



**Shire of Derby /
West Kimberley**

UNCONFIRMED MINUTES

**Special Council Meeting
Thursday, 21 March 2024**

Date: Thursday, 21 March 2024

Time: 5:25 PM

**Location: Council Chambers
Clarendon Street
Derby**



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**MINUTES OF SHIRE OF DERBY / WEST KIMBERLEY
SPECIAL COUNCIL MEETING
HELD AT THE COUNCIL CHAMBERS, CLARENDON STREET, DERBY
ON THURSDAY, 21 MARCH 2024 AT 5:25 PM**

PRESENT:

(In person) Mr Peter McCumstie (President), Cr Geoff Haerewa (Deputy President), Cr Brett Angwin, Cr Paul Bickerton, Cr Brian Ellison, Cr Wayne Foley, Cr Kerrissa O'Meara and Cr Andrew Twaddle.

PRESENT:

(Online) Cr Geoff Davis.

IN ATTENDANCE:

(In Person) Tamara Clarkson (Deputy Chief Executive Officer), Wayne Neate (Director, Technical and Development Services), Sarah Smith (Executive Services Coordinator), Mark Davis (Executive Services Project Director), Andrew Melville (Manager of Ports), Dean Wyber (Manager of Assets), Bhavesh Modi (Manager of Infrastructure), Mark Chadwick (Manager of Environments).

IN ATTENDANCE:

(Online) Amanda Dexter (Chief Executive Officer), Neil Hartley (Director, Strategic Business), Jess Karlsson (Executive Director of Operations and Strategic Development).

VISITORS: Nil

GALLERY: Kevin Pilkington, Peter Jackson and Terri Buckley.

APOLOGIES: Nil

APPROVED LEAVE OF ABSENCE: Nil

ABSENT: Nil

1 DECLARATION OF OPENING, ANNOUNCEMENTS OF VISITORS

The meeting was opened at 5:25pm by Mr Peter McCumstie.

NOTE: *The President called this Special Meeting following the conclusion of the earlier 4.30pm Special Council Meeting, to enable Council to consider an urgent item relating to the procurement of a Flood Survey for the Fitzroy Crossing Airstrip, in the hope the Shire can then attract funding to enable the airstrip to be reconstructed at a higher and less flood-prone level.*

2 ACKNOWLEDGEMENT OF COUNTRY

In the spirit of reconciliation, the Shire of Derby/West Kimberley acknowledges the traditional custodians of country throughout the Shire and their connection to land, sea and community.

The Shire of Derby/West Kimberley would like to pay respect to the past, present and future traditional custodians and Elders of this nation and the continuation of cultural, spiritual and educational practices of Aboriginal and Torres Strait Islander peoples.

3 ATTENDANCE VIA TELEPHONE/INSTANTANEOUS COMMUNICATIONS

A Councillor may attend council or committee meetings by electronic means if the member is authorised to do so by the President or the Council. Electronic means attendance can only be authorised for up to half of the Shire's in-person meetings they have attended in total, in any rolling 12 months prior period. Authorisation can only be provided if the location and the equipment to be used by the Councillor are suitable to enable effective, and where necessary confidential, engagement in the meeting's deliberations and communications.

- Cr Geoff Davis.

4 DISCLOSURE OF INTERESTS

4.1 Declaration of Financial Interests

- Nil.

4.2 Declaration of Proximity Interests

- Nil.

4.3 Declaration of Impartiality Interests

- Nil.

5 PUBLIC TIME

5.1 Public Question Time

- Nil.

5.2 Public Statements

- Nil.

6 ANNOUNCEMENTS BY PRESIDING PERSON WITHOUT DISCUSSION

- Nil.

REPORTS**7 EXECUTIVE SERVICES****7.1 FITZROY CROSSING AIRPORT - FLOOD STUDY AND REVISED DESIGN/SPECIFICATION/COSTING****File Number: 9030****Author: Neil Hartley, Director, Strategic Business****Responsible Officer: Amanda Dexter, Chief Executive Officer****Authority/Discretion: Administrative****SUMMARY**

January 2023's ex-Tropical Cyclone Ellie floods impacted upon the Fitzroy Crossing Airport's ability to facilitate the safe arrival and departure of aircraft. In light of the ongoing risk of a repeat (or worse) situation occurring, State Government funding was sought to (1) undertake a flood-modelling study report and (2) modify current airstrip design levels (to facilitate the securing of additional state government funds to enable the construction of a "flood-proof" airstrip).

Funding was secured but funding conditions require completion of the project by 31 May 2024. There is insufficient time to undertake the Council Policy requirements for procurement, and have the contractor undertake the work, before 31 May. A Council decision is therefore sought to enable works to proceed as a matter of urgency.

DISCLOSURE OF ANY INTEREST

Nil by Author and Responsible Officer.

BACKGROUND

January 2023's ex-Tropical Cyclone Ellie unleashed on Fitzroy Crossing the worst flooding in living memory and this impacted upon the Fitzroy Crossing Airport's ability to facilitate the safe arrival and departure of aircraft. Airport Notice to Airmen (NOTAM) restrictions hampered flooding rescue, response, and recovery operations. In light of the ongoing risk of a repeat (or worse) situation occurring, it was important to explore every opportunity to provide the most flood-proof airstrip we can manage to secure.

State Government funding was sought via an "out-of-session" RADS Grant application for \$79,050.

Greenfield Technical Services (the appointed Project Management contractor for the Fitzroy Crossing Airport Refurbishment Project) provided the Shire with an estimate of costs for the purpose of submitting the grant application.

The grant application was successful.

The development of a flood-modelling study report will enable consideration to be given to how best to design the Fitzroy Crossing Airstrip so that it can service the Fitzroy Valley areas after the next flood. The study will enable any consideration to modify current design levels to be based on solid data and professional assessment.

The Shire of Derby/West Kimberley needs to locate a suitably qualified and experienced consultant to:

1. undertake flood modelling for the Fitzroy Crossing Airport site which anticipates the future flooding potential of this site; and
2. provide detailed engineering designs, specifications, and costings for an (as best as it reasonably can be) "flood-proof" airstrip (and associated infrastructure).

The project is anticipated to have three stages:

- Stage 1: Flood Modelling, anticipated to be based on historic flood levels plus percentage increases on those levels (as opposed to endeavouring to ascertain flood catchment impacts over the extensive catchment area). The Department of Water and Environmental Regulation has a great deal of available information on this subject and it is a requirement for the contractor to engage with DWAR on this modelling study.
- Stage 2: New Engineering Survey to enable Engineering Design to be undertaken; and
- Stage 3: Design/Specification/Costing - Detailed engineering design to "flood-proof" specifications (with agreed design height to be decided following agreement on the most suitable flood modelling option at the conclusion of Stage 1 above). Construction cost estimates to also be provided.

The expectation of the grant provider funding this work expects that the project will be completed by 31 May 2024.

The calling of Requests for Quotation would if required to be called, close on Monday 8 April, 2024, providing the required 14 days public exposure. Selection of the successful tendered would then occur, with appointment made and contracts entered into by Friday 12 April, leaving just a little over four weeks for the project to be completed.

STATUTORY/LEGISLATIVE ENVIRONMENT

Local Government (Functions and General) Regulations 1996 Cl. 11A(1) (Purchasing policies for local governments) requires local governments to adopt a purchasing policy in relation to contracts for the supply of goods or services where the consideration under the contract is, or is expected to be worth less than \$250 000.

POLICY IMPLICATIONS

F1 – Procurement of Goods and Services - the Procurement Policy outlines that amongst other things, value for money is a required assessment when procuring goods and services for the Shire's consumption. The Policy outlines the multi-criteria assessment required to reach that decision (e.g. price, technical merit, local business content, etc.).

For a purchase in the order of \$80,000 the Policy requires the attempt to secure multiple quotes and this particular type of service (flood modelling/engineering design) would normally be sought via the WALGA Vendor Panel open Request for Quotations process.

FINANCIAL IMPLICATIONS

The grant is for \$79,050 and broken into two main components:

1. Flood study (\$17,250); and
2. Engineering Survey and Design (\$61,800).

Other than officer time and the normal requirement to reconcile and audit the grant at conclusion, no other Shire funds are expected to be required (although the Shire is responsible for cost over-runs).

STRATEGIC IMPLICATIONS

GOAL	OUR PRIORITIES	WE WILL
1. Leadership and Governance	1.2 Capable, inclusive and effective organisation	1.2.2 Provide strong governance
2. Community	2.1 Safe Communities	2.1.4 Manage and respond to emergency situations

RISK MANAGEMENT CONSIDERATIONS

RISK	LIKELIHOOD	CONSEQUENCE	RISK ANALYSIS	MITIGATION
Financial: That costs exceed budget and grant funds available.	Possible	Minor	Medium	Manage project to ensure costs are controlled.
Legal & Compliance: Taking decisions outside of Policy require justified reasoning.	Unlikely	Minor	Low	Carefully consider legal and ethical responsibilities.

CONSULTATION

No community consultation is required in order to award this contract.

Consultation has occurred with the Department of Transport and Greenfield Technical Services. Greenfield Technical Services (the appointed Project Management contractor for the Fitzroy Crossing Airport Refurbishment Project) provided the Shire with an estimate of costs for the purpose of submitting the grant application.

COMMENT

There is insufficient time to undertake the required steps of policy (F1 – Procurement of Goods and Services), and have the project completed by the required date of the funding body (vis. 31 May 2024).

Greenfield Technical Services is the current Project Management contractor for the Fitzroy Crossing Airport Refurbishment Project, and has provided numerous engineering services to the Shire over the last several years. Greenfield is a competent and professional organisation which

consistently scores better than satisfactory results in assessments for the various tenders/requests for quotation called by the Shire.

VOTING REQUIREMENT

Simple majority

ATTACHMENTS

Nil

RESOLUTION 27/24

Moved: Cr Brian Ellison

Seconded: Cr Paul Bickerton

That Council:

- 1. Acknowledges that the normal process for calling of Expressions of Interest outlined in policy (F1 – Procurement of Goods and Services), cannot reasonably be met on this occasion in light of the required timeline of the funding body for the completion of the service (vis. by 31 May 2024);**
- 2. Acknowledges that Greenfield Technical Services is a suitably qualified and experienced commercial organisation and is capable of providing the service required of the Shire;**
- 3. Authorises the Chief Executive Officer to secure from Greenfield Technical Services, the supply of:**
 - i. a flood modelling study for the Fitzroy Crossing Airport site (which anticipates the future flooding potential of this site); and**
 - ii. detailed engineering designs, specifications, and costings for an (as best as it reasonably can be) "flood-proof" airstrip and its associated infrastructure;**
- 4. Authorises the Chief Executive Officer to negotiate a contract with Greenfield Technical Services, for a sum within the limits of the grant funds provided; and**
- 5. Expresses its appreciation to the Department of Transport for the provision of the \$79,050 of funding in order that the Shire can now secure the above flood study and airstrip re-design.**

In Favour: Mr Peter McCumstie and Crs Geoff Haerewa, Brett Angwin, Paul Bickerton, Geoff Davis, Brian Ellison, Wayne Foley, Kerrissa O'Meara and Andrew Twaddle

Against: Nil

CARRIED 9/0

8 NEW BUSINESS OF AN URGENT NATURE

- Nil.

9 CLOSURE

9.1 Date of Next Meeting

The next ordinary meeting of Council will be held Thursday, 28 March 2024 at 11:00am in Fitzroy Crossing at the Karrayili Adult Education Centre - Fitzroy Crossing.

9.2 Closure of Meeting

The Presiding Member closed the meeting at 5:38pm.

These minutes were confirmed at a meeting on

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Signed:

Presiding Person at the meeting at which these minutes were confirmed.

Date: