

South East Metropolitan Zone Minutes

18 June 2025

**Hosted by the City of Gosnells
2120 Albany Highway, Gosnells**

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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 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
5. Standing Orders

1 OPENING, ATTENDANCE AND APOLOGIES

1.1 OPENING

Zone Chair, Cr Bronwyn Waugh opened the meeting at 6:11pm.

1.2 ATTENDANCE

| MEMBERS | 2 Voting Delegates from each Member Council |
|-----------------------|--|
| City of Armadale | Mayor Ruth Butterfield Cr Michelle Silver Mr Paul Sanders, A/Chief Executive Officer – non-voting delegate |
| City of Canning | Mayor Patrick Hall (SC) |
| City of Gosnells | Cr Kevin McDonald Mayor Teresa Lynes Mr Ian Cowie, Chief Executive Officer – non-voting delegate |
| City of South Perth | Cr Bronwyn Waugh - Chair Cr Jennifer Nevard |
| Town of Victoria Park | Cr Lindsay Miles Cr Peter Devereux Mr Carl Askew, Chief Executive Officer – non-voting delegate |
| WALGA Representatives | Ms Lyn Fogg, Governance Specialist Ms Rachel Armstrong, Policy Manager Emergency Management |

1.3 APOLOGIES

| | |
|----------------------|---|
| City of Canning | Cr Michelle Hurn Mr Michael Littleton, Chief Executive Officer – non-voting delegate |
| City of South Perth | Mr Gary Adams, A/Chief Executive Officer – non-voting delegate |
| DLGSC Representative | Ms Amy Halliday, Director Support and Engagement |

2 ACKNOWLEDGEMENT OF COUNTRY

We, the Zone members acknowledge the continuing connection of Aboriginal people to Country, culture and community. We embrace the vast Aboriginal cultural diversity throughout Western Australia, including Boorloo (Perth), on the land of the Whadjuk Noongar People, where this meeting is being held and we acknowledge and pay respect to Elders past and present.

3 DECLARATIONS OF INTEREST

Nil.

4 DEPUTATIONS

Nil.

5 AGENCY REPORTS

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

Ms Amy Halliday, Director Support and Engagement was an apology for this meeting.

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 Jennifer Nevard
Seconded: Mayor Ruth Butterfield

That the Minutes of the meeting of the South East Metropolitan Zone held on 23 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

8 ZONE BUSINESS

8.1 BUSHFIRE RISK MANAGEMENT ON CROWN LAND

By the City of Gosnells

BACKGROUND

So far in 2025, there have been three significant bushfires in the City of Gosnells that have occurred predominantly on Crown land designated as Bush Forever as follows:

- Brixton Street Wetlands (Kenwick) fire (January 2025)
- Hester Park fire (February 2025)
- Barrett Street fire (April 2025).

The Hester Park and Barrett Street fires came very close to residential properties and resulted in the Department of Fire and Emergency Services issuing emergency warnings for people to leave the areas.

The land on which the fires occurred is managed by either the Department of Planning, Lands and Heritage or the Department of Biodiversity, Conservation and Attractions.

Crown land in the City of Gosnells presents the greatest bushfire risk. However, the Crown is not bound by the Bush Fires Act 1954 and as such, has no statutory obligation to manage bush fire risk on its land.

Consolidated emergency services legislation that would replace the Bush Fires Act 1954 and other legislation has been proposed for many years. The City of Gosnells has

advocated for that legislation to bind the Crown to compel State Government agencies to manage fire risk on Crown land.

Like most local governments on the urban fringe, the City of Gosnells undertakes annual fire hazard inspections. The City advises State Government agencies of land they manage that presents a fire risk; however, the City has no authority to compel those agencies to address the risks.

This creates inconsistencies and has the potential to compromise community safety. The owners of private property are required to comply with the City's fire hazard reduction requirements, yet the Department of Housing is not required to ensure properties it owns comply. The City is required to manage fire risk on reserves it owns or manages; however, the Department of Planning, Lands and Heritage is not.

To address this inconsistency and the risks associated with bushfire risk on Crown land, the City of Gosnells Council has formally adopted the following position:

1. *The Crown should be bound by the Bush Fires Act 1954 and any new consolidated emergency services legislation.*
2. *Regardless of whether the Crown is bound by legislation, Government agencies should be directed and resourced to proactively manage bush fire risk on Crown land, particularly where that land is located in close proximity to residential developments.*

A copy of the Position Statement adopted by the City of Gosnells is attached.

In adopting this position, at its meeting on 13 May 2025, Council resolved that an item be prepared for the WALGA South-East Metropolitan Zone seeking endorsement of this position as a WALGA Advocacy Position.

SECRETARIAT COMMENT

WALGA recognises the challenges experienced by Local Governments because the *Bush Fire Act 1954* does not bind the Crown, meaning the State Government is not required to comply with the same obligations under the Act as other landholders. WALGA has received feedback that Local Governments struggle to implement their Bushfire Risk Mitigation Plans due to lack of mitigation on land owned and managed by various State Government entities, and of the risks posed by unmitigated risk on land owned by State agencies.

WALGA's [2023 Local Government Emergency Management Survey](#) demonstrated overwhelming support among Local Governments for the State Government to be required to comply with the provisions of the CES Act and any new regulations.

WALGA's [Submission on the State Hazard Plan – Fire](#) (SHP – Fire) to the Department of Fire and Emergency Services (DFES), endorsed by State Council on 6 December 2024, highlighted the need for agencies, like Department of Biodiversity, Conservations and Attractions (DBCA) and Department of Planning Land and Heritage (DPLH), to step up and prioritise mitigation work where they are the responsible agency, including *Recommendation 12 - The State Government should Bind the 'State and all its Agencies' to the Consolidated Emergency Services legislation in the same way as other landowners, considering prevention, mitigation and response.*

WALGA will continue to advocate on this issue with State Government via our submissions and representation on committees and working groups, such as the State Bushfire Advisory Committee (SBAC) and Bushfire Operations Committee (BOC), where we provide preliminary input on the proposed Consolidated Emergency Services Legislation. Binding the Crown will be addressed in the draft submission prepared in response to the Consolidated Emergency Services Legislation, for consideration by Zones and State Council, once the legislation is released.

WALGA has two relevant [advocacy positions](#):

- 8.4 Consolidated Emergency Services Act
- 8.10 Management of Bush Fire Brigades

WALGA's current Advocacy Positions do not directly address binding the Crown.

Advocacy Position 8.4 Consolidated Emergency Services Act

- 1. The Association advocates for the development of a Consolidated Emergency Services Act to provide a comprehensive and contemporary legislative framework to support the effective delivery of emergency services in Western Australia. The Legislation should clearly define the roles and responsibilities of all emergency management stakeholders including Local Government.*
- 2. The Local Government sector seeks ongoing engagement in the scoping and co-design of the Act and associated Regulations and supporting materials such as Guidelines and fact sheets.*
- 3. The Association advocates for DFES to undertake a full costing analysis of the new Act and to provide to Local Government details of the cost implications prior to the release of any Exposure Draft Bill.*
- 4. Any new or increased responsibilities placed on Local Government by the Consolidated Emergency Services Act must be accompanied by funding and resource support to enable Local Governments to adequately discharge those responsibilities.*
- 5. The Association recognises that in addition to the Consolidated Emergency Services Act, the Regulations and other supporting materials that are developed to support it provide a key resource for Local Governments in understanding and discharging their legislative obligations.*

Advocacy Position 8.10 Management of Bush Fire Brigades

- 1. Bush Fire Brigade volunteers play a critical role in helping to protect their local communities. Local knowledge and skills are integral to bushfire management in Western Australia.*
- 2. Future management and funding of volunteer Bush Fire Brigades must:*
 - a) Recognise the changing risk environment, including work health and safety requirements, and the increasing intensity and frequency of bushfires;*
 - b) Take account of the differing circumstances of Bush Fire Brigade units and regional variations in bush firefighting approaches; and*
 - c) Be adequately and equitably resourced through the Emergency Services Levy.*

3. *The State Government, through the Consolidated Emergency Services Act and/or other mechanism's must:*
 - a) *Establish a clear framework to enable transfer of Bush Fire Brigades to the State Government if a Local Government decides to do;*
 - b) *Consult on the process, timeline, and implications for transfer of responsibility for Bush Fire Brigades in accordance with 3(a) through the establishment of a working group comprising representatives of Local Government, Bush Fire Brigades, the Department of Local Government, Sport and Cultural Industries (DLGSC) and the Department of Fire and Emergency Services (DFES);*
 - c) *Provide for mandatory and minimum training requirements and recognition of competency and prior learning for Bush Fire Brigade volunteers, supported by locally delivered fit-for-purpose and universally accessible training program, designed in consultation with Bush Fire Brigade representatives, Local Government and LGIS, and managed by DFES; and*
 - d) *Develop a co-designed suite of relevant management guidelines and materials to assist in the management of Bush Fire Brigades.*
4. *As a matter of priority within the emergency services Acts review, the State Government to consider the most appropriate operational model for management of Bush Fire Brigades, which may include the establishment of an independent Rural Fire Service, as recommended in the 2016 Ferguson Report.*

RESOLUTION

Moved: Mayor Teresa Lynes
Seconded: Mayor Ruth Butterfield

That WALGA adopts the following Advocacy Position:

1. The Crown should be bound by the Bush Fires Act 1954 and any new consolidated emergency services legislation.
2. Regardless of whether the Crown is bound by legislation, Government agencies should be directed and resourced to proactively manage bush fire risk on Crown land, particularly where that land is located in close proximity to residential developments.

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).

Currently, the South East Metropolitan Zone does not currently invite MPs to meetings on a regular basis.

The South East Metropolitan Zone AGREED by consensus that Members of Parliament are to be invited to attend its Zone meetings on an ad-hoc basis at the direction of the Zone.

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: Mayor Teresa Lynes

Seconded: Mayor Patrick Hall

That the South East Metropolitan Zone support 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: Mayor Jennifer Nevard
Seconded: Mayor Ruth Butterfield

That the South East Metropolitan Zone:

1. Supports the WALGA recommendation for State Council Agenda Item 8.2 as contained in the State Council Agenda and as provided above; and
2. Request the WALGA Secretariat to pursue a review and clarification of the Development Assessment Panel Code of Conduct 2024 section 2.3 provisions that prohibit a Local Government DAP member from seeking advice from the Local Government's professional planning staff regarding a development application that is either currently before the DAP or is proposed to be provided to the DAP (the prohibition on accessing professional planning advice disadvantages Local Government DAP member participation in DAP decision making).

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 Peter Devereaux

Seconded: Cr Kevin McDonald

That the South East Metropolitan 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's Policy Manager Emergency Management, Rachel Armstrong 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, Mayor Patrick Hall presented on the previous State Council meeting.

Noted

11 OTHER BUSINESS

Nil.

12 NEXT MEETING

The next meeting of the South East Metropolitan Zone will be held on Wednesday, 20 August 2025 at the City of South Perth commencing at 6:00pm.

13 CLOSURE

There being no further business the Chair declared the meeting closed at 6:55pm.