
Shire of Esperance

SPECIAL COUNCIL

TUESDAY 1 OCTOBER 2019

MINUTES

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ETHICAL DECISION MAKING AND CONFLICTS OF INTEREST

Council is committed to a code of conduct and all decisions are based on an honest assessment of the issue, ethical decision-making and personal integrity. Councillors and staff adhere to the statutory requirements to declare financial, proximity and impartiality interests and once declared follow the legislation as required.

ATTACHMENTS

Please be advised that in order to save printing and paper costs, all attachments referenced in this paper are available in the original Agenda document for this meeting.

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SHIRE OF ESPERANCE
MINUTES
OF THE SPECIAL COUNCIL MEETING
HELD IN COUNCIL CHAMBERS ON 1 OCTOBER 2019.

1. OFFICIAL OPENING

The Shire President declared the meeting open at 5.01pm

The President welcomed Councillors, staff, guests and members of the public to the meeting.

2. ATTENDANCE

Members

Cr V Brown	President	Rural Ward
Cr N Bowman	Deputy President	Rural Ward
Cr J Parsons		Town Ward
Cr S McMullen		Town Ward
Cr S Payne		Town Ward
Cr L McIntyre		Town Ward
Cr R Padgurskis		Town Ward
Cr D Piercey, JP		Town Ward
Cr B Parker		Rural Ward

Shire Officers

Mr W M (Matthew) Scott	Chief Executive Officer
Mr R Meerman	Acting Director External Services
Mr M Walker	Director Asset Management
Mr T Sargent	Director External Services
Miss A McArthur	Administration Officer - Executive Services
Mr S McKenzie	Manager Council Enterprises
Mr P Clifton	Manager Development & Statutory Services
Mrs M Ammon	Manager Community Support

Members of the Public & Press

Mr K Hall	Item 7.1
Mr W Graham	Item 7.1
Mr R Smoker	Item 7.1
Mr L Western	Item 7.1
Ms T Castledine	Item 7.1
Mr M Ridgway	Item 7.1
Ms E Field	ABC Goldfields Esperance
Mr J Dietsch	Esperance Express

3. APOLOGIES & NOTIFICATION OF GRANTED LEAVE OF ABSENCE

Mr S Burge	Director Corporate Resources	Annual Leave
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4. DECLARATIONS OF INTERESTS:

4.1 Declarations of Financial Interests – Local Government Act Section 5.60a

Nil

4.2 Declarations of Proximity Interests – Local Government Act Section 5.60b

Nil

4.3 Declarations of Impartiality Interests – Admin Regulations Section 34c

Cr Brown declared an impartiality interest in item 7.1 as her cousin was mentioned in the tender documents.

Cr McIntyre declared an impartiality interest in item 7.1 as her former husband is mentioned in the tender documents.

5. PUBLIC QUESTION TIME

1. Mr W Graham

Mr Graham questioned why the Shire of Esperance is the only place in the world failing to protect their history.

Cr Brown questioned if Mr Graham had any evidence to support that the Shire of Esperance is the only place in the world failing to protect its history.

Mr Graham responded that he does not, it was a generalisation.

Cr Brown responded that the Jetty has been an ongoing issue for a very long time. In 2011 the outgoing Council decided that the Jetty needed to be removed and replaced. In 2015 the Council of the day had to make the difficult decision to close the Jetty rather than spend half a million to repair it for 6-18 months, followed by further expenditure to continue patching it up. Cr Brown explained that these decisions are extremely difficult, as Esperance has very few historic structures, but Council has to make these decisions with the best interest of the community as a whole. Cr Brown added that these decisions don't negate the huge emotional impact replacing the Jetty will have on the community. Cr Brown thanked Mr Graham for his question.

2. Mr R Smoker

Mr Smoker questioned for archival purposes the length of time it has taken to prepare a request for tender.

Mr Scott responded that H&H Architects prepared the tender documents as a part of their contract.

Mr Smoker asked for a starting point of when the documents would have been created.

Mr Scott responded that H&H Architects were appointed in March 2018, but did a lot of work leading up to the tender documentation being prepared. Mr Scott estimated that the tender documentation would have commenced in March 2019, but it was not finalised until the Shire was issued the section 64 permit in June 2019, the Request for Tender could then be completed and released in July 2019.

6. PURPOSE OF MEETING

ADJOURNMENT OF MEETING

Moved: Cr Payne
Seconded: Cr Piercey

S1019-201

That the meeting be adjourned until the new Council has been sworn in.

LOST
F2 – A7

*(Against Cr McIntyre, Cr Parker, Cr Brown,
Cr Bowman, Cr Padgurskis, Cr McMullen & Cr Parsons)*

Mr Hall, Mr Graham, Mr Smoker, Mr Western, Ms Castledine, Mr Ridgway, Mr McKenzie, Mr Clifton, Mrs Ammon, Ms Field & Mr Dietsch left the Chamber at 5.18pm.

Mr Western returned to the Chamber at 5.19pm

Mr Western left the Chamber at 5.19pm and did not return.

7. MATTERS BEHIND CLOSED DOORS

Moving behind closed doors

Moved: Cr Bowman
Seconded: Cr McMullen

S1019-202

That the meeting proceed behind closed doors in accordance with section 5.23(2) of the Local Government Act 1995, to consider the following items, which are considered confidential for the reasons indicated.

7.1 Request for Tender 0232-19 Construction Esperance Jetty Replacement

This report is considered confidential in accordance with the Local Government Act 1995, as it relates to 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 (Section 5.23(2)(c)).

**CARRIED
F9 - A0**

7.1 Request for Tender 0232-19 Construction Esperance Jetty Replacement

Officers Recommendation

That Council

1. Awards the Request for Tender 0232-19 Construction Esperance Jetty Replacement to Maritime Constructions Pty Ltd as per the lump price sum, subject to the appeal outcome from the Office of the Appeals Convenor; and
2. Approve a budget variation as follows:

Description		Budget Figure	Amended Figure	Variation
Tanker Jetty Replacement	W3140	\$6,000,000	\$6,800,000	\$800,000
Priority Projects Reserve		-	(\$800,000)	(\$800,000)
Net result				Nil

MOTION

Moved: Cr Piercey
Seconded: Cr Payne

That Council lay the matter on the table to allow time to see if the State Government will provide funding for the project.

AMENDMENT

Moved: Cr Payne

Seconded:

That Council lay the matter on the table to allow for discussions with the State Government regarding funding opportunities for the short fall of \$2.3 mil.

The amendment was approved by the mover and seconder of the motion, therefore the amendment became the substantive motion..

AMENDMENT

Moved: Cr Piercey

Seconded:

That Council replace the words *State Government* with *Minister for Regional Development*.

WITHDRAWN

The presiding member put the substantive motion and it was...

Moved: Cr Piercey

Seconded: Cr Payne

That Council lay the matter on the table to allow for discussions with the State Government regarding funding opportunities for the short fall of \$2.3 mil.

LOST

F2 – A7

*(Against Cr McIntyre, Cr Parker, Cr Brown,
Cr Bowman, Cr Padgurskis, Cr McMullen & Cr Parsons)*

Cr Payne left the Chamber at 5.57 and did not return.

MOTION

Moved: Cr Parsons

Seconded: Cr McMullen

S1019-203

Council Resolution

That Council

- 1. Awards the Request for Tender 0232-19 Construction Esperance Jetty Replacement to Maritime Constructions Pty Ltd as per the lump price sum; and**
- 2. Approve a budget variation as follows:**

Description		Budget Figure	Amended Figure	Variation
Tanker Jetty Replacement	W3140	\$6,000,000	\$6,800,000	\$800,000
Priority Projects Reserve		-	(\$800,000)	(\$800,000)
Net result				Nil

- 3. Enter into a legal contract with the contractor as soon as possible.**

CARRIED

F7 – A1

(Against Cr Piercey)

Reason: Council was advised that the appeal with the Office of the Appeal Convenor had been dismissed and Council wanted to contract entered into as soon as possible.

Cr Piercey left the Chamber at 5.58pm and did not return.

Coming from behind closed doors

Moved: Cr Bowman

Seconded: Cr McMullen

S1019-204

That the meeting come from behind closed doors.

**CARRIED
F6 - A0**

Mr Hall, Ms Field & Mr Dietsch returned to the Chamber at 5.59pm.

The Presiding Member read aloud the above Motions and Resolutions;

8. CLOSURE

The President declared the meeting closed at 6.02pm.

These Minutes were confirmed at a meeting held on _____

Signed _____

Presiding Member at the meeting at which the Minutes were confirmed.

Dated _____