

Special Council

MINUTES

FOR THE MEETING HELD
WEDNESDAY 19 OCTOBER 2011 IN
COUNCIL CHAMBERS, TOWN VIEW TERRACE, MARGARET RIVER
COMMENCING AT 5.30PM

ATTENTION/DISCLAIMER

This agenda has yet to be dealt with by the Council. The Recommendations shown at the foot of each item have yet to be considered by the Council and are not to be interpreted as being the position of the Council. The minutes of the meeting held to discuss this agenda should be read to ascertain the decision of the Council.

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ABBREVIATIONS/ACRONYMS USED IN REPORTS

TERM	EXPLANATION
AC	Audit Committee
AgVet	Agricultural and Veterinary
AIEH	Australian Institute of Environmental Health
AMPCC	Augusta Maritime Project Coordination Committee
AS	Australian Standard
ATU	Aerobic Treatment Unit
BCA	Building Code of Australia
BFAC	Bush Fire Advisory Committee
C2C	Cape to Cape
CALM	Conservation and Land Management
CBD	Central Business District
CoOL	Country of Origin food Labelling
CPGSF	Country Pathways Grants Scheme Funding
CPI	Consumer Price Index
CSIRO	Commonwealth Research & Industrial Research Organisation
DAP	Detailed Area Plan
DCU	Development Coordinating Unit
DDTPS No1	Draft District Town Planning Scheme No 1
DIA	Department of Indigenous Affairs
DLGRD	Department of Local Government & Regional Development
DLI	Department Land Information
DOCEP	Department of Consumer & Employment Protection
DoE	Department of Environment
DoH	Department of Health
DOLA	Department of Land Administration
DOW	Department of Water
DPI	Department of Planning And Infrastructure
EHO	Environmental Health Officer
EPA	Environmental Protection Authority
EPN	Environmental Protection Notice
FEMO	Fire and Emergency management Officer
FESA	Fire and Emergency Services Authority
FSANZ	Food Standards Australia New Zealand
GRV	Gross Rental Value
GST	Goods and Services Tax
ICT	Information and Communication Technology
IDO	Interim Development Order
IT	Information Technology
LBLCDC	Lower Blackwood Land Conservation District Committee
LEMC	Local Emergency Management Committee
LG	Local Government
LIA	Light Industrial Area
Loc	Location
MDMP	National Disaster Mitigation Programme
MGB	Mobile Garbage Bin
MO	Management Order (used to be called vesting order)
MOU	Memorandum of Understanding
MRAAC	Margaret River Aerodrome Advisory Committee
MRPRLG	Margaret River Perimeter Road Lobby Group
MRWA	Main Roads Western Australia
NHMRC	National Health Medical Research Council
NPI	National Pollutant Inventory
NRMO	Natural Resource Management Officer
ODP	Outline Development Plan
OM	Ordinary Meeting of Council

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PAN	Pollution Abatement Notice
PAW	Public Access Way
PE	Council Policy
RADS	Regional Airport Development Scheme
RBFGS	Regional Boating Facilities Grant Scheme
RBM	Road Building Material
RDG	Residential Design Guidelines
RGL	Department of Racing and Gaming
RRGG	Regional Road Group Grant
RSL	Returned Services League
SAT	State Administrative Tribunal
SM	Special Meeting of Council
SRAC	Sports and Recreation Advisory Committee
SW	South West
SWCC	South West Catchments Council
SWDC	South West Development Commission
TIRE	Timber Industry Roads Funding
TME	Thomas McRobert Edgeloe
TPS11	Town Planning Scheme 11
TPS16	Town Planning Scheme 16
TPS17	Town Planning Scheme 17
TPS18	Town Planning Scheme 18
TPS19	Town Planning Scheme 19
VGO	Valuer General's Office
WALGA	Western Australian Local Government Association
WAPC	Western Australian Planning Commission
WAPRES	Western Australian Plantation Resources
WATPAT	Western Australian Town Planning Tribunal

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**SWEARING-IN OF NEW COUNCILLORS PRIOR TO THE SPECIAL MEETING
(5.15pm)**

Brian Middleton, out-going Councillor and Justice of the Peace, will be in attendance to swear-in new Councillors, who are required to make the following declaration:

Declaration by elected member

I,
of ¹

having been elected to the office of councillor of the Shire of Augusta-Margaret River declare that I take the office upon myself and will duly, faithfully, honestly, and with integrity, fulfil the duties of the office for the people in the district according to the best of my judgment and ability, and will observe the *Local Government (Rules of Conduct) Regulations 2007*.

Declared at: Council Chambers, Townview Terrace, Margaret River

On: Wednesday, 19 October 2011

By:

Before me:

Brian Middleton
Justice of the Peace

The Chief Executive Officer welcomed Brian Middleton, Justice of the Peace, members, and Councillors-elect.

Cr Lyn Serventy read and completed the declaration above before Brian Middleton.

Cr Neville Veitch read and completed the declaration above before Brian Middleton.

Cr Michael Smart read and completed the declaration above before Brian Middleton.

The Chief Executive Officer thanked Mr Middleton, and noted that he will also be swearing in the Shire President and Deputy Shire President, and requested that Mr Middleton stay at the meeting as an impartial observer for the voting for the Shire President and Deputy Shire President.

Special Council Meeting

Minutes of the Special Council held on Wednesday 19 October 2011 in Council Chambers, Town View Terrace, Margaret River commencing at 5.30pm

1.0 Declaration of Opening

In accordance with section 5.35 of the *Local Government Act 1995*, the Chief Executive Officer Mr Gary Evershed will be the presiding officer for the meeting until such time as the President is elected. Mr Evershed will also be the returning officer for the election of the Shire President.

The Chief Executive Officer, Gary Evershed, welcomed all in attendance and declared the meeting for the purposes of election of Shire President, Deputy President and Committees open at 5.28pm, in accordance with Section 5.35 and Schedule 2.3 of the Local Government Act 1995. Mr Evershed congratulated and welcomed the incoming Councillors. Mr Evershed also welcomed and thanked Mr Middleton, former Councillor and Justice of the Peace who assisted with the swearing in of new councillors, and will also assist with the swearing in of Deputy Shire President and Shire President.

2.0 ELECTION OF SHIRE PRESIDENT

The CEO will conduct the election of the Shire President by secret ballot in accordance with the Schedule 2.3 of the *Local Government Act 1995*. Nominations are to be in writing.

The election of the Shire President will be followed by the Declaration of Office.

Declaration by elected member

I,,
of ¹,

having been elected to the office of president of the Shire of Augusta-Margaret River declare that I take the office upon myself and will duly, faithfully, honestly, and with integrity, fulfil the duties of the office for the people in the district according to the best of my judgment and ability, and will observe the *Local Government (Rules of Conduct) Regulations 2007*.

Declared at: Council Chambers, Townview Terrace, Margaret River

On: Wednesday, 19 October 2011

By:

Before me:

Brian Middleton
Justice of the Peace

The Chief Executive Officer called for nominations fro the position of Shire President.

The Chief Executive Officer indicated he has received nominations were received from:

- *Cr Bell, nominating Cr Colyer as Shire President. Cr Colyer accepted the nomination.*

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- *Cr Serventy nominating Cr Earl as Shire President. Cr Earl declined the nomination, but thanked Cr Serventy.*

The Chief Executive Officer called for further nominations.

- *Cr Smart nominated himself as Shire President.*

There being no further nominations, the Chief Executive Officer declared the nomination period to be closed and confirmed there will be a secret ballot, instructed Councillors to complete ballot papers by marking a tick beside their preferred nominee, and asked Councillors to place completed papers in the ballot box. The Chief Executive Officer endorsed 7 copies of the ballot papers by signing the back.

Votes were conducted by Secret ballot.

The Chief Executive Officer announced that Cr Colyer has been elected Shire President for a two year term, ending when the next Shire President is elected to Council, with a vote count of 5 to 2.

Cr Colyer made and signed the following declaration, before Brian Middleton, Justice of the Peace.

<p>I,</p> <p>of ¹</p> <p>having been elected to the office of president of the Shire of Augusta-Margaret River declare that I take the office upon myself and will duly, faithfully, honestly, and with integrity, fulfil the duties of the office for the people in the district according to the best of my judgment and ability, and will observe the <i>Local Government (Rules of Conduct) Regulations 2007</i>.</p>
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3.0 ELECTION OF DEPUTY SHIRE PRESIDENT

The Shire President will conduct the election of the Deputy Shire President by secret ballot in accordance with the Local Government Act Schedule 2.3. Nominations are to be in writing.

The election of the Deputy Shire President will be followed by the Declaration of Office.

Declaration by elected member

I,,
of ¹,

having been elected to the office of deputy president of the Shire of Augusta-Margaret River declare that I take the office upon myself and will duly, faithfully, honestly, and with integrity, fulfil the duties of the office for the people in the district according to the best of my judgment and ability, and will observe the *Local Government (Rules of Conduct) Regulations 2007*.

Declared at: Council Chambers, Townview Terrace, Margaret River

On: Wednesday, 19 October 2011

By:

Before me:

Brian Middleton
Justice of the Peace

The Shire President noted that the following nominations had been received for the position of Deputy Shire President:

- *Cr Bell nominating Cr Earl for Deputy Shire President. Cr Earl accepted the nomination.*

The Shire President called for any further nominations.

There being no further nominations, the Shire President declared the nomination period closed.

The Shire president confirmed that Cr Earl has been elected unopposed to the position of Deputy Shire President.

Cr Earl made the following declaration, before Brian Middleton, Justice of the Peace.

I,,
of ¹,

having been elected to the office of deputy president of the Shire of Augusta-Margaret River declare that I take the office upon myself and will duly, faithfully, honestly, and with integrity, fulfil the duties of the office for the people in the district according to the best of my judgment and ability, and will observe the *Local Government (Rules of Conduct) Regulations 2007*.

4.0 Attendance

Councillors	:	Cr Ray Colyer	Leeuwin Ward
	:	Cr Mike Smart	Leeuwin Ward
		Cr John Bell	Margaret River Ward
		Cr Neville Veitch	Margaret River Ward
		Cr Jenny McGregor	North Ward
		Cr Lyn Serventy	North Ward
		Cr Ian Earl	North Ward

Chief Executive Officer	:	Mr Gary Evershed
Director of Infrastructure	:	Mr Wayne Prangnell
Director of Planning & Development	:	Mr Geoff Broad
Director of Corporate & Community Services	:	Ms Annie Riordan
Justice of the Peace	:	Mr Brian Middleton
Minute Secretary	:	Ms Kristy Robinson / Ms Lisa Taylor

MEMBERS OF THE PUBLIC

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MEMBERS OF THE PRESS

The Augusta Margaret River Mail	:	Ms Janine Beacham
Augusta Margaret River Times	:	Mr Rhys Dickinson

4.1 Apologies

Nil

4.2 Approved leave of absence

Nil

4.3 Applications for leave of absence

Nil

5.0 ALLOCATED SEATING OF COUNCILLORS FOLLOWING ELECTION OF SHIRE PRESIDENT

Clause 7.2 of the Shire's Standing Orders Local Law 2011, provides the method of allocating seating positions to elected members.

"At the first meeting held after each ordinary elections day, the CEO is to allot a position at the Council table to each Councillor by alphabetical order by ward and surname of each member from the right hand side of the Presiding Member and the Councillor is to occupy that position when present at the meetings of the Council until such time as there is a call by a majority of Councillors for a re-allotment of positions."

Seating will be as follows: Leeuwin Ward (two Councillors), the Margaret River Town Ward (two Councillors) and the North Ward (three Councillors).

The Chief Executive Officer confirmed the seating arrangements of Councillors, being:

- *Cr Smart toward the right hand side of the Presiding Member, followed by Cr Bell and Cr Veitch; and*
- *Cr Serventy to the left of the Shire President, followed by Cr McGregor and Cr Earl.*

6.0 APPOINTMENT OF COUNCILLORS TO COUNCIL COMMITTEES

6.1 AUDIT AND RISK MANAGEMENT COMMITTEE

ATTACHMENT

Augusta Margaret River Audit and Risk Management Committee Instrument of Appointment and Delegation adopted 24 September 2009

VOTING REQUIREMENTS

Absolute Majority

RECOMMENDATION

That Council, in accordance with the Instrument of Appointment and Delegation of the Audit and Risk Management Committee and ss 5.10 & 5.11A *Local Government Act 1995*, appoints all Councillors to be members of the Audit and Risk Management Committee.

RECOMMENDATION / COUNCIL DECISION

CR EARL, CR SERVENTY SM1110/1

That Council, in accordance with the Instrument of Appointment and Delegation of the Audit and Risk Management Committee and ss 5.10 & 5.11A *Local Government Act 1995*, appoints all Councillors to be members of the Audit and Risk Management Committee.

**CARRIED 7 - NIL
BY ABSOLUTE MAJORITY**

6.2 BUSH FIRE ADVISORY COMMITTEE

ATTACHMENT

Augusta Margaret River Bush Fire Advisory Committee Instrument of Appointment and Delegation adopted 24 September 2009

VOTING REQUIREMENTS

Absolute Majority

RECOMMENDATION

That Council, in accordance with the Instrument of Appointment and Delegation of the Augusta Margaret River Bush Fire Advisory Committee and ss 5.10 & 5.11A *Local Government Act 1995*:

- a) Appoints the Shire President, if desirous of participating, as a member of the Bush Fire Advisory Committee, and
- b) Appoints Councillor _____ as a member of the Bush Fire Advisory Committee; and
- c) appoints Councillor _____ as deputy in the absence of the President or other appointed delegate.

AMENDED MOTION / COUNCIL DECISION

CR BELL, CR SERVENTY SM1110/2

That Council, in accordance with the Instrument of Appointment and Delegation of the Augusta Margaret River Bush Fire Advisory Committee and ss 5.10 & 5.11A *Local Government Act 1995*:

- a) appoints Councillor Veitch, as a member of the Bush Fire Advisory Committee, and
- b) appoints Councillor Earl as a member of the Bush Fire Advisory Committee; and
- c) appoints Councillor Smart as deputy in the absence of either appointed delegate.

**CARRIED 7 - NIL
BY ABSOLUTE MAJORITY**

REASON FOR AMENDED MOTION

Cr Colyer declined the appointment to this committee, as Shire President, and indicated he would like to delegate this role to another Councillor. In his place, Cr Veitch was appointed.

6.3 COAL MINE ADVISORY COMMITTEE

Note: *The recommendation in this item was amended in the Minutes at the meeting to correct a typographical error contained in the Agenda. The words "Bush Fire" were placed with "Coal Mine".*

ATTACHMENT

Augusta Margaret River Coal Mine Advisory Committee Instrument of Appointment and Delegation adopted 25 August 2010.

VOTING REQUIREMENTS

Absolute Majority

RECOMMENDATION

That Council, in accordance with the Instrument of Appointment and Delegation of the Augusta Margaret River Coal Mine Advisory Committee and ss 5.10 & 5.11A *Local Government Act 1995*, appoints the three Northern Ward Councillors of the Shire, Cr Serventy, Cr Earl, and Cr McGregor.

AMENDED MOTION / COUNCIL DECISION

CR MCGREGOR, CR BELL SM1110/3

That Council, in accordance with the Instrument of Appointment and Delegation of the Augusta Margaret River Coal Mine Advisory Committee and ss 5.10 & 5.11A *Local Government Act 1995*, appoints the three Northern Ward Councillors of the Shire, Cr Serventy, Cr Earl, and Cr McGregor.

**CARRIED 7 -NIL
BY ABSOLUTE MAJORITY**

REASON FOR AMENDED MOTION

The motion was amended to correct the typographical error contained in the Agenda by replacing the words "Bush Fire" with "Coal Mine".

6.4 LOCAL EMERGENCY MANAGEMENT ADVISORY COMMITTEE

ATTACHMENT

Augusta Margaret River Local Emergency Management Committee Instrument of Appointment and Delegation 24 September 2009

VOTING REQUIREMENTS

Absolute Majority

RECOMMENDATION

That Council, in accordance with the Instrument of Appointment and Delegation of the Augusta Margaret River Local Emergency Management Committee and ss 5.10 & 5.11A *Local Government Act 1995*:

- a) Appoints, the Shire President OR Deputy Shire President (If Shire President decides not to take up the position) as a member and Presiding Member of the Local Emergency Management Committee; and
- b) appoints Councillor _____ to the Local Emergency Management Committee as deputy in the absence of the Shire President / Deputy Shire President

RECOMMENDATION / COUNCIL DECISION

CR SERVENTY, CR VEITCH SM1110/4

That Council, in accordance with the Instrument of Appointment and Delegation of the Augusta Margaret River Local Emergency Management Committee and ss 5.10 & 5.11A *Local Government Act 1995*:

- a) **appoints, the Shire President as a member and Presiding Member of the Local Emergency Management Committee; and**
- b) **appoints Councillor Cr Earl to the Local Emergency Management Committee as deputy in the absence of the Shire President.**

**CARRIED 7 -NIL
BY ABSOLUTE MAJORITY**

6.5 SPORT AND RECREATION ADVISORY COMMITTEE

ATTACHMENT

Augusta Margaret River Sport and Recreation Advisory Committee Instrument of Appointment and Delegation 24 September 2009

VOTING REQUIREMENTS

Absolute Majority

RECOMMENDATION

That Council, in accordance with the Instrument of Appointment and Delegation of the Augusta Margaret River Sport and Recreation Advisory Committee and ss 5.10 & 5.11A *Local Government Act 1995*:

- a) Appoints the Shire President, if desirous of participating, as a member of the Sport and Recreation Advisory Committee; and
- b) Appoints Councillor _____ and Councillor _____ as members of the Sport and Recreation Advisory Committee; and
- c) appoints Councillor _____ as deputy in the absence of the President or other appointed delegate.

RECOMMENDATION / COUNCIL DECISION

CR EARL, CR SERVENTY SM1110/5

That Council, in accordance with the Instrument of Appointment and Delegation of the Augusta Margaret River Sport and Recreation Advisory Committee and ss 5.10 & 5.11A *Local Government Act 1995*:

- a) appoints Councillor Earl and Councillor Bell as members of the Sport and Recreation Advisory Committee; and
- b) appoints Councillor Veitch as deputy in the absence of either appointed delegate.

**CARRIED 7 - NIL
BY ABSOLUTE MAJORITY**

Cr Colyer indicated he would decline the appointment to sit on this committee, as Shire President.

6.6 SUSTAINABILITY ADVISORY COMMITTEE

ATTACHMENT

Augusta Margaret River Sustainability Advisory Committee Instrument of Appointment and Delegation adopted 24 September 2009

VOTING REQUIREMENTS

Absolute Majority

RECOMMENDATION

That Council, in accordance with the Instrument of Appointment and Delegation of the Augusta Margaret River Sustainable Advisory Committee and ss 5.10 & 5.11A *Local Government Act 1995*:

- a) appoints the Shire President, if desirous of participating, OR Councillor _____ as a member of the Sustainability Advisory Committee, and
- b) appoints Councillor _____ as a member of the Sustainability Advisory Committee; and
- c) appoints Councillor _____ as deputy in the absence of the President or other appointed delegate.

RECOMMENDATION / COUNCIL DECISION

CR SERVENTY, CR MCGREGOR SM1110/6

That Council, in accordance with the Instrument of Appointment and Delegation of the Augusta Margaret River Sustainable Advisory Committee and ss 5.10 & 5.11A *Local Government Act 1995*:

- a) appoints the Councillor Serventy as a member of the Sustainability Advisory Committee; and
- b) appoints Councillor Veitch as a member of the Sustainability Advisory Committee; and
- c) appoints Councillor Earl as deputy in the absence of either appointed delegate.

**CARRIED 7 – NIL
BY ABSOLUTE MAJORITY**

Cr Colyer indicated he would decline the appointment to this committee, as Shire President.

7.0 PUBLIC QUESTION TIME

Nil.

8.0 CLOSURE OF MEETING

The Shire President declared the meeting closed at 5.55pm.