



Shire of
Perenjori
Embrace Opportunity

Shire of Perenjori – Special Meeting of Council
CONFIRMED MINUTES

Thursday 1 February 2024

Shire of Perenjori Council Chambers,
56 Fowler Street, Perenjori WA, 6620



NOTICE OF A SPECIAL MEETING OF COUNCIL

Dear Council Member

Pursuant to *Section 5.25(1)(g) of the Local Government Act 1995* and *Regulation 12(3) of the Local Government (Administration) Regulations 1996*, Public Notice is hereby given that:

A Special Meeting of Council will be held on Thursday 1 February 2024 at 1.00 pm in the Shire of Perenjori Council Chambers, 56 Fowler Street Perenjori.

The purpose of the meeting is to consider a confidential item relating to the submissions received for RFT02-2023-2024 Design and Construction of a Supermarket.

A handwritten signature in black ink, appearing to read 'Paul Anderson', is positioned above the printed name.

Paul Anderson

CHIEF EXECUTIVE OFFICER

Date: 25 January 2024

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Council Roles

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 e.g. 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:

When Council determines an application/matter that directly affects a person's rights and interests. The Judicial character arises from the obligations to abide by the principles of natural justice.

Examples of Quasi-Judicial authority include town planning applications, building licences, applications for other permits/licences (e.g.: under Health Act, Dog Act or Local Laws) and other decisions that may be appealable to the State Administrative Tribunal.

Disclaimer

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

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

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

Shire of Perenjori

Agenda for the Shire of Perenjori Special Meeting of Council held on Thursday 1 February 2024, at the Shire of Perenjori Council Chambers, 56 Fowler Street, Perenjori WA 6620 commencing at 1.01 pm.

1. Declaration of Opening/Announcement of Visitors:

The Shire President declared the meeting open and welcomed those in attendance.

Acknowledgement of Traditional Custodians: -

As per the Shire of Perenjori Policy (N° 1021) we wish to acknowledge the traditional owners of the land upon which the Shire of Perenjori is situated and to demonstrate respect for the original custodians.

The Shire of Perenjori would like to respectfully acknowledge the past and present custodians of the land on which we are meeting, the Badimia people. It is a privilege to be standing on Badimia country.

2. Opening Prayer:

The Shire President read the Opening Prayer.

Acknowledgement of Pioneers: -

The Shire of Perenjori acknowledges the pioneers who settled this country, developed the land and turned it into the productive country that we know today.

3. Disclaimer Reading:

As printed.

4. Record of Attendance/Apologies/Leave of Absence:

4.1 Attendance:

Members:

Cr Jude Sutherland – Shire President
Cr Les Hepworth – Deputy Shire President
Cr Daniel Bradford
Cr Colin Bryant
Cr Brian Campbell
Cr Andrew Fraser
Cr Dael Sparkman

Staff:

Paul Anderson – Chief Executive Officer
Nola Comerford – Manager Corporate and Community Services
Marty Noordhof – Manager Infrastructure Services

Distinguished Visitors:

Members of The Public:

Leave of Absence:

Apologies:

5. Public Question Time:

5.1 Response to Questions Taken on Notice:

Nil

5.2 Questions Without Notice:

Nil

6. Declaration of Interest:

"Members should fill in Disclosure of Interest forms for items in which they have a financial, proximity or impartiality interest and forward these to the Presiding Member before the meeting commences."

Nil

7. Confidential Reports

7.1 COUNCIL DECISION TO GO BEHIND CLOSED DOORS PROCEDURAL MOTION

Council Resolution: 020224.1

Moved: Cr Hepworth Seconded: Cr Bryant

That, in accordance with section 5.23 of the Local Government Act 1995, Council accept that the meeting is to be closed to all members of the public.

Motion put and carried 7/0

For: Councillors Sutherland, Hepworth, Bradford, Bryant, Campbell, Fraser, Sparkman

Against: Nil

7.2 ***CONFIDENTIAL ITEM*** RFT02-2023-2024 DESIGN AND CONSTRUCTION OF A SUPERMARKET OFFICER RECOMMENDATION / COUNCIL DECISION

Council Resolution Number: 020224.2

Moved: Cr Sparkman Seconded: Cr Hepworth

That Council consider the Officer's recommendation as contained within Confidential Report 7.2, RFT02-2023-2024 Design and Construction of a Supermarket.

Motion put and carried 7/0

For: Councillors Sutherland, Hepworth, Bradford, Bryant, Campbell, Fraser, Sparkman

Against: Nil

7.2 ***CONFIDENTIAL ITEM*** RFT02-2023-2024 DESIGN AND CONSTRUCTION OF A SUPERMARKET

Options:

The Council has the following options in the recommendation below or could present an alternative recommendation with a reason for the amendment or proposed option.

OFFICER RECOMMENDATION

Council Resolution Number:

Moved: Seconded:

That Council:

Option 1.

Reject all tenders and redesign the tender requirements and readvertise the Proposed tender.

OR

Option 2.

Reject all tenders and enter into direct negotiations with an architectural firm to manage the details - design and subcontracting of construction with budget parameters set by the Council.

OR

Option 3.

Accept the tender from (Council to Nominate) as the preferred contractor based upon the assessment of the compliance, qualitative and pricing structures tendered under RFT02-2023-2024 Design and Construct Supermarket.

Or

Option 4.

Accept the tender from (Council to Nominate) as the preferred contractor for Separable Portion 1 - Design and Construct Supermarket Building, including construction of the works under the approved design and internal fit-out only, based upon the assessment of the compliance, qualitative and pricing structures tendered under RFT02-2023-2024 Design and Construct Supermarket.

Or

Option 5.

That Council reject all tenders on the basis that no tender submitted met the tender specifications or satisfied the value for money assessment, and negotiations be entered into with a contractor/s that can provide construction of the proposed building based upon the compliance, qualitative and pricing requirements of tender RFT02-2023-2024 Design and Construct Supermarket subject to:

- a. The Chief Executive Officer being satisfied with all due diligence assessments, including reference checks and financial assessments;
- b. The scope of works being reviewed to reduce the overall cost; and
- c. The final proposal being presented back to Council within 6 months and before contracts are executed.

Motion put and carried / lost

AMENDMENT TO OFFICER RECOMMENDATION

Council amended the Officer Recommendation in order to source quotes specifically for construction and fit-out only (without carpark and landscaping components) from the two contractors who submitted tenders, to better suit budget constraints.

COUNCIL DECISION

Council Resolution Number: 020224.5

Moved: Cr Campbell

Seconded: Cr Fraser

That Council reject all tenders on the basis that no tender submitted met the tender specifications or satisfied the value for money assessment, and negotiations be entered into with contractors that submitted tenders to provide quotations of construction of the proposed building and fit-out only, on the plan as amended by Council, based upon the compliance, qualitative and pricing requirements subject to:

- a. The Chief Executive Officer being satisfied with all due diligence assessments, including reference checks and financial assessments;**
- b. The scope of works being reviewed to reduce the overall costs; and**
- c. The final proposal being presented back to Council within 6 months and before contracts are executed.**

Motion out and carried 7/0

For: Councillors Sutherland, Hepworth, Bradford, Bryant, Campbell, Fraser, Sparkman

Against: Nil

7.3 COUNCIL DECISION TO RETURN FROM BEHIND CLOSED DOORS

PROCEDURAL MOTION

Council Resolution: 020224.6

Moved: Cr Bradford

Seconded: Cr Sparkman

That Council return to standing orders and re-open the meeting to the public.

Motion put and carried 7/0

For: Councillors Sutherland, Hepworth, Bradford, Bryant, Campbell, Fraser, Sparkman

Against: Nil

8. Closure of Meeting:

The Shire President thanked those in attendance and declared the meeting closed at 1.29pm.

I certify that this copy of the Minutes is a true and correct record of the meeting held on 1 February 2024.

Signed: *[Signature]*
Shire President

Date: 22/2/24