



MINUTES

**THE SHIRE OF DARDANUP
NEW ADMINISTRATION,
LIBRARY & COMMUNITY
BUILDING COMMITTEE
MEETING**

Held

8 April 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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Members of The SoD New Administration, Library & Community Building Committee

- Cr M Bennett
- Cr P Robinson
- Cr M Hutchinson

Terms of Reference

The Terms of Reference for this Committee are located in the Tardis records system – refer to the following link:
[2021 - ToR - New Administration, Library and Community Building Committee.](#)

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.

SHIRE OF DARDANUP

MINUTES OF THE SHIRE OF DARDANUP NEW ADMINISTRATION, LIBRARY AND COMMUNITY BUILDING COMMITTEE MEETING HELD ON THURSDAY, 8 APRIL 2021, AT SHIRE OF DARDANUP - ADMINISTRATION CENTRE EATON, COMMENCING AT 10.00AM.

1 DECLARATION OF OPENING/ANNOUNCEMENTS OF VISITORS

The Presiding Member, Mr André Schönfeldt declared the meeting open at 10.00am, 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 and pay our respects to their elders, past, present and emerging.

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.

Committee members acknowledge that only the Chief Executive Officer or a member of the Shire of Dardanup staff appointed by the Chief Executive Officer is to have contact with consultants and suppliers that are appointed under contract to undertake the development and implementation of projects.

The exception to this Policy is when there is a meeting of the committee or working group with the consultant and the Chief Executive Officer or the Chief Executive Officer's representative is present.

Members of committees acknowledge that a breach of this Policy may result in a request to Council to have them removed from the committee.

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 muster point located at the front of the building where we will meet (and complete a roll call).

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

2.1 Attendance

Cr Michael Bennett	-	Shire President
Cr Peter Robinson	-	Deputy Shire President
Cr Mark Hutchinson	-	Elected Member
Mr André Schönfeldt	-	Chief Executive Officer
Mr Phil Anastasakis	-	Deputy Chief Executive Officer
Mr Luke Botica	-	Director Infrastructure
Mrs Susan Oosthuizen	-	Director Sustainable Development
Mr Nathan Ryder	-	Manager Infrastructure Planning & Design
Mr James Reilly	-	Project Engineer
Mrs Donna Bailye	-	PA – Deputy Chief Executive Officer

Visitors

Mr Wade Dunston	-	Senior Consultant – Probity, Audit & Procurement (Stantons International) [Zoom 10.07am]
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2.2 Apologies

Mr Allan Hutcheon	-	Procurement Officer
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3 ELECTION OF CHAIRPERSON & DEPUTY CHAIRPERSON

3.1 Election of Chairperson

Nominations for the position of Chairperson are to be given to Chief Executive Officer, Mr André Schönfeldt who will be the Presiding Officer for the election. Nominations should be in writing [forms available from the Presiding Officer].

The position of Chairperson will expire in October 2021 being the date of the next ordinary election Local Government Act 1995 2.28(2).

The nominee is to accept the nomination in writing to the position of Chairperson.

If more than one person is nominated, voting is to be conducted by secret ballot, with the candidate that receives the greater number of votes being elected.

Discussion:

Cr Michael Bennett was nominated for the position of Chairperson by Cr Peter Robinson, Cr Bennett accepted the nomination.

As there were no other nominations Cr Michael Bennett was declared as Chairperson.

Cr Michael Bennett assumed the Chair.

3.2 Election of Deputy Chairperson

Nominations for the position of Deputy Chairperson were given to the Chairperson, in writing.

The position of Deputy Chairperson will expire in October 2021 being the date of the next ordinary election Local Government Act 1995 2.28(2).

The nominee is to accept the nomination in writing to the position of Deputy Chairperson.

If more than one person is nominated, voting is to be conducted by secret ballot, with the candidate that receives the greater number of votes being elected.

Discussion:

Cr Peter Robinson was nominated for the position of Deputy Chairperson by Cr Michael Bennett, Cr Peter Robinson accepted the nomination.

As there were no other nominations Cr Peter Robinson was declared as Deputy Chairperson.

DECLARATION

Following due process as per Section 5.12 and Schedule 2.3 of the Local Government Act 1995 the following people are declared:

Cr Michael Bennett	-	Chairperson
Cr Peter Robinson	-	Deputy Chairperson

of the Shire of Dardanup New Administration, Library and Community Committee

4. PETITIONS/DEPUTATIONS/PRESENTATIONS

None.

5 PUBLIC QUESTION TIME

None.

6 CONFIRMATION OF MINUTES OF PREVIOUS MEETING

None.

7 ANNOUNCEMENTS OF MATTERS FOR WHICH MEETING MAY BE CLOSED

It is recommended that the Committee go Behind Closed Doors toward the end of the meeting in accordance with Shire of Dardanup Standing Orders & Local Government Act 1995 Section 5.23 (2) - Matters for Which Meeting May Be Closed:

Standing Order and the Local Government Act 1995 provides for Council to resolve to close the meeting to the public and proceed behind closed doors for matters:

- S 5.23 (1) Subject to subsection (2), the following are to be open to members of the public-*
- (a) all Council meetings; and*
 - (b) all meetings of any committee to which a local government power or duty has been delegated.*
- (2) If a meeting is being held by a Council or by a committee referred to in subsection (1) (b), the Council or committee may close to members of the public the meeting, or part of the meeting, if the meeting or the part of the meeting deals with any of the following -*
- (a) a matter affecting an employee or employees;*
 - (b) the personal affairs of any person;*
 - (c) a contract entered into, or which may be entered into, by the local government and which relates to a matter to be discussed at the meeting;*
 - (d) legal advice obtained, or which may be obtained, by the local government and which relates to a matter to be discussed at the meeting;*
 - (e) a matter that if disclosed, would reveal -*
 - (i) a trade secret;*
 - (ii) information that has a commercial value to a person; or*
 - (iii) information about the business, professional, commercial or financial affairs of a person,*
where the trade secret or information is held by, or is about, a person other than the local government;
 - (f) a matter that if disclosed, could be reasonably expected to -*
 - (i) impair the effectiveness of any lawful method or procedure for preventing, detecting, investigating or dealing with any contravention or possible contravention of the law;*
 - (ii) endanger the security of the local government's property; or*
 - (iii) prejudice the maintenance or enforcement of a lawful measure for protecting public safety;*
 - (g) information which is the subject of a direction given under section 23 (1a) of the Parliamentary Commissioner Act 1971; and*
 - (h) such other matters as may be prescribed.*
- (3) A decision to close a meeting or part of a meeting and the reason for the decision are to be recorded in the minutes of the meeting.*

Note: Chairperson advised that the meeting will go behind closed doors toward the end of the meeting to discuss 2 (c) - Information where a contract entered into, or which may be entered into, by the local government and which relates to a matter to be discussed at the meeting.

8 QUESTIONS BY MEMBERS OF WHICH DUE NOTICE HAS BEEN GIVEN

8.1 Appointment of Member to the SoD Dardanup New Administration, Library & Community Building Committee

Discussion:

Chairperson, Cr Michael Bennett discussed the appointment of Mr Merv Hart, Qualitative Surveyor to the Committee in an advising consultative role. The Committee agreed to approach Mr Hart and offer him membership to the Committee.

SOD NEW ADMINISTRATION, LIBRARY AND COMMUNITY BUILDING COMMITTEE RESOLUTION

NALCBC 01-21 MOVED - Cr P Robinson SECONDED- . Cr M Hutchinson

THAT The SoD New Administration, Library and Community Building Committee recommend that Council:

- 1. Endorse the appointment of Mr Merv Hart to the SoD New Administration, Library and Community Building Committee; and**
- 2. Endorse the amendment to the SoD New Administration, Library & Community Building Committee Instrument of Appointment & Terms of Reference 2021 reflecting the appointment.**

CARRIED
3/0

9 DECLARATION OF INTEREST

"Committee 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."

Key Management Personnel (which includes Elected Members, CEO and Directors) are reminded of their requirement to disclose biannually transactions between Council and related parties in accordance with Council Policy CP039.

Discussion:

Shire President, Cr. M T Bennett advised there were no Disclosure of Interest made prior to the meeting and asked if there were any Declarations of Interest to be made

There were no Declarations of Interest made.

10 REPORTS OF OFFICERS

None.

11 MATTERS BEHIND CLOSED DOORS

It is recommended that the following item be heard behind closed doors.

Shire of Dardanup Standing Orders & Local Government Act 1995 Section 5.23 - Matters for Which Meeting May Be Closed:

Standing Order and the Local Government Act 1995 provides for Council to resolve to close the meeting to the public and proceed behind closed doors for matters:

- S 5.23 (1) Subject to subsection (2), the following are to be open to members of the public-*
- (a) all Council meetings; and*
 - (b) all meetings of any committee to which a local government power or duty has been delegated.*
 - (2) If a meeting is being held by a Council or by a committee referred to in subsection (1) (b), the Council or committee may close to members of the public the meeting, or part of the meeting, if the meeting or the part of the meeting deals with any of the following -*
 - (a) a matter affecting an employee or employees;*
 - (b) the personal affairs of any person;*
 - (c) a contract entered into, or which may be entered into, by the local government and which relates to a matter to be discussed at the meeting;*
 - (d) legal advice obtained, or which may be obtained, by the local government and which relates to a matter to be discussed at the meeting;*
 - (e) a matter that if disclosed, would reveal -*
 - (i) a trade secret;*
 - (ii) information that has a commercial value to a person; or*
 - (iii) information about the business, professional, commercial or financial affairs of a person,*
where the trade secret or information is held by, or is about, a person other than the local government;
 - (f) a matter that if disclosed, could be reasonably expected to -*
 - (i) impair the effectiveness of any lawful method or procedure for preventing, detecting, investigating or dealing with any contravention or possible contravention of the law;*
 - (ii) endanger the security of the local government's property; or*
 - (iii) prejudice the maintenance or enforcement of a lawful measure for protecting public safety;*
 - (g) information which is the subject of a direction given under section 23 (1a) of the Parliamentary Commissioner Act 1971; and*
 - (h) such other matters as may be prescribed.*
 - (3) A decision to close a meeting or part of a meeting and the reason for the decision are to be recorded in the minutes of the meeting.*

OFFICER RECOMMENDED RESOLUTION & SOD NEW ADMINISTRATION, LIBRARY AND COMMUNITY BUILDING COMMITTEE RESOLUTION

NALCBC 02-21 MOVED - Cr P Robinson SECONDED- . Cr M Hutchinson

THAT in accordance with the Local Government Act 1995, S 5.23, the Committee go Behind Closed Doors [10.05pm] to discuss 2 (c) - Information where a contract entered into, or which may be entered into, by the local government and which relates to a matter to be discussed at the meeting.

CARRIED
3/0

11.1 Title: Scope of Work – SoD New Administration, Library & Community Building

Reporting Department: Corporate & Governance
 Reporting Officer: Mr Phil Anastasakis – Deputy Chief Executive Officer
 Legislation: Local Government Act 1995

REPORT UNDER SEPARATE COVER

Note: In accordance with the Local Government Act 1995 5.23 (2) this report is not available to the public. The Shire President tables the confidential report on this matter and provides copies to each elected member. The report will be located in the Records Management System of the Council.

Note: Mr Wade Dunston Senior Consultant – Probity, Audit & Procurement of Stantons International joined the meeting via a Zoom call at 10.07am and left the meeting at 10.47am

*Note: Cr Peter Robinson left the meeting at 11.57pm
 Manager Infrastructure Planning & Design, Mr Nathan Ryder left the meeting at 1.28pm.
 Director Infrastructure Mr Luke Botica left the meeting at 1.47pm.*

**OFFICER RECOMMENDED RESOLUTION & SOD NEW ADMINISTRATION,
 LIBRARY AND COMMUNITY BUILDING COMMITTEE RESOLUTION**

NALCBC 03-21 MOVED - Cr M Bennett SECONDED- . Cr M Hutchinson

THAT The Shire of Dardanup New Administration, Library and Community Building Committee endorses the Negotiable and Non-Negotiable Design elements provided for in Confidential Document as amended during the meeting [Confidential Appendix NALCBC: 11.1C – Tardis Link: [MEE-R0928615](#)].

CARRIED
 2/0

**OFFICER RECOMMENDED RESOLUTION & SOD NEW ADMINISTRATION,
 LIBRARY AND COMMUNITY BUILDING COMMITTEE RESOLUTION**

NALCBC 04-21 MOVED - Cr M Bennett SECONDED- . Cr M Hutchinson

THAT the Committee return from Behind Closed Doors [1.53pm].

CARRIED
 2/0

Note: In accordance with Standing Order 5.2(6) the Presiding Officer, did not cause the motion passed by the Committee whilst behind closed doors to be read out.

12 PUBLIC QUESTION TIME

None.

13 CLOSURE OF MEETING

The Chairperson advises that the date of the next The Shire of Dardanup New Administration, Library & Community Building Committee Meeting will be advised.

There being no further business the Chairperson declared the meeting closed at 1.53pm