

Bunbury City Council

Special Council Meeting Minutes

4 May 2010

To consider the Bunbury Regional Art Gallery Upgrade Project.



City of Bunbury
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Bunbury WA 6230
Western Australia

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Bunbury City Council Special Meeting

Minutes of a Special Ordinary Meeting of the City of Bunbury Council held in the Council Chambers, City of Bunbury Administration Building, 4 Stephen Street, Bunbury on Tuesday, 4 May 2010.

Minutes 4 May 2010

NOTE: These minutes are subject to confirmation at the next Ordinary meeting of the Council 18 May 2010.

At 4.00pm the following members were in attendance

His Worship the Mayor, Mr D Smith – **Presiding Member**
Councillor Judy Jones
Councillor Stephen Craddock
Councillor Helen Punch
Councillor Juliet Harrop
Councillor Karen Steele

As the number of elected members did not institute a quorum, the Mayor adjourned the meeting to reconvene at 5.15pm later the same day.

1. Declaration of Opening by the Mayor

His Worship the Mayor David Smith declared the meeting open at 5.15pm.

2. Record of Attendance, Apologies and Leave of Absence

PRESENT

Council Committee Members	
Presiding Member:	His Worship the Mayor, Mr D Smith
Deputy Presiding Member:	Deputy Mayor, Councillor B Kelly (arrived 5.18pm)
Members:	Councillor J Jones
	Councillor S Craddock
	Councillor H Punch
	Councillor N Whittle (arrived 5.22pm)
	Councillor R Slater
	Councillor A Leigh (arrived 5.33pm)
	Councillor J Harrop
	Councillor D Spencer
Councillor K Steele	
Executive Management Team (Non-Voting)	
Chief Executive Officer:	Mr G Trevaskis
Executive Manager City Life:	Mr D Marzano
Council Officers (Non-Voting):	
Project Manager City Services	Mr S Parkinson
Others (Non-Voting):	
Members of the Public:	2 (approx.)
Members of the Press:	Nil

APOLOGIES:

Nil

3. Disclosures of Interest - Local Government Act 1995

Nil

4. Business of the Meeting

4.1 Art Gallery Upgrade Project

File Ref:	A03504
Applicant/Proponent:	Internal
Author:	Stewart Parkinson, Project Manager
Executive:	Dom Marzano, Executive Manager City Life

Summary

Architect Ian Molyneux has prepared for Council approval a revised design option for the Art Gallery Upgrade Project that addresses a number of the project objectives, has a cost estimate close to budget and has the support of the reference group.

In order to expedite the construction it is proposed that the CEO be given delegated authority to award the construction contract.

Background

Council called tenders for construction of the upgrade (Option 6 design) in December 2009 and received no submissions. Also, an independent cost estimate of the Option 6 design found that it exceeded the budget.

The issue was discussed at a Council briefing session on 27 January 2010 where the outcome was to:

- Modify the design of the building extension to suit the budget.
- Relocate the building extension to the rear of the building, at the existing workshop access.
- Involve Perkins Builders in the design process to ensure the design was within budget and, in due course, submit a firm quote.

The Architect, in conjunction with the Builder, has now completed the necessary adjustments to the design, in line with Councils intent. The revised design complies with the building regulations and structural requirements, addresses a number of the project objectives, takes into account the budget constraints and has the support of the reference group & disabled access committee. (See attachments for revised concept plans).

The main features of the revised design are as follows:

- It includes a large dual use lift suitable for both goods and the public, including people with a disability.
- It includes some storage/ workshop space which will more than offset the loss of the existing workshop.
- It results in a good direct route from the front entry to the lift, for the disabled.
- It includes the potential to relocate and improve the reception of the building.
- It can be constructed with limited disruption to the Art Gallery operations.
- It includes replacement of the existing gallery Air Conditioning machinery.

This project needs to be expedited at every opportunity to satisfy the time frame expectations of the major funding provider – the Dept of Culture and the Arts. To date one extension of time has been sought and approved, with completion nominally programmed for December 2010. The construction is expected to take 8 – 10 months.

Strategic and/or Regional Outcomes

N/A

Community Consultation

The reference group includes the Gallery staff. Reference Group Meetings have been held over the past two months to finalise an acceptable design. The disabled access committee held a site inspection on 27 April 2010.

Councillor/Officer Consultation

Staff meetings have been held to guide the progress of the project.

Analysis of Financial and Budget Implications

The available budget for building works is \$ 1.13 million. The revised design building estimate provided by Perkins Builders is \$ 1.16 million (see **attached** Appendix 1). A firm quote will be sought once detailed design plans are completed.

Economic, Social, Environmental and Heritage Issues

The revised design will require Heritage Council approval. The Architect is dealing with this requirement.

Council Policy Compliance

No Council Policy is applicable.

Legislative Compliance

Local Government (Functions and General) Regulations 1996, Part 4, Division 2 - Tendering for providing goods or services, clause 11 (2) (c) (ii) provides Council with an exemption to call tenders where “within the last 6 months the Local Government has, according to the requirements of the division, publicly invited tenders but no tenders were submitted.” Provided action is taken before 18 June 2010, Council can award a contract for the construction of the extension without inviting tenders.

Delegation of Authority

The detailed design plans, quote document and firm quote for the extensions are not expected to be available until 4 - 11 June 2010 at the earliest. This leaves insufficient time to seek Council approval of the quote prior to the tender regulations deadline. It is suggested that Council delegate authority to the CEO to award a contract for this project, subject to:

1. The quote from the builder being within budget
2. Receiving Heritage Council approval of the design.

Relevant Precedents

In 2009 Council delegated approval to the CEO to awarded contracts for the Athletics Track. This was the only way to ensure the project could be completed within a time frame acceptable to the funding provider.

Options

Option 1

Per the recommendation listed in this report.

Option 2

Submit the quote through the standard Council approval process. This will add 1 – 2 months to the approval process and hence delay the completion date.

Conclusion

The revised concept design is supported by the users, is close to budget and addresses key objectives. A builder is currently available to undertake the construction imminently and Council is in a position to expedite the award of a contract.

This window of opportunity provides Council with ability to complete this project within a time frame that should satisfy the funding provider.

Recommendation

1. That Art Gallery Upgrade revised concept design (as attached) be endorsed.
2. That the CEO be delegated authority to award a construction contract, subject to
 - The quote being within budget
 - Heritage Council approval for the design being received.

Outcome – Special Council Meeting 4 May 2010

The recommendation (as printed) was moved Cr Harrop, seconded Cr Punch.

General discussion for and against the motion was conducted.

The motion was put to the vote and was adopted to become the Council's decision on the matter.

Council Decision 78/10

1. *That Art Gallery Upgrade revised concept design (as attached) be endorsed.*
2. *That the CEO be delegated authority to award a construction contract, subject to*
 - *The quote being within budget*
 - *Heritage Council approval for the design being received.*

CARRIED
8 Votes "For" / 3 Votes "Against"

5. Close of Meeting

The meeting was declared closed at 6.02pm.