



SHIRE OF CARNARVON
MINUTES
SPECIAL COUNCIL MEETING
TUESDAY 18 JUNE 2024

CONFIRMATION OF MINUTES

These minutes were confirmed by the Council on
[Type date here](#)
as a true and accurate record

Shire Council Chambers
Stuart Street Carnarvon, West Australia
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Chairman

DISCLAIMER

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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 Carnarvon during the course of any meeting is not intended to be and is not taken as notice of approval from the Shire of Carnarvon. The Shire of Carnarvon warns that anyone who has an application lodged with the Shire of Carnarvon 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 Carnarvon in respect of the application.

To be noted that, in accordance with Regulation 11 of the Local Government (Administration) Regulations 1996, the minutes of the Council Meeting are a record of the decisions of the Council, any additional officers' advice, and explanatory notes as required. The minutes contain a summary of questions asked by members of the public and the answers given. The minutes **are not** a transcript of the proceedings of the meetings.

INFORMATION ON PUBLIC QUESTION TIME

The following information is provided should you wish to ask a question of Council at the Ordinary Meetings held on a monthly basis.

Please note that questions that have not been filled out on the Submission Form will not be accepted.

- The Local Government Act 1995 allows members of the public to ask questions in regard to any issue relating to the Shire.
- A maximum of 15 minutes will be allowed for public question time and the Presiding Member will allow a maximum of three (3) verbal/written questions per person.
- Prior to asking a question, the speaker must state his/her name and address.
- Members of the public are discouraged from asking questions which contain defamatory remarks, offensive language or questioning the competency of staff or Council members.
- The Presiding Member may nominate a member or officer to answer the question and may also determine that any complex questions requiring research be taken on notice and answered in writing.
- No debate or discussion is allowed to take place on any question or answer.
- A summary of each question asked and the response given will be included in the minutes of the meeting –

Local Government (Administration) Regulations 1996 – Pt 2, r.11 – (in part reads -)

11. Minutes, content of (Act s.5.25(1)(f))

The content of minutes of a meeting of a council or a committee is to include –

(e) a summary of each question raised by members of the public at the meeting and a summary of the response to the question.

Responses to questions that are taken on notice will be responded to as soon as possible.

- If you wish to ask a question, please complete the Public Question Time Submission Form at the back of this information sheet. Alternatively, questions can be submitted in writing to the Shire of Carnarvon 3 days prior to the meeting.

SPECIAL MEETINGS OF COUNCIL

Members of the public are welcome to attend a Special Meeting of Council if open, and ask questions of the Council within the allotted public question time **subject to the questions being asked only relating to the purpose of the Special Meeting** (s5.23 of the Act and regulation 12 (4) of the Local Government (Administration) Regulations 1996, the Department of Local Government and Communities Guide to Meetings and Governance Bulletin April 2014 and Guideline No. 3 Managing Public Question Time.)

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The meeting was declared open by the Presiding Member at 4:00pm

The Shire of Carnarvon acknowledges and respects the Yinggarda (Carnarvon) and Baiyungu (Coral Bay) as the traditional custodians of the lands where we live and work. We pay our respects to Elders, past, present and emerging. The Shire of Carnarvon is committed to honouring the traditional custodians' unique cultural and spiritual relationships to the land, waters and seas and their rich contribution to society.

1 ATTENDANCES, APOLOGIES & APPROVED LEAVE OF ABSENCE

Cr Burke Maslen Presiding Member/Councillor, Gascoyne/Minilya Ward
 Mr Eddie Smith Shire President (Teams)
 Cr Adam Cottrell Councillor, Coral Bay Ward (Teams)
 Cr Marco Ferreira Councillor, Plantation Ward
 Cr Luke Skender Councillor, Town Ward
 Cr Luke Vandeleur Councillor, Town Ward (Teams)
 Cr Paul Kelly Councillor, Town Ward (Teams)
 Mr David Nielsen Executive Manager, Infrastructure Services
 Ms Carolien Claassens Projects Contract Manager
 Mrs Andrea Selvey Chief Executive Officer
 Mrs Rebekah Skender Executive Assistant Finance

Apologies

Cr Dudley Maslen Councillor, Town Ward

Leave of Absence

Nil

Press Nil

Observers 1

2 DECLARATIONS OF INTEREST

(Elected Members and Officers are reminded of the requirements of Section 5.65 of the Local Government Act 1995, to disclose any interest during the meeting or when the matter is to be discussed.)

Cr L Skender - Impartiality – Item 4.1 Award of Tender RFT 03/2024 - Fascine Wall Capping Beam Replacement

3 PUBLIC QUESTION TIME

(In accordance with Section 5.24 of the Local Government Act 1995, a 15 minute public question time is made available to allow members of the public the opportunity of questioning Council on matters concerning them. All questions are to be provided on the Public Question Time Submission Form.)

Public Question Time commenced at 4.01pm

3.1 PUBLIC QUESTION TIME

Public Question Time was closed at 4.01pm

4 DEPARTMENTAL REPORTS

4.1 INFRASTRUCTURE SERVICES

4.1.1 AWARD OF TENDER RFT 03/2024 - FASCINE WALL CAPPING BEAM REPLACEMENT

File No:	ADM2300
Location/Address:	Shire of Carnarvon
Name of Applicant:	Shire of Carnarvon
Name of Owner:	Shire of Carnarvon
Author(s):	Carolien Claassens, Project Contracts Manager
Authoriser:	Andrea Selvey, Chief Executive Officer
Declaration of Interest:	Nil
Voting Requirement:	Simple Majority
Previous Report:	Nil
Schedules:	1. RFT03/2024 Evaluation and Recommendation Report (under separate cover)

Authority/Discretion:

<input type="checkbox"/>	Advocacy	When Council advocates on its own behalf or on behalf of its community to another level of government/body/agency.
<input checked="" type="checkbox"/>	Executive	The substantial direction setting and oversight role of the Council. E.g., adopting plans and reports, accepting tenders, directing operations, setting and amending budgets
<input type="checkbox"/>	Legislative	Includes adopting local laws, town planning schemes and policies.
<input type="checkbox"/>	Information	Includes items provided to Council for information purposes only that do not require a decision of Council (i.e. – for noting).
<input type="checkbox"/>	Quasi-judicial	When Council determines an application / matter that directly affects a person's right and interest. The judicial character arises from the obligations to abide by the principles of natural justice. Examples of Quasi-Judicial authority include town planning applications, building licenses, applications for other permits / licenses

Summary of Report

This report details the process undertaken for Request for Tender (RFT) 03/2024 Fascine Wall Capping Beam Replacement and presents the Evaluation and Recommendation Report (confidential) for Council's consideration. It is recommended to award the contract to First Class Constructions (WA) Pty Ltd.

Background

Funding was received through the Local Roads and Community Infrastructure (LRCI) program – Phase 3 from Department of Infrastructure, Transport, Regional Development, Communications and the Arts (Department) to replace the existing concrete capping beam on the Fascine wall.

The works includes replacement of 786 metres of the Fascine wall capping beam. Provisional items have been included in the scope of works for removal of the artificial grass sections between the capping beam and the memorial wall and replacing these sections with concrete.

The current condition of the concrete capping beam is poor. Degradation of the existing capping beam is due to multiple factors. Generally, it is due to saltwater accessing the concrete steel reinforcing promoting corrosion. Steel corrosion (rust) expands within the concrete resulting in cracking and spalling of the concrete. Large sections of the concrete capping now show obvious cracking and spalling leaving the capping beam further exposed to salt water.

It should be noted the capping beam does not provide any structural support function to the sheet pile wall. It provides an aesthetic function and functionally extends the width of the adjacent footpath. For this reason, damage to the capping beam does not impact on the structural integrity of the Fascine wall.

Full replacement of the capping beam was specified in the tender documentation with the design and technical specifications prepared by GHD, an Engineering consultant.

Tender RFT 03/2024 was advertised publicly in accordance with the statutory requirements and closed on Monday 10 June 2024.

One submission from *First Class Constructions (WA) Pty Ltd* was received within the submission timeframe. The Evaluation panel evaluated and scored the Tender submission. A detailed Evaluation and Recommendation Report is provided in **Schedule 1 (Confidential)**.

The Shire also received a late submission. In accordance with Policy CF003 Tender Selection Criteria the Shire is not able to accept a late submission. This submission was not opened.

Stakeholder and Public Consultation

N/A

Statutory Environment

Local Government Act, 1995 – Section 3.57 Tender for providing goods and services.

Local Government Act, 1995 – Section 3.18 Performing executive functions.

Local Government (Functions and General) Regulations, 1996 – Part 4 Tenders for providing goods or services

Relevant Plans and Policy

Policy C013 – Tender Selection Criteria Policy.

Policy C002 – Purchasing Policy Financial Implications

Financial Implications

The Shire has a remaining budget of \$834,255 excl GST available for the Fascine wall capping beam replacement. This consists entirely of LRCI funding. Based on the submitted price the Shire has insufficient funds to complete the entire works. Approximately 675 of the 786 metres (85%) of capping beam is estimated to be replaced with the current available budget.

The Tender submission includes several options to reduce the total cost of the project. This includes use of Shire plant and equipment and assistance from Shire depot staff in the delivery of the project. Removing the provisional items further decreases the project cost.

These cost savings do not reduce the project cost to be within the project budget. Initial discussions with the Tenderer indicate additional cost savings might be achieved through amendment to the scope of works. Potentially a reduction in the amount of replaced capping beam may be required. Prior to any scope variation, scope amendments will need to be confirmed with the design engineers from GHD.

It is recommended, to avoid over-expenditure of the budget to award the Tender based upon a fixed contract amount of \$834,255 in line with the available budget.

LRCI Phase 3 projects are to be commenced by 30 June 2024 and completed prior to the submission of the annual report by 31 October 2024. LRCI has advised no further extensions of funding will be granted. Any unexpended grant funding will need to be returned to the Department.

Risk Assessment

STEP 3 – Risk Tolerance Chart Used to Determine Risk						
Consequence →		Insignificant 1	Minor 2	Major 3	Critical 4	Extreme 5
Likelihood ↘						
Almost certain	A	High	High	Extreme	Extreme	Extreme
Likely	B	Moderate	High	High	Extreme	Extreme
Possible	C	Low	Moderate	High	Extreme	Extreme
Unlikely	D	Low	Low	Moderate	High	Extreme
Rare	E	Low	Low	Moderate	High	High

Risk Category	Description	Rating	Mitigating Action/s
Financial	<ol style="list-style-type: none"> 1. Failure to meet project completion date and risk of losing funding. 2. Insufficient funds to award the Contract based on the original Tendered Price 3. Loss of funding by not awarding the Tender 	<p>B3 – High</p> <p>A3 – Extreme</p> <p>A3 – Extreme</p>	<ol style="list-style-type: none"> 1. The Tenderer has been contacted to discuss the possibility of completing the works by late October. The Tenderer believes with some reasonable changes to the scope of works and support from Shire staff in the delivery of the project it is possible to complete the project on time to avoid loss of funding. 2. The Tenderer has identified several items within the scope of works to reduce the cost of the project. The Tenderer has identified its willingness to reduce the amount of capping beam to be replaced to meet the current budget. Further cost savings can be achieved by offering the Tenderer the ability to use Shire plant, equipment an office and Shire staff to assist with some of the works. 3. Award the Tender. There is insufficient time to re-allocate the Fascine Capping Beam funding allocation to another project and ensure expenditure and completion of this project by the end of October 2024.
Health & Safety	N/A		
Reputation	Further decline of the Fascine capping beam will result in a further decline of an iconic Shire asset.	C2 - Moderate	In several sections of the Fascine the cracking and spalling has become obvious when walking along the Fascine. Awarding the Tender will help preserve this important Shire asset.
Service disruption	N/A		
Compliance	N/A		
Property	Further decline of the Fascine capping beam by not awarding the Tender.	A3 - Extreme	Award the Tender to ensure urgent replacement of the capping beam.

Environment	N/A		
Fraud	N/A		

Community and Strategic Objectives

The proposal aligns with the following desired objectives as expressed in the *Community Strategic Plan 2022-2032*:

OBJECTIVES

In 2040 Carnarvon is a place where:

- *Our infrastructure, housing and amenities are high quality and accessible*

ADDITIONAL FOCUS AREAS:

- N/A

BIG IDEAS FOR THE FUTURE OF CARNARVON:

- N/A

Comments

Based upon initial discussions with First Class Constructions (WA) Pty Ltd regarding the timeframe and budget constraints in this project, there is reasonable confidence that the project can be completed within the available timeframe. It should be noted however that with the available budget, it may not be possible to carry out complete replacement of the capping beam.

The most degraded sections of capping beam are the cast in situ sections and replacement of these sections would be prioritised.

It should be noted the replacement of capping beams located under the three cantilever jetties and adjacent to the T-Jetty is not included in the scope of works.

It should also be noted that the concrete capping beam does not provide any structural support function to the sheet pile wall. Structural support of the retained material behind the Fascine wall is achieved through both:

- the sheet piling; and
- anchor tie back rods to buried concrete blocks adjacent to the cantilever jetties.

Loading applied to the sheet pile wall by the retained material varies with depth along the sheet pile length above and below the seabed. The greatest bending loads applied to the sheet piles occur some 3.5 to 4 metres below the seabed level.

It has not been possible to measure sheet pile wall thickness below seabed level. Wall thickness measurements at the LAT/seabed level taken in 2020 measured a sheet pile thickness range between 8 to 9.5mm. The original sheet pile thickness was 9.5mm.

Structural analysis also completed at that time recommended the following minimum sheet pile thickness was retained as follows:

- 4mm sheet pile thickness above seabed level
- 5mm sheet pile thickness below seabed level.

It should be noted that these recommended minimums contain factors of safety of up to 400% for the sheet piling above the seabed level.

The capping beam itself provides what is essentially a stiffening mechanism to the top of the sheet pile wall, an aesthetic mechanism to negate longitudinal variation along the top of the sheet piling and a functional component to extend the adjacent footpath all the way to the Fascine Wall edge. The capping beam is not required to provide a structural mechanism to resist the loads applied to the wall by the retained material.

Degradation of the existing capping beam is the result of multiple factors. Generally, these factors have allowed salt water to access the concrete steel reinforcing within the capping beam. This salt water promotes corrosion of that steel reinforcing. Steel corrosion (rust) then expands within the concrete ultimately resulting in cracking and spalling of the concrete. As a rule of thumb, one unit of steel thickness will corrode to ten units of rust. This reinforcing corrosion mechanism is sometimes referred to as “concrete cancer.”

Factors contributing to the reinforcing corrosion include:

- steel reinforcing in the capping beam being placed with insufficient clearance from edges exposed to saltwater intrusion – the proposed reconstructed capping beam specifies strict adherence to minimum cover of 50-60mm depending on the location;
- capping beam concrete strength of 32MPa was used reducing resistance of the concrete to saltwater intrusion to the steel reinforcing – the proposed reconstructed capping beam specifies use of 50MPa concrete;
- an exposed aggregate finish provided a more porous surface less resistant to saltwater intrusion to the steel reinforcing - the proposed reconstructed capping beam specifies use of tinted broom or smooth formed finish concrete; and
- no evidence of the addition of specialist concrete additives designed to resist saltwater intrusion the proposed reconstructed capping beam specifies use of specialist additives.

The Panel recommends awarding Tender 03/2024 to First Class Constructions (WA) for a total fixed amount of \$834,255 excl GST.

OFFICER’S RECOMMENDATION

That Council, by Simple Majority:

1. ***Pursuant to Section 3.57 of the Local Government Act, 1995, resolves to accept the submission from First Class Constructions (WA) Pty Ltd for Tender RFT 03-2024 – Fascine Wall Capping Beam Replacement based on the fixed price provided in Schedule 1 (confidential) for works up to the value of \$ 834,255 (excl. GST). and***
2. ***pursuant to Section 9.49A of the Local Government Act, 1995 authorises the CEO to make any necessary non-material amendments and finalise execution of a contract between the Shire of Carnarvon and First Class Constructions (WA) Pty Ltd for Tender RFT 03/2024 Fascine Wall Capping Beam Replacement.***

SUSPENSION OF STANDING ORDERS

COUNCIL RESOLUTION SCM 01/06/24

Moved: Cr Luke Vandeleur

Seconded: Cr Paul Kelly

A motion was moved that Council suspend standing orders to discuss the evaluation and recommendation report.

FOR: Crs Eddie Smith, Burke Maslen, Adam Cottrell, Marco Ferreirinha, Luke Skender, Luke Vandeleur and Paul Kelly

AGAINST: Nil

ABSENT: Cr DM Maslen

CARRIED BY SIMPLE MAJORITY 7/0

RESUMPTION OF STANDING ORDERS**COUNCIL RESOLUTION SCM 02/06/24****Moved:** Cr Luke Vandeleur**Seconded:** Cr Paul Kelly

A motion was moved that Council resume standing orders.

FOR: Crs Eddie Smith, Burke Maslen, Adam Cottrell, Marco Ferreirinha, Luke Skender, Luke Vandeleur and Paul Kelly

AGAINST: Nil

ABSENT: Cr DM Maslen

CARRIED BY SIMPLE MAJORITY 7/0**COUNCIL RESOLUTION SCM 03/06/24****Moved:** Mr Eddie Smith**Seconded:** Cr Paul Kelly***That Council, by Simple Majority:***

- 1. pursuant to Section 3.57 of the Local Government Act, 1995, resolves to accept the submission from First Class Constructions (WA) Pty Ltd for Tender RFT 03-2024 – Fascine Wall Capping Beam Replacement based on the fixed price provided in Schedule 1 (confidential) for works up to the value of \$ 834,255 (excl. GST). and***
- 2. pursuant to Section 9.49A of the Local Government Act, 1995 authorises the CEO to make any necessary non-material amendments and finalise execution of a contract between the Shire of Carnarvon and First Class Constructions (WA) Pty Ltd for Tender RFT 03/2024 Fascine Wall Capping Beam Replacement.***

FOR: Crs Eddie Smith, Burke Maslen, Adam Cottrell, Marco Ferreirinha, Luke Skender, Luke Vandeleur and Paul Kelly

AGAINST: Nil

ABSENT: Cr DM Maslen

CARRIED BY SIMPLE MAJORITY 7/0**5 CLOSURE**

The Presiding Member declared the meeting closed at 4:13pm.