

## 1. TRANGIE BURNS OVAL – REDEVELOPMENT

### Introduction

The purpose of this report is for Council to determine the direction it now takes in relation to the above redevelopment.

### Background

As Council are aware, the fully scoped project for the Trangie Burns Oval Redevelopment was put out to tender, and the General Manager, under delegated authority resolved not to accept the tenders on the basis that Council enter into direct negotiations due to budget constraints; and further not re-tender due to the tenders received indicating a constant market value and there being time constraints to undertake the project.

The General Manager, and Director of Infrastructure and Engineering Services, negotiated with a supplier, however the project was still over budget at that time and no other sources of funding could be allocated towards the project.

Consent was sought from the funding body for a variation to the project to remove the lighting component as well as the drainage component, with a rehabilitation of the existing drainage to take place. This was subsequently approved by the funding body.

As the project scope was going to be substantially reduced and there was no longer a time constraint associated with the project, it was determined that the work should be re-tendered. At the public meeting held in Trangie on 6 March 2018, there was some conjecture from a local community group that they could undertake the original fully scoped project themselves to come within budget. A peer review of the original scope of works was also requested by the local community group.

A report was then put before Council's Ordinary Meeting held 14 March 2018 (**see Attachment No 1**), wherein Council resolved to re-tender for the reduced scope of works as approved by Liquor and Gaming NSW and allow for alternate tenders to be submitted which could include the original scope of works. In addition, Council would make the decision whether to accept the tender.

### Issues

Since this determination, Council has resolved to apply for further funding under the Stronger Country Communities Fund to allow for the original drainage component of the Alan Burns Oval redevelopment. This now means that the scope of the project will not need to be reduced so significantly, and will essentially only have the lighting component removed. The redevelopment of Burns Oval needs to be completed by 30 June 2019 and works can only commence at the conclusion of the current football season in mid-September 2018.

**1. TRANGIE BURNS OVAL – REDEVELOPMENT (Cont'd)**

Council sought indicative costs for a peer review of the design/scope of works and have been advised that this cost would be in the tens of thousands of dollars. Council has already spent approximately \$73,500 of its original allocation of \$100,000 towards this project (design and project management costs), and it is therefore considered that a peer review would be both unnecessary and not cost effective.

The local community group who indicated a desire to submit a tender for the project have now advised that they do not believe they can undertake the works and do not wish to tender. At that time, they further advised they would only be interested in tendering if the specifications were reviewed and, accordingly, the scope reduced.

A supplier has indicated they are open to finalising previous negotiations in undertaking the project, given that Council has applied for funding under the Stronger Country Communities Fund.

The General Manager and Director Infrastructure and Engineering Services met with representatives of Burns Oval users prior to Council's Ordinary Meeting on 11 April, 2018 wherein the representatives were advised that Council does not think it prudent to review the specifications and that they will ensure that the current proposed specifications are achieved which will deliver the project scope outcomes identified in the funding application originally submitted by the Trangie Rugby Union Club. The representatives were also advised that Council was proceeding with the development in its current form and support for the proposal was sought from and granted by the representatives at this time. The General Manager invited these representatives to meet with Council and Council's Project Manager so that the processes could be further explained in an effort to facilitate their understanding.

Council received an email, from the applicant listed on the grant application, on 3 May 2018, advising that they fully supported the project and understood why the project was in its current form (**see Attachment 2**).

A letter was received from one of the user group representatives on 5 May 2018, reiterating their desire for the specifications and designs to be peer reviewed and expressing their concern regarding the process to date (**provided to Councillors under separate cover**). The issues raised in this letter had been addressed previously in the aforementioned meeting with the General Manager and Director Infrastructure and Engineering Services.

After receipt of this letter, these representatives declined to meet with Council's Project Manager and Council, on the basis that they were under the impression that the meeting was for the purpose of them providing input to a review of the specifications, which was not the case.

One of the user group representatives then spoke with the General Manager on 23 May, 2018 and advised that their support was withdrawn from the proposal, on the basis that Council did not intend reviewing the project specifications, and suggested that Council not proceed with the project but return the grant funds to Liquor and Gaming NSW.

**1. TRANGIE BURNS OVAL – REDEVELOPMENT (Cont'd)**

Council has now also received a request from this representative (**see Attachment No 3**), via the applicant named on the grant application, requesting that Council stop the current plan and develop and implement a more suitable design.

**Assessment****a) Legal Implications**

Local Government Act 1993  
Crown Lands Act 1989

**b) Financial Implications**

Council has committed \$100,000 in the 2017/18 financial year towards this project, of which approximately \$73,500 has been expended on design and project management to date. Council has also applied under the Stronger Country Communities fund for an allocation of funding for the drainage component of this project.

**c) Policy Implications**

Office of Local Government – Tendering Guidelines  
Council's Procurement Policy

**d) Strategic Implications**

This report relates to Item 4.3.4 of the Community Strategic Plan – Ensure Council's property assets are monitored and well managed.

**Options**

1. That given that the scope of works has not been altered as significantly as before and given that time is now again becoming a constraint, Council not re-tender for the reduced scope of works as previously resolved, and the General Manager finalise negotiations with the supplier and enter into an appropriate contract for the works to enable the project to be finalised before the deadline of 30 June 2019.
2. That Council accede to the request from the User Group representative received on 28 May 2018:
  - (a) With any associated expenses and project cost overruns to be borne by Council, or
  - (b) With any associated expenses and project cost overruns to be borne by the Trangie Rugby Union Club.

In considering option 2 (a) or (b), Council would need to be mindful that the redesign must be carried out by a qualified and experienced organisation to ensure that the project meets the grant outcomes and to ensure that Council is not abrogating its legal responsibilities with respect to the development of its own assets.

**1. TRANGIE BURNS OVAL – REDEVELOPMENT (Cont'd)**

Council also needs to be aware that should this option be considered, the project scope will be altered significantly and Council will therefore need to re-tender for the works. A further variation from Liquor and Gaming NSW may also be required, however an extension of time will not be forthcoming as per previous advice.

3. That Council not continue with the project; that it write off its expenditure to date, being approximately \$73,500; and decline and return the funding to Liquor and Gaming NSW.

In the event that this option is adopted by Council, further consideration will need to be given to reallocating the \$200,000 previously allocated from the Stronger Country Communities Fund for the original drainage component.

**Summary**

Council has made a significant financial contribution to this complex project to date. In addition a great deal of staff time and associated costs have been incurred but not charged to the project. Given the withdrawal of support from some of the oval users for the project in its current form, it is imperative that Council now makes a determination on the redevelopment project.

**RECOMMENDATION**

For Council's consideration.

Jane Redden  
**General Manager**

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**7.      TRANGIE BURNS OVAL – REDEVELOPMENT**

**Introduction**

The purpose of this report is for Council as Trust Manager of the Trangie Public Recreation (R520094) Reserve Trust to continue to determine if they wish to auspice the funding on behalf of the Trangie Rugby Union Club for the redevelopment of Burns Oval.

**7.      TRANGIE BURNS OVAL – REDEVELOPMENT (Cont'd)****Background**

A report was put before Council's Ordinary Meeting held on 14 February 2018 providing an update on the proposed project. At that stage Council was in the process of seeking a variation to the grant to remove the lights and drainage from the original scope of works due to the market value of the project being well in excess of the funding received. The Department of Liquor and Gaming has now approved this variation.

As advised in the February report to Council, it will be necessary for Council to re-tender the work, given the significant reduction/change in the scope of works required to bring the project to within budget.

**Issues**

Council held a public meeting in Trangie on Tuesday 6 March 2018 advising that the Department of Liquor and Gaming had approved the reduced scope of works as part of a variation to the funding agreement and advising that accordingly, the new project would not include lighting or drainage. There was some conjecture that a local community group could undertake the original fully scoped project themselves to come within budget.

Council as the Trust Manager of this reserve cannot abrogate its legal responsibilities and allow ad hoc, well-meaning individual community members to complete a project of this magnitude. Crown Lands originally agreed to support the project on the basis that the work was to be a Council managed project, undertaken to Council standards. Contact with Crown Lands has recently been made and they have advised that they will consider supporting the project being undertaken by a community group, provided the community group is able to demonstrate their ability to undertake the project to local government standards. This means that the group is a legal entity, has the correct public liability and professional indemnity insurances, has the necessary safety management systems and documentation in place and has previous experience with similar projects. Council as Trust Manager will still be required to oversee the project.

**Options**

The re-development has become a complex project with a great deal of staff time and associated costs being apportioned to it and not charged to the project.

Council as Trust Manager of the Reserve has a number of options going forward:-

1. Council re-tender for the reduced scope of works as approved by the Department of Liquor and Gaming.
2. Council re-tender for the reduced scope of works as approved by the Department of Liquor and Gaming and allow for alternate tenders to be submitted which can include the original scope of works.

**7.      TRANGIE BURNS OVAL – REDEVELOPMENT (Cont'd)**

3.      Council decline the offer of funding from the Department of Liquor and Gaming and apply for different streams of funding to encompass the original scope of works, possibly as a staged project.
4.      Council decline the offer of funding from the Department of Liquor and Gaming and maintain the facility in line with its adopted capital works program.

**Assessment**

**a)      *Legal Implications***

Local Government Act 1993  
 Crown Lands Act 1989

**b)      *Financial Implications***

Council has committed \$100,000 in the 2017/18 financial year towards this project, of which approximately \$65,000 has been expended on project management and detailed design to date.

**c)      *Policy Implications***

Office of Local Government – Tendering Guidelines  
 Council's Procurement Policy

**d)      *Strategic Implications***

This report relates to Item 4.3.4 of the Community Strategic Plan – Ensure Council's property assets are monitored and well managed.

**Summary/Conclusion**

Council as Trust Manager of the Reserve cannot abrogate its legal responsibilities with respect to the re-development of Burns Oval. Crown Lands as owner of the land will reconsider providing support to a community group undertaking the project, provided they can demonstrate adherence to Work Health and Safety requirements, insurance requirements, skill and experience etc. Given that there is conjecture from the local community that the original scope of works can be achieved within the funding, it is proposed that Council consider re-tendering for the reduced scope of works as approved by the Department of Liquor and Gaming and allow for alternate tenders to be submitted which can include the original scope of works.

**RECOMMENDATION**

That Council as Trust Manager of the Trangie Public Recreation (R520094) Reserve Trust:-

1.      Re-tender for the reduced scope of works as approved by the Department of Liquor and Gaming and allow for alternate tenders to be submitted which can include the original scope of works.
2.      Make the decision whether to accept the tender or not.

Jane Redden  
**General Manager**

From: Ian Toole [REDACTED]  
Sent: Thursday, 3 May 2018 2:50 PM  
To: Jane Redden <[jredden@narromine.nsw.gov.au](mailto:jredden@narromine.nsw.gov.au)>  
Cc: Craig Davies <[cr.cdavies@narromine.nsw.gov.au](mailto:cr.cdavies@narromine.nsw.gov.au)>; Rob McCutcheon <[cr.rmccutcheon@narromine.nsw.gov.au](mailto:cr.rmccutcheon@narromine.nsw.gov.au)>; Dawn Collins <[cr.dcollins@narromine.nsw.gov.au](mailto:cr.dcollins@narromine.nsw.gov.au)>; Colin Hamilton <[cr.chamilton@narromine.nsw.gov.au](mailto:cr.chamilton@narromine.nsw.gov.au)>; James Craft <[cr.jcraft@narromine.nsw.gov.au](mailto:cr.jcraft@narromine.nsw.gov.au)>; Lyn Jablonski <[cr.ljablonski@narromine.nsw.gov.au](mailto:cr.ljablonski@narromine.nsw.gov.au)>; Mark Munro <[cr.mmunro@narromine.nsw.gov.au](mailto:cr.mmunro@narromine.nsw.gov.au)>; Trudy Everingham <[cr.teveringham@narromine.nsw.gov.au](mailto:cr.teveringham@narromine.nsw.gov.au)>; Les Lambert <[cr.llambert@narromine.nsw.gov.au](mailto:cr.llambert@narromine.nsw.gov.au)>  
Subject: Alan Burns Oval redevelopment

Hi Jane,

Following consultation with representatives from the various organisations that were involved in the successful submission to NSW Gaming & Liquor for the redevelopment of the Alan Burns Oval there is overwhelming support for your plan to engage the successful tenderer to do the required work.

There is a strong desire that all action/s taken result in the works commencement date being mid-September this year.

Many members of the Trangie community worked long and hard to obtain the grant.

We acknowledge and appreciate your and the Narromine Shire Council's contribution to achieve this common goal.

Regards,

Ian Toole  
[REDACTED]



The General Manager  
Jane Redden  
Narromine Shire Council  
Narromine NSW 2821

28 May 2018

Re: Upgrade to Trangie's Alan Burns Oval

A meeting of users of the Alan Burns Oval, 7pm Friday 25 May 2018, resulted in the following proposals;

- A working group consisting of representatives of the Trangie community, Narromine Shire Council senior staff and councillors meet on a regular basis to develop suitable specifications to achieve what was envisaged in the grant submission for the redevelopment of the Alan Burns Oval.

The working group's charter would include;

- Develop suitable design parameters for current and potential future requirements of the oval.
- Specification that obtain best value for money from the Liquor & Gaming grant and Narromine Shire Council
- Consider local climatic conditions and soil type
- Transparency as well as Trangie community consultation during the development of the specifications.
- Work together to create an outcome that is acceptable to all parties
- Use information already obtained to help develop new specifications

We believe it will be more cost-effective to stop the current plan and develop and implement a more suitable design.

Representatives of the Trangie community request a meeting with you as soon as possible in order to achieve a beneficial outcome to this issue.

Regards,

Kevin Flinn

