



**City of
Kalgoorlie
Boulder**

MINUTES

(Unconfirmed)

of the Ordinary Council Meeting

held at 7:00 PM

on

30 OCTOBER 2023

at the

Kalgoorlie Town Hall

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1 DECLARATION OF OPENING / ANNOUNCEMENT OF VISITORS

The Mayor declared the meeting open at 7:00 pm welcoming the gallery and those present.

2 OPENING PRAYER

The opening prayer was conducted by Pastor Joel Tardo from the Goldfields Alliance.

3 DISCLAIMER READING

The Mayor read the disclaimer to those present.

Please note this meeting is being recorded and streamed live on the Council's website in accordance with the City's Public Participation in Council Meeting Policy, which can be viewed on Council's website

All reasonable care is taken to maintain your privacy; however, as a visitor in the public gallery, your presence may be recorded. By remaining in the public gallery, it is assumed your consent is given if your image is broadcast.

The recommendations contained in this Agenda are Officer's 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 Council's decision.

4 RECORD OF ATTENDANCE

4.1 Attendance

COUNCIL RESOLUTION

Moved By:

Cr Terrence Winner

Seconded By:

Cr Wayne Johnson

That Council authorise the attendance of Cr Viskovich to participate in the Ordinary Council Meeting of Council in accordance with the provisions of the Local Government (Administration) Regulations 1996 Clause 14A.

**CARRIED
(8 / 0)**

For:

**Mayor Glenn Wilson, Deputy Mayor Kirsty Dellar,
Cr Deborah Botica, Cr Terrence Winner, Cr Wayne
Johnson, Cr Kyran O'Donnell, Cr Linden Brownley
and Cr Nardia Turner**

Against:

Nil

In Attendance:

Mayor Glenn Wilson
Deputy Mayor Kirsty Dellar
Cr Deborah Botica
Cr Terrence Winner
Cr Wayne Johnson
Cr Kyran O'Donnell
Cr Linden Brownley
Cr Nardia Turner
Cr Carla Viskovich

Joined via telephone conference at 7:04 pm

Members of Staff:

Andrew Brien	Chief Executive Officer
Glenda Abraham	Director Corporate and Commercial
Alex Wiese	Director Development and Growth
Johan Le Roux	Acting Director Engineering
Xandra Curnock	Executive Manager Finance
Frances Liston	Executive Manager Governance and Risk Services
Emma Holtum	Governance Officer
Tawanda Mauchaza	ICT Service Delivery Officer

Visitors:

1

Press:

2

4.2 Apologies**Apologies - Elected Members:**

Nil

Apologies - Members of Staff:

Nil

4.3 Leave of Absence (Previously Approved)**Leave of Absence:**

Nil

5 RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

Nil

6 PUBLIC ACCESS AND PUBLIC QUESTION TIME

6.1 Public Access

Suzie Williams, a resident of Boulder addressed the meeting regarding Item 15.1.3 - Suzie wanted to see if there are any Councillors that have any questions regarding the Probity Report?

The room was opened for Councillors to ask questions of Mrs Williams, to which Cr Wayne Johnson and Cr Nardia Turner asked a question of Mrs Williams.

Suzie Williams, a resident of Boulder addressed the meeting - The Mayor as the Spokesperson of the City stated that the investigation into the Bullying of myself showed that there was "no Substance" to my claims. As the complainant can I please have a response from the City?

Suzie Williams, a resident of Boulder addressed the meeting - As I have never had any correspondence or conclusion for the following complaints, can i please have the status of the following:

1. Failure to make a resolution public
2. Closure of the meeting to the public
3. Refusal of complaints
4. Cr Brown's failure to declare interest
5. CEO working h under suspension
6. CEO failure to declare an interest

The Mayor thanked Mrs Wiliams for her questions and informed her that all of Mrs Suzie Williams questions were taken on notice and a response would be provided to her.

6.2 Public Question Time

Cr Mick McKay, a resident of Boulder asked the following question:

Will Council relocate the seat outside shop one on 248 Hannan Street? It would be more suitable to be situated on the west side of the bin facing the blank wall of Westpac bank near the news agency. Where it is attracts antisocial behavior and being adjacent to a cape shop is not helping.

Response from Mayor:

Mayor thanked Mr McKay, and informed him that the question will be taken on notice and a response would be provided.

7 PETITIONS / DEPUTATIONS / PRESENTATIONS

Nil

8 NOTATIONS OF INTEREST

8.1 Interest Affecting Impartiality City of Kalgoorlie-Boulder Code of Conduct

Nil

8.2 Financial Interest Local Government Act Section 5.60A

Chief Executive Officer declared a direct financial interest in item 14.3.1 as this report relates to his employment conditions.

Councillor Linden Brownley declared a financial interest in item 15.1.3 as he undertakes contract work for Lynas Rare Earths.

8.3 Proximity Interest Local Government Act Section 5.60B

Nil

9 APPLICATIONS FOR LEAVE OF ABSENCE

Moved By:

Cr Wayne Johnson

Seconded By:

Cr Terrence Winner

That Council approve the leave request.

CARRIED

(9 / 0)

For: Mayor Glenn Wilson, Deputy Mayor Kirsty Dellar, Cr Deborah Botica, Cr Terrence Winner, Cr Wayne Johnson, Cr Kyran O'Donnell, Cr Linden Brownley, Cr Nardia Turner and Cr Carla Viskovich

Against: Nil

Applicant: Cr Botica

Cr Deb Botica requested leave of absence from 12 December 2023 to 2 January 2024.

10 ANNOUNCEMENTS BY THE PERSON PRESIDING WITHOUT DISCUSSIONS

10.1 Mayor Announcements

23 October 2023	Swearing in Ceremony, Special Council Meeting, Welcome Dinner
24 October 2023	ABC and Triple M Radio Interviews regarding election
24 October 2023	Attended the Agenda Briefing at the Kalgoorlie Town Hall
26 October 2023	Elected Member Training with Mr Garry Hunt, attended by: <ul style="list-style-type: none">- Deputy Mayor Dellar- Cr Winner- Cr O'Donnell- Cr Turner- Cr Viskovich- Cr Johnson
27 October 2023	Attended Rotary Club of Boulder Auction Cocktail Party
30 October 2023	Kal City Centre tour to view locations for St Barbara

Also a note - Deputy Mayor Dellar attended the Goldfields Children Charity Ball Launch on 26 October 2023. The City is a sponsor of the event.

11 CONFIRMATION OF MINUTES

Moved By: Deputy Mayor Kirsty Dellar
Seconded By: Cr Deborah Botica

That the minutes of the Ordinary Meeting of Council held on 26 September 2023 be confirmed as a true record of that meeting.

CARRIED
(9 / 0)

For: Mayor Glenn Wilson, Deputy Mayor Kirsty Dellar, Cr Deborah Botica, Cr Terrence Winner, Cr Wayne Johnson, Cr Kyran O'Donnell, Cr Linden Brownley, Cr Nardia Turner and Cr Carla Viskovich
Against: Nil

12 MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

13 URGENT BUSINESS APPROVED BY THE PERSON PRESIDING OR BY DECISION

COUNCIL RESOLUTION

Moved By: Cr Deborah Botica

Seconded By: Cr Kyran O'Donnell

That the Item is considered to be urgent and will be dealt with in section 17
confidential items.

**CARRIED
(9 / 0)**

**For: Mayor Glenn Wilson, Deputy Mayor Kirsty Dellar, Cr
Deborah Botica, Cr Terrence Winner, Cr Wayne Johnson,
Cr Kyran O'Donnell, Cr Linden Brownley, Cr Nardia Turner
and Cr Carla Viskovich**

Against: Nil

14 REPORTS OF COMMITTEES

14.1 Audit and Risk Committee Minutes - 5 October 2023

14.1.1 Return non-compliance 21/22 and 22/23

Responsible Officer:	Andrew Brien Chief Executive Officer Frances Liston Executive Manager Governance and Risk Services
Responsible Business Unit:	Governance
Disclosure of Interest:	Nil
Voting Requirements:	Simple
Attachments:	Nil

COMMITTEE RECOMMENDATION/ COUNCIL RESOLUTION

Moved By: Cr Wayne Johnson
Seconded By: Cr Terrence Winner

That Council receive the report.

CARRIED
(9 / 0)

For: Mayor Glenn Wilson, Deputy Mayor Kirsty Dellar, Cr Deborah Botica, Cr Terrence Winner, Cr Wayne Johnson, Cr Kyran O'Donnell, Cr Linden Brownley, Cr Nardia Turner and Cr Carla Viskovich

Against: Nil

Executive Summary

During preparation for the lodgement requirements for the 22/23 annual returns, City officers identified that there were some anomalies in relation to the set up of some employees in the system, and therefore, in the returns that had been lodged by those employees. These anomalies triggered City officers to undertake a detailed review of employees who had held delegated authority, either in connection with their substantive roles or due to acting with higher duties during the 2021/2022 and 2022/23 financial years.

The report below details the outcome of that internal review.

Community Engagement Consultation

No community consultation was considered necessary in relation to the recommendations of the report.

Community Strategic Plan Links

This report links to the Strategic Community Plan through the following Guiding Theme/s:

EMPOWERED: We ensure considered decision making based on collaborative, transparent and accountable leadership.

Budget Implications

There are no financial implications resulting from the recommendations of this report.

Report

Background

In mid 2022, the City implemented a new compliance software platform, Attain. Prior to this being acquired, the City managed delegations, higher duties, primary returns and annual returns through a manual paper system and excel worksheet.

City officers undertook significant work between May and August 2022 to set up Attain to be used by Council members and employees in relation to their compliance obligations. This work enabled Attain to be used by both Council members and employees for the lodgement of their annual returns for the 21/22 financial year.

In about June 2023, City officers began preparation for the lodgement of annual returns in July-August 2023. This preparation included review of all current and former employees who were entered in Attain as having held delegated authority during the 2022/23 financial year. During this process, it was identified that there were some anomalies and as a result, a further detailed review was undertaken in relation to:

- Employees who held delegated authority in connection with their substantive role during 2021/22;
- Employees who held delegated authority as a result of acting with higher duties for a period during 2021/22;
- Employees who held delegated authority in connection with their substantive role in 2022/23; and
- Employees who held delegated authority as a result of acting with higher duties for a period during 2022/23.

The non-compliances set out below are in addition to those reported to the Committee on 15 March 2023.

The CEO is required to notify the Corruption and Crime Commission (CCC) of the non-compliances because a failure to complete a primary or annual return as required by the Local Government Act is serious offence amounting to serious misconduct (reportable pursuant to section 28 Corruption, Crime and Misconduct Act).

There is no suggestion that any of these officers deliberately omitted to complete their obligations in that regard, and the fact that these non-compliances were a result of administrative errors will be notified to the CCC.

Reportable non-compliances

The internal review identified that some administrative errors have resulted in there being some non-compliance by City officers – those officers who were not properly set up in Attain did not complete returns as required by:

- section 5.75 *Local Government Act* (primary returns to be completed within three months of start date unless a return has already been completed within a year or the officer ceases to be in a relevant role within three months of the start date); and/or
- section 5.76 *Local Government Act* (annual returns to be completed between 1 July – 31 August each year).

The following sets out the non-compliances that were identified through the internal review (noting that specific details have been removed to de-identify those officers):

1. Officer A held higher duties during 21/22 and completed a primary return within the required timeframe. The officer was set up using the old system but was not entered into Attain during the transition. Due to this administrative error, the officer did not complete an annual return for 21/22. The officer has subsequently completed further periods of acting with higher duties and has completed a further primary return and annual return for 22/23.
2. During the 21/22 financial year, Officer B transferred from a role that carried delegated authority to a role which did not. During the transition from the paper system to Attain, this officer was not set up in Attain. As a consequence of this administrative error, the officer was not requested to complete an annual return (despite that being required in connection with her former role) and did not complete an annual return for 21/22.
3. Officer C transferred into a role that carried delegated authority but required paperwork was not provided or signed by the officer. Consequently, this officer did not complete either a primary return or annual return in 2021/22.
4. Officer D commenced in a role that carried delegated authority however delayed in returning signed delegated authority paperwork. The officer ultimately completed an annual return in 21/22, prior to returning the delegated authority paperwork and as a result it was not identified by the officer processing the paperwork that the primary return was not completed within three months of the start date.
5. In mid 2022, Officer E was appointed for less than four months in a role that carried delegated authority. The officer commenced their employment during the period of transition on to Attain and was set up in Attain during that transition process, so was prompted to complete an annual return (which was completed). However, the officer did not sign and return the delegated authority paperwork that was required and did not complete a primary return.

In addition to the abovementioned non-compliance resulting from administrative error, there were two officers in 2022/23 who failed to complete their required returns, as follows:

1. One officer did not submit a primary return within three months despite notification and prompt to do so; and
2. One officer did not submit an annual return by 31 August despite notification and prompt to do so.

Additional anomalies

1. Additional internal errors were identified (not reportable):
 - a. Higher duties paperwork was not completed or submitted in relation to an officer acting in a senior role. As the officer already had delegated authority in their substantive role and had completed returns as required, this is not reportable.
 - b. Higher duties paperwork was submitted after the period of higher duties for an officer had already ceased. This higher duties period was for only two weeks, so within the exception under section 5.75(4)(b) *Local Government Act* whereby the officer ceased to be a relevant person within three months of the start date in that role.
 - c. An officer acted in higher duties and was set up in Attain but for reasons that have not been established, Attain did not prompt either the officer or governance that a primary return was required. Again, this higher duties period was for less than three months so within the section 5.75(3)(b) exception set out above.

Controls in place

Now that the former system has been discontinued, and the transition phase onto Attain has been completed, City officers anticipate there is far less room for error in relation to the administration of the City's compliance mechanisms. To further safeguard against such error, the following practices have been implemented (and will continue to be implemented):

1. Improvement of internal processes to ensure higher duties applications are submitted and processed in a timely manner;
2. End of month review of new starter, exit employee and higher duties applications to cross check all roles with delegated authority have been fully processed in Attain;
3. In June each year, an annual audit of new starter, exit employee and higher duties roles will be undertaken to ensure that all officers required to complete an annual return will be prompted to do so; and
4. Improved information provided to staff so that officers are aware of their obligations and better able to identify if they are required to complete a return that they have not received notice of.

Statutory Implications

Section 5.75 *Local Government Act 1995* (requirement for primary returns to be lodged)

Section 5.76 *Local Government Act 1995* (requirement for annual returns to be lodged)

Section 28 Corruption, Crime and Misconduct Act (requirements to notify of serious misconduct)

Policy Implications

There are no policy implications resulting from the recommendations of this report.

14.1.2 Audit and Risk Committee Standing Items September 2023

Responsible Officer:	Xandra Curnock Executive Manager Finance
Responsible Business Unit:	Finance
Disclosure of Interest:	Nil
Voting Requirements:	Simple
Attachments:	1. Audit recommendations progress report [14.1.2.1 - 3 pages] 2. Action item list 2024 [14.1.2.2 - 1 page]

COMMITTEE RECOMMENDATION/ COUNCIL RESOLUTION

Moved By: Cr Terrence Winner

Seconded By: Cr Kyran O'Donnell

That Council receives the information.

**CARRIED
(9 / 0)**

For: Mayor Glenn Wilson, Deputy Mayor Kirsty Dellar, Cr Deborah Botica, Cr Terrence Winner, Cr Wayne Johnson, Cr Kyran O'Donnell, Cr Linden Brownley, Cr Nardia Turner and Cr Carla Viskovich

Against: Nil

Executive Summary

In accordance with the Audit and Risk Committee Annual Work Plan an update on actions taken to address any Audit findings and Committee recommendations is presented at each Committee meeting for review. These updates are contained in the attached Action Item List and Audit Recommendations Progress Report.

Community Engagement Consultation

No community consultation was considered necessary in relation to the recommendations of the report.

Community Strategic Plan Links

This report links to the Strategic Community Plan through the following Guiding Theme/s:

EMPOWERED: We ensure considered decision making based on collaborative, transparent and accountable leadership.

Budget Implications

There are no financial implications resulting from the recommendations of this report.

Report

The Audit and Finance Committee considered the Better Practice Guide for Public Sector Audit Committees at its May 2021 meeting and supported the inclusion of two standing items on the agenda. The Audit recommendations progress report is designed to provide the Committee with an update on the progress of actions taken by management to implement audit recommendations from the OAG, internal audit and external reviews.

The Audit and Risk Committee action item list identifies Audit and Risk Committee recommendations that are adopted by Council, and how the resolutions are followed up and addressed by the responsible officer. The report aims to include a level of information to allow the audit committee to understand the nature of actions taken to date and the real reasons for any delays.

The report uses a 'traffic light system' to categorise progress into three groups: red – not started, amber – in progress, and green – complete.

Statutory Implications

There are no statutory implications resulting from the recommendations of this report.

Policy Implications

There are no policy implications resulting from the recommendations of this report.

14.1.3 Annual Financial Report 2022/23 and Audit Update

Responsible Officer:	Xandra Curnock Executive Manager Finance
Responsible Business Unit:	Finance
Disclosure of Interest:	Nil
Voting Requirements:	Simple
Attachments:	Nil

COMMITTEE RECOMMENDATION/ COUNCIL RESOLUTION**Moved By: Cr Kyran O'Donnell****Seconded By: Cr Nardia Turner**

That Council receives the update on the Annual Financial Report 2022/23 and Audit progress update.

CARRIED
(9 / 0)

For: Mayor Glenn Wilson, Deputy Mayor Kirsty Dellar, Cr Deborah Botica, Cr Terrence Winner, Cr Wayne Johnson, Cr Kyran O'Donnell, Cr Linden Brownley, Cr Nardia Turner and Cr Carla Viskovich

Against: Nil

Executive Summary

In accordance with s6.4(3) of the Local Government Act 1995, the 2022-23 Annual Financial Report was prepared and submitted to the Officer of the Auditor General (OAG) on 29 September 2023 to conduct the annual audit. As per the Audit Planning Report presented to the Committee on 7 June 2023, the audit exit meeting is to be held at the Audit and Risk meeting during November 2023 for the Committee to receive the Annual Financial Report, Audit Report and audit findings.

The majority of the audit work commenced from Monday 2 October 2023.

Community Engagement Consultation

No community consultation was considered necessary in relation to the recommendations of the report.

Community Strategic Plan Links

This report links to the Strategic Community Plan through the following Guiding Theme/s:

EMPOWERED: We ensure considered decision making based on collaborative, transparent and accountable leadership.

Budget Implications

There are no financial implications resulting from the recommendations of this report.

Report

The preparation of an Annual Financial Report and submission of the City's accounts to the auditors for audit are statutory requirements of the Local Government Act 1995. The Annual Financial Report needs to be accepted by Council in order to enable the holding of an Annual General Meeting of Electors, at which the City's Annual Report will be presented. The signed Annual Financial Report is also required to be submitted to the Department of Local Government, Sport and Cultural Industries (DLGSC). Section 6.4 of the Local Government Act 1995 requires local governments to prepare the annual financial report and submit the report to the auditor by 30 September. The draft annual financial report were submitted by this date.

The external audit is being conducted by Grant Thornton on behalf of the OAG and they presented the Audit Planning Report to the Committee on 7 June 2023. The plan described the areas of audit focus and a proposed audit timeline including the schedule for the audit fieldwork which was to be conducted in two stages. The first being the interim audit 3 July to 7 July and then the final audit 2 to 20 October.

The auditors will work remotely for the majority of the audit and attend the City offices for one week only. They will perform testing on all areas of the accounts, with a focus on areas they consider to be of high risk. The Auditor's are in the process of completing their tests. An update will be provided to the Committee at the next Audit and Risk meeting.

Statutory Implications

Section 6.4 of the Local Government Act 1995 states:

6.4 Financial Report

- (1) A local government is to prepare an annual financial report for the preceding financial year and such other financial reports as are prescribed.
- (2) The financial report is to –
 - (a) be prepared and presented in the manner and form prescribed; and
 - (b) contain the prescribed information.
- (3) By 30 September following each financial year or such extended time as the Minister allows, a local government is to submit to its auditor –

(a) the accounts of the local government, balanced up to the last day of the preceding financial year; and

(b) the annual financial report of the local government for the preceding financial year.

5.53 Annual Reports

(1) The local government is to prepare an annual report for each financial year.

(2) The annual report is to contain:

(f) the financial report for the financial year;

Section 5.54 of the Local Government Act 1995 states:

5.54 Acceptance of annual reports

(1) Subject to subsection (2), the annual report for a financial year is to be accepted* by the local government no later than 31 December after that financial year. *

Absolute majority required

Policy Implications

The Audit and Risk Committee Terms of Reference includes the following roles and functions of the Committee:

- Provide guidance and assistance to Council as to the carrying out of the functions of the City in relation to audits.
- Ensure that audits are conducted successfully and expeditiously

14.2 Governance and Policy Committee Minutes - 8 September 2023

14.2.1 Review of Committees and Working Groups

Responsible Officer:	Andrew Brien Chief Executive Officer Frances Liston Executive Manager Governance and Risk Services
Responsible Business Unit:	Office of the CEO Governance
Disclosure of Interest:	Nil
Voting Requirements:	Simple
Attachments:	1. Council Committee and Working Group Handbook (tracked) [14.2.1.1 - 57 pages]

ORDINARY COUNCIL MEETING RECOMMENDATION/ COUNCIL RESOLUTION

Moved By: Cr Terrence Winner

Seconded By: Cr Deborah Botica

That Council:

1. Adopt the revised Committee Policy;
2. Adopt the new External Committee Policy;
3. Adopt the new Working Group Policy; and
4. Note the proposed updates in relation to the terms of reference for the various Committees and Working Groups as set out in the attached Council Committee and Working Group Handbook.

CARRIED
(9 / 0)

For: Mayor Glenn Wilson, Deputy Mayor Kirsty Dellar, Cr Deborah Botica, Cr Terrence Winner, Cr Wayne Johnson, Cr Kyran O'Donnell, Cr Linden Brownley, Cr Nardia Turner and Cr Carla Viskovich

Against: Nil

Executive Summary

City officers have reviewed the current status of Council committees and working groups, and the terms of reference in relation to the same. A number of recommended amendments in relation to the associated policies, membership structure and terms of reference are recommended as set out below.

Community Engagement Consultation

No community consultation was considered necessary in relation to the recommendations of the report.

Submissions Received:

Community Strategic Plan Links

This report links to the Strategic Community Plan through the following Guiding Theme/s:

EMPOWERED: We ensure considered decision making based on collaborative, transparent and accountable leadership.

Budget Implications

There are no financial implications resulting from the recommendations of this report.

Report

The City has undertaken a review of Council Committees, Working Groups and External Committees including policies in relation to the same, and Terms of Reference for each.

Attached to this report is a tracked copy of the Committee and Working Group Handbook which highlights the recommended changes in relation to those. In summary, those recommended changes include without limitation:

External Committees Policy

It is recommended that this new policy be adopted to create some clarity around appointment, tenure of membership and elected member roles.

Working Groups Policy

It is recommended that this new policy be adopted to create clarity, structure and consistency in relation to the conduct of Working Groups. This includes:

1. Working Groups shall be created by resolution of Council;
2. Appointment of elected members to a Working Group (and revocation of such appointment) shall by resolution of Council;
3. Terms of Reference shall be adopted by Council;
4. External membership shall be determined by the CEO;
5. Recommendations of a Working Group (depending on their nature) require either Council endorsement or CEO authority in order to be enacted by City officers.

Australia Day and Walk of Fame Working Group

It is recommended that the following significant changes be made to this working group:

1. Change of name of Walk of Fame Working Group to “Australia Day and Walk of Fame Working Group”;
2. Amendment of terms of reference to incorporate responsibility for the Australia Day Awards;
3. Updates to membership to remove some inactive external organisations and CEO as members; and
4. Improved transparency for decision making such that recommendations must be made to Council for resolution, rather than decisions being enacted by the Working Group outside its authority.

Audit and Risk Committee

The Audit and Risk Committee Terms of Reference are recommended for review to ensure compliance with section 5.12 *Local Government Act*. This provision requires a Committee to appointment a presiding member from within its members.

Section 5.12 states as follows:

The members of a committee are to elect a presiding member from amongst themselves in accordance with Schedule 2.3, Division 1 as if the references in that Schedule —

- (a) to “office” were references to “office of presiding member”; and
- (b) to “council” were references to “committee”; and
- (c) to “councillors” were references to “committee members”.

Although in many sectors it is seen as best practice, there is no legislative requirement for the presiding member to be an independent member and no authority for Council to direct that, or determine or approve the appointment of a presiding member.

This recommendation has also been made in relation to the “Appointment of Presiding Member” clause of the Committee Policy.

Commercial Businesses Committee

It is recommended these terms of reference be updated to include the additional business units, Waste and Water.

Youth Council

The Youth Council’s terms of reference have been reviewed in detail in mid 2023. The Youth Council endorsed a new terms of reference document at its 16 May 2023 meeting, and these were adopted by Council on 26 June 2023.

Accordingly, no further review has been undertaken at this stage although a recommended further amendment is to add “These meetings are closed to members of the public.” in clause 8.2.

Reconciliation Working Group

The constitution of this working group, including the adoption of terms of reference and appointment of members was not made in accordance with the City’s governance practices.

Accordingly, a new Terms of Reference document is recommended for adoption by Council. The issue of appointments will be resolved upon the upcoming local government election and new appointments will be made in October 2023 that in the required way.

Community Safety and Crime Prevention Working Group

The proposed new terms of reference are incorporated in the Committee and Working Group Handbook. Council has not yet resolved to establish this Working Group, and so this as well as appointment and adoption of the terms of reference will be recommended to Council in October 2023.

Statutory Implications

Part 5, Division 2, Subdivision 2 and Subdivision 3 apply to Council Committees.

Policy Implications

There are no policy implications resulting from the recommendations of this report.

14.3 Chief Executive Officer Review Committee - 23 August 2023

14.3.1 Draft Annual Key Performance Indicators

Responsible Officer:	Frances Liston Executive Manager Governance and Risk Services
Responsible Business Unit:	Office of the CEO Governance
Disclosure of Interest:	Nil
Voting Requirements:	Simple
Attachments:	1. CEO KPIs 2023 2024 [14.3.1.1 - 2 pages]

ORDINARY COUNCIL MEETING RECOMMENDATION/ COUNCIL RESOLUTION

Moved By: Cr Linden Brownley

Seconded By: Cr Wayne Johnson

That Council:

1. Note the assessment of current Key Performance Indicators for the Chief Executive Officer;
2. Adopt the draft Key Performance Indicators for 2023-2024 as attached; and
3. Note that the indicators will be reviewed following the 2023 Local Government Elections in line with Council priorities and any changes in strategic direction for the City.

**CARRIED
(9 / 0)**

For: Mayor Glenn Wilson, Deputy Mayor Kirsty Dellar, Cr Deborah Botica, Cr Terrence Winner, Cr Wayne Johnson, Cr Kyran O'Donnell, Cr Linden Brownley, Cr Nardia Turner and Cr Carla Viskovich

Against: Nil

CEO Andrew Brien left the room at 7:19 pm.

CEO Andrew Brien returned to the room at 7:20 pm.

Executive Summary

In accordance with the provisions of the Local Government Act 1995 and the Model Standards, the Chief Executive Officer's performance is required to be assessed at least annually in accordance with the adopted performance criteria.

At the last Chief Executive Officer Review Committee Meeting it was proposed that a review of the Key Performance Indicators be undertaken and recommendations on changes be provided. This report addresses that aspect of the process.

Community Engagement Consultation

No community consultation was considered necessary in relation to the recommendations of the report.

Community Strategic Plan Links

This report links to the Strategic Community Plan through the following Guiding Theme/s:

EMPOWERED: We ensure considered decision making based on collaborative, transparent and accountable leadership.

Budget Implications

There are no financial implications resulting from the recommendations of this report.

Report

As identified at the last Chief Executive Officer Review Performance Review Committee meeting, a revision of the Key Performance Indicators was to be undertaken.

The following are the current key performance indicators along with commentary about the current status, and proposed removal or inclusion for the 2023/24 year:

Key Performance Indicator Focus – People		
2022/23 KPI	Assessment of current KPI achievement	Recommendation for 2023/24 KPIs
Implementation of the recommendations of the Culture Review as endorsed by Council	An independent review of progress has been undertaken as part of the review by the Department of Local Government. This review has identified that the majority of the actions have now been completed and the remaining actions are now forming part of business as usual.	As the remaining items are now incorporated into the Culture Change Program and are part of the business as usual process of Council and reported and monitored through management meetings, this KPI as a standalone item can be removed. It will be incorporated into the Employee Satisfaction Indicator.

<p>Employee Satisfaction Survey</p>	<p>Two surveys have been conducted as part of the Culture Review and a further independent survey has been completed as part of the People At Work Assessment to focus on psychological safety in the workplace.</p> <p>It is proposed to continue with the undertaking of pulse surveys combined with an annual survey to continue to track improvements over time.</p>	<p>Based on the above it is recommended to retain a KPI focused around employee satisfaction.</p>
<p>Culture Score</p>	<p>The culture score included as part of the original staff culture survey was reassessed in 2022. Whilst there was some improvement there is still substantial opportunity for improvement</p>	<p>It is recommended that a more comprehensive culture score be developed to better measure employee satisfaction over time and will be incorporated as part of the annual staff survey. The current culture score is simply based on a single question and does not reflect the overall sentiment of the organisation.</p>
<p>Finalisation of the Enterprise Agreement</p>	<p>The Enterprise Agreement negotiations were finalised in late 2022 and the Agreement was lodged with the West Australian Industrial Relations Commission (WAIRC) on 2 January 2023. The WAIRC has been reviewing all local government Agreements with the transition from the Federal to State jurisdiction which has delayed the certification of Agreements.</p> <p>The City is current awaiting the hearing on</p>	<p>It is recommended that this continue as a KPI be removed as this is now simply a legislative process.</p>

	<p>the City of Cockburn’s Agreement as there are a number of similar matters to be considered.</p> <p>Whilst the City is awaiting the certification of the Agreement it was determined appropriate to continue with the implementation of non-disputed components including the wage increases for all staff.</p>	
Finalisation of the back-pays for staff	<p>All the back-pays have been made with the exception of those that have been unable to be contacted. All efforts have been made in accordance with the processes agreed to with the Fair Work Commission.</p> <p>The final component of this process was the transfer of the remaining approximately \$48,000 to the Fair Work Commission and the City is awaiting close out of this matter from the Commission.</p>	Nothing further is required from the City and therefore this is no longer required as a KPI.

Key Performance Indicator Focus – Governance

2022/23 KPI	Assessment of current KPI achievement	Recommendation for 2023/24 KPIs
Legislative compliance	This is an ongoing requirement.	This will be included in the development of the KPIs for 2023/24.
Implementation of the recommendations of any DLGSC Reviews	This has now been finalised based on the current information requests.	This is no longer is required as a KPI.
Review of Delegations	This is an ongoing requirement.	This will be included in the development of the KPIs for 2023/24.

Development and implementation of Governance Framework	The Governance Framework was developed and adopted by Council.	This KPI will be amended to reflect monitoring of compliance against the Framework.
Review of Local Laws	Council has adopted a recommendation to engage the services of a consultant post the 2023 local government elections.	It is proposed to retain this as a KPI, noting that it will also be reflected in the legislative compliance KPI.
Development and implementation of Internal Audit Plan	This is an ongoing requirement.	This will be included in the development of the KPIs for 2023/24.

Key Performance Indicator Focus – Finance

2022/23 KPI	Assessment of current KPI achievement	Recommendation for 2023/24 KPIs
Assessment of Audit Findings	This is an ongoing requirement.	This should be retained as a KPI.
Financial Health Indicators	The financial health indicator previously used by the Department of Local Government have been changed and it is considered appropriate to develop a more contemporary KPI around financial performance.	It is recommended that a new suite of indicators be developed for reporting both internally and externally prior to the development of the budget for 2024/25 and for use in future years as a monitoring process.
Development of Long Term Finance Plan	This is an ongoing requirement.	It is proposed to amend this KPI to reflect an annual review of the Long Term Financial Plan aligned to Council priorities and new initiatives.

Key Performance Indicator Focus – Service Delivery

2022/23 KPI	Assessment of current KPI achievement	Recommendation for 2023/24 KPIs
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Implementation of Council resolutions	This is an ongoing requirement.	This will be included in the development of the KPIs for 2023/24.
Community and Business Perceptions Surveys	This is an ongoing requirement.	This will be included in the development of the KPIs for 2023/24.
Actioning of elected members requests	This is an ongoing requirement.	This will be included in the development of the KPIs for 2023/24.

Key Performance Indicator Focus – Relationships

2022/23 KPI	Assessment of current KPI achievement	Recommendation for 2023/24 KPIs
External stakeholder satisfaction	This is an ongoing requirement.	This will be included in the development of the KPIs for 2023/24.
Meeting outcomes	This is an ongoing requirement.	This will be included in the development of the KPIs for 2023/24.

Key Performance Indicator Focus – Projects

2022/23 KPI	Assessment of current KPI achievement	Recommendation for 2023/24 KPIs
Development and implementation of a project management framework incorporating reporting mechanism to keep Council informed of major projects	The development and endorsement of the project management framework was completed and the reporting framework implemented to provide regular updates to Council.	With the implementation of the new reporting system the regular reports to Council will replace this requirement and it is proposed to remove this KPI.
Key projects to be identified by Council	This is an ongoing requirement	It is proposed to replace this KPI with a new KPI focused on the delivery of projects and actions contained in the Corporate Business Plan which will incorporate the major projects.

It is noted that the current key performance indicators incorporated many internally focused areas around cultural change which have been a large focus over the last year, however this is proposed to be simplified moving forward with a focus on the outcomes and changes achieved rather than the specific initiatives.

The simplified key performance indicators provide a framework that the Council will be able to assess the progress of the CEO against the Council's adopted strategic direction.

Statutory Implications

The development and adoption of the Key Performance Indicators for the Chief Executive Officer are consistent with the provisions of the Local Government Act 1995 and the Model Standards for CEO Recruitment and Selection, Performance Review and Termination.

Policy Implications

There are no policy implications resulting from the recommendations of this report.

15 REPORTS OF OFFICERS

15.1 Chief Executive Officer

15.1.1 Monthly Financial Report - August 2023

Responsible Officer:	Casey Radford Finance Manager
Responsible Business Unit:	Finance
Disclosure of Interest:	Nil
Voting Requirements:	Absolute Majority
Nature of Council's Role in Decision-Making:	Legislative
Attachments:	1. SOFA Aug 2023 FINAL [15.1.1.1 - 29 pages]

SUMMARY STATEMENT

Council is asked to consider the Statement of Financial Activity for the period ending 31 August 2023 which is prepared by the City in accordance with regulation 34 of the *Local Government (Financial Management) Regulations 1996* ("the Regulations").

REPORT

The Statement of Financial Activity was introduced by the Department of Local Government from 1 August 2005; the change was implemented to provide elected members with a better idea of operating and capital revenues and expenditures. It was also intended to link operating results with balance sheet items and reconcile with the end of month balances.

In accordance with the Regulations, a report must be compiled on variances greater than the percentage agreed by Council which is currently plus (+) or minus (-) 10% or \$50,000, whichever is the greater.

For the year to date to 31 August 2023 income is under budget by (0.38%) and expenditure is under budget by (7.49%), commentary is provided at sub program level. A nil variance means that the year to date actual value is identical to the year to date budget estimate. Comments are therefore provided where the variances value is >10% and >\$50,000 under or over budget.

INCOME CATEGORIES

Overall stated income is 0.38%, \$221,721 under budget. The sub programs which are outside the allowable variance are as follows.

Other General Purpose Funding

Description	YTD Budget	YTD Actual	YTD Variance
Other General Purpose Funding	\$228,955	\$345,840	\$116,885

This is mainly due to interest on investments being more than budgeted.

Other Welfare

Description	YTD Budget	YTD Actual	YTD Variance
Other Welfare	\$382,173	\$178,155	(\$204,019)

This is mainly due to grant income received for the Youth Hub and Job Support Hub being less than budgeted. This is partially offset by funding received for the community led support fund grant.

Construction Roads Bridges Depots

Description	YTD Budget	YTD Actual	YTD Variance
Const Roads Bridges Depots	\$1,943,022	\$1,095,207	(\$847,815)

This variance is due to revenue budgeted for grants for regional roads and roads to recovery programs \$893k not yet received, partially offset by funding received for Federal assistance grants of (\$116k).

Maintenance Roads Bridges Depots

Description	YTD Budget	YTD Actual	YTD Variance
Mtce Roads Bridges Depots	\$62,767	\$0	(\$62,767)

This variance is due to revenue budgeted for the bike development plan not yet received.

EXPENSE CATEGORIES

Overall stated expenditure is (7,49%), (\$1,100,327) under budget. The sub programs which are outside the allowable variance are as follows.

Other Governance

Description	YTD Budget	YTD Actual	YTD Variance
Other Governance	\$314,791	\$212,852	(\$101,938)

The variance is due to higher than budgeted admin costs (\$36k), contributions and subsidies (\$36k) and subscriptions (\$23k). This is partially offset by expenses for salaries & wages \$25k.

Other Recreation and Sport

Description	YTD Budget	YTD Actual	YTD Variance
Other Recreation and Sport	\$3,776,499	\$3,301,792	(\$474,707)

This variance is due to lower than budgeted utilities (\$134k), admin charges (\$117k), employee salaries & wages of (\$92k) and labour charges (\$92k).

Other Culture

Description	YTD Budget	YTD Actual	YTD Variance
Other Culture	\$512,082	\$413,093	(\$98,989)

The variance is due to admin costs (\$22k), purchase of materials (\$20k), utilities (\$19k) and contractors & consultants services payments of (\$13k) being less than budget.

Maintenance Roads Bridges Depots

Description	YTD Budget	YTD Actual	YTD Variance
Maintenance Roads Bridges Depots	\$2,047,453	\$1,394,843	(\$652,609)

This variance is mainly due to labour charges for verge maintenance, road maintenance and street cleaning (\$350k), payments for salaries and wages (\$123k) and payments to contractors for tree pruning and footpath maintenance (\$95k) being less than budgeted.

Aerodromes

Description	YTD Budget	YTD Actual	YTD Variance
Aerodromes	\$996,094	\$876,905	(\$119,190)

This variance is due to costs being lower than budgeted for levies and taxes (\$33k), admin costs (\$26k) and salaries & wages (\$15k).

Tourism and Area Promotion

Description	YTD Budget	YTD Actual	YTD Variance
Tourism and Area Promotion	\$169,768	\$295,673	\$125,905

This variance is mainly due to Visitors centre contributions and tourism strategy funding of \$165k, this is partially offset by payments to contractors and consultants and labour overheads (\$29k).

Public Works Overheads

Description	YTD Budget	YTD Actual	YTD Variance
Public Works Overheads	(\$14,070)	\$529,486	\$543,556

This is a timing variance relating to labour charges \$518k and salaries & wages \$178k. This is partially offset by administration expenses of (\$121k).

Plant Operation Costs

Description	YTD Budget	YTD Actual	YTD Variance
Plant Operation Costs	(\$101,098)	\$82,802	\$183,900

This is a timing variance relating to plant charges \$174k and salaries & wages costs \$41k. This is partially offset by contractor costs (\$14k) and vehicle insurances of (\$10k).

CAPITAL CATEGORIES

August 2023 year to date capital expenditure is lower than budget by (\$598k). Actual YTD expenditure is \$2.24M versus budgeted YTD spend of \$2.84M. Main variances from:

- Infrastructure Roads \$312k - mainly relating to delays in R2R and RRG projects;
- Buildings (\$456k) – relating to Youth hub project, Karlkurla toilet block and building maintenance works.
- Work in Progress of (\$120k) with the majority relating to Kalgoorlie City Centre Project and the Kalgoorlie Golf Course Resort;
- Furniture and Equipment (\$108k) – relating to purchase of replacements
- Infrastructure – Street lights (\$100k) – relating to replacement and maintenance works.

Community Engagement Consultation

No community consultation was considered necessary in relation to the recommendations of the report.

Budget Implications

There are no financial implications resulting from the recommendations of this report.

Statutory Implications

The Statement of Financial Activity has been prepared in accordance with the requirements of the Local Government (Financial Management) Regulations.

Policy Implications

There are no policy implications resulting from the recommendations of this report.

COMMUNITY STRATEGIC PLAN LINKS

This report links to the Strategic Community Plan through the following Guiding Theme/s:

EMPOWERED: We ensure considered decision making based on collaborative, transparent and accountable leadership.

CAPABLE: We will have the resources to contribute to our community and economy.

OFFICER RECOMMENDATION/COUNCIL RESOLUTION

Moved By: Cr Kyran O'Donnell

Seconded By: Deputy Mayor Kirsty Dellar

That Council in accordance with Regulation 34 of the Local Government (Financial Management Regulations 1996), receive the Statement of Financial Activity for the period ending 31 August 2023.

**CARRIED
(9 / 0)**

For:	Mayor Glenn Wilson, Deputy Mayor Kirsty Dellar, Cr Deborah Botica, Cr Terrence Winner, Cr Wayne Johnson, Cr Kyran O'Donnell, Cr Linden Brownley, Cr Nardia Turner and Cr Carla Viskovich
Against:	Nil

15.1.2 Accounts Payable Report - September 2023

Responsible Officer:	Casey Radford Finance Manager
Responsible Business Unit:	Finance
Disclosure of Interest:	Nil
Voting Requirements:	Simple
Nature of Council’s Role in Decision-Making:	Review
Attachments:	<ol style="list-style-type: none"> 1. Municipal Direct Debit Payments - Sept 2023 [15.1.2.1 - 1 page] 2. Municipal Fuel Card Payments - Sept 2023 [15.1.2.2 - 5 pages] 3. Municipal Credit Card Payments - Sept 2023 [15.1.2.3 - 8 pages] 4. Municipal EFT Payments - Sept 2023 [15.1.2.4 - 18 pages] 5. Municipal Chq Payments - Sept 2023 [15.1.2.5 - 1 page]

SUMMARY STATEMENT

Council is asked to receive the list of payments made from the Municipal and Trust funds including a summary report of the Corporate Credit Card transactions and other purchasing cards incurred by authorised card holders.

REPORT

The Chief Executive Officer has been delegated the power to make payments from the Municipal and Trust funds in accordance with budget allocations. The City provides payment facilities to suppliers either by cheque, electronic funds transfer (EFT), direct debit, debit card and credit card.

Attached to this report are the lists of all EFT and cheque payments made during the month of September 2023 and a list of corporate credit card transactions and fuel card transactions by card holder of the same period totalling \$6,241,138.56

Municipal EFT	\$	5,980,308.24
Municipal Cheque	\$	737.30
Direct Debit	\$	186,714.88
Credit Cards	\$	59,202.14
Fuel Cards	\$	14,176.00
Grand Total	\$	6,241,138.56

Community Engagement Consultation

No community consultation was considered necessary in relation to the recommendations of the report.

Budget Implications

There are no financial implications resulting from the recommendations of this report.

Statutory Implications

The accounts payable for the month of September 2023 has been prepared in accordance with the requirements of the Local Government (Financial Management) Regulations 1996.

Policy Implications

All purchases by authorised officers are to be completed in accordance with Policy CORP AP 001– Purchasing.

Community Strategic Plan Links

This report links to the Strategic Community Plan through the following Guiding Theme/s:

EMPOWERED: We ensure considered decision making based on collaborative, transparent and accountable leadership.

CAPABLE: We will have the resources to contribute to our community and economy.

OFFICER RECOMMENDATION/COUNCIL RESOLUTION

Moved By: Deputy Mayor Kirsty Dellar

Seconded By: Cr Nardia Turner

That Council receive the list of payments totalling \$6,241,138.56 as presented for the month of September 2023.

**CARRIED
(9 / 0)**

For:	Mayor Glenn Wilson, Deputy Mayor Kirsty Dellar, Cr Deborah Botica, Cr Terrence Winner, Cr Wayne Johnson, Cr Kyran
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	O'Donnell, Cr Linden Brownley, Cr Nardia Turner and Cr Carla Viskovich
Against:	Nil

15.1.3 Request for Probity Audit - Special Meeting Item

Responsible Officer:	Andrew Brien Chief Executive Officer
Responsible Business Unit:	Office of the CEO
Disclosure of Interest:	Nil
Voting Requirements:	Absolute Majority
Nature of Council’s Role in Decision-Making:	Executive/Strategic
Attachments:	<ol style="list-style-type: none"> 1. CONFIDENTIAL - Pages from OCM 9 March 2020 [15.1.3.1 - 5 pages] 2. CONFIDENTIAL - Pages from OCM 20 August 2020 + attachments [15.1.3.2 - 41 pages] 3. CONFIDENTIAL - Pages from OCM 24 August 2020 [15.1.3.3 - 4 pages] 4. CONFIDENTIAL - Pages from OCM 14 December 2020 + attachment [15.1.3.4 - 29 pages] 5. Pages from OCM 27 April 2021 +attachment [15.1.3.5 - 9 pages] 6. Pages from OCM 24 May + attachment [15.1.3.6 - 5 pages] 7. CONFIDENTIAL - Pages from OCM Confidential 24 May 2021 [15.1.3.7 - 6 pages] 8. Pages from OCM 19 July 2021 + attachments [15.1.3.8 - 73 pages] 9. CONFIDENTIAL - Pages from OCM 26 July 2021 + attachments [15.1.3.9 - 71 pages] 10. Pages from OCM 08 November 2021 [15.1.3.10 - 8 pages] 11. Pages from OCM 22 November 2021 [15.1.3.11 - 4 pages] 12. CONFIDENTIAL - Legal Advice from Civic Legal [15.1.3.12 - 15 pages] 13. Purchasing Policy CORP-AP-001 [15.1.3.13 - 10 pages] 14. Recycled Water Graphs - June 2023 [15.1.3.14 - 4 pages]

SUMMARY STATEMENT

Council is asked to endorse a recommended pathway for the progress of Cr Williams’ motion to obtain a probity report in respect of the City’s decision making in respect of it’s entry into contract with Lynas.

EXECUTIVE SUMMARY

On 7 September 2023 a request for a Special Meeting was received by the CEO and signed by Cr Williams, Botica, Johnson, Grills and Reidy and the meeting was scheduled for that night. At the scheduled time for the meeting there was not a quorum present and after waiting for an additional 30 minutes a quorum was still not present. In accordance with the provisions of the Local Government Act and Regulations, the item was subsequently referred to the next Ordinary Meeting of Council. At the Ordinary Meeting, the Chief Executive Officer provided a report indicated that the item was considered to be contrary to the provisions of the Caretaker Policy and a recommendation was made to defer the matter to the first Ordinary Meeting after the local government elections.

A copy of the proposed motion as provided by Cr Williams is contained in the officer's report and an alternative recommendation has been provided by the Chief Executive Officer to ensure compliance with procurement principles, is consistent with the Council adopted policy and still addresses the intent of the motion.

A comprehensive review of Council reports and resolutions has been undertaken to provide Councillors who were not involved in the original decision making around the issue to be better informed prior to committing to further expenditure.

REPORT

Background

The issue of the lease of the land and the associated water supply agreement with Lynas Kalgoorlie Pty Ltd has been considered by the Council at the following meetings:

Meeting date	Description	Attachment Ref
9 March 2020	Confidential Meeting of Council. Report and resolution deals with decisions around lease of Lot 350.	Attachment 1 (confidential)
20 August 2020	Confidential Special Meeting. Report was for Council to consider and endorse lease and sub-lease of lands which the City was party to advance the Kalgoorlie-Boulder Strategic Industrial Land priority initiatives.	Attachment 2 (confidential)
24 August 2020	Confidential Meeting of Council. Report was to provide authorisation for the City to enter into a Heads of Agreement to sub-lease identified Lots.	Attachment 3 (confidential)
14 December 2020	Confidential Meeting of Council. Council consideration of Lease of Lot 350 and to provide authority of the Mayor and CEO to sign related documents.	Attachment 4 (confidential)

27 April 2021	Council Meeting. Mid year budget review identified additional revenue from sale of water to industry. Item 15.2.3	Attachment 5
24 May 2021	Council Meeting. Awarding tender for the South Boulder Wastewater Stabilisation Ponds upgrade. Confidential Meeting of Council. Council consideration of Lease of Lot 350	Attachment 6 Attachment 7 (confidential)
19 July 2021	Special Meeting of Council to adopt budget.	Attachment 8
26 July 2021	Confidential Council Meeting. Endorsement of Sale of Treated Water Agreement	Attachment 9 (confidential)
8 November 2021	Council Meeting. Awarding of tender for the Pipeline Rail Crossing as part of the Waterbank Project.	Attachment 10
22 November 2021	Council Meeting. Awarding of tender for Swan Lake Pump Station Design and Construction.	Attachment 11

In addition to the above, the City sought additional legal advice in relation to the contract with Lynas Kalgoorlie Pty Ltd in 2023 when the issue of water shortages was presented to Council at a Councillor workshop. A copy of this legal advice is included as a confidential attachment 12.

The following motion was provided by Cr Williams in relation to the request for a Probity Review:

That Council:

1. *Engage Glen McLeod Legal to provide a probity report;*
2. *An allocation of \$100,000 to be placed in a (from Budget line item to be provided by CEO);*
3. *The report to include:*
 - *If the Council was fully informed;*
 - *The cost of water;*
 - *The Sale Price of water;*
 - *The cost of proposed water banking and infrastructure to provide water;*
 - *If Officers recommendations were considered; and*
 - *If sufficient water is available for contracted purposes without water banking;*
4. *Gives full authority to Interview relevant staff, to review and consider minutes, correspondence, contract documents (including drafts), legal advice and any other documents relevant to the negotiation and entry and administration for the contract*

for water supply between the City of Kalgoorlie-Boulder (City) and Lynas Rare Earths Ltd (Lynas) (the Contract) if required; and

5. In the event of a Caretaker period affecting the above resolution, this Resolution to be considered at the first OCM of the City of Kalgoorlie Boulder after the 2023 elections.

At the time of providing the motion the Chief Executive Officer advised that the matter was contrary to Council’s procurement policy as it did not call for quotes for the engagement of a company to undertake the works and instead simply identified a supplier that was not on Council’s or the WALGA preferred supplier list. Further the recommendation was considered to be contrary to the Caretaker Policy provisions as outlined in the report that was provided to the Ordinary Meeting held on 29 September 2023.

The following table provides an assessment of the motion and the associated issues:

Item	Commentary	Attachments
Council engage Glen McLeod Legal to provide a probity report	Any local government procurement is to comply with the requirements of the Local Government Act and associated Regulations.	
If the Council was fully informed	Copies of all public and confidential reports in relation to the decision to enter into the original lease of the land and the water supply contract are included as attachments	Attachments 1-11 are copies of all previous reports to Council in relation to the water supply contract
The cost of the water	Refer to details contained in the Officer report below	
The sale price of water	This is contained within the water supply agreement and is confidential as it forms part of the water supply agreement but has been separated out to easily identify for elected members	Copy of the pricing is included in confidential attachment 9
The costs of the proposed water banking and infrastructure to provide water	Refer to details contained in the Officer report below	Copy of water bank project and costings is included in attachment 11
If officers recommendations were considered	Refer to details contained in the Officer report below	Refer to confidential attachment 1-11
If sufficient water is available for contracted purposes without water banking	Refer to details contained in the Officer report below	Refer to attachment 14 which are the monthly water availability reports which

		have been provided to Council since early 2023.
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The development of a water supply agreement was one of the fundamental components of the business case for Lynas to establish their new operations in the City of Kalgoorlie-Boulder. Without the provision of industry suitable water the plant could not be developed in its current location.

The City is the owner and operator of waste water treatment facility located in South Boulder. On average the City treats 6.5 ML of waste water each day which, prior to the Lynas Contract was either used for irrigation or discharged as treated wastewater into Hannan Lakes. The cost of this treated wastewater is the same, whether it is used for irrigation, industrial or simply discharged into the environment. As there was water discharged into the environment due to a lack of available storage the City identified a potential market to sell water to industry rather than simply treating and discharging to the environment. A recent question asked during public question time related to the quantities of water being discharged into Hannans Lake pre and post the Lynas contract. The figures for the 12 months pre the Lynas Contract were 713,848kl and the 12 months post the Lynas Contract was 497,072kl.

The waste water supply agreement (as attached) provides treated waste water to industry based on a commercial agreement which sees the City recovering costs through the sale of treated waste water.

The following are the high level figures in relation to waste water treatment which are costs incurred regardless of use:

- Operating expenditure equates to \$3.5m for 2023/24 financial year.
- Based on the inflow to the treatment plant the treatment cost is calculated at \$1.46 per kl
- The additional cost to supply recycled water for irrigation, industrial and commercial use is calculated at \$1,00 per kl.

The amount of water available for use for irrigation, industrial and commercial use is based on the average inflow into the treatment plant, minus water loss due to treatment and evaporation. Based on current rates this equates to an average of 6 ML day. The intent of the water bank project is to create additional water storage capacity to store treated waste water when there is not a need for it and reduce the amount discharged into the environment.

Community Engagement Consultation

No community consultation was considered necessary in relation to the recommendations of the report.

Budget Implications

The final budget implications for the review are not known at this stage and will be addressed as part of the mid-year budget review if supported.

Statutory Implications

The Local Government (Functions and General) Regulations 1996 Clause 11 states:

11A. Purchasing policies for local governments

- 1) A local government is to prepare or adopt, and is to implement, a purchasing policy in relation to contracts for other persons to supply goods or services where the consideration under the contract is, or is expected to be, \$250 000 or less or worth \$250 000 or less.
- 2) A purchasing policy is to make provision for and in respect of the policy to be followed by the local government for, and in respect of, entering into contracts referred to in sub-regulation (1).
- 3) A purchasing policy must make provision in respect of —
 - a) the form of quotations acceptable; and
 - b) (ba) the minimum number of oral quotations and written quotations that must be obtained; and
 - c) (b) the recording and retention of written information, or documents, in respect of —
 - i) all quotations received; and
 - ii) all purchases made.

Consistent with the provisions of the Regulations the Council has adopted Purchasing Policy CORP-AP-001 which is attached (attachment 13) for reference of Councillors.

Policy Implications

There are no policy implications resulting from the recommendations of this report.

Community Strategic Plan Links

This report links to the Strategic Community Plan through the following Guiding Theme/s:

EMPOWERED: We ensure considered decision making based on collaborative, transparent and accountable leadership.

OFFICER RECOMMENDATION/COUNCIL RESOLUTION

Moved By: Cr Wayne Johnson

Seconded By: Cr Nardia Turner

That Council:

1. Request the Chief Executive Officer to seek quotes for the undertaking of a probity review in relation to the Water Supply Contract Arrangements;
2. Authorise a budget amendment in accordance with the preferred quote;
3. Following receipt of the quotes, refer the matter to the Audit and Risk Committee to review the final scope of works and costs; and

4. Delegate authority for the Audit and Risk Committee to approve the appointment of a qualified provider to undertake the Probity Review and following receipt of the Probity Report provide a final report to Council.

CARRIED

(8 / 0)

For:	Mayor Glenn Wilson, Deputy Mayor Kirsty Dellar, Cr Deborah Botica, Cr Terrence Winner, Cr Wayne Johnson, Cr Kyran O'Donnell, Cr Nardia Turner and Cr Carla Viskovich
Against:	Nil

Cr Linden Brownley left the room at 7:25 pm.

Cr Linden Brownley returned to the room at 7:26 pm.

15.1.4 Committee and Working Group Appointments

Responsible Officer:	Andrew Brien Chief Executive Officer Frances Liston Executive Manager Governance and Risk Services
Responsible Business Unit:	Office of the CEO Governance
Disclosure of Interest:	Nil
Voting Requirements:	Absolute Majority
Nature of Council's Role in Decision-Making:	Legislative
Attachments:	1. Terms of Reference LEMC October 2023 [15.1.4.1 - 4 pages]

SUMMARY STATEMENT

Pursuant to the Local Government Act 1995 Council is required to determine membership of its Council Committees. It is also asked to consider membership of its Working Groups, and external committees as well as establishing a new Committee and new Working Group and disbanding a defunct Working Group.

REPORT

Pursuant to the *Local Government Act 1995* (the Act), membership of Council Committees become vacant as a result of a local government election and Council must resolve membership appointments for Council Committees. The City's policy requires that Working Group appointment is also determined by Council resolution. Accordingly, Council must now determine the membership appointments for its Committees, Working Groups and also external committees.

The Governance and Policy Committee met on 8 September 2023 to consider recommendations for policy amendments. As Council was then in its caretaker period, the Committee's recommendations have not yet been considered by Council (but are contained as a Committee report within this 30 October 2023 agenda). For the sake of this report, it is assumed that:

1. the recommendations for policy updates have been adopted by Council; and
2. any proposed reduction in membership set out in the terms of reference will be adopted in due course. If it is the case that the membership recommendations are not adopted for any or all of the Committees or Working Groups, additional members can be appointed as may be required at that time to ensure compliance with the relevant Terms of Reference.

In addition, the Governance and Policy Committee considered the terms of reference for the current Committees and Working Groups, and those are also before Council in that Committee report. These terms of reference will need to be considered by each Committee and Working Group at their first meeting following the local

government election, and recommended by the Committee to Council for adoption at the subsequent Ordinary Council Meeting.

Role of Council in relation to Committees, Working Groups and External Committees

The key roles of Council in relation to Committees, Working Groups and External Committees include those functions set out below:

- Appoint members to the Committee, Working Group or External Committee during the term of operation as and when required;
- Make formal decisions on recommendations received from the Committee or Working Group; and
- Report to Council in relation to matters relating to External Committees.

Council Committees

Committees assist in the Council's decision-making responsibilities by carrying out specific projects or tasks on behalf of the Council. Committees report to Council and are subject to the requirements of the Local Government Act and the City's meeting procedures. The City's Committees do not have delegated authority and therefore must make recommendations for adoption by Council before decisions can be enacted.

The City of Kalgoorlie-Boulder has established the following Committees:

Audit and Risk Committee

Number of Elected Members: At least 3 elected members

External members: No more than 2 independent external members

Meeting Frequency: Developed schedule by the Audit and Risk Committee, generally quarterly

Function: To provide independent assistance to the City of Kalgoorlie-Boulder in relation to its systems of risk management, fraud and internal control, legislative compliance, financial management, and external/internal auditing.

Note: An Expression of Interest for two independent, external members of this Committee will close on 20 October 2023. The Audit and Risk Committee is anticipated to meet on 16 November 2023 and at that time will consider any Expressions of Interest received, and will make recommendations to Council for the appointment of external Committee members (for consideration in the November 2023 Ordinary Council Meeting).

CEO Performance Review Committee

Number of Elected Members: At least 3 (including the Mayor) and 2 deputies

Meeting Frequency: Generally quarterly, developed schedule by the CEO Performance Review Committee

Function: to undertake a review of the Chief Executive Officers performance and to establish any additional performance criteria in line with the Act and the Standards for Chief Executive Officer Recruitment, Performance and Termination.

Commercial Businesses Committee

Number of Elected Members: At least 6 elected members

Meeting Frequency: Quarterly

Function: To review the financial performance and strategic operations of six commercial businesses of the City of Kalgoorlie-Boulder:

Kalgoorlie Boulder Airport

Kalgoorlie Boulder Golf Course

Goldfields Oasis

Goldfields Art Centre

Water

Waste

Governance and Policy Committee

Number of Elected Members: Not more than 5 elected members

Meeting Frequency: Ad hoc, developed schedule by the Governance and Policy Committee

Function: Support the council in reviewing existing policies of the City of Kalgoorlie-Boulder under section 2.7(2)(b) of the Act and facilitate the development of new policies. It also serves to maintain an ongoing review of governance frameworks and assist in legislative functions in the making, amending, revoking, and reviewing of local laws.

Youth Council

Number of Elected Members: 2 elected members

Youth members: Between 8 – 15 youth members (who meet the criteria set out in the Terms of Reference)

Youth mentors: Maximum three (3) youth mentors

Meeting frequency: In accordance with a schedule developed by it.

Function: The City's Youth Council is a formal committee comprised of one elected member and a deputy, alongside up to 20 youth Elected Members aged 12-25 years. Its function is to be the voice of the City of Kalgoorlie-Boulder's young people, by channelling communication between them and the council.

Note: Recently, the City has identified a gap in relation to local government best practice to develop a Child and Youth Safeguarding Policy which assists

external stakeholders (including Youth Council mentors) in their duties at City of Kalgoorlie-Boulder activities and events including the requirements of working with children.

A policy and framework are under development and City Officers recommend that appointment of Youth Council Mentors is not completed until these are in place to ensure the appropriate safeguarding of children and youth. An EOI will include specific selection criterion to comply with the policy and framework. Officers will also develop recommended amendments to the Youth Council's Terms of Reference to incorporate this policy, framework and related measures.

Local Emergency Management Committee

The Local Emergency Management Committee was established by the City as is required under section 38 of the *Emergency Management Act 2005*. Although there are some differing views across local governments as to the governance of these committees, the City is taking the view of WALGA, which is that this Committee is not a Council committee under the *Local Government Act*, but rather, a statutory committee established by Council under the *Emergency Management Act 2005*. This distinction is necessary from a governance perspective as it means that Council is not required to endorse and publish the minutes of the Committee, which can contain sensitive operational information from a range of different State Government agencies and organisations. The Committee's role is to provide advice to the City, and the Committee has no delegated authority. All matters requiring consideration or commitment by the City must be referred to the Chief Executive Officer or to Council, depending on whether the matter falls under the Chief Executive Officer's authority. The Terms of Reference for this are not currently included in the Committee and Working Handbook so are attached to this report.

Number of Elected Members: 3 Elected Members (including the Mayor or delegate)

Additional members: As set out in the Terms of Reference attached

Meeting frequency: In accordance with a schedule developed by it.

Function: The purpose of LEMC is to work collaboratively with relevant stakeholders to identify and mitigate emergency risks and hazards within the City as set out in the Terms of Reference attached.

Note: This committee was established by Council some time ago and therefore in order to ensure consistent governance of this Committee, City officers propose Council resolve to establish this again. The LEMC last met on 28 June 2023, and endorsed the local emergency management arrangements. The draft of the Terms of Reference will be reviewed by the Committee at its next meeting to ensure governance requirements are met by this Committee and will be provided to Council for endorsement.

Council Working Groups

Working groups are created to facilitate and encourage participation in the City's decision-making process by providing avenues for Elected Members, staff, and the community, to give their recommendations on a range of issues. These recommendations are then provided to the CEO and administrative staff who embed them within formal reports given to the council or a committee on a particular topic. Working groups, unlike committees, are not formally established under the Act. The City of Kalgoorlie-Boulder has the following Working Groups:

Boulder Tourism Precinct Strategy Working Group

Number of Elected Members: Not more than 4 elected members

Additional members: Not more than 4 external members

Meeting frequency: In accordance with a schedule developed by it.

Functions: Make recommendations to the council regarding the development of Boulder's Tourist Precinct.

Walk of Fame Working Group (recommended by Governance and Policy Committee to be renamed "Australia Day and Walk of Fame Working Group")

Number of Elected Members: 4 elected members

Additional members: One representative from the City's history and heritage team and one representative from Eastern Goldfields Historical Society

Meeting frequency: In accordance with a schedule developed by it.

Function: Make recommendations to the Council regarding individuals (past and present) who are worthy of being recognised on the Kalgoorlie-Boulder Walk of Fame and determine Australia Day award winners.

Reconciliation Working Group

Number of Elected Members: At least 3 elected members

Additional members: Up to 5 community members (who meet criteria set out in the terms of reference)

Meeting frequency: In accordance with a schedule developed by it.

Function: Make recommendations to the Council regarding the implementation of Reconciliation Action Plan action items.

Community Safety and Crime Prevention Working Group

Number of Elected Members: At least 3 elected members

Additional members: A representative from the WA Police, not more than 4 members of the community and not more than 6 representatives from service providers/agencies or organisations who have expertise and experience in the provision of community safety, public policy, social planning and crime prevention.

Meeting frequency: In accordance with a schedule developed by it.

Function: To provide advice to the City of Kalgoorlie-Boulder in relation to community safety issues within the community by providing an important forum for identifying City-wide issues and opportunities for advising Council about effective policy, project and service provision regarding community safety issues within Kalgoorlie-Boulder. The group provides advice to Council as an input into decisions that impact Council policies and short, medium and long-term planning.

Note: This working group was established by Council some time ago but has been dormant; therefore in order to ensure consistent governance of this working group, City officers propose Council resolve to establish this again.

External Committees

Some local and regional external committees require representation from Council to act as a conduit of information between that community group and Council. Further committees may request external Council membership from time to time which will be considered by Council on an ad hoc basis.

Kalgoorlie-Boulder Liquor Accord

From the Department of Racing, Gaming and Liquor website:

“Liquor accords are a cooperative arrangement aimed at developing safe and well-managed environments in and around licensed premises in a local context. They are part of an overall strategy that seeks to achieve a standard of practice that assists in fostering a responsible drinking culture, ensures safety in the local community and promotes effective communication and problem solving between licensees and key stakeholders.”

Mayor and CEO representatives from Council are required by the Liquor Accord. Meetings occur quarterly.

Goldfields Regional Organisation of Councils (GVROC)

From the GVROC website:

“The Goldfields Voluntary Regional Organisation of Councils (GVROC) was formed in 2007, with the overarching principle to create a strategic alliance of Local Governments, who contribute and work together to ensure development and retention of infrastructure and community services and undertake joint economic development initiatives, through grant funding with the State and Federal governments plus the private sector, to benefit the region.”

Two Elected Members and a deputy Elected Member (or CEO) are to be appointed as members of GVROC and the CEO also attends these meetings. Meetings occur several times a year.

Kalgoorlie-Boulder Visitor Centre

From the Kalgoorlie-Boulder Visitor Centre website:

“Kalgoorlie Boulder Visitor Centre (KBVC) is the largest, fully accredited, not-for-profit Visitor Centre in the Goldfields. It is the hub and gateway for tourists and visitors to the greater outback region. We pride ourselves on being a progressive, innovative and forward-thinking organisation with a commitment to first class visitor servicing, and encourage visitors to explore everything the Goldfields has to offer. Our primary role is to assist tourists with local information, tours, travel and accommodation bookings, customer service and advice. In addition to this, the centre also promotes and markets the City and Goldfields region through various campaigns, both on and offline.”

One Elected Member and one deputy Elected Member are the representatives from Council required by KBVC. Meetings occur monthly.

(Joint) Development Assessment Panel (JDAP)

Representation of local interests is a key part of the Development Assessment Panel (DAP) system, which assesses building and development proposals. Per the Department of Planning, Lands and Heritage, DAPs are intended to enhance planning expertise in decision making by improving the balance between technical advice and local knowledge.

In accordance with this premise, under Regulation 24 of the *Planning and Development (Development Assessment Panels) Regulations 2011*, Councils are required to nominate, as soon as possible following elections, four elected members to sit as DAP members (two positions plus two deputies). These nominations will be considered by the Minister and formally appointed by the Minister. The existing Councillors' terms expire in January 2024 but will be unable to contribute to the DAP if not re-elected and their appointments will be revoked by the Minister in due course.

Meetings occur as required.

Regional Road Groups

From the WALGA website:

“There are 10 Regional Road Groups (RRG) in WA, established under the State Road Funds to Local Government Agreement which is overseen by a State Advisory Committee (SAC). The RRGs make recommendations to the SAC regarding the Annual Local Government Roads Program for their Region and any other relevant issues.

The RRGs are comprised of elected representatives from each Local Government within the road group. Most groups are supported by a sub-group or technical committee comprised of Local Government staff. Administrative support is provided by Main Roads WA. RRGs importantly provide Local Government with a voice in how the State Government's contribution to local roads is spent. RRG members serve a vital and valuable role in ensuring road funding decisions maximise community benefits and preserve and improve the public road network across Western Australia.”

One Elected member and one Deputy Elected Member are to be nominated as members for the Regional Road Groups.

Meetings occur as required.

Inactive Working Group

It is recommended that the Historic Hannan Street Precinct Working Group be disbanded. Its function was to define, advise, and develop an Historic Hannan Street Precinct covering the entire length of the street between Goldfields Hwy and Lane Street. This Working Group has been inactive for some time and does not have a current purpose.

Consultation

Inter-directorate:

The Executive Leadership Team have considered the status of Council's Committees and Working Groups and how these serve and support the current strategic, legislative and operational needs of the City.

Community engagement consultation:

No community consultation was considered necessary in relation to the recommendations of the report.

Budget Implications

There are no financial implications resulting from the recommendations of this report.

Statutory Implications

Part 5, Division 2, Subdivision 2 and Subdivision 3 apply to Council Committees.

Policy Implications

There are no policy implications resulting from the recommendations of this report although it is noted the City's Committee Policy, Working Group Policy and External Committees Policy set out in the City's Committee and Working Group Handbook apply.

Community Strategic Plan Links

This report links to the Strategic Community Plan through the following Guiding Theme/s:

EMPOWERED: We ensure considered decision making based on collaborative, transparent and accountable leadership.

EMPOWERED: We provide opportunities for genuine engagement with the community to inform the Council's decision-making.

EMPOWERED: We are utilising diverse points of view to inform decision making and actions taken for the City.

OFFICER RECOMMENDATION

That Council:

1. Establish the Reconciliation Working Group and note the proposed terms of reference for the Reconciliation Working Group set out in the Committee and Working Group Handbook;
2. Establish the Community Safety and Crime Prevention Working Group;
3. Note the proposed terms of reference for the Crime Prevention and Safety Working Group set out in the Committee and Working Group Handbook with the following proposed amendments to be made under the “Membership” section:

The Community Safety and Crime Prevention Working Group Working Group shall be comprised of:

- a. at least 3 elected members endorsed by Council; and*
 - b. a representative from the WA Police;*
 - c. not more than 4 members of the community; and*
 - d. not more than 6 representatives from service providers/agencies or organisations who have expertise and experience in the provision of community safety, public policy, social planning and crime prevention.*
4. Establish the Local Emergency Management Committee with two elected members as members, and one elected member as deputy member, and note the proposed terms of reference for the Local Emergency Management Committee attached to this report;
 5. Request the CEO to establish a Child and Youth Safeguarding Policy and develop a supporting framework for consideration and adoption by Council at the earliest opportunity;
 6. Following adoption of the Child and Youth Safeguarding Policy, Council seek Expressions of Interest (EOI) for Youth Mentors to be appointed in accordance with that policy and framework to the Youth Council;
 7. Approve the following membership appointments to the City of Kalgoorlie-Boulder’s Committees for 2023 – 2025:
 - a. Audit and Risk Committee:
 - i. Cr
 - ii. Cr
 - iii. Cr
 - iv. Cr
 - v. Cr
 - vi. Cr
 - b. CEO KPI Committee:
 - i. Mayor.....
 - ii. Cr
 - iii. Cr

- iv. Cr (deputy)
 - v. Cr(deputy)
 - c. Commercial Businesses Committee:
 - i. Cr
 - ii. Cr
 - iii. Cr
 - iv. Cr
 - v. Cr
 - vi. Cr
 - d. Governance and Policy Committee:
 - i. Cr
 - ii. Cr
 - iii. Cr
 - iv. Cr
 - v. Cr
 - e. Youth Council:
 - i. Cr
 - ii. Cr (deputy)
 - f. Local Emergency Management Committee:
 - i. Mayor
 - ii. Cr
 - iii. Cr
- 8. Approve the following membership appointments to the City of Kalgoorlie-Boulder’s Working Groups for 2023 – 2025:
 - a. Boulder Tourism Precinct Strategy Working Group:
 - i. Cr
 - ii. Cr
 - iii. Cr
 - iv. Cr
 - b. Walk of Fame Working Group (recommended by Governance and Policy Committee to be renamed “Australia Day and Walk of Fame Working Group”):
 - i. Cr
 - ii. Cr
 - iii. Cr
 - iv. Cr
 - c. Reconciliation Working Group:
 - i. Cr
 - ii. Cr
 - iii. Cr
 - d. Community Safety and Crime Prevention Working Group:
 - i. Cr
 - ii. Cr
 - iii. Cr
- 9. Approve the following membership appointments to the City of Kalgoorlie-Boulder’s External Committees for 2023 – 2025:
 - a. Kalgoorlie-Boulder Liquor Accord:
 - i. Cr
 - b. Goldfields Regional Organisation of Councils:
 - i. Cr

- ii. Cr (deputy)
 - c. Kalgoorlie-Boulder Visitor’s Centre:
 - i. Cr
 - ii. Cr(deputy)
 - d. (Joint) Development Assessment Panel (JDAP):
 - i. Cr
 - ii. Cr
 - iii. Cr (deputy)
 - iv. Cr (deputy)
 - e. Regional Road Group
 - i. Cr
 - ii. Cr (deputy)
10. Approve the disbanding of the Historic Hannan Street Precinct Working Group.

ALTERNATE MOTION/COUNCIL RESOLUTION

Moved By: Cr Terrence Winner

Seconded By: Cr Wayne Johnson

That Council:

1. Appoint the following Councillors as members to the:
 1. Audit and Risk Committee:
 1. Mayor Wilson
 2. Deputy Mayor Dellar
 3. Cr Johnson
 4. Cr Turner
 5. Cr O'Donnell
 6. Cr Winner
 2. CEO KPI Committee:
 1. Mayor Wilson
 2. Cr Botica
 3. Cr O'Donnell
 4. Cr (deputy)
 5. Cr(deputy)
 3. Youth Council:
 1. Cr Winner
 2. Cr Brownley (deputy)
 4. Local Emergency Management Committee:
 1. Mayor Wilson
 2. Cr Turner
 3. Cr Dellar
2. Approve the following membership appointments to the City of Kalgoorlie-Boulder’s External Committees for 2023 – 2025:
 1. Kalgoorlie-Boulder Liquor Accord:
 1. Cr O'Donnell
 2. Goldfields Regional Organisation of Councils:

1. Mayor Wilson
2. Cr Johnson
3. Cr Turner (deputy)
3. Kalgoorlie-Boulder Visitor's Centre:
 1. Cr Winner
 2. Cr Botica (deputy)
4. (Joint) Development Assessment Panel (JDAP):
 1. Cr Johnson
 2. Cr Dellar
 3. Cr Winner (deputy)
 4. Cr Turner (deputy)
5. Regional Road Group
 1. Cr Brownley
 2. Cr (deputy)
3. Request the Chief Executive Officer to schedule a separate workshop to enable Councillors to further consider the draft terms of reference and establishment of the following Committees and Working Groups prior to the next Ordinary Meeting of Council;
 1. Commercial Business Committee;
 2. Governance and Policy Committee;
 3. Reconciliation Working Group;
 4. Community Safety and Crime Prevention Working Group;
 5. Boulder Tourism Precinct Strategy Working Group;
 6. Walk of Fame Working Group;

CARRIED

(9 / 0)

For:	Mayor Glenn Wilson, Deputy Mayor Kirsty Dellar, Cr Deborah Botica, Cr Terrence Winner, Cr Wayne Johnson, Cr Kyran O'Donnell, Cr Linden Brownley, Cr Nardia Turner and Cr Carla Viskovich
Against:	Nil

15.1.5 CEO delegations of authority

Responsible Officer:	Andrew Brien Chief Executive Officer Frances Liston Executive Manager Governance and Risk Services
Responsible Business Unit:	Office of the CEO Governance
Disclosure of Interest:	Nil
Voting Requirements:	Absolute Majority
Nature of Council's Role in Decision-Making:	Legislative
Attachments:	1. City of Kalgoorlie-Boulder Council to CEO Delegations Register [15.1.5.1 - 118 pages]

SUMMARY STATEMENT

Council is asked to endorse the register of delegated authority from Council to the CEO as set out in the attached delegated authority register.

REPORT

Council is able to delegate the exercise of some of its powers and discharge of some of its duties to the CEO. The authority to do so is derived from section 5.42 of the Local Government Act 1995 as well as under or in relation to:

- Animal Welfare Act 2002;
- Australian Citizenship Act 2007;
- Building Act 2011 and Building Regulations 2012;
- Bush Fires Act 1954, regulations and local laws created under that Act;
- Cat Act 2011 and Regulations;
- Caravan Parks and Camping Grounds Act 1995;
- Control of Vehicles (Off-Road Areas) Act 1978 and Regulations;
- Dog Act 1976 and Regulations;
- Equal Employment Opportunity Act 1984;
- Environmental Protection Act 1986;
- Food Act 2008;
- Freedom of Information Act 1992;
- Graffiti Vandalism Act 2016;
- Health (Miscellaneous Provisions) Act 1911, Regulations and local laws created under that Act;
- Health (Asbestos) Regulations 1992;
- Land Administration Act 1997, and Regulations;
- Litter Act 1979 and Regulations;
- Local Government (Miscellaneous Provisions) Act 1960;

- Parks and Reserves Act 1895;
- Planning and Development Act 2005 including Regulations, policies, and the Town Planning Scheme;
- Public Interest Disclosure Act 2003;
- Public Health Act 2016;
- Rates and Charges (Rebates and Deferments) Act 1982;
- Road Traffic Act 1974; and
- Strata Titles Act 1985.

The application of delegated authority does not undermine Council's roles and responsibilities but rather, improves the overall functions of the City of Kalgoorlie-Boulder by:

1. Facilitating Council focussing on higher level strategic matters;
2. Improving efficiency, effectiveness and timeliness of decision-making; and
3. Facilitating the CEO satisfying his responsibilities under section 5.41 Local Government Act 1995.

Council is able to ensure that the CEO's exercise of powers and discharge of its duties is fair, consistent, transparent and appropriate by:

1. Developing policies to support the CEO's exercise of the various delegated authorities, including policies setting out record-keeping obligations;
2. Undertaking review of the exercise by the CEO's exercise of delegated authority;
3. Ensuring the CEO is only delegated authority over matters about which he has appropriate skills and expertise;
4. Retaining the ability to revoke or vary or impose conditions in respect of any delegated authority; and
5. Complying with the Local Government Act 1995 and other legislation to retain authority in relation to matters which cannot be delegated to the CEO (including matters listed in section 5.43 Local Government Act 1995).

The CEO in turn is able to sub-delegate his authority to other City employees to further support these operational and governance practices. Those with delegated authority, including the CEO, are required to undertake record keeping in respect of their exercise of delegated authority, and complete primary and annual returns to support the City's governance systems (assisting to identify actual or potential conflicts of interest). The same principles set out above in relation to the benefits of Council delegating authority to the CEO apply in respect of CEO to staff delegation; and likewise, the same controls also apply.

It is a requirement of the Local Government Act 1995 that delegated authorities are reviewed at least once every financial year. They were last reviewed in full in September 2022 at which time Council endorsed the full register as attached to this report – since that time, there have been some minor ad hoc revisions which are also identified in the attached register. Additionally, as a result of some related work recently undertaken, McLeods have recommended the inclusion of a further delegated authority which is proposed as number 1.1.43 in the attached register.

Attachment 1 is the delegated authority register setting out the authority and functions City officers recommend be delegated by Council to the CEO.

RISK ASSESSMENT

The City’s Risk Management Policy defines risk as meaning the “effect of uncertainty on objectives”. The policy further details that:

- an “effect” is a deviation from the expected – positive or negative; and
- “objectives” can have different aspects (such as financial, health and safety and environmental goals) and can apply at different levels (such as strategic, organisation-wide, project, product or process).

The following risks are considered to be relevant to Council’s consideration of delegated authority to the CEO:

Risk category	How risks may present	Preliminary assessment of likelihood and potential impact of risk eventuating
Work Health and Safety	Authority or function under delegated authority which is not at the correct level considering the operational practicalities for the exercise of that authority may result in WHS risk and reduced controls.	Low - provided Council adopts the delegation register in the form attached.
Political Risk	Incorrect or insufficient/inadequate delegated authority, particularly with not enough authority delegated to the CEO (and sub-delegated to staff) will result in bottle necks as Council will instead have to exercise those functions/authorities within their meeting cycle. Additionally, this will reduce the ability of Council to address high level strategic matters for the City, reducing its effectiveness.	Low - provided Council adopts the delegation register in the form attached.
Service delivery	Incorrect or insufficient/inadequate delegated authority, particularly with not enough authority delegated to the	Low - provided Council adopts the delegation register in the form attached.

	<p>CEO (and sub-delegated to staff) will result in bottle necks as Council will instead have to exercise those functions/authorities within their meeting cycle. This would significantly impact service delivery as functions/authorities that are not delegated to the CEO could only progress on that monthly basis.</p>	
Financial	<p>Incorrect or insufficient/inadequate delegated authority, or authority exercised by a person who has not formally been given delegated authority, may result in financial loss to the City if a decision is made which is challenged and overturned. For example, the loss could be loss of revenue from a fine that was incorrectly issued but could extend to legal costs for the City, legal costs for the successful party, and/or liability for broader damages.</p>	<p>Low - provided Council adopts the delegation register in the form attached and the City implements related controls in respect of the sub-delegation to officers.</p>
Reputational	<p>Incorrect or insufficient/inadequate delegated authority, or authority exercised by a person who has not formally been given delegated authority, may result in reputational risk to the City if a decision is made which is challenged and overturned.</p>	<p>Low - provided Council adopts the delegation register in the form attached and the City implements related controls in respect of the sub-delegation to officers.</p>

Community Engagement Consultation

No community consultation was considered necessary in relation to the recommendations of the report.

Budget Implications

There are no financial implications resulting from the recommendations of this report.

Statutory Implications

The authority to delegate as required by each relevant instrument is set within the Register of CEO Delegations attached, including in particular:

Section 5.41 Local Government Act 1995: *Functions of CEO*

Section 5.42 Local Government Act 1995: *Delegation of some powers and duties to the CEO*

Section 5.43 Local Government Act 1995: *Limits on delegations to CEO*

Section 48 Bush Fires Act

Section 44 Cat Act 2011

Section 10AA Dog Act 1976

Section 118 Food Act 2008

Section 16 Graffiti Vandalism Act 2016

Section 21 Public Health Act 2016

Section 20 Environmental Protection Act 1986

Section 16 Planning and Development Act 2005

Regulation 297(2) Road Traffic Code 2000

Policy Implications

There are no policy implications resulting from the recommendations of this report.

Community Strategic Plan Links

This report links to the Strategic Community Plan through the following Guiding Theme/s:

EMPOWERED: We continue to believe in the principles of representational democracy and are enabled to make decisions about our lives.

EMPOWERED: We ensure considered decision making based on collaborative, transparent and accountable leadership

OFFICER RECOMMENDATION/COUNCIL RESOLUTION

Moved By: Cr Kyran O'Donnell

Seconded By: Cr Linden Brownley

That Council endorse the delegations to the Chief Executive Officer in accordance with the Register of CEO Delegated Authority attached.

CARRIED

(9 / 0)

For:	Mayor Glenn Wilson, Deputy Mayor Kirsty Dellar, Cr Deborah Botica, Cr Terrence Winner, Cr Wayne Johnson, Cr Kyran O'Donnell, Cr Linden Brownley, Cr Nardia Turner and Cr Carla Viskovich
Against:	Nil

15.1.6 Council Meeting Schedule

Responsible Officer:	Frances Liston Executive Manager Governance and Risk Services
Responsible Business Unit:	Governance
Disclosure of Interest:	Nil
Voting Requirements:	Simple
Nature of Council's Role in Decision-Making:	Legislative
Attachments:	Nil

SUMMARY STATEMENT

Council is asked to determine its preferred meeting schedule for 2024.

REPORT

Councillors attend weekly meetings to gain information, provide strategic direction, receive stakeholder presentations and make decisions. Currently, these are held every Monday night using a variety of formats:

1. Concept Forums;
2. Workshops;
3. Agenda Briefing Forum; and
4. Ordinary Council Meeting.

Where there are five Mondays in a month or need for other urgent business to be discussed or considered, additional meetings outside of this schedule are held as required including Special Council Meetings.

Workshops/Concept Forums

Workshops/Concept Forums involve elected members and staff meeting to propose, discuss and formulate philosophies, ideas, strategies and concepts for the development of the local government and the district.

Such forums often involve projects that are in the early planning stage and are some time away from being presented to council for decision.

In discussing such issues, staff are looking for guidance from the elected members as they research the matter and draft the report. These meetings are not open to the public due to the nature of the discussions.

Agenda Briefing Forums

For proper decision-making, elected members must have the opportunity to gain maximum knowledge and understanding of any issue presented to the council on which they must vote.

It is reasonable for elected members to expect that they will be provided with all the relevant information they need to understand the issues listed on the agenda for the next ordinary council meeting.

The complexity of many items means that elected members may need to be given information additional to that in a staff report and/or they may need an opportunity to ask questions of relevant staff members.

It is considered that Agenda Briefing Forums are much more efficient and effective than elected members meeting staff on an individual basis for such a purpose with the added benefit that all elected members hear the same questions and answers.

To protect the integrity of the decision-making process it is essential that the agenda forums are run with strict procedures.

The identified principles and associated procedures are accountability, openness and transparency, probity and integrity, authority for the chair and meeting notification.

Agenda Briefing Forums are open to the public and are livestreamed, but members of the community are not generally invited to participate by way of questions or presentations.

Ordinary Council Meeting

The Ordinary Council Meeting (OCM) is the formal meeting of Council where agenda items are debated and decisions (called resolutions) are made by vote of the Council.

These meetings are open to the public (with the exception of confidential items listed in the agenda) and livestreamed.

Current schedule

Currently Council meets every Monday night on the following schedule:

Week 1: Concept Forum (as set out above).

Week 2: Workshop Forum (as set out above).

Week 3: Agenda Briefing (as set out above).

Week 4: Ordinary Council Meeting

OPTIONS FOR 2024 MEETING SCHEDULE

Option 1: Fortnightly meeting schedule

This option would see the Council hold two OCMs and two Agenda Briefing Forums per month. These would all be held in the Council Chambers at the Kalgoorlie Town Hall.

Where there are matters for discussion in Workshop/Concept Forum format, these discussions would occur after the Agenda Briefing Forum has closed.

The proposed schedule is as follows:

Week 1: Agenda Briefing Forum and Workshop/Concept Forum

Week 2: Ordinary Council Meeting

Week 3: Agenda Briefing Forum and Workshop/Concept Forum

Week 4: Ordinary Council Meeting

Summary of advantages and disadvantages

Advantages of option 1	Disadvantages of option 1
Improve the quality of the reports with faster turnaround times	
Improves resource efficiency for administration staff	
Increased public opportunity participation in OCMs (fortnightly opportunities rather than monthly)	
Reduces the need for Special Council Meetings to be called (compared to the monthly OCM cycle)	
More efficient use of evening meeting time	
Increased efficiency in service delivery with decisions made more frequently by Council	
Provides an option for Council to consider the reduction in the number of discretionary committees and have the matters considered at full Council meetings	

Option 2: Monthly meeting schedule

This option would see the Council hold one OCM, one Agenda Briefing Forums and two informal meetings per month. The OCM and Agenda Briefing Forums would be held in the Council Chambers in the Kalgoorlie Town Hall, and the informal meetings at suitable locations determined on an ad hoc basis.

The proposed schedule is as follows:

Week 1: Workshop/Concept Forum

Week 2: Workshop/Concept Forum

Week 3: Agenda Briefing Forum

Week 4: Ordinary Council Meeting

Summary of advantages and disadvantages

Advantages of option 2	Disadvantages of option 2
Maintains the current meeting arrangements which the public and media are accustomed to.	Meeting once a month can cause a delay in matters being considered by Council causes delay in service delivery

CONSULTATION

Inter-directorate

Executive Leadership Team members have been consulted and consider Option 1 to be the preferred option.

Budget Implications

There are no budget implications resulting from the recommendations of this report.

SUMMARY OF RECOMMENDATION AND REASONS

In summary, Option One (fortnightly meeting schedule) is recommended to Council for the following reasons:

- It should result in smaller agendas which will see that Council meetings not go late into the evening and ensure that meeting time is utilised more efficiently; and
- That staff will have more than one opportunity a month to submit reports to the Council meaning they can ensure the quality of reports and reduce the need to hold a Special Council Meeting for urgent reports; and
- That members of the community have more opportunities to participate in OCM's via Public Question time and Public Access time; and
- That would increase efficiency in service delivery with decisions made more frequently by Council.

Statutory Implications

Local Government (Administration) Regulations 1996

12. Publication of meeting details (Act s. 5.25(1)(g))

1. In this regulation — meeting details, for a meeting, means the date and time when, and the place where, the meeting is to be held.

2. The CEO must publish on the local government's official website the meeting details for the following meetings before the beginning of the year in which the meetings are to be held —
 - a. ordinary council meetings;
 - b. committee meetings that are required under the Act to be open to members of the public or that are proposed to be open to members of the public.
3. Any change to the meeting details for a meeting referred to in sub-regulation (2) must be published on the local government's official website as soon as practicable after the change is made.

Policy Implications

There are no policy implications resulting from the recommendations of this report.

Community Strategic Plan Links

This report links to the Strategic Community Plan through the following Guiding Theme/s:

CONNECTED We deliver the community better connectivity with the rest of Australia and the world.

OFFICER RECOMMENDATION

That Council endorses Option One (Fortnightly Meeting Schedule) and requests the CEO to develop a 2024 meeting schedule for adoption at the November Ordinary Council Meeting with all meetings to be held in the Council Chambers at the Kalgoorlie Town Hall.

ALTERNANTE RECOMMENDATION /COUNCIL RESOLUTION

Moved By: Cr Terrence Winner

Seconded By: Cr Nardia Turner

1. Endorses the following Ordinary Council Meeting Schedule for 2024:
 - Monday 29 January 2024
 - Monday 26 February 2024
 - Monday 25 March 2024
 - Monday 22 April 2024
 - Monday 27 May 2024
 - Monday 24 June 2024
 - Monday 22 July 2024
 - Monday 26 August 2024
 - Tuesday 24 September 2024
 - Monday 28 October 2024

- Monday 25 November 2024
 - Monday 16 December 2024
2. Note that week prior to each Ordinary Meeting an Agenda Briefing will be held;
 3. Note that all Ordinary Meetings and Agenda Briefings will be open to the public and held in the Kalgoorlie Town Hall Council Chambers commencing at 7.00PM;
 4. Request the CEO provide public notice of the Meeting Schedule for 2024; and
 5. Request the CEO undertake a review of the meetings processes and procedures in June 2024

CARRIED

(9 / 0)

For:	Mayor Glenn Wilson, Deputy Mayor Kirsty Dellar, Cr Deborah Botica, Cr Terrence Winner, Cr Wayne Johnson, Cr Kyran O'Donnell, Cr Linden Brownley, Cr Nardia Turner and Cr Carla Viskovich
Against:	Nil

15.1.7 Future Location of St Barbara's Statue

Responsible Officer:	Andrew Brien Chief Executive Officer Johan Le Roux Manager Water Waste & Sustainability Mia Hicks Director of Community Development
Responsible Business Unit:	Community Development Project Management
Disclosure of Interest:	Nil
Voting Requirements:	Simple
Nature of Council's Role in Decision-Making:	Executive/Strategic
Attachments:	Nil

EXECUTIVE SUMMARY

As the Kal City Centre (KCC) redevelopment project nears completion, Council is asked to determine the permanent location of the statue of St Barbara (the statue).

REPORT*History*

St Barbara, Patron Saint of Miners, is a significant symbol in the City of Kalgoorlie-Boulder, representing the partnership between the mining industry and the local community of this historic gold rush town.

The monument was incorporated into the design of the St Barbara Mall, named by former Mayor Ray Finlayson in 1983, to commemorate the century of mining on the Goldfields and honour the lives lost in the process.

The statue of St Barbara, sculpted by local artist Nana (Ute) Lye, was unveiled and presented to then Mayor Paul Robson on Barbara's Feast Day December 4, 1999 by Richard Scallan and the Eastern Regional Council of the Chamber of Minerals and Energy.

Background to current circumstances

On 29 November 2021, the statue, after minor refurbishment works, was temporarily relocated by the City to the WA Museum for safe custody during the KCC redevelopment project, to ensure ongoing access to the community during the project.

The statue was placed next to the Miner's Memorial and features in the annual service that occurs as part of the St Barbara's Festival. It was originally anticipated

that the statue would return to St Barbara’s Square following the completion of the Kal City Centre project, however Council deferred the decision regarding the long-term positioning of the statue pending the completion of the development.

The project is drawing to a close and will be officially opened on 3 December 2023. Accordingly, Council is requested to determine the location for the statue in accordance with the options and recommendations set out below.

Option 1: Retain the statue and position it in St Barbara’s Square

The Kal City Centre project is nearing completion, with art installations to be installed imminently. There is currently one garden bed within St Barbara’s Square which is the proposed location for the statue should Council decide to retain this asset.

Attachment 1 is a plan of the Kal City Centre, demarcating that proposed garden bed. This is considered the most suitable location bearing in mind:

1. This garden bed currently has no art installations;
2. There is no appropriate space outside of a garden bed for the statue to be installed within St Barbara’s Square with the broader design concepts and structural needs for the installation of the statue being considered; and
3. As noted below, the artist considers this is the best location.

City officers consider the following are relevant advantages and disadvantages of this option for consideration by Council:

Advantages of Option 1	Disadvantages of Option 1
Continuing history of the St Barbara’s Statue being located at St Barbara’s Square and being a centralised Kalgoorlie-Boulder landmark.	The City retains risk in the statue, including responsibility for costs and resources in maintenance and repair of the statute and insurance.
Links the St Barbara’s Square place name to this namesake (it is not proposed to rename the square).	Some risk of damage to the statue in an open, unlocked location. Note – <i>In the 24 years that the statue has been located in St Barbara’s Square, there has been no significant vandalism or damage to the statue. The KCC includes CCTV cameras.</i>
Duplication of miner’s memorial locations in Kalgoorlie-Boulder highlights the importance of mining to Kalgoorlie-Boulder’s history and honours lives lost to mining.	
The two artists who were amongst the initial proponents of the development of St Barbara’s Mall (as it was formerly known) support the reinstatement of the statue in St Barbara’s Square.	

Option 2: Not to return it to St Barbara’s square at this time and investigate alternatives

The WA Museum of the Goldfields (Museum) is currently the temporary home of the statue and it features as part of the Miner’s Memorial located in the grounds within the Museum at the top of Hannan Street, Kalgoorlie.

Option 2 is that the statue remain at the Museum pending further investigation as to alternative options for its permanent home.

Note: Any alternative options will potentially require compliance with asset disposal legislative requirements and will require community consultation and planning for the disposal from the City’s asset register.

Advantages of Option 2	Disadvantages of Option 2
The Museum is gated and locked outside of its operating hours and has high security alert systems in place.	While temporarily located there, the statue would be located within locked grounds and therefore would have access limited to the Museum’s opening hours.
While temporarily located there, the statue would be directly connected with the Museum’s memorial of lives lost to the mining industry.	Further postponement of the decision about the Statue’s final home creates ongoing uncertainty in the community who are invested in both the statue and completion of the KCC project.

Other considerations:

1. In its former positioning, the St Barbara’s Statue was surrounded by original rock pillars. These rocks are not in a condition to be altered or returned to site.
2. It is not proposed that the name of St Barbara’s Square will be altered, irrespective of whether the St Barbara’s Statue is homed in that location. It is recommended that the history of this location is preserved; and further, noted that extensive community and stakeholder consultation would be required before a name change could be considered by Council.
3. There is no reasonable opportunity for the City to procure a replica statue.

RISK ASSESSMENT FOR RECOMMENDATION (OPTION ONE)

The City’s Risk Management Policy defines risk as meaning the “effect of uncertainty on objectives”. The policy further details that:

- an “effect” is a deviation from the expected – positive or negative; and
- “objectives” can have different aspects (such as financial, health and safety and environmental goals) and can apply at different levels (such as strategic, organisation-wide, project, product or process).

The following risks are considered to be relevant to Council’s consideration of the recommended option (option one):

Risk category	How risks may present	Preliminary assessment of likelihood and potential impact of risk eventuating
Work Health and Safety	<p>Statue is heavy and installation in St Barbara's Square will require appropriate management and measures.</p> <p>Ongoing risk to the public climbing or using the statue inappropriately.</p>	<p>Low due to WHS measures and this statue has been moved previously without WHS incident.</p> <p>Low – situated in a garden bed, structurally sound bronze material will not break easily</p>
Political Risk	There is community interest and it is anticipated that some sections of the community will be unhappy whatever the outcome.	Medium but can be mitigated through an appropriate comms plan from the City.
Service delivery	Accessibility to the community is high and there is limited risk that this accessibility would be impeded.	Low – Available 24/7 in a central location.
Financial	Vandalism could occur to the statue and cost the City to repair.	Medium however the statue is insured and there will be appropriate security measures.
Reputational	Nil	Nil – The City will fulfill its original intention to return the statue to the square.

Consultation

Community engagement

As part of the ongoing community engagement regarding the KCC project, the City has publicly stated its intent to return the statue to St Barbara's Square.

Inter-directorate

Finance and Properties teams have been consulted for consideration of value and financial ramifications of the recommended proposal.

Relevant external stakeholders

1. WA Museum of the Goldfields

City officers have initiated contact with the WA Museum to understand the process should option two be preferred by Council and communications will need to continue.

2. Nana Lye, Artist commissioned to create statue of St Barbara

Artist Nana Lye travelled to Kalgoorlie-Boulder from Germany on 21 March 2023 and visited the statue in its temporary location at the WA Museum and undertook a facilitated site visit of the KCC with City officers. During the site visit she indicated her strong preference for the statue to be returned to St Barbara's Square, and indicated her preferred location as under the eucalypt in garden bed located as per Attachment 1.

3. Goldfields Catholic Parish Pastoral Council

City officers were contacted by the Catholic Parish Council, who provided feedback that it was the strong preference of the local Catholic community for the statue of St Barbara to return to St Barbara's Square, where it could be visited by the community and families of deceased mine workers at any time.

4. Anglican Parish of the Goldfields

City officers contacted Rev. Dr Elizabeth Smith of the Anglican Parish of the Goldfields for feedback as to the future permanent location of the statue of St Barbara.

Feedback indicated that as long as the Square is called St Barbara's Square, the statue should be located in the Square, where a much larger number of people can see and engage with it.

Rev. Dr Smith suggested the statue should be accompanied by signage to explain that St Barbara is the Patron Saint of miners, with signage directing people to the Miners' Memorial within the grounds of the WA Museum for those who wish to see the names of those commemorated there.

5. St Barbara's Day Committee

City officers contacted the Chair of the St Barbara's Committee, who advised that their preference was that the statue remain at the WA Museum, next to the Miners Memorial.

Summary of recommendation and reasons

In summary, Option One (return to St Barbara's Square) is recommended to Council for the following reasons:

- Relocation to museum was temporary, and has been promoted as such to the community;
- The statue is not as visible at the WA Museum as it will be in St Barbara's Square – current location has no visibility from the street;

- Access to the statue is restricted at the WA Museum (limited to opening hours between 10am and 3pm) whereas the community has access to view the statue 24 hours a day, seven days a week at St Barbara's Square;
- The two artists who were amongst the initial proponents of St Barbara's Square and statue oppose retention at the WA Museum;
- Statues of this public significance and history are generally central within a community with high visibility. This would not be the case if the statue remained at the WA Museum;
- Consultation with key stakeholders indicates there is support for either option.

Preliminary planning is underway for the installation of the statue in St Barbara's Square, pending confirmation of location in the Square by the Council. If Council instead determines that the statue should remain at the WA Museum, City Officers will need to bring the matter back to Council for that final resolution to be deliberated and ensure compliance with asset disposal requirements.

Community Engagement Consultation

No broader community consultation was considered necessary in relation to the recommendations of the report.

Budget Implications

If the statue is retained by the City, the cost of installing it in the proposed garden bed will form part of the Kal City Centre's total budget and will have an estimated cost of approximately \$10,000 for the footing designs, footing installation and transport.

Statutory Implications

There are no statutory implications resulting from the recommendations of this report.

Policy Implications

There are no policy implications resulting from the recommendations of this report.

Community Strategic Plan Links

This report links to the Strategic Community Plan through the following Guiding Theme/s:

CONNECTED: We will be connected to our history, culture and community.

CONNECTED: We provide public spaces that facilitate a diverse range of activities and strengthen social bonds within the community.

CONNECTED: Culture, heritage, and place are valued, shared, and celebrated.

OFFICER RECOMMENDATION

That Council agree to return the St Barbara's statue to St Barbara's Square at the completion of the KCC project in the indicated location provided in Attachment 1.

ALTERNATE RECOMMENDATION/COUNCIL RESOLUTION

Moved By: Cr Nardia Turner

Seconded By: Cr Terrence Winner

That Council:

1. Agree to return the St Barbara's statue to St Barbara's Square at the completion of the KCC project in the indicated location provided in Attachment 1; and
2. Request the CEO to arrange appropriate recognition of the original names of those involved and the story of St Barbara.

CARRIED

(9 / 0)

For:	Mayor Glenn Wilson, Deputy Mayor Kirsty Dellar, Cr Deborah Botica, Cr Terrence Winner, Cr Wayne Johnson, Cr Kyran O'Donnell, Cr Linden Brownley, Cr Nardia Turner and Cr Carla Viskovich
Against:	Nil

15.2 Development and Growth

15.2.1 Local Heritage Fund Applications

Responsible Officer:	Alex Wiese Director Development and Growth
Responsible Business Unit:	Planning Development & Regulatory Services
Disclosure of Interest:	Nil
Voting Requirements:	Simple
Nature of Council’s Role in Decision-Making:	Executive/Strategic
Attachments:	<ol style="list-style-type: none"> 1. CONFIDENTIAL - Attachment 2 - Mckenzie's Building - Next Gen building quote [15.2.1.1 - 2 pages] 2. CONFIDENTIAL - Attachment 3 McKenzies Building Budget Stage 2 [15.2.1.2 - 1 page] 3. Attachment 1 - Local Heritage Fund Policy - LP P 7 [15.2.1.3 - 4 pages] 4. Attachment 4 - Glen Devon Hotel - 2020 Council Resolution [15.2.1.4 - 12 pages]

SUMMARY STATEMENT

Council is asked to determine two (2) grant funding applications made under the Local Heritage Fund. The City has received one (1) heritage grant application for the Local Heritage Fund round for 140-144 Hannan Street, Kalgoorlie (the McKenzie’s Building). The application has been assessed and complies with the Local Heritage Fund Policy LPP7 (Refer to attachment 1) and is recommended for grant funding of \$43,094.11.

The City has also received an enquiry from a successful applicant of the Heritage Fund from the March 2020 Council meeting, Lot 420 (1) Egan Street, Kalgoorlie (the Glen Devon Hotel). The application was approved by Council, however as it was never acquitted the funds were not released. Council is asked to consider a release of these funds under the 2023/24 Local Heritage Fund budget.

REPORT

The application for the McKenzie’s Building, is for a contribution towards specialist veranda repair works in line with an approved Conservation Management Strategy for the place. It is recommended that Council approve funding approximately equal to the previous level of funding approved in the 2022/23 financial year, which was \$43,728.89. The McKenzie's Building which is located on a key intersection of Hannan Street and Maritana Street is of exceptional significance in relation to heritage classification.

The cost of the buildings restoration works for stage two is quoted at \$438,696.16 including GST and the temporary (traffic) management plan (refer to confidential attachment 2). The total cost of the project is estimated at \$507,009.42 when architect's fees, the BCTIF levy and a 10% contingency are included in the costs (refer to confidential attachment 3).



Figure 1 – Location of McKenzie's Building

The application includes a quote from a local building contractor, NextGen Building (refer to Confidential Attachment 2) and the cost of all required planning and building approvals.

The application has been assessed and determined to comply with the Local Heritage Fund Policy. It is recommended that Council approve funding of \$43,094.11 which equates to 8.5% of the total project cost for veranda restoration work on the McKenzie's Building.

It has been indicated that if successful, works will begin in April 2024 and will be completed in July 2024 if works go to plan.

The owners of the McKenzie's Building were successful applicants in the last round of Local Heritage Funding which was used to restore the Hannan Street frontage of the veranda.

Stage 2 of the works includes restoration of the Maritana Street frontage as well as painting to the facade of the building.



Figure 2 – Image taken January 2023



Figure 3 – Image taken September 2023, after completion



Figure 2 – Maritana Street Verandah currently



Figure 3 – Underside of Maritana Street verandah currently

The City has also received an enquiry from a successful applicant of the Heritage Fund from the March 2020 Council meeting. The Glen Devon Hotel is located at Lot 420 (1) Egan Street, Kalgoorlie. Funding approved in March 2020 was for a 50% contribution to minor conservation works (restoration of windows), to a maximum of \$13,177.00.

The works were completed however the applicant did not lodge the acquittal in the required timeframe and the funds were therefore not released. The recommendation asks Council to consider the release of the funds in this financial year.

Community Engagement Consultation

No community consultation was considered necessary in relation to the recommendations of the report.

Budget Implications

There are sufficient funds remaining in the City's 2023/24 Local Heritage Fund for the recommended grant funding.

Statutory Implications

There are no statutory implications resulting from the recommendations of this report.

Policy Implications

The recommendations of this report are consistent with City Policy: LPP7 Local Heritage Fund.

Community Strategic Plan Links

This report links to the Strategic Community Plan through the following Guiding Theme/s:

CONNECTED: We will be connected to our history, culture and community.

CONNECTED: Culture, heritage, and place are valued, shared, and celebrated.

OFFICER RECOMMENDATION/COUNCIL RESOLUTION

Moved By: Cr Wayne Johnson

Seconded By: Cr Terrence Winner

That Council:

1. Pursuant to the City's Local Heritage Fund Policy LPP7, approve a grant application for veranda restoration work at 140-144 Hannan Street, Kalgoorlie to the value of \$43,094.11.
2. Consider the request for \$13,177 for completed work (frontage windows replacement to 1 Egan Street, Kalgoorlie) lodged under Local Heritage Fund Policy DS-DS-004 that was never acquitted, as payable in the 2023/24 financial year under Local Heritage Fund Policy LPP7.

CARRIED

(9 / 0)

For:	Mayor Glenn Wilson, Deputy Mayor Kirsty Dellar, Cr Deborah Botica, Cr Terrence Winner, Cr Wayne Johnson, Cr Kyran O'Donnell, Cr Linden Brownley, Cr Nardia Turner and Cr Carla Viskovich
Against:	Nil

15.3 Engineering

15.3.1 Quarterly Report on Major Projects

Responsible Officer:	Arno Gouws Manager Project Management
Responsible Business Unit:	Engineering
Disclosure of Interest:	Nil
Voting Requirements:	Simple
Nature of Council's Role in Decision-Making:	Review
Attachments:	1. Quarterly Report on Major Projects Attachment [15.3.1.1 - 4 pages]

SUMMARY STATEMENT

Council is asked to receive an update on the performance of major projects for the Q1 for FY24, as of 30 September 2023.

REPORT

At its Ordinary Council Meeting on 19 December 2022, Council accepted a proposed Project Management Framework and project reporting mechanism, for quarterly reporting to Council.

This report provides an update on the performance of major projects for the Q1 for FY24, as of 30 September 2023.

A list of major reports has been included as an attachment titled "Major Projects Summary", which contains details relating to physical progress as well as financial expenditure to date.

On Track

- Resurfacing and resealing of roads is progressing well.
- Yarri Road Landfill Cell construction.
- The South Boulder Wastewater Treatment Plant Idea Plant renewal works.
- Sewer network capacity reviews and improvements.
- Sewer reticulation main upgrades for Area 1, 2 and 3.
- Karlkurla Bushland Nature Play toilet block and park furniture being procured.
- Sir Richard Moore Oval asbestos removal and replacement.
- Projects at the Oasis, Stadium Air conditioner upgrade/replacement, roof replacement over the basketball courts and changeroom upgrade.
- Throssel Street Depot upgrade.
- Stormwater upgrades to the CBD and Hampden Street channel.
- Maxwell and Johnston Intersection upgrade planned to commence on 16 October 2023.

- Design and construction of bus terminal at the Airport due for completion at the end of the financial year.
- Renewal and upgrades to recycled water infrastructure.
- The Kalgoorlie City Centre project is on track to be completed by 27 October 2023.

Generally On Track with Minor Issues

- Parks and Reserves lighting upgrades are dependent on the appointment of a lighting consultant. Procurement is underway.
- Kingsbury Park Youth Precinct is at design development stage. Preliminary works will commence in October to compliment major works.
- Sewerage Water Bank Project delayed due to nonresponsive tenders. Alternative discipline specific procurement strategy being finalised.
- Oasis outdoor gym compound expansion, currently seeking quotes.
- Goldfields Art Centre Event structure, consultant procured and awaiting concept design.
- SMART enabled LED streetlight project is dependent on Western Power submitting a revised agreement to the consortium of councils to review.
- The Johns Roads and Great Eastern Highway Intersection project is in the design phase. As part of a value engineering exercise, utility services have been identified for relocation prior to the commencement of major construction works.
- Heating Ventilation and Air Conditioning (HVAC) assessments at the Administration and Airport buildings completed. Design consultant appointed with installation works envisaged to commence in March 2024.
- Renewal works to the endowment block in Hannan Street including façade, parapet and electrical upgrades is being investigated.

Off Track

- Golf course resort construction on hold pending approval of reviewed Deed of Assignment and Variation of Lease.
- Stormwater capture initiatives delayed due to additional geotechnical investigations required as part of the Design phase.
- Construction of staff housing on City owned land expected to be delayed due to statewide builders' backlog and labour shortages.
- Kitchener Cutline Road project delayed as native title approvals are awaited.

Community Engagement Consultation

No community consultation was considered necessary in relation to the recommendations of the report.

Budget Implications

There are no financial implications resulting from the recommendations of this report.

Statutory Implications

There are no statutory implications resulting from the recommendations of this report.

Policy Implications

There are no policy implications resulting from the recommendations of this report.

Community Strategic Plan Links

This report links to the Strategic Community Plan through the following Guiding Theme/s:

CAPABLE: We are continuing to undertake the appropriate risk management and assessment strategies.

OFFICER RECOMMENDATION/COUNCIL RESOLUTION

Moved By: Cr Wayne Johnson

Seconded By: Deputy Mayor Kirsty Dellar

That Council receive the Major Projects Summary as of 30 September 2023, detailed in Attachment 15.4.2.1 to this report.

**CARRIED
(9 / 0)**

For:	Mayor Glenn Wilson, Deputy Mayor Kirsty Dellar, Cr Deborah Botica, Cr Terrence Winner, Cr Wayne Johnson, Cr Kyran O'Donnell, Cr Linden Brownley, Cr Nardia Turner and Cr Carla Viskovich
Against:	Nil

15.3.2 WATER BANK PROJECT

Responsible Officer:	Johan Le Roux Manager Water Waste & Sustainability
Responsible Business Unit:	Water, Waste and Sustainability
Disclosure of Interest:	Nil
Voting Requirements:	Simple
Nature of Council's Role in Decision-Making:	Executive/Strategic
Attachments:	Nil

SUMMARY STATEMENT

Council is asked to receive an update in relation to the actions that have been taken in relation to the Waterbank Project after the City was unable to award tender RFT001-23/24- WATERBANK PROJECT due to no tenderers meeting the necessary compliance criteria.

REPORT

The purpose of this report is to provide Council with an update on the next steps following the evaluation of the received submissions for RFT001-23/24- WATER BANK PROJECT, which unfortunately did not meet the compliance requirements.

Background

The City of Kalgoorlie-Boulder owns and operates the sewer network, Wastewater Treatment Plant and Recycled Water Network. The Recycled Water Network is utilised for irrigation purposes by various stakeholders, including a significant industrial user. In order to meet the long-term contractual obligation of supplying the predetermined amount of Recycled Water to this industrial client, an expansion of the current system is necessary.

Tender number RFT001-23/24 was issued on the 1 July 2023 and closed on the 28 August 2023. By the closing date, two (2) submissions had been received, with an additional tender received after the stipulated timeframe.

To ensure a comprehensive evaluation process, a panel consisting of City officers and specialist consultants meticulously assessed all tender submissions. As a result of this thorough examination, certain non-compliances were identified in both tender submissions.

At an Ordinary Meeting of Council on 28 August 2023, Council resolved to:

1. *Note that all tenders received for the Waterbank project were considered to be non-compliant with the tender specification and lodgement timeframe; and*
2. *Request the Chief Executive Officer to prepare a report for consideration of the Council at the October Ordinary Meeting.*

This report is in response to the above Council resolution.

The Way Forward

After completing the evaluation of Tender 001-2023/24, in which multiple tenders were rejected, Water Services proceeded to assess and strategise the implementation of the Water Bank project.

Moving forward, Water Services is committed to the successful completion of the project by taking the following actions:

1. Prioritise the completion of the outstanding design work.
It is worth noting that the previous tender included design and construction aspects, which may have caused hesitation among certain contractors to express interest in the contract.
2. The works will be packaged, based on the different disciplines in order to effectively capture the attention of the market once again. The aim is to specifically target companies that specialise in particular areas, allowing them to contribute their expertise where they excel. The groupings are expected to include the following:
 - a. **Civil Works** – earthworks, rock filter, tank & pump foundations, tanks, concrete pads, wet wells, etc.
 - b. **Pipes & Pumps** – 9km pipeline and pumps.
 - c. **Electrical works** – electrical boards & controls, process control (SCADA or other) & data management.
 - d. **Trenchless Technologies** – trenchless pipe crossing at Goldfields Hwy, Hannan & rail crossing. These are specialised trenchless crossings.

By completing the designs and packaging disciplines together it is anticipated that the City will successfully obtain a final product that excels in both quality and functionality.

Tenders will be called as final designs are completed for works as set out before.

After the award of the contracts the City will furthermore require the services of consultants to act as Superintendent on behalf of the City.

Water Services does not have the sufficient resources to perform the critical role of Superintendent however, Water Services will provide the operational knowledge to the project and work alongside the Superintendent to facilitate the delivery of a high-quality products.

Community Engagement Consultation

No community consultation was considered necessary in relation to the recommendations of the report.

Budget Implications

The allocated budget for this project is \$9,500,000 excluding GST for the 2023/24 financial year and additionally, a sum of \$3,000,000 has been designated within the Long-Term Financial Plan for the subsequent financial year of 2024/25.

All expenditures mentioned in this report have been accounted for within the designated budget for this project.

Statutory Implications

Tenders are to be called in accordance with section 3.57 of the *Local Government Act 1995* and *Local Government (Function and General) Regulations 1996* Part 4, Division 2, Regulation 11 (a) which requires tenders to be publicly invited according to the requirements of this Division before a local government enters into a contract for another person to supply goods or services if the consideration under the contract is, or is expected to be, worth more than \$250,000 unless sub-regulation (2) states otherwise.

Policy Implications

The tender process ensures the City of Kalgoorlie-Boulder’s Policy CORP-AP-001 relating to purchasing is satisfied. More specifically, the requirement for public tender where the aggregate value exceeds \$250,000 is met.

Community Strategic Plan Links

This report links to the Strategic Community Plan through the following Guiding Theme/s:

SUSTAINABLE: We implement sustainable practices such as ensuring responsible use of water and other resources.

SUSTAINABLE: We support opportunities for commercial and industrial land.

OFFICER RECOMMENDATION/COUNCIL RESOLUTION

Moved By: Cr Kyran O'Donnell

Seconded By: Cr Terrence Winner

That Council endorse the alternative process for progressing the Water Bank Project which entails:

1. continuation and completion of the outstanding design work; and
2. calling of tenders based on the completed designs.

CARRIED

(9 / 0)

For:	Mayor Glenn Wilson, Deputy Mayor Kirsty Dellar, Cr Deborah Botica, Cr Terrence Winner, Cr Wayne Johnson, Cr Kyran O'Donnell, Cr Linden Brownley, Cr Nardia Turner and Cr Carla Viskovich
Against:	Nil

16 QUESTIONS OF WHICH DUE NOTICE HAS BEEN GIVEN

Nil

17 CONFIDENTIAL ITEMS

COUNCIL RESOLUTION

Moved By: Cr Deborah Botica

Seconded By: Cr Kyran O'Donnell

That in accordance with Section 5.23 (2) of the *Local Government Act 1995* the meeting is closed to members of the public.

CARRIED
(9 / 0)

For: Mayor Glenn Wilson, Deputy Mayor Kirsty Dellar, Cr Deborah Botica, Cr Terrence Winner, Cr Wayne Johnson, Cr Kyran O'Donnell, Cr Linden Brownley, Cr Nardia Turner and Cr Carla Viskovich

Against: Nil

Members of the press and gallery left the room at 7:49 pm.

Council moved into Confidential Session at 7:49 pm.

17.1 Request for confidential legal advice

Responsible Officer:	Andrew Brien Chief Executive Officer
Responsible Business Unit:	Governance
Disclosure of Interest:	Nil

Officer Recommendation

That in accordance with Section 5.23 (2) of the *Local Government Act 1995* the meeting is closed to members of the public with the following aspect(s) of the Act being applicable to this matter:

(d) legal advice obtained, or which may be obtained, by the local government and which relates to a matter to be discussed at the meeting.

Executive Summary

It is the recommendation of the Responsible Officer that this item be considered behind closed doors due to the private and confidential nature of its contents.

COUNCIL RESOLUTION

Moved By: Cr Linden Brownley

Seconded By: Cr Terrence Winner

That Council move out of Confidential Session and resume standing orders.

CARRIED
(9 / 0)

For: Mayor Glenn Wilson, Deputy Mayor Kirsty Dellar, Cr Deborah Botica, Cr Terrence Winner, Cr Wayne Johnson, Cr Kyran O'Donnell, Cr Linden Brownley, Cr Nardia Turner and Cr Carla Viskovich

Against: Nil

Council moved out of Confidential Session and resumed standing orders at 8:04 pm.

Members of the public returned to the Chamber and the Mayor advised the outcome of the resolutions adopted in the confidential section.

18 DATE OF NEXT MEETING

The next Ordinary Council Meeting will be held on 20 November 2023.

19 CLOSURE

There being no further business, the Mayor thanked the Councillors and Staff for their attendance and declared the meeting closed at 8:05 pm.