

Agenda

Special Council Meeting

Wednesday 11 December 2024

Notice of Meeting

A Special Council Meeting will take place in the Council Chambers, City of Bayswater Civic Centre, 61 Broun Avenue, Morley on **Wednesday 11 December 2024** commencing at **4:15pm**, for the purpose of considering Tender 22 – 2024 Maylands Lakes Water Treatment Facility, due to the item lapsing at the Ordinary Council Meeting of 10 December 2024.

Yours sincerely



JEREMY EDWARDS
CHIEF EXECUTIVE OFFICER

11 December 2024

Meeting Procedures

1. All Council meetings are open to the public, except for matters dealt with under 'Confidential Items'.
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 may ask a question during 'Public Question Time'. At a Special Council Meeting, public questions must relate to the purpose of the meeting.
4. Meeting procedures are in accordance with the City's *Standing Orders Local Law 2021*.
5. To facilitate smooth running of the meeting, silence is to be observed in the public gallery at all times, except for 'Public Question Time'.
6. Persons are not permitted to record (visual or audio) at the Council meeting without prior approval of the Council.
7. Council meetings will be livestreamed in accordance with the resolution of 24 August 2021. Images and voices may be captured and streamed. If you have any issues or concerns regarding the live streaming and recording of meetings, please contact the City's Governance team.
8. In the event of an emergency, please follow the instructions of City of Bayswater Staff.

City of Bayswater

61 Broun Avenue
Morley WA 6062

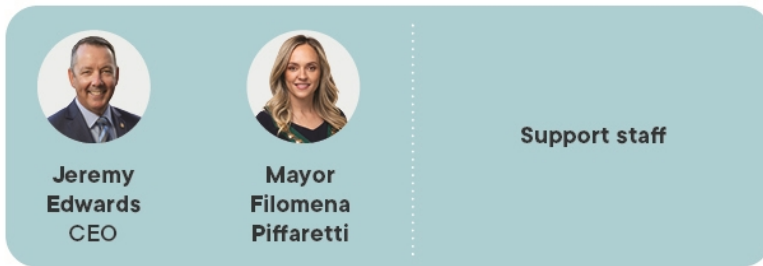
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Council Chambers Seating Plan

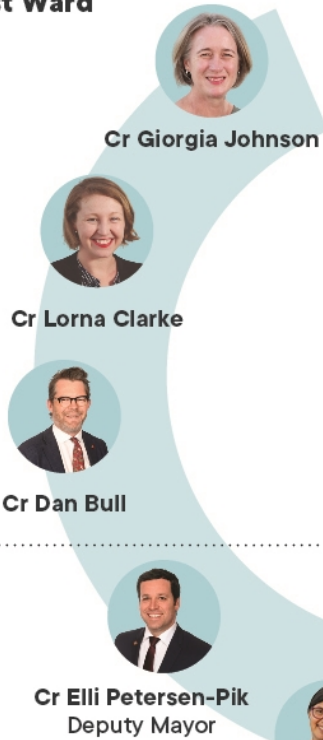



Support staff



Jeremy Edwards
CEO



Mayor Filomena Piffaretti


West Ward





Cr Giorgia Johnson


Cr Lorna Clarke


Cr Dan Bull


Cr Elli Petersen-Pik
Deputy Mayor



Central Ward




Cr Assunta Meleca


Cr Steven Ostaszewskij


Cr Josh Eveson

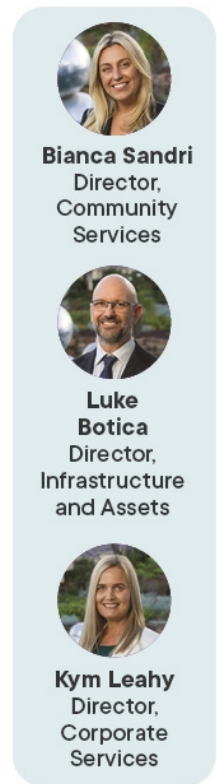

Cr Sally Palmer


South Ward


Cr Nat Latter


Cr Michelle Sutherland

North Ward




Bianca Sandri
Director,
Community
Services


Luke Botica
Director,
Infrastructure
and Assets


Kym Leahy
Director,
Corporate
Services

Public Gallery (including press)

Nature of Council's Role in Decision Making

Advocacy:	When Council advocates on its own behalf or on behalf of its community to another level of government/body/agency.
Executive/Strategic:	The substantial direction setting and oversight role of the Council, e.g. adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.
Legislative:	Includes adopting local law, town planning schemes and policies.
Review:	When Council reviews decisions made by officers
Quasi-Judicial:	When Council determines an application/matter that directly affects a person's rights and interests. The Judicial character arises from the obligations to abide by the principles of natural justice.

Examples of Quasi-Judicial authority include town planning applications, building licenses, applications for other permits/licenses (e.g. under Health Act, Dog Act or Local Laws) and other decisions that may be appealable to the State Administrative Tribunal.

City of Bayswater Standing Orders Local Law 2021

6.9 DEPUTATIONS

- (1) Allowance has been established for deputations to be heard at Agenda Briefing Forums the week prior to the Ordinary Council Meeting by any person or group wishing to be received. A deputation may be heard at the Council meeting, Agenda Briefing Forum or a Committee meeting open to the public at the discretion of Council, and the depute is to either-
 - (a) apply, before the meeting, to the CEO for approval and can be considered in both a verbal and written format;
 - (b) with the approval of the Presiding Member, at the meeting; and-
 - (c) are to be received by 1.30pm on the day of the forum receiving the deputation.
- (2) Upon receipt of a request for a deputation the CEO must refer the request to the relevant Council meeting, Agenda Briefing Forum or a Committee meeting.
- (3) Unless the Presiding Member allows, a depute invited to attend the meeting is not to address the meeting for a period exceeding 5 minutes.
- (4) Unless given leave by the Presiding Member, only two members of the deputation may address the meeting, although others may respond to specific questions from Members.
- (5) For the purposes of this clause, unless Council, Agenda Briefing Forum or the Committee determines otherwise, a deputation is taken to comprise all those people either in favour of, or opposed to, the matter which is the subject of the deputation.
- (6) Unless Council, Agenda Briefing Forum or the Committee resolves otherwise, any matter which is the subject of a deputation to the Council, Agenda Briefing Forum or a Committee open to the public is not to be decided by Council, Agenda Briefing Forum or the Committee until the deputation has completed its presentation.
- (7) The Presiding Member may require deputations to leave the meeting while other deputations are being heard in relation to that matter.
- (8) A member of the public who makes a deputation is to state his or her name and address, however only the name will be published in the minutes.

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1 OFFICIAL OPENING**2 ACKNOWLEDGEMENT OF COUNTRY**

The Presiding Member will deliver the Acknowledgement of Country.

Noongar Language

Ngalla City of Bayswater kaatanginy baalapa Noongar Boodja baaranginy, Wadjuk moort Noongar moort, boordiar's koora koora, boordiar's ye yay ba boordiar's boordawyn wah.

English Language Interpretation

We acknowledge the Traditional Custodians of the Land, the Whadjuk people of the Noongar Nation, and pay our respects to Elders past, present and emerging.

3 ANNOUNCEMENTS FROM THE PRESIDING MEMBER**4 ATTENDANCE****Members**

Mayor Filomena Piffaretti (Presiding Member)

South Ward

Cr Elli Petersen-Pik – Deputy Mayor
Cr Nat Latter

Central Ward

Cr Assunta Meleca

North Ward

Cr Sally Palmer
Cr Michelle Sutherland

West Ward

Cr Giorgia Johnson

Officers

Jeremy Edwards	Chief Executive Officer
Luke Botica	Director Infrastructure and Assets
Bianca Sandri	Director Community Services
Stuart Monks	A/Director Corporate Services
Amanda Albrecht	Manager Governance and Strategy
Jon Vines	Manager Project Services
Ms Karen D'Cunha	Coordinator Governance (minute-taker)

Observers

Press -
Public -

Leave of Absence

Nil.

4.1 Apologies

Cr Dan Bull
 Cr Lorna Clarke
 Cr Josh Eveson
 Cr Steven Ostaszewskij
 Kym Leahy Director Corporate Services

4.2 Approved Leave of Absence

Councillor	Date of Leave	Approved by Council
Cr Steven Ostaszewskij	13 December 2024 to 13 January 2025	Ordinary Council Meeting 26.11.2024
Cr Elli Petersen-Pik – Deputy Mayor	14 December 2024 to 26 January 2025	Ordinary Council Meeting 10.12.2024
Cr Giorgia Johnson	19 December 2024 to 26 December 2024	Ordinary Council Meeting 22.10.2024
Cr Assunta Meleca	20 December 2024 to 10 January 2025	Ordinary Council Meeting 10.12.2024
Cr Dan Bull	27 January 2025 to 10 March 2025	Ordinary Council Meeting 10.12.2024

5 DISCLOSURE OF INTEREST SUMMARY

In accordance with section 5.65 of the *Local Government Act 1995*:

A member who has an interest in any matter to be discussed at a Council or Committee meeting that will be attended by the member must disclose the nature of the interest -

- (a) in a written notice given to the CEO before the meeting; or
- (b) at the meeting immediately before the matter is discussed.

6 PUBLIC QUESTION TIME

In accordance with the *Local Government Act 1995*, the *Local Government (Administration) Regulations 1996* and the *City of Bayswater Standing Orders Local Law 2021* the following procedures relate to public question time:

1. **At a Special Council Meeting, public questions must relate to the purpose of the meeting.**
2. A member of the public who raises a question during question time, is to state his or her name and address.
3. Each member of the public with a question is entitled to ask up to 3 questions before other members of the public are invited to ask their questions. If there is sufficient time, the Presiding Member may allow additional questions if there are no more questions from other members of the public.
4. The minimum time to be allocated for public question time is 15 minutes.
5. Questions from the public must relate to a matter affecting the local government. Questions relating to matters of business listed on the agenda will be considered in the first instance, followed by questions relating to Council business not listed on the agenda.
6. A summary of each question raised by members of the public at the meeting and a

summary of the response to the question will be included in the minutes of the meeting.

7. Where a question is taken on notice at the meeting, a summary of the response to the question will be provided in writing to the member of public and included in the agenda for the following meeting.

6.1 Public Question Time

The Presiding Member will invite members of the public gallery to ask questions relating to items on the agenda.

7 PRESENTATIONS

7.1 Deputations

Deputations in relation to Tender 22-2024 Maylands Lake Water Treatment Facility were heard at the Ordinary Council Meeting of 10 December 2024.

The Presiding Member will allow any further deputations on this matter to be heard at the Special Council Meeting of 11 December 2024.

8 REPORTS**8.1 Tender 22 - 2024 Maylands Lakes Water Treatment Facility**

Responsible Branch:	Project Services
Responsible Directorate:	Infrastructure and Assets
Authority/Discretion:	Executive/Strategic
Voting Requirement:	Simple Majority Required
Refer:	Item 10.3.1: OCM 27.08.2024 Item 13.1: OCM 23.07.2024 Item 10.3.1: OCM 30.04.2024 Item 10.3.3: OCM 12.12.2023

SUMMARY

For Council to consider submissions received for Tender 22-2024, Maylands Lakes Water Treatment Facility – Design, Construct and Operate.

The total value of the tendered work exceeds the Chief Executive Officer’s delegated authority limit of \$250,000 and is therefore presented to Council for consideration.

OFFICER'S RECOMMENDATION

That Council:

- 1. Notes the tender submissions received in response to *RFT 22-2024 Maylands Lakes Water Treatment Facility - Design, Construct and Operate*.**
- 2. Requests the Chief Executive Officer to:**
 - (a) Undertake further analysis of the efficacy and costs of the tender submissions from RAPAW Pty Ltd and Altrum Pty Ltd trading as Engineered Efficiency.**
 - (b) Advise the remaining tender submissions they are not successful.**
 - (c) Provide a report to Council on the outcome by March 2025.**
- 3. Refers information received from RAPAW Pty Ltd and Altrum Pty Ltd trading as Engineered Efficiency through the ‘Pumps and Filtration’ tender process to the Scientific Advisory Panel, to aid in the preparation of the Maylands Lakes Environmental Restoration Masterplan.**

BACKGROUND

Maylands Lakes are a series of constructed wetlands located at the southern end of the Maylands Peninsula and are surrounded by the Maylands Peninsula Estate to the east and south, the Maylands Police Complex to the southwest and the Maylands Peninsula Golf Course to the west.

The lakes have persistent water quality issues, with significant remediation challenges. The City’s aim is to investigate solutions to improve water quality, reduce midge and algal blooms, and enhance amenity and access to nature in the area.

At the Ordinary Meeting held on 12 December 2023, in response to an officer’s report about:

- the water quality issues of the Maylands Lake;
- the background of water quality measures previously undertaken; and

- recommendations for a way forward to a more sustainable, ecologically sound, and self-regulating lake system,

Council resolved (in part) as follows:

“4. Requests the Chief Executive Officer to explore the option of using pumps and filtration for Lake Brearley, as a short-medium term action that could be an alternative if the mixing trial does not go ahead.”

At the Ordinary Meeting held on 30 April 2024, in response to an officer’s report about the proposed scope for the preparation of the Maylands Lakes Environmental Restoration Masterplan, Council resolved (in part) as follows:

“1. Endorses the scope for the preparation of the Maylands Lakes Environmental Restoration Masterplan as contained in Attachment 1, with the inclusion of the following additional option:

(a) Mechanical pumping and filtration.

4. Requests the Chief Executive Officer to not progress the water mixing trial.

5. Requests the Chief Executive Officer to call for expressions of interest for the use of pumps and filtration at the Maylands Lakes and provides a report back to Council on the outcomes.”

The intent of this outcome was to investigate an affordable temporary or trial solution that can be implemented in the short-term in order to improve water quality to provide some relief to the surrounding community. Ongoing consideration is also required in the longer term noting any impact that may be relevant to the master planning process. It should be noted that the City has been approached several times by various companies and members of the community advising that there are technologies readily available that are affordable and could be implemented quickly to solve the problems that are being experienced at the Lakes.

At the Ordinary Meeting held on 23 July 2024, Council awarded *Tender 12-2024 Maylands Lakes Environmental Restoration Masterplan Consultancy and Design Services* to Alluvium Consulting Australia Pty Ltd.

Alluvium has completed to date three stages of a seven stage project, including project planning, data review, community engagement and listening sessions. Alluvium is currently considering restoration options prior to developing concept option(s) and design(s).

The project is currently running to plan and is assisted by the Scientific Advisory Panel with concept option(s) due in early 2025.

At the Ordinary Meeting held on 27 August 2024, Council resolved as follows, in response to the officer’s recommendation about the outcome of the EOI:

That Council:

1. Notes information received through the Expression of Interest for Pumps and Filtration will be provided to the Scientific Advisory Panel to aid in the preparation of the Maylands Lakes Environmental Restoration Masterplan.

2. Authorises the Chief Executive Officer to undertake the following:

(a) Invite tenders through a public tender process for the provision of a pump and filtration system at the Maylands Lakes.

(b) Present the outcomes of the invited tender process to Council for consideration.

To implement the Council resolution, the City engaged GHD as technical consultants and McLeods Lawyers to assist in the development of a functional specification and tender

documentation to design, construct and operate a pump and filtration system for Maylands Lakes.

Tender 22-2024 Maylands Lakes *Water Treatment Facility - Design, Construct and Operate* was publicly advertised on Tuesday 2 November 2024 in the West Australian, PerthNow, via TenderLink and on the City's website. Respondents to the Maylands Lakes Pumps and Filtration EOI were also notified of the advertised tender.

The City has actioned several measures within the last twelve months to address concerns relating to water quality, midge and overall amenity. Progress updates and measurable outcomes have been published together with ongoing community forums held.

EXTERNAL CONSULTATION

A non-mandatory briefing / site inspection meeting was held at Maylands Lakes with prospective respondents on Monday 18 November 2024.

The shortlisted submissions were distributed to the Scientific Advisory Panel (SAP) prior to their meeting held on 3 December 2024. Panel members were reminded of their obligations in respect to the commercial in confidence nature of the submissions.

OFFICER'S COMMENTS

The tender scope is to design, construct, test, commission, operate and in due course decommission a quality-designed, efficient, and effective water treatment facility for management of algae in the Lakes. The Lakes are defined in the tender documentation as being Lake Bungana and Lake Brearley. Technical data has been provided for both lakes within the tender documentation. The intent of the scope is to treat both lakes. Water quality and the presence of midge is noted to be worse in and around Lake Brearley.

Purchase and lease options were included within the tender.

It is expected that the water treatment facility will treat lake water only. It is also expected that it will manage all waste streams generated, such as removed algal mass, within the constraints of the location. There is no requirement for dredging.

The water treatment facility and associated plant shall meet the following criteria:

- (a) Be functional.
- (b) Apply industry best practices
- (c) Achieve the performance metrics specified
- (d) Minimise disruption to the local community
- (e) Ensure reliable operation by the Contractor
- (f) Ensure reliable maintenance by the Contractor
- (g) Ensure ease of constructability
- (h) Effectively manage all waste streams
- (i) Minimise adverse environmental and community impact
- (j) Comply with all relevant standards, codes and legislations
- (k) Comply with all health and safety legislation
- (l) Provide sufficient vehicular and personnel access for operations and maintenance.

The successful respondent (contractor) will recommend a suitable location for the water treatment facility based on the footprint requirements, its integration requirements and the known site constraints determined from information provided by the City. The site will be confirmed by the City following a technical assessment of the successful contractor’s proposal.

Options were available in the price schedule for respondents to either confer ownership of all infrastructure to the City, or lease equipment and then remove it at the end of operations, for periods of up to five years. A third option was also offered for respondents to complete an alternative price structure.

The tender submission period closed at 4:00pm on Wednesday 27 November 2024.

A total of 39 entities accessed the RFT documentation, and seven submissions were received from six respondents prior to the closing date/time, as follows:

1. Altrum Pty Ltd trading as Engineered Efficiency
2. DM Civil Pty Ltd
3. Moerk Water Solutions Asia-Pacific Pty Ltd
4. NewGround Water Services Pty Ltd
5. RAPAW Pty Ltd
6. Waterscapes Australia Pty Ltd compliant and alternative submission

Tenders were initially assessed against the compliance criteria. The submission from Moerk Water was withdrawn from further assessment at this stage due to deficiencies in their submission rendering it non-compliant.

The remaining five submissions were then assessed by the evaluation panel using the following qualitative criteria.

Description	Weighting
Overall suitability and demonstrated understanding of the Principal’s requirement	30%
Relevant experience	25%
Respondent’s resources	10%
Local business support	5%
Total Qualitative	70%

Price Weighting
30%

Evaluation scores relating to the qualitative criteria are shown in the table below:

Submission	Suitability and understanding 30%	Relevant experience 25%	Respondent’s resources 10%	Local business support 5%	Total 70%
RAPAW	15.0	15.0	5.0	1.0	36
Altrum	15.0	15.0	6.0	1.5	37.5

DM Civil	9.0	10.0	6.0	0.5	25.5
NewGround	9.0	10.0	4.0	2.0	25
Waterscapes	9.0	12.5	5.0	1.0	27.5

The majority of submissions received did not fully address a number of key requirements and a significant number of exclusions are noted within the submissions. Exclusions mostly relate to approvals, system design and layout in terms of which lakes are to be treated, plant location and core utility requirements such as power, water and waste disposal.

The qualitative scores are lower than anticipated which is reflective of the range of omissions and exclusions requiring further investigation and clarification. Scores may improve following further investigation and clarifications as required.

Price submissions relating to initial assessment, design, acquisition and installation ranged from \$2.2million to \$30million. Ongoing operational costs were provided as an additional amount equating in some instances as up to \$1million per year (\$85,000 per month). A number of critical cost exclusions were noted.

The submissions were then assessed against the prices offered to undertake the requirements of the RFT. A price schedule was produced including each of the submissions based on one year's operation.

At the conclusion of the qualitative criteria and price analysis, the submissions from RAPA and Altrum provided the highest ranking.

The City engaged GHD to provide a high-level technical assessment of the capabilities and appropriateness of the technologies proposed within the two shortlisted submissions in meeting the requirements of the RFT. A summary response is provided below:

Altrum – Purchase Option

Offering a Dissolved Air Flotation system capable of treating water at an average flow rate of 12 litres/second which is 1,000 – 1,200m³ per day. The system has been designed to treat Lake Brearley only with provision for future connections to Lake Bungana at additional cost. The system is expected to turn over the water in Lake Brearley within approximately six to eight months. Altrum has conducted a simple mass balance to understand treatment performance and the impact on lake quality. The submission states a removal of 85% Total Suspended Solids and Biovolume. A twelve-month lead in time is stated to be operational (subject to approvals).

Project examples relating to algae removal from lakes in NSW and Port Gregory WA has been provided together with the development of a water treatment system for BHP at their Area C Mine Site in conjunction with Trility.

The submission from Altrum is summarised as having good alignment to the tender objectives with some omissions or minor concerns.

RAPA – Lease Option

Offering a Mixed Media Filtration system capable of treating water at a flow rate of 22-44 litres/second with a capacity of 2,000 – 4,000m³ per day. The submission states a 90% target to reduce biovolume. Total Suspended Solids was not qualified. The system is designed to treat both Lake Bungana and Lake Brearley. A four month lead in time is stated to be operational (subject to approvals).

No project examples using the stated technology for this purpose has been provided. Removal of algae at Abbott Point Coal Mine and water reclamation at the Uranquinty Power Station has been noted as project examples.

The submission from RAPAW is summarised as having fair alignment to the tender objectives but is presented with omissions and concerns.

Given all the information presented and assessed the City has reservations in recommending either of the shortlisted tender submissions to Council for approval at this time. The submissions at best rate as adequate in all assessments suggesting that there are aspects that require further consideration and/or represent uncertainties to confidently fulfill the requirement of the tender scope.

There are several outstanding matters in each of the shortlisted submissions (e.g. facility location, method of waste disposal) and service supply issues (power and water requirements) which are yet to be definitively resolved. It remains unknown how long they will take to be approved and implemented and importantly, what their additional cost will be.

RFT 22-2024 Maylands Lakes Water Treatment Facility - Design, Construct and Operate, has been undertaken to provide Council with a pump and filtration technology option available to be deployed in Maylands Lakes as a “short-medium term action,” as per the December 2023 resolution if the water mixing trial was not deemed to be appropriate.

Council resolved to not progress the water mixing trial at the April 2024 Ordinary Meeting and instead proceeded with an expression of interest (EOI) process for pumps and filtration, the results of which were noted by Council at the August 2024 Ordinary Meeting, and the City was requested to proceed with an open tender process for pumps and filtration (RFT 22-2024).

The City now has two shortlisted tender submissions which potentially could meet the scope of the RFT. If either submission is accepted by Council, they will not be operational for at least six months and probably closer to twelve months, until the equipment is developed, deployed, and commissioned.

There are several key requirements that currently remain unresolved and require further investigation and or clarification. Accepting any submission at this point in time presents a high financial and reputational risk to Council. Further due diligence is required in order to reduce risk exposure. Given the current summer holiday period this process is likely to take 8 – 12 weeks.

LEGISLATIVE COMPLIANCE

The tender process has met the requirements of section 3.57 the *Local Government Act 1995* and regulations 14 – 16 of the *Local Government (Functions and General) Regulations 1996*.

RISK MANAGEMENT CONSIDERATION

The table below shows the level of risk for each impact category if the Council does not adopt the officer’s recommendation.

Impact Category	Appetite	Risk Rating
Workplace, Health and Safety	Low	Low
Financial	Medium	High
Reputation and Stakeholders	Medium	High
Service Delivery	Medium	Medium
Environment	Low	Medium
Governance and Compliance	Low	Low

Strategic Risk	<p>SR02 - Failure to strategically plan, deliver and maintain infrastructure and assets.</p> <p>SR03 - Council plans, decision making process and/or activities fail to invest in the management, protection and improvement of its natural environment.</p>
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FINANCIAL IMPLICATIONS

The estimated financial implications of accepting either of the shortlisted tender submissions is expected to be:

- Capital expenditure (including design and installation) \$3million
- Annual operating expenditure (including servicing and waste disposal) \$1million.

The provision of a pumps and filtration water treatment facility at Maylands Lakes is currently unbudgeted. Should Council wish to approve a tender submission a transfer of funding from appropriate reserves will be required.

STRATEGIC IMPLICATIONS

In accordance with the City of Bayswater Strategic Community Plan 2021-2031, the following applies:

Theme: Community

Goal C1: Create safe and inviting places for people to come together.

Goal C3: Maximise the use of the City's facilities and parks by all sections of the community.

Theme: Environment and Liveability

Goal E5: Protect and enhance the City's natural environment and biodiversity and encourage the community to participate in its protection.

Theme: Leadership and Governance

Goal L2: Plan and deliver projects and services in a sustainable way. Work together to deliver the best outcomes for the community by managing our resources in a financially sustainable way.

CONCLUSION

Six tender submissions have been assessed and shortlisted to two possible solutions. There are several omissions and assumptions noted within the submissions. Key considerations such as approvals, placement, utility supply, system design in terms of which lakes to be treated and waste disposal require further assessment and clarification.

Accepting any submission now presents a high financial and reputational risk to Council. Further due diligence is required to reduce risk exposure.

Neither the expression of interest or request for tender process has identified a temporary system that is easily available to provide proven immediate relief in the short term.

Further clarification is required with the shortlisted respondents to determine how aligned the submissions are in meeting the requirements prescribed within tender scope. Clarification will require liaison with the respondents, utility and other service providers, regulatory authorities and

internal City staff to work through all exclusions and omissions. Given the current summer holiday season this is likely to take a number of weeks to complete.

Noting that information is required to be finalised at least three (3) weeks prior to an Ordinary Council meeting any report progressing to the scheduled March 2025 Ordinary Council Meeting will be due by week commencing 3 March 2025. Any report progressing to the February 2025 OCM will be due week commencing 3 February 2025.

Providing an outcome to the February 2025 OCM does not leave sufficient time to fully investigate and clarify all assumptions and omissions if allowing for December / January holiday periods. It is therefore recommended to provide a report to Council on the qualified outcome by March 2025.

9 MEETING CLOSED TO THE PUBLIC

10 CLOSURE