

Item 9.

Joint Use Project Deed Variation - Alexandria Park Community School - Synthetic Field and Park Road Public Domain Embellishment

File No: X017664

Summary

In April 2019, the Council of the City of Sydney (City) signed a Project Deed with the Department of Education for the delivery of the redevelopment of Alexandria Park Community School by the Department of Education, which included the construction of indoor and outdoor sports facilities, and a synthetic sports field. The Project Deed provides for long term joint use of sports facilities by the City for community use, in return for the use of part of Park Road for the synthetic sports field and a capital contribution to undertake the works.

The Alexandria Park Community School joint use project will provide the City's residents and sporting groups use of the synthetic sports field, two outdoor sports courts and two multipurpose indoor courts and amenities, outside of school hours.

The Project Deed provides for the extension of the synthetic sports field halfway into Park Road with provision to make good areas impacted by construction only. The City, as a separate project, planned to integrate the remaining area of Park Road into the adjacent Alexandria Park. A concept plan for Park Road integration works has been prepared by the City (refer to Attachment B).

It is proposed in this report to amend the Project Deed to include the construction of the Park Road integration works as part of the works the Department of Education is currently undertaking under the Project Deed and increase the associated City's capital contribution and contingency under the Deed to incorporate these works.

The Department of Education, as part of the Project Deed, and in accordance with the Environmental Planning and Assessment Act 1979, has submitted and obtained approval for a modification application for the field extension into Park Road. The approval of this modification required Sydney Water's endorsement that the raised synthetic field has no flooding impact on the surrounding Alexandria area.

Some additional costs will need to be incurred to develop and implement a design that obtains Sydney Water's endorsement and mitigates any flood impacts (refer Attachment D). This report also proposes to increase the City's agreed capital contribution under the Project Deed, together with an increased contingency, to cover these anticipated extra costs.

The total estimated City project costs for the Park Road integration works and flood mitigation works are within the City's currently approved budget for the project.

Recommendation

It is resolved that:

- (A) Council endorse the proposed concept design of the Park Road Integration Works as shown at Attachment B to the subject report;
- (B) Council approve the variation of the Alexandria Community School and Park Synthetic Sportsfield – Joint Use Project Deed (Project Deed) to include the construction of the integration works for Park Road, Alexandria;
- (C) Council note that the integration works for Park Road, Alexandria will be carried out by the Department of Education, on behalf of the City;
- (D) Council approve the variation of the Project Deed to allow for the City's capital contribution and a contingency for the detailed design and construction of the Park Road integration works as outlined in Confidential Attachment D to the subject report;
- (E) Council approve the variation of the Project Deed for the City's increased capital contribution and an increased contingency to allow for the additional costs to develop a design for the synthetic field that obtains Sydney Water's endorsement and implement that design as outlined in Confidential Attachment D to the subject report; and
- (F) authority be delegated to the Chief Executive Officer to negotiate, execute and administer a variation to the Project Deed in line with the above clauses.

Attachments

- Attachment A.** Location Plan and Site Photos
- Attachment B.** Park Road Integration Works - Concept Plan
- Attachment C.** Alexandria Park Shared Use Field – Plan, Sections and Elevation
- Attachment D.** Financial Implications (Confidential)

Background

1. The Open Space, Sports and Recreation Needs Study 2016 (the Study) forecast the need to increase the City of Sydney's sporting field capacity by the equivalent of 20 turf fields (16,000 playable hours) by 2030.
2. To meet this target, one of the four recommendations (from the Study) is to partner with landowners such as schools, to develop and manage joint use facilities, for use by the community.
3. In 2017, the City approved a sports field upgrade program in its 10-year capital works plan to meet this growing need. A key strategy is to introduce multi-purpose synthetic fields as they provide a far higher usage capacity than traditional grass fields.
4. The Department of Education is redeveloping the Alexandria Park Community School, increasing its capacity from 400 to 2,200 students. Included in the upgrade is a new synthetic sports field, two multi-purpose outdoor courts and a multipurpose indoor sports hall with toilet and change facilities.
5. On 2 April 2019, the City executed a joint use project deed with the State of New South Wales - Department of Education to jointly fund, develop and use a Federation International Football Association (FIFA) level synthetic sports field at Alexandria Park Community School and two outdoor multipurpose courts.
6. The joint use Project Deed will provide community access to the school sports facilities (synthetic field and two multipurpose courts) outside of school hours; 6-10pm Monday-Friday, weekends and school holidays. The new synthetic sports field will provide an additional 2,000+ playable hours per year for community sporting groups.
7. The Project Deed also provides for use by the City a dedicated sport storage area within the school building, use of toilet and change facilities, use of the two multipurpose outdoor courts after school hours and a new under field 150 kilolitre stormwater harvesting system designed to supplement irrigation at Alexandria Park.
8. Provisions for basic make good of the interface area adjoining the sports field was contemplated in the project deed. This only included the area, half of Park Road, impacted by construction works to be made good.
9. It is now proposed that embellishment works are undertaken on Park Road to incorporate the construction area in Park Road (between Buckland and Power Avenue adjacent to Alexandria Park) and extend the works to the boundary of Alexandria Park. The proposed work will integrate the new field work with Alexandria Park.
10. It is proposed to amend the project deed to include the construction of the above Park Road integration works and increase the associated budget and contingency to cover these works.
11. The works will be delivered by the Department of Education, with the Department engaging its consultant and contractor, paid for by the City. This delivery methodology will reduce costs to the City and achieve value for money given the Department of Education has already gone through a competitive procurement process when appointing its current design consultant and its current contractor; simplify the construction process and program, as well as minimise inconvenience to students, sporting groups and neighbouring residents.

12. To achieve the FIFA standard sports field, the current field will be modified to extend over Park Road and be raised to avoid inundation. The raised field design required Sydney Water's endorsement and to mitigate any flood impact of the surrounding Alexandria area.
13. As a requirement for Sydney Water's endorsement, the field design has been amended to include an underground stormwater detention system that can accommodate flood water flows during major storm events (refer Attachment C). The installation of this engineered system will require additional disposal of contaminated material. The maximum field height was amended as part of a value management exercise to mitigate cost.
14. It is proposed that the Department of Education carries out all additional work on behalf of the City. The additional integration works for Park Road will be fully paid for by the City and the additional works for the sports field will be paid for by the City and the Department of Education in accordance with the deed. It is recommended that the project deed is amended to include all additional works outlined in this report.
15. In addition to the Alexandria Community School and Park Synthetic Sports field – Joint Use Project, the City has programmed improvement works to Alexandria Park which comprise:
 - (a) new playground upgrade with new soft-fall;
 - (b) new exercise equipment;
 - (c) resurfacing of existing tennis courts;
 - (d) new header tank to improve the irrigation and use of recycled stormwater on the turf oval; and
 - (e) landscape improvements to the western edge of Alexandria Park to match works in Alexandria Park.
16. The City will commence design and consultation for the park works in 2021 and delivery is scheduled for 2023.

Park Road Integrated Concept Design

17. A Concept Design has been developed for the proposed integration works along Park Road (refer to Attachment B).
18. The Concept Design sets the overall layout. The key principles are:
 - (a) improve the physical and visual integration of Alexandria Park with the new sporting facilities on the grounds of Alexandria Park Community School and the closed Park Road;
 - (b) create new welcoming and legible entries to both the park and the shared-use field;
 - (c) improve the landscape and planting quality with new trees, turf and mass planting;
 - (d) provide a range of seating opportunities which encourage social interaction;

- (e) use simple, robust, high quality materials which reflect the local neighbourhood and adjacent park character; and
 - (f) retain an existing Ficus tree located in Park Road closest to Buckland Street.
19. The proposal includes the following works;
- (a) new open and clear entries to Alexandria Park and the new shared-use sports field;
 - (b) a new wide and barrier free shared path, connecting Buckland Street to the remaining Park Road and integrating with Alexandria Park's existing path network;
 - (c) a range of seating opportunities, including bench seats with backs and arm rests;
 - (d) seven replacement trees planted along the boundary of the shared use sports field;
 - (e) new turf to the existing park verge to extend the park landscaping to the new shared path;
 - (f) new planting adjacent to the sports field;
 - (g) retaining and protecting the existing heritage park piers;
 - (h) new drainage and Water Sensitive Urban Design (WSUD) opportunities;
 - (i) new park lighting along the shared path to reflect the City of Sydney Lights Code and requirements for park lighting; and
 - (j) undergrounding of power along Park Street where the public domain works will occur.

Risks

20. The field modification flood mitigation design has received in principle approval from Sydney Water. A The modification application to the Department of Planning was approved in April 2021 which has mitigated the approvals risk for the changed scope.
21. If the sports field and Park Road public domain construction works do not occur at the same time, there will be further complexity in site management and access which could delay construction and inconvenience to the community.

Financial Implications

22. There are sufficient funds allocated for this project within the current year capital works budget and future year forward estimates. Additional funds were previously added to this project in the future year's capital works program endorsed by Council in May 2020.
23. Current cost estimates and financial implications are detailed in Confidential Attachment D.

Relevant Legislation

24. Local Government Act 1993 - Section 10A provides that a Council may close to the public so much of its meeting as comprises the discussion of information that would, if disclosed, confer a commercial advantage on a person with whom the council is conducting (or proposes to conduct) business.
25. Attachment D contains confidential commercial information of Council's estimated costings and contingencies which, if disclosed, would:
 - (a) confer a commercial advantage on a person with whom Council is conducting (or proposes to conduct) business; and
 - (b) prejudice the commercial position of the person who supplied it.
26. Discussion of the matter in an open meeting would, on balance, be contrary to the public interest because it would compromise Council's ability to negotiate fairly and commercially to achieve the best outcome for its ratepayers.
27. Section 55(3) of the Local Government Act 1993 provides that the requirement in s55(1) of the Act to invite tenders before entering into a contract does not apply to contracts entered into by Council with the Crown (in right of New South Wales), a Minister of the Crown or a statutory body representing the Crown. The project deed with the Department of Education falls within this provision.

Critical Dates / Time Frames

28. Council approval is required at Council's May meeting to ensure that the integration works for Park Road can be completed at the same time as the Department of Education's contractor is undertaking the field construction in Park Road.
29. If this report is approved by Council, the time frame for this project is:
 - (a) Section 4.55 Modification Application approved April 2021.
 - (b) Amend joint use deed June 2021.
 - (c) Detailed design complete June 2021.
 - (d) Commence field construction June 2021.
 - (e) Commence Park Road integration late 2021.
 - (f) Completion of all construction works early 2022.

Options

30. Council may choose to not engage the Department of Education for the design and construction of the integration works for Park Road and go out to the market with an open tender for these works.
31. This option is not recommended after considering the cumulative impacts of cost, time and quality of integrating the works as part of the Joint Use Project. The time taken to procure a contractor and construct the works after the Shared Use Project will delay completion of the overall project, be more disruptive to the community and adversely impact the users of the field/park, residents and school children. Additional establishment costs and interface re-working would also be incurred by separating the works.
32. It is recommended Council amend the joint use deed to engage the Department of Education's contractor for the Shared Use Synthetic Field project to undertake the construction of the integration works for Park Road.
33. Any variation works relating the delivery of the synthetic field can be carried out by the Department of Education through the project deed. There is no other viable option to undertake these works.

Public Consultation

34. The State Significant Development Application for the Alexandria Park Community School development, including a multipurpose synthetic sports field within school land, conducted consultation from late 2016 to early 2018.
35. The City of Sydney undertook consultation for the closure of Park Road in 2018, noting the road would be developed into a recreational space for the school and public.
36. The Modification Application to the State Significant Development Application, which includes the extension of the synthetic field in Park Road and the Park Road Integration Works, was approved by the NSW Department of Planning and Environment on 18 April 2021.
37. Public consultation was undertaken and managed by the NSW Department of Planning and Environment as part of the assessment of the Modification Application.
38. There were a number of submissions regarding the retention of the existing Ficus Tree (tree 109) in Park Road and concerns about glare from the sports field lighting. The field design was slightly modified during this consultation process to retain the Ficus tree whilst maintaining access from the Buckland Street corner. The field sports lighting is designed to relevant Australian standards which aims to minimise light spill.

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