



**Shire of Derby /
West Kimberley**

AGENDA

Special Council Meeting Thursday, 11 April 2019

I hereby give notice that a Special Meeting of Council will be held on:

Date: Thursday, 11 April 2019

Time: 5.30 pm

**Location: Council Chambers
Clarendon Street
Derby**

John Attwood

Acting Chief Executive Officer



Our Guiding Values

Respectful

By being helpful, friendly and supportive

Integrity

Through honesty, accountability and ethical behaviour

Leadership

By the Shire at the local and regional level and through encouragement of community leaders

Knowledgeable

By being well informed and accurate in what we do

Building Good Relationships

By being communicative, responsive and inclusive

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 Elected 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.

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Notes for Elected 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

Councillors wishing to make alternative motions to officer recommendations are requested to provide notice of such motions in written form to the Director Corporate and Community Services prior to the Council meeting.

DECLARATIONS OF INTERESTS

Elected 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. Section 5.60A of the *Local Government Act 1995* states;

"a person has a financial interest in a matter if it is reasonable to expect that the matter will, if dealt with by the local government, or an employee or committee of the local government or member of the council of the local government, in a particular way, result in a financial gain, loss, benefit or detriment for the person."

Section 5.60B states;

"a person has a proximity interest in a matter if the matter concerns –

(a) a proposed change to a planning scheme affecting land that adjoins the person's land;
or

(b) a proposed change to the zoning or use of land that adjoins the person's land; or

(c) a proposed development (as defined in section 5.63(5)) of land that adjoins the person's land."

Regulation 34C (Impartiality) states;

"interest means an interest that could, or could reasonably be perceived to, adversely affect the impartiality of the person having the interest and includes an interest arising from kinship, friendship or membership of an association."

2019 MEETING DATES

At its Ordinary Meeting of Council on 28 November, 2018, Council adopted the following meeting dates for 2019;

January			Council in Recess
Thursday	28 February 2019	5.30 pm	Council Chambers, Derby
Thursday	28 March 2019	1.00 pm	Library, Fitzroy Crossing
Tuesday	30 April 2019*	5.30 pm	Council Chambers, Derby
Thursday	30 May 2019	5.30 pm	Council Chambers, Derby
Thursday	27 June 2019	1.00 pm	Library, Fitzroy Crossing
Thursday	25 July 2019	5.30 pm	Council Chambers, Derby
Thursday	29 August 2019	5.30 pm	Council Chambers, Derby
Thursday	26 September 2019	1.00 pm	Council Chambers, Derby
Thursday	31 October 2019	5.30 pm	Council Chambers, Derby
Thursday	21 November 2019	1.00 pm	Library, Fitzroy Crossing
Thursday	12 December 2019	5.30 pm	Council Chambers, Derby

* amended to 18 April 2019 at 12.00pm Council Chambers, Derby.

Council's Compliance and Strategic Review Committee and the Housing and Works Committee meet when required. Details of these meetings are advised as appropriate.

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 an Elected 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 an Elected 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 an Elected 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 ATTENDANCE VIA TELEPHONE/INSTANTANEOUS COMMUNICATIONS**

In accordance with regulation 14A of the Local Government (Administration) Regulations 1996 Council must approve (by Absolute Majority) the attendance of a person, not physically present at a meeting of Council, by audio contact. The person must be in a 'suitable place' as approved (by absolute majority) by Council. A 'suitable place' means a place that is located in a townsite or other residential area and 150km or further from the place at which the meeting is to be held.

3 DISCLOSURE OF INTERESTS

Section 5.65 and 5.70 of the *Local Government Act 1995* requires an Elected Member or officer who has an interest in any matter to be discussed at a Committee/Council Meeting that will be attended by the Elected Member or officer must disclose the nature of the interest in a written notice given to the Chief Executive Officer before the meeting; or at the meeting before the matter is discussed.

An Elected Member who makes a disclosure under section 5.65 or 5.70 must not preside at the part of the meeting relating to the matter; or participate in; or be present during, any discussion or decision making procedure relating to the matter, unless allowed by the Committee/Council. If Committee/Council allow an Elected Member to speak, the extent of the interest must also be stated.

3.1 Declaration of Financial Interests**3.2 Declaration of Proximity Interests****3.3 Declaration of Impartiality Interests****4 PUBLIC TIME****4.1 Public Question Time****4.2 Public Statements****5 ANNOUNCEMENTS BY PRESIDING PERSON WITHOUT DISCUSSION**

REPORTS

6 TECHNICAL SERVICES

6.1 TENDER T2019-01 - FITZROY CROSSING ROADS RECONSTRUCTION

File Number: 0481

Author: Chris Hurstfield, Manager Technical

Responsible Officer: Wayne Neate, Director Technical and Development Services

Authority/Discretion: Administrative

SUMMARY

This item is to consider the award of a tender for the reconstruction of Forrest Rd, Geikie Gorge Rd and the intersection of Geikie Gorge and Russ Roads.

DISCLOSURE OF ANY INTEREST

Nil.

BACKGROUND

Funding was allocated in the 2018/19 Budget for the reconstruction of the following sections of roads in Fitzroy Crossing:

- The rutting on the west side of Forrest Rd between Fallon and Scrivener Rd;
- The road pavement on Geikie Gorge Rd around the turnoff to Brooking Springs Station; and
- The realignment of the intersection of Geikie Gorge and Russ Roads to a T-Intersection.

It has been recognised by Councillors and Staff for some time that sections of Forrest Rd and Geikie Gorge Rd are in a poor condition. The roads have deteriorated to a point where a reseal will be of minimal benefit so a full reconstruction is the only option available to increase the life of the road pavement.

The intersection of Geikie Gorge and Russ Roads was identified as a Black Spot risk for collisions during a Road Safety Audit. A new T-Intersection was designed to comply with Main Roads WA standards and eliminate the likelihood of sideswipe collisions.

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.

POLICY IMPLICATIONS

-)] AF1–Procurement of Goods and Services
-)] AF33–Regional Price Preference Policy – two tenderers qualified for application of this policy.

FINANCIAL IMPLICATIONS

Funds for the undertaking of this contract are contained within the adopted 2018/19 Budget as follows:

-)] Forrest Rd Reconstruction (\$241,615 Main Roads WA Road Project Grant, \$120,808 from the roads portion of the Federal Assistance Grants (FAGS)).
-)] Geikie Gorge Reconstruction \$190,800 Direct Grant)
-)] Geikie Gorge/Russ Rd Blackspot intersection upgrade (\$173,690 State Black Spot, \$86,845 FAGS).
-)] A Nomination has been submitted to Main Roads WA to reallocate surplus funds from Knowsley St West Reconstruction Stage 2 to Geikie Gorge Rd Reconstruction to allow the full scope of the latter project to be completed.

These budget amounts include a management overhead cost associated with the job.

STRATEGIC IMPLICATIONS

GOAL	OUTCOME	STRATEGY
2: A balance between natural and built environments Sustainable natural and built environments that meet the needs of the community and support future growth	2.3: Reliable and safe transport infrastructure	2.3.1: Develop a road maintenance and upgrading strategy
	2.5: Assets and infrastructure managed over the long term to meet current and future needs	2.5.2: Maintain effective liaison with other levels of government and regional bodies to ensure coordinated provision of regional infrastructure

RISK MANAGEMENT CONSIDERATIONS

RISK	LIKELIHOOD	CONSEQUENCE	RISK ANALYSIS	MITIGATION
Community: Access to communities, pastoral station and Fitzroy Valley District High School restricted.	Likely	Moderate	High	Maintain roads to industry standards
People Health & Safety: Visitors to Geikie Gorge National Park	Likely	Moderate	High	Maintain roads to industry standards

CONSULTATION

The tender was advertised state wide for a minimum of 14 days with submissions closing at 2:00pm, 2 April 2019. Documents were downloaded by 17 companies. The only submissions received were a Conforming and Alternative Tender submitted by Buckley's Earthworks and Paving.

COMMENT

The lack of responses to this tender can be partially attributed to the requirement to complete these works prior to 30 June 2019. Also, a large volume of construction (Cape Leveque Rd, Chinatown in Broome) and reconstruction (local government and Main Roads WA flood damage) works are currently underway throughout the Kimberley.

Buckley's Alternative tender submission includes the addition of cement stabilisation to the basecourse material for both Forrest Rd and Geikie Gorge Rd reconstruction projects. This option is a practicable alternative that will prolong the life of the pavement.

A nomination has been submitted to Main Roads WA to reallocate funding from Knowsley St West Reconstruction Stage 2 to Geikie Gorge Rd Reconstruction to cover the costs exceeding the approved budget.

The criteria and weighting for this tender were as follows;

Criteria	%
Relevant Experience	20
Key Personnel Skills and Experience	15
Tenderer's Resources	20
Demonstrated Understanding	20
Quality Management System	15
Risk	10

A Score Summary is shown below:

C1	Buckley's Earthworks & Paving (conforming)
C2	Buckley's Earthworks & Paving (alternate)

		C1	C2
Relevant Experience 20%	Weighted Score	13.0	13.0
Key Personnel Skills & Experience 15%	Weighted Score	16.3	16.3
Tenderer's Resources 20%	Weighted Score	14.3	14.3
Demonstrated Understanding 20%	Weighted Score	12.0	12.7
Quality Management System 15%	Weighted Score	12.7	12.7
Risk 10%	Weighted Score	6.3	6.3
Totals	100%	74.7	75.3

VOTING REQUIREMENT

Simple majority

ATTACHMENTS

1. Pricing - Tender T2019-01 Fitzroy Crossing Roads Reconstruction - Confidential

RECOMMENDATION

That Council:

1. Award Tender T01-2019 Fitzroy Crossing Roads Reconstruction, Alternative option, to Buckley's Earthworks and Paving.

6.2 TENDER T2019-02 KNOWSLEY ST WEST RECONSTRUCTION STAGE 2-3**File Number: 0481****Author: Chris Hurstfield, Manager Technical****Responsible Officer: Wayne Neate, Director Technical and Development Services****Authority/Discretion: Administrative****SUMMARY**

This item is to consider the award of a tender for the reconstruction of Knowsley St West between Fairbairn and Heytesbury Sts (Stage 2) and Heytesbury and Ashley Sts (Stage 3).

DISCLOSURE OF ANY INTEREST

Nil

BACKGROUND

It has been recognised by Councillors and Staff for some time that Knowsley St West is in a poor condition. The road has deteriorated to a point where a reseal will be of minimal benefit so a full reconstruction is the only option available to increase the life of the road pavement.

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.

POLICY IMPLICATIONS

- AF1–Procurement of Goods and Services
- AF33–Regional Price Preference Policy – two tenderers qualified for application of this policy

FINANCIAL IMPLICATIONS

Funds for the undertaking of this contract are contained within the adopted 2018/19 Budget for Knowsley St West Reconstruction (\$328,319 Roads to Recovery and \$164,159 from the roads portion of the Federal Assistance Grants (FAGS). \$436,150 (\$290,767 Main Roads WA Road Project Grant and \$145,383 Roads to Recovery) will be included within the proposed 2019/20 budget to complete the project. These budget amounts include a management overhead cost associated with the job.

STRATEGIC IMPLICATIONS

GOAL	OUTCOME	STRATEGY
2: A balance between natural and built environments Sustainable natural and built environments that meet the needs of the community and support future growth	2.3: Reliable and safe transport infrastructure	2.3.1: Develop a road maintenance and upgrading strategy
	2.5: Assets and infrastructure managed over the long term to meet current and future needs	2.5.2: Maintain effective liaison with other levels of government and regional bodies to ensure coordinated provision of regional infrastructure

RISK MANAGEMENT CONSIDERATIONS

RISK	LIKELIHOOD	CONSEQUENCE	RISK ANALYSIS	MITIGATION
Community: Access to residences and Derby District school restricted	Likely	Moderate	High	Maintain roads to industry standards

CONSULTATION

The tender was advertised state wide for a minimum of 14 days with submissions closing at 2:00pm, 2 April 2019. Documents were downloaded by 11 companies. The only submission received was a Conforming Tender submitted by Buckley's Earthworks and Paving.

COMMENT

The lack of responses to this tender may be partially attributed to the requirement to complete these works prior to 30 June 2019. Also, a large volume of construction (Cape Leveque Rd, Chinatown in Broome) and reconstruction (local government and Main Roads WA flood damage) works are currently underway throughout the Kimberley.

VOTING REQUIREMENT

Absolute majority

ATTACHMENTS

1. Pricing - Tender T2019-02 Knowsley St West Reconstruction Stage 2-3 - Confidential

RECOMMENDATION

That Council:

- 1. Award Tender T02-2019 Knowsley St West Reconstruction Stage 2-3 to Buckley's Earthworks and Paving.**
- 2. Note the contractual obligations for the Knowsley St - Reconstruction Stage 3 for consideration in the 2019/20 Budget.**

7 NEW BUSINESS OF AN URGENT NATURE

8 CLOSURE

8.1 Date of Next Meeting

The next ordinary meeting of Council will be held Thursday, 18 April 2019 in the Council Chambers, Clarendon Street, Derby.

8.2 Closure of Meeting