



Shire of Dardanup

MINUTES

ANNUAL ELECTORS MEETING

Held

27 January 2021

At

Shire of Dardanup
ADMINISTRATION CENTRE EATON
1 Council Drive – EATON

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VISION STATEMENT

“Provide effective leadership in encouraging balanced growth and development of the Shire while recognizing the diverse needs of our communities.”

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COUNCIL ROLE

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 eg. 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 (eg: 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."

RISK ASSESSMENT

Inherent Risk	The level of risk in place in order to achieve the objectives of the Council and before actions are taken to alter the risk's impact or likelihood.
Residual Risk	The remaining level of risk following the development and implementation of Council's response.
Strategic Context	These risks are associated with achieving Council's long term objectives.
Operational Context	These risks are associated with the day-to-day activities of the Council.
Project Context	Project risk has two main components: <ul style="list-style-type: none">• Direct refers to the risks that may arise as a result of project, which may prevent the Council from meeting its objectives.• Indirect refers to the risks which threaten the delivery of project outcomes.

RISK CATEGORY CONSEQUENCE TABLE - GUIDELINE

Rating (Level)	Health	Financial Impact	Service Interruption	Legal and Compliance	Reputational	Environment
Insignificant (1)	Near miss Minor first aid injuries	Less than \$10,000	No material service interruption - backlog cleared < 6 hours	Compliance - No noticeable regulatory or statutory impact. Legal - Threat of litigation requiring small compensation. Contract - No effect on contract performance.	Unsubstantiated, low impact, low profile or 'no news' item	Contained, reversible impact managed by on site response
Minor (2)	Medical type injuries	\$10,001 - \$50,000	Short term temporary interruption – backlog cleared < 1 day	Compliance - Some temporary non compliances. Legal - Single minor litigation. Contract - Results in meeting between two parties in which one party expresses concern.	Substantiated, low impact, low news item	Contained, reversible impact managed by internal response
Moderate (3)	Lost time injury <30 days	\$50,001 - \$300,000	Medium term temporary interruption – backlog cleared by additional resources < 1 week	Compliance - Short term non-compliance but with significant regulatory requirements imposed. Legal - Single moderate litigation or numerous minor litigations. Contract - Receive verbal advice that, if breaches continue, a default notice may be issued.	Substantiated, public embarrassment, moderate impact, moderate news profile	Contained, reversible impact managed by external agencies
Major (4)	Lost time injury >30 days	\$300,001 - \$1.5 million	Prolonged interruption of services – additional resources; performance affected < 1 month	Compliance - Non-compliance results in termination of services or imposed penalties. Legal - Single major litigation or numerous moderate litigations. Contract - Receive/issue written notice threatening termination if not rectified.	Substantiated, public embarrassment, high impact, high news profile, third party actions	Uncontained, reversible impact managed by a coordinated response from external agencies
Catastrophic (5)	Fatality, permanent disability	More than \$1.5 million	Indeterminate prolonged interruption of services – non-performance > 1 month	Compliance - Non-compliance results in litigation, criminal charges or significant damages or penalties. Legal - Numerous major litigations. Contract - Termination of contract for default.	Substantiated, public embarrassment, very high multiple impacts, high widespread multiple news profile, third party actions	Uncontained, irreversible impact

RISK - LIKELIHOOD TABLE

LEVEL	RATING	DESCRIPTION	FREQUENCY
5	Almost Certain	The event is expected to occur in most circumstances	The event is expected to occur more than once per year
4	Likely	The event will probably occur in most circumstances	The event will probably occur at least once per year
3	Possible	The event should occur at some time	The event should occur at least once in 3 years
2	Unlikely	The event could occur at some time	The event could occur at least once in 10 years
1	Rare	The event may only occur in exceptional circumstances	The event is not expected to occur more than once in 15 years

LEVEL OF RISK GUIDE

CONSEQUENCE		Insignificant	Minor	Moderate	Major	Catastrophic
LIKELIHOOD		1	2	3	4	5
Almost Certain	5	Moderate (5)	Moderate (10)	High (15)	Extreme (20)	Extreme (25)
Likely	4	Low (4)	Moderate (8)	High (12)	High (16)	Extreme (20)
Possible	3	Low (3)	Moderate (6)	Moderate (9)	High (12)	High (15)
Unlikely	2	Low (2)	Low (4)	Moderate (6)	Moderate (8)	Moderate (10)
Rare	1	Low (1)	Low (2)	Low (3)	Low (4)	Moderate (5)

SHIRE OF DARDANUP

MINUTES OF THE SHIRE OF DARDANUP ANNUAL ELECTORS MEETING HELD ON WEDNESDAY, 27th of JANUARY 2021, AT SHIRE OF DARDANUP - ADMINISTRATION CENTRE EATON, COMMENCING AT 6.00PM.

1	DECLARATION OF OPENING/ANNOUNCEMENTS OF VISITORS
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The Presiding Member, Cr. M T Bennett declared the meeting open at 6.00pm, welcomed those in attendance and referred to the Disclaimer, Acknowledgement of Country, Emergency Procedure and the Affirmation of Civic Duty and Responsibility on behalf of Councillors and Officers:

Acknowledgement of Country

The Shire of Dardanup wishes to acknowledge that this meeting is being held on the traditional lands of the Noongar people. In doing this, we recognise and respect their continuing culture and the contribution they make to the life of this region by recognising the strength, resilience and capacity of Wardandi people in this land.

Emergency Procedure

In the event of an emergency, please follow the instructions of the Chairperson who will direct you to the safest exit route. Once outside, please proceed to the Assembly Area points located to the western side of the front office car park near the skate park and gazebo where we will meet (and complete a roll call).

Affirmation of Civic Duty and Responsibility

Councillors and Officers of the Shire of Dardanup collectively declare that we will duly, faithfully, honestly and with integrity fulfil the duties of our respective office and positions for all the people in the district according to the best of our judgement and ability. We will observe the Shire's Code of Conduct and Standing Orders to ensure efficient, effective and orderly decision making within this forum.

2	RECORD OF ATTENDANCE/APOLOGIES/LEAVE OF ABSENCE PREVIOUSLY APPROVED
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2.1 Attendance

Elected Members:

Cr. Michael Bennett	-	Elected Member
Cr. Janice Dow	-	Elected Member
Cr. Tyrrell Gardiner	-	Elected Member
Cr. Mark Hutchinson	-	Elected Member
Cr. Peter Robinson	-	Elected Member
Cr. Stacey Gillespie	-	Elected Member

Council Staff:

Mr André Schönfeldt	-	Chief Executive Officer
Mr Phil Anastasakis	-	Deputy Chief Executive Officer
Ms Susan Oosthuizen	-	Director Sustainable Development
Mr Luke Botica	-	Director Infrastructure
Mrs Donna Bailye	-	PA – Deputy Chief Executive Officer

Electors/Members of the Public [Non electors]:

There were 5 Electors present at the start of the meeting.
A further 2 Electors joined the meeting at 6.06pm.

2.2 Apologies

Cr. Carmel Boyce	-	Elected Member
Cr. Patricia Perks	-	Elected Member
Cr. Luke Davies	-	Elected Member

3 CONFIRMATION OF MINUTES -3.1 Annual Electors Meeting Held 29 January 2020

The Minutes of the Annual Electors Meeting held on the 29 January 2020 are provided in (Appendix AEM: 3.1) for confirmation.

ANNUAL ELECTORS MEETING RESOLUTION

AEM 01-21 MOVED - Cr S Gillespie SECONDED - Cr P Robinson

THAT the minutes of the Annual Electors Meeting held on 29 January 2020, be confirmed as true and correct subject to no corrections.

CARRIED
6/0

3.2 Matters Arising from the Minutes

None.

4 RECEIPT OF ANNUAL REPORT – 2019/20

4.1 Annual Report Document

Discussion:

Shire President, Cr. M T Bennett and Chief Executive Officer, Mr André Schönfeldt read aloud their reports from within the Annual Report.

Note: 2 Electors joined the meeting at 6.06pm.

ANNUAL ELECTORS MEETING RESOLUTION

AEM 02-21 MOVED - Cr P Robinson SECONDED - Cr S Gillespie

THAT the contents of the Council’s Annual Report for 2019/20, inclusive of the President’s Report, Chief Executive’s Report, Auditors Report and Annual Financial Statements, be received.

CARRIED
6/0

Discussion:

Cr M Bennett advised that he would like to thank our Executive Team on the completion of the Annual Report. In what has been a very hectic year this is a good result and a report that we can be proud of.

Mr André Schönfeldt commented that this is the first year that the Shire has been audited by the Auditor General and I would like to thank Mr Phil Anastasakis and his team for the work undertaken to meet the new requirements. I would also like to extend a personal thanks to staff.

5 QUESTIONS OR MOTIONS FROM THE PUBLIC AT THE PRESIDENT’S DISCRETION

5.1 Fiona Moriarty –Cleanaway Landfill Site

Question 1. *Please provide details of the revisions requested by the Shire on the Cleanaway Masterplan for their Existing Landfill site, and when can we expect to see these revisions completed?*

Response: *Council resolved at its meeting on the 16 December 2020 to endorse the Master Plan for public advertising, subject to modifications being made, which are:*

- a) *Requests Cleanaway to remove all reference to “Cleanaway Approved Concept Plan” from all plans and documents.*
- b) *Requests Cleanaway to insert a map and/or figure to clearly illustrate the sites current planning approvals.*
- c) *Requests Cleanaway to insert a table in the appendices that list all current planning approvals pertaining to the site.*

- d) *Requests Cleanaway to adjust all the maps to show the whole of the site including the eastern boundary*
- e) *Requests Cleanaway to modify the Masterplan to address the Peer Review comments received from consultants, Urbaqua.*
- f) *Requests Cleanaway to make further minor changes to the Dust Management Plan*

The expectation is that the modifications will be received by March 2021 to enable the Council to publically advertise the Master Plan.

Question 2. *Why does this Materplan plan not include Cleanaways intentions at Lot 81 Marginata Close?*

Response: The Master Plan only deals with the intended development on Lot 2, Banksia Road as it demonstrates Cleanaway's intention for current and future development for this site as determined by the Ministerial approval received in 1999 and subsequent State Administrative Order on 14 September 2006, which extended the time limit for development indefinitely.

Question 3. *What is happening about the removal of the waste materials illegally dumped on Lot 81?*

Response: A DA has been received for stock piles on Lot 81, this is currently being assessed and will be presented to Council for consideration. A stop order on further works has been issued to Cleanaway.

Question 4. *Please provide copies of all Clearing Permits, Planning Approvals, Gazetting, Site Inspections, Environmental Studies, Planning Advice and known offsets relating to Lot 2 Banksia, Lot 81 Marginata and any other lot within the "Waste Precinct" going back to 1999.*

Response: A Freedom of Information request is required to release these documents.

Question 5 *Please provide any inspection reports on the effectiveness of Cleanaways Dust Mitigation plan including dates and times of all shire site visits during the continual high winds in early January.*

Response: The Dust Management Plan as part of the Master Plan suite of documents has only been endorsed by Council in December 2020 for public advertising. There are no inspection reports as yet.

Question 6 *Have all the Councillors read the Supporting Documents to Petition #169 as presented to WAs Legislative Council late 2020 and signed by 2644 individuals?*

Response: Yes.

Question 7 *Based on the unsuitability of this location for waste storage, will the Shire of Dardanup and Councillors uphold their Duty of Care to the residents and ratepayers of the Dardanup area and publicly support a three year exit Plan proposed in Petition #169 to close down all landfill on Banksia Rd and remove the terminology of Waste Precinct" from their Town Planning Scheme?*

Response: *The draft local Planning Scheme No 9 is currently being assessed by the Environmental Protection Authority, if it is determined as a Scheme Not Assessed, the Western Australian Planning Commission will then consider if the LPS9 can be advertised for public comment. The LPS9 is the statutory mechanism to manage land-uses in its area. There will be an opportunity to consider the appropriateness of the land-uses and its statutory mechanism in managing this as part of the public advertising period.*

Question 8 *Please specify which Councillors are For Against either an exit plan or the removal of Waste Precinct from the TPS*

Response: *Cr M Bennett advised that Council can not get involved in planning matters as they have to vote on the matters. If Councillors declare they are against something, there is a perceived bias and then Council will not be able to make a decision or vote on a matter.*

5.2 Kerry Lowe –Landfill Site

Question 1 *Knowing that the community of Dardanup are opposed to a massive landfill site that spoils not only the scenic value of the area, but is fraught with all kinds of other issues, why did Council then sell Lot 81 to a company that has plans to fill this lot with more waste?*

Response: *Cr M Bennett advised that the question will be taken on notice. We will need to go back and research the matter for a response.*

Question 2: *And why has Council agreed that the height of the landfill site be allowed to go to 128m-way above the natural land height in the area making it an eyesore for miles, so much so that fishermen use it as a marker way out at sea!! Are Council considering approving requests by Cleanaway to increase this height even further to 149m?*

“4.2 Final Landform The Dardanup site is expected to receive waste until approximately 2048 with a projected landfill footprint of 47.9 Hectares. The current approved height permitted within the existing DWER licence is AHD 128m. The final landform is planned to reach a height of AHD 149m consistent with the final landform design submitted by to DWER in 2016 and publicly advertised as part of the Cells 6, 7 and 8 Works Approval.”

Response: *Council has not determined a height higher than 128m AHD this has been set in the DWER licence approval for cells 6, 7 and 8. Council resolved at its 16 December 2020 meeting to prepare a Local Development Plan which sets a maximum height limit of 114m AHD, the WAPC is yet to confirm if they will support the preparation of an LDP for the site.*

5.3 Jill Cross – Landfill Site

Question 1: *The Community of Dardanup has been long opposed to Landfill on Lot 2 Banksia Road, dating back to 1999. So why did the Council ignore community concerns and sell Lot 81 to the J&P Corporation companies, for this company to more than likely see Lot 81 developed into a landfill site?*

Response: Cr M Bennett - When Council sold the site there were minimal objections from the community. The site was sold as a licenced site at the time. It was put up for Tender and anyone could of brough it. We will need to go back and check to see if there were any objections.

Question 2: *How did the Council determine that the permitted height of Lot 2 Banksia Road, 128m should be approved?*

Response: The current DWER landfill facility licence limits landfill cell heights (cells 1-8 and 12) to 128 m AHD.

The heights of individual developments (landfill cells, ponds, etc.) were not specified in the conditions of planning approval considered by Council. Reviewing the active Licence issued by the DWER on 3 August 2015 that maximum height limits were set for Landfill Cells 6, 7 and 8 (these are the active landfill cells being used currently). Specifically, specification (d) which stated:

“the amalgamated landfill cells (6, 7, 8 and previously constructed landfill cells 1-5 and 12) must be constructed to ensure that the maximum height of waste placed within the amalgamated cells will be no greater than 128 m AHD while ensuring that all landfill cell faces are stable.”

5.3 Cheryl Rourke – Landfill Site

Statement: *I protest the overuse of the Dardanup tip for the purpose of accepting rubbish from other shires. It seems our beautiful valley is becoming an eyesore, a putrid slurry and a magnet for all manner if vermin and flies. It is so wrong as it is a hazard to the health and well being for those who live in Dardanup.*

I am especially worried by the number of Cleanaway trucks using the same roads as residents and school buses. There is bound to be a future accident as one is often driving behind a truck, with another truck behind one and trucks passing in the opposite direction. The volume of trucks should be reduced. This can only be achieved if the operation of the Cleanaway site is drastically curtailed or shut.

I urge the Shire of Dardanup and the West Australian Parliament to take responsibility for its duty of care to its constituents.

I request this email be included at the Electors Meeting on Wednesday 27th January 2021, and I would like a response in writing and ask this is recorded on the minutes

Noted.

5.4 Mr Glen Hutchinson - Rates

Mr Glen Hutchinson commented that he wanted to acknowledge and thank Councillors for all the work that has been done over the last 12 months and that he appreciate the time Councillors put in.

Mr Glen Hutchinson read aloud the following:

The current LTFP indicates that the Council would be seeking a 6% rate increase for the 21/22 financial year with an additional 1.45% (\$) increase due to growth.

- a. *Due to Covid — 19 a 0% rate increase was adopted for the 2019/20 financial year;*
- b. *Inflation is currently running at an annual rate of .9%;*
- c. *Growth in 2019/20 was only .55% much less than predicted by the current LTFP; and*
- d. *Staff costs have not moved from the current level of 51.87% of revenue, which is extremely disappointing.*

Mr Glen Hutchinson spoke to his questions at the meeting advising that he would like to see the LTFP updated when the annual financial statements were produced, which he believed would assist Councillors by providing a road map for the future. Due to the financials, rate growth, rates of inflation and wage growth wanted to see a tightening up from the Shire of Dardanup.

Note: *The following questions were provided in the Form 60 presented at the meeting.*

Question 2a *Can the Shire advise if any expenditure was moved to future years because of the 0% increase last financial year?*

Question 2b: *Can the Council assure ratepayers that given the record low inflation and LGCI, that rates will not increase above .9%? (\$123450) (or a decrease in staff costs of 1.16% would mean 0 rate rise).*

Question 2c. *Why isn't the Long-term plan updated at the time of the completion of the Annual figures. Ratepayers and I would assume Councillors would benefit from understanding the long-term effects of decisions Council makes. The plan is currently 7 months out of date. From my perspective it looks very much like the blind leading the blind.*

Question 3a *I would like Councillor Perks for being selected as the Greens candidate for Bunbury for the next election. However, having said that, like me, do Councillors see a conflict of interest in relation to the selection, and should Councillor Perks take a leave of absence until after the election?*

Response *The Deputy CEO, Mr Phil Anastasakis provided a response to some of the questions raised. In regards to the 6% rate increase referenced, the recently adopted LTFP has a 0% rate increase for 202/21, 3% for 2021/22 and 4% thereafter.*

In regards to the 0.9% inflation rate, it depends on what inflationary factor is being used. From the LTFP perspective, the CPI index used is 1.43% for 2020/21 (based on the ABS All Groups - National) and is forecast to be 1.82% in December 2021. This information is sourced from ceidata.com.

In regards to growth, 0.55% is about right. Council engage a professional demographic forecasting company to produce a report which forecasts growth projections in the Shire of Dardanup. This includes referencing State and regional data. They also look at future subdivision plans. They looked at Wanju and have given Council a good indicator of what

the growth will be. Whilst this is very low, it reflects the economy at present. Growth is very lean for the next couple of years and is predicted to grow by up to 3% when Wanju starts.

In regards to staff costs, the 19/20 figure for Employee Costs is 49.2%, which is less than what was budgeted. Into the future LTFP the FTE numbers are reduced from the current 118.97 in 19/20, to 115.57 for 20/21, then 114.67, 114.97 and 115.97.

This figure is influenced by a number of things and is based on what is happening in the economy with the processing of compliance items such as building licences and town planning applications. As an example Council is required to process building applications based on the volume of activity. At this point in time whilst building applications have gone down in the past, in the last 6-9 months activity has started to increase with the volume of activity increasing. It is Council's decision to provide the level of service.

In response to Question 2a. Council looked at the 0% rate increase and its implications on the Shire's Asset Management Plans. This was the primary tool to look at future activity. A rate increase of 0% had an impact, and Council went through an extensive process last year to prioritise works and defer items to later years.

Mr Glen Hutchinson raised concerns about asset management and expressed that he wouldn't like projects to be moved and then have a 7% increase in rates to catch up.

The CEO, Mr André Schönfeldt responded that in comparing with other Local Governments, Dardanup's employee and materials and contracts costs make up 67.74% of operating expenses. The City of Bunbury makes up 70% of operating expenses, of which they have 28% in contractors, where we have 19% contractors. We do a lot more things in-house and that's why employee costs differ. The Shire of Harvey has 74% of expenditure, which is 4% higher. The Shire of Capel has 31%, so it depends on how Council delivers its services. There is a difference between Local Governments and Dardanup is within the average for other Local Government.

Mr Anthony Pitts who lives on the border of the Shire on Yabberup Road, raised that his road was recently regravelled and the trees pruned. While he acknowledged that his road may be graded a couple of times a year, there were no privileges, no lights etc. He couldn't see what he received for his rates.

The Shire President, Cr M Bennett advised that Council staff assess how much traffic is on the road and based on this information, Council factors in when works can occur.

The Director Infrastructure, Mr Luke Botica commented that the Shire would have lopped trees for gravel haulers. Gravel was placed as part of gravel renewal program, which forms part of the resheeting program. The trees would have been lopped to allow truck access for the delivery of gravel and not any other purpose.

Mr Colin Johnson queried the calculation of rates, and whether this referred to the rate in the dollar or the money paid on the rates notice?

The Deputy CEO, Mr Phil Anastasakis provided an explanation on the calculation of the rates in the dollar and the valuation process, confirming that the percentage increase that Council adopts relates to the total revenue raised in rates, not the rate in the dollar.

Mr Glen Hutchinson raised a further question in regards to Question 3. He congratulated Cr Perks for being selected as the Greens candidate for the state election but questioned

if there is a conflict of interest and if Cr Perks should take a leave of absence until after the state election?

The Shire President, Cr M Bennett responded that under the Local Government Act, the only time a Councillor is disqualified from Council is if they are a member of Parliament. It is an individual's discretionary decision as to whether they wish to take a leave of absence. It is the Councillors responsibility.

5.5 Ms Suzana Celani – Rates and Services

Question Susan Celani advised that they live next door to Mr Anthony Pitts. She raised a question in regards to the delivery of mail and rubbish to their property. They have a PO box as there is no mail delivery service and have no rubbish service. They have to take their rubbish to the tip and pay everytime they take their rubbish to the tip. Can the Shire provide some relief?

The Deputy CEO, Mr Phil Anastasakis advised that If they are living in a farming area there is no rubbish collection charge with the rates. Residential properties have a rubbish fee for the service provided, and are paying for the pick up and disposal service.

The Shire President, Cr M Bennett commented that Council will make the rubbish collection and tip passes a topic for discussion during the next budget consideration.

Cr M Bennett thanked staff and Councillor for their effort during a tough year.

6 CLOSURE OF MEETING

There being no further business the Presiding Officer declared the meeting closed [7.02pm].