



A G E N D A

SPECIAL COUNCIL MEETING

To Be Held

Wednesday, 20th of October 2021

Commencing at 5.00pm

At

**Shire of Dardanup
Administration Centre Eaton
1 Council Drive - EATON**

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NOTICE OF A SPECIAL COUNCIL MEETING

Dear Council Member

A Special Council Meeting of the Shire of Dardanup will be held on Wednesday, 20th of October 2021 in the Council Chambers, Shire of Dardanup - Administration Centre Eaton, 1 Council Drive, Eaton - commencing at 5.00pm.

A handwritten signature in black ink, appearing to read "André Schönfeldt".

MR ANDRÉ SCHÖNFELDT
Chief Executive Officer

Date: 13th of October 2021

Note: If interested persons would like to make comment on any items in this agenda, please email records@dardanup.wa.gov.au or hand deliver written comment to the Shire of Dardanup – Administration Centre Eaton, 1 Council Drive, Eaton. To be included in the meeting comments are to be delivered no later than 48 hours prior to the meeting.

The Chief Executive Officer will use his discretion as to whether the written comments are relevant and applicable to the meeting before approving their inclusion in the meeting.

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 e.g. 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	<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

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	<p>Project risk has two main components:</p> <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

AGENDA FOR THE SHIRE OF DARDANUP SPECIAL COUNCIL MEETING TO BE HELD ON WEDNESDAY, THE 20th OF OCTOBER 2021, AT SHIRE OF DARDANUP - ADMINISTRATION CENTRE EATON, COMMENCING AT 5.00PM.

1 DECLARATION OF OPENING/ANNOUNCEMENTS OF VISITORS

[Local Government Act 1995 Schedule 2.3 (3) – CEO to preside: The CEO is to preside at the meeting until the office (of President) is filled.]

The Chief Executive Officer, Mr André Schönfeldt to declare the meeting open, welcome those in attendance, refer 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, you will be directed to an appropriate Assembly Area 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

2.2 Apologies

2.3 Leave of Absence

3 RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

None.

4 PUBLIC QUESTION TIME**5 APPLICATIONS FOR LEAVE OF ABSENCE****COUNCIL RESOLUTION**

THAT be granted leave of absence for the Ordinary Council meeting to be held on the 27th of October 2021.

6 PETITIONS/DEPUTATIONS/PRESENTATIONS**6.1 Title: Swearing In / Declaration by Councillors**

Reporting Department: Corporate & Governance Directorate
Reporting Officer: Ms Cathy Lee – Manager Governance & HR
Legislation: Local Government Act 1995

Overview

Chief Executive Officer, Mr André Schönfeldt to preside over the swearing in and the signing of the Declarations of the newly Elected Members [*Local Government (Constitution) Regulations 1998, Part 3, r3*] and [*Oaths, Affidavits and Statutory Declarations Act 2005, Schedule 2. Item 21*].

Background

Following the October 2021 Election, the first task is for newly elected Councillors to complete their Declarations of Office.

Legal Implications

Compliance with:

- *Local Government (Constitution) Regulations 1998, Form 7.* [[Form 7 - Declaration by Councillor](#)]
- *Local Government Act 1995 Schedule 2.3*
 3. CEO to preside
The CEO is to preside at the meeting until the office (of President) is filled.
- *Local Government Act 1995 Section 2.29.*
 - 2.29. Declaration
 - (1) *A person elected as an elector mayor or president or as a councillor has to make a declaration in the prescribed form before acting in the office.*
 - (2) *A person elected by the council as mayor, president, deputy mayor or deputy president has to make a declaration in the prescribed form before acting in the office.*
 - (3) *A declaration required by this section is to be taken or made before a prescribed person.*
 - (4) *A person who acts in an office contrary to this section commits an offence.
Penalty: \$5,000 or imprisonment for one year.*

Strategic Community Plan

Strategy 1.1.1 - Ensure equitable, inclusive and transparent decision-making. (Service Priority: High)

Strategy 1.1.4 - Maintain best practice governance systems and practices. (Service Priority: Moderate)

Environment - None.

Precedents - Ordinary election processes take place every two years.

Budget Implications - None.

Budget – Whole of Life Cost - None.

Council Policy Compliance - None.

Risk Assessment

The Risk Management Governance Framework has been considered in arriving at the officer recommendation.

TIER 1 – No discernible Inherent Risk has been identified (no Risk Theme or Consequence).	
Risk Event	Swearing In / Declaration by Councillors
Inherent Risk Rating (prior to treatment or control)	Low (1 - 4)
Risk Action Plan (treatment or controls proposed)	As the Inherent Risk Rating is below 12, this is not applicable.
Residual Risk Rating (after treatment or controls)	As the Inherent Risk Rating is below 12, this is not applicable.

Officer Comment

The following five Councillors four year terms will run from the 20th of October 2021 to October 2025:

1. _____
2. _____ *[Names to be inserted (in alphabetical order*
3. _____ *following the 16th of October 2021 election results.]*
4. _____
5. _____

PROCESS:

Chief Executive Officer, Mr André Schönfeldt to preside over the swearing in of the following Councillors who are to read aloud and sign a Declaration of Office form [Local Government (Constitution) Regulations 1998, Form 7]:

Form 7. Declaration by elected member of council [r. 13(1)(c)]

Local Government Act 1995

Local Government (Constitution) Regulations 1998

Declaration by elected member

I, (insert name), of (insert residential address), .having been elected to the office of Councillor of the Shire of Dardanup, declare that I take the office upon myself and will duly, faithfully, honestly, and with integrity, fulfil the duties of the office for the people in the district according to the best of my judgment and ability, and will observe the Code of Conduct adopted by the Shire of Dardanup under section 5.104 of the Local Government Act 1995.

Declared at: 1 Council Drive, Eaton on Wednesday the 20th of October 2021

By: [Signature of Councillor]

*Before me: [Signature] Mr André Schönfeldt – Chief Executive Officer, Shire of Dardanup
Authorised Person [Oaths, Affidavits and Statutory Declarations Act 2005,
Schedule 2. Item 21].*

SWEARING IN

The following Councillors, to read aloud and sign the Declaration by Elected Member of Council (Form 7), Local Government (Constitution) Regulations 1998, section 13(1)(c); and be formally Sworn In, as witnessed by Chief Executive Officer, Mr André Schönfeldt.

- Councillor _____ [Form 7 Signed Declaration to be attached with minutes]
- Councillor _____ [Form 7 Signed Declaration to be attached with minutes]
- Councillor _____ [Form 7 Signed Declaration to be attached with minutes]
- Councillor _____ [Form 7 Signed Declaration to be attached with minutes]
- Councillor _____ [Form 7 Signed Declaration to be attached with minutes]

6.2 Title: Election of Shire President

Reporting Department:	Corporate & Governance Directorate
Reporting Officer:	Ms Cathy Lee – Manager Governance & HR
Legislation:	Local Government Act 1995

Overview

To elect the Shire President for the Council of the Shire of Dardanup for the ensuing 2 years.

Background

Following the October 2021 Election, the first task is for newly elected Councillors to complete their Declarations of Office, then the new Council is to elect a Shire President and a Deputy Shire President.

Legal Implications

Compliance with:

- Local Government (Constitution) Regulations 1998, Form 7. [[Form 7 - Declaration by President](#)]
- Local Government Act 1995 Section 2.29.

2.29. Declaration

- (1) A person elected as an elector mayor or president or as a councillor has to make a declaration in the prescribed form before acting in the office.
- (2) A person elected by the council as mayor, president, deputy mayor or deputy president has to make a declaration in the prescribed form before acting in the office.
- (3) A declaration required by this section is to be taken or made before a prescribed person.
- (4) A person who acts in an office contrary to this section commits an offence.
Penalty: \$5,000 or imprisonment for one year.

- Local Government Act 1995 – Schedule 2.3

Schedule 2.3 — When and how mayors, presidents, deputy mayors and deputy presidents are elected by the council [Sections 2.11(1)(b) and 2.15] – Division 1 — Mayors and presidents

2. When council elects mayor or president

- (1) The office is to be filled as the first matter dealt with —
 - (a) at the first meeting of the council after an inaugural election or a section 4.13 or 4.14 election or after an ordinary elections day; and
 - (b) at the first meeting of the council after an extraordinary vacancy occurs in the office.
- (2) If the first ordinary meeting of the council is more than 3 weeks after an extraordinary vacancy occurs in the office, a special meeting of the council is to be held within that period for the purpose of filling the office.

4. How mayor or president is elected

- (1) The council is to elect a councillor to fill the office.
- (2) The election is to be conducted by the CEO in accordance with the procedure prescribed.
- (3) Nominations for the office are to be given to the CEO in writing before the meeting or during the meeting before the close of nominations.

- (3a) *Nominations close at the meeting at a time announced by the CEO, which is to be a sufficient time after the announcement by the CEO that nominations are about to close to allow for any nominations made to be dealt with.*
- (4) *If a councillor is nominated by another councillor the CEO is not to accept the nomination unless the nominee has advised the CEO, orally or in writing, that he or she is willing to be nominated for the office.*
- (5) *The councillors are to vote on the matter by secret ballot as if they were electors voting at an election.*
- (6) *Subject to clause 5(1), the votes cast under subclause (5) are to be counted, and the successful candidate determined, in accordance with Schedule 4.1 (which deals with determining the result of an election) as if those votes were votes cast at an election.*
- (7) *As soon as is practicable after the result of the election is known, the CEO is to declare and give notice of the result in accordance with regulations, if any.*

[Clause 4 amended: No. 49 of 2004 s. 69(2) - (5); No. 66 of 2006 s. 14.]

Strategic Community Plan

Strategy 1.1.1 - Ensure equitable, inclusive and transparent decision-making. (Service Priority: High)

Strategy 1.1.4 - Maintain best practice governance systems and practices. (Service Priority: Moderate)

Environment - None.

Precedents

The Shire President is elected following each Ordinary Election held every 2 years.

Budget Implications - None.

Budget – Whole of Life Cost - None.

Council Policy Compliance - None.

Risk Assessment

The Risk Management Governance Framework has been considered in arriving at the officer recommendation.

Tier 2 – ‘Low’ or ‘Moderate’ Inherent Risk.	
Risk Event	Election of Shire President
Inherent Risk Rating (prior to treatment or control)	Low (1 - 4)
Risk Action Plan (treatment or controls proposed)	Not required.
Residual Risk Rating (after treatment or controls)	As the Residual Risk Rating is below 12, this is not applicable.

Officer Comment

The following process will take place:

- The Chief Executive Officer to call for nominations for the office of Shire President for the ensuing two year term.
- Nominations for the Office of President are to be given to the Chief Executive Officer in writing.
- The position of Shire President runs from the 20th of October 2021 until the next Local Government elections in 2023. The office of President is for a two year term – expires at the time when the mayor or president is next elected at or after the local government’s next ordinary elections (*Local Government Act 1995 2.28(2) Item 11*).
- If there is only one nominee, the Nominee to accept the nomination in writing to the position of Shire President, read aloud and sign a Declaration of Office for Shire President.
- If there is more than one nomination received in writing, a secret ballot will take place.
- A draw is to be conducted for the order of names on the ballot paper and the position numbers and names recorded.
- Each Councillor to make a short statement in support of their respective nominations.
- A ballot paper is to be prepared and issued to Councillors with the back of each ballot paper being initialled by Chief Executive Officer.
- All Councillors are to complete their ballot paper behind a secluded booth and lodge their ballot paper in a sealed ballot box.
- The Chief Executive Officer to count the votes, overseen by Deputy Chief Executive Officer and Manager Governance & HR.
- The Elected Shire President, to be sworn in then to take over the position of Chairperson.

Legal Implications

Chief Executive Officer, Mr André Schönfeldt to preside over the swearing in and the signing of the Declarations of the newly elected Shire President [*Local Government (Constitution) Regulations 1998, Part 3, r3*] and [*Oaths, Affidavits and Statutory Declarations Act 2005, Schedule 2. Item 21*].

Compliance with the Local Government Act 1995 Schedule 2.3

5. Votes may be cast a second time

- (1) *If when the votes cast under clause 4(5) are counted there is an equality of votes between 2 or more candidates who are the only candidates in, or remaining in, the count, the count is to be discontinued and the meeting is to be adjourned for not more than 7 days.*
- (2) *Any nomination for the office may be withdrawn, and further nominations may be made, before or when the meeting resumes.*
- (3) *When the meeting resumes the councillors are to vote again on the matter by secret ballot as if they were electors voting at an election.*
- (4) *The votes cast under subclause (3) are to be counted, and the successful candidate determined, in accordance with Schedule 4.1 as if those votes were votes cast at an election.*

Voting Requirements

By secret ballot (Schedule 2.3 4. (5)) (Schedule 4.1) "The candidate that receives the greater number of votes is elected."

DECLARATION BY SHIRE PRESIDENT

The Chief Executive Officer, Mr André Schönfeldt to declare Cr _____ as Shire President for the ensuing two year term, expiring at the next Ordinary Election to be held on the 20th of October 2023.

Cr _____ to be duly sworn in as Shire President by making the Declaration of Office of the President; and

Assume the role of Chairperson being the newly elected Shire President at [???pm].

[Form 7 Signed Declaration to be attached with minutes.]

6.3 Title: Election of Deputy Shire President

Reporting Department:	Corporate & Governance Directorate
Reporting Officer:	Ms Cathy Lee – Manager Governance & HR
Legislation:	Local Government Act 1995

Overview

To elect the Deputy President for the Council of the Shire of Dardanup for the ensuing 2 years.

Background

Following the October 2021 Election, the first task is for newly elected Councillors to complete their Declarations of Office, then the new Council is to elect a President and a Deputy President.

Legal Implications

Compliance with:

- *Local Government (Constitution) Regulations 1998, Form 7.* [[Form 7 - Declaration by Deputy President](#)]
- *Local Government Act 1995 Section 2.29.*

2.29. Declaration

- (1) *A person elected as an elector mayor or president or as a councillor has to make a declaration in the prescribed form before acting in the office.*
- (2) *A person elected by the council as mayor, president, deputy mayor or deputy president has to make a declaration in the prescribed form before acting in the office.*
- (3) *A declaration required by this section is to be taken or made before a prescribed person.*
- (4) *A person who acts in an office contrary to this section commits an offence.
Penalty: \$5,000 or imprisonment for one year.*

Compliance with the Local Government Act 1995 Section 2.29.

2.29. Declaration

- (1) *A person elected as an elector mayor or president or as a councillor has to make a declaration in the prescribed form before acting in the office.*
- (2) *A person elected by the council as mayor, president, deputy mayor or deputy president has to make a declaration in the prescribed form before acting in the office.*
- (3) *A declaration required by this section is to be taken or made before a prescribed person.*
- (4) *A person who acts in an office contrary to this section commits an offence.
Penalty: \$5 000 or imprisonment for one year.*

Local Government Act 1995 – Schedule 2.3

Schedule 2.3 — When and how mayors, presidents, deputy mayors and deputy presidents are elected by the council [Sections 2.11(1)(b) and 2.15] – Division 1 — Mayors and presidents

7. When council elects deputy mayor or deputy president

- (1) *If the local government has an elector mayor or president the office of deputy mayor or deputy president is to be filled as the first matter dealt with —*
 - (a) *at the first meeting of the council after an inaugural election or a section 4.13 or 4.14 election or after an ordinary elections day; and*
 - (b) *at the first meeting of the council after an extraordinary vacancy occurs in the office.*

- (2) *If the local government has a councillor mayor or president the office of deputy mayor or deputy president is to be filled —*
 - (a) *as the next matter dealt with after the mayor or president is elected at the first meeting of the council after an inaugural election or a section 4.13 or 4.14 election or after an ordinary elections day; and*
 - (b) *subject to subclause (3), as the first matter dealt with at the first meeting of the council after an extraordinary vacancy occurs in the office.*
- (3) *If at a meeting referred to in clause 2(1)(b) the deputy mayor or deputy president is elected to be the mayor or president, the resulting extraordinary vacancy in the office is to be filled as the next matter dealt with at the same meeting.*

8. How deputy mayor or deputy president is elected

- (1) *The council is to elect a councillor (other than the mayor or president) to fill the office.*
- (2) *The election is to be conducted in accordance with the procedure prescribed by the mayor or president, or if he or she is not present, by the CEO.*
- (3) *Nominations for the office are to be given to the person conducting the election in writing before the meeting or during the meeting before the close of nominations.*
- (3a) *Nominations close at the meeting at a time announced by the person conducting the election, which is to be a sufficient time after the announcement by that person that nominations are about to close to allow for any nominations made to be dealt with.*
- (4) *If a councillor is nominated by another councillor the person conducting the election is not to accept the nomination unless the nominee has advised the person conducting the election, orally or in writing, that he or she is willing to be nominated for the office.*
- (5) *The council members are to vote on the matter by secret ballot as if they were electors voting at an election.*
- (6) *Subject to clause 9(1) the votes cast under subclause (5) are to be counted, and the successful candidate determined, in accordance with Schedule 4.1 as if those votes were votes cast at an election.*
- (7) *As soon as is practicable after the result of the election is known, the person conducting the election is to declare and give notice of the result in accordance with regulations, if any.*

[Clause 8 amended: No. 64 of 1998 s. 54(2) - (4); No. 49 of 2004 s. 69(6)-(9).]

9. Votes may be cast a second time

- (1) *If, when the votes cast under clause 8(5) are counted, there is an equality of votes between 2 or more candidates who are the only candidates in, or remaining in, the count, the count is to be discontinued and, not more than 7 days later, a special meeting of the council is to be held.*
- (2) *Any nomination for the office may be withdrawn, and further nominations may be made, before or when the special meeting is held.*
- (3) *When the special meeting is held the council members are to vote again on the matter by secret ballot as if they were voting at an election.*
- (4) *The votes cast under subclause (3) are to be counted, and the successful candidate determined, under Schedule 4.1 as if those votes were votes cast at an election.*

Strategic Community Plan

Strategy 1.1.1 - Ensure equitable, inclusive and transparent decision-making. (Service Priority: High)

Strategy 1.1.4 - Maintain best practice governance systems and practices. (Service Priority: Moderate)

Environment - None.

Precedents

The Deputy Shire President is elected following each Ordinary Election held every 2 years.

Budget Implications - None.

Budget – Whole of Life Cost - None.

Council Policy Compliance - None.

Risk Assessment

The Risk Management Governance Framework has been considered in arriving at the officer recommendation.

Tier 2 – ‘Low’ or ‘Moderate’ Inherent Risk.	
Risk Event	Election of Deputy Shire President
Inherent Risk Rating (prior to treatment or control)	Low (1 - 4)
Risk Action Plan (treatment or controls proposed)	Not required.
Residual Risk Rating (after treatment or controls)	As the Residual Risk Rating is below 12, this is not applicable.

Officer Comment

The following process will take place:

- The Shire President (or Chief Executive Officer if the Shire President is not present), to call for nominations for the office of Deputy Shire President for the ensuing two year term.
- Nominations for the Office of Deputy Shire President are to be given to the Chief Executive Officer in writing.
- The position of Deputy Shire President runs from the 20th of October 2021 until the next Local Government elections in 2023. The office of Deputy President is for a two year term – expires at the start of the first meeting of the council after the local government’s next ordinary elections (*Local Government Act 1995 2.28(2) Item 12*).
- If there is only one nominee, the Nominee to accept the nomination in writing to the position of Deputy Shire President, read aloud and sign a Declaration of Office for Deputy Shire President.
- If there is more than one nominations received in writing, a secret ballot will take place.
- A draw is to be conducted for the order of names on the ballot paper and the position numbers and names recorded.
- Each Councillor to make a short statement in support of their respective nominations.
- A ballot paper is to be prepared and issued to Councillors with the back of each ballot paper being initialled by Chief Executive Officer.

- All Councillors are to complete their ballot paper behind a secluded booth and lodge their ballot paper in a sealed ballot box.
- The Chief Executive Officer to count the votes, overseen by Deputy Chief Executive Officer and Manager Governance & HR.
- The Elected Deputy Shire President, to be sworn in.

Legal Implications

Compliance with the Local Government Act 1995 Schedule 2.3

5. Votes may be cast a second time

- (1) *If when the votes cast under clause 4(5) are counted there is an equality of votes between 2 or more candidates who are the only candidates in, or remaining in, the count, the count is to be discontinued and the meeting is to be adjourned for not more than 7 days.*
- (2) *Any nomination for the office may be withdrawn, and further nominations may be made, before or when the meeting resumes.*
- (3) *When the meeting resumes the councillors are to vote again on the matter by secret ballot as if they were electors voting at an election.*
- (4) *The votes cast under subclause (3) are to be counted, and the successful candidate determined, in accordance with Schedule 4.1 as if those votes were votes cast at an election.*

Voting Requirements

By secret ballot (Schedule 2.3 4. (5)) (Schedule 4.1) "The candidate that receives the greater number of votes is elected."

DECLARATION BY DEPUTY SHIRE PRESIDENT

The Chief Executive Officer, Mr André Schönfeldt to declare Cr _____ as Deputy Shire President for the ensuing two year term, expiring at the next Ordinary Election to be held on the 20th of October 2023.

Cr _____ to be sworn in as Deputy Shire President by making the Declaration of Office of the Deputy Shire President.

[Form 7 Signed Declaration to be attached with minutes.]

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. _____ - Shire President
- Cr. _____ - Deputy Shire President

of the Shire of Dardanup.

6.4 Title: Allocation of Seats

Reporting Department: Corporate & Governance Directorate
 Reporting Officer: Ms Cathy Lee – Manager Governance & HR
 Legislation: Local Government Act 1995

Overview

According to Standing Orders Local Law 2014 S7.2 (2), the Chief Executive Officer will conduct a ballot for the allocation of seating in the Council Chambers.

Legal Implications

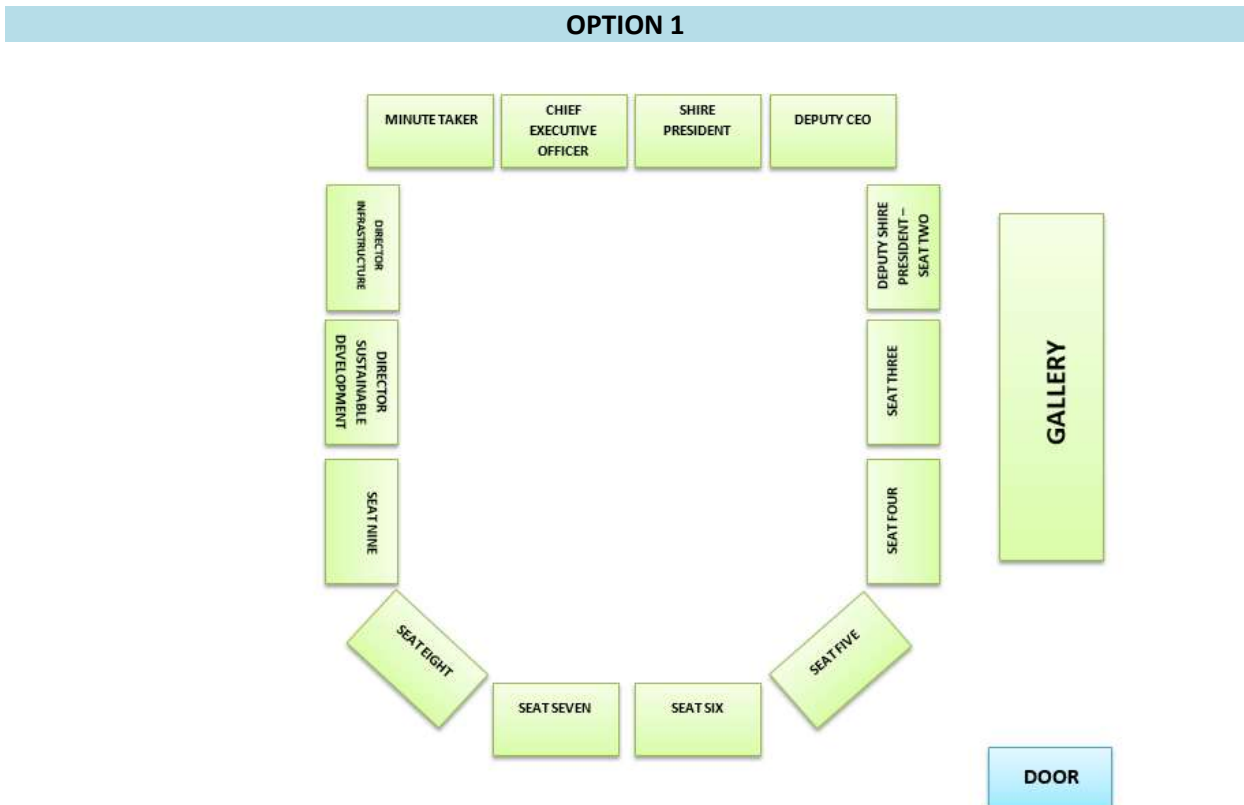
Standing Orders Local Law 2014, Section 7.2 (2)

7.2 *Members to occupy own seats*

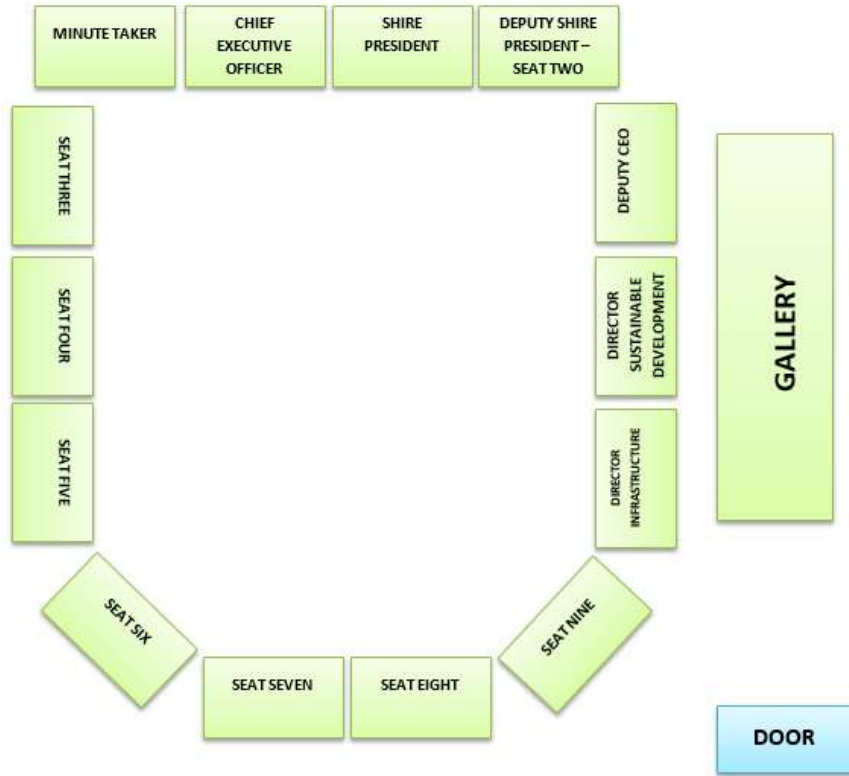
- (1) *At meetings of the Council each member is to occupy the place assigned to that member within the Council Chamber.*
- (2) *At the first meeting held after each ordinary elections day, the CEO is to allot by random draw, a position at the Council table to each Councillor and the Councillor is to occupy that position when present at meetings of the Council until such time as there is a call by a majority of Councillors for a re-allotment of positions.*

Officer Comment

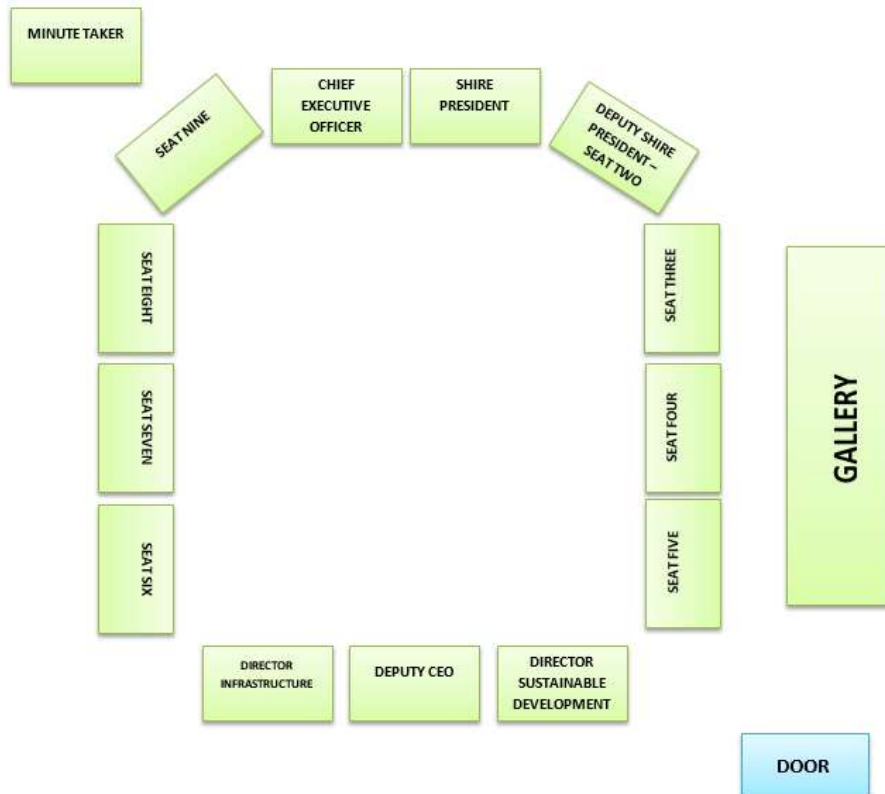
The following six seating arrangement options for the Council Chambers are presented to Council.



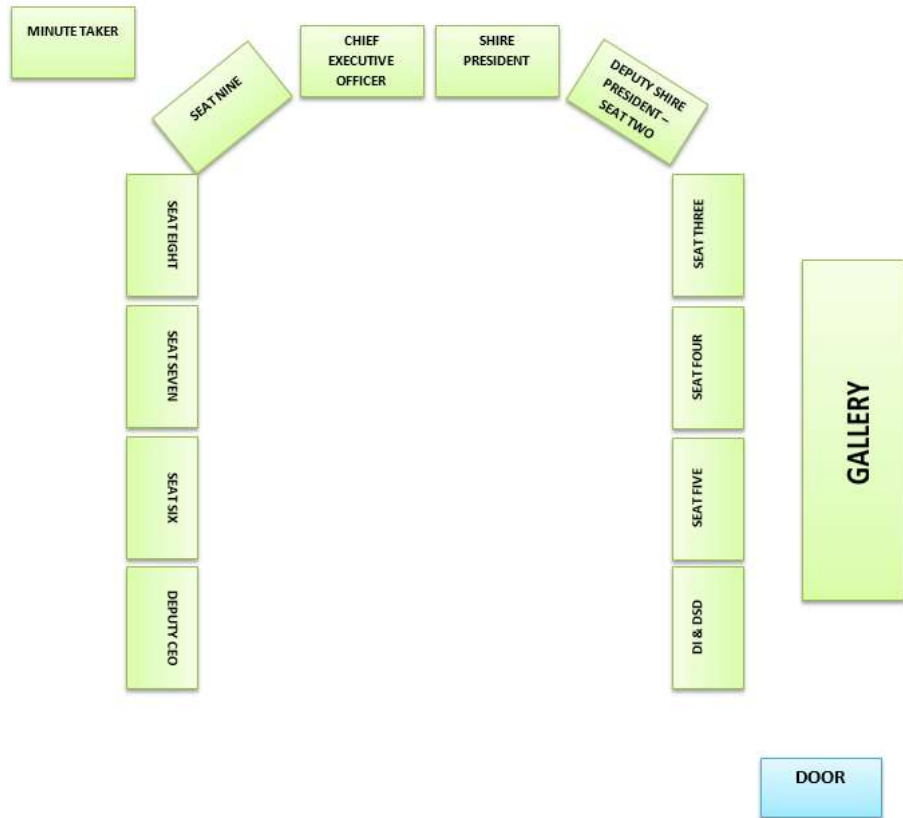
OPTION 2



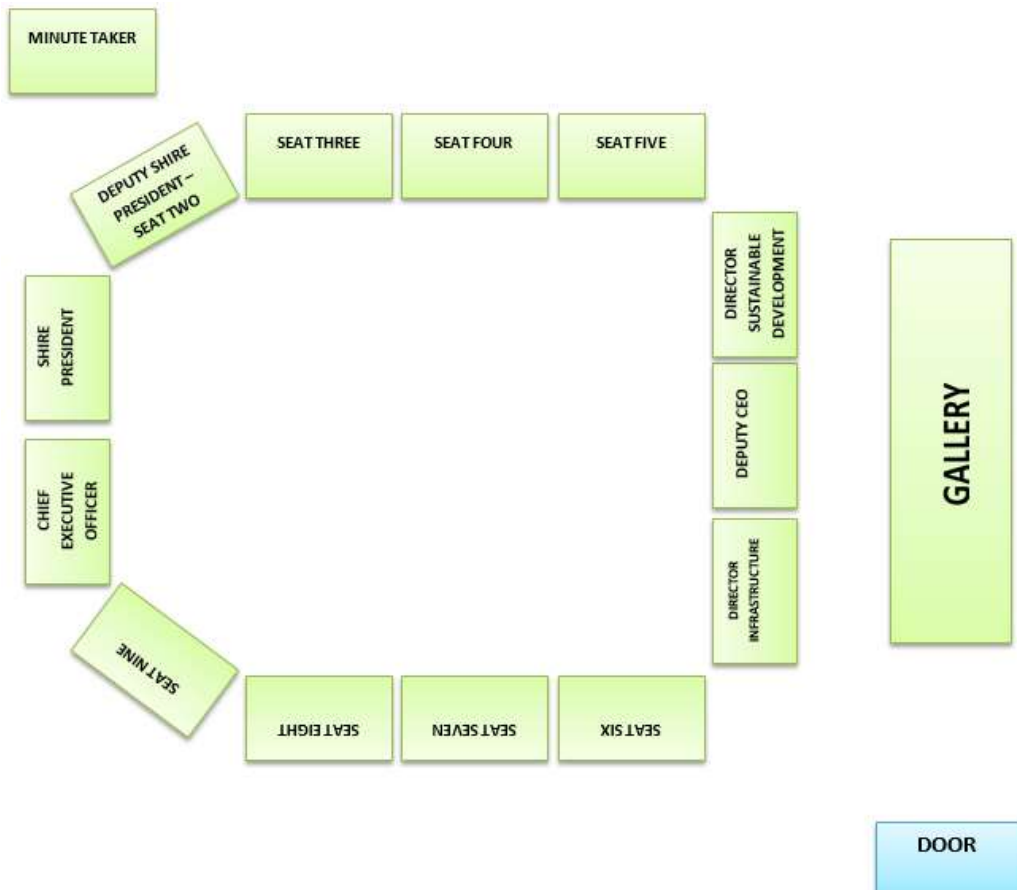
OPTION 3



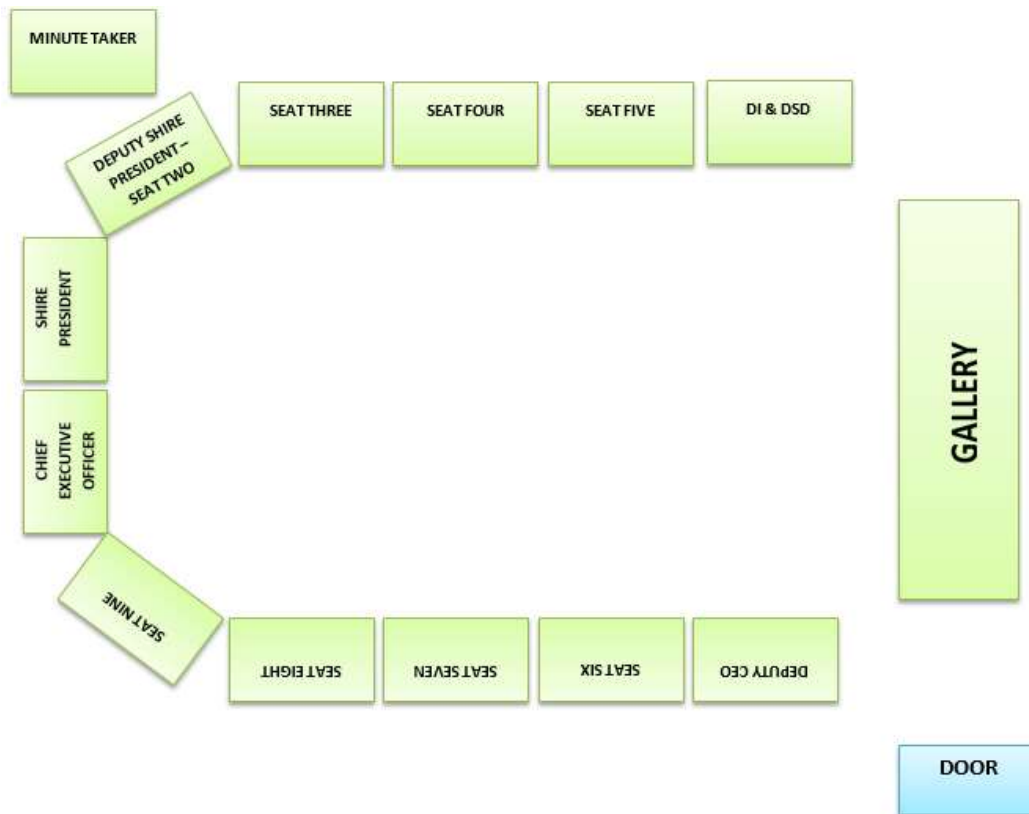
OPTION 4



OPTION 5



OPTION 6



OFFICER RECOMMENDED RESOLUTION

THAT Council:

1. Selects Option _____ as the preferred layout for seating arrangements in the Council Chambers.
2. Notes that following Council’s decision on the preferred seating arrangements the Chief Executive Officer is to draw a ballot as per standing orders.

PROCESS:

Elected members to vacate their seats and await the outcome of the ballot for seats three to nine.

SEAT	NAME OF ELECTED MEMBER
One	Shire President -
Two	Deputy Shire President -
Three	
Four	
Five	
Six	
Seven	
Eight	
Nine	

7 CONFIRMATION OF MINUTES OF PREVIOUS MEETING**7.1 Ordinary Meeting Held 29th of September 2021 & 5th October 2021**

Note: The Minutes of the Ordinary Council Meeting held on Wednesday, 29th of September 2021 and the Minutes of the Special Council Meeting held on Tuesday, 5th of October will be confirmed at the next Ordinary Council Meeting on Wednesday, 27th of October 2021.

8 ANNOUNCEMENTS BY PRESIDING MEMBER WITHOUT DISCUSSION

None.

9 ANNOUNCEMENTS OF MATTERS FOR WHICH MEETING MAY BE CLOSED

None.

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 CnG CP039.

Note: Chairperson to ask Councillors and Staff if there are any Declarations of Interest to be declared.

12 REPORTS OF OFFICERS AND COMMITTEES

12.1 Title: Appointment of Councillors, Staff and Department Representatives to Council Committees

Reporting Department: Corporate & Governance Directorate
 Reporting Officer: Ms Cathy Lee - Manager Governance & HR
 Legislation: Local Government Act 1995

Overview

This report to Council provides for the appointment and endorsement of Councillors, staff, Community and Department Representatives to the Shire of Dardanup Council Committees for the period October 2021 to October 2023.

Background

In accordance with section 5.8, 5.9 and 5.10 of the Local Government Act, Council is empowered to establish committees and elect persons to serve on those committees.

In accordance with Section 5.11 of the Local Government Act 1995, tenure to the committee membership continues until:

- (1) *Where a person is appointed as a member of a committee under section 5.10(4) or (5), the person's membership of the committee continues until —*
- (a) *the person no longer holds the office by virtue of which the person became a member, or is no longer the CEO, or the CEO's representative, as the case may be; or*
 - (b) *the person resigns from membership of the committee;*
 - or*
 - (c) *the committee is disbanded; or*
 - (d) *the next ordinary elections day, whichever happens first.*

Legal Implications

The following Local Government Act requirements apply to the business before Council in relation to committees.

5.8. Establishment of committees

A local government may establish committees of 3 or more persons to assist the Council and to exercise the powers and discharge the duties of the local government that can be delegated to committees.*

** Absolute majority required.*

5.9. Types of committees

- (1) In this section —
“other person” means a person who is not a Council member or an employee.
- (2) A committee is to comprise —
- (a) Council members only;
 - (b) Council members and employees;
 - (c) Council members, employees and other persons;
 - (d) Council members and other persons;
 - (e) employees and other persons; or
 - (f) other persons only.

5.10. Appointment of committee members

- (1) A committee is to have as its members —
- (a) persons appointed* by the local government to be members of the committee (other than those referred to in paragraph (b)); and
 - (b) persons who are appointed to be members of the committee under subsection (4) or (5).
 * Absolute majority required.
- (2) At any given time each Council member is entitled to be a member of at least one committee referred to in section 5.9(2) (a) or (b) and if a Council member nominates himself or herself to be a member of such a committee or committees, the local government is to include that Council member in the persons appointed under subsection (1) (a) to at least one of those committees as the local government decides.
- (3) Section 52 of the Interpretation Act 1984 applies to appointments of committee members other than those appointed under subsection (4) or (5) but any power exercised under section 52(1) of that Act can only be exercised on the decision of an absolute majority of the local government.
- (4) If at a meeting of the Council a local government is to make an appointment to a committee that has or could have a Council member as a member and the mayor or president informs the local government of his or her wish to be a member of the committee, the local government is to appoint the mayor or president to be a member of the committee.
- (5) If at a meeting of the Council a local government is to make an appointment to a committee that has or will have an employee as a member and the CEO informs the local government of his or her wish —
- (a) to be a member of the committee; or
 - (b) that a representative of the CEO be a member of the committee,
- the local government is to appoint the CEO or the CEO’s representative, as the case may be, to be a member of the committee.

5.11. Tenure of committee membership

- (1) Where a person is appointed as a member of a committee under section 5.10(4) or (5), the person’s membership of the committee continues until —
- (a) the person no longer holds the office by virtue of which the person became a member, or is no longer the CEO, or the CEO’s representative, as the case may be;
 - (b) the person resigns from membership of the committee;
 - (c) the committee is disbanded; or
 - (d) the next ordinary elections day, Which ever happens first.

Strategic Community Plan

Strategy 1.1.1 - Ensure equitable, inclusive and transparent decision-making. (Service Priority: High)

Strategy 1.1.4 - Maintain best practice governance systems and practices. (Service Priority: Moderate)

Environment - None.

Precedents

Council endorses Council Committees and member nominations following each election.

Budget Implications

The administration of committees requires significant resources to prepare Agenda's, Notes, Report and Minutes. In addition to the administration, staff time is also taken up with queries from committee members, attendance to meetings and workshops.

At some meetings up to five staff members may be in attendance. It is estimated that the administration of a single Committee could cost as much as \$16,000 per annum in staff productivity and time.

It is therefore important that Committees are run efficiently and effectively to assure maximum benefit is achieved. It should be noted however, that Committees and Working Groups play an important part in Community Engagement and allows great opportunities for community members to be actively involved in Local Government activities and initiatives.

Budget – Whole of Life Cost - None.

Council Policy Compliance - None.

Risk Assessment

The Risk Management Governance Framework has been considered in arriving at the officer recommendation.

Tier 2 – 'Low' or 'Moderate' Inherent Risk.	
Risk Event	Endorsement of Elected Members, Staff, Community Members and Department Representatives to the Shires Council Committees
Inherent Risk Rating (prior to treatment or control)	Low (1 - 4)
Risk Action Plan (treatment or controls proposed)	Not required.
Residual Risk Rating (after treatment or controls)	As the Residual Risk Rating is below 12, this is not applicable.

Officer Comment

At its Ordinary Council Meeting held on the 29th of September 2021, Council noted and/or endorsed the updated Terms of Reference for the following Committees:

- Bush Fire Advisory Committee
- Integrated Planning Committee
- Local Emergency Management Committee
- Audit and Risk Committee
- CEO Review Committee
- Shire of Harvey & Shire of Dardanup Joint Town Planning Scheme No. 1 Committee

For the period of October 2019 to the elections held on the 16th of October 2021, the following Councillors were members of the respective Committees:

Bushfire Advisory Committee

- Cr. T Gardiner
- Cr. M T Bennett [Deputy]

Integrated Planning Committee

- Cr. M T Bennett
- Cr. P Robinson
- Cr. L Davies
- Cr. T G Gardiner
- Cr. C N Boyce
- Cr. P R Perks
- Cr. S L Gillespie
- Cr. M R Hutchinson
- Cr. J Dow

Local Emergency Management Committee

- Cr. M T Bennett [Chairperson]
- Cr. P R Perks
- Cr. S L Gillespie

Audit & Risk Committee

- Cr. M T Bennett
- Cr. P Robinson
- Cr. C N Boyce
- Cr. T G Gardiner
- Cr. M R Hutchinson

CEO Review Committee

- Cr. P S Robinson [Chairperson]
- Cr. M T Bennett
- Cr. C N Boyce

Shire of Harvey & Shire of Dardanup Joint Town Planning Scheme No. 1 Committee

- Cr. M T Bennett
- Cr. P R Perks
- Cr. C N Boyce
- Cr. P Robinson [Deputy]

Council Role - Legislative.

Voting Requirements - Absolute Majority.

Change to Officer Recommendation

No Change. **OR:**

As per Local Government (Administration) Regulations 1996 11(da) Council records the following reasons for amending the Officer Recommended Resolution:

OFFICER RECOMMENDED RESOLUTION

THAT Council endorse the following Elected Members, Staff and Department Representatives to the following Council Committees [Note: that all appointments expire on the day prior to the next ordinary local government election to be held on the 20th of October 2023 or in accordance with Section 5.11 of the Local Government Act 1995.

Bushfire Advisory Committee

Terms of Reference: [2021 - ToR - Bushfire Advisory Committee](#)

- Cr. _____
- Cr. _____
- **Chief – Bush fire Control Officer**
- **Fire Control Officer – Waterloo District**
- **Fire Control Officer – Eaton Townsite District**
- **Fire Control Officer – Upper Ferguson District**
- **Fire Control Officer – Joshua/Crooked Brook District**
- **Fire Control Officer – West Dardanup District**
- **Fire Control Officer – Ferguson District**
- **Fire Control Officer – Wellington Mill District**
- **Fire Control Officer – Burekup District**
- **Fire Control Officer – Dardanup Central**
- **Fire Weather Officer**
- **Representative – Department of Parks and Wildlife**
- **Representative – Department of Fire & Emergency**

Integrated Planning Committee

Terms of Reference: [2021 - ToR Integrated Planning Committee](#)

- Cr. _____
- Cr. _____
- Cr. _____
- Cr. _____
- Cr. _____
- Cr. _____
- Cr. _____
- Cr. _____
- Cr. _____

Local Emergency Management Committee

Terms of Reference: [2021 - ToR - Local Emergency Management Committee](#)

- Cr. _____
- Cr. _____
- Cr. _____
- Mrs Erin Hutchins – Local Recovery Coordinator
- Representative – WA Police [Deputy Chairperson]
- Representative – Department of Child Protection & Family Services
- Representative – Department of Agriculture & Food WA
- Representative – Department of Parks & Wildlife
- Representative – Department of Health
- Representative – Main Roads WA
- Representative – Department of Fire & Emergency Services - Fire
- Representative – Department of Fire & Emergency Services – Natural Hazards
- Representative – Public Transport Authority
- Representative – Water Corporation
- Representative – Western Power
- Representative – Aqwest
- Representative – St John Ambulance WA
- Representative – Telstra Australia
- Representative – Australian Railroad Group
- Representative – ATCO Gas

Audit & Risk Committee

Terms of Reference: [2021 - ToR - Audit and Risk Committee](#)

- Cr. _____
- Cr. _____
- Cr. _____
- Cr. _____
- Cr. _____

CEO Review Committee

Terms of Reference: [2021 - ToR - CEO Review Committee](#)

- Cr. _____
- Cr. _____
- Cr. _____

Shire of Harvey & Shire of Dardanup Joint Town Planning Scheme No. 1 Committee

Terms of Reference: [2021 - SoH and SoD Joint Town Planning Scheme No. 1 Committee](#)

- Cr.
- Cr.
- Cr.
- Cr. [Deputy]

By Absolute Majority

12.2 Title: Appointment of Councillors and Representatives to Advisory Groups & Adoption of Terms of Reference for New Community, Sport & Recreation Advisory Group

<i>Reporting Department:</i>	<i>Corporate & Governance Directorate</i>
<i>Reporting Officer:</i>	<i>Ms Cathy Lee - Manager Governance & HR</i>
<i>Legislation:</i>	<i>Local Government Act 1995</i>
<i>Appendices:</i>	<i>Appendix SCM: 12.2 – Community, Sport & Recreation Advisory Group ToR</i>

Overview

This report to Council provides for the appointment and endorsement of Councillors, Community and Department Representatives to the Shire of Dardanup Advisory Groups for the period October 2021 to October 2023.

Background

Council established Advisory Groups in 2019 following a Community Engagement Forum that was held with Councillors on the 13th of November 2019.

Legal Implications - None.

Strategic Community Plan

Strategy 1.1.1 - Ensure equitable, inclusive and transparent decision-making. (Service Priority: High)

Strategy 1.1.2 - Keep our community informed through a wide variety of media that is accessible and open and responsive. (Service Priority: High)

Strategy 1.2.2 - Promote programs which encourage elector participation and diversity in local government elections. (Service Priority: Very High)

Environment - None.

Precedents

Council established Advisory Groups [Res: 339-19] at its Ordinary Council Meeting held on the 27th of November 2019.

Budget Implications - None.

Budget – Whole of Life Cost - None.

Council Policy Compliance - Exec CP089.

Risk Assessment

The Risk Management Governance Framework has been considered in arriving at the officer recommendation.

TIER 1 – No discernible Inherent Risk has been identified (no Risk Theme or Consequence).	
Risk Event	Appointment of Councillors and Representatives to Advisory Groups
Inherent Risk Rating (prior to treatment or control)	Low (1 - 4)

TIER 1 – No discernible Inherent Risk has been identified (no Risk Theme or Consequence).	
Risk Action Plan (treatment or controls proposed)	As the Inherent Risk Rating is below 12, this is not applicable.
Residual Risk Rating (after treatment or controls)	As the Inherent Risk Rating is below 12, this is not applicable.

Officer Comment

At its Ordinary Council Meeting held on the 29th of September 2021, Council noted and/or endorsed the updated Terms of Reference for the following Advisory Groups:

- Eaton Advisory Group
- Dardanup Advisory Group
- Burekup Advisory Group
- Ferguson Valley Advisory Group
- Wanju & Waterloo Advisory Group
- Sustainable Development Advisory Group
- Economic Development Advisory Group
- Roadwise Advisory Group

In addition, Council requested the Terms of Reference for the Community Advisory Group and the Sport & Recreation Advisory Group be combined and presented to Council at this Special council meeting. The Terms of Reference for the new **Community, Sport & Recreation Advisory Group** [Appendix SCM: 12.2] are presented to Council for adoption:

For the period of October 2019 to the elections held 16 October 2021, the following Advisory Groups were made up of the following members:

Eaton Advisory Group

Terms of Reference: [2021 - ToR Eaton Advisory Group](#)

- Cr. M T Bennett
 - Cr. P R Perks
 - Cr. S Gillespie
 - Cr. C N Boyce
1. Ziedonis (Zee) Rijkuris
 2. Paul Docherty
 3. Ken Lowth
 4. Julie King
 5. Jenna Priddle
 6. Caroline Gregorio
 7. Joy Coatalen
 8. Graham Lord
 9. Kate Swayne
 10. Dorothy Dye

Dardanup Advisory GroupTerms of Reference: [2021 - ToR Dardanup Advisory Group](#)

- Cr. P S Robinson
 - Cr. T G Gardiner
 - Cr. P R Perks
1. Jill Cross Land Owner
 2. Brendan Putt Land Owner
 3. Anthony Wood Land Owner
 4. Jo-Anne Pope Land Owner
 5. Roslyn Ruland Land Owner
 6. Alan Norman Land Owner
 7. Laura Giumelli Land Owner
 8. Chris Ruland Land Owner
 9. Kelly Tomsons Land Owner
 10. Wayne Cross Land Owner
 11. Keith Patterson Land Owner
 12. Darline Morgan Land Owner
 13. Vanessa Rodda Land Owner

Burekup Advisory GroupTerms of Reference: [2021 - ToR Burekup Advisory Group](#)

- Cr. M Bennett
 - Cr. M Hutchinson
 - Cr. J Dow
1. Ashleigh Brennan Land Owner
 2. Kahlia Murray Land Owner
 3. Debbie Staub Land Owner
 4. Caitlin Mcdonald Land Owner
 5. Cassie Fry Land Owner
 6. Amy Walton Land Owner
 7. Tony Jenour Land Owner
 8. Tony Green Land Owner

Ferguson Advisory GroupTerms of Reference: [ToR Ferguson Valley Advisory Group](#)

- Cr. T G Gardiner
 - Cr. P S Robinson
 - Cr. C N Boyce
1. Taneta Kerr Land Owner
 2. Jennifer Seccull Land Owner
 3. Stuart Brandreth Land Owner
 4. Merinda Smith Land Owner
 5. Andrew White Land Owner
 6. Stephen Miller Land Owner
 7. Russell Harvie Land Owner

Wanju & Waterloo Advisory GroupTerms of Reference: [2021 - ToR Wanju and Waterloo Advisory Group](#)

- Cr. M T Bennett
- Cr. P S Robinson
- Cr. T G Gardiner

- Representative Dept of Planning, Lands and Heritage
- Representative ATCO
- Representative Western Power
- Representative Main Roads
- Representative Dept of Water, Environment and Regulations
- Representative Water Corporation
- Representative Harvey Water
- Representative Dept of Water, Environment and Regulations
- Representative Harvey Water
- 1. Mal Hancock Land Owner
- 2. M & B Howe Land Owner
- 3. Allan Graham Land Owner
- 4. Serena Blaszczyk Land Owner
- 5. Rhonda Kirkpatrick Land Owner
- 6. Monique Campbell Land Owner
- 7. Peter Manoni Land Owner
- 8. Peter & Johanna Hynes Land Owner
- 9. Michael & Peta Gelmi Land Owner
- 10. Kerry Tyrrell Land Owner
- 11. Bernice Depiazzi Land Owner
- 12. Bryan Taylor Land Owner
- 13. Tonia Gelmi Land Owner
- 14. Josh Tonkin Land Owner
- 15. Nina Johnston Land Owner
- 16. Jenny Trigwell Land Owner
- 17. Jennifer Drennan Land Owner
- 18. JB Cronshaw Land Owner
- 19. Dean & Elle Barbetti Land Owner
- 20. Graham Herring Land Owner
- 21. Errol Barrett Land Owner
- 22. Adrian Barrett Land Owner
- 23. Chris Hynes Land Owner
- 24. Therese Hynes Land Owner

Sustainable Development Advisory GroupTerms of Reference: [2021 - ToR Sustainable Development Advisory Group](#)

- Cr. M T Bennett
- Cr. C N Boyce
- Cr. M Hutchinson

- Director Sustainable
Development

- Representative Dept of Biosecurity Conservation & Attractions
- Representative Dept of Water & Environmental Regulation
- Representative Leschenault Catchment Council
- Representative Leschenault Biosecurity Group
- Representative Bunbury Harvey Regional Council
- Representative University/Research Group
- 1. Matt Meijer Resident
- 2. Nick Edwards Resident
- 3. Patricia Sherwood Resident
- 4. Graham Lord Resident
- 5. Jenna Priddle Resident
- 6. Ken Lowth Resident
- 7. Greg Homer Resident
- 8. Sora Marin Estrella Resident
- 9. Zee Rijkuris Resident
- 10. Bella Burgemeister Resident
- 11. Heather Elliott Resident
- 12. Candice Brady Resident
- 13. Paul Kurek Resident
- 14. Graham Butler Resident
- 15. Richard (Ric) Stacey Resident
- 16. Fiona Moriarty Resident
- 17. Jenny Seccull Resident
- 18. Lesley Ironside Resident

Economic Development Advisory GroupTerms of Reference: [2021 - ToR Economic Development Advisory Group](#)

- Cr. M T Bennett
- Cr. T G Gardiner
- Cr. M Hutchinson

- Representative Bunbury Geographe Economic Alliance
- Representative Bunbury Chamber of Commerce
- Representative South West Development Commission
- Representative Regional Development Australia
- Representative Bunbury Geographe Tourism Partnership
- Representative South West Timber Hub
- Representative Ferguson Valley Marketing
- Representative Edith Cowan University
- Representative South West TAFE
- Representative Dept of Primary Industries & Regional Development
- Representative Department of Jobs, Tourism, Science and Innovation
- Representative Eaton Community College

Roadwise Advisory GroupTerms of Reference: [2021 - ToR Roadwise Advisory Group](#)

- Cr. P S Robinson
- Cr. P R Perks
- Cr. T G Gardiner

- Director Infrastructure

- Representative WALGA Roadwise - Road Safety Advisory South West
- Representative Main Roads WA
- Representative WA Police
- Representative Dept of Transport
- Representative Local School
- Representative Local School
- Representative Local School
- 1. Representative Community
- 2. Representative Community
- 3. Representative Community
- 4. Representative Community

Community Advisory Group [Combined with Sport & Recreation Advisory]Terms of Reference: [2019 - ToR - Community Advisory Group](#)

- Cr. M T Bennett
- Cr. P R Perks
- Cr. S Gillespie

- Representative Bunbury Repertory Club
- Representative Bunbury Repertory Club
- Representative Eaton Foreshore Festival
- Representative Bull & Barrel Festival
- Representative Bethanie Aged Care
- Representative St John of God Hospital
- Representative Ferguson Valley Marketing
- Representative Eaton Community College
- Representative Eaton Senior Citizens
- Representative Dardanup Senior Citizens
- Representative Eaton Lions Club
- Representative Millbridge Lions Club
- Representative Dardanup Lions Club
- Representative River Valley Belles CWA Burekup
- Representative Eaton Family Centre
- Representative Australind Police
- Representative Headspace
- 1. Heather Elliott Resident
- 2. Dr Patricia Sherwood Resident
- 3. Dennis Jetta Resident
- 4. Graham Lord Resident

Sport & Recreation Advisory Group [Combined with Community Advisory]Terms of Reference: [2019 - ToR -Sport and Recreation Advisory Group](#)

- Cr. M T Bennett
- Cr. P R Perks
- Cr. S Gillespie

- Representative Dept of Sport & Recreation
- Representative Eaton Basketball Association
- Representative Eaton Cricket Club
- Representative Eaton Junior Football Club
- Representative Eaton Dardanup Football Club
- Representative Basketball South West
- Representative Eaton Boomers Football Club
- Representative Bunbury & Districts Softball Club
- Representative Eaton Tennis Club
- Representative Eaton Bowling Club
- Representative Eaton Bowling Club
- Representative Burekup Cricket Club
- Representative Eaton Netball Association
- Representative WA iSport
- Representative Dardanup Cricket Club
- Representative Dardanup Royals Soccer Club
- Representative Dardanup Sporting & Community Group Inc
- Representative Dardanup Sporting & Community Group Inc
- Representative Dardanup Tennis Club
- Representative Dardanup Equestrian Centre
- Representative Dardanup Equestrian Centre
- Representative South West Jets
- Representative Benjomar Park
- Representative South West Slammers

It is recommended that Council declare all community positions on the Advisory Groups vacant and requests that nominations onto these Groups be invited, in doing so current community members on the Advisory Groups should be strongly encouraged to re-nominate. Additionally it is recommended that the Shire President and Chief Executive Officer be authorised to appoint community members to the Groups.

Council Role - Executive/Strategic.

Voting Requirements - Simple Majority.

Change to Officer Recommendation

No Change. **OR:**

As per Local Government (Administration) Regulations 1996 11(da) Council records the following reasons for amending the Officer Recommended Resolution:

OFFICER RECOMMENDED RESOLUTION "A"

THAT Council:

- 1. Declares all community positions vacant on the following Council Advisory Groups.**

- 2. Endorse the following Elected Members and stakeholder representatives to the following Council Advisory Groups.**

Eaton Advisory Group

- Cr. _____
- Cr. _____
- Cr. _____
- Cr. _____

Dardanup Advisory Group

- Cr. _____
- Cr. _____
- Cr. _____

Burekup Advisory Group

- Cr. _____
- Cr. _____
- Cr. _____

Ferguson Advisory Group

- Cr. _____
- Cr. _____
- Cr. _____

Wanju & Waterloo Advisory Group

- Cr. _____
- Cr. _____
- Cr. _____
- Representative Dept of Planning, Lands and Heritage
- Representative ATCO
- Representative Western Power
- Representative Main Roads
- Representative Dept of Water, Environment & Regulations
- Representative Water Corporation
- Representative Harvey Water
- Representative Dept of Water, Environment & Regulations
- Representative Harvey Water

Sustainable Development Advisory Group

- Cr. _____
- Cr. _____
- Cr. _____
- Director Sustainable Development
- Representative Dept of Biosecurity Conserv & Attractions
- Representative Dept of Water & Environmental Regulation
- Representative Leschenault Catchment Council
- Representative Leschenault Biosecurity Group
- Representative Bunbury Harvey Regional Council
- Representative University/Research Group

Economic Development Advisory Group

- Cr. _____
- Cr. _____
- Cr. _____

- Representative **Bunbury Geographe Economic Alliance**
- Representative **Bunbury Chamber of Commerce & Industry**
- Representative **South West Development Commission**
- Representative **Regional Development Australia**
- Representative **Bunbury Geographe Tourism Partnership**
- Representative **South West Timber Hub**
- Representative **Ferguson Valley Marketing**
- Representative **Edith Cowan University**
- Representative **South West TAFE**
- Representative **Dept Primary Industries & Regional Development**
- Representative **Dept Jobs, Tourism, Science and Innovation**
- Representative **Eaton Community College**

Roadwise Advisory Group

- Cr. _____

- **Director Infrastructure**
- **Manager Operations**
- **Manager Assets**
- **Manager Planning Design & Inf.**

- **Representative WALGA Roadwise - Road Safety Advisory SW**
- **Representative Main Roads WA**
- **Representative WA Police**
- **Representative Dept of Transport**
- **Representative Local School**
- **Representative Local School**
- **Representative Local School**

AND

OFFICER RECOMMENDED RESOLUTION “B”

THAT Council endorse:

1. **The 2021 Terms of Reference for the new Community Sport & Recreation Advisory Group as provided for in [Appendix SCM: 12.2] with the following/no changes; and**
2. **The following Elected Members and stakeholder representatives to the Community Sport & Recreation Advisory Group [Note: All appointments expire on the day prior to the next ordinary local government election date of 20th of October 2023]:**

Community Sport & Recreation Advisory Group

- Cr. _____
- Cr. _____
- Cr. _____
- **Director Sustainable Development**
- **Representative** **Bethanie Aged Care**
- **Representative** **St. John of God Hospital**
- **Representative** **Headspace Bunbury**
- **Representative** **WA Country Health Service**
- **Representative** **Eaton Family Centre**
- **Representative** **APM Communities**
- **Representative** **Eaton Community College**
- **Representative** **Department of Local Government, Sport & Cultural Industries**
- **Representative** **Australind Police**
- **Representative** **Bunbury Repertory Club**
- **Representative** **Eaton Foreshore Festival**
- **Representative** **Bull & Barrel Festival**
- **Representative** **Ferguson Valley Marketing**
- **Representative** **Eaton Senior Citizens**
- **Representative** **Dardanup Senior Citizens**
- **Representative** **Eaton Lions Club**
- **Representative** **Millbridge Lions Club**
- **Representative** **Dardanup Lions Club**
- **Representative** **River Valley Belles CWA Burekup**
- **Representative** **Dept of Sport & Recreation**
- **Representative** **Eaton Basketball Association**
- **Representative** **Eaton Cricket Club**
- **Representative** **Eaton Junior Football Club**
- **Representative** **Eaton Dardanup Football Club**
- **Representative** **Basketball South West**
- **Representative** **Eaton Boomers Football Club**
- **Representative** **Bunbury & Districts Softball Club**
- **Representative** **Eaton Tennis Club**

- | | |
|------------------|---|
| - Representative | Eaton Bowling Club |
| - Representative | Eaton Bowling Club |
| - Representative | Burekup Cricket Club |
| - Representative | Eaton Netball Association |
| - Representative | WA iSport |
| - Representative | Dardanup Cricket Club |
| - Representative | Dardanup Royals Soccer Club |
| - Representative | Dardanup Sporting & Community Group Inc |
| - Representative | Dardanup Sporting & Community Group Inc |
| - Representative | Dardanup Tennis Club |
| - Representative | Dardanup Equestrian Centre |
| - Representative | Dardanup Equestrian Centre |
| - Representative | South West Jets |
| - Representative | Benjomar Park |
| - Representative | South West Slammers |

AND

OFFICER RECOMMENDED RESOLUTION "C"

THAT Council:

- 1. Requests the Chief Executive Officer to seek nominations from the community onto the relevant Council Advisory Groups.**
- 2. Authorises the Chief Executive Officer and Shire President to appoint community members to the relevant Council Advisory Groups.**

12.3 Title: Appointment of Delegates and Representatives to Various Community & Regional Committees

Reporting Department: Corporate & Governance Directorate
Reporting Officer: Ms Cathy Lee - Manager Governance & HR
Legislation: Local Government Act 1995

Overview

This report to Council provides for the appointment and endorsement of Delegates and Representatives to Various Community and Regional Committees for the period October 2021 to October 2023.

Background

Council endorses representatives for external groups following each ordinary council election or as required.

Burekup Country Club Committee

- Cr. M R Hutchinson [Delegate]

Eaton Senior Citizens Association

- Cr. M T Bennett [Delegate]

Regional Road Group

- Cr. P S Robinson [Delegate]
- Cr. C N Boyce [Deputy Delegate]

Leschenault Catchment Council

- Cr. P R Perks [Delegate] [Nominee for Ministerial Appointment]

Bunbury Geographe Economic Alliance

- Cr. M T Bennett [Delegate]
- Cr. P R Perks [Deputy Delegate]

South West WALGA Zone

- Cr. M T Bennett [Delegate]
- Cr. P S Robinson [Deputy Delegate]

Ferguson Valley Marketing and Promotions

- Cr. C N Boyce [Delegate]
- Cr. P Robinson [Deputy Delegate]

Bunbury Wellington Group of Councils

- Cr. M T Bennett [Delegate]
- Cr. P Robinson [Deputy Delegate]

Ferguson Hall Committee

- Cr. P Robinson [Delegate]

Bunbury Outer Ring Road Regional Local Governments Advisory Group

- Cr. P Robinson [Delegate]
- Cr. C N Boyce [Deputy Delegate]

Peron Naturaliste Partnership

- Cr. C N Boyce [Delegate]
- Cr. P Robinson [Deputy Delegate]

Worsley Refinery Community Liaison Committee

- Cr. P R Perks [Delegate]

Legal Implications - None.

Strategic Community Plan

Strategy 1.1.1 - Ensure equitable, inclusive and transparent decision-making. (Service Priority: High)

Strategy 1.1.2 - Keep our community informed through a wide variety of media that is accessible and open and responsive. (Service Priority: High)

Strategy 1.2.2 - Promote programs which encourage elector participation and diversity in local government elections. (Service Priority: Very High)

Environment - None.

Precedents

Council endorses representatives for external groups following each ordinary council election or as required.

Budget Implications - None.

Budget – Whole of Life Cost - None.

Council Policy Compliance - None.

Risk Assessment

The Risk Management Governance Framework has been considered in arriving at the officer recommendation.

TIER 1 – No discernible Inherent Risk has been identified (no Risk Theme or Consequence).	
Risk Event	Appointment of Delegates and Representatives to Various Community & Regional Committees
Inherent Risk Rating (prior to treatment or control)	Low (1 - 4)
Risk Action Plan (treatment or controls proposed)	As the Inherent Risk Rating is below 12, this is not applicable.
Residual Risk Rating (after treatment or controls)	As the Inherent Risk Rating is below 12, this is not applicable.

Officer Comment

In addition to Council Committees, Community and Regional Committees request the nomination of Elected Members to their respective Committees/Boards/Associations. The following Committees have requested nominations by Council on behalf of the Shire.

- **BUREKUP COUNTRY CLUB COMMITTEE**
Community Social Club located in the Burekup Townsite. Membership only with regular functions carried out. Hall hire and Tennis Court hire is also available and has a membership of approximately 200 members.
- **EATON SENIOR CITIZENS ASSOCIATION**
Senior Citizens Association for over 65's located in the Eaton Townsite. Membership only with regular activities organise and carried out at the centre.
- **REGIONAL ROAD GROUP**
There are 10 Regional Road Groups (RRG) in WA, established under the State Road Funds to Local Government Agreement which is overseen by a State Advisory Committee (SAC). The RRGs make recommendations to SAC in relation to the Annual Local Government Roads Program for their Region and any other relevant issues. The RRGs are comprised of elected representatives from each Local Government within the road group. Most groups are supported by a technical committee comprised of Local Government staff. Administrative support is provided by Main Roads WA.
- **LESCHENAULT CATCHMENT COUNCIL**
The Leschenault Catchment Council was formed in 2000, through the amalgamation of two community-lead NRM groups - the Leschenault Inlet Management Authority and the Leschenault Catchment Coordinating Group. The Council has 13 Active members from community, local government and industry and collaborates with many other groups.

The Leschenault Catchment Council develops strategic partnerships with stakeholders and the community to implement and deliver positive NRM outcomes across the Leschenault Catchment. Working in collaboration with the Department of Water, the Leschenault Catchment Council develops planning documents such as the Leschenault Catchment Management Strategy, River Action Plans and the Leschenault Estuary Water Quality Improvement Plan. Regional strategies and investment planning for the implementation of positive NRM programs are developed in collaboration with the South West Catchments Council.

The Leschenault Catchment Council supports schools in the education of all age groups on the environmental values of the catchment and waterway health. Through projects they work with landholders, local government, industry, community and indigenous groups to improve the ecological, cultural and aesthetic values of our natural assets across the catchment

- **BUNBURY GEOGRAPHE ECONOMIC ALLIANCE**

The Bunbury Geographe Economic Alliance (BGEA) is a unique partnership encompassing community leadership through the six local governments of the Bunbury Wellington sub-region, industry leadership in the resources, energy, transport, engineering, construction, water supply, timber processing, telecommunications, education, consulting and accounting sectors, and the regional leadership of the South West Development Commission.

- As per the Bunbury Geographe Economic Alliance Constitution the Shire President is to represent Council at Bunbury Geographe Economic Alliance meetings -

The Local Government Executive Committee will consist of ONE (1) natural person representing (and nominated by) each Local Government Member who must at the time of their appointment and throughout their tenure each be the Mayor or President of the Local Government Member or their nominee approved by the Board.

- **SOUTH WEST WALGA ZONE**

The operational structure of WALGA is comprised of internal business units who undertake both policy and advocacy work on behalf of the Local Government sector, or offer services to assist Local Governments to perform their duties. From within here zones are created within WA. Zones are groups of geographically aligned Member Councils who are responsible for direct elections of State Councillors, providing input into policy formulation and providing advice on various matters.

- Please see attached email received from South West WALGA Zone regarding required Council representation [Appendix SCM: 12.3].

- **FERGUSON VALLEY MARKETING INC**

Ferguson Valley Marketing Inc. (FVM) is a not-for-profit incorporated association, involved in promoting the Ferguson Valley and the Shire of Dardanup to visitors and tourists, including its natural and man-made attractions, tourism related businesses, sponsorships and key events within the Shire of Dardanup, Western Australia.

- **BUNBURY GEOGRAPHE GROUP OF COUNCILS**

The Bunbury Geographe Group of Councils consists of 6 Local Governments member Councils, that being

- City of Bunbury
- Shire of Dardanup
- Shire of Collie
- Shire of Donnybrook
- Shire of Capel
- Shire of Harvey

The Bunbury Geographe Group of Councils was formed as a group several years ago to facilitate opportunities for resource sharing and regional cooperation.

- **FERGUSON HALL COMMITTEE**

Ferguson Hall is located on Ferguson Road in Dardanup. The Hall is hired out to the local community for functions and events and the Committee facilitates the hire process.

- **BUNBURY OUTER RING ROAD REGIONAL LOCAL GOVERNMENT ADVISORY GROUP**
 This group has been established by Main Roads through the Bunbury Outer Ring Road Project Team, whose role is to engage with stakeholders and community in regards to the Outer Ring Road Project. The Regional Local Government Advisory Group was formed to identify and discuss local area issues, ensure project planning takes into account Local Government planning and policy goals and to also community effectively with the Local Government.
 - o As the Bunbury Outer Ring Road has now moved into construction the Regional Local Government Advisory Group has become a more technical focused group and Councillor Representation is no longer required.

Council Role - Executive/Strategic.

Voting Requirements - Absolute Majority.

Change to Officer Recommendation

No Change. **OR:**

As per Local Government (Administration) Regulations 1996 11(da) Council records the following reasons for amending the Officer Recommended Resolution:

OFFICER RECOMMENDED RESOLUTION

THAT Council:

1. **Endorse the following Councillors as delegates to the following Community, External Committees, Boards and Associations and Ministerial Appointments:**

Burekup Country Club

- _____ [Delegate]
 _____ [Deputy Delegate]

Eaton Senior Citizens Association

- _____ [Delegate]
 _____ [Deputy Delegate]

Regional Road Group

- _____ [Delegate]
 _____ [Deputy Delegate]

Leschenault Catchment Council

- _____ [Delegate] [Nominee for Ministerial Appointment]
 _____ [Deputy Delegate]

South West WALGA Zone

- _____ [Delegate]
 _____ [Deputy Delegate]

Ferguson Valley Marketing Inc

- _____ [Delegate]
 _____ [Deputy Delegate]

Bunbury Geographe Group of Councils

- _____ [Delegate]
 _____ [Deputy Delegate]

Ferguson Hall Committee

- _____ [Delegate]
 _____ [Deputy Delegate]

Peron Naturaliste Partnership

- _____ [Delegate]
 _____ [Deputy Delegate]

Note: All appointments expire on the day prior to the next ordinary local government election date in October 2021 or in accordance with Section 5.11 of the Local Government Act 1995, with the exception of those appointed by the relevant Minister.

2. **Notes that the Shire President is to be Council’s representative on the Bunbury Geographe Economic Alliance (BGEA) with the Deputy Shire President to attend if the Shire President is not able to attend, as per the BGEA Constitution.**

By Absolute Majority

12.4 Title: Nominations for the Regional Joint Development Assessment Panel [DAP]

Reporting Department:	<i>Sustainable Development Directorate</i>
Reporting Officer:	<i>Mr Murray Connell - Manager Development Services</i>
Legislation:	<i>Planning and Development Act 2005</i>
Attachments:	<i>Appendix SCM: 12.4A – Correspondence from Government of Western Australia</i> <i>Appendix SCM: 12.4B – Risk Assessment Tool</i>

Overview

The purpose of this report is to seek Councillor Nominations for membership to the Regional Joint Development Assessment Panel (DAP) for the term ending on the 26th of January 2024.

Background

On the 1st of July 2011, DAPs came into operation in order to determine development applications that meet a certain threshold value. In the case of the Shire of Dardanup for development applications with an estimated cost of \$10 million or more, it is mandatory that they are determined by a DAP. For applications \$2 million or more and less than \$10 million, the applicant has the option of having the application determined by a DAP or the local government.

Each DAP comprises 5 members (3 specialist members, one of which is the presiding member, and 2 local government members). Appointments of all current local government DAP members expire on the 26th of January 2022.

Correspondence has been received from the Government of Western Australia (Development Assessment Panels) requesting nominations of 4 elected members (2 local members and 2 alternate local members) to sit on the DAP. Please refer to [Appendix SCM: 12.4A] for a copy of the correspondence.

Legal Implications

Part 11A of the *Planning and Development Act (2005)* introduced Development Assessment Panels into the Act and this is supported by the *Planning and Development (Development Assessment Panels) Regulations 2011*.

Strategic Community Plan

Strategy 1.1.1 - Ensure equitable, inclusive and transparent decision-making. (Service Priority: High)

Environment - None.

Precedents

Council have nominated representatives since the commencement of the DAPs. The existing representatives for the Shire are Cr. M T Bennett and Cr. P S Robinson (local members) with Cr. Boyce and Cr. Gillespie (alternate local members).

Budget Implications - None.

Budget – Whole of Life Cost - None.

Council Policy Compliance - None.

Risk Assessment

The Risk Management Governance Framework has been considered in arriving at the officer recommendation. Please refer to [Appendix SCM: 12.4B] for full assessment document.

TIER 2 – ‘Low’ or ‘Moderate’ Inherent Risk.	
Risk Event	Failure to nominate local government representatives to the DAP
Inherent Risk Rating (prior to treatment or control)	Low (1 - 4)
Risk Action Plan (treatment or controls proposed)	As the Inherent Risk Rating is below 12, this is not applicable.
Residual Risk Rating (after treatment or controls)	As the Inherent Risk Rating is below 12, this is not applicable.
Risk Category Assessed Against	Reputational By not nominating a representative to the DAP local interests would not be represented in future DAP determinations.

Officer Comment

Representation of local interests is a key aspect of the DAPs system. Council is requested to nominate 4 elected members (comprising 2 local members and 2 alternate local members) to sit on the DAP as required. Once nominations are received, the Minister will appoint local government members for the term ending on the 26th of January 2024.

As part of the current State Government’s commitment to OnBoardWA, which looks to increase the diversity of Government boards and committees along with the total number of women representatives, they encourage Council to consider the diversity of representation when putting forward local government nominations to the DAP.

All appointed local members will be placed on the local government member register and advised of DAP training dates and times. It is a mandatory requirement, pursuant to the DAP regulations, that all DAP members attend training before they can sit on a DAP and determine applications. Local government representatives who have previously been appointed to a DAP and have received training are not required to attend further training.

Local DAP members are entitled to be paid for their attendance at DAP training and DAP meetings unless they are Federal, State or local government employees, active or retired judicial officers and employees of public institutions. DAP members are entitled to a payment for successful completion of training and a sitting fee, in accordance with Premier’s Circular 2010/02.

All local governments have been requested to provide nominations by Friday 19 November 2021 and therefore deferring the matter is not recommended.

Council Role - Advocacy.

Voting Requirements - Simple Majority.

Change to Officer Recommendation

No Change. **OR:**

As per Local Government (Administration) Regulations 1996 11(da) Council records the following reasons for amending the Officer Recommended Resolution:

OFFICER RECOMMENDED RESOLUTION

THAT Council advise the Government of Western Australia (Development Assessment Panels) that:

1. The following two Councillors are nominated as local members of the Development Assessment Panel to represent the Shire of Dardanup:

- **Nominee: Cr.** _____
- **Nominee: Cr.** _____

2. The following two Councillors are nominated as alternate local members of the Development Assessment Panel to represent the Shire of Dardanup:

- **Nominee: Cr.** _____
- **Nominee: Cr.** _____

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

16 MATTERS BEHIND CLOSED DOORS

None.

17 CLOSURE OF MEETING

The Presiding Officer advises that the date of the next Ordinary Meeting of Council will be held on Wednesday, 27th of October 2021, commencing at 5.00pm at the Shire of Dardanup - Administration Centre Eaton.

There being no further business the Presiding Officer to declare the meeting closed.

