



# **AGENDA**

**Ordinary Council Meeting**

**31 October 2023**

**4:30pm**

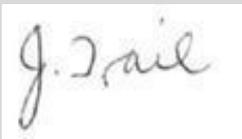
**Council Chambers, Bayley Street, Coolgardie**

**SHIRE OF COOLGARDIE**

**NOTICE OF ORDINARY MEETING OF COUNCIL**

Dear Elected Member

The next Ordinary Meeting of the Shire of Coolgardie will be held on Tuesday 31 October 2023 commencing at 4:30pm.

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

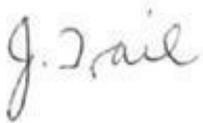
**JAMES TRAIL  
CHIEF EXECUTIVE OFFICER**

**ORDINARY COUNCIL MEETING****31 October 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
Wednesday	26 April 2023	2.00pm	Coolgardie
Tuesday	23 May 2023	2.30pm	Kambalda
Tuesday	27 June 2023	2.30pm	Coolgardie
Tuesday	25 July 2023	2.30pm	Kambalda
Tuesday	22 August 2023	2.30pm	Coolgardie
Tuesday	26 September 2023	2.30pm	Kambalda
Tuesday	31 October 2023	4.30pm	Coolgardie
Tuesday	28 November 2023	2.30pm	Kambalda
Tuesday	19 December 2023	2.30pm	Coolgardie



James Trail  
Chief Executive Officer

## COUNCIL MEETING INFORMATION NOTES

1. Your Council generally handles all business at Ordinary or Special Council Meetings.
2. From time to time Council may form a Committee to examine subjects and then report to Council.
3. Generally all meetings are open to the public; however, from time to time Council will be required to deal with personal, legal and other sensitive matters. On those occasions Council will generally close that part of the meeting to the public. Every endeavour will be made to do this as the last item of business of the meeting.
4. Public Question Time. It is a requirement of the Local Government Act 1995 to allow at least fifteen (15) minutes for public question time following the opening and announcements at the beginning of the meeting. Should there be a series of questions the period can be extended at the discretion of the Chairman.

***Written notice of each question should be given to the Chief Executive Officer prior to 10:30am on the day of the meeting. A summary of each question and response is included in the Minutes.***

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

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

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

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

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

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

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

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

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

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

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

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

**Local Government (Administration) Regulations 1996**

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

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

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

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

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

**Local Government (Administration) Regulations 1996**

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

**2. Public Inspection of Unconfirmed Minutes (Reg 13)**

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

**NOTE:****10.3 Unopposed Business**

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



## Order Of Business

<b>1</b>	<b>Declaration of Opening / Announcement of Visitors .....</b>	<b>11</b>
<b>1.1</b>	<b>Welcome to Country Announcement .....</b>	<b>11</b>
<b>2</b>	<b>Declaration of Council Members .....</b>	<b>11</b>
<b>3</b>	<b>Record of Attendance / Apologies / Approved Leave of Absence.....</b>	<b>11</b>
<b>4</b>	<b>Declarations of Interest .....</b>	<b>11</b>
4.1	Declarations of Financial Interests – Local Government Act Section 5.60A .....	11
4.2	Declarations of Proximity Interests – Local Government Act Section 5.60B.....	11
4.3	Declarations of Impartiality Interests –Shire of Coolgardie Code of Conduct for Council Members, Committee Members and Candidates for Election, Code of Conduct for Employees.....	11
<b>5</b>	<b>Response to Previous Public Questions taken on Notice.....</b>	<b>11</b>
	Nil	
<b>6</b>	<b>Public Question Time .....</b>	<b>11</b>
<b>7</b>	<b>Applications for Leave of Absence .....</b>	<b>11</b>
<b>8</b>	<b>Confirmation of Minutes of Previous Meetings.....</b>	<b>12</b>
8.1	Minutes of the Ordinary Council Meeting held on 26 September 2023.....	12
8.2	Minutes of the Special Council Meeting held on 24 October 2023 .....	13
<b>9</b>	<b>Announcements by Presiding Person without Discussion.....</b>	<b>14</b>
9.1	President's Report - October .....	14
<b>10</b>	<b>Petitions / Deputations / Presentations / Submissions .....</b>	<b>16</b>
	Nil	
<b>11</b>	<b>Reports of Committees.....</b>	<b>16</b>
	Nil	
<b>12</b>	<b>Reports of Officers .....</b>	<b>17</b>
<b>12.1</b>	<b>Executive Services .....</b>	<b>17</b>
12.1.1	Proposed Lease of Land Evergreen Village Pty Ltd .....	17
12.1.2	Bluebush Village: Room Allocation Policy .....	22
12.1.3	Ordinary Council Meetings And Audit Committee Meetings 2024 .....	25
12.1.4	Appointment of Council Members as delegates to represent Council on various local and regional committees and working Groups.....	27
<b>12.2</b>	<b>Operation Services.....</b>	<b>30</b>
12.2.1	Proposed Lease of Land at Coolgardie Tip: Reforme Group.....	30
12.2.2	WALGA Roadwise - Shire Registration Invitation .....	34
12.2.3	Reserve Expansion - Kambalda Airport - Reserve 49358, Lot 301 on Deposited Plan 43054 .....	36
12.2.4	Oversized Outbuilding - Size and Height.....	39

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12.2.5	Office & Storage & Worker Accommodation - 2-4 Napier Street and 8 Doyle Street Widgiemooltha.....	44
12.2.6	Government Regional Officers Housing - Lease Arrangements .....	52
12.2.7	Proposal to Refinance Borrowings .....	55
12.2.8	Australia Day Awards Policy 3.05 Amendments.....	61
12.2.9	List of Payments - September 2023 .....	63
12.2.10	Monthly Financial Statements for the month ended 30 September 2023 .....	65
<b>12.3</b>	<b>Commercial Services .....</b>	<b>68</b>
	Nil	
<b>13</b>	<b>Items for Information Only .....</b>	<b>68</b>
	Nil	
<b>14</b>	<b>Elected Members Motions of Which Previous Notice has been Given .....</b>	<b>68</b>
	Nil	
<b>15</b>	<b>New Business of an Urgent Nature Introduced by Decision of Meeting .....</b>	<b>68</b>
15.1	Elected Members.....	68
15.2	Council Officers .....	68
<b>16</b>	<b>Matters Behind Closed Doors.....</b>	<b>69</b>
16.1	CEO Legal Representation Costs.....	69
16.2	Deed of Consent Rangecon - Coolgardie Lease .....	69
<b>17</b>	<b>Closure of Meeting.....</b>	<b>70</b>

**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 Elders past, present and emerging”

**2 DECLARATION OF COUNCIL MEMBERS**

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

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

Nil

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

**8 CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS**

**8.1 MINUTES OF THE ORDINARY COUNCIL MEETING HELD ON 26 SEPTEMBER 2023**

**Date:** 26 October 2023

**Author:** Kasey Turner, Executive Assistant

**ATTACHMENTS**

Nil

**VOTING REQUIREMENT**

Simple majority

**OFFICER RECOMMENDATION**

That the Minutes of the Ordinary Council Meeting held on 26 September 2023 be confirmed as a true and accurate record.

**8.2 MINUTES OF THE SPECIAL COUNCIL MEETING HELD ON 24 OCTOBER 2023**

**Date:** 26 October 2023

**Author:** Kasey Turner, Executive Assistant

**ATTACHMENTS**

Nil

**VOTING REQUIREMENT**

Simple majority

**OFFICER RECOMMENDATION**

That the Minutes of the Special Council Meeting held on 24 October 2023 be confirmed as a true and accurate record.

**9 ANNOUNCEMENTS BY PRESIDING PERSON WITHOUT DISCUSSION****9.1 PRESIDENT'S REPORT - OCTOBER****Date:** 25 October 2023**Author:** Malcolm Cullen, Shire President

During the month of October the Shire Ranger Services have been conducting visual surveys of all properties in both Coolgardie and Kambalda to ensure that property owners are compliant with the WA Bushfire Regulations that come into effect on October 31 each year.

These surveys are a follow up from the notices sent out with every property rates notices earlier this year giving advance notice, that all properties in the Shire, by WA State Law have to comply with the WA Bushfire Regulation that "State" properties should have adequate fire breaks in place, and that all properties should be free of grass or dense dry vegetation, flammable materials such as stored tyres, oils, car bodies and any other untidy debris. Should any of our residents have any concerns or issues regarding these matters, please contact the Shire Staff or Ranger Services on 9080 2111 or alternatively via the Community Service Portal on the Shire Website.

The Department of Fire and Emergency Services travelled out to Coolgardie last week to brief Shire Staff and other Stakeholders on the seasonal outlook for the coming bushfire season. The forecast from November through to April 2024 is for a hotter and much drier period thereby increasing the fire danger for the whole of the Goldfields Region.

With this in mind DFES and Local Governments in the Goldfields Region are stepping up with procedures and planning being put into place, so that crews and equipment can be ready to go, if and when such events occur. In saying that, it is also relevant that all residents and property owners in the Shire have their own Bushfire Plan, in the event of such an emergency that may affect our communities this year.

The Shire hosted a stakeholder forum in Coolgardie on 12 October to discuss the upgrades to Coolgardie North Road. WML Road Consultant Tony Chisholm briefed the group on the designs, scope of works and estimated costings of this major project, which will involve upgrading the road from the Bonnie-vale Townsite through to the railway line. With the CNR being one of the busiest roads in the Shire, with heavy haulage, prospectors, tourists and residents using the Prospector Rail Service, the Shire is making this a priority project to be completed in 2024.

The Electric Vehicle charging station project in Coolgardie is progressing well, with all the electrical components installed and works on the drive through pavement commencing last week. It is expected the facility will be completed and ready for use by the end of November, with opening ceremonies being planned for Coolgardie, Southern Cross and Merredin as part of the WA Government – Local Government initiative for an EV Charging Station Trail from Perth to the WA Border.

A Special Meeting of Council was held in Coolgardie on October 24 to conduct the Swearing in ceremony of new Councillors who were successfully elected onto Council following the LG elections on October 21, and then the election by Council of the President and Deputy President.

I would like to congratulate Councillors Tracey Rathbone and Kathie Lindup on being re-elected onto Council, and welcome new Councillors Daphne Simmons and Corey Matthews on board, filling all seven positions on the Shire of Coolgardie Council.

The position of President being filled by Cr Malcolm Cullen elected unopposed, with the position of Deputy President being Cr Tracey Rathbone, also elected unopposed.

I am looking forward to the next two years working with my fellow Councillors, CEO and Staff of the Shire with renewed vigour in completing and wrapping up all the major projects being undertaken over the past eighteen months, and embarking on the journey formulated and driven by Council in our Long Term Plan for the future sustainability of our communities.

Cr Malcolm Cullen  
Shire President

**10 PETITIONS / DEPUTATIONS / PRESENTATIONS / SUBMISSIONS**

Nil

**11 REPORTS OF COMMITTEES**

Nil

**12 REPORTS OF OFFICERS****12.1 Executive Services****12.1.1 PROPOSED LEASE OF LAND EVERGREEN VILLAGE PTY LTD**

**Location:** Lot 2435 on Plan 107089 Gnarlbine Road Coolgardie

**Applicant:** Evergreen Village Pty Ltd

**Disclosure of Interest:** Nil

**Date:** 20 July 2023

**Author:** James Trail, Chief Executive Officer

**SUMMARY**

By ABSOLUTE MAJORITY, pursuant to s5.42 of the Local Government Act 1995, delegate authority to the CEO to prepare a Business Plan in accordance with s3.58(3), (4) of the Local Government Act 1995, and to advertise the Disposition by Local Public Notice for public comment in accordance with s3.58(3), and to bring the Plan, any public comments, and a recommendation to Council for consideration under s3.58(3) (b) of the Act.

By ABSOLUTE MAJORITY pursuant to s5.42 of the Local Government Act 1995, delegate authority to the CEO to include the following Terms and Conditions for the proposed Lease of a portion of Lot 2435 on Plan 107089 in the Shire of Coolgardie for workers accommodation:

- a) Lessee: Evergreen Village Pty Ltd
- b) Consideration: Annual lease payment of up to \$550,000 and contributions towards sewer and road infrastructure estimated at up to \$800,000, payment of land and sewerage rates, and payment of fees and charges for disposal of waste.
- c) Market Valuation: Lease value of between \$440,000 and \$660,000 per annum

**BACKGROUND**

At the Ordinary Meeting of Council held on the 25<sup>th</sup> July 2023 Council Resolved;

**COUNCIL RESOLUTION #1/2023**

Moved: Cr Tracey Rathbone

Seconded: Cr Sherryl Botting

1. That Council By ABSOLUTE MAJORITY, pursuant to s5.42 of the Local Government Act 1995, delegate authority to the CEO to prepare a Business Plan in accordance with s3.58(3), (4) of the Local Government Act 1995, and to advertise the Disposition by Local Public Notice for public comment in accordance with s3.58(3), and to bring the Plan, any public comments, and a recommendation to Council for consideration under s3.58(3) (b) of the Act.
2. That Council By ABSOLUTE MAJORITY pursuant to s5.42 of the Local Government Act 1995, delegate authority to the CEO to include the following Terms and Conditions for the proposed Lease of a portion of Lot 2435 on Plan 107089 Currently Crown Reserve 8693 vested in the Shire of Coolgardie for workers accommodation:
  - (a) Lessee: Evergreen Village Pty Ltd.

- (b) Consideration: Annual lease payment of up to \$550,000 and contributions towards sewer and road infrastructure estimated at up to \$800,000, payment of land and sewerage rates, and payment of fees and charges for disposal of waste.
- (c) Market Valuation: Lease value of between \$440,000 and \$660,000 per annum.

In Favour: Crs Malcolm Cullen, Tracey Rathbone, Sherryl Botting, Tammee Keast, Kathie Lindup and Rose Mitchell

Against: Nil

CARRIED BY ABSOLUTE MAJORITY 6/0

### COMMENT

Pursuant to Section s.3.58 and 3.59 of the Local Government Act 1995, public notice was given in the Kalgoorlie Miner and West Australian on the 26<sup>th</sup> July 2023 as well as the Shire's website.

One submission was received in regards to the Business Plan for Major Land Transaction and Major Undertaking and one submission received in regards to the leasing of land. Copies of the submissions are attached.

### CONSULTATION

Council Members

State Agencies

Mining Company

### STATUTORY ENVIRONMENT

Section 3.59 of the Local Government Act 1995 details the process governing Commercial Enterprises by local governments, including Major Land Transactions and Major Trading Undertakings.

For a local government which is not in the metropolitan area, or is not a major regional centre (defined in the LGA as having more than 20,000 population) a Major Land Transaction is defined by the Act to be a land transaction that is not exempt under the Act, and where the total value of:

- a) The consideration under the transaction; and
- b) Anything done by the local government for achieving the purposes of the transaction; is more, or is worth the lesser of, \$2 million, or 10% of the operating expenditure incurred by the local government from its municipal fund in the last completed financial year

For a local government which is not in the metropolitan area, or is not a major regional centre (defined in the LGA as having more than 20,000 population) a Major Trading Undertaking is defined as a trading undertaking that:

- a) in the last completed financial year, involved; or
- b) in the current financial year or the financial year after the current financial year, is likely to involve; expenditure by the local government of the lesser of, \$2 million, or 10% of the operating expenditure incurred by the local government from its municipal fund in the last completed financial year.

The Trading Undertaking means an activity carried on by a local government with a view to producing profit.

Before the Shire enters into a Major Land Transaction or commences a Major Trading Undertaking, it is required to prepare a Business Plan that includes an overall assessment of the proposed Major Trading Undertaking and Major Land Transaction including:

- a) expected effect on the provision of facilities and services by the Shire;
- b) expected effect on other persons providing facilities and services in the district;
- c) expected financial effect on the Shire;
- d) expected effect on the Shire's Plan for the future;
- e) the ability of the Shire to manage the performance of the transactions; and
- f) any other matter prescribed for the purposes of the subsection.

The Local Government Act 1995 also requires the Shire to give state-wide public notice that:

- the Shire proposes to enter into a Major Land Transaction and Major Trading Undertaking described in the notice; and
- a copy of the Business Plan may be inspected or obtained at any place specified in the notice.

The Shire is to make a copy of the Business Plan available for public inspection in accordance with the notice. The Shire is to also publish a copy of the Business Plan on its official website.

Submissions about the proposed land transaction or undertaking may be made to the Shire before a day to be specified in the notice, being a day that is not less than six weeks after the notice is given.

After the last day for submissions, the Shire is to consider any submissions made and may decide by absolute majority to proceed with the undertaking and transaction as proposed or so that it is not significantly different from what was proposed.

Public notice is also required for any proposed disposition of property and land, by way of lease, license or sale pursuant to Section s.3.58 and 3.59 of the Local Government Act 1995.

Section 3.58 of the Local Government Act 1995 states;

(3) A local government can dispose of property other than under subsection (2) if, before agreeing to dispose of the property –

- (a) it gives local public notice of the proposed disposition –
  - (i) describing the property concerned; and
  - (ii) giving details of the proposed disposition; and
  - (iii) inviting submissions to be made to the local government

before a date to be specified in the notice, being a date not less than 2 weeks after the notice is first given;

In summary, the details of the disposition must be disclosed, including the description of the property in question, the consideration (price) and the market value.

Public comments are to be invited on the proposed disposition and the submissions will be considered by Council after the closing date, should submissions be made.

## **POLICY IMPLICATIONS**

N/A

## FINANCIAL IMPLICATIONS

Financial analysis has been undertaken for the option of leasing land for workers accommodation.

The proposed lease indicates that a lease for workers accommodation will include but not limited to:

- Annual lease fee for the portion of land estimated up to \$550,000
- Payment of land and sewerage rates
- Payment of fees and charges for disposal of waste
- Contribution towards infrastructure estimated up to \$800,000

Additional revenue from the proposed lease of land for workers accommodation will assist the Shire to maintain or increase the level of services to the community, in an environment of escalating costs and decrease in valuation of the majority of residential, commercial, generally industry and light industry properties in the Shire. The Shire has an ongoing obligation to provide and maintain significant community assets including facilities roads and waste and water infrastructure and deliver services.

## STRATEGIC IMPLICATIONS

### A thriving local economy

Supporting and encouraging mining and processing industries

### Accountable and effective leaders

High quality corporate governance, accountability and compliance

### An inclusive, safe and vibrant community

Developing varied community and multicultural events and services

### Effective management of infrastructure, heritage and environment

Maintaining and renewing infrastructure and building assets

## ATTACHMENTS

1. Disposal of Land Lot 2435 Coolgardie
2. Draft Business Plan Proposed Lease of Land Lot 2435 Coolgardie
3. J McLeod Submission - Leasing of land
4. J McLeod Submission - Major Land Transaction and Major Trading Undertaking

## VOTING REQUIREMENT

Absolute Majority

## OFFICER RECOMMENDATION

1. That Council **APPROVES**, By **ABSOLUTE MAJORITY** the Business Plan for Major Land Transaction and Major Trading Undertaking – Evergreen Village Pty Ltd Lease in accordance with s3.58 of the Local Government Act 1995, to dispose of by lease a portion of Lot 2435 on Plan 107089 for Workers Accommodation.
2. That Council **APPROVES** By **ABSOLUTE MAJORITY** the following Terms and Conditions for the lease of a Portion of Lot 2435 on Plan 107089 currently Crown Reserve 8693 vested in the Shire of Coolgardie:
  - (a) Lessor: Shire of Coolgardie

- (b) Lessee: Evergreen Village Pty Ltd
- (c) Purpose: Workers Accommodation
- (d) Commencement date: 30<sup>th</sup> September 2023
- (e) Term: 12 years – four terms of 3 year options
- (f) Permissible Use: Workers Accommodation
- (g) Consideration: Annual lease payment of up to \$550,000 and contributions towards sewer and road infrastructure estimated at up to \$800,000, payment of land and sewerage rates, and payment of fees and charges for disposal of waste.
- (h) Market Valuation: Lease value of between \$440,000 and \$660,000 per annum
- (i) Services: All infrastructure and services to be paid by Lessee

**12.1.2 BLUEBUSH VILLAGE: ROOM ALLOCATION POLICY**

<b>Location:</b>	<b>Lot 562 Salmon Gum Road, Kambalda West</b>
<b>Applicant:</b>	<b>N/A</b>
<b>Disclosure of Interest:</b>	<b>Nil</b>
<b>Date:</b>	<b>20 October 2023</b>
<b>Author:</b>	<b>James Trail, Chief Executive Officer</b>

**SUMMARY**

A new Council Policy is proposed to provide guidance to both Council staff and prospective tenants of Bluebush Accommodation Village on the allocation process and pricing for rooms at the Shire owned Bluebush Accommodation Village.

**BACKGROUND**

The Shire has constructed and is operating the Bluebush Workforce Accommodation Village (Bluebush) in Kambalda. Bluebush is proving to be popular/successful with good occupancy rates and high interest in bookings from mining companies and other businesses/organisation undertaking work in and around the Shire of Coolgardie.

Several companies have approached the Shire's Administration seeking to "block book" rooms at Bluebush for an extended period. These proposed bookings are a positive for the Shire as they provide financial certainty for the organisation due to the fact that they provided guaranteed revenue streams, but they do create some challenges such as: -

- Room rate: Long term hirers are seeking to negotiate lower room rates for use of Bluebush rooms.
- Room allocations: High demand for rooms is leading to a situation where Bluebush potentially fully subscribed in the future and Council's objectives for the facility are potentially compromised if all rooms are utilised and limited flexibility is available re allocation of room.

The Draft Bluebush Village: Room Allocation Policy has been developed to provide guidance to Shire staff on how they should allocate rooms at Bluebush and at what rate those rooms shall be charged at.

**COMMENT**

When it elected to develop the Bluebush Facility the Shire was trying to fulfill a range of strategic objectives/outcomes. These objectives included: -

- Economic Growth: The Shire was eager to support businesses that grow the economy of the District.
- Local Business Development/diversification: The Shire wanted to ensure that the Bluebush Village helped grow existing Shire of Coolgardie businesses and enabled the development of new businesses within the community.
- Community: The Council was eager to ensure that the Village was accessible/available for community groups wishing to access accommodation for regional sporting competitions/events.
- Environmental: The Council wanted to be a local government leader in environmental sustainability. It was envisaged that the accommodation available at Bluebush Village would be used a "lever" to support environmental initiatives and excellence within the District.
- Government Engagement: Access to affordable accommodation can be a barrier to the delivery of government services within the Shire. It was proposed to use Bluebush Village as a lever to attract government services and government engagement with the Coolgardie Shire/community.

- Financial Return: The Shire has a stated objective of growing its 'own source revenue' and is actively seeking a strong financial return from its investment in the Bluebush Village. This, in turn, reduces reliance on rate income to fund local services and infrastructure.

Council has set out the fees payable to hire rooms at Bluebush in the Annual Plan and Budget. These fees set the rate for rooms and do provide some discretion to the CEO re setting room rates, but they do not currently provide guidance on how/when that discretionary power should be used. Additionally, the current fees do not provide guidance on how rooms should be allocated. The current Council adopted rates for room hire at Bluebush are: -

- |   |                       |
|---|-----------------------|
| • Single Village Room – per contract (per night)                      | \$165 (GST inclusive) |
| • Single Village Room – casual (per night)                            | \$175 (GST inclusive) |
| • <b>Single Village Room – as negotiated with the CEO (per night)</b> | <b>POA</b>            |
| • Executive Village Room – (per night)                                | \$225 (GST Inclusive) |

The Proposed Policy aims to provide guidance on how the CEO can utilise the discretion that has been provided within the adopted fees and charges. The Policy seeks to provide guidance on matters such as: -

- Maximum occupancy levels by one company/hirer at Bluebush.
- Discount levels that are potentially available under CEO discretion and under what circumstances these discounts may be applied.
- How companies/businesses/individuals can request consideration for discount levels that exceed the policy limit.
- Reporting/recording of discounts that have been applied by the CEO.

The policy seeks to link the application of room hire rates and allocations to the original objectives/outcomes that the Council had/has for the facility.

## CONSULTATION

Shire staff

Accommodation Management Contractor

## STATUTORY ENVIRONMENT

Section 6.2 (4)(c) of the Local Government Act 1995 states that the Annual Budget *is to incorporate the fees and charges to be imposed by the Local Government.*

Section 6.16(2)(a) states that a *fee or charge may be imposed for the following providing the use of, or allowing admission to, any property or facility wholly or partly owned, controlled, managed or maintained by the local government;*

Section 6.17 states that: -

- (1) *In determining the amount of a fee or charge for a service or for goods a local government is required to take into consideration the following factors —*
  - (a) *The cost to the local government of providing the service or goods; and*
  - (b) *The importance of the service or goods to the community; and*
  - (c) *The price at which the services or goods could be provided by an alternative provider.*
- (2) *A higher fee or charge or additional fee or charge may be imposed for an expedited service or supply of goods if it is requested that the service or goods be provided urgently.*

The hire of rooms at Bluebush is being undertaken through a fee setting arrangement by the Council in accordance with these legislative provisions.

**POLICY IMPLICATIONS**

N/A: This report seeks to introduce a new Policy

**FINANCIAL IMPLICATIONS**

The financial performance of Bluebush Village is a significant for the Shire of Coolgardie. Forecast revenue from Bluebush in the 2023/24 Financial Year is \$11.02M. This represents approximately 30% of all revenues that are expected to be received by the Shire for the financial year.

The proposed policy does not materially impact on expected budget performance as it simply provides guidance to the Shire's administration on how existing, approved arrangements should be managed.

**STRATEGIC IMPLICATIONS****A thriving local economy**

Supporting and encouraging mining and processing industries

**ATTACHMENTS**

1. **Draft Policy: Bluebush Village - Room Allocation Policy**

**VOTING REQUIREMENT**

Simple majority

**OFFICER RECOMMENDATION**

That Council: -

1. **Adds to policy 3.34 Bluebush Village: Room Allocation Policy to the Shire of Coolgardie Policy Manual.**
2. **NOTES that the Bluebush Village Room Allocation Policy continues to provide authorisation to the CEO to have some discretion on room hire rates (within new prescribed policy limits) and that any request for room allocation and or room hire rates outside of the policy limits will be brought to Council for consideration.**

**12.1.3 ORDINARY COUNCIL MEETINGS AND AUDIT COMMITTEE MEETINGS 2024**

**Location:** Shire of Coolgardie  
**Applicant:** Nil  
**Disclosure of Interest:** Nil  
**Date:** 21 October 2023  
**Author:** Rebecca Horan, Manager of Executive Services

**SUMMARY**

That Council approve the timetable for the Ordinary Council Meetings and proposed schedule for Audit Committee Meetings for 2024.

**BACKGROUND**

Regulation 12 of the Local Government (Administration) Regulations 1996 requires the Council to give local public notice of the date, time and location of its Ordinary Council meetings. In previous years Council has considered the timing of its ordinary meetings.

**COMMENT**

Ordinary meetings of Council are generally scheduled for the fourth Tuesday of each month with the exception of January and December. Council is convened in the Council Chambers of Coolgardie and Kambalda Community Recreation Facility.

Council meeting dates for the 2024 year will be advertised.

**CONSULTATION**

Council

**STATUTORY ENVIRONMENT**

Regulation 12 of the *Local Government (Administration) Regulations 1996*

**POLICY IMPLICATIONS**

Nil

**FINANCIAL IMPLICATIONS**

Nil

**STRATEGIC IMPLICATIONS****Accountable and effective leaders**

High quality corporate governance, accountability and compliance

**ATTACHMENTS**

Nil

**VOTING REQUIREMENT**

Simple majority

**OFFICER RECOMMENDATION****That Council**

1. **APPROVE for Ordinary Council Meetings to be scheduled to convene on the fourth Tuesday of every month at the Coolgardie Council Chambers or Kambalda Community Recreation Facility (except for January and December) at 4.30pm on the following dates:**
  - January 2024 – No Meeting**
  - 27 February 2024 – Coolgardie**
  - 26 March 2024 – Kambalda**
  - 23 April 2024 – Coolgardie**
  - 28 May 2024 – Kambalda**
  - 25 June 2024 – Coolgardie**
  - 23 July 2024 – Kambalda**
  - 27 August 2024 – Coolgardie**
  - 24 September 2024 – Kambalda**
  - 22 October 2024 – Coolgardie**
  - 26 November 2024 – Kambalda**
  - 17 December 2024 – Coolgardie**
  
2. **As per the Audit Committee Terms of Reference NOTE that the Audit Committee meetings to meet no less than two times per year. Additional meetings shall be convened at the discretion of the Chairperson or at the request of the Chief Executive Officer.**

**12.1.4 APPOINTMENT OF COUNCIL MEMBERS AS DELEGATES TO REPRESENT COUNCIL ON VARIOUS LOCAL AND REGIONAL COMMITTEES AND WORKING GROUPS**

**Location:** Shire of Coolgardie  
**Applicant:** NIL  
**Disclosure of Interest:** NIL  
**Date:** 23 October 2023  
**Author:** Rebecca Horan, Executive Assistant to the Project Manager

**SUMMARY**

Council to endorse the appointment of Councillors to various local and regional committees and boards.

**BACKGROUND**

Council makes many appointments to statutory and community Boards and Committees, including its own internal bodies.

Many such appointments expire after the Ordinary elections every 2 years and it is appropriate that the various appointments Council has made to various committees, boards and groups be reviewed accordingly.

**COMMENT****CONSULTATION**

Chief Executive Officer, James Trail

**STATUTORY ENVIRONMENT*****Local Government Act 1995***

*Section 2.7(2) – Provides that Council is to oversee the allocation of local government finances and resources and to determine the local government policies.*

*Section 3.1 – Provides that the general function of the local government is to provide for the good government of persons in its district.*

**POLICY IMPLICATIONS**

Policy - Audit Committee – Terms of Reference

**FINANCIAL IMPLICATIONS**

Travel and accommodation costs for Council members and staff have been provided for in the current budget.

**STRATEGIC IMPLICATIONS****Accountable and effective leaders**

High quality corporate governance, accountability and compliance

**ATTACHMENTS**

Nil

**VOTING REQUIREMENT**

Absolute Majority

**OFFICER RECOMMENDATION**

That Council by Absolute Majority appoints the following Council Members to the Shire of Coolgardie Audit Committee, for a period expiring at the next Ordinary elections in October 2025.

**Shire of Coolgardie Audit Committee**

- \_\_\_\_\_ Delegate

That Council by Simple Majority makes the following appointments, for a period expiring at the next Ordinary elections in October 2025.

**Mt Walton Intractable Waste Disposal Facility Community Liaison Committee**

- \_\_\_\_\_ Delegate
- \_\_\_\_\_ Delegate
- \_\_\_\_\_ Deputy

**Local Emergency Management Committee (LEMC)**

- \_\_\_\_\_ Delegate
- \_\_\_\_\_ Delegate
- \_\_\_\_\_ Deputy

**Goldfields-Esperance Regional Road Group**

- \_\_\_\_\_ Delegate
- \_\_\_\_\_ Delegate
- \_\_\_\_\_ Deputy

**Goldfields Voluntary Regional Organisation of Council**

- \_\_\_\_\_ Delegate
- \_\_\_\_\_ Delegate
- \_\_\_\_\_ Deputy

**WALGA Zone**

\_\_\_\_\_ Delegate  
\_\_\_\_\_ Delegate  
\_\_\_\_\_ Deputy

## 12.2 Operation Services

### 12.2.1 PROPOSED LEASE OF LAND AT COOLGARDIE TIP: REFORME GROUP

**Location:** Crown Reserve R3497: Coolgardie Tip Site

**Applicant:** Reforme Group Pty Ltd

**Disclosure of Interest:** Nil

**Date:** 25 October 2023

**Author:** James Trail, Chief Executive Officer

#### SUMMARY

Reforme Minerals Pty Ltd is seeking to enter into a private treaty lease with the Shire of Coolgardie for approximately 2Ha of land at the Coolgardie Tip site. This report seeks Council consideration of the proposed Draft Lease conditions.

#### BACKGROUND

At its August 2023 Meeting, Council considered a report on the proposed development of a Memorandum of Understanding (MOU) between the Shire and Reforme Group Pty Ltd (Reforme). Reforme are proposing to develop waste processing businesses within the Shire. At the August meeting the Council resolved to: -

- ENDORSE the Confidential Draft MOU between the Shire and Reforme Group; and
- AUTHORISE the CEO and Shire President to execute the MOU.

The MOU was duly executed by the CEO and Shire President.

The key component of the MOU is a commitment by the parties to negotiate agreements to facilitate waste processing business opportunities within the Shire. The MOU specifically identifies the leasing of Shire land to facilitate the potential business development opportunities.

Subsequent to the signing of the MOU, further meetings were held with Reforme and their business partners to discuss the nature, location and proposed timing of their business investments. Reforme have indicated a desire to commence preliminary operations as soon as practicable with the initial focus to be waste and recycling related activities associated with commercial shredding and high temperature furnace technology.

To achieve early business operations, Reforme have requested that Shire leases approximately 2Ha of land available at the Coolgardie Tip site. While other business partners are potentially engaged in proposed waste business operations at the proposed lease site, they are parties to the proposed lease agreement.

#### COMMENT

Negotiations regarding the terms of the lease have progressed. Proposed key lease terms are listed below: -

##### Lease Area

- Approximately 2Ha of Crown Reserve R3497, Coolgardie Tip Site
  - A Site survey has been commissioned to determine the exact land area and size.
  - The Site is currently under Management Order with the State Government for the purposed of Sanitary and Rubbish Depot. The Order provides the power to lease (sub-lease or licence) for the designated purpose for any term not exceeding twenty-one (21) years from the date of the lease

subject to the approval in writing of the Minister for Lands being first obtained to each and every lease or assignment of lease, pursuant also to the provisions of section 18 and section 19 of the Land Administration Act 1997.

#### Lease Length

- 12 month lease provided with Option 1 x6 year lease extension.
- Extension subject to Lessor meeting agreed Conditions Precedent for the development and use of the leased area.
- Lease extension at sole discretion of Shire of Coolgardie.

#### Lease Fee Payable

- Initial Lease Period: Market value of the land as determined via an independent valuation. (Commercial valuation currently being sought)
- Lease payments: Monthly in advance (Initial lease period)
- Lease Extension Periods: Market Value of the land as determined by an independent valuation or 2% of income received from all commercial business activities conducted within the leased area, whichever is the greater.
- Market Rent Reviews: After completion of Year 1 and Year 4 of the lease period.

#### Conditions Precedent

- Within the initial 12 month lease period the lessee will (as a minimum) have undertaken the following activities at the leased site: -
  - Updated Facilities, including shed modifications, power/water/extraction activities.
  - Installed and be operating a commercial waste shredding operation.
  - Installed and be operating a high temperature furnace unit.

#### Approvals

- The lessee has responsibility/requirement to obtain all and retain necessary approvals, permits and licenses to operate their proposed business activities within the leased site.
- No sub-letting of the leased site without the prior approval of the Shire of Coolgardie.

#### Non-Exclusive Use

- The lease of the 2Ha site shall not preclude the Shire of Coolgardie from entering into other lease or development arrangements in/around the Coolgardie Tip Site.

#### Site Remediation

- Should the lease be terminated by the Lessee or Lessor at any time, the Lessee would be responsible for site remediation.

### **CONSULTATION**

Shire officers

Consultant – Strategic Corporate Services

Reforme Group Pty Ltd

## STATUTORY ENVIRONMENT

The lease is proposed to be undertaken as a 'disposal of property' under the provisions of Section 3.58(3) of the Local Government Act 1995. This provision requires the following information to be disclosed/advertised publicly prior to the disposition occurring: -

- (a) The names of all other parties concerned;
- (b) The consideration to be received by the local government for the disposition; and
- (c) The market value of the disposition.

*Local Government (Functions & General) Reg 9A(1)(b)* requires a Local Government Act compliant business plan to be developed and advertised for a minimum of six (6) weeks if the consideration of the land transaction is to exceed \$2M. The total proposed rent payable by Reforme under the lease falls under this threshold.

The Land is under a Management Order under the Land Administration Act 1997. Any lease of the land is subject to the lease being approved by the Minister for Land (or their Delegate) under Sections 18 and 19 of that Act.

## POLICY IMPLICATIONS

Nil

## FINANCIAL IMPLICATIONS

Goldfields Valuation Services were engaged by the Shire to determine the Market Value of the lease area. Their valuation indicates that the market value for the leased land is \$60,000.

If progressed, the lease would generate revenue for the Shire that is in excess of current budget projections.

## STRATEGIC IMPLICATIONS

### A thriving local economy

Supporting and encouraging mining and processing industries

## ATTACHMENTS

1. **Coolgardie Waste Site - Lease - Confidential**
2. **Valuation - Confidential**

## VOTING REQUIREMENT

Simple majority

## OFFICER RECOMMENDATION

That:

1. In accordance with S3.58(3) of the Local Government Act, that Council PROVIDE PUBLIC NOTICE of a proposed lease agreement with Reforme Group Pty Ltd with the following key terms: -
  - Names of proposed parties: Reforme Group Pty Ltd and the Shire of Coolgardie
  - Consideration to be received:
    - Yr 1: Market Value as determined by independent valuation.

- **Yr 2-7: Market Value as determined by independent valuation or 2% of income received from all commercial business activities conducted within the leased area, whichever is the greater.**
  - **Market Value of the disposition: \$60,000**
- 2. Subject to no material adverse public comments being received by the Shire during the advertising period, AUTHORISE the CEO to seek Ministerial approval for the lease and (subject to such approval being granted) execute a lease with Reforme Group.**

**12.2.2 WALGA ROADWISE - SHIRE REGISTRATION INVITATION**

<b>Location:</b>	N/A
<b>Applicant:</b>	N/A
<b>Disclosure of Interest:</b>	Nil
<b>Date:</b>	17 October 2023
<b>Author:</b>	Robert Hicks, Deputy Chief Executive Officer

**SUMMARY**

For Council to accept Western Australian Local Government Association's (WALGA) invitation to register as a RoadWise Council.

**BACKGROUND**

WALGA is the peak industry body for Local Governments in WA and represents Local Governments on the Road Safety Council.

It assists Local Government by developing policy positions and advocating on a range of road and transport related issues.

WALGA's RoadWise receives funding from the Road Trauma Trust Account (RTTA), operated by the Road Safety Commission and approved by the Minister, and through the State Road Funds to Local Government Agreement.

Therefore WALGA, RoadWise is uniquely placed to:

- engage Local Governments in strategic and sustainable initiatives to ingrain or mainstream the safe system approach,
- inform, facilitate and mobilise community action for road safety, and
- foster and support collaborative partnerships to improve road safety in metropolitan, rural and remote communities across the state.

Through the support of a team of road safety advisors, policy and project officers, WALGA's RoadWise has a well-established network of more than 6,000 individuals and 63 local road safety committees, spread across the 11 regions of the state. This includes direct regular contact and positive working relationships with Local Governments, government agencies and non-government organisations as well as local business and community groups.

Correspondence has been received from WALGA inviting the Shire to register as a RoadWise Council.

The new RoadWise Councils Framework informs the approach WALGA's road safety team takes in supporting local governments in working towards delivering best practice road safety. The Framework considers the elements which determine the level of safety of the road transport system within the context of local governments.

Not all local governments have been invited to register. Initially 76 local governments have been invited to ensure that the support offered is not diluted. As support through the RoadWise Council program is available to a limited number of local governments, there is a requirement to formalise the relationship. The invitation can be accepted by Council resolution providing a commitment to road safety.

**COMMENT**

The benefits for Local Governments that register as RoadWise Councils include:

- use of the RoadWise logo,
- priority access to WALGA's road safety services and products,
- exclusive quarterly meetings and support from a Road Safety Advisor,
- priority access to participate in WALGA's road safety policy development, training, professional development forums and knowledge-sharing workshops offered by WALGA,
- access to incentives and sponsored programs, and
- participation in the new RoadWise Recognised initiative.

**CONSULTATION**

Western Australian Local Government Association (WALGA)

**STATUTORY ENVIRONMENT**

Local Government Act 1995

**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**

Collaborating with stakeholders to develop and expand community safety initiatives

**ATTACHMENTS**

1. WALGA RoadWise Invitation letter
2. WALGA RoadWise registration form

**VOTING REQUIREMENT**

Simple majority

**OFFICER RECOMMENDATION**

**That Council ACCEPT Western Australian Local Government Association's (WALGA) invitation to register as a RoadWise Council.**

**12.2.3 RESERVE EXPANSION - KAMBALDA AIRPORT - RESERVE 49358, LOT 301 ON DEPOSITED PLAN 43054**

**Location:** Reserve R49358 Kambalda Airport  
**Applicant:** N/A  
**Disclosure of Interest:** Nil  
**Date:** 23 March 2023  
**Author:** Francesca LeFante, Town Planning Consultant

**SUMMARY**

To support the actions for pursue the Expansion of Reserve R49358 being Lot 300 & 301 on Deposited Plan 43054 on adjoining land being Unallocated Crown Land.

Reserve R49358 is vested in the Shire of Coolgardie for the purpose of "Airport" and includes the power to lease.

**BACKGROUND**

The site comprises:

- Lots 300 & 301 Kambalda airport and runway and terminal building.
- Lot 302 – Access Road to airport

The site is zone zoned public purpose under Local Planning Scheme No 5.

In February 2019 the reserve classification for the purposes of Aerial Landing Ground and Access with a management order in favour of the Shire of Coolgardie.

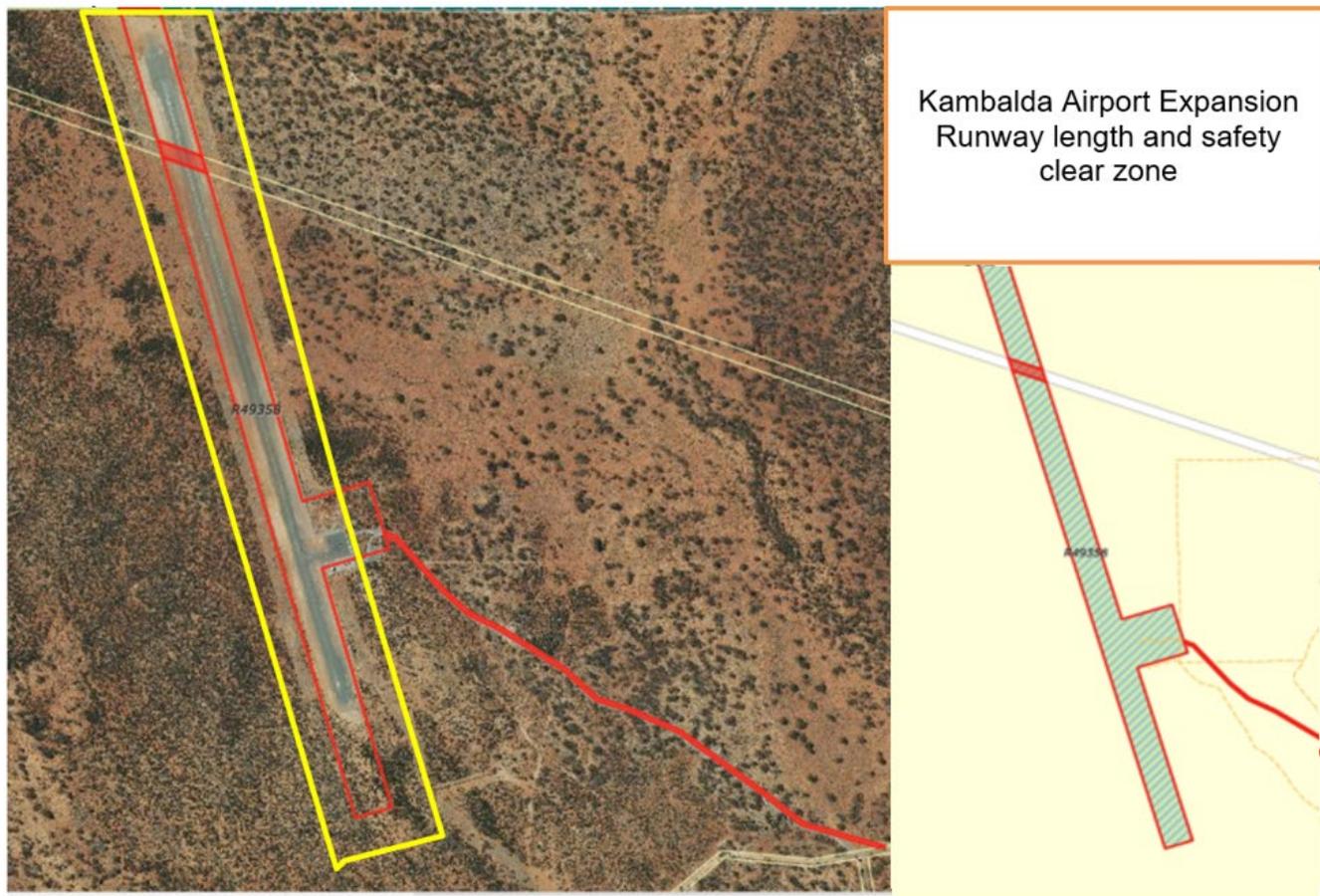
**COMMENT**

The proposed Reserve expansion is to:

- facilitate increases in runway length to accommodate planes landing and provide sufficient taxi way, and associated aircraft movement.
- To enable instrument landing equipment to facilitate reliable and safe aircraft landing under various conditions.

Mining companies using the airport from time to time find that under certain conditions, including low light or cloud cover, they are unable to use the airport, which creates issues of reliability and consistency with the airport use and mining operations.

The Shire has sought advice on the requirements, specifications and equipment to address the above concerns. Shire officers are developing specifications for airport improvement including widening and lengthening runway, installation of navigation guidance instrumentation, licencing and communication. This would require expansion of the airport runway zone to a width of 400m and length of 2,600m, which will include the safe aircraft zone which is required to be maintained free from any structure/vegetation and other encumbrances.



Given the statutory process and timeframes, this action is being initiated early and will require surveying, liaisons with aircraft operations and regulators.

This approach will facilitate timely upgrades and improvements to the airport infrastructure to the benefit of the community which includes mining ratepayers and to increase the opportunities for development within the townsite.

#### Options

Council have the following options:

- Option 1: Support the request for reserve expansion.
- Option 2: - Decline to pursue actions.

#### **CONSULTATION**

Department of Planning, Lands and Heritage

#### **STATUTORY ENVIRONMENT**

Local Government Act 3.54 Reserves under control of a Local Government

Land Administration Act 1997

#### **POLICY IMPLICATIONS**

Nil

**FINANCIAL IMPLICATIONS**

Nil

**STRATEGIC IMPLICATIONS****A thriving local economy**

Encouraging and attracting new investment and advocating for local employment

**Accountable and effective leaders**

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

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

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

Facilitating urban and rural planning and development

**ATTACHMENTS**

Nil

**VOTING REQUIREMENT**

Simple majority

**OFFICER RECOMMENDATION**

That Council

1. **SUPPORTS** the request and initiation action to pursue expansion of Reserve R49358 being Lot 300 & 301 on Deposited Plan 43054 on adjoining land being Unallocated Crown Land.
2. **SUPPORTS** the preparation of survey plans and associated documents for the proposed expanded Reserve.

**12.2.4 OVERSIZED OUTBUILDING - SIZE AND HEIGHT**

**Location:** Lot 279 No 43 New Clayton Street, Kambalda East  
**Applicant:** Paul Wilcox  
**Disclosure of Interest:** Nil  
**Date:** 19 October 2023  
**Author:** Francesca LeFante, Town Planning Consultant

**SUMMARY**

The Shire has received an application for an outbuilding (shed) of 130 sqm being 10 x 13m. Variations are sought for size and height under the R-Code Design Principles. This proposal will replace existing outbuildings and is located to the rear of the site.



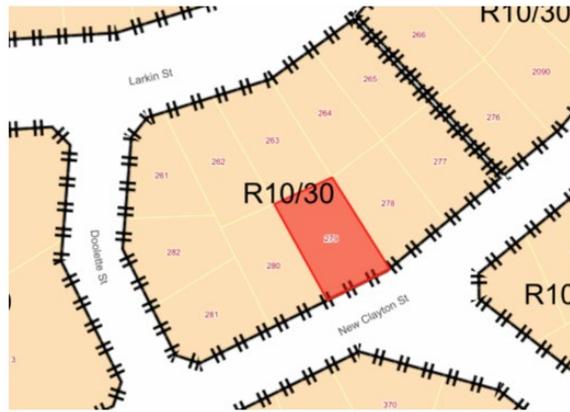
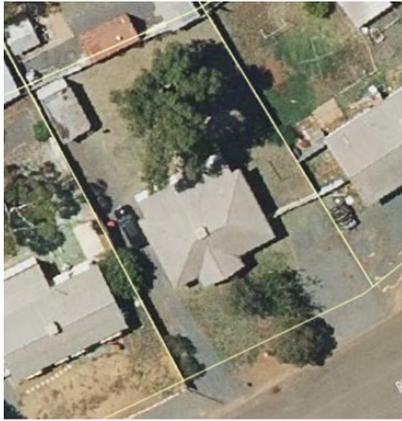
In support of the size the applicant has advised: -

- Removal of old shed and construction of new shed utilising old, shed slab as hard stand/covered carport.
- Existing shed does not provide sufficient space or protection from the weather to house motor vehicles and other household items. Owner enjoys working on cars and motorcycles as a hobby and requires a suitable structure to conduct these activities.
- The existing shed is setback 0.5m from the boundary.

The plan and supporting material are contained in **Attachment 1 & 2**.

**BACKGROUND**

The subject site is zoned Residential R10/30 under Local Planning Scheme No 5 and has an area of 811 square metres.



On 09 September 2023 – the applicant provided further information and the structure on the adjoining sites to the rear and side boundary as shown in **Attachment 3** and includes: -

- Existing shed is located approximately 500mm (0.5m) from the boundary fencing, the applicant is seeking to located the proposed new larger shed at the same setback.
- Side boundary – The existing shed is approximately 6m long and will be replaced with the open carport lean part of the new structure 10m in length.
- Rear boundary – property to the rear includes existing shed and sea container along the property boundary.

On 15 September 2023 the applicant provided copies of letters sent to the neighbouring properties seeking comments. No comments have received at the time of.

**COMMENT**

The subject is zoned Residential R10/30 and adjoins residential properties at the rear and side of the site. Under the Residential Design Codes where proposals do not meet the deemed to comply provisions the Council is required to exercise judgement to determine the proposal.

Openings of the shed will be along the edge labelled.

- A. Orientated towards the existing house with 1x open carport/lean-to and 3x roller doors & personal access door along edge.
- B. No openings.
- C. Access from the carport and a small window.
- D. Side wall – no access.



Council determination is required as the proposal outbuilding exceeds the deemed to comply provisions of the Clause 5.4.3 – Residential Design Codes development standards as detailed below.

Standard	Requirement	Proposal	Variance
Area	60 sqm	130 sqm	70sqm
Height <ul style="list-style-type: none"> <li>• Wall</li> <li>• Roof (ridge)</li> </ul>	2.4 m 4.2 m	4.2 m 4.82m	2.0 m 0.62m
Front (Streetscape) setback	6.0 m	Behind dwelling	Complies
Setbacks <ul style="list-style-type: none"> <li>• Side (western) – 10m</li> <li>• Rear (northern) - 13m</li> </ul>	1.5 m 1.5 m	0.5 m 0.5 m	1.0m 1.0m

In relation to outbuildings (sheds) the design principle provides the following guidance when considering variations:

“Outbuilding’s that do not detract from the streetscape or the visual amenity of residentials or neighbouring properties.



The proposed outbuilding replaces existing smaller buildings that are located 0.5m from the side and rear boundary. As shown on the plan above.

The applicant is seeking to locate the proposed new larger shed at a similar setback to the existing smaller shed of 0.5m, which will require a variation from the above deemed to comply standards, the following comments are provided: -

- Side boundary – The proposed reduced side setback to the open carport/lean – is considered to have minimal impact due on the adjoining site.
- Rear boundary – The proposed reduced rear setback to the shed is considered property to the rear includes existing shed and sea container along the property boundary.

The proposed shed will required compliance with the Building Code of Australia (BCA) including fire wall materials and treatments relating to a reduced boundary setback. A condition of the approval includes requirement to submit a building permit, survey details confirming the boundary setback and associated fire separation compliance and treatments.

The proposal scale and setback variation are acceptable and is not considered to not adversely impact the adjoining residential property given the existing outbuildings. There is no impact on the streetscape.

The proposed outbuilding is considered to meet the design considerations of the R-Codes. The setback and height variations are appropriate in the context and character of the adjoining sites and existing structures. This approval is subject to conditions relating to the reduced setback and building permit including: -

- Details of the materials and finishes of the building walls in compliance with BCA fire rating provision.
- Site survey showing the outbuilding setback variation to 500mm consistent with this approval.

The following options are available to the council: -

Option 1: Approve the proposed outbuilding, subject to conditions.

Option 2: Refuse the proposal. The reasons for the refusal are to be provided.

It is recommended that the proposal be approved subject to relevant planning conditions.

## **CONSULTATION**

Nil

## **STATUTORY ENVIRONMENT**

Local Planning Scheme

Planning and Development Act and Regulations

Deemed Provisions

## **POLICY IMPLICATIONS**

Nil

## **FINANCIAL IMPLICATIONS**

Nil

## **STRATEGIC IMPLICATIONS**

### **A thriving local economy**

Encouraging the development of local business education and support

Supporting local businesses in the Shire

### **Accountable and effective leaders**

Developing strong partnerships with stakeholders for the benefit of our community

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

## **ATTACHMENTS**

1. **Covering Letter**
2. **Floor Plans and Elevations**
3. **Plans and Photos**

## **VOTING REQUIREMENT**

Simple majority

**OFFICER RECOMMENDATION**

That Council APPROVE the Outbuilding PA23-16 as shown on plans at Lot 279 No 43 New Clayton Street, Kambalda East as shown in the approved plans and subject to the following: -

**Conditions:**

1. This decision constitutes planning approval only and is valid for a period of 2 years from the date of approval. If the subject development is not substantially commenced within the specified period, the approval shall lapse and be of no further effect.
2. All development must be carried out in accordance with the approved plans as attached.
3. Building permit being obtained prior to the commencement of development including details to the Shires satisfaction of: -
  - a) Site survey showing boundary setback a minimum 500mm from the boundary; and
  - b) Details of fire rating of building material and treatments relative to the boundary setback.
4. The outbuilding shall not be used for human habitation, commercial or industrial purposes.
5. All stormwater generated by the development must be contained and disposed of on-site to the satisfaction of the Shire of Coolgardie.

**Advice Notes**

1. This Determination Notice is not a Building Permit or Health Approval, nor authorise such works. All separate applications and approvals must be obtained prior to the commencements of construction on site, whichever occurs first.
2. No building or construction activities shall be carried out before 7:00am or after 7:00pm, Monday to Saturday, and not at all on Sunday or Public Holidays.
3. Should the applicant be aggrieved by the decision, or any condition imposed, then an appeal should be lodged either with the State Administrative Tribunal within 28 days of the date of this decision.

### 12.2.5 OFFICE & STORAGE & WORKER ACCOMMODATION - 2-4 NAPIER STREET AND 8 DOYLE STREET WIDGIEMOOLTHA

**Location:** Lot 115 & 116 Nos 2-4 Napier Street, & Lot 118 No 8 Doyle Street, Widgiemooltha

**Applicant:** Torque Metals

**Disclosure of Interest:** Nil

**Date:** 23 October 2023

**Author:** Francesca LeFante, Town Planning Consultant

#### SUMMARY

The Shire has received an application for workers accommodation, office and storage comprises: -

- Install 1 x 40-foot and 3 x 20-foot custom-built accommodation units, which are to accommodate 4-6 Torque personnel and contractors.
- The existing large shed located at 4 Napier Street (marked as Shed A on the plan) and will be used to store samples and exploration consumables such as core trays, chip trays, sample bags, wooden pickets etc.
- The proposed works include connecting the accommodation units to existing septic tank/s & leach drain/s as well as metred scheme water located at 8 Doyle Street, and power from a private generator on site.
- Access to the site is via Doyle and Napier Street, Widgiemooltha.

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

- *The project site is located on 2-4 Napier Street with minor ancillary services such as connection to scheme water, storage of consumables and housing a generator in existing sheds at 8 Doyle Street.*
- *This application is to install custom made demountable units to accommodate 4-6 Torque Metals Ltd. personnel and contractors. The proposed works include connecting the accommodation units to existing septic tank/s and leach drain/s as well as metered scheme water located at 8 Doyle Street, and power from a private generator on site.*

The applicants report and plans in support of the proposal are contained in **Attachment 1**.

#### BACKGROUND

The subject sit is located with the Widgiemooltha Rural Townsite.

In July 2023, Council approved the same use on Lot No 54 Kingswood Street, Widgiemooltha. The proximity of the site is shown in *Figure 1*.

This proposal is no longer being pursued as Torque Metals has recently purchased two titled properties at 8 Doyle Street and 2-4 Napier Street, Widgiemooltha, as a permanent solution, and as such are pursuing this site rather than the Kingswood Street site.



Figure 1 - Current and previous site

The subject sites contain various structures, as shown in Figure 2. The surrounding sites include residential and mining activities.



Figure 2 - Site development overlay

## Public Advertising

The site is zoned Rural Townsite under Local Planning Scheme No 5. The field office and accommodation of the proposed Workforce Accommodation is classified as an A use.

Public advertising of the proposal in accordance with Clause 64 of the Deemed Provisions of the Planning and Development Regulations (Local Planning Schemes) Regulations 2015 was undertaken on the same application in June 2003, when the applicant was purposing an option on a different site.

Clause 34 provides the Council the authority to vary site and development requirements having regard to Clause 67 of the deemed provisions.

Given the proximity of the proposed site, similarities of the two proposals scale and use, and recent advertising process (within 4 months), approval is sought to vary this aspect.

The matters raised during the previous advertising period have been included into the assessment and consideration of this superseded proposal. The previous submission raised no objections to the proposal and made the following comments: -

- *Dongas on 85 and 86 Kingswood Street in mid 80's removed once job finished.*
- *Widgie Cabins – Council approved.*
- *Dongas neutral colour to blend in with adjacent houses.*
- *Does to be removed once proposed is finished.*

## COMMENT

### Zoning and Land Use Permissibility

The site is zoned Rural Townsite under Local Planning Scheme No 5 as shown on Figure 3. The office, storage and accommodation are classified as: -

- Office and Storage uses are classified as a D use which means that “*the use is not permitted unless the local government has exercised its discretion by granting development approval;*”
- Workforce Accommodation is classified as an A use which means that – “*the use is not permitted unless the local government has exercised its discretion by granting development approval after giving notice in accordance with clause 64 of the deemed provisions*”.



Figure 3 - Site zoning

Further advertising of this proposal was not considered necessary due to the proximity of the subject site, and previous proposal, the consistency of development use, form and scale, timeframe of recent advertising process less than 4 months ago and inclusion of the previous comments on the assessment and consideration of this application, and accordingly approval is sought under Clause 34 to vary this aspect.

#### Local Planning Strategy

The Shire’s Local Planning Strategy was endorsed by WAPC in October 2016. Under the Strategy supports workers accommodation in the Rural Townsite. This proposal is considered consistent with the Shire’s Local Planning Strategy.

#### Scheme Provisions

The objectives of the Rural Townsite zone are to: -

- To provide for a range of land uses that would typically be found in a small country town.

The existing buildings on Doyle Street are proposed to be repurposed for storage. The development is proposed to occur in stages as follows: -

- Stage 1 - Involves the dismantling, temporary relocation, and eventual removal of all the cottages from 2-4 Napier St. to 8 Doyle St. These cottages will be gifted to deserving societies or will be sold.
- Stage 2 - Installation of 3 x 20-foot and 1 x 40-foot custom-built accommodation units on 2-4 Napier St. with a capacity to accommodate up to 6 persons.
- Stage 3 - Connecting accommodation to essential services such as power, water and sewage. The services includes use of diesel generator and metered water supply from 8 Doyle St, and the septic system (tank and leach drains).

The site plan below (Figure 4) shows the location of the building on the site, vehicles access is via Doyle Street.

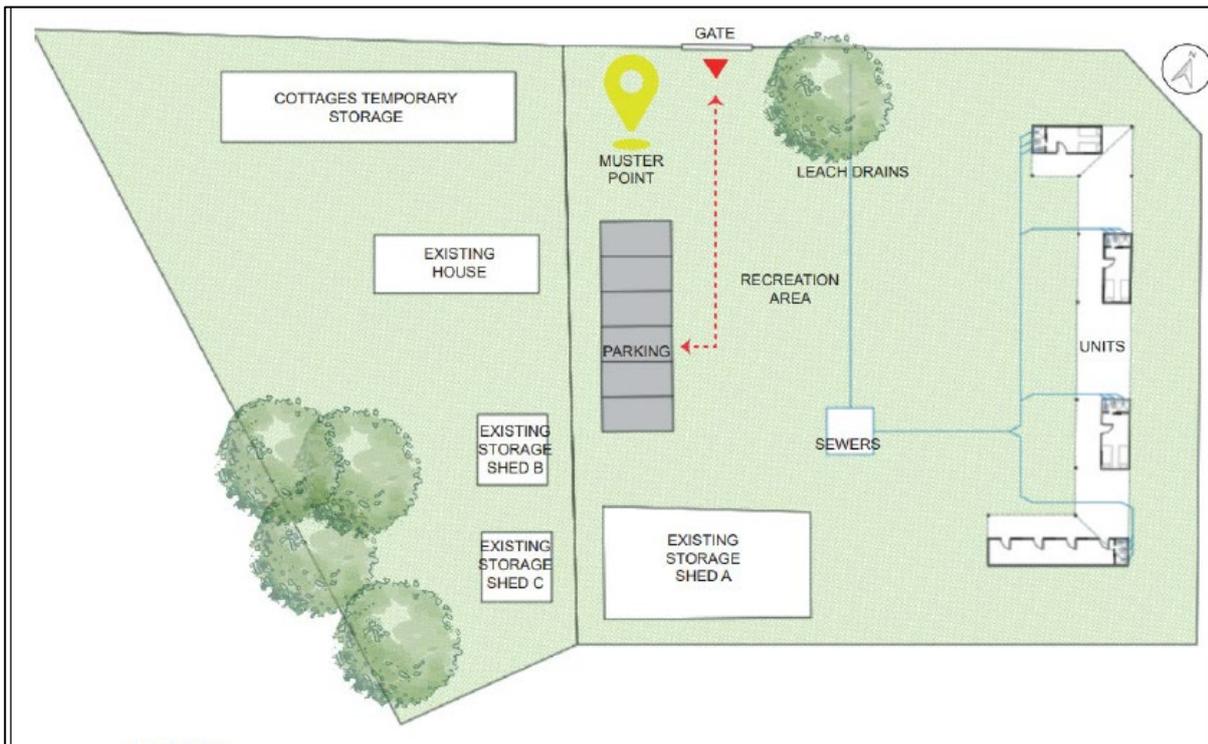


Figure 4 - Site Layout

The proposal has been assessed against the scheme and development standards that apply. The site and development requirements for land in various zones are to be as set out in Schedule 2, it is noted that there are no specified standards within the Rural Townsite zone. The proposal includes setbacks, parking and access, design and streetscape are subject to the discretion of the Council.

Under Clause 32(1)(9) workforce accommodation outside Special Use zones is required to provide the following:

- a) *be accompanied by information and plans indicating, to the local government’s satisfaction, how the development and use contributes to the amenity of the townsite.*
- b) *temporary structures to provide workforce accommodation shall be accompanied by information and plans, to the local government’s satisfaction, indicating how and when the development will be removed, and the site rehabilitated.*

The applicant has provided a report outline the proposal design, site layout and rehabilitation post exploration. **(Refer Attachment 1).**

Built For and Design

The workforce is required to install the demountable buildings, connect the generator to pre-wired units and install the septic system, with on-site accommodation for up to 6 people.

The site plan and elevation (**Attachment 2**) shows the structures as being new transportable buildings located 5 metres from the street boundary with verandah located on concrete foundation. The external façade appearance is painted in a light colour with skillion roof. Each room includes separate amenities. The proposal responds to the local climate and site conditions, by the use of continuous roof for sheltered and connecting buildings and retention of existing trees as shown in *Figure 5*.



Figure 5 – Perspective

The scale and configuration of the use, which is for up to 6 residents, is similar scale in terms of intensity and amenity to a residential dwelling.

The design has incorporated the matters raised in previous (June 2023) consultation process for the exterior to be finished in a neutral colour, these aspects are addressed as part of proposed conditions.

#### Proximity and impact on other Land Uses

The site adjoins residential and crown land which are also zoned Rural Townsite. The proposal incorporates reuse of existing buildings and structures. The applicant proposed to use the existing two sheds for storing exploration consumables and the generator. The house requires substantial renovation and refurbishment for residential use and will be barricaded and isolated in the interim.

The field office and the accommodation are considered low scale, given the limited number of beds and site configuration. The design and streetscape treatments are appropriate in the context and character of the surrounding existing area.

#### Parking, Traffic, and Access

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

- Vehicle access is proposed from Doyle Street.
- Dedicated parking is provided for 6 vehicles to the accommodation units and storage shed.

The Shire has previously accepted that occupants at the Workforce Accommodation Camps move to and from the site shared transport. The on-site parking reflects the scale of the proposal and mix of uses.

#### Site Services

In Widgiemooltha the services are predominantly onsite services due to its location from larger townsites and cost of delivering reticulated services to a limited number of sites..

- Sewerage is provided by on-site systems approved by the Shire and Health Department.
- Water provided by Water Corporation
- Electricity by generator.

The application will be responsible for providing and obtaining the relevant statutory approvals, at their costs all necessary serving connections. These aspects will require design approval during Building Permit stage.

### Options

The following options are Council available: -

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

### Summary

The proposed office, storage and accommodation uses are discretionary in a Rural Townsite Zone. Further advertising of this proposal is not considered necessary due to the proximity of the subject site, and previous proposal, the consistency of development use, form and scale, timeframe of recent advertising process being less than 4 months ago and inclusion of the previous comments on the assessment and consideration of this application, and accordingly approval is sought under Clause 34 to vary this aspect.

The development is a small complex and designed in accordance with the scheme provisions and incorporates reuse of existing structures. The exterior material is painted and includes verandahs with skillion roof, to enhance the site.

It is recommended that the proposal be approved subject to relevant planning conditions.

## **CONSULTATION**

Internal officers

## **STATUTORY ENVIRONMENT**

Local Planning Scheme

Planning and Development Act and Regulations

Deemed Provisions

## **POLICY IMPLICATIONS**

Nil

## **FINANCIAL IMPLICATIONS**

Nil

## **STRATEGIC IMPLICATIONS**

### **A thriving local economy**

Encouraging the development of local business education and support

Supporting local businesses in the Shire

### **Accountable and effective leaders**

Developing strong partnerships with stakeholders for the benefit of our community

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

**ATTACHMENTS**

1. Applicants Proposal
2. Site and Floor Plans

**VOTING REQUIREMENT**

Simple majority

**OFFICER RECOMMENDATION**

That Council APPROVES the Office, storage and workforce accommodation (for up to 6 Beds) PA23-20 as submitted by Torque Metals and as shown on the accompanying plans at Lot 115 & 116 Nos 2 and 4 Napier Street & Lot 118 No 8 Doyle Street, Widgiemooltha subject to the following: -

**Conditions:**

1. This decision constitutes planning approval only and is valid for a period of 4 years from the date of approval. If the subject development is not substantially commenced within the specified period, the approval shall lapse and be of no further effect.
2. Development shall be in accordance with the attached approved plans and subject to any modifications required as a consequence of any condition(s) of this approval.
3. The exterior design and material of the proposed transportable buildings and roofing to be painted to the satisfaction of the Shire
4. Prior to commencement of any works a Materials and Finishes schedule, including all buildings, structures and fencing to be provided to the Shire of Coolgardie for approval.
5. Prior to the commencement of any works, a Construction Management Plan shall be prepared by a suitably qualified person and submitted to the local government for approval. This plan is to detail how construction will be managed to minimise disruption in the area and shall include:
  - a. Construction times;
  - b. Arrangements for the delivery of materials and equipment to the site, including delivery times;
  - c. Storage of materials and equipment on site;
  - d. Mitigation of wind and/or water borne erosion and sedimentation during and after the works;
  - e. Traffic management, and
  - f. Any other matters likely to impact on the surrounding properties
6. Prior to occupation a Noise management plan is prepared, and any mitigation measures identified to be implemented.
7. Prior to occupation or use of the development, the crossover/s and the verge and kerb reinstated to the specification and satisfaction of the Shire of Coolgardie.

**Advice Notes**

1. This Determination Notice is not a Building Permit or Health Approval, nor authorise such works. All separate applications and approvals must be obtained prior to the commencement of construction on site, whichever occurs first.
2. No building or construction activities shall be carried out before 7.00am or after 7.00pm, Monday to Saturday, and not at all on Sunday or Public Holidays.
3. With regard to condition 3- consideration be given to a neutral exterior colour and finish.

4. Should the applicant be aggrieved by the decision, or any condition imposed, then an appeal should be lodged either with the State Administrative Tribunal within 28 days of the date of this decision.

**12.2.6 GOVERNMENT REGIONAL OFFICERS HOUSING - LEASE ARRANGEMENTS**

**Location:** Lot No 11 Goodenia Court, Coolgardie  
**Applicant:** Government Regional Officers Housing (GROH)  
**Disclosure of Interest:** Nil  
**Date:** 25 October 2023  
**Author:** Francesca LeFante, Town Planning Consultant

**SUMMARY**

To: -

- Advise Council of the outcome of the actions with GROH (Government Regional Office actions)
- Endorse the CEO signing of the lease agreement

**BACKGROUND**

The Shire's Local Planning Strategy supports residential expansion within the townsites. The selected site is suitability located to accommodate the development of residential uses. The lack of suitable rental stock is having a strong negative effect on worker attraction and retention.

Council at its meeting on 25 October 2023 (Item 12.1.5) resolved with regard to Lot 1230 11 Goodenia Court Kambalda, the following: -

1. SUPPORTS IN PRINCIPLE the development of residential housing on Lot 1230, 11 Goodenia Court, Kambalda
2. NOTES that on finalisation of the detailed designs and site plans formal planning applications will be assessed in accordance with the Local Planning Scheme No 5 and determined in accordance with the Shire's Delegated Authority provisions.
3. SUPPORTS the borrowing of \$1,000,000 to finance the development.
4. AUTHORISE the CEO to negotiate financing terms with the Commonwealth Bank of Australia
5. IN ACCORDANCE with section 6.20(2)(a) statewide advertising of at least one month is given of the intention to borrow \$1,000,000 for the purpose of the development of residential housing on Lot 1230, 11 Goodenia Court, Kambalda West

**COMMENT**

Since the October 2022 Council resolution, Shire officers have continue to liaise with GROH to ensure the design meets their requirements and establishing suitable long-term leasing and rental arrangements, that will provide a financial return to the Shire.

The proposed dwellings designs have been finalised to meet GROH Housing requirements (**Attachment 1**).

There are 2 separate agreements that relate to this project with GROH which provide certainty to both agencies as follows: -

1. Initial – Offer to Lease Property under Construction Agreement (signed by both Shire and GROH) ensures that Shire expenditure on this housing project is linked to a firm agreement.  
This arrangement includes: -
  - a) Agreement on housing design, details and finished (including the following minor changes), and

- b) Commitment to lease the housing, terms and timeframe, (ie 10 years) and rental amounts and associated terms.

2. Residential Tenancy Lease agreements when houses are completed.

On 12 October 2023, the Shire has received the first of the above documents from GROH comprising the "Offer to Lease" the proposed units on 11 Goodenia Court, comprising: -

1. Term – 10 years
2. Rental amounts – per week per dwelling
3. The offer is subject to and conditional upon: -
  - a) The Premises being constructed in strict accordance with the Build Conditions at Item 1A; and
  - b) The Housing Authority obtaining all necessary internal approvals required to lease the Premises from you (the Approvals).

Council Delegation Register Policy 1.2.17 & 1.2.18 provides details of delegated authority powers to the CEO associated with contracts. The Shire had 14 days to accept this Offer, sign and return the documents to the Housing Authority. If the Shire does not accept the Offer within the period set out above, the Offer will lapse.

The document provides certainty for residential agreements terms and rental amounts, prior to the Shire commencing off-site fabrication of the dwellings and project expenditure.

Due to the timeframes for acceptance and signing of the offer and Council agenda and meeting schedules, the Shire CEO signed the document with Council endorsement at the first available meeting.

## **CONSULTATION**

Internal Officers

## **STATUTORY ENVIRONMENT**

Local Planning Scheme

Planning and Development Act and Regulations

Deemed Provisions

## **POLICY IMPLICATIONS**

Nil

## **FINANCIAL IMPLICATIONS**

Nil

## **STRATEGIC IMPLICATIONS**

### **A thriving local economy**

Encouraging the development of local business education and support

Supporting local businesses in the Shire

### **Accountable and effective leaders**

Developing strong partnerships with stakeholders for the benefit of our community

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

**ATTACHMENTS**

1. Site Plan
2. Offer To Lease - Confidential

**VOTING REQUIREMENT**

Simple majority

**OFFICER RECOMMENDATION**

That Council: -

1. **RECEIVES** the Status Report on development of residential housing on Lot 1230, 11 Goodenia Court, Kambalda West.
2. **ENDORSE** the actions of the CEO to sign the Offer to Lease Agreement between the Shire of Coolgardie and Government Regional Officers' Housing for the provisions of three (3) dwelling to the standards and design as specified on Lot 1230, 11 Goodenia Court, Kambalda West.

**12.2.7 PROPOSAL TO REFINANCE BORROWINGS**

**Location:** Shire of Coolgardie  
**Applicant:** Shire of Coolgardie  
**Disclosure of Interest:** Nil  
**Date:** 25 October 2023  
**Author:** Martin Whitely, Consultant

**SUMMARY**

The purpose of this report is to make a recommendation to Council to refinance the Shire's existing loans from the Australian and New Zealand Banking Group Limited ("ANZ") to the Commonwealth Bank of Australia ("CBA").

**BACKGROUND**

Historically all lending for the Shire had gone through the Western Australia Treasury Corporation ('WATC').

In December 2021, the Shire entered into an agreement with the ANZ to borrow up to \$10m.

At the commencement of the 2021/22 financial year the Shire had 4 loans with the WATC.

In April 2022 Council agreed to refinance all borrowings with WATC through the Commonwealth Bank of Australia.

Since then, the Shire has sourced several other loans with CBA.

Currently the Shire has an existing facility limit in place with ANZ of \$11.05m.

There are 3 separate loans in place with ANZ. All loans are variable with a loan term of 5 years and the current interest rate on average for all loans is 5.44%

Indicative rates for CBA refinancing are 5.94% fixed for a 5 year term.

**COMMENT**

Total interest payable refinancing with CBA based on the indicative rates of 5.94% fixed for 5 years is \$1,802,613.

It is a little difficult to provide a refinancing comparative as the existing ANZ loan facilities are all variable and the proposed loan facility with CBA is fixed. Below are some indicative comparatives of the interest payable based on variable interest rates over the course of the next 5 years;

1. Remaining the same
2. Falling by 0.5%
3. Increasing by 0.5%, 1%, 1.5% & 2%

Interest Rate	CBA	ANZ	Difference
5.44%	\$1,802,613	\$1,644,746	(\$157,867)
5.94%	\$1,802,613	\$1,802,613	\$0

6.44%	\$1,802,613	\$1,961,592	\$158,979
6.94%	\$1,802,613	\$2,121,681	\$319,068
7.44%	\$1,802,613	\$2,282,875	\$480,262

Under section 20 of the Local Government (Financial Management) Regulations 1996 a local government is not required to give local public notice except where the re-financing or continuation is a major variation.

Section 20(2)(b) of the Regulations deems there to be a major variation when there is an increase in the term of the loan.

In this instance the last of the loans with the ANZ credit facility will be repaid in May 2028.

It would be necessary to advertise publicly since the proposed loan term of 5 years with CBA will differ to the ANZ loan terms since principal repayments have already been made within the current 5 year loan period.

At least one month's public notice would be required.

## CONSULTATION

James Trail, Chief Executive Officer

Anita Nathan, Director Corporate Affairs - Chief Financial Officer

Corina Morgan, Senior Finance Officer

Tanya Morris, Commonwealth Bank of Australia

## STATUTORY ENVIRONMENT

### Local Government Act 1995

#### 6.8. Expenditure from municipal fund not included in annual budget

- (1) A local government is not to incur expenditure from its municipal fund for an additional purpose except where the expenditure —
- (a) is incurred in a financial year before the adoption of the annual budget by the local government; or
  - (b) is authorised in advance by resolution\*; or
  - (c) is authorised in advance by the mayor or president in an emergency.

*\* Absolute majority required.*

#### 6.20. Power to borrow

- (1) Subject to this Act, a local government may —
- (a) borrow or re-borrow money; or
  - (b) obtain credit; or
  - (c) arrange for financial accommodation to be extended to the local government in ways additional to or other than borrowing money or obtaining credit,

to enable the local government to perform the functions and exercise the powers conferred on it under this Act or any other written law.

- (2) Where, in any financial year, a local government proposes to exercise a power under subsection (1) (**power to borrow**) and details of that proposal have not been included in the annual budget for that financial year —
  - (a) unless the proposal is of a prescribed kind, the local government must give one month's local public notice of the proposal; and
  - (b) the resolution to exercise that power is to be by absolute majority.

#### 6.21. Restrictions on borrowing

- (1) Where, under section 6.20(1), a regional local government borrows money, obtains credit or arranges for financial accommodation to be extended to the regional local government that money, credit or financial accommodation is to be secured only —
  - (a) by the regional local government giving security over the financial contributions of the participants to the regional local government's funds as set out or provided for in the establishment agreement for the regional local government; or
  - (b) by the regional local government giving security over Government grants which were not given to the regional local government for a specific purpose; or
  - (c) by a participant giving security over its general funds to the extent agreed by the participant.
- (1a) Despite subsection (1)(a) and (c), security cannot be given over —
  - (a) the financial contributions of a particular participant to the regional local government's funds; or
  - (b) the general funds of a particular participant,

if the participant is not a party to the activity or transaction for which the money is to be borrowed by, the credit is to be obtained for, or the financial accommodation is to be extended to, the regional local government.
- (2) Where, under section 6.20(1), a local government borrows money, obtains credit or arranges for financial accommodation to be extended to the local government that money, credit or financial accommodation is only to be secured by giving security over the general funds of the local government.
- (3) The Treasurer or a person authorised in that behalf by the Treasurer may give a direction in writing to a local government with respect to the exercise of its power under section 6.20(1) either generally or in relation to a particular proposed borrowing and the local government is to give effect to any such direction.
- (4) In this section and in section 6.23 —

**general funds** means the revenue or income from —

  - (a) general rates; and
  - (b) Government grants which were not given to the local government for a specific purpose; and
  - (c) such other sources as are prescribed.

#### Local Government (Financial Management) Regulations 1996

#### 20. When local public notice not required for exercise of power to borrow (Act s. 6.20(2)(a))

- (1) A local government is not required to give local public notice of a proposal to exercise a power to borrow when the power is to be exercised to re-finance a loan or to continue other financial

accommodation (whether with the same or another bank or financial institution) except where the re-financing or continuation is a major variation.

(2) In this regulation —

**major variation** means a variation in the terms of a loan or other financial accommodation which is —

- (a) a capitalisation of interest accruals; or
- (b) an increase in the term of the loan or other financial accommodation;

**re-finance** in relation to a loan or other financial accommodation (the **existing loan**), means to borrow an amount (the **new loan**) which is, at the date of the new loan —

- (a) equal to the principal amount owing on the existing loan; or
- (b) not more than \$5 000 more or less than the principal amount owing on the existing loan,

for the principal purpose of paying out the existing loan or preserving the credit originally provided by the existing loan.

## 21. When local public notice not required for change of use of borrowed money (Act s. 6.20(4)(b))

A local government is not required to give local public notice of a proposed change of use of money borrowed where the amount to be used for a purpose other than the purpose for which it was borrowed —

- (a) does not exceed \$5 000 in a financial year; or
- (b) where the money proposed to be borrowed by the local government is to be used to meet expenditure authorised by the mayor or president under section 6.8(1)(c).

## POLICY IMPLICATIONS

**Policy Number 2.9 Loans**

Legislative Reference:

Relates to: Delegation NA

Sub Delegation NA

Policy Objective:

This policy provides guidelines in respect of the utilisation of loan facilities to fund the acquisition, construction or renewal of assets. Recognition of this policy will ensure that a consistent methodology is adopted when considering loans as a potential funding source

Policy Scope:

As part of its strategic planning and Long Term Financial Planning processes, the Council will consider how significant projects are to be funded.

The use of loan facilities may be an appropriate, or even a preferred option, in respect of specific capital projects. However, in order to ensure that financial prudence is demonstrated when deliberating the utilisation of loan facilities in preference to other funding options, consideration of the guidelines as detailed in this policy must form part of any associated decision making process.

Policy Statement

The Council is committed to demonstrating financial responsibility in its utilisation of loan facilities to fund specific capital projects. It is also acknowledged that the funding of identified projects via loan facilities

can assist in addressing intergenerational equity issues.

Additionally, any proposal to utilise loan facilities as a funding source should always be considered against several predetermined criteria. This policy provides an overview of the associated criteria to be considered as part of any decision making process to utilise loan facilities.

### Self Supporting Loans

The policy content does not apply to self-supporting loan facilities as the purpose of such facilities is distinct from the Shire's own funding requirements - see Policy 61.

### Guidelines

The following guidelines are to be considered as part of any proposal to utilise loan facilities:

- Loans are not to be utilised to fund operating expenditure
- Loans are not to be utilised to fund capital expenditure of a recurrent nature (e.g. road resurfacing and associated works or plant replacement unless funding becomes available via Federal / State or other additional grants that enables the Shire to bridge gaps in Asset Management Plans that could maximise leveraging opportunities.
- A demonstrable economic benefit must be evident to support the use of loan facilities, as opposed to saving for the asset acquisition, construction or renewal. Priority for loan funding will be given to projects that will deliver greater community benefit and secondly generate revenue to offset associated loan repayments or can be funded from contributing revenue streams other than General Rates. These revenue streams may include specified area rates, service charges and fees and charges.
- The term of any loan facility is not to exceed the economic life of the asset.
- The repayment method for a loan facility will be via principal and interest repayments. Interest only payments or capitalisation can be considered where a financial benefit can be demonstrated; and the nature of the asset being funded is consistent with this methodology. As an example, a property acquisition / subdivision where the impact on the rate base is lesser during the initial phases and the full debt can be acquitted from the disposal of the land under development.
- In considering the utilisation of loan facilities, the Shire's capacity to repay must be assessed, with regard given to associated debt service coverage ratio which is to result in the Shire having a ratio above 3.0.

### **FINANCIAL IMPLICATIONS**

There is the potential for cost savings with loans refinanced with CBA should the ANZ current variable rates rise above the indicative fixed CBA rate of 5.94%.

There will also be some administrative costs associated with refinancing the loans, however these costs are expected to be minimal (ie. Below \$5,000) and easily absorbed within the existing budget allocation for bank fees.

### **STRATEGIC IMPLICATIONS**

#### **Accountable and effective leaders**

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

### **ATTACHMENTS**

Nil

**VOTING REQUIREMENT**

Absolute Majority

**OFFICER RECOMMENDATION**

**That Council;**

- 1. Approve the refinancing of all Australian and New Zealand Banking Group Limited borrowings with the Commonwealth Bank of Australia; and**
- 2. Authorise the CEO to negotiate the timing and terms of the refinancing with the Commonwealth Bank of Australia; and**
- 3. In accordance with section 6.20 of the Local Government Act 1995, public notice of at least one month is given of the intention to refinance borrowings with the Commonwealth Bank of Australia.**

**12.2.8 AUSTRALIA DAY AWARDS POLICY 3.05 AMENDMENTS**

**Location:** Shire of Coolgardie

**Applicant:** Shire of Coolgardie

**Disclosure of Interest:** Nil

**Date:** 24 October 2023

**Author:** Bree Crawley, Community Development Team Leader

**SUMMARY**

For Council to approve modifications to Policy 3.05, Australia Day -Citizenship Awards, by adding a Senior Citizen category and separating the Corporate and Event category into two separate awards. Other minor amendments to the policy have been made to better reflect the criteria for a better judging process.

**BACKGROUND**

The Australia Day Citizenship Awards are hosted each year in both Coolgardie and Kambalda to recognise individuals and organisations that have made a significant contribution to the community.

The Australia Day Award Policy has not been updated since 2020.

**COMMENT**

By adding a Seniors category, it is encouraging another demographic to be nominated for the contribution they make to the community. This category will be open to anyone over the WA seniors age at the time of the nomination, currently 65+ years of age.

The Corporate and Event Award has been combined for many years but has been proven hard to judge with corporate and events being very different types of nominations. Shire Officers have decided to split this category to award each category its own award.

The wording in the criteria has also been amended to state, "recognise individuals and organisations that have made a significant contribution within the previous calendar year". This is to better reflect the current contributions nominees have made to reflect the year the award is presented.

Roles and responsibilities have been amended to the Community Development areas.

No other changes have been made to this policy other than stated above.

**CONSULTATION**

Council

Shire staff

**STATUTORY ENVIRONMENT**

Nil

**POLICY IMPLICATIONS**

Amendment to Policy 3.05

**FINANCIAL IMPLICATIONS**

Nil

**STRATEGIC IMPLICATIONS**

**Accountable and effective leaders**

High quality corporate governance, accountability and compliance

**ATTACHMENTS**

1. Policy 3.05 Australia Day Awards
2. Australia Day Awards Nomination Form

**VOTING REQUIREMENT**

Simple majority

**OFFICER RECOMMENDATION**

That Council approve the amendments to Policy 3.05 and adopt the new nomination form to coincide with the Policy changes.

**12.2.9 LIST OF PAYMENTS - SEPTEMBER 2023**

**Location:** Nil  
**Applicant:** Nil  
**Disclosure of Interest:** Nil  
**Date:** 24 October 2023  
**Author:** Corina Morgan, Senior Finance Officer

**SUMMARY**

For Council to receive the list of accounts for September 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 September 2023 are:

1. A&M Joint Venture – Bluebush Village Extension
2. Northern Rise – Management of Bluebush Village
3. Plumbing Gas and Electrical – Sewer parts for Main Pump Station Coolgardie
4. WA Hino – Hino Electric Truck

**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 - September 2023**

**VOTING REQUIREMENT**

Simple majority

**OFFICER RECOMMENDATION**

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

1. **Municipal accounts totalling \$2,304,378.94 on municipal vouchers EFT26092 – EFT26245, Cheque 53553 - 53555 and Direct Debits.**
2. **Credit card payments totalling \$24,179.71**

**12.2.10 MONTHLY FINANCIAL STATEMENTS FOR THE MONTH ENDED 30 SEPTEMBER 2023**

**Location:** Shire of Coolgardie  
**Applicant:** Shire of Coolgardie  
**Disclosure of Interest:** Nil  
**Date:** 19 October 2023  
**Author:** Martin Whitely, Consultant

**SUMMARY**

This report recommends that the Monthly Statement of Financial Activity report for the period ending 30 September 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 30 September 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 Report - September 2023**
2. **Management Report - September 2023**

**VOTING REQUIREMENT**

Simple majority

**OFFICER RECOMMENDATION**

**That the Monthly Financial Activity Statement for the period 1 July 2023 to 30 September 2023 be received.**

**12.3 Commercial Services**

Nil

**13 ITEMS FOR INFORMATION ONLY**

Nil

**14 ELECTED MEMBERS MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN**

Nil

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

**15.1 Elected Members**

**15.2 Council Officers**

**16 MATTERS BEHIND CLOSED DOORS****OFFICER RECOMMENDATION**

That Council considers the confidential report(s) listed below in a meeting closed to the public in accordance with Section 5.23(2) of the Local Government Act 1995:

**16.1 CEO Legal Representation Costs**

This matter is considered to be confidential under Section 5.23(2) - e(ii) of the Local Government Act, and the Council is satisfied that discussion of this matter in an open meeting would, on balance, be contrary to the public interest as it deals with a matter that if disclosed, would reveal information that has a commercial value to a person, where the information is held by, or is about, a person other than the local government.

**16.2 Deed of Consent Rangecon - Coolgardie Lease**

This matter is considered to be confidential under Section 5.23(2) - e(iii) of the Local Government Act, and the Council is satisfied that discussion of this matter in an open meeting would, on balance, be contrary to the public interest as it deals with a matter that if disclosed, would reveal information about the business, professional, commercial or financial affairs of a person, where the information is held by, or is about, a person other than the local government.

17 CLOSURE OF MEETING