



TOWN OF
VICTORIA PARK

Special Council Meeting Agenda – 22 October 2024



WE'RE OPEN
VIC PARK

Please be advised that a **Special Council Meeting** will be held at **5:00 PM** on **Tuesday 22 October 2024** in the **Council Chambers**, Administration Centre at 99 Shepperton Road, Victoria Park.

Mr David Doy – Acting Chief Executive Officer
17 October 2024

Copyright

All content that appears on the Town's website, including but not limited to website pages, documents, graphics, audio and video, is protected by the Copyright Act 1968 and is owned by the Town of Victoria Park unless otherwise specified

Table of contents

Item	Page no
1 Declaration of opening	4
2 Announcements from the Presiding Member	4
3 Attendance.....	6
3.1 Apologies	6
3.2 Approved leave of absence	6
3.3 Statutory leave	6
4 Declarations of interest.....	7
5 Public question time.....	8
6 Public statement time.....	8
7 Presentations.....	8
8 Method of dealing with agenda business	8
9 Chief Operations Officer reports	9
9.1 Tender award TVP/24/20 McCallum Park Active Area Redevelopment.....	9
10 Public question time	18
11 Public statement time	18
12 Meeting closed to the public	18
12.1 Matters for which the meeting may be closed	18
12.1.1 CEO Contract	18
12.2 Public reading of resolutions which may be made public	18
13 Closure	18

1 Declaration of opening

Acknowledgement of the traditional owners

Ngany djerapiny Wadjak – Noongar boodja-k yaakiny, nidja bilya bardook.

I am honoured to be standing on Whadjuk - Nyungar country on the banks of the Swan River.

Ngany kaaditj Noongar moort keny kaadak nidja Wadjak Noongar boodja. Ngany kaaditj nidja Noongar birdiya – koora, ye-ye, boorda, baalapiny moorditj Noongar kaadijtin, moort, wer boodja ye-ye.

I acknowledge the traditional custodians of this land and respect past, present and emerging leaders, their continuing cultural heritage, beliefs and relationship with the land, which continues to be important today.

Ngany youngka baalapiny Noongar birdiya wer moort nidja boodja.

I thank them for the contribution made to life in the Town of Victoria Park and to this region.

2 Announcements from the Presiding Member

2.1 Recording and live streaming of proceedings

In accordance with clause 39 of the *Town of Victoria Park Meeting Procedures Local Law 2019*, as the Presiding Member, I hereby give my permission for the administration to record proceedings of this meeting.

This meeting is also being live streamed on the Town's website. By being present at this meeting, members of the public consent to the possibility that their image and voice may be live streamed to public. Recordings are also made available on the Town's website following the meeting.

2.2 Public question time and public statement time

As this is a Special Council Meeting, any public questions or statements must relate to the business of the agenda.

There are guidelines that need to be adhered to in our Council meetings and during question and statement time people speaking are not to personalise any questions, or statements about Elected Members, or staff or use any possible defamatory remarks.

In accordance with clause 40 of the *Town of Victoria Park Meeting Procedures Local Law 2019*, a person addressing the Council shall extend due courtesy and respect to the Council and the processes under which it operates and shall comply with any direction by the presiding member.

A person present at or observing a meeting shall not create a disturbance at a meeting, by interrupting or interfering with the proceedings, whether by expressing approval or dissent, by conversing or by any other means.

When the presiding member speaks during public question time or public statement time any person then speaking, is to immediately stop and every person present is to preserve strict silence so that the presiding member may be heard without interruption.

2.3 No adverse reflection

In accordance with clause 56 of the *Town of Victoria Park Meeting Procedures Local Law 2019*, both Elected Members and the public when speaking are not to reflect adversely on the character or actions of Elected Members or employees.

2.4 *Town of Victoria Park Meeting Procedures Local Law 2019*

All meetings of the Council, committees and the electors are to be conducted in accordance with the Act, the Regulations and the *Town of Victoria Park Meeting Procedures Local Law 2019*.

3 Attendance

Mayor

Ms Karen Vernon

Banksia Ward

Cr Claire Anderson
Cr Peter Devereux
Cr Peter Melrosa
Cr Lindsay Miles

Jarraah Ward

Cr Sky Croeser
Cr Jesse Hamer
Deputy Mayor Bronwyn Ife

Acting Chief Executive Officer

Mr David Doy

Chief Operations Officer

Ms Natalie Adams

Chief Financial Officer

Mr Duncan Olde

Chief Community Planner

Ms Natalie Martin Goode

Acting Manager Governance and Strategy

Ms Rhonda Bowman

Manager Strategic Projects

Mr David Lappan

Manager People and Culture

Ms Donna Smith

Meeting Secretary

Ms Felicity Higham

Public Liaison

Ms Winnie Tansanguanwong

3.1 Apologies

3.2 Approved leave of absence

3.3 Statutory leave

Jarraah Ward

Cr Daniel Minson

4 Declarations of interest

4.1 Declarations of financial interest

A declaration under this section requires that the nature of the interest must be disclosed. Consequently, a member who has made a declaration must not preside, participate in, or be present during any discussion or decision-making procedure relating to the matter the subject of the declaration. An employee is required to disclose their financial interest and if required to do so by the Council must disclose the extent of the interest. Employees are required to disclose their financial interests where they are required to present verbal or written reports to the Council. Employees can continue to provide advice to the Council in the decision-making process if they have disclosed their interest.

4.2 Declarations of proximity interest

Elected members (in accordance with Regulation 11 of the Local Government [Rules of Conduct] Regulations 2007) and employees (in accordance with the Code of Conduct) are to declare an interest in a matter if the matter concerns: a) a proposed change to a planning scheme affecting land that adjoins the person's land; b) a proposed change to the zoning or use of land that adjoins the person's land; or c) a proposed development (as defined in section 5.63(5)) of land that adjoins the persons' land.

Land, the proposed land adjoins a person's land if: a) the proposal land, not being a thoroughfare, has a common boundary with the person's land; b) the proposal land, or any part of it, is directly across a thoroughfare from, the person's land; or c) the proposal land is that part of a thoroughfare that has a common boundary with the person's land. A person's land is a reference to any land owned by the person or in which the person has any estate or interest.

4.3 Declarations of interest affecting impartiality

Elected members (in accordance with Regulation 11 of the Local Government [Rules of Conduct] Regulations 2007) and employees (in accordance with the Code of Conduct) are required to declare any interest that may affect their impartiality in considering a matter. This declaration does not restrict any right to participate in or be present during the decision-making process. The Elected Member/employee is also encouraged to disclose the nature of the interest.

5 Public question time

6 Public statement time

7 Presentations

7.1 Petitions

7.2 Presentations

7.3 Deputations

8 Method of dealing with agenda business

9 Chief Operations Officer reports

9.1 Tender award TVP/24/20 McCallum Park Active Area Redevelopment

Location	Victoria Park
Reporting officer	Strategic Projects Manager
Responsible officer	Chief Operations Officer
Voting requirement	Absolute majority
Attachments	1. CONFIDENTIAL REDACTED - TVP-24-20 Evaluation Report [9.1.1 - 15 pages]

Summary

To seek Council endorsement to engage a suitably qualified contractor for the supply and delivery of McCallum Park Active Area Redevelopment tender in line with State and Federal Grant agreements.

Recommendation

That Council

1. Awards the contract associated with Request for Tender TVP/24/20 McCallum Park Active Area to Tenderer B, as contained in the confidential attachment, for a lump sum value of up to \$4,766,110.16 excluding GST, subject to variations to the contract, as their offer has been evaluated as the most advantageous to the Town.
2. That should a contract not be successfully formed with Respondent B within six months, that Council forms a contract with the next most advantageous respondent, respondent D, as detailed in the confidential attachment.
3. Approves a budget amendment to increase the capital works budget for McCallum Park and Taylor Reserve by an additional \$1,341,000 and to increase the transfers from reserve from the Future Fund Reserve by \$1,341,000.

Background

1. TVP/24/20 – McCallum Park Active Area Redevelopment was published through the WALGA Preferred Supplier Program platform and advertised for a period of 3 weeks.
2. Suppliers were requested to provide a lump sum cost and complete a schedule of rates for the construction and landscaping as per the McCallum Park Active Area Detailed Design and Specifications.
3. The approved funding allocation for this item is \$3,476,000.
4. An evaluation of the tender submissions against the prescribed criteria has been completed.

Discussion

5. The assessment of the submissions was formally undertaken by a panel that included:
 - Strategic Projects Manager
 - Place Leader (Urban Design)
 - Strategic Projects Manager
6. The Town received 4 submissions. Of these submissions, all submissions were deemed compliant.
7. The evaluation of the submissions against the quantitative and qualitative criteria resulted in the rankings as shown in confidential attachment TVP-24-20 Evaluation Report, with the first ranking scoring the highest.
8. Subsequent matters have arisen regarding the demolition of the existing Skate Bowl from the Water Corporation Asset Protection, which at this point needs to be resolved, with plans in place to locate, vent and confirm underground assets in preparation for construction.
9. These concerns had not been raised through the formal Department of Biodiversity, Conservation and Attractions (DBCA) Swan River Management Act – Permit process, but relates to the demolition and construction of the new Skate Flow Bowl in and around the current Water Corporation Asset in which there is a legal deed.
10. To meet the mandated timelines for the Federal liOC Grant (\$2.5million) and the State CSRFF Forward Round 2024-2025 Grant (\$926,653) the proposal is to progress with the considerable areas of the Skate Plaza, the surrounding areas, all pump track, allowing further design/asset protection on the Flow Bowl to be refined.
11. The project team is in discussions with Asset protection to develop a construction methodology to address these concerns
12. The increase in budget of \$1,341,000 funded from the Future Fund Reserve, allows the Town to meet its obligations under the Grant Agreements and to commence this high priority community project.
13. Incorporated into the \$1,341,000 budget increase will be the addition of a Junior Scoot and Skate track, restricted to a value of \$50,000.
14. A request for clarification to all tenderers was sought to isolate the flow bowl component and all associated costs from the tendered price while further design, approval and pending petitions could be finalised.
15. A petition is expected to be presented to Council soon to retain the existing skate bowl, however the petition references original concept plans, not the revised tendered construction drawings that were developed after onsite workshops and further consultation to arrive at the preferred design.
16. Should a formal petition be submitted to council, then a report will be brought back to Council at a future Council meeting with a directive as to whether the flow bowl is to be included in the construction programme, retained in-situ or redesigned to incorporate retention where possible.
17. This change in directive, if supported, will allow the main skate plaza, landscaping, pump track and junior scoot to be delivered as per the grant agreement.
18. Construction programs allow for further clarifications and investigation surrounding the Flow Bowl to enable construction to begin in early 2025 of this skate component.

19. McCallum Park Event is planned for late March 2025 with all components bar the flow bowl achievable within this timeframe.

Compliance criteria

20. Compliance with the Conditions of Submission
21. Compliance with the General Conditions of Contract, Special Conditions, and this Request
22. References
23. Acknowledgement of Addenda
24. Complete Pricing Schedule
25. Corporate Information
26. Financial Position
27. Conflict of Interest
28. Insurance
29. Access and Inclusion Plan (AIP)
30. Complete Respondent's Offer

Evaluation process

31. Qualitative criteria as specified in TVP/24/20 McCallum Park Active Area Redevelopment

<p>Specified Personnel</p> <p>The Respondent must:</p> <ol style="list-style-type: none"> I) Identify any proposed specified personnel together with a brief curriculum vitae for each of them; II) Detail the availability of the proposed specified personnel for the contract during the term; III) Describe the skills and industry experience of all proposed specified personnel, especially how their experience relates to the requirements set out in Part 2 of this Request; and IV) Respondents must provide contact details of referees for contracts of a similar nature have been successfully completed by the proposed specified personnel. These referees may be contacted to verify claims of relevant experience. 	<p>Weighting 10%</p>
<p>Demonstrated Skills and Experience of the Organisation to Undertake Projects of a Similar Nature</p> <p>The Respondent must provide information regarding the organisational capacity to perform the Contract including relevant skills and experience within the organisation (other than the specified personnel) in performing similar requirements.</p> <ol style="list-style-type: none"> I) The Respondent must demonstrate that it has the organisational capacity to perform the contract; II) The Respondent must provide details of contracts for similar projects: <ol style="list-style-type: none"> a. A detailed description of the project delivered; b. Similarities between the previous contracts and this Request; 	<p>Weighting 60%</p>

<p>c. When the previous contracts were performed; and d. The outcome of the previous contracts.</p> <p>III) The Respondent must also provide a minimum of two (2) referees in respect of the contracts detailed above. Referee details must include:</p> <p>a. The referee’s name and position; b. Company name; c. The contact telephone number; and d. The contract or project title.</p>	
<p>Methodology</p> <p>Respondents should detail the process they intend to use to achieve the Requirements of the Specification.</p> <p>Areas you may wish to cover include:</p> <p>I) A project schedule/timeline (where applicable). II) Any information in project delivery which demonstrates an understanding of the scope of work.</p>	<p>Weighting 20%</p>
<p>Environmental Sustainability</p> <p>Respondents should provide evidence of sustainability in the delivery of the project / goods or services, and in the general day-to-day operation of their organisation.</p> <p>I) Does your organisation have an Environmental Management System (EMS) or adopt any environmental/sustainability practices? If yes, please provide details. II) Does your organisation practice waste minimisation e.g. reduce packaging, or packaging with recycled materials or using compostable packaging? Please provide details including % of reused/recycled materials used. III) Has your organisation ever received a warning or convicted of an environmental breach in Australia or overseas? If so, please provide details and outcome of the matter. IV) Please provide examples relating to the key environmental impacts considered over the life cycle of the goods/service.</p> <p>Some examples for consideration are:</p> <ul style="list-style-type: none"> • Design for energy efficiency for energy using products. • Reduced use of water (e.g. water saving/ efficiency) • Design for recyclability • Carbon Neutrality • Substitution of environmentally harmful or scarce materials. • Noise levels of plant and equipment when in use. • Improved soil quality by reducing or eliminating releases to land (e.g. chemical fertilisers). 	<p>Weighting 5%</p>
<p>Support of Local Businesses</p> <p>Respondents should provide evidence of sustainability in the delivery of the project / goods or services, and in the general day-to-day operation of their organisation. Respondents</p>	<p>Weighting 5%</p>

<p>should also demonstrate the benefits and contribution to the Town of Victoria Park local economy and community. Areas you may wish to cover include:</p> <ul style="list-style-type: none"> I) Does your organisation have premises (i.e. main office / branch office / depot) located within the Town’s boundaries? YES / NO, if yes, please specify and provide street address, and duration of tenancy at this location. II) What percentage of your employees lives within the Town’s boundaries? III) Detail the involvement of any employees listed above in the delivery of the contract should you be successful? IV) How many employees from Town of Victoria Park will be engaged in delivery of the goods or services? What total annual salaries will the employees receive? V) Are you using Town of Victoria Park based sub-contractors /suppliers to deliver the goods or service? YES / NO, if yes, please specify what percentage of the total contract value will be paid to subcontractors/ supplier should you be successful? VI) If your organisation is awarded this contract will you purchase any goods / services from local businesses? YES / NO, if yes, please specify the type of goods / services required and an estimated value. VII) Does your organisation have any local employment initiative / program? YES / NO, if yes, please provide details. 	
<p>Price</p>	<p>Weighting 0%</p>

Legal and policy compliance

[Section 3.57 of the Local Government Act 1995](#)

[Part 4 Division 2 of the Local Government \(Functions and General\) Regulations 1996](#)

[Policy 301 – Purchasing](#)

Financial implications

<p>Current budget impact</p>	<p>As the value of the contract exceeds \$250,000, the acceptance of the offer/tender and subsequent award of any such contract is to be determined by Council.</p> <p>Sufficient funds do not exist within the annual budget. There is currently \$3,476,000 available and an additional \$1,341,000 is required. It is proposed that funding will be acquired through:</p> <ul style="list-style-type: none"> • Transfer from Future Fund Reserve - \$1,341,000 <p>The revised budget will be \$4,817,000.</p> <p>As part of the post year end budget review, it will be proposed to reimburse the Future Fund Reserve if there are available surpluses from the 2023/24 final position.</p>
-------------------------------------	---

Future budget impact

Funds will need to be considered in future Parks maintenance budgets to maintain the assets.

Risk management consideration

Risk impact category	Risk event description	Risk rating	Risk appetite	Risk mitigation
Financial	Not adopting an internal audit program means we can't test our financial controls and mitigate financial loss through administrative errors, fraud and corruption.	High	Low	TREAT risk by Adopting an internal program with a focus area on high-risk financial processes and activities.
Environmental	DBCA Guidelines not followed	High	Medium	TREAT risk by Maintaining and adhering to an approved CEMP (Construction Environment Management Plan)
Health and safety	Dangerous construction methods	High	Low	TREAT risk by Appropriate levels of traffic management and OHS procedures followed
Infrastructure/ ICT systems/ utilities	Not applicable		Medium	
Legislative compliance	DBCA permit conditions	High	High	TREAT risk by Appropriate condition approvals prior to any works commencing, confirming any change in construction methods prior to proceeding
Reputation	Contractor rescinds offer	Medium	Low	TREAT risk by Providing clear lines of communication during contract negotiations and assurance of project priorities

Service delivery	Delays to project and funding milestones	Medium	Medium	TREAT risk by Adopting a staged delivery with addition funds and program to be brought back to Council.
------------------	--	--------	--------	--

Engagement

Internal engagement	
Stakeholder	Comments
Procurement	Provided advice and acted as a probity advisor throughout the process.
Strategic Projects	Initiated the Tender Advertisement and provided clarifications and answers to technical questions
Finance	Additional funding comments

Strategic alignment

Economic	
Community Priority	Intended public value outcome or impact
EC2 - Connecting businesses and people to our local activity centres through place planning and activation.	<p>By enhancing the park's amenities, infrastructure, and accessibility, the area can serve as a vibrant community hub that draws both residents and visitors. Increased foot traffic will support local businesses by creating a link between the park and surrounding commercial zones, encouraging more frequent visitation and spending.</p> <p>The activation of McCallum Park through events, recreational programs, and public art installations further strengthens this connection. These activities provide ongoing engagement opportunities for the community, creating stronger ties between businesses and the public. This builds a sense of place, making the area more attractive for both social and commercial interactions.</p> <p>Construction works prioritize walkability, physical activity, cycling paths, and links between McCallum Park and nearby activity centers, ensuring that the park becomes an integrated part of the local urban fabric.</p>

Environment	
Community Priority	Intended public value outcome or impact
EN3 - Enhancing and enabling liveability through planning, urban design and development.	<p>McCallum Park upgrade will support mental and physical health, offering places for relaxation, exercise, and community events.</p> <p>Upgrades incorporate (CPTED) principles, such as better lighting, clear sightlines, and the removal of hidden spaces, all of which the safety in the reserve</p> <p>DDA improvements (ramps, tactiles, rails) ensures that all can use and enjoy the public open space upgrade.</p> <p>Rain gardens and native planting will reduce the overall Enviromental impact and resilience of the landscaping upgrades proposed.</p> <p>Integrating Artworks will provide a unique and attractive place for the community, with cohesion to the Causeway bridge upgrades and links to the local and cultural heritage.</p>
EN4 - Increasing and improving public open spaces	<p>The upgrades expand the functionality of the reserve, improving accessibility and the overall quality of the reserve.</p> <p>Making the area more usable and appealing to users.</p>
EN5 - Providing facilities that are well-built and well-maintained.	<p>The use of high-quality materials, combined with thoughtful design and planning, ensures the facility meets future maintenance and usage demands. Infrastructure has been carefully designed to minimize access challenges, facilitating regular maintenance throughout all phases of construction planning.</p>

Further consideration

10 Public question time

11 Public statement time

12 Meeting closed to the public

12.1 Matters for which the meeting may be closed

These reports are to be dealt with in confidential session, under the terms of the *Local Government Act 1995* Section 5.23(2)(a) and (c).

12.1.1 CEO Contract

12.2 Public reading of resolutions which may be made public

13 Closure