



**Shire of Derby /
West Kimberley**

AGENDA

Special Council (Commissioner) Meeting Friday, 29 August 2025

**I hereby give notice that a Special Meeting of Council (Commissioner)
will be held on:**

Date: Friday, 29 August 2025

Time: 2:00 PM

Location: Council Chambers, Derby

Tamara Clarkson

Chief Executive Officer



Our Guiding Values

We are **PROUD** of who we are and where we live.

We will create a **POSITIVE LEGACY** for our children and children's children.

We will go about our business with **INTEGRITY, TRANSPARENCY and AUTHENTICITY**.

We value and **RESPECT** what our community has to say and will strive to make things happen.

We are **PROUD** of and value the **KNOWLEDGE** of our diverse and strong people and cultures.

We value our **RELATIONSHIPS** and will work with others to achieve common goals and gain maximum impact.

We are **PROUD** of and **COMMITTED** to the responsible preservation of our unique natural environment and making sure our built environment reflects our current and future needs.

We are open for and encourage business, industry and all aspects of **COMMUNITY DEVELOPMENT**, particularly our thriving arts and cultural scene.

Disclaimer

No responsibility whatsoever is implied or accepted by the Shire of Derby/West Kimberley (Shire) for any act, omission or statement or intimation occurring during Council or Committee meetings.

The Shire 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 or 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 Council Member or officer of the Shire during the course of any meeting is not intended to be and is not taken as notice of approval from the Shire.

The Shire warns that anyone who has any application lodged with the Shire 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 in respect of the application.

Notes for Members of the Public

PUBLIC QUESTION TIME

The Shire of Derby/West Kimberley extends a warm welcome to you in attending any Shire meeting. The Shire is committed to involving the public in its decision-making processes whenever possible. The ability to ask questions during 'Public Question Time' is of critical importance in pursuing this public participation objective. The Shire sets aside a period of 'Public Question Time' to enable a member of the public to put questions. Questions should only relate to the business of the Shire and should not be a statement or personal opinion. Upon receipt of a question from a member of the public, the Presiding Member may either answer the question or direct it to an officer to answer, or it will be taken on notice.

Any comments made by a member of the public become a matter of public record as they are minuted by Council. Members of the public are advised that they are deemed to be held personally responsible and legally liable for any comments made by them that might be construed as defamatory or otherwise considered offensive by any other party.

MEETING FORMALITIES

Local government Council meetings are governed by legislation and regulations. During the meeting, no member of the public may interrupt the meetings proceedings or enter into conversation. Members of the public shall ensure that their mobile telephone or audible pager is not switched on or used during any Shire meeting.

Members of the public are hereby advised that the use of any electronic, visual or audio recording device or instrument to record proceedings of the meeting is not permitted without the permission of the Presiding Member.

COPYRIGHT

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LIVE STREAM

This meeting will be video recorded and live-streamed on the Shire's Youtube Channel, with the exception of confidential items and periods of adjournment as determined by the Presiding Member. By being present at this meeting, members of the public consent to the possibility that their voice and/or image may be live-streamed to the public. Recordings will also be made available on the Shire's Youtube Channel and Website following the meeting. The official record of the meeting will be the written minutes kept in accordance with the Local Government Act 1995 and any relevant regulations.

Notes for Council Members

NATURE OF COUNCIL'S ROLE IN DECISION MAKING

Advocacy:	When Council advocates on its own behalf or on behalf of its community to another level of government/body/agency.
Executive/Strategic:	The substantial direction setting and oversight role of the Council such as adopting plans and reports, accepting tenders, directing operations, grants, and setting and amending budgets.
Legislative:	Includes adopting local laws, town planning schemes and policies.
Administrative:	When Council administers legislation and applies the legislative regime to factual situations and circumstances that affect the rights of people. Examples include town planning applications, building licences and other decisions that may be appealable to the State Administrative Tribunal.
Review:	When Council reviews a decision made by Officers.
Information:	Includes items provided to Council for information purposed only that do not require a decision of Council (that is for 'noting').

ALTERNATIVE MOTIONS

Council Members wishing to make alternative motions to officer recommendations are requested to provide notice of such motions in written form to the Chief Executive Officer prior to the Council meeting.

DECLARATIONS OF INTERESTS

Council Members should fill in Disclosure of Interest forms for items in which they have a financial, proximity or impartiality interest and forward these to the Presiding Member before the meeting commences.

Council Members must disclose the nature of their interest in matters to be discussed at the meeting (Part 5 Division 6 of the *Local Government Act 1995*). Employees must disclose the nature of their interest in reports or advice when giving the report or advice to the meeting (Sections 5.70 and 5.71 of the *Local Government Act 1995*).

APPLICATION FOR LEAVE OF ABSENCE

In accordance with Section 2.25 of the *Local Government Act 1995*, an application for leave requires a Council resolution granting leave requested. Council may grant approval for Leave of Absence for a Council Member for ordinary Council meetings for up to but not more than six consecutive meetings. The approval of the Minister is required for leave of absence greater than six ordinary Council meetings.

This approval must be by Council resolution and differs from the situation where a Council Member records their apologies for the meeting. A failure to observe the requirements of the Act that relates to absence from meetings can lead to a Council Member being disqualified should they be absent without leave for three consecutive meetings.

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1 DECLARATION OF OPENING, ANNOUNCEMENT OF VISITORS**2 DISCLAIMER**

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3 ACKNOWLEDGMENT OF COUNTRY

In the spirit of Reconciliation, the Shire of Derby/West Kimberley acknowledges the traditional custodians of country throughout the Shire and the continued connection to the land, waters and community.

The Shire of Derby/ West Kimberley would like to pay our respects to the people, the cultures and the Elders past and present and the continuation of cultural, spiritual and educational practices of Aboriginal people.

4 ATTENDANCE VIA TELEPHONE/INSTANTANEOUS COMMUNICATIONS

A Council Member may attend council or committee meetings by electronic means if the member is authorised to do so by the President or the Council. Electronic means attendance can only be authorised for up to half of the Shire's in-person meetings they have attended in total, in any rolling 12 months prior period. Authorisation can only be provided if the location and the equipment to be used by the Councillor are suitable to enable effective, and where necessary confidential, engagement in the meeting's deliberations and communications.

5 DISCLOSURE OF INTERESTS**5.1 Declaration of Financial Interests****5.2 Declaration of Proximity Interests**

At the Ordinary Council (Commissioner) Meeting held Thursday, 24 April 2025 in the Council Chambers, Derby the Commissioner declared he is a Member of Council for the Shire of Wyndham/East Kimberley.

At the Ordinary Council (Commissioner) Meeting held Thursday, 22 May 2025 in the Karrayilli Adult Education Centre, Fitzroy Crossing the Commissioner declared he is a Director of Gumala Investment Pty Ltd and Director of Wunan Foundation.

5.3 Declaration of Impartiality Interests

6 PUBLIC TIME

Due to the nature of this meeting, being a Special Council Meeting, only questions relating to matter on this agenda may be addressed.

6.1 Public Question Time

6.2 Public Statements

7 ANNOUNCEMENTS BY PRESIDING PERSON WITHOUT DISCUSSION

REPORTS

8 TECHNICAL SERVICES

8.1 AWARDING OF TENDER T2025/2026-02 - GRAVEL RESHAPE AND RE-SHEETING - CHERRABUN AND FOSSIL DOWNS ROADS

File Number: 0481

Author: Wayne Neate, Director Infrastructure

Responsible Officer: Tamara Clarkson, Chief Executive Officer

Authority/Discretion: Executive

SUMMARY

This item is for Council (Commissioner) to consider the awarding of Tender T2025/2026-02 being the contract works required to undertake gravel reshaping and re-sheeting on the Cherrabun and Fossil Downs Roads. It is proposed that the tender be awarded to Tenderer B, as per the confidential attachment.

DISCLOSURE OF ANY INTEREST

Nil by Author; Nil by Responsible Officer.

BACKGROUND

As adopted in Council's Annual Budget 2025/2026, funding has been allocated for improvement works to undertake gravel reshaping, re-sheeting and some drainage work at various Straight Line Kilometre's (SLK's) locations on the Cherrabun Road for approximately 7km and the Fossil Downs Road for Approximately 6.3km. Following the tender advertisement, four submitted documents were received at the close of tenders on 25 August 2025 at 2.00pm.

STATUTORY ENVIRONMENT

Local Government Act 1995 – 3.57 Tenders for the providing goods or services and *Local Government (Functions and General) Regulations 1996* Part 4 Tenders for providing goods or services.

POLICY IMPLICATIONS

Procurement of Goods and Services – F1

Regional Price preference Policy – F7

FINANCIAL IMPLICATIONS

Funds for the undertaking of this contract are contained within the 2025/2026 Annual Budget for gravel reshaping, re-sheeting and some drainage Cherrabun and Fossil Downs Roads.

The funding is comprised of the following;

Cherrabun Road – RC020

- Roads to Recovery – \$100,000
- Remote Access Road – \$120,000

- Road Project Grant – \$230,000
- Total - \$450,000

Fossil Downs Road – RC017

- Roads to Recovery (Special) – \$275,000
- Remote Access Road – \$120,000
- Road Project Grant – \$290,000
- Total - \$685,000

Roads to Recovery (R2R) funds are from a five-year program running from financial years 2024/25 to 2028/29 and are controlled by the Australian Government. These R2R grants are stand alone and can be used for a complete or part of a project. The R2R special grant are grants awarded to Councils to better improve access to remote Aboriginal communities.

Remote access road grants are made up of funds from Main Roads Western Australia (MRWA) and Special road grants from the Federal Assistance Grant (SFAGS) on a 33.3% and 66.6% basis respectively. The amounts shown above for the Remote access road grants is the combined total of the MRWA and SFAGS grants. These grants are road specific grants.

Road project grants are funds administered by MRWA and are funded in a manner that 66.6% of the grant is from MRWA and the rest of the grant is Shire funds making up the final 33.3%. In the amounts shown above we are only listing the 66.6% from MRWA we are using R2R grant to make up Councils 33.3%. These grants are road specific grants.

The Tender price submission for all Tenderer's is attached as a confidential attachment.

STRATEGIC IMPLICATIONS

GOAL	OUR PRIORITIES	WE WILL
4. Environment	4.2 Liveable Communities	4.2.3 Encourage and facilitate the maintenance and development of infrastructure that connects our communities

RISK MANAGEMENT CONSIDERATIONS

RISK	LIKELIHOOD	CONSEQUENCE	RISK ANALYSIS	MITIGATION
Community: Access to communities restricted.	Likely	Moderate	High	Maintain roads to industry standard.

CONSULTATION

Tender T2025/2026-02 being the contract works required to undertake gravel reshaping and re-sheeting on the Cherrabun and Fossil Downs Roads, was advertised in local and state-wide newspapers, with the tender closing 2.00pm (WST) on 18 August 2025. The advertised tender allowed for a minimum of fourteen days for individuals or companies to submit tenders, which included the opportunity to view and inspect the construction site. Officers have carried out

several inspections on the section of road concerned to ascertain the most appropriate locations for treatment.

An extension of time was granted following some questions from tenderer's regarding the tender and additional time was granted to provide a more accurate response and pricing for the tender. The new closing date became the 25 August 2025 at 2.00pm.

COMMENT

It is recommended that the tender be awarded to the contractor with the highest average score given by three assessors, using the Approved Tender Scoring Criteria that falls within the allocated budget. The Regional Price Preference Policy AF33 was applied to the prices submitted by The Trustee for Buckley's Earthworks and Paving Unit Trust and Robbro Road Constructions Pty Ltd.

The criteria and weighting for this tender were as follows;

Criteria	%
Relevant Experience	10
Capacity to Deliver and Resources	10
Quality/Suitability	15
Key Personnel & Skills	15
Demonstrated Understanding	25
Local Content	20
Risk	5

As seen in the confidential table Tenderer's B score in the confidential attachment reflects the business's capability in each area in the Assessment Criteria for Tender T2025/2026-02 being the contract works required to undertake gravel reshaping and re-sheeting on the Cherrabun and Fossil Downs Roads.

The proposed Tenderer has shown in their submission that they have a proven track record to complete similar works required in the Tender and have advised within their submission that they can complete the works within the timeframe required within the tender.

It is therefore recommended that Tenderer B as per the confidential attachment is awarded the Tender for the gravel reshaping and re-sheeting on the Cherrabun and Fossil Downs Roads.

VOTING REQUIREMENT

Simple majority

ATTACHMENTS

1. T2 - 2025/2026 Confidential Scoring and Pricing - Confidential

RECOMMENDATION

That Council (Commissioner):

- 1. Award Tender T2025-26-02 Gravel reshaping and re-sheeting on the Cherrabun and Fossil Downs Roads to Tenderer B as per the confidential attachment;**
- 2. Notes that the tender price and the name of the successful tenderer will be included in the minutes of the Special Council (Commissioner) meeting; and**
- 3. Authorise the Chief Executive Officer to execute the contract with the successful tenderer.**

8.2 AWARDING OF TENDER T2025/2026-01 GRAVEL SHEETING - GEE GULLY, CAMBALLIN-MYROODAH AND CALWYNYARDAH-NOONKANBAH ROADS**File Number:** 0481**Author:** Wayne Neate, Director Infrastructure**Responsible Officer:** Tamara Clarkson, Chief Executive Officer**Authority/Discretion:** Executive**SUMMARY**

This item is for Council (Commissioner) to consider the awarding of Tender T2025/2026-01 being the contract works required to undertake gravel reshaping, drainage improvements, construction of a Concrete Floodway and re-sheeting on the GNH-Gee Gully, Camballin-Myroodah and Calwynyardah-Noonkanbah Roads. It is proposed that the tender be awarded to Tenderer B, as per the confidential attachment.

DISCLOSURE OF ANY INTEREST

Nil by Author; Nil by Responsible Officer.

BACKGROUND

As adopted in Council's Annual Budget 2025/2026, funding has been allocated to undertake gravel reshaping, drainage improvements, construction of a Concrete Floodway and re-sheeting on the GNH-Gee Gully, Camballin-Myroodah and Calwynyardah-Noonkanbah Roads at various Straight-Line Kilometre's (SLK's) locations. The Concrete Floodway is proposed on the Camballin-Myroodah road at Creek crossing just south of the old Liveringa Homestead. Following the tender advertisement, four submitted documents were received at the close of tenders on 25 August 2025 at 2.00pm.

STATUTORY ENVIRONMENT

Local Government Act 1995 – 3.57 Tenders for the providing goods or services and *Local Government (Functions and General) Regulations 1996* Part 4 Tenders for providing goods or services.

POLICY IMPLICATIONS

Procurement of Goods and Services – F1

Regional Price preference Policy – F7

FINANCIAL IMPLICATIONS

Funds for the undertaking of this contract are contained within the 2025/2026 budget for gravel reshaping, drainage improvements, construction of a Concrete Floodway and re-sheeting on the GNH-Gee Gully, Camballin-Myroodah and Calwynyardah-Noonkanbah Roads.

The funding is comprised of the following;

GNH-Gee Gully Road – RC004

- Road Project Grant– \$230,000
- Remote Access Road – \$120,000
- Total - \$350,000

Camballin-Myroodah Road – RC022

- Roads to Recovery (Special) – \$347,000
- Remote Access Road – \$100,000
- Road Project Grant – \$230,000
- Total - \$677,000

Calwynyardah-Noonkanbah Road – RC014

- Roads to Recovery (Special) – \$275,000
- Remote Access Road – \$250,000
- Total - \$525,000

Roads to Recovery (R2R) funds are funds from a five-year program running from financial year 24/25 to 28/29 and these funds are Federal government controlled. These R2R grants are stand alone and can be used for a complete or part of a project. The R2R special grant are grants awarded to Councils to better improve access to remote Aboriginal communities.

Remote access road grants are made up of funds from Main Roads Western Australia (MRWA) and Special road grants from the Federal Assistance Grant (SFAGS) on a 33.3% and 66.6% basis respectively. The amounts shown above for the Remote access road grants is the combined total of the MRWA and SFAGS grants. These grants are road specific grants.

Road project grants are funds administered by MRWA and are funded in a manner that 66.6% of the grant is from MRWA and the rest of the grant is Shire funds making up the final 33.3%. In the amounts shown above we are only listing the 66.6% from MRWA we are using R2R grant to make up Councils 33.3%. These grants are road specific grants.

The Tender price submission for all Tenderer's is attached as a confidential attachment.

STRATEGIC IMPLICATIONS

GOAL	OUR PRIORITIES	WE WILL
4. Environment	4.2 Liveable Communities	4.2.3 Encourage and facilitate the maintenance and development of infrastructure that connects our communities

RISK MANAGEMENT CONSIDERATIONS

RISK	LIKELIHOOD	CONSEQUENCE	RISK ANALYSIS	MITIGATION
Community: Access to communities restricted.	Likely	Moderate	High	Maintain roads to industry standard.

CONSULTATION

Tender T2025/2026-01 being the contract works required to undertake gravel reshaping, drainage improvements, construction of a Concrete Floodway and re-sheeting on the GNH-Gee Gully, Camballin-Myroodah and Calwynyardah-Noonkanbah Roads, was advertised in local and state-wide newspapers, with the tender closing 2.00pm (WST) on 18 August 2025. The advertised tender allowed for a minimum of fourteen days for individuals or companies to submit tenders, which included the opportunity to view and inspect the construction site. Officers carried out several inspections on the section of road concerned to ascertain the most appropriate locations for treatment.

An extension of time was granted following several questions from tenderer's regarding the tender and additional time was granted to provide a more accurate response and pricing for the tender. The new closing date became the 25 August 2025 at 2.00pm.

COMMENT

It is recommended that the tender be awarded to the contractor with the highest average score given by three assessors, using the Approved Tender Scoring Criteria that falls within the allocated budget. The Regional Price Preference Policy AF33 was applied to the prices submitted by The Trustee for Buckley's Earthworks and Paving Unit Trust and Robbro Road Constructions Pty Ltd.

The criteria and weighting for this tender were as follows;

Criteria	%
Relevant Experience	10
Capacity to Deliver and Resources	10
Quality/Suitability	15
Key Personnel & Skills	15
Demonstrated Understanding	25
Local Content	20
Risk	5

As seen in the confidential table Tenderer B's score in the confidential attachment reflects the business' capability in each area in the Assessment Criteria for Tender T2025-26-01 being the contract works required to undertake gravel reshaping, drainage improvements, construction of a Concrete Floodway and re-sheeting on the GNH-Gee Gully, Camballin-Myroodah and Calwynyardah-Noonkanbah Roads.

The proposed Tenderer has shown in their submission that they have a proven track record to complete similar works required in the Tender and have advised within their submission that they can complete the works within the timeframe required within the tender.

It is therefore recommended that Tenderer B as per the confidential attachment is awarded the tender for the gravel reshaping and re-sheeting on the GNH-Gee Gully, Camballin-Myroodah and Calwynyardah-Noonkanbah Roads.

VOTING REQUIREMENT

Simple majority

ATTACHMENTS

1. T2 - 2025/2026 Confidential Scoring and Pricing - Confidential

RECOMMENDATION

That Council (Commissioner):

- 1. Award Tender T2025-26-01 gravel reshaping, drainage improvements, construction of a Concrete Floodway and re-sheeting on the GNH-Gee Gully, Camballin-Myroodah and Calwynyardah-Noonkanbah Roads to Tenderer B as per the confidential attachment;**
- 2. Notes that the tender price and the name of the successful tenderer will be included in the minutes of the Special Council (Commissioner) meeting; and**
- 3. Authorise the Chief Executive Officer to execute the contract with the successful tenderer and negotiate with the successful tenderer to reduce the scope of works in line with the 2025/26 budget.**

9 NEW BUSINESS OF AN URGENT NATURE

10 CLOSURE

10.1 Date of Next Meeting

The next ordinary meeting of Council (Commissioner) will be held 5:30pm Thursday, 18 September 2025 in the Council Chambers, Derby.

10.2 Closure of Meeting