



SHIRE OF COOLGARDIE

A G E N D A

**OF THE
SPECIAL MEETING OF COUNCIL**

09 July 2019

5.30pm

KAMBALDA

SHIRE OF COOLGARDIE

NOTICE OF SPECIAL MEETING OF COUNCIL

Dear Elected Member

A Special Meeting of the Shire of Coolgardie will be held on Tuesday 09 July 2019 in the Kambalda Recreation Centre, Kambalda, commencing at 5.30pm

A handwritten signature in blue ink, appearing to read 'J. Trail', is displayed within a white rectangular box.

JAMES TRAIL
CHIEF EXECUTIVE OFFICER

DISCLAIMER

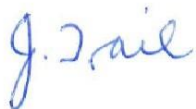
INFORMATION FOR PUBLIC ATTENDING COUNCIL MEETINGS

PLEASE NOTE:

THE RECOMMENDATIONS CONTAINED IN THIS AGENDA ARE OFFICERS RECOMMENDATIONS ONLY AND SHOULD NOT BE ACTED UPON UNTIL COUNCIL HAS RESOLVED TO ADOPT THOSE RECOMMENDATIONS.

THE RESOLUTIONS OF COUNCIL SHOULD BE CONFIRMED BY PERUSING THE MINUTES OF THE COUNCIL MEETING AT WHICH THESE RECOMMENDATIONS WERE CONSIDERED.

MEMBERS OF THE PUBLIC SHOULD ALSO NOTE THAT THEY ACT AT THEIR OWN RISK IF THEY ENACT ANY RESOLUTION PRIOR TO RECEIVING OFFICIAL WRITTEN NOTIFICATION OF COUNCILS DECISION.



**James Trail
CHIEF EXECUTIVE OFFICER**

COUNCIL MEETING INFORMATION NOTES

1. Your Council generally handles all business at Ordinary or Special Council Meetings.
2. From time to time Council may form a Committee to examine subjects and then report to Council.
3. Generally, all meetings are open to the public; however, from time to time Council will be required to deal with personal, legal and other sensitive matters. On those occasions Council will generally close that part of the meeting to the public. Every endeavour will be made to do this as the last item of business of the meeting.
4. Public Question Time. It is a requirement of the Local Government Act 1995 to allow at least fifteen (15) minutes for public question time following the opening and announcements at the beginning of the meeting. Should there be a series of questions the period can be extended at the discretion of the Chairman.

Written notice of each question should be given to the Chief Executive Officer fifteen (15) minutes prior to the commencement of the meeting. A summary of each question and response is included in the Minutes.

When a question is not able to be answered at the Council Meeting a written answer will be provided after the necessary research has been carried out. Council staff will endeavour to provide the answers prior to the next meeting of Council.

5. **Councillors** may from time to time have a financial interest in a matter before Council. Councillors must declare an interest and the extent of the interest in the matter on the Agenda. However, the Councillor can request the meeting to declare the matter **trivial, insignificant or in common with a significant number of electors or ratepayers**. The Councillor must leave the meeting whilst the matter is discussed and cannot vote unless those present agree as above.

Members of staff, who have delegated authority from Council to act on certain matters, may from time to time have a financial interest in a matter on the Agenda. The member of staff must declare that interest and generally the Chairman of the meeting will advise the Officer if he/she is to leave the meeting.

6. Agendas including an Information Bulletin are delivered to Councillors within the requirements of the Local Government Act 1995, i.e. seventy-two (72) hours prior to the advertised commencement of the meeting. Whilst late items are generally not considered there is provision on the Agenda for items of an urgent nature to be considered.

Should an elector wish to have a matter placed on the Agenda the relevant information should be forwarded to the Chief Executive Officer in time to allow the matter to be fully researched by staff. An Agenda item including a recommendation will then be submitted to Council for consideration.

The Agenda closes the Monday week prior to the Council Meeting (i.e. ten (10) days prior to the meeting).

The Information Bulletin produced as part of the Agenda includes items of interest and information, which does not require a decision of Council.

7. Agendas for Ordinary Meetings are available in the Coolgardie and Kambalda Offices/Libraries seventytwo (72) hours prior to the meeting and the public are invited to secure a copy.
8. Agenda items submitted to Council will include a recommendation for Council consideration. Electors should not interpret and/or act on the recommendations until after they have been considered by Council. Please note the Disclaimer in the Agenda (page 3).
9. Public Question Time – Statutory Provisions – Local Government Act 1995

Time is to be allocated for questions to be raised by members of the public and responded to at:

- (a) Every ordinary meeting of a council; and

- (b) Such other meetings of councils or committees as may be prescribed

Procedures and the minimum time to be allocated for the asking of and responding to questions raised by members of the public at council or committee meetings are to be in accordance with regulations.

9A. Question Time for the Public at Certain Meetings – s5.24 (1) (b)

Local Government (Administration) Regulations 1996

Reg 5 For the purpose of section 5.24(1) (b), the meetings at which time is to be allocated for questions to be raised by members of the public and responded to are:

- (a) Every special meeting of a council; and
- (b) Every meeting of a committee to which the local government has delegated a power or duty.

Minimum Question Time for the Public – s5.24 (2)

Reg 6 (1) the minimum time to be allocated for the asking of and responding to questions raised by members of the public at ordinary meetings of councils and meetings referred to in regulation 5 is fifteen (15) minutes.

(2) Once all the questions raised by members of the public have been asked and responded to at a meeting referred to in sub regulation (1), nothing in these regulations prevents the unused part of the minimum question time period from being used for other matters.

Procedures for Question Time for the Public – s5.24 (2)

Local Government (Administration) Regulations 1996

Reg 7 (1) Procedures for the asking of and responding to questions raised by members of the public at a meeting referred to in regulation 6 (1) are to be determined:

- (a) by the person presiding at the meeting; or
- (b) in the case where the majority of members of the council or committee present at the meeting disagree with the person presiding, by the majority of members,

Having regard to the requirements of sub regulations (2) and (3).

(2) The time allocated to the asking and responding to questions raised by members of the public at a meeting referred to in regulation 6(1) is to precede the discussion of any matter that requires a decision to be made by the council or the committee, as the case may be.

(3) Each member of the public who wishes to ask a question at a meeting referred to in regulation 6(1) is to be given an equal and fair opportunity to ask the question and receive a response.

(4) Nothing in sub regulation (3) requires:

- (a) A council to answer a question that does not relate to a matter affecting the local government;
- (b) A council at a special meeting to answer a question that does not relate to the purpose of the meeting; or
- (c) A committee to answer a question that does not relate to a function of the committee.

10. Public Inspection of Unconfirmed Minutes (Reg 13)

A copy of the unconfirmed Minutes of Ordinary and Special Meetings will be available for public inspection in the Coolgardie and Kambalda Offices/Libraries within ten (10) working days after the Meeting.

NOTE:

10.3 Unopposed Business

- (1) Upon a motion being moved and seconded, the person presiding may ask the meeting if any member opposes it.
- (2) If no member signifies opposition to the motion the person presiding may declare the motion in sub clause
(1) carried without debate and without taking a vote on it,
- (3) A motion carried under sub clause (2) is to be recorded in the minutes as a unanimous decision of the Council or committee.
- (4) If a member signifies opposition to a motion the motion is to be dealt with according to this Part.
- (5) This clause does not apply to any motion or decision to revoke or change a decision which has been made at a Council or committee meeting.

QUESTION TIME FOR THE PUBLIC

(Please Write Clearly)

DATE: _____

NAME: _____

TELEPHONE: _____

ADDRESS: _____

QUESTIONS TO THE PRESIDENT: -

- **GENERAL QUESTION / QUESTION RELATED TO THE AGENDA) *(Strike out unnecessary words)***

ITEM NO: _____ **PAGE NO:**

PLEASE PASS TO THE CHIEF EXECUTIVE OFFICER FOR REFERRAL TO THE PRESIDENT BY 5.45PM AT THE MEETING, OR BY 12.30PM ON THE DAY OF THE MEETING AT THE KAMBALDA OFFICE, IRISH MULGA DRIVE, KAMBALDA.

SHIRE OF COOLGARDIE

DISCLOSURE OF INTERESTS

TO THE CHIEF EXECUTIVE OFFICER:

Under the Provisions of Division 6 of Part 5 of the Local Government Act 1995, I hereby disclose a Financial Interest/s in the matter/s listed on this form, which is/are scheduled for consideration at the meeting of Council to be held on:

TUESDAY

2017

Where indicated by the word 'YES' in column 6, I will be seeking a determination (under Section 5.68) by the meeting, for reasons I will expand on.

_____ (Print Name) (Signature)
_____ (Date)

NOTE: Members of Council are asked to deliver this completed form to the Chief Executive Officer on the day of the Council Meeting as required by the Act. Where this is not practicable the Disclosure/s may be telephoned to the Council Office on 9080 2111 and/or the form subsequently passed to the Chief Executive Officer prior to the meeting.

ITEM	PAGE No.	TYPE	REASON

For inclusion for interest declaration

Interests Affecting Impartiality: Disclosing Statement

"With regard to.... (the matter in item) ... I disclose that I have an association with the applicant. As a consequence, there may be a perception that my impartiality on the matter may be affected. I declare that I will consider this matter on its merits and vote accordingly."

APPLICATION FOR LEAVE OF ABSENCE



I Cr, _____ hereby request leave of absence for the following

Dates, _____ from _____
to _____

Signed Cr: _____

Date _____



Shire of Coolgardie

Our Community, Our People, Our Future

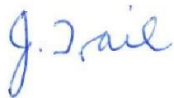
Notice of Special Meeting

In accordance with Regulation 12 of the Local Government (Administration) Regulations, notice is hereby given that a Special Meeting of Council will be held on Tuesday 09 July 2019, commencing at 5.30pm at the Kambalda Recreation Centre.

For the purpose of:

- Variation of Kambalda Aquatic Facility

Further information may be obtained from Mr James Trail, Chief Executive Officer on 90802111



James Trail

Chief Executive Officer

TABLE OF CONTENTS / INDEX

ITEM No.	ITEM HEADING	PAGE No.
1.0	DECLARATION OF OPENING / ANNOUNCEMENT OF VISITORS	12
2.0	RECORD OF ATTENDANCE / APOLOGIES / APPROVED LEAVE OF ABSENCE	12
2.1	<i>Present</i>	
2.2	<i>Apologies</i>	
2.3	<i>Approved Leave of Absence</i>	
3.0	DECLARATIONS OF INTEREST	12
3.1	<i>Declarations of Financial Interests - Local Government Act Section 5.60A</i>	
3.2	<i>Declarations of Proximity Interests - Local Government Act Section 5.60B</i>	
3.3	<i>Declarations of Impartiality Interests - Admin Regulation 34C</i>	
4.0	PUBLIC QUESTION TIME	12
5.0	APPLICATIONS FOR LEAVE OF ABSENCE	12
6.0	CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS	13
	<i>Nil</i>	
7.0	REPORTS	13
7.1	<i>Kambalda Pool Variations and Upgrade</i>	13
8.0	CONFIDENTIAL ITEMS	15
	<i>Nil</i>	
9.0	CLOSURE OF MEETING	15

1.0 DECLARATION OF OPENING / ANNOUNCEMENT OF VISITORS

2.0 RECORD OF ATTENDANCE / APOLOGIES / APPROVED LEAVE OF ABSENCE

2.1 PRESENT:

MEMBERS OF STAFF:

MEMBERS OF THE PUBLIC:

2.2 APOLOGIES:

2.3 APPROVED LEAVE OF ABSENCE:

3.0 DECLARATIONS OF INTEREST

3.1 DECLARATIONS OF FINANCIAL INTERESTS – LOCAL GOVERNMENT ACT SECTION 5.60A

3.2 DECLARATIONS OF PROXIMITY INTERESTS – LOCAL GOVERNMENT ACT SECTION 5.60B

3.3 DECLARATIONS OF IMPARTIALITY INTERESTS – ADMINISTRATION REGULATION 34C

4.0 PUBLIC QUESTION TIME

5.0 APPLICATIONS FOR LEAVE OF ABSENCE

6.0 CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS

7.0 REPORTS

7.1 Kambalda Pool – Variations and Upgrade

Location:	Kambalda Memorial Pool – Barnes Drive Kambalda West
Applicant:	Shire of Coolgardie
File Reference:	NAM6928
Disclosure of Interest:	None required
Date:	5 th July 2019
Author:	James Trail, Chief Executive Officer

Summary:

For council to consider analysis presented and make determination in relation to proposed variations and a potential upgrade to the finish of pool surfaces to increase expected longevity.

Background:

At the March Council meeting Council resolved to award Tender 01/19 to ACorp Construction Pty Ltd subject to approval of a loan of \$1,905,000 from Western Australian Treasury Corporation (WATC).

The loan was subsequently approved, contracts signed, building permit submitted and construction commenced on the 10th May.

Work has progressed steadily however several issues have been identified. These predominately relate to conditions unknown at the time of tender.

The builder and sub-contractors; Core Business Australia (engaged for independent oversight); structural and electrical engineers; and Shire officers have worked to identify the best solutions. Due to the technical nature of some issues and the need for specialist expertise to assess quotations to ensure Council is receiving value for money, Architects Donovan Payne were also engaged. The scope of this engagement was to assess and make recommendations and assess cost proposals relating to options for rectification of 'drummy floor' (failure of the old pool render).

Solutions for some issues have been approved CEO under delegated authority, utilising project contingency, particularly to minimise delays. Determination on other issues will need to be made by Council.

This report contains a summary of the cost and recommendation relating to each issue resulting in a potential variation.

As some of the information required to assess variations is 'Commercial in confidence' (e.g. detailed pricing breakdowns etc), a confidential report is appended to this agenda item.

Comment:

The following table lists issues currently subject to variation requests, the proposed cost and recommendation.

<i>Doc Ref</i>	<i>Subject</i>	<i>Quoted value (excluding GST)</i>	<i>Summary Reason</i>	<i>Recommendation</i>
VR.01 (A)	Asbestos removal (old pipes) - rates based	\$ 55,775.00	Latent conditions- Only pipes impacting works/ safety to be removed	Note (already approved)
VR.01 (B)	Asbestos removal (old pipes) - rates based	\$ 30,225.00	Latent conditions - Additional pipes found impeding works	Approve removal of additional asbestos
VR.02	Certificate of Design Compliance Costs (Building permit)	\$ 2,035.50	Contractor offered to assist Shire with obtaining building permit and obtain Certificate of Design Compliance (already approved)	Note (already approved)
VR.03	Remove spoiled topsoil	\$ 1,529.50	Latent conditions (already approved)	Note (already approved)
VR.04	Electrical services locating study	\$ 2,415.00	Required to determine best solution relating to change of scope- demolition of old filtration yard (already approved)	Note (already approved)
VR.05	Filtration yard scope change	\$ 9,656.09	Original plans included filtration yard/ building retained for storage. This was not viable due to the location of the old balance tank lid subject to concrete cancer. Change of scope to demolish and reinstate as ambulance bay (already approved)	Note (already approved)
VR.06 (Opt 1)	Patch pool surface	\$ 145,738.13	Latent conditions (drummy floor)	Not approve
VR.06 (Opt 2)	Replace all render with rainbow quartz product/finish	\$ 260,954.10	Latent conditions (drummy floor)	2nd choice if Option 3 not approved
VR.06 (Opt 3)	Replace all render and tile all pool surfaces	\$ 418,256.27	Latent conditions (drummy floor). Upgraded scope for longevity and superior finish	Approve subject to council confirmation of funding
VR.07	Credit for removal of hobs (CAA works)	-\$ 1,358.00	Credit - Once excavated and reviewed on-site - determined hob walls not required	Approve
VR.08	Ramp wall revision - poor existing face of wall	\$ 14,633.00	Existing pool wall was intended to be used as the internal face of the new access ramp. Once excavated it was shown to be not suitable to deliver a health department approved/ safe finish	Approve
VR.09	Additional sumps to balance / backwash tanks	\$ 8,559.47	Larger sumps than specified required once shop drawings prepared. Negotiated solution achieved.	Approve (conditional)
VR.10	Credit for deletion of air scourer	-\$ 696.81	Credit - Operator and engineer confirmed scrubber not required for efficient operation	Approve
VR.11	Engineering revision of pipework under pool slabs	\$ 10,406.22	Contractor states the final required solution was not specified in the tender plans. Negotiated solution achieved.	Approve (conditional)
VR.12	Credit for re-use of existing eye-wash	-\$ 1,150.00	Credit - existing eye wash in good condition	Approve
VR.13	Credit for Hot Water System alternative	-\$ 10,534.00	Credit - instant hot water units rather than storage determined better and cheaper	Approve
VR.14	Electrical costs to re-connect swim club	\$ 4,250.40	Solution to reconnect swim club power once current distribution board in old filtration yard is decommissioned	Approve
VR.15	Demolition contractor stand-down costs	\$ 7,946.40	The demolition contract has 6 personnel and work finished last week. The contractor has offered a significantly reduced rate for stand-down costs to retain personal to recommence Wednesday 10/07. The delay costs would likely far exceed this sum.	Note (already approved)
VR.16	Shade sail costs - to Shire of Coolgardie requirements	Unknown	Shade in the toddlers area is an operational requirement. A solution is currently being costed.	Note - solution will be identified in future
VR.17	Additional electrical costs - upgrade of current lights to standard to enable pool to be used at night.	Unknown	Lighting will be required to meet current standards, including over the toddlers pool, to retain night swim club training. Lighting upgrade was not included in the original scope. Cost effective solutions are being investigated.	Note - solution will be identified in future
VR.18	Construct permanent hoarding between new and old roofs of change rooms to prevent access	Unknown	This will likely be a comparatively minor variation. It is required to limit access / vandalism to out of bounds areas.	Note - solution will be identified in future

As detailed in the table above, variations VR.01(A), VR.02, VR.03, VR.04, VR.05 and VR.15 have approved to date by the CEO. The CEO was provided independent advice on all variations as part of assessing the need, benefit to the project and reasonableness of cost.

Variations VR.01(B), VR.07, VR.08, VR.09, VR.10, VR.11, VR.12, VR.13 and VR.14 generally relate to resolving latent conditions as well as credits and debits for resolving minor issues in the shop drawing phase of final design.

Variation 6 has resulted from identification that significant sections of the pool render have delaminated from the concrete base. This is referred to as 'drummy' render as a hollow sound can be heard when tapping the surface. Assessment by the builder and independent checking by the Shires works team indicates a minimum of 40% of the surface is affected, with potentially over 50% being affected. The issue must be rectified as part of works.

Three options have been considered and proposals received from the builder. Each option has been independent assessed by Architects Donovan Payne, a firm with significant expertise and experience in pool construction including resolution of issues such as 'drummy' render. Donovan Payne also assessed the costings provided by the builder (ACorp and Commercial Aquatics Australia) to determine reasonableness and value for money.

The first option VR.06(Opt 1) includes making concrete saw cuts at the boundaries of suspected drummy render, removing those sections and replacing with new render then coating the repaired surface with a proprietary paint system.

The second option, VR.06(Opt 2) includes the entire removal of all pool plaster; and a new replastering of the pool interior with a coloured proprietary pool-plaster system. The system also involves a row of water-line tiles, positioned below the new finger-grip tile that defines the pool-side edge of the new deck-level gutter.

The third option, VR.06(Opt 3) involves the entire removal of all pool plaster, installing a new render coat and tiles to all pool surfaces.

Donovan Payne identify that:

- Option 1 is not recommended with reasons including that the risk of future failure is high, the final finish will show a visible patchwork of new and old pool render and that budgeting just for the partial removal of drummy plaster can also be misleading, as areas not included in the project rectification budget often need to be added to the work required. The outcome of this is cost variations, which can be significant;
- Option 2 addresses and solves the major disadvantages of Option 1. It creates a new homogeneous plaster system, which removes the risk associated with the cut and patch approach of Option 1. Coloured render systems are not easily repaired if this is required in future, as it can be difficult to exactly match the original colour. This is reflected in the warranties that apply. The Capri Blue pool render would have a 1-year warranty, based on it being a remediation system on an existing concrete shell;
- In relation to Option 3, a full pool-tiles system provides the most durable and stable system for an external pool. • The renovated/upgraded pool becomes a multi-layered water-retaining tank, with concrete/render/tiles providing a "belt and braces" approach. In addition, the glazed tiles are inert to pool chemicals and very UV stable, unlike many render/plaster/paint systems.
- A ten-year warranty would be applicable to Option 3.

The above points represent a summary, Council are provided a further detail including assessment of cost items provided in the accompanying report.

Attachments:

Confidential accompanying reports

Consultation:

Council
Shire Staff
Shire project management contractor

Statutory Environment:

21A. Varying a contract for the supply of goods or services

If a local government has entered into a contract for the supply of goods or services with a successful tenderer, the contract must not be varied unless —

- a) the variation is necessary in order for the goods or services to be supplied and does not change the scope of the contract; or
- b) the variation is a renewal or extension of the term of the contract as described in regulation 11(2)(j).

Delegation 1.11**Tenders for Goods and Services**

DATE ADOPTED:		DELEGATE:	CEO
DATE LAST REVIEWED:		SUB-DELEGATED:	YES
POLICY REFERENCE:	Council Policy 03 Procurement	SUB-DELEGATED TO:	Executive Manager Administration Services Executive Manager Economic Development and Projects Manager Waste and Emergency Services Works and Services Supervisor

LEGAL (PARENT): <i>Local Government Act 1995:</i> s.3.57 Tenders for providing goods or services <i>Local Government (Functions and General)</i> <i>Regulations 1996:</i> r.11 When tenders have to be publicly invited r.13 Requirements when local government invites tenders though not required to do so r.14 Publicly inviting tenders, requirements for r.18 Rejecting and accepting tenders r.20 Variation of requirements before entry into contract r.21A Varying a contract for the supply of goods or services		LEGAL (SUBSIDIARY): <i>Local Government Act 1995 s5.42</i>	
Conditions	Sole supplier arrangements may only be approved where a record is retained that evidences: i. A detailed specification; ii. The outcomes of market testing of the specification; iii. The reasons why market testing has not met the requirements of the specification; and		

	<p>iv. Rationale for why the supply is unique and cannot be sources through other suppliers;</p> <p>Tenders may only be called where there is an adopted budget for the proposed goods or services, with the exception being in the period immediately prior to the adoption of a new Annual Budget and where the:</p> <ul style="list-style-type: none"> i. proposed goods or services are required to fulfil a routine contract related to the day to day operations of the Local Government, ii. current supply contract expiry is imminent, iii. value of the proposed new contract has been included in the draft Annual Budget proposed for adoption, and iv. The tender specification includes a provision that the tender will only be awarded subject to the budget adoption by the Council. <p>In accordance with s.5.43, tenders may only be accepted, and panels of pre-qualified suppliers established, where the total consideration under the resulting contract is \$149,000 or less and the expense is included in the adopted Annual Budget.</p> <p>Must comply with all relevant Policies.</p>
--	---

POWER OR DUTY DELEGATED

The Chief Executive Officer is delegated authority to:

- call tenders [F&G r.11(1)].
- because of the unique nature of the goods or services or for any other reason it is unlikely that there is more than one supplier, determine a sole supplier arrangement [F&G r.11(f)].
- undertake tender exempt procurement, in accordance with the Purchasing Policy requirements, where the total consideration under the resulting contract is \$149,000 or less and the expense is included in the adopted Annual Budget [F&G.r.11(2)].
- invite tenders although not required to do so [F&G r.13].
- determine in writing, before tenders are called, the criteria for acceptance of tenders [F&G r.14(2a)].
- determine the information that is to be disclosed to those interested in submitting a tender [F&G r.14(4)(a)].
- vary tender information after public notice of invitation to tender and before the close of tenders, taking reasonable steps to ensure each person who has sought copies of the tender information is provided notice of the variation [F&G r.14(5)].
- evaluate tenders, by written evaluation, and decide which is the most advantageous [F&G r.18(4)].
- accept, or reject tenders, only within the \$value detailed as a condition on this Delegation and in accordance with the requirements of the Functions and General Regulations [F&G r.18(2) and (4)].
- determine that a variation proposed is minor in context of the total goods or services sought through the invitation to tender, subject to a maximum 10% variation and within the \$value detailed as a condition on this Delegation, and to then enter into minor variations with the successful tenderer before entering into a contract [F&G r.20(1) and (3)].
- seek clarification from tenderers in relation to information contained in their tender submission [F&G r.18(4a)].
- decline any tender [F&G r.18(5)].
- if the chosen tenderer is unable or unwilling to form a contract OR the minor variation cannot be agreed with the successful tenderer, so that the tenderer ceases to be the chosen tenderer, to choose the next most advantageous tender to accept [F&G r.20(2)]
- vary a contract that has been entered into with a successful tenderer, provided the variation/s do not change the scope of the original contract or increase the contract value beyond 10%

- exercise an extension option that was included in the original tender specification and contract in accordance with r.11(2)(j). [F&G r.21A].
- accept another tender where within 6-months of either accepting a tender, a contract has not been entered into OR the successful tenderer agrees to terminate the contract [F&G r.18(6) & (7)].

REVIEW REQUIREMENTS

At least once every financial year.

Policy Implications:

There is no specific council policy relating to this item. However, the approach has been to identify quality solutions which provide the best value for money for the longest-term benefit of the community.

Financial Implications:

The original estimated budget for the pool is \$3.3 million. \$3.5 million has been allocated in the 2019/2020 draft budget. Draft Funding is made up of:

- \$1.905 million from WATC loan
- \$700,000 State Government (CSRFF);
- \$270,000 Federal Government (Australian Sports Commission);
- Gold Fields St Ives – to be confirmed

The following table identifies the base cost, total cost of known variations applicable depending on which pool finish option is selected and the Council contribution required above current, depending on which option is selected.

	Base cost*	Known variations**	Contingency to be used on currently known variations ^	Contingency remaining for future use #	Total projected cost inc. remaining contingency	Council contribution required above current budget
Base case- tendered project scope	\$3,075,720	\$0	\$0	\$224,280	\$3,300,000	\$0
Identified variations and pool surface option 1 (patch repair)	\$3,075,720	\$279,431	-\$154,280	\$70,000	\$3,425,151	\$125,151
Identified variations and pool surface option 2 (Full replacement of render with integrated rainbow quartz product/finish)	\$3,075,720	\$394,647	-\$154,280	\$70,000	\$3,540,367	\$240,367
Identified variations and pool surface option 3 (tiling)	\$3,075,720	\$551,949	-\$154,280	\$70,000	\$3,697,669	\$397,669

* Calculated as \$2,955,720 plus \$120,000 project management, electrical engineer, civil/mechanical engineer, architect/ pool expert and misc;

** At 5/07/2019 known variations not costed include: VR.16, VR.17, VR.18;

^ Some of the project contingency is planned to be used on current variations # partial contingency has been allowed for future variations. As the scope of variations cannot be known at this time, it is not known whether this amount is sufficient, however as the project proceeds closer to the finish, the risk of unknowns is reduced;

ACorp construction have offered the following fee reductions (acting in good faith):

- ACorp have reduced their margin from 15% to 10% if option 2 is selected (a saving of \$11,861.55);
- ACorp have reduced their margin from 15% to 10% if option 3 is selected (a saving of \$19,011.65);

- ACorp and the Shire originally agreed for the removal of asbestos piping on a schedule of rates basis (Variation 1(a)) with three rates per linear meter:
 - Remove asbestos pipe in isolated areas (length less than 20.Lm per removal) to a depth less than 1.m - \$747.50/lm
 - Remove asbestos pipe in isolated areas (length less than 20.Lm per removal) to a depth greater than 1.m (and less than 2.m) - \$862.50/lm; and
 - Remove asbestos pipe to areas as required (length greater than 20.Lm per removal) to a depth less than 1.m - \$632.50/lm

When additional asbestos was found, ACorp offered to reduce the rate for all asbestos removed (previous and newly found), to the lowest rate of \$632.50/lm.

Strategic Implications:

Cohesive and engaged community

Facilitate the development of healthy lifestyles through the provision of high-quality sport, recreation, cultural and leisure services, facilities and activities.

Voting Requirement: Absolute Majority

Officer Recommendation:

Recommendation 1: That Council note the following variations currently approved using project contingency, under delegation by the CEO in accordance with Delegation 1.11 Tenders for Goods and Services

- VR.01(A) \$55,775.00 Asbestos removal (old pipes) - rates based;
- VR.02 \$2,035.50 Certificate of Design Compliance Costs (Building permit);
- VR.03 \$1,529.50 Remove spoiled topsoil;
- VR.04 \$2,415.00 Electrical services locating study;
- VR.05 \$9,656.09 Filtration yard scope change; and
- VR.15 \$7,946.40 Demolition contractor stand-down costs.

Recommendation 2: That Council approve the following variations:

- VR.01(B) \$30,0225.00 Asbestos removal (old pipes) - rates based;
- VR.07 -\$1,358 Accept credit for removal of hobs;
- VR.08 \$14,633.00 Ramp wall revision;
- VR.09 \$8,559.47 Additional sumps to balance / backwash tanks;
- VR.10 -\$696.81 Accept credit for deletion of air scourer;
- VR.11 \$10,406.22 Engineering revision of pipework under pool slabs;
- VR.12 -\$1,150.00 Accept credit for re-use of existing eye-wash;
- VR.13 -\$10,534.00 Accept credit for hot water system alternative;
- VR.14 \$4,250.40 Electrical costs to re-connect swim club;

Recommendation 3: That Council approve the following option and variation and include in the 2019/2020 Draft Budget:

- VR.06(Opt2) \$418,256.27 Replace all render and tile all pool surfaces;

And allocate an additional \$397,669 of Shire Funding to the project from the recreation and infrastructure renewal reserves – details to be provided in 2019/2020 Draft Budget

Recommendation 4: That Council note variations 16. – 18. and any other future (currently unknown) variations will be either dealt with by the CEO under delegation as appropriate or brought to council as a future agenda item.

8.0 CONFIDENTIAL ITEMS

Nil

9.0 CLOSURE OF MEETING