



Corporate & Works Committee

Agenda: *Corporate & Works Committee*

Date: *Monday 17 March 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;
 - Adoption of Council's Management Plans;
 - Quality Service/Communications;
 - Leases.
 - Matters reserved by individual Councillors in accordance with any Council policy on "safeguards" and substantive changes
 - Delegations.
 - Policies.
 - Tenders as per Regulation requirements.

Committee Membership:

7 Councillors

Quorum:

The quorum for a Committee meeting is 4 Councillors.

WOOLLAHRA MUNICIPAL COUNCIL

Notice of Meeting

13 March 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 – 17 March 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 17 March 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 3 March 2008	1
D2	Monthly Financial Report – February 2008	2
D3	Bike Lanes – 349.G	12
D4	Bus Shelter Designs – 900.G & 256.G	15
D5	2008/2009 Rating Structure – 900.G & 263.G Part 12	20
D6	Draft Fees & Charges Schedule for 2008/2009 – 331.G 2008/209	28
D7	Retaining Wall - Adelaide Parade, Woollahra adjacent to Cooper Park - 900.G	80
D8	790 New South Head Road, Rose Bay - Proposed Road Closure and Sale - 329.790	90

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

R1	44B Fairfax Road, Bellevue Hill - Proposed Road Closure and Sale – 158.44B	96
R2	Christison Park Irrigation Works Tender 07/23	99

Item No: D1 Delegated to Committee
Subject: **Confirmation of minutes of meeting held on 3 March 2008**
Author: Les Windle, Manager – Governance
File No: See Council Minutes
Reason for Report: The Minutes of the Meeting of Monday 3 March 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 3 March 2008 be taken as read and confirmed.

Les Windle
Manager – Governance

Item No: D2 Delegated to Committee
Subject: **Monthly Financial Report – February 2008**
Author: Tracey Walker, Financial Accountant
Michelle Phair, Acting Manager Finance
File No: 349G
Reason for Report: To present the monthly financial report for February 2008

Recommendation:

A. THAT the monthly financial report for February 2008 be received and noted.

Background:

The monthly financial report for February 2008 is submitted to the Committee for consideration.

The monthly report includes the following:-

- Summary of Investments
- Summary of Receipts, Payments and Bank Balance

Discussion:

Bid Updates:

The latest CDO bid updates will be tabled at the meeting.

Summary of Investments:

Investment portfolio returns for the month of February 2008 were -2.37% for Oakvale Capital and -0.53% for Lehman Brothers. The portfolio returns calculated by Council since the portfolio's inception were 2.43% for Oakvale Capital and -8.80% for Lehman Brothers

Monthly reports for Oakvale Capital and Lehman Brothers are attached as **ANNEXURES 1 & 2** respectively.

Investment Working Group:

The General Manager continues to liaise with the Mayor and Councillor Petrie in regard to Lehman Brothers and Oakvale Capital portfolios.

Michelle Phair
Team Leader Financial Services

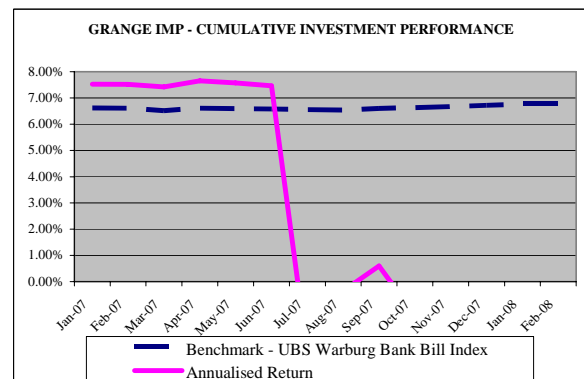
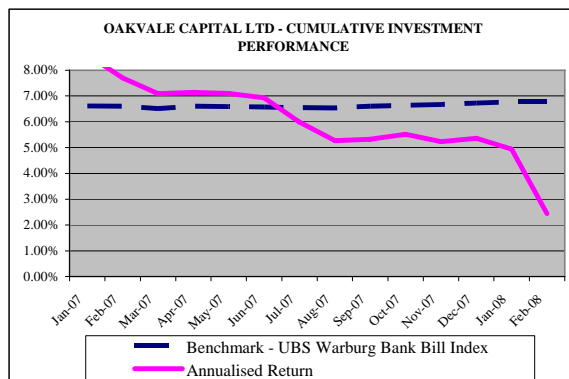
Tracey Walker
Financial Accountant

Don Johnston
Manager Finance

INVESTMENTS AS AT 29 FEBRUARY 2008

CATEGORY	PURCHASE DATE	MATURITY DATE	DAYS	%	FACE VALUE \$	TOTAL \$
<u>1. WMC INVESTMENTS</u>						
<u>BANK WEST</u>						
TERM DEPOSIT	28/02/2008	28/05/2008	90	8.06	1,000,000.00	
TERM DEPOSIT	22/01/2008	25/03/2008	63	7.14	1,000,000.00	
TERM DEPOSIT	18/01/2008	19/03/2008	61	7.13	1,000,000.00	
TERM DEPOSIT	18/01/2008	17/04/2008	90	7.20	1,500,000.00	
<u>NAB LIMITED</u>						
BANK BILL	26/02/2008	26/05/2008	90	7.82	2,000,000.00	
<u>ST GEORGE BANK LTD</u>						
BANK BILL	25/01/2008	24/04/2008	90	7.28	1,000,000.00	
TERM DEPOSIT	18/01/2008	18/03/2008	60	7.05	1,000,000.00	
<u>METWAY</u>						
TERM DEPOSIT	20/02/2008	20/05/2008	90	7.86	1,000,000.00	
TERM DEPOSIT	28/02/2008	28/05/2008	90	8.00	2,000,000.00	
<u>CITIBANK</u>						
TERM DEPOSIT	03/12/2007	05/03/2008	93	7.30	1,500,000.00	
<u>COMMONWEALTH BANK</u>						
TERM DEPOSIT	18/01/2008	18/03/2008	60	7.04	1,000,000.00	
ONLINE SAVER A/C					<u>2,828,016</u>	16,828,016

CATEGORY	SINCE INCEPTION RETURN ANNUALISED %	BENCHMARK %	MARGIN	TECHNICAL VALUATION \$	TOTAL \$
<u>2. OAKVALE CAPITAL Limited</u>					
Funds under management	2.43	6.77	-4.34	<u>8,204,534</u>	8,204,534
* See Annexure 1					
<u>3. LEHMAN BROTHERS (formerly Grange Securities Ltd)</u>					
Individually Managed Portfolio (IMP)	-8.80	6.77	-15.57	<u>16,374,805</u>	16,374,805
* See Annexure 2					
GRAND TOTAL				<u><u>41,407,355</u></u>	



I hereby certify that the above investments have been made in accordance with Section 625 of the Local Government Act 1993, Clause 212 of the Local Government (General) Regulation 2005 and Council's investment policy.

M. Phair
TEAM LEADER FINANCIAL SERVICES

D. Johnston
MANAGER FINANCE

Woollahra Municipal Council Portfolio						TECHNICAL VALUATIONS		
Security	Purchase Date	Final Maturity Date	Face Value (FV)	Premium / (Discount)	Purchase Price	31-Dec-07	31-Jan-07	29-Feb-07
LEHMAN BROTHERES (formerly GRANGE SECURITIES)								
Issued by non-ADIs								
Lehman Global Property Note	13/06/2007	15/06/2009	60,000	0	60,000	55,026	54,660	54,168
Herald Limited (Quartz AA)	04/07/2007	20/12/2010	400,000	2,428	402,428	334,700	266,368	300,284
BELO (Kalgoorlie AA+)	27/02/2007	27/02/2012	500,000	0	500,000	495,200	487,550	484,250
Magnolia (Flinders AA)	08/06/2007	20/03/2012	500,000	4,950	504,950	401,325	370,060	283,555
Omega (Henley AAA)	20/12/2006	22/06/2012	450,000	0	450,000	364,023	318,398	325,854
Helium (Esperance AA+)	04/07/2007	20/03/2013	500,000	125	500,125	397,565	336,580	335,570
Zircon (Merimbula AA)	06/06/2007	20/06/2013	250,000	0	250,000	169,005	142,053	146,435
Corsair (Torquay AA)	04/07/2007	20/06/2013	500,000	400	500,400	376,480	326,290	332,015
Start (Blue Gum AA-)	08/01/2007	22/06/2013	400,000	1,316	401,316	323,380	268,348	263,408
Corsair (Kakadu AA)	22/01/2007	20/03/2014	500,000	-50	499,950	290,700	246,475	250,070
Helium (Scarborough AA)	17/01/2007	23/06/2014	400,000	844	400,844	312,332	255,228	253,532
Helium (Scarborough AA)	04/07/2007	23/06/2014	500,000	1,320	501,320	390,415	319,035	316,915
Helium (Scarborough AA)	23/07/2007	23/06/2014	500,000	850	500,850	390,415	319,035	316,915
Zircon (Coolangatta AA)	20/03/2007	20/09/2014	500,000	0	500,000	346,495	276,495	286,115
Beryl (AAA Global Bank Note)	03/04/2007	20/09/2014	100,000	0	100,000	90,008	88,019	81,256
Zircon (Coolangatta AA)	04/07/2007	20/09/2014	500,000	-50	499,950	346,495	276,495	286,115
Beryl (AAA Global Bank Note)	04/07/2007	20/09/2014	350,000	-25	349,976	315,028	308,067	284,396
Aphex (Glenelg AA-)	04/07/2007	22/12/2014	500,000	145	500,145	408,760	346,205	345,070
Aphex (Glenelg AA-)	10/01/2007	22/12/2014	500,000	-30	499,970	408,760	346,205	345,070
MAS6-7 (Parkes IIA 'AA-')	13/06/2007	20/06/2015	450,000	2,822	452,822	264,060	205,560	186,611
MAS6-7 (Parkes IIA 'AA-')	04/07/2007	20/06/2015	500,000	2,700	502,700	293,400	228,400	207,345
Zircon (Miami AA)	16/04/2007	20/03/2017	50,000	-5	49,996	30,418	26,591	27,056
			8,910,000	37,706	8,947,706	6,803,990	5,812,116	5,712,004
Issued by ADIs								
ANZ Principal Protected Yield Curve Note (AA)	17/07/2007	17/07/2008	100,000	0	100,000	92,065	91,716	91,712
Bank of Queensland (BBB+)	04/07/2007	30/10/2008	1,000,000	10,620	1,010,620	1,017,490	1,003,110	1,007,780
Home Building Society FRN (BBB+)	10/01/2007	17/08/2009	500,000	6,080	506,080	504,875	507,145	498,835
Home Building Society FRN (BBB+)	11/01/2007	17/08/2009	500,000	6,070	506,070	504,875	507,145	498,835
Royal Bank of Scotland (AA)	04/07/2007	28/10/2009	500,000	2,000	502,000	502,645	495,170	497,360
Elders Rural Bank Sub Debt (BBB-)	04/07/2007	23/03/2010	500,000	3,880	503,880	491,280	491,660	493,525
NM Rothschild FRSD (unrated)	09/07/2007	10/08/2010	1,000,000	1,310	1,001,310	991,050	987,580	971,230
HSBC Sub Debt (AA-)	04/07/2007	20/05/2011	500,000	-50	499,950	492,870	494,875	481,970
Suncorp Metway Sub Debt (A)	19/01/2007	22/06/2011	500,000	705	500,705	487,745	488,270	486,810
St George Bank Sub Debt (A+)	10/01/2007	26/07/2011	1,000,000	1,120	1,001,120	988,890	967,960	964,240
HSBC FRN (AA-)	07/02/2007	22/09/2011	500,000	1,170	501,170	482,300	481,965	473,925
CBA FRN (AA)	19/01/2007	28/09/2011	500,000	1,600	501,600	489,215	488,695	488,580
CBA FRN (AA)	31/01/2007	28/09/2011	500,000	1,635	501,635	489,215	488,695	488,580
CBA FRN (AA)	04/07/2007	28/09/2011	500,000	1,805	501,805	489,215	488,695	488,580
Westpac FR Sub Debt (AA)	07/02/2007	24/01/2012	500,000	295	500,295	490,770	483,365	480,775
Royal Bank of Scotland (AA)	31/07/2007	17/02/2012	1,000,000	1,460	1,001,460	981,880	982,000	961,890
Adelaide Bank FRN (BBB+)	04/07/2007	28/03/2012	500,000	885	500,885	485,390	487,040	489,710
			10,100,000	41,400	10,141,400	9,981,770	9,935,086	9,864,337
Macquarie Cash Trust (AAA)			CASH	0	CASH	247,683	64,913	148,464
Bank West 11am at call			650,000	0	650,000	650,000	650,000	650,000
			650,000	0	650,000	897,683	714,913	798,464
Total Lehman Brothers			19,660,000	79,106	19,739,106	17,683,442	16,462,114	16,374,805

Security	Purchase Date	Final Maturity Date	Face Value (FV)	Premium / (Discount)	Purchase Price	31-Dec-07	31-Jan-07	29-Feb-07
OAKVALE CAPITAL								
Aramis (Merrill Lynch) - ABS	02/04/2007	20/12/2012	1,000,000	0	1,000,000	990,407	997,153	828,981
Momentum CDO-Credit Linked Note	29/06/2007	30/06/2012	1,000,000	0	1,000,000	963,960	965,960	973,290
Emerald Reverse Mortgage Series 2007-1 Class B	06/07/2007	06/07/2011	1,000,000	0	1,000,000	1,011,190	996,070	994,690
Merrill Lynch-Blackrock Diversified Credit Fund	05/01/2007		3,000,000	0	3,000,000	3,063,077	3,037,793	2,981,480
Adelaide Bank MF-AMF Yield Fund (AAA Saver)			2,426,093	0	2,426,093	2,926,093	2,426,093	2,426,093
Total Oakvale Capital			8,426,093	0	8,426,093	8,954,727	8,423,069	8,204,534
WMC Investments								
St George Bank Bill (7.28% 90 days)	25/01/2008	24/04/2008	1,000,000	0	1,000,000	1,000,000	1,000,000	1,000,000
St George Term Deposit (7.05% 60 days)	18/01/2008	18/03/2008	1,000,000	0	1,000,000	0	1,000,000	1,000,000
NAB Bank Bill (7.82% 90 days)	26/02/2008	26/05/2008	2,000,000	0	2,000,000	2,000,000	2,000,000	2,000,000
Citibank Term Deposit (7.30% 90 days)	03/12/2007	05/03/2008	1,500,000	0	1,500,000	1,500,000	1,500,000	1,500,000
Bank West Term Deposit (8.06% 90 days)	28/02/2008	28/05/2008	1,000,000	0	1,000,000	1,000,000	1,000,000	1,000,000
Bank West Term Deposit (7.14% 63 days)	22/01/2008	25/03/2008	2,000,000	0	2,000,000	2,000,000	1,000,000	1,000,000
Bank West Term Deposit (7.13% 61 days)	18/01/2008	19/03/2008	1,000,000	0	1,000,000	0	1,000,000	1,000,000
Bank West Term Deposit (7.20% 90 days)	18/01/2008	19/03/2008	1,500,000	0	1,500,000	0	1,500,000	1,500,000
Metway Term Deposit (7.86% 90days)	20/02/2008	20/05/2008	1,000,000	0	1,000,000	0	1,000,000	1,000,000
Metway Term Deposit (8.00% 90days)	28/02/2008	28/05/2008	2,000,000	0	2,000,000	0	0	2,000,000
CBA Term Deposit (7.04% 60days)	18/01/2008	18/03/2008	1,000,000	0	1,000,000	0	1,000,000	1,000,000
CBA Online Saver			CASH	0	CASH	1,563,232	2,321,956	2,828,016
Total WMC Investment			15,000,000	0	15,000,000	10,063,232	15,321,956	16,828,016
Total Portfolio			43,086,093	79,106	43,165,199	36,701,402	40,207,139	41,407,355

Summary of Receipts, Payments and Bank Balance

Cash Book Balance as at 31 January 2008 - 124,405.75

Receipts

Rates 5,332,680.70
Other 5,179,163.12 10,511,843.82

Total Receipts

Description	Amount
Sundry Debtors Control	426,556.28
Deposits & Bonds Control Account	401,186.94
Parking Fines	311,743.50
Financial Assistance Grant	311,430.00
Trade Waste Debtors Control	119,657.87
Other Developer Contributions	119,579.27
Car Park Leases	100,126.44
Disposal (Asset) Clearing A/C	87,363.03
Build/Construction LS Levy Clearing	76,982.09
Claims Recovery	70,260.23

Payments - Cheque

Cheque Payments (1,094,954.91)
Cancelled Cheques 31,847.20
Total Cheque Payments for period (1,063,107.71)

Cheque No	Cheque Date	Payee	Description	Amount
198573	21/02/2008	Best Hino	Purchase of Council's Plant	- 83,354.39
198497	14/02/2008	Energy Australia	Street Lightining - January	- 82,168.88
198669	27/02/2008	Withheld	Security Deposit Refund	- 66,000.00
198695	28/02/2008	EPV Speciality Service Centre	Purchase of Council's Plant	- 46,609.18
198527	14/02/2008	Withheld	Security Deposit Refund	- 42,768.00
198459	07/02/2008	Suttons Motors Homebush Pty Ltd	Purchase of Council's Plant	- 39,548.76
198467	12/02/2008	Withheld	Security Deposit Refund	- 35,100.00
198672	27/02/2008	Withheld	Security Deposit Refund	- 35,000.00
198717	28/02/2008	Withheld	Security Deposit Refund	- 32,769.00
198620	21/02/2008	Withheld	Security Deposit Refund	- 28,820.00

Payments - EFT

EFT Payments (8,188,932.11)
Returned EFT Payments 3,459.99
Total EFT Payments for period (8,185,472.12)

Reference	EFT Date	Payee	Description	Amount
16679	20/02/2008	Australian Taxation Office	January BAS Payment	-878,849.00
015553	01/02/2008	Eco Civil Constructions	Progress Payment - Rose Bay Promenade	-591,558.44
16820	28/02/2008	StateCover Mutual Limited	Workers Comp Renewal 3rd Instal	-434,157.67
00002418	25/02/2008	Tropic Asphalts Pty Ltd	Progress Payment - Palmerston St Vaulduse	-253,281.92
16602	14/02/2008	Local Govt Super Scheme-Div.A	Employee Superannuation Contributions	-129,441.93
16698	21/02/2008	Collex Waste Management Pty Ltd	Weekly Recycling Collection - January	-112,676.05
35	28/02/2008	Australian Taxation Office	PAYG Tax Wk 35	-102,214.29
31	07/02/2008	Australian Taxation Office	PAYG Tax Wk31	-98,277.14
16764	21/02/2008	WSN Environmental Solutions	Tipping Charges - 31/12/07 to 13/1/08	-96,372.74
16795	28/02/2008	Garwood International Pty Ltd	Purchase of Council's Plant	-94,509.80

Payments - Direct Debits From Bank A/c

Payroll (1,210,468.74)
Bank Charges (9,932.88)
Credit Cards (2,579.76)
Mayoral Allowance (17,966.49)
Councillor Fees (54,000.00)
Council Rates (44,754.00)
Total Direct Debits for period (1,339,701.87)

Total Payments

- 10,588,281.70

Cash Book Balance as at 29 February 2008

- 200,843.63

Unpresented Cheques No. of Cheques: 283,721.55

Outstanding Deposits & Miscellaneous Items 316,046.35

Reconciled Cash Book Balance as at 31 January 2008 398,924.27

Bank A/c Balance as at 31 January 2008 398,924.27

Unpresented Cheques > \$30,000.00

Cheque No.	Cheque Date	Payee	Amount
199078	04/01/2008	Botany Bay Council	34,939.58
198672	27/02/2008	Name Withheld	35,000.00
198695	28/02/2008	EPV Speciality Service Centre	46,609.18

Item No: D3 Delegated to Committee
Subject: **Bike Lanes**
Author: Lorna Oliver - Traffic & Transport Planner
File No: 900.G, 256.G
Reason for Report: Adopted Notice of Motion

Recommendation:

That the information be noted.

Background:

On 29 January 2008 Council adopted the following Notice of Motion:

“THAT, having regard to recent publicity in relation to the use and cost of bike lanes elsewhere, a report be submitted to the Corporate and Works Committee canvassing the cost of the construction and implementation of bike plans in the Woollahra Municipality up to date, estimates of any stages yet to be constructed, estimates of the number of users and any appropriate comment as to the visual impacts as a consequence of signage and road marking.”

The Woollahra Bike Plan was adopted in 2000. The Plan was developed as part of a strategy to encourage the use of alternative transport. Bicycles are a recognised part of the transport network.

Work on the bike plan commenced in 2003-2004 and construction, linemarking and signposting of bike routes has been introduced progressively in subsequent years. Approximately 47% of the Bike Plan has been implemented.

Issues:

Cost of Implementation

Budgeted expenditure on the bike plan since 2003-2004, including expenditure scheduled in 2007-2008, is \$422,500 or an average of \$84,500 per year over this five year period. It should be noted that bike plan implementation works are normally completed in conjunction with other civil works such as traffic calming measures and maintenance works. This reduces construction costs for both projects. It should also be pointed out that this expenditure has been partly off-set by RTA grants totalling \$66,000.

The adopted budgets for the implementation and maintenance of bike routes for the period 2003-2004 to 2007-2008 are detailed in the following table. Also shown for comparison are the adopted budgets for the renewal, construction and maintenance of roads and road related infrastructure over this same five year period.

YEAR	ADOPTED BUDGET		PERCENTAGE OF BIKE ROUTES EXPENDITURE TO TOTAL EXPENDITURE
	TOTAL EXPENDITURE ON ROADS	EXPENDITURE ON BIKE ROUTES	
2003-2004	\$7,900,000	\$20,000	0.25%
2004-2005	\$8,100,000	\$129,000	1.59%
2005-2006	\$8,200,000	\$50,000	0.6%
2006-2007	\$9,500,000	\$100,000	1.05%
2007-2008	\$10,400,000	\$123,500	1.19%
5 YEAR TOTALS	\$44,100,000	\$422,500	0.96%

The above table shows that Council has budgeted less than 1% of its total expenditure on roads and road related infrastructure over the past five years. Australian census data shows that 0.7% of Woollahra LGA residents use bikes to travel to and from work. Coupled with additional bike travel for recreational and local usage, expenditure of approximately 1% is considered appropriate.

Cost of Completion of Bike Plan Works

Approximately 47% of Woollahra's Bike Plan has been implemented to date. The remaining 53% is estimated to cost a further \$290,000. This will be partially offset by grant funding. The RTA has indicated verbally that Council will be receiving grant funding for bicycle works in the 2008-2009 financial year. This will be confirmed in writing later in the year.

Estimates of Usage

Manual counts have been completed in recent weeks at various locations to estimate bike usage on streets within the Municipality which have installed bike routes or which are recognised as high usage routes.

Peak volumes at these locations are shown in the following table.

LOCATION	PEAK USAGE (per hour)	DAILY ESTIMATE (24 Hours)
Oxford Street @ Queen Street	119	595
Victoria Road @ Old South Head Road	41	205
Edgecliff Road @ Old South Head Road	16	80
Queen Street @ Victoria Avenue	24	120
Victoria Avenue/Halls Lane	17	85
Glenmore Road @ Five Ways	27	135

Estimates of daily bike usage have been calculated by extrapolating peak hour volumes using a multiplier of 5. This is conservative as a multiplier of 10 is used to extrapolate from peak volume to daily volume for vehicular traffic. This conservative approach is considered appropriate as the peak volumes for bike traffic are generally spread over a wider period (3-4 hours) compared to vehicular traffic (2-3 hours).

Accurate measurement of bike usage is difficult as counts have to be performed manually. Additional guidance on bike usage can however be gleaned from census data which shows that bike usage in Woollahra (for to and from work travel) has risen steadily from 0.4% in 1991 to 0.7% in 2006. It should be noted that cyclist numbers in Woollahra are steadily growing and are higher than the Sydney average.

The installation or non-installation of bike routes is a classical “*chicken and the egg*” argument. On the one hand it is necessary for Council to install bike facilities in order to promote this alternative sustainable transport mode. On the other hand expenditure on facilities which will initially benefit only a small proportion of the population can seem unjustified.

Long term planning, as represented by the adoption of the Bike Plan in 2000, shows foresight by Council and is an appropriate strategic tool to reduce vehicle congestion and pollution. It should be noted that the Bike Plan 2000 is to be reviewed in 2008.

Visual Impact of Signs & Lines

Signposting and linemarking is a requirement of the RTA. Woollahra’s bicycle route signs and lines conform to these requirements and are approved by the Woollahra Traffic Committee prior to construction. In general signs and lines are not aesthetically pleasing. It is pointed out however that their purpose is regulation and safety not visual appeal.

Conclusion:

Council adopted the Bike Plan in 2000. Council’s expenditure of just under 1% of the annual road and road related area budget on bicycle infrastructure is commensurate with bicycle usage and therefore is considered appropriate. It should be noted that cyclist numbers in Woollahra are steadily growing and are higher than the Sydney average.

Lorna Oliver
Traffic and Transport Planner

Warwick Hatton
Director Technical Services

Annexures:

Nil

Item No: D4 Delegated to Committee
Subject: **Bus Shelter Designs**
Author: Sam Badalati - Project Manager Civil Works
File No: 900.G, 263.G Part 12
Reason for Report: To report on the progress of the design of the Lyne Park bus shelter resulting from Council's resolution dated 18 February 2008.

Recommendation:

- A. That design and documentation be finalised, based upon the sketches provided in Appendix A with the rear access and offset bench being used where suitable.
- B. That a further report be presented once the cost of fabrication and installation is known.

The Council, at its meeting of 18 February 2008, resolved, in part, as follows:

“That a further report be prepared on the Heritage Style bus shelter design including provision for wheelchair and prams.”

The above resolution resulted from representations by Mr Michael Rolfe at the Committee meeting. Briefly, his comments could be summarised as follows:

1. The proposed design does not provide the same weather and sun protection as do the existing “heritage” style shelters.
2. The proposed design has insufficient space provided for strollers and prams.

The above concerns and the sketches submitted were passed on to the architect, d-CONSTRUCT architects. The architect has responded and provided the sketches in Annexure A as part of his response.

In relation to increasing the space within the new design shelter, the base unit has been reduced in thickness, which has increased the internal footprint of the shelter. In relation to the space provided for wheelchairs and prams, two options have been provided, which increase the space for strollers and prams, while accommodating wheelchairs which are not catered for in the current “heritage” style shelters.

The modular nature of the new design makes it possible to provide “rear” access by leaving out a panel out of the combination of the base units. Whilst access from behind is not possible at all locations, a site such as Lyne Park would permit such option. The option providing rear access and offset bench clearly provides more space for wheelchair/pram use but can only be used in suitable locations.

The seating layout in the new design allows all waiting to obtain a view of approaching buses from a seated position. A disadvantage of the existing shelter has been that half those seated must face away from approaching buses, which can be a concern particularly for older or less mobile people.

Mr Rolfe's concerns in relation to the weather and sun protection afforded by the proposed design have been addressed. The new design provides for the eaves at the front of the shelter to be some 300 mm lower than the existing shelter, thus decreasing both rain and solar penetration. Moreover the new shelter provides protection to the seating area on three sides by using glass panels. The "heritage" shelter has no protection on the sides. In some cases Perspex sheeting was installed at the ends to overcome this, but the sides are still exposed.

The other aspect influencing weather and sun protection is the orientation of shelters at different sites around the municipality. Orientation is dictated by the location of the bus stops and the available footpath area available. The new design provides shelter on 3 sides.

An issue with the existing "heritage" bus shelters which allow access from both sides is that they essentially block the footpath if both sides are to be utilised to access the shelter. The sketch in Annexure B is a plan view representation of the bus shelter in New South Head Road opposite the Council Chambers. The roof-line needs to be placed 600 mm from the kerb line so that buses do not hit the roof when they pull in, which leaves 950 mm clearance for other users of the footpath on a 3.6 metre wide footpath. AS 1428.2 – 1992 requires a clear width of 1000 mm for people with ambulant disabilities and a width of 1200 mm for people who use wheelchairs. (Annexure C – Excerpt AS 1428.2 – 1992).

If, on the other hand, the "heritage" shelter is sited on a 3600mm footpath so that it abuts the property boundary with say a 100 mm clearance, this leaves 1450 mm clear width for pedestrian access in front of the shelter between the kerb and the wall of the shelter.

If the new design shelter is sited so that its roofline is 100 mm from the boundary then this leaves 1900 mm clear width for pedestrian access in front of the shelter between the kerb and the wall of the shelter (Annexure A). This is an improvement for general access and amenity of users and passers by.

Conclusion

In general terms, the new design overcomes the structural weakness of the existing stone and timber shelters (which have had to be reconstructed on a number of occasions after impact), improves weather protection on three sides, improves viewing from all seated positions and provides for wheelchairs and strollers.

The design and documentation are now being finalised, based upon the sketches provided in Appendix A with the rear access and offset bench being used where suitable. A further report will be presented once the estimated cost of fabrication and installation is obtained.

Sam Badalati
Project Manager Civil Works

Warwick Hatton
Director – Technical Services

Annexures:

- A. Sketches showing additional wheelchair/pram space.
- B. Sketch of bus shelter opposite Council Chambers.
- C. Excerpt of AS 1428.2 - 1992.

Item No: D5 Delegated to Committee
Subject: **2008/2009 Rating Structure**
Author: Don Johnston, Manager Finance
File No: 87G 2009 & 331G 2008/2009
Reason for Report: To provide an overview of Council's Rating Structure and to consider a Rating Structure for inclusion in the Draft 2008-2011 Management Plan

Recommendation:

That:

- A. The following rating structure be included in the draft management plan:
1. An increase in the Residential and Business general rates and the Environmental & Infrastructure Renewal Levy special rate of 3% as forecast in the 2008/2009 Draft Budget as the permissible increase has not yet been determined by the Minister for Local Government;
 2. Retention of the current rating structure while increasing the yield from each sub-category of rates by 3%, subject to announcement of the permissible increase;
 3. Continuation of the Council pensioner rebate of 100% of the Environmental & Infrastructure Renewal Levy for all eligible pensioners
- B. Should the Minister announce a permissible increase of other than 3%, the rating structure be amended to take up the full amount of that increase and a further report be presented to the Corporate & Works Committee on any subsequent changes to the draft budget.

Existing Rating Structure

Council's current rating structure was adopted following consideration by the Corporate & Works Committee of reports on a review of the commercial (business) rating structure in December 2002 and on the distribution of rates between the various categories in May 2003. It was reaffirmed for the 2007/2008 financial year when the yield from each sub-category of rates was increased by 3.4%, in line with the permissible increase, along with the introduction of a combined Environmental & Infrastructure Renewal Levy.

The current structure is comprised of one residential sub-category, fourteen business sub-categories and one special rate for the Environmental & Infrastructure Renewal Levy. Rates in the residential sub-category and the Environmental & Infrastructure Renewal Levy special rate are levied on the basis of collecting 50% of the yield through a base amount and 50% on an ad valorem basis (land value multiplied by a rate in the dollar).

All business sub-categories are levied on an ad valorem basis, subject to a minimum rate. The business sub-categories are based on business centres and a general sub-category that contains all business rated properties that do not fall into one of the business centres, for example, corner shops.

The 2007/2008 number of properties, rates in the dollar, minimums, base amounts and notional yields for Council's general rates are estimated to be:

Name of sub-category	Number of Assessments	Ad Valorem Rate in \$	Minimum / Base Amount	2007/08 Estimated Yield
Residential	24,068	0.05287	447.00	21,509,255
Business Rates:				
General	403	0.2949	459.00	1,102,500
Double Bay	244	0.4148	459.00	1,290,519
Oxford Street	212	0.3970	459.00	647,529
Rose Bay	81	0.4075	459.00	219,757
Edgecliff	145	0.3989	459.00	286,771
Bellevue Hill	35	0.2650	459.00	31,459
Edgecliff/ Grosvenor	38	0.3493	459.00	69,371
Five Ways	30	0.3180	459.00	56,133
New South Head Rd, Vaucluse	26	0.2670	459.00	36,177
Old South Head Rd, Rose Bay	22	0.2700	459.00	52,779
Old South Head Road, Vaucluse	12	0.1700	459.00	10,795
Plumer Road	3	0.2300	459.00	9,328
Queen Street	71	0.2789	459.00	167,159
Watsons Bay	19	0.2200	459.00	61,519
Car Spaces	172	0.05287	459.00	1,340
Total	25,581			25,552,391

It should be noted that these may vary slightly between now and final adoption of the 2008-11 Management Plan due to routine changes to our rating base.

No Changes to Land Valuations

Council last received a general land revaluation early in 2007 with a base date of 1 July 2006 which was used as the basis for 2007/2008 rating. These same land values will be used for the 2008/2009 rates levy.

Legislative Framework

The Local Government Act (LGA) permits four categories of rates. The categories of ordinary rates are farmland, residential, mining and business rates.

Council's current rating structure has two categories, residential and business. The proportions of rates collected from each category are:

Category	Yield	%
Residential	21,510,595	84.18
Business	4,041,796	15.82
	25,552,391	100.00

The spread of land values across the two categories is:

Category	Land Values *	%
Residential	20,337,050,761	94.67
Business	1,145,003,643	5.33
	21,482,054,404	100.00

* Land values have a base date of 1 July 2006.

The Act also provides for 'special rates' to be levied where a council is of the opinion that an area benefits, or will benefit, from particular works, services, facilities or activities. Council utilises these provisions for its Environmental & Infrastructure Renewal Levy. These provisions would also be used if Council was to introduce a levy for Double Bay Centre Management.

There are no changes to categories, sub-categories or the bases for calculating our rates proposed. However, information on categorisation, sub-categorisation, the bases for calculating rates and special rates are provided in **ANNEXURE 1** for the Committee's information.

Proposed General Rate Structure 2008/2009

At the time of writing this report the Minister for Local Government had not announced the permissible increase for 2007/2008. For the purposes of getting our draft management plan on public exhibition, and meeting the statutory timeframes, it is proposed that the 3% rate increase assumed in the draft budget is carried through to our rating structure. A footnote to this effect will be provided.

Within the overall limitation of increasing rates by no more than the percentage set by the Minister, Council is able to determine the mix between sub-categories within its rating structure and the basis upon which rates are calculated.

In setting the rates for 2007/2008 we had to deal with the impact of a general revaluation. It was ultimately decided to increase the yield from each of the sub-categories by the then 3.4% permissible increase to mitigate the effect of changes in land values between sub-categories. This approach has again been recommended for the 2008/2009 rating year.

While there are numerous options available to Council for changing the current structure which range from abandoning the current 50/50 base amount/ad valorem structure of the residential rate in favour of a different mix or the re-introduction of a minimum rate to introducing a 50/50 base amount/ad valorem structure into one or all of the business sub-categories, it is recommended that we retain the existing rating structure and mix.

Proposed Environmental and Infrastructure Renewal Levy Structure for 2008/2009

It is proposed that we continue the structure of a 50% base amount and 50% ad valorem structure for the Environmental Infrastructure Renewal Levy special rate. It is also proposed that eligible pensioners will continue to receive a 100% rebate of the levy.

Exhibition of the Rating Structure

For the purposes of public exhibition, Council has to incorporate details of its rating structure in the Draft Management Plan. For 2008/2009, subject to the announcement of the permissible increase by the Minister for Local Government, we will include a rating structure incorporating a 3% increase for each sub category of general rate and a 3% increase in the Environmental & Infrastructure Renewal Levy special rate. If the Minister announces an increase of other than 3% it is proposed that the rating structure be adjusted accordingly to take up the full amount of the increase. The proposed rating structure is attached as **ANNEXURE 2**.

Conclusion:

The proposed 2008/2009 Rating Structure retains the overall mix between the various sub-categories of rates and provides for the 3% increase based on our budget estimate while we await the Ministerial determination. Should the Minister determine an increase of other than 3% it is recommended that the rating structure be amended to take up the full amount of the increase and that a further report be prepared on any subsequent changes to the draft budget.

Don Johnston
Manager Finance

Geoff Clarke
Director Corporate Services

Annexures:

1. Information on the Categorisation of Rateable Land and Rate Calculation Options
2. Rating Structure for 2008/2009.

Item No: D6 Delegated to Committee
Subject: **Draft Fees & Charges Schedule for 2008/2009**
Author: Michelle Phair, Team Leader Financial Services
File No: 331G 2008/2009
Reason for Report: To provide the draft Schedule of Fees & Charges to the Committee for formal consideration for inclusion in the Draft Management Plan for the purposes of public exhibition.

Recommendation:

THAT the Draft Fees & Charges Schedule for 2008/2009 attached as Annexure A to this report be included in the Draft Management Plan for the purposes of public exhibition.

Background:

Each year Council is required to set its fees and charges as part of its consideration and adoption of the Management Plan. The schedule of fees and charges forms part of the Management Plan and therefore goes through the same public exhibition process prior to final adoption.

Discussion:

The Draft Fees & Charges Schedule for 2008/2009 is attached as **ANNEXURE A**. The annexure also provides the following information:

- Comparative fees and charges for 2007/2008 and 2008/2009
- Supplementary information, where applicable, about the fee / charge
- The percentage increase
- New fees and charges
- Deleted fees and charges
- Commentary, where applicable, to explain e.g. no increase, minimal increases or material increases

Conclusion:

Council is required to adopt its fees and charges each year as part of its Management Plan. The Draft 2008/2009 Fees & Charges Schedule is recommended for inclusion in the Draft Management Plan for the purposes of public exhibition.

Michelle Phair
Team Leader Financial Services

Don Johnston
Manager Finance

Annexures:

A. Draft Fees & Charges Schedule for 2008/2009

Item No: D7 Delegated to Committee
Subject: **Retaining Wall - Adelaide Parade, Woollahra adjacent to Cooper Park**
Author: Greg Stewart - Project Manager Strategic Projects & Policy
File No: 900.G
Reason for Report: Notice of Motion adopted by Council calling for a report on the matter.

Recommendation:

That Council advise the owners of the properties adjoining Adelaide Parade, Woollahra, that Council is **not** the owner of Adelaide Parade or the retaining wall supporting Adelaide Parade and suggest that, in order to protect their interests, they

- (a) determine the identity of the owner of Lot 15 in DP 438838, and
- (b) inform the owner of their responsibility to repair and maintain the privately owned section of Adelaide Parade and adjoining sandstone retaining wall or, alternatively, that they
- (c) enter into an agreement with the owner of Lot 15 for the repair and maintenance of Adelaide Parade and the retaining wall, or
- (d) seek to acquire ownership of Lot 15 so that they can repair and maintain these structures.

Background:

Council at its meeting of 12 March, 2007 adopted the following Notice of Motion:

“ That a report be brought to the Corporate & Works Committee considering the potential for Council to undertake weed reduction works on the retaining wall that separates Adelaide Parade from Cooper Park in Woollahra including any potential liability issue this may raise.”

The retaining wall referred to in the Notice of Motion is a sandstone block retaining wall approximately 70 metres long and 8 metres high at its highest point. The western 12 metres of the retaining wall supports the dead end section of Adelaide Street whilst the remaining 60 metres of the retaining wall, supports Adelaide Parade, which is a pedestrian walkway servicing a row of terrace houses that front onto Adelaide Parade. A plan showing the location of the retaining wall and photographs of the wall are attached as Annexures 1 & 2.

The section of retaining wall adjacent to Adelaide Parade appears to have been constructed to enable the land behind the retaining wall to be levelled to permit the construction of Adelaide Parade and the row of terrace houses that front onto Adelaide Parade and back onto View Street. The western end of the retaining wall supporting the dead end of Adelaide Street appears to have been constructed at a later stage.

The sandstone retaining wall and metal railing attached to the top of the section of the wall adjacent to Adelaide Parade as well as the adjoining terrace houses fronting Adelaide Parade are listed as heritage items in Council’s 1995 Woollahra Local Environmental Plan.

The face of the section of the retaining wall abutting Adelaide Parade is covered in ferns and there are several self-sown figs attached to the face of the wall near the top, that have, in the past few years, been partly removed and their stumps poisoned.

The residents of Adelaide Parade are concerned that, if the ferns and self-sown figs attached to the wall are not removed, their roots will damage the mortar joints and cause structural damage to the retaining wall.

Apart from some of the sandstone blocks near the top of the retaining wall that have been moved by the expanding roots of the self sown fig trees, the retaining wall appears to be in good condition.

Ownership of the sandstone retaining wall

The section of the retaining wall supporting the end of Adelaide Street is located on public roadway and Council is responsible for its maintenance and repair. This report **does not** relate to this section of the retaining wall but to the section of retaining wall supporting Adelaide Parade.

The section of the retaining wall supporting Adelaide Parade, which is a formed asphalt footpath which provides pedestrian access to the front of the adjoining 14 terrace houses overlooking Cooper Park, is located on land identified as being Lot 15 in DP 438838 and is not land owned by Council. Adelaide Parade is not a dedicated public road and, on Deposited Plan - DP 438838, it is specifically identified as "not a public street". A copy of Deposited Plan - DP 438838 is attached as Annexure 3.

Although Adelaide Parade is not owned by Council and has never been dedicated as a public road or public pathway, it does present as being a public pathway. The public has unrestricted access to and over the pathway by way of an unlocked metal gate at Adelaide Street and the pathway contains public lighting connected to the street lighting circuit. A check of Council's rate system has revealed that no rates are been levied on the property forming Adelaide Parade.

In December 1997, when the ownership of Adelaide Parade (Lot 15 in DP 438838) was questioned, Solicitors acting on behalf of one of the property owners fronting Adelaide Parade advised as follows:

"From our investigations it appears that Lot 15 was in the ownership of the surviving joint tenant Austin Edward Phippard who died in 1962. Probate of Mr Phippard's Will was granted to Marjorie Phippard, Marjorie Hammond and Jean Bjelke-Petersen. A copy of the Probate is enclosed for your reference. We attempted to locate one of Mr Phippard's daughters Marjorie Hammond without success, and the Bar Association are only aware of a Mr John M Hammond formally of Killara and subsequently of Warrawee, who passed away on 11 December 1978."

Note: John Mark Hammond of Killara, a Barrister-at-Law, was mentioned as being the husband of Marjorie Hammond in Mr Austin Edward Phippard's Will.

Based on the above information, it would appear that Adelaide Parade and the sandstone retaining wall supporting Adelaide Parade is privately owned by the successors of Austin Edward Phippard. Accordingly, Council is **not** responsible for the maintenance and repair of Adelaide Parade or the section of retaining wall supporting Adelaide Parade.

On the incorrect assumption that Adelaide Parade was a public road and that the sandstone retaining wall supported public roadway, about 18 months to 2 years ago, Council did arrange to have several self-sown fig trees attached to the face of this section of retaining wall, partly removed and their stumps poisoned.

Works on Private Land

Section 67 of the Local Government Act regulates the carrying out of works by a Council on private land. Section 67 states:

“67 Private works

- (1) *A council may, by agreement with the owner or occupier of any private land, carry out on the land any kind of work that may lawfully be carried out on the land.*

Note. *Examples of the kind of work that a council might carry out under this section include:*

- *paving and roadmaking*
- *kerbing and guttering*
- *fencing and ditching*
- *tree planting and tree maintenance*
- *demolition and excavation*
- *land clearing and tree felling*
- *water, sewerage and drainage connections*
- *gas and electricity connections.*

- (2) *A council must not carry out work under this section unless:*

- (a) *it proposes to charge an approved fee for carrying out the work as determined by the council in accordance with Division 2 of Part 10 of Chapter 15, or*
(b) *if it proposes to charge an amount less than the approved fee, the decision to carry out the work is made, and the proposed fee to be charged is determined, by resolution of the council at an open meeting before the work is carried out.*

- (3) *A council must include details or a summary of any resolutions made under this section and of work carried out under subsection (2) (b) in its next annual report.*

- (4) *A report of work to which subsection (2) (b) applies must be given to the next meeting the council after the work is carried out specifying:*

- *the person for whom the work was carried out*
- *the nature of the work*
- *the type and quantity of materials used*
- *the charge made for those materials*
- *the total of the number of hours taken by each person who carried out the work*
- *the total amount charged for carrying out the work (including the charge made for materials)*
- *the reason for carrying out the work.*

- (5) *This section does not apply to work carried out by a council, or by two or more councils jointly, for another council or for a public authority.*

- (6) *This section does not apply to any graffiti removal work carried out by a council in accordance with section 67A or 67B.”*

As the retaining wall is on private property, in accordance with Section 67 of the Local Government Act, Council cannot carry out any clearing works to the face of this retaining wall unless:

1. the owner or occupier of the land agrees to the work being carried out on the land, and
2. a fee is charged for the work, in accordance with Council’s adopted fees and charges, or as otherwise resolved by Council.

Even if Council elected to carry out these works at no cost to the property owner or occupier (and legal advice would need to be sought to ensure that Council is able to do this), Council would still need to obtain the agreement of the owner of the land to the works being carried out. Unless it does so, Council would be in breach of Section 67 of the Local Government Act. The owner of this land is not known to Council at this time.

There are three main options available to Council in relation to this matter. These options are as follows:

1. Do nothing, with Council maintaining only the section of sandstone retaining wall on public roadway at the end of Adelaide Street.
2. Council remove, and continue to remove, on the basis of a suitable agreement with the owner or occupier of the site of the wall, the ferns and self-sown figs from the section of retaining wall adjoining Adelaide Parade.
3. Council advise the owners of the properties adjoining Adelaide Parade that Council is **not** the owner of Adelaide Parade or the retaining wall supporting Adelaide Parade and suggest that, in order to protect their interests, they
 - (a) determine the identity of the owner of Lot 15 in DP 438838, and
 - (b) inform the owner of their responsibility to repair and maintain the privately owned section of Adelaide Parade and adjoining sandstone retaining wall or, alternatively, that they
 - (c) enter into an agreement with the owner of Lot 15 for the repair and maintenance of Adelaide Parade and the retaining wall, or
 - (d) seek to acquire ownership of Lot 15 so that they can repair and maintain these structures.

Comments on the options available

Comments in relation to each of these options are as follows:

Option 1 - Do nothing, with Council maintaining only the section of sandstone retaining wall on public roadway at the end of Adelaide Street.

Under this option, the roots of the ferns and self-sown figs growing on the face of the retaining wall will continue to penetrate the joints in the retaining wall. This course of action will not preserve the life of the privately-owned section of retaining wall and will increase its rate of deterioration. It will also not resolve the issue of the ownership of Adelaide Parade or the section of retaining supporting Adelaide Parade. For these reasons, this option is not recommended.

Option 2 Council remove, and continue to remove, on the basis of a suitable agreement with the owner or occupier of the site of the wall, the ferns and self-sown figs from the section of retaining wall adjoining Adelaide Parade.

Although this option would preserve the life of the retaining wall, as the owner is not known, we would need to obtain legal advice on whether the adjoining owners could be regarded as the occupier for this action to comply with Section 67 of the Local Government Act, as detailed previously in this report.

Without a formal agreement in place, continuing maintenance action could place Council in a position where it could be argued, at some time in the future, that, by maintaining the retaining wall, Council had inadvertently assumed responsibility for the ongoing repair and maintenance of an asset belonging to someone else (the wall and possibly Adelaide Parade as well) with no offsetting financial or community benefit; as well as incurring the cost of these works. This action would also require agreement of all the adjoining owners which might not be forthcoming. This option, therefore, is not recommended.

*Option 3 - Council advise the owners of the properties adjoining Adelaide Parade that Council is **not** the owner of Adelaide Parade or the retaining wall supporting Adelaide Parade and suggest that, in order to protect their interests, they*

- (a) determine the identity of the owner of Lot 15 in DP 438838, and*
- (b) inform the owner of their responsibility to repair and maintain the privately owned section of Adelaide Parade and adjoining sandstone retaining wall or, alternatively, that they*
- (c) enter into an agreement with the owner of Lot 15 for the repair and maintenance of Adelaide Parade and the retaining wall, or*
- (d) seek to acquire ownership of Lot 15 so that they can repair and maintain these structures.*

The retaining wall supporting Adelaide Parade also supports the terrace houses fronting Adelaide Parade. It is therefore in the interests of the property owners fronting Adelaide Parade that the retaining wall (and Adelaide Parade) be properly repaired and maintained on an on-going basis. This includes the removal of growth from the face of the retaining wall in order to maximise the life of the wall.

This course of action is recommended as:

- 1. it would identify the owner of Adelaide Parade and the adjoining retaining wall;
- 2. the owner of Adelaide Parade and the adjoining retaining wall would be informed of their responsibility to repair and maintain these structures;
- 3. the interests of the Adelaide Parade property owners would be protected; and
- 4. Council would not incur any on-going responsibility or costs associated with the repair and maintenance an asset that is not owned by Council.

Identification of Income & Expenditure:

The option recommended in this report will not incur Council in any expenditure

Conclusion:

*Council advise the owners of the properties adjoining Adelaide Parade that Council is **not** the owner of Adelaide Parade or the retaining wall supporting Adelaide Parade and suggest that, in order to protect their interests, they*

- (a) determine the identity of the owner of Lot 15 in DP 438838, and*
- (b) inform the owner of their responsibility to repair and maintain the privately owned section of Adelaide Parade and adjoining sandstone retaining wall or, alternatively, that they*
- (c) enter into an agreement with the owner of Lot 15 for the repair and maintenance of Adelaide Parade and the retaining wall, or*
- (d) seek to acquire ownership of Lot 15 so that they can repair and maintain these structures.*

Greg Stewart
Project Manager Strategic Projects & Policy

Warwick Hatton
Director Technical Services

ANNEXURES:

- 1. Plan showing the location of the retaining wall
- 2. Photographs of the retaining wall
- 3. Copy of Deposited Plan DP 438838

Item No: D8 Delegated to Committee
Subject: 790 New South Head Road, Rose Bay - Proposed Road Closure and Sale
Author: Anthony Sheedy, Property Officer
File No: 329.790
Reason for Report: To give consideration to the closure and sale of unmade roadway adjoining the property.

Recommendation:

That the site be inspected prior to the Corporate and Works Committee meeting of 7 April 2008.

Background:

Council has received a request from the owners of 790 New South Head Road, Rose Bay to purchase a triangular shaped section of unmade road adjoining their property.

The subject land is shown in hatched detail on the attached plan of Land Surveyors, Dunlop Thorpe & Co (Annexure 1). This unmade road reserve area is an estimated 38 square metres in size. The subject land comprises a ground level concrete driveway and grassed verge (Annexures 3 & 4). I understand that because New South Head Rd has high traffic volumes, the owner wants to purchase this road reserve portion from Council to enable safer motor vehicle access and egress from the property.

As New South Head Road is an arterial road controlled by the NSW Roads and Traffic Authority (RTA), they were approached as to whether any part of the subject road reserve came under their title ownership or was subject to any declared road widening proposals. Officers from the RTA inspected the site in January 2008, and confirmed via RTA plan '623_1' (Annexure 2) that they did not own the subject land portion nor have a road widening proposal at this locality.

The Council's Manager of Public Infrastructure and Property staff inspected the subject land on 7 February 2008. The Manager had no objection to the owner's request to close and sell this portion of road reserve, and made the following comments:

"The sale of this land does not impact on the public and has the following advantages:

1. The sale will improve manoeuvring within the site and will improve traffic safety by promoting vehicle egress in a forward direction. Whilst this may occur under the current driveway arrangements, the manoeuvring room is small and does not encourage drivers to turn. There is no means by which Council can force drivers to exit in a forward direction. Facilitation of turning within the site will increase the opportunity for motorists to exit in a forward direction.
2. The sale of this parcel of land will have no effect on pedestrian traffic. The existing pedestrian line is along the kerb line and even if adjustment is made in the future to footpath levels (desirable if redevelopment occurs at No 788) this line will be maintained without loss of amenity to the public.
3. The sale of this parcel of land will have no effect on traffic/pedestrian sight lines in either New South Head Rd or Tivoli Avenue."

It was noted at site inspection that there was an apparent encroaching feature wall on public land. This will be formerly remedied through sale of the subject road reserve portion, or conversely if this does not proceed then an appropriate order will be given to have it removed.

The owners have agreed to accept all Council's costs in this matter as confirmed in a letter received by Council 14 February 2008.

Conclusion:

In accordance with Council's Policy and Procedure for the Sale of Council Land, it is recommended that the Committee inspect the site in the first instance.

Anthony Sheedy
Property Officer

Warwick Hatton
Director, Technical Services

ANNEXURES:

1. Land Surveyors, Dunlop Thorpe & Co plan of proposed road closure (shown hatched).
2. RTA Plan of New South Head Rd showing area of proposed road closure and neighbouring properties.
3. Aerial view of subject road reserve proposed for closure and sale.
4. Site photos.

Item No: R1 Recommendation to Council
Subject: **44B Fairfax Road, Bellevue Hill - Proposed Road Closure and Sale**
Author: Anthony Sheedy, Property Officer
File No: 158.44B
Reason for Report: To give further consideration to the proposed Road closure and Sale, of portion of unmade road adjoining 44B Fairfax Road, Bellevue Hill.

Recommendation:

1. That Council proceed with the road closure, subject to a deposit of \$8200 to be 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 44B Fairfax Road, Bellevue Hill with the following conditions:
 - (a) A purchase price of \$2000 per square metre plus GST; sale 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 44B Fairfax Road, Bellevue Hill 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, i.e., Contract for Sale, Plan of Road Closure, Transfer documents etc.

Background:

The matter was considered by Council on 6 August 2007 in which it was resolved that:

- A *That the portion of unmade road reserve in Fairfax Road, Bellevue Hill which adjoins 44B Fairfax Rd, Bellevue Hill be valued for its market sale price, and in accordance with the adopted Corporate and Works Committee resolution of 6 November 2006.*
- B. *That a further report be submitted, following Point A above.*

The effect of the adopted Council resolution of 6 November 2006 was to reduce the overall land size available for sale from some 75 to an estimated 41 square metres.

In determining a value for the unmade road portion, the Valuer used the direct comparison approach and had reference to directly comparable portions of unmade road that were recently sold in the Woollahra LGA. Considerations were made of size, shape, topography, location, and position relevant to the adjacent property. The Valuer also considered any benefit that would accrue in regard to its probable utilisation for one car space with some form of landscaping when consolidated with the existing 44B Fairfax Rd property.

The current 'add on' market value of the subject land as at 17 September 2007 is considered to be \$2,000 per square metre, which equates to \$82,000 subject to final survey for the estimated land parcel size of 41 square metres. The adjoining owner of 44B Fairfax Rd was accordingly advised of Council's valuation.

On 24 February 2008, Clive Carroll owner of 44B Fairfax Road, Bellevue Hill wrote to Council and offered to purchase the said land portion for \$2000 per square metre 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 \$8200 (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 6 August 2007 resolution, the subject portion of unmade Road has been valued at \$2000 per square metre, being \$82,000 for an estimated 41 square metres parcel size subject to final survey.

The adjoining owner of 44B Fairfax Road has agreed to purchase the portion for \$2000 per square metre 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 the existing concrete slab driveway can be widened to form a new entrance landing to the property. 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

ANNEXURES:

1. Plan of the triangular subject land area bounded by a thickened line and shown hatched.

Item No: R2 Recommendation to Council
Subject: Christison Park Irrigation Works Tender 07/23
Author: Joe Cavagnino, Purchasing Coordinator
File No: Tender No 07/23
Reason for Report: To recommend to Council the acceptance of a Tender

Recommendation:

- A. That Council enter into a Contract with Ausflow Irrigation Pty Ltd for Christison Park Irrigation Works for the sum of \$281,720 (excluding GST).
- B. That successful and unsuccessful tenderers be advised accordingly.
- C. That \$65,000 from the Environmental Works Program is used to contribute to the project.

Background

The Community and Environment Committee, at its meeting of 14 May 2007, received a report informing Council of the receipt of a grant of \$270,200 from the NSW Government's Water Saving Fund towards the installation of a water efficient irrigation system at Christison Park (see Annexure).

Unlike all our other sports fields, which are located at the bottom of natural drainage lines and have access to bore water, Christison Park is located at the top of a sandstone ridgeline. Its position at the top of the catchment prevents access to suitable volumes of natural groundwater or natural drainage and has meant we have, historically, relied upon potable water for irrigation purposes.

However, since the introduction of water restrictions in 2003, Woollahra, like other Councils throughout Sydney, has been required to restrict water use for irrigation purposes to three hours, on a Monday morning only. These restrictions, whilst necessary, have resulted in a decline in turf quality and reduced amenity to Christison Park. To provide a good turf sports surface at Christison Park, we require a greater volume and flexibility of water supply than currently permissible by the water restrictions.

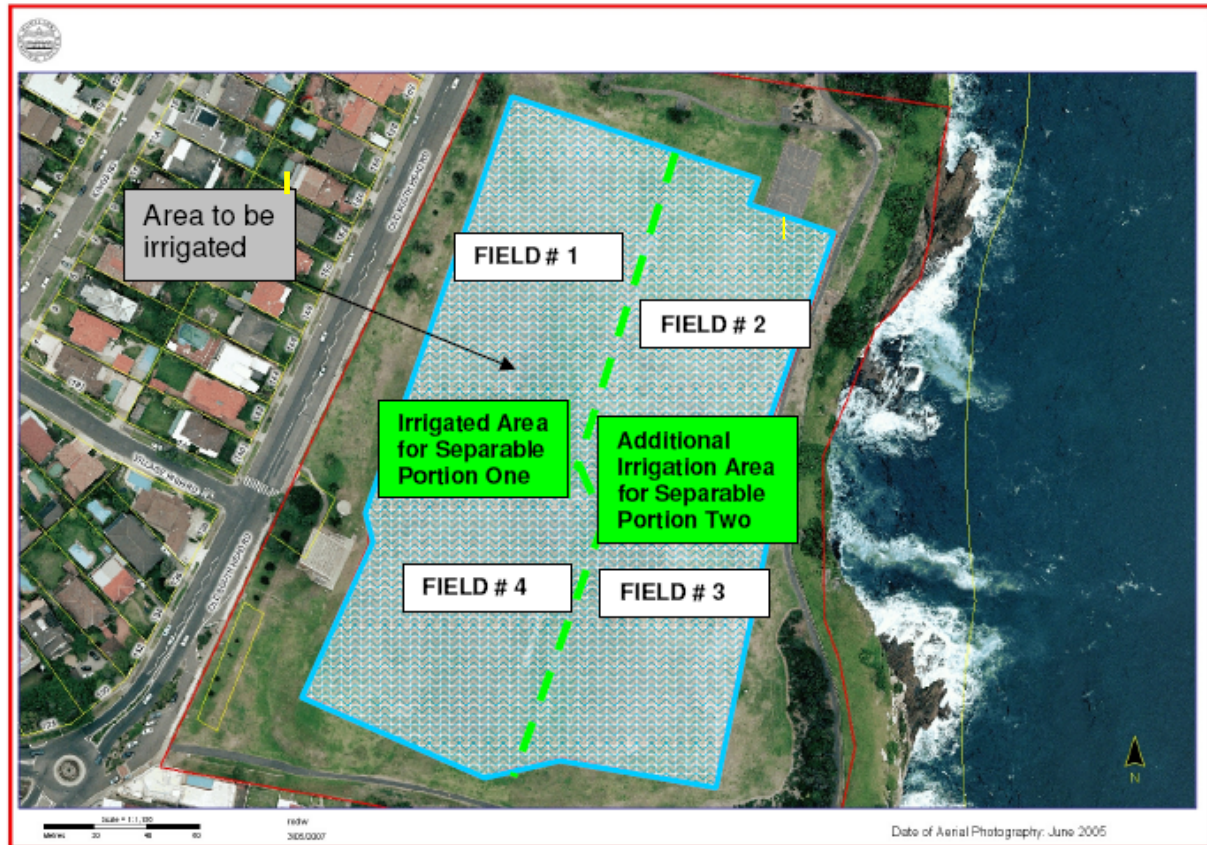
We engaged the Water Conservation Group to provide the detailed design and documentation for the tender process. The Water Conservation Group have extensive experience with large scale water saving projects.

Key components of the project include:

1. the use of a subsurface irrigation system that irrigates the turf from a below-ground system as opposed to above-ground 'pop-up' system; and
2. the installation of a water collection system that recycles water for irrigation that would have otherwise drained away.

The design concept is described in the Annexure.

Following the completion of the design and documentation, the tender was publicly advertised.



Layout of separable portions for sub surface irrigation system

Location Map and Aerial Photograph

For the purposes of the tender, the project was divided into three separable portions to allow for potential that insufficient funds were available to cover all works proposed in the specification. These portions included:

- A. irrigation system installed to fields No. 1 and No. 4 (as shown);
- B. irrigation system installed to fields No. 2 and No. 3; and
- C. the stormwater harvesting component involving construction of diversion stormwater pits and pipes to collect stormwater, clean it and pipe it back to the existing storage tank; and soil amelioration works to improve the existing sportsfield drainage and turf growth.

Invitation to Tender

Tender 07/23 for Christison Park Irrigation Works was advertised in the Tenders section of the Sydney Morning Herald commencing Tuesday 29/01/08.

Tenders for this project closed at 4.00pm, Tuesday 21 February 2008. A total of two tenders were received prior to the closing date and time. We believe the low number of tenders received reflects the nature of the new sub-surface irrigation technology and the limited experience by contractors in installing this system.

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>Ausflow Irrigation Pty Ltd</i>
<i>National Irrigation Pty Ltd</i>

Tender Assessment

The tender assessment panel comprised Mr Joe Cavagnino, as the convenor and independent member of the tender panel, Mr Llewellyn Jones Parks Maintenance Coordinator, Mr Rod Ward the Project Manager for the delivery of the Project and Commissioning Officer and Mr Rex Sullings, an irrigation consultant, who had assisted with the preparation of the tender specifications.

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 not to meet this definition and it was agreed that a probity adviser not be included in the tender process.

Prior to the closing date, 14 February 2008, the tender panel agreed on the weightings that would be used against the advertised selection criteria.

The tender panel carried out an initial evaluation of the tenders and deemed all tenders to be conforming. 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 Parts A & B combined	Lump sum tender price (excl GST) Separable Parts A, B & C combined
<i>Ausflow Irrigation Pty Ltd</i>	\$152,790.00	\$246,720.00	\$281,720.00
<i>National Irrigation Pty Ltd</i>	\$217,200.00	\$310,700.00	\$369,670.40

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.

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 Ausflow Irrigation Pty Ltd who was the highest ranked tenderer. The purpose of the interview was to review and test the information provided by the tenderer with regard to the published selection criteria and, where necessary, raise concerns which the panel may have had with any aspect of a tender. Following the interview, where necessary, the panel amended tenderers' scores and reviewed rankings. Final scores and rankings are shown in Table 3.

Referees were contacted and their opinions sought on previous projects carried out.

Assessment of highest ranked tenderers

Ausflow Irrigation Pty Ltd was the highest scoring tenderer and provided thorough documentation as required. The price submitted was highly competitive and they were able to demonstrate extensive experience. Ausflow Irrigation Pty Ltd also demonstrated a highly competent approach in response to questions raised at the interview regarding their approach and costing. The reference checks undertaken were very favourable towards the tenderer with all referees recommending them without hesitation.

Table 3. Illustrates the scores and rankings of all tenders considered.

Table 3.

TENDERER	Demonstrated Experience 20	Duration of Works 10	Program & Methodology 10	Quality Management 10	Organisational Capability 10	Price Components 10	Price 30	Total Score 100	Ranking
Ausflow Irrigation Pty Ltd	13.33	8.57	7.5	6.88	5.63	9.38	30	81.29	1
National Irrigation Pty Ltd	13.33	10	5	5.63	5	3.13	22.50	64.59	2

1. **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.
2. **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.
3. **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.
4. **Quality Management:** Information was requested pertaining to quality systems, quality of works, quality of past Council works and the quality of key subcontractors.
5. **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.
6. **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.
7. **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.

Tender Assessment Panel Opinion

The tender panel is of the opinion that the tender of Ausflow Irrigation Pty Ltd is the most advantageous 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 budget allocation for this project is \$270,200 which has been provided via a State Government grant. This amount is not sufficient to cover the cost of construction at the highest ranked tenderer's price of \$281,720, together with the additional project costs required for additional detailed design and project management which equals \$45,800.

It is therefore recommended that the additional \$65,000 funding necessary be provided by transferring funds allocated in the Environmental Works Program (EWP) Budget for Water Sensitive Urban Design Projects. This would ensure all three portions of the project are completed at the same time and deliver the following environmental benefits:

1. Reduced use of potable water;
2. Stormwater flows through Parsley Bay Reserve will be reduced as a result of water being captured for irrigation use; and
3. Potential stormwater nutrient loading in Parsley Bay and the Parsley Bay Creek environment associated with Christison Park turf maintenance is reduced as stormwater and groundwater seepage from the Park is captured and recycled.

Improving stormwater quality is a major objective of the EWP and the use of these funds for this project will ensure all portions of the project can be completed at once, thereby providing immediate environmental benefits and reducing potential impact to sportsground users.

Conclusion:

The tender panel recommends that Council enter into a Contract with Ausflow Irrigation Pty Ltd for Christison Park Irrigation Works) for the sum of \$281,720 (excluding GST).

Joe Cavagnino
Purchasing Coordinator

Warwick Hatton
Director Technical Services

Annexure:

Community and Environment Committee Report 14 May 2007.