

Peel Country Zone Minutes

16 April 2025

Held via MS Teams

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PRIORITISATION FRAMEWORK

How to use the Framework:

- If the majority of the factors are towards the left column, the issue is a high priority.
- If the majority of the factors are towards the middle, the issue requires action, but is not a high priority.
- If the majority of the factors are towards the right column, the issue is a low priority.

Impact on Local Government Sector Impact on Local Government sector without intervention	High	Medium	Low
Reach Number of member Local Governments affected	Sector-wide	Significant (multiple regions, Zones, or bands)	Few
Influence Capacity to influence decision makers	High	Medium	Low
Principles Alignment to core principles such as autonomy, funding, general competence	Strong	Partial	Peripheral
Clarity Policy change needed is clear and well-defined	Clear	Partial	Unclear
Decision-maker support Level of support among decision-makers (political and administrative)	High	Medium	Low
Public support Level of support among the public or other stakeholders	High	Medium	Low
Positive consequences for WALGA Prospect of positive consequences for WALGA. E.g. enhanced standing among members or leverage for other issues.	High	Medium	Low
Negative consequences for WALGA Prospect of negative consequences for WALGA for not undertaking the advocacy effort. E.g. diminished standing among members or other stakeholders.	High	Medium	Low
Partnerships Potential for partnerships with other stakeholders	Yes (3+)	Possibly (1-2)	No (0)

ANNOUNCEMENTS

Zone Delegates were requested to provide sufficient written notice, wherever possible, on amendments to recommendations within the State Council or Zone agenda to the Zone Chair and Secretariat prior to the Zone meeting.

Agenda Papers were emailed 7 days prior to the meeting date.

Confirmation of Attendance Delegate attendance was confirmed at the commencement of the meeting.

ATTACHMENTS

1. Draft Minutes of previous meeting
2. Zone Status Report
3. President's Report

1 OPENING, ATTENDANCE AND APOLOGIES

1.1 OPENING

Zone Chair, Mayor Caroline Knight opened the meeting at 2:00pm.

1.2 ATTENDANCE

MEMBERS	2 Voting Delegates from each Member Council
Shire of Boddington	President Cr Eugene Smallberger Cr Paul Carrotts Ms Julie Burton, Chief Executive Officer non-voting delegate
City of Mandurah	Mayor Caroline Knight - Chair Cr Amber Kearns Ms Casey Mihovilovich, Chief Executive Officer non-voting delegate
Shire of Murray	A/President Cr Douglas McLarty Mr Dean Unsworth, Chief Executive Officer non-voting delegate
Shire of Serpentine Jarrahdale	President Cr Rob Coales Cr Shaye Mack Mr Paul Martin, Chief Executive Officer non-voting delegate (left the meeting at 3:33pm)
Shire of Waroona	President Cr Michael Walmsley Mr Mark Goodlet, Chief Executive Officer
WALGA Representatives	President Cr Karen Chappel, President (left the meeting at 3:00pm) Mr Tony Brown, Executive Director, Member Services Ms Kirsty Martin, Manager Commercial Management Ms Sarah Coles, Policy Officer Environment

Guest Speaker
Telstra

Mr Boyd Brown, Regional General Manager WA

1.3 APOLOGIES

Shire of Serpentine
Jarrahdale

Cr Tricia Duggin

Shire of Waroona

Cr Naomi Purcell

Shire of Murray

Cr Steve Lee

DLGSC

Mr Brendan McNally, Regional Manager Peel/South West

2 ACKNOWLEDGEMENT OF COUNTRY

We, the delegates of the Peel Country Zone acknowledge the traditional owners of this land that we are meeting on today and pay our respects to Elders past, present and future.

3 DECLARATIONS OF INTEREST

Mayor Caroline Knight and President Cr Michael Walmsley advised they are both members of Development Assessment Panels and declared an impartiality interest in respect to Agenda Item 8.3.

4 DEPUTATIONS

4.1 TELSTRA

Mr Boyd Brown, Telstra Regional General Manager WA provided an update on the following topics:

- 3G network closure
- Co-investment programs
- Network resilience
- Satellite to mobile

Noted

5 AGENCY REPORTS

5.1 DEPARTMENT OF LOCAL GOVERNMENT, SPORT AND CULTURAL INDUSTRIES REPRESENTATIVE UPDATE REPORT

The April 2025 report from the Department of Local Government, Sport and Cultural Industries (DLGSC) was not received before the meeting.

Noted

6 CONFIRMATION OF MINUTES

RESOLUTION

Moved: Cr Amber Kearnes
Seconded: Cr Douglas McLarty

That the Minutes of the meeting of the Peel Country Zone held on 20 February 2025 be confirmed as a true and accurate record of the proceedings.

CARRIED

7 BUSINESS ARISING

7.1 STATUS REPORT

A Status Report outlining the actions taken on the Zone's resolutions was enclosed as an attachment with the Agenda.

Noted

7.2 SUBMISSION OUTCOME FROM ZONE FEEDBACK ON THE OPERATIONAL PROCEDURE 113

By Mark Bondiotti, Policy Manager, Transport and Roads

A submission to Main Roads with the inclusion of collated feedback from the sector was submitted on 24 March 2025. This submission was attached with the Agenda for information.

Since this is a procedure of high significance to the operations of both Main Roads and Local Governments, it has been re-recommended that any subsequent drafts be referred to the sector, including Regional Road Groups for further review.

WALGA has also suggested the formation of a reference group comprising representation from the Main Roads Regions, LGs, WALGA and IPWEA be established to guide the final outcome.

Zone Comments

The City of Mandurah requested that they have a representative on the working group who could report back to members of the Peel Zone.

Noted

8.1 RATING OF LARGE-SCALE RENEWABLE ENERGY FACILITIES

By Shire of Waroona

BACKGROUND

In Brief

Renewable energy facilities such as large-scale solar panels and wind turbines which are designed as primary energy production sources are being planned and built across Western Australia as part of the State and Federal Governments' energy transition program. As with any commercial activity they bring demands on a local government and its community. How best to deal with this uncertainty is being considered across Australia.

There is uncertainty with respect to the applicable land value rating method of these facilities which are typically located on rural land and this report seeks Council support to advance the prospect of local governments being able to apply gross rental valuations to the land on which they are built, with the aim for this to become supported by Peel Zone and then an advocacy position of the Western Australian Local Government Association (WALGA). This report also requests Council to support planning scheme instruments and legislative changes needed to ensure the ability to apply GRV valuations to these facilities.

Gross Rental Value (GRV) vs Unimproved Value (UV) Rating – a Cautionary Tale

In 1961 the Alumina Refinery Agreement Act came into royal ascent. The aim of this Act was to provide State Government support for the ability of a large mining company to undertake bauxite mining in the escarpment east and southeast of Perth. In doing so this legislation provided a royalty scheme for the State Government, but it explicitly prevented local governments from rating the significant mining infrastructure at GRV as improvements on the land. Instead, it dictated that the land on which this company's infrastructure was built would only ever be rated at unimproved value, the valuation applied to farmland (section 21).

The effect of this legislation for the past 64 years in Peel has been that Peel local governments have been left to negotiate whatever they are able with the mining company in support of community benefits, as opposed to utilising a simple GRV rating mechanism that would have yielded suitable, substantial and equitable funds to the local governments in support of their communities. To a degree local governments have found a willing mining company in Alcoa to support communities through grants and voluntary agreements. GRV rating however, would have yielded many multiples of the UV rating method, and would have left local governments in a significantly better financial position.

Other State Agreement legislation carries similar clauses removing the right of the local government to GRV rate significant facilities. It is now recognised as a legacy clause that is no longer supported and does not serve the communities in which these large facilities are built and operated even when they provide a return to the State Government via royalties. Perhaps the Peel local governments were unaware in 1960 of the impacts of these clauses in the new legislation that would fund the State Government but deliberately lock them out of meaningful recompense.

This story is told because local governments across Western Australia are at a similar point in time in respect to the coming proliferation of large scale renewable energy facility improvements to land. It is critical that local governments understand this and act to ensure

that they are able to use GRV rating mechanism to derive meaningful and fair rates to enable them to support their communities.

The balance of this report details this proposal and how it can occur.

Renewable Energy Production in Western Australia

Progress on the uptake of renewable energy across Australia varies from state to state, however, within Western Australia the use of renewable energy was at just 3% of total energy consumption in 2022-23, according to the most recent report of the Australian Government's Department of Climate Change, Energy, the Environment and Water, in "[Australian Energy Update 2024](#)", of August 2024 (accessed 6 February 2025, pg. 27). The graph below from page 24 of that report shows Western Australia's energy mix alongside those of the other states.

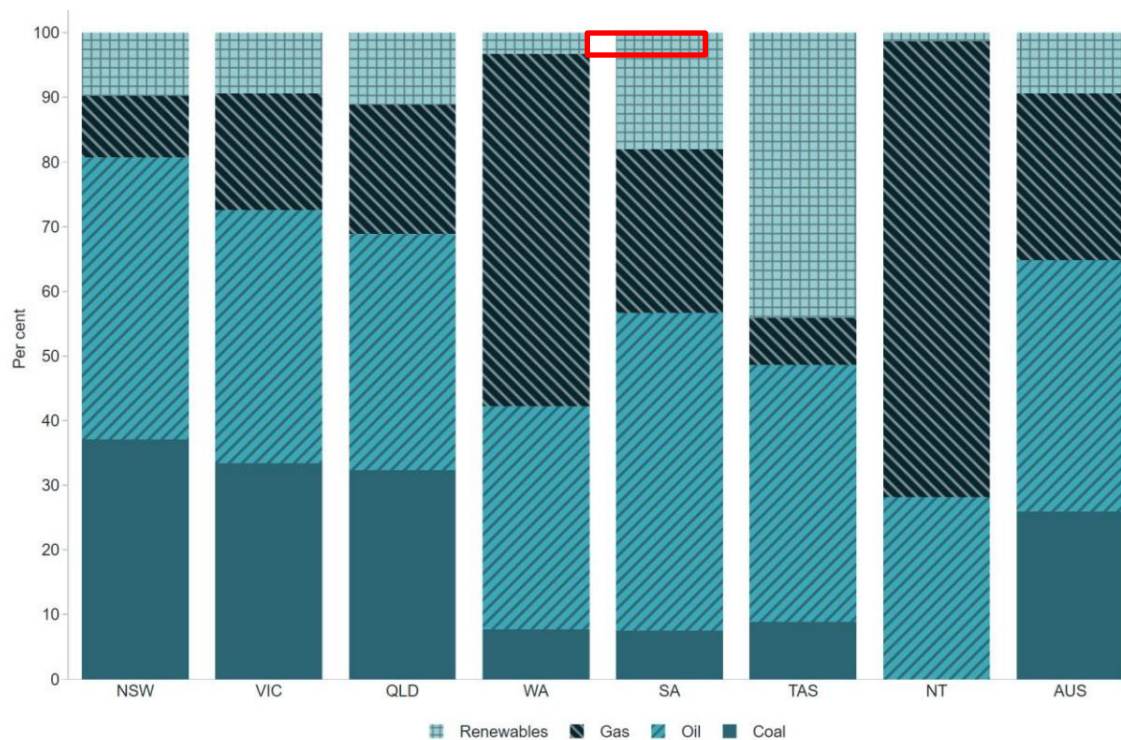


Figure 1. Australian energy mix, by state and territory, 2022-23

The Western Australian Government has entered into a bilateral agreement with the Australian Government to produce 82% renewable energy by 2030 ('[Boosting Renewables in Western Australia and South Australia](#)', accessed 6 Feb 2025).

The Government of Western Australia entered into a bilateral Renewable Energy Transformation Agreement with the Australian Government on 19 July 2024. Through the agreement, the Australian Government commits to support developers in Western Australia to build a minimum of:

- 6.5 TWh of new wind and solar projects in Western Australia
- 1.1 GW of new storage capacity, helping keep the electricity grid stable.

The Government of Western Australia commits to retire its state-owned coal-fired power stations by 2030 and replace them with reliable renewable electricity generation and storage.

Whether this ambitious target is achieved or not, the escalation from 3% to 82% renewable energy nevertheless suggests a massive build of renewable energy facilities is to take place in the next 6 years across the State, impacting many local governments. It is essential that local governments are prepared for the impacts of these new facilities and are in a position to accrue the funding benefits needed to provide for the impacts in their communities.

COMMENT

Models to Address Impacts on Local Government

In terms of the local government benefit to deal with the impact of renewable energy facilities there are four approximate models, with permutations in each.

- 1. Individual negotiation.** In this model the local government seeks to use the planning approval process to determine direct impact needs and writes these in as conditions (road upgrades etc.). The local government may also negotiate with the proponent and aim to settle on a package of ongoing benefits which are then approved under an agreement, hopefully reinforced as a planning condition.

Of course, this is hit and miss and leaves unprepared or under-resourced local governments with little in terms of a good outcome for the community. On the proponent side, they may or may not be particularly interested in their social licence and responsibility within the Shire and impacted community. By way of comparison with the mining industry, mining companies have a range of benefits schemes for the communities they operate in, often with agreements between the miner and the LG outside of any planning condition. These agreements represent the social licence contribution of the miner to the community.

Under this model renewable energy facilities are UV rated.

Whether this model adequately addresses the impacts is entirely dependent on the nature and scale of the contribution made under the agreement. There is no mandate on the proponent to contribute other than through public or political pressure. It could be described as a benefactor – recipient model. At best this is an ad hoc arrangement and these agreements will vary widely from district to district and will depend on the success of individual local government to negotiate outcomes.

- 2. Differential Rating.** In this model the renewable energy provider pays unimproved value (UV) on their rates, but at a differential rate determined by the local government. Without separate Ministerial approval this can yield double the UV rate.

The local government may then also seek to negotiate agreements for other funding with the renewable energy company in line with its view of its social responsibility as per the first model above. While better than UV rating this compensation to the local government falls far multiples of the yield potential of GRV rating.

- 3. Payment in Lieu of Rates - Community Benefit Model.** In this model the proponent pays an amount to the State Government which then passes this on to the affected local governments based on the amount of renewable

energy being generated. It does this by determining a payment to the local government based on a rate for each kWatt hour of the renewable energy the supplier generates in that local government district.

This is in addition to income derived by the local government from UV rating. This model puts the State Government at the helm in terms of deciding what the scheme looks like and importantly how much gets allocated to the affected local governments. It is likely to be complicated and will no doubt have an acquittal and audit process build into it, and the participants will be subject to administrative complexity and increasing red tape for all parties. In effect it replaces a simple GRV income rating system with a new State Government run system.

Given the determination of the State Government to boost renewable energy generation, the State Government may be lukewarm in terms of its enthusiasm for this sort of payment system and administrative burden on itself and the local government sector. Determining the rate per kWatt will be a significant matter and no doubt a hotly debated topic.

The Community Benefit Scheme is also a benefactor – recipient model with the local governments not having direct line of sight to the funding, with the State Government now the benefactor. The red tape implications of an unnecessarily complicated funding model are self-evident, and the handler role of the State Government combine to add a further layer of bureaucracy with its costs and accountability processes.

This may have merit for the transmission line impacts, but if they are Government Trading Enterprises owned (e.g. Western Power) then they are rate exempt, and it seems highly unlikely that the State Government would stump up formal payment in lieu support for this when it never has previously. Perhaps the argument could be put forward on the basis of the extraordinarily large proliferation of transmission lines that will need to support the decentralised solar and wind power generation system.

4. **Gross Rental Value (GRV) Rating.** What is needed is a system to account for local governments to accrue the benefit based on impacts to the district. It needs to be a system that is simple, both legislative and administratively and it should put the local governments in charge without relying on the proponent or the State Government to intervene in any new way. Fortunately, such a system exists. It is the rating system under the Local Government Act 1995.

The GRV rates model is one where the gross rental value is applied to the improvements on the land and the proponent pays rates according to the well know and well understood legislative principles of the Local Government Act 1995 and the Valuation of Land Act 1978.

This model provides direct line of sight between the business creating the impacts and the Local Government, based on well-established and legislated rating principles. It is also equitable for other businesses, generally, meaning that the same rating instrument applies to all businesses across the district.

This has the following benefits:

- The system is well known and well understood across government and industry. It takes the burden away from industry and LGs to develop agreements which may or may not be suitable.
- The system exists legislatively and doesn't need to be invented and implemented, unlike a community benefits scheme. At best it needs only to be reinforced to provide clarity and certainty regarding GRV rating of renewable energy facilities.
- The revenue derived goes to local government consolidated revenue rather than to specific spend requirements such as exists for some of the mining agreements. This gives the local government flexibility in its budget allocation and the freedom to meet the community needs as it determines these to be necessary.
- It is a system which scales fairly based on value of the development – the higher the value of the improvements the higher the rates and vice versa. The per kWatt community benefit scheme payment is attempting to emulate a scaling value system that already is available under GRV rating.
- The application of the GRV rating system on renewable energy facilities is fair on every other business that pays its share of rates.
- It cuts out the State Government's roles of funding middleman, administrator and arbiter of who gets what, and eliminates the benefactor - recipient relationship that local governments are so often in with the State Government.
- The State Government will be a direct beneficiary, given that its Emergency Services Levy funding is derived from a GRV formula. Similarly, the general health levy rate under the Health (Miscellaneous Provisions) Act 1911, section 40, is derived from a GRV based calculation.

GRV Rating for Renewable Energy Facilities and Case History

Whether a local government can charge GRV or not for renewable energy facilities has been challenged in both the New South Wales (NSW) and Victorian courts. A very good description of this is in Appendix 11.3.1 A, which can also be viewed online [here](#).

In Victoria it was determined that the solar panels and the wind turbines are not permanent structures, that is, they are chattels rather than fixtures, and as such were not improvements on the land. This means that they can only be UV rated in Victoria. It isn't clear whether differential rating is being applied in Victoria, and this needs researching. However, differential UV rating is being used in Merredin, WA, successfully to yield double the UV value for a large scale renewable energy facility there.

In NSW renewable energy facilities were found not to be chattels, but rather fixtures, thus providing for capital improved rating, so there are two different case law positions now to confuse the matter.

It is noteworthy that the Victorian Valuer General has taken an interest in the matter. This has come about because the amount levied under the Fire Services Property Levy Act 2012 is calculated based on the improved value of the land. This is discussed in Appendix A - Implications for the renewable energy industry (**attached** with the Agenda).

This may provide a lever for interest in this matter by the WA State Government, given that the Western Australian emergency services levy (ESL), is also calculated using a figure based on the improved value of the property. It is reasonable to draw a positive risk correlation between renewable energy facilities distributed throughout the countryside, with an increased fire risk. This is something that could carefully be brought to the attention of the WA State Government; however, whether this is seen as an impediment to the State Government's renewable energy targets needs consideration. If it is, then it may not be supported by the State Government and in fact GRV rating of renewable energy facilities may be deliberately shut down to local governments in the worst-case scenario.

Other Concerns

A concern has been raised that the rating issue is difficult to deal with as it imposed the rate on the landowner not the renewable energy lessee. The leasing concerns are that this forces the farmer to pay GRV rating rather than the renewable energy company.

This is simply dealt with in the same manner as every other commercial lease across Australia where the lessee is required to pay for outgoings, including rates. Farmers are known to be negotiating with a proponent to include a clause in their agreement that any rate increase due to the renewable energy is to be paid by the proponent.

A further concern is that there may be an argument put forward that changing the legislation will take a long time. Firstly, it should be determined whether legislative changes are in fact needed. Beyond this it is unlikely that the changes will be complex and likely less complex than those needed to support a State Government led community benefits scheme.

Next Steps for GRV Rating

In gaining certainty with respect to GRV rating of renewable energy facilities the matter could be taken to the courts in WA to test the legislation. This is likely to take several years, accounting for appeals through the court system.

The better, recommended alternative to this is to engage a competent specialist law firm to study the matter in the other states and the Western Australian legislation and provide an opinion on what if any legislative changes are needed. Should legislative changes be needed then State Government support to do this should be sought.

Advice with respect to any other legislative changes should also be sought.

The second part of this is advice for local governments on how to ensure that their Planning Schemes are worded so that they can capture the GRV rating for any new renewable energy projects.

The third avenue to pursue may be an alliance position with the State Government, though, as discussed, this needs careful consideration.

CONCLUSION

The proliferation of renewable energy facilities will be profoundly different to that of traditional energy producing facilities. Renewable energy production is a decentralised process, spread over many large tracts of land. Coal and gas facilities have a vastly smaller footprint to those of renewable energy facilities and renewable energy facilities will impact many rural and regional local governments across Western Australia. It is imperative therefore that local governments share a collective voice in dealing with this matter.

The acceleration of renewable energy facility builds across Western Australia is just beginning and ensuring that local governments are prepared to meet community needs through the already available rating mechanism of GRV rating is essential. Whether these needs clarifying or shoring up within legislation should be explored and resolved, through the representative work of WALGA.

SECRETARIAT COMMENT

The planning, construction and management of renewable energy facilities have become significant issues in local communities across Western Australia. This will continue as Western Australia's energy sector transforms to achieve the State and Australian governments' 2050 net zero emissions target. WALGA has been progressing a number of initiatives to support Local Governments since State Council endorsed three energy transition advocacy positions in September 2024. An update on these projects is provided as Item for Noting 10.5 Large Scale Renewable Energy Update in the State Council Agenda.

In relation to the current Zone item, WALGA is currently scoping preparation of a rating research paper. This will consider the role of Local Government rates and other rating mechanisms, when it comes to large scale renewable energy projects. The paper will provide current rating provisions, including what is and isn't viable in WA, national trends, and recommendations for WA Local Governments.

It is noted that there are differences in the basis of rating in WA, where rural property is generally based on Unimproved Value (UV), and NSW and Victoria which use Capital Improved Value as the basis. Victoria also has the Payment in Lieu of Rates (PILOR) system, which allows for councils and electricity generators to negotiate annual payments. These different approaches will be considered in the rating research paper.

RESOLUTION

Moved: Mr Mark Goodlet

Seconded: President Cr Michael Walmsley

That the Peel Country Zone:

- 1. supports the rating of large-scale renewal energy facilities as gross rental value (GRV) improvements on land;**
- 2. supports a review through WALGA of the legal case history across Australia of item 1 above, for a legal opinion and recommendations regarding any legislative changes that will ensure GRV rating for renewable energy facilities in Western Australia; and**
- 3. subject to item 2 outcomes, supports the development of this position by WALGA as an advocacy position.**

CARRIED

8.2 ZONE PRIORITIES FOR MINISTERIAL BRIEFINGS

By Dana Mason, External Affairs Manager, WALGA

BACKGROUND

Following the March election, the Cook Government has unveiled its new Cabinet, emphasizing regional representation by appointing a dedicated Minister for each region.

The new Cabinet structure shows that the Government intends to have a greater focus on regional WA during this term.

WALGA has written to all Ministers responsible for specific regions, inviting them to participate in upcoming meetings of their respective WALGA Zones.

WALGA will also provide each Minister with a written briefing on the key issues facing their region.

To ensure these briefings are comprehensive, WALGA is seeking input from the Zones to identify the top three to five priorities they would like highlighted.

The Zones provide an important opportunity for the Government to have a direct line of communication and engagement with regional WA and ensure that local issues are considered in the broader policy agenda.

WALGA will report on engagements with Ministers responsible for specific regions through the President's report at a future Zone meeting.

RESOLVED

That the Peel Country Zone provide the below top three items to WALGA as the Zone's priorities:

1. Environment: Peel Harvey Estuary (environmental, social and economic impacts), waterways and Northern Jarrah Forests.
2. Support for population growth
 - Infrastructure - ageing, lack of funding for renewal programs, roads (including heavy haulage)
 - Construction restraints – red tape and inefficiencies in relation to Western Power, Water Corporation, BAL and environmental regulations.
 - Land availability (e.g. Dwellingup)
 - Transport networks
3. Health
 - Urgent Care Clinics
 - Residential Aged Care Facilities

8.3 LOCAL GOVERNMENT (DEVELOPMENT ASSESSMENT PANELS) REGULATIONS 2025

By Chris Hossen, Policy Manager, Planning and Building and Felicity Morris, Manager Governance and Procurement

Mayor Caroline Knight and President Cr Michael Walmsley advised they are both members of Development Assessment Panels and declared impartiality interests in respect to this item.

BACKGROUND

The State Government's 2021 updates to the *Action Plan for Planning Reform* included measures to improve consistency and transparency for DAP applications, including clarifying the respective role of Elected Members and officers to remove Elected Members from what were deemed to be administrative DAP functions.

These changes were not included in amendments to the *Planning and Development Act 2005*, but were included as part of the 2024 reforms to the *Local Government Act 1995* through the insertion of a new section (s. 9.69 B) to allow for the creation of regulations that specify DAP functions that must be performed on behalf of the Local Government by the CEO or authorised officer.

On Tuesday 1 April 2025, new *Local Government (Development Assessment Panels) Regulations 2025* (the Regulations) were gazetted. The Regulations come into full effect from 1 May 2025, and will apply to all Development Assessment Panel (DAP) applications lodged from that date. The Department of Local Government, Sport and Cultural Industries (DLGSC) sent an LG Alert to the sector on 2 April advising of the new regulations.

The Regulations:

- require Responsible Authority Reports (RARs) to be prepared and submitted by the CEO of a Local Government, or an employee authorised by the CEO
 - CEOs of Class 1 and 2 Local Governments must authorise at least one employee
 - Local Governments will still be able to engage external consultants to assist in preparing RARs
- prohibit the Council from directing the CEO, an authorised employee or a consultant in preparing the RAR or directing the CEO to engage a particular consultant
- require the CEO and authorised employees to disclose conflicts of interests in accordance with the requirements of the *Local Government Act 1995*, and not undertake any DAP functions in which they have a conflict of interest.

The Regulations are available on the [WA Legislation website](#).

POLICY IMPLICATIONS

WALGA [Advocacy Positions](#) 6.1 Planning Principles and Reform and 6.4 Development Assessment Panels.

6.1 Planning Principles and Reform

1. *The Local Government sector supports an efficient and effective planning system guided by legislation, policy, and processes that:*
 - a. *facilitates the creation of sustainable and liveable communities and places*
 - b. *has a focus on strategic planning that delivers on long-term objectives and outcomes that balance social, environmental, cultural, and economic interests*

- c. *is easy to understand, accessible and transparent*
 - d. *recognises the diversity of Western Australia and ensures that local environment, context, communities and character are appropriately reflected in planning frameworks and decision making*
 - e. *ensures decisions are made by the level of government closest to and most impacted by a planning proposal*
 - f. *establishes consistent planning frameworks and streamlines planning processes where there is a demonstrated benefit in doing so.*
2. *Reforms to the planning system should:*
- a. *be guided by the above principles*
 - b. *deliver community benefit*
 - c. *promote system efficiency, including through the use of technology*
 - d. *be evidence-based and informed by robust, transparent data*
 - e. *proceed at an appropriate pace to enable effective implementation*
 - f. *be informed by engagement with the community*
 - g. *be amended only with WALGA involvement and consultation/involvement with Local Government.*

6.4 Development Assessment Panels (currently under review)

The Association does not support Development Assessment Panels (DAPs) in their current structure. Necessary changes to the structure of the DAPs system include:

- 1. *the abolishment of the current 'mandatory' mechanism where a proposal has a value of \$10 million or greater, and its replacement with an 'opt in' mechanism for all proposals*
- 2. *raising the DAP threshold from the current \$2 million to \$5 million,*
- 3. *the composition DAPs should be modified to provide equal representation of Specialist Members and Local Government Members,*
- 4. *the creation of a distinct Special Matters DAP (SMDAP) is not supported, given there are already multiple avenues for determination on the basis of zoning and monetary value of applications. Should the State Government progress with the implementation of a SMDAP, the following changes are proposed to the model released in March 2022:*
 - *allow proponents with proposals that meet the threshold or criteria being able to opt-out of the SMDAP pathway and allow assessment and determination by Local Government,*
 - *mandate consultation with the relevant Local Governments prior to the issuing of a Ministerial Order in relation to SMDAP Precinct Criteria, and*
 - *ensure SMDAP Precincts be identified through Regulations, rather than by the Minister,*
 - *include greater professional planning expertise, and knowledge of local context through the Local Government members of the District DAP, by including majority professional town planner panel members, with two Local Government representatives,*
 - *expand the role of Local Governments in SMDAP processes and appropriate remuneration for involvement of Local Governments be included to support the SMDAP decision-making process*
- 5. *in principle, the further reduction in the number of panels from five to three is supported, to the extent that this reduces the administrative burden on local governments and enhances consistency of decision making,*
- 6. *in principle, the permanent appointment of panel members where this results in consistent decision making is supported as this reduces the potential for conflicts of interest and ensures sound knowledge of DAP processes and procedures,*

7. *WALGA supports greater transparency around DAP processes and decisions, as community distrust of DAP decision-making is a key area of concern for many local governments.*

COMMENT

Local Governments have one month to consider and implement the appropriate authorisations, and any resulting changes to systems and processes. WALGA will produce template authorisations and will host an officer information session with the relevant departments to assist Local Governments.

While Councils will be prevented from directing staff in the preparation of RARs, the administration can continue to brief Council on the content and progress of any DAP applications. There are no changes to the composition of DAPs.

WALGA will continue to oppose changes that erode Local Government autonomy and influence in the WA planning system and will continue to advocate for reforms that recognise the benefits of local decision making in planning.

WALGA is commencing a review of its Development Assessment Panel advocacy position and will consult with the sector and zones as part of that process.

Questions regarding the Regulations can be directed to the local government reform team at actreview@dlgsc.wa.gov.au or the DAP secretariat at daps@dplh.wa.gov.au.

Noted

8.4 BAND 4 LOCAL GOVERNMENTS MEETING - UPDATE

By Tony Brown, Executive Director Member Services

BACKGROUND

Following the Band 4 roundtable meeting hosted by the Minister for Local Government, Hon Hannah Beasley, on 3 September 2024, WALGA was pleased to host a further meeting of Band 4 Local Governments to continue the discussion.

The meeting was held on 11 October at the Perth Convention and Exhibition Centre. All 60 Band 4 Local Governments in the State were invited to attend. Overall, 72 representatives from 48 Local Governments attended the meeting.

The aim of the meeting was to identify and agree on the top issues facing Band 4 WA Local Governments, to enable the group to consider and develop potential solutions to these issues, before presenting to the Minister.

Caroline Robinson, Director of 150 Square facilitated the discussion.

ATTACHMENT

- Band 4 Local Governments meeting update report

COMMENT

As the main outcome of the meeting, the group identified the top four strategic and operational issues facing Band 4 Local Governments (from most pressing to least pressing):

1. Housing;

2. Audit;
3. Provision of medical services; and
4. Financial Assistance Grants (timing).

WALGA has since undertaken considerable work on the above issues.

An update report on the work done to date was recently circulated to all Band 4 CEOs and Presidents and is provided as an attachment to this item.

Noted

8.5 2025 DETERMINATION OF THE SALARIES AND ALLOWANCES TRIBUNAL FOR LOCAL GOVERNMENT CHIEF EXECUTIVE OFFICERS AND ELECTED MEMBERS

By Kathy Robertson, Manager Association and Corporate Governance

BACKGROUND

The Salaries and Allowances Tribunal (SAT) has issued its 2025 determination in relation to Local Government Chief Executive Officer remuneration and Elected Member fees and allowances.

WALGA made a submission to SAT on behalf of the sector late last year. The submission was considered by Zones and State Council in November/December last year. WALGA's submission recommended:

1. A 4% increase to Elected Member fees and allowances and CEO remuneration bands.
2. An increase to the Regional/Isolation Allowance, and publication of clear guidance to the sector outlining how the Allowance is applied in terms of methodology, criteria and weightings.
3. The creation of a new fee category for independent audit, risk and improvement committee members without bands, with the fee set at a level which recognizes the skills and knowledge required for such a role, and that the new category provide a fee for the independent chair position as well as independent member positions.

ATTACHMENT

- [2025 Determination of the Salaries and Allowances Tribunal for Local Government Chief Executive Officers and Elected Council Members](#)

COMMENT

On 4 April, SAT released its latest Local Government Chief Executive Officers and Elected Members Determination.

In summary, the 2025 Determination provides for the following:

- A 3.5% increase to CEO remuneration band ranges (plus the 0.5% additional Superannuation Guarantee).
- A 3.5% increase to the fee band ranges and some allowances for Elected Members (exclusive of superannuation where relevant).
- A reduction of the four band ranges for independent committee members to one band, with the range to be from \$0 to \$450.

- Provision for reimbursement of expenses for independent committee members has also been determined for the first time.
- A determination as to the rates for the independent chair of the audit, risk and improvement committee will be determined at a future date, to coincide with the commencement of the legislative changes.

The Tribunal have also committed to conducting a comprehensive survey of Local Governments in the latter half of 2025 to assess the:

- placement of CEOs within their band and the adequacy of the current remuneration ranges;
- placement of Elected Members within their band and the adequacy of the current fee ranges and suitability of allowances;
- effectiveness of the Regional/Isolation Allowance, Housing Allowance and motor vehicle provisions; and
- attraction and retention issues for CEOs and executives, particularly in the regions.

The Tribunal will then review the eligibility criteria to receive the Regional/Isolation Allowance, as well as the quantum and effectiveness of the Allowance.

The Determination comes into effect from 1 July 2025.

Noted

9 STATE COUNCIL AGENDA – MATTERS FOR DECISION AND NOTING

Zone Delegates are invited to read and consider the WALGA State Council Agenda, which has been provided as an attachment with this Agenda and can be found via the link [here](#).

The Zone can provide comment or submit an alternative recommendation on any of the items, including the items for noting. The Zone comment will then be presented to the State Council for consideration at their meeting.

The State Council Agenda items requiring a decision of State Council are extracted for Zone consideration below.

9.1 REGULATIONS FOR CEO KPIS AND ONLINE REGISTERS – WALGA SUBMISSION (STATE COUNCIL AGENDA ITEM 8.1)

By Tony Brown, Executive Director Member Services and Felicity Morris, Manager Governance and Procurement

EXECUTIVE SUMMARY

- Consultation is open on the draft Local Government Regulations Amendment Regulations 2024 (the Draft Regulations), which give effect to reforms relating to the publication of online registers, publication of CEO performance criteria and performance reviews, and other CEO matters.
- The Local Government legislation reform platform from the State Government indicated that one of the reform outcomes was "Reducing red tape, increasing consistency and simplicity".
- The overwhelming sector feedback is that these reforms will not achieve this aim and will instead increase red tape without any clear public benefit.

- Sector feedback has been collated and identifies overarching concerns listed in this report.
- The attached submission, informed by this feedback, is recommended for endorsement.

ATTACHMENT

- [Regulations for CEO KPIs and public registers Draft WALGA submission](#)

POLICY IMPLICATIONS

WALGA's existing advocacy positions are based on the high-level reform proposals provided for public consultation in 2022.

The current [Advocacy Positions](#) are:

2.2.4 CEO Recruitment Panel

The Local Government sector supports the Department of Local Government, Sport and Cultural Industries establishing a panel of approved panel members to perform the role of the independent person on CEO recruitment panels.

2.5.27 Online Registers

The Local Government sector supports requiring Local Governments to report specific information in online registers on the Local Government's website, including registers for leases, community grants, interests disclosures, applicant contributions and contracts (excluding contracts of employment).

2.5.28 Publishing CEO Key Performance Indicators

1. *The Local Government sector conditionally supports the reporting of CEO Key Performance Indicators (KPIs) that are consistent with the strategic direction and operational function of the Local Government, subject to exemptions for publishing KPIs of a confidential nature.*
2. *The Local Government sector does not support results of CEO performance reviews being published.*

BACKGROUND

The *Local Government Amendment Act 2023* (2023 Amendment Act) contained the Tranche 1 reforms to the *Local Government Act 1995* (the Act). This included the following changes which are yet to commence:

- Requirements for Local Government CEO's performance criteria and performance reviews to be published.
- Establishment of a panel of independent persons for CEO performance reviews.
- A requirement for Local Governments to publish and maintain registers on their website.

The draft Local Government Regulations Amendment Regulations 2024 (the Draft Regulations), which will give effect to these reforms, have been released for public consultation. The Department of Local Government, Sport and Cultural Industries (DLGSC) have requested comment by 8 May. Information is available on the [DLGSC website](#), including a copy of the [Draft Regulations](#) and a [DLGSC Consultation Paper](#).

WALGA circulated a discussion paper and request for comment to all Local Governments on 30 January.

COMMENT

Responses received from Local Governments indicate serious concerns with the detail of the Draft Regulations. Overarching concerns include:

- The creation of red tape and excessive administrative burden, in conflict with a stated aim of the reform, and without clear public benefit.
- Continued proliferation of compliance requirements for Local Governments, including overlapping but inconsistent reporting obligations.
- Unreasonable implementation timeframes given existing Local Government workload, cumulative burden of ongoing program of reform and upcoming elections.
- Confusion and lack of clarity (plain English drafting) in the Draft Regulations.

Specific concerns are discussed in relation to each proposal.

CEO matters: Publishing performance criteria and reports on performance review

Of the submissions that provided comment on this aspect of the Draft Regulations, over half expressed strong opposition to publication of CEO KPIs and performance reviews. Opposition was based on factors including the inconsistency with public sector practice, risks to CEOs, mechanisms for reporting on organisational rather than individual performance and the erosion of Local Government autonomy. A small number of Local Governments broadly supported the regulations or their intent. In addressing the content of Draft Regulations 18AA and 18FAA, submissions raised concerns with the proposed reporting of target achievement and the mechanisms for exclusion of performance criteria from publication.

CEO matters: Independent persons panel (CEO recruitment)

Key concerns included a lack of clarity about the selection criteria and processes to be followed by the Departmental CEO in establishing the panel, the capacity for Councils to appoint independent members from within their own districts, and the management of conflicts of interest.

CEO matters: Certification, recruitment and termination

There were divided views on the requirement for separate certification, but support for the retention of a requirement to conduct a selection process before contract expiry, the option to include additional information in a performance criterion and the proposed modification of the CEO Standards in relation to termination during probation.

Registers: General considerations

Local Governments articulated a range of concerns that are applicable to all registers, including the administrative burden, unreasonable commencement and retrospectivity, lack of clarity and difficulty in applying the requirements, and the implications of the *Privacy and Responsible Information Sharing Act 2024* (the PRIS Act).

Lease register

Submissions raised considerable concerns with this proposed register. Issues include the breadth of the lease definition, safety and confidentiality for residents and community groups, commercial in confidence information and the ability of Local Governments to generate best value from assets, whether through commercial returns or community benefits.

Grants and sponsorships register

Some Local Governments provided general support for the register, subject to the exclusion of retrospectivity. However, the majority of submissions identified concerns regarding the value threshold, privacy and confidentiality, and a lack of clarity in the calculation of value.

Development contributions register

The majority of submissions expressed concerns regarding the administrative burden with limited improvements in transparency and oversight of Developer Contribution Plans (DCPs) than is currently provided for under the state planning framework. This burden is exacerbated by the retrospectivity and short implementation timeframe. Those Local Governments with a high number of DCPs advise that this is likely to lead to delays and increased costs in the administration of DCPs. Privacy considerations and practical issues with the calculation of interest for individual contributions, and the list of items and percentage of expenditure were also identified.

Contracts for goods and services register

All submissions that commented on the contract register highlighted concerns including the administrative burden associated with the unreasonably low threshold value and duplication of existing reporting requirements. Members raised heightened fraud risks, and issues relating to commercial in confidence information. There is also a lack of clarity regarding the definition of contract and contract value.

This sector feedback and detailed analysis of the Draft Regulations has informed the preparation of the attached draft WALGA submission.

WALGA RECOMMENDATION

That WALGA endorse the recommendations contained in the attached *'Regulations for CEO KPIs and public registers submission'*.

RESOLUTION

Moved: President Cr Michael Walmsley
Seconded: A/President Cr Douglas McLarty

That the Peel Country Zone supports the WALGA recommendation for State Council Agenda item 8.1 contained in the State Council Agenda subject to strengthening recommendation 1 c. of the submission to highlight the additional software and resource implications to the sector of the introduction of public registers.

CARRIED

9.2 DOG AND CAT MANAGEMENT ADVOCACY POSITION (STATE COUNCIL AGENDA ITEM 8.2)

By Felicity Morris, Manager Governance and Procurement and Marnie Herrington, Governance Specialist

EXECUTIVE SUMMARY

- Motions from Zones regarding the PetsWA Centralised Registration Database provide an opportunity to review the existing *Puppy Farming* advocacy position and replace it with a new *Dog and Cat Management* advocacy position.
- The purpose of the new position is to reflect the progression of the *Dog Amendment (Stop Puppy Farming) Act 2021* and the emerging concerns of the Local Government sector regarding the PetsWA centralised registration system.
- The Governance Policy Team endorsed the new advocacy position at its meeting on 24 March.

ATTACHMENT

- [Comparison table between current Advocacy Position 2.12 Puppy Farming, and proposed advocacy position Dog and Cat Management.](#)

POLICY IMPLICATIONS

This item is to replace existing Advocacy Position 2.12 *Puppy Farming* with a new *Dog and Cat Management* position.

The current Advocacy Position is as follows:

2.12 Puppy Farming

1. The WA Local Government sector:

- a) Welcomes a cost modelling review of the financial impact on Local Governments to ensure that Local Government is able to fully recover costs and not be disadvantaged in ensuring compliance of any new legislation to Stop Puppy Farming.*
- b) Acknowledges the benefit of de-sexing of dogs not used for approved breeding purposes, and request further information on the complexities associated with de-sexing of dogs prior to considering supporting the proposal.*
- c) Supports a centralised dog registration system that is developed, operated and maintained by State Government.*
- d) Supports appropriate legislative exemptions for livestock working dogs in recognition of their special breeding requirements.*
- e) Does not support the transition of pet shops to adoption centres.*
- f) Requests there be a Local Government-specific consultation process in relation to the proposed amendments to the Animal Welfare Act to introduce Standards and Guidelines for the Health and Welfare of Animals including dogs.*
- g) Supports a State Government-led education initiative whereby the community is encouraged to purchase puppies from professional registered breeders.*
- h) Requests the State Government discontinue the use of the term 'Farming' due to the negative connotation that may be associated with other regulated industries, and consider re-naming the initiative 'Stop Puppy Mills'.*

2. *The Local Government sector advocates that:*
 - a) *any additional costs incurred by a Local Government in administering the Dog Act be paid by the State Government; and*
 - b) *the Fees and Charges set in Regulations are reviewed bi-annually and at minimum, be adjusted by the Local Government Cost Index.*

The recommended new Advocacy Position is as follows:

Dog and Cat Management

In regard to the Dog Amendment (Stop Puppy Farming) Act 2021 and the PetsWA Centralised Database, the WA Local Government sector advocates:

- a) *that fees reflect completed cost modelling to ensure that Local Governments achieve full cost recovery in ensuring compliance with the Dog Act 1976 or Cat Act 2011.*
- b) *that Fees and Charges set in Regulations are reviewed bi-annually and, at minimum, adjusted by the Local Government Cost Index.*
- c) *that the PetsWA centralised registration database is developed, operated and maintained by State Government, with no loss to Local Government registration fee revenue.*
- d) *that the function of PetsWA be restricted to the registration of dogs and cats, exclude ancillary functions such as animal related complaints and infringement notices, and integrate with existing Local Government corporate systems.*
- e) *for the continued legislative exemptions for livestock working dogs in recognition of their special breeding requirements.*
- f) *for a State Government-led education initiative whereby the community is encouraged to purchase puppies from approved breeders.*

A table comparing the current and proposed advocacy position can be seen in Attachment A.

BACKGROUND

Stop Puppy Farming Legislation

- At its September 2018 meeting, State Council adopted a detailed position in relation to the Stop Puppy Farming Initiative (*Resolution 103.6/2018*).
- At its March 2020 meeting, State Council resolved that "WALGA write to the Minister and request that he withdraw the Stop Puppy Farming Bill and more appropriately consult with the sector, traditional custodians and the wider community, or failing that, that he remove any reference to Local Government in the bill as the sector does not endorse it in its current form" (*Resolution 13.1/2020*).
- At its September 2021, State Council adopted additional points to the advocacy position, supporting WALGA continuing to advocate that:
 - a. any additional costs incurred by a Local Government in administering the Dog Act be paid by the State Government; and
 - b. the Fees and Charges set in Regulations are reviewed bi-annually and at minimum, be adjusted by the Local Government Cost Index.
 (*Resolution 275.5/2021*)
- In December 2021, the *Dog Amendment (Stop Puppy Farming) Act 2021* (the Act) was passed by Parliament. The Act amended both the *Dog Act 1976* and the *Cat Act 2011* in several ways.

- The implementation of the legislation is occurring in phases, with existing pet shops needing to transition to adoption centres by obtaining a 'pet shop approval' through their Local Governments by 26 May.
- It is anticipated that dog breeding approval provisions and mandatory sterilisation of dogs (unless an exemption is in place) will take effect later in 2025. In August 2024, the State Government awarded a contract to Seisma Group to establish PetsWA (the new centralised registration system for dogs and cats), which is anticipated to be operational later in 2025.

Fees and cost recovery

In a letter to WALGA dated 1 November 2021, Minister John Carey confirmed that “the State Government has committed to covering the costs associated with the establishment of the Centralised Registration System, to centrally record the registration of all domestic cats and dogs within Western Australia”. However, the State Government position relating to ongoing costs associated with the system and the particulars about revenue generated from registrations has not been made clear.

In early 2024, the Department of Local Government, Sport and Cultural Industries (DLGSC) released a Consultation Paper prepared by consultants Marsden Jacob Associates on the new and existing fees and charges under the *Dog Act 1976* and *Cat Act 2011*. WALGA provided a submission in line with State Councils advocacy position as follows.

That WALGA:

1. *Welcomes a cost modelling review of the financial impact on Local Governments to ensure that Local Government is able to fully recover costs and not be disadvantaged in ensuring compliance of any new legislation to Stop Puppy Farming;*
2. *Supports a centralised dog registration system that is developed, operated and maintained by State Government;*
3. *Any additional costs incurred by a Local Government in administering the Dog Act be paid by the State Government; and*
4. *The Fees and Charges set in Regulations are reviewed biennially and at minimum, be adjusted by the Local Government Cost Index.*

Zone resolutions

Central Country Zone

At the Central Country Zone Meeting of 15 November 2024, the Zone considered an item which raised concerns that the administrative costs of the PetsWA central registration system would be withheld by the State Government from registration fees collected by Local Governments. As already noted, registration fees are already insufficient to cover the costs of Local Government cat and dog management responsibilities.

The Zone resolved:

That the Central Country Zone request WALGA to:

- a) *advocate to the Government of Western Australia that 100% of the revenue derived from pet registrations (both dogs and cats) continue to be returned directly to Local Governments to effectively administer the Dog Act 1976 and Cat Act 2011.*
- b) *recommend that the new centralized PetsWA Pet Registry Scheme, administered by the State Government, should not retain any commission or portion of the registration fees for its operations, as the current fee structure does not adequately cover the costs associated with pet management at the Local Government level.*

North Metropolitan Zone

At the North Metropolitan Zone Meeting of 20 November 2024, the Zone considered an item which raised concerns that the community would be able to lodge complaints through the PetsWA centralised registration system and that infringements would be issued through the system. As no integration with Local Government systems has been advised, this would create a duplicate workload for officers.

The Zone resolved:

That WALGA advocate to the State Government for the PetsWA Centralised Registration Database scope to be restricted to a centralised registration system (excluding complaints and infringements) that integrates with Local Government's existing corporate systems.

COMMENT

As the Act has progressed, the existing advocacy position should be reviewed to reflect the current state.

A comparison between the current and proposed advocacy position is provided in Attachment A, with key themes addressed below.

Cost Recovery

Under the *Dog Amendment (Stop Puppy Farming) Act 2021*, Local Governments will have increased responsibilities, including approvals to breed and pet shop approvals, as well as associated investigation and enforcement functions. WALGA has continued to advocate to the State Government for fees and charges to be set at a level that achieves full cost recovery and that any additional costs incurred by a Local Government in administering the Dog Act be paid by the State Government. The proposed advocacy position retains these key positions.

The fees from registrations and animal related infringements do not currently cover all costs associated with Local Government responsibilities. There is a risk that the State Government could administer the PetsWA system in a way which reduces Local Government income from registrations.

WALGA's existing advocacy position supports PetsWA to be managed by the State (Advocacy Position 2.12.b). The proposed *Dog and Cat Management* Advocacy Position expands on the existing position to make it absolutely clear that there should be no loss of registration fee revenue to the Local Governments in administering the database.

Scope of PetsWA

The Act provides for a centralised registration system, known as PetsWA, to be managed by the State Government. DLGSC has been tasked with the implementation of the system. The contract to develop PetsWA was awarded on 2 August 2024 and is expected to launch in the second half of 2025. PetsWA is intended to replace the dog and cat registers managed by individual Local Governments with a single online system, used state-wide. PetsWA will allow dog and cat owners to register their pets and make payments online.

In addition to uncertainty about revenue from fees and charges under PetsWA, there is ambiguity about the scope of information recorded within PetsWA. DLGSC has noted that PetsWA could be used to manage public complaints, request ranger visits, manage dangerous dog notices, and issue infringements. This could increase administrative burden

on Local Government staff by duplicating data entry with existing record management systems, as there is no clarity on the extent of the integration with Local Government's existing systems.

To avoid this, PetsWA should be integrated with Local Government's existing systems and the scope should be restricted to its original function as a centralised registration system.

WALGA RECOMMENDATION

That WALGA replace Advocacy Position 2.12 *Puppy Farming* with a revised *Dog and Cat Management* advocacy position, as follows:

In regard to the Dog Amendment (Stop Puppy Farming) Act 2021 and the PetsWA Centralised Database, the WA Local Government sector advocates:

- a) that fees reflect completed cost modelling to ensure that Local Governments achieve full cost recovery in ensuring compliance with the Dog Act 1976 or Cat Act 2011.*
- b) that Fees and Charges set in Regulations are reviewed bi-annually and, at minimum, adjusted by the Local Government Cost Index.*
- c) that the PetsWA centralised registration database is developed, operated and maintained by State Government, with no loss to Local Government registration fee revenue.*
- d) that the function of PetsWA be restricted to the registration of dogs and cats, exclude ancillary functions such as animal related complaints and infringement notices, and integrate with existing Local Government corporate systems.*
- e) for the continued legislative exemptions for livestock working dogs in recognition of their special breeding requirements.*
- f) for a State Government-led education initiative whereby the community is encouraged to purchase puppies from approved breeders.*

RESOLUTION

Moved: Mr Mark Goodlet

Seconded: Mayor Caroline Knight

That the Peel Country Zone support the WALGA recommendation for State Council Agenda item 8.2 as contained in the State Council Agenda and as provided above.

CARRIED

9.3 NATIVE VEGETATION CLEARING REGULATIONS ADVOCACY POSITION (STATE COUNCIL AGENDA ITEM 8.3)

By Nicole Matthews, Executive Manager Policy and Ian Duncan, Executive Manager Infrastructure

EXECUTIVE SUMMARY

- The effectiveness, cost and complexity of the regulatory system for native vegetation clearing has been a longstanding concern for Local Governments, particularly in relation to its impacts on the delivery of road and other infrastructure projects.
- WALGA has made numerous representations and submissions to the State Government on this issue.
- WALGA's current [advocacy positions](#) relating to the regulation of clearing of native vegetation were endorsed by State Council in 2004 (5.2.1) and 2006 (5.2.2).
- Numerous reviews and significant legislative and policy changes aimed at streamlining regulatory requirements have occurred since that time which has resulted in some improvement, however, problems persist.
- The updated Advocacy Position, seeks to respond to feedback and issues raised by the sector, calls the State Government to:
 - implement **legislative, policy and process changes**, including the imposition of statutory timeframes for assessments and appeals; increasing the duration of clearing permits; providing a permanent exemption to enable clearing in previously legally cleared transport corridors; and strengthening environmental data sharing requirements.
 - allocate **adequate resources** to implement an expedited process for road safety and state and federally funded or co-funded projects; a dedicated Local Government unit to process applications and support the sector; timely compliance and enforcement action; and implement a state-funded collection and provision of data.
 - undertake **bioregional planning** and implement **strategic solutions for environmental offsets** for Local Government.
 - **reduce duplication** between the State and Australian government regulatory systems.
- At their joint meeting on 24 March, the Environment and Infrastructure Policy Teams recommended that State Council endorse the Native Vegetation Clearing Regulations advocacy position.

ATTACHMENT

- [WALGA Native Vegetation Clearing Regulations Issues Paper](#)
- [Road Safety Briefing Note](#)

POLICY IMPLICATIONS

This item is to replace existing Advocacy Positions 5.2.1 Environmental Protection Act and 5.2.2 Land Clearing in Road Reserves with a new *Native Vegetation Clearing Regulations* position.

The current [Advocacy Positions](#) are as follows:

5.2.1 Environmental Protection Act

Impact on Road Reserves Position Statement. The Local Government sector supports continued advocacy to minimise the impact on road reserves and in regards to

Regulations, processing times, access to vegetation data and a Code of Practice on maintenance activities.

5.2.2 Land Clearing in Road Reserves

The Local Government sector supports Schedule 2 of the Environmental Protection (Clearing of Native Vegetation) Regulations 2004 as a permanent exemption for the maintenance of existing transport corridors and supports the continued advocacy for improvements to processing and timelines of the current clearing legislation.

The proposed Advocacy Position is as follows:

Native Vegetation Clearing Regulations

WALGA calls on the Western Australian Government, in consultation with Local Government, to undertake legislative and policy reform to improve the effectiveness, efficiency and transparency of the regulatory system for clearing native vegetation in Western Australia, including:

- 1. Amending the Environmental Protection Act 1986 and associated regulations to remove unnecessary process, complexity and improve timeframes, including:*
 - a. introducing statutory timeframes for the determination of referrals, permit applications and appeals*
 - b. increasing the default duration of Area and Purpose Permits to 10 years*
 - c. provide a permanent exemption for clearing of previously legally cleared transport corridors*
 - d. strengthening environmental data sharing requirements to ensure proponents cannot opt-out of sharing data collected for environmental assessment and monitoring purposes.*
- 2. Ensuring the regulatory system is adequately resourced to:*
 - a. implement an expedited process for clearing permits for projects that prevent death and serious injury (road safety), and state and federally funded or co-funded projects*
 - b. establish a dedicated Local Government unit within the Department of Water and Environmental Regulation to:*
 - i. case manage Local Government referrals and clearing permit applications*
 - ii. provide guidance and training for Local Governments, particularly in relation to roadside vegetation management*
 - iii. support partnerships with Local Governments in strategic environmental offsets*
 - c. enable timely investigation and enforcement action for illegal clearing*
 - d. increase investment in the collection and provision of statewide biodiversity data, including:*
 - i. funding and coordinating a state-wide biodiversity survey program to standardise habitat and vegetation mapping*
 - ii. making biodiversity data more discoverable, accessible and useable.*
- 3. Undertaking bioregional planning for native vegetation management, with a focus on highly cleared areas and implementing strategic solutions for environmental offsets that can be utilised by Local Government.*
- 4. Working with the Australian Government to reduce duplication between the Environmental Protection Act 1986 and the Environment Protection and Biodiversity Conservation Act 1999.*

BACKGROUND

Western Australia is one of the most biodiverse places on Earth and has significant regional endemism, meaning it has plants and animals that only live in a particular location (Western Australian Biodiversity Science Institute). Eight of Australia's 15 declared biodiversity hotspots are in WA and the South West Ecoregion, (running from Shark Bay in the northwest to Esperance in south east with a narrow strip along the southeastern coast to the border between WA and SA) is one of only 34 internationally recognised Global Biodiversity Hotspots (and the only in Australia). A Global Biodiversity Hotspot is defined as a geographical region that has at least 1,500 vascular plant species and has lost at least 70 per cent of its original supporting habitat.

In Western Australia the clearing of native vegetation is primarily regulated under Part V Division 2 of the [Environmental Protection Act 1986](#) (EP Act) and [Environmental Protection \(Clearing of Native Vegetation\) Regulations 2004](#) (Regulations). Under section 51C of the EP Act clearing of native vegetation is an offence unless a permit has been granted, or an exemption applies.

The Regulations provide exemptions for routine land management practices, including for clearing done for maintenance in existing, previously legally cleared transport (road and rail) corridors, provided that the previous clearing occurred within the preceding 10 years (Regulation 5, Item 22). Schedule 2, cl. 2 of the Regulations specify the extent of maintenance clearing for an area or purpose:

Area or purpose	Extent of clearing
Crossover area	Clearing to the extent previously cleared for the area.
Lateral clearance area	Complete clearing to the width and height previously cleared for that stretch of road or railway.
Maintenance and protection of transport corridor infrastructure	Clearing to the extent necessary to – a) Maintain the efficacy and safety of the infrastructure; b) Protect the infrastructure (for example from fire); and c) Provide access to the infrastructure to maintain it.
An area that is a public roadside facility	Clearing to the extent necessary to maintain (but not extend) the intended use of the area.
Sight line area	Clearing to the extent previously cleared for that area.

Schedule 2, cl. 1 of the Regulations provides the following definitions:

- *crossover area* means the area occupied by a crossover from a road to a property adjacent to the road and any associated sight line areas;
- *lateral clearance area*, in relation to a stretch of road or railway, means the area (if any) parallel to and immediately adjacent to the stretch of road or railway that is ordinarily cleared;
- *public roadside facility* includes a camping area, rest area, information bay, road train assembly area or parking area or a footpath or cycle track in the road reserve;

- *transport corridor infrastructure*, in relation to a stretch of road or railway, includes barriers, signs, guideposts, drains, levies, embankments, gutters, bridges, overpasses and other similar structures or works.

While this exemption does not apply in an environmentally sensitive area, an area that would otherwise be an environmentally sensitive area is not an environmentally sensitive area to the extent it is in a maintenance area of transport corridor.

The Australian Government regulates clearing that is likely to impact a matter of National Environment Significance through the application of Parts 7 - 9 of the *Environmental Protection and Biodiversity Conservation Act 1999* (the EPBC Act) and *Environmental Protection and Biodiversity Conservation Regulations 2000*.

The effectiveness, cost, complexity and timeframes associated with the regulatory system for native vegetation clearing have been a longstanding concern for Local Governments, particularly in relation to impacts on the delivery of road projects, which make up approximately 60 per cent of Local Government clearing permit applications and 30 per cent of referrals (Dec 2021 – Oct 2024). WALGA has made numerous representations and submissions to the State Government on this issue.

WALGA has three [advocacy positions](#) related to native vegetation clearing regulation dating (2004, 2006, 2018). Numerous reviews and significant legislative and policy changes have occurred since that time, aimed at streamlining regulatory requirements, including the Western Australian Offset Policy (2011) and Guideline (2014), the Review of the Western Australian Offsets Framework (2019), the implementation of cost recovery for clearing permit applications (2019), the release of the [Native Vegetation Policy for Western Australia](#) in 2022, the [Independent \(Vogel-McFerran\) Review of WA Environmental Approvals Processes and Procedures](#) (2023) and amendments to the *Environmental Protection Act 1986* in 2020 and 2024.

As a result of these changes, the exemption for clearing in previously cleared transport corridors increased from 5 to 10 years, a referral process was introduced for low impact clearing and minor scheme amendments no longer require referral to the Environmental Protection Authority.

While these changes have resulted in some improvements, problems persist. This was recognised by the Vogel-McFerran Review, which found that “approvals processes have become overly complex, time-consuming, and costly – holding back economic development without any benefit to the environment”.

In 2024, to inform the development of an updated advocacy position on native vegetation clearing regulation, WALGA undertook research and analysis of the Department of Water and Environmental Regulation (DWER) and the Office of the Appeals Convenor data, previous submissions and Zone resolutions/feedback and held a sector webinar to inform the development of an [Issues Paper](#). The Paper was considered by the Environment Policy Team and included in the November 2024 Zone meeting Agendas for feedback.

The main themes from the consultations, Zones and issues paper feedback were:

- key challenges faced by the sector related to the complexity of the regulatory system, costs associated with the process and the time taken for assessment and appeals; and

- these challenges can delay critical road and infrastructure projects and impact Local Government's ability to attract and retain grant funding.

COMMENT

A consolidated, updated advocacy position will enable WALGA to comprehensively advocate for members to address the challenges of operating in a complex and costly regulatory environment, whilst balancing the protection of the environment.

The updated Advocacy Position calls on the State Government to:

- Implement **legislative, policy and process changes** including:
 - the imposition of statutory timeframes for assessments and appeals;
 - a permanent exemption for clearing in previously legally cleared transport corridors;
 - increasing the duration of clearing permits; and
 - strengthening environmental data sharing requirements.
- Allocate **adequate resources** to implement an expedited process for road safety and state and federally funded or co-funded projects; a dedicated Local Government unit to process applications and support the sector; timely compliance and enforcement action; and implement a state-funded collection and provision of data.
- Undertake **bioregional planning** and implement **strategic solutions for environmental offsets** for Local Government.
- **Reduce duplication** between the State and Australian government regulatory systems.

WALGA RECOMMENDATION

That WALGA replace the following Advocacy Positions:

5.2.1 Environmental Protection Act

5.2.2 Land Clearing in Road Reserves

with an updated Native Vegetation Clearing Regulations Advocacy Position as follows:

WALGA calls on the Western Australian Government, in consultation with Local Government, to undertake legislative and policy reform to improve the effectiveness, efficiency and transparency of the regulatory system for clearing native vegetation in Western Australia, including:

1. *Amending the Environmental Protection Act 1986 and associated regulations to remove unnecessary process, complexity and improve timeframes, including:*
 - a. *introducing statutory timeframes for the determination of referrals, permit applications and appeals*
 - b. *increasing the default duration of Area and Purpose Permits to 10 years*
 - c. *provide a permanent exemption for clearing of previously legally cleared transport corridors*
 - d. *strengthening environmental data sharing requirements to ensure proponents cannot opt-out of sharing data collected for environmental assessment and monitoring purposes.*
2. *Ensuring the regulatory system is adequately resourced to:*

- a. *implement an expedited process for clearing permits for projects that prevent death and serious injury (road safety), and state and federally funded or co-funded projects*
- b. *establish a dedicated Local Government unit within the Department of Water and Environmental Regulation to:*
 - i. *case manage Local Government referrals and clearing permit applications*
 - ii. *provide guidance and training for Local Governments, particularly in relation to roadside vegetation management*
 - iii. *support partnerships with Local Governments in strategic environmental offsets*
- c. *enable timely investigation and enforcement action for illegal clearing*
- d. *increase investment in the collection and provision of statewide biodiversity data, including:*
 - i. *funding and coordinating a state-wide biodiversity survey program to standardise habitat and vegetation mapping*
 - ii. *making biodiversity data more discoverable, accessible and useable.*
3. *Undertaking bioregional planning for native vegetation management, with a focus on highly cleared areas and implementing strategic solutions for environmental offsets that can be utilised by Local Government.*
4. *Working with the Australian Government to reduce duplication between the Environmental Protection Act 1986 and the Environment Protection and Biodiversity Conservation Act 1999.*

RESOLUTION

Moved: Mayor Caroline Knight

Seconded: Cr Amber Kearnes

That the Peel Country Zone support the WALGA recommendation for State Council Agenda item 8.3 as contained in the State Council Agenda and as provided above.

CARRIED

9.4 SUBMISSION ON THE STATE RECOVERY ARRANGEMENTS (STATE COUNCIL AGENDA ITEM 8.4)

By Rachel Armstrong, Policy Manager Emergency Management

EXECUTIVE SUMMARY

- The Department of Fire and Emergency Services (DFES) is consulting on revised State Recovery Arrangements via [Engage WA Emergency Management](#). Formal consultation closes Friday, 2 May.
- WALGA was granted an extension to enable the draft submission to be included as an Item for Decision in the 7 May State Council Agenda.
- The revised arrangements integrate lessons from past recoveries, current best practices, and clarify roles and responsibilities.

- There are no significant changes to Local Government roles and responsibilities under the *Emergency Management Act 2005* and State Emergency Management Framework.
- The Commonwealth - State Disaster Recovery Funding Arrangements - Western Australia (DRFA-WA) are not part of the State Emergency Management Framework and are outside the scope of the review.
- WALGA's draft submission was shared with Local Governments and the draft final version incorporates feedback.
- WALGA's submission is generally supportive of the revised State Recovery Arrangements, which provide improved clarity on roles and responsibilities in recovery, particularly for State Government, and clearer arrangements for transitioning from response to recovery and from recovery to business as usual.
- WALGA's submission highlights the need for State Government investment in streamlined, appropriate and effective funding mechanisms for recovery and resilience building, and the need to ensure adequate support to Local Governments.
- The People and Place Policy Team noted the draft submission at its 18 March meeting.

ATTACHMENT

- [Draft State Recovery Arrangements – WALGA submission](#)

POLICY IMPLICATIONS

WALGA's submission on the State Recovery Arrangements is aligned to the following [Advocacy Positions](#) :

8.1 Emergency Management Principles

1. *The State Government bears fundamental responsibility for emergency management and has the role of providing strategic guidance, support and services for emergency management activities in Western Australia.*
2. *The State Government should provide financial and resourcing support as necessary to enable Local Governments to adequately deliver their extensive emergency management roles and responsibilities under the State Emergency Management Framework.*
3. *The Local Government Sector should be engaged as a partner in policy and legislative reviews that impact Local Government emergency management roles and responsibilities.*

8.2 State Emergency Management Framework

Local Governments are supported to undertake their emergency management responsibilities by a simple and streamlined State Emergency Management Framework with the primary objectives of:

1. *Protecting people, the economy, and the natural environment from disasters;*
2. *Supporting communities in preventing, preparing for, responding to and recovering from emergencies;*
3. *Clearly outlining roles, responsibilities and accountabilities for Local Government and other emergency management stakeholders;*
4. *Scalability and adaptability that supports Local Governments of varied capacity and capability; and*
5. *Supporting agency interoperability through common systems and approaches to key activities including data management, communications, and hazard management.*

8.3 Sustainable Grant Funding Model for Emergency Management

Local Government should be empowered to discharge its emergency management responsibilities through sustainable grant funding models that support a shared responsibility and all hazards approach to prevention, preparedness, response and recovery from natural disasters. A sustainable grant funding model for Local Government emergency management:

- 1. Empowers Local Governments to undertake proactive approaches to preparedness, prevention, response and recovery;*
- 2. Supports the resilience of local communities through capacity-building activities and programs;*
- 3. Is responsive to the variations in Local Government resourcing and context; and*
- 4. Develops the skills, capacity and capability of the emergency management workforce; and*
- 5. Is consistent, flexible, timely, accessible, scalable, strategic and the guidance provided is comprehensive.*

8.11 Local Emergency Management Arrangements (LEMA)

- 1. The State Government should fund the implementation of the Local Emergency Management Arrangements (LEMA) Improvement Plan endorsed by the State Emergency Management Committee (SEMC).*
- 2. A reformed LEMA system should:*
 - a. Clearly articulate the roles and responsibilities of Local Governments in emergency management;*
 - b. Simplify the reporting processes and reduce the administrative burden of maintaining compliance;*
 - c. Provide a suite of scalable tools and guidance materials that are accessible through an online knowledge hub;*
 - d. Build the emergency management capacity and capability of Local Governments through the provision of targeted training, exercising support, human resources and sustainable funding;*
 - e. Assist Local Governments to continue to deliver their core business activities and provide public information during an emergency event;*
 - f. Improve the connectivity of Local Governments' various risk management and hazard planning processes through an integrated approach; and*
 - g. Enable resource sharing and collaboration across the Local Government sector.*

5.4.3 Betterment (resilience)

The Local Government sector supports increased funding for the replacement or restoration of damaged assets to a more resilient standard following an event.

BACKGROUND

Since 2020, Western Australia has faced complex recovery challenges from events like Cyclone Seroja, Wooroloo bushfires, and Kimberley floods, necessitating greater State involvement. The review of State Recovery Arrangements aims to integrate lessons from past recoveries, update best practices, and clarify roles.

There are no changes to Local Government's responsibility to manage recovery following an emergency affecting the community in its district as set out in the *Emergency Management Act 2005* (s36b). There are no substantive changes to Local Government roles and responsibilities for recovery under the State Emergency Management Framework.

The proposed changes to the State Recovery Arrangements include:

- introducing four State Strategic Recovery Priorities which are informed by the National Principles for Disaster Recovery in the [Australian Disaster Recovery Framework](#).
- implementing a new four-tiered Model for State Involvement in Recovery where the State's involvement increases with the complexity of the recovery.
- clarifying roles and responsibilities for Local Government, Hazard Management Agencies, State agencies, and support organisations. The improved clarity in State roles in recovery should make it easier for Local Governments to access the support they need to coordinate community-led recovery.
- emphasising greater community engagement in recovery.
- reduced emphasis on an Impact Statement as a trigger for transitioning recovery coordination from the Hazard Management Agency (HMA) to Local or State Government and a new requirement for transition arrangements to be planned/agreed with Local Governments.
- clarifying the requirement for a planned transition from recovery arrangements to 'business-as-usual' service delivery for Local and State Government.

WALGA and Local Governments have been involved in preliminary consultations to support the development of the revised State Recovery Arrangements, including through the State Emergency Management Committee (SEMC), WALGA's Local Government Emergency Management Advisory Group (LGEMAG) and Local Government Focus Groups.

COMMENT

WALGA requested and was granted an extension to enable the draft submission to be included as an Item for Decision in the 7 May State Council Agenda.

WALGA's draft submission incorporates feedback from preliminary consultation, WALGA's advocacy positions, and input from the sector via the Local Emergency Management Arrangements (LEMA) Review and the 2023 Local Government Emergency Management Survey. This feedback has consistently demonstrated support within the sector for shared responsibility for recovery, with the level and type of support required varying with the size, scale and complexity of the event and Local Government capacity.

Overall, the amended State Recovery Arrangements provide much improved clarity on how responsibility for recovery is to be shared and therefore a better foundation for recovery coordination.

The submission recommends:

1. The State Government should develop streamlined, appropriate and effective funding mechanisms to invest in Local Government recovery and resilience building.
2. Investment in recovery should not be limited by the eligibility requirements of the DRFA-WA and should meet the recovery requirements of Local Governments and Communities.
3. The DRFA-WA must be urgently reviewed to streamline administration, approvals and evidentiary requirements, address the cash-flow impacts of the reimbursement model and enable resilient reconstruction / betterment following a disaster.
4. The State Government should invest in effective risk assessment and risk reduction, in addition to ensuring to providing effective and fit for purpose State Recovery Arrangements.

State Strategic Recovery Priorities

5. WALGA supports the proposed four State Strategic Recovery Priorities: 1. Assist people to meet their recovery needs; 2. Enable community-centred recovery; 3. Restore community function and wellbeing; 4. Foster community disaster resilience.

Model for State Involvement in Recovery

6. WALGA supports the proposed 4-tier Model for State involvement in Recovery.
7. WALGA supports the roles assigned to Local Government under each recovery level (R1-4). The roles and responsibilities are aligned to current roles and responsibilities.
8. WALGA supports the roles assigned to State Government under each recovery level (R1-4), which provide improved clarity.

Roles and responsibilities

9. WALGA supports the roles and responsibilities allocated to Local Governments in the revised State Recovery arrangements, including section 6.3 of the revised State EM Policy, with minor amendments as outlined in Appendix 1. The roles and responsibilities in the revised arrangements are aligned to current roles and responsibilities.
10. WALGA recommends that the revised State Recovery Arrangements clearly reinforce the role of the State Recovery Coordinator to confirm individual Local Government's capacity to undertake their allocated roles and responsibilities during recovery and ensures additional support is provided as required.
11. WALGA supports the roles and responsibilities allocated to Hazard Management Agencies and Controlling Agencies in section 6.6 of the revised State EM Policy, which provide improved clarity.
12. WALGA supports the roles and responsibilities allocated to State agencies in section 6.7 and Appendix F of the revised State EM Policy, which provide improved clarity.
13. The revised State Recovery Arrangements should formalise coordination protocols between Local Governments and State agencies to enable rapid mobilisation of essential workers in disaster impacted communities.
14. The revised State Recovery Arrangements should consider inclusion of roles, responsibilities and coordination protocols for essential services, as coordinated restoration of essential services is fundamental to early recovery.
15. The revised State Recovery Arrangements should reinforce compliance with data sharing arrangements under 6.1.72 of the EM Act to ensure that State Agencies are sharing information effectively in recovery and include this as a specific function of the State Recovery Coordinator / Controller.

Greater emphasis on engaging community

16. WALGA supports the greater emphasis on engaging communities in planning recovery, and the flexibility in approach so that this can be adapted to meet Local Government and community needs and capacities.

Phases of Recovery

17. WALGA supports amendments to the State EM Plan to introduce three phases of recovery: 1) Recovery Planning. 2) Response and Early Recovery. 3) Recovery Operations.
18. Considering Phase 3) Recovery Operations:
 - a. The requirements for Local Governments to review and evaluate the Local Operational Recovery Plan should be scalable the Local Government's capacity, and the recovery level and context and supported by simple and effective guidance.

- b. All monitoring and evaluation requirements for DRFA-WA programs, if applicable, should be coordinated by the State Government.
- 19. Recovery Operations should be supported by pre-prepared State-level Urgent Recovery Programs and surge capacity for implementation.
- 20. Streamlined guidance should be provided for needs assessment, review and evaluation. The approach should be scalable to the Local Government's capacity, and the recovery level and context.

Public Information and Communication

- 21. WALGA supports nomination of DFES, instead of the State Emergency Public Information Coordinator to coordinate State-level recovery public information and communications. DFES should consult and coordinate with Local Governments on recovery communications.

Transition between response and recovery

- 22. WALGA supports the proposed requirements for a planned transition of recovery coordination by agreement between the Hazard Management Agency and Local Government for R1 and R2 recoveries.
- 23. WALGA supports the proposed requirements for a planned transition of recovery coordination between the Hazard Management Agency and State Government for R3 and R4 recoveries with a written transition plan.

Transition from recovery to 'business-as-usual' service arrangements

- 24. WALGA supports the proposed requirements for the State to plan the de-escalation of State recovery involvement and transition to 'business as usual' service arrangements. The requirements for a transition plan are clearly described and sufficient, however should be outlined in a written plan.

Requirement for an Impact Statement

- 25. WALGA supports the requirement that the HMA prepares an Impact Statement in all Level 2 and 3 incidents.

Local Operational Recovery Plans

- 26. WALGA supports the general requirement for a Local Operational Recovery Plan to be prepared for R2, R3 and R4 events.
- 27. The Local Recovery Guideline should be revised to provide better guidance to Local Governments on how to prepare a Local Operational Recovery Plan.
- 28. State Recovery support should be provided to prepare a Local Operational Recovery Plan, if requested by the Local Government.
- 29. WALGA Recommends renaming the Local Operational Recovery Plan to [Event] Recovery Action Plan.

Executive Government Forum

- 30. WALGA supports provisions to enable strategic oversight and direction for complex recovery issues via referral to an existing cross-government executive forum or a Director General/Chief Executive Officer-level forum.

The People and Place Policy Team noted the draft submission at their 18 March meeting.

WALGA RECOMMENDATION

That State Council endorse the submission to the Department of Fire and Emergency Services on proposed revisions to the State Recovery Arrangements.

RESOLUTION

Moved: Mr Mark Goodlet

Seconded: President Cr Michael Walmsley

That the Peel Country Zone support the WALGA recommendation for State Council Agenda item 8.4 as contained in the State Council Agenda and as provided above.

CARRIED

9.5 HEALTH (PUBLIC BUILDINGS) REGULATIONS CONSULTATION (STATE COUNCIL AGENDA ITEM 8.5)

By Coralie Claudio, Senior Policy Advisor, Planning

EXECUTIVE SUMMARY

- The Department of Health (DoH) is seeking feedback on the [Consultation Paper 2025 Health \(Public Buildings\) Regulations 1992](#) (Consultation Paper), which examines whether the Regulations should be repealed without replacement.
- Repealing the Regulations is not supported by the sector, as it would impede Local Governments' ability to proactively manage and mitigate public health risks.
- Revised Regulations are supported to provide a contemporary, risk-based approach to public building management, eliminating unnecessary building construction requirements and incorporating modern compliance and enforcement tools.
- WALGA received an extension of time from DoH to allow the submission to be considered by State Council as part of the May Agenda.

ATTACHMENT

- [WALGA's submission on the Health \(Public Buildings\) Regulations Consultation](#)

POLICY IMPLICATIONS

WALGA's submission is consistent with the following [WALGA Advocacy Position](#)

6.6 Building Act and Regulations

Assessments of the effectiveness of building control systems across Australia have recognised that there is diminishing public confidence in the building and construction industry, and that change is required to ensure buildings are safe and perform to expected standards. Now more than ever, the focus is on Local Government building departments to deliver good governance, local leadership and sustainable services that meet the needs of their communities whilst supporting local jobs and economic growth. The Association has the following endorsed positions:

1. *Support the retention of Local Government as the primary permit authority in Western Australia for decisions made under the Building Act 2011.*
2. *Supports mandatory inspections for all classes of buildings; however, Local Government should not be solely responsible for all mandatory inspections.*
3. *Advocate for the State Government to urgently prioritise legislative reform that addresses systemic failures in the current building control model and to provide clarification on the role of Local Government in building control to ensure building legislation supports the following objectives:*
 - a. *Quality buildings that are cost efficient.*
 - b. *Functional, safe and environmentally friendly buildings.*
 - c. *Good decision making in all aspects of building.*
 - d. *Efficiency and effectiveness in building management, administration and regulation.*
 - e. *Openness and accountability with respect to all building matters.*
 - f. *Recognition of the rights and responsibilities of all parties in building matters in an equitable manner.*
4. *Existing and proposed building control related fees and charges to be cost recovery for Local Government.*
5. *WALGA will work with members, state agencies and industry groups to develop training opportunities and to promote the Local Government building surveying profession to ensure sustainability of Local Government building control services.*
6. *WALGA supports the Australian Building Codes Boards Trajectory for Low Energy Buildings by supporting Local Governments to meet community strategic objectives of a net zero carbon future by 2050 through work with members, state agencies and industry groups.*

BACKGROUND

The *Health (Public Buildings) Regulations 1992* (the Regulations) were established to ensure the safety, health, and welfare of people using public buildings in Western Australia. The current definition of a public building is broad, and captures most public areas where people gather for a pre-determined purpose, including for entertainment, sports and recreation, worship and educational purposes.

These Regulations set standards for the construction, maintenance, and operation of public buildings, covering aspects such as occupancy limits, emergency exits, evacuation plans, ventilation, lighting and sanitary facilities. Local Governments play a crucial role in enforcing the Regulations, specifically by conducting routine inspections to ensure ongoing compliance with health and safety standards.

In 2018, the DoH released a Discussion Paper *Managing public health risks in public buildings in Western Australia*, that sought feedback on two options: repealing the Regulations without replacement or providing new, updated Regulations under the *Public Health Act 2016*.

WALGA's submission at the time supported the latter option as Regulations would continue to allow for the assessment and maintenance of the operational safety of public buildings that would maintain patron safety and provide adequate control and enforcement tools for Local Government officers.

This was the position of DoH when the Consultation Summary Report was published in 2019. The report also noted that the Regulations shouldn't duplicate the construction

requirements in building legislation and instead focus on the ongoing management of public health risks associated with the building. No updated Regulations were released.

In February, DoH released the Consultation Paper that re-examined if the Regulations should be repealed without replacement. The paper outlines relevant legislative and regulatory changes since 2019 and further examines the need for Regulations in addition to the WA building legislation and the National Construction Codes (NCC) that set safety standards and protocols for building construction.

COMMENT

WALGA does not support the repealing of the Regulations, as it would impede Local Governments' ability to undertake routine inspections, proactively managing and mitigating public health risks related to public buildings.

WALGA's submission acknowledges that the Regulations are outdated, and they should be reviewed and updated to ensure they are contemporary, fit for purpose and focus on the ongoing management of public buildings, rather than building construction requirements.

Health provisions, specifically the ongoing management of public buildings, are not appropriately placed within building legislation, and the building sector is not adequately trained or resourced to effectively manage ongoing public health risks.

Additionally, the general public health duty under the updated *Public Health Act 2016*, along with other legislation and inspections undertaken by government agencies, does not provide effective management and compliance mechanisms to address public building safety.

WALGA RECOMMENDATION

That WALGA endorse the submission on Health (Public Buildings) Regulations Consultation to the Department of Health.

RESOLUTION

Moved: Cr Rob Coales

Seconded: A/President Cr Douglas McLarty

That the Peel Country Zone support the WALGA recommendation for State Council Agenda item 8.5 as contained in the State Council Agenda and as provided above.

CARRIED

9.6 OTHER STATE COUNCIL AGENDA ITEMS

Zone Delegates are invited to raise for discussion, questions or decision any of the items in the State Council Agenda, including the items for noting, Policy Team and Committee Reports or the Key Activity Reports.

10 EXECUTIVE REPORTS

10.1 WALGA PRESIDENT'S REPORT

Tony Brown, Executive Director Member Services, presented the President's Report. The report was attached within the Agenda.

Noted

10.2 STATE COUNCILLOR'S REPORT TO THE ZONE

State Councillor, Mayor Caroline Knight presented on the previous State Council meeting.

Noted

11 OTHER BUSINESS

11.1 WALGA SUBSCRIPTION SERVICES

The Shire of Murray raised concerns about WALGA's proposal to bundle subscriptions under one general subscription. Tony Brown advised that WALGA was looking at the possibility of providing all WALGA services to all members rather than the current optional subscription service offering.

WALGA is in the member engagement phase, where it has been meeting with those Local Governments affected by the potential change. There would be nine Local Governments affected negatively by \$5,500 or more and there would be a further 24 affected negatively up to \$5,500. The remaining 106 Local Governments would not be affected negatively.

WALGA has now met with all nine affected Local Governments and has been collating the responses.

WALGA advised that given there has been strong opposition to the proposal, it would not be recommending to State Council, through the Finance and Services Committee, that it proceed.

Noted

11.2 LGIS CLAIMS MANAGEMENT

The Shire of Murray raised concerns with sub-standard management of claims by LGIS and submitted the following motion that was carried.

RESOLUTION

Moved A/President Douglas McLarty
Seconded Cr Rob Coales

That WALGA:

1. engage an independent investigator to review the performance, structure and time taken to process workers compensation claims since 12 months prior to the current CEO until now, and that the selection panel for this investigator be chosen by a panel that includes Local Governments affected by the performance of LGIS;
2. ensure that this report is made available unredacted to each Local Government;
3. ensures that the report is completed by 30 September 2025; and
4. are at arms-length from this report.

CARRIED

12 NEXT MEETING

The next meeting of the Peel Country Zone will be held on Thursday, 19 June 2025 at the Shire of Waroona commencing at 2:00pm.

13 CLOSURE

There being no further business, the Chair declared the meeting closed at 3:55pm.