



# City of Rockingham

## MINUTES

### Special Meeting of Council

Held on Tuesday 8 August 2023 at 4:00pm  
City of Rockingham Council Chamber

**DISCLAIMER:**

**Please read the following important disclaimer before proceeding:**

Statements or decisions made at this meeting should not be relied or acted on by an applicant or any other person until they have received written notification from the City. Notice of all approvals, including planning and building approvals, will be given to applicants in writing. The City of Rockingham expressly disclaims liability for any loss or damages suffered by a person who relies or acts on statements or decisions made at a Council or Committee meeting before receiving written notification from the City.

City of Rockingham  
Special Council Meeting  
4:00pm Tuesday 8 August 2023



**CONTENTS**

1.	<b>Declaration of Opening/Announcement of Visitors</b>	<b>3</b>
2.	<b>Record of Attendance/Apologies/Approved Leave of Absence</b>	<b>3</b>
3.	<b>Public Question Time</b>	<b>4</b>
4.	<b>Declaration of Member's and Officer's Interest</b>	<b>4</b>
5.	<b>Petitions/Deputations/Presentations/Submissions</b>	<b>4</b>
6.	<b>Matters for which the Meeting may be Closed</b>	<b>4</b>
7.	<b>Reports of Officers</b>	<b>5</b>
	<b>Corporate Services</b>	<b>5</b>
	CS-019/23 Tender T23/24-16 – Provision of bulk verge waste collection services	5
8.	<b>Matters Behind Closed Doors</b>	<b>9</b>
9.	<b>Closure</b>	<b>9</b>

**City of Rockingham**  
**Special Meeting of Council Minutes**  
**Tuesday 8 August 2023 – Council Chambers**



**1. Declaration of Opening**

The Mayor declared the Special Council meeting open at **4.04pm** and welcomed all present.

**Acknowledgement of Country**

The Mayor noted that the City of Rockingham acknowledges the Traditional Owners and Custodians of this land, the Binjareb and Whadjuk Nyoongar peoples and their continuing connection to the land, waters and community. We pay our respects to all members of Aboriginal communities and their cultures; and to Elders past and present.

**Recording and Streaming**

The Mayor noted that in accordance with clause 8.5 of the *City's Standing Orders Local Law 2001* provides that "no person is to use any electronic, visual or vocal recording device or instrument to record the proceedings of the Council or a committee without the written permission of the Council".

If anyone breaches this Standing Order they will be asked to leave the Council chamber.

Council meetings are audio recorded and live streamed in accordance with Council Policy.

*"By being present at this meeting, members of the public consent to the possibility that their image and voice may be live streamed to the public. Recordings will be made available on the City's website following the meeting."*

*The City of Rockingham disclaims any liability for any loss arising from any person or body relying on any statement, discussion, recommendation or decision made during this meeting.*

*Where an application for an approval, a licence, or the like is considered or determined during this meeting the City warns that neither the applicant nor any other person or body should rely upon that discussion or determination until written notice of either an approval and the conditions which relate to it or the refusal of the application has been issued by the City. The official record of the meeting will be written minutes kept in accordance with the Local Government Act 1995 and any relevant regulations.*

*Public question time and deputations will not be recorded."*

**2. Record of Attendance/Apologies/Approved Leave of Absence**

**2.1 Council Members**

Mayor Deb Hamblin

Cr Hayley Edwards (*Deputy Mayor*)      Baldivis Ward

Cr Sally Davies (*via Zoom*)      Baldivis Ward

Cr Brett Wormall      Baldivis Ward

Cr Lorna Buchan      Comet Bay Ward

Cr Robert Schmidt      Comet Bay Ward

Cr Craig Buchanan, JP (*via Zoom*)      Rockingham/Safety Bay Ward

Cr Caroline Hume      Rockingham/Safety Bay Ward

Cr Dawn Jecks      Rockingham/Safety Bay Ward


Cr Mark Jones      Rockingham/Safety Bay Ward

Cr Leigh Liley      Rockingham/Safety Bay Ward

<p><i>Note: All Council Members attending by electronic means have endorsed declarations pursuant to Local Government (Administration) Regulations 1996, r14C(5) which are captured in the City's record management system. This Note is to reflect the requirements of r.14C (7).</i></p>																	
<b>2.2</b>	<p><b>Executive</b></p> <table> <tr> <td>Mr Michael Parker</td><td>Chief Executive Officer</td></tr> <tr> <td>Mr Sam Assaad</td><td>Director Asset Services</td></tr> <tr> <td>Mr John Pearson</td><td>Director Corporate Services</td></tr> <tr> <td>Mr Michael Holland</td><td>Director Community Development</td></tr> <tr> <td>Mr Peter Ricci</td><td>Director Planning and Development Services</td></tr> <tr> <td>Mr Jim Olynyk, JP</td><td>Manager Governance and Councillor Support</td></tr> <tr> <td>Mr Alan Moles</td><td>Manager Waste Services</td></tr> <tr> <td>Mr Louise Pleasance</td><td>Governance Coordinator</td></tr> </table>	Mr Michael Parker	Chief Executive Officer	Mr Sam Assaad	Director Asset Services	Mr John Pearson	Director Corporate Services	Mr Michael Holland	Director Community Development	Mr Peter Ricci	Director Planning and Development Services	Mr Jim Olynyk, JP	Manager Governance and Councillor Support	Mr Alan Moles	Manager Waste Services	Mr Louise Pleasance	Governance Coordinator
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<b>2.3</b>	<p><b>Members of the Gallery:</b> 2</p>																
<b>2.4</b>	<p><b>Apologies:</b></p> <table> <tr> <td>Cr Rae Cottam</td><td></td></tr> <tr> <td>Mr Peter Doherty</td><td>Director Legal Services and General Counsel</td></tr> </table>	Cr Rae Cottam		Mr Peter Doherty	Director Legal Services and General Counsel												
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Mr Peter Doherty	Director Legal Services and General Counsel																
<b>2.5</b>	<p><b>Approved Leave of Absence:</b> Nil</p>																
<b>3.</b>	<b>Public Question Time</b>																
	<p><b>Note:</b> In accordance with regulation 7(4)(b) of the <i>Local Government (Administration) Regulations 1996</i> questions at a Special Council Meeting need to relate to the purpose of that meeting.</p> <p><b>4.06pm</b> The Mayor opened Public Question Time and invited members of the Public Gallery to ask questions.</p> <p>There were none.</p>																
<b>4.</b>	<b>Declarations of Members and Officers Interests</b>																
<b>4.07pm</b>	The Chief Executive Officer noted the following declaration of interest.																
<b>4.1</b>	<p><b>Item CS-019/23 Tender T23/24-16 – Provision of bulk verge waste collection services</b></p> <table> <tr> <td>Council Member:</td><td>Cr Brett Wormall</td></tr> <tr> <td>Type of Interest:</td><td>Impartiality</td></tr> <tr> <td>Nature of Interest:</td><td>Cr Wormall is a former employee of the director of TC Waste via the parent company TCD Group. Cr Wormall will deal with the matter on its merits and vote accordingly.</td></tr> <tr> <td>Extent of Interest:</td><td>Not Applicable</td></tr> </table>	Council Member:	Cr Brett Wormall	Type of Interest:	Impartiality	Nature of Interest:	Cr Wormall is a former employee of the director of TC Waste via the parent company TCD Group. Cr Wormall will deal with the matter on its merits and vote accordingly.	Extent of Interest:	Not Applicable								
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<b>5.</b>	<b>Petitions/Deputations/Presentations/Submissions</b>																
	Nil																
<b>6.</b>	<b>Matters for which the Meeting may be Closed</b>																
	Nil																

## 7. Reports of Officers

### Corporate Services

Corporate Services Waste Services		
Report number / title:	CS-019/23	Tender T23/24-16 – Provision of bulk verge waste collection services
File number:	T23/24-16	
Proponent/s:		
Author:	Mr John Pearson, Director Corporate Services	
Other Contributor/s:	Mr Allan Moles, Manager Waste Services Mr Aaron Blair, Coordinator Waste Collection Services	
Date of Special Council meeting:	8 August 2023	
Previously before Council:	23 May 2023 (CS-012/23)	
Disclosure of Interest:		
Nature of Council's role:	Executive	
Attachments:		
Maps/Diagrams:		
Site:		
Lot Area:		

### Purpose of Report

To provide Council with details of the tender received for Tender T23/24-16 – Provision of bulk verge waste collection services, document the results of the tender assessment and make recommendations regarding award of the tender.

### Background

Tender T23/24-16 – Provision of bulk verge waste collection services was advertised in the West Australian on Saturday, 8 July 2023. The tender closed at 2.00pm, Wednesday 26 July 2023 and was publicly opened immediately after the closing time.

One company submitted a tender, being TC Waste (WA) Pty Ltd trading as D & M Waste Management.

## Details

### Tender Summary:

The type of works to be undertaken under the contract shall include:

- Two x general waste verge collections
- Four x green waste collections
- The period of the contract shall be from the 01/09/2023 until 30/06/2025

The following tender was submitted:

Tenderer	TC Waste (WA) Pty Ltd trading as D & M Waste Management
Type	Annual amount
	(\$ – GST Exclusive)
Verge Collection General Waste and Green Waste	\$ 1,425,000.00

A panel comprising of the Director Corporate Services, Manager Waste Services and Coordinator Waste Collection Services undertook tender evaluations.

Evaluation of the tender, in accordance with the advertised tender assessment criteria, produced the following weighted scores:

Assessment Criteria	Level of Service	Understanding of Tender Requirements	Tendered Price/s	Total Weighted Scores
Max. Points	25 Pts	25 Pts	50 Pts	100 Pts
TC Waste (WA) Pty Ltd trading as D & M Waste Management	16.8	14.3	50	81.1

The contract rates will be subject to a price variation every 12 months from the date of award. Such a price variation will be calculated in accordance with the variation in the Consumer Price Index (CPI) for Perth Western Australia for all groups for the 12 months preceding the last completed CPI quarter as at the date the price variation is due.

## Implications to Consider

### a. Consultation with the Community

On execution of contract, notification of collection dates will be published and communicated. The City of Rockingham (City) is currently providing advice to residents not to put bulk verge waste out on the verge and if it has already occurred to remove it back to their property.

### b. Consultation with Government Agencies

Nil

### c. Strategic

#### Community Plan

This item addresses the Community's Vision for the future and specifically the following Aspiration and Strategic Objective(s) contained in the Strategic Community Plan 2019-2029:

**Aspiration 2:** *Grow and Nurture Community Connectedness and Wellbeing*

**Strategic Objective:** *Accessibility - Ensure that the City's infrastructure and services are accessible to seniors and to people with a disability.*

**Strategic Objective:** *Services and facilities - Provide cost effective services and facilities which meet community needs*

**Aspiration 3**

*Plan for Future Generation*

**Strategic Objective:** *Sustainable waste solutions - Incorporate new opportunities that support responsible and sustainable disposal of waste.*

**d. Policy**

In accordance with the Council Policy – Procurement Framework, for purchases above \$250,000, a public tender process is to be conducted in accordance with the provision of section 3.57 of the *Local Government Act 1995*; and *Local Government (Functions and General) Regulations 1996*, Part 4, Division 2, regulation 11A(1).

**e. Financial**

The expenditure is included in the Waste Services operational budgets as allocated in the team plans. The tender price submitted by TC Waste (WA) Pty Ltd trading as D & M Waste Management for the three annual collections is \$1,425,000.00 and this is over the budget for this service by \$139,000. The City has an approved allocated budget of \$1,289,000. Additional funds required to cover this over expenditure will be identified and allocated through the regular quarterly budget review process.

**f. Legal and Statutory**

In accordance with section 3.57 of the *Local Government Act 1995* and *Local Government (Functions and General) Regulations 1996*, Part 4, Division 2, regulation 11(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 \$250,000 unless sub regulation (2) states otherwise'.*

**g. Risk**

**All Council decisions are subject to risk assessment according to the City's Risk Framework.**

Implications and comment will only be provided for the following assessed risks.

*Customer Service / Project management / Environment : High and Extreme Risks*

*Finance / Personal Health and Safety : Medium, High and Extreme Risks*

Nil

## Comments

Following consideration of the submission in accordance with the quote assessment criteria, TC Waste (WA) Pty Ltd trading as D & M Waste Management represents best value to the City and is therefore recommended as the preferred quote.

TC Waste (WA) Pty Ltd trading as D & M Waste Management is the current contractor for the City.

Collection dates for the current year are anticipated to be:

- Green Waste – September 2023 to November 2023
- General Waste – November 2023 to February 2024 (note a 5-week break collection between December 2023 and January 2024).

Council will recall item number CS-012/23 where Council resolved to provide delegated authority to approve the Tender T23/24-16 within budget limitations. Given the submitted tender price exceeds the approved budget, the delegation is unable to be used.

## Voting Requirements

Simple Majority

## Officer Recommendation

That Council **APPROVES** the tender submitted by TC Waste (WA) Pty Ltd trading as D & M Waste Management of 12 Butcher Street Kwinana Beach WA for Tender T23/24-16 – Provision of bulk verge waste collection services in accordance with the tender documentation for the contract period being from 01/09/2023 to 30/06/2025.

### Council Resolution

**Moved Cr Buchanan, seconded Cr Edwards**

That Council **APPROVES** the tender submitted by TC Waste (WA) Pty Ltd trading as D & M Waste Management of 12 Butcher Street Kwinana Beach WA for Tender T23/24-16 – Provision of bulk verge waste collection services in accordance with the tender documentation for the contract period being from 01/09/2023 to 30/06/2025.

**Carried – 11/0**

### The Council's Reason for Varying the Committee's Recommendation

Not Applicable

<b>8.</b>	<b>Matters Behind Closed Doors</b>
	Nil
<b>9.</b>	<b>Closure</b>
	There being no further business, the Mayor thanked those persons present for attending the Special Council Meeting, and declared the meeting closed at <b>4.27pm</b> .