



CONFIRMED

MINUTES

SPECIAL MEETING

Held

25 October 2017

At

Shire of Dardanup
ADMINISTRATION CENTRE EATON
1 Council Drive - EATON

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COUNCIL ROLE

Advocacy	When Council advocates on its own behalf or on behalf of its community to another level of government / body /agency.
Executive/Strategic	The substantial direction setting and oversight role of the Council eg. Adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.
Legislative	Includes adopting local laws, town planning schemes and policies.
Review	When Council reviews decisions made by Officers.
Quasi-Judicial	<p>When Council determines an application/matter that directly affects a person's rights and interests. The Judicial character arises from the obligations to abide by the principles of natural justice.</p> <p>Examples of Quasi-Judicial authority include town planning applications, building licences, applications for other permits/licences (eg: under Health Act, Dog Act or Local Laws) and other decisions that may be appealable to the State Administrative Tribunal.</p>

DISCLAIMER

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

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

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

SHIRE OF DARDANUP

MINUTES OF THE SHIRE OF DARDANUP SPECIAL MEETING OF COUNCIL HELD ON WEDNESDAY 25 OCTOBER 2017, AT SHIRE OF DARDANUP – EATON ADMINISTRATION CENTRE, COMMENCING AT 5.00PM.

1 DECLARATION OF OPENING/ANNOUNCEMENT OF VISITORS

The Presiding Officer, Mr Mark Chester Chief Executive Officer declared the meeting open at 5.00pm; welcomed those in attendance and referred to the Disclaimer, Emergency Procedure and the Affirmation of Civic Duty and Responsibility on behalf of Councillors and Officers:

Acknowledgement of Country

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

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.

Emergency Procedure

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

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

2.1 Attendance

Cr Michael Bennett	-	Elected Member
Cr Peter Robinson	-	Elected Member
Cr Carmel Boyce	-	Elected Member
Cr Tyrrell Gardiner	-	Elected Member

Cr Luke Davies	-	Elected Member
Cr James Lee	-	Elected Member
Cr Patricia Perks	-	Elected Member
Cr Danny Harris		Elected Member
Cr Janice Dow		Elected Member
Mr Mark Chester		Chief Executive Officer
Mr Luke Botica	-	Acting Chief Executive Officer
Mrs Cathy Lee	-	Manager Governance & HR
Mr Steve Potter	-	Manager Development Services

2.2 Apologies

Mr Phil Anastasakis	-	Director Corporate & Community Services
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3 SWEARING IN OF COUNCILLORS/SHIRE PRESIDENT/ DEPUTY SHIRE PRESIDENT

3.1 Title: Swearing in of Councillors

Chief Executive Officer, Mr Mark Chester to preside over the swearing in and the signing of the Declarations of the newly Elected Members (LGA 1995 Sch 2.3 3):

The following five Councillors four year terms will run from the 25 October 2017 to October 2021:

1. Michael Bennett
2. Tyrrell Gardiner
3. Carmel Boyce
4. Luke Davies
5. Janice Dow

PROCESS:

Chief Executive Officer, Mr Mark Chester presided over the swearing in of the following Councillors who read aloud and signed a Declaration of Office form:

Cr Michael Bennett
Cr Carmel Boyce
Cr Luke Davies
Cr Janice Dow
Cr Tyrrell Gardiner

ACCLAMATION

3.2 Title: Election of Shire President and Deputy Shire President

Reporting Department: Executive
Reporting Officer: Mr Mark Chester – Chief Executive Officer
Legislation: Local Government Act 1995

Background

Following the October 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 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.

The process:

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 the council elects the 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.*

3. CEO to preside

The CEO is to preside at the meeting until the office is filled.

4. How the 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 by No. 49 of 2004 s. 69(2)-(5); No. 66 of 2006 s. 14.]

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.*

Division 2 — Deputy mayors and deputy presidents**7. When the council elects the 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 the 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 by 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 - None.

Environment - None.

Precedents - None.

Budget Implications - None.

Budget – Whole of Life Cost - None.

Council Policy Compliance - None.

Risk Assessments - None.

ELECTION OF PRESIDENT

Officer Comment

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 25 October 2017 to October 2019. The office of President is for a two year term – expires at the time of each Ordinary election Local Government Act 1995 2.28(2) Item 11.

Nominee to accept the nomination in writing to the position of Shire President and sign a Declaration of Office for Shire President.

Voting Requirements- By secret ballot (Schedule 2.3 4. (5)) (Schedule 4.1)

“The candidate that receives the greater number of votes is elected.”

The Elected Shire President, to be sworn in then to take over the position of Chairperson.

PROCESS:

Chief Executive Officer, Mr Mark Chester advised that there had been one nomination received for the position of Shire President, being Cr. M T Bennett.

There being no other nominations Chief Executive Officer, Mr Mark Chester declared Cr. M T Bennett as the elected Shire President.

Cr. M T Bennett read and signed the Declaration of Office before Chief Executive Officer, Mr Mark Chester.

Cr. Cr. M T Bennett assumed the role of Chairperson being newly elected Shire President and thanked the Council for their support.

ELECTION OF DEPUTY SHIRE PRESIDENT

Officer Comment

Shire President to call for written nominations for the position of Deputy Shire President.

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 is from the 25 October 2017 to October 2019. A two year term as with the Shire President - Local Government Act 1995 2.28 (2) Item 12.

The nominee is to sign the nomination if they accept the nomination, or advise the presiding officer orally that they accept the nomination.

Council Role - Legislative

Voting Requirements- By secret ballot (Schedule 2.3 4. (5)) (Schedule 4.1)

“The candidate that receives the greater number of votes is elected.”

Newly elected Deputy Shire President to complete and sign a Declaration of Office for Deputy Shire President.

PROCESS:

Shire President, Cr. M T Bennett advised that there had been one nomination received for the position of Deputy Shire President, being Cr. P S Robinson.

There being no other nominations Shire President, Cr. M T Bennett declared Cr. P S Robinson as the elected Deputy Shire President.

Chief Executive Officer, Mr Mark Chester oversaw the Declaration of Office.

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 T Bennett - Shire President**
- **Cr. Peter S Robinson - Deputy Shire President**

of the Shire of Dardanup until October 2019.

4 PUBLIC QUESTION TIME

None.

5 APPLICATIONS FOR LEAVE OF ABSENCE

None.

6 PETITIONS/DEPUTATIONS/PRESENTATIONS

None.

7 CONFIRMATION OF MINUTES OF PREVIOUS MEETING

Note: Minutes of Ordinary Meeting held 11 October 2017 will be confirmed at the next Ordinary Meeting to be held 1 November 2017.

8 ANNOUNCEMENTS BY PRESIDING MEMBER WITHOUT DISCUSSION

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

Discussion:

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

There was no response.

12 REPORTS OF OFFICERS AND COMMITTEES

12.1 Title: Appointment Of Councillors to Standing Committees

Reporting Department: Executive

Reporting Officer: Mr Mark Chester – Chief Executive Officer

Legislation: Local Government Act 1995

Background

Local Government Act 1995 Section 5.8, 5.9 and 5.10 empowers Council to establish committees and elect persons to serve on those committees.

The 2015/17 members of the Corporate and Community Services Committee are as follows:

CORPORATE & COMMUNITY SERVICES COMMITTEE

- Cr. M T Bennett - Elected Member
- Cr. P S Robinson - Elected Member
- Cr. L D Harris - Elected Member
- Cr. A Mountford - Elected Member
- Cr. L Davies - Elected Member
- Cr. P R Perks - Elected Member
- Cr. J Lee - Elected Member
- Cr. T G Gardiner - Elected Member
- Cr. C N Boyce - Elected Member

The 2015/17 members of the Engineering and Development Services Committee are as follows:

ENGINEERING & DEVELOPMENT SERVICES COMMITTEE

- Cr. M T Bennett - Elected Member
- Cr. P S Robinson - Elected Member
- Cr. L D Harris - Elected Member
- Cr. A Mountford - Elected Member
- Cr. L Davies - Elected Member
- Cr. P R Perks - Elected Member
- Cr. J Lee - Elected Member
- Cr. T G Gardiner - Elected Member
- Cr. C N Boyce - Elected Member

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 Plan - None.

Environment - None.

Precedents - None.

Budget Implications - None.

Budget – Whole of Life Cost - None.

Council Policy Compliance - None.

Risk Assessments - None.

Officer Comment

These committees meet as required to deal with specific issues or as directed by the Council. The Shire President may inform the Council that he/she wishes to be a member of a committee. The Local Government is then to appoint the Shire President to be a member of the committee.

At the October 2015 Special Meeting of Council, it was resolved to include all Councillors to each of the two Committees. It is recommended that both Committees again consist of all nine Councillors.

Each committee is to elect their chairperson at their first meeting. The quorum for meeting is 50% of offices whether vacant or not, unless the quorum is reduced by the Local Government (Local Government Act 1995 S5.19 & 5.15).

Each elected member is entitled to be a member of at least one committee. (5.10 (2)). Council is reminded that the Local Government Act 1995 requires that all meetings of any committee that Council delegates a power or duty to must be open to the public. Generally, Council has not delegated powers or duties to committees, each is required to make recommendations to full Council.

Where Council delegates decision making power to a committee the date, time and venue for the meeting of that committee are to be advertised.

Council Role - Legislative.

Voting Requirements- Absolute Majority.

Change to Officer Recommendation No Change.

OFFICER RECOMMENDED RESOLUTION & COUNCIL RESOLUTION

270-17 MOVED - Cr. P Robinson SECONDED - Cr. L Davies

THAT the following Councillors be elected to the following Council Committees [all terms expire in October 2019]:

CORPORATE AND COMMUNITY SERVICES COMMITTEE

- Cr. M T Bennett - Elected Member
- Cr. P S Robinson - Elected Member
- Cr. L D Harris - Elected Member
- Cr. L Davies - Elected Member
- Cr. I P Perks - Elected Member
- Cr. J Lee - Elected Member
- Cr. T G Gardiner - Elected Member
- Cr. C N Boyce - Elected Member
- Cr J Dow - Elected Member

ENGINEERING AND DEVELOPMENT SERVICES COMMITTEE

- Cr. M T Bennett - Elected Member
- Cr. P S Robinson - Elected Member
- Cr. L D Harris - Elected Member
- Cr. L Davies - Elected Member
- Cr. I P Perks - Elected Member
- Cr. J Lee - Elected Member
- Cr. T G Gardiner - Elected Member
- Cr. C N Boyce - Elected Member
- Cr J Dow - Elected Member

CARRIED
9/0

By Absolute Majority

12.2 Title: Appointment of Councillors, Staff, Community and Department Representatives to Various Council Committees

Reporting Department: Executive

Reporting Officer: Mr Mark Chester – Chief Executive Officer

Legislation: Local Government Act 1995

Background

The 2015-2017 members of the various Council committees are as follows:

Disability Advisory Committee

- Cr. P R Perks - Elected Member
- Cr. J Lee - Elected Member
- Cr. C N Boyce - Elected Member

- Director Engineering & Development Services – Staff
- Manager Recreation Centre – Staff
- Manager Environment & Emergency - Staff
- Manager Assets - Staff

- Ms Donna Rudolf – Home & Community Care
- Ms Faye Pedalina – Disability Service Commission

Occupational Safety & Health Committee

- Cr. M T Bennett - Elected Member [Chairperson]
- Cr. J Lee - Elected Member [Deputy Chairperson]
- Cr. C N Boyce - Elected Member [Proxy Member]
- Chief Executive Officer – Mark Chester
- Manager Governance & HR – Cathy Lee
- Senior OSH Coordinator – Anton Manning
- OSH Advisor – Antonette O’Kane

- Eaton Library Representative – Helen Ammon
- Eaton Administration Representative – Tracey Maisey
- Eaton Administration Representative – Andrea Carew-Reid
- Parks & Gardens Representative – Christine Kennedy
- Dardanup Outside Works Representative – Adam Herbert
- Eaton Recreation Centre Representative - Wills Pomare

Waste Management Committee

- Cr. C N Boyce - Elected Member
- Cr. A Mountford - Elected Member
- Cr. T G Gardiner - Elected Member
- Cr. M T Bennett - Elected Member
- Cr. P S Robinson - Elected Member

- Director Engineering & Development Services – Staff
- Manager Environment and Emergency - Staff

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

- Cr. M T Bennett
- Cr. C N Boyce
- Cr. L D Harris
- Cr. P S Robinson - Elected Member [Deputy]

Audit Committee

- Cr. M T Bennett - Elected Member
- Cr. P S Robinson - Elected Member
- Cr. C N Boyce - Elected Member
- Cr. L D Harris - Elected Member

Strategic Planning Committee

- Cr. M T Bennett - Elected Member
- Cr. P S Robinson - Elected Member
- Cr. L D Harris - Elected Member
- Cr. A Mountford - Elected Member
- Cr. L Davies - Elected Member
- Cr. P R Perks - Elected Member
- Cr. J Lee - Elected Member
- Cr. T G Gardiner - Elected Member
- Cr. C N Boyce - Elected Member

Local Emergency Management Committee

- Cr. M T Bennett - Elected Member
- Cr. J Lee - Elected Member
- Cr. P R Perks - Elected Member

- Chief Executive Officer – Staff
- Manager Environment & Emergency – Staff
- Director Engineering & Development Services – Staff
- Director Corporate & Community Services – Staff
- Manager Development Services – Staff
- Manager Recreation Centre – Staff
- Manager Operations – Staff
- Senior Ranger – Staff
- Communications Officer - Staff

- Representative – Child Protection & Family Services

- Representative – Department of Agriculture & Food WA
- Representative – Department of Parks & Wildlife
- Representative – Main Roads WA
- Representative – Dept of Fire & Emergency Services – Fire
- Representative – Dept of Fire & Emergency – Natural Hazards
- Representative – Public Transport Authority
- Representative – WA Police – Australind Police
- Representative – Water Corporation
- Representative – Western Power

Dardanup Retirement Accommodation Committee

- Cr. M T Bennett - Elected Member
- Cr. A Mountford - Elected Member
- Cr. L D Harris - Elected Member
- Cr. T G Gardiner - Elected Member [Deputy]
- Cr. P S Robinson - Elected Member [Deputy]

- Mrs Jill Cross – Community
- Mrs Sheila Butcher - Community

Legal Implications - Local Government Act 1995

Strategic Plan - None.

Environment - None.

Precedents - None.

Budget Implications - None.

Budget – Whole of Life Cost - None.

Council Policy Compliance - None.

Risk Assessments - None.

Officer Comment

The term of office for all committees is two years, ending in October 2019. In accordance with the Local Government Act 1995 (As Amended) Council may appoint officers of Council to be committee members and grant them voting rights [LGA 5.10 (5)]. If the Chief Executive Officer chooses to take that position then the Chief Executive Officer is to be appointed, or he may appoint a representative.

Council may resolve to remove any committees they deem that are no longer needed.

Council Role - Legislative.

Voting Requirements- Absolute Majority.

Change to Officer Recommendation No Change.

OFFICER RECOMMENDED RESOLUTION & COUNCIL RESOLUTION

271-17 MOVED - Cr. P Perks SECONDED - Cr. C N Boyce

THAT:

1. The Dardanup Retirement Accommodation Committee be dissolved.
2. The following Elected Members, Staff, Community and Department representatives be elected to the following Council Committees [Note: Terms expire in October 2019]:

COUNCIL COMMITTEES:

Disability Advisory Committee

- Cr. J Lee - Elected Member
- Cr. P Perks - Elected Member
- Cr. C N Boyce - Elected Member

- Director Corporate & Community Services – Staff
- Manager Culture & Community Services - Staff
- Representative - Home & Community Care
- Representative - Disability Service Commission

Occupational Safety & Health Committee

- Cr. J Lee - Elected Member
- Cr. M T Bennett - Elected Member

- Chief Executive Officer – Mark Chester
- Manager Governance & HR – Cathy Lee
- Senior OSH Coordinator – Anton Manning
- OSH Advisor – Antonette O’Kane

- Eaton Library Representative – Helen Ammon
- Eaton Administration Representative – Tracey Maisey
- Eaton Administration Representative – Andrea Carew-Reid
- Parks & Gardens Representative – Christine Kennedy
- Dardanup Outside Works Representative – Adam Herbert
- Eaton Recreation Centre Representative - Wills Pomare

Waste Management Committee

- Cr. M T Bennett - Elected Member
- Cr. P Robinson - Elected Member
- Cr. T Gardiner - Elected Member
- Cr. C N Boyce – Elected Member

- **Director Engineering & Development Services – Staff**
- **Manager Operations - Staff**

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

- **Cr. M T Bennett - Elected Member**
- **Cr. L D Harris - Elected Member**
- **Cr. C N Boyce - Elected Member**
- **Cr. P Perks - Elected Member [Deputy]**

Audit Committee

- **Cr. M T Bennett - Elected Member**
- **Cr. P Robinson - Elected Member**
- **Cr. J Dow - Elected Member**
- **Cr. L D Harris - Elected Member**

Strategic Planning Committee

- **Cr. M T Bennett - Elected Member**
- **Cr. P S Robinson - Elected Member**
- **Cr. L D Harris - Elected Member**
- **Cr. L Davies - Elected Member**
- **Cr. I P Perks - Elected Member**
- **Cr. J Lee - Elected Member**
- **Cr. T G Gardiner - Elected Member**
- **Cr. C N Boyce - Elected Member**
- **Cr J Dow - Elected Member**

Local Emergency Management Committee

- **Cr. M T Bennett - Elected Member**
- **Cr. P Perks - Elected Member**
- **Cr. J Lee - Elected Member**

- **Chief Executive Officer – Staff**
- **Director Engineering & Development Services – Staff**
- **Director Corporate & Community Services – Staff**
- **Coordinator Emergency & Ranger Services – Staff**
- **Manager Development Services – Staff**
- **Manager Recreation Centre – Staff**
- **Manager Operations – Staff**
- **Senior Ranger – Staff**
- **Communications Officer - Staff**

- **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 – Dept of Fire & Emergency Services – Fire**
- **Representative – Dept of Fire & Emergency Services– Natural Hazards**
- **Representative – Public Transport Authority**
- **Representative – WA Police**
- **Representative – Water Corporation**
- **Representative – Western Power**
- **Representative – Aqwest**
- **Representative – St Johns Ambulance WA**
- **Representative – Telstra Australia**
- **Representative – Australian Railroad Group**
- **Representative – ATCO Gas**

CARRIED

9/0

By Absolute Majority

12.3 *Title: Appointment of Councillors, Staff, Community and Departmental Representatives to Various Council & Community Member Committees*

Reporting Department: Executive

Reporting Officer: Mr Mark Chester – Chief Executive Officer

Legislation: Local Government Act 1995

Background

Each year immediately following the elections Council considers the committees that are in place and the representation on these committees.

It is recommended that Council consider whether some committees should be retained, made obsolete or new committees formed.

To enable members to consider the committees the matter can be deferred for further discussion, and consideration at the next meeting.

Advertising has been completed calling for nominations for the committees that have community representation.

Legal Implications - Local Government Act 1995, Section 5.8, 5.9 and 5.10.

Strategic Plan - None.

Environment - None.

Precedents - None.

Budget Implications - None.

Budget – Whole of Life Cost - None.

Council Policy Compliance - None.

Risk Assessments - None.

Officer Comment

The 2015-2017 members of the various Council and Community Member committees are as follows:

COUNCIL AND COMMUNITY MEMBER COMMITTEES – Elected Members:

Bushfire Advisory Committee

- Cr. P Robinson
- Cr. T Gardiner
- Cr. P R Perks
- Cr. A Mountford

Dardanup Townscape Committee

- Cr. L D Harris
- Cr. P R Perks
- Cr. A Mountford

Eaton Townscape Committee

- Cr. M T Bennett
- Cr. L Davies
- Cr. C N Boyce
- Cr. P Robinson
- Cr. J Lee

Burekup Townscape Committee

- Cr. M T Bennett
- Cr. L Davies
- Cr. T Gardiner

Ferguson Hall Committee

- Cr. P Robinson
- Cr. T Gardiner
- Cr. A Mountford

Shire Youth Advisory Committee

- Cr. M T Bennett
- Cr. J Lee
- Cr. P R Perks
- Cr. L Davies
- Cr. C N Boyce

Dardanup Roadwise Committee

- Cr. J Lee
- Cr. A Mountford
- Cr. L D Harris

Eaton Sports Committee

- Cr. J Lee
- Cr. M T Bennett
- Cr. L D Harris
- Cr. C N Boyce

It is recommended that the Eaton Sports Committee be dissolved as the Eaton Sporting Pavilions have now been completed.

It is recommended that the Shire Youth Advisory Committee be dissolved as at present there have been no matters to discuss or action for this Committee for an extended period of time.

Council Role - Legislative

Voting Requirements- Absolute Majority

Change to Officer Recommendation

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

Resolution was changed to include the Eaton Sports Committee and the Shire Youth Advisory Committee for a further 2 years. A late nomination to the Burekup Townscape Committee was also accepted.

OFFICER RECOMMENDED RESOLUTION & COUNCIL RESOLUTION

THAT:

1. The following Committees be dissolved:
 - Eaton Sports Committee
 - Shire Youth Advisory Committee
2. The following Councillors, Staff, Community and Departmental Representatives be elected to the following Council and Community Member Committees:-

COUNCIL AND COMMUNITY MEMBER COMMITTEES:Bushfire Advisory Committee

- _____ - Elected Member
- _____ - Elected Member
- _____ - Elected Member

- Coordinator - Emergency & Ranger Services – Staff
- Senior Ranger - Staff

- 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

- Representative - Dept of Parks & Wildlife
- Representative - Dept of Parks & Wildlife
- Representative - Dept of Fire & Emergency
- Representative - Dept of Fire & Emergency

Dardanup Townscape Committee

- _____ - Elected Member
- _____ - Elected Member
- _____ - Elected Member

- Director Engineering & Development Services – Staff
- Manager Development Services – Staff
- Manager Assets - Staff

Eaton Townscape Committee

- _____ - Elected Member
- _____ - Elected Member
- _____ - Elected Member
- _____ - Elected Member

- Director Engineering & Development Services – Staff
- Manager Development Services – Staff
- Manager Assets – Staff

Burekup Townscape Committee

- _____ - Elected Member
- _____ - Elected Member
- _____ - Elected Member
- Director Engineering & Development Services – Staff
- Manager Development Services – Staff
- Manager Assets - Staff

Ferguson Hall Committee

- _____ - Elected Member

Dardanup Roadwise Committee

- _____ - Elected Member
- _____ - Elected Member
- _____ - Elected Member
- _____ - Elected Member
- Director Engineering & Development Services – Staff
- Senior Engineering Technical Officer – Operations – Staff
- Roadwise Road Safety Advisor – South West - Community
- Representative – Main Roads WA – Community
- Representative – Main Roads WA – Community
- Police District Traffic Coordinator – Community
- Representative – Dardanup Primary School – Community
- Representative – Australind Police – Community
- Representative – Department of Transport
- Mrs Jill Cross – Community
- Mrs Vicki Skaha - Community

Discussion:

Council discussed the dissolution of the Eaton Sports Committee and the Shire Youth Advisory Committee. It was agreed that these Committees would remain for a further 2 year period.

Note: A late submission was received via email from Ms Cassie Fry of Burekup for nomination to the Burekup Townscape Committee.

COUNCIL RESOLUTION

272-17 MOVED - Cr. P Robinson SECONDED - Cr. T Gardiner

THAT the following Councillors, Staff, Community and Departmental Representatives be elected to the following Council and Community Member Committees:-

COUNCIL AND COMMUNITY MEMBER COMMITTEES:**Bushfire Advisory Committee**

- Cr. T Gardiner - Elected Member
- Cr. P Robinson - Elected Member
- Cr. P Perks – Elected Member

- Coordinator - Emergency & Ranger Services – Staff
- Senior Ranger - Staff

- Chief
- Fire Control Officer
- Fire Control Officer
- Fire Control Officer
- Fire Control Officer
- Fire Control Officer
- Fire Control Officer
- Fire Control Officer
- Fire Control Officer
- Fire Control Officer
- Fire Control Officer
- Fire Control Officer
- Fire Control Officer
- Fire Control Officer
- Fire Control Officer

- Bush Fire Control Officer
- Waterloo District
- Eaton Townsite District
- Upper Ferguson District
- Joshua/Crooked Brook District
- West Dardanup District
- Ferguson District
- Wellington Mill District
- Burekup District
- Dardanup Central

- Representative
- Representative
- Representative
- Representative
- Dept of Parks & Wildlife
- Dept of Parks & Wildlife
- Dept of Fire & Emergency
- Dept of Fire & Emergency

Dardanup Townscape Committee

- Cr. L D Harris - Elected Member
- Cr J Dow - Elected Member
- Cr. P Robinson - Elected Member

- Director Engineering & Development Services – Staff
- Manager Development Services – Staff
- Manager Assets - Staff

Eaton Townscape Committee

- Cr. M T Bennett - Elected Member
- Cr. J Lee - Elected Member
- Cr. C N Boyce - Elected Member
- Cr. P Perks – Elected Member

- Director Engineering & Development Services – Staff
- Manager Development Services – Staff
- Manager Assets – Staff

Burekup Townscape Committee

- Cr. M T Bennett - Elected Member
- Cr. P Perks - Elected Member
- Cr J Dow - Elected Member

- Ms Cassie Fry – Community Member

- Director Engineering & Development Services – Staff
- Manager Development Services – Staff
- Manager Assets - Staff

Ferguson Hall Committee

- Cr. T Gardiner - Elected Member

Dardanup Roadwise Committee

- Cr. L D Harris - Elected Member
- Cr. P Perks - Elected Member
- Cr. J Lee – Elected Member
- Cr J Dow – Elected Member

- Director Engineering & Development Services – Staff
- Senior Engineering Technical Officer – Operations – Staff

- Roadwise Road Safety Advisor – South West - Community
- Representative – Main Roads WA – Community
- Representative – Main Roads WA – Community
- Police District Traffic Coordinator – Community
- Representative – Dardanup Primary School – Community
- Representative – Australind Police – Community
- Representative – Department of Transport
- Mrs Jill Cross – Community
- Mrs Vicki Skaha - Community

Eaton Sports Committee

- Cr. M T Bennett - Elected Member
- Cr. J Lee - Elected Member
- Cr. L D Harris - Elected Member
- Cr. C N Boyce - Elected Member

- Representative & Proxy – Dept of Sport & Recreation
- Representative & Proxy - Eaton Basketball Association
- Representative & Proxy - Eaton Cricket Club
- Representative & Proxy - Eaton Junior Football Club
- Representative & Proxy - Eaton Town Soccer Club
- Representative - Basketball South West
- Representative & Proxy – Eaton Boomers Football Club
- Representative & Proxy - Bunbury & Districts Softball Assoc

Shire Youth Advisory Committee

- Cr. I P Perks - Elected Member
- Cr. L Davies - Elected Member
- Cr. C N Boyce - Elected Member

CARRIED

9/0

*By Absolute Majority*12.4 Title: Appointment of Delegates and Representatives*Reporting Department: Executive**Reporting Officer: Mr Mark Chester – Chief Executive Officer**Legislation: Local Government Act 1995***Background**

The current delegates and representatives to the various Community and Regional committees are as follows:

DELEGATE TO COMMUNITY & REGIONAL COMMITTEES:**Burekup Country Club Committee**

- Cr. L Davies - [Delegate]

Capel-Dardanup HACC Committee

- Cr. C N Boyce - [Delegate]

Eaton Senior Citizens Association

- Cr. J Lee - [Delegate]

Regional Road Group

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

Contiguous Local Authority Group for Mosquito Control

- Cr. C N Boyce - [Delegate]
- Cr. M T Bennett - [Deputy]

Leschenault Catchment Council

- Cr. C N Boyce -[Delegate] [Nominee for Ministerial Appointment]

Dardanup Recreation Ground Co-Ordinating Committee

- Cr. L D Harris - [Delegate]

Bunbury Wellington Economic Alliance

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

SW Zone of WA Local Government Association

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

Ferguson Valley Marketing and Promotions

- Cr. T G Gardiner - [Delegate]
- Cr. C N Boyce - [Deputy]

Legal Implications - Local Government Act 1995

Strategic Plan - None.

Environment - None.

Precedents - None.

Budget Implications - None.

Budget – Whole of Life Cost - None.

Council Policy Compliance - None.

Risk Assessments - None.

Officer Comment

Capel-Dardanup HACC have been renamed South West Community Care (SWCC). There is no request from SWCC for a representative of Council to be on their board. Capel Dardanup HACC have been removed from the listing.

Contiguous Local Authority Group for Mosquito Control no longer requests an elected member be representative of this group. The Shire's Principal Environmental Health Officer attends these meetings on behalf of council. Contiguous Local Authority Group for Mosquito Control has been removed from the listing.

Council Role - Legislative.

Voting Requirements- Absolute Majority.

Change to Officer Recommendation No Change.

OFFICER RECOMMENDED RESOLUTION & COUNCIL RESOLUTION

273-17 MOVED - Cr. P Perks SECONDED - Cr. L Davies

THAT the following Councillors be elected as delegates to the following Community and Regional Committees:-

DELEGATE TO COMMUNITY COMMITTEES:

Burekup Country Club Committee

- Cr J Dow [Delegate]

Eaton Senior Citizens Association

- Cr. J Lee [Delegate]

Regional Road Group

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

Leschenault Catchment Council

- Cr. C N Boyce [Delegate] [Nominee for Ministerial Appointment]

Dardanup Recreation Ground Co-Ordinating Committee

- Cr. L D Harris [Delegate]

Bunbury Wellington Economic Alliance

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

SW Zone of WA Local Government Association

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

Ferguson Valley Marketing and Promotions

- Cr. J Lee [Delegate]
- Cr. T Gardiner [Deputy]

Bunbury Wellington Group of Councils

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

All appointments expire October 2019, with the exception of those appointed by the relevant Minister.

CARRIED
9/0
By Absolute Majority

12.5 Title: Development Assessment Panel – Call for Nomination of Panel Members

Reporting Department: Executive

Reporting Officer: Mr Mark Chester – Chief Executive Officer

Legislation: Planning and Development (Development Assessment Panels) Regulations 2011

Background

Appointments of all local government Development Assessment Panel (DAP) members are for a one year term and expire on 26 July 2018. The current members for the Shire are Cr. M T Bennett and Cr P S Robinson (sitting members) and Cr. C N Boyce and Cr. J Lee (alternate members).

Due to the local government elections the appointments need to be reviewed.

Legal Implications

Appointment of DAP members for each local government is a requirement of the Planning and Development (Development Assessment Panels) Regulations 2011.

Strategic Plan - None.

Environment - None.

Precedents - None.

Budget Implications - None.

Budget – Whole of Life Cost - None.

Council Policy Compliance - None.

Risk Assessments - None.

Officer Comment

As a result of the local government elections and changes in Council composition, Council may be required to consider nominating replacement Councillors for sitting members and/or alternate members on our local DAP.

All appointed local members are required to undertake mandatory training prior to being able to sit on a DAP. Appointed local members that have previously been a member and 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.

The details of your appointment are as follows:

- Your appointment for a one year term will expire on 26 July 2018, with the possibility of extension for the remainder of the maximum term of up to three years.
- You are eligible to be paid sitting and training fees in accordance with Premier's Circular 2010/02.
- You are entitled to be reimbursed for travel expenses to attend meetings in accordance with Public Sector Commissioner's Circular 2009-20.
- You are appointed as a DAP local government member on the basis that you are a member of the council of the local government. If you cease to be a member of the council, your term of office as a DAP local government member will expire at the same time.

Under the Regulations, and to assist with your role and responsibility as a DAP member, you are required to undertake formal training. The DAP Secretariat will contact you shortly regarding training schedules and to provide you with other relevant information. In the interim, please complete and return the forms included with this letter to the DAP Secretariat using the enclosed envelope.

Council Role - Advocacy.

Voting Requirements - Simple Majority.

Change to Officer Recommendation No Change

OFFICER RECOMMENDED RESOLUTION & COUNCIL RESOLUTION

274-17 MOVED - Cr. C N Boyce SECONDED - Cr. T Gardiner

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

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

-Cr. M T Bennett Elected Member
-Cr. P Robinson Elected Member

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

-Cr. C N Boyce Elected Member
-Cr. J Lee Elected Member

3. The newly appointed Councillors will attend a training course as soon as possible.

CARRIED
9/0

13 ELECTED MEMBERS MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

None.

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

None.

15 PUBLIC QUESTION TIME

None.


16 MATTERS BEHIND CLOSED DOORS

None.

17 CLOSURE OF MEETING

The Presiding Officer advised that the date of the next Ordinary Meeting of Council will be Wednesday 1 November 2017, commencing at 5.00pm at the Shire of Dardanup - Administration Centre Eaton.

There being no further business the Presiding Officer declared the meeting closed at 5.40pm.



Shire of Dardanup

CONFIRMATION OF MINUTES

“As the person presiding at the meeting at which these minutes were confirmed on 1 November 2017, I certify that these minutes have been confirmed as a true and accurate record of proceedings.

DocuSigned by:



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Signed _____
(Chairman or Shire President or Other Presiding Officer)