

12.10 NOMINATION OF COUNCIL MEMBERS FOR THE VACANT LOCAL GOVERNMENT POSITION ON THE CENTRAL PERTH LAND REDEVELOPMENT COMMITTEE

- Attachments:**
1. Letter from the Minister of Lands regarding appointments to the DevelopmentWA Central Perth Land Redevelopment Committee
 2. MRA Land Redevelopment Committee Charter

RECOMMENDATION:

That Council **ENDORSES** the following Council Member nominations for the vacant local government positions on the Central Perth Land Redevelopment Committee:

Cr: _____;

Cr: _____;

Cr: _____

PURPOSE OF REPORT:

To nominate up to three Council Members for the vacant local government position on the Central Perth Land Redevelopment Committee (Central Perth LRC).

BACKGROUND:

The Central Perth LRC comprises of five members, one being a local government representative of either the City of Perth or City of Vincent. The local government representative position was previously occupied by City of Perth Cr Catherine Lezer with City of Vincent Cr Susan Gontaszewski the alternate member.

The positions are now vacant and the Minister for Lands has invited the City of Vincent to nominate up to three representatives for the position. The letter from the Minister for Lands is at **Attachment 1**.

DETAILS:

The Central Perth LRC is responsible for determining or making recommendations on significant development applications relevant to the Central Perth Land Redevelopment Area, as well as amendments to Planning Policies, Design Guidelines and the Heritage Inventories.

The Central Perth Land Redevelopment Area includes Claisebrook Village (City of Perth), East Perth Power Station (City of Vincent), Elizabeth Quay (City of Perth), New Northbridge (City of Vincent/City of Perth), Perth City Link (City of Perth) and Riverside (City of Perth).

The East Perth Power Station Redevelopment, which is within the City of Vincent's district is a key development site within the City. Details of projects which are managed by DevelopmentWA, are [available here](#).

The term of the appointment would be determined by the Minister and is no longer than two years.

Remuneration and other allowances are determined by the Minister for Lands after consultation with the Public Sector Commissioner. A member who holds a full-time office on the public payroll or is a former Member of Parliament with less than 12 months having passed since sitting in Parliament, is not eligible for remuneration.

The Central Perth LRC meets on a monthly and as needs basis, usually the first Monday of each month. With quorum reached with three members. This quorum can be reduced to two members where one or more members are not able to participate due to a conflict of interest.

Further details of the Central Perth LRC, including its role and membership details, is set out in its Charter at **Attachment 2**.

The Minister for Lands will review the nominations received from the City of Vincent and make a recommendation to Cabinet.

CONSULTATION/ADVERTISING:

Nil.

LEGAL/POLICY:

Section 80(1) of the *Metropolitan Redevelopment Authority Act 2011*.

RISK MANAGEMENT IMPLICATIONS:

Low: The timely appointment of the City of Vincent representatives to the Central Perth LRC will enable the representatives to participate in decision-making that may impact the City.

STRATEGIC IMPLICATIONS:

This is in keeping with the City's *Strategic Community Plan 2018-2028*:

Innovative and Accountable

We are open and accountable to an engaged community.

FINANCIAL/BUDGET IMPLICATIONS:

Nil.

City Of Vincent Records
RECEIVED

03 OCT 2023

Hon John Carey MLA
Minister for Planning; Lands; Housing; Homelessness

CTN Ref: _____
REC No: _____

Our Ref: 78-15642

26 SEP 2023

Mr David MacLennan
Chief Executive Officer
City of Vincent
244 Vincent Street
LEEDERVILLE WA 6007

Dear Mr MacLennan

DEVELOPMENTWA CENTRAL PERTH LAND REDEVELOPMENT COMMITTEE

The DevelopmentWA Land Redevelopment Committees (LRC's) play a key role in the decision making around the development and delivery of urban renewal projects in each of the redevelopment areas.

In accordance with section 80(1) of the *Metropolitan Redevelopment Authority Act 2011* (the Act), LRC's comprise of five members, one being a member of the DevelopmentWA Board, one nominated under section 81 of the Act and the remaining members appointed at the discretion of the Minister.

Section 81 of the Act refers to nominations for appointment from the relevant local government in whose district there is a redevelopment LRC. Councillor Susan Gontaszewski is currently the local government representative sitting on the Central Perth LRC.

Following the local government elections on 21 October 2023, I formally request that, within 42 days of receipt of this letter, you provide three nominations to myself in writing for consideration as a member of the Central Perth LRC. After these nominations, the final appointment to the Central Perth LRC will be determined.

I thank you for your ongoing commitment to developing and renewing our city.

Yours sincerely

HON JOHN CAREY MLA
MINISTER FOR LANDS

Level 11, Dumas House, 2 Havelock Street, West Perth, WA, 6005
Telephone: +61 8 6552 5300 Email: minister.carey@dpc.wa.gov.au



METROPOLITAN REDEVELOPMENT AUTHORITY

LAND REDEVELOPMENT COMMITTEE CHARTER

FEBRUARY 2022



Shaping our State's future



LAND REDEVELOPMENT COMMITTEE CHARTER

1. INTRODUCTION

The purpose of the Metropolitan Redevelopment Authority (Authority) Land Redevelopment Committee (LRC) Charter is to explain, in one document, not only the obligations and responsibilities of the MRA's LRCs but also how the LRCs choose to fulfil those obligations.

This Charter does not remove the responsibility for LRC members to be fully informed of relevant legislation and the obligations that arise from these that apply to LRC members.

2. ROLE OF THE LAND REDEVELOPMENT COMMITTEES

The role of LRCs is to determine within delegation, significant Development Applications relevant to the Redevelopment Area(s) the LRC is responsible for, as well as approve amendments to Planning Policies, Design Guidelines and the Heritage Inventories, in accordance with Parts 5 and 6 of the Metropolitan Redevelopment Authority Act 2011 (the Act) and the relevant Redevelopment Scheme(s) applying to the Redevelopment Areas. Matters to be determined by LRCs are defined in accordance with the Schedule of Delegation adopted by the Board. Where matters relevant to Parts 5 and 6 of the Act are to be determined by the Board, LRCs shall first consider those matters and make recommendations to the Board.

The Board may refer any relevant matter(s) to LRCs for consideration and/or determination and the LRC is to consider any relevant item at the specific request of the Board.

3. MEMBERSHIP

Membership Appointment

In accordance with section 80(1) of the Act, the LRC will consist of five members appointed by the Minister as follows:

- (a) one is to be a member of the Authority's board of management nominated by the Authority;
- (b) one is to be a person nominated in accordance with section 81; and
- (c) each of the others is to be a person who in the opinion of the Minister has a relevant qualification.

The Minister has the authority to nominate members under section 80(1)(a) and (c). The Authority may provide recommendations, of which the Minister must have regard, but is not required to follow the recommendation.

In relation to subsection 80(1)(b), the Minister must request three nominations to be submitted from the relevant local governments within 42 days, of which the Minister must appoint one of the persons nominated. If this timeframe is not met the Minister has the authority to appoint a member under section 80(1)(a) and (c). The Minister's nominations are then presented to Cabinet for approval prior to appointment. A relevant qualification for the purposes of subsection 80(1)(c) is knowledge of and experience in one or more of the fields of urban planning, business management, property development, financial management, engineering, transport, housing, tourism development, planning law or community affairs. Section 80 of the Act, states that officers of the Authority are not eligible to be appointed to an LRC.

In making these appointments, the Minister shall be satisfied, having regard that to each members independence to management as well as any business or other relationships that may interfere with, or be reasonably perceived to, have the potential to interfere with their capacity to able to exercise independent judgement.

Further, LRC members should have the appropriate levels of skill and business experience relevant to the consideration of planning, development, design and/or statutory policy matters.

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The Minister may designate a member to be the Chairperson or Deputy Chairperson of the LRC. Such appointment is to be designated in the instrument of appointment of that member. If the Minister does not designate a Chairperson under section 80(2)(7) of the Act, the member of the MRA's Board who is nominated to the LRC by the Board is the Chairperson of the LRC (s80(2)(8)). If the Minister does not designate a Deputy Chairperson under section 80(2)(7) of the Act, the members of the LRC are to appoint one of their members as the Deputy Chairperson (s80(2)(9)). If the LRC Chairperson is unavailable, the Deputy Chairperson is to act as the Chairperson. If both are unavailable, the LRC must elect a meeting Chairperson from among those members present.

In accordance with section 90 of the Act, the Minister may appoint an alternate member to act temporarily in a member's place, excluding the Chairperson, should that member be unable to act as a member of the LRC for any cause.

Alternate members that have been appointed by the Minister are invited to attend the Committee meeting to achieve quorum.

Terms of Appointment

The term of appointment to LRCs is to be fixed in the instrument of appointment and is to be no longer than two years. Appointees must confirm their written acceptance of an appointment to the Minister. The Act provides that if the office of a member becomes vacant because their term expires by effluxion of time, unless the member resigns or is removed by the Minister, the member continues in office until the date on which the vacancy is filled by reappointment of the member or appointment of a successor, for up to a maximum period of three months.

4. ROLE OF THE LRC MEMBERS

LRC members are responsible collectively for LRC decisions and should support and adhere to all decisions made by their specific LRC. LRC members:

- Will keep confidential, information received in the course of the exercise of their duties such information remains the property of the Authority and must not be disclosed, or allowed to be disclosed, unless the Authority has authorised disclosure or it is required by law;
- Must act honestly; exercise reasonable care and diligence; and not make improper use of information or their positions;
- Will undertake diligent analysis of all proposals placed before the LRC;
- Will act with a level of skill expected from LRC members of a statutory authority;
- Will demonstrate commercial reasonableness in decision making;
- Will not use their position or the MRA's property for personal gain or to compete with the MRA;
- Will appropriately care for and use the Authority's assets for purposes related to the MRA Authority;
- Have an obligation to be independent in judgement and actions and take all reasonable steps to be satisfied LRC decisions are sound;
- Will make reasonable enquiries to ensure the Authority is operating efficiently, effectively and legally towards achieving its goals;
- Will not engage in conduct likely to discredit the Authority;
- Will encourage fair dealing by all employees with the Authority's customers, suppliers, competitors and other employees;
- Will encourage the reporting of unlawful/unethical behaviour and actively promote ethical behaviour and protection for those who report violations;
- Will give their specific expertise generously to the Authority; and
- Have an obligation, at all times, to comply with the law and relevant codes and standards.

The WA Public Sector Commission has developed Principles of Good Corporate Governance for Western Australian Public Sector Boards and Committees, applicable to agencies such as the Authority.

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5. LRC REMUNERATION AND PROTECTION

LRC Member remuneration and other allowances are determined by the Minister after consultation with the Public Sector Commissioner. A member who holds a full-time office on the public payroll or is a former Member of Parliament with less than 12 months having passed since sitting in Parliament, is not eligible for remuneration (Premiers Circular 2017/08 State Government Board and Committees).

Deeds of Access, Insurance and Indemnity

The Authority provides the opportunity for all LRC members to enter into a Deed of Access, Insurance and Indemnity (Deed).

The Authority considers it reasonable and in the best interests of the Authority to:

- (a) *indemnify the LRC member to the extent specified in the Deed and permitted by law against certain liabilities and legal costs incurred by the person as a member of the MRA;*
- (b) *maintain, and pay the premium on, a Directors and Officers Policy in respect of the member; and*
- (c) *provide the member with access to the papers and other documents provided or available to the person as a member of the LRC, both during the time that the person holds office and after the person ceases to be a member of the LRC.*

Independent Legal Advice

LRC members may, in consultation with the MRA Board Chairperson, seek independent legal advice on matters presented to the MRA Board and to source the attendance of external parties with relevant experience if it considers it necessary. The LRC is entitled to sufficient resources from the MRA to undertake its duties.

The LRC has the right to obtain all information it requires and request reports from management which it considers necessary for the performance of its objectives and responsibilities.

Conflicts of Interest

As soon as practicable after appointment, each Committee member is asked to complete a standing declaration disclosing all actual or potential conflicts of interest. These conflicts are presented at each Committee meeting, where the members are to advise of any changes to the disclosure or of any additional conflicts. This process and any removal and or addition of conflicts are documented in the meeting minutes and registered for meetings going forward.

6. ADMINISTRATION

Publishing Planning Items

In the interests of open and transparent decision making on planning matters, certain documents are to be published on the website at least seven days prior to consideration by the LRC. Members of the public who have made submissions on the item are invited to make a presentation to the LRC.

The following management reports are published on the website:

- all applications (including in-principle development applications, development applications, applications to amend a development approval, structure plan applications and local development plan applications) to be determined by the LRC/Board;
- all applications that are to be considered by the LRC/Board prior to being determined by the Minister for Planning; and/or
- all planning framework items following stakeholder public consultation – i.e. final approval of policies, design guidelines, DCPs, heritage inventories, redevelopment schemes/amendments.

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**Submitters and Deputations**

The public and stakeholders are invited to submit comments as part of the consultation process of a matter. Submitters are invited to attend and present their comments to the LRC at the relevant meeting. These presentations are to be made in accordance with the Committee Presentation Guidelines.

Publically Advertised Resolutions

Resolution of matters that have been subject to a public advertising process, whether or not deputations are made into the LRC, will be published on the website within seven days of the LRC meeting and should remain on the website for four weeks.

Minutes

Formal minutes of each meeting will be taken by the Committee Secretary and presented to the Committee at its following meeting for approval. Once approved, the Committee minutes are distributed to the Board for noting at the next Board meeting. Minutes are not published for the public to view.

Quorum

Quorum is three nominated members.

Quorum is reduced to two members where one or more members recuse themselves due to a conflict of interest.

Each member has a deliberative vote. In the case of an equality of vote, the presiding member has a casting vote in addition to a deliberative vote.

Attendance at an LRC committee meeting by others outside of the Committee is at the discretion of the Chairperson of the relevant LRC. Meetings may receive deputations by registered parties but deliberations are closed to the public.

Out of Session Resolutions

Resolution of items outside of meetings must be done in accordance with the requirements of section 107 of the MRA Act. The resolution must be in writing, signed by the member voting and passed unanimously.

Frequency of Meetings

The LRC shall meet as and when required.

Any LRC member in consultation with the Chairperson, may request additional or special meetings if they consider it necessary. Should there be insufficient business for a scheduled meeting, the Chairperson in consultation with the EGM Planning and Transition, may cancel a meeting.

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7. RELATIONSHIPS

The Authority is established pursuant to the MRA Act and is responsible to the relevant Minister. The Minister reports to Parliament and is accountable to the Parliament for the Authority.

Membership of Industry Associations and Professional Bodies

The provisions of the MRA Act identify various competencies and experience as relevant to the appointment by the Minister, of a member to the Committee and participation in industry activities and associated organisations is characteristic of professional life and in some cases may also constitute a requirement in terms of professional accreditation, continuing professional development or similar. Industry and professional bodies have a legitimate advocacy role, and from time to time may present their views on matters of policy to Government and the broader community.

Membership of a professional and/ or industry association should for transparency purposes, be a matter for a standing declaration and membership of a professional and or industry association should not in itself exclude an individual member from participating fully in the governance of the Authority and participation in Committee deliberations.

8. CONTACT BETWEEN LRC MEMBERS AND STAFF

The primary contact between the LRC and the Authority's staff is via the Executive General Manager Planning and Transition and the Chairpersons of each LRC. The LRC should direct queries or give instructions through the LRC's Chairperson to the Executive General Manager Planning and Transition rather than directly to Authority staff. If circumstances arise where advice from a particular officer is required then the LRC Chairperson should inform the Executive General Manager Planning and Transition of the request as a matter of protocol.

The Committee Services Co-ordinator will service the administrative needs of the Land Development Committees.

9. COMMITTEE PERFORMANCE AND REVIEW

The Committee continually monitors the performance of the Authority and determines the reporting it requires to effectively fulfil this function. Key Performance Indicators are used to report on the efficiency and effectiveness of the Authority's outcomes and outputs in its Annual Report.

Committee members periodically monitor their own performance and assess the extent to which they are collectively assisting the Authority to achieve its objectives.

The Charter is reviewed on an annual basis, and any amendments to the document require approval of the Board.

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10. KEY POLICIES AND PROCEDURES

The Committee has a range of policies and procedures documented which may be varied from time to time. Some of the matters covered include:

- Code of Conduct;
- MRA Delegation Schedule;
- Deeds of Access, Insurance and Indemnity;
- Directors and Officers Insurance;
- Committee Presentation Guidelines;
- Material Personal Interest Disclosures;
- Policy 1.1 Ministerial Communications Protocol;
- Policy 2.2 Board Communications Protocol;
- Policy 5.3 Media Communications;
- Policy 8.8 Records Management Policy; and
- Policy 7.19 Conflict of Interest (including gifts and hospitality).

Reviewed: February 2022

The Charter and any amendments to it require approval of the Board.



Board Chairperson

21 FEBRUARY 2022

Date of Issuance:

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