



SHIRE OF BODDINGTON

'The Council and Staff of the Shire of Boddington, in partnership with the community, are committed to operating effectively and efficiently to provide quality lifestyle opportunities that encourage population growth and development'

MINUTES

For The
Special Meeting of Council
To Consider Election of Council President & Deputy
President & Allotted Seating
Held At

5:00PM, TUESDAY 31 OCTOBER 2017

At The
Council Chambers
39 Bannister Road Boddington

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Swearing in Ceremony

Prior to the commencement of the Special Meeting, the Chief Executive Officer invited Mr Paul Carrotts, JP, to swear-in the Councillors-elect. Mr Paul Carrotts, JP requested the newly Elected Members of Council to individually take the DECLARATION OF OFFICE in accordance with Section 2.29 of the Local Government Act 1995, after which the Declaration documents were signed. .

The following Members were sworn in as Councillors for the period 2017 to 2021 by Mr Paul Carrotts, JP:

Cr Jason	Hoffman
Cr William	McGrath
Cr Rod	McSwain
Cr Garry	Ventris

The following Member was sworn in as Shire President for the period 2017 to 2019 by Mr Paul Carrotts, JP:

Cr Martin	Glynn
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The following Member was sworn in as Shire Deputy President for the period 2017 to 2019 by Mr Paul Carrotts, JP:

Cr David	Smart
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1. DECLARATION OF OPENING:

The Chief Executive Officer, Mr Chris Littlemore declared the meeting open at 5:01pm.

2. ELECTION OF PRESIDENT AND DEPUTY PRESIDENT:

2.1.1 Election of President

File Ref No:	ADM 0081
Disclosure of Interest:	Nil
Date:	23 October 2017
Author:	Chris Littlemore
Attachments:	Nil

Summary

It is necessary for Council to elect a Shire President.

Comment

In accordance with Schedule 2.3 of the Local Government Act 1995, written nominations for the office of Presiding Member for the next two years are to be addressed to the Chief Executive Officer.

Nomination forms are enclosed with Councillors Agenda Package for the purpose. If a Councillor is nominated by another Councillor, the nominee must advise the Chief Executive Officer orally or in writing that he/she is willing to be nominated for the office.

Should there be two or more nominees, a secret ballot will be conducted to determine the holder of the office.

Upon election the President is required to make a Declaration.

Statutory Environment

Local Government Act 1995

2.11. Alternative methods of filling office of mayor or president

(1) When an order is made under section 2.1 declaring an area of the State to be a district, the Governor is, by order, to specify whether the first mayor or president of the local government is to be –

- (a) elected by electors of the district under Part 4; or*
- (b) elected by the council from amongst the councillors under Schedule 2.3, Division 1.*

Schedule 2.3 – When and how mayors, presidents, deputy mayors and deputy presidents are elected by the council

Division 1 – Mayors and presidents

1. *Terms used in this Division*

In this Division –

“extraordinary vacancy” means a vacancy that occurs under section 2.34(1);

“the office” means the office of councillor mayor or president.

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.*

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.*

[Clause 9 amended by No. 49 of 2004 s. 69(10).]

Policy Implications - Nil
Financial Implications – Nil
Strategic Implications - Nil
Economic Implications - Nil
Social Implications - Nil
Environmental Considerations - Nil

Consultation – None required.

Options

Council can:

1. adopt the recommendation;
2. adopt the recommendation with further amendments; or
3. not accept the recommendation, giving reasons.

Voting Requirements – Simple Majority

OFFICER'S RECOMMENDATION – ITEM 2.1.1

The Chief Executive Officer advised that the following nominations had been received for the position of Shire President:

- Cr Martin Glynn nominated by Cr David Smart

Cr Martin Glynn was elected for the position of Shire President

2.1.2 Election of Shire Deputy President

File Ref No:	ADM 0081
Disclosure of Interest:	Nil
Date:	23 October 2017
Author:	Chris Littlemore
Attachments:	Nil.

Summary

It is necessary for Council to elect a Deputy Shire President.

Comment

In accordance with Schedule 2.3 of the Local Government Act 1995, written nominations for the office of Deputy President for the next two years are to be addressed to the Chief Executive Officer. Nomination forms are enclosed with Councillors Agenda Package for the purpose. If a Councillor is nominated by another Councillor, the nominee must advise

the Chief Executive Officer orally or in writing that he/she is willing to be nominated for the office.

Should there be two or more nominees, a secret ballot will be conducted to determine the holder of the office.

Upon election the Deputy President is required to make a Declaration.

Statutory Environment

Local Government Act 1995

2.15. Filling the office of deputy mayor or deputy president

The deputy mayor or deputy president is to be elected by the council under Schedule 2.3, Division 2.

[Section 2.15 amended by No. 49 of 2004 s. 18.]

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 2 – Deputy mayors and deputy presidents

6. Terms used in this Division

In this Division –

“extraordinary vacancy” means a vacancy that occurs under section 2.34(1);

“the office” means the office of deputy mayor or deputy president.

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.

Policy Implications - Nil

Financial Implications - Nil

Economic Implications - Nil

Strategic Implications - Nil

Social Implications - Nil

Environmental Considerations - Nil

Consultation – None required.

Options

Council can:

1. adopt the recommendation;
2. adopt the recommendation with further amendments; or
3. not accept the recommendation, giving reasons.

Voting Requirements – Simple Majority

OFFICER'S RECOMMENDATION – ITEM 2.1.2

The Chief Executive Officer advised that the following nominations had been received for the position of Shire Deputy President:

- Cr David Smart nominated by Cr Martin Glynn

Cr David Smart was elected for the position of Shire Deputy President

2.1.3 Allotment of Councillors' Seats

File Ref No: ADM 0081
Disclosure of Interest: Nil
Date: 30 October 2017
Author: Chris Littlemore
Attachments: Nil

Summary

It is recommended that Council complete a reorganisation of seating at the Council table.

Comment

Council's Standing Orders Local Law requires that the Chief Executive Officer allocate a position at the Council table at the first ordinary meeting after an election.

The Shire President will sit at the head of the Council and Council has established a precedent where the Deputy President sits at the nearest seat to the right of the President.

Statutory Environment -

Shire of Boddington -Standing Orders Local Law

9.2 Members to Occupy Own Seats

At the first ordinary meeting attended by a member after election, the Chief Executive Officer shall allot a position at the Council table to each member and the member shall, until such time as there is a call by an absolute majority of members for a re-allotment of positions, occupy that position when present at meetings of Council.

Policy Implications - Nil

Financial Implications

Economic Implications – Nil

Strategic Implications - Nil

Social Implications - Nil

Environmental Considerations - Nil

Consultation – None required.

Options

Council can:

1. adopt the recommendation/s;
2. adopt the recommendation/s with further amendments; or
3. not accept the recommendation/s, giving reasons.

Voting Requirements – Simple Majority

OFFICER RECOMMENDATION – ITEM 2.1.3

That Council suspends Standing Orders 9.4 - Members to Occupy Own Seats to enable the Chief Executive Officer to allot seats at the Council table for Councillors.

The Chief Executive Officer allotted seats at the Council Table for Councillors.

3. ATTENDANCE/APOLOGIES/LEAVE OF ABSENCE:

3.1.1 Attendance

Cr M. Glynn
Cr D Smart
Cr S Manez
Cr J Hoffman
Cr W McGrath
Cr R McSwain
Cr S Manez
Cr G Ventris

Shire President
Shire Deputy President

Mr C Littlemore
Mr G Bartle
Ms T Hodder

Chief Executive Officer
Director of Corporate & Community Services
Executive Officer

Paul Carrotts – JP
14 visitors

3.1.2 Apologies

Nil.

3.1.3 Leave of Absence

Nil.

4. DISCLOSURE OF FINANCIAL INTEREST:

4.1 PUBLIC QUESTION TIME:

Nil.

4.2 RESPONSE TO PREVIOUS QUESTIONS TAKEN ON NOTICE:

Nil.

4.3 WRITTEN QUESTIONS PROVIDED IN ADVANCE:

Nil.

4.4 PUBLIC QUESTIONS FROM THE GALLERY:

Nil.

4.5 PETITIONS/DEPUTATIONS/PRESENTATIONS/
SUBMISSIONS:

Nil.

5. CONFIRMATION OF MINUTES:

Nil.

6. ANNOUNCEMENTS BY PRESIDING MEMBER WITHOUT
DISCUSSION:

The Shire President announced and carried out the presentation of gifts to retiring councillors: Ms Toni Collins, Mr Neville Crilly, Mrs Elizabeth Hoek & Mr John Allert.

7. REPORTS OF OFFICERS AND COMMITTEES:

Nil.

8.1 PLANNING CONSULTANT:

Nil.

8.2 MANAGER FINANCIAL SERVICES:

Nil.

8.3 PRINCIPAL ENVIRONMENTAL HEALTH OFFICER/
BUILDING SUPERVISOR:

Nil.

8.4 MANAGER WORKS & SERVICES:

Nil.

8.5 DIRECTOR CORPORATE & COMMUNITY SERVICES:

Nil.

8.6 CHIEF EXECUTIVE OFFICER:

8.6.1 Appointments to Committees of Council

File Ref No:	ADM 0081
Disclosure of Interest:	Nil
Date:	23 October 2017
Author:	C Littlemore
Attachments:	Nil

Summary

Council is to consider appointments to Committees of Council and Council delegate to organisations and Committees to which Council has membership or representation.

Background

At an Ordinary Meeting of Council held on 20 October 2015, Council appointed delegates to committees and since that decision of Council there had been amendments to some of the committees.

Comment

A review of some of the committees and delegates that Council participates in may be appropriate.

Statutory Environment

Local Government Act (1995)

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*

5.10. 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,

whichever happens first.

(2) Where a person is appointed as a member of a committee other than under section 5.10(4) or (5), the person's membership of the committee continues until -

(a) the term of the person's appointment as a committee member expires;

(b) the local government removes the person from the office of committee member or the office of committee member otherwise becomes vacant;

(c) the committee is disbanded; or

(d) the next ordinary elections day,

whichever happens first

Policy Implications - Nil

Financial Implications

Economic Implications – Nil

Strategic Implications - Nil

Social Implications - Nil

Environmental Considerations - Nil

Consultation – None required.

Options

Council can:

1. adopt the recommendation/s;
2. adopt the recommendation/s with further amendments; or
3. not accept the recommendation/s, giving reasons..

Voting Requirement – Absolute Majority

OFFICER'S RECOMMENDATION – ITEM 8.6.1

COUNCIL RESOLUTION:

126/17

Moved: Cr Manez

That Council appoint the following as members of Committees of Council and as delegates of Council to the respective committee or organisation as included in the following table:

No	Committee/Organisation	Delegate	Proxy Delegate
1	Shire of Boddington Audit Committee	Shire President, M Glynn Shire Deputy President, Cr D Smart Cr R McSwain	Cr J Hoffman Cr S Manez Cr W McGrath Cr G Ventris
2	Shire of Boddington Cemeteries Advisory Committee	Shire Deputy President, D Smart	Cr J Hoffman
3	Local Emergency Management Committee	Shire President, M Glynn Cr McGrath Principal Environmental Health Officer (PEHO)	Cr G Ventris
4	Peel Regional Leaders Forum	Shire President M Glynn Chief Executive Officer (CEO)	Shire Deputy President, D Smart Director Corporate & Community Services (DCCS)
5	Peel Zone of WALGA Delegate	Shire President, M Glynn Deputy Shire President, D Smart	Cr Rod McSwain Chief Executive Officer (CEO)
6	Hotham William Economic Development Alliance	Cr R McSwain Local Business Rep Craig Baker	Shire President, Martin Glynn Chief Executive Officer (CEO)
7	South West Regional Road Group	Shire Deputy President, D Smart	Cr W McGrath Manager Works & Services (MWS)
8	Bushfire Advisory Committee	Shire President, Martin Glynn Director Corporate & Community Services (DCCS)	Chief Executive Officer (CEO)

No	Committee/Organisation	Delegate	Proxy Delegate
9	Boddington Local Health Advisory Group	Cr J Hoffman Cr G Ventris Community & Economic Development Officer (CEDO)	Cr S Manez Cr W McGrath Chief Executive Officer (CEO)
10	Recreation Centre Committee	Cr S Manez	Cr J Hoffman
11	Worsley Alumina Community Liaison Committee	Cr G Ventris	Cr R McSwain
12	Hotham Williams Catchment Environmental Alliance	Cr S Manez Community & Economic Development Officer (CEDO)	Cr J Hoffman Chief Executive Officer (CEO)
13	Industry Roads Safety Alliance	Manager Works & Services (MWS)	Director of Corporate & Community Services (DCCS)
14	Peel Community Development Group	Cr J Hoffman	Cr W McGrath
15	Boddington Tidy Town/Townscape Committee	Community & Economic Development Officer (CEDO)	Chief Executive Officer (CEO)
16	Rail Heritage Foundation of WA	Cr R McSwain	Chief Executive Officer (CEO)
17	Boddington Youth Centre Advisory Committee	Cr S Manez	Cr W McGrath
18	Community Reference Group (Newmont)	Shire Deputy President, D Smart	Cr G Ventris

Seconded: Cr Smart

Carried: 7/0

8.6.2 Development Assessment Panel Nominations

File Ref. No: ADM 0039
Disclosure of Interest: Nil
Date: 23 October 2017
Author: Chris Littlemore CEO

Summary

Council is to consider selecting Councillors to be recommended to the Minister for Planning to be appointed as members and alternate members of the Development Assessment Panel to decide on very large development applications in the Shire of Boddington.

Background

The DAPs are made up of two types of members, specialist and local government members. The DAP regulations require that specialist members hold particular qualifications in the fields listed in the next section of this document. Local government members are members of a local government council who are nominated by that local government to sit on a DAP.

All DAP members will be paid sitting fees.

In addition, the DAP regulations provide for reimbursement of DAP members' motor vehicle and travel costs.

DAP meetings will be open to the public and submitters may be given the opportunity to present their case to the DAP directly, if they wish, before a decision is made on the application.

Comment

Under DAP regulation 26, the Minister for Planning, has invited the Shire of Boddington to nominate four elected members of Council, comprising two local members and two alternate local members to sit on the Peel DAP as required for the next two year period.

All appointed local members will be placed on the local government member register and advised of DAP training dates and times. It is mandatory for all DAP members to attend training before they sit on a DAP. Priority training will be provided to high application volume DAPs.

Strategic Implications

It is not anticipated that many development applications submitted to the Shire of Boddington will reach the levels required to be referred for a decision by the DAP. However all of those applications will be size to be significantly important to the Shire.

Statutory Environment - Nil

Policy Implications - Nil

Financial Implications - Nil

Economic Implications – Nil
Social Implications - Nil
Environmental Considerations - Nil
Consultation - Nil

Options

Council can:

1. resolve the Officer's Recommendation with the names of Councillors included;
2. resolve to select as many Councillors as nominate to be recommend to the Minister for Planning as DAP Members and alternate DAP Members;
3. resolve to not select any Councillors to be nominated to the Minister and allow the Minister to select other local electors to be DAP Members and alternate DAP Members.

Voting Requirements - Simple Majority

OFFICER'S RECOMMENDATION – ITEM 8.6.2

COUNCIL RESOLUTION: 127/17 Moved: Cr Smart

That Council nominate:

1. Councillor D Smart and Councillor Hoffman to the Minister for Planning as Development Assessment Panel members; and
2. Councillor Glynn and Councillor McGrath to the Minister for Planning as alternate Development Assessment Panel members.

Seconded: Cr Hoffman Carried: 7/0

9. ELECTED MEMBERS' MOTION OF WHICH PREVIOUS MOTION HAS BEEN GIVEN:

Nil.

10. URGENT BUSINESS WITHOUT NOTICE WITH THE APPROVAL OF THE PRESIDENT OR MEETING:

Nil.

The Chief Executive Officer advises that, in accordance with Section 5.23(2)(b) of the Local Government Act 1995, the meeting is recommended to be closed to the public prior to discussion of the following confidential report.

COUNCIL RESOLUTION: 128/17 Moved: Cr Glynn

That the meeting be closed to the Public.

Seconded: Cr Manez Carried: 7/0

Members of the Public departed the meeting at 5:31pm.

11. CONFIDENTIAL ITEM:

11.1.1 Director Corporate and Community Services Recruitment

OFFICER'S RECOMMENDATION – ITEM 11.1.1

COUNCIL RESOLUTION: 130/17 Moved: Cr Smart

That pursuant to S5.23 (2) (c), as Council has concluded discussion about a confidential report, that the meeting is now open to members of the public.

Seconded: Cr Hoffman Carried: 7/0

12. CLOSURE OF MEETING:

These minutes were confirmed by the Council as a true and accurate record at the Ordinary Council Meeting on 21 November 2017.

.....
Martin Glynn
(Shire President)