



— City of —
Melville

MINUTES

OF THE

SPECIAL MEETING OF THE COUNCIL

HELD ON

25 MAY 2010

AT 6.30PM IN THE COUNCIL CHAMBERS

MELVILLE CIVIC CENTRE

DISCLAIMER

PLEASE READ THE FOLLOWING IMPORTANT DISCLAIMER BEFORE PROCEEDING:

Any plans or documents in agendas and minutes may be subject to copyright. The express permission of the copyright owner must be obtained before copying any copyright material.

Any statement, comment or decision made at a Council or Committee meeting regarding any application for an approval, consent or licence, including a resolution of approval, is not effective as an approval of any application and must not be relied upon as such.

Any person or entity who has an application before the City must obtain, and should only rely on, written notice of the City's decision and any conditions attaching to the decision, and cannot treat as an approval anything said or done at a Council or Committee meeting.

Any advice provided by an employee of the City on the operation of written law, or the performance of a function by the City, is provided in the capacity of an employee, and to the best of that person's knowledge and ability. It does not constitute, and should not be relied upon, as a legal advice or representation by the City. Any advice on a matter of law, or anything sought to be relied upon as representation by the City should be sought in writing and should make clear the purpose of the request.

DISTRIBUTED: 28 May 2010

CONTENTS PAGE

Item Description	Page Number
T10/3139 Melville Parkland	4



MINUTES OF THE SPECIAL MEETING OF THE COUNCIL HELD IN THE COUNCIL CHAMBERS, MELVILLE CIVIC CENTRE, 10 ALMONDBURY ROAD, BOORAGOON, COMMENCING AT 6.30PM ON TUESDAY, 25 MAY 2010.

1. OFFICIAL OPENING

The Presiding Member welcomed those in attendance to the meeting and declared the meeting open at 6:30 pm. Mr J Clark the Governance and Compliance Program Manager read aloud the Disclaimer and then His Worship the Mayor, Russell Aubrey, 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 R Subramaniam (Deputy Mayor)
Cr P Reidy
Cr A Nicholson, Cr A Ceniviva
Cr J Barton, Cr G Wieland
Cr B Kinnell, Cr C Halton
Cr N Foxtton, Cr M Reynolds
Cr C Robartson

WARD

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

3. IN ATTENDANCE

Dr S Silcox
Ms C Young
Mr M Tieleman
Mr S Cope
Mr J Christie
Mr B Taylor

Mr J Clark

Ms L Baker
Ms D Beilby

Chief Executive Officer
Director Community Development
Director Corporate Services
Director Urban Planning
Director Technical Services
Manager Information, Technology &
Support
Governance & Compliance Program
Manager
Contracts/Projects Coordinator
Minute Secretary

At the commencement of the meeting there were no members of the public in the Public Gallery and no members of the press in the Press Gallery.

4. APOLOGIES AND APPROVED LEAVE OF ABSENCE

4.1 APOLOGIES

Cr N Pazolli – Applecross/Mount Pleasant Ward

4.2 APPROVED LEAVE OF ABSENCE

Nil.

5. ANNOUNCEMENTS BY THE PRESIDING MEMBER (WITHOUT DISCUSSION) AND DECLARATIONS BY MEMBERS

5.1 DECLARATIONS BY MEMBERS WHO HAVE NOT READ AND GIVEN DUE CONSIDERATION TO ALL MATTERS CONTAINED IN THE BUSINESS PAPERS PRESENTED BEFORE THE MEETING.

Nil.

5.2 DECLARATIONS BY MEMBERS WHO HAVE RECEIVED AND NOT READ THE ELECTED MEMBERS BULLETIN.

Nil.

6. QUESTION TIME

Nil.

7. DECLARATIONS OF INTEREST

7.1 FINANCIAL INTERESTS

Nil.

7.2 DISCLOSURE OF INTEREST THAT MAY CAUSE A CONFLICT

Nil.

8. APPLICATIONS FOR NEW LEAVES OF ABSENCE

- Cr J Barton – Bicton/Attadale Ward

At 6.39pm Cr Robartson moved, seconded Cr Reidy -

That the application for a new leave of absence submitted by Councillor June Barton on 25 May 2010 be granted.

At 6.39pm the Mayor submitted the motion which was declared

CARRIED (12/0)

9. IDENTIFICATION OF MATTERS FOR WHICH MEETING MAY BE CLOSED

Nil

10. BUSINESS

At 6.40pm the Contracts/Projects Coordinator gave a brief presentation to the meeting.

T10/3139 – MELVILLE PARKLAND (REC) (CONFIDENTIAL ATTACHMENT)

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 Item	: CO10/10 Melville Parkland – Contract & Tender Advisory Unit – 20 May 2010
Works Programme	: Not Applicable
Funding	: 2009/2010 Budget
Responsible Officer	: Laya Baker Contracts/Projects Coordinator

AUTHORITY / DISCRETION

DEFINITION

<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>

T10/3139 – MELVILLE PARKLAND (REC) (CONFIDENTIAL ATTACHMENT)**KEY ISSUES / SUMMARY**

- To recommend acceptance of a tender for the Melville Parklands construction, former Melville Primary School Site, Corner Curtis & Kitchener Road, Melville.

BACKGROUND

Tenders for establishment of Parklands Stage Two at the former Melville Primary School site were invited by advertisement in the West Australian on Wednesday 21 April 2010, closing at 4.00 pm on Thursday 13 May 2010.

Ecoscope (Australia) Pty Ltd, (Ecoscape) was awarded the contract CO22/08 for Landscape Architectural Services for the Melville Parkland site in October 2009. Tender documents were subsequently prepared, and the evaluation of submissions has been conducted by Ecoscape and was presented to City representatives at a combined meeting of the Evaluation Panel and Contract and Tender Advisory Unit members on Thursday 20 May 2010. Final recommendation by the Contract and Tender Advisory Unit was conducted in the absence of Ecoscape.

Price Schedule

The Price Schedule was distributed to the Elected Members of Council on Friday 21 May 2010 under confidential cover via the Contract & Tender Advisory Unit attachments of 20 May 2010.

Tender Evaluation Process

All tenders were evaluated using a weighted attribute method. Each tender was assigned a score out of 100. The tenderer who achieved the second highest score has been recommended.

Price weighting was changed to 50% under Delegated Authority.

The Evaluation Sheet was distributed to the Elected Members of Council on Friday 21 May 2010 under confidential cover via the Contract & Tender Advisory Unit attachments of 20 May 2010.

The Evaluation Panel (City of Melville) consisted of the Purchasing Coordinator, the Contracts/Projects Coordinator, the Senior Landscape Architect and the Acting Manager Parks & Environment. In attendance was the Acting Principle Parks Coordinator and the Finance Officer.

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

T10/3139 – MELVILLE PARKLAND (REC) (CONFIDENTIAL ATTACHMENT)

1. Relevant Experience
2. Capacity to deliver the Services
3. Management Plan
4. Construction Program and Gant Chart
5. Reports of Referees
6. Price

DETAIL

19 sets of tender documents were issued and five tenders were received as follows:

Earthcare (Australia) Pty Ltd
Frogmat Environmental Pty Ltd
Landscape Systems
Newscape Contractors
Horizon West

All submissions addressed the selection criteria and were considered compliant.

All submissions were delivered to Ecoscape for assessment and the production of an evaluation report and Price Schedule (refer to Confidential Attachments). Ecoscape then presented this report along with scorings and pricing comparisons to the City's representatives on Thursday 20 May 2010.

Final scoring results were as follows:

Frogmat Environmental Pty Ltd – 88%
Earthcare (Australia) Pty Ltd – 73%
Horizon West Landscape Construction-59%
Newscape Contractors -56%
Landscape Systems – 38%

Of the submissions received two submissions were shortlisted by Ecoscape's evaluation scorings, these being Earthcare (Australia) Pty Ltd and Frogmat Environmental.

T10/3139 – MELVILLE PARKLAND (REC) (CONFIDENTIAL ATTACHMENT)

After conducting reference checks and a scrutiny of the pricing schedules supplied by each company the recommendation for Earthcare to be awarded the contract was made. Discrepancies in the pricing schedule on the part of Frogmat of an omission of some 4,000 square metres of planting valued at over \$100,000 were noted, which if included in the price submitted would have lowered the comparative scoring on pricing between Earthcare and Frogmat. Frogmat also received a negative referee comment.

After confirmation with the City representatives that the recommendation was supported for the appointment of Earthcare (Australia) Pty Ltd, the project timeline was tabled due to the short time frame available between the Contract and Tender Advisory Unit meeting and the Special Council meeting. The timeline was accepted as complete and within the expectations of the consultants and City project officers. If the timeline had not been tabled at this meeting the recommendation would have carried a proviso that this requirement would need to be met prior to contract acceptance.

The Evaluation Panel has reviewed the submissions from the tenderers and unanimously endorses the recommendation by Ecoscape (Australia) Pty Ltd for the appointment of Earthcare (Australia) Pty Ltd for the Melville Parklands Project.

No additional negative observations were provided by the panel that were not mentioned by the consultants in their report.

PUBLIC CONSULTATION/COMMUNICATION

On going notification to the public via press releases, the Mosaic and mail drops is being undertaken.

CONSULTATION WITH OTHER AGENCIES / CONSULTANTS

No applicable

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”.

T10/3139 – MELVILLE PARKLAND (REC) (CONFIDENTIAL ATTACHMENT)

FINANCIAL IMPLICATIONS

The total City of Melville budget allocation for the project is \$4,485,235 with \$2,686,442 being contributed from Federal Funding.

The expected total cost of the project is \$4,000,000 and current expenditure with commitments, is \$1,376,437.

The Stage 2 Parkland construction has a budget allocation of \$2,500,000.

STRATEGIC AND RISK MANAGEMENT IMPLICATIONS

There are no negative, strategic and risk management implications identified at this stage that would result from an award to the recommended tenderer, Earthcare (Australia) Pty Ltd.

POLICY IMPLICATIONS

Procurement of Goods and Services Through Direct Purchasing and Public Tendering Policy CP 023.

Council Policies relating to Urban Planning are currently under review. The proposed lighting scheme in the Parkland development is inconsistent with the current Lighting Policy 06-PL-006 - Flood and Security Lighting in terms of the pole heights proposed at 5.0m and 8.0m (exceeding the Policy requirement of 4.0m)

The lighting in the Parkland development has been specified to comply with the current Australian Lighting Standards and it is anticipated that when the current Lighting Policy has been reviewed it will include reference to the Australian Standards. It is noted that although Community Planning Scheme No 5 exempts Council from a requirement to apply for Planning Approval on Council reserves, a variation to Council's Policy above is required for this development.

Such variations have in the past, used the Planning Approval process following formal consultations with surrounding residents. In this instance, as no Planning Approval is required, the variations to Council Policy can be considered by Council in acknowledgment of the formal consultation processes which have been carried out as part of the adoption of the Master Plan for the site. Comment received during this formal consultation indicated a strong community desire for high standards of lighting to be provided to improve safety and casual surveillance of the proposed parklands.

On the basis that the proposed lighting shall be designed to remove any adverse impacts on the surrounding residents in terms of light intensity and spill and that the City will address any concerns raised, no objections are raised to the proposed lighting variations to Council Policy from Planning Services.

T10/3139 – MELVILLE PARKLAND (REC) (ATTACHMENT)

ALTERNATE OPTIONS AND THEIR IMPLICATIONS

Not applicable

CONCLUSION

It is the opinion of the Contract and Tender Advisory Unit that the evaluation report prepared by Ecoscape and supported by the Evaluation Panel, be endorsed and that the tender proposal submitted by Earthcare (Australia) Pty Ltd be awarded the tender for the construction of the Melville Parkland. Earthcare have relevant experience in parkland construction, are within budget and have sufficient resources to carry out the works.

CONTRACT AND TENDER ADVISORY UNIT RECOMMENDATION (3139)

APPROVAL

At 6.46pm Cr Subramaniam moved, seconded Cr Wieland -

That the tender submitted by Earthcare (Australia) Pty Ltd for the Melville Parkland, Former Primary School Site, Corner Curtis & Kitchener Road, Melville for the total lump sum of \$2,284,670.32 exclusive of GST be accepted as the most advantageous.

Amendment

At 6.46pm Cr Robartson moved, seconded Cr Halton that the Contract and Tender Advisory Unit Recommendation be numbered Part 1 and that a new Part 2 be added as follows –

- 2. That adherence to the requirements of Council Policy 06-PL-006 - Flood and Security Lighting be waived in this instance, in relation to the proposed lighting pole heights exceeding the Policy requirement of 4.0m.***

At 6.46pm the Mayor submitted the amendment which was declared

CARRIED (12/0)

COUNCIL RESOLUTION (3139)

APPROVAL

At 6.47pm the Mayor submitted the substantive motion as amended –

- 1. That the tender submitted by Earthcare (Australia) Pty Ltd for the Melville Parkland, Former Primary School Site, Corner Curtis & Kitchener Road, Melville for the total lump sum of \$2,284,670.32 exclusive of GST be accepted as the most advantageous.***
- 2. That adherence to the requirements of Council Policy 06-PL-006 - Flood and Security Lighting be waived in this instance, in relation to the proposed lighting pole heights exceeding the Policy requirement of 4.0m.***

At 6.47pm the Mayor declared the motion

CARRIED (12/0)

11. MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

Nil.

12. MOTIONS WITHOUT NOTICE BY ABSOLUTE MAJORITY OF THE COUNCIL

Nil.

13. CLOSURE

There being no further business to discuss His Worship the Mayor declared the meeting closed at 6.47pm.