



Minutes of Special Council Meeting

Held on 9 October 2024 and commenced at 5:00pm
Held at the Council Chambers in Donnybrook
(1 Bentley Street, Donnybrook)

The purpose of this Special Council Meeting is for Council to consider the:

1. Proposed budget amendments to address matters in the aftermath of the Irishtown Bridge Fire.

Authorised:

A handwritten signature in black ink, appearing to read "N. O'Connor", is positioned to the right of the "Authorised:" label.

Nicholas O'Connor, Chief Executive Officer

Prepared:

11 October 2024

MEASURES OF CONSEQUENCE

LEVEL	RATING	HEALTH & SAFETY	FINANCIAL	SERVICE INTERRUPTION	COMPLIANCE	REPUTATION	PROPERTY	ENVIRONMENT
1	Insignificant	Negligible injuries	Less than \$5,000	No material service interruption	No noticeable regulatory or statutory impact	Unsubstantiated, localised low impact on community trust, low profile or no media item	Inconsequential or no damage.	Contained, reversible impact managed by on site response
2	Minor	First aid injuries	\$5,000 - \$20,000 Or < 5% variance in cost of project	Temporary interruption to an activity – backlog cleared with existing resources	Some temporary non compliances	Substantiated, localised impact on community trust or low media item	Localised damage rectified by routine internal procedures	Contained, reversible impact managed by internal response
3	Moderate	Medical type injuries	\$20,001 - \$100,000 Or > 5% variance in cost of project	Interruption to Service Unit(s) deliverables – backlog cleared by additional resources	Short term non-compliance but with significant regulatory requirements imposed	Substantiated, public embarrassment, moderate impact on community trust or moderate media profile	Localised damage requiring external resources to rectify	Contained, reversible impact managed by external agencies
4	Major	Lost time injury	\$100,001 - \$1M	Prolonged interruption of Service Unit core service deliverables – additional resources; performance affected	Non-compliance results in termination of services or imposed penalties	Substantiated, public embarrassment, widespread high impact on community trust, high media profile, third party actions	Significant damage requiring internal & external resources to rectify	Uncontained, reversible impact managed by a coordinated response from external agencies
5	Catastrophic	Fatality, permanent disability	More than \$1M	Indeterminate prolonged interruption of Service Unit core service deliverables	Non-compliance results in criminal charges or significant damages or penalties	Substantiated, public embarrassment, widespread loss of community trust, high widespread multiple media profile, third party actions	Extensive damage requiring prolonged period of restitution Complete loss of plant, equipment & building	Uncontained, irreversible impact

MEASURES OF LIKELIHOOD

LEVEL	RATING	DESCRIPTION	FREQUENCY
5	Almost Certain	The event is expected to occur in most circumstances	More than once per year
4	Likely	The event will probably occur in most circumstances	At least once per year
3	Possible	The event should occur at some time	At least once in 3 years
2	Unlikely	The event could occur at some time	At least once in 10 years
1	Rare	The event may only occur in exceptional circumstances	Less than once in 15 years

RISK MATRIX

Consequence Likelihood		Insignificant	Minor	Moderate	Major	Catastrophic
		1	2	3	4	5
Almost Certain	5	MODERATE (5)	HIGH (10)	HIGH (15)	EXTREME (20)	EXTREME (25)
Likely	4	LOW (4)	MODERATE (8)	HIGH (12)	HIGH (16)	EXTREME (20)
Possible	3	LOW (3)	MODERATE (6)	MODERATE (9)	HIGH (12)	HIGH (15)
Unlikely	2	LOW (2)	LOW (4)	MODERATE (6)	MODERATE (8)	HIGH (10)
Rare	1	LOW (1)	LOW (2)	LOW (3)	LOW (4)	MODERATE (5)

RISK ACCEPTANCE CRITERIA

RISK RANK	DESCRIPTION	CRITERIA FOR RISK ACCEPTANCE	RESPONSIBILITY
LOW	Acceptable	Risk acceptable with adequate controls, managed by routine procedures and subject to annual monitoring	Operational Manager
MODERATE	Monitor	Risk acceptable with adequate controls, managed by specific procedures and subject to semi-annual monitoring	Operational Manager
HIGH	Urgent Attention Required	Risk acceptable with excellent controls, managed by senior management / executive and subject to monthly monitoring	Director / CEO
EXTREME	Unacceptable	Risk only acceptable with excellent controls and all treatment plans to be explored and implemented where possible, managed by highest level of authority and subject to continuous monitoring	CEO / Council

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1. Declaration of Opening / Announcement of Visitors

Acknowledgement of Country:

The Shire President acknowledged the continuing connection of Aboriginal people to Country, culture and community, including traditional custodians of this land, the Wardandi and Kaneang People of the Noongar Nation, paying respects to Elders, past and present.

The Shire President declared the meeting open at 5:03pm welcomed the public gallery.

The Shire President advised that the meeting is being live streamed and recorded in accordance with Council Policy EM/CP-2. The President further stated the following:

“This meeting is being livestreamed and digitally recorded in accordance with Council Policy.

Members of the public are reminded that no other visual or audio recording of this meeting by any other means is allowed without the permission of the chairperson.

Whilst every endeavour has been made to only record those who are actively participating in the meeting, loud comments or noises from the gallery may be picked up on the recording.”

2. Attendance

Councillors Present:

Cr Vivienne MacCarthy	Cr Lisa Glover (via teams)	Cr John Bailey
Cr Alexis Davy (via teams)	Cr Peter Gubler	Cr Anita Lindemann
Cr Anne Mitchell	Cr Grant Patrick	Cr Deanna Shand

Staff Present:

Nicholas O’Connor, Chief Executive Officer	Tim Clynch, Chief Executive Officer (Temporary)
Maurice Battilana, Acting Director Finance and Corporate	Samantha Farquhar, Administration Officer Corporate Services

Cr Davy joined the meeting via teams at 5:00pm and read out loud the following.

‘Pursuant to Section 14CA(5) of the Local Government (Administration) Regulations 1996 I Cr Alexis Davy declare that I am situated in a location where I can maintain confidentiality throughout the duration of the meeting.’

Public Gallery:

3 members of the public in attendance.

2.1. Apologies

Ross Marshall, Director Operations

Loren Clifford, Manager Corporate Services

2.2. Approved Leave of Absence

Nil.

2.3. Application for Leave of Absence

Nil.

3. Announcements from the Presiding Member

Nil.

4. Declarations of Interest

Division 6: Sub-Division 1 of the *Local Government Act 1995*. Care should be taken by all Councillors to ensure that a financial/impartiality interest is declared and that they refrain from voting on any matter, which is considered to come within the ambit of the Act.

Nil.

5. Public Question Time

5.1. Responses to previous public questions that were taken on notice

Nil.

5.2. Public Question Time

In accordance with the Clause 7(3) of the Local Government (Administration) Regulations, public questions must relate to the stated purpose of the Special Meeting of Council.

Nil.

6. Presentations

6.1. Petitions

Nil.

6.2. Presentations

Nil.

6.3. Deputations

Nil.

6.4. Delegates' Reports

Nil.

7. Reports of Committees

Nil.

Cr Anne Mitchell entered the Council Chamber at 5:12pm.

Cr Glover joined the meeting via teams at 5:15pm and read out loud the following.

'Pursuant to Section 14CA(5) of the Local Government (Administration) Regulations 1996 I Cr Lisa Glover declare that I am situated in a location where I can maintain confidentiality throughout the duration of the meeting.'

8 Reports of Officers

8.1.1 Budget Amendment – Irishtown Bridge Fire

Report Details:

Prepared by: Tim Clynch, Chief Executive Officer (Temporary)

Manager: Tim Clynch, Chief Executive Officer (Temporary)

File Reference: Nil **Voting Requirement:** Absolute Majority

Attachment(s):

8.1.1(1) Plan - Alternative Access Route

Executive Recommendation

That Council:

1. Notes the President, using powers under Section 6.8(c) of the *Local Government Act 1995*, authorised the expenditure of funds not included in the annual budget for the purpose of improving the trafficability of the alternative access to the Irishtown locality in recognition that the locality's principal access via Irishtown Road was made inaccessible on 1 October 2024 due to damage to the bridge that crosses the Preston River at the western end of the road.
2. Approves unbudgeted expenditure of \$340,000 for the construction and/or upgrading of Kelly Road, Fowler Street and Hamilton Street to improve access between Bridge Street and Irishtown Road (GL174320-Job#J513), noting that a portion of Kelly Road requires reconstruction within the dedicated road reserve.
3. Notes that an insurance claim is pending for the costs of constructing/upgrading of Kelly Road, Fowler Street and Hamilton Street.
4. Approves unbudgeted expenditure of \$200,000 for design, approvals and project management associated with repairs and associated works required to the Irishtown Road bridge, noting that an insurance claim for reimbursement of these costs is pending.
5. Note that once a bridge design is completed a Request for Tender will be called for the repairs and associated works to the Irishtown Road bridge and that Council will consider funding of those works when awarding the tender.

Strategic Alignment

The following outcomes from the Council Plan relate to this proposal:

Outcome: 2 - A safe and healthy community.

Objective: 2.3 - Maintain community safety.

Item: Nil.

Outcome: 8 - Safe and convenient movement of people into and around the district.

Objective: 8.1 - Improve road safety, connectivity and traffic flow for all users.

Item: Nil.

Executive Summary

A fire on 2nd October 2024 caused significant damage to the bridge on Irishtown Road, where it crosses the Preston River. The bridge has been closed to traffic since then and is causing a great deal of inconvenience to residents and businesses in Irishtown.

The bridge is covered by insurance, and this is expected to fund the cost of repairs and associated works. Nevertheless, Council approval of unbudgeted expenditure for the bridge repairs is required. With the repairs to the bridge estimated to take at least 5 months the need for more permanent improvements to the alternative access roads has been identified. These works aren't provided for in the 2024/25 budget therefore Council approval of unbudgeted expenditure is required for these works to occur.

The estimated cost of the works to construct or upgrade the alternative access road (Kelly Road, Fowler Street and Hamilton Street) is \$340,000. An insurance claim for the costs of repairing the bridge and constructing/upgrading the alternative access road is pending however there is an urgent need to progress the road improvements.

Background

A fire at the Irishtown Road bridge was first reported on Wednesday 2nd October at 4.49am. Fire fighters were quickly on the scene, and it was predominantly extinguished later that day. The fire caused significant damage to the bridge, necessitating its closure.

The closure of the bridge effectively cut the sole constructed road access to and from the Irishtown locality. Prior to the fire there was limited access from the town into Irishtown via formed and unformed tracks – Kelly Road, Fowler Street and Hamilton Street.

The closure of the bridge has caused a great deal of inconvenience to residents and the Shire has been, and will continue to work, to reduce the inconvenience as much as possible, until such time as the bridge is repaired and open to vehicle traffic.

An engineering assessment of the bridge was completed on Friday morning by a specialist team from Main Roads Western Australia (MRWA). Due to the significance of the bridge MRWA has prioritised the design and scoping processes. By the end of this week a sufficient level of preliminary design should exist to commence engagement with potential contractors regarding availability.

Construction design is expected to be achieved by early to mid-November which will allow the Shire to run a request for tender and appoint a contractor. Once a contractor is on-board offsite pre-fabrication can commence. Once the Contractor mobilises to site, the construction works are estimated to take approximately 3 months, bearing in mind contractor availability and the Christmas – New Year period. The bridge remedial works are expected to reach practical completion around the end of February 2025 – all going well, with nil contingency.

In the days since the fire there has been work done on Kelly Road, Fowler Street and Hamilton Street to improve access. The current access track (2.6kms long) predominately follows a gazetted road reserve along Hamilton Street, Fowler Street and Kelly Road. The southernmost portion of Kelly Road (to Bridge Street) is a constructed road reserve to rural gravel road standard.

The access track is being regularly attended to with grading continuing and tree trimming underway – the road is considered suitable for normal access, however ultimately the driver will need to make a decision on whether they proceed or not, and drive to the conditions. The road is narrow in sections

and drivers may have to pull over to allow the oncoming vehicle to pass. Where possible the Shire has provided some areas suitable for vehicles to pull off.

Whilst the work since last Wednesday has improved the condition and trafficability of the tracks it is acknowledged that more work needs to be done if the track is to hold up as the principal access road to Irishtown for 5 months or more, and is suitable for all types of vehicles, from small passenger sedans to large trucks. With summer and increased fire risks occurring the need to improve these roads is considered a high priority.

Risk Management

Risk:	Likelihood:	Consequence:	Risk Rating:
Service Interruption	Almost Certain	Major	Extreme (20)
Risk Description:	Closure of Irishtown Road where it crosses the Preston River occurs for an extended period, causing inconvenience to residents, increased risk due to bushfire and other natural disasters, and loss of income for businesses that rely on the road to transport produce		
Mitigation:	Improve the condition of the alternative access to provide for all types of vehicles		

Risk:	Likelihood:	Consequence:	Risk Rating:
Health	Possible	Catastrophic	High (15)
Risk Description:	Injury or fatality occurs in event of bushfire or other natural disaster due to there being a substandard access road servicing this locality		
Mitigation:	Improve the condition of the alternative access to provide for all types of vehicles		

Financial Implications

Council's 2024/25 budget didn't foresee damage to the Irishtown Road bridge therefore any repairs outside of bridge maintenance works will be classified as unbudgeted expenditure. The bridge is fully insured, and the cost of repairs and associated works should be fully funded by insurance reimbursement.

Council's 2024/25 budget doesn't contain funding for capital improvements to Kelly Road, Fowler Street and Hamilton Street. Whilst there are funds for various road maintenance works contained in the budget the scope of works for improving the trafficability of these roads (to accommodate anticipated traffic volumes over the next 5 months and then to exist as a suitable fire escape route from the locality) is capital in nature and beyond normal maintenance work.

An insurance claim has been lodged for the bridge damage and for the works required to the alternative access road. The Shire's insurance policy with LGIS contains coverage for 'business interruption' which by description covers "any additional costs of workings". The insurance claim for the bridge is seeking funding of the necessary improvements to the alternative access roads as these

improvements are only necessary due to the damage caused to the bridge making it inaccessible to traffic.

Policy Compliance

Nil.

Statutory Compliance

Section 6.8(c) of the *Local Government Act 1995* allows the Shire President, in an emergency, to authorise expenditure of funds not included in the annual budget. The Irishtown bridge fire meets the definition of an emergency. The works to undertake some immediate improvements on the alternative access, specifically Kelly Street, Fowler Street and Hamilton Street, are not identified in Council's 2024/25 budget therefore the Chief Executive Officer sought and obtained the authorisation of the Shire President to expend funds for these works, noting that this Special Meeting of Council has been called to seek a formal resolution of Council for any additional unbudgeted expenditure to be incurred. Section 6.8(b) of the *Local Government Act 1995* allows Council, via an absolute majority decision, to authorise in advance expenditure not included in the annual budget.

Consultation

Two meetings have been held with residents of Irishtown (Wednesday 2 October and Friday 4 October) and residents have conveyed concerns about the condition of the alternative access roads, particularly for smaller 2WD sedans and for large trucks. A number of queries, via telephone, email or face to face contact have been received from affected residents.

Officer Comment

Shire staff did discuss with MRWA the possibility and practicality of installing a bailey bridge to provide temporary access across the river. Unfortunately, investigations determined this wasn't practical or feasible as the only place a bailey bridge could be placed is over the deck of the current bridge. Significant works to blend in levels from approach roads to the elevated deck of a bailey bridge would be required and in any case the bailey bridge would have to be removed once works commenced on repairing the main bridge.

The north-west portion of the Kelly Road section of the access track veers away from the gazetted road reserve and traverses private property. The landowners have been kind enough to support access via their property. This is considered a short-term arrangement and if the road is to be upgraded it should be done on land within the road reserve.

The scope of works for the proposed road improvements are:

- Section A - Hamilton Street and Fowler Street (approximate 1.3km length) – 150mm gravel road base, widen road to 6 metre gravel carriageway with minimum 6.5 metre formation and 8 metre wide formation on bends to facilitate movement of trucks.

- Section B - Kelly Road (section encroaching on private property) – construct 6 metre gravel carriageway with minimum 6.5 metre formation and 8-metre-wide formation on bends wholly within road reserve. Some tree clearing will be required but where practicable any significant trees are to be retained and if necessary, a narrower carriageway and formation is to be constructed to aid in tree preservation.
- Section C - Kelly Road (from end of Section B to intersection with Bridge Street) – gravel re-sheet to 6-metre-wide carriageway.

The priority order for carrying out these works is Section A, Section B and Section C. The proposed road improvements will provide a short-term solution to the current access restrictions for residents and businesses in the Irishtown locality but will also provide a well-constructed, permanent secondary access road which is important in the event of emergency such as a bushfire or flood.

COUNCIL RESOLUTION: 174/09-24		
MOVED BY:	Cr Deanna Shand	SECONDED BY: Cr Grant Patrick

That Council:

1. **Notes the President, using powers under Section 6.8(c) of the *Local Government Act 1995*, authorised the expenditure of funds not included in the annual budget for the purpose of improving the trafficability of the alternative access to the Irishtown locality in recognition that the locality’s principal access via Irishtown Road was made inaccessible on 2 October 2024 due to damage to the bridge that crosses the Preston River at the western end of the road.**
2. **Approves unbudgeted expenditure of \$340,000 for the construction and/or upgrading of Kelly Road, Fowler Street and Hamilton Street to improve access between Bridge Street and Irishtown Road (GL174320-Job#J513), noting that a portion of Kelly Road requires reconstruction within the dedicated road reserve.**
3. **Notes that an insurance claim is pending for the costs of constructing/upgrading of Kelly Road, Fowler Street and Hamilton Street.**
4. **Approves unbudgeted expenditure of \$200,000 for design, approvals and project management associated with repairs and associated works required to the Irishtown Road bridge, noting that an insurance claim for reimbursement of these costs is pending.**
5. **Note that once a bridge design is completed a Request for Tender will be called for the repairs and associated works to the Irishtown Road bridge and that Council will consider funding of those works when awarding the tender.**

For: Cr MacCarthy, Cr Glover, Cr Bailey, Cr Davy, Cr Gubler, Cr Lindemann, Cr Mitchell, Cr Patrick, Cr Deanna Shand
Against: Nil.
Carried: 9/0

9. Elected Member Motions of which previous notice has been given
Nil.

10. New Business of an urgent nature introduced by Decision of the Meeting
Nil.

11. Meetings Closed to the Public

11.1. Matters for which the Meeting may be closed

Nil.

11.2. Public reading of Resolutions that may be made public

Nil.

12. Closure

The Shire President advised that the next Agenda Briefing Session will be held on 16 October 2024, in the Shire of Donnybrook Balingup Council Chamber.

The Shire President declared the meeting closed at 5:56pm.