



COUNCIL MINUTES

Special Meeting of Council

6.30pm, Tuesday 30 January 2024

Council Chambers, 6177 Great Northern Highway, Bindoon



PUBLIC QUESTION TIME

1. Time Permitted

A minimum of 15 minutes is permitted for Public Question Time at Council Meetings. If there are not sufficient questions to fill the allocated time, the Presiding Member will move to the next item. If there are more questions to be considered within 15 minutes, the Presiding Member will determine whether to extend Public Question Time. Each person seeking to ask questions during Public Question Time may address the Council for a maximum of two minutes each.

2. Protocol

No member of the public may interrupt the Council Meeting proceedings or enter into conversation.

Members of the public wishing to participate in Public Question Time at the Council Meeting who wish to submit written questions, are requested to lodge them with the Chief Executive Officer the Tuesday by **5pm on the day before the meeting**

The Presiding Member will control Public Question time and ensure that each person wishing to ask a question is given a fair and equal opportunity to do so. Members of the public wishing to ask a question must state his or her name and address before asking a question. If the question relates to an item of the Agenda, the item number and title should be stated.

3. General Rules

The following general rules apply to Public Question Time:

- Public Questions should only relate to the business of the local government and should not be a personal statement or opinion.
- Only questions relating to matters affecting the local government will be considered at a Council Meeting, and only questions that relate to the purpose of the meeting will be considered at a Special Council Meeting.
- Questions may be taken on notice and responded to after the meeting.
- Questions may not be directed to specific Elected Members or a Shire employee.
- Questions are not to be framed in such a way as to reflect adversely on a particular Elected Member or Shire employee.
- First priority will be given to persons who have submitted their questions in writing.
- Second priority will be given to persons who are asking questions relating to items on the current Council Meeting Agenda.

DEPUTATIONS

1. Time permitted

A minimum of 10 minutes is permitted for Deputations.

2. Protocol

No member of the public may interrupt the Council Meeting proceedings or enter into conversation.

Members of the public making a Deputation at the Council Meeting are requested to lodge them with the Chief Executive Officer the Tuesday by **5pm on the day before the meeting**

The Presiding Member will control Deputation time and ensure that each person wishing to ask a question is given a fair and equal opportunity to do so. Members of the public making a Deputation must state his or her name, company (if applicable) and address before commencing. Members must also state the item number and title on the Agenda.

3. General Rules

The following rules apply when making a Deputation:

- (a) Deputation is not to exceed five persons, only two of whom may address the Council, although others may respond to specific questions from Members.
- (b) Deputations must not exceed 10 minutes without the agreement of the Council.
- (c) Additional members of the deputation may be allowed to speak with the agreement of the Presiding Member.

Council is unlikely to take any action on the matter discussed during the deputation without first considering an officer's report on that subject in a later Council agenda.

RECORDING AND ACCESS TO RECORDINGS OF COUNCIL MEETINGS POLICY

Objective

To ensure that there is a process in place to outline access to the recorded proceedings of Council.

To emphasise that the reason for the recording of Council Meetings is to ensure the accuracy of Council Minutes and that any reproduction is for the sole purpose of Council business.

Recording of Proceedings

1. Proceedings for meetings of the Council, Electors, and Public Question Time during Council meetings shall be recorded by the Shire on sound recording equipment, except in the case of meetings of the Council where the Council closes the meeting to the public.
2. Notwithstanding clause 1, proceedings of a meeting of the Council which is closed to the public shall be recorded where the Council resolves to do so.
3. No member of the public is to use any electronic, visual or vocal recording device or instrument to record the proceedings of the Council or a committee without approval as per ***Local Government (Council Meetings) Local Law 2014***, c6.15.

Access to Recordings

4. The record of proceedings is to be loaded on to the Shire's website once the minutes have been made available.

Retention of Recordings

5. Recordings pertaining to the proceedings of Council Meetings shall be retained in accordance with the ***State Records Act 2000***.

During the meeting, no member of the public may interrupt the meetings proceedings or enter into conversation.

Members of the public shall ensure that their mobile telephone and/or audible pager is not switched on or used during any meeting of the Council.

Members of the public are hereby advised that use of any electronic, visual or audio recording device or instrument to record proceedings of the Council is not permitted without the permission of the Presiding Member.

PREFACE

When the Chief Executive Officer approves these minutes for distribution they are in essence "Unconfirmed" until the following Ordinary Meeting of Council, where the minutes will be confirmed subject to any amendments.

The "Confirmed" minutes are then signed off by the Presiding Member.

Attachments that formed part of the agenda, in addition to those tabled at the Ordinary Meeting of Council are put together as an addendum to these Minutes.

UNCONFIRMED MINUTES

These minutes were approved for distribution on Friday 2 February 2024.



Melinda Prinsloo
Chief Executive Officer

CONFIRMED MINUTES

These minutes were confirmed at a meeting held on

Signed _____

NOTE: the Presiding Member at the meeting at which these minutes are confirmed is the person who signs above.

Disclaimer

The purpose of this Council meeting is to discuss and, where possible, make resolutions about items appearing on the agenda.

Whilst Council has the power to resolve such items and may in fact, appear to have done so at the meeting, no person should rely on or act on the basis of such decision or on any advice or information provided by a member or officer, or on the content of any discussion occurring, during the course of the meeting.

Persons should be aware that the provisions of the *Local Government Act 1995* (section 5.25 (e)) establish procedures for revocation or rescission of a Council decision. No person should rely on the decisions made by Council until formal advice of the Council decision is received by that person.

The Shire of Chittering expressly disclaims liability for any loss or damage suffered by any person as a result of relying on or acting on the basis of any resolution of Council, or any advice or information provided by a member or officer, or the content of any discussion occurring, during the course of the Council meeting.



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Good morning ladies and gentlemen, we wish to acknowledge the traditional custodians of the land within the Shire of Chittering, the Yued and Whadjuk peoples. We would like to pay respect to the Elders of the Nyoongar nation, past and present, who have walked and cared for the land, we acknowledge and respect their continuing culture, and the contributions made to this region.

ITEM 1. DECLARATION OF OPENING OF MEETING / ANNOUNCEMENTS OF VISITORS

The Presiding Member declared the meeting open at 6.34pm.

ITEM 2. RECORD OF ATTENDANCE / APOLOGIES / APPROVED LEAVE OF ABSENCE

Attendance

The following members will be in attendance:

Cr Aaron King	President
Cr Mary Angus	Deputy President
Cr Carmel Ross	
Cr John Curtis	
Cr David Dewar	
Cr Kylie Hughes	
Cr Mark Campbell	

The following staff will be in attendance:

Melinda Prinsloo	Chief Executive Officer
Scott Clayton	Deputy Chief Executive Officer
Jake Whistler	Executive Manager Development Services
Nathan Gough	Principal Building Surveyor

Members of the General Public: 0

Media: 0

Apologies

Nil

Approved leave of absence

Nil

ITEM 3. DISCLOSURE OF INTEREST

Nil

ITEM 4. PUBLIC QUESTION TIME

Public question time

Nil

ITEM 5. PRESENTATIONS / PETITIONS / DEPUTATIONS

Petitions

Nil

Presentations

Nil

Deputations

Nil

ITEM 6. APPLICATION FOR LEAVE OF ABSENCE

MOTION / COUNCIL RESOLUTION

Moved Cr Campbell, seconded Cr Angus

That leave of absence be approved as follows:

- Cr Mark CAMPBELL – Monday 5 February through to Saturday 10 February 2024 (inclusive).

CARRIED UNANIMOUSLY 7 / 0

TIME: 6.37PM

For: Cr Campbell, Cr Angus, Cr King, Cr Hughes, Cr Ross, Cr Dewar, Cr Curtis

Against: Nil

ITEM 7. PURPOSE OF MEETING

OFFICER RECOMMENDATION

Moved Cr Angus, seconded Cr Ross

That Council moves into a confidential session to discuss the following item:

- **CONFIDENTIAL ITEM:** Lower Chittering Community Centre Project - Award of Tender SC-23/001 - Full Architectural Services for Lower Chittering Community Centre

Under the terms of the *Local Government Act 1995, Section 5.23(2) (c) (e)*:

(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 part of the meeting deals with any of the following-

(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

(e) a matter that if disclosed, would reveal -

(iii) information about a business, professional, commercial or financial affairs of a person.

CARRIED UNANIMOUSLY 7 / 0

TIME: 6.38PM

For: Cr Campbell, Cr Angus, Cr King, Cr Hughes, Cr Ross, Cr Dewar, Cr Curtis
Against: Nil

SCM01 – 01/24 **CONFIDENTIAL ITEM:** Lower Chittering Community Centre Project - Award of Tender SC-23/001 - Full Architectural Services for Lower Chittering Community Centre

Applicant	Shire of Chittering
File ref	FIN.TEN.SC23/001
Author	Principal Building Surveyor/Project Manager
Authorising Officer	Chief Executive Officer
Disclosure of interest	Neither the Author nor Authorising Officer have any Impartiality, Financial or Proximity Interests that requires disclosure
Voting requirements	Simple Majority
Attachments	<ol style="list-style-type: none"> 1. Request for Tender SC23/001 Document 2. Tender Assessment Spreadsheet 3. Site Architecture Studio Submission 4. Hodge Collard Preston Architecture Submission 5. Carabiner Submission 6. Mode Design Submission 7. I2C Architects Submission

Reasons for confidentiality

Local Government Act 1995, Section 5.23(2) (c) (e) Meetings generally open to the public

(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 part of the meeting deals with any of the following-

(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

(e) a matter that if disclosed, would reveal -

(iii) information about a business, professional, commercial or financial affairs of a person.

	Authority / Discretion	Definition
<input type="checkbox"/>	Advocacy	<i>When Council advocates on its own behalf or on behalf of its community to another level of government/body/agency.</i>
<input checked="" type="checkbox"/>	Executive	<i>The substantial direction setting and oversight role of Council. e.g. adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.</i>
<input type="checkbox"/>	Legislative	<i>When Council initiates or adopts a policy position, or a local law</i>
<input type="checkbox"/>	Quasi-Judicial	<i>When Council determines an application/matter that directly affects a person's rights and interests. The judicial character arises from the obligation to abide by the principles of natural justice. Examples of Quasi-Judicial authority include development 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</i>
<input type="checkbox"/>	Information	<i>Includes items for information purposes only and do not require a decision of Council (to 'note' only)</i>

OFFICER RECOMMENDATION

Moved Cr Campbell, seconded Cr Ross

That Council:

1. **Accepts the tender submitted from Site Architecture Studio for Tender SC23/001 for the provision of architectural services for the design and preparation of architectural drawings for the Lower Chittering Community Centre and for the superintendent services for the project managing of the construction of Lower Chittering Community Centre in accordance with the tender documentation and for the sums of:**
 - **Architectural Services: \$313,170 (ex. GST)**
 - **Superintendents Services: \$116,170 (ex. GST)**
2. **Delegates authority to the Chief Executive Officer to negotiate the terms and to enter into a contract with Site Architecture Studio for a fixed lump sum price of \$313,170 (ex. GST), for the design and preparation of architectural drawings for the Lower Chittering Community Centre in accordance with the tender documentation SC23/001; and**
3. **Delegates authority to the Chief Executive Officer to negotiate the terms and enter into a contract with Site Architecture Studio for the fixed lump sum price of \$116,170 (ex. GST) for the superintendent services for the project managing of the construction of the Lower Chittering Community Centre in accordance with the tender documentation SC23/001. This contract shall include provision for the Shire to not be held to the terms of the contract should the construction of the Lower Chittering Community Centre not proceed due to unsuccessful funding applications or other reasons as determined by Council.**
4. **Authorises the Shire President and/or Chief Executive Officer to sign the contract between Site Architecture Studio and the Shire and affix the Shire's Common Seal (if required).**

CARRIED UNANIMOUSLY 7 / 0

TIME: 7.28PM

For: Cr Campbell, Cr Angus, Cr King, Cr Hughes, Cr Ross, Cr Dewar, Cr Curtis

Against: Nil

MOTION

Moved Cr King, seconded Cr Dewar
That Council suspend Standing Orders.

CARRIED UNANIMOUSLY 7 / 0

TIME: 6.40PM

For: Cr Campbell, Cr Angus, Cr King, Cr Hughes, Cr Ross, Cr Dewar, Cr Curtis

Against: Nil

MOTION

Moved Cr King, seconded Cr Ross
That Council resume Standing Orders.

CARRIED UNANIMOUSLY 7 / 0

TIME: 7.22PM

For: Cr Campbell, Cr Angus, Cr King, Cr Hughes, Cr Ross, Cr Dewar, Cr Curtis

Against: Nil

PROCEDURAL MOTION

Moved Cr Angus, seconded Cr Campbell
That Council come out from behind closed doors.

CARRIED UNANIMOUSLY 7 / 0

TIME: 7.28PM

For: Cr Campbell, Cr Angus, Cr King, Cr Hughes, Cr Ross, Cr Dewar, Cr Curtis

Against: Nil

The President read aloud the Council Resolution.

ITEM 8. CLOSURE

The Presiding Member closed the meeting at 7.31pm.