



AGENDA

Ordinary Council Meeting

26 March 2024

4:30pm

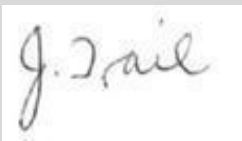
**Kambalda Recreation Centre, Barnes Drive,
Kambalda**

SHIRE OF COOLGARDIE

NOTICE OF ORDINARY MEETING OF COUNCIL

Dear Elected Member

The next Ordinary Meeting of the Shire of Coolgardie will be held on Tuesday 26 March 2024 commencing at 4:30pm.

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

JAMES TRAIL
CHIEF EXECUTIVE OFFICER

ORDINARY COUNCIL MEETING**26 March 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.

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 ANNUAL ELECTORS MEETING HELD ON 30 JANUARY 2024****Date:** 19 March 2024**Author:** Kasey Turner, Executive Assistant

The Shire of Coolgardie held its Annual Electors Meeting (AEM) on January 30 2024, with the primary business being to consider the Annual Report of the Shire.

The Local Government Act required the CEO to ensure the minutes of the AEM are retained by the local government and are available to the public before Council considers any resolutions carried at the AEM (s5.32(b) LGA), and they are now at the Shire's website.

In accordance with the provisions of s5.33 LGA all resolutions carried at the AEM must be considered by Council at the next (or most practicable) OCM.

All motions which were carried, were of a procedural nature and as such Council does not need to consider same.

The point was made by an elector, and accepted by the Shire President, as Presiding Member that there was an error in the "key facts" section of the Annual Report, in relation to the number of Council Members. As this was not information required to be included, and it was impractical to correct the error, and reprint the Annual Report, the Presiding Member undertook to ensure the 2023/2024 Annual Report correctly reflects the number of Council Members in office during the period of the Report.

ATTACHMENTS

1. **Unconfirmed Minutes of the Annual Electors Meeting 30 January 2024**

VOTING REQUIREMENT

Simple Majority

OFFICER RECOMMENDATION**That Council receive the Minutes of the Annual Electors Meeting held on 30 January 2024.****That the Shire will ensure correct information is contained in the key facts section of the next Annual Report for 2023/2024.**

8.2 MINUTES OF THE ORDINARY COUNCIL MEETING HELD ON 27 FEBRUARY 2024

Date: 19 March 2024

Author: Kasey Turner, Executive Assistant

ATTACHMENTS

Nil

VOTING REQUIREMENT

Simple Majority

OFFICER RECOMMENDATION

That the Minutes of the Ordinary Council Meeting held on 27 February 2024 be confirmed as a true and accurate record.

9 ANNOUNCEMENTS BY PRESIDING PERSON WITHOUT DISCUSSION**9.1 PRESIDENT'S REPORT - MARCH 2024****Date:** 19 March 2024**Author:** Malcolm Cullen, Shire President

Following the recent weather events over the past weeks, with severe storms causing extensive damage to sections of the Shire Road network, contractors have been engaged to assist our roads crew to repair the road surface, particularly on the Coolgardie North Road as well as replacing a damaged floodway culvert on the Nepean Road.

WML engineering consultants are working with Shire Staff to submit an application to the Federal Government for natural disaster funding to enable total replacement and restoration of these damaged sections of our road network.

WML consultants are also working with shire Staff to prioritise the current road projects for the 2024 year. Roads that have been identified for upgrades under the R2R programme that include improved drainage being Ford and Renou Streets in Coolgardie and Clianthus Road in Kambalda.

WML are also finalising the review of the footpath network in both Coolgardie and Kambalda in order to set out a programme of works for maintenance and upgrades of the footpaths in both our towns. Council will consider the WML review in order to allocate funding for the footpath upgrade programme in the coming 2024/25 annual budget.

Due to the scale of entire footpath network in our towns, these works will be prioritised over several years in order to achieve a positive outcome for our communities.

Councillors and Staff participated in a full day workshop recently with our Strategic Consultant Chris Adams with the view of reviewing all of the Shire's major projects and a deep dive into the income and expenditure assumptions for Council to consider over the coming months when setting up for considerations of the 2024/25 annual budget.

The upgrades to the Coolgardie Waste Water facility have been progressing steadily over the past weeks, with the excavation works completed and contractors working at installing the ponds liner. These works will increase the capacity of the facility in order to cater for the additional flow of Waste Water from the accommodation villages on Gnarlbine Road. This project has been partially funded through agreements with mining companies operating the villages.

Shire emergency management staff have been working with Department Fire and Emergency Services and WA Local Government Association to finalise the Shire's Bushfire Risk Management Plan.

The plan will provide an indication of all Shire and community assets and a 12-month bushfire mitigation programme as well assisting to access equipment and mitigation funding for these works.

The International Women's Day event hosted by the Shire of Coolgardie at the Kambalda Recreation Centre on March 8, was well attended and once again an outstanding success with events such as this highlighting the importance of bringing the community together by networking and sharing their experiences with each other.

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 RFT 09/2023 - PROVISION OF PROJECT CAPABILITY SUPPORT SERVICES PANEL: ROAD NETWORK MAINTENANCE PROPOSAL**

Location: Shire of Coolgardie
Applicant: NIL
Disclosure of Interest: NIL
Date: 11th March 2024
Author: James Trail, Chief Executive Officer

SUMMARY

That Council endorse and approve the provision of road network maintenance project works by Versatile Plant Hire and Contracting as an outsourced road network maintenance program in accordance with the provisions of Tender 09/2023 (Provision of project capability support services).

BACKGROUND

The Shire of Coolgardie issued a Request for Tender for the Provision of Project Capability Support Panel for the as and when required provision of project capability support services as set out in the tendered scope.

Council awarded (under Council resolution number #252/2023, dated 28 November 2023) Tender 09/2023 provision for the provision of project capability support services on the schedule of rates offered for a period of three years with the option to extend the contract for a further two year period at the sole discretion of the Shire. The award included Versatile Plant Hire & Contracting as a panel member.

The road network maintenance project works proposal received from Versatile Plant Hire and Contracting has been done on the basis and the terms of the awarded contract under Tender 09/2023.

COMMENT

The provision of road network maintenance project works includes:

- a. Planning, inspections, scheduling and execution of all dirt road maintenance works;
- b. Project management, liaison and coordination with haulage providers, the Shire and Shire contractors as required;
- c. Carrying out initial road network inspection and condition assessment
- d. Appointment of adequate supervision to manage the works
- e. Traffic management;
- f. Supply of the required plant and equipment to manage the project
- g. Management, ordering and supply of the required materials to complete the works.
- h. Access and usage of the Coolgardie and Kambalda depots and laydown yards.
- i. Engage and utilise Shire residents and Shire-based contractors where possible and practical.

It excludes road maintenance works within a 5km radius from the centre of Coolgardie and Kambalda East and West. Town road maintenance will continue to be completed by the Shire.

CONSULTATION

Celia Jordaan, Uniqco

STATUTORY ENVIRONMENT

Local Government Act 1995

POLICY IMPLICATIONS

NIL

FINANCIAL IMPLICATIONS

The funds for any services provided, will be included in approved budgets for the specific services required. Annual budget for road works within the Shire is approximately \$2 million per year.

STRATEGIC IMPLICATIONS

A thriving local economy

Encouraging and attracting new investment and advocating for local employment

Accountable and effective leaders

High quality corporate governance, accountability and compliance

ATTACHMENTS

1. **RFT 069/2023 - Road Maintenance Proposal and agreement - Confidential**

VOTING REQUIREMENT

Absolute Majority

OFFICER RECOMMENDATION

That Council

1. **Accept the proposal submitted by Versatile Plant Hire and Contracting Pty Ltd ABN 99 607 017 498 for the provision of project capability support services to deliver the Shire's annual road maintenance program for the term of the RFT 09/2023 to January 1st 2027, for the Project Capability Support Services Panel contract between the Shire and Versatile Plant Hire and Contracting.**
2. **Delegate Authority to the Chief Executive Officer to enter into negotiations and finalise the proposal with Versatile Plant Hire and Contracting Pty Ltd ABN 99 607 017 498 for the provision of project capability support services to deliver the Shire's annual road maintenance program for the term of the RFT 09/2023 to January 1st 2027, for the Project Capability Support Services Panel contract between the Shire and Versatile Plant Hire and Contracting.**
3. **Authorise the Chief Executive Officer and Shire President to sign and affix the common seal to any documents required.**

12.1.2 DEPARTMENT OF LOCAL GOVERNMENT PROPOSAL FOR UNIFORM MEETING PROCEDURES

Location: Shire of Coolgardie
Applicant: NIL
Disclosure of Interest: NIL
Date: 18th March 2024
Author: Steven Tweedie, Consultant

SUMMARY

This agenda item considers the main matters proposed in the consultation paper released by the Department of Local Government, their impact on the Shire of Coolgardie Council, and Committee meetings, and issues to be raised by the Shire, as its response to the proposals.

If the State Government proposals become law (with, or without modification) then the SoC Meeting Procedures Local Law (MPLL) will be superseded by the template Local Law.

BACKGROUND

The previous Minister for Local Government announced, that as part of a suite of reforms to Local Government that standardised Meeting Procedures would be developed, to apply to all local governments, whether they currently have Meeting Procedures, Standing Orders, a Policy on conduct of meetings, or no rules or policies at all.

In February 2024 the DLG released its proposals for public (and LG) comment, as well as seeking views on the development of proposals on related matters, with submissions closing on May 29 2024.

COMMENT

The DLG discussion paper is available at:

<https://www.dlgsc.wa.gov.au/local-government/strengthening-local-government/local-government-act-reform/standardised-meeting-procedures-consultation#:~:text=New%20state%2Dwide%20regulations%20are,or%20council%20meeting%20local%20laws.>

The major issues highlighted for consideration include:

- Why are the changes needed – one of the fundamentals of LG is the localised approach to priorities and issues – the DLG suggests that standardised Meeting Procedures will make it easier and more “logical” for people, who attend multiple Council meetings to follow the format, especially Public Question Time (PQT). The observation should be made that few people attend PQT (in person or electronically, in LGs where this is required), and certainly even fewer attend multiple PQT at multiple LGs. If PQT needs reform, that element should be the priority,
- A Council meeting cannot commence before 0800, or after 2000, unless new thresholds are met, at least 24 hrs notice must be given in calling a SCM (unless prerequisites are met)
- The order of business at an OCM/SCM is changed, no great impact on SoC, LOA requests will be dealt with under proposed “motions from members” - might be worth clarifying,

- Changes to what happens if no quorum present at a Council meeting – if no quorum present during a meeting, it may be adjourned for up to 15 mins, but if still not present, meeting is closed.
- Mandatory adjournment of Council meetings at 2245 or 2300,
- Urgent business, without notice, introduced by the CEO, including requirement that DLG be advised, every time this happens, and that an AM be required to agree to consider such matters
- Changes to Public Question Time – public need not provide question in writing (but may do so, if they choose), limits to (time) length of questions, maximum number of questions that may be asked consecutively,
- Presentations, petitions - no major changes proposed that will affect SoC,
- Conduct of debate - no major changes proposed that will affect SoC,
- Motions and amendments – proposed that written notice be given 7 days before meeting, SoC has 8 days, no major changes proposed that will affect SoC,
- Debate on motions - no major changes proposed that will affect SoC,
- Questions by Members - no major changes proposed that will affect SoC,
- Procedural motions - no major changes proposed that will affect SoC,
- Adverse reflections - no major changes proposed that will affect SoC,
- Confirming minutes - no major changes proposed that will affect SoC,
- Committee meetings - no major changes proposed that will affect SoC,
- Meetings of electors – DLG seeking comments from LGs on current provisions
- Electronic meetings – DLG seeking comments from LGs on current provisions

CONSULTATION

CEO

Director Governance and Administration

STATUTORY ENVIRONMENT

Provisions of Local Government Act 1995, Administration Regulations, Shire of Coolgardie Meeting Procedures Local Law.

POLICY IMPLICATIONS

There may be implications, if the DLG proposals, are approved by State Parliament, and implemented, although it is assumed to be the case, some proposals may change because the public consultation process. Therefore, it is not possible at this stage to be definitive on the impact on the Shire of Coolgardie Policies, but these will be assessed when certainty arises on the outcome of the proposals.

FINANCIAL IMPLICATIONS

There are no financial impacts foresee as a direct result of the proposals, at this stage.

STRATEGIC IMPLICATIONS

Accountable and effective leaders

High quality corporate governance, accountability and compliance

ATTACHMENTS

1. Shire of Coolgardie Meeting Procedures Local Law - Impact of Department of Local Government

VOTING REQUIREMENT

Simple Majority

OFFICER RECOMMENDATION

1. That Council resolve, and the CEO respond to the Department of Local Government, in the following terms:
 - To object to the need for uniform Meeting Procedures, on the basis that:
 - There is no evidence of widespread problems and issues with Council meetings, not able to be addressed under current Standing Orders, Meeting Procedures, or Policy
 - Meeting Procedures/Standing Orders that differ in requirements, or approaches are not inherently wrong – does it matter if a Council has a 5-minute limit to the time a Member can speak on a matter, whereas another Council has a 3-minute limit?
 - If the primary issue is a need for uniform Public Question Time in at all Council meetings (and that is disputed), then reform that part only
 - Calling meetings - That Council supports the general principles proposed, including that Council meetings cannot commence before 0800, nor after 2000, but on the basis that in the event of special circumstances, such as a local emergency, that an Absolute Majority can so authorise,
 - Order of Business at Council meetings –
 - That Council supports the general principles proposed, on the basis that they are either reasonable, or generally consistent with the current provisions of the SoC MPLL
 - That Council seek clarification/confirmation that LOA requests will be dealt with under proposed “motions from members”
 - Loss of Quorum - That Council supports the general principles proposed, on the basis that they are either reasonable, or generally consistent with the current provisions of the SoC MPLL,
 - Mandatory adjournment of Council meetings at 2245 or 2300 - That Council supports the general principles proposed, on the basis that they are either reasonable, or generally consistent with the current provisions of the SoC MPLL,
 - Urgent business, including requirement that DLG be advised, every time this happens - That Council supports the general principles proposed, but sees little point in every CEO being required to notify DLG, within 7 days of doing so,
 - Public Question Time – That Council objects to the need for uniform procedures regarding PQT, but supports the general principles proposed, on the basis that they are either reasonable, or generally consistent with the current provisions of the SoC MPLL,
 - Presentations and Petitions - That Council supports the general principles proposed, on the basis that they are either reasonable, or generally consistent with the current provisions of the SoC MPLL,
 - Conduct of debate - That Council supports the general principles proposed, on the basis that they are either reasonable, or generally consistent with the current provisions of the SoC MPLL,
 - Motions and amendments - That Council supports the general principles proposed, on the basis that they are either reasonable, or generally consistent with the current provisions of the SoC MPLL,
 - Debate on motions - That Council supports the general principles proposed, on the basis that they are either reasonable, or generally consistent with the current provisions of the SoC MPLL,

- **Questions by Members - That Council supports the general principles proposed, on the basis that they are either reasonable, or generally consistent with the current provisions of the SoC MPLL,**
 - **Procedural motions - That Council supports the general principles proposed, on the basis that they are either reasonable, or generally consistent with the current provisions of the SoC MPLL,**
 - **Adverse reflections - That Council supports the general principles proposed, on the basis that they are either reasonable, or generally consistent with the current provisions of the SoC MPLL,**
 - **Confirming minutes - That Council supports the general principles proposed, on the basis that they are either reasonable, or generally consistent with the current provisions of the SoC MPLL,**
 - **Committee meetings - That Council supports the general principles proposed, on the basis that they are either reasonable, or generally consistent with the current provisions of the SoC MPLL,**
- 2. That the CEO report to Council, in due course, if there are other matters raised by WALGA, or other Local Governments, that the Shire of Coolgardie should consider.**

12.2 Operation Services

12.2.1 2023 COMPLIANCE AUDIT RETURN

Location: Shire of Coolgardie

Applicant: Shire of Coolgardie

Disclosure of Interest: NIL

Date: 6 March 2024

Author: Rebecca Horan, Director of Governance and Administration

SUMMARY

The purpose of this report is to present Council with the completed 2023 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 2023 to 31 December 2023 of the preceding year. The CAR, after being adopted by Council, is to be forwarded to the Department of Local Government by 31 March 2024.

The Audit Committee at its meeting held on Tuesday 5th March 2024 adopted the completed 2023 Compliance Audit Return for the Shire of Coolgardie for the period 1 January 2023 to 31 December 2023.

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.

With the exception of an "Optional" Category that included 9 questions relating to a number of different areas, the specific areas addressed by the CAR are the same as those covered in the 2022 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
- Optional Questions
- Tenders for Providing Goods and Services

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

The review has found that there were 1 item of non-compliance. As a comparative, there were 2 items of non-compliance identified in the 2022 Return.

A summary for each of the sections is shown below;

Commercial Enterprises by Local Government

Non Compliance matters raised - Nil

Delegation of Power/Duty

Non-Compliance matters raised – Nil

Delegation of Power/Duty has had some non-compliance matters over the past few years however now that we have a staff member responsible for Governance we were able to be complaint in this area in 2023.

Disclosure of Interest

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

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

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

5.75. Primary returns

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

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

5.76. Annual returns

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

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

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

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

5.77. Acknowledging receipt of returns

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

Non Compliance matters raised – Nil however it has been noted in the CAR that Cr Matthews dated his Primary return the 9th October 2023, which is prior to the election however the Acknowledgement Letter is dated the 16th November 2023. Advice was sought from our Governance Consultant and he advised that this was not reportable but to be noted in the CAR.

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

It is a requirement that an Audit Committee is established and appointed by Council.

It is also a requirement for any significant matters raised in the Audit Report to be addressed by the CEO with an Action List addressing these matters raised endorsed by Council and a copy sent to the Minister within 3 months of receiving the Audit Report.

Non Compliance matters raised - Nil

Local Government Employees

This area relates to the advertising and appointment of the CEO.

Non Compliance matters raised - Nil

Official Conduct

This area relates to the requirements of a complaints register, policies, councillor professional development and budgets.

Non Compliance matters raised - Nil

Integrated Planning & Reporting

In accordance with the following regulations of the Local Government (Administration) Regulations 1996, A local government is required to undertake certain reviews of integrated planning documents;

1. 19C(4) a local government is to review the current strategic community plan for its district at least once every 4 years, and
2. 19DA(4) a local government is to review the current corporate business plan for its district every year.

Non Compliance matters raised – 1

Council have completed a review of the strategic community plan as well as an updated long term financial plan in the last 12 months, however the corporate business plan has not been presented to Council within this period.

The corporate business plan is currently under review as part of aligning the document with corporate reporting requirements to be implemented and the corporate business plan.

Optional

In total there were 9 optional questions relating to areas including finance, audit, risk management, gift registers, staff and elected member policies and procedures.

All questions were completed and the Shire was compliant with all 9 questions.

Tenders for Providing Goods and Services

This area relates to purchasing polices, tenders, provision for statewide public notices and tender register. There was one instance where a tender was not advertised in the local newspaper. This was reported to the Department of Local Government and a response received.

Non Compliance matters raised – 0

Overall the completed CAR indicates that the Shire of Coolgardie has improved its level of compliance in the key areas that the CAR focuses on.

CONSULTATION

Nil

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. **Compliance Audit Return 2023**

VOTING REQUIREMENT

Simple majority

OFFICER RECOMMENDATION

That Council;

1. **ADOPT the completed 2023 Compliance Audit Return for the Shire of Coolgardie for the period 1 January to 31 December 2023 as presented in the attachment for this report, and**
2. **Request the CEO to submit 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.**

12.2.2 COOLGARDIE RODEO

Location: Coolgardie
Applicant: Outback Rodeos Inc.
Disclosure of Interest: Nil
Date: 14 March 2024
Author: Laura Dwyer, Director of Community and Development

SUMMARY

To seek Council approval for a 3-year agreement for Outback Rodeos Inc to use land allocated in Coolgardie to hold an annual rodeo event.

BACKGROUND

Formed in 2021, Outback Rodeos Inc (ORI) is a committee of 9 volunteers has held a rodeo event in Coolgardie since 2021. The Shire has agreed since the event moved from Menzies to Coolgardie of use of land, cash contribution of \$100,000 ex GST and in-kind support of the following:

- Bus hire
- Liquid waste tip disposal
- General waste tip disposal
- Water
- Truck stop closure (Ute and Truck show event)
- Business support

An estimated 3500 people attend which in 2023 went from a single day to a three-day event. The event allows for camping and the target market is family friendly. Ablutions are arranged meeting compliance with health regulations and other regulatory requirements have been met for liquor sales and food safety with private food vans on site.

The current site is located on lot 2435 Gnarlbine Road Coolgardie. The land parcel is approximately 81 hectares with the event utilising close to 12 hectares.

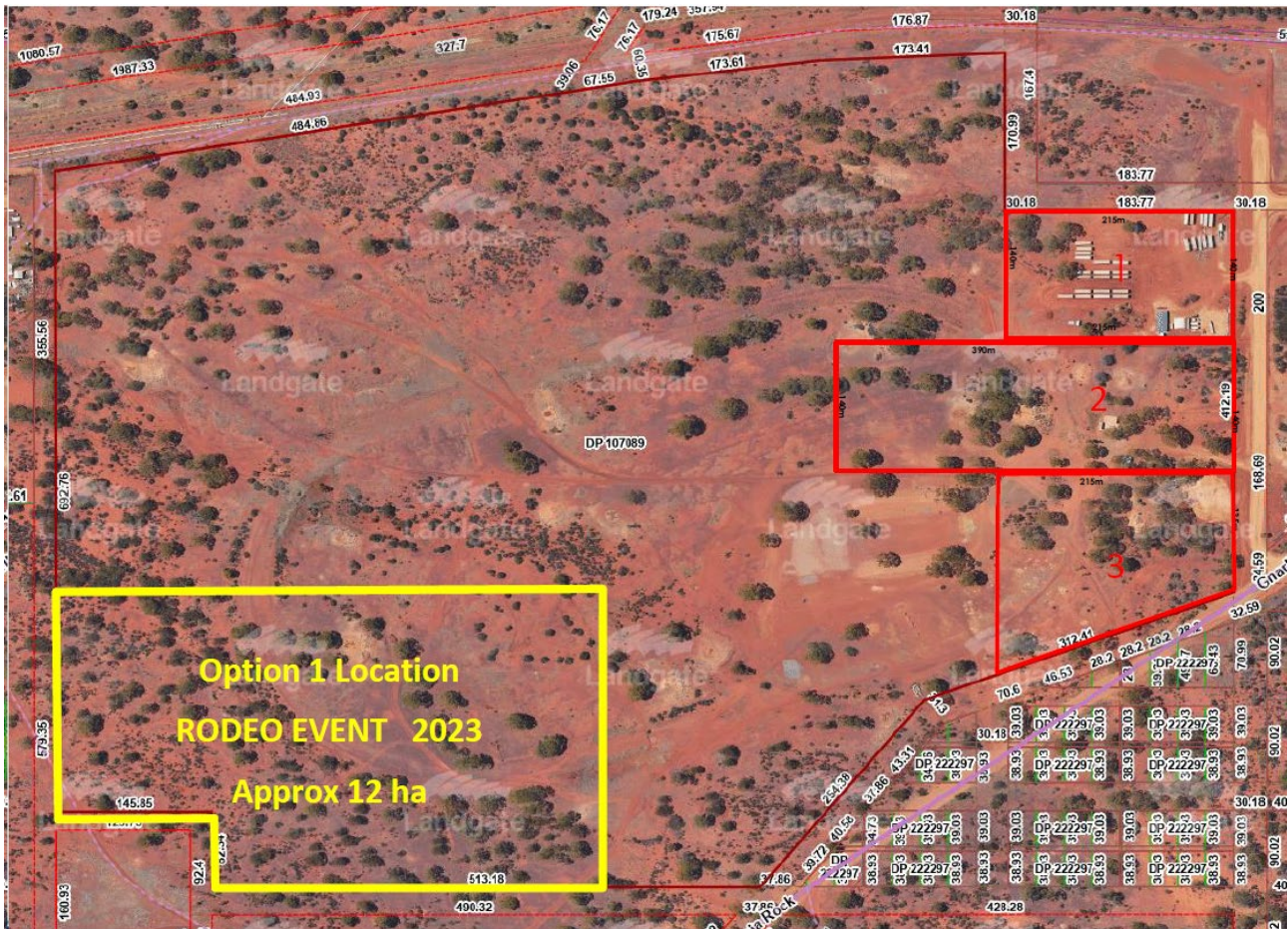
Local businesses have opportunity to supply goods and services to the event including food, general items, alcohol, and accommodation and ORI liaise with them directly. Local service stations and food businesses benefit from the visitors the event attracts.

The financial contribution provided by the Shire has been utilised solely for event entertainment.

COMMENT

A meeting was held with Bodean Buckingham, Treasurer ORI and the Director Community Development and Shire staff on 13 March 2024. The premise of the meeting was to discuss the future of the rodeo in the Shire of Coolgardie, financial and in-kind contributions and event management.

Previous meetings to discuss the land allocations on Gnarlbine Road were held in 2023 with options as follows:



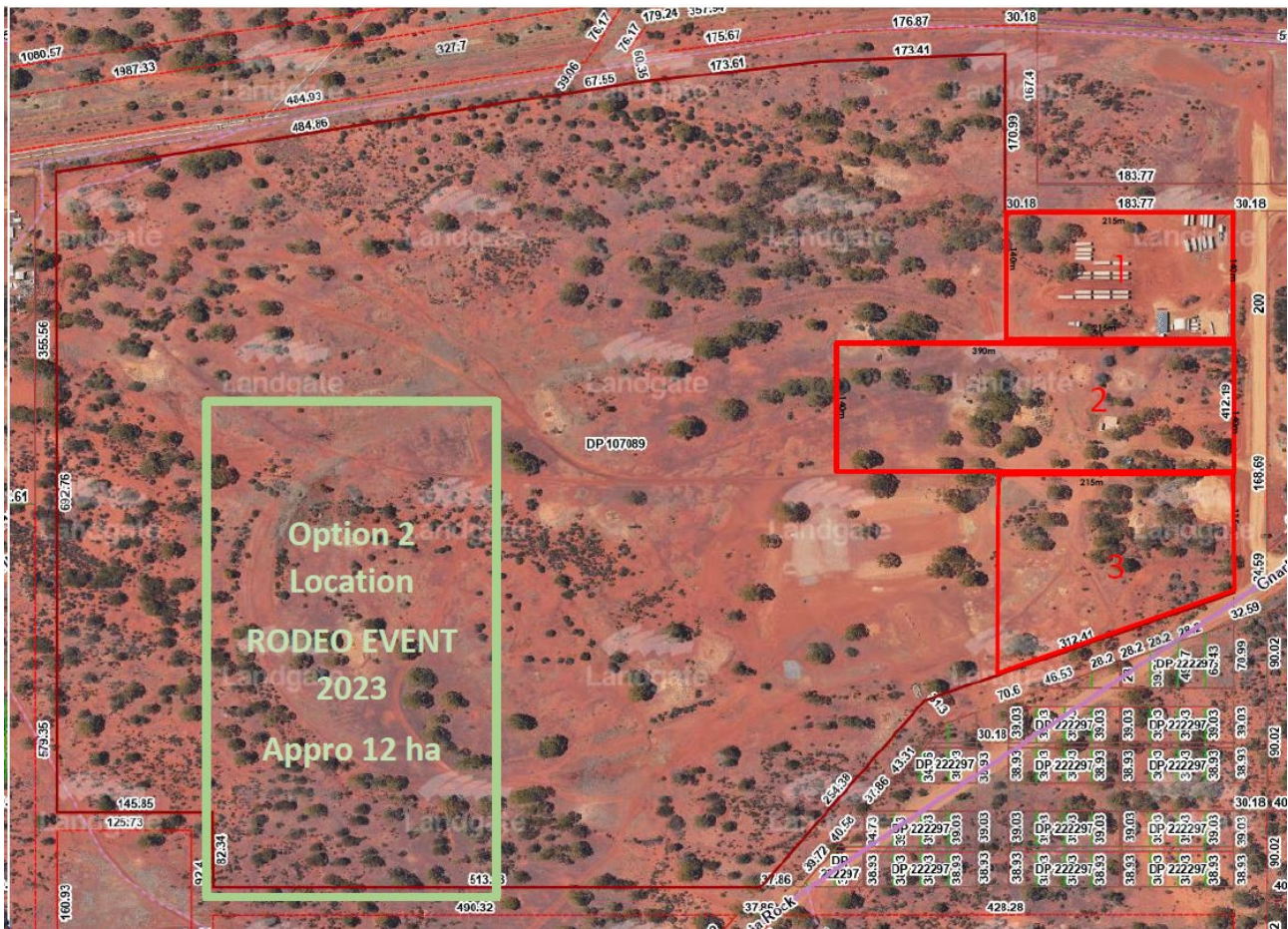
Option 1 –

Pros:

- Is furthest location on parcel of land from temporary workers accommodation camps, reducing possible issue of noise complaints.

Cons:

- There is a water course over the southwest of the block and trees would need to be cleared to facilitate the event.
- Any clearing or changes to water course may trigger need for DWER approvals.
- ORI would need to re-establish bund walls and clearing for event at cost to them.
- ORI have indicated this allocation is not suitable and therefore cannot be considered as a site for the event.



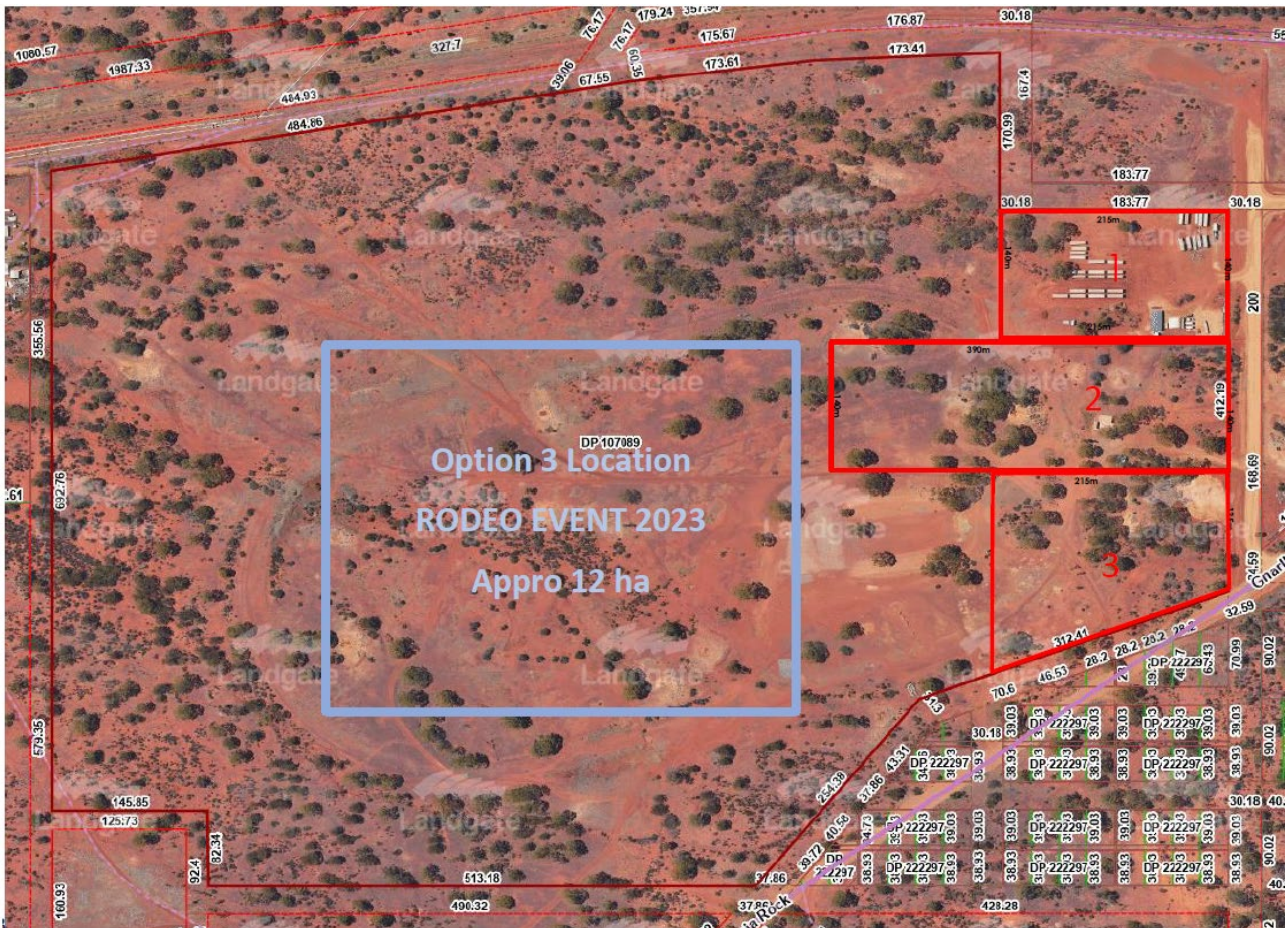
Option 2 –

Pros:

- Location further away from temporary workers accommodation camps, reducing possible issue of noise complaints.

Cons:

- There is a water course over the southwest of the block and trees that would need to be cleared to facilitate the event.
- Any clearing or changes to water course may trigger need for DWER approvals.
- ORI would need to re-establish bund walls and clearing for event at cost to them.
- ORI have indicated this allocation is not suitable and therefore cannot be considered as a site for the event.



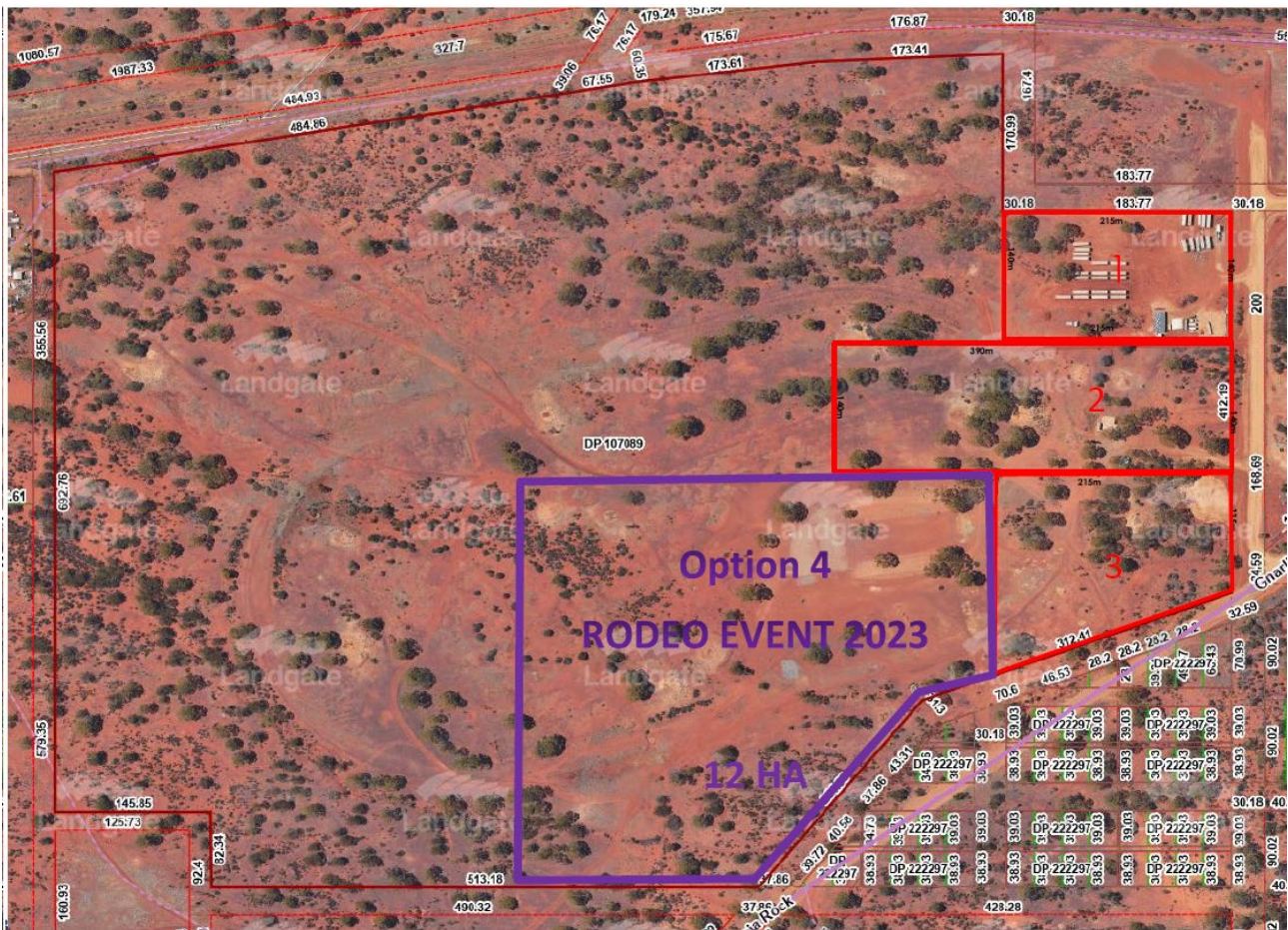
Option 3 – ORI’s second preferred option

Pros:

- Location centred on block, not as close to temporary workers accommodation camps, reducing possible issue of noise complaints.
- More accessible to Gnarlbine Road for patrons and traffic management.
- Vegetation is sparse over location with no further clearing required.

Cons:

- ORI would need to re-establish bund walls and clearing for event at cost to them.



Option 4 – ORI’s preferred option

Pros:

- Existing site for event.
- Bund walls established.
- No clearing required.
- Close to road for access to event.

Cons:

- Close proximity to temporary workers accommodation camps, may cause noise complaints.

In previous years ORI have been successful in seeking letters of support for Option 4. There are no recorded complaints from the camps in relation to the event.

Continuing to support the event will provide further exposure in tourism for Coolgardie through advertising and marketing of the event. In having better engagement and coordination with ORI and agencies, the Shire can benefit with tourism open days over the event, and a free booth with information for visitors. There are opportunities to have “Rodeo Ready” business events in the lead up to the event for local businesses to partner and supply goods and services increasing potential economic benefits locally.

Opportunity exists for Kambalda residents to attend the event if a bus service is of interest to the community. Further engagement on this will be undertaken should Council approve to continue supporting the event. Operationally coordination with emergency services, WAPOL, Health, Mainroads and other stakeholders will be an expectation of the Shire to manage issues and ensure the event is meeting risk and emergency management requirements, minimising community impacts.

Failing to support the continuation of the event will mean the land parcel is available should the Shire have intentions of development, division, or sale. This land is freehold and zoned rural at present. However, any subdivision may have conditions imposed from the State Government with any changes to the property take 3 years or more to come into effect.

The ORI are wanting secure tenure which will enable them to seek funding for permanent infrastructure. Permanency would provide the organisation better planning opportunities for securing dates and efficiencies and cost savings in procurement. This can support the organisation to be more financially viable and meet their mission of reducing financial contributions from sponsors including the Shire.

In discussions it was confirmed they are seeking a 10-year peppercorn lease arrangement. It was confirmed if they were to secure this arrangement and the land allocation did not pose issues with clearing, water courses or other issues they would be open to other locations.

Advice sought from Milbridge Services recommended researching options to seek management orders over crown land. This may require zoning purposes changed to suit recreation purposes which the event would fall under. Providing 3-year land use to ORI would allow time for research and consultation with ORI and the State.

Council has 3 options to consider:

1. Decline support for the ORI to hold a rodeo event in Coolgardie.
2. Approve temporary use for the Coolgardie Rodeo and Ute Muster at lot 2435 Gnarlbine Road, Coolgardie for the 2024 event with the following conditions:
 - a. The Shire will contribute \$100,000 ex GST from 111109 Community Events;
 - b. The use of the Lady Loch Road Truck Bay for a Ute Muster on XX;
 - c. In-kind support during the event of:
 - i. Free bus hire
 - ii. Free access to liquid waste disposal at Coolgardie Waste Facility
 - iii. Free access to general waste disposal at Coolgardie Waste Facility
 - iv. Access to the water standpipe during the event
 - v. Business support
 - d. Letters of support must be received by 30 June 2024 from properties neighbouring Lot 2435 Gnarlbine Road including temporary workers accommodation.
 - e. Audited financial report and acquittal be received by 31 December after event.
3. Approve temporary use for the Coolgardie Rodeo and Ute Muster at lot 2435 Gnarlbine Road, Coolgardie for 3 years with the following conditions:
 - a. The Shire will contribute \$100,000 ex GST from 111109 Community Events in 2024;
 - b. Financial contribution requests and use of Lady Loch Road Truck Bay must be provided to Council for approval in years 2025 and 2026 by no later than 31 December of each year prior to the event;
 - c. In-kind support during the event of:
 - i. Free bus hire
 - ii. Free access to liquid waste disposal at Coolgardie Waste Facility
 - iii. Free access to general waste disposal at Coolgardie Waste Facility

- iv. Access to the water standpipe during the event
- v. Business support
- d. Letters of support must be received by the Shire before 30 June each year from properties neighbouring Lot 2435 Gnarlbine Road including temporary workers accommodation.
- e. Audited financial report and acquittal be received by 31 December after each event.
- f. No other events are to be conducted outside of the Coolgardie Rodeo and Ute Muster annually without seeking approvals from Council.
- g. The Shire of Coolgardie and Outback Rodeos Incorporated will endeavour in good faith to explore land options for future event locations that are mutually beneficial to both parties.

CONSULTATION

Bodean Buckingham, Outback Rodeos Incorporated

Francesca Lefante, Milbridge Services

STATUTORY ENVIRONMENT

Planning and Development Act 2005

Local Government Act s. 6.3

POLICY IMPLICATIONS

2.06 Risk Management

FINANCIAL IMPLICATIONS

\$100,000 ex GST Account

STRATEGIC IMPLICATIONS

A thriving local economy

Supporting local businesses in the Shire

Accountable and effective leaders

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

An inclusive, safe and vibrant community

Developing varied community and multicultural events and services

Effective management of infrastructure, heritage and environment

Supporting and encouraging local and regional tourism

ATTACHMENTS

Nil

VOTING REQUIREMENT

Absolute Majority

OFFICER RECOMMENDATION

1. That Council approve Option 4 as temporary land use for the annual Coolgardie Rodeo and Ute Muster at lot 2435 Gnarlbine Road, Coolgardie for 3 years with the following conditions:
 - a. The Shire will contribute \$100,000 ex GST from 111109 Community Events in 2024;
 - b. Financial contribution requests and use of Lady Loch Road Truck Bay must be provided to Council for approval in years 2025 and 2026 by no later than 31 December of each year prior to the event;
 - c. In-kind support during the event of:
 - i. Free bus hire
 - ii. Free access to liquid waste disposal at Coolgardie Waste Facility
 - iii. Free access to general waste disposal at Coolgardie Waste Facility
 - iv. Access to the water standpipe during the event
 - v. Business support
 - d. Letters of support must be received by the Shire before 30 June each year from properties neighbouring Lot 2435 Gnarlbine Road including temporary workers accommodation.
 - e. Audited financial report and acquittal be received by 31 December after each event.
 - f. No other events are to be conducted outside of the Coolgardie Rodeo and Ute Muster annually without seeking approvals from Council.
 - g. The Shire of Coolgardie and Outback Rodeos Incorporated will endeavour in good faith to explore land options for future event locations that are mutually beneficial to both parties.

12.2.3 WORKERS ACCOMMODATION EXPANSION - 100 BEDS - GORDON ADAMS ROAD

Location: Lot 44 No 2 Gordon Adams Road, Kambalda East

Applicant: Resolve Group

Disclosure of Interest: Nil

Date: 04 March 2024

Author: Francesca LeFante, Town Planning Consultant

SUMMARY

The Shire has received an application for the expansion of workers accommodation at Lot 44 No 2 Gordon Adams Road, Kambalda East (PA24-01) comprising: -

- Expanding the current camp, within the boundaries of the site.
- 100 accommodation rooms,
- New accommodation units in pods, which contain 4 bedrooms each layout with private amenities.
- The buildings are transportable include verandah elements.
- 1 additional laundry.

Plans of the proposal (**Attachment 1-3**).

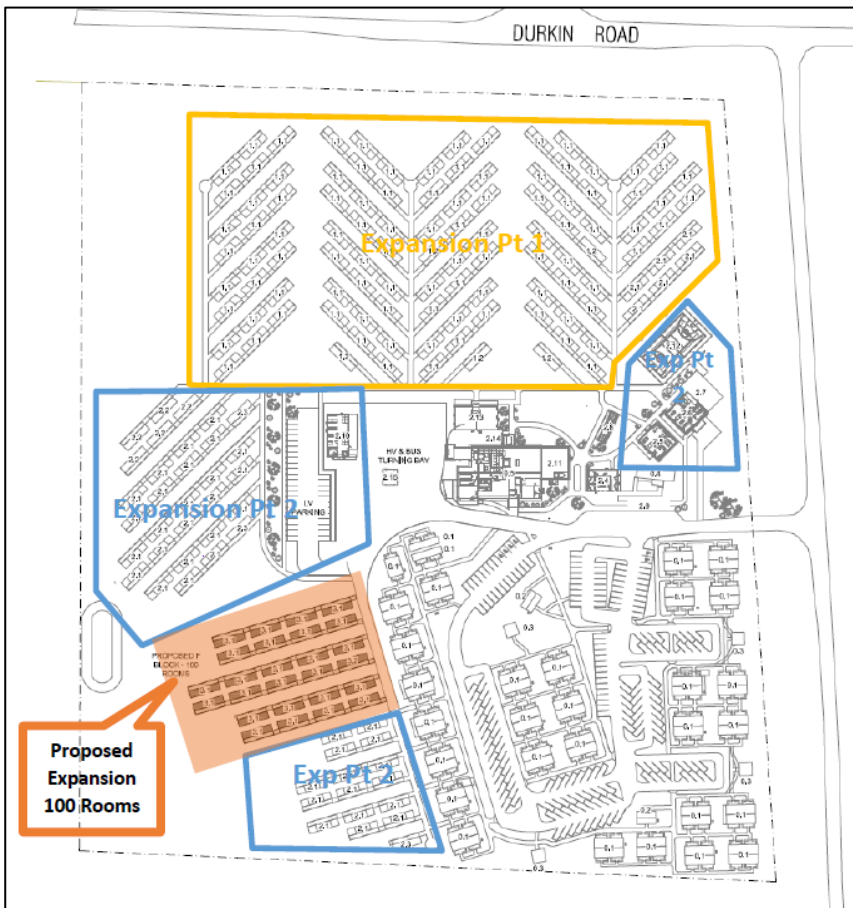
BACKGROUND

The site is located on Lot 44 No 2 Gordon Adams Road, Kambalda East. The site contains Workforce Accommodation Village and the following outlines the history of site development: -

- 2007 – October approval was granted for the initial development of Workforce Village comprising: -
 - 232 rooms, communal facilities, bar, cafeteria, gym, pool and laundries.
 - Car parking for 187 bays, service vehicle access and bus parking areas.
 - Vehicular access via Gordon Adams Road.
- 2022 – October Council approved: -
 - Expansion Stage 1 Village was approved (PA22-19) comprising 400 new accommodation rooms, 4 Laundry buildings, 2 gazebos and 100 additional on-site car parking bays.
 - Expansion Stage 2 Village was approved (PA22-20) comprising – further 200 accommodation rooms.
- 2023 – June (PA23-10) approval granted under delegated authority for minor site layout configuration. No changes to the number of accommodation units or vehicle access.

The following activities and land uses adjoin the site: -

- West of the site is Goldfields Highway with a service station opposite.
- South of the site is Unallocated Crown Land and mining activities.
- East of the site is unallocated Crown Land,
- The Kambalda East townsite is accessed via Gordon Adams Road.



COMMENT

Zoning and Land Use Permissibility

The site is zoned Special Use – Workforce Accommodation under Local Planning Scheme No 5. The conditions that apply under SU15 are “Compliance with the Council’s approval”.

That objectives of the Special Use zone are to: -

- To facilitate special categories of land uses which do not site comfortably with any other zone.
- To enable the Council to impose specific conditions associated with the special use.

The expansion of the Workforce Accommodation use on this site is consistent with Special Use zoning.

Local Planning Strategy

The Shire’s Local Planning Strategy was endorsed by WAPC in October 2016. Under the Strategy Kambalda East will continue to provide a key role for residential development, with the focus on consolidation, supported by cultural, recreation, business, social and administrative uses.

The subject site is identified as retaining its existing workers accommodation use.

Planning Policy

There are no local planning policies that apply to the proposed expansion of this Workforce Accommodation Village.



Built Form and Design

Accommodation – 100 Beds

The proposal comprises a further 100 beds, configured within accommodation blocks of 4 single beds. The applicant report (**Attachment 4**) had advised that: -

- Each room including a separate shower and bathroom facility (**Attachment 2**).
- The development provides functionality through efficient design and improves accessibility between the internal accommodation units with respect to the future common facilities proposed.
- The proposal represents an uplifted contemporary design with a consistent set of colours and materials that contribute to improving the aesthetics of the immediate area whilst simultaneously blending into the existing built form.
- Works are considered to be necessary and have a negligible impact upon the overall site's function.
- The subject site does not have a major impact upon the road network given a high proportion of those who attend (and stay at) the site do not drive in. It is therefore expected that the proposed parking bays provided on site will be sufficient to accommodate the parking demand.
- There is no expected amenity or detrimental streetscape impact from a planning perspective given the use/facility is existing.

Setbacks

There are no specific development standards that apply under the scheme. The proposed accommodation units as part of this expansion are setback over 250m metres from Goldfields Highway Reserve.

Landscape and vegetation

The perimeter of the property contains predominantly woodland vegetation and shrubs. The existing site contains various scatter native trees. The applicant has advised that the landscaping on site is integrated into the development, per the previous original approval prepared by Resolve Group, for the overall subject site. The existing landscape seeks to adhere to the broader ecological context and species will be selected to reflect this.

The existing site landscaping: -

- Is located around the new accommodation units and along the Goldfields Highway boundary.
- Integrated into the development.
- Comprises vegetation species that reflect the broader ecological context and minimise water loss through evaporation.

Traffic and Access

No change to vehicle access to the site, which is via the existing crossover on Gordon Adams Road for all vehicles including light vehicles, service vehicles and buses. Gordon Adams Road is classified as a local road under the care and control of the Shire of Coolgardie. The road provides access to the Kambalda East townsite. The site (in part) abuts Goldfields Highway, however there is no direct vehicle access to Goldfields Highway.

Parking

Local Planning Scheme No 5 parking provisions are detailed in Schedule 3. Where a use is not specifically mentioned, the appropriate number of parking bays is to be determined by the local government. There are no prescribed parking standards for Workforce Accommodation.

The site has parking provided in various locations on the site for 337 bays in total including the bays approved as part of the recent expansion plans. The proposal does not alter the parking arrangements on site.

The Shire has previously accepted that occupants at the Workforce Accommodation Camps predominantly move to and from the site via bus, with few private vehicles, carrying single occupants, with parking bays being reflected of the transport arrangements for the village.

Water and Sewerage Infrastructure

Kambalda water and sewerage being supplied and managed by Water Corporation, via the Goldfields Water Scheme (GAWS) and reticulated sewer to a waste treatment located approximately 500m west of the site.

The proposal was referred to Water Corporation, to advise of the expansion, no submission was received. It is noted that the following was previously advised in relation to development on this site:-

- The townsites of Kambalda East and Kambalda West are connected to the Kambalda WWTP be different sewer lines.
- There are different hydraulic capacity in the sewer pipe network which is a gravity fed sewer.
- The hydraulic capacity impacts the sewer design flow capacity.
- Kambalda West load includes the townsite load, which is greater than Kambalda East.
- The current sewerage system in Kambalda has capacity for a further 1000 beds.

Accordingly, the aspect is supported, it is however noted that the applicant will require design approval during Building Permit stage.

Proximity and impact on other Land Uses

The site is opposite an existing Workforce Camp on corner of Durkin Road, and near the corner of Goldfields Highway. The proposal is an expansion of the existing use and is accessed via Gordon Adams Road and is not considered to result in any impacts or conflicts with other road users or land uses.

State Planning Policy 5.4 – Road and Rail Noise

The site adjoins Goldfields Highway, which is classified as a State Freight Route, which triggers consideration under SPP5.4. Section 4.1.2 of SPP5.4 states that: *“Where any part of the lot is within the specified trigger distance, an assessment against the policy is required to determine the likely level of transport noise and management/mitigation required. An initial screening assessment (guidelines: Table 2: noise exposure forecast) will determine if the lot is affected and to what extent”*.

With reference to Table 2 in the SPP5.4 Guidelines (Guidelines), the proposed buildings are located more than 250m from Goldfields Highway reserve accordingly no noise ‘mitigation measures’ are applicable.

Options

The following options are Council available: -

- Option 1: Approval for the proposal, subject to conditions.
- Option 2: Refuse the proposal.
- Option 3: Defer the proposal for further information.

Summary

The proposed expansion of the Goldfields Workforce Accommodation Village Is consistent with the Special Use zoning and the Local Planning Strategy by ensuring these types of activities are near the townsites, where

they are able to contribute to and benefit from services and facilities. The development has been designed to be relevant planning conditions.

CONSULTATION

Water Corporation

Shire Environmental Health Officer

STATUTORY ENVIRONMENT

Local Planning Scheme

Planning and Development Act and Regulations

Deemed Provisions

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. **Location and Development Phases Plan**
2. **Site Plans**
3. **Floro and Elevation Plans**
4. **Applicants Planning Report**

VOTING REQUIREMENT

Simple Majority

OFFICER RECOMMENDATION

That Council APPROVES the Expansion to the Workforce Accommodation PA24-01 – 100 rooms and laundry facilities as shown on the accompanying plans at Lot 44 No 2 Gordon Adams Road, Kambalda East as follows, subject to the following: -

Conditions:

1. **This decision constitutes planning approval only and is valid for a period of 4 years from the date of approval. If the subject development is not substantially commenced within the specified period, the approval shall lapse and be of no further effect.**

2. Development shall be in accordance with the attached approved plans and subject to any modifications required as a consequence of any condition(s) of this approval.
3. Prior to the commencement of any site works, a Construction Waste Management Plan prepared by a suitably qualified person in consultation with the Local Government, must be submitted to the Local Government. The Plan must address, but not be limited to, the following matters:
 - a. Recycling of demolition materials including concrete;
 - b. Removal of hazardous materials and disposal at an approved waste disposal facility in accordance with the requirements of the relevant legislation, codes, standards and guidelines, prior to the commencement of any building works;
 - c. Details demonstrating compliance with the relevant legislative requirements, associated with the removal of hazardous waste, particularly the method of containment and control of emission of fibres to the air, are to be submitted to the satisfaction of the Local Government prior to the removal of any hazardous materials.
4. Prior to occupation Bushfire Management Plan and Emergency Evacuation Plan any mitigation measures identified to be implemented to the satisfaction of the Shire of Coolgardie.

Advice Notes

1. This Determination Notice is not a Building Permit or Health Approval, nor authorise such works. All separate applications and approvals must be obtained prior to the commencement of construction on site, whichever occurs first.
2. No building or construction activities shall be carried out before 7.00am or after 7.00pm, Monday to Saturday, and not at all on Sunday or Public Holidays.
3. If an applicant or owner is aggrieved by this determination, there is a right of review by the State Administrative Tribunal in accordance with the Planning and Development Act 2005 Part 14. An application must be made within 28 days of the determination.

12.2.4 MT MARION MINING OPERATION - PIT EXPANSION

Location: Lot 105 on DP 40396 Coolgardie Esperance Highway, Karramindie
Applicant: Mineral Resources
Disclosure of Interest: Nil
Date: 17 March 2024
Author: Francesca LeFante, Town Planning Consultant

SUMMARY

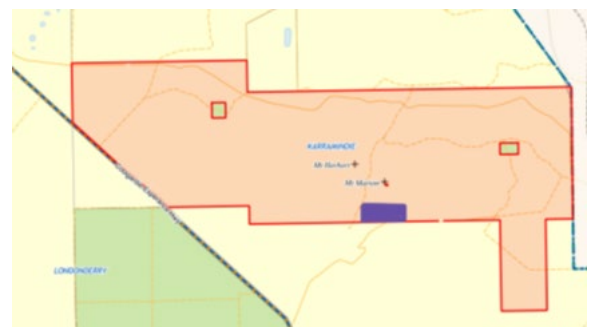
The Shire has received a proposal on Lot 105 Coolgardie Esperance Highway, Karramindie, and part of East Location 53 comprising: -

- North Pit
 - Expanding the existing North pit footprint.
 - Pit floor within the Hamptons Lease will be mined to the 220 mRL, a depth of approximately 180m below the pit crest.
- Waste Dump
 - Waste Dump 5 will be constructed in seven lifts to maximum height of 63m above natural ground level (to the 440 mRL).
 - Toe bunds will be installed around the base of the Waste Dump to contain sediment.
 - The outer surface of crests and batter slopes will comprise of benign waste rock which is non-dispersive and absent of saline, Potentially Fibrous Materials (PFM) or Potentially Acid Forming (PAF) materials.
 - The operational batter of 36° will be profiled to 18° and rehabilitated upon closure.
- Abandonment Bund
 - Abandonment bunds will be constructed with a minimum of 10m outside of the Zone of Instability (ZOI), to restrict unauthorised access to restrict unauthorised access to the pit.
- Laydown Area
 - Flat laydown area for temporary storage of equipment (excluding buildings).

This approval is limited to the 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 DP 40396, 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 October 2018 Council approved Exploration Drilling on this site.

On 17 December 2019 Council approved mining operation on Lot 105 (Hamptons East Location 53). 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).

COMMENT

The subject land is freehold land for which the Planning Scheme requirements apply. The majority of Mt Marion mining activities are located on the 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 activities falls within the Scheme Classification of “mining operation”. Under the Scheme the use is classified as a “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.

North Pit Expansion and Waste Dump 5

North Pit Expansion is being undertaken by the conventional open pit mining methods. The plans below show location of mining activities on Lease and **Attachment 1**.



The north pit expansion will be mined to a depth of approximately 180m (220mRL) maximum pit depth. The previous approved depth was 150m. There are no planning issues associated with the proposed mine expansion.

Waste Dump 5 will be constructed in seven lifts to a height of 63m (440mRL).

Dust, noise and odour generated by the processing and stockpiles will be managed on site through engineering design and operating practices. Clearing activities for the proposal will be conducted in accordance with Clearing Permit (CPS 8632/3) which authorises up to 600ha of land clearing over the Min Res Mt Marion Tenement and Hamptons Lease 53.

The Shire's 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 activities are located 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 20km from the townsite of Kambalda or Coolgardie. Accordingly given the distance there are no amenity impacts on existing sensitive land uses. The proposal is subject with the Environmental Protection Act and Regulations and Mine Safety and Inspection Act 1994. Approval has been granted from DMIRS for the existing and expanded operations within the mining tenement area. Native Vegetation Clearing for these activities is subject to separate approval administered by DWER.

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. **Location Plans**
2. **Applicants Report**

VOTING REQUIREMENT

Simple Majority

OFFICER RECOMMENDATION

That Council APPROVE the application for Mining Activities on Lot 105 DP 40396 Coolgardie Esperance Highway, Karramindie and accompanying plans and supporting material dated 14 March 2024, in accordance 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 disturbance to the land to be rehabilitated in accordance with the mine closure plan and environmental regulations.
4. Monitoring and inspection of the site in accordance with the Mine Safety and Inspection Act 1994

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 Environmental Protection Act 1986 and Mine Safety and Inspection Act 1994.

12.2.5 PYLON SIGNAGE KAMBALDA WEST SERVICE STATION - BLUEBUSH ROAD

Location: Lot 2, No 2 Bluebush Road, Kambalda West
Applicant: Roadhouse Network Pty Ltd
Disclosure of Interest: Nil
Date: 19 March 2024
Author: Francesca LeFante, Town Planning Consultant

SUMMARY

The Shire has received an application for installation of a 3.3m pylon sign branded with Liberty signage, including fuel pricing on No 2 Bluebush Road. Kambalda West (PA24-02) comprising: -

- Sign size – Height 3.3m Width 1.3m, Area 4.3m².
- The sign is freestanding mounted on vertical supports (**Attachment 2& 3**).
- The sign is located on the property boundary on the corner of Bluebush Road and Mistletoe Place (**Attachment 1**).
- Plans of the proposal are attached.

BACKGROUND

The site is located at the corner of Bluebush Road, Kambalda West. The property is currently development with existing Service Station building.

The signage proposed is a pylon/monolith sign which is a freestanding vertical sign installed in a column with minimum ground clearance and is generally uniform in shape from ground level to the top of the sign. These are common types of signage at service stations and include several modules showing the company brand and includes fuel pricing.

COMMENT

The site contains an existing service station which has been vacant for many years. The applicant has undertaken upgrades to the existing building and canopy. The current service station is an existing use in the Commercial Zone, this application related to the new pylon signage.

The site is zoned Commercial under Local Planning Scheme No 5. The objectives of the Special Use 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.

The surrounding land uses comprise: -

- Opposite shopping centre - Mistletoe Place
- Opposite residential - Bluebush Road
- Vacant land.



The sign is located on the property boundary on the corner of Bluebush Road and Mistletoe Place. The road that separates the site from the residential properties has a central median island with mature trees. The applicant has indicated the sign could be orientated to Mistletoe Place to face the existing shopping centre.

The single pylon sign size is commensurate with the site context and the overall size and scale of the existing service station buildings. The signage is located on the road truncation, and the applicant has advised this can be orientated toward the shopping centre.

The design and materials of the site and is not detrimental to the character or amenity of the area, which is predominantly static, with the exception of the fuel pricing which varies and is illuminated. There are no flashing or pulsating images on the sign. The sign is considered to be consistent with the scale of the building, does not result in visual clutter.

Summary

The proposed Pylon Sign is connected to the reopening of the service station. The increase and diversity of commercial uses within the townsites, contribute to and benefit the local community and signage has been designed to be consistent with the service station use. Accordingly, it is recommended that the proposal be approved subject to relevant planning conditions.

Options

The following options are Council available: -

- Option 1: Approval for the proposal, subject to conditions
- Option 2: Refuse the proposal.
- Option 3: Defer the proposal for further information.

CONSULTATION

Shire Environmental Health Officer

STATUTORY ENVIRONMENT

Local Planning Scheme
Planning and Development Act and Regulations
Deemed Provisions

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. **Plan and Signage Design**
2. **Pylon Sign Design**
3. **Sign detail dimensions**

VOTING REQUIREMENT

Simple Majority

OFFICER RECOMMENDATION

That Council **APPROVED** the proposed Pylon Sign PA24-02 as shown on the accompanying plans (site, elevation and sign dimension) at Lot 2 No 2 Bluebush Road, Kambalda West subject to the following:-

Conditions:

1. This decision constitutes planning approval only and is valid for a period of 2 years from the date of approval. If the subject development is not substantially commenced within the specified period, the approval shall lapse and be of no further effect.
2. Development shall be in accordance with the attached approved plans and subject to any modifications required as a consequence of any condition(s) of this approval.
3. The pylon sign to be orientated to Mistletoe Place facing the shopping centre and commercial zone.
4. The signage shall not flash or pulsate.

Advice Notes

1. This Determination Notice is not a Building Permit or Health Approval, nor authorise such works. All separate applications and approvals must be obtained prior to the commencement of construction on site, whichever occurs first.
2. No building or construction activities shall be carried out before 7.00am or after 7.00pm, Monday to Saturday, and not at all on Sunday or Public Holidays.
3. If an applicant or owner is aggrieved by this determination, there is a right of review by the State Administrative Tribunal in accordance with the Planning and Development Act 2005 Part 14. An application must be made within 28 days of the determination.

12.2.6 COOLGARDIE MAKERS MARKETS

Location: Coolgardie
Applicant: Peter Best
Disclosure of Interest: Nil
Date: 18 March 2024
Author: Terri Angel, Coolgardie Place Manager

SUMMARY

To seek Council approval for community groups to collaboratively manage the Coolgardie Makers Markets in conjunction with the Shire, on a monthly basis at a new location.

BACKGROUND

The Coolgardie Makers Markets have been successfully operated by the Coolgardie Visitors Centre at Warden Finnerty's since March 2021, with approximately six events held annually. A proposal has been put forward to transition the Makers Markets into a community-based event, to be run in conjunction with the Shire of Coolgardie. Currently, the Shire supports the markets by:

- Fully staffing the event on the day, including setup, pack-up, and clean-up
- Administration and organisation of the markets
- Insurance coverage
- Waiving facility hire
- Music licence

It is estimated that on average 227 people attend the market during the event's duration, with 40 stallholders on the stallholder list.

COMMENT

A meeting was held with Peter Best and the Coolgardie Place Manager on Friday 23 February 2024. The premise of the meeting was to discuss Peter's proposal regarding the Coolgardie Makers Markets, financial and in-kind contributions, and event management of the event.

After a lengthy discussion, it was proposed that:

- The event will remain a Council event with increased community involvement. Community groups based in the Shire of Coolgardie benefit from the markets each time they are held (financially) by running the market event on the day.
- The Shire will continue to coordinate the markets prior to the market day, e.g. liaising with stallholders, advertising, organising the event map, and any contingencies.
- The location will move from Warden Finnerty's to Coolgardie Park and to either the Post Office complex during inclement weather if available to gain more exposure to traffic on the main road, easier accessibility, and extra parking.
- Move the markets from 6 times a year to the 4th Sunday of the month.
- Stallholders must provide their own tables and marquees, and predominantly sell homemade goods.

- In exchange for community groups receiving stallholder fees, they would provide volunteer services to coordinate the market on the day, relieving Shire staff from being scheduled to work the event.
- As the event is still under the auspices of the Shire, they will be able to utilise the Shire insurance that has been provided previously for market events (Market Event Organisers and Stall Holders Public Liability).

CONSULTATION

Peter Best, Community Member

Francesca Lefante, Milbridge Services

STATUTORY ENVIRONMENT

Nil

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

Stallholder fees are donated directly to the community group hosting the markets on the day.

In-kind donations include:

- SOC staffing to administer the event prior to the market day
- Event bins
- Facility hire
- Use of the established toilet block that is open and cleaned for events only
- Market insurance

STRATEGIC IMPLICATIONS

A thriving local economy

Supporting local businesses in the Shire

Accountable and effective leaders

Demonstrating that decisions are developed through inclusive community engagement

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

An inclusive, safe and vibrant community

Developing varied community and multicultural events and services

Effective management of infrastructure, heritage and environment

Supporting and encouraging local and regional tourism

ATTACHMENTS

1. **Market Organisers & Stall Holders Certificate of Currency - Confidential**

VOTING REQUIREMENT

Absolute Majority

OFFICER RECOMMENDATION

That Council approve: -

1. A collaborative approach to the Coolgardie Makers Markets in conjunction with community groups based in the Shire of Coolgardie.
2. The venue is changed to Coolgardie Park (weather permitting)
3. Stall holder fees are donated to the Community Group facilitating the markets on the day
4. Over time the frequency is increased to monthly (4th Sunday of the month)
 - (i) In-kind support
 - (ii) Staffing to administer the event
 - (iii) Event bins
 - (iv) Facility hire
 - (v) Use of established toilet block use for events
 - (vi) Market Event Organisers and Stall Holders Public Liability Insurance coverage

12.2.7 2023/2024 BUDGET REVIEW

Location: Shire of Coolgardie
Applicant: Shire of Coolgardie
Disclosure of Interest: Nil
Date: 19 March 2024
Author: Anita Nathan, Director of Corporate Services

SUMMARY

This report recommends that Council review and adopt the documentation tabled for the 2023/2024 Budget Review.

BACKGROUND

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

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

COMMENT

The budget review process for the 2023/2024 financial year has been completed for the period beginning 1 July 2023 through to 31 January 2024.

A Draft Budget CAPEX Review meeting was conducted on 20th February 2024 and the Draft Budget review meeting was conducted on 19th March 2024. Regulation 33A of the Local Government (Financial Management) requires a local government to present to Council within 30 days of conducting a review of the annual budget the findings from such a review to allow Council to adopt any recommendations arising from the review process.

Within the document tabled is a detailed analysis of the financial statements and a commentary explaining the highlighted variances is shown at Note 4. There are various temporary and permanent timing variances that have been addressed in the budget review.

Council adopted the 2023/2024 Budget with an opening operating deficit position of \$471,986 and a closing operating surplus position of \$24,494.

The budget amendments tabled for endorsement by Council in Note 4 of the Budget Review document recommends that the closing operating deficit position for the 2023/24 financial year remain unchanged to the adopted closing operating deficit position of \$552,061.

The following amendments to the document were made based on the Draft Budget CAPEX Review meeting that was conducted on 20th February 2024 and the Draft Budget review meeting conducted on 19th March 2024 and variances have been made to form part of the final Budget Review document as attached.

Matters Raised in the Statutory Budget Review have been addressed below.

Matter Raised	Area of Concern	Action Required	Proposed/Taken Action
<p>Going concern – liquidity Cash position</p>	<p>The estimated year end cash position is nil and the closing net current asset position negative \$822,061. Achieving this forecast nil position is reliant on receiving all forecast revenue with no expenditure overruns as well as receiving an additional \$1,510,000 in new borrowings. An overdraft facility may also be required to be utilised before 30 June 2024 to fund the negative net current asset position</p>	<p>Given the lack of reserves the Shire has and borrowing repayments to be made the lack of liquidity may have very serious negative impacts. Urgent action is required to ensure cost overruns do not occur and savings are made whilst ensuring all revenue is received. Where a likelihood exists of revenue not being received equivalent expenditure savings are required. Monitoring of loan covenants is also required to ensure these are not breached. Council should be made aware of the financial position of the Shire.</p>	<p>As a part of the 2023/24 budget review the revenue and expenses have been attended taking the various external and internal mitigants into consideration. The identified area of concern in relation to the utilisation of the overdraft facilities has already been discussed in the prior years with the external auditors (RSM) and OAG as a timing difference matter and is intended to be addressed as a part of the year end cash position for the 2023/24 financial statements and in the 2024/25 Budget preparation. Appropriate excel spreadsheets have been created to monitor the loan agreements to ensure these are not breached. Council is informed of the financial position of the Shire monthly in a timely manner.</p>
<p>Funding Statement Deficit after the imposition of general rates</p>	<p>At 31 January 2024, the Shire has a \$626,280 surplus. An overdraft amount of \$1,490,000 has been utilised to finance the cashflow in the short term.</p>	<p>Budget amendments will also be required for the rental revenue being lower than originally budgeted or for any forecast expenditure higher than budgeted.</p>	<p>In February and March 2024, the concern of the rental revenue being lower than originally budgeted or for any forecast expenditure higher than budgeted has been focused and amended in the 2023/24 budget review.</p>
<p>Financial management regulation 32 exclusion. Employee benefit provision</p>	<p>Forecast employee benefit provision of \$357,353 at 30 June 2023 was excluded from the budgeted opening net current position. Actual current leave provisions at 30 June 2023 of \$412,085 was excluded from the actual net current position at 30 June 2023.</p>	<p>As no employee liability reserve account exists and any payment of the employee liability prior to 30 June 2024 will result in a deficit. The closing funding surplus at 31 December 2023 has been adjusted to remove the exclusion of the current leave provisions in accordance with Departmental guidelines.</p>	<p>The identified issue of exclusion of employee liability reserve account was not upraised by the OAG nor the external auditors in the prior years. The current leave provisions in accordance with Departmental guidelines will be discussed as a part of end of the financial year 2024 statements finalisation with the external Shire's auditors (RSM) and the Office of the Audit General.</p>

CONSULTATION

Moore Australia

Shire Staff & Management

All Councillors

STATUTORY ENVIRONMENT

Local Government Act 1995 Section 6.4

Local Government (Financial Management) Regulations 1996 Section 34

33A. Review of budget

- (1) Between 1 January and 31 March in each financial year a local government is to carry out a review of its annual budget for that year.
- (2A) The review of an annual budget for a financial year must —

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

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

The financial implications of the budget review have been explained in the attached document.

STRATEGIC IMPLICATIONS

Accountable and effective leaders

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

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

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

High quality corporate governance, accountability and compliance

ATTACHMENTS

1. **Budget Review Proposed Action List**
2. **2023/2024 Budget Review Document and Management Letter**

VOTING REQUIREMENT

Absolute Majority

OFFICER RECOMMENDATION**That Council:**

- 1. Approve the Budget Review for the period ended 31 January 2024 carried out in accordance with the Local Government Financial Management Regulations 1995 Section 33A.**
- 2. Approve the amendments to the adopted budget as outlined in “Note 4 – Budget Amendments” in the 2023/2024 Budget Review document.**
- 3. Authorise the CEO to forward a copy of the budget review to the Department of Local Government, Sport & Cultural Industries within 30 days of endorsement, and**
- 4. Authorise the CEO to make the required budget amendments within the chart of accounts to reflect those changes adopted in “Note 4 – Budget Amendments” within the 2023/2024 Budget Review document.**

12.2.8 LIST OF PAYMENTS - FEBRUARY 2024

Location: Nil
Applicant: Nil
Disclosure of Interest: Nil
Date: 15 March 2024
Author: Corina Morgan, Senior Finance Officer

SUMMARY

For Council to receive the list of accounts for February 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 February 2024 are:

1. Northern Rise – Management of Bluebush Village
2. Modularis Pty Ltd – Executive Style Rooms for Bluebush Village
3. Golden City Motors – Mitsubishi Single Cab Ute

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 - February 2024

VOTING REQUIREMENT

Simple majority

OFFICER RECOMMENDATION

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

1. Municipal accounts totalling \$1,385,275.96 on municipal vouchers EFT26968 – EFT27102, Cheque 53568 - 53569 and Direct Debits.
2. Credit card payments totalling \$17,834.55
3. Fuel card payments totalling \$63,505.82
4. Woolworths cards totalling \$2,961.20

12.2.9 MONTHLY FINANCIAL STATEMENTS FOR THE MONTH ENDED 29 FEBRUARY 2024

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

SUMMARY

This report recommends that the Monthly Statement of Financial Activity report for the period ending 29 February 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 29 February 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.

Matter Raised	Area of Concern	Action Required	Proposed/Taken Action
Going concern – liquidity Cash position	The estimated year end cash position is nil and the closing net current asset position negative \$822,061. Achieving this forecast nil position is reliant on receiving all forecast revenue with no expenditure overruns as well as receiving an additional \$1,510,000 in new borrowings. An overdraft facility may also be required to be utilised before 30 June 2024 to fund the negative net current asset position	Given the lack of reserves the Shire has and borrowing repayments to be made the lack of liquidity may have very serious negative impacts. Urgent action is required to ensure cost overruns do not occur and savings are made whilst ensuring all revenue is received. Where a likelihood exists of revenue not being received equivalent expenditure savings are required. Monitoring of loan covenants is also required to ensure these are not breached. Council should be made aware of the financial position of the Shire.	As a part of the 2023/24 budget review the revenue and expenses have been attended taking the various external and internal mitigants into consideration. The identified area of concern in relation to the utilisation of the overdraft facilities has already been discussed in the prior years with the external auditors (RSM) and OAG as a timing difference matter and is intended to be addressed as a part of the year end cash position for the 2023/24 financial statements and in the 2024/25 Budget preparation. Appropriate excel spreadsheets have been created to monitor the loan agreements to ensure these are not breached. Council is informed of the financial position of the Shire monthly in a timely manner.
Funding Statement Deficit after the imposition of general rates	At 31 January 2024, the Shire has a \$626,280 surplus. An overdraft amount of \$1,490,000 has been utilised to finance the cashflow in the short term.	Budget amendments will also be required for the rental revenue being lower than originally budgeted or for any forecast expenditure higher than budgeted.	In February and March 2024, the concern of the rental revenue being lower than originally budgeted or for any forecast expenditure higher than budgeted has been focused and amended in the 2023/24 budget review.
Financial management regulation 32 exclusion. Employee benefit provision	Forecast employee benefit provision of \$357,353 at 30 June 2023 was excluded from the budgeted opening net current position. Actual current leave provisions at 30 June 2023 of \$412,085 was excluded from the actual net current position at 30 June 2023.	As no employee liability reserve account exists and any payment of the employee liability prior to 30 June 2024 will result in a deficit. The closing funding surplus at 31 December 2023 has been adjusted to remove the exclusion of the current leave provisions in accordance with Departmental guidelines.	The identified issue of exclusion of employee liability reserve account was not upraised by the OAG nor the external auditors in the prior years. The current leave provisions in accordance with Departmental guidelines will be discussed as a part of end of the financial year 2024 statements finalisation with the external Shire's auditors (RSM) and the Office of the Audit General.

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. **Management Report - February 2024**
2. **Monthly Financial Statements - February 2024**

VOTING REQUIREMENT

Simple majority

OFFICER RECOMMENDATION

That the Monthly Financial Activity Statement for the period 1 July 2024 to 29 February 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 Council 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 Liquid Waste Agreement Emyjor Services

This matter is considered to be confidential under Section 5.23(2) - c), 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 a contract entered into, or which may be entered into, by the local government and which relates to a matter to be discussed at the meeting, 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.

16.2 Job Support Hub Funding

This matter is considered to be confidential under Section 5.23(2) - 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 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.

17 CLOSURE OF MEETING