



Shire of
Serpentine
Jarrahdale

Special Council Meeting Confirmed Minutes

7:00pm

Monday, 25 October 2021

Purpose: 'Council considering appointments to particular Committees and other groups'.

Contact Us

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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



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The purpose of this Special Council Meeting is to discuss and, where possible, make resolutions about items appearing on the agenda. Whilst Council has the power to resolve such items and may in fact, appear to have done so at the meeting, no person should rely on or act on the basis of such decision or on any advice or information provided by a Member or Officer, or on the content of any discussion occurring, during the course of the meeting. Persons should be aware that the provisions of the *Local Government Act 1995* (Section 5.25(1)(e)) and *Council’s Standing Orders Local Law 2002 (as amended)* – Part 14, Implementing Decisions. No person should rely on the resolutions made by Council until formal advice of the Council resolution is received by that person.

The Shire of Serpentine Jarrahdale expressly disclaims liability for any loss or damage suffered by any person as a result of relying on or acting on the basis of any resolution of Council, or any advice or information provided by a Member or Officer, or the content of any discussion occurring, during the course of the Council meeting.



Councillor Attendance Register

In accordance with Ordinary Council Meeting, 16 December 2019, Resolution OCM293/12/19, clause 5 – “That Council requests the Chief Executive Officer maintain a Councillor Attendance Register recording Councillor Attendances at Ordinary Council Meetings, Special Council Meetings and Policy Concept Forums”.

Council October 2021 -

Date	Type	Cr Rich	Cr Atwell	Cr Byas	Cr Coales	Cr Dagostino	Cr Duggin	Cr Singh	Cr Strange	Cr Strautins
18/10/21	SCM	✓	✓	✓	✓	✓	✓	✓	✓	✓

A – Apology

LoA – Leave of Absence

NA – Non Attendance

EPNG – Electronic Participation Not Granted



Minutes of the Special Council Meeting of the Shire of Serpentine Jarrahdale held on Monday, 25 October 2021 in the Council Chambers, Civic Centre, 6 Paterson Street, Mundijong.

The Shire President, Councillor Rich declared the meeting open at 7:01pm and welcomed Councillors, Staff, and members of the gallery, and acknowledged that 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.

Minutes

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

Councillors:	M Rich.....	Presiding Member
	D Atwell	
	M Byas	
	R Coales	
	M Dagostino	
	T Duggin	
	G Singh	
	L Strange	
	D Strautins	
Officers:	Mr P Martin.....	Chief Executive Officer
	Ms H Sarcich.....	Deputy CEO / Director Community and Organisational Development
	Mr F Sullivan	Director Corporate Services
	Mr A Trosic	Director Development Services
	Mr R Najafzadeh.....	Director Infrastructure Services
	Dr K Parker	Manager Governance and Strategy
	Ms M Gibson	Governance Officer – Council and Committees (Minute Taker)

Apologies: Nil.

Observers: Members of the Public – 4

2. Public question time:

2.1 Public questions

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

Presiding Member, Councillor Rich asked if there were any public questions from the floor.

Public question time commenced at 7:02pm.

Ms Lisa Brazier, Mundijong, WA 6123

Question 1

WALGA released their Superannuation Draft Policy in September 2021. Feedback was sought from their members specifically on 'Should Local Governments be enabled or required to pay superannuation to elected members'. This Feedback was due by Friday, 22 October 2021.



Given you are the President of the WALGA Peel Zone and also sit on WALGA State Council, did the Shire of SJ provide feedback or a submission, and if not why not?

Response (Chief Executive Officer)

The Shire has not provided feedback, as the Shire had requested an extension to the deadline.

Question 2

The WALGA State Council's Governance Policy Team will meet in late October to consider member's comments and submissions, and will provide guidance to inform a State Council agenda item. This will be considered at the Peel Zone Meeting to be held on the Thursday, 18 November and the 1 December meeting of State Council.

Will this WALGA State Council item be placed on the Shire's OCM Agenda of 15 November for Councillor's consideration?

Response (Chief Executive Officer)

This question will be taken on notice and a response provided at the November 2021 Ordinary Council Meeting.

Question 3

The City of Canning consider this item at its 19 October OCM. Given the Shire of SJ is Band 2, the maximum superannuation liability to the Shire would currently be \$38,910. Did we not place it on our 11 October OCM agenda because you were worried that Councillors up for re-election would vote against it or was it incompetence?

Response (Chief Executive Officer)

It was not about incompetence; it was about the timing of the October Ordinary Council Meeting.

Presiding Member, Councillor Rich asked if there were any further public questions from the floor at 7:06pm. No further public questions were asked.

Public question time concluded at 7:06pm.

3. Public statement time:

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

4. Petitions and deputations:

Nil.

5. Declaration of Councillors and Officers interest:

Chief Executive Officer, Mr Paul Martin, declared a Financial Interest in item 6.1.2 – Appointment of members to the CEO Employment Committee as the Committee deals with matters relating to the CEO'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 – Appointment of members to the Audit, Risk and Governance Committee (SJ3667)	
Responsible Officer:	Manager Governance and Strategy
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

Legislative	Includes adopting local laws, local planning schemes and policies.
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Report Purpose

The purpose of this report is to enable Council to appoint members to the Shire's Audit, Risk and Governance Committee.

Relevant Previous Decisions of Council

<p><i>Ordinary Council Meeting – 19 July 2021 – OCM193/07/21 - COUNCIL RESOLUTION / Officer Recommendation</i></p> <p><i>That Council:</i></p> <ol style="list-style-type: none"><i>RESOLVES that a Special Council meeting be held on Monday, 25 October 2021 at 7:00pm for the purpose of: 'Council considering appointments to particular Committees and other groups'.</i><i>NOTES that an expression of interest will be conducted prior to the Special Council Meeting for external member positions of the Audit, Risk and Governance Committee.</i>

Background

Section 7.1A of the *Local Government Act 1995* (the Act) requires that a local government establish an audit committee with at least three members with the majority of members being Councillors.

At the Shire of Serpentine Jarrahdale this requirement is met by the Audit, Risk and Governance Committee.

Community / Stakeholder Consultation

An expression of interest was issued on September 2021 and promoted on the Shire's website and the Examiner newspaper on 23 September 2021.

Statutory Environment

The powers and duties of audit committees are described in the Act and the *Local Government (Audit) Regulations 1996* (the Audit Regulations). These powers and duties are elaborated in the Officer comment below.



The Audit, Risk and Governance Committee is also a committee of Council under s5.8 of the Act but does not have delegated power meaning that resolutions made by the committee do not have effect until they are formally resolved by Council.

Comment

Functions of the audit committee

Regulation 16 of the Audit Regulations provides that the Audit committee has the following functions:

- a) to guide and assist the local government in carrying out
 - (i) its functions under Part 6 of the Act; and
 - (ii) its functions relating to other audits and other matters related to financial management;
- b) to guide and assist the local government in carrying out the local government's functions in relation to audits conducted under Part 7 of the Act; Local Government (Audit) Regulations 1996
- c) to review a report given to it by the CEO under regulation 17(3) (the CEO's report) and is to —
 - (i) report to the council the results of that review; and
 - (ii) give a copy of the CEO's report to the council;
- d) to monitor and advise the CEO when the CEO is carrying out functions in relation to a review under
 - (i) regulation 17(1);
 - (ii) the Local Government (Financial Management) Regulations 1996 regulation 5(2)(c);
- e) to support the auditor of the local government to conduct an audit and carry out the auditor's other duties under the Act in respect of the local government;
- f) to oversee the implementation of any action that the local government —
 - (i) is required to take by section 7.12A(3); and
 - (ii) has stated it has taken or intends to take in a report prepared under section 7.12A(4)(a); and
 - (iii) has accepted should be taken following receipt of a report of a review conducted under regulation 17(1); and
 - (iv) has accepted should be taken following receipt of a report of a review conducted under the *Local Government (Financial Management) Regulations 1996* regulation 5(2)(c);
- g) to perform any other function conferred on the audit committee by these regulations or another written law.

These functions are expanded and further defined upon in the Audit, Risk and Governance Committee Terms of Reference contained in **attachment 1**.



The Audit Risk and Governance Committee meets four times a year with special committee meetings called as required. The next meeting of the Committee is to be held on 1 November 2021 commencing at 5:30pm.

Membership

In respect to membership, the Terms of Reference provides that the Committee will comprise a total of seven (7) members with five (5) Councillors and two (2) external members. There is also a deputy member.

The terms of reference states that external independent members will be selected based on the following criteria:

- a demonstrated high level of expertise and knowledge in financial management, reporting, governance and audit; and
- relevant skills and experience in providing independent expert advice.

Under section 5.100 of the *Local Government Act 1995* an external member may not be paid for their attendance at a Committee meeting. At the September 2021 Ordinary Council Meeting, Council resolved to adopt Council Policy 3.3.6 Reimbursement of external committee members.

Under the policy, external committee members are to be reimbursed to the value set out in the policy for:

- childcare costs incurred by an external committee member because of the member's attendance at a meeting of a committee of which he or she is also a member.
- travel costs incurred by an external committee member because of the member's attendance at a meeting of a committee of which he or she is also a member.
- an expense incurred by an external committee member performing a function in his or her capacity as an external committee member.

Expressions of interest received

Five expressions of interest have been received for the external member positions. The information supplied by each respondent is provided in **CONFIDENTIAL attachment 2** along with a summary prepared by Officers to guide Council in their decision-making.

Council may wish to consider amending the terms of reference to accommodate additional external members of the committee but in appointing members must ensure that in accordance with s7.1A of the Act, the majority of members of the committee must be Councillors.

Such an approach could build capacity and capability within the Audit, Risk and Governance Committee and enhance community participation in Council decision-making.

While Officers recommend that Council consider appointing additional external members, Officers recommend that one of the expressions of interest received be excluded due to potential conflict of interest related to that person's employment that would be difficult to manage. The rationale for this recommendation is provided in **CONFIDENTIAL attachment 2**.



Process for appointment

By convention the process that Council uses to appoint Councillors is first to call for nominations.

If there are more nominations than positions the following occurs:

- a draw is conducted for positions on a ballot paper.
- each Councillor nominee is given an opportunity to speak in favour of their appointment with the order of speakers determined by position on the ballot paper.
- a secret ballot is undertaken on a first past the post basis.

Following the announcement of the results of the secret ballot Council must make a resolution to appoint members under s5.10 and s5.11A of the Act.

If Council wish to discuss the appointment of external members it is recommended that Council close the meeting to members of the public in accordance with section 5.23(b) of the Act which permits Council to move behind closed doors to discuss matters that relate to the personal affairs of a person.

Options and Implications

Option1

That Council:

1. AMENDS that Terms of Reference of the Audit, Risk and Governance Committee to amend the membership to include four external members.
2. APPOINTS the following Councillors as members of the Audit, Risk and Governance Committee:
 - Cr _____
 - Cr _____
 - Cr _____
 - Cr _____
 - Cr _____
3. APPOINTS the following Councillor as deputy member of the Audit, Risk and Governance Committee who under section 5.11A of the Act may perform the functions of the member when the member is unable to do so by reason of illness, absence or other cause:
 - Cr _____
4. APPOINTS the following persons as external members of the Audit, Risk and Governance Committee:
 - _____
 - _____
 - _____
 - _____



Option 2

That Council RESOLVES to modify the terms of reference to the Audit, Risk and Governance Committee and MAKES the following appointments to the Committee.

Option 3

That Council:

1. APPOINTS the following Councillors as members of the Audit, Risk and Governance Committee:
 - Cr _____
 - Cr _____
 - Cr _____
 - Cr _____
 - Cr _____
2. APPOINTS the following Councillor as deputy member of the Audit, Risk and Governance Committee who under section 5.11A of the Act may perform the functions of the member when the member is unable to do so by reason of illness, absence or other cause:
 - Cr _____
3. APPOINTS the following persons as external members of the Audit, Risk and Governance Committee:
 - _____
 - _____

Option 4

That Council does not APPOINT members to the 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.

Attachments (available under separate cover)

- **6.1.1 - attachment 1** – Audit, Risk and Governance Committee Terms of Reference (E17/1739)
- **6.1.1 – CONFIDENTIAL attachment 2** – Audit, Risk and Governance Expressions of Interest (E21/11869)



Alignment with our Strategic Community Plan

Outcome 4.2	A strategically focused 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 Council's policy, external members may be reimbursed costs.

Councillors receive an annual fee in lieu of meeting fees.

Risk Implications

Risk has been assessed on the Officer Options and Implications:

Officer Option	Risk Description	Controls	Principal Consequence Category	Risk Assessment			Risk Mitigation Strategies (to further lower the risk rating if required)
				Likelihood	Consequence	Risk Rating	
1	There are no significant risks associated with this option						
2	The composition set by Council may not be conducive to the effective operation of the Committee.	The Terms of Reference specifies current membership parameters	Organisational Performance	Unlikely	Minor	LOW	
3	The Shire would not be compliant with the Act and would be unable to progress with powers and duties involving the Committee	What are the things currently in place that are managing the risk (think tangible things like policies, frameworks, procedures, processes and plans)	Reputation	Rare	Major	MODERATE	



Voting Requirements: Absolute Majority (s7.1A(2), s5.10, and s5.11A of the *Local Government Act 1995*)

Officer Recommendation

That Council:

1. AMENDS the Terms of Reference of the Audit, Risk and Governance Committee to amend the membership of the Committee to include four external members.
2. APPOINTS the following Councillors as members of the Audit, Risk and Governance Committee:
 - Cr _____
 - Cr _____
 - Cr _____
 - Cr _____
 - Cr _____
3. APPOINTS the following Councillor as deputy member of the Audit, Risk and Governance Committee who under section 5.11A of the Act may perform the functions of the member when the member is unable to do so by reason of illness, absence or other cause:
 - Cr _____
4. APPOINTS the following persons as external members of the Audit, Risk and Governance Committee:
 - _____
 - _____
 - _____
 - _____

In accordance with clause 10.6 of the *Standing Orders Local Law 2002 (as amended)*, the Presiding Member, Councillor Rich broke the question into the form of several motions, which were put in sequence.

SCM054/10/21

COUNCIL RESOLUTION

Moved Cr Byas, seconded Cr Strautins

That Council:

1. **AMENDS the Terms of Reference of the Audit, Risk and Governance Committee to amend the membership of the Committee to include four external members.**

CARRIED 8/1



Written nominations received prior to the meeting from the following Councillors as Audit, Risk and Governance Committee Members:

- Councillor Rich
- Councillor Strange

Nominations received from the floor from the following Councillors as Audit, Risk and Governance Committee Members:

- Councillor Coales
- Councillor Singh
- Councillor Duggin

Nominations received from the floor from the following Councillors for Deputy Audit, Risk and Governance Committee Members:

- Councillor Strautins

The Presiding Member, Councillor Rich asked if there were any further nominations for Audit, Risk and Governance Committee Members or Deputy Committee Members. No further nominations were received.

SCM055/10/21

COUNCIL RESOLUTION

Moved Cr Atwell, seconded Cr Strautins

That Council:

2. APPOINTS the following Councillors as members of the Audit, Risk and Governance Committee:

- **Cr Rich**
- **Cr Strange**
- **Cr Coales**
- **Cr Singh**
- **Cr Duggin**

CARRIED UNANIMOUSLY 9/0

SCM056/10/21

COUNCIL RESOLUTION

Moved Cr Byas, seconded Cr Atwell

That Council:

3. APPOINTS the following Councillor as deputy member of the Audit, Risk and Governance Committee who under section 5.11A of the Act may perform the functions of the member when the member is unable to do so by reason of illness, absence or other cause:

- **Cr Strautins**

CARRIED UNANIMOUSLY 9/0



SCM057/10/21

COUNCIL RESOLUTION

Moved Cr Coales, seconded Cr Strange

That the meeting be closed to members of the public to provide the opportunity for Councillors to ask questions regarding the expressions on interest as contained within CONFIDENTIAL attachment 2 to item 6.1.1, pursuant to section 5.23(2)(b) of the *Local Government Act 1995*.

CARRIED UNANIMOUSLY 9/0

At 7:14pm the meeting went behind closed doors.

Motion

Moved Cr Strautins, seconded Cr Strange

That Council:

4. **APPOINTS** the following persons as external members of the Audit, Risk and Governance Committee:

- _____
- _____
- _____
- _____

SCM058/10/21

COUNCIL RESOLUTION

Moved Cr Coales, seconded Cr Strautins

That in accordance with clause 18.1 of the *Standing Orders Local Law 2002 (as amended)*, clauses 9.5, 9.6, 10.7 and 10.13 be suspended at 7:17pm for the purpose of discussing the applicants.

CARRIED UNANIMOUSLY 9/0

SCM059/10/21

COUNCIL RESOLUTION

Moved Cr Byas, seconded Cr Strautins

That Standing Orders be reinstated at 7:29pm.

CARRIED 8/1

SCM060/10/21

COUNCIL RESOLUTION

Moved Cr Strange, seconded Cr Duggin

That the meeting be reopened to members of the public.

CARRIED UNANIMOUSLY 9/0



At 7:32pm the doors were reopened to members of the public.

SCM061/10/21

COUNCIL RESOLUTION

Moved Cr Rich, seconded Cr Dagostino

That Council move to next order of business.

CARRIED UNANIMOUSLY 9/0



The Chief Executive Officer, Mr Paul Martin declared a Financial Interest in item 6.1.2 and left the Chambers at 7:34pm prior to this item being discussed.

The Deputy CEO / Director Community and Organisational Development, Ms Helen Sarcich occupied the Chief Executive Officer's chair at 7:34pm.

6.1.2 – Appointment of members to the CEO Employment Committee (SJ3667)	
Responsible Officer:	Manager Governance and Strategy
Senior Officer:	Deputy CEO / Director Community and Organisational Development
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

Executive	The substantial direction setting and oversight role of the Council such as adopting plans and reports, accepting tenders, directing operations and setting and amending budgets.
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Report Purpose

The purpose of this report is to enable Council to appoint members to the CEO Employment Committee.

Relevant Previous Decisions of Council

Nil.

Background

The CEO Employment Committee is a committee of Council established under section 5.8 of the *Local Government Act 1995* (the Act). The role of the Committee is to assist Council in the recruitment and performance measurement of the CEO. In doing so the Committee's Terms of Reference (**attachment 1**) provide that the Committee performs 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 CEOs 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.
- Provide guidance to Council in assessing the CEO's performance.

The Committee normally has two meetings per year and special meetings as required.

Community / Stakeholder Consultation

Nil.

Statutory Environment

The Committee is established under s5.8 of the Act but does not have delegated power meaning that resolutions made by the committee do not have effect until they are formally resolved by Council.

Comment

Membership

In respect to membership, the Terms of Reference provides that the Committee will comprise (5) five Councillors appointed under section 5.10 of the Act. The Committee also has a Deputy Member appointed under section 5.11A of the Act who may perform the functions of the member when the member is unable to do so by reason of illness, absence or other cause:

The Terms of Reference also provides for the appointment of a person who is not a member of the committee who assists the Committee. This is the human resources consultant engaged by the local government. This is undertaken as part of a separate procurement process and is not considered as part of this report.

In June 2021, Council adopted the Standards for CEO, Recruitment Performance and Termination following amendments made to the *Local Government (Administration) Regulations 1996*. The terms of reference of the committee are by in large consistent with the model standards.

In the event that a selection process is required to appoint a new CEO, the model standards would necessitate an amendment to the membership of the CEO Employment Committee to include an independent person who is not:

- a council member.
- an employee of the local government.
- a human resources consultant engaged by the local government.

It is not proposed to amend the membership of the committee to appoint the independent person required for a CEO selection panel at this time. In the event that this eventuality



occurs, Officers recommend that the independent person be appointed at the time of advertising the position rather than in advance.

Process for appointment

By convention the process that Council uses to appoint members of committees and related groups is for a call for nominations. If there are more nominations than positions the following occurs:

- a draw is conducted for positions on a ballot paper.
- each Councillor nominee is given an opportunity to speak in favour of their appointment with the order of speakers determined by position on the ballot paper.
- a secret ballot is undertaken on a first past the post basis.

Following the announcement of the results of the secret ballot, Council must make a resolution to appoint members under s5.10 and s5.11A of the Act.

Options and Implications

Option 1

That Council:

1. APPOINTS the following Councillors as members of the CEO Employment Committee:
 - Cr _____
 - Cr _____
 - Cr _____
 - Cr _____
 - Cr _____
2. APPOINTS the following Councillor as deputy member of the CEO Employment Committee who under section 5.11A of the Act may perform the functions of the member when the member is unable to do so by reason of illness, absence or other cause:
 - Cr _____

Option 2

That Council RESOLVES to modify the terms of reference to the Committee and MAKES the following appointments to the Committee.

Option 3

That Council does not APPOINT members to the Committee.

Option 1 is recommended.

Conclusion

The CEO Employment Committee has an important function recommending key performance indicators and assessing the CEO's performance.



Attachments (available under separate cover)

- **6.1.2 - attachment 1** – CEO Employment Committee Terms of Reference (E17/5085)

Alignment with our Strategic Community Plan

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

Financial Implications

Nil. Councillors are paid an annual fee in lieu of receiving meeting fees.

Risk Implications

Risk has been assessed on the Officer Options and Implications:

Officer Option	Risk Description	Controls	Principal Consequence Category	Risk Assessment			Risk Mitigation Strategies (to further lower the risk rating if required)
				Likelihood	Consequence	Risk Rating	
1	There are no significant risks associated with this option						
2	The composition set by Council may not be conducive to the effective operation of the Committee.	The Terms of Reference specifies current membership parameters	Organisational Performance	Unlikely	Minor	LOW	
3	This would be a change in the oversight arrangements for an employee without consultation	Nil	Reputation	Unlikely	Moderate	LOW	



Voting Requirements: Absolute Majority
(s5.10, and s5.11A of the *Local Government Act 1995*)

Officer Recommendation

That Council:

1. APPOINTS the following Councillors as members of the CEO Employment Committee:
 - Cr _____
 - Cr _____
 - Cr _____
 - Cr _____
 - Cr _____
2. APPOINTS the following Councillor as deputy member of the CEO Employment Committee who under section 5.11A of the Act may perform the functions of the member when the member is unable to do so by reason of illness, absence or other cause:
 - Cr _____

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

- Councillor Byas
- Councillor Rich

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

- Councillor Atwell
- Councillor Duggin
- Councillor Coales

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

- Councillor Strange

The Presiding Member, Councillor Rich asked if there were any further nominations for CEO Employment Committee Members or Deputy Committee Members. No further nominations were received.



In accordance with clause 10.6 of the *Standing Orders Local Law 2002 (as amended)*, the Presiding Member, Councillor Rich broke the question into the form of several motions, which were put in sequence.

SCM062/10/21

COUNCIL RESOLUTION

Moved Cr Strautins, seconded Cr Dagostino

That Council:

- 1. APPOINTS the following Councillors as members of the CEO Employment Committee:**
 - **Cr Byas**
 - **Cr Rich**
 - **Cr Atwell**
 - **Cr Duggin**
 - **Cr Coales**

CARRIED UNANIMOUSLY 9/0

SCM063/10/21

COUNCIL RESOLUTION

Moved Cr Atwell, seconded Cr Strautins

That Council:

- 2. APPOINTS the following Councillor as deputy member of the CEO Employment Committee who under section 5.11A of the Act may perform the functions of the member when the member is unable to do so by reason of illness, absence or other cause:**
 - **Cr Strange**

CARRIED UNANIMOUSLY 9/0

The Chief Executive Officer, Mr Martin returned to the Chambers at 7:36pm.

Presiding Member, Councillor Rich advised Mr Martin of the Council Resolution for item 6.1.2.



6.1.3 – Rivers Regional Council (SJ3667)	
Responsible Officer:	Manager Governance and Strategy
Senior Officer:	Director Infrastructure 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

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

The purpose of this report is to enable Council to consider appointing members to the Rivers Regional Council (RRC).

Relevant Previous Decisions of Council

Nil.

Background

The RRC is a formal regional Council body corporate, established under section 3.61 of the Act by the member Councils for the purpose of developing a domestic waste disposal solution. As an outcome of the collective development of a waste disposal solution, the RRC and member Councils (including the Shire of Serpentine Jarrahdale) entered into the contracts, through a public tender process, with Kwinana Waste to Energy (KWtE), for the development of a waste to energy facility.

Community / Stakeholder Consultation

Nil.

Statutory Environment

RRC is a Regional Local Government established under section 3.61 of the Act.

As a Regional Local Government, the RRC is its own legal entity formed through an agreement by the seven member local governments. As its own legal entity and a separate local government created under the Act, the RRC is responsible for compliance with provisions of the Act and other legislation.

Comment

RRC members including the Shire of Serpentine Jarrahdale have previously resolved to wind-up the RRC and transition to a Regional Subsidiary. This action requires the approval of the Minister for Local Government.

At the time of preparing this report, the Minister had not yet announced a decision on the future of the RRC. It is anticipated that if the Minister was to approve the transition that the RRC would formally cease on 31 December 2022. Until then to ensure representation on the RRC, it is recommended that Council appoint members.



As a local government in its own right, members of the RCC set meeting fees within the bands set by the Salaries and Allowances Tribunal. The RCC has advised that the meeting fees for 2021-22 will be as follows:

- Chairperson \$20,600 (annual payment)
- Deputy Chairperson \$10,300 (annual payment)
- Councillor \$ 7,725 (annual payment)
- Deputy member \$ 200 (per meeting)

The RCC has further advised that as payments are made quarterly, if the RCC is formally wound up by 31 December 2021, members will only receive pro-rata payments up to that point.

Process for appointing Councillors

By convention the process that Council uses to appoint Councillors is first to call for nominations. If there are more nominations than positions the following occurs:

- a draw is conducted for positions on a ballot paper
- each Councillor nominee is given an opportunity to speak in favour of their appointment with the order of speakers determined by position on the ballot paper
- a secret ballot is undertaken on a first past the post basis.

Following the announcement of the results of the secret ballot Council must make a resolution for the appointment to take effect.

Options and Implications

Option 1

That Council APPOINTS the following Councillors as members of the Rivers Regional Council:

- Cr _____
- Cr _____

Option 2

That Council DOES NOT APPOINT Councillors as members of the Rivers Regional Council.

Option 1 is recommended.

Conclusion

Pending the Minister's approval to formally wind-up the RRC, it is recommended that the Shire continues to have representation on the RRC. This can only occur through the appointment of Councillors as members.

Attachments (available under separate cover)

Nil.



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.
Strategy 4.2.2	Ensure appropriate long term strategic and operational planning is undertaken and considered when making decisions
Strategy 4.2.3	Provide clear strategic direction to the administration

Financial Implications

Meeting fees per the above are paid for by the RRC in accordance with the Act.

Risk Implications

Risk has been assessed on the Officer Options and Implications:

Officer Option	Risk Description	Controls	Principal Consequence Category	Risk Assessment			Risk Mitigation Strategies (to further lower the risk rating if required)
				Likelihood	Consequence	Risk Rating	
1	There are no material risks associated with this option						
2	The Shire will not have representation on the RRC		Organisational Performance	Possible	Minor	MODERATE	

Voting Requirements: Simple Majority

Officer Recommendation

That Council APPOINTS the following Councillors as members of the Rivers Regional Council:

- Cr _____
- Cr _____

Written nominations received prior to the meeting from the following Councillors as Rivers Regional Council Members:

- Councillor Strange
- Councillor Byas

Nominations received from the floor from the following Councillors as Rivers Regional Council Members:

- Councillor Strautins



The Presiding Member, Councillor Rich asked if there were any further nominations for Rivers Regional Council Members. No further nominations were received.

Councillor Strange withdrew her nomination as a Rivers Regional Council Member.

SCM064/10/21

COUNCIL RESOLUTION

Moved Cr Dagostino, seconded Cr Atwell

That Council APPOINTS the following Councillors as members of the Rivers Regional Council:

- **Cr Byas**
- **Cr Strautins**

CARRIED UNANIMOUSLY 9/0



6.1.4 – Appointment of Members to the Bush Fire Advisory Committee (SJ3667)	
Responsible Officer:	Manager Governance and Strategy
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

Executive	The substantial direction setting and oversight role of the Council such as adopting plans and reports, accepting tenders, directing operations and setting and amending budgets.
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Report Purpose

The purpose of this report is to enable Council to appoint members to the Bush Fire Advisory Committee.

Relevant Previous Decisions of Council

Nil.

Background

Under section 67 of the *Bush Fires Act 1954*, a local government may appoint such persons as it thinks fit as a bush fire advisory committee. The Shire of Serpentine Jarrahdale Bush Fire Advisory Committee provides advice regarding:

- matters related to previously controlled and extinguished bush fires;
- planning layout of fire breaks in the district;
- advice pertaining to prosecutions for breaches of the *Bush Fires Act 1954*;
- advice pertaining to the formation of Brigades; and
- coordination and cooperation between Brigades and Agents.

The Bush Fire Advisory Committee is an Advisory Group and is not a Committee of Council established under section 5.8 of the *Local Government Act 1995*.

Community / Stakeholder Consultation

Nil.

Statutory Environment

Section 67 of the *Bush Fires Act 1954* provides the head of power for the establishment of the Bush Fire Advisory Committee. The Committee is not a formal committee of council under the *Local Government Act 1995* and does not have delegated power other than that provided in the *Bush Fires Act 1954*.

Comment

The Bush Fire Advisory Committee is responsible for the reporting to and making recommendations to Council on:



- the financial affairs of the Brigade/s.
- the general management of the affairs of the Brigade/s.
- the planning, setting of standards and works programs for fire prevention within the Local Government area of responsibility.
- activities of Bush Fire Brigade/s.
- subject to any direction of the Advisory Committee as a whole:
 - a) Ensuring that the equipment in the possession or control of the Brigade/s in the Local Government area is inspected on a regular basis.
 - b) Making representation and recommendations to Local Government in relation to the firefighting equipment that should be reviewed in accordance with the Risk to Resource documentation as submitted to DFES.
 - c) Taking steps to ensure the appropriate distribution of fire equipment amongst brigade/s in the Local Government Area of Responsibility.
 - d) Co-ordinating training within the Brigade/s in the Shire to ensure they work together efficiently.
 - e) Overseeing the preparation and maintenance of an Incident Response Plan for the bushfire district and ensuring that a communication plan is developed and functions across the Local Government area.
 - f) Selecting members of the Committee to represent the Local Government area on a regional basis.
 - g) Carrying out other functions assigned to the Committee by the Council.

Membership

In respect to membership, the terms of reference (**attachment 1**) for the Committee are:

- 2 x Councillors
- 1 x Chief Bush Fire Control Officer
- 7 x Brigade Captains / or an office bearer of the Brigade as nominated by the Captain

Process for appointing Councillors

By convention the process that Council uses to appoint Councillors is first to call for nominations. If there are more nominations than positions the following occurs:

- a draw is conducted for positions on a ballot paper.
- each Councillor nominee is given an opportunity to speak in favour of their appointment with the order of speakers determined by position on the ballot paper.
- a secret ballot is undertaken on a first past the post basis.

Following the announcement of the results of the secret ballot Council must make a resolution for the appointment to take effect.



Options and Implications

Option 1

That Council:

1. APPOINTS the following Councillors as members of the Bush Fire Advisory Committee:
 - Cr _____
 - Cr _____
2. APPOINTS the following office holders as members of the Bush Fire Advisory Committee:
 - Chief Bush Fire Control Officer
 - Brigade Captains of the seven Shire of Serpentine Jarrahdale Bush Fire Brigades or their delegate nominated by the respective Captain.

Option 2

That Council RESOLVES to modify the terms of reference to the Bush Fire Advisory Committee and MAKES the following appointments to the Committee.

Option 3

That Council DOES NOT MAKE APPOINTMENTS to the Bush Fire Advisory Committee.

Option 1 is recommended.

Conclusion

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 Committee makes a contribution to the partnership in bush fire prevention and response in the Shire and the appointment of members to enable the committee to continue to perform its functions is recommended.

Attachments (available under separate cover)

- **6.1.4 - attachment 1** – Bush Fire Advisory Committee Terms of Reference (E19/15215)

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.
Strategy 4.2.3	Provide clear strategic direction to the administration

Financial Implications

Nil. No members of the committee are paid.



Risk Implications

Risk has been assessed on the Officer Options and Implications:

Officer Option	Risk Description	Controls	Principal Consequence Category	Risk Assessment			Risk Mitigation Strategies (to further lower the risk rating if required)
				Likelihood	Consequence	Risk Rating	
1	There are no material risks associated with this option						
2	The composition set by Council may not be conducive to the effective operation of the Committee.	The Terms of Reference specifies current membership parameters	Organisational Performance	Unlikely	Minor	LOW	
3	Reputation risk would exist and opportunities for effective partnership in bush fire prevention and response would be reduced.	What are the things currently in place that are managing the risk (think tangible things like policies, frameworks, procedures, processes and plans)	Organisational Performance	Rare	Major	MODERATE	

Voting Requirements: Simple Majority

Officer Recommendation

That Council:

- APPOINTS the following Councillors as members of the Bush Fire Advisory Committee:
 - Cr _____
 - Cr _____
- APPOINTS the following office holders as members of the Bush Fire Advisory Committee:
 - Chief Bush Fire Control Officer.
 - Brigade Captains of the seven Shire of Serpentine Jarrahdale Bush Fire Brigades or their delegate nominated by the respective Captain.



No written nominations were received prior to the meeting from Councillors as Bush Fire Advisory Members.

Nominations received from the floor from the following Councillors as Bush Fire Advisory Members:

- Councillor Atwell
- Councillor Singh

The Presiding Member, Councillor Rich asked if there were any further nominations for Bush Fire Advisory Members. No further nominations were received.

SCM065/10/21

COUNCIL RESOLUTION

Moved Cr Strautins, seconded Cr Duggin

That Council:

1. **APPOINTS the following Councillors as members of the Bush Fire Advisory Committee:**
 - **Cr Atwell**
 - **Cr Singh**
2. **APPOINTS the following office holders as members of the Bush Fire Advisory Committee:**
 - **Chief Bush Fire Control Officer.**
 - **Brigade Captains of the seven Shire of Serpentine Jarrahdale Bush Fire Brigades or their delegate nominated by the respective Captain.**

CARRIED UNANIMOUSLY 9/0



6.1.5 – Appointment of members of the Local Emergency Management Committee (SJ3667)	
Responsible Officer:	Manager Governance and Strategy
Senior Officer:	Deputy CEO / Director Community and Organisational Development
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.
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Report Purpose

The purpose of this report is to enable Council to appoint members to the Local Emergency Management Committee.

Relevant Previous Decisions of Council

Nil.

Background

The Local Emergency Management Committee is established under s38 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 State Emergency Management Procedures produced by SEMC provides guidance in this regard. The Shire's terms of reference is consistent with section 38(4) of the *Emergency Management Act 2005*.

Community / Stakeholder Consultation

Nil.

Statutory Environment

The Committee is a legislative requirement under s38 of the *Emergency Management Act 2005*.



Comment

Membership

The terms of reference states that the membership of the Committee comprises

Chairperson

- Shire President

Deputy Chairperson

- Officer in Charge – Mundijong Police, Local Emergency Coordinator

Shire of Serpentine Jarrahdale Councillors

- A Councillor (with a Deputy also appointed)

Representatives from the following agencies and organisations:

- Department of Fire and Emergency Services (DFES) – District Officer South East Region Fire
- Department of Communities – Senior District Emergency Services Officer
- St Johns Ambulance
- Department of Biodiversity, Conservation and Attractions
- Karnet Prison Farm – Assistant Superintendent Security
- Health Service – Emergency Management Coordinator – East Metropolitan Health Service – Armadale Kalamunda Group
- Serpentine Jarrahdale State Emergency Service Manager
- Local Government Recovery Coordinator / Deputy Chief Executive Officer / Director Community and Organisational Development
- Chief Bush Fire Control Officer
- Arc Infrastructure
- Sport Aircraft Builders Club of WA Inc.

Non-voting members

- Chief Executive Officer / Representative
- District Emergency Management Advisor (DFES)
- Director Development Services
- Manager Community Activation - Local Welfare Liaison Officer
- Coordinator Community Safety
- Coordinator Emergency Services
- Manager Communications and Customer Engagement



Process for appointing Councillors

By convention the process that Council uses to appoint Councillors is first to call for nominations. If there are more nominations than positions the following occurs:

- a draw is conducted for positions on a ballot paper
- each Councillor nominee is given an opportunity to speak in favour of their appointment with the order of speakers determined by position on the ballot paper
- a secret ballot is undertaken on a first past the post basis.

Following the announcement of the results of the secret ballot Council must make a resolution for the appointment to take effect.

Options and Implications

Option 1

That Council:

1. APPOINTS the following Councillor as member of the Local Emergency Management Committee
 - Cr _____
2. APPOINTS the following Councillor as a deputy member of the Local Emergency Management Committee who may perform the functions of the member when the member is unable to do so by reason of illness, absence or other cause:
 - Cr _____
3. APPOINTS other office holders as members of the Local Emergency Management Committee per the terms of reference in **attachment 1**.

Option 2

That Council RESOLVES to modify the terms of reference to the Local Emergency Management Committee and MAKES the following appointments to the Committee.

Option 3

That Council DOES NOT MAKE APPOINTMENTS to the Local Emergency Management Committee.

Option 1 is recommended.

Conclusion

The Local Emergency Management Committee is an important element in the Shire's emergency management framework, and it is recommended that Council appoints members in accordance with the terms of reference.

Attachments (available under separate cover)

- **6.1.5 - attachment 1** – Terms of Reference Local Emergency Management Committee (E20/9645)



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.
Strategy 4.2.3	Provide clear strategic direction to the administration

Financial Implications

Nil. Members of the Committee area not paid.

Risk Implications

Risk has been assessed on the Officer Options and Implications:

Officer Option	Risk Description	Controls	Principal Consequence Category	Risk Assessment			Risk Mitigation Strategies (to further lower the risk rating if required)
				Likelihood	Consequence	Risk Rating	
1	There are no material risks associated with this option.						
2	The composition set by Council may not be conducive to the effective operation of the Committee.	The Terms of Reference specifies current membership parameters	Organisational Performance	Unlikely	Minor	LOW	
3	Reputation risk would exist and opportunities for effective partnership in emergency response would be reduced.	What are the things currently in place that are managing the risk (think tangible things like policies, frameworks, procedures, processes and plans)	Organisational Performance	Rare	Major	MODERATE	



Voting Requirements: Simple Majority

Officer Recommendation

That Council:

1. APPOINTS the following Councillor as member of the Local Emergency Management Committee
 - Cr _____
2. APPOINTS the following Councillor as a deputy member of the Local Emergency Management Committee who may perform the functions of the member when the member is unable to do so by reason of illness, absence or other cause:
 - Cr _____
3. APPOINTS other office holders as members of the Local Emergency Management Committee per the terms of reference in attachment 1.

A written nomination was received prior to the meeting from Councillor Rich as a Local Emergency Management Committee Member. The Chief Executive Officer advised that under the adopted Terms of Reference for the Committee, the Shire President is a Member.

Nominations received from the floor from the following Councillors as Local Emergency Management Committee Members:

- Councillor Singh

Nominations received from the floor from the following Councillors for Deputy Members of the Local Emergency Management Committee:

- Councillor Atwell

The Presiding Member, Councillor Rich asked if there were any further nominations for Local Emergency Management Committee Members or Deputy Committee Members. No further nominations were received.

SCM066/10/21

COUNCIL RESOLUTION

Moved Cr Strautins, seconded Cr Atwell

That Council:

1. **APPOINTS the following Councillor as member of the Local Emergency Management Committee**
 - **Cr Singh**
2. **APPOINTS the following Councillor as a deputy member of the Local Emergency Management Committee who may perform the functions of the member when the member is unable to do so by reason of illness, absence or other cause:**
 - **Cr Atwell**
3. **APPOINTS other office holders as members of the Local Emergency Management Committee per the terms of reference in attachment 1.**

CARRIED UNANIMOUSLY 9/0



6.1.6 – Nominations of delegates for the Minister for Planning’s consideration to the Development Assessment Panel (SJ1288)

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
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Report Purpose

The purpose of this report is for Council to consider nominating Local Government Representatives for the Minister for Planning’s consideration to become Development Assessment Panel (DAP) members to sit on the Metro Outer Development Assessment Panel (MODAP).

The Director General of the Western Australia Planning Commission has written to all local governments on 16 September 2021. The letter is provided at **attachment 1**. The letter notes that changes to DAP membership may be required as a result of changes to Council following the 2021 local government elections.

The letter seeks DAP member nominations, noting the current terms of DAP members expires on 26 January 2022. Accordingly, new membership is requested for a term ending 26 January 2024. DAP replacement nominations are required to be forwarded to the DAP Secretariat by no later than 19 November 2021.

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

Special Council Meeting - 28 October 2019 - SCM240/10/19 – Council Resolution

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 6 January 2022;*

Member – Cr Strange

Member - Cr Rich

Alternate Member – Cr Coales

Alternate Member – Cr Dagostino

Background

Development Assessment Panels (DAP) commenced operation in Western Australia in July 2011. The Shire of Serpentine Jarrahdale forms part of the MODAP which comprises of Armadale, Cockburn, Gosnells, Joondalup, Kalamunda, Kwinana, Mandurah, Mundaring, Murray, Rockingham, Swan and Wanneroo.



The DAP comprises 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 of \$2 million - \$10 million or more and the applicant opts in to have the application determined by the DAP.

Under DAP Regulation 26 of the Planning and Development (Development Assessment Panels) Regulations 2011, a Local Government is responsible for nominating four Councilors, two as DAP members and two as alternate 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 2022, the letter from the Director General is asking for nominations to be received by 19 November 2021. Refer **attachment 1**.

Community / Stakeholder Consultation

Nil.

Statutory Environment

Legislation

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

Planning Assessment

Local representation is a central component of a DAP. DAP members hold membership for a maximum period of three years. The Director General's letter states that the Minister intends to appoint members for a term ending on 26 January 2024. In this time, if a member's 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 it nominates the requested elected member representatives (two permanent and two alternate).

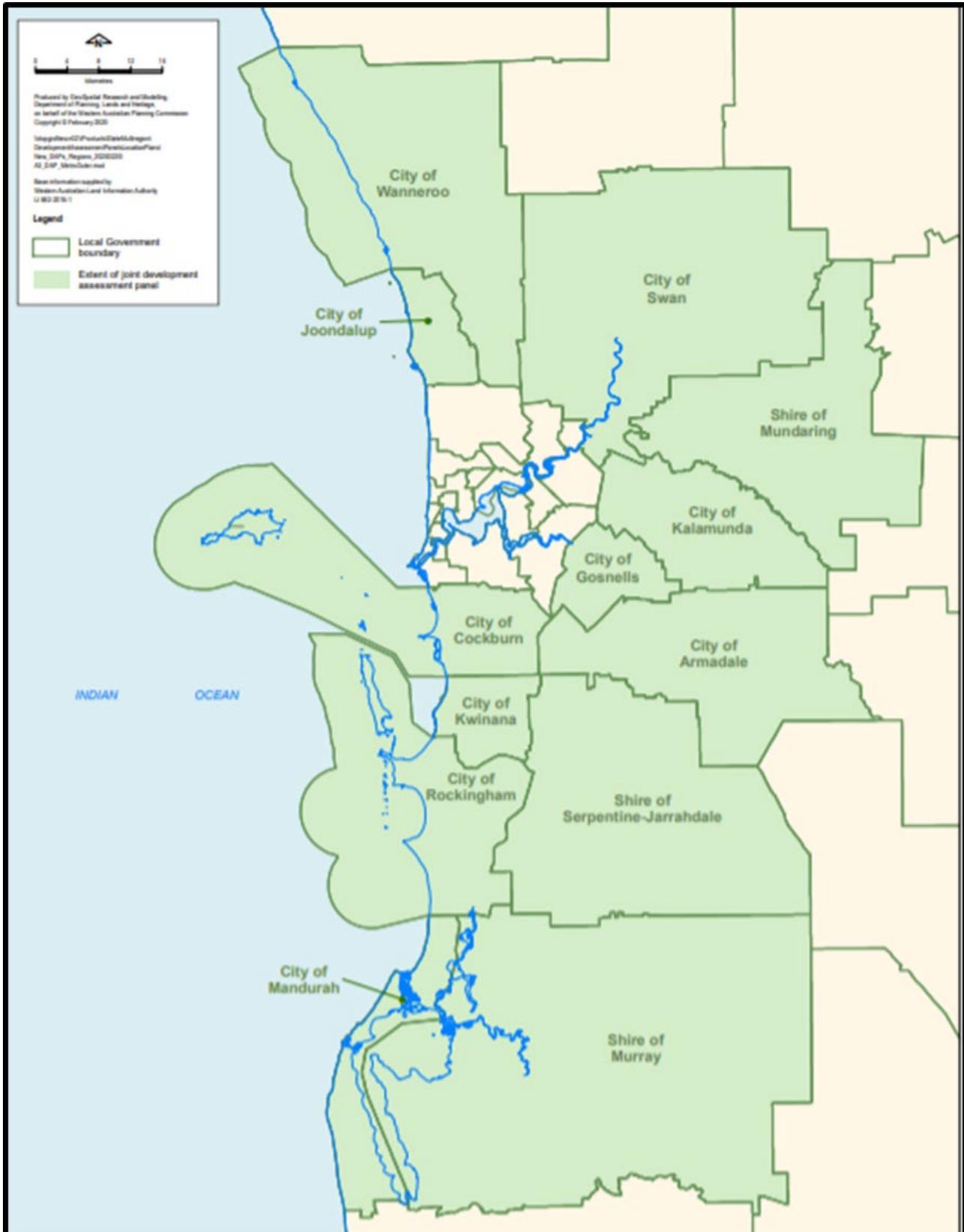
For new members, it is mandatory requirement to attend training before they can sit on a DAP and determine applications. Training is provided at the cost of the DAP. Optional re-training is also available for Local Government representatives who have previously been appointed to a DAP position. This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

Each Local Government member receives a sitting fee of \$425 when attending DAP meetings for 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.



The Shire is a member of the Metro Outer Development Assessment Panel.

Other local government districts of the MODAP are shown following:





Process for determining nominations

By convention, the process that Council uses to select members is first to call for nominations. If there are more nominations than positions, the following occurs:

- A draw is conducted for positions on a ballot paper;
- Each Councillor nominee is given an opportunity to speak in favour of their appointment with the order of speakers determined by position on the ballot paper; and
- A secret ballot is undertaken on a first past the post basis.

Following the announcement of the results of the secret ballot, Council must make a resolution to give effect to the results of the ballot.

Options and Implications

Option 1

That Council NOMINATES the following Councillors for the Minister of Planning’s consideration to be appointed to *Metro Outer Joint Development Assessment Panel*, for a term commencing 27 January 2022 and expiring 26 January 2024:

- Cr _____
- Cr _____
- Cr _____ (Alternate member)
- Cr _____ (Alternate member)

Option 2

Council does not resolve to nominate members for the Ministers consideration

Option 1 is recommended.

Conclusion

The DAP is a critical government body that make key planning decisions that impact local governments and the broader community. It is recommended that Council leverages the opportunity to nominate members for the Minister of Planning’s consideration.

Attachments

- **6.1.6 – attachment 1** – Correspondence from the Director General of the Western Australia Planning Commission (IN21/23513)

Alignment with our Strategic Community Plan

Outcome 2.1	A diverse, well planned built environment
Strategy 2.1.1	Actively engage in the development and promotion of an effective planning framework
Outcome 2.2	A sustainable natural environment



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 Officer Options and Implications:

Officer Option	Risk Description	Controls	Principal Consequence Category	Risk Assessment			Risk Mitigation Strategies (to further lower the risk rating if required)
				Likelihood	Consequence	Risk Rating	
1	There are no risks associated with option 1						
2	Council not nominating new DAP members and the Minister of Planning nominating replacement members	No controls in place	Reputation	Possible	Minor	MODERATE	Appoint members

Voting Requirements: Simple Majority

Officer Recommendation

That Council **NOMINATES** the following Councillors for the Minister of Planning's consideration to be appointed to *Metro Outer Joint Development Assessment Panel*, for a term commencing 27 January 2022 and expiring 26 January 2024:

- Cr _____
- Cr _____
- Cr _____ (Alternate member)
- Cr _____ (Alternate member)

Written nominations received prior to the meeting from the following Councillors as Delegates for the Minister for Planning's consideration to the Development Assessment Panel:

- Councillor Rich
- Councillor Strange

Nominations received from the floor from the following Councillors as Delegates for the Minister for Planning's consideration to the Development Assessment Panel:

- Councillor Dagostino



The Presiding Member, Councillor Rich advised a ballot would be held for the position.

A draw was conducted for the order of names on the ballot paper.

Position number 1 on the ballot paper was Councillor Strange.

Position number 2 on the ballot paper was Councillor Rich.

Position number 3 on the ballot paper was Councillor Dagostino.

A ballot paper was prepared listing the candidates in the order as above.

The Presiding Member, Councillor Rich invited the candidates in the order of their position on the ballot paper, to provide a short statement in favour of their candidature.

Councillor Strange, Councillor Rich and Councillor Dagostino each made a statement in support of their respective nominations.

A ballot paper was issued to each Councillor with the back of the ballot paper being initialed by the Chief Executive Officer.

Councillors completed their ballot paper and lodged their ballot paper in the sealed ballot box.

Once all Councillors had voted, the Chief Executive Officer counted the votes, overseen by the Manager Governance and Strategy.

Councillor Strange received 8 votes.

Councillor Rich received 6 votes.

Councillor Dagostino received 3 votes.

Nominations received from the floor from the following Councillors for Alternate Members for the Minister for Planning's consideration to the Development Assessment Panel:

- Councillor Dagostino
- Councillor Strautins

SCM067/10/21

COUNCIL RESOLUTION

Moved Cr Atwell, seconded Cr Byas

That Council NOMINATES the following Councillors for the Minister of Planning's consideration to be appointed to Metro Outer Joint Development Assessment Panel, for a term commencing 27 January 2022 and expiring 26 January 2024:

- **Cr Strange**
- **Cr Rich**
- **Cr Dagostino (Alternate member)**
- **Cr Strautins (Alternate member)**

CARRIED UNANIMOUSLY 9/0



6.1.7 – Appointment of Delegates to Western Australian Local Government Association – Peel Country Zone (SJ3667)	
Responsible Officer:	Manager Governance and Strategy
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.
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Report Purpose

The purpose of this report is to enable Council to appoint members to the Western Australian Local Government Association – Peel Country Zone.

Relevant Previous Decisions of Council

Nil.

Background

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.

Community / Stakeholder Consultation

Nil.

Statutory Environment

Nil.

Comment

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

Meetings are held at 2:00pm at member local governments. In 2022, WALGA has advised the following meeting dates which may be subject to change:

- 17 February at Shire of Serpentine Jarrahdale.
- 21 April at Shire of Waroona.



- 23 June at Shire of Boddington.
- 18 August at City of Mandurah.
- 17 November at Shire of Murray.

Process for appointing Councillors

By convention the process that Council uses to appoint Councillors is first to call for nominations. If there are more nominations than positions the following occurs:

- a draw is conducted for positions on a ballot paper.
- each Councillor nominee is given an opportunity to speak in favour of their appointment with the order of speakers determined by position on the ballot paper.
- a secret ballot is undertaken on a first past the post basis.

Following the announcement of the results of the secret ballot Council must make a resolution for the appointment to take effect.

Options and Implications

Option 1

That Council

1. NOMINATES the following Councillors as members of the Western Australian Local Government Association – Peel Country Zone
 - Cr _____
 - Cr _____
2. NOMINATES the following Councillor as a deputy member of the Western Australian Local Government Association – Peel Country Zone who may perform the functions of the member when the member is unable to do so by reason of illness, absence or other cause:
 - Cr _____

Option 2

That Council DOES NOT MAKE nominations to the 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 (available under separate cover)

Nil.



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

There are no financial implications associated with the matter. Delegates to the Zone are not paid meeting fees by either the Shire nor WALGA.

Risk Implications

Risk has been assessed on the Officer Options and Implications:

Officer Option	Risk Description	Controls	Principal Consequence Category	Risk Assessment			Risk Mitigation Strategies (to further lower the risk rating if required)
				Likelihood	Consequence	Risk Rating	
1	There are no material risks associated with this option						
2	The Shire will not have the opportunity to leverage the advocacy platform provided by the WALGA Zone	Nil	Organisational Performance	Unlikely	Moderate	MODERATE	

Voting Requirements: Simple Majority

Officer Recommendation

That Council:

- NOMINATES the following Councillors as members of the Western Australian Local Government Association – Peel Country Zone
 - Cr _____
 - Cr _____
- NOMINATES the following Councillor as a deputy member of the Western Australian Local Government Association – Peel Country Zone who may perform the functions of the member when the member is unable to do so by reason of illness, absence or other cause:
 - Cr _____



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

- Councillor Rich
- Councillor Strange

The Presiding Member, Councillor Rich asked Councillors if there were any nominations from the floor as Members for the Western Australian Local Government Association – Peel Country Zone. No nominations were received.

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

- Councillor Dagostino

The Presiding Member, Councillor Rich asked if there were any further nominations as Members or Deputy Members for the Western Australian Local Government Association – Peel Country Zone. No further nominations were received.

SCM068/10/21

COUNCIL RESOLUTION

Moved Cr Atwell, seconded Cr Strautins

That Council:

- 1. NOMINATES the following Councillors as members of the Western Australian Local Government Association – Peel Country Zone**
 - **Cr Rich**
 - **Cr Strange**
- 2. NOMINATES the following Councillor as a deputy member of the Western Australian Local Government Association – Peel Country Zone who may perform the functions of the member when the member is unable to do so by reason of illness, absence or other cause:**
 - **Cr Dagostino**

CARRIED UNANIMOUSLY 9/0



6.1.8 – Nomination of members to the Peel Development Commission Board (SJ3667)	
Responsible Officer:	Manager Governance and Strategy
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.
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Report Purpose

The purpose of this report is to enable Council to consider nominations for the Minister for Regional Development's consideration to be a member of the Peel Development Commission Board.

Relevant Previous Decisions of Council

Nil.

Background

The Peel Development Commission has invited the Shire to nominate up to two Councillors for the Minister for Regional Development's consideration to be a member of the Peel Development Commission Board.

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.

Community / Stakeholder Consultation

Nil.

Statutory Environment

The Peel Development Commission operates under the *Regional Development Commissions Act 1993*. The process for seeking nominations is set out in regulation 12 of the *Regional Development Commissions Regulations 1994*.

Comment

Appointments to the PDC Board are made by Cabinet on the recommendation of the Minister for Regional Development. Accordingly, the task for Council is to nominate Councillors for the Minister's consideration.

Process for appointing Councillors

By convention the process that Council uses to appoint Councillors is first to call for nominations. If there are more nominations than positions the following occurs:

- a draw is conducted for positions on a ballot paper.
- each Councillor nominee is given an opportunity to speak in favour of their appointment with the order of speakers determined by position on the ballot paper.
- a secret ballot is undertaken on a first past the post basis.

Following the announcement of the results of the secret ballot Council must make a resolution for the appointment to take effect.

Options and Implications

Option 1

That Council NOMINATES the following Councillors for the Minister of Regional Development's consideration to be appointed for the vacancy on the Peel Development Commission Board:

- Cr _____
- Cr _____

Option 2

That Council DOES NOT NOMINATE Councillors for the Minister of Regional Development's consideration to be appointed for the vacancy on the Peel Development Commission Board.

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 (available under separate cover)

Nil.

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

There are no financial implications for the Shire associated with this item.

Board members of the Peel Development Commission may be eligible to be paid meeting fees by the State Government. Meeting fees are \$622 per day and \$403 per half day.

Risk Implications

Risk has been assessed on the Officer Options and Implications:

Officer Option	Risk Description	Controls	Principal Consequence Category	Risk Assessment			Risk Mitigation Strategies (to further lower the risk rating if required)
				Likelihood	Consequence	Risk Rating	
1	There are no material risks associated with this option						
2	The Shire will not have the opportunity to leverage the advocacy platform provided by the Peel Development Commission Board	Nil	Organisational Performance	Unlikely	Moderate	MODERATE	

Voting Requirements: Simple Majority

Officer Recommendation

That Council **NOMINATES** the following Councillors for the Minister of Regional Development’s consideration to be appointed for the vacancy on the Peel Development Commission Board:

- Cr _____
- Cr _____



No written nominations were received prior to the meeting from Councillors as Members of the Peel Development Commission Board.

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

- Councillor Rich
- Councillor Strautins

The Presiding Member, Councillor Rich asked if there were any further nominations as Members for the Peel Development Commission Board. No further nominations were received.

SCM069/10/21

COUNCIL RESOLUTION

Moved Cr Dagostino, seconded Cr Byas

That Council NOMINATES the following Councillors for the Minister of Regional Development's consideration to be appointed for the vacancy on the Peel Development Commission Board:

- **Cr Rich**
- **Cr Strautins**

CARRIED UNANIMOUSLY 9/0



6.1.9 – Appointment of Members to the South East Metropolitan Regional Road Sub Group (SJ3667)	
Responsible Officer:	Manager Governance and Strategy
Senior Officer:	Director Infrastructure 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

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

The purpose of this report is to enable Council to appoint a member and deputy member to the South East Metropolitan Regional Road Sub Group.

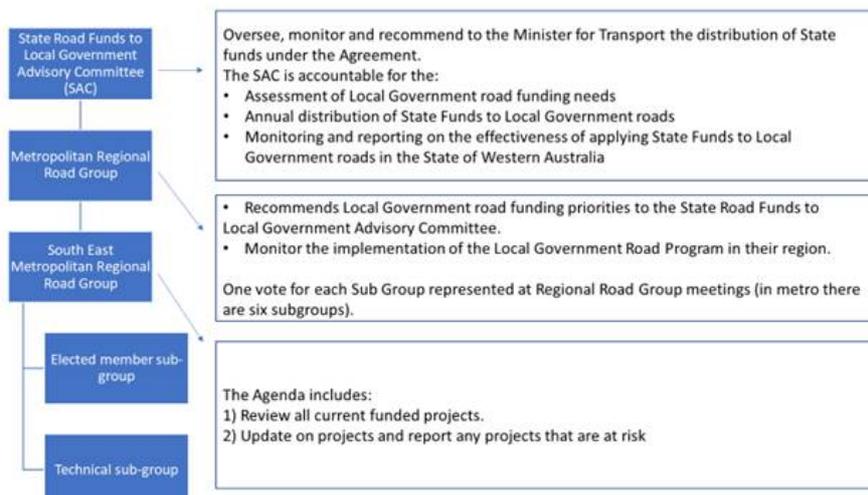
Relevant Previous Decisions of Council

Nil.

Background

The State Road Funds to Local Agreement (the Agreement) provides an allocation of funds to local governments in Western Australia for the improvement and maintenance of roads and bridges. The quantum of funding in the Agreement is based on a percentage of motor vehicle licence fee collections by the State Government. The Agreement is intended to ensure that the available funds are allocated across the State of Western Australia, focusing on areas of strategic importance and areas that will provide maximum benefit.

The Agreement is administered through an arrangement between Main Roads, the Western Australian Local Government Association (WALGA) and local governments. These arrangements are described in the State Road Funds to Local Government Agreement Procedures (available on WALGA's website [here](#)). A key element of the arrangement is a hierarchy of groups that inform and administer the agreement. This hierarchy is summarised in the figure below:





The Shire of Serpentine Jarrahdale is a member of the South East Metropolitan Regional Sub Group along with the Cities of Armadale, Belmont, Canning, Gosnells, South Perth and the Town of Victoria Park.

Community / Stakeholder Consultation

Nil.

Statutory Environment

Nil.

Comment

A Councillor and a Deputy Councillor who may perform the functions of the member when the member is unable to do so by reason of illness, absence or other cause can be appointed.

South East Metropolitan Regional Road Sub-Group Meetings are hosted by the City of Gosnells. Meetings are held twice yearly, generally at the end of March and the end of September. Meetings commence at 2pm, and the date of the next meeting is decided at the meeting prior.

Process for appointing Councillors

By convention the process that Council uses to appoint Councillors is first to call for nominations. If there are more nominations than positions the following occurs:

- a draw is conducted for positions on a ballot paper.
- each Councillor nominee is given an opportunity to speak in favour of their appointment with the order of speakers determined by position on the ballot paper.
- a secret ballot is undertaken on a first past the post basis.

Following the announcement of the results of the secret ballot Council must make a resolution for the appointment to take effect.

Options and Implications

Option 1

That Council:

1. APPOINTS the following Councillor as member of the South East Metropolitan Regional Roads Sub Group:
 - Cr _____
2. APPOINTS the following Councillor as a deputy member who may perform the functions of the member when the member is unable to do so by reason of illness, absence or other cause:
 - Cr _____

Option 2

That Council DOES NOT MAKE an appointment to the South East Metropolitan Regional Roads Sub Group.

Option 1 is recommended.



Conclusion

Appointment of a Council representative to the South East Metropolitan Regional Roads Sub Group enables the Shire of Serpentine Jarrahdale to participate in the broad role of MRRGs is to recommend Local Government road funding priorities the advisory Committee and to monitor the implementation of the Local Roads Program in their own Regions.

Attachments (available under separate cover)

Nil.

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.
Strategy 4.2.3	Provide clear strategic direction to the administration

Financial Implications

There are no financial implications associated with this report. Members are not paid meeting fees.

Risk Implications

Risk has been assessed on the Officer Options and Implications:

Officer Option	Risk Description	Controls	Principal Consequence Category	Risk Assessment			Risk Mitigation Strategies (to further lower the risk rating if required)
				Likelihood	Consequence	Risk Rating	
1	There are no material risks associated with this option						
2	The Shire will not have the opportunity to leverage the metropolitan regional roads sub group		Organisational Performance	Unlikely	Moderate	MODERATE	



Voting Requirements: Simple Majority

Officer Recommendation

That Council:

1. APPOINTS the following Councillor as member of the South East Metropolitan Regional Roads Sub Group:
 - Cr _____
2. APPOINTS the following Councillor as a deputy member who may perform the functions of the member when the member is unable to do so by reason of illness, absence or other cause:
 - Cr _____

Written nominations received prior to the meeting from the following Councillors as Members for the South East Metropolitan Regional Road Sub Group:

- Councillor Rich

No nominations were received from the floor from Councillors as Members for the South East Metropolitan Regional Road Sub Group.

Nominations received from the floor from the following Councillors for Deputy Members for the South East Metropolitan Regional Road Sub Group:

- Councillor Strange

The Presiding Member, Councillor Rich asked if there were any further nominations as Members or Deputy Members for the South East Metropolitan Regional Road Sub Group. No further nominations were received.

SCM070/10/21

COUNCIL RESOLUTION

Moved Cr Atwell, seconded Cr Strautins

That Council:

1. **APPOINTS the following Councillor as member of the South East Metropolitan Regional Roads Sub Group:**
 - **Cr Rich**
2. **APPOINTS the following Councillor as a deputy member who may perform the functions of the member when the member is unable to do so by reason of illness, absence or other cause:**
 - **Cr Strange**

CARRIED UNANIMOUSLY 9/0



7. Motions of which notice has been given:

Nil.

8. Urgent business:

Nil.

9. Closure:

There being no further business, the Presiding Member declared the meeting closed at 8:12pm.

I certify that these minutes were confirmed at the Ordinary Council Meeting held on the 15 November 2021.


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Presiding Member – Councillor Rich

..... 22/11/2021 Date