

Special Meeting of Council

Council Chamber
Civic Centre
Boxshall Street Brighton

Tuesday
5 April 2022
at 4.30pm



Agenda

Chair: Cr Alex del Porto (Mayor)

Councillors: Cr Sonia Castelli
Cr Hanna El Mouallem (Deputy Mayor)
Cr Laurence Evans OAM
Cr Clarke Martin
Cr Jo Samuel-King MBBS
Cr Fiona Stitfold

Important Notice

As per guidance from the Department of Health on COVIDSafe plans for workplaces, physical distancing of 1.5m must be observed within the Council Chamber. On this basis, **a maximum of 25 registered speakers are able to be present in the Chamber for Council or Delegated Committee meetings** at any one time (noting that a maximum of 10 speakers are permitted per item – up to 5 ‘for’ the recommendation and 5 ‘against’).

Council officers will be present to ensure speakers for a particular item are present in the gallery for the consideration of that item. Attendees must have received at least two doses of a COVID-19 vaccination or a valid exemption to enter the Chamber.

Members of the community may also lodge a written statement for consideration.

Meetings will continue to be live-streamed via Council's website:

[Live-stream the Council meeting](#)

To register to speak or provide a written statement to the meeting, please use the following link:

[Requests to be heard](#)

For further information, please speak with the Governance office on 9599 4444.

In accordance with Chapter 2, Section 11 of Council’s Governance Rules, a **Special Meeting of Bayside City Council** will be held at the Council Chamber, Civic Centre,, Boxshall Street, Brighton, on **Tuesday, 5 April 2022** at **4.30pm** for the purpose of transacting the following business:

Order of Business

Prayer

Acknowledgement of Country

- 1. Apologies
- 2. Disclosure of Conflict of Interest of any Councillor
- 3. Reports by the Organisation
 - 3.1 CONTRACT CON/21/161 Brighton Recreation Centre Redevelopment 5
 - 3.2 Proposed change of date for Delegated Committee Hearing to hear submissions in relation to the draft Post-War Modern Residential Heritage Study 11

Prayer

O God

Bless this City, Bayside,

Give us courage, strength and wisdom,

So that our deliberations,

May be for the good of all,

Amen

Acknowledgement of Country

- ◆ Bayside City Council proudly acknowledges the Bunurong People of the Kulin Nation as the Traditional Owners and Custodians of this land, and we pay our respects to their Elders, past, present and emerging as well as any Aboriginal or Torres Strait Islander community members with us today.
- ◆ Council acknowledges the Bunurong's continuing relationship to the land and waterways and respects that their connection and spiritual identity is maintained through ancient ceremonies, songlines, dance, art and living culture.
- ◆ Council pays tribute to the invaluable contributions of the Bunurong and other Aboriginal and Torres Strait Island Elders who have guided and continue to guide the work we do.

1. Apologies

2. Disclosure of Conflict of Interest of any Councillor

3. Reports by the Organisation

3.1 CONTRACT CON/21/161 BRIGHTON RECREATION CENTRE REDEVELOPMENT

Environment, Recreation and Infrastructure - Project Services
File No: PSF/22/28 – Doc No: DOC/22/26924

In accordance with Chapter 2, Section 61(b) of Council's Governance Rules, a person is not permitted to present to this item as the report is a Tender Report relating to the awarding of a contract.

Executive summary

Purpose and background

The purpose of this report is to appoint a contractor to deliver the Brighton Recreation Centre (BRC) redevelopment under Contract CON/21/161.

The Brighton Recreation Centre located at 93 Outer Crescent, Brighton was identified for redevelopment and significant design work had been completed when a fire occurred at the site in August 2021 rendering the site uninhabitable. The design was modified to include adjustments required following the fire and accelerated to reinstate this community centre as soon as possible.

The proposed works are required to modernise the facility and to improve its functionality. Council's 2018 Social Infrastructure Needs Assessment found the following in relation to the existing facility:

- BRC is ageing and lacks contemporary design features (e.g. natural light, flexible meeting rooms, waiting areas and spaces for socialisation).
- The building lacks storage and spaces for group administration.
- BRC has minimal interface and connection and access with the neighbouring Wilson Reserve.
- Many of the existing spaces within the BRC are not fit-for-purpose and require significant set up and pack down between activities.

Part of the existing facility will be retained, namely the structure in the rear southeast corner (gym). The footprint and scale of the new additions have been designed to limit impacts on the amenity of adjoining buildings and the neighbourhood while contributing positively to the public realm through a high quality architectural and urban design response.

Bayside City Council has a requirement for the appointment of a suitably qualified, experienced and registered commercial building contractor as Head Contractor to construct the new facility.

Key issues

Seven companies were invited to tender for the works through a selective tender process utilising the State Government Construction Supplier Register. All invited tenderers had the experience and resources to undertake the project. Tender was released 31 Jan 2022 and an onsite contractor walkthrough was completed during the tender. The following companies were invited to tender:

- Allmore Construction
- Building Engineering – withdrawn due to timing
- Circon
- FIMMA
- Ireland Brown Constructions – withdrawn due to resourcing
- SJ Higgins
- PlanGroup – withdrawn

Tenders closed on 8 March 2022 with submissions from the following companies:

1. Allmore Construction
2. Circon
3. FIMMA Constructions Pty Ltd
4. SJ Higgins Group

Each submission was reviewed by the Tender Evaluation Panel including advice from Council's appointed Quantity Surveyor and Head Consultant.

From the initial evaluation the quality of response and competitive financial responses a recommendation was made by the Quantity Surveyor to proceed to interview four companies.

At interview each company showed an extensive understanding of the site and its key risks in addition to demonstrating how the project would be delivered to allow Brighton Recreation Centre to return to operation for Term One 2023.

Following tender interviews and a response to the queries raised by Council the tender panel unanimously agreed to recommend SJ Higgins Pty Ltd be engaged to complete these project works.

SJ Higgins Pty Ltd has an extensive list of relevant construction projects of similar size and complexity which align well with this project and has an extensive list of successfully completed local government projects including Camberwell Community Centre for City of Boroondara and Beaumaris Sports Club for Bayside City Council.

At interview, SJ Higgins demonstrated an understanding of the technical requirements of the works and thorough experience with projects of this scale. SJ Higgins Pty Ltd confirmed it has the resources to deliver the works within the nominated scheduled timeframe.

As shown in Confidential Attachment 1 – Evaluation Matrix, the Tender Evaluation Panel concluded that SJ Higgins offered the best value for money. This evaluation took into consideration several factors which include the Estimated Project Schedule of 165 days, whilst also the foresight in project methodology and risk identification/controls. While comparing the contractor's ability to complete the works in line with Bayside City Council's expectations, SJ Higgins Pty Ltd also scored highly on the matrix for its financial submission. After post-tender clarifications were confirmed and with the inclusion of all the non-financial evaluation criteria, SJ Higgins is best placed to undertake the works and the Tender Evaluation Panel recommends the contract be awarded as follows.

Recommendation

That Council:

1. awards Contract CON/21/161 Brighton Recreation Centre Redevelopment to SJ Higgins Pty Ltd (ABN 14 005 648 395) for the lump sum price of \$6,513,320 (excl. GST) and \$7,164,652 (including GST)
2. authorises the Chief Executive Officer to sign all necessary documentation related to Contract CON/21/161 Brighton Recreation Centre Redevelopment
3. advises the unsuccessful tenderers accordingly.

Support Attachments

1. Confidential Attachment 1 - CONTRACT CON/21/161 Brighton Recreation Centre Evaluation Matrix (separately enclosed) (confidential)

Considerations and implications of recommendation

Liveable community

Social

The facilities at Brighton Recreation Centre will support a range of community programs and service provisions including dedicated rooms for gymnastics, pottery and art. Four additional multi-purpose spaces support the wide range of programs being delivered by the recreation centre and the 22-space occasional care and adult change facility support access to the building by all ages and abilities. This project is aimed at reinvigorating these facilities to provide better community access to programs within the site and provide accessible connectivity into Wilson Reserve.

Natural Environment

The new building will have the following Environmental Sensitive Design (ESD) characteristics:

- latest Solar Panel technology and battery storage will be delivered on the site
- rainwater is harvested and re-used through the use of 2 rainwater tanks
- natural ventilation is promoted through the use of mechanically operated high level ventilation louvres
- high efficiency LED lighting throughout
- building materials have high recycled content and low emissions
- building materials from the demolished pavilion will be recycled.

Climate Emergency

Through the design and development of this project attempts to align the project with Theme 4, Transform to a climate responsive built environment and Theme 5, Protect and enhance our natural environment were made. As identified above ESD initiatives have been included within the design and procurement to attempt to ensure the building is sustainable and minimises impact. Significant design attempts were also made in line with Theme 5 to minimise the impact the building would have on the natural environment.

Built Environment

The Brighton Recreation Centre as an existing facility constructed in 1968. Three squash courts were added to the norther boundary in 1983 on the northern boundary. Council has worked closely with the not-for-profit Brighton Recreational centre ltd as the facility managers to ensure the new design provides the most effective and functional layout to meet the community user groups current and future needs, and to allow a clean modern appearance with low carbon footprint and functional connectivity with the adjacent Wilson reserve.

Customer Service and Community Engagement

The Brighton Recreation Centre board have been involved in the project from inception and the proposal has received their endorsement.

Information regarding the works and disruptions at the reserve will be communicated to adjacent properties and park users with site signs throughout construction.

Human Rights

The implications of this report have been assessed and are not considered likely to breach or infringe upon the human rights contained in the *Victorian Charter of Human Rights and Responsibilities Act 2006*.

Governance

Officers involved in the preparation of this report have no conflict of interest.

Legal

This Request for Tender was undertaken in accordance with the Bayside City Council's Quotation and Tendering Procedure and section 186 of the *Local Government Act 2020*.

Finance

The Capital Works Budget for 2022–23 has an allocation of \$8,708,759.00 (ex GST) for this project. The following table summarises the project budget. Note prices are excluding GST.

Anticipated Contract cost	\$6,505,100.00
Design and project management costs	\$ 400,000.00
ESD Initiatives (Solar panels and batteries not included in this tender)	\$ 500,000.00
Contingencies	\$ 700,000.00
Project Cost (ex GST)	\$8,105,100.00

Links to Council policy and strategy

This project is consistent with the 2021–25 Council Plan, delivering on our focus areas of *Our Planet* by creating a sustainable building supported by solar panels and batteries to ensure this project delivers a more sustainable future. *Our People* ensuring the new building is fit-for-purpose whilst ensuring the design is flexible enough to appeal to a wide range of community participants. *Our Place* by creating a connectivity with the adjacent Wilson Reserve and supporting the user groups of Wilson Reserve with the inclusion of an accessible public toilet in the Brighton Recreation Centre Redevelopment project.

A key objective of this goal is to have infrastructure within Bayside that fits the needs for the whole community, not only for today but in the future.

3.2 PROPOSED CHANGE OF DATE FOR DELEGATED COMMITTEE HEARING TO HEAR SUBMISSIONS IN RELATION TO THE DRAFT POST-WAR MODERN RESIDENTIAL HERITAGE STUDY

Corporate Services - Governance
File No: PSF/22/31 – Doc No: DOC/22/82329

Purpose and background

The purpose of this report is to propose that Council amends the date of the Delegated Committee Hearing to hear submissions in relation to the draft Post-War Modern Residential Heritage Study (the Study) from 24 May 2022 to **Wednesday 15 and Thursday 16 June 2022 at 5.30pm.**

At the 15 March 2022 Council Meeting, it was resolved:

That Council:

- 1. establishes a Draft Post-War Modern Residential Heritage Study Delegated Committee in accordance with Section 61 of the Local Government Act 2020, with the sole purpose to hear submissions in relation to the Draft Post-War Modern Residential Heritage Study to be held on Tuesday 24 May 2022 commencing at 5.00pm. The Delegated Committee to consist of all Councillors, with a quorum of 4 Councillors*
- 2. in accordance with Chapter 3 of the Governance Rules, section 2, resolves to hear all submitters with no limitation to the number of speakers (as per Section 62 (1) of the Governance Rules) with a time limit of three minutes per submitter*
- 3. notes that the Draft Post-War Modern Residential Heritage Study Delegated Committee has no formal delegated powers other than to hear submissions only. Any decision-making process will be undertaken by a meeting of Council*
- 4. notes Section 64(10) of the Governance Rules where a submitter has been heard at a Delegated Committee established for that purpose to hear submissions, no further opportunity will be afforded to make a presentation on the subject matter when it is considered at a Council Meeting*
- 5. writes to all stakeholders advising of the meeting and process for lodging a submission and request to be heard.*

Key issues

Following the closing date for receipt of submissions to the draft Study on 30 April 2022, the revised draft Study is not expected to be completed until early June 2022.

Amending the date of the Delegated Committee Hearing to Wednesday 15 and Thursday 16 June 2022 will enable the community the opportunity to address Council in response to the revised Study which will be available to the public as part of the agenda for the meeting on 15 and 16 June 2022.

It is important to note that the meeting is solely to hear submissions in relation to the draft Study. There is no Councillor debate or decision to be made at this meeting. A report seeking a decision of Council was planned for the June Council meeting; however, due to the timing limitations outlined, it is now proposed that a decision be sought at the July Council meeting.

This will enable Councillors to digest the submissions and verbal presentations made at the meeting on 15 and 16 June 2022.

It is also fair to say that the draft Heritage Study is a contentious matter and brings strong emotions to the table, therefore it is expected that a large number of property owners affected by the draft heritage study will request to speak on the matter, and a number of other individuals and organisation wishing to speak in relation to heritage in more general terms.

Given the expected interest in this matter, it is proposed that the Delegated Committee be split over two evening to accommodate all speakers. On this basis the following is proposed:

- Wednesday 15 June 2022 commencing at 5.30pm - Hear all property owners affected by the draft Heritage Study.
- Thursday 16 June 2022 commencing at 5.30pm – Hear from of other individuals or groups/organisations wishing to speak in more general terms to heritage.

To facilitate this, all requests to speak will be required to be lodged by 9.00am on Tuesday 14 June 2022. Speakers will be listed according to the two categories of speakers. Allocated block of timing will be indicated on the list of speakers and placed on Council's website by 12 noon on Tuesday 14 June 2022. Allocated blocks of timing will ensure a safe environment, whilst maintain some density limits within the Chamber. It is important to note that the meeting will be live streamed on both evenings.

A proposed revised timeline is outlined as follows:

Timeline:

Saturday 30 April 2022	Submissions close for draft Post-War Modern Residential Heritage Study
Wednesday 8 June 2022	<p>Agenda circulated for Delegated Committee Hearing in relation to the draft Post-War Modern Residential Heritage Study</p> <ul style="list-style-type: none"> • revised draft Study published in this agenda (and on Council's Have Your Say page) • summary of submissions included and officers' response • Webform open to: Request to be Speak and/or provide a Written Statement to the Hearing
Tuesday 14 June 2022	<p>Requests to Speak / Written Statements webform closes at <u>9am</u></p> <ul style="list-style-type: none"> • list of speakers and written statements (in full) circulated to Councillors and published on Agendas page of Council's website (<u>12pm</u>)

Wednesday 15 June 2022 at 5.30pm	<p>Delegated Committee Hearing - To hear from property owners directly affected by the draft Heritage Study.</p> <ul style="list-style-type: none">• meeting is solely to hear submissions• no Councillor debate or decision sought at this meeting
Thursday 16 June 2022 at 5.30pm	<p>Delegated Committee Hearing - To hear from individuals and groups/organisations wishing to speak in more general terms on heritage.</p> <ul style="list-style-type: none">• meeting is solely to hear submissions• no Councillor debate or decision sought at this meeting
Wednesday 13 July 2022	<p>Agenda for Council Meeting circulated</p> <ul style="list-style-type: none">• report will include officers' final recommendation
Tuesday 19 July 2022 at 6.30pm	<p>Council Meeting (no further statements or requests to speak permitted)</p> <ul style="list-style-type: none">• Council to make decision whether to:<ul style="list-style-type: none">○ adopt the Study (with or without changes)○ commence a Planning Scheme Amendment process to apply the Heritage Overlay to the recommended places

Recommendation

That Council:

1. notes the revised timeline outlined in this report and amends the date of the Delegated Committee Hearing to hear submissions in relation to the draft Post-War Modern Residential Heritage Study (the 'draft Heritage Study') to be held over two evenings:
 - **Wednesday 15 June 2022 at 5.30pm** – with the meeting to be held in the Council Chamber, Civic Centre, Boxshall Street, Brighton to hear from property owners directly affected by the draft Heritage Study
 - **Thursday 16 June 2022 at 5.30pm** – with the meeting to be held in the Council Chamber, Civic Centre, Boxshall Street, Brighton to hear from individuals and groups/organisations wishing to speak in more general terms relating to heritage
2. following the 16 June 2022 Delegated Committee Hearing, further considers the matter at the 19 July 2022 Council Meeting
3. notes for the purpose of the Council Plan Action, that the consideration of the draft Heritage Study will be actioned in June 2022, and the final Study will be reported in July 2022.

Support Attachments

Nil

Considerations and implications of recommendation

Liveable community

Social

There are no social implications associated with the establishment of the proposed Delegated Committee. The delegated committee meeting will enable all affected property owners to share their views with Councillors ahead of a decision being made on the matter.

Natural Environment

There are no natural environment implications associated with this report.

Climate Emergency

There are no Climate Emergency impacts associated with administrative nature of this report.

Built Environment

There are no built environment implications associated with the establishment of the Delegated Committee.

Customer Service and Community Engagement

The existing Governance Rules restrict speakers at a Council meeting to 5 in support and 5 opposing the recommendation. The proposal outlined in the report will provide a further opportunity for all stakeholders to engage with Council and speak to their submission.

Human Rights

The implications of the report have been assessed and are not considered likely to breach or infringe upon, the human rights contained in the *Victorian Charter of Human Rights and Responsibilities Act 2006*.

Governance

Officers involved in the preparation of this report have no conflict of interest.

Legal

The establishment of the Delegated Committee is in accordance with the *Local Government Act 2020* and enables Council to determine requirements for the Committee such as no limitation on the number of speakers and increase the speaking time from 2 to 3 minutes.

Finance

There is no financial impact on the establishment or conduct of the Delegated Committee.

Links to Council policy and strategy

The establishment of this Delegated Committee aligns with Council Plan Goal 4 – Our Promise – Strategic Objective – *“Ensure flexible and transparent decision making through open and accountable governance.”*