



Shire of  
**Perenjori**  
Embrace Opportunity

Shire of Perenjori – Special Meeting of Council

# MINUTES

**Friday 2<sup>nd</sup> December 2022**

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 the 2<sup>nd</sup> December 2022 at 12.30pm in the Shire of Perenjori Council Chambers, 56 Fowler Street Perenjori.**

The purpose of the meeting is:

1. To review tender no. RFT02-2022-2023 Design, Construct and Install 2 x Modular Houses
2. To review tender no. RFT05-2022-2023 Replace Asbestos Roof of Town Hall

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

Paul Anderson

**CHIEF EXECUTIVE OFFICER**

Date: 30<sup>th</sup> November 2022

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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 Friday 2<sup>nd</sup> December 2022, at the Shire of Perenjori Council Chambers, 56 Fowler Street, Perenjori WA 6620 which commenced at 12.30pm.

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

The Shire President declared the meeting open at 12.30pm and welcomed those in attendance.

#### **Acknowledgement of Traditional Custodians: -**

As per the Shire of Perenjori Policy (N<sup>o</sup> 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 Badymia people. It is a privilege to be standing on Badymia country.*

### 2. Opening Prayer:

The Shire President read the opening prayer.

### 3. Disclaimer Reading:

As printed.

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

#### 4.1 Attendance:

Members:	Cr Christopher King
	Cr Jude Sutherland
	Cr Dael Sparkman
	Cr Andrew Fraser
	Cr Les Hepworth
Staff:	Paul Anderson (Chief Executive Officer)
	Elinor Pitts (Executive Assistant)
Distinguished Visitors:	Nil
Members of The Public:	Nil
Leave of Absence:	Nil
Apologies:	Cr Colin Bryant
	Cr Daniel Bradford

### 5. Public Question Time:

#### 5.1 Response to Questions Taken on Notice:

Nil

#### 5.2 Questions Without Notice:

Nil

## 6. Announcements by Presiding Member Without Discussion:

Cr Christopher King raised the press coverage the Shire of Perenjori has received since the article was written in The Western Australian on Saturday the 26<sup>th</sup> November 2022. It is proposed to meet with Badymia elders and have a conversation on the issues raised to facilitate an amicable resolution.

## 7. Announcements of Matters for Which Meeting May Be Closed:

Matters Behind Closed Doors

In accordance with Section 5.23(2) of the Local Government Act 1995, the meeting is closed to the members of the public for this item as the following sub-section applied:

*A matter that if disclosed, would reveal –*

*Information that has a commercial value to a person; or*

*Information about the business, professional, commercial or financial affairs of a person.*

Nil

## 8. 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



## 9. Confidential Reports:

### 9.1 COUNCIL DECISION TO GO BEHIND CLOSED DOORS PROCEDURAL MOTION

Council Resolution Number: 021222.1

Moved: Cr Fraser

Seconded: Cr Sutherland

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 5/0

### 9.2 **CONFIDENTIAL ITEM** – RFT02 2022-2023 DESIGN, CONSTRUCT AND INSTALL 2 X MODULAR HOUSES

Council Resolution Number: 021222.2

Moved: Cr Hepworth

Seconded: Cr Sparkman

That Council consider the officer's recommendation as contained within the confidential report 10.2.

Motion put and carried 5/0

Council Resolution Number: 021222.3

Moved: Cr Hepworth

Seconded: Cr Fraser

1. That Council appoint WBS Modular Pty Ltd TA Evoke Living Homes for the supply of two 3 x 2 modular homes, based upon the assessment of the compliance, qualitative and pricing structures tendered under RFT02-2022-2023 Design, Construct and Install 2 x Modular Houses.

2. That the proposed new buildings be situated on Lot 352 Timmings Street and Lot 357 Hirshauer Street.

3. That the CEO be granted delegated authority to finalise the provisional sum items necessary to deliver the project to a satisfactory standard to enable a fixed price contract to be executed.

4. That the CEO report back to Council with a final fixed sum before the contract is executed.

Motion put and carried 5/0

9.3 **CONFIDENTIAL ITEM** – RFT05 2022-2023 REPLACE ASBESTOS ROOF OF TOWN HALL

Council Resolution Number: 021222.4

Moved: Cr Fraser

Seconded: Cr Sparkman

That Council consider the officer's recommendation as contained within the confidential report 10.3.

Motion put and carried 5/0

Council Resolution Number: 021222.5

Moved: Cr Sutherland

Seconded: Cr Hepworth

1. That Council appoint Solution4Building Pty Ltd as the prime contractor to carry out the works, based upon the assessment of the compliance, qualitative and pricing structures tendered under RFT05-2022-2023 Replace asbestos roof the Town Hall subject to:

a. The Chief Executive Officer being satisfied with all due diligence assessments, including reference checks and financial assessments.

2. That the CEO is authorised to sign and execute the works contract to enable the project to begin as soon as possible.

Motion put and carried 5/0

9.4 COUNCIL DECISION TO RETURN FROM BEHIND CLOSED DOORS

PROCEDURAL MOTION

Council Resolution Number: 021222.6

Moved: Cr Sparkman

Seconded: Cr Hepworth

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

Motion put and carried 5/0

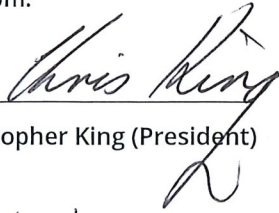
10. Closure of Meeting:

The Shire President declared the meeting closed at 12.57pm and thanked those in attendance.



I certify that this copy of the Minutes is a true and correct record of the meeting held on the 2<sup>nd</sup> December 2022 at 12.30pm.

Signed: \_\_\_\_\_



Christopher King (President)

Date: \_\_\_\_\_

15/12/2022

