



Shire of
Perenjori
Embrace Opportunity

Shire of Perenjori – Special Meeting of Council

AGENDA

Thursday 26 October 2023

Shire of Perenjori Council Chambers,
56 Fowler Street, Perenjori WA, 6620



NOTICE OF A SPECIAL MEETING OF COUNCIL

Dear Council Member

Pursuant to *Section 5.25(1)(g) of the Local Government Act 1995* and *Regulation 12(3) of the Local Government (Administration) Regulations 1996*, Public Notice is hereby given that:

A Special Meeting of Council will be held on Thursday 26 October 2023 at 2:00 pm in the Shire of Perenjori Council Chambers, 56 Fowler Street Perenjori.

The purpose of the meeting is:

1. To swear in the newly elected Councillors;
2. To elect a Shire President and Deputy President;
3. Determine and appoint Committee members; and
4. Nominate members to the Development Assessment Panel, for appointment by the Minister for Planning.

A handwritten signature in black ink, appearing to read 'Paul Anderson', is positioned above the printed name.

Paul Anderson

CHIEF EXECUTIVE OFFICER

Date: 20 October 2023

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Council Roles

Advocacy:

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

Executive/Strategic:

The substantial direction setting and oversight role of the Council e.g., Adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.

Legislative:

Includes adopting local laws, town planning schemes and policies.

Review:

When Council reviews decisions made by Officers.

Quasi-Judicial:

When Council determines an application/matter that directly affects a person's rights and interests. The Judicial character arises from the obligations to abide by the principles of natural justice.

Examples of Quasi-Judicial authority include town planning applications, building licences, applications for other permits/licences (e.g.: under Health Act, Dog Act or Local Laws) and other decisions that may be appealable to the State Administrative Tribunal.

Disclaimer

"Any statement, comment or decision made at a Council or Committee meeting regarding any application for an approval, consent or licence, including a resolution of approval, is not effective as an approval of any application and must not be relied upon as such.

Any person or entity that has an application before the Shire must obtain, and should only rely on, written notice of the Shire's decision and any conditions attaching to the decision and cannot treat as an approval anything said or done at a Council or Committee meeting.

Any advice provided by an employee of the Shire on the operation of a written law, or the performance of a function by the Shire, is provided in the capacity of an employee, and to the best of that person's knowledge and ability. It does not constitute, and should not be relied upon, as a legal advice or representation by the Shire. Any advice on a matter of law, or anything sought to be relied upon as a representation by the Shire should be sought in writing and should make clear the purpose of the request."

Shire of Perenjori

Agenda for the Shire of Perenjori Special Meeting of Council held on Thursday 26 October 2023, at the Shire of Perenjori Council Chambers, 56 Fowler Street, Perenjori WA 6620 commencing at 2:00 pm.

1. Declaration of Opening/Announcement Of Visitors:

The Chief Executive Officer to declare the meeting open and welcome those in attendance.

Acknowledgement of Traditional Custodians: -

As per the Shire of Perenjori Policy (N^o 1021) we wish to acknowledge the traditional owners of the land upon which the Shire of Perenjori is situated and to demonstrate respect for the original custodians.

The Shire of Perenjori would like to respectfully acknowledge the past and present custodians of the land on which we are meeting, the Badimia people. It is a privilege to be standing on Badimia country.

2. Opening Prayer:

The Chief Executive Officer to read.

Acknowledgement of Pioneers: -

The Shire of Perenjori acknowledges the pioneers who settled this country, developed the land and turned it into the productive country that we know today.

3. Disclaimer Reading:

As printed.

4. Record of Attendance/Apologies/Leave of Absence:

4.1 Attendance:

Members:

Staff:

Distinguished Visitors:

Members of The Public:

Leave of Absence:

Apologies:

5. Swearing in of Newly Elected Councillors

5.1 Declaration

In accordance with 2.29 of the *Local Government Act (1995)* and Regulation 13 of the Local Government (Constitution) Regulations (1998) newly elected Councillors are required to make a prescribed declaration before taking office. Before the Chief Executive Officer, Councillors are to read aloud and sign their declarations of the Office of Councillor for the Shire of Perenjori.

6. Election of Shire President

A form for the nomination of a Councillor for the office of Shire President for a two (2) year term will be issued with this agenda. Nominations are to be lodged in writing, indicating consent of the nominee, prior to, or at the meeting. The Local Government Act 1995 (Sections 2.11 to 2.15 and Schedules 2.3 and 4.1) outlines procedures for the election process for the Shire President and therefore, will be conducted by the CEO in accordance with the following procedure:

- The election for the Shire President is conducted by the Chief Executive Officer. The CEO will advise receipt of written nominations for the office of Shire President.
- The CEO will invite any further nominations then declare the nomination period closed.
- If a Councillor is nominated by another Councillor, the Chief Executive Officer is NOT to accept the nomination unless the nominee has advised the Chief Executive Officer orally or in writing that he or she is willing to be nominated for the office.
- Councillors will vote on the matter by secret ballot. Those who have been nominated are entitled to cast a vote.
- Votes will be counted and the successful candidate with the highest number of votes will be declared elected.
- If there is an equality of votes, the meeting is adjourned for a period of not more than 7 days. During the 7 day period up until the adjourned meeting resumes, existing candidates may withdraw their nominations or new nominations can be made. Upon resumption of the adjourned meeting, Councillors vote for a second time and the successful candidate with the highest number of votes will be declared elected. If upon the second count there is still an equality of votes, the Chief Executive Officer is to draw lots to ascertain the successful candidate.

7. Election of a Deputy Shire President

A form for the nomination of a Councillor for the office of Deputy Shire President for a two (2) year term will be issued with this agenda. Nominations are to be lodged in writing, indicating consent of the nominee, prior to, or at the meeting. The Local Government Act 1995 (Sections 2.11 to 2.15 and Schedules 2.3 and 4.1) outlines procedures for the election process for the Deputy Shire President and therefore, will be conducted by the Shire President in accordance with the following procedure:

- The election for the Deputy Shire President is conducted by the Shire President. The Shire President will advise receipt of written nominations for the office of Deputy Shire President.
- The Shire President will invite any further nominations then declare the nomination period closed.
- If a Councillor is nominated by another Councillor, the Shire President is NOT to accept the nomination unless the nominee has advised the Shire President orally or in writing that he or she is willing to be nominated for the office.
- Councillors will vote on the matter by secret ballot. Those who have been nominated are entitled to cast a vote.
- Votes will be counted and the successful candidate with the highest number of votes will be declared elected.
- If there is an equality of votes, the meeting is adjourned for a period of not more than 7 days. During the 7 day period up until the adjourned meeting resumes, existing candidates may withdraw their nominations or new nominations can be made. Upon resumption of the adjourned meeting, Councillors vote for a second time and the successful candidate with the highest number of votes will be declared elected. If upon the second count there is still an equality of votes, the Shire President is to draw lots to ascertain the successful candidate.

8. Councillor Seating Allocation

9. Public Question Time:

9.1 Response to Questions Taken on Notice:

Insert Response

9.2 Questions Without Notice:

Insert Question

10. Declaration of Interest:

"Members should fill in Disclosure of Interest forms for items in which they have a financial, proximity or impartiality interest and forward these to the Presiding Member before the meeting commences."

12. Governance

12.1 APPOINTMENT OF DELEGATES AND DEPUTY DELEGATES TO COMMITTEES

Applicant:	Shire of Perenjori
File:	ADM
Date:	4 September 2023
Disclosure of Interest:	
Voting Requirements:	Absolute Majority
Author:	Bianca Plug – Executive Assistant to MIS
Responsible Officer:	Paul Anderson – Chief Executive Officer
Attachments:	Nil

Summary

This item seeks Council's consideration for the appointment of Councillor delegates to Committees of Council, and Councillor representatives to external groups and organisations for a two (2) year term.

Background

In accordance with Section 5.11 of the Local Government Act 1995 (the Act), committee tenure expires every two years at the ordinary election therefore, it is timely for Council to consider the re-establishment, representatives and terms of reference of its committees at the first meeting following the elections.

At the Ordinary Council meeting held on 21 October 2021, Council appointed the following representatives:

Council Resolution Number: 211021.8

Moved: Cr D Sparkman Seconded: Cr D Bradford

That, by Absolute Majority in accordance with Sections 5.10, 5.11A and 7.1A of the *Local Government Act 1995*, Council:

- 1. Reinstates the Plant and Works Committee.**
- 2. Appoints the following Councillors as representatives to the following Council committees:**

Audit Committee	All Councillors
Finance Committee	All Councillors
Bush Fire Advisory Committee	Chief Executive Officer (or Delegate) Cr King (Delegate) Cr Fraser (Deputy Delegate) Cr Hepworth (Deputy Delegate)
Perenjori Public Benefit Trust Panel	Cr King (Delegate) Cr Sparkman (Deputy Delegate) Cr Bryant (Deputy Delegate)
Plant and Works Committee	Cr Bryant (Delegate) Cr Bradford (Delegate) Cr Hepworth (Deputy Delegate)

	Chief Executive Officer Manager of Infrastructure
<u>External Organisations</u>	
Local Emergency Management Committee	Cr Sutherland (Delegate) Cr Fraser (Deputy Delegate)
Northern Country Zone	Chief Executive Officer (or Delegate) Cr King (Delegate) Cr Sutherland (Deputy Delegate)
Wildflower Country Tourism Group	Cr Sutherland (Delegate) Cr Sparkman (Deputy Delegate)
North Midland Sub-Regional Road Group	Cr King (Delegate) Cr Bradford (Deputy Delegate)
<u>Community Committees</u>	
Perenjori Tourism Townscape Committee	Chief Executive Officer Cr Fraser (Delegate) Cr Hepworth (Delegate) Cr Sparkman (Delegate)
Motion put and carried 6/0	

Statutory Environment

Local Government Act 1995:

Sections 5.8 – 5.11 sets out the provisions for forming committees and appointing members.

Elected Members should note that:

- Council may appoint Deputy Members to act when a committee member is absent. Council is to determine the order of seniority of Deputies if more than one is appointed. (Shire of Perenjori Local Law Standing Orders 2015)
- When staff members or non-elected members are appointed to committees they are entitled (and required) to exercise a vote. They are also included in any determination of whether a quorum exists.
- A Council Committee consists of a minimum of 3 members
- Tenure of all committee membership ceases at an Ordinary Election

The President and CEO have particular rights under S5.10 in relation to Council committees:

- (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.

The proposed process for the election for these positions is that Council and individual members agree by consensus, and that all appointments are moved as a single resolution at the end of discussion of this item.

Policy Implications

Nil

Consultation

Chief Executive Officer

Financial Implications

Nil

Strategic Community Plan

Area 5: Investing in Council's Capacity – Our Leadership

Goal: Strengthen the Shire's position as an innovative, independent local government providing excellence in all areas of governance, management and leadership.

Officer Comment

All Council Committees dissolved on the 16 October 2021 pursuant to Schedule 9.3 of the *Local Government Act 1995*.

Council Committees must now be reviewed, and Committee members appointed in accordance with Sections 5.8, 5.9, 5.10 and 5.11 of the *Local Government Act 1995*.

Councillors are advised of their entitlement to be a member of at least one Committee (Section 5.10(2)).

In the event that there are more nominations than positions on committees, an election to the committee will be undertaken by the Chief Executive Officer.

The Council resolution endorsed in October 2021 has been provided to show previous appointments made by Council. It is up to Council to consider if the same level of Council representation is relevant and whether a reduction or increase to appointments are necessary.

At the Ordinary Council Meeting held 27 April 2023 Council resolved to disband the Wildflower Country Committee and therefore it has been removed from the officer recommendation.

Committee Structure:

Standing Committees

The Council has one standing committee being the Audit Committee.

To comply with Section 7.1A *Local Government Act 1995*

The Audit Committee is a standing committee that the Council is required by legislation to have in place previously all councillors have been elected to the Audit Committee.

The Council has the option to appoint all Council members or reduce the numbers. The Council also has the option to appoint external persons to the committee if it considers this will assist the committee in its deliberations.

Advisory Committees

Advisory committees are set up by council and recommendations from these committees must be referred to the council for endorsement.

The council at the October 2021 meeting established a Finance committee and a Plant and Works committee.

These committees have not been convened and all matters relevant to these committees are now being presented to the full council for consideration.

The council could consider disbanding these committee or maintain them if the council considered them a requirement

The public benefit trust is included however will be reviewed during the year as the funding that is provided from mt Gibson will be extinguished

The designated responsible officers have been named to clarify the current representation; however, Councillor appointments have been left blank for Council to consider at this meeting.

OFFICER RECOMMENDATION

Council Resolution Number:

Moved:

Seconded:

That, by Absolute Majority in accordance with Sections 5.10, 5.11A and 7.1A of the *Local Government Act 1995*, Council appoints the following Councillors as representatives to the following Council committees and external organisations:

Standing Committee

Audit Committee

All Councillors

Advisory Committees

Bush Fire Advisory Committee

Chief Executive Officer (or Delegate)

_____ (Delegate)

_____ (Deputy Delegate)

_____ (Deputy Delegate)

Perenjori Public Benefit Trust Panel

_____ (Delegate)

_____ (Deputy Delegate)

_____ (Deputy Delegate)

External/Occasional Committees/Organisation

Local Emergency Management Committee

_____ (Delegate)

_____ (Deputy Delegate)

Northern Country Zone

Chief Executive Officer (or Delegate)

_____ (Delegate)

_____ (Deputy Delegate)

North Midland Sub-Regional Road Group

_____ (Delegate)

_____ (Deputy Delegate)

Community Committees

Perenjori Tourism Townscape Committee	Chief Executive Officer (or Delegate) _____ (Delegate) _____ (Delegate) _____ (Delegate)
That the Finance and Plant and works committee structure be disbanded/or the following councillors be appointed	
Finance Committee	All Councillors
Plant and Works Committee	_____ (Delegate) _____ (Delegate) _____ (Deputy Delegate) Chief Executive Officer (or Delegate) Manager of Infrastructure Services
Motion put and carried / lost by absolute majority	

12.2 DEVELOPMENT ASSESSMENT PANELS – LOCAL GOVERNMENT MEMBER

Applicant:	Shire of Perenjori
File:	ADM 0474
Date:	2 October 2023
Disclosure of Interest:	
Voting Requirements:	Simple Majority
Author:	Elinor Pitts – Executive Assistant to CEO
Responsible Officer:	Paul Anderson – Chief Executive Officer
Attachments:	12.2 – Letter from the Department of Planning, Lands and Heritage

Summary

Following the local election and the change in Shire of Perenjori Councillors, the Development Assessment Panel (DAP) delegates are required to be nominated by Council.

Council is to nominate two members and two alternative members to the Development Assessment Panel, for appointment by the Minister for Planning, for a term ending 26 January 2026.

Background

As a key component of planning reform in Western Australia, Development Assessment Panels (DAPs) are intended to enhance planning expertise in decision-making by improving the balance between technical advice and local knowledge.

Representation of local interests is a key aspect of the DAPs system, and all local governments are required to provide nominations for local government DAP members by Friday 24 November 2023, to ensure local interests are represented in future DAP determinations.

Statutory Environment

Planning and Development (Development Assessment Panels) Regulations 2011 (Reg. 24)

Policy Implications

Nil

Consultation

Paul Anderson - Chief Executive Officer

Financial Implications

Nil

Strategic Community Plan

Area 5: Investing in Council's Capacity – Our Leadership

Goal: Strengthen the Shire's position as an innovative, independent local government providing excellence in all areas of governance, management and leadership.

Officer Comment

Applications for Planning Consent with a value of more than \$1M will be considered by a joint Development Assessment Panel. This excludes applications for single dwellings of up to 10 group dwellings.

OFFICER RECOMMENDATION

Council Resolution Number:

Moved:

Seconded:

That the following Councillors be appointed as representatives for the Development Assessment Panel, and the relevant nomination form be completed and submitted to the Development Assessment Panel's Secretariat.

Local Government Member 1:

Local Government Member 2:

Local Government Alternate Member 1:

Local Government Alternate Member 2:

Motion put and carried / lost

13. Closure of Meeting:

The Shire President to declare the meeting closed and thank those in attendance.