



AGENDA

SPECIAL MEETING OF COUNCIL

to be held on

Monday, 23 October 2023 at 5:30pm

at the

**Shire of Morawa Council Chambers,
26 Winfield Street, Morawa**



WESTERN AUSTRALIA'S
WILDFLOWER COUNTRY

'This meeting is being recorded on audio tape and to assist with minute taking purposes. The public is reminded that in accordance with Section 6.16 of the Shire of Morawa Meeting Procedures Local Law 2012 that nobody shall use any visual or vocal recording device or instrument to record the proceedings of Council without the written permission of the presiding member.'

DISCLAIMER

No responsibility whatsoever is implied or accepted by the Shire of Morawa for any act, omission, statement or intimation occurring during Council Meetings. The Shire of Morawa disclaims any liability for any loss whatsoever and howsoever caused arising out of reliance by any person or legal entity on any such act, omission, and statement of intimation occurring during Council Meetings.

Any person or legal entity that acts or fails to act in reliance upon any statement, act or omission occurring in a Council Meeting does so at their own risk. The Shire of Morawa advises that any person or legal entity should only rely on formal confirmation or notification of Council resolutions.

DISCLOSURE OF FINANCIAL/ IMPARTIALITY/ PROXIMITY INTERESTS

Local Government Act 1995 – Section 5.65, 5.70 and 5.71 Local Government (Administration) Regulation 34C

This form is provided to enable members and officers to disclose an Interest in a matter in accordance with the regulations of Section 5.65, 5.70 and 5.71 of the Local Government Act and Local Government (Administration) Regulation 34C

Name of person declaring the interest			
Position			
Date of Meeting			
Type of Meeting (Please circle one)	Council Meeting/ Committee Meeting/ Special Council Meeting Workshop/ Public Agenda Briefing/ Confidential Briefing		
Interest Disclosed			
Item Number and Title			
Nature of Interest			
Type of Interest (please circle one)	Financial	Proximity	Impartiality
Interest Disclosed			
Item Number and Title			
Nature of Interest			
Type of Interest (please circle one)	Financial	Proximity	Impartiality
Interest Disclosed			
Item Number and Title			
Nature of Interest			
Type of Interest (please circle one)	Financial	Proximity	Impartiality

Signature: _____ **Date:** _____

Important Note:

Should you declare a **Financial** or **Proximity** Interest, in accordance with the Act and Regulations noted above, you are required to leave the room while the item is being considered.

For an **Impartiality** Interest, you must state the following prior to the consideration of the item:
“With regard to agenda item (read item number and title), I disclose that I have an impartiality interest because (read your reason for interest). As a consequence, there may be a perception that my impartiality on the matter may be affected. I declare that I will consider this matter on its merits and vote accordingly.”

This page is blank intentionally.

Contents

Item 1	Opening of Meeting	6
Item 2	Acknowledgement of Traditional Owners and Dignitaries	6
Item 3	Recording of Attendance	6
3.1	Attendance	6
3.3	Apologies	6
3.4	Approved Leave of Absence	6
3.5	Disclosure of Interests	6
Item 4	Declaration by all Members to have given due consideration to All Matters Contained in the Business Paper before the Meeting	6
Item 5	Confirmation of Declaration of Office	7
5.1	The Chief Executive Officer confirms that the newly elected Councillors completed their declarations.....	7
Item 6	Election of Shire President and Deputy President.....	7
6.1	Election of the Shire President.....	7
6.2	Election of Deputy Shire President	8
Item 7	Election of Morawa Council Representatives to Committees and Groups	9
7.1	Morawa Council Representatives of Northern Country Zone	9
7.2	Regional Road Group.....	12
7.3	Council Representatives on Council Committees	15
7.4	Council Representatives on Development Assessment Panel.....	20
Item 7	Closure.....	23
7.1	Date of Next Meeting	23
7.2	Closure	23

Item 1 Opening of Meeting

(The CEO is to assume the Chair, until the election for Shire President is completed.)

The CEO to declare the meeting open at 5:30pm.

Item 2 Acknowledgement of Traditional Owners and Dignitaries

The CEO acknowledges the traditional custodians, the Yamatji people, and recognises the contribution of Yamatji Elders past, present and future, in working together for the future of Morawa.

Item 3 Recording of Attendance**3.1 Attendance****Council**

Councillor Grant Chadwick
Councillor Karen Chappel
Councillor Mark Coaker
Councillor Debbie Collins
Councillor Diana North
Councillor Ken Stokes

Staff

Chief Executive Officer	Scott Wildgoose
Executive Manager Corporate & Community Services	Jackie Hawkins

Members of the Public**3.3 Apologies****3.4 Approved Leave of Absence****3.5 Disclosure of Interests****Item 4 Declaration by all Members to have given due consideration to All Matters Contained in the Business Paper before the Meeting**

The Elected Members to declare that they had given due consideration to all matters contained in the agenda.

Item 5 Confirmation of Declaration of Office**5.1 The Chief Executive Officer confirms that the newly elected Councillors completed their declarations.**

Cr Chadwick, Grant

Term Expires 17 October 2027

Cr North, Diana

Term Expires 17 October 2027

Completed the declaration by Elected Member of Council in the presence of an authorised person prior to the commencement of this the first Council meeting, after the election date of 21 October 2023, and as such are duly authorised to undertake their official duties as Councillors of the Shire of Morawa.

Item 6 Election of Shire President and Deputy President**6.1 Election of the Shire President**

The election for the position of Shire President is by secret ballot. The CEO is responsible for the election.

6.1.1 The CEO is to call for nominations:

6.1.1.1 Announces nominations received in writing prior to the meeting

6.1.1.2 Calls for other nominations, which can be made verbally in the first instance, but then must be in writing.

6.1.2 Nominations must be accepted in writing – if a Councillor is nominated by another Councillor.

6.1.3 The CEO pursuant to Regulations will allocate the nominees on the ballot paper using the sealed balls and opaque bag method and document the outcome of ballot positions accordingly.

6.1.4 The CEO is then to make sufficient copies of the ballot papers and initial the back of each ballot paper accordingly.

6.1.5 Councillors will be invited to approach the voting table in alphabetical order:

6.1.5.1 Approach the voting table.

6.1.5.2 Receive a ballot paper.

6.1.5.3 Utilise the optional preferential voting method to allocate their preferences to the nominees.

6.1.5.4 Place the ballot in the ballot box and return to their seat.

6.1.6 Once completed, the CEO is to count the votes, which are verified by another officer present.

6.1.7 The CEO is to announce the result.

6.1.8 The Shire President is to undertake a declaration of office.

6.2 Election of Deputy Shire President

Once the election for the Shire President is completed, the President is to assume the chair and will then ask the CEO to conduct the election for the position of Deputy Shire President, which is by secret ballot.

The election for Deputy Shire President follows the same process as that for electing the Shire President.

Once the election for Deputy Shire President is completed, the Deputy Shire President must undertake a declaration of office.

The President is then to proceed with the Special Meeting as per the remainder of the agenda.

Item 7 Election of Morawa Council Representatives to Committees and Groups**7.1 Morawa Council Representatives of Northern Country Zone**

Author: Chief Executive Officer

Authorising Officer: Chief Executive Officer

Disclosure of Interest: The Author/Authorising Officer declare that they have no conflicts of interest pertaining to this item.

OFFICER RECOMMENDATION

That Council:

1. **Appoint Cr _____ as the voting delegate for WALGA Northern Country Zone with Cr _____ as the proxy delegate.**

ABSOLUTE MAJORITY VOTE REQUIRED

PURPOSE

The purpose of this report is for Council to appoint delegates to the WALGA Northern Country Zone.

DETAIL

Councils review appointments to committees and external groups at the conclusion of each election period, every 2 years.

Councillors who nominate to represent the Shire of Morawa on groups must ensure they have the necessary time to allocate attending meetings and reviewing supporting documents to provide constructive inputs and vote appropriately.

The WALGA Northern Country Zone meetings are held every second month. Cr Chappel has been Morawa's representative on the group for several years and currently Chairs the zone meetings. Zones are groups of geographically aligned Member Councils and are responsible for the election of State Councillors, providing inputs into WALGA policy formation and providing advice on broad issues affecting the area to WALGA. Cr Chappel is currently the Zone's State Council representative and President of WALGA.

The Northern Country Zone are required to elect their State Council representatives at their November meeting, as such all member Council's are required to submit their zone delegates to WALGA by Friday 3 November 2023.

Given the nature of discussions at Zone meetings and the regional representative nature of the role, the author suggests that the Shire representative should be the Shire President unless they are unable to commit time to the meetings due to other commitments.

LEVEL OF SIGNIFICANCE

Medium – without appropriate representation, the Shire of Morawa's views may not be well articulated to the broader region when making decisions.

CONSULTATION

Nil

LEGISLATION AND POLICY CONSIDERATIONS

Local Government Act 1995

5.8. Establishment of committees

A local government may establish* committees of 3 or more persons to assist the council and to exercise the powers and discharge the duties of the local government that can be delegated to committees.

** Absolute majority required.*

5.9. Committees, types of

(1) In this section —

other person means a person who is not a council member or an employee.

(2) A committee is to comprise —

- (a) council members only; or
- (b) council members and employees; or
- (c) council members, employees and other persons; or
- (d) council members and other persons; or
- (e) employees and other persons; or
- (f) other persons only.

5.10. Committee members, appointment of

(1) A committee is to have as its members —

- (a) persons appointed* by the local government to be members of the committee (other than those referred to in paragraph (b)); and
- (b) persons who are appointed to be members of the committee under subsection (4) or (5).

** Absolute majority required.*

(2) At any given time each council member is entitled to be a member of at least one committee referred to in section 5.9(2)(a) or (b) and if a council member nominates himself or herself to be a member of such a committee or committees, the local government is to include that council member in the persons appointed under subsection (1)(a) to at least one of those committees as the local government decides.

(3) Section 52 of the *Interpretation Act 1984* applies to appointments of committee members other than those appointed under subsection (4) or (5) but any power exercised under section 52(1) of that Act can only be exercised on the decision of an absolute majority of the local government.

(4) If at a meeting of the council a local government is to make an appointment to a committee that has or could have a council member as a member and the mayor or president informs the local

government of his or her wish to be a member of the committee, the local government is to appoint the mayor or president to be a member of the committee.

(5) If at a meeting of the council a local government is to make an appointment to a committee that has or will have an employee as a member and the CEO informs the local government of his or her wish —

(a) to be a member of the committee; or

(b) that a representative of the CEO be a member of the committee,

the local government is to appoint the CEO or the CEO's representative, as the case may be, to be a member of the committee.

FINANCIAL AND RESOURCES IMPLICATIONS

Nil

RISK MANAGEMENT CONSIDERATIONS

This report provides the opportunity to clearly delineate roles and responsibilities which is a key risk management action.

CONCLUSION

That Council appoint a suitable member and proxy to represent the Shire at the WALGA Norther Country Zone.

ATTACHMENTS

Attachment 1 – 7.1a Elected Member Prospectus - Becoming a Zone Delegate or State Councillor

7.2 Regional Road Group

Author: Chief Executive Officer

Authorising Officer: Chief Executive Officer

Disclosure of Interest: The Author/Authorising Officer declare that they have no conflicts of interest pertaining to this item.

OFFICER RECOMMENDATION

That Council:

1. **Appoint Cr _____ as the Council delegate for the Regional Road Group – North Midlands Subgroup with Cr _____ as the proxy delegate.**

ABSOLUTE MAJORITY VOTE REQUIRED

PURPOSE

The purpose of this report is for Council to appoint delegates to the WALGA Regional Road Group.

DETAIL

Councils review appointments to committees and external groups at the conclusion of each election period, every 2 years.

Councillors who nominate to represent the Shire of Morawa on groups must ensure they have the necessary time to allocate attending meetings and reviewing supporting documents to provide constructive inputs and vote appropriately.

WALGA Regional Road Groups are established under the State Road Funds to Local Government Agreement which is overseen by the State Advisory Council. The Shire of Morawa is part of the Mid-West Regional Road Group and the North Midlands sub-group. Regional Road Groups provide Local Government with a voice in how the State Government's contribution to local roads is spent. Cr Stokes is the Shire's current Regional Road Group representative.

The Mid-West Regional Road Group works on the Roads 2040 strategic plan, and votes on road funding, and other relevant road related items. The group is administered by Main Roads WA on behalf of the State.

The author recommends Councillors with a strong interest in road network planning, road safety, and cross boundary road improvements nominate to represent the Shire on this group.

Shire Officers with road management responsibilities also attend Regional Road Group meetings and can nominate to provide inputs as part of a technical working sub-group.

LEVEL OF SIGNIFICANCE

Medium – without appropriate representation, the Shire of Morawa’s views may not be well articulated to the broader region when making decisions.

CONSULTATION

Nil

LEGISLATION AND POLICY CONSIDERATIONS

Local Government Act 1995

5.8. Establishment of committees

A local government may establish* committees of 3 or more persons to assist the council and to exercise the powers and discharge the duties of the local government that can be delegated to committees.

* *Absolute majority required.*

5.9. Committees, types of

(1) In this section —

other person means a person who is not a council member or an employee.

(2) A committee is to comprise —

- (a) council members only; or
- (b) council members and employees; or
- (c) council members, employees and other persons; or
- (d) council members and other persons; or
- (e) employees and other persons; or
- (f) other persons only.

5.10. Committee members, appointment of

(1) A committee is to have as its members —

- (a) persons appointed* by the local government to be members of the committee (other than those referred to in paragraph (b)); and
- (b) persons who are appointed to be members of the committee under subsection (4) or (5).

* *Absolute majority required.*

(2) At any given time each council member is entitled to be a member of at least one committee referred to in section 5.9(2)(a) or (b) and if a council member nominates himself or herself to be a member of such a committee or committees, the local government is to include that council member in the persons appointed under subsection (1)(a) to at least one of those committees as the local government decides.

(3) Section 52 of the *Interpretation Act 1984* applies to appointments of committee members other than those appointed under subsection (4) or (5) but any power exercised under section 52(1) of that Act can only be exercised on the decision of an absolute majority of the local government.

(4) If at a meeting of the council a local government is to make an appointment to a committee that has or could have a council member as a member and the mayor or president informs the local government of his or her wish to be a member of the committee, the local government is to appoint the mayor or president to be a member of the committee.

(5) If at a meeting of the council a local government is to make an appointment to a committee that has or will have an employee as a member and the CEO informs the local government of his or her wish —

(a) to be a member of the committee; or

(b) that a representative of the CEO be a member of the committee,

the local government is to appoint the CEO or the CEO's representative, as the case may be, to be a member of the committee.

FINANCIAL AND RESOURCES IMPLICATIONS

Nil

RISK MANAGEMENT CONSIDERATIONS

Strong representation and inputs regarding road planning and safety is a clear risk reduction tactic.

CONCLUSION

That Council appoint appropriate representatives and proxies to the Mid-West Regional Road Group North Midlands Sub-Group

ATTACHMENTS

Nil

7.3 Council Representatives on Council Committees
--

Author: Chief Executive Officer

Authorising Officer: Chief Executive Officer

Disclosure of Interest: The Author/Authorising Officer declare that they have no conflicts of interest pertaining to this item.

OFFICER RECOMMENDATION

That Council:

1. Appoint Cr _____ as Chair and Cr _____ as the Council delegates for the Local Emergency Management Committee with Cr _____ as the proxy delegate.
2. Acknowledge Shire President, Cr _____ and Shire Deputy President, Cr _____ as the Council delegates for the Morawa Sinosteel Future Fund Committee.
 - 2.1. Authorise the CEO to seek public nominations for the two (2) Shire of Morawa community resident committee member vacancies.
3. Appoint Shire President, Cr _____, Cr _____, Cr _____ and Cr _____ as the Council delegates for the Audit and Risk Management Committee.
 - 3.1. Authorise the CEO to seek external nominations for an independent chair for the Audit and Risk Management Committee.
 - 3.2. Authorise the Shire President to undertake the role of Chair for the Audit and Risk Management Committee until such time a suitable independent Chair can be appointed.

ABSOLUTE MAJORITY VOTE REQUIRED

PURPOSE

The purpose of this report is for Council to appoint delegates to Council endorsed Committees.

DETAIL

Councils review appointments to committees and external groups at the conclusion of each election period, every 2 years.

Councillors who nominate to represent the Shire of Morawa on groups must ensure they have the necessary time to allocate attending meetings and reviewing supporting documents to provide constructive inputs and vote appropriately.

The Shire of Morawa has three designated Committees that perform functions as prescribed and delegated, as relevant.

1. Local Emergency Management Committee (LEMC)
2. Sinosteel Future Fund Committee
3. Audit and Risk Management Committee

LEMC

The Local Emergency Management Committee (LEMC) is a committee established under Section 38 of the Emergency Management Act 2005. The LEMC works under the adopted Local Emergency Management Arrangements (LEMA) (*Attachment 1*) prepared in accordance with sS41(1) of the Emergency Management Act 2005 and endorsed by the Morawa LEMC.

The LEMC includes representatives from agencies, organisations and community groups that are relevant to the identified risks and emergency management arrangements for the community.

The LEMC is not an operational committee but rather the organisation established by the Shire of Morawa to ensure that local emergency management arrangements are written and placed into effect for the district.

The LEMC membership must include at least one local government representative and the identified Local Emergency Coordinator (LEC). Relevant government agencies and other statutory authorities will nominate their representatives to be members of the LEMC.

The term of appointment of LEMC members shall be determined by the local government in consultation with the parent organisation of the members.

The functions of LEMC are [s. 39 of the Act]: To advise and assist the local government in establishing local emergency managements for the district;

- to liaise with public authorities and other persons in the development, review and testing of the local emergency management arrangements; and
- To carry out other emergency management activities as directed by SEMC or prescribed by regulations.

A Shire of Morawa Council representative is appointed as the Chair of the Committee.

Historically, the LEMC has been chaired by Cr Chappel as the Shire President.

Preparedness Procedure 7 states that 'LEMC's shall meet every three months and as required.' The Morawa LEMC schedules meetings in February, May, August & November each year. The LEMC may convene a special meeting if required for example after any major emergency incident.

The author recommends Council nominate two Councillor representatives to the LEMC with one representative designated as Chair. The Deputy Chair of the LEMC is the Officer in Charge of the Morawa Police Station. The reason for appointing a second representative is due to the importance of emergency management and the increasing natural hazard risks. A second representative will ensure broader Council understanding of emergency issues.

Sinosteel Future Fund

The Morawa Sinosteel Future Fund seeks to provide funding to grass-roots community organisations, including sporting groups, educational organisations, and community support organisations. Funding opportunities are considered by the Morawa Sinosteel Future Fund Committee.

In line with the deed of Grant the committee must consist of the Shire President, the Deputy Shire President, the Chief Executive Officer, and two Shire of Morawa community residents that have been appointed to the committee.

Council Delegates the Management of the Sinosteel Future Fund to the Committee, essentially empowering the Committee to implement the resolutions of the Morawa Sinosteel Future Fund Committee (without requiring a resolution of Council), including the allocation of funds.

The Committee operates under the auspices of the Sinosteel Midwest Corporation Limited/Shire of Morawa – Deed of Agreement for the Future.

The current committee makeup was determined in 2020, with Mrs Elizabeth Leanne Grant Williams, and Mr Jamie Appleton appointed to the Community resident representative roles.

Mrs Williams is no longer working at the Morawa Agricultural College and has moved out of town. With this community representative change, the current Council elections, and the recent grant hiatus due to low interest income being earned on the reserve funds, it makes sense to re-elect community representatives.

The author suggests that moving forward community representatives are elected to 4-year terms for this committee.

After a Council resolution, the Shire CEO proposes to advertise the community role vacancies as per Attachment 2 to this report.

Audit and Risk Management Committee

In March 2023, the Audit Committee and Council reviewed the Terms of Reference of the Audit Committee (*Attachment 3*), to include Risk Management functions aligned to the Risk Management Framework and revise the Committee membership to streamline the committee as a sub-committee of Council not full Council, and to align with impending Local Government Act reforms.

The primary objective of the Audit and Risk Management Committee is to accept responsibility for the annual external audit and liaise with the local government's auditor so that Council can be satisfied with the performance of the local government in managing its financial affairs. As well as this financial audit function, the Audit and Risk Management Committee also retains oversight of the strategic risk register, risk framework, and associated control mechanisms.

The Minister for Local Government is undertaking Local Government Act 1995 reforms and intends to require all Audit Committees to have an independent Chair. Thus, the Shire has taken the approach that the independent Chair would become the 5th member of the Committee. The reduction in the size of the Committee aligns to recommendations from the Regulation 17 review

undertaken in 2023. It is proposed that the Shire President remain a member of this Committee and undertake the functions of Chair until an independent chair can be found.

The CEO has yet to prepare an advert for an independent Chair but will do so in consultation with the Department, WALGA and relevant peers in terms of good practice in this area to attract a suitable and qualified Chair without a significant financial burden on the Shire.

LEVEL OF SIGNIFICANCE

High – Committee membership must be adopted by Absolute Majority

CONSULTATION

Nil

LEGISLATION AND POLICY CONSIDERATIONS

Local Government Act 1995

5.8. Establishment of committees

A local government may establish* committees of 3 or more persons to assist the council and to exercise the powers and discharge the duties of the local government that can be delegated to committees.

* *Absolute majority required.*

5.9. Committees, types of

(1) In this section —

other person means a person who is not a council member or an employee.

(2) A committee is to comprise —

- (a) council members only; or
- (b) council members and employees; or
- (c) council members, employees and other persons; or
- (d) council members and other persons; or
- (e) employees and other persons; or
- (f) other persons only.

5.10. Committee members, appointment of

(1) A committee is to have as its members —

(a) persons appointed* by the local government to be members of the committee (other than those referred to in paragraph (b)); and

(b) persons who are appointed to be members of the committee under subsection (4) or (5).

* *Absolute majority required.*

(2) At any given time each council member is entitled to be a member of at least one committee referred to in section 5.9(2)(a) or (b) and if a council member nominates himself or herself to be a member of such a committee or committees, the local government is to include that council member in the persons appointed under subsection (1)(a) to at least one of those committees as the local government decides.

(3) Section 52 of the *Interpretation Act 1984* applies to appointments of committee members other than those appointed under subsection (4) or (5) but any power exercised under section 52(1) of that Act can only be exercised on the decision of an absolute majority of the local government.

(4) If at a meeting of the council a local government is to make an appointment to a committee that has or could have a council member as a member and the mayor or president informs the local government of his or her wish to be a member of the committee, the local government is to appoint the mayor or president to be a member of the committee.

(5) If at a meeting of the council a local government is to make an appointment to a committee that has or will have an employee as a member and the CEO informs the local government of his or her wish —

(a) to be a member of the committee; or

(b) that a representative of the CEO be a member of the committee, the local government is to appoint the CEO or the CEO's representative, as the case may be, to be a member of the committee.

FINANCIAL AND RESOURCES IMPLICATIONS

Nil

RISK MANAGEMENT CONSIDERATIONS

This report provides the opportunity to clearly delineate roles and responsibilities which is a key risk management action.

CONCLUSION

That Council appoint members of Committees of Council and external WALGA Committees.

ATTACHMENTS

Attachment 1 – 7.3a LEMA

Attachment 2 – 7.3b Sinosteel Community Representative Advertisement

Attachment 3 – 7.3c Audit and Risk Committee Terms of Reference

7.4 Council Representatives on Development Assessment Panel

Author: Chief Executive Officer

Authorising Officer: Chief Executive Officer

Disclosure of Interest: The Author/Authorising Officer declare that they have no conflicts of interest pertaining to this item.

OFFICER RECOMMENDATION

That Council:

1. **Appoint Shire President, Cr _____ and Cr _____ as the main Shire of Morawa Local Government representatives for the Development Assessment Panel, with Cr _____ and Cr _____ appointed as alternate members.**

ABSOLUTE MAJORITY VOTE REQUIRED

PURPOSE

The purpose of this report is for Council to appoint delegates to the Development Assessment Panel.

DETAIL

Councils review appointments to committees and external groups at the conclusion of each election period, every 2 years.

Councillors who nominate to represent the Shire of Morawa on groups must ensure they have the necessary time to allocate attending meetings and reviewing supporting documents in order to provide constructive inputs and vote appropriately.

On the 28 September 2023, the Director General of the Department of Planning, Lands, and Heritage, Mr Anthony Kannis wrote to the Shire CEO, regarding nominations for Development Assessment Panels (*Attachment 1*).

The Director General noted that the representation of local interests is a key part of the Development Assessment Panel (DAP) system. In accordance with this premise, under Regulation 24 of the *Planning and Development (Development Assessment Panels) Regulations 2011*, Councils are required to nominate, as soon as possible following elections, four (2 main and 2 proxy/alternate) Elected Members to sit as DAP members.

In addition to the above, all existing local government DAP members are currently appointed for a term ending 26 January 2024. Prior to this expiry date, local governments are required to nominate four (4) DAP members for appointment by the Minister for Planning.

As such the Shire can meet its requirements by nominating four DAP representatives to the Department no later than Friday 24 November 2023.

The Shire of Morawa would be covered under the Regional JDAP (Joint Development Assessment Panel). Development Assessment Panels are independent decision-making bodies and do not form part of the Department of Planning, Lands and Heritage or the Western Australian Planning Commission. Each development Assessment Panel (DAP) comprises five members; three specialist members, one of which is the presiding member, and two local members, nominated by the local government.

At a meeting of a DAP, a quorum is constituted by three members of the DAP, including the Presiding Member.

Given the type of planning decisions made by the Shire, it is unlikely the Regional JDAP would become involved on a regular basis, however when needed it is important the Shire has appropriate Local Government representation on the panel.

It is recommended that the Shire President be appointed to one of the main roles, with other panel representatives and alternative members encouraged to nominate if they have some knowledge of planning principles or a capacity to advocate strongly in relation to relevant items.

LEVEL OF SIGNIFICANCE

Medium – without appropriate representation, the Shire of Morawa's views may not be well articulated when making decisions.

CONSULTATION

Nil

LEGISLATION AND POLICY CONSIDERATIONS

Local Government Act 1995

5.8. Establishment of committees

A local government may establish* committees of 3 or more persons to assist the council and to exercise the powers and discharge the duties of the local government that can be delegated to committees.

** Absolute majority required.*

5.9. Committees, types of

(1) In this section —

other person means a person who is not a council member or an employee.

(2) A committee is to comprise —

(a) council members only; or

(b) council members and employees; or

- (c) council members, employees and other persons; or
- (d) council members and other persons; or
- (e) employees and other persons; or
- (f) other persons only.

5.10. Committee members, appointment of

(1) A committee is to have as its members —

- (a) persons appointed* by the local government to be members of the committee (other than those referred to in paragraph (b)); and
- (b) persons who are appointed to be members of the committee under subsection (4) or (5).

* *Absolute majority required.*

(2) At any given time each council member is entitled to be a member of at least one committee referred to in section 5.9(2)(a) or (b) and if a council member nominates himself or herself to be a member of such a committee or committees, the local government is to include that council member in the persons appointed under subsection (1)(a) to at least one of those committees as the local government decides.

(3) Section 52 of the *Interpretation Act 1984* applies to appointments of committee members other than those appointed under subsection (4) or (5) but any power exercised under section 52(1) of that Act can only be exercised on the decision of an absolute majority of the local government.

(4) If at a meeting of the council a local government is to make an appointment to a committee that has or could have a council member as a member and the mayor or president informs the local government of his or her wish to be a member of the committee, the local government is to appoint the mayor or president to be a member of the committee.

(5) If at a meeting of the council a local government is to make an appointment to a committee that has or will have an employee as a member and the CEO informs the local government of his or her wish —

- (a) to be a member of the committee; or
 - (b) that a representative of the CEO be a member of the committee,
- the local government is to appoint the CEO or the CEO's representative, as the case may be, to be a member of the committee.

FINANCIAL AND RESOURCES IMPLICATIONS

Nil

RISK MANAGEMENT CONSIDERATIONS

If the Shire is not well represented on the Regional JDAP it could lead to bad planning outcomes for the District.

CONCLUSION

That Council appoint members to the Development Assessment Panel as recommended.

ATTACHMENTS

Attachment 1 – 7.4a Letter from Director General Department of Planning, Land, and Heritage
Attachment 1 – 7.4b Development Assessment Panels – Local Government Member Nomination

Item 7 Closure

7.1 Date of Next Meeting

The next ordinary meeting of Council will be held on Thursday, 16 November 2023 commencing at 5.30pm.

7.2 Closure

There being no further business, the President to declare the meeting closed.