

# Special Council Meeting Minutes

*19 October 2021*



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## **SHIRE OF DALWALLINU**

**MINUTES** of the Special Meeting of Council held at the Council Chambers, Shire Administration Centre, Dalwallinu on Tuesday 19 October 2021 commencing at 3.30pm.

### **1 OPENING & ANNOUNCEMENT OF VISITORS**

The Chief Executive Officer, Mrs JM Knight opened the meeting at 3:30pm.

Mrs Knight acknowledged and welcomed Cr Counsel, Cr Mills, Cr Cream and Cr Christian who had been sworn in prior to the commencement of the meeting.

### **2 ELECTION OF PRESIDENT**

The Chief Executive Officer conducted the Ballot for the Election of President.

Written nominations were received up to the close of nominations by the Chief Executive Officer on the day.

Two (2) nominations were received for President.  
Cr KL Carter and Cr SC Carter were nominated.  
Cr KL Carter and Cr SC Carter both accepted the nomination.

3.31pm Mrs JM Knight left the meeting

3.32pm Mrs JM Knight entered the meeting

A ballot was conducted for election of Shire President.  
Cr KL Carter received six (6) votes and Cr SC Carter received one (1) vote.

Cr KL Carter was elected Shire President.

3.33pm The President, Cr KL Carter took the chair.

### **3 ELECTION OF DEPUTY PRESIDENT**

The President Cr KL Carter conducted the Ballot for the Election of Deputy President.

Written nominations were received up to the close of nominations by the Chief Executive Officer on the day.

Two (2) nominations were received for Deputy President.  
Cr SC Carter and Cr KM McNeill were nominated.

Cr SC Carter accepted the nomination.  
Cr KM McNeill declined to accept the nomination.

Cr SC Carter was elected Deputy President unopposed.

3.36pm The Deputy President, Cr SC Carter took his position next to the President.

3.36pm Mrs JM Knight left the meeting



**MOTION 9791**

Moved           Cr SC Carter  
Seconded       Cr NW Mills

That Council suspend Standing Orders to discuss Councillor Memberships on the Council Committees at 3.37pm.

**CARRIED 7/0**

3.39pm Mrs JM Knight entered the meeting

**MOTION 9792**

Moved           Cr NW Mills  
Seconded       Cr KJ Christian

That Council open the Council meeting and resume Standing Orders at 3.50pm.

**CARRIED 7/0**

Cr KL Carter made the declaration of Shire President before Mrs Jean Knight.

Cr SC Carter made the declaration of Deputy Shire President before Mrs Jean Knight.

**4 ANNOUNCEMENTS OF PRESIDING MEMBER**

Nil

**5 ATTENDANCE RECORD**

**5.1 Present**

Councillors

Cr KL Carter  
Cr SC Carter  
Cr KM McNeill  
Cr KJ Christian  
Cr NW Mills  
Cr DS Cream  
Cr JL Counsel

Chief Executive Officer  
Manager Corporate Services  
Executive Assistant  
Manager Planning & Development  
Services

Mrs JM Knight  
Mrs HK Jolly  
Mrs DJ Whitehead  
Mr DW Burke (*entered at 3.59pm*)

**5.2 Apologies**

Cr MM Harms



**5.3 Leave Of Absence Previously Granted**

Nil

**6 METHOD OF DEALING WITH AGENDA BUSINESS (Show of hands)**

As agreed

**7 PUBLIC QUESTION TIME**

Nil

**7.1 Response to Previous Public Questions Taken on Notice**

Nil

**7.2 Public Question Time**

Nil



## 8. REPORTS

### 8.1 CHIEF EXECUTIVE OFFICER

#### 8.1.1 Appointment of Delegates

<b>Report Date</b>	19 October 2021
<b>Applicant</b>	Shire of Dalwallinu
<b>File Ref</b>	GO/2 – Governance
<b>Previous Meeting Reference</b>	Nil
<b>Prepared by</b>	Jean Knight, Chief Executive Officer
<b>Supervised by</b>	Jean Knight, Chief Executive Officer
<b>Disclosure of interest</b>	Nil
<b>Voting Requirements</b>	Absolute Majority
<b>Attachments</b>	Nil

#### **Purpose of Report**

Council is requested to appoint members to community based organisations.

#### **Background**

Council has previously appointed delegates to various community based committees and state or local government groups.

Following the 16 October 2021 ordinary elections, it is necessary for Council to review these appointments and confirm its delegates.

#### **Consultation**

Nil

#### **Legislative Implications**

##### State

*Local Government Act 1995*

#### **Policy Implications**

Nil

#### **Financial Implications**

Nil

#### **Strategic Implications**

Nil

#### **Site Inspection**

Not applicable

#### **Triple Bottom Line Assessment**

##### Economic implications

There are no known significant economic implications associated with this proposal.

##### Social implications

There are no known significant social implications associated with this proposal.





Environmental implications

There are no known significant environmental implications associated with this proposal.

**Officer Comment**

Council may agree to appoint a delegate to any recognised body in which it has an interest. Council have previously appointed delegates to the following:

- WALGA – Avon Midland Country Zone
- Wheatbelt North Regional Road Group – Moora Sub Group
- Moore Catchment Council
- Dalwallinu District Tourism Group
- Dalwallinu Local Health Advisory Group

**Officer Recommendation**

That Council:

1. Appoint the following members as delegates for the **WALGA – Avon Midland Country Zone**  
Delegate Cr \_\_\_\_\_  
Proxy Cr \_\_\_\_\_
2. Appoint the following members as delegates for the **Wheatbelt North Regional Road Group – Moora Sub Group**  
Delegate Cr \_\_\_\_\_  
Proxy Cr \_\_\_\_\_
3. Appoint the following members as delegates for the **Dalwallinu District Tourism Group**  
Delegate Cr \_\_\_\_\_  
Proxy Cr \_\_\_\_\_
4. Appoint the following members as delegates for the **Moore Catchment Council**  
Delegate Cr \_\_\_\_\_  
Proxy Cr \_\_\_\_\_
5. Appoint the following members as delegates for the **Dalwallinu Local Health Advisory Group**  
Delegate Cr \_\_\_\_\_  
Proxy Cr \_\_\_\_\_



## Recommendation/Resolution

### **MOTION 9793**

Moved           Cr NW Mills  
Seconded       Cr KM McNeill

That Council:

1.    Appoint the following members as delegates for the **WALGA – Avon Midland Country Zone**  
      Delegate                    Cr KL Carter  
      Proxy                        Cr SC Carter
  
2.    Appoint the following members as delegates for the **Wheatbelt North Regional Road Group – Moora Sub Group**  
      Delegate                    Cr KL Carter  
      Proxy                        Cr NW Mills
  
3.    Appoint the following members as delegates for the **Dalwallinu District Tourism Group**  
      Delegate                    Cr JL Counsel  
      Proxy                        Cr KM McNeill
  
4.    Appoint the following members as delegates for the **Moore Catchment Council**  
      Delegate                    Cr NW Mills  
      Proxy                        None Appointed
  
5.    Appoint the following members as delegates for the **Dalwallinu Local Health Advisory Group**  
      Delegate                    Cr DS Cream  
      Proxy                        Cr KJ Christian

**CARRIED BY ABSOLUTE MAJORITY 7/0**



## 8.1.2 Appointment of Audit Committee Members

<b>Report Date</b>	19 October 2021
<b>Applicant</b>	Shire of Dalwallinu
<b>File Ref</b>	GO/2 – Governance
<b>Previous Meeting Reference</b>	Nil
<b>Prepared by</b>	Jean Knight, Chief Executive Officer
<b>Supervised by</b>	Jean Knight, Chief Executive Officer
<b>Disclosure of interest</b>	Nil
<b>Voting Requirements</b>	Absolute Majority
<b>Attachments</b>	Nil

### Purpose of Report

Council is requested to appoint members to the Shire of Dalwallinu Audit Committee.

### Background

Section 7.1(a)(1) of the *Local Government Act 1995* states:

1. *A local government is to establish an audit committee of 3 or more persons to exercise the powers and discharge the duties conferred on it.*
2. *The members of the audit committee of a local government are to be appointed\* by the local government and at least 3 of the members, and the majority of the members, are to be council members.*

**\*Absolute majority required**

Following the 16 October 2021 ordinary elections, it is necessary for Council to review these appointments and confirm its members.

### Consultation

Nil

### Legislative Implications

State

*Local Government Act 1995*

*Local Government (Audit) Regulations 1996*

### Policy Implications

Nil

### Financial Implications

Nil

### Strategic Implications

Nil

### Site Inspection

Site inspection undertaken: Not applicable

### Triple Bottom Line Assessment

Economic implications



There are no known significant economic implications associated with this proposal.

Social implications

There are no known significant social implications associated with this proposal.

Environmental implications

There are no known significant environmental implications associated with this proposal.

**Officer Comment**

It is a requirement of the *Local Government Act 1995* that Council is to establish and appoint members to the Audit Committee.

**Functions of audit committee**

An audit committee has the following functions —

- a) to guide and assist the local government in carrying out —
  - (i) its functions under Part 6 of the Act; and
  - (ii) its functions relating to other audits and other matters related to financial management;
- b) to guide and assist the local government in carrying out the local government’s functions in relation to audits conducted under Part 7 of the Act;
- c) to review a report given to it by the CEO under regulation 17(3) (the **CEO’s report**) and is to —
  - (i) report to the council the results of that review; and
  - (ii) give a copy of the CEO’s report to the council;
- d) to monitor and advise the CEO when the CEO is carrying out functions in relation to a review under —
  - (i) regulation 17(1); and
  - (ii) the *Local Government (Financial Management) Regulations 1996* regulation 5(2)(c);
- e) to support the auditor of the local government to conduct an audit and carry out the auditor’s other duties under the Act in respect of the local government;
- f) to oversee the implementation of any action that the local government —
  - (i) is required to take by section 7.12A(3); and
  - (ii) has stated it has taken or intends to take in a report prepared under section 7.12A(4)(a); and
  - (iii) has accepted should be taken following receipt of a report of a review conducted under regulation 17(1); and
  - (iv) has accepted should be taken following receipt of a report of a review conducted under the *Local Government (Financial Management) Regulations 1996* regulation 5(2)(c);
- g) to perform any other function conferred on the audit committee by these regulations or another written law.

Previous Audit Committees have been comprised of four (4) members.

**Officer Recommendation**

That Council appoint Cr \_\_\_\_\_, Cr \_\_\_\_\_, Cr \_\_\_\_\_ and

Cr \_\_\_\_\_ as members of the Shire of Dalwallinu Audit Committee.



**Recommendation/Resolution**

**MOTION 9794**

Moved           Cr NW Mills  
Seconded       Cr DS Cream

That Council appoint Cr KL Carter, Cr NW Mills, Cr SC Carter, Cr MM Harms as members of the Shire of Dalwallinu Audit Committee.

**CARRIED BY ABSOLUTE MAJORITY 7/0**



### 8.1.3 Appointment of Advisory Committee/Working Group Members

<b>Report Date</b>	19 October 2021
<b>Applicant</b>	Shire of Dalwallinu
<b>File Ref</b>	GO/22 – Governance
<b>Previous Meeting Reference</b>	Nil
<b>Prepared by</b>	Jean Knight, Chief Executive Officer
<b>Supervised by</b>	Jean Knight, Chief Executive Officer
<b>Disclosure of interest</b>	Nil
<b>Voting Requirements</b>	Absolute Majority
<b>Attachments</b>	Nil

#### **Purpose of Report**

Council is requested to appoint members to Advisory Committees/Working Groups in accordance with the requirements of the *Local Government Act 1995* and community expectations.

#### **Background**

Council has previously established the following standing Committees:

- Bush Fires Advisory Committee
- Local Emergency management Committee
- Equal Opportunity Consultative Committee

Plus the Chief Executive Officer Performance Review Working Group.

Following the 16 October 2021 ordinary elections, it is necessary for Council to review these appointments and confirm its members.

#### **Consultation**

Nil

#### **Legislative Implications**

##### State

*Local Government Act 1995*

*Bush Fires Act 1954*

*Emergency Management Act 2005*

##### Local

*Local Government (Council Meetings) Local Law 2014*

#### **Policy Implications**

Nil

#### **Financial Implications**

Nil

#### **Strategic Implications**

Nil



## **Site Inspection**

Not applicable

## **Triple Bottom Line Assessment**

### Economic implications

There are no known significant economic implications associated with this proposal.

### Social implications

There are no known significant social implications associated with this proposal.

### Environmental implications

There are no known significant environmental implications associated with this proposal.

## **Officer Comment**

### **Committees**

Section 5.38 of the *Local Government Act 1995* provides that a local government may establish committees of three (3) or more persons to assist Council and to exercise the powers and discharge the duties of the local government that can be delegated to Committees.

Advisory Committee membership may comprise of council members, council members and employees, council members, employees and other persons, council members and other persons, employees and other persons or other persons only.

Advisory Committees have previously been comprised of a mix of Council members, employees and other persons.

Council have not previously given general delegated authority to its advisory committees. This means Council, at its Ordinary Meetings, has to consider and/or adopt committee recommendations before they are acted upon. It also means that advisory committee meetings, because they do not have delegated authority, are not open to the public.

Advisory Committee Presiding Members (Chairperson) are elected at the first meeting of the advisory committee.

### **Working Group**

As per the *Local Government Act 1995*, the Chief Executive Officer is to have a performance review at least annually. At the Ordinary Council meeting held in June 2017, Council formed a Chief Executive Officer Performance Review Working Group consisting of the Shire President Cr S Carter, Deputy Shire President Cr K Carter and two (2) Councillors, Cr A Dickins and Cr K McNeill to undertake the annual assessment of the Chief Executive Officer.

The Chief Executive Officer Performance Review Working Group is responsible for coordinating the review process and reporting its findings to full Council for their consideration and endorsement.

It is the Officers recommendation to appoint members to the Chief Executive Officer Performance Review Working Group at this time when appointing members to other advisory committees.



**Officer Recommendation**

That Council:

1. Appoint the following members to the **Bush Fire Advisory Committee:**

Members: Hanna Jolly (Manager Corporate Services), Gary Butcher (Chief Bushfire Control Officer), Cr \_\_\_\_\_, Cr \_\_\_\_\_, Cr \_\_\_\_\_;

2. Appoint the following members to the **Local Emergency Management Committee:**

Members: Hanna Jolly (Manager Corporate Services), Shire President Cr \_\_\_\_\_, Cr \_\_\_\_\_,

Deputies: Cr \_\_\_\_\_, Cr \_\_\_\_\_;

3. Appoint the following members to the **Equal Opportunity Consultative Committee:**

Members: Cr \_\_\_\_\_, Cr \_\_\_\_\_,

Deputies: Cr \_\_\_\_\_, Cr \_\_\_\_\_;

4. Appoint the following members to the **Chief Executive Officer Performance Review Working Group:**

Members: Shire President Cr \_\_\_\_\_, Deputy Shire President Cr \_\_\_\_\_, Cr \_\_\_\_\_, Cr \_\_\_\_\_.





## Recommendation/Resolution

### **MOTION 9795**

Moved            Cr SC Carter  
Seconded       Cr KM McNeill

1.     Appoint the following members to the **Bush Fire Advisory Committee**:  
  
      Members: Hanna Jolly (Manager Corporate Services), Gary Butcher (Chief Bushfire Control Officer), Cr NW Mills, Cr KL Carter,
2.     Appoint the following members to the **Local Emergency Management Committee**: Members:  
  
      Hanna Jolly (Manager Corporate Services), Cr KL Carter, Cr JL Counsel,  
  
      Deputies: Cr KM McNeill, Cr KJ Christian
3.     Appoint the following members to the **Equal Opportunity Consultative Committee**:  
  
      Members: Cr KL Carter, Cr SC Carter,  
  
      Deputies: Cr KJ Christian, Cr DS Cream,
4.     Appoint the following members to the **Chief Executive Officer Performance Review Working Group**:  
  
      Members: Cr KL Carter, Cr SC Carter, Cr KM McNeill, Cr MM Harms.

**CARRIED BY ABSOLUTE MAJORITY 7/0**

*3.59pm Mr DW Burke entered the meeting.*



#### 8.1.4 Appointment of Members to Development Assessment Panel

<b>Report Date</b>	19 October 2021
<b>Applicant</b>	Shire of Dalwallinu
<b>File Ref</b>	GO/22 – Governance
<b>Previous Meeting Reference</b>	Nil
<b>Prepared by</b>	Jean Knight, Chief Executive Officer
<b>Supervised by</b>	Jean Knight, Chief Executive Officer
<b>Disclosure of interest</b>	Nil
<b>Voting Requirements</b>	Absolute Majority
<b>Attachments</b>	Nil

#### **Purpose of Report**

Council is requested to appoint members to the Development Assessment Panel (DAP).

#### **Background**

Following the local government election on 16 October 2021, there may have been changes to local government DAP membership in WA councils. All existing DAP members are currently appointed for a term ending 26 January 2022. On investigation, it has shown that the Shire of Dalwallinu does not have any existing members.

Correspondence was received on Thursday 16 September 2021, requesting Council to submit four (4) nominations for local government DAP members by Friday 19 November 2021.

#### **Consultation**

Nil

#### **Legislative Implications**

##### State

*Planning and Development (Development Assessment Panels) Regulations 2011*

#### **Policy Implications**

Nil

#### **Financial Implications**

Nil

#### **Strategic Implications**

Nil

#### **Site Inspection**

Site inspection undertaken: Not applicable

#### **Triple Bottom Line Assessment**

##### Economic implications

There are no known significant economic implications associated with this proposal.

##### Social implications

There are no known significant social implications associated with this proposal.



### Environmental implications

There are no known significant environmental implications associated with this proposal.

### **Officer Comment**

Development Assessment Panels meet and determine development applications within certain class and value thresholds set in the DAP regulations. There are three types of DAP applications:

#### ***Mandatory DAP applications***

These are development applications which must be determined by a DAP and cannot be determined by a local government or the Western Australian Planning Commission (WAPC). Mandatory applications must meet the following value thresholds:

DAP	Mandatory value threshold
City of Perth	\$20 million or more
Rest of the State	\$10 million or more

#### ***Optional 'Opt In' DAP applications***

These are development applications where the applicant may choose to have the application determined by a DAP, or by the local government or WAPC under the normal process. In order to be considered an 'opt in' application, the application must fit within the following thresholds:

DAP	Mandatory value threshold
City of Perth	Between \$2 million - \$20 million
Rest of the State	Between \$2 million - \$10 million

#### ***Local Government delegated applications***

The WAPC and local governments may choose to delegate their decision making authority for applications which fit the optional 'opt in' criteria for DAP applications to a DAP. Therefore a DAP will also determine applications of a type upon which either of these bodies have chosen to delegate their authority.

Either of these bodies may take advantage of this option by following the process of formally delegating their authority to a DAP.

#### ***Excluded applications***

Under DAP regulations, development applications relating to the following classes of development are "excluded development applications". These applications will not be able to be determined by a DAP:

- Construction of a single house
- Construction of less than 10 grouped dwellings or multiple dwellings
- Construction of carports, shade sails, outbuildings or sheds
- Development in an improvement scheme area
- Development by a local government or the WAPC.

All applications are first lodged with the local government as per standard practice.

Representation of local interest is a key aspect of the DAP's system. Under regulation 24 of the *Planning and Development (Development Assessment Panels) Regulations 2011*, Council is requested to nominate, as soon as possible following the elections, four (4) elected council members to sit as DAP members for the Shire of Dalwallinu.



**Officer Recommendation**

That Council appoint the following members to the **Development Assessment Panel**:

Members: Cr \_\_\_\_\_, Cr \_\_\_\_\_, Cr \_\_\_\_\_, Cr \_\_\_\_\_.

**Recommendation/Resolution**

**MOTION 9796**

Moved Cr DS Cream  
Seconded Cr KJ Christian

That Council appoint Cr SC Carter to the **Development Assessment Panel**:

**CARRIED BY ABSOLUTE MAJORITY 7/0**



**9 APPLICATIONS FOR LEAVE OF ABSENCE**  
Nil

**10 MOTIONS OF WHICH NOTICE HAS BEEN RECEIVED**  
Nil

**11 QUESTIONS FROM MEMBERS WITHOUT NOTICE**  
Nil

**12 NEW BUSINESS OF AN URGENT NATURE (introduced by decision of the meeting)**  
Nil

**13 MEETING CLOSED TO THE PUBLIC**  
N/A

**14 SCHEDULING OF MEETING**  
The next Ordinary Meeting of Council will be held on 26 October 2021 at Council Chambers, Dalwallinu commencing at 3.30pm.

**15 CLOSURE**  
There being no further business, the Chairperson closed the meeting at 4.00pm.

**16 CERTIFICATION**  
I, Keith Leslie Carter, certify that the minutes of the Special Council meeting held on 19 October 2021, as shown on page numbers 1 to 19 were confirmed as a true record at the Ordinary Council meeting held on 26 October 2021.



CHAIRPERSON

8. 11. 2021

DATE

