

7.2 Contract No. 2023/159 Willsmere Park Pavilion - Building Construction and Renewal Works

Executive Summary

Purpose

The purpose of this report is for Council to consider the awarding of Contract No. 2023/159, Willsmere Park Pavilion - Building Construction to the recommended tenderer Peach Construction Enterprise Pty Ltd for the sum of \$3,870,692 excluding GST.

Background

Willsmere Park in Kew East is an important community sport and recreational space, providing a cricket field, two soccer fields, an off-leash dog park, playground, BBQ and passive open space. It is proximate to the intersection of the popular Main Yarra and Darebin Creek Trails cycling. The existing sports pavilion building is in poor condition and no longer meet the aspirational needs of the community or sports clubs, including Kew Cricket Club and East Kew Football Club. A pavilion assessment audit completed in 2022, identified that this facility was a high use pavilion that had poor functionality. Key components in Boroondara's pavilion policy that the building does not provide for include:

- Accessible change rooms and amenities for players and umpires;
- DDA compliant access in and surrounding the pavilion;
- Multipurpose community space / Social room;
- First aid room; and
- Adequate storage.

It is proposed to upgrade the facilities in the existing pavilion building, including the changerooms and public toilet. It is also proposed to build two new fit-for-purpose pavilion buildings in front of the existing pavilion interconnected by decking for seamless access throughout the pavilion hub. Together the upgraded pavilion and new pavilion buildings will improve accessibility and better meet the needs of the community, aligning with Council's Pavilion Policy.

Key features that have been incorporated into the scope and design to create improvements for the community include:

- Additional changerooms to support female sports;
- Dedicated social space;
- 16 new car parks, accessible parking, and drop-off zone;
- Public realm improvements, including seating, lighting and local landscape enhancement;
- Accessible entry ramps;
- Provision of public toilet;
- Upgraded turning circle at the end of Willow Grove to cater for larger waste truck vehicles;
- Removal of selected trees that are damaged and in decline and replanting of natives to occur within the park; and
- No impact to existing playground during construction.

The project has a total budget of \$4,781,680. Council's overall budget allocation is sufficient to fund the award of this contract.

The total cost of this contract is \$3,870,692 (excluding GST).

Key Issues

Council completed the first round of community consultation in November 2022. Significant community feedback was received regarding the proposed design which resulted in the formation of a Resident Action Group (RAG).

Key feedback received during the initial consultation period in November 2022 focussed on the proposed location for the new pavilion building. Community concerns related to obstructed passive surveillance of the playground, negative impact on view lines from neighbouring properties and the extent that open space would be taken up by the building mass and car park. There was strong opposition from the community to the proposed design. In response to a petition led by the RAG, officers met with the representatives to further understand their concerns.

Officers considered feedback and developed an updated design which addresses key concerns raised by the community while maintaining the functionality for sports clubs. The updated design has been developed in conjunction with the sports clubs which confirmed their endorsement.

Consideration has been given to the impact of construction works to the amenity of the neighbouring residents and existing users of the facilities. A site compound plan has been prepared which outlines the following;

- Off-street contractor designated parking area;
- Designated on-site area for storage of materials, contractor office and amenities set up;
- Staged refurbishment of existing pavilion amenities to enable uninterrupted use for sporting clubs and avoid the need for temporary facilities;
- Appropriate hoarding will be securely installed to ensure community safety during the works; and
- Tree Management Plan to protect designated trees in accordance with expert arborist recommendations.

Next Steps

Upon award of the contract, Council will oversee the delivery of the building works for Contract No. 2023/159, Willsmere Park Pavilion - Building Construction.

Confidentiality

Confidential information is contained in **Attachment 1**, as circulated in the confidential section of the agenda attachments. The information in this attachment is deemed to be confidential in accordance with Section 66(2)(a) and the definition of 'confidential information' in Section 3(1) of the Local Government Act 2020. The information relates to Council business information, being information that would prejudice the Council's position in commercial negotiations if prematurely released.

If discussion of the confidential information in the attachments to this report is required for Council to make a decision, Council may resolve to discuss the matter in a confidential session or to defer the matter to the confidential section of the agenda.

Officers' recommendation

That Council resolve to:

1. Award Contract No. 2023/159, Willsmere Park Pavilion - Building Construction to:
 - Peach Construction Enterprise Pty Ltd (ABN 43 641 024 606)at a total cost of \$4,257,761.20 (including GST). The cost to Council after the return of the GST Tax Input Credits (\$387,069.20) is \$3,870,692 ex GST;
2. Authorise the Director Places and Spaces to sign and execute the contract on behalf of the Council;
3. Approve the allocation of a separate contract contingency, as detailed within the attached confidential Attachment 1, and delegate authority to the Contract Superintendent to expend this contingency to ensure the successful completion of the contract works; and
4. Note that expenditure under this contract is in accordance with Council's 2023/2024 amended budget and expenditure in future years will be in accordance with the approved budget allocations.

Responsible director: Daniel Freer, Director Places and Spaces

1. Purpose

The purpose of this report is for Council to consider the awarding of Contract No. 2023/159, Willsmere Park Pavilion - Building Construction.

2. Policy implications and relevance to community plan and council plan

The Boroondara Community Plan is structured around the following seven priority themes:

- Community, Services and Facilities
- Parks and Green Spaces
- The Environment
- Neighbourhood Character and Heritage
- Moving Around
- Local Economy
- Leadership and Governance

The proposed contract for Willsmere Park Pavilion - Building Construction aligns with the following theme and strategies in the Boroondara Community Plan:

Theme 1: Your Community, Services and Facilities

Strategy 1.1 - Neighbourhoods and community spaces facilitate social connections and belonging by providing, maintaining and activating places for people to meet, organise activities and celebrate events.

Strategy 1.2 - Health and wellbeing is improved through delivering, facilitating and advocating for services and programs that are accessible and affordable.

Strategy 1.5 - Life-long learning is supported by delivering and working with our community and partners to meet the broad range of interests within the community.

This procurement process has been carried out in accordance with the requirements of Council's Procurement Policy 2021-25.

3. Background

Council requires a suitably qualified contractor to carry out proposed building construction works at Willsmere Park in accordance with the requirements of the specification as documented by the consultancy team lead by Spowers Architects.

Invitation to tender

In accordance with Council's Procurement Policy 2021-25, Council invited six tenders via VendorPanel, Council's e-tendering portal on Monday 4 September 2023. The closing date for submissions was 4pm, Monday 9 October 2023.

In response, Council received five submissions from:

1. Neo Construct Pty Ltd;
2. Peach Construction Enterprise Pty Ltd;
3. Prime Build Pty Ltd;
4. Stokes Rousseau Pty Ltd; and
5. Simbuilt Pty Ltd.

4. Outline of key issues/options

Consideration has been given to the impact of construction works to the amenity of the neighbouring residents and existing users of the facilities. A site compound plan has been prepared which outlines the following;

- Off-street contractor designated parking area
- Designated onsite area for storage of materials, contractor office and amenities set up.
- Staged refurbishment of existing pavilion amenities to enable uninterrupted use for sporting clubs.
- Appropriate hoarding will be securely installed to minimise impact on community sport and other passive uses at the reserve.
- Tree Management Plan to protect Tree 13 and Tree 14 as per arborist report recommendations.

5. Consultation/communication

A series of design workshops were held with the Service Departments to ensure that their operational needs and priorities are incorporated to the building renewal/refurbishment works.

Council completed the first round of community consultation in November 2022. Significant community feedback was received regarding the design which resulted in the formation of a Resident Action Group (RAG).

Key feedback received during the initial consultation period in November 2022 included the proposed location limiting passive surveillance of the playground, pavilion location impacting neighbouring property views and concerns that open space would be taken up by the building mass and car park. There was strong opposition from the community to the proposed design. In response to a petition led by the RAG, officers met with the representatives to further understand their concerns.

Following community consultation in November 2022, officers considered feedback and developed an updated design which addresses key consultation issues raised by the RAG while maintaining the functionality for sports clubs. The updated design has been developed in conjunction with the sports clubs who provided their endorsement.

6. Financial and resource implications

A total of \$4,781,680 has been approved through Council's amended budget (2023/2024 Amended Budget \$1,757,193 plus \$2,796,677 in deferred expenditure to 2024/25 financial year) for the building works.

Council has been successful in securing grant funding of \$234,811, from the LRCI funding available to sporting pavilions.

The total budget allocation of \$4,781,680 for the project, inclusive of the \$234,811 LRCI funding, is sufficient to deliver the project successfully.

The addition of the external grant funding will be captured as part of the capital works program full year forecast review.

The project budget is as follows:

Actual FY 2020/2021	\$69,238.00
Actual FY 2021/2022	\$37,773.00
Actual FY 2022/2023	\$120,799.00
Budget FY 2023/2024 Amended Budget inclusive of LRCI Funding (\$234,811)	\$1,757,193.00
Budget FY 2024/2025 Foreshadowed Funding	\$2,796,677.00
Total Project Budget	\$4,781,680.00
Less Actual Expenditure	
2020-2021 to 2022-2023 Actuals	\$227,810.00
2023-2024 Actuals and commitments	\$235,180.00
Total Available Budget	\$4,318,690.00
Proposed Project Expenditure	
Contract Cost	\$3,870,692.00
Contract contingency	\$387,069.00
Total Contract Cost	\$4,257,761.00
Remaining Budget	\$60,929.00

7. Governance issues

No officers involved in the preparation of this report have a general or material conflict of interest requiring disclosure under chapter 5 of the Governance Rules of Boroondara City Council.

The recommendation contained in this report is compatible with the Charter of Human Rights and Responsibilities 2006 as it does not raise any human rights issues.

8. Social and environmental issues

Willsmere Park in Kew East is an important community sport and recreational space. The facility includes facilities for use of sporting facilities and changerooms for various clubs.

The proposed scope of works is to renew and upgrade the building and surrounds to achieve compliance with current regulations and standards whilst also improving access and functionality of the facilities will support Boroondara to continue to provide these services to the broader community.

9. Evaluation and review

The evaluation report is provided as **Confidential Attachment 1**.

As a result of the evaluation, the evaluation panel recommends that Council award Contract No. 2022/159, Willsmere Park Pavilion - Building Construction to:

- Peach Construction Enterprise Pty Ltd

for the contract award amount of \$4,257,761.20 (including GST). The cost to Council after the return of the GST Tax Input Credits (\$387,069.20) is \$3,870,692.00 ex GST.

Manager: Jarrod Filosa, Acting Manager Capital Projects

Report officer: Saajida Laher, Acting Co-ordinator Building Projects Capital Projects