



Shire of  
**Perenjori**  
Embrace Opportunity

Shire of Perenjori – Special Meeting of Council

# MINUTES

**Thursday 26 October 2023**

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 26 October 2023 at 2:00 pm in the Shire of Perenjori Council Chambers, 56 Fowler Street Perenjori.**

The purpose of the meeting is:

1. To swear in the newly elected Councillors;
2. To elect a Shire President and Deputy President;
3. Determine and appoint Committee members; and
4. Nominate members to the Development Assessment Panel, for appointment by the Minister for Planning.



Paul Anderson

**CHIEF EXECUTIVE OFFICER**

Date: 20 October 2023

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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

Minutes for the Shire of Perenjori Special Meeting of Council held on Thursday 26 October 2023, at the Shire of Perenjori Council Chambers, 56 Fowler Street, Perenjori WA 6620 which commenced at 2:02 pm.

### 1. Declaration of Opening/Announcement Of Visitors:

The Chief Executive Officer declared the meeting open at 2.02 pm 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 Chief Executive Officer 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 Elect Jude Sutherland
	Cr Andrew Fraser
	Cr Colin Bryant
	Cr Elect Daniel Bradford
	Cr Dael Sparkman
	Cr Elect Les Hepworth
	Cr Elect Brian Campbell
Staff:	Paul Anderson – Chief Executive Officer
	Nola Comerford – Manager Corporate and Community Services
	Elinor Pitts – Executive Assistant
Distinguished Visitors:	Nil
Members of The Public:	Paddy King
	Roslyn Campbell
Leave of Absence:	Nil
Apologies:	Nil

## 5. Swearing in of Newly Elected Councillors

### 5.1 Declaration

In accordance with section 2.29 of the *Local Government Act (1995)* and Regulation 13 of the Local Government (Constitution) Regulations (1998), Cr Jude Sutherland, Cr Les Hepworth, Cr Daniel Bradford and Cr Brian Campbell made a prescribed declaration before taking office. Before the Chief Executive Officer, Councillors read aloud and signed their declarations of the Office of Councillor for the Shire of Perenjori:

## 6. Election of Shire President

A form for the nomination of a Councillor for the office of Shire President for a two (2) year term was issued with the agenda.

### **Nomination for Office of Shire President:**

**Name** Cr Jude Sutherland  
**Acceptance** Yes

The Chief Executive Officer (CEO) advised Councillors that prior to the meeting, Cr Sparkman lodged a nomination in writing for Cr Sutherland to take the role of Shire President, which was accepted by the nominee. The CEO invited any further nominations and in the absence of any further nominations declared the nomination period closed. The Chief Executive Officer declared Cr Jude Sutherland duly elected to the office of Shire President for a two (2) year term ending at the October 2025 Ordinary Election.

In accordance with section 2.29 of the *Local Government Act (1995)* and Regulation 13 of the Local Government (Constitution) Regulations (1998) the newly elected Shire President made a prescribed declaration before taking office. Before the Chief Executive Officer, Cr Sutherland read aloud and signed the declaration of the Office of President for the Shire of Perenjori.

Cr Jude Sutherland assumed the chair.

## 7. Election of a Deputy Shire President

A form for the nomination of a Councillor for the office of Deputy Shire President for a two (2) year term was issued with the agenda.

### **Nomination for Office of Deputy Shire President:**

**Name** Cr Les Hepworth  
**Acceptance** Yes

The Shire President advised Councillors that prior to the meeting, Cr Sparkman lodged a nomination in writing for Cr Hepworth to take the role of Deputy Shire President, which was accepted by the nominee. The Shire President invited any further nominations and in the absence of any further nominations declared the nomination period closed. The Shire President declared Cr Les Hepworth duly elected to the office of Deputy Shire President for a two (2) year term ending at the October 2025 Ordinary Election.

In accordance with section 2.29 of the *Local Government Act (1995)* and Regulation 13 of the Local Government (Constitution) Regulations (1998) the newly elected Deputy Shire President made a prescribed declaration before taking office. Before the Chief Executive Officer, Cr Hepworth read aloud and signed the declaration of the Office of Deputy President for the Shire of Perenjori.

## 8. Councillor Seating Allocation

As per the Shire of Perenjori's standing orders, Council seating arrangements were determined by drawing names, resulting in the allocation of seats from east to west in the following order;

Cr Jude Sutherland (President)

Cr Les Hepworth (Deputy President)

Cr Dael Sparkman

Cr Colin Bryant

Cr Daniel Bradford

Cr Andrew Fraser

Cr Brian Campbell

## 9. Public Question Time:

### 9.1 Response to Questions Taken on Notice:

Nil

### 9.2 Questions Without Notice:

Nil

## 10. 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

## 12. Governance

### 12.1 APPOINTMENT OF DELEGATES AND DEPUTY DELEGATES TO COMMITTEES

Applicant:	Shire of Perenjori
File:	ADM
Date:	4 September 2023
Disclosure of Interest:	Nil
Voting Requirements:	Absolute Majority
Author:	Bianca Plug – Executive Assistant to MIS
Responsible Officer:	Paul Anderson – Chief Executive Officer
Attachments:	Nil

#### Summary

This item seeks Councils consideration for the appointment of Councillor delegates to Committees of Council, and Councillor representatives to external groups and organisations for a two (2) year term.

#### Background

In accordance with Section 5.11 of the Local Government Act 1995 (the Act), committee tenure expires every two years at the ordinary election therefore, it is timely for Council to consider the re-establishment, representatives and terms of reference of its committees at the first meeting following the elections.

At the Ordinary Council meeting held on 21 October 2021, Council appointed the following representatives:

#### Council Resolution Number: 211021.8

Moved: Cr D Sparkman                      Seconded: Cr D Bradford

That, by Absolute Majority in accordance with Sections 5.10, 5.11A and 7.1A of the *Local Government Act 1995*, Council:

1. Reinstates the Plant and Works Committee.
2. Appoints the following Councillors as representatives to the following Council committees:

Audit Committee	All Councillors
Finance Committee	All Councillors
Bush Fire Advisory Committee	Chief Executive Officer (or Delegate) Cr King (Delegate) Cr Fraser (Deputy Delegate) Cr Hepworth (Deputy Delegate)
Perenjori Public Benefit Trust Panel	Cr King (Delegate) Cr Sparkman (Deputy Delegate) Cr Bryant (Deputy Delegate)
Plant and Works Committee	Cr Bryant (Delegate) Cr Bradford (Delegate) Cr Hepworth (Deputy Delegate)



	<b>Chief Executive Officer Manager of Infrastructure</b>
<b><u>External Organisations</u></b>	
<b>Local Emergency Management Committee</b>	<b>Cr Sutherland (Delegate) Cr Fraser (Deputy Delegate)</b>
<b>Northern Country Zone</b>	<b>Chief Executive Officer (or Delegate) Cr King (Delegate) Cr Sutherland (Deputy Delegate)</b>
<b>Wildflower Country Tourism Group</b>	<b>Cr Sutherland (Delegate) Cr Sparkman (Deputy Delegate)</b>
<b>North Midland Sub-Regional Road Group</b>	<b>Cr King (Delegate) Cr Bradford (Deputy Delegate)</b>
<b><u>Community Committees</u></b>	
<b>Perenjori Tourism Townscape Committee</b>	<b>Chief Executive Officer Cr Fraser (Delegate) Cr Hepworth (Delegate) Cr Sparkman (Delegate)</b>
<b>Motion put and carried 6/0</b>	

### **Statutory Environment**

*Local Government Act 1995:*

Sections 5.8 – 5.11 sets out the provisions for forming committees and appointing members.

Elected Members should note that:

- Council may appoint Deputy Members to act when a committee member is absent. Council is to determine the order of seniority of Deputies if more than one is appointed. (Shire of Perenjori Local Law Standing Orders 2015)
- When staff members or non-elected members are appointed to committees they are entitled (and required) to exercise a vote. They are also included in any determination of whether a quorum exists.
- A Council Committee consists of a minimum of 3 members
- Tenure of all committee membership ceases at an Ordinary Election

The President and CEO have particular rights under S5.10 in relation to Council committees:

- (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.*

The proposed process for the election for these positions is that Council and individual members agree by consensus, and that all appointments are moved as a single resolution at the end of discussion of this item.

**Policy Implications**

Nil

**Consultation**

Chief Executive Officer

**Financial Implications**

Nil

**Strategic Community Plan**

Area 5: Investing in Council's Capacity – Our Leadership

Goal: Strengthen the Shire's position as an innovative, independent local government providing excellence in all areas of governance, management and leadership.

**Officer Comment**

All Council Committees dissolved on the 16 October 2021 pursuant to Schedule 9.3 of the *Local Government Act 1995*.

Council Committees must now be reviewed, and Committee members appointed in accordance with Sections 5.8, 5.9, 5.10 and 5.11 of the *Local Government Act 1995*.

Councillors are advised of their entitlement to be a member of at least one Committee (Section 5.10(2)).

In the event that there are more nominations than positions on committees, an election to the committee will be undertaken by the Chief Executive Officer.

The Council resolution endorsed in October 2021 has been provided to show previous appointments made by Council. It is up to Council to consider if the same level of Council representation is relevant and whether a reduction or increase to appointments are necessary.

At the Ordinary Council Meeting held 27 April 2023 Council resolved to disband the Wildflower Country Committee and therefore it has been removed from the officer recommendation.

Committee Structure:

*Standing Committees*

The Council has one standing committee being the Audit Committee.

To comply with Section 7.1A *Local Government Act 1995*

*The Audit Committee is a standing committee that the Council is required by legislation to have in place previously all councillors have been elected to the Audit Committee.*

*The Council has the option to appoint all Council members or reduce the numbers. The Council also has the option to appoint external persons to the committee if it considers this will assist the committee in its deliberations.*

*Advisory Committees*

Advisory committees are set up by council and recommendations from these committees must be referred to the council for endorsement.

The council at the October 2021 meeting established a Finance committee and a Plant and Works committee.

These committees have not been convened and all matters relevant to these committees are now being presented to the full council for consideration.

The council could consider disbanding these committee or maintain them if the council considered them a requirement

The public benefit trust is included however will be reviewed during the year as the funding that is provided from mt Gibson will be extinguished

The designated responsible officers have been named to clarify the current representation; however, Councillor appointments have been left blank for Council to consider at this meeting.

#### **COUNCIL DECISION**

##### **Council Resolution Number: 261023.1**

**Moved: Cr Bryant**

**Seconded: Cr Fraser**

**That, by Absolute Majority in accordance with Sections 5.10, 5.11A and 7.1A of the *Local Government Act 1995*, Council appoints the following Councillors as representatives to the following Council committees and external organisations:**

##### **Standing Committee**

**Audit Committee**

**All Councillors**

##### **Advisory Committees**

**Bush Fire Advisory Committee**

**Chief Executive Officer (or Delegate)  
Cr Brian Campbell (Delegate)  
Cr Daniel Bradford (Deputy Delegate)  
Cr Colin Bryant (Deputy Delegate)**

**Perenjori Public Benefit Trust Panel**

**Cr Jude Sutherland (Delegate)  
Cr Dael Sparkman (Deputy Delegate)**

##### **External/Occasional Committees/Organisation**

**Local Emergency Management Committee**

**Cr Jude Sutherland (Delegate)  
Cr Les Hepworth (Deputy Delegate)**

**Northern Country Zone**

**Chief Executive Officer (or Delegate)  
Cr Jude Sutherland (Delegate)  
Cr Les Hepworth (Deputy Delegate)**

**North Midland Sub-Regional Road Group**

**Cr Jude Sutherland (Delegate)  
Cr Andrew Fraser (Deputy Delegate)  
Cr Les Hepworth (Deputy Delegate)**

**Community Committees**

Perenjori Tourism Townscape Committee      Chief Executive Officer (or Delegate)  
Cr Andrew Fraser (Delegate)  
Cr Dael Sparkman (Delegate)  
Cr Les Hepworth (Delegate)

That the Finance and Plant and works committee structure be disbanded.

Motion put and carried 7/0 by absolute majority

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

Against: Nil

## 12.2 DEVELOPMENT ASSESSMENT PANELS – LOCAL GOVERNMENT MEMBER

Applicant:	Shire of Perenjori
File:	ADM 0474
Date:	2 October 2023
Disclosure of Interest:	Nil
Voting Requirements:	Simple Majority
Author:	Elinor Pitts – Executive Assistant to CEO
Responsible Officer:	Paul Anderson – Chief Executive Officer
Attachments:	12.2 – Letter from the Department of Planning, Lands and Heritage

### Summary

Following the local election and the change in Shire of Perenjori Councillors, the Development Assessment Panel (DAP) delegates are required to be nominated by Council.

Council is to nominate two members and two alternative members to the Development Assessment Panel, for appointment by the Minister for Planning, for a term ending 26 January 2026.

### Background

As a key component of planning reform in Western Australia, Development Assessment Panels (DAPs) are intended to enhance planning expertise in decision-making by improving the balance between technical advice and local knowledge.

Representation of local interests is a key aspect of the DAPs system, and all local governments are required to provide nominations for local government DAP members by Friday 24 November 2023, to ensure local interests are represented in future DAP determinations.

### Statutory Environment

Planning and Development (Development Assessment Panels) Regulations 2011 (Reg. 24)

### Policy Implications

Nil

### Consultation

Paul Anderson - Chief Executive Officer

### Financial Implications

Nil

### Strategic Community Plan

Area 5: Investing in Council's Capacity – Our Leadership

Goal: Strengthen the Shire's position as an innovative, independent local government providing excellence in all areas of governance, management and leadership.

### Officer Comment

Applications for Planning Consent with a value of more than \$1M will be considered by a joint Development Assessment Panel. This excludes applications for single dwellings of up to 10 group dwellings.

**COUNCIL DECISION**

**Council Resolution Number: 261023.2**

**Moved: Cr Sparkman**

**Seconded: Cr Bryant**

**That the following Councillors be appointed as representatives for the Development Assessment Panel, and the relevant nomination form be completed and submitted to the Development Assessment Panel's Secretariat.**

**Local Government Member 1:**

**Cr Les Hepworth**

**Local Government Member 2:**

**Cr Daniel Bradford**

**Local Government Alternate Member 1:**

**Cr Andrew Fraser**

**Local Government Alternate Member 2:**

**Cr Dael Sparkman**

**Motion put and carried 7/0**

**For: Cr Sutherland, Cr Hepworth, Cr Sparkman, Cr Bryant, Cr Bradford, Cr Fraser, Cr Campbell**

**Against: Nil**

### 13. Closure of Meeting:

The Shire President declared the meeting closed at 2.41 pm and thanked those in attendance.

I certify that this copy of the Minutes is a true and correct record of the meeting held on 26 October 2023.

Signed:   
Shire President

Date: 23/11/23

