



Shire of Northam  
*Heritage, Commerce and Lifestyle*

Shire of Northam

Minutes

Special Council Meeting

5 December 2018

## DISCLAIMER

In certain circumstances members of the public are not entitled to inspect material, which in the opinion of the Chief Executive Officer is confidential, and relates to a meeting or a part of a meeting that is likely to be closed to members of the public.

No responsibility whatsoever is implied or accepted by the Shire of Northam for any act, omission, statement or intimation occurring during Council or Committee meetings.

The Shire of Northam disclaims any liability for any loss whatsoever and howsoever caused arising out of reliance by any person or legal entity on any such act, omission or statement of intimation occurring during Council or Committee meetings.

Any person or legal entity who acts or fails to act in reliance upon any statement, act or omission made in a Council or Committee meeting does so at that person's or legal entity's own risk.

In particular and without derogating in any way from the broad disclaimer above, in any discussion regarding any planning application or application for a licence, any statement or intimation of approval made by any member or Officer of the Shire of Northam during the course of any meeting is not intended to be and is not taken as notice of approval from the Shire of Northam.

The Shire of Northam advises that anyone who has any application lodged with the Shire of Northam must obtain and should only rely on WRITTEN CONFIRMATION of the outcome of the application and any conditions attaching to the decision made by the Shire of Northam in respect of the application.

The Shire of Northam advises that any plans or documents contained within this agenda may be subject to copyright law provisions (*Copyright Act 1968*, as amended) and that the express permission of the copyright owner(s) should be sought prior to their reproduction. It should be noted that copyright owners are entitled to take legal action against any persons who infringe their copyright. A reproduction of material that is protected by copyright may represent a copyright infringement.

## Contents

1.	DECLARATION OF OPENING .....	4
2.	ATTENDANCE.....	4
	2.1 APOLOGIES.....	4
	2.2 APPROVED LEAVE OF ABSENCE .....	4
3.	DISCLOSURE OF INTERESTS.....	5
4.	ANNOUNCEMENT BY THE PRESIDING MEMBER (WITHOUT DISCUSSION) ....	5
5.	PUBLIC QUESTION/STATEMENT TIME .....	5
	5.1 PUBLIC QUESTIONS.....	5
	5.2 PUBLIC STATEMENTS .....	5
6.	RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE .....	5
7.	RECEIVING OF PETITIONS, PRESENTATIONS AND DEPUTATIONS .....	5
	7.1 PETITIONS.....	6
	7.2 PRESENTATIONS.....	6
	7.3 DEPUTATIONS.....	6
8.	APPLICATION FOR LEAVE OF ABSENCE.....	6
9.	CONFIRMATION OF MINUTES .....	6
10.	ITEMS BROUGHT FORWARD FOR THE CONVENIENCE OF THOSE IN THE PUBLIC GALLERY .....	6
11.	REPORTS OF COMMITTEE MEETINGS .....	6
12.	SPECIAL AGENDA ITEM .....	7
13.	MATTERS BEHIND CLOSED DOORS .....	7
	13.1 Tender 2 of 2018: Construction Services - Northam Aquatic Centre	8
14.	MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN.....	19
15.	URGENT BUSINESS APPROVED BY PERSON PRESIDING OR BY DECISION .	19
16.	DECLARATION OF CLOSURE .....	19

## 1. DECLARATION OF OPENING

The Shire President, Cr C R Antonio declared the meeting open at 5:30pm.

## 2. ATTENDANCE

### Council:

President

C R Antonio

Deputy President

M P Ryan

Councillors

J E G Williams

C L Davidson

R W Tinetti

S B Pollard

A J Mencshelyi

T M Little

C P Della

### Staff:

Chief Executive Officer

J B Whiteaker

Executive Manager Development Services

C B Hunt

Executive Manager Corporate Services

C Young

A/Executive Assistant – CEO

J L White

Manager Recreation Centre

J Little

### Gallery:

R Draffin

J Bagshaw

### 2.1 APOLOGIES

Councillor

J Proud

Executive Manager Engineering Services

C D Kleynhans

Executive Manager Community Services

R Rayson

### 2.2 APPROVED LEAVE OF ABSENCE

Nil.

### 3. DISCLOSURE OF INTERESTS

Item Name	Item No.	Name	Type of Interest	Nature of Interest
Tender 2 of 2018: Construction Services Northam Aquatic Centre	13.1	Cr M Ryan	Impartiality	I am a member of the Northam Swimming Pool Club
Tender 2 of 2018: Construction Services Northam Aquatic Centre	13.1	Mr C Hunt	Impartiality	I am a member of the Northam Swimming Pool Club

### 4. ANNOUNCEMENT BY THE PRESIDING MEMBER (WITHOUT DISCUSSION)

Nil.

### 5. PUBLIC QUESTION/STATEMENT TIME

#### 5.1 PUBLIC QUESTIONS

#### 5.2 PUBLIC STATEMENTS

Name: Russell Draffin

Agenda Item: 13.1 Tender 2 of 2018: Construction Services - Northam Aquatic Centre

Statement: I support the construction of the Northam Aquatic Centre and believe that the community wants to see Northam expand and believe that once the new pool is constructed this will invite more people into town. It also gives the outer suburbs more reason to visit Northam. I urge Council to approve the entire project scope.

### 6. RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

Nil.

### 7. RECEIVING OF PETITIONS, PRESENTATIONS AND DEPUTATIONS

7.1 PETITIONS

Nil.

7.2 PRESENTATIONS

Nil.

7.3 DEPUTATIONS

Nil.

8. APPLICATION FOR LEAVE OF ABSENCE

Nil.

9. CONFIRMATION OF MINUTES

Nil.

10. ITEMS BROUGHT FORWARD FOR THE CONVENIENCE OF THOSE IN THE PUBLIC GALLERY

Nil.

11. REPORTS OF COMMITTEE MEETINGS

Nil.

12. SPECIAL AGENDA ITEM

Nil

13. MATTERS BEHIND CLOSED DOORS

RECOMMENDATION / COUNCIL DECISION

Minute No: C.3551

Moved: Cr Pollard

Seconded: Cr Ryan

Council Suspends standing orders 9.1 and 9.3 to allow members to remain seated and not limit number of times to speak.

CARRIED 9/0

RECOMMENDATION

That Council meet behind closed doors to consider agenda item 13.1 - Tender 2 of 2018: Construction Services - Northam Aquatic Centre, as it relates to a contract which Council is considering entering.

In accordance with section 12.5 of the Shire of Northam Standing Orders Local Law 2008 and Section 5.23 (2) (c) of the Local Government Act 1995.

Reason for not supporting Officer Recommendation

Council was of the view that all 'commercially sensitive / confidential' information, questions and answers had been dealt with at a closed Council forum, obviating the need to deal with the item behind closed doors.

*Cr M Ryan declared an "Impartiality" interest in item 13.1 Tender 2 of 2018: Construction Services - Northam Aquatic Centre as he is a member of the Northam Swimming Pool Club*

*Executive Manager Development Services C Hunt declared an "Impartiality" interest in item 13.1 Tender 2 of 2018: Construction Services - Northam Aquatic Centre as he is a member of the Northam Swimming Pool Club*

### 13.1 Tender 2 of 2018: Construction Services - Northam Aquatic Centre

Address:	Peel Terrace, Northam
Owner:	Shire of Northam
Applicant:	Shire of Northam
File Reference:	1.3.8.8
Reporting Officer:	Jason Whiteaker – Chief Executive Officer
Responsible Officer:	Jason Whiteaker – Chief Executive Officer
Officer Declaration of Interest:	'Nil'
Voting Requirement:	Absolute Majority
Press release to be issued:	Yes

#### BRIEF

For the Council to consider tenders received in response to the Request for Tender 2 of 2018 – Construction Services for the Northam Aquatic Centre. This report provides details of the tenders received to allow Council to appoint a successful tenderer to construct the Northam Aquatic Centre.

#### ATTACHMENTS

Attachment 1: Confidential – Tender Assessment Report

#### BACKGROUND / DETAILS

A condition assessment of the current Northam Swimming Pool located on Mitchell Avenue, was undertaken in 2016. This report highlighted that the current swimming pool had reached the end of its useful life. A subsequent options assessment was undertaken internally and presented to Council. This report outlined a range of options that Council had and provided an indication of the financial cost differences between the various options (both capital and operating). Based on the provided report, Council resolved to proceed with the development of a new aquatic facility at the Recreation Centre.

A Federal Funding opportunity was identified in late 2016, which was applied for and was subsequently successful in mid-2017.



August 2017 - Council resolved to accept the Building Better Regions Funding and proceed with the pool development, placing a budget of \$8.0m on the project.

December 2017 – Council appointed Donovan Payne Architects to develop the detailed designs for the project and manage the construction.

February 2018 - Concept designs were developed, highlighting the various elements, and presented to a Strategic Meeting of Council. A presentation was made by the architect, Donovan Payne, at which time Council agreed with the various elements and design concept. Staff were authorised to proceed with the detailed design and tendering.

May 2018 – Council was advised at its Strategic Meeting that pre-tender estimates indicated that the project would likely come in over the allocated budget. Staff indicated that they would like to proceed with the tendering of the current design, with Council being able to reduce the scope if it were uncomfortable with the final tender prices. This was accepted.

August 2018 - Detailed designs and tender documentation were completed by Donovan Payne.

September 26<sup>th</sup>, 2018 - tenders were publicly advertised

October 24<sup>th</sup>, 2018 – tenders closed after a one-week extension was provided.

November 2018 - The assessment of tenders was carried out. The assessment panel consisted of the Chief Executive Officer, Executive Manager Community Services, Executive Manager Technical Services and a WALGA procurement specialist. The assessment is contained in attachment 1. Detailed tender document access can be made available if required.

November 19<sup>th</sup>, 2018 - Council was provided with a special briefing on the project, the tenders received and the potential full cost implications at a special November 19 briefing session. This session was attended by the Council's appointed architect – Carl Payne (Director Donovan Payne Architects). The session was held for staff to get a sense of how Council wanted to proceed given the potentially significant cost increases.

## CONSIDERATIONS

Strategic Community / Corporate Business Plan  
Theme Area 2: COMMUNITY WELLBEING - A cohesive community with access to quality services

Outcome 2.2: There are a variety of recreation and leisure activities available for all ages, across the Shire of Northam.

Action: Maintain a range of sporting facilities in Northam, as expected of a Regional Centre

Theme Area 6: GOVERNANCE & LEADERSHIP - Leading with accountability, connection and openness

Outcome 6.3: Ensure robust financial management.

#### Financial / Resource Implications

The basic tenderer price has come in at \$8.2m, however this excludes the following elements;

Concrete bleacher seating (grandstand) for 50m pool, with covered steel windbreak structure over, and all associated works.	\$442,245
Construction of new car parking; modification of existing roads; all associated external footpaths.	\$397,460
Landscaping, including grassed areas and reticulation	\$158,915
Shade sails (Except the water-play shade that is part of B1)	\$115,000
BBQ's	\$20,205
Playground equipment	\$25,000
Water slides – 3 options Refer below.	\$350,000 – 850,000

With the addition of the total excluded elements, as well as the cost of the architectural / detailed design consultancies and a 3% contingency, the total cost of the facility would be \$10.97m.

The total project cost exceeds the original budgeted amount, bearing in mind the budget amounts provided to Council were only ever indicative (which was disclosed at the various stages). The budget estimates never contemplated elements such as an additional 25m pool, the bleacher (grandstand), the water slides, BBQ's, playgrounds etc. Removing these elements from the design and tender submission would result in the tender price being approximately \$8.2m – which is more in line with original project budget estimates.

In order for Council to make a financially sustainable decision, the following 'net' impact assessment is provided. This is considered an important assessment as it highlights the net cost expectation of Council when it committed to the project and shows the impact of external funding received.

		LTFP BUDGET	ACTUAL BUDGET 2018/19	FULL DEVELOPMENT COST
	2016/17	1,500,000		
	2017/18	2,300,000		
	2018/19	4,200,000	7,991,642	10,977,484
		8,000,000	7,991,642	10,977,484
Funded by:				
Loan	2016/17	-		
Grant	2017/18	2,000,000		
Grant	2017/18	300,000		
Grant	2018/19		4,700,000	4,700,000
		2,300,000	4,700,000	4,700,000
Net Cost		5,700,000	3,291,642	6,277,484

The above table highlights that as a result of the Councils ability to attract significant external funding, it does provide the financial capacity to deliver the entire project. The figures highlight that delivering the entire project will result in Council exceeding its long-term financial planning projections by approximately \$577,484. The potential sale of two parcels of land, currently being negotiated by Council, could see a further \$1.7m of unbudgeted revenue available for Council to utilise, if required.

While the full cost of the project slightly exceeds the long-term financial plan parameters, the servicing of the proposed additional debt is certainly within the financial means of the Council. Council will recall at its budget meeting in 2014, a decision was made to utilise 'untied' surplus to retire in excess of \$1,000,000 of debt. In retiring this debt, a further decision was made to 'quarantine' the debt servicing expense of \$260,000, these funds have subsequently been used each year as a reserve transfer. This being the case, Council now has \$260,000 available to service the debt for the new aquatic facility debt.

Modelling the financial implications of raising \$4,500,000 in debt funding for the project, based on current WA Treasury rates and a 20-year loan term, the annual repayments would be in the order of \$330,000. Using the previously referenced \$260,000 in debt servicing capacity, Council would only be required to provide an additional \$70,000 in funding to service the entire loan amount, less than 1% in rates.

In relation to operating expenses associated with the new development, to a large degree these costs are offset as Council has a current operating facility. The new costs associated with the proposed development would be in relation to the heating of the facility (which is to a large extent already committed by Council as it indicated to the community it would heat any new facility – whether it be at a new or existing site), additional water costs as a result of the

proposed larger water body and potential increased staff costs as a result of the larger water body and other additional elements.

It is estimated that the additional heating costs (of the solar / gas combination system) will be in the order of \$50,000 - \$70,000 p.a. This however is a best estimate and is difficult to confirm. It will depend on a range of factors including length of season and how often the heating is required given the conditions over January / February (heating may not be required).

The other potential additional cost would be in staff, particularly if a slide facility is provided. Slides require more supervision, with not only 'eyes on the pool', but also supervision of the entrance to the slide itself. While this is the case, there will also be some savings made as a result of a collocated facility at the recreation centre. This being the case it is not expected that additional staff costs will be significant (expected to be less than \$20,000 p.a.).

In relation to water costs it is projected that the costs associated with the additional water body will be largely offset by costs incurred as a result of substantial leaking at the existing facility.

Other operating cost implications would be associated with any consideration around extending the season, additional depreciation of the asset and additional debt servicing (as outlined above).

#### Legislative Compliance

Section 3.57 of the Local Government Act 1995 requires a local government to invite tenders before it enters into a contract of a prescribed kind under which another person is to supply goods and services".

The Local Government (Functions & General) Regulations 1996 prescribe the way Tenders are to be called and assessed.

Tendering has been undertaken by WALGA procurement specialists and has complied with LG Act requirements.

Staff considered section 6.8 of the local government act which deals with unbudgeted expenditure and the requirements of such expenditure to be authorised by an absolute majority of Council. It is considered that this section of the Act does not apply in this instance, as the proposed additional expenditure for the aquatic facility does not represent an 'additional' purpose, as defined by s6.8 (1a).

Section 6.20 of the Local Government Act deals with local government borrowings. While Council has budgeted to borrow funds for the aquatic facility, the quantum could potentially change significantly. This being the case staff are of the view that this should be treated as a proposed new debt and

so the decision of Council should be by absolute majority and publicly advertised.

#### Policy Implications

Policy F 4.2 – Purchasing and Tendering Policy - has been complied with.

#### Stakeholder Engagement / Consultation

Council undertook community consultation regarding the development of the Northam Aquatic Centre to determine location and community expectations of the facility.

Council engaged WALGA procurement services to manage the tender process on its behalf.

#### Risk Implications

- Reputational –Moderate
  - As a major project Council may be judged both now and into the future with regards to the cost, quality, scale and usability of the new aquatic facility. It is critical that Council are clear on the outcomes it is trying to achieve with the facility and then use best endeavours to deliver the outcome. It is also important that the final decision of Council be fully disclosed and communicated to the community.
- Financial - Medium
  - Whilst the overall project cost is significant the actual financial exposure of Council is considered relatively low risk. The financial risk to Council can be categorised into two parts, firstly the capital cost of the project, and secondly the operating costs of the project.
  - Regarding the capital cost risk, as a result of Council being able to attract significant external funding and Councils past high interest debt retirement;
    - Servicing of the loan will be less than an additional 1% of rate revenue in the first year, as a result of Council having already made provision for the debt servicing costs in its current budget.
    - A recreation centre debt (loan 223) will mature in 2019/20. Its servicing costs are \$137,000, while the youth space debt of \$500,000 will come one line to offset some of these savings. The net effect will see Council with less servicing costs in 2021 than it currently has now (by approximately \$60,000).
    - Appointing a construction company for such a significant development is not without risk. Recent reporting indicates that the construction industry is not without challenges and is a risk that needs to be managed. The tender assessment report includes an assessment of the preferred tenderers

- current financial capacity. Additionally, staff have been in discussion with LGIS in relation to the project management/deliver insurance coverage to ensure adequate cover is in place to mitigate risk of financial loss should an issue arise during construction.
- Modelling the implications of such a significant project against Councils long term financial plan indicates that **Councils debt servicing ratio (A measure of Council's ability to repay its debt based on how much cash it can access compared to the total of its debt obligations) remains strong.** The ratio will decrease slightly in 2021/21 before returning to a very healthy 8x in 21/22. This is against a minimum standard of 2, established by the Department of Local Government (higher the ratio the more positive).
  - Regarding the operational element of the project;
    - Financial modelling has been undertaken, through the long-term financial plan, to determine affordability.
    - Council currently operates a 50m pool in Northam. The proposed facility will replace current facility. This being the case, the cost of the pool will remain unchanged, except for the following elements;
      - Council has decided to heat the 50m outdoor pool. This heating will be a combination of solar and gas, it is estimated that this will represent an additional \$50,000 - 70,000 in operational costs
      - Staffing levels. Whilst initially it was projected that there would be some economies of scale with relocating to the recreation centre, this will in effect be offset by the larger facility, with additional attendants required to oversee the elements such as the water slides and 25m pool.
      - Water consumption – the proposed new facility will have **additional water 'space' which will result in an increase in 'normal' water consumption.** This water consumption is projected to be offset largely by savings due to a combination of the leaking associated with the current facility and the use of newer technologies.
  - Compliance - Low
    - Tendering requirements have been met, process has been run independently by WALGA.
  - Legal -Moderate
    - Final contract will be developed by WALGA, may be vetted by independent legal firm given the scale of the project.

## OFFICER'S COMMENT

The tender assessment report has been provided to all Elected Members for their perusal. This includes a financial capacity assessment undertaken in relation to the preferred tenderer.

Council has a variety of options available to it, the main options as considered by staff are;

1. Accept the Tender submitted by Cooper & Oxley for their full submission;
2. Accept the Tender submitted by Cooper & Oxley, as the preferred Tenderer, authorising the Chief Executive Officer to remove any (or Council specified) elements from their full submission to have the total cost not exceed \$8,000,000 (or another \$ figure specified by Council). If Council is looking to reduce the capital amount it is suggested the following items could be removed (totalling \$1,302,240);
  - a. Slides - \$850,000
  - b. BBQ's - \$20,205
  - c. Playground equipment - \$25,000
  - d. Covered (coffee) seating area - \$34,035
  - e. Reduce amount of shade sales - \$31,000 (est.)
  - f. Replace concrete bleachers with shade sales - \$342,000 (est.)
3. Accept the Tender submitted by Cooper & Oxley, as the preferred Tendered, for a cost of \$9,433,965, plus the provision for water slides (\$850,000);
4. Reject All Tenders – this will have implications with grant agreements and funding.

There are a range of factors to consider in making a final determination;

- Cost. The report does highlight that the full development is financially sustainable and within the Councils capacity to deliver without impacting future planned activities or projects. The recommendation of staff is that Council provide the opportunity to review some elements of the concept to identify cost savings. The review would be limited to savings around materials and only design elements that do not alter the services of the facility. An example may be exploring the materials used for the construction of the (bleacher) grandstand, which is currently precast concrete. It may be more cost effective to utilise a different material such as limestone retaining. Any proposed adjustments would be undertaken in consultation with the builder and architect.
- The following table outlines the costs and proposed funding for the project, as well as the current budget and long-term financial plan

projections (note: the proposed funding from reserve incorporates the use of the sale of the Yilgarn Avenue land).

	LTFP	Current Budget	Potential
Base Capital Cost			8,275,140
Options:			
B2			442,245
B3			397,460
B4			158,915
			115,000
			20,205
B5			25,000
			850,000
Architectural design and project management			385,000
Contingency			308,519
<b>Budget capital cost</b>	<b>8,000,000</b>	<b>7,991,642</b>	<b>10,977,484</b>
<b>Funded by:-</b>			
CSRFF	2,300,000	1,500,000	1,500,000
BBRF	-	3,200,000	3,200,000
From reserve	1,948,067	891,642	1,676,907
Loan	3,251,933	2,400,000	4,500,000
Sale of Yilgarn Ave			-
General funding	500,000		100,577
<b>Budgeted total revenue</b>	<b>8,000,000</b>	<b>7,991,642</b>	<b>10,977,484</b>

- Outcome. This project represents a significant 30 to 40-year investment, providing a facility for the community and region. Ensuring that the facility meets the needs and expectations of the community is important. While Council could reduce the costs of the project significant, by simply replicating the current offering at a new location, this may raise the question why relocate the facility at all, as refurbishment was projected to be significantly less costly.

As a result of the workshops and in the context of the previous Council decision to relocate the pool, staff are recommending delivering the entire project. This recommendation is based on the ability of Council to accommodate the financial cost of the proposed facility and the significant benefit it will provide to both the Shire of Northam community and the region.

### Council Discussion

Clarification was sought in relation to the following:

- What is the difference between this tender and the tender to construct the Northam Recreation Centre. The Chief Executive Officer advised that the Recreation Centre contract was a 'Design & Construct' whereas the Northam Aquatic Centre was a 'Construct' only.
- If there is granite rock found on the site during construction will this increase the total costs? The Chief Executive Officer advised that Geotech reports and samples have been carried out and supplied to the Tenderer.



- Should there be a contingency in the recommendation in regard to the capability of the Tenderer? The Chief Executive Officer advised that the Shire would be taking out Contract Management Insurance for this project.
- Are the Tradesman protected if the tenderer could not complete the contract, or was unable to pay? The Chief Executive Officer advised that the Shire of Northam had nothing specifically in place to accommodate this, was a matter for contractors, however a discussion would be held with Cooper & Oxley in an attempt to ensure sub-contractors were adequately protected.
- What is the actual number of slides being installed in the Tender? The Chief Executive Officer confirmed that, based on quotes received by the Architect, there are a total of 4 slides being installed. The configuration and final design were still to be completed/confirmed.
- If any change are required to the scope of works will Council be told? The Chief Executive Officer advised that any changes required will need to be represented to Council for approval.
- If there were any variations to the contract during the construction would the tenderer need to seek approval for the works to take place? The Chief Executive Officer advised that the Tenderer would need to submit a variation claim to the Shire, through the contract manager. Adequate controls are in place to manage any potential variations.
- Is there disability access to all parts of the aquatic centre? The Chief Executive Officer advised that the 2 proposed swimming pools as well as the kids play area all had disability access. There was no provision for disability access to the slides currently.

COUNCIL DECISION

Minute No: C.3552

Moved: Cr Pollard

Seconded: Cr Della

Council reinstate standing orders 9.1 and 9.3

CARRIED 9/0

RECOMMENDATION / COUNCIL DECISION

Minute No: C.3553

Moved: Cr S Pollard

Seconded: Cr C Della

That Council;

1. accepts the tender 2 or 2018 submission made by Cooper & Oxley Builders Pty Ltd, as the most advantageous tender, not exceeding \$10,283,965; comprising
  - a. Essential elements - \$8,275,140
  - b. Option b2 (concrete bleacher seating) - \$442,245
  - c. Option b3 (carpark construction) - \$397,460
    - i. Incorporating a variation to create additional access to the proposed car park from Arnold Street
  - d. Option b4 (landscaping) - \$158,915
  - e. Option b4 (shade sails) - \$115,000
  - f. **Option b4 (BBQ's)** - \$20,205
  - g. Option b5 (playground equipment) - \$25,000
  - h. Option b3 (water slides) - \$850,000;
2. authorises the Chief Executive Officer to agree any potential cost savings with Cooper & Oxley, subject to it not resulting in the loss of any facility proposed to be included in the development and that the list of savings be provided to Council for information;
3. authorise the Chief Executive officer to form and execute a contract with Cooper & Oxley Pty Ltd;
4. authorises a contract contingency of up to \$310,000 for valid variations to be authorised by the Chief Executive Officer

CARRIED 9/0

Moved: Cr T Little  
Seconder: Cr M Ryan

**That Council remove section 4 of the recommendation** “authorises a contract contingency of up to \$310,000 for valid variations to be authorised by the Chief Executive Officer” until the completion of the project.

LOST 2/7

RECOMMENDATION / COUNCIL DECISION

Minute No: C.3554

Moved: Cr T Little

Seconded: Cr A Mencshelyi

**That Council provide 1 month's local public notice of its intention to borrow** an additional \$2,100,000 for the Shire of Northam aquatic facility project.

CARRIED 9/0  
BY ABSOLUTE MAJORITY

14. MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

Nil

15. URGENT BUSINESS APPROVED BY PERSON PRESIDING OR BY DECISION

Nil.

16. DECLARATION OF CLOSURE

There being no further business, the Shire President, Cr C R Antonio declared the meeting closed at 6:25pm.

"I certify that the Minutes of the Special Meeting of Council held on Monday, 5<sup>th</sup> December 2018 have been confirmed as a true and correct record."

\_\_\_\_\_ President

\_\_\_\_\_ Date

