



Special Council Meeting Minutes 19 March 2015

CONFIRMATION OF MINUTES

These minutes were confirmed by the Council on 26 March 2015 as a true and accurate record of the Special Council Meeting held on 19 March 2015.

.....
Cr (Turk) Shales
Shire President

All attachment items referred to in these minutes are available for public perusal at the Shire office

DISCLAIMER

The advice and information contained herein is given by and to the Council without liability for its accuracy. Before placing any reliance on this advice or information, a written inquiry should be made to the Council giving entire reasons for seeking the advice or information and how it is proposed to be used.

No responsibility whatsoever is implied or accepted by the Shire of Exmouth for any act, omission, statement or intimation occurring during the Council/Committee meetings or during formal/informal conversations with staff. The Shire of Exmouth disclaims any liability for any loss whatsoever and however caused arising out of reliance by any person or legal entity on any such act, omission, statement or intimation. Any person or legal entity who acts or fails to act in reliance upon any statement does so at the person's or legal entity's own risk.

In particular and without derogating in any way from the broader 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 Exmouth during the course of any meeting is not intended to be and is not taken as notice of approval from the Shire of Exmouth. The Shire of Exmouth warns that anyone who has an application lodged with the Shire of Exmouth must obtain and should only rely on written confirmation of the outcome of the application.

Signed at Exmouth  (B Price), Chief Executive Officer Shire of Exmouth.

INDEX OF MINUTES

1.	DECLARATION OF OPENING/ANNOUNCEMENT OF VISITORS.....	4
2.	RECORD OF ATTENDANCE/APOLOGIES/APPROVED LEAVE OF ABSENCE	4
3.	RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE.....	4
4.	PUBLIC QUESTIONS TIME	5
5.	DECLARATIONS OF INTEREST	5
6.	APPLICATIONS FOR LEAVE OF ABSENCE.....	5
7.	REPORTS OF OFFICER.....	6
7.1	CHIEF EXECUTIVE OFFICER.....	6
7.1.1	TROPICAL CYCLONE OLWYN – WA NATURAL DISASTER RELIEF AND RECOVERY ARRANGEMENTS	6
8.	ELECTED MEMBERS MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN.....	10
9.	NEW BUSINESS OF AN URGENT NATURE INTRODUCED BY DECISION OF MEETING	10
10.	MATTERS TO BE CONSIDERED BEHIND CLOSED DOORS.....	10
10.1	NINGALOO CENTRE – CONTRACT ARRANGEMENTS	10
11.	CLOSURE OF MEETING	10

SPECIAL COUNCIL MEETING MINUTES

Our Vision

To support and develop a vibrant, welcoming community that embraces its past, values its present and plans for a sustainable future

Our Purpose

To responsibly provide governance for the whole community in the best interest of current and future generations

Our Strategic Objectives

- ❖ **To provide sustainable management of the organisation**
- ❖ **To consistently apply the principles of Good Governance**
 - ❖ **To communicate effectively**
 - ❖ **To promote socioeconomic development**
 - ❖ **To value our environment and heritage**

1. DECLARATION OF OPENING/ANNOUNCEMENT OF VISITORS

The Shire President declared the meeting open at 10:30am.

He welcomed the gallery and advised that Exmouth had been through a lot in the last couple of days, confirming that the Harold E Holt Base recorded in excess of 225km/hour winds equivalent to a Category 4 cyclone and not the Category 3 as declared. The community has pulled together to restore Exmouth to a presentable state ready for the School Holidays and Easter weekend.

Well done to all involved including both the Emergency & Essential Services including the Shire for their tremendous effort over the course of the event and the recovery.

2. RECORD OF ATTENDANCE/APOLOGIES/APPROVED LEAVE OF ABSENCE

Councillor C (Turk) Shales	Shire President
Councillor M Hood	Deputy Shire President
Councillor R Winzer	
Councillor S McHutchison	
Councillor R (Bob) Todd	
Mr B Price	Chief Executive Officer
Mrs J Kox	Executive Manager Aviation Services
Mr K Woodward	Executive Manager Engineering Services

GALLERY

Visitors: 7

APOLOGIES

Nil

3. RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

Nil

4. PUBLIC QUESTIONS 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.

Council Consideration Towards Public

When public questions necessitate resolutions of Council, out of courtesy and at the President discretion the matter is to be dealt with immediately to allow the public to observe the determination of the matter (obviates the need for the public to wait an undetermined period of time).

When a matter is listed on the Agenda and member/s of the public are in attendance to observe the determination of the matter, out of courtesy and at the discretion of the President the matter is to be brought forward on the agenda and dealt with immediately to allow the public to observe the determination of the matter (again this obviates the need for the public to wait an indeterminate period of time).

Nil

5. DECLARATIONS OF INTEREST

Item/Description	Name	Detail of Interest	Extent of Interest

6. APPLICATIONS FOR LEAVE OF ABSENCE

The Local Government Act 1995 (Section 2.25) provides that a Council may, by resolution, grant leave of absence to a member for Ordinary Council Meetings. A member who is absent, without first obtaining leave of the Council, throughout three consecutive Ordinary meetings of the Council is disqualified from continuing his or her membership of the Council.

Disqualification from membership of the Council for failure to attend Ordinary Meetings of the Council will be avoided so long as the Council grants leave prior to the member being absent. The leave cannot be granted retrospectively. An apology for non-attendance at a meeting is not an application for leave of absence.

Nil

7. REPORTS OF OFFICER

7.1 Chief Executive Officer

7.1.1 Tropical Cyclone Olwyn – WA Natural Disaster Relief and Recovery Arrangements

Location:	Exmouth
Applicant:	DFES
File Reference:	ES.RE.2, GS.PR.2
Disclosure of Interest:	Nil
Date:	17 March 2015
Author:	Chief Executive Officer, Bill Price
Signature of Author:	

SUMMARY

Following the recent Tropical Cyclone Olwyn event of Friday 13 March 2015, this report recommends that the Council endorse the following

1. The recovery actions undertaken, authorising expected unbudgeted expenditure of up to \$ 141,100 as Council's contribution to repairs to Council's roads network, clean-up activities and other identified affected assets;
2. Make application for assistance under the Western Australia Natural Disaster Relief & Recovery Arrangements (WANDRRA);

BACKGROUND

On Friday 13 March 2015, Exmouth experienced a high end Category 3 Tropical Cyclone event, TC Olwyn, which was forecast to in addition to extreme wind gusts, cause significant storm surge in excess of 6m. Fortunately, the anticipated storm surge and flooding did not eventuate as originally forecasted, but significant damage has been caused by the severe and relentless winds that were experienced. The HEH Base recorded gusts in excess of 225Km/hr which puts the cyclone in the Category 4 classification.

The incident was very well managed by the Exmouth Local Emergency Management Committee (ELEMC) with excellent support from visiting DFES and SES staffing.

At 9am Sunday the 15 March 2015 the transition from Incident to Recovery officially took place with the official paperwork provided to DFES. (Refer ***Attachment 1***).

The Council is the responsible agency for the management of the Local Recovery Management Plan. Several meetings of the Local Recovery Committee (ELRC) have been held with agencies providing latest updates on progress of recovery actions. Attached is the latest copy of minutes of the Local Recovery Committee meeting held Wednesday 18 March 2015 for Councillor information (refer ***Attachment 2***). To date recovery efforts by the agencies and essential service providers have been very successful and well coordinated.

On Tuesday 17 March 2015, Council was notified that the Director General of the Department of the Premier and Cabinet had activated the Western Australia Natural Disaster Relief and Recovery Arrangements (WANDRRA) for the event 'Severe Tropical Cyclone Olwyn and Associated Flooding 12 March 2015' which has impacted upon a number of local government districts. The Shire of Exmouth was one of the local governments on the list of affected areas. Attached is a copy of the notification. (Refer ***Attachment 3***)

In relation to Council's recovery efforts the following is a preliminary summary for Council information which is to be presented by Keith Woodward, EMES.

The extent of restoration has yet to be fully determined suffice to say that shire staff are focusing all efforts in protecting existing services and maintaining reasonable/safe access for the public. Shire staff, along with contractors, were immediately deployed in 'Recovery Operations' to clear roads, protect services, unblock culverts/drains and make temporary repairs to damaged road pavement.

The Recovery operations have utilised the entire Shire workforce including the Shire executives, administration, engineering staff, and contractors. The equipment used for Recovery Operations include 2 graders, 12 trucks, 7 loaders/bobcats and multiple light vehicles and small equipment. Recovery operations are continuing with an estimated completion date in the first week of April 2015.

A preliminary inspection has been carried out by Shire Officers to determine the extent of road and drainage damage. Preliminary costs for roads reinstatement have been estimated in the excess of \$1.2m-\$1.5m. Sections of Yardie Creek Road within Cape Range National Park are destroyed, covered in silt/debris and will need to be reconstructed after clean up. The estimated costs to perform these works are based on the following activities;

- Reconstruction of road
- Reconstruction of table drains
- Reconstruction of floodway's and culverts
- Reconstruction of road shoulders and batters
- Clearing piped drainage
- Resheeting of gravel roads
- Signage and guideposts

In addition to the roads infrastructure there has been considerable damage to other Shire assets including:

- Street lighting
- Learmonth jetty
- Boat ramps
- Coastal public toilets, carparks, fencing and steps
- Learmonth Airport buildings and associated security equipment
- Shire buildings
- Lighthouse
- Hard and soft park lands landscaping
- Street trees
- Seawalls
- Fencing
- Sewage pumping compound and irrigation
- Sporting complex infrastructure

Current Inspection Status

	Inspections ongoing	Inspected
Roads (Town Site)	All town streets are open	90%
Roads (Rural)	Yardie Creek Road is open to the Cape Range National Park Milyering Centre. YCR will be opened in sections once road clearing has occurred, the road made safe and warning signs installed. It is projected that YCR will be trafficable for the entire length by the 16 March 2015.	80%
	Shot Hole Canyon Road is impassable due to significant damage. The road is closed.	5%
	Charles Knife Road has not been inspected due to power lines being down over the road. The road is closed.	5%
Drainage Levee and structures	Inspections ongoing	20%
Buildings	Inspections ongoing	95%
Coastal Asset	<ul style="list-style-type: none"> • Substantial damage to the rock armouring at Learmonth 	30%

	<p>jetty. Jetty will be closed until made safe.</p> <ul style="list-style-type: none"> • Minor rock dislodgement to the southern seawall at Town Beach. Loss of sand from eastern side of landscaped irrigated area. Sand dune reinstatement required. • Sand drifts over the roads and fence damage at Bundegi Beach. • Dislodgement of walkway decking on the Bundegi boat ramp. • Total destruction of various public toilets and signage • Loss of coastal steps and fencing 	
Hard and soft landscaping	<p>Damage to all parks consisting of trees damage/loss, damaged irrigation, electrical and fence damage. Scoreboards.</p> <p>Sea water intrusion to electrical systems and BBQ at town beach.</p>	20%
Street trees	Substantial loss and damage to most verge trees. Structural inspection required once the clearing has been completed.	10%
Street Lighting	Street lighting damaged on Murat Road footpath and Maidstone Crescent.	5%

Jenny Kox, EMAS, will also make a presentation on the extent of damage suffered at Learmonth Terminal.

COMMENT

The activation of the WANDRRA proclamation provides Council with funds to carry out reinstatement works on the roads and other essential public assets, however there are several conditions that are attached to these funds, mainly:

- All work eligible for reimbursement is to be carried out by contractors;
- Only work carried out after hours by Council plant and staff is eligible for payment;
- All work is to be completed by 30 June 2017; and
- Council is to fund 25% of the cost of works up to the allocated Local Government contribution limit, which for the Shire of Exmouth is to a maximum contribution of \$141,100 for reinstatement. Note: Opening up costs are reimbursed at 100%.

As mentioned previously all work, where possible, is to be carried out by contractors. In order to facilitate these works and to ensure that projects are completed by 30 June 2017, it is proposed to manage most of the reinstatement works through hourly hire with daily supervision. A Request for Quotation (RFQ) will be sent to local contractors to submit rates for hourly, daily and weekly supply of plant, equipment and other resources. Information received will be used to compile an approved contractors list of equipment, services and cost and will be used by the project supervisor to obtain the necessary plant or equipment when the need arises. In some instances, larger parcels of like works may be bundled into a tender, following the normal tender process. If unable to source particular equipment or services locally, then requests will be sent outside of the Shire.

CONSULTATION

Local Recovery Committee
 State Emergency Management Committee
 Main Roads West Australia (MRWA)
 Department of the Premier and Cabinet (WA)

STATUTORY ENVIRONMENT

Requests for Tender (RFT), if so required, will be undertaken in accordance with Section 3.57 of *Local Government Act 1995*.

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

Counter Disaster Operations (CDO or 'Opening up') works may be eligible for full reimbursement through WANDRRA, although have to be paid initially by Council.

Council will be required to pay 25% of the required contribution, being the first \$141,100 of contractors invoices for reinstatement/repair works which is unbudgeted in the current financial year. In addition, as all contractor invoices must be paid by Council before payment is received by WANDRRA, there will be implications on Council's cash flow position. It has been advised that around \$500,000 is necessary to ensure cash flow can be maintained during the period of reconstruction.

STRATEGIC IMPLICATIONS

Civic Leadership

Objective 4: To work together as custodians of now and the future.

- Outcome: 4.1: To be a collaborative community with the capacity to manage the current and future direction of Exmouth
- Outcome: 4.2: A local government that is respected, professional, trustworthy and accountable
- Outcome: 4.3: To be strong advocates representing the region's interests

VOTING REQUIREMENTS

Absolute Majority

OFFICER'S RECOMMENDATION – 7.1.1

That Council endorse the following:

1. *The recovery actions undertaken, authorising expected unbudgeted expenditure of up to \$ 141,100 as Council's contribution to repairs to Council's roads network, clean-up activities and other identified affected assets;*
2. *Make application for assistance under the Western Australia Natural Disaster Relief & Recovery Arrangements (WANDRRA).*

COUNCIL DECISION – 01-0315 – 7.1.1

Moved Councillor Winzer, Seconded Councillor Todd.

That Council endorse the following:

1. *The recovery actions undertaken, authorising expected unbudgeted expenditure of up to \$ 141,100 as Council's contribution to repairs to Council's roads network, clean-up activities and other identified affected assets;*
2. *Make application for assistance under the Western Australia Natural Disaster Relief & Recovery Arrangements (WANDRRA).*

CARRIED by ABSOLUTE MAJORITY 5/0

The Shire President advised that he had received a call from the Premier, Hon Colin Barnett MLA, who wished to extend his congratulations to the Emergency Services Volunteers, SES and Exmouth Volunteer Fire and Rescue Service, the Shire and the community of Exmouth for their tremendous effort over the course of the event, the community have shown their resilience in this trying time.

8. ELECTED MEMBERS MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

Nil

9. NEW BUSINESS OF AN URGENT NATURE INTRODUCED BY DECISION OF MEETING

Nil

10. MATTERS TO BE CONSIDERED BEHIND CLOSED DOORS

COUNCIL DECISION – 02-0315 – ITEM 10

Moved Councillor Winzer, Seconded Councillor Todd.

That Council move Behind Closed Doors at 11:08am in accordance with the Local Government Act 1995 section 5.23 (2) (A) (C) and (D).

- Commercial in Confidence Matter

CARRIED 5/0

10.1 Ningaloo Centre – Contract Arrangements

COUNCIL DECISION – 03-0315 – 10.1

Moved Councillor Todd, Seconded Councillor Winzer.

That Council carry out the resolution detailed in File Reference CM.TE.042013.

CARRIED by ABSOLUTE MAJORITY 5/0

COUNCIL DECISION – 04-0315 – ITEM 10

Moved Councillor Winzer, Seconded Councillor Todd.

That Council return from Behind Closed Doors at 11.26am.

CARRIED 5/0

11. CLOSURE OF MEETING

The Shire President extended his appreciation to all Council employees for their excellent contribution and coordination in the recovery clean-up which was a tremendous effort and extremely well received by the community.

The Shire President closed the meeting at 11:27am.