



AGENDA

Ordinary Council Meeting

25 June 2024

4:30pm

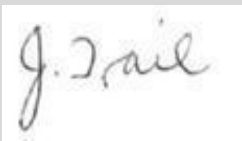
Council Chambers, Bayley Street, Coolgardie

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 25 June 2024 commencing at 4:30pm.

A rectangular box containing a handwritten signature in cursive script that reads "J. Trail".

**JAMES TRAIL
CHIEF EXECUTIVE OFFICER**

ORDINARY COUNCIL MEETING**25 June 2024**

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

The dates, times and locations of the Ordinary Council Meetings for 2024 are listed hereunder.

<u>Day</u>	<u>Date</u>	<u>Time</u>	<u>Venue</u>
Tuesday	23 January 2024	4:30pm	Kambalda
Tuesday	27 February 2024	4.30pm	Coolgardie
Tuesday	26 March 2024	4.30pm	Kambalda
Tuesday	23 April 2024	4.30pm	Coolgardie
Tuesday	28 May 2024	4.30pm	Kambalda
Tuesday	25 June 2024	4.30pm	Coolgardie
Tuesday	23 July 2024	4.30pm	Kambalda
Tuesday	27 August 2024	4.30pm	Coolgardie
Tuesday	24 September 2024	4.30pm	Kambalda
Tuesday	22 October 2024	4.30pm	Coolgardie
Tuesday	26 November 2024	4.30pm	Kambalda
Tuesday	17 December 2024	4.30pm	Coolgardie



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 10:30am 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.

DISCLOSURE OF INTERESTS

Notes for Guidance

IMPACT OF A FINANCIAL INTEREST (s. 5.65 & s.67. Local Government Act 1995)

A member who has a **Financial Interest** in any matter to be discussed at a Council or Committee Meeting, which will be attended by the member, must disclose the nature of the interest:

- a. In a written notice given to the Chief Executive Officer before the Meeting or;
- b. At the meeting immediately before the matter is discussed.

A member, who makes a disclosure in respect to an interest, must not:

- a. Preside at the part of the Meeting relating to the matter or;
- b. Participate in, or be present during, any discussion or decision making procedure relative to the matter, unless and to the extent that, the disclosing member is allowed to do so under *Section 5.68 or Section 5.69 of the Local Government Act 1995*.

INTERESTS AFFECTING FINANCIAL INTEREST

The following notes are a basic guide for Councillors when they are considering whether they have a **Financial Interest in a matter**.

1. A Financial Interest, pursuant to s.5.60A or 5.61 of the *Local Government Act 1995*, requiring disclosure occurs when a Council decision might advantageously or detrimentally affect the Councillor or a person closely associated with the Councillor and is capable of being measured in money terms. There are expectations in the *Local Government Act 1995* but they should not be relied on without advice, unless the situation is very clear.
2. If a Councillor is a member of an Association (which is a Body Corporate) with not less than 10 members i.e sporting, social, religious etc, and the Councillor is not a holder of office of profit or a guarantor, and has not leased land to or from the club, i.e, if the Councillor is an ordinary member of the Association, the Councillor has a common and not a financial interest in any matter to that Association.
3. If an interest is shared in common with a significant number of electors and ratepayers, then the obligation to disclose that interest does not arise. Each case needs to be considered.
4. If in doubt declare.
5. As stated if written notice disclosing the interest has not been given to the Chief Executive Officer before the meeting, then it **must** be given when the matter arises in the Agenda, and immediately before the matter is discussed. *Under s.5.65 of the Local Government Act 1995* failure to notify carries a penalty of \$10,000 or imprisonment for 2 years.
6. Ordinarily the disclosing Councillor must leave the meeting room before discussion commences. The only exceptions are:
 - 6.1 Where the Councillor discloses the **extent** of the interest, and Council carries a motion under s.5.68(1)(b)(ii) of the *Local Government Act 1995*; or
 - 6.2 Where the Minister allows the Councillor to participate under s.5.69(3) of the *Local Government Act 1995*, with or without conditions.

INTERESTS AFFECTING PROXIMITY (s.5.60b Local Government Act 1995)

1. For the purpose of this subdivision, a person has a proximity interest, pursuant to s.5.60B of the Local Government Act 1995, in a matter if the matter concerns;
 - a. a proposed change to a planning scheme affecting land that adjoins the person's land; or
 - b. a proposed change to the zoning or use of land that adjoins the person's land; or
 - c. a proposed development (as defined in Section 5.63(5)) of land that adjoins the person's land.

2. In this section, land (the proposal land) adjoins a person's land if;
 - a. The proposal land, not being a throughfare, has a common boundary with the person's land; or
 - b. The proposal land, or any part of it, is directly across a throughfare from, the person's land; or
 - c. The proposal land is that part of a thoroughfare that has a common boundary with the person's land.

3. In this section a reference to a person's land is a reference to any land owned by the person or in which the person has any estate or interest.

INTERESTS AFFECTING IMPARTIALITY

Definition: an interest, pursuant to Regulation 19AA of the Local Government (Administration) Regulations 1996, means an interest that could, or could reasonably be perceived to adversely affect the impartiality of the person having the interest; and includes an interest arising from kinship, friendship or membership of an association. It is also important to be considered in relation to the Shire of Coolgardie Code of Conduct for Council Members, Committee Members, and Candidates.

A member who has an **Interest Affecting Impartiality** in any matter to be discussed at a Council or Committee Meeting, which will be attended by the member, must disclose the nature of the interest;

- a. In a written notice given to the Chief Executive Officer before the Meeting or;
- b. At the Meeting, immediately before the matter is discussed.

IMPACT OF AN IMPARTIALITY DISCLOSURE

There are very different outcomes resulting from disclosing an interest affecting impartiality compared to that of a financial interest. With the declaration of a financial interest, an elected member leaves the room and does not vote.

With the declaration of this type of interest, the elected member stays in the room, participates in the debate and votes. In effect then, following disclosure of an interest affecting impartiality, the member's involvement in the Meeting continues as if no interest existed.

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 12.30PM ON THE DAY OF THE MEETING AT THE KAMBALDA OFFICE, IRISH MULGA DRIVE, KAMBALDA OR AT THE COOLGARDIE OFFICE, BAYLEY STREET, COOLGARDIE.

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1 DECLARATION OF OPENING / ANNOUNCEMENT OF VISITORS**1.1 ACKNOWLEDGEMENT OF COUNTRY**

“The Shire of Coolgardie acknowledges the Traditional Owners of the land, on which we meet and pay our respects to Elders past, present and emerging”

2 DECLARATION OF COUNCIL MEMBERS

The Shire President to invite Council Members to declare that they have read the agenda and supporting documents and able to make informed decision on all matters accordingly.

3 RECORD OF ATTENDANCE / APOLOGIES / APPROVED LEAVE OF ABSENCE**4 DECLARATIONS OF INTEREST****4.1 Declarations of Financial Interests – Local Government Act Section 5.60A****4.2 Declarations of Proximity Interests – Local Government Act Section 5.60B****4.3 Declarations of Impartiality Interests –Shire of Coolgardie Code of Conduct for Council Members, Committee Members and Candidates for Election, Code of Conduct for Employees****5 RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE**

Nil

6 PUBLIC QUESTION TIME**7 APPLICATIONS FOR LEAVE OF ABSENCE**

8 CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS

8.1 MINUTES OF THE ORDINARY COUNCIL MEETING HELD ON 28 MAY 2024

Date: 18 June 2024

Author: Kasey Turner, Executive Assistant

ATTACHMENTS

Nil

VOTING REQUIREMENT

Simple Majority

OFFICER RECOMMENDATION

That the Minutes of the Ordinary Council Meeting held on 28 May 2024 be confirmed as a true and accurate record.

8.2 MINUTES OF THE SPECIAL COUNCIL MEETING HELD ON 11 JUNE 2024

Date: 18 June 2024

Author: Kasey Turner, Executive Assistant

ATTACHMENTS

Nil

VOTING REQUIREMENT

Simple Majority

OFFICER RECOMMENDATION

That the Minutes of the Special Council Meeting held on 11 June 2024 be confirmed as a true and accurate record.

9 ANNOUNCEMENTS BY PRESIDING PERSON WITHOUT DISCUSSION**9.1 PRESIDENT'S REPORT - JUNE 2024****Date:** 18 June 2024**Author:** Malcolm Cullen, Shire President

I am pleased to report the increasing number of people within the communities of Kambalda and Coolgardie taking the oath to becoming new Australian Citizens. Over the past 12 months prior to Council Meetings and at the annual Australia Day celebrations, we have seen a steady stream of local residents undertaking Citizenship Ceremonies arranged through the Federal Government and assisted by our staff in becoming the latest Australian residents living and working in our Shire.

It is also worth noting that many of these people are bringing their families from other parts of the world and investing in the purchase of their new home in our towns as well.

Following last month's reporting of the public housing issue in Coolgardie, the Shire were invited to a meeting with the Department of Communities to hold talks on the future of the properties concerned, along with other opportunities for the Shire to work with the department on a range of housing and land matters within our communities.

As a member of the Goldfields Group of Regional Councils which has developed a Housing and Land Strategy for the Goldfields-Esperance Region, the Shire of Coolgardie is committed to collaborating with all levels of Governments and other housing providers in an endeavour to improve the standards and provide a level of housing and accommodation solutions for the growth and sustainability of our communities.

I look forward to reporting favourable outcomes from these discussions in the near future.

The matter of the Hudson Pear cacti growing in the Coolgardie townsite was raised at last month's Council meeting in Kambalda.

I would like to inform the community that the Shire has been undertaking management and containment programmes over the past eighteen months, working with both the Department of Parks and Wildlife, community, volunteers and out staff.

Currently the programme has involved spraying the plants with the recommended chemicals, waiting for them to dry off, then burning the residual plants during the warmer months of the fire burning periods. This practice has been quite successful to date and the programme will continue to run until the plant is finally eradicated from the townsite.

At the Special meeting of Council on June 11, a recommendation from our Staff to commit the funding necessary for the upgrading of infrastructure at the Toorak Hill transmission tower was endorsed.

The current equipment has been utilised for over eleven years and served our community well during that time, and by replacing it now will guarantee free to air TV broadcasts to the Coolgardie community and surrounding area for years to come.

Also at the Special meeting, Council endorsed a proposal to advertise public submissions for a business plan proposal for the lease of the Kambalda Airport.

The deadline for any submissions closes on July 26th.

Council and Staff have been busy working towards the finalisation of the annual budget for the 2024-25 financial year, with discussions and workshops over the past month.

As reported last month it is intended to have the draft budget completed and presented for consideration by Council at a Special meeting on Thursday, June 27th.

Cr Malcolm Cullen
Shire President

10 PETITIONS / DEPUTATIONS / PRESENTATIONS / SUBMISSIONS

Nil

11 REPORTS OF COMMITTEES

Nil

12 REPORTS OF OFFICERS**12.1 Executive Services****12.1.1 FREEDOM OF INFORMATION STATEMENT**

Location: Shire of Coolgardie
Applicant: Shire of Coolgardie
Disclosure of Interest: NIL
Date: 14th June 2024
Author: Steven Tweedie, Consultant

SUMMARY

For Council to endorse the Freedom of Information Statement for the Shire of Coolgardie.

BACKGROUND

The Western Australian Freedom of Information Act 1992 (the Act) is designed to enable the public to participate more effectively in governing the State, and to make the persons and bodies that are responsible for State and local government more accountable to the public.

The Act provides the right to apply for access to documents held by State Public Sector agencies which includes local governments.

This document has been prepared in accordance with Part 5 Section 96 (1) of the Freedom of Information Act 1992 (the FOI Act) which requires each government agency to prepare and publish an Information Statement annually.

This Information Statement must set out:

- the agency's mission statement
- details of legislation administered
- details of the agency structure
- details of decision-making functions
- opportunities for public participation in the formulation of policy and performance of agency functions
- documents held by the agency
- the operation of FOI in the agency.

s96 of the Act also requires the updated statement to be published – it will form part of the Council Policy Manual which is published at the Shire website as a public document.

s97 of the Act requires the FOI Commissioner be provided with the reviewed document.

A reviewed and updated statement is attached for Council to approve.

COMMENT

The Shire is committed to being an open and accountable government. Access to information held by the Shire is available from the Shire Libraries, the Shire offices, on our website, by telephone and email or by post.

CONSULTATION

Shire of Coolgardie FOI Coordinator

STATUTORY ENVIRONMENT

Freedom of Information Act 1992

Local Government Act 1995

POLICY IMPLICATIONS

Freedom of Information Statement

FINANCIAL IMPLICATIONS

Nil

STRATEGIC IMPLICATIONS**Accountable and effective leaders**

High quality corporate governance, accountability and compliance

ATTACHMENTS

1. **Shire of Coolgardie Freedom of Information Statement 2024**

VOTING REQUIREMENT

Simple Majority

OFFICER RECOMMENDATION

That Council, by Simple Majority, endorse the Freedom of Information Statement for the Shire of Coolgardie and that it is to be published on the Shire website and to be provided to the FOI Commissioner as required by the FOI Act.

12.1.2 KAMBALDA AERODROME LEASE PROPOSAL

Location:	Kambalda
Applicant:	Mineral Resources Limited
Disclosure of Interest:	Nil
Date:	19 June 2024
Author:	Laura Dwyer, Director of Community and Development

SUMMARY

This report relates to the negotiations of lease agreement terms for Kambalda Aerodrome.

BACKGROUND

At the Special Meeting of Council 11 June 2024, the following was resolved:

SPECIAL COUNCIL RESOLUTION AND OFFICER RECOMMENDATION

That Council, in accordance with S3.59 of the Local Government Act, calls for public submissions on the Business Plan proposal to lease the Kambalda Airport to Mineral Resources Ltd for a period of 21 years.

The business plan has since been advertised on the website for public consultation, closing 26 July 2024.

COMMENT

Concurrent to the process for Commercial Enterprises by local government including Major Land Transactions and Major Trading Undertaking, requirements need to be negotiated for the best interests of the community should a lease proceed.

Mineral Resources Limited are the proponent seeking the agreement and have terms they are seeking to have included as part of these deliberations. Attached includes a draft Term Sheet with key terms outlined for Council to consider.

To enable the negotiations to happen concurrently, delegation to the Chief Executive Officer to prepare a draft agreement on this basis is required. Providing the ability for the Chief Executive Officer to negotiate minor variations to agreement would be beneficial to move the process forward. This would allow for a draft to be prepared concurrently to the consultation of the business plan, should the business plan be approved by Council after close of the public consultation period. The consultation period closes 26 July 2024.

Given Council have the draft Term Sheet, the key components of the agreement are understood and would be the basis of the agreement. Minor variations would relate to administrative changes, with standard terms and clauses included. It is recommended that delegation be extended to allow the Chief Executive Officer to allocate necessary resources to seek advice and action a draft agreement in addition to negotiating the terms. It is recommended a final draft be presented to Council upon finalisation of negotiations.

Should negotiations fail or material changes to the Term Sheet be requested, it is recommended this be presented to Council for further consideration.

Failure to authorise the Chief Executive Officer to perform these functions could see negotiations delayed or stalled. This could affect commercial opportunity presented

Options are as follows:

1. Refuse delegation to the Chief Executive Officer to
 - a. Negotiate minor variation to the draft Kambalda Aerodrome Term Sheet;
 - b. Execute the Kambalda Aerodrome Term Sheet;
 - c. Allocate resources to preparation of a draft Kambalda Aerodrome Lease Agreement;
 - d. Negotiate minor variation to the draft Kambalda Aerodrome Lease Agreement; and
 - e. Present to Council following negotiations for consideration final draft Kambalda Aerodrome Lease Agreement.

2. Approve delegation to the Chief Executive Officer to:
 - a. Negotiate minor variation to the draft Kambalda Aerodrome Term Sheet;
 - b. Execute the Kambalda Aerodrome Term Sheet;
 - c. Allocate resources to preparation of a draft Kambalda Aerodrome Lease Agreement;
 - d. Negotiate minor variation to the draft Kambalda Aerodrome Lease Agreement; and
 - e. Present to Council following negotiations for consideration final draft Kambalda Aerodrome Lease Agreement.

CONSULTATION

Mineral Resources Limited

Shire Staff

STATUTORY ENVIRONMENT

s3.58 Local Government Act 1995 Disposing of Property

POLICY IMPLICATIONS

Policy 1.15 Execution of Documents

FINANCIAL IMPLICATIONS

Resource allocations for draft lease agreement preparation.

STRATEGIC IMPLICATIONS

Accountable and effective leaders

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

Effective management of infrastructure, heritage and environment

Maintaining and renewing infrastructure and building assets

ATTACHMENTS

1. **Kambalda Aerodrome Term Sheet - Confidential**

VOTING REQUIREMENT

Absolute Majority

OFFICER RECOMMENDATION**That Council:**

1. Delegate authority to the Chief Executive Officer to:
 - (a) Negotiate minor variation to the draft Kambalda Aerodrome Term Sheet;
 - (b) Execute the Kambalda Aerodrome Term Sheet;
 - (c) Allocate resources to preparation of a draft Kambalda Aerodrome Lease Agreement;
 - (d) Negotiate minor variation to the draft Kambalda Aerodrome Lease Agreement; and
 - (e) Present to Council following negotiations for consideration final draft Kambalda Aerodrome Lease Agreement.

12.1.3 MANAGEMENT OF SHIRE OWNED PROPERTIES IN KAMBALDA

Location: Kambalda
Applicant: Nil
Disclosure of Interest: Nil
Date: 1 May 2024
Author: Rebecca Horan, Director of Governance and Administration

SUMMARY

For Council to approve the Management Agreement from Ray White Real Estate, for the management of Shire owned properties in Kambalda.

BACKGROUND

The Shire currently engages Ray White Real Estate to manage all residential properties in Kambalda that are owned by the Shire. This includes receipt of rent payments, minor maintenance, and regular inspections. Management agreements are valid for a period of 12 months. Currently, Ray White manages the below properties in Kambalda for the Shire:

1. Units 1-4/59 Salmon Gum Road
2. Units 1-2/61 Salmon Gum Road

COMMENT

The purpose of the agreement is to manage the Shire's real estate in Kambalda, with the aim to alleviate the Shire's administration department of the responsibility and time dealing with the Shire's properties. By continuing with the engagement of Ray White, the daily duties will be the responsibility of Ray White which is more efficient for the Shire and provides a single source of information and knowledge for the community.

CONSULTATION

Ray White Real Estate

STATUTORY ENVIRONMENT

Nil

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

Management costs and rental income are allowed for in the budget.

STRATEGIC IMPLICATIONS**A thriving local economy**

Supporting local businesses in the Shire

ATTACHMENTS

1. Ray White - Management Agreement - Kambalda - Confidential

VOTING REQUIREMENT

Simple majority

OFFICER RECOMMENDATION

That Council **APPROVE** the Management Agreement with Ray White Kambalda for a period of 1 year, commencing 1 July 2024 for the following properties:

- Units 1-4/ 59 Salmon Gum Road
- Units 1 & 2/61 Salmon Gum Road

12.1.4 MANAGEMENT OF SHIRE OWNED PROPERTIES IN COOLGARDIE

Location: Coolgardie
Applicant: Nil
Disclosure of Interest: Nil
Date: 28 May 2024
Author: Rebecca Horan, Director of Governance and Administration

SUMMARY

For Council to approve the Management Agreement from First National Real Estate Kalgoorlie for the management of Shire owned properties in Coolgardie.

BACKGROUND

The management includes receipt of rent payments, minor maintenance, and regular inspections. Over the past 12 months, First National Real Estate has managed the below properties in Coolgardie for the Shire:

1. Units 1, 3, 5, 7, 9 & 11/1 Taylor Street, Coolgardie
2. 4/33 Sylvester Street, Coolgardie
3. 56 Bayley Street, Coolgardie – Post Office
4. 56 King Street, Coolgardie
5. 89 Woodward Street, Coolgardie - Railway Station Unit

Management agreements are valid for a period of 12 months, from 01 July to 30 June each year.

COMMENT

The purpose of the agreement is to manage the Shire's real estate in Coolgardie, with the aim to alleviate the Shire's administration department of the responsibility and time dealing with the Shire's properties. The Shire have had no issues with the way the Shire properties have been managed First National Real Estate Kalgoorlie over the last 12 months, and are satisfied with the information and updates provided by them.

The Shire has received notification that First National has decided to transition from a partnership to a corporate identity and therefore effective the 1st August 2024, will operate under the name Wades (Kal) Pty Ltd.

CONSULTATION

Nil

STATUTORY ENVIRONMENT

Nil

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

Management costs and rental income are allowed for in the budget.

STRATEGIC IMPLICATIONS**A thriving local economy**

Supporting local businesses in the Shire

ATTACHMENTS**1. First National Management Agreement - Confidential****VOTING REQUIREMENT**

Simple majority

OFFICER RECOMMENDATION

That Council **APPROVE** the Management Agreement with First National Real Estate Kalgoorlie for a period of 1 year, commencing 1 July 2024 for the following properties:

- **Units 1, 3, 5, 7, 9 & 11 / 1 Taylor Street, Coolgardie**
- **4/33 Sylvester Street, Coolgardie**
- **56 King Street, Coolgardie**
- **89 Woodward Street, Coolgardie**
- **56 Bayley Street, Coolgardie**

12.2 Operation Services

12.2.1 MT MARION MINING EXPLORATION DRILLING ACTIVITIES

Location: Lot 105 on DP 40396 Coolgardie Esperance Highway, Karramindie

Applicant: Mineral Resources

Disclosure of Interest: Nil

Date: 18 June 2024

Author: Francesca LeFante, Town Planning Consultant

SUMMARY

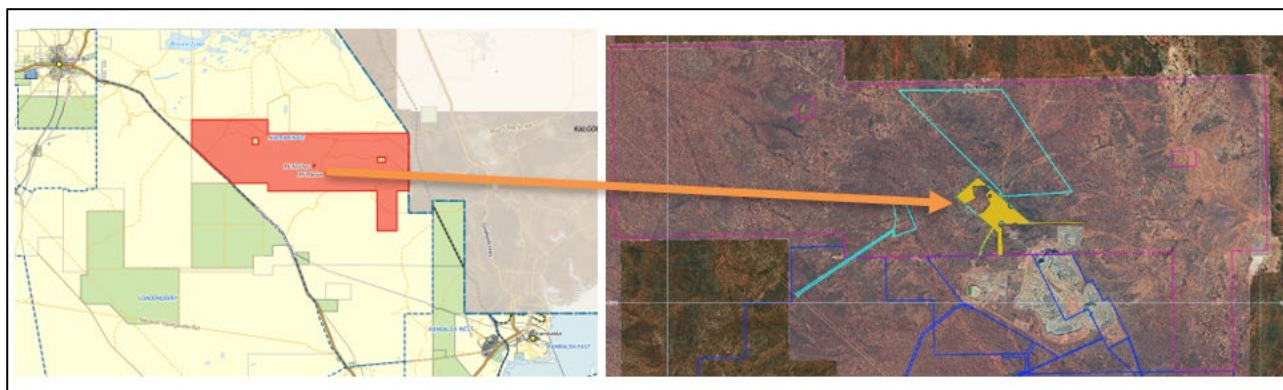
The Shire has received a proposal on Lot 105 Coolgardie-Esperance Highway, Karramindie, and part of East Location 53 comprising drilling activities comprising: -

- 300 pads (30m x 30m for 27 ha) to depth of up to 800m.
- Tracks – 4m wide tracks up to 30,000m total length (12.00ha).
- Clearance will be to the minimum area practical at each location, up to a maximum total area of 39ha of total disturbance.
- The proposed DA lies within approved NVCP numbers CPS9866 and CPS8632/1.

This approval is limited to the mining exploration drilling activities that are located on private land, requiring consideration by the Shire.

BACKGROUND

Lot 105 Coolgardie-Esperance Highway, Karramindie, and part of East Location 53. The site is freehold land Lot 105 on DP40396, Coolgardie-Esperance Highway, East location 53. Mineral Resources own and operate mining and associated exploration drilling activities on the subject site and adjoining mining tenements.



In May 2016 and Oct 2018 Council approved Exploration Drilling on site.

On 17 December 2019 Council approved mining operation on Lot 105 (Hamptons East Location 53). (PA19-12) The application comprised Open pit, Waste dump, Soil resource stockpile, Infrastructure corridor and Ground water monitoring bores. The approval was subject to various conditions including that: -

- *the north pit is limited to a depth of 150m below surface level, consistent with the requirements of DMIRS.*

In 2022 approval was granted for mining exploration drilling program over Area 53 in June (PA22-08) and December (PA22-24).

In March 2024 approval was granted for mining expansion comprising: -

- North Pit expansion to depth of approximately 220m.
- Waste Dump 5 to maximum height of 63m above natural ground level (to the 440 mRL).
- Abandonment Bund constructed with a minimum of 10m outside of the Zone of Instability (ZOI), to restrict unauthorised access.
- Flat laydown area for temporary storage of equipment (excluding buildings).

COMMENT

The subject land is freehold land for which the planning scheme requirements apply. The majority of Mt Marion mining activities are located on land which is under the control of the Mining Act. This approval is limited to the activities that are located on private land, requiring consideration by the Shire.

Zoning and Land Use Permissibility

The site is zoned Rural. The proposed use of the site for mining exploration drilling activities falls within the Scheme classification of “mining operation”. Under the Scheme the use is classified as an “D” discretionary use within the “Rural zone under LPS 5. The Local Planning Scheme No 5 does not include any specific development standards for the use, consideration is required by Council.

The Scheme objectives of the Rural Zone include: -

- To provide for a range of non-rural land uses where they have demonstrated benefit and are compatible with surrounding rural uses.
- To provide for a range of rural and mining pursuits that are compatible with the capability of the land, retain rural character and amenity of the locality and acknowledge the significance of mining operations and the extraction of basic raw materials with appropriate environmental safeguards.

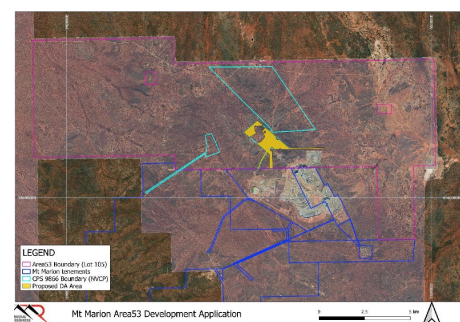
Mining Exploration Drilling

The mining exploration activities on Lot 105 as part of this application: -

- 300 pads (30m x 30m for 27 ha) to depth of up to 800m.
- Tracks - 4m wide tracks up to 30,000m total length (12.00ha)
- Clearance will be to the minimum area practical at each location , up to a maximum total area of 39ha of total disturbance.

The exploration activities adjoin the previous exploration activities from 2016, however these did not cover the entire area. This proposal excludes identified Heritage and Environmental areas which are considered Exclusion Zones.

The location of mining exploration drilling activities within the lease are highlighted yellow and in **Attachment 1**



Clearing Activities for the proposal will be conducted in accordance with Clearing Permit (CPS 9866/1), which authorises up to 120 ha of land within a footprint of 1,311 hectares on Lot 105 for the purpose of mining exploration. The proposed application lies within approved Native Vegetation Clearing Permit numbers CPS9866 and CPS8632/1. **Attachment 2**

The Shires Local Planning Strategy recognises and supports the mining operations and maintaining a close working relationship with mining operators to ensure that their planning takes due consideration of existing settlement environments.

Mining exploration activities are related to the mining activities on the adjoining lots and form part of the applicant's operation. There are no changes to the existing access roads from Coolgardie-Esperance Highway. There is no visual impact from the road relating to the drilling operations.

Environmental and Amenity

The proposal is located in over 20 km from the townsite of Kambalda or Coolgardie. Accordingly given the distance there are no amenity impacts on existing sensitive land uses. The exploration drilling activities are subject to the provisions and conditions of the Native Vegetation Clearing Permits for these activities

The expansion of the mining exploration drilling activities is consistent with scheme objectives and planning strategy, and approval is recommended.

CONSULTATION

Nil

STATUTORY ENVIRONMENT

Local Planning Scheme

Planning and Development Act and Regulations

Mining Act 1978

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

Nil

STRATEGIC IMPLICATIONS

A thriving local economy

Encouraging the development of local business education and support

Supporting local businesses in the Shire

Accountable and effective leaders

Developing strong partnerships with stakeholders for the benefit of our community

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

ATTACHMENTS

1. Plans Exploration Drilling and Exclusion Zones
2. Clearing Permit

VOTING REQUIREMENT

Simple Majority

OFFICER RECOMMENDATION

That Council APPROVE the application for Mining Exploration Drilling Activities on Lot 105 DP 40396 Coolgardie-Esperance Highway, Karramindie and accompanying plans and supporting material, in accordance with the provisions of the Shire of Coolgardie Local Planning Scheme No.5 subject to the following: -

Conditions

1. This approval shall expire and be of no further effect if the land use has not substantially commenced within a period of four (4) years or within any extension of time as granted by the Shire of Coolgardie.
2. The land use and development shall be undertaken in accordance with the approved plans and documentation.
3. All surface holes drilled for the purpose of exploration are to be capped, filled or otherwise made safe immediately after completion.

Advice Notes

1. The proponent is responsible for obtaining any approvals and/or clearances under the Native Vegetation Clearance.
2. The applicant is responsible for compliance with the Environmental Protection Act 1986 and Mine Safety and Inspection Act 1994.

12.2.2 COOLGARDIE-ESPERANCE HIGHWAY - ROAD WIDENING AND DEDICATION

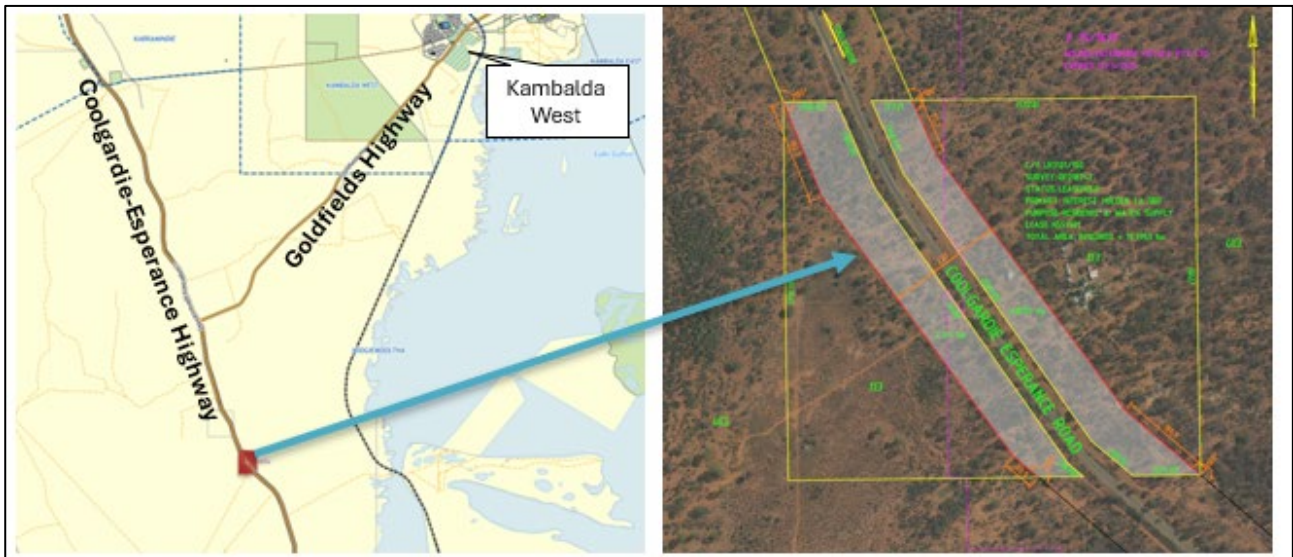
Location: Coolgardie-Esperance Highway
Applicant: N/A
Disclosure of Interest: Nil
Date: 18 June 2024
Author: Francesca LeFante, Town Planning Consultant

SUMMARY

The Shire has received a request from Main Roads seeking Council Resolution to dedicate a portion of land for widening the Coolgardie-Esperance Highway.

BACKGROUND

The subject portion of land for inclusion into the road reserve of Coolgardie-Esperance Highway, Widgiemooltha is 60.4 – 61.3 Straight Line Kilometre (SLK) which currently forms part of Lot 113 on DP 218742 as shown shaded on the map below and **Attachment 2**.



In support of this request the following background information has been provided: -
 The subject land underlying tenure is Crown Lot 113 on Deposited Plan 218742 (Lot 113).

- The current lessees of Lot 113 are advised that they wish to purchase Lot 113.
- The lease will need to be disposed of so Lot 113 can be converted to Freehold.
- The road widening will occur prior to the Freehold conversion.
- MRWA is currently working through the process with all stakeholders for the proposed road widening to be finalised.

COMMENT

To enable the land to be dedicated as road reserve, the Land Administration Act 1997, Section 56 sets out the process including that local government resolve to dedicate the road.

The legislation includes various actions and obligations under Section 56, to ensure clarity in the role of the Shire and the responsibility for other actions are under this request, it is recommended that the following condition be included on Main Roads obligations, including: -

- The purpose of this land dedication is for widening of Coolgardie-Esperance Highway which is under the control and responsibility of Main Roads WA.
- Responsible for undertaking all other required actions under Section 56 of the Land Administration Act 1997 including: -
 - Preparation of dimensioned plan of survey and associated documentation;
 - Indemnifying the Minister against any and all claims for compensation associated with the subject land;
 - Liaising with any person having interest in the subject land.
 - Liaising and providing relevant information to the Minister.

There are no planning issues with this request, and accordingly, support is recommended for this road dedication for widening of Coolgardie Highway as part of tenure changes to Lot 113 on Deposited Plan 218742

Options

Council has the following options: -

Option 1: Support the request for road reserve widening.

Option 2: Decline to pursue actions.

CONSULTATION

Main Roads

STATUTORY ENVIRONMENT

Land Administration Act 1997

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

Nil

STRATEGIC IMPLICATIONS

A thriving local economy

Encouraging the development of local business education and support

Supporting local businesses in the Shire

Accountable and effective leaders

Developing strong partnerships with stakeholders for the benefit of our community

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

ATTACHMENTS

1. Main Roads Request
2. Plans Road Widening

VOTING REQUIREMENT

Simple Majority

OFFICER RECOMMENDATION**That Council**

1. **SUPPORT the dedication of the land the subject of Main Roads Land Dealing Plan 2460-107 comprising portion of Lot 113 on DP 218742 as a road pursuant to Section 56 of the Land Administration Act 1997.**

2. **ADVISE Main Roads that: -**
 - a. **the purpose of this land dedication is for widening of Coolgardie Esperance Highway which is under the control and responsibility of Main Roads WA.**
 - b. **Responsible for undertaking all other required actions under Section 56 of the Land Administration Act 1997 including:-**
 - i. **Preparation of dimensioned plan of survey and associated documentation;**
 - ii. **Indemnifying the Minister against any and all claims for compensation associated with the subject land;**
 - iii. **Liaising with any person having interest in the subject land**
 - iv. **Liaising and providing relevant information to the Minister.**

12.2.3 LIST OF PAYMENTS - MAY 2024

Location: Nil
Applicant: Nil
Disclosure of Interest: Nil
Date: 17 June 2024
Author: Corina Morgan, Senior Finance Officer

SUMMARY

For Council to receive the list of accounts for May 2024.

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 May 2024 are:

1. Northern Rise – Management of Bluebush Village
2. Versatile Plant & Contracting Pty Ltd – Kambalda Airstrip Maintenance
3. Focus Demolition & Asbestos Removal – Demolition of 1 Nickeltown Crescent Kambalda East

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 guidelines 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 - May 2024

VOTING REQUIREMENT

Simple majority

OFFICER RECOMMENDATION

That Council RECEIVE listing (attached) of accounts paid during the month of May 2024 by the Chief Executive Officer under delegated authority of Council.

1. Municipal accounts totalling \$2,075,542.74 on municipal vouchers EFT27315 - EFT27515, Cheques 53575 – 53582 and Direct Debits.
2. Credit card payments totalling \$12,607.38
3. Fuel card payments totalling \$36,620.22
4. Woolworths cards totalling \$1,262.12

12.2.4 MONTHLY FINANCIAL STATEMENTS FOR THE MONTH ENDED 31 MAY 2024

Location: Shire of Coolgardie
Applicant: Shire of Coolgardie
Disclosure of Interest: Nil
Date: 18 June 2024
Author: Corina Morgan, Senior Finance Officer

SUMMARY

This report recommends that the Monthly Statement of Financial Activity report for the period ending 31 May 2024 is presented to Council for adoption.

BACKGROUND

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

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

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

COMMENT

Attached for consideration is the completed Monthly Financial Report.

The document attached includes Statements of Financial Activity by Program, and Nature and Type, Notes to the financial statements, an explanation of material variance as well as a summary of bank account balances at 31 May 2024, 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

Nil

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

Accountable and effective leaders

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

High quality corporate governance, accountability and compliance

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

ATTACHMENTS

1. Monthly Financial Report - May 2024

VOTING REQUIREMENT

Simple majority

OFFICER RECOMMENDATION

That the Monthly Financial Activity Statement for the period 1 July 2023 to 31 May 2024 be received.

12.3 Commercial Services

Nil

13 ITEMS FOR INFORMATION ONLY

Nil

14 ELECTED MEMBERS MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

Nil

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

15.1 Elected Members

15.2 Shire Officers

16 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:

16.1 Rates Write Offs 2023-2024

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.

17 CLOSURE OF MEETING