

9. Matters Behind Closed Doors**Moving Behind Closed Doors****Moved: Cr. Burgoyne Seconded: Cr. Campbell****That Council moves behind closed doors.****Carried 10-0****23/211****Votes:**

For: Cr. Gillett, Cr. Campbell, Cr. Coleman, Cr. Dickinson, Cr. Bromham, Cr. Beech, Cr. Burgoyne, Cr. Boylan, Cr. Krispyn and Cr. Jackson.

Against: Nil.

Council moved behind closed doors at 4.03pm.

**9.1. T012023 – Stage 1 Redevelopment Yarloop Steam Workshops Interpretation Centre
Recommence and Completion of Construction Project**

Reason for Confidentiality as per *Local Government Act 1995*:

s.5.23(2)(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.”

s.5.23(2)(e)(iii): “a matter that if disclosed, would reveal information about the business, professional, commercial or financial affairs of a person, where the trade secret or information is held by, or is about, a person other than the local government.

Item No.:	9.1
Subject:	T012023 – Stage 1 Redevelopment Yarloop Steam Workshops Interpretation Centre Recommence and Completion of Construction Project
Proponent:	Shire of Harvey
Location:	Shire of Harvey
Reporting Officer:	Chief Executive Officer
Authorising Officer:	Chief Executive Officer
File No.:	11163160
Attachments:	Nil.

Summary

The Administration requires direction from Council regarding the scope of work and revised budget requirements for Tender T012023 – Stage 1 Redevelopment Yarloop Steam Workshops Interpretation Centre Recommence and Completion of Construction Project and seeks to reaffirm Council’s position on the Tender and Project given the extreme risk rating.

Voting Requirements

Simple Majority

Procedural Motion

Cr. Gillett put forth the following:

That Council suspends Standing Orders to allow consideration of this report.

Moved: Cr. Gillett

Seconded: Cr. Dickinson

That Council suspends Standing Orders to allow consideration of this report.

Carried 10-0

23/212

Votes:

For: Cr. Gillett, Cr. Campbell, Cr. Coleman, Cr. Dickinson, Cr. Bromham, Cr. Beech, Cr. Burgoyne, Cr. Boylan, Cr. Krispyn and Cr. Jackson.

Against: Nil.

Cr. Jackson left the Chamber at 4.41pm.

Procedural Motion

Cr. Gillett put forth the following:

That Council reinstates Standing Orders.

Moved: Cr. Gillett

Seconded: Cr. Burgoyne

That Council reinstates Standing Orders.

Carried 9-0

23/213

Votes:

For: Cr. Gillett, Cr. Campbell, Cr. Coleman, Cr. Dickinson, Cr. Bromham, Cr. Beech, Cr. Burgoyne, Cr. Boylan and Cr. Krispyn.

Against: Nil.

Revocation Motion

That Council revokes Council Resolution made at its Ordinary Council Meeting held 26 September 2023:

“That Council:

- 1. Awards Tender T012023 for the Stage 1 (Parts 1 and 2) Redevelopment: Yarloop Workshops Interpretation Centre: Recommence and Completion of Construction Project to Pennant Construction Pty Ltd in the amount of \$5,139,432 (excluding GST).*
- 2. Authorises the Chief Executive Officer to prepare and sign the required contract documentation.*
- 3. Give Local Public Notice of its intention to alter the purpose of the Yarloop Heritage Precinct Reserve and the Alcoa – Yarloop Townscape Reserve to include Funding of Yarloop Workshops and Men’s Shed Construction.*
- 4. Authorises unbudgeted expenditure from the following Reserve Funds to fund the material over*

expenditure of account number 116316 – Yarloop Workshops and Men’s Shed Construction.

- *Yarloop Heritage Precinct Reserve* \$ 73,719
- *Alcoa – Yarloop Townscape Reserve* \$ 312,754
- *Recreation Facilities Reserve* \$ 117,814
- *Building Reserve Major Maintenance* \$ 459,211

5. *Requests that the Chief Executive Officer assess the performance of Pennant Construction Pty Ltd and bring to the Council regular reports on the continuation of the Project with Pennant Construction Pty Ltd."*

Reason: To fund the shortfall of this Project, the Shire would need to utilise several Shire Reserves, as discussed within the Budget Implications paragraph below; which could be considered fiscally irresponsible. It is noted that Alcoa has been engaged by Officers regarding the potential to provide contributing funding, however this is yet to be confirmed.

The following members have signed the valid notice and revocation motion:

Cr. Paul Gillett
 Cr. John Bromham
 Cr. Michelle Campbell
 Cr. Wendy Dickinson
 Cr. Robyn Coleman

BY ABSOLUTE MAJORITY

Moved: Cr. Bromham Seconded: Cr. Beech

That Council revokes Council Resolution made at its Ordinary Council Meeting held 26 September 2023:

“That Council:

1. ***Awards Tender T012023 for the Stage 1 (Parts 1 and 2) Redevelopment: Yarloop Workshops Interpretation Centre: Recommence and Completion of Construction Project to Pennant Construction Pty Ltd in the amount of \$5,139,432 (excluding GST).***
2. ***Authorises the Chief Executive Officer to prepare and sign the required contract documentation.***
3. ***Give Local Public Notice of its intention to alter the purpose of the Yarloop Heritage Precinct Reserve and the Alcoa – Yarloop Townscape Reserve to include Funding of Yarloop Workshops and Men’s Shed Construction.***
4. ***Authorises unbudgeted expenditure from the following Reserve Funds to fund the material over expenditure of account number 116316 – Yarloop Workshops and Men’s Shed Construction.***

- *Yarloop Heritage Precinct Reserve* \$ 73,719
- *Alcoa – Yarloop Townscape Reserve* \$ 312,754
- *Recreation Facilities Reserve* \$ 117,814

- **Building Reserve Major Maintenance** **\$ 459,211**

5. Requests that the Chief Executive Officer assess the performance of Pennant Construction Pty Ltd and bring to the Council regular reports on the continuation of the Project with Pennant Construction Pty Ltd."

Reason: To fund the shortfall of this Project, the Shire would need to utilise several Shire Reserves, as discussed within the Budget Implications paragraph below; which could be considered fiscally irresponsible. It is noted that Alcoa has been engaged by Officers regarding the potential to provide contributing funding, however this is yet to be confirmed.

The following members have signed the valid notice and revocation motion:

Cr. Paul Gillett
Cr. John Bromham
Cr. Michelle Campbell
Cr. Wendy Dickinson
Cr. Robyn Coleman

Carried by Absolute Majority 9-0

23/214

Votes:

For: Cr. Gillett, Cr. Campbell, Cr. Coleman, Cr. Dickinson, Cr. Bromham, Cr. Beech, Cr. Burgoyne, Cr. Boylan and Cr. Krispyn.

Against: Nil.

Officer's Recommendation

Moved: Cr. Gillett

Seconded: Cr. Bromham

Amendment

Cr. Gillett put forth the following amendment to the Officers Recommendation to include an additional clause:

3. Requests the Chief Executive Officer engage suitably qualified a contractor to secure and isolate the unfinished structures and prevent further degradation to the project. If and to the extent that the Chief Executive Officer exercises this authorisation, the Chief Executive Officer is exceptionally authorised to depart from the requirements of the Shire's Purchasing Policy, Policy 2.2.11, clause 6.1.3 for expenditure thresholds under \$250,000, where, by documented assessment, it is considered that the public interest in the momentum of preventing further loss in terms of degradation to the site outweighs the desirability of multiple competitive quotes.

Moved: Cr. Gillett

Seconded: Cr. Beech

Carried 9-0

23/215

Votes:

For: Cr. Gillett, Cr. Campbell, Cr. Coleman, Cr. Dickinson, Cr. Bromham, Cr. Beech, Cr. Burgoyne, Cr. Boylan and Cr. Krispyn.

Against: Nil.

Substantive Motion**Moved: Cr. Gillett****Seconded: Cr. Bromham****That Council:**

1. **Does not award Tender T012023 for the Stage 1 Redevelopment: Yarloop Workshops Interpretation Centre: Recommence and Completion of Construction Project to Pennant Construction Pty Ltd.**
2. **In accordance with Local Government (Function and General Regulation) 1996 Regulation 11(c)(i) authorises the Chief Executive Officer to engage in negotiations with alternative contractors on parts or all the Project.**
3. **Requests the Chief Executive Officer engage suitably qualified contractor to secure and isolate the unfinished structures and prevent further degradation to the project. If and to the extent that the Chief Executive Officer exercises this authorisation, the Chief Executive Officer is exceptionally authorised to depart from the requirements of the Shire's Purchasing Policy, Policy 2.2.11, clause 6.1.3 for expenditure thresholds under \$250,000, where, by documented assessment, it is considered that the public interest in the momentum of preventing further loss in terms of degradation to the site outweighs the desirability of multiple competitive quotes.**
4. **Requests the Chief Executive Officer investigate the alternative Project options to reduce the overall project cost and bring a further report to Council in relation to the Project options including alternative costings from suitably qualified contractors.**

Carried 9-0**23/216****Votes:**

For: Cr. Gillett, Cr. Campbell, Cr. Coleman, Cr. Dickinson, Cr. Bromham, Cr. Beech, Cr. Burgoyne, Cr. Boylan and Cr. Krispyn.

Against: Nil.

Returning from Behind Closed Doors**Moved: Cr. Burgoyne****Seconded: Cr. Dickinson****That Council return from behind closed doors.****Carried 9-0****23/217****Votes:**

For: Cr. Gillett, Cr. Campbell, Cr. Coleman, Cr. Dickinson, Cr. Bromham, Cr. Beech, Cr. Burgoyne, Cr. Boylan and Cr. Krispyn.

Against: Nil.

Council returned from behind closed doors at 4.53pm

10. Closure of Meeting

There being no further business to discuss, the meeting was declared closed at 4.53pm.

I, Cr. Paul Gillett, certify that the aforesaid Minutes of the meeting held Tuesday, 5 October 2023, are a true and correct record of that meeting on Tuesday, 5 October 2023.

Cr. Paul Gillett
Shire President