

Access to information held by Suburban Land Agency about the procurement of playground equipment for Ruth Park, Edgeworth Parade, Coombs.

Information Sought from the Suburban Land Agency

1. The Suburban Land Agency recently completed the development of Ruth Park in Edgeworth Parade, Coombs. The Suburban Land Agency's major contract was with **RAM Constructions** of Mitchell, ACT for \$6.8 million for infrastructure works and on-site construction. In 2019, **Redbox Design Group** of Fyshwick, ACT had a contract for \$0.39 million for playground design consultancy.
2. The playground has bespoke play equipment including four large pods or 'Bommy Knockers' manufactured by **Fleetwood Urban** of Wetherill Park, NSW. Redbox Design Group collaborated with Fleetwood Urban on the design and manufacture of the Bommy Knockers.
3. I seek to know the **total cost of playground equipment procured by the Suburban Land Agency** for Ruth Park and how much of this cost is included in the total \$7.19 million of known contracts to RAM Constructions (August 2021) and Redbox Design Group (February 2019).
4. I seek access to documents and information held by the Suburban Land Agency relating to **the procurement of services by Fleetwood Urban and by Redbox Design Group for the design, manufacture and construction of Ruth Park's playground equipment** including, but not limited to, the four Bommy Knockers.
5. Specifically, in relation to the procurement of the manufacture and/or construction of playground equipment, I seek access to information about the tender, contract, letter of agreement and/or any other document or electronic email exchange:
 - Between Suburban Land Agency and Fleetwood Urban; or
 - Between Suburban Land Agency and Redbox Design Group where it relates to design and manufacturing services provided by Fleetwood Urban; or
 - Between Suburban Land Agency and RAM Constructions where it relates to services provided either by Redbox Design Group or by Fleetwood Urban or both.

Document details sought are:

- Date of execution of document, date of commencement and date of completion of works.
 - Legal parties involved and any authorised third parties or subcontractors.
 - Playground equipment to be delivered including from a third party or sub-contractor.
 - Sum of money or other consideration as payment to relevant parties.
6. I seek access to information from the Suburban Land Agency about **the name or names of any other organisation** not already named **engaged in off-site design, manufacture and/or construction of playground equipment for Ruth Park**, specifically the Bird's Nest Tower with slides. Equivalent SLA documents are sought as outlined in Point 5.

Background Information

7. Ruth Park Playground was officially opened by Minister Yvette Berry on 27 October 2022 according to a Media Release dated 27 October 2022.

WEB PAGE LINK:

https://www.cmtedd.act.gov.au/open_government/inform/act_government_media_releases/yvette-berry-mla-media-releases/2022/inclusive-playground-opens-in-coombs

8. Canberra Times reported that the play space cost \$7.1million (Canberra Times, 31 October 2022), according to a Suburban Land Agency spokesperson.

Canberra Times Quote: *“The Molonglo Valley park, opened by Minister for Education and Youth Affairs Yvette Berry on Thursday, was designed at a cost of \$395,609.40 by Redbox Design Group and built by RAM Constructions for \$6,843,231.13. A further \$235,118.80 has been awarded to Cardno Pty Ltd for maintenance services. ”*

WEB PAGE LINK:

<https://www.canberratimes.com.au/story/7960617/landscaping-costs-contribute-to-71-million-price-tag-for-new-playground/>

9. The Canberra Times article is supported by contracts reported on the ACT government’s own websites for a total \$7.47 million as follows:

- a. Contract with RAM for Playground "Construction" (Infrastructure Works) dated 4 August 2021 for \$6,843,231.13. WEB PAGE LINK:

<https://www.tenders.act.gov.au/contract/view?id=193034>

- b. Contract with Cardno to supervise playground construction dated 4 August 2021 for \$235,118

WEB PAGE LINK: <https://www.tenders.act.gov.au/contract/view?id=192881>

- c. Contract with Redbox Design Group for Playground Design Consultation (Consultancy) dated 13 February 2019 for \$395,609.40

WEB PAGE LINK: <https://www.tenders.act.gov.au/contract/view?id=173210>

10. The three contracts appear to refer to on-site infrastructure construction works; supervision of on-site infrastructure construction; and, design of the playground which probably includes design of playground equipment.

The three contracts do not appear to refer to off-site manufacture or construction of playground equipment. In view of the size of the RAM contract (\$6.8million) does this contract include the cost of off-site manufacture of playground equipment?

If so, does the contract include a requirement that RAM procures playground equipment from another company or sub-contractor such as Redbox Design Group or Fleetwood Urban?

11. In August 2020, in a post called “Project Update: Final Sketch Plans” the Suburban Land Agency announced the range of playground equipment as follows:

- *Dual slide Birds Nest Tower*
- *Pods with rope ladder connection and single slide*
- *Balance logs, posts and beams*
- *All abilities carousel*
- *Step logs*
- *Rain wheel*
- *Talk tube*
- *Spider net swing*
- *Timber T swings*
- *Joey swing seat (adult and infant)*
- *All abilities harness swing*
- *Embankment slides*
- *Willy Willy Spinner*
- *Inground Ant Springers*
- *Mini kids in-ground trampolines*

The second line item (“Pods”) refers to play equipment also known as ‘Bommy Knockers’ (see Point 11 below).

WEB PAGE LINK: <https://suburbanland.act.gov.au/molonglo/coombs-playspace>

12. In May 2021, in a post called “Project Update: Design Approval and Construction Program” the Suburban Land Agency announced the approval of the playground and start of construction, as follows (bolding added):

“The Coombs Play Space is approved! Transport Canberra and City Services have signed off on the final details of the design and the Development Application for the additional parking has got the tick.

“The bespoke playground equipment and pond edge shade structures are currently being manufactured interstate and the Suburban Land Agency is finalising the Tender documentation before releasing it to market.

“Construction is now on track to commence in mid to late July 2021.”

WEB PAGE LINK: <https://suburbanland.act.gov.au/molonglo/coombs-playspace>

13. On 2 March 2022, in a post called “Continuity delivers confidence for Walker Corporation and Redbox”, Fleetwood Urban of Wetherill Park, NSW reported an interview with Justin Kalinowski (Redbox Design Group) in which Kalinowski stated (bolding added):

*“Using one of our recent projects at Edgeworth (a new playspace in Canberra) as an example, there’s been virtually the same Fleetwood team along for the whole journey. **That project has taken a couple of years** to get to the point where it’s now starting to be built, and we’ve shared all of that project history together. “*

The above statement indicates that **there had been collaboration between Redbox Design Group and Fleetwood Urban** for “a couple of years” i.e. **as far back as early 2020.**

WEB PAGE LINK:

<https://fleetwoodurban.com.au/continuity-delivers-confidence-for-walker-corporation-and-redbox/>

14. On 3 November 2022, in post called “*Redefining Nature Play*”, Fleetwood Urban of Wetherill Park NSW advised (bolding added):

*“...**Redbox Design Group contracted Fleetwood Urban to detail, manufacture and install 15 bushland-inspired shade shelters and a series of ambitious structural play elements and custom artworks at Ruth Park. The creative showpieces are undoubtedly four giant hardwood ‘**Bommy Knocker’ spherical play structures** – one cantilevered several meters above the ground – weighing more than four tonnes each!**”*

“Describing the project as a once-in-a-lifetime opportunity, Director at Redbox Design Group, Justin Kalinowski, explains the vision was to create a natural play-based escape inspired by Canberra’s native and urban forests, in an existing landscape that was completely man-made with no trees.”

WEB PAGE LINK: <https://fleetwoodurban.com.au/redefining-nature-play/>

Access to information held by Suburban Land Agency about compliance of Ruth Park’s design with ACT playground equipment setback standards.

Information Sought from the Suburban Land Agency

1. The Suburban Land Agency recently completed the development of Ruth Park, a municipal asset, in Edgeworth Parade, Coombs.
2. According to Transport Canberra and City Services "*The design of municipal assets in the ACT must be in accordance with the Municipal Infrastructure Design Standards.*" Section 1.5.4 of Municipal Infrastructure Design Standard 21 "*Recreation Facilities*" specifies that play equipment in playgrounds shall have a setback of:
 - 10 metres from the edge of a building or major structure;
 - 20 metres from adjoining residential property lines, the edge of any access street, collector road or car park pavement area (some existing play spaces may be closer);
 - 30 metres from arterial road pavements;
 - 20 metres from hazards such stormwater drains, through/trunk cycle paths and playing fields; and
 - 100 metres from pad-mount substations. Note play spaces may be located closer with special provisions for the pad-mount substation as identified in *ActewAGL Electrical networks Management system – Procedure No: EN 4.4 P12 Siting Requirements for Padmount Substations.*

“Fences are not to be considered a substitute for proper direct clearances.”
3. I seek access to information and documents indicating that the Suburban Land Agency (SLA) assessed whether the playground’s design complied with all relevant mandatory playground equipment siting and setback standards specified in Section 1.5.4 of MIS 21 Recreation Facilities; and the outcome of that assessment. Such documents may have been prepared either before or at the time that SLA presented the final design to Transport Canberra and City Services (TCCS) for approval in May 2021.
4. I seek access to any document that the Suburban Land Agency prepared or used to seek exemption(s) from TCCS in relation to compliance with mandatory design standards contained in the Municipal Infrastructure Standards and the reasons for the exemption (s) sought.
5. The 100m setback from the electricity pad-mount substation was raised with SLA in 2019 by [REDACTED]. In a letter to [REDACTED] dated 10 September 2019, John Dietz, CEO, SLA noted that the play space footprint was located near an electrical sub-station. He advised that “our consultant design firm will be required to consider the relevant standards and any special provisions that may apply”. He also advised that “Evoenergy will provide our consultant design firm with the required electricity network parameters to conduct the required compliance assessment.” And that Evoenergy will need to “review this assessment and provide approval before construction of the play space can commence”. Copy is presented in Attachment A.

6. I seek access to information and documents to indicate that the Suburban Land Agency followed up on action points identified in the letter of 10 September 2022, including documents to and/or from Redbox Design Group (being the consultant design firm at that time) and relevant documents from Evoenergy, such that the Suburban Land Agency was satisfied that the site was compliant.

Background Information

1. Ruth Park Playground was officially opened by Minister Yvette Berry on 27 October 2022 according to a Media Release dated **27 October 2022**.

WEB PAGE LINK:

https://www.cmtedd.act.gov.au/open_government/inform/act_government_media_releases/yvette-berry-mla-media-releases/2022/inclusive-playground-opens-in-coombs

2. In **May 2021**, in a post called "*Project Update: Design Approval and Construction Program*" the Suburban Land Agency announced the approval of the playground and start of construction, as follows (bolding added):

"The Coombs Play Space is approved! Transport Canberra and City Services have signed off on the final details of the design and the Development Application for the additional parking has got the tick. The bespoke playground equipment and pond edge shade structures are currently being manufactured interstate and the Suburban Land Agency is finalising the Tender documentation before releasing it to market. Construction is now on track to commence in mid to late July 2021."

WEB PAGE LINK: <https://suburbanland.act.gov.au/molonglo/coombs-playspace>

3. Transport Canberra and City Services is responsible for maintaining the Municipal Infrastructure Design Standards (MIS). The MIS web page for TCCS states:

"The design of municipal assets in the ACT must be in accordance with the Municipal Infrastructure Design Standards. Where any differences in practice exist between referenced design documents and the Municipal Infrastructure Standard, the later will prevail."

WEB PAGE LINK: <https://www.cityservices.act.gov.au/plan-and-build/standards-codes-and-guidelines/municipal-infrastructure-design-standards-mis>

4. Ruth Park is a municipal asset. As a park containing a playground it needs to comply with the relevant Municipal Infrastructure Standards including but not limited to **MIS 21- Recreation Facilities**. As the play space was approved in May 2021, the applicable version at that time was the MIS 21 Edition 1 Revision 0 with Date of Effect **April 2019**.

WEB PAGE LINK:

https://www.cityservices.act.gov.au/_data/assets/pdf_file/0005/1378535/MIS21-Recreation-Facilities.pdf

5. Copy of MIS 21 Recreation Facilities Page 18 : **Section 1.5.4 Play equipment siting setback requirements**

“Requirement: Play equipment in play spaces shall have the following setbacks:

- 10 metres from the edge of a building or major structure;
- 20 metres from adjoining residential property lines, the edge of any access street, collector road or car park pavement area (some existing play spaces may be closer);
- 30 metres from arterial road pavements;
- 20 metres from hazards such stormwater drains, through/trunk cycle paths and playing fields; and
- 100 metres from pad-mount substations. Note play spaces may be located closer with special provisions for the pad-mount substation as identified in *ActewAGL Electrical networks Management system – Procedure No: EN 4.4 P12 Siting Requirements for Padmount Substations.*”

“Fences are not to be considered a substitute for proper direct clearances.”

WEB PAGE LINK:

https://www.cityservices.act.gov.au/_data/assets/pdf_file/0005/1378535/MIS21-Recreation-Facilities.pdf

6. The footprint of Ruth Park is specified in Public Place Names (Coombs) Determination 2021 Disallowable instrument DI2021–260. Refer to copy of map Attachment B.

WEB PAGE LINK: <https://www.legislation.act.gov.au/di/2021-260/>

7. The playground equipment is sited near the following physical features:

- An access street, Edgeworth Parade.
- Parallel carparking bays in Edgeworth Parade.
- A hazard in the form of open water in Holden’s Creek Pond.
- A hazard in the form of a designated local network cycle route that connects Coombs via an underpass with John Gorton Drive and through to Stromlo Forest Park and through to Wright Block 6 Section 51 which is the site for a non-government school.
- A pad-mount electricity substation located on the verge of 68 Edgeworth Parade.

Attachment C presents an annotated plan of the playground showing the mandatory setback requirements from the access road, from the through cycle path and from the pad-mount substation. The plan also shows a blue dotted ‘leaf shape’ which outlines a playground footprint that meets the 20m setback requirements associated with the road and with the cycle path.

8. In August 2019, [REDACTED] wrote to the Suburban Land Agency to know whether the SLA was aware of the location of the electricity substation and hence implications for compliance with MIS 21 Section 1.5.4.

Attachment A presents the response from John Dietz, CEO, Suburban Land Agency dated 10 September 2022.

9. The “consultant design firm” mentioned in that letter is presumably Redbox Design Group. Suburban Land Agency had a contract with Redbox Design Group for Playground Design Consultation (Consultancy) dated 13 February 2019 for \$395,609.40

WEB PAGE LINK: <https://www.tenders.act.gov.au/contract/view?id=173210>

ATTACHMENT A



ACT
Government

Suburban Land
Agency



Schedule 2.2(a)(ii)

Dear Schedule 2.2(a)(ii)

Thank you for your email of 1 August 2019 regarding the Coombs play space footprint and its location to the nearby electrical substation.

The Suburban Land Agency takes public safety very seriously and works closely with utility providers and other government agencies to ensure our works comply with safety requirements.

Depending on the type of works proposed, the Transport Canberra and City Services Directorate and utility service providers are typically required to endorse designs prior to commencement.

We have referred this matter to Evoenergy who have confirmed that our consultant design firm will be required to consider the relevant standards and any special provisions that may apply.

Specifically, an earthing expert will be engaged, and an earthing compliance assessment will be instigated to verify compliance at the playground's nominated location. Evoenergy will provide our consultant design firm with the required electricity network parameters to conduct the compliance assessment.

Evoenergy will be required to review this assessment and provide approval before construction of the play space can commence.

I hope this information is of assistance.

Yours sincerely

Schedule 2.2(a)(ii)

John Dietz
Chief Executive Officer

10 September 2019

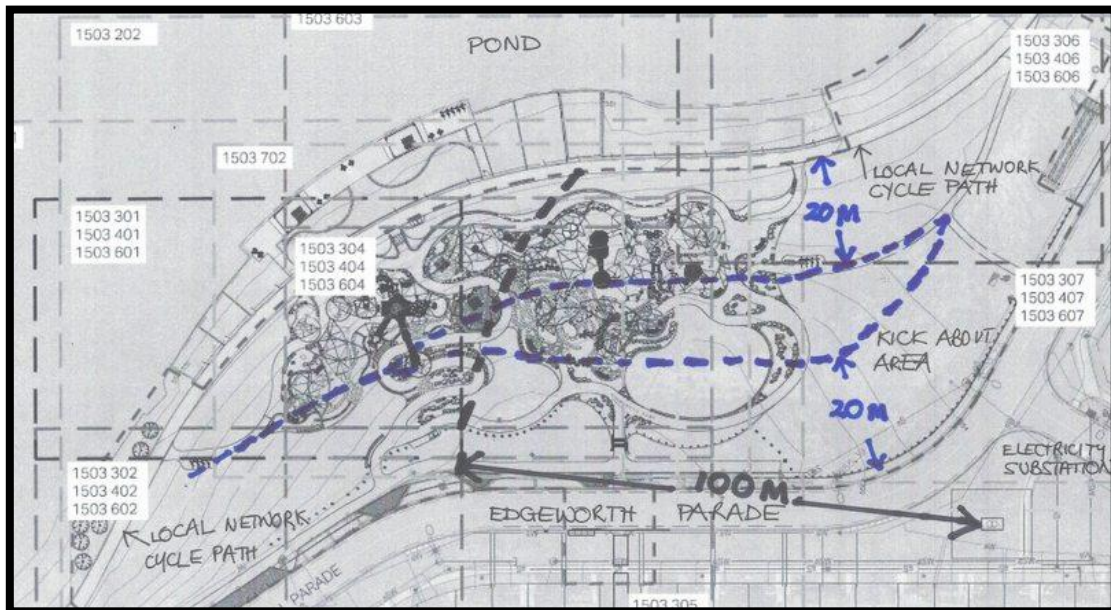
ATTACHMENT B



Copy of Map from Public Place Names (Coombs) Determination 2021 Disallowable Instrument DI2021-260

WEB PAGE LINK: <https://www.legislation.act.gov.au/di/2021-260/>

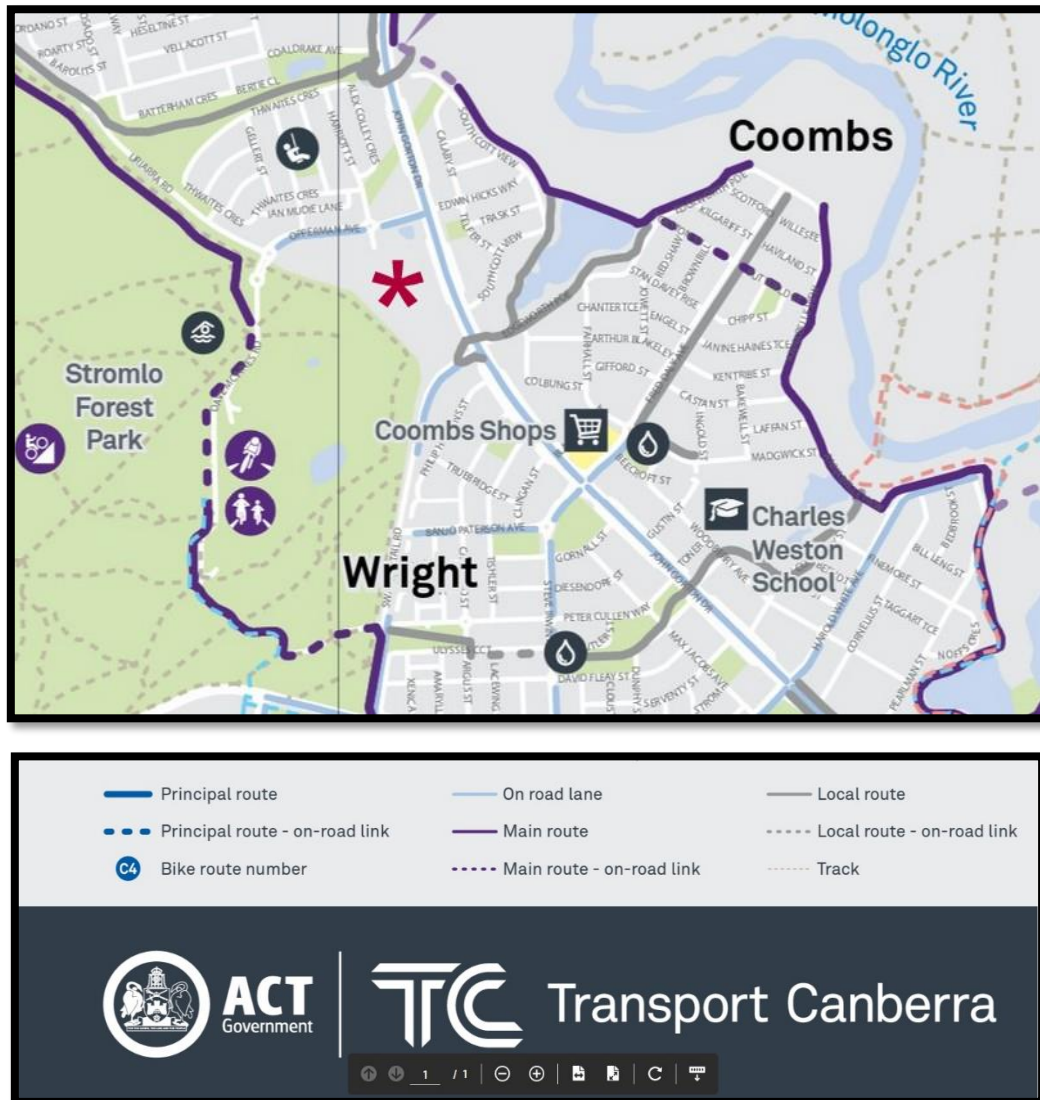
ATTACHMENT C



Lower blue dotted line indicates mandatory 20m setback from access street and car parking in Edgeworth Parade. Shorter **upper blue dotted line** indicates mandatory 20m setback from through cycle path connecting Coombs with Wright via John Gorton Drive underpass. This is a safe cycle path for students attending nearby future non-government school in Wright Block 6 Section 51, corner of Opperman Avenue and John Gorton Drive.

“Leaf shape” enclosed by the two blue dotted lines indicates a footprint that meets mandatory setback requirements from road and cycle path. **Black dotted line** indicates 100m setback from pad-mount electricity substation on verge at 68 Edgeworth Parade.

ATTACHMENT D



Extract from ACT Government Cycle Network Map of Canberra. Designated local cycling route is shown for the bike path next to Holden’s Creek Pond leading to the underpass under John Gorton Drive.

Red star added. Indicates the location of Block 6 Section 51 which is the site of a future non-government school. Hence, the Edgeworth Parade/ Holdens Creek Pond bike path safely connects the suburb of Coombs with this school site in Wright and with Stromlo Forest Park.

WEB PAGE LINK:

chrome-extension://efaidnbnmnibpcjpcglclefindmkaj/https://www.transport.act.gov.au/data/assets/pdf_file/0010/1961722/Cycle-network-map.pdf