



Waitakere City Council
Te Taiao o Waitakere

NOTICE OF MEETING

PROJECTS SPECIAL COMMITTEE

I hereby give notice that a Meeting of the Projects Special Committee will be held on:-

DATE: **Wednesday, 1 February 2006** **TIME:** **9.30 am**

VENUE: **Civic Centre, 6 Waipareira Avenue, Lincoln, Waitakere City**

to consider the business as set out herein and to take any necessary action connected therewith.

26 January 2006

Audrey Chan
COMMITTEE SECRETARY

Telephone (09) 836 8000 extn 8603

MEMBERSHIP:

Councillors	RP	Dallow, QPM, JP (Chairperson)
	PJ	Booth, OBE (Deputy Chairperson)
	DQ	Battersby, JP
	JM	Clews, QSO, JP
	LA	Cooper
	AK	Corban, OBE, JP
	PA	Hulse

Mayor RA Harvey, QSO, JP (ex officio)
Deputy Mayor CA Stone (ex officio)

(Quorum 4 members)

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(The reports and recommendations contained in all agendas are reports and recommendations only and are not to be construed, in any way, as Council policy until adopted).

**AGENDA FOR A MEETING OF THE PROJECTS SPECIAL COMMITTEE TO BE HELD IN
THE CIVIC CENTRE, 6 WAIPAREIRA AVENUE, LINCOLN, WAITAKERE CITY,
ON WEDNESDAY, 1 FEBRUARY 2006, COMMENCING AT 9.30 AM.**

TABLE OF CONTENTS

<u>ITEM</u>		<u>PAGE NO.</u>
1	APOLOGIES	1
2	URGENT BUSINESS	1
3	CONFIRMATION OF MINUTES	1
4	SMOKE FREE PREMISES – WAITAKERE CENTRAL CIVIC CENTRE	2
5	WAITAKERE CENTRAL CIVIC CENTRE – CONSTRUCTION STATUS NOVEMBER 2005 / JANUARY 2006	4
	PUBLIC EXCLUDED MATTERS	8
6	WAITAKERE CENTRAL HENDERSON TRANSPORT INTERCHANGE – CONSTRUCTION STATUS DECEMBER 2005 / JANUARY 2006	8
7	WAITAKERE CENTRAL LIBRARY / UNITEC – CONSTRUCTION STATUS NOVEMBER 2005 / JANUARY 2006	8

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1 APOLOGIES



2 URGENT BUSINESS

Section 46A(7) of the Local Government Official Information and Meetings Act 1987 provides that where an item of business is not on the agenda, it may only be dealt with at the meeting if:

- (i) the Committee by resolution so decides; and
- (ii) the Chairperson has explained at the beginning of the meeting (when open to the public) that the item will be raised for discussion and decision, why the item is not on the agenda, and why it cannot be delayed until a subsequent meeting.

The Committee may make a decision on a matter determined to be urgent.

NOTE: Urgent Business need not be dealt with now and may be delayed until later in the meeting.



3 CONFIRMATION OF MINUTES

Meeting Minutes - Wednesday, 7 December 2005

RECOMMENDATION

That the minutes of the Meeting of the Projects Special Committee held on Wednesday, 7 December 2005, as circulated, be taken as read and now be confirmed.

C17

The public excluded minutes are attached at page C17 of the Confidential Supplement to Agenda.



4 **SMOKE FREE PREMISES – WAITAKERE CENTRAL CIVIC CENTRE**

PURPOSE OF THE REPORT

The purpose of this report is in response to the request by the Projects Special Committee that “*Consideration be given to making the new Civic Centre precinct and Waitakere Central building smoke free and that a report be brought back to the Projects Special Committee on the issue.*”

This report details the legislative position and considers this in the context of the new development to enable the Projects Special Committee to reach an informed position on the issue.

ISSUES

The Smoke-free Environments Act 1990 requires that all internal workplaces (with some limited exceptions) must be 100 percent smoke free. Employers are required to take “all reasonably practicable steps” to ensure that no one smokes in an internal area. Reasonably practicable steps include:

- Display of smoke free signs in the workplace;
- Reference to the smoke free policy in the workplace agreement and recruitment policies;
- Notifying service contractors of the smoke free policy;
- Provision of training for managers and supervisors in the handling of breaches of the policy.

The Smoke-free legislation does not apply to outdoor areas, other than grounds of schools and early childhood centres.

As an employer Council already meets the requirements of the legislation and the current Council policy will only require minor modification to make it applicable to Waitakere Central. In the current accommodation (Civic Centre and Moselle Building) Council has made limited provision for smokers in external areas. Similar provision would need to be made in Waitakere Central, unless the decision is made to implement a total smoking ban within the Civic Centre precinct.

The Legal Services Manager has considered the question of a total smoking ban. The advice is that while a total smoking ban might earn a measure of public support, such a ban would be difficult to enforce.

The Legal Services Manager takes the view that the Civic Centre precinct while technically a private property is a little different to most property in private ownership. While the Council can theoretically resort to the law of trespass to enforce a smoking ban within the Civic Centre precinct it would be more than a little illogical to attempt to enforce a total ban there and not elsewhere in relation to other Council owned public places within the City. To make such ban effective in relation to roads and reserves it would be necessary to resort to a bylaw, but the bylaw making powers under the Reserves Act and the Local Government Act 2002 probably not wide enough to justify such action. When the government last reviewed the Smoke Free legislation it steered clear of legislating against smoking in public places. That is the clearest possible signal that Parliament does not consider such legislation appropriate and that there are therefore potential Bill of Rights issues arising if an attempt is made to achieve the same outcome through the use of a bylaw.

Council staff have ascertained that Waitemata District Health Board made all its sites smoke free from 22 February 2005. Staff, patients and visitors may not smoke in a public area outside on any site owned or leased by WDHB. People must leave the site if they wish to smoke. Employees are encouraged to inform patients and visitors who smoke on site, that the whole site is smoke free and smokers must go off site to smoke. Staff who breach the policy may be subject of normal performance management and disciplinary processes. The Legal Services Manager comments that the legal basis for this policy is not clear. To the extent that it applies to visitors to the site and patients, it appears to rely on the Trespass Act. However, it is not clear how a policy of this type could be used as a basis for disciplinary action against a staff member when the smoke free legislation makes specific provision for smoking in the work place. It appears that observance of the policy by staff, particularly those staff that smoke and have been employed by the Board for a number of years, may rely upon the voluntary co-operation of those staff. Council staff has no information on the level of consultation undertaken by the Board with staff, and whether in fact the staff supported the adoption of this policy. Before implementing a similar ban Council would need to consult with staff in relation to the proposal. In the absence of staff agreement to implement a ban there must be a possibility of personal grievance claims.

RESOURCES

If a decision to have the Civic Centre precinct smoke free then resources will need to be allocated to provide appropriate information and signage for the area to actively encourage compliance by the public. In an introductory phase it may also be appropriate to allocate resources to providing some "policing" of the policy within the Civic Centre precinct.

As noted above there may be resources issues arising out of action from staff opposed to the ban. This could perhaps be addressed by providing additional support/advice to staff who smoke, under the banner of Heartbeat Challenge, ahead of the move to Waitakere Central.

CONCLUSION

In that background, there is no officer support for a complete smoking ban within the Civic Centre precinct. Officers think that the status quo should be preserved, with areas designated as smoking areas for those staff that cannot be encouraged by other means to quit.

If, however, Elected Members have a different view, some thought will need to be given as to the process to be followed to implement a smoking ban and the area around the Civic Centre to which it will apply. It is suggested that the ban should not apply to "roadways" and the public car parking areas within the site because of difficulties purporting to control the activities of members of the public within private motor vehicles.

RECOMMENDATION

That the Smoke Free Premises – Waitakere Central Civic Centre report be received.

Report prepared by: Jeff Dougal, Manager Human Resources and Organisational Development.



5 **WAITAKERE CENTRAL CIVIC CENTRE – CONSTRUCTION STATUS NOVEMBER 2005 / JANUARY 2006**

PURPOSE OF THE REPORT

The purpose of this report is to provide a monthly construction status update to the Projects Special Committee on the Waitakere Central Civic Centre construction project. The period for this report covers November 2005 / January 2006.

BACKGROUND

The Waitakere Central Civic Centre construction project was last reported to Projects Special Committee on 7 December 2005 in a report entitled "Waitakere Central Civic Centre Construction Status October / November 2005."

DESIGN

The following design issues are currently being dealt with by the design team:

- Artwork design is ongoing with site meetings for artists planning artworks.
- Art design of the chamber carpet is complete and ordered according to programme.
- Detailed design of the one-stop-shop area is complete and cabinetry design is underway.
- Detailed design of the civic reception areas is complete and construction commenced.
- Landscape and car park lighting design is complete and pricing under review.
- Limitations for re-use of existing mobile partitioning have been identified and assessed against new partitioning. A decision to use new mobile partitioning has been made.
- Extension of Council's fibre optic cable link between the Aquatic Centre, Waitakere Central Library and Civic Centre is in progress.
- Design co-ordination of the interface with adjacent developments is ongoing:
 - Japanese Garden;
 - Civic Square;
 - Waitakere Properties Limited development;
 - Waitakere Central Transport Interchange.

PROGRESS

Construction Status

During the report period, the following activities have taken place:

- Site Office has been relocated to within the new building in preparation for demolition of the existing site office building by Waitakere Properties Limited.
- The structure of both wings and the link is complete and finishing is underway.
- Structural steel fabrication is complete on both wings and nearing completion on the link.
- Carpentry framing is well under way to all levels. However, delayed by window delivery issue.
- Production of aluminium windows off site by Thermosash continues to be slow due to Thermosash's heavy commitment on building projects in the region. Thermosash have taken measures at several stages to ensure joinery delivery to site will meet the revised schedule. However, this remains a risk issue and is being monitored.
- First-fix services installations are underway in all levels of both wings and the link.
- Second-fix services have commenced in weather tight areas.

- Plant room services installations are under way and ongoing.
- On-site drainage works are complete.
- Underground fuel tank has been installed.
- Forming of the car park area has commenced. Issues identified with remnant railway ballast and rail subgrade materials are being worked through by the engineers.
- The stormwater outfall pipeline across Henderson Valley Road is complete.
- The green roof trial planting is underway with two trial planting boxes being monitored for several months prior to a decision on the planting soil and drainage medium.

A1-A4 Status of construction is further reported in the following reports attached at pages A1 to A4:

- Architect's Report No. 12.
- Canam Construction's report for the period to 19 January 2006.

TIMELINE STATUS

No claims for extensions of time have been noted during the report period and there is no change in data reported in Table 1 since the previous report.

Progress over the report period has been generally in line with the construction programme except for some inclement weather conditions during the period. However, the contract provides for average weather for the region and no impact is expected on the completion date resulting from this adverse weather.

Current timeline status including agreed extensions of time to date is provided in Table 1 below:

TIMELINE STATUS			
Key contract dates / times	As at contract award October 2004	Change	As at January 2006
Acceptance of Tender	7 October 2004	-	7 October 2004
Contract Commencement	3 November 2004	-	3 November 2004
Contract Period	350 working days	-	350 working days
Extension of Time (at tendered daily rate cost)	-	20 w.d.	20 working days
Extension of Time (at no cost)	-	10 w.d.	10 Working days
Due Date for Completion (Practical Completion)	12 April 2006	(30 w.d.)	29 May 2006
Due Date for Liquidated Damages Application	12 April 2006	PC + 2 wks	9 June 2006
Fit Out and Commissioning (10 working days)	1 May 2006	-	13 June 2006
Contingency Time	33 working days		28 working days
"The Move" (Provisional date for relocation of the One-Stop-Shop public interface)	17/18 June 2006	Provisional target date	22/23 July 2006

Table 1. Timeline Status

FINANCIAL STATUS

Contingency expenditure during the report period amounted to \$129,434 which is considered to be reasonable for a project of this scale and is less than forecast monthly contingency expenditure. Aside from numerous items typical of a construction project of this magnitude, the following more significant items were reported: It is noted that while the provisional cost of these items are reported below in a worst case scenario, the costs are subject to interrogation by the quantity surveyor, which may result in reduced cost at time of agreement.

- Car park and road lighting \$ 55,522
- Lifts sub-mains supply \$ 10,000
- Framing to Alcopla cladding \$ 26,992
- Energy check meters (under review by QS) \$ 14,120
- Brick ties \$ 19,297

In addition to the above, it is noted that the actual costs of the secondary vibration isolation measures that were deemed necessary following additional testing by the structural engineer after piling was completed, have amounted to \$398,182, which exceeds the estimated provisional allowance for this item of \$200,000 by \$198,182. This additional cost has been absorbed within the contingency sum in Table 2 below.

The combined outcome of ongoing value engineering and contingent expense on the contract to date, result in the cost of these variations being accommodated within the contract contingency sum, yielding net contingency expenditure to date inclusive of these variation costs, of 58% of the contingency sum. The current level of contingency expenditure amounts to 3.2% of the contract sum, which is within forecast limits for contingency expenditure at this stage of the project. The current financial status of the project is deemed to be in a healthy state.

Summarised financial status for the construction project is provided in Table 2 below.

FINANCIAL STATUS			
Project Costs	As at contract award 10/04	Change	As at January 2006
Net Tender Sum	\$36,042,399	-	\$36,042,399
Primary Vibration Isolation Measures	\$243,800	-	\$243,800
Tender Award Value (excl. contingency)	\$36,286,199		\$36,286,199
Secondary Vibration Isolation Measures	\$200,000	\$198,182	\$398,182
Contract Variations	-	\$1,960,769	\$1,960,769
Value Engineered Savings	-	(\$997,524)	(\$997,524)
Contingency Sum	\$2,000,000	(\$1,161,426)	\$838,574
Total Construction Cost (incl. contingency)	\$38,486,199		\$38,486,199

Table 2. Financial Status

PROJECT RISKS

The following risks are currently being managed in order to mitigate unfavourable impacts on the project outcomes:

- Interface with the Waitakere Central Transport Interchange project:
 - Significant issues which may affect contemporaneous completion of the link bridge project with the Civic Centre have been identified and are currently being managed to ensure that no delay is caused to the Civic Centre opening date.

- Details of the windows are currently under revision on the link bridge and this has a spill-over impact on the Civic Centre link area because of a hold on the steel fabrication while the window details are finalised.
- Interface with Waitakere Properties Limited's development of the adjacent property:
 - Regular co-ordination meetings are held between the professional teams to ensure seamless integration between the projects.
 - A public square and the Japanese Garden separate the two projects and design co-ordination is being jointly developed between the respective professional teams to ensure integrated and aesthetic designs.
- Negotiations underway with Ontrack have achieved approval by Ontrack to install Council's fibre optic cable link across the rail corridor. Ongoing discussions with key Ontrack and Council staff are continuing to ensure timely implementation of this cable.
- At time of tender, a provisional sum allowance was provided in the schedule for possible price fluctuations of certain key trade base materials for steelwork, metalwork, aluminium louvers, reinforcement and hotmix. While best efforts are being made to manage and mitigate this risk, the price fluctuations are outside the influence of Council. At time of reporting, no adverse impact on the provisional sum has been identified. However, the recent spike in fuel prices may have an effect on fuel-related construction costs dependant upon the period at which fuel prices are sustained at this high level.
- Graffiti Attacks: Measures that have been introduced to discourage graffiti have proven effective and no further graffiti attacks have taken place in the last five months.
- Pou Whenua carvings: Issues between the carvers and arts design team over design principles have delayed commencement of the carving of the two pou whenuas. While this is not yet a critical path item, it is being monitored while the design differences are resolved.

QUALITY

Ongoing quality audits are being conducted by the architect, consulting engineers, the Council's independent quality assurance consultant and the Council's project manager. Quality of construction audited to date has been of a high standard and no significant quality issues have been reported.

Quality audits undertaken to date confirm that the Contractor's general attitude to maintenance of quality construction practice on site is good.

HEALTH AND SAFETY

During the report period no significant health and safety incidents were reported. Quality audits to date confirm that the Contractor's general attitude to maintenance of health and safety on site is good.

CONCLUSION

Further cost savings have been achieved through the ongoing value engineering programme, diligence, rigour and project management of this project. The value of contingent expenditure for the month was \$129,434. This makes the total amount of contingency expended to date \$1,161,426 which amounts to 3.2% of the contract sum and is within forecast limits.

The current status of the project as the structural works are completed and fit out commences is that approximately 58% of the contingency sum has been expended to date. Estimated contingency expenditure costs have been reported on a worst case scenario and it is expected that actual costs when confirmed, will be less. It is noted that all costs reported to date have been accommodated within the contingency sum, including additional costs for secondary vibration isolation measures and a number of client initiated changes, which are not considered to be true contingent events.

The combined results of the value engineering programme together with the positive and co-operative relations between the contractor, architect, quantity surveyor and the Council's officers means that the project budget remains in a relatively strong position for the current stage of the project. This diligence and rigour will be ongoing throughout the project.

RECOMMENDATION

That the Waitakere Central Civic Centre - Construction Status November 2005 / January 2006 report be received.

Report prepared by: John Schermbrucker, Special Projects Manager.



PUBLIC EXCLUDED MATTERS

- 6 **WAITAKERE CENTRAL HENDERSON TRANSPORT INTERCHANGE – CONSTRUCTION STATUS DECEMBER 2005 / JANUARY 2006**
- 7 **WAITAKERE CENTRAL LIBRARY / UNITEC – CONSTRUCTION STATUS NOVEMBER 2005 / JANUARY 2006**

These items will be considered in the Confidential Supplement of the agenda, and have been circulated to members separately with this agenda.

PROCEDURAL MOTION TO EXCLUDE THE PUBLIC

That the public be excluded from the following part of the proceedings of this meeting, Waitakere Central Henderson Transport Interchange – Construction Status December 2005 / January 2006 and Waitakere Central Library / Unitec – Construction Status November 2005 / January 2006.

The general subject of the matters to be considered while the public is excluded, the reason for passing this resolution in relation of the matters, and the specific grounds under Section 48(1) of the Local Government Official Information and Meetings Act 1987 for the passing of this resolution are as follows:

General subject of the matters to be considered.	Reason for passing this resolution in relation to the matters.	Ground(s) under Section 48(1)(a) for the passing of this resolution.
Waitakere Central: Henderson Transport Interchange – Construction Status Report- December 2005/January 2006	The withholding of information is necessary in order to: <ul style="list-style-type: none"> • enable any local authority holding the information to carry on, without prejudice or disadvantage, negotiations (including commercial and industrial negotiations). 	That the public conduct of the relevant part of the proceedings of the meeting would be likely to result in the disclosure of information for which good reason for withholding would exist.
Waitakere Central Library / Unitec - Construction Status Report November 2005/January 2006	<ul style="list-style-type: none"> • protect information where the making available of the information would be likely unreasonably to prejudice the commercial position of the person who supplied or who is the subject of the information. • enable any local authority holding the information to carry on, without prejudice or disadvantage, negotiations (including commercial and industrial negotiations). 	That the public conduct of the relevant part of the proceedings of the meeting would be likely to result in the disclosure of information for which good reason for withholding would exist.

This resolution is made in reliance on Section 48(1)(a) of the Local Government Official Information and Meetings Act 1987 and the particular interest or interests protected by Sections 7(2)(i) and 7(2)(b)(ii) of that Act which would be prejudiced by the holding of the relevant part of the proceedings of the meeting in public as follows:

- *The reports contain information which if released could affect the Council's ability to conduct negotiations and Council's future access of commercial information from parties concerned.*

