reach
What are the main items littered at these hotspots?	Single use plastics, beverage containers, cigarette butts, fishing line
Current measures aimed at contributing towards the zero littering target	Community Reach Clean Ups, on-going community clean ups, Table 3 for the bin school initiative, Clean Up Aust. Days, Waving of waste disposal costs to volunteers
Estimated cost of clean-up (due to collection, disposal, education, infrastructure and enforcement)	\$0,350

Source: Local government Census data 2017-18

Table 6: Additional litter information (S.O to complete the table where information is available)

Is littering increasing or decreasing in your local government authority?	Unknown. Lack of data.
How were the costs associated with cleaning up litter calculated? Employee time? Dollar value? Both?	Not calculated.
Does the city have a litter strategy? If not, what is the ETA for completing one?	Yes, a strategy for dealing with and reporting litter is outlined on the City's website. Refers to KAB Council WA program.
Have any of the city's compliance and waste education officers undergone training on litter prevention? If so, what training?	No
What current policies and guidelines does your council enact to prevent litter? E.g. Event planning guidelines on the use of balloons in council facilities and the release of helium balloons, no cigarettes on the beach, no single use plastics at events.	Signage on roads and at popular beaches, widely available public waste bins, "Free tip days", Sustainable Events Guide (PDF) forwarded to event organisers. Guidelines support no use of balloons at City and City supported events.
How does your local government measure the effectiveness and impact of programs designed to reduce littering and illegal dumping?	Regular monitoring of the bins and calls from residents regarding littering.
Which division/unit/section of your organisation is responsible for litter management/prevention? Waste services? Compliance (e.g. Rangers)? Infrastructure?	Waste Services, Parks & Gardens, and Rangers are all responsible for litter management and prevention.
How important is litter management to your organisation? (1 - Not at all important; 5 - Highly important).	4

5.3 Illegal dumping

The data in Table 7 was reported by your local government in the 2017-18 local government census. Additional information to be provided by the local government in Table 8 if available.

Table 7: 2017-18 illegal dumping data (S.O to review provided data and complete the table)

	Response and Comments
Cost of cleaning up illegally dumped waste during 2017-18	\$ - Not recorded for 2017-18
Sites used on a regular basis for illegal dumping in 2017-18. Where possible, please provide site addresses	Not recorded for 2017-18
What are the main items dumped at these sites?	Not recorded for 2017-18
Current measures aimed at contributing towards the zero illegal dumping target	Minimum Charges at waste facilities reduce the incidence of illegal dumping - i.e. Low cost to dispose.

Source: Local government Census data 2017-18

Table 8: Additional illegal dumping information (S.O to complete the table where data is available)

Is illegal dumping increasing or decreasing in your local government authority?	constant
How does your local government measure the effectiveness and impact of programs designed to reduce illegal dumping?	Monitoring of waste streams into the disposal site.
Which division/unit/section of your organisation is responsible for illegal dumping management/prevention? Waste services? Compliance (e.g. Rangers)? Infrastructure?	Compliance, Rangers, Waste Services

Table 9 indicates the type of detailed data local governments may collect to enable better targeted monitoring and enforcement of illegal dumping. Please provide this information here, if available.

Table 9: Detailed illegal dumping data collection by the City of Busseton (S.O to complete the table if data available)

Date of data collection: **2017/18**

Waste Type	# of incidents	Total approximate Weight (tonnes)	Change from previous year	Regulatory notices issued
Car				
Car				
E waste				
Household waste				
Mulch & green waste				
Scrap metal				
Soil & incinerated material				
Hazardous/rubbish waste				
Other				
TOTAL	80 (littering & illegal dumping)	unknown	unknown	0
Cleaned up by	% of total incidents			Clean-up costs (\$)
Local government	no data		no data	
Land owner				
Offender				
TOTAL				

Part 1 - Services and performance

6.0 Waste management tools

6.1 Waste services

Local government data relating to the waste collected, recovered and landfilled is presented in Table 10. It is important to review this data when developing *Part 2 – Implementation Plan*, as it can:

- provide an understanding of how different systems are performing (e.g. recovery levels)
- highlight the need for any new collection systems or infrastructure
- identify the timing and capacity of any new collection systems or facilities required to meet the changing needs of local governments.

In working towards alignment with the Waste Strategy, the local government should focus on the materials resources with the greatest potential to support the objectives and targets of the Waste Strategy.

NB. DWER is currently developing a range of better practice guidelines. Better practice rates will need to be updated as the guidelines are released.

Table 10: Significant sources and generators of waste in 2017-18 (L/G to review pre-NBd data and amend/update if necessary. Add additional comments if necessary)

Service/Sources	Tonnes collected	Tonnes recovered	Recovery rate	Better Practice rate	Target rate 2025	Target rate 2030
Kerbside	mixed waste	13,100	-			
	comingled recyclables	4,413	3,412	19%	%	
	green waste	-	-			
	FOGO	-	-			
Verge side	green waste	-	-	#DIV/0!	%	
	hard waste	-	-			
Drop-off	mixed waste	4,209	-			
	dry recyclables	88	88			
	green waste	3,039	3,039	53%	%	55% major regional centres
	hard waste	1,338	1,338			60% major regional centres
	E-Waste	62	62			
	hazardous waste	128	128			
Public place	mixed waste	-	-	#DIV/0!	%	
	comingled recyclables	-	-			
Special event	mixed waste	-	-	#DIV/0!	%	
	food waste	-	-			
	comingled recyclables	-	-			
Commercial	mixed waste	8712	0			
	comingled recyclables	0	0	0%	n/a	
	paper/cardboard	0	0			
Local government waste	Illegal dumping clean up	-	-			
	street sweepings	-	-			
	roadworks	-	-	#DIV/0!	%	
	other C&D activities	-	-			
	roadside pruning	-	-			
other	-	-				
TOTAL		35,089	8,067	23%		

Source: Local Government Census Data 2017/18

Additional comments (local government to insert any additional comments that may be applicable)

1. FOGO bin audit data obtained from a trial area (700 households) over a 6 month period (Aug 2019 - March 2020).
2. Drum Muster - 41272 agricultural chemical drums collected for recycling from Busselton/Dunsborough waste facilities since program inception.
3. The City does not provide verge side collections.

Table 11 provides space for the local government to include bin audit information for kerbside waste services, if available. Bin audits can help local governments understand the material composition in kerbside bins, highlight where additional efforts are required to increase performance and assist in planning for future service options such as FOGO collection. **See Appendix for full breakdown of composition categories**

Table 11: Compositional audit data for kerbside waste services (Complete if data is available. Add additional comments if necessary).

General waste bin	
Yield per household (kg/hhl/week)	18.4
Per capita (kg/per capita/week)	8.3
Audit year	2017-18
Composition	Total %
Recyclables (paper, cardboard, plastics, steel, aluminium, glass)	No data
Organics (organics, wood/timber, textiles, earth)	No data
Hazardous (medical, sanitary/ hygiene, nappies, chemicals, paint, batteries, fluorescent tubes, light bulbs, oil, building material)	No data
Other (electronic waste, miscellaneous)	No data

Recycling bin	
Yield per household (kg/hhl/week)	6.2
Per capita (kg/per capita/week)	2.1
Audit year	2017-18
Composition	Total %
Recyclables (paper, cardboard, plastics, steel, aluminium, glass)	78.48
Organics (organics, wood/timber, textiles, earth)	included in other
Hazardous (medical, sanitary/ hygiene, nappies, chemicals, paint, batteries, fluorescent tubes, light bulbs, oil, building material)	0.11
Other (electronic waste, miscellaneous)	21.41

Garden organics or FOGO bin	
Yield per household (kg/hhl/week)	12
Per capita (kg/per capita/week)	N/A
Audit year	2019
Composition	Total %
Recyclables (paper, cardboard, plastics, steel, aluminium, glass)	0.66
Organics (organics, wood/timber, textiles, earth)	98.8
Hazardous (medical, sanitary/ hygiene, nappies, chemicals, paint, batteries, fluorescent tubes, light bulbs, oil, building material)	No data
General waste	0.54

Part 1 - Services and performance

6.0 Waste management tools

6.2 Waste infrastructure

The number, type, capacity and location of key existing local government owned and/or operated waste and resource recovery infrastructure is required to understand the future need for different facility types. This section is not relevant to local governments that do not own/operate waste facilities.

Table 12: Current waste and resource recovery infrastructure operated by the local government. (L.G. to complete the table)

Facility name (and licence number if applicable)	Facility Type	Location	Managed by	Licence category and approved production or design capacity	Material type	Service/activity	Remaining Capacity (if applicable)	Anticipated Closure (year)
Dunsborough Waste Facility L316120/181	Landfill	Vidler Rd, Naturaliste	City of Busselton	61 - Up to 6,000 tonnes per year. 62 - 10,000 tonnes per annual period. 64 - Up to 35,000 tonnes per year.	MSW Commercial Waste Recycling -cardboard & composites HHW E-waste Asbestos Green waste Bricks & concrete scrap metal fluorescent tubes fire extinguishers- non commercial gas bottles print cartridges fridges/freezers batteries mattresses tyres Chemical Drums Commercial cardboard,fridges, e-waste	Landfill Landfill skip bins drop off /no charge drop off /no charge Special burial Mulched for compost Concrete crushing drop off /no charge drop off /no charge drop off /no charge drop off /no charge drop off /no charge drop off /no charge drop off /no charge drop off /no charge drop off /no charge drop off /no charge Drop Master program fees apply	25 years	2045
Busselton Transfer Station L7120/1997/12	Transfer Station	Rendezvous Rd	City of Busselton	61A - 1,400 tonnes per annual period. 62 - 15,000 tonnes per annual period	MSW Recycling HHW E-waste Green waste Bricks & concrete scrap metal fluorescent tubes fire extinguishers- non commercial gas bottles print cartridges cooking oil batteries fridges/freezers mattresses tyres Chemical Drums Commercial cardboard,fridges, e-waste	Transferred to Dunsborough Comingled skip bins Drop off drop off /no charge Mulch for sale Concrete crushing drop off /no charge drop off /no charge drop off /no charge drop off /no charge drop off /no charge drop off /no charge drop off /no charge drop off /no charge drop off /no charge Drop Master program fees apply	N/A	N/A
Other								

Table 13 provides space for local governments to provide information about planned waste and resource recovery infrastructure, if relevant.

Table 13: Planned waste and resource recovery infrastructure. (L.G. to complete the table)

Location	Managed by	Licence category and approved production or design capacity (if known)	Waste type	Service/activity	Estimated operation start date
Busselton Transfer Station	Waste & Fleet Manager	as above	All	Resue Shop (and associated car-parking)	2022
Former landfill site at Rendezvous Rd.	Waste & Fleet Manager	as above	MSW	Staged remediation of old landfill cell (Capping)	2021/22
Dunsborough Waste Facility	Waste & Fleet Manager	as above	MSW	Leachate Pond 2 and Associated Washdown Bay	2022
Dunsborough Waste Facility	Waste & Fleet Manager	as above	MSW	Development of Transfer Station	2025/26

Additional comments (local government to insert any additional comments that may be applicable)
Further capital upgrades or the construction of any new infatrure dependent upon strategic waste direction and the proposed regional facility (if deemed viable).

Part 1 - Services and performance

6.0 Waste management tools

6.3 Policy and procurement

6.3.1 Contracts

Information on your local government's existing waste contracts should be detailed in Table 14. When reviewing services, it is a good opportunity to evaluate how they are performing, opportunities for regional collaboration and to identify any opportunities for improvement, review or renegotiation.

Table 14: Existing waste management contracts (LG to complete the table)

Contractor	Services	Contract commencement and expiry	Notes/comments
Cleanaway	Residential and Public Kerbside Recycling bin collection and processing	01/01/2017 to 30/06/2022	Satisfactory services
	Collection of skip bins in various locations for rubbish, cardboard and commingled recycling	01/09/2015 to 31/08/2021	
	Collection of household hazardous waste at waste facilities	Service and request	
SUEZ	Collection of approx. 700 FOGO bins in trial area	nil	FOGO service trial completed.
	Collection of fluoro tubes at various sites		
Tech Collect	Collection and processing e-waste at Busseton Transfer Station	N/A	Largely subsidised. National TV and Computer Recycling Scheme
Total Green	Collection and processing of e-waste at Dunsborough Waste Facility	nil	Satisfactory services
Australian Scrap Batteries	Collection of car batteries at waste facilities	nil	Income stream.
Battery World Bunbury	Collection and processing of household batteries	nil	Satisfactory services
Paint back	Collection of paint stillages at Busseton and Dunsborough Waste Facilities.	date	Fully subsidised.
Geospread	Mulching and transport of green waste	2014- 2021	Satisfactory services
AAA Metals and J&P Group	Collection of scrap metal at waste facilities	nil	Income stream.
Tyrecycle	Collection and recycling of tyres	nil	Satisfactory services
Busseton Refrigeration & Air Conditioning	Degassing of fridges at waste facilities	nil	Satisfactory services
B & B Street Sweeping	Street Sweeping Contractor	nil	Satisfactory services
Drum Muster	Collection and recycling service for agricultural/veterinary plastic drum containers	N/A	Fully subsidised.
Bloworks	Domestic cooking oil collection	nil	New service. Commenced Feb 2021.
Wren Oil	Collection of motor oil at waste facilities	N/A	Satisfactory services

6.3.2 Waste local laws and policies

Information on your local government's existing local laws, strategies or policies that may complement/support this waste plan and contribute to the Waste Strategy objectives should be detailed in Table 15.

Table 15: Existing waste-related local laws, strategies and policies (LG to complete the table)

Type of local law, strategy or policy	Name of local law, strategy or policy	Due for review	Comments
Waste Local Law	City of Busseton Waste Local Law 2016 (Reviewed in 2018)	2026	Consistent with WALGA Waste Local Law template

6.3.3 Land use planning instruments

Information on your local government's existing local planning instruments which contribute to the management of waste should be detailed in Table 16.

Table 16: Existing waste-related land use planning instruments related to waste management (LG to complete the table)

Local Planning Strategy	TITLE:	Local Planning Strategy 2019		
	ENDORSED BY WAPC:	13/03/2020		
	NEXT REVIEW DUE:	TBD		
	Is waste considered and reflected in the Local Planning Strategy?	<input checked="" type="radio"/> YES	<input type="radio"/> NO	9.2(i) Develop and implement waste management strategies, with a strong emphasis on waste minimisation and recycling, together with the identification and securing of waste disposal sites, or alternative means of waste disposal (e.g. waste to energy)
		<input type="radio"/> YES	<input checked="" type="radio"/> NO	

	Does the Local Planning Strategy identify current and future waste facility sites?	
	Does the Local Planning Strategy identify buffers around existing and/or future sites to avoid land use conflict?	YES NO
Local Planning Scheme	TITLE:	Local Planning Scheme No 21
	GAZETTED:	15/10/2014
	NEXT REVIEW DUE:	July-December 2020
		YES NO
	Are resource recovery facilities, waste disposal facility and waste storage facility defined as land uses (as per <i>Planning and Development (Local Planning Schemes) Regulations 2015</i>) and included in the council Local Planning Scheme zoning table, with either a P/I/D/A/X permissibility?	Yes. 'Waste Disposal Facility', 'Waste Storage Facility' and 'Resource Recovery Centre' are defined land uses in the City of Busselton Local Planning Scheme No. 21. Each are classed as 'A' in General Industry zone, meaning that each use is not permitted unless the local government exercises its discretion by granting development approval after giving special notice in accordance with clause 64 of the Deemed Provisions. In all other zones, these uses are not permitted ('X' permissibility).
If these land uses are not defined and not in the zoning table, how does the Scheme deal with such land uses (i.e. is an alternative definition used to that in the <i>Regulations 2015</i> ? Or are these land uses zoned as "Use not listed"?)	Please provide details below: N/A	
Does the Local Planning Scheme identify statutory buffers as Special Control Areas for strategic waste infrastructure facilities to avoid encroachment by incompatible land uses?	YES NO If NO please provide comments below: There are no Special Control Area statutory buffers surrounding the waste management sites at Lot 500 (No. 39) Rendezvous Road and Lot 8 (No. 48) Western Cape Drive. Southern sections of land at both Lot 500 (39 Rendezvous Rd) and Lot 27 (131 Rendezvous Rd) are affected by the Waste Water Buffer Area which restricts the land being used for any purpose other than open space, specifically permitted commercial and business uses, public roads, light industry and agriculture	
Local planning policies	TITLE:	
	ADOPTED BY COUNCIL:	
	RELATIONSHIP TO WASTE STRATEGY OBJECTIVES:	
	Does the local government have any local policies which relate to the objectives of the Waste Strategy (reduce generation, increase recovery, protect the environment)?	YES NO If YES please provide comments: - Local Planning Strategy 2019. Section 9.2, Theme 3; Transport and Infrastructure is: "1) Develop and implement waste management strategies, with a strong emphasis on waste minimisation and recycling, together with the identification and securing of waste disposal sites, or alternative means of waste disposal (e.g. waste to energy)."
Other	TITLE:	
	ADOPTED BY COUNCIL:	
	RELATIONSHIP TO WASTE STRATEGY OBJECTIVES:	

6.3.4 Sustainable procurement

Local governments can be significant consumers whose purchasing decisions and procurement policies can have positive impacts. This section reviews activities relating to procurement of infrastructure, goods and services that avoid waste, promote resource recovery or encourage greater use of recyclable and recycled products. Information on existing sustainable procurement policies or practices that may contribute to the Waste Strategy objectives should be detailed in Table 17.

Table 17: Existing sustainable procurement policies and practices (LG to complete the table)

Sustainable procurement policy or practice	Date adopted by council	Actions implemented e.g. switching to recycled printer paper	Alignment with Waste Strategy targets, objectives or focus materials

Operational Practice and Procedure Sustainable Work Practice	Dec-12	printed paper with recycled content, less packaging, re-use of items, purchase of quality goods.	The City's Sustainability Operational Practice Policy encourages greater use of recycled and recyclable products.
Additional comments <i>(local government to insert any additional comments that may be applicable)</i>			
The City currently sources materials with recycled content including recycled plastic outdoor furniture and composite wood decking. Furthermore, Concrete, Rock, Rubble, Asphalt and non-CDS scheme suitable Glass is crushed and reused at the waste facilities, in local road and footpath projects.			

Part 1 - Services and performance

6.0 Waste management tools

6.4 Behaviour change programs and initiatives

Communication and engagement with waste generators and managers underpins many local government waste management activities, and are vital in driving behaviour change needed to achieve the objectives and targets of the Waste Strategy.

Behaviour change programs and initiatives refers to activities that increase awareness, skills and knowledge; provide consistent messaging; help people to use waste infrastructure; and encourage the adoption of specific, positive waste behaviours and attitudes.

Most local governments have existing behaviour change programs and initiatives and it is important to evaluate their effectiveness. This section includes an opportunity for a high level qualitative assessment process to understand what has worked and what has not. The results can be used to inform actions for Part 2 – Implementation plan (Table 21).

Information on the local government's existing waste behaviour change programs or initiatives should be detailed in Table 18. This may include participation in Waste Authority funded programs, or programs/initiatives run by the local government.

Table 18: Behaviour change programs and initiatives, including Waste Authority programs and other local government initiatives. (LG to complete the table)

Local government program/initiative	Description	Outcomes achieved as a result of the program (Qualitative/quantitative)	Evaluation method	What's worked/not worked	Suggested improvements
Waste education sessions	Presentations and waste initiatives undertaken with school and community groups/organisations.	1. Increased awareness/action in sorting and reducing waste waste hierarchy/circular economy. 2. Behaviour change programs implemented, e.g. Take 3 for the Sea. Change in waste management behaviours.	1. Feedback from participants. 2. The number of incursions/presentations/engagements with schools/community. 3. Number of schools engaged with curriculum-linked Waste Wise school programs.	A higher level of school staff/student engagement occurs when City waste education programs align existing curriculum and school-based initiatives, such as Waste Wise Schools Program, Sustainability Expos, Clean Marine programs and Green Teams.	Further Link City waste education initiatives with govt and other curriculum-based programs, e.g. Waste Wise Schools, KABC, Little Green Steps, Tangaroa Blue, Real It In Bins program.
Bin Tagging Program	Bin tagging in line with WALGA bin tagging guidelines undertaken in two local areas to date. One round focused on recycling bin with 200 households. Other bin tagging round related to FOGO trial (see separate entry below).	Diversion of waste from landfill was achieved in both instances.	Recording of bin scan/audit over 3 consecutive weeks across all participating households.	1. Bin tagging/audit an effective data collection method. 2. Individual feedback to residents resulted in improved sorting/decontamination.	Submit EOI for WALGA/other grant/funding opportunities for further bin tagging/audits to further improve kerbside collection.
3rd Bin (FOGO) Trial	3rd bin (FOGO) system trial over a 6 month period with 700 households in Yalyakup area (August 19-March 2020).	1. 58% organic waste diverted from landfill. 2. Low contamination rate (1.5%) 3. Positive feedback from participating households. 3. Improved knowledge of FOGO kerbside collection service requirements.	1. % diversion in trial area 2. % contamination rate 3. Data from FOGO collection (via Contractor) 4. Program costs	1. Individualised advice/feedback to residents resulted in improved sorting/decontamination. 2. Feedback on potential problem with odours with disposable nappies in fortnightly bin.	1. Community consultation to inform residents of the nature and implications of a FOGO service. 2. Deliver reusable nappy workshops to community.
Coordination of Community Reuse / Swap meet (Flea Market) event	One day annual event that invites the community to sell/buy at a second hand goods market.	1. Community level of interest and participation in buying and/or selling second hand goods. 2. Diversion of goods from landfill.	1. Number of stall holders/attendees to event. 2. Feedback from buyers & sellers.	1. Have created a standardised model to allow for repeatability of event. 2. Low cost event. 3. Positive feedback from community. 4. Event scale can be increased without too many additional resources required.	1. Focus on the City-run market using same model. 2. Create as an annual community calendar event.
Annual Leavers Event Waste Reduction & Recovery Initiative	Waste reduction and recovery initiatives at the annual Leavers event (commenced in 2019).	Approximately 2,400 litres diverted from landfill to either a composting facility or recycled (5% diverted in previous year)	1. Quantity of waste diversion. 2. Feedback from staff and volunteers on waste behaviours of students.	1. Food waste bins utilised. Some level of contamination observed. 2. Initiative not completed in 2020 due to education staff shortage/change over.	1. Confirm prior to event that caterer supplies/packaging are suitable. 2. Monitor contents at close of event to avoid contamination. 3. Utilise bin monitors/volunteers where possible. 4. Initiative to be reviewed in preparation for 2021 Leavers.
Contribution to Wider Community/National Litter Initiatives	The City contributes resources to Tangaroa Blue Foundation annual beach cleans ups and Clean up Australia Day events.	1. Increased community involvement and awareness of type and extent of litter/marine debris. 2. Some litter is removed from marine/land environments. 3. Marine litter data added to Australian National Marine Database (Tangaroa Blue).	1. Number of community participants/groups. 2. Volume and types of litter collected. 3. Identification/awareness of some specific litter sources/prevention/reduction.	1. Supported by resources from external organisations. 2. Well established annual calendar events. 3. Community easily engaged/interested in supporting coastal environments. 4. Collect data on number of bags collected.	1. Repeat annually in March and October. 2. Extend use of Tangaroa Blue Foundation resources to schools. 3. Investigate if data can be determined on number of bags collected.
Public Areas Recycling Bins	The installation of 23 recycling bins adjacent to general waste bins in high use public areas since 2017 (in line with Waste Authority Position Statement on Source Separation).	1. 23 permanent recycling bins located at Busselton foreshore and Dunsborough foreshore/CBD. 2. Tonnes collected from public place recycling bins.	1. Bin installation 2. Bin use (tonnes collected)	1. KABC council funding grant/Beverage Container Recycling Community Grants part funded program costs. 2. MarkYT feedback indicates a level of public expectation that recycling bins be made available in public areas. 3. Recycling bins located adjacent to general waste bins help to reduce contamination. 4. High levels of food contamination at peak seasonal times.	1. Seek future funding grant opportunities to install more public recycling bins. 2. More education to reduce food contamination of public recycling bins during peak seasonal periods.
Small Business Waste Audits	Waste audits/review conducted for small, local businesses on request.	Measure of amount and types of waste streams, identify areas for improvements and provide support/resources to improve separation, decontamination and reduction of waste.	1. Audit results. 2. Uptake of behaviour change initiatives.	Audits can be time intensive, depending on extent of business operations.	Support businesses to utilise external national and local initiatives to reduce waste, including single use plastic e.g. Responsible Cafes, Straws No More, Boomerang Bags.
City of Busselton Corporate Initiatives	An ongoing sustainability initiative via the City's Green Taskforce to reduce the City's ecological footprint.	1. Staff minimise photocopying, utilise battery, e-waste and plastic lid recycling bins. 2. Reduced use of single use plastics and balloons at Council and Council sponsored events (as per Helium Balloon Litter Background Paper/WA Plan for Plastics)	1. Effective use of recycling bins/collection points. 2. Reduced use of photocopying paper. 3. Reduced use of single use plastics/balloons at Council run and sponsored events.	1. All photocopier default settings double sided, B & W. 2. Battery/e-waste bins currently under utilised. 3. Assess other single use plastics use within the City.	1. Increase awareness of current drop off locations and types of waste collected via internal Comms/intranet. 2. Collect data on extent of single use plastic across the City. 3. Engage with staff to identify ways to avoid/find alternatives to single-use plastics.

Additional comments (Local government to insert any additional comments that may be applicable)

6.5 Data

Table 19 provides an opportunity to assess existing waste data practices, identify strengths and gaps and consider the kinds of data activities which could be included in the Part 2 – Implementation Plan to improve the local

Where 'no', please comment on:

- the kinds of data that is missing, where data gaps exist

- barriers to collecting or accessing adequate data
- the kinds of data collection, analysis or reporting practices that are not currently in place which would assist local government waste management functions.

Table 19: Assessment of waste data *(to be completed by table)*

	Please ✓		Comment
	YES	NO	
Does the local government have access to adequate waste data to complete Part 1 of the waste plan?		✓	Some data gaps exist, particularly on littering and illegal dumping. Will commence determination of data collection on litter and illegal dumping in 2021/22 financial year
Does the local government use waste data when undertaking planning activities for waste projects/programs?	✓		The City could benefit from baseline data into waste composition and variances in property types.
Does the local government have access to adequate waste data for this purpose?	✓		
Does the local government use waste data when monitoring or assessing waste projects/programs?	✓		
Does the local government have access to adequate waste data for this purpose?		✓	Baseline info around trailer waste composition for improved material management at both facilities.
Does the local government use adequate waste data to measure progress toward the targets and objectives of the Waste Strategy?	✓		The City has sufficient information to inform short to medium term strategies goals and targets, but more information is required for a detailed investigation.
Does the local government have access to adequate waste data for this purpose?	✓		
Does the local government have access to adequate waste data to fulfil annual data reporting obligations under the WARR	✓		Although data is sufficient, the City is constantly looking at means to improve data capture and recording.
Are there any types of waste data that the local government does not currently collect or have access to that would be helpful/useful?	✓		Information derived from disaster events (e.g. storm damage), public litter, illegal dumping and origins of material brought in by external contractors.
Are there any ways which local government waste data collection, storage or use could be improved?	✓		Assistance with improving data capture, information gathering around material imports, handling and appropriate disposal of problematic waste.
Is the data collected by the local government accurate? Are any new strategies needed to improve accuracy?	✓		Improvement in actual weight data and other information in place of estimated volumes. Alternative reporting mechanisms (e.g. Cubic metres in place of converted tonnages for things like Greenwaste or solid/dirt)
Does the pre-filled data provided in this template align with the data the local government has? i.e. is this pre-filled data accurate?	✓		Mostly aligned.
Any additional comments?			

Part 1 - Services and performance

7.0 Summary

The purpose of *Part 1* of the waste plan is to consolidate information about current waste management practices, to enable you to assess and identify:

- current waste management performance
- alignment between current waste management practices and the Waste Strategy
- strengths and successes, as well as gaps and opportunities for improvement.

Table 20 provides space to analyse the data and information presented in *Part 1*, and should be used to determine waste management priorities for the short, medium and long term, and translate these priorities into actions in *Part 2 – Implementation plan (Table 21)*.

Table 20: Assessment of current waste management performance and prioritisation of future actions (Completing this table is optional)

<p>Waste management achievements (for example, performance/achievement against Waste Strategy targets or objectives or where particular waste management objectives have already been met)</p>	<ol style="list-style-type: none"> 1. The establishment of a yellow lid co-mingled recycling bin to kerbside residential collections since 2001. 2. 100% diversion of green waste from landfill since 2006. Green waste is converted into a certified organic compost at a localised facility in Vasse, for use on City Parks & Gardens. 3. Since 2000, a concrete crushing program has successfully diverted industrial concrete waste from landfill for use as road base in local projects. In 2018, 18,886m³ was utilised for this purpose. 4. The diversion of 100% of e-waste from landfill since 2012. 5. The City-borne cost to divert all residential HHW from landfill through appropriate storage and disposal. 6. The introduction of a mattress recycling initiative to divert mattress composition material from landfill since 2014. 7. Increase/improvement in various waste stream recovery/diversion from landfill (i.e. In FY19/20 - 42.6 tonnes of oil, 54.8 tonnes of e-waste, 42.1 tonnes of batteries (household and car), 108 tonnes of cardboard, 132.6 tonnes of tyres, 1,417.3 tonnes of scrap metal, 62 tonnes of chemicals, 1,586 fridges degassed). 8. 3rd FOGO bin trial completed. Bin audits completed. Low levels of contamination (1.5%), 58% of organic waste diverted from landfill. High level of engagement/success with household participants. 9. Two rounds of Bin Tagging program/audit completed in line with WALGA Bin Tagging Guidelines. This data has guided new education program initiatives. e.g. Reusable nappy workshop series. 10. New City website upgrade is complete. Provides improved, more user-friendly format on waste management services and education. 11. Instalment of 23 permanent (and additional seasonal) recycling bins in public areas since 2006. 12. City run Swap meet (flea market) established as annual calendar community event.
<p>Opportunities for improvement (for examples, where performance against Waste Strategy targets or objectives could be improved or where waste management objectives have not been met)</p>	<ol style="list-style-type: none"> 1. Undertake community consultation, involving residents within the Yalyalup trial area and the wider district, to consider the community's preference towards alternative waste treatment technologies, including an organics recovery system. 2. Investigate the viability of implementing a regional waste management system for/with the South West Regional Waste Group. 3. Review safer and more effective collection, storage (and disposal) of Household Hazardous Waste (HHW) at Waste Facilities. 4. Install telematics in all waste vehicle trucks to improve efficiency of waste collection service. 5. Determine the feasibility of establishing a Reuse Shop at the Busselton Transfer Station. 6. Determine the collection of data for litter and illegal dumping incidents. 7. Introduce a behaviour change program to reduce waste and lower contamination levels, such as reusable nappy workshops, bin tagging program.
<p>Priority areas for action in Part 2 – Implementation plan</p>	<p>Ongoing (activities currently under way and/or continuously undertaken)</p> <ol style="list-style-type: none"> 1. Review and improve kerbside collection services. 2. Review and continuously improve on recycling streams/contracts including, but not limited to C&D waste recovery, green waste processing, e-waste, oil, paper and cardboard, batteries and oil recycling. 3. School Education program 4. Community information, education program and events in relation to waste avoidance and diversion from landfill. 5. Support for local businesses into overall waste reduction and increased recycling. 6. City of Busselton corporate sustainability initiatives. 7. Pursue remediation report recommendations for decommissioned landfill at Rendezvous Rd. <p>Short term (within the next 1-2 years)</p> <ol style="list-style-type: none"> 1. Commence community consultation to guide the overall strategic waste direction for the City. 2. Develop a draft Waste Management Strategy, aligning the targets and aspirations of the community, with the State and what is financially sustainable. 3. Improve efficiency of kerbside collection service by installing telematics in all waste collection vehicles. 4. Determine the feasibility of establishing a Reuse Shop at the Busselton Transfer Station. 5. Commence a bin tagging program to improve kerbside recycling rates and obtain data for a review on contamination levels in the bin collection system. 6. Determine the collection of data for litter and illegal dumping incidents. 7. Implement a reusable nappy workshop series over a 2 year period to reduce contamination in kerbside bins and reduce disposable nappies going to landfill. 8. Construct Leachate Pond 2 to accommodate increased generation during more frequent 1 in 10 storm events. 9. Commence remediating old decommissioned landfill(s) by planning the capping program. <p>Medium term (within the next 3-5 years)</p> <ol style="list-style-type: none"> 1. Pursue recommendations of the endorsed Waste Management Strategy in accordance with the Long Term Financial Plan. 2. Commence a feasibility study on the viability of alternative waste treatment technologies, including an organics recovery system and residual waste to energy. 3. Continue to review and increase waste stream recovery/diversion from landfill at waste facilities. 4. Investigate the potential for a sorting facility to decontaminate problematic waste streams. 5. Review of waste data capture infrastructure at facilities. 6. Continue bin tagging program to review and improve kerbside bin contamination. 7. Determine effective data collection methods for illegal dumping and littering activities. 8. Continue to pursue recommendations of decommissioned landfill remediation report. <p>Long term (more than five years)</p> <ol style="list-style-type: none"> 1. Continue to pursue recommendations of the endorsed, Waste Management Strategy in accordance with the Long Term Financial Plan. 2. Investigate future landfill site, alternate waste treatment facility or regional waste facility. 3. Investigate the viability of transforming Vidler Rd Landfill into a transfer facility. 4. Remediate and rehabilitate decommissioned landfill (cells).

Part 2:

Implementation Plan

Part 2 - Implementation plan

This implementation plan outlines the actions which your local government will take over the next 5+ years to contribute to the achievement of relevant Waste Strategy targets and objectives. It is where the priorities described in the summary (Part 1 – 7.0 Summary, Table 20) are translated into actions. Please refer to the Guidance Document under sections: **4.0 How to complete Part 2 – Implementation plan, 5.0 Better practice and 6.0 Waste management tools**, when developing this Implementation plan.

Table 21: Implementation plan

Waste Management Tool	Action (DR link to existing local government plan/document that details this activity)	Is the action new or existing?	Detailed actions/sub-actions (DR link to existing local government plan/document that details this activity)	Milestones (SMART - Specific, Measurable, Achievable, Relevant, Timed)	Target (SMART)	Timeframe for delivery (completion date)	Cost of implementation incorporated into annual budget and Corporate Business Plan? Y/N - (if not, why?)	Aligns to Waste Strategy Objective's			Responsibility for implementation (branch, team or officer title, not the names of individual officers)	Identified risks (Impact/consequences and mitigation strategies)
								Avoid	Recover	Protect		
Waste services	Investigate the viability of a 3rd organics bin system across all households receiving kerbside waste services.	New	1. Review State Government Better Practice Guidance on FOGO bin system. 2. Conduct community consultation to determine community preference for FOGO bin system (see separate entry). 3. Council briefing to progress viability. 4. If viable: (a) develop a business case covering proposed service options and specifications, performance measures and implementation plan. (b) procure a suitable processor for collected organic material. (c) trial out the service including undertaking a waste reduction and behaviour change program. (d) undertake monitoring and evaluation of the service.	1. Better Practice Kerbside Guidance reviewed by May 2021. 2. If viable, (a) develop an Organics Recovery business case by August 2021. (b) develop a comprehensive education/awareness/behaviour change program by June 2022. (c) implement an Organics Recovery service covering all eligible properties over a 12 month period by July 2023. (d) monitor, evaluate and review the service by July 2024.	Increased material recovery to 56% by 2025.	Rollout completed by July 2024.	No - budget to be determined if feasibility analyses deem viable		✓	✓	Waste Management Team Public Relations Team	Risks: Community push back on transitioning to smaller binless frequent collection costs, high contamination rates, increasing transport costs, legislative changes, available markets to process organic waste. Mitigation: Community consultation, education/behaviour change program for (pre)launch/roll out, Education workshops to target reduction in disposable nappy use. Have options for people with larger families, than identify using long lead times, Budget contingency, seek alternative (or develop) facilities for organic waste processing.
	Review the annual Litters Event Waste Reduction & Recovery initiative.	Existing	1. Review Litters Event initiative from 2019. 2. Develop a food waste reduction plan at future Litters event. 3. Determine viability for Food Organics (FO) collection at events if FOGO collection is implemented. 4. Review data capture and processes for use across other special event days.	1. Review litters initiative from 2019 by July 2021. 2. Develop a draft, Litters Event waste reduction trial initiative by Sept 2021. 3. Review data capture and processes (for use across other special event days) by Jan 2022. 4. Review trial data to develop a Food Organics (FO) collection at events if FOGO collection is implemented by June 2022.	1. > 2400 Litres (baseline data from 2019) of food waste diverted from landfill. 2. Less than 10% contamination of general waste and recycling bins at event	Jun-22	Yes		✓	Waste Management Team	Risks: high levels of contamination, non-compliance, inadequate communications/messaging. Mitigation: early engagement with participants, clear messaging/communications plan, use of bin monitors.	
	Continue to review and make incremental improvements to waste stream recovery/diversion from landfill at City waste facilities.	Existing	1. On-going review of existing waste management service plans and processes for each waste stream. 2. Seek continuous improvement by identifying gaps in waste/recycling services. 3. Consider in line with annual waste management budget deliberations. 4. Implement changes as appropriate and viable.	1. On-going review existing waste management service plans and processes for each waste stream. 2. Annual waste management budget to be prepared in March each year. 3. Annual waste management budget to be presented to Council for consideration and adoption in April each year	1. All waste is managed and/or disposed to better practice facilities. 2. Increase MSW material recovery to 56% by 2025.	on going	Yes		✓	Waste management Team	Risks: Budget limitations. Unable to identify waste stream markets. Mitigation: Regular review of annual budgets to reflect changes, Maintain LGA and other networks to seek best market options.	
	Scope an integrated regional waste management approach (for the City).	New	1. Prepare scope, ensuring it responds to regional initiatives. 2. Assess appropriate alternative waste treatment technologies for the City	1. Audit waste streams by 2022. 2. Conduct cost benefit analysis on alternate waste technologies. 3. Determine treatment priorities and processes by 2022. 4. Prepare implementation plan by 2023.	Scope for integrated waste management plan completed by 2022.	2022	No. On-going commitment for the Regional Waste Group will form future budget discussions.		✓	✓	Waste Management Team South West Regional Waste Group	Risks: Legislative changes, lack of appropriate resources, limited data, changing status of new technologies, does not align with regional initiatives. Mitigation: Increase resources, flexible planning/alternate time frames, work closely with other regional councils.
	Investigate the viability of sending residual MSW to a waste to energy facility	New	1. Undertake a feasibility study to determine viability of sending residual MSW to a WTE facility. 2. Review feasibility findings in view of overall waste management strategy for the City	1. Prepare a feasibility study to ascertain viability of sending residual MSW to a WTE facility by 2022. 2. If deemed potentially viable, conduct a risk assessment on the recommended methodology. 3. Review feasibility findings in view of overall waste management strategy for the City by 2025.	1. Completed triple bottom line feasibility study assessing social, economic and environmental constraints. 2. Completed City Risk Matrix for risk assessment.	2022	No. Feasibility analysis will determine if ongoing budgets are allocated in upcoming budget cycles.			✓	Waste Management Team South West Regional Waste Group	Risks: external long term contracts, variable waste volumes, variable waste composition, increasing haul/transport costs, legislative changes, changing status of new technologies, inflexibility with potential new Council waste services, possible prolonged facility closure. Mitigation: Comprehensive review of external contracts, comparison with other similar LGA contracts, robust data on waste volumes and composition, robust financial costings and contingency, risk analysis.
Investigate the viability of an organic processing facility with capacity for expansion.	Investigate the viability of an organic processing facility with capacity for expansion.	New	1. Review existing pre-feasibility studies. 2. Introduce option at planned community consultation. 3. Determine timeline for progress	1. Complete review by end of 2021. 2. Timeline for progress determined.	Divert 50% of organic waste from landfill by 2026.	Complete feasibility report by 2026.	No. Future Capital Budget.			✓	Waste Management Team	Risks: Risks as identified in existing pre-feasibility study. Mitigation: Refer to existing pre-feasibility study.
	Investigate offering the City's waste facilities as a Container Deposit Scheme (CDS) refund point.	New	1. Engage local CDS providers. 2. Arrange for the operation and service of CDS container by provider. 3. City Operational staff to report on public utilisation of CDS container	1. CDS container is installed at City waste facility by Dec 2021. 2. CDS container location and access is promoted to residents. 3. CDS container is being effectively utilised by residents as a CDS drop off point by July 2022.	1. Uptake by residents of CDS container as a drop off point. 2. Diversion of beverage containers from landfill.	Jul-22	No. External provider			✓	Waste Management Team	Risks: Unable to engage CDS provider. CDS container operation is not maintained by the provider. Low uptake by residents of CDS container as a drop off point. Mitigation: Provide a market incentive to engage CDS provider. Ensure clear contractual arrangements with CDS container provision. Promote CDS collection point widely to residents.
	Manage and reduce leachate volumes at Dunborough Landfill facility	Existing	1. Continue to monitor leachate volumes. 2. Maintain evaporation rate via sprinklers inside leach cell and leachate pond. 3. Maintain and monitor leachate infrastructure	1. Reduce volume of leachate to zero prior to start of Winter rains (May 2021). 2. Ongoing monitoring and maintenance of evaporation rate via sprinklers inside leach cell and leachate pond	Reduce volume of leachate to zero prior to start of Winter (May) each year	Ongoing	Yes			✓	Waste Management Team	Risks: high rainfall events, equipment failure. Mitigation: monitor and prepare for extreme weather events, close monitoring of leachate volume and composition, maintenance of leachate reducing infrastructure.
	Build a second leachate pond at Dunborough Landfill facility	New	1. Plan and review location and dimensions of leachate pond. 2. Develop a scope of works for build 3. Continue to monitor extreme weather events	1. Excavation and lining of pond to be undertaken after Winter rains (Sept-Oct 2021). 2. Ongoing monitoring prior to following Winter (March 2022).	Leachate pond completed by March 2022	2022	Yes- Capital Works budget			✓	Waste Management Team	Risks: As identified in Application for Works Approval W6357/2020/1. Mitigation: As identified in Application for Works Approval W6357/2020/1.

Part 2:

Implementation Plan

Waste Management Tool	Action (OR link to existing local government plan/document that details this activity)	Is the action new or existing?	Detailed actions/sub-actions (OR link to existing local government plan/document that details this activity)	Milestone (SMART - Specific, Measurable, Achievable, Relevant, Timeed)	Target (SMART)	Timeframe for delivery (completion date)	Cost of implementation incorporated into annual budget and Corporate Business Plan? Y/N - (if not, why?)	Aligns to Waste Strategy Objectives			Responsibility for implementation (branch, team or officer title, not the names of individual officers)	Identified risks (impacts/consequences and mitigation strategies)	
								Avoid	Recover	Protect			
Waste Infrastructure	Determine the feasibility of establishing a reuse shop at the Bussellton Transfer Station.	How	1. Review previous reuse shop feasibility and scope. 2. Investigate feasibility of suitable organisation(s) to operate the reuse shop. 3. If viable, (a) prepare a Business Plan seeking Council endorsement (b) determine procurement options for commencement by June 2022.	1. Review previous reuse shop feasibility and scope by June 2021. 2. Investigate feasibility of suitable organisation(s) to operate the reuse shop by July 2021. 3. If viable, (a) prepare a Business Plan seeking Council endorsement by Oct 2021 (b) determine procurement options for commencement by June 2022.	Determine viability of a reuse shop by Oct 2021.	Dec 22	Not as yet budget to be determined if financially deemed viable.	✓	✓		Waste Management Team	Risks: Unable to source an appropriate partner organisation, staffing limitations, organisation capacity changes/diminishes, community expectations are not met. Mitigation: Increase scope of proposals, implement an effective support and communication structure between the City and the organisation, devise a risk analysis, manage community expectations in City communications.	
	Create a new storage facility for bricks and concrete at Dunsborough Landfill Facility.	New	1. Site preparation. 2. Earthworks to remove top soil and transfer to Dunsborough playing fields. 3. Prepare scope for storage facility. 4. Build storage facility. 5. Fence area. 6. Build access road.	1. Earthworks to remove top soil and transfer to Dunsborough playing fields by 2021. 2. Completion of facility and access road by end of 2022.	Building complete by Dec 2022.	Dec 2022	Yes Capital Works budget			✓	Waste Management Team	Risks: Scope budget underestimates, storage facility limitations, access issues. Mitigation: Budget contingency, detailed scope and access plan.	
	Rehabilitate and remediate the contaminated site around Bussellton Waste Transfer Facility.	Existing	1. Continue to engage with stakeholders affected by contaminated groundwater at former Rendevoous Rd landfill site. 2. Ongoing consultation with DWER Contaminated Sites Branch. 3. Ongoing sampling and reporting of groundwater results. 4. Investigate alternative means of remediating groundwater.	1. Continue to engage with stakeholders affected by contaminated groundwater at former Rendevoous Rd landfill site. 2. Ongoing consultation with DWER Contaminated Sites Branch. 3. Ongoing sampling and reporting of groundwater results. 4. Investigate alternative means of remediating groundwater as part of the 2020 CHD Remediation Options Report. 5. Finalise agreements with affected property owners by end of 2022.	Finalise agreements with affected property owners by end of 2022.	Dec 2022	Dec 2022	Yes Waste Reserve budget			✓	Waste Management Team	Risks: Circumlocutory continuation associated with the former Waste Disposal Facility at Rendevoous Rd. Mitigation: Staged implementation of Remediation Options Report (ROD, 2020) recommendations.
	Cap former landfill at Bussellton Waste Facility.	New	1. Calculate area to be capped. 2. Undertake cost analysis to determine if clay or synthetic capping is to be utilised. 3. Prepare capping scope. 4. Clipping to proceed. 5. Capping site to be monitored for change.	1. Calculate area to be capped by March 2021. 2. Undertake cost analysis by April 2021. 3. Prepare capping scope by June 2021. 4. Clipping to proceed by October 2021.	Final cover and capping to be completed by Dec 2022.	Dec 2022	Yes Capital Works budget			✓	Waste Management Team	Risks: Suitability of capping material, inadequate site preparation, local climate, geological and hydrological changes, inadequate drainage requirements, budget overruns. Mitigation: Detailed scope and cost analysis, site monitoring, ongoing inspection and maintenance.	
	Investigate the potential of a sorting facility to decontaminate problematic waste streams.	New	1. Examine existing contracts and services provided to the City for bins, household hazardous Waste (H/W) and specific plastic (HDPE). 2. Complete feasibility study and prepare business case informed by feasibility results.	1. Review current contracts and services for each problematic stream by 2022. 2. Complete feasibility study and prepare business case informed by feasibility results by 2024.	Recover 15% of waste to landfill by 2025.	Jul-24	Jul-24	No - feasibility stage		✓		Waste Management Team	Risks: Legislative changes, high cost infrastructure required, unable to provide economic solutions, high contamination rates. Mitigation: Maximize industry/governing body associations to keep informed of legislative changes, research other local council and market initiatives, develop a comprehensive feasibility study and business case.
Policies and Procurement	Review of current contracts with external providers for separate waste streams.	Existing	1. Review of current waste management service contracts for each waste stream including kerbside recycling collection, public bins and green waste in line with market and regulatory changes, and City procurement policy, prior to renewal. 2. Respond to changes as appropriate in line with annual budget considerations. 3. Seek Council consideration and approval as required.	1. Review of current waste management service contracts prior to renewal. 2. Respond to changes as appropriate in line with annual budget considerations. 3. Seek Council consideration and approval as required.	Contract agreements with the City are transparent, cost effective, operate on best practice principles and are consistent with all regulatory requirements.	ongoing	Yes			✓	Waste & Fleet Manager Waste Management Team	Risks: Contracts renewals are not completed in a timely manner, Contracts do not meet regulatory or commercial requirements. Mitigation: Contract renewal periods are considered well in advance of renewal dates, Regulatory and commercial factors are well considered when renewing contracts.	
	Review of the City's internal government procurement practices to encourage greater use of recycled products.	New	1. Review current procurement policies, processes and suppliers in view of sourcing more sustainable paper products less reliant on virgin material. 2. Identify WALGA approved suppliers of more sustainable paper products. 3. Update/renew policies to reflect these changes. 4. Enact these policies across the City of Bussellton.	Operational Practices and Procedures are updated, enacted and abided by Jan 2023.	All paper (and related products) procurement to be of at least 80% recycled content by 2023.	Jan-23	No - does not require additional budget	✓	✓		Governance Team & Purchasing Officers	Risks: Lack of suitable WALGA suppliers, increased costs. Mitigation: Apply to add suitable suppliers to WALGA procurement list, adjust annual budget, encourage less use of paper products through corporate sustainability initiatives.	
Data	Investigate the installation of best practice telematics on all waste collection vehicles.	New	1. Identify the limits of current telematics in City waste collection vehicles. 2. Identify new telematics technologies to improve kerbside collection efficiency. 3. Research other LGA's telematics capacity/systems. 4. Review and make recommendations. Add to Budget for FY22. 5. Staff training with new GPS software. 6. Creation and training of staff in new SOP/PHS guidelines in relation to GPS use. 7. Trial installation of GPS system. 8. Review and evaluation.	1. Identify the limits of existing GPS in City waste collection vehicles by July 2021. 2. Identify new GPS technologies to improve kerbside collection efficiency by July 2021. 3. Research other LGA's GPS capacity/systems by July 2021. 4. Review and make recommendations by Dec 2021. Add to Budget for FY22. 5. Staff training with new GPS software. 6. Creation and training of staff in new SOP/PHS guidelines in relation to GPS use by 2022. 7. Trial installation of GPS system by Dec 2023. 8. Review and evaluation by 2024.	1. 100% of waste collection vehicles have updated GPS installed by Dec 2023. 2. Increased safety and efficiency of waste collection services.	2024	No - additional budget		✓		Waste & Fleet Manager Fleet Supervisor	Risks: Budget overruns, IT issues with new technologies, GPS supplier does not provide effective follow up service/training, Changes in technologies during the review/learn period. Mitigation: Budget contingency, RfQ inclusive of follow up service/training, RfQ includes IT software upgrades during installation period.	
	Review waste data collection, customer staff interactions and vehicular movement flows.	New	1. Review existing weighbridge data collection systems at both waste facilities. 2. Analyse the customer-staff interaction, data collection mechanisms for improvements into source separation and resource recovery. 3. Analyse and review the existing vehicular movement routes for efficiencies.	1. Review existing weighbridge software to determine if adequate for future waste management needs. 2. Look at existing interactions between facility users and staff to determine pinch points and where source separation, resource recovery messaging may be improved. 3. Based on point 2 above (and the reuse shop), model vehicular movements to ascertain most efficient methodology.	Review completed by 2023	Dec-23	No		✓		Waste Management Team	Risks: Budget overruns, failure of existing weighbridge software, community resistance towards behaviour change. Mitigation: Effective planning and execution, comprehensive product research, budget contingency, improved Education campaign, Fee for Service.	

Part 2:

Implementation Plan

Waste Management Tool	Action (OR link to existing local government plan/document that contains this activity)	Is the action new or existing?	Detailed actions/sub-actions (OR link to existing local government plan/document that details this activity)	Milestone (SMART - Specific, Measurable, Achievable, Relevant, Time)	Target (SMART)	Timeframe for delivery (completion date)	Cost of implementation incorporated into annual budget and Corporate Business Plan? Y/N - (if not, why?)	Aligns to Waste Strategy Objectives			Responsibility for implementation (branch, team or officer title, not the names of individual officers)	Identified risks (impact/consequences and mitigation strategies)
								Avoid	Recover	Protect		
	Determine effective ways to reduce incidents of problematic litter and illegal dumping	New	<ol style="list-style-type: none"> 1. Work with internal City teams and external organisations to determine appropriate capture points for collecting data on problematic illegal dumping. 2. Review current or new operating systems to support the collection of data. 3. Test data collection. 4. Review collection methods and make recommendations. 5. Implement data collection. 6. Review data and make recommendations. 7. Introduce actions to reduce problematic littering/illegal dumping. 	<ol style="list-style-type: none"> 1. Determine points for collecting data in 2022. 2. Review current operating systems that support the collection of data in 2022. 3. Test collecting of data in 2022. 4. Review collection methods in 2022. 5. Make recommendations for data collection by Dec 2022. 6. Implement data collection by July 2023. 7. Review data and make recommendations to reduce problematic littering and illegal dumping by Dec 2023. 8. Introduce actions to reduce problematic littering and illegal dumping by July 2024. 	Collect data on incidents of problematic litter and illegal dumping by July 2023. Reduce incidents of problematic littering and illegal dumping by July 2024.	Jul 24	Yes		✓	Waste Management Team	Risks: Data capture is not reliable; lack of commitment to data collection from internal/external data collectors; costs, actions do not reduce littering/illegal dumping. Mitigation: Robust data collection, engagement/communications with data collectors, education programs part of action plan.	
	Implement community waste education initiatives	Existing	<ol style="list-style-type: none"> 1. Review, edit and update education text/resources on the new City of Bussellton website. 2. Review and update A-Z recycling guide, posters, stickers, labels and other education related materials as required. 3. Continue to regularly promote waste education initiatives, events, special container days via website, social media, print media, brochures. 4. Incorporate Waste Sorted Kit where appropriate in the event of 3rd OGO bin implementation. 	<ol style="list-style-type: none"> 1. Review and update A-Z recycling guide in August each year. 2. On-going updates to social media education campaigns/website/information available with considered messaging as appropriate. 3. Incorporate Waste Sorted Kit in line with 3rd OGO bin system (if implemented) timeline as appropriate. 	Increase MSW material recovery to 55% by 2025.	on going	Yes	✓	✓	Waste & Recycling Education Officer	Risks: Failure to engage with community. Mitigation: Comprehensive ongoing education and behaviour change programs with clear, consistent messaging.	
	Collect data on resident kerbside practices and contamination levels via a bin tagging program	New	<ol style="list-style-type: none"> 1. Plan bin tagging program as per WALGA bin tagging guidelines (EOI submitted to WALGA in Mar 2020). 2. Engage with residents in bin tagging areas. 3. Implement bin tagging 12 week cycle - 1000 households. 3 visits across 4 resident areas in Feb-May 2022. 3. Implement bin tagging 12 week cycle - 1000 households. 3 visits across 4 resident areas in Feb-May 2023. 4. Collate and review data collected via new WALGA app. 5. Utilise data to inform future education programs and actions. 	<ol style="list-style-type: none"> 1. WALGA EOI submitted in Nov 2020. 2. Seek information to residents in bin tagging areas by 1st week of Jan 2022 (round 1) and Jan 23 (round 2). 3. Collate and review data collected by July 2022. 4. Evaluate data and utilise for future education kerbside collection planning by Jan 2023/24. 	<ol style="list-style-type: none"> 1. Reduction in baseline contamination bins by participating households. 2. Collect and collate data to inform future education/behaviour change programs. 	Bin tagging program completed by July 2023.	No Annual 21/222 and 2/23 will need to incorporate bin tagging funding, in part or in full, if WALGA funding is not granted.		✓	Waste Management Team	Risks: Budget constraints, inclement weather conditions, participating households are not supportive of bin tagging program. Mitigation: Incorporate budget contingency, flexibility in schedule for variable weather conditions, early engagement, communication with participating households.	
	Implement school and community education programs	Existing	<ol style="list-style-type: none"> 1. Continue to provide support to schools and community groups/organisations in reducing/diverting waste from landfill. 2. Support schools with the Waste Wise School program and KABC school initiatives. 3. Support school local initiatives/ special days through attendance, resources. 	<ol style="list-style-type: none"> 1. Deliver presentations and programs to community, schools and staff. 2. Attend special school events, special days. 3. Support the implement the Waste Wise School program KABC school and other waste related programs with school staff and students. 	Support visit 4 schools/community groups per term.	on-going	Yes	✓	✓	Waste Education Officer	Risks: Time and timetable constraints with community groups/schools/staff, limited City resources, community members not receptive to behaviour change, critical of State role. Mitigation: Flexible time arrangements where possible, work with 2 classes together, promote City's positive role in education/behaviour change, provide resource support.	
	Coordinate an annual community reuse market event	Existing	<ol style="list-style-type: none"> 1. Plan event scope in conjunction with City events team. 2. Coordinate event promotion. 3. Coordinate participant/ trader registry. 4. Conduct event. 5. Review and evaluate event outcomes. 	<ol style="list-style-type: none"> 1. Plan event scope in conjunction with City events team by Dec each year. 2. Conduct event in March each year. 3. Review and evaluate event outcomes by May each year. 	80-100 registered sellers at the event. Positive feedback via seller survey. Reversion of goods from landfill.	By May each year	Yes		✓	Waste Education Officer City Events Team City Comms-PR team	Risks: Lack of uptake of sellers, lack of buyers, inclement weather, poor organisation, accidents, traffic issues, public disturbances, injuries. Mitigation: Effective promotion of event, comprehensive risk assessment, planning, organisation and communication amongst teams/staff.	
	Commence a beach litter program with schools	New	<ol style="list-style-type: none"> 1. Engage with local schools in relation to litter and impacts on wildlife. 2. Support school staff and students to conduct litter surveys/ audits at local beach sites upon request. 3. Support teachers with links to existing programs on marine waste such as: Tangaroa Blue, Clean Marine and other KABC Council programs. 3. Develop a loan kit of resources for teachers when conducting their own beach clean-ups by Dec 2021. 	<ol style="list-style-type: none"> 1. Support school staff and students to conduct litter survey/ audits at local beach sites upon request. 2. Support teachers with links to existing programs on marine waste such as: Tangaroa Blue, Clean Marine and other KABC Council programs. 3. Develop a loan kit of resources for teachers when conducting their own beach clean-ups by Dec 2021. 	<ol style="list-style-type: none"> 1. Support local schools to conduct beach litter survey and/or participate in the 1st Tangaroa Blue and KABC Council education programs. 2. Develop a loan kit of resources for teachers when conducting their own beach clean-ups by Dec 2021. 	On-going Loan kit by Dec 2021	Yes Loan Kit - FY 21/22 budget.	✓	✓	Waste Education Officer	Risks: Failure to engage schools, limited school resources to transport students to beach sites. Mitigation: Engage with schools early, ensure resources are curriculum linked and tie in the KABC resources, Waste Wise school initiatives.	
	Commence a reusable nappy workshop series	New	<ol style="list-style-type: none"> 1. Secure workshop series budget via a Council proposal for a 2 yr period (completed Aug 2020). 2. Plan and coordinate workshops bi-monthly. 3. Purchase reusable nappies to be part of a free kit to workshop attendees. 4. Commence workshops. 5. Review and evaluate workshop outcomes. 	<ol style="list-style-type: none"> 1. Contract an appropriate workshop facilitator. 2. Scope workshop requirements. 3. Develop promotional material. 4. Deliver community workshops. 6. Gain feedback from participants 2 months after attendance to gauge longer term behaviour change. 7. Use feedback to determine future planning for this waste stream. 	<ol style="list-style-type: none"> 1. Run 12 workshops over 2 years. 2. 200 participants to attend workshops during this period. 3. Collected data on behaviour change with nappy use. 	Feb 2021 Dec 2022	Yes	✓	✓	Waste Education Officer	Risks: Workshops not well attended, participants do not utilise re-usable nappies. Mitigation: Comprehensive promotion of workshops and free nappy kits, target specific audiences via existing community networks, provide information on environmental and economic benefits of reusable nappies, make workshops fun and engaging, facilitator is experienced.	
	Determine the extent of single use plastics within the City organisation	New	<ol style="list-style-type: none"> 1. Engage with City of Bussellton staff/teams via the Green Initiative to determine the type and extent of single use plastics utilised within the City. 2. Identify opportunities for avoidance and alternatives to specific single use plastics in response to the Plan for Plastics WA (Nov 2020). 3. Support behaviour change within the organisation by providing and sharing information, list of alternatives and products via the internet. 	<ol style="list-style-type: none"> 1. Green Initiative to determine the type and extent of single use plastics utilised within the City by Dec 2021. 2. Identify opportunities for avoidance and alternatives to specific single use plastics in response to the Plan for Plastics WA (Nov 2020) by March 2022. 3. Support behaviour change within the organisation by providing and sharing information, list of alternatives and products via the internet by July 2022. 	Reduction of single use plastics at Council activities/events	Jul 22	Yes	✓		City Green Taskforce Waste Education Officer	Risks: Data is not readily available, needs to be sourced across several City buildings/buildings/teams. Staff not always available to provide data, definition of single use plastics can create confusion, different types of plastic. Mitigation: Define single use plastic, research how other organisations have collected data, develop a behaviour change plan, provide support and resources for change.	

Part 2:

Implementation Plan

Waste Management Tool	Action (OR link to existing local government plan/document that details this activity)	Is the action new or existing?	Detailed actions/sub-actions (OR link to existing local government plan/document that details this activity)	Milestone (SMART - Specific, Measurable, Achievable, Relevant, Timeit)	Target (SMART)	Timeframe for delivery (completion date)	Cost of implementation incorporated into annual budget and Corporate Business Plan? Y/N - (if not, why?)	Aligns to Waste Strategy Objectives			Responsibility for implementation (branch, team or officer title, not the names of individual officers)	Identified risks (impacts/consequences and mitigation strategies)
								Avoid	Recover	Protect		
	Develop a scope for a City sustainability grant to support community groups (including schools) to minimise waste and/or increase recycling	New	<ol style="list-style-type: none"> Determine the extent of the current City grants program Work with relevant internal staff to determine if a waste/sustainability grant could be accommodated within existing structures/policies Scope grant requirements Implement grants program Promote grants to schools/community 	<ol style="list-style-type: none"> Review the current City grants program by Dec 2021 Scope grant requirements by July 2022 Implement grant by Dec 2022 Promote to schools/community by Jan 2023 	25% of all grants issued to address waste-related issues	Jan 23	No - incorporate in 21/22 budget	✓	✓		Waste Education Officer	Risks: Budget constraints, grant scope is limited. Mitigation: incorporate as part of a broader Sustainability budget, ensure grant scope is inclusive and flexible to accommodate a range of groups/organisations/schools
Other	Commence community consultation to inform strategic waste direction/planning	New	<ol style="list-style-type: none"> Review previous data obtained from community/wastewater partners on waste management (e.g. BlackTf feedback, FOOD trial, Cleanaway, organic composting facility research report (date)) Consult and collect relevant information from other LGAs on strategic waste management and community consultation Develop a communication consultation plan in conjunction with relevant internal City Teams Engage an external consultant to support consultation process Commence community consultation Collate and review community feedback Report finding to Council to inform an integrated waste management plan 	<ol style="list-style-type: none"> Review data by Apr 2021 Consult with other LGAs by May 2021 Develop a consultation plan by end of June 2021 Send RFO's to identified external consultants by June 2021 Engage consultant to support consultation in July 2021 Commence community consultation by August 2021 Monitor consultation process with consultant (three weekly to be determined) Review results. Present to Council for review by Dec 2021 	Report community consultation results to Council by Dec 2021. Results to inform decision making on strategic waste direction.	Dec 21	Yes	✓	✓	✓	Waste Management Team Public Relations Team External Consultant	Risks: Community consultation does not capture full cross section of community, IT malfunctions, limited IT platforms, inadequate resource allocation, consultants do not deliver on objectives, Council reputation risk if consultation is not well received/expected. Mitigation: Preparing a comprehensive consultation plan in conjunction with PR City and IT staff that is adequately resourced, range of communication modes across broad cross section of community, captures a diverse range of views. Effective communication with consultants.
	Continue representation at relevant waste related committees and conferences	Existing	<ol style="list-style-type: none"> Maintain membership of Waste Management and Resource Recovery Association of Australia (WMAARA) Attend Waste conferences and/or other applicable waste-related training opportunities whenever possible 	<ol style="list-style-type: none"> Apply for membership into WMAARA Municipal Waste Advisory Committee (MWAC)/Officers Advisory Group Maintain membership and representation on relevant waste related groups Attend Waste conferences and/or other applicable waste-related training opportunities whenever possible 	<ol style="list-style-type: none"> Maintain memberships Represent City of Bushland in committees and at conferences 	Ongoing	Yes	✓	✓	✓	Waste Management Team	Risks: time constraints, travel expenses, staff resources. Mitigation: Annual budget considerations



Government of **Western Australia**
Department of **Water and Environmental Regulation**

Our ref: DWERDG725/19
Enquiries: (08) 6364 7000

Mr Mike Archer
Chief Executive Officer
City of Busselton

Via email: city@busselton.wa.gov.au

Dear Mr Archer

***NOTICE TO PREPARE A WASTE PLAN UNDER SECTION 40(4) OF THE
WASTE AVOIDANCE AND RESOURCE RECOVERY ACT 2007***

Under section 40(4) of the *Waste Avoidance and Resource Recovery Act 2007* (WARR Act), the Chief Executive Officer (CEO) of the department principally assisting the Minister for Environment in the administration of the WARR Act may by written notice require a local government to include within its plan for the future a waste plan outlining how, in order to protect human health and the environment, waste services provided by the local government will be managed to achieve consistency with the Western Australian *Waste Avoidance and Resource Recovery Strategy 2030* (Waste Strategy).

Waste Strategy and waste plans

In line with this, the Waste Strategy includes a headline strategy to “*Implement local government waste plans, which align local government waste planning processes with the Waste Strategy.*”

Waste plans will provide a link between the targets and objectives of the Waste Strategy and local government waste management activities.

The purpose of waste plans is to:

- align local government waste management activities with the Waste Strategy;
- map current performance and establish a benchmark to achieve Waste Strategy targets;
- monitor progress on local government achievement of Waste Strategy targets; and
- design programs and activities which will support the implementation of waste plans.

Who prepares a waste plan?

All local governments and regional local governments (commonly referred to as regional councils) located in the Perth metropolitan region and Peel region (Perth and Peel regions), and major regional centres that provide waste services, are required to develop waste plans for the 2020-21 financial year, and perform their functions in respect of waste management in accordance with their waste plans.

CEO gives notice requiring a waste plan

Consistent with the above, I, Mike Rowe, in my capacity as CEO of the Department of Water and Environmental Regulation (DWER), hereby give notice that the City of Busselton is required to prepare a waste plan under section 40(4) of the WARR Act. The City of Busselton's final waste plan, as adopted and endorsed by the City of Busselton's Council for inclusion in the plan for the future (Final Waste Plan), must be submitted to me by 30 September 2020.

Section 6.2(2) of the *Local Government Act 1995* requires local governments to have regard to their plans for the future (which include waste plans made under section 40 of the WARR Act) in the preparation of their annual budgets.

Content of a waste plan

The City of Busselton's waste plan must outline how, in order to protect human health and the environment, waste services provided by the local government will be managed to achieve consistency with the Waste Strategy.

Under section 40(3) of the WARR Act the waste plan may include:

- (a) population and development profiles for the local government district;
- (b) an assessment of significant sources and generators of waste received by the local government;
- (c) an assessment of the quantities and classes of waste received by the local government;
- (d) an assessment of the services, markets and facilities for waste received by the local government;
- (e) an assessment of the options for reduction, management and disposal of waste received by the local government;
- (f) proposed strategies and targets for managing and reducing waste received by the local government;
- (g) proposed strategies and targets for the efficient disposal of waste received by the local government that cannot be recovered, reused or recycled;
- (h) an implementation programme that identifies the required action, timeframes, resources and responsibilities for achieving these strategies and targets; and
- (i) such other matters as may be prescribed by the regulations.

The above listed information is included in the waste plan templates to be completed by the City of Busselton, which consists of two documents:

1. Templates: *Part 1 – Services and performance* and *Part 2 – Implementation plan* (one Excel document).
2. Self-assessment checklists for Part 1 and Part 2 (one editable PDF).

The email this notice is attached to also includes your waste plans resource kit. This consists of a Guidance Document and the City of Busselton's personalised template.

You have the option to submit the City of Busselton's draft waste plan to DWER for feedback prior to final submission for adoption and endorsement by the City of Busselton's Council for inclusion in the plan for the future. The draft waste plan must be submitted by 1 April 2020. Feedback from DWER on the draft waste plan will be provided within 30 days of its receipt.

CEO power to modify or prepare a waste plan

The City of Busselton's Final Waste Plan will be assessed by DWER. Under section 41(1) of the WARR Act, if, following this assessment, I am of the opinion that your local government's waste plan should, but does not, include a matter referred to in section 40(3), I may by written notice require the City of Busselton to modify the waste plan to include that matter. Prior to giving this notice, I must consult with the City of Busselton and have regard to its views, and if asked by the City of Busselton, consult with the Waste Authority and have regard to its views.

Under section 41(3) of the WARR Act, the City of Busselton must comply with the section 41(1) notice as soon as is practicable.

Note that under section 41(4) of the WARR Act, a contravention of this notice given under section 40(4) of the WARR Act, or a notice given under section 41(1), may result in me serving a notice in writing on the City of Busselton –

- (a) specifying the relevant notice and the manner in which your local government has failed to comply with it; and
- (b) advising your local government that I intend to deal with the matter under section 42.

Under section 42 of the WARR Act, if the local government does not comply with the CEO of DWER's notices under sections 40(4) and 41(1) of the WARR Act, the CEO may serve notice in writing on the City of Busselton advising it that the CEO intends to prepare or modify a waste plan for a local government according to the notices, as if the CEO were the local government. This may occur after the CEO consults and has regard to the views of the Waste Authority and your local government.

This waste plan or its modification prepared by the CEO of DWER has effect as if it were part of a plan for the future made by the local government. All costs, charges and expenses incurred by the CEO in this process may be recovered from the local government as a debt due to the Crown or may be deducted from any moneys payable by the Crown to the local government.

Requirement to report

Pursuant to section 44 of the WARR Act, I require reporting on the City of Busselton's implementation of the waste plan on an annual basis. The first report is due on 1 October 2021, for the 2020-21 financial year. Further information on reporting can be found in Appendix C of the Guidance Document contained within the resource kit.

Right of review

Under sections 41(5), 42(4) and 44(3) of the WARR Act respectively, the City of Busselton has the power to apply to the State Administrative Tribunal for a review of:

- a notice given under sections 41(4) of the WARR Act;
- a waste plan prepared or modified by the CEO under section 42; or
- a requirement given by the CEO for the local government to report on its implementation of the waste plan under section 44(1).

More information on the process is provided in the attached frequently asked questions. Should you require further information, please enquire at wasteplans@dwer.wa.gov.au.

I very much value our relationship with local government and I look forward to working with the City of Busselton to collaborate on improving waste management across the State.

Yours sincerely



Mike Rowe
DIRECTOR GENERAL

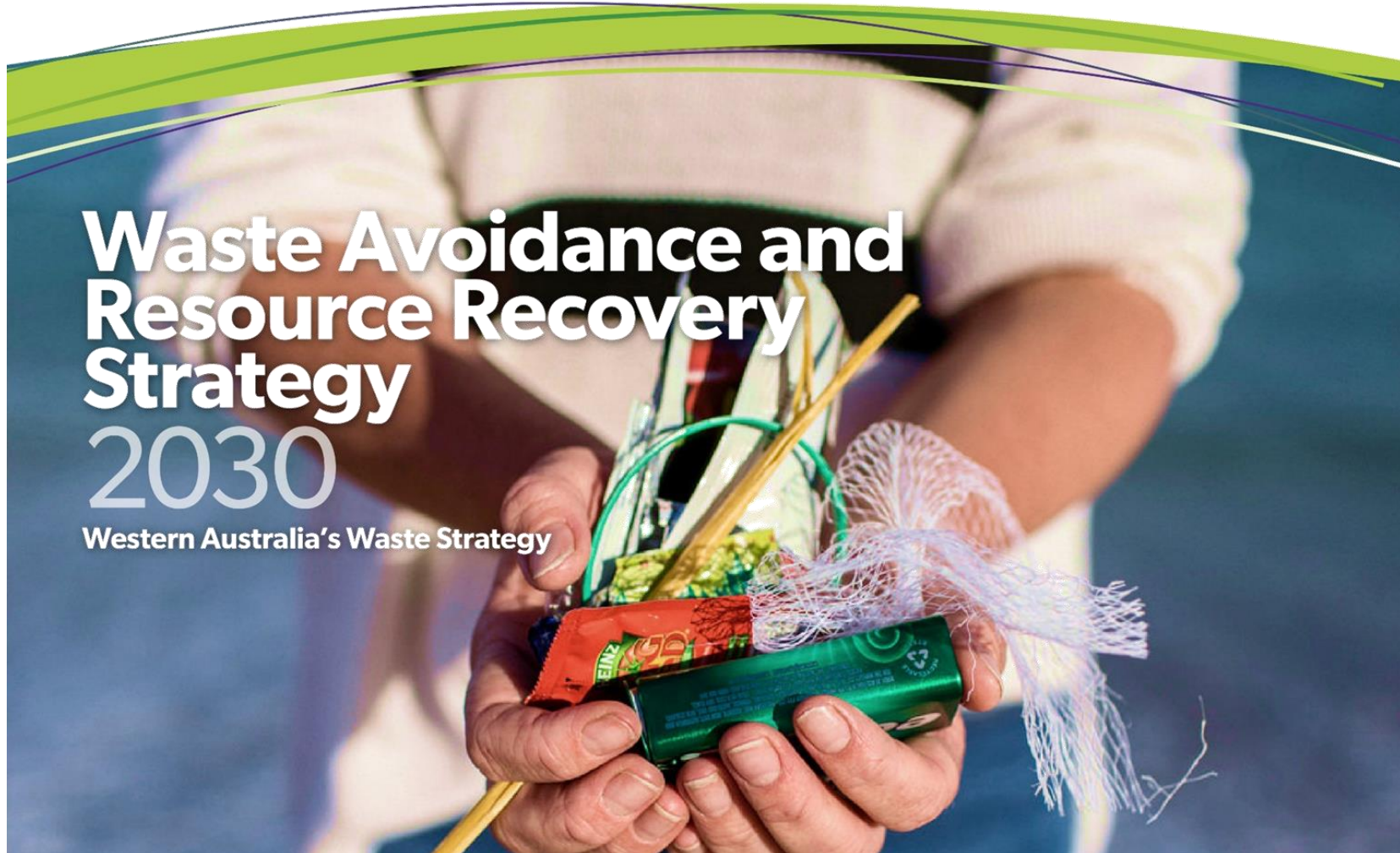
7 November 2019



Waste Authority

Waste Avoidance and Resource Recovery Strategy 2030

Western Australia's Waste Strategy



Waste Authority
C/O Department of Water and Environmental Regulation
Department of Water and Environmental Regulation
Prime House, 8 Davidson Terrace
Joondalup Western Australia 6027
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Acknowledgements

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Statutory context

The Waste Authority is charged with promoting better waste management practices in Western Australia under the *Waste Avoidance and Resources Recovery Act 2007*. One of the Authority's functions under the Act is to draft, for the Minister for Environment's approval, a long term waste strategy for the whole of the State for continuous improvement of waste services, waste avoidance and resource recovery, benchmarked against best practice and targets for waste reduction, resource recovery and the diversion of waste from landfill disposal. This strategy takes a ten year and beyond view and must be reviewed at least every five years. This Strategy was approved by the Minister for Environment and replaces Western Australia's inaugural waste strategy, *Creating the Right Environment*, approved and published in 2012.

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Invitation from the Minister



Western Australia is a spectacularly beautiful place with a vibrant and growing population.

It's because of this that we all have a significant opportunity in terms of how we live our lives and the impact we have on our environment.

We can make a significant impact by acting on the waste we generate and how we manage resources from extraction through to manufacturing, use and disposal.

Right now, Western Australia is close to leading the "wrong lists". National figures from 2014–15 (the latest available as at September 2018) show Western Australia had the highest rate of waste generation *per capita*¹ in the nation, and the equal second lowest rate of resource recovery – 13 percentage points below the national rate.

We have an obligation to our current community and generations to come to generate less waste, extract more from our valuable resources and to better manage the disposal of our waste.

Waste Avoidance and Resource Recovery Strategy 2030 rises to address that challenge and the opportunities that better choices and better waste management present.

We will have to work hard to meet the ambitious targets set out in this Strategy and deliver against long-standing issues in the waste community. We won't, for example, be able to meet our 2025 recovery targets without all metropolitan local governments adopting a three-bin FOGO system, and I will work with those local governments to achieve this.

I acknowledge that with this comes significant environmental, social, cultural and economic impacts and opportunities associated with improved waste management.

Across Australia, the waste sector contributes more than \$10 billion a year to the economy. At the same time, materials worth hundreds of millions of dollars are lost to landfill each year (ABS, 2014).

High-performing waste and recycling systems which see materials recovered, reused and recycled can and do reduce this impact. The creation of a circular economy has the potential to harness the economic value of these materials that would otherwise be lost, and drive investment in infrastructure and jobs.

Reducing the amount of waste disposed of to landfill can also generate significant economic opportunities for the Western Australian community. It is estimated that for each 10,000 tonnes of waste recycled, 9.2 full-time equivalent jobs are created compared to only 2.8 jobs for landfill (Access Economics, 2009).

With an increasing population and our current waste management performance, maintaining the status quo is not an option.

But there is an upside; we can make waste work for us – and enjoy the environmental, social, cultural and economic benefits improved waste management can deliver.

Waste is everyone's business – individuals, households, neighbourhoods, community groups, schools, small and big businesses, local governments, waste managers, the State Government and the media.

There's a big challenge ahead of us all and this strategy is about finding a united way forward.

The McGowan Government will continue to show leadership in the waste arena for the benefit of all Western Australians now and into the future.

As WA's Environment Minister, I encourage everyone to act on waste and own your impact – whether it's in your role as a consumer, producer, waste manager or regulator.

We've made good progress in recent years and there's great momentum building.

Let's harness that commitment and energy in the years ahead and work towards a cleaner future for all Western Australians.

Hon Stephen Dawson MLC
Minister for Environment

¹ Dr Joe Pickin and Paul Randell, *Australian National Waste Report 2016*, Department of the Environment and Energy, Energy and Blue Environment Pty Ltd. Figures exclude fly-ash (a by-product of coal-fired power stations)

Introduction by the Chair



Western Australians are consciously reusing, reprocessing, recycling and avoiding waste at an increasing rate. We are generating less waste and recycling more. However, to protect our unique environment from the impacts of waste and litter, and to maximise the benefits of good waste management, more work needs to be done.

Building on and updating the first *Western Australian Waste Strategy: Creating the Right Environment* published in 2012, this strategy introduces significant transformations aimed at Western Australia (WA) becoming a circular economy, with a greater focus on avoidance as well as moving to targets for material recovery and environmental protection in addition to landfill diversion.

A circular economy means transitioning from the current take-make-use and dispose system to a material efficiency approach which aims to keep products, components and materials at their highest utility and value for as long as possible.

In 2014-15, WA's recycling rate was 48 per cent, which is lower than other mainland states.

Waste collection and processing arrangements vary considerably across WA. Long-term planning for waste processing and recycling facilities and local recovery options would benefit resource recovery and promote the most efficient use of resources assisted by economic incentives, modern regulations, compliance and enforcement.

Community engagement, acceptance and awareness is as important as the provision of physical infrastructure and collection systems. Consistency of messaging across homes, workplaces and public areas is a key *fundamental* that needs to be tailored to local recovery infrastructure and systems.

The waste management sector is in a transitional phase and will require clear direction and guidance going forward that may include more directive approaches over voluntary ones. This could be aligned with careful reinvestment of waste levy funds into programs and alternative delivery methods to support implementation of our waste strategy.

There needs to be commitment by all stakeholders of adopting best practice management and engagement and ensuring transition and waste plans are implemented in a timely manner.

The approach taken in this strategy is founded on working collaboratively across all levels of government, industry, the social enterprise sector and the community, supported by government leading by example in areas such as sustainable procurement, minimum levels of recycled content and underpinned by targets and action plans.

The focus of this strategy, including priorities and targets, is on solid waste. However, the principles and approaches in this strategy apply to waste management across WA, regardless of the type, form or source of waste.

Minimising waste and protecting our environment is important to all West Australians and with this renewed focus I am confident we will move towards a more sustainable, low-waste, circular economy.

I look forward to sharing this journey with you.

Marcus Geisler
Waste Authority Chairman

Key strategy elements

VISION	<i>Western Australia will become a sustainable, low-waste, circular economy in which human health and the environment are protected from the impacts of waste.</i>			Supporting documents Other documents which align with or support this strategy <i>Waste Avoidance and Resource Recovery Strategy 2030</i> include the: <ol style="list-style-type: none"> 1. <i>Waste Avoidance and Resource Recovery Strategy 2030 Action Plan</i> 2. Waste Authority position and guidance statements 3. State Waste Infrastructure Plan 4. Annual Business Plan 5. Waste Data Strategy
OBJECTIVES	Avoid <i>Western Australians generate less waste.</i>	Recover <i>Western Australians recover more value and resources from waste.</i>	Protect <i>Western Australians protect the environment by managing waste responsibly.</i>	
TARGETS	<ul style="list-style-type: none"> 2025 – 10% reduction in waste generation per capita 2030 – 20% reduction in waste generation per capita 	<ul style="list-style-type: none"> 2025 – Increase material recovery to 70% 2030 – Increase material recovery to 75% From 2020 – Recover energy only from residual waste 	<ul style="list-style-type: none"> 2030 – No more than 15% of waste generated in Perth and Peel regions is landfilled. 2030 – All waste is managed and/or disposed to better practice facilities 	
HEADLINE STRATEGIES	<ol style="list-style-type: none"> 1. Develop state-wide communications to support consistent messaging on waste avoidance, resource recovery and appropriate waste disposal behaviours. 2. A consistent three bin kerbside collection system, which includes separation of food organics and garden organics from other waste categories, to be provided by all local governments in the Perth and Peel region by 2025 and supported by State Government through the application of financial mechanisms. 3. Implement sustainable government procurement practices that encourage greater use of recycled products and support local market development. 4. Implement local government waste plans, which align local government waste planning processes with the <i>Waste Avoidance and Resource Recovery Strategy 2030</i>. 5. Review and update data collection and reporting systems to allow waste generation, recovery and disposal performance to be assessed in a timely manner. 6. Undertake a strategic review of Western Australia’s waste infrastructure (including landfills) by 2020 to guide future infrastructure development. 7. Review the scope and application of the waste levy to ensure it meets the objectives of Waste Avoidance and Resource Recovery Strategy 2030 and establish a schedule of future waste levy rates with the initial schedule providing a minimum five year horizon. 8. Provide funding to promote the recovery of more value and resources from waste with an emphasis on focus materials. 			

Setting the direction

Waste is Australia's most rapidly increasing environmental and economic metric, according to the Australian Bureau of Statistics².

Western Australian's per capita waste generation rates are higher compared to other jurisdictions, while our recovery rates are lower. This poor performance partly reflects some of the unique characteristics of WA such as our geographical size, isolation from markets, vast regional and remote areas, and a heavy reliance on mineral and resource industries. Despite this, there are significant opportunities to improve our waste and recycling practices and performance.

The Australian waste sector contributes over \$10 billion a year to the economy. Materials worth hundreds of millions of dollars are lost to landfill each year (ABS, 2014). High performing waste and recycling systems in which materials are recovered, reused and recycled can reduce this impact. The creation of a circular economy has the potential to harness the economic value of materials and drive investment in infrastructure and jobs.

² Pickin and Randell, 2017.

Reducing the amount of waste disposed of to landfill can generate significant economic opportunities for the WA community. It is estimated that for each 10,000 tonnes of waste recycled, 9.2 full time equivalent jobs are created compared to only 2.8 jobs for landfill (Access Economics, 2009).

Most importantly, waste can have a significant impact on the environment and public health through greenhouse gas emissions, pollution, biodiversity loss and resource depletion (Environmental Protection Authority, 2015). Reducing the volume of waste generated is the best way to manage those risks. It is also critical that where waste cannot be recovered it is safely disposed.

The *Waste Avoidance and Resource Recovery Act 2007* requires the development of a long-term waste strategy for the state to drive continuous improvement in waste services, waste avoidance and resource recovery; and set targets for waste reduction, resource recovery and the diversion of waste from landfill.

This new waste strategy sets a direction to guide such decisions and builds on the state's previous *Western Australian Waste Strategy: Creating the Right Environment*. It has been developed in



consultation with the WA community, industry and government and builds on the *Western Australian Waste Avoidance and Resource Recovery Strategy consultation paper*. Stakeholder feedback confirmed an overall desire for WA to do more and improve its waste management performance relative to other Australian jurisdictions.

Given this need, this waste strategy has been developed to set the direction for all Western Australians and guide their decisions with regards to waste. To do this, the waste strategy includes a vision for Western Australians to strive for, which is supported by principles, objectives,

targets, priorities and strategies to provide stakeholders with clear guidance on how to align their decision making with the intent of the waste strategy's vision.

The waste strategy will also be supported by an action plan that will outline specific actions to be implemented to achieve the objectives of the strategy. The action plan will be prepared by the Waste Authority in consultation with relevant State Government agencies, for consideration by the Minister for Environment. The waste strategy will be reviewed in five years, while the action plan will be reviewed on a more regular basis.

Our starting point

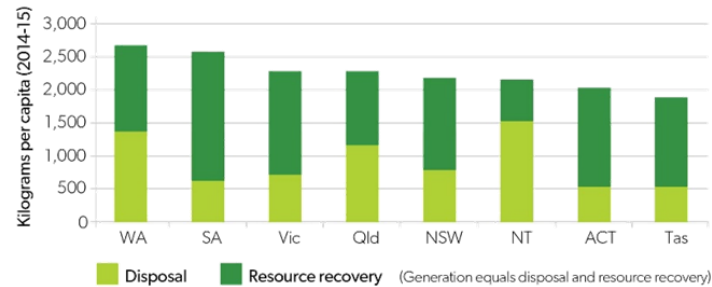
This strategy builds on Western Australia’s previous waste strategy *Creating the Right Environment*, which was introduced in 2012 and achieved significant improvements in recycling, reducing waste generation, diverting construction and demolition waste, and better managing commercial and industrial waste.

The achievements were encouraging, but not enough.

In 2014-15 Western Australians:

- generated more waste than people in other Australian states and territories (2,623 kilograms per capita per annum, all waste excluding fly ash);
- disposed of the second highest amount of waste to landfill (1,358 kilograms per capita per annum, all waste excluding fly ash); and
- had the equal second lowest rate of resource recovery (48 per cent)³.

Figure 1: Waste disposal and resource recovery by state (Pickin and Randell, 2017)



³ Pickin and Randell, 2017

Western Australia has some challenging features when it comes to waste management but these cannot be an excuse. Our state is vast and located a considerable distance from waste end-markets, which can impact investment in waste and recycling infrastructure and overall recycling rates. This vastness also means it can be difficult to prevent environmental impacts from waste, through activities such as illegal dumping.

However, we have encouraging waste management results and momentum on which to build. In the nine years to 2014–15, total waste generation in Western Australia increased by about 20 per cent – or an average of 2.1 per cent per year³. However, our population also increased over that time and, on a per capita basis, waste generation actually decreased marginally by 0.3 per cent per year.

In terms of waste recovery over the same period, the state’s overall picture also improved – waste to landfill declined and resource recovery rose. In particular:

- resource recovery rate increased from 34 per cent to 48 per cent;
- recycling tonnages rose an average of 6.8 per cent;
- the amount of waste disposed of declined by 6 per cent, by tonnage, or an average fall of 0.7 per cent per year; and
- waste disposal in WA dropped by 24 per cent on a per capita basis, or 3 per cent per year on average, which was the nation’s largest fall in waste disposal per capita over the period⁴.

⁴ ASK Waste Management, 2017

OUR STARTING POINT

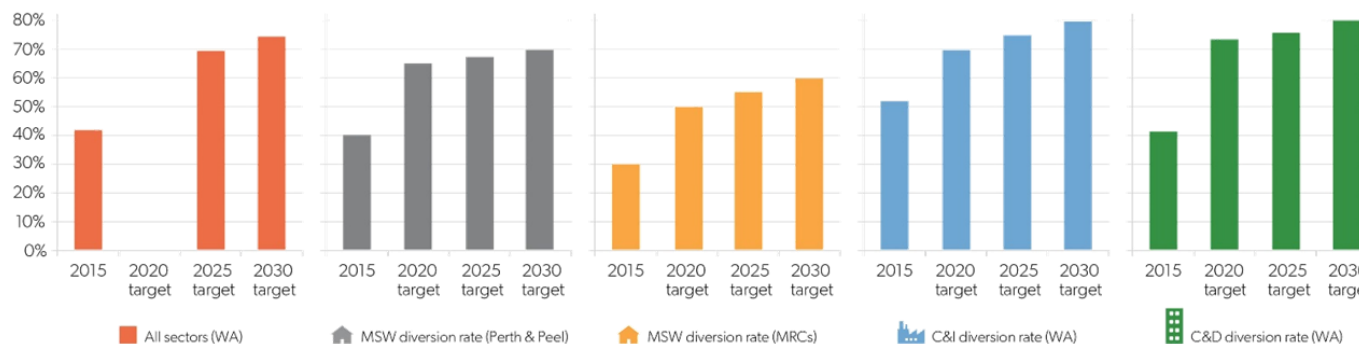
Table 1: Changes in waste generation and landfill in Western Australia, 2010–11 and 2014–15 (Hyder, 2013 & ASK Waste Management, 2017)

	2010–11	2014–15	Percentage change
Generation – total	6.53 million tonnes	6.23 million tonnes	↓5%
Generation – per capita	2,764 kilograms	2,437 kilograms	↓12%
Waste to landfill	4.49 million tonnes	3.61 million tonnes	↓20%
Resource recovery	2.04 million tonnes	2.62 million tonnes	↑28%

The 2017 *Recycling Activity Review* commissioned by the Waste Authority reported generally encouraging trends in waste management in Western Australia between 2010–11 and 2014–15. Note: National and State data differ due to hazardous waste being included in national data sets and some overlap in data collection and attribution.

The journey to becoming a circular economy will not be easy and, as shown in Figure 2, there is a substantial gap between our current performance and the performance required to achieve our waste generation and material recovery targets.

Figure 2: Material recovery performance in 2015–16 and waste strategy targets for 2020, 2025 and 2030 (ASK Waste Management 2017)





Vision

Western Australia will become a sustainable, low-waste, circular economy in which human health and the environment are protected from the impacts of waste.

As Western Australians, we live in a unique environment and we recognise its value and importance. We share a desire to be environmentally sustainable.

To be sustainable means to be a low-waste society. Waste avoidance is a priority, which means we strive to avoid the unnecessary generation of waste.

This waste strategy recognises that some level of waste generation is unavoidable and so encourages a circular economy approach, where any waste that is generated is valued as a resource that can be reused or recycled for the benefit of the Western Australian economy.

A sustainable, circular economy also means we manage waste to protect the environment. Such management needs to occur through the entire life cycle – from design and manufacture, through to use and then disposal options consistent with the waste hierarchy.

Waste Avoidance and Resource Recovery Strategy 2030 recognises that individuals, governments and industry all generate waste and can play an important role in avoiding waste, recycling and disposing of waste correctly to protect the environment. The waste industry has an important role to play in terms of maximising the recovery of resources and then managing the disposal of residual waste, or waste that cannot be practically recovered.

Objectives

This strategy includes three objectives to guide the Western Australian community and enable the development of a sustainable, low-waste and circular economy.

These objectives frame the priorities and strategies that will contribute to delivering on the vision:



Targets

Waste Avoidance and Resource Recovery Strategy 2030 provides a long-term strategy for the State for continuous improvement of waste management benchmarked against best practice.

It includes targets for waste avoidance, resource recovery and environmental protection, including the diversion of waste disposed to landfill.

Under each objective, high-level targets have been set for the state that are Specific, Measurable, Achievable, Relevant and Time-bound (SMART).

Targets have been set with reference to performance in other jurisdictions and knowledge about local performance and barriers.

These targets will support our move towards becoming a sustainable, low-waste and circular economy and allow progress to be monitored.

Establishing baseline data is an ongoing challenge in waste management and ensuring data is provided by key sources is an important focus of this strategy.

Improved data collection and analysis will better enable the measurement and evaluation of waste management programs and initiatives. In turn, we will

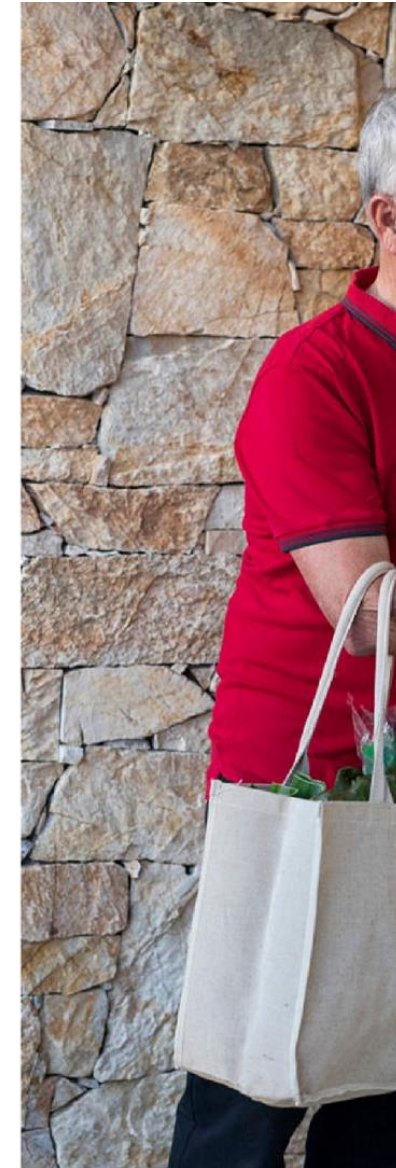
be able to ensure funding and other resources are directed where they are most needed and can be most effective.

For the purpose of this strategy, targets have been set using 2014–15 national data. This data was the latest available during the consultation and development of the strategy. More recent waste data, which became available in the *National Waste Report* in November 2018, is less accurate than the 2014–15 data, due most significantly to waste stockpiling.

Data improvement to address accuracy issues is a headline strategy in this waste strategy, and will be addressed as a priority.

Overall objectives and state targets

Avoid	Recover	Protect
<i>Western Australians generate less waste.</i>	<i>Western Australians recover more value and resources from waste.</i>	<i>Western Australians protect the environment by managing waste responsibly.</i>
<ul style="list-style-type: none"> ○ 2025 – 10% reduction in waste generation per capita ○ 2030 – 20% reduction in waste generation per capita 	<ul style="list-style-type: none"> ○ 2025 – Increase material recovery to 70% ○ 2030 – Increase material recovery to 75% ○ From 2020 – Recover energy only from residual waste 	<ul style="list-style-type: none"> ○ 2030 – No more than 15% of waste generated in Perth and Peel regions is landfilled ○ 2030 – All waste is managed and/or disposed to better practice facilities





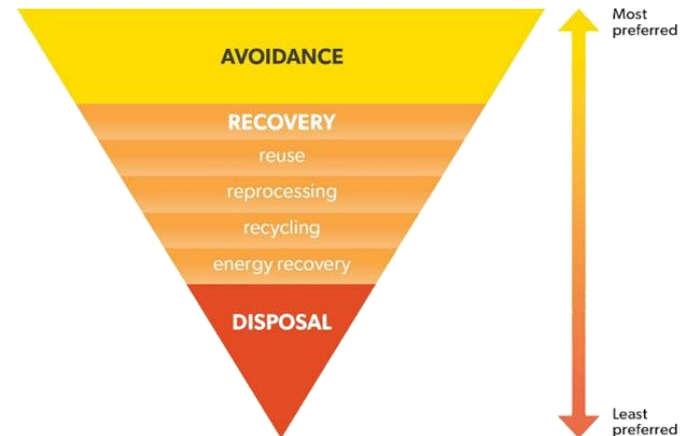
Guiding concepts

Waste hierarchy

Waste Avoidance and Resource Recovery Strategy 2030 applies the waste hierarchy, which is a widely accepted decision making tool which is set out in the *Waste Avoidance and Resource Recovery Act 2007*. The waste hierarchy ranks waste management options in order of their general environmental desirability. The waste hierarchy is used alongside other tools (including economic, social and environmental assessment tools) to inform decision making.

Waste avoidance is the most preferred option in the hierarchy.

Figure 3: Waste hierarchy



Resource recovery options recover value from materials, thereby offsetting the environmental impacts of extracting and processing raw materials. Energy recovery is the least preferred recovery option.

Disposal is the least preferred option. Disposal generally recovers the least value from materials and delivers the least environmental benefit.

GUIDING CONCEPTS



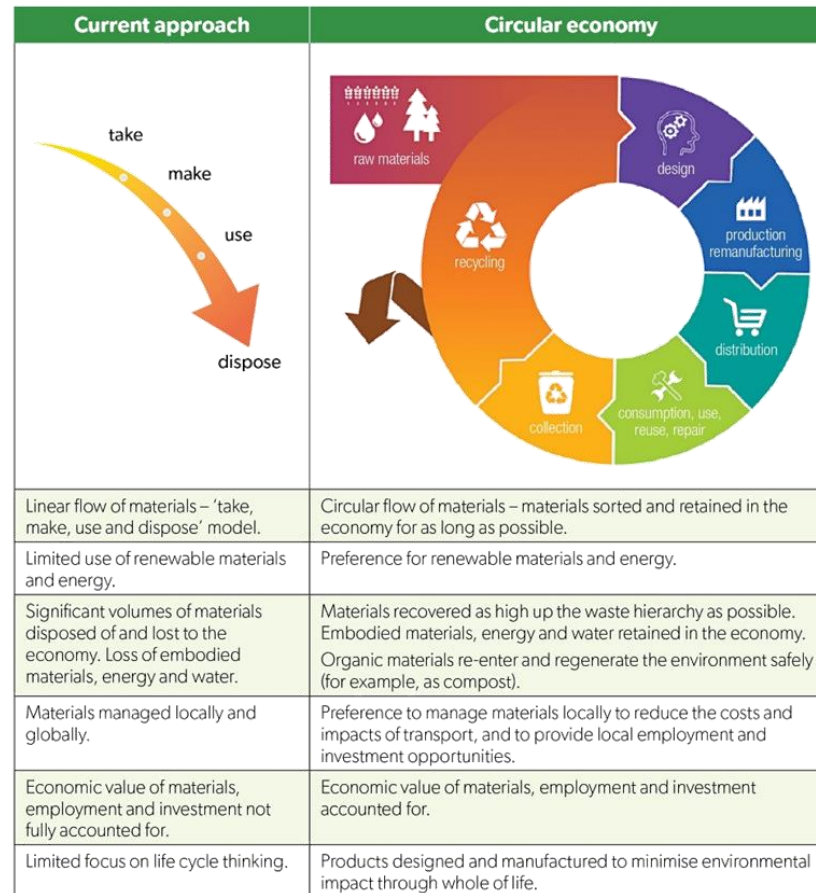
Circular economy

A circular economy builds on long-standing sustainability concepts, including life cycle thinking and resource efficiency, and it complements the waste hierarchy. A circular economy refers to the flow of both materials and energy – it moves away from the linear ‘take, make, use and dispose’ model to one which keeps materials and energy circulating in the economy for as long as possible.

A circular economy presents opportunities for increased local recycling activity. Local solutions create local jobs, and minimise the costs and impacts of unnecessary transport.

Local solutions are particularly important in a state as large as WA where access to markets is limited, and transport costs and impacts are high. WA has an opportunity to benefit from greater local recycling activity. If local recycling options are not available, solutions within Australia will be preferred.

Figure 4: Current waste approach versus circular economy



**Behaviour change – knowledge,
enabling infrastructure, incentives**

Building on the Western Australian Waste Strategy: *Creating the Right Environment* (2012), *Waste Avoidance and Resource Recovery Strategy 2030* aims to change behaviour through a combination of strategies grouped around knowledge, enabling infrastructure and incentives.

Knowledge plays an important role in getting individuals and organisations started on behaviour change, but it is only a start. Knowledge needs to be complemented with the incentives and practical support individuals and organisations need to act on their decision to change behaviours.

Access to appropriate enabling infrastructure is critical in allowing individuals and organisations to engage with waste management options to improve their effectiveness and efficiency. Enabling infrastructure includes the physical facilities necessary to manage waste, as well as the organisational structures of government and legislation applying to individuals and organisations.

Appropriate knowledge and enabling infrastructure can assist in removing barriers to behaviour change, and incentives can provide a driving force for change. Incentives can be positive, such as funding, or negative, such as penalties and compliance actions.





Our principles

Five key principles, aligned with legislation, guide the thinking behind *Waste Avoidance and Resource Recovery Strategy 2030* and will drive future decision making.

Shared responsibility and partnership – owning your impact

The state's environmental resources belong to all Western Australians and we all have a role to play in protecting them. The State Government will lead by example by working collaboratively with the community, industry and governments to improve waste management outcomes.

We will support product stewardship and extended producer responsibility as part of our approach to shared responsibility.

Innovation and growth

Western Australia will encourage, embrace and celebrate innovation in all forms that enables and expands our waste management capacity and know-how.

Better practice

Western Australians will pursue better practice approaches in waste management that takes into account the full costs, benefits and impacts of waste management decisions.

This strategy will inform priorities for developing better practice approaches to waste and recycling services. Better practice will be outcome-focussed, evidence-based, informed by performance achieved in other jurisdictions, developed in consultation with key stakeholders, and set out in guidelines that are framed to reflect the varying resources and capacities of the users of those guidelines. We will stay abreast of national and international best practice and responsibly measure, evaluate and benchmark our own performance against it.

Better practice guidelines will inform stakeholders, such as waste managers and local governments, about preferred systems to achieve the targets in

Waste Avoidance and Resource Recovery Strategy 2030. Local government waste plans will have regard to better practice guidelines published or referenced by the Waste Authority.

When better practice waste management is promoted by State Government, stakeholders will adjust practices to meet or exceed this new benchmark.

Waste as a resource

Western Australians will adopt and implement the waste hierarchy, avoiding the generation of waste where possible, maximising the recovery of waste that is generated, and protecting the environment from the impacts of disposal.

Intergenerational equity

Western Australians will make waste management decisions which ensure the health, diversity and productivity of our environment is maintained or enhanced for the benefit of future generations.





Our approach

Using your influence – owning your impact

As individuals, we make decisions in different roles and have different spheres of influence when avoiding and recovering waste and also when protecting the environment from the impacts of disposal.

In our different spheres of influence we can have a greater or lesser impact on what resources or materials are used, how long they stay in circulation, what waste is generated, what resources are recovered and, ultimately, the method of disposal and the impact that has on our environment.

An individual or single household can make positive choices to contribute to the circular economy. For example, being informed about how to source separate recyclables and purchasing recycled products for use in the home. When individuals act collectively, in our neighbourhoods, schools and community groups, there is an even greater potential to make a difference.

As manufacturers, industry can make significant contributions to the circular economy through shifts to more sustainable design and manufacturing methods, and enabling greater resource recovery. As waste managers, the sector can innovate to improve waste management outcomes and better protect the environment.

Local, State and Commonwealth governments can influence, educate and inform – and can also be significant consumers whose purchasing decisions and procurement policies can have very positive impacts and influence. They have important legislative and regulatory roles and develop and implement strategies. Australia is also part of global action on waste management.

Local solutions and markets

Waste Avoidance and Resource Recovery Strategy 2030 places a focus on identifying and prioritising local market solutions for those recyclable materials traditionally exported from the state. Local markets for large volume wastes, such as construction and demolition waste and organic waste lend themselves to being managed close to the source of generation for economic and environmental reasons. This is an example of the circular economy approach in action, supporting local innovation and local jobs.

OUR APPROACH

For other priority materials such as plastics, it is not as straightforward to identify local reuse options across the state that make sense locally. This strategy places an increased focus on promoting procurement decisions that preference local markets and play a role in supporting the development of a remanufacturing industry within Western Australia, along with the employment and investment it can bring to the state.

Attracting investment into local reuse options requires a degree of certainty which has not been present under standard market conditions in Western Australia. This will rely on procurement decisions recognising the benefits that local reprocessing, and the use of products made locally from recycled materials, can offer compared to national or international export options.

Waste generators and waste managers

Waste Avoidance and Resource Recovery Strategy 2030 recognises the roles that different individuals and organisations have in generating and managing waste. This strategy recognises entities that are primarily generators of waste (community, local and state government, and industry), and entities that are primarily managers of waste (the waste industry, including private industry and local government).

This approach allows individual strategies to better target certain groups to help avoid, recover and protect the environment from the impacts of waste. For example, community members can make better purchasing decisions with more knowledge and information, and can influence industry in its packaging and production decisions with the choices they make; industry can make decisions about more circular design and production of goods; while waste managers can embrace technology and innovation to achieve improved waste management practices.

This waste strategy recognises circumstances where resources and capacities will be limited. The action plan and supporting better practice guidance documents will be framed to reflect this.

Waste streams

Consistent with other jurisdictions, solid waste will continue to be categorised for the purpose of measurement and comparison against targets in the following three streams:

- **Municipal solid waste (MSW):** primarily waste collected from households and local governments through waste and recycling collections.
- **Commercial and industrial (C&I) waste:** waste that is produced by



institutions and businesses. It includes waste from schools, restaurants, offices, retail and wholesale businesses and industries, including manufacturing.

- **Construction and demolition (C&D) waste:** waste produced by demolition and building activities, including road and rail construction and maintenance, and excavation of land associated with construction activities.

These waste stream descriptions are consistent with the previous Western Australian Waste Strategy (2012), and are consistent with the way Australian jurisdictions categorise and report on waste and recycling performance. The stream descriptions are carried forward to *Waste Avoidance and Resource Recovery Strategy 2030* from the previous strategy to maintain continuity and enable waste

and recycling data to be effectively benchmarked against other jurisdictions.

National context

Western Australia contributes to national strategies aimed at increasing the recovery of materials from waste, including:

- The *National Waste Policy: Less waste, more resources, 2018* and the *Product Stewardship Act 2011* support national approaches to problem wastes such as televisions, computers, paint, tyres and packaging.
- The Australian Packaging Covenant and the Environment Protection (Used Packaging Material) Measure are national programs aimed at reducing generation and encouraging the reuse and recycling of used packaging materials.

Our roles and responsibilities

Collective responsibility – waste is everybody's business

All Western Australians generate waste, and while there are some businesses that manage our waste for us, we can all take a bit more responsibility for better managing the impacts of our own waste. Whether large or small, waste is generated by households, schools, workplaces, local government authorities, government departments, businesses and industry in large cities and remote towns around our vast state.

As a collective issue, waste demands a collective solution. To achieve this strategy's objectives and targets, a model of collective, shared responsibility and action must be adopted.

State Government will work collaboratively with all stakeholders to guide and develop collective policies and solutions. These solutions will be founded in behavioural change campaigns and leading industry policy and practices – starting from within, through leadership in government activities that minimise waste, such as procurement policies and disposal processes.

For local governments and industry, the collective partnership approach will mean adopting best practice approaches to waste minimisation, resource recovery and appropriate waste management.

For businesses, it may mean expanding recycling programs or reviewing outdated practices and policies to reduce waste impacts. For waste managers, it will mean embracing innovation, new technologies and best practice performance in waste management. For the Western Australian community, it will mean being informed about the impact different decisions can make on waste contributions and adopting positive waste behaviours.

As every individual and group contributes to the waste problem, everybody will contribute to the solution in a range of different roles and ways:

- **Commonwealth Government** can help influence outcomes through national waste legislation, strategies and policy frameworks that fulfil obligations under international agreements. The Commonwealth Government will continue to manage and monitor compliance with international conventions, administer the *Product Stewardship Act 2011* and related schemes, and work with jurisdictions to identify and address issues that warrant nationally consistent approaches. It will also establish forums for cross jurisdictional collaboration to improve national waste policy outcomes.

- **State Government** can influence outcomes through its policies and programs, but also generates waste through its operations. As the "system steward" State Government will provide waste management leadership. It will influence waste behaviours through legislation, regulation, policies and programs that align with national approaches. Through engagement and collaboration, the government will create an environment that encourages community to adopt positive behaviour change and businesses to invest and innovate in the waste and recycling sector to move Western Australia towards becoming a circular economy. Agencies will also lead by example by committing to actions and targets in this strategy and reporting on their performance to contribute to its delivery.
- **Waste Authority** can influence outcomes through its programs. Established under the *Waste Avoidance and Resource Recovery Act 2007*, the authority will provide waste management advice to Government and waste management leadership to the community. It will lead the delivery of this strategy by coordinating stakeholder commitment and collaboration on strategies,

administering the Waste Avoidance and Resource Recovery Account (fund), publishing position statements, and preparing annual business plan objectives, priorities and programs that align with this waste strategy.

- **Local governments and regional councils** are primarily waste managers that provide household waste collection and recycling services, manage and operate landfill sites, and deliver education and awareness programs. Local governments and regional councils will provide information, infrastructure and incentives that encourage behaviour change and they will plan for the management of waste within their districts. The issues faced by local governments vary, particularly between metropolitan and regional areas, so there will be a need to identify local, fit-for purpose solutions that reflect better practice, align with this strategy and support a move towards becoming a circular economy. Local governments also generate waste resulting from the range of services provided to the community and can influence purchasing and practices to increase avoidance and recovery and maximise protection of the environment.

One of the headline strategies of this waste strategy is the implementation of local government waste plans. Waste plans will bring together the many different aspects of local government waste management, and provide local governments with a mechanism that aligns their waste services and contracts with the waste strategy and better practice. Waste plan requirements will be developed by the Department of Water and Environmental Regulation in collaboration with the Department of Local Government, Sport and Cultural Industries and the Western Australia Local Government Association. Guidance and templates will be provided to assist local governments in developing and reporting on their waste plans. Waste plan requirements and guidance will be developed in consultation with local governments and designed to reflect the varying resources, capacities and issues faced by local governments.

- **Business and industry** are primarily waste generators that can make decisions to reduce the generation of waste (e.g. by using reduced packaging) and increase recyclability. The business community often deals with large volumes of waste, as well as harmful types of waste, which requires responsible management.

- **Waste industry** is primarily the manager of waste and is responsible for waste management services including collection, sorting, processing (i.e. reuse or safe disposal). Waste managers can also play a key role in providing information to the community. The waste industry will be relied on to make informed infrastructure and technology investment decisions that meet waste and recycling market needs and move the state toward becoming a circular economy.
- **Community, individuals and households** are primarily waste generators who make decisions about purchasing and waste disposal. The community has a key role to play to avoid waste and then properly recover and manage waste once it is generated. Decisions by these individuals and groups regarding the purchasing of products or services can have a significant influence on the behaviour of many other entities.



Opportunities and focus materials

Opportunities to avoid and recover waste and protect the environment through its responsible management exist for all materials and arise in many different situations. Even the smallest changes in behaviour at a personal level contribute to overall improvements in waste outcomes.

This strategy also identifies focus materials, which will be the focus of actions and measurement under this waste strategy. Significant improvements will need to be made for each of these focus materials if we are to meet the targets in *Waste Avoidance and Resource Recovery Strategy 2030*.

Construction and demolition waste

Construction and demolition (C&D) waste makes up around half of Western Australia's waste stream and represents around 45 per cent of material recovered for recycling. C&D waste represents a significant opportunity for waste

avoidance and material recovery. As a waste generator, the construction industry can play a role in avoiding the amount of waste generated – for example through more efficient building processes – while waste managers can maximise recovery of waste that is generated.

Organics: food organics and garden organics

Organic material, including food waste, represents nearly 20 per cent of material recovered for recycling. The National Food Waste Strategy estimates that over 5.3 million tonnes of food that is intended

for human consumption is wasted from households and the commercial and industrial sectors each year. Food waste disposed to landfill generates greenhouse gases, reduces landfill capacity, and represents a loss of valuable organic material which could otherwise be recovered for productive use.

Metals: steel, non-ferrous metals, packaging and containers

Metals represent around 20 per cent of material recovered for recycling by weight. Metals are a high value commodity with significant embodied energy. While recovery rates are relatively

high compared to other materials, it is important to ensure these materials are only used where necessary and that as much value and embodied energy as possible is recovered from them.

Paper and cardboard: office paper, newspaper and magazines

Paper and cardboard represent around 10 per cent of material recovered for recycling. Paper and cardboard is a high value commodity. When disposed to landfill, paper and cardboard generates greenhouse emissions and represents a loss of economic value.



OPPORTUNITIES AND FOCUS MATERIALS

Glass: packaging and containers

Glass packaging and containers contain significant embodied energy which is lost if disposed to landfill. Glass that is inappropriately disposed (littered or dumped) can also present direct risks and impacts to the environment and human health.

Plastics: packaging and containers

Plastic makes up a significant proportion of packaging materials in our waste stream. There are significant opportunities to avoid plastics, and in particular, single use plastics. Plastic is a high value commodity, particularly where contamination rates are low. Disposal to landfill represents an economic loss, and inappropriate disposal into the environment (litter and dumping) can result in significant harm to the environment and wildlife.

Textiles: clothing and other fabric-based materials

Textiles contain valuable materials and significant embodied energy. When disposed to landfill or illegally dumped, textiles represent a loss of resources and can negatively impact the environment.

Hazardous waste

Hazardous waste is described as unwanted products that are corrosive, flammable, toxic or reactive and present a potential risk to human health and the environment. Hazardous waste represents only a small percentage of the total waste stream, however it presents significant risks if not well managed. Opportunities exist to avoid hazardous waste through consumer purchasing decisions, and collect hazardous waste for recovery or safe disposal using best practice service infrastructure.





Our objectives, targets and strategies

Objective 1: Avoid

Western Australians generate less waste

The waste hierarchy places waste avoidance at the forefront of approaches for managing waste. This waste strategy reflects that priority and recognises that reducing the amount of waste generated in our state requires significant and sustained behaviour change by government, industry and households if this objective is to be achieved.

National data for 2014–15 indicate that Western Australians generate more waste per capita than the national average and that generation per capita has remained static between 2010–11 and 2014–15*. This is in spite of past efforts to reduce waste generation and it suggests that reducing our generation rate will be very challenging.

This waste strategy first aims to close the gap between our current generation rate and the national average. Given our unique characteristics relative to other jurisdictions (particularly in relation to our geography and economy), reducing our generation of waste to this level will be challenging, but is achievable. Once achieved, our per capita generation rates can then be benchmarked against the nation’s best performing jurisdictions.

Waste avoidance is driven in a large part by purchasing behaviour; it relies on high levels of awareness and motivation by consumers, both individuals and organisations, about how to reduce the impacts of purchasing decisions.

Education and incentives are critical to increase awareness of waste avoidance and to support waste avoidance behaviours.

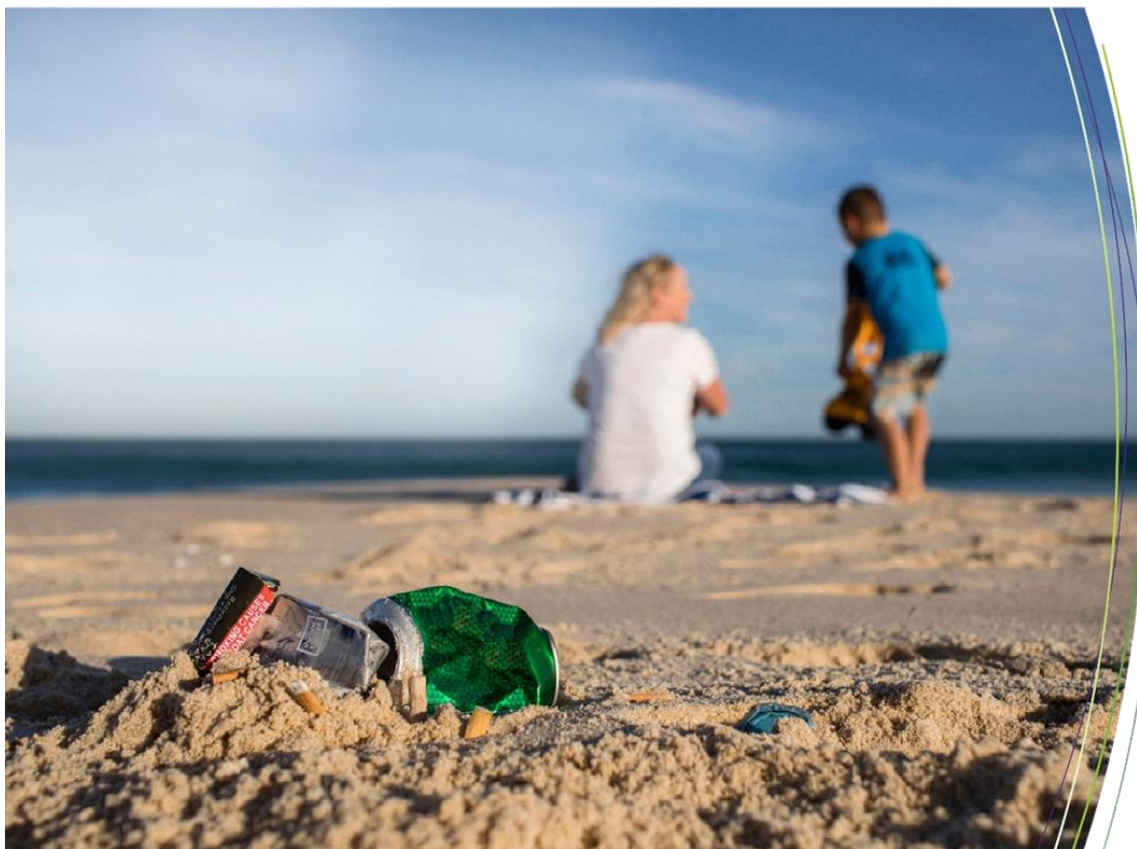
Waste avoidance can also be pursued through the product design and manufacturing phase. Industry has an opportunity to reduce the amount of material used in products to avoid generating waste, often in response to consumer demand. For example, there are significant opportunities across the packaging sector to avoid some wastes altogether or to minimise their use.

AVOID TARGETS		
<ul style="list-style-type: none"> ⦿ 2025 – Reduction in waste generation per capita by 10% (from 2014/15 generation rate) ⦿ 2030 – Reduction in waste generation per capita by 20% (from 2014/15 generation rate) 		
Waste generators		Waste managers**
Community	Government and industry	Waste industry
<ul style="list-style-type: none"> ⦿ 2025 – Reduction in MSW generation per capita by 5% ⦿ 2030 – Reduction in MSW generation per capita by 10% 	<ul style="list-style-type: none"> ⦿ Reduction in C&D waste generation per capita by 15% by 2025, 30% by 2030 ⦿ Reduction in C&I waste generation per capita by 5% by 2025, 10% by 2030 	<ul style="list-style-type: none"> ⦿ 2030 – All waste is managed and/or disposed using better practice approaches

* 2016–17 national data has not been used in this strategy. WA reportedly has significant waste stockpiling that is not reflected in the 2016–17 data but accurate assessment of this stockpiling is not yet available. Data improvement to address accuracy issues is a headline strategy in this waste strategy and will be addressed as a priority.

** Includes local government, private industry and state entities.

OUR OBJECTIVES, TARGETS AND STRATEGIES



Focus materials

Achieving the avoidance targets will require an emphasis on the waste materials that, by weight, currently make up more than 90 per cent of the waste Western Australian's generate:

- **Construction and demolition materials:** concrete, asphalt, rubble, bricks, sand and clean fill
- **Organics:** food organics and garden organics
- **Metals:** steel, non-ferrous metals, packaging and containers
- **Paper and cardboard:** office paper, newspaper and magazines
- **Glass:** packaging and containers
- **Plastics:** packaging and containers
- **Textiles:** clothing and other fabric-based materials

OUR OBJECTIVES, TARGETS AND STRATEGIES

Table 2: Avoid strategies

	Strategy description	Lead stakeholder	Strategy application					#
			Waste generators				Waste managers*	
			Community	Local government	State Government	Industry	Waste industry	
KNOWLEDGE	Coordinate consistent state-wide communication, engagement and education on waste avoidance behaviours with an emphasis on focus materials.	State Government	✓	✓	✓	✓	✓	1
	Investigate, develop and publish, in collaboration with stakeholders, locally relevant actions for reducing waste generation with an emphasis on focus materials.	Waste Authority	✓	✓		✓	✓	2
	Lead collaboration between State Government agencies on actions that reduce the waste generation with an emphasis on focus materials.	State Government		✓	✓			3
	Coordinate communications and education that leads to food organics and garden organics waste reduction behaviour change.	Waste Authority	✓	✓	✓	✓	✓	4
	Collaborate with decision-makers and opinion leaders to explore opportunities arising from circular economy approaches and communicate them publicly.	Waste Authority		✓	✓	✓	✓	5
ENABLING INFRASTRUCTURE	Develop mechanisms and platforms that enable the community to adopt avoidance behaviours, and explore reuse and low-waste alternatives.	State Government	✓	✓	✓			6
INCENTIVES	Provide support to community, government and industry initiatives that lead to waste avoidance and contribute to waste strategy targets with an emphasis on focus materials.	State Government	✓	✓	✓	✓	✓	7
	Introduce regulations to prevent unnecessary waste generation.	State Government	✓	✓	✓	✓		8

* Includes local government, private industry and state entities.



OUR OBJECTIVES, TARGETS AND STRATEGIES

**Objective 2:
Recover**

**Western Australians
recover more value and
resources from waste**

Where waste generation is unavoidable, efforts should be made to recover more value and resources from waste. Consistent with the waste hierarchy and circular economy approaches, material recovery is preferred over energy recovery. Energy recovery is preferable to landfill disposal but should only be applied to residual waste once better practice source separation approaches have been exhausted.

Waste Avoidance and Resource Recovery Strategy 2030 supports the recovery of more valuable resources from the waste stream by applying a combination of strategies relating to knowledge, enabling infrastructure and incentives to encourage behaviour change by waste generators and waste managers.

The Waste Authority will produce better practice guidelines and encourage the sector to implement better practice

through mechanisms such as local government waste plans. Implementation of food organics and garden organics (FOGO) systems are a priority in this strategy, which will increase the recovery of material collected through kerbside services. Implementation of FOGO systems will be supported by State Government through the application of financial mechanisms to make it a cost competitive option for local governments.

RECOVER TARGETS

- 2025 – Increase material recovery to 70%
- 2025 – All local governments in the Perth and Peel region provide consistent three bin kerbside collection systems that include separation of FOGO from other waste categories
- 2030 – Increase material recovery to 75%
- From 2020 – Recover energy only from residual waste

Waste generators		Waste managers*
Community	Government and industry	Waste industry
<ul style="list-style-type: none"> ○ 2020 – Increase MSW material recovery to 65% in the Perth and Peel regions, 50% in major regional centres ○ 2025 – Increase MSW material recovery to 67% in the Perth and Peel regions, 55% in major regional centres ○ 2030 – Increase MSW material recovery to 70% in the Perth and Peel regions, 60% in major regional centres 	<ul style="list-style-type: none"> ○ C&I sector – Increase material recovery to 70% by 2020, 75% by 2025, 80% by 2030 ○ C&D sector – Increase material recovery to 75% by 2020, 77% by 2025, 80% by 2030 	<ul style="list-style-type: none"> ○ 2030 – All waste facilities adopt resource recovery better practice

* Includes local government, private industry and state entities.

OUR OBJECTIVES, TARGETS AND STRATEGIES



Focus materials

In working towards these targets, this strategy focuses on the reuse, reprocessing and recycling of the following materials that present the greatest potential for increased recovery:

- **Construction and demolition materials:** concrete, asphalt, rubble, bricks, sand and clean fill
- **Organics:** food organics and garden organics (FOGO)

- **Metals:** steel, non-ferrous metals, packaging and containers
- **Paper and cardboard:** office paper, newspaper and magazines
- **Plastics:** packaging and containers

These focus materials reflect overall state priorities, however, it will be appropriate to consider local circumstances to increase recovery in different parts of Western Australia, and particularly between metropolitan and non-metropolitan areas. Local circumstances include factors such as

access to processing infrastructure and access to markets for recycled products. *Waste Avoidance and Resource Recovery Strategy 2030* encourages the adoption of solutions that reflect local circumstances and contribute to the overarching targets.

Just as local approaches based on local circumstances can lead to unique solutions, consistent services where similar conditions exist can lead to more efficient service delivery. Consistency in the provision of kerbside services

to households in urbanised areas is an example of where consistent systems, including three bin food organics and garden organics (FOGO) systems, can improve messaging to the community about how to recycle effectively and lead to better practice outcomes across large urbanised populations. Consistent collections also provide opportunities for service providers to establish processing options for clean and consistent streams of materials, which can reduce costs and improve product quality and therefore access to markets.

Energy recovery

Resource recovery includes the recovery of energy from waste. However, energy recovery is considered to be the least preferred of all resource recovery options in the waste hierarchy as it merely releases embodied energy but does not preserve the material for reuse. For this reason, the waste strategy identifies that only residual waste (waste which remains following the application of better practice source separation and recycling systems) is to be used for energy recovery. Where better practice guidance is not available, an entity's material recovery performance will need to meet or exceed the relevant stream target (depending on its source - MSW, C&I or C&D) for the remaining non-recovered materials to be considered residual waste under this waste strategy.

OUR OBJECTIVES, TARGETS AND STRATEGIES

Table 3: Recover strategies

	Strategy description	Lead stakeholder	Strategy application					#
			Waste generators				Waste managers*	
			Community	Local government	State Government	Industry	Waste industry	
KNOWLEDGE	Investigate options to recover and promote related local markets through State Government procurement actions with an emphasis on focus materials.	State Government			✓			9
	Develop and publish better practice guidance and standards for waste-derived products to build confidence in recycled products and ensure protection of the environment.	Waste Authority	✓	✓	✓	✓	✓	10
	Maintain a communications toolkit for local government on consistent messaging for better practice kerbside service delivery.	Waste Authority	✓	✓			✓	11
	Develop education and engagement resources to communicate the benefits of resource recovery and the use of recycled products, and to minimise contamination in collection systems.	Waste Authority	✓	✓	✓	✓	✓	12
	Develop and publish better practice guidance to support increases in recovery with an emphasis on focus materials.	Waste Authority	✓	✓	✓	✓	✓	13
	Identify and implement options for collaboration between industry and the State Government to support market development and recovery with an emphasis on focus materials.	Waste Authority			✓	✓	✓	14
	Investigate and improve reporting on material that is reused (as distinct from recycled) to better monitor the state's move toward becoming a circular economy.	State Government	✓	✓	✓	✓	✓	15
ENABLING INFRASTRUCTURE	Establish mechanisms, including funding approaches to support investments in local infrastructure for recovery with an emphasis on focus materials.	State Government					✓	16
	Develop and support measures to establish and maintain product stewardship schemes aligned with the State's waste priorities, commencing with a container deposit scheme.	State Government	✓	✓	✓	✓	✓	17

* Includes local government, private industry and state entities.

OUR OBJECTIVES, TARGETS AND STRATEGIES

Table 3: Recover strategies continued

	Strategy description	Lead stakeholder	Strategy application					#
			Waste generators				Waste managers*	
			Community	Local government	State Government	Industry	Waste industry	
INCENTIVES	Provide funding to local governments to introduce better practice services and extend the Better Bins program to include FOGO (food organics and garden organics services).	Waste Authority	✓	✓			✓	18
	Provide funding to promote the use of priority recycled products and support the establishment of local markets with an emphasis on focus materials.	State Government		✓	✓	✓	✓	19
	Support community, government and industry initiatives that promote resource recovery in the Perth and Peel regions, major regional centres and remote areas through grant programs.	State Government	✓	✓	✓	✓	✓	20
	Develop a legislative framework to encourage the use of waste derived materials, including product specifications, to build confidence in recycled products, increase their demand and develop relevant markets while protecting the environment.	State Government		✓	✓	✓	✓	21
	Implement sustainable government procurement practices that encourage greater use of recyclable and recycled products and support local market development.	State Government		✓	✓	✓		22

* Includes local government, private industry and state entities.

OUR OBJECTIVES, TARGETS AND STRATEGIES

**Objective 3:
Protect**

**Western Australians
protect the environment
by managing waste
responsibly**

The transport, storage, processing and disposal of waste all have the potential to directly impact the environment.

Certain wastes, such as hazardous materials or materials that are commonly littered or dumped, can also pose significant risks to public health and the environment. Poorly managed waste infrastructure (including landfills and recycling facilities) and services, as well as adverse waste behaviours, all increase the risk of negative impacts on public health and the Western Australian environment.

In the event waste cannot be avoided, it is important that waste management systems – including recycling and disposal (landfill) facilities – protect the environment from the negative impacts of waste by adopting better practice.

Waste managers face different waste management challenges and have varying capacities to address these challenges. For example, better practice approaches in remote areas are likely to vary substantially to those in metropolitan areas, due to differences in populations,

infrastructure, resources and market access. Better practice guidance developed under this strategy will reflect these differences.

Litter and illegal dumping can significantly damage our environment. It is important that waste enters the correct waste management system so that it can be properly managed by better practice facilities, and is not littered or dumped in the environment.

PROTECT TARGETS

- ⦿ 2030 – No more than 15% of Perth and Peel regions’ waste is disposed to landfill
- ⦿ 2030 – All waste is managed by and/or disposed to better practice facilities

Waste generators		Waste managers*
Community	Government and industry	Waste industry
<ul style="list-style-type: none"> ⦿ 2030 – Move towards zero illegal dumping ⦿ 2030 – Move towards zero littering 	<ul style="list-style-type: none"> ⦿ 2030 – Move towards zero illegal dumping 	<ul style="list-style-type: none"> ⦿ 2030 – No more than 15% of Perth and Peel regions’ waste is disposed to landfill ⦿ 2030 – All waste facilities adopt environmental protection better practice

* Includes local government, private industry and state entities.

OUR OBJECTIVES, TARGETS AND STRATEGIES



Priority areas

In working towards achieving these targets, Western Australia should focus on behaviours and materials that provide the greatest potential to protect the environment including:

- the transport, storage, processing and disposal of waste;
- problem wastes, including hazardous materials;
- poorly managed waste infrastructure, including landfills, recycling facilities and services;
- taking action early in a waste material's life cycle; and
- giving priority to reflect the risk posed by a waste material.

National priorities

The management of some types of waste require an international approach. Initiatives that are the responsibility of the Commonwealth Government and to which WA contributes include the Basel Convention, an international treaty to reduce the movement of hazardous waste between countries with a view to protecting public health and the environment, and the Minamata Convention on Mercury, a global treaty to protect public health and the environment from the adverse effects of mercury.

Table 4: Protect strategies

	Strategy description	Lead stakeholder	Strategy application					#
			Waste generators				Waste managers*	
			Community	Local government	State Government	Industry	Waste industry	
KNOWLEDGE	Identify the data that is required to quantify and measure illegal dumping activity, collect the identified data on an ongoing basis and use the collected data to better target illegal dumping monitoring and enforcement activities.	State Government		✓	✓		✓	23
	Deliver a community engagement and education campaign to raise awareness of illegal dumping and its impacts.	State Government	✓	✓	✓	✓		24
	Investigate, document and publish options for avoiding waste plastic.	Waste Authority	✓	✓	✓	✓		25
	Review and report on approaches to the management of hazardous waste including controlled and liquid waste.	State Government				✓	✓	26
	Assess existing recovery facility and landfill siting and management practices and publish information to guide achievement of better practice approaches.	Waste Authority					✓	27
ENABLING INFRASTRUCTURE	Work with land owners and managers to build their capacity to tackle illegal dumping.	State Government	✓	✓	✓	✓		28
	Investigate and report on the role of funding approaches to drive the uptake of better practice approaches at waste management facilities.	Waste Authority		✓			✓	29
INCENTIVES	Support local governments to safely collect and manage hazardous materials generated by households that present a significant risk to public health and the environment.	State Government	✓	✓			✓	30
	Provide relevant funding and guidance to prevent the illegal dumping of waste at charitable recycler waste collection sites.	State Government					✓	31

* Includes local government, private industry and state entities.

OUR OBJECTIVES, TARGETS AND STRATEGIES

Table 4: Protect strategies continued

	Strategy description	Lead stakeholder	Strategy application					#
			Waste generators				Waste managers*	
			Community	Local government	State Government	Industry	Waste industry	
INCENTIVES	Implement the litter prevention strategy to reduce littering and manage its impacts.	Keep Australia Beautiful Council	✓	✓	✓	✓		32
	Detect, investigate and prosecute illegal dumping.	State Government	✓	✓	✓	✓		33
	Review and update the regulatory framework for waste to ensure it is appropriate and reduces the environmental impacts and risks from waste management.	State Government					✓	34
	Revise and publish waste classifications and definitions to reflect current knowledge to ensure waste materials are managed according to their risk and are treated and/or disposed of appropriately.	State Government			✓		✓	35
	Develop and revise legislative frameworks to encourage the use of waste derived materials and build confidence in recycled products.	State Government	✓	✓	✓	✓		36

* Includes local government, private industry and state entities.

Foundation strategies

that apply to multiple objectives

Waste Avoidance and Resource Recovery Strategy 2030 includes strategies which support multiple objectives and underpin the delivery of this waste strategy. These are referred to as foundation strategies.

Foundation strategies include:

- information and data – to provide high quality information to the community, government and industry to inform decision making.
- regulation and policy – to provide a level playing field and deliver efficient and effective waste management outcomes.

- education – to underpin behaviour change approaches for avoid, recover and protect, for waste generators and waste managers.
- planning – to provide support and guidance for waste services planning as well as infrastructure and land use planning.

The waste levy will continue to play a key role by providing a disincentive to dispose of waste, and by generating revenue to fund programs which

support the waste strategy. Reflecting this, a key foundation strategy is for the scope and application of the waste levy to be reviewed to ensure it meets the objectives of *Waste Avoidance and Resource Recovery Strategy 2030*, and to establish a schedule of future waste levy rates.

The range of strategies, both new and ongoing, that will allow Western Australians to achieve outcomes against all three objectives of the waste strategy are presented below.

Table 5: Foundation strategies

	Strategy description	Lead stakeholder	Strategy application					#
			Waste generators				Waste managers*	
			Community	Local government	State Government	Industry	Waste industry	
INFORMATION AND DATA	Review and update data collection and reporting systems to allow waste generation, recovery and disposal performance to be assessed in a timely manner.	State Government		✓	✓	✓	✓	37
	Collaborate with industry to develop a data strategy that includes actions to improve waste data collection, management and reporting, and guides their implementation.	State Government Waste Authority		✓	✓	✓	✓	38
	Investigate and report on the application of the circular economy in WA, including opportunities and barriers implementation.	Waste Authority	✓	✓	✓	✓	✓	39

* Includes local government, private industry and state entities.

OUR OBJECTIVES, TARGETS AND STRATEGIES

Table 5: Foundation strategies continued

	Strategy description	Lead stakeholder	Strategy application					Waste industry	#
			Waste generators				Waste managers*		
			Community	Local government	State Government	Industry	Waste industry		
INFORMATION AND DATA	Collaborate with the Commonwealth Government to develop local approaches to implementing the National Food Waste Strategy.	State Government	✓	✓	✓	✓	✓	40	
	Provide support to local governments, recyclers and landfill operators for reporting under amendments to the <i>Waste Avoidance and Resource Recovery Regulations 2008</i> .	State Government		✓			✓	41	
	Develop state-wide waste communications to support consistent messaging on waste avoidance, resource recovery and appropriate waste disposal behaviours.	State Government	✓	✓	✓	✓		42	
ENGAGEMENT AND EDUCATION	Recognise and reward the adoption of positive behaviours, practices and innovation that contribute to reduced waste generation, increased resource recovery and protection of the environment.	Waste Authority	✓	✓	✓	✓	✓	43	
REGULATION AND POLICY	Investigate options for developing a 'needs based' approach to the approval of new landfills and other waste infrastructure.	State Government					✓	44	
	Contribute to national waste policy and programs aimed at waste avoidance, resource recovery and environmental protection.	State Government	✓	✓	✓	✓	✓	45	
	Review the scope and application of the waste levy to ensure it meets the objectives of Waste Avoidance and Resource Recovery Strategy 2030 and establish a schedule of future waste levy rates with the initial schedule providing a minimum five year horizon.	State Government	✓	✓	✓	✓	✓	46	

* Includes local government, private industry and state entities.

OUR OBJECTIVES, TARGETS AND STRATEGIES

Table 5: Foundation strategies continued

	Strategy description	Lead stakeholder	Strategy application					Waste managers*	#
			Waste generators				Waste industry		
			Community	Local government	State Government	Industry			
REGULATION AND POLICY	Review and revise regulations and policies to achieve a level playing field for industry which ensures entities that are compliant and apply best practice are not disadvantaged.	State Government		✓	✓	✓	✓	47	
	Implement local government waste plans which align local government waste planning processes with the waste strategy.	State Government	✓	✓				48	
	Lead and support initiatives that bring together agencies, local governments, industry and community to assist knowledge exchange and strategic waste planning.	Waste Authority	✓	✓	✓	✓	✓	49	
PLANNING	Undertake a strategic review of Western Australia's waste infrastructure (including landfills) by 2020 to guide future infrastructure development.	State Government	✓	✓	✓	✓	✓	50	

* Includes local government, private industry and state entities.

Next steps

Supporting documents

Waste Avoidance and Resource Recovery Strategy 2030 Action Plan

This strategy is supported by an action plan which outlines specific actions to be implemented to achieve the objectives of the strategy.

The initial action plan has been prepared by the Waste Authority in consultation with relevant State Government agencies, and was approved by the Minister for Environment. Stakeholder consultation will be undertaken in the preparation of subsequent action plans.

Waste Authority Position and Guidance Statements

The Waste Authority publishes position statements from time to time. Position statements formalise the views of the Waste Authority and may be used to inform decisions relevant to the Waste Authority's role in implementing the strategy.

Better Practice Guidance

The Waste Authority recognises the importance of developing better practice guidelines, measures and reporting frameworks and supporting their adoption. The Waste Authority will publish better practice guidance from time to time, which sets out high-performing systems and outcomes benchmarked against comparable jurisdictions.

State Waste Infrastructure Plan

A state waste infrastructure plan will be developed together with key stakeholders to guide the planning and decision making for the establishment and maintenance of critical infrastructure. This will include the type and capacity of additional infrastructure that will be needed to meet the targets in this strategy, the areas in which infrastructure may be best located and forecast dates for when it is needed.

Annual Business Plan

The *Waste Avoidance and Resource Recovery Act 2007* (WARR Act) requires the Waste Authority to prepare a draft business plan to be submitted to the Minister each year. The business plan sets out objectives and priorities for government funding for the next five financial years, and must be consistent with this strategy.

Waste Data Strategy

A waste data strategy will guide the ongoing development of data definitions, collection mechanisms, management and reporting requirements to ensure progress on *Waste Avoidance and Resource Recovery Strategy 2030* can be monitored appropriately and that any revision of approach is based on sound information.

Measuring progress

The Waste Authority will be responsible for evaluating *Waste Avoidance and Resource Recovery Strategy 2030*, including progress towards objectives and targets. The Waste Authority will publish annual reports against its business plan, and coordinate reports on behalf of the Minister against the outcomes of the action plan.

Strategy updates

As Western Australia implements this waste strategy, new opportunities and priorities may be identified which may warrant a review of the scope and focus of the strategy. The WARR Act requires that the waste strategy be reviewed for currency at least every five years, including a full public consultation process. Minor amendments to the waste strategy can be made by the Waste Authority subject to the approval of the Minister.

Glossary

Term	Definition
Better practice	Better practice refers to practices and approaches that are considered by the Waste Authority to be outcomes-focussed, effective and high performing, which have been identified based on evidence and benchmarking against comparable jurisdictions. Better practice will be supported by the Waste Authority through the development of better practice guidelines, measures and reporting frameworks, which will be developed to reflect the different capacities and challenges faced by waste generators and managers. Better practice is synonymous with the term best practice, but captures the dynamic nature of best practice.
Circular economy	An alternative to a traditional linear economy (make, use, dispose) in which we keep resources in use for as long as possible – extracting the maximum value from them while in use, then recovering and reusing products and materials. Three core principles underpin a circular economy – design out waste and pollution; keep products and materials in use; and regenerate natural systems.
Commercial and industrial (C&I) waste	Waste produced by institutions and businesses, including schools, restaurants, offices, retail and wholesale businesses and industries, including manufacturing.
Construction and demolition (C&D) waste	Waste produced by demolition and building activities, including road and rail construction and maintenance, and excavation of land associated with construction activities.
Drop-off facility	Site where residents can bring their waste or recyclables for disposal.
Embodied energy	Embodied energy is the energy used to produce a material substance (such as processed metals or building materials), taking into account energy used at the manufacturing facility, energy used in producing the materials that are used in the manufacturing facility, and so on.
Food organics and garden organics (FOGO)	Food organics include waste food, inedible food, and parts of food that are not consumed and/or are considered undesirable (such as seeds, bones, coffee grounds, skins and peels). Garden organics include organic wastes that arise from gardening and maintenance activities, such as lawn clippings, leaves, cuttings and branches. FOGO can also include other organic wastes that may be compatible with FOGO collections and can include items such as paper and cardboard.

Term	Definition
Household hazardous waste	Products used in and around the home that have at least one hazardous characteristic (flammable, toxic, explosive or corrosive).
Hazardous waste	Waste that, by its characteristics, poses a threat or risk to public health, safety or the environment.
Illegal dumping	Premeditated littering where people go out of their way to dump waste in public places illegally, typically for commercial benefit or to avoid disposal fees.
Kerbside collection	A regular containerised service that collects waste from a residents' kerbside.
Litter	Waste that is left in public places and not deposited into a bin.
Litter Prevention Strategy	Litter Prevention Strategy for Western Australia 2015–2020.
Liquid waste	Wastes that are not solid or gaseous. May refer to sludges and slurries, or other liquids discharged to sewer. May also refer to waste water.
Major Regional Centre	Major Regional Centres: The cities of Albany, Busselton, Bunbury, Greater Geraldton and Kalgoorlie-Boulder, which are local governments outside the Perth and Peel region that have both a relatively large population and reasonable access to markets. Other major regional centres may be identified by the Waste Authority during the life of the waste strategy.
Municipal solid waste (MSW)	Waste primarily collected from households and local governments through waste and recycling collections.
Organic waste	Waste materials from plant or animal sources, including garden waste, food waste, paper and cardboard.
Perth and Peel region	The Perth region, or Perth metropolitan region, is the area defined by the Metropolitan Region Scheme. The Peel region is the area defined by the Peel Region Scheme. Municipal solid waste targets are set for the Perth and Peel region to reflect current urbanisation trends and to align with waste infrastructure servicing and planning needs.

References

Term	Definition
Product stewardship	Product stewardship is an approach to managing the impacts of different products and materials. It acknowledges that those involved in producing, selling, using and disposing of products have a shared responsibility to ensure that those products or materials are managed in a way that reduces their impact, throughout their life cycle, on the environment and on public health and safety.
Residual waste	Waste that remains after the application of a better practice source separation process and recycling system, consistent with the waste hierarchy as described in section 5 of the <i>Waste Avoidance and Resource Recovery Act 2007</i> (WARR Act). Where better practice guidance is not available, an entity's material recovery performance will need to meet or exceed the relevant stream target (depending on its source - MSW, C&J or C&D) for the remaining non-recovered materials to be considered residual waste under this waste strategy.
Resource recovery	The process of extracting materials or energy from a waste stream through re-use, reprocessing, recycling or recovering energy from waste.
Vergeside service	Local government services that collect a range of materials from the verge for recovery or disposal.
Waste avoidance	Refers to the prevention or reduction of waste generation, or the prevention or reduction of the environmental impacts (for example toxicity) of waste generation.
Waste Avoidance and Resource Recovery (WARR) Account	In accordance with the <i>Waste Avoidance and Resource Recovery Act 2007</i> (WARR Act), each year the Minister for Environment must allocate not less than 25 per cent of the forecast levy amount to the WARR Account. Funds in the WARR Account are applied to programs for the management, reduction, reuse, recycling, monitoring or measurement of waste and to support implementation of the Waste Strategy.
Waste diversion	The act of diverting a waste away from landfill for another purpose such as re-use or recycling.

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Waste Authority

14.2 ACKNOWLEDGE WASTE OPTIONS PAPER AND STRATEGIC RECOMMENDATIONS FOR THE REGIONAL ALTERNATE WASTE PROJECT

STRATEGIC GOAL	3. ENVIRONMENT Valued, conserved and enjoyed
STRATEGIC OBJECTIVE	3.4 Climate change risks and impacts are understood, acknowledged and responded to through appropriate planning and community education.
SUBJECT INDEX	Regional Waste Management
BUSINESS UNIT	Strategic Planning
REPORTING OFFICER	Strategic Planner - Nick Edwards
AUTHORISING OFFICER	Director, Engineering and Works Services - Oliver Darby
NATURE OF DECISION	Noting: The item is simply for information purposes and noting
VOTING REQUIREMENT	Simple Majority
ATTACHMENTS	Attachment A Regional Options Paper and Strategic Recommendations  

COUNCIL DECISION AND OFFICER RECOMMENDATION

C2106/115 Moved Councillor J Barrett-Lennard, seconded Councillor P Carter

That the Council acknowledges the Regional Options Paper and Strategic Recommendations document (Attachment A), delivered as part of the South West Regional Waste Group (the Group) to guide ongoing work in finding regional solutions that divert waste from landfills.

CARRIED 8/0

EN BLOC

EXECUTIVE SUMMARY

The South West Regional Waste Group (the Group) requests that Council acknowledges the 'Regional Options Paper and Strategic Recommendations' (Regional Options Paper) (Attachment A), which was delivered in February 2021. The recommendations in the paper identifies the major diversion technologies available in the South West, discusses how Councils could achieve economies of scale in processing, and guides ongoing work that will help determine suitable waste disposal outcomes for the region.

The recommendations of the Regional Options Paper set the ongoing direction for the project. Part of this direction involves specific milestones. By the end of Financial Year 2021/22, Councils can expect to see:

- An operational audit of municipal waste facilities throughout the region;
- Scenario modelling using costs and emissions of alternative disposal processes;
- A regular meeting of senior waste operations staff from Group participants;
- A scoped 'Expression of Interest' process for landfill diversion technologies; and
- Data protocols allowing information comparisons across the region.

Maintaining project momentum towards determining a suitable regional waste disposal response will allow Councils to coordinate local decisions with regional outcomes. Participation in the Group will result in a more united procurement approach, up-to-date information and greater negotiating power in sub-regional negotiations to attain economies of scale. Financial benefits from participation should be achieved as operational matters are shared and discussed between members.

The overarching goals of the ongoing project are to:

- Identify how South West Councils can transition from owning and operating landfills in an economically, environmentally and socially responsible way.
- Identify and act on opportunities to leverage regional and sub-regional economies of scale.

Should Council acknowledge the Regional Options Paper and its recommendations, milestones can be established and timeframes determined when refining suitable regional diversion strategies from landfill.

BACKGROUND

Since 2010, the Group, which comprises the 12 land-based Councils in the South West (Table 1), has sought opportunities to leverage regional economies of scale to improve collective waste management. Work completed to this date has resulted in formation of the Bunbury Harvey Regional Council, commencement and operation of a composting enterprise, viability testing of regional landfill, and establishing strong regional representation within the waste industry.

South West Waste Group Membership		
• Shire of Augusta - Margaret River	• Shire of Boyup Brook	• Bridgetown - Greenbushes
• Shire of Donnybrook - Balingup	• City of Bunbury	• City of Busselton
• Shire of Capel	• Shire of Collie	• Shire of Dardanup
• Shire of Harvey		• Shire of Nannup

Table 1: The Shire of Manjimup are within the region but are not financial contributors to this regional waste management project.

The most recent 'Regional Options Paper and Strategic Recommendations' was handed to the Group and directs how large-scale waste diversion from landfill can be achieved in a way that is consistent with previous findings and within each Council's risk tolerance.

The investment in the Federal and State waste industries has provided the region with a unique opportunity to build local, long-term diversion schemes with potentially positive returns on investment. Strengthening this opportunity are the growing costs of aging landfills, population growth and a transitional policy context have made cooperative waste management solutions more attractive than previously. A coordinated waste approach across Local Government Area (LGA) boundaries can leverage the economies of scale needed for significant landfill diversion and ease triple bottom line costs. A separate waste management entity could provide further benefits such as equitable distribution of risk and returns-on-investment. An external entity such as a Regional Subsidiary has the potential to equitably manage waste on behalf of member Councils, removing the liabilities associated with these operations.

OFFICER COMMENT

The Regional Options Paper proposes nine recommendations that clarify how greater economies of scale are achievable by driving waste management in the South West towards a cooperative model that reduces the impact of anticipated higher waste management costs in the future. The recommendations are another step towards identifying the life cycle of waste and what risks and benefits impact Councils by shifting the view from waste being a service cost to being a resource. The paper recommends clarifying the costs of new treatment facilities and environmental impacts derived from greater regional coordination, different contract frameworks and cross-boundary operations to attain sub-regional benefits.

In full, these recommendations are:

1. That the Group prepares a comprehensive Integrated Waste Management Plan coordinating regional waste assets and operations as a single entity. This is to:
 - a. Identify locations for complex waste treatment facilities;
 - b. Draft community engagement strategies;
 - c. Define responsibilities between Councils including waste ownership boundaries;
 - d. Apportion risk according to the level of engagement.
2. Prepare a Business Plan for the representative entity that clearly defines long term visions, targets, development timelines and proposed expense and revenue projections.
3. Commence planning an 'Expressions of Interest' process which focusses on regional Municipal solid waste treatment. The specifications are to enable a variety of service providers to make submissions proposing technologies that may be proven internationally but are yet to be established in Australia. Siting requirements and other supportive needs, for example, access to complementary assets/partners should be included.
4. Establish an Integrated Waste Management Working Group comprising senior technical and operational staff from within the members of the South West Regional Waste Group to formalise and review waste management initiatives for the region.
5. The Group considers formalising a representative entity e.g. a Regional Subsidiary, to equitably represent members in pursuing the recommendations in the Report.
6. That the Group accepts the recommendations in the Report as presented.
7. Provide regional representation to support or conduct contract negotiations on behalf of, or in conjunction with, multiple similarly sized Councils to attain sub-regional economies of scale.
8. Seek funding and institutional support from State and Federal agencies for implementing the recommendations of the Report.
9. That a standardised data collection program commences across the region. The metrics for Local Government Areas to report against are to be consistent and relevant to inform strategic decision-making and allow reliable triple bottom line comparisons. The data is to be relevant to assessing preferable waste operations between Councils. For example, contamination statistics, waste service costs, capital investments, tonnages, community consultation expenditure and bin audits among others.

Pressures to change

Landfill remains the dominant waste disposal method in the South West. Although economic, the practice of burying Municipal solid waste is now being challenged by State policy, a growing domestic resource recovery market and more cost-effective processing technologies becoming available. Additionally, suitable land for landfill expansion is becoming scarcer, licensing conditions are increasing, and construction costs and legacy environmental responsibilities are becoming major financial risks to local government.

The waste market is currently experiencing significant change resulting from Federal policy and State driven investment in diversion operations. Some local pressures have been triggered from decisions made overseas but there are also south western influences like the diminishing suitability of land available for landfill expansion, considerable costs faced by Councils because of historic waste practices and existing landfills approaching the end of their operational lives.

Social pressure is also increasing as the impact of landfills on the local environment receives greater attention than previously, resulting from a higher public profile and increased government grant allocations to diversion enterprises.

There will continue to be a need for landfills as the transition from disposable products and packaging continues. Strategically, landfills provide a disposal option that can compete in the disposal market place and act as a contingency should preferable diversion technologies fail elsewhere due to natural disaster, insolvency, industrial accidents or other eventuality. Waste from disposal technologies, for example ash from thermal waste to energy, will require 'best-practice' landfills.

Local impacts of State Targets

Consistent with the rest of the State, the south west waste industry is guided by the Western Australian Waste Strategy 2030 (the Waste Strategy) and Annual Action Plan. These documents set clear targets for the State to collectively achieve by 2025 and 2030. Translated into local action, these objectives guide investment into attaining diversion and prevention of waste. The south west already has significant diversion strategies in place. Common diversion streams aside from FOGO include scrap metals, e-waste, chemicals, kerbside recycling and reusable construction and demolition (C&D) waste. FOGO is expected to divert approximately 55% of the total waste fraction collected or deposited at Council facilities.

The State strategies respond to federal pressures such as specific waste streams actions correlating with national waste export bans determined by the Council of Australian Governments (COAG) on specific materials. The rolling COAG waste export bans are planned to commence on these dates:

- 1 January 2021 for glass
- 1 July 2021 for mixed plastics
- 1 December 2021 for tyres
- 1 July 2022 Single resin plastics (e.g. drink bottles) that are not cleaned and baled
- 1 July 2024 for mixed paper and cardboard.

As these bans are implemented, finding alternate disposal methods becomes more important so the circular economy policy targets remain attainable. This will have direct impacts on local operations and treatment solutions.

The South West's considerable geographical size, isolation from reuse markets and a heavy reliance on resource industries makes reducing waste processing and diversion costs more challenging but opportunities exist to considerably improve our regional performance. Despite the region's separation from large waste end-markets which can impact investment in waste and recycling, local markets for construction and demolition (C&D) waste and organics should be managed close to the source of generation for economic and environmental reasons.

Within metro centres, the higher cost of landfilling and waste disposal compared with regional areas, makes investing in diversion technologies a simpler decision. Alternative treatments that outperform disposal costs in regional areas is more difficult but the policy and environmental objectives set by the State make this an imperative. Finding economies of scale is critical to minimise existing disposal costs and meet policy targets. This also has implications for the life cycle of different assets.

Depending on how and when you measure the costs of waste management, different options can be supported. If a local Council includes long term management of waste facilities and potential environmental liabilities in their operations assessment, this will drive up the cost of airspace up as fees will be for service and accurately reflect real costs associated with landfill operations.

Responding Effectively as a Region

The complexity of large-scale waste disposal requires a balanced approach that considers all potential options is preferable to choosing one single disposal method. This minimises risk through diversification, is more likely to meet national waste targets and responds to State policy. A mix of disposal options also minimises environmental harm and associated liabilities by isolating potentially harmful methods.

Increasing the diversity on how waste is redirected from landfill builds flexibility as the industry develops, allowing the market to resolve disposal issues for local governments. Incentivising greater private company participation at multiple levels of the waste hierarchy starting with reduce, reuse, recycling/compost and energy recovery from waste lets the market address waste rather than Councils having to come up with options.

Waste disposal at a regional scale should be considered as an integrated system rather than as one single waste stream to be resolved. This fragmentation is driven by the nature of the waste products, its different sources and the variety of disposal options open to Councils. This multi-faceted approach is consistent with previous studies completed for the Group, such as the 'Regional Waste Management Strategy 2015' (RWMS) which clustered waste management technologies to achieve higher diversion rates and capitalise on vertical integration.

There are established frameworks to coordinate regional responses, for example preparing an 'Integrated Waste Management Plan' (IWMP). This framework identifies the components within a waste management system that are required to attain regional economies of scale. Coordinating waste management regionally simplifies the management of waste to protect human health and the natural environment. The process requires evaluating local conditions and needs before choosing, mixing and applying the most suitable solid waste management treatments, using the Waste Hierarchy to determine regional expenditure priorities.

Alternative treatment solutions are assessed within the system so facilities can be placed for maximum regional benefit. Some of these services may include reuse shops, recycling stations, repair centres, thermal waste-to-energy (WTE), anaerobic digestion plants (AD) as well as other treatments as appropriate. Adjusting the community's role to be more participatory in waste management must be central when developing the plan as households are critical in determining the success and efficiency of a service.

Each local government or sub-region (two or more shires) can assist in coordinating services within a regional waste processing context. Locally managed initiatives include:

- Transfer Stations,
- Green waste mulching,
- Local waste groups driving community action, and
- C&D waste processing.

These services would continue being managed by each LGA however, a regional contract for the procurement of the services should be considered by the South West Group to reduce costs.

Effective support for regional assets comes from nurturing community participation. Regionally coordinated programs provide consistency, leading to trust and participation. These initiatives may include education, monitoring, enforcement and efficiency of facilities among others. Better understanding and involvement by the public results in lower contamination rates through greater ownership, so coordinating different services to maximise their impact is important.

Regionally managed initiatives may include:

- Implementing an integrated waste education program,
- Supporting local waste groups,
- Providing local messaging,
- Bin audits, and
- Influencing commercial practices.

Large scale treatment facilities can divert significant waste volumes from landfill. Providing regional infrastructure may include Material Recovery Facilities (MRFs), Waste-to-Energy facilities and logistics. By working at a regional scale, outputs from these facilities may be managed elsewhere. At a strategic level, landfills should be maintained but reducing the volumes going to these facilities means they will not be necessary in each shire. In addition to the greater economies of scale, best practice landfills can provide long-term waste disposal security.

Technology Development

The Market Sounding completed in 2021 identified proven technological solutions such as gasification, pyrolysis, biological waste-to-energy plants, composting and direct company-to-company resource trading that were worth pursuing in the South West. The volumes produced regionally were commercially viable with the right separation and contamination activities but each technology had different conditions to succeed. Determining the most suitable solution requires in-depth economic modelling and an open market was the best way to attract appropriate skills.

The market sounding process also established business relationships between the Group, State Government, technology providers and emerging companies. During interviews, discussions and written correspondence, more companies than those which responded stated their willingness to participate in a procurement process which could result in operational contracts such as an Expression-of-Interest (EOI) or Tender process.

Privately managed waste disposal operators are generally aware of the changes affecting long term landfilling and the significant capital investments needed to change existing practices. The long contracts that are needed to attain suitable cost to benefit ratios from these investments are required then to attract investment but can alternatively challenge local innovation and suppress growth of a viable reuse market. For example, a single disposal technology chosen for the next 25 years may be superseded before the returns on investment can be realised.

Establishing a Separate Management Entity

The complexity of administering a regional waste plan, aligning operations to targets, negotiating contracts, community messaging and other tasks associated with developing the waste system requires dedicated personnel. A theme acknowledged in previous reports included separating these waste operations from other Council operations. A separate entity provides considerable advantage to the local waste sector by creating a limited, manageable risk framework.

The cost of continuing current waste disposal practices i.e. 'business as usual', is expected to rise as State policy diverts more waste away from landfill without significant operational cost decreases as well as sites becoming more expensive to develop with new licence conditions. Added to these direct costs are the indirect costs of transitioning to transfer stations, potential introduction of a waste levy, increased transport costs and ongoing environmental monitoring/remediation costs associated with unlined cells.

The rising costs of waste management, changes in market innovation, loss of proactive pricing, inability to capture lost value from waste streams and changing social attitudes suggest that business as usual is not the most effective means to continue operating.

Plan for 2021/22

Should Council acknowledge the 'Regional Options Paper and Strategic Recommendations', the work plan for the forthcoming year will be determined by the recommendations. Councils can expect to see:

- Preparation of an Integrated Waste Management Plan including an audit of municipal waste facilities throughout the region,
- Scenario modelling of alternative disposal methods and their costs using a long term development outlook,
- Assembly of a technical group comprising waste managers from within Councils providing operational advice on proposed initiatives,
- Scoping an 'Expression of Interest' requesting market driven solutions in diverting municipal solid waste disposal from landfill allowing scope to consider recycling and FOGO processing,
- A standardised data protocol allowing comparisons between Council datasets to underpin informed regional decisions across the region.

Maintaining momentum in this project continues the foundation work in determining a suitable regional response to waste disposal pressures with local benefits. Should the 'Regional Options Paper and Strategic Recommendations' be acknowledged and the project continue, then a measured but defined series of outcomes will then allow Councils to make local decisions consistent with regional outcomes.

Participation in this Group allows access to relevant information and negotiating power in sub-regional negotiations to attain economies of scale. Members should start seeing financial benefits of participation as operational contracts are shared for the benefit of members. Regional representation will link Councils more effectively and seek cooperation between members wherever possible.

Statutory Environment

Waste Avoidance and Resource Recovery Act 2007 (WARR Act)

This legislation aligns municipal operations across the State so they contribute to sustainability, protect human health, the environment and move towards a waste free society. The WARR Act emphasises:

- Resource use efficiency, including resource recovery and waste avoidance;
- Reducing environmental harm, including pollution through waste;
- A hierarchical approach to resource management by avoiding waste creation, increasing resource recovery and reducing disposal impacts.

This legislation requires local governments to prepare Waste Plans to align local waste management goals with State targets. The WARR Act gives the CEO of the department powers to require a local government to submit a report on the implementation of its waste plan. If this is not satisfactory to the State and the differences cannot be negotiated, the WARR Act grants the CEO power to prepare a local waste plan on behalf of the local council.

Waste Avoidance and Resource Recovery Levy Act 2007 (WARR Levy Act)

This legislation allows for the imposition of a levy per tonne of waste disposed to landfill. Based on previous comments by the then Minister for Environment in February 2019, this levy is at least being considered for an extension to the Peel and South West regions.

Relevant Plans and Policies***The National Waste Policy 2018***

Published by the Department of Sustainability, Environment, Water, Population and Communities in 2018, the 'National Waste Policy – Less Waste More Resources' frames national waste management using a circular economy model. The Policy champions five principles:

1. Avoiding waste
2. Improving resource recovery
3. Building demand for waste derived products
4. Improved material flows
5. More informed innovation, investment and consumer decisions

There are also national targets which directly inform State priorities and influence local priorities, specifically:

1. Banning waste plastic, paper, glass and tyres exports
2. Reducing total waste generated in Australia by 10% per person by 2030
3. Achieving 80% resource recovery from all waste streams using the waste hierarchy by 2030
4. Increasing recycled content use by governments and industry
5. Phasing out problematic and unnecessary plastics by 2025
6. Halving organic waste volumes sent to landfill by 2030
7. Making data publicly available that supports consumer, investment and policy decisions

Western Australian Waste Strategy 2030 and Annual Action Plan

The Waste Strategy 2030 is the tool helping to implement the Waste Authority objective of transitioning to a “sustainable, low-waste circular economy in which human health and the environment are protected from the impacts of waste.” Two crucial components of the strategy are the waste hierarchy and circular economy.

The Waste Strategy 2030 sets targets which depart from landfill diversion benchmarks to focus on three objectives – avoid, recover and protect. These objectives are intended to deliver a 10 per cent reduction target in waste generation per capita by 2025 and 20 per cent reduction by 2030. The targets to increase material recovery from the existing State rate of 57 per cent to reach 70 per cent by 2025 and 75 per cent by 2030.

The accompanying Action Plan is renewed annually and clarifies specific actions, timelines, lead responsibilities and collaborations to achieve the stated objectives.

Financial Implications

The existing costs of this project are shared amongst 11 of the 12 local government areas in the South West:

Regional Alternative Waste Project Financial Contributors		
• Shire of Augusta - Margaret River	• Shire of Boyup Brook	• Bridgetown - Greenbushes
• Shire of Donnybrook - Balingup	• City of Bunbury	• City of Busselton
• Shire of Capel	• Shire of Collie	• Shire of Dardanup
• Shire of Harvey	• Shire of Nannup	

The Shire of Manjimup maintains a watching brief of the current regional alternatives project, although they are not financial contributors at this stage.

The cost and interaction of various waste operations need to be modelled so a variety of scenarios can be assessed. On a regional scale, this will require specialist knowledge that the region does not have. For that reason, expertise from conducting similar studies elsewhere should be sought and applied for consistency and confidence that the South West region is taking the best approach. These costs are unknown as the size of the work is currently imprecise until scoping work is completed. This will take place as part of the Integrated Waste Management Plan (IWMP) work.

As the complexity of the project continues, detailed economic and governance data will be required to determine a preferred waste development option throughout the region. This means specialist knowledge with expertise in financial modelling and market development will be needed for specific analysis but much of the required data will be attained through the development of a regional integrated waste plan. These costs will be determined on an 'as-needs' basis and a proposal will be agreed by the Group participants.

Baseline costs for this project are approximately \$145,000 per annum divided amongst the members according to the rates percentage contributed by each Council. As of financial year 2020, these percentages are:

LGA	Rates 2019/20	%
Augusta - Margaret River	22,236,881	12
Boyup Brook	2,761,412	2
Bridgetown - Greenbushes	4,664,443	3
Bunbury	39,729,386	22
Busselton	51,997,844	28
Capel	13,537,724	7
Collie	6,227,532	3
Dardanup	13,716,704	7
Donnybrook - Balingup	5,072,527	3
Harvey	21,877,333	12
Nannup	1,772,136	1
TOTAL RATES COLLECTED	183,593,922	100

Table 2: Shows the percentage and values used to designate cost contributions to the project.

Stakeholder Consultation

Since 2019, the Group has been actively engaged with the community, private enterprise and government agencies discussing progress and opportunities to divest Councils from landfill operations. In addition, the region participates at a Policy level with several waste initiatives such as reuse of materials in the Bunbury Outer Ring Road and the Container Deposit Scheme. The Group maintains strong relationships with relevant State departments and other stakeholders that maintain a presence in the market.

Risk Assessment

An assessment of the potential implications of implementing the officer recommendation has been undertaken using the City's risk management framework, with risks assessed taking into account any controls already in place. No risks of a medium or greater level have been identified.

Options

As an alternative to the proposed recommendation the Council could:

1. Not acknowledge the recommendations but continue with the project; or,
2. Not continue the project.

CONCLUSION

The Group recognises that continued individual waste management reduces negotiating power for sub-regional contracts and increases costs. Coordinating operational assets using a separate entity is likely to achieve greater diversion and more effective education programs at an overall lower cost.

Given the trend of waste management growth in Western Australia over the previous 15 years, strategic partnerships with private industry and growing the local economy will spread risk and reduce overall costs for Councils in the region. Councils cooperating with investments will benefit from services being provided that are beyond the scope of an individual Council. More complex treatment processes underpinned by a comprehensive community engagement strategy and coordinated procurement policy can further reduce waste volumes through building a regional waste economy.

Proposed treatments need to be underpinned by strong, consistent community messaging that plays a significant role in managing community participation and reduction in contamination.

A comprehensive waste management plan views regional operations holistically, providing greater flexibility and diversity in waste management. With the existing State and Federal support for waste processing growth, it is now time to seek alternate methods for disposal. An Expressions of Interest process focussing on processing Municipal solid waste can be an effective tool that opens the region to a wider pool of service providers. Crafted skilfully, the specifications can capture economic long term solutions that in some areas have developed local economies focussed on reusing materials previously considered as not having value.

TIMELINE FOR IMPLEMENTATION OF OFFICER RECOMMENDATION

Should the Council acknowledge the 'Regional Options Paper and Strategic Recommendations', a new annual scope of works and milestones will be developed within July 2021.

South West Regional Waste Group



REGIONAL OPTIONS PAPER AND STRATEGIC RECOMMENDATIONS

February 2021



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RECOMMENDATIONS

1. That the Group prepares a comprehensive Integrated Waste Management Plan coordinating regional waste assets and operations as a single entity. This is to:
 - a. Identify locations for complex waste treatment facilities;
 - b. Draft community engagement strategies;
 - c. Define responsibilities between Councils including waste ownership boundaries;
 - d. Apportion risk according to the level of engagement.
2. Preparing a Business Plan for the representative entity that clearly defines long term visions, targets, development timelines and proposed expense and revenue projections.
3. Commence planning a regionally focussed 'Expressions of Interest' process focussing on regional Municipal Solid Waste treatment. The included specifications are to allow a variety of service providers to make submissions proposing technologies that may be proven internationally but yet to establish in Australia. Siting requirements and other supportive needs, for example, access to complementary assets/partners should be included.
4. Establish an Integrated Waste Management Working Group comprising senior technical and operational staff from within the members of the South West Regional Waste Group to formalise and review waste management initiatives for the Region.
5. The Group considers formalising a representative entity e.g. a Regional Subsidiary, to equitably represent members in pursuing the Recommendations in this Report.
6. That the Group Accepts the Recommendation in this Paper as presented.
7. Provide regional representation to support or conduct contract negotiations on behalf of, or in conjunction with multiple similarly sized Councils to attain sub-regional economies of scale.
8. Seek funding and institutional support from State and Federal agencies for implementing the Recommendations of this Report.
9. That a standardised data collection program commences across the region. The metrics for Local Government Areas to report against are to be consistent and relevant that informs strategic decision-making and allows reliable triple bottom line comparisons to be made. The data is to be relevant to assessing preferable waste operations between Councils. For example, contamination statistics, waste service costs, capital investments, tonnages, community consultation expenditure and bin audits among others.

EXECUTIVE SUMMARY

The changing nature of the National and State waste industries provides a unique development opportunity for the South West Region that streamlines operations and reduces costs for those Councils willing to collaborate on more complex treatments. The move from cheap landfilling to a more complex diversion system delivers greater cost savings and lower disposal volumes by leveraging market forces.

This Paper addresses themes recurrent in previous studies conducted by the South West Regional Waste Group - cooperation, market creation and maintaining a prudent investment program. New projects such as trialling regional procurement programs can build local markets by using waste products to create jobs and economic growth. The Recommendations proposed in this paper are forward-looking, intended to provide a pathway towards achieving:

- External management of waste operations, separating them from individual Councils;
- Maximising diversion from all landfills in the Region while minimising external impacts;
- Managing the impact of additional waste charges or levies;
- Providing options for waste management investment in the South West; and
- Providing cost neutrality or better when considering relevant waste treatment options.

Using cooperation and common purpose to leverage economies of scale, requires commitment from participating Councils. Formalising how members interact, either as partners or clients provides options to work together. A regionally representative group such as a Regional Subsidiary model or expanded Regional Council, means that common interests can be negotiated in the open market and be held accountable. Commitment can be financial or volume supply of waste. More participation will improve effectiveness in removing barriers preventing private industry from more active roles in diverting waste from landfill.

By framing South Western waste operations as a single entity, coordinating contracts, plant and filling regimes can be streamlined. Innovation can be simplified by choosing from a variety of facilities that are available for set purposes. Plant and operations can be developed on a scale larger than any one Council could provide and benefits shared equitably. Introducing adaptability to a regional waste management system targets multiple levels of the waste management hierarchy, prioritising reduce, reuse, recycling/compost and energy recovery from waste. This focuses strongly on waste prevention and landfill minimisation.

The ultimate goal for the regional entity should be to separate waste operations from SW Councils, equitably distributing cost savings and risk among members without creating unjustifiable cost increases. This long term goal will have local impacts in guiding investment, for example, local facilities can be acquired/designed assuming that at some future point they may be acquired by a larger organisation. In this context, regional initiatives also must respond to local issues and be easily monitored. These initiatives include:

- Evaluating complex waste treatment plants for the region, investigating external risks (buffer zones), harnessing economies of scale, population effects and other siting factors;
- Designing an optional Procurement Policy Trial for South West Councils to use their collective purchasing power in shaping private industry diversion solutions; and
- Coordinating a regional education and consultation strategy to deliver tangible outcomes for local Councils.

Of the options considered, thermal Waste-to-Energy was found to be magnitudes more expensive than smaller, targeted options but they higher diversion percentages of highly co-mingled, non-

organic waste. Cheaper initiatives such as education and promoting reuse, repair and recycling were more labour intensive but can achieve significant outcomes and have considerable community support. Blending these approaches can be a role for the regional body which can negotiate waste supply contracts and support multiple waste education officers.

Growing FOGO markets is critical for continued organic matter diversion success. Diversifying the risk by using more than one treatment technology, i.e. composting, can produce more products and reduce long term disposal costs for the region. For example, an anaerobic digestion unit produces energy and bio-fertiliser that can also support composting enterprises.

A combination of several treatments is proposed, coordinated by a central body and organised in a formal framework called an 'Integrated Waste Management Plan'. This Plan coordinates transport, research, business development and community education across Local Government Area boundaries. This approach allows for sub-regional agreements and negotiations between individual Councils to leverage local economies of scale.

TREATMENT OPTIONS SUMMARY

Option	Administrative		Operational				Composting	Materials Recovery Facility (MRF)	Procurement
	Regional Council Expansion	Regional Subsidiary	Landfill	WTE - Thermal	WTE - Gasification	WTE - Anaerobic Digestion			
Capital Cost Estimate (\$)	Under \$250,000	Under \$250,000	Approx. \$3M / Cell	N/A for SW	\$70 M	\$12-15 M	\$5.5M	\$14M Manual \$19M Semi-Auto \$24M+ Automated	Depends on extent of participation
Gate Fee* \$/tonne <small>*(does not include transport)</small>	N/A	N/A	86 (Regional avg) 40 aprox(Cleanaway)	150 - 190	160-200	50-80	42 (BHRC)	\$60-100	N/A
Waste Levy	N/A		156 (Regional avg) 107 (Cleanaway)	No change	No Change	No Change	No change	Less than landfill costs following sorting	N/A
Impact	<ul style="list-style-type: none"> Commences operations on research immediately Liability risk and revenue sharing needs to be defined Establish Agreement needs to be altered Elected Council guides operational decisions 	<ul style="list-style-type: none"> Externalises waste operations from Council Creates opportunities for sub-regional private/public partnerships Quarantines ratepayers from waste operation costs External experts can help guide business development 	<ul style="list-style-type: none"> No change to current practices Will be subject to a Waste Levy Land required for new to construct these facilities Licence requirements are technically demanding This option is losing community support This is at the bottom of waste hierarchy 	<ul style="list-style-type: none"> 95% diversion Large minimum waste volume required High transport costs Could backload facilities with ash for savings Discourages recycling May discourage innovation on other streams Low waste hierarchy option 	<ul style="list-style-type: none"> Lower transport fees (locate in SW) 90% diversion Modular High operational costs Expect community opposition Stifle innovation in other streams EPA and DWER approvals can be onerous No operational model in Australia 	<ul style="list-style-type: none"> Up to 55% diversion (removes organics) Produces fuel (natural gas) and fertiliser Carbon credits available Working examples in Jandakot and Yallingup Specialist knowledge required Needs low feedstock contamination 	<ul style="list-style-type: none"> Wholly owned government enterprise Experienced operators Value add operation Operationally intensive Modular Room to expand Market security Carbon sequestering – long term stability in process 	<ul style="list-style-type: none"> Large scale waste Diversion Strong negotiation position Partnership opportunities with private enterprise Long term economy support Needs sufficient markets to be profitable 	<ul style="list-style-type: none"> Proactive drive to build local industry Incremental Supporting private enterprise innovation Product needs to be acceptable Sourcing local waste may be problematic Auditing the system may be problematic
Revenue	Gate Fee Share of R&D Findings Member Investment	Contract negotiation Savings Fee for Service Owners investments	Gate Fees, Ratepayers subsidised Reclaimed materials	None. Standard fee for service	Electricity Steam	Compressed Natural Gas (CNG) Digestate / Fertiliser	Fee for service Waste Supply Agreements	Recycled products; Gate fees Container deposit scheme.	None, for procurement action only
Time to Operation	6-12 Months	6-12 months	Currently operating	Commence 2022	Within 5 years from Contract Signing	Within 2 years from approvals	Before 2022	Within 2 years from approvals	Within 12 months
Estimated Payback time	N/A	N/A	Depends on loan conditions and Council reserves	N/A	TBD	TBD	TBD	TBD	N/A

Table 1: Comparison table of prices for alternative waste treatments. Information for composting and a proposed MRF has been supplied by Bunbury-Harvey Regional Council.

The growth in available waste technologies means costs change according to the operators' response to operational demands, environments and minimum waste volume thresholds. The waste levy is applied to waste received at landfill premises and is not applicable to diverted materials.

Integrating regional waste management diversifies investment risk, controls the speed of transition towards a circular economy and provides collaborative opportunities with private industry. Complementary waste treatments can provide a range of diversion methods at varying costs to individual Councils, usually at a reduced rate.

These options are underpinned by a comprehensive Regional Waste Education Program designed to coordinate regional waste operations with local community involvement. This can include supporting community liaison groups, influencing commercial practices through market intervention, employing regional waste officers (preferably from existing staff positions), establishing a uniform Reuse Shop model and potentially a 'Free-Trade Website'. These options are relatively low cost but can have significant impact in the contamination rates and cost-effectiveness of proposed treatment solutions.

FAQs

In the interests of clarity and brevity a summary of main report points are:

- **How should the Recommendations inform immediate progress?**
 - A. Should a formal cooperative model be supported, a low financial contribution is proposed to commence activities. Initially, a model needs to be selected and Business Plans prepared clearly stating each Council's responsibilities and risks.
 - B. An Expressions of Interest should be mapped out with draft Specifications to be circulated among Councils (or through the Technical Group) to capture Municipal Solid Waste treatment options suitable for the Region. Additional treatments such as the organic stream could also be included.
 - C. A voluntary Procurement Policy Trial should be designed that leverages the collective purchasing power of the Councils in growing the local waste diversion economy. This is intended to promote those reuse/recycling businesses that can grow diversion activities by demanding defined reuse/recycling content in Council purchases. For example, requiring all street furniture to comprise ten percent recycled material sourced from the South West. This has been successfully deployed in other States.
 - D. Sub-regional contracts should be negotiated to leverage economies of scale between multiple Councils. This will require significant cooperation between local staff and regional representatives.
 - E. Prepare a regionally Integrated Waste Management Plan that frames regional waste operations as one system, identifying local growth areas and operational coordination, for example, collection regimes, sorting facilities, potential Waste to Energy sites.

- **Are there timelines associated with moving forward?**

As an outline,

Within 5 Years:

- Regional representative entity is formed with clear member benefits and client relationships defined in the waste management industry.
 - A fully costed Business Case including liabilities and risk profiles is prepared.
 - Roles and risks are clarified.
 - Regional coordination plans are used to determine direction
- Regional Expressions of Interest process complete. Negotiations for a major waste diversion operation are at the least, to be underway, if not complete and outcomes enacted.
- Regional Integrated Waste Management Plan completed and consistent with long term goals.
- FOGO treatment expanded through supporting Bunbury Harvey Regional Council's operations.
- Materials Recovery Facility investigations complete.
- Waste-to-Energy investigations complete and potential contracts in place.

- Anaerobic Digestion feasibility complete and site identification studies accepted.

Within 10 years:

- Partnership opportunities supported by feasibility analysis be operative and external funding support agencies informed. Acquisition could commence.
- Be substantially on the way to achieving or exceeding State Waste Targets.
- Regional Entity is established and benefitting members and clients.

- **Can we continue our local agenda without compromising regional benefits?**

Having a long term goal such as externalising waste operations will help shape design and function of local facilities. The risk to regional outcomes is reduced if local facilities are designed to be potentially sold or re-vested within the next 20 years. For example, local processing assets could have the capacity to process volumes greater than the local Council produces using modular technology or flexible site layouts.

- **How much and how long will it cost to start a Regional body?**

Assistance will be required from WALGA to establish this entity. Following the Rivers Regional Subsidiary as an example, it would take approximately six months to prepare documentation and one year to advertise, amend and submit proposal to the Minister for Authorisation.

The early activities of any regional entity will strategic with contract negotiation to try and prove its effectiveness. Overall investment is anticipated to be low. Legislation governing the behaviour of Regional Subsidiaries is anticipated to be amended by 2025 which will clarify risk, liability and other business parameters. Staff are proposed to be sourced from existing Council staff levels, potentially on a part time basis to avoid any new costs.

- **What other waste management costs can we anticipate?**

The introduction of a Waste Levy is anticipated but the timing and rate remain unknown. Whether \$70 per tonne as applied in Perth Metro or a reduced 'Regional rate' is unclear. Eastern States experience and WA State government discussion papers suggest that a split rate between City/Regional Centres is at least under consideration. This approach has resulted in greater cross-border shipping of waste to smaller towns that may not have the facilities to manage these larger volumes of waste.

Transiting from landfills to Transfer Station is estimated somewhere between \$300,000 - \$500,000 depending on operations, facilities, state of the site and other *in situ* considerations. Designs should be made with consideration to Regional expansion. Further design matters are contained within this Paper.

- **How can we get the best and most suitable treatment options for the SW region?**

Nationally, regions undergoing a similar exercise to the South West have conducted long Expression-of-Interest (EOI) processes to capture the best long term outcomes. The complexity of many of the technologies being considered require a 20 year plus investment horizon, which can justify the long investigation period. This allows for new entrants to the Australian markets and time to solicit submissions from overseas companies which may be appropriate in the SW context. Once complete, discussions with preferred candidates can inform a focussed Tender process which could be shortened by the EOI process.

- **How can we coordinate communication about local and regional waste development?**

To leverage advantages of local knowledge and larger scale investment continued discussions between local and regional staff are critical. Forming a technical group of committed operational staff with the specific purpose of assessing strategies, planning new investigations and identifying investment opportunities between Councils will improve regional coordination.

- **What are the baseline costs to know before looking at options?**

The range of regional gate fees are \$50 – \$150 /tonne, averaging at \$86/tonne. These costs are not just operational but may include contingencies, remediation, reserve contributions and may be offset using other revenue streams.

There is not a definitive method of setting gate fees which is standard across the region but are determined locally. Complexities in pricing an actual 'processing cost per tonne' include differing contract rates, transport, depreciation, staffing levels and facilities.

Annual waste charges for ratepayers are more complex again and reflect the local policy environment. Costs to ratepayers range across \$147 and \$498 (2020/21) per annum averaging at \$321 per annum.

INTRODUCTION

Since 2010 a regionally coordinated regional approach to waste management has been sought that that leverages economies of scale. These efforts are repeatedly undermined by the continued low cost of landfilling. The social willingness of moving away from landfills has not been supported by the economic reality of managing these services. This means more complex facilities that can offer greater diversion, returns on investment and lower overall operation liabilities have not been worth the cost.

There is now a unique opportunity to commence building local, long-term diversion schemes with feasible returns on investment. Aging landfills, population growth and a transitional policy context have made cooperative waste management solutions worth pursuing. A coordinated waste approach across Local Government Area (LGA) boundaries can leverage economies of scale needed for significant waste diversion from landfill and ease the triple bottom line costs. Without a separate waste management entity these benefits are unlikely to be equitably distributed. The simplest means ensuring fairness is by creating an external entity such as a Regional Subsidiary that equitably manages waste on behalf of member Councils.

A central body can then take a strategic view of regional waste, matching local waste needs with regionally available facilities and services. Using Waste to Energy (WTE) facilities as they are established in East Rockingham or Kwinana is a good example of how we use our local solutions. This is an expensive option but highly effective and could form part of a regional solution. Gate fees can be high and when added to transport may exceed \$200 per tonne. This figure quadruples some local processing costs. However, for the highly co-mingled putrescible waste which is not worth recovering, it is a valid treatment solution, we just need to ascertain volumes.

Funding this model is not intended to raise existing costs substantially. Short terms gains are proposed to come from negotiating multiple Council contracts. In the long term setting a clear regional goal will align local investment decisions. This goal is to satisfactorily externalise all waste operations for local Council members.

Commencing the formation of a Regional Subsidiary will focus waste efforts on outcomes and provide sufficient planning time to allow rapid expansion when proposed legislative amendments are made, anticipated to be before 2025. The issues faced by the Group when seriously considering any formation of a collaborative waste model include:

1. Reducing waste management costs for individual Councils throughout the South West;
2. Introducing operational efficiencies at individual locations;
3. Attaining more complex and higher diverting technologies in the region;
4. Creating employment opportunities;
5. Growing the local waste economy and remanufacturing sector;
6. Moving towards 'Zero Waste' outcomes throughout the South West Region;
7. Supporting or creating innovative opportunities to divert waste;
8. Collectively negotiating contracts with private enterprise;
9. Building collaboration between government and industry; and,
10. Pursuing beneficial partnership opportunities.

This report has a focus on Municipal Solid Waste (MSW) and organic waste, referred to as FOGO as these are the two main waste streams going into landfill and there is not yet substantial private investment to improve diversion.

CONTEXT

LITERATURE REVIEW

Since 2010, the Group has commissioned studies that identify opportunities to leverage regional economies of scale by centralising and simplifying waste management. Of these papers, five pivotal studies have been summarised in a Literature Review which is attached in Appendix 1. These are:

1. 'Feasibility Study for the Formation of a Regional Council for Waste' (2010)
– prepared for the City of Bunbury on behalf of the Wellington Group of Councils
2. 'Strategic Waste Management Plan'(2012)
– prepared for the Bunbury-Wellington Group of Councils
3. 'Organics Officer Project: Helping to reach a regional solution to a local problem' (2012)
– prepared as part of the Strategic Waste Initiative Scheme (SWIS)
4. 'Regional Waste Management Strategy' (2015)
– prepared by Talis Consultants
5. 'Integrated Regional Waste Management': Market Sounding Exercise (2020)
– prepared for and by the South West Regional Group

These works have informed significant progress in the South West, such as forming a Regional Council and commenced a composting enterprise. Other initiatives included exploring the potential for a Regional Landfill.

In addition to the operational outcomes, the Group's strategic direction has also adapted to changing conditions, policies and objectives. Throughout these changing contexts, recurrent themes appear suggest there are opportunities which remain unacted upon and the reasons to pursue these recommendations appear to have not fundamentally changed. These themes include;

- Formalising regional collaboration by forming an external entity (such as a Regional Subsidiary) to manage waste. This entity would externalise risk and given sufficient operational capacity would meet the evolving waste management complexity in the South West;
- Recognising the critical role of public involvement in waste management for source separation, program participation and lowering contamination rates to produce higher value waste streams;
- A measured approach to large capital investment early on which can also be high risk;
- Developing appropriate markets for waste derived materials which can service resource separation initiatives. Long term customers are critical to developing complex waste diversion facilities as it creates confidence for investors. Targeting infrastructure providers such as Councils (which can have dual supply/demand roles) can provide the most secure outcomes;
- Private enterprise can contribute essential technical knowledge, investment capacity and risk management in providing new waste diversion technologies to the region;
- Declining landfill availability is common throughout the SW, both in existing sites and finding alternate locations; and
- The need to meet Federal and State government waste targets as a means in providing consistency in approach.

FRAMEWORK AND PRINCIPLES

National

The National Waste Policy 2018

The National Waste Policy – Less Waste More Resources published by the Department of Sustainability, Environment, Water, Population and Communities in 2018 coordinates waste management across jurisdictions through championing a circular economy model.

The Policy provides necessary direction across statutory boundaries now since losing waste exportation as a key component of broad waste management practices. International agreements now impact local operations. This context requires a coordinated strategy across jurisdictions and the State and Federal government have supported imposing Circular Economic theories as a galvanising model. The State Policy approach champions five principles:

1. **Avoiding waste**
Prioritising waste avoidance, encourage efficient use, reuse and repair so waste is minimised. Materials are made to last and more easily recovered.
2. **Improving resource recovery**
Making systemic changes and promoting reuse and recycling processes to improve the quality of recycled material produced.
3. **Building demand and markets for products that increase use or reuse of materials.**
4. **Better management of material flows to benefit human health, the environment and the economy.**
5. **Improving information to support innovation, guide investment and enable informed consumer decisions.**

Supporting these principles are 14 strategies articulating the intent for waste to be diverted from landfills in line with waste hierarchy principles.

State

Waste Avoidance and Resource Recovery Act 2007 (WARR Act)

This sets out the management framework for LGAs to ensure operations are comparable across the State. Primary objectives are to contribute to sustainability, protect human health, the environment and move towards a waste free society. The WARR Act coordinates with the National Waste Policy by emphasising the:

- Efficient use of resources, including resource recovery and waste avoidance;
- Reducing environmental harm, including pollution through waste;
- A hierarchical approach to resource management options, specifically;
 - Avoid waste creation and resource consumption;
 - Resource recovery; and
 - Disposal.

This legislation requires Waste Plans from local governments that outline how waste services will implement Waste Strategy priorities in protecting human health and the environment. The WARR Act gives the CEO of the department powers to require a local government to submit a report on the implementation of its waste plan. Waste plans will inform and be informed by the strategic planning activities which local governments undertake under the Local Government Act 1995.

Waste Avoidance and Resource Recovery Levy Act 2007 (WARR Levy Act)

This legislation allows for the imposition of a levy per tonne of waste disposed to landfill. Although currently only applicable to waste received at metropolitan landfills or non-metropolitan landfills receiving metropolitan waste, this levy can be extended to the Peel and South West regions, which is being considered by the Government as mentioned by the Minister for Environment at the Municipal Waste Advisory Council Meeting in February 2019.

Western Australian Waste Strategy 2030 and Annual Action Plan

The Waste Strategy is the tool supporting the Waste Authority objective of transitioning to a “sustainable, low-waste circular economy in which human health and the environment are protected from the impacts of waste.” Two crucial components of the strategy are the waste hierarchy and circular economy.

The Waste Strategy 2030 asserts targets which depart from landfill diversion benchmarks and focus on three objectives – avoid, recover and protect. Underpinning these objectives is a 10 per cent reduction target in waste generation per capita by 2025 and 20 per cent reduction by 2030. The targets for recovering more value and resources from waste are to increase material recovery from the State rate of 57 per cent to 70 per cent by 2025 and 75 per cent by 2030.

Accompanying the Strategy is the Action Plan renewed annually, which clarifies specific actions, timelines, lead responsibilities and collaborations to achieve the stated objectives.

Better Bins Plus: Go FOGO

Announced in May 2020, this program provides financial support for local governments to shift to a three-bin kerbside collection systems with a separate food organics and garden organics (FOGO) service.

Although local governments are not mandatorily required to move to FOGO, there are considerable regulatory measures the State government is using which obliges local governments to adopt FOGO over time.

Case Study: The Move to FOGO in Mandurah

The City is a member of the Rivers Regional Subsidiary which had collectively negotiated waste contracts with Avertas Energy to process their waste long term in the waste-to-energy (WTE) facility under construction in Kwinana. These contracts allowed for the processing of all waste streams generated from the City, including organics.

In December 2020, the City was strongly obliged to adopt a FOGO component for the organic fraction despite potential cost increases for ratepayers if the service is introduced. Through

preparation of the Waste Plans required by the Department of Water and Environmental Regulation, these wouldn't be approved without the introduction of FOGO being included within the Plan's five year timespan.

The Waste Strategy 2030 requires all councils in Perth and Peel to provide three bin kerbside collection by 2025. In providing the third bin, the City found it won't meet the minimum tonnage commitment under the Avertas Energy contract they had negotiated. Not meeting these commitments obliges a minimum tonnage payment stipulated within the contract, regardless whether it deliver the waste to the plant. If the significant financial penalties incurred under the

contract were enforced, they would be added to the additional costs of implementing FOGO which is estimated at \$80 extra per year to each eligible household.

The State Government reaffirmed their commitment to FOGO to reduce the amount of material sent to landfill and increasing recovery rates to more than 65 per cent. Recycling supports around three times more jobs compared to sending a similar amount of waste to landfill.

The Waste Authority is providing funding for the next five years to support transition to a 3 bin kerbside collection program that includes FOGO. The amount available in 2020/21 was 4.6 million distributed using the 'Better Bins Plus: Go FOGO' program, which is expected to continue at a similar funding level. This supports implementation of a key Waste Strategy initiative, delivering consistency through a three bin kerbside collection program including FOGO by all Perth and Peel local governments by 2025.

The City of Mandurah meets their obligations by incorporating FOGO investigation in their five year Waste Plan as mandated by the State Government.

Within the Group, the shires participating in Better Bins Plus: Go FOGO Program include Augusta-Margaret River, Collie and Dardanup.

Waste to Energy Position Paper 2020

This Position Statement states that the Waste Authority considers waste to energy to be an appropriate resource recovery option only for the management of residual waste. This means that it is appropriate when there are no technically, environmentally and economically practicable options higher up the waste hierarchy available and any recovered material has been used as a recognised input into another product or process.

Projects are to be generally accepted by the local community and community engagement is required throughout the process. Non-technical aspects such as design considerations and publicly available monitoring of emissions are also important.

Container Deposit Scheme

The container deposit scheme 'Containers for Change' commenced on 1 October 2020 and collects empty beverage containers. The scheme has several consequences including litter reduction, product stewardship and producing a low contaminant waste stream. There are opportunities to facilitate the recovery of some of the materials for public or private operators.

REGIONAL WASTE MANAGEMENT

The dominant waste treatment model in the South West is disposal to landfill. Although economic, this approach is being compromised by social policy, a rapidly changing resource recovery market and cost-effective large scale recycling technologies. Land is becoming scarcer for landfill expansion and the costs associated with either closure or expansion of these sites can be a major financial risk.

The Federal and State policy developments are changing the development pressures for landfills. Expansion is no longer a supported strategy, instead, more complex waste treatment solutions are being promoted resulting from greater stockpiling of waste materials, typically in landfills. The complexity of the waste industry demands significant capital investments over longer periods (20-25 years) so favourable cost to benefit ratios can be attained. Although the large capital outlays can increase waste diversion the length of investment is a risk based on the changing nature of the Australian waste industry. For example, diversion technology selected for the next 25 years may be superseded before the returns on investment are realised. Despite this pressure, there are no practical alternatives to maintaining the status quo given the growing costs and operational inadequacies of the current systems.

Introducing adaptability to regional waste management by encouraging greater private company participation targets multiple levels of the waste hierarchy and prioritises reduce, reuse, recycling/compost and energy recovery from waste. These are aimed squarely at waste prevention and landfill minimisation. This approach considers treatment options as part of an integrated system rather than as isolated features within a region. The 'Regional Waste Management Strategy 2015' (RWMS) grouped Waste Management actions for achieving higher diversion rates.

Avoid/Reduce/Reuse

- Waste avoidance is the most preferred but along with reduction are the most challenging aspects of waste management.
- Education plays a strong role in the 'avoid, reduce and reuse' messaging.
- Reuse/Repurpose Shops can capture material value before they move to lower levels

Recycle

- Manufacturing can benefit recycling initiatives and reduce demand for raw materials.
- Local governments can influence recycling through collection, sorting, material sales and education.

Recover and Treat

- Recovery processes waste to make products or energy but unlike recycling, the generated products may not be similar to the original waste materials e.g. compost from organic waste.

Dispose

- Least preferred methods include landfilling and incineration without energy or heat recovery.
- While inevitable that some waste will require disposal, it is a last resort.
- Landfilling inevitably results in a loss of materials/energy, greater contamination and pollution even in best practice landfills.



Integrating regional waste management diversifies investment risk, controls the speed of transition towards a circular economy and provides collaborative opportunities with private industry. Complementary waste treatments can provide a range of diversion methods at varying costs to individual Councils, often at a reduced rate.

The RWMS groups treatment options into 'Clusters' based on their downstream waste treatment options. By identifying the end of material life treatment options, the composition and quantity of material required for reuse can be determined, allowing additional complementary treatment options to be considered.

The Cluster approach simplifies consideration between low cost/high diversion and high-cost/high diversion options to maximise diversion and minimise future risk. For example, combining clean waste derived from source separated materials including organics with commercially viable treatment of remnant material treated between thermal WTE and gasification.

Low Cost/High Diversion Options

This approach concentrates on maximising materials separation at the source (households) to ensure downstream treatment is as efficient as possible. Households play a significant role in determining both the quality and quantity of contamination in the red, yellow and green bins. Lower contamination from the household makes downstream treatment more economic, lessens environmental impact and benefits from community involvement. Educational messaging emphasising the benefits of clean waste streams and cooperative participation is critical to generate high yields of clean materials. This is low cost as many of these systems either exist or can be easily adapted for new roles.

Recommended activities are:

1. Integrate a Regional Waste Education Program

A systematic education program is critical to the success of any waste management system. Directing information towards households and businesses will ensure wide scope.

2. Support Community Liaison Groups

Within the South West, there are sustainable living training groups (e.g. Living Smart) that frequently result in action groups being formed. These groups do not normally last for a variety of reasons but professional admin support is one factor that would assist their longevity to provide Councils a grass roots waste messenger. Waste management initiatives could be supported by providing information, running talks, workshops and community events. Additionally, this simplifies Community engagement to assist consultation regarding new waste initiatives.

3. Influencing Commercial Practices

Although not a central focus of this Paper, Commercial and Industrial waste is a large contributor to the waste fraction sent to landfill. Greater businesses contact can improve access to services and obtain support for larger waste management initiatives. There is significant potential to improve resource recovery within the C&I and C&D streams within the region.

The South West Group could also influence commercial practices through its procurement processes. Either through requirements for a Waste Management Plan, or requiring recycled products to advance recycling markets.

4. Regional Officer

A Regional Officer provides consistency across the South West when developing closer partnerships between regions, LGAs and communities. An important role is liaison, new waste management design and services for a reliable waste management strategy.

5. Reuse Shops

Many waste facilities have areas where small quantities of reusable materials are returned to the community for a fee. By treating these operations as a serious opportunity for diversion, their improvement could increase uptake. Creating a regional model for dedicated Reuse Shops with attractive and well organised shops is more likely to encourage use and improve the quality of the items received. The spaces should at least include a stock limits, storage shed, forecourt, consistent layout, signage and receptacles. This is a simple and low investment diversion opportunity that if done correctly with commercial motivation, could provide a good rate of return for the capital investment. Operating Reuse Shops may be undertaken wholly or in part by community groups and be run at least as cost-neutral, if not some profit.

6. Free Trade Website

Free Trade websites promote the reuse of household and commercial materials including those from a Reuse Shop. There are dedicated pages doing this currently such as Facebook and Gumtree but a dedicated approach to develop and promote a common approach for the SW waste to pool reusable items. This includes using existing platforms with a consistent profile across all LGAs in the region.

High Cost/High Diversion Options

These options are more facilities with complex technologies requiring greater investment and focussed on co-mingled MSW. These large capital items also involve a dedicated long term workforce. The options available in the South West are summarised as:

- Sub-regional waste transfer stations,
- WTE, thermal, gasification or biologic (anaerobic digestion),
- Licenced sub-regional landfill options with future expansion approved, which include Busselton, BHRC and Cleanaway (Banksia Road).

Separating the material from red bins requires the highest level of investment to extract the most value following best practice diversion operations. At present the high level of comingling means separating waste streams is inefficient and so it is disposed as an analogous stream to landfill. The red bin is both a costly source of materials if separated but expensive to dispose of as a waste stream.

New technologies are being introduced to Australia to address this stream of waste and many regions have adopted new processing technologies following extended EOI processes to engage with operators and technology suppliers. This process has yielded novel methods of processing MSW that move away from the traditional Council-owned landfill operation towards private/public partnerships that seek returns for all stakeholders.

REGIONAL COORDINATION

INTEGRATED WASTE MANAGEMENT SYSTEM (IWMS)

To commence the process of realising any economies of scale at a regional level, any proposed waste treatment at a local and sub-regional level should be considered as part of a larger system, either regional or beyond. Using a framework called 'Integrated Waste Management Systems' (IWMS), a network of Local, Sub-Regional and Regional infrastructure and services combine to form a coordinated waste management system that is efficient, cost effective and achieves environmental objectives¹. The more efficient examples using this approach considers how to reduce, reuse, recycle and manage waste to protect human health and the natural environment. There are formal processes to evaluate local conditions and needs before choosing, mixing and applying the most suitable solid waste management treatments. The Waste Hierarchy provides a framework within which regional options can be considered.

IWMS Framework

Every organisational level has a specific function when delivering waste management on a regional scale. Although the RWMS2015 advocated for the operations of local initiatives to be owned and operated by the local government, the appropriate strategy for the South West needs to recognise the long term goal of separating waste operations from local government.

Each alternative treatment solution will be addressed on a case-by-case basis to determine which body will be responsible for the facilitation, construction, operation and management of the IWMS. Once implemented, the treatment option will become part of the everyday operations of the LGA and will be utilised to directly engage with the community and waste service providers.

Local

Waste management infrastructure in the IWMS includes Reuse Shops, Recycling Stations and other community drop-off centres as appropriate. Facilities should be designed to assist in changing community behaviours regarding waste management facilities as well as stockpiling recoverable materials prior to processing such as greenwaste, scrap metal, mattresses and clean C&D waste. These types of facilities should be located close to population nodes across the South West Region.

To complement the infrastructure, local waste management services should manage collection or processing waste and/or recyclables. The following options are examples of locally managed initiatives:

- Greenwaste mulching;
- Supporting local waste groups to drive community action;
- Scrap metal recycling;
- Kerbside refuse and recycling;
- C&I waste collections;
- C&D waste processing; and
- FOGO/organics collection.

¹ An integrated approach was discussed in the *Regional Waste Management Strategy: South West Region*. By Talis Consultants, July 2015.

These services would be implemented by the LGA however, a regional contract for the procurement of the services should be considered by the South West Group to reduce costs.

Sub-Regional

Sub-regional opportunities include those between neighbouring Councils or addressing waste issues which share attributes among certain Councils. Examples include mattress recycling, composting and waste transfer stations. This organisational layer provides a layer of flexibility within the IWMS by diversifying waste processing operations across a wider geographic area and deliver services to more residents than would otherwise have access. In addition to sub-regional infrastructure, services such as haulage can also be considered at this level. Whether this is the purchase and operation of vehicles or negotiating haulage contracts.

Regional

Consolidating waste volumes improves the viability of specific projects and delivers greater economies of scale for recycling or providing processing services. Regionally, the waste management services provided by the South West Group are as important as the associated infrastructure. Messaging consistency is critical when implementing plans and addressing contamination and reclaiming waste. Regional service options include:

- Implementing an integrated waste education program;
- Supporting local waste groups;
- Influencing commercial practices; and,
- A free trade website.

An integrated waste education program would provide consistent waste messaging including the implementation of new initiatives throughout the Region.

The regional infrastructure options include MRFs, Waste-to-Energy facilities and logistical concerns. Developing large scale treatment facilities can divert significant waste volumes from landfill. Combustion, AD, gasification and pyrolysis technologies all exist and should be considered, there are a variety of practitioners which can meet regional demands. Residue from many treatment facilities will always require landfills but reducing that volume to a level that existing best practice sites can manage provides long term waste disposal security.

ADMINISTRATION

The components of a complex IWMS includes management structures that coordinate activities and remain accountable to Councils. Formal entities with clear boundaries include Regional Councils, Regional Subsidiaries and official agreements that allow LGAs to coordinate participation and enable stronger negotiating positions. A separate entity provides considerable advantage to the local waste sector against a manageable risk profile.

Business as Usual

Maintaining the status quo of Councils managing their own waste services more or less independently can persist, although will become less cost efficient and more risky over time. Once landfills reach their capacity, Councils can choose to convert their sites to transfer stations and manage disposal accordingly. Within the SW, there are two best practice landfills in Dardanup and Busselton with lined construction and BHRC in Wellesley is approved to construct lined cells. These three sites have the capacity to take all the waste generated in the South West but it will be a competitive process.

The cost of continuing business is expected to rise as policy (and potentially a Waste Levy) will work against this option and new landfill sites become harder and more expensive to develop. The expense of transitioning to transfer stations, increased transport costs and ongoing environmental monitoring/remediation costs associated with unlined cells will add further to the financial burden.

The established landfill model provides little opportunity to claim income beyond uncertain benefits of stockpiling waste for mining in the future. Council discretion in pricing their own waste systems will be reduced as the final disposal of waste products must be outsourced. Disposal costs will significantly impact operational costs and be passed on to ratepayers. This moves Councils from a pro-active 'price-maker' role to a passive 'price-taker' role, having to react to market charges which is an additional risk to pricing waste rates for the future.

The opportunity cost of maintaining the current practices is foregoing the improved use of 'waste' materials which can benefit Councils and customers of waste derived products. Capturing lost value in waste streams can be recovered by re-classifying waste as a 'resource'.

The policy and regulatory framework surrounding waste in Australia which has hindered resource recovery and waste management industry from reaching its potential is now changing. Building procurement policies and specifications into waste derived products can provide significant benefit for LGAs and offset transition costs.

Social views on waste are linked with good governance within the sector, perceived impacts, benefits and distributive fairness. These attitudes can be influenced on a national level but affect local opinion. The WA Auditor-General [1] found that stakeholders managing MSW have varying views and attitudes which have not aligned with the Waste Strategy and the State Government's preferred approaches to diverting MSW from landfill. Inconsistent waste management systems for MSW coupled with limited guidance from State Government hinder efforts to increase resource recovery and reduce waste to landfill.

The rising costs of waste management, changes in market innovation, loss of proactive pricing, inability to capture lost value from waste streams and changing social attitudes suggest that business as usual is not the most effective means to continue operating.

Regional Subsidiaries

A Regional Subsidiary is a statutory corporation that can separate risk and investment from Councils while delivering cross-boundary services. In 2016, the *Local Government Act 1995* (the Act) was amended so that two or more local governments could establish a Regional Subsidiary which is:

- managed by a board
- governed by a charter and
- a separate legal entity from the local governments who formed it.

Commencing the formation of a beneficial enterprise is the beginning of long term strategy externalising waste management assets and operations. The separation of these critical services is not advised to be fast but will be an ongoing process, consistent with Councils desire to adopt a cautious investment strategy. This has been a recurrent theme in many previous studies for the Group.

Achieving full separation will take a considerable time and externalising some localised activities may not be possible but it is an aspiration goal that can coordinate the development of waste management in the South West to attain economies of scale.

Attaining separation of waste management will involve a range of cost effective actions, one leading to another, that needs to prove its viability as it grows. Early tasks will be foundational and include:

- sub-regional contract negotiations seeking more localised savings;
- preparing a cohesive business plan that includes milestones, proposed growth timeframe and review timelines; and
- acting on ongoing regional initiatives as they arise. This may include designing and managing a formal Expressions of Interest (EOI) process seeking waste diversion technology and designing a Procurement Trial intended to help Councils shape their local economies.

It is proposed that a small number of staff are tasked with commencing this process and include a mix of technical skills, employed either part-time or full-time. This is not anticipated to be costly but a cost-neutral approach is to be adopted, where existing roles may contribute to the Regional Subsidiary as it develops. Immediate roles will be to:

- Negotiate MSW and recycling contracts on behalf of multiple members or clients,
- Design a regional Integrated Waste Management system with local assets designed to be relevant across LGS boundaries
- Detail a long term business growth plan setting out milestones in growing the beneficial enterprise,
- Encourage waste diverting industry to operate in the SW and
- Propose effective waste management initiatives for the region following Business Case submissions, including procurement and other policy initiatives.

By centralising regional initiatives, the waste assets and operations in the South West can be more effectively set apart when negotiating with external agencies or companies. Any proposed facilities can be presented to the Group and finding additional support will be a Subsidiary task. Other reasons supporting the formation of this entity include:

- (a) ability to employ professional directors and management with experience specific to the commercial objectives of the entity;
- (b) removing detailed investment decisions from day-to-day political processes while retaining political oversight of the overarching objectives and strategy;
- (c) the ability to take an overall view of commercial strategy and outcomes rather than having each individual transaction within a complex chain of inter-related decisions being subject to the individual notification and approval requirements of the Local Government Act;
- (d) the ability to quarantine ratepayers from legal liability and financial risk arising from commercial or investment activities;
- (e) the ability to set clear financial and non-financial performance objectives for the entity to achieve; and
- (f) providing greater flexibility to enter into joint ventures and partnering relationships with the private sector on conventional commercial terms.

This entity is designed to address market 'gaps' in delivering services which have clear economic, social and environmental benefits but are not necessarily profitable such as waste management. It formalises the lower cost outcomes as a driver for reform rather than making a profit, which is ineffective in a market failure scenario like waste processing. Although unable to profit from the 'beneficial enterprise', coordinating resources can build demand and supply for social good where margins are insufficient to support private investment.

Regional Subsidiaries legislation constrains the scope of permissible activities such as growing the capacity of local governments to act more commercially, develop alternative revenue streams or enter into commercial partnerships with the private sector. These restrictions limit the role these entities can play in the market place.

The structure of a Regional Subsidiary may provide services or undertake functions more efficiently and effectively than a single local government. Local governments can then focus on projects that directly benefit the region with important flow on effects for its local community without sacrificing local priorities.

Placing the commercial activities of local government at arms' length from political influence - under the control of independent Boards made up of expert directors and the regulatory provisions of normal company or trust law – results in more robust management than more politically influenced arrangements. In this case, experts in the industry can influence development and can support the effects of the election cycle in long term development.

The *Local Government (Regional Subsidiaries) Regulations 2017* (the Regs) determine how to form, operate and disband Regional Subsidiaries but is considered to constrain operations by:

- Prohibiting any land transaction or trading undertaking with a view to producing profit; and
- Prohibiting borrowing money other than from one of the participating local governments.

WALGA is advocating for a review of the legislation provisions which will alter how Regional Subsidiaries can behave. These changes include;

1. Reducing the overly prescriptive community consultation provisions. These are seen as unnecessary in the Regs as Local Governments will have consulted with communities on the proposal to form a subsidiary;
2. Enabling a subsidiary to borrow funds in its own right;
3. Simplifying the financial management provisions;
4. Clarifying permissible commercial activity which can be undertaken such as where limitations are to exist when contemplating major commercial enterprises.

The current regulations are overly prescriptive and do not follow the principle of the Charter being the primary governance tool. The Local Government Act Review Panel has concluded investigations and has recommended changes to the Regs to be addressed by WALGA;

- 1) Overly prescriptive community consultation requirement. Local Governments will have already consulted with their communities on the proposal to form a Subsidiary.
- 2) No power for a subsidiary to borrow in its own right
- 3) Financial Managements provisions are complicated and confusing. States some Act provisions to follow and some not.
- 4) Restrictions around commercial activity require clarification. The Subsidiary should be able to undertake commercial activity within the limits of competitive neutrality following a thorough risk assessment.

Over time, external commercial or corporate experience will be required to manage that risk while seeking commercial efficiency. Isolating assets within a corporate structure places legal accountability with the board of the entity and any financial risk associated with their use. Prudential controls by (for example) lending agencies act as a further constraint on reckless assumption of risk.

For these reasons, it is proposed that the Regional Subsidiary use the time prior to legislative change to establish a detailed Business Model and commence contract negotiations on behalf of or in

partnership with existing Councils. Should not all Councils wish to participate in this model, provision must be made that for a fee the Regional Subsidiary can act on their behalf as a local government representative, complete with the Region growth model informing local advice and decisions.

Cost estimate

Operations

Item	Title	Role (FTE)	Salary
	Program Director/Coordinating Role	1 FTE	110,000
	Contract negotiation	0.2 FTE	90,000
	Technical Specialist, recycled materials	0.2 FTE	90,000
	Salary Total	1.4 FTE	\$146,000
	Overheads estimated at 40%		58,400
	Events, consumables		5,000
	Assets/Operations		12,300
	Proposed final cost		\$219,400

Asset and Operation costs include:

- A vehicle; \$10,000 /year
- a computer, \$1,300 /year
- a phone \$1,000 /year

The Program Director would be responsible for:

- completing the Business Planning;
- establish new contracts;
- preparing the IWMS;
- negotiating with local councils on supportive information;
- establishing business systems;
- commencing community engagement;
- actively engaging with industry; and,
- engaging other roles as required.

Contract negotiations would include legal assistance, EOI and Tender preparation, site investigation, relationship building. This position can either be separate or contributed to 'in-kind' from participating local governments. Likewise legal counsel could be made available on an as-needs basis to limit costs further.

Technical assistance would include sourcing materials, investigating locations, seeking regional opportunities for land, conducting audits and general work as required. This will be a casual system hiring as needed or accessing skills in participating local governments on an 'in-kind' or seconded basis.

It would be advantageous to maintain consistency of personal in these positions to benefit from industry contacts and information sharing. As the program develops, the number of roles is expected to expand as operations become more complex.

Locations

It is not proposed to have a specific facility work but use Council property, which is the reason for the overhead factor. This location could be anywhere, depending on the proposal being undertaken

so staff can maintain proximity to the companies and their flexibility for onsite inspections and progress.

A regional approach adopting waste management innovation can assess the collective assets cooperatively to potentially accommodate private enterprises close to resource streams. Providing land and access to clean waste streams. It is hoped that a holistic program of regional waste management will result in diversion initiatives benefitting Councils.

Establishment tasks

The establish the Regional Subsidiary and commence operations, it is proposed to

1. Consult with WALGA regarding the formation of the Regional Subsidiary, steps taken by Rivers Regional Subsidiary and present a list of costs associated with its formation.
2. Prepare a comprehensive consultation strategy, addressing formation of the entity, potential benefits and seeking feedback in each Council area;
3. Legal costs in drafting and advising on the framework being proposed as well as gathering any concerns of locally elected members.

Expand the Regional Council

The Bunbury Harvey Regional Councils (BHRC) already exists and changing the 'establishment agreement' (EA) is a relatively straightforward action. This is an opportunity to serve the SW faster than establishing a Regional Subsidiary. Any proposed change to the EA must account for existing liabilities and investments and be able to isolate new members from existing operational obligations. Should there be an acceptable model for change, this is a relatively low cost, expedient solution to forming a regionally representative body to commence operations.

Regional Councils are body corporates, can open and operate bank accounts, can invest and borrow money and have the ability to make local laws. The governing body of a Regional Local Government consists of Elected Members from the member Local Governments but experts can provide advice as required under contract. There is no scope to appoint external expertise or independent directors to the governing body. The EA under which Regional Councils operate must be agreed to by the Regional Local Government participants and Minister for Local Government.

While a streamlined and effective management body, reporting requirements can be onerous, considering it is only one aspect of managed Council business. As Regional Councils operate under the same legislation as Local Councils most of the compliance and accountability requirements are the same, so efficiency gains must significantly outweigh the compliance obligation costs. These obligations are already established so this cost is minimal.

Although expanding the Regional Council would a practical way of formalising the economies of scale within regional waste operations, an amended EA must be able to protect the different investment profiles of each Council. This will need an in-depth analysis of the various assets and liabilities associated with joining the Regional Council.

A Charter for a Regional Subsidiary can be drafted that allows one-off investment opportunities on specific projects, which is more difficult in a Regional Council model. These are significant legal questions that will need to be determined prior to this option being adopted.

Regional Subsidiary vs the Regional Council

The amended 'establishment agreement' must include the purpose, membership and representation, means of determining financial contributions and procedures for winding up the Regional Local Government. A cost to join is likely to access established facilities fairly and share the profits and losses of the operation. This will require some negotiation and a clear understanding of the risks and opportunities involved. Asset sharing can form part of these negotiations. A name change is also possible, for example, the South Western Regional Council.

WALGA has suggested that the SW should wait until the recommended changes to the Regs are made but at the same time, significant regional investments are going to be required as landfills are approaching the end of their operational life. Delaying the formation of a regional body risks equitably funded regional solutions. By forming now with cost restrictions, the intervening years prior to legislative review can be used to ensure no time is lost once the financial boundaries are adjusted. Revising the legislation is estimated to be complete by 2025. WALGA is lobbying the Minister to reconsider provisions in the Regs to ease the Regional Subsidiary restrictions and make it a more appealing option.

Case Study - Rivers Regional Council Transition from Regional Council to Subsidiary

The Rivers Regional Council entered a contractual agreement in 2015 to supply the WtE facility in Kwinana. Participants then sought to reorganise to reduce the costs in coordinating the waste supply agreements for the next 20-30 years. The responsibilities are essentially administrative, so avoiding the considerable reporting obligations associated with a Regional Council was economically justified. Activities undertaken by the Regional Subsidiary include:

- Establishing governance, administration and accounting arrangements.
- Preparing the annual Waste Delivery Plan
- Calculating and recover waste charges
- Managing contract responsibilities and act as Principal.
- Co-ordinating the required waste recovery, reuse and disposal education programs
- Co-ordinating the energy supply arrangements.
- Advocating on behalf of member Councils.

A Regional Subsidiary model was established to administer the interests on behalf of the Councils as there were few assets to operate. The role became one of contract negotiation and operational obligations for participant councils. Although not yet approved by the Minister for Local Government, this is currently being assessed and support for forming the Rivers Regional Subsidiary is anticipated.

Sharing transfer station facilities is possible but subject to separate agreements between councils. The significant diversion rates offered by WTE (97.5%) contracts mean that the majority of operating landfills will close.

It is anticipated that up to \$200,000 (based on the 2018/19 Budget) could be saved by transitioning to the Regional Subsidiary and avoiding the reporting obligations required by the Regional Council. The Subsidiary's budget is approximately \$250,000 per annum although collection agreements are separated. The education component is anticipated to rise as it supports the WTE activities and associated supply agreements.

Other Options

Incorporated Associations

Local Governments have the ability, under the *Associations Incorporation Act 1987*, to form or take part in an incorporated association (IA). These are not permitted to deliver statutory services like regional road construction or waste management. The IA model is typically used for narrow purposes such as economic development and promotion in a broad sense.

This is not considered to be a practical option.

Collective Tenders

The ability to tender collectively for specific or general services is open for Councils. While these may be reasonable in specific cases, Councils should be of similar size to coordinate services, share liability and risk, address different activities and manage transport costs. These variables make this model unwieldy due to the unevenly distributed risk and financial burden.

These agreements work when there are specific outcomes with standardised conditions, otherwise they become too complex to manage and negotiate. Variations to any contract may be costly and time consuming, resulting from the cumulative involvement of multiple signatories. These variations are likely to result in scope creep, potentially affecting the ability to execute the original work.

Considering many of these issues can be managed separately through formation of a Regional Subsidiary, collective tenders are not a preferable option for the Group but have some potential for sub-regional agreements.

Partnering

To make partnerships work enhanced communication is critical to improve the performance and quality of output of any joint project. Without enhanced communication partnering often tries to impose a culture of 'win-win' over the top of a commercial and contractual framework which results in an inherently "win-lose" scenario. Verbal commitments during the partnering process even if genuine at the time, are not enough to withstand the stress imposed by misalignment of commercial interests.

This framework is not considered sufficiently reliable for a joint delivery of waste capital or operations.

FLEET OPERATIONS

The number of Councils participating in cooperative model determines cost savings and investment. Contract values vary and transport can be a blend of Council owned operations and contractor vehicles. Examples elsewhere from Australia may be used as a guide only.

Aggregating waste and recyclables provides an attractive option for the market to bid for, hence the considerable potential savings that could be generated from a joint procurement of this size. Additionally, considering the Cities of Bunbury and Busselton run their own fleet, additional side-loaders are required to service more Councils.

Although weight dependent, side-loading vehicles collect approximately 800-1000 bins per day. Prudent fleet management also requires a reserve truck as to address breakdowns, servicing regimes

and other non-core obligations. Side-loaders cost approximately \$450,000 each and cost approximately \$350,000 to operate. Approximate costs of running a waste fleet with 6 side-loaders, a semi-trailer and other supportive light fleet costs approximately \$850,000. Without in depth analysis, expanding the waste fleet to those Councils which partook in the regional survey would require an estimated 10 trucks to service MSW in:

- Augusta-Margaret River
- Capel
- Dardanup and
- Donnybrook

Using these calculations, expanding the fleet by 10 sideloading trucks would cost approximately \$4.5M in trucks and another \$3.5M per year to operate. These costs do not include finding a depot, servicing requirements and staff to do so, accounting costs nor savings in efficiency, economies of scale or auditing existing fleets to find opportunities to build on existing operations. Further analysis is needed of weights, route planning and collection regimes, which would also likely reduce this figure. This analysis and organisation would form part of the Integrated Waste Management System and would be a key role of a Regional entity.

Further Consideration:

- a) Commence formalising a Regionally cooperative model to determine a level of commitment that allows greater investment in diversion technologies. This requires a detailed Business Plan with detailed cost analysis into an entity which would have capacity to act as an agent as required for non-member Councils. Clarify the roles, responsibilities and boundaries of an independent entity dedicated to managing regional waste operations on behalf of SW Councils.
- b) Investigate the creation of a sub-agreement allowing Regional Council to share in the investment of new facilities without accruing the risk of previous operations. This must include a proportional investigation into the shared environmental risk going forward and any associated ancillary costs or risks.
- c) Until costs and liabilities of joining the existing Regional Council are clarified, the informal operation of the SWRWG is to continue until such time as the provisions of the *Local Government (Regional Subsidiaries) Regulations 2017* are reviewed and considered beneficial to regional waste management operations. Cooperative alliances and Collective Tenders should be reviewed as tools in delivering location-specific infrastructure as required with a long-term view that these assets could be 'shared' at a later stage.

WASTE MANAGEMENT OPTION ANALYSIS

A whole of system approach on a Regional level coordinates investment decisions and clarifies the potential costs and revenues. Prior to establishing formal administrative frameworks, investment by local councils should acknowledge the extent of the investment and at which point waste streams enter and leave their influence. Reliable and repeatable assessment framework will make these estimates more useful. Determining what and where waste management costs originate requires;

1. Ascertaining the 'whole of life' costs for each stream of waste, identifying the roles of the Group, LGAs and subsequent responsibilities to the products,
2. Prepare an Integrated Waste Management System approach to regional disposal options. This would be helped by forming a central body to collect and analyse this data to find economies of scale.

WHOLE OF LIFE FACTORS

Comparing the values within Council-managed waste streams helps determine risk, investment priorities and assess alternate treatment options but what do these costs include? Should they include long term environmental cost? Costs of imposing social policy? Opportunity Cost? If the region seeks revenue to offset management costs resulting from a particular resource stream, identifying sources of expenditure and revenue can moderate adverse impacts on ratepayers. Transitioning towards a circular economy model requires clear understanding when a 'waste' cost can be offset by redefining a piece of waste as a 'resource'.

Environmental costs can be determined using a holistic approach when considering resources and impacts of waste management. By identifying the parameters of a service: e.g. management of waste from city from "kerbside-to-grave", identifying where costs start and finish are made easier. This has implications on landfill remediation and monitoring costs when they are closed and capped.

Almost all recycling in Australia is subsidised by someone, only metals (steel and aluminium) have sufficient economic value to outweigh the costs of collecting and reprocessing it. Prior to 'China Sword', fibre (paper and cardboard) also had sufficient value and now, some plastics are exhibiting positive value movement (as long as contamination is low). Higher recycling rates cost money for services, collection and sorting - the Group needs to determine who should pay and how much?

The nature of waste as something discarded or unwanted means treatment costs trend towards the cheapest point of disposal. If the recycling option costs a dollar more than the cost of landfill then the waste will go to landfill [2]. Clearly delineating what the cost of landfill becomes fundamentally critical in determining investment into alternative treatments.

Life Cycle Assessment

The Regional body should investigate each step of the waste process and clarify where cost obligations cease and revenue potential can begin. This investigation should be done in partnership with the Waste Authority as each step of disposal needs to be financially audited, which applies to other jurisdictions. For example, management of MSW covers:

- i) generation;
- ii) collection;
- iii) transfer;
- iv) sorting;
- v) treatment;

- vi) recovery; and
- vii) disposal.

Council’s obligations within a regional setting typically include:

STEP	ACTION	END OF OBLIGATION (and to what)
Generation	<ul style="list-style-type: none"> • Community Education to minimise waste generation/contamination • Bin Tagging • Community Reduce/Reuse Initiatives, e.g. Garage Sale Trails, home composting • FOGO Bin collection • Reusable Programs, e.g. nappies • ‘Waste Sorted’ initiatives 	<ul style="list-style-type: none"> • Kerbside collection (to households) • Transfer Station/Landfill drop off (to households) • Delivery to processors (to collectors and downstream processors)
Collection and Transfer	<ul style="list-style-type: none"> • Collect kerbside bins • Deliver bins to the next stage in treatment • Transport infrastructure and working fleet 	<ul style="list-style-type: none"> • When bin is empty (households) • When material is delivered (to processors)
Processing, Treatment and/or Recovery	<ul style="list-style-type: none"> • Pre-determined condition of deliverables, including contamination rates • Pre-determined volumes 	<ul style="list-style-type: none"> • Delivery (to processors)
Disposal	<ul style="list-style-type: none"> • Landfill Management 	<ul style="list-style-type: none"> • Post-closure monitoring (50 years)

Table 2: Typical set of obligations that local Councils have within a regional waste management system.

Bin Assessment

Commencing the treatment process from a regional standpoint begins with kerbside collection or drop off of the three main waste streams separated into the three bins colours, red, yellow and green.

Red Bin

This bin contains the most comingled materials and the largest uncertainty in the benefits of harvesting its contents. Currently the content of these bins are sent straight to landfill as separation is both costly and complex. The highest level of investment is required to achieve suitable diversion volumes and processing opportunities as it is the main source of material entering the landfills. Unless widespread source separation is adopted then this stream will skip several tiers of the Waste Hierarchy to energy recovery or direct to landfill, both options undesirable in a circular economy model. The bulk of this waste stream entering landfills comes from residential kerbside collection or dropped off by residents.



Figure 1: Waste separation solutions don't need to be onerous. Neat solutions exist for household adaptation.

Further Consideration:

- Audit the volumes of MSW (red bin) delivered to South West disposal sites.
- Conduct random regional bin audits to determine a potential recovery value of the materials.
- Focus education programs on improving source separation to lower recycle of organic matter levels in order to stabilise the MSW contents as much as practical.

Yellow

Most recycled materials by volume are taken to Picton (Cleanaway) for preliminary sorting before being transported to Perth for more in depth sorting. The transport costs added to the operational expenditure costs suggests there may be a cheaper option available part owned by Councils.

The small number of sorting facilities puts the South West at risk for recycling. Investing in a Materials Recovery Facility (MRF) would strengthen our collective waste management position, potentially gaining from an emerging recycled product market. A MRF can produce a cleaner line of higher value resources to supply supportive enterprises in the South West, benefitting the region. Building availability of higher quality recyclable resources is critical in achieving greater diversion from landfill, using the market as part of an integrated waste program.

Since the changes in the international markets and the inability of local manufacturing to meet the volumes created by loss of the export market, there is uncertainty of how and where our recyclables will be processed in the future. Additional weaknesses such as few service providers and distance to travel means that internalising MRFs can serve negotiations for specific product lines in the South West and open up partnership opportunities.

There are economies of scale and market creation potential analysis that needs to be undertaken prior to investment. This will also identify opportunities of working with established service providers in a way that benefits the Group by becoming part of the supply chain recovering materials for remanufacture.

For large scale producers it is cheaper to buy virgin plastics than to clean and process recycled product. Policy and price directions have defined the role of private operators in waste but with the 'stick' of change in exportation opportunities and 'carrot' of economic and policy incentives, it is becoming possible to see growth of a remanufacturing sector.

Local governments controlling the separation, packaging and disposal recyclable materials offers some opportunity to recapture value invested in earlier stages of the waste cycle, specifically the costs of collection and transport.

Local governments in the South West can influence larger recycling operations to a point. While there are benefits from using the private industry to process certain wastes, taking more control of recycling closer can limit the impact of externally controlled waste policies such as price rise and disposal method due to market conditions outside regional control. Taking direct ownership of the waste fraction can ease the development of a locally focussed waste economy through new business deals or progressive partnerships with operators. This delivers greater autonomy in risk management and broader capacity to adapt to market forces.

A significant risk in this approach is that larger operators can undercut the processing costs which compromises the ability for the region to function more holistically. There are aspects of a circular waste model that may not suit private operators, such as reducing waste generation. Establishing supply commitments reduces this risk either as financial, waste volumes or other support. There are also partnership opportunities with research institutions that are available to local governments which may not yet be profitable. The partnerships could reduce local government costs and as they are normally not yet be profitable, they would be more attractive to a local government cost reduction approach.

The long term strategy is to grow the local recycling market driven by government projects to a point where co-investment with private industry becomes economically and environmentally viable. There may be opportunities at that point to capture other streams such as Construction and Demolition (C&D) waste and process this material to reduce other Council costs for instance, in infrastructure construction, e.g. roads.

Green

Processing green waste and FOGO bin contents locally is occurring but ancillary costs such as transport, decontamination, capital as well as the opportunity cost of alternative technologies means that for some Councils composting or shifting to FOGO is impractical. Social pressure is significant though and often Councils will shoulder the cost burden to provide the service.

The composting operation at BHRC is expected to expand in 2021 and with it, further opportunity for complementary operations, for example, decontaminating the waste stream. Using the service is strongly recommended as this is a government controlled commercial operation but with rising levels of organic matter forecast in the South West, the potential for carbon sequestration offered by organics processing and the increasing pressures of transport, high diversion, more complex, complementary solutions should be investigated.

Within an integrated waste system forecasting rising levels of waste organic matter, it is likely that one operation in Bunbury will be insufficient to service the SW Region. A pre-feasibility study of an Anaerobic Digestion (AD) unit located in Busselton suggests an alternative. More information on this option is discussed later in the 'Regional Options' section of this Report.

Further analysis into the viability of extending the composting capacity throughout the region is required. Coordinating efforts and establishing complementary activities may continue to provide cost effective processing. Potential locations of organic processing facilities include Busselton/Margaret River, Collie and Bridgetown-Greenbushes, formed with the intent of reducing FOGO transport costs. The analysis is to address:

- a) Potential local demand for product (through infrastructure providers),
- b) Reducing ancillary costs using established plant and knowledge such as decontamination education messaging, transport, infrastructure and expertise,
- c) Working with State educational programs to support regionally low contamination of input,
- d) Seeking partnership opportunities with local private providers where practical.

Applying experience gained from existing operations and leveraging a separated stream of organic matter, local economies and jobs can be supported to a point where the product has a value above the processing costs.

Transporting each bin

Within the Group, only the Cities of Bunbury and Busselton manage their own fleet. Transport costs can be a significant factor when processing waste and a collective fleet may be a solution in waste disposal costs. It is proposed moving towards a separate regional entity requires a full cost analysis of running an independent fleet. This would require auditing:

- Other organic waste bins to be collected, e.g. public bins.
- Collection regimes including route analysis for each Council that helps determine fleet demands; and
- Light fleet demands, what vehicles are needed for local operation of services/waste staff demands.

Further Consideration:

- Determine potential fleet costs and seek savings, for example what trucks would we need for a regional collection service and can route planning reduce the number?
- Can we effectively audit waste handling consigned to contractors? Where does it all go?
- Will these destinations impact Council operations? For example, reducing contamination in collected construction and demolition waste.
- At what point does the ownership of waste transfer between Councils, contractors and Customers of waste derived materials?
- Define the 'whole of life costs' for waste?
- What is the carbon footprint? This should include 'waste miles' recovering carbon credits and potential carbon sinks.

The costs of landfill

Landfill costs vary depending on the size of the landfill, type of waste taken and management measures in place. A list of costs, depending on the complexity of the operation, may include:

- Land purchase;

- Approvals process(es);
- Capital cost of equipment and buildings;
- Lining landfill to prevent leaching;
- On-site gas recovery and flaring;
- Preventing waste from being blown into adjoining properties;
- Operational costs including labour, fuel and materials;
- Capping landfills and landscaping; and
- Rehabilitation and aftercare.

The SW Regional Strategic Plan in 2015 estimated the cost for a LGA to develop a best practice landfill catering for 15,000 tonnes per annum at approximately \$150/tonne of waste, considering both capital and operational costs. The estimate for an operating regional landfill co-owned by multiple councils was estimated at \$28/tonne. The significant price difference came from the associated economies of scale produced when the capital and operational costs are spilt amongst the LGAs. In particular, the savings achieved via the split of the operational costs are far greater than the capital costs across the life of the landfill.

Regional Gate fees in 2020/21 range from \$50 to \$150/tonne. The variability of these costs reflect policy and operational approaches in each Council and are not a simple result of local operational costs. Gate fees include operation costs, overheads, plant and equipment, labour, depreciation of capital and other fixed assets and profit. There is also often a policy component, especially for the preparation of reserves for activities related to landfill management such as post-closure measures.

To offset long term costs the gate fee should include 30-50 year post closure management, long term monitoring and reporting and replacement of the landfill asset itself². Many Councils do not include these costs and price gate fees too low to cover the true costs of operation. This pricing strategy reflects the social value and public health concerns of these facilities, where illegal dumping and other costly landfill avoiding techniques used by the public are an immediate risk.

In addition, the average waste costs charged to ratepayers average \$320. The composition of these fees can be detailed and determining what these costs cover and the effects for individual Councils is therefore difficult to accurately predict.

LGA	Waste charges \$/year	Bin Types	Gate Fee \$/T
Augusta - Margaret River	498	R/Y/G	150
Boyup Brook	347	R/Y	107
Bridgetown - Greenbushes	147	R/Y	81
Bunbury	327	R/Y/G	61
BHRC	-	-	73
Busselton	300	R/Y	67
Capel	254	R/Y/G	113
Collie	320	R/Y/G	50
Dardanup	226	R/Y	67
Donnybrook - Balingup	404	R/Y/G	73
Harvey	308	R/Y/G	61
Nannup	400	R/Y	123

² <https://mraconsulting.com.au/what-is-air-worth-appropriately-pricing-landfills/>

Average	\$320	\$86
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Table 3: Shows the publicly available charges across the region for waste disposal. Determining what constitutes these charges alters between Councils depending on local policy and operational environments.

- Collection costs for kerbside waste within the region are consistent among the responding Councils. Competing collection proposals need to address these costs to be competitive;
 - MSW : \$1.20 – \$1.40 per bin
 - CoRecyc : \$1.20 – \$1.40 per bin
 - FOGO : \$1.20 – \$1.80 per bin
 - Hard waste collection rate ranges between \$60 - \$85 /T.

Post closure management can be very expensive. Costs from \$1-20 million in post closure rehabilitation have been seen. The cost varies with the type of landfill, its location, size and surrounding environment. Additionally, the EPA requires monitoring of the closed landfill for up to 50 years prior to relinquishment of the landfill licence, with costs ranging between \$10-\$200,000 per year.

The cost of airspace in landfills is not often included when pricing new lands or quarries. That is fine if future users get the same benefits i.e. inheriting free voids. But as opportunities shrink and landfills become harder to find or replacement costs rise, future users are at a significant cost disadvantage. Estimates for airspace can range from \$16 - \$50 per tonne depending on the landfill characteristics.

Many Councils intend to borrow to fund the next landfill and therefore don't need to provide for asset replacement from current users. Future users will then pay off new landfills via the debt service costs built into the gate fee. But what about current users of the current landfill? Few existing, council owned, landfills are debt funded.

Esperance Council in WA has recently introduced a one-off \$6 million ratepayer fee because it under-priced its landfill gate fee over the operating life. This means general ratepayers have ended up subsidising all landfill users.

Many Councils introduce special rates to meet unfunded landfill liabilities. But ratepayers are not necessarily the same group as landfill users. On average 50-60% of all landfill waste is non-domestic (commercial and construction) waste but the majority of ratepayers are households. So it is not fair for households to subsidise both big commercial generators like clubs and pubs, retailers and building companies, as well as all past users. Elected representatives understandably want to keep landfill gate fees low for their ratepayers. The questions should be "What is the real cost of this service and who is going to pay for it – ratepayers or landfill users?" They are most often not the same or have very different waste generation profiles. Once the landfill has been filled, there is no chance to go back and recover the losses.

Artificially cheap landfill undermines all other recycling and resource recovery opportunities. Low recycling rates means fewer jobs are being created in this sector. As recycling materials creates more jobs than landfilling and the roles are countercyclical to mining booms and busts. Higher landfill prices create the headroom for recyclers to operate competitively. Recycling is probably the fastest growing manufacturing sector in Australia due to rising environmental controls on landfills and the introduction of landfill pricing signals.

TREATMENT OPTIONS



Figure 2: Holistic waste management seeks to minimise landfill management costs. Externalising these costs separates risk and allows growth using private enterprise knowledge and experience.

WASTE TO ENERGY

Thermal

The investment required in establishing a small scale thermal WTE system in the SW is so high compared to the potential benefits that it would not be economic to build. However, the high diversion rates and ability to process heavily co-mingled waste streams suggest this should be considered within an integrated waste management framework. Support structures in establishing a local thermal WTE facility are lacking within the South West Region including viable waste quantities, low landfilling costs, suitable energy clients and an adequate grid connection.

The thermal facilities being constructed in Kwinana and East Rockingham can reduce waste volumes by up to 90% and result in residues such as ash need to be landfilled typically in a Class III facility. Other uses for these resulting waste materials is being researched.

An interview conducted with New Energy Corporation (NEC) in August 2019 on behalf of the Group identified that the costs associated with this type of technology changed significantly. These variations were not just because of the technology and required scale but also the infrastructure costs associated with becoming an energy generator. Charges such as network augmentation for grid connection could result in extremely high costs. Appropriate zoning, buffers, obtaining necessary permits and grid connectivity are also decisive factors in WTE viability. NEC advised that establishing a plant purely for energy production was a very expensive way to generate power but

using the steam may be more feasible. NEC submitted to the market sounding exercise in 2019-20 for gasification (addressed below).

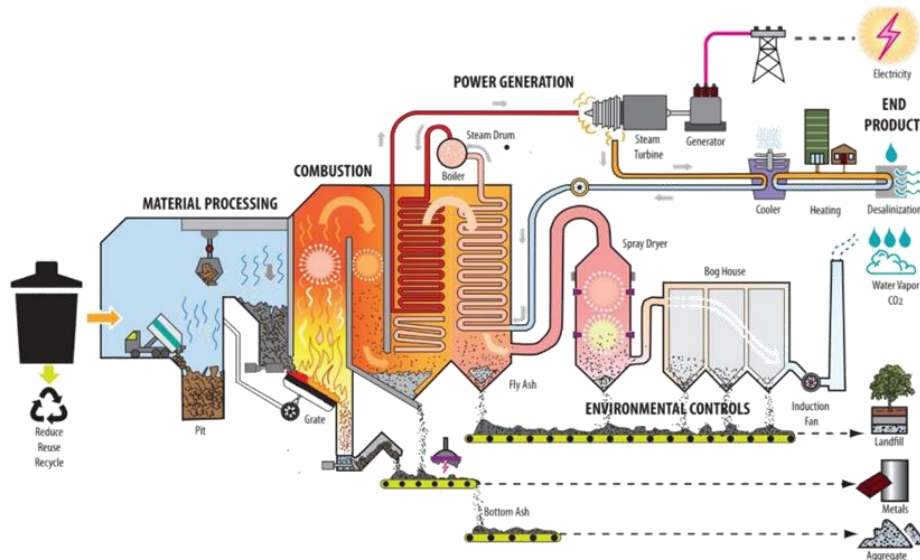


Figure 3: Rendition of a Waste-to-Energy Combustion Plant (National Energy Education Development Program, 2017)

Combustion systems are normally classified by the nature of the combustion chamber; moving grate, fixed grate, rotary-kiln and fluidized bed. The Western Australian facilities are both moving grate systems which are widely used internationally because of the ease of operation, level of technological understanding, high plant availability, comparatively low personnel requirements and relative ease of training new personnel.

As the combustion is less controlled than gasification, the flue gas cleaning systems are more complicated and expensive. Consequently combustion facilities are only economical at scales greater than 250,000 tonnes per annum. The East Rockingham WTE facility being constructed by NEC will be able to process up to 330,000 tonnes of residual waste per annum, generate 28.9 MW of power, around 70,000 tpa of bottom ash (BA) and 12,000 tonnes per annum of flue gas treatment residuals. The plant estimates a 96 per cent diversion from landfill.

A life cycle cost (LCC) analysis includes investment and operational costs. Investment costs typically include:

- Equipment investment costs, including incinerators, fans, flue gas purification systems, waste heat boilers, incinerator supporting facilities and accessories, steam turbine units, generator units, electrical systems, water treatment system and thermal control systems.
- Civil engineering costs and
- Land costs.
- The landfill leachate treatment system can also be divided into building construction costs and machinery and equipment costs.

Economic Analysis is given to the;

- Economic life of the plant Typically 20 years

- Operating hours per year Approx. 8000 (allowing one month cumulative downtime)
- Ash treatment Variable (\$/tonne)
- Heating network & support cost Variable (\$/kWh)
- Flue gas treatment Variable (\$/tonne)
- Waste pre-treatment Variable (\$/tonne)
- Electricity cost Variable (\$/kWh)
- Gate fees Estimated 140-160 (\$/tonne)

Operating Costs of waste incineration power generation projects are similar to those of conventional power plants and include primarily;

- Labour costs, power costs, costs of chemicals, disposal of waste water, exhaust gas, waste residue, maintenance costs, production safety expenditures, depreciation (straight line), taxes, surcharges, management costs and financial costs.

Should the region consider sending materials to the facilities the following parameters are likely:

- Any waste supply agreement will be long term e.g. 20 years. At this stage, spot prices or short term contracts are not being considered as the volumes and running costs are not yet finalised. Should a contract be signed, this will tie up materials for the long term.
- Savings could be made backfilling waste materials from the processing site and environmental contingency funds if historic landfills are mined. Although these are likely to be small.
- The NEC East Rockingham facility is projected to commence operations in 2023 or before. SUEZ will be the operating agencies in the plant using a fee for service model based on waste supply contracts. Estimated gate fees for the SW region as a single client are approximately \$140-160/tonne prior to transport costs.
- The plant has an estimated 100, 000 tonnes per annum capacity and it is likelt that the final design will allow the NEC facility to receive larger vehicles than the Kwinana facility.
- In Kwinana, Avertas Energy Pty Ltd is attempting to gain 200,000-300,000 tonnes per annum of MSW and up to 100,000 tonnes per annum of C&I waste. Phoenix is seeking contracts with LGAs for the supply of municipal solid waste to the facility on a fee for service contract basis. The Rivers Regional Council is one these clients.

Using these facilities as a Region would:

- Divert up to 96% waste by volume from landfill to extend the operational life of existing landfills;
- Meeting the waste diversion targets adopted by the Waste Authority;
- Reducing the environmental impacts of landfilling;
- Increasing the amount of resources recovered from waste;
- Generating renewable energy;
- Cost four times more than current disposal costs on average; and,
- Require transport to be organised between transfer stations or Councils coordinated to be as cost effective as possible.

Thermal WTE Summary	
<i>Market Sounding:</i>	
Cost Estimate	N/A
Gate Fee	Estimated between \$140-160 per tonne (before transport)
Capacity	Up to 120,000 tonnes
Operational	Kwinana plant is scheduled to commence operations in 2022

	East Rockingham to commence in 2023
Location requirements	Proximity to high energy users / Grid connection
<i>Strategic Plan</i>	
Australian examples	None operational. Two large scale sites in East Rockingham and Kwinana as scheduled to be operational before 2023.
<i>SWOT</i>	
Strengths	<ul style="list-style-type: none"> • Estimated 90% diversion of waste (by volume) from landfill. • Treat significant portion of the waste stream. • Electricity generation
Weaknesses	<ul style="list-style-type: none"> • Large minimum throughput requirement. • High capital and operational cost. • Diversion of material from recycling. • Long term contracts lock in waste management behaviours, i.e. lack of diverse disposal options
Opportunities	<ul style="list-style-type: none"> • Production of renewable energy. • Funding from external sources. • Communicating emission controls and pollution policy
Threats	<ul style="list-style-type: none"> • Planning and environmental approvals. • Community concerns that include: <ul style="list-style-type: none"> ○ Discourages recycling ○ Creates harmful pollutants (dioxins, furans, heavy metals, etc)³ ○ Source of toxic ash ○ Promotes generating rubbish – conflicting with State and National Policy
<i>Recommendation</i>	
<p>i. That a specific feasibility assessment is made into the full costs including:</p> <ol style="list-style-type: none"> a. This option’s role in an Integrated Waste Management System, i.e. reducing tonnages (e.g. 25,000tpa) to meet diversion targets and maintain waste management diversity; b. costs/benefit of mining capped landfills; c. transport regimes and additional assets as required; d. Delivery parameters and supporting equipment. <p>ii. Review potential stockpiling centres and waste ownership boundaries.</p>	

Gasification / Pyrolysis

These technologies convert carbon based materials into ‘syngas’ - gases comprising carbon monoxide, carbon dioxide and hydrogen in low and oxygen free environments. The gas is mainly comprised of hydrogen which powers the plant or is recovered as a fuel. Gasification has been widely used for generating electricity commercially around the world for more than 50 years in the refining, coal, fertiliser and chemical industries.

³ <https://ensia.com/features/burning-trash-waste-to-energy-renewable-pollution-environmental-justice/>

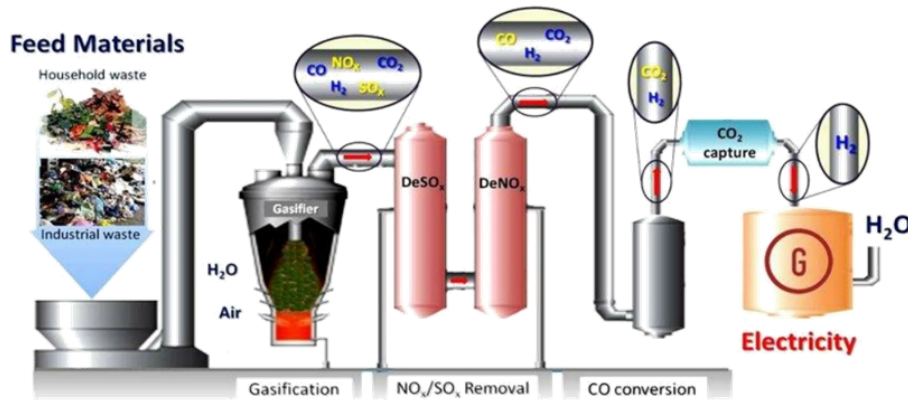


Figure 4: Municipal gasification process (from Demoral, Gunay and Malayao. 2018, 'Energy Use in Municipal Services')

Renegi P/L, New Energy Corporation (NEC) and Recovered Energy Australia (REA) made submissions to the Market Sounding Exercise (2019-20). NEC proposed that any facility would need to agree on the following parameters and assumptions before progressing:

- Site identification supported by the Group;
- Technology – it varies and a specific treatment would need to be agreed;
- Estimated total project cost is \$70M;
- Annual throughput – up to 60,000tpa MSW and C&I residuals;
- Gate fee range from \$160/t to \$200/t depending on power off-take agreement (steam/electricity);
- Project operations – 5 years from signed contract.

Although gasification is a suitable WTE technology for the South West, there are challenges - costs, tonnages, markets and community acceptance among others. A Federal investigation into innovative waste management in January 2020 attracted community opposition that was coordinated, and informed about the technology. Their core concerns can be expected from most communities regarding any local proposal of this technology, summarised as:

- Too expensive as the energy produced is a minor fraction of society's energy needs;
- Relying too heavily on waste production, incentivising greater waste production to meet economies of scale. This greater release of carbon emissions conflicts with national emissions targets;
- Labelling the technology as 'resource recovery' as only the calorific value of the products are reclaimed, once burnt the resources are out of the economic loop;
- Requiring long-term municipal supply contracts which would undermine innovation and investment in more effective waste treatments; and,
- Depending on a regulatory environment which is likely to be ineffective in protecting communities from unforeseen negative externalities.

A gasification project similar to that proposed in the SW was planned for Port Hedland by NEC obtained approvals from the Environmental Protection Authority and the Minister for the Environment but never progressed to construction. The proposal was for a modular (scalable) WTE (gasification) facility with process capacity of 70,000 to 130,000 tonnes per annum (tpa) of mixed

waste, generating up to 15 MW of power. The incoming waste stream was a mix of MSW, C&I and C&D wastes separated in a sorting facility to remove recyclable materials such as concrete, bricks and metals prior to treatment. Following renegotiations based on changing volumes and energy demands any construction has been postponed indefinitely as the return on investment was insufficient to continue. The supply costs and penalties were an unacceptable risk for ratepayers to use the plant.

Gasification Summary	
<i>Market Sounding:</i>	
Cost Estimate	\$70M
Gate Fee	Estimated between \$160-200 per tonne depending on power off-take agreement (steam/electricity)
Capacity	Up to 60,000tpa MSW and C&I residuals
Operational	Within 5 years from signed contract
Location requirements	Proximity to high energy users / Grid connection
<i>Strategic Plan</i>	
	There are limited commercial applications of gasification for municipal solid waste: Entech technology used by New Energy and Energos technology used in Norway. Both of these oxidise syngas to produce steam, rather than capture the gas and use it for other purposes
Australian examples	Funded to undergo a trial in Collie by Renergi Pty/Ltd out of Curtin University. Trials commencing in 2021. No commercially operational examples using MSW as feedstock in Australia.
<i>SWOT</i>	
Strengths	<ul style="list-style-type: none"> • Up to 90% diversion of waste from landfill. • Modular due to simplified quality systems.
Weaknesses	<ul style="list-style-type: none"> • High capital and operational cost. • Diversion of material from recycling. • No operational model in Australia suggests higher risk.
Opportunities	<ul style="list-style-type: none"> • Production of renewable energy. • Funding from external sources
Threats	<ul style="list-style-type: none"> • Community opposition. • Planning and environmental approvals. • Community concerns. • Stifles further innovation investment. • Sourcing sufficiently qualified staff in a highly technical process.
<i>Recommendation</i>	
i.	Prepare EOI specs that allow gasification suppliers to make submissions that address identified weaknesses in the technology.
ii.	A full cost comparison scenario is required investigating what the potential long term environmental risk and contingency funds may add up to as this technology may treat old and capped landfills.

Anaerobic Digestion (AD)

An AD facility accepts organic matter high in nitrogen and produces large quantities of biogas (methane and carbon dioxide) used to generate power and heat or refined to produce Compressed Natural Gas (CNG). The process also produces a solid by-product called 'digestate' which is a pasteurised semi-solid used as a fertiliser or can be composted. Both AD and composting can work

collaboratively to create a 'bio-fertiliser' and generate both jobs and revenues. Further synergies include back-loading trucks delivering nitrogenous materials to the AD facility with digestate for nearby composting enterprises. These systems can also complement waste water treatment facilities and may qualify for carbon credits as awarded by the Clean Energy Regulator.

Potential suppliers of this technology have stated their contract preference was a 'Build-Own-Operate' model for a 25 year investment horizon. Gate fees are negotiable to be competitive and the region has an opportunity to negotiate as the technology is establishing and there are several new and growing providers in the market. The technology is underpinned by a focussed educational program designed to engage residents in helping reduce contamination levels fed through the system.

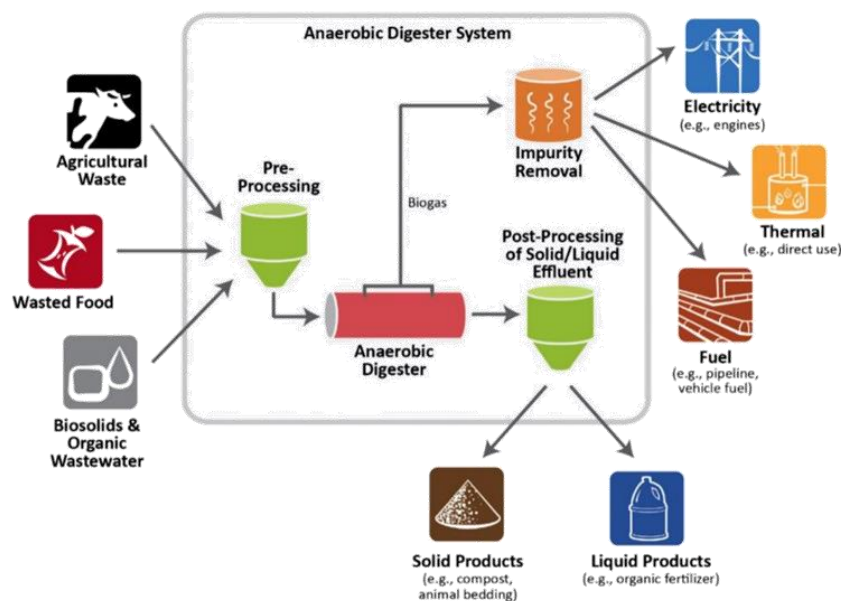


Figure 5: Anaerobic Digester System © Copyright Tennessee Department of Environment & Conservation

AD can produce renewable energy as opposed to aerobic systems such as composting which requires energy input to stabilise. The products generated by AD can offset the investment and be used as resources for further manufacturing for example, composting digestate can create an organic fertilising product and CNG can be refined to produce hydrogen.

The advantages of AD include:

- Producing more energy than required resulting in a constant supply of renewable energy;
- Sanitising the feedstock/ waste (pasteurisation);
- Reducing odour below unprocessed waste odour levels. 'Aromatic' materials are processed in a negative pressure environment which traps noxious fumes;
- Lower sludge mass generation when used as a primary water treatment method compared to an aerobic system applied to the same contaminant concentration and flow; and,
- The effect of the fertiliser is longer lasting than for untreated organic waste.

To balance these out, disadvantages include;

- Requires a commercial scale level of investment, including in sorting and a clean feedstock;
- Inefficient operation can cause an odour nuisance;
- Cannot convert as much carbon in the biomass to biogas as gasification;
- It takes longer to start the process due to the slow growth rate of the methane-producing organisms compared to aerobic systems;
- In some applications has higher buffer chemical dosing requirements for pH control to keep the pH for AD within the range of 6.5–8;
- Digestate must be transported safely and ensure there is sufficient processing capacity for the generated volumes;
- Manufacturers operation specs must be strictly adhered to, requiring
- Without significant political leadership, AD will likely meet significant community resistance. A full communication data package including emissions, location, benefits and assurances is required prior to opening the public debate. This topic should be addressed in stages, allowing the community to consider the option before addressing community concerns.

Case Study: Jandakot Bioenergy Plant – RichGro

Richgro is a garden products company supplying compost and fertilisers across Australia and are licenced to receive organic waste streams from Councils. Following an extensive selection process they selected Australian company Biogas Renewables Pty Ltd to undertake the design, installation and commissioning of an AD plant for their Jandakot processing facility. The selection process commenced in 2011 and the plant was commissioned in 2015. This is the first plant of its kind in Australia.

Project Breakdown:

- Total Capital Spend \$8 Million
 - Contributing grants from WA State Government, (\$ 0.5 M⁴)
 - Federal Clean Technology Investment Program (\$ 1.6 M),
 - Clean Energy Finance Corporation (CEFC) (\$ 2.2 M⁵).
- Capacity 35,000-50,000 tpa
- Energy Production 2 MWe electricity total (1.7 MWe to the grid)
- Heat production 2.2MWth
- Products 100m³ of liquid bio-fertiliser at 6% dry solids
Can be configured for power, heat, steam generation or a mix of these
- DWER Approval of Site Applications 6 months
- Grid Connection through Western Power 2 years
- Return on Investment Sub 4 year payback on capital (before grants)

Critical decision elements:

- Processed large quantities of green waste from council collections
- Electricity costs from the energy retailer of \$600,000+ / annum
- Enabled higher revenue waste streams to be taken from contaminated organic waste
- Produced a bio-fertiliser that blends with existing products
- Closes a production loop with potential to utilise heat and CO₂ produced on site

⁴ [Waste to clean energy in a Southern Hemisphere first - Richgro](#)

⁵ [Richgro Bioenergy Plant, Jandakot, Western Australia - Waste Management Review](#)

Biogas P/L provides the following process example:

50,000 tonnes per annum of food waste at 150m³/tonne of biogas has the capacity to produce a mix of:

1. Biogas to power a 600KW genset (120 residences at 5KW per year) 24/7 (as well as 660KW of thermal output) to power a large commercial site, plus
2. 324m³/hour of Natural Gas (CH₄) for compression to CNG which could displace the equivalent of \$3M/year in diesel if used in static engines or a transport fleet.

Following initial pre-feasibility report conducted by Biogas P/L, the financial key points for constructing a plant in the South West are:

Detail	Value
CAPEX	-\$ 9,425,328
OPEX (per annum)	-\$ 775,000
Electricity Revenue BTM (per annum)	\$ 1,206,373
Gate Fee Revenue (per annum)	\$ 814,949
LGC Revenue (Year 1)	\$ 314,430
Heat Revenue (per annum)	\$ -
Estimated Project IRR (Pre-Tax) (20 yrs)	% 11.19
Estimated Project IRR (Post-Tax) (20 yrs)	% 10.18

Table 4: Figures from a 2019 pre-feasibility study conducted by Biogas P/L

Locations

It is recommended that any facility of this type is built in partnership with a suitable services provider, for example a Waste Water Treatment Plant (WWTP). Using the current parameters we have, the most viable site found within the SW at this stage both logistically and commercially would be in direct proximity to the Busselton Waste Water Treatment Plant, which is within a Waste Treatment Buffer Zone. Assuming agreements can be set in place, the location offers significant partnership potential as the WWTP can use a high amount of electricity and potentially use the digestate correctly and responsibly. This represents a potential solution for the southern LGAs in the region by reducing transport costs for organics and introducing a revenue making operation.

Summary	
<i>Market Sounding:</i>	
Cost Estimate	\$12-15M
Gate Fee	\$50-75 per tonne (estimate)
Capacity	30,000-50,000 tonnes of organic material per year
Operational	Projected within 2 years dependent on Approvals
Location requirements	Close to WWTP and users for steam/electricity
<i>Strategic Plan</i>	
Australian examples	Jandakot, Richgro facility operational for 5 years
<i>SWOT</i>	
Strengths	<ul style="list-style-type: none"> • Diversion of material from landfill to meet State and local targets. • Potential to generate electricity.

	<ul style="list-style-type: none"> • Opportunity to value-add • Potentially cheaper FOGO solution for the smaller, southern LGAs • Job creation is 10 construction jobs and 4-5 full time equivalents for operation.
Weaknesses	<ul style="list-style-type: none"> • Cost and resources. • Environmental controls required. • Sensitivity of the biological process • Contamination of feedstock • Clean and safe transport of digestate
Opportunities	<ul style="list-style-type: none"> • Joint ownership and investment models • Engagement with local landscaping or agricultural businesses. • Partnership opportunities such as WWTP • Plant could be a source of multiple value adding products, eg. Compost, hydrogen, power charging electric vehicles • Community engagement and education • Government funding as alternative waste treatment
Threats	<ul style="list-style-type: none"> • Long term market security for products. • Variability in feedstock contamination, e.g. persistent herbicides
<i>Recommendation</i>	
<ol style="list-style-type: none"> i. Commence Feasibility Studies into this facility ii. Commence site investigation studies into other suitable locations. 	

COMPOSTING

Turning FOGO into a marketable compost product keeps the feedstock out of landfills (reducing greenhouse gases) and boosts soil health and productivity. This activity is by and large uneconomic for single Councils and retailers and establishment requires financial support of collection, capital (construction) and operation.

The existing facility at BHRC processes material from approximately 43,500 households in the City of Bunbury and the Shires of Collie, Capel, Donnybrook-Balingup, Augusta-Margaret River and Harvey. The expansion underway at the BHRC facility is to increase processing capacity to 76,000 households, potentially servicing the City of Busselton, the Shire of Harvey and other local governments in the South West and Peel regions. Demand for FOGO processing capacity is high, with interest already expressed from local governments in the metropolitan region. BHRC remain confident that the supply of FOGO material will reach the 35,000tpa capacity of the facility before 2023.

The increased FOGO processing capacity will help expand the three-bin systems at an additional 32,500 households regionally. This will result in approximately 845,000 additional bin lifts per annum or 33% more collection activity for councils that have a two-bin system.

Assuming one collection vehicle is capable of providing approximately 200,000 bin lifts per annum, it is predicted that an additional 4 to 5 collection vehicles will be required to meet the increased collection demand. Based on a value of \$450,000 for a new side loading collection truck, it is estimated that fleet investment alone will be approximately \$2.250M. Capital investment in collection vehicles will be indirect and dependent on the collection models (internal or contracted services) used by individual councils.

Councils that implement a FOGO bin will also need to source additional bins and red lids for existing refuse bins, this is anticipated to cost in the range of \$65 to \$75 per household (\$2,112,500 - \$2,437,500).

Assuming no changes to contract pricing, it is expected that implementation of a three bin system will result in bin collection costs increasing by approximately 33% for local government areas that already have a two-bin system (assuming FOGO bin collected weekly, yellow top bin and red bin on alternating fortnights).

Assuming a single bin lift costs in the range \$1.30 to \$1.70 it is estimated that provision of a two-bin waste collection service to 32,500 households costs between \$3,295,500 and \$4,309,500. Introduction of a FOGO bin is anticipated to increase this operational expenditure to between \$4,394,000 and \$5,746,000.

Depending on the how the systems are implemented in each local government area, it is also likely that additional operational expenditure will be associated with the provision of waste education initiatives and source separation materials (compostable bags etc.). Assuming \$10 per annum per household is budgeted for waste education and source separation initiatives, it is estimated that this will increase operational expenditure by approximately \$325,000 per annum.

Compared to landfill disposal it is anticipated that every tonne of FOGO waste composted will result in a \$26 to \$30 saving. The additional 15,000tpa of processing capacity is therefore anticipated to save local governments \$345,000 to \$450,000 per annum in landfill disposal costs. Introduction of a landfill levy to the southwest region is expected to occur within a five-year timeframe which could result in landfill costs increasing by \$70 per tonne. This would increase savings to local governments with FOGO systems.

Based on an annual throughput of 35,000tpa it is forecast that the following outputs will be produced (tonnes) at the BHRC:

Product	Volume (tonnes)
Compost	20,262
Mulch	2,594
Rehabilitation material	1,621
Contamination (landfilled)	1,200
Contamination (recycled)	300
Total	25,977

Table 5: Breakdown of organic outputs from BHRC composting operation

Establishing the composting facility is forecast at \$5.5M of capital investment. The compost and mulch products produced at the upgraded facility will meet the AS4454 specifications and organic certification.

It is anticipated that the initial bulk of future demand will come from the Bunbury Outer Ring Road (BORR) project through 2022 and 2023. The BHRC will continue to market its recycled organic products to the local agricultural, horticultural and landscape sectors to ensure product demand post BORR. Procurement policies from the surrounding Councils should acknowledge this source of material and specifications will need to be established to ensure Councils of the quality standards.

It is anticipated that recycled organics produced will have a market value between \$500,000 and \$845,000 per annum based on a throughput of 35,000tpa.

Summary	
<i>Market Sounding:</i>	
Cost Estimate	\$5.5M
Gate Fee	\$42/tonne
Capacity	35,000 tpa
Operational	Prior to 2022
Location requirements	Located within the Stanley Road Waste Facility
<i>Strategic Plan</i>	
Australian examples	Currently operating at Banksia Road
<i>SWOT (Forced Aeration System)</i>	
Strengths	<ul style="list-style-type: none"> • Diversion of material from landfill. • Greater control of composting process. • Quicker turnaround time for composting activity. • Relatively low capital cost and infrastructure requirements. • Smaller footprint requirements than windrow aeration. • Reduced greenhouse gas emissions compared to landfill.
Weaknesses	<ul style="list-style-type: none"> • Staff training requirements. • Capital and operational costs commitments. • Potential odour issues. • Spatial requirements.
Opportunities	<ul style="list-style-type: none"> • Engagement with local landscaping or agricultural businesses • Revenue generation.
Threats	<ul style="list-style-type: none"> • Security in markets for products. • Environmental approvals.
<i>Recommendation</i>	
<ul style="list-style-type: none"> i. To continue supporting the rise and adoption of composting as a viable organic treatment ii. Seek to refine the end product to increase value iii. Investigate centrally coordinating a network of composting activities throughout the region that support related waste treatments. 	

PROCUREMENT

Transitioning to a circular economy is unlikely if market forces are relied upon to drive the change. While landfill remains the cheapest disposal method, processing used materials into a productive resource will be more expensive than using virgin materials or landfills. The market will not transition to a circular economy in this model. Governments and Councils have the most to gain from changing this model because of the benefits associated with landfill diversion. Market intervention appears to be the most effective means to change to an economic model that provides greater value in waste resources, creates jobs, is more diverse and reduces impact on the environment [2].

The direct impact on councils' waste costs resulting from the changing waste operations landscape (and the viability of kerbside recycling in general) are not well understood. The South Australian Local Government Association (SALGA) estimates that the subsequent rise in recyclables processing costs are estimated around \$15 million more in waste costs due to changes in the global market.

The only way to manage cost increases from recycling services and impacts from any proposed waste levy is to develop local markets for recyclable materials so these materials become a valuable commodity. Impacts from Covid-19 including closing facilities, waived rents for commercial tenants, more residents seeking to invoke hardship provisions and increased demands on resources only highlight the need to control the cost of the facilities and services as low as possible.

Accelerating the transition towards a circular model will deliver return on investments sooner. For the SW Group, transition needs to be facilitated through growth incentives driving the local economy. Investment businesses consulting with WALGA have identified areas that could assist us locally, specifically:

- Levelling the playing field through better financing conditions and access to markets – this may mean establishing local businesses close to resource materials and clean stream of waste to compete with access to virgin materials
- Value-chain collaboration: different organisations in the value chain need to collaborate to optimise the circular solution, as resources and materials remain in a constant loop. This value chain collaborations needs to be enabled and rewarded.
- Long term value creation: there should be actions to incorporate and reward product longevity in business models
- Market Participation and end-users play a crucial role in the value chain to make products circular. Typically this is the part in the value chain where products turn into waste. There is a need to ensure better participation of consumers and end-users to change this behaviours
- Integration of the public good: The cost of negative externalities and the benefits of positive externalities need to be considered in order to allow circular companies to compete more fairly. On average companies that price externalities contribute more to public goals and/or reduce societal costs
- Financial knowledge build up: financiers who often struggle to quantify linear risks and fail to reward circular businesses need to know more about circular models. It is important that financiers and investors understand the differences in order to be able to correctly value the business model and its longer term economic potential.
- First movers action: market demand pull is part of the success of new business models. This demand pull works as a magnet for new entrants and/or current businesses to change their operational and commercial model.

Relying on price alone to drive the transition towards greater uptake of recycled materials is unlikely to succeed. This is due to a number of factors including the unequal comparisons of virgin materials against recycling resources by using price alone. Recycling materials should also factor in the costs of keeping the materials out of landfills.

In a transitioning market local government purchasing policy can reshape the market and align new market conditions for businesses to refine and develop. A 'good procurement system' meets two conditions [3]:

- i. A central 'decision centre' setting non-contradictory objectives, periodically assessing whether the system works coherently; and
- ii. Establishing a set of processes that maximize the chance of reaching the system's objectives while minimising the use of resources.

By targeting particular outcomes, local government can create complimentary policies to ensure sustainable development of the circular economy. This is currently underway in South Australia

using a SALGA initiative, the 'Buying it Back LGA Circular Procurement Pilot Project'. The project is intended to grow the value of recycled materials, build viability of the recycling system and reduce councils' waste management costs.

CASE STUDY SALGA's 'Buying it Back LGA Circular Procurement Pilot Project'

At the 2018 SALGA Annual General Meeting the City of Prospect put forward a motion requires the LGA to investigate how the local government sector can leverage its procurement capacity of products/goods made partially or wholly from recycled materials, in efforts to develop onshore end markets for waste derived materials.

A pilot procurement project was initiated in which nine councils volunteered to participate. A Grant was secured to progress the project resulting in a Memorandum of Understanding (MoU) between the councils and the LGA requiring councils to:

1. Prioritise the purchase of recycled-content products and materials through the procurement process;
2. Track the recycled-content purchased by weight; and
3. Publicly report on the tonnes of recycled-content products and materials they have purchased under the MoU.

Additionally, most councils adopted a procurement target for plastic materials, seeking to incrementally buy back up to 10% of the amount of recyclable plastics collected in their council area and increase this to 50%.

Outcome

Councils purchased of recycled content across the target product areas including:

- Stationery and office paper;
- Fixtures (street furniture, fencing, fitness equipment, garden boxes etc.);
- Compost; and
- Road construction materials.

After 6 months of data capture the councils purchased plastic materials equivalent to 36% of the amount of the target.

The reported data was analysed to develop recommendations when rolling out circular procurement to the local government sector as a whole. The resulting recommendations were:

1. Acknowledge that action by councils is imperative for addressing the current challenges in waste and recycling (as detailed in the National Waste Policy Action Plan and including the implications of the impending COAG waste export ban);

This is the biggest barrier to councils buying recycled materials as the connection between councils' role in collecting waste (and paying for this service) and their ability to influence the market by creating demand for end-use recycled products is not directly related.

2. Commit to "buying recycled" as a high priority and as a necessary method of mitigating councils' rising waste management costs;

This talks to the nuance within the circular economy model which goes beyond recycling – it is about maintaining the economic value from production investment for as long as possible.

3. Amend existing Procurement Policies to
 - a. Temporarily (e.g. 5 years) prioritise recycled-content through procurement;
 - b. Mandate recycled-content in design/planning (including current contracts);

<p>c. Specifically consider “opportunity cost” associated with any purchase (i.e. When asking “which is best value for money?”, also ask “what will this mean for the materials involved past their intended use”);</p> <p>d. Track the purchase of recycled-content by weight and report this publicly.</p> <p>Amendments should reconcile this priority with other priorities such as “buying local”</p> <p>This addresses market failure and growth of new supply sources with a monitoring component</p> <p>4. An administrative approach outside of the policy is to be considered. For example, buy stationery items with recycled-content;</p> <p>This is a transitional option for councils cautious about amending their existing Procurement Policy.</p> <p>5. Share knowledge and experience to explore and/or support development of a certification scheme for recycled-content products and materials.</p> <p>Certification schemes are a cheap but effective means to build value down the supply chain and lend local government or State government integrity to the process.</p> <p>6. Endorse the LGA writing to the Commissioner for Highways to request work be undertaken with peak bodies or Austroads to develop specifications allowing for recycled-content in roads (in particular, recyclable materials including plastic and glass fines).</p> <p>The Group continues to work with Main Roads WA (MRWA) to incorporate this in their plans although the materials are subject to considerable rigour. MRWA, the Australian Road Research Board (ARRB) and Western Australian Road Research Innovation Program (WARRIP) are looking at a number of recyclable materials that could have a future role in road construction. The ‘Roads to Reuse’ program has developed specifications for recycled road base and recycled drainage rock and is funding construction and demolition recyclers to ensure they meet the specifications. MRWA are committed to use more than 25,000 tonnes of recycled construction and demolition waste as road base.</p>
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The products regularly purchased by local governments include:

- Office stationary/paper;
- Fixtures (e.g. street furniture, drinking fountains, bollards, fencing, decking, garden edging, planter boxes, fitness equipment, wheel stops, speed humps, bins, pipes, signage);
- Construction materials (recycled-content includes recycled asphalt, glass fines, plastic, rubber, toner); and
- Compost.

The estimated magnitude of potential financial benefits is sufficient to justify a similar investigation into a comprehensive regional procurement strategy. This approach would also give manufacturers confidence to invest in the region to build on these recovery initiatives.

For tendered local government projects, a LGA could require contractors to:

- Prepare Waste Management Plans (WMP) for proposals seeking planning approval,
- Stipulate that the WMP maximises diversion of materials from landfill,
- Require the use of recycled products, locally produced if necessary,

This approach can be particularly relevant to construction projects, which could be leveraged to grow local recycling markets. These WMPs should help maximise the diversion of materials from landfill and ensure appropriate management systems are in place for all waste arising.

Influencing Commercial Practices SWOT

Internal		External	
Strengths	Weaknesses	Opportunities	Threats
<ul style="list-style-type: none"> • Involvement with local businesses. • Opportunity to promote initiatives preferred in the Waste Management Hierarchy. • Targets a significant proportion of the waste stream. 	<ul style="list-style-type: none"> • Cost and resources. • Getting buy in from the industry sectors. 	<ul style="list-style-type: none"> • Influencing consumer behaviour. • Increased availability of recycled materials. • Potential for new business in the South West Region. 	<ul style="list-style-type: none"> • Impacts on charity organisations and small businesses currently involved in resource recovery.

Further Considerations

- Research a Regional Procurement Strategy which fits LGA policy priorities and cost constraints. Input should be sought from Council representatives, SWDC, WALGA, DWER and other relevant parties.
- Develop sector-wide strategies focussed on greatest cost/benefit, especially in areas with a significant 'infrastructure gap' and limited financial capacity to close that gap.
- Deliver strategies that effectively aggregate demand and reduce costs as well as enhancing local and regional local economic development.
- Extend procurement collaboration into cross boundary sharing, service provision, assets and other infrastructure created for the benefits of communities.

LOGISTICS AND TRANSPORT

Regional Economic Indicators

Within the SW, 12 different waste management operations exist involving various contractors, disposal methods and acceptable waste types. To simplify this situation and externalise waste operations from local government operations will require considerable preparation, economic analysis and support from State agencies. The issues surrounding landfill conversion as the region moves towards a more holistic waste management system include:

- Transition costs converting landfills to Transfer Stations,
- Estimated ongoing Transfer Stations operational costs,
- Ownership of waste and partition of responsibilities,

- Collection Costs for kerbside waste and fleet ownership/operation. The recent survey conducted through the region suggested costs should be competitive to target the following lift rates;
 - MSW : \$1.20 – \$1.40 per bin
 - CoRecyc : \$1.20 – \$1.40 per bin
 - FOGO : \$1.20 – \$1.80 per bin
 - Hard waste collection rate between \$60 - \$85 /T.
- Gate fees of alternate disposal services; for example the WTE gate fee from Avertas Energy for processing waste at Kwinana was \$115/T in 2015. More recently estimates of either plant come in at approximately \$150-160/tonne.
- Design to serve economies of scale at a regional level.

Transfer Station Design

The local need for the transition to Transfer Stations reflect the nationwide trend in solid waste disposal towards the construction of large, centralised facilities rather than maintaining small, rural, and often unsupervised landfill sites. The rising cost and risk management pressures in maintaining small landfills are becoming unacceptable for the Councils responsible. Fewer but larger engineered landfills have increased environmental controls and opportunities for improved resource recovery, which aligns with state and national waste management and environmental legislation. Servicing these landfills with material require a coordinated network of Transfer Stations which will have to be developed across the South West within the next ten years.

The design of the Transfer Stations should help streamline future regional logistics pressure to effectively process and sort local waste streams. Facilities are to be located on land already owned by Council to prevent further land acquisition, reduce planning timelines and other negotiations. Consideration should be given to broader resource recovery networks, regional strategies, transport economics/logistics and potential for regional co-operation.

The operational areas of the proposed facilities should be sized depending on the:

- Volumes of waste type to be transferred;
- Rates of waste transport to and from the site;
- Functions to be carried out on site (for example whether they are solely for waste transfer, will they hold Councils service vehicles, what recyclables can be stockpiled such as green waste or concrete for crushing);
- Size and type of potential vehicles that may accessing the site, for example B-doubles for bulk transport; and
- Types of customers the facility is intending to serve.

Accommodating future expansion is required when considering the preferred land area. Sufficient space can increase operating efficiency over time and avoid expense relocation costs. Other considerations include space for resource recovery activities, community education facilities operational processing such as mulching/composting, metal recycling, reuse centres and community education centres can also be located at the site.

- MRF/Sorting Facility
- Partnerships/Alliances
- Innovation Hubs
- Market Development & Potential market opportunities

Logistics

Coordinating regional waste operations to capitalise on our economies of scale requires siting facilities that do not impose a disproportionate burden upon lower income or smaller communities. Negative impact facilities in smaller communities, labour demands that cannot be filled locally or creating various environmental and health issues need consideration. A central body to manage the various aspects not least location, is critical to obtaining cost-effective results.

Previous site investigations for the Group have focussed on putting dedicated facilities e.g. a Regional Landfill, in places acceptable to the majority of LGAs in the SW resulting from the Site Selection Study completed by Talis consultants in 2015. This was not found to be viable. The nature of the SW Region limits the effectiveness of centralised processing facilities over a certain volume and the RWMS2015 recommended developing a network of Local, Sub-Regional and Regional infrastructure and services to form an IWMS.

As the industry is now moving towards specialisation in resource recovery, the benefits of operating centralised locations need to be balanced against local opportunities to value add to waste streams. For example, multiple sorting centres would be too costly, so centralising the capital investments and targeting high value materials in sub-regional centres is necessary to recover economic volumes from large waste streams. Over time, LGA specialisation may be an option but this will be influenced by the development pattern of the resource recovery operations.

The ongoing development of the waste-to-reuse industry needs to ensure that Waste Derived Materials (WDM) are regulated to ensure safety of use and minimise risk to the growing business. Examples of commonly used WDM include:

Waste	Use
Food organics and garden organics	Energy production and Composting
Construction and demolition waste	Road base and drainage rock
Fly ash or bottom ash from waste to energy or electricity production	Engineering materials
Treated acid sulfate soils	Fill
Biosolids from wastewater treatment	Soil amendment
Red sand and alkaloam	Soil amendments
Gypsum and other calcium sulfate minerals produced from manufacturing	Soil amendments
Mixed gypsum, iron and manganese oxides from the refining of titanium ores	Soil amendments
Alumino silicate from lithium production	Concrete and cement products
Reclaimed asphalt from public roads	Road base and construction products
Used tyres and conveyor belts	Crumbed rubber modified bitumen (CRMB) used for road sealant spray applications
Recycled/reprocessed granular plastic	Polymer modified bitumen (PMB)
Treated wastewater	Irrigation

Table 6: Examples of materials that could be considered for general WDM determinations

Taking advantage of these opportunities requires specialities throughout the Region. To balance these, a summary of the sub-regional strengths can then identify potential industries:

SW Sub-Regions	LGAs
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- Bunbury-Geographe Bunbury, Harvey, Collie, Dardanup, Capel
- Capes Augusta-Margaret River and Busselton
- Southern Forests Boyup Brook, Donnybrook-Balingup, Bridgetown-Greenbushes, Manjimup and Nannup.

Identifying the major economic drivers of each region will then identify the local opportunities for waste recovery and processing:

Bunbury Geographe region	Southern Forests region	Capes region
Mining	Agriculture	Tourism
Infrastructure projects	Timber	Viticulture
Manufacturing	Tourism	Agriculture
Agriculture	Viticulture	Creative industries
Commercial & professional services	Professional services	Professional services

LGA	Industries	Popln*
City of Busselton	Tourism, Viticulture, Dairying, Market Gardening, Manufacturing, Creative Industries	38,926
City of Bunbury	Business, Retail, Entertainment, Health, Arts, Government sector, Heavy and light industry, Tertiary Education, Tourism, Mining, Port Trade	31,776
Shire of Harvey	Dairying, Beef Cattle, Horticulture, Mining, Citrus Fruits, Vineyards, Abattoir, Silicon Smelter, Pigment Plant, Dairy and Fruit Processing Plants, Light Engineering	27,798
Shire of Capel	Mineral Sands Mining, Basalt, Dairying, Vineyards, Fruit, Dairy Products, Timber, Arts and Crafts	18,022
Shire of Augusta-Margaret River	Dairying, Beef, Sheep, Deer, Fishing, Timber, Market Gardens, Viticulture, Tourism, Timber Crafts and Furniture Making, Arts and Cottage Industries	15,700
Shire of Dardanup	Beef cattle, Dairying, Poultry, Sheep, Brickworks, Timber Processing, Viticulture and Wineries, Tourism, Stockfeed, Mineral Sands Mining. Light Industry	14,368
Shire of Manjimup	Tourism, Timber, Wood chips, Horticulture, Beef Cattle, Fruit and Vegetables, Dairying, Sheep, Wineries and Viticulture, Marron and Aquaculture, Truffles	9,159
Shire of Collie	Power Generation, Alumina Refinery, Open Cut Coal mining, Timber, Farming, Tourism, Aquaculture, Viticulture	8,754
Shire of Donnybrook-Balingup	Sandstone Quarry, Fruit Orchards, Vegetables, Sheep, Viticulture, Tourism, Dairying, Beef Cattle	6,062
Shire of Bridgetown-Greenbushes	Mining, Timber, Farming, Horticulture, Marron, Viticulture, Crafts & Cottage Industries	4,722
Shire of Boyup Brook	Vineyards, Timber Plantations, Sheep, Cattle, Pigs, Grain Harvesting, Olives, Cottage Industries	1,756

Shire of Nannup	Timber, Dairying, Beef Cattle, Horticulture, Tourism, Arts and Crafts, Floriculture, Fishing, Furniture Making, Aquaculture, Viticulture	1,363
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Table 7: Figures arranged in order of population data as listed from Australian Bureau of Statistics, March 2018

Waste Products Opportunities

- **Bunbury-Geographe waste opportunities:**
 - Waste Water,
 - Tailings,
 - Logistics centre,
 - Mine Operations Waste,
 - Construction & Demolition,
 - Road Construction,
 - Organics processing,
 - Glass,
 - Rubber & Tyres
- **Southern Forests region waste opportunities:**
 - Organics Processing,
 - Water processing,
 - BioMass
- **Capes region Waste Opportunities:**
 - Glass,
 - Liquid waste,
 - Organics processing,
 - Rubber,
 - Cottage Industry recycling programs.

Suitable Waste Streams or Facilities for Processing by LGA

LGA	Potential waste processing facilities	Complementary Assets
City of Busselton:	Bio-digester (WTE), Rubber shredding Liquid waste MRF	Lined landfill Land at Transfer Station Proximity to power users Council owned side-loader fleet Mineral sand mining Organic waste sources
City of Bunbury & Shire of Harvey BHRC	Composting Rubber shredding R&D MRF Textiles	Operating landfill licenced for lined cells Central location Access to Mining operations Access to Port Kemerton Industrial Park.
Shire of Capel	Transfer Station, Timber/high cellulose stockpiling	Mineral sand mining Centralised location
Shire of Augusta- Margaret River	Composting, Biomass, Large scale reuse/repair facilities Textiles	Engaged community Organic matter from agriculture (viticulture), forestry, restaurants.

Shire of Dardanup	Transfer Station	Close to BHRC Softwood milling
Shire of Manjimup	Biomass	Access to forests for wood waste
Shire of Collie	R&D Pyrolysis Gasification Metal recycling Glass manufacturing Liquid Waste Textiles	Access to power grid Land at landfill Mining operations Power generation industries Provides region's water from forested catchments.
Shire of Donnybrook-Balingup	Biomass, Transfer Station	Organic matter from agriculture and forestry Sandstone extraction
Shire of Bridgetown-Greenbushes	Transfer Station	Organic matter from agriculture and forestry
Shire of Boyup Brook	Biomass	Access to forests for wood waste Organic matter from agriculture
Shire of Nannup	Transfer Station	Organic matter from agriculture and forestry

Table 8: Identifies the most suitable waste facilities for further investigation according to the sub-regional strengths. Transfer stations are critical for waste supply volumes and are suited to high producers close to processing facilities. MRFs have been identified in high volume waste processing facilities (>15,000 tonnes/year).

WASTE LEVY IMPACTS

Although not formally announced, the Minister for Environment, Stephen Dawson MLC stated at a meeting of the Municipal Waste Advisory Council (MWAC) in February 2019 that the levy is likely extend to the Peel and South West. Further messaging has reinforced this objective and although not a guarantee, addressing the impacts is critical to understanding the economic pressures that may impact regional waste solutions.

The Department of Water and Environmental Regulation (DWER) stated objectives of the waste levy are summarised as influencing waste management practices, especially reducing waste to landfill by:

- generating less waste;
- recovering more value and resources from waste; and,
- protecting the environment by managing waste responsibly.

The waste levy is currently set at \$70 tonne and applies to materials received at landfill premises. There are few exemptions which include hazardous materials, waste need or generated for a function (e.g. cover) or resulting from non-human processes, e.g. waste washed up on shore by the sea. For practical purposes, it can be assumed that the MSW accepted by SW landfills will incur the levy. The rise in disposal cost per tonne makes alternate uses of waste more economically justifiable.

The State has signalled that should the Perth and Peel Levy area be expanded then compliance costs particularly in smaller areas where alternatives are more costly, is likely to be modest. Should the levy be applied to discourage metropolitan waste from being disposed in the SW, then it may be applied at a rate equal or slightly less than the metropolitan charge (\$70/tonne). Regardless of the final charge, raising the cost of disposal will make alternative waste treatment more financially viable. A waste levy does not directly impact ratepayers but impacts the cost of landfill operations for LGAs. This incentivises source separation improvement and avoiding disposal.

Experiences from elsewhere in the country have shown:

- The waste levy has helped develop alternate waste management projects but the landfills remain central in waste operations. The investment from the levy is insufficient to adequately deal with the total volumes of overall waste management needs, despite generating significant amounts of money for State governments.
- The waste levy unduly burdens certain councils. Large contributions from certain Councils to State programs mean that levy funds are applied to regions which are not subject to the levy.
- There is a risk that should the government choose a different levy rate in regional areas to metropolitan areas as has been done in other States, urban Councils such as the Cities of Bunbury and Busselton will be subject to a higher levy rate than smaller regional Councils despite being further away from Perth and Peel. This incentivises waste operators to take greater volumes to smaller regional councils, resulting in shorter operational lifetimes due to increased volumes being received.
- Already the return of funds generated from the waste levy to alternative treatment solutions is considered by many to be too low when considering the amounts of MSW still being deposited in landfills. The levy is included in the state's consolidated revenue and a proportion is assured through various recycling programs. Insufficient investment of the levy undermines long term solutions and competition within the sector

At a recent Parliamentary enquiry, national tyre recycling company, Tyrecycle stated that waste levies incentivise waste collectors in finding economic methods to dispose of material. By way of example, Tyrecycle showed that the profit-driven nature of the waste management sector means waste collectors will look for the cheapest point of disposal. Manipulating the disposal price to be higher than the cost of recycling makes recycling more attractive. In NSW where landfill costs can exceed \$250/tonne, landfilling tyres becomes uneconomic. In contrast, tyres in Queensland, the Northern Territory and Tasmania are sent mainly to landfill. The costs associated with tyre disposal are generally lower than those associated with recycling.

- Since the Levy rates in Western Australia were substantially increased in 2011, there has been a significant diversion from landfill for C&D waste and C&I waste. Inert material diverted from landfill has resulted in reducing overall levy payments for inert material however it is unclear where this material has gone.
- Low landfill prices are also a financial barrier to recycling, investing in resource recovery and implementing waste reduction.
- Resource recovery operations employ more people and require greater investment in infrastructure per tonne of material compared to landfills. An example of this was provided by Envorinex, which highlighted that in Victoria (with a levy) four tonnes of waste black poly pipe would cost \$600 dollars to dispose of at a landfill site, but in Tasmania (with a very low levy), disposal would only cost \$40. The conclusion was that landfill levies should be priced to encourage businesses to send their waste to recyclers and not to landfill.

Should levies not be appropriately priced and managed, unusual and unintended outcomes have been seen such as:

- the unnecessary transport of waste between jurisdictions to avoid levy costs;
- an uncertain regulatory environment undermining investment in recycling infrastructure;
- high administrative costs, particularly in the application of complex schemes;
- potential for fraud created by mislabelled waste.
- levies can encourage stockpiling and illegal dumping.

CONCLUSIONS

The Group recognises that continued individual waste management reduces negotiating power for sub-regional contracts and increases costs. Coordinating operational assets using a separate entity, for example a Regional Subsidiary, is likely to achieve greater diversion and more effective education programs at an overall lower cost.

Although the Regional Subsidiary legislation is not ideal for operating and acquiring large waste assets or operations, clarifying the goals, risks and investment levels for SW Councils seeking to externalise all waste operations sets the long term vision to be ready when the legislation is amended. IF the changes do not proceed, there will remain a solid foundation for regional cooperation and investment strategies. Given the trend of waste management growth in Western Australia over the previous 15 years, strategic partnerships with private industry and growing the local economy will spread risk and reduce overall costs for Councils in the Region.

Councils participating in a cooperative model of investment will likely result in services being provided that are beyond the scope of an individual Council. More complex treatment processes underpinned by a comprehensive community engagement strategy and coordinated procurement policy can further reduce waste volumes through building a regional waste economy.

- Forming a Regional Subsidiary to equitably manage larger and more complex waste treatment systems is critical to achieve regional aspirations. Clear outcomes and business phases need to be approved prior to commencement;
- All proposed treatments and growth needs to be underpinned by strong, consistent community messaging that plays a significant role in managing contamination and participation; and,
- Councils need to use their purchasing power to promote the growth of the local reuse and recycling industries.





Although not as simple as a single disposal process, a comprehensive waste management plan takes a strategic view of the combined operations, providing greater flexibility and diversity in waste management. The loss of the international waste export market and the increase in recycling investment are significant drivers that have not been seen before in the Western Australian waste processing industry. With the existing State and Federal support for waste processing growth, this is the time to build the local economy. Identifying long term clients like Councils and State organisations provides a reliable market for waste derived goods as long as clear specifications determine quality.

As the industry undergoes growth and change, an Expressions of Interest process focussing on processing municipal solid waste is proven approach that will open the region to a wide pool of service providers. Crafted skilfully, the specifications can capture economic long term solutions that in some areas have developed local economies focussed on reusing materials previously considered worthless.

APPENDICES

1. Literature Review

17.1 COUNCILLORS' INFORMATION BULLETIN

STRATEGIC GOAL	6. LEADERSHIP Visionary, collaborative, accountable
STRATEGIC OBJECTIVE	6.1 Governance systems, process and practices are responsible, ethical and transparent.
SUBJECT INDEX	Councillors' Information Bulletin
BUSINESS UNIT	Executive Services
REPORTING OFFICER	Reporting Officers - Various
AUTHORISING OFFICER	Chief Executive Officer - Mike Archer
NATURE OF DECISION	Noting: The item is simply for information purposes and noting
VOTING REQUIREMENT	Simple Majority
ATTACHMENTS	Attachment A Current SAT Reviews   Attachment B Letter: Leeuwin Naturaliste Sub Regional Strategy Implementation  

COUNCIL DECISION AND OFFICER RECOMMENDATION

C2106/116 Moved Councillor J Barrett-Lennard, seconded Councillor P Carter

That the items from the Councillors' Information Bulletin be noted:

17.1.1 State Administrative Tribunal Reviews**17.1.2 Correspondence from Hon Stephen Dawson MLC Minister for Mental Health; Aboriginal Affairs; Industrial Relations – 6 May 2021****17.1.3 Leeuwin-Naturaliste Sub-regional Strategy Implementation****17.1.4 Correspondence from Hon John Quigley MLA Attorney General; Minister for Electoral Affairs – 18 May 2021****17.1.5 Correspondence from Hon David Templeman MLA Minister for Tourism; Culture & the Arts; Heritage – 27 May 2021**

CARRIED 8/0

EN BLOC

EXECUTIVE SUMMARY

This report provides an overview of a range of information that is considered appropriate to be formally presented to the Council for its receipt and noting. The information is provided in order to ensure that each Councillor, and the Council, is being kept fully informed, while also acknowledging that these are matters that will also be of interest to the community.

Any matter that is raised in this report as a result of incoming correspondence is to be dealt with as normal business correspondence, but is presented in this bulletin for the information of the Council and the community.

INFORMATION BULLETIN**17.1.1 State Administrative Tribunal Reviews**

A summary of the Current State Administrative Tribunal Reviews is provided at Attachment A.

17.1.2 Correspondence from Hon Stephen Dawson MLC Minister for Mental Health; Aboriginal Affairs; Industrial Relations – 6 May 2021

“Dear Grant and Mike,

Thank you for your correspondence received in my office on 27 April 2021, congratulating me on the recent State Election result and my appointment as Minister for Mental Health; Aboriginal Affairs; and Industrial Relations. I appreciate that you have taken the time to write to me regarding the McGowan Government’s work over the past four years. I am very proud of our achievements during the last term of Government, including advances in both the environment and disability portfolios.

Serving as a Minister in the McGowan Government has been an honor and a privilege and an opportunity I do not take for granted. I intend to continue the hard work in my new portfolio areas, and look forward to future progress and reform.

I look forward to continuing the productive working relationship with the City of Busselton and will be certain to make contact if visiting in the near future.”

17.1.3 Leeuwin-Naturaliste Sub-regional Strategy Implementation

Correspondence received from the Western Australian Planning Commission in relation to the Leeuwin-Naturaliste Sub-Regional Strategy implementation is provided at Attachment B.

17.1.4 Correspondence from Hon John Quigley MLA Attorney General; Minister for Electoral Affairs – 18 May 2021

“Dear Grant,

Thank you for your letter dated 1 April 2021 regarding my re-appointment as Attorney General and appointment as Minister for Electoral Affairs. I feel honoured and privileged, as I am humbled to be able to continue to serve the people of our great State not only as Attorney general but also as the Minister of Electoral Affairs.

I trust that the re-elected McGowan Government and you and your organisation will continue to work constructively in the next term.”

17.1.5 Correspondence from Hon David Templeman MLA Minister for Tourism; Culture & the Arts; Heritage – 27 May 2021

“Dear Grant,

Congratulations on being named the winner of the 2021 GWN7 Top Tourism Town Award at the recent Western Australian Regional Tourism Conference in Geraldton. The award is well-deserved and acknowledges the outstanding efforts of community leaders, tourism bodies and local tourism businesses to make the city and inviting and enjoyable destination for visitors.

I understand the final result was based on a score from a panel of industry judges and votes from the general public, with more than 7,700 people voting for their preferred Top Tourism Town. I trust the award prize of airtime on GWN7 will assist in the further promotion of Busselton to increase visitation and support for local businesses.

Please pass on my congratulations and best wishes to all those who played a part in Busselton’s success.”

As at 20 May 2021

APPLICATION (Name, No. and City File Reference)	PROPERTY	DATE COMMENCED	DECISION BEING REVIEWED	RESPONSIBLE OFFICER	STAGE COMPLETED	NEXT ACTION AND DATE OF ACTION AS PER SAT ORDERS	DATE COMPLETED / CLOSED
CITY OF BUSSELTON							
Lindberg v City of Busselton	4822 Bussell Highway, Busselton	October 2019	Review of a decision to give a direction under s.214.	Ben Whitehill / Lee Reddell	<ul style="list-style-type: none"> • Directions hearing on the 8 November 2019 against the decision of the City to give a direction under s.214. • The matter was adjourned to a further directions hearing on 29 November 2019 in order to determine whether the application is misconceived or lacking in substance pursuant to s.47 of the <i>State Administrative Tribunal Act 2004</i> • Directions hearing on the 29 November 2019 where it was resolved: <ul style="list-style-type: none"> - The application is amended by substituting Mr Doug Hugh Lindberg as applicant in place of Mr Johnson. - The matter is listed for an on-site mediation on 6 January 2020. - Mr Michael Johnson is invited to attend and participate in the mediation. • Mediation on 6 January 2020 where it was resolved that : <ul style="list-style-type: none"> - the applicant is to provide additional information to the respondent by 3 February 2020; - The matter is listed for mediation on 13 February 2020. • Mediation on 13 February where, following further discussion with the landowners and Mr Johnson, it was resolved to adjourn the proceeding back to a further directions hearing on 17 April 2020. • Directions hearing on 17 April was vacated and listed for a directions hearing on 5 June 2020. • Directions hearing on 5 June was vacated and listed for a directions hearing on 7 August 2020. • Directions hearing on 7 August 2020 was vacated and listed for a directions hearing on 6 November 2020. • Directions hearing on 6 November 2020 was vacated and listed for a directions hearing on 5 February 2021. • Directions hearing on 5 February 2021 was vacated and listed for a directions hearing on 7 May 2021. • Directions hearing on 7 May 2021 was vacated and listed for a directions hearing on 2 July 2021 	Directions Hearing 2 July 2021	
JOINT DEVELOPMENT ASSESSMENT PANEL							
NIL							
WESTERN AUSTRALIAN PLANNING COMMISSION							

APPLICATION (Name, No. and City File Reference)	PROPERTY	DATE COMMENCED	DECISION BEING REVIEWED	RESPONSIBLE OFFICER	STAGE COMPLETED	NEXT ACTION AND DATE OF ACTION AS PER SAT ORDERS	DATE COMPLETED / CLOSED
Newport Geographe v WAPC	Port Geographe	November 2020	Review of structure plan / subdivision conditions.	State Solicitors Office / Paul Needham	<ul style="list-style-type: none"> • Mediation Scheduled for 10 December 2020. • 10 December 2020 mediation hearing resulted in scheduling of further mediation hearing for 3 March 2021 (the City attended the 10 December and 3 March hearings). • 3 March mediation hearing resulted in a s31 order for WAPC reconsideration by 18 May 2021, and a directions hearing scheduled for 28 May 2021. City of Busselton may also be asked to reconsider its recommendations to the WAPC on the proposals. If that occurs, formal Council consideration would be appropriate, rather than a delegated decision. • City was not asked to reconsider its recommendations to the WAPC on the proposals, but WAPC did reconsider on 18 May 2021. WAPC has subsequently issued a revised decision notice on the structure plan on 25 May 2021. The WAPC decision resulted in the minimum finished floor level for habitable buildings within the development area being reduced from 3.4 AHD to 3.0 AHD. It is understood that a revised decision notice on the subdivision application may follow shortly. 	<ul style="list-style-type: none"> • Directions hearing 28 May 2021. 	



Mike Archer
CEO
City of Busselton
2 Southern Drive
Busselton WA 6280

TRANSMITTED VIA EMAIL: city@busselton.wa.gov.au

Dear Mr Archer,

**LEEWIN-NATURALISTE SUB-REGIONAL STRATEGY
IMPLEMENTATION**

As you are aware, the Western Australian Planning Commission (WAPC) published the Leeuwin-Naturaliste Sub-regional Strategy in May 2019.

The Strategy includes 6 WAPC Actions and 28 Strategic Directions.

At its 28 April 2021 meeting the WAPC reviewed implementation of the Strategy.

The information attached confirms the direction provided by the WAPC at that meeting regarding matters directly relevant to the City.

Department of Planning, Lands and Heritage staff will be in contact with City of Busselton staff in the near future regarding further activities to implement the Strategy.

Yours faithfully

A handwritten signature in black ink, appearing to read "D. Caddy".

David Caddy
Chairman
Western Australian Planning Commission

7 May 2021

Enclosed. Leeuwin-Naturaliste Sub-regional Strategy Implementation - City of Busselton



Leeuwin-Naturaliste Sub-regional Strategy Implementation

City of Busselton

In May 2019 the Western Australian Planning Commission (WAPC) published the Leeuwin-Naturaliste Sub-regional Strategy.

At its 28 April 2021 meeting the WAPC reviewed implementation of the Strategy.

The information below confirms the direction provided by the WAPC at its 28 April 2021 meeting.

State Planning Policy 6.1

The WAPC will contemplate authorising a review of State Planning Policy 6.1 – Leeuwin-Naturaliste Ridge, in the context of the full suite of State Planning Policies and the planning reform agenda.

Townsite strategies

The WAPC confirms that:

- consideration of the strategic planning context for Dunsborough and Vasse as required in the Leeuwin-Naturaliste Sub-regional Strategy is a valid response to the evident urban growth pressures being experienced in those towns.
- as 'townsite strategy' is not a defined instrument under the State Planning Framework, the preferred manner and form of that strategic planning analysis is via either of the following:
 - Local Planning Scheme Review
 - Local Planning Strategy Amendment



Planning Investigation Areas (PIAs)

The process, manner and form of PIA reporting will be based on the principles attached.

Abbey PIA

The WAPC has requested that the Department of Planning, Lands and Heritage (DPLH) prepare an Abbey PIA Report, and to confirm that:

- it is supportive of landowners preparing data to complete the required investigations.
- the process, form and manner of PIA reporting by DPLH to the WAPC will be based on the attached guidance / principals.

Dunsborough PIA

The WAPC has requested that DPLH prepare a Dunsborough PIA Report and confirms that it does not require the commencement or completion of a 'townsite strategy' as outlined in the Strategy (or whatever form that strategic planning analysis is to take; see 'townsite strategies' direction above) for Dunsborough prior to the Dunsborough PIA Report being considered by the WAPC.

The WAPC has adopted the following principles for defining the Dunsborough PIA extent:

- Exclude land zoned or otherwise identified for urban type uses (residential, industrial, urban development, etc).
- Consider the forecast demand for urban land to 2039 for Dunsborough (Strategy's time horizon).
- Prioritise land abutting existing urban type uses.
- Clip the PIA boundary to cadastre.



Vasse North PIA

The WAPC has requested that DPLH prepare a Vasse North PIA Report and confirms that it does not require the commencement or completion of a 'townsite strategy' as outlined in the Strategy (or whatever form that strategic planning analysis is to take; see 'townsite strategies' direction above) for Vasse prior to the Vasse North PIA Report being considered by the WAPC.

Vasse South PIA

The WAPC has requested DPLH to prepare a Vasse South PIA Report and confirms that it does not require the commencement or completion of a 'townsite strategy' as outlined in the Strategy (or whatever form that strategic planning analysis is to take; see 'townsite strategies' direction above) for Vasse prior to the Vasse South PIA Report being considered by the WAPC.

The WAPC has adopted the following principles for defining the Vasse South PIA extent:

- Exclude land zoned or otherwise identified for urban type uses (residential, industrial, urban development, etc).
- Consider the forecast demand for urban land to 2039 for Busselton-Vasse (Strategy's time horizon).
- Prioritise land abutting existing urban type uses.
- Clip the PIA boundary to cadastre.

Bunker Bay Tourism Investigation Area (TIA)

The WAPC has determined that:

- including Lot 683 in the TIA investigation is supported.
- the WAPC's preferred manner of undertaking the investigation is in the form of a local scheme amendment.



Basic Raw Materials (BRM)

The WAPC has requested that the DPLH scope the resources required to undertake 2 separate bodies of work to study:

- BRM supply and demand issues in the Leeuwin-Naturalise and Bunbury-Geographe sub-regions.
- opportunities for alternative building construction techniques, including stockpiling demolition waste, to reduce BRM demand from the building and construction industries.

Bushfire hazard

The WAPC confirms that the Bushfire hazard assessment (June 2020) prepared by Strategen JBS&G for DPLH satisfies the requirements of Action 2 of the Strategy.

Coastal

The WAPC confirms that DPLH engagement with the City of Busselton via the Coastal Management Plan Assistance Program and Coast WA Coastwest grants program satisfies the requirements of Action 6.



Planning Investigation Area (PIA) process, manner and form principles

PIAs are not instruments defined under the State Planning Framework. As such the manner and form of the processes and procedures is not prescribed.

A primary purpose of investigation areas defined in the Strategy is to allow the WAPC to understand a parcel of land in greater detail than may be enabled at the sub-regional scale, whilst maintaining a higher view.

Investigation areas may be understood to be a tool to facilitate greater scrutiny by the WAPC, prior to determining whether a parcel of land may be usefully subjected to statutory processes, such as a local planning scheme amendment to consider a change of use.

The PIA process will:

- not duplicate existing regulated approaches, such as local planning scheme amendment, structure plan and so on.
- not include referrals under associated legislation (environment, heritage, etc).
- not include a period of public advertising.
- include consultation with the affected local government.
- include consultation with relevant state government agencies and authorities.
- include consultation with the affected land owner/s.
- include expert analysis and reporting on relevant issues.

Investigation of a PIA be in the form of a 'PIA Report', and a 'PIA Report' is to:









- address the matters as required in the Strategy.
- outline relevant issues.
- make recommendation to the WAPC.

Following its consideration of a 'PIA Report', the WAPC may:

- amend the Strategy as required.
- advise the relevant local government of the WAPC's consideration.
- advise relevant state government agencies / authorities of the WAPC's consideration.
- advise the affected landowner/s of the WAPC's consideration.

ITEMS TO BE DEALT WITH BY SEPARATE RESOLUTION (WITHOUT DEBATE)

12.2 Policy and Legislation Committee - 26/5/2021 - REVIEW OF VARIOUS LOCAL LAWS

STRATEGIC GOAL	6. LEADERSHIP Visionary, collaborative, accountable
STRATEGIC OBJECTIVE	6.1 Governance systems, process and practices are responsible, ethical and transparent.
SUBJECT INDEX	Local Laws
BUSINESS UNIT	Corporate Services
REPORTING OFFICER	Legal Officer - Briony McGinty
AUTHORISING OFFICER	Director Finance and Corporate Services - Tony Nottle
NATURE OF DECISION	Legislative: adoption of “legislative documents” such as local laws, local planning schemes and local planning policies
VOTING REQUIREMENT	Absolute Majority
ATTACHMENTS	Attachment A Local Government Property Local Law 2010   Attachment B Busselton Regional Airport Local Law 2012   Attachment C Holiday Laws Local Law 2012   Attachment D Keeping and Control of Cats Local Law 2014  

This item was considered by the Policy and Legislation Committee at its meeting on 26/5/2021, the recommendations from which have been included in this report.

COUNCIL DECISION AND COMMITTEE RECOMMENDATION AND OFFICER RECOMMENDATION

C2106/117 Moved Councillor K Cox, seconded Councillor R Paine

That the Council:

1. Resolves that the following local laws should continue in operation without repeal or amendment:
 - a. Keeping and Control of Cats; and
 - b. Busselton Regional Airport.
2. Directs the CEO to write to the Minister of Local Government and the Department of Local Government, Sport and Cultural Industries to request a review of the *Cat Act 2011*, so as to enable local governments to legislate for additional matters; and
3. Resolves that amendments are required to the following local laws and that a separate local law amendment should be initiated for each in accordance with section 3.12 of the *Local Government Act 1995*:
 - a. Local Government Property; and
 - b. Holiday Homes.

CARRIED 8/0

BY ABSOLUTE MAJORITY

EXECUTIVE SUMMARY

The *Local Government Act 1995* (LG Act) requires that local laws are reviewed every eight years. The following local laws are either currently or shortly due for review:

- Local Government Property Local Law 2010 (as amended) (Attachment A);
- Busselton Regional Airport Local Law 2012 (as amended) (Airport Local Law) (Attachment B);
- Holiday Homes Local Law 2012 (as amended) (Attachment C); and
- Keeping and Control of Cats Local Law 2014 (Cat Local Law) (Attachment D); (collectively the Local Laws).

The purpose of this report is for Council to consider whether each of the Local Laws should be amended, repealed or continue in operation.

Officers recommend that amendments are made to the Local Government Property Local Law and Holiday Homes Local Law. There are no amendments that are recommended for the Cat Local Law and the Airport Local Law. However, further action in relation to the Cat Local Law is recommended to enable the City to legislate in the future for matters relating to wandering cats.

Where amendments have been identified as necessary, a further report will be presented to Council which recommends the proposed amendments specific to each local law. There will be further opportunity for community consultation and additional consideration at that point.

BACKGROUND

Section 3.16 of the LG Act requires that local laws are reviewed every eight years. The Local Laws were last reviewed as follows:

- Local Government Property Local Law – 22 March 2011
- Airport Local Law – 16 November 2012
- Holiday Homes Local Law – 16 November 2012
- Cat Local Law – 10 February 2014

The subject matter and background of each local law is dealt with under Officer Comment below.

The Local Law review was commenced on 5 February 2021 which involved public advertising in accordance with section 3.16(2) of the LG Act (as outlined under Stakeholder Consultation). Submissions were invited and are summarised under Officer Comment.

OFFICER COMMENT

Cat Local Law

The City was one of the first local governments in Western Australia to introduce a local law in relation to cats. The City identified that the control of cats was a significant issue for the district and in 2000 implemented a local law regulating cats. The local law had clauses which effectively prohibited wandering and stray cats and allowed City rangers to implement those prohibitions through infringement and impoundment powers (“wandering cat” clauses). Those clauses mirrored similar provisions contained in the *Dog Act 1976* under which dogs can only be in public places if on a leash.

In 2014, following the commencement of the operative provisions of the *Cat Act 2011* (Cat Act), the City adopted a new local law which removed matters dealt with under the Cat Act (such as registration and microchipping) and retained those matters not covered. It was policy neutral. The wandering cat clauses were retained.

Following the introduction of the Cat Local Law, the local law was scrutinised by the Joint Standing Committee on Delegated Legislation (JSC) and was not subject to any disallowance motion by Parliament. However, when another local government adopted a local law dealing with cats, using the City of Busselton's as a template, the JSC took issue with the clauses regarding wandering cats. As the period in which a motion of disallowance could be lodged against the Cat Local Law had passed, the only option of the JSC was to write to the Minister for Local Government to request the Governor to repeal those clauses relating to wandering cats.

The view of the JSC (and ultimately the Minister) was that, as the Cat Act did not include wandering cats within the list of matters for which a local law could be made, those clauses were not within power. The City wrote lengthy submissions to the then Minister for Local Government (and Minister for the Environment) regarding the appropriateness of the wandering cat clauses, having particular regard to the locality and the vulnerable status of the western ringtail possum. The City's position was that the LG Act (and the Cat Act) provided a sufficient head of power in which to enact the wandering cat clauses. Ultimately, the Governor chose to repeal those provisions of the Cat Local Law.

Since 2015, this has left the City with limited power to regulate wandering cats, and no ability to amend the local law in order to do so. All of the submissions regarding the Cat Local Law raised concerns with wandering cats, with particular emphasis on protection of native wildlife. All submissions wanted restrictions relating to wandering cats. Some submissions raised unique solutions such as requiring all cat owners to build cat enclosures, or encouraging the Department of Biodiversity, Conservation and Attractions to conduct feral cat control campaigns. However, none of these options (including the previous option of prohibiting wandering cats) are capable of introduction into a local law.

It has been six years since the unilateral repeal of the wandering cat provisions. Indications are that the community want these provisions to be re-introduced. Given there is no head of power under current legislation to introduce these measures, it is recommended that the City once again communicate its concerns to the relevant Minister. This could either take the form of advocating that wandering cat clauses are within power or, alternatively, advocating for legislative change at a State level which would either create consistent State-wide prohibitions on wandering cats, or at least allow districts to legislate themselves in such a fashion.

Local Government Property Local Law

The Local Government Property Local Law was introduced in 2010 and further amended in 2011. The local law replaced the outdated Reserves and Foreshores Local Law which covered a limited subject matter. The impetus for the new local law was to better regulate use of public spaces and largely adopted the WALGA model local law. The local law is consistent with many other local governments across the State.

During the public consultation phase, the City did not receive any submissions from the public in relation to the Local Government Property Local Law. However, given the local law covers a significant subject matter of broad and regular application, an extensive internal review has been conducted which has identified various matters which require attention.

Those which are recommended for detailed review and amendment are as follows:

Flying of Drones (Schedule 2, clause 2.2)

The City has no control over airspace, which, under the current legislation, is reserved for the Civil Aviation Safety Authority. Therefore, the City cannot regulate drone usage in the air. However, there is the capacity, if the City chooses, to regulate launching and/or landing of drones from local government property. There is presently some ambiguity around this capacity, therefore, it is recommended to strengthen and clarify those provisions to enable regulation.

Exercise Classes on Reserves (clause 3.13 (1)(d))

The review noted that permits for “boot camps etc.” are currently only required on beaches or at City owned pools or recreation centres. The understanding of officers is that various other City facilities/venues are currently being used for these activities. It is therefore recommended that the City consider introducing provisions to extend the City’s powers to regulate these types of activities on, for example, City managed ovals in order to respond to conflicts of use where appropriate.

Swimming Pool – increase to minimum age requirements (clause 5.1)

Currently, the local law restricts entry to children under 10 years old unless accompanied by a responsible person over the age of 12. It is recommended that the City consider amending the age requirements so that children under the age of 12 will not be permitted entry unless accompanied by a person over the age of 18. This is above the Minimum Entry Age requirements under the Code of Practice for swimming pools (being that a child under 10 must be accompanied by a person 16 years or older) but is in line with industry benchmarking and more recent understandings of best practice.

Penalties (Schedule 1)

Penalties for breaches of this local law are currently at \$200 (with the LG Act allowing for maximum infringements of up to \$500). As part of any review, the City would consider updating penalties, given the current penalties were set 10 years ago.

Airport Local Law

The Airport Local Law was introduced in 2012 in particular response to amenity issues associated with unregulated flight training. The local law has been in operation since 2012 with little public comment. During the public consultation phase, only one submission from the public was received. This submission related to taxis and other forms of passenger transport vehicles. Under the local law, a person is exempt from obtaining a permit to operate a taxi at the airport. The submission advocated for also exempting other forms of passenger transport vehicles from the requirement to obtain a permit.

The current requirement to obtain a permit is to ensure that only accredited public operators operate from the Airport. It is understood that this is similar to arrangements at other airports. Therefore, officers do not recommend any changes to this provision, and for this local law to continue in effect without change.

Holiday Homes Local Law

The City has a two-tiered approach to the regulation of holiday homes. Development approval is required under Local Planning Scheme 21 (LPS 21) (which is not time limited) and registration is required under the Holiday Homes Local Law (which is subject to annual renewal). The City implemented the local law in 2012 as part of a broader response to concerns around a lack of regulation.

It is worth setting out, in broad terms, what kinds of matters can or should be regulated under a planning scheme, and what kinds of matters can or should be regulated under a local law. A planning scheme regulates ‘development’, as defined in the planning legislation. Development consists of both ‘works’ (i.e. physical construction or similar) and ‘use’ (i.e. the use to which land is being put). In regulating use, planning schemes can determine whether a particular use is appropriate in a given location, and can set expectations or requirements in terms of how a holiday home (or any form of development) is managed (e.g. numbers of occupants, operating hours).

A planning scheme, however, is not always able to effectively regulate management practices – such as the expectation that a holiday home will have a manager, where that manager needs to be located, and the timeframes in which that manager needs to respond to complaints. Those kinds of matters are more appropriately addressed via a local law. In the case of some kinds of development, there is often specific legislation which regulates ‘management’ of the development, a key example being the liquor licensing legislation for licensed premises. The general principle, though, is that a local law should not seek to regulate matters that would be better regulated through a planning scheme. That includes assessing whether a holiday home is appropriate on a particular site or area.

The more significant aspects of the current local law are as follows:

1. The local law requires all holiday homes (as defined in LPS 21) to be registered.
2. Registration can only occur where development approval has been granted.
3. A manager and acting manager must be nominated.
4. Conditions of registration can cover matters such as:
 - a. Maximum number of occupants and attendants (which term includes guests);
 - b. Provision of parking;
 - c. Ensuring a responsive manager.
5. If a manager ceases to be the manager, then the registration is taken to be cancelled.
6. If an attendant breaches a condition of registration, then the manager must terminate the occupant’s tenancy.
7. The manager must be contactable at all times and in any event within 24 hours.

As development approvals are generally in perpetuity, the local law provides the ability to cancel a registration under the local law in the case of persistent breaches. Similarly, there is also the ability to refuse to renew a registration where considered necessary. However, it is worth noting that the maximum infringement penalty that can be imposed under any local law is \$500. Infringements under the current local law are set between \$150 and \$400. The maximum penalty that can be imposed by a court following a successful prosecution under any local law is \$5,000. This makes enforcement options under the *Planning and Development Act 2005* more attractive (where maximum penalties are set at \$200,000 for an individual and \$1,000,000 for a company) compared to enforcement options under the local law.

The majority of submissions voiced opposition to holiday homes with particular emphasis on noise, parking, dogs and rubbish. Another area of concern was holiday homes being approved in unsuitable areas of the district. Residents were concerned with a loss of community character and changes to their daily lives such as the fear of allowing their children to play on the street due to increased traffic with no concern for local conditions. Issues with a lack of affordable housing and diminishing rental stock also formed a significant percentage of submissions.

There were a handful of submissions which were supportive of the rights of landowners to choose how they used their property, supportive of free-market principles regarding housing stock, and did not want to see any additional forms of regulation placed on property owners who wanted to rent their properties on a short-term commercial basis. They also viewed the lack of long-term rentals as a short-term problem.

A significant number of submissions raised issues with regard to holiday homes that cannot be considered solely within a review of the local law in isolation. The City has also commenced a broader policy review with regard to holiday homes. The submissions received through the local law review process have been collated and provided to strategic planning officers conducting the broader policy review. They will be considered as part of a review of the strategic and statutory planning environment.

In summary, these submissions related to:

1. Lack of affordable housing.
2. Diminishing long-term rental stock.
3. Need for reform at the State level.
4. Recommendations to introduce a State-wide registration scheme.
5. Application of the 10% differential rate to short-term rentals.
6. Waste management at holiday homes.
7. Permissibility of holiday homes linked to particular zones, with particular opposition to new housing estates areas.
8. Requirement to broadly advertise development applications for holiday homes.
9. Equal application of fire safety regulation.

A number of submissions raised issues which are already addressed in the local law. These were:

1. The local law should require online booking platform short term rentals to be registered.
Comment: If the holiday home is being let for profit then registration is already required under the local law.
2. The local law should provide for a cap on numbers staying at the holiday home.
Comment: The local law already provides for a cap on numbers (as does the development approval process). The cap can specify numbers of occupants staying at the property overnight as well as capping attendants (which terms includes visitors of occupants). However, to reduce numbers in a holiday homes registration below that provided for in the development approval process would be problematic.

It is also worth noting that, while these issues are already addressed by the local law, they may not be applied adequately through the conditions of registration imposed by the City. As part of the strategic planning review, officers will consider revising standard conditions of registration through internal administrative review processes rather than through an amendment to the local law.

Issues which were raised and can be considered as part of a more detailed amendment to the local law to be presented to Council are as follows:

1. Currently the local law provides that managers must respond to complaints within a reasonable time or at least within 24 hours. Given the nature of short term rentals, and the potential for immediate adverse impacts on adjacent neighbours, a shorter period in which a manager must respond was proposed.
Comment: Any time period in which a manager is required to respond should be reasonable. Otherwise the JSC will not permit such an amendment. It is recommended that the City considers an amendment to the local law to provide for a shorter period in which a manager should respond to complaints. It is also suggested that the City considers the introduction of clauses requiring managers to reside within a certain distance to the holiday home.
2. The contact details of the manager should be visible or made available to neighbours.
Comment: This is arguably already possible under the conditions of registration. However, the local law could be amended to strengthen and clarify those provisions. Consider amendment to the local law to include provision of manager's details clearly as a condition that can be imposed.

3. Ability to prohibit dogs from being left unattended at holiday homes.

Comment: This is arguably already possible under the conditions of registration. However, the local law could be amended to strengthen and clarify those provisions. Consider amendment to the local law to include the ability to prohibit, as part of a condition of registration, the leaving of unattended dogs.

Officers recommend that a detailed review of this local law is undertaken and reported to Council in due course.

Statutory Environment

Local Government Act 1995

Section 3.5 of the LG Act provides Council with the head of power for making local laws, which stipulates:

A local government may make local laws under this Act prescribing all matters that are required or permitted to be prescribed by a local law, or are necessary or convenient to be so prescribed, for it to perform any of its functions under this Act.

The Local Laws are all made under the head of power contained in section 3.5 of the LG Act, with the exception of the Cat Local Law, which is also made pursuant to the Cat Act.

The procedure for making local laws is set out in section 3.12 of the LG Act and regulation 3 of the *Local Government (Functions and General) Regulations 1996*.

Section 3.16 of the LG Act requires that every eight years a local law is to be reviewed to determine whether or not it considers that it should be repealed or amended.

Parliamentary Scrutiny

Section 42 of the *Interpretation Act 1984* allows the WA State Parliament to disallow a local law, which is a mechanism to guard against the making of subsidiary legislation that is not authorised or contemplated by the empowering enactment, has an adverse effect on existing rights, or ousts or modifies the rules of fairness.

Parliament has appointed the JSC, which is a committee of State politicians from both Houses of the Western Australian Parliament, to undertake an overseeing role on its behalf. This includes the power to scrutinise and recommend the disallowance of local laws to the Parliament. After gazettal, local laws are sent to the JSC who examines the local law and determines whether or not it complies with abovementioned criteria.

Relevant Plans and Policies

The Commercial use of City Land and Facilities Policy links to and guides decision-making under the Local Government Property Local Law. There are no other plans or policies related to the Local Laws.

Financial Implications

There are no financial implications associated with the officer recommendation, with the costs of reviewing and amending the Local Government Property Local Law and the Holiday Homes Local Law provided for in the City's budget.

Stakeholder Consultation

The local law review was advertised publicly in accordance with section 3.16(2) of the LG Act. This involved consultation on social media, on the City's website, in the local paper, and on all public notice boards in the administration building and libraries. Submissions were received as outlined above in officer comment.

Risk Assessment

An assessment of the potential implications of implementing the officer recommendation has been undertaken using the City's risk management framework, with risks assessed taking into account any controls already in place. No risks of a medium or greater level have been identified.

Options

As an alternative to the proposed recommendation the Council could choose to repeal or amend the Local Laws in any number of ways.

CONCLUSION

The Local Laws have been advertised broadly. Internal reviews have been conducted regarding the operation of the Local Laws. No issues which are capable of being remedied via a local law amendment have been identified with regard to the Airport Local Law and the Cat Local law. However, with regard to the Cat Local Law, it is recommended that the City write to the Minister for Local Government and the Department of Local Government, Sport and Cultural Industries requesting it reconsider the legislative framework with regard to wandering cats.

In relation to the Local Government Property Local Law and the Holiday Homes Local Law, various issues have been identified. Therefore, it is recommended that amended local laws be presented to Council to address the issues which have been identified through the general review process.

TIMELINE FOR IMPLEMENTATION OF OFFICER RECOMMENDATION

In relation to the Cat Local Law, no action is required to the local law itself. The City will write to the Minister for Local Government and the relevant department within one month to seek amendments to legislation to allow the City to regulate wandering cats.

In relation to the Airport Local Law, no action is required.

In relation to the Holiday Homes Local Law, at the conclusion of the broader strategic planning review, an amended local law will be presented to Council with options for amendments, which will allow for any additional items not already identified to be included in any amendment.

In relation to the Property Local Law, an amendment local law will be presented to Council which addresses the issues identified in the review process within four months.

This is an un-official compilation of the *Shire of Busselton
Local Government Property Local Law 2010* as it has effect
on and after 5 April 2011.
See the Notes at the end for more details.

Shire of Busselton Local Government Property Local Law 2010

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Local Government Act 1995

Shire of Busselton

Local Government Property Local Law 2010

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Local Government Act 1995

Shire of Busselton

Local Government Property Local Law 2010

Under the powers conferred on it by the *Local Government Act 1995* and under all other powers enabling it, the Council of the Shire of Busselton resolved on 11 February 2010 to make the following local law.

Part 1 - Preliminary

1.1 Citation

This local law may be cited as the *Shire of Busselton Local Government Property Local Law 2010*.

1.2 Commencement

This local law commences on the 14th day after the day on which it is published in the *Government Gazette*.

1.3 Application

This local law applies –

- (a) throughout the district; and
- (b) along the district's western and northern boundary, from the high water mark at ordinary spring tides, for a distance of 200 metres seawards towards the Indian Ocean, as approved by the Governor under section 3.6 of the Act per notice published in the *Government Gazette*, No. 149, on 18 August 2009, page 3243.

1.4 Repeal

The following local laws are repealed-

- (a) *Local Law Relating to Poundage Fees*, published in the *Government Gazette* on 14 April 1939;
- (b) *Local Law Relating to Caravan Parks and Camping Grounds*, published in the *Government Gazette* on 24 December 1975; and
- (c) *Local Law Relating to Reserves and Foreshores*, published in the *Government Gazette* on 17 January 1986 and as amended and published in the *Government Gazette* on 20 July 1990, 24 December 1993 and 13 May 1994.

1.5 Definitions

In this local law -

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“**Act**” means the *Local Government Act 1995*;

“**applicant**” means a person who applies for a permit under clause 3.2;

“**authorised person**” means a person appointed by the Shire under section 9.10 of the Act to perform any of the functions of an authorised person under this local law;

“**boat**” means any ship, vessel or structure capable of being used in navigation by water, however propelled or moved, and includes a jet ski;

“**building**” means any building which is on local government property and includes a –

- (a) hall or room;
- (b) corridor, stairway or annexe of any hall or room; and
- (c) jetty;

“**CEO**” means the chief executive officer of the Shire;

“**commencement day**” means the day on which this local law commences under clause 1.2;

“**Council**” means the council of the Shire;

“**date of publication**” means, where local public notice is required to be given of a matter under this local law, the date on which notice of the matter is published in a newspaper circulating generally throughout the district;

“**determination**” means a determination made under clause 2.1;

“**district**” means the district of the Shire;

“**function**” means an event or activity characterised by all or any of the following –

- (a) formal organisation and preparation;
- (b) its occurrence is generally advertised or notified in writing to particular persons;
- (c) organisation by or on behalf of a club;
- (d) payment of a fee to attend it; and
- (e) systematic recurrence in relation to the day, time and place;

“**indecent exposure**” means the revealing to view of those parts of the body, especially the genitals, which by law and convention should be covered by clothing under the given circumstances;

“**liquor**” has the meaning given to it in section 3 of the *Liquor Control Act 1988*;

“**local government property**” means anything except a thoroughfare –

- (a) which belongs to the Shire or in which the Shire has an interest;

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- (b) of which the Shire is the management body under the Land Administration Act 1997; or
- (c) which is an 'otherwise unvested facility' within section 3.53 of the Act.

“local public notice” has the same meaning as in section 1.7 of the Act;

“Manager” means the person for the time being employed by the Shire to control and manage a pool area or other facility which is local government property and includes the person’s assistant or deputy;

“permit” means a permit issued under this local law;

“permit holder” means a person who holds a valid permit;

“person” does not include the Shire;

“pool area” means any swimming and wading pools and spas and all buildings, structures, fittings, fixtures, machinery, chattels, furniture and equipment forming part of or used in connection with such swimming and wading pools and spas which are local government property;

“Regulations” means the *Local Government (Functions and General) Regulations 1996*;

“Shire” means the Shire of Busselton;

“sign” includes a notice, flag, mark, structure or device approved by the CEO or an authorised person on which may be shown words, numbers, expressions or symbols;

“surf riding equipment” means any device or toy used to or assist a rider in moving in or across waves or the water surface, and includes surfboard, boogie board, windsurfer, wave ski, canoe, kite surfer, inflatable toy or similar device but not a boat;

“trading” means the selling or hiring, or the offering for sale or hire of goods or services, and includes displaying goods for the purpose of –

- (a) offering them for sale or hire;
- (b) inviting offers for their sale or hire;
- (c) soliciting orders for them; or
- (d) carrying out any other transaction in relation to them.

“Unclaimed Property Register” means the register kept by an attendant of any unclaimed belongings under Division 4 of Part 5 of this local law;

“vehicle” includes –

- (a) every conveyance and every object capable of being propelled or drawn on wheels, tracks or otherwise; and
- (b) an animal being ridden or driven,

but excludes –

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- (c) a wheel-chair or any device designed for use, by a physically impaired person on a footpath;
- (d) a pram, a stroller or a similar device; and
- (e) a boat.

“waste” includes matter –

- (a) whether liquid, solid, gaseous or radioactive and whether useful or useless, which is discharged into the environment; or
- (b) prescribed by regulations under the *Waste Avoidance and Resource Recovery Act 2007* to be waste.

1.6 Interpretation

In this local law a reference to local government property includes a reference to any part of that local government property.

1.7 Overriding power to hire and agree

Despite anything to the contrary in this local law, the CEO or an authorised person, on behalf of the Shire may –

- (a) hire local government property to any person; or
- (b) enter into an agreement with any person regarding the use of any local government property.

Part 2 - Determinations in respect of local government property

Division 1 - Determinations

2.1 Determinations as to use of local government property

- (1) The Council may make a determination in accordance with clause 2.2 –
 - (a) setting aside specified local government property for the pursuit of all or any of the activities referred to in clause 2.7;
 - (b) prohibiting a person from pursuing all or any of the activities referred to in clause 2.8 on specified local government property;
 - (c) as to the matters in clauses 2.7(2) and 2.8(1); and
 - (d) as to any matter ancillary or necessary to give effect to a determination.
- (2) The determinations in Schedule 2 –
 - (a) are to be taken to have been made in accordance with clause 2.2;
 - (b) may be amended or revoked in accordance with clause 2.6; and

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- (c) have effect on the commencement day.

2.2 Procedure for making a determination

- (1) The CEO or an authorised person is to give local public notice of the Council's intention to make a determination.
- (2) The local public notice referred to in subclause (1) is to state that –
 - (a) the Council intends to make a determination, the purpose and effect of which is summarised in the notice;
 - (b) a copy of the proposed determination may be inspected and obtained from the Shire's offices; and
 - (c) submissions in writing about the proposed determination may be lodged with the CEO within 21 days after the date of publication.
- (3) If no submissions are received in accordance with subclause (2)(c), the Council is to decide –
 - (a) to give local public notice that the proposed determination has effect as a determination on and from the date of publication;
 - (b) to amend the proposed determination, in which case subclause (5) will apply; or
 - (c) not to continue with the proposed determination.
- (4) If submissions are received in accordance with subclause (2)(c), the Council –
 - (a) is to consider those submissions; and
 - (b) is to decide –
 - (i) whether or not to amend the proposed determination; or
 - (ii) not to continue with the proposed determination.
- (5) If the Council decides to amend the proposed determination, it is to give local public notice –
 - (a) of the effect of the amendments; and
 - (b) that the proposed determination has effect as a determination on and from the date of publication.
- (6) If the Council decides not to amend the proposed determination, it is to give local public notice that the proposed determination has effect as a determination on and from the date of publication.
- (7) A proposed determination is to have effect as a determination on and from the date of publication of the local public notice referred to in subclauses (3), (5) and (6).
- (8) A decision under subclause (3) or (4) is not to be delegated by the Council.

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2.3 Discretion to erect sign

The CEO or an authorised person may erect a sign on local government property to give notice of the effect of a determination which applies to that property.

2.4 Determination to be complied with

A person must comply with a determination.

2.5 Register of determinations

- (1) The CEO is to keep a register of determinations made under clause 2.1, and of any amendments to or revocations of determinations made under clause 2.6.
- (2) Sections 5.94 and 5.95 of the Act are to apply to the register referred to in subclause (1) and for that purpose the register is to be taken to be information within section 5.94(u)(i) of the Act.

2.6 Amendment or revocation of a determination

- (1) The Council may amend or revoke a determination.
- (2) The provisions of clause 2.2 are to apply to an amendment of a determination as if the amendment were a proposed determination.
- (3) If the Council revokes a determination, the CEO is to give local public notice of the revocation and the determination is to cease to have effect on the date of publication.

Division 2 - Activities which may be pursued or prohibited under a determination

2.7 Activities which may be pursued on specified local government property

- (1) A determination may provide that specified local government property is set aside as an area on which a person may –
 - (a) take, ride or drive a vehicle, or a particular class of vehicle;
 - (b) fly or use a motorised model aeroplane;
 - (c) use a children’s playground provided that the person is under an age specified in the determination, but the determination is not to apply to a person having the charge of a person under the specified age;
 - (d) launch, beach or leave a boat;
 - (e) take or use a boat, or a particular class of boat;
 - (f) play or practice –
 - (i) golf or archery;
 - (ii) pistol or rifle shooting, but subject to the compliance of that person with the *Firearms Act 1973*; or

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- (iii) a similar activity, specified in the determination, involving the use of a projectile which, in the opinion of the Shire, may cause injury or damage to a person or property;
 - (g) ride a bicycle, a skateboard, rollerblades, a sandboard or a similar device; and
 - (h) wear no clothing.
- (2) A determination may specify the extent to which and the manner in which an activity referred to in subclause (1) may be pursued and in particular –
- (a) the days and times during which the activity may be pursued;
 - (b) that an activity may be pursued on a class of local government property, specified local government property or all local government property;
 - (c) that an activity is to be taken to be prohibited on all local government property other than that specified in the determination;
 - (d) may limit the activity to a class of vehicles, boats, equipment or things, or may extend it to all vehicles, boats, equipment or things;
 - (e) may specify that the activity can be pursued by a class of persons or all persons; and
 - (f) may distinguish between different classes of the activity.

2.8 Activities which may be prohibited on specified local government property

- (1) A determination may provide that a person is prohibited from pursuing all or any of the following activities on specified local government property—
- (a) smoking on premises;
 - (b) riding a bicycle, a skateboard, rollerblades, a sandboard or a similar device;
 - (c) taking, riding or driving a vehicle on the property or a particular class of vehicle;
 - (d) riding or driving a vehicle of a particular class or any vehicle above a specified speed;
 - (e) taking or using a boat, or a particular class of boat;
 - (f) the playing or practice of—
 - (i) golf, archery, pistol shooting or rifle shooting; or
 - (ii) a similar activity, specified in the determination, involving the use of a projectile which, in the opinion of the Shire may cause injury or damage to a person or property;

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- (g) the playing or practice of any ball game which may cause detriment to the property or any fauna on the property; and
 - (h) the traversing of sand dunes or land which in the opinion of the Shire has environmental value warranting such protection, either absolutely or except by paths provided for that purpose
- (2) A determination may specify the extent to which and the manner in which a person is prohibited from pursuing an activity referred to in subclause (1) and, in particular –
- (a) the days and times during which the activity is prohibited;
 - (b) that an activity is prohibited on a class of local government property, specified local government property or all local government property;
 - (c) that an activity is prohibited in respect of a class of vehicles, boats, equipment or things, or all vehicles, boats, equipment or things;
 - (d) that an activity is prohibited in respect of a class of persons or all persons; and
 - (e) may distinguish between different classes of the activity.
- (3) In this clause –
- “premises”** means a building, stadium or similar structure which is local government property, but not an open space such as a park or a playing field.

Division 3 - Transitional

2.9 Signs taken to be determinations

- (1) Where a sign erected on local government property has been erected under a local law of the Shire that is repealed by this local law, then it is to be taken to be and have effect as a determination on and from the commencement day, except to the extent that the sign is inconsistent with any provision of this local law or any determination made under clause 2.1.
- (2) Clause 2.5 does not apply to a sign referred to in subclause (1).

Part 3 - Permits

Division 1 - Preliminary

3.1 Application of Part

This Part does not apply to a person who uses or occupies local government property under a written agreement with the Shire to do so.

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Division 2 - Applying for a permit

3.2 Application for permit

- (1) Where a person is required to obtain a permit under this local law, that person must apply for the permit in accordance with subclause (2).
- (2) An application for a permit under this local law must -
 - (a) be in the form determined by the CEO;
 - (b) be signed by the applicant;
 - (c) provide the information required by the form; and
 - (d) be forwarded to the CEO together with any fee imposed by the Council under sections 6.16 to 6.19 of the Act.
- (3) The CEO or an authorised person may require an applicant to provide additional information reasonably related to an application before determining an application for a permit.
- (4) The CEO or an authorised person may require an applicant to give local public notice of the application for a permit.
- (5) The CEO or an authorised person may refuse to consider an application for a permit which is not in accordance with subclause (2) or where the requirements of subclause (3) or (4) have not been satisfied.

3.3 Decision on application for permit

- (1) The CEO or an authorised person may -
 - (a) approve an application for a permit unconditionally or subject to any conditions; or
 - (b) refuse to approve an application for a permit.
- (2) If the CEO or an authorised person approves an application for a permit, he or she is to issue to the applicant, a permit in the form determined by the Chief Executive Officer.
- (3) If the CEO or an authorised person refuses to approve an application for a permit, he or she is to give written notice of that refusal to the applicant.
- (4) The CEO or an authorised person may, at any time, amend a condition of approval and the amended condition takes effect when written notice of it is given to the permit holder.

Division 3 - Conditions

3.4 Examples of conditions

- (1) Examples of the conditions that the CEO or an authorised person may impose on a permit are conditions relating to -

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- (a) the payment of a fee;
 - (b) compliance with a standard or a policy adopted by the Shire;
 - (c) the duration and commencement of the permit;
 - (d) the commencement of the permit being contingent on the happening of an event;
 - (e) the rectification, remedying or restoration of a situation or circumstance reasonably related to the application;
 - (f) the approval of another application for a permit which may be required by the Shire under any written law;
 - (g) the area of the district to which the permit applies;
 - (h) where a permit is issued for an activity which will or may cause damage to local government property, the payment of a deposit or bond against such damage; and
 - (i) the obtaining of public risk insurance in an amount and on terms reasonably required by the CEO or an authorised person.
- (2) Examples of the type and content of the conditions on which a permit to hire local government property may be issued include –
- (a) when fees and charges are to be paid;
 - (b) payment of a bond against possible damage or cleaning expenses or both;
 - (c) restrictions on the erection of material or external decorations;
 - (d) rules about the use of furniture, plant and effects;
 - (e) limitations on the number of persons who may attend any function in or on local government property;
 - (f) the duration of the hire;
 - (g) the right of the CEO or an authorised person to cancel a booking during the course of an annual or seasonal booking, if the CEO or an authorised person sees fit;
 - (h) a prohibition on the sale, supply or consumption of liquor unless a liquor licence is first obtained for that purpose under the *Liquor Control Act 1988*;
 - (i) whether or not the hire is for the exclusive use of the local government property;
 - (j) the obtaining of a policy of insurance in the names of both the CEO or an authorised person and the hirer, indemnifying the CEO or the authorised person in respect of any injury to any person or any

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damage to any property which may occur in connection with the hire of the local government property by the hirer; and

- (k) the provision of an indemnity from the hirer, indemnifying the Shire in respect of any injury to any person or any damage to any property which may occur in connection with the hire of the local government property by the hirer.

3.5 Imposing conditions under a policy

- (1) In this clause –

“**policy**” means a Shire policy adopted by the Council under section 2.7 of the Act containing conditions subject to which an application for a permit may be approved under clause 3.3(1)(a).
- (2) Under clause 3.3(1)(a) the CEO or an authorised person may approve an application subject to conditions by reference to a policy.
- (3) The CEO or an authorised person must give to the permit holder a copy of the policy or, at the discretion of the CEO or the authorised person, the part of the policy which is relevant to the application for a permit, with the form of permit referred to in clause 3.3(2).
- (4) An application for a permit is not to be taken to have been approved subject to the conditions contained in a policy until the CEO or an authorised person gives the permit holder a copy of the policy or the part of the policy which is relevant to the application.
- (5) Sections 5.94 and 5.95 of the Act apply to a policy and, for that purpose, a policy is deemed to be information within section 5.94(u)(i) of the Act.

3.6 Compliance with conditions

Where an application for a permit has been approved subject to conditions, the permit holder must comply with each of those conditions, as amended.

Division 4 - General

3.7 Agreement for building

Where a person applies for a permit to erect a building on local government property an authorised person, on behalf of the Shire, may enter into an agreement with the permit holder in respect of the ownership of the materials in the building.

3.8 Duration of permit

A permit is valid for one year from the date on which it is issued, unless it is –

- (a) otherwise stated in this local law or in the permit; or
- (b) cancelled under clause 3.12.

3.9 Renewal of permit

- (1) A permit holder may apply to the CEO in writing prior to expiry of a permit for the renewal of the permit.

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- (2) The provisions of this Part must apply to an application for the renewal of a permit as though it were an application for a permit.

3.10 Transfer of permit

- (1) An application for the transfer of a valid permit is -
 - (a) to be made in writing;
 - (b) to be signed by the permit holder and the proposed transferee of the permit;
 - (c) to provide such information as the CEO or an authorised person may require to enable the application to be determined; and
 - (d) to be forwarded to the CEO together with any fee imposed by the Council under sections 6.16 to 6.19 of the Act.
- (2) The CEO or an authorised person may approve an application for the transfer of a permit, refuse to approve it or approve it subject to any conditions.
- (3) Where the CEO or an authorised person approves an application for the transfer of a permit, the transfer may be effected by an endorsement on the permit signed by the CEO or the authorised person.
- (4) Where the CEO or an authorised person approves the transfer of a permit, the Shire is not required to refund any part of any fee paid by the former permit holder.

3.11 Production of permit

A permit holder must produce to an authorised person her or his permit immediately upon being required to do so by that authorised person.

3.12 Cancellation of permit

- (1) Subject to clause 9.1, a permit may be cancelled by the CEO or an authorised person if the permit holder has not complied with -
 - (a) a condition of the permit;
 - (b) a direction under clause 3.16(b); or
 - (c) a determination, or a provision of any written law, which may relate to the activity regulated by the permit.
- (2) On the cancellation of a permit, the permit holder -
 - (a) must return the permit as soon as practicable to the CEO; and
 - (b) is to be taken to have forfeited any fees paid in respect of the permit.

Division 5 - When a permit is required

3.13 Activities needing a permit

- (1) A person must not without a permit -

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- (a) subject to subclause (3), hire local government property;
- (b) advertise anything by any means on local government property;
- (c) erect, on local government property, a structure for public amusement or for any performance, whether for gain or otherwise;
- (d) teach, coach or train, for profit, any person on a beach, in a pool area or in an indoor recreation facility which is local government property;
- (e) carry on any trading on local government property unless the trading is conducted -
 - (i) with the consent of a person who holds a permit to conduct a function, and where the trading is carried on in accordance with the permit; or
 - (ii) by a person who has a licence or permit to carry on trading on local government property under any written law;
- (f) unless an employee of the Shire in the course of her or his duties or on an area set aside for that purpose -
 - (i) drive or ride or take any vehicle on to local government property; or
 - (ii) park or stop any vehicle on local government property;
- (g) conduct a function on local government property ;
- (h) charge any person for entry to local government property, unless the charge is for entry to land or a building hired by a voluntary non-profit organisation;
- (i) light a fire on local government property except in a facility provided for that purpose;
- (j) parachute, hang glide, abseil or base jump from or on to local government property;
- (k) erect a building or a refuelling site on local government property;
- (l) make any excavation on or erect or remove any fence on local government property;
- (m) erect or install any structure above or below ground, which is local government property, for the purpose of supplying any water, power, sewer, communication, television or similar service to a person;
- (n) depasture any horse, sheep, cattle, goat, camel, ass or mule on local government property;
- (o) conduct or take part in any gambling game or contest or bet, or offer to bet, publicly, or

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- (p) erect, install, operate or use any broadcasting, public address system, loudspeaker or other device for the amplification of sound on local government property.
- (2) The CEO or an authorised person may exempt a person from compliance with subclause (1) on the application of that person.
- (3) The CEO or an authorised person may exempt specified local government property or a class of local government property from the application of subclause (1)(a).

3.14 Permit required to camp outside a facility

- (1) In this clause –

“**facility**” has the meaning given to it in section 5(1) of the *Caravan Parks and Camping Grounds Act 1995*.
- (2) This clause does not apply to a facility operated by the Shire.
- (3) A person must not without a permit -
 - (a) camp on, lodge at or occupy any structure at night for the purpose of sleeping on local government property; or
 - (b) erect any tent, camp, hut or similar structure on local government property other than a beach shade or windbreak erected for use during the hours of daylight and which is dismantled during those hours on the same day.
- (4) The maximum period for which the CEO or an authorised person may approve an application for a permit in respect of paragraph (a) or (b) of subclause (3) is that provided in regulation 11(2)(a) of the *Caravan Parks and Camping Grounds Regulations 1997*.

3.15 Permit required for possession and consumption of liquor

- (1) A person must not, on local government property, consume any liquor or have in her or his possession or under her or his control any liquor, unless –
 - (a) that is permitted under the *Liquor Control Act 1988*; and
 - (b) a permit has been obtained for that purpose.
- (2) Subclause (1) does not apply where the liquor is in a sealed container.

Division 6 - Responsibilities of permit holder

3.16 Responsibilities of permit holder

A holder of a permit must, in respect of local government property to which the permit relates -

- (a) ensure that an authorised person has unobstructed access to the local government property for the purpose of inspecting the property or enforcing any provision of this local law;

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- (b) comply with a direction from the CEO or an authorised person to take the action specified in the direction for the purpose of maintaining public safety;
- (c) leave the local government property in a clean and tidy condition after its use;
- (d) report any damage or defacement of the local government property to the CEO or an authorised person; and
- (e) prevent the consumption of any liquor on the local government property unless the permit allows it and a licence has been obtained under the *Liquor Control Act 1988* for that purpose.

Part 4 - Behaviour on all local government property

Division 1 - Behaviour on and interference with local government property

4.1 Behaviour which interferes with others

A person must not, in or on any local government property, behave in a way which -

- (a) is likely to interfere with the enjoyment of a person who might use the property or who might otherwise lawfully be on the property; or
- (b) interferes with the enjoyment of a person using, or otherwise lawfully on, the property.

4.2 Behaviour detrimental to property

(1) A person must not in or on local government property, behave in a way that is or might be detrimental to the property.

(2) In subclause (1) –

“detrimental to the property” includes –

- (a) removing any thing from the local government property such as a rock, a plant or a seat provided for the use of any person; and
- (b) destroying, defacing or damaging any thing on the local government property, such as a plant, a seat provided for the use of any person or a building.

4.3 Fauna

(1) A person must not take, injure or kill any fauna that is on or above any local government property, unless that person is authorised to do so under a written law or by the CEO or an authorised person.

(2) In this clause –

“animal” means any living thing that is not a human being or plant; and

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“**fauna**” means any animal indigenous to or which periodically migrates to any State or Territory of the Commonwealth or the territorial waters of the Commonwealth and includes in relation to any such animal –

- (a) any class of animal or individual member;
- (b) the eggs or larvae; or
- (c) the carcass, skin, plumage or fur.

4.4 Flora

- (1) Unless authorised to do so under a written law or with the written approval of the CEO or an authorised person, a person must not –
 - (a) remove, damage or interfere with any flora that is on or above any local government property; or
 - (b) plant or deposit any flora on local government property.
- (2) In this clause –

“**flora**” means all vascular plants, seeds and other flora, whether living or dead.

4.5 Intoxicated persons not to enter local government property

A person must not enter or remain on local government property while under the influence of liquor or a prohibited drug.

4.6 No prohibited drugs

A person must not take a prohibited drug on to, or consume or use a prohibited drug on, local government property.

4.7 Refusal of entry and removal

- (1) If the CEO or an authorised person considers that a person has behaved in a manner contrary to the provisions of this Part, the CEO or authorised person may –
 - (a) refuse to allow that person to enter local government property; and
 - (b) if the person is on local government property, direct the person to leave the local government property.
- (2) A person who has been refused entry or who has been directed to leave under subclause (1) must immediately leave the local government property quickly and peaceably.
- (3) If a person fails to comply with subclause (2), the CEO or an authorised person may remove the person, or arrange for the person to be removed, from the local government property.

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4.8 Animals

- (1) A person must not—
 - (a) tether any animal to a tree, shrub, tree guard, wall or fence; or
 - (b) permit any animal to enter upon or into any local government property,unless authorised by a permit.
- (2) The CEO or an authorised person may, by the placement of an approved sign, prohibit dogs from being in a children's playground or in the vicinity of a children's playground.
- (3) This clause does not apply to a guide dog used for the assistance of visually impaired persons and is subject to the provisions of section 8 of the *Dog Act 1976* and section 66J of the *Equal Opportunity Act 1984*.

4.9 Waste

- (1) A person must not deposit or discard waste on local government property except—
 - (a) in a place or receptacle set aside by the CEO or an authorised person for that purpose and subject to any conditions that may be specified on the receptacle or a sign, such as a condition in relation to the type of waste that may be deposited; or
 - (b) at the Busselton Waste Facility, Rendezvous Road Busselton and the Dunsborough Waste Facility, Vidler Road Dunsborough, and subject to directions issued from time to time by the CEO or an authorised person for the orderly and proper use of those waste facilities in relation to hours of business, separation of waste into designated receptacles, prohibition of the deposit of certain types of refuse or waste, and conduct of persons or persons in charge of vehicles while on the site.

4.10 Glass containers

Unless authorised by a permit or by the CEO or an authorised person, a person must not take a glass container—

- (a) within 5m of the edge of a swimming pool on local government property;
- (b) on to a children's playground; or
- (c) within any area of local government property as indicated by a sign.

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Division 2 - Signs

4.11 Signs

- (1) The CEO or an authorised person may erect a sign on local government property –
 - (a) specifying any conditions of use which apply to that property; or
 - (b) for any other purpose relevant to this local law, including giving notice of a breach of clause 4.4 and substituting a sign for flora that has been removed, damaged or interfered with contrary to clause 4.4.
- (2) A person must comply with a sign erected under subclause (1).
- (3) A condition of use specified on a sign erected under subclause (1) is –
 - (a) not to be inconsistent with any provision of this local law or any determination; and
 - (b) to be for the purpose of giving notice of the effect of a provision of this local law.

Part 5 - Matters relating to particular local government property

Division 1 - Swimming pool areas

5.1 When entry must be refused

- (1) A Manager or an authorised person must refuse admission to any person who –
 - (a) in her or his opinion is –
 - (i) under the age of 10 years and who is unaccompanied by a responsible person over the age of 12 years;
 - (ii) under the age of 10 years and who is accompanied by a responsible person over the age of 12 years where the responsible person is incapable of or not providing, adequate supervision of or care for that person;
 - (iii) suffering from any contagious, infectious or cutaneous disease or complaint, or is in an unclean condition; or
 - (iv) under the influence of liquor or a prohibited drug; or
 - (b) is to be refused admission by the CEO or an authorised person for breaching a clause of this local law.
- (2) If a person referred to in paragraph (a) or (b) of subclause (1) is in a pool area, a Manager or an authorised person must –
 - (a) direct the person to leave; and

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- (b) if the person refuses or fails to leave, remove the person or arrange for the person to be removed, from the pool area.

5.2 Consumption of food or drink may be prohibited

A person must not consume any food or drink in an area where consumption is prohibited by a sign.

Division 2 - Beaches

5.3 Powers of authorised persons or surf life saving club members

- (1) An authorised person employed by the Shire may perform all or any of the following functions in relation to a beach –
 - (a) patrol any beach;
 - (b) carry out any activity on any beach;
 - (c) erect signs designating bathing areas and signs regulating, prohibiting or restricting specified activities on the whole or any part of a beach or in or on the water adjacent to the beach and to direct persons on the beach or in or on the water to comply with such signs;
 - (d) temporarily enclose any area with rope, hessian, wire or any other means for the conduct of surf life saving club activities; and
 - (e) direct persons to leave the water adjacent to a beach during dangerous conditions or if a shark is suspected of being in the vicinity of a beach.
- (2) Subject to sub clause (3), the CEO may, where the power to appoint authorised persons has been delegated under section 5.42 of the Act, appoint under section 9.10 of the Act a member or members of a surf life saving club to perform all or any of the functions listed in subclause (1).
- (3) A person appointed by the CEO under subclause (2) must have been recommended by the surf life saving club as competent to perform the functions referred to in that subclause in respect of which they are authorised.
- (4) Under subclause (2), the CEO may appoint members generally, or in relation to particular times, days or months.

5.4 Authority of Shire employee to prevail

If the CEO has authorised a person under clause 5.3(1) and a member of a surf life saving club under clause **Error! Reference source not found.** in relation to the same beach, where they could perform a function referred to in clause 5.3(1) contemporaneously, the authority of an authorised person employed by the Shire under clause 5.3(1) is to prevail.

5.5 Persons to comply with signs and directions

A person must -

- (a) not act in contravention of any sign erected on a beach under clause 5.3(1)(c);

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- (b) not enter an area which has been temporarily closed with rope, hessian, wire or any other means for the conduct of surf life saving club activities, unless he or she is a member of the club or has obtained from the club permission to enter;
- (c) comply with any direction given under clause 5.3(1)(c) or 5.3(1)(e); and
- (d) not interfere with, obscure, obstruct, or hang any item of clothing or towel on a flag, sign, notice or item of life saving equipment.

Division 3 - Fenced or closed property

5.6 No entry to fenced or closed local government property

A person must not enter local government property which has been fenced off or closed to the public by a sign or otherwise, unless that person is authorised to do so by the CEO or an authorised person.

Division 4 - Toilet blocks and change rooms

5.7 Only specified gender to use entry of toilet block or change room

- (1) Where a sign on a toilet block or change room specifies that a particular entry of the toilet block or change room is to be used by –
 - (a) females, then a person of the male gender must not use that entry of the toilet block or change room;
 - (b) males, then a person of the female gender must not use that entry of the toilet block or change room; or
 - (c) families, then persons who are not immediate members of a family must not use that entry of the toilet block or change room where it is already being used by a different family.
- (2) Clause 5.7(1)(a) and (b) does not apply to children under the age of 6 years when accompanied by a parent or guardian.

5.8 Hire of lockers

- (1) A person may hire a locker in or near a changeroom for the purpose of safekeeping articles on the conditions that -
 - (a) it is the responsibility of the person hiring the locker to lock the locker once the articles to be stored are placed in the locker and to return the key to the attendant; and
 - (b) on receiving a receipt given in respect of the hire of the locker, an attendant is to hand to that person the key for the locker described in the receipt in order to remove the articles from the locker.
- (2) A person must not store in any locker a firearm or offensive weapon or any article or substance that has been unlawfully acquired or which is a substance or article within the meaning of ‘dangerous goods’ under the *Dangerous Goods Safety Act 2004*.

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- (3) An attendant or authorised person may open and inspect the contents of a locker at any time, where the attendant or authorised person reasonably suspects that a breach of this local law has occurred.

5.9 Unclaimed property in locker

- (1) If an article in a locker is not claimed or collected within 48 hours after the date of hire, the article may be removed by an attendant or authorised person.
- (2) An attendant or authorised person must record in the Unclaimed Property Register, with respect to each article removed from a locker –
 - (a) a description of the article removed;
 - (b) the time and date the article was removed; and
 - (c) the time and date recorded on the original receipt.
- (3) An attendant or authorised person must ensure that an article removed from the locker is stored at the place determined by the CEO or an authorised person.
- (4) An attendant or authorised person may deliver to a person an article recorded in the Unclaimed Property Register on receiving –
 - (a) satisfactory evidence of the person’s right to obtain the article;
 - (b) an accurate description of the article being claimed; and
 - (c) payment of any outstanding fees or storage charges.
- (5) A person who receives delivery of an article from the Unclaimed Property Register must, by way of acknowledging receipt of the article, write his or her name and address and sign his or her name in the Unclaimed Property Register.

5.10 Use of shower or bath facilities

A person may use a shower or bath facility in changerooms only on conditions that –

- (a) the facilities must be used by the person only for the purpose of cleansing, bathing and washing themselves;
- (b) use of the facilities must be restricted to a maximum period of 15 minutes or such lesser time as required by an attendant; or
- (c) the facilities must not be used for the purpose of laundering or washing any clothing or other articles.

Part 6 - Fees for entry on to local government property

6.1 No unauthorised entry to function

- (1) A person must not enter local government property on such days or during such times as the property may be set aside for a function for which a charge for admission is authorised, except –

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- (a) through the proper entrance for that purpose; and
 - (b) on payment of the fee chargeable for admission at the time.
- (2) The CEO or an authorised person may exempt a person from compliance with subclause (1)(b).

Part 7 - Objections and Review

7.1 Objection and appeal rights

Division 1 of Part 9 of the Act applies to a decision under this local law to grant, renew, amend or cancel a permit or consent.

Part 8 - Miscellaneous

8.1 CEO and authorised person to be obeyed

A person on local government property must obey any lawful direction of the CEO or an authorised person and must not in any way obstruct or hinder the CEO or an authorised person in the execution of her or his duties.

8.2 Persons may be directed to leave local government property

The CEO or an authorised person may direct a person to leave local government property where she or he reasonably suspects that the person has contravened a provision of any written law.

8.3 Disposal of lost property

An article left on any local government property, and not claimed within a period of 3 months, may be disposed of by the CEO or an authorised person in any manner he or she thinks fit.

8.4 Decency of dress

Where an authorised person considers that the clothing of any person on local government property is not proper and adequate to prevent indecent exposure, the authorised person may order that person to put on adequate clothing and that person is to comply with the order immediately.

8.5 False or misleading statement

A person must not make a false or misleading statement in connection with an application for a permit under clause 3.2 under this local law.

Part 9 - Enforcement

Division 1 - Notices

9.1 Definition

In this Division –

“costs” of the Shire include its administrative costs.

9.2 Damage to local government property

If a person unlawfully removes, damages or interferes with local government property, the CEO or an authorised person may, give the person a notice under this Division.

9.3 Breach of a permit

If a permit holder breaches a condition of the permit, or fails to comply with a direction under clause 3.16(b), the CEO or an authorised person may, give the person a notice under this Division.

9.4 Shire may undertake requirements of notice

- (1) If a person fails to comply with a notice referred to in clause 9.2, the Shire may—
 - (a) do the thing specified in the notice, including replace the property, or reinstate the property to the state it was in before the removal, damage or interference; and
 - (b) recover from the person, as a debt, the costs of doing so.
- (2) If a person fails to comply with a notice referred to in clause 9.3, the Shire may—
 - (a) take whatever remedial action it considers appropriate to put the Shire in the position it would have been in if the breach or failure had not occurred; and
 - (b) recover from the person, as a debt, the costs of doing so.

9.5 Notice requirements

A notice under this Division must –

- (a) be in writing;
- (b) specify the reason for giving the notice, the work or action that is required to be undertaken and the time within which it is to be undertaken; and
- (c) be given to the person referred to in clause 9.2 or 9.3, as the case may be.

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9.6 Offence to fail to comply with notice

A person who fails to comply with a notice given to him or her under this local law commits an offence.

9.7 Shire may undertake requirements of notice

If a person fails to comply with a notice given to him or her under this local law, the CEO or an authorised person may do the thing specified in the notice and recover from the person to whom the notice was given, as a debt, the costs of doing so.

Division 2 - Offences and penalties

9.8 Offences and general penalty

- (1) A person who fails to do anything required or directed to be done under this local law, or who does anything which under this local law that person is prohibited from doing, commits an offence.
- (2) Any person who commits an offence under this local law is liable, upon conviction, to a penalty not exceeding \$5,000, and if the offence is of a continuing nature, to an additional penalty not exceeding \$500 for each day or part of a day during which the offence has continued.

9.9 Prescribed offences

- (1) An offence against a clause specified in Schedule 1 is a prescribed offence for the purposes of section 9.16(1) of the Act.
- (2) The amount of the modified penalty for a prescribed offence is the amount specified adjacent to the clause in Schedule 1.
- (3) For the purpose of guidance only, before giving an infringement notice to a person in respect of the commission of a prescribed offence, the Shire should be satisfied that –
 - (a) commission of the prescribed offence is a relatively minor matter; and
 - (b) only straightforward issues of law and fact are involved in determining whether the prescribed offence was committed, and the facts in issue are readily ascertainable.

9.10 Form of notices

- (1) For the purposes of this local law –
 - (a) where a vehicle is involved in the commission of an offence, the form of the notice referred to in section 9.13 of the Act is that of Form 1 in Schedule 1 of the Regulations;
 - (b) the form of the infringement notice given under section 9.16 of the Act is that of Form 2 in Schedule 1 of the Regulations; and
 - (c) the form of the notice referred to in section 9.20 of the Act is that of Form 3 in Schedule 1 of the Regulations.

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- (2) Where an infringement notice is given under section 9.16 of the Act in respect of an alleged offence against clause 2.4, the notice is to contain a description of the alleged offence.

9.11 Evidence of a determination

- (1) In any legal proceedings, evidence of a determination may be given by tendering the register referred to in clause 2.5 or a certified copy of an extract from the register.
- (2) It is to be presumed, unless the contrary is proved, that the determination was properly made and that every requirement for it to be made and have effect has been satisfied.
- (3) Subclause (2) does not make valid a determination that has not been properly made.

Schedule 1 – Prescribed offences

CLAUSE	DESCRIPTION	MODIFIED PENALTY \$
2.4	Failure to comply with determination	\$200
3.6	Failure to comply with conditions of permit	\$200
3.13(1)	Failure to obtain a permit	\$200
3.14(3)	Failure to obtain permit to camp outside a facility	\$200
3.15(1)	Failure to obtain permit for liquor	\$200
3.16	Failure of permit holder to comply with responsibilities	\$200
4.2(1)	Behaviour detrimental to property	\$200
4.3	Taking, Injuring, Killing any Fauna	\$300
4.4	Removing, damaging, interfering, with any flora or planting or depositing any flora	\$300
4.5	Under influence of liquor or prohibited drug	\$200
4.7(2)	Failure to leave local government property	\$200
4.8(1)	Tethering animal to tree etcetera or permitting animal to enter local government property	\$200
4.9	Depositing or discarding waste on local government property	\$200
4.10	Taking a glass container within 5m of pool, to a children's playground or within local government property as indicated by a sign	\$200
4.11(2)	Failure to comply with sign on local government property	\$200
5.2	Consuming food or drink in prohibited area	\$200
5.5	Failure to comply with sign or direction on beach	\$200
5.6	Unauthorised entry to fenced or closed local government property	\$200
5.7	Gender not specified using entry of toilet block or change room	\$200
6.1(1)	Unauthorised entry to function on local government property	\$200
8.5	Making a false or misleading statement	\$200
9.6	Failure to comply with notice	\$200

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Schedule 2 - Determinations

The following determinations are to be taken to have been made by the Shire under clause 2.1.

Part 1 - Preliminary

1.1 Definitions

In these determinations unless the context otherwise requires –

“**local law**” means the *Local Government Property Local Law* made by the Shire.

1.2 Interpretation

Where a term is used but not defined in a determination and that term is defined in this local law then the term is to have the meaning given to it in this local law.

Part 2 - Application

2.1 Vehicles on local government property

- (1) Unless under the authority of a permit or determination, a person must not take or cause a vehicle to be taken onto or driven on local government property unless –
 - (a) the local government property is clearly designated as a road, access way or car park;
 - (b) the vehicle is driven by a Shire employee, authorised person or contractor engaged by the Shire, who is engaged in providing a service, maintaining or making a delivery in connection with the local government property;
 - (c) the person is driving an emergency vehicle in the course of his or her duties; or
 - (d) the vehicle is a motorised wheelchair.
- (2) A person must not drive a vehicle or allow a vehicle to be driven on local government property at a speed exceeding 10 kilometres per hour, or in such a manner as to cause danger to any person.

2.2 Motorised model aeroplanes, toys or ships

A person must not use, launch or fly a motorised model aeroplane, toy, ship, glider or rocket that is propelled by mechanical, hydraulic, combustion or pyrotechnic means on or from local government property except where a permit or a determination specifies a particular local government property.

2.3 Children’s playgrounds

- (1) The Council may set aside a public reserve or any portion of a public reserve as a children's playground.

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- (2) The Council may limit the ages of persons who are permitted to use a children's playground and the CEO or an authorised person may erect a sign under clause 2.3 of this local law to that effect on or in the immediate vicinity of the playground.
- (3) A person over the age specified in that sign, other than a person having the charge of a child or children in the playground, must not use a playground or interfere with the use by children of the playground.

2.4 Launching and retrieval of boats

A person must not take onto, launch from, or retrieve a boat on local government property except where a permit or a determination specifies a particular local government property unless –

- (a) the person is a Shire employee, authorised person or contractor engaged by the Shire and who is engaged in providing a service, maintaining or making a delivery in connection with the local government property;
- (b) the person is in charge of a boat engaged in rescue services or dealing with an emergency;
- (c) the local government property is a boat ramp that is delineated by a sign to that effect.

2.5 Activities prohibited on local government property

- (1) A person is prohibited from playing or practising archery, pistol or rifle shooting on local government property except on land which is reserved by the Shire for that purpose, or as otherwise provided by determination or permit.
- (2) A person is prohibited from playing or practising golf, on local government property except on the Dunsborough and Districts Country Club, Reserve No. 34894.
- (3) A person must not use or ride a bicycle or wheeled recreational device, skateboard, or sand board on any local government property except on an area specified by a sign erected on the local government property.
- (4) A person must not use or take on to, a spear gun, hand spear, gidgie or similar device on any local government property.

2.6 Fish cleaning

A person must not shell, gut, scale or clean fish, shellfish or any other animal, or deposit or discard waste from any fish, shellfish or other animal on local government property.

2.7 Waste

A person must not deposit or discard waste on local government property except –

- (a) in a place or receptacle set aside by the CEO or an authorised person for that purpose and subject to any conditions that may be specified on the receptacle or sign in relation to the type of waste that may be deposited or other conditions; or

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- (b) at the Busselton Waste Facility, Rendezvous Road Busselton and the Dunsborough Waste Facility, Vidler Road Dunsborough, and subject to directions issued from time to time by the CEO or an authorised person for the orderly and proper use of those waste facilities in relation to hours of business, separation of waste into designated receptacles, prohibition of the deposit of certain types of refuse or waste, and conduct of persons or persons in charge of vehicles while on the site.

Dated 16 February 2010

The Common Seal of the Shire of Busselton was affixed by authority of a resolution of the Council in the presence of -

MATTHEW SMITH, A/Chief Executive Officer
IAN STUBBS, President

Notes

This is a compilation of the *Shire of Busselton Local Government Property Local Law 2010* and includes any amendments referred to in the following table.

Local laws and amendments come into operation on the 14th day after the day of publication in the gazette unless a later day is specified: s 3.14 of the *Local Government Act 1995*.

Compilation Table

Citation	Gazettal date
<i>Shire of Busselton Local Government Property Local Law 2010</i>	9 March 2010
<i>Shire of Busselton Local Government Property Amendment Local Law 2011</i>	22 March 2011

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LOCAL GOVERNMENT ACT 1995

CITY OF BUSSELTON

**BUSSELTON REGIONAL
AIRPORT LOCAL LAW 2012**

LOCAL GOVERNMENT ACT 1995

CITY OF BUSSELTON

BUSSELTON REGIONAL AIRPORT LOCAL LAW 2012

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SCHEDULE 1—PRESCRIBED OFFENCES

LOCAL GOVERNMENT ACT 1995

CITY OF BUSSELTON

BUSSELTON REGIONAL AIRPORT LOCAL LAW 2012

Under the powers conferred by the *Local Government Act 1995* and under all other enabling powers, the Council of the City of Busselton resolved on 25 January 2012 to make this local law.

PART 1—PRELIMINARY

1.1 Citation

This is the *Busselton Regional Airport Local Law 2012*.

1.2 Commencement

This local law commences on the 14th day after the day on which it is published in the *Government Gazette*.

1.3 Application

This local law applies to and in respect of the Airport Land.

1.4 Definitions

In this local law—

Act means the *Local Government Act 1995*;

Air Navigation Laws means the *Air Navigation Act 1920* (Commonwealth), the *Air Navigation Regulations* (Commonwealth), the *Air Navigation Act 1937* (WA) and other laws relating to air navigation;

aircraft means any machine or craft that can derive support in the atmosphere from the reactions of the air;

Airport means the Busselton Regional Airport;

Airport Land means the land, within the district, on which the Airport is located;

Airport Manager means the person employed or engaged by the City to control and manage the Airport;

authorised person means a person appointed by the City under section 9.10 of the Act to perform any of the functions of an authorised person under this local law;

CEO means the Chief Executive Officer of the City;

City means the City of Busselton;

Council means the council of the City;

district means the district of the City;

Local Government Property Local Law means the *City's Local Government Property Local Law 2010*, published in the *Government Gazette* on 9 March 2010;

movement, in relation to an aircraft, includes any action involving, or in relation to, the take-off or landing of an aircraft;

owner, in relation to an aircraft, includes a lessee, charterer and person for the time being in the possession or control of the aircraft;

permit means a permit under the *Local Government Property Local Law*;

permit holder means the holder of a permit;

prohibited chemical means any one or more of the following chemicals—

- (a) Dieldrin;
- (b) Aldrin;
- (c) Chlordane;
- (d) MCPA;
- (e) 2,4-D;
- (f) 2,4-DB;
- (g) 2,4,5-T;

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- (h) Dicamba;
- (i) Fenoprop (2, 4,5-TP);
- (j) 4 CPA;
- (k) Picoram;
- (l) D.D.T. (dichlorodiphenyltrichloroethane); and
- (m) any other chemical specified in a determination made under the Local Government Property Local Law;

Regulations means the *Local Government (Functions and General) Regulations 1996*; and
taxi means a taxi operating under the *Taxi Act 1994*.

1.5 Application of Local Government Property Local Law

The *Local Government Property Local Law* applies to the Airport as if the Airport Land were "local government property" for the purposes of that local law.

PART 2—AIRCRAFT

2.1 Rights of aircraft owners

Subject to clause 2.3, the owner of an aircraft may use the Airport, in accordance with the Air Navigation Laws, for—

- (a) the landing, servicing and departure of the aircraft; and
- (b) the embarkment and disembarkment of passengers and freight on and from the aircraft.

2.2 Requirement for a permit by flight training operators

(1) A flight training operator—

- (a) must not, without a permit, use the Airport; and
- (b) may use the Airport only in accordance with the terms and conditions of a permit.

(2) Subclause (1) does not apply to—

- (a) the Royal Flying Doctor Service, or an employee or agent of the Royal Flying Doctor Service;
- (b) a person who needs to land an aircraft at the Airport in an emergency;
- (c) a person who uses the Airport under and in accordance with a written agreement with the City; and
- (d) a person who has been exempted from subclause (1) by the Airport Manager.

(3) In this clause—

- (a) **flight training operator** means an owner of an aircraft who uses the aircraft, or allows the aircraft to be used, for training purposes; and

Note: Under clause 1.4, an "owner", in relation to an aircraft, includes a lessee, charterer and person for the time being in possession or control of the aircraft.

- (b) the **use of the Airport** by a flight training operator includes the use of the Airport for landing or taking off purposes.

(4) For the avoidance of doubt, the conditions that may be imposed on a permit include, in addition to the examples listed in Part 3 of the *Local Government Property Local Law*, conditions in respect of the use of the Airport such as—

- (a) when the use may occur; and
- (b) type of aircraft.

2.3 Closure of Airport

The Airport Manager or an authorised person may close all or part of the Airport if he or she considers that it is necessary to do so for safety or other operational reasons.

PART 3—CONDUCT OF BUSINESS

The Local Government Property Local Law prohibits or restricts the carrying out of various activities, including business activities, on local government property (which includes the Airport). Among the activities that cannot be carried out without a permit are—

- (a) advertising;
- (b) trading; and
- (c) the conduct of functions (see clause 3.13(1)).

3.1 Hire vehicles

Subject to, and without limiting the generality of, the *Local Government Property Local Law*, a person must not without a permit—

- (a) hire out self-drive vehicles; or
- (b) solicit, or conduct the business of, the hiring out of self-drive vehicles.

3.2 Taxis

A person may operate a taxi without the need for a permit under the *Local Government Property Local Law*.

PART 4—ENTRY RESTRICTIONS

4.1 General restrictions

Other than with the written approval of the Airport Manager or an authorised person, a person must not enter or remain on the Airport Land unless that person—

- (a) is authorised to do so under this local law;
- (b) is carrying out activities under and in accordance with a permit or a written agreement with the City;
- (c) is a passenger, or intending passenger, in an aircraft lawfully using the Airport; or
- (d) is a person greeting or seeing off a passenger, or intending passenger, in an aircraft lawfully using the Airport.

4.2 Temporary prohibitions or restrictions on access

(1) For safety or other operational reasons, the Airport Manager or the CEO may, on a temporary basis, by written notice set aside any part or parts of the Airport in which access is to be prohibited either absolutely or subject to exceptions as specified in the notice, by reference, for example, to—

- (a) a person, or class of persons;
- (b) a vehicle, or class of vehicles;
- (c) an aircraft, or class of aircraft; or
- (d) goods, or class of goods.

(2) A prohibition or exception under subclause (1) may be subject to terms and conditions and, in that case, the terms and conditions are also to be specified in the notice.

(3) A copy of the notice under this clause is to be placed on a noticeboard exhibited to the public at the City's offices.

(4) A person must comply with a notice.

4.3 Signs

The Airport Manager is to ensure that appropriate signs are erected to give notice of the effect of a determination (under the *Local Government Property Local Law*) or a written notice (under clause 4.2).

4.4 Animals

(1) This clause does not apply where—

- (a) a blind person brings a guide dog accompanying that person to the Airport; or
- (b) a person brings to the Airport an animal, or has the possession and control at the Airport of an animal, that is, is to be, or has been, air freighted to or from the Airport—provided that person exercises effective control over the animal at all times.

(2) A person must not, without the prior written approval of the Airport Manager or an authorised person—

- (a) bring an animal to the Airport;
- (b) permit an animal to stray into the Airport; or
- (c) have an animal in his or her possession or control at the Airport.

(3) Where there is a breach of subclause (2), or where an animal is otherwise found at the Airport, the Airport Manager or an authorised person—

- (a) may, using all reasonable means, capture and remove the animal from the Airport; and
- (b) may, where the Airport Manager or authorised person considers that the animal is or may be a danger to persons or property, destroy the animal.

4.5 Chemicals

(1) A person must not, without the written approval of the Airport Manager or an authorised person, bring or permit to be brought onto the Airport a prohibited chemical.

(2) For the purpose of determining whether there has been a breach of subclause (1), the Airport Manager or an authorised person may direct any person to provide a sample, or allow a sample to be taken, of any container or other thing within the possession or control of that person.

(3) A person must comply with a direction under subclause (2).

4.6 Inappropriate behaviour

In addition to the requirements under Part 4 of the *Local Government Property Local Law*, a person—

- (a) must comply with a request or direction from the Airport Manager or an authorised person; and
- (b) must not use any building, structure or facility for any purpose other than that for which it was provided or intended.

Notes—

1. Under Part 4 of the *Local Government Property Local Law*, the CEO or an authorised person has power to direct a person who fails to comply with the requirements of that Act to leave and, if that person fails to leave, the CEO or authorised person may remove the person or arrange for the person to be removed.

2. *The behaviour regulated by Part 4 includes—*

- (a) *behaviour that interferes or is likely to interfere with others (clause 4.1);*
- (b) *behaviour that is detrimental to property (clause 4.2);*
- (c) *damage to fauna or flora (clauses 4.3 and 4.4); and*
- (d) *being under the influence of liquor or taking a prohibited drug (clauses 4.5 and 4.6).*

PART 5—OBJECTIONS AND REVIEW

5.1 Objection and review rights

Division 1 of Part 9 of the Act applies to a decision under this local law to grant, renew, amend or cancel a permit or other authorisation.

PART 6—ENFORCEMENT

Division 1—Notices

6.1 Definition

In this Division—

“costs” of the City include its administrative costs.

6.2 Damage to Airport property

If a person unlawfully removes, damages or interferes with property within the Airport that is owned by, or within the care, control or management of the City, the Airport Manager or an authorised person may, at his or her option—

- (a) replace the property, or reinstate the property to the state it was in before the removal, damage or interference, and recover, from that person, as a debt, the costs of doing so; or
- (b) give the person a notice under this Division.

6.3 Breach of a permit

If a permit holder breaches a condition of the permit, or fails to comply with a direction under clause 3.16(b) of the *Local Government Property Local Law*, the Airport Manager or an authorised person may, at his or her option, either—

- (a) take whatever remedial action he or she considers to be appropriate to put the City in the position it would have been in if the breach or failure had not occurred, and to recover from the permit holder, as a debt, the costs of doing so; or
- (b) give the permit holder a notice under this Division.

6.4 Notice requirements

A notice under this Division must—

- (a) be in writing;
- (b) specify the reason for giving the notice, the work or action that is required to be undertaken and the time within which it is to be undertaken; and
- (c) be given to the person referred to in clause 6.2 or 6.3, as the case may be.

6.5 Offence to fail to comply with notice

A person who fails to comply with a notice given to him or her under this local law commits an offence.

6.6 City may undertake requirements of notice

If a person fails to comply with a notice given to him or her under this local law, the Airport Manager or an authorised person may do the thing specified in the notice and recover from the person to whom the notice was given, as a debt, the costs of doing so.

Division 2—Offences and penalties

6.7 Offences and general penalty

- (1) A person who fails to do anything required or directed to be done under this local law, or who does anything which under this local law that person is prohibited from doing, commits an offence.
- (2) Any person who commits an offence under this local law is liable, upon conviction, to a penalty not exceeding \$5,000, and if the offence is of a continuing nature, to an additional penalty not exceeding \$500 for each day or part of a day during which the offence has continued.

6.8 Prescribed offences

- (1) An offence against a clause specified in Schedule 1 is a prescribed offence for the purposes of section 9.16(1) of the Act.
- (2) The amount of the modified penalty for a prescribed offence is the amount specified adjacent to the clause in Schedule 1.
- (3) Before giving an infringement notice to a person in respect of the commission of a prescribed offence, an authorised person must be satisfied that—
 - (a) the commission of the prescribed offence is a relatively minor matter; and
 - (b) only straightforward issues of law and fact are involved in determining whether the prescribed offence was committed, and the facts in issue are readily ascertainable.

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6.9 Form of notices

For the purposes of this local law—

- (a) where a vehicle is involved in the commission of an offence, the form of the notice referred to in section 9.13 of the Act is that of Form 1 in Schedule 1 of the Regulations;
- (b) the form of the infringement notice given under section 9.16 of the Act is that of Form 2 in Schedule 1 of the Regulations; and
- (c) the form of the notice referred to in section 9.20 of the Act is that of Form 3 in Schedule 1 of the Regulations.

Schedule 1
PRESCRIBED OFFENCES

[clause 6.8]

Clause	Description	Modified Penalty \$
2.2(1)(a)	Using Airport without a permit	\$400
2.2(1)(b)	Non-compliance with terms or conditions of a permit	\$300
3.1	Hire/operate/solicit self drive vehicles	\$200
4.1	Entering or remaining on Airport Land	\$300
4.2	Failure to comply with a notice	\$300
4.4(2)	Bringing an animal onto Airport Land	\$200
4.6	Inappropriate behaviour	\$300
6.5	Failure to comply with a notice	\$300

Dated: 14 February 2012.

The common seal of the City of Busselton was affixed by authority of a Council resolution in the presence of—

IAN W. STUBBS, Mayor.
MICHAEL S. L. ARCHER, Chief Executive Officer.

This is an un-official compilation of the *City of Busselton
Holiday Homes Local Law 2012* as it has effect
on and after 30 November 2012.
See the Notes at the end for more details.

City of Busselton Holiday Homes Local Law 2012

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Local Government Act 1995

City of Busselton

Holiday Homes Local Law 2012

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Local Government Act 1995

City of Busselton

Holiday Homes Local Law 2012

Under the powers conferred on it by the *Local Government Act 1995*, the Council of the City of Busselton resolved on [add day and month] 2012 to make this local law.

Part 1 - Preliminary

1.1 Title

This is the *City of Busselton Holiday Homes Local Law 2012*.

1.2 Commencement

This local law commences 3 months after the date of its publication in the *Government Gazette*.

1.3 Application

This local law applies throughout the district.

1.4 Terms used in this local law

In this local law -

Act means the *Local Government Act 1995*;

acting manager, in relation to a holiday home, means the person who is the acting manager of the holiday home, as specified in the certificate of registration for the holiday home, whether or not that person is also the owner of the holiday home;

applicant means an applicant for a registration;

application fee means the application fee for registration that is imposed by the Council under the Act;

attendant means a person who is –

(a) an occupant; or

(b) a guest;

authorised person means a person authorised by the local government under section 9.10 of the Act to perform any of the functions of an authorised person under this local law;

CEO means -

(a) the CEO of the City; and

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- (b) any other employee of the City to whom the CEO has delegated his or her powers under this local law;

certificate of registration means a current and valid certificate issued under clause 2.4(2);

City means the City of Busselton;

Council means the council of the City;

district means the district of the City;

dwelling has the meaning given to it in the Local Planning Scheme;

grouped dwelling has the meaning given to it in the Local Planning Scheme;

guest means a person who is on the premises of a holiday home, for social purposes, at the invitation or with the permission of an occupant of the holiday home;

hirer, in relation to a holiday home, means the person who hires the holiday home or who is responsible for the payment for the accommodation of an occupant in the holiday home;

holiday home means a dwelling used, or intended to be used, to accommodate occupants for hire or reward (but does not include a 'Bed and Breakfast', 'Chalet Development', 'Guesthouse', 'Rural Tourist Accommodation' or 'Tourist Accommodation', as defined in Schedule 1 to the Local Planning Scheme);

local government means the City;

Local Planning Scheme means the City of Busselton District Town Planning Scheme No. 20, as amended from time to time;

manager, in relation to a holiday home, means the person who is the manager of the holiday home, as specified in the certificate of registration for the holiday home, whether or not that person is also the owner of the holiday home;

month means calendar month;

occupant means a person who is accommodated in a holiday home for no more than a total of 3 months in any one 12-month period ;

owner -

- (a) in relation to a registered holiday home, means the person who is specified as the owner in the certificate of registration of the holiday home; and
- (b) in relation to any other holiday home, means the person who is the owner of the holiday home;

premises, in relation to a holiday home, means -

- (a) if the holiday home is a single house situated on a single lot, all of the land that comprises that lot; or
- (b) if the holiday home is a grouped dwelling, all of the land that is set aside for the exclusive use by the owner of that grouped dwelling;

registered holiday home means a dwelling registered under this local law as a holiday home;

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registration means registration, under and for the purposes of this local law, of a dwelling as a holiday home;

registration fee means the fee for registration that is imposed by the City under the Act;

Regulations means the *Local Government (Functions and General) Regulations 1996*;

relevant law means a written law, as defined in the *Interpretation Act 1984*, that applies to, or in respect of, the use of a holiday home; and

single house has the meaning given to it in the Local Planning Scheme.

Part 2 - Registration

Division 1 – Applying for registration

2.1 Registration required

- (1) A person must not use a dwelling, or allow a dwelling to be used, as a holiday home -
 - (a) unless planning approval has been granted under the Local Planning Scheme to use the dwelling as a holiday home;
 - (b) unless the dwelling is registered as a holiday home under this local law; and
 - (c) other than in accordance with -
 - (i) the conditions of the registration; and
 - (ii) the provisions of this local law.
- (2) Registration does not affect the obligations of an owner or a manager, or any other person, to comply with a relevant law.

2.2 Application for registration

- (1) An application for registration of a holiday home must -
 - (a) be in writing;
 - (b) be in the form determined by the CEO;
 - (c) be made by, or on behalf of, the owner of the holiday home;
 - (d) be signed by the owner of the holiday home;
 - (e) nominate a natural person, who may or may not be the owner, to be the proposed manager of the holiday home;
 - (f) nominate a natural person, who may or may not be the owner, to be the proposed acting manager of the holiday home;
 - (g) contain the details specified in clause 2.3; and
 - (h) be forwarded to the CEO, together with any fee imposed by the Council under sections 6.16 to 6.19 of the Act.

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- (2) The CEO or an authorised person may require an applicant to give local public notice of the application for registration.
- (3) The local government may refuse to consider an application for registration which is not in accordance with subclause (1).

2.3 Application details

The details that must be included in an application for registration of a holiday home are -

- (a) a site plan of the premises;
- (b) a floor plan of the holiday home;
- (c) the location and title details of the holiday home;
- (d) the number of bedrooms proposed to be used at any time for short stay accommodation;
- (e) the maximum number of occupants to be accommodated at any time in the holiday home;
- (f) the details of any proposed on-site parking bays on the premises;
- (g) the name, address and contact details of the owner of the holiday home and his or her phone number at which he or she may be contacted;
- (h) in relation to each of the proposed manager and the proposed acting manager –
 - (i) confirmation that he or she accepted appointment by the owner as manager (which may be contingent on the Council's approval of the application for registration); and
 - (ii) his or her name, address and contact details, including the phone number at which he or she may be contacted at any time of the day or night;
- (i) an undertaking from the proposed manager of the holiday home that he or she –
 - (i) is to have the day-to-day management of the holiday home; and
 - (ii) will respond, within a reasonable time but in any event within 24 hours, to any contact relating to the holiday home;
- (j) an undertaking from the proposed acting manager of the holiday home that, while undertaking the functions of the manager, he or she –
 - (i) is to have the day-to-day management of the holiday home; and
 - (ii) will respond, within a reasonable time but in any event within 24 hours, to any contact relating to the holiday home; and
- (k) any other information requested by the CEO or an authorised person that is reasonably related to the application for registration.

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2.4 Determining an application

- (1) The Council may –
 - (a) approve an application for registration unconditionally or subject to conditions; or
 - (b) refuse to approve an application for registration.
- (2) If the Council approves an application for registration, it is to issue to the applicant a certificate of registration in the form prescribed in Schedule 1 or in a similar form as determined by the Council from time to time.
- (3) If the Council refuses to approve an application for registration, it is to give written notice of that refusal to the applicant.
- (4) Where a clause of this local law refers to conditions which may be imposed on registration, or which are to be taken to be imposed on registration, that clause does not limit the power of the Council to impose other conditions on registration under subclause (1)(a).
- (5) Where a clause of this local law refers to the grounds on which an application for registration may be or is to be refused, the clause does not limit the power of the Council to refuse the application for a permit on other grounds under subclause (1)(b).

2.5 Relevant considerations in determining an application for registration

- (1) In determining an application for registration, the Council is to have regard to –
 - (a) the conditions of any planning approval that has been granted under the Local Planning Scheme to use the dwelling as a holiday home;
 - (b) the provisions of this local law;
 - (c) any relevant policy of the City; and
 - (d) any other matter that the Council reasonably considers to be relevant in the circumstances of the case.
- (2) The Council must refuse to approve an application for registration if there is no current planning approval under the Local Planning Scheme to use the dwelling or the premises as a holiday home.
- (3) The Council may refuse to approve an application for registration on any one or more of the following grounds –
 - (a) that the owner, the proposed manager or the proposed acting manager has committed a breach of any provision of this local law or of any other relevant law;
 - (b) that the owner, the proposed manager or the proposed acting manager is not a fit and proper person in relation to the proposed holiday home; or
 - (c) any other ground that the Council may reasonably consider to be relevant in the circumstances of the case, including a ground arising from the Council's consideration of the factors set out in clause 2.5(1).

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Division 2 - Conditions

2.6 Conditions which may be imposed

The Council may approve an application for registration subject to conditions relating to –

- (a) the payment of a fee imposed by the Council under sections 6.16 to 6.19 of the Act;
- (b) the commencement and duration of registration;
- (c) the grant of any other approval, in respect of the holiday home, that –
 - (i) is required under any written law; or
 - (ii) that may be required by the City under any written law;
- (d) the maximum number of occupants who may be on the premises at any time;
- (e) the maximum number of attendants who may be on the premises during specified times;
- (f) the number of on-site parking bays at the premises for the exclusive use of attendants;
- (g) the maximum number of vehicles that may be parked on the premises at any time;
- (h) the location and number of bedrooms to be used by the occupants;
- (i) measures to ensure effective communication to attendants of –
 - (i) the conditions of registration; and
 - (ii) emergency management procedures to apply during an emergency or potential emergency such as a fire emergency or during a natural disaster such as a flood, cyclone or earthquake;
- (j) the provision to the CEO or an authorised person, by the owner or the manager, of details of any proposed change, or any change, to –
 - (i) the owner, the manager or the acting manager ; or
 - (ii) the contact details (including the phone and email contacts) of the owner, the manager or the acting manager;
- (k) ensuring that each of the manager, and the acting manager while undertaking the functions of the manager –
 - (i) is contactable by telephone, at any time of the day or night, using his or her contact details provided to the City; and
 - (ii) will respond, within a reasonable time but in any event within 24 hours to any contact relating to the holiday home; and
- (l) tenancy agreements with occupants that would enable the manager to comply with his or her obligations under clause 3.2.

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2.7 Imposing conditions under a policy

- (1) In this clause –

policy means a policy of the City adopted by the Council containing conditions subject to which an application for registration may be approved under clause 2.4(1)(a).
- (2) Under clause 2.4(1)(a), the Council may approve an application subject to conditions by reference to a policy.
- (3) The City is to give to the applicant a copy of the policy, or that part of the policy which is relevant to the application for registration, with the certificate of registration.
- (4) An application for registration is to be taken not to have been approved subject to the conditions contained in a policy until the City gives the applicant a copy of the policy or that part of the policy which is relevant to the application.
- (5) Sections 5.94 and 5.95 of the Act apply to a policy and, for that purpose, a policy is taken to be information within section 5.94(u)(i) of the Act.

2.8 Compliance with and variation of conditions

- (1) Where an application for registration of a holiday home has been approved subject to conditions, or where registration is to be taken to be subject to conditions under this local law, the owner, manager and each attendant of the holiday home, must comply with each of those conditions.
- (2) The Council may, after -
 - (a) giving the owner or manager written notice of the proposed variation of a condition; and
 - (b) taking into account any submissions made by the owner to the CEO within 14 days of the notice under paragraph (a),vary a condition of registration.
- (3) A condition that has been varied under this clause takes effect when written notice of the variation has been given to the owner and the manager.
- (4) The owner, manager and each attendant must comply with a condition varied under this clause.

Division 3 - General

2.9 Registration period

A registration is valid for one year from the date on which the certificate of registration is issued, unless –

- (a) it is otherwise stated in this local law or on the certificate of registration; or
- (b) registration is cancelled under clause 2.14.

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2.10 Renewal of registration

- (1) The owner or manager may apply in writing to the CEO in writing before the expiry of a registration for the renewal of the registration.
- (2) Subject to subclause (3), the provisions of Divisions 1 and 2 of this Part, and any other provisions of this local law relevant to the registration which is sought to be renewed, apply, with appropriate modifications, to an application for renewal of the registration.
- (3) The Council may waive, in a particular case or in one or more classes of cases, any of the requirements applying to an application for renewal of a registration.

2.11 Acting manager

- (1) The acting manager is to undertake the functions of the manager only –
 - (a) if the manager gives the City prior written notice of the period during which the acting manager is to undertake the functions of the manager; and
 - (b) during the period specified in that notice – but not exceeding 30 days in any calendar year unless otherwise determined in writing by the Council.
- (2) The provisions of this local law that apply to the manager are to be taken to apply to the acting manager while he or she is undertaking the functions of the manager.

2.12 Replacement of manager

- (1) This clause applies where –
 - (a) the owner is not also the manager of a registered holiday home; and
 - (b) the owner wishes to replace the manager either –
 - (i) with a new manager; or
 - (ii) by personally taking over the role of manager.
- (2) An application to replace a manager must–
 - (a) be made before the expiry of the registration;
 - (b) be made in writing;
 - (c) be signed by the owner and, if applicable, the proposed new manager;
 - (d) include the details as are required under clause 2.3(h);
 - (e) include the undertaking described in clause 2.3(i);
 - (f) provide such information as the CEO or an authorised person may reasonably require to enable the application to be determined; and
 - (g) be forwarded to the CEO, together with the fee imposed by the Council under sections 6.16-6.19 of the Act.
- (3) The Council may –

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- (a) approve an application to replace a manager, unconditionally or subject to conditions; or
- (b) refuse to approve an application to replace a manager,.
- (4) Where the Council approves an application to replace a manager,, the replacement is to be effected by –
 - (a) an endorsement on the certificate of registration signed by the CEO or an authorised person; or
 - (b) the CEO or an authorised person issuing to the transferee a fresh certificate of registration.

2.13 Production of certificate of registration

The manager of a holiday home must produce to the CEO or an authorised person the certificate of registration of the holiday home immediately on being required to do so by the CEO or that authorised person.

2.14 Cancellation

- (1) A registration is taken to have been cancelled if, and on the date that –
 - (a) the owner whose name appears on the certificate of registration ceases to be the owner of the holiday home; or
 - (b) the manager whose name appears on the certificate of registration ceases to be the manager of the holiday home – unless an application to replace that manager has been approved by the Council under clause 2.12.
- (2) A registration may be cancelled by the Council if –
 - (a) the owner, manager or an attendant has not complied with –
 - (i) a condition of the registration;
 - (ii) a provision of this local law; or
 - (iii) any relevant law; or
 - (b) the Council is satisfied, on the basis of complaints or other evidence of excessive noise, antisocial behaviour or other nuisances, that the continuing operation of the holiday home is not in the best interests of the City.
- (3) If a registration is cancelled, the CEO must give the owner and the manager written notice of the cancellation.
- (4) Cancellation under subclause (2) takes effect when the written notice is given to the owner and manager.
- (5) If a registration is cancelled –
 - (a) the owner must return the certificate of registration to the CEO within 14 days of being given the written notice of cancellation; and
 - (b) the City is not required to refund any part of a fee paid in respect of the cancelled registration.

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Part 3 - Obligations on owners and managers

3.1 Requirement to give notice of any change

An owner and a manager must inform the CEO in writing, within 24 hours, of any change or proposed change that would affect the currency of –

- (a) the details submitted with the application for registration and any application for renewal of registration or for replacement of a manager; or
- (b) any condition imposed or varied under clauses 2.6, 2.7, 2.8 and 2.11.

3.2 Breach of a condition by an attendant

(1) In this clause, **breach** means breach by an attendant of –

- (a) a condition of registration;
- (b) this local law; or
- (c) a relevant law.

(2) Within 24 hours of –

- (a) the CEO or an authorised person giving written notice to the manager of a breach;
- (b) the manager becoming aware of a breach; or
- (c) the manager becoming aware of circumstances that would reasonably enable the manager to determine that a breach had occurred,

the manager must ensure that –

- (d) the occupant's tenancy is terminated; and
- (e) the occupant vacates the holiday home.

3.3 Register of occupants

The manager must –

- (a) maintain a register comprising details –
 - (i) each hirer's name, address, contact details and, if applicable, length of the stay in the holiday home; and
 - (ii) of each other occupant's name; and
- (b) give the CEO or an authorised person such access to the register as may reasonably be required by the CEO or the authorised person for the purpose of administering or enforcing this local law.

3.4 Contacting the manager

(1) The manager must be contactable at all reasonable times, using the contact details provided to the CEO or an authorised person.

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- (2) The manager must respond within a reasonable time but in any event within 24 hours to any contact relating to the holiday home.

Part 4 - Objections and reviews

4.1 Objection and review rights

A person adversely affected by a decision made under Part 2 is entitled to object against, or to apply for a review of, the decision under the Act.

Part 5 - Enforcement

5.1 Offences and penalties

- (1) A person who breaches a provision of this local law commits an offence.
- (2) A person who commits an offence is liable -
 - (a) to a penalty of \$5,000; and
 - (b) if the offence is of a continuing nature, a further penalty of \$500 in respect of each day or part of a day during which the offence has continued.

5.2 Prescribed offences

- (1) An offence against a clause specified in Schedule 2 is a prescribed offence for the purposes of clause 9.16(1) of the Act.
- (2) The amount of the modified penalty for a prescribed offence is that specified adjacent to the clause in Schedule 2.

5.3 Form of notices

- (1) Where a vehicle is involved in the commission of an offence, the form of the notice referred to in section 9.13 of the Act is set out in Schedule 1 of the Regulations.
- (2) The form of the infringement notice given under section 9.16 of the Act is set out in Form 2 in Schedule 1 of the Regulations.
- (3) The form of the notice referred to in section 9.20 of the Act is that set out in Form 3 in Schedule 1 of the Regulations.

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Schedule 1 – Certificate of registration
[Clause 2.4(2)]

CITY OF BUSSELTON

HOLIDAY HOMES LOCAL LAW 2012

CERTIFICATE OF REGISTRATION

Date.../.../....

This certifies that the dwelling at _____
(address of holiday home)

owned by _____
(name/s of owner/s)

managed by _____ and _____
(name of manager) (name of acting manager)

is registered as a holiday home which may be used to accommodate occupants for hire or reward in accordance with –

- (a) the provisions of the *Holiday Homes Local Law 2012*;
- (b) any other relevant law; and
- (c) the conditions set out on the back of this certificate.

Signature of CEO/CEO's delegate

Notes:

- 1. *An application for registration of a holiday home cannot be approved unless planning approval has been granted under the City of Busselton District Town Planning Scheme No. 20 to use the dwelling as a holiday home.*
- 2. *Registration of a holiday home does not affect the rights and obligations of an owner or occupier under the by-laws of a strata company, including any requirement to obtain approval, or to comply with any restrictions, in connection with the use of a dwelling as a holiday home.*

CONDITIONS OF REGISTRATION

This registration is subject to the following conditions -

- 1.
- 2.
- 3. etc

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Schedule 2 - Prescribed offences

[Clause 5.2]

Clause	Description	Modified penalty
2.1(1)	Using, or allowing to be used, as a holiday home, a dwelling not registered as a holiday home	\$400.00
2.8(1)	Failure to comply with a condition of registration	\$300.00
2.8(3)	Failure to comply with a varied condition of registration	\$300.00
2.13	Failure to produce certificate of registration when required to do so	\$250.00
2.14(5)(a)	Failure to return the certificate of registration after registration cancelled	\$150.00
3.1	Failure to inform CEO of any change or proposed change affecting registration details	\$300.00
3.2(2)(d)	Failure to terminate occupant's tenancy for a breach	\$300.00
3.2(2)(e)	Failure to ensure occupant vacates the holiday home for breach of a condition of registration	\$300.00
3.3(a)	Failure to maintain a register	\$200.00
3.3(b)	Failure to give CEO or an authorised person access to the register	\$300.00
3.4(2)	Failure of a manager to respond, within the required time, to a contact	\$300.00

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This local law was made at the meeting of the Council of the City of Busselton held on 19 April 2012.

The Common Seal of the City of Busselton was affixed in the presence of

IAN WILLIAM STUBBS,
Mayor

MICHAEL STEPHEN LEE ARCHER,
Chief Executive Officer

Notes

This is a compilation of the *City of Busselton Holiday Homes Local Law 2012* and includes any amendments referred to in the following table.

Local laws and amendments come into operation on the 14th day after the day of publication in the gazette unless a later day is specified: s 3.14 of the *Local Government Act 1995*.

Compilation Table

Citation	Gazettal date
<i>City of Busselton Holiday Homes Local Law 2012</i>	<i>30 April 2012</i>
<i>City of Busselton Holiday Homes Amendment Local Law 2012</i>	<i>16 November 2012</i>

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This is an un-official compilation of the *City of Busselton Keeping and Control of Cats Local Law 2014* as it has effect on and after 7 August 2015.
See the Notes at the end for more details.

**City of Busselton
Keeping and Control of Cats
Local Law 2014**

LEG190003

Local Government Act 1995
Cat Act 2011

CITY OF BUSSELTON
KEEPING AND CONTROL OF CATS LOCAL LAW 2014

Under the powers conferred by the *Cat Act 2011* and the *Local Government Act 1995* and under all other powers enabling it, the Council of the City of Busselton resolved on 29 January 2014 to make the following local law.

PART 1—PRELIMINARY

1.1 Citation

This local law may be cited as the *City of Busselton Keeping and Control of Cats Local Law 2014*.

1.2 Commencement

This local law comes into operation 14 days after the date of its publication in the *Government Gazette*.

1.3 Application

This local law applies throughout the district.

1.4 Repeal

The *Local Law relating to the Keeping and Welfare of Cats*, published in the *Government Gazette* on 16 March 2001 is repealed.

1.5 Definitions

In this local law unless the context otherwise requires—

Act means the *Cat Act 2011*;

Applicant means the occupier of the premises who makes an application for a permit under this local law;

Authorised Person means a person authorised by the local government to perform the functions conferred on an authorised person under this local law;

cat means an animal of the species *felis catus* or a hybrid of that species;

cattery means any premises where more than 2 cats are boarded, housed or trained temporarily, usually for profit, and where the occupier of the premises is not the ordinary keeper of the cats;

CEO means the Chief Executive Officer of the local government;

Council means the Council of the local government;

district means the district of the local government;

effective control in relation to a cat means any of the following methods -

- (a) held by a person who is capable of controlling the cat;
- (b) securely tethered;
- (c) secured in a cage; or
- (d) any other means of preventing escape.

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keeper in relation to a cat means any of the following persons—

- (a) the owner of the cat as defined in the Act;
- (b) a person by whom the cat is ordinarily kept;
- (c) a person who has or appears to have immediate custody or control of the cat;
- (d) a person who keeps the cat, or has the cat in her or his possession for the time being;
- (e) a person who occupies any premises in which a cat is ordinarily kept or ordinarily permitted to live;
- (f) a permit holder of a permit which relates to the cat;
- (g) the holder of an exemption issued in relation to the cat;

local government means the City of Busselton;

nuisance means behaviour that includes where a cat—

- (a) excretes or urinates on premises being premises where the cat is not normally resident;
- (b) an activity or condition which is harmful or annoying and which gives rise to legal liability in the tort of public or private nuisance at law;
- (c) an unreasonable interference with the use and enjoyment of a person of his or her ownership or occupation of land;
- (d) interference which causes material damage to land or other property on the land affected by the interference; or
- (e) is, or is likely to be, injurious or dangerous to the health of any person or domestic or Australian indigenous animal.

permit means a permit issued by the local government under clause 3.6;

permit holder means a person who holds a valid permit under clause 3.6;

premises includes the following —

- (a) land (whether or not vacant);
- (b) the whole or part of a building or structure (whether of a permanent or temporary nature); and
- (c) a vehicle.

RSPCA means the Royal Society for the Prevention of Cruelty to Animals (Inc) of Western Australia;

Schedule means a schedule to this local law; and

Scheme means a town planning scheme of the local government made by it under the *Planning and Development Act 2005* and its antecedents;

PART 3—PERMITS FOR KEEPING CATS

3.1 Interpretation

In this Part, and for the purposes of applying the definition of "cattery" in Part 3—
cat does not include a cat less than 3 months old.

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3.2 Cats for which permit is required

- (1) Subject to subclause (2) a person is required to have a permit –
 - (a) to keep 3 or more cats on any premises;
 - (b) to use any premises as a cattery.
- (2) A permit is not required under subclause (1) if the premises concerned are—
 - (a) a refuge of the RSPCA or any other animal welfare organisation;
 - (b) an animal pound which has been approved by the local government;
 - (c) a veterinary surgery;
 - (d) a pet shop; or
 - (e) a premises with 2 or less cats.

3.3 Application for permit

An application for a permit under clause 3.2 shall be—

- (a) be made by an occupier of premises in relation to those premises;
- (b) in a form approved by the local government, describing and specifying the number of cats to be kept on the premises;
- (c) accompanied by the plans of the premises to which the application relates to the specification and satisfaction of the local government;
- (d) accompanied by the consent in writing of the owner of the premises, where the occupier is not the owner of the premises to which the application relates;
- (e) accompanied by the application fee for the permit determined by the local government from time to time.

3.4 Refusal to determine application

The local government may refuse to determine an application for a permit if it is not made in accordance with clause 3.3.

3.5 Factors relevant to determination of application

- (1) In determining an application for a permit the local government may regard to—
 - (a) the physical suitability of the premises for the proposed use;
 - (b) the suitability of the zoning of the premises under any Scheme which applies to the premises for the use;
 - (c) the environmental sensitivity and general nature of the location surrounding the premises for the proposed use;
 - (d) the structural suitability of any enclosure in which any cat is to be kept;
 - (e) the likelihood of a cat causing a nuisance, inconvenience or annoyance to the occupiers of adjoining land;
 - (f) the likely effect on the amenity of the surrounding area of the proposed use;
 - (g) the likely effect on the local environment, including any pollution or other environment damage which may be caused by the use;
 - (h) any submissions received under subclause (2) within the time specified in subclause (2); and
 - (i) such other factors which the Local government may consider to be relevant in the circumstances of the particular case.

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- (2) The local government may require an applicant to—
 - (a) consult with adjoining landowners; and
 - (b) advise the adjoining landowners that they may make submissions to the local government on the application for the permit within 14 days of receiving that advice, before determining the application for the permit.

3.6 Decision on application

- (1) The local government may—
 - (a) approve an application for a permit in which case it shall approve it subject to the conditions in clause 3.7 and may approve it subject to any other conditions it considers fit; or
 - (b) refuse to approve an application for a permit.
- (2) If the local government approves an application under subclause (1), then it shall issue to the applicant a permit in the form determined by the CEO.
- (3) If the local government refuses to approve an application under subclause (1), then it is to advise the applicant accordingly in writing.

3.7 Conditions

- (1) Every permit is issued subject to the following conditions—
 - (a) each cat kept on the premises to which the permit relates shall be registered under the Act;
 - (b) each cat shall be contained on the premises unless under the control of a person;
 - (c) the permit holder will provide adequate space for the exercise of the cats;
 - (d) the premises shall be maintained in good order and in a clean and sanitary condition; and
 - (e) those conditions contained in Schedule 1.
- (2) In addition to the conditions subject to which a permit is to be issued under this clause, a permit may be issued subject to other conditions, as the local government considers appropriate.
- (3) The permit holder who fails to comply with a condition of a permit commits an offence.

3.8 Duration of permit

Unless otherwise specified, in a condition on a permit, a permit commences on the date of issue and is valid for a period of 12 months from the date of issue unless and until—

- (a) it is revoked; or
- (b) the permit holder ceases to reside at the premises to which the permit relates.

3.9 Revocation

The local government may revoke a permit if the permit holder fails to observe any provision of this local law or a condition of a permit.

3.10 Permit not transferable

A permit is not transferable either in relation to the permit holder or the premises.

LEG190003

PART 4—MISCELLANEOUS

4.1 Giving of a notice

A notice given under this local law may be given to a person—

- (a) personally;
- (b) by registered mail addressed to the person; or
- (c) by leaving it for the person at her or his address.

PART 5—OBJECTIONS AND APPEALS

5.1 Objection and appeal rights

Any person who is aggrieved by the conditions imposed in relation to a permit, the revocation of a permit, or by the refusal of the local government to grant a permit may object to or appeal against the decision under Division 1 of Part 9 of the *Local Government Act 1995*.

PART 6—OFFENCES, DEFENCE AND PENALTIES

6.1 Offences

- (1) Any person who fails to do anything required or directed to be done under this local law, or who does anything which under this local law that person is prohibited from doing, commits an offence.
- (2) Any person who commits an offence under this local law is liable, on conviction to a penalty not exceeding \$5 000, and if the offence is of a continuing nature, to an additional penalty not exceeding \$500 for each day or part of a day during which the offence has continued.

6.2 Prescribed offences

An offence against a clause specified in Schedule 2 is a prescribed offence for the purposes of section 84 of the Act. The amount appearing directly opposite each such offence is the modified penalty in relation to that offence.

6.3 Forms

- (1) The issue of infringement notices, their withdrawal and the payment of modified penalties are dealt with in Division 4 of Part 4 of the Act.
- (2) An infringement notice given under section 62 of the Act is to be in the form of Form 6 of Schedule 1 of the *Cat Regulations 2012*.
- (3) A notice sent under section 65 of the Act withdrawing an infringement notice is to be in the form of Form 7 of Schedule 1 of the *Cat Regulations 2012*.

LEG190003

SCHEDULE 1

ADDITIONAL CONDITIONS APPLICABLE TO PARTICULAR PERMITS

A. Permit to keep 3 or more cats

Additional conditions

- (1) The written consent to the application for a permit of the adjoining multiple dwellings has been obtained;
- (2) Without the consent of the local government, the permit holder will not substitute or replace any cat once that cat:—
 - (a) dies;
 - (b) is permanently removed from the premises.

B. Permit to use premises as a cattery

Additional conditions

- (1) All building enclosures must be structurally sound, have impervious flooring, be well lit and ventilated and otherwise comply with all legislative requirements.
- (2) There is to be a feed room, wash area, isolation cages and maternity section.
- (3) Materials used in structures are to be approved by the local government.
- (4) The internal surfaces of walls are, where possible, to be smooth, free from cracks, crevices and other defects.
- (5) All fixtures, fittings and appliances are to be capable of being easily cleaned, resistant to corrosion and constructed to prevent the harbourage of vermin.
- (6) Wash basin with the minimum of cold water to be available.
- (7) The maximum number of cats to be kept on the premises stated on the permit is not to be exceeded.
- (8) An entry book is to be kept recording in respect of each cat the—
 - (a) date of admission;
 - (b) date of departure;
 - (c) breed, age, colour and sex; and
 - (d) the name and residential address of the keeper;
- (9) The entry book is to be made available for inspection on the request of an authorised person.
- (10) Enclosures are to be thoroughly cleaned each day and disinfected at least once a week to minimise disease.
- (11) No sick or ailing cat to be kept on the premises.
- (12) Any other matter which in the opinion of the local government is deemed necessary for the health and wellbeing of any cat, or person, or adjoining premises or the amenity of the area (or any part thereof).

LEG190003

SCHEDULE 2

City of Busselton

Keeping and Control of Cats Local Law 2014

MODIFIED PENALTIES

Item Number	Clause Number	Nature Of Offence	Modified Penalty
3	3.2 (1)	Keeping of 3 or more cats/cattery on premises without permit	\$250
4	3.7(3)	Failure to comply with a condition of a permit	\$250

LEG190003

Dated 29 January 2014

The Common Seal of the City of Busselton was affixed in the presence of:

Ian William Stubbs, MAYOR
Michael, Stephen Lee Archer, CHIEF EXECUTIVE OFFICER

This is a compilation of the *City of Busselton Keeping of Cats Local Law 2014* and includes any amendments referred to in the following table.



Local laws and amendments come into operation on the 14th day after the day of publication in the gazette unless a later day is specified: s 3.14 of the *Local Government Act 1995*.

Compilation Table

Citation	Gazettal date
<i>City of Busselton Keeping and Control of Cats Local Law 2014</i>	<i>10 February 2014</i>
<i>Local Government Amendment Cats Local Law 2015</i>	<i>24 July 2015</i>

LEG190003

16.1 ADOPTION OF STRATEGIC COMMUNITY PLAN 2021 - 2031

STRATEGIC GOAL	6. LEADERSHIP Visionary, collaborative, accountable
STRATEGIC OBJECTIVE	6.1 Governance systems, process and practices are responsible, ethical and transparent.
SUBJECT INDEX	Strategic Planning
BUSINESS UNIT	Corporate Services
REPORTING OFFICER	Manager Governance and Corporate Services - Sarah Pierson
AUTHORISING OFFICER	Director Finance and Corporate Services - Tony Nottle
NATURE OF DECISION	Executive: Substantial direction setting, including adopting budgets, strategies, plans and policies (excluding local planning policies); funding, donations and sponsorships; reviewing committee recommendations
VOTING REQUIREMENT	Absolute Majority
ATTACHMENTS	Attachment A Strategic Community Plan 2021- 2031  

COUNCIL DECISION AND OFFICER RECOMMENDATION

C2106/118 Moved Councillor K Hick, seconded Councillor J Barrett-Lennard

That the Council adopt the City of Busselton Strategic Community Plan 2021 – 2031 as per Attachment A, in accordance with section 5.56 of the *Local Government Act 1995* and regulation 19C of the *Local Government (Administration) Regulations 1996*.

CARRIED 8/0

BY ABSOLUTE MAJORITY

EXECUTIVE SUMMARY

This report seeks Council adoption of the Strategic Community Plan 2021 – 2031 (the Plan) as per Attachment A. The Plan is the outcome of the major (four year) review of City's Strategic Community Plan 2017 (Review 2019) and reflects Council's strategic direction for the ensuing years. The Plan has been informed by community feedback and has both helped to inform, and been informed by, the recently adopted Long Term Financial Plan 2021 - 2031.

Adoption of the Plan is recommended, noting the Plan must be adopted by an absolute majority of Council.

BACKGROUND

Section 5.56 of the *Local Government Act 1995* (the Act) requires that a local government plan for the future. Further, the *Local Government (Administration) Regulations 1996* (the Regulations) set out the requirements by which all local governments must do this, including that local governments must develop:

- a strategic community plan for their district, covering a period of at least 10 financial years;
- a corporate business plan covering a period of 4 financial years; and
- supporting resourcing strategies, being the long term financial plan, asset management plans and workforce plan.

A strategic community plan documents the community's vision and aspirations, and must be developed through consultation with the community. It must be reviewed every four years.

Review of the current Strategic Community Plan 2017 (Review 2019) was launched on 1 June 2020 with the Catalyse Pty Ltd Community Satisfaction (Scorecard) Survey. This survey asked the community about:

- their level of community satisfaction with City services and facilities,
- what their ideal City of Busselton looks like in the future; and
- what their priorities are as we look towards 2035.

4,000 community members were randomly selected to complete the survey, with 584 responding to that invitation. A further 247 residents, 121 out-of-area ratepayers and visitors, and 66 Council affiliated respondents also completed the scorecard, bringing the total number of responses to 1,018.

The results of the Catalyse survey were further explored and supported through a second round of community engagement, taking place between 1 October 2020 and 7 November 2020, badged ***“Your City in 2035 - What matters to you?”***

During this stage of engagement, community members were able to complete a survey on the City’s Your Say Busselton website, telling us how they would describe their perfect City of Busselton, what they enjoy about living here, what they’d like to see more of, and what one thing they would prioritise to make the City of Busselton an even better place to live. Flyers seeking information about community priorities, and hard copy surveys were additionally promoted and available at the City’s libraries and a range of community events.

Three random invite community workshops were also held, a dedicated youth survey was distributed to students at St Mary MacKillop College and at the City’s youth facility, and Councillor connect appointments were available for members of the community to attend. City officers also engaged with patrons of Cliff’s Kitchen, St Mary’s Anglican Church and St George’s Anglican Church Community Care, and met with representatives of the Andalup Association to explain the review process and request input.

Across all of these engagement processes, the City registered 1,658 engagements, being the number of attendees at workshops and appointments, in addition to the number of separate submissions received.

The outcomes from the consultation process were presented to Council at a Long Term Financial Planning workshop on the 24 November 2020.

The engagement outcomes overall reflect the vision and aspirations of our current Strategic Community Plan – that is, a place ***Where Environment, Lifestyle and Opportunity Meet.***

Overall the matters most frequently raised throughout the engagement included:

- Diversification of industry and promotion of employment opportunities, while recognising and supporting the importance of tourism.
- Activation of town centres - during the day through the activation and opening of businesses, and at night with increased vibrancy and local events.
- A desire for well managed development that preserves green corridors, country feel, and public open space.
- Improved community consultation, and a demonstration of listening, with increased attention to resident and ratepayer needs across the whole district.

- Conservation of the City's natural environment, with management and protection of our coastlines a particular priority. Restoration and maintenance of the Vasse River was also seen as very important.
- Provision of sporting and recreation infrastructure, including more basketball courts, improved football ovals, an upgrade to Bovell Park and increased aquatic facilities.
- Ongoing rural road maintenance, improved road design to relieve traffic congestion and completion of the dual carriageway highway between Capel and Busselton.
- A desire for more policing, less crime and drug prevention programs that help people to feel safe.
- Improved recycling options.
- More things for youth to do and more indoor activities.

Based on the key themes of the consultation, a draft strategic community plan (Draft Plan) was developed with Council through a series of workshops.

The Draft Plan was shaped around four key themes aligned to the overall vision - **Environment**, **Lifestyle**, and **Opportunity**, and underpinned by collaborative and accountable **Leadership**. Within each key theme, the community's aspiration is set out, based on the collective feedback. A synopsis of that feedback is provided in the "we heard you want" section within each Key Theme, in addition to the "how we put the plan together" section of the document.

In response to each community aspiration, Council identified its high level strategic priorities. These are informed not only by community feedback but also by the strategic direction of relevant State agencies, the current strategic direction of Council, and our capacity to resource the delivery of core services and priorities.

Below is a brief synopsis of each Key Theme as presented in the Draft Plan:

Key Theme 1 - Environment

Community Aspiration - An environment that is valued, conserved and enjoyed by current and future generations.

This theme focuses on the City's natural environmental attributes. The strategic priorities reflect the need to consider environmental values as part of development, and to work collectively with the community and other key partners in conserving our environment. Included is an ongoing focus on the health of our waterways and primarily the Vasse River, along with an increasing priority on managing the impacts of climate change on the City's coastlines. Effective waste management and the promotion of environmentally responsible practices are also important.

Key Theme 2 - Lifestyle

Community Aspiration - A place that is relaxed, safe and friendly, with services and facilities that support a sense of lifestyle and wellbeing.

This theme focuses on the services and infrastructure that help to enhance people's daily lives and contribute to the enjoyment of their lifestyle. In accordance with the Sport and Recreation Strategy 2020-2030 and the LTFP there is a focus on the provision of sport and recreation facilities to support healthy and active lifestyles. There is also a commitment to a performing arts facility, improved road, path and cycle ways, youth development, and continued support and advocacy in relation to the building of a safe, healthy and capable community.

Key Theme 3 - Opportunity

Community Aspiration - A vibrant City with diverse opportunities and a prosperous economy.

The opportunity theme is largely focused on economic growth, diversification, and activation, and the opportunities that brings in terms of employment and business investment. It also addresses the opportunity to activate our town centres so they offer consumer choice, and add vibrancy. The continued progression of aviation opportunities and planning for future road and rail infrastructure is also included.

Key Theme 4 - Leadership

Community Aspiration - A Council that connects with the community and is accountable in its decision making.

The final key theme, Leadership, underpins delivery of all of the other themes. It addresses Council accountability and engagement with the community, good financial management and good organisational governance. The community were clear around their desire for improved Council engagement and transparency and this is a key strategic priority.

The Draft Plan was presented to Council at their meeting of 14 April 2021 with the Council resolving (C2104/062):

“That the Council adopt the draft City of Busselton Strategic Community Plan 2021-2031 (attached) for the purposes of public advertising and further community consultation over a period of 21 days, to inform the completion of the plan.”

OFFICER COMMENT

The Draft Plan was advertised in accordance with the above resolution between 16 April 2021 and 7 May 2021. Three information sessions were also run for those interested in understanding more about the Draft Plan and how it was developed.

Engagements through this process totaled 36, with 21 submissions received and fifteen people attending an information session. 68% of the submissions were from Dunsborough, Yallingup and surrounds.

While not significant in number, the submissions aligned closely to the key matters raised in the previous engagements. Overall the submissions provided support for the draft plan, its vision and the overall aspiration and objectives of each Key Theme. The submissions included commentary on the following range of matters (in order of matters most frequently raised):

- Natural environment – a large number of the submissions indicated support for increased emphasis and focus on environmental conservation. While all were pleased to see environment as Key Theme 1 and generally supported the strategic priorities, comments indicated a desire to see more funding for environmental management and for the environment to be prioritised over development. Specific comments were made in relation to the need for more focus on the Ramsar Wetlands conservation, the Wonnerup estuary, wildlife protection, and a target of net zero omissions.
- Lifestyle – aligned to the comments around environment, a number of people also reflected support for managing growth and development to maintain a peaceful seaside / country lifestyle.
- Affordable housing / Short term holiday home control – this was raised as an issue in 6 submissions.

- Listening - some positive comments were received in relation to the engagement process and providing the opportunity for people to comment. Conversely the need for meaningful engagement and for Council to listen to feedback was also raised.
- Ratepayer spending - ensuring responsible and equitable spending of ratepayers' funds in areas where residents would most benefit was noted.
- Arts and culture – two submissions sought more focus on arts and culture, including recognition of aboriginal culture. One submission called for Council not to build the performing arts centre. Another hoped it would be affordable for community groups to utilise.
- Plan detail – while the strategic nature of the plan was acknowledged, there were 2 comments regarding its lack of detail and measures.
- Aquatics – 2 submissions noted that there remains no plan for a 50m pool or a pool in Dunsborough.
- Youth – 1 submission raised more playgrounds and another the need for more things for youth to do in Dunsborough.
- Waste – 2 submissions raised the need for a third bin system.
- Paths & Cycle ways – 2 submissions sought prioritisation of safe paths and / or cycle ways to promote cycling.
- Coastal management – 1 submission wanted to see coastal management for public areas.
- Vision – 1 submission suggested that the word meets in the vision statement be replaced by thrive.

After considering the submissions, additional feedback from Councillors and officers, the following amendments have been made to the Key Themes of the Plan.

Key Theme 1

- The 'We heard you want' summary has been adjusted to better reflect community feedback around the conservation and preservation of both ***native flora and fauna*** and ***reserve areas***.
- Strategic Priority 1.1 has been amended to reflect the way in which environmental considerations are included in the land use planning framework. ***Environmental considerations are a central consideration in land use planning.***
- Strategic Priority 1.2 has been amended to clearly capture ***reserves***, with ***manage and enhance*** replacing 'conserve and improve' in direct response to a suggestion from the community.
- Strategic Priority 1.3 has been amended to recognise the importance of ***other*** waterways in the Geographe catchment, albeit the Vasse River remains the key focus.
- Strategic Priority 1.4 has been amended to be more action orientated, referencing ***informed long term planning and action***, in direct response to a suggestion from the community.
- Strategic Priority 1.6 has had the word new removed noting a new evolution of our priorities section (explained further below)

Key Theme 2

- The Community Aspiration statement has been amended for clarity, by replacing ‘a sense of lifestyle’ with **healthy** lifestyle – healthy referring to physical, mental and emotional health.
- The ‘We heard you want’ section similarly has been amended to clarify what we heard from people about the sort of place they’d like to live in. References to an ‘authentic City’ and ‘a sense of character’ have been replaced with ‘**A City that retains a relaxed seaside / country lifestyle**’.
- In Strategic Priority 2.2 the word support has been replaced with **facilitate**, in line with the terminology outlined in the ‘Understanding our plan’ section of the Plan (explained further below).
- Strategic Priority 2.5 has been simplified.
- Strategic Priority 2.8 has been amended to more clearly reflect the Council’s intent to provide neighbourhoods that have **green** space (as opposed to the word attractive) and that provide for **diverse and affordable housing** choices. This is in response to comments around affordable housing not being captured.
- Strategic Priority 2.10 has been split into two – 2.10 covering local road networks and 2.11 public transport.

Key Theme 3

- Strategic Priority 3.1 has been simplified by removing the reference to a ‘sense of place’, with the focus being on vibrant destinations and consumer choice.
- Strategic Priority 3.2 has been simplified.

Key Theme 4

- The ‘We heard you want’ section has been amended to remove reference to well-maintained facilities, which is relevant to Key Theme 2, and to better reflect the community feedback around **equitable spending** and **a focus on resident needs**.

Council also re-considered the vision statement and determined that reference to environment, lifestyle and opportunity meeting (as opposed to the suggested thriving), and while they also liked thriving, felt that the word meets best represented the juncture of each key theme coming together to provide an overall great place to live.

In addition to the Key Theme changes, the ‘How we put the plan together’ section was expanded to include the advertising, an ‘Evolution of our priorities’ section has been added to support the ‘What has changed section, the ‘Understanding the plan’ section has been amended to include terminology for how the City will deliver on its strategic priorities, and a commitment to the development of improved measures to track plan progress has been included in the ‘Measuring and tracking progress’ section. General layout and administrative edits were also made.

In considering the plan and the submissions received, it is important to note that a Strategic Community Plan is designed to be a high level guiding document. The City’s more detailed response is contained within the City’s four year Corporate Business Plan and supporting documents such as the Long Term Financial Plan (LTFP). Both of these are reviewed annually to ensure they are current and are therefore more detailed.

For instance, Key Theme 2 contains a high level strategic priority in relation to the provision of sport and recreational facilities and services. Supporting this, the City's Corporate Business Plan will outline more detailed actions such as the construction of a pavilion, multi-use outdoor courts and additional car parking facilities the Dunsborough Lakes Sporting Precinct, and the development of a project plan to increase the carrying capacity of the indoor pool area at the GLC. These are as per the Sport and Recreation Strategy 2020 – 2030, and as provided for in the City's LTFP 2021 – 2031.

Statutory Environment

Section 5.56 of the Act requires local governments to plan for the future, ensuring that plans made are in accordance with any regulations made about planning for the future of the district. Regulation 19C of the Regulations requires the creation of a strategic community plan in accordance with the following:

1. A local government is to ensure that a strategic community plan is made for its district in accordance with this regulation in respect of each financial year after the financial year ending 30 June 2013.
2. A strategic community plan for a district is to cover the period specified in the plan, which is to be at least 10 financial years.
3. A strategic community plan for a district is to set out the vision, aspirations and objectives of the community in the district.
4. A local government is to review the current strategic community plan for its district at least once every 4 years.
5. In making or reviewing a strategic community plan, a local government is to have regard to —
 - (a) the capacity of its current resources and the anticipated capacity of its future resources; and
 - (b) strategic performance indicators and the ways of measuring its strategic performance by the application of those indicators; and
 - (c) demographic trends.
6. Subject to subregulation (9), a local government may modify its strategic community plan, including extending the period the plan is made in respect of.
7. A council is to consider a strategic community plan, or modifications of such a plan, submitted to it and is to determine* whether or not to adopt the plan or the modifications.
8. If a strategic community plan is, or modifications of a strategic community plan are, adopted by the council, the plan or modified plan applies to the district for the period specified in the plan.
9. A local government is to ensure that the electors and ratepayers of its district are consulted during the development of a strategic community plan and when preparing modifications of a strategic community plan.
10. A strategic community plan for a district is to contain a description of the involvement of the electors and ratepayers of the district in the development of the plan or the preparation of modifications of the plan.

**Absolute majority required.*

The Regulations also require that a corporate business plan is made for the district covering at least 4 years and setting out, consistent with any relevant priorities set out in the strategic community plan for the district, a local government's medium term priorities.

Relevant Plans and Policies

The DLGSC's Advisory Standard for IPR dated September 2016, requires a strategic community plan to meet a minimum Achieving Standard. The Achieving Standard is satisfied when:

- (i) an adopted strategic community plan meets all regulatory requirements;
- (ii) a local government has a community engagement policy;
- (iii) community engagement involves at least 500 or 10% of community members, whichever is the fewer and is conducted by a least two documented mechanisms; and
- (iv) a strategic review occurs every two years, alternating between a minor and major strategic review.

Following adoption of a final strategic community plan, the key themes and priorities will inform development of the City's Corporate Business Plan 2021-2025. The Corporate Business Plan 2021-2025 will detail the actions designed to achieve the strategic priorities, and will set out a more detailed overview of the City's service delivery.

Both the strategic community plan and the corporate business plan inform and are informed by the City's LTFP, as the City's primary resourcing guide.

Financial Implications

The Plan has been developed cognisant of, and has also helped to inform, the City's LTFP. The LTFP makes provision for new and improved sport and recreation infrastructure, for a performing arts centre, for funding towards the Vasse River and waterway improvements, and for the future management of the City's coastlines. As noted earlier, funding within the LTFP has in some areas been increased and reallocated in response to feedback gathered through the engagement process.

Overall, the City is well positioned to fund core services and strategic priorities, with several sources of revenue available, including rates, borrowings, reserves, contributions and grants.

Stakeholder Consultation

Community engagement to inform the review of the Plan began in June 2020 with the Catalyse Pty Ltd Community Satisfaction (Scorecard) Survey. The opportunity for broader community input was provided in stage 2 of the engagement program, which ran through October 2020 and into November 2020.

The Draft Plan was advertised for comment from 16 April 2021 to 7 May 2021.

The total engagements achieved is outlined in the table below:

Tool / Forum	Engagements
Catalyse Survey	1,018
Your Say Survey	325
Youth School Flyer	191
Community Flyer	23
Ideas Forum	19
Councillor Connect Appointments	17
Workshops / Information Sessions	97
Public Submissions post advertising	21
TOTAL	1,711

Risk Assessment

An assessment of the potential implications of implementing the officer recommendation has been undertaken using the City's risk management framework, with risks assessed taking into account any controls already in place. No risks of a medium or greater level have been identified.

Options

As an alternative to the proposed recommendation the Council could:

1. Decide not to adopt the Strategic Community Plan 2021 - 2031. It should be noted that Council is required to review its strategic community plan every 4 years.
2. Decide to adopt the Strategic Community Plan 2021 – 2031 with amendments

CONCLUSION

There were many valuable ideas recorded through the community consultation and a number of clear themes were identified.

The attached Strategic Community Plan 2021 – 2031 captures the community aspirations and the Council's strategic direction into four Key Themes aligned to the overall vision for the District which has been maintained – '*where environment, lifestyle and opportunity meet*'. The Plan also outlines a number of high level Council strategies, things that Council will do to support achievement of the community aspirations. This further detail is not designed to be exhaustive in nature; it is designed to outline the Council's high level strategic priorities.

It is important to recognise that the Plan is not new in its direction; rather it builds on and enhances our current Strategic Community Plan 2017. Progress over the next four years will be measured through biennial surveys of the community and through tracking achievements within the City's supporting Corporate Business Plan, currently under review.

As outlined in the Plan, there is a limit to what can be achieved solely by the City of Busselton within its legislative, financial and workforce resources. Where aspirations cannot be achieved by local government alone, the Plan notes Council's commitment to work with its key partners to advocate and respond in a way that can make a positive difference.

TIMELINE FOR IMPLEMENTATION OF OFFICER RECOMMENDATION

Within a month of adoption, the Plan will be published for distribution in both hard copy format and as an E-book on the City's website.



2021-2031

Strategic Community Plan

JUNE 2021



***Where
environment,
lifestyle and
opportunity
meet!***

The City of Busselton sits on Bibbulmun country that is called Wadandi Boodja.

The Wadandi Bibbulmun people are the Traditional Custodians, and have lived and breathed off this ancient land for over 40,000 years. It was and continues to be a place of plenty. The Aboriginal name for Busselton is Undalup after the warrior and leader Undal.



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Message from the Mayor

I am proud to present our Strategic Community Plan 2021-2031.

The Strategic Community Plan is the City's overarching strategic planning document. It outlines a clear vision for the District and guides the decisions and direction of Council.

The opportunity to be part of the Plan's review was open to all community members, and on behalf of Council I wish to thank the many people who contributed their thoughts and ideas by taking part in our surveys, workshops and one-on-one discussions with myself and my fellow Councillors.

What is clear from the feedback received is the passion and attachment we have for this place - it really is a special part of the world. Our natural environment, our lifestyle, and the opportunities for personal and professional enrichment continue to be important to our community. The community wants to have confidence that our environment is looked after and that the lifestyle benefits we enjoy can be maintained as our population grows and our popularity as a holiday destination remains strong. There is also a desire to facilitate economic growth through employment and investment opportunities, to add vibrancy to our town centres, and to continue to invest in community services and infrastructure.

The feedback received has helped to shape this Strategic Community Plan, with Council's strategic priorities more closely aligned to the community's vision, as represented by the new Key Themes. The strategic priorities reflect Council's response and are informed not only by community feedback, but also the strategic initiatives of relevant state agencies and our current strategic direction. The Plan also takes into account our capacity to resource the priorities and to service and maintain our current assets, ensuring we remain a strong and financially sustainable City.

Through the implementation of this Plan we will work hard to make the City of Busselton the place *where environment, lifestyle and opportunity meet*.


GRANT HENLEY
MAYOR



City Snapshot

The City of Busselton is widely known for its stunning beaches, tourist attractions, holiday destinations and as a venue for significant events

Situated 223kms from Perth, Western Australia's capital city, and covering an area of 1,454 square kilometres, the City of Busselton is a place where people can enjoy all the experiences that nature has to offer along with the benefits that come with living away from a busy capital City.

The City of Busselton is a progressive and important regional area. The area's population continues to grow, attracting both families and retirees, along with new businesses and investment. The City's estimated resident population sits at just over 40,000 and, according to the WVA Tomorrow Population projections, is projected to be in the vicinity of 60,000 by 2031.* While growth brings with it economic and social benefits as well as new services and infrastructure, it also poses challenges as we seek to conserve our environment and maintain a sense of local identity and character.

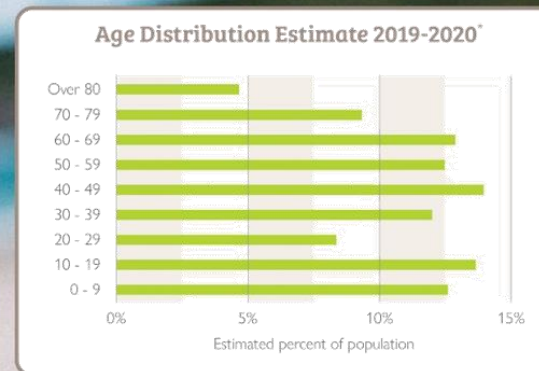
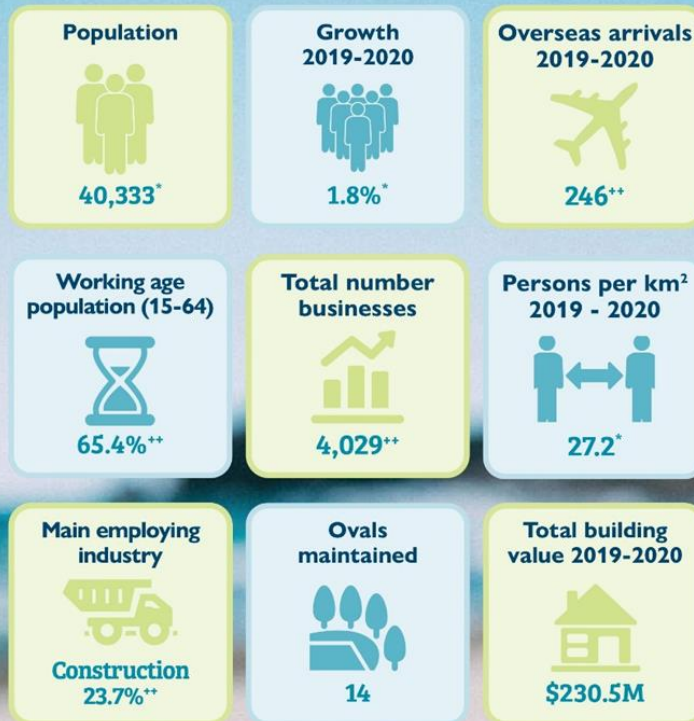
Striking the right balance between the development that is required to cope with growth and retaining our unique character and environment is ongoing work that continues to be given careful thought and planning.



* Western Australia Tomorrow Population Report No 11, Band 11A

City Snapshot

The demographics cited provide a snapshot of our community as at March 2021.



* 32180 Regional population 2019-20 financial year: <https://www.abs.gov.au/statistics/people/population/regional-population>
 ** <https://www.abs.gov.au/data/byregion> 30 October 2020

*How we put
the plan
together*



Photo: In Sight Photography

How we put the plan together



Community Participation

Across the course of the review, 1,711 engagements were achieved, with engagements being the combined number of attendees at workshops and appointments in addition to the number of separate submissions received.

STAGE 1: EXPLORE > COMMUNITY SCORECARD SURVEY

The City of Busselton commissioned independent market research organisation CATALYSE® to conduct a MARKYT® Community (Scorecard) Survey to support the review of the strategic community plan. The scorecard survey was designed to –

- assess the City's performance against the community's objectives,
- determine community priorities and
- benchmark the City's performance against other local governments.

4,000 randomly selected households were sent invitations to take part in the survey; with 1,000 sent by mail and 3,000 by email. 584 randomly selected residents completed a survey, reducing the sampling error to $\pm 4.02\%$ at the 95% confidence interval. A further 247 residents, including 121 non-resident ratepayers and visitors and 66 City affiliated respondents, participated in the survey.

Five clear community priorities were identified – value for money from rates, coastal area management, economic development, major transport networks and sport and recreation. The image below outlines the key sentiments conveyed in the survey.



How we put the plan together



STAGE 2: DISCUSS

> WHAT MATTERS TO YOU?

To encourage further community input and to test the outcomes of the Catalyse survey, we embarked on a further round of consultation.

During Stage Two, the City –

- ✓ Wrote to 2,000 ratepayers randomly selected from the City's electoral role inviting them to take part in the review by attending a workshop.
- ✓ Held three independently facilitated community workshops.
- ✓ Hosted an online ideas forum and questionnaires on Your Say Busselton.
- ✓ Distributed hard copy questionnaires and flyers at key events and locations.
- ✓ Scheduled appointments for Councillors meetings with individuals and representatives of community.
- ✓ Promoted the feedback opportunity on the City's website, social media pages and newsletter and local print media.

STAGE 3: REVIEW

> VERIFY WHAT MATTERS

Using all the data we received, a draft plan was built which -

- ✓ Identified community aspirations and vision.
- ✓ Considered key themes raised by the community.
- ✓ Identified Council's strategic priorities.

STAGE 4: AFFIRM

> CHECK BACK WITH THE COMMUNITY

To seek further feedback on the draft we -

- ✓ Promoted the draft plan on the City's website, social media pages and local print media.
- ✓ Held three community engagement events to explain the draft and discuss the content.
- ✓ Invited comment from the community.
- ✓ Amended the draft as required in response to submissions.

STAGE 5: PLEDGE

> PUTTING THE PLAN INTO ACTION

To activate the plan -

- ✓ Council considered and approved the Strategic Community Plan 2021-2031 by an absolute majority of Council.

Community Priorities

The community told us what they loved about living here in the City of Busselton, and how they would describe their ideal City as we look towards 2035.



The community also told us what they would like Council to prioritise when planning for the future.

There was a great range of comments reflecting the diversity of our community. Here's a small sample.

Better options for teenagers to get to places as well as more activities aimed at teenagers	A City of Busselton Council (and employees) that communicate and listen to the ratepayers of the various areas	A good transport system between suburbs and the CBD
Focus on residents not tourists	Keep the natural environment as pristine as possible	Improve road networks and safer roads
Increase flights from interstate to connect us for business and tourism. More professional businesses will move to the area with this connectivity, creating jobs and bringing money for growth of critical infrastructure	Time taken and more community say in what is happening to our area	Focus on not making our City like every other popular tourist destination whereby the constant development destroys the original reason for its popularity
Showcase our natural environment	Better sporting facilities	Structured plan for the urban growth (that will occur and must occur) to create quality of design and diversity of lot size options
A substantial sea wall to protect us from storms/climate change sea level rises	More work opportunities	More support for marginalised community sectors – youth, aged, unemployed
	More music and nightlife - especially music and entertainment	

Community Priorities



Overall the matters most frequently raised throughout the review included:

- Diversification of industry and promotion of employment opportunities, while recognising and supporting the importance of tourism.
- Activating town centres, during the day through the activation and opening of businesses, and at night with increased vibrancy and local events.
- Development that is well managed and preserves our green corridors, country feel and public open spaces.
- Improve communication, better listening and increased attention to resident and ratepayer needs across the whole District.
- Conserve the City's natural environment, including restoration and maintenance of the Vasse River, weed and vermin control, coastal erosion and protection, and facilitating sustainable living.
- Provide more sporting and recreation infrastructure, including more basketball courts, improved football ovals, an upgrade to Bovell Park and improved aquatic facilities.
- Ongoing rural road maintenance, improved road design to relieve traffic congestion and completion of the dual carriageway highway between Capel and Busselton.
- A desire for less crime, more policing and drug prevention programs that help people to feel safe.
- Improved recycling options.
- More things for youth to do and more indoor activities.

Photo: Russell Barton

Strategic Community Plan

*Where
environment,
lifestyle and
opportunity
meet.*



Strategic Community Plan

What has changed from our 2017 strategic community plan

With the benefit of community input, this new Plan enhances and consolidates our strategic direction. The four key themes respond to the community's vision and aspirations communicated during the 2020-2021 review, with the six Key Goal Areas in the previous Plan realigned to the City's Vision.

The 2017 plan contained a range of community objectives supported by Council strategies. In response to feedback from users these have been streamlined into clear strategic priorities under each Key Theme. These Strategic Priorities have been informed by community feedback, state

and federal government policy direction, current City plans and delivery of strategic priorities, and resourcing considerations.

The Plan continues to have a focus on environmental conservation including improving the health of our waterways, the management of waste, and coastal protection. Lifestyle is supported through the provision of safe, functional neighbourhoods, sporting and recreational infrastructure, cultural programs and services, and transport networks. With regard to opportunity, we continue to focus on industry diversification, employment generation, and activating our town centres.

PREVIOUS PLAN Key Goal Areas and Outcomes



THIS PLAN Key Themes and Community Aspirations



Strategic Community Plan



The evolution of our priorities

Over the years the broad focus of the community aspirations have remained fairly consistent. The majority of priorities have been rolled over from previous plans, and amended in response to feedback and changing community and stakeholder demands.

Environment	2013	2017	2021
1.1 Ensure the protection and enhancement of environmental values is a central consideration in land use planning.	✓	✓	✓
1.2 Work with the community to manage and enhance natural areas and reserves and their biodiversity.		✓	✓
1.3 Work with key partners to improve the health of the Vasse River and other waterways in the Geographe catchment.	✓	✓	✓
1.4 Respond to the impacts of climate change on the City's coastlines through informed, long term planning and action.	✓	✓	✓
1.5 Implement best practice waste management strategies with a focus on waste avoidance, reduction, reuse and recycling.	✓	✓	✓
1.6 Promote and facilitate environmentally responsible practices.		✓	✓

Lifestyle	2013	2017	2021
2.1 Recognise, respect and support community diversity and cultural heritage.			✓
2.2 Work with key partners to facilitate a safe, healthy and capable community.	✓	✓	✓
2.3 Provide well planned sport and recreation facilities to support healthy and active lifestyles.	✓	✓	✓
2.4 Establish a performing arts facility for the District.	✓	✓	✓
2.5 Facilitate and plan for event and cultural experiences that provide social connection.	✓	✓	✓
2.6 Provide for youth development through activities, programs and events.	✓	✓	✓
2.7 Advocate for specialist and mental health services within the District, including substance support services.	✓	✓	✓
2.8 Plan for and facilitate the development of neighbourhoods that are functional, green and provide for diverse and affordable and housing choices.	✓	✓	✓
2.9 Provide accessible and connective pathways and cycleways.	✓	✓	✓
2.10 Provide and advocate for the safe movement of people throughout the District.	✓	✓	✓
2.11 Advocate for improved public transport services that allow for the convenient movement of people to and from local destinations.		✓	✓
2.12 Provide well maintained community assets through robust asset management practices.	✓	✓	✓

Strategic Community Plan



Opportunity	2013	2017	2021
1.1 Work with key partners to facilitate the activation of our town centres, creating vibrant destinations and consumer choice.	✓	✓	✓
1.2 Facilitate an innovative and diversified economy that supports local enterprise, business investment and employment growth.	✓	✓	✓
1.3 Continue to promote the District as the destination of choice for events and unique tourism experiences.	✓	✓	✓
1.4 Develop aviation opportunities at the Busselton Margaret River Airport.	✓	✓	✓
1.5 Continue to advocate for the planning of future road and rail infrastructure linking Busselton with Bunbury and Perth.	✓	✓	✓

Leadership	2013	2017	2021
1.1 Provide opportunities for the community to engage with Council and contribute to decision making.	✓	✓	✓
1.2 Deliver governance systems that facilitate open, ethical and transparent decision making.	✓	✓	✓
1.3 Make decisions that respect our strategic vision for the District.	✓	✓	✓
1.4 Responsibly manage ratepayer funds to provide for community needs now and in the future.		✓	✓

Strategic Community Plan



Understanding the plan

Vision and Values

Our vision is what Council and the community aspire to for this place.

Supporting the delivery of the vision are the City's corporate values of Listening, Considered Decision Making, Appreciation, Respect and Teamwork. These values guide the way in which the City goes about its business.

Key Themes

Aligned to our vision are four Key Themes - Environment, Lifestyle and Opportunity, with delivery of these underpinned by the fourth theme of Leadership.

Community Aspirations

Each Key Theme describes a community aspiration that reflects what we heard during the consultation process. It is these aspirations that we seek to achieve by implementing the strategic priorities outlined in this Plan and continuing to provide services to the community.

Strategic Priorities

These are the key strategic priorities of Council over the life of this Plan. Progression of the priorities is detailed in the City's Corporate Business Plan.

Corporate Business Plan

The City's four year Corporate Business Plan outlines the services and priority actions that will be delivered by the City or in partnership with our stakeholders.

Supporting Service Areas

We deliver a broad range of services all of which support the achievement of the community vision and aspirations.

The City's service areas are matched on a best fit basis to the theme they primarily support. Importantly, our service areas work together to support the Plan.

City of Busselton corporate values

- Listening
- Considered Decision Making
- Appreciation
- Respect
- Teamwork

Strategic Community Plan



Understanding the Plan

Local Government Control and Influence

In responding to community aspirations there is a limit to what can be achieved solely by the City of Busselton as a local government authority. Where aspirations and priorities cannot be achieved by the City alone, we will work collaboratively with the community and key partners to achieve the best possible result.

Some things external to and outside of the scope of Council's influence may also limit what can be achieved.

We do this in four main ways:

- **Advocate** – support or recommend a course of action or position
- **Facilitate** – provide support to ensure others can delivery outcomes
- **Provide** – actively deliver a service, program or project
- **Work with** – deliver outcomes in partnership with others

The Strategic Priorities outlined in this Plan use these terms to indicate the level of direct service delivery.

Some of our key partners are:

- Community groups, clubs, associations and organisations
- Local chambers of commerce and industry
- Local businesses
- Margaret River Busselton Tourism Association
- Federal government departments and agencies
- Peron Naturaliste Partnership
- South West Development Commission
- South West Regional Waste Group of Councils
- State government departments and agencies



Key Theme 1
Environment

Community Aspiration

**An environment that is valued,
conserved and able to be enjoyed by
current and future generations.**

We heard you want

- Conservation of native flora and fauna
- Healthier waterways
- A protected and well managed coastline
- Preservation of reserves and green corridors
- Weed and vermin control
- Sustainable waste management and recycling



Key Theme 1 **Environment**



Our Strategic Priorities

- 1.1 Ensure protection and enhancement of environmental values is a central consideration in land use planning.
- 1.2 Work with the community to manage and enhance natural areas and reserves and their biodiversity.
- 1.3 Work with key partners to improve the health of the Vasse River and other waterways in the Geographe catchment.
- 1.4 Respond to the impacts of climate change on the City's coastlines through informed, long term planning and action.
- 1.5 Implement best practice waste management strategies with a focus on waste avoidance, reduction, reuse and recycling.
- 1.6 Promote and facilitate environmentally responsible practices.

Primary supporting service areas

- Coastal Construction
- Coastal Maintenance
- Environmental Management and Natural Areas Conservation
- Strategic Planning
- Waste Management

Supporting plans and strategies

- Biodiversity Incentive Strategy
- Coastal Management Program
- Draft Coastal Hazard Risk Management and Adaptation Plan
- Energy Strategy
- Environment Strategy
- Local Environmental Planning Strategy
- Lower Vasse River Waterway Management Plan
- Meelup Regional Park Coastal Nodes Management Plan
- Meelup Regional Park Management Plan
- Meelup Regional Park Trails Management Plan
- Toby Inlet Waterway Management Plan
- Vasse Geographe Strategy



Key Theme 2
Lifestyle

Community Aspiration

A place that is relaxed, safe and friendly, with services and facilities that support healthy lifestyles and wellbeing.

We heard you want

- A City that retains its relaxed seaside and country lifestyle
- Sport and cultural leisure options for youth and families
- A safe community
- Housing choices that are affordable
- More cycleways
- Improved local roads

Key Theme 2 *Lifestyle*



Our Strategic Priorities

- 2.1 Recognise, respect and support community diversity and cultural heritage.
- 2.2 Work with key partners to facilitate a safe, healthy and capable community.
- 2.3 Provide well planned sport and recreation facilities to support healthy and active lifestyles.
- 2.4 Establish a performing arts facility for the District.
- 2.5 Facilitate events and cultural experiences that provide social connection.
- 2.6 Provide for youth development through activities, programs and events.
- 2.7 Advocate for specialist and mental health services within the District, including substance support services.
- 2.8 Plan for and facilitate the development of neighbourhoods that are functional, green, and provide for diverse and affordable housing choices.
- 2.9 Provide accessible and connected pathways and cycleways.
- 2.10 Provide safe local road networks.
- 2.11 Advocate for improved public transport services that allow for the convenient movement of people to and from local destinations.
- 2.12 Provide well maintained community assets through robust asset management practices.

Primary supporting service areas

- Asset Management
- Building Services
- Community Development
- Cultural and Event Services
- Design and Survey
- Development Compliance
- Development Control
- Economic Development
- Environmental Health
- Facility Maintenance
- Landscape Architecture
- Leisure Services
- Library Services
- Maintenance and Construction
- Parks and Gardens
- Ranger Services
- Statutory Planning
- Youth Services

Supporting plans and strategies

- Bushfire Management Plan
- Busselton Traffic Study
- Disability Access and Inclusion Plan
- Local Cultural Planning Strategy
- Local Emergency Management Arrangements
- Port Geographe Boat Ramp Marine Structure Study Staging Plan
- Public Health Plan (Draft)
- Sport and Recreation Facilities Strategy



Key Theme 3
Opportunity

Community Aspiration

**A vibrant City with diverse opportunities
and a prosperous economy.**

We heard you want

- Industry diversification, training and employment opportunities
- Support for local business
- CBD activation, vibrancy and nightlife
- A mix of local community and tourism based events and attractions
- Improved connections to and from the District through air, road and rail transport



Key Theme 3 Opportunity



Our Strategic Priorities

- 3.1 Work with key partners to facilitate the activation of our town centres, creating vibrant destinations and consumer choice.
- 3.2 Facilitate an innovative and diversified economy that supports local enterprise, business, investment and employment growth.
- 3.3 Continue to promote the District as the destination of choice for events and unique tourism experiences.
- 3.4 Develop aviation opportunities at the Busselton Margaret River Airport.
- 3.5 Continue to advocate for the planning of future road and rail infrastructure linking Busselton with Bunbury and Perth.

Primary supporting service areas

- Airport Services
- Busselton Jetty Tourist Park
- Busselton Jetty
- Economic Development
- Events Services
- Major Projects

Supporting plans and strategies

- Busselton Activity Centre Conceptual Plan
- Busselton Foreshore Master Plan
- Busselton Jetty Tourist Park Master Plan
- Busselton Margaret River Airport Master Plan
- Dunsborough Town Centre Conceptual Plan
- Economic Development Strategy
- Events Strategy
- Local Commercial Planning Strategy
- Local Tourism Planning Strategy
- Smart City Strategy



Key Theme 4
Leadership

Community Aspiration

A Council that connects with the community and is accountable in its decision making.

We heard you want

- Council to consult with and listen to the community
- Equitable spending across the District
- Strong financial management to minimise rate increases
- A focus on resident needs



Key Theme 4 Leadership



Our Strategic Priorities

- 4.1 Provide opportunities for the community to engage with Council and contribute to decision making.
- 4.2 Deliver governance systems that facilitate open, ethical and transparent decision making.
- 4.3 Make decisions that respect our strategic vision for the District.
- 4.4 Govern a professional organisation that is healthy, capable and engaged.
- 4.5 Responsibly manage ratepayer funds to provide for community needs now and in the future.

Primary supporting service areas

- Customer Services
- Executive Services
- Financial Services
- Fleet Services
- GIS and Mapping
- Governance and Risk
- Human Resources
- Information Technology
- Land and Property Leasing
- Legal Services
- Occupational Health and Safety
- Procurement
- Public Relations
- Rates
- Records

Supporting plans and strategies

- Asset Management Plan
- Communications Plan
- Draft Buildings Asset Management Plan
- Business Continuity Plan
- ICT Plan
- Long Term Financial Plan
- Pandemic Plan
- Workforce Plan

***Delivering
our plan***



Photo: Tim Campbell

Delivering our plan

Resourcing our plan

The City of Busselton has a range of plans and strategies to support delivery of the Strategic Community Plan. The most significant of these include the Long Term Financial Plan, Asset Management Plans, and Workforce Plan.



Long Term Financial Planning

The City's Long Term Financial Plan (LTFF) underpins this Plan and delivery of the Corporate Business Plan. The LTFF 2021/22 - 2030/31, adopted by Council on 24 March 2021, provides for significant capital investment aligned to the Council's strategic priorities, mainly in sport, recreation and cultural infrastructure, while also ensuring funds are available for the future maintenance of assets.

Funding comes from several sources including rates, borrowings, reserves, contributions and grant funding. Our strong rate base is considered comparatively 'self-reliant' as measured by the own source revenue coverage ratio. The City seeks to moderate its reliance on rates revenue by identifying alternative income streams and maintaining a strong focus on the application of grant funding to support capital undertakings. Additionally, the City's Loan Policy supports the use of borrowing as a potential funding source for significant projects, particularly projects that have intergenerational benefits.

Asset Management Planning

Asset management planning identifies the funding required for the renewal and replacement of existing assets including

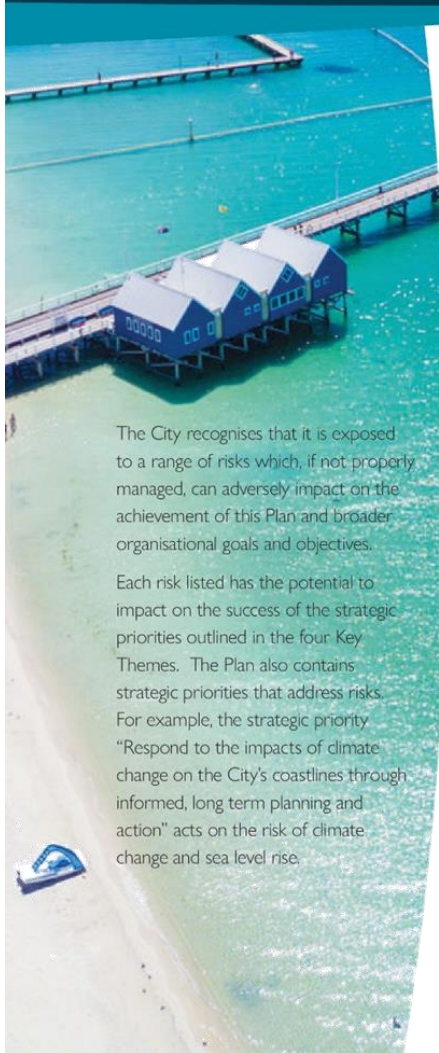
roads, footpaths, drainage, signs, carparks and the Busselton Jetty. Our LTFF contains annual asset management allocations, with these funds held in cash reserves for the future maintenance and renewal of assets and allocated based on plans for each asset class.

Workforce Plan

The City's Workforce Plan sets out current and future workforce requirements and outlines strategies aimed at developing a capable, healthy and engaged workforce. Our current Workforce Plan is focused around leadership and employee engagement, and the ability to attract, retain and motivate employees critical to the City achieving its objectives. Outside of the projected resourcing requirements for the new Busselton Performing Arts and Convention Centre, the City's current Workforce Plan provides for very conservative growth over the next four years. Given this, employee engagement is crucial, as is the need for continuous review of service delivery to ensure we are being as effective as possible.

Overall the City is well placed to deliver on the priorities of this Plan, both as the direct provider of community services and an advocator for community aspirations.

Delivering our plan



The City recognises that it is exposed to a range of risks which, if not properly managed, can adversely impact on the achievement of this Plan and broader organisational goals and objectives.

Each risk listed has the potential to impact on the success of the strategic priorities outlined in the four Key Themes. The Plan also contains strategic priorities that address risks. For example, the strategic priority "Respond to the impacts of climate change on the City's coastlines through informed, long term planning and action" acts on the risk of climate change and sea level rise.

Managing our strategic risks

Risk Description	Existing Key Controls	Current Risk Level	
RISK CATEGORY: ENVIRONMENT			
Natural disaster affecting provision of City services	<ul style="list-style-type: none"> Local Emergency Management Arrangements Bushfire Management Plan 	<ul style="list-style-type: none"> Business Continuity Plan Insurance 	MEDIUM
Climate change and sea level rise	<ul style="list-style-type: none"> Draft Coastal Hazard Risk Management and Adaptation Plan Coastal Management Program 	<ul style="list-style-type: none"> Energy Strategy Cooperation with external agencies on sustainability projects 	MEDIUM
RISK CATEGORY: FINANCIAL			
Rate setting and /or recovery failure	<ul style="list-style-type: none"> Strategic Community Plan Long Term Financial Plan 	<ul style="list-style-type: none"> Regular plan reviews 	MEDIUM
Revenue shortfall due to limited external funding	<ul style="list-style-type: none"> Long Term Financial Plan Budget processes 	<ul style="list-style-type: none"> Advocacy Alternative income stream 	MEDIUM
RISK CATEGORY: OPERATIONAL			
Natural disaster affecting delivery of City services	<ul style="list-style-type: none"> Local Emergency Management Arrangements Bushfire Management Plan 	<ul style="list-style-type: none"> Business Continuity Plan Insurance 	MEDIUM
COVID-19 and other contagions threatening major disruption to business as usual activity	<ul style="list-style-type: none"> Corporate Business Plan Business Continuity Plan 	<ul style="list-style-type: none"> Pandemic Plan 	MEDIUM
Financial deception and fraud	<ul style="list-style-type: none"> Financial Control Practices Separation of duties 	<ul style="list-style-type: none"> Financial Audits 	LOW
Non delivery of Workforce Plan objectives (leading to turnover or inability to maintain required skills)	<ul style="list-style-type: none"> Workforce Plan reviewed regularly, adopted by CEO and endorsed by Council 		MEDIUM
Major failure of information technology systems	<ul style="list-style-type: none"> Continuous upgrade of information technology infrastructure 	<ul style="list-style-type: none"> Disaster Recovery Plan IT Business Continuity Plan 	MEDIUM
Statutory and legislative compliance	<ul style="list-style-type: none"> Qualified staff Governance structure 	<ul style="list-style-type: none"> Audits Staff induction and training 	LOW
RISK CATEGORY: REPUTATIONAL			
Community expectations not aligned to resourcing capacity	<ul style="list-style-type: none"> Community Engagement Policy 	<ul style="list-style-type: none"> Strategic Community Plan Community Engagement 	MEDIUM
Inconsistent and incorrect information within community	<ul style="list-style-type: none"> Community Engagement Policy Media and Public Statements Policy 	<ul style="list-style-type: none"> Staff and Elected Member training Regular community engagement 	MEDIUM
Council related interests	<ul style="list-style-type: none"> Elected Member training and induction Code of Conduct 	<ul style="list-style-type: none"> Governance Structures Compliance Audit Return 	MEDIUM
Cyber Security	<ul style="list-style-type: none"> Firewall Employee Training 	<ul style="list-style-type: none"> Data Backup 	MEDIUM

Photo: Kyle Downie

Delivering our plan



Measuring and tracking progress

The City recognises that it is exposed to a range of risks which, if not properly managed, can adversely impact on the achievement of this Plan and broader organisational goals and objectives.

Community Satisfaction Survey

The success of this Plan will be measured every two years through a community satisfaction survey. Trends in the feedback received from the community will help us to determine how well the Strategic Community Plan is performing.

Economic Data

We will refer to Australian Bureau of Statistics data to map trends in our demographic and economic movements.

Key Performance Indicators

Our Corporate Business Plan sets out a range of key performance indicators that are reported to Council twice a year. These include a measure of how we are tracking on

key actions and projects, as well as reviewing our operational efficiencies and achievements. Additionally the City is committed to developing before the next review a set of strategic performance indicators to assist in tracking the performance of this Plan.

Annual Report

The Annual Report produced at the end of every financial year records our strategic and corporate achievements during the previous 12 month period beginning 1 July and ending on 30 June. It also describes the major initiatives scheduled to continue or commence in the next financial year. Significant changes that may have been made to the Strategic Community Plan and Corporate Business Plan during the financial year are also explained.

Strategic Community Plan Review Schedule

Desktop Review	2023
Full Review	2025

Review

The Strategic Community Plan is reviewed every two years.

Ongoing feedback about any aspect of the Strategic Community Plan is always welcome.

Delivering our plan



Elements of the Integrated Planning Framework

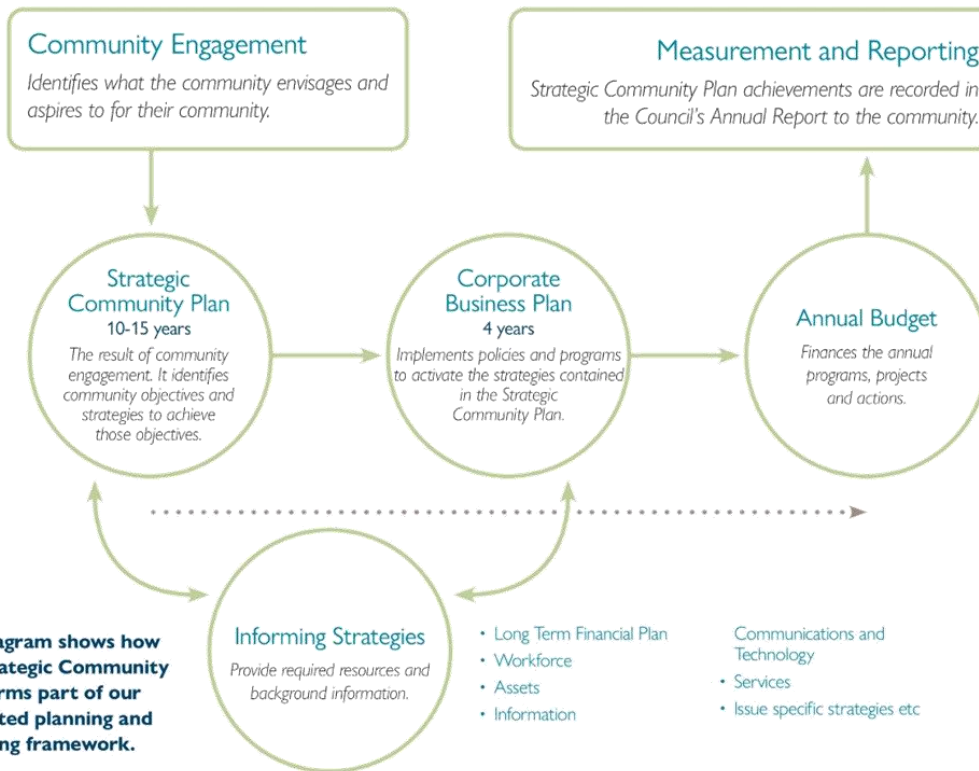


Photo: @timcampbellphoto





Join Our Community















Strategic Community Plan 2021 - 2031

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ITEMS FOR DEBATE**12.1 Policy and Legislation Committee - 26/5/2021 - HOLIDAY HOME REGULATORY FRAMEWORK REVIEW**

STRATEGIC GOAL	4. ECONOMY Diverse, resilient, prosperous
STRATEGIC OBJECTIVE	4.1 An innovative and diversified economy that provides a variety of business and employment opportunities as well as consumer choice.
SUBJECT INDEX	Local Planning Scheme 21 Amendments
BUSINESS UNIT	Strategic Planning
REPORTING OFFICER	Planning Officer - Joanna Wilkinson
AUTHORISING OFFICER	Director, Planning and Development Services - Paul Needham
NATURE OF DECISION	Legislative: adoption of “legislative documents” such as local laws, local planning schemes and local planning policies
VOTING REQUIREMENT	Simple Majority
ATTACHMENTS	Attachment A Local Planning Policy 4.1   Attachment B Local Law   Attachment C Government Response to 2019 Parliamentary Inquiry   Attachment D Holiday Home Clusters   Attachment E Option 1 - Exclusion Area   Attachment F Option 2 - Exclusion Area  

This item was considered by the Policy and Legislation Committee at its meeting on 26/5/2021, the recommendations from which have been included in this report.

DISCLOSURE OF INTEREST	
Date	9 June 2021
Meeting	Ordinary Council
Name/Position	Cr Kelly Hick, Deputy Mayor
Item No./Subject	Item No. 12.1 ‘Holiday Home Regulatory Framework Review’.
Type of Interest	Impartiality Interest
Nature of Interest	I am the owner and manager of a tourism accommodation business Dunsborough Ridge Retreat which is located at Ocean View Drive, Quindalup

DISCLOSURE OF INTEREST	
Date	9 June 2021
Meeting	Ordinary Council
Name/Position	Cr Jo Barrett-Lennard, Councillor
Item No./Subject	Item No. 12.1 ‘Holiday Home Regulatory Framework Review’.
Type of Interest	Financial Interest
Nature of Interest	I own a property in Troon Loop, Dunsborough, adjacent to two properties which are listed on Air B&B and will be subject to the proposed changes to the local law. I may also be relocating with the potential for my property to be leased as a holiday home.

5.52pm: At this time, Cr Barrett-Lennard left the meeting.

Cr Cronin foreshadowed an Alternative Recommendation prior to the meeting. In accordance with the City's *Standing Orders 2018*, the Committee Recommendation was moved first. There was opposition and debate ensued.

OFFICER RECOMMENDATION

That the Council supports a review of the City's regulatory framework for holiday homes, as follows:

1. Indicates that, subject to further consultation, it intends to implement the following opportunities for change:
 - (a) Revise standards for the size and design of properties, relative to maximum permissible occupancy numbers, by:
 - (i) Initially in local planning policy, and subsequently in the Scheme, introduce a maximum occupant restriction for Multiple Dwellings, to be no more than four occupants.
 - (ii) Initially in local planning policy, and subsequently in the Scheme, introduce further occupant restrictions based on lot size, as follows:

The maximum number of occupants under the 'Holiday Home (Single House)' or 'Holiday Home (Grouped Dwelling)' use classes in the Residential zone is:

 - i. 10 occupants for lots greater than 350m²; or
 - ii. 7 occupants for lots 260m² - 350m²; or
 - iii. 4 occupants for lots less than 260m².
 - (b) Revise and introduce new requirements and expectations for managers, by:
 - (i) Reducing the amount of time in which a manager must respond to any contact relating to the holiday home, from 24 hours to 12 hours.
 - (ii) Introducing a new clause requiring managers to reside within a 30 minute travel time from the holiday home.
 - (iii) Strengthening and clarifying the conditions of registration, so that the contact details of the manager are shown on a sign that can be visible from the street.
 - (iv) Strengthening and clarifying the conditions of registration, so that the manager is required to resolve complaints and ensure compliance at the premises.
 - (c) Introducing requirements and expectations for occupants and their guests, by revising the standard conditions of registration, so that a code of conduct is required that sets out expectations for the management of occupants and the guests of occupants, and requiring managers to communicate the code to the hirer, obtain their acknowledgement, and ensuring the code is clearly displayed within the holiday home.
 - (d) Introducing requirements for the management of dogs, by introducing conditions of registration that do not allow dogs to be left unattended at holiday homes.
 - (e) Developing a Council Policy to set out how the City intends to implement the Local Law, and to provide guidance to officers and stakeholders.
2. Undertakes consultation with the community and industry stakeholders regarding the opportunities for change, and any other opportunities that may be identified through consultation.
3. Develops a Directions Paper to assist with consultation.
4. After consultation, will consider a further report setting out:
 - (a) the outcomes of the consultation process; and
 - (b) more detailed recommendations about what opportunities should be pursued, and how these opportunities should be implemented.

COUNCIL DECISION AND COMMITTEE RECOMMENDATION**C2106/119** Moved Councillor K Hick, seconded Councillor R Paine

That the Council supports a review of the City's regulatory framework for holiday homes, as follows:

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 - (a) Revise standards for the size and design of properties, relative to maximum permissible occupancy numbers, by:
 - (i) Initially in local planning policy, and subsequently in the Scheme, introduce a maximum occupant restriction for Multiple Dwellings, to be no more than four occupants.
 - (ii) Initially in local planning policy, and subsequently in the Scheme, introduce further occupant restrictions based on lot size, as follows:

The maximum number of occupants under the 'Holiday Home (Single House)' or 'Holiday Home (Grouped Dwelling)' use classes in the Residential zone is:

 - i. 10 occupants for lots greater than 350m²; or
 - ii. 7 occupants for lots 260m² - 350m²; or
 - iii. 4 occupants for lots less than 260m².
 - (b) Revise and introduce new requirements and expectations for managers, by:
 - (i) Reducing the amount of time in which a manager must respond to any contact relating to the holiday home, from 24 hours to 12 hours.
 - (ii) Introducing a new clause requiring managers to reside within a 30 minute travel time from the holiday home.
 - (iii) Strengthening and clarifying the conditions of registration, so that the contact details of the manager are shown on a sign that can be visible from the street.
 - (iv) Strengthening and clarifying the conditions of registration, so that the manager is required to resolve complaints and ensure compliance at the premises.
 - (c) Introducing requirements and expectations for occupants and their guests, by revising the standard conditions of registration, so that a code of conduct is required that sets out expectations for the management of occupants and the guests of occupants, and requiring managers to communicate the code to the hirer, obtain their acknowledgement, and ensuring the code is clearly displayed within the holiday home.
 - (d) Introducing requirements for the management of dogs, by introducing conditions of registration that do not allow dogs to be left unattended at holiday homes.
 - (e) Developing a Council Policy to set out how the City intends to implement the Local Law, and to provide guidance to officers and stakeholders.
 - (f) Exclude some residential areas from holiday home use, by introducing areas of exclusion as shown in Option 1 – Exclusion Area (Attachment E).
2. Undertakes consultation with the community and industry stakeholders regarding the opportunities for change, and any other opportunities that may be identified through consultation.
3. Develops a Directions Paper to assist with consultation.

4. After consultation, will consider a further report setting out:

- (a) the outcomes of the consultation process; and**
- (b) more detailed recommendations about what opportunities should be pursued, and how these opportunities should be implemented.**

CARRIED 5/2

For the motion: Cr Henley, Cr Hick, Cr Paine, Cr Cox, Cr Miles

Against the motion: Cr Cronin, Cr Carter

Reasons: The Committee supports the opportunity to consult with the community on the matter of excluding holiday homes in some residential areas, and will use the outcomes of this consultation to form an opinion on whether or not the idea should be progressed as a formal change.

EXECUTIVE SUMMARY

In 2012, three interrelated key instruments were introduced by Council to regulate holiday homes – these included a local law, provisions in the local planning scheme, and a local planning policy. The local planning policy has since been reviewed and amended, however the local law has remained unchanged, and the Scheme provisions were carried over in 2014, without substantive change, into *Local Planning Scheme No. 21*.

Over time, issues relating to holiday homes have arisen that may not be sufficiently addressed through the current regulatory framework. The purpose of this report is to initiate a review of the three key instruments, with an aim to work toward a framework that provides more effective regulation.

It is recommended that the Council supports consultation on a range of opportunities for change. It is envisaged that, following the consultation process, the Council would consider whether (and what) formal changes should be made – which would entail development of more detailed proposals and further consultation.

BACKGROUND

Holiday homes have been part of the landscape and lifestyle in Busselton, Dunsborough, Yallingup, Eagle Bay, and many other places in Western Australia for many decades. However the scale and character of holiday homes has changed over time, principally due to a significantly increased population in the Perth metropolitan area (the City's main tourism market), greater mobility and affordability in interstate and international travel (other than over the last 18 months or so), and the emergence of online booking platforms such as Airbnb. This review also coincides in with the statutory review of the City's Holiday Homes Local Law.

Current Regulatory Approach

In effect, the three key regulatory instruments operate in the following manner:

1. *Local Planning Scheme No. 21* (the Scheme) - any proposed holiday home must be granted development approval prior to use. The number of occupants is capped depending on whether the proposal is for a grouped/multiple dwelling or a single house, and holiday homes are prohibited in some zones (further details are provided under the heading 'Statutory Environment').
2. *Local Planning Policy 4.1 Holiday Homes* (LPP 4.1) - provides guidance for the assessment of a development application, with due regard given to location, utility servicing, car parking, dwelling design, and bushfire management (Attachment A).

3. *Holiday Homes Local Law 2012* (Local Law) - once development approval is granted, ongoing operation of the land use must include preliminary registration and a regular renewal of the registration, the nomination of manager and acting manager, and adherence to conditions relating to the orderly and proper use of the holiday home (Attachment B).

These instruments took several years to develop and become operational and, with the exception of LPP 4.1, have not been changed since they were introduced.

Development of the Regulatory Framework

The City's current regulatory framework emerged from work that began as early as 2002. This was via Amendment No. 46 (Amd 46) to *Town Planning Scheme No. 20* (TPS 20). The proposal was delayed, though, for a variety of reasons, including a broader State Government review into the issue. By 2009, the Western Australian Planning Commission (WAPC) had developed *Planning Bulletin 99: Holiday Homes Guidelines* (PB 99), and the Minister for Planning directed the Council to modify and readvertise Amd 46 in a manner consistent with PB 99.

After 2002, there was a noticeable shift in the nature of holiday homes, from a cultural and lifestyle option to an increasingly commercial enterprise. By 2010 it was estimated that there were approximately 500 properties in the district being used as holiday homes, making them an important part of the local tourism industry and economy. Holiday homes at that time were, in most respects, unregulated, and in some instances they were having significant impacts on the character and amenity of residential areas.

It was recognised by Council that a Scheme amendment alone would not be sufficient to provide effective regulation. In 2010 some draft general principles, for inclusion in a local law and local planning policy, were endorsed by Council for public consultation (C1001/053). It was in that environment, in late 2012, that the Local Law was made, Amd 46 to TPS 20 (in modified form, as directed by the Minister for Planning) was approved, and the holiday homes local planning policy provisions were introduced into the broader *Local Planning Policy 7 – Commercial and Industrial Development Policy* (now LPP 4.1). By mid-2013, there were around 500 registered holiday homes in the district.

At different points in the journey from 2002 to 2012, the Council had taken positions that holiday homes should remain unregulated; should be prohibited entirely; to finally adopting a position that they should be regulated, but not prohibited.

Since the introduction of the current framework, the Local Law has remained unchanged, and the Scheme provisions were carried over in 2014, without substantive change, from Scheme No. 20 to Scheme No. 21. LPP 4.1 has been revised three times, in the following manner:

- 2015 - the word "preferred" was removed from the two areas in which holiday homes could be considered for approval, although both areas were retained. Dunsborough Lakes was incorporated into the area in which holiday homes could be considered in the Residential zone.
- 2018 - the two areas in which holiday homes could be considered for approval were removed, effectively removing all restrictions in the Residential zone; more comprehensive bushfire provisions were introduced; and revised formatting, 'deemed-to-comply' and 'performance criteria' were introduced.
- 2020 - the majority of bushfire provisions were removed and reference to the newly created *Bushfire Local Planning Policy* was introduced.

Related to the regulatory framework, a further Council decision (implemented at the start of the 2018/19 financial year) was the introduction of a five per cent increase in the ‘rate in the dollar’ for rating purposes (triggered by registration), with a transition to a ten percent higher ‘rate in the dollar’ in the 2019/20 financial year (which meant that holiday homes were rated at the same rate level as most other tourism accommodation).

Current Experience in the City of Busselton

In March 2021, there were 983 registered holiday homes in the District, and it is estimated that approximately 50 properties were being let for the purpose of short-term accommodation, without planning and/or registration approval. As resources permit, these properties are subject of compliance activity.

In April, registration renewal letters were sent out for the 2021/22 financial year, and by mid-May there were:

- 596 registered holiday homes until June 2022;
- 375 registrations pending renewal (until June 2022);
- 63 registration applications received, pending development approval or clearance of the conditions of approval.

After renewal letters were sent out in April, 23 registrations were cancelled because of:

- Difficulties in finding cleaning staff;
- Concerns about illegal activity;
- Returning the property to the long-term rental market.

Further cancellations have occurred due to changes in property ownership, although new owners may apply for registration without also needing to reapply for development approval.

Issues and Concerns

Following their emergence during the late 2000s, and the rapid rise in popularity of online booking platforms such as *AirBnB*, *Stayz* and *Booking.com*, there were concerns that an increasing number of holiday homes were being advertised without having first obtained development or registration approval. In early 2019, a trial (three month) full time officer position was created to identify unapproved holiday homes, and to pursue compliance action. This was found to be an effective means of addressing this issue, and the position was retained on a permanent part-time basis.

Unauthorised holiday homes are detected through a quarterly reported provided by *BnBGuard*, which cross references properties that have been granted approval, against properties that are being advertised by 13 online booking platforms. *BnBGuard* is able to detect properties that are being advertised but are not approved, and provide in most cases the exact address (online advertisements will show an approximate location only).

With a single officer dedicated to monitoring approval of holiday homes, a better understanding has emerged of current issues and/or concerns raised by the community. The following is a summary of complaints received in 2020, and for January – April 2021:

	Complaints received	No. properties	Properties with multiple complaints
2020	53	47	6
2021 (Jan – April)	24	22	2

Typically, the nature of these complaints include:

- Listings of properties that don't have development and/or registration approval.
- Location of holiday homes in residential areas, with concerns around residential amenity (noise, behaviour, nuisance), safety and security, waste management, car parking.
- The number of people that are present at a property at any one time, whether they be the occupants or guests of occupants, i.e. 'party houses'.
- The number of vehicles parked at a property at any one time, being greater than the number of car parking bays available (including boats, campervans etc.).
- Dogs that have been left unattended in an unfamiliar environment, and become distressed (barking and whining). In some instances this includes multiple dogs.
- Lack of ability for a complainant to directly contact the manager, meaning that the reason for complaint may have passed by the time contact is made.

These issues were consistent with those raised by other local governments during the 2019 State Parliamentary inquiry into short term accommodation, which is discussed in further detail below. It is also considered that there is an under-reporting of complaints to the City.

Approaches Adopted in Other Local Government Jurisdictions

Approximately 20 local governments in Western Australia have been considered, and it is evident that the adopted approaches vary greatly. The least regulatory is where there are no formal provisions in place, for example in Subiaco and Mandurah.

Many local governments have minimal provisions in their local planning scheme, including:

- a land use definition; and/or
- permissibility set out in the zoning table.

Across the various local governments, holiday homes are generally a discretionary (or discretionary subject to advertising) use in the Residential, Rural Residential, Centre, and Rural zones. Throughout all the local governments reviewed, the only zone in which holiday homes are a 'P' (permitted) use is the Tourism zone; they are always prohibited in Industrial zones.

Further guidance on the assessment of development applications is often set out in a local planning policy. The policies reviewed provide guidance on some or all of the following matters:

- Preferred areas in which a holiday home can be located.
- Requirements around manager/responsible person contact details, including the display of these details on a sign which is visible from the street.
- Requirement for a manager to respond to complaints within a set time period, and to reside within a reasonable distance of the subject property.
- Use of ancillary accommodation.
- Car parking.
- Utility servicing (water, effluent).
- Waste management.
- Lot size and dwelling design, including maximum number of people per bedroom, and outdoor living and screening.
- Bushfire provisions.

- Strata company requirements.
- Management plan, including details such as:
 - how bookings are made (marketing and advertising);
 - manager details (contact phone number);
 - duties of manager;
 - complaints procedure;
 - code of conduct for guests;
 - control of noise and other disturbances;
 - control of anti-social behaviour;
 - security of occupants, guests of occupants, and neighbours;
 - car parking for occupants and guests of occupants, including maximum number of vehicles.

In some instances, local governments have opted to include some of the provisions listed above as development standards in the local planning scheme (e.g. Augusta-Margaret River, Exmouth).

Fremantle and Wanneroo have developed local laws but do not have a local planning policy. These two local laws do not contain any significant provisions that are different from the Busselton Local Law.

The Shire of Noosa in Queensland is currently advertising a draft local law which would require occupants to comply with several 'conditions of behaviour', collectively called a code of conduct. This would make the manager responsible for ensuring compliance with the code of conduct, and responding to complaints within 30 minutes of receiving the complaint.

It is apparent from the review that, while the means of regulating holiday homes may vary, the matters to be addressed by the local government and landowner are fairly consistent.

State Government Policy Position

In 2019, the State Parliamentary Legislative Assembly Economics and Industry Standing Committee conducted an inquiry titled *Levelling the Playing Field: Managing the impact of the rapid increase of Short-Term Rentals in Western Australia* (the 2019 Inquiry).

This was prompted by "a groundswell of public agitation from the South West of the State, voicing concerns about the emergence of online accommodation platforms." The 2019 Inquiry resulted in a record number of submissions from around the State.

The Committee made 10 recommendations. The State Government provided a response to the recommendations on 12 February 2020, and relevant to this review, committed to address the registration of holiday homes (Recommendation 7) at a macro level, by undertaking the following action:

The establishment of an inter-agency working group, to develop legislative or regulatory mechanisms to require the display for a valid registration number for short-term rentals [holiday homes] advertised on online booking platforms.

The full list of recommendations and the extended State Government response can be found at Attachment C.

At the time of writing this report, none of the recommendations from the 2019 Inquiry have been actioned to the extent that there has been any change to the existing state-level regulatory framework. Should they be actioned, it is considered there will be no significant impact on the City's regulation of holiday homes, except that compliance should be a simpler process.

This review is mindful of the 2019 Inquiry, and does not seek to pre-empt the outcomes of the Government response. Instead, it aims to explore options that will complement State-level regulatory controls.

OFFICER COMMENT

Through research and informal discussion with a range of stakeholders, as well as a discussion with the Policy and Legislation Committee, a range of 'opportunities for change' have been identified that the Council may wish to consider:

1. Exclude some residential areas from holiday home use.
2. Revise standards for the size or design of properties relative to maximum permissible occupancy numbers.
3. Change requirements and expectations for holiday home managers.
4. Change requirements and expectations for occupants and the guests of occupants.
5. Introduce controls on dogs being brought to holiday homes.
6. Temporary development approvals.
7. Develop a Council Policy to set out how the City intends to implement the Local Law.

Each of these is outlined and discussed below.

1. Exclude some residential areas from holiday home use.

Following the introduction of the current regulatory framework, there was an interim period when landowners who had been using their property as a holiday home were able, regardless of location, to apply for development approval. That interim period ended in mid-2013, and between then and 2018 holiday homes were generally not permitted on Residential-zoned land south of Bussell Highway, or west of Cape Naturaliste Road.

The residential area restrictions were removed in 2018, and since then there have been a small number of approvals in the previously restricted area. An exception to this is Dunsborough Lakes, which became a 'permitted' area in 2015, and a higher number of approvals have been granted. Attachment D provides a visual demonstration of holiday homes across the District that have been granted development approval, and that are currently registered.

An opportunity exists to exclude some residential areas from holiday home use. There are several reasons why this might be introduced:

- a) PB 99 outlines that holiday homes are appropriate in areas associated with high tourism amenity. In the City of Busselton, this includes areas in close proximity to key tourist attractions such as beaches, town centres, or rural areas.
- a) PB 99 also discusses the potential conflict between holiday homes and the amenity of long-term residential dwellings. Conflict can occur as a result of issues such as noise, behaviour, nuisance, safety and security, waste management, car parking.

- b) The 'local sense of community' can be eroded by the occurrence of too many holiday homes, and as a result of:
- lack of neighbourhood support network during times of emergency or crisis, and passive surveillance for increased security and safety;
 - visitor disregard for the safety and security of children (or elderly) living in the street, and dangers associated with outdoor play, walking/cycling in areas without footpaths etc;
 - excessive noise/partying and visitor lack of understanding about the lifestyle of nearby residents, particularly those who are shift workers (or even just having to work the following day);
 - a sense that one's own home is not a place of sanctuary/relaxation because of the impact from nearby holiday homes.
- c) Housing availability and affordability can be affected by holiday homes. The 2019 Inquiry reported that there is some evidence of this occurring in the South West, however it found that "the impact of short-term letting on WA's long-term rental market seems minimal." That may have changed in the last 12 months, but may not be an issue that will persist in the long-term.

The opportunities for change include:

Opportunity 1.1:

Introduce areas of exclusion. Potential areas of exclusion are shown at Attachments E and F.

Opportunity 1.1 could be implemented by:

- Modifying the Scheme Zoning Table, which could clearly define a holiday home as an 'X' (prohibited) use in relevant zones, meaning that no discretion in a prohibited area could be exercised; and
- Introducing an 'Additional Use' right for those areas where holiday homes are otherwise an 'X' use (effectively 'excluding' some areas and 'including' others); or
- Reintroduce area designations through the LPP, meaning that a discretion to approve holiday homes in non-preferred areas could still exist.

If new exclusion areas were introduced through the Scheme, the (already) approved holiday homes in non-permitted areas would become 'non-conforming' uses. Provided that a registration remained current, then the non-conforming use right would also remain current.

Officers do not recommend support for Opportunity 1.1, for the following reasons:

- a) This may result in a greater concentration of holiday homes within some areas;
- b) The relationship between total number of approvals and management of individual sites is not clearly defined, i.e. a greater number of holiday homes does not necessarily result in a greater number of poorly managed properties;
- c) The difficulty in defining permitted/not permitted areas with a simple, understandable boundary;
- d) A perception around lack of fairness in that some areas may be excluded from holiday homes and not others;
- e) Conversely, a perception around lack of fairness in that 'economic opportunity' may be permitted in some areas and not others;

- f) A lack of certainty for investors who have purchased a property with the intent to apply for holiday home use.

Nonetheless, Council may decide to support this opportunity for change.

2. Revise standards for the size or design of properties relative to maximum permissible occupancy numbers.

This mechanism is currently applied through the Scheme and LPP, with restrictions applied through land use definitions (limiting occupancy numbers based on dwelling type), and dwelling design (limiting occupancy numbers through the total number of bedrooms, and area of personal use within a bedroom).

An opportunity exists to strengthen these standards by revising land use definitions, and by introducing a new standard relating to the lot size.

Reasons for doing this might include:

- a) Grouped and multiple dwellings are primarily located in urban areas, on smaller lots and with fewer car parking spaces. Currently there is not a large stock of multiple dwellings in the City (permitted only in Centre zones), however this is becoming a more frequent type of development proposal. By capping the occupancy numbers through land use definitions, this is one additional means of restricting the number of occupants and guests of occupants who visit these sites.
- b) Currently, the LPP requires a 350m² exclusive use area for a holiday home that is a single house. 350m² equates to R25 density or less, and therefore this provision doesn't take into account areas that are coded R30 (minimum area 260m²) or greater. It is proposed that this point is clarified and strengthened through introduction into the Scheme, and by introducing maximum occupancy numbers depending on lot size. Furthermore, given nature of complaints that arise in the Residential zone (noise, parking, security etc), the maximum number of occupants could be capped at 10 in the Residential zone – currently, a maximum of 12 occupants may be approved. The provision is based on lot size rather than residential coding because a lot coded at a higher density may not have been subdivided into the minimum allowable lot size.

The opportunities for change include:

Opportunity 2.1:

Initially in the local planning policy, and subsequently in the Scheme, introduce a maximum occupant restriction for Multiple Dwellings, to be no more than four occupants.

Opportunity 2.2:

Initially in the local planning policy, and subsequently in the Scheme, introduce further occupant restrictions based on lot size, as follows:

The maximum number of occupants under the 'Holiday Home (Single House)' or 'Holiday Home (Grouped Dwelling) use classes in the Residential zone is:

- (a) 10 occupants for lots greater than 350m²; or
- (b) 7 occupants for lots 260m² - 350m²; or
- (c) 4 occupants for lots less than 260m².

Officers recommend support for Opportunities 2.1 and 2.2.

3. Change requirements and expectations for holiday home managers.

The Local Law requires that a manager and acting manager must be nominated, and if an occupant or guest of the occupant breaches a condition of registration, then the manager must terminate the occupant's tenancy. The manager must be contactable at all times, and in any event within 24 hours.

In the instances where managers have provided their contact details to neighbours, then any complaints can be directed to the manager. Where no contact details are available, complaints about holiday homes are directed to the City, and in turn the City informs the manager.

Many other local governments require a manager to be contactable within 12 hours, and to reside within close proximity to the holiday home (this varies between a 10 minute and 30 minute drive). Some also require that a manager's details are to be displayed to the public on a sign that is visible from the street.

Opportunities exist to improve the requirements and expectations of managers, and particularly response times, through the Local Law, which in some cases may require an amendment to the Local Law.

The opportunities for change include:

Opportunity 3.1:

Reduce the amount of time in which a manager must respond to any contact relating to the holiday home, from 24 hours to 12 hours.

Opportunity 3.2:

Introduce a new clause requiring managers to reside within a 30 minute travel time from the holiday home.

Opportunity 3.3:

Strengthen and clarify the conditions of registration, so that the contact details of the manager are shown on a sign that can be visible from the street.

Opportunity 3.4:

Strengthen and clarify the conditions of registration, so that the manager is required to resolve complaints and ensure compliance at the premises.

Officers recommend support for Opportunities 3.1 – 3.4.

4. Change requirements and expectations for occupants and their guests.

The Local Law includes conditions of registration that can cover matters such as the maximum number of occupants and their guests; and the provision of parking.

An opportunity exists to strengthen and clarify the requirements and expectations for the management of occupants and their guests, in the form of a management plan. Management plans are a control measure used by a number of other local governments, and they are used by the City when issuing conditions of development approval for other types of land uses. A management plan could include matters that relate to:

- Manager contact details, duties, obligations, and complaints procedure;
- Maximum number of occupants and guests;
- Code of conduct for guests;
- Control of noise, light spill and other disturbances;
- Control of anti-social behaviour;
- Security of occupants, guests of occupants, and neighbours;
- Car parking for occupants and guests of occupants, including maximum number of vehicles;
- Management of waste.

An alternate or complementary opportunity exists to strengthen and clarify the requirements and expectations for the management of occupants and their guests, in the form of a code of conduct. The Noosa Shire Council is currently advertising a draft local law which would require occupants to comply with several 'conditions of behaviour', collectively called a code of conduct.

The code of conduct would outline minimum behavioural standards for guests to maintain the residential amenity of surrounding permanent residents. If implemented, it would be the manager's responsibility to make occupants aware of the code of conduct, and to have a copy available within the premises. The manager would be responsible for enforcement. A code of conduct could include matters that relate to:

- The parking of vehicles within the premises boundary, in designated bays, and not causing a nuisance or inconvenience to adjoining properties.
- The use of the premises, including all outdoor areas, in a way that does not detrimentally affect neighbouring properties through noise, nuisance, unacceptable behaviour, overlooking or light spill.
- Sleeping or camping on the premises in a tent, caravan, campervan or similar.
- Management of pets so they don't cause a nuisance (including a noise nuisance).
- Disposal of waste.

It is considered by officers that the Local Law is the preferred means of introducing this type of change, as it would then become part of the registration/renewal process, subject to regular opportunity for review, rather than being reviewed once only at development approval stage.

Options for the implementation of this change include:

Opportunity 4.1:

Revise the standard conditions of registration, so that a management plan is required that sets out expectations for the management of the property.

Opportunity 4.2:

Revise the standard conditions of registration, so that a code of conduct is required that sets out expectations for the management of occupants and the guests of occupants.

Officers recommend support for Opportunity 4.2, but not Opportunity 4.1, for the following reasons:

- a) A code of conduct provides a set of acceptable standards that would be applicable regardless of location; a management plan would require some elements to be included that would be specific to individual sites.
- b) The checking of management plans, during the process of annual registration renewal, would result in a significant impact on officer workloads, and could result in inconsistent approaches that could create uncertainty for all parties.
- c) Some of the matters that would be included in a management plan, could also be resolved in other ways. For example, the expectations and requirements of managers as outlined in Opportunities 3.1 – 3.4 above; or, by revising the standard conditions of registration to limit the maximum number of vehicles that can be parked at a property.
- d) Other matters that would be included in a management plan, could also be dealt with, equally as effectively, through a code of conduct.
- e) A clear expectation would be set that requires managers to display, receive acknowledgement from occupants, and enforce a code of conduct.
- f) Overall, it is considered that a more consistent approach would be achieved through the use of a code of conduct rather than a management plan.

5. Introduce controls on dogs being brought to holiday homes.

Holiday homes are often regarded as a 'home away from home', and provide a flexible opportunity for occupants to travel with pets. Dogs in particular can become distressed when left unattended, causing disturbance to neighbours, and the *Dog Act 1976* does not provide a workable means to address this matter.

While it may be investigated as an opportunity for change, officers do not support the banning of all dogs from holiday homes.

The Local Law currently contains measures that could prohibit dogs from being left unattended, however it could be amended to:

Opportunity 5.1:

Strengthen and clarify the conditions of registration that do not allow dogs to be left unattended at holiday homes.

Opportunity 5.2:

Prohibit dogs from holiday homes.

Officers recommend support for Opportunity 5.1 but not Opportunity 5.2.

6. Temporary development approvals.

Usually, a development approval ‘runs with the life of the land’ – it is granted in perpetuity. A temporary development approval may be applied as a condition of approval, where it limits the period for which the approval is granted. This can be applied to a broad range of land uses where there is some uncertainty around future planning objectives – or if there is seen to be a need for future change.

The Shire of Augusta-Margaret River have adopted this approach. When renewals are considered, the granting of an approval is based solely on the number and nature of complaints that have been received for a property (rather than a full assessment that considers changes in the planning framework). This limited approach is based on particular development standards in the scheme, has allowed the Shire to develop a stream-lined process, and planning officers have advised that this is mostly carried out by administration officers. Generally renewals are not refused, even where the planning framework has changed in the interim period.

The opportunities for change include:

Opportunity 6.1:

Introduce a development requirement into the Scheme.

Opportunity 6.2:

Introduce a ‘performance criteria’ provision into the LPP.

Opportunities 6.1 and 6.2 could be applied:

- a) To all new applications, enabling Council to be responsive, over time, to changes in the planning framework; or
- b) To those applications that propose more than a set number of occupants (for example, 9 or more occupants); or
- c) Selectively, where submissions have been received that express concerns on amenity grounds.

Officers do not recommend support for Opportunity 6.1 or 6.2, for the following reasons:

- a) A re-assessment may be complex if the state planning framework has changed, resulting in additional time for assessments and workloads for staff.
- b) The sheer number of new holiday home applications each year (which is considerably higher than Augusta-Margaret River) would result in a substantial cumulative workload over a number of years.
- c) The Shire of Augusta-Margaret River rarely refuse renewals, raising a question about the effectiveness of using temporary development approvals as a tool to “manage the management” of a property (rather than via a Local Law).
- d) There is a degree of uncertainty for investors, particularly if there are changes in the state planning framework (resulting in full reassessment when renewal is required).

Nonetheless, Council may decide to support one or both of these opportunities for change.

7. Council Policy to set out how the City intends to implement the Local Law

The final opportunity for change proposed by officers is the introduction of a Council Policy, to provide guidance to staff and stakeholders in setting out how the City intends to implement the Local Law.

The introduction of a Council Policy could provide for more transparency and consistency in decision-making, and ensure that the direction taken by the City is in line with community vision, aspirations and expectations.

Opportunity 7.1:

Develop a Council Policy to set out how the City intends to implement the Local Law, and to provide guidance to Councillors, officers and stakeholders.

Officers recommend support for Opportunity 7.1.

Process to Complete the Review

Due to the integrated nature of the regulatory framework, officers consider that these opportunities for change may not be as effective if introduced in isolation, and it is recommended that a combination of measures are necessary. It is also recommended that the opportunities supported by Council should be tested through stakeholder and community consultation. Details of advertising and consultation are outlined in the 'Stakeholder Consultation' section below.

It is proposed that Council consider the outcomes of consultation, prior to the initiation of any formal changes, which would in turn be advertised under the requirements of the *Local Government Act 1995*, or the *Planning and Development (Local Planning Schemes) Regulations 2015*.

Statutory Environment

Local Government Act 1995 (LG Act)

Section 3.5 of the LG Act provides Council with the head of power for making local laws, which stipulates:

A local government may make Local Laws under this Act prescribing all matters that are required or permitted to be prescribed by a local law, or are necessary or convenient to be so prescribed, for it to perform any of its functions under this Act.

The local laws are all made under the head of power contained in section 3.5 of the LG Act.

Holiday Homes Local Law 2012 (Local Law)

The purpose of the Local Law is to require the registration of all holiday homes, the nomination of a manager and acting manager, and to ensure the adherence to conditions relating to the orderly and proper use of the holiday home.

Planning and Development Act 2005 (PD Act) and associated Regulations

The PD Act outlines the relevant considerations when preparing and amending local planning schemes.

The *Planning and Development (Local Planning Schemes) Regulations 2015* identify three different types of Scheme amendments (regulation 34), and set out the procedure for amending a local planning policy (Schedule 2, Part 2, clause 5).

Local Planning Scheme No. 21 (the Scheme)

Table 1 - Zoning Table indicates, subject to the provisions of the Scheme, the uses permitted in the Scheme area in the various zones. The permissibility of uses is determined by cross-reference between the list of uses classes on the left hand side of the Zoning Table and the list of zones at the top of the Zoning Table. The symbols used in the cross reference of the Zoning Table have the following meanings:

- 'D' means the use is not permitted unless the local government has exercised its discretion by granting development approval;
- 'A' means the use is not permitted unless the local government has exercised its discretion after advertising in accordance with the Regulations;
- 'X' means the use is not permitted by the Scheme.

Table 1 – Zoning Table currently applies to holiday homes in the following manner:

Zone / Use Class	Residential	Regional Centre	Centre	Local Centre	Service Commercial	Tourism	Light Industry	General Industry	Rural	Viticulture / Tourism	Rural Residential	Rural Landscape	Conservation	Bushland Protection
Holiday Home (Multiple/Grouped Dwelling)	A	A	A	A	X	X	X	X	X	X	X	X	X	X
Holiday Home (Single House)	D*	D*	D*	D*	X	X	X	X	D*	D*	D*	D*	D*	D*

* provides reference to Clause 4.18.5 of the Scheme, which includes the following provisions:

Notwithstanding the requirements of Table 1, a 'Holiday Home (Single House)' which proposes to accommodate 9 or more people will be considered under the 'A' symbol and will require public advertising pursuant to Clause 64 of the Deemed Provisions.

In regard to the non-permissibility of holiday homes in the Tourism zone, the reason for this is because the holiday home land use can be applied to a residential dwelling, however a residential dwelling is not a permitted use in the Tourism zone.

Schedule 1 provides the following land use terms:

"Holiday Home (Multiple/Grouped Dwelling)" means a grouped dwelling or multiple dwelling, which may also be used for short stay accommodation for hire or reward for no more than six people (but does not include a bed and breakfast, chalet, guesthouse, rural tourist accommodation or tourist accommodation.)

"Holiday Home (Single House)" means a single house (excluding ancillary accommodation) which may also be used for short stay accommodation for hire or reward for no more than 12 people (but does not include a bed and breakfast, chalet, guesthouse, rural tourist accommodation or tourist accommodation.)

Relevant Plans and Policies

Leeuwin Naturaliste Sub-regional Strategy (LNSRS)

The LNSRS is an overarching strategic land use planning document outlining the WAPC's approach to future planning and development in the City of Busselton and the Shire of Augusta Margaret River over the next 20 years.

Several key planning issues are identified as being evident in the sub-region, and under the sub-heading 'Settlement', the following key planning issue is stated:

The influence of 'holiday homes' on local community cohesion and development.

Local Planning Policy 4.1 Holiday Homes (LPP 4.1)

LPP 4.1 provides guidance for the assessment of a development application, with due regard given to location, utility servicing, car parking, dwelling design, and bushfire management.

Financial Implications

There are no significant financial implications associated with the Officer Recommendation.

Stakeholder Consultation

It is envisaged that the main stakeholder groups with an interest in this matter will be holiday home owners, managers and management agencies, guests, neighbours, and the community in general.

If the Council resolves to initiate a review of the holiday home regulatory framework, then the Directions Paper would be prepared and made available for public viewing. To facilitate consultation, the following actions will be undertaken:

- Targeted emails to holiday home owners, managers, and management agencies.
- Notices in the local newspaper, and through the Bay to Bay newsletter, and the City's social media pages.
- On public notice boards in the administration building and libraries.
- A notice on the City's website, including a portal to be created using the City's *YourSay* platform for the online lodgement of submissions.
- In-person information sessions for the general community in Busselton and Dunsborough, and separately with industry stakeholder groups.
- Online information sessions for stakeholders who are not able to attend other sessions in person.

Risk Assessment

An assessment of the potential implications of implementing the officer recommendation has been undertaken using the City's risk management framework, with risks assessed taking into account any controls already in place. No risks of a medium or greater level have been identified.

Options

As an alternative to the proposed recommendation the Council could:

1. Resolve to seek further information before making a decision.
2. Resolve to support the opportunities for change subject to identified modification(s).
3. Resolve to decline the review of the key instruments which form the City's interrelated regulatory framework for holiday homes.

CONCLUSION

As a result of this background research, a number of opportunities for change have been drafted, and it is proposed that the Directions Paper and particularly the opportunities for change be advertised to stakeholders and the community, in order to inform Council direction for the future management of holiday homes.

This will, in turn, form the basis of amendments to each of the key instruments that make up the holiday homes regulatory framework.

TIMELINE FOR IMPLEMENTATION OF OFFICER RECOMMENDATION

The implementation of the officer recommendation will occur over the following time period, following the date of the Council resolution:

- a) Mid-July – finalisation of Directions Paper;
- b) Mid-August to late September – stakeholder consultation;
- c) End of 2021 – report back to Council.

Local Planning Policy No. 4.1 HOLIDAY HOMES



1. HEAD OF POWER AND SCOPE

This Policy has been adopted pursuant to *Planning and Development (Local Planning Schemes) Regulations 2015*, Schedule 2 (Deemed Provisions), Clause 4 and applies to the development of Holiday Homes across the whole of the City.

2. PURPOSE

The purpose of this Policy is to –

- 2.1 Provide clear guidance regarding the assessment of applications for development approval for Holiday Homes; and
- 2.2 Identify circumstances in which Holiday Homes will be supported, and circumstances in which Holiday Homes may be supported, given more detailed consideration.

3. INTERPRETATION

- 3.1 The two terms defined below are critical to interpretation of this Policy -

“Deemed-to-Comply” means a provision which, if satisfied, means that an application is deemed compliant with respect to the matters subject of that provision. The local government shall not refuse to grant approval to an application where the application satisfies all of the relevant Deemed-to-Comply provisions.

“Performance Criteria” means provisions to be used in the preparation, submission and assessment of development proposals for the purpose of determining their acceptability, where they do not meet the relevant Deemed-to-Comply provisions.

Note: applications that do not meet all of the ‘deemed-to-comply’ provisions would be assessed against the relevant ‘performance criteria’ (i.e. they would only be assessed against the latter in relation to those aspects to which they do not meet the former). So if the ‘car parking’ deemed-to-comply provisions are met, but the ‘dwelling design’ ones are not, dwelling design related issues would require assessment against the dwelling design performance criteria, but the car parking related issues would not require assessment against the car parking related performance criteria. Similarly, if the potable water elements of the ‘utility servicing’ deemed-to-comply provisions are met, but the refuse collection ones are not, it is only the refuse collection issues that need to be considered against the directly related performance criteria.

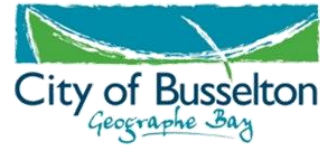
- 3.2 Other terms should be interpreted in the same way as they would be interpreted if they were contained within the *City of Busselton Local Planning Scheme No. 21*, other than those terms defined below -

“Bushfire Policy” means the Bushfire Local Planning Policy.

“Deemed-to-Comply” means a provision which, if satisfied, means that a Holiday Home is deemed compliant with respect to the matters subject of that provision. The local government shall not refuse to grant approval to an application where the application satisfies all of the relevant Deemed-to-Comply provisions.

“Holiday Home (Multiple/Grouped Dwelling)” means a grouped dwelling or multiple dwelling, which may also be used for short stay accommodation for hire or reward for no more than six people (but does

Local Planning Policy No. 4.1 HOLIDAY HOMES



not include a bed and breakfast, chalet development, guesthouse, rural tourist accommodation or tourist accommodation).

“**Holiday Home (Single House)**” means a single house (excluding ancillary accommodation), which may also be used for short stay accommodation for hire or reward for no more than 12 people (but does not include a bed and breakfast, chalet development, guesthouse, rural tourist accommodation or tourist accommodation).

“**Holiday Home**” means both a Holiday Home (Multiple/Grouped Dwelling) and/or a Holiday Home (Single House).

“**Performance Criteria**” means provisions to be used in the preparation, submission and assessment of development proposals for the purpose of determining their acceptability, where they do not meet the relevant Deemed-to-Comply provisions.

“**Policy**” means this Holiday Homes Local Planning Policy.

4. POLICY STATEMENT

4.1 LOCATION	
Deemed-to-Comply	Performance Criteria
<p>A Holiday Home satisfies the Deemed-to-Comply provisions if:</p> <p>C1.1 The Holiday Home is located within an existing, lawful dwelling (other than a dwelling approved as a second dwelling or rural worker’s dwelling pursuant to clause 4.5 (f) or (g) of the Local Planning Scheme, or equivalent clause in previous schemes) in the Agriculture or Viticulture and Tourism Zone; or</p> <p>C1.2 In all other Zones, the Holiday Home has direct frontage to a public road and/or public open space and has a minimum of 350m² exclusively for the use of the dwelling; or</p> <p>C1.3 For a Holiday Home (Grouped/Multiple Dwelling), written support has been received by the local government from the majority of owners of properties in the complex or development within which the Holiday Home is to be located (excluding the owner of the site subject of the application, unless the applicant owns all of the properties in the complex or development).</p>	<p>A Holiday Home satisfies the Performance Criteria provisions if:</p> <p>P1.1</p> <p>The City is satisfied that approval of the Holiday Home is not likely to have a significant impact on the amenity of adjoining and nearby residents and would not constitute the conversion of a second dwelling or rural worker’s dwelling to a Holiday Home.</p>

Local Planning Policy No. 4.1 HOLIDAY HOMES



4.2 UTILITY SERVICING													
Deemed-to-Comply	Performance Criteria												
<p>A Holiday Home satisfies the Deemed-to-Comply provisions if:</p> <p>C2.1 The Holiday Home is connected to reticulated water, or provided with a 135,000 litre rainwater tank for the exclusive use of the Holiday Home; and</p> <p>C2.2 The Holiday Home is located within the City's kerbside refuse collection area; and</p> <p>C2.3 The Holiday Home is connected to reticulated sewerage, or there is an approved on-site effluent disposal system with adequate capacity for the proposed number of occupants.</p> <p><i>Note: in areas not serviced by reticulated sewerage, it should not be assumed that an existing on-site effluent disposal system approved for a single house will have sufficient capacity for the proposed number of occupants without the need for upgrading. Advice should be sought from the City's Environmental Health staff prior to lodging an application for development approval.</i></p>	<p>A Holiday Home satisfies the Performance Criteria provisions if:</p> <p>P2.1 The City is satisfied that the Holiday Home will have an adequate supply of potable water; and</p> <p>P2.2 The City is satisfied that the Holiday Home will be provided with an adequate refuse collection service; and</p> <p>P2.3 The City is satisfied that the Holiday Homes will be provided with an adequate on-site effluent disposal system (and provision of such would be a condition of any approval, to be met prior to the commencement of the use if a suitable system is not already in place and approved).</p>												
4.3 CAR PARKING													
Deemed-to-Comply	Performance Criteria												
<p>A Holiday Home satisfies the Deemed-to-Comply provisions if:</p> <p>C3.1 The Holiday Home will have constructed on-site car parking bays, consistent with the size and manoeuvrability criteria set out in the <i>Residential Design Codes of Western Australia</i>, but with no more than any of two bays arranged one behind the other (i.e. tandem bays are permitted, with two bays one behind another, but not with a third bay behind another two), in accordance with the following rates:</p> <table border="1"> <thead> <tr> <th>Maximum number of occupants</th> <th>Minimum number of car parking bays required</th> </tr> </thead> <tbody> <tr> <td>1-3</td> <td>1</td> </tr> <tr> <td>4-6</td> <td>2</td> </tr> <tr> <td>7-8</td> <td>3</td> </tr> <tr> <td>9-10</td> <td>4</td> </tr> <tr> <td>11-12</td> <td>5</td> </tr> </tbody> </table>	Maximum number of occupants	Minimum number of car parking bays required	1-3	1	4-6	2	7-8	3	9-10	4	11-12	5	<p>A Holiday Home satisfies Performance Criteria provisions if:</p> <p>P3.1 The City is satisfied that the Holiday Home has a minimum of two constructed on-site car parking bays and, where additional car parking bays would be required to comply with C3.1 above, at least the equivalent number of cars could park on the site without the need for cars to park on the verge, in adjacent or nearby public car parking, or in visitor car parking bays within a unit complex or similar; or</p> <p>P3.2 Where a Holiday Home is located in the 'Business' Zone, the City is satisfied that the Holiday Home will not have a noticeable effect on the availability of public car parking within the locality.</p>
Maximum number of occupants	Minimum number of car parking bays required												
1-3	1												
4-6	2												
7-8	3												
9-10	4												
11-12	5												

Local Planning Policy No. 4.1 HOLIDAY HOMES



4.4 DWELLING DESIGN																	
Deemed-to-Comply	Performance Criteria																
<p>A Holiday Homes satisfies the Deemed-to-Comply provisions if:</p> <p>C4.1 The Holiday Home is an existing, lawful dwelling; or</p> <p>C4.2 If the Holiday Home is not an existing, lawful dwelling, the Holiday Home will meet all of the relevant design standards and requirements that would apply to a new dwelling on the land, including the requirements of the Local Planning Scheme (including the <i>Residential Design Codes of Western Australia</i>), all relevant Local Planning Policies, and all relevant Structure Plan, Activity Centre Plan and Local Development Plan provisions; and</p> <p>C4.3 The maximum number of occupants within a Holiday Home complies with the following standards:</p> <ul style="list-style-type: none"> (a) There is 5.5 square metres per occupant in each bedroom utilising beds; and (b) There is 3.5 square metres per occupant in each bedroom utilising bunks; and (c) There is sufficient bedroom space to accommodate the maximum number of occupants consistent with (a) and (b) above; and <p>C4.4 Bedrooms in a Holiday Home are provided in accordance with the following rates:</p> <table border="1"> <thead> <tr> <th>Maximum number of occupants</th> <th>Minimum number of bedrooms required</th> </tr> </thead> <tbody> <tr> <td>1-2</td> <td>1, or studio</td> </tr> <tr> <td>3-4</td> <td>2</td> </tr> <tr> <td>5-8</td> <td>3</td> </tr> <tr> <td>9-12</td> <td>4</td> </tr> </tbody> </table> <p>C4.5 Bathrooms and toilets in a Holiday Home are provided in accordance with the following rates:</p> <table border="1"> <thead> <tr> <th>Maximum number of occupants</th> <th>Minimum number of bathrooms/toilets required</th> </tr> </thead> <tbody> <tr> <td>1-6</td> <td>1 bathroom and 1 toilet</td> </tr> <tr> <td>7-12</td> <td>1 or 2 bathrooms and 2 toilets</td> </tr> </tbody> </table>	Maximum number of occupants	Minimum number of bedrooms required	1-2	1, or studio	3-4	2	5-8	3	9-12	4	Maximum number of occupants	Minimum number of bathrooms/toilets required	1-6	1 bathroom and 1 toilet	7-12	1 or 2 bathrooms and 2 toilets	<p>A Holiday Homes satisfies the Performance Criteria provisions if C4.1 or C4.2 is met, and C4.3 and C4.5 are met; and:</p> <p>P4.1 The City is satisfied that the dwelling design is appropriate to accommodate the proposed maximum number of occupants. In general, if C4.4 is not met, this would only be the case if there are a smaller number of relatively large bedrooms.</p> <p><i>Note: the Local Planning Scheme establishes that the maximum number of occupants in a Holiday Home (Single House), regardless of the number or size of bedrooms, is 12, and the maximum number of occupants in a Holiday Home (Grouped/Multiple Dwelling) is six. The City has no discretion to approve Holiday Homes with maximum occupant numbers higher than those limits.</i></p>
Maximum number of occupants	Minimum number of bedrooms required																
1-2	1, or studio																
3-4	2																
5-8	3																
9-12	4																
Maximum number of occupants	Minimum number of bathrooms/toilets required																
1-6	1 bathroom and 1 toilet																
7-12	1 or 2 bathrooms and 2 toilets																

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4.5 BUSHFIRE MANAGEMENT	
Deemed-to-Comply	Performance Criteria
<p>A Holiday Home satisfies the Deemed-to-Comply provisions if:</p> <p>C5.1 The Holiday Home satisfies the provisions of the Bushfire Policy.</p>	<p>There are no performance criteria for this provision as development is required to satisfy the provisions of the Bushfire Policy.</p>

5. RELATED DOCUMENTATION / LEGISLATION

- 5.1 *City of Busselton Local Planning Scheme No. 21*
- 5.2 *City of Busselton Holiday Homes Local Law*

6. REVIEW DETAILS

Review Frequency		2 yearly		
Council Adoption	DATE	11/03/2020	Resolution #	C2003/084
Previous Adoption	DATE	27/03/2019	Resolution #	C1903/053

** Policy number changed from LPP 7C to LPP 4.1 on the 11th May 2020. The change is administrative only, no resolution by Council required.*



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LOCAL GOVERNMENT ACT 1995

CITY OF BUSSELTON

**HOLIDAY HOMES LOCAL
LAW 2012**

LOCAL GOVERNMENT ACT 1995

CITY OF BUSSELTON

HOLIDAY HOMES LOCAL LAW 2012

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- 1.3 Application
- 1.4 Terms used in this local law

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LOCAL GOVERNMENT ACT 1995

CITY OF BUSSELTON

HOLIDAY HOMES LOCAL LAW 2012

PART 1—PRELIMINARY

Under the powers conferred on it by the *Local Government Act 1995*, the Council of the City of Busselton resolved on 28 March 2012 to make this local law.

PART 1—PRELIMINARY

1.1 Title

This is the *City of Busselton Holiday Homes Local Law 2012*.

1.2 Commencement

This local law commences 3 months after the date of its publication in the *Government Gazette*.

1.3 Application

This local law applies throughout the district.

1.4 Terms used in this local law

In this local law—

Act means the *Local Government Act 1995*;

acting manager, in relation to a holiday home, means the person who is the acting manager of the holiday home, as specified in the certificate of registration for the holiday home, whether or not that person is also the owner of the holiday home;

applicant means an applicant for a registration;

application fee means the application fee for registration that is imposed by the Council under the Act;

attendant means a person who is—

(a) an occupant; or

(b) a guest;

authorised person means a person authorised by the local government under section 9.10 of the Act to perform any of the functions of an authorised person under this local law;

CEO means—

(a) the CEO of the City; and

(b) any other employee of the City to whom the CEO has delegated his or her powers under this local law;

certificate of registration means a current and valid certificate issued under clause 2.4(2);

City means the City of Busselton;

Council means the council of the City;

district means the district of the City;

dwelling has the meaning given to it in the Local Planning Scheme;

grouped dwelling has the meaning given to it in the Local Planning Scheme;

guest means a person who is on the premises of a holiday home, for social purposes, at the invitation or with the permission of an occupant of the holiday home;

hirer, in relation to a holiday home, means the person who hires the holiday home or who is responsible for the payment for the accommodation of an occupant in the holiday home;

holiday home means a dwelling used, or intended to be used, to accommodate occupants for hire or reward (but does not include a 'Bed and Breakfast', 'Chalet Development', 'Guesthouse', 'Rural Tourist Accommodation' or 'Tourist Accommodation', as defined in Schedule 1 to the Local Planning Scheme);

local government means the City;

Local Planning Scheme means the City of Busselton District Town Planning Scheme No. 20, as amended from time to time;

manager, in relation to a holiday home, means the person who is the manager of the holiday home, as specified in the certificate of registration for the holiday home, whether or not that person is also the owner of the holiday home;

month means calendar month;

occupant means a person who is accommodated in a holiday home for no more than a total of 3 months in any one 12-month period ;

owner—

(a) in relation to a registered holiday home, means the person who is specified as the owner in the certificate of registration of the holiday home; and

(b) in relation to any other holiday home, means the person who is the owner of the holiday home;

premises, in relation to a holiday home, means—

(a) if the holiday home is a single house situated on a single lot, all of the land that comprises that lot; or

(b) if the holiday home is a grouped dwelling, all of the land that is set aside for the exclusive use by the owner of that grouped dwelling;

registered holiday home means a dwelling registered under this local law as a holiday home;

registration means registration, under and for the purposes of this local law, of a dwelling as a holiday home;

registration fee means the fee for registration that is imposed by the City under the Act;

Regulations means the *Local Government (Functions and General) Regulations 1996*;

relevant law means a written law, as defined in the *Interpretation Act 1994*, that applies to, or in respect of, the use of a holiday home; and

single house has the meaning given to it in the Local Planning Scheme.

PART 2— REGISTRATION

Division 1— Applying for registration

2.1 Registration required

(1) A person must not use a dwelling, or allow a dwelling to be used, as a holiday home—

(a) unless planning approval has been granted under the Local Planning Scheme to use the dwelling as a holiday home;

(b) unless the dwelling is registered as a holiday home under this local law; and

(c) other than in accordance with—

(i) the conditions of the registration; and

(ii) the provisions of this local law.

(2) Registration does not affect the obligations of an owner or a manager, or any other person, to comply with a relevant law.

2.2 Application for registration

(1) An application for registration of a holiday home must—

(a) be in writing;

(b) be in the form determined by the CEO;

(c) be made by, or on behalf of, the owner of the holiday home;

(d) be signed by the owner of the holiday home;

(e) nominate a natural person, who may or may not be the owner, to be the proposed manager of the holiday home;

(f) nominate a natural person, who may or may not be the owner, to be the proposed acting manager of the holiday home;

(g) contain the details specified in clause 2.3; and

(h) be forwarded to the CEO, together with any fee imposed by the Council under sections 6.16 to 6.19 of the Act.

(2) The CEO or an authorised person may require an applicant to give local public notice of the application for registration.

(3) The local government may refuse to consider an application for registration which is not in accordance with subclause (1).

2.3 Application details

The details that must be included in an application for registration of a holiday home are—

(a) a site plan of the premises;

(b) a floor plan of the holiday home;

(c) the location and title details of the holiday home;

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- (d) the number of bedrooms proposed to be used at any time for short stay accommodation;
- (e) the maximum number of occupants to be accommodated at any time in the holiday home;
- (f) the details of any proposed on-site parking bays on the premises;
- (g) the name, address and contact details of the owner of the holiday home and his or her phone number at which he or she may be contacted;
- (h) in relation to each of the proposed manager and the proposed acting manager—
 - (i) confirmation that he or she accepted appointment by the owner as manager (which may be contingent on the Council's approval of the application for registration); and
 - (ii) his or her name, address and contact details, including the phone number at which he or she may be contacted at any time of the day or night;
- (i) an undertaking from the proposed manager of the holiday home that he or she—
 - (i) is to have the day-to-day management of the holiday home; and
 - (ii) will respond, within a reasonable time but in any event within 24 hours, to any contact relating to the holiday home;
- (j) an undertaking from the proposed acting manager of the holiday home that, while undertaking the functions of the manager, he or she—
 - (i) is to have the day-to-day management of the holiday home; and
 - (ii) will respond, within a reasonable time but in any event within 24 hours, to any contact relating to the holiday home; and
- (k) any other information requested by the CEO or an authorised person that is reasonably related to the application for registration.

2.4 Determining an application

- (1) The Council may—
 - (a) approve an application for registration unconditionally or subject to conditions; or
 - (b) refuse to approve an application for registration.
- (2) If the Council approves an application for registration, it is to issue to the applicant a certificate of registration in the form prescribed in Schedule 1 or in a similar form as determined by the Council from time to time.
- (3) If the Council refuses to approve an application for registration, it is to give written notice of that refusal to the applicant.
- (4) Where a clause of this local law refers to conditions which may be imposed on registration, or which are to be taken to be imposed on registration, that clause does not limit the power of the Council to impose other conditions on registration under subclause (1)(a).
- (5) Where a clause of this local law refers to the grounds on which an application for registration may be or is to be refused, the clause does not limit the power of the Council to refuse the application for a permit on other grounds under subclause (1)(b).

2.5 Relevant considerations in determining an application for registration

- (1) In determining an application for registration, the Council is to have regard to—
 - (a) the conditions of any planning approval that has been granted under the Local Planning Scheme to use the dwelling as a holiday home;
 - (b) the provisions of this local law;
 - (c) any relevant policy of the City; and
 - (d) any other matter that the Council reasonably considers to be relevant in the circumstances of the case.
- (2) The Council must refuse to approve an application for registration if there is no current planning approval under the Local Planning Scheme to use the dwelling or the premises as a holiday home.
- (3) The Council may refuse to approve an application for registration on any one or more of the following grounds—
 - (a) that the owner, the proposed manager or the proposed acting manager has committed a breach of any provision of this local law or of any other relevant law;
 - (b) that the owner, the proposed manager or the proposed acting manager is not a fit and proper person in relation to the proposed holiday home; or
 - (c) any other ground that the Council may reasonably consider to be relevant in the circumstances of the case, including a ground arising from the Council's consideration of the factors set out in clause 2.5(1).

Division 2—Conditions

2.6 Conditions which may be imposed

- The Council may approve an application for registration subject to conditions relating to—
- (a) the payment of a fee imposed by the Council under sections 6.16 to 6.19 of the Act;
 - (b) the commencement and duration of registration;

- (c) the grant of any other approval, in respect of the holiday home, that—
 - (i) is required under any written law; or
 - (ii) that may be required by the City under any written law;
- (d) the maximum number of occupants who may be on the premises at any time;
- (e) the maximum number of attendants who may be on the premises during specified times;
- (f) the number of on-site parking bays at the premises for the exclusive use of attendants;
- (g) the maximum number of vehicles that may be parked on the premises at any time;
- (h) the location and number of bedrooms to be used by the occupants;
 - (i) measures to ensure effective communication to attendants of—
 - (ii) the conditions of registration; and
 - (iii) emergency management procedures to apply during an emergency or potential emergency such as a fire emergency or during a natural disaster such as a flood, cyclone or earthquake;
- (j) the provision to the CEO or an authorised person, by the owner or the manager, of details of any proposed change, or any change, to—
 - (i) the owner, the manager or the acting manager ; or
 - (ii) the contact details (including the phone and email contacts) of the owner, the manager or the acting manager;
- (k) ensuring that each of the manager, and the acting manager while undertaking the functions of the manager—
 - (i) is contactable by telephone, at any time of the day or night, using his or her contact details provided to the City; and
 - (ii) will respond, within a reasonable time but in any event within 24 hours to any contact relating to the holiday home; and
- (l) tenancy agreements with occupants that would enable the manager to comply with his or her obligations under clause 3.2.

2.7 Imposing conditions under a policy

(1) In this clause—

policy means a policy of the City adopted by the Council containing conditions subject to which an application for registration may be approved under clause 2.4(1)(a).

(2) Under clause 2.4(1)(a), the Council may approve an application subject to conditions by reference to a policy.

(3) The City is to give to the applicant a copy of the policy, or that part of the policy which is relevant to the application for registration, with the certificate of registration.

(4) An application for registration is to be taken not to have been approved subject to the conditions contained in a policy until the City gives the applicant a copy of the policy or that part of the policy which is relevant to the application.

(5) Sections 5.94 and 5.95 of the Act apply to a policy and, for that purpose, a policy is taken to be information within section 5.94(u)(i) of the Act.

2.8 Compliance with and variation of conditions

(1) Where an application for registration of a holiday home has been approved subject to conditions, or where registration is to be taken to be subject to conditions under this local law, the owner, manager and each attendant of the holiday home, must comply with each of those conditions.

(2) The Council may, after—

- (a) giving the owner or manager written notice of the proposed variation of a condition; and
- (b) taking into account any submissions made by the owner to the CEO within 14 days of the notice under paragraph (a),

vary a condition of registration.

(3) A condition that has been varied under this clause takes effect when written notice of the variation has been given to the owner and the manager.

(4) The owner, manager and each attendant must comply with a condition varied under this clause.

Division 3 – General

2.9 Registration period

A registration is valid for one year from the date on which the certificate of registration is issued, unless—

- (a) it is otherwise stated in this local law or on the certificate of registration; or
- (b) registration is cancelled under clause 2.14.

2.10 Renewal of registration

(1) The owner or manager may apply in writing to the CEO in writing before the expiry of a registration for the renewal of the registration.

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(2) Subject to subclause (3), the provisions of Divisions 1 and 2 of this Part, and any other provisions of this local law relevant to the registration which is sought to be renewed, apply, with appropriate modifications, to an application for renewal of the registration.

(3) The Council may waive, in a particular case or in one or more classes of cases, any of the requirements applying to an application for renewal of a registration.

2.11 Acting manager

(1) The acting manager is to undertake the functions of the manager only—

- (a) if the manager gives the City prior written notice of the period during which the acting manager is to undertake the functions of the manager; and
- (b) during the period specified in that notice—but not exceeding 30 days in any calendar year unless otherwise determined in writing by the Council.

(2) The provisions of this local law that apply to the manager are to be taken to apply to the acting manager while he or she is undertaking the functions of the manager.

2.12 Replacement of manager

(1) This clause applies where—

- (a) the owner is not also the manager of a registered holiday home; and
- (b) the owner wishes to replace the manager either—
 - (i) with a new manager; or
 - (ii) by personally taking over the role of manager.

(2) An application to replace a manager must—

- (a) be made before the expiry of the registration;
- (b) be made in writing;
- (c) be signed by the owner and, if applicable, the proposed new manager;
- (d) include the details as are required under clause 2.3(h);
- (e) include the undertaking described in clause 2.3(i);
- (f) provide such information as the CEO or an authorised person may reasonably require to enable the application to be determined; and
- (g) be forwarded to the CEO, together with the fee imposed by the Council under sections 6.16-6.19 of the Act.

(3) The Council may—

- (a) approve an application to replace a manager, unconditionally or subject to conditions; or
- (b) refuse to approve an application to replace a manager.

(4) Where the Council approves an application to replace a manager, the replacement is to be effected by—

- (a) an endorsement on the certificate of registration signed by the CEO or an authorised person; or
- (b) the CEO or an authorised person issuing to the transferee a fresh certificate of registration.

2.13 Production of certificate of registration

The manager of a holiday home must produce to the CEO or an authorised person the certificate of registration of the holiday home immediately on being required to do so by the CEO or that authorised person.

2.14 Cancellation

(1) A registration is taken to have been cancelled if, and on the date that—

- (a) the owner whose name appears on the certificate of registration ceases to be the owner of the holiday home; or
- (b) the manager whose name appears on the certificate of registration ceases to be the manager of the holiday home—unless an application to replace that manager has been approved by the Council under clause 2.12.

(2) A registration may be cancelled by the Council if—

- (a) the owner, manager or an attendant has not complied with—
 - (i) a condition of the registration;
 - (ii) a provision of this local law; or
 - (iii) any relevant law; or
- (b) the Council is satisfied, on the basis of complaints or other evidence of excessive noise, antisocial behaviour or other nuisances, that the continuing operation of the holiday home is not in the best interests of the City.

(3) If a registration is cancelled, the CEO must give the owner and the manager written notice of the cancellation.

(4) Cancellation under subclause (2) takes effect when the written notice is given to the owner and manager.

- (5) If a registration is cancelled—
- (a) the owner must return the certificate of registration to the CEO within 14 days of being given the written notice of cancellation; and
 - (b) the City is not required to refund any part of a fee paid in respect of the cancelled registration.

PART 3—OBLIGATIONS ON OWNERS AND MANAGERS

3.1 Requirement to give notice of any change

An owner and a manager must inform the CEO in writing, within 24 hours, of any change or proposed change that would affect the currency of—

- (a) the details submitted with the application for registration and any application for renewal of registration or for replacement of a manager; or
- (b) any condition imposed or varied under clauses 2.6, 2.7, 2.8 and 2.11.

3.2 Breach of a condition by an attendant

(1) In this clause, **breach** means breach by an attendant of—

- (a) a condition of registration;
- (b) this local law; or
- (c) a relevant law.

(2) Within 24 hours of—

- (a) the CEO or an authorised person giving written notice to the manager of a breach;
- (b) the manager becoming aware of a breach; or
- (c) the manager becoming aware of circumstances that would reasonably enable the manager to determine that a breach had occurred,

the manager must ensure that—

- (d) the occupant's tenancy is terminated; and
- (e) the occupant vacates the holiday home.

3.3 Register of occupants

The manager must—

- (a) maintain a register comprising details—
 - (i) each hirer's name, address, contact details and, if applicable, length of the stay in the holiday home; and
 - (ii) of each other occupant's name; and
- (b) give the CEO or an authorised person such access to the register as may reasonably be required by the CEO or the authorised person for the purpose of administering or enforcing this local law.

3.4 Contacting the manager

(1) The manager must be contactable at all reasonable times, using the contact details provided to the CEO or an authorised person.

(2) The manager must respond within a reasonable time but in any event within 24 hours to any contact relating to the holiday home.

PART 4—OBJECTIONS AND REVIEWS

4.1 Objection and review rights

A person adversely affected by a decision made under Part 2 may be entitled to object against, or to apply for a review of, the decision under the Act.

PART 5—ENFORCEMENT

5.1 Offences and penalties

(1) A person who breaches a provision of this local law commits an offence.

(2) A person who commits an offence is liable—

- (a) to a penalty of \$5,000; and
- (b) if the offence is of a continuing nature, a further penalty of \$500 in respect of each day or part of a day during which the offence has continued.

5.2 Prescribed offences

(1) An offence against a clause specified in Schedule 2 is a prescribed offence for the purposes of clause 9.16(1) of the Act.

(2) The amount of the modified penalty for a prescribed offence is that specified adjacent to the clause in Schedule 2.

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5.3 Form of notices

- (1) Where a vehicle is involved in the commission of an offence, the form of the notice referred to in section 9.13 of the Act is set out in Schedule 1 of the Regulations.
- (2) The form of the infringement notice given under section 9.16 of the Act is set out in Form 2 in Schedule 1 of the Regulations.
- (3) The form of the notice referred to in section 9.20 of the Act is that set out in Form 3 in Schedule 1 of the Regulations.

Schedule 1

CERTIFICATE OF REGISTRATION

[Clause 2.4(2)]

City of Busselton

**HOLIDAY HOMES LOCAL LAW 2012
CERTIFICATE OF REGISTRATION**

Date...../...../.....

This certifies that the dwelling at.....
(address of holiday home)

owned by.....
(name/s of owner/s)

managed by..... and
(name of manager) (name of acting manager)

is registered as a holiday home which may be used to accommodate occupants for hire or reward in accordance with—

- (a) the provisions of the *Holiday Homes Local Law 2012*;
- (b) any other relevant law; and
- (c) the conditions set out on the back of this certificate.

.....
Signature of CEO/CEO's delegate.

Notes:

- 1. *An application for registration of a holiday home cannot be approved unless planning approval has been granted under the City of Busselton District Town Planning Scheme No. 20 to use the dwelling as a holiday home.*
- 2. *Registration of a holiday home does not affect the rights and obligations of an owner or occupier under the by-laws of a strata company, including any requirement to obtain approval, or to comply with any restrictions, in connection with the use of a dwelling as a holiday home.*

CONDITIONS OF REGISTRATION

This registration is subject to the following conditions—

- 1.
- 2.
- 3. etc

Schedule 2

PRESCRIBED OFFENCES

[Clause 5.2]

Clause	Description	Modified penalty
2.1(1)	Using, or allowing to be used, as a holiday home, a dwelling not registered as a holiday home	\$400.00
2.8(1)	Failure to comply with a condition of registration	\$300.00
2.8(3)	Failure to comply with a varied condition of registration	\$300.00
2.13	Failure to produce certificate of registration when required to do so	\$250.00
2.14(5)(a)	Failure to return the certificate of registration after registration cancelled	\$150.00
3.1	Failure to inform CEO of any change or proposed change affecting registration details	\$300.00

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Clause	Description	Modified penalty
3.2(2)(d)	Failure to terminate occupant's tenancy for a breach	\$300.00
3.2(2)(e)	Failure to ensure occupant vacates the holiday home for breach of a condition of registration	\$300.00
3.3(a)	Failure to maintain a register	\$200.00
3.3(b)	Failure to give CEO or an authorised person access to the register	\$300.00
3.4(2)	Failure of a manager to respond, within the required time, to a contact	\$300.00

This local law was made at the meeting of the Council of the City of Busselton held on 28 March 2012.

The Common Seal of the City of Busselton was affixed in the presence of—

IAN WILLIAM STUBBS, Mayor.
MICHAEL STEPHEN LEE ARCHER, Chief Executive Officer.

On 19 April 2012.

**RESPONSE OF THE WESTERN AUSTRALIAN
GOVERNMENT TO THE**

**WESTERN AUSTRALIAN LEGISLATIVE ASSEMBLY
ECONOMICS AND INDUSTRY STANDING COMMITTEE**

IN RELATION TO

THE INQUIRY INTO THE REGULATION OF SHORT-STAY ACCOMMODATION IN
WESTERN AUSTRALIA

*Report 7 - Levelling the Playing Field. Managing the impact of the rapid increase of Short-
Term Rentals in Western Australia*

Executive Summary

The Western Australian Government generally agrees with the Report and will consider developing and/or adopting policy to give effect to the intent of the recommendations, including forming an interdepartmental working group to address some of the recommendations.

The Western Australian Government thanks the Committee for undertaking the Inquiry, and welcomes its Report. The Government also acknowledges the important contributions made by the stakeholders who participated in the Inquiry, including local governments, major online accommodation platforms, industry associations, key social organisations, individual hosts, hotel and caravan park owners, and guest house and bed and breakfast owners.

In responding to the Committee's recommendations, the Western Australian Government acknowledges the complexity of the issues raised and the wide range of views on the topic across the State and within local government areas. The Government recognises the broader issues in relation to short-term rentals, including a lack of available data, perception of an 'uneven playing field', amenity issues for neighbours, and confusing regulatory requirements to name a few. In principle, the Government accepts that the existing State-level policy and guidance addressing short-term rentals are dated and inconsistent, and will look at rectifying this.

The recommendations of the Committee are outlined below:

Recommendation 1

The Minister for Commerce request the Department of Mines, Industry Regulation and Safety develop a public education campaign in association with Real Estate Institute of Western Australia (REIWA) to make owners, real estate agents, property managers and purchasers of real estate in Western Australia aware of their obligations in regard to:

- the truthful marketing and presentation of properties as Short-Term Rental prospects;
- the importance of considering Short-Term Rental as part of the pre-purchase due diligence process; and
- other legal obligations surrounding the use of properties as Short-Term Rentals.

Recommendation 2

That by June 2020 the Minister for Planning update the model provisions in the *Planning and Development (Local Planning Schemes) Regulations 2015* to amend:

- land use definitions to differentiate between hosted and unhosted Short-Term Rentals;
- land use definitions to include the size and capacity of Short-Term Rentals; and
- the definition of bed and breakfast accommodation.

Recommendation 3

That by June 2020 the Minister for Planning direct the Western Australian Planning Commission (WAPC) to update planning guidance so that it aligns with the amended land use definitions in the *Planning and Development (Local Planning Schemes) Regulations 2015* and provides greater guidance to local governments about ways to appropriately regulate Short-Term Rentals.

Recommendation 4

The Minister for Planning direct the relevant government agency to work with stakeholders to develop model by-laws that assist strata companies to better manage Short-Term Rentals in their strata scheme. These model by-laws should include:

- by-laws that, if adopted by a strata company, would prevent owners from letting their lots as Short-Term Rentals; and
- by-laws that, if adopted by a strata company, would enable owners to let their lots as Short-Term Rentals.

Recommendation 5

The Minister for Planning direct Landgate to update their strata titles guidance to include discussion of the powers and processes open to strata companies to manage Short-Term Rentals in strata schemes.

Recommendation 6

The Ministers for Commerce, Local Government, Planning and Tourism establish an interdepartmental working group to coordinate whole-of-government policy responses for Short-Stay Accommodation.

Recommendation 7

The interdepartmental working group should:

1. Establish the baseline requirements for a state-wide registration scheme, including:
 - a. the minimum information required for both hosted and unhosted premises;
 - b. the cycle of registration;
 - c. registration costs for the State register (separate from any additional local government fees, charges or costs);
 - d. the most appropriate agency to hold the register; and
 - e. the treatment of Traditional Accommodation providers.
2. Determine the legal mechanisms through which the State Government can introduce and enforce a registration scheme, including consequences for non-compliance.
3. Determine the most appropriate mechanism to collect and manage the registration data.
4. Determine the information disclosure requirements for online platforms and appropriate enforcement mechanisms.
5. Determine information sharing mechanisms between State and local government authorities, including information gathered under existing registration and licensing regimes for Traditional Accommodation.
6. Determine what information, if any, should be made publicly available.
7. Ensure that local governments maintain the ability to require the provision of additional information and impose additional licensing or operational requirements, depending on their particular circumstances.

The interdepartmental working group's activities should incorporate appropriate consultation mechanisms with local government authorities and relevant stakeholders.

Recommendation 8

The relevant Minister should ensure, through appropriate legislative or regulatory mechanisms, that online platforms are required to display a valid registration number for Short-Term Rentals, issued under the registration scheme. The interdepartmental working group should consider and provide advice to the Minister on the appropriate requirements for Traditional Accommodation.

Recommendation 9

The relevant Minister prepare regulations requiring online platforms to provide data on all Short-Term Rental properties listed in Western Australia to the government agency with primary responsibility for the state-wide registration system, on a disclosure cycle to be recommended by the interdepartmental working group.

Recommendation 10

The relevant Minister introduce a state-wide registration scheme for Short-Term Rentals based on the parameters developed by the interdepartmental working group, coupled with data provision requirements for online platforms. Local government authorities should be responsible for:

- approving additional registration requirements for properties within their boundaries;
- developing additional registration criteria, suited to their particular circumstance;
- enforcing compliance with their local controls;
- managing complaints about Short-Term Rentals; and
- setting and imposing penalties for non-compliance with local requirements.

The process for information collection and disclosure should be developed by the interdepartmental working group, in consultation with local government.

The Government's specific response to each of the recommendations follow.

Government's Response to the Recommendations

Recommendation 1

The Minister for Commerce request the Department of Mines, Industry Regulation and Safety develop a public education campaign in association with REIWA to make owners, real estate agents, property managers and purchasers of real estate in Western Australia aware of their obligations in regard to:

- the truthful marketing and presentation of properties as Short-Term Rental prospects;
- the importance of considering Short-Term Rental as part of the pre-purchase due diligence process; and
- other legal obligations surrounding the use of properties as Short-Term Rentals.

Response

The Government agrees to the recommendation.

In using a property for a short-term rental, there are a range of approvals, public health and safety, insurance, taxation and amenity issues that both the consumer and service provider need to be aware of. It is important that there is an appropriate level of education and information available to ensure awareness of these requirements, and the Western Australian Government supports the development of an education program than can be tailored to local conditions.

The *Real Estate and Business Agents and Sales Representatives Code of Conduct 2016* (the Code) provides that an agent or sales representative must exercise due care, diligence and skill. Additionally, the Code provides for the disclosure of material facts to any person materially affected. This would include the correct communication (advertising) of properties and their suitability for use as short-term rental properties.

The Department of Mines, Industry Regulation and Safety (DMIRS) will communicate with the industry, in liaison with REIWA reminding it of the Code requirements and how the Australian Consumer Law (WA) applies. DMIRS will also establish a communication strategy to the community (owners, purchasers etc) alerting them to matters that should be considered at the time of purchase and use of properties.

The Minister for Commerce notes that the Australian Consumer Law (WA) applies to the provision of all goods and services. In relation to the suppliers of short-term rentals, this includes the application of consumer guarantee provisions meaning that: services are provided with due care and skill, the accommodation is fit-for-purpose and that consumers are not misled or deceived in their transactions with suppliers. The Minister for Commerce will request DMIRS to work with other jurisdictions to propose that a national education campaign on consumer rights under the Australian Consumer Law (WA) in relation to short-term rentals be developed.

The Department of Fire and Emergency Services (DFES) proposes that it is actively consulted and engaged in the development of any education campaigns. These will be communicated to the community and appropriate related education initiatives:

- educating short-term rental owners about what safety standards and signage they need to display in their property; and

- educating travellers about the risks of the local area, what to do in a bushfire or other emergency, and how to stay informed.

Recommendation 2

That by June 2020 the Minister for Planning update the model provisions in the *Planning and Development (Local Planning Schemes) Regulations 2015* to amend:

- land use definitions to differentiate between hosted and unhosted Short-Term Rentals;
- land use definitions to include the size and capacity of Short-Term Rentals; and
- the definition of bed and breakfast accommodation.

Response

The Government endorses the intent of the recommendation; however, the timeline is considered insufficient.

It is agreed that the land use definitions in *Planning Bulletin 99 – Holiday Homes Guidelines* and the model provisions in the *Planning and Development (Local Planning Schemes) Regulations 2015* that relate to short-term rentals are dated, and do not accurately reflect how residential properties are currently being used for short-term letting in Western Australia.

The inclusion of land use definitions in the model provisions in the *Planning and Development (Local Planning Schemes) Regulations 2015* encourages the consistent treatment of short-term rentals throughout Western Australia while retaining the ability of local governments to adjust their policy responses to local contexts.

On behalf of the Minister for Planning, the Department of Planning, Lands and Heritage (DPLH) will progress the update of the model provisions in the *Planning and Development (Local Planning Schemes) Regulations 2015* to amend definitions. This review may or may not include those noted by the recommendation and additional definitions as deemed necessary. It is noted that there is a higher compliance burden on traditional bed and breakfasts, and any actions taken to harmonise land use definitions must be cognisant of the implications on traditional bed and breakfast businesses.

The model provisions in the *Planning and Development (Local Planning Schemes) Regulations 2015* cannot be updated within the timeframe specified in the Report due to the drafting process and additional legislative steps required. A more accurate timeline would be November 2020.

As an interim measure, the proposed land use definitions will be incorporated into the draft WAPC Tourism Position Statement. It is expected that the WAPC will have a draft Tourism Position Statement for public consultation around mid-2020.

The Minister for Planning will also investigate the option of 'deeming' the definition of hosted accommodation and providing for this type of accommodation to be exempt from development approval, into all local planning schemes, in accordance with Section 257B of the *Planning and Development Act 2005*. This would ensure consistent provisions for hosted accommodation across the State.

Consistent with the findings of the Report, the designation of land use permissibility for unhosted accommodation will be determined through each local planning scheme.

Recommendation 3

That by June 2020 the Minister for Planning direct the Western Australian Planning Commission to update planning guidance so that it aligns with the amended land use definitions in the *Planning and Development (Local Planning Schemes) Regulations 2015* and provides greater guidance to local governments about ways to appropriately regulate Short-Term Rentals.

Response

The Government endorses the intent of the recommendation.

The WAPC will continue to draft policy (Tourism Position Statement and any other necessary guidance) that will align with any proposed amendments to land use definitions and provide greater guidance to local governments about ways to appropriately regulate short-term rentals. Additionally, the interdepartmental working group's work will be considered in the drafting of the policy position.

Once advertised, the draft Tourism Position Statement would be considered seriously entertained, as such, it would be applicable when considering planning applications. By releasing the policy ahead of amendments to the *Planning and Development (Local Planning Schemes) Regulations 2015* (the Regulations) it provides an opportunity to test the application of definitions prior to incorporation into the Regulations.

Recommendation 4

The Minister for Planning direct the relevant government agency to work with stakeholders to develop model by-laws that assist strata companies to better manage Short-Term Rentals in their strata scheme. These model by-laws should include:

- by-laws that, if adopted by a strata company, would prevent owners from letting their lots as Short-Term Rentals; and
- by-laws that, if adopted by a strata company, would enable owners to let their lots as Short-Term Rentals.

Response

It should be noted that the development of model by-laws for strata is outside the scope of the Planning portfolio as it relates to the Minister for Lands. The Minister for Planning can only direct it's own agency to undertake work.

The Government does not support adopting the recommendation. Landgate notes that strata companies have broad powers to make by-laws that best suit their individual needs. However, sufficient support will be provided to stakeholders by adopting Recommendation 5.

Providing model by-laws could lead owners and tenants to assume that the by-law is inherently valid. However, in certain circumstances, a model by-law could be found to be invalid by the State Administrative Tribunal.

A strata company does not need a legislative authority to provide for short-term rentals. However, upon proclamation of the amended *Strata Titles Act 1985*, by-laws will be established as secondary to any other legislation. As a result, by-laws will *always* have to conform to the planning legislation first and foremost.

The standard by-laws currently included in the *Strata Titles (General) Regulations 2019* (under development) enable owners to facilitate short-term rentals, unless another law prohibits or restricts them from doing so.

Support in understanding by-laws will be provided to stakeholders through updating Landgate's guidance material (consistent with Recommendation 5); an activity that is already accommodated in the Strata Reform Project plan.

Recommendation 5

The Minister for Planning direct Landgate to update their strata titles guidance to include discussion of the powers and processes open to strata companies to manage Short-Term Rentals in strata schemes.

Response

It should be noted that the Minister for Planning cannot direct Landgate, as this is the role and responsibility of the Minister for Lands.

The Government supports the recommendation.

This activity is planned to occur as part of Landgate's Strata Titles Act Reform project, due to conclude in 2020/21.

Upon proclamation of the amended *Strata Titles Act 1985*, Landgate will clarify in its guidance material that a short-term rental by-law would be a governance by-law for a scheme where the legislation allows.

If, as a result of the Committee's Report, the WAPC was to amend any planning policies that affect strata by laws, Landgate will update the strata titles guidance accordingly.

In clarifying guidance material, Landgate, as part of the Strata Titles Act Reform project, may update publications relating to the *Strata Titles Act 1985* including '[A Guide to Strata Titles](#)' and the '[Strata Titles Practice Manual](#)' to include discussion on Airbnb and the sharing economy, as well as how by-laws can be used by strata companies to better manage short-term rentals in their strata schemes.

Recommendation 6

The Ministers for Commerce, Local Government, Planning and Tourism establish an interdepartmental working group to coordinate whole-of-government policy responses for Short-Stay Accommodation.

Response

The Government supports the recommendation. State Government agencies have various responsibilities and interests in short-stay accommodation, including tourism sector development and destination marketing, housing affordability, planning and land use, consumer protection and safety, bushfire safety and supporting local governments to enforce their local laws, planning schemes and policies. Given the complexities of the policy responses required, the establishment of a working group to coordinate these is a logical step.

The Ministers for Commerce, Local Government, Planning and Tourism will nominate staff within their respective portfolios to be members of the interdepartmental working group.

The implementation of a register, its administration, enforcement, determination of any fee structures, collection of information and legal obligations on both booking platforms and individual property owners has potential policy and regulatory implications for the Department of Local Government, Sport and Cultural Industries (DLGSC), DMIRS, and DPLH. The working group will identify the lead government agency to have primary responsibility for the coordination of regulation for short-stay accommodation.

The interdepartmental working group may establish a small number of specific technical working groups to undertake relevant tasks associated with respective recommendations. These groups may consist of broader membership than the working group as relevant to the task (for example, it may be appropriate to seek input from the Western Australian Local Government Association (WALGA) given the impact on local government and the sector's position). Additionally, other government and non-government entities may be invited to assist with the development of certain policies as appropriate.

Recommendation 7

The interdepartmental working group should:

1. Establish the baseline requirements for a state-wide registration scheme, including:
 - a. the minimum information required for both hosted and unhosted premises;
 - b. the cycle of registration;
 - c. registration costs for the State register (separate from any additional local government fees, charges or costs);
 - d. the most appropriate agency to hold the register; and
 - e. the treatment of Traditional Accommodation providers.
2. Determine the legal mechanisms through which the State Government can introduce and enforce a registration scheme, including consequences for non-compliance.
3. Determine the most appropriate mechanism to collect and manage the registration data.
4. Determine the information disclosure requirements for online platforms and appropriate enforcement mechanisms.
5. Determine information sharing mechanisms between State and local government authorities, including information gathered under existing registration and licensing regimes for Traditional Accommodation.
6. Determine what information, if any, should be made publicly available.
7. Ensure that local governments maintain the ability to require the provision of additional information and impose additional licensing or operational requirements, depending on their particular circumstances.

The interdepartmental working group's activities should incorporate appropriate consultation mechanisms with local government authorities and relevant stakeholders.

Response

The Government generally supports the recommendation, including introduction of a mandatory registration process.

The dot points identified to establish the baseline requirements for the registration scheme are comprehensive and cover the key issues. The critical part of this process, is how these are to be applied. In implementing a registration scheme, this needs to be flexible and not too onerous, to encourage use by all parties. Any property registration system needs to be simple, low cost and user friendly.

Critical issues in implementing a state-wide registration scheme will be the relationship between local and State Government, what is the legal mechanism for the State, how data is collected and shared between the respective levels of government, and what is the role of online platforms.

The interdepartmental working group will work through the details of how the registration process would operate and be applied. In doing so, the interdepartmental working group will identify the costs to both State and local government, and industry, with the aim to find most cost-effective approach.

As noted in the response to Recommendation 6, other government and non-government entities may be invited to assist with the development of certain policies. In this regard, DFES will assist the interdepartmental working group to consider the development of a Short-Term Rental Accommodation Fire Safety Standard in the Western Australian context as New South Wales has done.

Working smarter and in partnership with local government is a key priority of the McGowan Government, as illustrated in the Services Priority Review and State Local Government Partnership Agreement signed in August 2017. It provides a framework for better alignment with government strategy and a forum to discuss investment, prioritisation and identification of collective opportunities to meet mutual outcomes. In addition, a State Local Government Working Group has been established to support the Partnership Group to drive a long-term agenda and culture of collaboration between State and local government. This mechanism could be considered as part of the development of this project.

Recommendation 8

The relevant Minister should ensure, through appropriate legislative or regulatory mechanisms, that online platforms are required to display a valid registration number for Short-Term Rentals, issued under the registration scheme.

The interdepartmental working group should consider and provide advice to the Minister on the appropriate requirements for Traditional Accommodation.

Response

The Government generally supports the recommendation, including the introduction of a mandatory registration system.

The most appropriate legislative and regulatory mechanisms will be investigated through the interdepartmental working group.

If a register is established and applied as a mandatory requirement as proposed in Recommendation 7, then it is appropriate that a valid registration number is displayed to highlight that due process has been followed, and that properties are legitimate short-term rentals.

In addition to addressing short-term rentals, the interdepartmental working group will also consider and provide advice on what is determined the most appropriate requirements for traditional accommodation providers.

The interdepartmental working group will consider existing registration processes of government and identify any existing systems or programmes, where possible, including online platforms that can be utilised for this purpose.

Recommendation 9

The relevant Minister prepare regulations requiring online platforms to provide data on all Short-Term Rental properties listed in Western Australia to the government agency with primary responsibility for the state-wide registration system, on a disclosure cycle to be recommended by the interdepartmental working group.

Response

The Government generally supports the recommendation, including the introduction of a mandatory registration system, and a mechanism for data to be collected.

It is unlikely online platforms will voluntarily include registration numbers on their listings in Western Australia. As such, the Government will investigate the potential to introduce legislation to require online booking platforms to list relevant information on their websites, and report data to the Government. It is likely that the Western Australian Government will introduce measures, similar to Tasmania in its *Short Stay Accommodation Act 2019*, to encourage compliance with short-term rental planning permit requirements.

The Government recognises that adequate privacy protections would need to be developed to enable the sharing of de-identified data.

Recommendation 10

The relevant Minister introduce a state-wide registration scheme for Short-Term Rentals based on the parameters developed by the interdepartmental working group, coupled with data provision requirements for online platforms. Local government authorities should be responsible for:

- approving additional registration requirements for properties within their boundaries;
- developing additional registration criteria, suited to their particular circumstance;
- enforcing compliance with their local controls;
- managing complaints about Short-Term Rentals; and
- setting and imposing penalties for non-compliance with local requirements.

The process for information collection and disclosure should be developed by the interdepartmental working group, in consultation with local government.

Response

The Government supports the recommendation that a state-wide registration scheme be explored and developed. There is a clear need for a whole-of-government view on the appropriate regulatory and legislative framework that will meet the needs of this rapidly changing sector.

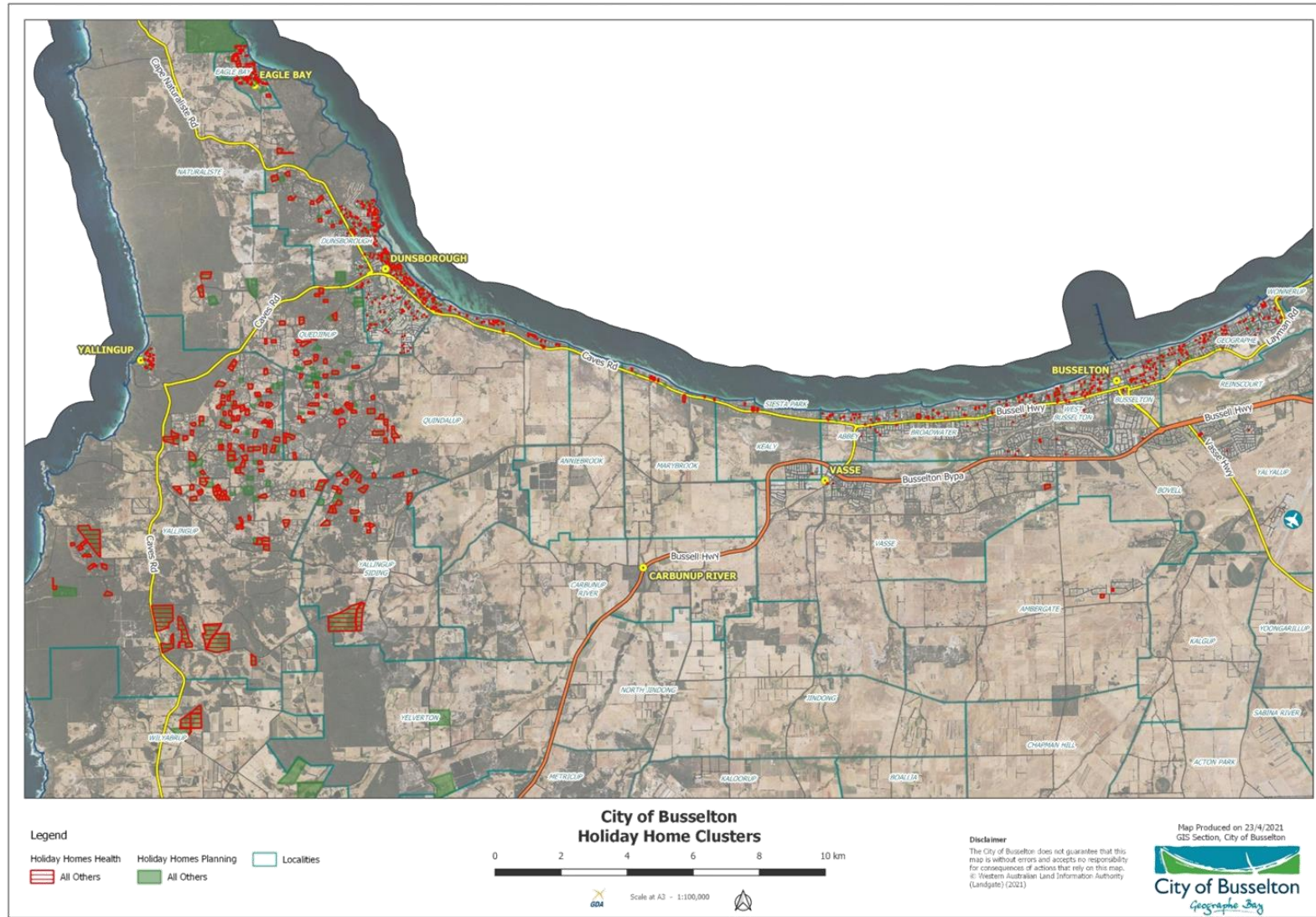
The responsibility of local government as outlined will need to be costed and appropriate cost recovery mechanisms put in place. In Western Australia, local governments can impose fees and charges on users of specific, often incidental, services. Examples include

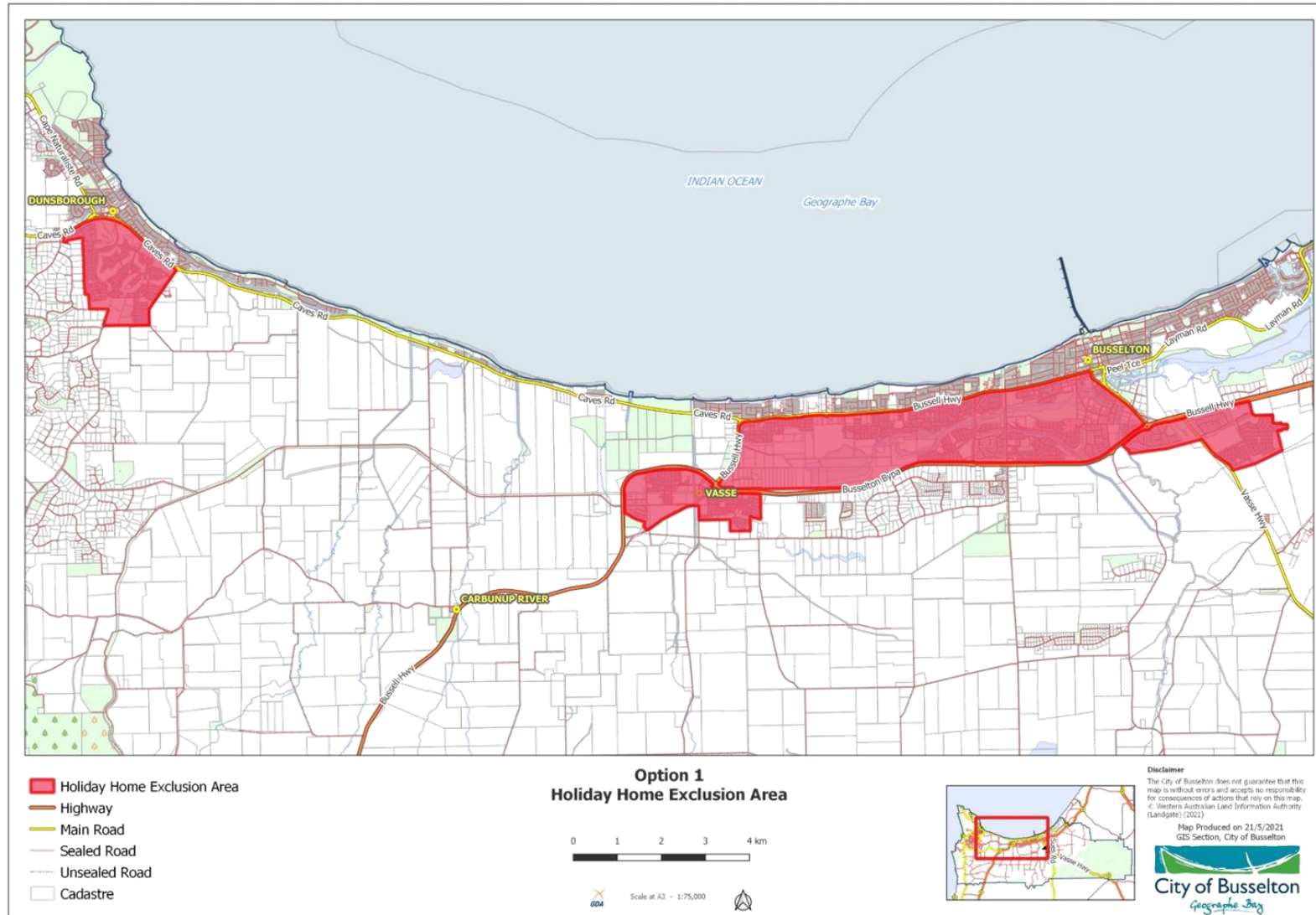
dog registration fees, fees for building approvals and swimming pool entrance fees. In some cases, local governments will recoup the entire cost of providing a service.

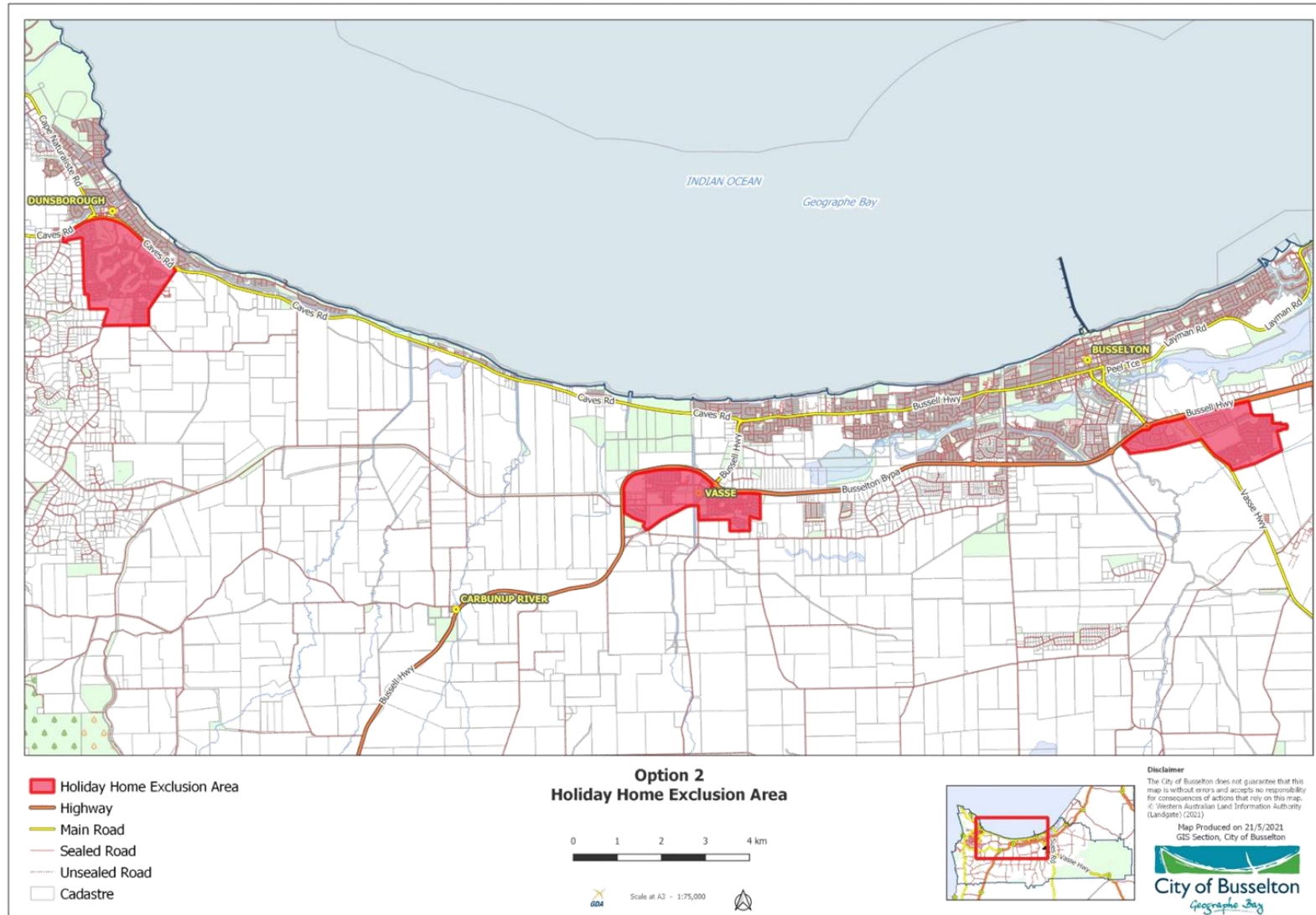
Currently, fees and charges are determined according to three methods:

1. By legislation, with an upper limit set by legislation;
2. By the local government; and
3. Fees determined by State Government legislation.

The lack of efficient indexation of fees and charges determined by State Government legislation and regulation is a long-standing issue for local government which makes service planning and delivery challenging. Supposedly cost reflective, they quickly lose relevance to their cost base if they are not periodically reviewed. This revenue leakage is recovered from rate revenue. This means all ratepayers end up subsidising the activities of some ratepayers. The State Local Government Partnership Agreement is exploring this further with the Economic Regulation Authority.







Holiday Home Exclusion Areas - 1096101.gxd

6.15pm: At this time, Cr Barrett-Lennard re-entered the meeting.

18. MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

Nil

19. URGENT BUSINESS

Nil

20. CONFIDENTIAL REPORTS

Nil

21. CLOSURE

The Presiding Member closed the meeting at 6.16pm.

THESE MINUTES CONSISTING OF PAGES 1 TO 342 WERE CONFIRMED AS A TRUE AND CORRECT RECORD ON WEDNESDAY, 23 JUNE 2021.

DATE: 23/6/2021 PRESIDING MEMBER: _____

