



## **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 3 SEPTEMBER 2019**

A handwritten signature in grey ink, appearing to read 'R. B. McLeod'.

Ross McLeod  
**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

OC/5.1/19.09	Stronger Communities Fund - Progress Report .....	12
OC/5.2/19.09	Barracluff Park and Playground Upgrade - Community Consultation and Design Concept .....	18
OC/5.3/19.09	Tender Evaluation - Bronte Surf Club and Community Facilities Building Upgrade - Head Consultant Services.....	30

#### 6. Urgent Business

#### 7. Closed Session ..... 38

The following matters are proposed to be dealt with in Closed Session and have been distributed to Councillors separately with the Agenda:

OC/7.1/19.09	CONFIDENTIAL REPORT - Shops 2 and 3, 276 Bronte Road, Waverley - Lease to Life on the Inside Pty Ltd
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#### 8. Resuming Open Session ..... 40

#### 9. Meeting Closure

## CONFIRMATION OF MINUTES

### OC/4.1/19.09



**Subject:** Confirmation of Minutes - Operations and Community Services Committee Meeting - 6 August 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 6 August 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 20.23 of the Waverley Code of Meeting Practice.

#### Attachments

1. Operations and Community Services Committee Meeting Minutes - 6 August 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, 6 AUGUST 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 Nemesh	Hunter Ward

**Staff in attendance:**

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

*At the commencement of proceedings at 7.00 pm, those present were as listed above.*

*At 7.33 pm, the meeting was adjourned to allow the Strategic Planning and Development Committee meeting to commence.*

*At 7.36 pm, the meeting reconvened.*

**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 and O'Neill.

**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**

3.1 B Scaffidi – OC/5.1/19.08 – High Impact Event - Bronte Surf Life Saving Club Fundraiser.

3.2 P Applebaum – OC/6.1/19.08 – 'Not Welcome to Bondi' Mural.

3.3 D Jeffrey – OC/6.1/19.08 – 'Not Welcome to Bondi' Mural.

3.4 K Von Muenster – OC/6.1/19.08 – 'Not Welcome to Bondi' Mural.

3.5 E Teuben – OC/6.1/19.08 – 'Not Welcome to Bondi' Mural.

3.6 E Kleiner – OC/6.1/19.08 – 'Not Welcome to Bondi' Mural.

**4. Confirmation of Minutes**

**OC/4.1/19.08                      Confirmation of Minutes - Operations and Community Services Committee Meeting - 4 June 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 4 June 2019 be received and noted, and that such minutes be confirmed as a true record of the proceedings of that meeting.

**5. Reports****OC/5.1/19.08 High Impact Event - Bronte Surf Life Saving Club Fundraiser (A17/0607)****MOTION / DECISION**

Mover: Cr Masselos

Seconder: Cr Lewis

That:

1. Council approves the proposal for Bronte Surf Life Saving Club to hold an outdoor dining experience event on Bronte Promenade to raise money for the upgrade of the Surf Club buildings on 19 October 2019 as a one-off event.
2. The General Manager enters into an appropriate Event Venue Hire Agreement with Bronte Surf Life Saving Club for the event.

**Division****For the Motion:** Crs Burrill, Goltsman, Kay, Lewis, Masselos and Wakefield.**Against the Motion:** Crs Copeland, Keenan and Wy Kanak.*Cr Nemesh was not present for the vote on this item.**B Scaffidi addressed the meeting.***OC/5.2/19.08 Welcoming Cities Initiative (A15/0509)****MOTION / UNANIMOUS DECISION**

Mover: Cr Wakefield

Seconder: Cr Keenan

That Council signs the Commitment to participate in the Welcoming Cities Network attached to this report.

**OC/5.3/19.08 Councillor Bulletin - Community, Assets and Operations - July 2019 (A15/0366)****MOTION / UNANIMOUS DECISION**

Mover: Cr Wakefield

Seconder: Cr Wy Kanak

That Council receives and notes the July 2019 Councillor Bulletin – Community, Assets and Operations attached to this report.

**6. Urgent Business****OC/6.1/19.08 'Not Welcome to Bondi' Mural (A08/1287-02)**

*Council resolved to deal with this matter as an item of urgent business.*

**MOTION**

Mover: Cr Goltsman

Seconder: Cr Kay

That Council:

Urgently replaces the 'Not Welcome to Bondi' mural by the artist Luke Cornish (known as ELK) located on the Bondi Beach Sea Wall for the following reasons:

- (a) Council's Bondi Beach Sea Wall Mural Guidelines have been breached by the work as it is considered by members of the community to be offensive. The work is perceived to contain 'graphics of a violent nature' as it portrays automatic assault weapons, officers presenting an aggressive stance, and the word 'NOT' being in red depicting dripping blood.
  - (b) The mural is polarising and dividing the community. Two contradictory petitions are being circulated and there is much heated debate on social media.
  - (c) There has been significant media attention and charged commentary about the community's reaction to the mural.
  - (d) It is understood that the mural's depiction of the Australian Border Force is inaccurate.
  - (e) The mural does not align with Waverley's Community Strategic Plan Vision Statement, which states: 'Waverley: connecting the city and the sea. A welcoming and cohesive community that celebrates and enhances our spectacular coastline, vibrant places, and rich cultural heritage.'
  - (f) There is no evidence that appropriate curatorial processes have been followed. It is understood that Council's curatorial staff did not prescribe what the artist could or could not paint, and a concept design of the artwork was not seen or approved prior to it being painted.
  - (g) The mural was commissioned by Council's Cultural team to link to the artist's Bondi Pavilion exhibition which closes on Sunday, 11 August.
2. Supports freedom of expression, subject to artwork in the public domain not being offensive and complying with Council's Guidelines and Policies.
  3. Officers urgently review the Bondi Beach Sea Wall Mural Guidelines and curatorial processes, consult the Waverley Public Art Committee and the Waverley Community Safety Committee, and prepare a report for Council.
  4. Notes Council's commitment to participate in the Welcoming Cities Network.

**FORESHADOWED MOTION**

Mover: Cr Wakefield

Seconder: Cr Masselos

That Council, in regard to the mural 'Not Welcome to Bondi':

1. Notes that:



- (a) The mural is a temporary installation undertaken in conjunction with 'The Sea' Exhibition in the Bondi Pavilion Art Gallery as part of Council's annual Winter Magic promotion.
  - (b) The selection process for this Exhibition was approved by Council staff under Council's curatorial processes. This process included an expression of interest campaign and a selection panel made up of staff and experts.
  - (c) Councillors were not involved in this selection process.
  - (d) All artists who paint the Bondi Beach sea wall do so at costs to themselves.
  - (e) An online petition supporting the mural established by Andrew Worssam at Change.org <[change.org/p/waverley-council-retain-a-mural-at-bondi-beach](https://change.org/p/waverley-council-retain-a-mural-at-bondi-beach)> had, as at 7.45 pm this evening, 1,853 signatories.
  - (f) An online petition to remove the mural established by Travis Russell at Change.org <[change.org/p/waverley-council-please-remove-the-not-welcome-to-bondi-mural-from-bondi-beach](https://change.org/p/waverley-council-please-remove-the-not-welcome-to-bondi-mural-from-bondi-beach)> had, at the same time, 867 signatories.
2. Does not support political censorship of art, and asserts that politicians should not be the arbiters of art.
3. Initiates an expression of interest campaign to replace the existing mural following completion of 'The Sea' Exhibition.
4. Notes that standard expression of interest probity and curatorial processes will be followed.

THE MOTION WAS PUT AND DECLARED LOST.

**Division**

**For the Motion:** Crs Burrill, Goltsman, Kay and Nemesh.

**Against the Motion:** Crs Copeland, Keenan, Lewis, Masselos, Wakefield and Wy Kanak.

THE FORESHADOWED MOTION NOW BECAME THE MOTION.

THE MOVER OF THE MOTION THEN ACCEPTED AN AMENDMENT TO CLAUSE 3 AND THE DELETION OF CLAUSE 2 SUCH THAT THE MOTION NOW READS AS FOLLOWS:

That Council, in regard to the mural 'Not Welcome to Bondi':

1. Notes that:
- (a) The mural is a temporary installation undertaken in conjunction with 'The Sea' Exhibition in the Bondi Pavilion Art Gallery as part of Council's annual Winter Magic promotion.
  - (b) The selection process for this Exhibition was approved by Council staff under Council's curatorial processes. This process included an expression of interest campaign and a selection panel made up of staff and experts.
  - (c) Councillors were not involved in this selection process.
  - (d) All artists who paint the Bondi Beach sea wall do so at costs to themselves.
  - (e) An online petition supporting the mural established by Andrew Worssam at Change.org

<[change.org/p/waverley-council-retain-a-mural-at-bondi-beach](https://change.org/p/waverley-council-retain-a-mural-at-bondi-beach)> had, as at 7.45 pm this evening, 1,853 signatories.

- (f) An online petition to remove the mural established by Travis Russell at Change.org <[change.org/p/waverley-council-please-remove-the-not-welcome-to-bondi-mural-from-bondi-beach](https://change.org/p/waverley-council-please-remove-the-not-welcome-to-bondi-mural-from-bondi-beach)> had, at the same time, 867 signatories.

2. As soon as possible, initiates an expression of interest campaign to replace the existing mural following completion of 'The Sea' Exhibition.
3. Notes that standard expression of interest probity and curatorial processes will be followed.

#### **AMENDMENT 1**

Mover: Cr Burrill

Seconder: Cr Kay

That the Motion be adopted subject to the addition of the following clause:

'Urgently reviews the Bondi Beach Sea Wall Mural Guidelines and curatorial processes, consult the Waverley Public Art Committee and the Waverley Community Safety Committee, and prepare a report for Council.'

THE AMENDMENT WAS PUT AND DECLARED LOST.

#### **Division**

**For the Amendment:** Crs Burrill, Goltsman, Kay and Nemesh.

**Against the Amendment:** Crs Copeland, Keenan, Lewis, Masselos, Wakefield and Wy Kanak.

#### **AMENDMENT 2**

Mover: Cr Kay

Seconder: Cr Burrill

That the Motion be adopted subject to the addition of the following clause:

'Removes the mural by Sunday, 11 August 2019, to coincide with the conclusion of the exhibition to which it is aligned.'

AT THIS STAGE IN THE PROCEEDINGS, CR WAKEFIELD RAISED A POINT OF ORDER THAT THE AMENDMENT WAS CONTRADICTORY TO THE INTENT OF THE MOTION.

THE CHAIR UPHELD THE POINT OF ORDER. CR KAY THEN MOVED A MOTION OF DISSENT, SECONDED BY CR BURRILL, ON THE CHAIR'S RULING.

THE MOTION OF DISSENT WAS PUT AND DECLARED LOST.

#### **Division**

**For the Motion of Dissent:** Crs Burrill, Goltsman, Kay and Nemesh.

**Against the Motion of Dissent:** Crs Copeland, Keenan, Lewis, Masselos, Wakefield and Wy Kanak

AT THIS STAGE IN THE PROCEEDINGS, CR KEENAN MOVED A PROCEDURAL MOTION THAT THE MOTION BE NOW PUT.

THE PROCEDURAL MOTION WAS PUT AND DECLARED CARRIED.

THE MOTION WAS THEN PUT AND DECLARED CARRIED

**Division****For the Motion:** Crs Copeland, Keenan, Lewis, Masselos, Nemesh, Wakefield and Wy Kanak.**Against the Motion:** Crs Burrill, Goltsman and Kay.**DECISION:**

That Council, in regard to the mural 'Not Welcome to Bondi':

1. Notes that:
  - (a) The mural is a temporary installation undertaken in conjunction with 'The Sea' Exhibition in the Bondi Pavilion Art Gallery as part of Council's annual Winter Magic promotion.
  - (b) The selection process for this Exhibition was approved by Council staff under Council's curatorial processes. This process included an expression of interest campaign and a selection panel made up of staff and experts.
  - (c) Councillors were not involved in this selection process.
  - (d) All artists who paint the Bondi Beach sea wall do so at costs to themselves.
  - (e) An online petition supporting the mural established by Andrew Worssam at Change.org <[change.org/p/waverley-council-retain-a-mural-at-bondi-beach](https://change.org/p/waverley-council-retain-a-mural-at-bondi-beach)> had, as at 7.45 pm this evening, 1,853 signatories.
  - (f) An online petition to remove the mural established by Travis Russell at Change.org <[change.org/p/waverley-council-please-remove-the-not-welcome-to-bondi-mural-from-bondi-beach](https://change.org/p/waverley-council-please-remove-the-not-welcome-to-bondi-mural-from-bondi-beach)> had, at the same time, 867 signatories.
2. As soon as possible, initiates an expression of interest campaign to replace the existing mural following completion of 'The Sea' Exhibition.
3. Notes that standard expression of interest probity and curatorial processes will be followed.

*P Applebaum, D Jeffrey, K von Muenster, E Teuben and E Kleiner addressed the meeting.*

**7. Meeting Closure**

**THE MEETING CLOSED AT 9.39 PM.**

.....  
**SIGNED AND CONFIRMED**  
**CHAIR**  
**3 SEPTEMBER 2019**

## REPORT

### OC/5.1/19.09



**Subject:** Stronger Communities Fund - Progress Report

**TRIM No:** A19/0224

**Author:** Bianca Simpson, Open Space Planning Manager  
Andrew Best, Manager, Facilities

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

#### RECOMMENDATION:

That Council:

1. Receives and notes the progress report on the Stronger Communities Fund.
2. Requests the Office of Local Government for an extension of time to expend the grant funding for the Bondi Park playground design and refurbishment project and the Varna Park improvements project.

#### 1. Executive Summary

Council received funding from the Stronger Communities Fund – Tied Grants program in February 2019, for several projects to a value of \$2 million. This report will provide Council with a progress update for these grant funded projects.

#### 2. Introduction/Background

The Stronger Communities Fund was originally established by the NSW Government to provide newly established Councils with funding for the delivery of projects that improve community infrastructure and services.

The first round of the Stronger Communities Fund provided up to \$5 million for each new council to kick start delivery of priority community initiatives.

The second round of the Stronger Communities Fund was established in 2017 and provides funding for specific projects, identified by the NSW Government, within new councils and councils previously subject to merger proposals.

The Office of Local Government has the function of providing funding to councils. It is the State agency to which the Council has to report regarding the expenditure of funds provided under the grants.

#### 3. Relevant Council Resolutions

Meeting and date	Minute No.	Decision
Council 19 March 2019	CM/8.9/19.03	That:  1. Council officers consult stakeholders, Ward Councillors and Cr Burrill on an interim upgrade of the existing or new play equipment and the priority of which equipment

		<p>should be upgraded to generally make the playground safer, and that these works take place as soon as possible.</p> <ol style="list-style-type: none"> <li>2. Additionally, officers report back to Council with a future concept plan.</li> <li>3. A representative of the recent 'Mothers of Bondi' petition, Ms Talia Golan or her alternate, be included within the stakeholder group.</li> <li>4. Council notes that the NSW Government has recently given Council \$300,000 under the Stronger Communities Fund to fund priority upgrade works as an interim measure in the Bondi Beach playground.</li> <li>5. Council notes that a full upgrade of the playground to a regional playground is due to commence in 2021–22, following the completion of the Bondi Pavilion Conservation Upgrade project.</li> <li>6. Council notes the recent online petition by the 'Mothers of Bondi' addressing urgent safety issues and upgrades to existing equipment.</li> </ol>
Council 19 March 2019	CM/8.13/19.03	<p>That Council:</p> <ol style="list-style-type: none"> <li>1. Notes and acknowledges that: <ol style="list-style-type: none"> <li>(a) The NSW Government has provided Council a \$100,000 grant to make further improvements to Clarke Reserve in Vaucluse.</li> <li>(b) This money is in addition to the \$150,000 already allocated by Council bringing the total investment of \$250,000.</li> <li>(c) The upgrade of the Reserve is due to commence in the second half of 2019.</li> </ol> </li> <li>2. Writes to the Member for Vaucluse, Gabrielle Upton MP, thanking her for the contribution of the grant, which will be used to improve local amenity.</li> <li>3. Officers consult the Diamond Bay/Vaucluse Precinct and nearby residents within the Diamond Bay/Vaucluse Precinct catchment area, notifying them of the additional funding being provided and seeking feedback.</li> </ol>

#### 4. Discussion

Guidelines have been developed to assist councils to understand their obligations in relation to the tied grant round of the Stronger Communities Fund, including requirements for governance and reporting.

Councils are to fund projects, identified by the NSW Government, that deliver new or improved infrastructure or services to the Community.

Projects must meet the following criteria:

- Demonstrate social and/or economic benefits to the community.
- Give consideration to the processes and procedures outlined in the capital expenditure review guidelines issued by the Office of Local Government.

The following is a list of the seven Council projects and their respective progress reports.

<b>Project – Stronger Communities Fund</b>	<b>Allocation (\$'000)</b>
1. North Bondi Surf Life Saving Club – Upgrade	500
2. Bronte Surf Life Saving Club – Upgrade	345
3. Clarke Reserve, Vacluse – Upgrade to playground and fencing	100
4. Marlborough Reserve, Bronte – Upgrade to playground	400
5. Varna Park, Waverley – Upgrade to playground	280
6. Waverley Park, Waverley – Upgrade of cricket facilities	75
7. Bondi Beach playground – Design work for upgrade	300
<b>Total amount of grant funding sought:</b>	<b>\$2,000,000</b>

#### **North Bondi Surf Life Saving Club – Upgrade**

The Development Application has been re-submitted to Council following planners request for additional information. Council Officers await DA and Office of Environmental Heritage approval. Council has committed \$500,000 to the project. An additional \$500,000 will be funded by the North Bondi Surf Life Saving Club and another \$500,000 is to be sourced from Federal funds by the North Bondi Surf Life Saving Club and \$500,000 from NSW Government.

#### **Bronte Surf Life Saving Club – Upgrade**

Council is currently in the process of assessing tenders submitted for 'Head Consultant – Design Services'. Recommendation to award to preferred tenderer will be presented to Operations Committee on 3 September. Council has committed \$12,000 to date for a probity advisor.

#### **Clarke Reserve, Vacluse – Upgrade to playground and fencing**

The local Vacluse community raised concerns and suggestions for improvements to Council regarding safety in Clarke Reserve in 2017. In particular, it was reported that dogs were running off-leash through the playground on route to and from the adjoining off-leash Christison Park in Woollahra. In consultation with the community plans were developed to improve the park to address this issue.

Following consultation and the development of concept plans grant funding through the NSW Stronger Communities fund was received to the value of \$100,000 in February 2019. Council resolved to consult the community on how this additional funding should be spent. Consultation was subsequently undertaken in April and May 2019 on measures to further improve Clarke Reserve.

During this recent consultation, Council heard contrary views on how the funding should be allocated. As there was no clear community preference, Council Officers requested Council support in making a determination to finalise the plans. A Council motion was passed in July 2019 (CM/7.20/19.07) endorsing

improvements to the playground with new play equipment, fencing, shade tree planting, new bubbler and signage and removal of planting along the cliff fence line.

*Next steps*

The design will be developed in preparation for construction. During this time, Council will take steps to procure the additional play equipment. Council officers are currently working through the construction program to establish a works schedule that minimises disruption to the community. It is anticipated work on site will commence in late 2019. Park signs with regulatory information have been installed in August.

*Budget*

Budget is on track. Spending of the grant on construction will start at the end of 2019.

**Marlborough Reserve, Bronte – Upgrade to playground**

Design concept plans have been developed for the improvement of the park and playground in Marlborough Reserve. Plans were made available for public consultation in May 2019. Feedback was received through an online survey and a 'Have a Say Day'. A total of 31 responses were received; 24 online surveys and 7 written submissions received via email. The feedback from this consultation has allowed Council to attain a better understanding of how people use the park, what they like about the park and what they would like to see in the future.

The key findings from the consultation are as follows:

- The community support the upgrade of play equipment.
- People felt the upgrade could cater for a broader range of ages in particular older children.
- The community would prefer to see a playground footprint similar to the size of the existing playground.
- The existing trees—in particular, the fig tree—were widely recognised as a valuable part of the park. People emphasised the need for the design to be sensitive to the existing fig tree to ensure the health of the tree is retained.
- A large portion of the community did not want to see footpaths around or through the reserve. However, some people did recognise the benefit of providing access to the playground.
- Some responses requested that the location of the picnic table and seats be maintained.
- Locate majority of new equipment close to the footprint of the existing playground.
- Remove the in-ground slide from the design.
- Include a traditional swing set instead of the basket swing.
- Ensure the rubber soft-fall is a neutral colour.
- Reduce the extent of the low garden hoop fence.

Council officers have reviewed submissions and made amendments to the design in light of feedback.

*Next steps*

Council will hold another public meeting at Marlborough Reserve to present the amended plans to ensure the community is well informed of the planned changes. Council Officers will be available to discuss the plan in the park. Once the design is finalised Council officers will proceed to document the project in preparation for construction. Construction is expected to commence by December 2019. The play space is to be completed in March / April 2020.

*Budget*

The anticipated cost of the proposed works is within the allocated budget.

**Varna Park, Waverley – Upgrade to playground**

Varna Park is a very popular park in Waverley providing a playground, dog off leash area and large open space with established trees. This project will see an upgrade to the park facilities providing improved amenity and addressing safety concerns around the playground edging and conflict between children and dogs. To date Council officers have identified works in the park requiring repair and replacement as well as some existing trees which are in poor health. As this project provides opportunities for both upgrade facilities and possibly new works Council will consult with the community on draft plans. New signs have recently been installed in the park as this had been identified as a priority item.

*Next steps*

Community consultation to take place.

*Budget*

Designs will be developed to meet the current budget. As this project is still in planning stages, Council officers will be seeking an extension of time to expend the grant funding to June 2020 when construction is expected to be completed.

**Waverley Park, Waverley – Upgrade of cricket facilities**

\$55,000 has been provided to Eastern Suburbs Cricket Club for the purchasing of portable outdoor nets and associated equipment. The club have acknowledged receipt of the funding and will provide receipts for purchases made for acquittal purposes.

In agreement with the club, \$20,000 has been allocated to a Feasibility study into the proposed Indoor Cricket Net Facility at Waverley Park. The feasibility report will be complete by 23 August 2019. Council officers will present the findings to Councillor Workshop on 10 September 2019.

Further funding for construction is to be sought from Greater Sydney Sports Facility Fund, a total of 25% of the budgeted estimate in September 2019.

**Bondi Beach playground – Design work for upgrade**

Bondi Beach playground is a very popular destination for the residents of Bondi Beach as well as visitors. The playground is due for replacement however existing and planned construction works within Bondi Park and to Bondi Pavilion has pushed out the program for the upgrade of the playground. Council's Play Space Strategy has identified the playground to be a Play Space which should service the region, meaning it should be designed for a range of ages and abilities.

This funding will assist Council in refurbishing the existing play space to ensure it is safe. It will also allow replacement of equipment which has been decommissioned while other works in the park take place. To date Council officers have audited the existing equipment to prioritise repairs and replacement works. Officers have also met with Councillors and residents on site seeking feedback on the existing playground and ideas for improvements. Council is currently seeking quotes for refurbishment of existing items. New play items will also be installed however as it takes a minimum of three months to deliver play equipment this equipment will not be installed until after the busy summer period. Consequently, Council will be seeking an extension of time to complete this project and expend the grant funds.

In addition, Council will explore design options for a full playground upgrade to take place following the completion of the Bondi Pavilion restoration. The budget for the project allows for both the restoration of equipment, purchase of new replacement equipment, repairs to softfall, new furniture as well as the development of a concept design for the full upgrade play space.



#### Next steps

Seek quotes for new equipment and procure equipment and installation after the summer period.

#### *Budget*

Play equipment will be selected to suit the budget.

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

The Stronger Communities Fund allocation must be spent or committed by 31 December 2019 and fully acquitted by 30 June 2020. Any uncommitted funds by 31 December 2019 must be returned to the OLG by 31 March 2020.

Councils are accountable for the expenditure of Stronger Communities Fund in accordance with these guidelines, which require the following:

- Councils must provide six-monthly reports each year by 31 August 2019 and 28 February 2020, to the Office of Local Government on delivery progress and expenditure within the Stronger Councils Fund reporting.
- A final report is to be submitted on the completion of each of the projects, including photos and description of the benefits and outcomes achieved.
- Acknowledge the NSW Government's contribution in any written material in relation to the project and in any permanent signage in relation to any projects funded.

While the projects have progressed, due to the current volume of work being undertaken by Council officers, both Bondi Park Playground and Varna Park are still in planning stages. The projects will require topographic surveys, design and documentation, procurement and construction to take place. It is therefore not possible or desirable to have committed the entire value of grant funds for these projects by the end of 2019. Council officers therefore will be seeking an extension of time from the Office of Local Government for these projects.

### **6. Conclusion**

Projects receiving funding from the Stronger Communities fund are in progress.

### **7. Attachments**

Nil .

**REPORT**  
**OC/5.2/19.09**

**Subject:** Barracluff Park and Playground Upgrade - Community Consultation and Design Concept

**TRIM No:** SF19/3446

**Author:** Andrew Chau, Senior Landscape Architect

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

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**RECOMMENDATION:**

That Council:

1. Notes the community consultation undertaken for the draft concept design for the Barracluff Park and playground upgrade.
2. Notes the findings of the community consultation.
3. Endorses the design concept for the Barracluff Park and playground upgrade attached to this report and proceeds to detailed design.
4. Notes that the final design will change based on recommendations and requirements identified by technical consultants, including, accredited access and inclusion specialist, accredited play safety auditor, registered engineers, accredited lighting engineers and accredited arborists.
5. Circulates the consultation summary, appendices and design concept to local residents and engaged users of Barracluff Park who have opted in to receive updates.

**1. Executive Summary**

This report has been prepared to document findings of the Barracluff Park and Playground upgrade community consultation, which occurred from 15 April 2019 to 16 June 2019.

The report details the activities undertaken with the community during this period; provides a summary of the outcomes of the consultation activities; recommends endorsement of the design concept; and sets out the next actions for the project.

**2. Introduction/Background**

Barracluff Park is a 15,000 sqm park in North Bondi, with a play space of 1,250 sqm. The park is bounded by Old South Head Road to the west, Warners Avenue to the northern edge, Bondi Bowls club to the east, and private property to the southern edge, with the Bondi Mizrahi Synagogue in the westernmost corner. The road closure and dedication of Simpson Street behind to the Mizrahi Synagogue connects Barracluff Park to Beach Road.

The park caters to numerous activities, from active pursuits to passive recreation. The park also acts as a thoroughfare from Warners Avenue to the Bus stop on Old South Head Road.

A fence along the western edge, provides some protection from the traffic on Old South Head Road and the numerous trees to the western side of the park provide a visual buffer to the busy road, as well as ample shade for passive recreation. The playground and passive recreation area is separated from the remainder of the park by a slight embankment and a grove of olive trees. A large portion of the park is a turfed playing field with captured storm water irrigation, and sport lighting. The playing field is currently only suitable for soccer training as it has a limited area of approximately 70 x 60 metres. Consequently, the field is booked to capacity in winter but rarely booked in the summer months.

Barracluff Park has had a greatly diminished play space following the removal of unsafe play equipment in 2017. The removed equipment had substantially failed the annual safety audit, and was deemed irreparable by the manufacturer. Prior to the removal, the play space consisted of a:

- Double swing set with toddler seat and sash seat.
- Cubby tower with ladder and fireman's pole.
- Multi-play structure with climbing net, ladder, bridge and slide.
- See saw.
- Spring rocker.

The play space is surfaced with an organic bark soft-fall mulch, and rubber mats were placed under the swing set. The only extant equipment is the seesaw and spring rocker.

The play space is identified as the last 'short-term' play space to be upgraded in the Council adopted *Play Space Strategy*.

### **Consultation methodology**

Council officers pursued different avenues to inform the community of the upcoming project. These included a letterbox drop of flyers, direct emails to interested community members and community leaders, promotion in local print media in the Mayor's column, online via social media platforms, and physical signage at Barracluff Park.

Different means of joining the discussion were made available, including in-person at a Have Your Say Day at the Park, direct emails to the Open Space Planning team and responsible officer, comments on social media platforms, and submitting a survey online through the Council Have Your Say webpage. Council officers provided assistance and direction on accessing the online Have Your Say webpage during the Have Your Say Day hosted at the park. Officers also had open discussions with community members, explained concept rationale, and took notes for consideration. Council officers talked to 38 people on the Have Your Say Day.

The period for joining the discussion and providing comments was from 15 April to 16 June, the Have Your Say Day in the park was on 5 May, between the hours of 9 am to 12 pm.

The information provided to the community for comment included analysis diagrams of the existing and proposed function of the park, an illustrative plan of the proposed play space, supporting imagery of precedent projects and designs from other built works in Sydney and abroad. This information could have been viewed at the Have Your Say Day, online at the Have Your Say webpage, on site on physical signage, and was emailed directly to interested community members.

### **Consultation feedback summary**

The Waverley Have Your Say website received 675 visits, with 158 of those visitors downloading the draft concept. The online survey received 128 submissions in total, inclusive of formal responses from the Have Your Say Day and independently completed online surveys.

The consultation was designed to ascertain the types of play and activities the community wanted and would utilise in developing the play space upgrade. The consultation was not intended to get approval of a specific play space design, nor was it intended to ascertain community sentiment on the functions of the sporting field, change facilities, and dog recreation. As such, the questions in the survey are specific to the types of play preferred, and the types of active recreation complementary to play.

The survey did allow for the discussion of additional activities not included in the preliminary concept and items outside of the project scope. These have been considered and will be discussed in this report. A snapshot of the community consultation results is set out in Attachment 1.

### 3. Relevant Council Resolutions

Meeting and date	Minute No.	Decision
Council 19 July 2019	CM/8.3/19.07	That Council notes the General Manager's recommendation for Councillors to participate in a workshop within eight weeks to consider all options that would enable greater participation of Councillors in the design process, including the option to formally endorse all concept designs of major projects prior to tender.

### 4. Discussion

#### Getting to and from the Park

Walking is the preferred mode of transport to Barracluff Park (107 of 125), which suggests the engaged users are local residents. The Play Space Strategy identifies the importance of the walking catchment area, with an ideal catchment of 15–20 minutes' walk or an estimated 1km distance. The upgrade of the park and play space aims to provide better walking connectivity in the form of a footpath on Warners Avenue, as well as continuing the path to the bus stop on Old South Head Road. Public lighting will also be provided on this path link to the bus stop, providing added visibility in the evening.

There were comments raising the concerns of insufficient car parking. The current number of spaces are already at capacity when just considering the residents on Warners Avenue. There are some concerns the impact will be compounded with the proposed upgrade of the park. However, the responses from the engaged users indicate a clear majority of users are not driving to the site.

Council officers investigated the feasibility of angled parking on Warners Avenue. Adhering to Australian Standards for on-street parking, the change of parallel parking to angled parking does not increase the number of spaces without the significant loss of shade and visual amenity to majority of the Northern edge. Council will be investigating the provision of accessible parking and path into the playground to meet best practice in inclusive design, actions identified in Council's adopted Disability Inclusion Action Plan, and requirements in the *Disability Discrimination Act 1992*.

#### How often and how long

Among the engaged users surveyed, visits to the park are predominantly weekly (57 of 129) and daily (42 of 129), with a duration between 30 minutes to an hour (93 of 125). This duration of stay is close to the desired length as guided by the Play Space Strategy. It is likely the length of stay will increase with the proposed play space upgrade, additional recreation activities, and extra ancillary infrastructure (drinking fountains, seats, picnic tables). The foreseeable impacts of this would be added strain on the maintenance of the space, the potential for lower turn-over of car parking, and the added need for a public toilet facilities.

## Who is playing

Toddlers and junior children make up the majority of children of the engaged users, these children are aged from 0 to 9. This information is reflective of earlier data collected during the development of the Play Space Strategy. The upgraded play space is intended to provide activities for an even wider age range, ensuring the children of today have a place for recreation as they grow into teenagers.

Reviewing specific comments in relation to play experience for age groups, engaged users mentioned wanting more equipment for toddlers than shown in the draft concept, and commended the inclusion of a basketball court for senior children and teenagers, with the caveat netball should also be included.

## What is play

When asked about the type of play experience preferred, engaged users preferred climbing, nature/wild play, swinging, and sliding. These preferences were expected, as the previous play space provided similar experiences and nature/wild play is becoming more popular in Sydney after the construction of the Centennial Park Wild Playground. The concept will be developed to allow for an increase of these play experiences in the form of additional equipment and spatial allocation. The lesser preferred play experience of rocking and spinning will still be included; however, the provision of these will remain on par to the previous play space.

## What is exercise

When engaged users were asked which proposed recreational activity they would use, the most used activity would be the casual basketball court (63 of 107), followed by the circulation path for walking or running (55 of 107). The least likely to be used active recreation was the tennis rebound wall (34 of 107), and table tennis (35 of 107).

Discussions with the community revealed the table tennis would be less popular, due to the need for users to bring their own bat and ball, as well as the potential effect of wind. The tennis rebound wall was potentially less popular due to the proximity of full-sized tennis courts at the neighbouring bowls club. The popularity of the casual basketball court was expected, gleaned from earlier data collected during the Recreation Needs Study, the Play Space Strategy, and from consultation for other playgrounds being upgraded in the area (Dickson Park, Thomas Hogan Reserve, Niblick Street Reserve). The consideration moving forward is how to integrate additional sports (like netball) without a large hardstand, as well as the potential impact of noise.

The proposal for the circulation path, and the alignment in particular, will be reviewed as a response to the consultation results. Initial discussions on site with community members indicated the path would not be used, and would not be a desired item in the design. However, the consultation results indicate the contrary with majority of the engaged users specifying they will use the path. Only two detailed comments were received by engaged users opposing the path.

A further consideration of the circulation path is the future requirements of the field and the potential for expansion. The Open Space and Recreation Strategy currently underway will investigate this in more detail, and as such, the full extent of the circulation path will be deferred until the strategy is completed towards the beginning of 2020. However, the length of path along Warners Avenue will be constructed as part of this scope of works.

## Dogs

In accordance with the *Companion Animals Act 1998*, dogs are prohibited to be 'within 10 metres of any playing apparatus provided in that public place or part for the use of children', excluding assistance

animals, police dogs, or corrective services dogs. This legislation defines a physical area dogs shall not be allowed in, leaving the rest of the park up for discussion. Currently, the playing field is signposted and recognised by Council as a dog prohibited area, however it is commonly used by dog owners for leash free exercise and relies on Council Ranger enforcement.

Twenty-one engaged users mentioned dogs when asked what they wanted to see in the future playground, with 11 requesting some form of dog exercise area, and the remainder highlighting the issues of off-leash dogs and dog waste.

Provision and enforcement of dog off-leash areas is currently being investigated in the Waverley Council Open Space and Recreation Strategy. New park signage near the playground will clearly state dogs are prohibited to be within 10 m.

### **Toilets and change facilities**

An amenities building was mentioned by engaged users in detailed comments, citing the requirements of the sporting clubs or the reduction in time spent at the park due to lack of facilities. The Play Space Strategy identifies the ideal location of a district level play space to be in proximity to toilets, an asset currently not at Barracluff Park.

This item is currently being investigated in the *Waverley Council Open Space and Recreation Strategy*, and the upgrade of the playground and park will consider spatial provision for a future amenities building.

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

The concept design probable cost estimate prepared by Council officers is within the project budget allocated in the Capital Works Program.

Given the need to report on the consultation carried out consultation feedback to the community has been delayed and the construction timeframe is likely to conflict with winter sport bookings at Barracluff Park (April 2020). Every effort will be made to minimise clashes.

## **6. Conclusion**

The design concept has been further developed in consideration of the above discussion (see Attachment 2); in particular:

- Inclusion of more play experiences for younger children, to better suit the current demographic.
- Removal of tennis table, and reduction of tennis rebound wall size, reflective of projected use.
- Addition of netball and investigation of multiple goals (basketball and netball) to allow for more users, while minimising area of hard surfacing.
- The circulation path along Warners Ave will be included in the revised concept, the extent wrapping around the oval will be deferred until the completion of the *Waverley Council Open Space and Recreation Strategy*.

It is recommended that Council endorses the design concept attached to this report. Upon endorsement, Council officers will proceed to detailed design of the project, refining the design concept to the level required for procurement and construction.

Additional specialist consultants will inform the Council officer (registered landscape architect) in the detailed design of the upgrade. These specialists will include:

- Accredited arborists.

- Registered civil and structural engineers.
- Accredited access and inclusion specialist.
- Accredited play safety auditor.
- Accredited lighting consultant.

Car-parking, off-leash dog recreation and toilet/change facilities will not be included in this playground and park upgrade, as these items require additional investigation and a greater understanding of the provisions in the Waverley local government area. These matters will be reported back to Council when the relevant work has been completed.

## **7. Attachments**

1. Community consultation snapshot [↓](#)
2. Design concept [↓](#) .



“  
HAVE YOUR SAY”

**675**  
WEBPAGE VISITS

**158**  
CONCEPT DOWNLOADS

**171**  
ENGAGED PEOPLE

# WHAT PEOPLE SAID WHEN ASKED WHAT THEY LIKE IN THE DRAFT CONCEPT?



**76%**  
**STAY 30-60**  
**MINUTES**



**86%**  
**WALK  
TO  
THE  
PARK**

**70%**  
**BRING**  
**CHILDREN**

**66%**  
**CHILDREN**  
**ARE AGED**  
**BELOW**  
**NINE**

**82%**  
**PARTICIPATE**  
**IN OUTDOOR**  
**EXERCISE OR**  
**SPORT**

# HOW YOU USE THE PARK

For more information, please contact Andrew Chau at [openspace@waverley.nsw.gov.au](mailto:openspace@waverley.nsw.gov.au)



# BARRACLUFF PARK AND PLAYGROUND

## Community Consultation Snapshot

“  
HAVE YOUR SAY  
”



PLAY  
EXPERIENCES  
YOU PREFER

### ACTIVE RECREATION FACILITIES YOU WILL USE



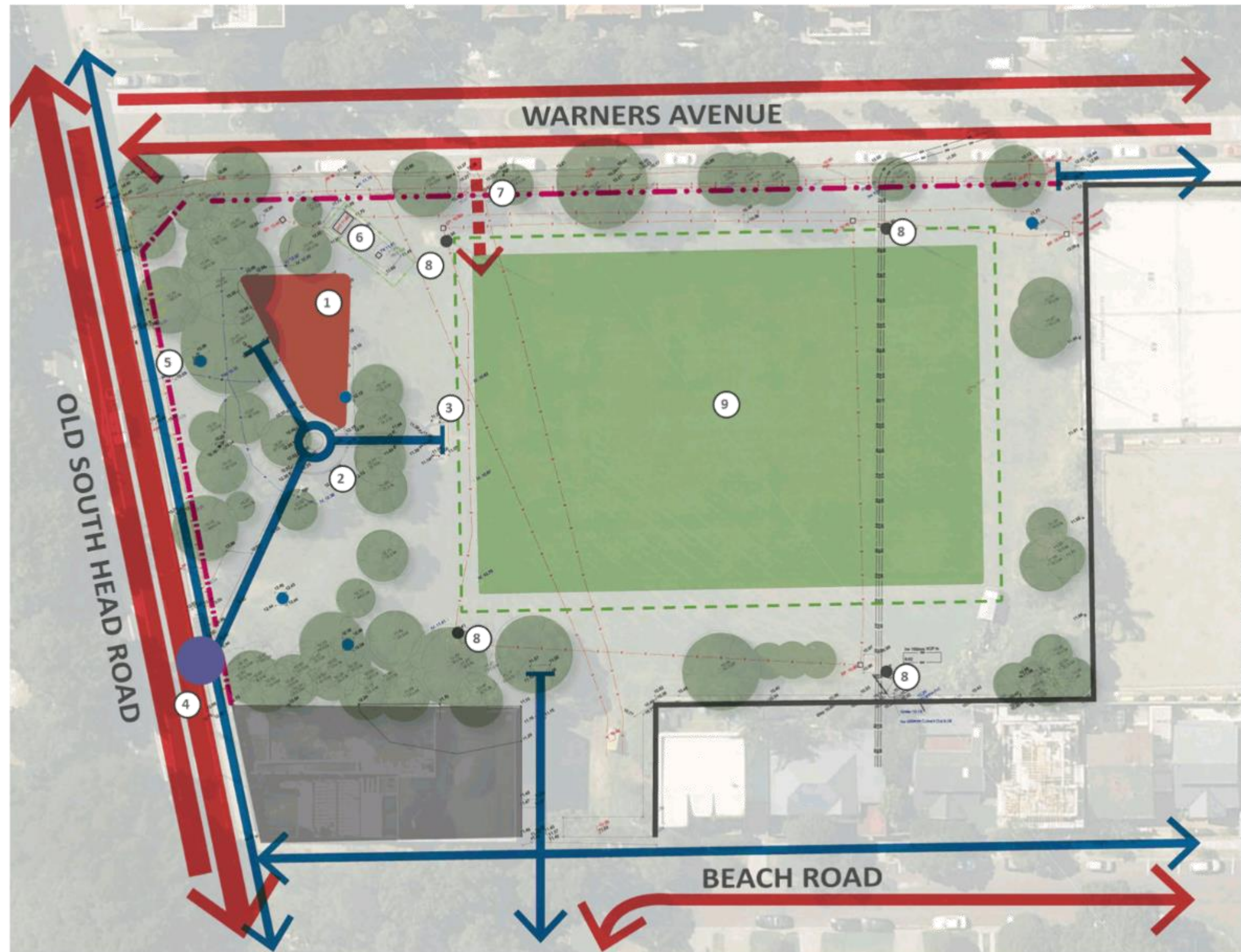
For more information, please contact Andrew Chau at  
[openspace@waverley.nsw.gov.au](mailto:openspace@waverley.nsw.gov.au)





- • • Existing Arris Rail Fence
- Existing Fence
- Existing Maintenance Access
- Existing Road
- Existing pedestrian paths
- Existing Seating and Picnic settings

- 1 Existing play area  
Equipment removed due to noncompliance with safety standards. Equipment included:
  - Swing set with toddler seat and standard seat.
  - Multiuse tower with climbing net and slide.
  - Cubby tower
  - See-saw
- 2 Existing brick path network  
Accessed from Old South Head Road to a central paved circle and axial paths to the playground and sports field. Paths terminate at destinations.
- 3 Existing sandstone walls  
Sandstone walls comprised of hand chiselled stone in a semi-circle gateway to the sport field.
- 4 Existing bus stop and shelter.
- 5 Existing Fence  
1500mm high pool style fence in poor condition.
- 6 Existing storm water storage tank
- 7 Maintenance Access  
Existing gated driveway for maintenance access.
- 8 Existing sportsfield lights
- 9 Existing sportsfield  
Maximum playable surface 85x55m



Project Title: **BARRACLUFF PARK AND PLAYGROUND UPGRADE**

Drawing Name: **Existing Conditions**

Drawing No: **LSK-001**

Date: 30.07.2019

Drawn by: AC

Scale: NTS



## Functional Concept

Introducing a play area double the size of the previous and including a varied play experience from nature/wild to structured/formal. The inclusion of a small multi-use court, table tennis, and fitness equipment adds activities for all age groups.

- 1 Proposed play area (nature and formal)
- 2 Proposed informal multi-use court  
Half basketball court and half Netball Court
- 3 Proposed axial path network  
Through connections from bus stop to Warners Avenue, and Beach Road to Warners Avenue. Proposed park lighting on main thoroughfare path.
- 4 Future loop path  
(Pending Open Space and Recreation Strategy)  
300m walking path circumnavigating the sportsfield, with seats placed at regular intervals.
- 5 Sportsfield  
No loss of playable level surface
- 6 Fencing upgraded  
Stainless steel balustrade to the whole frontage of Old South Head Road, and wrapping around the playground on Warners Avenue to the maintenance driveway.
- 7 Arris Fence upgraded  
Proposed recycled plastic bollards to the park edge on Warners Avenue.

- • • Proposed bollards
- ■ ■ Upgraded fence
- Proposed path network
- Future path network
- Proposed seating or picnic settings
- Proposed drinking fountains



Project Title: **BARRACLUFF PARK AND PLAYGROUND UPGRADE**

Drawing Name: **Functional Concept Design**

Drawing No: **LSK-002**

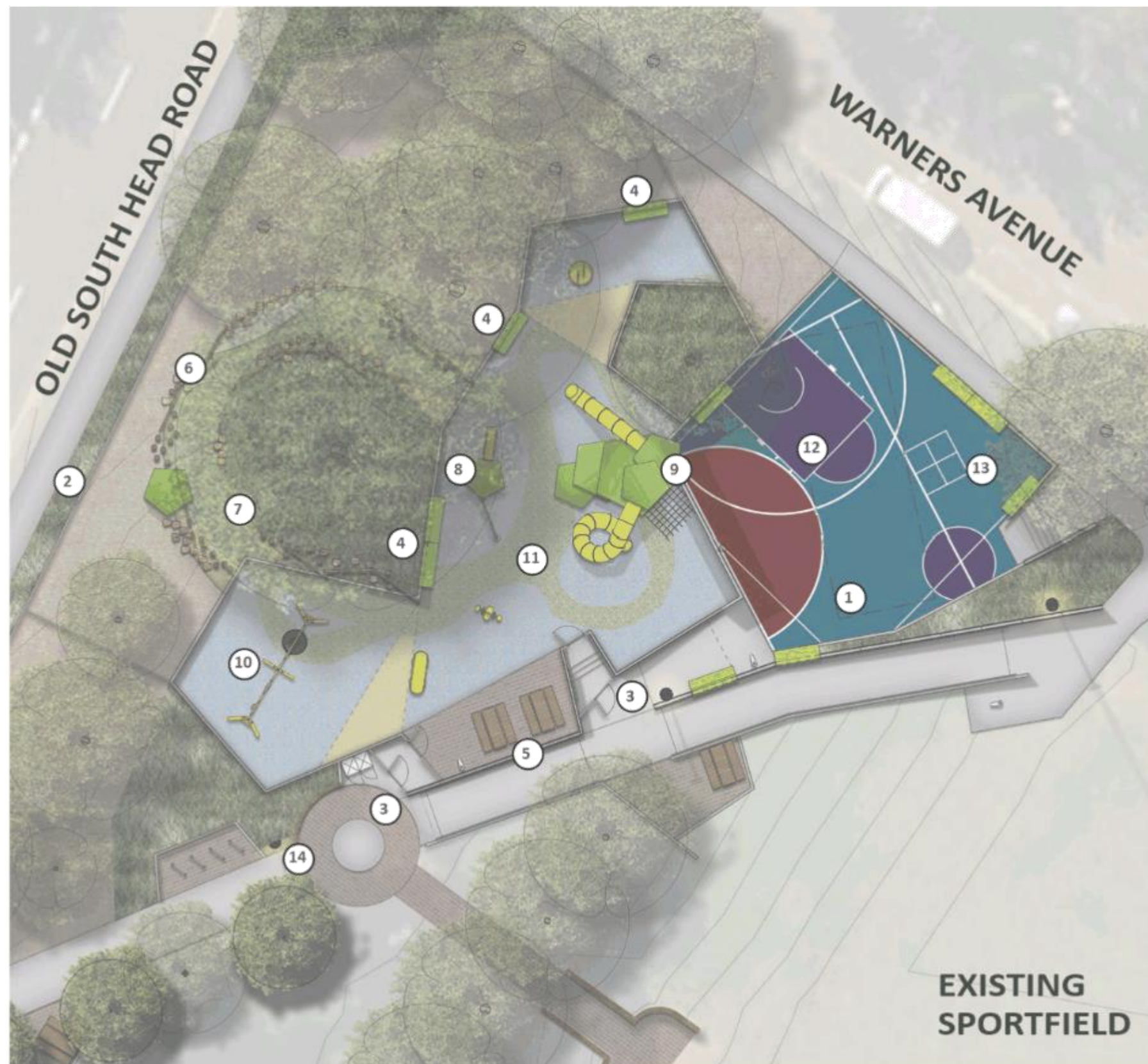
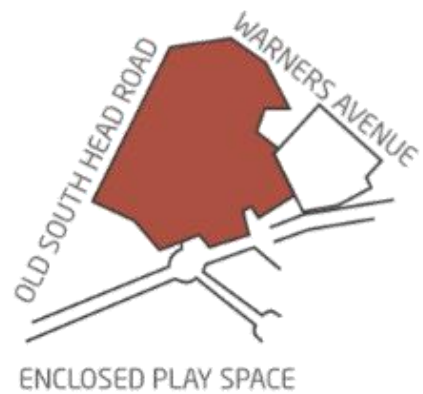
Date: 30.07.2019

Drawn by: AC

Scale: NTS







- 1 Existing Stormwater tank beneath
- 2 New fencing balustrade to the road boundaries of the park. Low planting to both sides of the fence.
- 3 Enclosed play space with airlock entries.
- 4 Seating located around the playground under existing shade for longer stays and carer comfort.
- 5 New picnic settings and drinking fountain.
- 6 Nature play elements integrated into mulched areas around the existing trees.
- 7 Narrow rubber surfaced path for universal access, but designed to be a challenge.
- 8 Smaller play cubby and slide for younger users of the play space.
- 9 Custom designed play tower and slides, catering to a wider range of ages.
- 10 Three different types of swings to cater for all user preferences.
- 11 Playground surfacing upgraded to rubber to allow for universal access in and around the play space.
- 12 Informal sports multipurpose court for casual use. Including basketball, netball, and rebound wall. Placed above the existing storm water tank.
- 13 Breakout space with integrated seating wall, school yard type games (four square/kings).
- 14 Public lighting to main pedestrian thoroughfare and footpath upgraded to comply with universal access principles.

NOTE: Colours, location, equipment are indicative and may change during detailed design and engineering.

Project Title: **BARRACLUFF PARK AND PLAYGROUND UPGRADE**

Drawing Name: **Playground Concept Illustrative Plan**

Date: 30.07.2019

Drawing No: **LSK-003**

Drawn by: AC

Scale: NTS



PLAY ASPIRATIONS

Existing play space was considered as a ‘Neighbourhood’ level play space in Councils *Play Space Strategy*, and catered to an age group from toddlers to 8-9 year olds. Earlier data collected suggests visitors were prepared to walk up to 400m or a 8-15 min walking distance to the park.

The Play Space Strategy proposes an upgrade to a District level play space. This will increase the age range up to the early teens, increase the walking catchment up to 1km or 15-20mins walk, and become a ‘destination’ space, with the duration of stays extending to two hours.

Design Principles

Play for everyone

The playground will aim to have integrated inclusive play elements to accommodate a wide range of children, parents and carers. Play elements should be designed in a way to allow for children of all abilities to comfortably and safely interact.

Amongst nature

The playground will be integrated with the existing trees and the established canopy of shade. The trees will be integrated into the imagination play and nature play elements, reconnecting the play experience with the earth and nature.

Play activities

All the major activities will be included for a well rounded play experience.

- Sliding
- Climbing
- Swinging
- Rocking
- Spinning
- Balancing

The imagination / nature play will also adds sensory elements to play, including, touch, smell, hearing, and sight.



Natural feel and exploration



Custom climbing structure and net with a varied experiences(Carve Landscape Architecture and Annabau)



Climbing wall integrated with the climbing structure



Smaller cubbies with play integrated (BO. Landscapes)



Custom Tower (Carve Landscape Architecture)



Bespoke sculptural play structure (A24 Landschaft)

Project Title:	BARRACLUFF PARK AND PLAYGROUND UPGRADE	Drawing Name:	Play Space Precedents	Date:	30.07.2019
				Drawn by:	AC
		Drawing No:	LSK-004	Scale:	NTS

  
WAVERLEY  
COUNCIL



**REPORT**  
**OC/5.3/19.09**

**Subject:** Tender Evaluation - Bronte Surf Club and Community Facilities Building Upgrade - Head Consultant Services

**TRIM No:** A19/0081

**Author:** Jordan Laverty, Project Manager

**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 Choi Ropiha Fighera Pty Ltd as the preferred tenderer for the supply of Head Consultant Services – Bronte Surf Club and Community Facilities Building Upgrade for the sum of \$[TO BE INSERTED BY COUNCIL AT THE MEETING].
3. Authorises the General Manager, or delegated representative, to enter into contract on behalf of Council with Choi Ropiha Fighera Pty Ltd.
4. Notifies unsuccessful tenderers of the decision in accordance with clause 179 of the *Local Government (General) Regulation 2005*.

**1. Executive Summary**

The purpose of this report is to seek Council's approval for the appointment of Choi Ropiha Fighera Pty Ltd as the Head Consultant for the Bronte Surf Club and Community Facilities Building Upgrade project as recommended by the Tender Evaluation Panel (TEP).

**2. Description of Service or Product being Tendered**

The service tendered is for engagement of a head consultant to lead a multi-disciplinary consultant team to undertake all necessary consultancy services, including the preparation of the following:

- Site investigations.
- Options analysis.
- Concept design.
- Documentation and development application.
- Detailed design development.
- Tender and construction documentation.

- Construction phase services.

### 3. Scope of Tender

This tender focuses on engaging a head consultant to undertake a complete design and documentation package for the Bronte Surf Club and Community Facilities Building Upgrade project. Council invited tenders from suitably qualified and experienced consultants to lead a multi-disciplinary design team to undertake all necessary consultancy services.

### 4. Reason for Tender

Following the execution of the Heads of Agreement, Council in partnership with the Bronte Surf Life Saving Club intends to demolish the existing surf club and public amenities and develop a new building to accommodate a new Bronte Surf Life Saving Club, public toilets and changing rooms, staff amenities, kiosk and lifeguard facilities in accordance with the Bronte Plan of Management. The proposed re-development will address the short-comings of the existing building including:

- Significant cracking to structural brickwork and severe corrosion of concrete structures throughout the building.
- Deteriorated roof membrane resulting in significant water damage to internal elements and fixtures.
- Lifeguard tower relocation to a more suitable location to align with Surf Lifesaving Australia WHS requirements and recommendations.
- Groundwater inundation and stormwater surge during large storm events.
- Conflict between public walkways, vehicle access and club activities.
- Inefficient delivery spaces.
- Interaction of BSLSC facilities and ancillary buildings & structures including public amenities, Waverley Council park staff & Lifeguard facilities, beach promenade, emergency services, garbage collection, Bronte Park and Sydney Water infrastructure.

### 5. Relevant Council Resolutions

Meeting and date	Minute No.	Decision
Council 11 December 2018	CM/10.2/18.12	<p>That Council:</p> <ol style="list-style-type: none"> <li>1. Treats 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 report contains commercial information of a confidential nature that would, if disclosed prejudice the commercial position of the person who supplied it.</li> <li>2. Endorses the Heads of Agreement between Council and Bronte Surf Life Saving Club for the proposed Bronte Surf Club and Community Facilities Building project (Attachment 1), subject to the following amendments: <ol style="list-style-type: none"> <li>(a) In clause 5 'Premises', change the first bullet point so that it reads 'Lifeguard facilities including changing rooms, first aid room, and lifeguard tower, with the latter's location within the building or along the escarpment being subject to further investigation and</li> </ol> </li> </ol>

		<p>planning assessment.'</p> <p>(b) In clause 10 'Cost Overrun', add the following sentence at the end of the paragraph, to read 'Any design change requested by the Tenant incurring a cost overrun that is agreed by the PCG will be borne wholly by the Tenant.'</p> <p>(c) In clause 13 'Defects', replace 'defects notified by the Tenant' with 'defects identified'.</p> <p>(d) At the end of clause 9 'Funding', add the following new paragraph: 'As the cost of any design change requested by the Tenant and agreed by the PCG, whether incurring a cost overrun or not, will be borne wholly by the Tenant, if it becomes clear that the Tenant is unable to pay the additional project monies sought, the PCG will consider financial options for the Tenant to cover the shortfall if it is necessary at the time of the matter arising.'</p> <p>3. Approves the General Manager being delegated authority to sign the Heads of Agreement on behalf of Council and forward to the Club for execution.</p> <p>4. Endorses officers to commence preparation of an Agreement for Lease for the Bronte Surf Life Saving Club Premises with a report to be brought back to Council for approval.</p> <p>5. Approves officers writing to the Office of Local Government to seek approval to enter into a Public Private Partnership with Bronte Surf Life Saving Club for the Bronte Surf Club and Community Facilities Building project.</p> <p>6. Approves officers developing of a Probity Plan for the project in accordance with the Council-endorsed Capital Partnership Project Framework Guidelines. With a report to be brought back to Council for approval.</p> <p>7. Approves the allocation of funding to the cost of the project in the Long Term Financial Plan as outlined in Table 3 of this Report.</p> <p>8. Notes that the Bronte SLSC has been promised a grant of \$2 million from the Federal Government, and undertakes to assist the Club in preparation of any necessary documentation to ensure receipt of this grant.</p> <p>9. Notes that the Bronte SLSC currently has a funding shortfall of \$375,000 of their total required funding contribution to the upgrade project.</p> <p>10. Notes this shortfall represents 4.2% of the total project</p>
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		<p>budget and is within the scope of the budget contingency.</p> <p>11. Agrees to consider alternate options to close the funding gap if the shortfall is less than 5% at the commencement of construction, including, but not limited to, delayed payment, a loan, or other arrangements in consultation with the Bronte SLSC executive.</p>
Strategic Planning and Development Committee 7 August 2018	PD/5.5/18.08	<p>That Council:</p> <ol style="list-style-type: none"> <li>1. Notes that the General Manager has approved the Probity Guidelines: Capital Projects Partnerships attached to this report for use in project management of joint venture projects and other projects where they provide useful guidance.</li> <li>2. Notes that the General Manager will refer the Probity Guidelines: Capital Projects Partnerships to the Audit Committee for review.</li> <li>3. Will receive reports on direct negotiations for approval on a case-by-case basis.</li> <li>4. Authorises the General Manager to commence negotiations between Council and the surf clubs.</li> </ol>
Council 17 April 2018	CM/7.12/18.04	<p>That Council:</p> <ol style="list-style-type: none"> <li>1. Notes the report from Asset Technologies Pacific on the condition of the Waverley Surf Club buildings and the accompanying 10-year lifecycle expenditure cost plans, as detailed in Attachment 1 to this report.</li> <li>2. Notes that the capital project funding for the upgrade to the four Waverley Surf Club buildings has been allocated in the 2018/19 draft budget, Long Term Financial Plan 5 and Strategic Asset Management Plan 5.</li> <li>3. Officers investigate options for the best process for delivering the proposed capital projects for the upgrade of the Surf Club buildings, and report back to Council on the recommended delivery model.</li> </ol>

## 6. Discussion

### Invitation to tender

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

- Emily Scott – Director, Community, Assets and Operations.
- Sharon Cassidy – Executive Manager, Major Projects.
- Jordan Lavery – Project Manager.

- Basil Scaffidi – Bronte SLSC President.
- Phillip Vivian – Bronte SLSC Representative.
- Philip Leamon – Bronte SLSC Representative.

An RFT Evaluation and Probity Plan was developed and approved by the Tender Evaluation Panel and independent Probity Advisor on Monday 24 June 2019.

In addition, APAC Probity were engaged to provide independent probity advice and oversee the procurement process.

Tenders for Head Consultant Services – Bronte Surf Club and Community Facilities Building Upgrade Project were called on Tuesday 11 June 2019. Advertisements for the tender were placed in the Local Government Tenders section of the Sydney Morning Herald on Tuesday, 11 June 2019, and Wentworth Courier on Wednesday, 12 June 2019.

Tenders closed on Tuesday, 16 July at 2 pm.

The Evaluation Panel used the RFT Evaluation & Probity Plan to determine which tenders offered the best value for money in the provision of Head Consultant Services – Bronte Surf Club and Community Facilities Building Upgrade Project to Council.

### **Stage 1: Tender opening**

The following 20 tenders were received on time:

<b>TENDERS RECEIVED</b>
Allen Jack & Cottier Architects Pty Ltd
Andrew Burgess Architects
Angelo Candalepas and Associates Pty Ltd
Brewster Hjorth Architects
Choi Ropiha Fighera Unit Trust TA CHROFI
Genton Pty Ltd
GHD Pty Ltd
Group GSA Pty Ltd
Jackson Teece
Jake Dowse Architects
Lippmann Partnership Pty Ltd
NBRS Partners Pty Ltd
Neeson Murcutt Architects Pty Ltd
Redshift Architecture Art Pty Ltd
Scott Carver Pty Ltd
Studio Bijl Pty Ltd
Studio Hollenstein Pty Ltd
Terroir
Tomahawk Studios Pty Ltd
Wise Earth Pty Ltd

No tenders were submitted late.

### **Stage 2: Conformance assessment**

Two tenders were assessed as non-conforming.

The tender submitted by Jake Dowse Architects was deemed to be non-conforming as a significant amount of information was absent from returnable schedules and price schedule. This tender was not considered further.

The tender submitted by Studio Bijl Pty Ltd was deemed to be non-conforming as no price schedule was submitted on time as part of the Tender. On the advice of the Probity Advisor this tender was not considered further.

### Stage 3: Mandatory criteria evaluation

All 18 conforming tenders met the mandatory requirements and proceeded to a detailed evaluation. These conforming tenders are listed below:

<b>CONFORMING TENDERS EVALUATED</b>
Allen Jack & Cottier Architects Pty Ltd
Andrew Burgess Architects
Angelo Candalepas and Associates Pty Ltd
Brewster Hjorth Architects
Choi Ropiha Fighera Unit Trust TA CHROFI
Genton Pty Ltd
GHD Pty Ltd
Group GSA Pty Ltd
Jackson Teece
Lippmann Partnership Pty Ltd
NBRS Partners Pty Ltd
Neeson Murcutt Architects Pty Ltd
Redshift Architecture Art Pty Ltd
Scott Carver Pty Ltd
Studio Hollenstein Pty Ltd
Terroir
Tomahawk Studios Pty Ltd
Wise Earth Pty Ltd

### Stage 4: Tender evaluation and risk analysis

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*.

The Tender Evaluation Panel agreed on the following weightings to be used against the advertised selection criteria:

<b>Advertised Evaluation Criteria</b>	<b>Weighting</b>
Demonstrated Experience in Delivery of Similar Projects	30%
Proposed Methodology	20%
Key Personnel, Qualifications, Skills and Experience	20%
Capacity to Deliver	10%
Price	20%
<b>TOTAL</b>	<b>100%</b>
Returnable Schedules Submitted	Mandatory
WHS	Mandatory
Financial and trading statements	Mandatory

Tenders were evaluated individually by each TEP member. These individual scores were discussed in a consensus meeting and some adjustments were made to individual scores following discussion of each submission. An averaging of these final individual scores including weighting resulted in a total non-price score for each respondent and a ranking. This was discussed by the TEP and it was agreed this reflected a fair assessment of the quality of submissions based on non-price criteria.

Prior to any evaluation commencing the Project Manager identified an error in the formula for calculating the price criteria as recorded in the RFT Evaluation and Probity Plan. The TEP unanimously agreed to adjust this formula in the consideration of calculating pricing scores. The pricing was then calculated, and the scores and ranking presented to the TEP for consideration. It became apparent, comparing this total ranking to the non-price ranking that a number of respondents, as a result of under-pricing their submissions, had improved their ranking significantly. The TEP considered this a significant risk to the project and, due to the likelihood of significant variations, one that did not align with the objective of value for money. As a result, one of the respondents in the top four overall ranking was excluded from further consideration. A short list of the three top ranking tenders was identified for further consideration.

#### **Stage 5: Presentations, clarifications and reference check**

The remaining three top-ranking respondents were invited to give presentations to the TEP to demonstrate how their tender would address the RFT requirements and these presentations were delivered to the TEP under a closely managed probity framework. Following these presentations, the TEP arrived at a conclusion regarding their preferred tenderer, subject to a further clarification. Following the successful resolution of that clarification the Project Manager sought a written reference from the preferred supplier which was circulated to the TEP.

#### **Evaluation Panel's recommendation**

Following a diligent evaluation of the tenders, the TEP unanimously recommends that the services/product offered by Choi Ropiha Fighera Pty Ltd provide the best value to Council through the following:

- Previous experience with surf club projects.
- Significant previous experience with community facilities projects.
- Significant previous experience delivering projects for local government.
- Quality personnel with extensive background in projects of similar nature.
- Provided a detailed program, ensuring works will be completed in a timely manner.

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

#### **Financial impact statement**

The funding for Head Consultant Services is allocated within the Bronte Surf Club and Community Facilities Building Upgrade budget.

The preferred tenderer's price is included in the confidential Tender Evaluation Matrix attached to this report.

The total anticipated funding required for Head Consultant Services - Bronte Surf Club and Community Facilities Building Upgrade is \$900,000 (excluding GST).

The total budget allocation for the Bronte Surf Club and Community Facilities Building Upgrade Project is currently \$9,000,000 (excluding GST). The funding allocated for 2019/20 is \$370,000, which will be adequately to cover the Head Consultant services over this period.

There are sufficient funds to cover the price tendered by the recommended tenderer.

### **Timeframe**

Final design delivery is expected in November 2020, with completion of construction estimated for September 2022.

### **Consultation**

Consultation has taken place with internal stakeholders and Bronte Surf Club representatives and will continue throughout the delivery of the project.

### **8. Conclusion**

The Tender Evaluation Panel recommends Council enter into contract with Choi Ropiha Figuera Pty Ltd as the Head Consultant for the Bronte Surf Club and Community Facilities Building Upgrade project.

### **9. Attachments**

1. Tender Evaluation Matrix (confidential) .

**CLOSED SESSION**  
**OC/7/19.09****Subject:** Moving into Closed Session**Author:** Ross McLeod, General Manager**WAVERLEY**  
COUNCIL**RECOMMENDATION:**

That:

1. Council moves into closed session to deal with the matters listed below, which are classified as confidential under section 10A(2) of the *Local Government Act 1993* for the reasons specified:

OC/7.1/19.09      CONFIDENTIAL REPORT - Shops 2 and 3, 276 Bronte Road, Waverley - Lease to Life on the Inside Pty Ltd

This matter is considered to be confidential in accordance with Section 10A(2)(c) of the Local Government Act, and the Committee is satisfied that discussion of the matter in an open meeting would, on balance, be contrary to the public interest as it deals with information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business.

2. Pursuant to section 10A(1), 10(2) and 10A(3) of the *Local Government Act 1993*, the media and public be excluded from the meeting on the basis that the business to be considered is classified as confidential under section 10A(2) of the *Local Government Act 1993*.
3. The correspondence and reports relevant to the subject business be withheld from the media and public as provided by section 11(2) of the *Local Government Act 1993*.

**Introduction/Background**

In accordance with section 10A(2) of the Act, Council may close part of its meeting to deal with business of the following kind:

- (a) Personnel matters concerning particular individuals (other than councillors).
- (b) Personal hardship of any resident or ratepayer.
- (c) Information that would, if disclosed, confer a commercial advantage on a person with whom Council is conducting (or proposes to conduct) business.
- (d) Commercial information of a confidential nature that would, if disclosed:
  - (i) Prejudice the commercial position of a person who supplied it: or
  - (ii) Confer a commercial advantage on a competitor of Council;
  - (iii) Reveal a trade secret.
- (e) Information that would, if disclosed, prejudice the maintenance of law.
- (f) Matters affecting the security of Council, Councillors, Council staff and Council property.
- (g) Advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the grounds of legal professional privilege.
- (h) Information concerning the nature and location of a place or an item of Aboriginal significance on community land.
- (i) Alleged contraventions of any Code of Conduct requirements applicable under section 440.

It is my opinion that the business listed in the recommendation is of a kind referred to in section 10A(2) of the *Local Government Act 1993* and, under the provisions of the Act and the *Local Government (General) Regulation 2005*, should be dealt with in a part of the meeting that is closed to members of the public and the media.

Pursuant to section 10A(4) of the Act and clauses 14.9–14.10 of the Waverley Code of Meeting Practice, members of the public may make representations to the meeting immediately after the motion to close part of the meeting is moved and seconded, as to whether that part of the meeting should be closed.

## **RESUMING IN OPEN SESSION OC/8/19.09**

**Subject:** Resuming in Open Session  
**Author:** Ross McLeod, General Manager



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### **RECOMMENDATION:**

That Council resumes in open session.

### **Introduction/Background**

In accordance with clause 14.21 of the Waverley Code of Meeting Practice, when the meeting resumes in open session the chair will announce the resolutions made by Council while the meeting was closed to members of the public and the media.