

minutes

Special Meeting of Council

MEETING HELD ON **TUESDAY 3 MAY 2016**

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TABLE OF CONTENTS

| ITEM NO. | TITLE | PAGE NO. |
|--------------------|---|-----------------|
| | DECLARATION OF OPENING/ANNOUNCEMENT OF VISITORS | 1 |
| | DECLARATIONS OF INTEREST | 2 |
| | PUBLIC QUESTION TIME | 3 |
| | PUBLIC STATEMENT TIME | 3 |
| | APOLOGIES AND LEAVE OF ABSENCE | 3 |
| C17-05/16 | REQUEST FOR LEAVE OF ABSENCE – CR NIGE JONES - [105628] | 3 |
| | IDENTIFICATION OF MATTERS FOR WHICH THE MEETING MAY BE CLOSED TO THE PUBLIC | 3 |
| C18-05/16 | MOTION TO CLOSE MEETING TO MEMBERS OF THE PUBLIC – [02154, 08122] | 4 |
| | ITEM OF BUSINESS | 5 |
| JSC01-05/16 | CONFIDENTIAL - TENDERS 047/15 AND 008/16 - SUPPLY, INSTALLATION AND MAINTENANCE OF SORRENTO BEACH ENCLOSURE – [105712] | 5 |
| C19-05/16 | MOTION TO OPEN MEETING TO MEMBERS OF THE PUBLIC – [02154, 08122] | 7 |
| | CLOSURE | 8 |

CITY OF JOONDALUP

SPECIAL COUNCIL MEETING HELD IN THE COUNCIL CHAMBER, JOONDALUP CIVIC CENTRE, BOAS AVENUE, JOONDALUP ON TUESDAY 3 MAY 2016.

DECLARATION OF OPENING

The Mayor declared the meeting open at 7.44pm.

ANNOUNCEMENT OF VISITORS

Mayor:

TROY PICKARD

Councillors:

| | |
|-----------------------------|----------------------------------|
| CR KERRY HOLLYWOOD | North Ward |
| CR TOM McLEAN, JP | North Ward – <i>Deputy Mayor</i> |
| CR PHILIPPA TAYLOR | North Central Ward |
| CR NIGE JONES | North Central Ward |
| CR LIAM GOBBERT | Central Ward |
| CR RUSSELL POLIWKA | Central Ward |
| CR CHRISTINE HAMILTON-PRIME | South-West Ward |
| CR MIKE NORMAN | South-West Ward |
| CR JOHN CHESTER | South-East Ward |
| CR JOHN LOGAN | South-East Ward |
| CR SOPHIE DWYER | South Ward |

Officers:

| | |
|--------------------|---|
| MR GARRY HUNT | Chief Executive Officer |
| MR MIKE TIDY | Director Corporate Services |
| MS DALE PAGE | Director Planning and Community Development |
| MR NICO CLAASSEN | Director Infrastructure Services |
| MR MARK MCCRORY | Manager Marketing and Communications |
| MR JOHN BYRNE | Acting Manager Governance |
| MRS LESLEY TAYLOR | Acting Governance Coordinator |
| MRS DEBORAH GOUGES | Governance Officer |

There were no members of the public and no member of the press in attendance.

DECLARATIONS OF INTEREST

Disclosures of Financial Interest/Proximity Interest

Nil.

Disclosures of interest affecting impartiality

Elected Members (in accordance with Regulation 11 of the *Local Government [Rules of Conduct] Regulations 2007*) and employees (in accordance with the Code of Conduct) are required to declare any interest that may affect their impartiality in considering a matter. This declaration does not restrict any right to participate in or be present during the decision-making process. The Elected Member/employee is also encouraged to disclose the nature of the interest.

| | |
|---------------------------|--|
| Name/Position | Cr Sophie Dwyer. |
| Item No./Subject | JSC01-05/16 - Confidential Tenders 047/15 and 008/16 - Supply, Installation and Maintenance of Sorrento Beach Enclosure. |
| Nature of interest | Interest that may affect impartiality. |
| Extent of Interest | Cr Dwyer is a Member of Sorrento Surf Life Saving Club. |

| | |
|---------------------------|--|
| Name/Position | Mayor Troy Pickard. |
| Item No./Subject | JSC01-05/16 - Confidential Tenders 047/15 and 008/16 - Supply, Installation and Maintenance of Sorrento Beach Enclosure. |
| Nature of interest | Interest that may affect impartiality. |
| Extent of Interest | Mayor Pickard is Vice Patron of Sorrento Surf Life Saving Club. |

| | |
|---------------------------|--|
| Name/Position | Mr Garry Hunt, Chief Executive Officer. |
| Item No./Subject | JSC01-05/16 - Confidential Tenders 047/15 and 008/16 - Supply, Installation and Maintenance of Sorrento Beach Enclosure. |
| Nature of interest | Interest that may affect impartiality. |
| Extent of Interest | A relative of Mr Hunt is an employee of MP Rogers – Marine Engineers which is referred to by one of the Tenderers. |

PUBLIC QUESTION TIME

Nil.

PUBLIC STATEMENT TIME

Nil.

APOLOGIES AND LEAVE OF ABSENCE**Leave of Absence previously approved**

Cr Russ Fishwick, JP 26 April to 6 June 2016 inclusive.

C17-05/16 REQUEST FOR LEAVE OF ABSENCE – CR NIGE JONES - [105628]

Cr Nige Jones requested Leave of Absence from Council duties covering the period 7 June to 9 June 2016 inclusive.

MOVED Cr Logan, SECONDED Cr Norman that Council APPROVES the Request for Leave of Absence from Council Duties covering the following dates:

1 Cr Nige Jones 7 June to 9 June 2016 inclusive.

The Motion was Put and CARRIED (12/0)

In favour of the Motion: Mayor Pickard, Crs Chester, Dwyer, Gobbert, Hamilton-Prime, Hollywood, Jones, Logan, McLean, Norman, Poliwka and Taylor.

IDENTIFICATION OF MATTERS FOR WHICH THE MEETING MAY BE CLOSED TO THE PUBLIC

JSC01-05/16 - Confidential Tenders 047/15 and 008/16 - Supply, Installation and Maintenance of Sorrento Beach Enclosure.

**C18-05/16 MOTION TO CLOSE MEETING TO MEMBERS OF THE PUBLIC –
[02154, 08122]**

MOVED Cr Hamilton-Prime, SECONDED Cr Dwyer that Council:

- 1 in accordance with Section 5.23(2)(c) of the *Local Government Act 1995* and clause 5.2(2) of the City's *Meeting Procedures Local Law 2013*, RESOLVES to close the meeting to members of the public to consider the following item:
 - 1.1 JSC01-05/16 - Confidential Tenders 047/15 and 008/16 - Supply, Installation and Maintenance of Sorrento Beach Enclosure;****

- 2 PERMITS the following employees to remain in the Chamber during discussion on Item JSC01-05/16 - Confidential Tenders 047/15 and 008/16 - Supply, Installation and Maintenance of Sorrento Beach Enclosure while the meeting is sitting behind closed doors as detailed in Part 1.1 above:
 - 2.1 Chief Executive Officer, Mr Garry Hunt;**
 - 2.2 Director Corporate Services, Mr Mike Tidy;**
 - 2.3 Director Infrastructure Services, Mr Nico Claassen;**
 - 2.4 Director Planning and Community Development, Ms Dale Page;**
 - 2.5 Manager Marketing and Communications, Mr Mark McCrory;**
 - 2.6 Acting Manager Governance, Mr John Byrne;**
 - 2.7 Acting Governance Coordinator, Mrs Lesley Taylor;**
 - 2.8 Governance Officer, Mrs Deborah Gouges.****

The Motion was Put and

CARRIED (12/0)

In favour of the Motion: Mayor Pickard, Crs Chester, Dwyer, Gobbert, Hamilton-Prime, Hollywood, Jones, Logan, McLean, Norman, Poliwka and Taylor.

Members of the staff (with the exception of the Chief Executive Officer, Director Corporate Services, Director Infrastructure Services, Director Planning and Community Development, Manager Marketing and Communications, Acting Manager Governance, Acting Governance Coordinator and Governance Officer) left the Chamber at this point; the time being 7.49pm.

ITEM OF BUSINESS**Disclosures of interest affecting impartiality**

| | |
|---------------------------|--|
| Name/Position | Cr Sophie Dwyer. |
| Item No./Subject | JSC01-05/16 - Confidential Tenders 047/15 and 008/16 - Supply, Installation and Maintenance of Sorrento Beach Enclosure. |
| Nature of interest | Interest that may affect impartiality. |
| Extent of Interest | Cr Dwyer is a Member of Sorrento Surf Life Saving Club. |

| | |
|---------------------------|--|
| Name/Position | Mayor Troy Pickard. |
| Item No./Subject | JSC01-05/16 - Confidential Tenders 047/15 and 008/16 - Supply, Installation and Maintenance of Sorrento Beach Enclosure. |
| Nature of interest | Interest that may affect impartiality. |
| Extent of Interest | Mayor Pickard is Vice Patron of Sorrento Surf Life Saving Club. |

| | |
|---------------------------|--|
| Name/Position | Mr Garry Hunt, Chief Executive Officer. |
| Item No./Subject | JSC01-05/16 - Confidential Tenders 047/15 and 008/16 - Supply, Installation and Maintenance of Sorrento Beach Enclosure. |
| Nature of interest | Interest that may affect impartiality. |
| Extent of Interest | A relative of Mr Hunt is an employee of MP Rogers – Marine Engineers which is referred to by one of the Tenderers. |

**JSC01-05/16 CONFIDENTIAL - TENDERS 047/15 AND 008/16 -
SUPPLY, INSTALLATION AND MAINTENANCE OF
SORRENTO BEACH ENCLOSURE**

| | |
|-------------------------------|--|
| WARD | South-West |
| RESPONSIBLE DIRECTOR | Mr Mike Tidy Corporate Services |
| FILE NUMBER | 105712, 101515 |
| ATTACHMENT | Attachment 1 Sorrento Beach Enclosure – general arrangement Attachment 2 Summary of Tender Submissions <i>(Please Note: The Report and Attachments are confidential and will appear in the official Minute Book only)</i> |
| AUTHORITY / DISCRETION | Executive - The substantial direction setting and oversight role of Council, such as adopting plans and reports, accepting tenders, directing operations, setting and amending budgets. |

This Report is confidential in accordance with section 5.23(2)(c) of the *Local Government Act 1995*, which also permits the meeting to be closed to the public for business relating to the following:

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.

A full report was provided to Elected Members under separate cover. The report is not for publication.

MOVED Cr McLean, SECONDED Cr Norman that Council:

- 1 DECLINES all tenders submitted for the supply, installation and maintenance of Sorrento Beach enclosure as specified in Tender 047/15;
- 2 ACCEPTS the tender submitted by Global Marine Enclosures Pty Ltd for the supply, installation and maintenance of Sorrento Beach enclosure (enclosure Option 3) as specified in Tender 008/16 for the fixed lump sum of \$668,684 (GST exclusive) subject to:
 - 2.1 the City obtaining a grant of \$400,000 from the State Government for the capital costs;
 - 2.2 the City obtaining any necessary statutory approvals.

The Motion was Put and

LOST (4/8)

In favour of the Motion: Crs Chester, Dwyer, Gobbert and McLean.

Against the Motion: Mayor Pickard, Crs Hamilton-Prime, Hollywood, Jones, Logan, Norman, Poliwka and Taylor.

MOVED Cr Logan, SECONDED Cr Hamilton-Prime that Council:

- 1 **DECLINES all tenders submitted for the supply, installation and maintenance of Sorrento Beach enclosure as specified in Tender 047/15;**
- 2 **ACCEPTS the tender submitted by Eco Shark Barrier Pty Ltd for the supply, installation and maintenance of Sorrento Beach enclosure (enclosure Option 3) as specified in Tender 008/16 for the fixed lump sum of \$910,000 (GST exclusive) subject to:**
 - 2.1 **the City obtaining a grant of \$400,000 from the State Government for the capital costs;**
 - 2.2 **the City obtaining any necessary statutory approvals.**

The Motion was Put and

CARRIED (10/2)

In favour of the Motion: Mayor Pickard, Crs Chester, Dwyer, Gobbert, Hamilton-Prime, Hollywood, Logan, McLean, Norman and Taylor.

Against the Motion: Crs Jones and Poliwka.

REASON

In accordance with Regulation 11(da) of the *Local Government (Administration) Regulations 1996*, the reason Council made its decision which was significantly different to what the administration recommended is because Eco Shark Barrier Pty Ltd has a longer history of product installation.

C19-05/16

**MOTION TO OPEN MEETING TO MEMBERS OF THE PUBLIC –
[02154, 08122]**

MOVED Cr Gobbert, **SECONDED** Cr McLean that in accordance with clause 5.2(3)(b) of the *City of Joondalup Meeting Procedures Local Law 2013*, the Special Council meeting be REOPENED TO THE PUBLIC.

The Motion was Put and

CARRIED (12/0)

In favour of the Motion: Mayor Pickard, Crs Chester, Dwyer, Gobbert, Hamilton-Prime, Hollywood, Jones, Logan, McLean, Norman, Poliwka and Taylor.

Doors opened at 8.35pm.

No members of the public or press were present.

In accordance with the Clause 5.2(6)(a) of the City's *Meeting Procedures Local Law 2013*, Mayor Pickard read aloud the motion in relation to:

JSC01-05/16

Confidential Tenders 047/15 and 008/16 - Supply, Installation and Maintenance of Sorrento Beach Enclosure.

CLOSURE

There being no further business, the Mayor declared the Meeting closed at 8.36pm the following Elected Members being present at that time:

MAYOR TROY PICKARD
CR KERRY HOLLYWOOD
CR TOM MCLEAN, JP
CR PHILIPPA TAYLOR
CR NIGE JONES
CR LIAM GOBBERT
CR RUSSELL POLIWKA
CR CHRISTINE HAMILTON-PRIME
CR MIKE NORMAN
CR JOHN CHESTER
CR JOHN LOGAN
CR SOPHIE DWYER