



# **MINUTES**

## **Special Council Meeting Wednesday, 17 April 2019**

**Date: Wednesday, 17 April 2019**

**Time: 5.00pm**

**Location: Council Chambers, York Town Hall, York**

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**MINUTES OF SHIRE OF YORK  
SPECIAL COUNCIL MEETING  
HELD AT THE COUNCIL CHAMBERS, YORK TOWN HALL, YORK  
ON WEDNESDAY, 17 APRIL 2019 AT 5.00PM**

The York Shire Council acknowledges the traditional owners of the land on which this meeting will be held.

**1 OPENING**

**1.1 Declaration of Opening**

Cr David Wallace, Shire President, declared the meeting open at 5.00pm.

**1.2 Disclaimer**

The Shire President advised the following:

*"I wish to draw attention to the Disclaimer Notice contained within the agenda document and advise members of the public that any decisions made at the meeting today, can be revoked, pursuant to the Local Government Act 1995.*

*Therefore members of the public should not rely on any decisions until formal notification in writing by Council has been received. Any plans or documents in agendas and minutes may be subject to copyright. The express permission of the copyright owner must be obtained before copying any copyright material."*

**1.3 Standing Orders**

Nil

**1.4 Announcement of Visitors**

Nil

**1.5 Declarations of Interest that Might Cause a Conflict**

SY042-04/19 – RFT T04-1819 18/19 Capital Roadworks Program

Cr Denis Warnick – Proximity – I live on Knotts Road, which is one of the roads which forms part of the Tender

**1.6 Declaration of Financial Interests**

Nil

**1.7 Disclosure of Interests that May Affect Impartiality**

Nil

**2 ATTENDANCE**

**2.1 Members**

Cr David Wallace, Shire President; Cr Kevin Trent, Deputy Shire President;  
Cr Jane Ferro; Cr Pam Heaton; Cr Denese Smythe; Cr Denis Warnick

## 2.2 Staff

Suzie Haslehurst, A/Chief Executive Officer; Darren Wallace, Executive Manager, Infrastructure & Development Services; Helen D'Arcy-Walker, Council & Executive Support Officer

## 2.3 Apologies

Cr Heather Saint; Paul Martin, Chief Executive Officer

## 2.4 Leave of Absence Previously Approved

Nil

## 2.5 Number of People in the Gallery at Commencement of Meeting

There were two people in the Gallery at the commencement of the meeting.

# 3 PUBLIC QUESTION TIME

Public Question Time is conducted in accordance with the Act and Regulations. In addition to this the Shire's Council Meetings Local Law 2016 states –

### 6.7 Other procedures for question time for the public

- (1) A member of the public who wishes to ask a question during question time must identify themselves and register with a Council Officer immediately prior to the meeting.
- (2) A question may be taken on notice by the Council for later response.
- (3) When a question is taken on notice the CEO is to ensure that—
  - (a) a response is given to the member of the public in writing; and
  - (b) a summary of the response is included in the agenda of the next meeting of the Council.
- (4) Where a question relating to a matter in which a relevant person has an interest is directed to the relevant person, the relevant person is to—
  - (a) declare that he or she has an interest in the matter; and
  - (b) allow another person to respond to the question.
- (5) Each member of the public with a question is entitled to ask up to 2 questions before other members of the public will be invited to ask their questions.
- (6) Where a member of the public provides written questions then the Presiding Member may elect for the questions to be responded to as normal business correspondence.
- (7) The Presiding Member may decide that a public question shall not be responded to where—
  - (a) the same or similar question was asked at a previous meeting, a response was provided and the member of the public is directed to the minutes of the meeting at which the response was provided;
  - (b) the member of the public uses public question time to make a statement, provided that the Presiding Member has taken all reasonable steps to assist the member of the public to phrase the statement as a question; or
  - (c) the member of the public asks a question that is offensive or defamatory in nature, provided that the Presiding Member has taken all reasonable steps to assist the member of the public to phrase the question in a manner that is not offensive or defamatory.

- (8) A member of the public shall have 2 minutes to submit a question.
- (9) The Council, by resolution, may agree to extend public question time.
- (10) Where any questions remain unasked at the end of public question time they may be submitted to the CEO who will reply in writing and include the questions and answers in the agenda for the next ordinary Council meeting.
- (11) Where an answer to a question is given at a meeting, a summary of the question and the answer is to be included in the minutes.

Public Question Time Commenced at 5.03pm.

3.1 Written Questions – Current Agenda

Nil

3.2 Public Question Time

Nil

As there were no questions received – Public Question Time concluded at: 5.03pm.

**4 APPLICATIONS FOR LEAVE OF ABSENCE**

Nil

**5 PRESENTATIONS**

5.1 Petitions

Nil

5.2 Presentations

Nil

5.3 Deputations

Nil

**6 ANNOUNCEMENTS BY PRESIDING MEMBER WITHOUT DISCUSSION**

Nil

## 7 OFFICER'S REPORTS

Cr Denis Warnick declared a Proximity Interest to this item and left the room at 5.04pm

### **SY042-04/19 RFT T04-1819 18/19 CAPITAL ROADWORKS PROGRAM.**

**File Number:** AS.TEN.67

**Author:** Darren Wallace, Executive Manager, Infrastructure & Development Services

**Authoriser:** Darren Wallace, Executive Manager, Infrastructure & Development Services

**Previously before Council:** Not Applicable

**Appendices:** Nil

### **NATURE OF COUNCIL'S ROLE IN THE MATTER**

Executive

### **PURPOSE OF REPORT**

To present to Council the outcomes of the tender process conducted for the 18/19 Roads Capital Works Program.

### **BACKGROUND**

Four road construction projects from the 18/19 Capital Works program were tendered through the WALGA Equotes process.

The projects are

1. Tenth Road widening (Roads to Recovery (R2R) funding, Budget \$73,905).
2. Greenhills South Road construction to a sealed standard (R2R funding, Budget \$138,810).
3. Knotts Road widening and reseal (Regional Roads Group funding (RRG), Budget \$339,000).
4. Avon Terrace, York – Spencers Brook Road widening and reseal (Shire funded, \$62,000).

These projects were chosen because they were the more complex road projects on the roads capital works program.

Detailed design to Austroads Standards and based on the information in the capital works program was undertaken by Talis Consulting (the winning Quoter).

The tender process, through the WALGA Equotes system, for these projects closed on Thursday 21 March 2019.

### **COMMENTS AND DETAILS**

Three offers were received from three contractors and are summarised in the table below.

CONTRACTOR	PRICE
WCP CIVIL	\$ 4,072,277.76
TRACC CIVIL	\$ 4,811,827.43
GMF	\$ 3,992,082.00
2018/19 BUDGET ALLOCATION	\$ 613,663.00

The price of all the offers significantly exceeds the available funds. It is therefore considered that none of the Tenders can be accepted as submitted. It is further considered that none of the Tenders are close enough to the budget figure to allow negotiation with a preferred Tenderer.

Because of the significant price difference it was not deemed necessary to further evaluate the offers and therefore they have not been fully assessed.

One of the main reasons for the significant price difference is that the projects were designed to Austroads Standards and as such included significant drainage works not allowed for in the original estimates.

The following provides the Officer Recommendation for each project:

### **Knotts Road**

The Knotts Road Widening and Reseal (RRG) project can be rescoped to a reduce the project cost, by removing the reseal component and length of the project.

The new project scope would be;

- Knotts Road widening from the Great Southern Highway (Straight Line Kilometre (SLK) 00) to SLK 1.655. Including culvert upgrades, widening and sealing of the widening only. Estimated total project cost \$339,000.

This project could then be retendered and completed this financial year within the existing project budgets. From a technical view delaying the reseal to a warmer part of the year is desirable.

### **Tenth Road**

A review of the Shire inhouse crew's work schedule indicates that the Shire could deliver the Tenth Road Project, with subcontractors, this financial year with a slightly increased budget under the R2R program. New estimated budget \$115,000.

### **Greenhills South Road**

There are insufficient funds in this year's budget to construct Greenhills South Road to a sealed standard. The revised project estimate is \$470,000. It is possible that the project could be undertaken by the Shire inhouse and staged over two financial years. This year being drainage and sheeting to the lower pavement level and next year sheeting of the top pavement course and sealing, at the current budget of \$138,810. As previously mentioned, from a technical view delaying the sealing to a warmer part of the year is desirable. The completion of the project in 2019/20 would require almost all of next financial year's R2R funds to be expended on this project.

The desirability of sealing Greenhills South Road compared to spending funds on upgrading other roads in the Shire should be considered. If the Greenhills South Road sealing was not to proceed this year the allocated funds could be used to increase the scope of the Avon/York Spencers Brook Road project, allowing for the widening and sealing of the widening.

Greenhills South Road is a well-used link from Beverley to Greenhills, it is a conditional RAV 4 rated road, but it is not a school bus route road. The 2.5Km stretch which is programmed to be constructed to a sealed standard is the only remaining gravel section and is between two existing sealed sections. This gravel section is one of our most requested maintenance grades and the sealing would significantly reduce maintenance costs.

The design included a number of culverts to be widened/replaced if the road is upgraded. A risk assessment indicates that a number of these culverts should be widened or at least have increased signage. There is also one sharp bend which requires additional signage. Sealing and widening the bend would significantly improve the safety of the bend. There is one bridge in this section of Greenhills South Road that requires a full assessment. The bridge does not form part of this project.

From a technical point of view there are other roads that would be a higher priority for construction/reconstruction. However, this project has been promised to the community for a number of years.

Considering the above it is recommended that the Shire not proceed with the upgrade of Greenhills South Road to a sealed standard and reallocate the R2R funds to the Avon/York – Spencers Brook Road project.

### **Avon Terrace, York – Spencers Brook Road**

The Avon Terrace, York – Spencers Brook Road widening and reseal (Shire) can also be rescope to a reduce the project cost to the current budget, by removing the widening and reseal components leaving just the drainage.

- Avon Terrace/York - Spencers Brook Road widening from Knight Road to SLK 20.58. Cutting table drains and culvert upgrades only. Estimated total project cost \$62,000.

Or with the addition of the unused Greenhills South Road R2R budget the project could be scoped to reduce the amount of sealed shoulder and removing the reseal component.

- Avon Terrace/York - Spencers Brook Road widening from Knight Road to SLK 20.58. Cutting table drains, culvert upgrades, widening and sealing of the widening only. Estimated total project cost \$187,662.

This project could then be retendered and completed this financial year within the existing project budgets. From a technical perspective delaying the reseal to a warmer part of the year is desirable.

### **OPTIONS**

Council can choose to proceed with any or all of the projects either by in-house staff or contractors. There are funding and time constraints that must be considered.

RRG Funds can only be spent on Knotts Road and should be spent before June 30.

Projects can be added to or taken out of the R2R program, but funds should be expended by June 30.

The Shire funds can be spent on any project this financial year or carried over to 2019/20.

### **IMPLICATIONS TO CONSIDER**

#### **Consultative**

No consultation has been undertaken.

#### **Strategic**

Roads and Bridges are part of the Corporate Themes of; The Place to Live & Driving the Economy Forward. More specially these projects fall under, Building Resilience;

4.4 Rural roads are safe and easy to use.

4.6 Town network of safe easily used roads, footpaths, trails and cycle ways.

#### **Policy Related**

F 1.2 Procurement.

#### **Financial**

The Tenth Road and Greenhills South Road projects are currently fully R2R funded from federal government funds. However, the Shire has a finite amount of R2R funds and any significant expenditure over the current budget will require adjustment/s to other R2R projects or the addition of Council funds.

The Knotts Road project is RRG funded, 2/3 State government and 1/3 Council funded and addition expenditure above the budget would have to be funded fully by Council.

The Avon Terrace/York Spencers Brook Road project is fully Council funded. This road is eligible for RRG funding and it would be possible to apply for RRG funding for any deferred works from 2020/21 onwards.



The significant price difference can be attributed to a number of issues. The main issues being, designs being to Austroads standards which was not reflected in the original budgeting. The projects would normally have had budget estimates reconfirmed before going out to tender, to confirm that the Shire has sufficient funds for the works. However, in this case, this step was not taken due to the tight works schedule. The confirming of budget estimates before going out to tender will be incorporated in all future capital works Tenders.

By rescoping the Knotts Road project to remove the reseal (to be done in 2020/21) and reducing the length of the projects, the most important sections of widening can be completed this year within the existing budget. Therefore no budget variation is required.

The Tenth Road project will require additional funds to complete this financial year. The new estimate to complete the widening including drainage and kerbing is \$115,000, the current budget is \$73,905. The additional funds for this project can be found from savings in other projects in this year's R2R program. Therefore, no additional funds are required from Council funds to complete this project.

The Greenhills South Road construction is significantly under budgeted. The revised estimate is \$470,000, this includes approximately \$100,000 of drainage works not allowed for in the original budget of \$138,810. It is recommended, if Council wants to proceed with this project, that it be staged over two years. Stage 1 2018/19, drainage and initial shaping of the new road, utilising the existing \$138,810 R2R budget funds. Stage 2 additional pavement and sealing in 2019/20, \$331,190.

Alternatively if Council does not want to proceed with this project, the current R2R budget for this project be reallocated to the Avon/York – Spencers Brook Road.

By rescoping the Avon/York – Spencers Brook Road project to only include the drainage works, these works could be completed this year within the existing budget. Therefore no budget variation is required. However, if Council was not to proceed with the Greenhills South Road and reallocated funds to the Avon/York – Spencers Brook Road project, then by rescoping to remove the reseal, the project could be delivered this year within a revised budget of \$187,662. \$13,148 has already been expended on the Greenhills South Road design.

### **Legal and Statutory**

Section 3.57 of the *Local Government Act 1995* requires a Local Government to invite tenders before it enters into a contract of a prescribed kind under which another person is to supply goods and services.

Part 4 (Tenders) of the *Local Government (Functions and General) Regulations 1996* require that tenders are to be publicly invited for such contracts where the estimated costs of providing the total service exceeds \$150,000.

Part 11(2) of the *Local Government (Functions and General) Regulations 1996* provides that, Tenders do not have to be publicly invited according to the requirements of this division if;

- the good and service is to be obtained through the WALGA Preferred Supplier Program.

### **Risk Related**

There is a high reputational risk if the Shire does not proceed with projects that the community expects it to deliver.

There is also a high reputational risk if the Shire does not spend its funding wisely.

There is a moderate reputational and financial risk as the road construction window is closing and any delays, including excessive wet weather, may impede the delivery of these projects within the current financial year.

### **Workforce**

The Shire's road works crew has undergone significant changes in personnel over the last 12 months. There were initial concerns that they may no longer have the expertise and experience to undertake roadworks to the required standard and in a cost effective manner. However, the crew

have over the last three months shown that they do have the required skill and expertise to deliver projects, both to the required standard and in a cost effective manner.

Therefore Officers are confident that they can deliver the;

1. Tenth Road widening.
2. Greenhills South Road construction to a sealed standard

projects to the revised budgets detailed above and that they have the time in their current works program to deliver the Tenth Road and Stage 1 of Greenhills South Road this financial year. Noting subcontractors will be required for specialist works.

## **VOTING REQUIREMENTS**

**Absolute Majority: Yes**

### **RECOMMENDATION**

That Council;

1. Not accept any Tenders for RFT 04-1819, 18/19 Roads Capital Works Program, because the prices offered were significantly higher than the project budgets.
2. Approves the undertaking of the Tenth Road project in house with an increase of the project budget from \$73,905 to \$115,000 within the existing Roads to Recovery funding.
3. Approves the deletion of Greenhills South Road from the works program and reallocates the Roads to Recovery funds for this project to the Avon Terrace, York – Spencers Brook Road widening project as outlined in this report.
4. Requests the Chief Executive Officer to call Tenders for;
  - (a) A rescoped, Knotts Road widening with no change to the project budget.
  - (b) A rescoped Avon Terrace, York – Spencers Brook Road widening with an increased project budget from \$62,000 to \$187,662.
5. Requests the Chief Executive Officer to amend the 2018/19 Budget accordingly, noting no additional cost to the Shire.

**MOTION****RESOLUTION  
010419****Moved: Cr Denese Smythe****Seconded: Cr Kevin Trent****That Council;**

- 1. Not accept any Tenders for RFT 04-1819, 18/19 Roads Capital Works Program, because the prices offered were significantly higher than the project budgets.**
- 2. Approves the undertaking of the Tenth Road project in house with an increase of the project budget from \$73,905 to \$115,000 within the existing Roads to Recovery funding.**
- 3. Approves the undertaking of Stage 1 of the Greenhills South Road by inhouse works crew. The scope to include installation of drainage and pavement sheeting. Stage 2 sealing component to be completed by 1<sup>st</sup> December 2019.**
- 4. Requests the Chief Executive Officer to call a tender for a rescoped Knotts Road widening with no change to the project budget.**
- 5. Approves the deletion of the Avon Terrace-Spencers Brook Road widening project from the 2018/19 works program and reallocate the project budget to the Greenhills South Road project.**
- 6. Requests the Chief Executive Officer to amend the 2018/19 Budget accordingly, noting no additional cost to the Shire.**

***CARRIED: 5/0***

Reasons –

1. Greenhills South Road has been a road to be completed for many years and it will be good to finally finish the project.
2. To investigate funding for the Avon Terrace-Spencers Brook Road through the State Government's Regional Road Group.
3. This is also due to the 2018/19 budget limitations.

At 5.22pm, Cr Denis Warnick returned to the meeting.

The Shire President read the resolution to Cr Warnick.

**8 LATE REPORTS**

Nil

**9 LATE CONFIDENTIAL REPORTS**

Nil

**10 CLOSURE**

The Shire President thanked everyone for their attendance and reminded everyone that the next Ordinary Council Meeting will be held at Talbot Hall, Talbot and the Anzac Day Memorial Service is coming up. The Shire President closed the meeting at 5.25pm.