

Question from Mr Vincent De Luca

Subject: Dredging of Manly Lagoon

Meeting Date: 28 September 2004

Question: 1) Manly Lagoon dredging and proposed storage of dredged materials at North Curl Curl

a) I refer to my questions at the Council meetings of 24 August 2004 and 14 September 2004 regarding this question and the advice that expert opinion would be sought regarding whether the stored materials would remain inert if exposed to air or water. I further note the advice from Council that a written copy of that expert opinion would be provided to me. Could Council please give me a copy of the expert opinion tonight?

b) I note Council's advice that Council's Manager of Environmental Services sought opinion from Patterson and Britton Partners regarding whether stored materials would remain inert. Could Council please advise:

i. What is Patterson and Britton's role in this project?

ii. How much money have they been or are to be paid for their work during this project?

iii. What other projects in the Warringah Council area have Patterson and Britton been contracted on, what was the nature of these contracts and how much money has been paid by Council to them over this period for these projects?

Response:

A further detailed response to these questions has been provided by the Manager Environmental Management Services.

(a) A written copy of the consultant's advice was handed to you at the meeting. A summary of that advice, on the issue of whether the sediments will remain inert upon exposure to air and water, is: "The sediments proposed to be removed are classified as "inert waste" under EPA guidelines. Inert Waste is defined as material unlikely to undergo environmentally significant transformations. Leaching tests on sediment samples taken from the proposed dredging site in Manly Lagoon have been carried out with a strong acid and shown that no contaminants were leached out. As rainwater is not acidic, contaminants will therefore not be leached. The consultants also concluded that there would be no problem with exposure to air."

(b) (i) Warringah and Manly Councils, in partnership with the NSW Government, have produced Management Plans to deal with estuary and floodplain issues associated with Manly Lagoon; namely the Manly Lagoon Estuary Management Plan (1998) and the Manly Lagoon Floodplain Management Plan (1997).

Key projects identified in both Management Plans as having high priority include:

1. Removal of accumulated sediment under Pittwater Road,
2. Selective dredging of sediments throughout Manly Lagoon; and
3. Construction of an additional waterway under Pittwater Road.

Completion of these projects will provide increased water quality in the lagoon and reduce the level of flooding throughout its surrounding floodplain.

Patterson Britton and Partners are the Consultant Engineers who have been awarded the contract by Council to undertake the environmental assessment of the Manly Lagoon

Rehabilitation Works. This contract was awarded in accordance with the procedures for calling, opening and evaluating tenders outlined in Warringah Council's Procurement Manual.

(ii) Public tenders were invited and advertised on 12 June 2001 (Tender Number T2001/2) and six submissions were received ranging in price from \$190,049 to \$324,504. Council approved selection of Patterson Britton and Partners to undertake the environmental assessment of the Manly Lagoon Rehabilitation Works for the sum of \$190,049 at its meeting held on 4 December 2001.

At the 7 May 2002 meeting, Council approved a \$52,500 variation to the contract for detailed design drawings and technical specifications. Specifically, the proposed additional works will involve the following:

- Preparation of drawings and plans for sediment removal areas including existing and proposed cross sectional detail;
- Provision of Soil and Erosion Control Plans;
- Consultation with owners of possible sediment reuse areas and preparation of earthwork details;
- Preparation of tender documents, including all schedules and commercial and technical specifications; and
- Preparation of cost estimates for the proposed works.

Further variations and sundries have been approved by authorised Council staff to the sum of \$63,895. Examples of these approved variations would be the inclusion of Burnt Bridge Creek, additional soil sampling at Hinkler Park, and investigation of the side bay near Passmore Reserve.

As of the 8 June 2004, Patterson Britton and Partners had been paid \$221,334 for their consultancy services in relation to environmental assessment of the Manly Lagoon Rehabilitation Works. With the project being partially funded (2:1) by the Department of Infrastructure, Planning and Natural Resources; Manly Council and Warringah Council have paid the remaining third of the costs (\$36,889 each) between them.

(iii) Patterson Britton and Partners are one of a number of engineering and environmental consultants to have been awarded contracts by Council in recent years. Other consultants to be awarded contracts in recent times include: Webb McKeon and Associates, Lyall and Associates, Lawson and Treloar, Montgomery Watson and Harza, the Manly Hydraulics Laboratory and WBM Oceanics Australia. The awarding of all contracts follows the transparent process outlined in Warringah Council's Procurement Manual.

Examples of projects where Patterson Britton and Partners were the successful tenderers to be project managers and/or consultant engineers include the Greendale Creek restoration project in the late 1990s, the Manly Lagoon Low Flow Pipes extension project in 1999, the Brookvale Creek rehabilitation works in 2000 and the preparation of the Environmental Impact Statement for the proposed seawall upgrade along parts of the Collaroy/Narrabeen coastline in 2002.

The compilation of all payments to Patterson Britton and Partners over the last few years will be prepared by Council staff and sent to you in writing as soon as possible, if you still require this information. It has not been possible to prepare this information in the timeframe to date.

Question from Mr Vincent De Luca

Subject: Dredging of North Curl Curl Lagoon

Meeting Date: 28 September 2004

Question: 2) Proposed dredging of North Curl Curl Lagoon

- a) Could Council please advise what is the role of Patterson and Britton Partners in this project?
- b) How much is Patterson and Britton being paid for the role they are undertaking in this project?
- c) Has Patterson and Britton previously been contracted by Council to undertake any projects in North Curl Curl and if so what was the nature of the project/s and how much money was paid to the company by Warringah Council for the project/s?

Response:

a) Patterson Britton and Partners were engaged in 2002 as engineering consultants to prepare an updated and revised Statement of Environmental Effects document for Stage 4 of the Rehabilitation of Curl Curl Lagoon. As the original Statement of Environmental Effects was written in 1994, modifications were needed to reflect changes in legislation before Council could formally consider it.

b) The Statement of Environmental Effects Review has been undertaken over three financial years and is expected to cost around \$160,000 in total. Council has received \$95,000 in grant funding from the State Government for this project. Council's costs are being funded through the Environment and Stormwater Special Rate.

This project has grown in scope over the last two years because the rehabilitation options differ substantially from the 1994 proposals.

Warringah Council's procurement policy states, for consultancies in the \$5001-\$99,999 range, the Council process for selecting a consultant is to obtain three written quotes against a formal specification detailing the Council's requirements subject to:

- Prices or rates being considered reasonable and
- Prices or rates being consistent with comparable, usual or standard market or professional industry scale prices or rates for such consultancies.

In line with this process, in February 2002 Council staff sought three quotes for a consultant to review the 1994 SEE and, following assessment by an evaluation panel, Patterson Britton and Partners were engaged to update the SEE for Stage 4 of the Curl Curl Lagoon rehabilitation. Whilst the original consultancy was less than \$99,999, and therefore approved under staff delegation, the consultancy has expanded to reflect the community's concerns and the findings of the additional studies. Examples of variations include the need to prepare traffic and noise studies in order to assess the impacts on the local community of removing the material by truck rather than placing it on the nearby reserve on the eastern side of Griffin Road, as proposed by the 1994 study.

c) During the 1990s, Patterson Britton and Partners were the Consulting Engineers used by Council for the Greendale Creek Rehabilitation. If you have any further questions or suggestions on these issues, please contact me on 9942 2314.