



SHIRE OF COOLGARDIE

A G E N D A

OF THE

SPECIAL MEETING OF COUNCIL

10 September 2019

6.00pm

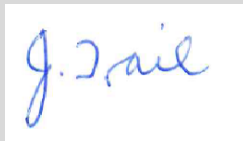
Kambalda

SHIRE OF COOLGARDIE

NOTICE OF SPECIAL MEETING OF COUNCIL

Dear Elected Member

The next Special Meeting of the Shire of Coolgardie will be held on Tuesday 10 September 2019 in the Recreation Centre, Barnes Drive, Kambalda commencing at 6:00pm.



JAMES TRAIL
CHIEF EXECUTIVE OFFICER

DISCLAIMER

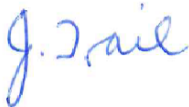
INFORMATION FOR PUBLIC ATTENDING COUNCIL MEETINGS

PLEASE NOTE:

THE RECOMMENDATIONS CONTAINED IN THIS AGENDA ARE OFFICERS RECOMMENDATIONS ONLY AND SHOULD NOT BE ACTED UPON UNTIL COUNCIL HAS RESOLVED TO ADOPT THOSE RECOMMENDATIONS.

THE RESOLUTIONS OF COUNCIL SHOULD BE CONFIRMED BY PERUSING THE MINUTES OF THE COUNCIL MEETING AT WHICH THESE RECOMMENDATIONS WERE CONSIDERED.

MEMBERS OF THE PUBLIC SHOULD ALSO NOTE THAT THEY ACT AT THEIR OWN RISK IF THEY ENACT ANY RESOLUTION PRIOR TO RECEIVING OFFICIAL WRITTEN NOTIFICATION OF COUNCILS DECISION.



James Trail
CHIEF EXECUTIVE OFFICER

COUNCIL MEETING INFORMATION NOTES

1. Your Council generally handles all business at Ordinary or Special Council Meetings.
2. From time to time Council may form a Committee to examine subjects and then report to Council.
3. Generally all meetings are open to the public; however, from time to time Council will be required to deal with personal, legal and other sensitive matters. On those occasions Council will generally close that part of the meeting to the public. Every endeavour will be made to do this as the last item of business of the meeting.
4. Public Question Time. It is a requirement of the Local Government Act 1995 to allow at least fifteen (15) minutes for public question time following the opening and announcements at the beginning of the meeting. Should there be a series of questions the period can be extended at the discretion of the Chairman.

Written notice of each question should be given to the Chief Executive Officer fifteen (15) minutes prior to the commencement of the meeting. A summary of each question and response is included in the Minutes.

When a question is not able to be answered at the Council Meeting a written answer will be provided after the necessary research has been carried out. Council staff will endeavour to provide the answers prior to the next meeting of Council.

5. **Councillors** may from time to time have a financial interest in a matter before Council. Councillors must declare an interest and the extent of the interest in the matter on the Agenda. However, the Councillor can request the meeting to declare the matter **trivial, insignificant or in common with a significant number of electors or ratepayers**. The Councillor must leave the meeting whilst the matter is discussed and cannot vote unless those present agree as above.

Members of staff, who have delegated authority from Council to act on certain matters, may from time to time have a financial interest in a matter on the Agenda. The member of staff must declare that interest and generally the Chairman of the meeting will advise the Officer if he/she is to leave the meeting.

6. Agendas including an Information Bulletin are delivered to Councillors within the requirements of the Local Government Act 1995, i.e. seventy-two (72) hours prior to the advertised commencement of the meeting. Whilst late items are generally not considered there is provision on the Agenda for items of an urgent nature to be considered.

Should an elector wish to have a matter placed on the Agenda the relevant information should be forwarded to the Chief Executive Officer in time to allow the matter to be fully researched by staff. An Agenda item including a recommendation will then be submitted to Council for consideration.

The Agenda closes the Monday week prior to the Council Meeting (i.e. ten (10) days prior to the meeting).

The Information Bulletin produced as part of the Agenda includes items of interest and information, which does not require a decision of Council.

7. Agendas for Ordinary Meetings are available in the Coolgardie and Kambalda Offices/Libraries seventy-two (72) hours prior to the meeting and the public are invited to secure a copy.
8. Agenda items submitted to Council will include a recommendation for Council consideration. Electors should not interpret and/or act on the recommendations until after they have been considered by Council. Please note the Disclaimer in the Agenda (page 3).
9. Public Question Time – Statutory Provisions – Local Government Act 1995

Time is to be allocated for questions to be raised by members of the public and responded to at:

- (a) Every ordinary meeting of a council; and
- (b) Such other meetings of councils or committees as may be prescribed

Procedures and the minimum time to be allocated for the asking of and responding to questions raised by members of the public at council or committee meetings are to be in accordance with regulations.

- 9A. Question Time for the Public at Certain Meetings – s5.24 (1) (b)

Local Government (Administration) Regulations 1996

Reg 5 For the purpose of section 5.24(1)(b), the meetings at which time is to be allocated for questions to be raised by members of the public and responded to are:

- (a) every special meeting of a council; and
- (b) every meeting of a committee to which the local government has delegated a power or duty.

Minimum Question Time for the Public – s5.24 (2)

- Reg 6 (1) The minimum time to be allocated for the asking of and responding to questions raised by members of the public at ordinary meetings of councils and meetings referred to in regulation 5 is fifteen (15) minutes.
- (2) Once all the questions raised by members of the public have been asked and responded to at a meeting referred to in sub regulation (1), nothing in these regulations prevents the unused part of the minimum question time period from being used for other matters.

Procedures for Question Time for the Public – s5.24 (2)

Local Government (Administration) Regulations 1996

Reg 7 (1) Procedures for the asking of and responding to questions raised by members of the public at a meeting referred to in regulation 6 (1) are to be determined:

- (a) by the person presiding at the meeting; or
- (b) in the case where the majority of members of the council or committee present at the meeting disagree with the person presiding, by the majority of members,

having regard to the requirements of sub regulations (2) and (3).

- (2) The time allocated to the asking and responding to questions raised by members of the public at a meeting referred to in regulation 6(1) is to precede the discussion of any matter that requires a decision to be made by the council or the committee, as the case may be.
- (3) Each member of the public who wishes to ask a question at a meeting referred to in regulation 6(1) is to be given an equal and fair opportunity to ask the question and receive a response.
- (4) Nothing in sub regulation (3) requires:
 - (a) A council to answer a question that does not relate to a matter affecting the local government;
 - (b) A council at a special meeting to answer a question that does not relate to the purpose of the meeting; or
 - (c) A committee to answer a question that does not relate to a function of the committee.

10. Public Inspection of Unconfirmed Minutes (Reg 13)

A copy of the unconfirmed Minutes of Ordinary and Special Meetings will be available for public inspection in the Coolgardie and Kambalda Offices/Libraries within ten (10) working days after the Meeting.

NOTE:

10.3 Unopposed Business

- (1) Upon a motion being moved and seconded, the person presiding may ask the meeting if any member opposes it.
- (2) If no member signifies opposition to the motion the person presiding may declare the motion in sub clause (1) carried without debate and without taking a vote on it,
- (3) A motion carried under sub clause (2) is to be recorded in the minutes as a unanimous decision of the Council or committee.
- (4) If a member signifies opposition to a motion the motion is to be dealt with according to this Part.
- (5) This clause does not apply to any motion or decision to revoke or change a decision which has been made at a Council or committee meeting.

QUESTION TIME FOR THE PUBLIC

(Please Write Clearly)

DATE: _____

NAME: _____

TELEPHONE: _____

ADDRESS: _____

QUESTIONS TO THE PRESIDENT:-

- **GENERAL QUESTION / QUESTION RELATED TO THE AGENDA)**
(Strike out unnecessary words)

ITEM NO: _____ PAGE NO: _____

PLEASE PASS TO THE CHIEF EXECUTIVE OFFICER FOR REFERRAL TO THE PRESIDENT BY 5.45PM AT THE MEETING, OR BY 12.30PM ON THE DAY OF THE MEETING AT THE KAMBALDA OFFICE, IRISH MULGA DRIVE, KAMBALDA.

SHIRE OF COOLGARDIE

DISCLOSURE OF INTERESTS

TO THE CHIEF EXECUTIVE OFFICER:

Under the Provisions of Division 6 of Part 5 of the Local Government Act 1995, I hereby disclose a Financial Interest/s in the matter/s listed on this form, which is/are scheduled for consideration at the meeting of Council to be held on:

TUESDAY _____ 2019

Where indicated by the word 'YES' in column 6, I will be seeking a determination (under Section 5.68) by the meeting, for reasons I will expand on.

(Print Name) _____ (Signature) _____ (Date) _____

NOTE: Members of Council are asked to deliver this completed form to the Chief Executive Officer on the day of the Council Meeting as required by the Act. Where this is not practicable the Disclosure/s may be telephoned to the Council Office on 9080 2111 and/or the form subsequently passed to the Chief Executive Officer prior to the meeting.

ITEM	PAGE No.	TYPE	REASON

For inclusion for interest declaration

Interests Affecting Impartiality: Disclosing Statement

"With regard to....(the matter in item)... I disclose that I have an association with the applicant. As a consequence, there may be a perception that my impartiality on the matter may be affected. I declare that I will consider this matter on its merits and vote accordingly."



APPLICATION FOR LEAVE OF ABSENCE

I Cr, _____ hereby request leave of absence for the following

Dates, From _____ to _____

Signed Cr: _____

Date _____

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- 1 DECLARATION OF OPENING / ANNOUNCEMENT OF VISITORS**
- 2 RECORD OF ATTENDANCE / APOLOGIES / APPROVED LEAVE OF ABSENCE**
- 3 DECLARATIONS OF INTEREST**
 - 3.1 *Declarations of Financial Interests – Local Government Act Section 5.60A***
 - 3.2 *Declarations of Proximity Interests – Local Government Act Section 5.60B***
 - 3.3 *Declarations of Impartiality Interests – Administration Regulation 34C***
- 4 PUBLIC QUESTION TIME**
- 5 APPLICATIONS FOR LEAVE OF ABSENCE**
- 6 CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS**
- 7 REPORTS OF OFFICERS**
 - 7.1 *Chief Executive Officer***

7.1.1 Related Party Disclosure Policy

Location:	N/A
Applicant:	Shire Coolgardie
File Reference:	
Disclosure of Interest:	None Required
Date:	5 th September 2019
Author:	Chief Executive Officer, James Trail

Summary:

That Council adopt Draft Policy 63 Related Party Disclosures

Background:

The scope of AASB 124 Related Party Disclosures was extended in March 2015 to include application by not-for-profit entities, including local governments. The operative date for Local Government was 1 July 2016, with the first disclosures to be made in the Financial Statements for year ended 30 June 2017.

This procedure outlines required mechanisms to meet the disclosure requirements of AASB 124. The objective of the standard is to ensure that an entity's financial statements contain disclosures necessary to draw attention to the possibility that its financial position and profit or loss may have been affected by the existence of related parties and transactions.

The disclosure requirements apply to the existence of relationships regardless of whether a transaction has occurred or not. For each financial year, the Shire must make an informed judgement as to who is a related party and what transactions need to be considered, when determining if disclosure is required. The purpose of this procedure is to stipulate the information to be requested from related parties to enable an informed judgement to be made.

Comment:

Advice received by Shire staff is that it is prudent for the Council to define the Shire's approach to Related Parties matters. This Draft policy details the process to follow for Related Party Disclosures.

AASB 124 provides that the Shire will be required to disclose in its Annual Financial reports, related party relationships, transactions and outstanding balances.

Related parties include a person who has significant influence over the reporting entity, a member of the key management personnel (KMP) of the entity, or a close family member of that person who may be expected to influence that person.

For the purposes of determining the application of the standard, the Shire has identified the following persons as meeting the definition of Related Party:

- a. A council member
- b. Key management personnel are defined as persons having authority and responsibility for planning, directing and controlling the activities of the entity, directly or indirectly

- c. Close members of the family of any person listed above, including that person's child, spouse or domestic partner, children of a spouse or domestic partner, dependents of that person or person's spouse or domestic partner.
- d. Entities that are controlled or jointly controlled by a Council member, KMP or their close family members. (Entities include companies, trusts, joint ventures, partnerships and non-profit associations such as sporting clubs).

The Shire will therefore be required to assess all transactions made with these persons or entities.

Attachments:

1. Draft Policy 063 Related Parties Disclosures [7.1.1.1 - 14 pages]

Consultation:

Council

Staff

Contractors

Statutory Environment:

Local Government Act 1995 – PART 6 Financial Management

Local Government (Financial Management) Regulations 1996 – Regulation 5A)

Policy Implications:

New Policy

Financial Implications:

There are no direct financial implications.

Strategic Implications:

Accountable and Effective Leaders

Demonstrating sound financial management and plans for the Shire's long term financial sustainability

Demonstrating that decisions are developed through inclusive community engagement

Ensuring a well-informed Council makes good decisions for the community

High quality corporate governance, accountability and compliance

Voting Requirement: Simple Majority

Officer Recommendation:

That Council adopt Draft Policy 63 Related Party Disclosures as attached

7.2 Technical Services

7.2.1 Coolgardie Transit Park - Project Superintendent

Location:	Kambalda
Applicant:	Shire of Coolgardie
File Reference:	NAM7475
Disclosure of Interest:	None to disclose
Date:	30 August 2019
Author:	Works & Services Supervisor; Peter Miller

Summary:

That Council engage the services of Kal Engineering Consultants PL, and endorse the proposal attached for project management of the Coolgardie Transit Park for the duration of the works programme.

Background:

The project's objective is to operate as a heavy vehicle rest area with overnight stays permissible. The parking bay will create a safe stopping point for vehicles, as opposed to the current situation of using an embayment outside Coolgardie Town. The location of the proposed parking bay was chosen by the Shire of Coolgardie to be utilised as a stopping point for heavy vehicles operating between the Eastern States and Perth and is positioned in close proximity to existing services and the Coolgardie Esperance Highway. The date for practical completion is for the 30th May 2020, this will be necessary to ensure the acquittal of the grant prior to the 2020-2021 financial year.

The current project budget is \$1,200,000. Funding is from the following sources:-

- The WA State Government \$286,000 inc GST
- Federal Government up to \$573,100 inc GST
- Shire Funding up to \$473,000 inc GST

Kal Engineering has been involved from the beginning of the tender process (RFT 06/19) and has provided the Shire with estimates for on-going project management in order to minimise risk and deliver a project the community desires.

Comment:

The Shire wants to engage the services of Kal Engineering Consultants PL, for an expected 24 - week construction programme. The scope of works is to include project management (contract administration and compliance inspections) of the Coolgardie Transit Park. The estimated hours over the period is 125 hours.

Project Management: Kal Engineering Consultants PL will provide ongoing project management involving:-

1. A total of two (2) site inspections

2. Professional services – Contract Administration (prestart meeting, fortnightly minuted meetings, weekly toolbox meetings, address contractor queries, assessment of contractor claims, processing of contractor claims as per Shire of Coolgardie requirements, including progress certificates, defects inspection/end of defects period inspection, compilation via the contractor of documentation, compilation via the contractor warranties, guarantees etc). Compliance Inspections (assessment of construction drawings, hold point inspections, compilation of final compliance documentation and final reporting for grant closeout).

Attachments:

1. P R 292 So C Truck Stop CA [7.2.1.1 - 2 pages]

Consultation:

Simon de Been
Peter Miller
Mia Hicks
Martin Whitely

Statutory Environment:

Nil

Policy Implications:

Procurement Policy 041 – Three (3) itemised written quotes from a suitable supplier are required. Purchase directly from a supplier using a purchasing order; or obtain at least one (1) oral or written quotation from a suitable supplier – Council can vary policy.

Financial Implications:

Allocation has been made in the 2019/2020 annual Budget.

Strategic Implications:

A thriving local economy

Supporting local businesses in the Shire

Accountable and Effective Leaders

Advocating for services that support our community needs
High quality corporate governance, accountability and compliance

Effective management of infrastructure, heritage and environment

Facilitating urban and rural planning and development
Maintaining and renewing infrastructure and building assets

Voting Requirement: Absolute Majority

Officer Recommendation:

That Council endorse the proposal from Kal Engineering Consultants PL for \$28096.20 inclusive of GST as attached to project manage the Coolgardie Transit Park.

7.2.2 Tender 05/19 Provision of Miscellaneous Repairs within Coolgardie Townsite

Location:	Coolgardie
Applicant:	Shire of Coolgardie
File Reference:	NAM7340
Disclosure of Interest:	The Author has no interest in this matter
Date:	03 September 2019
Author:	Waste & Emergency Services Manager; Rod Franklin

Summary:

The purpose of this report is to recommend to council to accept the preferred tenderer in response to Request for Tender RFT 05/19 - Provision of Miscellaneous Repairs within Coolgardie Townsite.

Background:

In response to a weather event from December 2018 damage was inflicted on a variety of Shire buildings.

The Shire of Coolgardie invited suitably qualified and experienced contractors to submit submissions for Tender 05/19 – *“Provision of Miscellaneous Repairs within Coolgardie Townsite”*. Crawford Insurance Assessors have conducted their own assessment and agree with the Shire’s assessment.

Comment:

Of the four tender submissions assessed it is recommended that the tender be awarded to Johns Lyng Group (\$658,507.30 inc gst).

Underwriters have confirmed that, based on our recommendations, council’s own assessment process and confirmation that JLG is council’s preferred option for the works, they have no objection to council proceeding on this basis, and in line with their tender submission of \$598,643 (excl. GST). As previously discussed, any variations from JLG will not increase Underwriters’ liability beyond JLG’s fixed price tender submission.

As far as progress payments go, once council have awarded the contract to JLG, we can recommend a progress payment of \$330,000 (inc GST), less the policy deductible of \$1,000, to assist with cashflow and getting the works off the ground. Further progress payments can be recommended as works in excess of the \$330,000 (inc GST) are completed and invoiced.

Works to be included are as Scope of Works below:

Scope of Work

Coolgardie Recreation Centre			
Area	Description of Works	Unit	Quantity
Air-Conditioning			
Basketball Court	1. Removal of the existing four Bonaire 500ATD evaporative air-conditioners from basketball court. 2. Supply and install four new Bonaire 1400C evaporative air-conditioners to the same position. 3. Reconnect electrical connections. 4. Reconnect plumbing connections.	No.	4
Music/Meeting & Creche	1. Removal of the existing Bonaire 500ATD evaporative air-conditioner from music, meeting creche area. 2. Supply and install one new Bonaire 1400C evaporative air-conditioner to the same position. 3. Reconnect electrical connections. 4. Reconnect plumbing connections.	No.	1
Kitchen/Dining & Gymnasium	1. Removal of the existing Bonaire 500ATD evaporative air-conditioner from kitchen/dining & gymnasium area. 2. Supply and install one new Bonaire 1400C evaporative air-conditioner to the same position. 3. Reconnect electrical connections. 4. Reconnect plumbing connections.	No.	1

Gymnasium	1. Removal of the existing electrical conduit on Fujitsu ASTA12LCC air-conditioner by disconnecting air-conditioner. 2. Supply and install new electrical conduit to air-conditioner.	No.	1
Office	1. Removal of the existing electrical conduit on Fujitsu ASTA 12LCC air-conditioner by disconnecting air-conditioner. 2. Supply and install new electrical conduit to air-conditioner.	No.	1
Dining Room	No Damage		
Music Room	1. Removal of the existing electrical conduit on Fujitsu ASTG30LVCC air-conditioner by disconnecting air-conditioner. 2. Supply and install new electrical conduit to air-conditioner. 3. Removal of air-conditioner for re-roof. 4. Reinstate air-conditioner once new roof completed.	No.	1
Creche	1. Removal of the existing electrical conduit on Mitsubishi MUZ-GA71VA by disconnecting air-conditioner. 2. Supply and install new electrical conduit to air-conditioner. 3. Removal of air-conditioner for re-roof. 4. Reinstate air-conditioner once new roof completed.	No.	1
Area	Description of Works	Unit	Quantity
Wall & Roof Sheeting			

Front Elevation	Clean and re-paint all affected wall sheeting (including scaffolding)	m2	550
Rear Elevation	Remove and replace damaged gable cladding sheets	No.	6
External	1. Remove and replace all hail damaged roof sheeting on entire building, including basketball court. 2. Allow for barriers and working at Heights safety equipment. 3. Reinstate roof services and penetrations (excludes solar panel removal TBC by others)	m2	1700
Electrical/Solar/Lighting			
External - Walls	Remove and replace damaged fluoro lights on exterior walls	No.	5
External - Roof	1. Remove and dispose of 120 x 305w Suntech solar panels & rails. 2. Clear-up broken glass from gutters. 3. Allow for hire of EWP. 4. Supply and install 120 x 305 w Suntech solar panels, rails & fixings. 5. Allow to re-use existing wiring.	No.	120
External - Roof	Remove and replace TV antenna	No.	1
Hallway	Remove and replace water damaged fluoro light	No.	1
Ceilings			
Kitchen	Remove and replace water damaged suspended ceiling panels	No.	9

Function Room	Remove and replace water damaged suspended ceiling panels	No.	7
Hallway	Remove and replace water damaged suspended ceiling panels	No.	11
Library	Remove and replace water damaged suspended ceiling panels	No.	2
Plumbing			
External	Remove and replace damaged stormwater pipe in sandpit.	L/m	7
Carpentry			
Hallway	Remove and replace water damaged skirting board (including painting)	L/m	3
Flooring			
Basketball Court	Remove and replace parquet flooring, including soundproofing, line marking and skirting	m2	1100
Administration Building			
Area	Description of Works	Unit	Quantity
Tech Services Office	Remove and replace water damaged suspended ceiling panels	No.	1
CEO's Office	Remove and replace water damaged suspended ceiling panels	No.	4
Kitchen	Cut-out, repair, seal and paint water damaged ceiling and cornice	m2	4

Waiting Room	Remove and replace water damaged suspended ceiling panels	No.	1
56 King Street Domestic Property			
Area	Description of Works	Unit	Quantity
External	Remove and replace Solar Hot Water System	No.	1
External	Remove and replace evaporative air-conditioner	No.	1
External	Remove and replace all hail damaged roof sheeting on entire building.	m2	370
External	Remove and replace all hail damaged roof sheeting on shed and carport	m2	50
External	Remove and replace damaged lattice on gazebo roof.	m2	6
External	Remove and replace damaged shade cloth.	m2	30
External	Remove and replace "street lamp"	No.	1
Public Swimming Pool			
Area	Description of Works	Unit	Quantity
External - Pool Shed	Remove and replace damaged roof sheeting (asbestos)	m2	54
Internal - Pool Shed	Clean, seal and re-paint ceiling	m2	36
External - Pool Veranda	Replace damaged section of Hardiflex	m2	1
External - Pool Veranda	Re-fix dislodged section of guttering.	L/m	3

Attachments:

1. Crawford Insurance Assessors [7.2.2.1 - 1 page]
2. RF T 05 19 - IC R 30054 Crawford Insurers - re Coolgardie Repairs [7.2.2.2 - 3 pages]
3. Tender 05-19 Evaluation [7.2.2.3 - 20 pages]

Consultation:

Waste & Building Co-ordinator; Mr Rod Franklin
Aaron Mooney – Crawford Insurance Assessors

Statutory Environment:

The tender process was actioned in accordance with the *Local Government Act 1995 (Functions and General) Regulations 1996 Part 4 (Tenders for Providing Goods & Services)*.

Policy Implications:

Policy #041 – Procurement Policy
Policy #043 – Regional Price Preference Policy

Financial Implications:

No effect on Council budget.

Strategic Implications:**A thriving local economy**

Supporting local businesses in the Shire

Accountable and Effective Leaders

Advocating for services that support our community needs

Demonstrating sound financial management and plans for the Shire's long - term financial sustainability

High quality corporate governance, accountability and compliance

Effective management of infrastructure, heritage and environment

Maintaining and renewing infrastructure and building assets

Voting Requirement: Absolute Majority

Officer Recommendation:

That Council,

1. Authorise the Chief Executive Officer to award Tender 05/19 - Provision of Miscellaneous Repairs within Coolgardie Townsite to Johns Lyng Group, 2/235 Balcatta Road, Balcatta WA 6914 for \$658,507.30 inc GST.
2. Authorise a contract to Johns Lyng Group for the Tender 05/19 - Provision of Miscellaneous Repairs within Coolgardie Townsite.
3. Authorise the CEO to sign and return the attached Crawfords Insurance Declaration Form.
4. Authorise the Shire President and the Chief Executive Officer to sign and affix the Common Seal in accordance with Part 19.1(2) of the Standing Orders Local Law to any required documentation.
5. Authorise the Chief Executive Officer to engage CORE BUSINESS AUSTRALIA to project manage Tender 05/19.

7.2.3 Bush Fire Control Officers

Location:	Kambalda
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Applicant: Shire of Coolgardie

File Reference:

Disclosure of Interest: Nil

Date: 03 September 2019

Author: Works & Emergency Services Manager; Rod Franklin

Summary:

That Council,

1. In Accordance with Bush Fire Act 1954 Section 38 (1), appoint;
 - a. Mr Darren McCarthy as Bush Fire Control Officer
 - b. Mr Steve Forward as Bush Fire Control Officer
 - c. Ms Yvette Butterfield as Bush Fire Control Officer
 - d. d) Mr David Shilton as Bush Fire Control Officer
 - e. Mr Brett Reeves as Bush Fire Control Officer
 - f. Mr Kevin Caldwell as Bush Fire Control Officer
2. Request the Chief Executive Officer to advertise the appointments in accordance with Bush Fire Act 1954 Section 38 (2A),

Background:

At Council meeting 26 February 2019 Council resolved:-

COUNCIL RESOLUTION: # 023/19

Moved: Councillor, N Karafilis

Seconded: Councillor, S Botting

That Council,

1. **Note the report on Bushfire Activity in the Shire of Coolgardie**
2. **Authorise the Chief Executive Officer to develop a bush fire management framework, including the development of bush fire brigades and processes required.**
3. **In Accordance with Bush Fire Act 1954 Section 38 (1), appoint Mr Rod Franklin as Chief Bush Fire Control Officer**
4. **In Accordance with Bush Fire Act 1954 Section 38 (1), appoint Mr Peter Miller as Deputy Chief Bush Fire Control Officer**
5. **In Accordance with Bush Fire Act 1954 Section 38 (1), appoint;**
 - a) **Mr Shane Munro as Bush Fire Control Officer**
 - b) **Mr Steve Forward as Bush Fire Control Officer**
 - c) **Mr Paul Janssan as Bush Fire Control Officer**
 - d) **Mr David Shilton as Bush Fire Control Officer**
 - e) **Mr Brett Reeves as Bush Fire Control Officer**
 - f) **Mr Kevin Caldwell as Bush Fire Control Officer**

6. Request the Chief Executive Officer to advertise the appointments in accordance with Bush Fire Act 1954 Section 38 (2A),
7. Authorise the Chief Executive Officer to seek further advice regarding insurance liabilities for bush fire control.
8. Authorise the Chief Executive Officer to seek legal advice regarding the bush fire management framework and legal obligations for bush fire control.
9. Authorise the Chief Executive Officer to prepare a business case for the establishment of bush fire brigades in Coolgardie and Kambalda.
10. Prepare a report to Council for the May 2019 meeting of Council.
11. Request annual funding for strategic fire breaks in the Shire of Coolgardie be allocated in the 2019/2020 Budget and the Long – Term Financial Plan

CARRIED ABSOLUTE MAJORITY 6/0

Bush Fire Control is the responsibility of local government to administer certain functions of the Bush Fires Act 1954 and this report outlines the obligations, risks and potential actions to be taken to assist the Shire to manage bush fires within its boundaries.

Comment:

The amendment to Council Resolution #023/19 is necessary due to an error on the initial draft - whereby Mr Shane Munro was inadvertently included and the amended to the appointment of Mr Paul Janssan.

Attachments:

Nil

Consultation:

Mr Rod Franklin
CEO
Shire Staff

Statutory Environment:

Bush Fires Act 1954

Section 38 Local government may appoint bush fire control officer

(1) A local government may from time to time appoint such persons as it thinks necessary to be its bush fire control officers under and for the purposes of this Act, and of those officers shall subject to section 38 A (2) appoint 2 as the Chief Bush Fire Control Officer and the Deputy Chief Bush Fire Control Officer who shall be first and second in seniority of those officers, and subject thereto may determine the respective seniority of the other bush fire control officers appointed by it.

(2A) The local government shall cause of an appointment made under the provisions of subsection (1) to be published at least once in a newspaper circulating in its district.

Bush Fires Regulations 1954

Emergency Management Act 2005

Emergency Management Regulations 2005

Local Government Act 1995 (Delegations)

Policy Implications:

Nil

Financial Implications:

Nil

Strategic Implications:

Accountable and Effective Leaders

Developing strong partnerships with stakeholders for the benefit of our community

Ensuring the Shire of Coolgardie is well positioned to meet future needs

High quality corporate governance, accountability and compliance

Maintain integrated strategic and operational plans

An inclusive, safe and vibrant community

Collaborating with stakeholders to develop and expand community safety initiatives

Voting Requirement: Absolute Majority

Officer Recommendation:

That Council,

1. In Accordance with Bush Fire Act 1954 Section 38 (1), appoint;
 - a. Mr Darren McCarthy as Bush Fire Control Officer
 - b. Mr Steve Forward as Bush Fire Control Officer
 - c. Ms Yvette Butterfield as Bush Fire Control Officer
 - d. d) Mr David Shilton as Bush Fire Control Officer
 - e. Mr Brett Reeves as Bush Fire Control Officer
 - f. Mr Kevin Caldwell as Bush Fire Control Officer
2. Request the Chief Executive Officer to advertise the appointments in accordance with Bush Fire Act 1954 Section 38 (2A),

7.3 *Recreation and Community Services*

Nil

8 CONFIDENTIAL ITEMS

8.1 Additional Resources

9 CLOSURE OF MEETING