# The role of local government in environmental and heritage management

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# Introduction

This is the first time that the national state of the environment report has dedicated a chapter to local government. Because of this, the pressures, state and responses of local governments to the challenge of environment and heritage issues have not yet been mapped out for the purpose of state of the environment reporting. That structure (pressure–state–response) works well for making sense of the role of local government in environment and heritage work, and is taken up here.

Many local governments publish their own state of the environment reports. Some stem from statutory requirements (see for example *Local Government Act (NSW) 1993*, s428), while others are voluntary initiatives, at times conducted within the scope of broader programs (Alexandra et al. 1998). These reports provide valuable insights into the status and priorities of environmental issues at local levels. The possible benefits of linking the findings from local reports to those of state or national reports are mitigated by discrepancies in focus, content, style and data quality (Alexandra et al. 1998). Despite this, calls for closer links between reports at different scales continue (see for example Tasmania 2003).

The chapter presents a national perspective on local governments' collective environment and heritage priorities. It does not focus on 'local government environmental leaders'—those that

are most centrally involved in driving environmental initiatives. The most outspoken local government environmental leaders are located within capital cities and other urban centres; they are more rich, populous and geographically compact than their more numerous rural and remote counterparts (Wild River 2005). Local government environmental leaders report many significant environmental achievements through other publications and programmes (see for example ALGA 2005a, ICLEI 2004, WALGA 2005, Wild River et al. 2002a). Published examples and case studies of local government environmental leadership are referred to in the text where relevant. In contrast to those reports, the analysis here aims for a balanced account of environmental issues facing Australian local governments as a whole.

There are good reasons for focusing national attention on local government. Every environmental issue is a local environmental issue. Even when those issues also capture the attention of state and territory, regional or Commonwealth agencies, the local governments in which they are located always have a profound and enduring interest that is worthy of attention by all spheres and stakeholders. Local government is the sphere of government that is closest to the people and environment. Despite being the smallest and poorest of Australia's three government spheres, local government environmental spending far outweighs that of the others. Local governments set many strategic, long-term environmental policies, especially in the realm of land use planning. They also take small decisions and actions each day that cumulatively amount to shifts in regional environment and heritage values.

Part one of this commentary describes the pressures facing local governments. None of the pressures described are unique to local government, and none are purely environmental. Nonetheless, each has a distinctive impact on local government and its environmental roles, responsibilities and capacity both now and in the future. The pressures include challenging relationships, local government amalgamations, enhanced general roles and responsibilities, devolution, unfunded mandates and cost shifting, and population pressures from 'sea change' and 'tree change' movements.

Part two covers the state of environmental local governance. It starts by comparing the local government contribution to the environment to that of the other tiers of government. Then it discusses the state of local government's capacity for environmental and heritage work, focusing on local government population and expenditure, extensiveness, remoteness and accessibility. Next it reviews local governments' current contributions to specific environmental issues, including environmental planning, natural resource management, preserving cultural heritage and environmental protection.

Part three describes local government responses to these issues and also suggests possible responses by other agencies that could enhance the commitment and capacity of local government to deliver beneficial environmental outcomes.

# Part one:
# Pressures–the reform of Australian local government

## Challenging intergovernmental relationships

### Relationships between local governments

Australia's 700 or so local governments are highly diverse. The most populous has over 5000 times more people than the most sparse. The richest spends over 50 000 times more each year than the poorest and the most extensive covers 250 000 times the geographic area of the most compact. The most populous, rich and compact local governments are located within capital cities and regional centres. Population growth and development pressures are ongoing concerns for most of this group of city and town councils. Australia's sparse, poor, extensive local governments govern its rural areas, vast rangelands and deserts (Crown Content 2005). Australia's tyranny of distance is a constant pressure for this group, with the most poorly resourced local governments governing some of Australia's largest, most remote and inaccessible areas.

Australia's local government diversity leads to varied political priorities. The political party affiliations that dominate relationships in other spheres are of minor concern for local governments—featuring only in capital cities and other populous centres. Local governments rely instead on local government associations, at district, regional and state level, as well as the Australian Local Government Association (ALGA), to represent their collective views. The most significant political events for local governments are the annual state and national local government association assemblies. These bring together representatives from nearly all councils to express their views on major policy problems. In contrast to the party political parliaments, voting blocs at local government association assemblies vary radically between issues. Shires and cities are opposed on some issues, proactive and parochial councils disagree on many, and environment-oriented and development-oriented councils vote differently about others. The overall result is a dynamic tension that defies simplistic policy solutions and makes the local government associations essential allies for harnessing effective engagement on any initiative where local government implementation is needed. Links to local government associations are provided in Table 1.

Policy statements resulting from local government association assemblies are available online for each association. The peak statement is the National Agenda for Australian Local Government, which is the summary record of resolutions passed by successive National General Assemblies of Local Government (available on the ALGA website). The most dominant themes in recent years have been for effective representation wherever local government roles are being substantially expanded, and adequate ongoing funding to support the new roles. Local government's continual need to make these sensible demands shows that

the other spheres have not yet addressed these core problems. It is also worth noting that local government assemblies rarely vote against reforms, but usually seek ways to make them work in the context of other responsibilities (see for example ALGA 2003).

**Table 1: Links to local government associations**

| | | |
|---|---|---|
| Australian Local Government Association | ALGA | http://www.alga.asn.au |
| Local Government Association of NSW and the Shires Association of NSW. | LGSA | http://www.lgsa.org.au |
| Local Government Association of Queensland | LGAQ | http://www.lgaq.asn.au |
| Local Government Association of the Northern Territory | LGANT | http://www.lgant.nt.gov.au |
| Western Australia Local Government Association | WALGA | http://www.walga.asn.au |
| Local Government Association of South Australia | LGASA | http://www.lga.sa.gov.au |
| Municipal Association of Victoria | MAV | http://www.mav.asn.au |
| Local Government Association of Tasmania | LGAT | http://www.lgat.tas.gov.au |

## Relationships with state and territory governments

Local governments are constituted under state and territory legislation. State and territory governments can therefore sack councils and disband local governments, and many have done so in recent years. Because of this power, state governments consider local governments to be creatures and servants of the state, and expect them to implement state and territory legislation accordingly. But local government councillors are democratically elected and have formal legislative roles within their local areas. Councils and the staff they hire consider themselves to be creatures and servants of the local area—that is, they are autonomous. Instead of being driven by any specific statute, local governments use state and territory laws as toolkits to fix local problems, rather than using them as the instruction manuals that the state or territory government intends them to be. The simultaneous but contradictory views of local governments as creatures and servants of the *state* and the *local* are both valid in historical, legal and practical terms. The results of this conflict cause considerable frustration among officials working in both local and state or territory spheres, since their expectations of one another are rarely met (Wild River 2002a).

Figure 1 shows these contradictory views diagrammatically and also introduces a third perspective on local government. This is a view that is held by *facilitators*, who are individuals with experience and understanding of both state and local governments.

Facilitators work in a range of roles throughout Australia, especially within local government associations, regional offices of state government agencies, regional organisations and in the role of local government chief executive officers. Although they can see both sides of issues involving local governments, facilitators are no less frustrated than others (see 'Part two – natural resource management') (Wild River 2005).

**Figure 1: Perspectives on local government**

INSIDE        OUTSIDE

FACILITATING
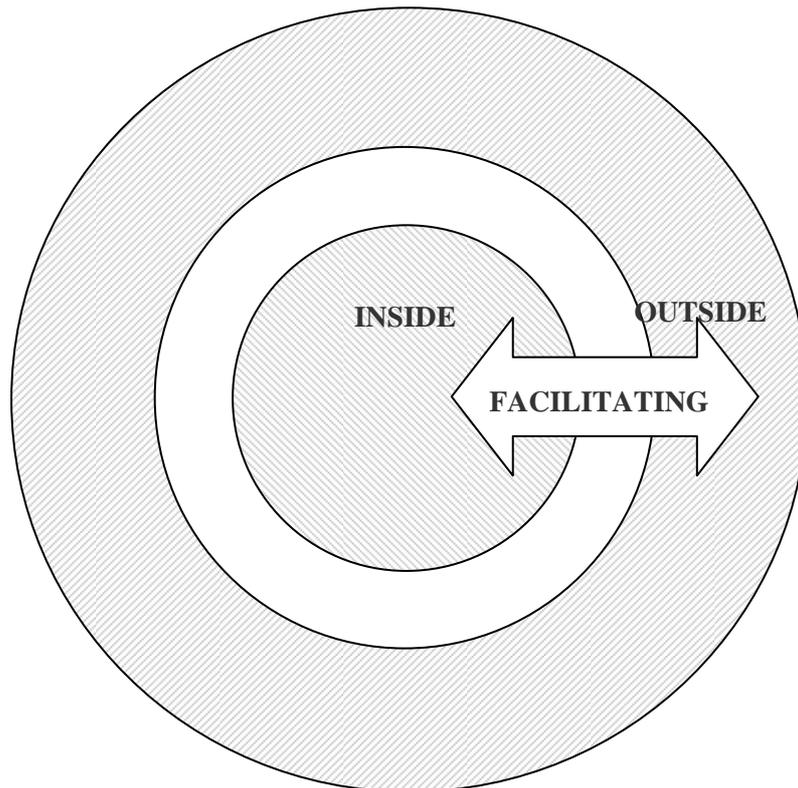
Source: Wild River 2006, p. 52

## Relationships with the Australian Government

Formal relationships between the Commonwealth (Australian Government) and local governments are not established by the Australian Constitution, nor were these relationships close throughout most of Australia's federal history. These relationships have strengthened in recent decades.

The first major push for closer relationships between the largest and smallest levels of government was toward the end of the Whitlam government era, when a 1974 referendum failed to include local government in the Australian Constitution. The more successful connections have resulted from financial exchanges. Since 1974–75, the Australian Government's Financial Assistance Grants have been distributed by state governments according to formulae for horizontal equity (between local governments within each state). In

2004, these grants accounted for 32 per cent of total local government funds, with the poorest local governments being most dependent on them for funding day-to-day work (McNeill 1997; DoTaRS 2005). Roads to Recovery, and the National Heritage Trust are current programmes that involve tied grants from the Australian Government to local governments. Both have proven successful in encouraging local governments to address national agendas.

## Relationships with regions

Regional arrangements are often considered optimal when large-scale problems demand local action. But some practical problems inhibit relationships between regional agencies and local governments. The problems include the transience of regional agencies and their frequently unclear roles in relation to local government (see Dore and Woodhill 1999; Bellamy et al. 2003).

Figures 2 and 3 map out some important challenges that face local governments in working with regional organisations. The focus here is on *regional dissonance* or regional boundaries with such variety and incongruence that they create barriers to effective, long-term local–regional partnerships. Regional dissonance problems are of relatively minor concern for capital city or regional centre local governments, since they are generally at the hub of regions. But they can be significant for the many local governments in between, especially those on Australia's many regional borders. Two types of regional dissonance are shown— region-mixing and region-straddling.

Figure 2 demonstrates region-mixing through the example of Noosa Shire. Noosa's membership of four environmentally-relevant regions is mapped to demonstrate how it is expected to mix with different sets of neighbours for each of four initiatives. Although only four are shown, Noosa is part of more than 18 different regional arrangements such as these (Wild River 2002a, chapter 2).

Figure 3 shows region-straddling, where local governments cross regional boundaries. The map shows how individual Victorian local governments straddle up to four Natural Heritage Trust (NHT) regions. The priorities and policies of each region differ even though they are constituted for the same purposes. Local governments that straddle regions need to invest resources to connect with each regional agency that they straddle (see 'Part two').

**Figure 2: Regional dissonance I: an example of region-mixing (Noosa Shire)**

## Noosa Region

**SKM** LAYER8 6

## Noosa Region

**SKM** LAYER8 6

## Noosa Region

(d) South East Queensland Regional Organisation of Councils

Noosa Local Government Area

**SKM**

## Noosa Region

(c) Sunshine Coast - Area Consultative Committee

Noosa Local Government Area

**SKM**

**Figure 3: Regional dissonance II: an example of region-straddling (Noosa Shire)**



Regional Dissonance II - Local government straddling between Catchment Management Regions
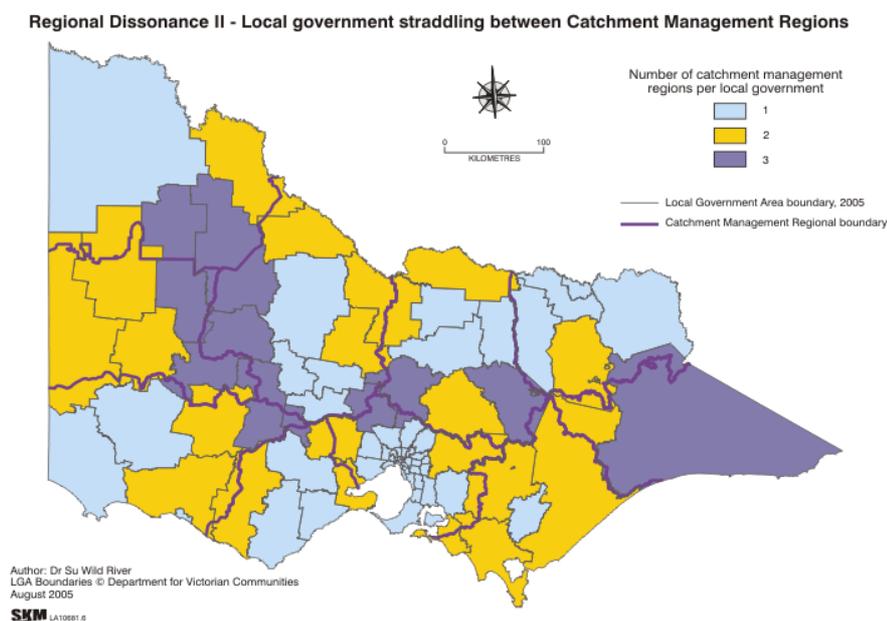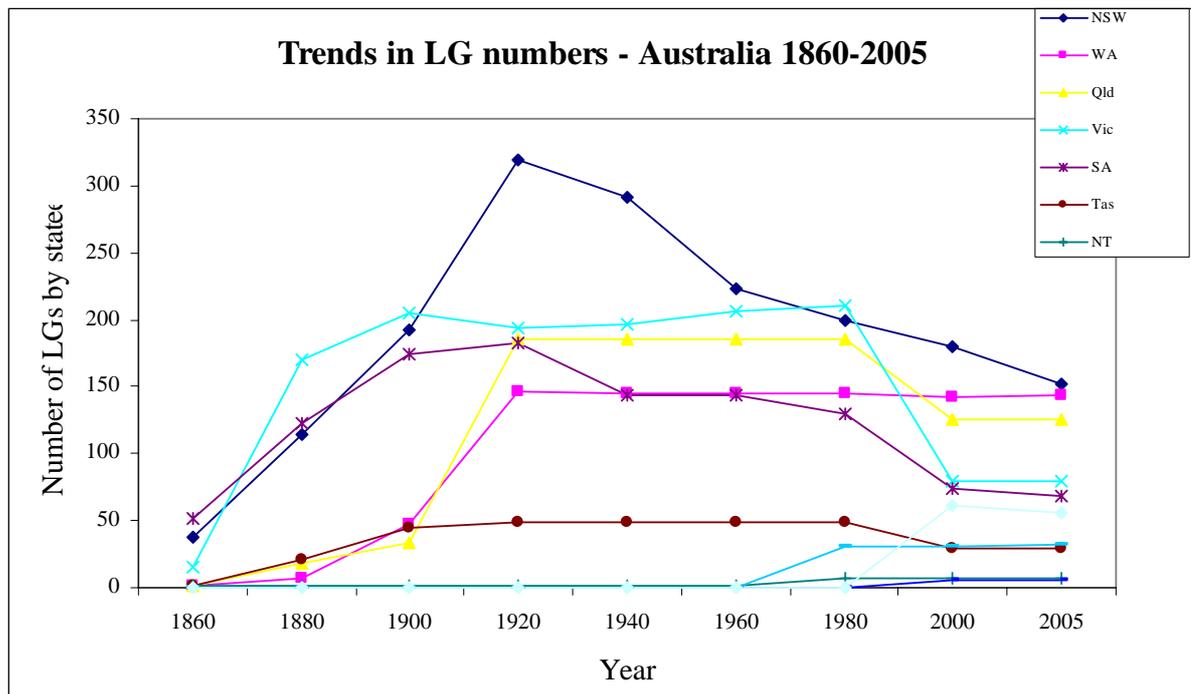
# Amalgamations

Australian local governments remain under pressure from an ongoing reform agenda involving amalgamations, enhanced roles, accountability and devolution. The overall reforms aim 'to equip local governments with the powers and skills necessary to function productively in a rapidly changing environment' (Marshall 1997, p. 2). The amalgamations are discussed here first.

Figure 4 shows how the number of local governments has been reducing gradually in most states since the early 1900s (Power at al. 1981). The current reform era has included such extremes as the drop from 210 to 78 local governments in Victoria during three years in the early 1990s. Local government amalgamations have also featured in Queensland, Tasmania and South Australia (Vince 1997), and are ongoing in New South Wales. Meanwhile, against this trend, 93 Indigenous local governments have been established in the Northern Territory, Queensland and South Australia. Indigenous local government is most dominant in the Northern Territory, where 650 of the 815 elected members are Indigenous (Local Government Association websites, see Table 1).

**Figure 4: Rise and fall of local government numbers Australia, 1860–2005**



Source data: National Office of Local Government 2001; Power et al. (1981); Local Government Association websites (2005)

The environmental implications of amalgamations are neither clear nor simple. The potential functional improvements are offset through disruptions in the short term. For instance, before the Victorian amalgamations, many councils had engaged in community consultation to establish local conservation plans. The amalgamations required that new plans be replaced, thus undermining community members' willingness to work together towards conservation objectives for the new amalgamated local governments (Wild River and Nelson 2002). Many environmental successes have resulted from amalgamations, including sustainable buildings that have been designed and built for some amalgamated councils. The Solar Pergola, which dominates the front entrance at the sustainably remodelled Moreland City Council Offices in Melbourne, is shown as an example in Figure 5 (Wild River et al. 2002c). Victorian local governments are now among the most populous and rich in Australia, and are more able to hire environmental specialists than local governments in other states.

**Figure 5: Moreland City Council Solar Pergola**



# Enhanced general roles and accountability

Local government Acts are among the longest and most complicated of all state government legislation, and have rarely changed more than once in a generation. But since 1989, all states and the Northern Territory have replaced or substantially updated their Local Government Acts as part of the current reform agenda. The changes have increased local governments' general competence powers, affected day-to-day operations, and made councils more accountable while removing prescriptive requirements (Wensing 1997).

The changes to local government structure and function are consistent with broader reforms that include deregulation of financial and other markets, competition policy, industrial relations reforms, and corporatisation or privatisation of public utilities. Some local government initiatives have tried to harness environmental benefits from the reforms, but without such concerted efforts, beneficial environmental outcomes are not guaranteed (see Osmond and Ray 1996).

# Devolution, unfunded mandates and cost shifting

Devolution of responsibilities to local government has occurred in Australia at unprecedented rates over recent years. Devolution of political power and choices as far as is administratively possible can benefit performance by connecting policy making with implementation and impact (Jones and Stewart 1985). Conversely, the risks associated with devolution include

inconsistent implementation capacity between local governments, with resulting variations in service delivery (Scott 1988).

In Australia, the problem of inconsistent capacity has been exacerbated by the degree of unfunded mandates and cost shifting between spheres. In 2003, these issues were the subject of a major inquiry by the House of Representatives Standing Committee on Economics, Finance and Public Administration (SCEFPA) Inquiry. The SCEFPA report identified five factors that are increasing local government functions (SCEFPA 2003, 2.24):

- *devolution*—another sphere of government gives local government responsibility for new functions

- *raising the bar*—another sphere of government increases the complexity or standard of local government services

- *cost shifting* by either of two means—local government agrees to take on the services of another sphere and funding is later reduced or stopped, but communities demand that the service continue; or another sphere ceases a function and local government steps in

- *increased community expectations*—community demands for improved services are met by local government

- *policy choice*—individual local governments choose to expand their service provision.

ALGA estimates the current dollar cost of all cost shifting to local government to be $0.5–$1.1 billion annually (SCEFPA 2003). The SCEFPA report does not identify environmental cost shifting, but local government environmental responsibilities and associated costs have increased due to each of the factors listed.

## Sea change population pressures

Many coastal areas in Australia are undergoing rapid development due to the increasing 'sea change' phenomenon. Sea change developments pose threats to sensitive coastal environments in addition to their significant social implications. Population changes in forested and rural areas also pose their own distinctive challenges (see Smith and Doherty 2006).

Five 'ideal types' of sea change communities are summarised below, with examples of the local governments fitting each type (after Gurran et al. 2005):

- coastal commuters—suburbanised satellite communities in peri-metropolitan locations (for example, Gosford, Wyong, Pine Rivers, Caboolture, Wanneroo, Casey, Mandurah, Rockingham and Onkaparinga)

- coastal getaways—small to medium coastal towns within a three-hour drive of a capital city (for example, Bunbury, Busselton, Bass, Surf Coast, and Victor Harbour)

- coastal cities—substantial urban conurbations beyond the state capitals (for example, Cairns, the Gold Coast, Maroochy, and Greater Geelong)

- coastal lifestyle destinations—predominantly tourism and leisure communities (for example, Coffs Harbour, Byron, Hastings, Whitsunday, and Moyne)

- coastal hamlets—small, remote coastal communities often surrounded by protected natural areas (for example, Robe, Grant, Augusta-Margaret River, and Douglas).

Sea changers expect physical infrastructure and social services in coastal areas to be as equivalent to those that are available in metropolitan centres. Their demands include roads, sewerage, water supply, public transport, health, education and training opportunities. All of the sea change local governments report infrastructure shortfalls and lack the capacity to finance these shortfalls through existing funding sources (Gurran et al. 2005, p. 8).

There are current calls for broader spheres to support sea change local governments, so they can address the distinctive and complex challenges they face in dealing with new population pressures. Long-term infrastructure planning and funding strategies are needed if environmental and heritage values are to be accurately identified and effectively protected in the wake of these pressures. Meanwhile most of Australia's rural areas are facing challenges in retaining infrastructure and services, while farming populations steadily decline. Many of the affected local governments have implemented innovative ways to address these challenges and there are valid calls to audit, build on and share the work between local governments (Gurran et al. 2005, p. 9).

# Part two: the state of environmental local governance

This part starts with a summary of the state of local government contributions and their capacity for environment and heritage work. It then outlines local governments' current involvement with a range of environmental priorities, including land use planning, infrastructure provision, natural resource management, cultural heritage preservation, and pollution prevention.

## Financial contributions

Figure 6 shows the annual total and environmental expenditure for each of Australia's three spheres of government. Local government financial contributions had not been recorded in time for previous national State of the Environment reports and, as was predicted by local government experts, the contribution is highly significant (see Heycox et al. 1997, Osborn and Cutts 1995. Local government is the poorest of the three spheres, with less then six per cent of the total expenditure. Even so, at $4.1 billion in 2002–03, local government environmental expenditure accounted for more than half of total environmental spending across Australia's three spheres of government. Environmental work accounts for more than a

quarter of local government total annual expenditure, but only six per cent of state government expenditure, and one per cent of Australian Government expenditure (ABS 2004a, p. 38; ABS 2004b, pp. 5, 9, 12, 16).

**Figure 6: Expenditure by three spheres of government**

**(a) total expenditure**



**(b) environmental expenditure**



**(c) environmental expenditure as a per cent of total**
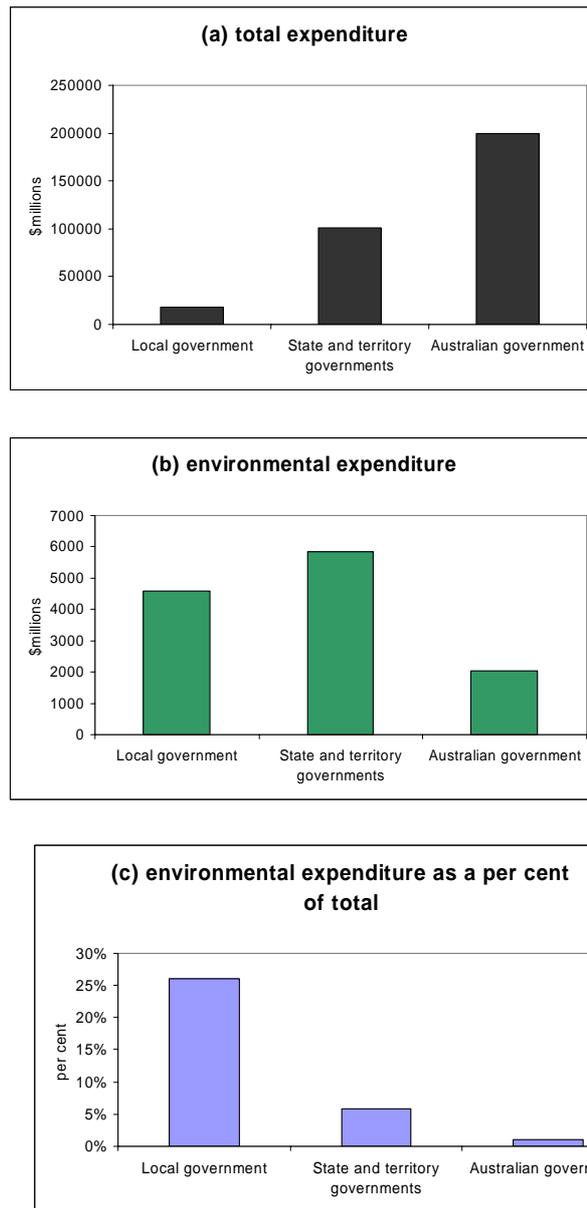


Sources: ABS (2004a, 2004b).

Rates raised by councils from local communities make up by far the greatest portion of local governments' environmental budgets. In 2002–03, rates from households and industry made up 90 per cent of local government environmental revenue, grants from state governments

and the Australian Government contributed six per cent, with other sources providing the remaining four per cent (Australian Bureau of Statistics 2004a). Local governments in many jurisdictions are restricted in their capacity to increase rates to fund new environmental initiatives (Binning and Young 1999). This, combined with the current long-term drought and constraints on rural Australian wealth, limit the potential for rate increases to fund more environmental initiatives (SCEFPA 2003). In 2002–03 there was a revenue shortfall of $28 million for all local government environmental expenditure, which was 83 per cent less than in the previous year (ABS 2004b, p. 1).

Despite their comparatively small quantum, the environmental contributions to local government from the other spheres are strategically significant. Local government budgets are typically severely stretched and over-allocated, and when external funds are tied to environmental initiatives they can stimulate strategic actions that could not be funded from within the sector. Cost shifting, as described above, has been the result in many areas, including recycling, native vegetation management, and the control of invasive species. As a result, local governments are wary about taking on new roles, and many decide not to take up grants that place them at risk of perpetually expanding environmental roles (see SCEFPA 2003, 2.22).
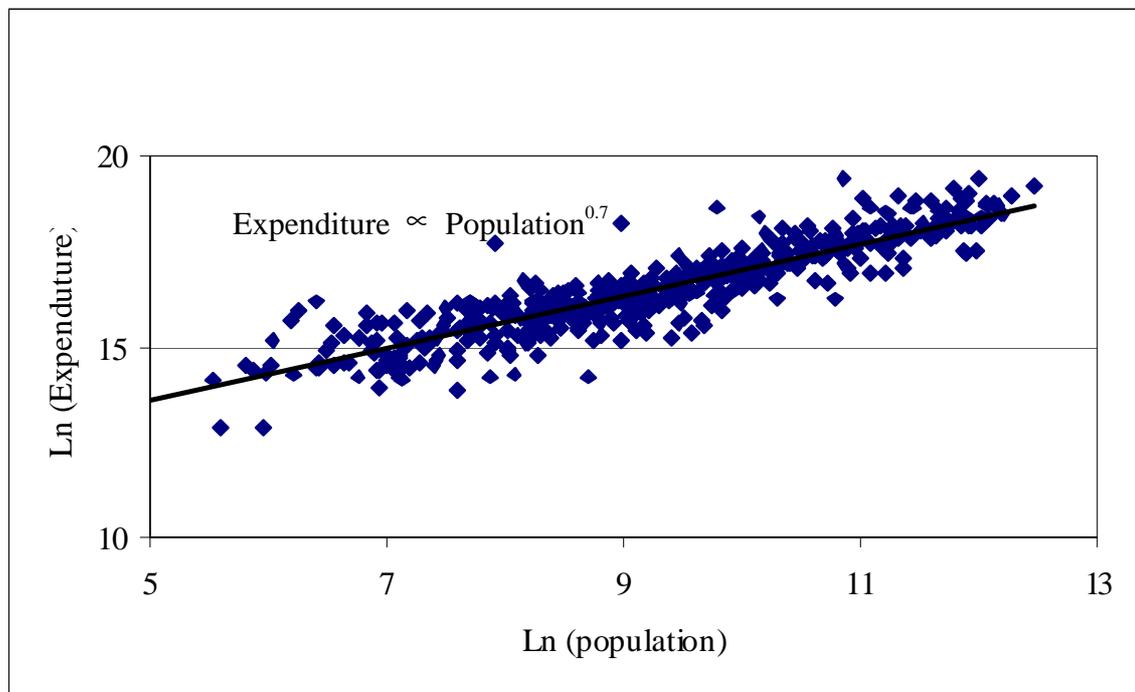
# Capacity

The capacity for environment and heritage work varies significantly between local governments. Capacity is positively correlated with tangible factors such as population and expenditure (see Figure 7), and it is often negatively correlated with extensiveness. This is because some of the most extensive local governments govern inaccessible lands with low productivity, making it hard to stimulate, fund and continue environmental actions. In contrast, capital city local governments and those governing other urban centres are generally geographically compact with strong resource bases. This allows them to hire environmental specialists, initiate environmental programmes, and take part in other external environmental initiatives. Figure 8 shows the relative extensiveness of local governments and its shading shows local government population. This map gives a rough approximation of the tangible factors driving local government capacity.

Note that local governments exist throughout the Northern Territory, despite not appearing in Figure 8. Figure 9 shows local governments in this jurisdiction alone. Northern Territory local governments are not shown on national local government maps because they are mostly so compact that they govern little more than the settlement boundaries with unincorporated land between them. Northern Territory local governments are among Australia's most compact, sparse, poor and remote governments, with most of them governing largely Indigenous communities. As such, they play important roles in helping to preserve the cultural heritage of their local populations. But they operate in desperate circumstances with little capacity for environmental initiatives. Most have difficulty attracting and keeping good staff while playing leading roles in social security, health, schooling and policing on top of other more

common roles. The Northern Territory Government is attempting to shift some of these problems through a current, culturally sensitive initiative that could also incorporate the remaining land in the Northern Territory within local government areas, using new and culturally appropriate arrangements (see Coles 2004).

Some less tangible drivers of capacity can be highly important in driving local government to initiate environmental programs. Important drivers include the beliefs and commitment from the councillors and community, local government officials' perception of their roles and responsibilities and the influence of institutions such as effective regional environmental agencies. Proximity to areas with special environmental values, such as world heritage areas can also aid their environmental commitment and effectiveness (Wild River 2002, Ch.8).

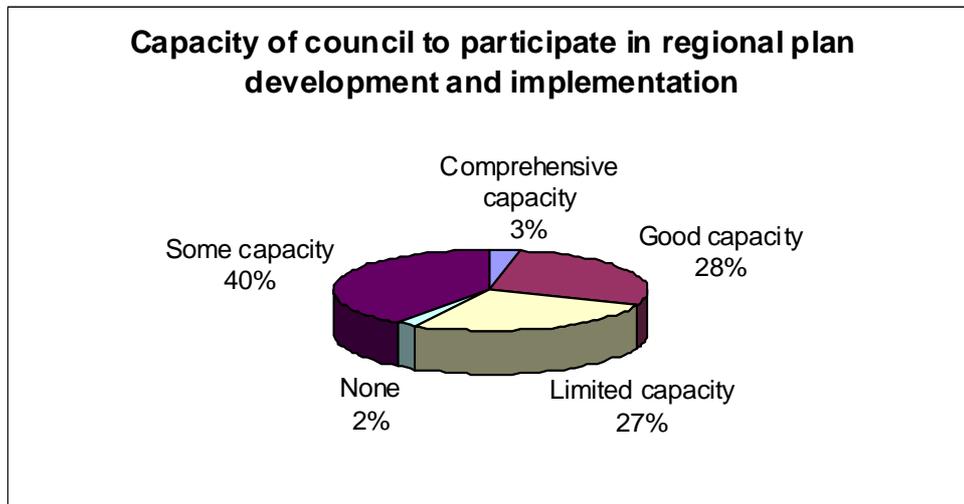**Figure 7: Australian local government expenditure by population**



Source: Crown Content (2005)

**Figure 8: Map of population by Australian local government area**



Population by Local Government Area

**Figure 9: Local government in the Northern Territory**

A recent survey of councils by ALGA indicates that only 31 per cent of councils considered that they had a comprehensive or good capacity to take up natural resource management initiatives (Figure 10). Meanwhile, 29 per cent identified either a limited capacity or none (Shepherd 2005).

**Figure 10: Local government capacity for natural resource management planning**



**Capacity of council to participate in regional plan development and implementation**

Comprehensive capacity 3%
Good capacity 28%
Some capacity 40%
None 2%
Limited capacity 27%

Source: Shepherd (2005)

This discussion now turns to the substantive issues of local government contributions to environment and heritage work in Australia.

# Planning future landscapes

As with local government Acts, state and territory planning legislation is long, complicated and has been replaced or substantially amended in every jurisdiction since 1987. Compared with their predecessors, the new Acts provide more flexible and responsible roles for local governments, allowing for, but not guaranteeing, effective environmental planning (see Loose and Haase 2004).

An enduring problem for strategic land use planning is how to prevent a loss of regional environmental values as a result of the accumulation of many small decisions. The developers offering a 'last chance' for buyers in a coastal subdivision probably miss the environmental double meaning in their advertisement (Figure 11).

**Figure 11: Last chance subdivision in Perth coastal heath**

Strategic plans are long-term visions for future land uses and they can help to prevent gradual shifts by formalising the environmental values to be protected on a local government or wider scale. But strategic plans are constrained by past land use decisions, even when the developments they allow for are not realised for decades, and other land use changes have rendered them inappropriate. In Queensland for instance, compensation may be payable by local governments to landowners if a change to a planning scheme reduces the potential development value of land (Binning et al. 1999). Unfortunately for Queensland's environment, these injurious affection provisions survived in the new *Integrated Planning Act 1997*. The resulting costs are usually so high they prevent environmental buy-backs, except by the most environmentally responsible councils (see Wild River 2002b; Wild River and Berwick 2002).

Local governments have a restricted capacity to refuse developments or place strong environmental conditions on approvals. Such planning decisions can be appealed by would-be developers and, when this happens, local government planning decisions are remade by planning courts, tribunals or ministers. Local governments lack the statutory power to ensure that their valid concerns are taken into account during appeal processes. Meanwhile, developers generally have significant financial stakes in planned developments, and tend to take up appeal processes if they are unhappy with planning decisions (see Wild River 2002a, chapter 3). Because of this, local governments can sometimes best achieve their local environmental visions by negotiating conditions rather than refusing developments or imposing restrictive conditions that might bring on appeals. A proactive alternative that has been effective for many local governments is to use development control plans or local laws

to anticipate and prevent gradual degradation (see Wild River 2002b; Wild River and Berwick 2002).

Local governments' key roles in strategic land use planning are widely recognised, despite their limitations. National initiatives that formally recognise this include the Intergovernmental Agreement on the Environment, natural resource management bilateral agreements between state, territory and Australian governments, Cities for Climate Protection, and integrated catchment management frameworks. Local governments' integrated planning roles in sustainability matters are also internationally recognised through Local Agenda 21 (United Nations 1992).

The Australian Government and others have supported integrated environmental planning and action by local governments through a range of initiatives and associated guides and resource kits. Some examples are listed in Table 2. Even with this assistance, it is rarely easy for local governments to connect their plans to the multitude and variety of state, territory and Australian government arrangements and initiatives. As an example, the strategic land use plans, for which local governments are responsible for in most jurisdictions, run on statutory time frames. Opportunities for changing these strategic plans within their statutory lives are limited. Natural resource and other planning initiatives have not typically incorporated this restriction in their own time frames.

**Table 2: Resources for integrating local environmental initiatives**

| Program | Resources (in chronological order) |
| --- | --- |
| Integrated local area planning | *A Guide to Integrated Local Area Planning* (ALGA 1993) |
| Including sustainability criteria in competitive tendering | *Attending to the Environment: a Manual for Contract specifications* (Osmond and Ray 1996) |
| Cleaner production | *Getting ahead of the game: an anticipatory approach to environmental management* Local Sustainability Project (1996) |
| Environmental management systems | *Managing the Environment: A practical guide for local government to environmental management systems and the ISO 14001* ALGA (1996) |
| Protecting heritage | *Protecting local heritage places: a guide for communities* (Australian Heritage Commission 1998) |
| Sustainable regional development | *Sustainable Regional Development Kit* (Dore et al. 2000) |
| Buying recycled products | *Buy-Recycled Resource Kit for Local Government.* Eco-recycle. (Chaplin and Kenny 2000). |
| *Environmental Protection and Biodiversity and Conservation Act 1999* | *The EPBC Act: A planning guide for local government and regional natural resource management committees.* World Wide Fund for Nature, Humane Society International and Tasmanian conservation trust (2001) |

| Integrated catchment management | *Integrated Catchment Management: Learning from the Australian experience for the Murray Darling Basin.* Bellamy, J. Ross, H., Ewing, S. and Meppem, T. (2002). |
|---|---|
| Natural resource management | *Natural Resources Information Management toolkit: Building Capacity to implement natural resources information management solutions.* NHT, the Audit and ANZLIC the spatial information council (2003) |

# Providing infrastructure

Providing infrastructure is now one of many, rather than the central local government goal: the classic *roads, rates and rubbish* summary of roles is no longer strictly true. In 2002–03, natural resource management and environmental protection infrastructure still accounted for nearly $1.1 billion of local government expenditure. Eighty-six per cent of local government total capital expenditure was spent on solid waste and wastewater management activities, with the remainder spent on infrastructure to preserve biodiversity, soil and cultural heritage (Trewin 2004).

# Managing natural resources

The Australian Government has a statutory responsibility for managing environmental matters of national significance under the *Environmental Protection and Biodiversity Conservation Planning Act 1999* (the EPBC Act). The EPBC Act requires approval for actions that will have a significant impact on matters of national significance. Local government plans are not required to list or explicitly protect matters of national significance, but local governments face new legal risks if they fail to make those connections, or if they fail to anticipate and prevent damage to matters of national significance. Natural Heritage Trust 2 (NHT2) funding will also be more available to local governments whose plans are consistent with regional natural resource management plans. The legal threats and financial rewards of the EPBC Act and NHT2 have made regional natural resource management plans and agencies more important to local government than in the past.

New statutory triggers for local government action in natural resource management are found in the bilateral agreements that have been signed between state and territory governments and the Australian Government. Each bilateral agreement sets out local government roles and responsibilities for its jurisdiction, with the following common themes:

- local governments' important roles are acknowledged for land use planning generally, coastal zone management in particular and sometimes weed management, landcare and others

- local governments are awarded formal roles on regional committees, although not on regional boards that are appointed on the basis of skill, and not through democratic election

- local governments are to be involved in developing and implementing regional plans and delivering the NHT2

- local government is a target for capacity building, and regional bodies need to secure local government support for regional objectives and implementation strategies

- local government plans are to be aware of regional objectives

- in jurisdictions where local governments have specific statutory natural resource management capacity beyond those of other states (like the management of non-forest vegetation in Tasmania), bilateral agreements commit local government to achieving additional natural resource management outcomes in those areas (NHT 2005)

Many local governments have a history of effective natural resource management work (Thorman 1999). There is increasing interest in local government natural resource management roles, and ALGA has recently reported on local government knowledge and engagement with regional natural resource management agencies and plans as shown in Figure 12. Other findings include (Shepherd 2004):

- 96 per cent of councils said they were aware of or participating in regional natural resource management processes

- 73 per cent of councils had attended briefings on regional plans

- 12 per cent had put information into regional plans

- lack of resources inhibited contributions from 56 per cent

- half of the responding councils had an officer dedicated to natural resource management.

**Figure 12: Local government input to regional natural resource management plans**
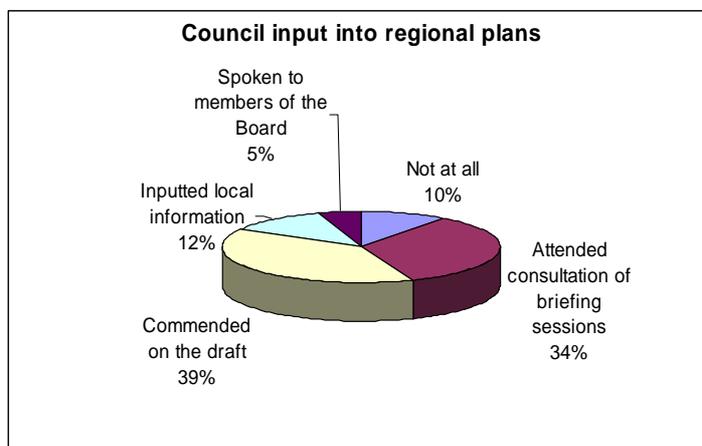


Sources: Shepherd (2005)

Local government connections with national environmental programs such as NHT have been facilitated for many years by Australian Government funded positions within local government associations. Initially called environmental resource officers, they have enhanced local government environmental capacity by ensuring that each state and ALGA has environmental expertise and engagement with national environmental agendas. Like most national environmental initiatives, this programme is now integrated into NHT. The officers located within local government associations have the new titles of 'Local Government NRM [Natural Resource Management] Facilitators'. The NHT also funds local government liaison officers in some regional natural resource management agencies, and through them some are shared between local governments and located within their offices. The sustainability of these initiatives is currently constrained by short-term contracts and their inherent complexity.

A new wealth of natural resource information has been brought on by the National Land and Water Resources Audit compilation of maps showing environmental issues at national and regional scales. Ensuring local government uptake of Audit products is not within the Audit's terms of reference, but several initiatives are now working to facilitate local governments' knowledge and use of these resources. One works through the Audit's National Monitoring and Evaluation Framework, and it is developing regional information resources from the broader Audit products (see National Land and Water Resources Audit 2003).

Another initiative uses natural resource management indicators, which have been identified by local governments, to select a subset of Audit maps to identify local governments facing multiple, serious environmental problems. Funded by Land and Water Australia, the project then used data from the overlays to tailor natural resource information to local governments for whom it was relevant. Figure 13 is a product of this work and shows natural resource management vulnerability for local government areas (Wild River 2005).

**Figure 13: Natural resource management vulnerability by local government area**
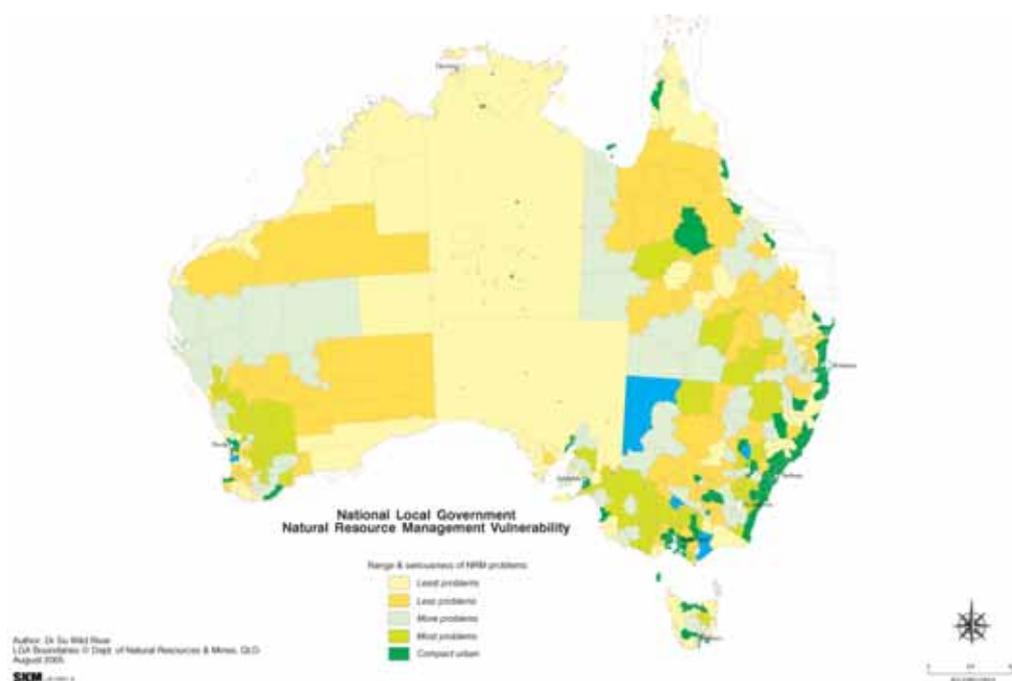
Current natural resource management arrangements have the potential to drive further cost shifting to local governments. For instance, the national weeds strategy and invasive species legislation in states and territories identify roles for local governments; these roles include weed management along council roads and imposing weed management requirements on relevant developments. The strategies and laws also identify weeds of national, state and territory significance. But few of the weeds of broader significance may be found in any particular local government area, and local weed problems may differ from broader priorities. In some states, local governments are being encouraged to develop weeds strategies and to declare and manage weeds of local significance. Funds and other support are limited for weed management generally, and in particular for those weeds not on the state and national lists of significant weeds. Local governments that identify and seek to manage those weeds may find their efforts hampered by cost shifting (see Commonwealth of Australia 1997).

## Preserving cultural heritage

Heritage listing has the potential to prevent the tyranny of small decisions degrading environmental values. Cultural heritage is protected nationally through the EPBC Act and the new *Australian Heritage Council Act 2003* (AHC Act). These are underpinned at the state level through specific heritage legislation; all heritage laws provide processes for identifying, assessing and managing heritage items and their values. Grants are available through national, state and territory schemes to support heritage assessments, and local governments are eligible applicants along with various community groups. After assessment, heritage items are placed on an appropriate heritage register. There are separate statutory heritage lists for state, national and world heritage items.

Significant voluntary community effort goes into each heritage listing. Hence local government and community commitment to listed heritage items can be very high. Community and local government enthusiasm for heritage listing is also balanced by its costs. Local government disincentives for pursuing heritage listings include a potential reduction in rateable land, increased management costs, and constraints on planning decisions (Bell 1997).

Heritage listing does not guarantee the protection of heritage values. There are statutory requirements to protect items on the National Heritage Register, but only 11 items were listed at the time of writing. Protection of local heritage values is reliant on their recognition in relevant planning schemes, which is discretionary rather than compulsory. In practice, heritage values are protected only by favourable sets of circumstances. These circumstances may include surviving heritage features, good historical records, supportive local communities, committed councils, and flexible statutory frameworks.

In the right circumstances, local government can be very effective in managing its heritage resources. The 'right' circumstances include, but are not limited to, the surviving heritage, the local 'cultural landscape', and the flexible yet supportive legislative framework at the state

level and commitment of the local community. Fremantle is one such example, but there are others, such as Melbourne and Victorian mining towns (Raphael pers. comm. 2005).

Environmental and cultural heritage values are often inherently connected in local places. For instance, many heritage places contain remnants of now scarce native vegetation. Cultural heritage protection can help preserve biodiversity and *vice versa*. Heritage items also show how earlier Australians retained or altered landscape features in extracting basic resources. The outcomes of these efforts are evident in many local heritage landscapes, potentially providing clues for long-term sustainable management.

Australia's heritage could be better protected by improving links between listings, planning schemes, and other systems that influence land use change. Local governments are critical players in improving these links because of their key planning role and connections to local places and communities. But improvements in current systems would also require practical support from other agencies. Such support could include resources to assist integration of listings with planning schemes, compensation for resulting constraints on development, and leadership in promoting the options for and benefits of heritage protection.

# Environmental protection

Local government environmental protection activities include sewage and trade waste treatment, solid waste management, recycling, and pollution prevention. Local governments have the dual role of both regulator and operator in environmental protection. Their annual investment in environmental protection outweighs its spending in any other environmental area. In 2002–03, local governments spent more than $2.6 billion (Figure 14). Of this, $2.1 billion was current expenditure, $558 million went on capital costs, and there was a revenue shortfall of $28 million. The main source of funds was rates, contributing $2.1 billion (Trewin 2004).

**Figure 14: Local government environmental and natural resource management transactions**



**Local government environment Transactions 2002-2003**
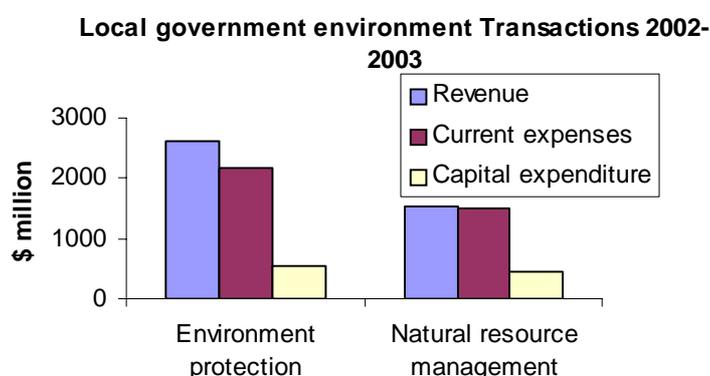
Source: ABS (2004a, p. 1)

Rubbish was one of the traditional 'three R's' of local government (along with roads and rates) and waste is managed in all jurisdictions. Traditional approaches to waste management involved unsorted waste collection and disposal of mixed wastes to landfill sites, which were usually just 'holes in the ground'. Over time, the availability of areas for such holes has reduced, especially in cities where land is more costly and where most waste is generated. Scientific knowledge about groundwater and other pollution risks from landfills has increased, while pollution prevention laws have raised the level of local government liability for any pollution incidents. Such statutory shifts have some origins in Australia's *National Strategy for Ecologically Sustainable Development,* which inspired more holistic and integrated environmental protection legislation in many states and territories (Ecological Sustainable Development Steering Committee 1992).

Australia's N*ational Waste Minimisation and Recycling Strategy* (Commonwealth Environmental Protection Agency 1992) was also highly influential in changing waste management thinking and practices in Australia. The strategy identified a hierarchy of waste management priorities, which are (in order of importance):

- waste avoidance

- waste reduction

- waste reuse

- waste recycling and reclamation

- waste treatment

- waste disposal.

The other main influence on local governments of this strategy was its adoption of a national target of a 50 per cent reduction of waste to landfill by the year 2000. The strategy did not clearly state a baseline for this reduction, and most states adopted 1994 as the base year in establishing their targets, since this was when the state government responses were formalised. State governments typically adopted these targets into their statutory frameworks for waste management, and passed on the responsibility for the waste reduction to local government (Healey 1996, pp. 28–30). This courageous goal has been achieved by some local governments, with many others rising to the challenge. Recycling at a local government landfill is shown in Figure 15 (Wild River and Nysen 2002; Wild River et al. 2002).

**Figure 15: Recycling at a local government landfill**

The National Packaging Covenant is a national initiative for waste reduction; it is focused on reducing packaging waste. New goals of increasing the packaging recycling rate from 48 to 65 per cent by 2010, and preventing increases in packaging waste to landfill by 2010, have recently been adopted. As with many other outside-in environmental initiatives, local governments are supportive in principal, but they are concerned that cost shifting will result. The covenant emphasises shared responsibility, rather than responsibilities to the packaging industry, and does not require that industry pay a fair price towards recycling. Instead, it is totally reliant on local government kerbside recycling schemes for its success, without providing additional funding for those services (ALGA 2005b).

New waste management and pollution prevention laws have also increased the focus on the disposal of hazardous wastes. Local governments are often responsible for ensuring the safe movement and disposal of regulated wastes. These statutory controls on regulated waste preceded the establishment of approved facilities in many cases, bringing unprecedented legal risks and new costs of waste management costs for many local governments.

Local governments have traditionally contracted out many waste management roles, especially kerbside waste pickups and other waste transport. The combined changes to regulated waste management, waste reduction targets, waste tracking systems, and competitive reforms have brought in new opportunities and incentives for local governments to increase the roles of private operators in waste management. Increasingly, private companies are being contracted to design, build, own and operate many waste systems; but the development of waste management as a viable competitive industry is still hampered by many factors including:

- very low profit margins and unstable markets for recyclable or reusable waste (waste after all, is rubbish)

- refusal by many waste producers to pay adequately for waste disposal, which is exacerbated in this large country by the ready availability of spaces for illegal waste dumping

- challenges of ensuring that waste producers sort wastes to avoid contamination, which is difficult since it involves time and effort by waste producers, for no direct benefit, while failure to sort is often undetectable during waste pickups

- there are high costs, significant effort and inherent difficulties of complying with justifiably strict pollution prevention requirements for regulated wastes.

In Victoria, compulsory competitive tendering drove local governments to improve waste management practices with a new statutory authority called EcoRecycle Victoria This authority is funded through a compulsory levy on landfill wastes in Victoria, and assists Victorian local governments in achieving waste reduction targets. The information, training and off-the-shelf models provided by EcoRecycle Victoria extend the waste hierarchy through their strategic focus on buying recycled products. With this approach, local governments use

their buying-power to support businesses that use recycled materials in their products. In doing so, they aim to create markets for recycled products, deliver viable recycling systems, create jobs and economic development opportunities through new markets, and encourage manufacturers to use recycled materials (Chaplin and Kenny 2000).

Local governments in all states face environmental protection requirements in relation to their landfills and other potentially polluting activities, such as sewage treatment plants. In many states, local governments also regulate pollution. Sometimes the pollution prevention roles that are devolved are restricted to supposedly 'minor' issues such as noise pollution and litter management. Noise problems, however, generate many community complaints that can be highly intransigent, and both of these issues are costly for local governments.

## Beyond statutory requirements

Many local governments are environmental leaders, initiating programmes above and beyond the statutory requirements. Examples covered here include two international programmes led by local government agencies—Local Agenda 21 and Cities for Climate Protection—as well as local initiatives for sustainable living.

Cities for Climate Protection is an international programme that is led by the International Council for Local Environmental Initiatives. By 2004, Australia had 198 local government participants, representing 76 per cent of the Australia's population. The project involves co-investment from national and local authorities, and a programme of formal milestones that had resulted in a total abatement of 1 001 616 tonnes of carbon dioxide equivalents. The gains have been made through Green Power purchasing, waste management, council building efficiency, water and sewage management and partnership programmes with local industry (ICLEI 2004).

The United Nation's Local Agenda 21 initiative stems from the 1992 United Nations conference on environment and development (the Rio Earth Summit). Among the conference outcomes was the challenge for local governments to produce a Local Agenda 21 for their area that was cognisant of broader environmental priorities. Many Australian local governments have taken part in these initiatives, with the support of national programmes (Commonwealth of Australia 1999). Bringing these initiatives into mainstream statutory council planning tools can be costly and difficult, restricting both initial uptake and continuity.

# Part three: responses and opportunities for the future

This final part to this theme commentary draws from the above discussion, but places it into a context of opportunities for the future. It is structured around three strategic, long-term areas for improving local government's environmental and heritage work. These are establishing

appropriate institutional arrangements, capacity building, and resourcing the transition (Bellamy et al. 2003).

Starting in the 1850s, but even now in the grip of an intense two-decade reform process, local government as an institution is both old and new. Running in parallel to the local government reforms, new institutional arrangements that delegate Australian Government funding decisions to natural resource management regional agencies have great potential for enhancing local government contributions to environment and heritage. The continued Australian Government funding of local government facilitator positions within local government associations is certainly assisting with engagement in national environmental initiatives. The recognition of local governments' important natural resource management roles in NHT bilateral agreements, and the requirement for regions to involve local governments in developing and implementing the plans, further reinforces these connections. The discussion above has also highlighted key institutional constraints to effective state, territory and Australian government engagement with local governments including:

- failure of other spheres to respect the inherent role of local governments as creature and servant of the local

- regional dissonance, inhibiting local government connection with natural resource management regional agencies

- ongoing local government amalgamations that invalidate pre-existing environmental plans and interrupt interagency relationships in the short term

- lack of local government representation on regional natural resource management boards and joint steering committees

- short contracts for key staff working in local and regional agencies.

Capacity building aims to enhance activities within and between sectors, and local government is an explicit target of capacity building through NHT bilateral agreements. Local government capacity for environment and heritage work varies widely both within and between each state and territory. The poorest, least populous local governments have little capacity even to deliver on their core business, but they often manage vast areas of land, much of which is subject to environmental degradation. Efforts to build local government capacity could connect our knowledge of their unequal populations and expenditure to our understanding of the environmental problems they face. The maps presented here showing population and environmental vulnerability could provide a starting point for such analysis (a Land and Water Australia project, 'ANU43: Resilience—enhancing local government capacity for natural resource management', is doing this work and results will be available from 2006).

In resourcing a transition to better environmental outcomes by local government, the other spheres of government need to recognise that, although local government is the poorest of Australia's three spheres of government, it already makes the greatest financial contribution

to the environment. Most local government environmental funds are gathered through rates, and contributions from other spheres are comparatively small. They are disproportionately influential because they can require local actions to engage with broader environmental objectives but they raise a real risk to the viability of local governments. Cost shifting and devolution are already adding more than $500 million to the financial burden on local governments each year. Many local governments are opting not to apply for available funds for fear that they will raise community expectations for new environmental services and so add to the burden of cost shifting.

Responses to environmental and other issues can be viewed on local government association websites. Overall these responses are positive and proactive, seeking practical ways to make new environmental initiatives work. Australia's environmental efforts would be enhanced if other spheres agreed to meet local governments' reasonable demands for effective statutory systems, respectful institutional arrangements, and adequate, long-term resources to support their growing environmental responsibilities.

Australia's environmental efforts could be enhanced by effective, useful and relevant partnerships formed between all spheres of government. These could address key issues and priority policy areas in a way that reflects the capabilities and resourcing opportunities that each sphere of government offers. Such partnerships would require a new way of thinking that allows all spheres of government to work together without conflict over finance or reliance on old practices (Raphael 2005 pers. comm.). Local governments would be willing and active partners in such initiatives.

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