



**SHIRE OF ASHBURTON
PARABURDOO COMMUNITY HUB (CHUB)
COMMITTEE MEETING**

MINUTES

**Mayu Maya Centre, Pannawonica
21 September 2017**

MINUTES - PARABURDOO COMMUNITY HUB (CHUB) COMMITTEE MEETING
21 SEPTEMBER 2017

SHIRE OF ASHBURTON

PARABURDOO COMMUNITY HUB (CHUB) COMMITTEE MEETING

The Acting Chief Executive Officer recommends the endorsement of these minutes at the next Paraburdoo Community Hub (CHUB) Committee Meeting.

Acting CEO:  _____

Date: 28/09/2017

These minutes were confirmed by the Committee as a true and correct record of proceedings of the Paraburdoo Community Hub (CHUB) Committee Meeting.

Presiding Member: _____

Date: ____/____/____

DISCLAIMER

The recommendations contained in the Agenda are subject to confirmation by the Committee and/or endorsement by the Council. The Shire of Ashburton warns that anyone who has any application lodged with Council must obtain and should only rely on written confirmation of the outcomes of the application following the Council meeting, and any conditions attaching to the decision made by the Council in respect of the application. No responsibility whatsoever is implied or accepted by the Shire of Ashburton for any act, omission or statement or intimation occurring during a Council meeting.

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1. DECLARATION OF OPENING

The Presiding Member declared the meeting open at 11.33 am.

1.1 ACKNOWLEDGEMENT OF COUNTRY

As representatives of the Shire of Ashburton Council, we respectfully acknowledge the local Indigenous people, the traditional custodians of this land where we are meeting upon today and pay our respects to them and all their elders both past and present.

2. ATTENDANCE

2.1 PRESENT

Members:	Cr L Rumble Cr K White Cr M Lynch	Paraburdoo Ward (Presiding Member) Onslow Ward Tom Price
Staff:	Mr D Stewart Mr A Serer Ms J Smith Mrs M Lewis	Acting Chief Executive Officer Director Strategic and Economic Development Executive Officer CEO & Councillor Support Officer
Guests:	Cr P Foster Cr D Diver Cr D Dias Cr M Gallanagh Cr L Thomas	Tom Price Ward Tom Price Ward Paraburdoo Ward Pannawonica Ward Tableland Ward
Members of Public:	There were no members of the public in attendance at the commencement of the meeting.	
Member of Media:	There were no members of the media in attendance at the commencement of the meeting.	

2.2 APOLOGIES

There were no apologies.

2.3 APPROVED LEAVE OF ABSENCE

There were no Councillors on approved leave of absence.

3. ANNOUNCEMENT OF VISITORS

There were no visitors in attendance.

4. DECLARATION BY MEMBERS

4.1 DUE CONSIDERATION BY COUNCILLORS TO THE AGENDA

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Councillors Rumble, White & Lynch noted that they had given due consideration to all matters contained in the Agenda presently before the meeting.

4.2 DECLARATIONS OF FINANCIAL / PROXIMITY / IMPARTIALITY INTEREST

Councillors to Note

A member who has an interest in any matter to be discussed at a Council or Committee Meeting, that will be attended by the member, must disclose the nature of the interest:

(a) In a written notice given to the Chief Executive Officer before the Meeting

or;

(b) At the Meeting, immediately before the matter is discussed.

A member, who makes a disclosure in respect to an interest, must not:

(c) Preside at the part of the Meeting, relating to the matter or;

(d) Participate in, or be present during any discussion or decision-making procedure relative to the matter, unless to the extent that the disclosing member is allowed to do so under Section 5.68 or Section 5.69 of the Local Government Act 1995.

NOTES ON DECLARING INTERESTS (FOR YOUR GUIDANCE)

The following notes are a basic guide for Councillors when they are considering whether they have an interest in a matter.

I intend to include these notes in each agenda for the time being so that Councillors may refresh their memory.

1. A Financial Interest requiring disclosure occurs when a Council decision might advantageously or detrimentally affect the Councillor or a person closely associated with the Councillor and is capable of being measure in money terms. There are exceptions in the Local Government Act 1995 but they should not be relied on without advice, unless the situation is very clear.
2. If a Councillor is a member of an Association (which is a Body Corporate) with not less than 10 members i.e. sporting, social, religious etc), and the Councillor is not a holder of office of profit or a guarantor, and has not leased land to or from the club, i.e., if the Councillor is an ordinary member of the Association, the Councillor has a common and not a financial interest in any matter to that Association.
3. If an interest is shared in common with a significant number of electors or ratepayers, then the obligation to disclose that interest does not arise. Each case needs to be considered.
4. If in doubt declare.
5. As stated in (b) above, if written notice disclosing the interest has not been given to the Chief Executive Officer before the meeting, then it **MUST** be given

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when the matter arises in the Agenda, and immediately before the matter is discussed.

6. Ordinarily the disclosing Councillor must leave the meeting room before discussion commences. The **only** exceptions are:
- 6.1 Where the Councillor discloses the **extent** of the interest, and Council carries a motion under s.5.68(1)(b)(ii) or the Local Government Act; or
- 6.2 Where the Minister allows the Councillor to participate under s.5.69(3) of the Local Government Act, with or without conditions.

Declarations of Interest provided:

Item Number/ Name	Type of Interest	Nature/Extent of Interest
There were no interests declared.		

5. CONFIRMATION OF MINUTES OF PREVIOUS MEETING

5.1 PARABURDOO COMMUNITY HUB (CHUB) COMMITTEE MEETING HELD ON 18 JULY 2017

Officers Recommendation and Committee Decision	
MOVED: Cr M Lynch	SECONDED: Cr K White
That the Minutes of the Paraburdoo Community Hub (CHUB) Committee Meeting held on 18 July 2017, be confirmed as a true and accurate record.	
CARRIED 3/0	
Councillors Rumble, Lynch and White voted for the motion	

ATTACHMENT 5.1

6. REFERENCE

6.1 TERMS OF REFERENCE

OBJECTIVES

The Committee is to undertake the task of overseeing the CHUB project and to make recommendations to Council as per the Roles and Responsibilities outlined in (a) to (f) below.

ROLES AND RESPONSIBILITIES

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The Committee is to undertake the task of overseeing the CHUB project and to make recommendations to Council on:

- a) Updated designs and reports regarding estimated cost, risk and deliverables;
- b) The register of design changes, including impact to cost / size / scope;
- c) Final documented designs before presentation to Council for endorsement;
- d) Major variations (over \$100,000 in cost, or exceed total budget, or change in scope that effects functionality or purpose of area) for recommendation to Council;
- e) Proposed variations to the terms of the funding agreements (via request to the Project Steering Group);
- f) Requests and feedback from the Project Reference Group; and
- g) Monthly project progress reports and major variation requests during construction.

MEETINGS

Membership

Membership of the Shire of Paraburdoo Community Hub (CHUB) Committee will be:

- Three (3) Elected Members of the Shire of Ashburton.

Note - Other individuals may attend meetings as guests/observers, with the prior approval of the Presiding Person.

Authority

The Committee has no delegated authority and the Shire President is to be the Shire's Spokesperson on issues under the Committee's consideration (irrespective of Committee Membership) unless otherwise authorised by the Shire President. Committee's recommendations on proposed changes to the Paraburdoo CHUB project will be presented to the next month's Ordinary Meeting of Council (as Committee Minutes).

Budget and Organisational Support

- A relevant Shire employee will attend meetings to provide administrative support including:
 - Preparation and provision of committee agendas and minutes; and
 - Preparation of committee meeting venue, as required.

Term

The term of membership for committee members is to coincide with biennial Local Government Councillor Elections and Council's biennial Council Meeting

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following (where Committee appointments are made).

Frequency

Meetings are to be held as required (wherever practical, they should correspond with Shire of Ashburton's Ordinary Council Meeting dates and locations), so as to undertake the task of overseeing the CHUB project.

6.2 REFERENCE DOCUMENTS & KEY AGENCIES

Original Reference Documents:

- a) Business Case for Paraburdoo Community Hub (May 2016)
- b) Project Definition Plan (CODA, 6 November 2014)
- c) Opinion of Probable Cost (Donald Cant Watts Corke, November 2014)

Current Reference Documents:

- d) Feedback and Requirements (Project Reference Group, January 2017)
- e) Return Brief (Hodge Collard Preston, February 2017)
- f) Concept Design Plan (Hodge Collard Preston, February 2017)
- g) Indicative Programme (Hodge Collard Preston, 21 February 2017)
- h) Project Manager Status Report (February 2017)

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7. AGENDA ITEMS

7.1 PARABURDOO COMMUNITY HUB (CHUB) COMMITTEE MEETING FOR THE MONTH OF SEPTEMBER 2017

MINUTE: 241/2017

FILE REFERENCE:	RC42129
AUTHOR'S NAME AND POSITION:	Anika Serer Director Strategic & Community Development
AUTHORISING OFFICER AND POSITION:	Dale Stewart Acting Chief Executive Officer
NAME OF APPLICANT/RESPONDENT:	Not Applicable
DATE REPORT WRITTEN:	8 September 2017
DISCLOSURE OF FINANCIAL INTEREST:	The author and authorising officer have no financial, proximity or impartiality interests in the proposal.
PREVIOUS MEETING REFERENCE:	Agenda Item 16.2 (Minute No. 208/2017) – Ordinary Meeting of Council 18 July 2017

Summary

RFT 17/17 Construction of the Paraburdoo Community Hub was advertised on 27 July 2017 with a proposed closing date of 25 August 2017. The tender closing date was extended by one week (1st September 2017) following advice from several tenderers that subcontractors were unable to submit pricing within the given timeframe.

RFT17/17 closed at 3pm on Friday 1 September 2017; three compliant and one non-compliant submissions were received (non-compliant submission bid on a small component of the specification rather than the overall requirement).

Background

At the Committee Meeting held on 18 July 2017 the 'Pre-Tender Plans' and associated budget for the Paraburdoo CHUB were presented for review. The Committee recommended to Council that the plans be endorsed for progression to Request for Tender, which was confirmed.

Comment

The proposals were assessed by a tender evaluation panel against the following predetermined criteria:

Relevant Past Company Performance	25%
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Key Personnel and Resources	10%
Methodology, Innovation, Programme, Systems, Risk	25%
Tendered Price	40%

The summary of compliant tenders received and the scores achieved as a result of the evaluation are:

Tenderer	Total Score
Ri-Con Contractors	59.1
Pindan Contracting	74.6
Cooper & Oxley Builders	63.6

*Ri-Con Contractors were allocated a \$50,000 price preference in the valuation for engagement of local subcontractors in accordance with *FIN04 – Buy Local Regional Price Preference Policy*.

The comprehensive tender assessment is provided as a confidential attachment.

CONFIDENTIAL ATTACHMENT 7.1A

Pindan Contracting is the preferred Tenderer with the highest overall score of 74.6. The submission of \$11,082,023 plus GST is within the budget allocation for the project, and methodology/program meet the requirements of the Request for Tender. Pindan's proposed program allows for the swimming pool to be open for a substantial portion of the 2017 Pool Season through the provision of temporary facilities. It is expected that there will be a period of approximately one week at the end of November 2017 when the pool will be closed to allow the changeover to the new backwash tank and set up the temporary facilities. Other short-term closures can also be expected throughout the season (service connection changes, any issues with dust ingress to pool water, movement of heavy machinery) however these will be communicated beforehand wherever possible. The cost of the temporary facilities is \$225,000 plus GST, and is included in the tendered price.

Pindan's proposed program outlines the following key dates:

Contract Award	2 October 2017
Possession of Site	30 October 2017
Contract Duration	56 calendar weeks & 3 days from date of award
Practical Completion:	
New Pool Facilities	1 October 2018
Overall Project	30 October 2018

It is recommended that Pindan Contracting be endorsed as the preferred Tenderer, and the Acting CEO be given authority to finalise the terms and execution of contract.

Project Budget

There is no proposed change to the forecast budget breakdown endorsed by Committee and Council in July:

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Item	Budget	Adjustment	New Budget (no change)
Indoor Sports Hall (Refurbish/ Neighbourhood Centre)	\$2,015,000	<i>No change</i>	\$2,015,000
Multipurpose Centre	\$8,990,000	<i>No change</i>	\$8,990,000
Outdoor Sports Court	\$295,000	<i>No change</i>	\$295,000
Softball Diamond Permanent Net	\$90,000	<i>No change</i>	\$90,000
Storage (convert clubrooms)	\$83,250	<i>No change</i>	\$83,250
Lesser Hall	\$40,000	<i>No change</i>	\$40,000
Swimming Pool (outdoor amenities)	\$160,332	<i>No change</i>	\$160,332
External Works	\$1,270,000	<i>No change</i>	\$1,270,000
External Services	\$745,000	<i>No change</i>	\$745,000
Design Allowance	\$0	<i>No change</i>	\$0
Construction Allowance	\$620,000	<i>No change</i>	\$620,000
Escalation	\$0	<i>No change</i>	\$0
Professional Fees	\$931,000	<i>No change</i>	\$931,000
Preliminary Design Work	\$84,495	<i>No change</i>	\$84,495
FFE	\$250,000	<i>No change</i>	\$250,000
Allowance Power Supply (PS)	\$150,000	<i>No change</i>	\$150,000
Total	\$15,724,077		\$15,724,077
Current Approved Budget	\$15,736,066		
Overall Impact	(\$11,989)		(\$11,989)

It is noted that the preferred tender submission falls within the budget allocation for these components of the project (please refer to the confidential tender assessment for further information). A proposal to amend the breakdown will be presented to the Committee and Council once the Tender has been awarded and contract formalised.

Register of Design Changes

- There are no proposed changes to the 'Pre-Tender Plans' received by the Committee and endorsed by Council at the July 2017 Ordinary Meeting of Council.

Status Report

The Status Report for the month of August outlining key activities and milestones for the project is included at **ATTACHMENT 7.1B**.

Consultation

A/Chief Executive Officer

Facilities Manager

Technical Officer

Hodge Collard Preston Architects

JCA Project Planning

Owenconsulting (Quantity surveyors and construction consultants)

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Statutory Environment

Local Government Act 1995 – Subdivision 2 – Committees and their meetings

S5.20: Decisions of Councils and Committees

S.22: Minutes of Council and Committee meetings

Financial Implications

The administrative requirements for the monthly meetings of the Committee are captured within the existing Strategic and Economic Development operating budget, and is expected to be negligible.

Historically the CEO has been authorised to manage all contracts within the constraints of the overall project budget and scope, including variations. It is inevitable that there will be variations to the construction contract during delivery of the Paraburdoo CHUB, which will be made in accordance with the terms of that agreement. If the standard response times to Requests for Variations, Extensions etc. cannot be met due to the Council's governance requirements of the project, it should be noted that the contractor may be entitled to claim time penalties (for example, construction crew on 'standby' waiting for approval to change a structural beam or substitute materials).

The CEO and or through that officers delegate (superintendent of works) as required, will continue to manage variations up to a value of \$100,000 (within the other given constraints such as project budget and scope), however consideration should also be given to urgent requests such as the examples given above. If the circumstance is particularly urgent, it is suggested that the CEO exercise *DA02-4 Delegation of Powers and Duties of the Local Government Act to the CEO* which requires at least 24 hours' notice via EMACCESS could be utilised.

Strategic Implications

Shire of Ashburton 10 Year Community Strategic Plan 2017-2027

Goal 4 – Quality Services and Infrastructure

Objective 1 – Quality Public Infrastructure

Risk Management

At the March Committee Meeting it was noted that possession of the site is anticipated to be handed to the Contractor around 2 October 2017, following the tender submission and award at the end of September.

The annual public swimming pool season traditionally starts from 1 October each year, closing at the end of April. In order to construct the new multipurpose centre, the existing swimming pool facilities (change rooms, first aid, office, etc) will need to be demolished, and the existing plant run from a temporary power source.

Contractors were requested to include a methodology/cost option in the construction tender submissions which mitigate any impact on the public pool season. The submission from Pindan has addressed this request via the provision of temporary facilities that will enable the season to operate with minimal disruption (one week for backwash tank and temporary facility handover, plus any minor closures required to ensure public safety or health considerations).

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It is noted that the Special Meeting of Council held on 30 August 2017, the entry fees for the Quentin Broad Swimming Pool were waived for the duration of the 2017/18 season due to the uncertainty of facility closures. It is recommended that a Public Notice is issued to the Paraburdoo Community advising that the pool will be open as much as possible, however due to the likelihood of unplanned interruptions the entry will be free.

Policy Implications

ELM10 Financial Sustainability Policy

ENG09 Asset Management Policy

FIN04 Buy Local – Regional Price Preference Policy

FIN12 Purchasing and Tender Policy

Voting Requirement

Simple Majority Required

Officers Recommendation

That the Paraburdoo Community Hub Committee recommend to Council;

That with respect to the Paraburdoo Community Hub (CHUB) Council:

1. Appoint Pindan Contracting as the preferred Tender for RFT 17/17 Construction of Paraburdoo Community Hub; and
2. Authorise the Acting Chief Executive Officer or that officer's nominee to negotiate, execute and manage the Contract, including any minor variations, to a maximum value of \$100,000 plus GST per approval and if cumulated variations and/or individual variation requests exceed \$500,000 plus GST, to only utilise that approval and discretion by complying with the provisions of Delegation DA02-4 including reference to all elected members via EMACCESS and subject to at all times the total of the project, inclusive of all variations being within the overall Council approved Budget; and
3. Issue a public notice to the Paraburdoo Community advising that the pool will be open as much as possible during construction, however due to the likelihood and need for occasional unplanned interruptions, the entry as previously approved by the Council will be free for the season.

Alternate Officers Recommendation and Committee Decision

MOVED: Cr K White

SECONDED: Cr M Lynch

That the Paraburdoo Community Hub Committee recommend to Council;

That with respect to the Paraburdoo Community Hub (CHUB) Council:

1. **Appoint Pindan Contracting as the preferred Tender for RFT 17/17 Construction of Paraburdoo Community Hub; and**

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2. Authorise the Acting Chief Executive Officer or that officer's nominee to negotiate, execute and manage the Contract, including any minor variations, to a maximum value of \$100,000 plus GST per approval and if cumulated variations and/or individual variation requests exceed \$500,000 plus GST, to only utilise that approval and discretion by complying with the provisions of Delegation DA02-4 including reference to all elected members via EMACCESS and subject to at all times the total of the project, inclusive of all variations being within the overall Council approved Budget; and
3. Issue a public notice to the Paraburdoo Community advising that the pool will be open as much as possible during construction, however due to the likelihood and need for occasional unplanned interruptions, the entry as previously approved by the Council will be free for the season.
4. Approve that Fees and Charges for leases or licenses will not be charged for 2017/2018 as the facilities will not be available for use to the following community groups:
 - Paraburdoo Amateur Swimming Club and Paraburdoo Netball Association 50% usage Room in Sports Pavilion - \$500 plus GST shared
 - Sunshine Playgroup Store Room in Sports Pavilion - \$100 plus GST
 - Paraburdoo Toy Library - \$500 plus GST
 - Paraburdoo Squash Racquets Club - \$500 plus GST

CARRIED 3/0
Councillors Rumble, White and Lynch voted for the motion

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8. NEXT MEETING

The next Paraburdoo Community Hub (CHUB) Committee meeting will be held in February 2018 on a date and time to be determined.

9. CLOSURE OF MEETING

There being no further business to discuss the Presiding Member closed the meeting at 11.48 am.