



# **AGENDA**

**Ordinary Council Meeting**

**28 May 2024**

**4:30pm**

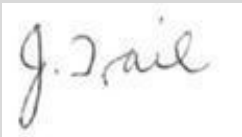
**Kambalda Recreation Centre, Barnes Drive,  
Kambalda**

**SHIRE OF COOLGARDIE**

**NOTICE OF ORDINARY MEETING OF COUNCIL**

Dear Elected Member

The next Ordinary Meeting of the Shire of Coolgardie will be held on Tuesday 28 May 2024 commencing at 4:30pm.

A handwritten signature in black ink, appearing to read "J. Trail", is enclosed in a white rectangular box.

**JAMES TRAIL**  
**CHIEF EXECUTIVE OFFICER**

**ORDINARY COUNCIL MEETING****28 May 2024**

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

The dates, times and locations of the Ordinary Council Meetings for 2024 are listed hereunder.

<u>Day</u>	<u>Date</u>	<u>Time</u>	<u>Venue</u>
Tuesday	23 January 2024	4:30pm	Kambalda
Tuesday	27 February 2024	4.30pm	Coolgardie
Tuesday	26 March 2024	4.30pm	Kambalda
Tuesday	23 April 2024	4.30pm	Coolgardie
Tuesday	28 May 2024	4.30pm	Kambalda
Tuesday	25 June 2024	4.30pm	Coolgardie
Tuesday	23 July 2024	4.30pm	Kambalda
Tuesday	27 August 2024	4.30pm	Coolgardie
Tuesday	24 September 2024	4.30pm	Kambalda
Tuesday	22 October 2024	4.30pm	Coolgardie
Tuesday	26 November 2024	4.30pm	Kambalda
Tuesday	17 December 2024	4.30pm	Coolgardie



James Trail  
Chief Executive Officer

## COUNCIL MEETING INFORMATION NOTES

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

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

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

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

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

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

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

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

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

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

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

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

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

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

**Local Government (Administration) Regulations 1996**

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

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

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

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

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

**Local Government (Administration) Regulations 1996**

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

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

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

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

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

## DISCLOSURE OF INTERESTS

### Notes for Guidance

#### IMPACT OF A FINANCIAL INTEREST (s. 5.65 & s.67. Local Government Act 1995)

A member who has a **Financial Interest** in any matter to be discussed at a Council or Committee Meeting, which will be attended by the member, must disclose the nature of the interest:

- a. In a written notice given to the Chief Executive Officer before the Meeting or;
- b. At the meeting immediately before the matter is discussed.

A member, who makes a disclosure in respect to an interest, must not:

- a. Preside at the part of the Meeting relating to the matter or;
- b. Participate in, or be present during, any discussion or decision making procedure relative to the matter, unless and to the extent that, the disclosing member is allowed to do so under *Section 5.68 or Section 5.69 of the Local Government Act 1995*.

#### **INTERESTS AFFECTING FINANCIAL INTEREST**

The following notes are a basic guide for Councillors when they are considering whether they have a **Financial Interest in a matter**.

1. A Financial Interest, pursuant to s.5.60A or 5.61 of the *Local Government Act 1995*, requiring disclosure occurs when a Council decision might advantageously or detrimentally affect the Councillor or a person closely associated with the Councillor and is capable of being measured in money terms. There are expectations in the *Local Government Act 1995* but they should not be relied on without advice, unless the situation is very clear.
2. If a Councillor is a member of an Association (which is a Body Corporate) with not less than 10 members i.e sporting, social, religious etc, and the Councillor is not a holder of office of profit or a guarantor, and has not leased land to or from the club, i.e, if the Councillor is an ordinary member of the Association, the Councillor has a common and not a financial interest in any matter to that Association.
3. If an interest is shared in common with a significant number of electors and ratepayers, then the obligation to disclose that interest does not arise. Each case needs to be considered.
4. If in doubt declare.
5. As stated if written notice disclosing the interest has not been given to the Chief Executive Officer before the meeting, then it **must** be given when the matter arises in the Agenda, and immediately before the matter is discussed. *Under s.5.65 of the Local Government Act 1995* failure to notify carries a penalty of \$10,000 or imprisonment for 2 years.
6. Ordinarily the disclosing Councillor must leave the meeting room before discussion commences. The only exceptions are:
  - 6.1 Where the Councillor discloses the **extent** of the interest, and Council carries a motion under s.5.68(1)(b)(ii) of the *Local Government Act 1995*; or
  - 6.2 Where the Minister allows the Councillor to participate under s.5.69(3) of the *Local Government Act 1995*, with or without conditions.



**INTERESTS AFFECTING PROXIMITY** (s.5.60b Local Government Act 1995)

1. For the purpose of this subdivision, a person has a proximity interest, pursuant to s.5.60B of the Local Government Act 1995, in a matter if the matter concerns;
  - a. a proposed change to a planning scheme affecting land that adjoins the person's land; or
  - b. a proposed change to the zoning or use of land that adjoins the person's land; or
  - c. a proposed development (as defined in Section 5.63(5)) of land that adjoins the person's land.
  
2. In this section, land (the proposal land) adjoins a person's land if;
  - a. The proposal land, not being a throughfare, has a common boundary with the person's land; or
  - b. The proposal land, or any part of it, is directly across a throughfare from, the person's land; or
  - c. The proposal land is that part of a thoroughfare that has a common boundary with the person's land.
  
3. In this section a reference to a person's land is a reference to any land owned by the person or in which the person has any estate or interest.

**INTERESTS AFFECTING IMPARTIALITY**

Definition: an interest, pursuant to *Regulation 19AA of the Local Government (Administration) Regulations 1996*, means an interest that could, or could reasonably be perceived to adversely affect the impartiality of the person having the interest; and includes an interest arising from kinship, friendship or membership of an association. It is also important to be considered in relation to the Shire of Coolgardie Code of Conduct for Council Members, Committee Members, and Candidates.

A member who has an **Interest Affecting Impartiality** in any matter to be discussed at a Council or Committee Meeting, which will be attended by the member, must disclose the nature of the interest;

- a. In a written notice given to the Chief Executive Officer before the Meeting or;
- b. At the Meeting, immediately before the matter is discussed.

**IMPACT OF AN IMPARTIALITY DISCLOSURE**

There are very different outcomes resulting from disclosing an interest affecting impartiality compared to that of a financial interest. With the declaration of a financial interest, an elected member leaves the room and does not vote.

With the declaration of this type of interest, the elected member stays in the room, participates in the debate and votes. In effect then, following disclosure of an interest affecting impartiality, the member's involvement in the Meeting continues as if no interest existed.

**QUESTION TIME FOR THE PUBLIC**

*(Please Write Clearly)*

DATE: \_\_\_\_\_

NAME: \_\_\_\_\_

TELEPHONE: \_\_\_\_\_

ADDRESS: \_\_\_\_\_

**QUESTION TO THE PRESIDENT:-**

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

ITEM NO: \_\_\_\_\_ PAGE NO: \_\_\_\_\_

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

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**1 DECLARATION OF OPENING / ANNOUNCEMENT OF VISITORS****1.1 ACKNOWLEDGEMENT OF COUNTRY**

“The Shire of Coolgardie acknowledges the Traditional Owners of the land, on which we meet and pay our respects to Elders past, present and emerging”

**2 DECLARATION OF COUNCIL MEMBERS**

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

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

Nil

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

**8 CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS**

**8.1 MINUTES OF THE ORDINARY COUNCIL MEETING HELD ON 23 APRIL 2024**

**Date:** 21 May 2024

**Author:** Kasey Turner, Executive Assistant

**ATTACHMENTS**

Nil

**VOTING REQUIREMENT**

Simple Majority

**OFFICER RECOMMENDATION**

That the Minutes of the Ordinary Council Meeting held on 23 April 2024 be confirmed as a true and accurate record.

**8.2 MINUTES OF THE SPECIAL COUNCIL MEETING HELD ON 14 MAY 2024**

**Date:** 21 May 2024

**Author:** Kasey Turner, Executive Assistant

**ATTACHMENTS**

Nil

**VOTING REQUIREMENT**

Simple Majority

**OFFICER RECOMMENDATION**

That the Minutes of the Special Council Meeting held on 14 May 2024 be confirmed as a true and accurate record.

**9 ANNOUNCEMENTS BY PRESIDING PERSON WITHOUT DISCUSSION****9.1 PRESIDENT'S REPORT - MAY 2024**

**Date:** 21 May 2024

**Author:** Malcolm Cullen, Shire President

I am pleased to report good progress being made on maintenance grading of the Shire gravel road networks this month.

Contractors commenced the program on May 1<sup>st</sup>, commencing with work on Coolgardie North Road which is one of the busiest of our gravel roads. There is also significant mining developments due to commence operation at the Bonnie Vale and Castle Hill areas north of Coolgardie in the coming months which will have a big impact on this road in the future.

The Shire engineering consultants WML are in the process of designing and scoping much of the work required to maintain and upgrade Coolgardie North Road to a standard that will ensure the road is safe for all road users.

Shire crews have been working on repairing sealed road defects and potholes around the Kambalda townsites over the past week, with the crews commencing in Coolgardie in the coming days. This work is part of the ongoing commitment from the Shire to maintain services into our communities.

As part of this program, I would encourage community members who see road defects when they are driving around town, that they can report such matters on the Community Portal on the Shire website.

The Shire waste services team are reporting increased volumes of commercial waste at the Coolgardie Landfill which in turn will produce increased revenue for the Shire to offset the costs of operations and maintenance of landfill sites in both Coolgardie and Kambalda.

Our Staff are also progressing the licence to receive liquid waste, which will provide additional revenue for the upgrades and maintenance of the Coolgardie Waste Water Facility.

Councillors and Staff have been busy over the past month workshoping and preparing for the 2024/25 annual budget.

This includes discussion on the rate setting statement and objectives, fees and charges, capital projects and services to the community. We are working toward adopting the new budget at the end of June.

The Coolgardie Post Officer Precinct project is nearing completion, with the last stage of the fire damaged section finished last week. The Shire consultants H&H architects have conducted the final inspection prior to the handover back to the Shire. With just some minor works to be signed off on, prior to the handover, Councillors and Staff will be working towards a management plans for this precinct over the coming months.

Our Recreation and Community services staff have been busy throughout April organising community events at the Shire facilities. Some of these included this community concert with the Barefoot Bands and the Snow party in Kambalda. It is pleasing to report over 100 children attended the snow party including a bus load from Coolgardie travelling over for the event.

It is also pleasing to report a good rollout of community support for both Anzac Day Services in Coolgardie and Kambalda this year. Both our RSL Sub-Branch members organised the ceremonies very well with an exceptional turnout of over 200 people at the Coolgardie Dawn Service. I was pleased to see a large contingent of workers who are living in the accommodation villages in both towns attend in support of our community members that attend every year to honour the fallen from Gallipoli and other conflicts throughout the world.



## **Dismay with Department of Communities and State Government decision to demolish social housing in Coolgardie, given housing demand in the region!**

### **Media Release – 22 May 2024 Media Statement**

On the afternoon of 17 May 2024, it came apparent that the Department of Communities had made a decision to demolish social houses when an excavator was unloaded and parked outside of the properties on Forrest St, Coolgardie, which has been standing empty since it was damaged in the hailstorm of 2018.

Shire of Coolgardie President, Cr Malcolm Cullen stated, “I am utterly disappointed in that despite over 6 years of discussion, lobbying and negotiating between the Shire of Coolgardie and various State Government Ministers and the Department of Communities to get these properties repaired that it all comes down to this.”

“Since the storm of 2018 numerous people have approached me, the Shire and the Department of Communities, to purchase these damaged properties to renovate and live in themselves, which would have provided additional housing to people wanting to move into the town at a time of critical housing shortages across the country.”

The houses in Forest Street, Coolgardie, which initially had damaged roofing due to the hailstorm, if repaired back in 2018 would still be available today for social housing.

Instead, they have stood empty with no repairs allowing water to ingress through the roof over six years resulting in damage that the Department of Communities now believes the best cost solution is to demolish them. What would have been a small cost to repair a roof if done immediately and under insurance, is now estimated by the Department to cost more than \$400,000 to renovate the properties. It’s likely if new houses are built on the vacant blocks these will also be at a substantial larger cost than the cost to renovate.

President Cr Malcolm Cullen’s argument for the retention of these particular properties, is that they are all site built brick dwellings, which could be renovated by private people far more cost effective than the Government and Department’s estimated \$400,000.

An example of this is following a recent property auction in Coolgardie were several of the lots, which had an older style house and in a similar state to the Forrest St properties, sold for between \$20,000 an \$60,000 in very brisk bidding, with those bidding looking to renovate the properties rather than demolish and replace with new builds.

President Cr Malcolm Cullen stated, “Against this, is the fact taxpayers will bear the cost of demolition and the town of Coolgardie will be without a few more homes for people to live.”

“In a world where we are witnessing the greatest housing and accommodation shortages we have ever seen, it appears that no one in the Department is prepared to even listen, consider or negotiate other options for these properties, other than demolition.”

“I’m acutely aware of the opposing arguments, cost of renovation \$400,000, retaining the land bank for future social housing demand, etc, however, the Department of Communities has to shoulder most of the blame for the condition these properties due to the fact that renovations were not carried out post the storm nearly 6 years ago or the option to sell to private developers was not considered. The houses were never even tarped over to prevent water ingress over those years” said Cr Malcolm Cullen.

“To date we have not received a commitment from the State Government or the Department of Communities that these houses will ever be replaced at any time in the future, as we are continually informed by the Department of Communities there is not a big public housing wait list in Coolgardie.”

The Goldfields Voluntary Regional Organisation of Councils (GVROC), consisting of the nine local government authorities in the Goldfields Esperance Region, which Cr Malcolm Cullen is also the Chair for, has also been actively working and engaging with the State Government and the Department of Communities on addressing the housing and land issues in the region since 2020, initially with a LGA delegation to Perth to meet with the Director General of the Department of Communities and the Minister for Housing in June 2021.

Since then, there has been various meetings and forums held with Ministers, local MPs and the Department of Communities at which, Cr Malcolm Cullen raised the issues with the properties still not having the roofs repaired or sold so as they could become available for public housing in the town.

During the last three years the GVROC has also produced a [GVROC Housing and Land Strategy](#) in April 2022 and also followed up with a [Housing and Land Audit and Action Plan for the Goldfields Esperance Region](#) in March 2023, in an approach to work proactively with the State Government on addressing the housing crisis being felt in the region.

These documents also resulted in a recent GVROC Ministerial Housing and Land Roundtable held in Kalgoorlie on 15 March 2024, at which Cr Malcolm Cullen along with other Local Government delegates stated to the Minister for Housing, Hon John Carey MLA and the Department of Communities representatives at the meeting to listen to what all the GVROC LGAs at the forum had to say, and take on board the suggested solutions, including upgrading or selling the numerous vacant government properties in towns throughout the Goldfields Esperance region.

“In fact, the Shire of Coolgardie staff have been trying to engage with the Department of Communities Regional Management since mid-March 2024 to discuss these very matters, without any success only to see excavators arrive to demolish the Forrest Street houses”.

“I’m bitterly disappointed at this situation for our community.” said President Cr Malcolm Cullen.

For more information, please contact the Shire of Coolgardie President – Cr Mal Cullen on 0417 266 191 or via email [shire.president@coolgardie.wa.gov.au](mailto:shire.president@coolgardie.wa.gov.au).

Cr Malcolm Cullen  
Shire President

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

Nil

**11 REPORTS OF COMMITTEES**

Nil

**12 REPORTS OF OFFICERS****12.1 Executive Services****12.1.1 INQUIRY INTO THE SHIRE OF COOLGARDIE - REVIEW OF PURCHASING/PROCUREMENT POLICY**

**Location:** Shire of Coolgardie

**Applicant:** NIL

**Disclosure of Interest:** NIL

**Date:** 15<sup>th</sup> May 2024

**Author:** Rebecca Horan, Director of Governance and Administration

**SUMMARY**

For Council to consider and adopt the changes proposed to be made to the Shire's purchasing and procurement policy and procedures.

**BACKGROUND**

Following a WA Department of Local Government, Sport and Cultural Industries Inquiry into various matters at the Shire of Coolgardie, and which reported in late 2023, the Shire has commissioned the services of Conway Highbury to conduct the review of its purchasing/procurement policies and procedures.

**COMMENT**

The review has indicated that the Shire's current procurement and purchasing policy is comprehensive and considered appropriate, it was also recently reviewed in November 2023 and is attached.

While no major changes are suggested, it has provided the Shire an opportunity to review and amend the modalities (procurement categories and associated requirements for documentation, quotes and the like) in the purchasing policy into:

- Goods
- Services; and
- Works

**CONSULTATION**

Chris Liversage, Conway Highbury  
Executive Team

**STATUTORY ENVIRONMENT**

Local Government Act 1995

**POLICY IMPLICATIONS**

Procurement and Purchasing Policy 1.06

**FINANCIAL IMPLICATIONS**

NIL

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

High quality corporate governance, accountability and compliance

**ATTACHMENTS**

1. **Review of Purchasing Policy - Debit and/or Credit Card Management Policy - Confidential**
2. **Review of Purchasing Policy - Proposed Purchasing Value Thresholds - Confidential**
3. **Review of Purchasing Policy - Amended Policy 1.06**
4. **Review of Purchasing Policy - Report**

**VOTING REQUIREMENT**

Simple Majority

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

1. **ENDORSE** the report on the Review of Procurement Polices for the Shire of Coolgardie completed by Conway Highbury.
2. **ADOPT** the amended Procurement and Purchasing Policy 1.06
3. **ADOPT** the proposed purchasing value thresholds.
4. **ENDORSE** the Use of Debit and/or Credit Cards Policy which will be embedded within the Management Policy Manual.

**12.1.2 LOCAL GOVERNMENT INQUIRY**

**Location:** NIL  
**Applicant:** NIL  
**Disclosure of Interest:** NIL  
**Date:** 2<sup>nd</sup> May 2024  
**Author:** Rebecca Horan, Director of Governance and Administration

**SUMMARY**

That Council receive the updated recommendations and actions report from the inquiry into the Shire of Coolgardie.

**BACKGROUND**

Council at its Ordinary Meeting of Council held on the 19<sup>th</sup> December 2023 resolved the following:-

**COUNCIL RESOLUTION #1/2023**

**Moved:** Cr Kathie Lindup  
**Seconded:** Cr Tracey Rathbone

**That Council:**

1. Receive the Report of the Inquiry into the Shire Coolgardie.
2. Authorise the Chief Executive Officer in accordance with the provisions of Section 8.14(3) of the Local Government Act 1995, to provide the Minister with written advice setting out the things that the Shire has done or proposes to do to give effect to the recommendations contained in the report by 4<sup>th</sup> January 2024 – noting that the CEO, in conjunction with Council has already undertaken the process to secure relevant training for Council Members, and staff in January 2024 pertaining to conflict of interest training for Council, and staff, in relation to Recommendation 1 of the Inquiry Report.
3. Authorise the Chief Executive Officer to seek legal advice on any potential implications from the recommendations and conclusions in the Report of the Inquiry into the Shire Coolgardie.

**In Favour:** Crs Malcolm Cullen, Tracey Rathbone, Sherryl Botting, Kathie Lindup, Rose Mitchell, Daphne Simmons and Corey Matthews

**Against:** Nil

**CARRIED 7/0**

**COMMENT**

Staff have engaged the services of consultants to work through the recommendations from the Inquiry.

Hammond and Woodhouse were engaged to conduct Conflict of Interest Training for Council members and the management group and Chris Liversage from Conway Highbury as conducted the review of the Shire's procurement/purchasing policy and procedures.

The review and update of the professional development and training program for council members and staff has been conducted internally.

The Department has been provided with regular updates as the recommendations have been actioned.

**CONSULTATION**

Chris Liversage, Conway Highbury

Andrew Hammond and John Woodhouse, Hammond and Woodhouse Advisory

Department of Local Government

**STATUTORY ENVIRONMENT**

N/A

**POLICY IMPLICATIONS**

N/A

**FINANCIAL IMPLICATIONS**

N/A

**STRATEGIC IMPLICATIONS**

**Accountable and effective leaders**

High quality corporate governance, accountability and compliance

**ATTACHMENTS**

1. **Inquiry into the Shire of Coolgardie - Recommendations and Actions Update**

**VOTING REQUIREMENT**

Simple Majority

**OFFICER RECOMMENDATION**

**That Council RECEIVE the updated recommendations and actions report from the inquiry into the Shire of Coolgardie.**

**12.1.3 REVIEW AND ADOPTION OF REGISTER OF DELEGATIONS AND AUTHORISATIONS**

**Location:** Shire of Coolgardie  
**Applicant:** NIL  
**Disclosure of Interest:** NIL  
**Date:** 20 May 2024  
**Author:** Rebecca Horan, Director of Governance and Administration

**SUMMARY**

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

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

**COMMENT**

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

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

**CONSULTATION**

Chief Executive Officer  
Steve Tweedie, Governance Consultant  
Executive employees

**STATUTORY ENVIRONMENT**

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

**POLICY IMPLICATIONS**

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

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

**FINANCIAL IMPLICATIONS**

NIL

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

High quality corporate governance, accountability and compliance

**ATTACHMENTS**

1. 2023-2024 Register of Delegations



**VOTING REQUIREMENT**

Absolute Majority

**OFFICER RECOMMENDATION**

That Council adopt, by Absolute Majority, the Register of Delegations and Authorisations 2023/2024 and note the sub delegations and authorisations proposed by the CEO.

**12.1.4 RECORDKEEPING PLAN 2024**

**Location:** Kambalda  
**Applicant:** Shire of Coolgardie  
**Disclosure of Interest:** Nil  
**Date:** 16 May 2024  
**Author:** Danielle Fleet, Systems

**SUMMARY**

For Council to endorse the amended Shire of Coolgardie Recordkeeping Plan which includes, Recordkeeping Policies and Procedure Manual and Recordkeeping System Disaster Recovery Plan for the Shire of Coolgardie in accordance with **Section 28 ‘Review of plans’** of the *State Records Act 2000*; and submit to the State Records Commission by August 2024.

**BACKGROUND**

Local Governments are required, under **Section 27** of the *State Records Act 2000* to have a Recordkeeping Plan approved by their relevant Minister.

Shire of Coolgardie RKP provides an accurate reflection of the Shire’s recordkeeping practices, which includes recordkeeping system(s), disposal arrangements, policies, processes, and procedures. Effective records management is of key importance to effective governance. The Recordkeeping Plan is the primary means of providing evidence of compliance with the Act.

**COMMENT**

As part of the Shire’s RKP review, this gave officers an opportunity to review and update Shire’s Policies and Procedures underlining this plan. Which includes Shire’s Recordkeeping Policies and Procedure Manual and Recordkeeping System Disaster Recovery Plan.

**CONSULTATION**

Executive Team

**STATUTORY ENVIRONMENT**

*State Records Act 2000 Section 27 & 28*

**POLICY IMPLICATIONS**

Policy Number 1.17 Recordkeeping

**FINANCIAL IMPLICATIONS**

Nil

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

High quality corporate governance, accountability and compliance

**ATTACHMENTS**

1. Recordkeeping Plan
2. Recordkeeping Policies and Procedure Manual
3. Recordkeeping System Disaster Recovery Plan

**VOTING REQUIREMENT**

Simple Majority

**OFFICER RECOMMENDATION**

**That Council:**

1. **ENDORSE** the Shire's Recordkeeping Plan in accordance with Policy 1.17 Recordkeeping, Recordkeeping Policies and Procedure Manual and Recordkeeping System Disaster Recovery Plan.
2. **AUTHORISE** the Chief Executive Officer to Certify the Amended Recordkeeping Plan, and submit the relevant documents required to the State Records Commission for approval.

## 12.2 Operation Services

### 12.2.1 DOME STORAGE KAMBALDA WEST SERVICE STATION - BLUEBUSH ROAD

Location:	Lot 2, No 2 Bluebush Road, Kambalda West
Applicant:	Roadhouse Network Pty Ltd
Disclosure of Interest:	Nil
Date:	21 May 2024
Author:	Francesca LeFante, Town Planning Consultant

#### SUMMARY

The Shire has received an application for installation of a dome storage facility on No 2 Bluebush Road, Kambalda West (PA24-04 comprising: -

- Located at the rear the existing building (**Attachment 1**)
- Two white 20 foot sea containers with a Canopy dome shelter structure (**Attachment 2**)
- High Cube Shipping Container, Overall Height = 2896mm
- Canopy Shelter, Overall Height = 6198mm (at peak)
- Existing Building and Service Station Canopy, Overall Height = 4520mm
- The dome has a height of Plans of the proposal are attached.

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

- *Exterior finish selected white coloured containers and canopy to match the predominant colour of the existing building and fences.*
- *The addition of this storage and shelter area is vital to the operation of the Service Station and I believe the proposed alignment and colouring will blend with the existing structure.*
- *Dome Structure.*
  - *From a design rationale the shape of the Dome structure matches the arch and sun of the On the Way logo. From the Bluebush frontage, it's located central to the main building and canopy providing a balanced elevation.*
  - *The purpose of the Dome shelter is to provide shelter, from sun and rain, for company Vehicles i.e. Forklift, Vans, Bikes etc. The purpose of the Sea Containers are to provide dry storage of goods and equipment.*
- *Appearance of Sea Container and Dome Structure will be partly screened by the steel fence of the gated yard on three sides and by the building on the other side. From the Bluebush Rd frontage and corner of Mistletoe Place the elevation will be dominated by the existing Service Station building and Canopy roof.*
- *The sea containers won't be visible at all, only part of the Shelter dome will be visible. From the privately owned Mistletoe Place frontage the top of the sea containers and rounded side profile of the shelter will be visible.*
- *Note: The sea containers and canopy shelter will be white to match / blend in with the existing Service Station building and fences. From the Salmon Gum Rd perspective the dome is in the distance. From the right and rear elevation the surrounding area is vacant bush land.*

#### BACKGROUND

The site is located at the corner of Mistletoe Place and Bluebush Road, Kambalda West. The property is currently development with existing Service Station building. The storage area is located at the rear of the existing building within an enclosed area.

In March 2024 the Shire approved a Pylon Sign with a height of 3metres (PA24/02) on the site as part of the service station use.



## COMMENT

The site contains an existing service station which has been vacant for many years. The applicant has undertaken upgrades to the existing building and canopy. The current service station is an existing use in the Commercial zone, this application relates to storage facility.

The site is zoned Commercial under Local Planning Scheme No 5. The objectives of the commercial zone are:

- *To provide for a range of shops, offices, restaurants and other commercial outlets in defined townsites or activity centres.*
- *To maintain the compatibility with the general streetscape, for all new buildings in terms of scale, height, style, materials, street alignment and design of facades.*
- *To ensure that development is not detrimental to the amenity of adjoining owners or residential properties in the locality.*

The surrounding land uses comprise: -

- Opposite shopping centre – Mistletoe Place
- Opposite residential – Bluebush Road
- Vacant land

The Scheme development provisions set out in Schedule 2 and comprise the following: -

- Setbacks (Street – Nil setback, Rear & Side – setback in accordance with BCA)
- Landscaping – as required by Council.
- Height – No height controls in Commercial Zone
- All service areas to be located behind the street setback and appropriately screen.

The proposal complies with the scheme provisions. The sea-container dome canopy structure is for storage associated with the service station, located at the rear of the existing building predominantly within the rear fenced area.

Whilst sea container dome structures are typically located in industrial areas, more transportable light framed structures are proposed. The proposal structure location and scale are consistent with the commercial area, the issue for consideration is the appearance and visual impact of the proposed structure.

Consideration has been given to the Shire's Sea-Container Local Planning Policy, as the proposal includes two seas-container. The proposal complies with setbacks, is located and screen by fencing, existing facility, existing trees and meets the Scheme setback provisions.

In terms of visual impacts, the following is provided: -

- The site is located on the corner of Bluebush Road and Mistletoe Place.
- The existing building and service station c have an overall height of 4.520m, the canopy shelter, height at its peak is 6.198m.
- Bluebush Road elevation – A small section of the come structure (1.6m) is visible above the existing service station building and canopy. The road that separates the site from the residential properties has a central median island with mature trees.
- Mistletoe Place elevation – the sea container / dome structure is setback over 20 metres from boundary, on a similar alignment with the existing structures. Opposite the Shopping Centre building and parking. There are limited trees front Mistletoe.

The setback and location of the structure screened by the existing building and road reserve trees, reduces the visual impact on the residential area. In this instance given the screening by existing structures, significant setback and boundary fencing the storage area is considered to be consistent with the scale of the building, does not result in visual clutter.

Accordingly, it is recommended that the proposal be approved subject to relevant planning conditions.

### Options

The following options are Council available: -

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

## **CONSULTATION**

Shire Environmental Health Officer

## **STATUTORY ENVIRONMENT**

Local Planning Scheme  
Planning and Development Act and Regulations  
Deemed Provisions

## **POLICY IMPLICATIONS**

Nil

## **FINANCIAL IMPLICATIONS**

Nil

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

Encouraging the development of local business education and support

Supporting local businesses in the Shire

**Accountable and effective leaders**

Developing strong partnerships with stakeholders for the benefit of our community

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

**ATTACHMENTS**

1. Site Plans & Elevations
2. Perspectives

**VOTING REQUIREMENT**

Simple Majority

**OFFICER RECOMMENDATION**

That Council APPROVE the proposed Storage sea-containers and dome canopy structure PA24-04 as shown on the accompanying plans at Lot 2 No 2 Bluebush Road, Kambalda West subject to the following: -

**Conditions:**

1. This decision constitutes planning approval only and is valid for a period of 2 years from the date of approval. If the subject development is not substantially commenced within the specified period, the approval shall lapse and be of no further effect.
2. Development shall be in accordance with the attached approved plans and subject to any modifications required as a consequence of any condition(s) of this approval.
3. The domes canopy cover to be maintained in good condition, free of tears and ripping, to the satisfaction of the Shire of Coolgardie.
4. Sea containers are to be screened by uniform fencing surrounding the rear storage area.

**Advice Notes**

1. This Determination Notice is not a Building Permit or Health Approval, nor authorise such works. All separate applications and approvals must be obtained prior to the commencement of construction on site, whichever occurs first.
2. No building or construction activities shall be carried out before 7:00am or after 7:00pm, Monday to Saturday, and not at all on Sunday or Public Holidays.
3. If an applicant or owner is aggrieved by this determination, there is a right of review by the State Administrative Tribunal in accordance with the Planning and Development Act 2005 Part 14. An application must be made within 28 days of the determination.

**12.2.2 TEMPORARY ROAD CLOSURE - PORTION JAURDI HILLS ROAD, COOLGARDIE**

**Location:** Jaurdi Hills Road, Coolgardie  
**Applicant:** N/A  
**Disclosure of Interest:** Nil  
**Date:** 16 May 2024  
**Author:** Francesca LeFante, Town Planning Consultant

**SUMMARY**

To consider submission received following close of Public Notice advertising period, relating request from Beacon Minerals for closure of portion of Jaurdi Hills Road from Lady Ida Mine to Jaurdi Processing to progress their mining activities.

**Location**

Road Access to Lady Ida mine is via public and private (mine) roads, this application relates to the public road section. The map below shows location of the mine and the road sections, comprising: -

- Red section – public road under the Shire controlled network.
- Blue portion is mine/private road.

**BACKGROUND**

On February 2024 Council resolved: -

- 1. In accordance with section 3.50 of the Local Government Act 1995, RESOLVE to a partial closure of section of Jaurdi Hills Road from SLK 33.3 through to SLK 48.2 for the purpose of mining activities for the purpose of mining activities for a period of 12 months subject to:**
  - a) The 12 month temporary closure period to commence on 30 April 2024 or sooner by written agreement from the Chief Executive Officer**
  - b) A road agreement being reached between the Shire and Beacon Minerals in relation to the upgrading, maintenance, operation and remediation of Jaurdi Hills Road; and**
  - c) Beacon Minerals indemnifying the Shire in full with respect to the section of Jaurdi Hills Road Temporary Closure**



2. **Subject to 1. above, grant Beacon Minerals employees and contractors access to the partially closed section of Jaurdi Hills Road (being SLK 35.3 to SLK 48.2) following temporary closure;**
3. **Allow the provision of other parties being granted access to the temporarily close portion of Jaurdi Hills Road by means of a permit system administered by the Shire;**
4. **Authorise the Chief Executive Officer to negotiate with Beacon Minerals a road user agreement and refer that proposed agreement to Council for adoption;**
5. **Authorise the Chief Executive Officer to advise Beacon Minerals they are responsible for;**
  - a. **Provision and installation of road signage**
  - b. **Traffic management protocols**
  - c. **All costs associated with the request being borne by Beacon Minerals**
6. **Authorise the Chief Executive Officer to initiate Local Public Notice of the proposed temporary closure for a period of 21 days comprising;-**
  - a. **Notice Details**
    - i. **Purpose of temporary closure**
    - ii. **Proposal details**
    - iii. **Location**

### **Submissions**

Local Public Notice of the temporary road closure request was undertaken in accordance with Section 3.50 of the Local Government Act 1995.

At the close of advertising period on 07 May 2024, the Shire received one submission. The submission is from a tenement holder and relates to maintaining vehicle access to their tenement.



Figure 1 - Mining Tenements P16/2919 & P16/2927

### **COMMENT**

Section 3.50 of the Local Government Act 1995, set out the Shire authority and statutory process for enacting a temporary road closure. The Shire has completed the Public Notice (advertising) period closed on 07 May 2024. One submission has been received and consideration has been given the issues raised in this report.

### **Submission consideration**

The request from beacon includes: -

- Temporary whole road closure for a period of 12 months to operate higher capacity road trains with a gross mass of up to 100 tonnes on the road for its proposed mining operations location.
- Proposed specified user to be exempt from the proposed temporary closure which may use this section of Jaurdi Hills Road during its closure period: -
  - Beacon Minerals employees and contractors.
  - Permit holders for permits which have been issued by the Shire of Coolgardie.

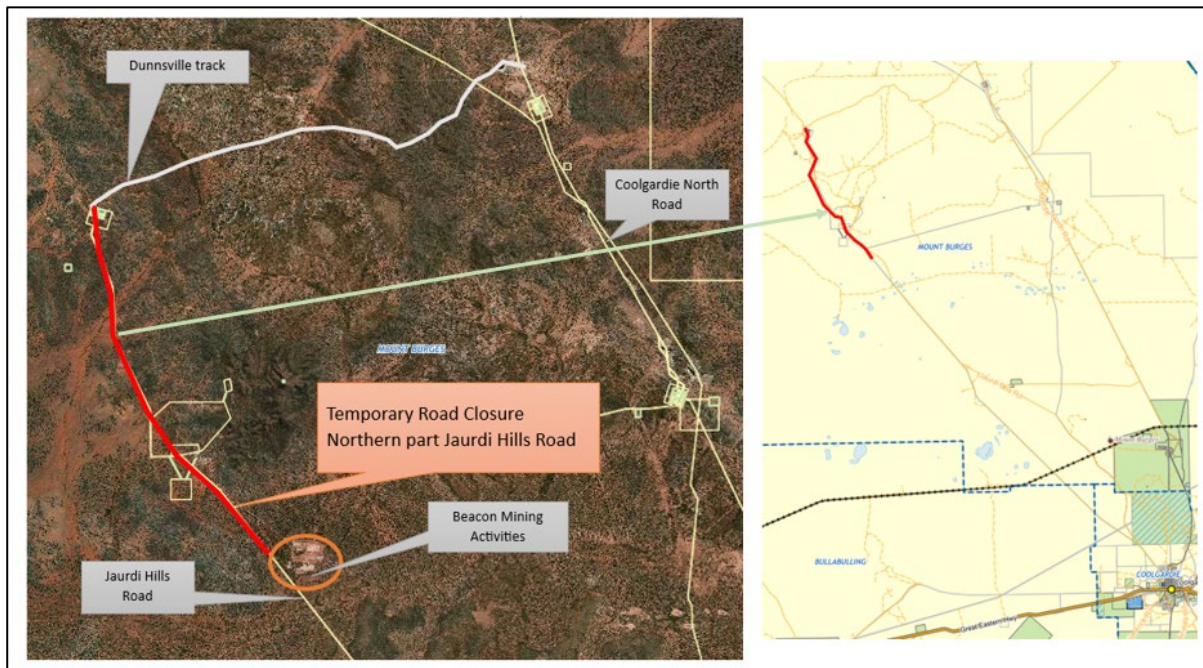
The submission has raised access to mining tenements to undertake work obligations on the lease on an annual basis. To address the issue the tenement holders of P16/2919 and P16/2927 can be nominated as Permit Holders to facilitate access.

**Road Status and use**

Jaurdi Hills Road: -

- Is a public road, classified as a local access road under the responsibility of the Shire of Coolgardie.
- Provides access to various mining activities including the Black Cat and Lost dog mines operated by Beacon Mining.
- Is a gravel sealed road.

The public road section of Jaurdi Hill Road the subject to this request is shown on the map below and in **Attachment 2**.



Dunnsville Road is an unsealed access track used for access to mining activities. The track has no road reservation, is classified as an Access (track), and is excluded (does not form part) from the Shire controlled road network. Dunnsville Road/track does not form part of this temporary road closure request.

The rest of the road that extends northwest to Lady Ida Mine does not form part of the Shire road network.

**Tourism / Cultural Heritage Impacts**

The proposed road to be temporarily closed does not form part of any tourism trail network. The Mount Burgess townsite has no development and no privately owned land. The area is predominately mining activities.

**Traffic Control and Safety**

The proposal incorporates traffic control and safety measure, to be undertaken by Beacon Minerals, including the following: -

- Road Signage
- Road Lighting
- Road maintenance and
- Dedicated contact person for access control and safety protocols.
- Permit system for road access.

### **Temporary Road Close timeframe**

The legislation limits temporary closure under this section to one year, it does however provide for making of another order that continues the closure of the thoroughfare. It is anticipated that the Shire would revisit the temporary closure at the end of the 12-month period.

### **Road User Agreement**

In accordance the Council resolution in February 2024, the Shire has prepared a Road User Agreement, which has been forwarded to the applicant to review.

### **Summary**

The submission has raised access to mining tenements to undertake work obligations on the lease on an annual basis. To address this issue these tenement holders can be nominated as Permit Holders to facilitate vehicle access.

The request from Beacon Minerals for the purpose of mining activities for a period of 12 months to facilitate mining activities is supported on the basis of: -

- This section of Jaurdi Hills Road status and use.
- The area is surrounded by mining activities including the Black Cat and Lost Dog mines operated by Beacon Mining.
- The proposal does not impact the status of use of other roads or tracts including Dunnsville Road.
- There are no Shire managed roads that connect to this section of Jaurdi Road.
- The road does not form part of any tourism trail network.
- The proposal includes a permit system to manage road access.
- The submission received can be addressed by the Shire providing tenement holders of P16/2919 and P19/2927 with vehicle access Permits.

As the public advising period has concluded, the Shire can issue final approval for the temporary 12-month road closure. The terms detail the obligations, responsibilities, and costs including: -

- Temporary road closure timeframe limited to 12 months.
- Extension beyond the 12-month period timeframe will require a further application for consideration by the Shire.
- At expiry of the temporary closure period the applicant is to repair and make trafficable the closed section of Jaurdi Hills Road to the satisfaction of the Shire of Coolgardie. All costs to be borne by the applicant.
- The applicant enter into a Road User Agreement.
- All costs associated with the request being borne by the applicant;
- The tenement holders be included in the Permit Holders for the purpose of access to their tenements.

### **Options**

The following options are Council available:

- Option 1: Approval for the proposal.
- Option 2: Refuse the proposal.
- Option 3: Defer the proposal for further information.

### **CONSULTATION**

James Trail - CEO

**STATUTORY ENVIRONMENT**

Local Government Act 1995

**POLICY IMPLICATIONS**

Nil

**FINANCIAL IMPLICATIONS**

Nil

**STRATEGIC IMPLICATIONS**

**A thriving local economy**

Encouraging the development of local business education and support

Supporting local businesses in the Shire

**Accountable and effective leaders**

Developing strong partnerships with stakeholders for the benefit of our community

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

**ATTACHMENTS**

1. **Location Plan**
2. **Submissions**

**VOTING REQUIREMENT**

Simple Majority

## OFFICER RECOMMENDATION

## That Council:

1. **APPROVE** in accordance with section 3.50 of the Local Government Act 1995, the partial closure of section of Jaurdi Hills Road from SLK 35.3 through to SLK 48.2 for the purpose of mining activities for a period of 12 months subject to:
  - a. The 12 month temporary closure period to commence on 29 May 2024.
  - b. A road agreement being reached between the Shire and Beacon Minerals in relation to the upgrading, maintenance, operation and remediation of Jaurdi Hills Road; and
  - c. Beacon Minerals indemnifying the Shire in full with respect to the section of Jaurdi Hills Road Temporary Closure
2. **AUTHORISES**, Subject to 1. above, Beacon Minerals employees and contractors access to the partially closed section of Jaurdi Hills Road (being SLK 35.3 to SLK 48.2) following temporary closure;
3. **AUTHORISES** the provision of other parties being granted access to the temporarily close portion of Jaurdi Hills Road by means of a permit system administered by Beacon Minerals;
4. **AUTHORISES** the tenement holders of P16/2919 and P16/2927 be granted a Permit holder to access the tenements.
5. **AUTHORISES** the Chief Executive Officer to negotiate with Beacon Minerals a road user agreement and refer that proposed agreement to Council for adoption;
6. **AUTHORISE** the Chief Executive Officer to advise Beacon Minerals they are responsible for;
  - a. Provision and installation of road signage.
  - b. Traffic management protocols.
  - c. Road access to tenement holders of P16/2919 and P16/2927 be granted a Permit holder.
  - d. Permit system for road access.
  - e. Providing the Shire, within 3 working days on request of the Shire: -
    - i. Evidence of any permits requested and/or issued to parties accessing this road,
    - ii. Information on any road access permits declined.
  - f. All costs associated with the request being borne by Beacon Minerals.

### 12.2.3 ROAD CLOSURE - RESERVE EXPANSION KAMBALDA AIRPORT

**Location:** Reserve 49358 - Kambalda  
**Applicant:** N/A  
**Disclosure of Interest:** Nil  
**Date:** 21 May 2024  
**Author:** Francesca LeFante, Town Planning Consultant

#### SUMMARY

The Shire has been progressing actions to expand the Kambalda Airport Reserve. The subject land includes a portion on unnamed road reserve. This report relates to the required concurrent actions to close these sections of road and incorporate it into the new expanded reserve.

#### BACKGROUND

The existing reserve comprises: -

- Lots 300 & 301 Kambalda airport and runway and terminal building.
- Lot 302 – Access Road to airport.
- Zoned public purpose under Local Planning Scheme No 5.



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

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

In October 2023 the Shire initiated the process for the Kambalda Airport Reserve. Following this resolution Shire officers have liaised and met with the Department of Planning Lands and Heritage (DPLH) on various occasions to facilitate the reserve expansion and associated road reserves.

In April 2024 a site visit was held in Kambalda with DPLH representative as part of the progress of the land tenure change request. (DPLH Ref **Case 2302568**)

In May 2024 DPLH officers advised the Shire that: -

- Require a Council Resolution for the road closure.
- Completed investigations into the status of native title on the surrounding unallocated Crown land. The investigations conclude that native title rights and interests do not exist on the unallocated Crown land by virtue of a resumption done in June 1971.
- Once the council resolution is received we will commence those actions to get approval to close the road and amalgamate into the airport reserve.

#### COMMENT

The Expansion of Reserve R49358 being Lot 300 & 301 on Deposited Plan 43054 includes the adjoining unallocated crown and to the east, west and south with proposed new reserve length on 2800metres, increased width to 300m and expanded aircraft apron, terminal and storage areas.



The relevant section of road reserve that this report is related to comprises: -

- Section of unnamed and unconstructed portion of Road Reserve (land ID 3746085 and 3740748)



The statutory process and timeframes, this action is being initiated early and will require surveying, liasions with aircraft operations and regulators.

This road reserve closure will facilitate timely finalisation of the expansion of Reserve 49358 which will enable upgrades and improvements to the airport and infrastructure to the benefit of the community which includes mining ratepayers and to increase the opportunity for development within the townsite.

Accordingly, support is recommended for these road closure actions to support the expansion of the Kambalda Airport Reserve.

Options

Council has the following options:

- Option 1: Support the request for road reserve closure – Kambalda Airport.
- Option 2: Decline to pursue actions.

**CONSULTATION**

Department of Planning, Lands and Heritage

**STATUTORY ENVIRONMENT**

Local Government Act 3.54 Reserves under control of a Local Government  
Land Administration Act 1997

**POLICY IMPLICATIONS**

Nil

**FINANCIAL IMPLICATIONS**

Nil

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

Encouraging the development of local business education and support

Supporting local businesses in the Shire

**Accountable and effective leaders**

Developing strong partnerships with stakeholders for the benefit of our community

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

**ATTACHMENTS**

1. Plans - Reserve Expansion
2. Plans - Road Closure Sections

**VOTING REQUIREMENT**

Simple Majority

**OFFICER RECOMMENDATION**

That Council:

1. **SUPPORT** the closure of the following roads as part of the expansion of Kambalda Airport Reserve R49358, being: -
  - a. Land ID 3746085 – portion highlighted red located west of Lot 301 & 300 Reserve 49358
  - b. Land ID 3740748 – portion highlighted red located east of Lot 301 & 300 Reserve 49358
2. **SUPPORT** the preparation of survey plans and associated documents for the proposed road reserve closure sections.



**12.2.4 LIST OF PAYMENTS - APRIL 2024**

**Location:** Nil  
**Applicant:** Nil  
**Disclosure of Interest:** Nil  
**Date:** 10 May 2024  
**Author:** Corina Morgan, Senior Finance Officer

**SUMMARY**

For Council to receive the list of accounts for April 2024.

**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 April 2024 are:

1. Northern Rise – Management of Bluebush Village
2. Pryce Mining – Repairs and Maintenance Various sites across the Shire
3. Judumul – Support Hub Sub Contract Agreement

**CONSULTATION**

Nil

**STATUTORY ENVIRONMENT**

Local Government (Financial Management) Regulations 1996, Regulation 13 – Lists of Accounts

**POLICY IMPLICATIONS**

CS-PROCUREMENTS POLICY. Policy CS-11 sets the guidelines with regards to the purchase of goods or services provided.

**FINANCIAL IMPLICATIONS**

Nil

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

Maintain integrated strategic and operational plans

High quality corporate governance, accountability and compliance

**ATTACHMENTS**

1. List of Payments - April 2024

**VOTING REQUIREMENT**

Simple majority

**OFFICER RECOMMENDATION**

That Council RECEIVE listing (attached) of accounts paid during the month of April 2024 by the Chief Executive Officer under delegated authority of Council.

1. Municipal accounts totalling \$1,511,171.09 on municipal vouchers EFT27157 – EFT27314, Cheque 53574 and Direct Debits.
2. Credit card payments totalling \$14,977.39
3. Fuel card payments totalling \$39,370.90
4. Woolworths cards totalling \$969.55

**12.2.5 MONTHLY FINANCIAL STATEMENTS FOR THE MONTH ENDED 30 APRIL 2024**

**Location:** Shire of Coolgardie  
**Applicant:** Shire of Coolgardie  
**Disclosure of Interest:** Nil  
**Date:** 21 May 2024  
**Author:** Corina Morgan, Senior Finance Officer

**SUMMARY**

This report recommends that the Monthly Statement of Financial Activity report for the period ending 30 April 2024 is presented to Council for adoption.

**BACKGROUND**

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

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

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

**COMMENT**

Attached for consideration is the completed Monthly Financial Report.

The document attached includes Statements of Financial Activity by Program, and Nature and Type, Notes to the financial statements, an explanation of material variance as well as a summary of bank account balances at 30 April 2024, 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.



Shire of Coolgardie

Period ended 30 April 2024

Matter Raised	Area of Concern	Action Required	Proposed/Taken Action
Going concern - liquidity	The estimated year end closing position is a deficit of \$552,061, and cash position for operations is nil. Achieving this forecast nil cash position is reliant on receiving all forecast revenue with no expenditure overruns as well as receiving an additional \$1,510,000 in new borrowings. An overdraft facility may also be required to be utilised before 30 June 2024 to fund the negative net current asset position.	Given the lack of reserves the Shire has and borrowing repayments to be made the lack of liquidity may have very serious negative impacts. Urgent action is required to ensure cost overruns do not occur and savings are made whilst ensuring all revenue is received. Where a likelihood exists of revenue not being received equivalent expenditure savings are required. Monitoring of loan covenants is also required to ensure these are not breached. Given the lack of cash, urgent action needs to be taken to recover all debtors outstanding to assist with the payment of creditors. Council should be made aware of the financial position of the Shire.	As a part of the 2023/24 budget review the revenue and expenses have been attended taking the various external and internal mitigants into consideration. The identified area of concern in relation to the utilisation of the overdraft facilities has already been discussed in the prior years with the external auditors (RSM) and OAG as a timing difference matter and is intended to be addressed as a part of the year end cash position for the 2023/24 financial statements and in the 2024/25 Budget preparation. Appropriate excel spreadsheets have been created to monitor the loan agreements to ensure these are not breached. Council is informed of the financial position of the Shire monthly in a timely manner.
Financial management regulation 32 exclusion.	Forecast employee benefit provision of \$357,353 at 30 June 2023 was excluded from the budgeted opening net current position. Actual current leave provisions at 30 June 2023 of \$412,085 was excluded from the actual net current position at 30 June 2023.	As no employee liability reserve account exists and any payment of the employee liability prior to 30 June 2024 will result in a deficit. The closing funding surplus at 31 December 2023 has been adjusted to remove the exclusion of the current leave provisions in accordance with Departmental guidelines.	The identified issue of exclusion of employee liability reserve account was not upraised by the OAG nor the external auditors in the prior years. The current leave provisions in accordance with Departmental guidelines will be discussed as a part of end of the financial year 2024 statements finalisation with the external Shire's auditors (RSM) and the Office of the Audit General.
Capital expenditure	Transactions have been allocated to capital expenditure drainage \$71,849 and \$174,328 parks and oval accounts without budget allocations for 2023/24.	We recommend a review of expenditure to date, to determine expenditure is correctly recorded within the capital account and allocated to the correct asset class. If no misallocations have occurred and the current balance is correct, a budget amendment adopted by an absolute majority of Council may be required to authorise further expenditure occurring.	We will review the Capital Expenditure allocations in relation to drainage, and parks and ovals. Any misallocations will be corrected, but if necessary, a budget amendment will be presented to council.
Liabilities	General ledger includes RDO accruals totalling \$22,769, RDO leave taken has not been allocated to the general ledger since last reconciled in November 2023.	We recommend accruals be reviewed and adjusted (where appropriate).	This has been identified and will be updated by the 30th June 2024.
General Ledger	Transactions have been allocated to incorrect IE value. The report has been adjusted on face value to correct the nature allocation.	We recommend allocations are reviewed and corrected to accurately report transactions by nature.	A review will commence and misallocations will be corrected to ensure transactions are accurately reported by nature.

## CONSULTATION

Nil

## STATUTORY ENVIRONMENT

Local Government Act 1995 Section 6.4

Local Government (Financial Management) Regulations 1996 Section 34

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

(1A) In this regulation —

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

- (1) A local government is to prepare each month a statement of financial activity reporting on the revenue and expenditure, as set out in the annual budget under regulation 22(1)(d), for that month in the following detail —
  - (a) annual budget estimates, taking into account any expenditure incurred for an additional purpose under section 6.8(1)(b) or (c); and
  - (b) budget estimates to the end of the month to which the statement relates; and
  - (c) actual amounts of expenditure, revenue and income to the end of the month to which the statement relates; and
  - (d) material variances between the comparable amounts referred to in paragraphs (b) and (c); and
  - (e) the net current assets at the end of the month to which the statement relates.
- (2) Each statement of financial activity is to be accompanied by documents containing —

- (a) an explanation of the composition of the net current assets of the month to which the statement relates, less committed assets and restricted assets; and
  - (b) an explanation of each of the material variances referred to in sub regulation (1)(d); and
  - (c) such other supporting information as is considered relevant by the local government.
- (3) The information in a statement of financial activity may be shown —
- (a) according to nature and type classification; or
  - (b) by program; or
  - (c) by business unit.
- (4) A statement of financial activity, and the accompanying documents referred to in sub regulation (2), are to be —
- (a) Presented at an ordinary meeting of the council within 2 months after the end of the month to which the statement relates; and
  - (b) Recorded in the minutes of the meeting at which it is presented.
- (5) Each financial year, a local government is to adopt a percentage or value, calculated in accordance with the AAS, to be used in statements of financial activity for reporting material variances.

#### **POLICY IMPLICATIONS**

Nil

#### **FINANCIAL IMPLICATIONS**

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

#### **STRATEGIC IMPLICATIONS**

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

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

High quality corporate governance, accountability and compliance

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

#### **ATTACHMENTS**

1. **Management Letter - April 2024**
2. **Monthly Financial Report - April 2024**

#### **VOTING REQUIREMENT**

Simple majority

#### **OFFICER RECOMMENDATION**

**That the Monthly Financial Activity Statement for the period 1 July 2024 to 30 April 2024 be received.**

## 12.3 Commercial Services

### 12.3.1 RFQ 14- 17/18 - RESIDENTIAL AND COMMERCIAL REFUSE COLLECTION SERVICES TO CLEANAWAY PTY LTD

<b>Location:</b>	<b>Shire of Coolgardie</b>
<b>Applicant:</b>	<b>NIL</b>
<b>Disclosure of Interest:</b>	<b>NIL</b>
<b>Date:</b>	<b>13<sup>th</sup> May 2024</b>
<b>Author:</b>	<b>Celia Jordaan, Consultant</b>

#### SUMMARY

That Council extends the RFQ014 – 17/18 Residential and Commercial Refuse Collection Service contract for a further period of 2 years as set out in item 11, Extended Period of Schedule 1 – General Contract Specifics. The extension period will run from 1 July 2024 until 30 June 2026.

#### BACKGROUND

The Shire of Coolgardie awarded RFQ014 – 17/18 Residential and Commercial Refuse Collection Services to Cleanaway Pty Ltd on 24 July 2018 under Resolution 128/18. The contract was awarded for an initial term of five (5) years and eight (8) months and commenced on 1 November 2018 and terminating on 30 June 2024. The contract includes extension options totalling a further five (5) years, consisting of two (2) years plus two (2) years plus one (1) year. Contract extension is at the discretion of the Shire.

Cleanaway current provide domestic and commercial refuse services on the following days:

- a. Kambalda East: Tuesday;
- b. Kambalda West – Bluebush Road to Casuarina Road: Tuesday;
- c. Kambalda West – Salmon Gums to Callitris Road: Friday;
- d. Coolgardie: Friday;
- e. Kurrawang: Friday.

The contract does not include any verge collections or bulk waste collections.

#### COMMENT

The Cleanaway contract includes key performance measures and Cleanaway's performance has improved since the Shire commenced monthly performance reviews. In the past two years the number of complaints and issues have decreased materially and the service and their overall performance under this Contract have consistently been very good. The performance is measured by set key performance indicators as set out in the contract.

Sufficient performance management has been evidenced to approve the contract variation and exercise its option to extend the contract for the first further term of 2 years.

#### CONSULTATION

Pergy Matsika, Manager Waste and Sewerage Services

#### STATUTORY ENVIRONMENT

Local Government Act 1995, Section 3.57

**POLICY IMPLICATIONS**

NIL

**FINANCIAL IMPLICATIONS**

The funds for the management of the domestic and commercial refuse collections are included in the 2023/2024 budget.

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

Encouraging and attracting new investment and advocating for local employment

**Accountable and effective leaders**

High quality corporate governance, accountability and compliance

**ATTACHMENTS**

1. **Cleanaway Contract Performance Report - Confidential**
2. **CUAWA - Price Schedule - Confidential**

**VOTING REQUIREMENT**

Simple Majority

**OFFICER RECOMMENDATION**

That Council:-

1. **Approve as set out in item 11, Extended Period of Schedule 1 – General Contract Specifics:**
  - a. **Extending the RFQ014 – 17/18 Residential and Commercial Refuse Collection Service contract with Cleanaway Pty Ltd, ABN 79 000 164 938 for a further period of 2 years;**
  - b. **The extension period to run from 1 July 2024 until 30 June 2026;**
  - c. **All other terms and conditions remain as agreed.**
2. **Authorise the Chief Executive Officer to:**
  - a. **Notify Cleanaway Pty Ltd that the Shire exercises its rights to extend RFQ014 – 17/18 Residential and Commercial Refuse Collection Service contract for a further period of 2 years on the basis that;**
    - i. **The extension period to run from 1 July 2024 until 30 June 2026;**
    - ii. **All other terms and conditions remain as agreed.**
3. **Authorise the Chief Executive Officer to finalise, issue and sign the notice of extension.**

**13 ITEMS FOR INFORMATION ONLY**

Nil

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

Nil

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

**15.1 Elected Members**

**15.2 Shire Officers**



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

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

**16.1 Application To Waive 2023-2024 Legal Fees**

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

**16.2 Request For Waiver Of Legal Fees**

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

17 CLOSURE OF MEETING