



**ORDINARY MEETING OF COUNCIL
TO BE HELD ON TUESDAY, 18 MARCH 2025 AT 7:00 PM
LEVEL 3, COUNCIL CHAMBER**

LATE AGENDA

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NOTE: For Full Details, See Council's Website –
www.kmc.nsw.gov.au under the link to business papers

MM.2 **Proposal for Extraordinary Council Meeting to consider Transport Oriented Development preferred scenario**

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File: S14427

Nearly 12 months ago, the NSW Government introduced its Transport Oriented Development (TOD) planning policy for the areas within 400m of Roseville, Lindfield, Killara and Gordon stations. While the TOD policy did deliver the capacity for additional housing, it had a range of detrimental impacts;

- including allowing development on environmentally sensitive land causing significant impact on the tree canopy
- encouraging the demolition of high-value heritage neighbourhoods.

In May 2024, Council resolved to start work on its own alternative housing scenarios, so it could deliver more locally responsive outcomes than the NSW Government's policy while still delivering the same level of housing. At the same meeting, Council also resolved to commence legal action against the TOD policy.

Council undertook in-depth research to help prepare the alternative scenarios. This included analysing development opportunities and constraints and developing seven principles for good planning for the Roseville to Gordon corridor.

Between November and December 2024, Council sought community feedback on five scenarios, including the existing TOD policy.

The community engagement process was extensive. The communication activity included writing to landowners and occupants in Roseville and Gordon Wards, bus shelter and local newspaper advertising and publishing a summary brochure.

The engagement activity included seeking feedback from randomly selected community members living within Roseville and Gordon Wards, through a survey and workshops. Council also carried out traditional opt-in engagement, allowing any interested party to attend a drop-in session and a public meeting, lodge a submission or fill out an online survey.

All up, more than 3,000 people filled out surveys, while more than 300 community members attended drop-in sessions, workshops or meetings and a further 600 lodged submissions.

Council received meaningful and useful input, which due to the specific engagement techniques applied was both reflective of community sentiment and allowed any person to raise issues which was important to them.

In November 2024, Council also reached a mediation agreement with the NSW Government in relation to its legal action. Under this agreement, the government supported Ku-ring-gai Council developing specific planning controls that deliver at least equivalent dwelling capacity to the TOD program.

Council has also been liaising with the NSW Department of Planning, Housing and Infrastructure in relation to a preferred housing scenario.

Council is now in a position to advance the next step of this important project.

I am proposing that Council support the calling of an Extraordinary Council Meeting to be held on the evening of 1 April 2025, to consider:

- Community feedback on the alternate housing scenarios
- A preferred scenario for public exhibition

The business paper for this meeting is due to be released on Friday 21 March 2025, with a public forum to be held on Monday 31 March 2025 at 7pm.

Recommendation:

That Council hold an Extraordinary Council Meeting on Tuesday 1 April 2025 at 7:00pm to consider:

- A. Community feedback on the alternate housing scenarios
- B. A preferred scenario for public exhibition

File: S13191

The purpose of this report is to provide an update on the Norman Griffiths Oval Upgrade project.

Recommendation:

That this report be received and noted.

MAYORAL MINUTE

PROPOSAL FOR EXTRAORDINARY COUNCIL MEETING TO CONSIDER TRANSPORT ORIENTED DEVELOPMENT PREFERRED SCENARIO

Nearly 12 months ago, the NSW Government introduced its Transport Oriented Development (TOD) planning policy for the areas within 400m of Roseville, Lindfield, Killara and Gordon stations. While the TOD policy did deliver the capacity for additional housing, it had a range of detrimental impacts;

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Councillor Christine Kay
Mayor

NORMAN GRIFFITHS OVAL UPGRADE PROJECT UPDATE - LATE REPORT

EXECUTIVE SUMMARY

PURPOSE OF REPORT:

The purpose of this report is to provide an update on the Norman Griffiths Oval Upgrade project.

BACKGROUND:

The Norman Griffiths Oval at West Pymble is currently undergoing a major upgrade to provide a new all-weather synthetic surface, new lighting and pathways, an electronic scoreboard and an improved drainage system.

This report is in response to a Council Resolution from the Ordinary Meeting of Council on 18 February 2025.

COMMENTS:

The works at Norman Griffiths Oval are complex and have presented technical and contractual challenges. The project has incurred significant delays and cost increases.

RECOMMENDATION:

That this report be received and noted.

(Refer to the full Recommendation at the end of this report)

PURPOSE OF REPORT

The purpose of this report is to provide an update on the Norman Griffiths Oval Upgrade project.

BACKGROUND

The Norman Griffiths Oval at West Pymble is currently undergoing a major upgrade providing a new all-weather synthetic surface, new lighting and pathways, an electronic scoreboard and an improved drainage system.

The main components of work remaining, in no particular order, are:

- completion of the formation of the onsite detention basin under the playing surface;
- final design and construction of the bio-basin;
- upgrade of the sewer main;
- construction of the overland flow path;
- laying of the playing substructure, surface and the field enclosure
- landscaping and other ancillary components.

The project includes water sensitive urban design elements such as the bio-retention basin and the GPT which after construction will assist to improve the quality of water entering the Quarry Creek.

This report is in response to a Council Resolution from the Ordinary Meeting of Council on 18 February 2025, as follows:

That Council staff provide a detailed report to the Ordinary Meeting of Council in March 2025 about the cost and time to completion of the Norman Griffiths upgrade. The report to include, but not limited to, the following, some of which may include confidential information:

- A. Current cost versus budgeted cost;*
- B. The nature of current variations under contention and associated costs. Including a forecast cost of completion;*
- C. The status of the negotiations pertaining to aforementioned variations;*
- D. Updated scope of works, specifying responsibilities for both Council and contractors;*
- E. The timeframe in place to complete remaining works, including handover date and return to public use;*
- F. The details of – if any – dealings with NSW Environmental Protection Agency;*
- G. The details of – if any – dealings with Sydney Water;*
- H. Full breakdown of all environmental protection provisions incorporated into the project, differentiating what was included in the initial design and what have been additional inclusions since construction began;*
- I. Full breakdown of delays, detailing responsible party and cause; and but not limited to,*
- J. The point at which – if necessary – that Council may need to decide to terminate the existing contract and pursue completion of works with other parties.*

COMMENTS

Each of the queries will be addressed individually, noting that some responses are provided in the Confidential **Attachment 1 and Attachment 2** to this report.

A. Current cost versus budgeted cost;

Budget after acceptance of tender	\$3,306,000
Revised budget as adjusted February 2025	\$6,857,675

Breakup of revised budget:	
Original contract value	\$3,164,717
Approved contract variations	\$1,501,462
Other costs incurred by Council	<u>\$2,191,496</u>
Total	<u>\$6,857,675</u>

Costs paid to date (as at February 2025)	\$5,409,604
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The approved contract variations consist primarily of changes to scope (including geofabric liner to subgrade, substitution of natural aggregate for recycled aggregate), latent conditions (including unconsolidated fill work and asbestos contamination work) and costs associated with a prolonged program (including shipping costs and other cost escalation).

It is likely that additional costs will be incurred, in addition to the current budget, to complete the project. Further information is provided in Confidential **Attachment 1** to this report.

A summary of the approved variations is:

Approved variations by category	Amount
Change to scope	\$377,970
Latent conditions	\$978,529
Costs with prolonged program	\$144,963
	\$1,501,462

The costs incurred by Council outside of the contract since the project’s inception include environmental work undertaken by Council (such as to remove water from the site, relining pipes, provision of sediment controls outside of work area, asbestos works undertaken directly by Council), legals costs, consultancy and project administration costs.

Description	Value
Environmental Costs - These include all works associated with Council proactively removing water from site, relining pipes and provision of sediment controls outside of the immediate work area. Also included are additional asbestos works undertaken by Council and not as a variation to the tender.	\$865,094
Legal Costs – Includes the costs associated with the ongoing contractual negotiations between the Contractor and Council as well as the costs incurred during the legal proceedings taken against Council by a community group.	\$552,434
Miscellaneous Costs – Inclusive of all project management, reports, site analysis and consultation costs to date.	\$722,526
Unspent budget allocation	\$51,442
Total Other costs incurred by Council	\$2,191,496

B. The nature of current variations under contention and associated costs. Including a forecast cost of completion;

There are a number of significant variations being sought by the Contractor which Council has not approved and therefore remain under contention and consideration in line with the contract in place. The nature of the contested variations are primarily for environmental controls and clean ups following significant weather events, design costs, delay costs, sewer replacement costs and financing costs.

The claimed values of these variations and forecast cost to completion are provided in the Confidential **Attachment 1** to this report.

C. The status of the negotiations pertaining to aforementioned variations;

Refer to Confidential **Attachment 1** and **Attachment 2** to this report.

D. Updated scope of works, specifying responsibilities for both Council and Contractors;

The following table summarises the increased scope of works and the associated responsibility.

Category	Component	Initial Scope	Change to Initial Scope	Responsibility for undertaking the work
Environment	Stormwater Management	<ul style="list-style-type: none"> Provision of 2.4 megalitre detention system beneath the field. Provision of overland flow path mitigating inundation of the playing surface in up to 1% AEP events. SQID (Stormwater Quality Improvement Device) required before the detention system. Bio-Basin for treatment of low flow events prior to water entering Quarry Creek. 	<ul style="list-style-type: none"> Modifications made to the size/details of the requested Bio-Basin. Upgrade of proposed SQID system to Gross Pollutant Trap (GPT). Sacrificial liner for the French-drain to minimise sediment run-off. 	<ul style="list-style-type: none"> Contractor Contractor Contractor Contractor Contractor
	Tree Protection	<ul style="list-style-type: none"> Project Arborist to oversee works 	<ul style="list-style-type: none"> No change. 	<ul style="list-style-type: none"> Contractor

		<p>impacting on the Critically Endangered Ecological Community (CEEC) surrounding the site.</p> <ul style="list-style-type: none"> • Provision of Arboricultural Impact Assessment (AIA) against the final design, confirming potential impacts to trees and requirements of the project arborist to attend site. 		<ul style="list-style-type: none"> • Contractor
	Pollution containment	<ul style="list-style-type: none"> • Provision of pollution catching bristle mats at each entry point from the field. • Micro-mesh filter basket(s) filtering water prior to exiting the site. 	<ul style="list-style-type: none"> • Additional bristle mats requested to ensure inability to sidestep the proposed installations and required for the additional entry point. • Additional micro-mesh filter baskets filtering water prior to exiting the site. • Asbestos contaminated soil works. 	<ul style="list-style-type: none"> • Contractor • Contractor • Contractor (latent condition)
Installation components	Sportsfield	<ul style="list-style-type: none"> • Synthetic playing field with rubber shock pad and organic cork infill. • FIFA accredited field with World Rugby (IRB) Impact absorption standards met. 	<ul style="list-style-type: none"> • Works to address unconsolidated fill material. • Provision of geofabric between subgrade and aggregate layer. • Additional returns on the northern and southern edges of the field 	<ul style="list-style-type: none"> • Contractor (latent condition) • Contractor • Contractor

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		<ul style="list-style-type: none"> • Line marking for one Senior Field and 2 Junior Fields. • Warm-up/training area. • Minimum three player access areas. • Technical Areas with shelters. • Associated fixtures – i.e. goal posts, retractable netting for the training area and perimeter fencing (1.2 - 6m high for length of Western and Eastern ends of field). 	<p>for the 6m high fencing.</p> <ul style="list-style-type: none"> • Addition of Drinking fountain and associated infrastructure adjacent to the clubhouse • Additional two gate entry point adjacent to the field. 	<ul style="list-style-type: none"> • Contractor • Contractor
	<p>Sportsfield Surrounds</p>	<ul style="list-style-type: none"> • Accessible carparking space at existing Lofberg Road carpark. • Accessible path of travel from the carpark to field. • Bleachers/seating area on the northern embankment. • Electronic scoreboard. • Guidelines for Use – Signage x 4. • Relocate / upgrade / replace existing lighting to allow for 100 Lux lighting. 	<ul style="list-style-type: none"> • No change. 	<ul style="list-style-type: none"> • Contractor • Contractor • Contractor • Contractor • Contractor • Contractor

Miscellaneous		<ul style="list-style-type: none"> • Associated drainage infrastructure as required. • Associated works and approvals obtained for works to/within influence of existing services as required. • Provision of Operational Maintenance Program for life cycle of the playing surface. 	<ul style="list-style-type: none"> • Cost to change from recycled to natural aggregate (inability to source recycled). 	<ul style="list-style-type: none"> • Contractor • Contractor • Contractor
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E. The timeframe in place to complete remaining works, including handover date and return to public use;

The Contractor’s current program shows a completion in July 2025. However there remains a significant risk of not meeting this date based on contractor performance to date, contested variations and delays in replacing the sewer main.

For further information refer to Confidential **Attachment 1** and **Attachment 2** to this report.

F. The details of – if any – dealings with NSW Environmental Protection Agency;

Since the start of the project, there have been numerous reports to the EPA regarding turbid water in Quarry Creek. The reports to the EPA have been made by members of the public as well as Council and the Contractor self-reporting potential pollution events that have either occurred due to works on the construction site or have originated from outside of the construction site. It is important to note that not all (turbid) water entering Quarry Creek downstream of the construction site is from the Norman Griffiths Oval construction site as it could also be from the wider catchment upstream running through the existing stormwater pipe network which traverses the full length of the construction site.

Further to the alleged water pollution incidents, the EPA has recently requested information regarding asbestos management on site for work which was completed during 2023. There have been three incidences of asbestos identification and subsequent remediation works on site since the start of the project.

In summary and in addition to a number of site visits by the EPA responding to various incident reports, the following have been received from the EPA:

- 26 April 2024 – Clean Up Notice regarding water pollution event.
- 9 July 2024 – requirement to provide information pertaining to alleged water pollution occurring in January, April and June 2024.

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- 9 December 2024 – request for information regarding asbestos management.

Council has co-operated with the EPA's requests for information and the investigation where staff were interviewed. Council's response to the potential water pollution events is summarised as follows:

- There have been three very significant rain events in which Council has proactively organised the removal of stormwater from the site via vacuum trucks. The volume of water removed by Council is approximately 1.3 mega-litres.
- Council has relined and patched the stormwater pipe network that transverses the site.
- Council engaged a qualified erosion and sediment control expert to review and upgrade as required the sediment and erosion controls at the construction site.
- Council provided the EPA with information pertaining to asbestos works on site, met with the EPA and conducted site visits. No evidence of asbestos contaminated material has been found outside of Norman Griffiths connected to the site works.

Further information about dealings with the EPA are provided in the Confidential **Attachment 1** to this report.

G. The details of – if any – dealings with Sydney Water;

The contractual responsibility for service authority approvals and alteration works lies with the Contractor. Sydney Water requires the Contractor to engage a Water Services Co-ordinator (WSC) to facilitate requirements. As such, Council is generally at arm's length when it comes to dealing with Sydney Water. Notwithstanding, Council organised and met directly with a Customer Liaison Officer from Sydney Water and a lead member of Sydney Water's Operations team. Two meetings were held with representatives from Sydney Water in or around May 2024 to discuss opportunities to resolve any issues at hand. Sydney Water provided some advice in this regard subject to the lodgement of the necessary documentation and design. The process remains under the management of the Contractor.

H. Full breakdown of all environmental protection provisions incorporated into the project, differentiating what was included in the initial design and what have been additional inclusions since construction began;

The environmental protections incorporated initially into the project are listed below.

Stormwater Management:

- a 2.4 mega-litre detention system beneath the oval;
- an overland flow path mitigating storm water inundation of the playing surface in up to 1% AEP events;
- a SQID (Stormwater Quality Improvement Device) required upstream of the detention system, and
- a bio-basin for treatment of low flow stormwater events prior to water entering Quarry Creek.

Tree Protection:

- project Arborist to oversee works impacting on the Critically Endangered Ecological Community (CEEC) surrounding the site, and

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- provision of an Arboricultural Impact Assessment (AIA) against the final design, confirming potential impacts to trees and requirements of the project arborist to attend site.

Pollution containment:

- provision of pollution catching bristle mats at each entry point from the field, and
- micro-mesh filter basket(s) filtering water prior to exiting the site.

The following are additional environmental protection inclusions since the award of the contract.

Stormwater Management:

- modifications made to the size/details of the requested bio-basin;
- upgrade of proposed SQID system to Gross Pollutant Trap (GPT), and
- a sacrificial liner for the French drain to minimise sediment run-off.

Pollution containment:

- additional bristle mats requested to ensure inability to sidestep the proposed installations and required for the additional entry point;
- additional micro-mesh filter basket(s) filtering water prior to exiting the site, and
- asbestos contaminated soil works.

I. Full breakdown of delays, detailing responsible party and cause; and but not limited to,

The delays to date have been grouped into three main categories being Design related delays, Construction related delays and Weather-related delays. The combination of the various delays totals 636 workdays.

Further information provided in Confidential **Attachment 1** to this report.

J. The point at which – if necessary – that Council may need to decide to terminate the existing contract and pursue completion of works with other parties.

This item is addressed in Confidential **Attachment 1 and Attachment 2** to this report.

INTEGRATED PLANNING AND REPORTING

P6: Places, Spaces and Infrastructure.

Community Strategic Plan Long Term Objective	Delivery Program Term Achievement	Operational Plan Task
P6.1: Recreation, sporting and leisure facilities are available to meet the community’s diverse and changing needs.	P6.1.1: A program is implemented to improve existing recreation, sporting and leisure facilities and deliver new multi-use sporting facilities and opportunities.	P6.1.1.1: Deliver Council’s adopted Open Space Capital Works Program.

GOVERNANCE MATTERS

N/A.

RISK IMPLICATION STATEMENT

A risk management action plan has been developed to continuously monitor and maintain the concerning risks associated with this report.

FINANCIAL CONSIDERATIONS

The budget for the project has increased from \$3,306,000 to \$6,857,657. There are additional contested variations and will also be additional costs incurred by Council in managing the contract.

SOCIAL CONSIDERATIONS

The completion of the project will return the Norman Griffiths Oval sporting facility to the community for use, which is an important social consideration.

ENVIRONMENTAL CONSIDERATIONS

The approved REF and the actions taken from that for implementation and controls are factored into the design and construction of the facility.

The project includes water sensitive urban design elements such as the bio-retention basin and the GPT which after construction will result in a better quality of water entering the Quarry Creek than was occurring before the project.

Additional water quality testing is being undertaken to monitor Quarry Creek and the results published on the Council website. Signs have been placed around the site near the creek advising of this and providing a QR code to the website.

COMMUNITY CONSULTATION

Various members of the community, community interest groups and user groups have shared concerns and support for the project. Council responds to the feedback provided accordingly, including this report. Information about the project is available on Council's web site.

INTERNAL CONSULTATION

There has been and continues to be close communication amongst the various teams across Council with an interest in this project and the project delivery team.

SUMMARY

The works at Norman Griffiths Oval are complex and have presented technical and contractual challenges. The project has incurred significant delays and cost increases.

RECOMMENDATION:

That this report be received and noted.

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Peter Lichaa
Director Operations

William Birt
Acting Manager Technical Services

Attachments: A1 Norman Griffiths Oval Update Report (Confidential) *Confidential*
A2 Letter of Advice to Ku-ring-gai Council (Confidential) *Confidential*