



AGENDA

Ordinary Council Meeting

23 February 2021

6:00pm

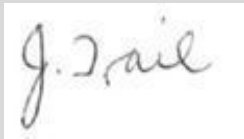
**Kambalda Recreation Centre,
Barnes Drive, Kambalda**

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 23 February 2021 commencing at 6:00pm.

A rectangular box containing a handwritten signature in black ink that reads "J. Trail".

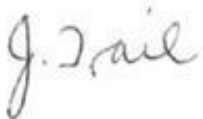
JAMES TRAIL
CHIEF EXECUTIVE OFFICER

ORDINARY COUNCIL MEETING**23 February 2021**

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

The dates, times and locations of the Ordinary Council Meetings for 2021 are listed hereunder.

<u>Day</u>	<u>Date</u>	<u>Time</u>	<u>Venue</u>
Tuesday	January 2021	NN/A	-
Tuesday	23 February 2021	6.00pm	Kambalda
Tuesday	23 March 2021	6.00pm	Coolgardie
Tuesday	27 April 2021	6.00pm	Kambalda
Tuesday	25 May 2021	6.00pm	Coolgardie
Tuesday	22 June 2021	6.00pm	Kambalda
Tuesday	27 July 2021	6.00pm	Coolgardie
Tuesday	24 August 2021	6.00pm	Kambalda
Tuesday	28 September 2021	6.00pm	Coolgardie
Tuesday	26 October 2021	6.00pm	Kambalda
Tuesday	23 November 2021	6.00pm	Coolgardie
Tuesday	21 December 2021	6.00pm	Kambalda



James Trail
Chief Executive Officer

DISCLAIMER

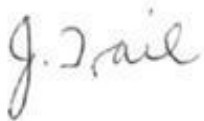
INFORMATION FOR PUBLIC ATTENDING COUNCIL MEETINGS

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 prior to 12:30pm on the day 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.

2. Public Inspection of Unconfirmed Minutes (Reg 13)

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

NOTE:**10.3 Unopposed Business**

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

QUESTION TIME FOR THE PUBLIC

(Please Write Clearly)

DATE: _____

NAME: _____

TELEPHONE: _____

ADDRESS: _____

QUESTION TO THE PRESIDENT:-

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

ITEM NO: _____ PAGE NO: _____

PLEASE PASS TO THE CHIEF EXECUTIVE OFFICER FOR REFERRAL TO THE PRESIDENT BY 2.30PM ON THE DAY OF THE MEETING AT THE KAMBALDA OFFICE, IRISH MULGA DRIVE, KAMBALDA OR AT THE COOLGARDIE OFFICE, BAYLEY STREET, COOLGARDIE.

SHIRE OF COOLGARDIE

DISCLOSURE OF INTERESTS**TO THE CHIEF EXECUTIVE OFFICER:**

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

TUESDAY _____	2021
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Where indicated by the word 'YES' in column 6, I will be seeking a determination (under Section 5.68) by the meeting, for reasons I will expand on.

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

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

ITEM	PAGE No.	TYPE	REASON

For inclusion for interest declaration

Interests Affecting Impartiality: Disclosing Statement

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



APPLICATION FOR LEAVE OF ABSENCE

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

Dates, From _____ to _____

Signed Cr: _____

Date _____

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- 1 DECLARATION OF OPENING / ANNOUNCEMENT OF VISITORS
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- 4 RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

Nil
- 5 PUBLIC QUESTION TIME
- 6 APPLICATIONS FOR LEAVE OF ABSENCE

7 CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS

7.1 MINUTES OF THE ORDINARY COUNCIL MEETING HELD ON 15 DECEMBER 2020

Date: 19 February 2021

Author: Kristie Brown, Executive Assistant to the CEO

ATTACHMENTS

1. Minutes of the Ordinary Council Meeting held on 15 December 2020

VOTING REQUIREMENT

Simple majority

OFFICER RECOMMENDATION

That the Minutes of the Ordinary Council Meeting held on 15 December 2020 be confirmed as a true and accurate record.

7.2 MINUTES OF THE SPECIAL COUNCIL MEETING HELD ON 12 JANUARY 2021

Date: 19 February 2021

Author: Kristie Brown, Executive Assistant to the CEO

ATTACHMENTS

1. Minutes of the Special Council Meeting held on 12 January 2021

VOTING REQUIREMENT

Simple majority

OFFICER RECOMMENDATION

That the Minutes of the Special Council Meeting held on 12 January 2021 be confirmed as a true and accurate record.

7.3 Minutes of the Annual Electors Meeting held on 12 January 2021

Date: 19 February 2021

Author: Kristie Brown, Executive Assistant to the CEO

ATTACHMENTS

- 1. Minutes of the Annual Electors Meeting held on 12 January 2021**

VOTING REQUIREMENT

Simple majority

OFFICER RECOMMENDATION

That the Minutes of the Annual Electors Meeting held on 12 January 2021 be confirmed as a true and accurate record.

8 ANNOUNCEMENTS BY PRESIDING PERSON WITHOUT DISCUSSION**8.1 PRESIDENT'S REPORT - FEBRUARY 2021****Date: 18 February 2021****Author: Malcolm Cullen, President**

The year of 2021 has commenced at a fairly hectic rate in the Shire of Coolgardie, with the Management Team working on several projects about to commence as well as preparing the first quarter Budget Review. Road construction on the Jaurdi Hills Road realignment has been completed and the major upgrade of Coolgardie North Road is underway.

Preliminary survey work is being carried out along Bayley Street with the aim of producing extensive designs for the future upgrade of the whole street including the roadway, parking, kerbs and footpaths.

The Shire has been consulting with Main Roads on this project for some time now to partner with the State and Federal Governments to work on a staged series of work over the next two years to commence this upgrade on one of the busiest roads in the Goldfields Region.

Staff have also been working on the tenders received for the Coolgardie Post Office Precinct restoration project. A report to Council will be included in this month's OCM for consideration and endorsement by Council. The Shire's Management Team have put a lot of time and effort into the planning and design stages of this project being the whole precinct is Heritage listed and it will be most gratifying to be able to commence the work.

The Executive Management Team from St John visited Kambalda in January led by their CEO Michelle Fyfe. Councillors and Staff had the opportunity to discuss the operating model of Kambalda's Primary Health partnership with the Shire and the St John Ambulance Service in the town. They also inspected the new facility that has been recently completed at the rear of the Recreation Centre, that will house the ambulance and St John volunteer transport vehicle. The Kambalda volunteers are most appreciative of the new facility which will ensure their turnout times are much more effective.

This year's Australia Day events in both Coolgardie and Kambalda were very well received and attended by our residents and supported by the local mining companies and business.

The event in Kambalda commenced with a Citizenship Ceremony and followed by the Australia Day Citizenship Awards and various entertainment in the pool with over 500 people enjoying the breakfast and the day's activities.

The event in Coolgardie attracted over 300 people in the Park to enjoy the cooked breakfast, followed by the Award presentations and live music in the background. It was very pleasing to see many new faces at this year's event, giving an indication that we are seeing quite a lot of people investing and moving into our towns, which is good news.

I would like to congratulate everyone who received an Australia Day Award this year as they were all most deserving. It was also extremely pleasing to see such a large number of Nominees this year (41 in total) which demonstrates many of our residents appreciate the work and time these people devote to their community.

Meetings and Workshops attended this period:

- December 14th WALGA Infrastructure Policy Team zoom meeting.
- Citizenship Ceremony and Council Meeting in Kambalda 15th December.
- December 16th G E Camel Industry Group workshop in Kalgoorlie.
- GVROC zoom meeting to discuss agenda items for regional meeting in Esperance.
- December 18th attended Shire Christmas Windup in Kambalda.
- January 12th Special Meeting of Council and Annual Meeting of Electors in Coolgardie.
- Met with the Judamul Aboriginal Advisory Group in Coolgardie to discuss community initiatives and projects.

- January 18th attended Council Panel meeting in Kambalda to assess Australia Day Award nominations.
- January 21st St John Executive visit to Kambalda.
- Meeting in Kalgoorlie with GEDC and Department of Communities to discuss public housing matters in the Shire January 22nd.
- January 24th site meeting at Coolgardie Horse Block with the CHAPA committee to discuss future Development and the Equestrian Arena proposal.
- Australia Day event.
- January 28th GVROC zoom meeting to discuss final agenda for regional meeting in Esperance in February
- February 4 - 5th travel to Esperance for Annual GVROC meeting.
- Attended Budget Review and Briefing Forum February 9th in Kambalda.
- Zoom meeting with staff and Southern Cross Infrastructure to discuss a proposal for renewable energy using solar and battery storage facilities.
- February 15th attended the GE Camel Industry Group workshop in Kalgoorlie.
- GVROC zoom meeting to discuss WALGA State Council agenda. February 19th.

Malcolm Cullen
Shire President.

9 PETITIONS / DEPUTATIONS / PRESENTATIONS / SUBMISSIONS

Nil

10 REPORTS OF COMMITTEES

11 REPORTS OF OFFICERS**11.1 Executive Services****11.1.1 LEGISLATIVE MATTERS****Location:** Shire of Coolgardie**Applicant:** N/A

Disclosure of Interest: The author may be affected by the proposed Code of Conduct (depending on what is adopted and its application).
The author discloses that he has been engaged by the CEO to undertake the evaluation of the CEO's contract and the CEO Standards and to provide a report to the CEO and Council, on what amendments, if any, need to take place to ensure consistency and compliance.
The CEO is affected by the CEO Standards but given they became Council Standards by virtue of legislation, with no requirement for Council consent, there is no interest to declare in relation to this Report.
If additional Standards are considered for adoption by Council, and which may affect the CEO, then appropriate declarations will be made.
In relation to the Officer Recommendation regarding the CEO's contract, given it relates to the provision of a report to the Shire President and Council at March OCM, the CEO has no interest to declare in this recommendation, however, the CEO will ensure disclosures are made and appropriate actions taken when Council considers the report at the March OCM
The CEO had no role in the preparation of the Report and recommendation regarding this issue, other than commissioning the consultant to prepare the agenda item.

Date: 11 February 2021**Author:** Steven Tweedie, Consultant**SUMMARY**

Council was advised in 2019 and 2020 of a range of matters covered by the Local Government Legislation Amendment Act 2019 which, amongst a range of matters includes requirements:

- for the introduction of a mandatory code of conduct for council members, committee members and candidates for election.
- to adhere to minimum standards covering the recruitment, selection, performance review and early termination of Chief Executive Officers.
- to prepare and adopt a code of conduct for employees as soon as is practicable

The Regulations have now been commenced and the new Code of Conduct is attached and has been circulated to all Council Members, upon its commencement.

BACKGROUND**1. Code of Conduct for council members, committee members and candidates for election.**

The Regulations provide a mandatory code of conduct with three parts and apply to council members, committee members and candidates running for election:

- Part A – principles - overarching behaviours that council members, committee members and candidates must take into consideration in their role as public representatives, or potential public representatives.

- Part B – behaviour - sets out the standards of behaviour which enable and empower council members to meet the principles outlined in Part A. Behaviour is expected to be managed at the local level by the local government, so Part B also deals with how complaints are to be managed.
- Part C – rules of conduct - matters that negatively affect the honest or impartial performance of a council member or involve a breach of trust placed in the council member or involve the misuse of information or material.

Local governments must adopt their own Code within three months of the amendments taking effect, which may be the “model” Code, which took effect on Feb 3 2021, with or without additional provisions. Until their own Code is adopted, the model Code applies.

Local government cannot amend Parts A and C, may amend B, if not inconsistent with Code.

There are also some general principles which apply to council members, committee members and/or candidates including matters relating to:

- general principles (personal integrity) – council members and committee members only
- general principles (personal integrity) – council members, committee members and candidates
- general principles (relationships with others) - council members and committee members only
- general principles (accountability) - council members and committee members only
- behaviour (personal integrity) – council members and committee members only
- behaviour (personal integrity) – council members, committee members and candidates
- behaviour (relationships with others) – council members, committee members and candidates

Other matters include:

- Dealing with complaints about alleged breaches
- Local government to deal with complaints, make finding and determine action, if proven
- Rules of Conduct matters:
 - Misuse of local government resources, especially for electoral purposes
 - Prohibition on securing personal advantage or disadvantage to others
 - Prohibition against involvement in administration
 - Relations with local government employees – council members and candidates
 - Disclosure of information
 - Disclosure of interests

Most of the provisions in the new Code are the same, or like existing provisions in the Shire of Coolgardie Code of Conduct for Council Members and Committee Members.

The CEO will review subsequent advice from WALGA, DLGSCI and LG Professionals and provide a further report to March or April OCM on options for “tailoring” the Shire of Coolgardie Code of Conduct to reflect local council, organisational and cultural contexts.

To that end the CEO is discussing the provision of both training for council members on the new Code of Conduct, as well as workshopping opportunities for “tailoring” the Code, likely to be mid-March 2021.

1.1 Appointment of Complaints Officer

The Code requires at 11(3) - “The local government must, in writing, authorise 1 or more persons to receive complaints and withdrawals of complaints.” and DLGSCI advise that this appointment should occur prior to

February 2 2021. This relates to Division 3 of the Code of Conduct and applies to Council Members, Committee Members and candidates regarding:

- personal integrity
- relationships with others
- Council or Committee meetings

It should be noted that there will be, thus 2 Complaints Officers for 2 different purposes - but of course they may be the same person.

There is a requirement under s5.120 of the LGA to appoint a Complaints Officer (who is the CEO, by default, unless another employee is appointed), in relation to the (former) Rules of Conduct Regs matters, which are now incorporated into the Code of Conduct via Division 4 of the Regs. These apply to Council Members and candidates but not Committee Members and relate to:

- misuse of local government resources
- securing personal advantage or disadvantaging others
- prohibition against involvement in administration
- relationship with local government employees
- disclosure of information
- disclosure of interests

The other difference between the 2 Complaints Officer positions is that the s5.120 (Division 4 of CoC) appointment must be an employee, or the CEO by default whereas the Division 3 may be any person.

For the Division 3 appointment there is merit in Council considering the appointment of the Shire President as a Complaints Officer – there may be more than one. Doing so would emphasise the Shire President's role as captain of the elected member team and ensure more appropriate consideration of a complaint in some instances, especially by a council member against another council member, where the CEO may find accepting the complaint as difficult.

The Shire President would still have access to the CEO and executive support in dealing with any complaint.

As this decision to appoint the CI 11 (2) Complaints Officer is made by the local government it is capable of being delegated to the CEO under s5.42 of the LGA. Accordingly, it is proposed that the CEO be delegated to make the appointment.. The CEO proposes to use the delegation to appoint the CEO, in the first instance and the delegation will also allow the CEO to appoint another employee, if he wishes.

1.2 Approval of Complaints Form

Local Governments must also approve a complaint form in accordance with cl. 11(2)(a) of the Code of Conduct. It is proposed that the DLGSC template be used for this purpose and it is attached.

2. Code of Conduct for employees

The Local Government Regulations Amendment (Employee Code of Conduct) Regulations 2021 (Employee Code of Conduct Regulations) took effect February 3 2021 and require the CEO to prepare and implement a Code of Conduct for employees.

The CEO has delegated authority (RoD 1.18) to make and adopt the CoC for employees and has done so at CEO Policy 1.01 although some of the Code needs rewriting to address the new provisions especially in relation

to the CEO determining gift rules for employees (rather than the legislation, as occurred prior). The CEO proposes to advance a review of the CoC for employees in the near term, until such time as WALGA produces a template CoC that can be considered for adoption.

The CEO is required to make and implement a Code of Conduct for employees, which must address such matters as:

- gifts – including the threshold for prohibited gifts for all employee (but not the CEO, who is covered by prior legislation)
- conflicts of interest
- the behaviour expected of an employee in relation to each of the following:
 - the performance of the employee’s duties,
 - the employee’s dealings with other employees and the broader community,
 - the use and disclosure of information acquired by the employee in the performance of the employee’s duties,
 - the use by the employee of the local government’s finances and resources; and
- the way in which the records of the local government are to be kept by an employee; and
- matters relating to
 - the reporting by an employee of suspected breaches of codes of conduct and unethical, fraudulent, dishonest, illegal and corrupt behaviour; and
 - the way in which suspected breaches of the code of conduct by an employee and unethical, fraudulent, dishonest, illegal and corrupt behaviour of an employee are to be managed.

It is up to the CEO to develop a new Code of Conduct addressing the relevant factors in the new legislation, with the major issue being the decision about what gifts, if any, may be accepted, and if so, under what circumstances by Shire employees.

The CEO proposes to engage with all employees to understand the practical issues often encountered - a “gift” of a cold drink from a shop owner to employees working on the footpath outside, or a carton offered to outside employees who stop to help a tourist with a flat tyre, a modest gift of a box of chocolates to library or rec centre employees etc.

The CEO will report to Council once a new Code has been made by him, to advise of the principles and specifics in the Code.

Although this is not a matter for Council decision, the update is provided for completeness and it is proposed that the CEO update Council Members in due course of the key elements of the adopted Code so that the latter have an awareness of some of the detail, in case asked by the public or other stakeholders.

WALGA has indicated that it will prepare a template Code of Conduct for Employees and the CEO will await this for consideration, prior to determining (in consultation with employees) what final form the Code will take.

3. Standards for the recruitment, selection, performance review and termination of Local Government CEOs.

In October 2020, the DLGSCI published draft regulations that would introduce mandatory minimum standards covering the recruitment, selection, performance review and early termination of local government Chief Executive Officers.

The model Standards became operative Feb 3 2021, and prescribe model standards for the recruitment, selection, performance review and termination of Local Government CEOs.

The Standards, are therefore now the Standards of the Shire of Coolgardie and are attached.

In addition to prescribing minimum requirements for these processes, the CEO Standards will also require Local Governments to advertise the position of CEO if a period of 10 or more years has elapsed since a recruitment process has been carried out.

The Council may, in due course vary them to reflect localised circumstances, by adding additional provisions.

The Standards deal with such matters as:

- Recruitment of CEOs - selection criteria, job description, advertising the vacancy, selection panel,
- Contract of employment, mandatory advertising after 10 years of incumbency,
- Performance review of CEO
- Termination of CEO

There are additional requirements in the Regulations dealing with the employment or termination of the CEO and which require the Council to “certify” certain matters (in such an event) by way of resolution and to provide same to the DLGSCI.

There are also matters in the new Regulations regarding the performance review of the CEO which need to accord with those in the current CEO contract.

WALGA has recommended that Shire Presidents and CEOs should initiate discussions to determine whether any inconsistencies exist between the CEO Standards and the CEO’s employment contract and previously agreed Performance Review arrangements. If inconsistencies exist, it may be appropriate to seek industrial relations advice to assist with negotiation and referral to Council (as the employing authority) for decision if required.

The CEO has engaged the author of this Report, as an independent person, to assess the CEO’s contract against the CEO Standards and to provide a report to Council and the CEO, on the extent of consistency and compliance between the two documents. It is likely that there will be some matters now contained in the CEO Standards which are not addressed in the CEO’s contract, and as such amendments may need to be agreed between Council and the CEO and to made to the CEO’s contract.

It is envisaged that the report on this matter will be available for Council to consider, along with any amendments to the CEO’s contract at the March OCM.

3.1 Policy for temporary employment or appointment of an acting CEO required

Council have previously been advised of the likely need to consider and adopt a Policy on appointing an ACEO. Currently the CEO has delegated authority to make such an appointment for up to 4 weeks but may only appoint either the Director of Operations or Director of Economic and Community Development, with any proposal to appoint any other person for any duration, or either Director, for longer than 4 weeks, requiring a Council decision.

New s5.39C of the LGA requires the local government to adopt such a policy, by absolute majority. DLGSCI advises that where the role of CEO is not fulfilled for a significant period, this leads to increased risk to the operations and governance of the local government. Therefore, local governments are required to develop and implement a policy that outlines the arrangements to temporarily replace a CEO for any period less than twelve months, for example, when a CEO is on planned or unplanned leave. The policy must include the decision-maker(s) for appointing an acting CEO.

The policy must be made available on the local government's official website.

While considering options for the recent appointment of an ACEO in January 2021 it was clear that the current Policy should be more flexible, especially if the need arises to call a SCM, at short notice, just to determine such a matter.

Accordingly, the attached Policy for Council consideration and adoption, provides greater flexibility for the short-term appointment of an ACEO, whilst retaining all prior provisions regarding appointments of a duration exceeding 20 workdays.

In addition, the Delegation from Council to the CEO needs to be amended to reflect the proposed Policy, and it is attached for consideration and adoption.

COMMENT

Covered in background above.

CONSULTATION

Consideration was given to the Minister's media statement, advice from DLGSCI, WALGA and LG Professionals

STATUTORY ENVIRONMENT

Addresses commencement of provisions of the Local Government Act 1995, the Local Government (Model Code of Conduct) Regulations 2021, Local Government (Administration) Amendment Regulations 2021 and Local Government Regulations Amendment (Employee Code of Conduct) Regulations 2021.

POLICY IMPLICATIONS

The new Code of Conduct for Council Members, Committee Members and candidates for election will replace the former relevant Code provisions in the Council Policy Manual. The remaining provisions of the former Code regarding employees will continue until the CEO makes a new Code to apply to employees.

The new CEO Standards as Council Policy, will be included in the Council Policy Manual.

In due course, when the CEO makes the Code of Conduct for employees, it will be included in the CEO Management Policy Manual.

The Council Policy Manual will be amended by Council adoption of the proposed Policy on the appointment of an ACEO.

The Register of Delegations will be amended by Council adoption of the proposed delegation regarding the appointment of an ACEO and in relation to the appointment of the Complaints Officer.

FINANCIAL IMPLICATIONS

Nil

STRATEGIC IMPLICATIONS

Accountable and effective leaders

High quality corporate governance, accountability and compliance

ATTACHMENTS

1. Acting CEO Policy
2. Code of Conduct Breach Form
3. CEO Model Standards
4. Code of Conduct for Council Members
5. Delegation - Acting CEO

VOTING REQUIREMENT

Absolute Majority

OFFICER RECOMMENDATION

That, in relation to the Code of Conduct applying, by default to Council Members, Committee Members and candidates for election, that Council resolves:

1. By absolute majority to adopt and apply the model Code of Conduct (as attached) as per the Local Government (Model Code of Conduct) Regulations 2021,
2. The CEO consider any subsequent advice provided by the DLGSCI, WALGA and LG Professionals and bring a further report to the March or April Council Ordinary Council Meeting on options for a tailored Code of Conduct to be adopted by the Shire of Coolgardie and applied to Council Members, Committee Members, and election candidates and that Council at the April 2021 OCM consider the adoption of the new Code of Conduct, with or without such additional provisions as might be appropriate for the Shire of Coolgardie,
3. As a matter of urgency the CEO provide training to Council Members on the provisions of the new Code and their implications to Shire of Coolgardie Council Members and Committee Members (where relevant).
4. To authorise the Shire President to receive complaints and withdrawals of complaints for the purposes of c111(3) of the Code of Conduct for Council Members, Committee Members and election candidates.
5. By absolute majority, pursuant to s5.42 of the Local Government Act 1995 to delegate authority to the CEO to authorise as the Complaints Officer for the purposes of cl11(3) of the Code of Conduct for Council Members, Committee Members and election candidates, and that this happen expeditiously following the Council meeting to ensure compliance.
6. The Complaint Form for the purposes of cl 11(2) of the Code of Conduct for Council Members, Committee Members, and election candidates, be approved, as attached.
7. In relation to the need to review and adopt a new Code of Conduct for Employees, the CEO is encouraged to seek the views of all employees on whatever is proposed, especially regarding the gift limits and processes.
8. Council be provided with a briefing in due course on the final form of the Code of Conduct for employees so that Council Members are generally aware of the rules applying to all employees.
9. The Shire President and CEO provide a report for Council consideration at the March 2021 Ordinary Council Meeting on the comparison between the CEO's contract and the CEO Standards and advise what steps, if any, need to be taken to ensure compliance and consistency.
10. By absolute majority, pursuant to s5.42 of the Local Government Act to delegate to the CEO the authority and duty to appoint an Acting Chief Executive Officer and that Delegation 1.16 be amended in accordance with the draft instrument provided.

11. **By absolute majority**, to amend Council Policy ...regarding the appointment of an Acting Chief Executive Officer by adopting the draft instrument provided, in compliance s 5.39C of the Local Government Act 1995.

11.1.2 PUBLIC INTEREST DISCLOSURE POLICY

Location: Shire of Coolgardie
Applicant: NIL
Disclosure of Interest: NIL
Date: 2 February 2021
Author: Steven Tweedie, Consultant

SUMMARY

The Shire currently has a Council Policy addressing Public Interest Disclosures (PID) but a recent review has highlighted that the Policy is better placed within the CEO Management Policy Manual, given the CEO has specific authorities and responsibilities under the Act.

BACKGROUND

The Public Interest Disclosure Act requires the CEO to prepare and publish internal procedures relating to the authority's obligations under the Act – s 23 1(e). As such it is not a matter readily applicable to Council Policy making.

The Shire of Coolgardie has a Council Policy affirming commitment to PID principles but which also references a State Government Code, whereas the Act requires the CEO to develop procedures (pertinent to the Shire of Coolgardie and its administration).

Accordingly, the CEO proposes that Council delete the Policy from the Council Policy Manual, on the basis that the CEO will prepare comprehensive procedures in support of the Act and adopt them as a CEO Management Policy.

Pursuant to the PID Act and 12.5 Register of Delegations, Sub-Delegations, Authorisations and Appointments the Principal Executive Officer is the Chief Executive Officer who has designated the Manager Executive Services and Executive Assistant to the Projects Manager. as the person responsible for receiving disclosures of public interest information.

CONSULTATION

James Trail, Chief Executive Officer (and as a Principal Executive Officer under PID Act)

Robert Hicks, Director of Operations (and as PID Officer under PID Act)

STATUTORY ENVIRONMENT

Public Interest Disclosure Act 2003 and Regulations

POLICY IMPLICATIONS

Council Policy 1.11 and 12.5 Register of Delegations, Sub Delegations, Authorisations and Appointments

FINANCIAL IMPLICATIONS

Not arising from this report.

STRATEGIC IMPLICATIONS**Accountable and effective leaders**

High quality corporate governance, accountability and compliance

ATTACHMENTS

1. PID Policy

VOTING REQUIREMENT

Simple majority

OFFICER RECOMMENDATION

That Council amend the Council Policy Manual by deleting current Policy 1.11 – Public Interest Disclosure, on the basis that the CEO proposes to develop and adopt a more comprehensive Policy in relation to Public Interest Disclosures and related procedures to be included in the CEO Management Policy Manual.

11.1.3 COOLGARDIE WASTE FACILITY

Location: Coolgardie
Applicant: Shire Coolgardie
Disclosure of Interest: Nil
Date: 10 February 2021
Author: James Trail, Chief Executive Officer

SUMMARY

That Council;

1. Receive the DWER Application Works Approval for the Coolgardie Waste Facility
2. Endorse the Coolgardie Waste Facility Project upgrade to a Class 3 Facility and allocation of additional expenditure for Cell 1, Stage 1, Leachate Pond Construction, Miscellaneous, Site Establishment, disestablishment and site management, and Contingency in the Budget Review 2020/2021 against project number RS005

BACKGROUND

The Shire of Coolgardie (the Shire) operates the Coolgardie Waste Facility (the site), which is currently registered (R1550) as a putrescible waste landfill site under the Environmental Protection Regulations 1987 (EP Regulations) (Category 89: putrescible landfill site with a production or design capacity of greater than 20 tonnes and less than 5,000 tonnes per year). The site accepts waste from Coolgardie and adjacent areas, including from the Kambalda township and surrounding areas following planned closure of the landfill and the opening of the waste transfer station at the Kambalda Waste Facility. As a significant regional (Kalgoorlie) and industrial (mining) centre, the Goldfields Esperance Region has a significant and diverse waste profile; however, current waste management infrastructure in the region is considered insufficient and unproductive. To provide suitable waste management facilities in the long term, the Shire is proposing to develop a best-practice waste management facility in the region. The existing Coolgardie facility provides an ideal location to develop such a facility from a geotechnical, proximity to waste sources, environmental and social perspective. As part of such a facility, the Shire is proposing to develop a new Class III landfill cell that will enable it to provide an alternative and local waste disposal option for waste producers in the region

The Shire of Coolgardie has identified in its Long Term Financial Plan and 2020/21 Budget the upgrade of the Coolgardie Tip Site to a class 3 Facility as a major infrastructure project to diversify its revenue base. The 2020/21 Budget includes;

- Vehicles and plant and equipment \$195,000
- Siteworks and design of landfill site \$816,000
- Weighbridge and Software \$180,000
- Roadworks, fencing and drainage \$460,000

Over the past 18 months, the Shire has undertaken feasibility studies to expand its current tip site in Coolgardie into a 30,000 tonne per annum Class III Waste Management Facility. The intent is for the facility to process municipal solid waste, commercial and industrial waste and/or pre-sorted construction and demolition waste with a separate stream for the recycling of tyres, conveyor rubber and plastics. The Shire of Coolgardie has been preparing an application to submit to DWER this Class 3 Facility.

At the Ordinary Meeting of Council on the 28th July 2020, Council resolved;

RESOLUTION #1/2020**Moved:** Cr Tracey Rathbone**Seconded:** Cr Tammee Keast**That Council**

1. **Approve making application for an amount of \$1,500,000 to be borrowed for the purpose of renewal of the Coolgardie Tip Site into a class 3 facility, and**
2. **Note that the intended purposes of the funding include;**
 - **Vehicles, plant and equipment**
 - **Siteworks and design of class 3 cells**
 - **Weighbridge and Software**
 - **Shredder**
3. **Agree to a 10 year fixed rate term for the amount borrowed, and advise the Western Australia Treasury Corporation of the Shire's intention to borrow funds, and**
4. **In accordance with section 6.20 of the Local Government Act 1995 gives one month's notice of the Shire's intention to borrow \$1,500,000 for the purpose of renewal of the Coolgardie Tip Site into a class 3 facility**

In Favour: Crs Malcolm Cullen, Tracey Rathbone, Sherryl Botting, Norm Karafilis, Tammee Keast, Kathie Lindup and Eugen Winter

Against: Nil

CARRIED BY ABSOLUTE MAJORITY 7/0

COMMENT

The premises occupy Reserve 3497 (Lot 501 on Deposited Plan 255090), which is vested with the Shire for use as a waste disposal site. The site comprises approximately 40.5 ha of land and is bordered by Unallocated Crown Land (UCL) to the north, west and east and Crown Lease (GE M-446507) to the south and southwest. The site is accessed from Great Eastern Highway via Tip Road and is secured by post and wire fence and lockable gates. As part of improvement works being carried out by the Shire, the fencing is being upgraded to cyclone fencing with CCTV, razor wire, and electrification at strategic locations.

The existing Coolgardie Waste Facility is Registered as a category 89 prescribed premises under Part V of the Environmental Protection Act 1986 (EP Act). Category 89 limits landfilling to no more than 5,000 tonnes/year of Class II (putrescible) waste, with operations regulated under the Environmental Protection (Rural Landfill) Regulations 2002, including:

- Tipping area (< 30 m length, < 2 m above ground) and covering waste;
- Fencing;
- Litter, stormwater and dust management;
- Separation distances;
- Green, clinical and asbestos waste disposal; and
- Post closure plan.

Waste is delivered by commercial waste contractors and individual residents and businesses. Commercial deliveries are typically via 5-8 tonne waste trucks or skip bins. Individual deliveries comprise a small portion (about 10%) of the received waste volume and are typically via light vehicles and trailers. Wastes are managed as follows:

- Putrescible waste, asbestos and tyres: landfilled in unlined cells;
- Dead animals: landfilled in separate trenches/pits;
- Car bodies and metals: stockpiled and collected by metal recycler;
- Mineral oils: stored in two 1,500 litre tanks and collected by oil recycler;

- Building rubble: stockpiled and reused on-site; and
- Green waste: stockpiled, dried and burnt in trenches.

The facility is manned during opening hours six days a week. A D5 traxcavator is used to compact landfill waste; and a backhoe, loader and side tipper truck are used to excavate and transport materials on the site.

The new landfill cell (**Refer to Attachment Coolgardie Landfill Site Plan**) will be constructed on the western portion of the site and has been designed on the basis of the criteria:

- The expected life of the landfill cell is 30 years;
- The assumed annual waste quantity is 30,000 tonnes per year of Class III waste;
- Use of cover materials account for approximately 15% of the waste fill;
- Use of other miscellaneous engineering materials account for approximately 10% of the waste fill; and
- Combined post-settlement density for waste, cover and miscellaneous engineering materials is approximately 1 tonne/m³

The landfill cell will be constructed progressively in seven stages and will have a footprint of approximately nine hectares with rectangular geometry of 450 m in length and 200 m in width.

The following staged approach has been endorsed by the Shire and has been incorporated into the detailed design of the 30 year landfill cell:

- 3 year annual throughput for Stage 1;
- 4 year annual throughput for Stages 2-4; and
- 5 year annual throughput for Stages 5-7.

The following design parameters have been considered for Stage 1 of the landfill cell.

- The footprint has been determined to cater for 125,000 m³ of waste, assuming 1V:3H slopes for waste placement and top waste contours developed as part of detailed design;
- The subgrade of Stage 1 cell will be over excavated to allow for construction and operation of the cell;
- The proposed elevation of compacted clay liner is greater than 2 m above the groundwater level;
- The cell base comprises 1% slope from east to west and 3% slopes in north to south direction;
- Sidewalls have been designed at 1V:3H; and
- Given that future stages of landfill cell will be constructed by tying-in to the previous stage of, a bund will be incorporated into the design along the northern boundary of cell floor.

This works approval application relates to Stage 1 of the landfill cell, including construction of:

- Liner for the majority of the cell floor and the southern batter as well as partial areas of the eastern and western wall;
- Northern separation bund to contain leachate until future cells are constructed to the north;
- Stormwater management infrastructure (southern detention basin);
- Leachate management infrastructure;
- Temporary and permanent access roads; and
- Perimeter screening berm.

It is anticipated that future stages of the landfill cell development will be authorised through separate works approvals or sequential licence amendments, should a licence to operate the landfill be granted by DWER.

Construction works will be carried out in accordance with a Construction Environmental

Management Plan (CEMP) to be prepared and implemented by the Shire's principal contractor.

On completion of works approval construction and Critical Containment Infrastructure reporting and approval requirements, the Shire will prepare and implement a Landfill Environmental Management Plan (LEMP) to include the operation and management of the new Stage 1 landfill infrastructure. The LEMP for the new site will focus on the operation of the new landfill cell and the consolidation and gradual placement of waste material currently landfilled above ground on-site into the new cell providing a better environmental outcome. This consolidation of currently landfilled waste will release areas of the site for the future development in line with the conceptual site plan. The LEMP will also cover the acceptance and management of wastes accepted on site that will not be disposed of to landfill, such as tyres and rubber, HDPE pipe, scrap metal and hydrocarbon/household chemicals resulting from the civic amenity aspects of the current site operation.

The LEMP will be provided to DWER on completion of works approval construction and as part of an application for a licence to operate the whole site (i.e. superseding the current registration and including the operation of the new landfill cell).

The LEMP will cover the following aspects:

Site access and trafficability

Access to the site will continue to be primarily through the gate on Coolgardie Tip Road. Access to the landfill cell will be formed in conjunction with bulk excavation works as part of progressive construction of the landfill stages. The access track layout and arrangement may change as cell sequencing occurs. Indicative access track arrangements will be revised during the operation of the landfill.

Waste acceptance

On entering the landfill site, all incoming waste will be weighed over a new weighbridge where the waste type and quantity will be recorded. Each load will be inspected to identify the waste type and appropriate handling. Typically, this will include:

- Recycling – maximising waste diversion from landfill to reduce the quantity of waste going to landfill;
- Non-conforming waste - quality control to ensure that only conforming solid waste is received on site and/or landfilled; i.e. only Class III waste to be accepted:
 - Clean fill;
 - Inert Waste Type 1;
 - Uncontaminated fill;
 - Neutralised acid sulphate soil;
 - Putrescible wastes;
 - Contaminated solid waste meeting waste acceptance criteria specified for Class III landfills;
 - Inert Waste Type 2; and
 - Special Wastes Type 1, Type 2 and Type 3.

Rejected loads will be quarantined and removed from site to a suitably licensed facility.

Prevention of liner damage

A soil protection layer will be installed during the operation phase of the landfill to prevent damage to the lining system. A trial pad will also be undertaken prior to installation of the soil protection layer to ensure the placement methodology does not result in any damage to the exposed geosynthetics on the sidewall.

Blending and placement of waste material

Protocols will be developed to ensure that the waste is placed in such a manner to ensure stable a stable landform and uniform settlement across the landfill. This may include blending of waste streams or segregation

of large volumes of single waste types in specific cells. The stability assessment of the landfill assumed that waste would be placed at a ratio of two horizontal to one vertical unit.

The operational plan will describe the management of operational landfill activities, including control of the size and height of active and exposed tipping areas, placement and compaction of deposited waste, and the use of daily and intermediate cover material.

Special handling

Specific procedures will be developed for waste types accepted at the site that will require special handling requirements (either for landfilling, segregation or separation and recycling). These waste types may include:

- Construction and demolition waste – segregation and separation of materials for use on-site (e.g. in access tracks, hardstand), use as cover material or for segregation and storage for reuse/recovery;
- Tyres and rubber – segregation and storage for reuse/recovery;
- Mattresses – general management in landfilling operations;
- Green waste – segregation for storage for shredding, composting or use in landfill rehabilitation;
- Asbestos and clinical waste – general management of high risk wastes in landfilling operations.

Currently the Shire of Coolgardie is preparing a specification for a proposed Reveal and Sorting Facility in order to handle and receive waste types that might require special handling. It is anticipated such a facility will provide the capacity to segregate waste in the Goldfields region and deliver new industry employment outcomes.

Cover and capping material

Cover and capping material will be generated by excavating in areas of future landfill stages. The extent and depth of excavation required will be adequate to source all soil required for both regular cover material and final capping material. Stockpiles will be managed to prevent dust generation, erosion and sedimentation run-off.

Environmental controls

The operational plan will describe the environmental controls required to ensure that any potential environmental impacts are managed. This will include:

- Surface water;
- Leachate;
- Groundwater;
- Landfill gas (post Stage 1, if required);
- Dust, noise and odour;
- Litter and vermin; and
- Fire.

An estimated costings and bill of quantities has been included in the application to DWER. Estimates have been taken from Rawlinson's "Australian Construction Handbook", adjusted for Regional WA conditions. The bill of quantities comprises:

- Site Preparation and Earthworks,
- Cell 1, Stage 1
- Leachate Pond Construction,
- Miscellaneous,
- Site Establishment, disestablishment and site management,
- Contingency

The most significant cost is for the cut to final subgrade level of 108,300 m³ of earthworks to construct Cell 1 and the supply and place compacted clay liner. It is estimated the cost per m³ will be significantly less than that used in the engineering estimates. The rates and estimates used do not take into account the availability and access to major plant and equipment in the Region.

The estimated cost for Site Preparation and Earthworks, Cell 1, Stage 1, Leachate Pond Construction, Miscellaneous, Site Establishment, disestablishment and site management, and Contingency is estimated at \$2.3 million. Tender specifications are currently being prepared for this work as well as a revised Business Plan.

CONSULTATION

Stakeholder consultation activities carried out to date includes:

- Project team briefing to stakeholders in June 2019;
- Project team briefing to Council in January 2020;
- Shire CEO and project team consultation with local industry stakeholders;
- Discussion with adjacent land owner and resident;
- Multiple published Shire reports to Council regarding the development of the site;
- Community workshops regarding waste management in the Shire and the development of the site;
- Imminent community survey regarding constituent views on waste management in the Shire including the use and development of the site.
- Discussion with Government Agencies including DWER

STATUTORY ENVIRONMENT

Nil

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

The Shire of Coolgardie has identified in its Long Term Financial Plan and 2020/21 Budget the upgrade of the Coolgardie Tip Site to a class 3 Facility as a major infrastructure project to diversify its revenue base. The 2020/21 Budget includes;

- Vehicles and plant and equipment \$195,000
- Siteworks and design of landfill site \$816,000
- Weighbridge and Software \$180,000

The Shire has been in consultation with the WATC in regards to borrowing \$1,500,000 for 10 years. The annual repayments are estimated to be \$159,709.

The loan would effectively become self-supporting as the Shire is estimated to increase its revenue base by \$1.6 million.

The Shire in its 2020/21 Budget Review has now included additional allocations for Cell 1, Stage 1, Leachate Pond Construction, Miscellaneous, Site Establishment, disestablishment and site management, and Contingency.

The Loan of \$1.5 will enable the Shire to complete all the necessary work to construct Cell 1 providing the Shire with capacity of 3 years at 30,000 tonnes per annum.

STRATEGIC IMPLICATIONS**A thriving local economy**

Encouraging and attracting new investment and advocating for local employment

Accountable and effective leaders

High quality corporate governance, accountability and compliance

Effective management of infrastructure, heritage and environment

Maintaining and renewing infrastructure and building assets

ATTACHMENTS

1. **DWER Application Works Approval Coolgardie Waste Facility**
2. **Bill of Quantities**
3. **Coolgardie Landfill Facility Site Plan**

VOTING REQUIREMENT

Absolute Majority

OFFICER RECOMMENDATION

That Council;

1. **Receive the DWER Application Works Approval for the Coolgardie Waste Facility**
2. **Endorse the Coolgardie Waste Facility Project upgrade to a Class 3 Facility and allocation of additional expenditure for Cell 1, Stage 1, Leachate Pond Construction, Miscellaneous, Site Establishment, disestablishment and site management, and Contingency in the Budget Review 2020/2021 against project number RS005**

11.1.4 CORPORATE CREDIT CARDS

Location: Shire of Coolgardie
Applicant: NIL
Disclosure of Interest: NIL
Date: 13 January 2021
Author: Steven Tweedie, Consultant

SUMMARY

That

1. Council reaffirm its Policy in relation to corporate credit cards.
2. Council express its satisfaction with the procedures adopted by the CEO and accept the assurances given by the CEO in relation to corporate credit cards.
3. The CEO report back to Council on any matters in the current Policy on corporate credit cards that need amendment, as part of the next scheduled review of the Council Policy Manual, and sooner if the CEO determines that amendments need to be considered sooner.

BACKGROUND

The CEO is very conscious of the potential for abuse or misuse of the corporate credit card and those employees provided one must sign their statements and provide same to their supervisor (CEO to Shire President and other employees to CEO).

The SA Ombudsman's Report into the City of Burnside use of corporate credit cards raised several issues, many of which are completely, or adequately addressed by current SoC Policy and internal procedures.

COMMENT

The CEO was made aware of the release of a Report by the South Australian Ombudsman in December 2020 - Investigation into alleged misuse of corporate credit cards by the City of Burnside.

Corporate credit cards, effectively managed, can serve a useful role, especially in remote and regional local governments and whilst the CEO is confident that sound and appropriate controls exist in relation to corporate credit cards.

It is also timely to review the current Policy and practices, especially considering the Burnside Report and Local Government Operational Guidelines Number 11 – September 2006 Use of Corporate Credit Cards (which was considered in drafting the current Policy).

The Shire of Coolgardie via Policy 1.16 has authorised the issue of corporate credit cards with a maximum limit of \$15,000 to the Chief Executive Officer, \$10,000 for the Director of Operations, Manager Executive Services, Director of Economic and Community Development and Commercial Manager.

Reports on usage of the corporate credit cards are provided to Council, via the Audit Committee.

There are some matters arising from the SA Ombudsman's Report into the City of Burnside's use of corporate credit cards which are more contemporary than the DLG Operational Guidelines of 2006.

These include:

- the appropriateness of using corporate credit cards to purchase alcohol, either for meetings, at business lunches or other events, or even for end of year events.
- the appropriateness of local government support to “social club” and related events, which should be “self-funding”
- the need to be vigilant about “coffee” meetings, which might ordinarily be held within the local government premises with no cost to the local government incurred

The CEO proposes to consider these matters and if additional guidance needs to be given to relevant employees, or additional or clarifying procedures developed, then he will take the necessary steps to do so.

Issue	SoC Response
DLG Operational Guideline No 11	
An agreement should be signed by the cardholder and the local government which sets out the cardholder’s responsibilities and legal obligations when using the credit card;	Requirement of SoC Policy
A register of all current cardholders should be kept which includes card number, expiry date of the credit card, credit limit and details of goods and services the cardholder has authority to purchase;	Requirement of SoC Policy
All new and existing cardholders should be provided with a copy of the policies relating to the use of credit cards;	All 4 employees and CEO are entitled to a corporate credit are aware of the Policy, and if additional card holders were created then similarly so.
What the cardholder should do in the event their employment ceases, an extended period of leave is taken, or they are moved to a position which does not require the use of a credit card;	Requirement of SoC Policy
What the cardholder should do if they lose or misplace their credit card;	Requirement of SoC Policy
Credit cards should not be transferred to other users;	This is not possible under SoC Policy.
How reward schemes, such as Fly Buys, will be treated;	This matter is specifically addressed in the CEO’s contract of employment. Other employees are bound by the SoC Policy which prohibits same.
The arrangements for destruction of all surrendered credit cards;	In accordance with Records Policy and related matters
What action is to be taken in the event that a cardholder fails to comply with the policies.	Requirement of SoC Policy
Corporate credit cards cannot be issued to Council members.	No corporate card is or can be issued to council members.
Credit cards should only be used for purchasing goods and services on behalf of the local government;	Requirement of SoC Policy
Personal expenditure should be prohibited;	Requirement of SoC Policy
A credit card should not be used for cash withdrawals;	Requirement of SoC Policy
Maximum credit limits should be based on the cardholder’s need	Determined by SoC Policy, on advice of the CEO.
How purchases by facsimile, telephone or over the Internet are to be dealt with	SoC Policy allows such transactions to occur, without differentiating between such transactions and those made “in person”.
Time frames for payment of accounts should be monitored to ensure that credit charges are minimised	Accounts are settled following certification by employee and approval by supervisor.

Establish strict guidelines for expenditure on entertainment	SoC Policy does not specifically address this, but all cardholders understand the need for a clear nexus between any expenditure incurred on behalf of the SoC, especially where such is indirect or unrelated to such events as accommodation or professional development. The clear expectation of the CEO is that any employee incurring any expense on the corporate credit must justify same and satisfy their supervisor.
Cardholders cannot approve expenditure incurred on their own credit cards	Requirement of SoC Policy
Ombudsman's Report - City of Burnside – Key Issues and relevant Recommendations	
The former credit card policy explained that corporate credit cards are used to ensure that the council can transact business conveniently and effectively. Further, that the use of credit cards is specifically encouraged for low value, high volume transactions.	This is consistent with the Policy and approach of the SoC.
The council's former credit card policy and former credit card protocol required that cardholders were not to use the credit cards for 'personal expenses'. However, neither document defined what constituted 'personal expenses'.	SoC Policy states - Shall not be used for expenditure on personal items or services. It is recognised that there is no definition of "personal"
That the council incorporates a requirement within the monthly credit card reconciliation process for the following people to complete a declaration that they have complied with the requirements stipulated within the Corporate Credit Card Policy and Corporate Credit Card Protocol: - the cardholder - the authorising officer - the relevant members of the finance team.	Generally consistent with SoC Policy
That the council includes provisions within its Corporate Credit Card Policy and/or Corporate Credit Card Protocol requiring the cardholder to: - declare that the credit card expenditure has been incurred in accordance with the council's policies and protocols - declare that the credit card expenditure was necessary for conducting council business	Generally consistent with SoC Policy
That the council includes a provision within its Corporate Credit Card Policy and/or Corporate Credit Card Protocol to ensure that when authorising the credit card expenditure of another employee, the authorising officer be required to turn their mind to the appropriateness of the credit card expenditure.	Generally consistent with SoC Policy, in that each supervisor is encouraged to satisfy themselves about the appropriateness of the expenditure before approving same.
That the council removes the requirement within its Corporate Credit Card Protocol to only provide a Statutory Declaration for purchases over \$25.00 in circumstances where an invoice or receipt is not available, and also removes the ability for purchases under \$25.00 (that do not have a receipt or invoice) to be evidenced via an email chain of authorisation between the cardholder and the delegated authorising officer.	The CEO is satisfied with the adequacy of the current SoC Policy and internal checks and balances, and procedures.
That the council update its Corporate Credit Card Policy and Corporate Credit Card Protocol to ensure	The CEO recognises that from time to time minor or incidental hospitality may be reasonable, with such

that it makes reference, where appropriate, to the council's Entertainment and Hospitality Policy.	expenses being charged to the corporate credit card. Again, the supervisor will need to be satisfied about the reasonableness of any such claims.
That the council update its Credit Card Cardholder Agreement form to ensure that cardholders have reviewed the requirements within the council's Entertainment and Hospitality Policy, and that the Corporate Credit Cardholder Agreement form be amended to reflect that the cardholder agrees to comply with the Entertainment and Hospitality Policy in using a council-issued corporate credit card.	The CEO recognises that from time to time minor or incidental hospitality may be reasonable, with such expenses being charged to the corporate credit card. Again, the supervisor will need to be satisfied about the reasonableness of any such claims.
That the council reviews Appendix Two (for Fringe Benefits Tax) within the Corporate Credit Card Protocol and the Entertainment and Hospitality Policy to ensure any examples provided are consistent within the two documents.	The CEO is conscious of FBT implications in such matters and is confident that internal checks and balances, and procedures are adequate to address same.
That the Statutory Declaration template annexed to the council's Corporate Credit Card Policy be amended to specify that each purchase must be itemised and adequately explained as to why it is necessary for council business.	Requirement of SoC Policy
That the council amend its Entertainment and Hospitality Policy to address the inconsistencies regarding Christmas functions and to include explicit provisions regarding the purchase and consumption of alcohol.	The CEO is satisfied with the adequacy of the current SoC Policy and internal checks and balances, and procedures.
That the council amends its Entertainment and Hospitality Policy to delete any references to coffee meetings being appropriate expenditure.	The CEO is satisfied with the adequacy of the current SoC Policy and internal checks and balances, and procedures.

CONSULTATION

James Trail, Chief Executive Officer

Martin Whitely, Consultant

STATUTORY ENVIRONMENT

s2.7(2)(a) and (b), 6.5(a), Local Government Act 1995, Local Government (Financial Management) Regulation 11(1)(a).

POLICY IMPLICATIONS

At this point – none but relevant matters will be reviewed when the Council Policy Manual is next reviewed.

FINANCIAL IMPLICATIONS

Abuse, or misuse of the corporate credit card may have significant financial and reputational implications for the Shire, and it is important that corporate credit card holders continue to acknowledge their responsibilities and to comply accordingly.

STRATEGIC IMPLICATIONS

Accountable and effective leaders

High quality corporate governance, accountability and compliance

ATTACHMENTS

Nil

VOTING REQUIREMENT

Simple majority

OFFICER RECOMMENDATION

That:-

4. Council reaffirm its Policy in relation to corporate credit cards.
5. Council express its satisfaction with the procedures adopted by the CEO and accept the assurances given by the CEO in relation to corporate credit cards.
6. The CEO report back to Council on any matters in the current Policy on corporate credit cards that need amendment, as part of the next scheduled review of the Council Policy Manual, and sooner if the CEO determines that amendments need to be considered sooner.

11.2 Operation Services

11.2.1 BUDGET REVIEW 2020/2021

Location:	Nil
Applicant:	Nil
Disclosure of Interest:	Nil
Date:	12 February 2021
Author:	Martin Whitely, Consultant

SUMMARY

This report recommends that Council review and adopt the documentation tabled for the 2020/21 Budget Review.

BACKGROUND

Regulation 33A of the Local Government (Financial Management) requires a local government to carry out a review of its annual budget between 1 January and 31 March each financial year.

As a minimum requirement the review of the annual budget is required to consider the financial position of a local government for the period ending no earlier than 31 December each financial year.

COMMENT

The budget review process for the 2020/21 financial year has been completed for the period beginning 1 July 2020 through to 31 December 2020.

A Draft Budget Review meeting was conducted on Tuesday 9 February 2021. Regulation 33A of the Local Government (Financial Management) requires a local government to present to Council within 30 days of conducting a review of the annual budget the findings from such a review to allow Council to adopt any recommendations arising from the review process.

Within the document tabled a detailed analysis of the financial statements and a commentary explaining the highlighted variances is shown at Note 7 & Note 8 respectively. There are various timing and permanent timing variances that have been addressed in the budget review. Explanations for these variances are provided in the Budget Review commentary and a conservative approach has been taken in finalising the forecast closing surplus position.

Council adopted the 2020/21 Budget with an operating surplus of \$1,317,515 and a closing net current asset surplus / deficit position of \$0. Taken into consideration during the budget review process was the difference in the adopted 2020/21 budget opening surplus of \$1,317,515 compared with the final audited opening surplus position of \$761,644.

The reduction in the opening surplus position was predominately the result of a provision for the closure and rehabilitation of the waste cells at the Kambalda landfill facility being recognised as part of the end of year audit process. The provision was recognised, with a corresponding rehabilitation asset was created, which will be amortised over the remaining life of the site.

While the changes did not have an impact on the Shire's cash position, it does significantly impact the Shire's opening surplus position, which in turn have a flow on effect with the 2020/21 Budget.

The budget amendments tabled for endorsement by Council in Note 5 of the Budget Review document recommends, even allowing for the adjusted opening surplus position and the proposed amendments, that the closing net current asset surplus / deficit position for the 2020/21 financial year remain unchanged.

The following amendments to the document reviewed on 9 February 2021 have been made to form the final Budget Review document as attached.

- 110477 Proceeds from New Loan \$1,500,000 Loan proceeds for new Coolgardie Refuse Facility
- RS005 Coolgardie Refuse Site (\$1,500,000) Development of Class 3 Waste Facility
- C11130 Kambalda Entry Statement (\$30,000) Reinstated capital project
- C13039 Coolgardie Cultural Hub \$30,000 Funds allocated reduced slightly
- 040107 Members Contributions \$5,500 Reallocation of funds for Nullarbor Links project
- 110608 Community Clubs (\$5,500) Reallocation of funds for Nullarbor Links project

Council is also requested to consider the establishment of a new reserve account for the aged accommodation units in Kambalda.

The Shire has a joint arrangement with the Department of Housing & Works to provide aged housing in Kambalda. The Shire's share of the joint arrangement is 50% and the Shire is required to set aside the equivalent of 1% of the current replacement cost of the properties from the annual rental income for the long-term maintenance needs of the properties.

Previously these funds have been held in the Land & Building Reserve. With funds budgeted to be transferred from the Land & Building Reserve into the Infrastructure Renewal Reserve in the 2020/21 financial year, the establishment of an Aged Accommodation Joint Venture Reserve will clearly identify that funds held in reserve are for the purposes as outlined in the joint arrangement with the Department of Housing & Works.

As the reserve was not adopted as part of 2020/21 Annual Budget, Council is required to give public notice of the intention to establish the new reserve.

CONSULTATION

Shire Staff & Management

All Councillors

STATUTORY ENVIRONMENT

Local Government Act 1995 Section 6.4

6.11. Reserve accounts

- (1) Subject to subsection (5), where a local government wishes to set aside money for use for a purpose in a future financial year, it is to establish and maintain a reserve account for each such purpose.
- (2) Subject to subsection (3), before a local government —
 - (a) changes* the purpose of a reserve account; or
 - (b) uses* the money in a reserve account for another purpose,
 it must give one month's local public notice of the proposed change of purpose or proposed use.

* *Absolute majority required.*

- (3) A local government is not required to give local public notice under subsection (2) —
 - (a) where the change of purpose or of proposed use of money has been disclosed in the annual budget of the local government for that financial year; or

- (b) in such other circumstances as are prescribed.
- (4) A change of purpose of, or use of money in, a reserve account is to be disclosed in the annual financial report for the year in which the change occurs.
- (5) Regulations may prescribe the circumstances and the manner in which a local government may set aside money for use for a purpose in a future financial year without the requirement to establish and maintain a reserve account.

Local Government (Financial Management) Regulations 1996 Section 34

18. When local public notice not required for change of use of money in reserve account (Act s. 6.11(3)(b))

A local government is not required to give local public notice of a proposed change of use of money in a reserve account —

- (a) where the money is to be used to meet expenditure authorised by the mayor or president under section 6.8(1)(c); or
- (b) where the total amount to be so used does not exceed \$5 000 in a financial year; or
- (c) where each of the following conditions is satisfied —
 - (i) a decision to change the use of the money is made while there is in force a state of emergency declaration applying to the district, or part of the district, of the local government.
 - (ii) the local government considers that the change of use is required to address a need arising from the hazard, or from the impact or consequences of the hazard, to which the state of emergency declaration relates;
 - (iii) the decision and the reasons for it are recorded in the minutes of the meeting at which the decision is made.

33A. Review of budget

- (1) Between 1 January and 31 March in each financial year a local government is to carry out a review of its annual budget for that year.
 - (2A) The review of an annual budget for a financial year must —
 - (a) consider the local government's financial performance in the period beginning on 1 July and ending no earlier than 31 December in that financial year; and
 - (b) consider the local government's financial position as at the date of the review; and
 - (c) review the outcomes for the end of that financial year that are forecast in the budget.
 - (2) Within 30 days after a review of the annual budget of a local government is carried out it is to be submitted to the council.
 - (3) A council is to consider a review submitted to it and is to determine* whether or not to adopt the review, any parts of the review or any recommendations made in the review.
- *Absolute majority required.
- (4) Within 30 days after a council has made a determination, a copy of the review and determination is to be provided to the Department.

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

The financial implications of the budget review have been explained in the attached document. Any proposed amendments have been made to bring the budget in line with the audited financial statements for the financial year ended 30 June 2020.

STRATEGIC IMPLICATIONS

Solutions focussed and customer oriented organisation.

Effective communication and engagement processes

High quality corporate governance, accountability, and compliance.

ATTACHMENTS**1. Budget Review 2020-2021****VOTING REQUIREMENT**

Absolute Majority

OFFICER RECOMMENDATION

That

PART A

1. Approve the Budget Review for the period ended 31 December 2020 carried out in accordance with the Local Government Financial Management Regulations 1995 Section 33A.
2. Approve the amendments to the adopted budget as outlined in "Note 5 – Budget Amendments" in the 2020/21 Budget Review document.
3. Forward a copy of the budget review to the Department of Local Government, Sport & Cultural Industries within 30 days of endorsement, and
4. That administration staff make the required budget amendments within the chart of accounts to reflect those changes adopted in "Note 5 – Budget Amendments" within the 2020/21 Budget Review document.

PART B

That Council

1. Makes an allocation of \$30,000 (as tabled in the budget review) to be transferred from the Infrastructure Reserve for the establishment of an Aged Accommodation Joint Venture Reserve, and
2. In accordance with section 6.11 of the Local Government Act 1995 gives one month's public notice of the intention to establish an Aged Accommodation Joint Venture Reserve

11.2.2 FINANCIAL ACTIVITY STATEMENT FOR THE PERIOD ENDED 31 DECEMBER 2020

Location: Nil
Applicant: Nil
Disclosure of Interest: Nil
Date: 8 February 2021
Author: Martin Whitely, Consultant

SUMMARY

This report recommends that the Monthly Statement of Financial Activity report for the period ending 31 December 2020 is presented to Council for adoption.

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

COMMENT

Attached for consideration is the completed 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 31 December 2020, 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

Nav Kaur, 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 IMPLICATIONS

Nil

ATTACHMENTS

1. **Monthly Financial Report - December 2020**
2. **Management Report - December 2020**

VOTING REQUIREMENT

Simple majority

OFFICER RECOMMENDATION

That the Monthly Financial Activity Statement for the period 1 July 2020 to 31 December 2020 be received.

11.2.3 FINANCIAL ACTIVITY STATEMENT FOR THE PERIOD ENDED 31 JANUARY 2021

Location: Nil
Applicant: Nil
Disclosure of Interest: Nil
Date: 8 February 2021
Author: Martin Whitely, Consultant

SUMMARY

This report recommends that the Monthly Statement of Financial Activity report for the period ending 31 January 2021 is presented to Council for adoption.

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 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 31 January 2021, 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

Nav Kaur, 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 IMPLICATIONS

Nil

ATTACHMENTS

1. Monthly Financial Report - January 2021
2. Management Report - January 2021

VOTING REQUIREMENT

Simple majority

OFFICER RECOMMENDATION

That the Monthly Financial Activity Statement for the period 1 July 2020 to 31 January 2021 be received.

11.2.4 LIST OF PAYMENTS - DECEMBER 2020

Location: Nil
Applicant: Nil
Disclosure of Interest: Nil
Date: 9 February 2021
Author: Nav Kaur, Manager Finance

SUMMARY

For council to receive the list of accounts for December 2020

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.

Significant Payments for The Month Of December 2020 are:

1. Rowe Contractors - Tender 04/20 - Road Works Coolgardie Tip Rd (Council Res#128/2020)
2. GHD Pty Ltd – GHD to Conduct Well Monitoring, Drilling, Supervision Etc
3. Department Of Fire & Emergency Services - 2020/21 ESL Quarter 2 Emergency Services Contribution

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

ACCOUNTABLE AND EFFECTIVE LEADERS

High quality corporate governance, accountability and compliance

Maintain integrated strategic and operational plans

ATTACHMENTS

1. **List of Payments - December 2020**

VOTING REQUIREMENT

Absolute Majority

OFFICER RECOMMENDATION

That Council receive listing (attached) of accounts paid during the month of December 2020 by the Chief Executive Officer under delegated authority of Council.

1. Municipal accounts totalling \$1,414,123.54 on Municipal vouchers EFT19754 – EFT20043, cheques 52404 - 52412, and direct payments made during the month of December 2020.
2. Credit card payments totalling \$18,225.85 for the month of December 2020.

11.2.5 LIST OF PAYMENTS - JANUARY 2021

Location: Nil
Applicant: Nil
Disclosure of Interest: Nil
Date: 9 February 2021
Author: Nav Kaur, Manager Finance

SUMMARY

For council to receive the list of accounts for January 2021

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.

Significant Payments for The Month of January 2021 are:

1. Rowe Contractors - Realignment Of Jaurdi Hills Road From SLK 33.300 To SLK 34.900, As Per Tender 05/2020; Council Resolution #149/2020
2. Australian Taxation Office - Bas December 2020

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**Accountable and effective leaders**

Maintain integrated strategic and operational plans

High quality corporate governance, accountability and compliance

ATTACHMENTS**1. List of Payments - January 2021****VOTING REQUIREMENT**

Absolute Majority

OFFICER RECOMMENDATION

That Council receive listing (attached) of accounts paid during the month of January 2021 by the Chief Executive Officer under delegated authority of Council.

1. Municipal accounts totalling \$407,539.62 on Municipal vouchers EFT20044 – EFT20091, cheques 52413 - 52416, and direct payments made during the month of January 2021.
2. Credit card payments totalling \$27,060.70 for the month of January 2021.

11.2.6 HAULAGE CAMPAIGN - BELLINI BULK HAULAGE PL

Location: Kambalda
Applicant: Bellini Bulk Haulage PL
Disclosure of Interest: Nil
Date: 8 February 2021
Author: Robert Hicks, Director of Operations

SUMMARY

For Council to consider a proposal from Bellini Bulk Haulage PL to utilise Coolgardie North Road, Carins Road & Jaurdi Hills Road for an annual haulage campaign from 01/03/2021 to 28/02/2022 comprising of 150,000 tonnes per annum for a period of three years (2021/22/23) (total of campaign = 450kt).

BACKGROUND

Bellini's are currently seeking approval from the Shire to utilise a total of 15.13km's of Shire roads to fulfil contractual obligations to BHP for the supply and delivery of sand. They currently have valid approvals due to expire on 28 February 2021 and propose to request a total of 10 RAV approvals under this application. They envisage having two trucks operational on these routes daily, however, require approvals for their entire operating fleet. Bellini operate from mining tenements situated within the Shire's network located off the Sand Haul Road and Jaurdi Hills Road. These tenements are known as:

Mt Burgess Pit 1 (M15/1339) located off the Sand Haul Road with access via Carins Road and Coolgardie North Road = 13.82kms.

Coolgardie North Road – SLK: 6.42km to 17.20km = 10.78km

Carins Road – SLK 0.00km – 3.04km (3.04km); and

Mt Burgess Pit 2 (M15/1795) located off Jaurdi Hills Road with access via Carins Road, Coolgardie North Road and Jaurdi Hills Road = 1.31kms

Jaurdi Hills Road to Intersection of Sand Haul Road – SLK 19.95km to 21.26km = 1.31km

Bellini Bulk Haulage PL have approached the Shire to undertake a haulage campaign on Coolgardie North Road, Carins Road & Jaurdi Hills Road. Bellini plan to cart 100,000 tonnes of sand to BHP from Mt Burgess Pit 1 (per annum) and 50,000 tonne of sand to BHP from Mt Burgess Pit 2 (per annum), equating to a total of 450,000 tonne over a three (3) year period.

As per Council's Policy #044 (Haulage Campaigns) - Long Term Campaign: where a cartage campaign exceeds 25,000 tonnes or 100 return trips in any annual period, or more than six return trips in any week or part thereof; the Principle (Bellini Bulk Haulage PL) needs to apply to the Shire of Coolgardie for use of the Shire of Coolgardie road network.

Main Roads Mapping Tool <https://mrwebapps.mainroads.wa.gov.au/hvsnetworkmap> confirms Bellini's CA07 appropriateness to the RAV network status being;

Jaurdi Hills Road RAV Tandem Drive Network Concessional Level 7.3; and

Coolgardie North Rd and Carins Road RAV Tandem Drive Network Concessional Level 10.3 vehicle.

Consistent with previous Council decisions, as demonstrated below, Council Resolution examples have been provided to show a) Council requesting a contribution prior to starting a haulage campaign; and b) even though a maintenance contribution has been requested by the Shire we have previously included for the provision of the haulage route(s) to be continued to be maintained (i.e. consisting of ongoing watering to ensure dust is suppressed and the road surface is maintained).

COUNCIL RESOLUTION: # 41/20

Moved: Councillor, T Rathbone

Seconded: Councillor, E Winter

That Council,

In accordance with Policy 044 Haulage Campaigns, endorse the proposal from Habrok (Geko Pit) Pty Ltd to use Jaurdi Hills, Coolgardie North and Carins Roads for a haulage campaign comprising of 1,100,000 tonnes on the basis that;

- 1. The junction of Jaurdi Hills and Sand Pit road is realigned in accordance with specification approved by the Chief Executive Officer to ensure a complying and safe junction for both heavy and light vehicles.*
- 2. A road audit every 3 months is undertaken by Shire staff with Habrok (Geko Pit) Pty Ltd and Rivet Mining Services.*
- 3. The haulage route will continue to be maintained consisting of ongoing watering to ensure dust is suppressed and the road surface is maintained*
- 4. A Maintenance Contribution at {resolution}.04 per tonne per km at 1,100,000 tonnes over 9.2km, \$445,280 (inc GST) and attributed to Account/Job #11202750 (Limited Cartage Campaign).*
- 5. A Capital Contribution at {resolution}.07 per tonne per km at 1,100,000 tonnes over 7.67km, \$649,649 (inc GST) and attributed to Account/Job #11202750 (Limited Cartage Campaign).*
- 6. Habrok (Geko Pit) Pty Ltd pay a 25% of contribution prior to campaign starting.*
- 7. Authorise the Chief Executive Officer to issue CA07 Letters of Approvals for a period of 3 months once 25% payment received and cleared in the Shire bank account*
- 8. Authorise the Chief Executive Officer to issue CA07 Letters of Approvals for the period of the campaign in accordance with (5) above.*

CARRIED ABSOLUTE MAJORITY 7/0

COUNCIL RESOLUTION: #73/20

Moved: Councillor, S Botting

Seconded: Councillor, K Lindup

That Council,

In accordance with Policy 044 Haulage Campaigns, endorse the proposal from Northern Star Limited Resources to utilise 13.6kms of Coolgardie Shire Road Network (10.6kms Coolgardie North Road and 3kms Carins Road) for a haulage campaign from 01/05/2020 to 30/06/2020 comprising of 90,000 tonnes for the following contribution on the provision the haulage route will continue to be maintained consisting of ongoing watering to ensure dust is suppressed and the road surface is maintained;

- 1. Maintenance Contribution at {resolution}.04 per tonne per km at 90,000 tonnes over 13.6km \$53,856.00 (inc GST) to Account/Job #11202750 (Limited Cartage Campaign).*

CARRIED ABSOLUTE MAJORITY 6/0

COUNCIL RESOLUTION: #77/20

Moved: Councillor, K Lindup

Seconded: Councillor, T Keast

That Council,

- 1. Note that the upgrade work on the junction of Jaurdi Hills and Sand Pit road has been completed in accordance with the specification approved by the Chief Executive Officer to ensure a complying and safe junction for both heavy and light vehicles.*
- 2. In accordance with Policy 044 Haulage Campaigns, endorse the request from Habrok (Geko Pit) Pty Ltd to not pay a maintenance contribution of 0.04 cents per tonne per km of \$445,280 (inc gst) on the basis that the haulage route will be maintained consisting of watering to ensure dust suppression and road surface maintenance will be ongoing with Rivet engaging the MLG group to complete the road maintenance.*
- 3. In accordance with Policy 044 Haulage Campaigns, endorse the proposal from Habrok (Geko Pit) Pty Ltd to use Jaurdi Hills, Coolgardie North and Carins Roads for a haulage campaign comprising of 1,100,000 tonnes on the basis of a Capital Contribution of 0.07 per tonne per km at 1,100,000 tonnes over 7.67km, \$649,649 (inc GST) attributed to Account/Job #11202750 (Limited Cartage Campaign).*
- 4. Habrok (Geko Pit) Pty Ltd pay a 25% of contribution prior to campaign starting.*
- 5. Authorise the Chief Executive Officer to issue CA07 Letters of Approvals for a period of 3 months once 25% payment received and cleared in the Shire bank account*

CARRIED ABSOLUTE MAJORITY 7/0

COMMENT

Coolgardie North Road, Carins Road (per annum)

Maintenance Contribution at \$0.04 per tonne per km at 100,000 tonnes over 13.82 kms \$60,808 (inc GST)

Capital Contribution of \$0.07 per tonne per km at 100,000 tonnes over 13.82 kms \$106,414 (inc GST)

Jaurdi Hills Road (per annum)

Maintenance Contribution at \$0.04 per tonne per km at 50,000 tonnes over 1.31 kms \$2882 (inc GST)

Capital Contribution of \$0.07 per tonne per km at 50,000 tonnes over 1.31 kms \$5043.50 (inc GST)

CONSULTATION

Bellini Bulk Haulage PL

SoC staff

STATUTORY ENVIRONMENT

Road Traffic (Administration) Act 2008 Section 132(4)

POLICY IMPLICATIONS

Policy #044 – Haulage Campaigns

Policy #045 – Heavy Vehicles Conditions for use on Shire Roads

FINANCIAL IMPLICATIONS

Any contribution received will be placed in the road construction reserve account for use on the relevant road infrastructure.

STRATEGIC IMPLICATIONS**A thriving local economy**

Supporting and encouraging mining and processing industries

Accountable and effective leaders

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

Effective management of infrastructure, heritage and environment

Maintaining and renewing infrastructure and building assets

ATTACHMENTS

1. Bellini - Long Term Campaign Proposal - Confidential
2. Bellini - Letter to SoC - Confidential
3. Bellini - CA07 Coolgardie North & Carins Rds
4. Bellini - CA07 Jaurdi Hills Rd

VOTING REQUIREMENT

Simple majority

OFFICER RECOMMENDATION

That Council,

1. In accordance with Policy 044 Haulage Campaigns, endorse the proposal from Bellini Bulk Haulage PL (Principal) to use Coolgardie North Road, Carins Road and Jaurdi Hills Road for a campaign comprising of 150,000 tonnes per annum (total of campaign 450kt for 2021/22/23) from 01 March 2021 to 28 February 2022 for the following contributions;
 - Coolgardie North & Carins Roads - Maintenance Contribution at \$0.04 p/tonne p/km; at 100,000 tonnes over 13.82 kms = \$60,808 per annum (inc GST). To Account/Job #11202750 (Limited Cartage Campaign)
 - Jaurdi Hills Road – Maintenance Contribution at \$0.04 p/tonne p/km; at 50,000 tonnes over 1.31 kms = \$2882 per annum (inc GST). To Account/Job #11202750 (Limited Cartage Campaign)
2. Authorise the CEO to determine any request from the Companies to amend the dates applicable to the request, but only on the basis that the relevant Council Policies be applied accordingly and that where any such applications are made and approved by the CEO, that suitable local public notice is given.
3. Require Bellini Bulk Haulage PL (Principal) to maintain all proposed haulage routes consisting of ongoing watering to ensure dust is suppressed and the road surface is maintained in a sealed state.
4. Require Bellini Bulk Haulage PL (Principal) to apply annually for consideration of renewal of CA07 Letters of Approval.
5. Require Bellini Bulk Haulage PL (Principal) pay 50% (of per annum maintenance contributions) prior to campaign starting.

6. Authorise the Chief Executive Officer to issue CA07 Letters of Approvals to Bellini Bulk Haulage PL (Principal) for a period of 12 months once 50% payment is received and cleared to the Shire bank account.
7. Require Bellini Bulk Haulage PL (Principal) to pay remaining/final 50% of payment by 31 August 2021.

11.2.7 VARIATIONS TO RFT03/20 (ROAD WORKS - COOLGARDIE NORTH ROAD)

Location: Shire of Coolgardie
Applicant: Nil
Disclosure of Interest: Nil
Date: 15 February 2021
Author: Barry Donkin, Projects Manager

SUMMARY

For Council to receive the update report and note the additional variations to RFT 03/20 (Road Works – Coolgardie North Road) included in the Budget Review 2020/2021

BACKGROUND

Council at its Ordinary Meeting held on 28th July 2020, resolved the following:-

Resolution #147/2020

Moved: Cr Tracey Rathbone

Seconded: Cr Tammee Keast

That Council

- 1. Accepts the Tender submitted by Gencon Civil as the most advantageous Tender to form a Contract for RFT03/20 Road Works – Coolgardie North Road, Coolgardie portion 1,2 and 3 at a cost of \$1,292,201.58 inc GST.*
- 2. Authorise the preparation of a contract to Gencon Civil, 23 Santalum Street, Kambalda West WA for Tender 03/20 – Road Works – Coolgardie North Road, Coolgardie.*
- 3. Delegates the CEO to negotiate with the preferred supplier for the additional works at an estimated cost of \$144,571.00.*
- 4. Direct the CEO to carry out a financial assessment on the recommended and preferred tenderer and carries out a financial assessment on the approved tenderer.*
- 5. Authorise the Shire President and Chief Executive Officer to sign and affix the Common Seal in accordance with s9.49A of the Local Government Act 1995 to any required documentation.*
- 6. Resolve that in 4, above does not result in satisfactory financial assessment by the CEO, of the preferred tenderer, that Council accept the Tender submitted by Rowe Contractors as the next most advantageous Tender to form a Contract for RFT 03-20 Road Works – Coolgardie North Road, Coolgardie portion 1,2 and 3 totalling \$1,610,019.31 inc GST, and also subject to 4, above.*

Carried 7/0

Council at its Ordinary Meeting held on 27th October 2020, resolved the following:-

Resolution # 203/20

Moved: Cr Tammee Keast

Seconded: Cr Tracey Rathbone

That Council;

- 1. Approve the amount of \$204,026.04 inc GST as the contract variation sum for RFT03/20 (Road Works – Coolgardie North Road).*
- 2. Approve payment terms to 14 calendar days from the date of invoice.*

3. *Delegates authority to the Chief Executive Officer to approve the variations under the contract with the successful tenderer (Gencon Civil Pty Ltd) for an amount of \$204,026.05 inc GST.*

COMMENT

The works on Coolgardie North Road commenced in January 2021. Since commencing the works, Gencon Civil have indicated a number of issues with the current scope of works and have sent through two (2) additional variations.

Variation # 1 – 390 metres of shoulder washed out and requires replacement material to correct the problem. Box out, backfill using rubble type material and overlay with gravel and compact. Price to perform works \$65,714.89.

Variation # 2 – Specified volume of bitumen for coverage of the reseal is insufficient to achieve expected outcome for the resealing works. Price for additional volume \$4,453.29.

Tender 03/20 was budgeted (to a value of \$1.5 million) the purpose of this agenda item is for Council to note the additional variations to the value of \$70,168.18.

CONSULTATION

James Trail, Chief Executive Officer

Keith Dickerson, RSA Works

Jim London, Gencon Civil

Robert Hicks, Director of Operations

STATUTORY ENVIRONMENT

Local Government Act 1995 s5.42

Local Government (Functions and General) Regulations 1996.

POLICY IMPLICATIONS

Register of Delegations, Sub-Delegations, Appointments and Authorisations – Delegation 1.11 Tenders for Goods and Services.

Local Government Act 1995 s5.42 – Contract variations under r20 and 21A of Local Government (Functions and General) Regulations 1996 are subject to:

- *prior budget provision having been made; or*
- *being to give effect to a Council decision to accept a variation of a contract entered into, or*
- *the intentions and purposes of the contract are not substantially altered,*
- *an assessment, in writing, of the reasons for the variation, as determined by the CEO, either generally or specifically in relation to a contract.*
- *consideration is given to the cumulative impact of variations, to ensure that the scope of the original contract is not significantly altered, and that a separate procurement process is not required, and*
- *where the effect on the total contract is –*
- *a reduction or*
- *the cumulative value remains below the tender threshold or*
- *likely increase in cost to a cumulative total of \$40,000 ex GST or 10% whichever is the greater, where the adjusted total contract payment remains within Budget provision: or*
- *it is reasonable and unforeseen increase in duration of the contract.*

Shire of Coolgardie Policy #19 – Purchasing – Policy and Procedure

FINANCIAL IMPLICATIONS

Financial Impact:

Budget	\$1,500,000.00 inc GST
Council approved tender	\$1,436,772.58 inc GST
Approved variations	\$274,194.23 inc GST
Contract total including variations	\$1,710,966.81 inc GST

The costs for Coolgardie North Road including variations have been included in the Budget Review 2020/2021

STRATEGIC IMPLICATIONS

Accountable and effective leaders

High quality corporate governance, accountability and compliance

Effective management of infrastructure, heritage and environment

Maintaining and renewing infrastructure and building assets

ATTACHMENTS

Nil

VOTING REQUIREMENT

Simple majority

OFFICER RECOMMENDATION

That Council receive the update report and note the additional variations to Tender 03/20 – Road Works – Coolgardie North Road included in the Budget Review 2020/2021.

11.2.8 COOLGARDIE POST OFFICE REFURBISHMENT - RFT 07-20**Location:** No 50-60 Bayley Street, Coolgardie**Applicant:** Nil**Disclosure of Interest:** Nil**Date:** 16 February 2021**Author:** Francesca LeFante, Consultant**SUMMARY**

The purpose of this report is to recommend to Council to accept the preferred tender in response to Request for Tender (RFT) 07/20, Coolgardie Post Office Refurbishment.

BACKGROUND

The Shire of Coolgardie called for Tender 07/20 – Coolgardie Post Office Refurbishment on 6th November 2020. The tender process was managed by the Shire of Coolgardie which included preparation of the tender documentation, lodgement of advertisements, electronic receipt of tenders (utilising the Shire of Coolgardie's secure Tenderlink Tender Portal) and assessment of submitted tenders.

The tender closed on Monday, 18 January 2021 at 4.00pm. Two submissions were received via www.tenderlink.com/shireofcoolgardie and publicly opened electronically at the Kambalda Administration Building by Bec Horan – Manager Executive Services, Barry Donkin – Projects Manager and Francesca Lefante – Planning Consultant. The tenders submitted were compliant.

COMMENT

The following weighting criteria were used to assess the tenders:

Description of Qualitative Criteria	Weighting %
A) Tendered Price Price schedule	40%
B) Relevant Experience <ul style="list-style-type: none"> • Similar work, Scope of the Tenderers involvement, key personal role in project, issues managed. • Competency and proven track record in the Goldfields region 	20%
C) Tender Resources -Skills and Experience <ul style="list-style-type: none"> • Plant, equipment and materials, Resources Schedule • Contingency measures or resources & personnel backup, OHS Survey, Safety Record. 	15%

Description of Qualitative Criteria	Weighting %
<p>D) Sustainability – Use of Regional Contractors and Material Suppliers</p> <ul style="list-style-type: none"> • Local suppliers and products • Work Practices - Organisation staff treatment, equal opportunity policies and diversity program, fair remuneration, working hours, safe work practices 	25%

07/20 - Coolgardie Post Office Refurbishment

The Shire undertook a public tender process to appoint suitable Contractors for the Coolgardie Post Office complex to revitalise the establishment and return it to a well-used and tenanted community building.

The project is a 'Turn-key' project enabling the Shire to take immediate occupation.

The Contract is a fixed lump sum contract and the Contractor is to allow for all contingencies and variations that may arise from the review and certification processes.

The scope of this tender included:

- Required Works
 - Tenancy 1 - Residence converted to Offices
 - Tenancy 2 - Drill Hall converted to new Visitor and Retail Centre
 - Tenancy 3 - Retail Space to be retained and re-furbished
 - Tenancy 4 - Telegraph Office and Battery Room to be changed to Community Centre and Collaborative Work Space
 - Tenancy 5 - Residence to be retained – no refurbishments – future works.
 - Tenancy 6 - Public Gallery and Function Space to be retained and re-furbished.
 - Tenancy 9 - New Outdoor Shelter, toilet block and associated site works
- Optional Works at the discretion of the principle
 - Tenancy 7 - Post Office to be retained – minor optional refurbishment works
 - Tenancy 8 - Rear Post Office Area – ground floor

The Coolgardie Post Office Complex is located on the corner of Bayley and Hunt Street in the centre of the town of Coolgardie, which is located 39 kms southwest of the City of Kalgoorlie-Boulder in the Goldfields region of Western Australia.

The subject site is located at 50-60 Bayley Street, on the whole of Coolgardie Lot 2105 (Certificate of Title 1409/888) and Lot 582 comprising a portion of Reserve R 2446.

Tender Evaluation

The evaluation panel members comprised three members. Declarations were collected from all evaluators for confidentiality and procedural fairness including conflict of interest. Panel Members undertook individual assessments of the tender submissions. The panel jointly reviewed the submission, completed the assessment and associated report and recommendation.

The following shows the consensus scoring agreed upon by the evaluation panel.

- Tenderer A – 89%
- Tenderer B – 62%

Both submissions received were considered capable of undertaking the project, in assessing the submission the following is provided:-

- Tenderer A
 - The Project examples include multiple projects in scale and type. Project details and descriptions provide understanding of the approach taken on heritage buildings and refurbishment works. The tender submission included project undertaken by various team members.
 - The submission included details of the plant and equipment held by the tenderer, contingency measures, project team roles and OHS system.
 - Subcontractors nominated in the submission are subject to the principal evaluation.
 - The price comprised a total lump sum price (exc GST) for the works, with trade breakdown. No separate tenancy price schedules provided. Separate optional components and some provisional sums have been used.
- Tenderer B
 - The submission included building experience in heritage proposals in regional locations.
 - The submission nominates 13 local subcontracts for a range of trades including truck and equipment hire, electrician, mechanical services, materials, earth works, landscaping and accommodation.
 - The submission included details of the plant and equipment held by the tenderer and project team support. OHS system provided to mining and industry.
 - Price Tenancy Schedule provided, with rates for additional work. Weekly rate is specified as Monday to Saturday for 12 hours per day.

Project Funding

This funding has received significant grant funding, which is linked to delivering specific elements.

Heritage

The site is listed on the State Heritage listed property, as part of this project the Conservation Management Plan was updated. The works that form part of this tender are required to reflect the policy provisions.

Project Optional Components

The tender documentation and specifications covered the whole site and reflected significant heritage elements that were identified in the Conservation Management Plan. Not all elements formed part of the initial project scope or funding and as such these elements were included optional components, including Tenancy 7 & 8.

Due to concerns over project funding the current tender is proposed to be awarded excluding Tenancy 8, however it is considered beneficial to negotiate with the preferred tenderer to ensure the Shire gets the best out of the project and ensure the delivery consistent with effective and efficient building practices, Heritage provisions and Shire budget and expectations.

Preferred Tender

The Tender recommended for the Coolgardie Post Office Refurbishment is Coxdon Pty Ltd on the basis of being the most advantageous for the Shire.

- The scores for each of the weighting criteria for *value for money, relevant experience and proposed resources, local suppliers were sound or excellence*
- The successful tenderer received a score of 89 % based on the weighting criteria.

The Coolgardie Post Office works require compliance with the Heritage Conservation Plan for the building, accordingly it is considered appropriate that following the appointment of the successful tender, negotiations are undertaken in relation to:-

- Heritage works need to be done and modification to protect and repair the fabric and significant heritage elements.
- Work methodology for drainage and drying out of the walls in including Tenancy 1.
- Building permit – certificate of design compliance, noting that the Building surveyor fees already includes and approved as part of the documentation stage.
- Construction and demolition requirements
- Construction program

The negotiation provides the mechanism for the Contractor and Shire to get the best out the project and ensure the delivery meets Shire budget and expectations.

CONSULTATION

Chief Executive Officer, James Trail

Project Manager, Barry Donkin

Julie DeJong, H & H Architects

STATUTORY ENVIRONMENT

Regulation 16 (3) (a) (ii) of the Local Government (Functions and General) Regulation 1996

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

The Shire has made an allowance of \$754,730 in the Shire of Coolgardie's 2020/2021 Budget Review for this project down from \$1,485,000. The Budget Review also includes a reduction in grant revenue for this project in the 2020/2021 Budget Review of \$150,000. In the 2021/2022 Budget an allocation of \$1,401,036 for the project will be required. This will be offset by revenue of \$653,221 from grants. The net cost in the 2021/2022 Budget is estimated to be \$747,815.

STRATEGIC IMPLICATIONS

A thriving local economy

Encouraging the development of local business education and support

Accountable and effective leaders

High quality corporate governance, accountability and compliance

Effective management of infrastructure, heritage and environment

Maintaining and renewing infrastructure and building assets

ATTACHMENTS

1. Tender Submission - Cooper and Oxley - Confidential
2. Tender Submission - Coxdon - Confidential
3. Evaluation Report 07-20 - Coolgardie Post Office - Confidential
4. Tender Assessment Notes - Joint Comments - Confidential
5. Tender Assessment Joint - Confidential

VOTING REQUIREMENT

Absolute Majority

OFFICER RECOMMENDATION

That Council

1. Accepts the Tender Submitted by Coxdon Pty Ltd, PO Box 4191 Baldivis as the most Advantageous Tender form a contract for RFT07/20 – COOLGARDIE POST OFFICE REFURBISHMENT – Tenancies 1,2,3,4,6,7,9 and Sundry General Works at a cost of \$2,371,342.60 inc GST
2. Authorise the preparation of a contract with Coxdon Pty Ltd, PO Box 4191 Baldivis for Tender 07/20 Coolgardie Post Office Refurbishment Tender 07/20.
3. Delegates to the CEO to negotiate with the preferred contractor the refinement of fit out, tenancy heritage treatments and additional works within the approved tender amount of \$2,371,342.60 inc GST.
4. Authorise the Shire President and Chief Executive Officer to sign and affix the Common Seal to any required documentation.

11.2.9 SHIRE AQUATIC AND SWIMMING POOL FACILITIES

Location: Shire of Coolgardie
Applicant: Nil
Disclosure of Interest: Nil
Date: 16 February 2021
Author: Kathy Brooking, Recreation and Aquatic Facilities Manager

SUMMARY

To purpose of this agenda item to consider the revision of the Kambalda Aquatic Facility and the Coolgardie swimming pool opening days and hours.

BACKGROUND

- Both facilities opened during the current summer season as per last year's operational plan, that is, 7 days a week.
- Current operational hours are:
 - Kambalda
 - Early Morning swimming Monday, Wednesday & Friday 6am -8am
 - Monday to Friday 12pm-7pm
 - Weekends, Public & School Holidays 11am-7pm
 - Coolgardie
 - Monday to Friday 12pm-6pm
 - Weekends, Public & School Holidays 11am-6pm
- Early morning swimming at Kambalda has seen an increase in community feedback requesting to stay open. However low attendance number makes this service unviable, staffing during this session costs approximately \$160. Furthermore, appropriately training personnel to work at the facilities has continued to be challenging, partly because of the seasonal nature of the work.

COMMENT**Kambalda**

- Early morning swimming is planned to cease at the end of March..
 - Statistics to Monday 15th February 2021 show that the facility opened for 48 days, total attending 315, average of 6.5 patrons each day.

On 21 January 2021, the Shire advised the community on the Shire's website and social media, that it undertakes periodic monitoring of facility usage. Thereafter it is proposed that the normal operational hours to be:

- Monday/Wednesday/Thursday/Friday - 12pm-7pm (Closed Tuesday)
- Weekends and Public Holidays 12pm-7pm.

These changes are recommended for the following reasons:

- Staff need to recover from excessive work hours and the Shire has an obligation to provide an adequate break.

- Maintenance to grounds and plant required down time where no public should be in attendance.
- Creates the opportunity to reduce operating expenses particularly in overtime.

- There are confirmed extraordinary facility bookings that will require the facility to be open beyond the normal operating hours to accommodate private functions.
- The Kambalda Aquatic Facility will close at the end of March or first week in April “weather permitting.”

Coolgardie

- It is proposed that the normal operational hours to be:
 - Monday/Tuesday/Wednesday/ /Friday - 12pm-6pm (Closed Thursday)
 - Weekends and Public Holidays 12pm-6pm.
- There are confirmed extraordinary facility bookings that will require the facility to be open beyond the normal operating hours to accommodate private functions.
- The Coolgardie swimming pool will close for the season at the end of March 2021.

CONSULTATION

Community (Survey) and Aquatic Facility user groups

Chief Executive Officer

Director of Operations

Director of Economic and Community Development

Shire Aquatic Facility Staff

STATUTORY ENVIRONMENT

Provide and maintain a working environment that is safe and free of risks.

POLICY IMPLICATIONS

Governance and Accountability

FINANCIAL IMPLICATIONS

Staff employment cost savings

STRATEGIC IMPLICATIONS

Accountable and effective leaders

Advocating for services that support our community needs

An inclusive, safe and vibrant community

Delivering and developing sport and recreation activities

Effective management of infrastructure, heritage and environment

Maintaining and renewing infrastructure and building assets

ATTACHMENTS

Nil

VOTING REQUIREMENT

Simple majority

OFFICER RECOMMENDATION

That Council,

1. Approve the change of operational hours for the Kambalda Aquatic Facility to Monday/Wednesday/Thursday/Friday 12pm-7pm and Weekends and Public Holidays 12pm-7pm.
2. Approve the change of operational hours for the Coolgardie Swimming Pool to Monday/Tuesday/Wednesday/ /Friday 12pm-6pm and Weekends and Public Holidays 12pm-6pm.
3. That both sets of proposed operational hours take effect from Monday 1st March 2021 and will apply until the conclusion of the 2020/2021 season.
4. That the CEO ensure appropriate communications to pool users and the public of the intended changes.

11.2.10 BAREFOOT BANDS - AGENDA COUNCIL REPORT

Location: Reserve R34899 – Old Railway Station

Applicant: Barefoot Bands

Disclosure of Interest: Nil

Date: 9 February 2021

Author: Francesca LeFante, Consultant

SUMMARY

To renew the user agreement for the Barefoot Bands for continued use of the Old Railway Station Site, Coolgardie.

BACKGROUND

In February 2020, the Shire approved a User Agreement for use of portion of Coolgardie Railway Station, by the Barefoot Bands for the Purpose of Community Music Development in Coolgardie and the wider Goldfields.

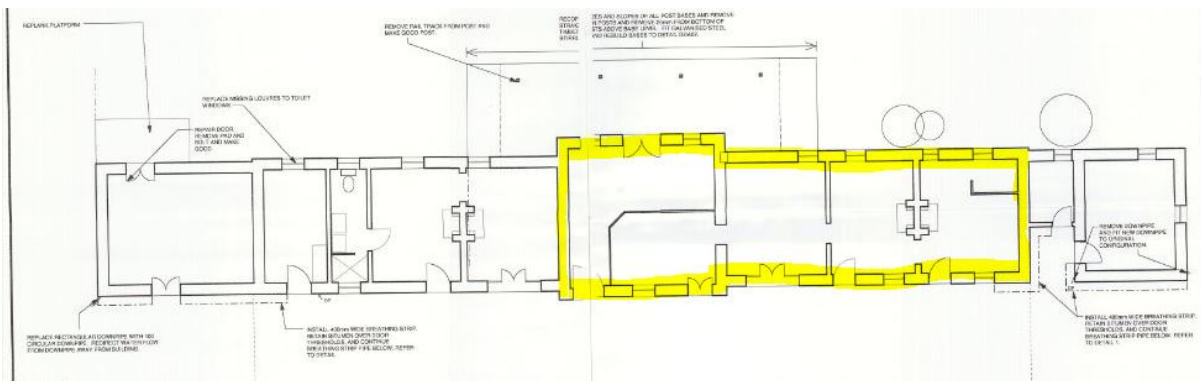
Site

The site is Reserve 34988 Woodward Street. The site contains the existing Old Railway Station Building. The subject site is shown in red on the plan below:



Proposed Area, Agreement and Terms

The portion of the building proposed for use by Barefoot Bands under a Community Club User Agreement is shown in yellow on the plan below. Updated Plan:



COMMENT

The band delivered various programs within Coolgardie, comprising: -

- Free music and song writing lessons for the community.
- Youth sporting and engagement programs or community concerts (pending Covid-19 restrictions and plans)
- Give the Coolgardie and wider Goldfield’s Musicians free or heavily discounted recordings.
- Mentor and training musicians in Live performance and becoming a sustainable Musician.
- Release local recordings and promote the town through musicians photographic Train Station and other tourist sites of Coolgardie.
- Offer recording space to traveling bands.

With regard to the request for a renewal of the Community use agreement for the Coolgardie Old Railway Station building for a period of 24 months, under the same terms the following is provided: -

- The Band will continue to provide a range of cultural and educational opportunities.
- The Recording Studio and space is to be retained.

The band has contributed to enhancing community social and cultural fabric by way of: -

- Growth of local music artist and industry by facilitating interaction with bands, producers, photographers and industry operators and artists.
- Local involvement with music sector and touring performers.

- Becoming part of the local community, renting a house and participating in various community programs and promoting positive aspects of living in the town.

The current terms are summarised below:-

- *Annual fee payment* – The current amount of \$400 be applied.
- *Commercial activities* - The primary activities are community music, cultural and arts activities, there may be some involve low level commercial activities,
- *Building cleaning & maintenance* - the primary area that forms part of the agreement is the internal spaces to the facility.
- *Agreement term* - 2 years

The activities and occupation of this group are considered to strengthen and empower community participation and community and social activities that improves the wellbeing and cohesion of the community.

Options

Council have the following options:

- Option 1 – Support and approve the Community Club User for the Barefoot Bands.
- Option 2 – Refuse the request on the basis that this Organisation and activities are not considered appropriate for use of the building under a Community Use
- Option 3 – Defer on the basis that a commercial lease should be entered into given the nature of the activities; all costs associated with the preparation be borne by the tenant.

Summary

The organisation and activities are considered to enhance community wellbeing and vibrancy, and form part of the appeal of the townsite for tourism, business, and residents. The site has been well maintained and no issues have been identified with the current organisation, the renewal of this community agreement for a further 24 months (2 years) under the same terms is support.

CONSULTATION

Nil

STATUTORY ENVIRONMENT

Local Government Act 1995

Local Government (Administration) Regulations) 1996

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

Payment of outgoings by the club.

STRATEGIC IMPLICATIONS**A thriving local economy**

Encouraging the development of local business education and support

Promoting and utilising the Shire Resource Centres for business support

Accountable and effective leaders

Advocating for services that support our community needs

Developing strong partnerships with stakeholders for the benefit of our community

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

An inclusive, safe and vibrant community

Continuing to promote the local Aboriginal culture and history

Delivering and developing sport and recreation activities

Facilitating events and active programs for seniors, youth and the Aboriginal community

Effective management of infrastructure, heritage and environment

Encouraging cultural and historical community projects and activities

ATTACHMENTS

1. **Site Plans**
2. **Maintenance Schedule**

VOTING REQUIREMENT

Simple majority

OFFICER RECOMMENDATION

That Council **APPROVES** a Community Group User Agreement with the Barefoot Bands for use of a portion of the Old Railway Station Building, located on Reserve R34988 Woodward Street, Coolgardie, under the following terms:

- **Purpose:** Music Recording, teaching, and mentoring.
- **Term:** 2 years
- **Extension Terms:** Nil
- **Annual Occupation Fee:** \$400
- **Outgoings** water, power, gas, telephone
- **Insurances** Public Liability and building content insurance.
- **Sub-leasing** permitted for community uses
- **Maintenance:** As per the attached schedule

11.3 Economic Development**11.3.1 SHIRE OF COOLGARDIE EVENT CALENDAR ENDING 30 JUNE 2021****Location:** Shire of Coolgardie**Applicant:** Nil**Disclosure of Interest:** Nil**Date:** 15 February 2021**Author:** Mia Hicks, Director of Economic and Community Development**SUMMARY**

The Shire of Coolgardie provides community members with a range of family friendly events on an annual basis. Last year, COVID-19 had a significant impact on the delivery of events in the Shire. With restrictions easing, Shire Officers have been making preliminary arrangements for events for the remainder of the financial year and seek endorsement from Council to assist with this planning.

BACKGROUND

Shire Officers have developed a drug and alcohol-free events calendar for the remainder of the financial year. It is recommended that the Shire publicly release these dates to the community for their information, to mitigate the possibility of event clashes and to ensure the appropriate planning is in place to adhere to COVID-19 restrictions and approvals.

COMMENT

The following events are proposed for the remainder of 2020/21 FY -

Date	Event	Venue
Saturday, 6 March 2021	Ben Prior Park Official Opening	Ben Prior Park, Coolgardie
Sunday, 7 March 2021	International Women's Day	Kambalda Recreation Facility
Sunday, 21 March 2021	Harmony Day	Coolgardie and Kambalda
Thursday, 1 April 2021	Blessing of the Roads	Coolgardie and Kambalda
Thursday, 1 April 2021	Children's Easter Hunt	Coolgardie and Kambalda
Friday, 9 April to Friday, 16 April 2021	National Youth Week	Coolgardie and Kambalda
Sunday, 25 April 2021	ANZAC Day	Coolgardie and Kambalda
Monday, June 14 to Sunday, 20 June 2021	Men's Health Week	Coolgardie and Kambalda

The above events are subject to COVID-19 restrictions and availability of service provider support.

CONSULTATION

Community members
Regional community event organisers
Shire staff

STATUTORY ENVIRONMENT

Nil

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

The proposed events will be delivered within existing Shire of Coolgardie operational budgets.

STRATEGIC IMPLICATIONS

Accountable and effective leaders

Demonstrating that decisions are developed through inclusive community engagement

An inclusive, safe and vibrant community

Facilitating events and active programs for seniors, youth and the Aboriginal community

ATTACHMENTS

Nil

VOTING REQUIREMENT

Simple majority

OFFICER RECOMMENDATION

That Council endorse the events calendar for the remaining 2020/21 Financial Year.

11.4 Commercial Services**11.4.1 BUSH FIRE CONTROL**

Location: Coolgardie
Applicant: Shire of Coolgardie
Disclosure of Interest: Nil
Date: 10 February 2021
Author: Rod Franklin, Commercial Manager

SUMMARY

Bush Fire Control is the responsibility of local government including administering certain functions of the Bush Fires Act 1954. Part of those local government obligations include the appointment of a range of officers, under the Bush Fires Act 1954.

BACKGROUND

There is a need for the Shire to understand the legal obligations surrounding bush fire control and to oversee processes to manage risk into the future.

At the Ordinary Council meeting held 24 November 2020, Council resolved the following;

RESOLUTION #224/2020

Moved: Cr Tracey Rathbone

Seconded: Cr Tammee Keast

That Council note that the CEO has made the following appointments under delegated authority (s48 Bush Fires Act 1954):

In accordance with the Bush Fires Act 1954 Section 38 (1),

Chief Bush Fire Control Officer (CBFCO) – Rodney Franklin

Deputy Chief Bush Fire Control Officer (DCBFCO) – Steven Forward

Fire Control Officer (FCO) – Geoff Copley

Fire Control Officer (FCO) – Kevin Caldwell

Fire Control Officer (FCO) – Steve Brown

Fire Control Officer (FCO) – Peter Russell

Fire Control Officer (FCO) – Glen Buckley

Council should also note that consequently:

That the 000 Service Agreement with DFES be amended to as follows

Chief Bush Fire Control Officer (CBFCO) – Rodney Franklin

Deputy Chief Bush Fire Control Officer (DCBFCO) – Steven Forward

Chief Executive Officer (CEO) – James Trail

DFES Goldfields Midlands Region – DFES Regional Duty Co-Ordinator

In Favour: Crs Malcolm Cullen, Tracey Rathbone, Sherryl Botting, Tammee Keast and Kathie

Lindup

Against: Nil

CARRIED 5/0

COMMENT

The CEO has delegated authority to appoint Bush Fire Control Officers (and Fire Weather Officers) under Delegation 3.8 and pursuant to s38 of the Bush Fires Act 1954.

At Appointment 12.2, in exercising that delegation the CEO appointed the Commercial Manager as the Chief Bush Fire Control Officer.

Due to staff and position changes within the Shire the CEO has determined additional appointments in accordance with his delegated authority (s48).

Council should note that the CEO has made the following appointments under delegated authority:

1. In accordance with the Bush Fires Act 1954 Section 38 (1),
 - Chief Bush Fire Control Officer (CBFCO) – Rodney Franklin
 - Deputy Chief Bush Fire Control Officer (DCBFCO) – Geoff Copley
 - Fire Control Officer (FCO) – Kevin Caldwell
 - Fire Control Officer (FCO) – Steve Brown
 - Fire Control Officer (FCO) – Peter Russell
 - Fire Control Officer (FCO) – Glenn Buckley

Council should also note that consequently:

2. The 000 Service Agreement with DFES be amended to as follows
 1. Chief Bush Fire Control Officer (CBFCO) – Rodney Franklin
 2. Deputy Chief Bush Fire Control Officer (DCBFCO) – Geoff Copley
 3. Chief Executive Officer (CEO) – James Trail
 4. DFES Goldfields Midlands Region – DFES Regional Duty Co-Ordinator

ATTACHMENTS

Nil

VOTING REQUIREMENT

Simple majority

OFFICER RECOMMENDATION

That Council note that the CEO has made the following appointments under delegated authority (s48 Bush Fires Act 1954):

1. In accordance with the Bush Fires Act 1954 Section 38 (1),
 - Chief Bush Fire Control Officer (CBFCO) – Rodney Franklin
 - Deputy Chief Bush Fire Control Officer (DCBFCO) – Geoff Copley
 - Fire Control Officer (FCO) – Kevin Caldwell
 - Fire Control Officer (FCO) – Steve Brown
 - Fire Control Officer (FCO) – Peter Russell
 - Fire Control Officer (FCO) – Glen Buckley
 - Council should also note that consequently:
 - That the 000 Service Agreement with DFES be amended to as follows
 - Chief Bush Fire Control Officer (CBFCO) – Rodney Franklin
 - Deputy Chief Bush Fire Control Officer (DCBFCO) – Geoff Copley
 - Chief Executive Officer (CEO) – James Trail
 - DFES Goldfields Midlands Region – DFES Regional Duty Co-Ordinator
2. In accordance with the Bush Fires Act 1954 Section 38 (2A) advertise the appointments in the local paper

12 ITEMS FOR INFORMATION ONLY

12.1 OUTSTANDING RESOLUTIONS

Date: 15 February 2021

Author: Kristie Brown, Executive Assistant to the CEO

ATTACHMENTS

- 1. Outstanding Resolutions before July 2020**
- 2. Outstanding Resolutions after July 2020**

12.2 ACTIVITY REPORT JANUARY 2021

Date: 15 February 2021

Author: Kristie Brown, Executive Assistant to the CEO

ATTACHMENTS

1. Activity January 2021

13 ELECTED MEMBERS MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

Nil

14 NEW BUSINESS OF AN URGENT NATURE INTRODUCED BY DECISION OF MEETING

14.1 Elected Members

14.2 Council Officers

15 MATTERS BEHIND CLOSED DOORS**OFFICER RECOMMENDATION**

That Council considers the confidential report(s) listed below in a meeting closed to the public in accordance with Section 5.23(2) of the Local Government Act 1995:

15.1 External Contracted Consultancy Analysis

This matter is considered to be confidential under Section 5.23(2) - e(iii) of the Local Government Act, and the Council is satisfied that discussion of this matter in an open meeting would, on balance, be contrary to the public interest as it deals with a matter that if disclosed, would reveal information about the business, professional, commercial or financial affairs of a person, where the information is held by, or is about, a person other than the local government.

16 CLOSURE OF MEETING