



— City of —
Melville

MINUTES

OF THE

ORDINARY MEETING OF THE COUNCIL

TO BE HELD ON

TUESDAY, 23 SEPTEMBER 2008

AT 6.30PM IN THE COUNCIL CHAMBERS

MELVILLE CIVIC CENTRE

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DISTRIBUTED: 26 SEPTEMBER 2008

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— City of —
Melville

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MINUTES OF THE ORDINARY MEETING OF THE COUNCIL HELD IN THE COUNCIL CHAMBERS, MELVILLE CIVIC CENTRE, 10 ALMONDBURY ROAD, BOORAGOON, COMMENCING AT 6.30PM ON TUESDAY 23 SEPTEMBER 2008.

1. OFFICIAL OPENING

The Presiding Member welcomed those in attendance to the meeting and declared the meeting open at 6:30pm. Mr J Clark the Governance and Compliance Program Manager read aloud the Disclaimer and His Worship the Mayor read aloud the Affirmation of Civic Duty and Responsibility.

Affirmation of Civic Duty and Responsibility

I make this Affirmation in good faith on behalf of Elected Members and Officers of the City of Melville. We collectively declare that we will duly, faithfully, honestly, and with integrity fulfil the duties of our respective office and positions for all the people in the district according to the best of our judgement and ability. We will observe the City's Code of Conduct and Standing Orders to ensure the efficient, effective and orderly decision making within this forum.

2. PRESENT

His Worship the Mayor, Russell Aubrey

COUNCILLORS

Cr H Everett, Cr N Pazolli
Cr D Macphail, Cr T Ceniviva
Cr R Subramaniam, Cr C W Robartson
Cr P M Phelan; Cr C M Halton
Cr J M Barton,
Cr L M Reynolds, Cr J Bennett

WARD

Applecross/Mount Pleasant
City
Bull Creek/Leeming
Palmyra/Melville/Willagee
Bicton/Attadale
University

3. IN ATTENDANCE

Dr S Silcox
Mr M Tieleman
Mr C McClure
Mr J Christie
Ms C Young

Mr B Taylor

Mr J Clark

Ms C Rourke

POSITION TITLE

Chief Executive Officer
Director Customer & Corporate Services
Director Strategic Urban Planning
Director Technical Services
A/Director Strategic Community
Development
Manager Information, Technology &
Support
Governance & Compliance Program
Manager
Minute Secretary

At the commencement of the Meeting there was 1 member of the public in the Public Gallery and 2 members of the Press in the Press Gallery.

4. APOLOGIES AND APPROVED LEAVE OF ABSENCE

Cr G Wieland

Bicton/Attadale Ward

5. PUBLIC QUESTION TIME

Nil

6. AWARDS AND PRESENTATIONS

Nil

7. CONFIRMATION OF MINUTES

7.1 ORDINARY MEETING OF COUNCIL – 19 AUGUST 2008
Min Aug 2008

At 6.35pm Cr Everett moved, seconded Cr Barton -

THAT THE MINUTES OF THE ORDINARY MEETING OF COUNCIL HELD ON TUESDAY 19 AUGUST 2008 BE CONFIRMED AS A TRUE AND ACCURATE RECORD.

At 6.35pm the Mayor submitted the motion, which was declared
CARRIED WITHOUT DISSENT (12/0)

7.2 NOTES OF AGENDA BRIEFING FORUM – 16 SEPTEMBER 2008
Notes ABF Sept 2008

At 6.36pm Cr Halton moved, seconded Cr Subramaniam -

THAT THE NOTES OF THE AGENDA BRIEFING FORUM HELD ON TUESDAY 16 SEPTEMBER 2008 BE RECEIVED.

At 6.36pm the Mayor submitted the motion, which was declared
CARRIED WITHOUT DISSENT (12/0)

8. DECLARATIONS OF INTEREST

- . P08/3047 Mr David Vinicombe – Manager Planning & Development Services
- . C08/5020 Ms Christine Young – Acting Manager Strategic Community Development

9. APPLICATIONS FOR NEW LEAVE OF ABSENCE

Nil

10. IDENTIFICATION OF MATTERS FOR WHICH MEETING MAY BE CLOSED

Nil

11. PETITIONS

11.1 Petition – Brothel Issue

A petition signed by thirty two (32) residents was received by the City of Melville on Monday 1 September 2008. The petition reads as follows:

“We, the undersigned, all being Electors of the City of Melville, do humbly pray that Council will take steps to immediately close any small scale home businesses where women are operating as prostitutes and any brothels that it becomes aware of operating in the City of Melville. We believe they are an unacceptable nuisance to the community and detrimental to the safe amenity of the area.

We ask that Council provide the community with a guarantee that it will reject all applications it receives for the establishment of brothels in its district under the new Prostitution Amendment Bill and that Council will oppose those applications in the State Administrative Tribunal.

As local Electors, we do not want brothels in our suburbs.”

This is the same petition that was presented by residents with 148 and 75 signatures to the Council Meeting on 15th July 2008 and 19th August 2008, respectively. These further signatures were sent to Dr Janet Woollard, Member for Alfred Cove, and has been forwarded to Council.

OFFICER RECOMMENDATION & COUNCIL RESOLUTION

At 6.37pm Cr Robartson moved, seconded Cr Subramaniam -

THAT THE PETITION BE RECEIVED AND THE PETITIONER BE ADVISED OF THE COUNCIL RESOLUTION FROM THE 17 JUNE 2008 ORDINARY MEETING OF COUNCIL, ITEM P08/5012.

At 6.37pm the Mayor submitted the motion, which was declared

CARRIED WITHOUT DISSENT (12/0)

11.2 Petition – Re: Proposed Scheme Amendment No. 41

A petition signed by nineteen (19) residents was received by the City of Melville on Tuesday 2 September 2008. The petition reads as follows:

“We, the undersigned, all being Electors of the City of Melville, do humbly pray that Proposed Scheme Amendment No. 41 is not amended to include restaurants, Cafes, Drive thru’s or any food service as there are sufficient food places locally. We also object to service stations or commercial other than Medical Suites or Offices. R60 rating to be single storey in keeping with the local amenity

This is a residential area and the encroachment of business to this side of Leach Highway is not necessary. The other consideration is to vehicle access that will affect local residents due to poor access at a busy intersection which has high heavy haulage truck movements.”

OFFICER RECOMMENDATION & COUNCIL RESOLUTION

At 6.37pm Cr Halton moved, seconded Cr Phelan -

THAT THE PETITION BEARING 19 SIGNATURES BE NOTED AND A REPORT BE PRESENTED TO A FUTURE COUNCIL MEETING WITH REGARD TO CONSIDERATION OF ALL SUBMISSIONS ON THE PROPOSED AMENDMENT FOLLOWING CONCLUSION OF THE SUBMISSION PERIOD.

At 6.37pm the Mayor submitted the motion, which was declared

CARRIED WITHOUT DISSENT (12/0)

12. REPORTS OF THE CHIEF EXECUTIVE OFFICER

The Presiding Member advised Elected Members that when dealing with the following Reports that they were acting in their Quasi-Judicial capacity which means that they are performing functions which involve the exercise of discretion and require a part of the decision making process be conducted in Judicial Manner. The judicial character arises from the obligation to abide by the principles of natural justice. This on it's part requires the application of the relevant facts to the appropriate statutory regime.

P08/3047 - PROPOSED REASONS FOR REFUSAL OF FOUR STOREY RESIDENTIAL DEVELOPMENT WITH FIVE (5) MULTIPLE DWELLINGS AND UNDERCROFT CARPARKING ON LOT 2 (15) TWEEDDALE ROAD, APPECROSS AND NOMINATION OF ELECTED MEMBER/S FOR WITNESSES AT APPEAL PROCEEDINGS (REC) (ATTACHMENT)

Disclosure of Interest

Item No.	P08/3047
Councillor/Officer	Mr D Vinicombe Manager Planning & Development Services
Type of Interest	Interest under Code of Conduct 6.8
Nature of Interest	Past Business Association
Request	Not in attendance at the meeting
Decision of Council	Not Required

Mr David Vinicombe, Manager Planning & Development Services, was not present at the meeting.

Ward	: Applecross-Mount Pleasant
Category	: Operational
Disclosure of any Interest	: David Vinicombe Manager Planning & Development Services
Application Number	: DA-2007-1794
Property	: 15 Tweeddale Road, Applecross.
Proposal	: Residential Development with 5 Multiple Dwellings and undercroft carparking.
Applicant	: Tuscom Subdivision consultants Pty Ltd
Owner	: Daystar Asset Pty Ltd
Responsible Officer	: Craig McClure Director Urban Planning
Previous Items	: P07/3010 – Mixed Use Development Residential and Commercial on Lot 1057 (15) Tweeddale Road, Applecross – Ordinary Meeting of Council held 15 May 2007 and; P08/3043 - Four Storey Residential development with five (5) Multiple Dwellings and undercroft carparking on Lot 2 (15) Tweeddale Road, Applecross Ordinary Meeting of Council held 19 August 2008

P08/3047 - PROPOSED REASONS FOR REFUSAL OF FOUR STOREY RESIDENTIAL DEVELOPMENT WITH FIVE (5) MULTIPLE DWELLINGS AND UNDERCROFT CARPARKING ON LOT 2 (15) TWEEDDALE ROAD, APPECROSS AND NOMINATION OF ELECTED MEMBER/S FOR WITNESSES AT APPEAL PROCEEDINGS (REC) (ATTACHMENT)

AUTHORITY / DISCRETION

	<u>Definition</u>
<input type="checkbox"/> Advocacy	<i>when Council advocates on its own behalf or on behalf of its community to another level of government/body/agency.</i>
<input type="checkbox"/> Executive	<i>the substantial direction setting and oversight role of the Council. e.g. adopting plans and reports, accepting tenders, directing operations, setting and amending budgets</i>
<input type="checkbox"/> Legislative	<i>includes adopting local laws, town planning schemes & policies.</i>
<input type="checkbox"/> Review	<i>when Council review decisions made by Officers.</i>
<input checked="" type="checkbox"/> Quasi-Judicial	<i>when Council determines an application/matter that directly affects a person's right and interests. The judicial character arises from the obligation to abide by the principles of natural justice. Examples of Quasi-Judicial authority include town planning applications, building licences, applications for other permits/licences (eg under Health Act, Dog Act or Local Laws) and other decisions that may be appealable to the State Administrative Tribunal.</i>

KEY ISSUES / SUMMARY

- Proposal for a four storey residential building with 5 multiple dwellings was deemed refused by Council on 19 August 2008 without including reasons for refusal.
- Total plot ratio of 1.027, exceeded the permitted 0.6 under R-Codes.
- Height limit variation was proposed for a small portion of the front roof.
- 13 submissions were received - 9 objecting and 4 supporting (including one multi-signature letter with 68 signatures supporting and one petition with 41 signatures objecting).
- Applicant has appealed Council's refusal of the development to the State Administrative Tribunal.
- In order to assist in the appeal, reasons for refusal are proposed to be clarified.
- It may also be appropriate to nominate Elected Member/s to be witnesses at Appeal proceedings.

BACKGROUND

The Council at its Ordinary Meeting on 19 August 2008 voted on an application for a four storey residential building with 5 multiple dwellings at Lot 2(15) Tweeddale Road, Applecross. A motion with recommendation for approval by Special Majority decision of the Council was submitted and the vote recorded was 6 for 5 against. The motion was therefore declared lost as it did not achieve the required Special Majority number of 10 votes of the Council for the motion to be approved. This resulted in a deemed refusal and as a result no reasons for refusal were recorded.

P08/3047 - PROPOSED REASONS FOR REFUSAL OF FOUR STOREY RESIDENTIAL DEVELOPMENT WITH FIVE (5) MULTIPLE DWELLINGS AND UNDERCROFT CARPARKING ON LOT 2 (15) TWEEDDALE ROAD, APPECROSS AND NOMINATION OF ELECTED MEMBER/S FOR WITNESSES AT APPEAL PROCEEDINGS (REC) (ATTACHMENT)

Scheme Provisions

MRS Zoning	:	Urban
CPS 5 Zoning	:	CBF - Canning Bridge Frame
R-Code	:	R50
Use Type	:	Residential
Use Class	:	Residential: D Use – Council discretion required.

Site Details

Lot Area	:	1010 sqm
Retention of Existing Vegetation	:	No
Street Tree(s)	:	Yes
Street Furniture (drainage pits etc)	:	No
Site Details	:	3047 Site Photo 2008 3047 Plans 2008

DETAIL

As an application for review of Council's refusal may be lodged with the State Administrative Tribunal (SAT), it is appropriate to provide reasons for the refusal to assist in the appeal proceedings. In order to further assist appeal proceedings, it is also appropriate to nominate an Elected Member/s to give witness statements to provide clarify for the reasons of refusal.

PUBLIC CONSULTATION/COMMUNICATION

Not applicable

REFERRALS TO GOVERNMENT AGENCIES

Not Applicable

STATUTORY AND LEGAL IMPLICATIONS

The State Administrative Tribunal Act requires the submission of reasons for refusal.

The State Administrative Tribunal (SAT) Act 2004, Section 21 'Statement of reasons for decision' (1) states: *"If this subsection applies to a reviewable decision, a person who has a right under an enabling Act or section 44(3) to have the decision reviewed by the Tribunal may request the decision-maker to provide the person with a written statement of the reasons for the decision."*

Subsection (5), states: *"Subject to section 23, the decision-maker's written statement has to contain – (a) the reasons for the decision;"*

P08/3047 - PROPOSED REASONS FOR REFUSAL OF FOUR STOREY RESIDENTIAL DEVELOPMENT WITH FIVE (5) MULTIPLE DWELLINGS AND UNDERCROFT CARPARKING ON LOT 2 (15) TWEEDDALE ROAD, APPECROSS AND NOMINATION OF ELECTED MEMBER/S FOR WITNESSES AT APPEAL PROCEEDINGS (REC) (ATTACHMENT)

FINANCIAL IMPLICATIONS

The financial implication is irrelevant in relation to the decision at hand.

STRATEGIC AND RISK MANAGEMENT IMPLICATIONS

Not Applicable

POLICY IMPLICATIONS

Not applicable

ALTERNATE OPTIONS & THEIR IMPLICATIONS

Not applicable

COMMENTS

The proposal was considered by the Council at its Ordinary Meeting on 19 August 2008 as follows:

1. The proposal was submitted to the Council with the Officer Recommendation for approval by Special Majority vote of the Council.
2. Cr Pazolli put a motion that the Officer Recommendation be rejected and replaced with a recommendation for refusal subject to the following reasons:
 - “1. *Non compliance with the maximum plot ratio of 0.6 required under the Residential Design Codes 2008 and the City of Melville Community Planning Scheme No. 5.*
 2. *Non compliance with the maximum height of 13.5 metres required under the City of Melville Community Planning Scheme No. 5.*
 3. *The 5 storey building bulk and scale is not considered appropriate within the Tweeddale streetscape and will negatively impact on the amenity of the residential area.*
 4. *The proposed 5 storey residential building is considered inconsistent with the predominantly 2 storey residential character along Tweeddale Road.*

P08/3047 - PROPOSED REASONS FOR REFUSAL OF FOUR STOREY RESIDENTIAL DEVELOPMENT WITH FIVE (5) MULTIPLE DWELLINGS AND UNDERCROFT CARPARKING ON LOT 2 (15) TWEEDDALE ROAD, APPECROSS AND NOMINATION OF ELECTED MEMBER/S FOR WITNESSES AT APPEAL PROCEEDINGS (REC) (ATTACHMENT)

5. *The proposal if approved would be contrary to the requirements of Clause 7.8 of the City of Melville Community Planning Scheme No. 5 relative to its inconsistency with: orderly and proper planning within the locality; the existing and likely future amenity of the residential area; and relevant submissions opposing the development.*
6. *The proposal if approved with significantly excessive plot ratio above the maximum required will create an undesirable precedent for future residential developments.”*

This motion was presented, and declared Lost (5/6).

3. Cr Subramaniam moved a motion that the original Officer Recommendation as presented for approval subject to Special Majority vote of the Council be submitted.
4. The Mayor submitted the motion, which was declared Lost (6/5) as it did not achieve the required Special Majority of 10 votes of the Council to pass the motion.
5. The application was therefore refused with no reasons being provided.

CONCLUSION

The Council at its Ordinary Meeting on 19 August 2008 has already made a decision for refusal, however reasons for that decision are for the review of that decision by the State Administrative Tribunal (SAT).

It is recommended that the reasons for refusal contained in Cr Pazolli's alternative recommendation be applied as reasons for refusal of the proposal. In addition, in order to assist in the appeal proceedings, it is recommended that Cr Pazolli be nominated as the Elected Member representing Council's views at the appeal.

P08/3047 - PROPOSED REASONS FOR REFUSAL OF FOUR STOREY RESIDENTIAL DEVELOPMENT WITH FIVE (5) MULTIPLE DWELLINGS AND UNDERCROFT CARPARKING ON LOT 2 (15) TWEEDDALE ROAD, APPECROSS AND NOMINATION OF ELECTED MEMBER/S FOR WITNESSES AT APPEAL PROCEEDINGS (REC) (ATTACHMENT)

OFFICER RECOMMENDATION (3047)

APPROVAL

- A) THAT THE FOLLOWING REASONS FOR REFUSAL OF THE APPLICATION FOR A PROPOSED FOUR STOREY RESIDENTIAL DEVELOPMENT WITH FIVE (5) MULTIPLE DWELLINGS AND UNDERCROFT CARPARKING ON LOT 2 (15) TWEEDDALE ROAD, APPECROSS CONSIDERED BY COUNCIL ON 19 AUGUST 2008 BE APPLIED:**
- 1. NON COMPLIANCE WITH THE MAXIMUM PLOT RATIO OF 0.6 REQUIRED UNDER THE RESIDENTIAL DESIGN CODES 2008 AND THE CITY OF MELVILLE COMMUNITY PLANNING SCHEME NO. 5.**
 - 2. NON COMPLIANCE WITH THE MAXIMUM HEIGHT OF 13.5 METRES REQUIRED UNDER THE CITY OF MELVILLE COMMUNITY PLANNING SCHEME NO. 5**
 - 3. THE 5 STOREY BUILDING BULK AND SCALE IS NOT CONSIDERED APPROPRIATE WITHIN THE TWEEDDALE ROAD STREETScape AND WILL NEGATIVELY IMPACT ON THE AMENITY OF THE RESIDENTIAL AREA.**
 - 4. THE PROPOSED 5 STOREY RESIDENTIAL BUILDING IS CONSIDERED INCONSISTENT WITH THE PREDOMINANT 2 STOREY RESIDENTIAL CHARACTER ALONG TWEEDDALE ROAD.**
 - 5. THE PROPOSAL IF APPROVED WOULD BE CONTRARY TO THE REQUIREMENTS OF CLAUSE 7.8 OF THE CITY OF MELVILLE COMMUNITY PLANNING SCHEME NO. 5 RELATIVE TO ITS INCONSISTENCY WITH: ORDERLY AND PROPER PLANNING WITHIN THE LOCALITY; THE EXISTING AND LIKELY FUTURE AMENITY OF THE RESIDENTIAL AREA; AND RELEVANT SUBMISSIONS OPPOSING THE DEVELOPMENT.**
 - 6. THE PROPOSAL IF APPROVED WITH SIGNIFICANTLY EXCESSIVE PLOT RATIO ABOVE THE MAXIMUM REQUIRED WILL CREATE AN UNDESIRABLE PRECEDENT FOR FUTURE RESIDENTIAL DEVELOPMENTS.**
- B) THAT CR PAZOLLI BE NOMINATED AS THE ELECTED MEMBER TO REPRESENT COUNCIL'S VIEWS AT ANY FUTURE STATE ADMINISTRATIVE TRIBUNAL APPEAL IN RELATION TO LOT 2 (15) TWEEDDALE ROAD, APPECROSS.**

P08/3047 - PROPOSED REASONS FOR REFUSAL OF FOUR STOREY RESIDENTIAL DEVELOPMENT WITH FIVE (5) MULTIPLE DWELLINGS AND UNDERCROFT CARPARKING ON LOT 2 (15) TWEEDDALE ROAD, APPECROSS AND NOMINATION OF ELECTED MEMBER/S FOR WITNESSES AT APPEAL PROCEEDINGS (REC) (ATTACHMENT)

Amendment 1

At 6.38pm Cr Pazolli moved, seconded Cr Everett that the following amendment be made to the Officer Recommendation -

A) THAT THE FOLLOWING REASONS FOR *DEEMED* REFUSAL OF THE APPLICATION FOR A PROPOSED FOUR STOREY RESIDENTIAL DEVELOPMENT WITH FIVE (5) MULTIPLE DWELLINGS AND UNDERCROFT CARPARKING ON LOT 2 (15) TWEEDDALE ROAD, APPECROSS CONSIDERED BY COUNCIL ON 19 AUGUST 2008 BE APPLIED:

1. NON COMPLIANCE WITH THE MAXIMUM PLOT RATIO OF 0.6 REQUIRED UNDER THE RESIDENTIAL DESIGN CODES 2008 AND THE CITY OF MELVILLE COMMUNITY PLANNING SCHEME NO. 5.
2. NON COMPLIANCE WITH THE MAXIMUM HEIGHT OF 13.5 METRES REQUIRED UNDER THE CITY OF MELVILLE COMMUNITY PLANNING SCHEME NO. 5
3. THE 5 STOREY BUILDING BULK AND SCALE IS NOT CONSIDERED APPROPRIATE WITHIN THE TWEEDDALE ROAD STREETScape AND WILL NEGATIVELY IMPACT ON THE AMENITY OF THE RESIDENTIAL AREA.
4. THE PROPOSED 5 STOREY RESIDENTIAL BUILDING IS CONSIDERED INCONSISTENT WITH THE PREDOMINANT 2 STOREY RESIDENTIAL CHARACTER ALONG TWEEDDALE ROAD.
5. THE PROPOSAL IF APPROVED WOULD BE CONTRARY TO THE REQUIREMENTS OF CLAUSE 7.8 OF THE CITY OF MELVILLE COMMUNITY PLANNING SCHEME NO. 5 RELATIVE TO ITS INCONSISTENCY WITH: ORDERLY AND PROPER PLANNING WITHIN THE LOCALITY; THE EXISTING AND LIKELY FUTURE AMENITY OF THE RESIDENTIAL AREA; AND RELEVANT SUBMISSIONS OPPOSING THE DEVELOPMENT.
6. THE PROPOSAL IF APPROVED WITH SIGNIFICANTLY EXCESSIVE PLOT RATIO ABOVE THE MAXIMUM REQUIRED WILL CREATE AN UNDESIRABLE PRECEDENT FOR FUTURE RESIDENTIAL DEVELOPMENTS.

B) THAT CR PAZOLLI BE NOMINATED AS THE ELECTED MEMBER TO REPRESENT COUNCIL'S VIEWS AT ANY FUTURE STATE ADMINISTRATIVE TRIBUNAL APPEAL IN RELATION TO LOT 2 (15) TWEEDDALE ROAD, APPECROSS.

P08/3047 - PROPOSED REASONS FOR REFUSAL OF FOUR STOREY RESIDENTIAL DEVELOPMENT WITH FIVE (5) MULTIPLE DWELLINGS AND UNDERCROFT CARPARKING ON LOT 2 (15) TWEEDDALE ROAD, APPECROSS AND NOMINATION OF ELECTED MEMBER/S FOR WITNESSES AT APPEAL PROCEEDINGS (REC) (ATTACHMENT)

C) THAT THE CITY OF MELVILLE TAKE AN ADVERSARIAL ROLE IN THE APPEAL PROCEEDINGS AND SUPPORT ANY REQUEST FROM INTERESTED PARTIES TO SEEK AN INTERVENTION IN THE APPEAL.

At 6.57pm the Mayor submitted the amendment, which was declared

LOST (4/8)

Cr Everett requested that the votes be recorded -

For: Cr Barton, Cr Bennett, Cr Everett, Cr Pazolli
Against: R Aubrey, Cr Ceniviva, Cr Halton, Cr Macphail, Cr Phelan, Cr Reynolds,
Cr Robartson, Cr Subramaniam

Amendment 2

At 6.57pm Cr Subramaniam moved, seconded Cr Phelan that the following amendment be made to the Officer Recommendation -

A) THAT THE FOLLOWING REASONS FOR DEEMED REFUSAL OF THE APPLICATION FOR A PROPOSED FOUR STOREY RESIDENTIAL DEVELOPMENT WITH FIVE (5) MULTIPLE DWELLINGS AND UNDERCROFT CARPARKING ON LOT 2 (15) TWEEDDALE ROAD, APPECROSS CONSIDERED BY COUNCIL ON 19 AUGUST 2008 BE APPLIED:

- 1. NON COMPLIANCE WITH THE MAXIMUM PLOT RATIO OF 0.6 REQUIRED UNDER THE RESIDENTIAL DESIGN CODES 2008 AND THE CITY OF MELVILLE COMMUNITY PLANNING SCHEME NO. 5.**
- 2. NON COMPLIANCE WITH THE MAXIMUM HEIGHT OF 13.5 METRES REQUIRED UNDER THE CITY OF MELVILLE COMMUNITY PLANNING SCHEME NO. 5**
- 3. THE 5 STOREY BUILDING BULK AND SCALE IS NOT CONSIDERED APPROPRIATE WITHIN THE TWEEDDALE ROAD STREETScape AND WILL NEGATIVELY IMPACT ON THE AMENITY OF THE RESIDENTIAL AREA.**
- 4. THE PROPOSED 5 STOREY RESIDENTIAL BUILDING IS CONSIDERED INCONSISTENT WITH THE PREDOMINANT 2 STOREY RESIDENTIAL CHARACTER ALONG TWEEDDALE ROAD.**
- 5. THE PROPOSAL IF APPROVED WOULD BE CONTRARY TO THE REQUIREMENTS OF CLAUSE 7.8 OF THE CITY OF MELVILLE COMMUNITY PLANNING SCHEME NO. 5 RELATIVE TO ITS INCONSISTENCY WITH: ORDERLY AND PROPER PLANNING WITHIN THE LOCALITY; THE EXISTING AND LIKELY FUTURE AMENITY OF THE RESIDENTIAL AREA; AND RELEVANT SUBMISSIONS OPPOSING THE DEVELOPMENT.**

P08/3047 - PROPOSED REASONS FOR REFUSAL OF FOUR STOREY RESIDENTIAL DEVELOPMENT WITH FIVE (5) MULTIPLE DWELLINGS AND UNDERCROFT CARPARKING ON LOT 2 (15) TWEEDDALE ROAD, APPECROSS AND NOMINATION OF ELECTED MEMBER/S FOR WITNESSES AT APPEAL PROCEEDINGS (REC) (ATTACHMENT)

6. THE PROPOSAL IF APPROVED WITH SIGNIFICANTLY EXCESSIVE PLOT RATIO ABOVE THE MAXIMUM REQUIRED WILL CREATE AN UNDESIRABLE PRECEDENT FOR FUTURE RESIDENTIAL DEVELOPMENTS.
- B) THAT CR PAZOLLI BE NOMINATED AS THE ELECTED MEMBER TO REPRESENT COUNCIL'S VIEWS AT ANY FUTURE STATE ADMINISTRATIVE TRIBUNAL APPEAL IN RELATION TO LOT 2 (15) TWEEDDALE ROAD, APPECROSS.
- C) THAT THE CITY OF MELVILLE TAKE A NON-ADVERSARIAL ROLE IN THE APPEAL PROCEEDINGS AND SUPPORT ANY REQUEST FROM INTERESTED PARTIES TO SEEK AN INTERVENTION IN THE APPEAL.

At 6.58pm the Mayor submitted the amendment, which was declared

CARRIED (8/4)

OFFICER RECOMMENDATION & COUNCIL RESOLUTION (3047) APPROVAL

At 6.58pm Cr Subramaniam moved, seconded Cr Phelan that the substantive motion as amended being -

- A) THAT THE FOLLOWING REASONS FOR *DEEMED* REFUSAL OF THE APPLICATION FOR A PROPOSED FOUR STOREY RESIDENTIAL DEVELOPMENT WITH FIVE (5) MULTIPLE DWELLINGS AND UNDERCROFT CARPARKING ON LOT 2 (15) TWEEDDALE ROAD, APPECROSS CONSIDERED BY COUNCIL ON 19 AUGUST 2008 BE APPLIED:
 1. NON COMPLIANCE WITH THE MAXIMUM PLOT RATIO OF 0.6 REQUIRED UNDER THE RESIDENTIAL DESIGN CODES 2008 AND THE CITY OF MELVILLE COMMUNITY PLANNING SCHEME NO. 5.
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- 5. THE PROPOSAL IF APPROVED WOULD BE CONTRARY TO THE REQUIREMENTS OF CLAUSE 7.8 OF THE CITY OF MELVILLE COMMUNITY PLANNING SCHEME NO. 5 RELATIVE TO ITS INCONSISTENCY WITH: ORDERLY AND PROPER PLANNING WITHIN THE LOCALITY; THE EXISTING AND LIKELY FUTURE AMENITY OF THE RESIDENTIAL AREA; AND RELEVANT SUBMISSIONS OPPOSING THE DEVELOPMENT.**
 - 6. THE PROPOSAL IF APPROVED WITH SIGNIFICANTLY EXCESSIVE PLOT RATIO ABOVE THE MAXIMUM REQUIRED WILL CREATE AN UNDESIRABLE PRECEDENT FOR FUTURE RESIDENTIAL DEVELOPMENTS.**
- B) THAT CR PAZOLLI BE NOMINATED AS THE ELECTED MEMBER TO REPRESENT COUNCIL'S VIEWS AT ANY FUTURE STATE ADMINISTRATIVE TRIBUNAL APPEAL IN RELATION TO LOT 2 (15) TWEEDDALE ROAD, APPECROSS.**
- C) THAT THE CITY OF MELVILLE TAKE A NON-ADVERSARIAL ROLE IN THE APPEAL PROCEEDINGS AND SUPPORT ANY REQUEST FROM INTERESTED PARTIES TO SEEK AN INTERVENTION IN THE APPEAL.**

At 6.58pm the Mayor submitted the substantive motion as amended, which was declared
CARRIED (8/4)

FOOTNOTE

COUNCIL RESOLVED TO TAKE A NON-ADVERSARIAL ROLE IN THE APPEAL WHERE COUNCIL WOULD ASSIST THE TRIBUNAL TO MAKE IT'S DECISION BY PROVIDING RELEVANT INFORMATION, BUT OTHERWISE WOULD NOT ACTIVELY OPPOSE THE APPLICATION.

The Presiding Member to advise Elected Members that the Meeting had now moving out of the Quasi-Judicial phase.

C08/5020 – RECRUITMENT OF THE DIRECTOR STRATEGIC COMMUNITY DEVELOPMENT (REC) (ATTACHMENT)

Disclosure of Interest

Item No.	C08/5020
Councillor/Officer	Ms Christine Young
Type of Interest	Interest under Code of Conduct 6.8
Nature of Interest	Financial Interest
Request	Leave
Decision of Council	Not Required

At 6.58pm Ms Christine Young, Acting Director Strategic Community Development, having declared an interest in this item left the meeting.

Ward	: All
Category	: Administration
Subject Index	: Recruitment
Customer Index	: Not Applicable
Disclosure of any Interest	: Ms Christine Young, Acting Director Strategic Community Development
Previous Items	: Nil
Works Programme	: Not Applicable
Funding	: Not Applicable
Responsible Officer	: Dr Shayne Silcox Chief Executive Officer

AUTHORITY / DISCRETION

	<u>Definition</u>
<input type="checkbox"/> Advocacy	<i>when Council advocates on its own behalf or on behalf of its community to another level of government/body/agency.</i>
<input checked="" type="checkbox"/> Executive	<i>the substantial direction setting and oversight role of the Council. e.g. adopting plans and reports, accepting tenders, directing operations, setting and amending budgets</i>
<input type="checkbox"/> Legislative	<i>includes adopting local laws, town planning schemes & policies.</i>
<input type="checkbox"/> Review	<i>when Council review decisions made by Officers.</i>
<input type="checkbox"/> Quasi-Judicial	<i>when Council determines an application/matter that directly affects a person's right and interests. The judicial character arises from the obligation to abide by the principles of natural justice. Examples of Quasi-Judicial authority include town planning applications, building licences, applications for other permits/licences (eg under Health Act, Dog Act or Local Laws) and other decisions that may be appealable to the State Administrative Tribunal.</i>

KEY ISSUES / SUMMARY

- Confirmation that the selection process for the Director Strategic Community Development complies with legislative requirements.
- Council to accept or reject the recommended Applicant for the role of Director Strategic Community Development.

C08/5020 – RECRUITMENT OF THE DIRECTOR STRATEGIC COMMUNITY DEVELOPMENT (REC) (ATTACHMENT)**BACKGROUND**

The role of Director Strategic Community Development was advertised in the West Australian Newspaper, with applications closing 14 August 2008. A remuneration package of up to \$170,000 was advertised.

A total of 22 applications were received and were short listed. Interviews were then held with 5 Applicants, followed by completion of reference checks on the preferred Applicant.

The selection panel included the Director Customer and Corporate Services, the Employee Services Coordinator, and the Chief Executive Officer.

A Confidential Recruitment Report (Attachment (A)) was distributed to Elected Members, under confidential cover (Confidential Attachment A) on Friday, 12th September 2008.

LEGAL/POLICY IMPLICATIONS

There are a variety of legal and policy requirements as detailed below. The specific relevant documentation that guides this process includes;

- Relevant sections of the Local Government Act 1995 (Sections 5.37, 5.39, 5.40); Equal Opportunity Act 1984;
- Prevention of Workplace Bullying, Discrimination & Harassment (City of Melville Policy 10-PL-004).
- Employee Appointments (City of Melville Policy 10-PL-005)

The role of Director Strategic Community Development is deemed within our Employee Appointments Policy to be a Senior Employee under the Local Government Act.

Section 5.37 (2) of the Local Government Act states that “The CEO is to inform the council of each proposal to employ or dismiss a senior employee and the council may accept or reject the CEO’s recommendation but if the council rejects a recommendation, it is to inform the CEO of the reasons for its doing so.”

It is also noted that, in accordance with the Local Government Act, the value of the remuneration and benefits in the proposed contract cannot be greater than the amount advertised.

C08/5020 – RECRUITMENT OF THE DIRECTOR STRATEGIC COMMUNITY DEVELOPMENT (REC) (ATTACHMENT)

COMMENTS

To ensure corporate success and business improvement the Director Strategic Community Development role will focus on management and leadership of the Directorate and developing cross functional approaches with the Executive Management Team (EMT).

The recommended applicant presented as having a sound understanding of the need/priorities of the Directorate, the role of an EMT member and appeared comfortable in being able to make tough decision should they arise. This was further reflected in the recommended applicant's demonstrated experience in overall management of all areas of Community Development which has been further enhanced by previous acting opportunities at a Director Level within a Local Government environment.

Public announcement of the Applicant will occur following finalisation of the contract.

FINANCIAL IMPLICATIONS

The cost of the recruitment process is within the current operational budget.

STRATEGIC AND RISK MANAGEMENT IMPLICATIONS

Risks with this matter relate to ensuring the recruitment process is seen as professional, confidential, and transparent, attracts and appoints suitable applicants, and complies with legislative requirements.

Risk Statement	Level of Risk	Risk Mitigation Strategy
Risk of the City of Melville not coordinating a transparent, confidential and professional process that attracts and appoints a suitable applicant	Low level of risk	Broad advertisement of vacancy. Compliance with standard organisational recruitment processes.

POLICY IMPLICATIONS

As indicated above the following policies relate to this matter and requirements contained within these policies have been met.

- Prevention of Workplace Bullying, Discrimination & Harassment (City of Melville Policy 10-PL-004).
- Employee Appointments (City of Melville Policy 10-PL-005)

CONCLUSION

To finalise the recruitment process Council must formally accept the recommended Applicant for the Director Strategic Community Development. It is again noted that they can reject the Applicant, provided reasons for rejection are detailed.

C08/5020 – RECRUITMENT OF THE DIRECTOR STRATEGIC COMMUNITY DEVELOPMENT (REC) (ATTACHMENT)

OFFICER RECOMMENDATION & COUNCIL RESOLUTION (5020)

APPROVAL

At 6.59pm Cr Bennett moved, seconded Cr Phelan -

1. **THAT THE RECOMMENDATION FOR THE APPOINTMENT OF THE PREFERRED APPLICANT OUTLINED IN CONFIDENTIAL ATTACHMENT (A), TO THE POSITION OF DIRECTOR STRATEGIC COMMUNITY DEVELOPMENT, FOR A PERIOD OF FIVE YEARS, IN ACCORDANCE WITH CONTRACT CONDITIONS AGREED TO BY THE CHIEF EXECUTIVE OFFICER, BE ACCEPTED.**
2. **THAT THE NAME OF THE RECOMMENDED APPLICANT BE PUBLICLY DISCLOSED UPON SIGNING OF THE CONTRACT BY ALL PARTIES.**

At 6.59pm the Mayor submitted the motion, which was declared

CARRIED WITHOUT DISSENT (12/0)

At 6.59pm Ms Christine Young, Acting Director Strategic Community Development, returned to the meeting.

C08/5021 – REVIEW OF WARD BOUNDARIES AND ELECTED MEMBER REPRESENTATION (REC) (ATTACHMENT)

Ward	:	All
Category	:	Operational
Subject Index	:	Ward Boundaries
Customer Index	:	City of Melville
Disclosure of any Interest	:	No Officer involved in the preparation of this report has a declarable interest in this matter.
Previous Items	:	Standard Item
Works Programme	:	Not applicable
Funding	:	Not applicable
Responsible Officer	:	Bruce Taylor Manager Information & Corporate Support

AUTHORITY / DISCRETION

	<u>Definition</u>
<input type="checkbox"/> Advocacy	<i>when Council advocates on its own behalf or on behalf of its community to another level of government/body/agency.</i>
<input type="checkbox"/> Executive	<i>the substantial direction setting and oversight role of the Council. e.g. adopting plans and reports, accepting tenders, directing operations, setting and amending budgets</i>
<input checked="" type="checkbox"/> Legislative	<i>includes adopting local laws, town planning schemes & policies.</i>
<input type="checkbox"/> Review	<i>when Council reviews decisions made by Officers.</i>
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KEY ISSUES / SUMMARY

- Report notifies the Council of the legislative requirement to conduct a review of the number of wards and representation for the City of Melville in accordance with and as required under schedule 2.2 of the *Local Government Act 1995* & seeks the Council endorsement of the action taken by the Chief Executive Officer to initiate the review in accordance with his delegated powers.

C08/5021– REVIEW OF WARD BOUNDARIES AND ELECTED MEMBER REPRESENTATION (REC) (ATTACHMENT)**BACKGROUND**

The City of Melville previously conducted a review of its ward structure and representation in August 2000. The Melville District (Representation) Order 2001 was made by the Governor on 25 January 2001. The Order reduced as at the May 2003 election the number of offices of councillor on the council of the City of Melville from 18 to 12; and the number of offices of councillor for each of the 6 wards in the district of Melville from 3 to 2. An amendment order was gazetted on 9 March 2001 however, this dealt mainly with the formatting of the previous order rather than its substance.

Under Schedule 2.2 clause 6 of the *Local Government Act 1995*, local governments with wards are to review their ward boundaries and the number of offices of councillor for each ward every eight years.

As the previous review was started in 2000 and completed in 2001 the Council is due to undertake the review as a matter of priority. Indeed, a formal review needs to be completed by 25 January 2009. However, if any changes to the wards and representation is to be included in time for the 2009 local government elections, the review must be submitted to the Local Government Board by 31 December 2008.

The process that the review will follow is depicted in the process map contained in attachment [5021 Process Map](#)

DETAIL

The Council has in place a delegation to the CEO (Delegation No 14-DA-010) to initiate a review of the ward boundaries and the number of councillors per ward. The Council may therefore commence its statutory review either by Council resolution or by the CEO exercising delegated authority.

C08/5021– REVIEW OF WARD BOUNDARIES AND ELECTED MEMBER REPRESENTATION (REC) (ATTACHMENT)

The Council is required to advertise the review for a six week period requesting the public make submissions to the local government and is then to consider the submissions made. (*Schedule 2.2 clause 7*)

Before the Council proposes that an order be made to *inter alia* change the boundaries of a ward or to create new wards, or to change the number of offices of councillor for a ward, it is to take into account where applicable the following criteria:

- (a) Community of interests;
- (b) physical and topographic features;
- (c) demographic trends;
- (d) economic factors; and
- (e) the ratio of councillors to electors in the various wards. (*Clause 8*)

Once the Council has completed a review, it is to make a report in writing to the Advisory Board and may propose (by absolute majority) to the Board the making of any order under section 2.2(1) (Abolishing or creating new wards, changing boundaries etc), 2.3(3) (Names of districts and wards) or 2.18(3) (Fixing and changing the number of councillors) it thinks fit. (*Clause 9*).

With regard to the review of wards the Council may wish to look primarily at three options, these being – the discontinuance of the ward system; the alignment of the ward system to the Council's identified neighbourhood boundaries, and the retention of the present ward boundaries and distribution.

The Council will also seek public submissions as to the renaming of the wards. The Council has received correspondence from Elected Members and members of the public that suggests confusion is caused by the fact that ward boundaries and suburb boundaries do not align. It is an option that perhaps a change of the ward name not based on suburb name may prevent this confusion.

The Council will also be looking at options with regard to the number of elected members per ward. These include the retention of the present number per ward of elected members, as well as decreasing or increasing the number of elected members per ward to correspond with any changes in the number of wards.

A discussion paper will be available to all members of the public on the commencement of the advertising period.

C08/5021– REVIEW OF WARD BOUNDARIES AND ELECTED MEMBER REPRESENTATION (REC) (ATTACHMENT)**PUBLIC CONSULTATION/COMMUNICATION**

The Council is required to advertise the review in accordance with Schedule 2.2 clause 7 of the *Local Government Act 1995*. An Elected Member Workshop will be held on 30 September 2008 to discuss the issue and the various options available in detail. Relevant community groups may also wish to make submissions.

CONSULTATION WITH OTHER AGENCIES / CONSULTANTS

The Council is required to submit a written report to the Local Government Advisory Board for their consideration.

The Local Government Advisory Board makes a recommendation to the Minister for Local Government who in turn makes a recommendation to the Governor.

The Governor makes an order on the basis of the recommendation made by the Minister for Local Government.

STATUTORY AND LEGAL IMPLICATIONS

The *Local Government Act 1995* schedule 2.2 clause 6 requires that every local government that has a ward system is to undertake a review of its wards and representation so that not more than 8 years elapse between successive reviews.

6. *Local government with wards to review periodically*

(1) *A local government the district of which is divided into wards is to carry out reviews of —*

- (a) *its ward boundaries; and*
- (b) *the number of offices of councillor for each ward,*

from time to time so that not more than 8 years elapse between successive reviews.

It be noted that the City of Melville has Delegation 14-DA-010 – Initiate Ward Boundary Review in place that provides for a delegation to the CEO & Director Customer & Corporate Services to initiate a review of ward boundaries and the number of councillors per ward. The CEO has initiated action to commence the review and this report seeks Council's endorsement of that action.

FINANCIAL IMPLICATIONS

The cost implications include advertisement costs and Gazettal fees.

C08/5021– REVIEW OF WARD BOUNDARIES AND ELECTED MEMBER REPRESENTATION (REC) (ATTACHMENT)**STRATEGIC AND RISK MANAGEMENT IMPLICATIONS**

The requirement for periodic reviews of representation is linked to the overall organisation and community participation within the process of elections.

POLICY IMPLICATIONS

Not applicable.

ALTERNATE OPTIONS AND THEIR IMPLICATIONS

Not applicable.

CONCLUSION

A review of Ward Boundaries and Elected Member representation is required to be undertaken in order to comply with the requirements of the Local Government Act and ensure that the current ward boundaries are appropriate and the number of electors per elected member is evenly balanced across the municipality.

Consultation with Elected Members and the Community will be undertaken during the process of the review to ensure that all options available to the Council are thoroughly explored prior to recommending any amendments to the Local Government Advisory Board.

OFFICER RECOMMENDATION & COUNCIL RESOLUTION (5021)**APPROVAL**

THAT COUNCIL ENDORSE THE ACTION OF THE CHIEF EXECUTIVE OFFICER IN COMMENCING THE REVIEW OF THE CITY OF MELVILLE WARD BOUNDARIES AND REPRESENTATION TO BE UNDERTAKEN IN ACCORDANCE WITH THE REQUIREMENTS OF THE LOCAL GOVERNMENT ACT 1995.

At 6.59pm the Mayor submitted the motion, which was declared

CARRIED EN BLOC (12/0)

**C08/6015 - UNDERGROUND POWER – 21 THE ESPLANADE, MOUNT PLEASANT
(& 68 – 72 KISHORN ROAD) (AMREC)**

Ward	: Applecross/Mt Pleasant
Category	: Operational
Subject Index	: Underground Power
Customer Index	: City of Melville
Disclosure of any Interest	: No Officer involved in the preparation of this report has a declarable interest in this matter.
Previous Items	: C07/6009 - Mount Pleasant Underground Power Project – Ordinary Meeting of Council held 18 September 2007
Works Programme	: Not Applicable
Funding	: Not Applicable
Responsible Officer	: Bob Searle Manager Financial Services

AUTHORITY / DISCRETION

	<u>Definition</u>
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KEY ISSUES / SUMMARY

- This report seeks agreement to apply a special rates concession to the residents of 21 The Esplanade and 68 to 72 Kishorn Road (referred to hereafter as 21 The Esplanade) in respect of the Underground Power and Streetscape Scheme (Underground Power) specified area rate.

**C08/6015 - UNDERGROUND POWER – 21 THE ESPLANADE, MOUNT PLEASANT
(& 68 – 72 KISHORN ROAD) (AMREC)****BACKGROUND**

The property is a relatively new development and the apartments and units have existing underground consumer mains installed, supplied from an existing Western Power 500kva transformer located on the property. It is understood that the transformer also provides Western Power's Low Voltage (LV) mains supplies to the street outside.

The developer of the property made a major financial contribution towards the cost of establishing the Western Power supply to the property including the cost of the transformer. In addition, to improve the aesthetic appearance and outlook of the flats on The Esplanade frontage, the developer also paid a contribution towards removing the LV overhead street mains on this frontage and replacing them with underground power cable. The developer's costs were factored into the purchase price of the properties paid by the ratepayer owners. This particular circumstance is unique in the Underground Power area and officers believe that the saving to the scheme should be reflected in the rate levied on the owners of the properties in the development.

DETAIL

As a result of some confusion arising from the transferral of the manual survey of properties information to the database used for rates modelling, properties within this development were treated in different ways when the rates notices were sent out. The treatments were as below –

- 12 properties were not levied any charge
- 20 properties were charged the domestic Specified Area Rate and no Service Charge
- 2 Properties were charged the domestic Specified Area Rate and a \$75 Service Modification Charge (Strata – 16 & more units)
- 6 Properties were charged the Commercial Specified Area Rate and a \$200 Service Modification Charge (Strata – up to 4 units)

Some of the properties charged the Commercial figure were in fact residential accommodation and should be charged the Domestic Rate. Property owners have been notified of the situation and that a recommendation will be made to Council.

The situation in this development is unique in the subject area in that during the construction of the property the developer paid for infrastructure that has meant a reduction in the overall construction costs of the scheme. The supply of power to the transformer on the property is from the existing overhead mains and as such it remains appropriate that the owners should contribute to the scheme costs. The costs incurred by the developer are in two parts, the main cost was the installation of the transformer, while a lesser cost was the undergrounding of power along the river front.

Following consultation with an underground power scheme specialist, the estimation of savings to the current scheme arising from the work that has been done is \$35,000 in respect of the transformer and \$4,550 in respect of the undergrounding work.

**C08/6015 - UNDERGROUND POWER – 21 THE ESPLANADE, MOUNT PLEASANT
(& 68 – 72 KISHORN ROAD) (AMREC)**

Two other properties, 23 and 23A The Esplanade, benefited from the undergrounding work undertaken by the developers of 21 The Esplanade. These properties have not therefore been charged any Service Charge because they already have a green box. They were not however involved in any cost implications of the original work and it is not therefore proposed that they should have their Specified Area Rate reduced.

The Officers' recommendation is that the \$35,000 saving be shared evenly across all 40 properties in the development and the \$4,550 saving be shared evenly between the properties facing the river front. The outcome of this recommendation would be that –

- None of the properties should be charged a Service Charge or a Service Modification charge since they already have an underground connection to the transformer.;
- All properties should be charged the Specified Area Rate, either domestic or commercial depending on the nature of the property;
- All properties should receive the normal concession adopted during the budget process, meaning that the domestic properties should not be charged more than \$3,400 (Strata level) and commercial properties should not be charged more than \$5,500;
- In addition to this concession, all properties should receive a further concession of \$875 per property to reflect the reduction in costs to the scheme relating to the transformer on the property on the basis that this was paid for by them in the purchase cost of their properties;
- In addition to the above two concessions, the 32 properties facing the river should receive a further concession of \$142 per property to reflect the reduction in costs to the scheme relating to the previous undergrounding of power undertaken as part of the development of the property.

PUBLIC CONSULTATION/COMMUNICATION

Input has been received from some residents in the property and all owners have been informed of the proposed process. Western Power has been consulted concerning this issue as has a specialist consultant in this field.

CONSULTATION WITH OTHER AGENCIES / CONSULTANTS

Discussions have been held with Western Power concerning this issue.

STATUTORY AND LEGAL IMPLICATIONS

Section 6.47 of the Local Government Act 1995 states that, Subject to the Rates and Charges (Rebates and Deferments) Act 1992, a local government may at the time of imposing a rate or service charge or at a later date resolve to waive* a rate or service charge or resolve to grant other concessions in relation to a rate or service charge.

** Absolute majority required.*

**C08/6015 - UNDERGROUND POWER – 21 THE ESPLANADE, MOUNT PLEASANT
(& 68 – 72 KISHORN ROAD) (AMREC)**

FINANCIAL IMPLICATIONS

The amount charged to these properties at present in respect of the Underground Power scheme is \$109,150. Under the proposed arrangement it would be \$105,850. The difference in overall yield is minimal, but the costs will be shared in a more equitable fashion.

STRATEGIC AND RISK MANAGEMENT IMPLICATIONS

Risk Statement	Level of Risk	Risk Mitigation Strategy
Loss of income to the scheme of \$3,300	Low impact on budget	Not necessary
Disaffection of community arising from inequitable allocation of costs and inconsistent charging levels	Minor consequences which are almost certain, resulting in a Low level of risk	As per this report, allocate costs on a calculated, informed and equitable basis.

POLICY IMPLICATIONS

There is no Council Policy that relates to this matter

ALTERNATE OPTIONS AND THEIR IMPLICATIONS

Council may choose to adopt a different approach to this issue; however the recommended approach seems, to the officers involved, to be the fairest and most equitable which does not to set precedents elsewhere in the scheme area. The existing situation in reference to inconsistency and inaccuracy needs to be addressed. The Officers' recommendation has analysed the impact and it is believed that the recommendation presented is the fairest to the individuals and the community.

CONCLUSION

The development referred to as 21 The Esplanade represents a unique situation in that when it was developed material costs were included in the price charged for the units as a result this has reduced the future costs of the current underground power scheme. Additionally, the manner in which the properties were charged in respect of the scheme was inconsistent.

This report recommends a varied level of concession.

**C08/6015 - UNDERGROUND POWER – 21 THE ESPLANADE, MOUNT PLEASANT
(& 68 – 72 KISHORN ROAD) (AMREC)**

**OFFICER RECOMMENDATION & COUNCIL RESOLUTION (6015)
ABSOLUTE MAJORITY APPROVAL**

At 6.59pm Cr Pazolli moved, seconded Cr Cenviva -

**THAT BY ABSOLUTE MAJORITY DECISION OF THE COUNCIL IT IS RESOLVED
THAT:-**

- 1. IN ADDITION TO THE SPECIFIED AREA RATE CONCESSIONS ADOPTED AS PART OF THE 2008/2009 BUDGET PROCESS, THE FOLLOWING ADDITIONAL CONCESSIONS BE APPLIED TO THE 40 PROPERTIES MAKING UP 21 THE ESPLANADE, 68 KISHORN ROAD, 70 KISHORN ROAD AND 72 KISHORN ROAD. SAID CONCESSION RESULTING FROM THE COST REDUCTIONS TO THE SCHEME ARISING FROM THE WORK PAID FOR BY THE DEVELOPERS DURING THE CONSTRUCTION OF THE 40 PROPERTIES.**

- 2. IN RECOGNITION OF THE FACT THAT A TRANSFORMER HAD ALREADY BEEN INSTALLED DURING THE DEVELOPMENT OF THE PROPERTIES SUBJECT TO THE CONCESSION AND THE COSTS OF THAT INSTALLATION HAD BEEN PAID FOR BY THE DEVELOPERS AND RECOUPED VIA THE PURCHASE PRICE OF THE PROPERTIES FROM THE PROPERTY PURCHASERS, THAT AN ADDITIONAL CONCESSION OF \$875 BE APPLIED TO EACH OF THE 40 PROPERTIES.**

- 3. IN RECOGNITION OF THE FACT THAT THE POWER LINES ON THE ESPLANADE FRONTING THESE PROPERTIES HAD ALREADY BEEN UNDERGROUNDED DURING THE DEVELOPMENT OF THE PROPERTY AND THE COSTS OF THAT INSTALLATION HAD BEEN PAID FOR BY THE DEVELOPERS AND RECOUPED VIA THE PURCHASE PRICE OF THE PROPERTIES FROM THE PROPERTY PURCHASERS, THAT A FURTHER ADDITIONAL CONCESSION OF \$142 TO BE APPLIED TO EACH OF THE 32 PROPERTIES FACING THE ESPLANADE.**

At 6.59pm the Mayor submitted the motion, which was declared

CARRIED BY ABSOLUTE MAJORITY (12/0)

C08/6016 – SUPPLY AND DELIVERY OF PLANT HIRE FOR A ONE OR THREE YEAR PERIOD (AMREC)

Ward	: All
Category	: Operational
Subject Index	: Tenders
Customer Index	: City of Melville
Disclosure of any Interest	: No Officer involved in the preparation of this report has a declarable interest in this matter.
Previous Items	: C08/6014 – Supply and delivery of plant hire for a one or three year period – Ordinary Meeting of Council held 15 July 2008.
Works Programme	: Not Applicable
Funding	: 2008/2009 Budget
Responsible Officer	: Marten Tieleman Director Customer & Corporate Services

AUTHORITY / DISCRETION

	<u>Definition</u>
<input type="checkbox"/> Advocacy	<i>when Council advocates on its own behalf or on behalf of its community to another level of government/body/agency.</i>
<input checked="" type="checkbox"/> Executive	<i>the substantial direction setting and oversight role of the Council. e.g. adopting plans and reports, accepting tenders, directing operations, setting and amending budgets</i>
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<input type="checkbox"/> Review	<i>when Council reviews decisions made by Officers.</i>
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KEY ISSUES / SUMMARY

- The recommendations of this report will result in the rescission of the resolution of the Ordinary Meeting of Council held on 15 July 2008 relating to the appointment of Alvito Pty Ltd T/As Stampalia Contractors, Tree Planting & Watering and CDA Excavation & Rockbreaker Hire for the Supply and Delivery of Wet Hire Plant for a three year period.
- The replacement recommendations will result in the awarding of the contracts to these suppliers for a one year period.

CO8/6016 – SUPPLY AND DELIVERY OF PLANT HIRE FOR A ONE OR THREE YEAR PERIOD (AMREC)**BACKGROUND**

The tender for the Supply and Delivery of Wet Plant Hire for a Three year Period was accepted by resolution of the Ordinary Meeting of Council on the 15 July 2008.

OFFICER RECOMMENDATION & COUNCIL RESOLUTION (6014)**APPROVAL**

1. *That the tenders submitted by Mayday Earthmoving, DP Stampalia, Shaw Grading & Contracting, Tree Planting & Watering, Stampalia Contractors, CDA Excavation and H&L Contracting for the supply and delivery of Wet Hire for the period from 1 July 2008-30 June 2011 as specified be accepted as the most advantageous.*
2. *That the tenders submitted by Coates Hire Operations Pty Ltd, Mayday Earthmoving and Conplant Pty Ltd for the Supply and Delivery of Dry Hire Plant for the period from 1 July 2008 - 30 June 2009 as specified be accepted as the most advantageous.*

After scrutiny of the submissions prior to sending the contracts out it was noted that the following contractors had not supplied prices for three years for wet hire and therefore could not be awarded this term – Stampalia Contractors , Tree Planting and Watering and CDA Excavation.

It was also noted that Coates Hire had submitted a three year price schedule for three years but had not been evaluated on this, as can be read in the Dry Hire evaluation below. This matter was reconsidered by the evaluation panel on the 12 August 2008. Whilst Coates had provided a three year price schedule the rates were Price on Application Rates in Year Two and Three and when requested to do so were only willing to provide rates for a 12 month period which was accepted by the panel as being satisfactory.

The new recommendation presented has included the full company and trading names of the successful tenderers which will be entered into the contract documents on award.

Price Schedule

The Price Schedule forms part of the Attachments to the Agenda, which was distributed to the Members of the Contract and Tender Advisory Unit on Monday 9 June 2008 under confidential cover.

Tender Evaluation Process

All tenders were evaluated using a weighted attribute method. Each tender was assigned a score from 0 to 5 on each criterion, then multiplied by the weighting and totalled to give a final score. The tenderer who achieved the highest score across all the attributes has been recommended.

CO8/6016 – SUPPLY AND DELIVERY OF PLANT HIRE FOR A ONE OR THREE YEAR PERIOD (AMREC)

The Evaluation Sheet forms part of the Attachments to the Agenda, which was distributed to the Members of the Contract and Tender Advisory Unit on Monday 9 June 2008 under confidential cover.

The Evaluation Committee consisted of the Purchasing Coordinator, the Works Manager, the Construction Coordinator and the Technical Officer Works Services.

The criteria for this tender were based on the following specific attributes:

1. Relevant Experience
2. Technical Skills
3. Resources
4. Management Systems (Quality Assurance Systems)
5. Methodology (Management Plan for the Services)
6. References
7. Price

DETAIL

23 sets of tender documents were issued and 12 tenders were received as follows:

Tree Planting & Watering
Conplant Pty Ltd
Copley Contracting
Stampalia Contractors
Dalco Earthmoving
Shaw Grading & Contracting
CDA Excavation & Rockbreaker Hire
H & L Contractors WA Pty Ltd
DP Stampalia
RGM Contractors
Coates Hire Operations Pty Ltd
Mayday Earthmoving

The companies that tendered divided into two groups:

- Wet Hire – provision of plant with operator
- Dry Hire – provision of plant alone

It was considered advisable to have a panel of suppliers for both Wet and Dry Hire to source equipment from as there are sometimes problems with availability. Included in this panel should be small owner/operators as they have specialist equipment.

CO8/6016 – SUPPLY AND DELIVERY OF PLANT HIRE FOR A ONE OR THREE YEAR PERIOD (AMREC)**Wet Hire**

Due to the range of equipment supplied by the various contractors, pricing has not been used in the evaluation matrix as not all tenderers provide the same equipment.

The submission from Copley Contracting could be considered to be non-compliant as the price schedule was altered. Their submission was evaluated but the only piece of equipment on the official price schedule that they can supply is a 6m³ Single Axle Tip Truck. This seldom required and can be supplied by others who can also provide a greater range of equipment.

RGM Contractors provided little or no information in their submission and as they are unknown to the City as a provider of plant for wet hire the evaluation panel could not score them highly.

Dalco Earthmoving and Mayday Earthmoving operate from the same premises with the same managing director and plant managers. They are able to provide the same equipment but Dalco's pricing is slightly higher and therefore have not been included in the evaluation panel's recommendation.

DP Stampalia, Shaw Grading & Contracting, Tree Planting & Watering, Stampalia Contractors, CDA Excavation and H & L Contracting are all well known to the City of Melville. They are owner/operators of specialist equipment and as their prices are competitive are recommended additions to the panel.

Dry Hire

Coates Hire Operations is the highest scorer in this category and as the most economical is the preferred supplier. However, it was felt that Mayday Earthmoving should also be on the panel should Coates be unable to supply equipment. Conplant provided prices for one piece of equipment only but as this was very competitive and is often required they have been included in the recommendation.

Coates and Conplant have only quoted prices for one year and in view of the rising costs it is not realistic to expect prices to be fixed for longer. The contract will therefore be awarded for one year only.

PUBLIC CONSULTATION/COMMUNICATION

Not applicable

CONSULTATION WITH OTHER AGENCIES / CONSULTANTS

Not applicable

CO8/6016 – SUPPLY AND DELIVERY OF PLANT HIRE FOR A ONE OR THREE YEAR PERIOD (AMREC)

STATUTORY AND LEGAL IMPLICATIONS

Section 3.57 of the Local Government Act states “A Local Government is required to invite tenders before it enters into a contract of a prescribed kind under which another person is to supply goods or services”.

Section 5.25(1) (e) of the *Local Government Act 1995* - Regulations about council and committee meetings and committees, provides that regulations may make provision in relation to “the circumstances and manner in which a decision made at a council or a committee meeting may be revoked or changed (which may differ from the manner in which the decision was made);

Regulation 10 of the *Local Government (Administration) Regulations 1996* - Revoking or changing decisions made at council or committee meetings - states that

- (1) If a decision has been made at a council or a committee meeting then any motion to revoke or change the decision must be supported —
 - (a) in the case where an attempt to revoke or change the decision had been made within the previous 3 months but had failed, by an absolute majority; or
 - (b) in any other case, by at least $\frac{1}{3}$ of the number of offices (whether vacant or not) of members of the council or committee,

inclusive of the mover.
- (1a) Notice of a motion to revoke or change a decision referred to in subregulation (1) is to be signed by members of the council or committee numbering at least $\frac{1}{3}$ of the number of offices (whether vacant or not) of members of the council or committee, inclusive of the mover.
- (2) If a decision has been made at a council or a committee meeting then any decision to revoke or change the first-mentioned decision must be made —
 - (a) in the case where the decision to be revoked or changed was required to be made by an absolute majority or by a special majority, by that kind of majority; or
 - (b) in any other case, by an absolute majority.
- (3) This regulation does not apply to the change of a decision unless the effect of the change would be that the decision would be revoked or would become substantially different

CO8/6016 – SUPPLY AND DELIVERY OF PLANT HIRE FOR A ONE OR THREE YEAR PERIOD (AMREC)

Clause 14.1 (3) of the *Standing Orders Local Law 2003* states that “The Council or a Committee shall not vote on a motion to revoke or change a decision of the Council or Committee whether the motion of revocation or change is moved with or without notice, if at the time the motion is moved or notice is given action has been taken to implement the decision. In the event there has been action to implement the decision then a statement of impact must be prepared by the Chief Executive Officer of the legal and financial consequences of the proposed revocation or change.

It should be noted that the item may be rescinded as no substantial action has taken place in implementing the recommendation.

A recession notice of motion has been received signed by five Councillors.

FINANCIAL IMPLICATIONS

The expenditure on plant hire is expected to exceed \$300,000 per annum which is provided for in the budget.

There will be associated administration costs with recalling the Tender.

STRATEGIC AND RISK MANAGEMENT IMPLICATIONS

No strategic implications are applicable to this item.

POLICY IMPLICATIONS

Procurement of Goods and Services Through Direct Purchasing and Public Tendering Policy 13-PL-005.

ALTERNATE OPTIONS AND THEIR IMPLICATIONS

Not applicable

CONCLUSION

It is recommended that the tenders submitted by Alvito Pty Ltd T/As Stampalia Contractors, Tree Planting and Watering and CDA Excavation & Rockbreaker Hire be appointed for wet hire for a period of one year and Chivas Enterprises T/As Mayday Earthmoving, Darren P Stampalia T/As DP Stampalia, Shaw Grading & Contracting and H & L Contractors (WA) Pty Ltd be awarded for Wet Hire for a Three Year Period. Dry Hire to be awarded to Coates Hire Operations Pty Ltd, Mayday Earthmoving and Conplant Pty Ltd for a 1 year term.

CO8/6016 – SUPPLY AND DELIVERY OF PLANT HIRE FOR A ONE OR THREE YEAR PERIOD (AMREC)

At 7.01pm the Mayor advised the meeting that a Notice of Rescission requiring the signature of 1/3 of the number of offices of members of the Council, in accordance with Regulation 10 of the Local Government (Administration) Regulations 1996, had been received. The members who signed the notice were His Worship the Mayor, R Aubrey, and Councillors Barton, Subramaniam, Ceniviva and Macphail.

OFFICER RECOMMENDATION & COUNCIL RESOLUTION (6016)
ABSOLUTE MAJORITY APPROVAL

At 7.01pm Cr Subramaniam moved, seconded Cr Ceniviva -

A. THAT BY ABSOLUTE MAJORITY DECISION OF THE COUNCIL THE FOLLOWING RESOLUTIONS MADE AT THE ORDINARY MEETING OF COUNCIL HELD ON THE 15 JULY 2008 (ITEM C08/6014) BE RESCINDED.

- 1. THAT THE TENDERS SUBMITTED BY MAYDAY EARTHMOVING, DP STAMPALIA, SHAW GRADING & CONTRACTING, TREE PLANTING & WATERING, STAMPALIA CONTRACTORS, CDA EXCAVATION AND H&L CONTRACTING FOR THE SUPPLY AND DELIVERY OF WET HIRE FOR THE PERIOD FROM 1 JULY 2008-30 JUNE 2011 AS SPECIFIED BE ACCEPTED AS THE MOST ADVANTAGEOUS.**
- 2. THAT THE TENDERS SUBMITTED BY COATES HIRE OPERATIONS PTY LTD, MAYDAY EARTHMOVING AND CONPLANT PTY LTD FOR THE SUPPLY AND DELIVERY OF DRY HIRE PLANT FOR THE PERIOD FROM 1 JULY 2008 - 30 JUNE 2009 AS SPECIFIED BE ACCEPTED AS THE MOST ADVANTAGEOUS.**
- 3. THAT THE TENDER FOR THE SUPPLY AND DELIVERY OF PLANT HIRE BE REFERRED TO COUNCIL FOR CONSIDERATION.**

At 7.01pm the Mayor submitted the motion, which was declared

CARRIED BY ABSOLUTE MAJORITY (12/0)

CO8/6016 – SUPPLY AND DELIVERY OF PLANT HIRE FOR A ONE OR THREE YEAR PERIOD (AMREC)

OFFICER RECOMMENDATION (6016)

APPROVAL

B. THAT THE FOLLOWING MOTION BE CONSIDERED

1. THAT THE TENDERS BE ACCEPTED SUBMITTED BY:

- . CHIVAS ENTERPRISES T/AS MAYDAY EARTHMOVING,
- . DARREN P STAMPALIA T/AS D P STAMPALIA,
- . SHAW GRADING AND CONTRACTING AND
- . H & L CONTRACTORS (WA) PTY LTD

FOR THE SUPPLY AND DELIVERY OF WET HIRE PLANT FOR THE PERIOD FROM 1 JULY 2008 – 30 JUNE 2011 AS SPECIFIED BE ACCEPTED AS THE MOST ADVANTAGEOUS.

2. THAT THE TENDERS SUBMITTED BY:

- . ALVITO PTY LTD T/AS STAMPALIA CONTRACTORS,
- . TREE PLANTING & WATERING AND
- . CDA EXCAVATION & ROCKBREAKER HIRE

FOR THE SUPPLY AND DELIVERY OF WET HIRE PLANT FOR THE PERIOD FROM 1 JULY 2008 – 30 JUNE 2009 AS SPECIFIED ALSO BE ACCEPTED AS THE MOST ADVANTAGEOUS.

3. THAT THE TENDERS SUBMITTED BY COATES HIRE OPERATIONS PTY LTD, CHIVAS ENTERPRISES T/AS MAYDAY EARTHMOVING AND CONPLANT PTY LTD FOR THE SUPPLY AND DELIVERY OF DRY HIRE PLANT FOR THE PERIOD FROM 1 JULY 2008 – 30 JUNE 2009 AS SPECIFIED BE ACCEPTED AS THE MOST ADVANTAGEOUS.

Amendment

The amendment to the Officer's Recommendation is to ensure the resolution is to be actioned.

At 7.01pm Cr Phelan moved, seconded Cr Barton that the following amendment be made to the Officer Recommendation -

B. THAT THE FOLLOWING MOTION BE ADOPTED

1. THAT THE TENDERS BE ACCEPTED SUBMITTED BY:

- . CHIVAS ENTERPRISES T/AS MAYDAY EARTHMOVING,
- . DARREN P STAMPALIA T/AS D P STAMPALIA,
- . SHAW GRADING AND CONTRACTING AND
- . H & L CONTRACTORS (WA) PTY LTD

CO8/6016 – SUPPLY AND DELIVERY OF PLANT HIRE FOR A ONE OR THREE YEAR PERIOD (AMREC)

FOR THE SUPPLY AND DELIVERY OF WET HIRE PLANT FOR THE PERIOD FROM 1 JULY 2008 – 30 JUNE 2011 AS SPECIFIED BE ACCEPTED AS THE MOST ADVANTAGEOUS.

2. THAT THE TENDERS SUBMITTED BY:

- . ALVITO PTY LTD T/AS STAMPALIA CONTRACTORS,**
- . TREE PLANTING & WATERING AND**
- . CDA EXCAVATION & ROCKBREAKER HIRE**

FOR THE SUPPLY AND DELIVERY OF WET HIRE PLANT FOR THE PERIOD FROM 1 JULY 2008 – 30 JUNE 2009 AS SPECIFIED ALSO BE ACCEPTED AS THE MOST ADVANTAGEOUS.

3. THAT THE TENDERS SUBMITTED BY COATES HIRE OPERATIONS PTY LTD, CHIVAS ENTERPRISES T/AS MAYDAY EARTHMOVING AND CONPLANT PTY LTD FOR THE SUPPLY AND DELIVERY OF DRY HIRE PLANT FOR THE PERIOD FROM 1 JULY 2008 – 30 JUNE 2009 AS SPECIFIED BE ACCEPTED AS THE MOST ADVANTAGEOUS.

At 7.02pm the Mayor submitted the amendment, which was declared

CARRIED (12/0)

OFFICER RECOMMENDATION & COUNCIL RESOLUTION (6016)

APPROVAL

At 7.02pm Cr Phelan moved, seconded Cr Barton that the substantive motion, as amended being -

B. THAT THE FOLLOWING MOTION BE ADOPTED

1. THAT THE TENDERS BE ACCEPTED SUBMITTED BY:

- . CHIVAS ENTERPRISES T/AS MAYDAY EARTHMOVING,**
- . DARREN P STAMPALIA T/AS D P STAMPALIA,**
- . SHAW GRADING AND CONTRACTING AND**
- . H & L CONTRACTORS (WA) PTY LTD**

FOR THE SUPPLY AND DELIVERY OF WET HIRE PLANT FOR THE PERIOD FROM 1 JULY 2008 – 30 JUNE 2011 AS SPECIFIED BE ACCEPTED AS THE MOST ADVANTAGEOUS.

CO8/6016 – SUPPLY AND DELIVERY OF PLANT HIRE FOR A ONE OR THREE YEAR PERIOD (AMREC)

2. THAT THE TENDERS SUBMITTED BY:

- . ALVITO PTY LTD T/AS STAMPALIA CONTRACTORS,**
- . TREE PLANTING & WATERING AND**
- . CDA EXCAVATION & ROCKBREAKER HIRE**

FOR THE SUPPLY AND DELIVERY OF WET HIRE PLANT FOR THE PERIOD FROM 1 JULY 2008 – 30 JUNE 2009 AS SPECIFIED ALSO BE ACCEPTED AS THE MOST ADVANTAGEOUS.

3. THAT THE TENDERS SUBMITTED BY COATES HIRE OPERATIONS PTY LTD, CHIVAS ENTERPRISES T/AS MAYDAY EARTHMOVING AND CONPLANT PTY LTD FOR THE SUPPLY AND DELIVERY OF DRY HIRE PLANT FOR THE PERIOD FROM 1 JULY 2008 – 30 JUNE 2009 AS SPECIFIED BE ACCEPTED AS THE MOST ADVANTAGEOUS.

At 7.02pm the Mayor submitted the motion as amended, which was declared

CARRIED (12/0)

C08/6001 – SCHEDULE OF ACCOUNTS (REC) (ATTACHMENT)

Ward	:	All
Category	:	Operational
Subject Index	:	Financial Statement and Investments
Customer Index	:	Not applicable
Disclosure of any Interest	:	No Officer involved in the preparation of this report has a declarable interest in this matter.
Previous Items	:	Standard Item
Works Programme	:	Not Applicable
Funding	:	2008/2009 Budget
Responsible Officer	:	Bob Searle Manager Financial Services

AUTHORITY / DISCRETION

	<u>Definition</u>
<input type="checkbox"/> Advocacy	<i>when Council advocates on its own behalf or on behalf of its community to another level of government/body/agency.</i>
<input checked="" type="checkbox"/> Executive	<i>the substantial direction setting and oversight role of the Council. e.g. adopting plans and reports, accepting tenders, directing operations, setting and amending budgets</i>
<input type="checkbox"/> Legislative	<i>includes adopting local laws, town planning schemes & policies.</i>
<input type="checkbox"/> Review	<i>when Council review decisions made by Officers.</i>
<input type="checkbox"/> Quasi-Judicial	<i>when Council determines an application/matter that directly affects a person's right and interests. The judicial character arises from the obligation to abide by the principles of natural justice. Examples of Quasi-Judicial authority include town planning applications, building licences, applications for other permits/licences (eg under Health Act, Dog Act or Local Laws) and other decisions that may be appealable to the State Administrative Tribunal.</i>

KEY ISSUES / SUMMARY

- This report presents details of the payments made to suppliers for the provision of goods and services for the month of August 2008 and recommends that the Schedule of Accounts be noted.

C08/6001 – SCHEDULE OF ACCOUNTS (REC) (ATTACHMENT)**BACKGROUND**

Delegated Authority 13-DA-015 has been granted to the Chief Executive Officer to make payments from the Municipal and Trust Funds. This authority has then been on-delegated to the Director Customer and Corporate Services. In accordance with Regulation 13.2 and 13.3 of the Local Government (Financial Administration) Regulations 1996 where this power has been delegated, a list of payments for each month is to be compiled and presented to Council. The list is to show each payment, payee name, amount and date of payment and sufficient information to identify the transaction.

DETAIL

The Schedule of Accounts for the period ending 31 August 2008, [6001 August 2008](#) including Payment Registers numbers 49 and 50 were distributed to the Members of Council on Friday 5 September 2008.

Payments in excess of \$50,000 in the month were as follows:-

- Alpha West – E011272 – Cisco Equipment & Licences - \$92,847.29
- Ausmic Boomerang Pest & Weed Control – E011286 – Broadacre weed spraying - \$73,170.63
- Bankwest – 031314 – Term Deposit - \$7,500,000.00
- City of Melville – 031318– NAB Term Deposit - \$8,000,000.00
- GHD Plc – E011273& E011054 – Consultancy Services re Canning Bridge Precinct, Peter Ellis Park, Heathcote Lower Land, Riseley Centre - \$52,804.51
- WA Hino Sales & Service – E011053 – 2 x Single Cab 6 Tonne Trucks with cranes - \$164,928.67
- Infor Global Solutions – E010930 – Pathway Support & Licensing - \$127,785.99
- Landfill Gas & Power – E011124 & E010962 – Elect Supply - \$53,089.94
- Styles Electrical – E011024 – Lighting Projects at Robert Smith Park & Bob Crawford reserve - \$177,372.03
- Technology One – E011114 & E011346 – Software Support plus purchase of Enterprise Budgeting software - \$74,845.64

PUBLIC CONSULTATION/COMMUNICATION

Not applicable.

CONSULTATION WITH OTHER AGENCIES / CONSULTANTS

Not applicable.

C08/6001 – SCHEDULE OF ACCOUNTS (REC) (ATTACHMENT)

STATUTORY AND LEGAL IMPLICATIONS

This report meets the requirements of the Local Government (Financial Management) Regulations 1996 Regulation 11 - Payment of Accounts, Regulation 12 - List of Creditors and Regulation 13 - Payments from the Trust Fund and the Municipal Fund.

FINANCIAL IMPLICATIONS

Expenditures were provided for in the 2008/2009 Budget.

STRATEGIC AND RISK MANAGEMENT IMPLICATIONS

Not applicable.

POLICY IMPLICATIONS

Management Procedure 1.8 - Certification of Accounts.

ALTERNATE OPTIONS AND THEIR IMPLICATIONS

Not applicable.

CONCLUSION

This is a regular monthly report for Elected Members information.

OFFICER RECOMMENDATION & COUNCIL RESOLUTION (6001)

NOTING

THAT THE SCHEDULE OF ACCOUNTS FOR THE PERIOD ENDED 31 AUGUST 2008, AS APPROVED BY THE DIRECTOR CUSTOMER AND CORPORATE SERVICES IN ACCORDANCE WITH DELEGATED AUTHORITY 13-DA-015, AND DETAILED IN ATTACHMENT [6001 August 2008](#) BE NOTED.

At 7.02pm the Mayor submitted the motion, which was declared

CARRIED EN BLOC (12/0)

EN BLOC ITEMS

At 7.02pm Cr Phelan moved, seconded Cr Robartson -

THAT THE RECOMMENDATIONS FOR ITEMS C08/5021 and C08/6001 BE CARRIED EN BLOC

At 7.02pm the Mayor submitted the motion which was declared

**CARRIED
WITHOUT DISSENT (12/0)**

13. MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

Nil

14. MOTIONS WITHOUT NOTICE BY ABSOLUTE MAJORITY OF THE COUNCIL

Nil

15. MATTERS FOR WHICH THE MEETING MAY BE CLOSED

Nil

16. CLOSURE

There being no further business to discuss, the Mayor declared the meeting closed at 7.03pm.