

Date: 8 November 2023  
File ref.: CPB-1005-LET-0390

Attention: Craig Ramm, Engineer Representative  
Worley Services Pty Ltd  
Level 1, 93-95 William Street  
Perth WA 6000

Dear Craig,

**CONTRACT NO: WR/C/CC/1005**  
**WESTERN RANGE PROJECT – MAIN INFRASTRUCTURE BULK EARTHWORKS**  
**Clause 9.2 Notice of Variation; Clause 56.2(a) Notice of anticipated delay**

**REFERENCE: VAR-189/NOD-189**

**VARIATION: Cultural Monitor Requirements & Unavailability**

The Contractor refers to the above Contract. Capitalised words within this correspondence have the same meaning as in the Contract.

<b>Notice of potential Variation - Clause 9.2(a)</b>	
The Contractor reasonably believes a Variation to the Works has occurred in the absence of a Direction by the Engineer.	
<b>Details of claimed Variation</b>	
Reference	<ol style="list-style-type: none"> <li>1) APPROVALS PERMIT: AR-20-16325 REISSUE#3</li> <li>2) Email conversation from the Engineer "Recommencement of Works in S18 Creek Crossing Areas" received on 3 November 2023</li> <li>3) Email conversation from the Engineer "Pirraburdu and 7-Mile Creek Section 18 Planned Works" received on 4 November 2023</li> </ol>
Details	<p>On 15 June 2023, the Engineer reissued Approval Permit#3 in which monitoring requirements were added by the Engineer to do works in Section 18 areas (WR-22-100 &amp; WR-22-101). This will impact the Contractor working in several areas including HV01 Pirraburdu Creek Floodway, HV01 7-Mile Creek Floodway, CV703 (7-Mile Creek), CV704 (7-Mile Creek), LV16 (7-Mile Creek), Service Corridors (7-Mile Creek) and LV30 (Pirraburdu Creek).</p> <p>As per screenshot below it states that two Traditional Owner Monitors are required to be present for all new ground disturbing impacts occurring within the Creek and requires the Contractor to give at least 2 weeks written notice to the Engineer before the schedule works can commence.</p>

**MONITORING**

Two (2) Traditional Owner Monitors are required to be present for all new ground disturbing impacts occurring within the creeks (WR-22-100-A and WR-22-101-A), following a commitment made with the Yinhawangka Aboriginal Corporation (YAC). At least two weeks' notice is to be given to YAC through written notification before the scheduled works are to commence. In the event that monitors are unavailable, consultation with YAC is required to confirm the process.

For further details refer to the Salvage Management Plan for Western Range Project Application 2 (attached in ARCS).

The Engineer furthermore directed the Contractor for additional monitoring requirements for adjacent permits to Section 18 areas. This will further impact many adjacent areas including HV01 Section 1 (Pirraburdu Creek), HV01 Section 1 (7-mile Creek), LV30 (Pirraburdu Creek), CV703 (7 – Mile Creek), CV704 (7-Mile Creek), LV16 (7-mile creek) and CV702 (Pirraburdu Creek) currently.

On 3 November 2023 the Engineer Environmental Superintendent made additional recommendation of works in Section 18 area (*refer Attachment 2: Recommencement of Works in S18 Creek Crossing Areas*) this includes additional prestart briefing requirements and compulsory attendance of approved Yinhawangka Cultural Monitor (YCM)/delegate in prestart briefing. There is also additional disruption anticipated due to breaks taken by the culture monitors/delegate requiring clarification during which the Contractor will need to stop the works, creating further inefficiency whilst working in the area.

On 4 November 2023 the Engineer advised the Contractor that no cultural monitor has been available for HV01 7-Mile Creek Floodway works (*refer Attachment 3: Pirraburdu and 7-Mile Creek Section 18 Planned Works 5/11/2023*) for 5 November 2023 due to which the Contractor couldn't proceed with the planned works, and there could be potential ongoing issues which further impacts the Contractor.

The Engineer has requested the Contractor to schedule the works that require the presence of the cultural monitor concurrently and not overlap the works. The Contractor has advised the Engineer that this will not be possible in some areas.

**Effect of the Variation on the Completion Date - Clause 56.2 and Clause 56.1(f)**

Delay to the Completion Date

Pursuant to Clause 56.2(a) and with reference to Clause 56.1(f), the Contractor anticipates that there will be a delay to the performance of the Works at least equal with the direct manhours incurred in performing this Variation.

The Contractor anticipates potential delay to the Completion of the Works and/or Milestones. The Contractor is currently unable to finalize and advise the anticipated impact of this delay until further review.

**Opinion of the impact of claimed Variation to the Contract Price - Clause 9.2(b)**

Impact to Contract Price

The Contractor currently estimates direct cost impact of approximate \$4.8M this allows for an additional pre-start with the cultural Monitor and

	<p>an allowance of 1 hour per day disruption for occurring due to Cultural Monitor having breaks or seeking clarification, which the Contractor will be required to stop the works.</p> <p>There may be further cost impacts in addition to these due to standby cost of plants and operators occurring when a Cultural monitor is unavailable.</p>
Qualifications	<b>Nil</b>

The Contractor trusts that this provides the requisite information to allow the Company to issue a Variation Direction to confirm the Variation.

The Contractor reserves all its rights under the Contract and at law.

Yours sincerely,

**CPB Contractors Pty Ltd**

**Richard Walford**

**Contractor's Representative**

Att.:

- Attachment 1 - APPROVALS PERMIT: AR-20-16325 REISSUE#3**
- Attachment 2 - Email conversation "Recommencement of Works in S18 Creek Crossing Areas."**
- Attachment 3 - Email conversation "Pirraburdu and 7-Mile Creek Section 18 Planned Works"**