

# Special Council Meeting

Minutes for Monday 3 April 2017

**CONFIRMED**



**shire of  
kalamunda**

## INDEX

<b>1.0</b>	<b>OFFICIAL OPENING.....</b>	<b>2</b>
<b>2.0</b>	<b>ATTENDANCE, APOLOGIES AND LEAVE OF ABSENCE PREVIOUSLY APPROVED .....</b>	<b>2</b>
<b>3.0</b>	<b>PUBLIC QUESTION TIME .....</b>	<b>3</b>
<b>4.0</b>	<b>PETITIONS/DEPUTATION .....</b>	<b>3</b>
<b>5.0</b>	<b>ANNOUNCEMENTS BY THE MEMBER PRESIDING WITHOUT DISCUSSION.....</b>	<b>3</b>
<b>6.0</b>	<b>MATTERS FOR WHICH MEETING MAY BE CLOSED.....</b>	<b>3</b>
<b>7.0</b>	<b>DISCLOSURE OF INTERESTS .....</b>	<b>3</b>
<b>8.0</b>	<b>REPORTS TO COUNCIL .....</b>	<b>4</b>
	SMC 05 CONFIDENTIAL ITEM – CONSIDERATION OF TENDERS FOR THE CONSTRUCTION OF KALAMUNDA TOWN CENTRE STORMWATER DRAINAGE UPGRADE (RFT 1703) .....	4
<b>9.0</b>	<b>MEETING CLOSED TO THE PUBLIC .....</b>	<b>5</b>
	CONFIDENTIAL ITEM – CONSIDERATION OF TENDERS FOR THE CONSTRUCTION OF KALAMUNDA TOWN CENTRE STORMWATER DRAINAGE UPGRADE (RFT 1703) .....	5
<b>10.0</b>	<b>CLOSURE .....</b>	<b>7</b>

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## MINUTES

### 1.0 OFFICIAL OPENING

The Presiding Member opened the meeting at 7.15pm, welcoming Councillors, Staff and Members of the Public Gallery.

### 2.0 ATTENDANCE, APOLOGIES AND LEAVE OF ABSENCE PREVIOUSLY APPROVED

#### 2.1 Attendance

##### Councillors

Andrew Waddell JP	(Shire President) (Presiding Member)	North West Ward
Sara Lohmeyer		North West Ward
Tracy Destree		North Ward
Simon Di Rosso		North Ward
Michael Fernie		South East Ward
John Giardina		South East Ward
Geoff Stallard		South East Ward
Allan Morton		South West Ward
Brooke O'Donnell		South West Ward
Noreen Townsend		South West Ward

##### Members of Staff

Rhonda Hardy	Chief Executive Officer
Natalie Martin Goode	Director Development Services
Dennis Blair	Director Asset Services
Gary Ticehurst	Director Corporate & Community Services
Darrell Forrest	Manager Governance, Strategy & Legal Services
Rob Korenhof	Manager Asset Delivery
Carrie Parsons	Manager Customer & Public Relations
Donna McPherson	Executive Research Officer/Minute Secretary

**Members of the Public** 0

**Members of the Press** 0

#### 2.2 Apologies

Dylan O'Connor	North West Ward
Sue Bilich	North Ward

**2.3 Leave of Absence Previously Approved** Nil.

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### **3.0 PUBLIC QUESTION TIME**

A period of not less than 15 minutes is provided to allow questions from the gallery on matters relating to the functions of this meeting. For the purposes of Minuting, these questions and answers are summarised.

3.1 Nil.

### **4.0 PETITIONS/DEPUTATION**

4.1 Nil.

### **5.0 ANNOUNCEMENTS BY THE MEMBER PRESIDING WITHOUT DISCUSSION**

5.1 Nil.

### **6.0 MATTERS FOR WHICH MEETING MAY BE CLOSED**

6.1 **CONFIDENTIAL REPORT – Consideration of Tenders for the Construction of Kalamunda Town Centre Stormwater Drainage Upgrade (RFT 1703)** (Attachment 1) and (Attachment 2) Provided under separate cover.

Reason for Confidentiality *Local Government Act 1995 S5.23 (2) (c)* – “a contract entered into, or which may be entered into, by the local government which relates to a matter to be discussed at the meeting.”

### **7.0 DISCLOSURE OF INTERESTS**

#### **7.1 Disclosure of Financial and Proximity Interests**

- a. Members must disclose the nature of their interest in matters to be discussed at the meeting. (Section 5.65 of the *Local Government Act 1995*.)
- b. Employees must disclose the nature of their interest in reports or advice when giving the report or advice to the meeting. (Section 5.70 of the *Local Government Act 1995*.)

7.1.1 Nil.

#### **7.2 Disclosure of Interest Affecting Impartiality**

- a. Members and staff must disclose their interest in matters to be discussed at the meeting in respect of which the member or employee had given or will give advice.

7.2.1 Cr Di Rosso declared an interest affecting impartiality as one of the Tenderers, who was non-compliant, is a client.

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## 8.0 REPORTS TO COUNCIL

Please Note: declaration of financial/conflict of interests to be recorded prior to dealing with each item.

### SMC 05 CONFIDENTIAL ITEM – Consideration of Tenders for the Construction of Kalamunda Town Centre Stormwater Drainage Upgrade (RFT 1703)

**Reason for Confidentiality** *Local Government Act 1995 S5.23 (2) (c) – “a contract entered into, or which may be entered into, by the local government which relates to a matter to be discussed at the meeting.”*

Previous Items	OCM 170/2010 Blair, D. (2016). <i>Kalamunda Town Centre-Geotechnical Testing</i> [email]
Responsible Officer	Director Asset Services
Service Area	Asset Delivery
File Reference	RFT 1703
Applicant	N/A
Owner	N/A
Confidential Attachment 1 <u>Reason for Confidentiality</u> <i>Local Government Act 1995 S5.23 (2) (c) – “a contract entered into, or which may be entered into, by the local government which relates to a matter to be discussed at the meeting.”</i>	Town Centre Drainage Staging Plan
Confidential Attachment 2 <u>Reason for Confidentiality</u> <i>Local Government Act 1995 S5.23 (2) (c) – “a contract entered into, or which may be entered into, by the local government which relates to a matter to be discussed at the meeting.”</i>	Tender Evaluation Report - Kalamunda Town Centre Drainage Upgrade (RFT 1703)

### RESOLVED SCM 49/2017

That Council:

1. Does not accept any Tender submissions for the Construction of Kalamunda Town Centre Stormwater Drainage Upgrade (RFT 1703).
2. Approves the calling of Tenders for a revised Construction of Kalamunda Town Centre Stormwater Drainage Upgrade Project of all works on Kalamunda Road, Canning Road, Haynes Street and Barber Street as a single project and on the basis works will be limited to the hours between 7:00am and 7:00pm Monday to Saturday.

Moved: **Cr John Giardina**

Seconded: **Cr Tracy Destree**

Vote: **CARRIED UNANIMOUSLY (8/0)**

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**9.0 MEETING CLOSED TO THE PUBLIC**

**9.1 Meeting Closed to the Public**

RESOLVED SCM 48/2017

That the meeting go behind closed doors to consider Confidential Item (provided under separate cover).

Moved: **Cr Simon Di Rosso**

Seconded: **Cr Allan Morton**

Vote: **CARRIED UNANIMOUSLY (10/0)**

The meeting closed to the public at 7:17pm. All Staff and Councillors remained in Chambers.

**9.2 10.4.4 CONFIDENTIAL ITEM – Consideration of Tenders for the Construction of Kalamunda Town Centre Stormwater Drainage Upgrade (RFT 1703)**

<b>Voting Requirements: Simple Majority</b>
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Recommendation

That Council:

1. Accepts the recommendation of the Tender Evaluation Panel to appoint CQ & JM Dowsing Pty Ltd for the Construction of Kalamunda Town Centre Stormwater Drainage (RFT 1703) for its tendered lump sum price of \$928,700.50 (excluding GST).
2. Notes the transfer of \$140,000 Roads 2 Recovery funding from the Wittenoom Road Street Lighting Improvements and Power Undergrounding Project (Job No. 4086) to Kalamunda Town Centre Stormwater Drainage Upgrade Project (Job No. 8125).
3. Notes the requirement for extended working hours with no rock breaking undertaken after 9pm, subject to approval by the Shire's Community Safety and Compliance Services of a Noise Management Plan outlining requirements in order to minimise the construction timeframe and long-term disruption to both Kalamunda Town Centre residences and businesses.

Moved:

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Seconded:

Vote: **LAPSED**

As there was no mover for the recommendation it **LAPSED**. Council considered legal advised provided to it and an alternative recommendation was presented.

Cr Di Rosso declared an interest affecting impartiality as one of the Tenderers, who was non-compliant, is a client. Cr Di Rosso left the meeting at 7.26pm and did not vote on the item.

Cr Townsend left the meeting at 7.34pm and did not vote on the item.

9.3

<b>Voting Requirements: Simple Majority</b>
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RESOLVED SCM 49/2017

That Council:

3. Does not accept any Tender submissions for the Construction of Kalamunda Town Centre Stormwater Drainage Upgrade (RFT 1703).
4. Approves the calling of Tenders for a revised Construction of Kalamunda Town Centre Stormwater Drainage Upgrade Project of all works on Kalamunda Road, Canning Road, Haynes Street and Barber Street as a single project and on the basis works will be limited to the hours between 7:00am and 7:00pm Monday to Saturday.

Moved: **Cr John Giardina**

Seconded: **Cr Tracy Destree**

Vote: **CARRIED UNANIMOUSLY (8/0)**

Reason: In accordance with the *Local Government Act 1995* s3.57 and the *Local Government (Functions and General) Regulations* r18(5) "the local government may decline to accept any tender". Council does not believe the Tenders submitted are the most advantageous to accept due to issues concerning noise, construction timing and equipment being utilised.

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9.4 **Meeting Opened to the Public**

RESOLVED OCM 50/2017

That the meeting re-opened to the public.

Moved: **Cr Geoff Stallard**

Seconded: **Cr Michael Fernie**

Vote: **CARRIED UNANIMOUSLY (8/0)**

The meeting re-opened to the public at 7.38pm after considering the Confidential Item. Cr Di Rosso returned to the meeting at 7.38pm.

**10.0 CLOSURE**

10.1 There being no further business, the Presiding Member declared the meeting closed at 7:39pm.

I confirm these Minutes to be a true and accurate record of the proceedings of this Council.

Signed: \_\_\_\_\_  
Presiding Member

Dated this \_\_\_\_\_ day of \_\_\_\_\_ 2017