



**Shire of Derby /
West Kimberley**

MINUTES

Special Council Meeting Thursday, 11 April 2019

Date: Thursday, 11 April 2019

Time: 5.30 pm

**Location: Council Chambers
Clarendon Street
Derby**



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**MINUTES OF SHIRE OF DERBY / WEST KIMBERLEY
SPECIAL COUNCIL MEETING
HELD AT THE COUNCIL CHAMBERS, CLARENDON STREET, DERBY
ON THURSDAY, 11 APRIL 2019 AT 5.30 PM**

- PRESENT:** Cr Geoff Haerewa (Shire President), Cr Paul White (Deputy Shire President), Cr Chris Kloss, Cr Peter McCumstie, Cr Iris Prouse, Cr Andrew Twaddle
- IN ATTENDANCE:** John Attwood (Acting Chief Executive Officer), Danielle Hurstfield (Manager Administration and Governance), Stuart Martin (Manager Development Services), Noel Myers (Manager Planning), Chris Hurstfield (Manager Technical Services), Carlie McCulloch (Governance Officer)
- VISITORS:** Nil
- GALLERY:** Keven Pettingill – Buckley’s Earthworks and Paving
Peter Jackson – Buckley’s earthworks and Paving
Terri Buckley - Buckley’s earthworks and Paving
- APOLOGIES:** Nil
- APPROVED LEAVE OF ABSENCE:** Nil
- ABSENT:** Nil

1 DECLARATION OF OPENING, ANNOUNCEMENTS OF VISITORS

The meeting was opened at 5.30pm by Cr Geoff Haerewa, Shire President.

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.

APPROVE REMOTE ATTENDANCE

RESOLUTION 24/19**Moved:** Cr Chris Kloss**Seconded:** Cr Paul White**That Council, BY AN ABSOLUTE MAJORITY:**

- 1. APPROVES Cr Peter McCumstie attendance at the Special Council Meeting held 11 April 2019 via telephone communication in accordance with regulation 14A(1) of the *Local Government (administration) Regulations 1996*;**
- 2. APPROVES Perth, Western Australia, as a suitable place for Councillor attendance in accordance with regulation 14A(4) of the *Local Government (Administration) Regulations 1996*.**

In Favour: Crs Geoff Haerewa, Paul White, Chris Kloss, Iris Prouse and Andrew Twaddle**Against:** Nil**CARRIED BY AN ABSOLUTE MAJORITY 5/0****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

Nil

3.2 Declaration of Proximity Interests

Nil

3.3 Declaration of Impartiality Interests

Nil

4 PUBLIC TIME

Nil

4.1 Public Question Time

Nil

4.2 Public Statements

Nil

5 ANNOUNCEMENTS BY PRESIDING PERSON WITHOUT DISCUSSION

Nil

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****RESOLUTION 25/19****Moved: Cr Paul White****Seconded: Cr Andrew Twaddle****That Council:**

- 1. Award Tender T01-2019 Fitzroy Crossing Roads Reconstruction, Alternative option, to Buckley's Earthworks and Paving.**
- 2. Delegate authority to the Shire President and/or the Chief Executive Officer to execute the contract documents.**

In Favour: Crs Geoff Haerewa, Paul White, Chris Kloss, Peter McCumstie, Iris Prouse and Andrew Twaddle

Against: Nil

CARRIED 6/0

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

RESOLUTION 26/19**Moved: Cr Chris Kloss****Seconded: Cr Iris Prouse****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.**
- 3. Delegate authority to the Shire President and/or the Chief Executive Officer to execute the contract documents.**

In Favour: Crs Geoff Haerewa, Paul White, Chris Kloss, Peter McCumstie, Iris Prouse and Andrew Twaddle

Against: Nil

CARRIED 6/0 BY ABSOLUTE MAJORITY

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

The Presiding Member closed the meeting at 5.38pm.

These minutes were confirmed at a meeting on

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Signed:

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

Date: