



**CONFIRMED**

# MINUTES

## SPECIAL COUNCIL MEETING

Held

15<sup>th</sup> of March 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

|                            |   |
|----------------------------|---|
| <b>Advocacy</b>            | When Council advocates on its own behalf or on behalf of its community to another level of government / body /agency.   |
| <b>Executive/Strategic</b> | The substantial direction setting and oversight role of the Council e.g. Adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.   |
| <b>Legislative</b>         | Includes adopting local laws, town planning schemes and policies.   |
| <b>Review</b>              | When Council reviews decisions made by Officers.  |
| <b>Quasi-Judicial</b>      | <p>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.</p> <p>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.</p> |

## 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

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

**SHIRE OF DARDANUP**

**MINUTES OF THE SHIRE OF DARDANUP SPECIAL COUNCIL MEETING HELD ON MONDAY, 15<sup>TH</sup> OF MARCH 2021, AT SHIRE OF DARDANUP - ADMINISTRATION CENTRE EATON, COMMENCING AT 4.30PM.**

**1 DECLARATION OF OPENING/ANNOUNCEMENTS OF VISITORS**

The Presiding Member, Cr. M T Bennett declared the meeting open at 4.32pm, 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.*

*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****2.1 Attendance**

|                      |   |                                  |
|----------------------|---|----------------------------------|
| Cr. Michael Bennett  | - | Shire President                  |
| Cr. Peter Robinson   | - | Deputy Shire President           |
| Cr. Tyrrell Gardiner | - | Elected Member                   |
| Cr. Carmel Boyce     | - | Elected Member                   |
| Cr. Patricia Perks   | - | Elected Member                   |
| Cr. Stacey Gillespie | - | Elected Member                   |
| Cr. Mark Hutchinson  | - | Elected Member                   |
| Cr. Janice Dow       | - | Elected Member                   |
| <br>                 |   |                                  |
| Mr André Schönfeldt  | - | Chief Executive Officer          |
| Mr Phil Anastasakis  | - | Deputy Chief Executive Officer   |
| Ms Susan Oosthuizen  | - | Director Sustainable Development |
| Mr Luke Botica       | - | Director Infrastructure          |
| Ms Cathy Lee         | - | Manager Governance & HR          |
| Mrs Ella Rafferty    | - | Executive Support Officer        |
| Mrs Natalie Hopkins  | - | Manager Financial Services       |
| Mr Sudi Mishra       | - | Manager Information Systems      |
| Mr Allan Hutcheon    | - | Procurement Officer              |

**2.2 Apologies**

|                 |   |                |
|-----------------|---|----------------|
| Cr. Luke Davies | - | Elected Member |
|-----------------|---|----------------|

**2.3 Leave of Absence**

None.

**3 RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE**

None.

**4 PUBLIC QUESTION TIME**

None.

**5 APPLICATIONS FOR LEAVE OF ABSENCE**

None.

**6 PETITIONS/DEPUTATIONS/PRESENTATIONS**

None.

**7 CONFIRMATION OF MINUTES OF PREVIOUS MEETING**

7.1 Ordinary Meeting Held on the 24<sup>th</sup> of February 2021

Note: *The Minutes of the Ordinary Council Meeting held on Wednesday, 24<sup>th</sup> of February 2021 will be confirmed at the next Ordinary Council Meeting on Wednesday, 31<sup>st</sup> of March 2021.*

**8 ANNOUNCEMENTS BY PRESIDING MEMBER WITHOUT DISCUSSION**

None.

## 9 ANNOUNCEMENTS OF MATTERS FOR WHICH MEETING MAY BE CLOSED

### 9.1 Title: RFT-F0171287 – New Shire of Dardanup Administration, Library and Community Building

It is recommended that Council 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:** Shire President, Cr. M T Bennett advised that the meeting would 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.



**10 QUESTIONS BY MEMBERS OF WHICH DUE NOTICE HAS BEEN GIVEN**

None.

**11 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.”

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.

*Note: Shire President, Cr. M T Bennett asked Councillors and Staff if there were any Declarations of Interest to be made.*

*There were no Declarations of Interest made.*

**12 REPORTS OF OFFICERS AND COMMITTEES**

None.

**13 ELECTED MEMBERS MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN**

None.

**14 NEW BUSINESS OF AN URGENT NATURE INTRODUCED BY DECISION OF MEETING**

None.

## 15 PUBLIC QUESTION TIME

None.

## 16 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**

42-21                      MOVED -              Cr. P S Robinson                      SECONDED –              Cr. P R Perks

**THAT in accordance with the Local Government Act 1995, S 5.23, the Council go Behind Closed Doors [4.34pm] 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  
8/0

16.1    Title: RFT-F0171287 – New Shire of Dardanup Administration, Library and Community Building

Reporting Department:              Executive  
Reporting Officer:                      Mr André Schönfeldt - 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.*

**OFFICER RECOMMENDED RESOLUTION & COUNCIL RESOLUTION**

43-21                      MOVED -              Cr. P R Perks                      SECONDED –              Cr. C N Boyce

**THAT Council:**

- 1. Acknowledges receipt of the tender submissions for the Eaton Library and Administration Building -Design and Construct Request for Tender RFT - F0171287;**
- 2. Chooses not to accept any of the tender submissions received.**
- 3. Authorises the Chief Executive Officer to revise the Request for Tender documentation in line with the recommendations detailed in this report and to call tenders from the pre-qualified tenderers for a period of 35 days.**

CARRIED  
7/1

| FOR THE MOTION   | AGAINST THE MOTION |
|--|--------------------|
| Cr. M T Bennett<br>Cr. P S Robinson<br>Cr. T G Gardiner<br>Cr. C N Boyce<br>Cr. P R Perks<br>Cr. M Hutchinson<br>Cr. S L Gillespie | Cr. J Dow          |

**OFFICER RECOMMENDED RESOLUTION**

44-21            MOVED -            Cr. S L Gillespie            SECONDED –            Cr. P R Perks

**THAT Council return from Behind Closed Doors [5.59pm].**

CARRIED  
8/0

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

**17 CLOSURE OF MEETING**

The Presiding Officer, Cr. M T Bennett advised that the date of the next Ordinary Meeting of Council will be held on Wednesday the 31<sup>st</sup> of March 2021, commencing at 5.00pm at the Shire of Dardanup - Administration Centre Eaton.

There being no further business the Presiding Officer declared the meeting closed at 5.59pm.

**CONFIRMATION OF MINUTES**

**“As the person presiding at the meeting at which these minutes were confirmed on the 31<sup>st</sup> of March 2021, I certify that these minutes have been confirmed as a true and accurate record of proceedings”.**

**Signature:** 

**Email:** michael.bennett@dardanup.wa.gov.au