



CITY of PERTH

Lord Mayor and Councillors,

NOTICE IS HEREBY GIVEN that a Special Meeting of the Council of the City of Perth will be held in the Council Chamber, Level 9, Council House, 27 St Georges Terrace, Perth on Tuesday, 17 November 2015 at 5.00pm.

Yours faithfully

GARY STEVENSON PSM
CHIEF EXECUTIVE OFFICER

11 November 2015

The purpose of the meeting is to consider matters related to:

- the Supreme Court Gardens Upgrade Works; and
- 39 Milligan Street Perth Development Application.

VISION STATEMENT

Perth is renowned as an accessible city. It is alive with urban green networks that are safe and vibrant. As a global city, there is a diverse culture that attracts visitors. It provides city living at its best. Local and global businesses thrive here. Perth honours its past, while creating a sustainable future.



EMERGENCY GUIDE

Council House, 27 St Georges Terrace, Perth



CITY of PERTH

The City of Perth values the health and safety of its employees, tenants, contractors and visitors. The guide is designed for all occupants to be aware of the emergency procedures in place to help make an evacuation of the building safe and easy.

BUILDING ALARMS

Alert Alarm and Evacuation Alarm.

ALERT ALARM

beep beep beep

All Wardens to respond.

Other staff and visitors should remain where they are.

EVACUATION ALARM/PROCEDURES

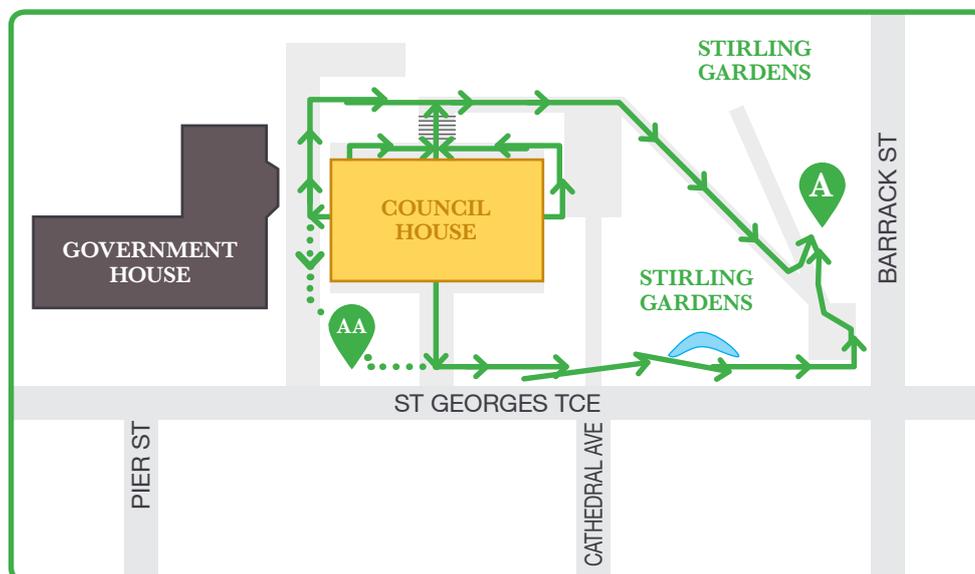
whoop whoop whoop

On hearing the Evacuation Alarm or on being instructed to evacuate:

1. Move to the floor assembly area as directed by your Warden.
2. People with impaired mobility (those who cannot use the stairs unaided) should report to the Floor Warden who will arrange for their safe evacuation.
3. When instructed to evacuate leave by the emergency exits. **Do not use the lifts.**
4. Remain calm. Move quietly and calmly to the assembly area in **Stirling Gardens** as shown on the map below. Visitors must remain in the company of City of Perth staff members at all times.
5. After hours, evacuate by the nearest emergency exit. **Do not use the lifts.**



EVACUATION ASSEMBLY AREA



Assembly Area

Alternate Assembly Area

INFORMATION FOR THE PUBLIC ATTENDING COUNCIL MEETINGS

Welcome to this evening's Council meeting. This information is provided on matters which may affect members of the public. If you have any queries on procedural matters please contact a member of the City's staff in attendance tonight.

Question Time for the Public

- An opportunity is available at Council meetings for members of the public to ask a question about any issue relating to the City. This time is available only for asking questions and not for making statements. Complex questions requiring research should be submitted as early as possible in order to allow the City sufficient time to prepare a response.
- The Presiding Person may nominate a Member or officer to answer the question and may also determine that any complex question requiring research be answered in writing. No debate or discussion is allowed to take place on any question or answer.
- To ask a question please write it on the white Question Sheet provided at the entrance to the Council Chamber and hand it to a staff member before the meeting begins. Alternatively questions can be forwarded to the City of Perth prior to 3.00pm on the day of the meeting, by:-
 - Letter: Addressed to GPO Box C120, Perth, 6839;
 - Email: governance@cityofperth.wa.gov.au.
- Question Sheets are also available on the City's web site: www.perth.wa.gov.au.

Disclaimer

Members of the public should note that in any discussion regarding any planning or other application that any statement or intimation of approval made by any Member or officer of the City during the course of any meeting is not intended to be and is not to be taken as notice of approval from the City. No action should be taken on any item discussed at a Council meeting prior to written advice on the resolution of the Council being received.

Any plans or documents contained in this agenda may be subject to copyright law provisions (*Copyright Act 1968*, as amended) and the express permission of the copyright owner(s) should be sought prior to their reproduction.

BUSINESS

- 1. Prayer**
- 2. Declaration of Opening**
- 3. Apologies**
- 4. Question Time for the Public**
- 5. Members on Leave of Absence and Applications for Leave of Absence**
- 6. Disclosure of Members' Interests**
- 7. Matters for which the Meeting may be Closed**
- 8. Reports (refer to Index of Reports on the following pages)**
- 9. Closure**

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WORKS AND URBAN DEVELOPMENT COMMITTEE REPORTS

ITEM NO: 1

TENDER 28-15/16 – SUPREME COURT GARDENS UPGRADE WORKS – CONSTRUCTION

**WORKS AND URBAN DEVELOPMENT
RECOMMENDATION:** (APPROVAL)

That Council:

- 1. accepts the most suitable tender, being that submitted by BCL Building Civil and Landscapes Pty Ltd, for the Supreme Court Gardens Upgrade Works (Tender 28-15/16), at a lump sum price of \$2,239,990.44 (excluding GST);***
- 2. notes that:***
 - 2.1 commencement on site is anticipated to be the end of November 2015 with a construction period of five months;***
 - 2.2 the scope of works is fully coordinated with other contiguous works to be undertaken by the City and others;***
 - 2.3 appropriate signage and communication about this significant State Government funded project will continue to be undertaken with stakeholders prior to works commencing on site;***
- 3. authorises the Chief Executive Officer to execute and vary the Tender Contract.***

BACKGROUND:

FILE REFERENCE: P1031855
REPORTING UNIT: Coordination and Design
RESPONSIBLE DIRECTORATE: City Planning and Development Directorate
DATE: 21 October 2015

MAP / SCHEDULE: Schedule 1 – Supreme Court Gardens Upgrade Plan
Schedule 2 – Comparative Price Schedule
Confidential Schedule 3 – Tender Evaluation Matrix –
Distributed to Elected Members under separate cover

At the Council meeting held on 3 November 2015, this item was referred back to the Works and Urban Development Committee for consideration. The Committee recommendation to the Council for this report was resolved by the Works and Urban Development Committee at its meeting held on 10 November 2015.

The Committee recommendation to the Council is the same as that recommended by the Officers.

As part of the overall development of Elizabeth Quay, the State Government committed to funding upgrading works to Supreme Court Gardens to ensure that various public events could continue to be accommodated on the Foreshore. This undertaking was formalised in the Perth Esplanade Reserve and Associated Land Agreement 2012.

Discussions between the Metropolitan Redevelopment Authority (MRA) and the City resulted in an agreed approach whereby the City, in liaison with the MRA, will deliver the upgrade of the Supreme Court Gardens within a budget of \$3.1 million, funded by the State Government.

At its meeting of **9 December 2014**, Council received a report containing the final design concept for the Supreme Court Gardens Upgrade and the MRA's advice that no further funds would be committed for the upgrade works. The final concept was approved and the detailed documentation for tender was progressed accordingly.

External and internal stakeholder consultation continued during the documentation phase. As MRA and City's reviews determined the final design was not to a satisfactory standard, the final detailed design has consequently been refined to accommodate funding constraints and agreed key design principles (Schedule 1).

The overall aim of the current tender package is to respect the historic and cultural value of the place, and build on the original design intent of providing a robust place for public recreation within the city, including:

- Installation of a meandering pathway network and formal garden entrances;
- Universal access and Crime Prevention through Environmental Design (CPTED) compliance to public toilet outdoor area;
- Services, stormwater drainage and irrigation improvements;
- Electrical infrastructures and public lighting upgrade;
- Memorials and heritage elements renovation including settings improvement;
- Demolition of existing maintenance sheds and setting up new Parks depot;
- Turf installation including soil testing and improvement;
- Garden bed rationalisation, planting and maintenance (*Paradise Garden* style);
- Tree removal, transplanting, pruning planting and maintenance; and
- Wi-Fi conduits installation.

The public toilet refurbishment works have been removed from this tender and will be completed under a separate contract.

LEGISLATION / STRATEGIC PLAN / POLICY:

Legislation Section 3.57 of the *Local Government Act 1995*
Part 4 of the *Local Government (Functions and General) Regulations 1996*

Integrated Planning and Reporting Framework Implications **Corporate Business Plan**
Council Four Year Priorities: Capable and Responsive Organisation
A capable, flexible and sustainable organisation with a strong and effective governance system to provide leadership as a capital city and provide efficient and effective community centred services.

Policy

Policy No and Name: 9.7 – Purchasing Policy
Legislation Section 5.8 of the Local Government Act 1995

DETAILS:

A public invitation to tender for the Supreme Court Gardens Upgrade Works was advertised on 5 September 2015, and 12 contractors attended the non-mandatory site briefing meeting held on 10 September 2015.

At the close of tender on 1 October 2015, six submissions were received with lump sum prices (excluding GST) from the following companies:

Tender Submission	Tender Lump Sum Price (Exc. GST)
BCL Building Civil and Landscapes Pty Ltd	\$2,497,109.69
Civcon Civil & Project Management Pty Ltd	\$2,585,476.00
Le Grove Landscaping	\$2,979,866.33
Ertech Pty Ltd	\$3,045,346.00
ADD Business Group	\$3,076,813.83
CPD Group Pty Ltd	\$3,189,784.00

Schedule 2 shows a detailed comparative price schedule of the six tenderers.

Qualitative Criteria and Ranking

All the submitted tenders were deemed conforming tenders and then assessed and scored against the following qualitative criteria:

- Relevant experience and history of practise;
- Project appreciation and methodology of work;
- Qualifications of individual personnel and management;
- Resources capability and ability to meet the City's timeframe.

Ertech Pty Ltd

Ertech's proposal demonstrated a clear understanding of the extent of the works involved and ability to work to the City's programme. Their construction methodology included a detailed staging plan along with a comprehensive matrix indicating their ability to meet the project milestones. Ertech have previous experience working with the City of Perth having completed the Harold Boas Gardens Lakes' refurbishment and Langley Park earthworks.

BCL Building Civil and Landscapes Pty Ltd

BCL's proposal also demonstrated a clear understanding of the extent of the works involved and ability to work to the City's programme. BCL's comprehensive construction methodology confirmed that crucial milestones would be addressed as per the scope of works. BCL have experience working in heritage listed areas and have completed several major sporting oval projects for various local government authorities. They also provide in-house arboricultural and landscape services.

Civcon Civil & Project Management Pty Ltd

Civcon's proposal also demonstrated an understanding of the extent of the works involved. Civcon submitted an accelerated 18-weeks construction programme however their nominated management and personnel have no qualifications and experience in the type of landscape, arboriculture and irrigation works required for this project.

CPD Group Pty Ltd

CPD's proposal demonstrated an understanding of the extent of the works involved and ability to work within a constrained environment. Their construction methodology confirmed that while crucial milestones would be addressed as per City's scope of works and programme, nominated staff lacked relevant experience for a project of this scale and complexity.

Le Grove Landscaping

Le Grove's proposal demonstrated a clear understanding of the extent of the works involved and ability to work to the City's programme. Their comprehensive construction methodology confirmed that crucial milestones would be addressed as per the City's scope of works. Their arboricultural and landscape experience, however, was limited to small, less complex projects.

ADD Business Group

ADD's experience, history of practise, personnel qualifications and management skills were not provided in their tender submission. Their submission revealed several deficiencies including a lack of appreciation of the extent of the works and site constraints.

Following the assessments of tenders against the qualitative selection criteria, the tenders were then ranked as follows:

Tender Ranking	Tenderer
1	Ertech Pty Ltd
2	BCL Building Civil and Landscapes Pty Ltd
3	Civcon Civil & Project Management Pty Ltd
4	CPD Group Pty Ltd
5	Le Grove Landscaping
6	ADD Business Group

Value for Money Assessment

Prior to tendering the Supreme Court Gardens Upgrade, the project consultant team provided a cost estimate for the works. Schedule 2 shows a comparative price schedule of the six tenderers against the City's pre-tender Opinion of Probable Cost (OPC).

Ertech has ranked first against qualitative criteria however the submitted lump sum price was considered too high, therefore not offering value for money.

BCL has ranked second against the qualitative criteria and submitted the lowest lump sum price amongst the 6 tenders. BCL also offered in-house landscape, arboriculture and irrigation expertise required for the project scale and complexity, therefore it offered best value for money.

Lump Sum Price & Provisional Sum Items

When the value for money assessment was finalised, the Tender Evaluation Panel concluded that the 6 tendered lump sum prices exceeded the project budget for the upgrade works.

The lump sum breakdown was reassessed and advice sought from the consultant team for cost savings. The following unforeseen works will not be undertaken by main contractor:

- indigenous construction monitoring (provisional item 4);
- supply and installation of transformer (provisional item 57);
- supply and installation of site main switchboard (provisional item 58);
- internal refit to two City of Perth Parks sheds (provisional item 130); and
- supply and installation of switchboard DB3 (item 59).

With regard to provisional item 4, the indigenous monitoring scope and procedures will be dependent on the findings (if any) during construction, and will be undertaken under City's construction administration scope.

The item 59 is not a provisional sum however the works cannot be undertaken as a result of item 57 and 58 deletion from the scope of works. Nonetheless, the decision will not impact the intended outcome for the Supreme Court Gardens upgrade.

The referred works to be removed from the tender scope of works with the allocated provisional sums to be reduced from tender lump sum prices.

Accordingly, the table below shows the original tender lump sum price and the adjusted lump sum price of the 6 tenderers:

Tender Submission	Tender Lump Sum Price (Exc. GST)	Lump Sum Price Excluding Prov. Sums (Exc. GST)
BCL Building Civil and Landscapes Pty Ltd	\$2,497,109.69	\$2,239,990.44
Civcon Civil & Project Management Pty Ltd	\$2,585,476.00	\$2,322,148.00
Le Grove Landscaping	\$2,979,866.33	\$2,725,996.33
Ertech Pty Ltd	\$3,045,346.00	\$2,764,676.00
ADD Business Group	\$3,076,813.83	\$2,797,156.63
CPD Group Pty Ltd	\$3,189,784.00	\$2,907,915.00

Schedule 2 shows a comparative price schedule with lump sum prices and excluded provisional sum items and removed items detailed.

FINANCIAL IMPLICATIONS:

The following financial table is for the 2015/16 financial year:

ACCOUNT NO:	CW1564
BUDGET ITEM:	Parks & Places - Supreme Court Gardens Upgrade
BUDGET PAGE NUMBER:	2
BUDGETED AMOUNT:	\$ 2,618,158.16
AMOUNT SPENT TO DATE:	\$ 123,534.52
PROPOSED COSTS:	\$ 2,239,990.44 (tender 28-15/16)
OTHER ANTICIPATED COSTS:	\$ 133,000.00
BALANCE:	\$ 121,633.20
ANNUAL MAINTENANCE:	52 weeks maintenance included in lump sum price

All figures quoted in this report are exclusive of GST.

COMMENTS:

Based on the qualitative ranking and assessment of tendered prices, the Tender Evaluation Panel determined that BCL Building Civil and Landscapes Pty Ltd submission offered the best value for money.

Acceptance of this tender represents a significant milestone in commencing the upgrade works associated with the Perth Esplanade Reserve and Associated Land Agreement 2012.

Works are scheduled to commence in Supreme Court Gardens in late November 2015. Stakeholder communication including site signage will be organised well in advance of works occurring; and archaeological monitoring will be undertaken during construction.

OTHER REPORTS

ITEM NO: 2

39 (LOTS 4 AND 551) MILLIGAN STREET, PERTH – PROPOSED USE AS A TEMPORARY REAL ESTATES SALES SHOWROOM (“BUSINESS SERVICES”), DISPLAY OF A PROPERTY DISPOSAL SIGN AND ALTERATIONS, ADDITIONS INCLUDING A POP UP COFFEE SHOP AND LANDSCAPING WORKS

OFFICER RECOMMENDATION: (APPROVAL)

That:

- 1. in accordance with the provisions of the City Planning Scheme No. 2, Council APPROVES the application of a temporary real estate sales showroom (“Business Services”), display of a property disposal sign and alterations, additions and landscaping works at 39 (Lots 4 and 551) Milligan Street, Perth as detailed on the Metropolitan Region Scheme Form One dated 29 September 2015 and as shown on the plans received on 2 October, 16 October and 4 November 2015 subject to:***
 - 1.1 final details of the design and a sample board of the materials, colours and finishes of the works being submitted and approved by the City prior to applying for a building permit;***
 - 1.2 any proposed external building plant, piping, ducting, transformers, and fire booster cabinets shall be located so as to minimise any visual and noise impact on the adjacent developments and being screened from view of the street, with details of the location and screening of such plant and services being submitted and approved by the City prior to applying for a building permit;***

(Cont'd)

- 1.3 *the real estate sales showroom and property disposal sign being approved for a temporary period of 12 months;*
- 1.4 *the temporary real estate sales showroom only being used in conjunction with the sales of the proposed residential apartments at the subject development site;*
- 1.5 *final details of the property disposal sign being submitted and approved by the City prior to being erected with the sign being removed at the expiry of the temporary approval period of 12 months or within 30 days from when the real estate showroom ceases to operate, whichever is first;*
- 1.6 *any additional signs which are not exempt from approval under the City's Signs Policy 4.6 being subject to a separate approval;*
- 1.7 *a detailed landscaping and reticulation plan for the site being submitted for approval by the City prior to applying for the relevant building permit, with the approved landscaping being installed prior to the occupation of the building and thereafter maintained to a high standard;*
- 1.8 *the car parking bays at the rear of the property being deleted from the proposal with any proposed car parking at the site requiring a separate application for approval;*
- 1.9 *a Waste Management Plan, identifying a permanent storage and wash down facility for bins for both recyclables and general waste and including a waste disposal/collection strategy demonstrating how these facilities will be serviced by the City, being submitted and approved by the City prior to applying for a building permit;*
- 1.10 *all stormwater being contained on-site;*

(Cont'd)

1.11 the submission of a construction management plan detailing how it is proposed to manage:

- a. the delivery of materials and equipment to the site;**
- b. the storage of materials and equipment on the site;**
- c. the parking arrangements for the contractors and subcontractors;**
- d. any other matters likely to impact on the surrounding properties.**

BACKGROUND:

SUBURB/LOCATION: 39 (Lots 4 and 551) Milligan Street, Perth
FILE REFERENCE: 2015/5404
REPORTING UNIT: Development Approvals
RESPONSIBLE DIRECTORATE: Planning and Development
DATE: 4 November 2015
MAP / SCHEDULE: Schedule 4 – Map for 39 Milligan Street
3D MODEL PRESENTATION: A 3D Model for this application will be available at the Committee meeting.

LANDOWNER: Fragrance WA-Perth (Milligan) Pty Ltd
APPLICANT: Scanlan Architects
ZONING: (MRS Zone) Central City Area
(City Planning Scheme Precinct) Citiplace Precinct 5
(City Planning Scheme Use Area) City Centre
APPROXIMATE COST: \$220,000

This Item has been submitted directly to Council for consideration as it is considered time critical.

SITE HISTORY:

The subject site is located on the western side of Milligan Street comprising of a total site area of 460m². The site contains a single storey commercial building which is currently vacant and is in poor condition.

At its meeting held on 11 July 2013 the City of Perth Local Development Assessment Panel approved a 15 level office and 13 level hotel building at 39-55 Milligan Street including ground floor retail, dining and entertainment uses and 83 car parking bays (DA/2013/5114). This approval was not acted upon and has since lapsed.

service industry and office. Uses at the street and pedestrian level will mainly be shops, restaurants (including cafes), taverns and other uses that have an attractive shop-front and provide activity, interest and direct customer service.

A real estate sales showroom falls within the "Business Services" use class category which is a preferred ('P') use in the City Centre Use Area of the Citiplace Precinct. The pop up café falls within the "Dining" use class category which is also a preferred ('P') use in this location. The proposed "Business Services" and "Dining" uses are consistent with the wide range of mix uses encouraged within the Precinct and will provide interest and activity at the pedestrian floor level. Based on the above it is considered that the proposed temporary real estate sales showroom use ("Business Services") is acceptable in this location.

Plot Ratio, Building Height and Setbacks

The proposed refurbishment works, alterations and additions will comply with the relevant plot ratio, building height and setback provisions at the site and therefore there are no planning implications in this regard.

Alterations, Additions and Landscaping

The subject site is currently vacant and the building is in very poor condition. The proposed refurbishment works to provide a temporary real estate sales office at the site including shop-front alterations, landscaping works and a new outdoor pop up café and outdoor seating area will visually improve the appearance of the building and the forecourt to the street as well as encouraging activation at the street level. The applicant has demonstrated that the panel treatment to the front elevation will be designed with visually permeable aluminium panels and will therefore allow for views into and from the sales exhibition suite. Based on the above it is recommended that the proposed external alterations, additions and landscaping works should be supported.

Signage

The application proposes the display of a property disposal sign on the adjacent northern wall measuring 14 metres in width and 5 metres in height. The sign will advertise the sale of the residential apartments at the site which are yet to receive formal development and building permit approval. The sign is temporary in nature and must be removed once the temporary sales showroom use ceases to operate. The sign is considered to be of an acceptable scale in terms of its purpose and will be of high quality in terms of its graphic presentation to the street. It is recommended that any approval be conditioned to restrict the display of the property disposal sign for a period of 12 months or at the termination of the temporary sales office, whichever occurs first.

Vehicle Parking

The plans show three car parking bays to the rear of the property which, with the removal of the existing laneway, would be accessed from the right-of-way to the rear of the site. Given the concerns raised by the City's engineers in regards to the partial

vehicle access (1.5 metres across the right-of-way) and requirement to provide an easement from 41 Milligan Street as well as the requirement to provide a traffic impact study and traffic management system, the applicant has advised that the car parking bays be deleted from the proposal. Any approval should be conditioned to delete the car parking bays from the proposal.

With respect to the redundant crossover, the City's engineers have indicated the requirement to remove the crossover and reinstate the footpath area. The applicant however has indicated that the crossover may be required for the new development at the site and therefore wishes to keep this in place. It is recommended that any approval for the real estate sales office be conditioned to a temporary period of 12 months where the issue regarding the crossover can be reconsidered. At this stage there may be more certainty with respect to a new major development application at the site including the vehicle car parking arrangements.

Conclusion

The proposed use of the site as a temporary real estate showroom ("Business Service") is a preferred use in this location, consistent with the statement of intent of the Citiplace Precinct 5. The proposed alterations, additions and landscaping will visually enhance the presentation of the building and the site to the street. The proposed pop up outdoor café and seating area will also provide for pedestrian interest and activity at the street level. The property disposal sign is temporary in nature and is considered to be of an appropriate scale and quality in relation to its purpose which is to advertise the sale of apartments at the site. Based on the above it is recommended that the application should be conditionally approved.