



SHIRE OF LAVERTON

MINUTES

OF THE SPECIAL MEETING OF COUNCIL

HELD ON

WEDNESDAY 29 JANUARY 2014

AT 3.00PM

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**MINUTES OF A SPECIAL MEETING OF COUNCIL HELD AT THE
SHIRE OF LAVERTON COUNCIL CHAMBERS, MACPHERSON
PLACE, LAVERTON ON WEDNESDAY 29 JANUARY 2014
COMMENCING AT 3.00PM**

PURPOSE OF MEETING

The purpose of the meeting is to deal with the following matters:

1. To consider the proposed contract for the Main Street Civil Works as per Tender No. 04/13, and if appropriate to endorse entering into the contract with or without amendment.
2. To consider the Auction of 3 Units in Shirley Ave for non-payment of rates – setting reserve prices and associated matters.

1. DECLARATION OF OPENING

The President, Cr P Hill declared the meeting open at 3.01pm, read the disclaimer as printed in the Agenda and the Purpose of the Meeting.

2. ANNOUNCEMENT OF VISITORS

Nil.

3. RECORD OF ATTENDANCE

3.1 PRESENT

Cr P Hill	President
Cr R Wedge	Deputy President
Cr S Weldon	Councillor
Cr L Hawkins	Councillor
Cr B Fuamatu	Councillor (from 3.12pm)
Cr J Thompson	Councillor
Cr D Cannons	Councillor

Mr S Deckert	Chief Executive Officer
Mr D McKinley	Executive Manager Technical Services

3.2 APOLOGIES

Mr G Stanley	Executive Manager Corporate & Community Services
Mrs L Barnes	Executive Assistant

4. PUBLIC QUESTION TIME

Nil.

5. NOTICE OF ITEMS TO BE DISCUSSED BEHIND CLOSED DOORS

Nil.

6. ANNOUNCEMENTS BY PRESIDING MEMBER WITHOUT DISCUSSION

Nil.

7. ITEMS FOR CONSIDERATION BEHIND CLOSED DOORS

PROCEDURAL MOTION – COUNCIL DECISION

Moved Cr S Weldon, Seconded Cr D Cannons.

That this meeting be closed to members of the public and move behind closed doors to discuss:

7.1 Main Street Project – Final Approval of Scope of Works and Acceptance of Contract (File Ref: 566); and

7.2 Auction of Seized Shirley Avenue Units – Consideration Of Reserve Price And Other Matters (File Ref: 208).

As these items refer to matters that if disclosed, would reveal information about the business, professional, commercial or financial affairs of a person, pursuant to Section 5.23 (2)(e)(iii) of the *Local Government Act 1995*.

CARRIED 6/0

The meeting went behind closed doors at 3.05pm.

It was agreed that Item 7.2 was to be dealt with first.

7.2 AUCTION OF SEIZED SHIRLEY AVENUE UNITS – CONSIDERATION OF RESERVE PRICE AND OTHER MATTERS	File Ref: 208
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Cr B Fuamatu entered the meeting at 3.12pm.

SM0101 OFFICER'S RECOMMENDATION/COUNCIL'S DECISION:

Moved Cr R Wedge, Seconded Cr D Cannons.

That Council:

- 1. Acknowledges that the Shire has now taken possession of units 6, 7 and 8 of 12 Shirley Avenue, Laverton and Mr Brett Thorp of Thorp Realty Esperance has been engaged to auction these units on 15 February 2014;**

2. **Determines the auction reserve price for each unit to be \$3,000 (excl GST);**
3. **Agrees to write-off any outstanding amounts owing to the Shire for rates, penalties and other charges, after distribution of any sale proceeds that remain after paying the auction costs;**
4. **Agrees to meet the costs of the auction, in the event that the auction does not realise sufficient funds to meet all or part of the auction costs and encourage the Water Corporation to meet a share of any such auction costs; and**
5. **Requests that this matter be referred back to Council for further consideration of options, should any of the units not be sold at auction.**

CARRIED 7/0

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Declaration of Interest

Cr R Wedge declared a Financial Interest, pursuant to the *Local Government Act 1995*, in the following Item 7.1 as owner of a business which is a Contractor to the Contractors listed in this Agenda Item.

Cr L Hawkins declared a Financial Interest, pursuant to the *Local Government Act 1995*, in the following Item 7.1 as an employee of a business which is a Contractor to the Contractors listed in this Agenda Item.

Cr D Cannons declared an Indirect Financial Interest, pursuant to the *Local Government Act 1995*, in the following Item 7.1 as owner of an accommodation business situated on Augusta Street that is providing accommodation to the Contractor.

Councillors Wedge, Hawkins and Cannons left the meeting at 3.14pm.

7.1 MAIN STREET PROJECT – FINAL APPROVAL OF SCOPE OF WORKS AND ACCEPTANCE OF CONTRACT	File Ref: 566
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SM0102 OFFICER'S RECOMMENDATION/COUNCIL'S DECISION:

Moved Cr B Fuamatu, Seconded Cr s Weldon.

That Council:

- 1. Notes the successful negotiations with BCL Group Pty Ltd and as a consequence Council is prepared to enter into a contract with BCL to undertake the scope of works as provided for in Tender No. 4-13, based on the following;**
- 2. Accepts the final tendered amount of \$2,444,718.50 (Excl GST) comprising Separable Portion 1 of \$1,440,000.00 and Separable Portion 2 of \$1,004,718.50 as per BCL's correspondence of 17 January 2014 (Attachment 7.1 "A") , providing a detailed breakdown of the two separable portions, nominated sub-contractors and clarifications, as the final contract amount;**
- 3. Acknowledges that the final contract amount, during the period of works, will be subject to potential known variations relating to sealing stand-down rates and extent of underground power works undertaken as part of this contract as well as any unforeseen variations during the progress of works that were unknown at the time of commencing;**
- 4. Approves the breaking down of the scope of works into two separable portions so that Separable Portion 1 can commence early February 2014 with a reduced contractor workforce with completion due 30 June 2014, and, Separable portion 2 works**

commencing 1 July 2014 with estimated completion in August 2014; and

- 5. Subject to the President and CEO being satisfied as to any contract variations prior to signing as mentioned in point 3 above, endorses the President and CEO to sign and affixing the Common Seal to the formal Contract in accordance with Council Policy 2.7 “Execution of Documents”.**

CARRIED 4/0

Reason for amendment

The final tendered amount in point 2 was amended as per the email received from Project Manager Niall Cummins just prior to the meeting.

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PROCEDURAL MOTION – COUNCIL DECISION

Moved Cr S Weldon, Seconded Cr B Fuamatu.

That Council agrees to reopen the meeting to the public and come from behind closed doors at 3.44pm.

CARRIED 4/0

Councillors Wedge, Hawkins and Cannons re-entered the meeting at 3.44pm.

On the reopening of the Meeting, the President Cr Hill informed the returning Councillors of the Council decision made behind closed doors.

8. NEXT MEETING

The next Ordinary Meeting of Council will be held on Thursday, 20 February 2014 at the Shire of Laverton Council Chambers, commencing at 5.00pm.

9. CLOSURE OF MEETING

There being no further business, the President Cr P Hill declared the meeting closed at 3.45pm.

CERTIFICATION BY CHAIRMAN

I, Patrick John Hill hereby certify that the Minutes of the Special Meeting of Council held 29 January 2014 are confirmed as a true and correct record, as per the Council resolution of the Ordinary Meeting of Council held on 20 February 2014.

Signed



Dated: 20/2/14 2014