



# MINUTES

## Council Meeting

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Tuesday, 16 October 2018 at 6.30pm

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**MINUTES OF THE ORDINARY MEETING OF COUNCIL HELD IN THE COUNCIL CHAMBER, 135 CANNING HIGHWAY EAST FREMANTLE ON TUESDAY, 16 OCTOBER 2018.**

**1. OFFICIAL OPENING**

The Presiding Member opened the meeting at 6.34pm

**2. ACKNOWLEDGEMENT OF COUNTRY**

*"On behalf of the Council I would like to acknowledge the Nyoongar people as the traditional custodians of the land on which this meeting is taking place."*

**3. RECORD OF ATTENDANCE**

**3.1 Attendance**

The following members were in attendance:

Mayor J O'Neill	Presiding Member
Cr J Harrington	
Cr M Collinson	
Cr A McPhail	
Cr D Nardi	
Cr A Natale	
Cr T Watkins	

The following staff were in attendance:

Mr G Tuffin	Chief Executive Officer
Mr A Malone	Executive Manager Regulatory Services
Mr P Kocian	Executive Manager Corporate Services
Mr S Gallagher	Operations Manager
Ms J May	Minute Secretary

There was three member of the public in attendance.

**3.2 Apologies**

Cr A White.

**3.3 Approved Leave of Absence**

Cr M McPhail.

**4. DISCLOSURES OF INTEREST**

**4.1 Financial**

Nil.

**4.2 Proximity**

Nil

**4.3 Impartiality**

Nil.

**5. PUBLIC QUESTION TIME**

**5.1 Responses to previous questions from members of the public taken on notice**

Nil.

- 5.2 Public Question Time  
Nil.

6. PRESENTATIONS/DEPUTATIONS

- 6.1 Presentations  
Nil.

- 6.2 Deputations  
Nil.

7. APPLICATIONS FOR LEAVE OF ABSENCE  
Nil.

8. CONFIRMATION OF MINUTES OF PREVIOUS MEETING

- 8.1 Meeting of Council (18 September 2018)

**8.1 OFFICER RECOMMENDATION/COUNCIL RESOLUTION 011018**

Moved Cr Watkins, seconded Cr Harrington

That the minutes of the Ordinary meeting of Council held on Tuesday, 18 September 2018 be confirmed as a true and correct record of proceedings.

(CARRIED UNANIMOUSLY)

9. ANNOUNCEMENTS BY THE PRESIDING MEMBER

9.1 East Fremantle Yacht Club 85<sup>th</sup> Birthday Celebrations

Mayor O'Neill advised that he had attended and cut the cake at the East Fremantle Yacht Club's 85<sup>th</sup> Birthday celebrations held on Sunday, 14 October.

10. UNRESOLVED BUSINESS FROM PREVIOUS MEETINGS

Nil.

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**11. REPORTS AND RECOMMENDATIONS OF COMMITTEES**

**11.1 Town Planning Committee Meeting (2 October 2018)**

<b>File ref</b>	C/MTP1
<b>Prepared by</b>	Andrew Malone, Executive Manager Regulatory Services
<b>Meeting Date:</b>	16 October 2018
<b>Voting requirements</b>	Simple Majority
<b>Documents tabled</b>	Nil
<b>Attachments</b>	1. Town Planning Committee Minutes

**Purpose**

To submit the minutes and delegated decisions of the Town Planning Committee for receipt by Council.

**Executive Summary**

The Committee, at its meeting on 2 October 2018, exercised its delegation in all eight statutory matters before it.

There is no further action other than to receive the minutes, including delegated decisions, of that meeting.

**Consultation**

Town Planning Committee.

**Statutory Environment**

Nil.

**Policy Implications**

Nil.

**Financial Implications**

Nil.

**Strategic Implications**

Nil.

**Site Inspection**

Not applicable.

**Comment**

The unconfirmed minutes of the Town Planning Committee meeting are now presented to Council to be received.

**11.1 COMMITTEE RECOMMENDATION/COUNCIL RESOLUTION 021018**

**Moved Cr Collinson, seconded Cr Nardi**

**That the unconfirmed Minutes of the Town Planning Committee Meeting held on 2 October 2018 be received.**

**(CARRIED UNANIMOUSLY)**



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## 12. REPORTS

### 12.1 PLANNING REPORTS

#### 12.1.1 Integrated Traffic Management & Movement Strategy – 05-2018/19 Tender Acceptance

<b>Applicant:</b>	Town of East Fremantle
<b>File ref:</b>	TEN/REGISTER 05-18/19
<b>Prepared by:</b>	Andrew Malone, Executive Manager of Regulatory Services
<b>Supervised by:</b>	Gary Tuffin, Chief Executive Officer
<b>Voting requirements:</b>	Absolute Majority
<b>Documents table:</b>	Nil
<b>Attachments:</b>	1. Evaluation Sheet RFT05-18/19 <b>(Confidential Attachment)</b>

#### **Purpose**

To advise Council on the evaluation of the Request for Tender submissions received for suitably qualified and experienced consultant(s) to prepare an Integrated Traffic Management & Movement Strategy and to award the contract.

#### **Executive Summary**

This Tender has been undertaken for the development of a suite of strategic documents to guide the future traffic, parking, cyclist and pedestrian management and movement in the Town of East Fremantle.

The Tender was advertised with five (5) submissions received.

A detailed assessment was undertaken of all tender documents received, with two submissions shortlisted for further assessment and reference checks.

Telephone interviews were held to clarify details of the submissions and better assess the applicants understanding of the brief.

#### **Background**

The Strategy will provide strategic information to enable the Town to better plan and progress future budgeting requirements for relevant capital and/or other work and outputs.

The Strategy will evaluate the current transport network against future projected population and commercial and recreational growth and needs predictions, to facilitate an effective and efficient transport system for all traffic movements.

The tender RFT05/18-19 was advertised in the West Australian newspaper on Saturday 1 September 2018 to seek the services of suitably qualified and experienced consultant(s) to prepare an Integrated Traffic Management & Movement Strategy.

Tenders closed at 4:00pm Thursday 20 September and five (5) submissions were received from the following :

- WSP
- Level 5 Design
- Cardno WA

- Shawmac
- GTA Consultants

#### Consultation

- Elected members were advised during the development of the 2018/19 Budget that this project was a priority and funds were allocated for the project to be undertaken in financial year 2018/19.
- Project Coordinator, Urban Project Planner, Operations Manager and Executive Manager Regulatory Services participated in the development and preparation of the Project Scope and Specifications and the assessment of tenders.

Prior to commencement of works, the contractor (on behalf of Council) will undertake an inception meeting with the Town where a communication and stakeholder engagement strategy will be discussed and approved.

#### Statutory Environment

State: *Local Government Act 1995 s3.57 – Tenders for providing goods or services*

- (1) *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.*
- (2) *Regulations may make provision about tenders.*

Regulations 1996 require that tenders be publicly invited for such contracts where the estimated cost of providing the total service exceeds \$150,000. Council estimated the cost to exceed \$150,000, however through a competitive tender process tenders ranging from \$94,900 to \$157,290 were received.

#### Policy Implications

Purchasing Policy 4.2.4.

#### Financial Implications

Council has allowed for an Integrated Traffic Management & Movement Strategy to be undertaken within this financial year. Total amount budgeted was \$170,000.

The Strategy will provide strategic information to enable the Town to better plan and progress future budgeting requirements for relevant capital and/or other work and outputs.

#### Strategic Implications

The Town of East Fremantle Strategic Community Plan 2017-2027 states:

**Strategy Priority 3 - Building Environment – Accessible, well planned built landscapes which are in balance with the Town's unique heritage and open space.**

#### **3.3 Plan and maintain the Town's assets to ensure they are accessible, inviting and well connected.**

- 3.3.1 Continue to improve asset management practices
- 3.3.2 Optimal management of assets within resource capabilities
- 3.3.3 Plan and advocate for improved access and connectivity

It is envisaged that the Integrated Traffic Management and Movement Strategy will consider all modes of transport to improve the accessibility of residents and visitors to employment, recreation and services. Parking, cycle and pedestrian movements will also be assessed. The primary purpose of

this Strategy is to provide guidance on co-ordinated investment in transport infrastructure and inform development decision- making within the Town.

### Site Inspection

Site inspection undertaken: No

### Comment

The tenders submitted all fulfilled the requirements of the Tender Criteria, namely the Compliance and Selection Criteria and exhibit a demonstrated understanding of the Town's requirements.

<p><b>A) Relevant Experience</b> Describe your experience in completing /supplying similar Requirements. Tenderers must, as a minimum, address the following information in an attachment and label it <b>"Relevant Experience"</b>:</p> <ul style="list-style-type: none"> <li>(a) Provide details of similar work;</li> <li>(b) Provide scope of the Tenderer's involvement including details of outcomes;</li> <li>(c) Provide details of issues that arose during the project and how these were managed;</li> <li>(d) Demonstrate sound judgement and discretion; and</li> <li>(e) Demonstrate competency and proven track record of achieving outcomes.</li> </ul>	<p><b>Weighting 40%</b></p>	
	<p><b>"Relevant Experience"</b></p>	<p>Tick if attached <input type="checkbox"/></p>
<p><b>B) Key Personnel skills and experience</b> Tenderers should provide as a minimum information of proposed personnel to be allocated to this project, such as:</p> <ul style="list-style-type: none"> <li>(a) Their role in the performance of the Contract;</li> <li>(b) Curriculum vitae;</li> <li>(c) Membership to any professional or business association;</li> <li>(d) Qualifications, with particular emphasis on experience of personnel in projects of a similar requirement; and</li> <li>(e) Any additional information.</li> </ul> <p>details in an attachment and label it <b>"Key Personnel"</b>.</p>	<p><b>Weighting 30%</b></p>	
	<p><b>"Key Personnel"</b></p>	<p>Tick if attached <input type="checkbox"/></p>
<p><b>C) Tenderer's Resources</b> Tenderers should demonstrate their ability to supply and sustain the necessary:</p> <ul style="list-style-type: none"> <li>(a) Plant, equipment and materials; and</li> <li>(b) Any contingency measures or back up of resources including personnel (where applicable).</li> </ul> <p>As a minimum, Tenderers should provide a current commitment schedule in an attachment and label it <b>"Tenderer's Resources"</b>.</p>	<p><b>Weighting 10%</b></p>	
	<p><b>"Tenderer's Resources"</b></p>	<p>Tick if attached <input type="checkbox"/></p>

D) <b>Demonstrated Understanding</b> Tenderers should detail the process they intend to use to achieve the Requirements of the Specification. Areas that you may wish to cover include:	<b>Weighting 20%</b>	
(a) A project schedule/timeline (where applicable); (b) The process for the delivery of the goods/services; and (c) A demonstrated understanding of the scope of work Supply details and provide an outline of your proposed methodology in an attachment labelled <b><i>“Demonstrated Understanding”</i></b> .	<b>“Demonstrated Understanding”</b>	<b>Tick if attached</b> <input type="checkbox"/>

The tenders have been assessed against the requirements of the Tender Criteria. The details of this assessment are provided under confidential cover.

Based on the evaluation results and referee checks undertaken it is recommended the tender be awarded to Cardno (Pty) WA for the following reasons:

- The quoted price is the lowest of all tender submissions and included a 10% discount if all three components of the Project Scope and Specifications were undertaken concurrently.
- They scored highly in the qualitative criteria.
- Provided a very professional submission indicating the most relevant experience on similar projects. Some example included:
  - City of Swan Integrated Transport Study
  - Wembley Activity Centre Transport Assessment
  - Kwinana District Wide Traffic Study and Transport Modelling
  - Subiaco Integrated Transport Study
  - Vincent Car Parking Policy
- Nominated an experienced project team.
- Received very positive feedback from referees.
- Projected a very professional approach and detailed knowledge of the tender documents when interviewed.
- Confirmed that the project timeframe was very achievable.
- Confirmed that they were comfortable that their tender has been priced correctly.
- Confirmed that they were not aware of any issues with the tender documentation.

#### 12.1.1 OFFICER RECOMMENDATION/COUNCIL RESOLUTION 031018

Moved Cr Collinson, seconded Cr Natale

That Council:

1. accept the Tender submitted by Cardno (WA) Pty Ltd \$94,900 (excl GST) minus 10% discount if all three strategies are prepared in parallel for a total price of \$85,000 (excl GST) to complete the Integrated Traffic Management & Movement Strategy.
2. delegate to the Chief Executive Officer the power to finalise a contract with the Cardno (WA) Pty Ltd within the defined parameters of the tender.
3. authorise the Mayor and Chief Executive Officer to sign and affix the Town’s Common Seal to the tender contract with Cardno (WA) Pty Ltd.

(CARRIED BY AN ABSOLUTE MAJORITY 7:0)

## 12.2 FINANCE REPORTS

### 12.2.1 Monthly Financial Report (Containing the Statement of Financial Activity) – September 2018

<b>Applicant</b>	Not Applicable
<b>File ref</b>	F/FNS2
<b>Prepared by</b>	Terry Paparone, Manager Administration and Finance
<b>Supervised by</b>	Peter Kocian, Executive Manager Corporate Services
<b>Meeting Date:</b>	16 October 2018
<b>Voting requirements</b>	Simple Majority
<b>Documents tabled</b>	Nil
<b>Attachments</b>	1. Monthly Financial Report for the Period Ended September 2018

#### Purpose

The purpose of this report is to present to Council the Monthly Financial Report (containing the Statement of Financial Activity) for the month ended September 2018.

#### Executive Summary

A new Monthly Financial Report template has been developed to provide an overview of key financial activity. Two Statements of Financial Activity have been prepared, one by program and the other by nature and type. Both of these Statements provide a projection of the closing surplus position as at 30 June 2019.

#### Background

The Town of East Fremantle financial activity reports use a materiality threshold to measure, monitor and report on financial performance and position of the Town.

As part of the adopted 2018/19 Budget, Council adopted the following thresholds as levels of material variances for financial reporting.

*In accordance with regulation 34 (5) of the Local Government (Financial Management) Regulations 1996, and AASB 1031 Materiality, the level to be used in statements of financial activity in 2018/19 for reporting material variances shall be:*

- (a) 10% of the amended budget; or*
- (b) \$10,000 of the amended budget.*

*whichever is greater. In addition, that the material variance limit be applied to total revenue and expenditure for each Nature and Type classification and capital income and expenditure in the Statement of Financial Activity.*

The monthly Financial Report for the period ended September 2018 is appended and includes the following:

- Statement of Financial Activity by Program
- Statement of Financial Activity by Nature and Type
- Notes to the Statement of Financial Activity including:
  - Statement of capital acquisitions and capital funding
  - Significant Accounting Policies
  - Explanation of Material Variances
  - Net Current Funding Position

- 
- Cash and Investments
  - Budget amendments
  - Receivables
  - Cashed Back Reserves
  - Capital Disposals
  - Rating Information
  - Information on Borrowings
  - Grants and Contributions

The attached Monthly Financial Reports are prepared in accordance with the amended *Local Government (Financial Management) Regulations 1996*; together with supporting material to provide Council with easy to understand financial information covering activities undertaken during the financial year.

**Consultation**

Nil.

**Statutory Environment**

Section 6.4 of the *Local Government Act 1995* and Regulation 34 of the *Local Government (Financial Management) Regulations 1996* detail the form and manner in which a local government is to prepare its Statement of Financial Activity.

**Policy Implications**

Significant Accounting Policies are adopted by Council on an annual basis. These policies are used in the preparation of the statutory reports submitted to Council.

**Financial Implications**

Material variances are disclosed in the Statement of Financial Activity.

There are no proposed changes to the current budget forecast.

The statement of financial activity is to be supported by such information as is considered relevant by the local government containing:

- an explanation of the composition of the net current assets of the month to which the statement relates, less committed assets and restricted assets; and
- an explanation of each of the material variances; and
- supporting information as is considered relevant by the local government.

**Strategic Implications**

The matter being put to the Council is not likely to have a direct impact on the strategies of the Council.

*4.9 A financially sustainable Town – Provide financial management services to enable the Town to sustainably provide services to the community.*

**Site Inspection**

Not applicable.

**Comment**

The following is a summary of headline numbers from the attached financial reports:

	<b>Budget</b>	<b>September Actuals</b>
<b>Opening Surplus</b>	<b>782,857</b>	<b>785,889</b>
Operating Income	10,430,366	8,557,465
Operating Expenditure	(12,130,190)	(2,557,944)
Capital Expenditure	(2,980,169)	82,728
Capital Income	307,479	15,000
Net Transfers from Reserves	867,277	(11,649)
Non-Cash Items	2,722,380	619,462
<b>Closing Surplus</b>	<b>0</b>	<b>7,325,496</b>
Unrestricted Cash		4,863,087
Rates Receivables		3,887,489
Restricted Cash		2,094,283

- Rates were levied in the month of July;
- Year to date budgets have been amended to reflect year to date actuals in the Statements of Financial Activity to reflect actual cash flows. There are no variances to report as a result as the financial year is only three months completed;
- The capital program has commenced with \$82k in expenditure as at end of September. The majority of this expenditure relates to the John Tonkin Footpath and Node project;
- 58% of rates outstanding were collected by the end of September, meaning that the Town has a significant unrestricted cash position, with majority of these funds placed in short term deposits, ranging in term from one to four months.

**12.2.1 OFFICER RECOMMENDATION/COUNCIL RESOLUTION 041018**

**Moved Cr Nardi, seconded Cr Watkins**

**That Council receives the Monthly Financial Report (Containing the Statement of Financial Activity) for the month ended September 2018.**

(CARRIED UNANIMOUSLY)

### 12.2.2 Accounts for Payment – September 2018

File ref	F/FNS2
Prepared by	Terry Paparone, Manager Finance & Administration
Supervised by	Peter Kocian, Executive Manager Corporate Services
Meeting Date	16 October 2018
Voting requirements	Simple Majority
Documents tabled	Nil
Attachments	1. Monthly List of Payments – September 2018

#### Purpose

For Council to receive the monthly list of accounts paid.

#### Executive Summary

To endorse the list of payments made under delegated authority for the month of September 2018.

It is therefore recommended that Council receives the Lists of Accounts paid for the period 1 September to 30 September 2018, as per the summary table.

#### Background

The Chief Executive Officer has delegated authority to make payments from the Municipal and Trust Accounts in accordance with budget allocations.

The Town provides payments to suppliers by electronic funds transfer, cheque or credit card. Attached is an itemised list of all payments made under delegated authority during the said period.

#### Consultation

Nil.

#### Statutory Environment

Regulation 13: *Local Government (Financial Management) Regulations 1996 (as amended)*

#### Policy Implications

Policy 4.2.4 Purchasing Policy

#### Financial Implications

Accounts for Payment are sourced from budget allocations.

All amounts quoted in this report are inclusive of GST.

#### Strategic Implications

The Town of East Fremantle Strategic Community Plan 2017 – 2027 states as follows:

#### **STRATEGIC PRIORITY 5: Leadership and Governance**

*A proactive, approachable Council which values community consultation, transparency and accountability.*

#### Site Inspection

Not applicable.



**Comment**

The attached itemised list of payments is prepared in accordance with Regulation 13 of the amended *Local Government (Financial Management) Regulations 1996*.

**12.2.2 OFFICER RECOMMENDATION/COUNCIL RESOLUTION 051018**

Moved Cr Natale, seconded Cr Collinson

That the list of accounts paid for the period 1 September to 30 September 2018 be received, as per the following summary table:

SEPTEMBER 2018		
Voucher No	Account	Amount
5180 – 5183	Municipal (Cheques)	1,094.92
EFT26413 – EFT26520	Electronic Transfer Funds	\$972,788.20
Payroll	Electronic Transfer Funds	\$250,467.61
Superannuation	Electronic Transfer Funds	\$40,231.86
Credit Card	Corporate Credit Card	\$363.72
	Total Payments	\$1,264,946.31

(CARRIED UNANIMOUSLY)

### 12.2.3 Community Assistance Grants and Sponsorship Program – 2018-2019 (Round Two) Request Approvals

<b>File ref</b>	A/CFG1
<b>Prepared by</b>	Karen Dore, Economic and Community Development Officer
<b>Supervised by</b>	Peter Kocian, Executive Manager Corporate Services
<b>Meeting Date</b>	16 October 2018
<b>Voting requirements</b>	Simple Majority
<b>Documents tabled</b>	Nil
<b>Attachments</b>	1. Community Grants Advisory Group Minutes dated 03/10/18

#### Purpose

Council is requested to consider endorsing the recommendation from the Community Grants Advisory Group meeting, held on 3 October 2018, to approve the four (4) Community Assistance Grants 2018-2019 (Round Two) requests.

#### Executive Summary

The Community Grants Advisory Group met on 3 October 2018 to assess six (6) submissions received under the Community Assistance Grants (CAG) Program, 2018-2019.

Group	Purpose	Amount requested
East Fremantle Cricket Club	Infrastructure – concrete patio	5,000.00
East Fremantle Croquet Club	Equipment – international balls	980.00
East Fremantle Junior Cricket Club	Equipment – match balls	2,000.00
East Fremantle Lawn Tennis Club	Infrastructure – bumper wall	1,290.00
Hurricane Dragon Boat & Outrigger Canoe Club	Equipment – training	908.18
Richmond Primary School P&C	Infrastructure – mosaic entry wall	2000.00
<b>TOTAL</b>		<b>\$12,178.18</b>

The Advisory Group members, being community members Suzi Nelson and John Chisholm, and Chief Executive Officer Gary Tuffin (apologies from Mayor Jim O'Neill and Cr Andrew McPhail) discussed all six (6) submissions and recommended that the following four (4) requests be funded as requested.

Group	Amount requested
East Fremantle Croquet Club	980.00
East Fremantle Junior Cricket Club	2,000.00
East Fremantle Lawn Tennis Club	1,290.00
Hurricane Dragon Boat & Outrigger Canoe Club	908.18
<b>SUB-TOTAL</b>	<b>\$4,912.18</b>

#### Background

The Community Grants and Sponsorship Policy and the Community Assistance Grants Program were adopted by Council in June 2016 to provide an orderly and consistent way of dealing with small funding requests on an annual basis. The program was introduced for the first time in 2016-2017 financial year and the following allocations have been made to date:

- 2016-2017 \$9,305.00
- 2017-2018 \$9,699.00
- 2018-2019 \$7,300.28 (of \$20,000.00) allocated to date

Submissions totalling \$12,178.18 have been received for 2018-2019 Round Two, which closed on Monday 24 September 2018. A balance of \$12,699.72 is available.

### Consultation

Local community groups were informed of the opportunity through the following mediums;

- Town's email newsletter – August and September editions
- Direct email (37 clubs / groups) – 31 July 2018, with a follow up in late August
- Facebook – 2 August and 24 August
- Website – [www.eastfremantle.wa.gov.au/community/community-assistance-grants-cag-program-2018-2019-now-open.aspx](http://www.eastfremantle.wa.gov.au/community/community-assistance-grants-cag-program-2018-2019-now-open.aspx)

### Statutory Environment

Not applicable.

### Policy Implications

#### *1.2.2 Community Grants and Sponsorship*

### Financial Implications

An allocation of \$20,000.00 is included in the 2018-2019 budget. Should all of the recommended applications be approved the total amount released in Round Two would be \$4,912.18, leaving a balance of \$7,787.54 for a third round of funding.

### Strategic Implications

Community Strategic Plan 2017-2027:

#### ***Strategic Priority 1 – Social – A socially connected, inclusive and safe community***

#### ***1.1 Facilitate appropriate local services for the health and wellbeing of the community***

- 1.1.1 Facilitate or partner to ensure a range of quality services are provided at a local level*
- 1.1.2 Strengthen the sense of place and belonging through inclusive community interaction and participation*

#### ***1.2 Inviting open spaces, meeting places and recreational facilities***

- 1.2.1 Provision of adequate recreational, sporting and social facilities*
- 1.2.2 Activate inviting open spaces that encourage social connection*

#### ***1.3 Strong community connection within a safe and vibrant lifestyle***

- 1.3.1 Partner and educate to build a strong sense of community safety*
- 1.3.2 Facilitate opportunities for people to people to develop community connections and foster local pride*
- 1.3.3 Enrich identity, culture and heritage through programs, events and celebrations*
- 1.3.4 Facilitate community group capacity building*

### Site Inspection

Not applicable.

### Comment

All members of the Community Assistance Grants Advisory Committee were fully agreeable to the following recommendation.

**12.2.3 OFFICER/COMMITTEE RECOMMENDATION 061018**

Moved Cr A McPhail, seconded Cr Nardi

That Council:

1. fund the following grant applications:
  - \$ 980.00 East Fremantle Croquet Club
  - \$ 1,734.00 East Fremantle Junior Cricket Club
  - \$ 1,290.00 East Fremantle Lawn Tennis Club
  - \$ 908.18 Hurricane Dragon Boat and Outrigger Canoe Club;
2. advise all applicants of the outcomes; and
3. commit the balance of \$7,787.54 for a third round of funding to be advertised in January 2019.

(CARRIED UNANIMOUSLY)

#### 12.2.4 Sundry Debtors Write-Off

File ref	F/DTC1
Prepared by	Terry Paparone, Manager Administration and Finance
Supervised by	Peter Kocian, Executive Manager Corporate Services
Meeting Date	16 October 2018
Voting requirements	Simple Majority
Documents tabled	Nil
Attachments	1. Bad Debts Report ( <b>Confidential Attachment</b> )

#### Purpose

The purpose of this report is to seek Council approval to write-off one general Sundry Debtor amounting to \$1,975.34 and ninety five Parking Infringement debtors totalling \$11,978.65.

#### Executive Summary

As per Council's Debt Collection Policy 4.4.2 and Infringement Debt Management Policy 4.4.3 it is recommended that the write-offs appended to this report be approved by Council, pursuant to section 6.12 of the *Local Government Act 1995*.

#### Background

On the 18 September 2018 Council adopted Debt Collection and Infringement Debt Management Policies in accordance with section 6.12(1) of the *Local Government Act 1995*.

As per DA76 – 2018 (delegated authority), *the CEO and the Executive Manager of Corporate Services have the power to defer, waive, grant concession or write-off any amount of money owed to the Town of East Fremantle, under the above Act. The conditions imposed on the delegation are that write-offs must not exceed \$500.00 for individual transactions.*

There is one general Sundry Debtor amounting to \$1,975.34 which dates back to 2016 whilst there are ninety five Parking Infringements debtors totalling \$11,978.65 which span 2006 to 2014. Please see the attached Confidential Report outlining these debts.

There are a number of steps undertaken to recover outstanding costs which include issuing reminder letters, follow-up phone calls, final demand letters, negotiating payment options and if feasible, instigating legal action.

Whilst reasonable efforts have been made over a period of time to recover these debts, it is not viable to continue the recovery process due to officers' time and legal costs associated with the debts.

#### Consultation

Executive Manager Corporate Services  
Rates Officer  
Finance officer

#### Statutory Environment

*Local Government Act 1995*

Section 6.12 (1)(c) of the Local Government Act 1995 gives Council the power to write-off amounts of money owing to Council.

*"Power to defer, grant discounts, waive or write-off debts"*

*(1) Subject to subsection (2) and any other written law, a local government may –*

(a) *when adopting the annual budget, \*grant a discount or other incentive for the early payment of any amount of money; or*

(b) *waive\* or grant concessions in relation to any amount of money; or*

(c) *write-off\* any amount of money, which is owed to the local government*

*\* Absolute majority required.*

(2) *Subsection (1)(a) and (b) do not apply to an amount of money owing in respect of rates and service charges.*

(3) *The grant of a concession under subsection (1)(b) may be subject to any conditions determined by the local government.*

(4) *Regulations may prescribe circumstances in which a local government is not to exercise a power under subsection (1) or regulates the exercise of that power.*

### **Policy Implications**

As per Council's Debt Collection Policy 4.4.2 and Infringement Debt Management Policy 4.3.3 adopted on the 18 September 2018.

### **Financial Implications**

The proposed write-offs as outlined in the Confidential report totalling \$13,953.99 will be reflected in the financial statements.

### **Strategic Implications**

*Strategic Priority 5: Leadership and Governance*

5.1 Strengthen organisational accountability and transparency

5.1.1 Strengthen governance, risk management and compliance

5.1.3 Improve the efficiency and effectiveness of services

### **Site Inspection**

Not applicable

### **Comment**

The purpose of this report is to seek Council approval to write-off sundry debts amounting to \$13,953.99. Numerous attempts to recover these debts have been time consuming and further attempts would not be cost effective.

A small proportion of sundry debtors require ongoing follow up. In circumstances where it is not viable to seek legal action for the recovery of outstanding fees, Council's option is to write-off the debt.

#### **12.2.4 OFFICER RECOMMENDATION/COUNCIL RESOLUTION 071018**

**Moved Cr Nardi, seconded Cr Watkins**

**That Council resolves to write-off the various sundry debts totalling \$13,953.99 as per the Confidential Report.**

(CARRIED UNANIMOUSLY)

#### 12.2.5 Replacement of Bus – Commonwealth Home Support Programme

File ref	H/CHC1
Prepared by	Peter Kocian, Executive Manager Corporate Services
Supervised by	Gary Tuffin, Chief Executive Officer
Meeting Date:	16 October 2018
Voting requirements	Absolute Majority
Documents tabled	Nil
Attachments	Nil

##### Purpose

Council is requested to consider the purchase of a new bus to support the provision of services under the Commonwealth Home Support Programme (CHSP).

##### Executive Summary

The Town has historically operated two buses to support the provision of services under the Home and Community Care (HACC) Programme (which has now transitioned to the Commonwealth Home Support Programme). The 2018/19 Budget includes the disposal of one of the buses (plant number P4069), with the remaining bus experiencing a number of failures in recent months. It is recommended that the second bus also be disposed, with the proceeds from the sale of both buses part-funding the purchase of a fit-for-purpose bus.

##### Background

Council previously considered a discussion paper on the use of HACC vehicles at a Concept Forum. The following is an extract from this discussion paper:

##### **PEMV234 Mitsubishi Rosa 1DTB 605**

*The Centre Based Day Care operates Tuesday through to Friday using **PEMV234** this is the older of the buses but has better access for clients. It is a 23 seater bus with hoist. We at times need to remove a number of seats to allow room for wheel chair clients this then reduces the number of clients that we are able to pick up.*

*Our numbers have increased to full capacity each day now there are approximately up to 20 clients on any given day. We are picking up and dropping of clients from various locations across Cockburn, Melville and Fremantle and the trip usually takes approximately 1.5 hours.*

*The 14 seater Hi Ace Van is used daily to assist with the pickup and drop off of clients. We also need the extra seats for volunteer workers and staff when we are on outings. The van is also a safety net should we have an emergency or illness we can quickly transport the person home or to a GP without loading all the other clients onto the bus and leaving venues early.*

*This bus has had repeated problems with exhaust issues and the problem is still ongoing, after some research it appears that it is common with this vehicle.*

##### **PEMV242 Mitsubishi Rosa 1DXU 938**

*This bus is used for **Monday Social outings**, we are funded for Social Support 5,782 hours. We usually have approximately 12-14 clients a trip but occasionally can increase up to 18 depending on where they are going. Clients pay \$8.00 per day. There are 2 paid staff (casuals) on the day, driver and bus aid. Clients that attend this service are fully independent.*

*This bus is also used for **Thursday Shopping Trip**, we pick up from various locations and approximately 8-12 clients attend each week. The bus takes them to Spud Shed in Jandakot and*

*then on to Gateways Cockburn. Pick up starts at 8.15am and clients return home at approximately 2.30pm. There are 2 paid staff on this bus the driver and bus aid. The driver is our regular gardener the rest of the week he is a full time permanent employee, the bus aid is casual. Clients pay \$2.50 each way we are funded for trips for this service.*

*We have found this bus to be unsuitable for Centre Based Users as access is very poor for getting client seated, the aisles are very narrow and staff struggle to secure clients seat belts and walking frames safely. Also it has high headrests and clients are unable to see or communicate with others on the trips.*

Following discussion with Council, it was resolved as part of the 18/19 Budget to dispose of the Mitsubishi Rosa 1DXU938.

### Consultation

Coordinator HACC Services & Supervisor Centre Based Day Care

### Statutory Environment

Council is required to approve expenditure not included in the Annual Budget by an absolute majority decision, pursuant to section 6.8 of the *Local Government Act 1995*.

### Policy Implications

There are no Council Policies relative to this issue.

### Financial Implications

A quote has been obtained for budget purposes. The estimated cost of the supply of a 25 seat 2018 FUSO Rosa Bus is \$131k ex GST. A side lift wheelchair and other accessories is a further \$42k.

### Strategic Implications

1.1 Facilitate appropriate local services for the health and wellbeing of the community

### Comment

The Town of East Fremantle is a funded CHSP provider, with funding guaranteed for the 18/19 and 19/20 financial years as per the following schedule.

Program	Activity Name	Grant Amount (ex GST)	GST (if applicable)	Total (incl GST)
Home Support	Centre Based Respite – Care Relationships and Carer Support – 4-82ZXMA1	\$17,454	\$0	\$17,454
Home Support	Flexible Respite – Care Relationships and Carer Support – 4-82ZXMA1	\$69,262	\$0	\$69,262
Home Support	Home Maintenance – Community and Home Support – 4-82ZXMA1	\$110,663	\$0	\$110,663
Home Support	Domestic Assistance – Community and Home Support – 4-8309Y3L	\$155,182	\$0	\$155,182
Home Support	Transport – Community and Home Support – 4-8309Y69	\$168,868	\$0	\$168,868
Home Support	Social Support – Individual – Community and Home Support – 4-8309Y97	\$387,750	\$0	\$387,750
Home Support	Social Support – Group – Community and Home Support – 4-8309YC5	\$456,801	\$0	\$456,801
<b>Total</b>		<b>\$1,365,980</b>	<b>\$0</b>	<b>\$1,365,980</b>



The Commonwealth Government has recently announced up to \$50m in growth funding, available to existing CHSP providers this financial year, with growth funding to be provided as recurrent funding. Given this commitment, the indications are positive that CHSP funding will continue beyond the 19/20 financial year.

The Town of East Fremantle is also preparing a Business Case this financial year to assess whether a full time Centre Based Day Care is a viable model under a fee for service arrangement. That is, the Town is planning to continue to provide services irrespective of the future funding model under the CHSP.

There are 164 active clients, with 53 from the East Fremantle postcode. The bus is used to support Centre Based Day Care arrangements, and therefore is a critical element of the service model. Given the Council has an aspiration to continue to provide services in the medium to long-term, it is important that plant and equipment is cost effective and fit for purpose.

The remaining bus has experienced the following issues in recent months:

- Gearbox issue resulting in bus requiring tow to repair centre – Gear position sensor replaced at a cost of \$806, Tow cost \$375 TOTAL: \$1,181  
Bus off-road for 3 days.
- Start issues caused by fuel and oil mixing: Fuel pump replaced at a cost of \$3,765.
- Start issues when engine is warm: Currently needing a replacement of the engine control unit – unit was assessed to see if it could be repaired but was found to be non-repairable. A replacement engine control unit will cost approximately \$5,500 - \$6,000.  
Bus has been off road for 7 days for repair and diagnostics of engine control unit

The disposal of the other bus has been deferred, with this bus brought back into service. However, this is not a viable solution moving forward as this bus has access/mobility restrictions.

The Town is holding \$217k in the HACC Reserve. This is an accumulated balance of surplus funds with major transfers completed pre 09/10 financial year. Funds in this Reserve can be applied for any purpose relating to the programme.

**12.2.5 OFFICER RECOMMENDATION/COUNCIL RESOLUTION 081018**

Moved Cr Nardi, seconded Cr Harrington

That Council:

1. endorse the purchase of a new bus at an estimated cost of \$173k ex GST to support the provision of services under the Commonwealth Home Support Programme;
2. note that the recommended funding strategy is to dispose of both of the existing buses allocated to the Commonwealth Home Support Programme, and fund the net changeover out of the HACC Reserve;
3. pursuant to section 6.8 of the Local Government Act 1995, approve the following variation to the 2018/19 Budget, resulting in nil change in net current assets as at 30 June 2019:

Description	Adopted Budget	Amended Budget	Change in Net Current Assets
Capital Expenditure – Purchase of new 2018 FUSO Rosa Bus	\$0	(\$171,000)	(\$171,000)
Proceeds from Sale of Assets	\$44,000	\$75,000	\$31,000
Transfer from HACC Reserve	\$0	\$140,000	\$140,000
			\$0

(CARRIED BY AN ABSOLUTE MAJORITY 7:0)

## 12.3 GOVERNANCE REPORTS

### 12.3.1 Authority to Affix the Common Seal – Deed of Extension and Variation of Lease – JP MacKenzie Centre

File ref	R/RSS1
Prepared by	Peter Kocian, Executive Manager Corporate Services
Supervised by	Gary Tuffin, Chief Executive Officer
Meeting Date:	16 October 2018
Voting requirements	Simple Majority
Documents tabled	Nil
Attachments	1. Deed of Extension and Variation of Lease between the Town of East Fremantle and Minister for Education

#### Purpose

The purpose of this report is to obtain Council authorisation to affix the Common Seal to the Deed of Extension and Variation of Lease for the use of the facility at the JP MacKenzie Centre, between the Town of East Fremantle and the Minister for Education.

#### Executive Summary

The existing Lease Agreement between the Town of East Fremantle and the Minister for Education, for the use of the facility at the JP MacKenzie Centre as an off-site early childhood centre, expired on the 30 June 2017. A Deed of Extension has been prepared by the State Solicitors Office for the lease to be extended to 30 June 2027, under the same terms and conditions as the head lease.

#### Background

Authorisation from Council is required to affix the Common Seal on all documents as per the *Local Government Act 1995 s9.49 (a) 4 - Execution of Documents*.

#### Consultation

Not applicable.

#### Statutory Environment

##### ***Local Government Act 1995 s9.49 (a) - Execution of documents:***

- (1) *A document is duly executed by a local government if —*
  - (a) *the common seal of the local government is affixed to it in accordance with subsections (2) and (3); or*
  - (b) *it is signed on behalf of the local government by a person or persons authorised under subsection (4) to do so.*
- (2) *The common seal of a local government is not to be affixed to any document except as authorised by the local government.*
- (3) *The common seal of the local government is to be affixed to a document in the presence of —*
  - (a) *the mayor or president; and*
  - (b) *the chief executive officer or a senior employee authorised by the chief executive officer, each of whom is to sign the document to attest that the common seal was so affixed.*

- (4) *A local government may, by resolution, authorise the chief executive officer, another employee or an agent of the local government to sign documents on behalf of the local government, either generally or subject to conditions or restrictions specified in the authorisation.*

#### **Policy Implications**

There are no Council Policies relative to this issue.

#### **Financial Implications**

The amount of annual rent payable in the first year will be \$2,209.07, and will increase by the amount of the Perth CPI thereafter.

#### **Strategic Implications**

Council support of early childhood development is in accordance with Strategic Priority 1 'Social' in the strategic Community Plan:

1.2 Facilitate appropriate local services for the health and wellbeing of the community

#### **Site Inspection**

Not applicable

#### **Comment**

It is determined that the disposition is exempt from the requirements of section 3.58 of the *Local Government Act 1995*, as it satisfies Regulation 30 (2)(b) of the *Local Government (Functions and General) Regulations 1996*:

#### **30. Dispositions of property excluded from Act s. 3.58**

- (1) A disposition that is described in this regulation as an exempt disposition is excluded from the application of section 3.58 of the Act.
- (2) A disposition of land is an exempt disposition if —
- (a) the land is disposed of to an owner of adjoining land (in this paragraph called the **transferee**) and —
    - (i) its market value is less than \$5 000; and
    - (ii) the local government does not consider that ownership of the land would be of significant benefit to anyone other than the transferee;
  - or
  - (b) the land is disposed of to a body, whether incorporated or not —
    - (i) the objects of which are of a charitable, benevolent, religious, cultural, educational, recreational, sporting or other like nature; and
    - (ii) the members of which are not entitled or permitted to receive any pecuniary profit from the body's transactions;

The description of the land is Lot 6228 on Deposited Plan 49506. The Town holds a Management Order over this Reserve, with power to lease for any term not exceeding 21 years subject to consent of the Minister for Lands. The Deed of Extension is therefore subject to the consent of both the Town and the Minister for Lands. The consent of the Town may be granted by the Execution of the Deed by the

Town. However, the Minister for Lands cannot grant retrospective consent, so the commencement date of the Deed of Extension must be the date on which the Minister grants consent.

Council is now requested to authorise the Mayor and Chief Executive Officer to sign and affix the Common Seal to the Deed of Extension as presented.

**12.3.2 OFFICER RECOMMENDATION/COUNCIL RESOLUTION 091018**

**Moved Cr Harrington, seconded Cr Natale**

**That Council:**

- 1. authorise the Mayor and Chief Executive Officer to sign and affix the Common Seal of the Town of East Fremantle to the Deed of Extension and Variation of Lease, for the use of the facility at the JP MacKenzie Centre as an off-site early childhood centre, between the Town of East Fremantle and Minister for Education;**
- 2. seek consent from the Minister for Lands for the Deed of Extension and Variation of Lease, with the commencement date to be amended to the date on which the Minister grants consent.**

(CARRIED UNANIMOUSLY)

### 12.3.2 Ranger Authorisation – Interim Relief Ranger (November 2018/January 2019)

File ref	H/PRR1
Prepared by	Peter Kocian, Executive Manager Corporate Services
Supervised by	Gary Tuffin, Chief Executive Officer
Meeting Date:	16 October 2018
Voting requirements	Simple Majority
Documents tabled	Nil
Attachments	Nil

#### Purpose

This report is informing Council that the Chief Executive Officer will be exercising delegation DA21 Appointment of Authorised Officers, to appoint the relief Ranger Mr Brian Gaudet as an Authorised Officer of the Town of East Fremantle.

#### Executive Summary

Mr Brian Gaudet of WA Contract Ranger Services has been engaged to provide relief ranger services for the months of November 2018 and January 2019. As such, he is required to be appointed as an Authorised Officer to perform functions under legislation.

#### Background

A local government may, in writing, appoint persons or classes of person to be authorised for the purposes of performing particular functions in regard to the enforcement of laws (section 9.10 (1) of the *Local Government Act 1995*).

The Chief Executive Officer has been provided a delegation by Council, DA21 Appointment of Authorised Officers, to appoint Authorised Officers as required.

#### Consultation

Not applicable.

#### Statutory Environment

Section 9.10 of the *Local Government Act 1995* provides for the local government to appoint Authorised Officers.

Functions and powers are conferred directly to an Authorised Officer (as opposed to a Delegation) under the following legislation:

- *Bushfire Act 1954 and Regulations*
- *Control of Vehicles (Off-road Areas) Act 1978*
- *Dog Act 1976 and Regulations*
- *Cat Act 2011 and Regulations*
- *Litter Act 1979*
- *Caravan Parks and Camping Grounds Act 1995*
- *Local Government Act 1995*
- *Local Government (Miscellaneous Provisions) Act 1960*

#### Policy Implications

There are no Council Policies relative to this issue.

### Financial Implications

The approximate cost of relief ranger services is \$8,000.

### Strategic Implications

1.3 Facilitate appropriate local services for the health and wellbeing of the community

### Site Inspection

Not applicable

### Comment

The Chief Executive Officer is to appoint Mr Brian Gaudet as an Authorised Officer of the Town of East Fremantle, and to issue an authorisation letter/card.

#### 12.3.2 OFFICER RECOMMENDATION/COUNCIL RESOLUTION 101018

Moved Cr Harrington, seconded Cr Watkins

That Council note that the Chief Executive Officer will exercise delegated authority pursuant to delegation DA21 Appointment of Authorised Officers, to:

1. appoint Mr Brian Gaudet as an Authorised Officer for the Town of East Fremantle, for the purposes of performing particular functions in regard to enforcement under the following Acts, Regulations and Local Laws:
  - *Bushfire Act 1954 and Regulations*
  - *Control of Vehicles (Off-road Areas) Act 1978*
  - *Dog Act 1976 and Regulations*
  - *Cat Act 2011 and Regulations*
  - *Litter Act 1979*
  - *Caravan Parks and Camping Grounds Act 1995*
  - *Local Government Act 1995*
  - *Local Government (Miscellaneous Provisions) Act 1960*
  - *Cat Local Law 2016*
  - *Dog Local Law 2016*
  - *Parking Local Law 2016*
  - *Public Places and Local Government Property Local Law 2016*
2. appoint Mr Brian Gaudet as an authorised person for the following purposes of the *Local Government Act 1995*:
  - S3.24 Certain provisions about land
  - S3.31 General procedures for entering property
  - S3.33 Entry under warrant
  - S3.34 Entry in an emergency
  - S3.36 Opening Fences
  - S3.39 (1) Remove and impound goods
  - S3.40A (1) Remove and impound an abandoned vehicle wreck
  - S3.44 Notice to collect goods if not confiscated
  - S9.11 Persons found committing breach of Act to give name and address on demand
  - S9.13A Notice to prevent continuing contravention
  - S9.16 Giving a notice (infringement notice)

(CARRIED UNANIMOUSLY)

### 12.3.3 Amendment to Policy 4.2.7 – Parking Infringement Appeals

<b>File ref</b>	C/POL1
<b>Prepared by</b>	Peter Kocian, Executive Manager Corporate Services
<b>Supervised by</b>	Gary Tuffin, Chief Executive Officer
<b>Meeting Date:</b>	16 October 2018
<b>Voting requirements</b>	Simple Majority
<b>Documents tabled</b>	Nil.
<b>Attachments</b>	1. Parking Infringement Appeals Policy (with tracked changes)

#### Purpose

The purpose of this report is for Council to consider amending Policy No 4.2.7 Parking Infringement Appeals, to exclude the circumstance of a 'valid ticket was purchased' as a reason for an infringement to be withdrawn.

#### Executive Summary

To provide general parking infringement appeal information and protocols for the administration to determine the circumstances where a parking infringement appeal will be considered.

#### Background

Council adopted Policy 4.2.7 Parking Infringement Appeals at the June 2018 Ordinary Meeting. The Policy has been developed to provide clarity with regard to how the Town of East Fremantle will determine the circumstances where a parking infringement appeal will be considered.

The Policy is divided into three tables outlining:

- Table 1. Circumstances under which an infringement will be withdrawn
- Table 2. Circumstances under which an infringement may be withdrawn
- Table 3. Circumstances under which an infringement will not be withdrawn

#### Consultation

Council Forum 9 October 2018.

#### Statutory Environment

Council is to determine the Policies of the local government pursuant to section 2.7 (2) (b) of the *Local Government Act 1995*.

#### Policy Implications

Policy 4.2.7 Parking Infringement Appeals is presented with tracked changes.

#### Financial Implications

In the 2017/18 financial year, the Town issued 488 infringements for 'Failure to display ticket clearly in parking station', with a total value of \$41,850.

#### Strategic Implications

1.1 Facilitate appropriate local services for the health and wellbeing of the community.

#### Site Inspection

Not applicable



### Comment

It is recommended that Policy 4.2.7 Parking Infringement Appeals be amended to remove the circumstance of 'A valid ticket was purchased' from Table 2 (circumstances under which an infringement may be withdrawn) and the inclusion of 'Failure to display a valid parking ticket' in Table 3 (circumstances under which an infringement will not be withdrawn). That is, failure to display a valid parking ticket will no longer be considered as a valid reason for appeal.

The reason for this proposed change is four-fold:

- Prior to the adoption of the Parking Infringement Appeals Policy, Staff were occasionally exercising delegated authority to reduce the penalty for 'failure to display a valid parking ticket', which has created an ambiguous precedent for the assessment of appeals moving forward.
- The issuance of infringements for this offence is the one that impacts highest on Rangers operational time when issuing infringement notices. This is because where a parking ticket is not displayed on the dashboard, the Ranger is required to extend their efforts to ascertain if a ticket has fallen on the floor, been left on a seat, left in centre consoles or hidden by a sunshade placed over the windscreen. Where Rangers can see a ticket clearly enough to ascertain it is a valid ticket then no infringement is issued. In cases where a ticket can be seen but cannot be read (details obscured from view) then Rangers record if the ticket may or may not be a Town of East Fremantle ticket (by size, colour, font type and size) and then issue the infringement notice. Where there is no ticket noted by the Ranger then an infringement is issued.
- On top of the extra time already spent on such infringements there are then the factors of time and resources for Council Officers to draft appeal responses. In many cases such infringed drivers do not appeal until they receive Councils' final notice in which case Council has incurred a further \$19.50 costs as this is the fee that the Department of Transport charges Councils for providing vehicle owner name and address details in order for Councils to issue a final notice after the Statutory 28 day appeal period has expired and driver has not appealed by that time.
- The failure to display is in fact an offence and if Rangers are to maintain a service level that is equitable, fair and impartial to all drivers, then infringements that are issued should be upheld.

The proposed Policy change will bring the Town's Policy in line with other local governments such as the City of South Perth.

#### **12.3.3 OFFICER RECOMMENDATION/COUNCIL RESOLUTION 111018**

**Moved Cr Nardi, seconded Cr Harrington**

**That Council adopt amended Policy No 4.2.7 Parking Infringement Appeal attached to this report.**

(CARRIED UNANIMOUSLY)

## 12.4 OPERATIONS REPORTS

### 12.4.1 Road Resurfacing Program 2018/19 – Tender Acceptance

<b>Applicant:</b>	Town of East Fremantle
<b>File ref:</b>	TEN/REGISTER 01-18/19
<b>Prepared by:</b>	Stephen Gallagher, Operations Manager
<b>Supervised by:</b>	Gary Tuffin, Chief Executive Officer
<b>Voting requirements:</b>	Absolute Majority
<b>Documents table:</b>	Nil
<b>Attachments:</b>	1. Evaluation Sheet RFT01-18/19 ( <b>Confidential Attachment</b> )

#### Purpose

To advise Council on the evaluation of the Request for Tender submissions received for the Road Resurfacing Program 2018/19 and to award the contract.

#### Executive Summary

This Tender has been undertaken as part of the Capital Works Program that was approved by Council in this financial year's budget. The works are scheduled to be completed during November 2018.

The Tender was advertised with seven submissions received.

A more detailed assessment was done on the Tenders in accordance with Sections 1.6 Evaluation Process and 1.7 Selection Criteria.

#### Background

As part of the Towns 2018-19 Capital Works program, tender RFT01/18-19 was advertised in the West Australian newspaper on 11 August 2018 to select a contractor to provide road resurfacing services on the following roads around the Town:

- Council Place
- Glyde Street
- King Street
- Moss Street
- Preston Point Road
- Sewell Street
- View Terrace
- Woodhouse Road

Tenders closed at 4:00pm Friday 31 August and there were seven (7) submissions received from the following Tenderers:

1. Fulton Hogan
2. Roads 2000
3. Advanteeing Civil Engineering
4. Downer EDI Works
5. Industrial Road Pavers
6. Merger Contracting Pty Ltd
7. Boral Resources WA

### Consultation

Chief Executive Officer  
Executive Manager Corporate Services  
Operations Supervisor

Interviews were held with the shortlisted tenderers to clarify details of the submissions and better assess the applicants. Also, as part of the tender assessment process Tenderer referees were contacted for details on previous work performance.

Prior to commencement of works, the contractor (on behalf of Council) will distribute a letter to all affected properties.

### Statutory Environment

*Local Government Act 1995 s3.57 – Tenders for providing goods or services*

- (3) *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.*
- (4) *Regulations may make provision about tenders.*

Regulations 1996 require that tenders be publicly invited for such contracts where the estimated cost of providing the total service exceeds \$150,000.

### Policy Implications

Purchasing Policy 4.2.4.

### Financial Implications

Council has allowed \$370,614 for the road resurfacing in their 2018/19 Budget.

### Strategic Implications

Nil

### Site Inspection

Yes

### Comment

The tenders submitted must fulfill the requirements of the Tender Criteria, namely the Compliance and Selection Criteria:

Qualitative Criteria	Weighting
<b>Service Delivery Plan</b>	
Relevant Experience <ul style="list-style-type: none"><li>In delivering services of the nature of this tender</li><li>Demonstrated successful completion works of a similar nature for the Town of East Fremantle or other Local Government Authorities</li></ul>	35%
Capacity to Deliver the Services <ul style="list-style-type: none"><li>Professional Skills</li><li>Key personnel</li><li>Support facilities</li><li>Plant, equipment and materials; and</li></ul>	25%

<ul style="list-style-type: none"> <li>Any contingency measures or back up of resources including personnel (where applicable)</li> </ul>	
<b>Service Delivery Plans</b> <ul style="list-style-type: none"> <li>Methodology for providing the services and</li> <li>Timetable for delivering the services</li> </ul>	20%
<b>Reports from Referees</b> <ul style="list-style-type: none"> <li>Provide written references</li> </ul>	5%
<b>Tenderer Resources</b> <ul style="list-style-type: none"> <li>Plant, equipment and materials: and</li> <li>Any contingency measures or back up of resources including personnel (where applicable).</li> </ul>	15%
<b>Total</b>	100%

The shortlisted tenderers have demonstrated satisfactory experience and were assessed against the requirements of the Tender Criteria, namely the Compliance and Selection Criteria. The details of this assessment are provided under confidential cover.

Based on the evaluation results it is recommended that the Tender be awarded to Fulton Hogan for \$319,786.87 (Ex GST).

#### **12.4.1 OFFICER RECOMMENDATION/COUNCIL RESOLUTION 121018**

**Moved Cr Natale, seconded Cr Nardi**

**That Council**

- 1. accept the Tender submitted by Fulton Hogan for \$319,786.87 (Ex GST) to complete the Road Resurfacing Program 2018/19.**
- 2. delegate to the Chief Executive Officer the power to finalise a contract with the Fulton Hogan within the defined parameters of the tender.**
- 3. authorise the Mayor and Chief Executive Officer to sign and affix the Town's Common Seal to the contract with Fulton Hogan for the Road Resurfacing Program 2018/19.**

(CARRIED BY AN ABSOLUTE MAJORITY 7:0)

#### 12.4.2 Public Art Mural – JP MacKenzie Building

<b>File ref</b>	A/ART1
<b>Prepared by</b>	Karen Dore Economic & Community Development Officer
<b>Supervised by</b>	Peter Kocian, Executive Manager Corporate Services
<b>Meeting Date:</b>	16 October 2018
<b>Voting requirements</b>	Simple Majority
<b>Documents tabled</b>	Nil
<b>Attachments</b>	1. Public Art Panel Minutes, 8 October 2018 2. Mural Design Proposal “A-B”, Jarrad Martyn

#### Purpose

To consider the endorsement of the recommendation from the Public Art Panel (the Panel) for the installation of a mural on the JP MacKenzie building, Hubble Street, East Fremantle. It is intended that this installation be complete prior to East Fremantle’s George Street Festival (25 November 2018).

#### Executive Summary

The ageing mural on the JP MacKenzie building, Hubble Street, East Fremantle was identified as being beyond repair. The Panel discussed whether the original mural should be recreated or whether a new mural should be installed. As murals are considered ephemeral art pieces it was suggested that there be a new artwork installed that draws its theme from the Town’s Public Art Strategy 2017.

*“Ephemeral Art cannot be bought, sold or traded, and the sculpture merges back into the environment as its materials gradually degrade.”*

<https://lighthouse.mq.edu.au/article/please-explain/what-is-ephemeral-art>

#### Background

The Town of East Fremantle Public Art Panel held their first meeting on Monday 16 July 2018 where they considered a discussion paper titled “Food for Thought”. This paper summarised twenty one public artwork ideas that had been to the Town.

From those ideas the Panel identified those which it would like to investigate further, including the replacement of the deteriorated mural on the corner of Hubble and George Street.

At their meeting held on Monday 20 August 2018 the Panel requested that, as per the recommendation of FORM\*\*, nine WA artists be invited to submit an expression of interest to undertake the proposed installation. The decision to call for expressions by invitation, rather than advertisement, was made due to the tight timeline of having the installation completed prior to the Festival.

Five expressions of interest were received. These were considered at the Public Art Panel meeting held on Monday 17 September 2018. Three artists were selected to further submit a Concept Design Proposal.

The seven Concept Design Proposals were considered at the Public Art Panel meeting held on Monday 8 October 2018.

#### Consultation

Public Art Panel  
Patricia Burvill (Original Artist)  
East Fremantle Primary School (Tenant)

FORM\*\*

*\*\*FORM is an independent, non-profit cultural organisation that develops and advocates for excellence in creativity and artistic practice in Western Australia. FORM advised that the*

*Panel:*

- 1. Call for Expressions of Interest from artists (either via invitation or public advertisement);*
- 2. Request three of these artists to provide a Concept Design Proposal for a fixed fee of \$500, noting that these concepts remain the intellectual property of the artist.*
- 3. Select one Concept to be the final work.*

**Statutory Environment**

Nil

**Policy Implications**

Town of East Fremantle Strategic Community Plan 2017-2027

**Strategic Priority 1 – Social – A socially connected, inclusive and safe community**

**1.2 Inviting open spaces, meeting places and recreational facilities**

1.2.2 Activate inviting open spaces that encourage social connection

**1.3 Strong community connection within a safe and vibrant lifestyle**

1.3.2 Facilitate opportunities for people to people to develop community connections and foster local pride

1.3.3 Enrich identity, culture and heritage through programs, events and celebrations

Town of East Fremantle Public Art Strategy 2017

**The Artistic Theme identified for George Street is:**

- **Discover:** East Fremantle's agricultural past, relating to food gathering, to complement the eateries on the street.
- **Connect:** people to people, people to ideas – celebrate local people and rituals, energetic, comfortable and casual. Consider how people use this place...
- **Encounter:** impressions of the natural environment, tactile and interactive.

**Financial Implications**

The funds for this installation would be drawn from the Arts and Sculpture Reserve.

\$1,500	3 x Concept Design Proposal
\$5,000	1 x Installation (materials and labour)
<u>\$6,500</u>	<u>Total</u>

The cost of preparing the wall (removal of old piece) and the addition of graffiti proofing will be additional to the above costs.

**Strategic Implications**

Nil.

**Site Inspection**

The wall has been inspected by the Town's Operations Manager and each of the three artists who were requested to submit Concept Design proposals.

**Comment**

The submissions provided were circulated to the Panel members and were discussed at the meeting. It was agreed that the preferred submission by Jarrad Martyn's entitled Mural A-B be recommended to Council for consideration for installation.

**12.4.2 PANEL RECOMMENDATION/COUNCIL RESOLUTION 131018**

**Moved Cr Harrington, seconded Cr Natale**

**That Council endorse the installation of Mural Concept Design A-B, by artist Jarrad Martyn, on the Hubble Street facing wall of the JP MacKenzie building corner of George Street, East Fremantle.**

**(CARRIED UNANIMOUSLY)**

#### 12.4.3 Proposed Retaining Wall – Sea Container at Henry Jeffery Oval

<b>File ref</b>	R/RSB1 and R/RS06
<b>Prepared by</b>	Stephen Gallagher Operations Manager
<b>Supervised by</b>	Gary Tuffin Chief Executive Officer
<b>Meeting Date</b>	16 October 2018
<b>Voting requirements</b>	Absolute Majority
<b>Documents tabled</b>	Nil
<b>Attachments</b>	1. Location map – retaining wall.

##### **Purpose**

To seek Council's authorisation to incur unbudgeted expenditure of \$15,000 for the installation of a retaining wall at the rear of the cricket nets at Henry Jeffery Oval.

##### **Executive Summary**

Council has received complaints from residents in relation to the location of a sea-container that has recently been installed adjacent to the new cricket nets at Henry Jeffery Oval.

The sea container is used for the storage of the East Fremantle Junior Cricket Club's (EFJCC) equipment, mainly (3) three bowling machines.

To address these concerns it is recommended that a retaining wall be built at the rear of the cricket nets, and the sea-container be relocated to this position.

##### **Background**

On the 21 March 2017, Council considered and supported the request from the East Fremantle Junior Cricket Club for the upgrade of the cricket nets and the installation of a sea container for storage of cricket equipment.

The EFJCC was granted approval from the Department of Biodiversity, Conservation and Attraction (Parks & Wildlife Services) for the new structures.

Since its completion the Town has received a number of complaints from local residents in regards to the sea-container's impact on the surrounding amenity, and have requested it be relocated.

##### **Consultation**

An on-site meeting was held on 12 September 2018 attended by the Mayor, CEO, Operations Manager and a Preston Point Road resident.

The site was also visited by elected members during the annual capital works & facilities bus tour.

If Council elects to relocate the sea container, it is recommended that property owners along that section of Preston Point Road be canvassed to seek feedback on the preferred option.



### Statutory Environment

Section 6.8 of the *Local Government Act 1995* states;

6.8. *Expenditure from municipal fund not included in annual budget*

- (1) *A local government is not to incur expenditure from its municipal fund for an additional purpose except where the expenditure —*
- (a) *is incurred in a financial year before the adoption of the annual budget by the local government; or*
  - (b) *is authorised in advance by resolution\*; or*
  - (c) *is authorised in advance by the mayor or president in an emergency.*

\* Absolute majority required.

(1a) *In subsection (1) —*

***additional purpose*** means a purpose for which no expenditure estimate is included in the local government's annual budget.

- (2) *Where expenditure has been incurred by a local government —*
- (a) *pursuant to subsection (1)(a), it is to be included in the annual budget for that financial year; and*
  - (b) *pursuant to subsection (1)(c), it is to be reported to the next ordinary meeting of the council.*

### Financial Implications

The recommended retaining wall has been estimated to cost \$12,000, plus miscellaneous works of \$3,000 (ie returfing etc). Total expected cost \$15,000.

The works will consist of a 22 metre long limestone wall with additional 2 metre returns back into the bank. The wall will start at 0.6m in height at the eastern end and increase gradually to 1.8m high at the western end.

Should Council elect to construct the retaining wall it will be necessary to authorise the expenditure and amend its budget accordingly.

### Comment

It is recommended that the sea-container be relocated to the north/river side of the nets and to accommodate this move a retaining wall be built. This solution will visibly screen out the sea-container from Preston Point Road.

### OFFICER RECOMMENDATION

That:

1. Council's preferred option to address concerns regarding the sea container located on Henry Jeffery Oval is for the construction of a retaining wall at the rear of the cricket nets.
2. prior to undertaking the construction of the retaining wall, property owners along that section of Preston Point Road be advised of the proposed additional works, and invited to provide feedback.
3. subject to no objections to the proposal, the works be undertaken.

- 
4. subject to (3) above, Council in accordance with section 6.8 of *Local Government Act 1995* authorises expenditure of \$15,000 for the construction of the retaining wall, and that the 2018/19 Budget be amended accordingly as part of the Budget mid-year review.

Moved Cr Natale, seconded Cr Nardi  
The adoption of the Officer's recommendation.

**PROCEDURAL MOTION/COUNCIL RESOLUTION 141018**

**Moved Cr Harrington seconded Cr Natale**

**That this matter be deferred to the November Council Meeting to allow for further community consultation.**

**(CARRIED 6:1)**



13. MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN  
Nil.
14. NOTICE OF MOTION FOR CONSIDERATION AT THE NEXT MEETING
- 14.1 Cr Natale - Boat Ramp Parking Permits for East Fremantle Ratepayers  
*"That Council reconsider introducing free parking at the boat ramp for local ratepayers (boat users only), and the CEO prepare a report on the matter for Council's formal consideration."*
15. QUESTIONS BY MEMBERS OF WHICH DUE NOTICE HAS BEEN GIVEN  
Nil.
16. NEW BUSINESS OF AN URGENT NATURE  
Nil.
17. MATTERS BEHIND CLOSED DOORS  
Nil.
18. CLOSURE  
There being no further business, the Presiding Member declared the meeting closed at 7.41pm.

*I hereby certify that the Minutes of the meeting of the **Council** of the Town of East Fremantle, held on **16 October 2018**, Minute Book reference **1. to 18.** were confirmed at the meeting of the Council on*

*20 NOVEMBER 2018*



*Presiding Member*