



SHIRE OF COOLGARDIE

# MINUTES

OF THE

SPECIAL MEETING OF COUNCIL

11 April 2017

6.00pm

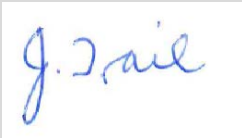
KAMBALDA

**SHIRE OF COOLGARDIE**

**NOTICE OF SPECIAL MEETING OF COUNCIL**

Dear Elected Member

A Special Meeting of the Shire of Coolgardie will be held on Wednesday 11 April 2017 in the Kambalda Community Recreation Centre, Barnes Drive, Kambalda, commencing at 6.00pm

A handwritten signature in blue ink, reading "J. Trail", is displayed within a white rectangular box.

**JAMES TRAIL  
ACTING CHIEF EXECUTIVE OFFICER**

DISCLAIMER

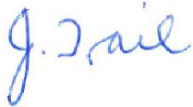
INFORMATION FOR PUBLIC ATTENDING COUNCIL MEETINGS

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  
ACTING 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.



Shire of Coolgardie

*Our Community, Our People, Our Future*

## Notice of Special Meeting

In accordance with Regulation 12 of the Local Government (Administration) Regulations, notice is hereby given that a Special Meeting of Council will be held on Tuesday 11 April 2017, commencing at 6.00pm at the Kambalda Recreation Centre.

For the purpose of:

- Toll Mining Services Annual Haulage Campaign
- DirectHaul Annual Haulage Campaign

Further information may be obtained from Mr James Trail, Acting Chief Executive Officer on 90802111

**James Trail**  
Acting Chief Executive Officer

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## 1.0 DECLARATION OF OPENING / ANNOUNCEMENT OF VISITORS

Shire President, M Cullen declared the meeting open at 6.00pm and welcomed fellow Councillors, visitors, and staff and thanked them for their attendance.

## 2.0 RECORD OF ATTENDANCE / APOLOGIES / APPROVED LEAVE OF ABSENCE

### 2.1 PRESENT:

Shire President, Malcolm Cullen  
Councillor, Tracey Rathbone  
Councillor, Kris Johnstone  
Councillor, Sherryl Botting  
Councillor, Betty Logan

### MEMBERS OF STAFF:

Acting Chief Executive Officer, James Trail  
Deputy Chief Executive Officer, Jill O'Brien  
Recreation and community development Co-ordinator, Mel Finlay  
Waste Co-ordinator, Steven Forward  
Environmental Health Officer, Maurice Walsh  
Town Planner, Francesca Lefante

### MEMBERS OF THE PUBLIC:

Nil

### 2.2 APOLOGIES:

Nil

### 2.3 APPROVED LEAVE OF ABSENCE:

Councillor, Kathie Lindup  
Councillor, Norm Karafilis

## 3.0 DECLARATIONS OF INTEREST

### 3.1 DECLARATIONS OF FINANCIAL INTERESTS – LOCAL GOVERNMENT ACT SECTION 5.60A

### 3.2 DECLARATIONS OF PROXIMITY INTERESTS – LOCAL GOVERNMENT ACT SECTION 5.60B

### 3.3 DECLARATIONS OF IMPARTIALITY INTERESTS – ADMINISTRATION REGULATION 34C

Nil

4.0 PUBLIC QUESTION TIME

Nil

5.0 APPLICATIONS FOR LEAVE OF ABSENCE

Nil

6.0 CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS

Nil

## 7.0 REPORTS

**AGENDA REFERENCE:** 7.1

**SUBJECT:** Toll Mining Services Annual Haulage Campaign

**LOCATION:** Durkin Road Kambalda

**APPLICANT:** Toll Resources & Government Logistics

**FILE REFERENCE:** NAM5440

**DISCLOSURE OF INTEREST:** The author has no interest in this matter

**DATE:** 05 April 2017

**AUTHOR:** Acting Chief Executive Officer, James Trail

### **SUMMARY:**

For Council to give consideration to a road use agreement between Toll Resources & Government Logistics and the Shire of Coolgardie.

### **BACKGROUND:**

Toll Resources & Government Logistics have requested the use of Shire of Coolgardie Road network Durkin Road Kambalda, for a distance of 1.3km of Durkin Road between Silver Lake Road and the intersection of Goldfields Highway and Durkin Road.

### **COMMENT:**

Toll Mining Services have approached the Shire seeking approval for an annual Haulage campaign transporting 17292 tonnes of products utilising 1.3km of Durkin Road.

All haulage activities undertaken will be in accordance with Council Policy TS04 RAV Long Term Campaign Conditions.

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

- *Capital Contribution of \$0.11 per tonne per km at 6027 tonnes over 1.3km \$861.86 ex GST*
- *Maintenance Contribution at \$0.07 per tonne per km at 6027 tonnes over 1.3km \$548.46 ex GST*
- *Total contribution \$1410.32 ex GST*

At a one third contribution rate, the contribution would be –

- *A Capital Contribution of \$287.29 ex GST*
- *A Maintenance Contribution of \$182.82 ex GST*
- *Total contribution \$470.11 ex GST*

**CONSULTATION:**

Michael Wells, Toll Resources & Government Logistics

Mark Greatbatch, Toll Mining Services; mark.greatbatch@tollgroup.com

**STATUTORY ENVIRONMENT:**

ROAD TRAFFIC ACT 1974 - SECT 85

Power of local government to recover expenses of damage caused by heavy or extraordinary traffic

LOCAL GOVERNMENT ACT 1995 - SECT 3.50

Closing certain thoroughfares to vehicles

**POLICY IMPLICATIONS:**

(TS-04) RAV Long Term Campaign Conditions

**FINANCIAL IMPLICATIONS:**

Contributions to be transferred to the Reserve Account for Contributions to Mining Category 10 Roads.

**STRATEGIC IMPLICATION:**

**Solutions focused and customer oriented organisation.**

- High quality corporate governance, accountability and compliance.
- Effective communication and engagement processes.
- Attraction, development and retention of a productive and effective workforce.
- Development of Shire's resources to provide optimum benefit to the community.

**Cohesive and engaged community.**

- Develop a cohesive approach to community development across the Shire.
- Support community safety and security initiatives.

**Diversified and strengthened local economy.**

- Foster innovation, partnerships and investment from across sectors to support economic development and the attraction and retention of residents.

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

- Foster excellence in urban and rural planning and development.
- Develop and maintain Shire buildings, facilities and infrastructure assets.

**VOTING REQUIREMENT:**

Simple Majority

**OFFICER RECOMMENDATION:**

That Council APPROVE an agreement between Toll Mining Services and the Shire of Coolgardie for the use of Restricted Access Vehicles on Durkin Road Kambalda for 1.3km of Durkin Road between Silver Lake Road and the intersection of Goldfields Highway and Durkin Road. Subject to:

1. The agreement does not come into effect until permits are issued to the principal of operations.
2. Toll Mining Services to contribute to the maintenance and deterioration of the road by an annual contribution to
  - A Capital Contribution to Job 120275, Toll Mining Services – Durkin Rd, of \$287.29 ex GST
  - A Maintenance Contribution to Job 120275, Toll Mining Services – Durkin Rd Agreement, of \$182.82 ex GST
  - Total contribution \$470.11 ex GST
3. This agreement is for a twelve month period from 01 March 2017 to 28 February 2018.
4. The agreement is not to be issued prior to the full payment of the contribution.

**COUNCIL RESOLUTION: # 093/17**

Moved: Cr, T Rathbone

Seconded: Cr, S Botting

That Council withdrew agenda item 7.1 following request from applicant.

**CARRIED ABSOLUTE MAJORITY 5/0**

**AGENDA REFERENCE:** 7.2

**SUBJECT:** DirectHaul Annual Haulage Campaign

**LOCATION:** Durkin Road Kambalda

**APPLICANT:** DirectHaul

**FILE REFERENCE:** NAM5439

**DISCLOSURE OF INTEREST:** The author has no interest in this matter

**DATE:** 05 April 2017

**AUTHOR:** Acting Chief Executive Officer, James Trail

**SUMMARY:**

For Council to give consideration to a road use agreement between Direct Haul and the Shire of Coolgardie.

**BACKGROUND:**

DirectHaul have requested the use of Shire of Coolgardie Road network Durkin Road Kambalda, for a distance of 1.3km of Durkin Road between Silver Lake Road and the intersection of Goldfields Highway and Durkin Road.

**COMMENT:**

DirectHaul Mining Services have approached the Shire seeking approval for an annual Haulage campaign transporting 37100 tonnes of products utilising 1.3km of Durkin Road.

All haulage activities undertaken will be in accordance with Council Policy TS04 RAV Long Term Campaign Conditions.

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

- *Capital Contribution of \$0.11 per tonne per km at 37100 tonnes over 1.3km \$5305.30 ex GST*
- *Maintenance Contribution at \$0.07 per tonne per km at 37100 tonnes over 1.3km \$3376.10 ex GST*
- *Total contribution \$8681.40 ex GST*

At a one third contribution rate, the contribution would be –

- *A Capital Contribution of \$1768.43 ex GST*
- *A Maintenance Contribution of \$1125.37 ex GST*
- *Total contribution \$2893.80 ex GST*

**CONSULTATION:**

Stuart Beyer, DirectHaul Pty Ltd

**STATUTORY ENVIRONMENT:**

ROAD TRAFFIC ACT 1974 - SECT 85

Power of local government to recover expenses of damage caused by heavy or extraordinary traffic

LOCAL GOVERNMENT ACT 1995 - SECT 3.50

Closing certain thoroughfares to vehicles

**POLICY IMPLICATIONS:**

(TS-03) Heavy Vehicle Permit Conditions.

(TS-04) RAV Long Term Campaign Conditions

**FINANCIAL IMPLICATIONS:**

Contributions to be transferred to the Reserve Account for Contributions to Mining Category 10 Roads.

**STRATEGIC IMPLICATION:**

**Solutions focused and customer oriented organisation.**

- High quality corporate governance, accountability and compliance.
- Effective communication and engagement processes.
- Attraction, development and retention of a productive and effective workforce.
- Development of Shire's resources to provide optimum benefit to the community.

**Cohesive and engaged community.**

- Develop a cohesive approach to community development across the Shire.
- Support community safety and security initiatives.

**Diversified and strengthened local economy.**

- Foster innovation, partnerships and investment from across sectors to support economic development and the attraction and retention of residents.

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

- Foster excellence in urban and rural planning and development.
- Develop and maintain Shire buildings, facilities and infrastructure assets.

**VOTING REQUIREMENT:**

Simple Majority

### OFFICER RECOMMENDATION:

That Council APPROVE an agreement between DirectHaul and the Shire of Coolgardie for the use of Restricted Access Vehicles on Durkin Road Kambalda for 1.3km of Durkin Road between Silver Lake Road and the intersection of Goldfields Highway and Durkin Road. Subject to:

1. The agreement does not come into effect until permits are issued to the principal of operations.
2. DirectHaul to contribute to the maintenance and deterioration of the road by an annual contribution to
  - A Capital Contribution to Job 120275, DirectHaul – Durkin Rd, of \$1768.43 ex GST
  - A Maintenance Contribution to Job 120275, DirectHaul – Durkin Rd, of \$1125.37 ex GST
  - Total contribution \$2893.80 ex GST
3. This agreement is for a twelve month period from 28 February 2017 30 March 2018.
4. The agreement is not to be issued prior to the full payment of the contribution.

### COUNCIL RESOLUTION: # 094/17

Moved: Cr, S Botting

Seconded: Cr, T Rathbone

That Council APPROVE an agreement between DirectHaul and the Shire of Coolgardie for the use of Restricted Access Vehicles on Durkin Road Kambalda for 1.3km of Durkin Road between Silver Lake Road and the intersection of Goldfields Highway and Durkin Road. Subject to:

1. The agreement does not come into effect until permits are issued to the principal of operations.
2. DirectHaul to contribute to the maintenance and deterioration of the road by an annual contribution to
  - A Capital Contribution to Job 120275, DirectHaul – Durkin Rd, of \$1768.43 ex GST
  - A Maintenance Contribution to Job 120275, DirectHaul – Durkin Rd, of \$1125.37 ex GST
  - Total contribution \$2893.80 ex GST
3. This agreement is for a twelve month period from 28 February 2017 30 March 2018.
4. The agreement is not to be issued prior to the full payment of the contribution.

CARRIED SIMPLE MAJORITY 5/0



**8.0 CONFIDENTIAL ITEMS**

Nil

**9.0 CLOSURE OF MEETING**

Shire President, M Cullen declared the meeting closed at 6.04pm and thanked all for their attendance.

