



W A V E R L E Y  
C O U N C I L

## **OPERATIONS AND COMMUNITY SERVICES COMMITTEE MEETING**

A meeting of the OPERATIONS AND COMMUNITY SERVICES COMMITTEE will be held at Waverley Council Chambers, Cnr Paul Street and Bondi Road, Bondi Junction at:

**7.00 PM, TUESDAY 4 JUNE 2019**

A handwritten signature in black ink that reads "Peter Monks".

Peter Monks  
**Acting General Manager**

Waverley Council  
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## Delegations of the Waverley Operations and Community Services Committee

On 10 October 2017, Waverley Council delegated to the Waverley Operations and Community Services Committee the authority to determine any matter **other than**:

1. Those activities designated under s 377(1) of the *Local Government Act* which are as follows:
  - (a) The appointment of a general manager.
  - (b) The making of a rate.
  - (c) A determination under section 549 as to the levying of a rate.
  - (d) The making of a charge.
  - (e) The fixing of a fee
  - (f) The borrowing of money.
  - (g) The voting of money for expenditure on its works, services or operations.
  - (h) The compulsory acquisition, purchase, sale, exchange or surrender of any land or other property (but not including the sale of items of plant or equipment).
  - (i) The acceptance of tenders to provide services currently provided by members of staff of the council.
  - (j) The adoption of an operational plan under section 405.
  - (k) The adoption of a financial statement included in an annual financial report.
  - (l) A decision to classify or reclassify public land under Division 1 of Part 2 of Chapter 6.
  - (m) The fixing of an amount or rate for the carrying out by the council of work on private land.
  - (n) The decision to carry out work on private land for an amount that is less than the amount or rate fixed by the council for the carrying out of any such work.
  - (o) The review of a determination made by the council, and not by a delegate of the council, of an application for approval or an application that may be reviewed under section 82A of the *Environmental Planning and Assessment Act 1979*.
  - (p) The power of the council to authorise the use of reasonable force for the purpose of gaining entry to premises under section 194.
  - (q) A decision under section 356 to contribute money or otherwise grant financial assistance to persons,
  - (r) A decision under section 234 to grant leave of absence to the holder of a civic office.
  - (s) The making of an application, or the giving of a notice, to the Governor or Minister.
  - (t) This power of delegation.
  - (u) Any function under this or any other Act that is expressly required to be exercised by resolution of the council.
2. The adoption of a Community Strategic Plan, Resourcing Strategy and Delivery Program as defined under sections 402, 403, and 404 of the *Local Government Act*.

### **Live Streaming of Meetings**

*This meeting is streamed live via the internet and an audio visual recording of the meeting will be publicly available on Council's website.*

*By attending this meeting you consent to your image and/or voice being live streamed and publicly available.*

## AGENDA

### PRAYER AND ACKNOWLEDGEMENT OF INDIGENOUS HERITAGE

The Chair will read the following Opening Prayer and Acknowledgement of Indigenous Heritage:

*'God, we pray for wisdom to govern with justice and equity. That we may see clearly and speak the truth and that we work together in harmony and mutual respect. May our actions demonstrate courage and leadership so that in all our works thy will be done. Amen.'*

*Waverley Council respectfully acknowledges our Indigenous heritage and recognises the ongoing Aboriginal traditional custodianship of the land which forms our Local Government Area.'*

**1. Apologies/Leaves of Absence**

**2. Declarations of Pecuniary and Non-Pecuniary Interests**

**3. Addresses by Members of the Public**

**4. Confirmation of Minutes**

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**5. Reports**

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**6. Urgent Business**

**7. Meeting Closure**

## CONFIRMATION OF MINUTES OC/4.1/19.06



**Subject:** Confirmation of Minutes - Operations and Community Services Committee Meeting - 7 May 2019

**TRIM No.:** SF19/326

**Author:** Richard Coelho, Governance and Internal Ombudsman Officer

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### RECOMMENDATION:

That the minutes of the Operations and Community Services Committee Meeting held on 7 May 2019 be received and noted, and that such minutes be confirmed as a true record of the proceedings of that meeting.

### Introduction/Background

The minutes of the Operations and Community Services Committee meeting must be submitted to Operations and Community Services Committee for confirmation, in accordance with clause 266 of the *Local Government (General) Regulation 2005*.

### Attachments

1. Operations and Community Services Committee Meeting Minutes - 7 May 2019



**MINUTES OF THE OPERATIONS AND COMMUNITY SERVICES COMMITTEE MEETING  
HELD AT WAVERLEY COUNCIL CHAMBERS, CNR PAUL STREET AND BONDI ROAD, BONDI JUNCTION ON  
TUESDAY, 7 MAY 2019**

**Present:**

Councillor George Copeland (Chair)	Waverley Ward
Councillor John Wakefield (Mayor)	Bondi Ward
Councillor Dominic Wy Kanak (Deputy Mayor)	Bondi Ward
Councillor Angela Burrill	Lawson Ward
Councillor Leon Goltsman	Bondi Ward
Councillor Tony Kay	Waverley Ward
Councillor Elaine Keenan	Lawson Ward
Councillor Steven Lewis	Hunter Ward
Councillor Paula Masselos	Lawson Ward
Councillor Will Nemes	Hunter Ward
Councillor Marjorie O'Neill	Waverley Ward

**Staff in attendance:**

Ross McLeod	General Manager
John Clark	Director, Customer Service and Organisation Improvement
Karen Mobbs	General Counsel
Peter Monks	Director, Planning, Environment and Regulatory
Emily Scott	Director, Community, Assets and Operations
Darren Smith	Chief Financial Officer
Jane Worthy	Internal Ombudsman

*At the commencement of proceedings at 7.00 pm, those present were as listed above, with the exception of Cr Wakefield, who arrived at 7.01 pm.*

**PRAYER AND ACKNOWLEDGEMENT OF INDIGENOUS HERITAGE**

The Chair read the following Opening Prayer and Acknowledgement of Indigenous Heritage:

*God, we pray for wisdom to govern with justice and equity. That we may see clearly and speak the truth and that we work together in harmony and mutual respect. May our actions demonstrate courage and leadership so that in all our works thy will be done. Amen.*

*Waverley Council respectfully acknowledges our Indigenous heritage and recognises the ongoing Aboriginal traditional custodianship of the land which forms our Local Government Area.*

**1. Apologies/Leaves of Absence**

Apologies were received and accepted from Cr Betts.

**2. Declarations of Pecuniary and Non-Pecuniary Interests**

The Chair called for declarations of interest and none were received.

**3. Addresses by Members of the Public**

There were no addresses by members of the public.

**4. Confirmation of Minutes**

**OC/4.1/19.05 Confirmation of Minutes - Operations and Community Services Committee Meeting - 2 April 2019 (SF19/326)**

**MOTION / UNANIMOUS DECISION**

Mover: Cr Copeland

Seconder: Cr Lewis

That the minutes of the Operations and Community Services Committee Meeting held on 2 April 2019 be received and noted, and that such minutes be confirmed as a true record of the proceedings of that meeting.

## 5. Reports

### OC/5.1/19.05 Resident Parking Schemes and Ewell Street, Bondi, and North Bondi Area 10 (A03/2581)

#### MOTION / DECISION

Mover: Cr O'Neill  
Seconder: Cr Wakefield

That:

1. Council notes that:
  - (a) Officers are currently preparing an implementation plan for the review of the policy, process and procedures relating to resident parking schemes to ensure that the concerns of residents are better balanced with the need to apply a strategic approach to parking scheme management.
  - (b) A report is scheduled to be submitted to Council in August 2019 to endorse the methodology proposed for the resident parking scheme review.
2. Until the review is undertaken, all requests for changes to resident parking schemes be considered in accordance with the current process approved by Council in 2013.
3. Council defers consideration of the following matters until after the review:
  - (a) Introducing a resident parking scheme in Ewell Street, Bondi.
  - (b) Expanding the boundaries of resident parking scheme Area 10.

### OC/5.2/19.05 Public Place Cleansing Depot under Syd Einfeld Drive - Lease Option (A10/0017)

#### MOTION / UNANIMOUS DECISION

Mover: Cr Wakefield  
Seconder: Cr Goltsman

That Council:

1. Notes that a five-year lease with Roads Maritime Services for the Public Place Cleansing Depot under Syd Einfeld Drive was approved by Council in February 2019.
2. Approves the addition of a five-year option to the lease.

## 6. Urgent Business

There were no items of urgent business.

**7. Meeting Closure**

**THE MEETING CLOSED AT 7.13 PM.**

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**SIGNED AND CONFIRMED**  
**CHAIR**  
**4 JUNE 2019**



**REPORT**  
**OC/5.1/19.06**

**Subject:** Tender Evaluation - Oxford Street Mall Markets

**TRIM No:** A18/0219

**Author:** John Andrews, Property Co-ordinator

**Director:** Emily Scott, Director, Community, Assets and Operations

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**RECOMMENDATION:**

That Council:

1. Treats the Tender Evaluation Matrix attached to this report as confidential in accordance with section 11(3) of the *Local Government Act 1993*, as the Matrix relates to a matter specified in section 10A(2)(d)(i) of the *Local Government Act 1993*. The Matrix contains commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person(s) who supplied it.
2. Under clause 178(1)(a) of the *Local Government (General) Regulation 2005*, accepts Blue Sky Events Pty Ltd as the preferred tenderer for the licence of Oxford Street Mall, Bondi Junction, for market operations, for the sum of \$[TO BE INSERTED BY COUNCIL AT THE MEETING], to be paid to Council as the licensor.
3. Authorises the General Manager, or delegated representative, to enter into a licence on behalf of Council with Blue Sky Events Pty Ltd for three years with two, one-year options.
4. Notifies unsuccessful tenderers of the decision in accordance with clause 179 of the *Local Government (General) Regulation 2005*.

**1. Executive Summary**

The market in Oxford Street Mall Bondi Junction was previously operated by My Local Markets Pty Ltd, a professional market operator. After approximately eight years of service, the market operator gave notice to Council and ceased trading on Friday, 23 March 2018. To allow the markets to continue operating, Council put alternative arrangements in place and has directly run the markets since April 2018 as an interim measure.

A Councillor workshop was held in October 2018 to discuss the future operation of the markets and to develop criteria by which Tender submissions would be assessed.

Following the workshop, the tender documents were developed and sought to attract experienced market operators to run the Oxford Street Mall Markets for three days per week, being Wednesday, Thursday and Friday. The tender also required potential operators to have the ability to assist with night market trials, if Council desired.

In addition, the licence provides that Council may terminate the licence with three months' notice due to Council or private development works, including works to infrastructure, road, pedestrian access or any other works.

## 2. Description of Service or Product being Tendered

Council sought submissions from appropriately qualified and experienced market operators who could provide professional management and facilitate a market that activated the Oxford Street Mall and was a benefit to Council and the local Community.

## 3. Scope of Tender

The tender scope and objective was to secure a market operator that would:

- Positively activate the mall whilst mitigating negative impacts such as anti-social behaviour.
- Revitalise the current offering and appearance to make the Oxford Street Mall markets a destination of choice.
- Enhance the shopping offer, mix and experience for residents and visitors whilst ensuring neighbouring retail and commercial premises are not negatively impacted on.
- Add value to the local economy and be commercially viable.
- Create an alternative to the larger shopping centres such as Westfield and leverage off the growth in residents in the western end of Bondi Junction.
- Demonstrate best practice in environmental and waste minimisation
- Operate in a safe manner and minimise all risk through good management practices.
- Provide future opportunities such as the inclusion of night markets which may interact with other Council precinct activations.

In addition, the tender required each applicant to provide the following:

- Evidence of appropriate insurance, including public liability.
- Plan of Management (as it relates to the operation of the markets).
- Marketing Plan.
- Traffic Control Plan.
- Waste Management Plan.

## 4. Reason for Tender

Council has allowed markets to operate in the Oxford Street Mall Bondi Junction for over a decade. The previous market operator, My Local Markets Pty Ltd, gave notice to Council and ceased trading on Friday, 23 March 2018. To allow the markets to continue operating, Council in April 2018 approved taking over the direct management of the markets.

A Councillor workshop was held in October 2018 to discuss the future arrangements for managing the markets. It was clear at the workshop that Council wanted to improve the aesthetic of the market and to ensure that the markets are operated to the highest possible sustainability standards through waste minimisation and the prohibition of single use plastics.

To obtain the most professional and effectively run markets, it was agreed that an open Tender would be undertaken for an established operator to manage and develop the markets going forward.

## 5. Relevant Council Resolutions

Meeting and date	Minute No.	Decision
Council 20 November 2018	CM/8.1/18.11	That Council builds the following requirements into future commercial contracts with market operators for the Oxford Street Mall and Roscoe Street markets:

		<ol style="list-style-type: none"> <li>1. Best practice sustainability operations.</li> <li>2. No single-use plastics to be permitted under the new contracts.</li> <li>3. Ongoing monitoring for the duration of the contract to ensure single use plastics are not used.</li> </ol>
Council 27 September 2018	CM/7.16/18.09	<p>That:</p> <ol style="list-style-type: none"> <li>1. Council defers this request for tender.</li> <li>2. Council considers the most appropriate approach for markets in Oxford Street Mall, Bondi Junction, at a Councillor workshop as soon as possible.</li> <li>3. Council takes into account: <ol style="list-style-type: none"> <li>(a) The recently approved Night Time Activation Strategy.</li> <li>(b) Outcomes of consultations with market operators, market-goers, precincts and the community.</li> </ol> </li> <li>4. Council does not currently support the recommendations contained in the JOC SGC 'Mobile Vending and Outdoor Markets Feasibility Study' attached to this report.</li> <li>5. Council continues direct management of Oxford Street Mall markets until such time that Council resolves the most appropriate approach for markets in the Oxford Street Mall and a tenderer appointed.</li> <li>6. A report come back to Council outlining options and recommendations for the markets in Oxford Street Mall.</li> </ol>
Council 20 March 2018	CM/7.1/18.03	<p>That:</p> <ol style="list-style-type: none"> <li>1. Council treats the attachment to this report as confidential in accordance with section 11(3) of the <i>Local Government Act 1993</i>, as it relates to a matter specified in section 10A(2)(d)(i) of the <i>Local Government Act 1993</i>. The attachment contains commercial information of a confidential nature that would, if disclosed prejudice the commercial position of the person who supplied it.</li> <li>2. Council assumes direct control of the Oxford Street Mall markets for an interim period of up to six months, in accordance with the management process set out in this report.</li> </ol>

		<p>3. Pursuant to section 610E of the <i>Local Government Act 1993</i>, Council, on the basis of hardship, reduces the stall hire fee in Council's Pricing Policy, Fees and Charges for existing stallholders during the interim period, so their fees are maintained at the rates currently charged by the licensee, as attached to this report.</p> <p>4. The General Manager be given the authority to sign the licence agreements with stallholders on Council's behalf, and to do all things necessary to facilitate the continuation of the current market operation.</p>
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## 6. Discussion

### Invitation to tender

A Tender Evaluation Panel was established to evaluate the tenders. The Panel consisted of:

- Andrew Best, Manager Waverley Facilities.
- John Andrews, Property Coordinator.
- Mario Da Silva, Property Officer.
- Mary Shiner, Community Liaison Co-ordinator.

The Acting Procurement Manager, Rodney Crook, chaired the evaluation panel meeting.

Tenders for the Outdoor Market Operator Oxford Street Mall, Bondi Junction, were called on 12 March 2019. Advertisements for the tender were placed in the Local Government Tenders section of the Sydney Morning Herald and Wentworth Courier on 12 April 2019 and 13 March 2019, respectively.

Tenders closed on 8 April 2019 at 2 pm (AEST).

### Tenders received

The following tenders were received:

- AMA Event Management.
- Blue Sky Events Pty Ltd.
- Browse Events.
- Cambridge Markets.
- Choulartons Australia Pty Ltd.

#### *Late tenders*

Nil.

#### *Non-conforming tenders*

Nil.

*Alternative tenders*

Nil.

All tenders met the mandatory requirements and proceeded to a detailed evaluation. The conforming tenders are listed below:

<b>CONFORMING TENDERS EVALUATED</b>
AMA Event Management
Blue Sky Events Pty Ltd
Browse Events
Cambridge Markets
Choulartons Australia Pty Ltd

**Tender Evaluation**

Conforming tenders were evaluated in accordance with Council's Purchasing Procedures and RFT Evaluation and Probity Plan, the Tendering Guidelines for NSW Local Government 2009 issued by the Office of Local Government, and the provisions of the *Local Government Act 1993* and *Local Government (General) Regulation 2005*.

Tenders were given a score on each of the evaluation criteria, resulting in a total score out of 100. Tenders were ranked in accordance with their scores. The Evaluation Panel used the RFT Evaluation and Probity Plan to determine which tenders offered the best value for money for the Outdoor Market Operator Oxford Street Mall, Bondi Junction.

Final scores and rankings are shown in the confidential Tender Evaluation Matrix attached to this report.

**Evaluation Panel's Recommendation**

A new market operator, Blue Sky Events Pty Ltd, is recommended to manage the markets under licence going forward, with the term of the licence to be three years with two one-year options. Blue Sky Events Pty Ltd provided a well-pitched offer, with online applications and also discussed a transition period, being sensitive to existing users.

The successful tenderer Blue Sky Events Pty Ltd has been operating markets for over twenty-five years and is associated with the popular Bondi Beach market, so they are extremely well placed to know the local demographic and what may or may not work well in Bondi Junction. This local knowledge was considered very important and it was felt there would be good synergy having the same operator as the other Bondi Beach markets which may then assist in procuring stall holders and staff for the Oxford Street Mall markets.

Blue Sky Events Pty Ltd also has experience revamping other markets such as the Sydney Opera House markets, China Town and Manly and has worked with other councils such as City of Sydney, Manly and Brisbane.

This operator's experience and local knowledge meant the risk of failure to Council as compared to some of the other applicants was considered relatively low.

The recommended tenderer also demonstrated how it would commence by reviewing the landscape, revitalising the market experience and offering a suitable price, resulting in a sound value for money outcome for Council.

## **7. Financial impact statement/Timeframe/Consultation**

### **Financial impact statement**

The revenue from the Outdoor Market Operator Oxford Street Mall Bondi Junction is receipted into the Waverley Facilities Administration Budget. The preferred tenderer's price is included in the confidential Tender Evaluation Matrix attached to this report.

### **Timeframe**

If Council approval is received to engage the new operator, it is anticipated that the licence will be signed by 30 June 2019 and the new market operator will formally commence 1 July 2019 or as soon as practical thereafter.

The recommended operator has indicated its intention to run the markets as they are for the first few months of the licence while a review of all aspects of the operation is undertaken.

### **Consultation**

Council officers will work closely with the new operator and current stallholders to ensure a smooth transition to the new management arrangements.

## **8. Conclusion**

The Tender Evaluation Panel recommends Council enter into a licence with Blue Sky Events Pty Ltd to operate the Oxford Street Mall markets.

## **9. Attachments**

1. Tender Evaluation Matrix (confidential)