



Shire of
Serpentine
Jarrahdale

Special Council Meeting

Confirmed Minutes

Monday, 28 October 2019
7.00pm

Contact Us

Enquiries

Call: (08) 9526 1111
Fax: (08) 9525 5441
Email: info@sjshire.wa.gov.au

In Person

Shire of Serpentine Jarrahdale
6 Paterson Street, Mundijong WA 6123
Open Monday to Friday 8.30am-5pm (closed public holidays)



www.sjshire.wa.gov.au



Special Council Meeting Minutes Monday 28 October 2019

Councillor Attendance Listing

In accordance with Special Council Meeting, 27 November 2017, Resolution SCM162/11/17, clause 10 – “That Council requests the Chief Executive Officer to maintain an attendance register of Councillor Attendance at all Council and Committee Meetings, as well as other meetings and official functions of Council”, below is the attendance listing of Council Meetings and PCF’s.

Attendances

Council 2017 - 2019

Date	Type	Cr Rich	Cr Atwell	Cr Byas	Cr Coales	Cr Denholm	Cr Gossage	Cr McConkey	Cr Piipponen	Cr See
15/07/19	OCM	✓	✓	✓	A	✓	✓	✓	A	✓
22/07/19	SCM	✓	✓	✓	✓	✓	A	✓	NA	✓
22/07/19	PCF	✓	✓	✓	✓	✓	A	✓	NA	✓
29/07/19	PCF	✓	✓	✓	✓	✓	A	✓	NA	A
05/08/19	PCF	✓	✓	✓	✓	✓	A	✓	NA	✓
19/08/19	OCM	✓	✓	✓	✓	✓	A	A	✓	✓
26/08/19	PCF	✓	✓	✓	✓	✓	A	A	NA	✓
16/09/19	OCM	✓	✓	✓	✓	✓	✓	✓	A	✓
23/09/19	PCF	✓	✓	✓	✓	✓	A	A	NA	✓

A – Apology

LOA – Leave of Absence

NA – Non Attendance

Attendances

Council October 2019 -

Date	Type	Cr Rich	Cr Atwell	Cr Byas	Cr Coales	Cr Dagostino	Cr Denholm	Cr McConkey	Cr Strange	Cr Strautins
21/10/19	SCM	✓	✓	✓	✓	✓	✓	✓	✓	✓

A – Apology

LOA – Leave of Absence

NA – Non Attendance



Table of Contents

1. Attendances and apologies (including leave of absence):.....	4
2. Public question time:	4
2.1 Public questions:.....	4
3. Public statement time:	5
4. Petitions and deputations:.....	5
5. Declaration of Councillors and Officers interest:.....	5
6. Receipt of reports:.....	6
6.1 Reports.....	6
6.1.1 - Nominations of delegates to the Audit, Risk and Governance Committee	6
6.1.2 - Nominations of delegates to the CEO Employment Committee.....	13
6.1.3 - Nominations of delegates to the Bush Fire Advisory Committee and Local Emergency Management Committee	20
6.1.4 - Nominations of delegates for the Minister for Regional Development's consideration to the Peel Development Commission	28
6.1.5 - Nominations of delegates to Western Australian Local Government Association – Peel Country Zone	33
6.1.6 - Nominations of delegates for the Minister for Planning's consideration to the Joint Development Assessment Panel.....	38
7. Motions of which notice has been given:	44
8. Urgent business:	44
8.1 - Nomination of delegate to the Byford Progress Association.....	44
9. Closure:.....	48



Special Council Meeting Minutes Monday 28 October 2019

Minutes of the Special Council Meeting of the Shire of Serpentine Jarrahdale held on Monday, 28 October 2019 in the Council Chambers, Civic Centre, 6 Paterson Street, Mundijong.

The Shire President, Councillor Rich opened the meeting at 7.00pm and welcomed Councillors and staff, and members of the gallery, and acknowledged the meeting was being held on the traditional land of the Noongar People, and paid her respects to the Traditional Owners, Elders Past, Present and Emerging.

The Shire President welcomed and provided an overview of the evening's programme.

Minutes

1. Attendances and apologies (including leave of absence):

In Attendance:

Councillors: M RichPresiding Member
D Atwell
M Byas
R Coales
M Dagostino
B Denholm
K McConkey
L Strange
D Strautins

Officers: Mr P Martin.....Chief Executive Officer
Ms H Sarcich.....Deputy CEO / Director Community Services
Mr A Trosic.....Director Development Services
Mr F Sullivan.....Director Corporate Services
Dr K Parker.....Manager Governance
Ms A Sealy.....Minutes and Agendas Officer (Minute Taker)

Apologies: Mr S HardingDirector Infrastructure Services

Observers: Members of the Public – 3

2. Public question time:

2.1 Public questions:

No public questions were submitted in writing prior to the meeting.

The Shire President, Councillor Rich asked if there were any public questions from the floor.



Public question time commenced at 7.02pm.

Mr Shaye Mack

Question 1

Which Committees do people get paid to be on?

Response (Chief Executive Officer)

As is common practice across local government, external members of the Audit, Risk and Governance Committee are reimbursed an amount that reflects their specialist skills and expertise. External members of the Audit, Risk and Governance Committee are currently reimbursed an amount of \$500 per meeting.

In respect to the Joint Development Assessment Panel, each Local Government member receives a sitting fee of \$425 (paid by the State Government) when attending a JDAP meetings.

In respect to the Peel Development Commission, each Local Government member receives a sitting fee of \$622 per day and \$403 per half day. Meeting fees are paid for by the State Government.

Question 2

Will information about meeting fees be included in the Council reports for subsequent appointments to committees and external groups?

Response (Chief Executive Officer)

Yes

Shire President, Councillor Rich asked if there were any further public questions. No further questions were asked.

Public question time concluded at 7.07pm.

3. Public statement time:

No public statements were submitted in writing prior to the meeting.

The Shire President, Councillor Rich asked if there were any public statements from the floor.

No public statements were presented.

4. Petitions and deputations:

Nil.

5. Declaration of Councillors and Officers interest:

Chief Executive Officer, Mr Paul Martin, declared an Impartiality Interest in item 6.1.2 as the matter relates to the Chief Executive Officer's employment. The Chief Executive Officer will leave the Chambers while this item is discussed.

**6. Receipt of reports:****6.1 Reports**

6.1.1 - Nominations of delegates to the Audit, Risk and Governance Committee	
Responsible Officer:	Manager Governance
Senior Officer:	Chief Executive Officer
Disclosure of Officers Interest:	No officer involved in the preparation of this report has an interest to declare in accordance with the provisions of the <i>Local Government Act 1995</i> .

Authority / Discretion

Advocacy	When the Council advocates on its own behalf or on behalf of its community to another level of government / body / agency.
----------	--

Report Purpose

This report relates to Council's nomination of delegates to the Audit, Risk and Governance Committee.

Relevant Previous Decisions of Council

Ordinary Council Meeting - 27 November 2019 – OCM156/11/17 – Appointment of Delegates to Committees, Working Groups and Organisation

Background

Committees provide a means for Council to consider in detail specific subject areas that often involve technical aspects or are of particular interest to the community. Committees also provide a way for Council to involve the community, including community-subject matter experts into the discussion and debate of issues through external membership.

The Shire's committees take several forms, including formal Committees of Council established under section 5.8 of the *Local Government Act 1995* (the Act).

The Shire currently has established five Committees of Council:

- Audit, Risk and Governance Committee;
- Access and Inclusion Advisory Committee;
- CEO Employment Committee;
- Economic Development Advisory Committee; and
- Arts, Culture and Heritage Advisory Committee.

Under section 5.11 of the Act, membership of Committees expires at each ordinary election.

By convention, membership of Committees is determined by Council at a Special Council Meeting held as soon as practicable following the election.



Special Council Meeting Minutes Monday 28 October 2019

On 1 October 2019, the Chief Executive Officer wrote to Councillors advising of the intention to hold a workshop to consider the future structure of committees and related groups. A workshop was held on 22 October 2019 and discussed the opportunity to consider matters including:

- the suitability of the current committee structure;
- whether formal committees of Council would operate more effectively as advisory or working groups;
- whether new committees, advisory or working groups are needed;
- whether the terms of reference of current committees, advisory or working groups reflect best practice and legislative practices; and
- membership and roles.

The workshop identified an opportunity for Council to consider Committees in a holistic manner in the context of the Shire's priorities and through broader engagement.

Notwithstanding, due to statutory requirements, and a scheduled meeting of the Audit, Risk and Governance Committee on 4 November 2019, the appointment of members of certain Committees must be brought forward prior to this additional work being undertaken. For this reason, this report recommends that Council consider membership of the Audit, Risk and Governance Committee prior to the workshop being held.

Community / Stakeholder Consultation

The role of Council member delegates on external community groups and associations was discussed at the 26 August 2019 Policy Concept Forum and workshop with Council held on 22 October 2019.

Policy Concept Forum

Meeting Date	26 August 2019
Councillors in Attendance	Cr Atwell, Cr Byas, Cr Coales, Cr Denholm, Cr Rich, Cr See

Workshop

Meeting Date	22 October 2019
Councillors in Attendance	Cr Atwell, Cr Byas, Cr Coales, Cr Dagostino, Cr Denholm, Cr McConkey, Cr Rich, Cr Strange, Cr Strautins

On 2 October 2019, letters were sent to external members of the Access and Inclusion Advisory Committee; Economic Development Advisory Committee; Arts, Culture and Heritage Advisory Committee; and the Cemeteries Working Group thanking members for their service and noting that Council would consider membership at a future meeting of Council.

Correspondence has been sent to the external members of the Audit, Risk and Governance Committee. This letter enquired about their interest in being re-appointed to the Committee until 1 April 2020. Both external members of the Audit, Risk and Governance Committee responded indicating their interest in this arrangement.



Statutory Environment

Section 7.1A of the Act requires a local government to establish an audit committee of three or more persons. The CEO or employees are not permitted to be members of the audit committee and the CEO may not nominate members.

Under Regulation 9 of the *Local Government (Administration) Regulations 1996*, voting at a council meeting is to be conducted so that no voter's vote is secret. This means that while a ballot can be conducted to determine committee members, a motion supported by a simple majority of Council is required to give effect to Council's decision.

Comment

The functions of the Audit, Risk and Governance Committee are defined in Regulation 16 of the *Local Government (Audit Regulations) 1996*. These functions include to guide and assist the local government carrying out its financial management functions and its functions related to audits.

Some of the ways the Committee discharges its legislative responsibility are to oversee the:

- integrity of external financial reporting, including accounting policies;
- scope of work, objectivity, performance and independence of the external auditor;
- establishment, effectiveness and maintenance of controls and systems to safeguard the Shire's financial and physical assets;
- framework and systems that are designed to ensure the Shire comply with relevant statutory and regulatory requirements;
- framework for recognising risks arising from the Shire's operations and strategies, and consider the adequacy of measures taken to manage those risks; and
- framework and systems which protect the Council against fraud and irregularities. The Committee must also add to the credibility of Council by promoting ethical standards through its work.

The Audit, Risk and Governance Committee has previously comprised seven members with five (5) Councillors and two (2) external members.

Under section 7.1A of the Act, the CEO may not nominate a person to be a member of the Audit Committee. Respecting this legislative requirement, it is noted that Mr Santo Casilli and Ms Eileen Newby have expressed an interest in continuing as external members until 1 April 2020.

The next critical task of the Audit, Risk and Governance Committee is to consider and approve the audited financial statements for the 2018-19 financial year. This will enable the Shire to meet its obligations related to the production of its Annual Report.



Options and Implications

Option 1

That Council APPOINTS five Councillors, two Deputy Councillors and two external members to the Audit, Risk and Governance Committee.

Option 2

That Council APPOINTS Councillors to the Audit, Risk and Governance Committee but DOES NOT appoint external members to the Audit, Risk and Governance Committee.

Option 3

That Council DOES NOT appoint members to the Audit, Risk and Governance Committee.

Option 1 is recommended.

Conclusion

Section 7.1A of the Act requires a local government to establish an audit committee of three or more persons. The CEO or employees are not permitted to be members of the audit committee. The Audit, Risk and Governance Committee provides an important role for the Shire in the areas of governance, financial management, risk and audit. The appointment of members for a period ending 31 March 2020 will enable Council to reconsider the Committee within the context of the wider review of Committees and related groups.

Attachments

- [Attachment 1](#) - Audit Risk and Governance Committee Terms of Reference Adopted 2017 (E17/1739)

Alignment with our Strategic Community Plan

Outcome 4.2	A strategically focussed Council
Strategy 4.2.2	Ensure appropriate long term strategic and operational planning is undertaken and considered when making decisions.

Financial Implications

In accordance with the *Local Government (Administration) Regulations 1996*, Council Policy – Councillor Fees and Entitlements addresses fees and entitlements associated with attendance at meetings where a Councillor has been appointed by Council as its delegate. Councillors are paid an annual fee in lieu of receiving meeting fees.

Section 5.100 of the *Local Government Act 1995* prohibits a local government paying a fee to a committee member who is not an employee or a councillor for attending any committee meeting.

As is common practice across local government, members of the Audit, Risk and Governance Committee are reimbursed an amount that reflects their specialist skills and expertise. The previous external members of the Audit, Risk and Governance Committee have agreed to continue their participation per the previously agreed rate of reimbursement which is \$500 per meeting.



Risk Implications

Risk has been assessed on the basis of the Officer's Recommendation.

Risk	Risk Likelihood (based on history and with existing controls)	Risk Impact / Consequence	Risk Rating (Prior to Treatment or Control)	Principal Risk Theme	Risk Action Plan (Controls or Treatment proposed)
That Council does not nominate delegates to the committees	Rare (1)	Major (4)	Low (1-4)	Reputation - 3 Moderate - Substantiated, public embarrassment, moderate impact on key stakeholder trust or moderate media profile Reputation - 3 Moderate - Substantiated, public embarrassment, moderate impact on key stakeholder trust or moderate media profile	Accept Risk

Risk Matrix

Consequence \ Likelihood		Insignificant	Minor	Moderate	Major	Catastrophic
		1	2	3	4	5
Almost Certain	5	Medium (5)	High (10)	High (15)	Extreme (20)	Extreme (25)
Likely	4	Low (4)	Medium (8)	High (12)	High (16)	Extreme (20)
Possible	3	Low (3)	Medium (6)	Medium (9)	High (12)	High (15)
Unlikely	2	Low (2)	Low (4)	Medium (6)	Medium (8)	High (10)
Rare	1	Low (1)	Low (2)	Low (3)	Low (4)	Medium (5)

A risk rating of 4 has been determined for this item.



Voting Requirements: Absolute Majority (s5.10 of the *Local Government Act 1995*)

Officer Recommendation

1. That Council RESOLVES to appoint the following members to the Audit, Risk and Governance Committee for the period ending on 31 March 2020:
 - External Independent Member –
 - External Independent Member –
 - Member –
 - Member –
 - Member –
 - Member –
 - Member –
 - Deputy –
 - Deputy –

Written advice was received from the existing External Independent Members to continue on the Audit, Risk and Governance Committee:

Ms Eileen Newby

Mr Santo Casilli

Written nominations received prior to the meeting from the following Councillors as Committee Members:

Cr Byas

Cr Strange

Cr Rich

Nominations received from the floor from the following Councillors as Committee Members:

Cr Coales

Cr McConkey

Nominations received from the floor from the following Councillors for Deputy Committee Members:

Cr Strautins

Cr Dagostino

The Shire President asked if there were any further nominations for Committee Members or Deputy Committee Members.



SCM235/10/19

COUNCIL RESOLUTION

Moved Cr Atwell, seconded Cr Coales

- 1. That Council RESOLVES to appoint the following members to the Audit, Risk and Governance Committee for the period ending on 31 March 2020:**

External Independent Member – Ms Eileen Newby

External Independent Member – Mr Santo Casilli

Member – Cr Byas

Member – Cr Strange

Member – Cr Rich

Member – Cr Coales

Member – Cr McConkey

Deputy – Cr Strautins

Deputy – Cr Dagostino

CARRIED BY ABSOLUTE MAJORITY 9/0



The Chief Executive Officer declared an Impartiality Interest in item 6.1.2 and left the Chambers at 7.08pm prior to this item being discussed.

The Deputy CEO / Director Community Services occupied the Chief Executive Officer's Chair at 7.09pm.

6.1.2 - Nominations of delegates to the CEO Employment Committee	
Responsible Officer:	Manager Governance
Senior Officer:	Chief Executive Officer
Disclosure of Officers Interest:	No officer involved in the preparation of this report has an interest to declare in accordance with the provisions of the <i>Local Government Act 1995</i> .

Authority / Discretion

Advocacy	When the Council advocates on its own behalf or on behalf of its community to another level of government / body / agency.
----------	--

Report Purpose

This report relates to Council's nomination of delegates to the CEO Employment Committee.

Relevant Previous Decisions of Council

Ordinary Council Meeting - 27 November 2019 – OCM156/11/17 – Appointment of Delegates to Committees, Working Groups and Organisation

Background

Committees provide a means for Council to consider in detail specific subject areas that often involve technical aspects or are of particular interest to the community. Committees also provide a way for Council to involve the community, including community-subject matter experts into the discussion and debate of issues through external membership.

The Shire's committees take several forms, including formal Committees of Council established under section 5.8 of the *Local Government Act 1995* (the Act).

The Shire currently has established five Committees of Council:

- Audit, Risk and Governance Committee;
- Access and Inclusion Advisory Committee;
- CEO Employment Committee;
- Economic Development Advisory Committee; and
- Arts, Culture and Heritage Advisory Committee.

Under section 5.11 of the Act, membership of Committees expires at each ordinary election.

By convention, membership of Committees is determined by Council at a Special Council Meeting held as soon as practicable following the election.



On 1 October 2019, the Chief Executive Officer wrote to Councillors advising of the intention to hold a workshop to consider the future structure of committees and related groups. A workshop was held on 22 October 2019 and discussed the opportunity to consider matters including:

- the suitability of the current committee structure;
- whether formal committees of Council would operate more effectively as advisory or working groups;
- whether new committees, advisory or working groups are needed;
- whether the terms of reference of current committees, advisory or working groups reflect best practice and legislative practices; and
- membership and roles.

The workshop identified an opportunity for Council to consider Committees in a holistic manner in the context of the Shire's priorities and through broader engagement.

On 1 October 2019, the Chief Executive Officer wrote to Councillors advising of the intention to hold a workshop to consider the future structure of committees and related groups. A workshop was held on 22 October 2019 and engaged with Council on matters including:

- the suitability of the current committee structure;
- whether formal committees of Council would operate more effectively as advisory or working groups;
- whether new committees, advisory or working groups are needed;
- whether the terms of reference of current committees, advisory or working groups reflect best practice and legislative practices; and
- membership and roles.

The workshop identified an opportunity for Council to consider Committees in a holistic manner in the context of the Shire's priorities and through broader engagement.

Notwithstanding, with the recent appointment of the Shire's CEO and the associated need to consider matters related to CEO performance indicators, it is being recommended that Council consider making appointments to the CEO Employment Committee.

Community / Stakeholder Consultation

The role of Council member delegates on external community groups and associations was discussed at the 26 August 2019 Policy Concept Forum and workshop with Council held on 22 October 2019.

Policy Concept Forum

Meeting Date	26 August 2019
Councillors in Attendance	Cr Atwell, Cr Byas, Cr Coales, Cr Denholm, Cr Rich, Cr See

Workshop

Meeting Date	22 October 2019
Councillors in Attendance	Cr Atwell, Cr Byas, Cr Coales, Cr Dagostino, Cr Denholm, Cr McConkey, Cr Rich, Cr Strange, Cr Strautins

Statutory Environment

Under Regulation 9 of the *Local Government (Administration) Regulations 1996*, voting at a council meeting is to be conducted so that no voter's vote is secret. This means that while a ballot can be conducted to determine committee members, a motion supported by a simple majority of Council is required to give effect to Council's decision.

Comment

The role of the CEO Employment Committee is to assist Council in the recruitment and performance measurement of the CEO. With the recent appointment of a new CEO at the Shire the next critical task of the CEO Employment Committee is to make recommendations to Council on the key performance indicators and approach to performance measurement and management.

The Committee's terms of reference also sets the following functions:

- in conjunction with an independent facilitator establish appropriate selection criteria, important qualities, knowledge and skills the CEO will need to possess, in order to attain the most suitable candidate for the position of CEO.
- in conjunction with an independent facilitator establish clear terms and conditions for the CEO's employment contract.
- provide a recommendation to Council on the preferred candidate for the position of CEO.
- in conjunction with an independent facilitator, undertake an annual assessment of the CEO's performance in accordance with the provisions of the CEO's contract of employment and key performance indicators.
- in consultation with an independent facilitator and the CEO, develop and recommend to Council key performance indicators in order to achieve the key priorities of the Corporate Business Plan, and any other means that will be used to assess the CEO's future performance in order to meet the expectation of Council.
- review the CEO's employment contract and position description and make recommendations to Council as and when necessary.
- review the CEO's remuneration package annually and make recommendations to Council in relation to remuneration, in accordance with the CEO's contract of employment, having consideration to the CEO's performance, current level of remuneration, and the Salaries and Allowances Determination; and
- provide guidance to Council in assessing the CEO's performance.

The Committee's Terms of Reference stipulates that the Committee shall consist of five (5) councillors and a Deputy Member. The Terms of Reference further state that an independent facilitator, who is not a member of the Committee, shall be appointed to the Committee by Council to assist with the performance review process.



The appointment of an independent person will be dealt with in a separate report at a future Council Meeting.

The Committee does not have delegated powers and all recommendations must be endorsed by resolution of Council.

Following amendments to the *Local Government Act 1995*, requirements are being introduced for local governments in respect to the appointment, performance measurement and termination of CEOs. These requirements, which are proposed to take effect in early 2020, are likely to impact the CEO Employment Committee and its terms of reference.

The Department of Local Government, Sport and Cultural Industries has released draft guidelines which foreshadow these changes as contained in **Attachment 2**. Given the likelihood of the need to revise the CEO Employment Committee in light of the changes, Council may wish to consider appointing members to the CEO Employment Committee for a limited period to enable the regulatory changes to be considered within the broader review of Committees being undertaken by the Shire.

Options and Implications

Option 1

That Council APPOINTS five Councillors and a Councillor as Deputy to the CEO Employment Committee.

Option 2

That Council DOES NOT appoint members to the CEO Employment Committee.

Option 1 is recommended.

Conclusion

With the employment of the Shire's new CEO, the CEO Employment Committee has a key future role recommending key performance indicators and assessing the CEO's performance. Appointment of members for the period ending 31 March 2019 will enable the Committee to perform its important role and enable Council to reconsider the Committee in light of proposed legislative changes and the Shire's review of committees and related groups.

Attachments

- [Attachment 1](#) – Chief Executive Officer (CEO) Employment Committee – Terms of Reference (E17/5085)
- [Attachment 2](#) – Department of Local Government, Sport and Cultural Industries draft Standards and Guidelines for Local Government CEO Recruitment and Selection, Performance Review and Termination (IN19/23651)

Alignment with our Strategic Community Plan

Outcome 4.2	A strategically focussed Council
Strategy 4.2.2	Ensure appropriate long term strategic and operational planning is undertaken and considered when making decisions.



Financial Implications

In accordance with the *Local Government (Administration) Regulations 1996*, Council Policy – Councillor Fees and Entitlements addresses fees and entitlements associated with attendance at meetings where a Councillor has been appointed by Council as its delegate. Councillors are paid an annual fee in lieu of receiving meeting fees.

Risk Implications

Risk has been assessed on the basis of the Officer's Recommendation.

Risk	Risk Likelihood (based on history and with existing controls)	Risk Impact / Consequence	Risk Rating (Prior to Treatment or Control)	Principal Risk Theme	Risk Action Plan (Controls or Treatment proposed)
That Council does not nominate delegates to the committee	Rare (1)	Major (4)	Low (1-4)	Reputation - 3 Moderate - Substantiated, public embarrassment, moderate impact on key stakeholder trust or moderate media profile Reputation - 3 Moderate - Substantiated, public embarrassment, moderate impact on key stakeholder trust or moderate media profile	Accept Risk

**Risk Matrix**

Consequence Likelihood		Insignificant	Minor	Moderate	Major	Catastrophic
		1	2	3	4	5
Almost Certain	5	Medium (5)	High (10)	High (15)	Extreme (20)	Extreme (25)
Likely	4	Low (4)	Medium (8)	High (12)	High (16)	Extreme (20)
Possible	3	Low (3)	Medium (6)	Medium (9)	High (12)	High (15)
Unlikely	2	Low (2)	Low (4)	Medium (6)	Medium (8)	High (10)
Rare	1	Low (1)	Low (2)	Low (3)	Low (4)	Medium (5)

A risk rating of **4** has been determined for this item.

Voting Requirements: Absolute Majority (s5.10 of the *Local Government Act 1995*)

Officer Recommendation

- That Council RESOLVES to appoint the following members to the CEO Employment Committee for the period ending on 31 March 2019:

Member –

Member –

Member –

Member –

Member –

Deputy Member –

Amended Officer Recommendation

- That Council RESOLVES to appoint the following members to the CEO Employment Committee for the period ending on 31 March 2020:

Member –

Member –

Member –

Member –

Member –

Deputy Member –

Reason for amended Officer Recommendation

The date of the period ending for the Committee was incorrect.



Written nominations received prior to the meeting from the following Councillors as Committee Members:

Cr Byas

Cr Rich

Nominations received from the floor from the following Councillors as Committee Members:

Cr Coales

Cr Dagostino

Cr Atwell

Nominations received from the floor from the following Councillor for Deputy Committee Member:

Cr McConkey

The Shire President asked if there were any further nominations for Committee Members or Deputy Committee Members.

SCM236/10/19

COUNCIL RESOLUTION

Moved Cr Atwell, seconded Cr McConkey

- 1. That Council RESOLVES to appoint the following members to the CEO Employment Committee for the period ending on 31 March 2020:**

Member – Cr Byas

Member – Cr Rich

Member – Cr Coales

Member – Cr Dagostino

Member – Cr Atwell

Deputy Member – Cr McConkey

CARRIED BY ABSOLUTE MAJORITY 9/0

The Chief Executive Officer, Mr Martin returned to the Chambers at 7.11pm.

The Shire President advised the Chief Executive Officer of the Council Resolution for this item.



6.1.3 - Nominations of delegates to the Bush Fire Advisory Committee and Local Emergency Management Committee

Responsible Officer:	Manager Governance
Senior Officer:	Chief Executive Officer
Disclosure of Officers Interest:	No officer involved in the preparation of this report has an interest to declare in accordance with the provisions of the <i>Local Government Act 1995</i> .

Authority / Discretion

Advocacy	When the Council advocates on its own behalf or on behalf of its community to another level of government / body / agency.
----------	--

Report Purpose

This report relates to Council's nomination of delegates to the:

1. Bush Fire Advisory Committee; and
2. Local Emergency Management Committee.

Relevant Previous Decisions of Council

Ordinary Council Meeting - 27 November 2019 – OCM156/11/17 – Appointment of Delegates to Committees, Working Groups and Organisation

Background

Committees provide a means for Council to consider in detail specific subject areas that often involve technical aspects or are of particular interest to the community. Committees also provide a way for Council to involve the community, including community-subject matter experts into the discussion and debate of issues through external membership.

The Shire's Committees take several forms, including formal Committees of Council established under section 5.8 of the *Local Government Act 1995* (the Act).

Other legislation either requires or empowers Local Governments to establish Committees that are not Committees of Council:

- section 38 of the *Emergency Management Act 2005* requires a local government to establish one or more local emergency management committees for the district; and
- section 67 of the *Bush Fires Act 1954* permits a local government to appoint such persons as it thinks fit as Bush Fire Advisory Committee.

The terms of reference for the both Committees state that member of the Committees expires that the ordinary local government election.

By convention, membership of Committees and related groups is determined by Council at a Special Council Meeting held as soon as practicable following the election.

On 1 October 2019, the Chief Executive Officer wrote to Councillors advising of the intention to hold a workshop to consider the future structure of committees and related groups. The workshop will engage with Council to consider matters including:



- the suitability of the current committee structure;
- whether formal committees of Council would operate more effectively as advisory or working groups;
- whether new committees, advisory or working groups are needed;
- whether the terms of reference of current committees, advisory or working groups reflect best practice and legislative practices; and
- membership and roles.

This approach will enable Council to consider Committees in a holistic manner in the context of the Shire's priorities and through broader engagement.

Community / Stakeholder Consultation

The role of Council member delegates on external community groups and associations was discussed at the 26 August 2019 Policy Concept Forum and workshop with Council held on 22 October 2019.

Policy Concept Forum

Meeting Date	26 August 2019
Councillors in Attendance	Cr Atwell, Cr Byas, Cr Coales, Cr Denholm, Cr Rich, Cr See

Workshop

Meeting Date	22 October 2019
Councillors in Attendance	Cr Atwell, Cr Byas, Cr Coales, Cr Dagostino, Cr Denholm, Cr McConkey, Cr Rich, Cr Strange, Cr Strautins

Statutory Environment

Section 38 of the *Emergency Management Act 2005* requires a local government to establish one or more local emergency management committees for the district.

Section 67 of the *Bush Fires Act 1954* permits a local government to appoint such persons as it thinks fit as Bush Fire Advisory Committee.

Under Regulation 9 of the *Local Government (Administration) Regulations 1996*, voting at a council meeting is to be conducted so that no voter's vote is secret. This means that while a ballot can be conducted to determine nominations, a motion supported by a simple majority of Council is required to give effect to Council's decision.

Comment

A description of the two committees is provided below:

Bush Fire Advisory Committee

Under section 67 of the *Bush Fires Act 1954*, a local government may appoint persons to Bush Fire Advisory Committee for the purpose of advising the local government regarding:



- all matters relating to the preventing, controlling and extinguishing of bush fires;
- the planning of the layout of fire-breaks in the district;
- prosecutions for breaches of the *Bush Fires Act 1954*;
- the formation of bush fire brigades;
- the ensuring of co-operation and co-ordination of bush fire brigades in their efforts and activities; and
- any other matter relating to bush fire control.

The Bush Fire Advisory Committee is not a Committee of Council.

Composition of the Committee according to the adopted terms of reference is:

- Two (2) Councillors and two (2) deputies
- the Chief Bush Fire Control Officer
- the Captain of the Byford Volunteer Bush Fire Brigade
- the Captain of the Mundijong Volunteer Bush Fire Brigade
- the Captain of the Jarrahdale Volunteer Bush Fire Brigade
- The Captain of the Serpentine Volunteer Bush Fire Brigade
- The Captain of the Keysbrook Volunteer Bush Fire Brigade
- The Captain of the Oakford Volunteer Bush Fire Brigade

Local Emergency Management Committee

The Local Emergency Management Committee is established under section 38 of the *Emergency Management Act 2005* to develop and maintain effective emergency management arrangements for the local area. The *Emergency Management Act 2005* specifies that the role of the Committee is to:

- advise and assist the local government in ensuring that local emergency management arrangements are established for its district;
- liaise with public authorities and other persons in the development, review and testing of local emergency management arrangements; and
- carry out other emergency management activities as directed by the State Emergency Management Committee or prescribed by the regulations.

The Committee is not a Committee of Council. Under section 38(4) of the *Emergency Management Act 2005*, the constitution and procedures of Local Emergency Management Committees are set by State Emergency Management Committee (SEMC). The SEMC has produced guidance material to local government to give effect to this requirement.

The Committee performs its functions by:

- liaising with participating agencies in the development, review and testing of emergency management arrangements;



- assisting with the preparation of emergency management operating procedures for application in the local area;
- preparing an annual report on committee activities for submission to the District Emergency Management Committee;
- participating in the emergency risk management process; and
- carrying out other emergency management functions as directed by the District Emergency Management Committee.

In accordance with the Terms of Reference, the membership of the Committee comprises:

- the Local Recovery Coordinator (a position held by the Shire President in accordance with section 41 of the *Emergency Management Act 2005*)
- the Officer in Charge – Mundijong Police
- one (1) Councillor
- one representative from each of the following organisations:
 - Department of Fire and Emergency Services (DFES) – District Office South East Region Fire
 - 1 x Department of Fire and Emergency Services (SES) – District Office South East Region SES
 - Department of Communities – Senior District Emergency Services Officer
 - St Johns Ambulance
 - Department of Biodiversity, Conservation and Attractions
 - Karnet Prison Farm – Assistant Superintendent Security
 - East Metropolitan Health Service – Armadale Kalamunda Group
 - SJ Anglican Parish
 - Department of Agriculture
 - Telstra
 - Water Corporation
 - Main Roads
 - Public Transport Authority
 - Arc Infrastructure (formerly Brookfield Rail)
 - Chief Executive Officer/Representative
 - Volunteer Chief Bush Fire Control Officer
 - Serpentine Jarrahdale State Emergency Services



- Serpentine Aircraft Builders Club

Options and Implications

Option 1

That Council APPOINTS members to the Bush Fire Advisory Committee and the Local Emergency Management Committee.

Option 2

That Council DOES NOT appoint members to the Bush Fire Advisory Committee and the Local Emergency Management Committee.

Option 1 is recommended.

Conclusion

The Shire of Serpentine Jarrahdale is required by the legislation to have certain committees:

- section 38 of the *Emergency Management Act 2005* requires a local government to establish one or more local emergency management committees for the district.
- section 67 of the *Bush Fires Act 1954* permits a local government to appoint such persons as it thinks fit as Bush Fire Advisory Committee.

Appointing members to these two committees will enable the Shire to meet its statutory obligations and continue the important role played by the respective committees.

Attachments

- [Attachment 1](#) – Bush Fire Advisory Committee Terms of Reference (IN19/23700)
- [Attachment 2](#) – Local Emergency Management Committee Terms of Reference (E17/10896)

Alignment with our Strategic Community Plan

Outcome 4.2	A strategically focused Council
Strategy 4.2.1	Build and promote strategic relationships in the Shire's interest.

Financial Implications

In accordance with the *Local Government (Administration) Regulations 1996*, Council Policy – Councillor Fees and Entitlements addresses fees and entitlements associated with attendance at meetings where a Councillor has been appointed by Council as its delegate. Councillors are paid an annual fee in lieu of meeting fees.



Risk Implications

Risk has been assessed on the basis of the Officer's Recommendation.

Risk	Risk Likelihood (based on history and with existing controls)	Risk Impact / Consequence	Risk Rating (Prior to Treatment or Control)	Principal Risk Theme	Risk Action Plan (Controls or Treatment proposed)
That Council does not nominate delegates to the committees	Rare (1)	Major (4)	Low (1-4)	Reputation - 3 Moderate - Substantiated, public embarrassment, moderate impact on key stakeholder trust or moderate media profile Reputation - 3 Moderate - Substantiated, public embarrassment, moderate impact on key stakeholder trust or moderate media profile	Accept Risk

Risk Matrix

Consequence		Insignificant	Minor	Moderate	Major	Catastrophic	
		1	2	3	4	5	
Likelihood	Almost Certain	5	Medium (5)	High (10)	High (15)	Extreme (20)	Extreme (25)
	Likely	4	Low (4)	Medium (8)	High (12)	High (16)	Extreme (20)
	Possible	3	Low (3)	Medium (6)	Medium (9)	High (12)	High (15)
	Unlikely	2	Low (2)	Low (4)	Medium (6)	Medium (8)	High (10)
	Rare	1	Low (1)	Low (2)	Low (3)	Low (4)	Medium (5)

A risk rating of 4 has been determined for this item.



Voting Requirements: Simple Majority

Officer Recommendation

That Council

1. RESOLVES to appoint the following members to the Bush Fire Advisory Committee for the period ending at the next ordinary local government elections:
Member –
Member –
Deputy –
Deputy –
Other members per the Terms of Reference –
2. RESOLVES to appoint the following members to the Local Emergency Management Committee for the period ending at the next ordinary local government elections:
Member –
Other members per the Terms of Reference -

Bush Fire Advisory Committee Nominations

No written nominations were received prior to the meeting.

Nominations received from the floor from the following Councillors as Committee Members:

Cr Atwell

Cr Denholm

Nominations received from the floor from the following Councillors for Deputy Committee Members:

Cr Strautins

Cr Byas

Cr Coales – withdrawn

Local Emergency Management Committee Nominations

No written nominations were received prior to the meeting.

Nominations received from the floor from the following Councillors as Committee Members:

Cr Coales (*this nomination was later changed to Deputy Member*)

Cr Atwell

The Shire President asked if there were any further nominations for Committee Members or Deputy Committee Members.



SCM237/10/19

COUNCIL RESOLUTION

Moved Cr Strautins, seconded Cr McConkey

That Council

- 1. RESOLVES to appoint the following members to the Bush Fire Advisory Committee for the period ending at the next ordinary local government elections:**
 - Member – Cr Atwell**
 - Member – Cr Denholm**
 - Deputy – Cr Strautins**
 - Deputy – Cr Byas**
 - Other members per the Terms of Reference**
- 2. RESOLVES to appoint the following members to the Local Emergency Management Committee for the period ending at the next ordinary local government elections:**
 - Member – Cr Atwell**
 - Deputy – Cr Coales**
 - Other members per the Terms of Reference**
- 3. Amend the Terms of Reference for the Local Emergency Management Committee to include a Deputy Councillor position.**

CARRIED UNANIMOUSLY 9/0

Reason for difference to Officers Recommendation

A Deputy Member was appointed to the Local Emergency Management Committee to ensure Council Representation. Resolution 3. was added to update the Terms of Reference to reflect a Deputy Member appointment.



6.1.4 - Nominations of delegates for the Minister for Regional Development's consideration to the Peel Development Commission

Responsible Officer:	Manager Governance
Senior Officer:	Chief Executive Officer
Disclosure of Officers Interest:	No officer involved in the preparation of this report has an interest to declare in accordance with the provisions of the <i>Local Government Act 1995</i> .

Authority / Discretion

Advocacy	When the Council advocates on its own behalf or on behalf of its community to another level of government / body / agency.
----------	--

Report Purpose

This report relates to Council's nomination of delegates for the Minister for Regional Development's consideration to be members of the Peel Development Commission board.

Relevant Previous Decisions of Council

Ordinary Council Meeting - 27 November 2019 – OCM156/11/17 – Appointment of Delegates to Committees, Working Groups and Organisation

Background

Council nominates members to various regional groups and bodies to advocate on behalf of the Shire and inform Council decision-making.

In February 2018, Cr Rich was appointed by Cabinet as a Local Government member of the Board. The membership of the board expires on 31 December 2019.

The Peel Development Commission is seeking nominations for one Local Government representative vacancy on its Board as contained in **attachment 1**. In accordance with the *Regional Development Commission's Act 1993*, nominees for the vacancy must be members of the Council of a Local Government in the region and are to be nominated by the Council.

All Local Governments in the Peel region have been invited to nominate up to two Councillors for the single vacancy. The Commission has advised that it is seeking nominees that have experience in economic development and investment attraction.

Community / Stakeholder Consultation

The role of Council member delegates on external community groups and associations was discussed at the 26 August 2019 Policy Concept Forum and workshop with Council held on 22 October 2019.

Policy Concept Forum

Meeting Date	26 August 2019
Councillors in Attendance	Cr Atwell, Cr Byas, Cr Coales, Cr Denholm, Cr Rich, Cr See

Workshop

Meeting Date	22 October 2019
Councillors in Attendance	Cr Atwell, Cr Byas, Cr Coales, Cr Dagostino, Cr Denholm, Cr McConkey, Cr Rich, Cr Strange, Cr Strautins

Statutory Environment

The *Local Government Act 1995* is silent in respect to the nomination of Council Members to regional bodies.

Under Regulation 9 of the *Local Government (Administration) Regulations 1996*, voting at a council meeting is to be conducted so that no voter's vote is secret. This means that while a ballot can be conducted to determine nominations, a motion supported by a simple majority of Council is required to give effect to Council's decision.

The Peel Development Commission operates under the *Regional Development Commissions Act 1993*.

Comment

The Peel Development Commission Peel Development Commission is a statutory authority established in 1994 by the Western Australian State Government under the *Regional Development Commissions Act 1993*. The Commission is one of nine regional development commissions across the State, each governed by the same legislation.

As a Statutory Authority, the Peel Development Commission's role is to:

- lead coordination in the region, for the purpose of coordinating the multiplicity of government and non-government efforts;
- propose economic and social growth initiatives, including through Royalties for Regions grant funding;
- provide information and advice to promote business development within the region;
- monitor regional social and economic development, including market failure, in order to identify specific agency or whole-of-government actions;
- plan the development of a Regional Blueprint within the framework developed by the Regional Development Council, ensuring the integration of government planning, and as a resource for industry and not-for-profit organisations;
- lead on regional development integration of government, business, industry and community partners, through data collection, information provision, promotion, coordination and facilitation;
- provide regional, strategic, high-level advice and recommendations to the Regional Development Council and Minister for Regional Development; and
- address regional policy matters referred by the Minister through the Regional Development Council.

Members of the Commission are appointed by Cabinet on the recommendation of the Minister for Regional Development. Accordingly, while Council is being asked to provide two (2) nominations



for one (1) vacancy for the Minister's consideration, the decision whether to appoint will be made by Cabinet.

Options and Implications

Option 1

That Council NOMINATE members for the Minister for Regional Development's consideration.

Option 2

That Council DOES NOT NOMINATE members for the Minister for Regional Development's consideration.

Option 1 is recommended.

Conclusion

Membership of the Peel Development Commission board provides opportunities for advocacy to grow and support economic growth, job creation and regional partnerships in the Shire. To continue to enjoy the benefits of this arrangement, Council will need to nominate members for the Minister's consideration.

Attachments

- [Attachment 1](#) – Peel Development Commission Board Vacancy – Call for Nominations (IN19/23874)

Alignment with our Strategic Community Plan

Outcome 4.2	A strategically focused Council
Strategy 4.2.1	Build and promote strategic relationships in the Shire's interest.

Financial Implications

In accordance with the *Local Government (Administration) Regulations 1996*, Council Policy – Councillor Fees and Entitlements addresses fees and entitlements associated with attendance at meetings where a Councillor has been appointed by Council as its delegate. Councillor are paid an annual fee in lieu of meeting fees.

Meeting fees for the Peel Development Commission are paid by the State Government. Meeting fees are \$622 per day and \$403 per half day.



Risk Implications

Risk has been assessed on the basis of the Officer's Recommendation.

Risk	Risk Likelihood (based on history and with existing controls)	Risk Impact / Consequence	Risk Rating (Prior to Treatment or Control)	Principal Risk Theme	Risk Action Plan (Controls or Treatment proposed)
That Council does not nominate delegates to the committees	Rare (1)	Major (4)	Low (1-4)	Reputation - 3 Moderate - Substantiated, public embarrassment, moderate impact on key stakeholder trust or moderate media profile	Accept Risk

Risk Matrix

Consequence / Likelihood		Insignificant	Minor	Moderate	Major	Catastrophic
		1	2	3	4	5
Almost Certain	5	Medium (5)	High (10)	High (15)	Extreme (20)	Extreme (25)
Likely	4	Low (4)	Medium (8)	High (12)	High (16)	Extreme (20)
Possible	3	Low (3)	Medium (6)	Medium (9)	High (12)	High (15)
Unlikely	2	Low (2)	Low (4)	Medium (6)	Medium (8)	High (10)
Rare	1	Low (1)	Low (2)	Low (3)	Low (4)	Medium (5)

A risk rating of 4 has been determined for this item.



Voting Requirements: Simple Majority

Officer Recommendation

That Council

1. RESOLVES to nominate members for the Minister of Regional Development's consideration to the Peel Development Commission Board:

Nominee –

Nominee –

Written nominations received prior to the meeting from the following Councillors as Members of the Peel Development Commission Board:

Cr Rich

Nominations received from the floor from the following Councillors as Members of the Peel Development Commission Board:

Cr Strautins

The Shire President asked if there were any further nominations for Members of the Peel Development Commission Board.

SCM238/10/19

COUNCIL RESOLUTION

Moved Cr Coales, seconded Cr Atwell

That Council

1. **RESOLVES to nominate members for the Minister of Regional Development's consideration to the Peel Development Commission Board:**

Nominee – Cr Rich

Nominee – Cr Strautins

CARRIED UNANIMOUSLY 9/0



6.1.5 - Nominations of delegates to Western Australian Local Government Association – Peel Country Zone

Responsible Officer:	Manager Governance
Senior Officer:	Chief Executive Officer
Disclosure of Officers Interest:	No officer involved in the preparation of this report has an interest to declare in accordance with the provisions of the <i>Local Government Act 1995</i> .

Authority / Discretion

Advocacy	When the Council advocates on its own behalf or on behalf of its community to another level of government / body / agency.
----------	--

Report Purpose

This report relates to Council's nomination of delegates to the Western Australian Local Government Association - Peel Country Zone.

Relevant Previous Decisions of Council

Ordinary Council Meeting - 27 November 2019 – OCM156/11/17 – Appointment of Delegates to Committees, Working Groups and Organisation

Background

Council nominates members to various regional groups and bodies to advocate on behalf of the Shire and inform Council decision-making.

Historically, the term of appointment to most regional groups expires with each ordinary local government election. As such, Council's consideration of membership generally occurs as soon as practicable following each ordinary local government election.

WALGA has asked Chief Executive Officers to advise of respective Council's nominated WALGA Zone representatives by Friday, 8 November 2019 as contained in **Attachment 1**. The next meeting of the WALGA Peel Country Zone is scheduled for 28 November 2019.

The Shire representation consists of two (2) Councillors and a deputy. The Chief Executive Officer is a non-voting delegate.

Community / Stakeholder Consultation

The role of Council member delegates on external community groups and associations was discussed at the 26 August 2019 Policy Concept Forum and workshop with Council held on 22 October 2019.

Policy Concept Forum

Meeting Date	26 August 2019
Councillors in Attendance	Cr Atwell, Cr Byas, Cr Coales, Cr Denholm, Cr Rich, Cr See

Workshop

Meeting Date	22 October 2019
Councillors in Attendance	Cr Atwell, Cr Byas, Cr Coales, Cr Dagostino, Cr Denholm, Cr McConkey, Cr Rich, Cr Strange, Cr Strautins

Statutory Environment

The *Local Government Act 1995* is silent in respect to the nomination of Council Members to regional bodies.

Under Regulation 9 of the *Local Government (Administration) Regulations 1996*, voting at a council meeting is to be conducted so that no voter's vote is secret. This means that while a ballot can be conducted to determine nominations, a motion supported by a simple majority of Council is required to give effect to Council's decision.

The Peel Development Commission operates under the *Regional Development Commissions Act 1993*.

Comment

The Western Australian Local Government Association (WALGA) is a non-government peak body representing local government. WALGA's membership which includes all but one of the State's 137 local governments is divided into geographical zones. The Shire of Serpentine Jarrahdale is a member of the Peel Country Zone along with the Shires of Murray, Waroona, Boddington and the City of Mandurah.

WALGA Zones consider matters for decision by WALGA's State Council. To generate new agenda items for consideration by State Council, a Zone may pass a resolution requesting that WALGA take action. For example, a Zone motion may request WALGA to investigate an issue, undertake advocacy, or develop policy. WALGA's advises that in fulfilling their role as Council's delegate, the Zone delegate should give regard to their Council's positions on policy issues and report back to their Council about decisions made by the Zone.

Options and ImplicationsOption1

That Council APPOINTS members to the WALGA – Peel Country Zone.

Option 2

That Council DOES NOT appoint members to the WALGA – Peel Country Zone.

Option 1 is recommended.



Conclusion

The appointment of delegates to WALGA will enable the Shire to continue to advocate for local interests within the context of wider local government advocacy in areas such as planning, transport, waste management, community development, environmental protection and economic growth.

Attachments

- [Attachment 1](#) – Western Australian Local Government Association Peel Country Zone Elections for 2019 – 2021 State Council, Zone Chair and Deputy Chair – Request for Nominations (IN19/23571)

Alignment with our Strategic Community Plan

Outcome 4.2	A strategically focussed Council
Strategy 4.2.2	Ensure appropriate long term strategic and operational planning is undertaken and considered when making decisions.
Outcome 4.2	A strategically focused Council
Strategy 4.2.1	Build and promote strategic relationships in the Shire's interest.

Financial Implications

In accordance with the *Local Government (Administration) Regulations 1996*, Council Policy – Councillor Fees and Entitlements addresses fees and entitlements associated with attendance at meetings where a Councillor has been appointed by Council as its delegate. Councillor are paid an annual fee in lieu of meeting fees.

Risk Implications

Risk has been assessed on the basis of the Officer's Recommendation.

Risk	Risk Likelihood (based on history and with existing controls)	Risk Impact / Consequence	Risk Rating (Prior to Treatment or Control)	Principal Risk Theme	Risk Action Plan (Controls or Treatment proposed)
That Council does not nominate delegates to the committees	Rare (1)	Major (4)	Low (1-4)	Reputation - 3 Moderate - Substantiated, public embarrassment, moderate impact on key stakeholder trust or moderate media profile	Accept Risk

**Risk Matrix**

Consequence Likelihood		Insignificant	Minor	Moderate	Major	Catastrophic
		1	2	3	4	5
Almost Certain	5	Medium (5)	High (10)	High (15)	Extreme (20)	Extreme (25)
Likely	4	Low (4)	Medium (8)	High (12)	High (16)	Extreme (20)
Possible	3	Low (3)	Medium (6)	Medium (9)	High (12)	High (15)
Unlikely	2	Low (2)	Low (4)	Medium (6)	Medium (8)	High (10)
Rare	1	Low (1)	Low (2)	Low (3)	Low (4)	Medium (5)

A risk rating of **4** has been determined for this item.

Voting Requirements: Simple Majority

Officer Recommendation

That Council

- RESOLVES to appoint members to the Western Australian Local Government Association – Peel Country Zone for the period expiring at the 2021 local government elections:
 - Member –
 - Member –
 - Deputy –

Written nominations were received prior to the meeting from the following Councillors as Western Australian Local Government Association – Peel Country Zone members:

Cr Strange

Cr Rich

Nominations received from the floor from the following Councillors as Western Australian Local Government Association – Peel Country Zone members:

Nil.

Nominations received from the floor from the following Councillors for Western Australian Local Government Association – Peel Country Zone Deputy Member:

Cr Strautins

The Shire President asked if there were any further nominations for Members or Deputy Members.



SCM239/10/19

COUNCIL RESOLUTION

Moved Cr Atwell, seconded Cr Denholm

That Council

- 1. RESOLVES to appoint members to the Western Australian Local Government Association – Peel Country Zone for the period expiring at the 2021 local government elections:**

Member – Cr Strange

Member – Cr Rich

Deputy – Cr Strautins

CARRIED UNANIMOUSLY 9/0

**6.1.6 - Nominations of delegates for the Minister for Planning's consideration to the Joint Development Assessment Panel**

Responsible Officer:	Manager Statutory Planning and Compliance
Senior Officer:	Director Development Services
Disclosure of Officers Interest:	No officer involved in the preparation of this report has an interest to declare in accordance with the provisions of the <i>Local Government Act 1995</i> .

Authority / Discretion

Legislative	Includes adopting local laws, local planning schemes and policies.
-------------	--

Report Purpose

The purpose of this report is for Council to consider nominating Local Government representatives for the Minister for Planning's consideration to sit on the Metro-East Joint Development Assessment Panel (JDAP).

The Director General of the Western Australia Planning Commission has written to all local governments on 10 October 2019. The letter is provided at **Attachment 1**. The letter notes that changes to JDAP membership may be required as a result of changes to Council following the 2019 ordinary local government elections.

The letter seeks JDAP member nominations, noting the current term of JDAP members expires on 26 January 2020. Accordingly, new membership is requested for a term ending 26 January 2022.

JDAP replacement nominations are required to be forwarded to the Development Assessment Panel Secretariat by no later than 8 November 2019.

Officers recommend Council nominate the necessary DAP members for Ministerial consideration, to ensure the Shire has its full membership on the DAP. This being two local council members, and two alternate local council members.

Relevant Previous Decisions of Council

Ordinary Council Meeting - 27 November 2019 – OCM156/11/17 – Appointment of Delegates to Committees, Working Groups and Organisation

Background

Joint Development Assessment Panels (JDAPs) commenced operation in Western Australia in July 2011. The Shire of Serpentine Jarrahdale forms part of the Metro-East JDAP which comprises of Armadale, Gosnells, Kalamunda, Mundaring and Swan.

JDAPs comprise a mix of technical experts and Local Government representatives with the power to determine applications for development under the following circumstances:

- where a proposed development has an estimated value of \$10 million or over; or
- where a proposed development has an estimated value between \$2 million - \$10 million or more and the applicant opts in to have the application determined by the JDAP.



Under DAP Regulation 26 of the *Planning and Development (Development Assessment Panels) Regulations 2011*, a Local Government is responsible for nominating four (4) Councillors, two (2) as DAP members and two (2) as alternate members.

Council at its November 2017 OCM as detailed above, resolved to nominate Cr Rich and Cr McConkey as DAP members and Cr See and Cr Piipponen as the alternative members).

The correspondence received from the Director General, Department Planning, Lands and Heritage seeks new membership nomination from each local government. While the current term expires 26 January 2020, the letter from the Director General is asking for nomination to be received by 8 November 2019. Refer **Attachment 1**.

Community / Stakeholder Consultation

The role of Council member delegates on external community groups and associations was discussed at the 26 August 2019 Policy Concept Forum and workshop with Council held on 22 October 2019.

Policy Concept Forum

Meeting Date	26 August 2019
Councillors in Attendance	Cr Atwell, Cr Byas, Cr Coales, Cr Denholm, Cr Rich, Cr See

Workshop

Meeting Date	22 October 2019
Councillors in Attendance	Cr Atwell, Cr Byas, Cr Coales, Cr Dagostino, Cr Denholm, Cr McConkey, Cr Rich, Cr Strange, Cr Strautins

Statutory Environment

Legislation

The *Planning and Development (Development Assessment Panels) Regulations 2011* provides the legislative framework associated with JDAPs.

Planning Assessment

Local representation is a vital component of the JDAP. DAP members hold membership for a period of maximum of three years. The Director General's letter states that the Minister intends to appoint members for a term ending in 26 January 2022. In this time if their tenure on Council expires, their DAP membership also expires. If a local government fails to nominate members, the Minister of Planning will appoint the Local Government's nomination. To ensure local representation, the Shire should ensure this does not occur.

For new members it is mandatory requirement to attend training before they can sit on a JDAP and determine applications. Training is provided at the cost of the DAP. Optional re-training is also available for Local Government representatives who have previously been appointed to a DAP position. This again is at the cost of the DAP.

Each Local Government member receives a sitting fee of \$425 when attending a JDAP meetings for a new development applications. For applications which propose minor amendments or seek



to cancel an application, the sitting fee is reduced to \$100 in accordance with the *Planning and Development (Development Assessment Panels) Regulations 2011*. Meeting fees are paid for by the State Government.

It should be noted that while the current term expires 26 January 2020, the Shire should seek the Minister not to wait till then as the Shire needs to ensure its four members are nominated, endorsed, trained and able to sit on JDAP decisions.

This will ensure that local representation on JDAP continues in the intervening period.

Options and Implications

Option 1:

Council resolves to nominate members for the Minister's consideration.

Option 2:

Council does not resolve to nominate members for the Minister's consideration.

Option 1 is recommended.

Conclusion

In light of the request of the Department of Planning, Lands and Heritage and the upcoming Council elections, the Shire is required to ensure it has its full quota of four members for the DAP. Two being DAP members, and two being alternate members. The Director General has requested that Local Governments forward nominations to the DAP Secretariat by no later than 8 November 2019.

Attachments

- [Attachment 1](#) – Correspondence from the Director General of the Western Australia Planning Commission (IN19/22925)

Alignment with our Strategic Community Plan

Outcome 3.1	A commercially diverse and prosperous economy
Strategy 3.1.1	Actively support new and existing local business within the district.
Outcome 4.2	A strategically focused Council
Strategy 4.2.1	Build and promote strategic relationships in the Shire's interest.

Financial Implications

There are no financial implications resulting from this report.
Meeting fees and training costs are paid by the State Government.



Risk Implications

Risk has been assessed on the basis of the Officer's Recommendation.

Risk	Risk Likelihood (based on history and with existing controls)	Risk Impact / Consequence	Risk Rating (Prior to Treatment or Control)	Principal Risk Theme	Risk Action Plan (Controls or Treatment proposed)
Council not nominating new DAP members and the Minister of Planning nominating replacement members	Rare (1)	Major (4)	Low (1-4)	Reputation - 4 Major - Substantiated, public embarrassment, widespread high impact on key stakeholder trust, high media profile, third party actions	Accept Risk

Risk Matrix

Consequence \ Likelihood		Insignificant	Minor	Moderate	Major	Catastrophic
		1	2	3	4	5
Almost Certain	5	Medium (5)	High (10)	High (15)	Extreme (20)	Extreme (25)
Likely	4	Low (4)	Medium (8)	High (12)	High (16)	Extreme (20)
Possible	3	Low (3)	Medium (6)	Medium (9)	High (12)	High (15)
Unlikely	2	Low (2)	Low (4)	Medium (6)	Medium (8)	High (10)
Rare	1	Low (1)	Low (2)	Low (3)	Low (4)	Medium (5)

A risk rating of 4 has been determined for this item.

Any items with a risk rating over 10 (considered to be high or extreme risk) will be added to the Risk Register, and any item with a risk rating over 17 will require a specific risk treatment plan to be developed.



Officer Recommendation

That Council

1. RESOLVES that the Chief Executive Officer write to the Secretariat of the Development Assessment Panel advising the Minister of the Shire's nominations to the Metro East Joint Development Assessment Panel for the term ending 26 January 2022:
Member –
Member –
Alternate Member –
Alternate Member –
2. RESOLVES that the Chief Executive Officer write to the Minister for Planning; Transport asking that the Minister urgently appoint the following members for the term ending 26 January 2020 to fill positions made vacant following the 2019 local government ordinary elections and enable local representation to continue at JDAP in the intervening period prior to appointments being made for the full term:
Alternate Member –
Alternate Member –

Written nominations were received prior to the meeting from the following Councillors as Committee Members:

Cr Strange

Cr Rich

Nominations from the floor

Nil.

Alternate members nominations

Cr Coales

Cr Dagostino

The Shire President asked if there were any further nominations for Metro East Joint Development Assessment Panel Members.



Voting Requirements: Simple Majority

SCM240/10/19

COUNCIL RESOLUTION

Moved Cr Atwell, seconded Cr Strange

That Council

- 1. RESOLVES that the Chief Executive Officer write to the Secretariat of the Development Assessment Panel advising the Minister of the Shire's nominations to the Metro East Joint Development Assessment Panel for the term ending 26 January 2022:**

Member – Cr Strange

Member – Cr Rich

Alternate Member – Cr Coales

Alternate Member – Cr Dagostino

- 2. RESOLVES that the Chief Executive Officer write to the Minister for Planning; Transport asking that the Minister urgently appoint the following members for the term ending 26 January 2020 to fill positions made vacant following the 2019 local government ordinary elections and enable local representation to continue at JDAP in the intervening period prior to appointments being made for the full term:**

Alternate Member – Cr Coales

Alternate Member – Cr Dagostino

CARRIED UNANIMOUSLY 9/0

**7. Motions of which notice has been given:**

Nil.

8. Urgent business:

8.1 - Nomination of delegate to the Byford Progress Association	
Responsible Officer:	Manager Governance
Senior Officer:	Chief Executive Officer
Disclosure of Officers Interest:	No officer involved in the preparation of this report has an interest to declare in accordance with the provisions of the <i>Local Government Act 1995</i> .

Authority / Discretion

Advocacy	When the Council advocates on its own behalf or on behalf of its community to another level of government / body / agency.
----------	--

Report Purpose

This report relates to Council's nomination of delegates to the Byford Progress Association.

Relevant Previous Decisions of Council

Ordinary Council Meeting - 27 November 2019 – OCM156/11/17 – Appointment of Delegates to Committees, Working Groups and Organisation.

Background

In previous years following an ordinary local government election, Council has nominated delegates to attend and participate as members of various community groups and associations.

With the election of new Councillors, an opportunity exists to strengthen engagement with the community and civic participation through the appointment of delegates to community associations.

To maximise the benefit to both community associations and Council and ensure that representation fits community and Council priorities, a review is being conducted into Council delegates to community associations.

As part of the review, the Shire is preparing a policy on delegates to external groups. The policy aims to ensure that the opportunity presented by membership of external groups informing Council decision-making is maximised.

While the review is underway and the policy is being developed, where possible, formal appointments as Council delegates are not being considered. During this time, Councillors will be encouraged to continue to meet and participate in external community groups which brings considerable insight to Council and benefit to the Shire.

**Community / Stakeholder Consultation**

The role of Council member delegates on external community groups and associations was discussed at the 26 August 2019 Policy Concept Forum and workshop with Council held on 22 October 2019.

Policy Concept Forum

Meeting Date	26 August 2019
Councillors in Attendance	Cr Atwell, Cr Byas, Cr Coales, Cr Denholm, Cr Rich, Cr See

Workshop

Meeting Date	22 October 2019
Councillors in Attendance	Cr Atwell, Cr Byas, Cr Coales, Cr Dagostino, Cr Denholm, Cr McConkey, Cr Rich, Cr Strange, Cr Strautins

On 2 October 2019, the Shire contacted community groups and associations that had Councillor delegates to enquire if they wished to continue this arrangement. All groups responded in the affirmative.

Statutory Environment

Nil

Comment

At a workshop held on 22 October 2019, Councillors were invited to provide details of future meetings of community groups where representation through a formal delegate was considered a priority. The meeting of the Byford Progress Association to be held on 13 November 2019 has been submitted for Council's consideration.

General

The *Local Government Act 1995* (the Act) is silent on matters related to the nomination of delegates to external organisations. Councillors may be members of community associations and groups without formal delegation by Council in line with their role under section 2.10 of the Act (representing interests, providing leadership and facilitating communication between the community and Council).

Notwithstanding, nominating specific Councillor delegates to community groups and associations provides a means for stronger relationships between community and Council. Nominating specific Councillor delegates also shares the responsibility across Councillors and enables Council to select Councillors with a specific interest or expertise related to each group.

As the community groups and associations are external entities, they are under no obligation to accept Council's nominated delegates. Councillors should be aware that their membership may be contingent on accepting the community group or association's terms of reference or constitution.



Councillors should also be aware that participation in external associations may result in actual or perceived conflicts of interest and that the Act limits who may speak on behalf of the Council.

In line with the review of committees and delegates to external bodies, the Shire is preparing a draft policy for Council's consideration that provides guidance for Council and delegates to external groups. During the review and preparation of this policy, Council will be advised to defer non-essential appointments.

Following the dialogue with Councillors in attendance at the workshop on 22 October 2019, after this Special Council Meeting the Shire intends to write to all community groups who had Councillor delegate, reiterating the objectives of the review and the proposed way forward. The letter is also proposed to invite groups to consider inviting all Councillors to meetings in the intervening period as part of the wider induction of the new Council following the 2019 ordinary local government elections.

Determining representation

Under Regulation 9 of the *Local Government (Administration) Regulations 1996*, voting at a Council meeting is to be conducted so that no voter's vote is secret. This means that while a ballot can be conducted to determine nominations, a motion supported by a simple majority of Council is required to give effect to Council's decision.

Byford Progress Association

The Byford Progress Association is community organisation that aims to improve the Byford Community especially in the South Western Highway corridor through improvements to facilities, amenity, entertainment, art / culture and recreation.

Options and Implications

Option1

That Council NOMINATES a delegate to the Byford Progress Association meeting on 13 November 2019.

Option 2

That Council DOES NOT NOMINATE a delegate to the Byford Progress Association meeting on 13 November 2019.

Option 1 is recommended.

Conclusion

Councillor participation in community groups and associations provides an important means to inform decision-making and strengthens engagement and partnership between Council and the community. Generally, this can occur with or without the appointment of specific delegates. The presence of Councillors at the 13 November 2019 Byford Progress Association meeting would be beneficial from an advocacy perspective.

Attachments

Nil.



Alignment with our Strategic Community Plan

Outcome 4.2	A strategically focussed Council
Strategy 4.2.2	Ensure appropriate long term strategic and operational planning is undertaken and considered when making decisions.
Outcome 4.2	A strategically focused Council
Strategy 4.2.1	Build and promote strategic relationships in the Shire's interest.

Financial Implications

Nil

Risk Implications

Risk has been assessed on the basis of the Officer's Recommendation.

Risk	Risk Likelihood (based on history and with existing controls)	Risk Impact / Consequence	Risk Rating (Prior to Treatment or Control)	Principal Risk Theme	Risk Action Plan (Controls or Treatment proposed)
That Council does not nominate delegates to the Byford Progress Association meeting	Unlikely (2)	Minor (2)	Low (1-4)	Reputation - 2 Minor - Substantiated, localised impact on key stakeholder trust or low media item	Accept Risk

Risk Matrix

Consequence / Likelihood		Insignificant	Minor	Moderate	Major	Catastrophic
		1	2	3	4	5
Almost Certain	5	Medium (5)	High (10)	High (15)	Extreme (20)	Extreme (25)
Likely	4	Low (4)	Medium (8)	High (12)	High (16)	Extreme (20)
Possible	3	Low (3)	Medium (6)	Medium (9)	High (12)	High (15)
Unlikely	2	Low (2)	Low (4)	Medium (6)	Medium (8)	High (10)
Rare	1	Low (1)	Low (2)	Low (3)	Low (4)	Medium (5)

A risk rating of **5** has been determined for this item.



Continued

Special Council Meeting Minutes Monday 28 October 2019

Voting Requirements: Simple Majority

Officer Recommendation

That Council

1. RESOLVES to nominate Cr _____ as a delegate to attend the Byford Progress Association meeting on 13 November 2019.

Written nominations were received prior to the meeting from the following Councillors:

Cr Strange

Nominations received from the floor from the following Councillors:

Cr Coales

The Shire President asked if there were any further nominations for the Byford Progress Association meeting.

SCM241/10/19

COUNCIL RESOLUTION

Moved Cr Coales, seconded Cr McConkey

That Council

1. **RESOLVES to nominate two Councillors, being Cr Strange and Cr Coales to attend the Byford Progress Association meeting on 13 November 2019.**


CARRIED UNANIMOUSLY 9/0

*Reason for difference to Officers Recommendation
To enable greater Council representation at the meeting.*

9. Closure:

There being no further business the Presiding Member declared the meeting closed at 7.36pm.

I certify that these minutes were confirmed at the Ordinary Council Meeting held on 18 November 2019.


Councillor Rich - Presiding Member

22/01/2020

Date