



Council Chambers,
BERRIGAN NSW 2712

Sir/Madam,

Notice is hereby given that an Extraordinary Meeting of the Council of the Shire of Berrigan will be held in the **Council Chambers**, Berrigan, on **Wednesday 1st August 2018 commencing at 9:00am, to consider and order upon:**

TENDER T14/17/18 – DESIGN AND CONSTRUCTION OF TOCUMWAL SPLASH PARK

DEVELOPMENT APPLICATION 111/18/DA/D5 - CARPORT

No business, other than that on the Agenda, may be dealt with at this meeting unless resolved by this meeting and the mayor has ruled it to be a matter of great urgency.

ROWAN PERKINS
GENERAL MANAGER



Extraordinary Council Meeting

Wednesday 1st August, 2018

BUSINESS PAPER

1. PRESENT
2. APOLOGIES
3. DECLARATION OF ITEMS OF PECUNIARY OR OTHER INTEREST
4. VISITORS ATTENDING MEETING
- 5.1 DEVELOPMENT APPLICATION NO. 111/18/DA/D5 - CARPORT

AUTHOR: Development Manager

STRATEGIC OUTCOME: Sustainable natural and built landscapes

STRATEGIC OBJECTIVE: 1.1 Support sustainable use of our natural resources and built landscapes

FILE NO: 111/18/DA/D5

RECOMMENDATION: that the Council refuse Development Application No. 111/18/DA/D5 – Carport as it considers that the bulk and scale of the application is contrary to the provisions of the Berrigan Development Control Plan.

Division

In Favour:

Against:

Items requiring Council Resolution

REPORT:

The Council, at its meeting held on 18th July 2018 considered the following recommendation in relation to an application to erect a carport at Town Beach Road, Tocumwal:

RECOMMENDATION: that Development Application No. 111/18/DA/D5 – Carport be approved subject to the following conditions:

1. *The mezzanine floor of the carport must be reduced in size to a maximum 50% of the floor area of the carport so as to minimize the impact of the structure on the adjoining property and the streetscape. Prior to the submission of an application for a construction certificate an amended plan of the structure reflecting the above requirement must be submitted to Council for endorsement.*
2. Occupation
The structure must not be occupied or used until the Principal Certifying Authority has received and determined the application for an “Occupation Certificate”.

A Final Occupation Certificate must not be issued unless all required certificates have been received and the building is suitable for occupation or use in accordance with its classification under the Building Code of Australia. (Section 109C(1)(c) and 109H Environment Planning & Assessment Act 1979 (EP&A Act 1979)
3. Use
This approval is granted for the carport to be used for storage purposes normally associated with a residence. No other use is permitted for the carport unless prior approval is obtained from Council.
4. Appointment of PCA and Notice of Commencement
No work is to commence until the person granted development consent has:
 - a) *obtained a Construction Certificate for each structure*
 - b) *appointed a PRINCIPAL CERTIFYING AUTHORITY*
 - c) *notified the Council of the appointment*
 - d) *appointed a principal contractor for the building work who must be the holder of a contractor licence if any residential building work is involved.*
 - e) *given the Council at least 2 days’ notice of the intention to commence erection of the building. (Section 81A EP&A Act 1979)*

Items requiring Council Resolution

5. Construction Certificate
No work is to commence until the person granted development consent has had the detailed plans and specifications endorsed by the Council or other accredited certifier and has received a "Construction Certificate" [Section 81A EP&A Act 1979].
6. Critical Stage Inspection
The Principal Certifying Authority for building or subdivision work carried out on a site is required to be satisfied that the work has been inspected on such occasions as are prescribed by the regulations or other occasions required by the principal certifying authority, before the issue of a Certificate of Occupancy or Subdivision Certificate for the building or work. (Section 109E EP&A Act 1979)
7. Waste
A garbage receptacle for the reception of all waste materials from the site shall be provided prior to building work commencing and shall be maintained and serviced for the duration of the work.
8. Permitted hours for building work
All building work shall be carried out only between the hours of 7.00am and 6.00pm Monday to Friday inclusive, 8.00am and 5.00pm Saturdays. No work shall be carried out on Sundays and public holidays.
9. Compliance with Building Code of Australia
All building work must be carried out in accordance with the provisions of the Building Code of Australia
10. Excavations and backfilling
 - (a) *All excavations and backfilling associated with the erection or demolition of a building must be executed safely and in accordance with appropriate professional standards.*
 - (b) *All excavations associated with the erection or demolition of a building must be properly guarded and protected to prevent them from being dangerous to life or property.*
11. Protection of public places
 - a. *If the work involved in the erection or demolition of a building:*
 - (i) *is likely to cause pedestrian or vehicular traffic in a public place to be obstructed or rendered inconvenient, or*
 - (ii) *building involves the enclosure of a public place,*

Items requiring Council Resolution

a hoarding or fence must be erected between the work site and the public place.

b. If necessary, an awning is to be erected, sufficient to prevent any substance from, or in connection with, the work falling into the public place.

c. The work site must be kept lit between sunset and sunrise if it is likely to be hazardous to persons in the public place.

d. Any such hoarding, fence or awning is to be removed when the work has been completed.

12. Signs to be erected on building & demolition site

a. A sign must be erected in a prominent position on any work site on which work involved in the erection or demolition of a building is being carried out:

(i) stating that unauthorised entry to the work site is prohibited, and

(ii) showing the name of the person in charge of the work site and a telephone number at which that person may be contacted outside working hours.

b. Any such sign is to be removed when the work has been completed. (Clause 78H of Regulation).

13. Works in Road Reserve

No work is to be carried out beyond the property boundary on any road reserve, naturestrip, footpath, concrete kerb, paved area, building or supply service without the prior written consent of the Council, in order to protect community assets and eliminate potential hazards to the community in the "public place".

An "Application for Works, Structures and Activities on a Council Road" must be submitted to Council, along with relevant plans and the determined fee. Consent must be obtained, before commencement of any work.

14. Asbestos Material

Work involving the removal of more than ten (10) square meters of asbestos containing material must be undertaken by a NSW licensed contractor as required by the NSW Work Health and Safety Regulations 2011.

Prior to commencement of any work, the Principal Certifying Authority must be provided with:

Items requiring Council Resolution

Written notice is to include the following details:

a) a copy of a signed contract with a person licensed to remove asbestos,

b) the contract must specify the landfill site to which the asbestos containing material is to be delivered.

15. Roofwater

Roofwater from the carport must be drained underground to Councils stormwater pit located in the Sandy Lane corridor directly north of the subject site and north of Sandy Lane in accordance with the Building Code of Australia and Relevant Australian Standards. This is to ensure that stormwater runoff is not directed to Sandy Lane or cause damage or flooding to occur to neighbouring properties.

The motion to approve the development in accordance with the officer's recommendation was lost.

In the absence of any further resolution of the Council the application now has the status of being undetermined.

To determine the Application, two Councillors have requested that the Mayor include such determination as an item of business at this extraordinary meeting and have indicated that they will move a motion to the effect of the listed recommendation

The Council officers report and attachments are included in **Appendix 'A'**

Items requiring Council Resolution

5.2 TENDER NO. T14/17/18 – DESIGN AND CONSTRUCTION OF TOCUMWAL SPLASH PARK

AUTHOR: Director Corporate Services

STRATEGIC OUTCOME: Good government

STRATEGIC OBJECTIVE: 2.2 Ensure effective governance by Council of Council operations and reporting

FILE NO: T14/17/18

RECOMMENDATION: - that, in relation to T14/17/18 – Design and Construction of Tocumwal Splash Park, the Council appoint Water Features by Design Pty Ltd as its preferred tenderer, subject to agreement on a suitable design and costs.

REPORT:

In May 2018 requests for tenders were advertised via TenderLink for the Design and Construction of the Tocumwal Splash Park. The closing date for submissions was 27 June, 2018.

Submissions were received from:

- Water Features by Design Pty Ltd (WFBD),
- Parkequip Pty Ltd, and
- Farley Pools Australia.

These submissions were evaluated by an evaluation panel consisting of:

- Matthew Hansen, Director Corporate Services,
- Matthew Clarke, Engineering Services Manager and
- Michelle Koopman, Enterprise Risk Manager.

Each Tender was evaluated in accordance with the following evaluation criteria:

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Items requiring Council Resolution

Criteria		Highest Possible Score	Weighting
1	Price	4	5
2	Compliance with Specification	4	5
3	Track Record	4	2
4	Quality Systems	4	2
5	Availability of Appropriate Skills & Resources	4	2
6	Work Health & Safety Considerations	4	3
7	Contract completion date	4	3

This construction of the Tocumwal Splash Park is part of the overall Revitalising the Tocumwal Foreshore project.

The bulk of the funding for this project comes from the Regional Growth – Environment & Tourism Fund (RGETF) program. Other funding comes from Berrigan Shire Council, Tocumwal Foreshore Committee of Management and Tocumwal Community Development Committee.

The budget for the project is \$1,227,625. This budget also includes the construction of change facilities and toilets, not included in the tender request.

With the project being a design and construct contract, from here the process is as follows:

1. A panel will negotiate with the preferred tenderer to finalise design and costs.
2. Tender is awarded or a new preferred tenderer is appointed.
3. The Council supervises the tenderer to construct the project as agreed

The recommendation of the Evaluation Panel is to accept the offer from Water Features by Design Pty Ltd.

Items requiring Council Resolution**6 CLOSED COUNCIL**

In accordance with the *Local Government Act 1993* and the Local Government (General) Regulation 2005, in the opinion of the General Manager, the following business is of a kind as referred to in section 10A(2) of the Act, and should be dealt with in a part of the meeting closed to the media and public.

Set out below is section 10A(2) of the *Local Government Act 1993* in relation to matters which can be dealt with in the closed part of a meeting.

The matters and information are the following:

- (a) personnel matters concerning particular individuals (other than councillors)
- (b) the personal hardship of any resident or ratepayer
- (c) information that would, if disclosed, confer a commercial advantage on a person with whom the council is conducting (or proposes to conduct) business
- (d) commercial information of a confidential nature that would, if disclosed:
 - (i) prejudice the commercial position of the person who supplied it, or
 - (ii) confer a commercial advantage on a competitor of the council, or
 - (iii) reveal a trade secret
- (e) information that would, if disclosed, prejudice the maintenance of law
- (f) matters affecting the security of the council, councillors, council staff or council property
- (g) advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the grounds of legal professional privilege
- (h) information concerning the nature and location of a place or an item of Aboriginal significance on community land.

6.1 TENDER T14/17/18 – DESIGN AND CONSTRUCTION OF TOCUMWAL SPLASH PARK

This item is classified CONFIDENTIAL under section 10A(d)(i) (These numbers are selected from the information above and are relevant to the report – remove this note once you have worked it out) of the *Local*

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Items requiring Council Resolution

Government Act 1993, which permits the meeting to be closed to the public for business relating to the following:

- (d) commercial information of a confidential nature that would, if disclosed:
 - (i) prejudice the commercial position of the person who supplied it, or

It is not in the public interest to reveal the commercial information provided by the consultant.

RECOMMENDATION - that the Council move into a closed session to consider the following business together with any reports tabled at the meeting.

And further that pursuant to section 10A(1)-(3) of the *Local Government Act 1993*, the media and public be excluded from the meeting on the basis that the business to be considered is classified confidential under the provisions of section 10A(2) as outlined above and that the correspondence and reports relevant to the subject business be withheld from access to the media and public as required by section 11(2) of the *Local Government Act 1993*.

6.1 TENDER T14/17/18 – DESIGN AND CONSTRUCTION OF TOCUMWAL SPLASH PARK

Council closed its meeting at

Open Council resumed at

RESOLUTIONS FROM THE CLOSED COUNCIL MEETING

The following resolutions of the Council while the meeting was closed to the public were read to the meeting by the Mayor:

There being no further business the meeting closed at.....