



SHIRE OF COOLGARDIE

A G E N D A

OF THE

SPECIAL MEETING OF COUNCIL

12 November 2019

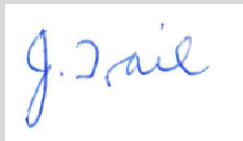
6.00pm

Kambalda

SHIRE OF COOLGARDIE
NOTICE OF SPECIAL MEETING OF COUNCIL

Dear Elected Member

The next Special Meeting of the Shire of Coolgardie will be held on Tuesday 12 November 2019 in the Recreation Centre, Barnes Drive, Kambalda commencing at 6:00pm.



JAMES TRAIL
CHIEF EXECUTIVE OFFICER

DISCLAIMER

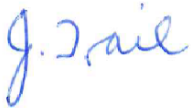
INFORMATION FOR PUBLIC ATTENDING COUNCIL MEETINGS

PLEASE NOTE:

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

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

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



James Trail
CHIEF EXECUTIVE OFFICER

COUNCIL MEETING INFORMATION NOTES

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

Written notice of each question should be given to the Chief Executive Officer fifteen (15) minutes prior to the commencement 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.

10. Public Inspection of Unconfirmed Minutes (Reg 13)

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

NOTE:

10.3 Unopposed Business

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

QUESTION TIME FOR THE PUBLIC

(Please Write Clearly)

DATE: _____

NAME: _____

TELEPHONE: _____

ADDRESS: _____

QUESTIONS TO THE PRESIDENT:-

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

ITEM NO: _____ PAGE NO: _____

[illegible]

PLEASE PASS TO THE CHIEF EXECUTIVE OFFICER FOR REFERRAL TO THE PRESIDENT BY 5.45PM AT THE MEETING, OR BY 12.30PM ON THE DAY OF THE MEETING AT THE KAMBALDA OFFICE, IRISH MULGA DRIVE, KAMBALDA.

SHIRE OF COOLGARDIE

DISCLOSURE OF INTERESTS

TO THE CHIEF EXECUTIVE OFFICER:

Under the Provisions of Division 6 of Part 5 of the Local Government Act 1995, I hereby disclose a Financial Interest/s in the matter/s listed on this form, which is/are scheduled for consideration at the meeting of Council to be held on:

TUESDAY _____ 2019

Where indicated by the word 'YES' in column 6, I will be seeking a determination (under Section 5.68) by the meeting, for reasons I will expand on.

(Print Name) _____ (Signature) _____ (Date) _____

NOTE: Members of Council are asked to deliver this completed form to the Chief Executive Officer on the day of the Council Meeting as required by the Act. Where this is not practicable the Disclosure/s may be telephoned to the Council Office on 9080 2111 and/or the form subsequently passed to the Chief Executive Officer prior to the meeting.

ITEM	PAGE No.	TYPE	REASON

For inclusion for interest declaration

Interests Affecting Impartiality: Disclosing Statement

"With regard to....(the matter in item)... I disclose that I have an association with the applicant. As a consequence, there may be a perception that my impartiality on the matter may be affected. I declare that I will consider this matter on its merits and vote accordingly."



APPLICATION FOR LEAVE OF ABSENCE

I Cr, _____ hereby request leave of absence for the following

Dates, From _____ to _____

Signed Cr: _____

Date _____

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- 1 DECLARATION OF OPENING / ANNOUNCEMENT OF VISITORS
- 2 RECORD OF ATTENDANCE / APOLOGIES / APPROVED LEAVE OF ABSENCE
- 3 DECLARATIONS OF INTEREST
 - 3.1 *Declarations of Financial Interests – Local Government Act Section 5.60A*
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 - 3.3 *Declarations of Impartiality Interests – Administration Regulation 34C*
- 4 PUBLIC QUESTION TIME
- 5 APPLICATIONS FOR LEAVE OF ABSENCE
- 6 CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS

OFFICER RECOMMENDATION:

That the minutes of the Ordinary Meeting of Council 22 October 2019 to be confirmed as a true and accurate record.

7 REPORTS OF OFFICERS

7.1 Chief Executive Officer

7.1.1 List of Payments - September 2019

Location:	Nil
Applicant:	Nil
File Reference:	Nil
Disclosure of Interest:	Nil
Date:	7/11/2019
Author:	Finance Manager, Navjot Kaur

Summary:

For council to receive the list of accounts for September 2019.

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 2019 include Invoice for ACorp Pty Ltd – Progress Claim 4 Kambalda Swimming Pool Upgrade, Taps Industries Pty Ltd – Sewerage Repair at MH 21B-20B, SRW Sheds & Rigging – Supply and Install Plant Roof Structure at Coolgardie Depot, Department of fire & Emergency Services – ESLB 1st Quarter Contribution. Special Term Deposit was made with Bankwest for \$3.5 Million.

Attachments:

1. September 2019 List of Payments [7.1.1.1 - 9 pages]

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 guides with regards to the purchase of goods or services provided.

Financial Implications:

Nil

Strategic Implications:

Effective management of infrastructure, heritage and the environment
Develop and maintain Shire buildings, facilities and infrastructure assets
Solutions focussed and customer-oriented organisation
High quality corporate governance, accountability and compliance.

Voting Requirement: Absolute Majority

Officer Recommendation:

That Council receive listing (attached) of accounts paid during the month of September 2019 by the Chief Executive Officer under delegated authority of Council.

1. Municipal accounts totalling \$5,036,408.55 on Municipal vouchers EFT17171 – EFT17395, cheques 52250 - 52264, and direct payments made during the month of September 2019.
2. Trust payments totalling \$3,281.56 on cheques 2235 - 2237 for the month of September 2019.
3. Credit card payments totalling \$21,695.10 for the month of September 2019

7.1.2 Financial Activity Statement For The Period Ended 30 September 2019

Location:	Nil
Applicant:	Nil
File Reference:	NAM5822
Disclosure of Interest:	Nil
Date:	31 October 2019
Author:	Martin Whitely, Consultant

Summary:

This report recommends that the Monthly Statement of Financial Activity report for the period ending 30 September 2019 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 Draft 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 2019, 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

Attachments:

1. Management Report - September 2019 [7.1.2.1 - 2 pages]
2. Monthly Financial Report - September 2019 [7.1.2.2 - 29 pages]

Consultation:

James Trail, Chief Executive Officer
Nav Kaur, Senior Finance Officer

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

High quality corporate governance, accountability and compliance

Maintain integrated strategic and operational plans

Voting Requirement: Simple Majority

Officer Recommendation:

That the Monthly Financial Activity Statement for the period 1 July 2019 to 30 September 2019 be received.

7.1.3 Adoption of Proposed Shire of Coolgardie Bush Fire Brigades Local Law

Location:	Shire of Coolgardie
Applicant:	Nil
File Reference:	
Disclosure of Interest:	Nil
Date:	21 October 2019
Author:	Chief Executive Officer, James Trail

Summary:

The Shire is in the process of making a new set of local laws. Some are simply no longer required and can be repealed.

A draft *Shire of Coolgardie Bush Fire Brigades Local Law 2019* was adopted by Council at its meeting held on 25 June 2019, advertised for public comment and copies sent to the Ministers for Local Government and Emergency Services. Subject to some minor amendments the local law can now be made.

Background:

The proposed *Shire of Coolgardie Bush Fire Brigades Local Law 2019* is part of a process to update the Shire's local laws.

The Shire does not have a Bush Fire Brigades Local Law; local governments who establish volunteer brigades under the Bush Fires Act 1954 must have a local law.

Comment:

Subject to a number of minor amendments to it as shown 'marked' on the draft Bush Fire Brigades Local Law, it can now be made.

As required by the Act, the draft local law was advertised for public comment for a 6 week period that closed on 18 August 2019 and a copy sent to the Ministers for Local Government and Emergency Services.

No comments were received from members of the public about the local law. The Department of Local Government, Sporting and Cultural Industries (DLG) made some minor suggestions on behalf of the Minister for Local Government.

The Minister for Emergency Services advised that he had no comments about the proposed local law.

The recommended changes are shown 'marked' on the attached updated version of the local law. Note that the index, any text boxes and page numbers will be removed from the official version to be Gazetted.

Attachments:

1. Coolgardie BFB LL DRAFT Attachment [7.1.3.1 - 12 pages]

Consultation:

Local laws (including repeal and amendment local laws) are made using the process set out in section 3.12(3) of the Local Government Act 1995. Amongst other things this requires a local government to give state-wide and local public notice stating that it proposes to make a local law, the purpose and effect of which is summarized in the notice for a period of 6 weeks after it first appears.

As noted above, the DLG made a number of suggestions on behalf of the Minister which are considered minor and shown 'marked' on the attached amended version of the Local Law.

Statutory Environment:

Section 62 of the Bush Fires Act 1954 provides that a local government may make local laws using the process set out in section 3.12 of the Local Government Act 1995.

Policy Implications:

Nil

Financial Implications:

There are costs associated with the drafting, advertisement, and eventual Gazettal of the local law.

Strategic Implications:**Accountable and Effective Leaders**

High quality corporate governance, accountability and compliance

Voting Requirement: Absolute Majority

Officer Recommendation:

That Council,

1. In accordance with section 3.12(4) of the Local Government Act 1995, adopts the *Shire of Coolgardie Bush Fire Brigades Local Law 2019*, subject to:
 - a. Various minor amendments as 'marked up' on the attachment to the report to Council; and
 - b. Deletion of text boxes, page numbers in the index and notes in the version to be officially Gazetted; and
2. In accordance with s3.12(5) of the Local Government Act 1995, directs the CEO to cause the local law be published in the Government Gazette and a copy sent to the Minister for Local Government;
3. After Gazettal, in accordance with s3.12(6) of the Local Government Act 1995, directs the CEO to give local public notice:
 - a. Stating the title of the local law;
 - b. Summarising the purpose and effect of the local law (specifying the day on which it comes into operation); and
 - c. Advising that copies of the local law may be inspected or obtained from the Shire office.
4. Following Gazettal, in accordance with the Local Laws Explanatory Memoranda Directions as issued by the Minister on 12 November 2010, directs that a copy of the local law and a duly completed explanatory memorandum signed by the Shire President and Chief Executive Officer be sent to the Western Australian Parliamentary Joint Standing Committee on Delegated Legislation.

7.1.4 Adoption of Proposed Shire of Coolgardie Cats Local Law

Location:	Shire of Coolgardie
Applicant:	Nil
File Reference:	
Disclosure of Interest:	Nil
Date:	21 October 2019
Author:	Chief Executive Officer, James Trail

Summary:

The Shire is in the process of making a new set of local laws. Some are simply no longer required and can be repealed.

A draft *Shire of Coolgardie Cats Local Law 2019* was adopted by Council at its meeting held on 25 June 2019, advertised for public comment and copies sent to the Minister. Subject to some minor amendments the local law can now be made.

Background:

The proposed *Shire of Coolgardie Cats Local Law 2019* is part of a process to update the Shire's local laws. Most old or outdated local laws are being repealed or replaced with a new and more up to date versions; this particular local law repeals clauses in the Shire's Health Local Laws that relate to cats, which are now dealt with under the Cats Act rather than the Health Act.

Comment:

Subject to a number of minor amendments to it as shown 'marked' on the draft Cats Local Law, it can now be made.

As required by the Act, the draft local law was advertised for public comment for a 6 week period that closed on 19 August 2019 and a copy sent to the Minister for Local Government.

No comments were received from members of the public about the local law. The Department of Local Government, Sporting and Cultural Industries (DLG) made some suggestions on behalf of the Minister which are summarized below, as is the suggested response:

Comment	Response
Heads of power and title block In addition to being made under the Local Government Act 1995, cat local laws are also made using power conferred by the Cat Act 2011. It is suggested that a reference to the Cat Act be included in the title block, above the enacting clause. The local law title should also be mentioned in the title. The following title block is suggested for the Shire's consideration:	Agreed.

Comment	Response
--- CAT ACT 2011 LOCAL GOVERNMENT ACT 1995 Shire of Coolgardie CATS LOCAL LAW 2019 ---	
Clause 1.4 – Terms used It is suggested that the definition of cat management facility be added to clause 1.4. For example: cat management facility has the meaning given to it in the Act;	Agreed.
Common seal The current draft of the local law lacks an area for the local law to be signed and stamped with the common seal. An appropriate sealing area should be included in the final draft.	Agreed.

The Department also made a number of suggestions in relation to the formatting and appearance of the local law.

The recommended changes are shown 'marked' on the attached updated version of the local law. Note that the index, any text boxes and page numbers will be removed from the official version to be Gazetted.

Attachments:

1. Cats LL Draft Attachment [7.1.4.1 - 11 pages]

Consultation:

Local laws (including repeal and amendment local laws) are made using the process set out in section 3.12(3) of the Local Government Act 1995. Amongst other things this requires a local government to give state-wide and local public notice stating that it proposes to make a local law, the purpose and effect of which is summarized in the notice for a period of 6 weeks after it first appears.

As noted above, the DLG made a number of suggestions on behalf of the Minister which are considered minor and shown 'marked' on the attached amended version of the Local Law.

Statutory Environment:

Section 3(2) of the Cat Act 2011 provides that a local government may make local laws about cats using the process set out in section 3.12 of the Local Government Act 1995.

Policy Implications:

Nil

Financial Implications:

There are costs associated with the drafting, advertisement, and eventual Gazetted of the local law.

Strategic Implications:

Accountable and Effective Leaders

High quality corporate governance, accountability and compliance

Voting Requirement: Absolute Majority

Officer Recommendation:

That Council,

1. In accordance with section 3.12(4) of the Local Government Act 1995, adopts the *Shire of Coolgardie Cats Local Law 2019*, subject to:
 - a. Various minor amendments as 'marked up' on the attachment to the report to Council; and
 - b. Deletion of text boxes, page numbers in the index and notes in the version to be officially Gazetted; and
2. In accordance with s3.12(5) of the Local Government Act 1995, directs the CEO to cause the local law be published in the Government Gazette and a copy sent to the Minister for Local Government;
3. After Gazettal, in accordance with s3.12(6) of the Local Government Act 1995, directs the CEO to give local public notice:
 - a. Stating the title of the local law;
 - b. Summarising the purpose and effect of the local law (specifying the day on which it comes into operation); and
 - c. Advising that copies of the local law may be inspected or obtained from the Shire office.
4. Following Gazettal, in accordance with the Local Laws Explanatory Memoranda Directions as issued by the Minister on 12 November 2010, directs that a copy of the local law and a duly completed explanatory memorandum signed by the Shire President and Chief Executive Officer be sent to the Western Australian Parliamentary Joint Standing Committee on Delegated Legislation.

7.1.5 Adoption of Proposed Shire of Coolgardie Cemeteries Local Law

Location:	Shire of Coolgardie
Applicant:	Nil
File Reference:	
Disclosure of Interest:	Nil
Date:	21 October 2019
Author:	Chief Executive Officer, James Trail

Summary:

The Shire is in the process of making a new set of local laws. Some are simply no longer required and can be repealed.

A draft *Shire of Coolgardie Cemeteries Local Law 2019* adopted by Council at its meeting held on 25 June 2019, advertised for public comment and copies sent to the Minister. Subject to some minor amendments the local law can now be made.

Background:

The proposed *Shire of Coolgardie Cemeteries Local Law 2019* is part of a process to update the Shire's local laws. Most old or outdated local laws are being repealed or replaced with a new and more up to date versions; this particular local law repeals the former *Coolgardie Cemeteries Board Bylaws 1951*.

Comment:

Subject to a number of minor amendments to it as shown 'marked' on the draft Cemeteries Local Law, it can now be made.

As required by the Act, the draft local law was advertised for public comment for a 6 week period that closed on 18 August 2019 and a copy sent to the Minister for Local Government.

No comments were received from members of the public about the local law. The Department of Local Government, Sporting and Cultural Industries (DLG) made some suggestions on behalf of the Minister which are summarized below, as is the suggested response:

Comment	Response
Clause 1.5 – Interpretation It is suggested that the Shire inserts a definition for each of the following terms which are used in the local law: · funeral; and · Schedule. Whilst not all of these definitions are necessary, they may assist readers and reduce the possibility of misinterpretation.	Noted but there is unlikely to be any misinterpretation of what these terms mean. No amendment to the draft local law is recommended.
Part 7 Division 4 - Cancellation of monumental mason licence	A new clause 7.19 has been added to the proposed local law dealing with this issue

Comment	Response
It is suggested that the local law should contain a clause dealing with the cancellation of monumental mason licences. This clause should not include any provision for a right of appeal. The Delegated Legislation Committee has determined that the Act does not provide any express right of appeal for a mason to appeal a licence cancellation.	as shown 'marked' on the attachment to this report.
Clause 8.7 – Order to leave cemetery Clause 8.7 provides that a person who commits an offence may be ordered to leave the cemetery. For the purposes of clarity, it is suggested that "order" be replaced with "direction" so a failure to comply will be an offence under clause 8.6. Alternatively, it is suggested the Shire add the following subclause: --- (2) A person who fails to comply with an order given under this clause commits an offence. --- If the Shire prefers the second approach, it should add a suitable modified penalty to Schedule 1.	'Order' has been replaced with 'direction' in clause 8.7 as suggested by the Department.

The Department also made a number of suggestions in relation to the formatting and appearance of the local law.

The recommended changes are shown 'marked' on the attached updated version of the local law. Note that the index, any text boxes and page numbers will be removed from the official version to be Gazetted.

Attachments:

1. Cemeteries LL Attachment [7.1.5.1 - 15 pages]

Consultation:

Local laws (including repeal and amendment local laws) are made using the process set out in section 3.12(3) of the Local Government Act 1995. Amongst other things this requires a local government to give state-wide and local public notice stating that it proposes to make a local law, the purpose and effect of which is summarized in the notice for a period of 6 weeks after it first appears.

As noted above, the DLG made a number of suggestions on behalf of the Minister which are considered minor and shown 'marked' on the attached amended version of the Cemeteries Local Law.

Statutory Environment:

Section 54 of the Cemeteries Act 1986 provides that a local government may make local laws about cemeteries using the process set out in section 3.12 of the Local Government Act 1995.

Policy Implications:

Nil

Financial Implications:

There are costs associated with the drafting, advertisement, and eventual Gazettal of the local law.

Strategic Implications:**Accountable and Effective Leaders**

High quality corporate governance, accountability and compliance

Voting Requirement: Absolute Majority

Officer Recommendation:

That Council,

1. In accordance with section 3.12(4) of the Local Government Act 1995, adopts the *Shire of Coolgardie Cemeteries Local Law 2019*, subject to:
 - a. Various minor amendments as 'marked up' on the attachment to the report to Council; and
 - b. Deletion of text boxes, page numbers in the index and notes in the version to be officially Gazetted; and
2. In accordance with s3.12(5) of the Local Government Act 1995, directs the CEO to cause the local law be published in the Government Gazette and a copy sent to the Minister for Local Government;
3. After Gazettal, in accordance with s3.12(6) of the Local Government Act 1995, directs the CEO to give local public notice:
 - a. Stating the title of the local law;
 - b. Summarising the purpose and effect of the local law (specifying the day on which it comes into operation); and
 - c. Advising that copies of the local law may be inspected or obtained from the Shire office.
4. Following Gazettal, in accordance with the Local Laws Explanatory Memoranda Directions as issued by the Minister on 12 November 2010, directs that a copy of the local law and a duly completed explanatory memorandum signed by the Shire President and Chief Executive Officer be sent to the Western Australian Parliamentary Joint Standing Committee on Delegated Legislation.

7.1.6 Adoption of Proposed Shire of Coolgardie Dogs Local Law

Location:	Shire of Coolgardie
Applicant:	Nil
File Reference:	
Disclosure of Interest:	Nil
Date:	22 October 2019
Author:	Chief Executive Officer, James Trail

Summary:

The Shire is in the process of making a new set of local laws. Some are simply no longer required and can be repealed.

A draft *Shire of Coolgardie Dogs Local Law 2019* was adopted by Council at its meeting held on 25 June 2019, advertised for public comment and copies sent to the Minister. Subject to some minor amendments the local law can now be made.

Background:

The proposed *Shire of Coolgardie Dogs Local Law 2019* is part of a process to update the Shire's local laws. Most old or outdated local laws are being repealed or replaced with a new and more up to date versions; this particular local law replaces the *Shire of Coolgardie Dogs Local Law* that was made in 1985 and last amended in 1997.

Comment:

Subject to a number of minor amendments to it as shown 'marked' on the draft Dogs Local Law, it can now be made.

As required by the Act, the draft local law was advertised for public comment for a 6 week period that closed on 18 August 2019 and a copy sent to the Minister for Local Government.

No comments were received from members of the public about the local law. The Department of Local Government, Sporting and Cultural Industries (DLG) made some suggestions on behalf of the Minister which are summarized below, as is the suggested response:

Comment	Response
Enacting clause Dog local laws are enacted using the powers granted by the <i>Dog Act 1976</i> and the <i>Local Government Act 1995</i> . It is suggested that both the <i>Local Government Act 1995</i> and <i>Dog Act 1976</i> should be mentioned in the enacting clause.	Agreed.
Dogs to be confined (Clause 2(1)(c)) The Joint Standing Committee on Delegated Legislation has recently raised concern with clauses similar to	Agreed.

Comment	Response
clause 2.1(c) and has requested that paragraph (c) be amended as follows: ‘(c) ensure that every gate or door in the fence is kept closed at all times when the dog is on the premises (unless the gate is temporarily opened in a manner that ensures that the dog remains confined) and is fitted with a proper latch or other means of fastening it;’	
Commencement clause missing It is suggested that the local law should include a commencement clause stating the day that the local law will come into operation. The standard format is as follows: --- 1.2 Commencement This local law comes into operation 14 days after the date of its publication in the <i>Government Gazette</i>. ---	Agreed.

The Department also made a number of suggestions in relation to the formatting and appearance of the local law.

The recommended changes are shown ‘marked’ on the attached updated version of the local law. Note that the index, any text boxes and page numbers will be removed from the official version to be Gazetted.

Attachments:

1. Dogs LL Draft 2019 Attachment [7.1.6.1 - 8 pages]

Consultation:

Local laws (including repeal and amendment local laws) are made using the process set out in section 3.12(3) of the Local Government Act 1995. Amongst other things this requires a local government to give state-wide and local public notice stating that it proposes to make a local law, the purpose and effect of which is summarized in the notice for a period of 6 weeks after it first appears.

As noted above, the DLG made a number of suggestions on behalf of the Minister which are considered minor and shown ‘marked’ on the attached amended version of the Local Law.

Statutory Environment:

Section 51 of the Dog Act 1976 provides that a local government may make local laws about dogs using the process set out in section 3.12 of the Local Government Act 1995.

Policy Implications:

Nil

Financial Implications:

There are costs associated with the drafting, advertisement, and eventual Gazettal of the local law.

Strategic Implications:

Accountable and Effective Leaders

High quality corporate governance, accountability and compliance

Voting Requirement: Absolute Majority

Officer Recommendation:

That Council,

1. In accordance with section 3.12(4) of the Local Government Act 1995, adopts the *Shire of Coolgardie Dogs Local Law 2019*, subject to:
 - a. Various minor amendments as 'marked up' on the attachment to the report to Council; and
 - b. Deletion of text boxes, page numbers in the index and notes in the version to be officially Gazetted; and
2. In accordance with s3.12(5) of the Local Government Act 1995, directs the CEO to cause the local law be published in the Government Gazette and a copy sent to the Minister for Local Government;
3. After Gazettal, in accordance with s3.12(6) of the Local Government Act 1995, directs the CEO to give local public notice:
 - a. Stating the title of the local law;
 - b. Summarising the purpose and effect of the local law (specifying the day on which it comes into operation); and
 - c. Advising that copies of the local law may be inspected or obtained from the Shire office.
4. Following Gazettal, in accordance with the Local Laws Explanatory Memoranda Directions as issued by the Minister on 12 November 2010, directs that a copy of the local law and a duly completed explanatory memorandum signed by the Shire President and Chief Executive Officer be sent to the Western Australian Parliamentary Joint Standing Committee on Delegated Legislation.

7.1.7 Adoption of Proposed Shire of Coolgardie Fencing Amendment Local Law

Location:	Shire of Coolgardie
Applicant:	Nil
File Reference:	
Disclosure of Interest:	Nil
Date:	21 October 2019
Author:	Chief Executive Officer, James Trail

Summary:

The Shire is in the process of making a new set of local laws. Some are simply no longer required and can be repealed.

A draft *Shire of Coolgardie Fencing Amendment Local Law 2019* was adopted by Council at its meeting held on 25 June 2019, advertised for public comment and copies sent to the Ministers for Local Government and Commerce. Subject to some minor amendments the local law can now be made.

Background:

The proposed *Shire of Coolgardie Fencing Amendment Local Law 2019* is part of a process to update the Shire's local laws.

The *Shire of Coolgardie Bylaws Relating to Fencing and Obstructions at Intersections* was published in the *Government Gazette* on 31 December 1996. Fencing local laws tend to remain static over time, and subject to a number of amendments the existing fencing local law is adequate.

Comment:

Subject to a number of minor amendments to it as shown 'marked' on the draft Fencing Amendment Local Law, it can now be made.

As required by the Act, the draft local law was advertised for public comment for a 6 week period that closed on 18 August 2019 and a copy sent to the Ministers for Local Government and Commerce (who administers the *Dividing Fences Act 1961*).

No comments were received from members of the public about the local law or the Minister for Commerce. The Department of Local Government, Sporting and Cultural Industries (DLG) made some minor suggestions in relation to the formatting and appearance of the local law.

Attachments:

1. So C Fencing Amendment LL Attachment [7.1.7.1 - 1 page]
2. So C Fencing Amendment LL V 2 Attachment [7.1.7.2 - 1 page]
3. So C Fencing LL 31 Dec 1996 V 2 MARKED Attachment [7.1.7.3 - 4 pages]

Consultation:

Local laws (including repeal and amendment local laws) are made using the process set out in section 3.12(3) of the Local Government Act 1995. Amongst other things this requires a local government to give state-wide and local public notice stating that it proposes to make a local law, the purpose and effect of which is summarized in the notice for a period of 6 weeks after it first appears.

As noted above, the DLG made a number of suggestions on behalf of the Minister which are considered minor and shown 'marked' on the attached amended version of the Fencing Amendment Local Law.

Statutory Environment:

A local government may make local laws about fencing using the process set out in section 3.12 of the Local Government Act 1995.

Policy Implications:

Nil

Financial Implications:

There are costs associated with the drafting, advertisement, and eventual Gazettal of the local law.

Strategic Implications:**Accountable and Effective Leaders**

High quality corporate governance, accountability and compliance

Voting Requirement: Absolute Majority

Officer Recommendation:

That Council,

1. In accordance with section 3.12(4) of the Local Government Act 1995, adopts the *Shire of Coolgardie Fencing Amendment Local Law 2019*, subject to various minor amendments as 'marked up' on the attachment to the report to Council; and
2. In accordance with s3.12(5) of the Local Government Act 1995, directs the CEO to cause the local law be published in the Government Gazette and a copy sent to the Ministers for Local Government and Commerce;
3. After Gazettal, in accordance with s3.12(6) of the Local Government Act 1995, directs the CEO to give local public notice:
 - a. Stating the title of the local law;
 - b. Summarising the purpose and effect of the local law (specifying the day on which it comes into operation); and
 - c. Advising that copies of the local law may be inspected or obtained from the Shire office.
4. Following Gazettal, in accordance with the Local Laws Explanatory Memoranda Directions as issued by the Minister on 12 November 2010, directs that a copy of the local law and a duly completed explanatory memorandum signed by the Shire President and Chief Executive Officer be sent to the Western Australian Parliamentary Joint Standing Committee on Delegated Legislation.

7.1.8 Adoption of Proposed Shire of Coolgardie Public Places and Local Government Property Local Law

Location:	Shire of Coolgardie
Applicant:	Nil
File Reference:	
Disclosure of Interest:	Nil
Date:	21 October 2019
Author:	Chief Executive Officer, James Trail

Summary:

The Shire is in the process of making a new set of local laws. Some are simply no longer required and can be repealed.

A draft *Shire of Coolgardie Public Places and Local Government Property Local Law 2019* was adopted by Council at its meeting held on 25 June 2019, advertised for public comment and copies sent to the Minister. Subject to some minor amendments the local law can now be made.

Background:

The proposed *Shire of Coolgardie Public Places and Local Government Properties Local Law 2019* is part of a process to update the Shire's local laws. Most old or outdated local laws are being repealed or replaced with a new and more up to date versions; this particular local law repeals two older bylaws last amended in 1985.

Comment:

Subject to a number of minor amendments to it as shown 'marked' on the draft Public Places and Local Government Property Local Law, it can now be made.

As required by the Act, the draft local law was advertised for public comment for a 6 week period that closed on 18 August 2019 and a copy sent to the Minister for Local Government.

No comments were received from members of the public about the local law. The Department of Local Government, Sporting and Cultural Industries (DLG) made some suggestions on behalf of the Minister which are summarized below, as is the suggested response:

Comment	Response
Clause 2.2 – Delegation Clause 2.1 allows the Shire to make determinations in relation to the use of local government property. The Parliament's Delegated Legislation Committee has previously been reluctant to allow determination devices in local laws. This is because it effectively allows the local	Agreed. Determinations made under the local law would need to be subject to council agreement anyway.

Comment	Response
government to amend the local law without using the process set out in section 3.12 of the <i>Local Government Act 1995</i>. The Committee has allowed the use of determination devices in the past. However, the Committee has required: a. That the clauses reflect the WALGA model; and b. The determinations are made directly by council and not delegated to staff. For this reason, the following changes are suggested: • In subclause (1) change “CEO or an authorised person” to “the local government”. • In subclause (3) to (6) change all instances of “local government” to “council”. • After subclause (7) insert the following: (8) A decision under subclause (3) or (4) is not to be delegated by the Council. • In clause 2.6 (1) and (3) change “local government” to “council”.	
Clause 7.6 – Retailer taken to own trolley Clause 7.6 provides that in the absence of evidence to the contrary, a retailer can be presumed to own a trolley. While the Delegated Legislation Committee has no issues with this clause, the Committee’s view is that it is most likely unenforceable. This is because the power to make local laws does not extend to reversing the onus of proof, except for offences relating to vehicles.	Noted. It is anticipated that simply requesting the retailer to collect any trolleys will be sufficient to resolve most if not all issues with shopping trolleys; a prosecution and/or fine is a last resort.

The Department also made a number of suggestions in relation to the formatting and appearance of the local law.

The recommended changes are shown ‘marked’ on the attached updated version of the local law. Note that the index, any text boxes and page numbers will be removed from the official version to be Gazetted.

Attachments:

1. Public Places and LG Property LL Attachment [7.1.8.1 - 46 pages]

Consultation:

Local laws (including repeal and amendment local laws) are made using the process set out in section 3.12(3) of the Local Government Act 1995. Amongst other things this requires a local government to give state-wide and local public notice stating that it proposes to make a local law, the purpose and effect of which is summarized in the notice for a period of 6 weeks after it first appears.

As noted above, the DLG made a number of suggestions on behalf of the Minister which are considered minor and shown ‘marked’ on the attached amended version of the Local Law.

Statutory Environment:

A local government may make local laws using the process set out in section 3.12 of the Local Government Act 1995.

Policy Implications:

Nil

Financial Implications:

There are costs associated with the drafting, advertisement, and eventual Gazettal of the local law.

Strategic Implications:

Accountable and Effective Leaders

High quality corporate governance, accountability and compliance

Voting Requirement: Absolute Majority

Officer Recommendation:

That Council,

1. In accordance with section 3.12(4) of the Local Government Act 1995, adopts the *Shire of Coolgardie Public Places and Local Government Property Local Law 2019*, subject to:
 - a. Various minor amendments as 'marked up' on the attachment to the report to Council; and
 - b. Deletion of text boxes, page numbers in the index and notes in the version to be officially Gazetted; and
2. In accordance with s3.12(5) of the Local Government Act 1995, directs the CEO to cause the local law be published in the Government Gazette and a copy sent to the Minister for Local Government;
3. After Gazettal, in accordance with s3.12(6) of the Local Government Act 1995, directs the CEO to give local public notice:
 - a. Stating the title of the local law;
 - b. Summarising the purpose and effect of the local law (specifying the day on which it comes into operation); and
 - c. Advising that copies of the local law may be inspected or obtained from the Shire office.
4. Following Gazettal, in accordance with the Local Laws Explanatory Memoranda Directions as issued by the Minister on 12 November 2010, directs that a copy of the local law and a duly completed explanatory memorandum signed by the Shire President and Chief Executive Officer be sent to the Western Australian Parliamentary Joint Standing Committee on Delegated Legislation.

7.1.9 Adoption of Proposed Shire of Coolgardie Meeting Procedures Local Law

Location:	Shire of Coolgardie
Applicant:	Nil
File Reference:	
Disclosure of Interest:	Nil
Date:	21 October 2019
Author:	Chief Executive Officer, James Trail

Summary:

The Shire is in the process of making a new set of local laws. Some are simply no longer required and can be repealed.

A draft *Shire of Coolgardie Meeting Procedures Local Law 2019* was adopted by Council at its meeting held on 25 June 2019, advertised for public comment and copies sent to the Minister. Subject to some minor amendments the local law can now be made.

Background:

The proposed *Shire of Coolgardie Meeting Procedures Local Law 2019* is part of a process to update the Shire's local laws. Most old or outdated local laws are being repealed or replaced with a new and more up to date versions; this particular local law replaces the former Standing Orders Local law which was last amended in 2001. It applies to meetings of council and committees.

Comment:

Subject to a number of minor amendments to it as shown 'marked' on the draft Meeting Procedures Local Law, it can now be made.

As required by the Act, the draft local law was advertised for public comment for a 6 week period that closed on 18 August 2019 and a copy sent to the Minister for Local Government.

No comments were received from members of the public about the local law. The Department of Local Government, Sporting and Cultural Industries (DLG) made some suggestions on behalf of the Minister which are summarized below, as is the suggested response:

Comment	Response
Clause 6.10 – Submission of petition to staff Clause 6.10(2) states that a petition must be forwarded to Shire staff for inclusion in a report "subject to subclause (3)". It is suggested that the phrase "subject to subclause (3)" be deleted since: a. Council reports are prepared by the Shire and this rule isn't generally subject to conditions; and	Agreed.

Comment	Response
b. Subclause (3) doesn't appear to limit how subclause (2) works and therefore, subclause (2) is not "subject" to subclause (3).	
Clause 8.8 – Breach of decorum It is suggested that the term "decorum" be deleted from clause 8.8(2)(a)(i). This term can be subject to a variety of interpretations and may end up causing enforcement difficulties. It is likely that any behaviour likely to qualify as a breach of decorum will already be covered under clause 8.8(2)(a)(i) or other existing provisions.	Agreed.
Clause 8.8 – Breach of decorum It is suggested that the term "decorum" be deleted from clause 8.8(2)(a)(i). This term can be subject to a variety of interpretations and may end up causing enforcement difficulties. It is likely that any behaviour likely to qualify as a breach of decorum will already be covered under clause 8.8(2)(a)(i) or other existing provisions.	Agreed.
Clause 8.15 Clause 8.15 provides that a member must not reflect adversely on previous decisions of the council unless there is a motion to revoke or change the decision. This clause may restrict debate in the Council, since it prevents members from voicing valid criticisms about previous decisions unless they intend to move a motion to reverse it. The Delegated Legislation Committee has requested that the following phrase be added to the end of the clause: "unless the meeting resolves, without debate, that the matter before the meeting cannot otherwise be adequately considered". This ensures that the majority of adverse reflections are avoided, while the Council still has the option of allowing them when necessary.	Agreed.
Clause 9.5 Clause 9.5(2) contains a potential conflict. This is because paragraph (b) allows councillors to pass a dissent motion, but paragraph (a) prevents any comment or debate on a decision. It is suggested that subclause (2) be reworded as follows: ---	Agreed.

Comment	Response
(2) A ruling by the Presiding Member on a point of order is to be final unless the majority of Members then present and voting, on a motion moved immediately after the ruling, dissent from the ruling.	
Clause 19.1 - Penalties for breach It is suggested that the penalty for a breach of the local law is reduced to \$1,000 with a daily penalty of \$100 for continuing offences. Offences under standing orders are relatively minor when compared to local laws that involve matters of public safety or local government property. The Delegated Legislation Committee has previously requested undertakings when local governments try to impose the maximum penalty permitted under the <i>Local Government Act 1995</i>. It is uncertain what maximum penalty the Committee is currently willing to allow for local laws of this kind. However, penalties of \$1000 have previously gone through the Committee without objection	Agreed. It is highly unlikely a prosecution under this local law will be undertaken.

The Department also made a number of suggestions in relation to the formatting and appearance of the local law.

The recommended changes are shown 'marked' on the attached updated version of the local law. Note that the index, any text boxes and page numbers will be removed from the official version to be Gazetted.

Attachments:

1. Meeting Procedures LL Attachment [7.1.9.1 - 45 pages]

Consultation:

Local laws (including repeal and amendment local laws) are made using the process set out in section 3.12(3) of the Local Government Act 1995. Amongst other things this requires a local government to give state-wide and local public notice stating that it proposes to make a local law, the purpose and effect of which is summarized in the notice for a period of 6 weeks after it first appears.

As noted above, the DLG made a number of suggestions on behalf of the Minister which are considered minor and shown 'marked' on the attached amended version of the Local Law.

Statutory Environment:

A local government may make local laws using the process set out in section 3.12 of the Local Government Act 1995.

Policy Implications:

Nil

Financial Implications:

There are costs associated with the drafting, advertisement, and eventual Gazettal of the local law.

Strategic Implications:

Accountable and Effective Leaders

High quality corporate governance, accountability and compliance

Voting Requirement: Absolute Majority

Officer Recommendation:

That Council,

1. In accordance with section 3.12(4) of the Local Government Act 1995, adopts the *Shire of Coolgardie Meeting Procedures Local Law 2019*, subject to:
 - a. Various minor amendments as 'marked up' on the attachment to the report to Council; and
 - b. Deletion of text boxes, page numbers in the index and notes in the version to be officially Gazetted; and
2. In accordance with s3.12(5) of the Local Government Act 1995, directs the CEO to cause the local law be published in the Government Gazette and a copy sent to the Minister for Local Government;
3. After Gazettal, in accordance with s3.12(6) of the Local Government Act 1995, directs the CEO to give local public notice:
 - a. Stating the title of the local law;
 - b. Summarising the purpose and effect of the local law (specifying the day on which it comes into operation); and
 - c. Advising that copies of the local law may be inspected or obtained from the Shire office.
4. Following Gazettal, in accordance with the Local Laws Explanatory Memoranda Directions as issued by the Minister on 12 November 2010, directs that a copy of the local law and a duly completed explanatory memorandum signed by the Shire President and Chief Executive Officer be sent to the Western Australian Parliamentary Joint Standing Committee on Delegated Legislation.

7.1.10 Adoption of Proposed Shire of Coolgardie Parking Local Law

Location:	Shire of Coolgardie
Applicant:	Nil
File Reference:	
Disclosure of Interest:	Nil
Date:	23 October 2019
Author:	Chief Executive Officer, James Trail

Summary:

The Shire is in the process of making a new set of local laws. Some are simply no longer required and can be repealed.

A draft *Shire of Coolgardie Parking Local Law 2019* was adopted by Council at its meeting held on 25 June 2019, advertised for public comment and copies sent to the Minister. Subject to some minor amendments the local law can now be made.

Background:

The proposed *Shire of Coolgardie Parking Local Law 2019* is part of a process to update the Shire's local laws. Most old or outdated local laws are being repealed or replaced with a new and more up to date versions; amongst other things this particular local law replaces the *Shire of Coolgardie Parking Angle By-Law 1953* published in the Government Gazette on 10 January 1953.

Parking issues are not generally a major issue in the Shire, although complaints about large or heavy vehicles being parked in residential areas are of concern.

Rather than draft a customised local law for the Shire, it is substantially less expensive to simply adapt a model one made by the WA Local Government Association or another local government even though many provisions such as paid parking are unlikely to be used.

Comment:

Subject to a number of minor amendments to it as shown 'marked' on the draft Parking Local Law, it can now be made.

As required by the Act, the draft local law was advertised for public comment for a 6 week period that closed on 18 August 2019 and a copy sent to the Minister for Local Government.

No comments were received from members of the public about the local law. The Department of Local Government, Sporting and Cultural Industries (DLG) made some suggestions on behalf of the Minister which are summarized below, as is the suggested response:

Comment	Response
Recent amendments to taxi legislation The Department has been advised that amendments are underway in relation to traffic and taxi legislation. While definitions referring to the Code will be covered by consequential amendments, the Shire will need to check all references to taxi legislation to ensure that the terminology in the local law matches with the legislation.	Agreed. There is a minor amendment required to the definition of 'taxi' in clause 1.5. A number of associated text boxes that refer to the Road Traffic Code and other Acts or regulations have also been amended. While these text boxes do not form part of the local law and will be deleted from the official version to be Gazetted, it is sound practice to ensure they refer to correct legislation.
Clause 3.4 – Suspension of parking laws Clause 3.4 provides that the local government can suspend parking laws at any time. This may create public uncertainty as to when and where the local law applies at a given time. The Shire may wish to consider adding information as to how the declaration is made and what kind of public notice is to occur. The Shire may also wish to consider the 44th report of the Joint Standing Committee on Delegated Legislation.	This clause allows the Shire to suspend the requirement to pay a fee for parking in a parking station under clause 3.3 of the draft local law. While it is unlikely that the Shire will establish parking stations where payment of a fee is required, it is even less likely that suspension of a requirement to pay a fee will create issues.
Regulation of parking via determination devices Several clauses in the local law allow the local government to regulate parking through the making of determinations. The Parliament's delegated legislation committee has previously expressed concerns with the use of determination devices. This is because: (a) It allows the local law to be changed without using the process specified in section 3.12 of the Local Government Act 1995; (b) It may result in parking rules changing without sufficient public notification; and (c) If the power is delegated to staff, it may amount to an unlawful sub-delegation of the council's law-making powers. To solve these issues, the following changes are suggested: • Clause 1.10: After "local government may," insert "by resolution,". • Clause 3.1: • After "local government may" insert "by resolution". • Insert an additional subclause stating: (2) Where the local government makes a determination under subsection (1) it shall erect signs to give effect to the determination.	There are no clauses in the draft local law that refer to 'determinations'. Clauses 2.1 and 3.1 provide for the local government to '...constitute, determine and vary and also indicate by signs' parking areas and the conditions of use of them. That aside and practically speaking, erection of signs to give effect to the matters set out in clause 2.1 (determination of metered zones) and clause 3.1 (parking stalls and parking stations) is necessary to ensure a reasonable degree of compliance – it would simply be unwise not to do so. In addition, clause 1.10 provides that: 1.10 Powers of the local government <i>The local government may, prohibit or regulate by signs or otherwise, the stopping or parking of any vehicle or any class of vehicles in any part of the parking region but must do so consistently with the provisions of this local law</i> This issue does not appear to have been raised by the Delegated Legislation

Comment	Response
	Committee for some years; identical provisions appear in a number of local government's parking local laws made recently including the version of this local law which is based on one made by the City of Rockingham in 2019. Bringing in such a change would also unnecessarily restrict the Shire's ability to deal with parking matters in a responsive manner. Section 5.42 of the <i>Local Government Act 1995</i> provides that Council may delegate any of its powers to its CEO. S5.42 is subject to the limitations in s5.43 but which does not refer to changes to parking stations, parking areas or other parking restrictions. Changes to parking restrictions, areas etc are often minor in nature, can be urgent in order to deal with a safety issue, or may be needed as a consequence of road works (foreseen, unforeseen, temporary or permanent). Requiring a council decision on each occasion is not only inefficient, but not required. Note that as retaining the provisions 'as is' does not preclude Council itself making decisions about parking and related matters that it chooses to; but addition of 'by resolution' in the local law will remove the option of it delegating authority to the CEO to make changes. No amendment to the local law is considered necessary.

The Department also made a number of suggestions in relation to the formatting and appearance of the local law.

The recommended changes are shown 'marked' on the attached updated version of the local law. Note that the index, any text boxes and page numbers will be removed from the official version to be Gazetted.

Attachments:

1. Coolgardie Parking LL Draft 2019 Attachment [7.1.10.1 - 46 pages]

Consultation:

Local laws (including repeal and amendment local laws) are made using the process set out in section 3.12(3) of the Local Government Act 1995. Amongst other things this requires a local government to give state-wide and local public notice stating that it proposes to make a local law, the purpose and effect of which is summarized in the notice for a period of 6 weeks after it first appears.

As noted above, the DLG made a number of suggestions on behalf of the Minister which are considered minor and shown 'marked' on the attached amended version of the Local Law.

Statutory Environment:

A local government may make local laws about parking using the process set out in section 3.12 of the Local Government Act 1995.

Policy Implications:

Nil

Financial Implications:

There are costs associated with the drafting, advertisement, and eventual Gazettal of the local law.

Strategic Implications:

Accountable and Effective Leaders

High quality corporate governance, accountability and compliance

Voting Requirement: Absolute Majority

Officer Recommendation:

That Council,

1. In accordance with section 3.12(4) of the Local Government Act 1995, adopts the *Shire of Coolgardie Parking Local Law 2019*, subject to:
 - a. Various minor amendments as 'marked up' on the attachment to the report to Council; and
 - b. Deletion of text boxes, page numbers in the index and notes in the version to be officially Gazetted; and
2. In accordance with s3.12(5) of the Local Government Act 1995, directs the CEO to cause the local law be published in the Government Gazette and a copy sent to the Minister for Local Government;
3. After Gazettal, in accordance with s3.12(6) of the Local Government Act 1995, directs the CEO to give local public notice:
 - a. Stating the title of the local law;
 - b. Summarising the purpose and effect of the local law (specifying the day on which it comes into operation); and
 - c. Advising that copies of the local law may be inspected or obtained from the Shire office.
4. Following Gazettal, in accordance with the Local Laws Explanatory Memoranda Directions as issued by the Minister on 12 November 2010, directs that a copy of the local law and a duly completed explanatory memorandum signed by the Shire President and Chief Executive Officer be sent to the Western Australian Parliamentary Joint Standing Committee on Delegated Legislation.

7.1.11 Adoption of Proposed Shire of Coolgardie Repeal Local Law

Location:	Shire of Coolgardie
Applicant:	Nil
File Reference:	
Disclosure of Interest:	Nil
Date:	21 October 2019
Author:	Chief Executive Officer, James Trail

Summary:

The Shire is in the process of making a new set of local laws. Some are simply no longer required and can be repealed.

A draft *Shire of Coolgardie Repeal Local Law 2019* adopted by Council at its meeting held on 25 June 2019, advertised for public comment and copies sent to the Minister. Subject to some minor amendments the local law can now be made.

Background:

The proposed *Shire of Coolgardie Repeal Local Law 2019* is part of a process to update the Shire's local laws. Most old or outdated local laws are being repealed or replaced with a new and more up to date versions; this particular local law repeals some that are not required altogether and as noted below:

Signs, Hoarding and Bill Posting – this includes:

- The *Shire of Coolgardie Adoption of amendments to Model Local Laws relating to Signs Hoardings and Bill Posting No. 13* published in the Government Gazette on 3 June 1997; and
- The *Municipality of the Shire of Coolgardie Adoption of Draft Model By-laws Relating to Signs, Hoardings and Billposting* published in the Government Gazette on 21 November 1967 and as amended in the Government Gazette on 15 March 1996;

In summary, the Shire's Local Planning Scheme No 5 deals adequately with signs. Some signs may also require a permit under the Building Act 2011 in relation to their structure; and the draft *Shire of Coolgardie Local Government and Public Places Local Law* will also require a permit for any sign on local government property (which includes road reserves, verges, sporting ovals, fencing on property under the Shire's care, control and management), clubrooms and the like unless exempt under the local law. Exemptions include street nameplates, signs drawing attention to conditions of use of a reserve, roadworks, or otherwise permitted a written law.

TV Masts and Antennae – the original version of the Repeal Local Law 2019 provided for repeal of the *Shire of Coolgardie adoption of Uniform Bylaws for the Construction of TV Masts and Antennae* as published in the Government Gazette on 6 May 1960. The WA Department of Local Government, Cultural and Sporting Industries (DLG) has advised that repeal is not necessary as it was made by the Governor and has already been rendered inoperable by other legislation. The DLG further advised that it will note this in its register of local laws that the Shire has in place.

Bees - the *Shire of Coolgardie By-laws Relating to Bees Kept on Residential Zoned Land* was published in the Government Gazette on 16 June 1989. Its provisions are based on the Bee Keeping Act 1963, which was repealed and replaced in 2013. Clauses 103 – 106 of the *Shire of Coolgardie Health Local Laws 1999* published in the Government Gazette on 31 March 1999 also deal with bees.

Any issues that occur with respect to bees can be dealt with under Part 3 of the Local Government Act.

Comment:

There is no need for the local laws listed. Subject to a number of minor amendments to it as shown 'marked' on the draft Repeal Local Law, it can now be made.

Attachments:

1. Repeal LL Draft 2019 Attachment [7.1.11.1 - 1 page]

Consultation:

Local laws (including repeal and amendment local laws) are made using the process set out in section 3.12(3) of the Local Government Act 1995. Amongst other things this requires a local government to give state-wide and local public notice stating that it proposes to make a local law, the purpose and effect of which is summarized in the notice for a period of 6 weeks after it first appears.

The DLG made a number of suggestions on behalf of the Minister which are considered minor and shown 'marked' on the attached amended version of the Repeal Local Law.

Statutory Environment:

A local government may make local laws using the process set out in section 3.12 of the Local Government Act 1995.

Policy Implications:

Nil

Financial Implications:

There are costs associated with the drafting, advertisement, and eventual Gazettal of the local law.

Strategic Implications:

Accountable and Effective Leaders

High quality corporate governance, accountability and compliance

Voting Requirement: Absolute Majority

Officer Recommendation:

That Council,

1. In accordance with section 3.12(4) of the Local Government Act 1995, adopts the *Shire of Coolgardie Repeal Local Law 2019*, subject to various minor amendments as 'marked up' on the attachment to the report to Council.
2. In accordance with s3.12(5) of the Local Government Act 1995, directs the CEO to cause the local law be published in the Government Gazette and a copy sent to the Minister for Local Government;

3. After Gazettal, in accordance with s3.12(6) of the Local Government Act 1995, directs the CEO to give local public notice:
 - a. Stating the title of the local law;
 - b. Summarising the purpose and effect of the local law (specifying the day on which it comes into operation); and
 - c. Advising that copies of the local law may be inspected or obtained from the Shire office.
4. Following Gazettal, in accordance with the Local Laws Explanatory Memoranda Directions as issued by the Minister on 12 November 2010, directs that a copy of the local law and a duly completed explanatory memorandum signed by the Shire President and Chief Executive Officer be sent to the Western Australian Parliamentary Joint Standing Committee on Delegated Legislation.

7.1.12 Code of Conduct for Council Members, Committee Members and Candidates

Location: Shire of Coolgardie

Applicant:

File Reference:

Disclosure of Interest: Nil

Date: 27 October 2019

Author: Steven Tweedie, Governance Consultant

Summary:

The Department of Local Government, Sport & Cultural Industries has invited councils to review draft standards and provide feedback on proposed principles to apply to the development and application of a Code of Conduct for council members, committee members and candidates for local government elections.

Background:

Until recent amendments to the Local Government Act 1995 (LGA) were passed (but not yet commenced), local governments had to develop and apply a Code of Conduct for council members, committee members (to ensure non council members, such as those who may be appointed to the Audit Committee) and employees. Most local governments did this via a single Code of Conduct, based on either the WALGA prescriptive based template, or the PSC principles-based template.

Increasingly local governments were recognising that it was incongruous for Council to adopt a single Code of Conduct which set standards of behaviour for employees, over whom they had no control (except the CEO). Thus some Councils have delegated authority (under s5.42 LGA) to the CEO to develop and apply the Code of Conduct for employees, because it would be more tailored to expectations and standards of employment to apply to employees, and because the CEO could easily “attach” it to conditions of employment.

The State Government, as part of the review of the LGA has recognised the common-sense approach of requiring Council to develop and apply the Code of Conduct for council members, committee members and candidates at local government elections, and the CEO to develop and apply same for employees.

The Department has released a consultation paper on the proposed mandatory Code of Conduct for council members, committee members and candidates at local government elections.

The draft resulted from consultations led by the Department and including PSC, Ombudsman, WALGA, LG Pro. Both WALGA and LG Pro have raised some concerns about the released document and propose submissions of their own, accordingly.

Comment:

There will be a mandatory code of conduct with three parts and apply to council members, committee members and candidates running for election:

- Part A – principles - overarching behaviours that council members, committee members and candidates must take into consideration in their role as public representatives, or potential public representatives.
- Part B – behaviour - sets out the standards of behaviour which enable and empower council members to meet the principles outlined in Part A. Behaviour is expected to be managed at the local level by the local government, so Part B also deals with how complaints are to be managed.
- Part C – rules of conduct - matters that negatively affect the honest or impartial performance of a council member or involve a breach of trust placed in the council member or involve the misuse of information or material.

Local governments must adopt the Code within three months of the amendments taking effect. Until the Code is adopted, the model Code applies.

Local government cannot amend Parts A and C, may amend B, if not inconsistent with Code.

Issues of concernFurther burden on local government

Currently many behavioural issues, that meet a threshold, are ordinarily addressed by the Local Government Standards Panel, but it is proposed that additional matters of standards are to be addressed by local governments themselves, with little, or no statutory powers to assist in doing so.

In addition, local governments will have to create mechanisms and processes to deal with such matters. Small regional, remote local governments such as the Shire of Coolgardie are opposed to the approach proposed, without further clarity.

The discussion paper makes it clear that local governments will be responsible for taking action against alleged breaches under Part B and that local governments must adopt a Policy on how complaints are to be handled (possibly AS/NZ S10002:2018).

Dual paths for dealing with standards of behaviour

The proposed “dual paths” for addressing standards of behaviour, being local governments under Part B and the LGSP (and related bodies) under Part C, and the potential for local government to need to engage “independent” advice is of concern.

Contradictions in approaches proposed

It is proposed that complaints made under Part B will be capable of being investigated (by the local government, or a person, or body appointed by it - at its cost), yet complaints under Part C to the LGSP especially are not treated the same. The LGSP makes it clear that it has no investigatory powers.

Lack of cooperation - preparation of actions plans

Clause 2.24 states that if a breach is found under Part B, the Council may "prepare an action plan, developed in conjunction with the Council member, to address future behaviour".

This suggested approach seems entirely unrealistic - how could a plan be prepared "in conjunction" with the "offending" council member if they do not admit any wrongdoing, nor are they committed to redressing the behaviour?

Local government election candidates

The proposed application of the Code of Conduct to candidates at local government elections should be welcomed as it should bring candidates into line with the similar requirements for council members, against whom they are contesting the elections. Reg 8 of the Rules of Conduct Regulations imposed obligations on council members which did not apply to their opposing election candidates, who were not council members.

Although it is to be applauded that candidates are to be subject to "similar" standards as council members, it is not clear how breaches are to be addressed? It may be easier if a candidate is elected because they then could be subject to the breach provisions of the RoC Regs (as a council member), but if a candidate is defeated, how is action to be taken against them, and by whom - could they be required to undertake training or be barred from standing for council for some period, and if so, by whom?

Attachments:

1. DLG draft-code-of-conduct-with-guidelines [7.1.12.1 - 39 pages]

Consultation:

Consideration has been given to WALGA and LG Pro views, as well as those of local government CEOs with whom the author has discussed the proposals.

Statutory Environment:

The Local Government Legislation Amendment Act 2019 will (on commencement) introduce new requirements in relation to Codes of Conduct (Sections 5.102A, 5.103 and 5.104)

Local Government will have to adopt and apply the Code of Conduct for council members, committee members and local government election candidates.

Policy Implications:

The (ultimate) adoption of a new Code of Conduct for council members, committee members and candidates for local government elections (and the subsequent preparation, by the CEO of a Code of Conduct for all employees) will be reflected in amendments in Council Policy Manual and Management Policy Manual.

Financial Implications:

Nil

Strategic Implications:

Accountable and Effective Leaders

High quality corporate governance, accountability and compliance

3Voting Requirement: Simple Majority

Officer Recommendation:

That Council, respond to the Draft for Consultation by advising the Department of Local Government that:

- **Currently many behavioural issues, that meet a threshold, are ordinarily addressed by the Local Government Standards Panel, but it is proposed that additional matters of standards are to be addressed by local governments themselves, with little, or no statutory powers to assist in doing so. In addition, local governments will have to create mechanisms and processes to deal with such matters, and this is likely to incur costs. Small regional, remote local governments such as the Shire of Coolgardie are opposed to the approach proposed, without further clarity.**
- **The proposed “dual paths” for addressing standards of behaviour, being local governments under Part B and the LGSP (and related bodies) under Part C.**
- **It is incongruous that whereas the LGSP does not have investigative powers under Part C, that local government is expected to investigate matters under Part B**
- **Clause 2.24 states that if a breach is found under Part B, the Council may "prepare an action plan", developed in conjunction with the Council member, to address future behaviour – if the council member refuses to accept their behaviour is inappropriate then cooperation and redress would appear unlikely.**
- **It is not clear from the document how behavioural issues from candidates at local government elections, especially defeated candidates, will be addressed, and by whom?**

That Council authorise the Shire President and CEO to complete the survey attached to the Draft for Consultation.

7.2 Technical Services

7.2.1 Salt Lake Mining Haulage Campaign - Durkin Road

Location: Coolgardie

Applicant: Salt Lake Mining

File Reference: NAM7547

Disclosure of Interest: Nil

Date: 09 October 2019

Author: Engineering Administration Officer, Mel Nowlan

Summary:

For Council to consider a proposal from Salt Lake Mining to utilise 1.5kms of Durkin Road for a six (6) month haulage campaign from 01 October 2019 to 01 April 2020.

Background:

Salt Lake Mining Resources have written to the Shire of Coolgardie requesting that the Shire permit Salt Lake Mining to use the Durkin Road access for ore haulage to Higginsville. As per Council's Policy #034 (Haulage Campaigns) - Long Term Campaign: where a cartage campaign exceeds 25,000 tonnes or 100 return trips in any annual period, or more than six return trips in any week or part thereof; the Principle – Salt Lake Mining - needs to apply to the Shire of Coolgardie for use of the Shire of Coolgardie road network.

Council resolved in May 2019;

COUNCIL RESOLUTION: #075/19

Moved: Councillor, E Winter

Seconded: Councillor, N Karafilis

That Council

- 1. Endorses the proposal from Salt Lake Mining Resources to utilise 1.5 km of Durkin Road for a 5-month haulage campaign from 01/06/2019 to 31/10/2019 comprising of up to 225,000 tonnes in accordance with Policy 034 Haulage Campaigns and Policy 035 Heavy Vehicles Conditions for use on Shire Roads.**
- 2. Request a capital contribution of \$23,625 ex GST to Account 11202750 – 170.**

CARRIED ABSOLUTELY MAJORITY 7/0

Comment:

Salt Lake have provided an updated reconciliation for material hauled from the Beta Hunt operation:

Tonnes Hauled via Durkin Road				
Month	Invoice number	Tonnes Hauled	Shire approved tonnes	
Aug-18		40,453		
Sep-18	6222	45,008	40,000	15 aug-7 sep
Oct-18	6251	48,644	40,000	7 sep-7 oct
Nov-18	6348	17,799	40,000	7 oct-7 nov
Dec-18		10,200		
Jan-19		4,389		
Feb-19	6670 -		75,000	20 feb-30 apr
Mar-19		28,712		
Apr-19		32,481		
May-19	6823	15,262	225,000	paid 27th june
Jun-19		35,555		
Jul-19		87,229		
Aug-19		57,087		
Sep-19		43,190		
Oct-19 Current Application			270,000	applied 8th October
Total		466,008	690,000 -	223,992

A map of the route has been included in previous application. Salt Lake Mining have advised they wish to extend their campaign during 2019/2020. Based on actual deterioration cost, the following contribution would be applicable –

Maintenance Contribution at \$0.04 per tonne per km at 270,000 tonnes over 1.5km \$17820 (inc GST)
 Capital Contribution of \$0.07 per tonne per km at 270,000 tonnes over 1.5km \$31185 (inc GST)

Attachments:

1. NA M 7547 Salt Lake Mining application for RAV approvals 08 10 19 [7.2.1.1 - 1 page]

Consultation:

Christian Ridley – Salt Lake Mining

Statutory Environment:

Road Traffic Act 1974 Section 85

Local Government Act 1995, Section 3.5

Policy Implications:

Council Policy 035 Heavy Vehicle Conditions for use on Shire Roads

Council Policy 034 Haulage campaigns

Financial Implications:

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

Strategic Implications:

A thriving local economy

Supporting and encouraging mining and processing industries

Accountable and Effective Leaders

Developing strong partnerships with stakeholders for the benefit of our community

Effective management of infrastructure, heritage and environment

Maintaining and renewing infrastructure and building assets

Voting Requirement: Absolute Majority

Officer Recommendation:

That Council,

1. Endorses the proposal from Salt Lake Mining Resources to utilise 1.5 km of Durkin Road for a six (6) month haulage campaign from 01/10/2019 to 01/04/2020 comprising of up to 45,000 tonnes per month (270kt per the period) in accordance with Policy 034 Haulage Campaigns and Policy 035 Heavy Vehicles Conditions for use on Shire Roads.
2. Request a capital contribution of \$31,185 inc GST to Account 11202750 – 170.

7.2.2 Haulage Campaign Durkin Road - Independence Nova PL

Location: Kambalda

Applicant: Independence Nova PL

File Reference: NAM7641

Disclosure of Interest: The Author has no financial interest in this item

Date: 05 November 2019

Author: Engineering Administration Officer, Mel Nowlan

Summary:

For Council to consider a renewal application by Independence Nova Pty Ltd, the Principle, for their haulage contractor (QUBE Bulk) to cart approximately 140,000 wet metric tonnes haulage campaign covering 1.5km Durkin Road, between Silver Lake Road and the intersection of Goldfields Highway and Durkin Road. Council endorsement is requested for eight (8) RAV approvals and the annual campaign will be valid for the period of 01/01/20 – 31/12/20.

Background:

As per Council's Policy #034 (Haulage Campaigns) - Long Term Campaign: where a cartage campaign exceeds 25,000 tonnes or 100 return trips in any annual period, or more than six return trips in any week or part thereof; the Principle (Independence Nova Pty Ltd) needs to apply to the Shire of Coolgardie for use of the Shire of Coolgardie road network.

Independence Nova Pty Ltd have approached the Shire seeking renewal of their annual haulage campaign transporting 140,000 tonnes of concentrate to the BHP Kambalda concentrator utilising 1.5km of Durkin Road. All haulage activities undertaken will be in accordance with Council Policy #034 (Haulage Campaigns) which applies to haulage campaigns within the Shire of Coolgardie. All haulage campaigns should be read in conjunction with the Shire's Policy #035 (Heavy Vehicles Conditions for use of Shire Roads). The purpose of both policies aims to ensure safe use on Shire roads by long term haulage campaign users.

At Council's Ordinary meeting held 18 December 2018, Council resolved the following:

COUNCIL RESOLUTION: #262/18

Moved: Councillor, N Karafilis
Seconded: Councillor, S Botting

That Council,

In accordance with Policy 034 Haulage Campaigns, endorse the proposal from Independence Nova Pty Ltd (Principle) to use 1.5km of Durkin Road for a campaign comprising of 110,000 tonnes on an annual basis from 01 February 2019 to 31 December 2019 for the following contribution;

- 1. Capital Contribution at \$0.07 p/tonne p/km; at 110,000 tonnes over 1.5km \$11,550 ex GST to Account/Job #11202750 (Limited Cartage Campaign).**

CARRIED ABSOLUTE MAJORITY 7/0

Comment:

Independence Nova Pty Ltd (the Principle) has requested use of Durkin Road, Kambalda, and renewal of approvals for a hauling period of 01 January – 31 December 2020.

Based on actual deterioration cost, the following contribution would be applicable –

Durkin Rd

Maintenance Contribution at \$0.04 per tonne per km at 140,000 tonnes over 1.5km \$9240 (inc GST)

Capital Contribution of \$0.07 per tonne per km at 110,000 tonnes over 1.5km \$16170 (inc GST)

Attachments:

1. 1911 Letter to Coolgardie Shire [7.2.2.1 - 6 pages]

Consultation:

Matthew Spagnolo – Manager Processing & Maintenance – Independence Nova Pty Ltd

Statutory Environment:

Road Traffic Act 1974 Section 85

Local Government Act 1995, Section 3.5

Policy Implications:

Policy #034 – Haulage Campaigns

Policy #035 – Heavy Vehicles Conditions for use on Shire Roads

Financial Implications:

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

Strategic Implications:**Accountable and Effective Leaders**

Developing strong partnerships with stakeholders for the benefit of our community

Effective management of infrastructure, heritage and environment

Maintaining and renewing infrastructure and building assets

Voting Requirement: Simple Majority

Officer Recommendation:

That Council,

In accordance with Policy 034 Haulage Campaigns, endorse the proposal from Independence Nova Pty Ltd (Principle) to use 1.5km of Durkin Road for a campaign comprising of 140,000 tonnes from 01 January 2020 to 31 December 2020 for the following contribution;

1. Capital Contribution (at \$0.07 p/tonne p/km; at 140,000 tonnes over 1.5km) = \$16170 (inc GST) to Account/Job #11202750 (Limited Cartage Campaign).

7.3 *Recreation and Community Services*

Nil

8 CONFIDENTIAL ITEMS

14.1 Organisation Structure Review

14.2 Shire Logo

9 CLOSURE OF MEETING