



AGENDA

Ordinary Council Meeting

23 March 2021

6:00pm

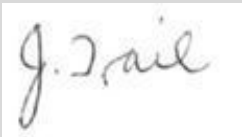
Council Chambers, Bayley Street, Coolgardie

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 March 2021 commencing at 6:00pm.

A handwritten signature in black ink, appearing to read 'J. Trail', is displayed within a white rectangular box.

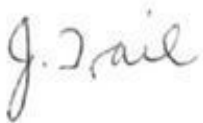
JAMES TRAIL
CHIEF EXECUTIVE OFFICER

ORDINARY COUNCIL MEETING**23 March 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

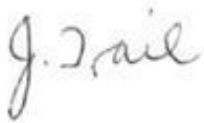
INFORMATION FOR PUBLIC ATTENDING COUNCIL MEETINGS

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**

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

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

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

ITEM	PAGE No.	TYPE	REASON

For inclusion for interest declaration

Interests Affecting Impartiality: Disclosing Statement

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



APPLICATION FOR LEAVE OF ABSENCE

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

Dates, From _____ to _____

Signed Cr: _____

Date _____

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- 1 DECLARATION OF OPENING / ANNOUNCEMENT OF VISITORS**
- 2 RECORD OF ATTENDANCE / APOLOGIES / APPROVED LEAVE OF ABSENCE**
- 3 DECLARATIONS OF INTEREST**
 - 3.1 Declarations of Financial Interests – Local Government Act Section 5.60A**
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 - 3.3 Declarations of Impartiality Interests – Administration Regulation 34C**
- 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 Ordinary Council Meeting - 23 February 2021**

OFFICER RECOMMENDATION

That the minutes of the Ordinary Council Meeting held on 23 February 2021 be confirmed as a true and accurate record..

7.2 MINUTES OF THE AUDIT COMMITTEE MEETING HELD ON 9 MARCH 2021

Date: 17 March 2021

Author: Amy Tregoweth, Executive Assistance to Director of Operations

ATTACHMENTS

- 1. Minutes of the Audit Committee Meeting held on 9 March 2021**

VOTING REQUIREMENT

Simple majority

OFFICER RECOMMENDATION

That the Minutes of the Audit Committee Meeting held on 9 March 2021 be confirmed as a true and accurate record.

8 ANNOUNCEMENTS BY PRESIDING PERSON WITHOUT DISCUSSION**8.1 PRESIDENT'S REPORT - MARCH 2021**

Date: 18 March 2021

Author: Malcolm Cullen, President

The Coolgardie North Road project is gradually approaching completion. This \$1.6m upgrade to sections of the road has been hampered by the heavy rain events that have occurred during the past months, however with the rain clearing the contractors have been able to continue with the gravel re-sheeting of the road surface and the installation of several new culverts in the floodways.

Coolgardie North Road is the main arterial route for both heavy haulage of mining product as well as servicing the pastoral properties and tourist traffic to both Ora Banda and Credo Station - Rowles Lagoon.

Shire crews are continuing with maintenance grading of several gravel roads on the road networks as well.

The Coolgardie Post Office Precinct revitalisation project is about to commence with Shire Staff meeting the successful tenderers for the project on site this month to finalise the commencement of the works on the buildings. It has been quite a long time coming however I am sure that once these works are completed It will transform the centre of the town.

The second stage of insurance works to Shire buildings damaged from the 2018 hail storm is also about to commence ,with the contractor holding off for the cooler months of Autumn due to the majority of the work being on the roof areas of the buildings. I believe this storm to be a Blessing in Disguise for the town of Coolgardie (similar to Kambalda in 2017) as many buildings over the past two years have been given a facelift ,which has indeed improved the amenity of our towns.

The Official Re-Opening of Ben Prior Park in Coolgardie on March 6th proved to be a very special occasion, with over 150 people attending the event. Several members of Ben's immediate family including daughter Nancy Harrison and husband Jack, granddaughter Diane (who translated the speeches in Sign Language) and grandson Graham, travelled from Perth for the opening. Along with Councillors and Shire Staff, there were local residents and former residents of Coolgardie and Kambalda and surrounding areas who came to enjoy and revisit the Park restored to its former glory.

Since the opening, I received a letter from Graham Prior ,Thanking the Shire for the restoration of the Park, and also with a promise that he is going to undertake the full restoration of Ben's original T Model Ford vehicle and donate this to the Shire in appreciation from the Family.

Meetings and Forums attended this period:

- * February 23rd met with Rocweld Australia Directors to discuss the Coolgardie Gorge and Derelict properties within the town.
- * LEMC Committee meeting in Coolgardie 24th February.
- * March 2nd - 4th attended State Council and Infrastructure Policy meetings in Perth.
- * March 7th road trip to inspect works Coolgardie North Road.
- * Opening of Ben Prior Park.
- * Council Briefing Forum and Audit Committee meeting in Coolgardie March 9th.

Teleconference with Ravim BC regarding CEO Review structure.

- * March 12th GVROC zoom meeting with Executive Officer discuss Regional meeting in Norseman.

RRG meeting at MRWA office in Kalgoorlie discuss regional road projects.

- * March 16th Councillor Governance Forum and new LG standards for CEO contracts with Steve Tweedie in Kambalda.
- * March 17th attended Minderoo Foundation Forum in Kalgoorlie discuss strategies for the CDC continuation.

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 2020 COMPLIANCE AUDIT RETURN**

Location: Shire of Coolgardie

Applicant: NIL

Disclosure of Interest: NIL

Date: 11 March 2021

Author: Rebecca Horan, Executive Assistant to the Project Manager

SUMMARY

The purpose of this report is to present Council with the completed 2020 Compliance Audit Return (CAR).

BACKGROUND

In accordance with the Local Government Act 1995 and Local Government (Audit) Regulations 1996, a local government is required to complete an annual CAR for the period 1 January to 31 December of the preceding year. The CAR, after being adopted by Council, is to be forwarded to the Department of Local Government by 31 March 2021.

At the Audit Committee Meeting held 9th March 2021, the Committee resolved;

AUDIT COMMITTEE RESOLUTION AND OFFICER RECOMMENDATION

Moved: Cr Tracey Rathbone

Seconded: Cr Sherryl Botting

That the Audit Committee, receives the completed 2020 Compliance Audit Return for the period of 1 January to 31 December 2020 and recommends that Council endorses the return as tabled.

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

Against: Nil

CARRIED 4/0

COMMENT

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

The specific areas addressed by the CAR are the same as those covered in the 2019 return. Overall, the areas covered include:

- Commercial Enterprises by Local Government
- Delegation of Power/Duty
- Disclosure of Interest
- Disposal of Property
- Elections
- Finance

- Integrated Planning & Reporting
- Local Government Employees
- Official Conduct
- Tenders for Providing Goods and Services

In addition to the above there was a new criteria called “Option Questions” which was also completed.

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

The review has found that there were 2 items of non-compliance. As a comparative, there were 2 areas of non-compliance identified in the 2019 and 2018 return.

A summary for the each of the sections is shown below;

Commercial Enterprises by Local Government

The Shire had no major trading undertakings during 2020.

Non Compliance matters raised - Nil

Delegation of Power/Duty

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

Non-Compliance matters raised – 1

While records were maintained for persons exercising delegated power or duty during the period, this was not recorded on all occasions. Rectifying the matter is an administration requirement that will require monitoring throughout the year and is currently being addressed to ensure it is compliant in 2021. There has certainly been an improvement in this area however with new staff having delegated power, they need to be reminded of the importance of recording this information.

Disclosure of Interest

Non-Compliance matters raised – 1

The annual returns form was provided to all Councillors and relevant staff on 10th July 2020, via email. On the 16th July 2020 it was noted that the incorrect form was provided and the new updated form was resent on the same day (16th July 2020).

One Councillor completed and lodged their Annual Return on 23rd July 2020, prior to the August 31st deadline, so made every endeavour to comply, albeit the incorrect form. The updated form was lodged by the Councillor upon returning from leave.

This matter was reported to the Corruption and Crime Commission (as per legislative requirement) via a letter dated 8th September 2020. The Commission responded via email dated 28th October advising that they will take no further action and had closed the file.

5.75. Primary returns

- (1) A relevant person other than the CEO must lodge with the CEO a primary return in the prescribed form within 3 months of the start day.
- (2) A CEO must lodge with the mayor or president a primary return in the prescribed form within 3 months of the start day.
- (3) This section does not apply to a person who —
 - (a) has lodged a return within the previous year; or
 - (b) has, within 3 months of the start day, ceased to be a relevant person.

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

5.76. Annual returns

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

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

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

5.77. Acknowledging receipt of returns

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

Disposal of Property

Public notice is required for the disposal of property under section 3.58 of the Act unless sold by public auction. There was no property disposed of during the period.

Non Compliance matters raised - Nil

Finance

The main areas of non-compliance in the past have been;

1. The Audit Committee not being appointed by Council, and
2. Matters raised in the Audit Report to be addressed by the CEO with an Action List and a copy sent to the Minister within 3 months of Council receiving the Audit Report.

These matters were addressed in the 2020 Compliance Audit Return.

Integrated Planning & Reporting

This section was introduced in the CAR for 2017 and was not compulsory for Council to complete for 2017 & 2018, however it was a requirement to be completed for 2019 and again for 2020.

Non Compliance matters raised - Nil

Local Government Employees

There are currently no designated senior employees as per the definition of the Local Government Act 1995 employed at the Shire.

Non Compliance matters raised - Nil

Official Conduct

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

Non Compliance matters raised – Nil

Optional

All questions were completed, all of which were compliant.

Non Compliance matters raised - Nil

Tenders for Providing Goods and Services

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

17. Tenders register

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

Non Compliance matters raised - Nil

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

CONSULTATION

Martin Whitely, Finance Consultant

Navjot Kaur, Finance Manager

Audit Committee – at Council Briefing session 9 March 2021

STATUTORY ENVIRONMENT

Local Government Act 1995

Local Government (Audit) Regulations 1996

Local Government (Functions & General) Regulations 1996

Local Government (Administration) Regulations 1996

Local Government (Financial Management) Regulations 1996

Local Government (Rules of Conduct) Regulations 2007

Local Government Act 1995

7.13. Regulations as to audits

(1) Regulations may make provision as follows —

(i) requiring local governments to carry out, in the prescribed manner and in a form approved by the Minister, an audit of compliance with such statutory requirements as are prescribed whether those requirements are —

(i) of a financial nature or not; or

(ii) under this Act or another written law.

Local Government (Audit) Regulations 1996

14. Compliance audits by local governments

(1) A local government is to carry out a compliance audit for the period 1 January to 31 December in each year.

(2) After carrying out a compliance audit the local government is to prepare a compliance audit return in a form approved by the Minister.

(3A) The local government's audit committee is to review the compliance audit return and is to report to the council the results of that review.

(3) After the audit committee has reported to the council under subregulation (3A), the compliance audit return is to be —

(a) presented to the council at a meeting of the council; and

(b) adopted by the council; and

(c) recorded in the minutes of the meeting at which it is adopted.

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

(1) After the compliance audit return has been presented to the council in accordance with regulation 14(3) a certified copy of the return together with —

- (a) a copy of the relevant section of the minutes referred to in regulation 14(3)(c); and
- (b) any additional information explaining or qualifying the compliance audit,

is to be submitted to the Executive Director by 31 March next following the period to which the return relates.

- (2) In this regulation —

certified in relation to a compliance audit return means signed by —

- (a) the mayor or president; and
- (b) the CEO.

POLICY IMPLICATIONS

NIL

FINANCIAL IMPLICATIONS

NIL

STRATEGIC IMPLICATIONS**Accountable and effective leaders**

High quality corporate governance, accountability and compliance

ATTACHMENTS**1. 2020 Compliance Audit Return****VOTING REQUIREMENT**

Simple majority

OFFICER RECOMMENDATION**That Council**

1. Adopts the completed 2020 Compliance Audit Return for the Shire of Coolgardie for the period 1 January to 31 December 2020 as presented in the attachment for this report, and
2. Submits the completed Compliance Audit Return for the Shire of Coolgardie to the Department of Local Government after the Joint Certificate is signed by the Shire President and the Chief Executive Officer.

11.1.2 OSH MONITORING REPORT - MARCH 2021

Location: Shire of Coolgardie
Applicant: NIL
Disclosure of Interest: NIL
Date: 19 March 2021
Author: Julie Copley, Manager Executive Services

SUMMARY

That Council receive the updated OSH Monitoring Report

BACKGROUND

At the Audit Committee Meeting held 9th March 2021, the Committee resolved;

AUDIT COMMITTEE RESOLUTION AND OFFICER RECOMMENDATION

Moved: Cr Tracey Rathbone

Seconded: Cr Sherryl Botting

That the Audit Committee receive the updated OSH Monitoring Report.

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

Against: Nil

CARRIED 4/0

COMMENT

Core Business has been working with staff over the past 8 months to ensure that the recommendations in the OSH Management System are implemented.

An audit was conducted in December 2020 which resulted in a score of 82% compliance. The previous audit conducted in September 2019 only received a 33% compliant score.

CONSULTATION

Lucy Karafilis, Administration Officer

STATUTORY ENVIRONMENT

NIL

POLICY IMPLICATIONS

NIL

FINANCIAL IMPLICATIONS

Nil

STRATEGIC IMPLICATIONS**Accountable and effective leaders**

High quality corporate governance, accountability and compliance

ATTACHMENTS

1. OSH Monitoring Report - Confidential

VOTING REQUIREMENT

Simple majority

OFFICER RECOMMENDATION

That Council receive the updated OSH Monitoring Report as attached.

11.1.3 CREDIT CARD LISTING DECEMBER 2020 - JANUARY 2021

Location: Nil

Applicant: Nil

Disclosure of Interest: James Trail has a financial interest in this item. In accordance with section 5.70(2) of the Local Government Act 1995, I declare an interest in the agenda item Credit Card Listing December 2020 – January 2021. The interest relates to CEO credit card vouchers.

Date: 19 March 2021

Author: Nav Kaur, Manager Finance

SUMMARY

For the Audit Committee to receive the list of credit card payments for December 2020 to January 2021 for the Chief Executive Officer.

BACKGROUND

The Local Government (Financial Management) Regulations 1996, Regulation 13(3)(b) requires that Council receive a list of credit cards 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.

At the Audit Committee Meeting held 9th March 2021, the Committee resolved;

AUDIT COMMITTEE RESOLUTION AND OFFICER RECOMMENDATION

Moved: Cr Tammee Keast

Seconded: Cr Sherryl Botting

That the Audit Committee,

1. **Accept listing (attached) of credit card invoices totalling \$12,076.13 paid from December 2020 to January 2021 by the Chief Executive Officer under delegated authority of Council.**
2. **Recommend the Council receive the listing of credit card invoices totalling \$12,076.13 paid from the period December 2020 to January 2021 by the Chief Executive Officer under delegated authority**
3. **Recommend to Council the Shire President authorise the credit card vouchers totalling \$12,076.13 paid from the December 2020 to January 2021 by the Chief Executive Officer under delegated authority**

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

Against: Nil

CARRIED 4/0

COMMENT

The schedule of payments made under delegated authority as summarised below and recommended to be received by the audit committee, 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.

It is deemed prudent that all Chief Executive Officer credit card vouchers now be presented to the Audit Committee for consideration and recommendation to Council. This is particularly the case given the authorisation required for the Chief Executive Officer credit card.

CONSULTATION

Nil

STATUTORY ENVIRONMENT

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

POLICY IMPLICATIONS

CS-PROCUREMENTS POLICY. Policy CS-11 as amended, 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

ATTACHMENTS

1. Credit Card Listing Dec 2020 - Jan 2021

VOTING REQUIREMENT

Simple majority

OFFICER RECOMMENDATION

That Council,

1. Accept listing (attached) of credit card invoices totalling \$12,076.13 paid from December 2020 to January 2021 by the Chief Executive Officer under delegated authority of Council.
2. Receive the listing of credit card invoices totalling \$12,076.13 paid from the period December 2020 to January 2021 by the Chief Executive Officer under delegated authority
3. Recommend the Shire President authorise the credit card vouchers totalling \$12,076.13 paid from the December 2020 to January 2021 by the Chief Executive Officer under delegated authority

11.1.4 LOCAL GOVERNMENT ORDINARY ELECTIONS 2021

Location: Shire of Coolgardie
Applicant: NIL
Disclosure of Interest: NIL
Date: 11 March 2021
Author: Rebecca Horan, Executive Assistant to the Project Manager

SUMMARY

For Council to consider the method of election for the Shire of Coolgardie 2021 Local Government Ordinary Elections.

BACKGROUND

On the 16th October 2021, the Shire of Coolgardie, like all Local Governments will be holding a general election, to fill four (4) vacancies in Council. In 2019, Council resolved to engage the Western Australian Electoral Commission to be responsible for the conduct of the election held on the 19th October 2019. In 2017, the general election was run and managed by Shire staff.

COMMENT

In order for the WAEC to run the 2021 Election, Council needs to resolve the following matters:

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

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

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

Confirm that the election will be a postal election:

Effectively section 4.61 requires Council to decide the method of election, Postal or In Person. Last time Council chose to conduct a postal election, this resulted in a 33.40% turnout rate (total electors = 1,723), resulting in 575 valid votes being cast.

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

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

CONSULTATION

James Trail, Chief Executive Officer

STATUTORY ENVIRONMENT

Local Government Act 1995

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

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

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

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

4.61. Choice of methods of conducting election

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

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

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

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

POLICY IMPLICATIONS

NIL

FINANCIAL IMPLICATIONS

Council will need to budget \$20,000 in the draft Annual Budget 2021/2022 to cover the cost of the 2021 Election.

STRATEGIC IMPLICATIONS**Accountable and effective leaders**

High quality corporate governance, accountability and compliance

ATTACHMENTS

1. Letter from WA Electoral Commission
2. 2019 - Election Report - Shire of Coolgardie

VOTING REQUIREMENT

Absolute Majority

OFFICER RECOMMENDATION**That Council**

1. Determine, that in accordance with the section 4.20(4) of the Local Government Act 1995, the Electoral Commissioner to be responsible for the conduct of the 2021 ordinary elections together with any other election or polls which may also be required; and
2. Determine, in accordance with section 4.61(2) of the Local Government Act 1995 that the method of conducting the election will be a postal election.

11.1.5 LEGISLATIVE AMENDMENTS - UPDATE

Location: Shire of Coolgardie
Applicant: Nil
Disclosure of Interest: Nil
Date: 15 March 2021
Author: Steven Tweedie, Consultant

SUMMARY

Council at the February 2021 Ordinary Council Meeting (OCM) addressed several matters in relation to recent legislative changes including the Code of Conduct for Council Members, Committee Members, and candidates for election.

Council authorised the Shire President to be the Complaints Officer for Division 3 of the Code of Conduct and delegated authority to the CEO authority to appoint other persons as Complaints Officers.

The advice provided to the February 2021 OCM, overlooked that it would be inappropriate for the Shire President to be the Complaints Officer, for complaints against the Shire President.

Although the CEO could exercise the delegated authority given to him, to authorise the Deputy President to be the Complaints Officer for complaints made against the Shire President, that would be less appropriate than Council making the authorisation.

Thus, it is proposed that the Shire Deputy President be authorised to be the Complaints Officer for complaints made against the Shire President.

To address situations where the Deputy President is the complainant about the Shire President, or where a complaint is made jointly about the Shire President and Deputy President, it is proposed that the CEO will be the Complaints Officer.

BACKGROUND

A detailed report was provided to the February 2021 OCM on the provisions regarding Code of Conduct for council members, committee members and candidates for election.

The Code requires at 11(3) - "The local government must, in writing, authorise 1 or more persons to receive complaints and withdrawals of complaints."

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

COMMENT

Covered in background above and in more detail in February 2021 OCM.

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 and the Local Government (Model Code of Conduct) Regulations 2021.

POLICY IMPLICATIONS

No implication for Council Policy Manual but authorisation will be included in the Register of Delegations, Sub-Delegations, Authorisations and Appointments.

FINANCIAL IMPLICATIONS

NIL

STRATEGIC IMPLICATIONS

Accountable and effective leaders

High quality corporate governance, accountability and compliance

ATTACHMENTS

Nil

VOTING REQUIREMENT

Simple majority

OFFICER RECOMMENDATION

That, in relation to the Code of Conduct applying to Council Members, Committee Members and candidates for election, Council resolves to authorise the Deputy Shire President to receive complaints and withdrawals of complaints for the purposes of c11(3) of the Code of Conduct where such complaints relate to the Shire President.

11.2 Operation Services**11.2.1 LIST OF PAYMENTS - FEBRUARY 2021**

Location: Nil
Applicant: Nil
Disclosure of Interest: Nil
Date: 12 March 2021
Author: Nav Kaur, Manager Finance

SUMMARY

For council to receive the list of accounts for February 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 February 2021 are:

1. Gencon Civil Pty Ltd - Coolgardie North Tender 03/20 January 2020 Works
2. Cloud Payment Group - Debt Recovery December 2020
3. Apollo Health Ltd (St John Medical Kambalda - Community Transport Quarterly Payment Of Quarter 3

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 - February 2021****VOTING REQUIREMENT**

Absolute Majority

OFFICER RECOMMENDATION

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

1. Municipal accounts totalling \$1,567,713.08 on Municipal vouchers EFT20092 – EFT20308, cheques 52417 - 52423, and direct payments made during the month of February 2021.
2. Credit card payments totalling \$20,041.25 for the month of February 2021.

11.2.2 FINANCIAL ACTIVITY STATEMENT FOR THE PERIOD ENDED 28 FEBRUARY 2021

Location: Nil
Applicant: Nil
Disclosure of Interest: Nil
Date: 15 March 2021
Author: Martin Whitely, Consultant

SUMMARY

This report recommends that the Monthly Statement of Financial Activity report for the period ending 28 February 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 28 February 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 - February 2021
2. Management Report - February 2021

VOTING REQUIREMENT

Simple majority

OFFICER RECOMMENDATION

That Council receive the Monthly Financial Activity Statement for the period 1 July 2020 to 28 February 2021.

11.2.3 KARORA RESOURCES T/AS SALT LAKE MINING - CA07 RENEWAL HAULAGE, DURKIN RD

Location: Kambalda
Applicant: Karora Resources T/A Salt Lake Mining
Disclosure of Interest: Nil
Date: 17 February 2021
Author: Robert Hicks, Director of Operations

SUMMARY

For Council to consider a CA07 renewal application (IRD36329) from Salt Lake Mining to utilise 1.5kms of Durkin Road, Kambalda. Haulage campaign - from 01 April to 30 September 2021.

BACKGROUND

(Parent Company) Karora Resources T/As Salt Lake Mining Resources have written to the Shire of Coolgardie requesting that the Shire allow Karora Resources to use the Durkin Road access for ore haulage from Beta Hunt operation to Higginsville. 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 – Salt Lake Mining - needs to apply to the Shire of Coolgardie for use of the Shire of Coolgardie road network.

KBD Haulage PL will be contracted for hauling and will supply rego numbers & work within the Main Roads Mapping Tool <https://mrwebapps.mainroads.wa.gov.au/hvsnetworkmap> to confirm the appropriate RAV network status requirements.

At Council's Ordinary meeting held 2 August 2020, Council decided;

RESOLUTION #1/2020

Moved: Cr Tracey Rathbone

Seconded: Cr Sherryl Botting

That Council

1. Endorse the proposal from Karora Resources T/As Salt Lake Mining to use 1.5km of Durkin Road as part of their haulage campaign comprising of 270kt from 01 October 2020 to 31 March 2021.
2. Request a capital contribution at \$0.07 per tonne per km at 270kt over 1.5km = \$31,185 (inc GST). Contribution to Account 11202750-170 (Limited Cartage Campaign).

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

Against: Nil

CARRIED 6/0

All haulage activities undertaken will be in accordance with Council Policy 044 (Haulage Campaigns) which applies to haulage campaigns within the Shire of Coolgardie. All haulage campaigns should be read in conjunction with the Shire's Policy #045 (Heavy Vehicles Conditions for use of Shire Roads). The purpose of both policies aims to ensure safe use on Shire roads by long term haulage campaign users.

Comment

Karora Resources have requested the use of Durkin Road, Kambalda and renewal of their existing approvals for a hauling period from 01 April to 30 September 2021. KBD Haulage Pty Ltd have confirmed their vehicle type as being Tandem Drive Concessional Level 3 (Network 10.3) and Tri Drive Concessional Level 3 (Network 5.3) – Main Roads WA Mapping Tool <https://mrwebapps.mainroads.wa.gov.au/hvsnetworkmap> confirms the appropriateness of their vehicle configurations for this section of Durkin Rd.

The annual haulage tonnage is approximately 450,000 tonnes and previous Council Resolution #167/20 requested capital contribution be received by the Shire.

A completed CA07 Application Form and map of the route has been submitted (attached). Based on actual deterioration cost, the following contribution would be applicable;

Durkin Road

Capital Contribution of \$0.07 per tonne per km at 450,000 tonnes over 1.5km \$51,975 (inc GST) or

Maintenance Contribution at \$0.04 per tonne per km at 450,000 tonnes over 1.5km \$29,700 (inc GST)

Consistent with previous Council decisions, as demonstrated below, a Council Resolution example has been provided to show that 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: #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

Consultation

Karora Resources

SoC staff

Statutory Environment

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

Policy Implications

Council Policy 045 Heavy Vehicle Conditions for use on Shire Roads

Council Policy 044 Haulage campaigns

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

High quality corporate governance, accountability and compliance

ATTACHMENTS

1. Karora Resources T/As Salt Lake Mining - CA07 Application (renewal of CR#167/20)

VOTING REQUIREMENT

Simple majority

OFFICER RECOMMENDATION

That Council,

1. Endorse the proposal from Karora Resources T/As Salt Lake Mining to use 1.5km of Durkin Road as part of their haulage campaign comprising of 450,000 from 01 April to 30 September 2021.
2. Request a Capital Contribution of \$0.07 per tonne per km at 450,000 tonnes over 1.5km \$51,975 (inc GST). Contribution to Account 11202750-170 (Limited Cartage Campaign).
3. Require Karora Resources T/As Salt Lake Mining to pay 50% contribution \$25987.50 (inc GST) prior to campaign starting.
4. Require Karora Resources T/As Salt Lake Mining to pay final 50% contribution \$25987.50 (inc GST) by 30 June 2021.
5. That the CEO be authorised to determine any request from the Company 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.
6. Require Karora Resources T/A Salt Lake Mining (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.

11.2.4 SURRENDER OF LEASE - COOLGARDIE PUBLIC BUILDING

Location: Coolgardie
Applicant: Nil
Disclosure of Interest: Nil
Date: 16 March 2021
Author: Robert Hicks, Director of Operations

SUMMARY

This report recommends that Council endorse the signing of the Surrender of Lease form for the Coolgardie Public Building, so that the expired lease can be removed from the Certificate of Title to enable the formalisation of the new lease with Landgate.

BACKGROUND

The Shire entered into an agreement with the Minister for Works to lease a portion of the Coolgardie Public Building in June 2015, which expired in June 2020. The Shire currently utilises the part of the building that it leases for the Visitors Centre and Museum. At its meeting in December 2019, Council resolved to approve the draft lease with the Minister for Works - pending approval from the Shire's solicitors. However due to the challenges of Covid-19, the Ministers office put lease negotiations on hold, instead extending and honouring the terms of the then current lease.



**COMMENT**

The Director of Operations has been liaising with the office of the Minister for Works on the new lease for the Coolgardie Public Building, and the draft lease has been approved by the Shire's solicitors. In order to further progress the new agreement, the expired lease must first be removed from the Certificate of Title before the new agreement can be finalised with Landgate.

Council Policy 1.15 – Execution of Documents states that a Surrender of Lease is a Category 1(A) document, which requires a specific resolution of Council to sell, lease, or enter into.

CONSULTATION

Director of Operations

Department of Finance

Planning Consultant

STATUTORY ENVIRONMENT

Nil

POLICY IMPLICATIONS

Policy #1.15 – Execution of Documents

FINANCIAL IMPLICATIONS

Annual rent

Strategic Implications Accountable and effective leaders

Developing strong partnerships with stakeholders for the benefit of our community

ATTACHMENTS

Nil

VOTING REQUIREMENT

Simple majority

OFFICER RECOMMENDATION

That in relation to the Coolgardie Public Building, that Council

1. Approves the removal of the expired lease from the Certificate of Title LR3104-531 and surrenders the lease.
2. Authorise the CEO TO return the signed Surrender of Lease form to the office of the Minister for Works for final execution.

11.2.5 JUDUMUL - COMMUNITY USER AGREEMENT

Location: Reserve R41891 – Corner Sylvester Street & Lefroy Street, Coolgardie

Applicant: Judumul Advisory Aboriginal Corporation

Disclosure of Interest: Nil

Date: 15 March 2021

Author: Robert Hicks, Director of Operations

SUMMARY

For Council to renew the Community User Agreement for Judumul Advisory Aboriginal Corporation to continue using the Coolgardie Bowling Club & grounds, for a term of 1 year from 1 March 2021 to 28 February 2022.

BACKGROUND

In February 2020, Council approved a Community User Agreement for the Coolgardie Bowling Club building & grounds for the Organisation's community activities and operations.

The site is the Coolgardie Bowling Club – Reserve R41891, located on the corner of Sylvester Street and Lefroy Street in Coolgardie. The proposed User Agreement would include use of the area highlighted in red below:





COMMENT

Judumul are a not-for-profit organisation provide health, education, and employment support, as well as cultural education to its members and the wider community. Just one of their projects, they are currently behind the drive to identify the unmarked graves in the Coolgardie Cemetery, and have received assistance in funding from the National Indigenous Australians Agency.

Judumul will use the Bowling Club building & grounds: -

- To undertake the operations of the organisation
- To undertake educational and cultural programs that will benefit the local community
- For employment training opportunities for the local indigenous community
- For artwork creation & storage
- To encourage participation and wellbeing within the indigenous community

The previous User Agreement between the Shire and Judumul are as follows:

- *Term* 1 year
- *Purpose* Cultural activities, awareness and education
- *Annual Fee* \$400
- *Insurances* Public Liability; Contents
- *Maintenance* As per attached schedule

CONSULTATION

Nil

STATUTORY ENVIRONMENT

Local Government Act 1995

Local Government (Administration) Regulations 1996

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

Annual fee

Property Management fee

STRATEGIC IMPLICATIONS

A thriving local economy

Encouraging the development of local business education and 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

Developing varied community and multicultural events and services

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. Maintenance Schedule

VOTING REQUIREMENT

Simple majority

OFFICER RECOMMENDATION

That Council approves a Community User Agreement with Judumul Aboriginal Advisory Corporation for use of the Coolgardie Bowling Club, located on Reserve R41891 on the corner of Sylvester Street and Lefroy Street, Coolgardie, as per the following terms:

- **Term** 1 year
- **Purpose** Cultural activities, awareness and education
- **Annual Fee** \$400 + outgoings
- **Insurances** Public Liability (\$20 million); Contents
- **Maintenance** As per attached schedule

11.2.6 PROPOSED FAST FOOD VAN - KAMBALDA

Location: Lot 1507, No 10 Irish Mulga Dive, Kambalda West

Applicant: Kyle Arnold and Elizabeth Temme

Disclosure of Interest: Nil

Date: 17 March 2021

Author: Francesca LeFante, Town Planning Consultant

SUMMARY

To consider an application for a Food Van to operate as a Fast Food takeaway at 10 Irish Mulga Drive, Kambalda West.

In support of the request the applicant has advised that: -

- The van will be trading at different locations and is proposed to be on the subject site between 10.00am – 2.30pm
- They were not aware there are different requirements.
- They are trying to be financially viable.
- They have received feedback on the quality of their food, don't know why it is not translating to more customers. They are of the view that the locations and customer behavior are factors.
- They have looked into leasing, but the condition and rent are beyond their capacity.

BACKGROUNDSite:

The site is Lot 1507, No 10 Irish Mulga Drive, Kambalda West. The site contains existing buildings with parking within the front setback area. The subject site is shown in red on the plan below:

Proposal:

The food van is currently located at different places in Kambalda throughout the day. This proposal is the third location of the Food Van, and is proposed to be on the subject site between 10.00am – 2.30pm, located on the bitumen area in front of the buildings.

The food van is located at the front of the premises. The Van is self-contained and operates a generator. With any customer facilities such as tables and chairs being temporary and removed prior to the van relocating.



In November 2020 the Shire approved 2 locations for Barrel of Monkeys Food Van for a period of 12 months, as follows: -

- Location 1 - Durkin Road Monday – Sunday
4.00am - 8.00am
- Location 2 - Marianthus Road - Monday – Sunday
15.30pm - 21.30pm



In January 2021 the operators commenced, without approval at the subject site. Following a complaint from a nearby business, the Shire's Rangers investigated and advised that they could not operate with approval.

COMMENT

The proposal is considered to fall within the Scheme definition of a fast food-takeaway, which is listed under the Scheme as an “A” use in a commercial zone, meaning it requires advertising and Council determination.

In accordance with the Scheme provisions, advertising of the proposal for a period of 14 day. At the close of the advertising period the Shire had received 3 submissions comprising: -

- 1 objection
- 2 support

The main concerns raised in the objection, was the impact on other legitimate businesses in the commercial area, by temporary mobile facilities. The objector did not object to this form of operation in appropriate locations.

Under the Scheme, applications are normally assessed as a permanent business and address a range of matters including:

- The premises appearance, parking, customer facilities, amenities and waste management.
- Compatibility with the commercial area and meeting the Scheme provisions.

In this instance the request is for a food van on a private property within the Kambalda business area.

Under the Shires Local Planning Scheme whilst some elements of the use are compatible with the commercial zone, there are a range of matters are required to be considered including the Scheme aims, zone objectives and the provisions of the Deemed Provisions of Clause 67 of the *Planning and Development (Local Planning Schemes) Regulations 2015*

The Scheme aims are to ensure proposals and development:-

- Assist with the effective implementation of regional plans and policies including the State Planning Strategy.
- Ensure there is a sufficient supply of serviced and suitable land for housing, employment, commercial activities, community facilities, recreation and open space.
- Assist employment and economic growth by facilitating the timely provision of suitable land for retail, commercial, industrial, entertainment and tourist developments, as well as providing opportunities for home-based employment.
- Safeguard and enhance the character and amenity of the built and natural environment of the local government area.

The objectives of the Commercial zone are: -

- To provide for a range of shops, offices, restaurants and other commercial outlets in defined townsites or activity centres.
- To maintain the compatibility with the general streetscape, for all new buildings in terms of scale, height, style, materials, street alignment and design of facades.
- To ensure that development is not detrimental to the amenity of adjoining owners or residential properties in the locality

Whilst there are benefits to food vans the challenge is ensuring the nature and type of business nature, type and form is consistent with the development, enhancement and growth of the town centre as specified in the objectives of the Scheme.

The proposed Food Van is considered a transient business provided in the form of a self-contained mobile facility, which is located at different places in Kambalda throughout the day. This proposed is the third location of the Food Van and is proposed to be on site between 10.00am – 2.30pm.

The key issues for consideration by the Shire are the use and the form of the proposal, in this instance by way of a food Van, and the extent to which they are compatible with the scheme and zone objectives and provision.

The purpose of temporary food vans is to activate areas where there is no activity. Hence the reason the Shire issues specific locational approvals only on a short-term temporary basis, with specified timeframes. The key issue relates to the impact of the location of a Food Van on the permanent business within core business/town centre. The principle being to create the parameters that support permanent business activities in town that support commercial growth.

The Shire currently has limited permanent food establishments within the town centre. The importance of permanent premises was highlighted when the current operator relocated outside the district, and the Shire was facing the potential loss of the only permanent café, in terms of impact on the community wellbeing and amenity. The Shire activity sought to retain permanent food and retails businesses in the townsite.

The challenge for Council is determining the Shire opinion on Food Vans being located within the core business/town centre area.

Whilst fast food outlets are appropriate in the commercial zone, the use of a food vans in place of permanent facilities in the town centre, could impact the growth of the town. On balance the proposed use of a food van in this location is not supported.

Notwithstanding the above, the Council has the discretion to determine the proposal is appropriate under the following options.

Options

Council have the following options

- Option 1 – Approve the proposal – with various conditions.
- Option 2 – Refuse the proposal.

CONSULTATION

Nil

STATUTORY ENVIRONMENT

Local Planning Scheme.

Planning and Development Act and Regulations.

Deemed Provisions.

Local Government Act 1995

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

Nil

STRATEGIC IMPLICATIONS**A thriving local economy**

Encouraging the development of local business education and 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

ATTACHMENTS**1. Barrel Monkeys Site Plan****VOTING REQUIREMENT**

Simple majority

OFFICER RECOMMENDATION

That Council **REFUSES** the proposal for a Fast Food - Food Van operating on Lot 1507, No 10 Mulga Drive, Kambalda for the following reason:-

1. Is inconsistent with Local Planning Scheme No 5 aims and Commercial Zone objectives
 - a. Is not considered to safeguard or enhance the character, amenity and growth of the built environment;
 - b. To provide for a range of shops, offices, restaurants and other commercial outlets in defined townsites or activity centres.
2. Having regard to the Scheme provisions the proposal is inappropriate in the context and character of the Kambalda Townsite.

11.3 Economic Development**11.3.1 FEDERAL GOVERNMENT MEETING OUTCOMES**

Location: Shire of Coolgardie

Applicant: Nil

Disclosure of Interest: Nil

Date: 17 March 2021

Author: Mia Hicks, Director of Economic and Community Development

SUMMARY

To provide Council with the outcomes of the Chief Executive Officer (CEO) and Director Economic and Community Development (DECD) travel to Canberra to present and update Federal Ministers on the Shire's priority Economic and Community Development infrastructure projects, which are at various stages of development and/or have recently received Federal government funding approvals.

BACKGROUND

The Shire of Coolgardie has been successful with competitive Federal government funding for a number of Economic and Community Development projects over the last three years which include – Lady Loch Truck Bay, the Coolgardie Post Office Complex, the Kambalda Aquatic Facility and Bayley Street Upgrades. In addition, the Shire has also received Roads to Recovery funding and Local Roads and Community Infrastructure Program funding through uncompetitive funding rounds.

With the recent completion of the 2021 Community Perceptions Survey, the Shire CEO and DECD attended Canberra to ensure that Federal Ministers were made aware of the priorities and relevant projects deemed important to the community.

The Shire has also submitted an application for the current round of Building Better Region Funding for the Coolgardie Tip Site

COMMENT

Meetings were kindly organised through Mr Rick Wilson, Member for O'Connor's Office. The CEO and DECD attended meetings with Ministers, Assistant Ministers, and Advisors holding the following portfolios –

- 1) Regional Health, Regional Communications and Local Government
- 2) Families and Social Services
- 3) Waste Reduction and Environmental Management
- 4) Energy and Emissions Reduction
- 5) Road Safety and Freight Transport
- 6) Indigenous Australians
- 7) Regional Development and Territories

Outcomes include –

- 1) Regional Health, Regional Communications and Local Government - The Shire of Coolgardie's Integrated Country Health Model would be the only model of its kind in Australia, which is exciting and fits with the Federal Government's aim for a sustainable regional health solution. The Shire's DECD has been offered an appointment with the newly appointed National Rural Health Commissioner to

discuss this model with St John WA. The Shire's CEO requested that funding under the Local Roads and Community Infrastructure remains available to local governments.

- 2) Families and Social Services - the Federal Government requires additional letters of support and statistics to ensure that the next phase of supporting participants on the Cashless Debit Card includes appropriate training, counselling and job-ready skills development outcomes. The Minister was briefed on the training and skills development opportunities that the Shire's proposed Waste Sorting and Recovery facility will bring to the region in assisting people to transition from the card into employment.
- 3) Waste Reduction and Environmental Management – The Shire's 2021 Community Perceptions Survey ranked the most important services offered by the Shire as waste collection and tip sites with a high-level of satisfaction from the community on the Shire's performance in these areas.

The CEO provided an update on the Shire's Coolgardie tip expansion including the proposed Waste Sorting and Recovery facility and Waste to Energy facility which will improve regional recycling and environmental performance. The project has the support of the Federal Government and, through the Member of O'Connor, advice will continue to be provided on funding opportunities.

- 4) Energy and Emissions Reduction – The CEO provided an update on the significant mining industry activity in the region including the constraints to power infrastructure for this industry's future development. Support for investment into the region including ongoing discussions with the State Government, to assist with power constraints was confirmed.
- 5) Road Safety and Freight Transport – The CEO provided an update on the significant haulage of mining materials on the Shire's road network including financial support committed from the Federal Government through its Heavy Vehicle Safety and Productivity Program and from the State Government for the Bayley Street upgrades. The Assistant Minister congratulated the Shire of Coolgardie on achieving these funding outcomes, offered support for future projects and encouraged the Shire to continue to work with the State Government and local members.
- 6) Indigenous Australians – The CEO provided an overview of the employment opportunities in the Shire of Coolgardie for Indigenous Australians including the presentation of new models of training and skills development that could be offered through the Shire. The Minister's office will provide the Shire with connections to relevant Ministers and Officers who can assist in progressing these initiatives.
- 7) Regional Development and Territories – The CEO provided an update on the Shire's tip expansion project. It was confirmed that significant savings to mining and other industries will be achieved by not having to transport waste to Perth but rather dispose for processing at the Coolgardie tip facility. Recommendations were made for road base output from rubber processing to reduce roadworks costs. The CEO raised that power and water are significant regional issues with suggestions to investigate water reuse initiatives and continue discussions with the State government on power infrastructure constraints. The support of local members for this project was emphasised.

CONSULTATION

Rick Wilson, Member for O'Connor

Ministers, Assistant Ministers, and Advisors from – Regional Health, Regional Communications, Local Government, Families and Social Services, Waste Reduction and Environmental Management, Energy and

Emissions Reduction, Road Safety and Freight Transport, Indigenous Australians and Regional Development/Territories.

James Trail, Chief Executive Officer

STATUTORY ENVIRONMENT

Nil

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

Travel for the above purposes is included in the 2020/21 FY Operating Budget

STRATEGIC IMPLICATIONS**A thriving local economy**

Advocating for training and employment opportunities delivered in the Shire

Supporting and encouraging mining and processing industries

Supporting local businesses in the Shire

Encouraging and attracting new investment and advocating for local employment

Accountable and effective leaders

Demonstrating that decisions are developed through inclusive community engagement

Developing strategic partnerships with regional, State and Federal governments

Developing strong partnerships with stakeholders for the benefit of our community

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

Effective management of infrastructure, heritage and environment

Ensuring that waste management practices are compliant

ATTACHMENTS

Nil

VOTING REQUIREMENT

Simple majority

OFFICER RECOMMENDATION

That Council

1. Continues to promote the Shire of Coolgardie's initiatives to develop strategic partnerships with the Federal and State governments.

2. Thanks the member for O'Connor for his support and assistance in facilitating meetings in conjunction with the March 2021 visit to Canberra.
3. Be provided with further reports on progress with the projects as they become available.

11.3.2 COMMUNITY PERCEPTIONS SURVEY 2021**Location:** Shire of Coolgardie**Applicant:** Nil**Disclosure of Interest:** Nil**Date:** 11 March 2021**Author:** Mia Hicks, Director of Economic and Community Development**SUMMARY**

That Council receives the results of the 2021 Shire of Coolgardie Community Perceptions Survey and considers the use of these results in the internal business planning process to assist in identifying areas which require resources to be allocated accordingly.

BACKGROUND

Community Perception Surveys (CPS) are used by local governments around the State to measure the importance of various Council services and satisfaction of these services to residents and ratepayers.

The Shire's CPS is conducted every two years as part of Council's commitment to its Community Strategic Plan 2018 – 2028 as "Accountable and Effective Leaders" through:

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

Feedback gathered through the biennial survey provides information on which Shire services are essential to the community, how the Shire is performing and how Council is performing.

COMMENT

The Shire has undertaken an extensive community engagement campaign to inform residents and ratepayers about the survey via social, digital, and traditional media to encourage participation. The survey was heavily promoted in the community via social and traditional media, posters, and fliers.

The 2021 survey measured community satisfaction over 27 service areas, with one additional service area included from 2019. These included the following:

Shire Roads (sealed)	Litter Collection
Shire Roads (unsealed)	Street Appearance - Trees/Verge Maintenance
Footpaths/Cycleways	Parks & Gardens
Airport	Playgrounds
Household Bin Collection	Cemetery
Landfill Site/Tip	Public Lighting
Sports Ovals & Facilities	Swimming Pools
Youth Services/Facilities	Recreation Centres
Seniors Services/Facilities	Drainage
Community Services & Support	Tourism & Tourist Attractions

Libraries	RV Stops
Child Care Facilities	Heritage Buildings
Visitors Centres	St John Medical Services (Kambalda) - New
Dog Control	

The survey also gathered information on local liveability factors and overall Shire performance. There were 264 responses to the survey, a +48% increase on the SCP responses in 2019. The total reports on 13% of the Shire's population of 3,610 (Census 2016).

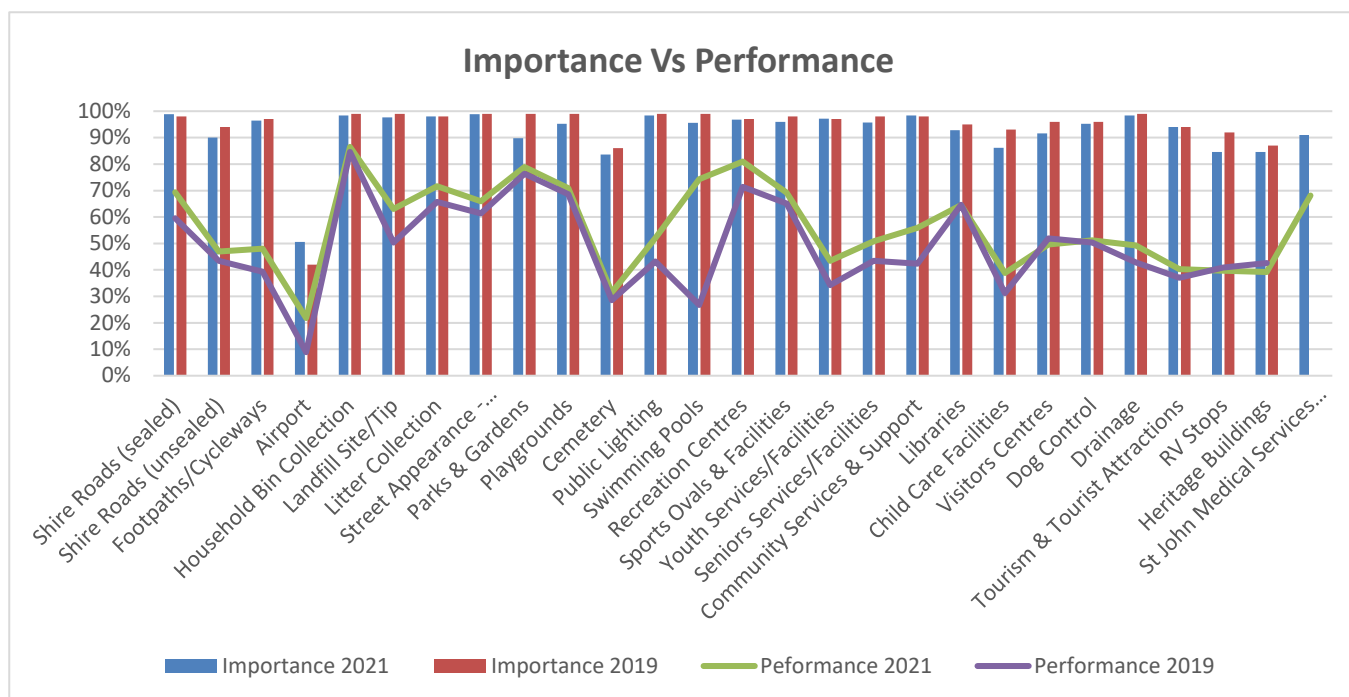
47% of survey responses were gathered via hard copy submissions with the remainder gathered via survey monkey through social media. Results of the survey have been analysed and a gap analysis was undertaken to determine priority areas for Council consideration (Attachment 1 CPS 2021 –Survey Results)

Overall, 83% of respondents to the Community Perception Survey indicated that the Shire's performance was average to excellent (2019: 58%), with 9% rating the performance as very poor or terrible (2019: 39%). In comparison, 54% of respondents rated the Shire's performance as excellent/good which is an increase of +29% from the last survey conducted (2019: 25%).

The 2021 CPS shows a strong improvement in the overall reception of the Shire as a place to live:

	Average	Positive	Total 2021 Average/Positive	Total 2019 Average/Positive
Shire as a place to live	23%	71%	94%	77%

Undertaking a gap analysis of survey data comparing community importance rating versus service delivery satisfaction levels provides with a clear understanding of areas where the community view the Shire to be exceeding expectations and performing below expectations.



Areas where the Shire is performing above community expectations included the following services/facilities.

Service/Facility	Performance 2019	Performance 2021	Difference
Shire Roads	59.5%	69.3%	+9.8%
Landfill Site/Tip	50.3%	63.1%	+12.8%
Swimming Pools	26.8%	74.3%	+47.5%
Community Services and Support	42.3%	55.9%	+13.6%
Recreation Centres	71.4%	81%	+9.6%

CONSULTATION

Shire of Coolgardie community

Councillors

STATUTORY ENVIRONMENT

Nil

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

There were no direct costs attributed to this survey as it was undertaken in-house compared to previous years where the Shire had to engage specialist consultants to assist with this project. This change reflects the significant approach of the Shire to improve the capacity of its internal resources.

STRATEGIC IMPLICATIONS

Accountable and effective leaders

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

Demonstrating that decisions are developed through inclusive community engagement

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

ATTACHMENTS

1. Coolgardie Survey 2021

VOTING REQUIREMENT

Simple majority

OFFICER RECOMMENDATION

That Council

1. EXPRESS its pleasure with the generally high levels of satisfaction indicated in the 2021 Community Perceptions Survey; and
2. CONSIDER the results of the 2021 Community Perception Survey during budget deliberations.

11.4 Commercial Services**11.4.1 BOTTLES AND COLLECTABLES OF WA CLUB INC (BACWA)**

Location: Coolgardie

Applicant: Bottles and Collectables of WA Club Inc (BACWA)

Disclosure of Interest: Nil

Date: 15 March 2021

Author: Leanne Shilton, Coolgardie Place Manager

SUMMARY

Council consideration is sought on the BACWA request to conduct a dig for bottles within a section of the Coolgardie Waste Facility. The request is to:

Undertake a dig in Coolgardie on the Foundation Day long weekend, 4th to 7th June 2021 and hold associated social events/activities.

The site requested for the bottle club dig is the Coolgardie Waste Facility.

- The Club is proposing to: -
 - Undertake a dig at the Coolgardie Waste Facility using both mechanical and hand methods.
 - Undertake social events and bottle auction.
 - Host the event at the Warden Finnerty building.
- Club members (up to 60) are estimated at attending the event and are staying in Coolgardie.
- The methods to undertake the dig are: -
 - Remove the surface mounds by machine and then expose some of the trenches below.
 - These trenches could then be dug by hand or if suitable by machine.
 - Digging through the soil. First the soil is removed by machine with a front-end loader and then a second fine dig by hand, forking through the site and material.
 - Once dug, the site is returned to its original state.
- The Club holds public liability for this type of event.

SITE

- Location: Reserve R3497 Coolgardie
- Zoning: Public Purpose – SCA 1(Special Control Area) Rubbish Tip
Ownership: Crown land reserve – vested in Shire of Coolgardie
- Size: 40.40 ha



BACKGROUND

The club has previously held two successful bottle digs at the Shire of Coolgardie Waste Facility in 2019. There were plans for a third dig in 2020 but this was cancelled due to Covid-19.

Due to the success of the two previous digs, BACWA are now requesting a third dig in the same area of the Coolgardie Waste Facility, known as the Old Sanitary Dump.

COMMENT

At Council's Ordinary meeting held 23 October 2018, Council decided;

COUNCIL RESOLUTION: # 211/18

Moved: Councillor, B Logan

Seconded: Councillor, E Winter

That Council,

Approve the BACWA request for the bottle dig on a trial basis for the two requested digs, subject to conditions including such matters as;

1. Digging shall not be below one metre in depth.
2. Health and safety protocols are met.
3. Two approved events with the duration of three consecutive days per event.
4. Site access is within specified hours by the Shire of Coolgardie.
5. Notification of dates of events is received two months prior to event.
6. Current Certificate of Currency for members Public Liability must be supplied covering the events.

CARRIED ABSOLUTE MAJORITY 6/0

The site is zoned public purpose – SCA 1 Rubbish Tip under the Local Planning Scheme No 5. There are no planning policies that relate to the site. The site is subject to a DWER Works Approval license required for operation of Rubbish Tip under Part V of the Environmental Protection Act 1986 requiring registration and compliance/inspections of prescribed premises. There are no specific approvals required from DWER for the dig, although the operator of the tip, which is the Shire, is required to comply with the approvals and registration conditions. DWER advised that it is a matter for the Local Council.

Under the Environment Protection Regulations 1987, the site is a Register Site and has specific controlling the following: -

- Acceptable waste types, operational parameters and management of the site.
- Tipping area height
- Covering of waste with inert material
- Containment of waste and separate from water and boundary.
- Control of dust.
- Surface preparation and site capping requirements where placement of waste has ceased in an area.
- Leachate management and monitoring of ground water contamination

Under the Coolgardie Health Local Laws 1998, Clause 47 Removal from Refuse Disposal Site: -

- *The person shall not remove any rubbish or refuse from a refuse disposal site without the written approval of the Council*
- *A person who obtains approval from the Council shall comply with any conditions imposed by the Council and set out in the approval*

The main health and safety issues for Shire consideration include: -

- Ensure the activities compliance with health and safety provisions.
- Making sure those participating do not expose waste material or damage the capping.
- Formal application with relevant safety and health conditions.
- Ensure any obligations around asbestos handling are complied with.

The Council has the authority to approve the request to dig at the Coolgardie Waste Facility under the Health Local Law 1998. The Shire can set conditions on the approval for the dig at the tip including on dig location, timeframes and safety and health requirements/obligations. The social events and bottle auction are positive activities for the town and enhance the tourism offering and complement the Shire's events activities.

The following options are provided for Council consideration: -

1. Approve request

- The Council has the authority to approve the request to dig at the Coolgardie Waste Facility under the Health Local Law 1998.
- The Shire can set conditions on the approval for the dig including location, timeframes and safety and health requirements/obligations.
- The social events and bottle auction are positive activities for the town and enhance the tourism offering and complement the Shire's events activities.
- Provide an economic stimulus in the town - tourism and holiday accommodation.
- Could become an annual activity.

2. Refuse Request

- On the basis of safety and health concerns.

- Concerns over conflict with the operations of the Coolgardie Waste Facility.
- Concerns over potential damage to capping and refuse management at the facility.
- The use of mechanical equipment to dig trenches has the potential to breach the capping of the site and the environmental management and monitoring controls under the Works Licence.
- Loss of local town heritage items

In summary the area proposed for the dig is located at the rear of the site and not part of the current operations. As the proposal could create a positive tourism event for the Shire, if conducted with appropriate controls in place, this could increase visitors to the Shire. Considerations for controls over the extent of digging below surface, compliance with Shire health and safety protocols, timeframes allocated to the group for the dig and site access would need to be included in the approval to the applicants.

CONSULTATION

SoC Staff

Urban Town Planning Consultant

BACWA Club President

STATUTORY ENVIRONMENT

Environment Protection Act 1986 Environment
Protection Regulations 1987 Coolgardie Health
Local Laws 1998

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

Nil

STRATEGIC IMPLICATIONS

A thriving local economy

Supporting local businesses in the Shire

Accountable and effective leaders

Developing strong partnerships with stakeholders for the benefit of our community

An inclusive, safe and vibrant community

Supporting and growing our arts and culture sector

Effective management of infrastructure, heritage and environment

Facilitating the preservation of heritage sites and buildings

ATTACHMENTS

1. Coolgardie 2021 dig letter (BACWA)

VOTING REQUIREMENT

Simple majority

OFFICER RECOMMENDATION

That Council,

Approve the BACWA request for the bottle dig at the Coolgardie Waste Facility on 4-7 June 2021, subject to the following conditions:

1. Digging shall not be below one metre in depth.
2. Health and safety protocols are met.
3. Site access is within specified hours by the Shire of Coolgardie.
4. Current Covid-19 Plan
5. Emergency Response Plan
6. Current Certificate of Currency for members Public Liability must be supplied covering the event.

12 ITEMS FOR INFORMATION ONLY

12.1 ACTIVITY REPORT - FEBRUARY 2021

Location: Nil

Applicant: Nil

Disclosure of Interest: Nil

Date: 16 March 2021

Author: Amy Tregoweth, Executive Assistance to Director of Operations

ATTACHMENTS

- 1. Activity Report - February 2021**

12.2 OUTSTANDING RESOLUTIONS

Date: 17 March 2021

Author: Amy Tregoweth, Executive Assistance to Director of Operations

ATTACHMENTS

- 1. Outstanding Resolutions Before July 2020**
- 2. Outstanding Resolutions After July 2020**

- 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 CEO Contract and CEO Standards

This matter is considered to be confidential under Section 5.23(2) - a) 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 affecting an employee or employees.

15.2 Mining and Rural Concession

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.

15.3 Rates - 3 Year Sale - 9 Ladyloch Road, Coolgardie

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.

15.4 Application to waive 2020-2021 Legal Fees

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.

15.5 Application to waive 2020-2021 Legal Fees

This matter is considered to be confidential under Section 5.23(2) - b), e(ii) and 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 the personal affairs of any person, a matter that if disclosed, would reveal information that has a commercial value to a person, where the information is held by, or is about, a person other than the local government and 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.

15.6 Application to waive 2020-2021 Legal Fees

This matter is considered to be confidential under Section 5.23(2) - b), e(ii) and 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 the personal affairs of any person, a matter that if disclosed, would reveal information that has a commercial value to a person, where the information is held by, or is about, a person other than the local government and 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