



SHIRE OF MENZIES

Minutes

**OF THE SPECIAL MEETING OF THE COUNCIL
HELD ON**

12 MAY 2023

Commencing at 9.00 am

**At the Council Chambers
124 Shenton Street, Menzies**

A handwritten signature in blue ink, appearing to read "Rob Stewart".

**Rob Stewart
Acting Chief Executive Officer**

SPECIAL BUSINESS

**Tjuntjuntjara Access Route – Road Improvements and Repairs Tender
53 Shenton Street, Menzies Lease.**

Resolution Numbers 053/23 to 055/23

DISCLAIMER

No responsibility whatsoever is implied or accepted by the Shire of Menzies for any act, omission or statement or intimation occurring during the Council / Committee meetings or during formal / informal conversations with staff. The Shire of Menzies 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 the Council / Committee meetings or discussions. Any person or legal entity that acts or fails to act in reliance upon any statement 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 limitation of approval made by a member or officer of the Shire of Menzies during the course of any meeting is not intended to be and is not taken as notice of approval from the Shire of Menzies. The Shire of Menzies warns that anyone who has an application lodged with the Shire of Menzies must obtain and only should rely on written confirmation of the outcome of the application, and any conditions attaching to the decision made by the Shire of Menzies in respect of the application.

DISCLOSURES OF INTEREST

A member who has an Impartiality, Proximity or Financial interest in any matter to be discussed at this meeting must disclose the nature of the interest either in a written notice, given to the Chief Executive Officer, prior to the meeting, or at the meeting immediately before the matter is discussed.

A member who makes a disclosure in respect to a Proximity or Financial interest must not preside at the part of the meeting which deals with the matter, or participate in, or be present during any discussion or decision-making process relative to the matter, unless the disclosing member is permitted to do so under Section 5.68 or Section 5.69 of the *Local Government Act 1995*.

Councillor Meeting Information

Shire of Menzies Council Meetings

Elected Members are bound by legislation to act with integrity and make decisions for the whole of the Shire.

Attending meetings

Elected Members have a duty to attend all the Council Meetings to ensure that electors are adequately represented. In recognition of this, under the *Local Government Act 1995* an Elected Member who is absent from three consecutive meetings of the Council without leave being granted by the Council, is automatically disqualified. If a member wishes to be absent for more than six consecutive ordinary meetings, Ministerial approval is necessary as well as the Council approval.

It should be noted that applications for leave of absence are usually supported but must be approved by the Council before, or at, the meeting(s) the Council Member is to be absent from. Leave of absence cannot be approved retrospectively.

Voting at meetings

If an Elected Member is present at a Council Meeting, he or she is required by law to vote on all matters before that meeting unless he or she has a financial interest in the matter. Agendas are delivered to the Elected Members within the required timeframes of the Local Government Act 1995, being a minimum of seventy-two (72) hours prior to the advertised commencement of the meeting. While late items are generally not considered there is provision on the Agenda for items of an urgent nature to be considered.

Councillors are required to give due consideration to all matters contained in the agenda. Without adequate time for reading the agenda, it is extremely difficult for the Elected Members to make effective assessments of issues and provide constructive input to the Council debate and decision making. It is recommended that further information be requested if there is insufficient material available to make an informed decision.

TABLE OF CONTENTS

- 1 DECLARATION OF OPENING5
- 2 ANNOUNCEMENT OF VISITORS5
- 3 RECORD OF ATTENDANCE5
- 4 PUBLIC QUESTION TIME (RELATING TO SPECIAL BUSINESS ONLY).....5
- 5 DISCLOSURES OF INTEREST6
- 6 REPORTS OF OFFICERS7
 - 6.1 Tjuntjuntjara Access Route - Road Improvements and Repairs Tender7
 - 6.2 Lot 53 Shenton Street, Menzies Lease12
- 7 ADJOURNMENT.....12

1 DECLARATION OF OPENING

The Shire President declared the meeting open at 9.11am.

Cr S Sudhir previously requested permission to participate in the meeting by electronic means from 269 Dugan Street, Kalgoorlie WA 6430.

Cr S Sudhir confirmed that he was in a secure and private location for when confidential items are discussed.

The Shire President was satisfied that Cr S Sudhir was in a secure site and allowed his participation in the meeting.

2 ANNOUNCEMENT OF VISITORS

Nil

3 RECORD OF ATTENDANCE

Councillors: Cr G Dwyer, Shire President

Cr J Dwyer

Cr P Warner (joined electronically at 10.10am, left at 10.13am)

Cr A Tucker

Cr S Sudhir (joined electronically at 9.12am, left at 10.13am)

Staff: Mr R Stewart, Acting Chief Executive Officer

Ms K Van Kuyl, Chief Financial Officer

Mr G Marland, Manager of Works

Ms M Mertyn, Executive Officer (Minutes)

Apologies: Cr I Baird, Deputy Shire President

Cr S Baird

4 PUBLIC QUESTION TIME (RELATING TO SPECIAL BUSINESS ONLY)

Nil

5 DISCLOSURES OF INTEREST

Name	Item No	Interest	Nature
Cr S Sudhir	6.2 Lot 53 Shenton Street, Menzies Lease	Financial (Indirect)	Cr S Sudhir used to run the Menzies Hotel.
Cr P Warner	6.2 Lot 53 Shenton Street, Menzies Lease	Closely associated person	The brother of Cr P Warner is the boyfriend of the lessee.

SUSPENSION OF STANDING ORDERS:

COUNCIL DECISION:

Council Resolution Number:	053/23
-----------------------------------	---------------

Moved: Cr J Dwyer

Seconded: Cr S Sudhir

That Standing Orders be suspended to enable discussion on Item 6.1 Tjuntjuntjara Access Route - Road Improvements and Repairs Tender

Carried	4 / 0
----------------	--------------

6 REPORTS OF OFFICERS

6.1	Tjuntjuntjara Access Route - Road Improvements and Repairs Tender
LOCATION	Tjuntjuntjara Access Route
APPLICANT	Internal
DOCUMENT REF	NAM1096
DATE OF REPORT	11 May 2023
AUTHOR	Acting Chief Executive Officer, Rob Stewart
RESPONSIBLE OFFICER	Acting Chief Executive Officer, Rob Stewart
DISCLOSURE OF INTEREST	Nil
ATTACHMENT	1. CONFIDENTIAL ATTACHMENT 1126 Menzies RFT 02-23 Tjuntjuntjara Access Route Tender Assessment Report Ver 1 [9.2.1.1 - 24 pages]

SUMMARY:

The purpose of this report is for the Council to consider submissions for Tender 02/23 – Tjuntjuntjara Access Route – Road Improvements and Repairs.

BACKGROUND:

The Tjuntjuntjara community is a remote Aboriginal community located 650km north-east of Kalgoorlie. The community is located within the Shire of Menzies and is managed by the Paupiyala Tjarutja Aboriginal Corporation. The major access route to the community is a route from Kalgoorlie following the Trans Access Road, Kitchener Cutline Road, Connie Sue Road, and Tjuntjuntjara Road (which intersects the Connie Sue Highway at ‘Shed Tank’). Due to recent infrastructure development at the community, the route has been subject to heavy traffic in drought conditions and as such, large sections of the road have deteriorated and large bulldust holes have formed.

The work comprises cut to fill through undulating terrain to balance ridges and depressions, removal of unsuitable material from bulldust holes and replacement of this material with locally sourced calcrete gravel to form a widened unsealed pavement suitable for all weather access. The successful Contractor will need to supply a mobile camp, suitable machinery, traffic management and suitably skilled and experienced operators. The works will also require establishment and management of gravel pits and water bores where required.

The route to the community is made up of the following road sections;

Road No.	Road Name	Local Government	Component Length (km)
6056247	Kitchener Cutline Road	Kalgoorlie-Boulder	183.66
6090077	Kitchener Cutline Road	Menzies	8.55
6090048	Connie Sue Road	Menzies	69.13
6090049	Tjuntjuntjarra Road	Menzies	120.65
Total Tjuntjuntjara Access Route Length			381.99

The Shire of Menzies has Aboriginal Community Access Roads, and NoRA (Supplementary Funding for Improving Access Roads To Remote Aboriginal Communities) funding available to spend on works on the access route to Tjuntjuntjara Community (Connie Sue Road and Tjuntjuntjarra Road). The Shire has an agreement in place with the City of Kalgoorlie Boulder to tender and undertake the works for the sections in the City of Kalgoorlie Boulder (whereafter the City will transfer funding obtained on receipt of invoices). The City has Aboriginal Community Access Roads, NoRA, and possible additional funding from Main Roads.

On Saturday, 1 April 2023, the Shire of Menzies called tenders from suitably qualified and experienced Civil Contractors to undertake civil works to upgrade and repair sections of the Tjuntjuntjara Access Route.

COMMENT:

Tender open period was from Saturday 1 April 2023 to 14:00hrs (2pm) WST, Thursday 4 May 2023. The tender opening was held on Thursday 4 May 2023 at the offices CORE Business Australia, attended by the Robert Stewart (Shire of Menzies Acting CEO), Bruce Lorimer (Managing Director, CORE Business Australia, authorised by the Shire of Menzies' CEO to open tenders in accordance with Regulation 16 (3) (a) (ii) of the Local government (Functions and General) Regulation 1996), and Milena Lorsignol (Project Support Officer, CORE Business Australia). There were no members of the public present. Three tenders were received (see attached report for detail).

Based on qualitative scores and provided pricing, the tender submitted by Roadtech was evaluated to provide the most confidence in the works being delivered as specified. Roadtech's tender also specified that they would be able to carry out the works in the Shire of Menzies and the City of Kalgoorlie-Boulder simultaneously.

Before finalising and executing the contract with the preferred tenderer, the Shire still needs to confirm finalised budget availability for both Shires and negotiate final extent of works in both Shires in line with FY 22/23 budget allocation. In order for works to commence as soon as possible to allow funding to be spend this financial year, the Tender Assessment Panel's recommendation is that the Council delegate authority to the CEO to negotiate final extent of works as outlined above, as well as authority to

renew the contract each financial year (subject to contractor performance and allocation of funds), up to four additional years as outlined in the Request for Tender.

The proposed contract is a 1-year AS4902 contract with four 1-year options for extension subject to funding allocation and contractor performance. The proposed project is to upgrade the access road to an all-weather trafficable unsealed road pavement 6m wide on Kitchener Cutline Rd (In the City of Kalgoorlie Boulder) and 8 m wide on Tjuntjuntjarra Road (in the Shire of Menzies) over 5 years and to undertake selective repair of blowouts while sections await formal construction.

CONSULTATION:

The proposed works have been discussed with officers of the City of Kalgoorlie-Boulder.

STATUTORY AUTHORITY:

Local Government Act 1995

1. Section 2.7(2) – Provides that the Council is to oversee the allocation of local government finances and resources and to determine the local government's policies; and,
2. Section 3.1 – Provides that the general function of the local government is to provide for the good government of persons in its district.
3. Section 3.57 – Requires that a local government invite tenders for the supply of goods and services of a prescribed type

POLICY IMPLICATIONS:

Council Policy 4.2 – Purchasing and Tenders

FINANCIAL IMPLICATIONS:

Current budget impact: As this has gone to public tender, the acceptance of the offer/tender.

Future budget impact: Authority to award contract extensions to be delegated to the CEO, dependent on future funding availability.

RISK ASSESSMENT:

Risk Statement	Level of Risk	Risk Mitigation Strategy
	Medium	If works are not undertaken, travel on the subject roads will be increasingly difficult, especially for transport operators in large vehicles

STRATEGIC IMPLICATIONS:

The Shire's Strategic Community Plan 2021-2031 outlines the following Outcome and Strategy:

Outcome:

3.1 A well maintained, attractive built environment servicing the needs of the community.

Strategy:

3.1.2 Maintain and enhance our roads, built infrastructure, parks and reserves.

Accordingly, the officer's recommendation aligns with the Strategic Community Plan.

VOTING REQUIREMENTS:

Recommendation 1
Simple Majority

Recommendation 2
Absolute Majority

OFFICER RECOMMENDATION 1/COUNCIL DECISION:

Council Resolution Number	054/23
----------------------------------	---------------

Moved **Cr J Dwyer** **Seconded** **Cr S Sudhir**

- 1. That Council award tender RFT 02/2023 Tjuntjuntjara Access Route – Road Improvements and Repairs to Roadtech Civil and Construction**

Carried	4/0
----------------	------------

OFFICER RECOMMENDATION 2/COUNCIL DECISION:

Council Resolution Number	055/23
----------------------------------	---------------

Moved **Cr J Dwyer** **Seconded** **Cr S Sudhir**

2. That Council delegate authority to the CEO to:

- a) Determine the final extent of works (within annual budget allocation) and finalise and execute the Contract**
- b) Renew the contract each financial year (for up to 4 additional years), subject to contractor performance and annual budget allocation for works.**

Carried by Absolute Majority	4/0
-------------------------------------	------------

Cr P Warner requested permission to participate in the meeting by electronic means from 51 Gwalia Street, Leonora

Cr P Warner confirmed that he was in a secure and private location for when confidential items are discussed.

The Shire President was satisfied that Cr P Warner was in a secure site and allowed his participation in the meeting at 10:10am.

6.2 Lot 53 Shenton Street, Menzies Lease

Cr P Warner disclosed a closely associated person interest on Item 6.2 Lot 53 Shenton Street, Menzies Lease. Cr P Warner left the meeting at 10.13am

Cr S Sudhir disclosed an indirect financial interest on Item 6.2 Lot 53 Shenton Street, Menzies Lease. Cr S Sudhir left the meeting at 10.13am

The Acting CEO advised the Presiding Member that a quorum was no longer available

At the expiration of 30 minutes, the quorum was still unmet

7 ADJOURNMENT

The Presiding Member adjourned the meeting at 10.43am.