



Shire of
Perenjori
Embrace Opportunity

Shire of Perenjori – Special Meeting of Council

MINUTES

Monday 28th February 2022



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 Monday 28th February 2022 at 9.00 am in the Shire of Perenjori Council Chambers, 56 Fowler Street Perenjori.

The purpose of the meeting is:

1. Confidential Item – Fowler Street Property

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

Paul Anderson

CHIEF EXECUTIVE OFFICER

Date: 24th February 2022

Table of Contents

- COUNCIL ROLES..... 4
- DISCLAIMER 4
- 1. DECLARATION OF OPENING/ANNOUNCEMENT OF VISITORS: 5
- 2. OPENING PRAYER: 5
- 3. DISCLAIMER READING: 5
- 4. RECORD OF ATTENDANCE/APOLOGIES/LEAVE OF ABSENCE: 5
- 5. PUBLIC QUESTION TIME:..... 5
- 6. DECLARATION OF INTEREST:..... 6
- 7. CONFIDENTIAL REPORTS..... 6
- 8. CLOSURE OF MEETING..... 8



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 Monday 28th February 2022, at the Shire of Perenjori Council Chambers, 56 Fowler Street, Perenjori WA 6620, at 9.00 am.

1. Declaration of Opening/Announcement Of Visitors:

The Shire President declared the meeting open at 9.01 am and welcomed those in attendance.

Welcome to Country: -

As per the Shire of Perenjori Policy (N^o 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.

Therefore, I respectfully acknowledge the past and present custodians of the land on which we are meeting, the Badymia people.

I also acknowledge the pioneers who settled this country, developed the land and turned it into the productive country that we know today, allowing us to enjoy the lifestyle to which we have become accustomed.

2. Opening Prayer:

The Shire President read.

3. Disclaimer Reading:

As printed.

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

4.1 Attendance:

Members:	Cr Chris King (Shire President) Cr Jude Sutherland (Deputy Shire President) Cr Daniel Bradford Cr Colin Bryant Cr Andrew Fraser Cr Leslie Hepworth Cr Dael Sparkman
----------	---

Staff:	Paul Anderson – CEO Hannah Roberts – EA
--------	--

Distinguished Visitors:	Nil
-------------------------	-----

Members of The Public:	Nil
------------------------	-----

Leave of Absence:	Nil
-------------------	-----

Apologies:	Nil
------------	-----

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."

7. Confidential Reports

7.1 COUNCIL DECISION TO GO BEHIND CLOSED DOORS

PROCEDURAL MOTION

Council Resolution: 280222.1

Moved: Cr A Fraser

Seconded: Cr D Bradford

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

7.2 **CONFIDENTIAL ITEM** – FOWLER STREET PROPERTY

Applicant:	Shire of Perenjori
File:	ADM 0556
Date:	24 th February 2022
Disclosure of Interest:	Nil
Voting Requirements:	Simple Majority
Author:	Paul Anderson – Chief Executive Officer
Responsible Officer:	Paul Anderson – Chief Executive Officer
Attachments:	Nil

Statutory Environment

5.23. Meetings generally open to public

- (1) Subject to subsection (2), the following are to be open to members of the public —
 - (a) all council meetings; and
 - (b) all meetings of any committee to which a local government power or duty has been delegated.
- (2) If a meeting is being held by a council or by a committee referred to in subsection (1)(b), the council or committee may close to members of the public the meeting, or part of the meeting, if the meeting or the part of the meeting deals with any of the following —
 - (a) a matter affecting an employee or employees; and
 - (b) the personal affairs of any person; and
 - (c) a contract entered into, or which may be entered into, by the local government and which relates to a matter to be discussed at the meeting; and
 - (d) legal advice obtained, or which may be obtained, by the local government and which relates to a matter to be discussed at the meeting; and
 - (e) a matter that if disclosed, would reveal —
 - (i) a trade secret; or
 - (ii) information that has a commercial value to a person; or
 - (iii) information about the business, professional, commercial or

- financial affairs of a person,
where the trade secret or information is held by, or is about, a person
other than the local government; and
- (f) a matter that if disclosed, could be reasonably expected to —
- (i) impair the effectiveness of any lawful method or procedure for preventing, detecting, investigating or dealing with any contravention or possible contravention of the law; or
203
 - (ii) endanger the security of the local government's property; or
 - (iii) prejudice the maintenance or enforcement of a lawful measure for protecting public safety;
- and
- (g) information which is the subject of a direction given under section 23(1a) of the *Parliamentary Commissioner Act 1971*; and
- (h) such other matters as may be prescribed.
- (3) A decision to close a meeting or part of a meeting and the reason for the decision are to be recorded in the minutes of the meeting.

OFFICER RECOMMENDATION

Council Resolution Number: 280222.2

Moved: Cr D Bradford

Seconded: Cr J Sutherland

That the recommendation submitted in the Confidential report item 7.2 Fowler Street property be considered.

Motion put and carried 7/0

OFFICER RECOMMENDATION

Council Resolution Number: 280222.4

Moved: Cr D Sparkman

Seconded: Cr C Bryant

That Council note and endorse the exemption to the requirements of section 3.59 (Commercial Enterprises by Local governments) of the Local Government Act 1995 requiring the development of a business plan as the proposed acquisition of land is a strategic opportunity.

The Chief Executive Officer be authorised to negotiate up to \$45,000 plus GST for the purchase of lots 26,28 and 30 Fowler Street Perenjori.

In accordance with section 9.49A(2) and (4) of the Local Government Act 1995 the Chief Executive Officer be authorised to execute the offer and acceptance and land transfer documentation subject to successful negotiations for the purchase of lots 26,28 and 30 Fowler Street Perenjori.

Motion put and carried 7/0

7.3 COUNCIL DECISION TO RETURN FROM BEHIND CLOSED DOORS

PROCEDURAL MOTION

Council Resolution: 280222.3

Moved: Cr L Hepworth

Seconded: Cr D Bradford

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

Motion put and carried 7/0

8. Closure of Meeting

The Presiding member declared the meeting closed at 9.08 am.

I certify that this copy of the Minutes is a true and correct record of the meeting held on 28th February 2022.

Signed: _____

Cr Chris King - Presiding Officer

Date: _____

17/03/2022