



SHIRE OF COOLGARDIE

MINUTES

OF THE

ORDINARY COUNCIL MEETING

26 March 2019

6.00pm

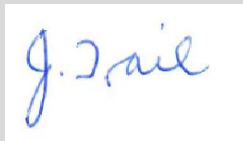
Kambalda

SHIRE OF COOLGARDIE

NOTICE OF ORDINARY MEETING OF COUNCIL

Dear Elected Member

The next Ordinary Meeting of the Shire of Coolgardie will be held on Tuesday 26 March 2019 in the Recreation Centre, Barnes Drive, Kambalda commencing at 6:00pm.



JAMES TRAIL
CHIEF EXECUTIVE OFFICER

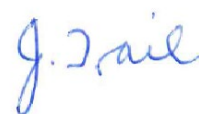
ORDINARY COUNCIL MEETING

26 March 2019

Welcome to the Ordinary Council Meeting of the Shire of Coolgardie.

The dates, times and locations of the Ordinary Council Meetings for 2019 are listed hereunder. This month's meeting is highlighted.

Tuesday	January 2019	6.00pm	No Meeting
Tuesday	26 February 2019	6.00pm	Coolgardie
Tuesday	26 March 2019	6.00pm	Kambalda
Tuesday	23 April 2019	6.00pm	Coolgardie
Tuesday	28 May 2019	6.00pm	Kambalda
Tuesday	25 June 2019	6.00pm	Coolgardie
Tuesday	23 July 2019	6.00pm	Kambalda
Tuesday	27 August 2019	6.00pm	Coolgardie
Tuesday	24 September 2019	6.00pm	Kambalda
Tuesday	22 October 2019	6.00pm	Coolgardie
Tuesday	26 November 2019	6.00pm	Kambalda
Tuesday	17 December 2019	6.00pm	Coolgardie



James Trail
Chief Executive Officer

DISCLAIMER

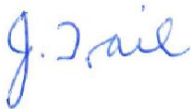
INFORMATION FOR PUBLIC ATTENDING COUNCIL MEETINGS

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.

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1 DECLARATION OF OPENING / ANNOUNCEMENT OF VISITORS

Deputy Shire President Tracey Rathbone declared the meeting open at 6.00pm and Welcomed fellow Councillors, Visitors and Staff and thanked them for their attendance.

2 RECORD OF ATTENDANCE / APOLOGIES / APPROVED LEAVE OF ABSENCE

Present:

Councillor, Tracey Rathbone
Councillor, Kathie Lindup
Councillor, Sherryl Botting
Councillor, Eugen Winter
Councillor, Betty Logan
Councillor, Norm Karafilis

Members of Staff

Chief Executive Officer, James Trial
Executive Assistance, Amy Graziadelli
Manager of Administration Services, Rebecca Horan
Manager of Recreation and Community Services, Laura Dwyer

Members of the public:

Jan McLeod
Lynda Duncan
Cheryl Davis

Apologies:

Shire President Malcolm Cullen

3 DECLARATIONS OF INTEREST

3.1 *Declarations of Financial Interests – Local Government Act Section 5.60A*

Councillor Kathie Lindup declared a financial interest in agenda items 11.1.10 (page 57) and 11.1.11 (page 66) as her business is situated within the pool complex

3.2 *Declarations of Proximity Interests – Local Government Act Section 5.60B*

3.3 *Declarations of Impartiality Interests – Administration Regulation 34C*

4 RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

NIL

5 PUBLIC QUESTION TIME

Cheryl Davis – Kambalda

1. **Council encourages public question time and attendance at meeting. Yet when we attend we feel that we are not really welcome as we are unable to hear what is being said. What is the protocol of council whispering at council meetings when public is in attendance?**

Council do encourage members of the public to attend meetings, by no means does council want members of the public to feel unwelcome, as to the whispers between councillors, this would be in regards to items before the item.

2. **Can we get a copy of the PowerPoint presentation that was presented in the pool community workshop?**

Council will discuss with the Chief Executive Officer

Lynda Duncan – Kambalda

1. **I would like to request a copy of the “Pool workshop” PowerPoint presentation, held on March 19th 2019 at the Kambalda Community Recreation Centre. Please**

Council will discuss with the Chief Executive Officer

2. **Back in January 14th 2019 , I submitted a nomination for Rianna Matulin in the under 25 year old age group for the Australia Day S.O.C youth Awards. Riannas nomination was placed in the ‘over’ 25year age section. This was done incorrectly. What can the council do to rectify (and apologise) this error? That is doesn’t happen in the future?**

The council have asked for a response from the Chief Executive Officer. Once received a response will be given in writing

Jan McLeod – Widgiemooltha

1. **In the plans for the swimming pool upgrade, would council consider reversing the position of the kiosk and the managers office? The kiosk could then have passing trade, usually the kids from the skate park, while the Manager could view the pool from office**

Pool Managers office tender document 18083/S01& S06 new office will be by plant room and also have view of new toddler’s pool and 50m pool it has a L shaped window to provide views of front of office towards new LTS and main pool. In the design for the facility upgrade the Kiosk will remain in the same place

2. **I am concerned and confused with the layout of the leisure pool. At the community workshop it was stated that there was a barrier between the two sections of the pool. However, the only access points are steps or beach access in the leisure pool and none in the rectangular section. Can you please show where the?**
 - i. **Access to the rectangular section is?**
 - ii. **The beach access is?**

If it is the unshaded wall, this seems rather close to the 50m pool steps and ramp which could be a hazard, and then limits the access of people watching and caring for the younger folk entering or leaving the pool.

Concept plan is only the first design, as this would have cost the Shire more money due to being a brand-new pool. The best cost-effective option was to use existing toddlers pool and extend to a bench entry - tender document 18083/S01 and S05 can view slope better. The design plan will be provided that better shows the access

- 3. Since it now seems the changerooms will have to be roofed, will the design allow for air conditioning at a later date or can the plan be modified to allow for this, which will then lessen the cost later?**

Refer to drawing in tender documents 18083/S04 roof will be on a pitch with Arcadia louvers which will allow airflow through so will not require air conditioning

- 4. There were no plans nor diagrams in the scope of works in the tender documents (p.19 under 0171 general requirements "original design drawings available from the proprietor if required" of specifications**

All drawings were provided to all tenderers

- 5. Why hasn't the council**

- i. Explained the layout and plans of the pool upgrade to the community?**
- ii. Asked for public input and comment on the proposed plans?**

Council has considered requests gathered from meetings and workshops with members of the community and staff and from the submissions received on save Kambalda Pool. Information gathered has been included in the preparation of the specification and drawings in the tender documents in order to provide the most effective option that would provide most benefit to all pool users.

- 6. When was the loan of \$1.2 million applied for? (Budget 14 August 2018)**

WATC were advised of the need for loan for Pool in November

- 7. When was the loan of \$1.5 million applied for? (P.77 Agenda 26 February 2019)**

WATC were advised of the requirement for loan for Pool in November. In conversations re the Budget loan of \$1.2 million the request was made to increase the loan to \$1.75 million.

8. Do the same 3 review process that applied to the \$1.75 million loan have to be applied again for the \$1.905 million loan?

No. If the loan is approved by WATC on the 30th April a loan of \$1.905 million will be provided to the Shire. WATC advised that the extra cost to engage an independent engineer and auditor could be added to the loan request of \$1.75 million.

9. When and how long will the public submission period be?

One month as per Local Government Act 1995

10. Why is council awarding the tender to the pool upgrade this meeting (26 March 2019), prior to know the results of the loan application?

This was a requirement of WATC. Furthermore, it will benefit the Shire in that parallel processes can be run in anticipation of approval of the Loan. This will enable work to start immediately after the 30th April.

11.

- i. **Was the proposed specified area rate discussed at the briefing session prior to the proposal being detailed at the community workshop (19 March 2019)?**
- ii. **Was it a unanimous decision by councillors?**

The proposed specified area rate was discussed with Councillors at a workshop. No decisions can be made by Council until a formal report is presented to Council. The proposed specified area rate will be considered and voted on by Council at time of adoption of the 2019/2020 Budget

6 APPLICATIONS FOR LEAVE OF ABSENCE

COUNCIL RESOLUTION: # 028/19

That council approve leave of absence for Councillor, S Botting for 25 April 2019 to 9 May 2019

Moved: Councillor, N Karafilis

Seconded: Councillor, K Lindup

CARRIED ABSOLUTE MAJORITY 6/0

7 CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS

7.1 Ordinary Council Meeting 26 February 2019

OFFICER RECOMMENDATION:

That the minutes of the Ordinary Meeting of Council of 26 February 2019 be confirmed as a true and accurate record.

COUNCIL RESOLUTION: # 029/19

That the amended minutes of the Ordinary Meeting of Council of 26 February 2019 be confirmed as a true and accurate record.

Moved: Councillor, S Botting

Seconded: Councillor, B Logan

CARRIED ABSOLUTE MAJORITY 6/0

8 ANNOUNCEMENTS BY PRESIDING PERSON WITHOUT DISCUSSION

8.1 *President's Report March 2019*

The Shire's Technical Services and Road construction staff have made great progress over the past month and a half in having the majority of planned Road projects and resealing of local roads throughout the Shire completed on time and within budgets that were allowed. The use of local contractors for some of the larger projects, such as the Kambalda Tip intersection, the Black Spot work on Coolgardie North Road and King Street, has enabled the Shire to achieve and be within sight of the completion of 2018/19 years road programme. Thanks, and Acknowledgement for the work and effort in these achievements to Peter Miller, Keith Dickerson (RSA Works) and all the Shire Team.

Our Community and Recreation Centre staff in Consultation with Council, have initiated the opening up of the Kambalda Recreation Centre stadium to the public on weekends for the first time since the facility was built. This proposal was suggested to enable and encourage more use of the facility by volunteers with less input from Shire staff and so far, has proven to be really successful, culminating in nearly two hundred children and adults competing in the recent Tee ball and Netball competitions. These programmes have also provided an indoor activity for Kambalda residents during the temporary closure of the Kambalda pool. The opening of the Centre on the weekends has also seen a significant benefit to business within the precinct due to the increasing amount of people in the town centre.

Thankfully there has been a significant downturn in the activity with the recent spate of bushfires in the Shire of late. With this being one of the worst bush fire seasons in recent memory, which had major impacts of road closures and a serious drain on Shire resources over the past two months. Over the next months, Shire staff will be drafting up a bushfire strategy and looking at installing strategic fire breaks around our townsites and industrial areas in an endeavour to safeguard against any future fire events. I would like to acknowledge the effort our Shire staff, and all the volunteers who spent many hours out fighting and finally bringing all these fires under control. Our Fire Control Officers Rod Franklin and Steve Forward along with DFES officers formed a good working relationship during this time, and the lessons learnt from these events will put the Shire in good stead going forward in future years.

The Shire was fortunate to be included with a visit to the Goldfields by the Federal Assistant Minister for transport Scott Buchholz, accompanied by the Member for O'Connor Rick Wilson. Whilst in Coolgardie we took the opportunity to present the Ministers with our Economic Prospectus and a short tour of previous heavy vehicle intersection upgrades on Carins, Coolgardie North Roads, Great Eastern Highway as well as the proposed Truck Assembly and Parking zone off LadyLoch Road. Both Ministers were quite surprised with the statistics on the amount of heavy vehicle traffic passing through Coolgardie and were very interested with the volume of lithium currently transported to Esperance along the Coolgardie - Esperance Highway.

The Community Workshop to inform Kambalda residents on the progress of the upgrades and renovation of the Kambalda Pool on March 19th attracted over 60 residents to the Recreation Centre. CEO James Trail provided a power point slide in an endeavour to provide information of actions taken by staff so far to assess the pathway to replace and restore the entire facility including the pool bowl, balance tanks, filtration and chlorination systems and building infrastructure in a staged process that would see the project completed by late November - mid December. A detailed proposal to fund the upgrades was also provided, with the majority of funding dependent upon a \$1.9 million loan from the WA Treasury. Council and Staff are confident with the processes and procedures that have been put in place, we will be in a good position to see the Kambalda Pool restored to its former glory prior to Christmas this year.

Meetings and Workshops attended this period:

- Opening of Norseman Airport February 22nd.
- March 4th Kambalda Pool meeting with staff and Members WA National Party.
- March 5th Announcement of BBRF funding for Post Office project ,Member for O'Connor Rick Wilson and Staff.
- Site inspection of Public Building ,Museum and Visitor Centre restoration project in Coolgardie.
- Teleconference RRG Chairs workshop re regional road projects. March 8th.
- GTNA Board meeting in Kalgoorlie.
- March 12th Councillor training workshop Kambalda with Steve Tweedie and staff.
- Briefing with Intermin Resources re takeover of Focus Minerals Ltd in Coolgardie area.
- March 14th hosted Rick Wilson and Scott Buchholz in Coolgardie ,Roads of Strategic Importance.
- Site visit to Widgiemooltha with CEO and Technical Staff re proposed Cave Hill realignment and Binneringie Road Intersection and road maintenance. March 20th.
- Teleconference with GVROC Members re WALGA State Council meeting

Malcolm Cullen
Shire President.

9 PETITIONS / DEPUTATIONS / PRESENTATIONS / SUBMISSIONS

Nil

10 REPORTS OF COMMITTEES

Nil

11 REPORTS OF OFFICERS

11.1 CHIEF EXECUTIVE OFFICER

11.1.1 Monthly Activity Report

Location: Nil

Applicant: Nil

File Reference: NAM

Disclosure of Interest: The author has no financial interest

Date: 21 August 2018

Author: Manager Administration Services, Rebecca Horan

Summary:

For Council to receive the monthly activity report for February 2019.

Background:

This report is to provide Council information on the activity of various Council services and facilities.

Comment:

DATE	RES. No.	ACTION REQUIRED
Ordinary Council Meeting 26 April 2016		
26 April 16	068/16	<p><u>COUNCIL RESOLUTION: # 068/16</u></p> <p>That Council</p> <ol style="list-style-type: none">1. Authorise the Chief Executive Officer or his delegate to negotiate an agreement between Goldfields Masonic Homes Inc and the Shire of Coolgardie for the sale of the six units, known as Montana Homes for a total of \$30,000.00 (being \$5,000.00 per unit), <i>with Masonic Homes Inc to provide a written commitment to construct an additional two units subject to <u>Grant funding availability.</u></i>2. Advise the Minister for Lands of their support for the transfer of the Management Order over Reserve 35500, Lot 2126 of the units known as Montana Homes, 1, 3, 5, 7, 9, 11 Hunt Street Coolgardie to Goldfields Masonic Homes Inc3. Advertise the proposed disposal of Reserve 35500, Lot 2126 to Goldfields Masonic
		<p>In Progress.</p> <p>Meeting to be held with Montana Homes in early 2019.</p>

		<p>Homes Inc. in accordance with Section 3.58 of the Local Government Act 1995.</p> <p>4. Authorise the President and Chief Executive Officer to affix the Common Seal and sign the associated contract documents.</p>	
Ordinary Council Meeting 28 November 2017			
28 Nov 17	262/17	<p><u>COUNCIL RESOLUTION: # 262/17</u></p> <p>That Council:</p> <ol style="list-style-type: none"> 1. SUPPORTS investigations into the partnership arrangements to provide government housing within Kambalda 2. APPROVES undertaking investigations on the delivery of Government Housing within the townsite of Kambalda which comprise the following: - <ol style="list-style-type: none"> a. Agreement terms the timeframe b. Site identification c. Costs associated with the construction of the three houses d. Land Tenure options, costs and benefits e. Preliminary small lot subdivision design, costs, timeframe 3. AUTHORISES the Chief Executive Officer to undertake investigations on the potential of developing a small lot subdivision (up to 10 lots). 	<p>In Progress</p> <p>Site review ongoing.</p> <p>Shire President and CEO met with Kyle McGinn to ask for assistance to arrange a meeting.</p> <p>DOH has been in contact with the CEO to discuss possible partnership</p> <p>Meeting proposed in April 2019 to progress housing</p>
27 Feb 18	017/18	<p><u>COUNCIL RESOLUTION: # 017/18</u></p> <p>That Council:</p> <ol style="list-style-type: none"> 5. SUPPORT the finalisation of the closure of Tindals Road, Coolgardie pursuant to Section 58 of the <i>Land Administration Act 1997</i>, comprising the <ol style="list-style-type: none"> a. Release of road reserve from the Southern Section of the intersection of Tindals Road and the Mine Bypass Road in accordance with Council Plan 12-056 Ladyloch Road Preliminary Plan. b. All costs associated with advertising and survey as part of the disposal to be borne by Focus Minerals Pty Ltd. c. That Council indemnifies the Minster for Lands against any costs or compensation claims arising from the dissolution of land, Tindals Roads, within 	<p>In progress</p> <p>Request being processed by DPLH. Infrastructure agency information requested.</p> <p>Meeting proposed in April 2019 with DPLH to progress dedication.</p>

		<p>the Shire of Coolgardie, on the plan approved by the Chief Executive Officer.</p> <p>6. ADVISES the Department of Lands that the Shire of Coolgardie is pursuing the re-dedication of the land referred to as the former Londonderry Road in accordance with Section 56 of the Land Administration Act 1997.</p>	
27 Feb 18	018/18	<p><u>COUNCIL RESOLUTION: # 018/18</u></p> <p>That Council:</p> <ol style="list-style-type: none"> 1) ENDORSES the dedication of the realigned subject road (currently referred to as the realigned Lady Loch Road) pursuant to Section 56 of the <i>Land Administration Act 1997</i> as shown on the attached Plans. 2) ENDORSES submission to the Minister pursuant to Section 56 of the <i>Land Administration Act 1997</i> for the dedication of the realigned Lady Loach Road, comprising: - <ol style="list-style-type: none"> a. Location sketch map of the proposed road b. agrees in writing to cover the costs associated with the preparation of survey documentation to create the road reserve. c. Provides contact details of the applicants nominated Surveyor. 3) AUTHORISES the Chief Executive Officer to prepare the survey plans and documentation associated with the road dedication of the realigned Lady Loch Road with costs to be borne by the Shire of Coolgardie. 	<p>In Progress</p> <p>Request being processed by DPLH.</p> <p>Meeting proposed in April 2019 with DPLH to progress dedication.</p>
27 Feb 18	028/18	<p><u>COUNCIL RESOLUTION: # 028/18</u></p> <p>That Council:</p> <ul style="list-style-type: none"> • SUPPORT the realignment of Cave Hill Road, Widgiemooltha subject to the written support from the affected Mining Tenement lease holders. • ENDORSE the dedication of the realigned section of Cave Hill Road pursuant to Section 56 of the <i>Land Administration Act 1997</i> as shown on the attached Plans • AUTHORISES the preparation of a legal agreement between the Shire of Coolgardie and Mincor Resources 	<p>In Progress –</p> <p>Road dedication process in final stage with DPLH, anticipated completion April 2019</p> <p>Clearing permit submitted to DWER. Main Roads involved</p>

		<p>in relation costs to facilitate, construct and maintain the realigned Cave Hill Road comprising: -</p> <ul style="list-style-type: none"> ○ Costs for the preparation and execution of the legal agreement by the Shires lawyers; ○ Survey and documentation costs associated the road dedication costs. ○ Construction costs for the realigned portion of the Road to the Shire and Main Roads requirements. ○ Maintenance contribution costs associated with the use of the road as a haul road for the mining activities. <ul style="list-style-type: none"> • REQUIRES the draft legal agreement for the dedication of portion of Cave Hill Road, Widgiemooltha to be referred back to a further Council meeting for endorsement prior to signing of the document on behalf of the Shire of Coolgardie. 	<p>with progressing clearing permit. Anticipated finalisation March 2019.</p>
27 March 18	057/18	<p><u>COUNCIL RESOLUTION: #057/18</u></p> <p>That Council resolves the following action in relation to the disposal of Lot 311 and 83 (No 44) Bayley Street, Coolgardie.</p> <p>1. RESOLVES to cancel the contract for sale of No 44 Bayley Street, Coolgardie with Mr Donald Ottey.</p> <p>2. RETAIN the funds associated with the contract between Mr Ottey and the Shire of Coolgardie and instruct Goldfields Settlement to return the balance to Mr Ottey.</p> <p>3. AUTHORISE the taking of possession of Lot 311 and 83 No 44 Bayley Street Coolgardie (A1241) for non-payment of rates in accordance with the provisions of Section 6.64 of <i>the Local Government Act 1995</i></p> <p>4. RESOLVES to dispose of the land at Lot 311 and 83 No 44 Bayley Street Coolgardie for non-payment of rates in accordance with the provisions of Section 6.64 of <i>the Local Government Act 1995</i> by way of: -</p> <p>a) Issuing Form 4 notice for the payment of outstanding rates in accordance with (Sch 6.3 clause 1(2)(a) Financial Reg 74 & 75)</p> <p>b) Advertise the sale of the property by giving State-wide public notice of the sale (Form 5)</p> <p>c) Selling the land by public auction or by private treaty if having been offered for sale by public auction, it has not sold.</p>	<p>In Progress – commenced action to transfer land and recommence sale. Liaison with Stephanie.</p>
27 March 18	058/18	<p><u>COUNCIL RESOLUTION: #058/18</u></p>	<p>In Progress –</p>

		<p>That Council, AUTHORISE pursuant to Section 6.64 and Schedule 6.3 of the Local Government Act 1995, where all reasonable efforts to locate the owners of the properties listed proceed to:</p> <ol style="list-style-type: none"> 1. Take possession of the 90 properties listed in Attachment 1 & 2 and give notice in the prescribed Form to the owners of the land for non-payment of rates. 2. Sell the land, listed in Attachment 2 (12 Properties) for rates unpaid for three or more years and recover from the proceeds of the sale the outstanding balance. 	<p>Property search and rates recovery action being finalised.</p> <p>Debt write off action to be reviewed.</p> <p>Liaisons with Stephani to reverse action and finalise property trace search.</p>
Ordinary Council Meeting 24 April 2018			
24 April 18	079/18	<p><u>COUNCIL RESOLUTION: #079/18</u></p> <p>That Council,</p> <p>1. RESOLVES that portion of Lot 888 (No15) Santalum Street, Kambalda, as shown on the attached plan, is surplus to Shire of Coolgardie requirements by virtue of: -</p> <ol style="list-style-type: none"> 1. Its separated from the depot activities by a fence since 1984 at handover of the land from Western Mining Corporation. 2. The land has never been used for Shire purposes 3. The land contains a workshop in use by the adjoining landowner. <p>2. INITIATES the process to dispose of portion of Lot 888 (No 15) Santalum Street, Kambalda West as shown of the attached plan, in accordance with section 3.58 of the Local Government Act 1995 by Private Treaty by giving Local Public Notice with the following details: -</p> <ol style="list-style-type: none"> (1) Description of the property (2) Details of the disposition (3) Names of all parties (4) Price (5) Market valuation (which is not older than 6 months) (6) Invite submission (7) Council consideration of submission <p>3. AUTHORISES the Chief Executive Officer to: -</p>	<p>In Progress – Discussion progressing with adjoining landowner. Obtaining land valuation.</p>

		<ol style="list-style-type: none"> 1. Obtain a Market valuation for the portion of Lot 888 (No 15) Santalum Street, Kambalda West as shown on the attached plan. 2. Prepare subdivision survey documentation. <p>REQUIRES a further report on the outcome of the investigations and discussions with the applicant prior to commencing Local Public Notice.</p>	
Ordinary Council Meeting 23 October 2018			
23 Oct 2018	213/18	<p><u>COUNCIL RESOLUTION: # 213/18</u></p> <p>That Council,</p> <ol style="list-style-type: none"> 1. recognize the name Kambalda exists. 2. request the historical significance of the Kambalda town site be recognized and evaluated to be included within the Shire of Coolgardie tourism strategy. 	In Progress
23 Oct 2018	217/18	<p><u>COUNCIL RESOLUTION: # 217/18</u></p> <p>That Council,</p> <ol style="list-style-type: none"> 1. Authorise the Chief Executive Officer to award Electrical Services Contracts under Tender 07/18 for a period of 3 years to the following Tenderers: - <ol style="list-style-type: none"> 1. Goldfields Electrical Contracting Pty Ltd 2. PMH Electrical Contracting Services 3. Pryce Brothers 4. Greenhill Electrical 5. KEC Electrical Contractors 2. Authorise a contract to the following Tenderers: - <ol style="list-style-type: none"> 1. Goldfields Electrical Contracting Pty Ltd 2. PMH Electrical Contracting Services 3. Pryce Brothers 4. Greenhill Electrical 5. KEC Electrical Contractors 	<p>COMPLETED</p> <p>Resolution letters sent – contracts to be written.</p> <p>Need contract for upcoming works.</p>

		3. 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.	
Ordinary Council Meeting 27 November 2018			
27 Nov 2018	231/18	<p><u>COUNCIL RESOLUTION: #231/18</u></p> <p>That Council,</p> <ol style="list-style-type: none"> INITATES Amendment No 2 to Local Planning Scheme No 5 to rezone land from Rural to Industrial. CONSIDERS Amendment No1 to Local Planning Scheme No 5 to be 'standard' under the provisions of the <i>Planning and Development (Local Planning Schemes) Regulations 2015</i>. PREPARES the Scheme Amendment report and documentation. REFERS to Scheme Amendment to the EPA in accordance for assessment in accordance with Regulation Section 81 of the Planning and Development Act 2005. AUTHORISES the public advertising of the proposal upon receipt of EPA advice regarding environmental assessment being received, and the incorporation. 	<p>In Progress.</p> <p>Met with DPLH officer. Documentation finalised and to be signed.</p> <p>Amendment advertising to commence.</p>
27 Nov 2018	233/18	<p><u>COUNCIL RESOLUTION: #233/18</u></p> <p>That Council,</p> <ul style="list-style-type: none"> Endorses the Memorandum of Understanding between the Shire of Coolgardie and Ngalla Maya Authorise the Chief Executive Officer and Shire President to execute the MOU Agreement as attached 	In Progress
27 Nov 2018	234/18	<p><u>COUNCIL RESOLUTION: #234/18</u></p> <p>That Council,</p> <ol style="list-style-type: none"> Endorse the Memorandum of Understanding between the Shire of Coolgardie and Goldfields St Ives, Northern Star Resources Limited, Evolution Mining, Mincor Resources NL, Neometals, Tawana Resources NL, BHP Nickel West Kambalda, Tellus Holdings and Beacon Minerals Limited Authorise the Chief Executive Officer and Shire President to execute the MOU Agreement as attached (CONFIDENTIAL) 	In Progress

27 Nov 2018	242/18	<u>COUNCIL RESOLUTION: #242/18</u> That Council, <ol style="list-style-type: none"> 3. Accept the Blackspot funding of \$82,320 from Main Roads WA for various road widening and upgrade works to Coolgardie North Road (construction upgrades) from slk0.000 to slk6.100. 4. Amend the 2018/2019 Budget increasing capital expenditure by \$123,480 in account 512013 Road Construction Renewal 5. Amend the 2018/2019 Budget increasing non – operating grant revenue by \$83,320 in account 120203 Income Roads – Blackspot 6. Amend the 2018/2019 Budget transferring \$41,160 from the Reserve – Road Contributions account 174000 	Completed Additional Capital Expenditure and Revenue included in 2018/19 Budget Review
Ordinary Council Meeting 18 December 2018			
18 Dec 2018	261/18	<u>COUNCIL RESOLUTION: #261/18</u> That Council, <ol style="list-style-type: none"> 1. Request the Shire President write to the Federal Member for O'Connor Rick Wilson requesting he speak to the Prime Minister on behalf of the Shire of Coolgardie to request funding from the Community Health and Hospital Program announced by Prime Minister Scott Morrison to assist in funding the integrated primary health system in Shire of Coolgardie. 2. Authorise the Chief Executive Officer to prepare a submission to the Community Health and Hospitals Program for the integrated primary health system in the Shire 	In Progress
18 Dec 2018	267/18	<u>COUNCIL RESOLUTION: #267/18</u> That Council, Authorises the clean-up of the material <ol style="list-style-type: none"> 1. Request the Chief Executive Officer write to the landowner / leaseholder to seek a cost contribution for the asbestos material disposal. 2. Request the Chief Executive Officer negotiate with the landowner / leaseholder the possibility of entering into an agreement for the future management of illegal dumping on the landowner / leaseholder land. 	In Progress

DATE	RES. No.	ACTION REQUIRED	
Ordinary Council Meeting 26 February 2019			
26 Feb	008/19	<p><u>COUNCIL RESOLUTION: # 008/19</u></p> <p>Moved: Councillor, T Rathbone Seconded: Councillor, E Winter</p> <p>That Council endorses the following applications to have one hundred percent rate exemption for the 2018/19 financial year.</p> <p>Horse and Pony Club \$3094.36 Country Club Kambalda \$2173.87</p> <p style="text-align: right;">CARRIED ABSOLUTE MAJORITY 6/0</p>	In Progress
26 Feb	011/19	<p><u>COUNCIL RESOLUTION: # 011/19</u></p> <p>Moved: Councillor, N Karafilis Seconded: Councillor, T Rathbone</p> <p>That Council receive listing (attached) of accounts paid during the month of December 2018 by the Chief Executive Officer under delegated authority of Council.</p> <ol style="list-style-type: none"> 4. Municipal accounts totalling \$782,810.40 on Municipal vouchers EFT15957 – EFT16048, cheques 52141 - 52157, and direct payments made during the month of December 2018. 5. Trust payments totalling \$1,715.59 on cheques 2200 - 2202 for the month of December 2018. 6. Credit card payments totalling \$4,852.52 for the month of December 2018 <p style="text-align: right;">CARRIED ABSOLUTE MAJORITY 6/0</p>	Completed
26 Feb	012/19	<p><u>COUNCIL RESOLUTION: # 012/19</u></p> <p>Moved: Councillor, T Rathbone Seconded: Councillor, B Logan</p> <p>That Council receive listing (attached) of accounts paid during the month of January 2019 by the Chief Executive Officer under delegated authority of Council.</p> <ol style="list-style-type: none"> 1. Municipal accounts totalling \$744,387.99 on Municipal vouchers EFT16049 – EFT16172, cheques 52158 - 52177, and direct payments made during the month of January 2019. 	Completed

		<p>2. Trust payments totalling \$1,814.73 on cheques 2203 - 2205 for the month of January 2019.</p> <p>3. Credit Card Payments totalling \$3,699.37 for the month of January 2019</p> <p style="text-align: right;">CARRIED ABSOLUTE MAJORITY 6/0</p>	
26 Feb	013/19	<p><u>COUNCIL RESOLUTION: # 013/19</u></p> <p>Moved: Councillor, S Botting Seconded: Councillor, T Rathbone</p> <p>That Council,</p> <ol style="list-style-type: none"> 1. Receives the Audit Management Report dated 17 December 2018, and 2. Received the CEO responses to the Audit Management Report dated 17 December 2018, and 3. Receive the Action Report as tabled, and 4. Forward a copy of the Action List to the Minister in accordance with s 7.12A of the Local Government Act 1995 <p style="text-align: right;">CARRIED ABSOLUTE MAJORITY 6/0</p>	In Progress
26 Feb	014/19	<p><u>COUNCIL RESOLUTION: # 014/19</u></p> <p>Moved: Councillor, T Rathbone Seconded: Councillor, B Logan</p> <p>That Council, endorses the amendments to the Purchasing Delegation to increase the limit for the Waste Services Coordinator, Manager Administration Services, Manager Recreation and Community Development and Works Supervisor from \$20,000 to \$50,000 subject to the following conditions: -</p> <ol style="list-style-type: none"> 1. Goods and/or services supplied in accordance with any Panel Contract approved by Council for purchases above \$20,000; 2. Project Tender approved by Council for purchase above \$20,000; <p>RECORDING REQUIRMENTS</p> <ol style="list-style-type: none"> 1. Section 5.46(3) – Local Government (Administration) Regulation No 19. 2. Purchase Order Module 	<p>Changes made through Synergy but will need to be made as part of the review of delegations.</p> <p>Completed</p>

26 Feb	016/19	<p><u>COUNCIL RESOLUTION: # 016/19</u></p> <p>Moved: Councillor, T Rathbone Seconded: Councillor, S Botting</p> <p>That Council,</p> <ol style="list-style-type: none"> 1. Note the update report of the redevelopment of the Kambalda Pool 2. Endorse the request by the Western Australian Treasury Corporation (WATC) for a probity review of the tendering process for both the Kambalda Swimming Pool Upgrade Tender 01/19 and Construction of the approach and junction of Binneringie Road at the Coolgardie/Esperance Highway Tender 02/19 by Moore Stephens Local Government consulting division to verify that the tendering processes have been compliant with Shire procurement policies and the Local Government Act. 3. Endorse the request by the Western Australian Treasury Corporation (WATC) for project governance oversight of both projects by independent consulting engineers (i.e. not the consultants who prepared the project plans and design work) selected from the WALGA panel. 4. Endorse the request by the Western Australian Treasury Corporation (WATC) for reviews of project expenditure by Moore Stephens audit division at key project milestones verifying that payments are compliant with tender agreements. <p>CARRIED ABSOLUTE MAJORITY 6/0</p>	<p>In progress – Moore Stephens have been engaged to undertake an audit of the tender process. They have also been engaged to undertake key milestone audits.</p> <p>Assessment has been done on the selection of an independent consulting engineer.</p>
26 Feb	017/19	<p><u>COUNCIL RESOLUTION: # 017/19</u></p> <p>Moved: Councillor, T Rathbone Seconded: Councillor, B Logan</p> <p>That Council,</p> <ol style="list-style-type: none"> 1. Endorse the Budget Review for the period ended 31 December 2018 carried out in accordance with the Local Government Financial Management Regulations 1995 Section 33A. 2. Endorse the amendments to the adopted budget as outlined in “Note 5 – Budget Amendments” in the 2018/19 Budget Review document. 3. That administration staff make the required budget amendments within the chart of accounts to reflect those changes adopted in “Note 5 – Budget 	In Progress

		<p>Amendments” within the 2018/19 Budget Review document.</p> <p>CARRIED ABSOLUTE MAJORITY 6/0</p>	
26 Feb	019/19	<p><u>COUNCIL RESOLUTION: # 019/19</u></p> <p>Moved: Councillor, N Karafilis Seconded: Councillor, T Rathbone</p> <p>That Council, In accordance with Policy 034 Haulage Campaigns, endorse the proposal from Salt Lake Mining Pty Ltd (Principle) to use 1.5km of Durkin Road for a campaign comprising of 75,000 tonnes from 20 February 2019 to 30 April 2019 for the following contribution;</p> <ol style="list-style-type: none"> 1. Capital Contribution at \$0.07 p/tonne p/km; at 75,000 tonnes over 1.5km \$7,875 ex GST to Account/Job #11202750 (Limited Cartage Campaign). <p>CARRIED ABSOLUTE MAJORITY 6/0</p>	Completed – Payment received
26 Feb	020/19	<p><u>COUNCIL RESOLUTION: # 020/19</u></p> <p>Moved: Councillor, E Winter Seconded: Councillor, T Rathbone</p> <p>That Council, Approve to continue the services of TAPS Industries Pty Ltd, in providing sewer maintenance, repair and inspection of Council’s sewer mains in the Coolgardie Townsite under the same schedule of rates as awarded under tender 06/16 until the 30 June 2019.</p> <p>CARRIED ABSOLUTE MAJORITY 6/0</p>	In Progress – Meeting held with TAPS
26 Feb	022/19	<p><u>COUNCIL RESOLUTION: # 022/19</u></p> <p>Moved: Councillor, B Logan Seconded: Councillor, T Rathbone</p> <p>That Council,</p> <ol style="list-style-type: none"> 1. SUPPORTS the proposed subdivision layout for Lot 555 Jobson Road, Coolgardie as shown on the attached plan. 2. AUTHORISED the submission of a subdivision application for Lot 555 Jobson Road, Coolgardie to the Western Australian Planning Commission (WAPC). <p>CARRIED ABSOLUTE MAJORITY 6/0</p>	In Progress

26 Feb	023/19	<u>COUNCIL RESOLUTION: # 023/19</u>	In Progress
		<p>Moved: Councillor, N Karafilis Seconded: Councillor, S Botting</p> <p>That Council,</p> <ol style="list-style-type: none"> 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; <ol style="list-style-type: none"> 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. 	

		<p>9. Authorise the Chief Executive Officer to prepare a business case for the establishment of bush fire brigades in Coolgardie and Kambalda.</p> <p>10. Prepare a report to Council for the May 2019 meeting of Council.</p> <p>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</p> <p>CARRIED ABSOLUTE MAJORITY 6/0</p>	
26 Feb	024/19	<p><u>COUNCIL RESOLUTION: # 024/19</u></p> <p>Moved: Councillor, T Rathbone Seconded: Councillor, N Karafilis</p> <p>That Council,</p> <p>Lay report 13.2.1 on the table.</p> <p>Reason: Request for more information and a meeting to occur between Shire staff, MRWA and Mincor Resources.</p> <p>CARRIED ABSOLUTE MAJORITY 6/0</p>	Meeting with MRWA and Mincor to be scheduled
Ordinary Council Meeting – Confidential Item 26 February 2019			

26 Feb	026/19	<u>COUNCIL RESOLUTION: # 026/19</u> Moved: Councillor, T Rathbone Seconded: Councillor, B Logan That Council: - <ol style="list-style-type: none"> 1. Approves the disposal of Lot 8259, 3 Spinifex Street, Kambalda West in accordance with Section 3.58 of the Local Government Act by public listing. 2. Funds received from the sale of the property be placed in the Infrastructure Renewal Reserve Account. 3. Requests that the CEO sets a reserve price of the property as discussed. <ul style="list-style-type: none"> ○ Agree to amend Council Resolution 226/18, point 1 to: -Approves the disposal of Lot 707, 11 Sturt Pea Crescent, Kambalda West in accordance with section 3.58 of the Local Government Act by public listing. <p style="text-align: right;">CARRIED ABSOLUTE MAJORITY 6/0</p>	In progress
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COUNCIL RESOLUTION: # 030/19

That Council receive the monthly activity report for February 2019

Moved: Councillor, N Karafilis
Seconded: Councillor, K Lindup

CARRIED ABSOLUTE MAJORITY 6/0

11.1.2 Compliance Audit Return 2018

LOCATION: Nil

APPLICANT: Nil

FILE REFERENCE: NAM6921

DISCLOSURE OF INTEREST: Nil

DATE: 14 March 2019

AUTHOR: Martin Whitely, Consultant

SUMMARY:

The purpose of this report is for Council to adopt the completed 2018 Compliance Audit Return (CAR).

ATTACHMENT:

2018 Compliance Audit Return (CAR)

BACKGROUND:

In accordance with the Local Government Act 1995 and Local Government (Audit) Regulations 1996, a local government is required to complete an annual CAR for the period 1 January to 31 December of the preceding year.

The 2018 Compliance Audit Return (CAR) was received by the Audit Committee at its meeting on 19th March 2019. The minutes of the Audit Committee Meeting will be presented to the April 2019 Council Meeting. The CAR, after being adopted by Council, is to be forwarded to the Department of Local Government by 31 March 2019.

COMMENT:

The purpose of the annual CAR is for individual local governments to assess their level of compliance with the Local Government Act 1995 and associated Regulations.

The specific areas addressed by the CAR are the same as covered in the 2017 return (with the exception of Elections as it is a non-election year) and include:

- Commercial Enterprises by Local Government
- Delegation of Power/Duty
- Disclosure of Interest
- Disposal of Property
- Finance
- Integrated Planning & Reporting
- Local Government Employees
- Official Conduct
- Tenders for Providing Goods and Services

The Compliance Audit Return has been undertaken as an internal audit, sourcing evidence of compliance through the Shire's own records. Where relevant, resolution references have been included in the CAR.

The review has found that there were 2 items of non-compliance. As a comparative, there were 10 areas of non-compliance identified in the 2016 and 4 areas of non-compliance in 2017. A summary for each of the sections is shown below;

Commercial Enterprises by Local Government

The Shire had no major trading undertakings during 2018

Non-Compliance matters raised - Nil

Delegation of Power/Duty

1. Written records have not been maintained on all occasions by persons exercising a delegated power/duty

Non-Compliance matters raised – 1

Rectifying the matter is an administration requirement that will require monitoring throughout the year.

Disclosure of Interest

Council need to ensure that all Primary and Annual Returns are completed in a timely manner and returns are acknowledged in writing by the CEO (for all Councillors & Staff) and the President (for the CEO).

For the purpose of completing Primary and Annual Returns for staff, a designated employee is an employee, other than the Chief Executive Officer, to whom any power or duty has been delegated to that employee as explained in section 5.74 of the Local Government Act 1995.

The Local Government Act 1995 has very stringent rules for both Annual and Primary Returns. Annual Returns must be completed within 3 months of the commencement date, while Annual Returns must be completed by 31 August each year. There are very harsh penalties for non-compliance in this area with penalties of a \$10,000 fine or imprisonment for 2 years that may be applied for Annual and Primary Returns not completed within the required timeframes. Below is an extract from the Local Government Act 1995;

5.75. Primary returns

- (1) A relevant person other than the CEO must lodge with the CEO a primary return in the prescribed form within 3 months of the start day.
- (2) A CEO must lodge with the mayor or president a primary return in the prescribed form within 3 months of the start day.

- (3) This section does not apply to a person who —
- (a) has lodged a return within the previous year; or
 - (b) has, within 3 months of the start day, ceased to be a relevant person.

Penalty: \$10 000 or imprisonment for 2 years.

5.76. Annual returns

- (1) Each year, a relevant person other than the CEO must lodge with the CEO an annual return in the prescribed form by 31 August of that year.
- (2) Each year, a CEO must lodge with the mayor or president an annual return in the prescribed form by 31 August of that year.

Penalty applicable to subsections (1) and (2): \$10 000 or imprisonment for 2 years.

[Section 5.76 amended by No. 1 of 1998 s. 18; No. 66 of 2006 s. 12.]

5.77. Acknowledging receipt of returns

On receipt of a return under section 5.75 or 5.76 from a person, the CEO or the mayor or president, as the case may be, is to give the person written acknowledgment of having received the return.

Non-Compliance matters raised – Nil

Disposal of Property

Public notice was given for the disposal of 110 Forrest Street, Coolgardie as is required for the disposal of property under section 3.58 of the Act.

Non-Compliance matters raised - Nil

Finance

- 1. While Council has established an Audit Committee the members of the Audit Committee have not been appointed by absolute majority

Non-Compliance matters raised - 1

The issue can be addressed going forward with a simple resolution from Council endorsing the Audit Committee at the following Ordinary Council Meeting.

Integrated Planning & Reporting

This was a new section in the CAR for 2017 and was not compulsory for Council to complete. Once again for the 2018 Return it is not compulsory to complete. Responses were provided as Council have adopted all documents as required under the integrated planning framework.

Non-Compliance matters raised - Nil

Local Government Employees

With the departure of the Deputy Chief Executive Officer in January 2018, there are currently no other designated senior employees as per the Local Government Act 1995 employed

Non-Compliance matters raised - Nil

Official Conduct

No complaints were received in accordance with section 5.121 of the Local Government Act 1995

Non-Compliance matters raised - Nil

Tenders for Providing Goods and Services

A tender register has been maintained and the processes for calling tenders followed within this reporting section. While a tender register has been maintained it is imperative to ensure the register is properly maintained at all times. Outlined below are the minimum requirements for information to be maintained in the tender register.

17. Tenders register

- (1) The CEO is responsible for keeping the tenders register and making it available for public inspection.
- (2) The tenders register is to include, for each invitation to tender —
 - (a) a brief description of the goods or services required; and
 - [(b) deleted]*
 - (c) particulars of —
 - (i) any notice by which expressions of interests from prospective tenderers was sought; and
 - (ii) any person who submitted an expression of interest; and
 - (iii) any list of acceptable tenderers that was prepared under regulation 23(4);and
 - (d) a copy of the notice of the invitation to tender; and
 - (e) the name of each tenderer whose tender has been opened; and
 - (f) the name of any successful tenderer.
- (3) The tenders register is to include for each invitation to tender the amount of the consideration or a summary of the amount of the consideration sought in the tender accepted by the local government.

Non-Compliance matters raised - Nil

The completed CAR indicates that the Shire of Coolgardie is maintaining an acceptable level of compliance in the key areas that the CAR focuses on. Those items identified as being non-compliant can be rectified with the implementation of simple administration processes.

Consultation

Bec Horan, Manager Administration Services

STATUTORY ENVIRONMENT:

Local Government Act 1995

Local Government (Audit) Regulations 1996

Local Government (Functions & General) Regulations 1996

Local Government (Administration) Regulations 1996

Local Government (Financial Management) Regulations 1996

Local Government (Rules of Conduct) Regulations 2007

Local Government Act 1995

7.13. Regulations as to audits

- (1) Regulations may make provision as follows —
 - (i) requiring local governments to carry out, in the prescribed manner and in a form approved by the Minister, an audit of compliance with such statutory requirements as are prescribed whether those requirements are —
 - (i) of a financial nature or not; or
 - (ii) under this Act or another written law.

Local Government (Audit) Regulations 1996

14. Compliance audits by local governments

- (1) A local government is to carry out a compliance audit for the period 1 January to 31 December in each year.
- (2) After carrying out a compliance audit the local government is to prepare a compliance audit return in a form approved by the Minister.
- (3A) The local government's audit committee is to review the compliance audit return and is to report to the council the results of that review.
- (3) After the audit committee has reported to the council under subregulation (3A), the compliance audit return is to be —
 - (a) presented to the council at a meeting of the council; and
 - (b) adopted by the council; and
 - (c) recorded in the minutes of the meeting at which it is adopted.

15. Compliance audit return, certified copy of etc. to be given to Executive Director

- (1) After the compliance audit return has been presented to the council in accordance with regulation 14(3) a certified copy of the return together with —
 - (a) a copy of the relevant section of the minutes referred to in regulation 14(3)(c); and
 - (b) any additional information explaining or qualifying the compliance audit,is to be submitted to the Executive Director by 31 March next following the period to which the return relates.

- (2) In this regulation —
certified in relation to a compliance audit return means signed by —
(a) the mayor or president; and
(b) the CEO.

POLICY IMPLICATIONS:

Nil

FINANCIAL IMPLICATIONS:

Nil

STRATEGIC IMPLICATION:

Solutions focussed and customer-oriented organisation.

- High quality corporate governance, accountability and compliance.
- Effective communication and engagement processes.

VOTING REQUIREMENTS:

Absolute Majority

OFFICER'S RECOMMENDATION:

That Council:

1. Adopts the completed 2018 Compliance Audit Return for the period of 1 January to 31 December 2018 as presented in the Attachment for this report, and
2. That the completed Compliance Audit Return for the Shire of Coolgardie be submitted to the Department of Local Government after the Joint Certificate is signed by the Shire President and the Chief Executive Officer.

COUNCIL RESOLUTION: # 031/19

1. Adopts the completed 2018 Compliance Audit Return for the period of 1 January to 31 December 2018 as presented in the Attachment for this report, and
2. That the completed Compliance Audit Return for the Shire of Coolgardie be submitted to the Department of Local Government after the Joint Certificate is signed by the Shire President and the Chief Executive Officer.

Moved: Councillor, N Karafilis

Seconded: Councillor, K Lindup

CARRIED ABSOLUTE MAJORITY 6/0

11.1.3 2019 Council Elections

LOCATION:	N/A
APPLICANT:	NA
FILE REFERENCE:	*
DISCLOSURE OF INTEREST:	The Author has none to disclose
DATE:	20 March 2019
AUTHOR:	Bec Horan, Manager Administration Services

SUMMARY

For Council to consider the method of election for the Shire of Coolgardie 2019 Local Government General Election.

BACKGROUND:

On 19 October 2019, the Shire of Coolgardie, like all local authorities will be holding a general election, to fill three (3) vacancies in Council. Council has previously held an in-person election run and managed by Shire staff. The most recent at the extraordinary election conducted in 2018.

COMMENT:

In order for the WAEC to run the 2019 Election, Council needs to resolve the following matters:

- 1) Appoint the Commissioner (or his delegate) as Returning Officer; and
- 2) Confirm that the election will be a postal election (as opposed to an in-person election).

Under the Local Government Act 1995, the Chief Executive Officer of Shire is automatically the returning officer, except if Council, with the approval of the Electoral Commissioner, appoints someone else.

The Returning Officer effectively runs the election, including dealing queries from nominees and candidates, resolving disputes and declaring the election outcome. Though the current CEO has experience as Returning Officer, this experience does not include postal elections. Likewise, if the WAEC is managing the election, it makes sense that the Electoral Commissioner (or his delegate) be the Returning Officer.

Confirm that the election will be a postal election:

Effectively section 4.61 requires Council to decide the method of election, Postal or In Person. Last time Council chose to conduct a postal election, this resulted in a 33.60% turnout rate (total electors = 1,725), resulting in 579 valid votes being cast.

There are arguments for and against Postal or In Person, including:

- 1) Postal
 - a. Generally greater turnout;
 - b. More time for votes to be cast;
 - c. Non local electors have a great chance to vote.
- 2) In Person
 - a. Greater focus on electors living the district;
 - b. An ability a community event out of Polling Day;

- c. Greater perceived transparency in the process (vote cast and winners declared on the same day).

Given that Council has previously held both a postal election and an in-person election 2 recommendations have been provided for Council consideration.

Should Council wish to engage WAEC, then it has until the 80th day before the election date (31 July 2019) to formally resolve this desire.

CONSULTATION:

James Trail, Chief Executive Officer

STATUTORY ENVIRONMENT:

Local Government Act 1995

4.20. CEO to be returning officer unless other arrangements are made

- (1) Subject to this section the CEO is the returning officer of a local government for each election.
- (2) A local government may, having first obtained the written agreement of the person concerned and the written approval of the Electoral Commissioner, appoint* a person other than the CEO to be the returning officer of the local government for —
 - (a) An election; or
 - (b) All elections held while the appointment of the person subsists.

** Absolute majority required.*
- (3) An appointment under subsection (2) —
 - (a) is to specify the term of the person's appointment; and
 - (b) has no effect if it is made after the 80th day before an election day.
- (4) A local government may, having first obtained the written agreement of the Electoral Commissioner, declare* the Electoral Commissioner to be responsible for the conduct of an election, or all elections conducted within a particular period of time, and, if such a declaration is made, the Electoral Commissioner is to appoint a person to be the returning officer of the local government for the election or elections.

** Absolute majority required.*
- (5) A declaration under subsection (4) has no effect if it is made after the 80th day before election day unless a declaration has already been made in respect of an election for the local government and the declaration is in respect of an additional election for the same local government.
- (6) A declaration made under subsection (4) on or before the 80th day before election day cannot be rescinded after that 80th day.

4.61. Choice of methods of conducting election

- (1) The election can be conducted as a —

postal election which is an election at which the method of casting votes is by posting or delivering them to an electoral officer on or before election day; or

voting in person election which is an election at which the principal method of casting votes is by voting in person on election day but at which votes can also be cast in person before election day, or posted or delivered, in accordance with regulations.
- (2) The local government may decide* to conduct the election as a postal election.

** Absolute majority required.*

- (3) A decision under subsection (2) has no effect if it is made after the 80th day before election day unless a declaration has already been made in respect of an election for the local government and the declaration is in respect of an additional election for the same local government.
- (4) A decision under subsection (2) has no effect unless it is made after a declaration is made under section 4.20(4) that the Electoral Commissioner is to be responsible for the conduct of the election or in conjunction with such a declaration.
- (5) A decision made under subsection (2) on or before the 80th day before election day cannot be rescinded after that 80th day.
- (6) For the purposes of this Act, the poll for an election is to be regarded as having been held on election day even though the election is conducted as a postal election.
- (7) Unless a resolution under subsection (2) has effect, the election is to be conducted as a voting in person election.

POLICY IMPLICATIONS:

Nil

FINANCIAL IMPLICATIONS:

Council will need to budget \$20,000 in the draft Annual Budget 2019/20 to cover the cost of the 2019 Election.

STRATEGIC IMPLICATION:

Solutions focused and customer-oriented organisation.

- High quality corporate governance, accountability and compliance.
- Effective communication and engagement processes.
- Development of Shire's resources to provide optimum benefit to the community.

VOTING REQUIREMENT:

Absolute Majority

OFFICER RECOMMENDATION:

That Council

1. Declare, in accordance with section 4.20 of the Local Government Act 1995, the CEO be responsible for the conduct of the 2019 ordinary elections together with any other elections or polls which may also be required; and
2. Decide, in accordance with section 4.61(1) of the Local Government Act 1995 that the method of conducting the election will be as a voting in person election.

Or

That Council

1. Declare, in accordance with section 4.20(4) of the Local Government Act 1995, the Electoral Commissioner to be responsible for the conduct of the 2019 ordinary elections together with any other elections or polls which may also be required; and
2. Decide, in accordance with section 4.61(2) of the Local Government Act 1995 that the method of conducting the election will be as a postal election.

COUNCIL RESOLUTION: # 032/19

That Council

- 1. Declare, in accordance with section 4.20(4) of the Local Government Act 1995, the Electoral Commissioner to be responsible for the conduct of the 2019 ordinary elections together with any other elections or polls which may also be required; and**
- 2. Decide, in accordance with section 4.61(2) of the Local Government Act 1995 that the method of conducting the election will be as a postal election.**

Moved: Councillor, N Karafilis

Seconded: Councillor, E Winter

CARRIED ABSOLUTE MAJORITY 6/0

11.1.4 Monthly List of Municipal and Trust Fund Payments

Location:	Shire of Coolgardie
Applicant:	Nil
File Reference:	NAM6127
Disclosure of Interest:	Nil
Date:	21 March 2019
Author:	Senior Finance Officer, Jade Tarasinski

Summary:

For council to receive the list of accounts for February 2019.

Background:

The Local Government (Financial Management) Regulations 1996, Regulation 13(3)(b) requires that Council receive a list of accounts paid in the month, and that this be recorded in the minutes. Council has delegated to the Chief Executive Officer that authority to make these payments from Municipal and Trust Funds.

Comment:

Presented in this item is a table of accounts (invoices) and includes that cheque (or EFT) identifier for the transaction, the entity, date and amount paid, description of the goods, service, or other that relates to the payment. Extra details of invoices relating to payments are included for the information of Councillors.

The schedule of payment made under delegated authority as summarised below and recommended to be received by Council, has been checked and is supported by vouchers and invoices which have been duly certified as to the receipt of goods and provision of services, and verification of prices and costings.

Attachments:

{attachment-list-do-not-remove}

Consultation:

Nil

Statutory Environment:

Local Government (Financial Management) Regulations 1996, Regulation 13 – Lists of Accounts.

Policy Implications:

CS-PROCUREMENTS POLICY. Policy CS-11 sets the guides with regards to the purchase of goods or services provided.

Financial Implications:

Nil

Strategic Implications:

Effective management of infrastructure, heritage and the environment

Develop and maintain Shire buildings, facilities and infrastructure assets

Solutions focussed and customer-oriented organisation

High quality corporate governance, accountability and compliance.

Voting Requirement:

Absolute Majority

Officer Recommendation:

That Council receive listing (attached) of accounts paid during the month of February 2019 by the Chief Executive Officer under delegated authority of Council.

1. Municipal accounts totalling \$510,200.70 on Municipal vouchers EFT16173 – EFT16319, cheques 52178 - 52184, and direct payments made during the month of February 2019.
2. Trust payments totalling \$1,276.80 on cheques 2206 - 2208 for the month of February 2019.
3. Credit card payments totalling \$20,266.87 for the month of February 2019

COUNCIL RESOLUTION: # 033/19

That Council receive listing (attached) of accounts paid during the month of February 2019 by the Chief Executive Officer under delegated authority of Council.

1. Municipal accounts totalling \$510,200.70 on Municipal vouchers EFT16173 – EFT16319, cheques 52178 - 52184, and direct payments made during the month of February 2019.
2. Trust payments totalling \$1,276.80 on cheques 2206 - 2208 for the month of February 2019.
3. Credit card payments totalling \$20,266.87 for the month of February 2019

Moved: Councillor, S Botting

Seconded: Councillor, B Logan

CARRIED ABSOLUTE MAJORITY 6/0

11.1.5 Financial Activity Statements for the Period Ending 28th February 2019

LOCATION: Nil

APPLICANT: Nil

FILE REFERENCE: NAM6932

DISCLOSURE OF INTEREST: Nil

DATE: 16 March 2019

AUTHOR: Martin Whitely, Consultant

SUMMARY:

This report recommends that the Monthly Statement of Financial Activity report for the period ending 28 February 2019 is presented to Council for adoption.

ATTACHMENT:

Monthly Financial Report for the period ended 28 February 2019
Management Report – February 2019

BACKGROUND:

In accordance with regulation 34 of the *Local Government (Financial Management) Regulations*, the Shire is to prepare a monthly Financial Statement for approval by Council.

The format for monthly reporting was introduced by the Department of Local Government from 1 July 2005; the change was implemented to provide elected members with a better idea of operating and capital revenues and expenditures. The requirement is for a Statement of Financial Activity with a report detailing material variances. The Financial Report presented includes this as well as other statements and supplementary information.

Section 6.4 of the Local Government Act 1995 requires that financial reports be prepared and presented in the manner and form prescribed in the *Local Government (Financial Management) Regulations*. Regulation 34 has been amended to require that Councils report on the sources and applications of funds on a monthly basis and that the report be noted by Council.

COMMENT:

Attached for consideration is the completed Draft Monthly Financial Report.

The document attached includes Statements of Financial Activity by Program, and Nature and Type, Notes to the financial statements, an explanation of material variance as well as a summary of bank account balances at 28 February 2019 loan repayments, and reserve account status.

In accordance with the *Local Government (Financial Management) Regulations*, a report must be compiled on variances greater than the percentage agreed by Council which is currently 10% or \$10,000. With the report prepared at program level, comments have been made regarding variances. A nil variance is equal to 100%, meaning that the year to date actual is identical to the year to date budget. Comments are therefore provided where variance values are <90% or >100% and the dollar variance exceeds \$10,000.

CONSULTATION:

James Trail, Chief Executive Officer
Jade Tarasinski, Senior Finance Officer

STATUTORY ENVIRONMENT:

Local Government Act 1995 Section 6.4

Local Government (Financial Management) Regulations 1996 Section 34

34. Financial activity statement required each month (Act s. 6.4)

(1A) In this regulation —

committed assets means revenue unspent but set aside under the annual budget for a specific purpose.

(1) A local government is to prepare each month a statement of financial activity reporting on the revenue and expenditure, as set out in the annual budget under regulation 22(1)(d), for that month in the following detail —

- (a) annual budget estimates, taking into account any expenditure incurred for an additional purpose under section 6.8(1)(b) or (c); and
- (b) budget estimates to the end of the month to which the statement relates; and
- (c) actual amounts of expenditure, revenue and income to the end of the month to which the statement relates; and
- (d) material variances between the comparable amounts referred to in paragraphs (b) and (c); and
- (e) the net current assets at the end of the month to which the statement relates.

(2) Each statement of financial activity is to be accompanied by documents containing —

- (a) an explanation of the composition of the net current assets of the month to which the statement relates, less committed assets and restricted assets; and
- (b) an explanation of each of the material variances referred to in sub regulation (1)(d); and
- (c) such other supporting information as is considered relevant by the local government.

(3) The information in a statement of financial activity may be shown —

- (a) according to nature and type classification; or
- (b) by program; or
- (c) by business unit.

- (4) A statement of financial activity, and the accompanying documents referred to in sub regulation (2), are to be —
 - (a) Presented at an ordinary meeting of the council within 2 months after the end of the month to which the statement relates; and
 - (b) Recorded in the minutes of the meeting at which it is presented.
- (5) Each financial year, a local government is to adopt a percentage or value, calculated in accordance with the AAS, to be used in statements of financial activity for reporting material variances.

POLICY IMPLICATIONS:

Nil

FINANCIAL IMPLICATIONS:

The Financial Report is information only and there are no financial implications relating to this item.

STRATEGIC IMPLICATION:

Nil

VOTING REQUIREMENTS:

Simple Majority

OFFICER'S RECOMMENDATION:

That the Monthly Financial Activity Statement for the period 1 July 2018 to 28 February 2019 be received.

COUNCIL RESOLUTION: # 034/19

That Council receive the Monthly Financial Activity Statement for the period 1 July 2018 to 28 February 2019.

Moved: Councillor, E Winter

Seconded: Councillor, N Karafilis

CARRIED ABSOLUTE MAJORITY 6/0

11.1.6 Delegations Dog Act

LOCATION: NA

APPLICANT: NA

FILE REFERENCE: *

DISCLOSURE OF INTEREST: The Author has none to disclose

DATE: 20 March 2019

AUTHOR: Laura Dwyer, Manager Recreation & Community
Development

SUMMARY:

This report proposes amendments to delegations under the Dog Act 1976 to confirm and clarify the intentions of Council and the Chief Executive Officer.

BACKGROUND:

The CEO has commissioned an external review of the delegations and sub delegations currently in place and it likely that the current Register of Delegations will be redrafted in a new format as well as addressing a range of delegations and sub delegations not currently addressed.

It is intended that the review will provide clarity to Council and staff on the powers and duties upon which is the role of local governments to administer regulatory functions as determined in legislation.

COMMENT:

Part of this new approach will be to identify matters currently being determined by Council which could better be determined by the CEO and his other staff, thus freeing Council up to deal with higher level matters.

It is also important to note that in delegating these powers and duties to the CEO, who may also sub delegate them, that both Council (in relation to delegations) and the CEO (in relation to sub delegations) may still exercise all the powers and duties.

Beginning with delegations under the Dog Act 1976 is an initial step to implement recommendations from by consultant Steven Tweedie on appropriate delegations and process for registering delegations and authorities.

CONSULTATION:

Council

Staff

Steven Tweedie, Local Government Consultant

STATUTORY ENVIRONMENT:

Dog Act 1976

10AA. Delegation of local government powers and duties

(1) A local government may, by absolute majority as defined in the Local Government Act 1995 section 1.4, delegate to its chief executive officer any power or duty of the local government under another provision of this Act.

(2) The delegation must be in writing.

(3) The delegation may expressly authorise the delegate to further delegate the power or duty.

(4) A local government's chief executive officer who is exercising or performing a power or duty that has been delegated as authorised under this section, is to be taken to do so in accordance with the terms of the delegation unless the contrary is shown.

(5) Nothing in this section limits the ability of a local government's chief executive officer to perform a function through an officer or agent.

10AB. Register of, and review of, delegations

(1) The chief executive officer of a local government is to keep a register of —

(a) delegations made under section 10AA (1); and

(b) further delegations made under the authority of a delegation made under section 10AA (1).

(2) At least once every financial year —

(a) delegations made under section 10AA (1); and

(b) further delegations made under the authority of a delegation made under section 10AA (1),
are to be reviewed by the delegator.

POLICY IMPLICATIONS:

Nil

FINANCIAL IMPLICATIONS:

Nil

STRATEGIC IMPLICATION:

Accountable and effective leaders

Transparent, accountable and effective governance

An inclusive, safe and vibrant community

A safe and healthy community

VOTING REQUIREMENT:

Absolute Majority - s10AA (1) Dog Act 1976

OFFICER RECOMMENDATION:

That;

The Council pursuant to section 10AA of the Dog Act 1976 (the Act) delegates authority to the Chief Executive Officer to perform all the powers or duties of the local government in the Act, including, but not limited to the following:

1. s.3 - Authority to appoint Registration Officers to exercise the powers and duties conferred on a Registration Officer by this Act.
2. s.10A(1)(a) and (3) - Authority to determine where a resident who is the owner of a registered dog, would suffer hardship in paying the whole of the cost of sterilisation and determine to pay part of such costs to a maximum value of \$250.00.

3. s.10A(1)(b) and (2) - Authority to give written directions to a veterinary surgeon to be complied with as a condition of part payment of the cost of sterilisation.
4. s.11(1) - Authority to appoint authorised persons to exercise the powers conferred on an authorised person by this Act.
5. s.15(4A) - Authority to discount or waive a registration fee, including a concessional fee, for any individual dog or any class of dogs within the Shire of Coolgardie's District.
6. s.16(2) – Authority to determine to refuse a dog registration and refund the fee, if any.
7. s.16(3) and s.17A(2) - Authority to direct the registration officer to refuse to effect or renew or to cancel the registration of a dog, and to give notice of such decisions, where:
8. the applicant, owner or registered owner has been convicted of an offence or paid a modified penalty within the past 3-years in respect of 2 or more offences against this Act, the Cat Act 2011 or the Animal Welfare Act 2002; or
 - ii. the dog is determined to be destructive, unduly mischievous or to be suffering from a contagious or infectious disease or
 - iii. the delegate is not satisfied that the dog is or will be effectively confined in or at premises where the dog is ordinarily kept
 - iv. the dog is required to be microchipped but is not microchipped; or v. the dog is a dangerous dog.
9. s.17(4) - Authority to apply to a Justice of the Peace for an order to seize a dog where, following a decision to refuse or cancel a registration and the applicant / owner has not applied to the State Administration Tribunal for the decision to be reviewed.
10. s.17(6) - Authority, following seizure, to determine to cause the dog to be detained or destroyed or otherwise disposed of as though it had been found in contravention of section 31, 32 or 33A and had not been claimed.
11. s.26(3) - Grant approval for the keeping of three (3) dogs.
12. s.27(4) and (6) - Authority to grant, refuse to grant or cancel a kennel license.
13. s.29(1) - Authority to appoint authorised persons to exercise the powers conferred on an authorised person by this Act.
14. s.29(5) - Authority to recover moneys, in a court of competent jurisdiction, due in relation to a dog for which the owner is liable.
15. s.29(11) - Authority to dispose of or sell a dog which is liable to be destroyed.
16. s.33E(1) - Authority to declare an individual dog to be a dangerous dog.
17. s.33F(6) - Authority to consider and determine to either dismiss or uphold an objection to the declaration of a dangerous dog.
18. s.33G(4) - Authority to consider and determine to either dismiss or uphold an objection to seizure of a dangerous dog.
19. s.33H(1) - Authority to revoke a declaration of a dangerous dog or notice proposing to cause a dog to be destroyed, only where satisfied that the dog can be kept without likelihood of any contravention of this Act.
20. s.33H(2) - Authority to, before dealing with an application to revoke a declaration or notice, require the owner of the dog to attend with the dog a course in behaviour and training or otherwise demonstrate a change in the behaviour of the dog.
21. s.33H(5) - Consider an application for the revocation of a dangerous dog declaration and give a determination stating the reasons to the owner within 35 days of the receipt of the objection.
22. s.33M(1)(a) - Require the owner of a declared dangerous dog to pay a reasonable charge in regard to the expense incurred by the local government in making enquiries,

investigations and inspections concerning the behaviour and containment of that dog, in addition to, and at the time of, payment of the registration fee.

COUNCIL RESOLUTION: # 035/19

That Council Pursuant to section 10AA of the Dog Act 1976 (the Act) delegates authority to the Chief Executive Officer to perform all the powers or duties of the local government in the Act, including, but not limited to the following:

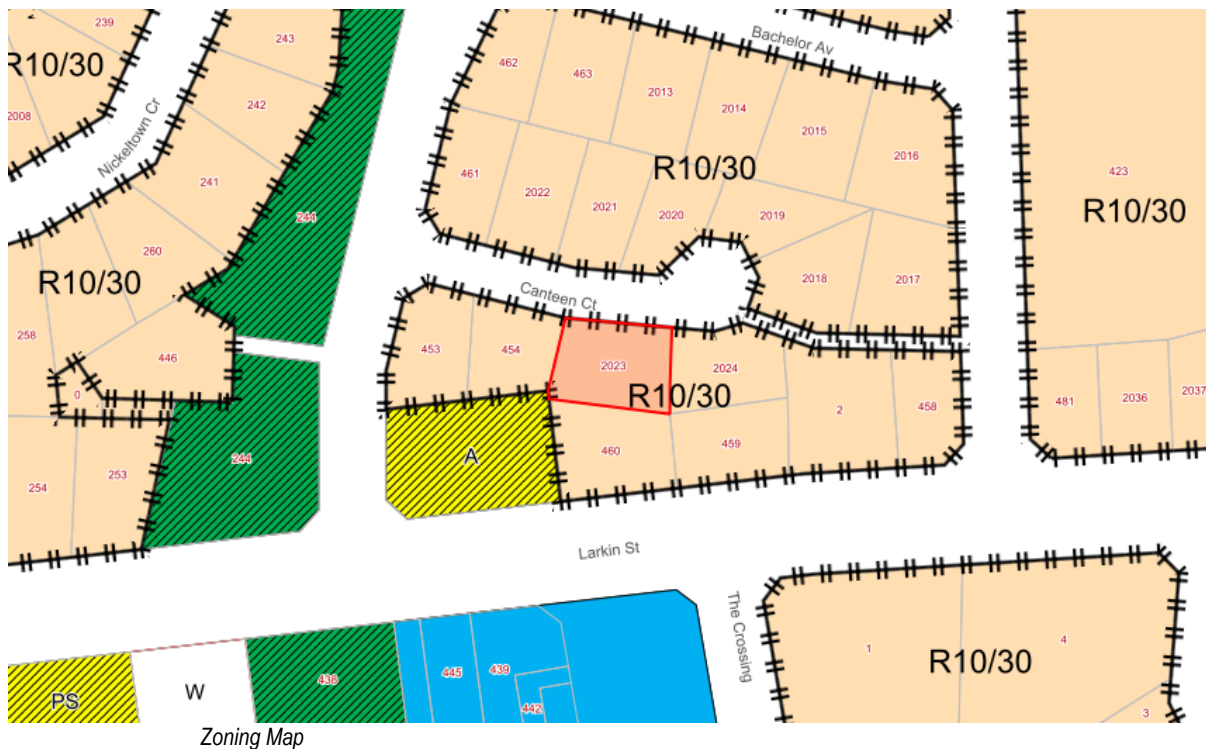
1. s.3 - Authority to appoint Registration Officers to exercise the powers and duties conferred on a Registration Officer by this Act.
2. s.10A(1)(a) and (3) - Authority to determine where a resident who is the owner of a registered dog, would suffer hardship in paying the whole of the cost of sterilisation and determine to pay part of such costs to a maximum value of \$250.00.
3. s.10A(1)(b) and (2) - Authority to give written directions to a veterinary surgeon to be complied with as a condition of part payment of the cost of sterilisation.
4. s.11(1) - Authority to appoint authorised persons to exercise the powers conferred on an authorised person by this Act.
5. s.15(4A) - Authority to discount or waive a registration fee, including a concessional fee, for any individual dog or any class of dogs within the Shire of Coolgardie's District.
6. s.16(2) – Authority to determine to refuse a dog registration and refund the fee, if any.
7. s.16(3) and s.17A(2) - Authority to direct the registration officer to refuse to effect or renew or to cancel the registration of a dog, and to give notice of such decisions, where:
8. the applicant, owner or registered owner has been convicted of an offence or paid a modified penalty within the past 3-years in respect of 2 or more offences against this Act, the Cat Act 2011 or the Animal Welfare Act 2002; or
 - ii. the dog is determined to be destructive, unduly mischievous or to be suffering from a contagious or infectious disease or
 - iii. the delegate is not satisfied that the dog is or will be effectively confined in or at premises where the dog is ordinarily kept
 - iv. the dog is required to be microchipped but is not microchipped; or v. the dog is a dangerous dog.
9. s.17(4) - Authority to apply to a Justice of the Peace for an order to seize a dog where, following a decision to refuse or cancel a registration and the applicant / owner has not applied to the State Administration Tribunal for the decision to be reviewed.
10. s.17(6) - Authority, following seizure, to determine to cause the dog to be detained or destroyed or otherwise disposed of as though it had been found in contravention of section 31, 32 or 33A and had not been claimed.
11. s.26(3) - Grant approval for the keeping of three (3) dogs.
12. s.27(4) and (6) - Authority to grant, refuse to grant or cancel a kennel license.
13. s.29(1) - Authority to appoint authorised persons to exercise the powers conferred on an authorised person by this Act.
14. s.29(5) - Authority to recover moneys, in a court of competent jurisdiction, due in relation to a dog for which the owner is liable.
15. s.29(11) - Authority to dispose of or sell a dog which is liable to be destroyed.
16. s.33E(1) - Authority to declare an individual dog to be a dangerous dog.
17. s.33F(6) - Authority to consider and determine to either dismiss or uphold an objection to the declaration of a dangerous dog.

18. s.33G(4) - Authority to consider and determine to either dismiss or uphold an objection to seizure of a dangerous dog.
19. s.33H(1) - Authority to revoke a declaration of a dangerous dog or notice proposing to cause a dog to be destroyed, only where satisfied that the dog can be kept without likelihood of any contravention of this Act.
20. s.33H(2) - Authority to, before dealing with an application to revoke a declaration or notice, require the owner of the dog to attend with the dog a course in behaviour and training or otherwise demonstrate a change in the behaviour of the dog.
21. s.33H(5) - Consider an application for the revocation of a dangerous dog declaration and give a determination stating the reasons to the owner within 35 days of the receipt of the objection.
22. s.33M(1)(a) - Require the owner of a declared dangerous dog to pay a reasonable charge in regard to the expense incurred by the local government in making enquiries, investigations and inspections concerning the behaviour and containment of that dog, in addition to, and at the time of, payment of the registration fee.

Moved: Councillor, K Lindup
Seconded: Councillor, S Botting

CARRIED ABSOLUTE MAJORITY 6/0

Oversize Shed – Lot 2023 Canteen Court, Kambalda East



The proposed outbuilding exceeds the deemed to comply provisions of the Clause 5.4.3 - Residential Design Codes development standards as detailed below.

Standard	Requirement	Proposal	Variance
Area	60 sqm	89.4 sqm	29.4sqm
Height <ul style="list-style-type: none"> Wall Roof (ridge) 	2.4 metres 4.2 metres	3.6 metres 4.28 metres	1.2 metres 0.02m
Front (Streetscape) setback <ul style="list-style-type: none"> Sandalwood Lane 	6.0 metres	1.0 metres	variation
Setbacks <ul style="list-style-type: none"> Side (western) 	1.0-1.5 metres	1.0-15 metres	Complies

Comments

The subject site is zoned Residential R10/30 and adjoins a residential use.

Under the Residential Design Codes where proposals do not meet the deemed to comply provisions the Council is required to exercise judgement to determine the proposal. In relation to outbuildings (sheds) the design principle provides the following guidance when considering variations:

“outbuildings that do not detract from the streetscape or the visual amenity of residents or neighbouring properties.

The R-Codes provide direction on the requirement for neighbour comments. No neighbour comments are required where the decision maker is satisfied the proposal will not adversely impact the adjoining residential property or the street

The proposed outbuilding meets the design considerations of the R-Codes and contains an existing dwelling, the applicant has indicated in the proposal that the outbuilding is to be used for storage of a caravan and trailer. It is suggested that a condition be included on the approval reflecting the residential zoning of the site and restricting the use of the outbuilding.

The location of the shed adjoining with a reduced setback to Canteen Court is considered acceptable as the property has a verge frontage and the shed is located to the side of the existing dwelling and is considered to meet the R-Code streetscape requirements.

The following options are available to the council: -

Option 1: Approve the proposed outbuilding, subject to conditions

Option 2. Refuse the proposal. The reasons for refusal are to be provided

Attachments

1. Floor plans and elevations
2. Site plan

Consultation

Nil.

Statutory Environment:

Residential Design Codes

Shire of Coolgardie Town Planning Scheme No 5

Policy Implications:

Nil

Financial Implications

Nil

Strategic Implications

- Solutions focused and customer orientation
- Diversified and strengthened local economy
- Effective management of infrastructure, heritage and the environment.

Voting Requirement:

Simple Majority

Officer Recommendation

That Council **APPROVES** the proposed outbuilding and Residential Design Code variations on Lot 2023 (No 5) Canteen Court, Kambalda East, as shown on plans dated 8 March 2019 subject to the following conditions:

- Building permit being obtained prior to the commencement of development.
- The Outbuilding shall not be used for human habitation, commercial or industrial purposes.

COUNCIL RESOLUTION: # 036/19

That Council APPROVES the proposed outbuilding and Residential Design Code variations on Lot 2023 (No 5) Canteen Court, Kambalda East, as shown on plans dated 8 March 2019 subject to the following conditions:

- Building permit being obtained prior to the commencement of development.
- The Outbuilding shall not be used for human habitation, commercial or industrial purposes.

Moved: Councillor, N Karafilis
Seconded: Councillor, E Winter

CARRIED ABSOLUTE MAJORITY 6/0

11.1.8 Proposed Mining Lease M15/1853 Bonnievale Townsite

Location: Bonnievale Townsite.

Applicant: Focus Minerals

File Reference: N/A

Disclosure of interest: The Author has no financial interest in this item.

Date: 21 March 2019

Author: Francesca Lefante

SUMMARY:

Correspondence has been received from DMRIS seeking Council comment on the proposal by Focus Minerals for a Mining Lease application M15/1853 within the historic Bonnie Vale Townsite.

Under the Mining Act 1978, with respect to townsites, the Minister is to first consult and obtain the recommendation of the local municipality and the Minister for Planning, Lands and Heritage before he can grant consent to mine. Any comment received will be considered as part of the determination.

BACKGROUND

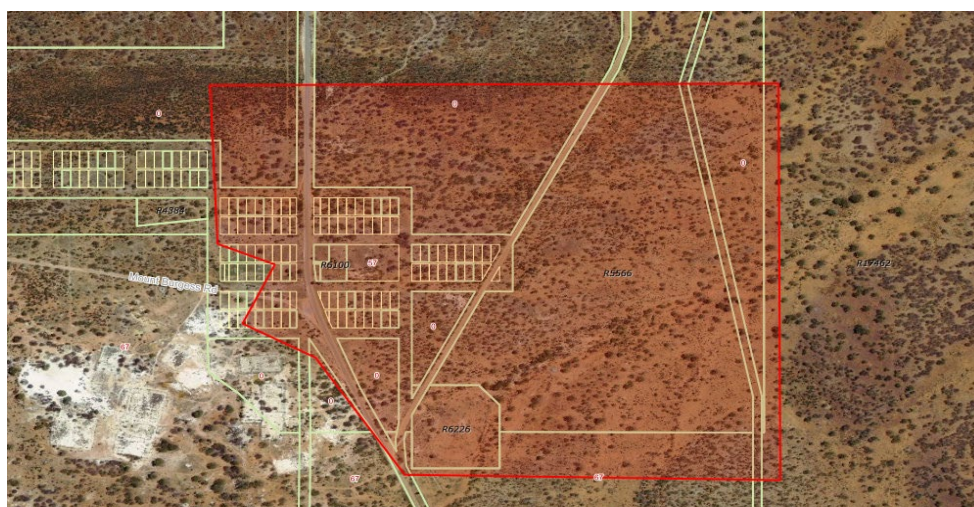
The subject site is located approximately 14 km north of Coolgardie. The mining tenement including Bonnie Vale townsite is predominantly zoned rural under the Local Planning Scheme No 5. The southern and eastern portion is Reserved public purposes for government requirements and is vested in the Shire of Coolgardie. A recreation reserve R6226 vested in DPLH is located on the southern boundary. As shown on the map below.

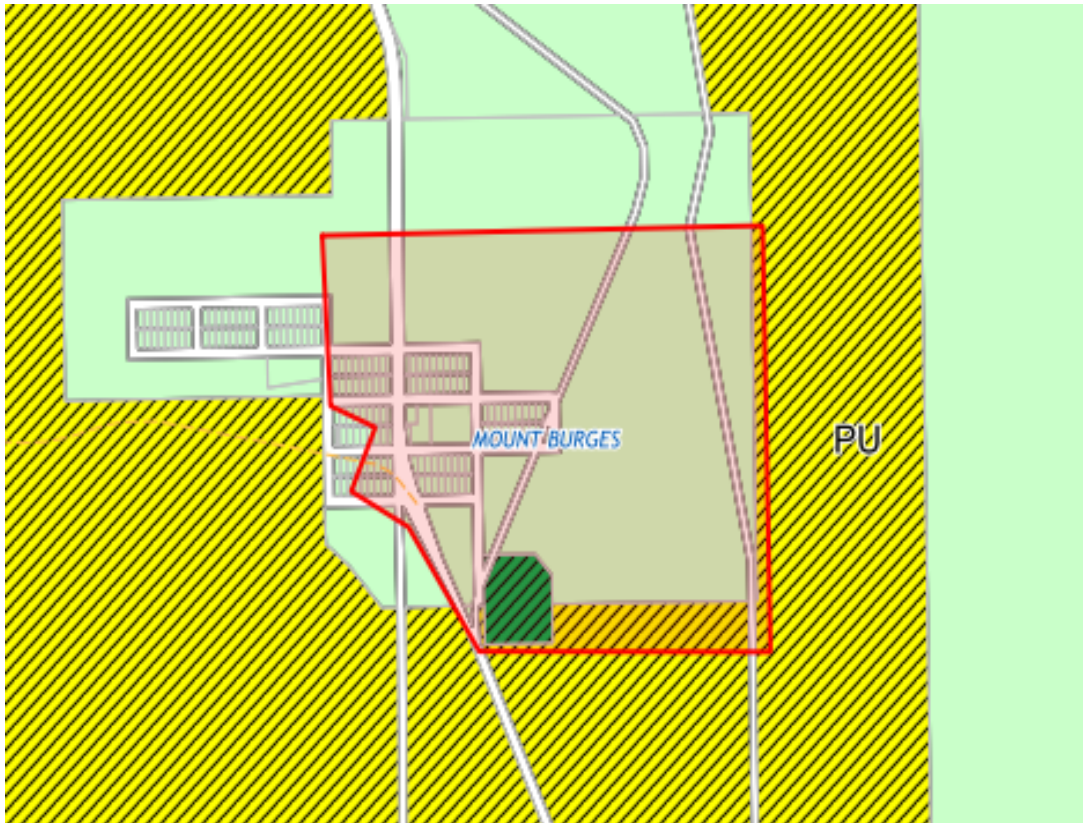
Council at its meeting on 23 February 2016 – item 11.5.1 supported a request for Council permission to undertake exploration drilling at the historic Bonnie Vale townsite.

Comment:

Under the Mining Act no mining activities may occur within the town site without Shire approval.

The historic Bonnie Vale Townsite was gazetted in 1897. Whilst the townsite covers approximately 212 hectare and comprises private and public land, there are no remaining structures.





This application comprises conversion of a prospecting licence P15/5159.

The Coolgardie North Road and Bonnievale Bypass Road are located within the proposal mining tenement with both roads being located on dedicated road reserves. Accordingly, to ensure the continued use and protection of these roads, separate approval from the Shire is required should mining activities seek to encroach these roads. It is noted that the bypass road is required to ensure suitable access to heavy haulage vehicles.

According in the event that the Shire supports this request it is considered appropriate that a condition be included requiring separate formal approval is required from the Shire where road closure (including temporary closure) is proposed or blasting activities in close proximity to the road which could result in closure or damage to the roads under the Shire's responsibility.

The consultation letter from DMIRS states that should the Shire's response be favourable, could you please advise if you agree to have the following endorsement and condition imposed upon the proposed tenement: -

- Endorsement: The grant of this lease does not include any private land referred to in Section 29(2) of the Mining Act 1978 except that below 30 meters from the natural surface of the land.
- Condition: Access to the surface of land with Bonnie Vale townsite for mining purposes being subject to the approval of the local Authority or relevant reserve vestee, and mining activities within the first 100 metres below the surface of the land being limited to such mining activities as may be approved by the Director, Environment, DMIRS.

The following options are available to the Council in relation to these proposals: -

1. Support the proposal subject to the conditions recommended.
2. Support the proposal with modified conditions.

3. Submit an objection to the proposal. Reasons for objecting to a proposal are to be provided.

Attachments:

Application

Consultation

Keith Dickerson – Engineering Services Consultant

Statutory Environment

Mining Act 1978.

Policy Implications:

Haulage Campaigns – Policy No. 34

Heavy Vehicles Conditions for use on Shire Roads – Policy No 35

Financial Implications

Nil

Strategic Implications

- Solutions focused and customer orientation
- Diversified and strengthened local economy
- Effective management of infrastructure, heritage and the environment.

Voting Requirement:

Simple Majority

Officer Recommendation:

That Council

1. **SUPPORTS** the proposed Mining Lease M15/1853 application from Focus Minerals for mining within the Historic Bonnie Vale Townsite.
2. **SUPPORTS** inclusion of the proposed endorsement and conditions detailed below:
Endorsement: The grant of this lease does not include any private land referred to in Section 29(2) of the Mining Act 1978 except that below 30 meters from the natural surface of the land.
Conditions:
 - Access to the surface of land within Bonnie Vale townsite for mining purposes being subject to the approval of the local Authority or relevant reserve vestee, and mining activities within the first 100 metres below the surface of the land being limited to such mining activities as may be approved by the Director, Environment, DMIRS.
 - A Haulage permit is required to be obtained from the Shire of Coolgardie for the use of Coolgardie North Road.
 - This approval does not authorise any closure of Coolgardie North Road or Bonnie Vale Bypass Road. Closure of Coolgardie North Road or Bonnie Vale Bypass Road is subject to separate approval from the Shire of Coolgardie.

COUNCIL RESOLUTION: # 037/19

That Council

- 1. SUPPORTS the proposed Mining Lease M15/1853 application from Focus Minerals for mining within the Historic Bonnie Vale Townsite.**

- 2. SUPPORTS inclusion of the proposed endorsement and conditions detailed below:**

Endorsement: The grant of this lease does not include any private land referred to in Section 29(2) of the Mining Act 1978 except that below 30 meters from the natural surface of the land.

Conditions:

- Access to the surface of land within Bonnie Vale townsite for mining purposes being subject to the approval of the local Authority or relevant reserve vestee, and mining activities within the first 100 metres below the surface of the land being limited to such mining activities as may be approved by the Director, Environment, DMIRS.**
- A Haulage permit is required to be obtained from the Shire of Coolgardie for the use of Coolgardie North Road.**
- This approval does not authorise any closure of Coolgardie North Road or Bonnie Vale Bypass Road. Closure of Coolgardie North Road or Bonnie Vale Bypass Road is subject to separate approval from the Shire of Coolgardie.**

Moved: Councillor, K Lindup

Seconded: Councillor, B Logan

CARRIED ABSOLUTE MAJORITY 6/0

11.1.9

LGIS Insurance Broking

LOCATION: N/A

APPLICANT: NA

FILE REFERENCE: *

DISCLOSURE OF INTEREST: The Author has none to disclose

DATE: 20 March 2019

AUTHOR: Bec Horan, Manager Administration Services

SUMMARY

For Council to consider reappointing LGIS Insurance Broking (LGIS) as the Shire of Coolgardie's insurance provider.

BACKGROUND:

Council at its Ordinary Meeting held on 27th June 2017 resolved the following: -

COUNCIL RESOLUTION: # 148/17

Moved: Cr, N Karafilis

Seconded: Cr, B Logan

1. That Council appoint Aon Risk Services LTD as the Shire of Coolgardie's insurance broker, advisor and risk manager to provide the services detailed in the scope of works document 0618/0626 "provision of insurance broking, risk management and financing services effective from 1 July 2017 for a two-year period for an annual fee of \$25,000 plus GST
2. That Council request Aon to place the Shire's property insurances in the Global insurance market with Berkshire Hathaway to the value of \$68,328.00.
3. That Council place the non LGIS scheme membership and workers compensation insurances as per the attachment with Aon risk services LTD to the value of \$109,464.00
4. Retain LGIS insurance for public liability and professional indemnity and crime policy. As per the attachment to the value of \$49,878.00
5. That the CEO write to the Minister of Local Government, GVROC and WALGA raising concerns of LGIS grossing up prices of small Local Government

CARRIED Absolute Majority 6/0

COMMENT:

The Shire has used the services of Aon Risk Services for a period of all most 2 years. During this period, staff have raised issues regarding the level of the service being offered, including costs associated with making a claim, lack of information provided when accepting a claim and receiving payment.

LGIS also offer added services including Health and Wellbeing programs, access to OSH and Risk resources and advice which is of great benefit to staff. The services are currently being outsourced and are an added cost to the Shire.

Staff are of the opinion that LGIS have improved their level of service and pricing over the past two years following consultation with their current clients.

CONSULTATION:

James Trail, Chief Executive Officer
Noeline Poke, Administration Coordinator

STATUTORY ENVIRONMENT:

N/A

POLICY IMPLICATIONS:

Nil

FINANCIAL IMPLICATIONS:

As per insurance allocated in the annual budget.

STRATEGIC IMPLICATION:

Solutions focused and customer-oriented organisation.

- High quality corporate governance, accountability and compliance.
- Effective communication and engagement processes.
- Development of Shire's resources to provide optimum benefit to the community.

VOTING REQUIREMENT:

Absolute Majority

OFFICER RECOMMENDATION:

That Council

1. Appoint LGIS Insurance Broking WA ("LGIS") as the Shire's exclusive Broker in respect of Shire Coolgardie insurable risks not covered by the LGISWA Mutual Scheme, and for the provision of advisory, consultancy and/or transactional services on matters relating to the Insurance program in accordance with our instructions.
2. Applies for membership of the LGISWA mutual Scheme with effect from 30 June 2019. In so doing, the Shire agrees to be bound by, and perform the obligations of a Scheme Member under the Trust Deed and Scheme Rules.

COUNCIL RESOLUTION: # 038/19

That Council

- 1. Appoint LGIS Insurance Broking WA ("LGIS") as the Shire's exclusive Broker in respect of Shire Coolgardie insurable risks not covered by the LGISWA Mutual Scheme, and for the provision of advisory, consultancy and/or transactional services on matters relating to the Insurance program in accordance with our instructions.**
- 2. Applies for membership of the LGISWA mutual Scheme with effect from 30 June 2019. In so doing, the Shire agrees to be bound by, and perform the obligations of a Scheme Member under the Trust Deed and Scheme Rules.**

Moved: Councillor, S Botting

Seconded: Councillor, K Lindup

CARRIED ABSOLUTE MAJORITY 6/0

Councillor, Kathie Lindup declared a financial interest in the next two agenda items and excused herself from the meeting at 6.35pm

11.1.10 Tender 01/19 Kambalda Swimming Pool Upgrade

Location: Coolgardie

Applicant: Shire of Coolgardie

File Reference: NAM6928

Disclosure of Interest: The Author has no interest in this matter

Date: 18 March 2019

Author: Rod Franklin, Waste Services and Building Maintenance
Co-ordinator

SUMMARY:

The purpose of the report is to recommend to Council to accept the preferred tender in response to Request for Tender RFT01/19 - Tender for Kambalda Swimming Pool Upgrade.

BACKGROUND:

At the August Council Meeting an update report on the Kambalda Pool was presented. Council resolved;

COUNCIL RESOLUTION: #160/18

Moved: Councillor, T Rathbone

Seconded: Councillor, E Winter

That Council

1. **Receive Shire of Coolgardie Pool Assessments December 2017 – Norman Disney and Young – Confidential Attachment 1.**
2. **Receive 2018 Safety Assessment and Safety Improvement Plan Coolgardie and Kambalda Pools – Royal Lifesaving – Confidential Attachments 2 and 3.**
3. **Receive Kambalda West Swimming Pool Core Survey July 2018 – Airey Taylor Pty Ltd – Confidential Attachment 4.**
4. **Resolve to close the Kambalda Swimming Pool for the 2018/2019 Season**
5. **Request the Chief Executive Officer call for tenders for the refurbishment of the Kambalda Swimming Pool in accordance with instrument of delegation 1.1.4.**

CARRIED ABSOLUTE MAJORITY 7/0

Shire staff worked with Airey Taylor Consulting and Norman Disney and Young to create working drawings and specifications to enable tenders to be called for the refurbishment of the existing swimming pools at Kambalda West in Western Australia.

At the Ordinary Meeting of Council on 26th February 2019, Council resolved;

COUNCIL RESOLUTION: # 016/19

Moved: Councillor, T Rathbone
Seconded: Councillor, S Botting

That Council,

- 3. Note the update report of the redevelopment of the Kambalda Pool**
- 4. Endorse the request by the Western Australian Treasury Corporation (WATC) for a probity review of the tendering process for both the Kambalda Swimming Pool Upgrade Tender 01/19 and Construction of the approach and junction of Binneringie Road at the Coolgardie/Esperance Highway Tender 02/19 by Moore Stephens Local Government consulting division to verify that the tendering processes have been compliant with Shire procurement policies and the Local Government Act.**
- 5. Endorse the request by the Western Australian Treasury Corporation (WATC) for project governance oversight of both projects by independent consulting engineers (i.e. not the consultants who prepared the project plans and design work) selected from the WALGA panel.**
- 6. Endorse the request by the Western Australian Treasury Corporation (WATC) for reviews of project expenditure by Moore Stephens audit division at key project milestones verifying that payments are compliant with tender agreements.**

CARRIED ABSOLUTE MAJORITY 7/0

Airey Taylor Consulting Report

Findings

- The balance tank was in a severe condition and has been deemed un-safe and structurally un-sound.
- Tap testing of the ceiling led to large chunks (<20 cm) of concrete to spall.
- Further works inside the balance tank must be undertaken with appropriate PPE, including a helmet.
- Concrete cancer and severe spalling in ceiling. Exposed reinforcement and attempted patch repairs are evident. Timber supporting with tape holding up roof.
- Tap testing revealed drummy sounds on the top-side as well Patch repair Drummy Severe spalling.
- The pipe in-side the tank is severely corroded and requires replacement. Top-side inspection of the balance tank found that the ceiling slab is only approximately 100 mm thick, which is highly inappropriate for a chloride rich environment.
- Concrete of the ceiling of the balance tank is very thin (~100 mm) and beginning to spall throughout
- with drummy sounds on the top-side around pipe penetrations. Piping penetrations are heavily
- corroded
- The condition of the walls is unknown, though given the lack of any water-proofing or surface
- protection/tiling layer, these are likely compromised as well.

Recommendations

- Breakout and repair of starting block locations.
- The balance tank be decommissioned and a new balance tank and piping be installed throughout all pools to comply with new water flow regulations.

- The entire surface of the pool be re-rendered. When re-rendering, ensure that the southern and south-western pool drains are level to facilitate proper drainage.
- That the thin (~100 mm) concrete walls between the pool overflow drains and the pool be inspected for rust staining after removal of tiles and screed. These are likely compromised due to the chloride ingress as we have seen in other pools of similar age. Break-out and repair of these areas is likely
- Reinforcement at break-out zones should accordingly be cleaned and primed with Zinc-rich Primer. We note that the pool “shell” in the submerged regions is at no risk of corrosion in the short term.
- That the pool be re-tiled or re-rendered (whichever is preferred) carefully and waterproofed so that tiles do not lift off and are able to protect the concrete substrate long-term.
- To address the issue of leaks, we recommend that a repair system, similar to Sikaflex Combi flex be installed on all joints within the pool.
- Break-out and repair of existing water stops is unlikely to be practical or feasible and any patch repairs would likely be ineffective in the long term.
- In the learner’s pool, no leaks were present, and the concrete is presumed to be in similarly good condition to the pool. It is recommended that the joints be re-paired as they are showing signs of cracking.

Estimated Costings based on Kambalda West Swimming Pool Core Survey Report prepared by Airey Taylor Consulting Engineers 6th July 2018 were;

- 50m - To cut off gutter side walls & rebuild as a wet deck, example section below – \$250,000
- Note: no allowance for concourse works or headwall works
- 50m - Rebated Combi flex to all construction joints in pool – \$150,000
- 50m - To strip existing tiles/blast painted surfaces & re-tile/re-paint – \$200,000
- LTS - To strip existing tiles/blast painted surfaces & re-tile/re-paint – \$40,000
- Wading - To strip existing tiles/blast painted surfaces & re-tile/re-paint – \$15,000
- Common – build new balance tank in suitable location next to plant room, breakout floor of old balance tank & fill with compacted sand – \$150,000
- Common – replacement of filtration & electrical systems, utilising existing pumps & procal – \$250,000
- Common – equi-potential bonding works – \$20,000
- Common – generally replace steel & asbestos concrete piping, field valving & replace with PVC new – \$200,000
- Note: allowance to fill in hydraulic culvert, see detail below
- Note: allowance to add hydrostatic valves
- Preliminaries/supervision/design/mob/allowance for regional attendance, for all above – \$200,000
- TOTAL FOR ABOVE WORKS – Approximately \$1.5 million.

Comment:

The Shire called for tenders for the redevelopment of the Kambalda pool closing 1st February 2019. Three tenders were received and currently being assessed. On advice from WALGA, with a project of this nature, it is reasonable to expect the whole tender process from preparation of specification to awarding of tender to be 20-24 weeks. The Request for Tender document and the specification are provided as attachments to this report. The tender prices just to enable the 50-metre pool and leaners

pool to be reopened are well in excess of \$1.5 million. The Shire allowed an allocation of \$1.2 million in the 2018/2019 budget. Grant applications were sent to the State and Federal Governments

The Shire of Coolgardie has missed out on Federal and State Government Funding for the retention and redevelopment of its much-loved community pool with both governments indicating that there was a significant oversubscription to their funds. It is disappointing that both funding requests have been overlooked to revitalise what is the only outdoor 50 metre pool in the Coolgardie-Kalgoorlie area.

Estimated costs of refurbishment to the Aquatic Facility is \$3.4M which includes renovations to the 50m Pool, new change rooms and expanded first aid room and universal access pool. In order to fund the project, the Shire will require additional funding to just loan borrowings. Both funding requests were made in September 2018 for the Sport Australia's Move it Australia – Community Sport Infrastructure grant for \$500,000 and the State Government's Community Sporting and Recreation Facilities Funding for \$808,175. Correspondence received from Sport Australia, Federal Government, indicated that the "\$28.3 million grant program experienced overwhelming interest with over 2,000 applications submitted totalling more than \$390 million in grant requests." Whilst feedback on the application for state funding was deemed of good quality, further comments indicated that the CSRFF program was also considerably oversubscribed and that the project fell over due to funding not being secured through Sport Australia.

The Shire has applied for a loan from the Western Australian Treasury Corporation (WATC) of \$1.75 million which is currently being assessed with the Shire liaising with officers to provide information in support of the application for funds. The process is rigorous and a decision from WATC will be made on the 30th April. The WATC has written to the Shire and requested the following;

1. A probity review of the tendering process for both projects by Moore Stephens Local Government consulting division to verify that the tendering processes have been compliant with Shire procurement policies and the Local Government Act.
2. Project Governance oversight of both projects by independent consulting engineers (i.e. not the consultants who prepared the project plans and design work) selected from the WALGA panel.
3. Reviews of Project Expenditure by Moore Stephens audit division at key project milestones verifying that payments are compliant with tender agreements.

In terms of the process to progress the loan approval, the key steps will be as follows:

1. Moore Stephens engaged to complete the Tendering Process review and report to council and WATC by the end of March.
2. The Shire appoints independent consulting engineers and provides confirmation of that to WATC by the end of March.
3. Council passes the motion confirming the 3 reviews and provides confirmation of that to WATC by the end of March.
4. The loan application is submitted to the WATC executive for review in early April. Subject to their approval, it is submitted to the WATC Board on 30 April.
5. Moore Stephens audit division engaged to complete Project Expenditure reviews with confirmation to WATC.
6. Subject to WATC Board approval, loan funds are disbursed in May.
7. Periodic status reports from consulting engineers and Moore Stephens audit provided to WATC during the projects.

Council intends to continue discussions with business, mining companies and the community to seek options and funding avenues to support its major infrastructure investments. It is strongly encouraged that community members contact Ministers and local members in support of works to the Kambalda

Swimming Pool. The Shire is also progressing discussions with the Federal and State Governments to continue to lobby for funding support.

Tender Assessment

The Shire of Coolgardie invited suitably qualified and experienced contractors to submit tender submissions based on Tender 01/19 - Tender for Kambalda Swimming Pool Upgrade. Invitations for Tender were advertised in the Kalgoorlie Miner and the West Australian on Saturday 05 January 2019 with a closing date of Friday 01 February 2019 at 3.00pm. All Tenderers attended a site visit to Kambalda and a presentation in Perth with both Shire Pool Manager, Airey Taylor Consulting, Chief Executive Officer and Co-ordinator Waste Services and Building Maintenance to provide any feedback necessary. Three tenders were received at the Kambalda Administration office and were opened by Rod Franklin (Waste Services and Building Maintenance Co-ordinator), Rebecca Horan (HR Manager Admin Services) and Elly McKay (Executive Secretary – maternity leave).

The following weighting criteria was used to assess the tenders:

Description of Qualitative Criteria	Weighting %
A) Value for Money i. Price; ii. Regional Price Preference Policy 043 will be considered in scoring on Price	60%
B) Relevant Experience and Quality in providing these works. (Can be done via a Company Profile) i. Provide details of similar services undertaken; ii. Demonstrate competency and proven track record of achievement in this field; iii. Demonstrated knowledge of local conditions	20%
C) Respondent's Resources Respondents should demonstrate their ability and sustain the necessary; i. Specialised Plant, equipment and materials necessary to undertake the services; ii. Any contingency measures or back up of resources including personnel (where applicable).	20%

The Shire Staff have used tools to assess the tenders, recently recommended during procurement training provided on site by WALGA.

An evaluation document was prepared by the Chair of the assessment panel. This has been reviewed by the Chief Executive Officer – see **Confidential Attachment 1 Tender Evaluation Kambalda Pool**

The tender assessment documentation has been provided to Moore Stephens to be audited in accordance with requirements stipulated by WATC.

Project Governance oversight of both projects by independent consulting engineers (i.e. not the consultants who prepared the project plans and design work) selected from the WALGA panel has been undertaken and completed. The evaluation of the independent consulting engineer is included as **Confidential Attachment 2 Kambalda Pool Project Management.**

Tenders were received from;

1. Safeway Building and Renovations
2. ACORP Construction Pty Ltd
3. Cooper & Oxley Builders Pty Ltd

All 3 tenderers were;

- Well priced
- Demonstrated Rural Experience
- Sufficient Resources

The Tenderer's offer, Section 4 of the request for tender document, is included as **Confidential Attachment 3 Tenderers Offer.**

The Request for Tender asked for pricing on Option 1 and Option 2 as detailed below:

Option 1 – 50 Metre Pool Operational

- Preliminaries and site set up costs
- Filters
- Pumps
- Piping
- Formwork
- Reinforcement, Concreting, Tiling, Painting
- New below ground tanks and base for plantroom
- New Plant room construction
- Switchboards and Electrical
- Pool Hardware and Plumbing Works
- Commissioning and Handover

Total Cost Estimated \$2.7 million ex GST (Estimated provision for contingency, site works, preliminaries \$900,000 ex GST)

Option 2 – Building, Hot Water and Leaners Pool

- Additional Filtration Works for Option 2 (learners pool extension)
- Additional Structural Works for Learners pool extension
- Additional Painting / tiling and pool hardware
- Hot Water System including piping and new fixtures
- New roof sheeting and structure to change rooms
- New lighting to change rooms
- New office construction
- Additional Paving and earthworks for option 2

- New doors to toilets in change rooms
- Other miscellaneous works for option 2

Total Cost Estimated \$450,000 exclusive GST

Estimated costs of refurbishment to the Aquatic Facility is \$3.2M

- Upgrade and Renovations to the 50m pool (\$2.7 Million)
- Upgrade change rooms, first aid room and Universal accessible pool (\$450,000)

Proposed Funding Model

- Loan from WATC for \$1.75 Million
- Infrastructure Renewal Reserve Funds of up to \$1.5 million
- Specified Area Rate on all GRV properties with post codes 6442 and 6444
- Current GRV Rate in \$ 0.074652
- Proposed Specified area rate in \$ 0.0056
- Estimated average of \$60 a year for residential properties
- Specified Area Rate estimated to generate \$85,000 per annum to be placed in a specific reserve account for the Kambalda Pool
- Contributions received from Government, Mining Industry and Business to be placed in Infrastructure Renewal Reserve Account

As part of the proposed funding model consideration of a specified area rate will be discussed with Council as part of deliberations for the 2019/2020 Budget. Any proposed specified area rate will have to be advertised to the community enabling submissions to be made.

Any contributions received from Government, Mining Industry and Business will reduce the amount of funds needed to be transferred from reserves.

Furthermore, consideration of a waiver of fees and charges for entry into the Kambalda and Coolgardie Pools for Shire of Coolgardie residents will be considered and discussed with Council as part of deliberations for the 2019/2020 Budget.

Attachments:

Consultation:

Rod Franklin – Waste Services and Building Maintenance Co-ordinator
 Kathy Brooking – Pool Manager
 John Airey
 Chief Executive Officer

Statutory Environment:

Nil

Policy Implications:

Nil

Financial Implications:

The Shire has allocated \$1.2 million in the 2018/2019 Annual Budget funded from a loan for the construction of the redevelopment.

Strategic Implications:**Cohesive and engaged community**

Facilitate the development of healthy lifestyles through the provision of high-quality sport, recreation, cultural and leisure services, facilities and activities.

Statutory Environment:

Legally a Local Government, as a public body, has the responsibility to follow the appropriate processes and to treat all tenderers fairly. The terms and conditions set out in the contract is the standard WALGA contract document and imply that the Shire of Coolgardie has acted legally and fairly to all tenderers in this case.

Where under Section 1.8 of the Local Government Act requires state-wide public notice of a matter is required to be given, section 1.7 applies except that the newspaper referred to in section 1.7(1)(a) is required to circulate generally throughout the State. Section 5 R15 Minimum time to be allowed for submitting tenders

(1) If the notice is published in the newspaper as part of giving State-wide public notice, the time specified in the notice as the time after which tenders cannot be submitted has to be at least 14 days after the notice is first published in the newspaper as part of giving State-wide public notice.

(2) If the notice is given to a person listed as an acceptable tenderer, the time specified in the notice as the time after which tenders cannot be submitted has to be at least 14 days after the notice is given.

The preparation, assessment and award of this tender complies with Part 4 (Provision of Goods and Services) of the Local Government (Functions and General) Regulations 1996 Division 2 – Tendering for Goods and Services.

Voting Requirement:

Absolute Majority

Officer Recommendation:

That Council,

1. Authorise the Chief Executive Officer to award Tender 01/19 to ACorp Construction Pty Ltd (Suite 3, 10 Reid Promenade Joondalup WA 6027) for Option 1 and Option 2 for \$2,955,720 ex GST subject to approval of a Loan of \$1,905,000 from Western Australian Treasury Corporation (WATC)
2. Authorise a contract to ACorp Construction Pty Ltd (Suite 3, 10 Reid Promenade Joondalup WA 6027) for Tender 01/19 - Tender for Kambalda Swimming Pool Upgrade subject to approval of a Loan of \$1,905,000 from Western Australian Treasury Corporation (WATC)
3. Authorise the Shire President and 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 upon written approval for the Loan of \$1,905,000 from Western Australian Treasury Corporation (WATC)
4. Authorise the engagement of Core Business Australia to have independent oversight of project Kambalda Swimming Pool Upgrade as selected from the WALGA panel as requested by WATC
5. Authorise the engagement of Talis Consultants to have to have independent oversight of project Construction of the approach and junction of Binneringie Road at the

Coolgardie/Esperance Highway as selected from the WALGA panel as requested by WATC

COUNCIL RESOLUTION: # 039/19

That Council,

1. Authorise the Chief Executive Officer to award Tender 01/19 to ACorp Construction Pty Ltd (Suite 3, 10 Reid Promenade Joondalup WA 6027) for Option 1 and Option 2 for \$2,955,720 ex GST subject to approval of a Loan of \$1,905,000 from Western Australian Treasury Corporation (WATC)
2. Authorise a contract to ACorp Construction Pty Ltd (Suite 3, 10 Reid Promenade Joondalup WA 6027) for Tender 01/19 - Tender for Kambalda Swimming Pool Upgrade subject to approval of a Loan of \$1,905,000 from Western Australian Treasury Corporation (WATC)
3. Authorise the Shire President and 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 upon written approval for the Loan of \$1,905,000 from Western Australian Treasury Corporation (WATC)
4. Authorise the engagement of Core Business Australia to have independent oversight of project Kambalda Swimming Pool Upgrade as selected from the WALGA panel as requested by WATC

Moved: Councillor, N Karafilis

Seconded: Councillor, S Botting

CARRIED ABSOLUTE MAJORITY 5/0

Councillor, Kathie Lindup has declared a financial interest

11.1.11 Loan Borrowings Kambalda Pool

LOCATION: N/A

APPLICANT: NA

FILE REFERENCE: *

DISCLOSURE OF INTEREST: The Author has none to disclose

DATE: 20 March 2019

AUTHOR: James Trail, Manager Administration Services

SUMMARY

For Council to consider increasing borrowing funds for the Kambalda Swimming Pool from \$1.2 million to \$1.905 million.

BACKGROUND:

Council in the 2018/2019 Annual Budget detailed a new loan for the Kambalda Swimming Pool of \$1.2 million. In discussions with West Australian Treasury Corporation (WATC), the Shire has requested loan funds of \$1.75 million for the Kambalda Swimming Pool. It is proposed to include the quoted \$155,000 for the engagement of a project manager and audits from Moore Stephens in the loan funds.

COMMENT:

WATC requests that the Shire commission the following independent reviews:

- A probity review of the tendering process for both projects by Moore Stephens Local Government consulting division to verify that the tendering processes have been compliant with Shire procurement policies and the Local Government Act.
- Project Governance oversight of both projects by independent consulting engineers (i.e. not the consultants who prepared the project plans and design work) selected from the WALGA panel.
- Reviews of Project Expenditure by Moore Stephens audit division at key project milestones verifying that payments are compliant with tender agreements.

Council resolved at February Ordinary Meeting to commission reviews in accordance with Treasury request - Estimated cost of reviews \$210,000

Estimated costs of refurbishment to the Aquatic Facility is \$3.2M

- Upgrade and Renovations to the 50m pool (\$2.7 Million)
- Upgrade change rooms, first aid room and Universal accessible pool (\$450,000)

Proposed Funding for the project is;

- Loan from WATC for \$1.75 Million
- Infrastructure Renewal Reserve Funds of \$1.5 million
- Increase Loan from \$1.75 million to \$1.905 million

It is a requirement under the Local Government Act to advertise any requirements for borrowing funds if not included in the Annual Budget

CONSULTATION:

WATC
Council
Community

STATUTORY ENVIRONMENT:
Local Government Act 1995

6.20. Power to borrow

(1) Subject to this Act, a local government may —

- (a) borrow or re-borrow money; or
- (b) obtain credit; or
- (c) arrange for financial accommodation to be extended to the local government in ways additional to or other than borrowing money or obtaining credit, to enable the local government to perform the functions and exercise the powers conferred on it under this Act or any other written law.

(2) Where, in any financial year, a local government proposes to exercise a power under subsection (1) (power to borrow) and details of that proposal have not been included in the annual budget for that financial year —

- (a) unless the proposal is of a prescribed kind, the local government must give one month's local public notice of the proposal; and
- (b) the resolution to exercise that power is to be by absolute majority.

(3) Where a local government has exercised a power to borrow and —

- (a) it does not wish to proceed with the performance of the function or the exercise of the power for which the power to borrow was exercised; or
- (b) after having completed the performance of the function or the exercise of the power for which the power to borrow was exercised, any part of the money borrowed, credit obtained or financial accommodation arranged has not been expended or utilized,

the local government may resolve* to expend the money or utilize the credit or financial accommodation for another purpose if one month's local public notice is given of the proposed change of purpose.

* Absolute majority required.

(4) A local government is not required to give local public notice under subsection (3) —

- (a) where the change of purpose has been disclosed in the annual budget of the local government for the relevant financial year; or
- (b) in such other circumstances as are prescribed.

(5) A change of purpose referred to in subsection (3) is to be disclosed in the annual financial report for the year in which the change occurs.

POLICY IMPLICATIONS:

N/A

FINANCIAL IMPLICATIONS:

Council will need to amend the 2018/2019 Budget allocation for expenditure and loan borrowings for the Kambalda Swimming Pool if successful in obtaining the Loan Funding from WATC.

STRATEGIC IMPLICATION:**Solutions focused and customer-oriented organisation.**

- High quality corporate governance, accountability and compliance.
- Effective communication and engagement processes.
- Development of Shire's resources to provide optimum benefit to the community.

VOTING REQUIREMENT:

Absolute Majority

OFFICER RECOMMENDATION:

That Council in accordance with Local Government Act 1995 Section 6.20 (2) advertise its intention to increase loan borrowings from \$1,200,000 to \$1,905,000 for a period of 10 years for the purpose of the upgrade of the Kambalda Swimming Pool

COUNCIL RESOLUTION: # 040/19

That Council in accordance with Local Government Act 1995 Section 6.20 (2) advertise its intention to increase loan borrowings from \$1,200,000 to \$1,905,000 for a period of 10 years for the purpose of the upgrade of the Kambalda Swimming Pool

Moved: Councillor, N Karafilis

Seconded: Councillor, S Botting

CARRIED ABSOLUTE MAJORITY 5/0

Kathie Lindup returned to the meeting at 6.39pm

11.1.12 February/March 2019 Works and Services Progress Report

Location: Kambalda

Applicant: Shire of Coolgardie

File Reference: NAM6391

Disclosure of Interest: The Author has no financial interest in this item

Date: 19 March 2019

Author: Engineering Administration Officer, Mel Nowlan

Summary:

For Council to receive the February/March 2019 Works and Services Progress Report.

Background:

This report is to provide Council on the progress of planned works within Technical Services.

Comment:

Road Works:

Earthworks, seal works & kerbing have either been completed or are in progress for the following roads; Ti Tree Court, Canteen Court, Hopbush Street, Everlasting Crescent, T-junction Bluebush Road/Grevillea Crescent, Santalum Street, Casuarina Road, Coolgardie Tip Road, intersection of Sylvester & Lefroy Streets, King Street & Coolgardie North Road.

Maintenance grading now occurring on Victoria Rocks Road.

Road audits completed for Ladyloch Road & Victoria Rocks Road.

Coolgardie & Kambalda Works Depots – new sheds: approximate start date will be within the first week of April.

Plant:

The purchase of Caterpillar Skid Steer loader - delivered to Kambalda 08 March 2019.



(Kambalda) Parks & Garden truck (Hino 500) - handover completed and fuel cards ordered.

The lease of Hino 500 (Coolgardie – Works) has arrived in Kambalda. Final handover still to be finalised.



The purchase of Isuzu Coolgardie Parks & Gardens (tipper) has been ordered & due to arrive May.

Bush Fire Measures: all roads currently open.

Parks & Gardens: Coolgardie Park/ablutions block – new security doors ordered.

Kambalda West Oval - new rail fencing: approximate start date 25 March 2019.

Attachments:

{attachment-list-do-not-remove}

Consultation:

Nil

Statutory Environment:

Nil

Policy Implications:

Nil

Financial Implications:

Nil

Strategic Implications:

Effective management of infrastructure, heritage and the environment

Develop and maintain Shire buildings, facilities and infrastructure assets

Solutions focussed and customer-oriented organisation

High quality corporate governance, accountability and compliance.

Voting Requirement:

Simple Majority

Officer Recommendation:

That Council receive the February/March 2019 Works and Services Progress Report.

COUNCIL RESOLUTION: # 041/19

That Council receive the February/March 2019 Works and Services Progress Report.

Moved: Councillor, K Lindup

Seconded: Councillor, B Logan

CARRIED ABSOLUTE MAJORITY 6/0

11.1.13 Waste & Building Services progress report February 2019

Location:	Shire of Coolgardie
Applicant:	Shire of Coolgardie
File Reference:	NAM6930
Disclosure of Interest:	The Author has no financial interest in this item
Date:	19 March 2019
Author:	Waste & Building Services Co-ordinator, Rod Franklin

Summary:

For Council to receive the February 2019 Waste & Building Services progress report.

Background:

This report is to provide Council with information on the progress of works in the Waste and Building Services Section within the Shire of Coolgardie.

Comment:

Kambalda Refuse Site

- Transfer Station survey pegs have been laid and commencement of construction of the Transfer Station bin walls and Transfer Station platform will commence when contractors are available.
- Limited coverage soil available on site. Strategen Consultancy have sampled and tested the soil at the old Kambalda Gun Club and presented the results to DWER. Soil testing results indicate top 20cm of soil from the bund may need to be screened of lead (bullets) to make this soil suitable for cover. Clarification from DWER indicates that this soil is contaminated to the extent it is not considered cost effective to use.
- Quarterly water sampling done.
- Refuse site stats up to date.

Coolgardie Tip

- The Coolgardie Landfill Development Strategy Report prepared by Strategen Consultancy is currently with DWER for consideration. Expecting a decision from DWER end of March 2019.
- Vandals broke in through the boundary tip fence - nothing was stolen or vandalised other than fence damage.
- Ongoing transfer of coverage soil from stockpile to tip face.
- Refuse site stats up to date.

Sewerage

- There were two major sewerage leaks during this period, and both were attended to and rectified within 12 hours. Continued progress on sewer camera-ing, now down to approximately 400 meters left to do until completion of the entire system. Continued inspection of the 148 manhole covers with only one to go.

Wheelie Bins

- New bin requests continue to be received and acted upon.

Building Maintenance

- Ongoing review of Shire Maintenance program.
- Pool tenders closed on 1st February 2019 and currently under assessment.
- Insurance claim from the December hail event is ongoing. Scope of Works has been received from Insurance Assessor and a tender document is currently being drafted.

Attachments:

{attachment-list-do-not-remove}

Consultation:

Strategen Consultants

Rod Franklin – Waste & Building Services Co-ordinator

Policy Implications:

Nil

Financial Implications:

Nil

Strategic Implications:**Effective management of infrastructure, heritage and the environment**

Develop and maintain Shire buildings, facilities and infrastructure assets.

Solutions focussed and customer-oriented organisation

High quality corporate governance, accountability and compliance.

Voting Requirement:

Simple Majority

Officer Recommendation:

That Council receive the February 2019 Waste & Building Services progress report.

COUNCIL RESOLUTION: # 042/19

That Council receive the February 2019 Waste & Building Services progress report.

Moved: Councillor, N Karafilis

Seconded: Councillor, B Logan

CARRIED ABSOLUTE MAJORITY 6/0

11.1.14 Organisation Structure – Additional Resources

LOCATION: N/A

APPLICANT: NA

FILE REFERENCE: *

DISCLOSURE OF INTEREST: The Author has none to disclose

DATE: 20 March 2019

AUTHOR: Laura Dwyer, Manager Recreation & Community Development

SUMMARY:

For Council to consider extending the Ranger Service to include an additional staff member to target non-compliance issues with regulatory requirements along with bushfire regulatory requirements.

BACKGROUND:

The Shire of Coolgardie has a shared service agreement with the City of Kalgoorlie Boulder (CKB) to provide ranger services to the localities of Coolgardie and Kambalda, 3 days per week for 3 hours per service excluding travel.

1 full time equivalent (FTE) is employed by the Shire of Coolgardie as Senior Ranger/Compliance Officer. This officer is currently on leave for a six-week period (14 March 2019 returning 29 April 2019) and there are no available officers to cover the role in his absence.

Previously the Shire has employed two rangers with one residing in each town, but with one of the rangers being moved into another department the position was made redundant and the service relying on the remaining officer.

COMMENT:

Currently CKB are experiencing some issues in providing the same level of service as initially agreed to. This will result in a reduced service but is also not adequate to provide coverage in the event of absence by the current officer.

By employing an additional staff member this will provide opportunity to focus more attention on non-compliance issues in the community such as illegal dumping, bush fire hazards, animal control and parking. Community engagement sessions can also be driven to target schools and the broader community as a way of informing the community to encourage responsible ownership of animals and reduce complaints for non-compliance. It is important that it is articulated that the position will be focused on regulatory compliance, and not the traditional field of ranger services attending to animal complaints.

Training will be required for staff to be competent to deliver the service with the expectation they are working autonomously. With trends seeing more requirements for local governments to meet compliance and governance standards, there will be an expectation for officers to meet administrative requirements and follow through on addressing non-compliance issues. The service could also be extended to provide weekend coverage by means of a roster for staff.

Failures to address compliance issues create community angst and complaints but also have legal implications for the Shire. Moving forward to meet these obligations is in the best interests of the Shire to reduce risk and liability but to also reduce other resources being used to handle complaints from the community that require urgent attention. It is an opportune time to review the current service provided in this area given recent training in governance and review of the delegations register.

The current budget has enough allowance to employ another ranger without any budget amendments required in the current financial year.

CONSULTATION:

Council

Staff

Gary Burgess, Coordinator Ranger Services City of Kalgoorlie Boulder

Alain Baldomero, Environmental Health & Ranger Services Team Leader City of Kalgoorlie Boulder

STATUTORY ENVIRONMENT:

Nil

POLICY IMPLICATIONS:

Nil

FINANCIAL IMPLICATIONS:

Expenditure of \$60,000 per annum for wages under accounts 050208 Animal Control (\$30,000) and 050308 Other Law, Order and Public Safety (\$30,000) currently allowed for in 2018/2019 Budget.

STRATEGIC IMPLICATION:

Accountable and effective leaders

Transparent, accountable and effective governance

An inclusive, safe and vibrant community

A safe and healthy community

VOTING REQUIREMENT:

Absolute Majority

OFFICER RECOMMENDATION:

That Council;

Approve an additional full-time equivalent position in the organisation structure for the Shire of Coolgardie

COUNCIL RESOLUTION: # 043/19

That Council approve an additional full-time equivalent position in the organisation structure for the Shire of Coolgardie

Moved: Councillor, K Lindup

Seconded: Councillor, E Winter

CARRIED ABSOLUTE MAJORITY 6/0

11.1.15 Tender Coolgardie Post Office Complex

LOCATION: Coolgardie

APPLICANT: NA

FILE REFERENCE: *

DISCLOSURE OF INTEREST: The Author has none to disclose

DATE: 20 March 2019

AUTHOR: Laura Dwyer, Manager Recreation & Community Development

SUMMARY:

In relation to the Upgrade works for Coolgardie Post Office Complete, that Council: -

1. Consider not awarding a Tender to RFQ 2-19;
2. Authorise the Chief Executive Officer to call for a new Tender for an expanded scope of works, to include the areas funded in the Building Better Regions Fund federal grant.

BACKGROUND:

The Shire has been pursuing upgrades to the Coolgardie Post Office for many years to improve the structure, condition and design of the building to facilitate its use by a range of activities. Funding applications have been sought for approximately 6 years, with consultant Mia Hicks working on this project which received notification of State funding for \$3.1M which was later withdrawn in February 2017.

As a result of limited funding the Shire initiated Tender RFQ2-19, for works comprising the central portion of the building on the ground and first floor consistent with LotteryWest to the value of \$233,500. The Tender was advertised on Saturday 26 January 2019 and closed on Tuesday 19 February 2019. A total of 3 tenders were received.

Since the close of tenders, the Shire has received confirmation from Rick Wilson Federal Member for O'Connor for federal funding for \$916,100.00 for the Post Office Complex on Tuesday 5 March 2019. This funding will facilitate works on the Gaol through to the Drill Hall, leased space by Rose Mitchell and the market space. With the ground floor works section associated with the Cultural and Community Hub been funded by LotteryWest.

COMMENT:

Given assessments have not yet been finalised for the tenders received for the middle section of the post office complex, it is proposed Council consider extend the scope of works for the whole project given the funding commitment, which would provide better value for money in reducing mobilisation costs and consistency for delivering the project as a whole.

The additional areas funded are substantially bigger than the central section of the Post Office that the original Request for Tender was advertised for.

In order to facilitate the above intention, there are two matters that have been considered, being legal and contractual obligations. There are no provisions contained in the Act or Regulations to cease a tender, however under the Local Government (Function and General) Regs 1996 - Reg 18 (5), a "a local government may decline to accept any tenders".

Officers have reviewed the tender documentation in relation to contractual obligations and the following is noted: -

- There is no obligation for the Shire to award a tender.
- The cost of preparing a tender submission is the responsibility of the tenderer.

Should Council be supportive of pursuing a further tender on a larger scope of works, which would include:

- works to the ground floor including the timber staircase of the central portion of the Coolgardie Post Office
- works to the first floor of the central portion of the Coolgardie Post Office
- works to the Gaol, Drill Hall and market space

In light of the above, the following options are available to the Council

Option 1: Finalise and award Tender RFQ2-19 and prepare a separate tender for the additional works above those contained RFQ.

Option 2: - Decline to accept a tender as per Reg 18(5) and the commence a new RFT on the combined larger proposal.

Council will need to notify the tenders of its decision. It is recommended that Council pursue Option 2.

CONSULTATION:

Council

Staff

Mia Hicks, Mia Hicks Consulting

Francesca Lefante, Urban Town Planning Consultant

LotteryWest

Rick Wilson, Member for O'Connor

STATUTORY ENVIRONMENT:

Legally a Local Government, as a public body, has the responsibility to follow the appropriate processes and to treat all tenderers fairly.

Where under Section 1.8 of the Local Government Act requires state-wide public notice of a matter is required to be given, section 1.7 applies except that the newspaper referred to in section 1.7(1)(a) is required to circulate generally throughout the State.

Section 5 R15 Minimum time to be allowed for submitting tenders

(1) If the notice is published in the newspaper as part of giving State-wide public notice, the time specified in the notice as the time after which tenders cannot be submitted has to be at least 14 days after the notice is first published in the newspaper as part of giving State-wide public notice.

(2) If the notice is given to a person listed as an acceptable tenderer, the time specified in the notice

as the time after which tenders cannot be submitted has to be at least 14 days after the notice is given.

Section 3.57(1) of the Local Government Act 1995 requires a Local Government to invites tenders before it enters into a contract for a purchase of a prescribed kind, however Part 4 (Provision of Goods and Services) of the Local Government (Functions and General) Regulations 1996, Regulation 11 states this is only required for purchases worth more than \$100,000 unless Council have delegated otherwise.

Given the successful funding grants are a combined \$1,149,600.00 tenders are required to be called prior to entering into a contract for works.

There are no provisions contained in the Act or Regulations to cease a tender. The Local Government (Function and General) Regs 1996 - Reg 18 (5) states that “*a local government may decline to accept any tenders*”.

POLICY IMPLICATIONS:

Nil

FINANCIAL IMPLICATIONS:

Nil

STRATEGIC IMPLICATION:

Accountable and effective leaders

- Engagement and consultation
- Transparent, accountable and effective governance

Effective management of infrastructure, heritage and environment

- Sustainable management of resources

VOTING REQUIREMENT:

Absolute Majority

OFFICER RECOMMENDATION:

That Council;

1. **RESOLVES** not to award tenders for Tender 02-19 Coolgardie Post Office;
2. **AUTHORISES** the Chief Executive Officer to preparation and initiation of a Request for Tender to include:
 - a. works to the ground floor including the timber staircase of the central portion of the Coolgardie Post Office
 - b. works to the first floor of the central portion of the Coolgardie Post Office
 - c. works to the Gaol, Drill Hall and market space
3. **AUTHORISES** the Chief Executive Officer to write to all tenderers for Tender 02-19 Coolgardie Post Office to advise that Council has declined to accept tenders due to additional funding received and a new Request for Tender will be advertised and will be invited to submit.

COUNCIL RESOLUTION: # 044/19

That Council;

- 1. RESOLVES not to award tenders for Tender 02-19 Coolgardie Post Office;**
- 2. AUTHORISES the Chief Executive Officer to preparation and initiation of a Request for Tender to include:**
 - a. works to the ground floor including the timber staircase of the central portion of the Coolgardie Post Office**
 - b. works to the first floor of the central portion of the Coolgardie Post Office**
 - c. works to the Gaol, Drill Hall and market space**
- 3. AUTHORISES the Chief Executive Officer to write to all tenderers for Tender 02-19 Coolgardie Post Office to advise that Council has declined to accept tenders due to additional funding received and a new Request for Tender will be advertised and will be invited to submit.**

Moved: Councillor, N Karafilis
Seconded: Councillor, K Lindup

CARRIED ABSOLUTE MAJORITY 6/0

11.1.16 One Tree Community Services Lease

LOCATION: Kambalda Community Recreation Facility

APPLICANT: N/A

FILE REFERENCE:

DISCLOSURE OF INTEREST: The Author has none to disclose

DATE: 20 March 2019

AUTHOR: Bec Horan, Manager Administration Services

SUMMARY

For Council to approve and authorise the Shire President and Chief Executive Officer to sign and affix the common seal in accordance with part 19.1 (2) of the standing local law to the attached lease agreement between the Shire of Coolgardie and One Tree Community Services.

BACKGROUND:

One Tree Community Services wrote to the Shire in August 2018 advising of their intent to renew the lease held for portion of the Kambalda Community and Recreation Facility under the current lease conditions.

COMMENT:

Staff have been in lease negotiations with the General Manager of One Tree Community Services and have agreed on the conditions of the attached lease.

CONSULTATION:

Laura Dwyer, Manager Recreation and Community Development
Sarah Short, General Manager One Tree Community Services

STATUTORY ENVIRONMENT:

Local Government Act 1995

POLICY IMPLICATIONS:

Nil

FINANCIAL IMPLICATIONS:

Council will need to continue to subsidise the childcare service

STRATEGIC IMPLICATION:

Accountable and effective leaders

- Engagement and consultation
- Transparent, accountable and effective governance
- Advocate for the community

An inclusive, safe and vibrant community

- Build a sense of place and belonging
- A safe and healthy community
- Celebrate our culturally diverse community

A thriving local economy

Build economic capacity

- Facilitate local business development and retention
- Provide support for traineeship development

VOTING REQUIREMENT:

Absolute Majority

OFFICER RECOMMENDATION:

That Council

1. Authorise the Chief Executive Officer (or his delegate) to renegotiate a Lease between the Shire of Coolgardie and One Tree Community Services subject to section 3.58 (3), Local Government Act 1995 for the portion of space currently occupied in the Kambalda Recreation Centre Barnes Drive, Kambalda West on the following terms;
 - (a) Term of lease 5 years commencing on the commencement date and expiring one day prior to the second anniversary of the commencement date
 - (b) Annual Rent of \$10,000 payable on demand
 - (c) Outgoings of;
 - i. local government rates, services and other charges, including but not limited to rubbish collection charges and the emergency services levy;
 - ii. water, drainage and sewerage rates, charges for disposal of stormwater, meter rent and excess water charges;
 - iii. electricity will be metered separately and will be charged at a flat rate pf 0.25c per unit. Telephone, gas and other power and light charges including but not limited to meter rents and the cost of installation of any meter, wiring or telephone connection AND where possible the Lessee shall ensure that any accounts for all charges and outgoings in respect of telephone, electricity, gas and other power and light charges are taken out and issued in the name of the Lessee; and
 - iv. any other consumption charge or cost, statutory impost or other obligation incurred or payable by reason of the Lessee's use and occupation of the Premises.
 - (d) Inviting submissions on the proposal
2. If no submissions are received Council authorises the CEO the power to decide to dispose of the property and for the CEO and Shire President to execute the lease agreement under common seal;
3. If any submissions are received, these are to be referred to Council to consider before making a decision on the proposal.

COUNCIL RESOLUTION: # 045/19

That Council

- 1. Authorise the Chief Executive Officer (or his delegate) to renegotiate a Lease between the Shire of Coolgardie and One Tree Community Services subject to section 3.58 (3), Local Government Act 1995 for the portion of space currently occupied in the Kambalda Recreation Centre Barnes Drive, Kambalda West on the following terms;**
 - (d) Term of lease 5 years commencing on the commencement date and expiring one day prior to the second anniversary of the commencement date**
 - (e) Annual Rent of \$10,000 payable on demand**
 - (f) Outgoings of;**
 - v. local government rates, services and other charges, including but not limited to rubbish collection charges and the emergency services levy;**
 - vi. water, drainage and sewerage rates, charges for disposal of stormwater, meter rent and excess water charges;**
 - vii. electricity will be metered separately and will be charged at a flat rate pf 0.25c per unit. Telephone, gas and other power and light charges including but not limited to meter rents and the cost of installation of any meter, wiring or telephone connection AND where possible the Lessee shall ensure that any accounts for all charges and outgoings in respect of telephone, electricity, gas and other power and light charges are taken out and issued in the name of the Lessee; and**
 - viii. any other consumption charge or cost, statutory impost or other obligation incurred or payable by reason of the Lessee's use and occupation of the Premises.**
 - (d) Inviting submissions on the proposal**
- 2. If no submissions are received Council authorises the CEO the power to decide to dispose of the property and for the CEO and Shire President to execute the lease agreement under common seal;**
 - 3. If any submissions are received, these are to be referred to Council to consider before making a decision on the proposal.**

Moved: Councillor, N Karafilis

Seconded: Councillor, S Botting

CARRIED ABSOLUTE MAJORTY 6/0

11.1.17 2019/20 CSRFF Application – Kurrawang Community

LOCATION: Kurrawang

APPLICANT: Kurrawang Aboriginal Christian Community Incorporated

FILE REFERENCE: *

DISCLOSURE OF INTEREST: Nil

DATE: 12 March 2019

AUTHOR: Mia Hicks Consulting, Economic Development Consultant

SUMMARY:

That Council endorse the Community Sporting and Recreation Facilities Funding (CSRFF) Small Grants application of the Kurrawang Aboriginal Christian Community Incorporated.

BACKGROUND:

The State Government through the Department of Local Government, Sport and Cultural Industries (DLGSC) coordinates the Community Sporting and Recreation Facilities Fund (CSRFF) program to provide financial assistance to community groups and local governments in developing sport and recreation infrastructure.

The CSRFF Grant Program provides funding for projects with a total of \$12 million available state-wide to distribute within the 2019/20 financial year. The CSRFF aims to increase participation in sport and recreation with an emphasis on physical activity.

The process for CSRFF applications is for applications to be forwarded initially to the relevant Local Government Authority for consideration and prioritisation. The priority listing of projects and endorsement is then forwarded to the DSR Regional Office by 29 March 2019 (4 pm) for regional ranking and then to the state office for final consideration.

One application has been received by the Shire for consideration in the Small Grant category (project value up to \$200,000) which was submitted by the Kurrawang Aboriginal Christian Community Incorporated on 28 January 2019 by Denise Lynch, Administrator, Kurrawang Aboriginal Christian Community Incorporated.

COMMENT:

Submissions to the DLGSC for the latest round of the 2019/20 CSRFF Small Grant category close on Friday 29 March 2019 at 4:00pm.

The CSRFF application received from the Kurrawang Aboriginal Christian Community Incorporated is for the installation of a new asphalt pad (868m²) and removal and resurfacing of an existing court surface (665m²) including line marketing for basketball, tennis and netball, and installation of a basketball hoop and backboard.

The Community has identified the need to support health and wellbeing for community members. Physical inactivity is a risk factor associated with several potentially preventable chronic diseases that are prevalent in the Aboriginal and Torres Strait Islander population; heart disease, type 2 diabetes, some cancers, anxiety, depression, musculoskeletal problems, overweight and obesity and some injuries (Australian Indigenous Health Info Net, 2018)

The Community has developed a Project Plan for Sports and Recreation which identifies the need for the redevelopment of its existing court and installation of a new court. Currently the existing sports court is unsafe to use and KACC cannot develop sport or fitness programs nor invite organisations to conduct recreation programs. The installation of a new court surface and redevelopment of its existing court will, once again, attract community usage and provide an opportunity for school holiday clinics and other recreation programs.

The total expenditure identified for the project is \$62,602 (+GST).

- The total CSRFF request is \$20,000 (+GST).
- The KACC will contribute \$4,704 (+GST) through applicant cash funding and a value of \$1,650 volunteer labour through the CDP program.
- Northern Star and Evolution Mining have respectively contributed \$8,013 (+GST). An application to Lotterywest for \$20,000 (+GST) is pending.

The Shire of Coolgardie has completed the Project Assessment Sheet as part of the CSRFF application process which will be submitted with the Kurrawang Aboriginal Christian Community Incorporated's grant application and relevant attachments to the DLGSC.

CONSULTATION:

No community consultation was considered necessary in relation to the recommendation of this report.

STATUTORY ENVIRONMENT:

There are no statutory implications resulting from the recommendations of this report.

POLICY IMPLICATIONS:

There are no policy implications resulting from the recommendations of this report

FINANCIAL IMPLICATIONS:

There are no budgetary implications resulting from the recommendations of this report.

STRATEGIC IMPLICATION:

The project aligns with the Shire of Coolgardie's Community Strategic Plan 2018 to 2028 as follows:

Aspiration – An inclusive, safe and vibrant community

GOAL 1 - Build a sense of place and belonging

Outcome:

- Attracting funding to support the sustainability and growth of our local Community groups
- Facilitating events and active programs for seniors, youth and the Aboriginal community
- Continuing to support the children and youth of our community

GOAL 2 - A safe and healthy community

Outcome:

- Delivering and developing sport and recreation activities

VOTING REQUIREMENT:

Simple Majority

OFFICER RECOMMENDATION:

That Council endorse the Community Sporting and Recreation Facilities Funding (CSRFF) Small Grants application of the Kurrawang Aboriginal Christian Community Incorporated.

COUNCIL RESOLUTION: # 046/19

That Council endorse the Community Sporting and Recreation Facilities Funding (CSRFF) Small Grants application of the Kurrawang Aboriginal Christian Community Incorporated.

Moved: Councillor, S Botting

Seconded: Councillor, K Lindup

CARRIED ABSOLUTE MAJORITY 6/0

12 ELECTED MEMBERS MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

Nil

**13 NEW BUSINESS OF AN URGENT NATURE INTRODUCED BY DECISION OF MEETING
AGENDA REFERENCE:**

13.1 Elected Members

NIL

13.2 Council Officers

Council resolved to table new business of an urgent nature

Moved: Councillor, N Karafilis

Seconded: Councillor, B Logan

CARRIED ABSOLUTE MAJORITY 6/0

13.2.1

SUBJECT: Project Engineer Binneringie Road Intersection Upgrade

LOCATION: N/A

APPLICANT: NA

FILE REFERENCE: *

DISCLOSURE OF INTEREST: The Author has none to disclose

DATE: 26 March 2019

AUTHOR: James Trail, Chief Executive Officer

SUMMARY

For Council to consider authorising the engagement of Talis Consultants to have independent oversight of the project construction of the approach and junction of Binneringie Road at the Coolgardie/Esperance Highway as selected from the WALGA panel as requested by WATC

BACKGROUND:

Council in the 2018/2019 Annual Budget detailed a new loan for Haulage Campaign Binneringie Road for \$950,000.

Shire called for tenders in August 2018 and Council resolved at the September Ordinary Meeting of Council;

COUNCIL RESOLUTION: # 192/18

Moved: Councillor, N Karafilis

Seconded: Councillor, B Logan

That Council,

- 1. Authorise the Chief Executive Officer to award Tender 02/18 to (Tender B) Gencon Civil Pty Ltd (23 Santalum Street, Kambalda West WA 6442) for \$942,595.07 ex GST.**
- 2. Authorise a contract to Gencon Civil Pty Ltd for Construction of the approach and junction of Binneringie Road at the Coolgardie/Esperance Highway.**
- 3. 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.**

CARRIED ABSOLUTE MAJORITY 7/0

COMMENT:

WATC requests that the Shire commission the following independent reviews:

- A probity review of the tendering process for both projects by Moore Stephens Local Government consulting division to verify that the tendering processes have been compliant with Shire procurement policies and the Local Government Act.

- Project Governance oversight of both projects by independent consulting engineers (i.e. not the consultants who prepared the project plans and design work) selected from the WALGA panel.
- Reviews of Project Expenditure by Moore Stephens audit division at key project milestones verifying that payments are compliant with tender agreements.

Project Governance oversight of both projects by independent consulting engineers (i.e. not the consultants who prepared the project plans and design work) selected from the WALGA panel has been undertaken and completed. The evaluation of the independent consulting engineer is included as Confidential Attachment 2 Binneringie Road Intersection Upgrade Project Management.

Shire staff are in negotiation with Gencon with regard to timeline for the project. A contract has not yet been signed. A contract will be entered into on written advice from State Treasury of the Loan Funds of \$950,000 being approved.

Clearing approval for Binneringie Road has been received.

CONSULTATION:

WATC

Council

Community

STATUTORY ENVIRONMENT:

Local Government Act 1995

POLICY IMPLICATIONS:

N/A

FINANCIAL IMPLICATIONS:

Council has budgeted \$950,000 in the 2018/2019 Annual Budget. The allowance for project oversight will be absorbed within the current allowance for supervision within the current Road Construction 2018/2019 Budget.

STRATEGIC IMPLICATION:

Solutions focused and customer oriented organisation.

- High quality corporate governance, accountability and compliance.
- Effective communication and engagement processes.
- Development of Shire's resources to provide optimum benefit to the community.

VOTING REQUIREMENT:

Absolute Majority

OFFICER RECOMMENDATION:

That Council authorise the engagement of Talis Consultants to have independent oversight of project construction of the approach and junction of Binneringie Road at the Coolgardie/Esperance Highway as selected from the WALGA panel as requested by WATC

COUNCIL RESOLUTION: # 047/19

That Council authorise the engagement of Talis Consultants to have independent oversight of project construction of the approach and junction of Binneringie Road at the Coolgardie/Esperance Highway as selected from the WALGA panel as requested by WATC

Moved: Councillor, N Karafilis

Seconded: Councillor, S Botting

CARRIED ABSOLUTE MAJORITY 6/0

14 CONFIDENTIAL ITEMS

Nil

15 CLOSURE OF MEETING

Deputy Shire President Tracey Rathbone called the meeting to a close at 6.55pm and thanked all for their attendance.