

Please note: These minutes are yet to be confirmed as a true record of proceedings

SHIRE OF BUSSELTON

MINUTES OF A SPECIAL COUNCIL MEETING HELD ON 19 FEBRUARY 2009

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SHIRE OF BUSSELTON**MINUTES OF A SPECIAL COUNCIL MEETING HELD IN THE COUNCIL CHAMBERS,
ADMINISTRATION BUILDING, SOUTHERN DRIVE, BUSSELTON, ON THURSDAY,
19 FEBRUARY 2009 AT 5:30 PM**

The Presiding Member opened the meeting at 5.58 p.m.

1. ATTENDANCE, APOLOGIES & LEAVE OF ABSENCE

Presiding Member:	Cr Wes Hartley	Shire President
Members:	Cr Bethwyn Hastie	
	Cr David Binks	(from 6.00 p.m. onwards)
	Cr Ian Stubbs	
	Cr Anne Ryan	(from 6.01 p.m. onwards)
	Cr Tom Tuffin	(from 6.00 p.m. onwards)
	Cr Jackie Emery	
	Cr Bernie Masters	
	Cr Rob Underdown	(from 6.00 p.m. onwards)
	Cr Bev Clarke	(from 5.59 p.m. onwards)
	Cr Don Hanran-Smith	
	Cr David Reid	
Officers:	Mr Andrew Macnish	Chief Executive Officer (from 6.00 p.m. onwards)
	Mr Oliver Darby	Director, Community Infrastructure
	Mr Paul Martin	Manager, Economic Development
	Ms Lorna Secrett	Cultural Planning Officer
	Ms Jenny Mathies	Admin. Officer - Governance
Consultant:	Mr Steve Disley	
Apologies:	Cr Ross Bromell	
Leave of Absence:	Nil	
Media:	Nil	
Public:	Nil	

2. PURPOSE OF THE MEETING

To consider tenders received for RFT TEN05/08 - Busselton Jetty Refurbishment.

5.59 p.m. At this time Councillor Clarke entered the meeting.

3. PUBLIC QUESTION TIME

Nil.

6.00 p.m. At this time Councillors Tuffin, Underdown and Binks and the Chief Executive Officer entered the meeting.

6.01 p.m. At this time Councillor Ryan entered the meeting and Councillor Reid left the meeting.

4. DECLARATION OF DUE CONSIDERATION

The Presiding Member requested Councillors to acknowledge, in accordance with Clause 8.1 of the Standing Orders, that they have given due consideration to the matters contained within the Agenda.

Declared Due Consideration	No Declaration
Councillor Wes Hartley	Councillor David Reid (due to absence from Meeting)
Councillor Bethwyn Hastie	
Councillor David Binks	
Councillor Ian Stubbs	
Councillor Anne Ryan	
Councillor Tom Tuffin	
Councillor Jackie Emery	
Councillor Bernie Masters	
Councillor Rob Underdown	
Councillor Bev Clarke	
Councillor Don Hanran-Smith	

5. DECLARATIONS OF INTERESTS

Nil.

6. PRESENTATIONS BY PARTIES WITH AN INTEREST

Nil

7. BUSINESS OF THE MEETING**MOTION (PROCEDURAL)**

Moved Councillor Hanran-Smith, seconded Councillor Clarke:

That the meeting be closed to members of the public to allow consideration of confidential information pursuant to s.5.23(2)c of the Local Government Act 1995 - a contract entered into, or that may be entered into, by the local government and which relates to a matter to be discussed at the meeting.

CARRIED 11/0

6.02 pm At this time the meeting was closed to the public.

7.1 CONFIDENTIAL ITEM - CONTRACT AWARD FOR RFT TEN 05/08 - BUSSELTON JETTY REFURBISHMENT

FILE NO: TEN05/08

A report, confidential under Clause 5.23(2)c of the Local Government Act 1995 - a contract entered into, or that may be entered into, by the local government and which relates to a matter to be discussed at the meeting, was provided to Councillors, the Chief Executive Officer, Directors and the Executive Manager, Systems and Information only.

MOTION

Moved Councillor Hanran-Smith, seconded Councillor Clarke:

1. That Council adopt Officer Recommendations 1 and 2 as follows:
 - "1. That all tenderers be advised that Marine and Civil Construction Company Pty Ltd (Marine and Civil) is the preferred tenderer based on its tender submission of 22 January 2008, including its tendered lump sum price of \$23,745,569.
 2. That the Council endorses the Whole of Project Cost Estimate in the amount of \$27.1M as presented in this report, including:
 - a. An additional contract contingency allowance of \$320,000 for contract variations in apply in addition to the \$23.75M tendered contract price received from Marine & Civil for RFT TEN05/08 Busselton Jetty Refurbishment;
 - b. An allowance of \$250,000, being approximately one percent of the Jetty Rebuild project budget, for the implementation of heritage interpretation works that are identified in the Heritage Interpretation Plan and in compliance with the Percent for Art Policy.
 - c. An allowance of \$30,000 as the Shire of Busselton's contribution towards the communications strategy; and
 - d. A general contingency allowance of \$1.36M within which to resolve the design wave issues and to further consider options and opportunities for supplementary works such as swimming jetties, boating facilities, etc."
2. That consideration of the remainder of the Officer Recommendation (ie Clauses 3 to 8 inclusive) be deferred for three weeks.

AMENDMENT MOVED

6.03 p.m. At this time Councillor Reid returned to the meeting.

AMENDMENT

Moved Councillor Masters, seconded Councillor Tuffin:

That Clause 2(b) of the motion be amended by addition, at the end, of the words "providing that the details of how this expenditure is to be made is deferred until the report by the Heritage Consultant has been considered by the Council".

AMENDMENT CARRIED 9/3

Dissenting Voters:

Councillor Don Hanran-Smith
Councillor David Binks
Councillor Bethwyn Hastie

FORESHADOWED MOTION

During debate on this matter, Councillor Stubbs foreshadowed his intention to move the following motion:

1. That the Council decline to adopt the Officer's Recommendation at this stage.
2. That a Special Meeting of the Council, preceded by a two hour Briefing Session, be held after all of the issues contained in Officer Recommendations 3 and 4 are resolved.

MOTION PUT

Moved Councillor Hanran-Smith, seconded Councillor Clarke:

1. That Council adopt Officer Recommendations 1 and 2 as follows:
 - "1. That all tenderers be advised that Marine and Civil Construction Company Pty Ltd (Marine and Civil) is the preferred tenderer based on its tender submission of 22 January 2008, including its tendered lump sum price of \$23,745,569.
 2. That the Council endorses the Whole of Project Cost Estimate in the amount of \$27.1M as presented in this report, including:
 - a. An additional contract contingency allowance of \$320,000 for contract variations in apply in addition to the \$23.75M tendered contract price received from Marine & Civil for RFT TEN05/08 Busselton Jetty Refurbishment;
 - b. An allowance of \$250,000, being approximately one percent of the Jetty Rebuild project budget, for the

implementation of heritage interpretation works that are identified in the Heritage Interpretation Plan and in compliance with the Percent for Art Policy, providing that the details of how this expenditure is to be made is deferred until the report by the Heritage Consultant has been considered by the Council;

- c. An allowance of \$30,000 as the Shire of Busselton's contribution towards the communications strategy; and
 - d. A general contingency allowance of \$1.36M within which to resolve the design wave issues and to further consider options and opportunities for supplementary works such as swimming jetties, boating facilities, etc."
2. That consideration of the remainder of the Officer Recommendation (ie Clauses 3 to 8 inclusive) be deferred for three weeks.

LOST 5/7

Dissenting Voters:

Councillor Ian Stubbs
Councillor David Binks
Councillor Tom Tuffin
Councillor Rob Underdown
Councillor Anne Ryan
Councillor Jackie Emery
Councillor Bethwyn Hastie

Note: As the motion was lost, Councillor Stubbs was able to move the motion that he had previously foreshadowed.

COUNCIL DECISION

C0902/042 Moved Councillor Stubbs, seconded Councillor Ryan:

1. That the Council decline to adopt the Officer's Recommendation at this stage.
2. That a Special Meeting of the Council, preceded by a two hour Briefing Session, be held after all of the issues contained in Officer Recommendations 3 and 4 are resolved.

CARRIED 10/2

Dissenting Voters:

Councillor Wes Hartley
Councillor Bev Clarke

6.42 pm At this time the meeting was reopened to the public and the Presiding Member prepared to announce the decisions arising from the confidential matter. No one returned to the meeting.

COUNCIL DECISION

C0902/043 Moved Councillor Underdown, seconded Councillor Reid:

That the CEO obtain legal advice on what constitutes a minor variation under the Local Government Regulations in respect to the design wave issue.

CARRIED 11/1
Dissenting Voter:
Councillor Wes Hartley

8. CLOSURE

The meeting closed at 6.50 p.m.

THESE MINUTES CONSISTING OF PAGES 1 TO 6 WERE CONFIRMED AS A TRUE AND	
CORRECT RECORD ON	_____
DATE: _____	PRESIDING MEMBER: _____