



AGENDA

Ordinary Council Meeting

28 February 2023

6:00pm

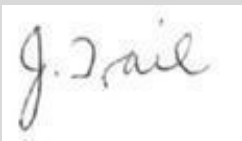
Council Chambers, Bayley Street, Coolgardie

SHIRE OF COOLGARDIE

NOTICE OF ORDINARY MEETING OF COUNCIL

Dear Elected Member

The next Ordinary Meeting of the Shire of Coolgardie will be held on Tuesday 28 February 2023 commencing at 6:00pm.

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

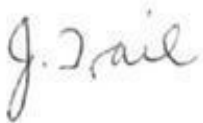
JAMES TRAIL
CHIEF EXECUTIVE OFFICER

ORDINARY COUNCIL MEETING**28 February 2023**

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

The dates, times and locations of the Ordinary Council Meetings for 2023 are listed hereunder.

<u>Day</u>	<u>Date</u>	<u>Time</u>	<u>Venue</u>
Tuesday	January 2023	N/A	-
Tuesday	28 February 2023	6.00pm	Coolgardie
Tuesday	28 March 2023	6.00pm	Kambalda
Tuesday	26 April 2023	6.00pm	Coolgardie
Tuesday	23 May 2023	6.00pm	Kambalda
Tuesday	27 June 2023	6.00pm	Coolgardie
Tuesday	25 July 2023	6.00pm	Kambalda
Tuesday	22 August 2023	6.00pm	Coolgardie
Tuesday	26 September 2023	6.00pm	Kambalda
Tuesday	24 October 2023	6.00pm	Coolgardie
Tuesday	28 November 2023	6.00pm	Kambalda
Tuesday	19 December 2023	6.00pm	Coolgardie



James Trail
Chief Executive Officer

DISCLAIMER

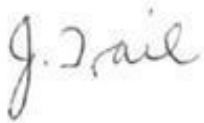
INFORMATION FOR PUBLIC ATTENDING COUNCIL MEETINGS

PLEASE NOTE:

THE RECOMMENDATIONS CONTAINED IN THIS AGENDA ARE OFFICERS RECOMMENDATIONS ONLY AND SHOULD NOT BE ACTED UPON UNTIL COUNCIL HAS RESOLVED TO ADOPT THOSE RECOMMENDATIONS.

THE RESOLUTIONS OF COUNCIL SHOULD BE CONFIRMED BY PERUSING THE MINUTES OF THE COUNCIL MEETING AT WHICH THESE RECOMMENDATIONS WERE CONSIDERED.

MEMBERS OF THE PUBLIC SHOULD ALSO NOTE THAT THEY ACT AT THEIR OWN RISK IF THEY ENACT ANY RESOLUTION PRIOR TO RECEIVING OFFICIAL WRITTEN NOTIFICATION OF COUNCILS DECISION.

A handwritten signature in dark ink, appearing to read "J. Trail", is positioned above the printed name and title.

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 2:30pm on the day of the meeting. A summary of each question and response is included in the Minutes.

When a question is not able to be answered at the Council Meeting a written answer will be provided after the necessary research has been carried out. Council staff will endeavour to provide the answers prior to the next meeting of Council.

5. **Councillors** may from time to time have a financial interest in a matter before Council. Councillors must declare an interest and the extent of the interest in the matter on the Agenda. However, the Councillor can request the meeting to declare the matter **trivial, insignificant or in common with a significant number of electors or ratepayers**. The Councillor must leave the meeting whilst the matter is discussed and cannot vote unless those present agree as above.

Members of staff, who have delegated authority from Council to act on certain matters, may from time to time have a financial interest in a matter on the Agenda. The member of staff must declare that interest and generally the Chairman of the meeting will advise the Officer if he/she is to leave the meeting.

6. Agendas including an Information Bulletin are delivered to Councillors within the requirements of the Local Government Act 1995, i.e. seventy-two (72) hours prior to the advertised commencement of the meeting. Whilst late items are generally not considered there is provision on the Agenda for items of an urgent nature to be considered.

Should an elector wish to have a matter placed on the Agenda the relevant information should be forwarded to the Chief Executive Officer in time to allow the matter to be fully researched by staff. An Agenda item including a recommendation will then be submitted to Council for consideration.

The Agenda closes the Monday week prior to the Council Meeting (i.e. ten (10) days prior to the meeting).

The Information Bulletin produced as part of the Agenda includes items of interest and information, which does not require a decision of Council.

7. Agendas for Ordinary Meetings are available in the Coolgardie and Kambalda Offices/Libraries seventy-two (72) hours prior to the meeting and the public are invited to secure a copy.
8. Agenda items submitted to Council will include a recommendation for Council consideration. Electors should not interpret and/or act on the recommendations until after they have been considered by Council. Please note the Disclaimer in the Agenda (page 3).
9. Public Question Time – Statutory Provisions – Local Government Act 1995

Time is to be allocated for questions to be raised by members of the public and responded to at:

- (a) Every ordinary meeting of a council; and
- (b) Such other meetings of councils or committees as may be prescribed

Procedures and the minimum time to be allocated for the asking of and responding to questions raised by members of the public at council or committee meetings are to be in accordance with regulations.

9A. Question Time for the Public at Certain Meetings – s5.24 (1) (b)

Local Government (Administration) Regulations 1996

Reg 5 For the purpose of section 5.24(1)(b), the meetings at which time is to be allocated for questions to be raised by members of the public and responded to are:

- (a) every special meeting of a council; and
- (b) every meeting of a committee to which the local government has delegated a power or duty.

Minimum Question Time for the Public – s5.24 (2)

- Reg 6 (1) The minimum time to be allocated for the asking of and responding to questions raised by members of the public at ordinary meetings of councils and meetings referred to in regulation 5 is fifteen (15) minutes.
- (2) Once all the questions raised by members of the public have been asked and responded to at a meeting referred to in sub regulation (1), nothing in these regulations prevents the unused part of the minimum question time period from being used for other matters.

Procedures for Question Time for the Public – s5.24 (2)

Local Government (Administration) Regulations 1996

- Reg 7 (1) Procedures for the asking of and responding to questions raised by members of the public at a meeting referred to in regulation 6 (1) are to be determined:
- (a) by the person presiding at the meeting; or
 - (b) in the case where the majority of members of the council or committee present at the meeting disagree with the person presiding, by the majority of members, having regard to the requirements of sub regulations (2) and (3).
- (2) The time allocated to the asking and responding to questions raised by members of the public at a meeting referred to in regulation 6(1) is to precede the discussion of any matter that requires a decision to be made by the council or the committee, as the case may be.
- (3) Each member of the public who wishes to ask a question at a meeting referred to in regulation 6(1) is to be given an equal and fair opportunity to ask the question and receive a response.
- (4) Nothing in sub regulation (3) requires:
- (a) A council to answer a question that does not relate to a matter affecting the local government;
 - (b) A council at a special meeting to answer a question that does not relate to the purpose of the meeting; or
 - (c) A committee to answer a question that does not relate to a function of the committee.

2. Public Inspection of Unconfirmed Minutes (Reg 13)

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

NOTE:**10.3 Unopposed Business**

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

QUESTION TIME FOR THE PUBLIC

(Please Write Clearly)

DATE: _____

NAME: _____

TELEPHONE: _____

ADDRESS: _____

QUESTION TO THE PRESIDENT:-

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

ITEM NO: _____ PAGE NO: _____

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

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1 DECLARATION OF OPENING / ANNOUNCEMENT OF VISITORS**1.1 WELCOME TO COUNTRY ANNOUNCEMENT**

"The Shire of Coolgardie acknowledges the Traditional Owners of the land, on which we meet and pay our respects to Elder's 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 Candidate for Election, Code of Conduct for Employees****5 RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE**

Nil

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

8 CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS

8.1 MINUTES OF THE ORDINARY COUNCIL MEETING HELD ON 22 DECEMBER 2022

Date: 28 February 2023

Author: Kasey Turner, Administration Officer

ATTACHMENTS

Nil

VOTING REQUIREMENT

Simple majority

OFFICER RECOMMENDATION

That the Minutes of the Ordinary Council Meeting held on 22 December 2022 be confirmed as a true and accurate record.

8.2 MINUTES OF THE SPECIAL COUNCIL MEETING HELD ON 14 FEBRUARY 2023

Date: 28 February 2023

Author: Kasey Turner, Administration Officer

ATTACHMENTS

Nil

VOTING REQUIREMENT

Simple majority

OFFICER RECOMMENDATION

That the Minutes of the Special Council Meeting held on 14 February 2023 be confirmed as a true and accurate record.

8.3 MINUTES OF THE SPECIAL COUNCIL MEETING HELD ON 28 DECEMBER 2022

Date: 28 February 2023

Author: Kasey Turner, Administration Officer

ATTACHMENTS

Nil

VOTING REQUIREMENT

Simple majority

OFFICER RECOMMENDATION

That the Minutes of the Special Council Meeting held on 28 December 2022 be confirmed as a true and accurate record.

8.4 MINUTES OF THE ANNUAL ELECTORS MEETING HELD ON 31 JANUARY 2023

Date: 28 February 2023

Author: Kasey Turner, Administration Officer

ATTACHMENTS

Nil

VOTING REQUIREMENT

Simple majority

OFFICER RECOMMENDATION

That Council receive the Minutes of the Annual Electors Meeting, noting that there were no resolutions arising which require the consideration of Council.

9 ANNOUNCEMENTS BY PRESIDING PERSON WITHOUT DISCUSSION**9.1 PRESIDENT'S REPORT - FEBRUARY 2023****Date:** 7 February 2023**Author:** Malcolm Cullen, Shire President

The 2023 year has commenced at a considerably hectic pace with both Councillors and Staff engaged and involved in various activities and events throughout January and February.

Councillors and Staff attended a Risk and Policy Manual review forum in Kambalda on January 24th with the aim of reviewing the Shire's Risk Matrix and Policy Manual as part of our role and responsibility under the Local Government Act 1995 and associated regulations.

Australia Day was celebrated in our Shire this year with events held in both Coolgardie and Kambalda. The Kambalda pool event attracted a great crowd of over 500 people attending and enjoying the breakfast and entertainment throughout the day. The Coolgardie event in the park attracted over 120 people who also enjoyed the breakfast, entertainment and fun activities organised by our Staff.

I would acknowledge the effort all our volunteers (particularly Coolgardie and Kambalda VFRS) for their assistance with the Breakfasts and our great staff, who work tirelessly to ensure these events run smoothly.

I would also make mention and thank all the community members who took the time and effort this year to nominate those in the community who volunteer and contribute their time to helping out and assisting others in our communities throughout the year.

This year attracted the most nominations ever, for Australia Day Citizenship Awards in both towns and It was pleasing to witness the spirit and goodwill from all involved in this year's event.

The Annual Electors Meeting held in Coolgardie on 31st January attracted a good attendance of thirty community members. Council presented and endorsed the Annual Report for the Shire of Coolgardie for the financial year ended 30th June 2022.

The Annual Report also included the Financial Report and the Audit Report from the Office of the Auditor General.

Several of the attendees took the opportunity to put some genuine and well-constructed questions to the meeting and while every endeavour was made to respond during the meeting other questions taken on notice will be provided within the minutes from the meeting.

I would like to advise and assure everyone in our communities, that the Council and Staff are working extremely hard to create strong collaborative relationships with the Mining Industry, State and Federal Governments and associated business and industry, which has enabled the Shire to progress revenue generating opportunities that will ensure residential, commercial and industrial ratepayers are not burdened with high rate increases now and not the future.

The goal of this increasing revenue over the next four years is not only to improve the level of service to our communities, it will also increase the level of expenditure on renewing and maintaining community infrastructure such as roads, footpaths, pools, parks and Shire buildings for stronger resilient communities in the future.

Councillors and Staff attended a planning forum on 7th February. With the increasing number of development and building applications being submitted to the Shire over the past twelve months, along with numerous

changes to planning rules and regulations, It is most important for Council and Staff to keep up to date and be aware of these when considering applications coming before Council in the coming months.

At the same forum, Councillors were also presented the next stage of progressing the Shire's Collaboration Strategy by consultants Creating Communities. This strategy will also assist Council to populate the next phase of our Long Term Financial Plan in the coming months.

The Shire will be hosting this year's International Women's Day event at the Kambalda Recreation Centre on March 7th, with valued support from Goldfields and the Goldfields Women's Health Care Centre.

Be sure to secure your free tickets to this amazing forum and come along to hear three local goldfields women sharing their life experiences with the audience.

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 2023 OCM SCHEDULE AND DRAFT POLICY**

Location: Shire of Coolgardie

Applicant: Nil

Disclosure of Interest: Nil

Date: 3 January 2023

Author: Steven Tweedie, Consultant

SUMMARY

At the October 2022 OCM Council set the dates, times and places for the 2023 OCM schedule, and the CEO has advertised same.

CI 12(2) of the Local Government (Administration) Regulations 1996 requires the CEO to advertise the date, place, and commencement time of Ordinary Council Meetings, and Committee Meetings that are open to the public before the beginning of the year in which the meetings are to be held.

The CEO has given notice at the Shire website of the proposed dates, places, and times of OCMs in 2023. There is no firm schedule for Committee meetings which will be called, and advertised, on a needs basis.

A draft Policy has been prepared, for Council consideration, to formalise the methodology, and an amended Council Policy 1.12 is attached for consideration, and adoption, by Council.

Adopting a Council Policy will ensure Council does not need to set the dates, times, and places each year, with the CEO following the methodology, except for the December OCM, which Council will set at the November OCM.

BACKGROUND

Council meets monthly, but not in the month of January, each year, on the 4th Tuesday of each month except December, which is held on the 3rd Tuesday of the month.

Meetings commence at 6.00pm.

Meeting places alternate between the Coolgardie Council Chambers and the Kambalda Recreation Facility Function Room, or other venue as advertised.

COMMENT

Nil

CONSULTATION

Nil

STATUTORY ENVIRONMENT

CI 12(2) of the Local Government (Administration) Regulations 1996

POLICY IMPLICATIONS

In accordance with the draft policy attached.

FINANCIAL IMPLICATIONS

Nil

STRATEGIC IMPLICATIONS

Accountable and effective leaders

High quality corporate governance, accountability and compliance

ATTACHMENTS

1. Policy 1.12 - Council meetngs

VOTING REQUIREMENT

Simple majority

OFFICER RECOMMENDATION

That Council, by Simple Majority, **ADOPTS** Council Policy 1.12, as amended, and attached, and that such methodology be applied by the CEO for future years' advertising, with Council determining at the November Ordinary Council Meeting each year, the date, place, and time of the December Ordinary Council Meeting.

12.1.2 REPORTABLE CONDUCT SCHEME

Location: Shire of Coolgardie
Applicant: Nil
Disclosure of Interest: Nil
Date: 3 January 2023
Author: Steven Tweedie, Consultant

SUMMARY

WA parliament has passed the Parliamentary Commissioner Amendment (Reportable Conduct) Bill 2021, and which will establish a Reportable Conduct Scheme in Western Australia.

The Scheme will commence on a date to be proclaimed, which is expected to be 1 January 2023.

The Scheme implements key recommendations of the Royal Commission into Institutional Responses to Child Sexual Abuse and provides that child abuse in organisations will always be:

- notified to an impartial and independent body;
- investigated fully; and
- dealt with to ensure children are protected from abuse within institutions.

The types of organisations covered by the Scheme in the first year include:

- child protection and out-of-home care services;
- childcare services;
- education services;
- health services; and
- justice and detention services.

The Shire of Coolgardie is covered by the legislation, being an “authority” pursuant to S4A of the Parliamentary Commissioner Act (and a “relevant entity”).

The Scheme applies to any organisation, which exercises care, supervision, or authority over children. The Shire of Coolgardie (the Shire) is likely to meet the criteria of the Scheme at several Shire facilities including:

- Coolgardie and Kambalda Community Resource Centres
- Kambalda Aquatic Facility
- Coolgardie Swimming Pool
- Kambalda and Coolgardie Community Recreation Facility
- Kambalda and Coolgardie public libraries
- Coolgardie Visitor Centre

The Act defines ‘employee of a relevant entity’ broadly to capture a wide range of individuals over the age of 18 including paid employees, volunteers, and contractors.

This is consistent with the Royal Commission finding that reportable conduct schemes should require reporting of conduct by any individual engaged by an institution to provide services to children, whether they are a paid employee.

The broad definition will include:

- an officer or employee of the relevant entity, whether the individual's work is in connection with any work or activities of the entity that relate to children; or
- engaged by the entity to provide services to children, including as a volunteer or contractor; or
- engaged by another person or body to provide services to children on behalf of the entity, including as a volunteer or contractor; or
- engaged by the entity as a carer whether for payment or not; or
- a family day care educator or family day care educator assistant engaged by or registered with the entity.

The CEO is defined as the "head" of the relevant entity, although a delegate may be appointed by the CEO.

A reportable allegation is any information that leads a person to form the belief on reasonable grounds that an employee of a relevant entity has engaged in reportable conduct (as defined in new section 19G) or conduct that may involve reportable conduct, whether the conduct is alleged to have occurred during the employee's employment.

Reportable conduct is the following conduct, whether a criminal proceeding in relation to the conduct has been commenced or concluded and whether the conduct occurred before, on or after the commencement of the Scheme:

- a sexual offence,
- sexual misconduct,
- a physical assault committed against, with or in the presence of, a child; and
- an offence prescribed by the regulations

The Act provides that the object of the Scheme is to protect children from harm by establishing and implementing a scheme for preventing reportable conduct; reporting, notifying, and investigating reportable allegations and reportable convictions; and taking appropriate action in response to findings of reportable conduct.

The Act provides that the Scheme is based on the following principles:

- Child participation, namely, if a child can form views on a matter concerning a reportable

allegation or reportable conviction and it is appropriate in the circumstances to consult the child, the child must be given the opportunity to express their views freely and their views are to be given due weight in the investigation in accordance with their developmental capacity and the circumstances,

- Criminal conduct or suspected criminal conduct should be reported to the police,
- The Commissioner and others involved in the Scheme should work in collaboration to ensure a fair process is used in the investigation of reportable allegations and reportable convictions; and
- Employees who are the subject of reportable allegations being investigated are entitled to be afforded natural justice in investigations into their conduct.

The CEO will provide further advice to Council, at a future briefing session on the procedures and administrative policies which have been adopted, to ensure Council is fully aware of the commitment to compliance on this important matter.

BACKGROUND

Nil

COMMENT

Council is advised of the passage of the legislation, and impending commencement of its provisions, and the obligations imposed upon the CEO, as head of the entity.

The CEO understands that WALGA is working on further advice to Local Governments and the CEO will take account of same, when available, in formulating any advice to all employees and contractors, and adopting appropriate procedures and Policies to address the obligations and responsibilities.

The CEO may also consider amending the Code of Conduct for Employees.

CONSULTATION

James Trail, CEO

STATUTORY ENVIRONMENT

Parliamentary Commissioner Act

POLICY IMPLICATIONS

Detailed in this report

FINANCIAL IMPLICATIONS

Nil

STRATEGIC IMPLICATIONS**Accountable and effective leaders**

High quality corporate governance, accountability and compliance

ATTACHMENTS

1. **Reportable Conduct Scheme - Information Sheet**
2. **Reportable Conduct Scheme Bill**
3. **Reportable Conduct Scheme - Explanatory Memorandum**

VOTING REQUIREMENT

Simple majority

OFFICER RECOMMENDATION

That Council, by Simple Majority, ACKNOWLEDGES:

1. **The obligations and responsibilities of the Shire that will result from the commencement of the Parliamentary Commissioner Amendment (Reportable Conduct) Bill 2021, and SUPPORTS complete compliance.**
2. **That the CEO WILL ENSURE full and timely compliance with the legislation, as head of the entity (as defined).**
3. **That the CEO PROVIDE further advice to Council at a future briefing session.**

12.1.3 FREEDOM OF INFORMATION STATEMENT

Location: Shire of Coolgardie
Applicant: Shire of Coolgardie
Disclosure of Interest: Nil
Date: 3 January 2023
Author: Steven Tweedie, Consultant

SUMMARY

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

BACKGROUND

All local governments are required to prepare and publish in accordance with the requirements of Part 5, Freedom of Information Act 1992 (the Act).

S94 of the Act requires each agency to prepare an Information Statement. The Shire of Coolgardie is such an agency. S94 of the Freedom of Information Act 1992 states that the Information Statement must set out:

- The agency's Mission Statement,
- Details of legislation administered,
- Details of the agency structure,
- Details of decision making functions,
- Opportunities for public participation on the formulation of policy and performance of agency functions,
- Documents held by the agency,
- The operation of Freedom of Information (FOI) in the agency.

S96 of the Act also requires the updated statement to be published – it will form part of the Council Policy Manual which is published at the Shire website as a public document.

S97 of the Act requires the FOI Commissioner to be provided with the reviewed document.

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

COMMENT

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

The Statement will be reviewed and published annually, in accordance with the Act.

CONSULTATION

Chief Executive Officer

STATUTORY ENVIRONMENT

Freedom of Information Act 1992

Local Government Act 1995

POLICY IMPLICATIONS

Freedom of Information Statement, as updated replaces current Council Policy.

FINANCIAL IMPLICATIONS

Nil

STRATEGIC IMPLICATIONS

Accountable and effective leaders

High quality corporate governance, accountability and compliance

ATTACHMENTS

1. Shire of Coolgardie Freedom of Information Statement

VOTING REQUIREMENT

Simple majority

OFFICER RECOMMENDATION

That Council, by Simple Majority, ENDORSE the Freedom of Information Statement for the Shire of Coolgardie and that it be published at the Shire website as part of the Council Policy Manual and be provided to the FOI Commissioner as required by the FOI Act.

12.2 Operation Services**12.2.1 DRAFT MEMORANDUM OF UNDERSTANDING - JUDUMUL ABORIGINAL CORPORATION**

Location: Coolgardie
Applicant: Judumul Aboriginal Corporation
Disclosure of Interest: Nil
Date: 10 February 2023
Author: Robert Hicks, Deputy Chief Executive Officer

SUMMARY

For Council to endorse the draft Memorandum of Understanding (MOU) between the Shire of Coolgardie and Judumul Aboriginal Corporation (Judumul).

BACKGROUND

Judumul staff presented at the 08 November 2022 Council Briefing. An action from that briefing was for the Shire staff to draft an MOU for Council consideration.

At the 22 December 2022 Ordinary Council meeting it was resolved to lay this agenda Item on the table and be deferred to the 28 February 2023 Ordinary Council meeting.

Shire officers and Judumul's CEO have negotiated and agreed to the attached MOU for Council consideration.

COMMENT

The attached MOU differs from the one put to Council 22 December 2022 for the following reasons:

1. Two year term instead of one year
2. Areas of collaboration have been simplified
3. Roles and Responsibilities have been included to provide clarify

CONSULTATION

Shire Council

Shire Staff

Judumul Aboriginal Corporation

STATUTORY ENVIRONMENT

NIL

POLICY IMPLICATIONS

NIL

FINANCIAL IMPLICATIONS

NIL

STRATEGIC IMPLICATIONS**A thriving local economy**

Advocating for training and employment opportunities delivered in the Shire

Accountable and effective leaders

Developing strong partnerships with stakeholders for the benefit of our community

An inclusive, safe and vibrant community

Continuing to promote the local Aboriginal culture and history

ATTACHMENTS**1. Draft Judumul MOU - Confidential****VOTING REQUIREMENT**

Simple majority

OFFICER RECOMMENDATION

That Council:-

- 1. ENDORSE the Draft Memorandum of Understanding (MOU) between the Shire of Coolgardie and Judumul Aboriginal Corporation.**
- 2. AUTHORISE the Chief Executive Officer and Shire President to execute the Draft MOU Agreement as attached.**

12.2.2 FMR - REQUEST FOR INVOICE ADJUSTMENT DUE TO CESSATION OF HAULAGE CAMPAIGN

Location: Coolgardie
Applicant: FMR Investments
Disclosure of Interest: Nil
Date: 28 February 2023
Author: Robert Hicks, Deputy Chief Executive Officer

SUMMARY

For Council to consider a request from FMR Investments (Principle) for an invoice adjustment due to the early cessation of their haulage campaign.

BACKGROUND

In an email received by the Shire on 12 January 2023, (John Farr) General Manager – Operations, FMR Investments, advised that it was no longer economical to continue with the campaign and had stopped hauling in September 2022.

FMR Investments' Council approved CA07 application was for a 120,000 tonne campaign. FMR Investments confirm that only 68,266 tonnes were hauled (via MLG Oz Pty Ltd) and therefore the company is seeking Shire consideration for credit of the significantly reduced campaign.

At Ordinary Council meeting held 24 May 2022, Council decided;

COUNCIL RESOLUTION #95/2022

That Council,

1. *APPROVES, in accordance with Policy 044 Haulage Campaigns, the proposal from FMR Investments Pty Ltd (Principle) to use 9 kms of Nepean and Ladyloch Roads, Coolgardie, for a campaign comprising of 120,000 tonnes from 01 July 2022 to 30 January 2023 or the following contribution:*
 - (a) *Capital Contribution (at \$0.07 p/tonne p/km; at 120,000 tonnes over 9 kms) = \$83,160 (inc GST) to Account/Job #11202750 (Limited Cartage Campaign).*
2. *AUTHORISES the CEO to determine any request from the Company to amend the dates applicable to the request, but only on the basis that the relevant Council Policies be applied accordingly and that where any such applications are made and approved by the CEO, that suitable local public notice is given.*
3. *Require FMR Investments (Principal) pay 50% (of per annum capital contribution) prior to campaign starting.*
4. *Authorise the Chief Executive Officer to issue CA007 Letters of Approvals to FMR Investments (Principal) for a period of 12 months once 50% payment is received and cleared to the Shire bank account.*
5. *Require FMR Investments (Principal) to pay remaining/final 50% of payment by January 30, 2023*

Comparative chart:

Previous Council approved campaign	New/amended campaign	Difference
120,000 tonnes	68,266 tonnes	51,734 tonnes
Duration – 01 July 2022 to 30 January 2023	Duration – 01 July 2022 to September 2022	
120,000 tonnes x 9km x \$0.07 = TOTAL of campaign <u>\$83,160 inc GST.</u> le \$41,580 Received 50% prior to campaign starting. le \$41,580 Outstanding. (Remaining/final 50%).	68,266 tonnes x 9km x \$0.07 = TOTAL of campaign \$47,308.34 inc GST.	FMR PROPOSAL: Credit Invoice IN8436. Shire has already received 50% upfront payment (IN8221 = \$41,580). Issue invoice for 8,266 tonnes = \$5,728.34.

COMMENT

In response to Council Resolution #95/2022 the Shire issued the following invoices:

1. IN#8221 = \$41,580 inc GST
2. IN#8436 = \$41,580 inc GST

Total outstanding/unpaid = \$41,580 inc GST

At the reduced tonnage figure of 68,266 tonnes the *NEW* contribution calculations are;

Nepean and Ladyloch Roads

Capital Contribution at \$0.07 per tonne per km at 68,266 tonnes over 9 kms = \$47,308.34 (inc GST)

Considering 50% payment has already been received (equating to 60,000 tonnes) the total to be invoiced = \$5,728.34 inc GST

CONSULTATION

John Farr – General Manager - Operations, FMR Investments

STATUTORY ENVIRONMENT

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

POLICY IMPLICATIONS

Policy #3.11 – Haulage Campaigns

Policy #3.12 – Heavy Vehicles Conditions for use on Shire Roads

The Local Government Act 1995

FINANCIAL IMPLICATIONS

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

STRATEGIC IMPLICATIONS**A thriving local economy**

Supporting and encouraging mining and processing industries

Accountable and effective leaders

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

ATTACHMENTS

1. **FMR request for credit consideration**

VOTING REQUIREMENT

Absolute Majority

OFFICER RECOMMENDATION

That Council,

1. Authorise the outstanding unpaid balance of \$41,580 inc GST for FMR Investments to be credited.
2. **APPROVES**, in accordance with Policy 3.11 Haulage Campaigns, the proposal from FMR Investments Pty Ltd (Principle) to use 9 kms of Nepean and Ladyloch Roads, Coolgardie, for a campaign comprising of 68,266 tonnes from 01 July 2022 to 30 September 2022 for the following contribution:
 - (a) Nepean and Ladyloch Roads - Capital Contribution (at \$0.07 p/tonne p/km; at 8,266 tonnes x 9kms) = \$5,728.34 inc GST to Account/Job #11202750 (Limited Cartage Campaign).
 - (c) FMR Investments is required to pay 100% of Nepean and Ladyloch Roads contribution by 31 March 2023.
3. **NOTES** that FMR Investments is required to apply for all new and future haulage campaign.
4. **AUTHORISE** the Chief Executive Officer to determine any request from the Company to amend the dates applicable to the request, but only on the basis that the relevant Council Policies be applied accordingly and that where any such applications are made and approved by the CEO, that suitable local public notice is given.

12.2.3 HAULAGE CAMPAIGN - BELLINI BULK HAULAGE

Location: Coolgardie
Applicant: Bellini Bulk Haulage PL
Disclosure of Interest: Nil
Date: 13 February 2023
Author: Robert Hicks, Deputy Chief Executive Officer

SUMMARY

For Council to consider a proposal from Bellini Bulk Haulage PL to utilise Coolgardie North Road, Carins Road & Jaurdi Hills Road for two annual haulage campaigns from 01/03/2023 to 28/02/2021 comprising of a total of 100,000 tonnes per annum.

BACKGROUND

Bellini's are currently seeking approval from the Shire to utilise a total of 15.13kms of Shire roads. Bellini operates from mining tenements situated within the Shire's network located off the Sand Haul Road and Jaurdi Hills Road. Access to the tenements are along various roads under the Shire control, maintenance and responsibility. These tenements are known as:

Mt Burgess Pit 1 (M15/1339) located off the Sand Haul Road with access via Carins Road and Coolgardie North Road (combined length of 13.82kms) as follows:-

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

Carins Road – SLK 0.00km – 3.04km = 3.04km; and

Mt Burgess Pit 2 (M15/1795) located off Jaurdi Hills Road with access via Carins Road, Coolgardie North Road and Jaurdi Hills Road (combined length of 15.13kms) as follows:-

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

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

Carins Road – SLK 0.00km – 3.04km = 3.04km

As per Council's Policy 3.11 – Haulage Campaigns - Long Term Campaign: where a cartage campaign exceeds 25,000 tonnes or 100 return trips in any annual period, or more than six return trips in any week or part thereof; the Principle (Bellini Bulk Haulage PL) needs to apply to the Shire of Coolgardie for use of the Shire of Coolgardie road network. The current policies have been established to reflect the impact of heavy haulage vehicles have on the road condition and apply a cost contribution to applicants for repair for damage and deterioration cause by the intensive and heavy vehicle use on the roads.

COMMENT

At Ordinary Council Meeting held 22 March 2022, Council decided;

COUNCIL RESOLUTION #49/2022

That Council,

- 1. In accordance with Policy 044 Haulage Campaigns, endorse the proposal from Bellini Bulk Haulage (Principle) to use Carins Road and Coolgardie North Road, Jaurdi Hills Road for a campaign comprising of 150,000 tonnes from 01 March 2022 to 28 February 2023 for the following contributions;*

- (a) Carins Road – Capital Contribution at \$0.07 p/tonne p/km; at 150,000 tonnes over 1.3 kms = \$15,015.00 per annum (inc GST). To Account/Job #11202750 (Limited Cartage Campaign)
- (b) Coolgardie North & Jaurdi Hills Roads - Maintenance Contribution at \$0.04 p/tonne p/km; at 150,000 tonnes over 12.09 kms = \$79,794.00 per annum (inc GST). To Account/Job #11202750 (Limited Cartage Campaign)
2. That the CEO be authorised to determine any request from the Company/ies to amend the dates applicable to the request, but only on the basis that the relevant Council Policies be applied accordingly and that where any such applications are made and approved by the CEO, that suitable local public notice is given.
 3. Require Bellini Bulk Haulage PL to maintain all proposed haulage routes consisting of ongoing watering to ensure dust is suppressed and the road surface is maintained in a sealed state.
 4. Require Bellini Bulk Haulage PL to apply annually for consideration of renewal of CA07 Letters of Approval.
 5. Require Bellini Bulk Haulage PL pay 50% prior to campaign starting.
 6. Authorise the Chief Executive Officer to issue CA07 Letters of Approvals to Bellini Bulk Haulage PL for a period of 12 months once 50% payment is received and cleared to the Shire bank account.
 7. Require Bellini Bulk Haulage PL to pay remaining/final 50% of payment by 31 August 2022

All haulage activities undertaken will be in accordance with Council Policy #3.11 (Haulage Campaigns) which applies to haulage campaigns within the Shire of Coolgardie. All haulage campaigns should be read in conjunction with the Shire's Policy #3.12 (Heavy Vehicles Conditions for use of Shire Roads). The purpose of both policies aims to ensure safe use on Shire roads by long term haulage campaign users.

There are two haulage campaign applications submitted by the applicant, which are the subject of this report.

- Application 1 – Mt Burgess Pit 1 – request comprises:-
 - Use of Coolgardie North Road and Carins Road
 - The application refers to a total tonnage of 75,000 tonnes
 - Sand to be delivered to BHP Nickel Smelter
- Application 2 – Mt Burgess Pit 2 – request comprises:-
 - Use of Jaurdi Hills Road, annum material transported is 25,000 tonnes (which also requires use of Coolgardie North Road and Carins Road to reach destination)
 - Sand to be delivered to BHP Nickel Smelter

TABLE: Summary Contribution cost & type by road usage based on destination detailed in the applications.

	Jaurdi Hills Road	Coolgardie North Road	Carins Road	
Application 1 – Pit 1 (M15/1339) Destination – BHP Nickel Smelter		75,000	75,000	
Application 2 – Pit 1 (M15/1795) Destination – BHP Nickel Smelter	25,000	25,000	25,000	

Total Haulage	25,000	100,000	100,000	
Road Length	1.31km	10.78km	3.04km	
Contribution Type	Maintenance	Maintenance	Capital	
Contribution Rate	\$0.04	\$0.04	\$0.07	
Contribution Cost	\$1,310.00	\$43,120.00	\$21,280.00	
GST	\$131.00	\$4,312.00	\$2,128.00	
TOTAL	\$1441.00	\$47,432.00	\$23,408.00	\$72,281.00

The combined usage of Shire roads associated with the details as set out in the two applications are considered to be:

- ❖ Carins Road usage for haulage material – the Shire determination recognises that Carins Road requires a Capital Contribution at a rate of \$0.07 for 100,000 tonnes over 3.04km.
- ❖ Coolgardie North Road usage for haulage material – the Shire determination recognises that Coolgardie North Road requires a Maintenance Contribution at a rate of \$0.04 for 100,000 tonnes over 10.78km.
- ❖ Jaurdi Hills Road usage for haulage material – the Shire determination recognises that Jaurdi Hills Road requires a Maintenance Contribution at a rate of \$0.04 for 25,000 tonnes over 1.31km.

CONSULTATION

Alison Bellin – Director; Bellini Bulk Haulage PL

STATUTORY ENVIRONMENT

Road Traffic (Administration) Act 2008 Section 132(4)
The Local Government Act 1995

POLICY IMPLICATIONS

Policy #3.11 – Haulage Campaigns

Policy #3.12 – Heavy Vehicles Conditions for use on Shire Roads

FINANCIAL IMPLICATIONS

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

STRATEGIC IMPLICATIONS

A thriving local economy

Supporting and encouraging mining and processing industries

Accountable and effective leaders

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

High quality corporate governance, accountability and compliance

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

Developing strong partnerships with stakeholders for the benefit of our community

ATTACHMENTS

1. Haulage Campaign - Bellini Pit 1 (Coolgardie North & Carins Roads)
2. Haulage Campaign - Bellini Pit 2 (Jaurdi Hills Road)
3. Haulage Campaign - Bellini Pit 1 & Pit 2 site map

VOTING REQUIREMENT

Simple majority

OFFICER RECOMMENDATION

That Council,

1. **APPROVES**, in accordance with Policy 3.11 Haulage Campaigns, the application from Bellini Bulk Haulage (Principle) to use Carins Road, Coolgardie North Road and Jaurdi Hills Road for a campaign comprising of a total of 100,000 tonnes from 01 March 2023 to 28 February 2024 for the following contributions;
 - (a) Carins Road – Capital Contribution at \$0.07 p/tonne p/km; at 100,000 tonnes over 3.04 kms = \$23,408 per annum (inc GST). To Account/Job #11202750 (Limited Cartage Campaign)
 - (b) Coolgardie North Road - Maintenance Contribution at \$0.04 p/tonne p/km; at 100,000 tonnes over 10.78 kms = \$47,432 per annum (inc GST). To Account/Job #11202750 (Limited Cartage Campaign)
 - (c) Jaurdi Hills Road - Maintenance Contribution at \$0.04 p/tonne p/km; at 25,000 tonnes over 1.31 kms = \$1,441 per annum (inc GST). To Account/Job #11202750 (Limited Cartage Campaign)
2. That the CEO be authorised to determine any request from the Company/ies to amend the dates applicable to the request, but only on the basis that the relevant Council Policies be applied accordingly and that where any such applications are made and approved by the CEO, that suitable local public notice is given.
3. Require Bellini Bulk Haulage PL to maintain all proposed haulage routes consisting of ongoing watering to ensure dust is suppressed and the road surface is maintained in a sealed state.
4. Require Bellini Bulk Haulage PL to apply annually for consideration of renewal of CA07 Letters of Approval.
5. Require Bellini Bulk Haulage PL pay 50% prior to campaign starting.
6. Authorise the Chief Executive Officer to issue CA07 Letters of Approvals to Bellini Bulk Haulage PL for a period of 6 months once 50% payment is received and cleared to the Shire bank account.
7. Require Bellini Bulk Haulage PL to pay remaining/final 50% of payment by 31 August 2023

12.2.4 LIST OF PAYMENTS - DECEMBER 2022

Location: Nil
Applicant: Nil
Disclosure of Interest: Nil
Date: 7 February 2023
Author: Corina Morgan, Senior Finance Officer

SUMMARY

For Council to receive the list of accounts for December 2022

BACKGROUND

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

COMMENT

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

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

Significant Payments for the month of December 2022 are:

1. Pryce Mining Services – Workers Accommodation Village Installation works
2. Precise Projects WA Pty Ltd – Supply and Installation of fencing at Bluebush village and Kambalda Airport
3. Plumbing Gas and Electrical Services – Progress payment for materials and works for Kambalda Village

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 - December 2022**

VOTING REQUIREMENT

Simple majority

OFFICER RECOMMENDATION

That Council RECEIVE listing (attached of accounts paid during the month of December 2022 by the Chief Executive Officer under delegated authority of Council.

1. **Municipal accounts totalling \$2,034,103.42 on EFT24292 - EFT24498, Cheques 53519 – 53522 and Direct Debits**
2. **Credit Card payments totalling \$11,304.56**

12.2.5 LIST OF PAYMENTS - JANUARY 2023

Location: Nil
Applicant: Nil
Disclosure of Interest: Nil
Date: 7 February 2023
Author: Corina Morgan, Senior Finance Officer

SUMMARY

For Council to receive the list of accounts for January 2023

BACKGROUND

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

COMMENT

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

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

Significant Payments for the month of January 2023 are:

1. Rangecon – Supply and Installation of Workers Accommodation Progress Claim
2. Coxdon – Coolgardie Post Office Tenancy
3. Little Industries – Supply and Delivery of base for Gnarlbine Road
4. Northern Rise – Management of Bluebush Village

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 - January 2023**

VOTING REQUIREMENT

Simple majority

OFFICER RECOMMENDATION

That Council RECEIVE listing (attached of accounts paid during the month of January 2023 by the Chief Executive Officer under delegated authority of Council.

1. **Municipal accounts totalling \$2,858,516.32 on municipal vouchers EFT24499 - EFT24596, Cheques 53523-53525 and Direct Debits.**
2. **Credit card payments totalling \$7,548.24**

12.2.6 MONTHLY FINANCIAL STATEMENTS FOR THE PERIOD ENDED 31 DECEMBER 2022

Location: Shire of Coolgardie
Applicant: Shire of Coolgardie
Disclosure of Interest: Nil
Date: 16 February 2023
Author: Martin Whitely, Consultant

SUMMARY

This report recommends that the Monthly Statement of Financial Activity report for the period ending 31 December 2022 is presented to Council for adoption.

BACKGROUND

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

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

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

COMMENT

Attached for consideration is the completed Monthly Financial Report.

The document attached includes Statements of Financial Activity by Program, and Nature and Type, Notes to the financial statements, an explanation of material variance as well as a summary of bank account balances at 31 December 2022, loan repayments, and reserve account status.

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

CONSULTATION

Nil

STATUTORY ENVIRONMENT

Local Government Act 1995 Section 6.4
Local Government (Financial Management) Regulations 1996 Section 34

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

(1A) In this regulation —

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

- (1) A local government is to prepare each month a statement of financial activity reporting on the revenue and expenditure, as set out in the annual budget under regulation 22(1)(d), for that month in the following detail —
 - (a) annual budget estimates, taking into account any expenditure incurred for an additional purpose under section 6.8(1)(b) or (c); and
 - (b) budget estimates to the end of the month to which the statement relates; and
 - (c) actual amounts of expenditure, revenue and income to the end of the month to which the statement relates; and
 - (d) material variances between the comparable amounts referred to in paragraphs (b) and (c); and
 - (e) the net current assets at the end of the month to which the statement relates.
- (2) Each statement of financial activity is to be accompanied by documents containing —
 - (a) an explanation of the composition of the net current assets of the month to which the statement relates, less committed assets and restricted assets; and
 - (b) an explanation of each of the material variances referred to in sub regulation (1)(d); and
 - (c) such other supporting information as is considered relevant by the local government.
- (3) The information in a statement of financial activity may be shown —
 - (a) according to nature and type classification; or
 - (b) by program; or
 - (c) by business unit.
- (4) A statement of financial activity, and the accompanying documents referred to in sub regulation (2), are to be —
 - (a) Presented at an ordinary meeting of the council within 2 months after the end of the month to which the statement relates; and
 - (b) Recorded in the minutes of the meeting at which it is presented.
- (5) Each financial year, a local government is to adopt a percentage or value, calculated in accordance with the AAS, to be used in statements of financial activity for reporting material variances.

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

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

STRATEGIC IMPLICATIONS**Accountable and effective leaders**

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

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

High quality corporate governance, accountability and compliance
Maintain integrated strategic and operational plans

ATTACHMENTS

1. **Monthly Financial Report - December 2022**
2. **Management Report - December 2022**

VOTING REQUIREMENT

Simple majority

OFFICER RECOMMENDATION

That the Monthly Financial Activity Statement for the period 1 July 2022 to 31 December 2022 be received.

12.2.7 MONTHLY FINANCIAL STATEMENTS FOR THE PERIOD ENDED 31 JANUARY 2023

Location: Shire of Coolgardie
Applicant: Shire of Coolgardie
Disclosure of Interest: Nil
Date: 16 February 2023
Author: Martin Whitely, Consultant

SUMMARY

This report recommends that the Monthly Statement of Financial Activity report for the period ending 31 January 2023 is presented to Council for adoption.

BACKGROUND

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

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

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

COMMENT

Attached for consideration is the completed Monthly Financial Report.

The document attached includes Statements of Financial Activity by Program, and Nature and Type, Notes to the financial statements, an explanation of material variance as well as a summary of bank account balances at 31 January 2023, loan repayments, and reserve account status.

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

CONSULTATION

Nil

STATUTORY ENVIRONMENT

Local Government Act 1995 Section 6.4
Local Government (Financial Management) Regulations 1996 Section 34

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

(1A) In this regulation —

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

- (1) A local government is to prepare each month a statement of financial activity reporting on the revenue and expenditure, as set out in the annual budget under regulation 22(1)(d), for that month in the following detail —
 - (a) annual budget estimates, taking into account any expenditure incurred for an additional purpose under section 6.8(1)(b) or (c); and
 - (b) budget estimates to the end of the month to which the statement relates; and
 - (c) actual amounts of expenditure, revenue and income to the end of the month to which the statement relates; and
 - (d) material variances between the comparable amounts referred to in paragraphs (b) and (c); and
 - (e) the net current assets at the end of the month to which the statement relates.
- (2) Each statement of financial activity is to be accompanied by documents containing —
 - (a) an explanation of the composition of the net current assets of the month to which the statement relates, less committed assets and restricted assets; and
 - (b) an explanation of each of the material variances referred to in sub regulation (1)(d); and
 - (c) such other supporting information as is considered relevant by the local government.
- (3) The information in a statement of financial activity may be shown —
 - (a) according to nature and type classification; or
 - (b) by program; or
 - (c) by business unit.
- (4) A statement of financial activity, and the accompanying documents referred to in sub regulation (2), are to be —
 - (a) Presented at an ordinary meeting of the council within 2 months after the end of the month to which the statement relates; and
 - (b) Recorded in the minutes of the meeting at which it is presented.
- (5) Each financial year, a local government is to adopt a percentage or value, calculated in accordance with the AAS, to be used in statements of financial activity for reporting material variances.

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

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

STRATEGIC IMPLICATIONS**Accountable and effective leaders**

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

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

Maintain integrated strategic and operational plans

High quality corporate governance, accountability and compliance

ATTACHMENTS

1. Monthly Financial Report - January 2023
2. Management Report - January 2023

VOTING REQUIREMENT

Simple majority

OFFICER RECOMMENDATION

That the Monthly Financial Activity Statement for the period 1 July 2022 to 31 January 2023 be received.

12.2.8 2022/23 BUDGET REVIEW

Location: Shire of Coolgardie
Applicant: Shire of Coolgardie
Disclosure of Interest: Nil
Date: 23 February 2023
Author: Martin Whitely, Consultant

SUMMARY

This report recommends that Council review and adopt the documentation tabled for the 2022/23 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 2022/23 financial year has been completed for the period beginning 1 July 2022 through to 31 January 2023.

A Draft Budget Review meeting was conducted on Tuesday 21 February 2023. 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 7 & Note 8 respectively. There are various timing and permanent timing variances that have been addressed in the budget review. Explanations for these variances are provided in the Budget Review commentary and a conservative approach has been taken in finalising the forecast closing surplus position.

Council adopted the 2022/23 Budget with an opening operating deficit position of \$892,973 and a closing operating deficit position of \$599,236. Taken into consideration during the budget review process was the difference in the adopted 2021/22 budget opening deficit of \$892,973 compared with the final audited opening deficit position of \$1,257,027.

The budget amendments tabled for endorsement by Council in Note 5 of the Budget Review document recommends that the closing operating deficit position for the 2022/23 financial year remain unchanged to the adopted closing operating deficit position of \$599,236.

The following amendments to the document reviewed on 21 February 2023 have been made to form part of the final Budget Review document as attached;

➤ Parks & Gardens	(\$4,000)
➤ Road Maintenance	(\$25,000)
➤ Coolgardie Truck Bay	(\$11,000)
➤ Annual License Fees	\$50,000
➤ IT & Software Support	\$20,000
➤ Standpipe	(\$30,000)
➤ Mosquito Control	\$4,000
➤ Feral Cat Control	(\$4,000)
➤ BP Dam	(\$25,000)
➤ Goodenia Street Units	\$125,000
➤ Kambalda Workers Accommodation – Stage 2	(\$100,000)

The net movement of the above amendments is \$0.

The current budget originally made provision for borrowing funds for an amount of \$12,200,000.

On completion of the budget review Council will resolve to proceed with total borrowings of \$15,450,000 for the 2022/23 financial year. This amount includes an amount of \$2,350,000 new borrowings resulting from the refinancing of the WATC Loans.

Below is a loan borrowings reconciliation of proposed v budgeted loan borrowings.

Project Description	Adopted Budget	Budget Review	Difference
Workers Accommodation	\$5,500,000	\$5,500,000	\$0
Kambalda Aerodrome Upgrade	\$3,100,000	\$0	(\$3,100,000)
Coolgardie Sewerage System Upgrades	\$1,600,000	\$1,600,000	\$0
Tyre Shedder	\$1,000,000	\$1,000,000	\$0
Kambalda Aerodrome	\$1,000,000	\$1,000,000	\$0
WATC Loan Refinancing	\$0	\$2,350,000	\$2,500,000
Workers Accommodation – Stage 1 Executive Rooms	\$0	\$500,000	\$500,000
Goodenia Court Units	\$0	\$1,000,000	\$1,000,000
Workers Accommodation – Stage 2	\$0	\$2,500,000	\$2,500,000
TOTAL	\$12,200,000	\$15,450,000	\$3,400,000

CONSULTATION

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 2022/23****VOTING REQUIREMENT**

Absolute Majority

OFFICER RECOMMENDATION**That Council**

1. Approve the Budget Review for the period ended 31 January 2023 carried out in accordance with the Local Government Financial Management Regulations 1995 Section 33A.
2. Approve the amendments to the adopted budget as outlined in “Note 5 – Budget Amendments” in the 2022/23 Budget Review document.
3. Forward a copy of the budget review to the Department of Local Government, Sport & Cultural Industries within 30 days of endorsement, and
4. That administration staff make the required budget amendments within the chart of accounts to reflect those changes adopted in “Note 5 – Budget Amendments” within the 2022/23 Budget Review document.

12.2.9 COMMUNITY USER AGREEMENT -JUDUMUL ABORIGINAL CORPORATION

Location: Coolgardie Post Office
Applicant: Judumul Aboriginal Corporation
Disclosure of Interest: NIL
Date: 23 February 2023
Author: Robert Hicks, Deputy Chief Executive Officer

SUMMARY

For Council to approve the Community User Agreement (CUA) between the Shire of Coolgardie and Judumul Aboriginal Corporation.

BACKGROUND

In August 2019 the Council adopted a Community Group and Sporting Club User agreement to provide a structure and consistent approach to the management of Shire's agreements with local sporting and community groups for the users of community facilities and spaces.

The CUA document has been created in a terminology and structure that is fit for purpose and easy to read and understand by non-legal community members. The Agreement establishes consistent terms and providing clarity to the user groups matters covering fees and costs, maintenance and occupation rights and obligations.

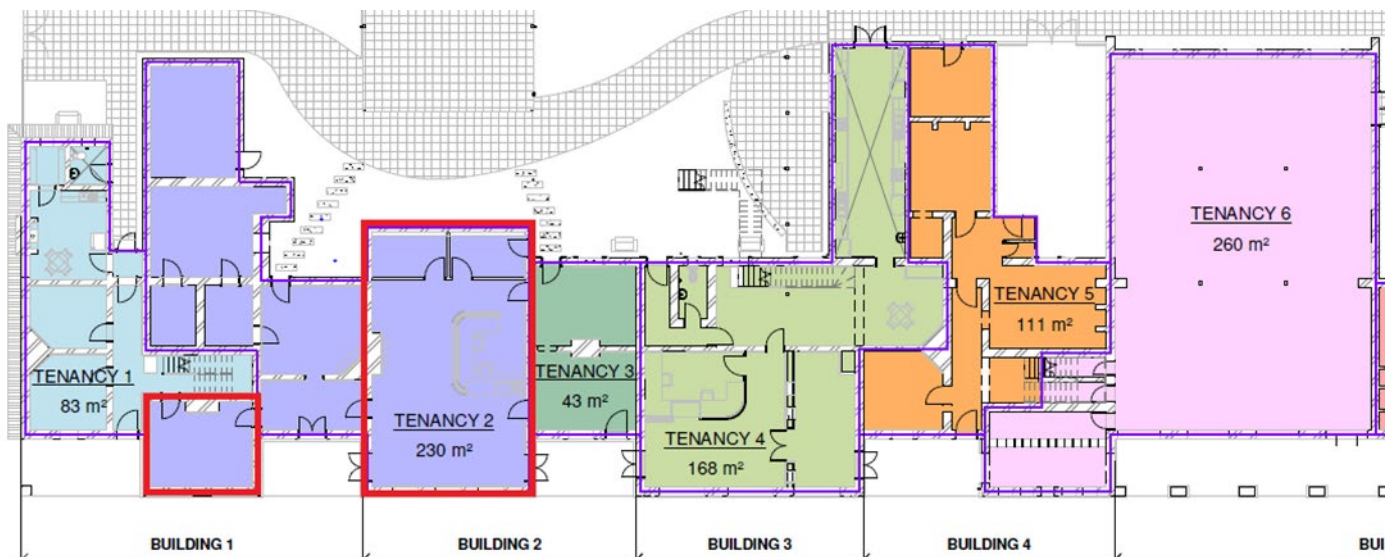
It is the prerogative of the Shire to determine the type and terms of any agreements offered to the use of these buildings and properties. Whilst formal lease agreements are appropriate for commercial or large and significant facilities or activities, these are not always appropriate for smaller facilities or community groups.

Judumul Aboriginal Corporation (Judumul) has previously been located at the Coolgardie Bowling Club under a separate Council approved CUA. Their services to the community include art, education, training and employment.

Shire officers and Judumul CEO and Executive board members have met and both parties show willingness to execute the attached Community User Agreement for a 2-year term.

The location is within the recently completed Coolgardie Post Office Complex (see below marked up photo defined by red border), Innovation and Economic and Development Centre, portions of Reserve 2446 -Lot 2231 -58C Bayley Street, Coolgardie, WA, 6429.





COMMENT

The CUA between the Shire of Coolgardie and Judumul Aboriginal Corporation will have the below agreed terms;

Commencement date: 01 March 2023 to 28 February 2025 (inclusive)

Term: 2 years

Purpose: Judumul Aboriginal Corporation shall use areas allocated in the building for the purpose of undertaking the operations of the organisation - Art, Education, Training and Employment.

Annual Fee: \$400 + electricity, gas, water, telephone charges relating to the premises. The Shire will pay 5% of the Electricity usage due to the old Gaol internal lights being on the users power meter.

Insurances: Public Liability and Building Content (at least \$20 million)

Maintenance: As per Schedule 3

CONSULTATION

Judumul Executive

Shire officersf

STATUTORY ENVIRONMENT

Local Government Act 1995

Local Government (Administration) Regulations 1996

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

\$20,000 annual market rental value

STRATEGIC IMPLICATIONS

A thriving local economy

Advocating for training and employment opportunities delivered in the Shire

Accountable and effective leaders

Developing strong partnerships with stakeholders for the benefit of our community

An inclusive, safe and vibrant community

Continuing to promote the local Aboriginal culture and history

ATTACHMENTS**1. Judumul Club User Agreement****VOTING REQUIREMENT**

Simple majority

OFFICER RECOMMENDATION

That Council **APPROVE** the attached Community User Agreement with Judumul Aboriginal Corporation for use of portions of Reserve 2446 -Lot 2231 -58C Bayley Street, Coolgardie, WA, 6429, as per the following terms:

1. **Term:** 2 years
2. **Purpose:** Judumul Aboriginal Corporation shall use the areas allocated in the building for the purpose of undertaking the operations of the organisation - Art, Education, Training and Employment.
3. **Annual Fee:** \$400 + electricity, gas, water, telephone charges relating to the premises. The Shire will pay 5% of the Electricity usage due to the old Gaol internal lights being on the users power meter.
4. **Insurances:** Public Liability and Building Content (at least \$20 million)
5. **Maintenance:** As per Schedule 3

12.3 Economic Development

Nil

12.4 Commercial Services**12.4.1 REIMBURSEMENT OF FEES**

Location: Shire of Coolgardie
Applicant: Kambalda West District High School
Disclosure of Interest: Nil
Date: 20 February 2023
Author: John Ravlic, Consultant

SUMMARY

The Kambalda West District High School request a reimbursement of fees to the total of \$1,145.00. These fees are associated with their building contractor disposing of demolition waste at the Kambalda Waste Facility that was on charged to the school.

BACKGROUND

The Kambalda West District High School deliver essential outcomes to the Shire's youth and are the only school offering Year 7-12 in Kambalda. As a part of their building upgrades, Blue's BobCat Hire was contracted to dispose of Commercial Clean Concrete at the Kambalda Waste Facility between the dates of 11 January 2023 to the 12 January 2023. In those dates, a total of \$1,145.00 was paid by the contractor and on charged to the Kambalda West District High School.

COMMENT

In the spirit of supporting education within the Shire of Coolgardie, it is recommended for Council to waive the fees and reimburse Kambalda West District High School for these tip fees.

CONSULTATION

Tara Schmidt -Kambalda West District High School
Bree Crawley -Community Development Team Leader

STATUTORY ENVIRONMENT

Nil

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

\$1,145.00

STRATEGIC IMPLICATIONS**An inclusive, safe and vibrant community**

Continuing to support the children and youth of our community

ATTACHMENTS

Nil

VOTING REQUIREMENT

Simple majority

OFFICER RECOMMENDATION

That Council **APPROVE** the reimbursement of \$1,145.00 to the Kambalda West District High School, being the total tip fees charged to Blue's BobCaT Hire for school building improvements.

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 Rates - 3 Year Sale - A4282

This matter is considered to be confidential under Section 5.23(2) - b) and e(iii) of the Local Government Act, and the Council is satisfied that discussion of this matter in an open meeting would, on balance, be contrary to the public interest as it deals with the personal affairs of any person 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 Rates - 3 Year Sale - A3265

This matter is considered to be confidential under Section 5.23(2) - b) and e(iii) of the Local Government Act, and the Council is satisfied that discussion of this matter in an open meeting would, on balance, be contrary to the public interest as it deals with the personal affairs of any person 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.

16.3 Rates - 3 Year Sale - A3190

This matter is considered to be confidential under Section 5.23(2) - b) and e(iii) of the Local Government Act, and the Council is satisfied that discussion of this matter in an open meeting would, on balance, be contrary to the public interest as it deals with the personal affairs of any person 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.

16.4 Rates - 3 Year Sale - A1470

This matter is considered to be confidential under Section 5.23(2) - b) and e(iii) of the Local Government Act, and the Council is satisfied that discussion of this matter in an open meeting would, on balance, be contrary to the public interest as it deals with the personal affairs of any person 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.

16.5 CEO Performance Review

This matter is considered to be confidential under Section 5.23(2) - a) of the Local Government Act, and the Council is satisfied that discussion of this matter in an open meeting would, on balance, be contrary to the public interest as it deals with a matter affecting an employee or employees.

17 CLOSURE OF MEETING