



MINUTES

Special Council Meeting

Thursday, 27 August 2020 at 6.00pm

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MINUTES OF A SPECIAL MEETING OF COUNCIL HELD IN THE COUNCIL CHAMBER, 135 CANNING
HIGHWAY EAST FREMANTLE ON THURSDAY 27 AUGUST 2020

1. OFFICIAL OPENING

The Presiding Member opened the meeting at 6.03pm

2. ACKNOWLEDGEMENT OF COUNTRY

"On behalf of the Council I would like to acknowledge the Whadjuk Nyoongar people as the traditional custodians of the land on which this meeting is taking place and pay my respects to Elders past, present and emerging."

3. RECORD OF ATTENDANCE

3.1 Attendance

The following members were in attendance:

Mayor J O'Neill	Presiding Member
Cr C Collinson	(To 7.27pm)
Cr K Donovan	
Cr A McPhail	
Cr A Natale	
Cr D Nardi	
Cr J Harrington	
Cr A Watkins	

The following staff were in attendance:

Mr G Tuffin	Chief Executive Officer
Mr A Malone	Executive Manager Regulatory Services (From 7.27pm)
Mr P Kocian	Executive Manager Corporate Services
Ms J May	Minute Secretary

Due to COVID19 guidelines, members of the gallery were limited to being present for their item of interest only:

- There were 13 members in attendance during consideration of Item 6.1
- There were 15 members in attendance during consideration of Item 6.2

3.2 Apologies

Cr M McPhail

3.3 Approved

Nil.

4. DISCLOSURES OF INTEREST

4.1 Financial

Nil.

4.2 Proximity

4.2.1 Mayor O'Neill – Item 6.2 East Fremantle Oval Multi-disciplinary Services – Quote acceptance

Mayor O'Neill advised that he resides opposite East Fremantle Oval.

4.3 Impartiality
Nil.

PROCEDURE MOTION

Moved Collinson, seconded Cr Harrington

That in accordance with Part 15.1 of the *Meeting Procedures Local Law 2016* meeting procedures be suspended. (CARRIED UNANIMOUSLY)

5. PUBLIC QUESTION TIME

5.1 Deputations

5.1.1 Caine Holdsworth, Landscape Architect UDLA

Mr Holdsworth provided a powerpoint presentation of the landscaping plan for Riverside Road to the Leeuwin boat ramp, which included a projection of canopy growth for the Cook Island Pine up to fifty years.

He explained that an extensive range of species of trees had been considered for this plan with many being eliminated due to height and canopy width impacting on views, the salt environment and capstone. The Department of Biodiversity Conservation & Attraction (DBCA) had prohibited the selection of deciduous trees. The Cook Island Pine grows to a maximum height of 30m, performs well in salty conditions, not requiring a great depth of soil.

Mr Holdsworth advised they had worked hard to prepare a plan that provided increased shade and shelter without impacting on views enjoyed by residents above.

Residents made the following general comments to Mr Holdsworth in regard to the Cook Island Pine selection:

- Area doesn't need further trees – it is a walking area that doesn't require shade
- Grass doesn't grow under Pine trees
- They will block the "Fremantle Doctor" from their residence
- Species of tree doesn't suit East Fremantle – nothing appealing about these trees
- Will create extra work for Council staff to clean up
- Extra trees will create problems when kicking a ball which may bounce off into river or onto road.
- Existing trees provide good shade.
- Existing area has never looked better – doesn't need more trees.

Mr Holdsworth responded to a number of questions raised by members of the gallery:

Some of the Cook Island Pines in Tydeman Road are bent.

Trees naturally grow towards sun. It is important to obtain quality stock and install and maintain correctly.

Were the Pines related to those planted on the Esplanade in Fremantle – branches had dropped onto cars?

Following accessing a google picture, it was established the trees were Norfolk Pines.

Peppermint trees currently planted near the road were leaning into the cycle lane.

The trees currently located in the tree wells are to be pulled out, and relocated.

Did the 2019 survey result seeking more trees specifically request them for the foreshore area?

No, the survey result was for the planting of more trees within the Town.

DBCA requested the trees be planted in relative close proximity to the site where the other trees had been removed as part of the road reconstruction works.

Plant palms instead of Cook Island Pines.

The palms don't provide shelter or shade and take a long time to grown.

5.1.2 Yvonne Hofsink, Tingira Circle

Requesting that:

- the trees be planted elsewhere as the area in question was not a picnic area. It was a narrow slither of land suitable for walkers and those just wishing to enjoy the view.
- shade shelters should be erected instead.
- the exercise equipment be extended along this area.

5.1.3 Maria Herman, Irwin Street

Advising that although her home didn't overlook the river, she regularly used the area and would like to see shade in this part of the foreshore. She believes many other East Fremantle residents would also like more shade in this area.

Cr Natale noted the plan detailed 98 trees to be planted and queried the number of trees required by DBCA for planting in this area.

Mr Holdsworth advised that DBSC required a three for one planting program for the removal of trees in the area. Twenty seven trees had been removed, therefore the Department required 81 trees to be planted.

The Operations Manager pointed out that the DBSC approval was based on this current landscape plan and any variation would require the proposal to be resubmitted for further consideration by that Department.

Mr Holdsworth left the meeting at 7.04pm.

5.2 Public Question Time

Nil.

PROCEDURE MOTION

Moved Cr Nardi, seconded Cr Natale

That meeting procedures in accordance with the *Meeting Procedures Local Law 2016* be resumed.

(CARRIED UNANIMOUSLY)

6. BUSINESS

6.1 Riverside Road Landscaping – Quote acceptance

Applicant:	Town of East Fremantle
File ref:	RFQ06-2020/21
Prepared by:	Stephen Gallagher, Operations Manager
Supervised by:	Gary Tuffin, Chief Executive Officer
Voting requirements:	Absolute Majority
Documents table:	Nil
Attachments:	1. Evaluation Report RFQ 06-2020/21 (Confidential Attachment) 2. Price expenditure summary (Confidential Attachment) 3. Landscape drawings 4. UDLA Estimated Project Cost 5. Phase 3 submission - (Confidential Attachment)

Purpose

To advise Council on the evaluation of the Request for Quotation (RFQ) submissions received for the RFQ 06-2020/21 Riverside Road Landscaping and to award the contract.

Executive Summary

This Request for Quotation (RFQ) has been undertaken as part of the Riverside Road Rehabilitation Project. It is a requirement of the DBCA permit that these works are carried out. The works are scheduled to be completed by 31 October 2020.

A detailed evaluation of RFQ 08 has been provided as a confidential attachment #1

Background

The RFQ is seeking to appoint a suitably qualified landscaper to provide landscape services in relation to the Riverside Road Rehabilitation Project as outlined in RFQ06 2020/21. These works include:

- Supply and install various size trees
- Supply and install tubestock and mulch
- Turfing in selected areas
- Watering of plants for a 12mth period
- 12 months maintenance of works

The RFQ was sent direct to four Landscape Consultants.

- Phase 3
- Landscape Elements
- Horizon West
- Gambara

Quotations closed at 4:00 pm Thursday 13 August 2020 and there were three (3) submissions received from the following:

- Phase 3
- Landscape Elements
- Horizon West

Based on conditions included in DBCA's permit for the Riverside Road Rehabilitation project the Town was required to develop a landscape plan that replaced any removed trees at a 3 to 1 ratio. In total 27 trees were removed during the roadworks so a minimum of 81 trees were required to be planted. The Town engaged the services of UDLA to design a landscape plan that met all the requirements of DBCA and also followed the guidelines of the draft Town of East Fremantle Streetscape Style Guide.

Consultation

Quotation assessment panel;

- Operations Manager
- Operations Supervisor
- Caine Holdsworth (UDLA)
- Riley De Campe (UDLA)

Statutory Environment

As the estimated expenditure was estimated not to exceed the legislated tender threshold, and given the project's time constraints, a Request for Quotation (RFQ) process was used.

Local Government (Functions and General) Regulations 1996 require that tenders be publicly invited for such contracts where the estimated cost of providing the total service exceeds \$250,000.

Policy Implications

Purchasing Policy 2.1.3

Financial Implications

Council has allowed \$100,000 for the project in its 2020/21 Budget. This expenditure is allocated against account E12784.

The initial anticipated value of the contract for this work was \$100,000 (excl. GST).

As the preferred respondent's price exceeds the available project budget funds available, a budget variation will be required as follows, including allowance for contingency.

Account Number	Description	Current Budget	Amended Budget	Variance	Comment
E12784	Riverside Rd Landscaping	(\$100,000)	(\$160,000)	(\$60,000)	Increased budget to cover contract price, plus provide a project contingency of \$21,580 (13.5%)
	Closing position	\$226,407	\$286,407	\$60,000	(19/20) Closing position higher than first estimated.
	Change in Net Current Assets			\$0	

The actual surplus as at 30 June is estimated to be favourable compared to the opening budget position of \$160,238; therefore, the additional expenditure can be funded from the surplus result.

Strategic Implications

Nil

Site Inspection

Yes

Comment

A full assessment of the received quotations was undertaken by the assessment panel (Attachment 1) on the 21 August 2020. Whilst all three were easily capable of fulfilling the requirements of the project, the panel came to the consensus that the submission received from Phase 3 represented the best value for money response to the RFQ.

The details of this RFQ assessment are provided under confidential cover.

As the quoted and recommended price was above the budgeted amount both Phase 3 and UDLA were then asked to advise what items of the scope could be reduced to make the project more affordable.

With the removal of 15 x 45L trees, a bit over half of the tubestock and mulching and a reduction in the turfing the quotation value dropped to \$138,419.66 giving a saving of \$30,563.56.

Based on the evaluation results it is recommended that Phase 3 be awarded the contract for RFQ 06 2020/21 at a fixed price of \$138,419.66 (Ex GST).

To allow for a contingency of approximately 13.5% (\$21,580) on the project, it is requested that the budget allocation be raised from \$100,000 to \$160,000.

6.1 OFFICER RECOMMENDATION

That Council:

1. accept the revised quotation submitted by Phase 3 for \$138,419.66 (Ex GST) to complete the works outlined in RFQ 06-2020/21.
2. delegate to the Chief Executive Officer the power to finalise a contract with Phase 3 within the defined parameters of RFQ06-2020/21.
3. authorise the Mayor and Chief Executive Officer to sign and affix the Town's Common Seal to the contract with Phase 3 for RFQ 06-2020/21
4. pursuant to section 6.8 of the *Local Government Act 1995*, approve the schedule of budget variations below resulting in a nil change in net current assets as at 30 June 2021:

Account Number	Description	Current Budget	Amended Budget	Variance	Comment
E12784	Riverside Rd Landscaping	(\$100,000)	(\$160,000)	(\$60,000)	Increased budget to cover contract price, plus provide a project contingency of \$21,580 (13.5%)
	Closing position	\$226,407	\$286,407	\$60,000	(19/20) Closing position higher than first estimated.
	Change in Net Current Assets			\$0	

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

Procedural Motion

Moved Cr Natale, seconded Cr A McPhail

That the matter be deferred for further consideration.

(LOST 2:6)

Amendment

Moved Cr Natale, seconded Cr Harrington

That the following condition be included:

5. That a maximum of 81 trees be planted in the designated area which are to be spaced out to the approval of the CEO and in line with DBCA requirements.

(LOST 2:6)

The substantive motion was put.

6.1 OFFICER RECOMMENDATION/COUNCIL RESOLUTION 150820

Moved Cr Collinson, seconded Cr Nardi

That Council:

2. accept the revised quotation submitted by Phase 3 for \$138,419.66 (Ex GST) to complete the works outlined in RFQ 06-2020/21.
2. delegate to the Chief Executive Officer the power to finalise a contract with Phase 3 within the defined parameters of RFQ06-2020/21.
3. authorise the Mayor and Chief Executive Officer to sign and affix the Town's Common Seal to the contract with Phase 3 for RFQ 06-2020/21
4. pursuant to section 6.8 of the *Local Government Act 1995*, approve the schedule of budget variations below resulting in a nil change in net current assets as at 30 June 2021:

Account Number	Description	Current Budget	Amended Budget	Variance	Comment
E12784	Riverside Rd Landscaping	(\$100,000)	(\$160,000)	(\$60,000)	Increased budget to cover contract price, plus provide a project contingency of \$21,580 (13.5%)
	Closing position	\$226,407	\$286,407	\$60,000	(19/20) Closing position higher than first estimated.
	Change in Net Current Assets			\$0	

(CARRIED BY AN ABSOLUTE MAJORITY 6:2)

Cr Collinson left the meeting at 7.27pm.

The Executive Manager Regulatory Services entered the meeting at 7.27pm.

PROCEDURAL MOTIONS

Moved Cr Harrington, seconded Cr Natale

That the meeting be adjourned at 7.28pm.

(CARRIED UNANIMOUSLY)

Moved Cr Nardi, seconded Cr Natale

That the meeting be resumed at 7.33pm.

(CARRIED UNANIMOUSLY)

Mayor O'Neill declared a proximity interest in 6.2 East Fremantle Oval Multi-disciplinary Services – Quote acceptance and left the meeting at 7.33pm. In the absence of the Presiding Member, the Deputy Mayor assumed the Chair.

PROCEDURE MOTION

Moved Cr Nardi, seconded Cr Natale

That in accordance with Part 15.1 of the *Meeting Procedures Local Law 2016* meeting procedures be suspended.

(CARRIED UNANIMOUSLY)

5. PUBLIC QUESTION TIME (CONTINUED)

5.1 Deputations

5.1.1 Rebecca James, Fortescue Street

Ms James advised she had been part of the earlier consultation group for the redevelopment of this site and strongly supported the process so far for the East Fremantle Oval Precinct. She stressed the importance of continuing to progress this project to increase the chances of accessing any available funding.

5.1.2 Pat Newton, Alexandra Road

Mrs Newton advised her husband had been part of a community consultation group a number of years ago attempting to move the redevelopment of this site forward. She remarked that a number of opportunities had been lost over past years to access funding due to inaction and urged Council to keep progressing this project. She believed there was room to move in relation to tweaking parts of the current plan and urged those residents who have objections to get involved.

5.2 Public Question Time

Nil.

PROCEDURE MOTION

Moved Cr Natale , seconded Cr Nardi

That meeting procedures in accordance with the *Meeting Procedures Local Law 2016* be resumed.

(CARRIED UNANIMOUSLY)

6. BUSINESS (CONTINUED)

6.2 East Fremantle Oval Multi-disciplinary Services – Quote acceptance

Applicant:	Town of East Fremantle
File ref:	RFQ08-2020/21
Prepared by:	Gary Tuffin, Chief Executive Officer
Supervised by:	Gary Tuffin, Chief Executive Officer
Voting requirements:	Absolute Majority
Documents table:	Nil
Attachments:	<ol style="list-style-type: none">1. Evaluation Report RFT 08-2020/21 (Confidential Attachment)2. Submissions received (Confidential Attachment)3. Project Expenditure Summary (Confidential Attachment)4. Letter (19 June 2020) – Minister for Planning, Cash in lieu contribution.

Purpose

To advise Council on the evaluation of the Request for Quotation (RFQ) submissions received for the RFQ 08-2020/21 Multi-disciplinary Services and to award the contract.

Executive Summary

This Request for Quotation (RFQ) has been undertaken as part of Stage 2 of the East Fremantle Oval revitalisation project (Integrated Community, Sport and Leisure Precinct). The works are scheduled to be completed by 27th October 2020

A detailed evaluation of RFQ 08 has been provided as a confidential attachment #1

Background

The RFQ is seeking to appoint a suitably qualified consultant to provide multi-disciplinary design services in relation to the development of a proposed Integrated Community, Sport and Leisure Precinct at East Fremantle Oval. The consultant will be specifically required to provide services related to the following disciplines:

- Architectural Design (50% schematic design)
- Field of Play Assessment of Current Oval and Upgrade Recommendations
- Assessment of Current Sports Field Lighting and Upgrade Recommendations
- Preliminary Structural & Civil Engineering Assessment of Pavilion Design
- Site Service Infrastructure Review
- Preliminary Landscape Design
- Quantity Surveyor
- Town Planning Due Diligence
- Preliminary Traffic Engineering Assessment
- Preliminary Environmental and Geotechnical Assessment
- Preliminary Arboricultural Assessment (optional scope item)
- HAZMAT Audit of Existing Buildings for Demolition and in preparation for relocation of the Richmond Pavilion building (optional scope item)

The RFQ was sent direct to four architectural firms.

- GHD (Architectural services)
- Peter Hunt Architect (PHA)
- Cox Architects

- Carabiner Architects

Quotations closed at 4:00 pm Friday 14 August 2020 and there were two (2) submissions received from the following:

- Peter Hunt Architect (PHA)
- Cox Architects

Based on advice received from the Department of Local Government, Sport and Cultural Industries and the Town's objective to target State funding through either potential Covid-19 economic stimulus funding or a State election commitment (election to be held March 2021), there is a strong agreement that timing for completion of the Treasury Business Case is critical.

Therefore, in order to deliver the Treasury Business Case for the end of October 2020, it was critical to quickly appoint a design team who could undertake the multi-disciplinary design services in order for works to begin as soon as possible.

Consultation

Minister for Planning
Executive Manager Regulatory Services
Executive Manager Corporate Services

Quotation assessment panel;

- Chief Executive Officer
- Brad Paatsch (Paatsch Group)
- Maxwell Watkins (NS Advisory Pty Ltd)

Statutory Environment

As the estimated expenditure was estimated not to exceed the legislated tender threshold, and given the project's time constraints, a Request for Quotation (RFQ) process was used.

Local Government (Functions and General) Regulations 1996 require that tenders be publicly invited for such contracts where the estimated cost of providing the total service exceeds \$250,000.

Policy Implications

Purchasing Policy 2.1.3

Financial Implications

To fund this stage of the project, administration wrote to the Minister for Planning requesting the release of its cash in-lieu (POS) funds held in the Town's trust account. These funds (\$238,064) have been authorised for release by the Minister for this project.

Council has made a provision of \$200,000 for the stage 2 - East Fremantle Oval (Integrated Community, Sport and Leisure Precinct) in its 2020/21 Budget. This expenditure is allocated against account E11246, and includes the other activities identified in Stage 2 (further business plan development, funding procurement, market sounding, treasury business case etc).

The actual amount of trust funds released by the Minister for this project was \$212,400 (and accrued interest of \$25,664.41 = \$238,064) – refer to attachment 4. Income of \$234,000 is allocated against

account I11167. Therefore, an additional amount of \$36,143 is required for this project, bringing the total project (Stage 2) budget to \$270,143.

The initial anticipated value of the contract for this work (RFQ-08) was \$110,000 (excl. GST), the preferred quotation is for \$135,643. As the preferred respondent's price exceeds the available project budget funds, Council is requested to give consideration to a budget variation as per the schedule below:

Account Number	Description	Current Budget	Amended Budget	Variance	Comment
E11246	EF Oval Masterplan	(\$200,000)	(\$270,143)	(\$70,143)	Increased budget to cover contract price
	Closing position	\$160,328	\$226,407	\$66,079	(19/20) Closing position higher than first estimated.
I11167	Trust fund transfers to Muni	\$234,000	\$238,064	\$4,064	Full amount of funds released from WAPC \$238,064, original budget income \$234,000.
	Change in Net Current Assets			\$0	

The actual surplus as at 30 June is estimated to be favourable compared to the opening budget position of \$160,328; therefore, the additional expenditure can be funded from the surplus result.

Strategic Implications

Nil

Site Inspection

A site inspection was undertaken by PHA.

Comment

A full assessment of the received quotations was undertaken by the assessment panel (Attachment 1) on the 19 August 2020, and whilst both respondents demonstrated satisfactory capacity, capabilities and experience, the panel came to the consensus that the submission received from Peter Hunt Architects (PHA) represented the most advantageous response to the RFQ. In fact, their proposal offered to take the schematic design to 100%, the original RFQ specifications only required 50%.

The details of this RFQ assessment are provided under confidential cover (attachment #1).

Based on the evaluation results it is recommended that Peter Hunt Architects be awarded the contract for RFQ 08 2020/21 at a fixed price of \$135,643 (Ex GST).



6.2 OFFICER RECOMMENDATION/COUNCIL RESOLUTION 160820

Moved Cr Nardi, seconded Cr Donovan

That Council

1. accept the quotation submitted by Peter Hunt Architects for \$135,643 (Ex GST) to complete the works outlined in RFQ 08-2020/21.
2. delegate to the Chief Executive Officer the power to finalise a contract with Peter Hunt Architects (PHA) within the defined parameters of RFQ08-2020/21.
3. authorise the Mayor and Chief Executive Officer to sign and affix the Town's Common Seal to the contract with Peter Hunt Architects for RFQ 08-2020/21
4. pursuant to section 6.8 of the *Local Government Act 1995*, approve the schedule of budget variations below resulting in a nil change in net current assets as at 30 June 2021:

Account Number	Description	Current Budget	Amended Budget	Variance	Comment
E11246	EF Oval Masterplan	(\$200,000)	(\$270,143)	(\$70,143)	Increased budget to cover contract price
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I11167	Trust fund transfers to Muni	\$234,000	\$238,064	\$4,064	Full amount of funds released from WAPC \$238,064, original budget income \$234,000.
	Change in Net Current Assets			\$0	

(CARRIED BY AN ABSOLUTE MAJORITY UNANIMOUSLY)

Mayor O'Neill returned to the meeting at 7.53pm and resumed the Chair. It was noted he did not speak or vote on the previous motion.

7. CLOSURE

There being no further business, the Presiding Member declared the meeting closed at 7.53pm.

I hereby certify that the Minutes of the special meeting of the Council of the Town of East Fremantle, held on 27 August 2020, Minute Book reference 1. to 7. were confirmed at the meeting of the Council on

15 SEPTEMBER 2020


Presiding Member