



# **BUSINESS PAPER**

## **EXTRAORDINARY MEETING**

**Wednesday 19 May 2021  
at 6:30PM**



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## **AGENDA AND SUMMARY OF RECOMMENDATIONS**

### **PRESENT**

### **NATIONAL ANTHEM**

### **OPENING PRAYER/S**

### **ACKNOWLEDGEMENT OF RELIGIOUS DIVERSITY**

Statement by the Chairperson:

*"We recognise our Shire's rich cultural and religious diversity and we acknowledge and pay respect to the beliefs of all members of our community, regardless of creed or faith."*

### **ACKNOWLEDGEMENT OF COUNTRY**

Statement by the Chairperson:

*"Council recognises the Traditional Owners of the lands of Hornsby Shire, the Darug and Guringai peoples, and pays respect to their Ancestors and Elders past and present and to their Heritage. We acknowledge and uphold their intrinsic connections and continuing relationships to Country."*

### **VIDEO AND AUDIO RECORDING OF COUNCIL MEETING**

Statement by the Chairperson:

*"I advise all present that tonight's meeting is being video streamed live via Council's website and also audio recorded for the purposes of providing a record of public comment at the meeting, supporting the democratic process, broadening knowledge and participation in community affairs, and demonstrating Council's commitment to openness and accountability. The audio and video recordings of the non-confidential parts of the meeting will be made available on Council's website once the Minutes have been finalised. All speakers are requested to ensure their comments are relevant to the issue at hand and to refrain from making personal comments or criticisms. No other persons are permitted to record the Meeting, unless specifically authorised by Council to do so."*

### **APOLOGIES / LEAVE OF ABSENCE**

### **POLITICAL DONATIONS DISCLOSURE**

Statement by the Chairperson:

*"In accordance with Section 10.4 of the Environmental Planning and Assessment Act 1979, any person or organisation who has made a relevant planning application or a submission in respect of a relevant planning application which is on tonight's agenda, and who has made a reportable political donation or gift to a Councillor or employee of the Council, must make a Political Donations Disclosure Statement."*

*If a Councillor or employee has received a reportable political donation or gift from a person or organisation who has made a relevant planning application or a submission in respect of a relevant planning application which is on tonight's agenda, they must declare a non-pecuniary conflict of interests to the meeting, disclose the nature of the interest and manage the conflict of interests in accordance with Council's Code of Conduct."*

## **DECLARATIONS OF INTEREST**

*Clause 4.16 and 4.17 of Council's Code of Conduct for Councillors requires that a councillor or a member of a Council committee who has a pecuniary interest in a matter which is before the Council or committee and who is present at a meeting of the Council or committee at which the matter is being considered must disclose the nature of the interest to the meeting as soon as practicable. The disclosure is also to be submitted in writing (on the form titled "Declaration of Interest").*

- 4.16 A councillor who has a pecuniary interest in any matter with which the council is concerned, and who is present at a meeting of the council or committee at which the matter is being considered, must disclose the nature of the interest to the meeting as soon as practicable.*
- 4.17 The councillor must not be present at, or in sight of, the meeting of the council or committee:*
- a) at any time during which the matter is being considered or discussed by the council or committee, or*
  - b) at any time during which the council or committee is voting on any question in relation to the matter.*

*Clause 5.10 and 5.11 of Council's Code of Conduct for Councillors requires that a councillor or a member of a Council committee who has a non pecuniary interest in a matter which is before the Council or committee and who is present at a meeting of the Council or committee at which the matter is being considered must disclose the nature of the interest to the meeting as soon as practicable. The disclosure is also to be submitted in writing (on the form titled "Declaration of Interest").*

- 5.10 Significant non-pecuniary conflict of interests must be managed in one of two ways:*
- a) by not participating in consideration of, or decision making in relation to, the matter in which you have the significant non-pecuniary conflict of interest and the matter being allocated to another person for consideration or determination, or*
  - b) if the significant non-pecuniary conflict of interest arises in relation to a matter under consideration at a council or committee meeting, by managing the conflict of interest as if you had a pecuniary interest in the matter by complying with clauses 4.16 and 4.17.*
- 5.11 If you determine that you have a non-pecuniary conflict of interest in a matter that is not significant and does not require further action, when disclosing the interest you must also explain in writing why you consider that the non-pecuniary conflict of interest is not significant and does not require further action in the circumstances.*

## **PETITIONS**

**PRESENTATIONS****RESCISSION MOTIONS****MAYORAL MINUTES****ITEMS PASSED BY EXCEPTION / CALL FOR SPEAKERS ON AGENDA ITEMS***Note:*

*Persons wishing to address Council on matters which are on the Agenda are permitted to speak, prior to the item being discussed, and their names will be recorded in the Minutes in respect of that particular item.*

*Persons wishing to address Council on **non agenda matters**, are permitted to speak after all items on the agenda in respect of which there is a speaker from the public have been finalised by Council. Their names will be recorded in the Minutes under the heading "Public Forum for Non Agenda Items".*

**GENERAL BUSINESS**

- *Items for which there is a Public Forum Speaker*
- *Public Forum for non agenda items*
- *Balance of General Business items*

**OFFICE OF THE GENERAL MANAGER**

Nil

**CORPORATE SUPPORT DIVISION**

Nil

**COMMUNITY AND ENVIRONMENT DIVISION**

Nil

**PLANNING AND COMPLIANCE DIVISION**

Nil

**INFRASTRUCTURE AND MAJOR PROJECTS DIVISION****Page Number 1**

**Item 1      IM5/21 REQUEST FOR TENDER RFT11/2020: HORNSBY QUARRY  
REHABILITATION WORKS INCLUDING BULK EARTHWORKS**

**RECOMMENDATION**

THAT Council accept the tender of Ditchfield Contracting Pty Limited for RFT11/2020 - Hornsby Quarry Rehabilitation Works Including Bulk Earthworks.

**PUBLIC FORUM – NON AGENDA ITEMS**

**QUESTIONS WITH NOTICE**

**MAYOR'S NOTES**

**NOTICES OF MOTION**

**SUPPLEMENTARY AGENDA**

**MATTERS OF URGENCY**

**1 REQUEST FOR TENDER RFT11/2020: HORNSBY QUARRY REHABILITATION WORKS INCLUDING BULK EARTHWORKS**

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**EXECUTIVE SUMMARY**

- Requests for Tender (RFT) have been called in accordance with the Local Government Act to select a suitably qualified and experienced contractor for the Hornsby quarry rehabilitation works including retaining walls and bulk earthworks.
- The works covered by the Tender are those covered by DA/101/2019 which was determined by the Sydney North Planning Panel in November 2020.
- The works are required to create the final landforms and access configurations for construction of amenities, recreation areas, a sports field, a playground, access roads, car parks and other uses during later development stages.
- It is recommended that Council accept the tender of Ditchfield Contracting Pty Limited.

**RECOMMENDATION**

THAT Council accept the tender of Ditchfield Contracting Pty Limited for RFT11/2020 - Hornsby Quarry Rehabilitation Works Including Bulk Earthworks.

## PURPOSE

The purpose of this Report is to provide a recommendation for accepting a contractor to undertake the works associated with RFT11/2020 - Hornsby Quarry Rehabilitation Works including Bulk Earthworks.

## BACKGROUND

In February 2020 Council called for expressions of interest, EOI1/2020 - Hornsby Park Bulk Earthworks, Retaining Walls and Quarry Face Stabilisation Works, inviting interested contractors to submit their details and experience to be considered for a selective tender. Based on the evaluation of EOI1/2020 the top five (5) ranked respondents (BMD, Burton, Daracon, Ford and Ditchfield) were found most advantageous and recommended to be invited to submit a tender.

The works covered by the Tender are those covered by DA/101/2019 which was determined by the Sydney North Planning Panel in November 2020. These works are in addition to the partial quarry infilling works which were completed in 2019 using the spoil generated from NorthConnex (NCX) tunnelling operations. They predominantly comprise bulk earthworks (balanced cut/fill) and soil slope stabilisation measures required to create the final landforms and access configurations required for construction of amenities, access roads, car parks and other uses during later development stages.

The Tender includes the following activities:

- Site Clearing.
- Quarry faces rockfall stabilisation.
- Earthworks including cuts and fills to form the design landform levels.
- Separation, screening, crushing (where required) and stockpiling of materials for use in the manufacture of specialised fills and topsoils required for the Work.
- Retaining walls including gabion structures.
- Crash barrier protection.
- Topsoil and mulch manufacture and placement.
- Select road works.
- Sediment and erosion control measures.
- Quarry dewatering.
- Quality assurance requirements.
- Survey requirements.

The Tender also includes the upgrading of the stormwater drainage system as a Provisional item.

## DISCUSSION

Selective tender RFT11/2020 - Hornsby Quarry Rehabilitation Works Including Bulk Earthworks was called to select contractors for the construction of bulk earthworks, retaining walls and quarry face stabilisation works. A summary of all submissions together with full evaluation details have been placed on file (Trim Folder F2020/00111). Excepting this report, the summary and details of the tenders received are to be treated as confidential in accordance with the Local Government Act.

Four (4) tender submissions were received from the selected tenderers:



- BMD Urban Pty Ltd.
- Daracon Contractors Pty Ltd.
- Ditchfield Contracting Pty Limited.
- Ford Civil Contracting Pty Ltd.

Burton Contractors Pty Ltd declined to make a submission.

The tender was evaluated on price and non-price criteria.

The following non-price criteria have been used for the evaluation of the tender:

- Construction Methodology. Evidence that the Construction Methodology proposed is realistic for the given site constraints.
- Program. Evidence the program can be realistically achieved for completing the works.
- Variations. Evidence the Contractor has a history of only making reasonable variation claims - based on reference checks.
- Program. Evidence the program can be realistically achieved for completing the works - based on reference checks evidence that the contractor meets program.
- Quality. Evidence the QMS system is fully developed and implemented - based on reference checks the quality of the contractor's work is good.
- Work Health and Safety. Evidence the WHS system is fully developed and implemented - based on reference checks & feedback from WHS Officer.
- Organisational Structure. Company organisation plan submitted with explanations where necessary. Satisfactory support resources available for this project.
- Sustainability. Evidence of a comprehensive environmental management system and/or evidence of certification to AS/NZS ISO 14001:2016.
- Financial Capability. Financial documents as requested have been submitted and assessed as having acceptable financial resources for this contract.
- Contractual Commitments. Contract commitments for 2021/22 allow sufficient resources for this project.
- Quality Assurance Systems. Evidence of a comprehensive quality assurance management system and/or evidence of certification to AS/NZS ISO 9001:2016.
- Occupational Health and Safety systems. Evidence of a comprehensive WH&S Policy and documented management system and/or evidence of certification to AS/NZS ISO 45001:2018.

Each tender was assessed against the above criteria based on information provided with each submission; additional information provided by the contractor where clarifications were required and assessments by Corporate Scorecard (financial assessment) and internal Council feedback from Financial Services and Safety & Wellness Branches. A consultant was also engaged to provide feedback on the construction methodology.

The attached Confidential Memorandum provides a summary of the evaluation. The Confidential Tender Evaluation report is also attached.

The evaluation panel recommends that Council accept the tender of Ditchfield Contracting Pty Limited for RFT11/2020 - Hornsby Quarry Rehabilitation Works Including Bulk Earthworks.

### BUDGET

Council has received \$50 million from the Stronger Communities Fund (SCF) grant for the development of Hornsby Park. The work outlined in this report will be funded from this grant. Any unspent grant funds will be set aside in an external restricted asset for further use in developing Hornsby Park.

### POLICY

There are no policy implications associated with this Report.

### CONCLUSION

The evaluation panel has recommended that Council accepts the tender from Ditchfield Contracting Pty Limited.

### RESPONSIBLE OFFICER

The officer responsible for the preparation of this Report is the Manager, Design and Construction Branch – Rob Rajca - who can be contacted on 9847 6675.

ROB RAJCA  
Manager - Design & Construction  
Infrastructure and Major Projects Division

ROBERT STEPHENS  
Deputy General Manager - Infrastructure and  
Major Projects  
Infrastructure and Major Projects Division

### Attachments:

1. RFT11-2020 CONFIDENTIAL MEMO - *This attachment should be dealt with in confidential session, under Section 10A (2) (d) of the Local Government Act, 1993. This report contains commercial information of a confidential nature that would, if disclosed (i) prejudice the commercial position of the person who supplied it; or (ii) confer a commercial advantage on a competitor of the council; or (iii) reveal a trade secret.*
2. RFT11-2020- Evaluation Report - Final - signed - *This attachment should be dealt with in confidential session, under Section 10A (2) (d) of the Local Government Act, 1993. This report contains commercial information of a confidential nature that would, if disclosed (i) prejudice the commercial position of the person who supplied it; or (ii) confer a commercial advantage on a competitor of the council; or (iii) reveal a trade secret.*

File Reference: F2020/00111

Document Number: D08145261