11.1 URGENT BUSINESS – COMMENT ON WALGA POSITION ON DEVELOPMENT ASSESSMENT PANELS AND SIGNIFICANT DEVELOPMENT PATHWAY

SENIOR OFFICER:	Chief Executive Officer
PREVIOUS REPORT(S):	Nil
DISCLOSURE OF INTEREST:	Nil
STRATEGIC DOCUMENT REFERENCE:	Nil
ATTACHMENTS:	Nil

OFFICER RECOMMENDATION

That Council ENDORSES the draft WALGA Advocacy Position on Development Assessment Panels and Significant Development Pathway with the addition in point one of the draft position that:

> **WALGA calls on the State Government to ensure that decision making on development applications (DAs) is: accessible to local communities and representative of the interests, needs and aspirations of local communities and representative of the interests, needs and aspirations of local communities including amenity, community wellbeing and safety**

COMMENT

On Tuesday, 15 April 2025 WALGA promoted the opportunity to comment on a revised advocacy position that updates and expands on the Development Assessment Panels (DAPs) advocacy position to include all State Government development assessments and approvals, including the significant development pathway.

The opportunity to comment closes on Friday, 23 May 2025 prior to the next Ordinary Council Meeting.

The Significant Development Pathway enables proponents to bypass local planning frameworks and local governments and have their development applications assessed by the WA Planning Commission. Developments greater than $5m in WA's regions are eligible for the Significant Development Pathway.

This issue of interest to the Shire not only because renewable energy developments will likely pursue the Significant Development Pathway but other conceivable projects in the Shire into the future could also. If, for example, the Essantis development was proposed today it would easily meet the $5m threshold.

WALGA's draft Advocacy Position is as follows:

WALGA calls on the State Government to

1) Ensure that decision making on development applications (DAs) is:
   a) consistent and accountable
   b) accessible to local communities
   c) respects and appropriately applies local planning frameworks in line with their statutory weight.
2) Reform the Development Assessment Panel (DAP) system to:
   a) raise the DAP threshold from the current $2 million to $5 million and mandate periodic reviews of the threshold
   b) modify the composition of DAPs to provide equal representation of Specialist Members and Local Government Members
   c) review DAP processes to ensure proponents provide necessary information in a timely manner
   d) provide clear guidance on the roles and functions of Local Government officers at DAP meetings
   e) allow the use of the State Referral Coordination Unit for DAP applications to ensure timely and adequate referral responses from State Government agencies are provided to Local Governments.
3. Abolish the state significant development assessment pathway (Part 11B of the Planning and Development Act 2005). Should the significant development assessment pathway continue to operate it should be reformed to:
   i) raise the cost threshold to $50 million
   ii) align statutory timeframes with DAP and Local Government determined development applications
   iii) ensure all developments are consistent with applicable statutory planning instruments, specifically local planning schemes or planning instruments that have been reviewed in the last 10 years, or at a minimum provide comprehensive guidelines for applying extraordinary discretion
   iv) delete references to 'mandatory significant development' to ensure the Part 11B Pathway remains entirely opt-in
   v) remove the ability for the Premier to give authorisation for the lodgement and determination of an application

Overall, Officers support the direction of WALGA's Advocacy Position albeit with modifications suggested below. The Significant Development Pathway strips local democracy from planning approvals but leaves local governments with the regulatory and community issues associated with the developments that the State Planning system approves.

These reforms are part of broader shift in planning legislative to remove elected members from decision-making which provide considerable pressure on employees

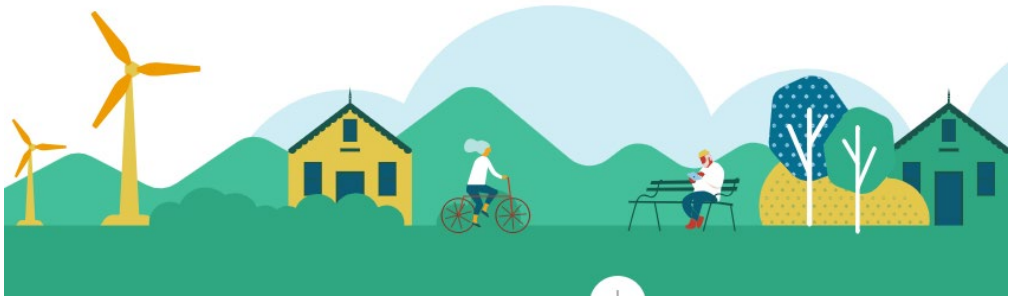
of the Council which opens up all sorts of undue influence and poor governance practices.

The Flat Rocks Wind Farm in the Shires of Kojonup and Broomehill-Tambellup has pursued the Significant Development Pathway with the conditions set by the WAPC being appealed by the proponent through the State Administrative Tribunal. In this case the developer is challenging conditions related to lighting which is activated by radar when aircraft are nearby, arrangements that would enable landowners to continue to aerial spray and noise testing requirements.

Of note too is that the WAPC's development conditions on the development related to bush fire did not address matters related to aerial firefighting.

The Neon Windfarm in Narrogin and Williams has also submitted their application through the Significant Development Pathway. This application will be assessed by the State Government without a State Planning Policy on the matter.

The WAPC's general position on wind turbines is perhaps illustrated by an animation that greets users to their website which features turbines 'popping up' in a stylised regional WA setting as a cyclist travels from the wheatbelt to Perth.



Officers suggest that WALGA's advocacy position on this matter needs to be strengthened to reflect the importance of local community views in planning matters. Officers propose the following amendments to point one:

WALGA calls on the State Government to

1) Ensure that decision making on development applications (DAs) is:
   a) consistent and accountable
   b) accessible to local communities and representative of the interests, needs and aspirations of local communities including amenity, community wellbeing and safety
   c) respects and appropriately applies local planning frameworks in line with their statutory weight.

Adding that planning needs to be representative of the interests, needs and aspirations of local communities is the key missing feature of the current significant development pathway. The WAPC is not required currently to consider local voices and local interests related to amenity, community wellbeing, and safety.

Again, ensuring that local community input is considered within the Significant Development Pathway is of importance not only when considering renewable energy developments but any large scale development that could be contemplated in the Shire like an abattoir, a commercial waste treatment facility or battery energy facility.

VOTING REQUIREMENTS

Simple Majority