



AGENDA

Council Meeting

Tuesday, 20 September 2016 at 6.30pm

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NOTICE OF MEETING

Elected Members

An Ordinary Meeting of the Council will be held on **Tuesday, 20 September 2016** in the Council Chamber, 135 Canning Highway East Fremantle commencing at 6.30pm and your attendance is requested.



GARY TUFFIN
Chief Executive Officer

AGENDA

1. DECLARATION OF OPENING OF MEETING/ANNOUNCEMENTS OF VISITORS

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

3.2 Apologies

3.3 Leave of Absence

Cr Collinson

Cr M McPhail

Cr Harrington

4. RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

None.

5. PUBLIC QUESTION TIME

6. CONFIRMATION OF MINUTES OF PREVIOUS MEETING

6.1 Ordinary Meeting of Council (16 August 2016)

6.1 OFFICER RECOMMENDATION

That the minutes of the Ordinary meeting of Council held on Tuesday, 16 August 2016 be confirmed as a true and correct record of proceedings.

- 7. ANNOUNCEMENTS BY PRESIDING MEMBER**

- 8. PRESENTATIONS / DEPUTATIONS / PETITIONS**
 - 8.1 Presentations**
 - 8.2 Deputations**
 - 8.3 Petitions**

- 9. DISCLOSURES OF INTEREST BY MEMBERS**

- 10. APPLICATIONS FOR LEAVE OF ABSENCE**

- 11. LATE ITEMS**

12. REPORTS OF COMMITTEES

12.1 Town Planning & Building Committee Meeting (6 September 2016)

File ref	C/MTP1
Prepared by	Andrew Malone, Acting Manager Planning Services
Voting requirements	Simple Majority
Documents tabled	Nil
Attachments	1. Town Planning & Building Committee Minutes

Purpose

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

Executive Summary

The Committee, at its meeting on 6 September 2016, exercised its delegation in all statutory matters before it.

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

Consultation

Town Planning & Building Committee.

Statutory Environment

Nil.

Policy Implications

Nil.

Financial Implications

Nil.

Strategic Implications

Nil.

Site Inspection

Not applicable.

Triple Bottom Line Assessment

Economic implications

There are no known significant economic implications associated with this proposal.

Social implications

There are no known significant social implications associated with this proposal.

Environmental implications

There are no known significant environmental implications associated with this proposal.

Comment

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

12.1 OFFICER RECOMMENDATION

That the unconfirmed Minutes of the Town Planning & Building Committee Meeting held on 6 September 2016 be received.

13. REPORTS OF OFFICERS

13.1 PLANNING REPORTS

13.1.1 Tree Preservation Policy

Applicant	NA
File ref	C/POL1
Prepared by	Jamie Douglas, Manager Planning Services
Supervised by	Gary Tuffin, Chief Executive Officer
Voting requirements	Simple Majority
Attachments	1. Draft Tree Preservation Policy 2. Submissions Received (2)

Purpose

This report considers submissions received in regard to a draft Planning Policy to preserve mature trees and recommends the Policy be adopted.

Executive Summary

This analysis has been undertaken in response to Council's request to investigate means to protect significant trees within the Town. The Policies of six different Councils have been considered and their various strengths and weaknesses identified within the context of the Town's existing environment, statutory planning provisions and resource capacity of the Town. A Planning Policy has been drafted which is considered to be a practical approach which best fits the perceived aims of Council.

The draft Policy has been advertised and two submissions have been received. Accordingly the following is recommended:

It is recommended that Council adopt the Draft Planning Policy: Tree Preservation, pursuant with clause 2.4 of the Town Planning Scheme No 3, subject to the following amendment;

- (1) The addition of the following note under 'Definitions'

Note: Height of a tree and shrub is measured from the average natural ground level within 2m radius of the plant to the highest point of the foliage.

Background

Council has previously discussed this matter at a Forum meeting in February 2016 and further considered means for tree preservation in respect to the initiation of the Scheme amendment for the Woodside Hospital which was approved in March 2016.

A draft policy was considered by the Town Planning & Building Committee at its meeting on 7 June 2016. The Committee recommended that the matter be considered at the Concept Forum held on 14 June 2016 prior to a determination at the June 21 Council Meeting.

The matter was considered at the June Concept Forum with elected members raising a number of concerns. Council at its June meeting resolved to defer the matter to the July Council Meeting to allow elected members to provide feedback to the author.

At the Concept Forum on 12 July 2016 the following feedback was recorded and has been incorporated into the attached revised draft Policy (see yellow shading):

Cr White suggested the following changes to the draft policy:

- *Replace the reference to “mature” trees in the introduction with “advanced”.*
- *The words “new/replacement” replace the word “new” in section 2(b) Objectives.*
- *Definitions for “tree” and “shrub” be included within the Policy*
- *The Policy relate to trees 5m or more and shrubs 3m or more in height.*

Cr Harrington suggested the following paragraph be added to section 9 Protection of trees which are to be retained:

“All trees to be retained are to be clearly marked prior to construction and shall be maintained in a healthy condition for a period of not less than 2 years post construction or replaced by a tree of similar maturity.”

Mayor O’Neill expressed his concern that the Policy needed to be workable and elected members should be mindful of costs to Council and the applicant. He suggested the following note be added to section 7 (c) and (d) Trees on Development Sites:

- * *Where a site is well treed less emphasis may be placed on shrub/tree retention/replacement.*

Council at its meeting on the 19 July 2016 endorsed the Draft policy for release for public consultation for the purposes of Public Notification pursuant with clause 2.4 of the Town Planning Scheme No 3.

Consultation

Consultation has been undertaken by advertisement in the local press and posting on Council’s website for a minimum period of 21 days.

Advertising

The proposed policy was advertised in The Fremantle Herald on Saturday 30 July 2016 and on the Town’s website. Public submission period was from 29 July to 22 August 2016. Two submissions were received.

SUBMISSION	OFFICER COMMENT
<p>19 Sewell Street Support proposal</p> <p>In 1980 or ’81 Councillor T Malone and myself proposed that Council verges in Plympton ward be planted with native trees shrubs to soften what was ugly streetscape dominated by power poles. This policy was adopted by Council and achieved the result intended and with the placement of underground power (The first Local Government in WA to do this), the foundations of what is now a wonderful vibrant community orientated ward were laid. I recommend that where trees are proposed the word native should precede the word trees.</p>	<p>Clause (e) (ii) does encourage the use of local species trees with broad canopies and discourages the use of palms – they have poor shade and habitat values.</p> <p>It is considered that an absolute requirement for ‘native ‘trees in all circumstances may be too prescriptive</p>
<p>39 Gill Street Needs further consideration</p> <p>I believe the following may be improvements to be considered:</p>	

<p>The objectives should include "Preservation of trees that may be of historic or cultural significance". This is because the Town is more than merely a convenient place for planning of developments - it has (and it needs to create and cherish) cultural ties for its residents and visitors.</p> <p>Objectives could also include water conservation and encouragement or retention of wildlife.</p> <p>If these are to be included, then the document needs to change throughout to reflect these eg in Policies.</p> <p>A tree is currently defined as "A woody plant usually over 5m high and with an unbranched lower axis". This definition rules out a number of the Council's existing plantings (recent and mature). My suggestion is to define a tree as "A woody plant usually with the potential to be over 5m high, or a shrub determined by the Town as being significant". An unbranched lower axis is vague and undefined.</p> <p>If, for example you were to take the fig trees in King's Square in Fremantle, or possibly the Proclamation Tree in Fremantle, they would fall outside the current proposed definition of a tree because they have low branches (indeed kids can climb dangerously in them).</p> <p>The height of 5m needs to be defined as being from average ground level within 2m radius of the plant to the highest point of the foliage, to avoid mounding up round the trunk to circumvent the policy.</p> <p>The definition of shrub is not currently valuable, as a shrub (which may in any case be significant) is only mentioned once elsewhere and that is in the title attached to the #. If the Town deems a shrub to be significant, it should be treated like a tree (hence the inclusion in Tree definition above). A shrub is currently defined as "A woody plant usually less than 5m high and many branched without a distinct main stem except at ground level". Suggested definition "A woody plant usually with the potential to be less than 5m high".</p> <p>The document refers throughout to Trees of more than 5m in height. Is this intended since "tree" is defined near the document start?</p>	<p>This was considered in the preparation of the policy but was not progressed due to the technical difficulties on enforcement associated with such an approach</p> <p>Noted It is considered that Objective (d) encompasses these objectives.</p> <p>See above</p> <p>Councillors debated this definition and it was defined as such to provide a clear cut off to what constitutes a tree. If smaller vegetation with potential to grow to the definition of a tree it would broaden the policy extent beyond that approved by Council.</p> <p>It is not considered the existing definition would preclude such trees.</p> <p>Agreed, amend policy accordingly.</p> <p>Disagree the current definition is proposed so that significant shrubs may be included, the proposed alternate definition may be open to wider interpretation and cause confusion.</p> <p>Yes</p>
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Policy Implications

The proposed Policy for the Preservation of Significant Trees in the Private Domain would complement the Planning Policy – *Residential Design Guidelines*.

Financial Implications

The assessment and compliance management of the proposed Policy will impact upon the Council's finances and may increase the costs associated with private developments in the Town.

Strategic Implications

The proposed Planning Policy will positively impact the Strategic Community Plan by supporting the achievement of the following Key Focus Area.

Key Focus Area 3: Built and Natural Environment:

Aspiration: Our Town is developing in harmony with our unique character within the fabric of the region's built and natural environment.

*Outcomes: 3.1 Facilitating sustainable growth whilst maintaining urban and natural character.
3.2 Maintain a safe and healthy built and natural environment.*

Triple Bottom Line Assessment

Economic implications

The retention and enhancement of tree cover within residential areas will enhance the monetary value of private dwellings.

The retention and/or replacement of significant trees may have development cost implications, depending on the location and design elements of individual developments.

Social implications

There are no known significant social implications associated with this proposal.

Environmental implications

There are significant environmental benefits in relation to solar and privacy screening, microclimate, carbon absorption, bird and animal habitat, air quality and visual attractiveness associated with tree cover in urban areas.

Comment

The two submissions received are generally supportive and the constructive comments are welcomed. In light of the comments received it is proposed that the definition of an 'existing tree be amended as follows:

The addition of the following note under 'Definitions'

Note, Height of a tree and shrub is measured from the average natural ground level within 2m radius of the plant to the highest point of the foliage.

Subject to the above amendment it is considered the draft Policy will best facilitate infill development within the Town that is necessary to meet urban sustainability objectives and State Planning Policies, while maintaining and enhancing the extent of tree coverage within the Town.

OFFICER RECOMMENDATION

That Council resolves to adopt the Draft Planning Policy: Tree Preservation, pursuant with clause 2.4 of the Town Planning Scheme No 3, subject to the following amendment;

(1) The addition of the following note under 'Definitions'

Note: Height of a tree and shrub is measured from the average natural ground level within 2m radius of the plant to the highest point of the foliage.

13.1.1 ALTERNATE MOTION/COMMITTEE RESOLUTION

That the matter be held over until the October forum meeting, to be held on 11 October 2016.

13.2 FINANCE REPORTS

13.2.1 Monthly Financial Activity Statement 31 August 2016

Applicant	Not Applicable
File ref	F/FNS2
Prepared by	Les Mainwaring, Executive Manager Finance & Administration
Supervised by	Gary Tuffin, Chief Executive Officer
Voting requirements	Simple Majority
Documents tabled	Nil
Attachments	1. Monthly Financial Activity Statement

Purpose

For Council to receive the Monthly Financial Activity Statement.

Executive Summary

To provide timely financial information to Elected Members and regular review of the current forecast. This statement compares actual performance against budget estimates, and summarises operating and capital results in accordance with statutory requirements.

Staff recommend that Council receives the Financial Activity Statement for the period ending 31 August 2016.

Background

The report comprises the monthly financial results with commentary focusing on comparisons to the year to date budget position.

The monthly Financial Activity Statement for the period ending 31 August 2016 is appended and includes the following:

- Financial Activity Statement
- Notes to the Financial Activity Statement including schedules of investments, rating information and debts written off.
- Capital expenditure Report

The attached Financial Activity Statements are prepared in accordance with the amended Local Government (Financial Management) Regulations 1996; together with supporting material to provide Council with easily understood financial information covering activities undertaken during the financial year.

Consultation

Nil.

Statutory Environment

Local Government Act 1995 (As amended)

Local Government (Financial Management) Regulations 1996 (As amended)

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

The August 2016 Financial Activity Statement shows variances in income and expenditure when compared with year to date draft budget estimates.

There are no proposed changes to the current budget forecast.

All amounts quoted in this report are exclusive of GST.

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

Site inspection undertaken: Not applicable

Triple Bottom Line Assessment

Economic implications

The budget is forecasting a surplus therefore the economic indications of this budget are positive.

Social implications

There are no known significant social implications associated with this proposal.

Environmental implications

There are no known significant environmental implications associated with this proposal.

Comment

The following is a summary of information on the attached financial reports:

Revised Budget Forecast

The current budget forecast for the 30th June 2017 indicates a breakeven of \$0 which is not represented by any change to date.

Operating YTD Actuals (compared to the YTD Budget)

The August 2016 Financial Activity Statement shows variances in income and expenditure when compared with year to date current budget estimates.

Operating Revenue 99%; is \$47,000 less than the YTD budget. (Unfavourable)

Operating Expenditure 97%; is \$56,000 less than the YTD budget. (Favourable)

After non-cash adjustments, the total operating cash forecast is \$37,000 more than the YTD budget (Favourable).

Operating Revenue is 1% Unfavourable to year to date budget.

Unfavourable variance in Recreation & Culture – is an additional Swan River Trust Grant of \$60,000 which is available dependent on the level of foreshore works exceeding \$335,000. Also Riverside

Road Mooring Pen lease fees are down by \$21,000 due to vacancies which will be offset during the year.

Operating Expenditure is 3% Favourable to year to date budget.

The main areas of favourable variation for operating expenditure are timing differences in; Community Amenities – SMRC Waste Composting Facility \$31,000 which is mainly due to invoices received in the following month; Annual Bulk and Green Waste \$22,000 which will be offset in September.

Other areas of favourable variance are spread across various programs as detailed in the report.

All capital activities have been set forward in the budget so that they can be easily monitored in terms of progress.

The majority of Infrastructure projects are in the early stages of mobilisation during August.

Other details can be found in the attached notes to the financial activity statement.

Capital Programs YTD Progress Summaries

Annual Timeline 17% of year elapsed

Land & Buildings 0% expended

Infrastructure Assets 1% expended

Plant & Equipment 6% expended

Furniture & Equipment 3% expended

Capital expenditure is \$4,051,000 less than the YTD budget (Favourable) which represents 99% of the capital programs to be completed. The report provides details on individual capital works payments to have progressed as at 31 August 2016.

All amounts quoted in this report are exclusive of GST.

13.2.1 OFFICER RECOMMENDATION

That Council receives the Financial Activity Statement for the period ending 31 August 2016.

13.2.2 Accounts for Payment – August 2016

File ref	F/FNS2
Prepared by	Les Mainwaring, Executive Manager Finance & Administration
Supervised by	Gary Tuffin, CEO
Meeting Date	20 September 2016
Voting requirements	Simple Majority
Documents tabled	Nil
Attachments	1. Monthly List of Payments – August 2016

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 August 2016.

It is therefore recommended that Council receives the List of Accounts paid for the period 1 August to 31 August 2016, 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 F8.1 Ordering of Goods and Services.

Financial Implications

Accounts for Payment are sourced from budget allocations.

All amounts quoted in this report are inclusive of GST.

Strategic Implications

Town of East Fremantle Strategic Community Plan

Key Focus Area 4: Governance and Leadership

“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.

Triple Bottom Line Assessment

Economic implications

There are no known significant economic implications associated with this proposal.

Social implications

There are no known significant social implications associated with this proposal.

Environmental implications

There are no known significant environmental implications associated with this proposal.

Comment

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

The list of payments is to be presented to Council at the next Ordinary Meeting after it has been prepared, and recorded in the minutes of that meeting.

13.2.2 OFFICER RECOMMENDATION

That the list of accounts paid for the period 1 August to 31 August 2016 be received, as per the following summary table:

AUGUST 2016		
Voucher No	Account	Amount
5006 – 5018	Municipal (Cheques)	\$13,932.32
EFT22854 – EFT23006	Electronic Transfer Funds	\$506,707.06
Payroll	Electronic Transfer Funds	\$314,405.38
Superannuation	Electronic Transfer Funds	\$56,241.50
Credit Card	Corporate Credit Card	\$1,067.77
	Total Payments	\$892,354.03

13.2.3 New Expenditure – East Fremantle Lawn Tennis Club - Resurfacing of Eastern Hard Courts

Applicant	East Fremantle Lawn Tennis Club
File ref	R/RSB3
Prepared by	Wendy Cooke, Coordinator Strategic Planning and Projects
Supervised by	Gary Tuffin, Chief Executive Officer
Meeting Date	20 September 2016
Voting requirements	Absolute Majority
Documents tabled	Nil
Attachments	1. Correspondence dated 23.08.16 from EFLTC

Purpose

The purpose of this report is for Council to authorise new expenditure of up to \$46,000, to assist the East Fremantle Lawn Tennis Club with resurfacing of their eastern hard tennis courts.

Executive Summary

The Town of East Fremantle has received a request from the East Fremantle Lawn Tennis Club (EFLTC) to contribute funds to enable the resurfacing of the eastern hard court with a synthetic turf surface.

The EFLTC stated the following:

'The current worn surface was installed 10 years ago, is acrylic or hard court and a synthetic option provides a closer surface in playing style to the current grass courts.'

The EFLTC advised that the cost of resurfacing, based on the lowest priced option is \$95,447 + GST. This report recommends that the contribution from Council be up to \$46,000, which is less than 50% of the quotation.

Background

The East Fremantle Lawn Tennis Club is the only tennis club in East Fremantle and has the only courts for public hire in the Town. The synthetic courts will be under lights and available for public hire day and night.

Last year a Manager was employed by the club to help transition the club from a volunteer only organisation to a facility that can provide a range of options for participation for community members ranging in age from 5 to 80 years. The club recently secured the Taoist Tai Chi Association as long term user of the club hall facilities in an effort to make the club a multi user facility and increase weekday utilisation and access.

Consultation

Nil.

Statutory Environment

Local Government Act 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.*
- (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.*

Policy Implications

Nil.

Financial Implications

Transfer from Infrastructure Reserve Fund Account 341 - \$46,000. The 2016/17 budget informs that there is an unallocated Infrastructure Reserve balance of \$523,000.

The Town currently budgets \$10,600 per annum on outgoings such as water, insurance and maintenance.

The Tennis Club currently pays a council rental of \$4,710 pa, building insurance reimbursement of \$3,080 and contribution to other outgoings \$1,170 (Total \$8,970).

The club also pays rates and rubbish charges of \$4,670.

Strategic Implications

Key Focus Area:

Governance and Leadership: The community is served by a leading and listening local government:

Outcome: Prudent management of Council infrastructure and building assets to support the delivery of services that meet community needs

Infrastructure and Waste Services: The needs of our community are met through the provision of high quality infrastructure and waste services:

Outcome: Providing amenity, recreation opportunities and enhancement of the natural environment

Outcome: Ensure the Town is connected, safe and accessible

Site Inspection

Not applicable.

Triple Bottom Line Assessment

Economic implications

There are no known significant economic implications associated with this recommendation.

Social implications

Sport and active recreation delivers many personal and community benefits including developing self-esteem, maintaining health and fitness, nurturing talented athletes and contributing to individual enjoyment of life.

Environmental implications

There are no known significant environmental implications associated with this proposal.

Comment

Since 2005 to June 2016 the club has contributed \$29,229 towards a sinking fund with the Town. Much of this money has been spent on outgoings.

The EFLTC have advised that they have not yet approached the Department of Sport and Recreation in relation to providing funding to assist with this project.

It is recommended that Council support the request and provide a financial contribution of up to \$46,000, subject to terms and conditions to the satisfaction of the Chief Executive Officer.

13.2.3 OFFICER RECOMMENDATION

That Council:

- (1) Authorise the new expenditure in accordance with section 6.8 of the Local Government Act.**
- (2) Transfer \$46,000 from the Infrastructure Reserve Fund Account 341 to fund the proposed works.**
- (3) Amend its 2016/17 Budget accordingly during the half yearly budget review process early in 2017.**
- (4) Advise the East Fremantle Lawn Tennis Club that Council will contribute up to \$46,000 towards the cost of resurfacing the eastern hard court, subject to terms and conditions to the satisfaction of the Chief Executive Officer.**

13.2.4 Advocacy – Financial Contribution to the ‘Save Beeliar Wetlands Law Fund’

Applicant	Town of East Fremantle
File ref	T/PFL1
Prepared by	Wendy Cooke, Coordinator Strategic Planning and Projects
Supervised by	Gary Tuffin, Chief Executive Officer
Meeting Date	20 September 2016
Voting requirements	Simple Majority
Documents tabled	Nil
Attachments	Nil

Purpose

The purpose of this report is for Council to consider providing financial support to the “Save Beeliar Wetlands” application to the High Court, to appeal the decision of 2 May 2016 which upheld the Western Australian Government’s challenge to quash environmental approvals on Roe 8.

Executive Summary

‘Save Beeliar Wetlands’ have recently launched a crowd funding campaign to help pay for legal costs already incurred and to support future legal action.

Background

In June 2015 Council resolved to reject the proposed Perth Freight Link and request that the State Government comprehensively assess the cost/benefit of all viable alternatives and that they report on any implications that the Perth Freight Link, and the sale of the Fremantle Port, will have on the long established plans for Latitude 32, the Kwinana Intermodal Freight Terminal and the Outer Harbour.

The Town has also been working with the Cities of Fremantle, Cockburn and Kwinana to ensure a consistent message is communicated in relation to their collective opposition of the Perth Freight Link.

An amount of \$5,000 has previously been allocated towards the cost of the report commissioned by City of Fremantle and the Town has provided in kind support for the alliance of community groups to run their campaign against the PFL if required.

The town has also promoted awareness of the ‘*Rethink the Perth Freight Link Alliance*’ on the Town’s Facebook page and website and made clear the Town’s stance on the Perth Freight Link to East Fremantle residents and other relevant stakeholders.

Consultation

City of Cockburn – at its Council Meeting 8 September 2016, the City resolved to allocate \$25,000 to the Save Beeliar Wetlands (Inc) to assist the group in its legal action in relation to the proposed Roe 8 extensions and provide the funds on the condition that the group gains leave to appeal to the High Court of Australia on the matter.

It is understood that the City of Fremantle will be considering the matter and City of Kwinana have not provided an allocation towards the legal action.

Statutory Environment

Nil

Policy Implications

Nil

Financial Implications

The 2016/17 Budget has made provision for an amount of \$40,000 for advocacy – Account E04266.

This report recommends that \$5,000 be allocated from Account E04266 to the Save Beeliar Wetlands (Inc) campaign, subject to the group gaining leave to appeal to the High Court.

Strategic Implications

Key Focus Area:

Infrastructure and Waste Services: The needs of our community are met through the provision of high quality infrastructure and waste services

- Outcome: Providing amenity, recreation opportunities and enhancement of the natural environment
- Outcome: Ensure the Town is connected, safe and accessible

Site Inspection

Not applicable

Triple Bottom Line Assessment

Economic implications; Social implications; Environmental implications

Council has been seeking clarification from Main Roads WA over some concerns in relation to:

- Environmental impacts such as diesel emission particulates and noise;
- Pedestrian and cyclist safety;
- Traffic connectivity and local traffic congestion;
- Status and progress of Government investment in the development of the Outer Harbour in Naval Base/Kwinana – the state government has already indicated that the Fremantle Port is nearing capacity (<http://www.planning.wa.gov.au/publications/843.asp>);
- The development of a full business case to determine how the current proposed PFL Section Two compares to other alternative solutions to managing freight traffic to the Fremantle Port i.e. utilising rail as a freight link, a traffic tunnel, continue to invest in developing the Outer Harbour at Naval Base/Kwinana.

Comment

The Save Beeliar Wetlands campaign focuses on the local community and the value and beauty of the Beeliar Wetlands, a series of swamps, wetlands and lakes across the southern corridor of Perth forming part of the Beeliar Regional Park. Local people have been involved in activity and community awareness to halt road building through the wetlands for more than 30 years.

The grounds to their appeal concern whether the Environmental Protection authority has acted 'unreasonably' by not having regards to its own published policies and assessment procedures for Roe 8.

On Friday 15 July, the Court of Appeal overturned a Supreme Court ruling that deemed the Environmental Protection Authority (EPA) did not take a specific policy into account when assessing the Roe 8 environmental referral documentation.

According to information on the Main Roads project website:

'As a result of this decision, the project's full environmental approvals have been restored and Roe 8 can now proceed as planned. It is Main Roads' intention to formalise an Alliance Agreement with its preferred proponent for the Roe 8 works in due course.

Construction activity on site will begin subject to the approval of our contractors' Management Plans following contract award.

On 24 August, the Supreme Court of Western Australia dismissed an Appeal against Roe 8 project's Aboriginal Heritage Approval, granted under Section 18 of the Aboriginal Heritage Act (1972) Roe 8 project is proceeding as planned. It is our intention to formalise a contract with its preferred proponent for Roe 8 works in the coming months.

Construction activity on site will begin subject to the approval of our contractor's Management Plans, with completion currently scheduled for 2019.'

It is recommended that Council contribute \$5,000 from Account E04266 to the Save Beeliar Wetlands crowd funding campaign, subject to the group gaining leave to appeal to the High Court of Australia.

13.2.4 OFFICER RECOMMENDATION

That Council:

- 1. Allocate \$5,000 from Account E04266 to the Save Beeliar Wetlands(Inc); and**
- 2. Provide the funds on the condition that group gains leave to appeal to the High Court of Australia on the matter.**

13.3 GOVERNANCE REPORTS

13.3.1 Proposed Meeting Procedures Local Law

Applicant	Town of East Fremantle
File ref	C/MTG1
Prepared by	Gary Tuffin, Chief Executive Officer
Supervised by	Gary Tuffin, Chief Executive Officer
Date of Meeting	20 th September 2016
Voting requirements	Simple Majority
Documents tabled	Nil
Attachments	<ol style="list-style-type: none">1. Draft Town of East Fremantle Meeting Procedures Local Law 20162. Flow Chart of Local Laws Making Process.

Purpose

To present a draft Meeting Procedures Local Law for consideration by Council for public consultation.

Executive Summary

The Town is in the process of updating its local laws. To this end, it is proposed to replace the existing *Standing Orders Local Law 1965*, with a new *Meeting Procedures Local Law 2016*. The draft local law is to be advertised for a period of 6 weeks, after which Council may consider any comments received and decide whether or not to make the local law.

Background

The Town has recently undertaken a review of its current local laws as required under the *Local Government Act 1995*.

The existing *Standing Orders Local Law 1965* is no longer considered relevant as it references sections of the old *Local Government Act 1960* that is no longer in use, as it has been replaced by the *Local Government Act 1995*.

The proposed new Local Law repeals the Town of East Fremantle By-law relating to Standing Orders 1965 published in the Government Gazette on 8 February 1965 and amended on 26 June 1981.

Consultation

A meeting procedure workshop was held with Charles Johnson on the 22nd March and a further concept forum with Chris Liversage on the 29th March 2016.

Following the Council Concept Forum on 29th March 2016, elected members were given until 22nd April 2016 to provide feedback on the draft local law. No submissions were received.

Section 3.12(3) of the Local Government Act 1995 requires a local government to give state-wide and local public notice stating that it proposes to make a local law, the purpose and effect of which is summarised in the notice for a period of 6 weeks after it first appears.

After the last day for submissions, the local government is to consider any submissions made and may make the local law* as proposed or make a local law* that is not significantly different from what was proposed. (*Absolute majority required).

In addition, as part of the process, local governments are required to send a copy of proposed local laws to the Minister for Local Government, and any other Minister responsible for an area affected by the local law.

Statutory Environment

Section 3.12 of the Local Government Act 1995 sets out the requirements for making a local law.

The Act requires the person presiding at a Council meeting to give notice of the purpose and effect of the proposed local law by ensuring that the purpose and effect is included in the agenda for the meeting and that the minutes of the meeting include the purpose and effect of the proposed local law:

Purpose

The purpose of this local law is to provide the rules that apply to the conduct of meetings of the Council and its committees and to meetings of electors.

Effect

The effect of this local law is intended to result in:-

- (a) better decision making by the Council and its committees;
- (b) the orderly conduct of meetings dealing with Council business;
- (c) better understanding of the process of conducting meetings; and
- (d) more efficient and effective use of time at meetings.

Policy Implications

This proposed local law does not have any direct policy implications.

Financial Implications

Cost of advertising the draft local law for public comment.

Strategic Implications

Updating its local laws will allow the Town to ensure its regulatory regime is as up to date as it can reasonably be.

Site Inspection

N/A

Triple Bottom Line Assessment

Economic implications

There are no known significant economic implications associated with this proposal.

Social implications

There are no known significant social implications associated with this proposal.

Environmental implications

There are no known significant environmental implications associated with this proposal.

Comment

Council is requested to give consideration to adopting the proposed *Town of East Fremantle Meeting Procedures Local Law 2016* for advertising purposes.

At the conclusion of the advertising period a further report will be presented to Council for further consideration to decide whether or not to make the local law.

13.3.1 OFFICER RECOMMENDATION

That Council:

- (1) Adopt the proposed *Town of East Fremantle (Meeting Procedures) Local Law 2016*, as contained in attachment (1) for advertising purposes;**
- (2) In accordance with s3.12(3)(a) and (3a) of the Local Government Act 1995, Council gives statewide and local public notice stating that:**
 - (a) It proposes to make a Meeting Procedures Local Law, and a summary of its purpose and effect;**
 - (b) Copies of the proposed local law may be inspected at the Town's offices;**
 - (c) Submissions about the proposed local law may be made to the Town within a period of not less than 6 weeks after the notice is given;**
- (1) That in accordance with s3.12(3)(b), as soon as the notice is given, a copy be supplied to the Ministers for Local Government;**
- (2) That in accordance with s3.12(3)(c) of the Act, a copy of the proposed local laws be supplied to any person requesting it; and**
- (3) That the consultation results be presented to Council for further consideration of any submissions received.**

13.3.2 Recreation and Community Facilities Plan

Applicant	N/A
File ref	REC/1
Prepared by	Wendy Cooke, Coordinator Strategic Planning and Projects
Supervised by	Gary Tuffin, Chief Executive Officer
Meeting Date	20 September 2016
Voting requirements	Simple Majority
Documents tabled	Nil
Attachments	<ol style="list-style-type: none">1. Recreation and Community Facilities Plan - Draft Report September 2016– For Public Comment2. Background Report3. Stakeholder Engagement Report

Purpose

The purpose of this report is to seek Council authorisation to advertise the Recreation and Community Facilities Plan - Draft Report September 2016, for public comment for a period of 21 days.

Executive Summary

SGL Consultants have been working on developing a strategic framework for addressing current and future recreation and community facility needs. The project aims to provide a strategic plan to guide future investment and management of recreation and community assets.

It is recommended that the draft report (September 2016) be advertised for public comment prior to adoption by Council. Accompanying this report is also a copy of the Background Report and a Stakeholder Engagement report. These reports have been circulated to elected members under separate cover.

Background

The Town engaged SGL Consulting to prepare a Recreation and Community Facilities Plan to provide a strategic framework for addressing the current and future recreation and community facilities' needs.

The project aims to establish a strategic plan to guide future investment and management of recreation and community assets. The plan has considered and recommended the most affordable, achievable and realistic options that are a balance between community needs, expectations, capital funding availability and sustainability requirements.

At present, the Town does not have a long term plan for the provision of recreation and community services facilities. Therefore, requests from the community for funding for new facilities or to upgrade existing council facilities or to address degradation of open spaces, are dealt with on an adhoc basis.

Consultation

The consultation and engagement aspects of the project have included a community survey, online survey and face to face consultation with community and sporting group representatives and two dialogue café's.

Phil Gray from SGL recently attended a Council Concept Forum (9 August 2016) to provide an overview to elected members of the progress of the project prior to submitting the draft report (September 2016).

Statutory Environment

Nil

Policy Implications

Nil

Financial Implications

There are various financial implications outlined in the plan (Forward budget estimates), that if accepted by Council will be incorporated into the Town's 10 Year Financial Plan.

The budget figures provided in the Plan are only indicative costs, and do not commit Council in anyway, they are provided for planning purposes only.

Strategic Implications

Key Focus Area:

Governance and Leadership: The community is served by a leading and listening local government:

Outcome: Prudent management of Council infrastructure and building assets to support the delivery of services that meet community needs

Infrastructure and Waste Services: The needs of our community are met through the provision of high quality infrastructure and waste services

Outcome: Providing amenity, recreation opportunities and enhancement of the natural environment

Outcome: Ensure the Town is connected, safe and accessible

Site Inspection

Not applicable

Triple Bottom Line Assessment

Economic implications

There are no known significant economic implications associated with this recommendation.

Social implications

Sport and active recreation deliver many personal and community benefits including developing self-esteem, maintaining health and fitness, nurturing talented athletes and contributing to individual enjoyment of life.

Environmental implications

There are no known significant environmental implications associated with this proposal.

Comment

Following the community consultation and engagement process, SGL has submitted the draft report (September 2016) for further public comment as per the requirements in the project scope.

The report outlines key facility, rationale, comments, actions timeframe and approximate costs for implementation. There are also indicative examples of community Hubs provided in the report to assist with conceptualising the direction the report has taken.

Following the public comment period, the report will be finalised and presented to Council for adoption.

13.3.2 OFFICER RECOMMENDATION

That Council:

- (1) Authorise the Chief Executive Officer to advertise the Recreation and Community Facilities Plan (Draft Report) September 2016 for public comment for a period of 21 days.**
- (2) Receive a further report on the Plan at the conclusion of the public submission period.**

13.3.3 Road Reconstruction and Resurfacing Program (RFT001- 2016/17) - Tender Acceptance

Applicant:	Town of East Fremantle
File ref:	RFT01-16/17
Prepared by:	Stephen Gallagher, Operations Manager
Supervised by:	Gary Tuffin, Chief Executive Officer
Voting requirements:	Absolute Majority
Documents table:	Nil.
Attachments:	1. Confidential - Tender Assessment.

Purpose

To advise Council on the evaluation of the Request for Tender submissions received for the Road Resurfacing and Reconstruction Program 2016/17 and to award the contract.

Executive Summary

The purpose of this Tender is to undertake part of the Capital Works Program that was approved by Council in this financial year's budget. To attract lower prices from economies of scale the Town has this year bundled all of the individual Roadworks into one Tender in lieu of awarding separate smaller contracts for individual roads. The works are scheduled to be completed during November 2016.

Background

Tenders were advertised in the West Australia newspaper on 20th August 2016 to select a contractor to provide road construction and resurfacing services on various roads around the Town.

The Town emailed out 30 sets of tender documents to interested businesses.

Tenders closed at 4:00pm Friday 9th September and there were nine (9) submissions received from the following tenderers;

1. Roads 2000
2. WCP Civil
3. IRP
4. Densford Civil
5. Downer EDI Works
6. Asphaltech
7. Adventeering
8. Dowsing
9. Jackson Asphalt

Consultation

Publicly advertised in the West Australian newspaper on 20th August 2016

Statutory Environment

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.*

Local Government (Function and General) Regulations 1996, Part 4, Division 2 – Tenders for providing goods or services (s3.57), Regulations 11-24.

Policy Implications

Town of East Fremantle Purchasing Policy 4.2.4

Financial Implications

Council has allocated \$561,600 for the road reconstruction and resurfacing program in the 2016/17 Budget.

Strategic Implications

Key Focus Area 2: Infrastructure and Waste Services

Aspiration: The needs of our community are met through the provision of high quality infrastructure and waste services.

Outcomes: 2.2 Ensure the Town is connected, safe and accessible:

- Manage and maintain roads, drainage, footpaths and cycleways;
- Provide and manage bus shelters;
- Provide public information on transport.

Site Inspection

Not applicable.

Triple Bottom Line Assessment

Economic Implications

There are no known significant economic implications with this proposal.

Social Implications

Provision of a quality road network will better ensure user safety and access within the Town.

Environmental Implications

There are no known significant environmental implications associated with this proposal.

Comment

The tenders submitted must fulfill the requirement of the Tender Criteria, namely the Compliance and Selection Criteria.

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

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

Non Weighted Cost Criteria

The non-weighted cost method is used where functional considerations such as capacity, quality, transitional and adaptability are seen to be crucial to the outcome of the contract. The evaluation panel has made a series of value judgements based on the capability of the Tenderers to complete the Requirements and a number of factors were also considered including:

- (a) the qualitative ranking of each Tenderer; and
- (b) the pricing submitted by each Tenderer.

Once the Tenders were ranked, the evaluation panel made a value judgement as to the cost affordability, qualitative ranking and risk of each Tender, in order to determine the Tender which is most advantageous to the Town.

The shortlisted tenderers have demonstrated experience to the satisfaction of the evaluation panel 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 Roads 2000 for the 2016/17 Roadworks program.

13.3.3 OFFICER RECOMMENDATION

That Council:

- (1) Accept the Tender submitted by Roads 2000 for \$479,184.64 (Ex GST) to complete the Road Reconstruction and Resurfacing Program 2016/17.**
- (2) Authorise the Mayor and Chief Executive Officer to sign and affix the Town's Common Seal to the tender contract with Roads 2000.**

13.3.4 Town Hall Refurbishment (RFT 002-2016/17) – Tender Acceptance

Applicant:	Town of East Fremantle
File ref:	RFT 002-2016/17
Prepared by:	Gary Tuffin, Chief Executive Officer
Supervised by:	Gary Tuffin, Chief Executive Officer
Voting requirements:	Simple Majority
Documents table:	Tender responses
Attachments:	1. Part 5 of the Tender – Scope of Works 2. Confidential - Tender Assessment.

Purpose

To advise Council on the evaluation of the Request for Tender submissions received for the detailed design drawings, specifications and Project Management for the Town Hall Refurbishment project and to award the contract.

Executive Summary

The purpose of the tender was to secure the services of a consultant with extensive knowledge and experience specific to the furniture and fitout industry for the detailed design, documentation and project management services for the refurbishment of the Town's Administration Centre and Council Chambers.

Background

Tenders were advertised in the West Australian newspaper on Saturday 20th August 2016 for the Town Hall Refurbishment.

The Town emailed out 50 sets of tender documents to interested businesses.

Tenders closed at 4pm on Friday 9 September 2016 and at the close of tender, 8 Tenders were received from the following tenderers;

1. Peter Hunt Architects
2. Auenta Consulting & IA Design
3. Lanten Creative
4. Express Interior Design (EID)
5. Griffiths Architects
6. Holton Corner
7. MPS Architects
8. MKDC Workspace design

Consultation

Publicly advertised in the West Australian Newspaper on the Saturday 20th August 2016.

Statutory Environment

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.*

Local Government (Function and General) Regulations 1996, Part 4, Division 2 – Tenders for providing goods or services (s3.57), Regulations 11-24.

Policy Implications

Town of East Fremantle Purchasing Policy 4.2.4

Financial Implications

Council has allocated \$1,500,000.00 in its 2016/17 Budget to undertake the project.

Strategic Implications

Key Focus Area 2: Infrastructure and Waste Services

Aspiration: Our town is developing in harmony with our unique character within the fabric of the region's built and natural environment.

Outcome: 3.1 Facilitating sustainable growth whilst maintaining urban and natural character:

- Strategic Land Use Planning
- Development applications
- Develop Strategic Sites (identified as Special Control Areas in the Local Planning Strategy) to achieve sustainable and strategic objectives for economic prosperity and urban amenity:
 - Town Centre (includes the **Town Hall** and ancillary buildings)
 - Former Kaleeya Hospital
 - Woodside Hospital
 - Leeuwin Barracks

Outcome: 3.3 Community values and protects its built heritage planning

- Identify and protect significant heritage buildings
- Undertake projects to preserve the Town Hall precinct

Site Inspection

Not Applicable.

Triple Bottom Line Assessment

Economic Implications

There are no known significant economic implications with this proposal.

Social Implications

It is hoped with the improved facilities at the Town Hall the building will be utilised more often by community groups.

Environmental Implications

Where possible environmental smart initiatives will be employed in the refurbishment of the Town Hall.

Comment

Whilst it is not a statutory requirement to call for public tenders (Under \$150,000), it was thought it would be best practice given the nature of this project.

The tenders submitted must fulfil the requirement of the Tender Criteria, namely the Compliance and Selection Criteria, which states as follows;

<p>A) <i>Relevant Experience</i> Describe your experience in completing /supplying similar Requirements. Tenderers must, as a minimum, address the following information in an attachment and label it "Relevant Experience":</p> <p>(a) Provide details of similar work; (b) Provide scope of the Tenderer's involvement including details of outcomes; (c) Provide details of issues that arose during the project and how these were managed; (d) Demonstrate sound judgement and discretion; and (e) Demonstrate competency and proven track record of achieving outcomes.</p>	<p>Weighting 40%</p>	
	<p>"Relevant Experience"</p>	<p>Tick if attached <input type="checkbox"/></p>
<p>B) <i>Key Personnel skills and experience</i> Tenderers should provide as a minimum information of proposed personnel to be allocated to this project, such as:</p> <p>(a) Their role in the performance of the Contract; (b) Curriculum vitae; (c) Membership to any professional or business association; (d) Qualifications, with particular emphasis on experience of personnel in projects of a similar requirement; and (e) Any additional information. Supply details in an attachment and label it "Key Personnel".</p>	<p>Weighting 30%</p>	
	<p>"Key Personnel"</p>	<p>Tick if attached <input type="checkbox"/></p>
<p>C) <i>Tenderer's Resources</i> Tenderers should demonstrate their ability to supply and sustain the necessary:</p> <p>(a) Plant, equipment and materials; and (b) Any contingency measures or back up of resources including personnel (where applicable). As a minimum, Tenderers should provide a current commitment schedule and plant/equipment schedule in an attachment and label it "Tenderer's Resources".</p>	<p>Weighting 10%</p>	
	<p>"Tenderer's Resources"</p>	<p>Tick if attached <input type="checkbox"/></p>
<p>D) <i>Demonstrated Understanding</i> Tenderers should detail the process they intend to use to achieve the Requirements of the Specification. Areas that you may wish to cover include:</p> <p>(a) A project schedule/timeline (where applicable); (b) The process for the delivery of the goods/services; (c) Training processes (if required); and (d) A demonstrated understanding of the scope of work Supply details and provide an outline of your proposed methodology in an attachment labelled "Demonstrated Understanding".</p>	<p>Weighting 20%</p>	
	<p>"Demonstrated Understanding"</p>	<p>Tick if attached <input type="checkbox"/></p>

Non Weighted Cost Criteria

The non-weighted cost method is used where functional considerations such as capacity, quality, transitional and adaptability are seen to be crucial to the outcome of the contract. The evaluation panel has made a series of value judgements based on the capability of the Tenderers to complete the Requirements and a number of factors were also considered including:

- (c) the qualitative ranking of each Tenderer; and
- (d) the pricing submitted by each Tenderer.

Once the Tenders were ranked, the evaluation panel made a value judgement as to the cost affordability, qualitative ranking and risk of each Tender, in order to determine the Tender which is most advantageous to the Town.

A shortlist of tenderers have demonstrated experience to the satisfaction of the evaluation panel 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.

The Tender submitted by Peter Hunt Architects was compliant, achieved the highest score and represented the best value for money, being the lowest submitted tendered price.

Based on the evaluation results it is recommended that the Tender be awarded to Peter Hunt Architects for the detailed design, documentation and project management services for the refurbishment of the Town's Administration Centre and Council Chambers

13.3.4 OFFICER RECOMMENDATION

That Council

- (1) Accept the Tender submitted by Peter Hunt Architects for \$58,000 (excl. GST) to complete the detailed design drawings, specifications and Project Management for the Town Hall Refurbishment project**
- (2) Authorise the Mayor and Chief Executive Officer to sign and affix the Town's Common Seal to the tender contract with Peter Hunt Architect.**

14. MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN
15. NOTICE OF MOTION FOR CONSIDERATION AT THE NEXT MEETING
16. CONFIDENTIAL BUSINESS

16. OFFICER RECOMMENDATION

That Council resolve the meeting be closed to the public to discuss item 14.1 under the terms of the *Local Government Act 1995, Section 5.23(2)(b)*.

16.1 Appointment of Senior Officer

Applicant	Town of East Fremantle
File ref	A/SAP9
Prepared by	Gary Tuffin, Chief Executive Officer
Supervised by	Gary Tuffin, Chief Executive Officer
Voting requirements	Simple Majority
Report Date	September 2016
Documents tabled	Nil
Attachments	Nil

PROCEDURAL MOTION

That the meeting be opened to the public.

17. NEW BUSINESS OF AN URGENT NATURE INTRODUCED BY DECISION OF THE MEETING – ELECTED MEMBERS, OFFICERS
18. CLOSURE OF MEETING