



**ORDINARY MEETING OF COUNCIL
MONDAY, 11 APRIL 2016**

MINUTES

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1.	NOT ACCEPT ANY TENDER IN RELATION TO THIS MATTER AND THE FUNDS BE RE-ALLOCATED TO OTHER CITY PROJECTS.	15
2.	REQUEST A REPORT ON STEPS REQUIRED TO REVEGETATE AND PROTECT THE BUSH FOREVER SITE; AND	15
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	<i>8.09PM MEETING DECLARED OPEN TO THE PUBLIC.</i>	<i>16</i>
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CITY OF ARMADALE

MINUTES

OF ORDINARY COUNCIL MEETING HELD IN THE COUNCIL CHAMBERS,
ADMINISTRATION CENTRE, 7 ORCHARD AVENUE, ARMADALE ON MONDAY, 11
APRIL 2016 AT 7.00PM.

1 DECLARATION OF OPENING / ANNOUNCEMENT OF VISITORS

The Mayor, Cr Zelones, declared the meeting open at 7.00 pm.

2 RECORD OF ATTENDANCE / APOLOGIES / LEAVE OF ABSENCE (previously approved)

PRESENT:

Mayor, Cr H A Zelones OAM JP presided over	River Ward
Cr J A Stewart	Heron Ward
Cr D M Shaw	Heron Ward
Cr G Nixon	Jarraah Ward
Cr C M Wielinga	Jarraah Ward
Cr C Frost	Lake Ward
Cr M Silver	Lake Ward
Cr G A Best	Neerigen Ward
Cr L Sargeson	Palomino Ward
Cr C A Campbell JP	Palomino Ward

IN ATTENDANCE:

Mr R S Tame	Chief Executive Officer
Mr A F Maxwell	Executive Director Corporate Services
Mr P Sanders	Executive Director Development Services
Mr K Ketterer	Executive Director Technical Services
Mrs Y Loveland	Executive Director Community Services
Mrs S D'Souza	CEO's Executive Assistant

Public: 6 Press: 1

LEAVE OF ABSENCE:

Leave of Absence previously granted to Cr M Geary and Cr M H Norman

APOLOGIES:

Apology received from Cr R Butterfield and Cr K Busby.

**3 ADVICE OF RESPONSE TO PREVIOUS PUBLIC QUESTIONS
 TAKEN ON NOTICE**

Nil

4 PUBLIC QUESTION TIME

**1 Scott McNamee, Mills Road East, Martin - Vice-President Wallangarra
 Riding Pony Club**

We have a fundamental concern in relation to the cross country tender appointment and that is that the tender was designed for a builder to complete a project and that the specification in the tender document was designed for a qualified course designer to complete the project.

Therefore the tender in our opinion does not have the comprehensive detail and design specifications for a builder to be able to construct without a qualified course designer working alongside them. Our pony club believes the recommended tenderer has not included such costs in its submission which is a concern.

Q1. Is the City of Armadale prepared to meet this additional cost for a course designer endorsed by our state body PCA WA to work alongside them?

The Mayor advised that recommended tenderer is aware of the requirements of the contract including the requirements for approvals and sign-off by a course designer. The tender specifications which were put together with the assistance of a course designer clearly laid out all the requirements for the design of the course and recommended tenderer has based his submission on the specifications. This question was asked and responded to at the Committee meeting where it was confirmed that each of the jumps would be checked and confirmed by an authorised course designer prior to its installation. Final completion of the course would then again require a sign-off by an authorised course designer.

Q2. So he is aware that the cost is his responsibility?

The CEO advised that accreditation and certification will be overseen by the City. As such the contractor will not be required to meet that cost as the City has the responsibility of ensuring compliance, as it has with all construction projects. The contractor's responsibility will be to build and install what has been designed and specified by accredited designers and the City will seek independent certification of the work when it is completed.

Q3. So will the course designer actually work alongside the builder – day by day?

The CEO advised that the contractor should have a clear understanding from the specifications and plans as to what is required. Installations will be certified and checked at agreed milestones so the course can be fully accredited on completion.

- Q4.** If the construction company isn't working alongside a course designer day by day then the builder will not understand the working instructions eg. Securing of fences – the working instructions are all fences are secured to the ground by posts in the ground. That is a very general sort of specification – it doesn't state number of posts to secure a fence. **How does a builder build without having that accredited person next to them as they may have used one post when they are supposed to use 4 posts? Who is going to fix it? Who is going to modify it?**

The Mayor advised that as part of any construction project and prior to the first spade of earth being turned there will be a meeting between the City and its appointed course designer and the builder as to what needs to be done. The City would like this to be a successful and safe project for the Club.

- Q5.** **When will the City of Armadale engage an accredited designer?**

The Mayor advised that Council will first need to make a decision on the tender before officers can proceed on finalising the contract.

The CEO confirmed he is of the view it will need to be a fully independent person.

2

Leanne Smith, Malaga Crescent, Success - Executive Officer of Pony Club WA

- Q1** I did speak to the preferred tenderer today and didn't think it was an unprofessional thing to do. I needed to have some questions answered around safety, and some of the questions that hadn't been answered from the city.

Are you aware that the person he thought was an accredited course designer is in actual fact not one? Mr Jamie Bowden although has some history and is a neighbour of his that he consulted with during the tender process is not an accredited course designer. He was also not aware that he was to be working alongside an accredited course designer.

The Mayor reiterated that the City will take responsibility for appointing an accredited course designer and ensuring the course complies.

- Q2.** When I spoke to the preferred provider today, he mentioned that he had been asked to put some extra information forward to assure the City that he would be able to meet the requirements of the tender. He mentioned he put forward an ITP, that he would work with project stakeholders, that he had draftsmen in the office and that he would send the plans to council for approval.

He also mentioned he would like a third party from Pony club WA to work alongside him and approve those plans. The next stage would then be to construct and then seek approval from Council and again involve the state sporting association in the inspection and approval.

At what point will you be appointing or approaching the State sporting association to work with the provider?

The Mayor advised that these matters will be considered once

Council has made a decision on the tender and the contract is signed. It is up to the City as to how it oversees arrangements with its contractor.

3 Leanne Smith - Executive Officer of PCAWA - On behalf of Pony Club WA Board of Directors

Q If a course builder did not have course designer accreditation then according to the PCA WA rules and regulations are you aware that this course will not be approved for use by PCA WA? That a course builder without the specialised knowledge, experience and accreditation will be required to work side by side with an accredited designer for the duration of the project to ensure this is constructed within the specifications? Are you aware this must happen for the build to meet the specifications of Pony Club Association WA eventing rules?

The Mayor advised that the question will be taken on notice.

**MOVED Cr Frost that question time be extended (7.15pm)
Motion Carried (10/0)**

4 Margaret Barnesby-Johnson - Tiara Court, Darling Downs

At the Technical Services Committee meeting on 4th April the Chair advised that the tender had not yet been awarded and that the matter in regard to the qualified course designer will be finalised after the tender is awarded.

The Pony club is concerned that the tender price, for the price to be valid and comprehensive, should include the cost of the qualified course designer in the tender submission. This has now been qualified tonight.

The basis of the question resides in the club's knowledge of these costs and for example – an event held on the swan river foreshore every year called Eventing in the Park which is a 2 day event engages a qualified course designer in excess of \$30,000.

Q. Has there been any enquiry to PCA WA as to what the likely costs of a QCD would be to complete this project in accordance with the safety and design requirements? This would be considered a significant cost component to the tender submission, given that this tender submission does not include that cost while the other tender submissions do include such a cost. Has that been given consideration in respect to the overall evaluation process?

The Mayor responded in the affirmative.

5 Kate Ingham - Mustang Road, Champion Lakes

Q In regard to value for money. There is a risk potentially that when you add the course designer cost to the current recommended respondent's price that the budget is likely to be higher when compared to the other respondents. There is no vested interest in whom you go with but am wondering if Council has the capacity

to defer the decision so that it can run this other procurement audit process to get an understanding of the true costs of this project? Understand that the earlier deadline for construction no longer exists. The Club is flexible because everyone here is quite focussed on the outcome.

The CEO advised that the City is not contemplating the cost of the course designer being of that sort of scale that it exceeds the tender price that we have got to date.

All the tenders submitted have been based on the same documentation and specification hence a gap in the figures should not be blamed on a gap in the documentation. The City has always committed to independent accreditation as part of the construction process. We didn't cost the idea of day to day supervision as that is a proposition that we have just been informed of today from the association. It will be up to the City as to how it satisfies itself that the contract meets its requirements. The design and specifications were put together by an accredited course designer and were actually signed off by both the PCAWA and the Pony club before going to tender so it is assumed that all relevant matters had been covered in the documentation, which was prepared at some expense.

Question time closed at 7.20pm

5 APPLICATIONS FOR LEAVE OF ABSENCE

Nil

6 PETITIONS

Nil

7 CONFIRMATION OF MINUTES

7.1 PREVIOUS ORDINARY COUNCIL MEETING
HELD ON 29 MARCH 2016.

MOVED Cr J A Stewart that the Minutes of the Ordinary Council Meeting held on 29 March 2016 be confirmed as a true and accurate record.

104/4/16 MOTION not opposed, DECLARED CARRIED (10/0)

8 ANNOUNCEMENTS BY THE PERSON PRESIDING WITHOUT DISCUSSION

1 Consultation & Communication

- On 4th April attended a pre-launch briefing on the Armadale Early Development Census 2015 data. The launch has been scheduled for the 3rd May at the Armadale District Hall.
- On 6th April gave a video interview to a Journalist from Edit Cowan University on a planning issue considered by Council last year.
- On 8th April met Ms Bourby Webster a representative of the Perth Chamber Orchestra in regard to the concert being delivered as part of the Armadale Arts Festival.

2 Marketing & Public Relations

- On 1st April, along with Crs Butterfield, Nixon and Busby, attended the official opening of the 2016 Minnowarra Art Awards and the inaugural Armadale Art Festival. Hon John Day MLA, Minister for Health; Culture and the Arts officially opened the Festival and the Mayor officially opened the Art Awards.
- On 5th April, along with the CEO, Crs Busby, Frost and Sargeson, attended the official opening of the Carey Baptist Forrestdale Campus on Nicholson Rd in Forrestdale.
- On 9th April, along with Crs Butterfield, Sargeson and Nixon, attended a naming ceremony for the late Mr Cam Clay. A reserve along the Wungong Brook was named in his honour for the 30 plus years of work he gave the City for the environment.
- Later that morning attended a meeting of the Kelmscott Migrant Camps History Group to discuss plans for the dedication of a Heritage Plaque for the Camp 2 Site. Councillors will receive invitations to the event closer to the date.
- Later that afternoon attended the Armadale Writer Group Anthology held at the District Hall where the Mayor launched the publication of a series of short stories and poems all reflective of the City.

3 Governance & Economic Development

- On 31st March, along with Crs Butterfield, Frost, Nixon, Sargeson and Busby, conducted a public citizenship function at the Kelmscott Hall.
- On 11th April conducted another private citizenship ceremony in the Function room where I welcomed another 15 new Australians to our community.

- Letter of thanks received from the CEO of the Shire of Murray in reference to the bushfire event in Teesdale that occurred between the 14th and 17th March 2016, which reads as follows:

“On behalf of the Shire of Murray Elected Members, Staff, Local Emergency Management Committee and Volunteer Bushfire Brigades collectively I wish to express sincere thanks for the valuable assistance provided by the City of Armadale and their emergency volunteer organisations. Please pass on our sincere gratitude to all that assisted at this incident.”

9 QUESTIONS BY MEMBERS OF WHICH DUE NOTICE HAS BEEN GIVEN – WITHOUT DISCUSSION

Nil

10 REPORTS

10.1 TECHNICAL SERVICES COMMITTEE MEETING

Report of the Technical Services Committee held on 4 April 2016 .

Corrections:

Front Page	Under Observers – Mr Zelones to be corrected to read “Cr H A Zelones OAM JP”
Pages 58, 62 & 68	The declaration by Cr Busby on items 3.1, 3.2 and 3.5 to read: <i>Cr K Busby declared a financial interest in this item as one of the tenderers is a client or potential client of his computer software business.</i>
Pages 61,67 & 72	Outcome of voting on Recommendations T16/4/16, T17/4/16 and T18/4/16 to read “6/0”

MOVED Cr G Nixon that the report, subject to the above corrections, be received.

105/4/16 MOTION not opposed, DECLARED CARRIED (10/0)

BUSINESS ARISING FROM REPORT

Recommendation T13/4/16 - Tender No 1/16 - Fletcher Park Cross Country Course Construction

Committee Recommendation

That, with Tender No 1/16 - Fletcher Park Cross Country Course Construction, Council:

1. Accepts the tender from Terra Firma Constructions for a period of twelve (12) weeks commencing from the date of contract for the consideration of \$107,012 (excluding GST) in accordance with the submitted tender, Council's contract documentation and Budget allocation.
2. Notes that each element of the project is to be assessed and approved prior to acceptance by the City.

In moving discussion of this matter behind closed doors Cr Campbell advised that he will be foreshadowing that Recommendation T13/4/16 be not adopted and the funds be transferred to the Municipal Budget for reallocation to other City projects.

MOVED Cr C A Campbell

That Recommendation T13/4/16 be dealt with under item 14 of the Agenda i.e. "Matters Requiring Confidential Consideration" as discussion on this matter relates to commercially sensitive information regarding a contract which may be entered into by the local government.

106/4/16

MOTION not opposed, DECLARED CARRIED

(10/0)

Recommendation T14/4/16 - City of Armadale Urban Forest Implementation Plan Progress Report

MOVED Cr G Nixon

That Council receive the City of Armadale Urban Forest Implementation Plan Progress Report.

107/4/16

MOTION not opposed, DECLARED CARRIED

(10/0)

Recommendation T15/4/16 - Maintenance Standards in City Owned Buildings

MOVED Cr G Nixon

That Council note the content of this report on the Maintenance Standards in City Owned Buildings.

108/4/16 **MOTION not opposed, DECLARED CARRIED (10/0)**

Recommendation T16/4/16 - Tender No 2/16 - Supply and Installation of Street Lighting - Nicholson Road (Piara Drive to Armadale Road) Stage 4

MOVED Cr G Nixon

That with Tender No 2/16 Supply and Installation of Street Lighting – Nicholson Road (Piara Drive to Armadale Road), Stage 4, that Council accepts the Tender from Densford Civil for the lump sum price of \$466,900.12 (excluding GST), commencing 9 May 2016 in accordance with their submitted tender, Council’s contract documentation and budget allocation.

109/4/16 **MOTION not opposed, DECLARED CARRIED (10/0)**

Recommendation T17/4/16 - Tender No 7/16 - Lead Design Consultancy Services for the Piara Waters (south) playing field and pavilion

MOVED Cr G Nixon

That with Tender No 7/16 - Lead Design Consultancy Services for the Piara Waters (South) Playing Field and Pavilion, Council accepts the Tender from Fratelle Group Architects for the lump sum price of \$263,350.00 (excluding GST), commencing 18 April 2016, in accordance with their submitted Tender, Council contract documentation and budget allocation.

110/4/16 **MOTION not opposed, DECLARED CARRIED (10/0)**

Recommendation T18/4/16 - Tender No 3/16 - Nicholson Road - Hakea Water Main Relocation Stage 2

MOVED Cr G Nixon

That with Tender No 3/16 - Nicholson Road - Hakea Water Main Relocation Stage 2, Council accepts the Tender from Underground Services for the lump sum price of \$191,080.04 (excluding GST), commencing 9 May 2016, in accordance with their submitted tender, Council’s contract documentation and budget allocation.

111/4/16 **MOTION not opposed, DECLARED CARRIED (10/0)**

Recommendation T19/4/16 - Tender No 4/16 - Supply of Hired Plant - Wet Hire of Graders

MOVED Cr G Nixon

That with Tender No 4/16 - Supply of Hired Plant – Wet Hire of Graders, that Council:

- 1. Accepts the tender from Allwest Plant Hire for an initial period of twelve (12) months, commencing 26 April 2016, in accordance with the submitted tender, Council Contract Documentation, and Budget Allocation.**
- 2, Authorise the Chief Executive Officer to extend the contract for two (2) periods of twelve (12) months up to 25 April 2019, subject to satisfactory performance by the contractor and price adjustments as specified in the Request for Tender document, Clause 4.1.**

112/4/16 **MOTION not opposed, DECLARED CARRIED (10/0)**

Recommendation T20/4/16 - Tender No 6/16 - Harrisdale (East) Stage 2 Pavilion Car Park and Playground

MOVED Cr G Nixon

That with Tender No 6/16 - Harrisdale (East) Stage 2 Pavilion, Car Park and Playground, Council accepts the tender from McCorkell Constructions for their tendered price of \$3,668,850.00 (excluding GST), for a period of thirty two (32) weeks commencing 18 April 2016, in accordance with their submitted Tender, Council Contract Documentation and budget allocation.

113/4/16 **MOTION not opposed, DECLARED CARRIED (10/0)**

Recommendation T21/4/16 – Councillors’ items - Verge Collection

MOVED Cr G Nixon

That the Councillors’ item in regard to:-

- **Verge Collection**

be referred to the relevant Directorate for action and/or report to the appropriate Committee.

114/4/16 **MOTION not opposed, DECLARED CARRIED (10/0)**

10.2 COMMUNITY SERVICES COMMITTEE MEETING
Report of the Community Services Committee held on 5 April
2016.

MOVED Cr C M Wielinga that the report be received.

115/4/16 **MOTION not opposed, DECLARED CARRIED (10/0)**

BUSINESS ARISING FROM REPORT

Recommendation C15/4/16 - Indigenous Development Update

MOVED Cr C M Wielinga

That Council:

- 1. Notes the changes in structure of the ATSIAG.**

116/4/16 **MOTION not opposed, DECLARED CARRIED (10/0)**

Recommendation C16/4/16 - Public Art Strategy

MOVED Cr C M Wielinga

That Council:

- 1. Adopt the Public Art Strategy as amended.**

117/4/16 **MOTION not opposed, DECLARED CARRIED (10/0)**

Recommendation C17/4/16 - Draft MasterPlans for Creyk, Karragullen, Frye
and Morgan Parks

MOVED Cr C M Wielinga

That Council approve the public advertising for the Draft Master Plans for, Creyk Park, Frye Park, Karragullen Oval and Morgan Park, as amended, for a period of four (4) weeks, with any resulting community input to be incorporated into a further report to Council seeking endorsement of the Master Plans.

118/4/16 **MOTION not opposed, DECLARED CARRIED (10/0)**

Recommendation C18/4/16 – Councillors’ items – City of Armadale Calendar 2017

MOVED Cr C M Wielinga

That Council refers the Councillors’ item in regard to:

1. City of Armadale Calendar 2017

to the relevant Directorate for action and/or report to the appropriate Committee

119/4/16 **MOTION not opposed, DECLARED CARRIED (10/0)**

10.3 CHIEF EXECUTIVE OFFICER’S REPORT

Report of the Chief Executive Officer .

MOVED Cr G A Best that the report be received.

120/4/16 **MOTION not opposed, DECLARED CARRIED (10/0)**

BUSINESS ARISING FROM REPORT

Recommendation - Councillors' Information Bulletin - Issue No. 6/2016

MOVED Cr D M Shaw

That Council acknowledge receipt of Issue No 6/2016 of the Information Bulletin.

121/4/16 **MOTION not opposed, DECLARED CARRIED (10/0)**

11 MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

Nil

12 URGENT BUSINESS APPROVED BY THE PERSON PRESIDING OR BY DECISION

Nil

13 MATTERS FOR REFERRAL TO STANDING COMMITTEES – WITHOUT DISCUSSION

Nil

14 MATTERS REQUIRING CONFIDENTIAL CONSIDERATION

1 Recommendation T13/4/16 - Tender No 1/16 - Fletcher Park Cross Country Course Construction

MOVED Cr C A Campbell that the meeting be closed to members of the public as the matter to be discussed related to a contract which may be entered into by the local government.

Motion Carried (10/0)

7.34pm Meeting declared closed to the public. Members of the public and press retired from the meeting.

At this stage Cr Best also retired from the meeting.

MOVED Cr H A Zelones that standing orders be suspended.

Motion Carried (9/0)

Committee Recommendation

That, with Tender No 1/16 – Fletcher Park Cross Country Course Construction, Council:

1. Accepts the tender from Terra Firma Constructions for a period of twelve (12) weeks commencing from the date of contract for the consideration of \$107,012 (excluding GST) in accordance with the submitted tender, Council's contract documentation and Budget allocation.
2. Notes that each element of the project is to be assessed and approved prior to acceptance by the City.

In moving the following resolutions Cr Campbell advised that there are concerns with the Pony Club and its State Association's intervention in the procurement and tendering process, especially as they appear to have an association with at least one of the tenderers. Inappropriate contact with the recommended tenderer appears to have undermined Council's management of this tender and as such the process should be aborted and funds reallocated to other City projects.

MOVED Cr C A Campbell that Council not adopt Recommendation T13/4/16

122/4/16 MOTION not opposed, DECLARED CARRIED (9/0)

MOVED Cr C A Campbell

That Council:

1. **not accept any tender in relation to this matter and the funds be re-allocated to other City projects.**
2. **request a report on steps required to revegetate and protect the bush forever site; and**

3. request further advice on the tender specifications, processes and outcomes of this contract.

123/4/16 **MOTION not opposed, DECLARED CARRIED (9/0)**

MOVED Cr H A Zelones that standing orders be resumed.
Motion Carried (9/0)

MOVED Cr C A Campbell that the meeting be opened to the public.
Motion Carried (9/0)

8.09pm *Meeting declared open to the public.
As no members of the public returned to the meeting there was no need for
Resolution 123/4/16 to be read aloud.*

15 CLOSURE

The Mayor, Cr Zelones, declared the meeting closed at 8.10pm

MINUTES CONFIRMED THIS 28th OF APRIL 2016

MAYOR