



Corporate & Works Committee

Agenda: *Corporate & Works Committee*

Date: *Monday 7 July 2008*

Time: *6.00pm*

Outline of Meeting Protocol & Procedure:

- The Chairperson will call the Meeting to order and ask the Committee/Staff to present apologies or late correspondence.
- The Chairperson will commence the Order of Business as shown in the Index to the Agenda.
- At the beginning of each item the Chairperson will ask whether a member(s) of the public wish to address the Committee.
- If person(s) wish to address the Committee, they are allowed four (4) minutes in which to do so. Please direct comments to the issues at hand.
- If there are persons representing both sides of a matter (eg applicant/objector), the person(s) against the recommendation speak first.
- At the conclusion of the allotted four (4) minutes, the speaker resumes his/her seat and takes no further part in the debate unless specifically called to do so by the Chairperson.
- If there is more than one (1) person wishing to address the Committee from the same side of the debate, the Chairperson will request that where possible a spokesperson be nominated to represent the parties.
- The Chairperson has the discretion whether to continue to accept speakers from the floor.
- After considering any submissions the Committee will debate the matter (if necessary), and arrive at a recommendation (R items which proceed to Full Council) or a resolution (D items for which the Committee has delegated authority).

Delegated Authority (“D” Items):

- General financial and corporate management of the Council, except those specifically excluded by statute, by Council direction or delegated specifically to another Committee.
- Note: This not to limit the discretions of nominated staff members exercising Delegated Authorities granted by the Council.
- Quarterly review of Council's Management Plan.
- Finance Regulations, including:-
 - Authorisation of expenditures within budgetary provisions where not delegated;
 - Quarterly review of Budget Review Statements;
 - Quarterly and other reports on Works and Services provision; and
 - Writing off of rates, fees and charges because of non-rateability, bad debts, and impracticality of collection.
- Auditing.
- Property Management.
- Asset Management.
- Traffic Management - Works Implementation.
- Works and Services - Monitoring and Implementations.
- Legal Matters and Legal Register.
- Parks and Reserves Management.
- Infrastructure Management, Design and Investigation.
- To require such investigations, reports or actions as considered necessary in respect of matters contained within the Business Agenda (and as may be limited by specific Council resolution).
- Confirmation of Minutes of its Meeting.
- Any other matter falling within the responsibility of the Corporate and Works Committee and not restricted by the Local Government Act or required to be a Recommendation to Full Council as listed below.

Recommendation only to the Full Council (“R” Items):

- Such matters as are specified in Section 377 and within the ambit of the Committee considerations.
- The voting of money for expenditure on works, services and operations.
- Rates, Fees and Charges.
- Donations
- Matters which involve broad strategic or policy initiatives within responsibilities of the Committee.
- Matters not within the specified functions of the Committee.
- Asset Rationalisation.
- Corporate Operations:-
 - Statutory Reporting; - Delegations.
 - Adoption of Council's Management Plans; - Policies.
 - Quality Service/Communications; - Tenders as per Regulation requirements.
 - Leases.
 - Matters reserved by individual Councillors in accordance with any Council policy on "safeguards" and substantive changes

Committee Membership:

7 Councillors

Quorum:

The quorum for a Committee meeting is 4 Councillors.

WOOLLAHRA MUNICIPAL COUNCIL

Notice of Meeting

3 July 2008

To: His Worship The Mayor, Councillor Rundle, ex-officio
Councillors Andrew Petrie (Chair)
 Anthony Boskovitz
 John Comino (Deputy Chair)
 Claudia Cullen
 Marcus Ehrlich
 Fiona Sinclair King
 John Walker

Dear Councillors

Corporate & Works Committee Meeting – 7 July 2008

In accordance with the provisions of the Local Government Act 1993, I request your attendance at a Meeting of the Council's **Corporate and Works Committee** to be held in the **Council Chambers, 536 New South Head Road, Double Bay, on Monday 7 July 2008 at 6.00pm.**

Gary James
General Manager

Additional Information Relating to Committee Matters

Site Inspection

Other Matters

Meeting Agenda

Item	Subject	Pages
1	Leave of Absence and Apologies	
2	Late Correspondence	
3	Declarations of Interest	

Items to be Decided by this Committee using its Delegated Authority

D1	Confirmation of Minutes of Meeting held on 16 June 2008	1
D2	Disclosure of Interest Returns submitted by new designated employees April to June 2008 – 169.G	2
D3	3 Queens Avenue, Vaucluse – Proposed Road Closure & Sale – 374.3	5

Items to be Submitted to the Council for Decision with Recommendations from this Committee

R1	Policy for Dealing with Encroachments on the Council Road Reserve – 999.G	12
R2	4 Wunulla Road, Point Piper – Proposed Road Closure & Sale – 505.4	25
R3	86 Wallis Street, Woollahra – Road Reserve Encroachment – 482.86	32
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*** Note: Confidential Report Circulated under Separate Cover**

Item No: D1 Delegated to Committee
Subject: **Confirmation of Minutes of meeting held on 16 June 2008**
Author: Les Windle, Manager – Governance
File No: See Council Minutes
Reason for Report: The Minutes of the Meeting of Monday 16 June 2008 were previously circulated. In accordance with the guidelines for Committees' operations it is now necessary that those Minutes be formally taken as read and confirmed.

Recommendation:

That the Minutes of the Corporate and Works Committee Meeting of 16 June 2008 be taken as read and confirmed.

Les Windle
Manager - Governance

Item No: D2 Delegated to Committee
Subject: **Disclosure of Interest Returns Submitted by new designated employees April to June 2008**
Author: Helen Tola – Team Leader - Governance
File No: 169.G
Reason for Report: To table the disclosure of interest returns that have been lodged by new designated employees during the period April to June 2008

Resolved:

- A. That the Disclosure of Interest Returns of the new designated persons who were required to submit a Primary Return during the period April to June 2008 be tabled.
- B. That Council notes that the Primary Disclosure of Interest Returns have been submitted in accordance with the requirements of the Local Government Act 1993.
-

Background:

Designated persons are required to lodge a disclosure of interest return:

- (1) within three months of becoming a designated person, (Primary Return) and
- (2) for each July 1 to June 30 period (Ordinary Return).

A designated person is described in Section 441 of the Local Government Act as:

S441 Who are 'designated persons'

For the purposes of this chapter, "designated persons" are:

- *the general manager*
- *other senior staff of the council*
- *a person (other than a member of the senior staff of the council) who is a member of staff of the council or a delegate of the council and who holds a position identified by the council as the position of a designated person because it involves the exercise of functions under this or any other Act (such as regulatory functions or contractual functions) that, in their exercise, could give rise to a conflict of interest between the person's duty as a member of staff or delegate and the person's private interest*
- *a person (other than a member of the senior staff of the council) who is a member of a committee of the council identified by the council as a committee whose members are designated persons because the functions of the committee involve the exercise of the Council's functions under this or any other Act (such as regulatory functions or contractual functions) that, in their exercise, could give rise to a conflict between the member's duty as a member of the committee and the member's private interest.*

The occupants of the following Council positions have been determined to be designated persons for the purpose of Section 441 of the Local Government Act:

Directors	Senior staff of Council
Managers	Deemed to exercise designated persons functions
Infrastructure Asset Management Engineer	Exercises designated persons functions
Assessment Officers/Planners	Exercises designated persons functions
Blg/DA Compliance Officers	Exercises designated persons functions
Design/Urban Design Team Leaders	Exercises designated persons functions
Development Assessment Engineers	Exercises designated persons functions
Environmental Health Officers	Exercises designated persons functions
Fire Safety Officers	Exercises designated persons functions
Heritage Officers	Exercises designated persons functions
Landscape Development/Tree Officers	Exercises designated persons functions
Co-ordinator Parks/Trees Maintenance	Exercises designated persons functions
Property Services Co-ordinator	Exercises designated persons functions
Property Officers	Exercises designated persons functions
Co-ordinator Regulatory Services	Exercises designated persons functions
Traffic Team Leader	Exercises designated persons functions
Admin Assistant – Printing & Purchasing	Exercises designated persons functions
Branch Librarians	Exercises designated persons functions
Plant & Fleet Co-ordinator	Exercises designated persons functions
Purchasing Co-ordinator	Exercises designated persons functions
Trades Supervisor	Exercises designated persons functions
Co-ordinator Civil Works	Exercises designated persons functions
Maintenance Supervisor	Exercises designated persons functions
Environmental protection Co-ordinator	Exercises designated persons functions
Project Managers	Exercises designated persons functions
Business Centres & Street Cleaning Co-ordinator	Exercises designated persons functions
Consultant Planners	Exercises designated persons functions

The Local Government Act requires, at Section 450A(1), the General Manager to keep a register of returns disclosing the interests of Councillors and designated persons.

Section 450A(2)(a) requires the returns lodged with the General Manager be tabled at the first meeting held after the last day for lodgement. The purpose of this report is to table the Primary Disclosure of Interest Returns of designated persons who were required to lodge a return during the period April 1, 2008 to June 30, 2008.

Tabling of Returns:

Two (2) new designated persons were required to submit Primary Disclosure of Interest Returns during the period and each designated person submitted their return in accordance with the legislative requirements.

Conclusion:

The designated persons required to complete Primary Disclosure of Interest Returns during the quarter ended 30 June 2008 completed their declarations in accordance with the legislative requirements.

The Returns are tabled in accordance with the requirements of the Local Government Act and it is recommended that the information be noted.

Helen Tola
Team Leader - Governance

Geoff Clarke
Director Corporate Services

Annexures:

Nil

Item No: D3 Delegated to Committee
Subject: **3 Queens Ave, Vacluse - Proposed Road Closure and Sale**
Author: Anthony Sheedy - Property Officer
File No: 374.3
Reason for Report: To give consideration to the closure and subsequent sale of unmade roadway adjoining the property.

Recommendation:

- A. That the portion of unmade road reserve adjoining 3 Queens Avenue, Vacluse be valued for its market sale price.
- B. That a further report be submitted, following part A above.

Background:

The Corporate and Works Committee considered this proposal further on 5 May 2008, where it was resolved:

- A. *That the proposed actions, to regularise and manage encroachments on the road reserve in Queens Avenue, Vacluse, as set out in the report, be advertised for public comment.*
- B. *That the proposal to purchase a portion of road reserve adjoining No 3 Queens Avenue be advertised.*
- C. *That further reports be submitted regarding progress with actions taken to implement Resolutions (A) and (B).*

In accordance with *Item A* above, a letter was sent to all the adjoining property owners in Queens Ave and Little Queens Lane, Vacluse who have encroachments on the road reserve. To date only a few responses in relation to the encroachments have been received from the adjoining owners. Once responses have been received from these owners, the Council proposals to regularise and manage encroachments on the road reserve in Queens Ave and Little Queens Lane will be advertised, and further reports will be submitted regarding progress with the proposed actions.

Proposed acquisition at No 3 Queens Avenue

The owners of 3 Queens Avenue have requested that Council sell them a portion of the road reserve to formalise the existing encroachment, which comprises low rise sandstone terraces and garden landscaping. In accordance with *Item B*, the proposal of the owner of 3 Queens Ave to purchase a section of unmade road adjoining their property was advertised in the Wentworth Courier of 14 May 2008. The proposal advertised was for a reduced area, being an estimated 55 square metres, in order to address sight line concerns, which are discussed below.

Neighbours within a 50 metre radius of the subject land were also issued a letter and a copy of the plan detailing the proposal to close and sell the unmade road portion to the adjoining owner. (Annexure 1).

Six responses, all objections, were received by Council. They are described below. Four of the responses were based on a common form letter, which had been individually signed. The locations of the objectors' residences in relation to the subject land are shown in Annexure 2.

Receipt Date	Owner Address	Particulars of Objection
17 May 2008 23 May 2008 26 May 2008	10 Vaucluse Rd 12 Vaucluse Rd 10 Queens Ave 1 Little Queens Ave	<ul style="list-style-type: none"> ▪ Queens Ave has a very narrow width and poor visibility in vicinity of No 3. Future construction of a potential boundary wall by No 3 would further reduce visibility and increase safety risks. ▪ Road reserve should not be sold as Queens Ave needs widening because Summer time traffic and demand for parking creates unsafe congestion. ▪ The streetscape amenity of Queens Ave would be diminished if potentially No 3 replaced existent greenery on road reserve with a boundary wall. ▪ Assertion that the Owners of No 3 had previously in 1997-8 objected to road closure and proposed sale of road to owner No 3A. Owner of No 3 is acting inconsistently to now want to purchase road reserve. ▪ Sale of road reserve to No 3 would set an undesirable precedent for all Queens Ave owners to purchase road reserve. ▪ Road reserve adjoining No 3 should not be sold for reasons of safety and aesthetics. All the owners who signed this letter template object to the proposed sale of road.
22 May 2008	15-17 Queens Ave	<ul style="list-style-type: none"> ▪ Queens Ave is very narrow and blind spot exists at No 3. Potential construction of boundary wall by owner No 3 would increase road safety risks. ▪ Road reserve sale would remove the opportunity for needed road widening at No3. ▪ Potential wall construction at No 3 would reduce greenery and streetscape amenity. Objects to proposed sale of road.
28 May 2008	13 Queens Ave	<ul style="list-style-type: none"> ▪ Owner concerned about road width and visibility adjoining No 3 Queens Ave. Personal history of vehicle collision and incidence at that point in Queens Ave. ▪ Council urged to retain the subject road portion for remedy of visibility and width problems. Owner objects to proposed road sale.

Road width and sight-lines:

As can be observed in the above table, the main concern of neighbours was the narrow width of the road adjacent to 3 Queens Ave, and poor visibility for motorists.

Council's Traffic Engineer has inspected the site and in particular, the sight-lines and the road width adjoining 3 Queens Ave. He stated that the low traffic count and vehicle speeds in Queens Avenue acted to reduce any safety risk to drivers. However, in his opinion, the sight-line towards the southern section of Queens Avenue, available at this point to a vehicle turning into Little Queens Lane, was in need of improvement. He recommended that the front boundary of the proposed landscaped area for sale, adjoining No 3, be set back 1.5 metres to provide a clear 40 metre sight-line, so as to improve the safety of vehicles turning into Little Queens Lane (Annexure 3).

Consequently, with the agreement of the owners of 3 Queens Avenue, the area of land advertised as proposed for sale was reduced in size from 62 square metres to an estimated 55 square metres, by setting back the front boundary at the northern end. This is shown in hatched detail on the attached plan view (Annexure 1).

As stated in the report to the Corporate and Works meeting of 10 December 2007, the Manager Engineering Services has no plans for road widening in Queens Avenue. The width is adequate for the level of traffic in the road, and it has been noted that the cost of removing the rock outcrop would be prohibitive for the little benefit derived. It is also considered to be in the community's interest to preserve this natural feature.

In view of the Engineer's assessment and the subsequent modification of the proposed parcel for purchase, it is considered that the objectors' concerns regarding sight-lines and road width have been satisfactorily addressed.

Boundary wall:

There is no proposal for a boundary wall. It is intended to retain the existing terraced garden. It should be noted that the modification of the boundary means that a boundary wall of any height would not obstruct the sight-line in the road. However, in any case, any future proposal to erect a wall within the purchased area would require a development application to Council, including neighbour notification and consideration of objections at that time.

The area of landscaping between this proposed boundary and the kerb is proposed to be made the subject of a Positive Covenant restricting the height of any garden structure or planting so as preserve the sight-line. The owners of 3 Queens Avenue have agreed to this proposal also.

Previous objection by owners of 3 Queens Avenue:

This claim has been verified but it is not considered a valid argument against the proposal.

Precedent:

The management strategy, previously reported to Council, for Queens Avenue encroachments deals with each case on its merits.

Recommended Action

The owners of No 3 have, in their letter of 1 November 2007, agreed to pay all Council's costs in connection with the purchase of the unmade road portion and are keen to further progress this matter.

Modification of the boundary of the proposed parcel for sale will result in improved sightlines and safety for motor vehicles turning into Little Queens Lane.

The steeply sloping topography of the road reserve adjoining No 3 Queens Avenue has made it practically unusable for pedestrian access, whilst the landscape gardening acts to stabilise the soil and enhances the local community amenity.

It is considered there would be no adverse impact on the community through the excision of this portion of road reserve and a community benefit would derive from the proceeds of the sale.

It is now recommended, in accordance with the Council policy for Sale of Land, that the subject road parcel be valued for its current market sale price and another report be brought to the Committee.

Anthony Sheedy
Property Officer

Warwick Hatton
Director Technical Services

Annexures:

1. Plan of unmade road parcel for sale.
 2. Location of objectors' residences in relation to the subject road parcel for sale.
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Item No: R1 Recommendation to Council
Subject: **Policy for dealing with encroachments on the Council Road Reserve**
Author: Warwick Hatton - Director Technical Services
File No: 999.G
Reason for Report: To recommend adoption of a policy on encroachments on the Council Road Reserve.

Recommendation:

That the attached *Policy for Managing Encroachments on Council Road Reserves* be adopted.

Background:

There are locations throughout the Woollahra Municipality where private properties encroach on road reservations. At this time, we have recorded 27 encroachments. Ongoing investigation is expected to identify others.

Under the NSW Roads Act, Council owns and controls all Road Reserves except the carriageways of roads under the control of the RTA. As the owner and asset manager of the public roads in the Municipality, Council has a duty to ensure that the community's interest is not compromised by unauthorised occupation of public roads or alienation by private buildings or other structures.

Some encroachments have been in place for many decades, whereas some are more recent. Some are inadvertent, or date from an era when control over use of the public land was less stringent; some are a deliberate unauthorised use of the public land for private benefit.

Some may be the result of inadequate surveys in the past or poorly managed building operations. Many consist of landscaping of road verges, which, while technically an encroachment, may be seen to confer public benefit through beautification and upkeep of public land.

Some entail exclusive occupation by an adjoining owner and denial of use or access by the public and their treatment must recognise and seek compensation for this transfer of benefit from the public to the private domain.

Where Council becomes aware of such occupation, it can take action to have the encroachment removed. However, in cases where removal of the encroachment is considered not feasible or it is considered to be acceptable for the encroachment to remain, Council should require the encroaching owner to enter into a suitable formal agreement for continued occupation or to negotiate disposal of the affected parcel to the encroaching owner for an agreed price, based on market valuation.

For example, Council recently resolved to advertise for public comment proposals to lease an area of encroachment at 104 Hopetoun Ave, Vaucluse, to the adjoining owner and to sell part of an area of encroachment at 3 Queens Avenue, Vaucluse, to the adjoining owner.

Council also resolved to advertise a management strategy for a number of other encroachments in Queens Avenue, which would apply principles in line with those set out in the proposed policy which is the subject of this report.

This report is in response to Council's adoption, at its meeting on 12 May 2008, of the following Notice of Motion:

“A report be brought forward to the appropriate Committee of Council investigating any current controls covering road reserve areas and whether Council should develop a strategic plan for the public/private management of our road reserves, dealing with private encroachments onto Council’s road reservations as well as the need to protect the streetscape and rock faces where they exist at the streetscape within such road reservations.”

Policy Objectives

The objectives of the proposed policy are to ensure that an encroachment is either

- Removed or,
- Subject to Council resolution, is permitted to remain by the adjoining owner entering into an appropriate agreement with the Council to ensure public liability and public amenity issues are identified and managed, and that a community benefit results.

Policy Principles

The proposed policy requires that encroachments will be managed to ensure that:

- there is no loss of public amenity or safety,
- future plans for road realignment or footpaths are not compromised,
- stormwater drainage is not impeded,
- the encroachment is the subject of a legal agreement to be retained in Council records, and, where appropriate,
- is registered on the property title, to ensure continuation of appropriate management if the property changes hands, and
- the adjoining owner indemnifies Council against any claim made in relation to the encroachment,

Assessing Impacts of Encroachments

In addressing existing encroachments, it is proposed that they will be assessed with regard to the extent that they affect the interests of the community, either adversely or beneficially.

Encroachments which reduce public safety or public amenity, or obstruct public access routes, or compromise future road or footpath works which may be contemplated, or which compromise stormwater drainage, will not be considered for continuation and will be required to be removed.

Conversely, where it is considered that removal of the encroachment would reduce public safety or amenity, or detract from the character of an historic area or streetscape, or remove a positive contribution to local area built form or landscape character, recommendations will be made to Council for consideration of suitable arrangements to formalise continued occupation.

Removal

The Roads Act prohibits unauthorised encroachments and provides for Council (as Roads Authority) to order restoration. If no agreement can be reached with the adjoining owner to remedy an encroachment, Council can issue an order for the unauthorised encroachment to be removed.

Section 138 of the Roads Act prohibits unauthorised work and structures on the road reserve. Section 107 provides that a Road Authority may direct any person who causes an obstruction or encroachment on a public road to remove the obstruction or encroachment. A direction under this section may specify the period for compliance.

In the case of an obstruction or encroachment that was created before the alignment of the road, or that is situated on a road that has not been aligned, the period specified in the direction must be at least 60 days.

Failure to comply with the direction may result in Council removing the encroachment and restoring the site to the property boundary. The work would be carried out by Council at the adjoining owner's expense under the provisions of Section 238 of the Roads Act

There are also provisions for Council under the Local Government Act to remove objects from a public place and to repair any damage to a public place.

Unauthorised works

Where works have been carried out in association with development, which encroach on the road reserve, and which are not authorised by a Development Consent or by a Roads Act Approval, it is proposed that Council will not issue an Occupation Certificate or a Building Certificate until the owner of the adjoining property has either removed the encroachment or has entered into an agreement to formalise the encroachment in accordance with the Council Policy.

Types of Agreement for Continuing Encroachments

Legal advice has been sought on the most appropriate measures to allow encroachments to remain. The treatment recommended by our legal advisers is an Easement to Permit Encroaching Structures to Remain. This will require survey, drawing up of a Deed and registration, and valuation, to establish the payment to be made to Council for providing security of occupation.

However, in the case of encroachments which comprise, on the one hand, only landscaping and planting, or, on the other, entail exclusive occupation of an area of public land, it is considered that alternative measures, respectively a Positive Covenant requiring maintenance, or a Lease of the area, are more appropriate to the circumstances.

Therefore the proposed options will be:

1. A Positive Covenant registered on the adjoining property's Title, or
2. An Easement to Permit Encroaching Structures to Remain granted by the Council, under Section 181 of the Conveyancing Act 1919, and registered on the adjoining property's Title.
3. A Lease, with conditions, under Section 153 of the Roads Act 1993, to the adjoining property owner
4. Subdivision of the road to excise the area encroached upon, and sale of the parcel to the adjoining owner

The adjoining owner responsible for an encroachment will be required in all cases to indemnify Council in regard to any claim arising from the encroachment, and to maintain all improvements in good condition.

1. Positive Covenant:

Will apply to: Landscaping of road verges which contribute to the streetscape, incorporating trees, garden planting and minor garden elements such as rockeries, embankments, etc under 600mm, and pathways, steps or driveways giving access to the adjoining property. The encroachments must not enclose any area for exclusive use by the adjoining owner.

The Positive Covenant will give recognition to existence of the encroachment, and provide continuity to the adjoining owner as long as the encroachment is maintained in good condition, but Council can still require its removal. As a Positive Covenant will provide no security of occupation to the adjoining owner, it will not be subject to a market value payment. However, the adjoining owner will be required to meet all costs in preparing the agreement.

2. Easement to Permit Encroaching Structures to Remain

Will apply to: Buildings and parts of buildings, (including garages and other outbuildings), gazebos, water features, walls, fences, retaining walls over 600mm,

The Easement will give recognition to existence of the encroachment and provide security of occupation to the adjoining owner for as long as the structure remains, but will require removal upon redevelopment of the property. The Easement will be extinguished upon removal of the structure.

The area occupied will be valued for a payment to be made in compensation for the alienation of public land for private use. This payment may be by way of an annual charge, or by an upfront payment agreed upon by Council. On a case by case basis, there may be an advantage to Council in negotiating a lump sum payment rather than incurring the administrative effort and costs associated with an annual fee. The adjoining owner will be required to meet all costs in preparing the agreement.

3. Lease

Will apply to: An encroachment which comprises an area fenced or hedged in such a way as to give the adjoining owner exclusive use of the land, or is formed as a car parking space, and the Council agrees to allow the encroachment to remain.

The Lease will give recognition to the exclusive use of the land by the adjoining owner. Under the Roads Act 1993, a lease can be for only five years at a time and must contain only “a fence or temporary structure of a kind that can easily be demolished or removed”. Therefore, a lease cannot be employed in the case of a building, retaining wall or similar structure, and the Council will need to reconsider the suitability of the lease every five years.

The rent will be at market value determined by an independent valuer. The adjoining owner will be required to meet all costs in preparing the agreement, including valuation.

4. Subdivision and sale

An alternative to the above arrangements would be for the adjoining owner to propose to Council to purchase the land which is occupied. This would be subject to:

- Assessment that the land will not be required in the future for road purposes, and does not impede stormwater drainage,
- Public exhibition of the proposal to close part of the road and dispose of it,
- Council agreeing to sale of the land, and
- Minister’s consent to close the road.

The purchase price will be determined by independent valuation. The adjoining owner will be required to meet all costs in preparing the agreement, including valuation.

Other cases

Areas occupied for customer parking or commercial activities such as outdoor dining are not the subject of this policy. Such matters are to be formalised by commercial licences or leases.

Procedures

Agreements for positive covenants will generally comprise encroachments of a minor, or beneficial, landscaping nature which it is proposed will be dealt with under delegation by the General Manager, unless there are known or anticipated objections. This is the current procedure with respect to Positive Covenants, e.g. for stormwater detention systems.

Proposals for easements to allow building encroachments to remain will be reported to Council with recommendations. Depending on the extent and nature of the encroachment, inspection by Councillors and notification to neighbours may be appropriate in some cases.

Proposals for leasing of enclosed areas will be dealt with in accordance with Council's adopted *Policy for Leasing and Licensing of Council Land*, and will be the subject of a preliminary inspection, and notification to neighbours, so that Council may decide whether to proceed.

Where a request or offer to purchase a parcel of land is received this will be dealt with in accordance with Council's adopted *Policy for Sale of Council Land*, and will be the subject of a preliminary inspection, and notification to neighbours, so that Council may decide whether to proceed.

Costs

Prior to recommending a measure to formalise an encroachment, the adjoining owner will be required to agree to meet all relevant costs associated with survey, valuation, legal documentation and registration based on LPI Registration fees and administrative expenses.

Conclusion:

The proposed policy will provide a consistent framework for Council to manage locations where private properties encroach on road reserves, and Council is agreeable to them remaining. It will ensure that the community's interest is not compromised by unauthorised occupation of the public road, and it will provide security of occupation, with appropriate terms and conditions, to the adjoining owner where this is considered appropriate.

Warwick Hatton
Director Technical Services

Annexures:

Draft Policy for Managing Encroachments on Council Road Reserves

Item No: R2 Recommendation to Council
Subject: **4 Wunulla Road, Point Piper - Proposed Road Closure and Sale**
Author: Anthony Sheedy, Property Officer
File No: 505.4
Reason for Report: To give consideration to the closure and subsequent sale of unmade roadway adjoining the property.

Recommendation:

1. That Council proceed with the road closure, subject to a deposit of \$25,000 being received by Council before the application to close the road is made. This amount is to be non-refundable except where the Minister's approval to the closure is not given.
2. That subject to the portion of Road being closed, Council proceed with the sale of unmade roadway adjoining 4 Wunulla Road, Point Piper with the following conditions:
 - (a) A purchase price of \$1363 per square metre plus GST; purchase price to be subject to final survey.
 - (b) The balance of the purchase price is to be paid in full upon Gazettal of the road closure and completion of the sale.
 - (c) The owner of 4 Wunulla Road, Point Piper is to pay all costs, including but not limited to, GST, legal, survey etc associated with the closure and sale.
3. That the Seal of Council be affixed to all necessary documentation to effect the Road closure and sale, ie Contract for Sale, Plan of Road Closure, Transfer documents etc.

Background:

The Corporate and Works Committee considered this proposal on 18 February 2008, where it was resolved:

- A. *That the subject portion of unmade road reserve adjoining 4 Wunulla Road, Point Piper be valued for its market sale price.*
- B. *That a further report be submitted, following pt A above.*

The adjoining owner is seeking to purchase a road reserve portion so that they may formalise the existing encroachment; which comprises a low rise sandstone retaining wall and garden landscaping (Annexure 1).

The Committee report of 18 February 2008 further considered the owners of 4 Wunulla Rd proposal to purchase the unmade road portion, and the outcome of its public advertisement (Annexure 2). I note that no objections to the proposal were received, and that the committee resolved to proceed with valuation of the subject road reserve.

Pursuant to the 18 February 2008 resolution of Council a market sale price has been determined by a registered consultant Valuer. In determining a market sale price value for the unmade road portion, the Valuer assessed the difference the land may have to the overall property value of 4 Wunulla Rd, should the sale transaction proceed.

The principle valuation method used was the direct comparison approach with reference to comparable portions of unmade road that were recently sold in the Woollahra LGA. Considerations were also made in regards of size, shape, topography, location, and position relevant to the adjacent property, and to the fact that the site area of approximately 183.8 square metres was incapable of being redeveloped in isolation. In making this assessment any improvement to the land has been disregarded, and is of the land value only.

The Valuer noted the existence of a Sydney Water sewer main traversing the subject land which may constrain site development, and specifically considered any benefit that would accrue in regard to “its probable utilisation for the partial redevelopment of a double lock up garage with possible apron car parking” for up to “four vehicles”.

The current ‘add on’ market value of the subject land as at 11 March 2008 is considered to be \$1363 per square metre (exclusive of GST), which equates to \$250,000 subject to final survey for the estimated land parcel size of 183.8 square metres. GST is payable on all sales of unmade road reserve, and accordingly the adjoining owners of 4 Wunulla Rd were advised of Council’s sale price valuation and the requirement for GST payment.

On 28 May 2008, the owners of 4 Wunulla Road, Point Piper wrote to Council and offered to purchase the said land portion for \$1363 per square metre (exclusive of GST) subject to final survey.

The next step in the Road closure and sale procedure is for Council to resolve to sell the land. A deposit of \$25,000 (10%) will be required from the purchaser prior to lodging a road closure application with the Minister for the NSW Department of Lands.

Council will further apply to the Department of Lands and arrange for the closing and public Gazettal of the unmade road portion.

Conclusion:

Pursuant to the 18 February 2008 resolution, the subject portion of unmade Road has been valued at \$1363 per square metre (exclusive of GST), being \$250,000 for an estimated 183.8 square metres parcel size subject to final survey.

The adjoining owner of 4 Wunulla Road has agreed to purchase the portion for \$1363 per square metre (exclusive of GST) subject to final survey, to pay any applicable GST, and has requested Council perform all necessary steps to progress the matter to settlement.

The adjoining owner is seeking to purchase this land so that they may formalise the existing encroachment; comprising a low rise sandstone retaining wall and garden landscaping. It is beneficial for them to purchase the said portion, consolidating it with their existing land title and there is a community benefit to the Council in the proceeds from sale of a portion of road, which is not required for road purposes.

Anthony Sheedy
Property Officer

Warwick Hatton
Director, Technical Services

Annexure:

1. Plan of the proposed unmade road closure and sale (shown hatched).
2. Copy of Corporate & Works Committee report 18 February 2008.

Item No: R3 Recommendation to Council
Subject: **86 Wallis St, Woollahra - Road Reserve Encroachment**
Author: Anthony Sheedy, Property Officer
File No: 482.86
Reason for Report: To give consideration to the formalisation of an existing encroachment by granting of an easement to permit existing structure to remain on roadway adjoining the property.

Recommendation:

- A. That the encroachment on the Bowden Street road reserve at the rear of 86 Wallis Street, Woollahra, be formalised by granting of an Easement to Permit Existing Structure to Remain, to continue for the life of the building, or the redevelopment of the site, or the redevelopment of the structure, whichever occurs first.
- B. That compensation of \$2000 (plus any applicable GST), and all Council's costs in this matter, be payable to Council by the owners of 86 Wallis Street, Woollahra in return for granting the Easement.

Background:

For personal reasons the owners of 86 Wallis Street have had to expeditiously sell their property and have accordingly applied for a Building Certificate from Council. However, during inspection of the property and review of the current survey by Council's Building & Compliance staff it became apparent that there was an encroaching building structure upon the adjoining road reserve of Bowden Street at the rear of the property. This comprises a garage wall encroachment of 0.15m to 0.23m on Bowden Street, and a masonry wall erected on top of the garage enclosing garden landscaping along the rear boundary line adjacent to Bowden Street. The garage and landscaped area are wholly enclosed by masonry walls and are inaccessible to the public (Annexure 1).

The building works were carried out by the current owner. The works were the subject of Development Application (DA 01/1165) for alterations and additions, for which consent was issued 6 March 2003, and included a condition that all works must be carried out within the boundaries of the site. A survey was provided with the Development Application, but it appears that an encroachment existed previously which was added to as part of these works (Annexure 2).

The matter of the encroachment over the road reserve was referred to Council's Public Infrastructure Department which advised that they considered that the encroachment should either be removed or be managed by an Easement, on the grounds that it increased the size of the land developed, decreased the width of the road reserve and footpath, and that Council could not accept any liability arising from the encroachment and would not accept any responsibility for ongoing maintenance of the structure encroaching on the road.

Following discussion with Council's Property Department, legal representatives of the owners wrote to Council on 13 May 2008 stating that they wished to resolve the matter promptly as the owners were selling the property, suggesting that Council might consider granting an easement for the life of the structures, citing as reasons for leaving the structures in place that:

1. The encroachment appears to have been an inadvertent breach by the builder when they followed the existing building line.
2. Their client is willing to comply with Council's request for an Easement.

In response to the letter it was considered that the extent and circumstances of the encroachment did not warrant removal, but that an easement to permit existing structure to remain on the roadway was appropriate. With respect to Council's legal options, the legal advice recently obtained from Dr Lindsay Taylor, and an encroachment at 279 Edgecliff Road, were recently reported to Council and have general application. In the case of 279 Edgecliff Road, Council resolved to grant an Easement. The proposed treatment is also in accordance with the draft Policy for Managing Encroachments on Road Reserves which is the subject of a separate report.

The owners were advised that compensation would be payable in respect of such an Easement. Council's Valuer has provided advice dated 16 June 2008 that compensation of \$2000 should be payable for the granting by Council of this easement. The owners have agreed by email to Council 27 June 2008 to pay \$2000 easement compensation plus any applicable GST (including Council's costs).

The owners were advised that granting of an easement and the amount of compensation payable would be reported to Council and would be a decision for the elected Councillors. In view of the owners' desire to proceed with the sale of their property, it was agreed that a report would be put before Council at the earliest opportunity for Council determination.

The structure on the road reserve which forms the Bowden Street encroachment is shown on the attached sketch plan (Annexure 3). The area is an estimated 0.6175 square metres, of varying width and 7.435 metres long. An image of the encroaching structure is included as Annexure 4 of the report.

Conclusion:

It is recommended that the encroachment at the rear of 86 Wallis Street, Woollahra on the Bowden Street road reserve, be formalised by granting of an easement to remain for the life of the building, or the redevelopment of the site, or the redevelopment of the structure, whichever occurs first, and that that easement compensation of \$2000 (plus any applicable GST), and all Council's costs in this matter be payable by the owners of 86 Wallis St, Woollahra to Council.

Anthony Sheedy
Property Officer

Warwick Hatton
Director, Technical Services

Annexures:

1. Elevation and cross section of 'approved' drawing DA02d from DA 01/1165, showing the nature of the Bowden St encroachment.
2. Survey drawing provided with DA 01/1165.
3. Surveyor's Sketch plan of works, showing measured extent of the Bowden St encroachment.
4. Site photo of encroaching structure on Bowden St, Woollahra.

Item No: R4 Recommendation to Council
Subject: **Yarranabbe Road - Road, Footpath and Drainage Reconstruction Part A & B**
Author: Mark Ramsay - Manager Depot & Waste Services
File No: Tender No 08/07
Reason for Report: To recommend to Council the acceptance of a Tender

Recommendation:

- A. The tender panel recommends that Council enter into a Contract with Ozpave (Aust) Pty Ltd for Part A – Yarranabbe Road from New Beach Road to Darling Point Road for the sum of 340,303.60 (excluding GST).
- B. The tender panel recommends that Council enter into a Contract with Statewide Civil Pty Ltd for Part B - Yarranabbe Road – Darling Point Road to Thornton Street for the sum of \$287,857.40 (excluding GST).
- C. That successful and unsuccessful tenderers be advised accordingly.

Background

Council adopted an Asset Management Strategy in 2005 which includes a detailed condition indicator analysis of all our infrastructure assets. This condition analysis identified that the kerb and gutter, and footpath in Yarranabbe Road, Darling Point, require renewal. The area of works to be carried out under this contract is shown in the location map and aerial photograph below.



Location Map and Aerial Photograph

The contract contains two separate parts that can be commenced and completed as individual separate jobs. The extent of the works to be carried out under this contract are the areas of Yarranabbe Road, Darling Point, described below:

- Part A – Yarranabbe Road from New Beach Road to Darling Point Road;
- Part B – Yarranabbe Road from Darling Point Road to Thornton Street;

The scope of works to be completed includes the following:

- Excavate, supply and install stormwater lines and pits, supply and installation of subsoil drainage lines and the reconnection of household stormwater drainage outlets;
- Reconstruction of segments of concrete kerb and gutter, including driveway laybacks, kerb access ramps and traffic islands.
- Reconstruction of areas of concrete footpaths and residential vehicular crossings.
- Road pavement sub-grade reconstruction and patching, and asphalt road regrading and resurfacing.
- Adjustment of service covers to suit new surface levels.
- Reinstatement of traffic signs and linemarking.

Invitation to Tender

Tender 08/07 for Yarranabbe Road, road, footpath and drainage reconstruction was advertised in the Tenders section of the Sydney Morning Herald commencing on Tuesday 5 May 2008 and in the Wentworth Courier on Wednesday 6 May 2008

Tenders for this project closed at 2.30pm on Tuesday 29 May 2008. A total of (6) six tenders were received prior to the closing date and time.

During the tender period a pre-tender meeting was held. All tenderers who had registered their interest in the tender were invited to attend. Questions raised by tenderers were answered and a record of the questions and answers was circulated to all tenderers who attended, or who were unable to attend but registered their wish to receive information.

All the tenders received by the closing date and time are listed in Table 1:

Table 1

TENDERER
<i>Byrne Civil Engineering Constructions Pty Ltd</i>
<i>Eco Civil Constructions Pty Ltd</i>
<i>O'Brien Civil Pty Ltd</i>
<i>Ozpave (Aust) Pty Ltd</i>
<i>Statewide Civil Pty Ltd</i>
<i>Sydney Civil Pty Ltd</i>

Tender Assessment

The tender assessment panel comprised Mr Mark Ramsay, as the convenor and independent member of the tender panel, Jake Matuzic – Manager Civil Works and Infrastructure, the Commissioning Officer, Mr Sam Badalati – Project Manager, the Project Manager for the delivery of the Project.

Council has resolved that a probity adviser should be included during the tender assessment stage for high risk, high value or sensitive projects. This contract was deemed to not meet this definition and it was agreed that a probity adviser should not be included in the tender process.

Prior to the closing date, on 2.30pm on Tuesday 29 May 2008, the tender panel agreed on the weightings that would be used against the advertised selection criteria.

The tenders deemed conforming and their lump sum prices are listed in Table 2:

Table 2

TENDERER	Lump sum tender price (excl GST) Separable Part A	Lump sum tender price (excl GST) Separable Part B combined	Lump sum tender price (excl GST) Separable Parts A, & B combined
<i>Byrne Civil Engineering Constructions Pty Ltd</i>	\$285,929.30	\$261,263.50	\$547,192.80
<i>Eco Civil Constructions Pty Ltd</i>	\$518,875.40	\$389,593.71	\$908,469.11
<i>O'Brien Civil Pty Ltd</i>	\$411,467.00	\$340,909.00	\$752,376.00
<i>Ozpave (Aust) Pty Ltd</i>	\$340,303.56	\$301,686.90	\$641,990.46
<i>Statewide Civil Pty Ltd</i>	\$342,351.00	\$287,857.40	\$630,208.40
<i>Sydney Civil Pty Ltd</i>	\$341,805.00	\$316,698.00	\$658,503.00

The tenders were assessed in accordance with the selection criteria stated in the tender documents. Clarification was sought on matters that were found to be unclear or incomplete in one or more tenders. All tenderers were offered the opportunity to provide clarification in writing on these matters. It must be noted that Byrne Civil Engineering Constructions Pty Ltd failed to respond to council in the allocated time frame. Council then received an email from Byrne Civil Engineering Constructions Pty Ltd to say that they were unable to furnish the information required. Therefore the Tender Panel no longer considered their tender.

The tenders were given a preliminary score on each item of the selection criteria, which resulted in a total score out of 100. Tenderers were ranked in accordance with their scores.

Post-Tender Interviews were conducted with the (3) three highest ranked tenderers. The purpose of the interviews was to review and test the information provided by the tenderers with regard to the published selection criteria, and where necessary to raise concerns which the panel may have had with any aspect of a tender. Following the interviews, where necessary, the panel amended tenderers' scores, and reviewed rankings. Final scores and rankings are shown in Table 3.

Assessment of highest ranked tenderers

The tenders were given a score on each item of the selection criteria, which resulted in a score out of 100. Table 3 shows the scores and rankings of all tenders considered for Part A works and Part B works.

Table 3
Part A – Yarranabbe Road from New Beach Road to Darling Point Road

TENDERER	Demonstrated Experience 15	Program & Methodology 20	Quality Management 10	Organisational Capability 10	Price Components 5	Price 30	Duration of Works 10	Total Score 100	Ranking
Ozpave (Auit) Pty Ltd	7.50	16.25	8	7.50	5	25.21	8.57	78.03	1
Sydney Civil Pty Ltd	6.75	16.25	8	7.50	4.25	25.10	10	77.85	2
Statewide Civil Pty Ltd	6.75	16.25	7.50	7.00	4.25	25.06	10	76.81	3
Eco Civil Constructions Pty Ltd	8.25	16.25	7.50	6.50	4.25	16.53	7.5	66.78	4
O'Brien Civil	6.75	12.50	6.50	7.00	5	20.85	3.75	61.10	5

Part B - Yarranabbe Road – Darling Point Road to Thornton Street

TENDERER	Demonstrated Experience 15	Program & Methodology 20	Quality Management 10	Organisational Capability 10	Price Components 5	Price 30	Duration of Works 10	Total Score 100	Ranking
Ozpave (Aust) Pty Ltd	7.50	16.25	8	7.5	5	25.98	6.67	76.90	2
Sydney Civil Pty Ltd	6.75	16.25	8	7.5	4.25	24.75	6.67	74.17	3
Statewide Civil Pty Ltd	6.75	16.25	7.5	7	4.25	27.23	8	76.98	1
Eco Civil Constructions Pty Ltd	8.25	16.25	7.50	6.5	4.25	20.12	8	70.87	4
O'Brien Civil	6.75	12.5	6.50	7	3.75	22.99	2.5	61.99	5

Demonstrated Experience: Information was requested pertaining to size and value of past works, types of works performed and complexity of past works. From this information the tender panel assessed the level of demonstrated experience for each tenderer.

1. **Duration of Works:** The shortest time is deemed to achieve 100% of the score for this criterion. The shortest time is divided by other tenderer's times to give their respective scores as percentages.
2. **Program & Methodology:** Information was requested pertaining to project program, construction management plan, traffic management plan and environmental management plan. From the information received the evaluation panel assessed the contractor's ability to sequentially carry out the works.
3. **Quality Management:** Information was requested pertaining to quality systems, quality of works, quality of past council works and the quality of key subcontractors.
4. **Organisational Capability:** Information was requested pertaining to quality systems, occupational health and safety systems, industrial relations, management team experience and plant & equipment. From this information the evaluation panel assessed the level of demonstrated quality management experience for each tenderer.
5. **Price Components:** Tenderers provided information on price components of the lump sum price, and rates for types of work. The assessment panel considered areas such as qualifications, was the job fully priced, risk of additional claims and necessary rates for pricing extras.
6. **Price:** the lowest price is deemed to achieve 100% of the score for this criterion. The lowest price is divided by the other tenderers' prices to give their respective scores as percentages.

Assessment

The highest ranked tenderers, Ozpave Aust Pty Ltd, Sydney Civil Pty Ltd and Statewide Civil Pty Ltd for both Part A and Part B works, were invited to a post-tender interview by the tender selection panel. The purpose of the post-tender interview was to clarify certain aspects of the tenderers' offers and their understanding of the work to be carried out.

As can be seen from the tender panel scores in the above Table 3, the three highest ranked tenderers are relatively close in their experience, capability and quality management, pricing and timing aspects of this tender. All the three tenderers have been successfully used by Council on similar projects and all would be capable of carrying out the work.

Ozpave (Aust) Pty Ltd was the highest ranked tenderer for Part A works. Ozpave Pty Ltd ranked highest in comparison to other tenderers on the lump sum price and scored equally well in other areas that related to demonstrated experience and performance, environmental and safety performance, and works program.

Ozpave Pty Ltd demonstrated a full understanding of the works and was well aware of the fact that the main difficulty with this project was managing the traffic and parking arrangements while minimising disruptions to residents. Yarranabbe Road is a very narrow roadway with very high on-street parking demand and construction with minimal disruption will be challenging, but possible with reasonable co-operation between the Council, the Contractor and the residents. The work will be carried out in stages with traffic management plans being carried out for each stage. This tenderer is known to Council, having recently successfully completed road works in Caledonia Street a similarly narrow street with high on street car parking demand where traffic management was a high priority.

This tenderer was asked whether he could carry out both Part A and Part B works simultaneously. The tenderer responded that his preference was to finish one part before starting the other part but that he had the resources if he had to carry out both Part A and Part B works simultaneously.

Statewide Civil Pty Ltd was the highest ranked tenderer for Part B works and the scores were very close between the three highest ranked tenderers.

Statewide Civil demonstrated an equal understanding of the construction issues and showed to have considered any difficulties that may arise from the construction. Statewide Civil is currently undertaking road reconstruction works in Duxford Street, Paddington where they are showing to be most effective.

Tender Assessment Panel Opinion

The tender panel is of the opinion that any of the three interviewed tenderers would be capable of successfully carrying out the work but considers that the tender from Ozpave (Aust) Pty Ltd for Part A works and the tender from Statewide Civil Construction Pty Ltd for Part B works provide the most advantage to Council in terms of value for money, quality of work and the ability to complete the works within an acceptable time frame.

Identification of Income and Expenditure:

The total budget allocation to complete both Part A and Part B of this project is \$658,724. This includes an allocation of \$571,604 from the Environment and Infrastructure Works Program and an allocation of \$87,120 from the Stormwater Works Program. A total of \$55,791 has been spent to date on development of designs, tender advertisement and project management. Thus the remaining total budget available is \$602,933.

The lump sum total cost to complete both Part A and Part B of this Project using the two preferred tenderers is \$628,161 (excluding GST), comprising of \$340,303.60 (exc GST) for Ozpave (Aust) Pty Ltd to complete Part A and \$287,857.40 (exc GST) for Statewide Civil Construction Pty Ltd to complete Part B. In addition, a provisional amount of approximately \$12,000 for project management (2%) should be budgeted for. The revised total amount of \$640,000 is required, which exceeds the remaining total budget available.

The primary reason for the increase costs of these projects is associated with the increased construction costs associated with the stormwater upgrade works required. This includes the replacement and upgrade of stormwater pipes and reconstruction of kerb inlet pits to provide an increase in the drainage systems overall capacity and efficiency.

Thus it is proposed that the additional \$37,000 funding necessary be provided by transferring remaining funds from the Stormwater Capital Works budget for projects that have been completed. This includes approximately \$27,000 of left over budget from the Fischer Ave project, and \$10,000 of left over budget from the stormwater minor capital works budget for 2007/08.

Conclusion:

The tender panel recommends that Council enter into a Contract with Ozpave (Aust) Pty Ltd for Part A – Yarranabbe Road from New Beach Road to Darling Point Road for the sum of 340,303.60 (excluding GST).

The tender panel recommends that Council enter into a Contract with Statewide Civil Pty Ltd for Part B - Yarranabbe Road – Darling Point Road to Thornton Street for the sum of \$287,857.40 (excluding GST).

Mark Ramsay
Manager Depot & Waste Services

Warwick Hatton
Director Technical Services

Annexures:

Item No: R5 Recommendation to Council
Subject: Legal Services Tender - Acceptance of Tenders
Author: Geoff Clarke
Director Corporate Services
File No: Tender 08/10
Reason for Report: For the committee to recommend to the Council the acceptance of certain tenders for legal services for the next 3 years

Recommendation:

- A. That the Committee resolve into closed session to consider the confidential report on the legal services tender under the terms of the Local Government Act 1993, Section 10A(2)(d) as the information concerns commercial information of a confidential nature that would, if disclosed prejudice the commercial position of the person who supplied it.
- B. That the confidential recommendation be adopted.

Background:

The Council at its meeting on 10 March and 21 April 2008 resolved to call tenders for legal services. Tenders were called on 29 April 2008 and closed at 10:30 am on Friday 23 May 2008. 12 tenders were received.

Tenderers were required to submit their tenders in accordance with response requirements set out in the tender documents. The response requirements were:

- Section 1 - Formal offer of services
- Section 2 - Executive Summary
- Section 3 - Tenderers Profile
- Section 4 - Staff Profile
- Section 5 - Pricing
- Section 6 - Barristers
- Section 7 - Response to contract conditions
- Section 8 - Response to Specification
- Section 9 - Other Information

All tenders complied with the format of the response document.

The Legal Sub-Committee conducted interviews on Wednesday 25 June and Thursday 26 June 2008.

Following the interviews the Legal Sub-Committee has recommended the acceptance of certain tenders as detailed in the confidential report distributed separately to the Corporate & Works Committee.

Resolution to move into closed session:

If Councillors wishes to discuss information contained in the confidential report the Committee must resolve into closed session.

The Local Government Act 1993 under Section 10A(2)(d) allows a committee of the Council to resolve to move into closed session where there is to be a discussion of matters regarding commercial information of a confidential nature that would, if disclosed: prejudice the commercial position of the person who supplied it.

Geoff Clarke
Director Corporate Services

Annexures:

Nil