



CITY OF BAYSWATER

MINUTES

OF THE

SPECIAL MEETING

OF COUNCIL

7 September 2005

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CITY OF BAYSWATER

Minutes of the Special of the Bayswater City Council which took place in the Council Chambers, City of Bayswater Administration Centre, 61 Broun Avenue, Morley on Wednesday, 7 September 2005.

MINUTES

1 OFFICIAL OPENING

The Chairperson, His Worship the Mayor Cr Kenyon, JP welcomed those in attendance and declared the meeting open for the special business of Council at 7.17 pm.

**2 RECORD OF ATTENDANCE, APOLOGIES, LEAVE OF ABSENCE
(PREVIOUSLY APPROVED)**

West Ward

Cr Terry Kenyon JP, Mayor Chairperson
Cr Alan Radford
Cr Marlene Robinson

North Ward

Cr Ian McClelland JP, Deputy Mayor
Cr Lou Magro
Cr Graham Pittaway, OAM

Central Ward

Cr Barry McKenna
Cr Victor Rosenberg departed at 9.40pm
Cr Michael Sabatino

South Ward

Cr Terry Gaunt
Cr Sonia Turkington

Officers

Mr Mario J. Carosella	Chief Executive Officer
Mr Bob Jarvis	Director of Administration and Community Services
Mr Ted Budzinski	Director of Finance
Mr George Rimpas	A/Director of Technical Services
Ms Francesca Lefante	Director of Planning and Development Services
Mr James Riley	Principal Environmental Health Officer (<i>departed at 9.38pm</i>)

Apologies

Nil.

Leave of Absence

Nil.

Observers

Nil Press	
1 Deputation	Mr Mark Wilson from T & Z Architects (<i>departed at 9.38pm</i>)
2 Public	

3 PUBLIC QUESTION TIME

In accordance with Section 5.24 of the *Local Government Act 1995*, time is allocated for questions to be raised by members of the public.

The following question was submitted in writing: (Questions reproduced as written)
--

1 Maureen Green, Bayswater City Residents Association

Reference Item 12.1 Amphitheatre – Precinct 9
Has an ablution block been included in the plans?

His Worship the Mayor, Cr Terry Kenyon, JP, advised at present an ablution block has not been included. A written response to this question will be provided.

A copy of the written questions and Council's written response is at **Appendix 1**.

The following question was asked verbally:

2 Tony Green, Bayswater City Residents Association

The public notice placed in last week's paper advised that the Agenda for this meeting will be available on the website and in the libraries by Monday, however the Agenda was not available until late Tuesday on the City's website. Can this be explained?

His Worship the Mayor, Cr Terry Kenyon, JP, requested the Chief Executive officer respond to this question.

The Chief Executive Office, Mr Mario Carosella, apologised for this inconvenience and advised that in future he will ensure that all Council Agendas are made available to the public as required. It is only in the instance when technical fault occurs that an Agenda may be posted late. This matter will be investigated and a written response supplied.

A copy of the Council's written response is at Appendix 2.

4 APPLICATIONS FOR LEAVE OF ABSENCE

4.1 Applicant: Cr Barry McKenna
File: 16.1

Cr Barry McKenna requested leave of absence on the 12 September 2005.

4.2 Applicant: Cr Ian McClelland, JP
File: 16.1

Cr Ian McClelland, JP requested leave of absence on the 21 to 24 September 2005 inclusive.

COUNCIL RESOLUTION

CR MARLENE ROBINSON MOVED , CR SONIA TURKINGTON SECONDED that Leave of Absence be granted as follows:

**Cr Barry McKenna on the 12 September 2005; and
Cr Ian McClelland, JP on the 21 to 24 September 2005 inclusive.**

CARRIED

5 CONFIRMATION OF MINUTES

Nil.

6 DECLARATIONS OF INTEREST

In accordance with Section 5.65 of the *Local Government Act 1995*:

A member who has an interest in any matter to be discussed at a Council or Committee meeting that will be attended by the member must disclose the nature of the interest -

- (a) in a written notice given to the CEO before the meeting; or
- (b) at the meeting immediately before the matter is discussed.

Nil.

7 URGENT BUSINESS

Nil.

8 PETITIONS

Nil.

9 DEPUTATIONS**9.1 Whittock Street Aged Care Hostel - Appointment of Builder and Program of Construction**

Location: Lot 69 No 4 Whittock Street, Embleton
File No: WHI-29/4

Mr Mark Wilson from T & Z Architects was in attendance at 9.06 pm in respect to item 10.1.

SUSPENSION OF STANDING ORDERS

At 7:30pm, CR IAN MCCLELLAND, JP MOVED, CR SONIA TURKINGTON SECONDED that Standing Orders be suspended.

CARRIED

COUNCIL RESOLUTION

CR IAN MCCLELLAND, JP, MOVED, CR GRAHAM PITTAWAY, OAM, SECONDED that confidential items 10.1, 15.2, 15.3 and 15.4 be dealt with behind closed doors at the end of the meeting.

CARRIED

10 AGED CARE

This item was dealt with follow item 15.1

10.1 Whittock Street Aged Care Hostel - Appointment of Builder and Program of Construction

Location: Lot 69 No 4 Whittock Street, Embleton
File No: WHI-29/4
Officer: Director of Planning and Development Services and Project Manager
Refer: Item 7.1 Special Council Meeting 13.01.05
Item 7.1 Special Council Meeting 13.04.05

CONFIDENTIAL ITEM

Application

To consider the appointment of a Builder and discuss the progress of construction for the Whittock Street, Aged Care Hostel.

In accordance with Section 5.23(2) of the *Local Government Act 1995*, the meeting is closed to members of the public for this item as the following sub-section applied:

- (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.

COUNCIL RESOLUTION**(OFFICER RECOMMENDATION)**

CR GRAHAM PITTAWAY, OAM, MOVED, CR ALAN RADFORD SECONDED the Officer recommendation:

That:

- 1. Council accepts the Tender provided by Keywest Construction Group to design and construct a 70 bed Aged Care Facility at Lot 69 No 4 Whittock Street, Embleton for a price of \$7,387,564.40 (inclusive of GST) and authorises the Mayor and Chief Executive Officer to finalise and sign the contract.**
- 2. A Design Contingency of 5% (and or minus) of the tender price (being \$370,000.00) be allocated to the project for consideration during the design development phase.**
- 3. A building contingency of 5% of the tender price (being \$370,000.00) be allocated to the project for matters that arise during the course of construction.**
- 4. Loose furniture, equipment and appliances, not included in the building tender, be acquired using Contract GST funds (being \$667,960.40).**

5. **A Project Control Group, in relation to the contract to “Design and Construct” the 70 Bed Aged Care Hostel at Lot 69 Whittock Street, Embleton, be established with delegated authority to:-**
 - a) **Oversee the project, make decisions on design aspects and resolve construction matters;**
 - b) **Authorise the expenditure of the contingencies funds (\$740,000) and the purchase of loose furniture using the contract GST funds (\$667,940.40);**
 - c) **Report periodically to the Council on the status of the project; and**
 - d) **The Project Control Group comprises the following:-**
 - (i) **Mayor, Terry Kenyon;**
 - (ii) **Deputy Mayor, Ian McClelland;**
 - (iii) **Chief Executive Officer – Mario Carosella ;**
 - (iv) **Director of Planning and Development Services - Francesca Lefante;**
 - (v) **Project Manager / Project Superintendent– Stuart Johnson;**
 - (vi) **T & Z Architects representative; and**
 - (vii) **Chief Executive Officer – Uniting Church Homes or his representative.**
6. **A Project Working Group be established to deal with the day to day coordination of the contract to design and construct the 70 Bed Aged Care Hostel at Lot 69 Whittock Street, Embleton, which will comprise the Director Planning and Development Services, the Project Manager/Project Superintendent and other technical Council Officers as required.**
7. **Where required in respect of urgent and unforeseen matters in order to progress the development in a timely manner the Chief Executive Officer and Director of Planning and Development Services be delegated authority to expend funds from the contingencies, up to an individual amount of \$10,000, and report back to the Project Control Group as appropriate.**
8. **The City’s Project Manager, Stuart Johnson, be nominated as the Project Superintendent.**
9. **The respective roles of the City’s architects, T & Z, and the City itself as contained in Attachment No 3 be noted.**
10. **Homeswest be advised of the status of the project and the awarding of the “Design and Construct” Tender.**

CARRIED UNANIMOUSLY WITH AN ABSOLUTE MAJORITY

11 NORANDA REGIONAL RECREATION COMPLEX

Nil.

This item was dealt with as the first item of business.

12 FORESHORE STUDY

12.1 Amphitheatre - Precinct 9

Location: Riverside Gardens East
File No: PF-140/04
Officer: Director of Planning and Development Services
Refer: Item 12.4.10 Council 25.01.2005
Item 12.4.6 Council 22.02.2005

Application

To consider the range and scale of activities the proposed amphitheatre and surrounding parklands will be used for, to enable the project Architect to finalise the concept plans.

Background

Council at its meeting on 22 February, 2005:-

1. *Endorsed the following design parameters for the proposed amphitheatre.*
 - a) *Raised paved area with an approximate floor area of 150-200m². The stage area should have a shade sail or similar type of cover.*
 - b) *The stage cover should provide shade and possible weather protection (i.e. impermeable material), while enhancing the stage area and providing visually attractive focal point.*
 - c) *Three phase power is to be made available at the site.*
 - d) *The design shall also provide for further trees and landscaping to be provided at the facility*
 - e) *The materials and colours used are to complement the surrounding environment*
2. *Authorised the Director of Planning and Development Services to call quotes and appoint an Architect to undertake the concept design.*

In accordance with the Council resolution the City appointed Matthews Architecture/Newforms Landscape Architecture.

At the Council Workshop on Saturday 27 August, 2005 the Architect gave a presentation on the preliminary site analysis and concept plan. During this presentation the Architect sought feedback from the Council on the range and scale of activities and events the amphitheatre and associated parkland could be used for and sought direction from the Council. The suggestions put forward by the Architect in their presentation included:-

- Performances
- Outdoor cinema
- Craft workshops
- Community gatherings
- Marathon Finish line

- Avon Descent Podium Presentations
- Carols by Candlelight
- Weddings
- Yoga / Aerobics / Tai Chi

Comment

The Architects are continuing to develop the concept plans in line with the discussions at the workshop, however in order to finalise the design they require direction from Council in terms of the range and scale of activities and events that the facility should cater for.

Once the concept plans and associated investigation have been finalised the project will be referred to Council for consideration, approval of the design and direction on implementation and funding.

All uses proposed by the Architect are considered desirable for the proposed amphitheatre and consistent with the recreational use of the area. With regard to scale and frequency, given the location of the amphitheatre the Council could use it for a wide range of community activities and events, subject to compliance with noise regulations.

Officer's Recommendation

That:

1. Council consideration be given to the type and scale of activities and events at the amphitheatre including:
 - Performances – for up to
 - Outdoor cinema
 - Craft workshops
 - Community gatherings
 - Marathon finish line
 - Avon Descent podium presentations
 - Carols by Candlelight
 - Weddings
 - Yoga/ Aerobics/ Tai Chi
2. Matthews Architecture be advised of Council's decision.

LAPSED

Council considered this item and changed the Officer recommendation to provide direction to the Architects on the range and scale of activities that should be incorporated into the Amphitheatre concept plan. The further consideration of the proposal will occur once the final concept plan is received.

COUNCIL RESOLUTION

CR IAN MCCLELLAND, JP, MOVED, CR ALAN RADFORD SECONDED that:

That:

- 1. Council consideration be given to the type and scale of activities and events at the amphitheatre including:**
 - **Performances – for up to 2000 people**
 - **Outdoor cinema**
 - **Craft workshops**
 - **Community gatherings**
 - **Marathon finish line**
 - **Avon Descent podium presentations**
 - **Carols by Candlelight**
 - **Weddings**
 - **Yoga/ Aerobics/ Tai Chi / Dance**

- 2. Matthews Architecture be advised of Council’s decision and that the following design aspects be included in concept design for further consideration:-**
 - a) Options for the amphitheatre to have a dance floor in front of the stage; and**
 - b) The stage should be big enough to accommodate the WA Symphony Orchestra.**

CARRIED

13 MAYLANDS MULTIPURPOSE CENTRE

Nil.

14 ADMINISTRATION CENTRE UPGRADE

Nil.

15 GENERAL BUSINESS

This item was dealt with following item 10.1.

15.1 Tranby Foreshore Restoration Design - Public Consultation

Location: Tranby Foreshore
Attachments: A3 Minimised Landscaping Plan
File No: PF/100
Applicant: Syrinx Environmental Pty Ltd
Officer: A/Director of Technical Services
Refer: Item 13.1.5 OMC 23.08.05

Application

Syrinx Environmental Pty Ltd is re-seeking Council's approval to hold a public workshop and use various tools of public consultation to provide stakeholders with an opportunity to have involvement in the Tranby Foreshore Restoration Design Plan.

Background

At the Council Meeting held on 23 August 2005, Council resolved:

"That the Tranby Foreshore Restoration Design - Public Consultation item be referred to a Special Meeting of Council for further consideration."

History Tranby Foreshore Restoration Design

Over the past two years, the City of Bayswater completed an erosion control design on the Tranby Foreshore area. Liaison was closely conducted with the Swan River Trust (SRT), who appeared to favour the design, however on the eleventh hour of the project; major changes to the proposed design were put upon the City.

Cr Magro and Council Officers met with the Swan River Trust and the Hon. Minister for the Environment, Judy Edwards, MLA to discuss the required changes to the project. The outcome of the meeting was that the Swan River Trust did not have the 'in house knowledge' for design of the project and the appointment of a consultant was required to continue the project. At the Ordinary Meeting of Council held on 26 October 2004, Council resolved:

"That:

- 1. Council supports the engagement of the most advantageous tenderer, Syrinx Environmental Pty Ltd, for the design and approval process for the restoration of the Maylands foreshore between Bath Street and the Maylands Boat Yard.*
- 2. That 50% funding of \$13,750 be approved from the City's current budget allocation of \$30,000 for the engagement of Syrinx Environmental Pty Ltd to carry out this project design and approval process."*

Application for permission to seek public comment of the Tranby Restoration Project Design

At the Ordinary Meeting of Council held on 24 May 2005 Council considered Syrinx Environmental Pty Ltd application to seek permission to use tools of public consultation, to provide an opportunity for various stakeholders of the Tranby Foreshore to participate and comment on the restoration design process. Council resolved:

“That Syrinx Environmental Pty Ltd is invited to make a deputation to the special Council Meeting in May with concepts and costings.”

Unfortunately, the consultant from Syrinx Environmental Pty Ltd was in Melbourne on business during the Special Council Meeting and therefore Council Officers received permission from His Worship the Mayor, Cr Terry Kenyon, to reschedule the meeting to 8 June 2005.

Presentation conducted by Syrinx Environmental Pty Ltd at Bayswater Reception area 8 June 2005

The presentation held by Syrinx Environmental Pty Ltd included environmental issues, design objectives, proposed costs and the steps which follow after public consultation.

Environmental Issues

The key environmental issue at Tranby Foreshore is the erosion which is occurring on the riverbank edge. The major cause of erosion at the site was identified as loss of vegetation, water run-off and uncontrolled traffic across the foreshore, which resulted in severely steep and unstable slopes. As a result of this:

- There are potential contamination issues i.e.
- The site is poorly used by the community;
- Weed proliferation;
- Poor habitat values; and
- There is a significant public safety issue.

Design Objectives.

The brief for the restoration design project was to develop a foreshore restoration plan for Tranby Foreshore including a revegetation and implementation plan. Syrinx Environmental Pty Ltd has identified the following design objectives for the project.

- To utilise restoration techniques that enhance habitat value
- To utilise local indigenous species in all revegetation works
- To enhance values consistent with the protection of environmental values
- To minimise public safety hazard and enhance public amenity values
- To include the involvement of the community and key stakeholders.

Second application by Syrinx Environmental Pty Ltd for permission to seek public comment of the Tranby Foreshore Restoration Project Design

At the Ordinary Meeting of Council held on 28 June 2005 Council considered Syrinx's re-application to seek permission to use tools of public consultation, to provide an opportunity for various stakeholders of the Tranby Foreshore to participate and comment on the restoration design process. Council resolved:

“That Syrinx Environmental Pty Ltd be advised to prepare a minimised design plan for the Tranby Foreshore Restoration Project with emphasis on the erosion of the cliffs in front of Tranby Foreshore for Council’s further consideration.”

Third Application by Syrinx Environmental of Minimised Design Plan and Proposed Costs

On 4 August 2005 Syrinx Environmental Pty Ltd presented a minimised landscaping plan for the Tranby foreshore area (see attachment). The cost of implementing the minimised landscaping plan is currently estimated to be at \$630,000. It should be noted that the costs are an estimate only and a more accurate figure will be formulated on receipt of the final engineering drawing and specifications.

Included in this concept plan is information on what the basic concept design is which is included in the \$630,000. Additional considerations are included in the concept plan. These additional considerations are included to explain why some aspects of design are included and what potential the site has for further development by the City at a later time.

Actions Required to Complete Project

1. Community and Stakeholder consultation;
2. Presentation of final concept plan, implementation plan and revegetation plan;
3. Authorisation and funding allocation by Council;
4. Application for funding under the Swan River Trust Riverbank program;
5. Site investigation and detailed design;
6. Application for development approval from the Swan River Trust; and
7. Staged implementation

Key Points of the Public Consultation Phase

- Media Release
A media release and newspaper advertisement will be issued by Syrinx Environmental Pty Ltd to provide the community with background information on the proposed restoration site and the process of consultation.
- Community Workshop
A facilitated community public workshop will be held on site which will be open to the public. The meeting will discuss issues, present the draft design concept and capture comments from the community regarding the restoration of Tranby Foreshore. It will also inform stakeholders on the requirements of funding by Riverbank for the project and anticipated timelines.
- Individual Stakeholder Workshop
Syrinx Environmental Pty Ltd will conduct an individual workshop for the North Urban Catchment Group, Tranby House Management Authority and Council.
- Indigenous Consultation
Syrinx Environmental Pty Ltd will conduct the preliminary indigenous consultation with Council Officers. The meeting will involve a walk and talk of the restoration site followed by an opportunity for the aboriginal elders to make comment on the preliminary design. The meeting will help to foster indigenous values and endorsement for the project.

The Swan River Trust currently have an agreement with most key indigenous stakeholders that preliminary discussions on the Swan River Trust Projects will not attract a consultation fee. Syrinx Environmental will request that the Swan River Trust seek the same approval for this phase of the project and if the Swan River Trust cannot obtain this same arrangement, Syrinx Environmental Pty Ltd estimates that the City would need to allocate a total consultation fee of \$2000 to \$4000. This cost could be sourced from the Tranby Foreshore Restoration budget. Further indigenous consultation may be required on completion of the design to conclude the indigenous consultation approval process.

- Letter to Residents

A letter will be sent to all residents adjacent to the foreshore formally inviting them to participate in the consultation. Additionally, the following key stakeholders will be invited to participate in the consultation.

- Indigenous Community
- Park Users
- Tranby House Management Authority
- Local Business
- Bike West
- Neighbouring Councils
- Local Environmental Community Groups
- Minister for the Environment
- Local Residents
- City of Bayswater
- North Metropolitan Catchment Group
- WA Police
- Rec Fish West
- Local Historical Societies
- Recreational Groups
- Federal and Commonwealth representatives for the area.

The letter will be prepared by Syrinx Environmental Pty Ltd and will be forwarded by Council's Environmental Health staff to residents to participate in the workshop.

- Display in Council Administration Building

On completion of the restoration design, a temporary static display will be erected in Council's administration building for information.

Comment

Tranby Foreshore is a high profile public area. Due to this fact, many people have differing values for the area and thus have differing visions for the outcome of the restoration project. The public consultation process will give all stakeholders the opportunity to be involved in the process and participate in comment on the preliminary designs.

Public consultation will inform key stakeholders on various aspects of the project and allow an opportunity to build consensus. The objective behind the public consultation process will be promoting community and stakeholder ownership of the project thereby enlisting their support for the final design concept.

Mr Darryl Miller from the Swan River Trust has indicated that the project has been 'earmarked' for funding. He has indicated that activities which have an environmental outcome in this project could be 50% funded by the Swan River Trust's Riverbank program.

Community involvement is a criteria for Riverbank funding. Although it is not a requirement to receive the funding, the Swan River Trust has advised Council officers that the more community participation that is involved in projects such as these, the more likely they are to receive maximum funding from the Swan River Trust.

Riverbank funding is financed through the State Government. The current ability for the Swan River Trust to contribute part funds to a project such as this is due to an increased funding allocation currently being provided by the Government. These funding arrangements could change however, should the Government's funding priorities alter at some stage in the future.

Officer's Recommendation

That:

1. Council endorse the request by Syrinx Environmental Pty Ltd to conduct public consultation for the restoration plan to restore the Tranby Foreshore.
2. Council approve a media release to advertise the public consultation period for the restoration plan to restore the Tranby Foreshore.
3. Council approve Syrinx Environmental Pty Ltd to run one community workshop and three individual workshops for key stakeholders to present draft design concepts and capture comments from the community regarding the restoration plan to restore the Tranby Foreshore.
4. Council:
 - a) Officers assist staff from Syrinx Environmental Pty Ltd as required to progress the initial discussion with indigenous elders on the Tranby Foreshore preliminary design and concept.
 - b) Approve the expenditure of approximately \$4,000 from the Tranby Foreshore Restoration Budget for any required preliminary indigenous consultation.
5. Council approve a letter be sent to residents surrounding Tranby Foreshore to inform them of the public consultation period for the restoration plan to restore the Tranby Foreshore.

LAPSED

Council considered this item and changed the Committee recommendation because it did not want to mislead the public into believing that the proposal will definitely proceed as it did not have written confirmation from the Swan River Trust and detailed costings were yet to be finalised.

COUNCIL RESOLUTION

CR TERRY KENYON, JP, MOVED, CR GRAHAM PITTAWAY, OAM, SECONDED:

That:

- 1. Council approve Syrinx Environmental Pty Ltd to conduct public consultation and design detail, for the restoration plan to restore the Tranby Foreshore, to a cost of \$21,000 to be funded from the Tranby Foreshore account;**
- 2. the Chief Executive Officer continues to meet with the Chief Executive Officers' of other local authorities bordering the Swan River meetings to prioritise and source funding for all bank erosion along the Swan River;**
- 3. should the Chief Executive Officers' meetings fail to seek foreshore restoration funding then a deputation to the Minister for the Environment consisting of the Mayor and interested Councillors be organised, seeking further funds from the Swan River Trust; and**
- 4. a letter be forwarded by the Chief Executive Officer to the Swan River Trust requesting written confirmation of a 50% matching contribution.**

CARRIED

COUNCIL RESOLUTION

At 9.05pm, CR IAN MCCLELLAND, JP, MOVED, CR GRAHAM PITTAWAY, OAM, SECONDED, that the doors be closed to the public to allow discussion of confidential items 10.1, 15.2, 15.3 and 15.4.

CARRIED

- 15.2 Weed Control Contract (Tender 6/2003)
File No: 20.2/06-2003
Officer: A/Director of Technical Services
Refer: Spl Council 02/08/2005 Item 15.1

CONFIDENTIAL ITEM

Application

To advise Council on the meeting held with Turfmaster on Thursday 25 August 2005.

In accordance with Section 5.23(2) of the *Local Government Act 1995*, the meeting is closed to members of the public for this item as the following sub-section applied:

- (d) Legal advice obtained, or which may be obtained, by the local government and which relates to a matter to be discussed at the meeting.
- (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.

COUNCIL RESOLUTION

CR LOU MAGRO MOVED, CR ALAN RADFORD SECONDED that Council seek the refund of GST amounting to \$13,204.00 be paid to Council.

CARRIED

COUNCIL RESOLUTION

(OFFICER RECOMMENDATION)

CR ALAN RADFORD MOVED, CR IAN MCCLELLAND, JP, SECONDED the Officer recommendation that Council acknowledge that the broad hectares park spraying and the GST charged on these amounts are currently inline with the orders raised by the Manager of Parks and Gardens with 260 ha ordered (refer to the comment above by the Chief Executive Officer).

CARRIED

Cr Lou Magro requested his vote against this resolution be recorded.

COUNCIL RESOLUTION

CR GRAHAM PITTAWAY, OAM, MOVED, CR LOU MAGRO SECONDED that Council acknowledge that the future kerbing of the City for future contracts is 719 kilometres in relation to future weed spraying.

CARRIED

COUNCIL RESOLUTION**(OFFICER RECOMMENDATION)**

CR ALAN RADFORD MOVED, CR IAN MCCLELLAND, JP, SECONDED the Officer recommendation that Council approve a third application spray at an additional cost of \$31,940 per annum, in accordance with clause 7.4 in the contract, until 30 June 2006.

CARRIED**COUNCIL RESOLUTION**

CR ALAN RADFORD MOVED, CR IAN MCCLELLAND, JP, SECONDED that Council acknowledge the third weed control spray for 2004/2005 was ordered by the former Director of Technical Services and work was carried out and Council authorised the Chief Executive Officer to pay this account of \$43,972.50.

CARRIED

Cr Lou Magro requested his vote against this resolution be recorded.

COUNCIL RESOLUTION

CR ALAN RADFORD MOVED, CR IAN MCCLELLAND, JP, SECONDED that Council endorse the actual measurements of lengths and areas as at August 2005 with items 5 to 9 still being 'fine tuned' by the Managers of GIS.

CARRIED**COUNCIL RESOLUTION****(OFFICER RECOMMENDATION)**

CR LOU MAGRO MOVED, CR IAN MCCLELLAND, JP, SECONDED the Officer recommendation that Council approve that future management of the contract will be made directly to quantities in area lengths and all areas on invoices show the actual work performed in accordance with the tender specifications.

CARRIED**COUNCIL RESOLUTION**

CR LOU MAGRO MOVED, CR SONIA TURKINGTON SECONDED that direct supervision be made on the first spray of the weed contract for 2005/2006 and from then on adequate random 'spot' checks on areas and lengths in the chemicals used in the spray to the satisfaction of the Chief Executive Officer and the Director of Technical Services.

CARRIED**COUNCIL RESOLUTION****(OFFICER RECOMMENDATION)**

CR MARLENE ROBINSON MOVED, CR ALAN RADFORD SECONDED the Officer recommendation that the balance of the Weed Control Contract ending 30 June 2006 be managed strictly in accordance with the tender contract and specifications.

CARRIED

COUNCIL RESOLUTION

CR GRAHAM PITTAWAY, OAM, MOVED, CR ALAN RADFORD that the option to extend the Weed Control Contract for 1 July 2006 to 30 June 2009 at 2003 pricing be deferred to a future meeting and this also include the option of an 'in house' cost of weed control with Council direct labour.

CARRIED

15.3 **Legal Representation - Terry Blanchard**
File No: **15.1.101.1**
Officer: **Chief Executive Officer**
Refer: **Item 15.3 Special Meeting of Council 02.08.05**

CONFIDENTIAL ITEM

Application

To consider a request for alternative legal representation by Mr Peter Kyle of Kyle & Company received from Mr Terry Blanchard on 25 August 2005.

In accordance with Section 5.23(2) of the *Local Government Act 1995*, the meeting is closed to members of the public for this item as the following sub-section applied:

- (b) The personal affairs of any person.
- (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.

COUNCIL RESOLUTION

(OFFICER RECOMMENDATION)

CR GRAHAM PITTAWAY, OAM, MOVED, CR ALAN RADFORD SECONDED the Officer recommendation that the request for alternative legal representation by Mr Terry Blanchard not be approved.

CARRIED

Cr Terry Gaunt and Cr Lou Magro requested their votes against this resolution be recorded.

15.4 **Staff Turnover Report**
 File No: **16.1**
 Officer: **Chief Executive Officer**
 Refer: **April 2005**

CONFIDENTIAL ITEM

Application

For Council to consider the Staff Turnover Report.

In accordance with Section 5.23(2) of the *Local Government Act 1995*, the meeting is closed to members of the public for this item as the following sub-section applied:

- (a) A matter affecting an employee or employees.

COUNCIL RESOLUTION
(OFFICER RECOMMENDATION)

CR BARRY MCKENNA MOVED, CR MARLENE ROBINSON SECONDED the Officer recommendation that That Council consider, in principle, the employment options it wishes the Senior Management Group to investigate and prepare a report back to Council.

CARRIED

RESUMPTION OF STANDING ORDERS

At 10:30 pm CR IAN MCCLELLAND, JP, MOVED, CR SONIA TURKINGTON SECONDED, that Standing Orders be resumed.

CARRIED

16 CLOSURE

THERE BEING NO FURTHER BUSINESS TO DISCUSS, THE CHAIRPERSON, CR KENYON, JP, DECLARED THE MEETING CLOSED AT 10:31 PM.