

Exemption from Tender, Contract Variations and Revised Project Scope - Woolloomooloo Playground

File No: X025427.001

Summary

This report outlines the proposed revised scope of works for the playground refurbishment at Woolloomooloo Playground, Woolloomooloo. It also outlines the area of scope for Pring Street / Dowling Street, Woolloomooloo to develop design options for future consultation with the community.

The report recommends an increase in the project budget for the revised scope of works as outlined, an exemption from tender with approval to vary the existing contracts for the Head Design Consultant and Head Construction Contractor to complete the revised works and to develop the design options for the Pring Street/Dowling Street works.

Woolloomooloo Playground is located adjacent to Dowling Street and Pring Street, Woolloomooloo. Woolloomooloo Playground was initially identified for renewal as part of the Asset renewal program. In October 2020, Council endorsed a project scope and design for the playground upgrade.

At the notification of construction, the community requested that Council revisit the design and in November 2022 Council resolved to request that the Chief Executive Officer re-engage with the community.

The key principles of the Woolloomooloo Playground revised scope remain in line with the original endorsed scope. These include, to renew the playground to provide a local scale play space which maximises play opportunities for children of different ages and abilities, improve access in and around the park, increase activation and passive surveillance, improve lighting conditions and use simple, robust, high-quality material which reflects the local neighbourhood character.

The revised concept design addresses key community concerns around children and pedestrian safety. The previously proposed Pring Street stairs, playground entrance and associated path were removed in response to these concerns. Feedback was also received from the community regarding playground size, play experience and equipment catering for a broader age group and available green space. These were also considered and addressed in the revised concept plan.

The revised concept includes the following works:

- retains the existing size of the playground and provides a local scale play space that maximises play opportunities for children 0-11+ years.
- fully fenced playground with one entry gate facing the BBQ area;
- Playground fence to include park name;
- a new play structure with climbing net and slides;

- a new swing set with one toddler seat and one basket swing, a multi-user see-saw, an individual springer and a spinner, monkey bars, a climbing net carousel and a rock climbing structure;
- nature play including stepping stones and logs, cluster poles, sandstone boulders and scrambling net;
- new plants and trees within the playground;
- new soft-fall across the play area;
- retention of the existing shade structure;
- a range of seating opportunities within the playground and the BBQ area, in both sun and shade locations, including picnic platforms and bench seats with backs and arm-rests;
- larger grass area adjacent to the BBQ;
- new bin and bubbler with dog bowl;
- new park signage;
- improved lighting; and
- new maintenance vehicle access to tennis courts;

Community feedback received in late 2022, also requested that Council further consider areas outside the park and playground, these included;

- consider community safety concerns for pedestrians on Pring Street, particularly for school children moving between the school, park and McElhone Steps.
- consider the public realm on Dowling Street between the school and the playground.
- Install public toilets nearby (subject to Development Application).

This report proposes that further investigations and design options be developed for further consultation with the community for the public realm and roadway of Pring Street / Dowling Street school drop off area. Noting, if supported, further approval will then be sought from Transport for NSW and endorsement from the Local, Pedestrian, Cycling and Traffic Calming Committee and Council.

The installation of Automated Public Toilets nearby in Sydney Place is subject to a Development Application which will be considered by the Local Planning Panel in the coming months.

The revised concept plan describes the scope of works for Woolloomooloo Playground revised concept plan and outlines the area of Pring Street / Dowling Street, Woolloomooloo school drop off area which is being investigated for improvement. The consultation was on exhibition from 10 May and 8 June 2023, and included a community presentation.

Community feedback was broadly in support of the revised scope as outlined in Attachment C, with community suggestions to be investigated and where possible incorporated into detailed design.

This report describes the revised landscape design for Woolloomooloo Playground upgrade, following further community consultation recently being completed. The works are required to improve aging infrastructure and satisfy community feedback to improve amenity and safety.

This report seeks the endorsement of the revised project scope. It also seeks to increase the project budget, an exemption from tender and variation of the existing head design consultant and head construction contracts required to complete the Woolloomooloo Playground upgrade and develop design options for further consultation with the community for the Pring Street / Dowling Street, Woolloomooloo school drop off area.

Recommendation

It is resolved that:

- (A) Council endorse the revised scope of work for improvements to Woolloomooloo Playground as described in the subject report and shown in the revised concept design at Attachment B to the subject report, for progression to relevant approvals, preparation of design, documentation and construction;
- (B) Council note the forecast costs and financial implications as outlined in Confidential Attachment D to the subject report;
- (C) Council approve the additional project budget for the Woolloomooloo Playground project as outlined in Confidential Attachment D to the subject report;
- (D) Council approve an exemption from tender in accordance with section 55(3)(i) of the Local Government Act 1993 for the existing head design consultancy contract with Spackman Mossop Michaels Pty Limited and head construction contract with Quality Management & Constructions Pty Limited to expand the scope of each contract to include the revised scope of work endorsed by this report;
- (E) Council note that a satisfactory result would not be achieved by inviting tenders because:
 - (i) a competitive process has already been undertaken in relation to the provision of these head design consultancy and head construction services; and
 - (ii) there will be time and value for money implications if a separate tender process was undertaken for the provision of the additional scope of works;
- (F) Council approve:
 - (i) a contract variation with Spackman Mossop Michaels Pty Limited for the provision of the additional head design consultancy services for the price outlined in Confidential Attachment D to the subject report; and
 - (ii) a contract variation with Quality Management & Constructions Pty Limited for the provision of the additional head construction services for the price outlined in Confidential Attachment D to the subject report;
- (G) authority be delegated to the Chief Executive Officers to finalise, execute and administer the contract variations with Spackman Mossop Michaels Pty Limited and Quality Management & Constructions Pty Limited to give effect to the resolutions above;
- (H) Council note the revised total contract sums for the contracts with Spackman Mossop Michaels Pty Limited and Quality Management & Constructions Pty Limited as outlined in Confidential Attachment D to the subject report; and

- (l) Council endorse the Pring Street / Dowling Street, Woolloomooloo school drop off area as described in the subject report and shown in the revised concept design at Attachment B to the subject report for preparation of concept design options for consultation and a further report to Council.

Attachments

- Attachment A.** Location Plan and Existing Site Photos
- Attachment B.** Revised Concept Plan
- Attachment C.** Engagement Feedback Table
- Attachment D.** Financial Implications (Confidential)

Background

1. The Woolloomooloo Playground is located adjacent to Dowling Street and Pring Street, Woolloomooloo. Woolloomooloo Playground was initially identified for renewal as part of the Asset renewal program. In October 2020, Council endorsed project scope and design for the playground upgrade.
2. At the notification of construction, the community requested to revisit the design and in November 2022, Council resolved to request that the Chief Executive Officer re-engage with the community.
3. The report confirms the following background items, which remain relevant and have been updated to reflect the proposed revised design outlined in this report.
4. The City has an ongoing small parks and playgrounds improvement program for parks that are in need of upgrade or enhancement works, replacement of end-of-life equipment, and to provide appropriate facilities for local residents.
5. Woolloomooloo Playground, Woolloomooloo is bounded by Dowling Street, to the west, Pring Street to the north, Sydney Place to the south and Residents to the east.
6. The land is owned by the City of Sydney.
7. Woolloomooloo Playground was identified for an upgrade due to the playground's overall condition, including failing play equipment and soft-fall surfacing, the limited range of play experiences and seating provision offered, poor integration and passive surveillance with adjacent park areas, and poor access in and around the playground.
8. During the 1930s-40s tennis courts, a small playground and an amenities building were constructed on a 'vacant plot of land' between Dowling Street and McElhone Street. The amenities building was upgraded and extended in 1957 to include additional toilets, storage facilities and an assembly room with a stage. In 1982 the streets surrounding Woolloomooloo Playground were closed and rezoned; McElhone Street (between Pring Street and Sydney Place) changed from road reserve to residential, and both Dowling Street and Sydney Place were transformed into pedestrian plazas. Subsequently the park was re-designed with the amenities building removed.
9. The park was later upgraded again in 1992 and in the early 2000's, a new playground, BBQ area and community garden were installed to the west of the tennis and basketball courts on what was previously a turf area.
10. The park is well used by a variety of community members for play, rest, relaxation and exercise, however some anti-social behaviour has been reported. The upgrade aims to improve access and amenity as well as safety.
11. The playground is characterised as a large, shaded and fenced neighbourhood playground catering for children of all ages. Planting is limited to one *Populus deltoides* tree. Access to the playground is via the picnic space which has a BBQ and small turf area surrounded by trees. The upgrade site is approximately 1,152 square metres.

12. The existing play equipment includes a seesaw, a rocker, a spinner, a set of pull-up bars, two balancing beams, a toddler play structure with a ladder, tower and telescope, and two older child's play structures with slides and climbing nets. Seating within the play-space is limited.
13. A community basketball court and tennis court are located within the park. Minor works are proposed in the revised design to enable improved entry for maintenance vehicles to the tennis court and seating to the basket-ball court. Improvements to the play surface will also be undertaken during construction of the upgrade if required.
14. A community garden sits adjacent the playground within the park, no works are proposed to this area.
15. Consideration has been given to the provision of play equipment in surrounding parks within a 500 metre radius, to ensure a coordinated network of facilities that caters for a broad range of park users.
16. An Indigenous Cultural Consultant has been engaged as part of this upgrade process, to ensure that the project contributes to recognising the City's Indigenous heritage, celebrating Aboriginal and Torres Strait Islander cultures in the public domain, and enriching local knowledge about the cultural landscape.
17. The consultant has produced a 'Narratives' report, broadly identifying project opportunities to integrate Indigenous themes and narratives. The key themes and narratives for Woolloomooloo Playground include:
 - (a) Celebrating Matora, an initiated Gadigal woman and first wife of Bungaree.
 - (b) Provide a place where people can sit together / bring people together;
 - (c) Engage and educate the next generation;

Revised Concept Design

18. In early 2023, the playground and park design was revised to address key community concerns around children and pedestrian safety.
19. The previously proposed Pring Street stairs, playground entrance and associated path were removed from the previously endorsed scope (October 2020) in response to these concerns. Feedback was also received from the community regarding playground size, play experience and equipment catering for a broader age group and available green space. These were also considered and addressed in the revised concept plan.
20. Comprehensive feedback from the community on the construction notification is outlined in Attachment C.
21. The revised concept includes the following works:
 - (a) retains the existing size of the playground and provides a local scale play space that maximises play opportunities for children 0-11+ years.
 - (b) fully fenced playground with one entry gate facing the BBQ area;
 - (c) Playground fence to include park name;

- (d) a new play structure with climbing net and slides;
 - (e) a new swing set with one toddler seat and one basket swing, a multi-user see-saw, an individual springer and a spinner, monkey bars, a climbing net carousel and a rock climbing structure;
 - (f) nature play including stepping stones and logs, cluster poles, sandstone boulders and scrambling net;
 - (g) new plants and trees within the playground;
 - (h) new soft-fall across the play area;
 - (i) retention of the existing shade structure;
 - (j) a range of seating opportunities within the playground and the BBQ area, in both sun and shade locations, including picnic platforms and bench seats with backs and arm-rests;
 - (k) larger grass area adjacent to the BBQ;
 - (l) new bin and bubbler with dog bowl;
 - (m) new park signage;
 - (n) improved lighting; and
 - (o) new maintenance vehicle access to tennis courts, including surfacing improvements to both basketball / tennis courts as required;
- 22.** Community feedback was broadly in support of the revised scope as outlined in Attachment C, with community suggestions to be investigated and where possible incorporated into detailed design.
- 23.** For Woolloomooloo Park and playground, this included:
- (a) A community mural on the inside wall of the playground;
 - (b) Upgrade tennis and basketball surface including reinstating the snake/eel print on the basketball court;
 - (c) Increase seating in BBQ area;
 - (d) Extend seating wall on the basketball court;
 - (e) Particular play equipment such as water-play, binoculars, flying fox and 'Hamster wheel'
- 24.** The following tree management and planting is proposed as part of the park works:
- (a) Retain and protect all existing trees;
 - (b) Improve the existing surface treatment around the *Populus deltoides* existing within the play area to manage tree health and minimise trip hazards;

- (c) Provide additional planting and new trees within the play area and provide supplementary planting as required;
 - (d) Preparation of an Arboricultural Impact Assessment and Tree Protection Plan to inform the detailed design and ensure appropriate construction methodology when installing equipment and soft-fall;
25. Appropriate environmental assessment and approval processes will be undertaken in accordance with the Environmental Planning Assessment Act 1979.
26. The park/playground design will be subject to a Part 5 approval process which includes an Environmental Impact Assessment report to be completed. No Development Application is required.

Community requested additional scope

27. Community feedback received in late 2022, also requested that Council further consider areas outside the park and playground, this included:

Pring Street / Dowling Street

- (a) Consider community safety concerns for pedestrians on Pring Street, particularly for school children moving between the school, park and McElhone Steps;
 - (i) Installation of temporary safety measures to more clearly identify Pring Street as a shared zone, including new speed limit markings and temporary paint/ planters at crossing points.
 - (ii) Installation of boundary measure to prevent direct access from Park entry ramp onto Pring Street to stop children riding down the ramp and straight onto road.
- (b) Consider the public realm on Dowling Street between the school and the playground.

Public Toilet

- (c) Install new park toilets nearby (subject to Development Application).
 - (d) Community requested the toilet to be within line of sight of the playground.
28. Design options to be developed for consultation with the community for the Pring Street / Dowling Street school drop off area. Noting, if supported, further approval will then be sought from Transport for NSW, and endorsement from the Local, Pedestrian, Cycling and Traffic Calming Committee and Council.
29. The installation of Automated Public Toilets nearby in Sydney Place is subject to a Development Application going up for assessment at the Local Planning Panel in the coming months.

Head Consultants and Construction Contracts

30. In 2020 through an open tender process, the contract for head design consultancy services for the design of the Stage 15: Upgrade of Small Parks and Playground Group A (3 parks - including Woolloomooloo Playground, Woolloomooloo) was awarded to Spackman Mossop Michaels.

31. The construction works were contracted through an open tender process to head contractor Quality Management and Construction Pty Ltd in late 2022.
32. There is now a requirement for additional funds in the design consultancy contract to provide additional services. This is due to project delays and additional consultancy services including documenting the redesign, recertifying the playground, amending the lighting design and updating planning approvals.
33. Council note that a satisfactory result would not be achieved by inviting tenders from consultants or contractors for the revised playground design work because:
 - (a) Prior knowledge and pre-existing engagement within the project
 - (b) Extended program to engage consultants and construction contractors would delay works and increase project related costs;
34. Council note that a satisfactory result would not be achieved by inviting tenders from consultants for the Pring Street / Dowling Street Road and public domain scope of works because:
 - (a) Prior knowledge and pre-existing experience within the project for the playground and park works;
 - (b) The Pring Street / Dowling Street scope of works are an extension of the playground and park works in addition to road safety improvement;
 - (c) Extended program to engage consultants would delay works and increase project related costs;

Key Implications

Strategic Alignment - Sustainable Sydney 2030-2050 Continuing the Vision

35. Sustainable Sydney 2030-2050 Continuing the Vision renews the communities' vision for the sustainable development of the city to 2050. It includes 10 strategic directions to guide the future of the city, as well as 10 targets against which to measure progress. This plan is aligned with the following strategic directions and objectives:
 - (a) Direction 3 - Public places for all - this project will provide an improved open space infrastructure which meets the needs of a wide variety of user groups and provides opportunities for social interaction.
 - (b) Direction 4 - Design excellence and sustainable development - this project is part of a wider program of renewal of small parks across the city; it will provide an improved quality of open space infrastructure.

Organisational Impact

36. This upgrade to the park and playground will provide improved amenity and play experience for the community visiting the park. The replacement of the play assets, rectification of the wall and installation of handrails and balustrades on the stairs represent a mitigation of risk to the City. The assets will require ongoing maintenance.

37. The review of Pring Street / Dowling Street, Woolloomooloo school drop off area located adjacent Woolloomooloo Playground will investigate improved safety for pedestrians on Pring Street, particularly for school children moving between the school, park and McElhone Steps. Upgrade works will be subject to future Asset Renewal Program (FY25) considerations) if the community supports design concepts following consultation.

Risks

38. There is an ongoing risk of anti-social behaviour within the park. This includes potential vandalism of any works undertaken, drug-use related paraphernalia and general anti-social behaviour. Crime Prevention Through Environmental Design (CPTED) principles have been incorporated, including ensuring passive surveillance is achieved and appropriate lighting levels are provided.
39. Risks of not implementing the upgrade works include potential failure of play infrastructure and risk to the community. Daily inspections are carried out by the City as per standard parks and playground maintenance operations.
40. Risks of not implementing this scope of works could result in failure to meet community expectations.

Social / Cultural / Community

41. The site is an important open space within the Woolloomooloo area and has the only playground within a 400 metre radius. It is located 75 metres away from the Juanita Nielsen Community Centre and is adjacent to Plunkett Street School. Improving the amenity and play offering within the park represents an investment in this community, providing opportunities for people of different ages and abilities to use the park alongside each other.
42. An Indigenous Cultural Consultant has been engaged as part of this upgrade process, to ensure that the project works towards recognising the City's Indigenous heritage, celebrating Aboriginal and Torres Strait Islander cultures in the public domain, and enriching local knowledge about the cultural landscape.

Environmental

43. Protection and enhancement of the existing planting through this works is in line with the Urban Ecology Strategic Action Plan.

Financial Implications

44. Additional funds are required for this project to address design scope changes requested by the community for the park and playground upgrade and to address safety concerns in Pring Street / Dowling Street school drop off area.
45. Additional funds to cover the shortfall are requested from the future year Asset Renewal Program budgets as outlined in Confidential Attachment D.

Relevant Legislation

46. Local Government Act 1993 -Section 10A provides that a Council may close to the public so much of its meeting as comprises information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business.

47. Attachment D to the subject report contains confidential commercial information which if disclosed, would confer a commercial advantage on a person with whom Council is conducting (or proposes to conduct) business.
48. 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.
49. Environmental Planning and Assessment Act 1979. A review of the revised design and the existing Review of Environmental Factors will be carried out to ensure that all environmental impacts have been identified, assessed and, where required, action is identified to manage impacts. Appropriate approvals will be obtained where required.
50. State Environmental Planning Policy (Transport and Infrastructure) 2021
51. Sydney Local Environmental Plan 2012
52. Disability Discrimination Act 1992
53. Local Government Act 1993 for construction procurement.
54. NSW Roads Act 1993 for road related approvals.

Critical Dates / Time Frames

55. Current Program Dates:
 - (a) Community Consultation on Revised Concept Design June 2023
 - (b) Council Approval of Revised Concept Design June 2023
 - (c) Order Equipment (six months supply) July 2023
 - (d) Construction Start February 2024
 - (e) Construction Duration 20 weeks

Options

56. Project does not proceed - this option is not recommended as the current existing condition of the playground has a number of associated risks and compliance issues.
57. Proceeding with the previous endorsed scope of works - this option is not recommended due to the community concerns as outlined in this report.

Public Consultation

58. Community consultation was undertaken on the previous scope including undertaking early engagement in November 2019 and public exhibition of the concept plan in July and August 2020.

59. In October 2020, Council endorsed project scope and design for the playground upgrade following two rounds of consultation with the community including a workshop with children at Plunkett Street Primary School and public exhibition (between 20 July and 24 August 2020).
60. At the notification of construction, the Community requested to revisit the design and on 21st November 2022, Council resolved to request that the Chief Executive Officer re-engage with the community to pursue the changes requested by the community.
61. As part of further consultation with the community, City staff undertook a workshop with Plunkett Street Public School students and a community workshop at Woolloomooloo playground in December 2022. Based on the feedback, the design was revised.
62. Key concerns as raised by the community included:
 - (a) Keep the playground the same size
 - (b) Increase the variety of equipment to cater for older children and more group play
 - (c) Use more natural materials
 - (d) Maximise and maintain the lawn area next to the playground
 - (e) Provide safe and accessible routes in and around the park
 - (f) Provide more seating and relocates bins
63. Community feedback also requested that Council, consider areas outside the park and playground including;
 - (a) Address safety concerns for pedestrians on Pring Street, particularly for school children moving between the school, park and McElhone Steps
 - (b) Consider public realm improvements on Dowling Street between the school and the playground
 - (c) Install public toilets nearby (subject to Development Application)
64. The revised concept plans were on exhibition from 10 May to 8 June 2023, and included a community presentation at the Juanita Nielson Community Centre. For a detailed description of the consultation process and findings refer to Attachment C.
65. The public consultation/exhibition on the revised concept plan involved the following:
 - (a) A letter sent to 3,225 local residents about the concept design and inviting them to provide feedback;
 - (b) A stakeholder email sent to local stakeholders, inviting them to give feedback on the proposal. The email was sent to:
 - (i) Youth and Family Connect
 - (ii) Juanita Nielsen Community Centre
 - (iii) Plunkett Street Public School

- (iv) Woolloomooloo Community Garden
 - (c) A webpage on SydneyYourSay showing the plans for the consultation from 10 May to 8 June 2023. 248 individual users viewed the page.
 - (d) Two Have Your Say A2 panels were installed in the park notifying the park users of the proposed works, providing contact details of the Delivery Manager and a web address to the SydneyYourSay page; and
 - (e) a pop-up consultation was held at the park on Friday 26 May 2023 from 3pm to 5:30pm to coincide with a community BBQ. Approximately 30 people attended this event.
 - (f) A presentation to the community on 1 June 2023 at the Junita Nielson Community Centre. The Lord Mayor hosted. This session was an opportunity for the community to view the revised plan, ask City staff questions and provide their feedback. The session was attended by approximately 30 residents.
66. We received a total of 16 submissions during the consultation period including 11 completed surveys, 4 email submissions and a petition from several school students.
67. The community told us they are strongly supportive of the final concept design and the upgrade would encourage them to use the park more. This was expressed through both the submissions and comments made during the community meeting.
68. While outside the scope of the park upgrade, the community is still concerned with traffic safety on Pring Street as well as the location of a new public toilet in the park surrounds. Both these issues are being looked at separately by Council officers. These have been addressed specifically in the Engagement Feedback Table (refer to Attachment C)
69. Community feedback was broadly in support of the revised scope as outlined in Attachment C, with community suggestions to be investigated and where possible incorporated into detailed design.

70. For Woolloomooloo Park and playground, this included:
- (a) A community mural on the inside wall of the playground;
 - (b) Upgrade tennis and basketball surface including reinstating the snake/eel print on the basketball court;
 - (c) Increase seating in BBQ area;
 - (d) Extend seating wall on the basketball court;
 - (e) Particular play equipment such as water-play, binoculars, flying fox and 'Hamster wheel'

KIM WOODBURY

Chief Operating Officer

Belinda Graham, Delivery Manager

Lucy Farley, Design Manager