

BARGO RFS STATION - PROJECT MILESTONES

Notes:

- a This Milestone list is a summary of the key activities required for the delivery of the Bargo RFS Station Project and the current estimated completion period
- b There can be number of dependent actions required to achieve the listed milestones and these actions can have specific precedence requirements i.e. that one action cannot commence before the completion of another. For example, building construction works cannot commence before the granting of the Construction Certificate
- c Some activities within the program are beholden to other Agencies and the program has been developed based on response times experienced to date in the project e.g. acceptance of the rail corridor drainage solution, access to the site by the landowner, sub-division registration.
- d These milestones have been developed with some activity areas being overlapped, where appropriate, to minimise the total duration of the project; however, this involves some risks to council (financial and logistical) and the precedence requirements for some activities may prevent delivery in this manner e.g. the tender documentation will be approaching completion before the DA and CC are issued and these approvals may require modification of the designs. Should risk increase to an unacceptable level the program will be changed to manage the risks

Item	Item Description	Current Planned Completion	Revised Forecast Completion	Comments	Status	Update
1	Licence to access to 10 Avon Dam Road for investigation works	End October 2015		Formal access licence for council and its consultants & contractors to enter the site	Complete	
2	Site Investigations (Geotech, Survey, Contamination, Sewer, Drainage etc.)	End December 2015		Could not commence until license was granted from land owner.	Complete	Geotech & contamination testing, Sydney Water s73 Certificate inspections and site survey all completed. <b>S73</b> - final design complete, application to Sydney Water submitted awaiting approval. <b>Survey</b> disclosure between state survey grid and lot boundaries being resolved. <b>Geotech &amp; Contamination</b> - Geotech results received and forwarded to structural consultants. Contamination report indicates land is suitable for the proposed development with construction environmental management - now confirmed by the DA assessment process.
3	Negotiate regarding decontamination (if required)	End December 2015		Financial and operational responsibility	Complete	Pending acceptance of Statement of Environmental Effects for the DA - will not be required
4	Agreement on Design Solution for Stormwater with ARTC	Feb-17		Control of post development drainage and impacts on rail corridor drainage	Complete	Formal agreement to council's design solution is accepted. ARTC and TfNSW have reached agreement on TfNSW funding drainage works for future developments. Contract of sale clauses on drainage to be finalised
5	Registration of Sub-Division Plan	End April 2016		Statutory process	Complete	The new lots have been registered - approved Deposited Plan and Section 88b Instrument has been received by Council
6	Detail design - two steps					
	#1 To Development Application	End December 2015		To Development Application plus construction detailing, subject to Consent Conditions and Construction Certificate requirements	Complete	DA lodged in late December 2015. More additional information requested from Assessment Planner that has been sought and provided. DA Assessment continuing. <b>NB</b> Site drainage agreement from ARTC pending (see #4).
	#2 Final "for construction" designs	March 2017		Final "for construction" designs after receipt of Construction Certificate, suitable for procurement	Delay forecast	Final designs cannot be completed until the Construction Certificate issued. Based on recent ARTC agreement and resolution of the drainage design, the documents are completed and ready for submission, TfNSW have signed the application form as the current property owners to obtain the Construction Certificate. Based on knowledge to date it is not expected that there will be any further development issues affecting the design. CC being assessed
7	Lodge Development Application. <del>Construction Certificate application to follow</del>	End December 2015		<del>DA cannot be lodged until contamination and drainage issues resolved</del>	Complete	Lodged DA based on recently received contamination assessment and draft drainage design. Requested additional information provided. Under assessment process. Community submissions regarding the DA have been received.
8	Apply for Construction Certificate	February 2017			Complete	C C documentation submitted on the 10/2/2017 CC being assessed
9	<del>Receive Development Consent &amp; Construction Certificate</del>	April 2016		Statutory process. Site to rail corridor drainage approval required to allow development consent	Complete	Development Consent has been received.
10	Receive Construction Certificate	March 2017		Statutory process	On track	See item #4, 6 & 8
11	Acquisition and settlement of land (part 10 Avon Dam Road)	April 2017		Statutory process	On track	Draft contract for the sale received from the NSW State Government 5 May 2015, containing 60 pages of special conditions that restrict the development capacity of the land and impose unreasonable conditions and risk on Council (Drainage to ARTC corridor and Council being responsible for and the cost of any clean-up of any contaminated material and burdened with the cost to assist TfNSW in defending any claims made against them in that regard). Extensive negotiation with the NSW State Government (TfNSW) in particular section 6 of the Contaminated Land Management Act, have resulted in an agreement to change these restrictive contract clauses. These negotiated changes between NSW State Government (TfNSW), JHR (representing TfNSW) and councils solicitor's have been drafted and are ongoing. An acceptable amended land sale contract is expected within the next two weeks for formal agreement. <b>Negotiations are continuing including phone confrence 6 March 2017</b> Parallel to these negotiations, Council is requesting a meeting with the NSW Minister for Transport should these contract conditions not be resolved with TfNSW.
12.1	Landowner permission to take early possession of land under licence for site establishment and minor works	June 2016		Consent to Enter and alter would be required if ownership has not been transferred to Council	Complete	Erection of temporary construction fence and new access gates for ARTC completed 3 November
12.2	Landowner permission to take early possession of land under licence for construction of station	October 2016	December 2016	Consent to Enter and alter would be required if ownership has not been transferred to Council	Complete	Request has been made to John Holland Rail Pty Ltd seeking to modify the existing Access Agreement to enable construction works to commence on-site pre ownership being transferred. The additional fee and application JHR required has been waived by TfNSW and under the existing licence limited activity can be carried out up to ealry construction activties within the fenced area. <b>Note, tenders can not be called until a contract is signed</b>
13	Complete Tender Documentation	March 2017		Depends on preceding actions especially the DA	On track	Documents drafted based on current designs. Modifying and complete based on Development Consent and CC when approved.
14	Call Tenders for Construction	March 2017		Council resolution to tender building construction. Statutory process	On track	Delay forecast <b>Ref Item 11</b> . Risk for increased contract variations increases if tenders called before Construction Certificate is issued as scope of works may change. Subject to owning the land or having legal access for construction due to unacceptable risk to contract. Land tenure requirements and Construction Certificate not achieved - cannot call tenders at this time.
15	Engage Construction Contractor	April 2017		Statutory process	On track	Subject to owning the land or having legal access for construction, confirmation of funds following the tender process and subject to resolution by the Council.
16	Commence Construction	May 2017		Cannot commence without landowner licence	On track	Subject to owning the land or having legal access for construction.
17	Commission Station	Septmber 2017		Including RFS establishing on site	On track	Pending receipt of tenders and tendered program. Expected to be an approximately four month construction process.

Over all comment:

The pre/post development stormwater drainage report is approved and TfNSW have agreed that they will fund these items and not burden Council as part of the contract of sale. The drainage agreement will be written into the contract of land sale.

As soon as the contract clauses are agreed, the tripartite agreement with NSW State Government (TfNSW), ARTC and Council, the sale of the land can be finalised. Until the contract of sale is agreed a number of dependent items are delayed.

**Negotiations around the land contract clauses are continuing while the CC is being assessed**