

## ITEM 5 TENDER T20/03 - REFURBISHMENT OF AUSTINMER BATHERS PAVILION

This report recommends acceptance of a tender for Austinmer Bathers Pavilion Refurbishment works in accordance with the requirements of the Local Government Act 1993 and the Local Government (General) Regulation 2005.

The Austinmer Bathers Pavilion building was constructed in 1928 and is an important part of Austinmer's iconic beach setting. Now, ninety-two years on, the building has deteriorated and requires extensive repair works as well as improvements to achieve contemporary accessibility standards.

The proposed works to the Austinmer Bathers Pavilion building allow for extensive structural rectification to the external and internal columns, walls and ceilings which have significantly deteriorated. The works to the building also include the construction of new internal walls to house a new compliant unisex accessible amenity facility. The proposed accessible amenity will include an adult change table and hoist to assist the full range of users in this key location. Other associated works include replacement of doors to all toilets, new shower and toilet fixtures and fittings, refurbished existing internal and external timber bench seating and painting to all new external and internal walls and ceiling areas.

### RECOMMENDATION

- 1 In accordance with clause 178(1)(a) of the Local Government (General) Regulation 2005, Council accept the tender of Batmac Constructions Pty Ltd for the Austinmer Bathers Pavilion Refurbishment, in the sum of \$928,690.16, excluding GST.
- 2 Council delegate to the General Manager the authority to finalise and execute the contract and any other documentation required to give effect to this resolution.
- 3 Council grant authority for the use of the Common Seal of Council on the contract and any other documentation, should it be required, to give effect to this resolution.

### REPORT AUTHORISATIONS

Report of: Glenn Whittaker, Manager Project Delivery  
Authorised by: Andrew Carfield, Director Infrastructure + Works - Connectivity Assets + Liveable City

### ATTACHMENTS

- 1 Location Plan

### BACKGROUND

The Austinmer Bathers Pavilion building is located on Lawrence Hargrave Drive, Austinmer. The building is located on the southern end of Austinmer Beach promenade. Adjacent to the complex is Austinmer Beach Surf Life Saving Club.

In 2014, investigations commenced on ways to address identified structural defects on the Austinmer Bathers Pavilion building. The scope of works was broadened to also include accessible facilities to cater for the broader community.

Council progressed this design and investigation which, following community consultation, resulted in an option which reinstated the building's overall structural capacity, whilst taking into consideration the building's heritage significance and planning approvals. This option relocated toilets to within the main concrete structure and provided an accessible toilet facility in the northern metal roofed area with a dedicated family change facility to the south. It should be noted that at this time the design included an adult change table however did not incorporate a hoist facility.

In April 2019, tenders were called for the refurbishment of Austinmer Bathers Pavilion building in accordance with the developed design. Four tenders (4) were received by the close of tenders however, Council concluded that none of the tenders were acceptable for the reason that no acceptable tender was received within the budget allocation and Council resolved to decline all tenders.

Following this meeting, Council staff revised the scope and prepared a design which addressed the structural needs of the building, incorporated accessible amenities, including an adult lift and change table and fitted within the allocated budget. This plan was circulated to the community from 13 November to 9 December 2019 (refer attached timeline and notes within the Consultation and Communication section of this report).

Following consultation, this plan was modified slightly to increase the size of the disabled amenities to allow the addition of an adult hoist based on feedback from representatives of the community representing interests of people with a disability. This plan was then circulated and tenders were also called to enable programming of construction predominantly over the winter months.

The current scope of work includes but is not limited to:

- Structural rectification to all concrete structures including repair existing cracks, spalling and damaged reinforcement bars, including installation of sacrificial anodes
- Replacement of existing fixtures and fittings (taps, shower heads, toilets etc) in existing locations throughout the building
- Cutting a penetration in the front façade and installing a door
- New concrete non-structural internal walls to house a new AS1428.1 compliant amenity facility
- Construction of a new accessible toilet, shower, basin, adult change table, system hoist and baby change table
- New screed bed to the external front pavement area to provide level access to the new accessibility amenity
- New concrete cap to full length of existing balustrade to bring to a complying height
- Removal of all existing painted surfaces including new paint throughout including reuse of existing timber bench seats
- Relocation of four (4) existing showers
- Steel roof and timber frame replacement
- Temporary amenities during the construction period
- Traffic and pedestrian management

Tenders were invited for this project on 15 February 2020 by the open tender method with a close of tenders of 10.00 am on 10 March 2020.

Twelve (12) tenders were received by the close of tenders and all tenders have been scrutinised and assessed by a Tender Assessment Panel constituted in accordance with Council's Procurement Policies and Procedures and comprising representatives of the Governance and Customer Service, Project Delivery and Property and Recreation Divisions.

The Tender Assessment Panel assessed all tenders in accordance with the following assessment criteria and weightings as set out in the formal tender documents:

#### **Mandatory Criteria**

- 1 Satisfactory references from referees for previous projects of similar size and scope
- 2 Financial assessment acceptable to Council which demonstrates the tenderer's financial capacity to undertake the works.

### Assessable Criteria

- 1 Cost to Council – 40%
- 2 Appreciation of scope of works and construction methodology – 15%
- 3 Experience and satisfactory performance in undertaking projects of similar size, scope and risk profile – 10%
- 4 Staff qualifications and experience – 5%
- 5 Proposed sub-contractors – 5%
- 6 Project Schedule – 10%
- 7 Demonstrated strengthening of local economic capacity – 5%
- 8 Workplace Health and Safety Management System – 5%
- 9 Environmental Management Policies and Procedures – 5%

The mandatory assessment criteria have been met by the recommended tenderer.

The Tender Assessment Panel utilised a weighted scoring method for the assessment of tenders which allocates a numerical score out of 5 in relation to the level of compliance offered by the tenders to each of the assessment criteria as specified in the tender documentation. The method then takes into account pre-determined weightings for each of the assessment criteria which provides for a total score out of 5 to be calculated for each tender. The tender with the highest total score is considered to be the tender that best meets the requirements of the tender documentation in providing best value to Council. Table 1 below summarises the results of the tender assessment and the ranking of tenders.

TABLE 1 – SUMMARY OF TENDER ASSESSMENT

Name of Tenderer	Ranking
Batmac Constructions Pty Ltd	1
Matrix Group Co. Pty Ltd	2
Davone Constructions Pty Ltd	3
Peloton Constructions Pty Ltd	4
Malsave Pty Ltd	5
Colin Joss & Co Pty Ltd trading as Joss Facility Management	6
Specbuilt Constructions Pty Ltd	7
Advanced Constructions Pty Ltd	Non-conforming
Cooper Commercial Constructions Pty Ltd	Non-conforming
T & C Services trading as Programmed Maintenance	Non-conforming
Adaptive Pty Ltd ATF Adaptive Trust trading as DeSign	Non-conforming
Van Mal Group Construction Pty Ltd	Non-conforming

### PROPOSAL

Council authorise the engagement of Batmac Constructions Pty Ltd to carry out the Austinmer Bathers Pavilion Refurbishment in accordance with the scope of works and technical specifications developed for the project.

The recommended tenderer has satisfied the Tender Assessment Panel that it is capable of undertaking the works to Council's standards and in accordance with the technical specification.

An acceptable financial capability assessment has been received in relation to the recommended tenderer.

Referees nominated by the recommended tenderer have been contacted by the Tender Assessment Panel and expressed satisfaction with the standard of work and methods of operation undertaken on their behalf.

### CONSULTATION AND COMMUNICATION

This project has been the subject of extensive consultation and community engagement throughout the process. A timeline of events has been summarised in the following table:

#### TIMELINE OF EVENTS

Date	Action	Description
9 October - 5 November 2017	Initial Engagement – Phase 1 of Original Design	Original Concept Plans - Community asked to comment via online engagement, letterbox drop, visits to businesses meetings with stakeholders and information stands.
February 2018	Initial Engagement – Phase 2 of Original Design	Revised Plans – Community asked for feedback via a Stakeholder meeting and Community Information stand.
8 April 2019	Council consideration of tender	Council resolved to decline all tenders for the reason that no acceptable tender was received within the budget allocation.
24 April 2019	Stakeholder notification	Stakeholders notified via email of Council decision.
17 May 2019	Stakeholder notification	Stakeholders advised that an updated scope will be presented for community feedback later in the year.
13 November - 9 December 2019	Engagement on Revised Plans	Engagement hand delivered mail to residents and businesses, email to stakeholders and people who provided a submission in initial engagement. Plans placed on display at Pavilion (received 1 group and 25 individual submissions).
14 February 2020	Follow up letter to people who provided a submission	Letter detailed the decision and how Council had considered community feedback and copy of updated plans.
26 February 2020	Email to those that responded to the follow up letter	Email advising that Director Infrastructure & Works and other Council staff will meet with representatives of the local user groups of the Pool and Pavilion. Delayed due to Covid-19 developments occurring at that time.
26 March 2020	Skype meeting with 9 community representatives	Council staff recorded the issues raised by the community for inclusion within this tender report.  Community representatives would be advised when report is available on Council's web page.

In terms of the current design (the subject of this tender), community members have raised a number of issues in response to either the original engagement in November/December 2019, letters to various Councillors and finally at a Skype meeting (held in response to the Covid-19 pandemic rather than a meeting on site) held with nine community members and Council staff on 26 March 2020. A summary of the matters raised and further additional information is listed below:

#### SUMMARY OF MATTERS RAISED

Matters	Additional Information/commentary
Is Austinmer Beach the correct location for an accessible facility?	Council has recently adopted the Beach and Foreshore Access Strategy which identified four priority beaches, one of which is Austinmer Beach.  Supporting this location is Austinmer's popularity with locals and visitors, the range of existing facilities and the accessible gradients connecting the carpark and foreshore promenade.
The location of the door centrally within the front face of the building will adversely impact on the heritage value of the building.	The building is not currently listed as a local heritage item in the Wollongong LEP 2009. It is being considered for inclusion as part of the City-Wide Heritage Review.  The current design proposal was prepared in consultation with Council's Heritage Officers, who prepared a Heritage

Matters	Additional Information/commentary
	<p>Impact Statement.</p> <p>This report draws the following conclusion:</p> <p><i>The proposed works are considered satisfactory in regard to heritage impact. The Pavilion Building is currently in poor structural condition and requires significant repairs to provide for its conservation. The facility must also be adapted to provide amenities that meet the community's expectations, particularly as they relate to improved accessibility outcomes.</i></p> <p><i>The aspects of the proposal that have the potential to impact on the significance of the building have been carefully designed to respond to these issues and mitigate the potential visual impacts on the building in consultation with Council's Heritage staff. The works will support the ongoing use of the Austinmer Beach Amenities as an operational community facility and provide for positive amenity and accessibility outcomes. Further, the structural repairs to the concrete structure are necessary to allow for the retention of the building and will provide for a long-term conservation outcome.</i></p>
<p>A suggestion was lodged to locate an accessible toilet in each of the female/male areas as there appears to be sufficient room.</p>	<p>This option is not considered viable as access should be gender neutral for both the carer and the person with a disability i.e. you should not enter a disabled facility through a gender specific entry.</p>
<p>The disabled facility is remote from the car park and should be relocated to the northern end of the beach.</p>	<p>Access to this facility is along a level concrete promenade. There are two disabled parking spaces in the south east corner of the carpark which are approximately 150m from the amenities building.</p> <p>A number of carers of people with a disability particularly spoke about the need to feel included in the community and not segregated.</p>
<p>The accessible toilet does not provide dignified access to the facilities and it would make those accessing the toilet feel uncomfortable.</p>	<p>Following receipt of these submissions, Council consulted with stakeholders who were carers of persons with a disability who indicated they did not feel the entrance location was in any way undignified or would make them feel uncomfortable. In direct contrast, they indicated they did not want the access to be hidden around the back or remote from other users.</p>
<p>The location of the door to the disabled facilities will interfere with the congregation and movement of people in that area as it is known as a local community meeting place. The door requires the removal of valuable seating.</p>	<p>The installation of the door will require the removal of two metres of seating leaving over 50 metres of seating remaining.</p> <p>This toilet has a push button to access with auto close function and remains closed unless activated. The door opens inward.</p>
<p>Many people supported the provision of a disabled facility but not in this location. Suggestions were to locate in the boatshed (old Surf Club storage) or the lifeguard facility.</p>	<p>The boatshed was raised during the Skype meeting dated 26 March 2020 but was not supported by the Surf Club member present. The lifeguard facility has an accessible amenity for club members but is not suitably located within the building for public access.</p>
<p>Many people representing the needs of persons with a disability requested the facility include a disability hoist to make it truly inclusive and requested Council include the provision of warm water for personal washing.</p>	<p>Following the community engagement process, Council slightly enlarged the accessible amenity to include a hoist which is stored within a locked (MLAK key system) cabinet. The locked cabinet also includes a small warm water service.</p>
<p>One respondent suggested the building should be demolished and a contemporary facility rebuilt which mirrored the desirable features of the current building.</p>	<p>This was raised by one respondent but not supported by other parties.</p>
<p>General support for the refurbishment of the existing facility with need for adequate hooks, no doors on showers.</p>	<p>The current design addresses these matters.</p>

Matters	Additional Information/commentary
Lack of engagement in terms of earlier design stages. Need for longer consultation period.  Council did not engage the community on the new plan.  Some community members did not know about the new design.	Council conducted a community engagement process in Nov/Dec 2019 and received 26 responses. The process used a variety of contact methods including plans being placed on display at the Pavilion.
Council had already called tenders.	Following advice to the community regarding adoption of a final design, Council called for tenders to ensure that a significant portion of the construction occurred in Winter 2020. Council's letter to the community dated 14 February 2020 clearly stated this intention.
Fears that the removal of the interior wall will jeopardise the future integrity of the building.	This issue was raised by a community member and has been reviewed by Council's structural engineers who are satisfied with the current design.
Council should lodge a Development Application for these works.	Council is able to consider these works under the State Environmental Planning Policy (SEPP) Infrastructure 2007 and does not have to lodge a Development Application for these works. Regardless of this, Council has sought community input and considered the submissions received.
People swim all year round and will need access to showers and toilets.	During construction Council will provide appropriate temporary amenities.
Sustainability was raised in general terms.	All fittings and fixtures will be water saving devices. Lighting will be LED. Council is proposing to reuse benching where possible.

## PLANNING AND POLICY IMPACT

This report contributes to the delivery of Our Wollongong 2028 goal 5 "We are a healthy community in a liveable city".

Community Strategic Plan	Delivery Program 2018-2021	Operational Plan 2019-20
Strategy	3 Year Action	Operational Plan Actions
5.5.1 Public Facilities in key locations and transport routes are maintained and clean, accessible and inviting to our community and visitors	5.5.1.2 Manage and maintain community infrastructure portfolio with a focus on asset renewal.	Review Council's Asset Management Plans: Buildings, Recreation, Stormwater, Plant and Vehicles, Transport.

In May 2019, Council endorsed a Public Toilet Strategy which included a requirement to incorporate at Austinmer Beach an accessible toilet, adult lift and change table and the ability to accommodate amphibious wheelchairs.

## RISK ASSESSMENT

The risk in accepting the recommendation of this report is considered low on the basis that the tender process has fully complied with Council's Procurement Policies and Procedures and the Local Government Act 1993.

The risk of the project works or services is considered medium based upon Council's risk assessment matrix and appropriate risk management strategies will be implemented.

There are a number of risks associated with this project as follows:

1. Council does not have structural records of the Amenities Building (particularly the arch supports). During the initial removal of failed sections Council will confirm the reinforcement sizes and determine the capacity of the roof area. If this is found to be inadequate, Council will close off the roof to the public via a suitable fence and signage.

2. The current Covid-19 Pandemic is a nationwide risk to all construction projects. At the time of writing this report, construction activities are still proceeding with controls in place.
3. Council has satisfied the requirements of the National Construction Code (NCC) in terms of the provision of a disabled facility complying with AS1428.1 Design for Access and Mobility General Requirements for Access. Due to the nature of this refurbishment Council is unable to fully comply with all parts of the NCC - Accessible Adult Change Facility, however Council has achieved the best compromise available at this site. The design has been reviewed by an Occupational Therapist who supports the outcomes achieved.
4. The delay in submitting the report to Council has resulted in the program extending into the early summer period.
5. Due to the difficulty in determining the extent of concrete cancer remediation works, there is a risk that additional costs will be incurred. Appropriate contingencies will be allocated to this project.

### SUSTAINABILITY IMPLICATIONS

The following sustainability implications have been considered:

- All fixtures and fittings are vandal resistant water saving devices
- Lighting will be energy efficient LED technology
- Reuse of the seating
- The concrete repair works will provide further life to this building

### FINANCIAL IMPLICATIONS

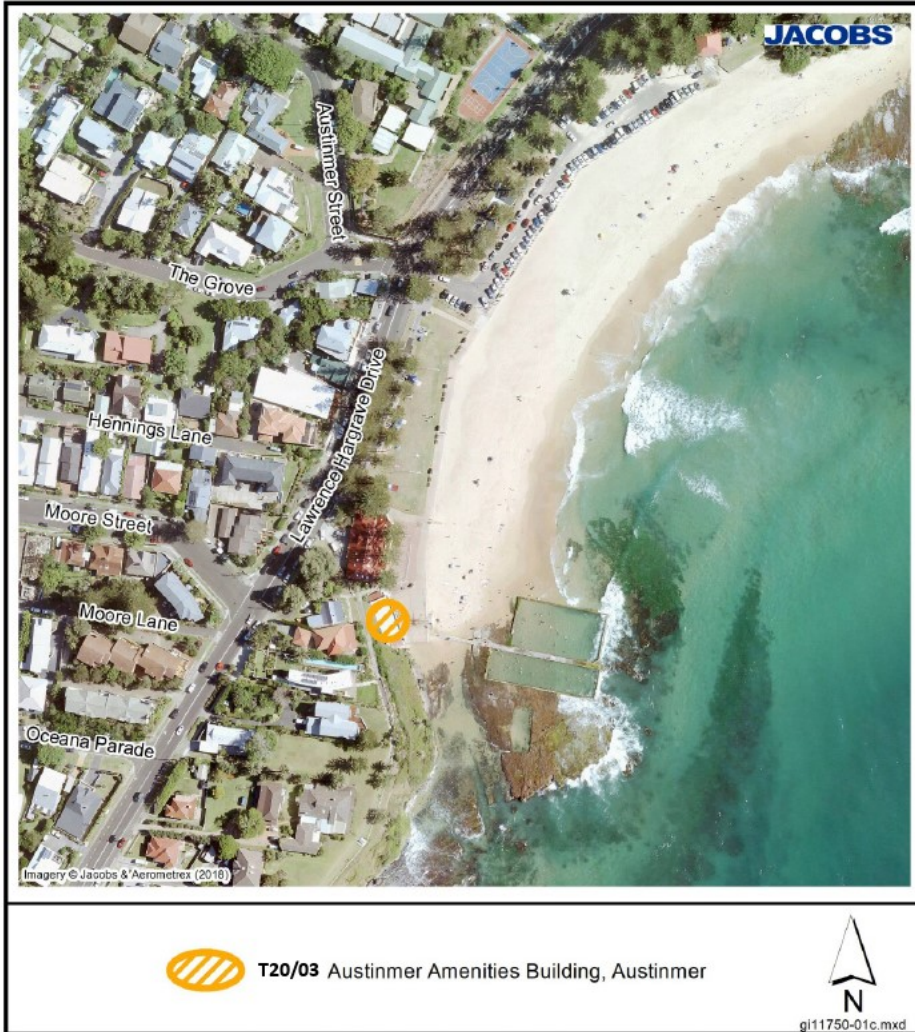
It is proposed that the total project be funded from the following source/s:

2019/20 and 2020/21 Capital Budgets

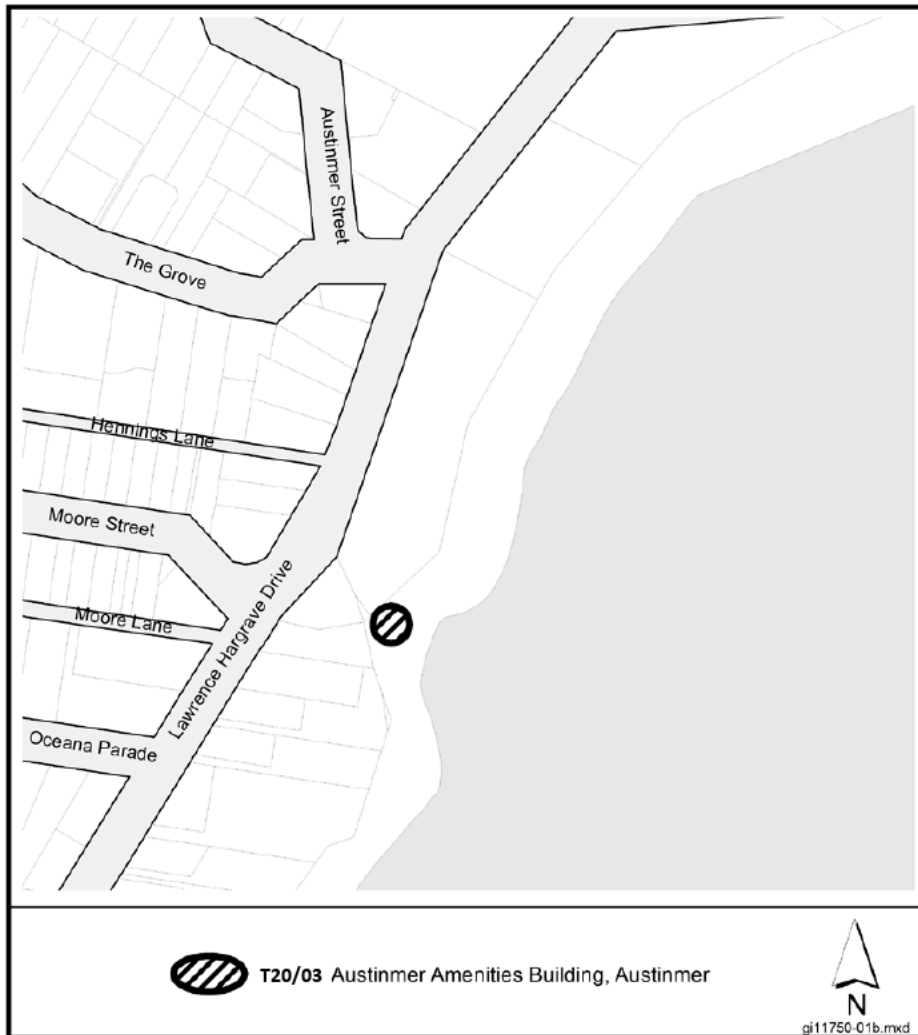
### CONCLUSION

Batmac Constructions Pty Ltd have submitted an acceptable tender for these works and Council should endorse the recommendations of this report.









T20/03 Austinner Amenities Building, Austinner



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