



SHIRE OF COOLGARDIE

UNCONFIRMED MINUTES

OF THE

SPECIAL MEETING OF COUNCIL

30 October 2019

6.00pm

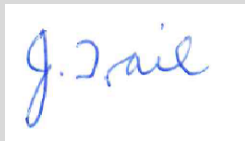
Kambalda

SHIRE OF COOLGARDIE

NOTICE OF SPECIAL MEETING OF COUNCIL

Dear Elected Member

The next Special Meeting of the Shire of Coolgardie will be held on Wednesday 30 October 2019 in the Recreation Centre, Barnes Drive, Kambalda commencing at 6:00pm.



JAMES TRAIL
CHIEF EXECUTIVE OFFICER

DISCLAIMER

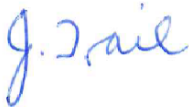
INFORMATION FOR PUBLIC ATTENDING COUNCIL MEETINGS

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 seventy-two (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.

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1 DECLARATION OF OPENING / ANNOUNCEMENT OF VISITORS

Shire President, M Cullen declared the meeting open at 06:00pm and welcome fellow Councillors, visitors and staff and thanked them for their attendance.

2 RECORD OF ATTENDANCE / APOLOGIES / APPROVED LEAVE OF ABSENCE

PRESENT:

Shire President, Malcolm Cullen
Councillor, Tracey Rathbone
Councillor, Sherryl Botting
Councillor, Norm Karafilis
Councillor, Tammee Keast

MEMBERS OF STAFF:

Chief Executive Officer, James Trail
Executive Assistant, Bree Crawley
Recreation and Community Development Team Leader, Leesa Treen
Consultant, Mark Weller

MEMBERS OF THE PUBLIC:

Jan McLeod, Cheryl Davis, Michael Matulin, Julia Roberts, Karen Vodden, Leah Boucher, Kingsley North, Sharon North

APOLOGIES:

Nil

APPROVED LEAVE OF ABSENCE:

Councillor Winter, Councillor Lindup

3 DECLARATIONS OF INTEREST

3.1 *Declarations of Financial Interests – Local Government Act Section 5.60A*

Nil

3.2 *Declarations of Proximity Interests – Local Government Act Section 5.60B*

Nil

3.3 *Declarations of Impartiality Interests – Administration Regulation 34C*

Nil

4 PUBLIC QUESTION TIME

Michael Matulin, 32 Stringybark Street, Kambalda West, WA, 6442

1. Is it true the pool wont be open until March?

The builders request for extension of time, with the new date for practical completion of 18th March 2020.

Julia Roberts, 32 Stringybark Street, Kambalda West, WA, 6442

1. What has made this blow out?

Council had the opportunity to select options relating to increasing the functionality and amenity of the Kambalda pool, and therefore likely the value of the project to the community.

Jan McLeod, 83 Kingswood Street, Widgiemooltha, WA,

1. Why wasn't VAR 16 -new sink to Plant included in the tender as it seems an OHS matter and we, the community, were told at the March 2019, community meeting that upgrades to the pool were needed to confirm to current OHS guidelines?

A sink was previously not included in the plantroom specification. Installing a sink will assist in improving safety (handwashing post glove removal after chemical handling) and assist the water quality testing process.

The CEO reviewed and approved this variation under delegation for reasons of safety and quality.

2. As the decision to tile the pools was made at the 9th July 2019, Special Meeting, why wasn't VAR 17 considered then, as people in the community who have been involved with pools have told me previously that when you tile, a flexible compound must be used as a seal where edges meet? Now the cost of tiling has increased as both should have been costed together.

Following removal of 'drummy floor' render, it was identified that "the existing floor and wall joint is degrading and silicone substance just falling out of the existing groove."

The problem was considered by the Engineer who thought the chances of leaking was not high. However the builder remained sufficiently concerned and potential leak/failure of the design, and requested a second opinion.

A second opinion from Architects confirmed that further water proofing was required to reduce the likelihood of

The architects noted that no-one could provide a 100% guarantee that a jointing solution which involves repairs to old water retaining structures, will not leak.

Various options were investigated and a report forwarded to the CEO for review. The option selected was recommended as the best fit for purpose.

3. Does this still make tiling the most desirable and cost-effective option?

Yes it does still make tiling the most desirable and cost effective option as per variations 1 -15

4. Why now is there a VAR 18 for a leisure pool lane rope divider when these pools were always going to be semi-separate as told at the community meeting?

The Shires Pool Manager identified the risk small children could inadvertently walk into deeper water from the Beach Entry.

5. Are any of the shade sails that were at the Pool able to be used and where can they be used to alleviate some of the expense of new shade sails?

The shade sails that were at the pool are no longer fit for purpose given the refurbishment of the facility

6. What are the details re the \$100,954 ex GST for the shade sails Recommendation 6, VAR 21?

Footings, poles and retractable shade sail system (shade runner) over the learn to swim pool. Shade sails provide sun protection for users of the learn to swim pool (predominately children).

7. Rec.7 landscaping - \$53,561 ex GST

Rec.17 landscaping -\$173,051 ex GST

226,612

22,661

\$249,273 with GST

Comes close to \$250,000 in full.

- What does Rec. 7, VAR 22 entail?
- What does Rec. 17 VAR 22 entail?
- Why cant our parks and gardens crew who do a wonderful job, are competent and experienced be involved so as to save some money?
- The figure seems a lot and is it all necessary?

The Shire parks and gardens crew are fully engaged in their own work and rosters. A query was raised by the builder and forwarded onto the engineers, asking what provisions for storm water were needed as these were not documented on the plans. The Engineers provided the historical drawings of the concourse and drainage and replied that:

- (these are the) "the original set up of the falls in the concourse and drainage which we are not changing" ..
- "Roof areas are documented with gutters and downpipes that discharge out onto the surrounding paving, matching what is presently the case.
- With respect to the pool concourse it is a standard practice to slope these back to the grassed areas and the original site plan shown a sub-surface drain at this location. We understand that there would have been a spoon drain at this location so not sure if that is still there. From our perspective the stormwater arrangements were not changing from the existing provisions where by the stormwater generally runs off the concourse and buildings to the grassed areas."

The Shires contract planner confirmed that downpipes discharging to paving and grass is an acceptable design for the Kambalda pool.

The builder indicated that the sub-surface drain is no-longer usable as the asbestos pipe is fully blocked with sand and cannot be cleaned out. This was confirmed by Shire personnel. who stated that it's likely to have not been working for some time. Spoon drains are no longer present after excavations for the new concourse.

8. Has a discussion been held with the Kambalda Swimming Club regarding the starting blocks and inserts?

Have other options for funding been considered?

This issue was resolved as part of the Special Meeting. The Shire has since met on site with the swimming club

9. Why does Council regard flagpoles necessary as there are flagpoles at the Shire Office which is close by?

- Can these be considered as unnecessary items and so save \$3,029 ex GST or \$3332 with GST?

The Shires Pool Manager has advised that the poles and flags are required for safety reasons.

- 2 x 38mm backstroke poles with sockets and 1 sets of flags; and
- 2 x 38mm false start poles with sockets and 1 set of flags

10. What are the options for heating the pool and can the pool please be specified?

- Is \$134,279 ex GST the final cost or will there be extra costs associated with the pool heating and blankets?
- Can details please be given as to the break-up of the costs as applied to heating and blankets?

Variation 04. Identified an electrical-services locating study. Once this work was completed the following main issue with respect to pool heating was identified:

It was identified that it may be desirable to put an option to Council to provide heating for the learn to Swim pool to increase usage and comfort for young children using the facility;

The CEO, under delegation, engaged an engineer to complete technical investigations and option analysis.

Three options were considered for heating the Learn To Swim (LTS) pool only (50m pool is excluded). These are:

- **LTS Heating Option 1:** Solar Heating to achieve 26 C to 28 C during season
- **LTS Heating Option 2:** Gas Heating to achieve 28 C during season ; and
- **LTS Heating Option 3:** Electric Heating to achieve 28 C during season (Requires power upgrade option 3 to be selected).

Solar heating for the Learn to Swim Pool (**LTS Heating Option 1**) was identified as having significant ongoing annual operational costs savings over other options. The capital costs for Soar Heating is \$10,000 more than Gas (LTS Heating Option 2), however solar heating of the LTS pool is estimated to pay itself off in the first 8-10 weeks of operations. Similarly the benefits of LTS Heating option 3 do not seem to outweigh the costs. The slightly reduced temperature in shoulder periods (26 C) is recommended as acceptable to save the ongoing costs of Gas or Electric heat pumps;

Pool blankets are also required and several options were provided.

The total range of costs for these options is: \$89,445 to \$134,279.

11. The changerooms were to be upgraded as part of the refurbishment. Why is approval now being sought for Recommendation 12, VAR 27 and Rec. 13 VAR 28 at a cost of \$55,258 ex GST?

The current changeroom seating has reached the end of its useful life. Changeroom seating was not identified in the original scope – Variation 27

The current project scope involves new doors to existing cubicles. The Shires Pool manager has reviewed the current state of cubicles in conjunction with the builder and recommends that the cubicles are fully replaced.

The cost of this variation has not been determined at the time of writing of this report. An order of magnitude estimate of \$32,000 is provided as a budget for this variation. the recommendation allows the CEO to review a future variation and approve up to the budget amount.

12. Please can Recommendation 14 be detailed? What is VAR 29 -Refurbishment of existing plant?

Service of current plant items to allow re-installation in new plant room:

- Hypochlorite Feeder - B4 Leisure; and
- Chemical Dosing Pump - B6

The current scope include re-use of existing plant items in the new plant room. Commercial Aquatics Australia assessed items and recommends that above two items are services to facilitate effective re-use.

13. Please explain what the kitchen upgrade involves and why is it necessary?
Also is the painting necessary as the full cost is \$27,500?

The following scope was provided by the Shires Pool manager due to Health reasons

- Remove old sink (infested) and food preparation benches replace with compliant stainless steel benches and 600mm sink;
- Back room Remove old cupboards – insect infested;
- Remove old shelving and replace with new;
- Repaint whole area;
- Remove old air conditioner;
- Remove old and noncompliant benches;
- Clean and Replace Fluro lights;
- Isolate electrical board securely;
- Review and replace old scratched windows
- Door needs to have a weather strip to stop – creepy crawlies, dust and outside liquids into area;
- Remove all pool lights from area and electrical PA system (its burnt out) as it will be placed in Pool Office

14. Rec.18 BBQ's, reinstatement of shade, fencing.....

\$97,264 ex GST and Rec 20, same reasons

\$50,000 ex GST

147,264

14726 ~\$162,000 in full

\$161,980

Since the pool has 2 moveable BBQs what are the details regarding this additional scope and are they and the expense all necessary?

The scope is detailed below and believed to be necessary;

- Design and install reticulation system (including all trenching) to turf and gardens to best practice standards. System to be fully inclusive, including (but not limited to):
- Controllers, solenoid valves, backflow prevention devices;
- Pit as required;

- Supply and install 75mm clean loam fill. Ensure all finished levels are below concourse as directed to facilitate drainage;
- Design, supply and install turf (approx 1950m2) and kerbing;
- Design and install garden beds featuring - waterwise native plants, screened gravel, treatment of garden areas and mulch as required around plants; and
- Commission reticulation, provide care and daily maintenance for a 1-month period following installation. This will include initial and follow-up fertiliser applications.

15. Which trees have been or will be removed and how many trees will be left as trees add to the ambience of the pool and are necessary for health and well-being?

As many trees as possible will be maintained. Trees will only be removed where deemed a significant impact on any of the construction works or causing a hazard.

16. Rec. 21 involves additional painting and fencing. Since fencing is included in Rec. 18 and 20 can you please detail the painting and fencing in this recommendation?

Paint inside change rooms;

Paint outside change rooms;

Signage;

Fencing (incl. Gates) is for the space where the old plant room has been removed

17. Does Rec. 22 include consultancy work already done?

If this is for further work and I am assuming so, can Council please specify consultants, payments and brief?

Payments to consultants required for the refurbishment programme are detailed in the monthly payments listing. These include payments for

- Mechanical and structural engineering;
- Specialist analysis of variation options;
- New design work for power, lighting and heating upgrade; and
- Project Management based on original proposal.

18. How can Council resolve to change the purpose of Loan 115 without going to local public notice first?

Council in accordance with Section 6.20 (3) can resolve to change the purpose of Loan 115 and give one month's local public notice of the proposed change of purpose.

19. That loan plus interest was going to be paid for by a mining company and not by Council. Is Treasury aware of all these details?

Yes Treasury was spoken to prior to report being prepared for Council

20. When will the Draft Financial Statements for the period ending 30th June 2019, now completed, be made available to the public?

The Draft Financial Statements will be available to the public by the 17th December in the Council Agenda

5 APPLICATIONS FOR LEAVE OF ABSENCE

Nil

6 CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS

Nil

7 REPORTS OF OFFICERS

7.1 Chief Executive Officer

7.1.1 Refurbishment Kambalda Aquatic Centre

Location: N/A

Applicant: Shire Coolgardie

File Reference:

Disclosure of Interest: None Required

Date: 29th October 2019

Author: Chief Executive Officer, James Trail

Summary:

For council to consider variations as detailed in relation to the Kambalda Swimming Pool Upgrade

Background:

Construction of the Kambalda Swimming pool upgrade project commenced on the 10th May.

At the Special Council meeting of 9th July 2019 Council adopted the following resolutions:

COUNCIL RESOLUTION: #121/19

Moved: Councillor, T Rathbone
Seconded: Councillor, S Botting

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. |

CARRIED ABSOLUTE MAJORITY 4/0

COUNCIL RESOLUTION: #122/19

Moved: Councillor, T Rathbone
Seconded: Councillor, E Winter

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;

CARRIED ABSOLUTE MAJORITY 4/0

COUNCIL RESOLUTION: #123/19

Moved: Councillor, T Rathbone
Seconded: Councillor, E Winter

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

- VR.06(Opt3) \$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

CARRIED ABSOLUTE MAJORITY 4/0

COUNCIL RESOLUTION: #124/19

Moved: Councillor, S Botting
Seconded: Councillor, T Rathbone

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.

CARRIED ABSOLUTE MAJORITY 4/0

The following revised budget was included in the 9th July Special Council meeting agenda item.

	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

Following the meeting, work on the revised scope commenced immediately.

At the 10th September Council meeting, council received a briefing paper relating to the results of independent analysis, the need for and options relating to a power and lighting upgrade and heating options for the learn to swim pool.

The recommendations contained in the briefing paper that were subsequently designed were:

- **Lighting Option 1: Retain existing lighting, construct new lighting to learn to swim and BBQs;**
- **Heating of the Learn to Swim (LTS) Pool Option 1. Solar Heating to achieve 26 C to 28 C during season;**
- **Power Upgrade Option 2: Upgrade the power supply and distribution system to 160 Amps**

Following design of lighting, power supply and heating options, costed solutions were prepared.

Comments

This agenda item provides Council the option to:

- Select options relating to increasing the functionality and amenity of the Kambalda pool, and therefore likely the value of the project to the community; and
- Consider amendments to the project budget to reflect variations associated with the additions to project scope.

25 recommendations are made. As significant detail relates to assessment of pricing provided by suppliers, full details are provided in the accompanying confidential report.

A summary of the proposed changes are as follows:

- 1) Supply and Installation of a sink in the plantroom for safety (handwashing) and water quality testing;
- 2) Supply and install new water-proofing installation (160 lineal metres of Combi-flex) for rebated construction joint between the base of the pool – the floor “slab”; and the side walls of the pool. To reduce the risk of future pool leaks;
- 3) Fixtures to place a lane rope divider across the learn to swim pool to increase safety;
- 4) New switchboards and associated works to upgrade the power supply to site;
- 5) Trenching, conduits, lighting poles and fittings to allow the pool to be lit to Australian standards for night training;
- 6) Footings, poles and retractable shade sail system (shade runner) over the learn to swim pool;
- 7) Stage 1- Civil (Landscaping) Earthworks to facilitate improved drainage;
- 8) Stage 2- Civil (Landscaping) Earthworks to facilitate improved drainage;
- 9) Starting blocks to be funded by the Kambalda Amateur Swimming Club;
- 10) Backstroke poles and false start poles and flags;
- 11) Solar Heating to the learn to swim pool;
- 12) Wall Mounted Bench Seating” to male and female changerooms;
- 13) Removal of existing system and installation of pre-fabricated toilet cubicles;
- 14) Refurbishment of current plant items to be re-used rather than unnecessary purchase of new items;
- 15) Western Power fee for power upgrade;
- 16) Kitchen upgrade and painting pool entrance;
- 17) Landscaping- Lawn, Reticulation, Kerbing & Plantings by a local supplier;
- 18) BBQs, Shade, Fencing and Amenity;
- 19) Tree removal for safety reasons;
- 20) Amendments to Professional fees budget items – particularly for design of new scope;

The current date of practical completion listed in the contract is the 2nd Feb 2020.

Given the increases in scope proposed, the builder has requested an extension of time with the new date for practical completion of 18th March 2020, with the following exclusions:

- That this date is subject to no unforeseen delays relating to third party suppliers such as:
 - Western Power Works;
 - Light fittings;
 - Light poles;
 - Light pole cage bolts;
 - Shade sails;
 - Shade sail structural steel; and
 - Landscaping.

The builder has expressed that they intend in good faith to deliver the project by the 3rd March 2020, however are unable to firmly commit to this date given current unknowns relating to lead times which will likely be resolved once Variations are approved and orders placed.

Attachments:

Confidential accompanying report

Consultation:

Council
Shire technical and community officers
Contractors

Statutory Environment:**6.20. Power to borrow**

(1) Subject to this Act, a local government may —

- (a) borrow or re-borrow money; or
- (b) obtain credit; or
- (c) arrange for financial accommodation to be extended to the local government in ways additional to or other than borrowing money or obtaining credit, to enable the local government to perform the functions and exercise the powers conferred on it under this Act or any other written law.

(2) Where, in any financial year, a local government proposes to exercise a power under subsection (1) (power to borrow) and details of that proposal have not been included in the annual budget for that financial year —

- (a) unless the proposal is of a prescribed kind, the local government must give one month's local public notice of the proposal; and
- (b) the resolution to exercise that power is to be by absolute majority.

(3) Where a local government has exercised a power to borrow and —

- (a) it does not wish to proceed with the performance of the function or the exercise of the power for which the power to borrow was exercised; or
- (b) after having completed the performance of the function or the exercise of the power for which the power to borrow was exercised, any part of the money borrowed, credit obtained or financial accommodation arranged has not been expended or utilized, the local government may resolve* to expend the money or utilize the credit or financial accommodation for another purpose if one month's local public notice is given of the proposed change of purpose.

* Absolute majority required.

11. When tenders have to be publicly invited

(1) Tenders are to be publicly invited according to the requirements of this Division before a local government enters into a contract for another person to supply goods or services if the consideration under the contract is, or is expected to be, more, or worth more, than \$150 000 unless sub regulation

(2) states otherwise.

(2) Tenders do not have to be publicly invited according to the requirements of this Division if —

- (j) the contract is a renewal or extension of the term of a contract (the original contract) where —
 - (i) the original contract was entered into after the local government, according to the requirements of this Division, publicly invited tenders for the supply of goods or services; and
 - (ii) the invitation for tenders contained provision for the renewal or extension of a contract entered into with a successful tenderer; and
 - (iii) the original contract contains an option to renew or extend its term; and

(iv) the supplier's tender included a requirement for such an option and specified the consideration payable, or the method by which the consideration is to be calculated, if the option were exercised;

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).

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 following table lists the accepted costs and variations to date as well as the variations and other additional budget items which are the subject of this report. Where options are available for any given variation and the option has not been fully assessed, the table presents the highest specification/ cost option. Therefore, the budget represents the current highest cost summary- where the less expensive alternative is able to be used, this will result in a lower cost at the conclusion of the project.

Item	Original budget	Change July 2019	Proposed Change October 2019	Estimated or actual ?	Proposed Total as at October 2019
Base case- tendered project scope	\$2,955,720	\$0	\$0	Actual	\$2,955,720
Project management and professional fees	\$120,000	\$0	\$77,667	Estimated	\$197,667
Contingency	\$224,280	-\$154,280	-\$20,000	Estimated	\$50,000
Tree removal completed before October 2019	\$0	\$0	\$8,800	Actual	\$8,800
Variations 1-15	\$0	\$551,949	\$0	Actual	\$551,949
Variation 16 - Added scope - New sink to plant room	\$0	\$0	\$3,588	Actual	\$3,588
Variation 17- Added scope - Additional combiflex join	\$0	\$0	\$37,043	Actual	\$37,043
Variation 18 - Added scope - Leisure pool lane rope divider	\$0	\$0	\$4,837	Actual	\$4,837
Variation 19 - Added scope - Power upgrade	\$0	\$0	\$35,851	Actual	\$35,851
Variation 20 - Added scope - Lighting upgrade	\$0	\$0	\$95,732	Actual	\$95,732
Variation 21 - Added scope - Shade sails learn to swim pools	\$0	\$0	\$100,954	Actual	\$100,954
Variation 22 - Added scope - Civil (landscaping) earthworks	\$0	\$0	\$53,561	Actual	\$53,561
Variation 23 - Added scope- Civil Drainage Works	\$0	\$0	\$20,599	Actual	\$20,599
Variation 24 - Added scope - Starting Blocks	\$0	\$0	\$29,247	Actual	\$29,247
Variation 25 - Added scope - Flag poles	\$0	\$0	\$3,029	Actual	\$3,029
Variation 26 - Added scope - Pool heating and blankets (highest cost - lowest cost option is \$89,447)	\$0	\$0	\$134,279	Estimated	\$134,279
Variation 27 - Changeroom seating	\$0	\$0	\$23,258	Actual	\$23,258
Variation 28 - Toilet cubicles	\$0	\$0	\$32,000	Estimated	\$32,000
Variation 29 - Refurbishment of existing plant equipment for re-use	\$0	\$0	\$3,546	Actual	\$3,546
Power upgrade - Western Power fee	\$0	\$0	\$5,000	Estimated	\$5,000
Added scope - Kitchen upgrade and paint front entrance	\$0	\$0	\$25,000	Estimated	\$25,000
Added scope - Landscaping- Lawn, reticulation, kerbing, plantings	\$0	\$0	\$173,051	Actual	\$173,051
Additional scope - Paint changerooms, BBQs, re-instatement of shade, other landscaping, fencing and	\$0	\$0	\$97,264	Estimated	\$97,264
Tree removal to be completed after October 2019	\$0	\$0	\$8,800	Estimated	\$8,800
Total	\$3,300,000	\$397,669	\$953,105		\$4,650,774

Since the 10th September Council Meeting Shire staff have discussed a number of possible variations with the project manager. These include variations 16-29 and added scope. These variations with the exception of variation 17, 19 and 23 totalling \$95,553, are all suggested additional works to provide a facility to the whole community that will be special and unique.

The most significant of the suggested additional works are;

- Variation 20 – Lighting Upgrade to enable the facility to be open at night for major events and/or the community - \$95,732
- Variation 21 – Shade sails learn to swim pool - \$100,954
- Variation 22 – Civil landscaping and lawn, reticulation and planting \$226,612
- Variation 26 – Pool Heating and Blankets - \$134,279

These proposed additional works total \$557,577.

The Special Meeting on the 9th July 2019 proposed a total project cost including contingency of approximately \$3.7 million. This was included in the 2019/2020 Budget.

It is proposed that Council consider at least endorsing;

- Variations 17,19 and 23 totalling \$95,553
- Additional works namely variations 20,21,22 and 26 totalling \$557, 577
- Additional project management and professional fees of up to \$77,667

Variations 24, 25, 27-29 and kitchen upgrade, additional painting and fencing and BBQ's and reinstatement of shade totalling an estimated \$230,104 could be considered in budget deliberations for 2020/2021.

This would increase the Budget for the project from \$3,697, 669 to \$4,428,466 by \$730,797. It would be proposed that Council consider funding the additional \$730,797 from changing the purpose of Loan 115 Binneringie Road to Kambalda Aquatic Facilities Upgrade.

Advice has been received from WATC that *If Council does approve a change in purpose for the funds borrowed could you please ensure you notify WATC.* Consequently, it would be proposed that Council endorse a change of purpose for Loan 115 from Binneringie Road to Kambalda Aquatic Facilities Upgrade. The Loan would then be paid back over 2 years with an outstanding estimated balance of \$479,171 to be included in the 2020/2021 Annual Budget. The remaining funds for Loan 115 are estimated at \$730,000.

The Draft Financial Statements for the period ending 30th June 2019 have been completed. The Shire has ended the 30th June 2019 with unrestricted cash and cash equivalents of \$1,835,571 up from \$1,370,946 as at 30th June 2018. An increase of \$464,625 as a direct result of the efficiencies generated from the service level review over the past two years. This would enable a reinvestment into the Kambalda Swimming Pool Upgrade without drawing down further on the Infrastructure Renewal Reserve Account if the additional works are endorsed by Council.

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 endorse Variation 16 'added scope – new sink to plant room' as approved under delegation by the CEO at a cost of \$3,588 ex GST

COUNCIL RESOLUTION: #200/19

Moved: Councillor, T Rathbone

Seconded: Councillor, N Karafilis

Recommendation 1: That Council endorse Variation 16 'added scope – new sink to plant room' as approved under delegation by the CEO at a cost of \$3,588 ex GST

CARRIED ABSOLUTE 5/0

Officer Recommendation:

Recommendation 2: That Council endorse Variation 17 'added scope – additional combi flex join' as approved under delegation by the CEO at a cost of \$37,043 ex GST

COUNCIL RESOLUTION: #201/19

Moved: Councillor, N Karafilis

Seconded: Councillor, S Botting

Recommendation 2: That Council endorse Variation 17 'added scope – additional combi flex join' as approved under delegation by the CEO at a cost of \$37,043 ex GST

CARRIED ABSOLUTE 5/0

Officer Recommendation:

Recommendation 3: That Council endorse Variation 18 'added scope – Leisure pool lane rope divider' as approved under delegation by the CEO at a cost of \$4,837 ex GST

COUNCIL RESOLUTION: #202/19

Moved: Councillor, T Rathbone

Seconded: Councillor, T Keast

Recommendation 3: That Council endorse Variation 18 'added scope – Leisure pool lane rope divider' as approved under delegation by the CEO at a cost of \$4,837 ex GST

CARRIED ABSOLUTE 5/0

Officer Recommendation:

Recommendation 4: That Council approve Variation 19 'added scope – Power upgrade' at a cost of \$35,851 ex GST; and endorse the CEOs approval of part of this variation (\$28,951) ex GST under delegation with the reason - to reduce the risk of project delay

COUNCIL RESOLUTION: #203/19

Moved: Councillor, T Rathbone

Seconded: Councillor, T Keast

Recommendation 4: That Council approve Variation 19 'added scope – Power upgrade' at a cost of \$35,851 ex GST; and endorse the CEOs approval of part of this variation (\$28,951) ex GST under delegation with the reason - to reduce the risk of project delay

CARRIED ABSOLUTE 5/0

Officer Recommendation:

Recommendation 5: That Council approve Variation 20 'added scope – Lighting upgrade' at a cost of \$95,732 ex GST

COUNCIL RESOLUTION: #204/19

Moved: Councillor, T Rathbone

Seconded: Councillor, N Karafilis

Recommendation 5: That Council approve Variation 20 'added scope – Lighting upgrade' at a cost of \$95,732 ex GST

CARRIED ABSOLUTE 5/0

Officer Recommendation:

Recommendation 6: That Council approve Variation 21 'added scope – Shade sails learn to swim pools' at a cost of \$100,954 ex GST

COUNCIL RESOLUTION: #205/19

Moved: Councillor, N Karafilis

Seconded: Councillor, T Rathbone

Recommendation 6: That Council approve Variation 21 'added scope – Shade sails learn to swim pools' at a cost of \$100,954 ex GST

CARRIED ABSOLUTE 5/0

Officer Recommendation:

Recommendation 7: That Council endorse the CEO's previous approval of Variation 22 'added scope – Civil (landscaping) at a cost of \$53,561 ex GST under delegation with the reason - to reduce the risk of project delay

COUNCIL RESOLUTION: #206/19

Moved: Councillor, S Botting

Seconded: Councillor, T Keast

Recommendation 7: That Council endorse the CEO's previous approval of Variation 22 'added scope – Civil (landscaping) at a cost of \$53,561 ex GST under delegation with the reason - to reduce the risk of project delay

CARRIED ABSOLUTE 5/0

Officer Recommendation:

Recommendation 8: That Council approve Variation 23 'added scope – Civil Drainage Works' at a cost of \$20,598.80 ex GST

COUNCIL RESOLUTION: #207/19

Moved: Councillor, T Rathbone

Seconded: Councillor, S Botting

Recommendation 8: That Council approve Variation 23 'added scope – Civil Drainage Works' at a cost of \$20,598.80 ex GST

CARRIED ABSOLUTE 5/0

Officer Recommendation:

Recommendation 9: That Council approve Variation 24 'added scope – Starting Blocks' at a cost of \$29,247 ex GST with placing the order for starting blocks subject to the Kambalda Amateur Swimming Club confirming in writing that they will reimburse the Shire for the cost of starting blocks and starting block inserts.

COUNCIL RESOLUTION: #208/19

Moved: Councillor, N Karafilis

Seconded: Councillor, S Botting

That Council to approve Amendment on Recommendation 9.

CARRIED ABSOLUTE 5/0

COUNCIL RESOLUTION: #209/19

Moved: Councillor, T Rathbone

Seconded: Councillor, S Botting

That Council suspend standing orders

CARRIED ABSOLUTE 5/0

COUNCIL RESOLUTION: #210/19

Moved: Councillor, T Rathbone
Seconded: Councillor, S Botting

That Council resume standing orders

CARRIED ABSOLUTE 5/0

COUNCIL RESOLUTION: #211/19

Moved: Councillor, N Karafilis
Seconded: Councillor, T Keast

That council approve Variation 24 'added scope -Starting Block Inserts' at a cost of approximately \$6000.00 ex GST with placing the order for the inserts for the starting blocks with the Kambalda Amateur Swimming Club confirming in writing tomorrow that they will purchase the blocks separately within a period of 12 months.

CARRIED ABSOLUTE 5/0

Officer Recommendation:

Recommendation 10: That Council approve Variation 25 'added scope – Flag Poles' at a cost of \$3,029 ex GST

COUNCIL RESOLUTION: #212/19

Moved: Councillor, S Botting
Seconded: Councillor, T Rathbone

Recommendation 10: That Council approve Variation 25 'added scope – Flag Poles' at a cost of \$3,029 ex GST

CARRIED ABSOLUTE 5/0

Officer Recommendation:

Recommendation 11: That Council approve the installation of pool heating and blankets (Variation 26 at a cost of up to \$134,279 ex GST; and approve for the CEO to select the most appropriate scope on assessment of the three proposals currently received by the Shire;

COUNCIL RESOLUTION: #213/19

Moved: Councillor, T Rathbone
Seconded: Councillor, S Botting

Recommendation 11: That Council approve the installation of pool heating and blankets (Variation 26 at a cost of up to \$134,279 ex GST; and approve for the CEO to select the most appropriate scope on assessment of the three proposals currently received by the Shire;

CARRIED ABSOLUTE 5/0

COUNCIL RESOLUTION: #214/19

**Moved: Councillor, T Keast
Seconded: Councillor, T Rathbone**

That Council suspend standing orders

CARRIED ABSOLUTE 5/0

COUNCIL RESOLUTION: #215/19

**Moved: Councillor, S Botting
Seconded: Councillor, T Rathbone**

That Council resume standing orders

CARRIED ABSOLUTE 5/0

Officer Recommendation:

Recommendation 12: That Council approve Variation 27 'added scope – Changeroom seating' at a cost of \$23,258 ex GST

COUNCIL RESOLUTION: #216/19

**Moved: Councillor, S Botting
Seconded: Councillor, T Rathbone**

Recommendation 12: That Council approve Variation 27 'added scope – Changeroom seating' at a cost of \$23,258 ex GST funded from the Asset Renewal Account

CARRIED ABSOLUTE 4/1

Officer Recommendation:

Recommendation 13: That Council approve Variation 28 'added scope – Toilet cubicles' at a cost of up to \$32,000 ex GST

COUNCIL RESOLUTION: #217/19

**Moved: Councillor, S Botting
Seconded: Councillor, N Karafilis**

Recommendation 13: That Council approve Variation 28 'added scope – Toilet cubicles' at a cost of up to \$32,000 ex GST

CARRIED ABSOLUTE 4/1

Officer Recommendation:

Recommendation 14: That Council approve Variation 29 'added scope – Refurbishment of existing plant' at a cost of \$3,546 ex GST

COUNCIL RESOLUTION: #218/19

Moved: Councillor, N Karafilis

Seconded: Councillor, T Rathbone

Recommendation 14: That Council approve Variation 29 'added scope – Refurbishment of existing plant' at a cost of \$3,546 ex GST

CARRIED ABSOLUTE 5/0

Officer Recommendation:

Recommendation 15: That Council approve change to scope "Power upgrade – Western Power fee' at an estimated cost of \$5,000 ex GST

COUNCIL RESOLUTION: #219/19

Moved: Councillor, N Karafilis

Seconded: Councillor, S Botting

Recommendation 15: That Council approve change to scope "Power upgrade – Western Power fee' at an estimated cost of \$5,000 ex GST

CARRIED ABSOLUTE 5/0

Officer Recommendation:

Recommendation 16: That Council approve 'added scope – Kitchen upgrade and paint front entrance' at a cost of \$25,000 ex GST

COUNCIL RESOLUTION: #220/19

Moved: Councillor, S Botting

Seconded: Councillor, T Keast

Recommendation 16: That Council approve 'added scope – Kitchen upgrade and paint front entrance' at a cost of up to \$25,000 ex GST funded from Asset Renewal Account

CARRIED ABSOLUTE 5/0

Officer Recommendation:

Recommendation 17: That Council approve 'added scope – Landscaping – Lawn, reticulation, kerbing, plantings'; and approve supervision of the works by the builder (ACorp) at a total cost including builders contract profit and attendance fee of \$173,051 ex GST

COUNCIL RESOLUTION: #221/19

Moved: Councillor, T Keast
Seconded: Councillor, S Botting

Council approve to close the meeting to the public

CARRIED ABSOLUTE 5/0

COUNCIL RESOLUTION: #222/19

Moved: Councillor, T Keast
Seconded: Councillor, T Rathbone

Council approve to open the meeting to the public

CARRIED ABSOLUTE 5/0

COUNCIL RESOLUTION: #223/19

Moved: Councillor,
Seconded: Councillor,

Recommendation 17: That Council approve 'added scope – Landscaping – Lawn, reticulation, kerbing, plantings'; and approve supervision of the works by the builder (ACorp) at a total cost including builders contract profit and attendance fee of up to \$173,051 ex GST

CARRIED ABSOLUTE 5/0

Officer Recommendation:

Recommendation 18: That Council approve 'additional scope BBQs, re-instatement of shade, fencing and other amenity components' at a cost of up to \$97,264.00 ex GST

COUNCIL RESOLUTION: #224/19

Moved: Councillor, N Karafilis
Seconded: Councillor, T Keast

Recommendation 18: That Council approve 'additional scope BBQs, re-instatement of shade, fencing and other amenity components' at a cost of up to \$97,264.00 ex GST funded from the Asset Renewal Account.

CARRIED ABSOLUTE 5/0

Officer Recommendation:

Recommendation 19: That Council endorse 'Tree removal to be completed before October 2019' as approved under delegation by the CEO at a cost of up to \$8,800 ex GST;

COUNCIL RESOLUTION: #225/19

Moved: Councillor, N Karafilis

Seconded: Councillor, T Keast

Recommendation 19: That Council endorse 'Tree removal as approved under delegation by the CEO at a cost of up to \$8,800 ex GST;

CARRIED ABSOLUTE 5/0

Officer Recommendation:

Recommendation 20: That Council approve 'additional scope BBQs, re-instatement of shade, and other landscaping and amenity components' at a cost of up to \$50,000 ex GST

COUNCIL RESOLUTION: #226/19

Moved: Councillor, N Karafilis

Seconded: Councillor, S Botting

Motion Lost

CARRIED ABSOLUTE 0/5

Officer Recommendation:

Recommendation 21: That Council approve 'additional painting and fencing' at a cost of up to \$45,000 ex GST

COUNCIL RESOLUTION: #227/19

Moved: Councillor, N Karafilis

Seconded: Councillor, S Botting

Motion Lost

CARRIED ABSOLUTE 0/5

Officer Recommendation:

Recommendation 22: That Council approve the revised budget of \$197,667 for professional fees inclusive of project management, engineering and design.

COUNCIL RESOLUTION: #228/19

Moved: Councillor, S Botting
Seconded: Councillor, T Rathbone

Recommendation 22: That Council approve the revised budget of \$197,667 for professional fees inclusive of project management, engineering and design.

CARRIED ABSOLUTE 5/0

Officer Recommendation:

Recommendation 23: That Council approve the builders request for extension of time with the new date for practical completion of 18th March 2020 and note:

- That this date is subject to no unforeseen delays relating to third party suppliers such as:
 - Western Power Works;
 - Light fittings;
 - Light poles;
 - Light pole cage bolts;
 - Shade sails;
 - Shade sail structural steel; and
 - Landscaping.
- The builder has expressed that they intend in good faith to deliver the project by the 3rd March 2020, however are unable to firmly commit to this date given current unknowns relating to lead times which will likely be resolved once Variations are approved and orders placed.

COUNCIL RESOLUTION: #229/19

Moved: Councillor, N Karafilis
Seconded: Councillor, S Botting

Recommendation 23: That Council approve the builders request for extension of time with the new date for practical completion of 18th March 2020 and note:

- That this date is subject to no unforeseen delays relating to third party suppliers such as:
 - Western Power Works;
 - Light fittings;
 - Light poles;
 - Light pole cage bolts;
 - Shade sails;
 - Shade sail structural steel; and
 - Landscaping.
- The builder has expressed that they intend in good faith to deliver the project by the 3rd March 2020, however are unable to firmly commit to this date given current unknowns relating to lead times which will likely be resolved once Variations are approved and orders placed.

CARRIED ABSOLUTE 5/0

Officer Recommendation:

Recommendation 24: That Council approve a remaining contingency of \$50,000 to deal with potential unforeseen costs

COUNCIL RESOLUTION: #230/19

Moved: Councillor, S Botting

Seconded: Councillor, N Karafilis

Recommendation 24: That Council approve a remaining contingency of up to \$50,000 to deal with potential unforeseen costs transfer from Asset Reserve Account.

CARRIED ABSOLUTE 5/0

Officer Recommendation:

Recommendation 25: That Council in accordance with Section 6.20 (3) resolves to change the purpose of Loan 115 Binneringie Road to Kambalda Aquatic Facilities Upgrade and gives one month's local public notice of the proposed change of purpose.

COUNCIL RESOLUTION: #231/19

Moved: Councillor, S Botting

Seconded: Councillor, T Rathbone

Recommendation 25: That Council in accordance with Section 6.20 (3) resolves to change the purpose of Loan 115 Binneringie Road to Kambalda Aquatic Facilities Upgrade and gives one month's local public notice of the proposed change of purpose.

CARRIED ABSOLUTE 5/0

9. CLOSURE OF MEETING

Shire President, M Cullen declared the meeting closed at 07:43 pm and thanked all for their attendance.