



Confirmed Minutes
Burke Shire Council Special Meeting
Wednesday 3 July 2024
9.00am Council Chambers

9.00am	Opening of Meeting
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Signed.....

Inclusion | Integrity | Innovation | Infrastructure

01. Opening of Meeting

The Chair declared the meeting open at 9.15am.

02. Record of Attendance

Cr John Clarke; Deputy Mayor – Chair
Cr Clinton Murray
Cr John Yanner
Cr Paul Poole

Dan McKinlay; Chief Executive Officer
Amir Akrami; Acting Director of Engineering
Chelsea Nelson; People and Culture Manager
Kimberly Chan; Economic and Community Development Manager
Jordan Marshall; Executive Assistant (Minutes)
Madison Marshall; Corporate Services and Governance Manager
Sarath Jayasekara; Senior Project Engineer
Shannon Moren; Environmental Health, Local Laws and Facilities Manager

Apologies
Cr Ernie Camp; Mayor
Chris Wilson; Director of Engineering/Deputy CEO
Shaun Jorgensen; Finance and Technology Manager

02.01 LGR 2012 Section 254K – Participating in meetings by audio link or visual audio link

That Council, in accordance with section 254K of the Local Government Regulation 2012, allows the following person/s to participate in the meeting by audio link or visual audio link:

- **Amir Akrami; Acting Director of Engineering**
- **Chelsea Nelson; People and Culture Manager**

Moved: Cr Clarke
Seconded: Cr Yanner

Carried 240703.01 4/0

03. Declaration of Interests

- i. **Cr Clinton Murray – Item 04.01 Airport Drive Culvert Replacements (Contract No.: 0280-4065-0003)**
- ii. **Cr Clinton Murray – Item 04.02 Truganini Road Site 1 Culvert (Contract No.: 0280-4078-0004)**

Cr Clinton Murray informed the meeting that he has a declarable conflict of interest in Item 04.01 Airport Drive Culvert Replacements (Contract No.: 0280-4065-0003) and Item 04.02 Truganini Road Site 1 Culvert (Contract No.: 0280-4078-0004) as I am employed by NorthLane the Consulting Engineering.

I have determined that this conflict of interest is not of sufficient significance that it will lead me to deciding on this matter that is contrary to the public interest as I was not advising the tendering panel. I will best perform my responsibility of serving the overall public interest of the whole of the Council area by participating in the discussion and voting on this matter.

However, I acknowledge that the remaining Councillors must now determine whether I have a declarable conflict of interest in this matter and if so whether I may participate or must leave for the discussion and voting.

03.01 Declaration of Interest – Cr Murray

That Cr Clinton Murray remains in the Chambers for discussion and vote on Item 04.01 Airport Drive Culvert Replacements (Contract No.: 0280-4065-0003) and Item 04.02 Truganini Road Site 1 Culvert (Contract No.: 0280-4078-0004), as the conflict of interest raised is not of significant interest to lead him to make a decision that is contrary to the public interest.

Moved: Cr Clarke

Seconded: Cr Yanner

Carried 240703.02 3/0

Vote against – 0

Vote ineligible – 1

04. Executive Management Reports

04.01 Airport Drive Culvert Replacements (Contract No.: 0280-4065-0003)

DEPARTMENT:	Engineering Services
RESPONSIBLE OFFICER:	Amir Akrami; Acting Director of Engineering
PREPARED BY:	Amir Akrami; Acting Director of Engineering
DATE REPORT PREPARED:	28 June 2024
LINK TO COUNCIL PLAN/S:	Corporate Plan – Goals, Strategies and Performance Indicators: Assets

1. PURPOSE

This report provides Council with recommendations to appoint, with provisions, the Principal Contractor to carry out the works designated under the Contract No.: 0280-4065-0003 'Airport Drive Culvert Replacements' as stated in Section 3.

2. BACKGROUND & PREVIOUS COUNCIL CONSIDERATION

During the wet season, the airport is the only means of access to Burketown for essential and emergency services. This is also the time when access to the airport is often cut off due to the flooding of the airport road. Recent overtopping of the road due to flooding has highlighted the risk to the community of losing primary access when roads are closed. Routine inspections have revealed that heavy vehicle traffic on the soaked pavement has further damaged the existing road.

The project seeks to improve the asset by raising the running surface as part of the continuous improvement in disaster preparedness, response, and recovery. This tender allows for the upgrade of existing culverts with temporary pavement works until the remaining pavement and sealing works are completed in future.

Upon endorsement of the tenderer from Council, the successful tender will be awarded, and works can commence.

The tender

The tender for the Airport Drive Culvert Replacements Contract No.: 0280-4065-0003 released via Vendor Panel on the 17th May 2024 and closed on 7th June 2024.

The evaluation panel reviewed each tender in accordance with the probity and evaluation plan and undertook a tender evaluation meeting on 17th June 2024 to discuss and agree on the consensus scoring.

The tender submissions received and the consensus scoring for the Tender are listed in Attachment 1.

Of the 5 tenders received, the evaluation panel concluded that TJ Wilson BCF tendered the preferred proposal.

3. PROPOSAL

That Council, having referenced the Tender Evaluation Report, endorses the recommendations of the Tender Evaluation Panel to the extent that the Contract is, in principle, awarded to TJ Wilson BCF to the amount of \$1,208,471.95 with delegated authority to the CEO to negotiate up to the amount of \$1,590,794 (ex GST) (Project Budget).

4. FINANCIAL & RESOURCE IMPLICATIONS

The allocated project budget for the Airport Drive Culverts project is \$1,590,794 (ex GST) including contingency allowances.

5. RISK

Risk Type	What could happen	Possible Control
Contract variation – due to wet weather, latent conditions	<ul style="list-style-type: none"> Increase in Contract Sum 	<ul style="list-style-type: none"> Project budget contingency allowed Project Management “on the ground” available at most times
Delays to works – wet weather, latent conditions, slower productivity	<ul style="list-style-type: none"> Not meeting the funding requirements 	<ul style="list-style-type: none"> Monitor progress closely with Project Management “on the ground” overview <ol style="list-style-type: none"> Seek time extension from funding authority if necessary
Significant Cultural Heritage items	<ul style="list-style-type: none"> Damage to Significant Cultural Heritage items 	<ul style="list-style-type: none"> Consult with the Traditional Owners and obtain Cultural Heritage clearance

6. POLICY & LEGAL IMPLICATIONS

The Council must also meet all relevant local government procurement requirements outlined in the Local Government Act 2009, Local Government Regulation 2012 and in Council's Procurement Policy. These requirements have been met through the tender process involved with this project.

Instrument	Reference	Details
Local Government Act 2009	Sections 12 and 13 – responsibilities of councillors and employees	<p>Section 12 charges councillors with ensuring the local government achieves its corporate plan.</p> <p>Section 13 charges council employees with carrying out their duties in a way that ensures the local government achieves its corporate plan.</p>

Instrument	Reference	Details
Local Government Act 2009	Section 257	Council authorises the CEO to incur certain expenditure on behalf of Council by way of a delegation made by Council resolution.
Local Government Regulation 2012	Sections 228-238 – Default Contracting Procedures	These Sections in the Regulation provide the requirements for Procurement for contracts valued at \$200,000 and above.
Burke Shire Council Corporate Plan 2019/2024	Vision, Mission, Values	Local Government Principles and Sound Contracting Principles
Burke Shire Council Procurement Policy 2023		Regulate and guide All Council procurement and contracting activities from external parties.

7. CRITICAL DATES & IMPLICATIONS

Tender Award – July 2024

Required Commencement date – July 2024

Construction Practical Completion – 31 October 2024

Any delay in awarding this tender could potentially impact the Contractor's Program, consequently leading to a delay in commencing construction works and possibly extending them into the wet season.

8. CONSULTATION

Consultation has taken place with:

- NorthLane Consulting Engineers Pty Ltd
- Burke Shire Council Evaluation Panel
- Chief Executive Officer

9. CONCLUSION

The contract should be awarded to TJ Wilson BCF.

10. OFFICER'S RECOMMENDATION

- a) That Council note the contents of the report and relevant attachments; and
- b) That Council awards the Contract to TJ Wilson BCF to the amounts (ex GST) of:
 - i. \$1,208,471.95 ex GST

- c) Delegates authority to the CEO to enter negotiations with any and all matters associated with executing the Contract to the maximum values of the Project Budget as follows:
 - i. Airport Drive Culvert Replacements Contract No.: 0280-4065-: \$1,590,794 (ex GST)

04.01 Airport Drive Culvert Replacements (Contract No.: 0280-4065-0003)

- a) That Council note the contents of the report and relevant attachments; and
- b) That Council awards the Contract to TJ Wilson BCF to the amounts (ex GST) of:
 - i. \$1,208,471.95 ex GST
- c) Delegates authority to the CEO to enter negotiations with any and all matters associated with executing the Contract to the maximum values of the Project Budget as follows:
 - i. Airport Drive Culvert Replacements Contract No.: 0280-4065-0003-: \$1,590,794 (ex GST)

Moved: Cr Clarke

Seconded: Cr Yanner

Carried 240703.03 3/0

Note: Cr Clarke, Cr Yanner and Cr Murray voted in favour. Cr Poole abstained from voting.

04.02 Truganini Road Site 1 Culvert (Contract No.: 0280-4078-0004)

DEPARTMENT:	Engineering Services
RESPONSIBLE OFFICER:	Amir Akrami; Acting Director of Engineering
PREPARED BY:	Amir Akrami; Acting Director of Engineering
DATE REPORT PREPARED:	28 June 2024
LINK TO COUNCIL PLAN/S:	Corporate Plan – Goals, Strategies and Performance Indicators: Assets

1. PURPOSE

This report provides Council with recommendations to appoint, with provisions, the Principal Contractor to carry out the works designated under the Contract No.: 0280-4078-0004 'Truganini Rd Site 1 Culvert' as stated in section 3.

2. BACKGROUND & PREVIOUS COUNCIL CONSIDERATION

Truganini Road provides critical access to the Albert River wharf and is the only available road to the boat ramp. The road traverses low lying tidal flats at Beacon Pile Gully, the site of the proposed culvert replacement.

Management of access to the Albert River wharf and boat ramp during the culvert replacement works is an important aspect of the overall project.

A condition rating was carried out in 2023. The report rated the structure as being in Condition State 4 (Very poor) due to the severe deterioration of the concrete pipes under the road.

NorthLane Consulting Engineers Pty Ltd was commissioned to design and compile tender documents for the replacement of the culvert structure, incorporating the Department of Agriculture and Fisheries' development requirements.

Upon endorsement of the tenderer from Council, the successful tender will be awarded, and works can commence.

The tender

The tender for the Tender No. 0280-4078-0004 Truganini Rd Site 1 Culvert was released via Vendor Panel on the 17th of May 2024 and closed on 7th of June 2024.

The evaluation panel reviewed each tender in accordance with the probity and evaluation plan and undertook a tender evaluation meeting on 17th of May 2024 to discuss and agree on the consensus scoring.

The tender submissions received and the consensus scoring for the Tender are listed in Attachment 1.

Of the 5 tenders received, the evaluation panel concluded that Lohman Contracting Pty Ltd tendered the preferred proposal.

3. PROPOSAL

That Council, having referenced the Tender Evaluation Report, endorses the recommendations of the Tender Evaluation Panel to the extent that the Contract is, in principle, awarded to Lohman Contracting Pty Ltd to the amount of \$1,102,129.31 ex GST with delegated authority to the CEO to negotiate up to the amount of \$1,596,248 (ex GST) (Project Budget).

4. FINANCIAL & RESOURCE IMPLICATIONS

The allocated project budget for the Truganini Culvert project is \$1,596,248 (ex GST) including contingency allowances.

5. RISK

Risk Type	What could happen	Possible Control
Contract variation – due to wet weather, latent conditions	<ul style="list-style-type: none"> ▪ Increase in Contract Sum 	<ul style="list-style-type: none"> ▪ Project budget contingency allowed ▪ Project Management “on the ground” available at most times
Delays to works – wet weather, latent conditions, slower productivity	<ul style="list-style-type: none"> ▪ Not meeting the funding requirements 	<ul style="list-style-type: none"> ▪ Monitor progress closely with Project Management “on the ground” overview 2. Seek time extension from funding authority if necessary
Disturbing Public access to the Burketown Wharf	<ul style="list-style-type: none"> ▪ Community dissatisfaction ▪ Impact on other projects (Wharf recreational Project) ▪ Impact on economy (tours, tourist access etc.) 	<ul style="list-style-type: none"> ▪ The preferred Traffic Management option allows for one open lane at all time except for setting traffic management up (could take up to 2 days)

6. POLICY & LEGAL IMPLICATIONS

The Council must also meet all relevant local government procurement requirements outlined in the Local Government Act 2009, Local Government Regulation 2012 and in Council's Procurement Policy. These requirements have been met through the tender process involved with this project.

Instrument	Reference	Details
Local Government Act 2009	Sections 12 and 13 – responsibilities of councillors and employees	Section 12 charges councillors with ensuring the local government achieves its corporate plan. Section 13 charges council employees with carrying out their duties in a way that ensures the local government achieves its corporate plan.
Local Government Act 2009	Section 257	Council authorises the CEO to incur certain expenditure on behalf of Council by way of a delegation made by Council resolution.
Local Government Regulation 2012	Sections 228-238 – Default Contracting Procedures	These Sections in the Regulation provide the requirements for Procurement for contracts valued at \$200,000 and above.
Burke Shire Council Corporate Plan 2019/2024	Vision, Mission, Values	Local Government Principles and Sound Contracting Principles
Burke Shire Council Procurement Policy 2023		Regulate and guide All Council procurement and contracting activities from external parties.

7. CRITICAL DATES & IMPLICATIONS

Tender Award – July 2024

Required Commencement date – July 2024

Construction Practical Completion – 31 October 2024

Any delay in awarding this tender could potentially impact the Contractor's Program, consequently leading to a delay in commencing construction works and possibly extending them into the wet season.

8. CONSULTATION

Consultation has taken place with:

- NorthLane Consulting Engineers Pty Ltd
- Burke Shire Council Evaluation Panel
- Chief Executive Officer

9. CONCLUSION

The contract should be awarded to Lohman Contracting Pty Ltd.

10. OFFICER'S RECOMMENDATION

- a) That Council note the contents of the report and relevant attachments; and
- b) That Council awards the Contract to Lohman Contracting Pty Ltd to the amount (ex GST) of:
 - i. \$1,102,129.31 ex GST
- c) Delegates authority to the CEO to enter negotiations with any and all matters associated with executing the Contract to the maximum values of the Project Budget as follows:
 - i. Tender No 0280-4078-0004 'Truganini Rd Site 1 Culvert': \$1,596,248 (ex GST)

04.02 Truganini Road Site 1 Culvert (Contract No.: 0280-4078-0004)

- a) That Council note the contents of the report and relevant attachments; and
- b) That Council awards the Contract to Lohman Contracting Pty Ltd to the amount (ex GST) of:
 - i. \$1,102,129.31 ex GST
- c) Delegates authority to the CEO to enter negotiations with any and all matters associated with executing the Contract to the maximum values of the Project Budget as follows:
 - i. Tender No 0280-4078-0004 'Truganini Rd Site 1 Culvert': \$1,596,248 (ex GST)

Moved: Cr Yanner

Seconded: Cr Clarke

Carried 240703.04 3/0

Note: Cr Clarke, Cr Yanner and Cr Murray voted in favour. Cr Poole abstained from voting.

05. Closure of meeting

The Chair declared the meeting closed at 9.35am.

I hereby certify that these pages numbered 1 to 11 – constitute
the Confirmed Special Meeting minutes of the Council Meeting
of Burke Shire Council held on Wednesday 3 July 2024.

Deputy Mayor Cr John Clarke.....