

Peel Country Zone Minutes

19 June 2025

Hosted by the Shire of Waroona
52 Hesse Street, Waroona

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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

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 An attendance sheet was circulated prior to the commencement of the meeting.

ATTACHMENTS

1. Draft Minutes of previous meeting
2. June 2025 Update – Department of Local Government, Sports and Cultural Industries
3. Zone Status Report
4. President's Report

1 OPENING, ATTENDANCE AND APOLOGIES

1.1 OPENING

Deputy Chair, President Cr Michael Walmsley opened the meeting at 2:06pm.

1.2 ATTENDANCE

MEMBERS	2 Voting Delegates from each Member Council
Shire of Boddington	Ms Julie Burton, Chief Executive Officer
City of Mandurah	Cr Amber Kearns Ms Casey Mihovilovich, Chief Executive Officer
Shire of Murray	A/President Cr Douglas McLarty Mr Dean Unsworth, Chief Executive Officer non-voting delegate
Shire of Serpentine Jarrahdale	Mr Paul Martin, Chief Executive Officer non-voting delegate <i>(left the meeting at 3:04pm)</i>
Shire of Waroona	President Cr Michael Walmsley Deputy Chair Cr Naomi Purcell Mr Mark Goodlet, Chief Executive Officer non-voting delegate
WALGA Representatives	Mr Nick Sloan, Chief Executive Officer <i>(left the meeting at 2:56pm)</i> Ms Kirsty Martin, Manager Commercial Management Ms Lucy Sheehy, CoastWA Local Government Facilitator
LGISWA	Mr James Sheridan, Chief Executive Officer <i>(left the meeting at 2:56pm)</i>

Guest Speaker

Economic Regulation
Authority

Mr Steve Edwell, Chair

1.3 APOLOGIES

City of Mandurah Deputy Mayor Caroline Knight **Chair**

Shire of Boddington President Cr Eugene Smallberger
Cr Paul Carrots

Shire of Murray Cr Steve Lee

Shire of Serpentine Jarrahdale President Cr Rob Coales
Cr Tricia Duggin

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

Nil.

4 DEPUTATIONS

4.1 ECONOMIC REGULATION AUTHORITY (ERA)

Mr Steve Edwell, ERA Chair, provided a presentation to the Zone.

The ERA is WA's independent economic regulator and regulates electricity, gas, water and rail. The presentation focused on the energy transformation and regional service reliability, including initiatives in Western Power's current Access Arrangement to monitor actions by Western Power to address reliability concerns.

Noted

5 AGENCY REPORTS

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

The June 2025 report from the Department of Local Government, Sport and Cultural Industries (DLGSC) was provided as an attachment.

Noted

6 CONFIRMATION OF MINUTES

RESOLUTION

Moved: Cr Amber Kearns
Seconded: Cr Douglas McLarty

That the Minutes of the meeting of the Peel Country Zone held on 16 April 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.

Noted

7.1.1 Zone Agenda Item 11.2 LGIS Claims Management

Mr James Sheridan, CEO of LGISWA and Mr Nick Sloan, CEO of WALGA were in attendance online, available to answer any further questions in addition to the update provided in the Status Report in relation to item 11.2 LGIS Claim Management (Attachment 3).

RESOLUTION

Moved: Cr Amber Kearns
Seconded: Cr Douglas McLarty

That Zone Agenda Item 11.2 LGIS Claims Management be closed as an item on the Zone's Status Report.

CARRIED

8 ZONE BUSINESS

8.1 PLACES OF BUSHFIRE LAST RESORT

By Shire of Waroona

BACKGROUND

In Brief

The Report of the Special Inquiry into the January 2016 Waroona Fire (Ferguson Report) carried 17 recommendations for strategic change by State government agencies and local government. The recommendations covered a range of issues from rural fire fighting capability to traffic management. One of the key issues of the report related to bushfire evacuation and shelter. In particular, recommendation 12 states:

"The Department of Fire and Emergency Services to work with the Department of Planning and Local Governments to adopt a policy which enables Local Governments to identify, register and communicate 'Places of Bushfire Last Resort' in settlements and townsites where the life risk from bushfire is very high or greater."

During the Waroona fire, there were two instances of unofficial places of last resort being used to shelter from the fire: Preston Beach carpark and Yarloop Oval. These were not pre-identified places of last resort, but due to the seriousness of the fire, members of the community took refuge in them as they did not know of a safer alternative, nor were they able to access an alternative location.

To date, recommendation 12 of the Ferguson Report has not been addressed. The Ferguson Report considers that Places of Bushfire Last Resort (PoBLR) could be more clearly identified and communicated in Western Australia.

By way of background, a PoBLR can be defined as a place where members of a community can go or be taken to, to seek refuge from an imminent threat of bushfire when it is too late to evacuate. They should only be used when all other plans have failed and no other options exist and the person deems it too unsafe to remain in their house or current location. A PoBLR is an area or premises that basically provides a separation distance from the bushfire hazard (eg. vegetation) and protection from excessive (life threatening) levels of radiant heat.

Department of Fire and Emergency Services

The Department of Fire and Emergency Services (DFES) took up this issue about a year ago. To date, DFES has elected to establish a set of guidelines for local governments to follow in order to provide PoBLR. DFES has referred the matter to the State Bushfire Advisory Council (SBAC) several times. It is understood that SBAC has raised broader concerns about the risks needing to be considered in adopting PoBLR. The draft guidelines have not been prepared although this is currently the recommended approach by DFES.

COMMENT

Benefits

There are a number of benefits of PoBLR:

- They offer communities with considered and appropriate last resort bushfire options;
- They provide sites that are constructed and/or located to enhance the chances of survival for people when faced with bushfire attack;
- They provide a last resort option for people if their primary bushfire survival options (such as early evacuation) have failed; and
- They aid the community in taking responsibility for their own bushfire survival in the absence of emergency service personnel.

Concerns and Limitations

There are a number of concerns associated with PoBLR:

- Lack of a legislative head of power to govern the matter;
- Final responsibility in approving where a PoBLR should be located and whether it is adequate;
- Lack of legislation that ensures local governments and PCBU's cannot be prosecuted for injury or death at a PoBLR;
- Personnel and local government liability should persons be injured or killed in a PoBLR;
- Communication to the community to not confuse using a PoBLR in lieu of early evacuation or other evacuation centres;
- Travelling to a PoBLR may be inherently dangerous due to traffic congestion, poor visibility, fallen trees, fire activity, etc.;
- Emergency service personnel may not be present at a PoBLR; and
- There may be no amenities at PoBLR (food, drink, toilets).

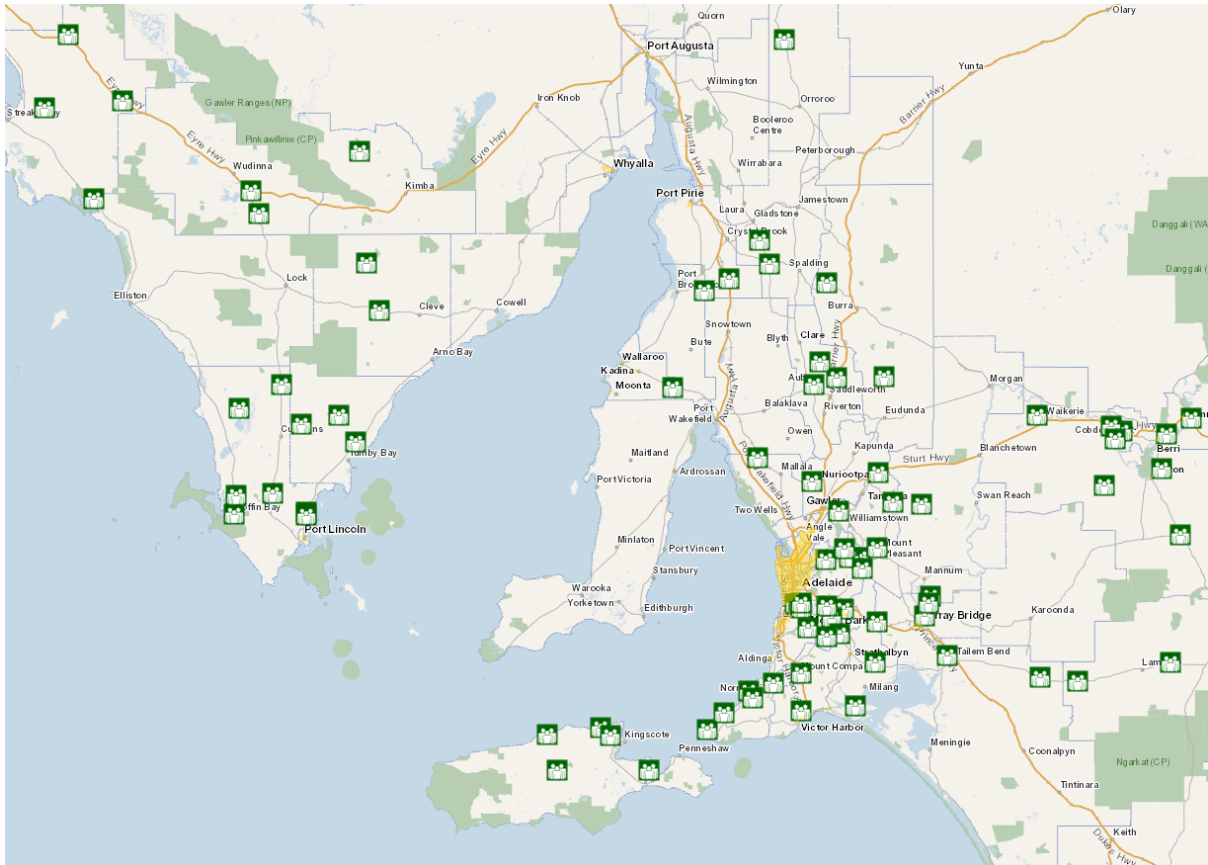
Despite these issues the fundamental priority is to provide an option for community members where all other options are either inadequate or have failed. Many coastal towns in Western Australia have the legacy constraint of a 'one road in, one road out' situation (Preston Beach as an example) leaving the now mandated, two egress roads for fire emergencies requirement, unable to be satisfied.

Other States

Four other states have a Neighbourhood Safer Places program: New South Wales, Queensland, South Australia and Victoria. Neighbourhood Safer Places in these states have the same principles as PoBLR.

Each state has a set of State government fire service guidelines to enable local governments to provide and maintain their Neighbourhood Safer Places. A criteria assessment is included for site selection. It is anticipated DFES are intending on preparing guidelines based on the other states.

Each state provides a website through their respective fire service which details where the Neighbourhood Safe Places are. For example, the South Australian Country Fire Services has an interactive mapping system pinpointing each Neighbourhood Safe Place, as shown by the screenshot below.



CONCLUSION

Whilst there are a number of concerns associated with the establishment of guidelines for PoBLR, it is believed these concerns can be overcome, given they have been deployed in other States. The primary intention of PoBLR is to save lives, and a PoBLR should be seen as 'something rather than nothing' in times where no other safer option is available to escape bushfire.

Many local government areas in Western Australia, particularly in the south western corner, may find PoBLR useful and indeed critical to improving the safety of their communities. It is considered appropriate for the Peel Country Zone to support DFES in progressing the matter and to encourage WALGA to take an active lead in the matter.

SECRETARIAT COMMENT

WALGA has been involved in discussions on Bushfire Place of Last Resort (BPLR) via our membership to the State Bushfire Advisory Committee and through a recent meeting with DFES and Local Government Representatives, including Shire of Waroona, on this matter.

We also received feedback via our consultation on the State Hazard Plan Fire in 2024 that LGs require a suitable standard for refuges and safer places to begin investigating the provision of these areas in specific high-risk locations, as is common in other Australian states.

As identified in the zone item, BPLRs may play an important role in managing bushfire risk in certain locations, however if not managed effectively pose significant risks to both LGs and the broader community.

DFES has not yet developed guidelines and an approach.

WALGA will advocate that BPLR guidelines and approach, once drafted, are consulted widely with the Local Government sector and LGIS to ensure they meet the needs of the sector and effectively consider and manage risk to Local Governments and communities.

RESOLUTION

Moved: Cr Douglas McLarty

Seconded: Cr Amber Kearns

That the Peel Country Zone:

1. supports the development of draft guidelines for Places of Bushfire Last Resort by the Department of Fire and Emergency Services; and
2. requests WALGA's active engagement to identify and address risks associated with Places of Bushfire Last Resort, engage and lead local government consideration and assist the development of a solution for local governments across Western Australia.

CARRIED

8.2 JACQUI DODD SCHOLARSHIP

By WALGA Training Team

BACKGROUND

The LGA50220 Diploma of Local Government – Elected Member Scholarship, named in honour of the late Jacqui Dodd, former long-serving WALGA Training Services Manager, has been awarded since 2021. This program is the highest qualification an Elected Member can achieve through WALGA Training and enables participants to increase their skills and knowledge in order to confidently provide leadership to their community.

The scholarship covers 50% of training and assessment fees and provides additional travel expense compensation for regional applicants upon completion of the program. WALGA Training awards this scholarship to two Metropolitan and two Regional Elected Members.

To qualify, applicants must be current Elected Members, have completed all Council Member Essentials training, and must not have previously received the scholarship.

This year's nominations will open on Tuesday, 1 July and close on Friday, 15 August 2025 at 12 noon. The scholarship winners will be announced at the Local Government Convention in September.

For more information and details on how to apply please visit the WALGA Training [website](#), contact the team via email training@walga.asn.au, or call us on (08) 9213 2088.

Noted

8.3 INVITATIONS TO MEMBERS OF PARLIAMENT TO ATTEND ZONE MEETINGS

By Kathy Robertson, Manager Association and Corporate Governance

BACKGROUND

The recent State election has brought with it two significant changes which may impact how Zones invite members of Parliament to attend Zone meetings:

1. The electoral regions for the Legislative Council were abolished under the *Constitutional and Electoral Legislation Amendment (Electoral Equality) Act 2021* and replaced with a single "whole of state" electorate. As a result, the members of the Legislative Council are drawn from across the whole of the State and no longer represent a particular region or area.
2. Premier Roger Cook has appointed nine cabinet members with region-specific portfolios. These Regional Ministers cover the areas of the Kimberley, Pilbara, South West, Mid West, Goldfields-Esperance, Gascoyne, Peel, Great Southern and Wheatbelt.

A full list of MLCs can be found here: [Legislative Council of Western Australia, Forty Second Parliament, List Of Members](#)

A full list of WA Ministers, including Regional Ministers can be found here: [Western Australian Government Cabinet Ministers](#)

COMMENT

Zones can choose to invite members of Parliament (State or Federal) to meetings at their discretion. Some Zones have standing invitations for all MPs relevant to that region (including MLAs, MLCs and Federal members) whilst others choose to invite MPs on a meeting-by-meeting basis to speak on a particular topic or issue.

Those Zones that have a standing invite for MPs generally allow time on the Agenda for each politician in attendance to address the meeting (as a standing item).

The Peel Country Zone does not currently invite MPs to meetings on a regular basis.

RESOLUTION

Moved: Cr Amber Kearns

Seconded: Cr Douglas McLarty

That the Peel Country Zone extends a standing invitation for the Minister for Peel to attend Peel Country Zone Meetings.

CARRIED

9 WALGA STATE COUNCIL AGENDA

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 SUSPENSION AND DISQUALIFICATION FOR OFFENCES ADVOCACY POSITION (STATE COUNCIL AGENDA ITEM 8.1)

By Jason Russell, Senior Governance Specialist

EXECUTIVE SUMMARY

- The South East Metropolitan Zone (SEMZ) passed a motion requesting that WALGA advocate for additional powers for the Minister to suspend Council Members charged with criminal offences likely to damage the reputation of the Local Government, and disqualify if convicted.
- Suspension, dismissal and disqualification must balance the public interest in elected representatives of good character, with protections for the individual and respect for democratic processes.
- While the *Local Government Act 1995* (the Act) includes a range of suspension, dismissal and disqualification mechanisms, their operation also depends on how the relevant decision-makers choose to use their powers.
- This report recommends that the dismissal mechanisms under the Act are sufficient to address the Zone's concern, but that WALGA's advocacy position be amended to include an additional suspension power for the Minister of Local Government.
- The Governance Policy Team endorsed the advocacy position at its meeting on 19 May.

STRATEGIC PLAN IMPLICATIONS

Influence:

- Lead advocacy on issues important to Local Government.

Support:

- Provide practical sector-wide solutions based on research and evidence.

POLICY IMPLICATIONS

The current Advocacy Position 2.5.5 Disqualification Due to Conviction position provides as follows:

Position Statement: A new disqualification criterion should be added to the *Local Government Act 1995* that disqualifies a person from serving as an Elected Member if they have been convicted of an offence against the *Planning and Development Act*, or the *Building Act* in the preceding five years.

Background: A planning or building system conviction is potentially more serious than a *Local Government Act* conviction because of Local Government's prominent role in planning and building control and the significant personal benefits which can be illegally gained through these systems.

This report recommends that this position is renamed and amended to include an additional point 2, as follows:

Suspension and Disqualification for Offences

The WA Local Government sector advocates that:

1. *A new disqualification criterion should be added to the Local Government Act 1995 that disqualifies a person from serving as an Elected Member if they have been convicted of an offence against the Planning and Development Act, or the Building Act in the preceding five years.*
2. *A new suspension criterion should be added to the Local Government Act 1995 allowing the Minister of Local Government to suspend a Council Member charged with an offence, where the Minister is satisfied this would be in the best interests of the Local Government, based on advice of the Director General.*

BACKGROUND

At its November 2024 meeting, the SEMZ asked WALGA to advocate:

That the Local Government Act 1995 be amended to give the Minister for Local Government the power to:

1. *Disqualify a person from membership of a council if the person has been convicted of a criminal offence that, in the opinion of the Minister for Local Government, under the advice of the State Solicitor's Office, has the potential to damage the reputation of the local government or the local government sector more broadly.*
2. *Suspend the council member who is charged with a criminal offence that has the potential to damage the reputation of the local government or the local government sector more broadly, until the charges are dealt with; and*
3. *Require a person to be paid fees and allowances until they are disqualified.*

COMMENT

The *Local Government Act 1995* (the Act) automatically disqualifies someone from membership of a Council if convicted of certain types of offences. The Act also includes mechanisms for suspending and dismissing Council Members. Each mechanism differs in terms of the parties, processes, powers, and preconditions involved.

While suspended, a Council Member cannot perform any of the powers and duties of their role. Suspension does not affect the duration of a Council Member's term or their eligibility to be a candidate for election to Council. If a Council Member is dismissed, the office of the member becomes vacant from the time when the order dismissing the member takes effect. A Council Member that is dismissed is not prevented from standing in future elections. In contrast, persons disqualified are ineligible to hold or be elected to office as a Council Member.

It is necessary for these mechanisms to balance the public interest in ensuring that elected representatives are of good character, with protections for due process, the presumption of innocence and resumption of rights following completion of a sentence. There must also be an appropriate level of respect for the democratic process and the rights of communities to choose their representatives.

Whether the suspension, dismissal and disqualification framework is fit-for-purpose depends on the legislative framework (e.g. legislative settings for disqualification, powers and constraints on powers to suspend and dismiss) and its implementation (e.g. how decision-makers exercise their discretion to intervene).

Existing Disqualification Provisions

A person may be disqualified from membership of a Council based on the following provisions of the Act:

Provision	A person is disqualified –
2.20	If they are a member of a parliament
2.21	If they are a bankrupt or their affairs are under insolvency laws
2.22	Because of conviction
2.23	If they are a member of another Council
2.24	Because of misapplication of local government funds or property
5.117	If SAT orders disqualification (for not more than 5 years) for serious or recurrent breach, or failure to comply with order

Section 2.22 of the Act provides that a person is disqualified if:

- they have been convicted of a crime and are in prison serving a sentence for that crime,
- have been convicted of a serious local government offence in the previous 5 years, or
- have been convicted of an offence carrying an indictable penalty of imprisonment for more than 5 years.

Clearly, the threshold for disqualification is high, excluding all lower-level offences and even indictable offences with a penalty of 5 years or less. As an example, high-level indecent assault will be dealt with as an indictable offense, with the offender liable for up to 5 years imprisonment. Serious local government offences are offences against the Act for which a person may be sentenced to imprisonment or a fine of over \$10,000. A court sentencing a person for a serious local government offence may make an order waiving the disqualification, or reducing the period for which it applies.

There is currently no ability for the Minister to disqualify a person from Council membership. SAT has discretion to order disqualification in some circumstances, while a court has the authority to order that disqualification not apply. In the context of these judicial or quasi-judicial processes, there are strong protections for the rights of the affected person. This reflects the seriousness of this penalty. While the SEMZ motion calls for disqualification, dismissal may be a more appropriate penalty if the exercise of Ministerial discretion is required.

Current Dismissal Provisions

Under sections 8.15K and 8.15L of the Act, the Minister may recommend that the Governor dismiss a Council Member, if the Minister is satisfied that it is appropriate to intervene. The Minister must be satisfied based on the Director General's written advice that:

- the member is impeding the Local Government's ability to perform its functions and duties under the Act, and/or
- it is in the best interest of the Local Government that the member be dismissed.

The Minister must also be satisfied that the seriousness of the situation for the Local Government requires intervention.

The Minister must give the member:

- a report that includes their proposed recommendation and grounds for the recommendation;
- a show cause notice;
- 21 days to respond.

The Minister must consider the member's response prior to making a recommendation to the Governor that the member be dismissed.

Best interest is not defined and allows for a broad range of factors to form the grounds for dismissal. This could include where a Council Member has been charged with or convicted of an offence, and the charges or conviction are adversely affecting the Local Government.

It appears that the existing framework for dismissal has the capacity to respond to circumstances referenced in the SEMZ's motion and rationale. WALGA considers it is reasonable to expect that the Local Government Inspector may have greater capacity to provide targeted and timely investigation and advice to support this mechanism.

Current Suspension Provisions

Section 8.15E of the Act enables the Minister to suspend a Council Member or order them to undertake remedial action.

The Minister can only act where they are satisfied that it is appropriate to intervene, based on one or more of the following:

- The member has been charged with a disqualification offence.
- The Director General has made an allegation to SAT against the member, of a serious or recurrent breach.
- The Director General has written to the Minister advising that they suspect on reasonable grounds that one or more of the following applies:
 - The member has failed to perform their role, functions or duties;
 - The member's conduct has adversely affected the ability of another person to perform their role, functions or duties;
 - The member's conduct has adversely affected the ability of the Local Government to comply with the principles that apply under section 5.40 of the Act (principles affecting employment by Local Government, including the responsibility to provide safe and healthy working conditions in accordance with WHS legislation).

The Minister must give:

- The member a written notice of the proposed order that provides the allegations and particulars supporting the proposed order is based on.
- The member a show cause notice, allowing 21 days for the member's response
- Any submissions made by the member consideration prior to making the order.

While suspended, a Council Member is not entitled to be paid any fee or allowance to which they would otherwise be entitled. A Council Member is liable to repay annual allowances and fees paid in advance, as if the member had, for the period of their suspension, ceased to hold the office.

Options for reform of suspension

The current system shares some common elements with the Zone's proposal, however, some changes could be made to bring them into closer alignment. Under the current framework, the Director General and Minister would need to be satisfied that any reputational damage resulting from charges was impeding the workings of the Local Government before they could move to suspend a Council Member.

Charges resulting in reputational damage could be included in the legislation as an explicit ground for which the Director General can recommend suspension to the Minister. However, reputational damage may be somewhat narrow or subjective.

A 'best interests' test, consistent with that provided in the dismissal mechanism (discussed above), could allow the consideration of a broad range of factors, including reputational damage. A mechanism could be introduced allowing the Minister to suspend a Council Member who is charged with an offence that, despite not being a disqualification offence, satisfies the Minister that it is in the best interests of the Local Government to suspend the member. Consistent with the other grounds for suspension, this could be on the advice of the Director General, as the State Solicitor's Office will be primarily concerned with avoiding prejudice to any matter currently before the courts.

Local Government Reform Amendments

The *Local Government (Amendment) Act 2024* will transfer the powers of the Director General under these provisions to the soon-to-be-established Local Government Inspector. The Inspector/Inspectorate model has been introduced to provide improved oversight and early interventions capability into the Local Government sector.

The Inspector will be able initiate inquiries into the affairs of a local government and recommend suspension and dismissal of Council Members. It is expected that this newly created office may have greater independence, timeliness, focus and flexibility in addressing conduct issues.

The Governance Policy Team considered and endorsed the proposed advocacy position at its meeting on 19 May.

WALGA RECOMMENDATION

1. That WALGA amend and rename advocacy position 2.5.5 *Disqualification Due to Conviction* to read as follows:

Suspension and Disqualification for Offences

The WA Local Government sector advocates that:

1. *A new disqualification criterion should be added to the Local Government Act 1995 that disqualifies a person from serving as an Elected Member if they have been convicted of an offence against the Planning and Development Act, or the Building Act in the preceding five years.*
 2. *A new suspension criterion should be added to the Local Government Act 1995 allowing the Minister of Local Government to suspend a Council Member charged with an offence, where the Minister is satisfied this would be in the best interests of the Local Government, based on advice of the Director General.*
2. That WALGA incorporate advocacy on this issue into its ongoing legislative reform engagement.

RESOLUTION

Moved: Cr Amber Kearns
Seconded: President Mike Walmsley

That the Peel Country Zone supports the WALGA recommendation for State Council Agenda item 8.1 as contained in the State Council Agenda and as provided above.

CARRIED

9.2 STATE DEVELOPMENT APPLICATIONS AND DECISION MAKING ADVOCACY POSITION (STATE COUNCIL AGENDA ITEM 8.2)

By Coralie Claudio, Senior Policy Advisor Planning

EXECUTIVE SUMMARY

- It is proposed that Advocacy Position 6.4 Development Assessment Panels be replaced with a new, expanded position that includes all forms of State Government development assessment and decision making.
- The updated position incorporates principles for state decision making, a refined list of recommended reforms to the Development Assessment Panels (DAPs) system and recommends that the significant development pathway be abolished but includes a list of recommended reforms if the pathway is retained.
- The draft position was informed by WALGA's review of the operation of the DAPs and the state significant development pathways, input from Local Government officers, and previous WALGA submissions.
- The draft position and accompanying review reports were provided to Local Governments for Council endorsed or CEO approved preferred feedback by 23 May.
- The Environment Policy team endorsed the position at their meeting on 29 May.

ATTACHMENT

- [Rationale for draft advocacy position](#)

POLICY IMPLICATIONS

It is proposed State Council replace the **current** Advocacy Position **6.4 Development Assessment Panels**:

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 of 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.*

with a **new** advocacy position **6.4 State Development Applications and Decision Making Advocacy Position:**

WALGA calls on the State Government to:

1. *Ensure that decision making on development applications (DAs) is:*
 - a. *consistent and accountable*
 - b. *accessible to local communities*
 - c. *respectful of, and appropriately applies, local planning frameworks in line with their statutory weight.*
2. *Reform the Development Assessment Panel (DAP) system to:*
 - a. *raise the DAP threshold from the current \$2 million to \$5 million and mandate periodic reviews of the threshold*
 - b. *modify the composition of DAPs to provide equal representation of Specialist Members and Local Government Members*
 - c. *review DAP processes to ensure proponents provide necessary information in a timely manner*
 - d. *provide clear procedural guidance on the roles and functions of Local Government officers and Council*
 - e. *allow access to the State Referral Coordination Unit for DAP applications to ensure timely and adequate referral responses from State Government agencies are provided to Local Governments.*
3. *Abolish the state significant development assessment pathway (Part 11B of the Planning and Development Act 2005).*
4. *If the significant development assessment pathway is retained, implement the following reforms:*
 - a. *raise the cost threshold to \$50 million and mandate periodic reviews of the threshold*
 - b. *align statutory timeframes with DAP and Local Government determined DAs*
 - c. *ensure all developments are consistent with applicable local planning instruments and provide comprehensive guidelines for discretionary decision making, including applying extraordinary discretion*
 - d. *delete references to 'mandatory significant development' to ensure the pathway remains entirely opt-in*
 - e. *undertake periodic reviews of its operation and effectiveness.*

BACKGROUND

There are a range of development application (DAs) decision makers in the Western Australian Planning system. While Local Governments process and determine the vast majority of DAs, other State Government boards or agencies are also decision makers, particularly for complex proposals and public works. This includes DAPs, the Western Australian Planning Commission (WAPC) and other State Government agencies (i.e. DevelopmentWA) that determine DAs such as DAPs, significant development applications (Part 17 and Part 11B of the *Planning Development Act 2005*) and developments under region schemes, redevelopment schemes and improvement schemes and public works.

WALGA has historically opposed DAPs and the significant development pathway as they erode the role of Local Government in providing a valuable community perspective on planning proposals.

WALGA has undertaken two reviews of the performance of the DAP system in [2016](#) and [2020](#). Those reviews informed WALGA's current advocacy position, endorsed in May 2022, that recommends changes to the DAP system to ensure it operates in an efficient, effective, and transparent way, and appropriately considers matters of local planning context in decision-making.

The current position is being reviewed as part of WALGA's regular position review process and in recognition of significant planning reforms in 2024, specifically the replacement of the proposed special matters DAP with the permanent significant development pathway (Part 11B).

To inform the review of the DAP position and its ongoing advocacy, WALGA collated and reviewed data on the operation of the DAPs and the significant development pathway.

The [DAP Report](#) examines DAP data from its inception in 2011 to the end of the 2023-24 financial year, with a focus on observable trends since the previous report in 2020. The report indicates minor improvements in the DAP system, particularly in reliability and consistent decision making. Despite this, the DAP system continues to determine many low-value applications that lack strategic importance and should be redirected to the Local Government pathway.

The [Significant Development Pathway Report](#) examines data from the pathway's commencement in 2020 until 1 April 2025. The report finds that this pathway is used infrequently and does not process applications efficiently, contrary to its intended purpose and that the pathway's other goals, driving economic recovery (Part 17) and aiding housing supply (Part 11B), have also not been met.

The collated data will be uploaded to the [DAP Dashboard](#) on WALGA's website.

WALGA has drafted a revised advocacy position that will sit within the context of the Planning Principles and Reform advocacy position and will expand on the DAP position to:

1. Be applicable to all State Government DAs and approvals (e.g. significant development pathway, DAPs, Public Works, region scheme approvals, Development WA).
2. Establish principles to guide transparent and accountable decision-making on development applications, ensuring that local planning frameworks are appropriately considered, and communities, particularly in regional areas, are granted equitable access to the decision-making process.

3. Include a refined list of reforms to the DAP system, while retaining the position to increase the DAP threshold and for equal representation of Specialist Members and Local Government Members.
4. Include a recommendation that the significant development pathway be abolished based on the findings of the significant development pathway report, and includes a list of reforms if the pathway is to be retained to ensure it operates more efficiently and only processes genuine state significant projects.

The draft position and accompanying review reports were provided to Local Governments for Council endorsed or CEO preferred feedback by 23 May.

COMMENT

The current DAP advocacy position is outdated and does not reflect the current planning framework, specifically the introduction of the permanent significant development pathway (Part 11B of the *Planning and Development Act 2005*).

The proposed new advocacy position will complement WALGA's planning advocacy position, 6.1 Planning Principles and Reform, that notes decisions should be made by the level of government closest to and most impacted by a planning proposal and should appropriately reflect local environment, context, communities and character.

The proposed advocacy position has been informed by feedback from CEO approved and Council endorsed submissions, Local Government officer input and WALGA's previous submissions, specifically on DAP reforms and amendments to the *Planning and Development Act 2005* that introduced the significant development pathway.

Some minor amendments were made to the draft position in response to members' feedback, particularly regarding the recommendations for the state significant development pathway.

Local Government feedback was that the pathway was not functioning effectively in its current form. While some Local Governments advocated for its abolition, others considered that there may be benefits if the pathway was limited to genuine state-significant projects only and operated more efficiently. The draft position calls for the reforms to the pathway and for it to be subject to periodic review if retained.

Further information on the rationale for the position and feedback provided is attached.

The Environment Policy agreed to recommend that State Council endorse the new expanded position at their meeting on 29 May.

WALGA RECOMMENDATION

That WALGA:

1. Replace Advocacy Position 6.4 Development Assessment Panels with the following:

6.4 State Development Applications and Decision Making

WALGA calls on the State Government to:

1. *Ensure that decision making on development applications (DAs) is:*
 - a. *consistent and accountable*
 - b. *accessible to local communities*
 - c. *respectful of, and appropriately applies, local planning frameworks in line with their statutory weight.*
 2. *Reform the Development Assessment Panel (DAP) system to:*
 - a. *raise the DAP threshold from the current \$2 million to \$5 million and mandate periodic reviews of the threshold*
 - b. *modify the composition of DAPs to provide equal representation of Specialist Members and Local Government Members*
 - c. *review DAP processes to ensure proponents provide necessary information in a timely manner*
 - d. *provide clear procedural guidance on the roles and functions of Local Government officers and Council*
 - e. *allow access to the State Referral Coordination Unit for DAP applications to ensure timely and adequate referral responses from State Government agencies are provided to Local Governments.*
 3. *Abolish the state significant development assessment pathway (Part 11B of the Planning and Development Act 2005).*
 4. *If the significant development assessment pathway is retained, implement the following reforms:*
 - a. *raise the cost threshold to \$50 million and mandate periodic reviews of the threshold*
 - b. *align statutory timeframes with DAP and Local Government determined DAs*
 - c. *ensure all developments are consistent with applicable local planning instruments and provide comprehensive guidelines for discretionary decision making, including applying extraordinary discretion*
 - d. *delete references to 'mandatory significant development' to ensure the pathway remains entirely opt-in*
 - e. *undertake periodic reviews of its operation and effectiveness.*
2. Notes the Development Assessment Panel 2011 – 2024 Review and State Development Pathway 2020 – 2025 Review reports.

RESOLUTION

Moved: Cr Douglas McLarty
Seconded: Cr Naomi Purcell

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

CARRIED

9.3 PUBLIC LIBRARY AGREEMENT (STATE COUNCIL AGENDA ITEM 8.3)

By Rebecca Hicks, Policy Officer Community

EXECUTIVE SUMMARY

- WALGA is a signatory to the *State and Local Government Agreement for the Provision of Public Library Services in Western Australia* (the Agreement).
- The five-year Agreement defines roles and responsibilities in the delivery of public libraries and provides the structure and framework for the delivery of the WA Public Libraries Strategy and future vision for public library services.
- The current Agreement, endorsed by State Council in July 2020, is due for renewal in September 2025.
- WALGA has participated in the review of the Agreement, which has recommended minor amendments.
- Following the signing of a new Agreement, a sector consultation process will be undertaken for the associated Local Level Agreements between the State Library and Local Governments.
- The Agreement does not include funding arrangements for public libraries. WALGA continues to advocate for increased public library funding.

ATTACHMENT

- [State and Local Level Agreement for the Provision of Public Library Services in Western Australia 2025 – 2030](#)

STRATEGIC PLAN IMPLICATIONS

Endorsing the Agreement aligns with WALGA's 2025-2029 Strategic Plan, particularly:

- Influence – Lead advocacy on issues important to Local Government and empower the Local Government sector to build communities equipped for the future.
- Support – Grow opportunities for Local Governments' sharing of services and resources.
- Expertise – Optimise organisational capability to service members' needs and foster relationships between our subject matter experts and stakeholders.

POLICY IMPLICATIONS

Endorsement of the new Agreement aligns with WALGA's current [Advocacy Position 3.8 Public Libraries](#), which states:

1. *Western Australian Local Government public libraries provide valuable local cultural infrastructure, creating social and community hubs for community capacity building,*

recreation, education and literacy, digital inclusion, and social connection, cohesion and inclusion.

2. *WALGA supports the provision of Public Library services in Western Australia through a formal partnership between Local Government and the State Government of Western Australia, governed by the Library Board Act 1951, namely the State and Local Government Agreement for the Provision of Public Library Services in Western Australia (2020).*
3. *The WA Public Libraries Strategy 2022-2026 provides a framework for a shared vision, strategic direction and collaborative action in the provision of a vibrant and sustainable 21st century public library network.*
4. *It is essential that a sustainable funding model enables Local Governments to continue to deliver library services to support continued growth and adaptation to changing community needs.*

BACKGROUND

WALGA is a signatory to the *State and Local Government Agreement for the Provision of Public Library Services in Western Australia* (the Agreement), which is due for renewal in September 2025. The Agreement defines the roles and responsibilities for each tier of government in the delivery of public libraries and provides the structure and framework for the delivery of the [WA Public Libraries Strategy 2022-2026](#) and the future vision for public library services.

Following internal endorsement from signatories, the current Agreement received final endorsement in September 2020 by the Public Library Working Group (PLWG), which includes: WALGA, the State Library of Western Australia (SLWA), the Department of Local Government, Sport and Cultural Industries (DLGSC), Public Libraries WA Inc. and Local Government Professionals Australia WA. The same process will be undertaken for this renewal.

Connected to the Agreement are Local Level Agreements between the SLWA and individual Local Governments that provide public library services. Local Level Agreements set out more detailed public library service delivery requirements and will be reviewed in early 2026, including sector consultation.

COMMENT

WALGA has worked with SLWA to review the Agreement to meet the September 2025 renewal date. Amendments are minor and do not raise any issues for WALGA Members.

The scope of the Agreement does not extend to public library funding. SLWA is currently reviewing the Public Library Material Funding Allocation Model. WALGA and Local Governments will be consulted as part of the review.

State Government funding has failed to keep pace with the needs of public libraries, population growth or inflation. WALGA continues to [advocate](#) for increased overall funding for public libraries to maintain and enhance service levels that meet the diverse needs of communities across WA and support the implementation of the WA Public Library Strategy.

Following the renewal of the Agreement, WALGA will work with SLWA to develop a sector-wide consultation plan for the review of Local Level Agreements.

WALGA RECOMMENDATION

That State Council endorse the *State and Local Level Agreement for the Provision of Public Library Services in Western Australia*.

RESOLUTION

Moved: Cr Amber Kearns

Seconded: Cr Douglas McLarty

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

CARRIED

9.4 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

WALGA representative, Ms Kirsty Martin presented the President's Report. The report was attached within the Agenda.

Noted

10.2 STATE COUNCILLOR'S REPORT TO THE ZONE

WALGA State Councillor, Deputy Mayor Caroline Knight, was an apology for this meeting.

Noted

11 OTHER BUSINESS

12 NEXT MEETING

The next meeting of the Peel Country Zone will be held on Thursday, 21 August 2025 to be held via MS Teams, commencing at 2pm.

13 CLOSURE

There being no further business the Chair declared the meeting closed at 3:31pm.