



**CONFIRMED**

# **MINUTES**

## **SPECIAL COUNCIL MEETING**

Held

**20<sup>th</sup> of October 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>	When Council determines an application/matter that directly affects a person's rights and interests. The Judicial character arises from the obligations to abide by the principles of natural justice.  Examples of Quasi-Judicial authority include town planning applications, building licences, applications for other permits/licences (e.g.: under Health Act, Dog Act or Local Laws) and other decisions that may be appealable to the State Administrative Tribunal.

## DISCLAIMER

"Any statement, comment or decision made at a Council or Committee meeting regarding any application for an approval, consent or licence, including a resolution of approval, is not effective as an approval of any application and must not be relied upon as such.

Any person or entity that has an application before the Shire must obtain, and should only rely on, written notice of the Shire's decision and any conditions attaching to the decision, and cannot treat as an approval anything said or done at a Council or Committee meeting.

Any advice provided by an employee of the Shire on the operation of a written law, or the performance of a function by the Shire, is provided in the capacity of an employee, and to the best of that person's knowledge and ability. It does not constitute, and should not be relied upon, as a legal advice or representation by the Shire. Any advice on a matter of law, or anything sought to be relied upon as a representation by the Shire should be sought in writing and should make clear the purpose of the request."

## RISK ASSESSMENT

<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>	Project risk has two main components: <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 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 declared the meeting open at 5.00pm, welcomed those in attendance, 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, 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**

Cr. Michael Bennett	-	Elected Member
Cr. Luke Davies	-	Elected Member
Cr. Janice Dow	-	Elected Member
Cr. Tyrrell Gardiner	-	Elected Member
Cr. Stacey Gillespie	-	Elected Member
Cr. Mark Hutchinson	-	Elected Member
Cr. Ellen Lilly	-	Elected Member
Cr. Patricia Perks	-	Elected Member
Cr. Peter Robinson	-	Elected Member
Mr André Schönfeldt	-	Chief Executive Officer
Mr Phil Anastasakis	-	Deputy Chief Executive Officer
Ms Susan Oosthuizen	-	Director Sustainable Development
Mr Theo Naudé	-	Director Infrastructure
Ms Cathy Lee	-	Manager Governance & HR
Mrs Ella Rafferty	-	Executive Support Officer

**2.2 Apologies**

None.

**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

### 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.

<b>TIER 1 – No discernible Inherent Risk has been identified (no Risk Theme or Consequence).</b>	
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 20<sup>th</sup> of October 2021 to October 2025:

1. Cr. Michael Bennett
2. Cr. Luke Davies
3. Cr. Janice Dow
4. Cr. Tyrrell Gardiner
5. Cr. Ellen Lilly

**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 20<sup>th</sup> 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, read aloud and signed the Declaration by Elected Member of Council (Form 7), Local Government (Constitution) Regulations 1998, section 13(1)(c); and were formally Sworn In, as witnessed by Chief Executive Officer, Mr André Schönfeldt.

Councillor Michael Bennett	[Form 7 Signed Declaration to be attached with minutes]
Councillor Luke Davies	[Form 7 Signed Declaration to be attached with minutes]
Councillor Janice Dow	[Form 7 Signed Declaration to be attached with minutes]
Councillor Tyrrell Gardiner	[Form 7 Signed Declaration to be attached with minutes]
Councillor Ellen Lilly	[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.

<b>Tier 2 – ‘Low’ or ‘Moderate’ Inherent Risk.</b>	
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 20<sup>th</sup> 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."

*Note: Cr. P S Robinson nominated Cr. M T Bennett for the position of Shire President. Cr. M T Bennett accepted Cr. P S Robinson's nomination and as there were no further nominations received Cr. M T Bennett was declared Shire President of the Shire of Dardanup.*

#### **DECLARATION BY SHIRE PRESIDENT**

The Chief Executive Officer, Mr André Schönfeldt declared Cr. Michael Bennett as Shire President for the ensuing two year term, expiring at the next Ordinary Election to be held on the 20<sup>th</sup> of October 2023.

Cr. Michael Bennett was duly sworn in as Shire President by making the Declaration of Office of the President; and

Assumed the role of Chairperson being the newly elected Shire President at [5.11pm].

[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.

<b>Tier 2 – ‘Low’ or ‘Moderate’ Inherent Risk.</b>	
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 20<sup>th</sup> 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."

*Note: Cr. P S Robinson nominated Cr. T G Gardiner for the position of Deputy Shire President. Cr. T G Gardiner accepted the nomination.*

*Cr. E P Lilly nominated herself for the position of Deputy Shire President.*

*The Chief Executive Officer drew a ballot by random draw.*

*Ballot Papers were distributed to all Elected Members and a vote was conducted.*

*Each of the nominees were allowed an opportunity to speak in support of their nomination.*

*Chief Executive Officer, André Schönfeldt and Deputy Chief Executive Officer, Phil Anastasakis announced the results of the vote -*

- *Votes for Cr. T G Gardiner - 6*
- *Votes for Cr. E P Lilly - 3*

*Cr. T G Gardiner was declared Deputy Shire President of the Shire of Dardanup.*

**DECLARATION BY DEPUTY SHIRE PRESIDENT**

The Chief Executive Officer, Mr André Schönfeldt declared Cr. Tyrrell Gardiner as Deputy Shire President for the ensuing two year term, expiring at the next Ordinary Election to be held on the 20<sup>th</sup> of October 2023.

Cr. Tyrrell Gardiner was sworn in as Deputy Shire President by making the Declaration of Office of the Deputy Shire President [5.27pm].

[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. Michael Bennett - Shire President**
- **Cr. Tyrrell Gardiner - Deputy Shire President**

**of the Shire of Dardanup.**

**ADJOURNMENT**

The Shire President, Cr M T Bennett adjourned the meeting [5.28pm] in order to take a short break to have official photographs taken of the new Council.

The meeting resumed at 5.38pm.

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)*

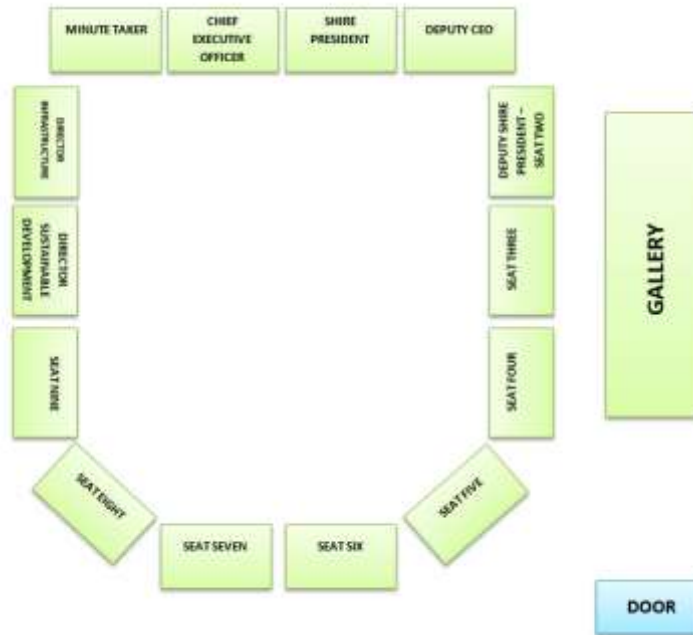
7.2 *Members to occupy own seats*

- (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.*

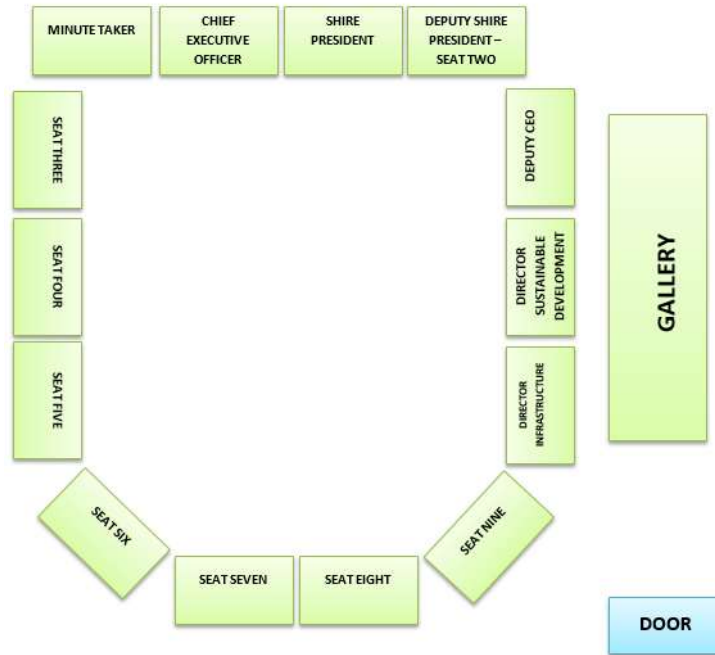
**Officer Comment**

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

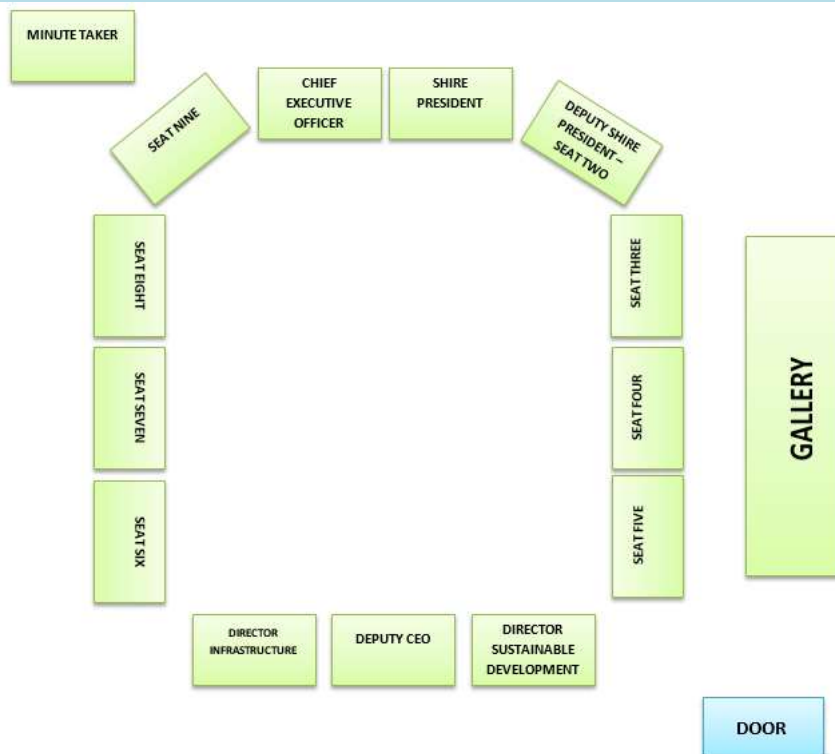
**OPTION 1**



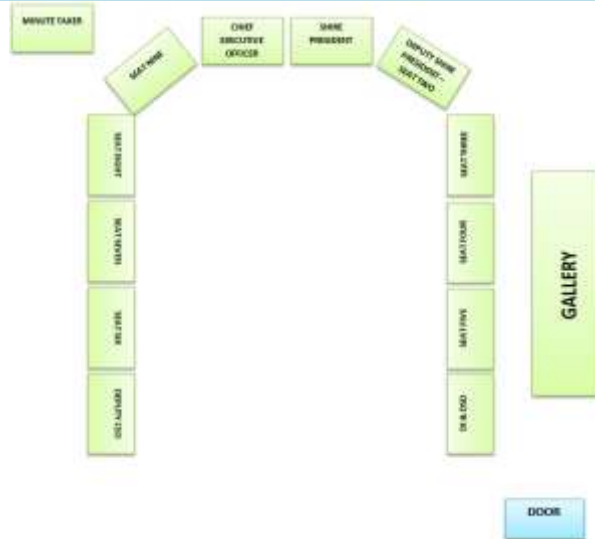
**OPTION 2**



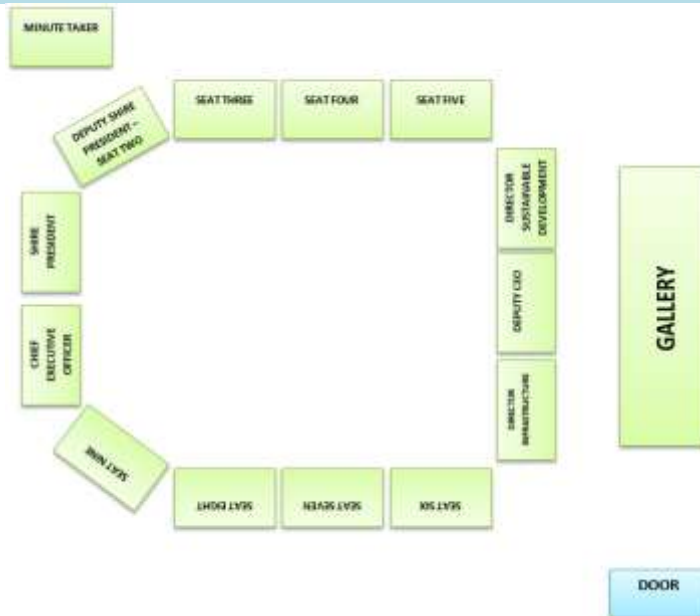
**OPTION 3\**



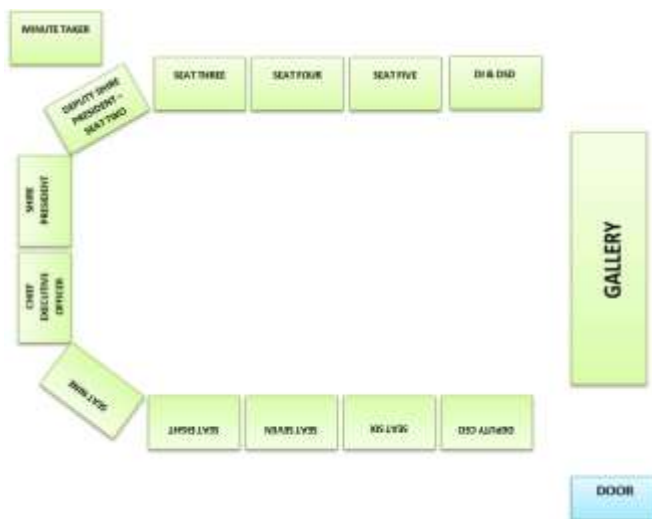
**OPTION 4**



**OPTION 5**



**OPTION 6**

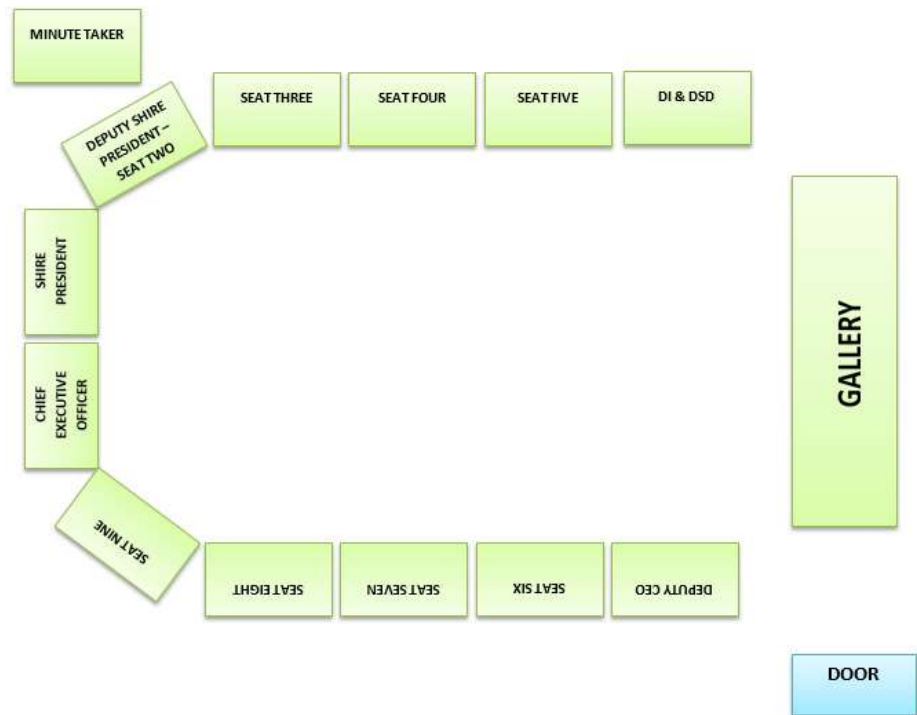


**OFFICER RECOMMENDED RESOLUTION & COUNCIL RESOLUTION**

311-21      MOVED -      Cr. S L Gillespie      SECONDED -      Cr. P S Robinson

**THAT Council:**

- 1.      **Selects Option 6 as the preferred layout for seating arrangements in the Council Chambers:**



- 2.      **Reserve Seat Six for Councillor Hutchinson; and**
- 3.      **Notes that following Council's decision on the preferred seating arrangements the Chief Executive Officer is to draw a ballot for the remaining seats as per standing orders.**

CARRIED  
9/0

**PROCESS:**

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

*Note: Chief Executive Officer, André Schönfeldt drew Councillors names from the ballot box and advised Councillors of the drawn seating arrangements as shown below:*

SEAT	NAME OF ELECTED MEMBER
One	Shire President – Cr. Michael Bennett
Two	Deputy Shire President – Cr. Tyrrell Gardiner
Three	Cr. Patricia Perks
Four	Cr. Janice Dow
Five	Cr. Luke Davies
Six	Cr. Mark Hutchinson
Seven	Cr. Ellen Lilly
Eight	Cr. Stacey Gillespie
Nine	Cr. Peter Robinson

## 7 CONFIRMATION OF MINUTES OF PREVIOUS MEETING

### 7.1 Ordinary Meeting Held 29<sup>th</sup> of September 2021 & 5<sup>th</sup> October 2021

*Note: The Minutes of the Ordinary Council Meeting held on Wednesday, 29<sup>th</sup> of September 2021 and the Minutes of the Special Council Meeting held on Tuesday, 5<sup>th</sup> of October will be confirmed at the next Ordinary Council Meeting on Wednesday, 27<sup>th</sup> 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, Cr. M T Bennett asked Councillors and Staff if there were any Declarations of Interest to be declared.*

*No Declarations of Interest were 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.

<b>Tier 2 – 'Low' or 'Moderate' Inherent Risk.</b>	
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 29<sup>th</sup> 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 16<sup>th</sup> 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.

**OFFICER RECOMMENDED RESOLUTION & COUNCIL RESOLUTION**

312-21            MOVED -            Cr. P S Robinson            SECONDED -            Cr. S L Gillespie

**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 20<sup>th</sup> 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. Tyrrell Gardiner**
- **Cr. Michael Bennett**
- **Cr. Stacey Gillespie [Proxy]**
- **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. Michael Bennett
- Cr. Tyrrell Gardiner
- Cr. Peter Robinson
- Cr. Luke Davies
- Cr. Patricia Perks
- Cr. Janice Dow
- Cr. Stacey Gillespie
- Cr. Mark Hutchinson
- Cr. Ellen Lilly

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

- Cr. Ellen Lilly
- Cr. Michael Bennett
- Cr. Patricia Perks [Proxy]
- 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. Michael Bennett
- Cr. Janice Dow
- Cr. Tyrrell Gardiner
- Cr. Mark Hutchinson
- Cr. Patricia Perks

*Note: Chief Executive Officer, André Schönfeldt declared a Financial Interest [5.50pm].*

#### DECLARATION OF INTEREST

Chief Executive Officer, André Schönfeldt declared a Financial Interest in the CEO Review Committee as it relates to his employment as Chief Executive Officer of the Shire of Dardanup.

Chief Executive Officer, André Schönfeldt left the room [5.50pm].

#### **CEO Review Committee**

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

- **Cr. Janice Dow**
- **Cr. Tyrrell Gardiner**
- **Cr. Patricia Perks**
- **Cr. Michael Bennett**

#### **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. Michael Bennett**
- **Cr. Patricia Perks**
- **Cr. Tyrrell Gardiner**
- **Cr. Peter Robinson [Deputy]**

CARRIED

9/0

*By Absolute Majority*

*Note: Chief Executive Officer, André Schönfeldt returned to the room [5.53pm].*

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 &amp; Governance Directorate</i>
<i>Reporting Officer:</i>	<i>Ms Cathy Lee - Manager Governance &amp; HR</i>
<i>Legislation:</i>	<i>Local Government Act 1995</i>
<i>Appendices:</i>	<i>Appendix SCM: 12.2 – Community, Sport &amp; 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 13<sup>th</sup> 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 27<sup>th</sup> 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.

<b>TIER 1 – No discernible Inherent Risk has been identified (no Risk Theme or Consequence).</b>	
Risk Event	Appointment of Councillors and Representatives to Advisory Groups
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**

At its Ordinary Council Meeting held on the 29<sup>th</sup> 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 Group**

Terms 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 Group**Terms 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 Group**Terms 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 Group**Terms 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 Group**Terms 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 Group**Terms 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 Group**Terms 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.



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 20<sup>th</sup> 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.

### ***Change to Officer Recommendation***

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

- *To defer appointing Councillors to the Shire of Dardanup Advisory Groups until the 24<sup>th</sup> of November 2021 Ordinary Council Meeting.*

*Discussion:*

*Cr. P S Robinson advised that he would like to move a motion to defer Officer Recommended Resolution Part "A" to the 24<sup>th</sup> of November 2021 Ordinary Council Meeting to allow Councillors time to participate in an Advisory Group workshop*

*THAT Council defer making a decision on the appointment of Elected Members to the Shire of Dardanup Advisory Groups (Officer Recommended Resolution "A") until the 24<sup>th</sup> of November Ordinary Council Meeting.*

*Cr. P R Perks seconded the motion.*

**ELECTED MEMBER RESOLUTION & COUNCIL RESOLUTION:**

313-21            MOVED -            Cr. P S Robinson            SECONDED -            Cr. P R Perks

**THAT Council defer making a decision on the appointment of Elected Members to the Shire of Dardanup Advisory Groups (Officer Recommended Resolution "A") until the 24th of November Ordinary Council Meeting.**

CARRIED  
9/0

*Note: Cr. P S Robinson advised that he would like to move a motion to defer Officer Recommended Resolutions "B" and "C" to the 24<sup>th</sup> of November 2021 Ordinary Council Meeting to allow Councillors to participate in an Advisory Group Workshop.*

*THAT Council:*

1.     *Defer making any decisions regarding the Shire of Dardanup Advisory Groups until the 24<sup>th</sup> of November 2021 Ordinary Council Meeting.*
2.     *Request Officers to organise an Advisory Group workshop prior to the 24<sup>th</sup> of November 2021 Ordinary Council Meeting for Elected Members.*

*Cr. P R Perks seconded the motion.*

**Change to Officer Recommendation**

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

- *To defer making any decisions regarding the Shire of Dardanup Advisory Groups until the 24<sup>th</sup> of November 2021 Ordinary Council Meeting.*
- *To request Officers to organise an Advisory Group Workshop for Elected Members.*

**ELECTED MEMBER RESOLUTION & COUNCIL RESOLUTION:**

314-21            MOVED -            Cr. P S Robinson            SECONDED -            Cr. P R Perks

**THAT Council:**

1.     **Defer making any decisions regarding the Shire of Dardanup Advisory Groups until the 24<sup>th</sup> of November 2021 Ordinary Council Meeting.**
2.     **Request Officers to organise an Advisory Group workshop prior to the 24<sup>th</sup> of November 2021 Ordinary Council Meeting for Elected Members.**

CARRIED  
9/0

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.

<b>TIER 1 – No discernible Inherent Risk has been identified (no Risk Theme or Consequence).</b>	
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 Collie
- Shire of Capel
- Shire of Dardanup
- Shire of Donnybrook
- 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.

- 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.

**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]

Eaton Bowling & Social Club and Eaton Senior Citizens Building Joint Management Committee Representative/Independent Party

- \_\_\_\_\_ [Representative/Independent Party]

Eaton Community College Board

- \_\_\_\_\_ [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*

Note: *Cr. P S Robinson advised that he would like to move a motion to defer appointing Councillors to Community, External Committees, Boards and Associations and Ministerial Appointments until the 24<sup>th</sup> of November 2021 Ordinary Council Meeting. This will enable the Chief Executive Officer to gather information regarding meeting dates and times which can then be brought back to Council to assist Councillors in making a decision on which Committees each Councillor would like to be a part of.*

*THAT Council:*

1. *Defer appointing Councillors to Community, External Committees, Boards and Associations and Ministerial Appointments until the 24<sup>th</sup> of November 2021 Ordinary Council Meeting.*
2. *Requests the Chief Executive Officer to research Community, External Committees, Boards and Associations and Ministerial Appointments meeting dates and times and to present researched information to Councillors prior to the 24<sup>th</sup> of November 2021 Ordinary Council Meeting for Elected Members.*

*Cr. P R Perks seconded the motion.*

**Change to Officer Recommendation**

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

- *To defer appointing Councillors to Community, External Committees, Boards and Associations and Ministerial Appointments until the 24th of November 2021 Ordinary Council Meeting.*
- *To request the Chief Executive Officer to research Community, External Committees, Boards and Associations and Ministerial Appointments meeting dates and times and to present researched information to Councillors prior to the 24<sup>th</sup> of November Ordinary Council Meeting.*

**ELECTED MEMBER RESOLUTION & COUNCIL RESOLUTION**

315-21            MOVED -            Cr. P S Robinson            SECONDED -            Cr. P R Perks

**THAT Council:**

- 1. Defer appointing Councillors to Community, External Committees, Boards and Associations and Ministerial Appointments until the 24<sup>th</sup> of November 2021 Ordinary Council Meeting.**
- 2. Requests the Chief Executive Officer to research Community, External Committees, Boards and Associations and Ministerial Appointments meeting dates and times and to present researched information to Councillors prior to the 24<sup>th</sup> of November 2021 Ordinary Council Meeting for Elected Members.**

CARRIED  
9/0

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

<i>Reporting Department:</i>	<i>Sustainable Development Directorate</i>
<i>Reporting Officer:</i>	<i>Mr Murray Connell - Manager Development Services</i>
<i>Legislation:</i>	<i>Planning and Development Act 2005</i>
<i>Attachments:</i>	<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 26<sup>th</sup> of January 2024.

**Background**

On the 1<sup>st</sup> 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 26<sup>th</sup> 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.

<b>TIER 2 – ‘Low’ or ‘Moderate’ Inherent Risk.</b>	
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 26<sup>th</sup> 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.





**16 MATTERS BEHIND CLOSED DOORS**

None.

**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, 27th of October 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 6.21pm.



**CONFIRMATION OF MINUTES**

**“As the person presiding at the meeting at which these minutes were confirmed on the 27<sup>th</sup> of October 2021, I certify that these minutes have been confirmed as a true and accurate record of proceedings”.**

# DECLARATION BY SHIRE PRESIDENT

Form 7  
Local Government Act 1995  
Local Government (Constitution) Regulations 1998 [reg.13(1)(c)]

I, [Full Name] CR. Michael Theodore Bennett.  
of [Residential Address] 15 Gascoyne Circle. MILLBRIDGE

Having been elected to the office of **Shire President** 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 Council Chambers of Shire of Dardanup – Administration Centre Eaton, 1 Council Drive, Eaton on Wednesday, 20 October 2021.

By



(Signature of Councillor)

Before me -

**MR ANDRÉ SCHÖNFELDT**  
Chief Executive Officer

*Authorised Person [Oaths, Affidavits and Statutory Declarations Act 2005, Schedule 2. Item 21].*



(Authorised Person)



# DECLARATION BY DEPUTY PRESIDENT

Form 7  
Local Government Act 1995  
Local Government (Constitution) Regulations 1998 [reg.13(1)(c)]

I, [Full Name] Tyrrell Guy GARDNER.  
of [Residential Address] 727 Ferguson Rd. Ferguson.

Having been elected to the office of **Deputy President** 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 Council Chambers of Shire of Dardanup – Administration Centre Eaton, 1 Council Drive, Eaton on Wednesday, 20 October 2021.

By

  
(Signature of Councillor)

Before me -

**MR ANDRÉ SCHÖNFELDT**  
Chief Executive Officer

*Authorised Person [Oaths, Affidavits and Statutory Declarations Act 2005, Schedule 2. Item 21].*

  
(Authorised Person)



# DECLARATION BY COUNCILLOR

Form 7  
Local Government Act 1995  
Local Government (Constitution) Regulations 1998 [reg.13(1)(c)]


I, [Full Name] **MICHAEL THEODORE BENNETT**

of [Residential Address] 15 Gascoyne Circle, MILLBRIDGE

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 Council Chambers of Shire of Dardanup – Administration Centre Eaton, 1 Council Drive, Eaton on Wednesday, 20 October 2021.

By



(Signature of MICHAEL THEODORE BENNETT)

Before me -

**MR ANDRÉ SCHÖNFELDT**  
Chief Executive Officer

*Authorised Person [Oaths, Affidavits and Statutory Declarations Act 2005, Schedule 2. Item 21].*



(Authorised Person)

# DECLARATION BY COUNCILLOR

Form 7  
Local Government Act 1995  
Local Government (Constitution) Regulations 1998 [reg.13(1)(c)]

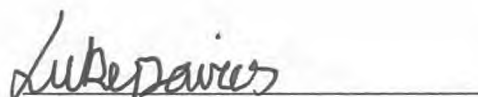
I, [Full Name] **LUKE WILLIAM DAVIES**

of [Residential Address] 8 Florence Moore Way, BUREKUP

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 Council Chambers of Shire of Dardanup – Administration Centre Eaton, 1 Council Drive, Eaton on Wednesday, 20 October 2021.

By



(Signature of LUKE WILLIAM DAVIES)

Before me -

**MR ANDRÉ SCHÖNFELDT**  
Chief Executive Officer

*Authorised Person [Oaths, Affidavits and Statutory Declarations Act 2005, Schedule 2. Item 21].*



(Authorised Person)



# DECLARATION BY COUNCILLOR

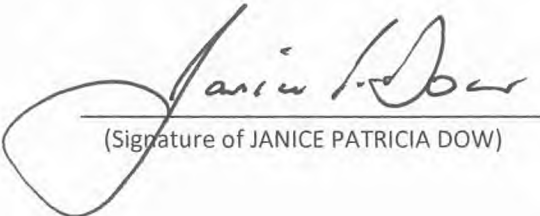
Form 7  
Local Government Act 1995  
Local Government (Constitution) Regulations 1998 [reg.13(1)(c)]

I, [Full Name] **JANICE PATRICIA DOW**  
of [Residential Address] **197 Orchard Road, BUREKUP**

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 Council Chambers of Shire of Dardanup – Administration Centre Eaton, 1 Council Drive, Eaton on Wednesday, 20 October 2021.

By




(Signature of JANICE PATRICIA DOW)

Before me -

**MR ANDRÉ SCHÖNFELDT**

Chief Executive Officer

*Authorised Person [Oaths, Affidavits and Statutory Declarations Act 2005, Schedule 2. Item 21].*



(Authorised Person)



# DECLARATION BY COUNCILLOR

Form 7  
Local Government Act 1995  
Local Government (Constitution) Regulations 1998 [reg.13(1)(c)]

I, [Full Name] **TYRRELL GUY GARDINER**

of [Residential Address] **727 Ferguson Road, FERGUSON**

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 Council Chambers of Shire of Dardanup – Administration Centre Eaton, 1 Council Drive, Eaton on Wednesday, 20 October 2021.

By



(Signature of TYRRELL GUY GARDINER)

Before me -

**MR ANDRÉ SCHÖNFELDT**  
Chief Executive Officer

*Authorised Person [Oaths, Affidavits and Statutory Declarations Act 2005, Schedule 2. Item 21].*



(Authorised Person)



# DECLARATION BY COUNCILLOR

Form 7  
Local Government Act 1995  
Local Government (Constitution) Regulations 1998 [reg.13(1)(c)]

I, [Full Name] **ELLEN PATRICIA LILLY**

of [Residential Address] 492 Crooked Brook road, CROOKED BROOK

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 Council Chambers of Shire of Dardanup – Administration Centre Eaton, 1 Council Drive, Eaton on Wednesday, 20 October 2021.

By



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(Signature of ELLEN PATRICIA LILLY)

Before me -

**MR ANDRÉ SCHÖNFELDT**

Chief Executive Officer

*Authorised Person [Oaths, Affidavits and Statutory Declarations Act 2005, Schedule 2. Item 21].*



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(Authorised Person)

# NOMINATION OF SHIRE PRESIDENT

Local Government Act 1995  
Schedule 2.3

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I Peter Robinson hereby Nominate  
Councillor Michael Bennett to the position of  
**Shire President** of the Shire of Dardanup for the period  
20 October 2021 to October 2023.

Signed



Nominating Councillor

I accept this Nomination  
Signed



Nominee

# NOMINATION OF DEPUTY SHIRE PRESIDENT

Local Government Act 1995  
Schedule 2.3

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I Peter ROBINSON hereby Nominate  
Councillor Tymell Gardiner to the position of  
**Deputy Shire President** of the Shire of Dardanup for the  
period 20 October 2021 to October 2023.

Signed

  
\_\_\_\_\_

Nominating Councillor

I accept this Nomination  
Signed

  
\_\_\_\_\_

Nominee

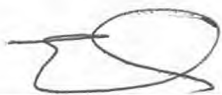
# NOMINATION OF DEPUTY SHIRE PRESIDENT

Local Government Act 1995  
Schedule 2.3

---

I Ellen Lilly hereby Nominate  
Councillor Ellen Lilly to the position of  
**Deputy Shire President** of the Shire of Dardanup for the  
period 20 October 2021 to October 2023.

Signed



Nominating Councillor

I accept this Nomination  
Signed



Nominee

**Signature:** 

**Email:** [michael.bennett@dardanup.wa.gov.au](mailto:michael.bennett@dardanup.wa.gov.au)