



Shire of Pingelly

Minutes

Special Council Meeting
4 November 2015

SHIRE OF PINGELLY

Minutes of the Ordinary Council Meeting of the Shire of Pingelly held in the Council Chambers, 17 Queen Street, Pingelly on 4 November 2015.

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MEMBERS PRESENT

| | |
|---------------------|------------------|
| Cr SJ Lange | President |
| Cr WV Mulroney | Deputy President |
| Cr RJ Marshall | |
| Cr DI Freebairn | |
| Cr LN Steel | |
| Cr M Walton-Hassell | |
| Cr E Hodges | |

STAFF IN ATTENDANCE

| | |
|--------------|---|
| Mr G Pollock | Chief Executive Officer |
| Mr B Gibbs | Director Technical Services |
| Ms G French | Director Corporate & Community Services |
| Mrs L Boddy | Executive Assistant |

APOLOGIES

Cr AJ Morton

OBSERVERS & VISITORS

1. DECLARATION OF OPENING / ANNOUNCEMENT OF VISITORS

The Chairman, Cr Shirley Lange, declared the meeting open at 11am.

1.1 Acknowledgement of Country

I respectfully acknowledge the past and present traditional owners of this land on which we are meeting, the Noongar people. It is a privilege to be standing on Noongar country. I also acknowledge the contributions of Aboriginal Australians and non-Aboriginal Australians to the security and wellbeing of all the people of this country where we live and that we share together – Australia.

1.2 Reminder

To accept and understand the things I cannot change
Courage and resolution to change the things I can
And the wisdom and good judgment to know the difference

Cr Ray Marshall entered the room at 11.03am.

2. RECORD OF APOLOGIES / APPROVED LEAVE OF ABSENCE

Cr Aaron Morton

3. RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

Nil

4. PUBLIC QUESTION TIME

No members of the public in attendance.

5. APPLICATIONS FOR LEAVE OF ABSENCE

Cr Freebairn advised the meeting he must leave by 12.30pm

6. DISCLOSURES OF INTEREST

7. ANNOUNCEMENTS BY THE PRESIDING PERSON WITHOUT DISCUSSION

8. PETITIONS / DEPUTATIONS / PRESENTATIONS / SUBMISSIONS

Nil

9.1 OFFICE OF THE CEO

9.1.1 Policy Amendment and Council Meeting Dates for 2016

File Reference: 000000
Location: Council
Applicant: G Pollock, Chief Executive Officer
Author: G Pollock, Chief Executive Officer
Date: 2 November 2015
Disclosure of Interest: Nil
Attachments: Nil

Summary:

Council to consider amending Policy 4.1 Ordinary Meeting of Council so the Ordinary Meeting of Council in December can be held on the second Wednesday of December each year.

Council consider changing the Ordinary Meeting of Council on Thursday 17 December 2015 to Wednesday 9 December 2015 so it will not conflict with the annual Party on the Oval.

Council consider setting the following proposed dates for the Ordinary Meetings of Council in 2016:

17 February 2016
16 March 2016
20 April 2016
17 May 2016
15 June 2016
20 July 2016
17 August 2016
21 September 2016
19 October 2016
16 November 2016
14 December 2016

Background:

Council is required to advertise its meeting dates prior to meetings being held. In order to allow this to occur, it is recommended that Council adopt the 2016 dates for meetings in advance as per policy 4.1 Ordinary Meetings of Council.

Comment:

Normally Council don't hold an ordinary Council meeting in January unless urgent business is required to be addressed.

Consultation:

Shire President and Senior Staff

Statutory Environment:

Local Government Act 1995, Part 5

Division 2 — Council meetings, committees and their meetings and electors' meetings

Subdivision 1 — Council meetings

5.3. Ordinary and special council meetings

- (1) A council is to hold ordinary meetings and may hold special meetings.
- (2) Ordinary meetings are to be held not more than 3 months apart.
- (3) If a council fails to meet as required by subsection (2) the CEO is to notify the Minister of that failure.

5.4. Calling council meetings

An ordinary or a special meeting of a council is to be held —

- (a) if called for by either —
 - (i) the mayor or president; or
 - (ii) at least $\frac{1}{3}$ of the councillors,
in a notice to the CEO setting out the date and purpose of the proposed meeting;or
- (b) if so decided by the council.

Policy Implications:

Policy 4.1 - Ordinary Meetings of Council will need to be amended to reflect the endorsed resolution.

Financial Implications:

Nil

Strategic Implications:

Nil

Voting Requirements:

Simple Majority

11890 - Moved: Cr Freebairn

Seconded: Cr Mulroney

Recommendation and Council Decision:

That Council endorse

- 1. Amending Policy 4.1 Ordinary Meeting of Council to;**
The Ordinary Meeting of Council shall be held on the third Wednesday of each month, except for January and December. The Ordinary Meeting of Council in December shall be held on the second Wednesday of the month.
Corporate Discussion to commence at 12:00 noon and followed by the Ordinary Meeting of Council commencing at 2:00pm.
- 2. Changing the Ordinary Meeting of Council on Thursday 17 December 2015 to Wednesday 9 December 2015.**
- 3. Setting the following Ordinary Council Meetings dates for 2015;**
17 February 2016
16 March 2016
20 April 2016
17 May 2016
15 June 2016
20 July 2016
17 August 2016
21 September 2016
19 October 2016
16 November 2016
14 December 2016

Carried: 4:3

9.2 CORPORATE AND COMMUNITY SERVICES

9.2.1 Purchasing Policy

File Reference: 00000
Location: Shire of Pingelly
Applicant: Gavin Pollock, Chief Executive Officer
Author: Gavin Pollock, Chief Executive Officer
Date: 3 November 2015
Disclosure of Interest: Nil
Attachments: Nil
Previous Reference: 11.3.4 Purchasing Policy on the 18 February 2015

Summary:

Council to amend the Shire of Pingelly Purchasing Policy to reflect the current change in legislation effective as of 1 October 2015 and change the wording in the policy from Executive Manger to Director.

Background:

The current purchasing policy adopted by the Shire reflects tender regulations/legislation that requests a Tender be called for all goods or services to the value of \$100,000 and above. As of 1 October 2015 the tender regulations/legislation have been changed from \$100,000 and above to \$150,000 and above.

Comment:

In the amended policy, only the purchasing amount has been changed to reflect the new tender regulations/legislation and wording of Executive Manger to Director.

The purchasing thresholds have been amended as detailed below:

| Current Amount of Purchase | Amended Amount of Purchase | Policy |
|-----------------------------------|-----------------------------------|--|
| Less than \$3,000 | Less than \$3,000 | Professional discretion of market in accordance with the objective of this Purchasing Policy |
| \$3,001 to \$15,000 | \$3,001 to \$25,000 | Obtain at least two verbal quotes where practical. |
| \$15,001 to \$49,999 | \$25,001 to \$70,000 | Obtain at least two written quotations. |
| \$50,000 - \$99,999 | \$70,001 - \$149,999 | Obtain at least three written quotations containing price and specification of goods and services (with procurement decision based on all value for money considerations). |
| \$100,000 and above | \$150,000 and above | Conduct a public tender process; or Source from a WALGA Preferred Supplier or supplier subject to a WA Department Finance Common User Agreement (CUA) |

Consultation:

Senior Management Team

Statutory Environment:

Local Government Act 1995

Policy Implications: Policy 5.11 Purchasing
Policy 2.1 Policy Manual

Financial Implications:

The amended policy will:

- Ensure best practice in relation to internal purchasing for the Shire of Pingelly
- Ensure statutory compliance with the Local Government Act 1995, Local Government Functions and General Regulations 1996 and relevant Regulations and the State Records Act
- Ensure value for money for the Shire of Pingelly
- Ensure openness, transparency, fairness and equity in the purchasing process
- Ensure consistent purchasing processes are implemented and maintained

Strategic Implications

Shire of Pingelly Strategic Community Plan

Outcome - 4.5: Effective and efficient corporate and administrative services

Strategy - 4.5.2: Develop and maintain risk management policies and procedures

Voting Requirements:

Absolute Majority

11891 - Moved: Cr Steel

Seconded: Cr Marshall

Recommendation Decision:

That Council endorse and adopt the listed Amended Amounts of Purchasing for Policy 5.11 and change the wording of Executive Manger to Director.

| Amended Amount of Purchase | Policy 5.11 |
|-----------------------------------|--|
| Less than \$3,000 | Professional discretion of market in accordance with the objective of this Purchasing Policy. |
| \$3,001 to \$25,000 | Obtain at least two verbal quotes where practical. |
| \$25,001 to \$70,000 | Obtain at least two written quotations. |
| \$70,001 - \$149,999 | Obtain at least three written quotations containing price and specification of goods and services (with procurement decision based on all value for money considerations). |
| \$150,000 and above | Conduct a public tender process; or Source from a WALGA Preferred Supplier or supplier subject to a WA Department Finance Common User Agreement (CUA). |

Council Decision:

That Council endorse and adopt the listed amended amounts of purchasing for Policy 5.11 and change the wording of Executive Manger to Director.

| Amended Amount of Purchase | Policy 5.11 |
|-----------------------------------|--|
| Less than \$3,000 | Professional discretion of market in accordance with the objective of this Purchasing Policy. |
| \$3,001 to \$15,000 | Obtain at least two verbal quotes where practical. |
| \$15,001 to \$50,000 | Obtain at least two written quotations. |
| \$50,001 to \$70,000 | Obtain at least two written quotations containing price and specification of goods and services (with procurement decision based on all value for money considerations). |
| \$70,001 - \$149,999 | Obtain at least three written quotations containing price and specification of goods and services (with procurement decision based on all value for money considerations). |
| \$150,000 and above | Conduct a public tender process; or Source from a WALGA Preferred Supplier or supplier subject to a WA Department Finance Common User Agreement (CUA). |

Carried: 7:0

Note: Changes made to the above figures to allow for more clarity when having to obtain quotes:

- **second row - \$25,000 changed to \$15,000**
- **third row - \$25,001 changed to \$15,001.**
- **a fourth row was added to include the figures \$50,001 to \$70,000**

9.3 TECHNICAL SERVICES

9.3.1 Tennis Court Synthetic Turf Surface at the New Recreation and Cultural Centre

File Reference: 00025
Location: Shire of Pingelly
Applicant: Gavin Pollock, Chief Executive Officer
Author: Craig McLennan, Project Manager
Date: 4 November 2015
Disclosure of Interest: Nil
Attachments: Nil

Summary:

The Shire advertised a “Request for Tender” RFT 1-2015-16 for “Synthetic Turf Surface and Rubber Underlay” for the six new tennis courts in the West Australian newspaper on 10th October 2015.

This agenda item documents the procedure undertaken by the Shire officers and makes a recommendation to Council to enter into a contract with the preferred tenderer.

The preferred tenderer is *Sport & Recreation Surfaces Pty Ltd* and they can meet the project delivery timetable of have the project completed by the 31st December 2015.

Background:

The Shire is undertaking the delivery of six synthetic surface tennis at the Somerset St sports reserve. The civil works, retaining walls, and fences have been / will be prepared by the Shire in conjunction with specialist contractors.

This agenda item refers to the Request for Tender for the delivery and installation of the synthetic turf surface.

Price Assessment

| Conforming Tender | Ranking | Legal Company Name | Conforming offer (ex GST) | \$ Difference to lowest | % Difference to lowest | Criteria Rating |
|-------------------|----------|---|---------------------------|-------------------------|------------------------|-----------------|
| No | 1 | Kristell Pty Ltd ATF Disley Trust | \$211,094.00 | 0 | 0 | 63.33 |
| No | 2 | En Tout Cas Pty Ltd. | \$246,100.00 | \$35,006.00 | 16.58 | 54.17 |
| YES | 3 | <i>Sport & Recreation Surfaces Pty Ltd</i> | \$249,385.45 | \$38,291.45 | 18.13 | 84.33 |
| No | 4 | Hasta Manana Pty Ltd | \$249,513.63 | \$38,419.63 | 18.20 | 43.33 |
| YES | 5 | JM & DM Cramer Family Trust. | \$254,675.00 | \$43,581.00 | 20.64 | 74.67 |
| YES | 6 | ABS Sports Fields Pty Ltd | \$312,229.00 | \$101,135.00 | 47.90 | 63.00 |
| No | 7 | Evergreen Synthetic Turf (WA) Pty | \$328,958.00 | \$117,864.00 | 55.83 | 58.83 |

Qualitative Criteria

The Qualitative Criteria, against which each submission was considered, were:

| |
|--|
| <p>DEMONSTRATED EXPERIENCE – Weighting 30%</p> <ul style="list-style-type: none">• Demonstrate relevant experience in providing the same or similar products and services,• List your current and future projects including the percentage completed and the percentage of capacity that the projects represent to your organisation including this project; and• Demonstrate competency and proven track record including delivery of projects within budget and timeframe. |
| <p>PROJECT DELIVERY - Weighting 30%</p> <ul style="list-style-type: none">• Detail the procedures and processes intended to achieve• the requirements of the Specification;• Provide an outline of the provisional works Program, including anticipated commencement and completion timelines, in a Gantt Chart or time scaled bar chart.• Detail how you will engage with the Principal during the works to ensure design considerations, product choice and budgetary restraints are managed. |
| <p>PRODUCT – Weighting 20%</p> <ul style="list-style-type: none">• Provide details of the suggested products to be used for this project, including product performance, origin and warranties. |
| <p>LOCAL CONTENT – Weighting 5%</p> <ul style="list-style-type: none">• Detail the local content that you will utilise in conducting the required services including employees, any subcontractors, local maintenance providers, use of local business etc. |
| <p>SKILLS AND EXPERIENCE OF KEY PERSONNEL – Weighting 10%</p> <ul style="list-style-type: none">• Tenderers should provide information of key personnel:• brief overview of key project team personnel and experience from your organisation to be utilised in delivering the contract;• membership to any professional or business association;• qualifications, with particular emphasis on experience of• personnel in projects of a similar requirement; and• any additional information. |
| <p>TENDERERS RESOURCES – Weighting 5%</p> <p>Attach your organisation profile.</p> |

Comment:

The specification for the six new tennis courts has been developed over a number of months involving many meetings involving a working group consisting with members from the Pingelly Tennis Club, Shire President and Shire Chief Executive Officer.

The tendered specification has been based on the Shire of Gnowangerup Tennis Courts that the working group members from the Pingelly Tennis Club have inspected and recommended as the preferred standard of courts surface to be constructed. The chosen specification can also be used as a suitable surface to accommodate hockey training. The recommended tenderer can deliver the required specification as they constructed the Shire of Gnowangerup Tennis Courts.

Consultation:

Pingelly Tennis Club Working Group, Shirley Lange – Shire President, Gavin Pollock – Chief Executive Officer, Barry Gibbs - Director Technical Services and Craig McLennan – Project Manager.

Statutory Environment:

- *Local Government Act 1995*
- *Local Government (Functions and General) Regulations 1996, Provision of goods and services Part 4. Tenders for providing goods or services (s. 3.57) Division 2*

Regulation 11. When tenders have to be publicly invited

(1) Tenders are to be publicly invited according to the requirements of this Division before a local government enters into a contract for another person to supply goods or services if the consideration under the contract is, or is expected to be, more, or worth more, than \$150 000...

Note: “Currency date” for the amendment to the financial limit is 1 October 2015.

Policy Implications:

Policy Manual part 5.11 Purchasing Policy

Financial Implications:

2015/16 budget under GL1192 Job Number R4R03 has a budget amount of \$499,205.

| | |
|-----------------------------|-----------|
| Expenditure to date being | \$231,939 |
| Estimated outstanding works | \$30,000 |
| Preferred tenderers price | \$249,385 |

Estimated Total Project Cost \$511,324

Additional expenditure has been due to the larger than estimated amount of rock within the work site. This has caused some minor delays in works but the project is still on track to be completed by the 31st December 2015.

The estimated additional funding of \$11,324 will be funded by other project savings and will be identified in the midyear budget review being conducted next week and put before Council at the December Ordinary Meeting of Council.

Strategic Implications:

Strategic Community Plan

Outcome 1.1 A cohesive and supportive community

Strategy 1.1.4 Actively promote and assist community groups and clubs

Outcome 1.3 Access to recreation, sporting and leisure opportunities

Strategy 1.3.1 Maintain and improve sporting and recreation facilities

Strategy 1.3.2 Promote sporting, recreation and leisure facilities and programs to encourage increased patronage

Strategy 1.3.3 Implement the Sport and Recreation Plan in liaison with the community

Outcome 1.4 Development and participation of young people

Strategy 1.4.1 Promote programs that assist in youth development and leadership

Strategy 1.4.2 Provide and promote appropriate and accessible facilities and activities for youth

Strategy 1.4.3: Support activities and programs for youth and children

Strategy 1.4.4: Provide facilities for children groups

This tendered works form a critical part of the already commenced project and will complement the Shire's Community Strategic Plan on improving recreational facilities and infrastructure.

Voting Requirements:

Simple Majority

11892 - Moved: Cr Hodges Seconded: Cr Mulroney

Recommendation and Council Decision:

That Council receive and endorse the tender provided by Sport & Recreation Surfaces Pty Ltd for the price of \$249,385 (ex GST) and authorise the Chief Executive Officer in signing all documents of appointment and engagement.

Carried: 7:0

10. ELECTED MEMBERS MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

11. NEW BUSINESS OF AN URGENT NATURE INTRODUCED BY DECISION OF MEETING

New business of an urgent nature introduced by decision of the meeting. Best practice provides that Council should only consider items that have been included on the Agenda (to allow ample time for Councillors to research prior to the meeting) and which have an Officer Report (to provide the background to the issue and a recommended decision).

11893 Moved Cr Steel Seconded Cr Mulroney

A motion that Council discuss writing to the Minister for Transport to resolve the levels of the parking bays on Parade Street from Park Street to Hall Street.

Carried 7:0

Cr Freebairn left the meeting at 12.27pm.

11894 Moved Cr Mulroney Seconded Cr Walton-Hassell to adjourn the meeting at 12.32pm for lunch.

Carried 6:0

The meeting reconvened at 12.49pm with all those present before the adjournment in attendance.

Grace French and Cr Mulroney left the meeting at 12.51pm and returned at 12.52pm

Cr Marshall left the meeting at 12.52pm and returned at 12.53pm

11895 Moved Cr Steel Seconded Cr Mulroney

That:

- 1. Council direct the Chief Executive Officer to seek clarification on the scope and timing of the reseal works as previously agreed to between Shire staff and Main Roads staff.**
- 2. Council direct the Chief Executive Officer to write to the Commissioner of Main Roads seeking clarification of specification and Main Roads policy in relation to continually raising the crown of a main road within a built up town site.**
- 3. Council direct the Chief Executive Officer to obtain a commitment from the Commissioner of Main Roads that any further works within the main street (Parade Street) will involve extensive public consultation and a commitment to reducing the height of the crown of the carriageway with any future works.**

Carried: 6:0

12. CLOSURE OF MEETING

The Chairman declared the meeting closed at 1.42pm.

These minutes were confirmed by Council at the Ordinary Meeting held on 18 November 2015

Signed.....
Presiding Person at the meeting at which the minutes were confirmed.