



**Shire of Derby /  
West Kimberley**

# **CONFIRMED MINUTES**

**Special Council Meeting  
Thursday, 17 August 2023**

**Date: Thursday, 17 August 2023**

**Time: 5:53 PM**

**Location: Council Chambers  
Clarendon Street  
Derby**



## Order Of Business

<b>1</b>	<b>Declaration of Opening, Announcements of Visitors .....</b>	<b>3</b>
<b>2</b>	<b>Attendance via Telephone/Instantaneous Communications.....</b>	<b>3</b>
<b>3</b>	<b>Disclosure of Interests .....</b>	<b>4</b>
3.1	Declaration of Financial Interests .....	4
3.2	Declaration of Proximity Interests .....	4
3.3	Declaration of Impartiality Interests.....	4
<b>4</b>	<b>Public Time.....</b>	<b>4</b>
4.1	Public Question Time .....	4
4.2	Public Statements .....	4
<b>5</b>	<b>Announcements by Presiding Person without Discussion .....</b>	<b>4</b>
<b>Reports .....</b>		<b>6</b>
<b>6</b>	<b>Executive Services .....</b>	<b>6</b>
6.1	AWARD OF TENDER T09-2023 FACILITIES MANAGEMENT AND CATERING SERVICES FOR 40 PERSON WORKFORCE CAMP, FITZROY CROSSING AGRN 1044.....	6
<b>7</b>	<b>New Business of an Urgent Nature .....</b>	<b>10</b>
•	<b>Nil .....</b>	<b>10</b>
<b>8</b>	<b>Closure.....</b>	<b>10</b>
8.1	Date of Next Meeting.....	10
8.2	Closure of Meeting.....	10

**Note: Following the closure of the earlier 17 August 2023 Special Council Meeting, Cr Geoff Haerewa (President) called a further Special Council Meeting to commence at 5.50pm on 17 August 2023, for the purpose to award Tender T09-2023 Facilities Management and Catering Services for 40 person workforce camp, Fitzroy Crossing AGRN 1044.**

**MINUTES OF SHIRE OF DERBY / WEST KIMBERLEY  
SPECIAL COUNCIL MEETING  
HELD AT THE COUNCIL CHAMBERS, CLARENDON STREET, DERBY  
ON THURSDAY, 17 AUGUST 2023 AT 5:53 PM**

**PRESENT:** Cr Geoff Haerewa (Shire President)(MS Teams), Cr Peter McCumstie (Deputy Shire President), Cr Paul White, Cr Geoff Davis, Cr Andrew Twaddle, Cr Rowena Mouda (MS Teams) and Cr Pat Riley

**IN ATTENDANCE:** Wayne Neate (Director Technical and Development Services), Neil Hartley (Director of Strategic Business), Christie Mildenhall (Acting Director of Community Services)(MS Teams), Tamara Clarkson (Acting Director of Corporate Services), Mark Davis (Executive Service Project Director)(MS Teams), Callum Murray (Governance Officer) and Maria O'Connell (Media Officer)

**VISITORS:** Nil

**GALLERY:** Nil

**APOLOGIES:** Nil

**APPROVED LEAVE OF ABSENCE:** Nil

**ABSENT:** Nil

**1 DECLARATION OF OPENING, ANNOUNCEMENTS OF VISITORS**

The meeting was opened at 5:53 by Peter McCumstie (Deputy Shire President).

*Cr Geoff Haerewa called a Special Council Meeting for the purpose to award Tender T09-2023 Facilities Management and Catering Services for 40 person workforce camp, Fitzroy Crossing AGRN 1044*

*Due to family reasons, Cr Geoff Haerewa is joining the meeting via MS Teams, as a result, he has requested Cr Peter McCumstie Chair the meeting in his absence.*

**2 ATTENDANCE VIA TELEPHONE/INSTANTANEOUS COMMUNICATIONS**

A Councillor 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.

- Cr Rowena Mouda
- Cr Geoff Haerewa

### **3 DISCLOSURE OF INTERESTS**

#### **3.1 Declaration of Financial Interests**

- Nil

#### **3.2 Declaration of Proximity Interests**

- Nil

#### **3.3 Declaration of Impartiality Interests**

- Nil

### **4 PUBLIC TIME**

#### **4.1 Public Question Time**

- Nil

#### **4.2 Public Statements**

- Nil

### **5 ANNOUNCEMENTS BY PRESIDING PERSON WITHOUT DISCUSSION**

- Nil

*Geoff Davis left the meeting at 5:55pm.*

*Geoff Davis entered the meeting at 5:56pm.*

At the meeting held 4.30pm on 17 August 2023, Council resolved to defer item 8.1, Award of Tender T09-2023 Facilities Management And Catering Services for 40 person Workforce Camp, Fitzroy Crossing AGRN 1044 to the 31 August 2023 Ordinary Council Meeting to allow for additional information to be supplied.

Council will be in Caretaker Period from 31 August 2023, and as such, no significant decisions of Council can be made. Cr Geoff Haerewa requested Councillors consider rescinding the adopted resolution 81/23 to defer the item.

Councillors Twaddle, White, Davis and Mouda agreed to consider the matter.

**RESOLUTION 85/23****Moved: Cr Geoff Haerewa****Seconded: Cr Andrew Twaddle****That Council consider the matter of the rescission of 17 August 2023 Special Council Meeting resolution #81/23.**

In Favour: Crs Geoff Haerewa, Paul White, Andrew Twaddle, Rowena Mouda, Pat Riley and Peter McCumstie

Against: Cr Geoff Davis

**CARRIED 6/1**  
(Absolute Majority)

Cr Geoff Haerewa moved a motion to rescind 17 August 2023 Special Council Meeting resolution #81/23 (vis. *“That Council: 1. defer consideration on this item in order to obtain further information in regard to local employment opportunities and that the matter be re-presented to Council at its 31 August 2023 Ordinary Council Meeting for consideration”*).

**RESOLUTION 86/23****Moved: Cr Geoff Haerewa****Seconded: Cr Andrew Twaddle**

That Council rescind the 17 August 2023 Special Council Meeting resolution 81/23 *“That Council: 1. defer consideration on this item in order to obtain further information in regard to local employment opportunities and that the matter be re-presented to Council at its 31 August 2023 Ordinary Council Meeting for consideration”*.

In Favour: Crs Geoff Haerewa, Paul White, Andrew Twaddle, Rowena Mouda, Pat Riley and Peter McCumstie

Against: Cr Geoff Davis

**CARRIED 6/1**  
(Absolute Majority)

## REPORTS

### 6 EXECUTIVE SERVICES

#### 6.1 AWARD OF TENDER T09-2023 FACILITIES MANAGEMENT AND CATERING SERVICES FOR 40 PERSON WORKFORCE CAMP, FITZROY CROSSING AGRN 1044

**File Number:** 0450

**Author:** Elizabeth Mason, Executive Services Project Manager

**Responsible Officer:** Amanda Dexter, Chief Executive Officer

**Authority/Discretion:** Executive

### SUMMARY

This item is for Council to consider the awarding of tender T09-2023 being for the Management of Facilities and Catering Services of a 40-person mobile camp in Fitzroy Crossing, following event Australian Government Reference Number 1044 (AGRN 1044). It is proposed that the tender be awarded to BBB Catering Pty Ltd (BBB Catering).

### DISCLOSURE OF ANY INTEREST

Nil by Author or Responsible Officer.

### BACKGROUND

Near the end of 2022 Tropical Cyclone (TC) Ellie made landfall in the Northern Territory and began to track into the Kimberley. It then turned into an ex-TC Ellie and moved into the Kimberley between Kununurra and Halls Creek. This system tracked towards Fitzroy Crossing to the north of the town depositing large volumes of rainfall as it hovered north of the town before tracking towards Broome and once again becoming stationary before heading to the south east across the southern portion of the Shire.

During this period high rainfall numbers were received across the Shire of Derby/West Kimberley (the Shire) in most locations and damage to the road network was being reported on a constant basis. The unprecedented flooding in the Kimberley has had a severe impact on community infrastructure and assets across the flood affected region. Some areas received in excess of 500mm of rainfall over a few days with peaks of daily falls over 300mm.

Event AGRN 1044 was declared in mid-January as a result of the rainfall but also the extreme flooding that occurred across the whole Shire, but predominately along the path of the Fitzroy River.

In March 2023, Rio Tinto donated a 40-person mobile camp to provide free accommodation for workers deployed to the area to assist with the recovery effort. The camp includes a dry mess, loading dock, office space, water tanks, water treatment plant, laundry and first aid facilities.

The camp was established at Lot 199 Fallon Road, Fitzroy Crossing in June 2023 and commenced accepting bookings in July 2023. During this time the Shire have absorbed the initial costs including the purchasing of hotel items to run 20 rooms, the purchasing of a secure key cabinet and substituting the existing locks and keys to more user friendly key system, paying for in excess of 8,000L of diesel to facilitate the running of power, landscaping and cleaning after guests have vacated. The Shire also has a dedicated bookings officer to accommodate requests for

accommodation. This role adds additional work to the Shire's responsibilities. These consumables can be claimed under AGRN1044.

### STATUTORY ENVIRONMENT

- Local Government Act 1995–3.57 Tenders for the provision goods or services; and
- Local Government (Functions and General) Regulations 1996 part 4: tenders for the provision of goods or services.
- Construction Camp Regulations.

### POLICY IMPLICATIONS

- AF1–Procurement of Goods and Services (in particular, point 7. AGRN 1044 – Ex-Tropical Cyclone Ellie (2023 Fitzroy Crossing Floods))
- AF33–Regional Price Preference Policy – one tenderer qualified for application of this policy.

### FINANCIAL IMPLICATIONS

All costs incurred by the Shire related to the camp site preparation, establishment and management were undertaken consistent with Council's Policy *AF1–Procurement of Goods and Services* and its point 7. AGRN 1044 – Ex-Tropical Cyclone Ellie (2023 Fitzroy Crossing Floods) and are claimable from the federal government under AGRN 1044.

These costs are captured in GL Account AG095.

To date, \$246,890.32 in costs have been accrued by the Shire in relation to the operation of the camp for services.

### STRATEGIC IMPLICATIONS

GOAL	OUR PRIORITIES	WE WILL
2. Community		

### RISK MANAGEMENT CONSIDERATIONS

RISK	LIKELIHOOD	CONSEQUENCE	RISK ANALYSIS	MITIGATION
<b>Community:</b> Service workers unable to obtain accommodation.	Likely	Minor	Medium	Maintain continuity of service provider ease to transition into and out of the community.
<b>Reputation:</b> A negative perception and risk to the Shire of Derby/West	Likely	Moderate	High	The Shire facilitates the transition of the workers camp into the community and champions a successful

Kimberley.				tender.
<b>People Health &amp; Safety:</b> Inability to maintain a safe and healthy camp environment.	Likely	Major	High	The Shire appoints an appropriately qualified facility management contractor.

## CONSULTATION

This tender was advertised using the list of pre-qualified Western Australian Local Government Association (WALGA) panel tenderers available to the Shire of Derby/West Kimberley. It was advertised on the panel for the minimum 14-day period required by the legislation and closed on 17 July 2023 at 2:00pm. The Shire sought the services of a suitably qualified site services company to undertake the task of managing the camp.

The documents were circulated on the panel tender in the WALGA portal and also advertised in the Broome Advertiser newspaper. Three Indigenous Corporations in Fitzroy Crossing were advised of the tender. Two submissions were received.

## COMMENT

For the purposes of ensuring that the management of the camp is commenced by a suitably experienced operator and in an acceptable timeframe to ensure the best outcome for the Shire but not to the detriment of their normal duties, it is recommended that the tender for each area be awarded to the contractor that provides the best value for money, using the approved tender scoring criteria.

The criteria and weighting for this tender were as follows:

Criteria	Weighting
Relevant Experience	30%
Key Personnel Skills and Experience	5%
Tender Resources	10%
Demonstrated Understanding	15%
Local Supplier Details	10%
Quality Management System	20%
Risk	10%

The scores for BBB Catering and Dijun Holdings Pty Ltd are attached in Confidential Attachment 1. It is recommended that the tender be awarded to BBB Catering to undertake the facilities and camp management work for event AGRN 1044.

## VOTING REQUIREMENT

Simple majority

## ATTACHMENTS

### 1. Scoring and Pricing Matrix - Confidential



**RESOLUTION 87/23****Moved: Cr Paul White****Seconded: Cr Geoff Haerewa****RECOMMENDATION**

**That Council, subject to the CEO negotiating the best practical local business and local employment outcome opportunities:**

- 1. Award tender T2023-09 Facilities Management and Catering Services for 40-person workforce camp, Fitzroy Crossing to BBB Catering Pty Ltd for event ARGN 1044;**
- 2. Authorises the Chief Executive Officer to negotiate and sign a contract with BBB Catering Pty Ltd for the Facilities Management and Catering Services for 40-person workforce camp, Fitzroy Crossing for event AGRN 1044; and**
- 3. Notes costs incurred by the Shire in relation to this contract will be recovered from the federal government under the Disaster Recovery Funding Arrangement (AGRN1044).**

**In Favour:** Crs Geoff Haerewa, Paul White, Andrew Twaddle, Rowena Mouda, Pat Riley and Peter McCumstie

**Against:** Cr Geoff Davis

**CARRIED 6/1**

**7 NEW BUSINESS OF AN URGENT NATURE**

- Nil

**8 CLOSURE**

**8.1 Date of Next Meeting**

The next ordinary meeting of Council will be held Thursday, 31 August 2023 in the Council Chambers, Clarendon Street, Derby.

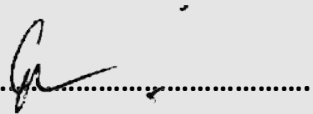
**8.2 Closure of Meeting**

The Presiding Member closed the meeting at 6:05pm.

**These minutes were confirmed at a meeting on**

.....31 August 2023.....

Signed: .....



**Presiding Person at the meeting at which these minutes were confirmed.**

**Date:** .....31 August 2023.....