

SY160-10/19 NOMINATION OF ELECTED MEMBERS TO THE AVON-MIDLAND COUNTRY ZONE OF WALGA AND DEVELOPMENT ASSESSMENT PANEL

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| Previously before Council: | SY139-11/17 Committees and Reference/Working Groups |
| Appendices: | 1. WALGA Zone Correspondence 2. Development Assessment Panel Nominations |

NATURE OF COUNCIL'S ROLE IN THE MATTER

Executive

PURPOSE OF REPORT

This report seeks Council's nomination of members and alternate members to the Avon-Midland Country Zone of WALGA and the Development Assessment Panel.

BACKGROUND

In accordance with Section 5.11 of the *Local Government Act 1995*, Council representatives on Committees, Reference/Working Groups and externally administered Committees are discontinued following a local government election and as such, nominations for Council representation are required.

Council generally considers this matter at its November Ordinary Council meeting following the biennial local government election, which this year will be held on 25 November 2019.

However, the Shire has received correspondence from the WA Local Government Association (Appendix 1) and the Department of Planning, Lands and Heritage (Appendix 2) requesting nominations to the the Avon-Midland Country Zone of WALGA and the Development Assessment Panel respectively, by 8 November 2019.

Therefore, officers have prepared a late report to enable Council to consider membership of these two externally administered committees and meet the deadline imposed by the relevant organisation.

COMMENTS AND DETAILS**Avon-Midland Country Zone of WALGA**

The WA Local Government Association exists to advocate and negotiate on behalf of the WA local government sector and is governed by the 24-member State Council. This consists of 12 members nominated from metropolitan zones of WALGA and 12 representatives of country zones.

Zones of WALGA are groupings of local governments convened together on the basis of population, common interests and geographic alignment and contribute to the direction and policy of WALGA and the State Council. The Shire of York is requested to appoint an elected member to the Avon-Midland Country Zone of WALGA (Zone) and nominate a further elected member as Deputy.

Development Assessment Panel

On 1 July 2011, Development Assessment Panels (DAP) came into operation under the *Planning and Development (Development Assessment Panels) Regulations 2011*. Each DAP determines

development applications that meet set type and value thresholds as if it were the responsible authority under the relevant town planning scheme.

The DAP is required to determine all development applications within the local government area in excess of \$10 million in value (mandatory DAP application) and optional "opt-in" (determined by DAP at the choice of the applicant) for applications between \$2 million and \$10 million in value (provided they are not development types within the exempt category).

The Shire is required to nominate two local government members and two alternate local government members to the relevant DAP which are then appointed by the Minister for Planning. The alternates will sit on the panel in the event that a local government member is not able to attend the DAP meeting.

Councillors Smythe and Ferro were appointed to the DAP until 26 July 2020 with Councillors Warnick and Trent as alternates. However, appointment is on the basis that the nominee is a member of Council, and if a councillor's term of office ceases, appointment as a DAP local government member expires at the same time. Following the recent local government elections, two vacancies exist for members of the DAP. Council is requested to nominate two Councillors as members for consideration by the Minister for Planning. Should Council choose to nominate either or both of the current alternates as members, new alternates will also need to be nominated.

OPTIONS

Council could choose to defer nominations for the above memberships until it considers all other Committee and Working/Reference Group memberships at the Ordinary Council on 25 November 2019. However, the correspondence attached outlines the reasons for requesting prompt consideration by Council of nominations to the Zone and the DAP.

While Councillors Warnick and Trent are appointed as alternates to the DAP until 26 January 2020, Council could choose to nominate one or both as members and appoint new alternates.

IMPLICATIONS TO CONSIDER

Consultative

WA Local Government Association (WALGA)

WA Department of Planning, Lands and Heritage - DAPs

Strategic

Strong and Effective Leadership

5.1 Effective and informed governance and decision-making

5.5 A Strong collective voice

Policy Related

Nil

Financial

There may be some travel costs involved in attendance by members at Zone and/or DAP meetings.

Legal and Statutory

Planning and Development (Development Assessment Panels) Regulations 2011

23. *LDAP members*

(1) *The members of a LDAP are —*

- (a) *2 persons appointed to the LDAP as local government members; and*
- (b) *3 persons appointed to the LDAP as specialist members.*

- (2) *The members must be appointed in writing by the Minister.*
- (3) *Regulation 24 applies to the appointment of local government members.*

24. Local government members of LDAP

- (1) *Whenever it is necessary to make an appointment under regulation 23(1)(a), the Minister must—*
 - (a) *in writing, request the local government of the district for which the DAP is established to nominate a member of the council of the local government for appointment; and*
 - (b) *unless subregulation (2) applies, appoint the person so nominated.*
- (2) *If, within 40 days after the date on which the Minister makes a request to a local government under subregulation (1) or such longer period as the Minister may allow, the local government fails to nominate a person for appointment in accordance with the request, the Minister may appoint under regulation 23(1)(a) a person who is an eligible voter of the district for which the LDAP is established.*
- (3) *For the purposes of subregulation (2) a person is an eligible voter of a district if that person is eligible under the Local Government Act 1995 section 4.29 or 4.30 to be enrolled to vote at elections for the district.*

[Regulation 24 amended: Gazette 16 Dec 2016 p. 5712-13.]

Risk Related

Should Council choose not to appoint members to the Zone and/or DAP, there is a reputational risk to the Shire which is rated Moderate (6) and in the case of the DAP, a compliance risk which is rated Moderate (8). Appointing members to the Zone and DAP as recommended in this report will mitigate these risks.

Workforce

Nil

VOTING REQUIREMENTS

Absolute Majority: No

RECOMMENDATION

That Council:

- 1. Appoints Cr _____ as delegate to the Avon-Midland Country Zone of the WA Local Government Association with Cr _____ as Deputy.
- 2. Nominates Cr _____ and Cr _____ to be members of the Development Assessment Panel with Cr _____ and Cr _____ as alternate members.