

TOWN OF COTTESLOE



SPECIAL COUNCIL MEETING MINUTES

HELD IN THE
Council Chambers, Cottesloe Civic Centre
109 Broome Street, Cottesloe
5:30pm, Tuesday 5 June 2018

Purpose of Meeting:

1. Napoleon Street – Tree Replacement

MAT HUMFREY
Chief Executive Officer

12 June 2018

DISCLAIMER

No responsibility whatsoever is implied or accepted by the Town for any act, omission, statement or intimation occurring during council meetings.

The Town of Cottesloe disclaims any liability for any loss whatsoever and howsoever caused arising out of reliance by any person or legal entity on any such act, omission, statement or intimation occurring during council meetings.

Any person or legal entity who acts or fails to act in reliance upon any statement, act or omission made in a council meeting does so at that person's or legal entity's own risk.

In particular and without derogating in any way from the broad disclaimer above, in any discussion regarding any planning application or application for a licence, any statement or intimation of approval made by any member or officer of the Town of Cottesloe during the course of any meeting is not intended to be and is not taken as notice of approval from the Town.

The Town of Cottesloe wishes to advise that any plans or documents contained within the agenda or minutes may be subject to copyright law provisions (*Copyright Act 1968*, as amended) and that the express permission of the copyright owner(s) should be sought prior to their reproduction.

Members of the public should note that no action should be taken on any application or item discussed at a council meeting prior to written advice on the resolution of council being received.

Agenda and minutes are available on the Town's website www.cottesloe.wa.gov.au

TABLE OF CONTENTS

ITEM	SUBJECT	PAGE NO
1	DECLARATION OF MEETING OPENING/ANNOUNCEMENT OF VISITORS	3
2	DISCLAIMER.....	3
3	ANNOUNCEMENTS BY PRESIDING MEMBER WITHOUT DISCUSSION.....	3
4	PUBLIC QUESTION TIME	3
	4.1 RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE	3
	4.2 PUBLIC QUESTIONS.....	3
5	PUBLIC STATEMENT TIME	3
6	ATTENDANCE	3
	6.1 APOLOGIES.....	4
	6.2 APPROVED LEAVE OF ABSENCE.....	4
	6.3 APPLICATIONS FOR LEAVE OF ABSENCE	4
7	DECLARATION OF INTERESTS	4
8	CONFIRMATION OF MINUTES	4
9	PRESENTATIONS.....	4
	9.1 PETITIONS	4
	9.2 PRESENTATIONS.....	5
	9.3 DEPUTATIONS	5
10	REPORTS OF OFFICERS.....	5
	ENGINEERING	6
	10.1.1 NAPOLEON STREET TREE REPLACEMENT - SPECIES	6
11	MEETING CLOSURE	12

1 DECLARATION OF MEETING OPENING/ANNOUNCEMENT OF VISITORS**2 DISCLAIMER****3 ANNOUNCEMENTS BY PRESIDING MEMBER WITHOUT DISCUSSION****4 PUBLIC QUESTION TIME****4.1 RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE****4.2 PUBLIC QUESTIONS**

Elizabeth Barclay, 3/9 Princes Street, Cottesloe 6011 – Item 10.1.1 Napoleon Street Tree Replacement – Species.

Question

Did the Council ever think of sub-contracting the job out; did Council consider using someone like Arbor Carbon to select the trees and did anyone in Council consider selecting the trees?

Answer – Provided by CEO Mat Humfrey

- The awarding of the contract followed a competitive tender process.
- It is not likely that we would have received any cheaper price to engage contractors directly, and likely would have been engaging with contractors who submitted tenders to actually do the work
- With regard to engaging Arbor Carbon – no we don't engage them to do these kind of works for us as we engage them as our advisors on these sorts of projects. We keep our advising consultants and our contractors separate to minimise any potential conflict of interest.
- With regard to sourcing the trees, the Council took a considerable period of time to select tree species; it wasn't done on what was available at a point in time.

5 PUBLIC STATEMENT TIME

Elizabeth Barclay, 3/9 Princes Street, Cottesloe 6011 – Item 10.1.1 Napoleon Street Tree Replacement – Species.

- Given you had an experienced landscaper who came to the Council and advised that it was excessive, and speaking to several other landscapers, it would seem there should be more of an opportunity to discuss with experts the details.
- You shouldn't just accept the least expensive or the best tender
- There is a huge margin in all the tenders
- There is \$100,000 'fat' sitting in that contract
- Why can't Cottesloe Council engage with a landscape consultant or someone to supervise that project and do it on a cost by cost basis?

6 ATTENDANCE

Mayor Philip Angers
Cr Melissa Harkins
Cr Sally Pyvis
Cr Helen Sadler
Cr Rob Thomas
Cr Lorraine Young

Officers Present

Mr Mat Humfrey
Mr Garry Bird
Ms Freya Ayliffe

Chief Executive Officer
Deputy Chief Executive Officer
Manager Compliance and Regulatory
Services
Project Manger
Governance Coordinator

Ms Denise Tyler-Hare
Ms Ann-Marie Donkin

6.1 APOLOGIES

Cr Mark Rodda
Cr Michael Tucak
Cr Sandra Boulter

Officer Apologies

Nil

6.2 APPROVED LEAVE OF ABSENCE

6.3 APPLICATIONS FOR LEAVE OF ABSENCE

7 DECLARATION OF INTERESTS

Cr Thomas declared an **IMPARTIALITY** interest in items 10.1.1 Napoleon Street Tree Replacement.

Cr Pyvis declared an **IMPARTIALITY** interest in items 10.1.1 Napoleon Street Tree Replacement.

Mayor Angers declared an **IMPARTIALITY** interest in items 10.1.1 Napoleon Street Tree Replacement.

8 CONFIRMATION OF MINUTES

Nil

9 PRESENTATIONS

9.1 PETITIONS

Nil

9.2 PRESENTATIONS

Nil

9.3 DEPUTATIONS

Nil

10 REPORTS OF OFFICERS

ENGINEERING**10.1.1 NAPOLEON STREET TREE REPLACEMENT - SPECIES**

File Ref: SUB/2509
Attachments: Arbor Carbon Report **CONFIDENTIAL**
Responsible Officers: Mat Humfrey, Chief Executive Officer
Author: Denise Tyler-Hare, Project Manager
Proposed Meeting Date: 5 June 2018
Author Disclosure of Interest: Nil

Elected Member Disclosure of Interest:

Cr Thomas declared an **IMPARTIALITY** interest in items 10.1.1 Napoleon Street Tree Replacement by virtue of "I am a committee member of West Tree Canopy Committee.

Cr Pyvis declared an **IMPARTIALITY** interest in items 10.1.1 Napoleon Street Tree Replacement by virtue of "I am a committee member of West Tree Canopy Committee.

Mayor Angers declared an **IMPARTIALITY** interest in items 10.1.1 Napoleon Street Tree Replacement by virtue of "As much as my wife and I own a shop in Station Street and my wife is on ProCott"

SUMMARY

The Council is requested to approve the use of 400L Liquidambar Styraciflua Rotundiloba.

BACKGROUND

At the 26 September 2017 Ordinary Meeting of Council it was resolved:

THAT Council approve preference 1 Liquidambar (Liquidambar Styraciflua) as the replacement tree species for Napoleon Street.

Carried 8/0

The contract has been tendered and awarded to LD Total as per the Ordinary Council Meeting in February 2018:

ACCEPT Option One as presented by LD Total and award the contract for Napoleon Street Tree Replacement to LD Total as per the tender they have supplied, shown in the confidential attachment.

Carried 8/1

LD Total have visited a number of tree farms, and had settled on an alternate supplier providing 500L trees as per the following image. The preferred supplier, Ellenby, had no Liquidambar Styraciflua available, as they had all recently been placed on hold for another purchaser.

The Town requested Arbor Carbon to review these trees and their recommendation was to not proceed with trees from the alternative supplier.

Ellenby has subsequently advised that they have 400L Liquidambar Styraciflua Rotundiloba variety in stock. These have a more circular leaf shape, and drop fewer fruits than the common species:



Arbor Carbon have also reviewed these, and they support using these trees. These trees were originally preferred by Arbor Carbon, however, at the time, they had been noted as somewhat untried in such a space.

Arbor Carbon have noted that the species are untested in this specific environment, however the quality of the root system will far outweigh any differences between cultivars when it comes to how the trees thrive.

These trees have been put on hold, and have been inspected on May 9th 2018, with Paul Barber from Arbor Carbon in attendance. These have been confirmed as acceptable. Ellenby's have confirmed that they can hold the trees until June 6th.

Following this, at the May 2018 Ordinary Council Meeting, the Council moved:

Move that the matter be DEFERRED for not more than a month, which will give the town time to investigate;

1. *The effects of younger trees*
2. *The Claremont examples of alternate species*
3. *Quantify any sunk costs with existing tender if it is not progressed 2018*
4. *Expert inspection of alternate supplier.*

CARRIED 8/0

STRATEGIC IMPLICATIONS

Strategic Community Plan 2013 to 2023

Priority Area Four: Managing Development.

Priority Area Five: Providing sustainable infrastructure and community amenities.

Corporate Business Plan 2014 – 2018

Priority Area Four: Managing Development.

Priority Area Five: Providing sustainable infrastructure and community amenities.

POLICY IMPLICATIONS

Due to the time constraints involved in this project, it was deemed that obtaining three quotes for the arborist work involved was not practical. Given Arbor Carbon's history on the project, the most practical solution was to engage them to undertake the works.

STATUTORY ENVIRONMENT

Local Government Act 1995

Local Government Regulations 1996

FINANCIAL IMPLICATIONS

There may be a slight variation in price for these trees, in the order of \$50-\$100 per tree (\$800 - \$1600 in total).

STAFFING IMPLICATIONS

There are no perceived staffing implications arising from the Officer Recommendation.

SUSTAINABILITY IMPLICATIONS

There are no perceived sustainability implications arising from the officer recommendation.

CONSULTATION

- Town of Cottesloe Staff
- Elected Members
- Arbor Carbon
- Landscape Architects and Contractors
- Pro Cott

STAFF COMMENT

The trees have been reviewed, and based on queries raised by Elected Members in the Briefing Forum, the following additional information is provided.

The trees on hold are the same species as the Liquidambar Styraciflua, just a different cultivar (Liquidambar Styraciflua Rotundiloba), with only very slightly different characteristics. This particular cultivar's difference to the Liquidambar Styraciflua is only that the leaves have more rounded lobed leaves and are very low flowering/fruited. The canopy structure and size is very similar to the Liquidambar Styraciflua.

Larger trees (1000Lt) of the Liquidambar Styraciflua species are available at Ellenbys, but there are in-ground transplants so will require significant preparation time, and significantly higher cost to supply and install. These would only be able to be installed in January – February 2019.

If it were preferred to use the Liquidambar Styraciflua, then Ellenbys will not have 400L Liquidambar Styraciflua available for planting until Christmas 2019.

The canopy of the Liquidambar Styraciflua Rotundiloba will be similar to the Liquidambar Styraciflua. These trees are fruitless/semi-fruitless, and similar to most deciduous species, will drop leaves for approximately 4 weeks, similar to the Liquidambar Styraciflua. The best example of the species planted is as per the image below. It is about 15 years old. The ones on hold for Napoleon Street are 6-7 years old.

Depending on climate conditions, LD Total anticipate about 30% canopy growth by the end of the year.



The administration has also investigated the following points as per the May resolution:

1. Ellenby has Liquidambar *Stiraciflua* trees that will be 200L in December 2018, and are currently only 100L (approximately 2m tall). Because they are only currently 2m tall, they have deemed unsuitable by the administration;
2. The Claremont examples of Liquidambar *Stiraciflua Rotundiloba* have been investigated by Arbor Carbon, and the following is noted:
 - a. The trees were only 200L when planted, while the plane trees were larger. Due to their size, the Liquidambar *Stiraciflua Rotundiloba* were significantly vandalised after planting, and have had to be substantially pruned as a result.
 - b. The site was prepared with compacted sand of approximately 150mm depth beneath pavers, with a structural soil comprised of a mixture of compost and blue metal to a depth of 100mm beneath the sand extending to a radius of 2500mm radius from the tree centre. Beneath and surrounding the structural soil is sand compacted to 98%.
 - c. The site has a V draining system.

- d. The root systems appeared to be in good condition.
 - e. The Liquidambar Styraciflua Rotundiloba have drip irrigation, however this is positioned 1m away from the trunks, and as a result, the trees do not receive much water.
 - f. Reasonable species to use but not when paving right up to the root collar due to their reasonably shallow root system, slightly smaller grower than parent so don't have the natural heave.
 - g. Quite an attractive tree, nice autumn colour, far better than many other deciduous trees like ornamental pear and likely to require considerably less irrigation than many of the ash species like Claret Ash.
 - h. Aside from the genetic make-up of a tree the determining factor in growth comes from below the soil.
 - i. Suitable root growth through enough soil volume.
 - ii. Suitable nutrients for growth
 - iii. Adequate watering regime
 - i. Craig Woodroffe from Ellenbys believes that performance wise they will be as suitable as any form of liquidambar. The major benefit of these over seeded liquidambar is the low to no fruiting bodies that are typical with liquidambars which is why Ellenby started to grow this for the urban environment.
 - j. As for the performance of the trees in Bay view Terrace there can be multiple reasons why the performance has not been comparable to other trees in the area.
 - k. They cannot be compared to the performance of the Platanus, as these trees are world renowned for the ability to grow in an urban area. In comparison to the seeded form of liquidambar I would say the lack of perceived performance (of L styraciflua 'Rotundiloba') would be in relation to suitable soil for growth, aeration of the soil, water regime and nutrient availability.
3. The costs that LD Total have incurred to date are \$16,000. These can be broken down into the costs associated with the design and contract administration at \$3,000, service location at \$3,000, traffic management at \$2,000 and contract and insurances at \$8,000. Of this, \$10,500, will likely need to be spent again when the project is restarted, due to costs associated with insurances, contract administration and traffic management.
4. Arbor Carbon were asked to inspect the alternative supplier Liquidambar Styraciflua trees, however, those trees have already been sold. Investigations into alternative suppliers have been undertaken, however no viable options have been found.

In summary, the Liquidambar Styraciflua Rotundiloba cultivar is an acceptable species for use at Napoleon Street, given adequate soil volume and quality, site preparation, correct planting, adequate irrigation, and appropriate after-care. These have been considered in the tender, and therefore it is both Arbor Carbon's and the Officer's recommendation to proceed with this cultivar.

VOTING

Absolute Majority

OFFICER RECOMMENDATION

THAT Council ACCEPT the change in tree species to Liquidambar Styraciflua Rotundiloba for the replacement of the existing Napoleon Street trees.

PROCEDURAL MOTION

Moved: Cr Pyvis **Seconded:** Cr Thomas

That Standing Orders be relaxed to allow discussion of the Item.

LOST 2/4

For: Crs Pyvis and Thomas
Against: Mayor Angers, Crs Sadler, Young and Harkins

COUNCILLOR MOTION

Moved: Cr Thomas **Seconded:** Cr Pyvis

That Council DEFER consideration of the Officer Recommendation to change the tree species to Liquidambar Styraciflua Rotundiloba for the replacement of the existing Napoleon Street trees until 2019.

WITH MAYOR'S CASTING VOTE LOST 3/4

For: Crs Thomas, Pyvis and Harkins
Against: Mayor Angers, Crs Sadler and Young

PROCEDURAL MOTION

Moved: Cr Young **Seconded:** Mayor Angers

Move the Officers Recommendation be put to the vote.

CARRIED 4/2

For: Mayor Angers, Crs Sadler, Young and Harkins
Against: Crs Thomas and Pyvis

OFFICER RECOMMENDATION (FORESHADOWED)

Moved: Cr Young **Seconded:** Mayor Angers

THAT Council ACCEPT the change in tree species to Liquidambar Styraciflua Rotundiloba for the replacement of the existing Napoleon Street trees.

LAPSED 3/3

For: Mayor Angers, Crs Sadler and Young
Against: Crs Thomas, Pyvis and Harkins

The motion Lapsed for want of an Absolute Majority.

11 MEETING CLOSURE

The Mayor declared the meeting closed at **6:20pm**.

CONFIRMED MINUTES OF THE SPECIAL COUNCIL MEETING 5 June 2018
PAGES 1 – 13 INCLUSIVE.

PRESIDING MEMBER: Mayor Phil Angers
POSITION: Mayor



DATE: 25 / 7 / 2018