



AGENDA

Ordinary Council Meeting

28 March 2023

6:00pm

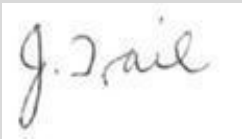
**Kambalda Recreation Centre, Barnes Drive,
Kambalda**

SHIRE OF COOLGARDIE

NOTICE OF ORDINARY MEETING OF COUNCIL

Dear Elected Member

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

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

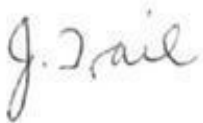
JAMES TRAIL
CHIEF EXECUTIVE OFFICER

ORDINARY COUNCIL MEETING**28 March 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

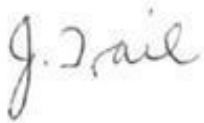
INFORMATION FOR PUBLIC ATTENDING COUNCIL MEETINGS

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.



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 28 FEBRUARY 2023

Date: 22 March 2023

Author: Kasey Turner, Administration Officer

ATTACHMENTS

Nil

VOTING REQUIREMENT

Simple majority

OFFICER RECOMMENDATION

That the Minutes of the Ordinary Council Meeting held on 28 February 2023 be confirmed as a true and accurate record.

8.2 MINUTES OF THE SPECIAL COUNCIL MEETING HELD ON 7 MARCH 2023

Date: 22 March 2023

Author: Kasey Turner, Administration Officer

ATTACHMENTS

Nil

VOTING REQUIREMENT

Simple majority

OFFICER RECOMMENDATION

That the Minutes of the Special Council Meeting held on 7 March 2023 be confirmed as a true and accurate record.

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

Date: 22 March 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.

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

Date: 22 March 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.

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

Date: 22 March 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.

9 ANNOUNCEMENTS BY PRESIDING PERSON WITHOUT DISCUSSION**9.1 PRESIDENT'S REPORT - MARCH 2023****Date:** 22 March 2023**Author:** Malcolm Cullen, Shire President

During the month of March the Shire works and services crews have been extremely busy working on several projects within both Coolgardie and Kambalda with the aim of improving the amenities for the benefit of our communities.

In Coolgardie the RSL Memorial Garden has had new synthetic turf installed along with a concrete pathway and drainage to address storm water runoff away from the adjoining building. The Shire is also negotiating a lease of the old Bowling Club facility with the reformed Coolgardie RSL sub-branch committee, and they are busily working on both venues in readiness for this year's Anzac Day services.

The Coolgardie Post Office Complex is nearing completion and handover to the Shire, and our staff have been working through a list of expressions of interests from people and organisations that are keen to make use of this newly renovated precinct. It is expected that these tenancies will be in place over the coming months with the Gallery area being utilised for most of the year with art exhibitions, music concerts, community events and workshops held on a regular basis.

The Visitor Centre in Coolgardie is also expanding, with the renovation of the former Mines Department offices to enlarge the foyer and entrance to the Visitor Centre and greater comfort for staff. There has also been additional displays and collections added to our Museum, which by all accounts is one of the best all round museums in Australia that features much of the history of our Shire.

In conjunction with the Outback Rodeo Committee the Shire has hosted a series of free community concerts in the Coolgardie Park over the past two months. These three concerts have been really well received and attended by Coolgardie residents who were entertained by various artists that have been travelling and entertaining people on their tour around WA.

Upgrades to the Kambalda West Lions Park playground have commenced, with the replacement of the damaged Softfall, and soon to be installed 0–6-year-old playground for the toddlers.

Shire staff are currently working with the committee of the Kambalda Community Garden to allocate an area within the West Oval in order to set up this exciting new venture for the Kambalda community.

Council has also allocated an amount of \$50,000 towards the setup of the garden during the recent budget review.

The Kambalda Bluebush Village accommodation facility is now fully operational, with monthly invoices approaching one million dollars being issued. This is a major milestone for the Shire that will ensure our loan repayments and all other liabilities are being met.

Council has also awarded the tender for the 100-room expansion of the villages to JMAC Civil. The tenders for installation of plumbing and electrical services have been awarded to local contractors which promotes the Shire aims of encouraging and promoting local employment.

It is expected these works will commence in April-May.

The Shire's Environmental Health Officer has been co-ordinating the removal of the building rubble that has resulted from the recent fires in the Kambalda townsites.

Due to the presence of asbestos fibres throughout the rubble, the Shire has been awaiting approval from WA Health Department to use demolition and salvage contractors from Kalgoorlie with the necessary qualifications to carry out these works.

It is expected that the work on Saltbush Road will commence in the coming weeks, with Nickeltown Crescent property to follow soon after.

WML Consulting Engineers have been engaged by the Shire in order to provide advice and preliminary reports on several other projects being considered by Council. These include a Hydrology Report on cleaning out NewTown (BP) Dam whilst it is dry, Liaising with MRWA on an upgrade to the Durkin - Goldfields Highway intersection, design and scope the Coolgardie North - Sand Roads intersection and investigate the future upgrade to Sharpe Drive leading into the Kurrawang Community. The purpose of these reports will enable Council to make informed decisions on these projects during the coming annual budget deliberations.

On March 8 - 9th, I travelled to Perth representing our Shire at the WALGA Transport and Roads Forum. This forum is convened for the benefit of Local Governments throughout WA to share their experiences and knowledge with leaders in the field of building and maintaining road networks in their respective areas, as well as networking on the topics of asset management, recycling of used concrete and tyres, and reduction of carbon emissions.

It was particularly interesting to hear about the "Roads to Reuse" programme whereby Main Roads WA are initiating the use of recycled building concrete, crumb rubber from scrap tyres, and lithium by-product waste material into various road building techniques.

They are also investigating the possible reduction of carbon emissions into the atmosphere through new technology of heating bitumen and asphalt.

These topics fit in well with our Shire's aspirations of a waste to energy and recycling facility within the Goldfield's region.

Cr Malcolm Cullen.

Shire President.

10 PETITIONS / DEPUTATIONS / PRESENTATIONS / SUBMISSIONS

Nil

11 REPORTS OF COMMITTEES**11.1 LOCAL GOVERNMENT ORDINARY ELECTIONS 2023**

Location: Shire of Coolgardie

Applicant: NIL

Disclosure of Interest: NIL

Date: 10 February 2023

Author: Rebecca Horan, Co-Ordinator of Major Projects, Human Resources & Governance

SUMMARY

For Council to consider the method of election for the Shire of Coolgardie 2023 Local Government Ordinary Elections.

BACKGROUND

On the 21st October 2023, the Shire of Coolgardie, like all Local Governments will be holding ordinary elections, to fill four (4) vacancies in Council. In 2021, Council resolved to engage the Western Australian Electoral Commission to be responsible for the conduct of the election held on the 16th October 2021. In 2017, the general election was run and managed by Shire staff.

COMMENT

In order for the WAEC to run the 2023 Election, Council needs to resolve the following matters:

- 1) Appoint the Commissioner (or his delegate) as Returning Officer; and

Confirm that the election will be a postal election (as opposed to an in-person election)

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

If WAEC is appointed by Council to conduct the election, it appoints the Returning Officer.

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

Confirm that the election will be a postal election.

Section 4.61 requires Council to decide the method of election, Postal or In Person.

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

- 1) Postal (for):
 - a. Generally greater turnout,
 - b. More time for votes to be cast,
 - c. Non resident electors have a great chance to vote,
- 2) Postal (against):
 - a. Increasingly expensive, especially regarding Australia Post postage costs to send out, and return packages,

- b. May create issues for electors for whom English is not a first language,
 - c. Time taken for remote electors to receive, and return postal packages has meant that sometimes, packages have received too late to be included in the count.
- 3) In Person (for):
- a. Cheaper cost to Shire (overall), although often more expensive, per vote received,
 - b. An ability to make a community event out of Polling Day,
 - c. Greater perceived transparency in the process (vote cast and winners declared on the same day).
 - d. Less chance of fraud because electors must vote in person and will be generally known to polling staff.
- 4) In Person (against):
- a. Electors in remote areas must travel long distances to vote (or apply for a postal vote)
 - b. Polling places may be needed in multiple areas - Coolgardie and Kambalda (at least)
 - c. Weather conditions (or other commitments) may play a part in deterring electors from driving to polling places.

CONSULTATION

James Trail, Chief Executive Officer

Steven Tweedie, Governance Consultant

STATUTORY ENVIRONMENT

Local Government Act 1995

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

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

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

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

4.61. Choice of methods of conducting election

- (1) The election can be conducted as a —
postal election which is an election at which the method of casting votes is by posting or delivering them to an electoral officer on or before election day; or
voting in person election which is an election at which the principal method of casting votes is by voting in person on election day but at which votes can also be cast in person before election day, or posted or delivered, in accordance with regulations.
- (2) The local government may decide* to conduct the election as a postal election.
* Absolute majority required.
- (3) A decision under subsection (2) has no effect if it is made after the 80th day before election day unless a declaration has already been made in respect of an election for the local government and the declaration is in respect of an additional election for the same local government.
- (4) A decision under subsection (2) has no effect unless it is made after a declaration is made under section 4.20(4) that the Electoral Commissioner is to be responsible for the conduct of the election or in conjunction with such a declaration.
- (5) A decision made under subsection (2) on or before the 80th day before election day cannot be rescinded after that 80th day.
- (6) For the purposes of this Act, the poll for an election is to be regarded as having been held on election day even though the election is conducted as a postal election.
- (7) Unless a resolution under subsection (2) has effect, the election is to be conducted as a voting in person election.

POLICY IMPLICATIONS

NIL

FINANCIAL IMPLICATIONS

The State Government will shortly introduce legislation to State parliament regarding changes to local government elections, with the main issue affecting the SoC (and all local governments) being the proposed change from First Past the Post to Optional Preferential Voting (OPV).

Optional Preferential Voting counting will take longer than First Past the Post and therefore cost more, assuming the legislation is passed in time.

It is estimated that Council will need to budget \$20,000 in the draft Annual Budget 2023/2024 to cover the cost of the 2023 elections.

The WAEC will advise all local governments of the estimated costs of conducting the 2023 ordinary elections by postal vote, and Council may need to formally accept the quotation at that time.

STRATEGIC IMPLICATIONS**Accountable and effective leaders**

High quality corporate governance, accountability and compliance

ATTACHMENTS

1. **2021 Shire of Coolgardie Election Report**
2. **WAEC Letter - Local Government Ordinary Elections 2023**

VOTING REQUIREMENT

Absolute Majority

OFFICER RECOMMENDATION

That Council

1. By Absolute Majority, determine, that, in accordance with s4.20(4) of the Local Government Act 1995, the Electoral Commissioner to be responsible for the conduct of the 2023 ordinary elections together with any other election or polls which may also be required; and
2. By Absolute Majority, determine, in accordance with section 4.61(2) of the Local Government Act 1995 that the method of conducting the election will be a postal election.
3. By Simple Majority, resolve to advise the WA Electoral Commission that it agrees to reimburse the WAEC all costs associated with the conduct of the Shire of Coolgardie October 2023 elections, based on the estimate provided.

12 REPORTS OF OFFICERS**12.1 Executive Services****12.1.1 REVIEW AND ADOPTION OF REGISTER OF DELEGATIONS AND AUTHORISATIONS**

Location: Shire of Coolgardie

Applicant: NIL

Disclosure of Interest: NIL

Date: 23 February 2023

Author: Rebecca Horan, Co-Ordinator of Major Projects, Human Resources & Governance

SUMMARY

The Register of Delegations must be reviewed at least once every financial year - in relation to delegations made under the Local Government Act 1995, and some other Acts. Some delegations made under other Acts do not require same, but the approach of the Shire of Coolgardie has been to review all delegations at the same time. Council was briefed in February 2022 on a significant review of the Register of Delegations to:

- take account of new positions titles following the recent reorganisation
- ensure a more complete document, updated for new delegations in recent years,
- provide a basis for a subsequent review of the Council and CEO Policy Manuals (which are cross referenced from the Register of Delegations)
- be in the same format as the WALGA template Register of Delegations, to make subsequent amendments and updates easier to make and track

The Register also includes sub delegations made by the CEO, for completeness of record, authorisations made by Council, the CEO or as of right and appointments, mostly as of right.

BACKGROUND

There are no significant changes, except as they relate to changes of titles of employees, with almost all prior instruments brought forward into the draft Register for consideration.

COMMENT

Council needs to revoke the current Register of Delegations 2021/2022 and then to adopt the draft register of Delegations 2022/2023.

NOTE: Council must follow a 2-step process for revocation of a decision:

- The Shire President needs to ensure that its consideration has the support of at least one third of the offices of the Council (cl 10(1)(b) Admin Regs) and Shire of Coolgardie Meeting Procedures Local Law Part 16
- Once that support is clear, Council may deal with the revocation.

The Register of Delegations must be adopted by an absolute majority.

CONSULTATION

Chief Executive Officer

Steve Tweedie, Governance Consultant

Executive employees

STATUTORY ENVIRONMENT

Local Government Act and Regulations, other Acts which permit delegations.

POLICY IMPLICATIONS

Once the Register of Delegations has been adopted a review of the Council and CEO Policy Manuals will forward with updated cross references etc.

The Council Policy Manual will be brought to Council for formal consideration and approval.

FINANCIAL IMPLICATIONS

NIL

STRATEGIC IMPLICATIONS**Accountable and effective leaders**

High quality corporate governance, accountability and compliance

ATTACHMENTS**1. Register of Delegations****VOTING REQUIREMENT**

Absolute Majority

OFFICER RECOMMENDATION

That

1. Based on the Shire President receiving written support of at least one third of Council Members to consider the revocation, that Council, by Absolute Majority, revoke the Register of Delegations and Authorisations 2021/2022.
2. Council adopt, by Absolute Majority, the Register of Delegations and Authorisations 2022/2023 and note the sub delegations and authorisations proposed by the CEO.

12.2 Operation Services**12.2.1 COMMUNITY GROUP USER AGREEMENT (CUA) - THE RETURNED & SERVICE LEAGUE WA BRANCH INCORPORATED (RSLWA) & THE COOLGARDIE RSL SUB-BRANCH (CRSL)**

Location: Coolgardie

Applicant: THE RETURNED & SERVICE LEAGUE WA BRANCH INCORPORATED (RSLWA) & THE COOLGARDIE RSL SUB-BRANCH (CRSL)

Disclosure of Interest: NIL

Date: 13 March 2023

Author: Robert Hicks, Deputy Chief Executive Officer

SUMMARY

For Council to approve the CUA between the Shire of Coolgardie and the Returned & Service League WA Branch Incorporated (RSLWA) & the Coolgardie RSL sub-branch (CRSL)

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.

Shire officers and CRSL representatives have liaised and both parties show willingness to execute the attached Community User Agreement for a 2-year term.

The site and facility that form part of this Agreement compromise the following:

- Reserve R41891 – Lot 2248 Sylvester Street & Lefroy Road, Coolgardie
- The facility includes Building & Grounds

This Club/Community User Agreement compromises the exclusive use of the area as shown in red on the plan below, for the purpose and timeframe and terms as approved in this agreement.

**COMMENT**

The CUA between the Shire of Coolgardie and CRSL will have the below agreed terms;

Commencement date:	01 April 2023 to 31 March 2025 (inclusive)
Term:	2 years
Annual Fee:	\$400 + electricity, gas, water, telephone charges relating to the premises.
Insurances:	Public Liability and Building Content (at least \$20 million)
Maintenance:	As per Schedule 3

CONSULTATION

RSL

Shire officers

STATUTORY ENVIRONMENT

Local Government Act 1995

Local Government (Administration) Regulations 1996

POLICY IMPLICATIONS

NIL

FINANCIAL IMPLICATIONS

NIL

STRATEGIC IMPLICATIONS**Accountable and effective leaders**

Developing strong partnerships with stakeholders for the benefit of our community

An inclusive, safe and vibrant community

Developing varied community and multicultural events and services

Effective management of infrastructure, heritage and environment

Encouraging cultural and historical community projects and activities

ATTACHMENTS

1. The Returned & Service League of Australia WA Branch Incorporated (RSLWA) & The Coolgardie RSL Sub-Branch - Community User Agreement

VOTING REQUIREMENT

Simple majority

OFFICER RECOMMENDATION

That Council **APPROVE** the attached Community User Agreement (CUA) with The Returned & Service League WA Branch Incorporated (RSLWA) & the Coolgardie RSL sub-branch (CRSL) for use of portions of Reserve R41891 -Lot 2248 Sylvester Street & Lefroy Roads, Coolgardie, WA, 6429, as per the following terms:

1. **Term:** 2 years
- 2.. **Annual Fee:** \$400
3. **Outgoings:** Electricity, gas, water, telephone charges relating to the premises.
4. **Insurances:** Public Liability and Building Content (at least \$20 million)
5. **Maintenance:** As per Schedule 3

12.2.2 HAULAGE CAMPAIGN - KARORA RESOURCES T/AS SALT LAKE MINING

Location: Kambalda
Applicant: Karora Resources T/As Salt Lake Mining
Disclosure of Interest: Nil
Date: 14 March 2023
Author: Robert Hicks, Deputy Chief Executive Officer

SUMMARY

For Council to consider a CA07 renewal application from Salt Lake Mining to utilise 1.5kms of Durkin Road, Kambalda (from corner of Silver Lake Road and Durkin Road to intersection at Goldfields Highway). Haulage campaign duration is from 30 September 2023 to 29 September 2024.

BACKGROUND

Karora Resources T/As Salt Lake Mining has written requesting the Shire allow Salt Lake Mining to use the Durkin Road access for ore haulage from Beta Hunt Operation to Higginsville. 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 Principal – Salt Lake Mining - needs to apply to the Shire of Coolgardie for use of the Shire of Coolgardie road network.

At Ordinary Council meeting held 27 September 2022, Council resolved – CR#199/2022

That Council,

1. APPROVES, in accordance with Policy 3.11 Haulage Campaigns, the proposal from Karora Resources T/As Salt Lake Mining to use 1.5 kms of Durkin Road for a campaign comprising of 1,080,000 tonnes from 30 September 2022 to 30 September 2023 for the following contribution;

(a) Capital Contribution (at \$0.07 p/tonne p/km; at 1,080,000 tonnes over 1.5 kms) = \$124,740 (inc GST) to Account/Job #11202750 (Limited Cartage Campaign).

(b) 50% payment prior to campaign start date & 50% and final/remaining balance to be paid half-way through the campaign (ie by 31 March 2023).

2. AUTHORISE 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.

COMMENT

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 aim to ensure safe use on Shire roads by long term haulage campaign users.

Karora Resources T/A Salt Lake Mining has requested use of Durkin Road, Kambalda and renewal of their existing approvals for a hauling period of 30 September 2023 to 29 September 2024. Vehicle types; Tandem Drive Concessional Level 3 (Network 10.3) and Tri Drive Concessional Level 3 (Network 5.3) – Main Roads WA Mapping Tool confirms the appropriateness of their vehicle configurations for this section of Durkin Road.

The annual haulage tonnage is approximately 730,000 tonnes (61kt p/month x 12 months) and previous Council Resolution #199/2022 requested capital contribution be received by the Shire.

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

Durkin Road

Capital Contribution of \$0.07 per tonne per km at 730,000 tonnes over 1.5km \$84,315 (inc GST) or

Maintenance Contribution at \$0.04 per tonne per km at 730,000 tonnes over 1.5km \$48,180 (inc GST)

Karora Resources T/As Salt Lake Mining						
Durkin Road 1.5km (61kt x 12 months = 730,000 tonnes)						
	rate	tonnes	km	Contribution	GST	Total Inc GST
Capital	\$0.07	730,000	1.5	\$76,650.00	\$7,665.00	\$84,315.00
Maintenance	\$0.04	730,000	1.5	\$43,800.00	\$4,380.00	\$48,180.00

CONSULTATION

Karora Resources – Timothy Orme (Geology Manager)

STATUTORY ENVIRONMENT

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

POLICY IMPLICATIONS

Council Policy 3.11 Haulage Campaigns

Council Policy 3.12 Heavy Vehicle 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

Maintain integrated strategic and operational plans

High quality corporate governance, accountability and compliance

Developing strong partnerships with stakeholders for the benefit of our community

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

Effective management of infrastructure, heritage and environment

Maintaining and renewing infrastructure and building assets

ATTACHMENTS

1. Karora Resources CA07 application 2023-24

VOTING REQUIREMENT

Simple majority

OFFICER RECOMMENDATION

That Council,

1. **APPROVES**, in accordance with Policy 3.11 Haulage Campaigns, the proposal from Karora Resources T/As Salt Lake Mining to use 1.5 kms of Durkin Road for a campaign comprising of 730,000 tonnes from 30 September 2023 to 29 September 2024 for the following contribution;
 - (a) Capital Contribution (at \$0.07 p/tonne p/km; at 730,000 tonnes over 1.5 kms) = \$84,315 (inc GST) to Account/Job #11202750 (Limited Cartage Campaign).
 - (b) Initial 50% payment (\$42,157.50 inc GST) prior to campaign start date and final/remaining 50% balance (\$42,157.50 inc GST) to be paid half-way through the campaign (ie payment to be received by the Shire on or before 31 March 2024).
2. **AUTHORISE** 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.

12.2.3 HAULAGE CAMPAIGN - FOCUS MINERALS APRIL 2023

Location: Kambalda
Applicant: Focus Minerals Ltd
Disclosure of Interest: Nil
Date: 24 March 2023
Author: Robert Hicks, Deputy Chief Executive Officer

SUMMARY

For Council to consider a CA07 application from Focus Minerals Ltd to utilise Ladyloch Road, Coolgardie, for 50,000 tonnes of gold ore haulage campaign from 01 April 2023 to 30 May 2023.

BACKGROUND

As per Council Policy Number 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 Principal needs to apply to the Shire of Coolgardie for use of the Shire of Coolgardie road network. MLG will be utilised for haulage, have provided vehicle registration numbers & will work within the Main Roads Mapping Tool to suite the appropriate RAV network status requirements (RAV vehicle class RAV 7.3 to 5.3 tandem & dual drive).

Note conditional approval for long term campaigns has been given on the basis that Tindals Road, Coolgardie, is not yet a RAV rated road. The applicant (principal of campaign) accepts all risk and liability for that section of road.

	Ladyloch Road 1.62 kms	Ladyloch Road 1.62 kms
Total Haulage	50,000	50,000
Road length	1.62 km	1.62 km
Contribution Type	Maintenance	Capital
Contribution Rate	\$0.04	\$0.07
Contribution Cost	\$3,240	\$5,670
GST	\$324	\$567
TOTAL	\$3,564.00	\$6,237.00

COMMENTLadyloch Road, Coolgardie

Maintenance Contribution at \$0.04 per tonne per km at 50,000 tonnes over 1.62 kms \$3,564 (inc GST)

Capital Contribution of \$0.07 per tonne per km at 50,000 tonnes over 1.62 kms \$6,237 (inc GST)

CONSULTATION

Brad Woodland – (Mining Manager) Focus Minerals Limited
Shire of Coolgardie staff

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

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**

Encouraging and attracting new investment and advocating for local employment

Accountable and effective leaders

Developing strong partnerships with stakeholders for the benefit of our community

Effective management of infrastructure, heritage and environment

Maintaining and renewing infrastructure and building assets

ATTACHMENTS

1. Focus CA07 Application April 2023
2. Focus Haul Road April 2023
3. Focus Minerals April 2023

VOTING REQUIREMENT

Simple majority

OFFICER RECOMMENDATION

That Council,

1. **APPROVE**, in accordance with Policy 3.11 Haulage Campaigns, the proposal from Focus Minerals Limited (Principal) to use 1.62 kms of Ladyloch Road, Coolgardie for a campaign comprising of 50,000 tonnes from 01 April 2023 to 30 May 2023 for a Capital Contribution (at \$0.07 p/tonne p/km; at 50,000 tonnes over 1.62 kms) = \$6,237 (inc GST) to Account/Job #11202750 (Limited Cartage Campaign) conditional on:
 - a) 100% payment prior to campaign start date.
 - b) Twice daily watering.
 - c) At Shire direction, maintenance grade sections of the Shire owned gravel haulage route and intersection.
 - d) Maximum vehicle speed of 40kmph.

- e) Zero tolerance to the use of exhaust braking in townsites.
-
- 2. AUTHORISE 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.

12.2.4 2022 COMPLIANCE AUDIT RETURN

Location: Shire of Coolgardie
Applicant: Shire of Coolgardie
Disclosure of Interest: NIL
Date: 15 March 2023
Author: Martin Whitely, Consultant

SUMMARY

The purpose of this report is to present Council with the completed 2022 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 2022 to 31 December 2022 of the preceding year. The CAR, after being adopted by Council, is to be forwarded to the Department of Local Government by 31 March 2023.

The Audit Committee at its meeting held on Tuesday 14th March 2023 resolved to receive the completed 2022 Compliance Audit Return for the period 1 January 2022 to 31 December 2022.

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 2021 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 2 items of non-compliance. As a comparative, there were 3 items of non-compliance identified in the 2021 and 2020 Returns.

A summary for each of the sections is shown below;

Commercial Enterprises by Local Government

Non Compliance matters raised - Nil

Delegation of Power/Duty

1. Were all delegations to the CEO in writing
2. Were all delegations by the CEO to any employee in writing
3. Written records have not been maintained on all occasions by persons exercising a delegated 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 2022.

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 Councillors & 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

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 will be endorsed during the 2022/23 financial year.

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 policies, 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 – 1

There was one instance where a tender was not advertised in the newspaper and this was reported to the Department of Local Government, Sport & Cultural Industries.

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

CONSULTATION

Bec Horan, Projects

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. **2022 Compliance Audit Return**

VOTING REQUIREMENT

Simple majority

OFFICER RECOMMENDATION

That Council;

1. **ADOPT** the completed 2022 Compliance Audit Return for the Shire of Coolgardie for the period 1 January to 31 December 2022 as presented in the attachment for this report, and
2. **SUBMIT** the completed Compliance Audit Return for the Shire of Coolgardie to the Department of Local Government.

12.2.5 MONTHLY FINANCIAL STATEMENTS FOR THE MONTH ENDED 28 FEBRUARY 2023

Location: Shire of Coolgardie
Applicant: Shire of Coolgardie
Disclosure of Interest: Nil
Date: 21 March 2023
Author: Martin Whitely, Consultant

SUMMARY

This report recommends that the Monthly Statement of Financial Activity report for the period ending 28 February 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 28 February 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

High quality corporate governance, accountability and compliance

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

ATTACHMENTS

1. **Monthly Financial Statements - February 2023**
2. **Management Report - February 2023**

VOTING REQUIREMENT

Simple majority

OFFICER RECOMMENDATION

That the Monthly Financial Activity Statement for the period 1 July 2022 to 28 February 2023 be received.

12.2.6 LIST OF PAYMENTS - FEBRUARY 2023

Location: Nil
Applicant: Nil
Disclosure of Interest: Nil
Date: 4 March 2023
Author: Corina Morgan, Senior Finance Officer

SUMMARY

For Council to receive the list of accounts for February 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 – Rental of Accommodation Village Rooms
2. Australian Tax Office – PAYG for period 1 July 2022 to 30 November 2022
3. Gencon – Gnarlbine Road Works
4. Pryce Mining Services – Workers Accommodation Village, Supply and Install Power

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 2023****VOTING REQUIREMENT**

Simple majority

OFFICER RECOMMENDATION

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

1. Municipal accounts totalling \$2,006,925.03 on municipal vouchers EFT24597 – EFT24847, Cheque 53526 and Direct Debits.
2. Credit card payments totalling \$10,992.41

- 12.3 Economic Development
 Nil

12.4 Commercial Services**12.4.1 REQUEST FOR CREDIT "ROCWELD AUSTRALIA"**

Location: Kambalda

Applicant: Shire of Coolgardie

Disclosure of Interest: Nil

Date: 27 February 2023

Author: Pergy Matsika, Manager Waste Services

SUMMARY

The Shire of Coolgardie has overcharged Rocweld Australia due to an inconsistent report that was presented to the Coolgardie Waste Facility from Water Corporation therefore, a credit of \$5,260.32 (including GST) is to be granted.

BACKGROUND

Rocweld Australia has been charged for 67.44 tonnes of Class III Contaminated Soil @ \$160 per tonne total charged \$10,790.40 (including GST) as per report that was presented at the Coolgardie Waste Facility from Water Corporation, after investigations the Waste Manager has determined that the report indicates class II waste contamination, and it should be charged for Class II Contaminated Soil at 67.44 tonnes @ \$82 per tonne totalling \$5,530.08 (including GST).

COMMENT

Due to being overcharged, it is recommended for Council to credit the amount of \$5,260.32 to Rocweld Australia.

CONSULTATION

Pergy Matsika – Waste Manager

Water Corporation

STATUTORY ENVIRONMENT

Local Government Act 1995

POLICY IMPLICATIONS

NIL

FINANCIAL IMPLICATIONS

\$5,260.32

STRATEGIC IMPLICATIONS**Accountable and effective leaders**

Developing strong partnerships with stakeholders for the benefit of our community

ATTACHMENTS**1. REQUEST FOR CREDIT "ROCWELD AUSTRALIA" - Water Corp Landfill Report**

VOTING REQUIREMENT

Simple majority

OFFICER RECOMMENDATION

That Council APPROVE the credit of \$5,260.32 to Rocweld Australia, being the credit of overcharged tip fees.

12.4.2 TIP PASSES - HOUSEHOLD WASTE PROGRAM

Location: Shire of Coolgardie
Applicant: Nil
Disclosure of Interest: Nil
Date: 23 March 2023
Author: John Ravlic, Consultant

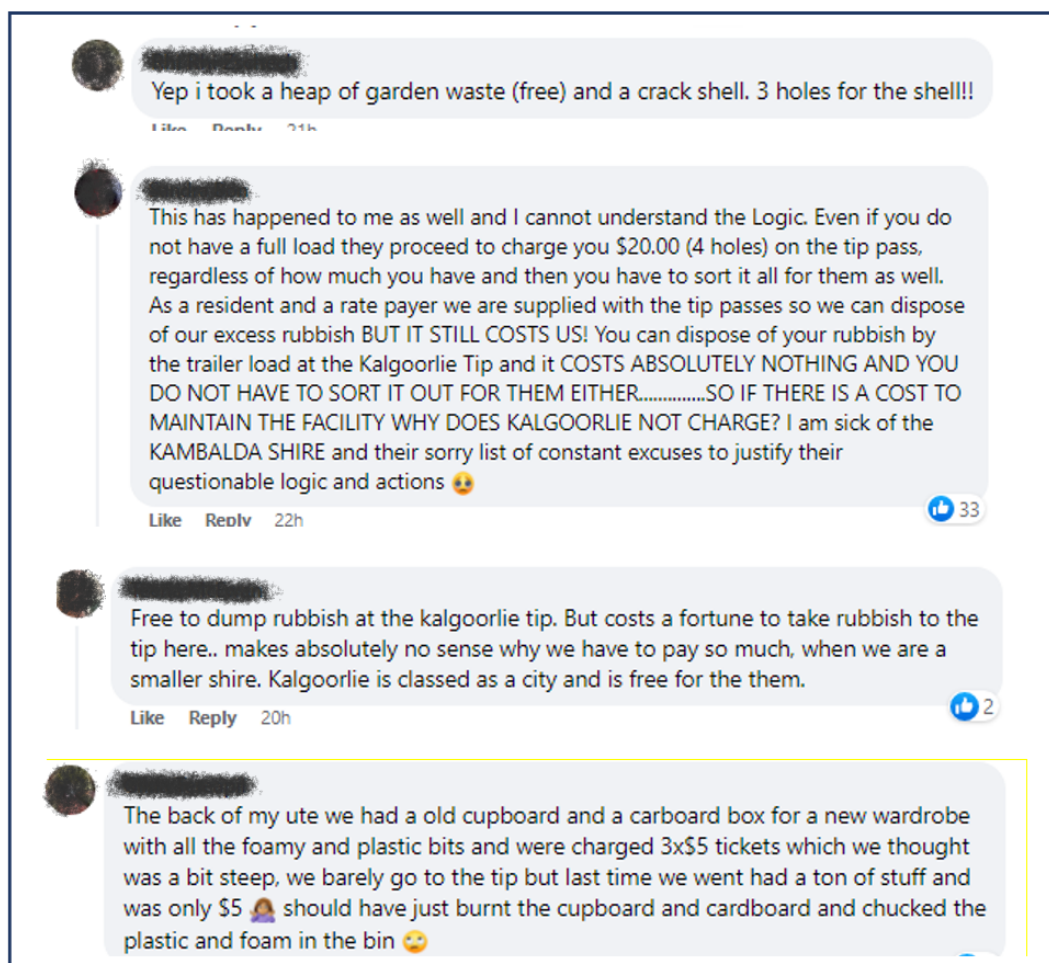
SUMMARY

During deliberations of its 2022/23 Fees and Charges, the Council adopted the general waste charge for Shire residents.

Minimum charge of \$15
for one cubic metre of domestic waste

Shire residents receive a \$50 Tip Pass (ten \$5 vouchers). The minimum waste charge now requires residents to redeem three vouchers, which translates to 3 clicks of the residents' Tip Pass. This has not been received well and it continues to be a hot topic of community discussion.

This report will review the current operation of the Shire's Tip Passes and propose some modifications on how the Tip Passes are provided.



BACKGROUND

The Shire collects annual rates from ratepayers. In addition, the Shire collects a Domestic Rubbish Charge of \$340 from each household. The Domestic Rubbish Charge is used to fund delivery of waste services to the community, including provision of:

- weekly household waste collection;
- bin replacement;
- annual bulk rubbish collection;
- Kambalda Transfer Station; and
- Coolgardie Waste Facility.

COMMENT

Value or Cost

The Shire provides the \$50.00 Tip Passes as a valued benefit to ratepayers and/or households. The original Tip Passes were based on 10 visits per year. Dollar values were included on the Tip Pass to communicate the benefit provided to residents.

Since the minimum charge was increased to \$15 per cubic meter/per visit, this appears to have backfired, as residents now see Tip Passes as a “cost” rather than as value they receive as part of their rates.

Since the adoption of current Fees and Charges, each visit is valued at \$15 (minimum charge for one cubic meter of waste). Thereby, providing for only three visits per annum compared to ten visits when the Tip Passes were originally introduced. Hence the community's dissatisfactions with the Shire's current system of Tip Passes.



Coolgardie Waste Facility

The following information was extracted from the Mandalay system, which is used to operate the Shire's point of sale at Coolgardie Waste Facility. The Mandalay system is presently being installed at the Kambalda Transfer Station and similar data will be available shortly for monthly reporting.

The following data reflects Coolgardie waste transactions for the period of 1st July 2022 to 31st January 2023. During this period 7,798 tonnes of waste were deposited at Coolgardie generating an income of \$444,397.15.

Customer	Tonnes	%	Charged	Tip Passes	Income	%
Commercial	6,845	88	\$442,927.94		\$442,927.94	99.66
Residents	953	12	\$9,189.21	\$7,720.00	\$1,469.21	0.33

While the volume of residential waste (953 tonnes) accounted for 12% of total waste deposited for the period, most of it was green waste and clean soil, which are free of charge. The total waste deposited represented value of \$9,189.21. The Shire residents used 443 tip passes to redeem \$7,720 in value at the Coolgardie tip and paid \$1,469.21 in credit-cards, which represented 0.33% of the total Coolgardie waste income for the period.

Weekend Service

The Shire provides waste services, which is an essential seven-day week service. The residents generally visit the waste facilities on weekends (Saturday and Sunday). Whereas commercial customers generally visit the waste facilities during the week (Monday to Friday). The cost of providing the weekend customer service at the Shire's waste facilities far exceeds the residential income it attracts.

The cost of providing weekend services at the Kambalda Transfer Station and Coolgardie Waste Facility is approximately \$1,600 per week/\$41,600 per annum. This amount varies a little week to week depending on which attendants are rostered on the gate.

Household/Residential Waste

Household/residential waste can best be described as waste that would normally be generated in the day-to day running of a home. This does not include waste from commercial activities.

The income from residential waste is insignificant. Therefore, the Council should consider:

- abolishing the Tip Passes along with the minimum charge of \$15.00; and
- replacing the Tip Passes with a Household Waste Program that enables households to make visits to the waste facilities as required – unlimited visits with unlimited volume.

The Shire should continue to charge residents for disposing:

- tyres, oil and paint;
- asbestos and other hazardous waste; and
- concrete and demolition rubble.

The cost of these proposed changes is unknown at this time. The cost of implementing the new Household Waste Program will ultimately depend on the community's response. Majority of household waste deposited by residents will be either cardboard, green waste, clean soil or recycling.

The Tip Passes are an initiative designed to engage the community in responsible waste management by encouraging appropriate disposal to landfill thereby reducing illegal dumping. This will have positive impact on public health and our environment. The increased use of Tip Passes will raise community awareness and education in sustainable waste management practices.

Simplifying Operation

The proposed changes to the operation of the Tip Passes are designed to streamline the service for residents as well as Shire employees working on the gates. The service rules need to be simple and straightforward. The greater the complexity around the operation of the new program the more opportunity there is for misunderstanding by residents and mistakes by Shire employees.

Complexity around the Shire's waste policy and rules may create conflict between Shire staff working on the Tip gates and community members using the Tip. Shire staff need to be able to enforce the Council's waste policies and rules, which they may or may not understand. The community needs to follow the Council's waste policies and rules, which they may or may not understand. The complexity of waste policy and rules creates confusion and frustration, which at times results in conflict. The Council must simplify its processes to avoid this from regularly happening.

Pilot Program

The proposed changes will be reviewed after 12 months to enable the Shire to collect data on community participation including number of visits and waste volumes and categories deposited. The review will also look at the impact of the Shire's waste operations and finances.

Communication Plan

Implementation of the changes to the Household Waste Program will require a detailed communications plan to ensure the:

- community understand what is expected of them; and
- the Shire staff are able to implement the new rules and requirements.

The information relating to the operation of the new Household Waste Program will be detailed on the Shire's website. Signage will be erected at the Shire's waste facilities outlining the operation of the Household Waste Program. The Shire will also use its Facebook page to promote the new program.

The delivery/implementation of the communication plan will take place during April to enable commencement of the new Household Waste Program by 1st May.

Conclusion

The City of Kalgoorlie Boulder residents dispose household waste for free, without any Tip Passes. They have no limits on the number of visits or volume of waste per visit. The proposed program for Coolgardie will mirror the City's program.

The minimum fee for residential waste of \$15 per cubic meter of household waste has undermined the value created by the Shire's Tip Pass. The Council should consider making changes to the operation of the Tip Passes to enable visits as required with unlimited volume.

The added benefit of increasing the residents' access to the waste facilities is that it should reduce the amount of rubbish dumped in the reserves across the Shire.

CONSULTATION

The Shire's elected members, waste management and staff were consulted in developing this report.

STATUTORY ENVIRONMENT

N/A

POLICY IMPLICATIONS

N/A

FINANCIAL IMPLICATIONS

There are no significant out of pocket expenses with the implementations of these recommendations. There will be a review of the household waste program within 12 months to determine its effectiveness and identify any significant costs.

STRATEGIC IMPLICATIONS**Effective management of infrastructure, heritage and environment**

Ensuring that waste management practices are compliant

ATTACHMENTS

Nil

VOTING REQUIREMENT

Simple majority

OFFICER RECOMMENDATION

That the Council:

- abolish the Tip Passes along with the minimum charge of \$15.00; and
- replace the Tip Passes with a Household Waste Program effective 1st May that enables households to:
 - make unlimited visits to the waste facilities; and
 - deposit unlimited volume of household waste.

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

Nil

17 CLOSURE OF MEETING