



Special Council Meeting

AGENDA

Tuesday 6 February 2024

NOTICE OF MEETING SPECIAL COUNCIL MEETING

Dear Councillors

Notice is hereby given that a Special Meeting of Council will be held in the Council Chambers, Administration Centre, 2 Railway Road, Kalamunda on **Tuesday 6 February 2024 at 6.45pm.**

Gary Ticehurst

A/Chief Executive Officer

1 February 2024

Our Vision

Connected Communities, Valuing Nature and Creating our Future Together

Core Values

Service: We demonstrate a 'can do' attitude, we listen, we understand, and we go above and beyond when we serve others.

Professionalism: We look, speak, act & do what it takes to show others we are reliable, respectful and competent.

Quality: We think clearly, plan mindfully, act decisively, measure carefully and review regularly everything we do.

Aspirational Values

Courage: We make brave decisions and take calculated risks to lead us to a bold and bright future. We show courage in our pursuit for the protection of the environment, for the well being of our people and to support the economy.

Diversity: We challenge ourselves by keeping our minds open and looking for all possibilities and opportunities.

Innovation: We believe in a workplace where you're safe to try new things—where we can push the boundaries of the norm and learn from things that don't always go according to plan. We strive for a just and blameless culture that respects people as individuals and paves the way to genuine learning and improvement.

Our simple guiding principle will be to ensure everything we do will make the City of Kalamunda socially, environmentally and economically sustainable.

kalamunda.wa.gov.au

INFORMATION FOR THE PUBLIC ATTENDING COUNCIL MEETINGS

Welcome to this evening's meeting. The following information is provided on the meeting and matters which may affect members of the public.

If you have any queries related to procedural matters, please contact a member of staff.

Special Council Meetings – Procedures

1. Council Meetings are open to the public, except for Confidential Items listed on the Agenda.
2. Members of the public who are unfamiliar with meeting proceedings are invited to seek advice prior to the meeting from a City Staff Member.
3. Members of the public are able to ask questions at a Special Council Meeting during Public Question Time on matters relating to the functions of this meeting.
4. To facilitate the smooth running of the meeting, silence is to be observed in the public gallery at all times except for Public Question Time.
5. All other arrangements are in general accordance with Council's Standing Orders, the Policies and decision of the City or Council.

Acknowledgement of Traditional Owners

We wish to acknowledge the traditional custodians of the land we are meeting on, the Whadjuk Noongar people. We wish to acknowledge their Elders' past, present and future and respect their continuing culture and the contribution they make to the life of this City and this Region.

Emergency Procedures

Please view the position of the Exits, Fire Extinguishers and Outdoor Assembly Area as displayed on the wall of Council Chambers.

In case of an emergency follow the instructions given by City Personnel.

We ask that you do not move your vehicle as this could potentially block access for emergency services vehicles.

Please remain at the assembly point until advised it is safe to leave.

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1. **Official Opening**
2. **Attendance, Apologies and Leave of Absence Previously Approved**
3. **Public Question Time**

A period of not less than 15 minutes is provided to allow questions from the gallery on matters relating to the functions of this meeting. For the purposes of Minuting, these questions and answers will be summarised.

4. **Petitions/Deputations**
5. **Announcements by the Member Presiding Without Discussion**
6. **Matters for Which the Meeting may be Closed**

- 6.1 Item 8.5.1 High Wycombe Community Hub: Expressions of Interest for Design Services EOI-2301- **Confidential Attachments** - 1 - EOI Assessment Report and 2 – Recommendation

Reason for Confidentiality: *Local Government Act 1995 (WA) Section 5.23 (2) (c) - "a contract entered into, or which may be entered into, by the local government and which relates to a matter to be discussed at the meeting."*

7. **Disclosure of Interest**

- 7.1. **Disclosure of Financial and Proximity Interests**

- a. Members must disclose the nature of their interest in matter to be discussed at the meeting. (Section 5.56 of the *Local Government Act 1995*.)
- b. Employees must disclose the nature of their interest in reports or advice when giving the report or advice to the meeting. (Section 5.70 of the *Local Government Act 1995*.)

- 7.2. **Disclosure of Interest Affecting Impartiality**

- a. Members and staff must disclose their interest in matters to be discussed at the meeting in respect of which the member or employee had given or will give advice.

8. Reports to Council

8.2. Asset Services Reports

8.2.1. 2023/2024 Budget Capital Expenditure - Budget Adjustment

Declaration of financial / conflict of interests to be recorded prior to dealing with each item.

Previous Items	N/A
Directorate	Asset Services
Business Unit	Asset Services
File Reference	FI-FAG-027
Applicant	N/A
Owner	N/A
Attachments	Nil

TYPE OF REPORT

Advocacy	When Council is advocating on behalf of the community to another level of government/body/agency
□ Executive	When Council is undertaking its substantive role of direction setting and oversight (e.g. accepting tenders, adopting plans and budgets)
Information	For Council to note
Legislative	Includes adopting Local Laws, Town Planning Schemes and Policies. When Council determines a matter that directly impacts a person's rights and interests where the principles of natural justice apply. Examples include town planning applications, building licences, other permits or licences issued under other Legislation or matters that could be subject to appeal to the State Administrative Tribunal

STRATEGIC PLANNING ALIGNMENT

Kalamunda Advancing Strategic Community Plan to 2031

Priority 3: Kalamunda Develops

Objective 3.2 - To connect community to key centres of activity, employment and quality amenities.

Strategy 3.2.3 - Provide and advocate for improved transport solutions and better connectivity through integrated transport planning.

EXECUTIVE SUMMARY

1. The purpose of this report is for Council to consider a request to amend the 2023/2024 Budget to accommodate additional road projects that will be funded through external grants.
2. These projects will be funded through funding sources including Roads to Recovery (R2R) and Main Roads Western Australia (MRWA) direct grants.
3. It is recommended Council approve a budget amendment of \$842,299 to reflect the allocated projects of Hawtin Road, Gotha Way, Abercorn Road, Champion Road, Goodall Street and Fernan Road and note nominated funding source for the budget adjustment is through external grant funding bodies.

BACKGROUND

4. The R2R Program supports the construction and maintenance of the nation's local road infrastructure assets, which facilitates greater accessibility and improves safety, economic and social outcomes for Australians.
5. R2R is a five-year Federal Government funding program, with the City eligible for \$723,699 to fund road related projects in the 2023/24 financial year.
6. MRWA provides the City with the Direct Grant Funding under the State Roads Funds to Local Government Agreement, which is allocated for maintenance on Local Government Roads.
7. The State Road Funds to the Local Government Agreement is a five-year funding program, with the City eligible for \$354,348 to fund road related projects in the 2023/24 financial year.
8. Out of the \$354,348 available under the State Road Funds to the Local Government Agreement 2023/24, \$100,600 is nominated for project allocation within this report. The remaining \$253,748 will be allocated as part of the City's midyear budget review project to support other road maintenance items.
9. The City's Road Asset Management Plan informs the City's long term road program. The projects identified for inclusion as part of this report have been identified as part of the City's road renewal program to inform value for money decision making to support the lifecycle of the City's road network.

DETAILS AND ANALYSIS

10. Six (6) new road resurfacing projects are nominated for inclusion within the 2023/24 CAPEX program. The projects identified include:

Road	Suburb	Cost	Funding Source
Hawtin Road	Maida Vale	\$374,000	R2R
Gotha Way	Forrestfield	\$102,500	R2R
Abercorn Road	Forrestfield	\$110,800	R2R
Champion Road	Lesmurdie	\$65,800	R2R
Goodall Street	Lesmurdie	\$70,599	R2R
Fernan Road	High Wycombe	\$100,600	Direct Grant
Sub Total		\$824,299	

11. No municipal funding is sought to deliver these projects (external grant funding only).
12. All funding must be spent prior to end of the financial year in accordance with the grant conditions. Subject to Council approval, it is anticipated works can be accommodated for delivery in the 2023/24 financial year.
13. The scope of works for each road is for the resurfacing of an existing road seal due to the end of useful life of the road in accordance with our road asset management plan nominated levels of service. Associated works to facilitate the reseal include profiling, kerb removal and reinstatement, side entry pit replacement, asphalt dense grade crumb rubber treatment and line marking.

APPLICABLE LAW

14. The budget variation request is in accordance with the *Local Government Act 1995*, Part 6.8: Expenditure from municipal fund not included in annual budget.

APPLICABLE POLICY

15. Service 4: Asset Management

STAKEHOLDER ENGAGEMENT

16. The City will inform impacted residents and property owners of the road works for all project listed within this report as per standard practice.
17. The City will provide the required reporting to the various grant bodies in accordance with the agreements.

FINANCIAL CONSIDERATIONS

18. Both the R2R and Direct Grant funding is available for expenditure this financial year only. Monies cannot be carried forward to a future financial year. Projects have been selected for delivery this financial year pending Council approval.
19. The R2R guidelines requires the City “for each financial year in which a funding recipient receives, spends or retains any amount of a Roads to Recovery payment, the funding recipient must spend on the construction and/or maintenance of roads an amount of own source funds equal to or greater than the reference amount applicable to the funding recipient.” It is confirmed that the City can meet its own source road expenditure obligation for the 2023/24 financial year.

SUSTAINABILITY

Social Implications

20. The outcome of the works will improve the quality of road services for users in the local community.

Economic Implications

21. The outcome of the works will improve the quality of road services for local businesses and their patrons.

Environmental Implications

22. As part of the reseal process, where possible the existing seal profiling is reused as fill, and any clean asphalt is utilised by the contractor in their Reclaimed Asphalt Pavement (RAP). The Asphalt works will utilise a crumb rubber treatment, reducing tyre waste to landfill.

RISK MANAGEMENT

- 23.
- | | | |
|---|-------------------|---------------|
| Risk: If a budget adjustment is delayed, there is a risk that works will miss being undertaken in the required weather conditions. | | |
| Consequence | Likelihood | Rating |
| Major | Possible | High |
| Action/Strategy | | |
| Submit request for a budget adjustment to Council to ensure that Officers can prioritise the delivery of the works as soon as possible. | | |

24.	Risk: If a budget adjustment is delayed, there is a risk that works will not be completed in the 2023/24, risking the opportunity to spend the funding allocation.		
	Consequence	Likelihood	Rating
	Major	Possible	High
	Action/Strategy		
	Submit request for a budget adjustment to Council to ensure that Officers can priorities the delivery of the works as soon as possible.		

CONCLUSION

25. Through seeking this budget adjustment, the City will be able to add an additional \$842,299 of key road projects to its 2023/24 road program, which will align with its level of service of road assets to the community.

Voting Requirements: Absolute Majority

RECOMMENDATION

That Council:

1. Pursuant to section 6.8 (1) (b) of the Local Government Act 1995, AUTHORISE an amendment to the 2023/2024 Budget (exclusive of GST) to include the following additional road projects:

Road	Suburb	Cost
Hawtin Road	Maida Vale	\$374,000
Gotha Way	Forrestfield	\$102,500
Abercorn Road	Forrestfield	\$110,800
Champion Road	Lesmurdie	\$65,800
Goodall Street	Lesmurdie	\$70,599
Fernan Road	High Wycombe	\$100,600
Sub Total		\$824,299

2. NOTE that nominated funding source for the budget adjustment is through external grant funding bodies.

8.5. Office of the CEO Reports

8.5.1. High Wycombe Community Hub: Expressions of Interest for Design Services EOI-2301

Declaration of financial / conflict of interests to be recorded prior to dealing with each item.

Previous Items	OCM 142/2023
Directorate	Office of the CEO
Business Unit	Strategic Projects
File Reference	
Applicant	
Owner	
Attachments	Nil
Confidential Attachments	1 - EOI Assessment Report 2 - Recommendation
(Provided under separate cover)	<i>Reason for Confidentiality: Local Government Act 1995 (WA) Section 5.23 (2) (c) - "a contract entered into, or which may be entered into, by the local government and which relates to a matter to be discussed at the meeting."</i>

TYPE OF REPORT

Advocacy	When Council is advocating on behalf of the community to another level of government/body/agency
□ Executive	When Council is undertaking its substantive role of direction setting and oversight (eg accepting tenders, adopting plans and budgets)
Information	For Council to note
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STRATEGIC PLANNING ALIGNMENT

Kalamunda Advancing Strategic Community Plan to 2031

Priority 1: Kalamunda Cares and Interacts

Objective 1.2 - To provide a safe and healthy environment for community to enjoy.

Strategy - 1.2.3 Provide high quality and accessible recreational and social spaces and facilities.

Strategy 1.2.2 - Advocate and promote healthy lifestyle choices by encouraging the community to become more active citizens.

Priority 3: Kalamunda Develops

Objective 3.1 - To plan for sustainable population growth.

Strategy 3.1.1 - Plan for diverse and sustainable activity centres, housing, community facilities and industrial development to meet future growth, changing social, economic and environmental needs.

Priority 4: Kalamunda Leads

Objective 4.1 - To provide leadership through transparent governance.

Strategy 4.1.1 - Provide good governance.

EXECUTIVE SUMMARY

1. The purpose of this report is to determine the short-listed architectural studios to be invited to submit tenders for the design services for the High Wycombe Community Hub project.
2. An Expression of Interest (EOI-2301) process was undertaken seeking submissions from architectural firms suitable to lead the design services for this project. A total of 12 submissions were received and assessed.
3. It is recommended Council determine the short list of architectural studios from this EOI process and evaluation and these firms be invited to submit comprehensive tenders for the design services for the High Wycombe Community Hub project.

BACKGROUND

4. At the October 2023 Ordinary Council Meeting, Council endorsed a proposal it would enter into a funding agreement such that the City of Kalamunda (City) would undertake the design and construction of the new High Wycombe Community Hub (Project) to be located adjacent to the High Wycombe Train Station.

5. This funding agreement is being finalised by the State Government with approvals in place that the City undertake preparatory works for the Project.
6. An assessment of the most beneficial way to engage the suite of design services needed for the Project was undertaken by the City in consultation with the State Government Architect.

DETAILS AND ANALYSIS

7. The range of design services needed for the Project would include (but are not limited to):
 - a) Architecture and façade
 - b) Aquatic Centre expertise
 - c) Indoor court design
 - d) Community Centre design
 - e) Electrical, Data, Security and Communications
 - f) Mechanical Services
 - g) Environmentally Sustainable design
 - h) Energy management and analysis
 - i) Car park management systems
 - j) Civil and structural engineering
 - k) Geotechnical
 - l) Environmental
 - m) Bushfire Assessment
 - n) Hydraulics and Fire Services
 - o) Environmental Health
 - p) Public art
 - q) Acoustics
8. The most appropriate options for the City would be to appoint a lead Architect who in turn engages all necessary sub consultancies or the City directly engages each sub consultancy and either the City or the Architect assumes responsibility for coordination of effort. Several factors were considered (market risk, cost of tendering, design coordination, City resource management, key design risks) in determining the way the design services team were engaged for the Project.
9. It was concluded the most beneficial outcome was to appoint a lead Architect by the City and that the Architect in turn would engage the full suite of specialists and sub consultants necessary to complete the scope of design services as well as coordination of their activities.

10. The Australian Institute of Architects have guidelines to advise clients who are engaging design teams. They have produced a comprehensive guideline providing a pathway of setting out an Expression of Interest phase (in which a shortlist of architectural studios is developed) who are then invited to tender for the full suite of services. The assessment criteria in each phase is purposely focussed on the relevant outcome (Phase 1 – find a list of suitable architects and Phase 2 -from this list find the best team and possible design outcome).
11. Analysis showed that engaging the “right” architect as lead is very important as they will be largely responsible for the success of the design. Moreover, it is viewed that prior to engaging a design team, the City should have a reasonable understanding as to how the Architect would respond to the design brief and what the built form outcome may be expected to look like. To this end, design tender specifications will include the requirement for the bidders to produce indicative sketches of how they would design this Project. The indicative sketches would form one part of the qualitative assessment criteria when tenders are being assessed by the Tender Assessment Panel.
12. As noted by the Australian Institute of Architects: *“requests for highly detailed practice information, project programming and budgeting significantly burden applicants time and costs”*. It is worth noting that potential bidders will be more encouraged to put effort into the possible design outcome in their tender submission if they were part of a smaller field of tenderers than if they were all part of the open market with uncertainty as to how many bidders exist.
13. It was envisaged that between 4 to 6 Architectural Firms would be short listed to provide full tenders for the Design Services which was deemed a good balance between competitive tender pricing and quality of submissions.
14. The Local Government (Financial and General) Regulations also provide direction and ability for Councils to undertake selective tendering under this EOI and Select Tender process.
15. EOI 2301 seeking Expressions of Interest from architectural studios was issued by the City on 11 October 2023 and closed on 20 November 2023. A total of 12 submissions were received by the City by closing date.
16. The City acknowledges and thanks the State Government Architect and their staff for assisting the City in preparing the EOI specification and forming part of the EOI assessment panel. Their help and professional expertise have been invaluable to this process.

17. The EOI Assessment report is provided as Confidential Attachment 1 to this report.
18. The next phase will be that the Architects who are shortlisted will be invited to submit tenders for the design services for the Project. Having ascertained through the EOI process that the architectural firm is capable of leading the project, assessment of tenders will focus on key issues:
 - a) Conceptual approach to the design brief
 - b) Indicative design program
 - c) Aquatic design team (which may or may not be the lead architect)
 - d) Engineering specialists in pool heating, filtration and pumping (core operational cost component)
 - e) Engineering specialists to develop options for addressing the carbon footprint of the Project responding to the City's Climate Change Action Plan
 - f) Environmental Leadership
 - g) Consideration of main project risks and mitigation
19. The conceptual approach to the design brief is one of the key factors that would contribute towards the qualitative assessment of each tender. It provides the City with insights into how each tender bid envisages the "look and feel" of the Hub.
20. It is possible that there could be elements of unsuccessful design tenders concept plans that may be of great benefit to the City in determining the final built form outcome. As such, the City needs to retain the rights to use these concepts from all tender bids as it sees fit.
21. This will be achieved through conditions of tender as well as the City making a financial contribution of \$10,000 ex GST to each short listed tenderer who provides a formal tender with concept plans to denote ownership rights.
22. This fee for the concept plans will be funded from the \$60m grant funding for the project and not from Municipal funds.
23. It would be the intent once the short list is determined by Council that tenders will be invited as soon as possible after with an ensuing 6 -8 week tender period. It is the intent to be then able to seek Council award of the design services contract by end of June 2024.
24. The recommended short list of architectural firms and further conditions are provided as Confidential Attachment 2.

APPLICABLE LAW

25. *Local Government Act 1995*
Local Government (Function and General) Regulations 1996

APPLICABLE POLICY

26. Nil

STAKEHOLDER ENGAGEMENT

27. In line with Council Policy Service 5 Communication and Engagement this report is to Inform the community of our undertaking in this matter.

FINANCIAL CONSIDERATIONS

28. The subsequent Council report to award the design services tender will consider the financial impacts of the decision.
29. It is also noted that design and construction costs incurred and to be incurred for the High Wycombe Community Hub are to funded from the \$60m grant.

SUSTAINABILITY

Social Implications

30. Successful development of this project will meet existing and future community needs.

Economic Implications

31. Investments of this nature in community facilities have direct economic benefit and jobs creation during design and construction with spin off indirect benefits in the economy once these facilities are open.

Environmental Implications

32. The projects themselves will have developed environmental outcome objectives to be developed as part of design.

RISK MANAGEMENT

33.

Risk: Some of the short-listed Architectural firms invited to tender for the design services fail to do so, reducing the field of tenders to evaluate.		
Consequence	Likelihood	Rating
Moderate	Unlikely	Low
Action/Strategy		
Ensuring that there is a sufficiently large field of short-listed tenderers such that competitive tenders are achieved.		

34.

Risk: Some of the Architectural firms who are not invited to tender for the design services seek to overturn the decision of Council.		
Consequence	Likelihood	Rating
Moderate	Rare	Low
Action/Strategy		
The EOI process is clear and unequivocal regarding that a short list would be determined solely based on responses received and assessment from the Qualitative Assessment criteria contained in the EOI invitation.		

35.

Risk: Inviting full tender pricing from only a short list of Studios reduces competitive tension and possible fee benefits to the City.		
Consequence	Likelihood	Rating
Moderate	Unlikely	Low
Action/Strategy		
Ensuring that there is a sufficiently large field of short- listed tenderers such that competitive tenders are achieved.		

CONCLUSION

36.

The EOI process has identified a short list of Architectural Studios who would be very capable of leading the design team for the High Wycombe Community Hub project. Formal tender assessments can now focus on other elements of qualitative assessment of the entire design team proposal from each bidder.

Voting Requirements: Simple Majority

RECOMMENDATION

That Council ADOPT the recommendations resultant from Expression of Interest - EOI 2301 High Wycombe Community Hub Design Services - as outlined in Confidential Attachment 2.

8.5.2. Appointment of Acting Chief Executive Officer

Declaration of financial / conflict of interests to be recorded prior to dealing with each item.

Previous Items	OCM 136/2023; OCM 190/2023
Directorate	Office of CEO
Business Unit	Office of CEO
File Reference	
Applicant	
Owner	
Attachments	Nil

TYPE OF REPORT

Advocacy	When Council is advocating on behalf of the community to another level of government/body/agency
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STRATEGIC PLANNING ALIGNMENT

Kalamunda Advancing Strategic Community Plan to 2031

Priority 4: Kalamunda Leads

Objective 4.1 - To provide leadership through transparent governance.

Strategy 4.1.1 - Provide good governance.

Strategy 4.1.2 - Build an effective and efficient service-based organisation.

EXECUTIVE SUMMARY

1. The purpose of this report is for Council to consider an amendment to the Acting Chief Executive Officer (Acting CEO) appointment.
2. Council is responsible for the appointment of the Chief Executive Officer (CEO) and Acting CEO where the appointment is for an extended period.
3. It is recommended Council withdraw the appointment of the Director of Corporate Services as Acting CEO and appoint the Director of Development Services as the Acting CEO.

BACKGROUND

4. In accordance with Section 5.39C of the Act, if the CEO is absent from the workplace for periods of leave less than twelve months, Council is required to appoint an Acting CEO.

DETAILS AND ANALYSIS

5. The Chief Executive Officer's position has been vacant since the resignation of the previous CEO on 26 September 2023 and recruitment of a permanent replacement is currently progressing.
6. The Director of Corporate Services was appointed as the Acting CEO. The current Council approval for this arrangement ceases on the 29 February 2024 (OCM 190/2023).
7. It is now proposed the Director of Development Services be appointed Acting CEO, until a Chief Executive Officer has been appointed by the Council and commenced with the City.
8. While the recruitment process is taking place it is appropriate Council appoint an Acting CEO in accordance with Council Policy – Governance 18.
9. The recruitment process is well advanced, however is currently unknown when an appointed CEO will commence with the City.
10. It is recommended the period be up to the 30 May 2024 or when the CEO's commencement date occurs, or whichever is lesser. On the CEO's commencement date, the Acting CEO will return to the substantive role as Director Development Services.
11. The Director Development Services has planned leave from the 3 April to 15 April 2024 (inclusive).

APPLICABLE LAW

12. *Local Government Act 1995 Section 5.36.*

APPLICABLE POLICY

13. Governance 18 – Appointment of Acting Chief Executive Officer.

STAKEHOLDER ENGAGEMENT

14. Nil.

FINANCIAL CONSIDERATIONS

15. There are no financial implications arising from this proposal there is sufficient accrued leave.

SUSTAINABILITY

16. N/A

RISK MANAGEMENT

17.

Risk: Council does not appoint an Acting CEO		
Consequence	Likelihood	Rating
Major	Unlikely	Medium
Action/Strategy		
Advise Council that it is a requirement of the Local Government Act 1995 to appoint a CEO		

CONCLUSION

18. Nil.

Voting Requirements: Simple Majority

RECOMMENDATION

That Council:

1. WITHDRAW the appointment of the Director Corporate Services as Acting Chief Executive Officer.
2. APPOINT, pursuant to Council Policy Governance 18 – Appointment of Acting Chief Executive Officer, the Director Development Services as the Acting Chief Executive Officer for the period 6 February to 30 May 2024, or until a Chief Executive Officer commences with the City, or whichever is the lessor.
3. NOTE the Acting Chief Executive Officer's planned Annual Leave from 1 April to 15 April 2024 (inclusive) and APPROVE to appoint the Director of Corporate Services as Acting Chief Executive Officer for this period of absence.

9. Meeting Closed to the Public

10. Closure