



## **NOTICE OF SPECIAL MEETING OF COUNCIL (COMMISSIONER)**

---

### **For Council to consider:**

Presentation of the VC Mitchell Park Project, proposing to move from  
Hold Point 2 to Hold Point 3

---

To be held on Monday 12 June 2023

Commencing at 10.00 am

Shire of Donnybrook Balingup Council Chamber, Donnybrook

---

**Ben Rose**  
**Chief Executive Officer**

**8 June 2023**

### **Disclaimer**

**Please note the items and recommendations in this document are not final and are subject to change or withdrawal.**

## TABLE OF CONTENTS

---

1	DECLARATION OF OPENING / ANNOUNCEMENT OF VISITORS .....	3
2	ATTENDANCE .....	3
2.1	APOLOGIES .....	3
2.2	APPROVED LEAVE OF ABSENCE.....	3
2.3	APPLICATION FOR A LEAVE OF ABSENCE .....	4
3	ANNOUNCEMENTS FROM PRESIDING MEMBER.....	4
4	DECLARATION OF INTEREST .....	4
5	PUBLIC QUESTION TIME .....	4
6	REPORTS OF OFFICERS .....	5
6.1	DIRECTOR OPERATIONS .....	5
6.1.1	VC MITCHELL PARK PROJECT - PROCUREMENT .....	5
6.2	DIRECTOR CORPORATE AND COMMUNITY .....	13
6.3	CHIEF EXECUTIVE OFFICER .....	13
7	MEETINGS CLOSED TO THE PUBLIC .....	13
7.1	MATTERS FOR WHICH THE MEETING MAY BE CLOSED .....	13
7.2	PUBLIC READING OF RESOLUTIONS THAT MAY BE MADE PUBLIC.....	13
8	CLOSURE .....	13

**SHIRE OF DONNYBROOK BALINGUP**  
**NOTICE OF SPECIAL COUNCIL (COMMISSIONER) MEETING**

To be held at the Council Chambers  
Monday, 12 June 2023 at 10.00am

**1 DECLARATION OF OPENING / ANNOUNCEMENT OF VISITORS**

Commissioner – Acknowledgment of Country

The Commissioner to acknowledge the traditional custodians of the land, the Wardandi People of the Noongar Nation, paying respects to Elders, past, present and emerging.

The Commissioner to declare the meeting open and welcome the public gallery.

The Commissioner to advise that the meeting is being live streamed and recorded in accordance with Council Policy EM/CP-2. The Commissioner to further state the following:

*“This meeting is being livestreamed and digitally recorded in accordance with Council Policy.”*

*“Members of the public are reminded that no other visual or audio recording of this meeting by any other means is allowed without the permission of the chairperson.”*

*“Whilst every endeavour has been made to only record those who are actively participating in the meeting, loud comments or noises from the gallery may be picked up on the recording.”*

**2 ATTENDANCE**

**MEMBERS PRESENT**

<b>MEMBERS</b>	<b>STAFF</b>
Gail McGowan - Commissioner	Ben Rose – Chief Executive Officer
	Kim Dolzadelli – Director Corporate and Community
	Ross Marshall – Director Operations
	Loren Clifford – Acting Manager Executive Services
	Samantha Farquhar – Administration Officer - Executive Services

**PUBLIC GALLERY**

**2.1 APOLOGIES**

**2.2 APPROVED LEAVE OF ABSENCE**

### **2.3 APPLICATION FOR A LEAVE OF ABSENCE**

---

## **3 ANNOUNCEMENTS FROM PRESIDING MEMBER**

---

## **4 DECLARATION OF INTEREST**

---

Division 6: Sub-Division 1 of the *Local Government Act 1995*. Care should be taken by the commissioner to ensure that a financial/impartiality interest is declared and that they refrain from voting on any matter, which is considered to come within the ambit of the Act.

## **5 PUBLIC QUESTION TIME**

---

In accordance with the Clause 7(3) of the Local Government (Administration) Regulations, public questions must relate to the stated purpose of the Special Meeting of Council.

## 6 REPORTS OF OFFICERS

### 6.1 DIRECTOR OPERATIONS

#### 6.1.1 VC MITCHELL PARK PROJECT - PROCUREMENT

<b>Location</b>	Shire of Donnybrook Balingup
<b>Applicant</b>	Shire of Donnybrook Balingup
<b>File Reference</b>	PWF18T2
<b>Author</b>	Ross Marshall, Director Operations
<b>Responsible Officer</b>	Ben Rose, Chief Executive Officer
<b>Attachments</b>	6.1.1(1) VC Mitchell Park Project – Design Development Report
<b>Voting Requirements</b>	Simple Majority

Recommendation
<p><b>That Council (Commissioner):</b></p> <ol style="list-style-type: none"> <li>1. <b>Approves the completion of contractual Hold Point 2 for the VC Mitchell Park Project.</b></li> <li>2. <b>Approves the commencement of contractual Hold Point 3 for the VC Mitchell Park Project.</b></li> </ol>

### STRATEGIC ALIGNMENT

The following outcome from the Council Plan relate to this proposal:

Outcome	2	A safe and healthy community.
Objective	2.1	Improve access to facilities and services to support community health and wellbeing.
Priority Project	2.1.2	Implement the Donnybrook Community, Sporting, Recreation and Events Precinct (VC Mitchell Park) Project.

### EXECUTIVE SUMMARY

In accordance with the VC Mitchell Park Contract with Perkins Builders (Contractor), the Contractual 'Hold Point 2 –Design Development' milestone has been completed, and the Council (Commissioner) is requested to consider progressing to Hold Point 3.

### BACKGROUND

At its 16 November 2022 Special Meeting, Council approved a ‘Design and Construct’ contract with Perkins Builders, as follows:

- That Council:*
1. *Authorise the Chief Executive Officer to:*
    - 1.1 *Execute the attached (Confidential) Contract documentation, including minor contract modifications required to reflect Building and Construction (Securities of Payment) Act 2021;*
    - 1.2 *Apply to the WA Treasury Corporation for a loan of up to \$2.9m for the VC Mitchell Park Project; and*
    - 1.3 *Execute the Project Financial Assistance Agreement with the State Government for \$5,750,000.*
  2. *Request the Chief Executive Officer to secure project funding from the Donnybrook Football Club to the value of \$250,000.*
  3. *Request the Chief Executive Officer to secure project funding from the WA Football Commission / Australian Football League to the value of \$120,000.*
  4. *Request the Chief Executive Officer to secure the ongoing project management services of Shape Management for the duration of the design and construction phases acting in the capacity of Superintendent under the Contract.*
  5. *Request the Chief Executive Officer to provide a project update to relevant stakeholders, including sporting clubs.*
  6. *Re-affirm its support for the ‘Blended Management Model’ as recommended in the Anna Dixon Consulting report.*
  7. *Thank Shire staff and engaged contractors/consultants for their diligent, robust and professional approach to the Project.*
  8. *Release this resolution in the meeting Minutes.*

As part of the contract, three ‘Hold Points’ were included, as a mechanism to control project risk, as follows:

<b>\$481,451.00 (ex. GST)</b>	<b>Hold Point 1:</b> Schematic Design
	<b>Hold Point 2:</b> Detailed Design
	<b>Hold Point 3:</b> Issued for Construction Documentation
<b>\$8,032,314.40 (ex. GST)</b>	<b>Construction Phase:</b> Demolition and construction (with 12 months defects liability period)

In accordance with the contract, at the completion of each Hold Point, the Shire (via Council / Commissioner) is required to formally consider completion of the that Hold Point, and authorisation to move to the next Hold Point, noting there is neither any obligation or financial commitment to proceed past the each Hold Point.

## **FINANCIAL IMPLICATIONS**

In accordance with Contract between the Shire and Perkins Builders, the following expenditure has been incurred/committed:

### **Hold Point 1**

- Hold Point 1 – \$122,662 + GST – this amount has been claimed by the Contractor.
- Project Management / Superintendent fees for Shape Management have been realised for the month of February 2023 and March 2023 – (\$6,818.00 x 2) \$13,636 +GST.

### **Hold Point 2**

- Hold Point 2 – \$268,540 +GST – this amount has been committed / claimed by the Contractor.
- Project Management / Superintendent fees for Shape Management have been realised for the month of April 2023 and May 2023 – (\$6,818.00 x 2) \$13,636 +GST.

Approval to progress the project to Hold Point 3, commits to the following additional costs:

### **Hold Point 3**

- Hold Point 3 – \$90,249 +GST – this amount will be committed to the Contractor.
- Project Management / Superintendent fees for Shape Management - \$27,272 +GST – this amount will be committed.

## **Commitment Summary**

Perkins Builders:	\$90,249 +GST
Shape Management:	\$27,272 +GST
<b>Total:</b>	<b>\$117,521 +GST</b>

The following table illustrates the Stage 1 Design Phase (Hold Point) budget overview:

PERKINS CONTRACT BUDGET OVERVIEW	
VC Mitchell Park Pricing Schedule - Rev B	
STAGE 1 - DESIGN PHASE	
Professional Fees - SD to Hold Point 3 + Perkins Design Fees	\$ 481,451.00
STAGE 2 - CONSTRUCTION PHASE	
Construction Total	\$ 8,032,314.40
<b>TOTAL - PERKINS CONTRACT AWARD VALUE</b>	<b>\$ 8,513,765.40</b>
SHIRE PROJECT FUNDING ALLOCATIONS	
Additional Fees (Ongoing SD to PC - PM & QS Shire Managed)	\$ 150,000.00
Shire Contingency	\$ 500,000.00
Shire Provisional Sum (Fitout, Furniture, Av Hardware)	\$ 200,000.00
<b>TOTAL - FUNDING ALLOCATIONS</b>	<b>\$ 850,000.00</b>
<b>TOTAL - PROJECT TOTAL VALUE</b>	<b>\$ 9,363,765.40</b>

The Hold Point 2 Cost Plan has been assessed by Shire staff, and the Project Superintendent, as satisfactory for progressing to Hold Point 3.

The loan application for \$2.9M was lodged with WA Treasury Corporation and approved earlier this year. Renewal of the loan application will be required as the Shire is unlikely to be in a position to activate the loan before the WATC standard three-month expiration term.

On 10 March 2023, the approved Financial Assistance Agreement (dated 2 March 2023) for \$5.75M was provided from DLGSCI to the Shire.

### POLICY COMPLIANCE

RCH Consulting’s proposal (and credentials) have been reviewed by the Administration and determined as appropriate for the allocated tasks. Noting the ‘second’ stage of the contract is proposed at \$250/hr, the contract cost has been capped at \$20K.

### STATUTORY COMPLIANCE

There is no specific statutory compliance considerations outside of the contractual considerations with Perkins Builders and/or RCH Consulting.

Deliverables under the Hold Point 2 arrangements are outlined below:

Item	Completed	Superintendent’s Comments
Detailed Design Report.	Yes	CCN Detailed Design Report provides narrative regarding project information, design approach and detailed design documentation, context and character, critical issues and battery limits to project. The Detailed



		Design Report meets the objectives and requirements for Hold Point 2.
<b>Site and code analysis.</b>	Yes	The Detailed Design Report meets the objectives and requirements for Hold Point 2. Critical Issues identified being: <ul style="list-style-type: none"> <li>• Waste Management and operational requirements</li> <li>• Services coordination</li> <li>• Detailing surrounding roof penetrations and exhaust for future maintainability</li> <li>• Entry statement and sense of arrival</li> <li>• Budget reviews and scope of works confirmation</li> <li>• Western power transformer requirements and future allowances.</li> </ul>
<b>Detailed Design Documentation:</b>		
• <b>Architectural</b>	Yes	CCN Detailed Design Report provided meets the requirements of the Contract and is consistent with Detailed Design on typical projects. Comments have been provided to Perkins regarding design requirements and particularly input from stakeholders which are being addressed. Note that report also addresses acoustics, DDA compliance, Safety In Design, Section J Compliance and BCA requirements and compliance.
• <b>Structural / Civil</b>	Yes	Detailed Design Report and Drawings generally meet the requirements of the Contract and are consistent with Detailed Design deliverables on typical projects. Note the following items to be considered during the next phase of design being: <ul style="list-style-type: none"> <li>• Drainage solution to be further developed during next phase.</li> <li>• Assessment of structural solution to Pavilion 2 to value engineer.</li> <li>• Further analysis of ramping and civil works to both Pavilion 1 and 2 to streamline approach.</li> </ul>
• <b>Mechanical</b>	Yes	Detailed Design Report and Drawings generally meet the requirements of the Contract and are consistent with Detailed Design deliverables on typical projects. Note the following still to be considered: <ul style="list-style-type: none"> <li>• Vent to kitchen through roof – reviewing alignment of roof vents to keep within single pan / penetration area.</li> <li>• Mechanical solution to Function Room to be developed further and to potentially refine based on likely functional requirements of the space during typical events and timing.</li> <li>• Further opportunities for passive solar / ventilation solutions to reduce use of mechanical exhaust and to be developed during final design phase.</li> </ul>
• <b>Electrical</b>	Yes	Detailed Design Report and Drawings generally meet the requirements of the Contract and are consistent with Detailed Design deliverables on typical projects. Note the following still to being assessed:

		<ul style="list-style-type: none"> <li>Potential for need for pole top transformer to the new development as opposed to dome as previously documented. Western Power application has been submitted to mitigate risk of extended timeframe. Budget has included transformer requirements as estimate.</li> </ul>
<ul style="list-style-type: none"> <li><b>Hydraulic</b></li> </ul>	Yes	<p>Detailed Design Drawings generally meet the requirements of the Contract and are consistent with Detailed Design deliverables on typical projects. Note the following still to be considered:</p> <ul style="list-style-type: none"> <li>Note subcontractors being considered will need to be registered to undertake works on Water Corporation assets..</li> </ul>
<ul style="list-style-type: none"> <li><b>Site services Infrastructure</b></li> </ul>	Yes	Part of Electrical and Hydraulic Schematic Design Reports and considered to be sufficiently documented to support Schematic Design.
<ul style="list-style-type: none"> <li><b>Other</b></li> </ul>	N/A	
<b>Safety In Design Report / Design Reports</b>	Yes	Safety In Design provided as part of individual reports and to be developed further during Design Development phase consistent with typical design process.
<b>Cross reference to Functional Brief</b>	Yes	<p>Provided a schedule of key items identified in Functional brief and commentary as to how the alignment of mitigation has been achieved.</p> <p>Note that majority of key items have been addressed and also confirmed through discussions with Stakeholders with design generally in alignment with Functional Brief.</p>
<b>Revised Cost Plan</b>	Yes	<p>Cost Estimate prepared by Perkins is slightly above the allowed budget as per Contract and is approximately 5% in excess. This however does not take into consideration value engineering and also allowances within the Perkin budget or separate Shire amounts for contingency which would help to mitigate the increased cost if this was necessary.</p> <p>Perkins are actively managing the design and procurement process to reduce cost and to meet budget expectations without compromising quality or scope.</p>
<b>Value management opportunities</b>	Yes	Perkins, CCN and consultants provided opportunities for value engineering being a combination of scope reductions and design optimisation. Shire and Perkins to review during subsequent phase and continue design, cost plan and Value Engineering to agree final scope. Note key deliverable of Hold Point 3 will be a fixed lump sum and therefore alignment with budget and any further requirements for value engineering will be realised.
<b>Contractor advice on early works early procurement opportunities</b>	Yes	<p>Discussed requirements particularly relating to Western Power and timeframes for design and delivery. Application has been made as risk mitigation in the event that transformer is required.</p> <p>Detailed design now taking into account construction opportunities to mitigate cost without compromising scope.</p>
<b>Project programme</b>	Yes	Minor amendment to program extending timeframes to allow for review periods, stakeholder commentary and also testing market rates and pricing. This additional

		time aligns was intended to provide greater certainty at Hold Point 2 particularly relating to costs and providing greater certainty when entering the next phase of the project..
<b>Risk analysis</b>	Yes	Critical Issues and Risk identified as part of Detailed Design report meet the requirements of the Detailed Design phase.

## CONSULTATION

- Consultation with individual sports clubs (particularly tennis and football) has been continuing as part of the development process for the Detailed Design Report.
- Perkins Builders delivered a presentation to the Commissioner and key staff on 22 February 2023 regarding the draft Schematic Design Report.
- A comprehensive Project Community Information Package was uploaded to the Shire website (and promoted via social media) on 7 March 2023.
- The Schematic Design report was uploaded to the Shire website (and promoted via social media) on 9 March 2023.
- Perkins Builders delivered a presentation to the Commissioner and key staff on 31 May 2023 regarding the draft Schematic Design Report.

## OFFICER COMMENT

The contract deliverables for Hold Point 2 have been reviewed by Shire staff, the Commissioner and the Project Superintendent. The Project Superintendent has advised that all deliverables for Hold Point 2 have been satisfactorily achieved, and that the project can proceed to Hold Point 3, upon formal resolution by the Council (Commissioner). Hold Point 3 will incur costs of **\$117,521 +GST** to achieve the following deliverables:

- Construction Documentation Report.
- Analysis of Nett Lettable Areas and Gross Floor Areas.
- Specific Detailed Design documentation with detailed requirements including:
  - Architectural (including finishes schedules and 3D renders as applicable)
  - Furniture, Fittings and Equipment Schedules and requirements for samples or selections to be approved.
  - Structural / Civil engineering.
  - Mechanical engineering.
  - Electrical / communications / security / dry fire engineering.
  - Hydraulics / wet fire engineering.
  - Vertical transport engineering.
  - Acoustics engineering.
  - BCA / DDA compliance.
  - Site services infrastructure including electrical, water, wastewater, drainage, fire and others.
  - Any others as required to inform Detailed Design.
- Update to Safety In Design Report.
- Cross reference to Functional Brief. This should highlight any non-conformances with Brief including mitigation rationale.

- Cost Plan – population / update of cost plan based on Detailed Design to ensure that design is in alignment with budget.
- Value Management opportunities.
- Contractor advice on early works / procurement opportunities.
- Project Programme.
- Risk analysis – to be facilitated by Shire representatives with input required from Contractor and appointed consultants.

***6.2 DIRECTOR CORPORATE AND COMMUNITY***

---

Nil.

***6.3 CHIEF EXECUTIVE OFFICER***

---

Nil.

**7 MEETINGS CLOSED TO THE PUBLIC**

---

***7.1 MATTERS FOR WHICH THE MEETING MAY BE CLOSED***

---

Nil.

***7.2 PUBLIC READING OF RESOLUTIONS THAT MAY BE MADE PUBLIC***

---

Nil.

**8 CLOSURE**

---

The Commissioner to advise that the next Ordinary Council Meeting will be held on Wednesday 28 June 2023 commencing at 5.00pm in the Shire of Donnybrook Balingup Council Chamber.