

# **COUNCIL MEETING**

## **REVISED AGENDA**



(Open to the public)

**6.30pm, Monday 17 April 2023**

Council Chamber - 8 Inglesby Road, Camberwell

Date of Issue: 13 April 2023

Please note: No audio, video, photographic or any other recording of proceedings at Council or Delegated Committee meetings is permitted without written authority from Council.

### **Order of Business**

- 1 Adoption and confirmation of the minutes of the Council meeting held on 27 March 2023**
- 2 Declaration of conflict of interest of any councillor or council officer**
- 3 Deputations, presentations, petitions and public submissions**
- 4 Informal Meetings of Councillors**
- 5 Public question time**
- 6 Notices of motion**
- 7 Presentation of officer reports**
  - 7.1 Temporary Occupation of Former Balwyn Leisure Centre
  - 7.2 February 2023 Monthly Financial Report
  - 7.3 Opportunities for Management of Back Creek East and Medlow Reserve
  - Supplementary Reports
  - 7.4 Contract No. 2022/89 Hays Paddock Playground Construction
- 8 General business**
- 9 Urgent business**
- 10 Confidential business**
- Close of meeting**

## Table of contents

7	Presentation of officer reports .....	3
7.4	Contract No 2022/89 Hays Paddock Playground Construction .....	3

## 7 Presentation of officer reports

### 7.4 Contract No 2022/89 Hays Paddock Playground Construction

#### Executive Summary

##### Purpose

This report seeks Council endorsement for the award of Contract No. 2022/89, Hays Paddock Playground Construction.

##### Background

As part of Council's Playground Renewal Program (PRP), Council requires a suitably qualified organisation to undertake the construction of Hays Paddock Regional Playground. This construction project will renew an existing accessible Regional Playground asset and includes:

- a new accessible timber structure
- a new sand-play area
- a new sensory water zone
- more places to gather and sit
- new shade structures and more trees
- plants and associated landscaping works.

Proposed works also include car park upgrades to bring the associated adjacent DDA car park to current compliance, including lighting renewal and modifying Council's maintenance vehicle access to reduce proximity to children and pedestrians near the playground entrance. The bird hide is also proposed to be renewed, due to condition of the asset.

These redevelopment works are expected to commence in August 2023 and be completed by end of June 2024.

##### Key Issues

Maintaining the playground as an accessible facility to encourage side by side play was a key issue. Early consultation ensured key design principles, aimed at meeting the needs of members of the community with disabilities, were well considered. Additionally, incorporation of the community's preferred themes and favourite play items has meant that the final concept design for the new playground reflects what leaders in the disability sector and our community told us was most important to them.

The new playground will remain inclusive and prioritise side-by-side play opportunities for all children. While 81% liked the proposed mix of play equipment, community consultation has confirmed that we also have strong support for:

- retaining the billabong theme and rustic timber character
- increased shade and places for adults to sit and gather
- increased challenging play opportunities for older children
- renewed custom timber structures with renewed play options
- A new sand play zone and the inclusion of water.

### Next Steps

Following contract award, construction is expected to commence in August 2023.

### Confidentiality

Confidential information is contained in **Attachment 1**, as circulated in the confidential section of the agenda attachments. The information in this attachment is deemed to be confidential in accordance with Section 66(2)(a) and the definition of 'confidential information' in Section 3(1) of the Local Government Act 2020. The information relates to private commercial information, being information provided by a business, commercial or financial undertaking that—(i) relates to trade secrets; or (ii) if released, would unreasonably expose the business, commercial or financial undertaking to disadvantage.

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

## **Officers' recommendation**

That Council:

1. Award Contract No. 2022/89, Hays Paddock Playground Construction, to: Warrandale Industries Pty Ltd (ABN 45 132 425 361) at a total cost of \$2,555,893.41 excluding GST.
2. Approve the allocation of a separate contract contingency, as detailed within the attached confidential Attachment 1, and delegate authority to the Contract Superintendent to expend this contingency to ensure the successful completion of the contract works.
3. Authorise the Director Places and Spaces to execute the contract agreement with the above contractor.
4. Note that expenditure under this contract is in accordance with Council's 2022/23 adopted budget and expenditure in future years will be in accordance with the approved budget allocations.

**Responsible director:** Daniel Freer, Director Places and Spaces

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## 1. Purpose

The purpose of this report is for Council to give consideration to the awarding of Contract No. 2022/89, Hays Paddock Playground Construction.

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

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

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

This contract aligns with the following themes and strategies in the Boroondara Community Plan (2021-31) and Council Plan (2021- 25):

### Theme 1: Community, Services and Facilities

**Strategy 1.4:** Facilities and sports precincts encourage equal access through social planning, delivery, asset maintenance and renewal activities.

### Theme 2: Parks and Green Spaces

**Strategy 2.1:** Parks and green spaces enable sport and recreation opportunities by maintaining and improving recreation spaces and equipment.

**Strategy 2.5:** Playgrounds are engaging and safe by improving shading and renewing and diversifying equipment.

The recommendations made in this report are consistent with the policy direction and actions within the following Council strategies:

- ***Boroondara Sport and Recreation Strategy (2016)***: The vision for sport and recreation in Boroondara is that all people, regardless of their circumstances, have the opportunity and encouragement to actively participate in sport and/or recreation activities.
- ***Boroondara Open Space Strategy***: The Hay's Paddock regional playground development is consistent with the following BOSS principles: accessible, adaptable, diverse, recreational, shared, and social.
- ***The Boroondara Playground Development Strategy (2005)***: While Hay's Paddock is already considered to be a regional attraction, it is of particular importance as Kew East is a Priority 2 zone, given the numbers of young children.

The procurement process has been carried out in accordance with the requirements of Council's Procurement Policy.

### **3. Background**

Council requires a suitably qualified organisation to undertake the construction of Hays Paddock Regional Playground, Kew East in accordance with the requirements of the Specification.

#### **Invitation to tender**

In accordance with Council's Procurement Policy 2021-25, Council invited public tenders from suitably qualified organisations to undertake construction works to renew Hay's Paddock Regional Playground. An Invitation to tender was advertised in the local government tenders section of "The Age" newspaper on Saturday, 17 December 2022 and in the Vendor Panel. The closing date for submissions was 4pm, Monday 20 February 2023.

In response to the advertisement, Council received six submissions:

- Evergreen Civil Pty Ltd
- Greenline Group Pty Ltd
- Naturform Pty Ltd
- Planned Constructions Group Pty Ltd
- Regal Innovations Pty Ltd; and
- Warrandale Industries Pty Ltd.

### **4. Outline of key issues/options**

It is envisaged that there are no issues associated with the playground renewal.

### **5. Collaborative Procurement Opportunities**

There were no procurement collaboration opportunities identified for this project.

### **6. Consultation/communication**

Consultation with the original playground founders who were available, as well as disability and sector experts and community consultation was undertaken in December 2021. Their contributions helped inform the approach to the new playground design and, with feedback from 160 community members on preferred themes and favourite play items a draft concept was developed.

Early consultation ensured key design principles, aimed at meeting the needs of members of the community with disabilities were well considered. The community told us that they would like to keep the billabong theme (86%), and that the existing rustic timber character is important (80%). Among other elements the large timber play structures are well loved, however, in general the community are open to new designs and renewed play opportunities.

In mid-2022 a second round of consultation occurred to obtain feedback on the draft playground concept, with a further 103 people contributing feedback. This consultation feedback was generally positive.

81% liked the proposed mix of play equipment. 75% liked the proposed main timber play unit, including the ramps, connecting bridges, net climbs, slides, activity boards and play areas underneath. 67% liked the proposed sand play zone including the animal sculpture, raised tables, digger and tools, access assistance and shade. 66% like the proposed water play zone, however many people wanted to see more detail.

We asked for suggestions about how to make the design even better. The most frequent suggestions were to:

- provide more challenging play equipment for older children,
- make the water play area larger, and include a fountain or sprinkler that children could run through,
- make the sand play area larger, and include pulleys and diggers,
- add more swings suitable for children of different ages and abilities,
- provide more shade for people watching the playground, and in the playground itself,
- provide more seating for parents and carers and make the paths into the playground more accessible.

Officers reviewed and assessed all responses in detail and the following design amendments were made in response to community feedback:

- More challenging equipment was added for older children in the form of a challenging rope net structure
- Changes to the sensory water zone to include a channel and accessible water table
- Confirmation of shade over swings, sand play zone, parts of the main timber structure
- Multiple places for carers to sit and gather
- Confirmation that the sand play zone will be slightly larger (within site constraints)
- Ample accessible surfaces

In addition to external community consultation, internal consultation has been undertaken with the following Council departments:

- Traffic and Transport
- Environment, Sustainability and Open Space
- Facilities, Waste and infrastructure
- Asset and Capital Planning
- Health and Wellbeing
- Community Planning and Development
- Arts and Culture
- Chief Customer Officer
- Strategic Communications

Representatives from various teams in each of these departments have been involved in the project at key stages in the design phase and will be involved in its ongoing evaluation and maintenance.

## 7. Financial and resource implications

The available budget for the construction of Hays Paddock Regional Playground and associated civil works, including a \$200,000 State Government Grant for Suburban Revitalisation is \$2,939,277.42. In addition to the PPR Budget, other relevant budgets are contributing to works included within the Tender Options and incorporate works external to the playground to improve safety and access to the playground and Hays Paddock more broadly.

The project budget is as follows:

2022-23 Park Playground Replacement Amended Budget - Account No. 71866	\$795,000.00
2023-24 Park Playground Replacement Forecast Budget - Account No. 71866	\$2,282,585.00
2023-24 Shade Policy Implementation - Account 72674	\$300,000.00
2023-24 Budgets for DDA parking, entry and lighting (detailed in Appendix 1)	\$352,000.00
State Government Suburban Renewal Grant	\$200,000.00
<b>Total Project Budget</b>	<b>\$3,929,585.00</b>
Less 2022-23 YTD Expenditure and Commitments -Account 71866	\$353,163.00
Other Playground Renewals and Consultant fees - Account 71866	\$637,144.58
<b>Total Available Budget for construction</b>	<b>\$2,939,277.42</b>
<b>Proposed Project Expenditure:</b>	
Construction Cost (Contract No 2022/89)	\$1,663,481.73
Tender Options	\$892,411.68
Other Project Costs	\$383,384.01
<b>Total Construction Costs</b>	<b>\$2,939,277.42</b>
<b>Budget Shortfall</b>	<b>\$0</b>

## 8. Governance issues

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

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

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

## 9. Social and environmental issues

The delivery of the Hays Paddock Regional Playground will play a vital role in improving and maintaining the health and wellbeing of the broad Boroondara community and the environment of Hays Paddock, Kew East.



## 10. Evaluation and review

The tender Evaluation and Financial Approval report is provided as **Confidential Attachment 1**. The tender process was administered by the Senior Procurement Advisor who provided probity advice throughout the process.

As a result of the evaluation, the evaluation panel recommends that Council award Contract No. 2022/89, Hay's Paddock Playground Construction to:

- Warrandale Industries Pty Ltd (ABN 45 132 425 361)

**Manager:** Christine White, Manager Capital Projects

**Report officer:** Cid Mariani, Coordinator Civil Projects