



**City of  
Kalgoorlie  
Boulder**

# **MINUTES**

**of the Ordinary Council Meeting**

**held at 7:00 PM**

**on**

**26 SEPTEMBER 2023**

**at the**

**Kalgoorlie Town Hall**

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## **1 DECLARATION OF OPENING / ANNOUNCEMENT OF VISITORS**

The decisions recommended in all reports on this agenda do not fall within the definition of a Major Policy Decision under the Council Election Caretaker Policy with the following exception:

1. Report 17.1 is submitted under Extraordinary Circumstances in accordance with clause 1.2.1 of the policy; and
2. Report item 14.1.1 is submitted as a Council Committee Report, however given the Caretaker period an alternative recommendation is provided to ensure compliance with the Caretaker Policy.
3. Report item 14.3.1 is submitted as a Council Committee Report, however given the Caretaker period an alternative recommendation is provided to ensure compliance with the Caretaker Policy.
4. Report item 15.2.1 is submitted under Extraordinary Circumstances in accordance with clause 1.2.1 given the timeframes required to submit the application, however it is noted that this is part of actioning of a resolution of Council dated 22 May 2023.

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 Brendon Hayes from the Seventh Day Adventist.

## **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 Deborah Botica  
**Seconded By:** Deputy Mayor Glenn Wilson

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

**CARRIED**  
**(10 / 0)**

<b>For:</b>	<b>Cr Deborah Botica, Deputy Mayor Glenn Wilson, Mayor John Bowler, Cr Michael McKay, Cr Wayne Johnson, Cr David Grills, Cr Terrence Winner, Cr John Matthew, Cr Kirsty Dellar and Cr Kim Eckert</b>
<b>Against:</b>	<b>Nil</b>

**In Attendance:**

- Mayor John Bowler
- Deputy Mayor Glenn Wilson
- Cr Deborah Botica
- Cr Mandy Reidy                      Joined the meeting at 7:13 pm
- Cr Dave Grills
- Cr Terrence Winner
- Cr John Matthew
- Cr Kirsty Dellar
- Cr Kim Eckert
- Cr Michael McKay                      Via telephone conference
- Cr Suzie Williams                      Via telephone conference
- Cr Wayne Johnson

**Members of Staff:**

- Andrew Brien                              Chief Executive Officer
- Alex Wiese                                  Director Development and Growth
- Lui Camporeale                            Acting Director Engineering
- Glenda Abraham                           Director Corporate and Commercial
- Mia Hicks                                   Director Community Development
- Frances Liston                              Executive Manager Governance and Risk Services
- Emma Holtum                                Governance Officer
- Rajan Prajapati                             IT Technical Systems Analyst

**Visitors:**

12

**Press:**

3

**4.2 Apologies****Apologies - Elected Members:**

Nil

**Apologies - Members of Staff:**

Nil

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

Cr Amy Astill

**5 RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE****David Oates, resident of Lamington asked the following questions:**

1. What was the volume of surplus treated effluent water sent to the Hannans Lake Facility in the twelve months prior to the signed CKB contract with Lynas?
2. By comparison what volume has been sent in the twelve months since the signed contract?

**Response from the Mayor**

In the twelve months preceding the Lynas contract, 713,848KL was sent to the Hannans Lake Facility and in the twelve months post the Lynas Contract, 497,072KL were sent to the Hannans Lake Facility; during this time, though there was also refurbishing to the lagoon system.

**6 PUBLIC ACCESS AND PUBLIC QUESTION TIME****6.1 Public Access**

Steve McBride, a resident of West Kalgoorlie addressed the meeting regarding Item 15.1.2 - RFT001-23/24- Water Bank Project.

I wish to provide clarification around several points in item 15.1.2 RFT001-23/24 relating to the non-compliant offer from tenderer B, as well as an alternate solution to enable the city to supply water as per the contract with Lynas in a more cost-effective manner. Should this be rejected I request a meeting with the CEO to discuss this matter formally.

## **6.2 Public Question Time**

Enrico Piazza, a resident of Piccadilly asked the following questions:

Have any of the Councillors looked into the possibility of the United Nations Agenda 2023 having an effect on us here in Kalgoorlie-Boulder?

Response from Mayor:

The Mayor thanked Mr Piazza, and opened up for the Councillors to respond.

Karissa Zappelli, a resident of Kalgoorlie asked the following questions:

Forrest street Kalgoorlie's road has recently been resealed but it was done in 2021, why did this happen when there was nothing wrong with the road and there are other roads that are worse?

What can we do about the waste of tax payers money?

Can we have the contract between the Pig and Whistle group and the Council cancelled?

Storage of alcohol is it being given away and how does the licensing work?

Response from Mayor:

Mayor thanked Karissa, and asked the CEO to assist with a response.

CEO Response:

Forrest Street had the intersections completed in 2021. The 2023 program is a full road upgrade and will be showcasing the roads programs going forward, where we look at the whole product and not just the road surface. The Forrest Street is the beginning of the upgrades that will include kerbing, front verges, shared-use paths, signage and street trees in accordance with asset management principle's.

## **7 PETITIONS / DEPUTATIONS / PRESENTATIONS**

Nil

## **8 NOTATIONS OF INTEREST**

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

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Chief Executive Officer Andrew Brien declared an impartiality interest in item 14.3.1 as it is an update from the Committee relating to the CEO Annual Review process.

## **8.2 Financial Interest Local Government Act Section 5.60A**

Nil

## **8.3 Proximity Interest Local Government Act Section 5.60B**

Councillor Mick McKay declared a proximity interest in item 17.1.1 as he owns property adjacent to St Babara's Square.

## **9 APPLICATIONS FOR LEAVE OF ABSENCE**

Nil

## **10 ANNOUNCEMENTS BY THE PERSON PRESIDING WITHOUT DISCUSSIONS**

### **10.1 Mayor Announcements**

29 August 2023	Health professionals meeting on local GP supply
31 August 2023	Walk of Fame meeting
31 August 2023	Basketball Association AGM
1 September 2023	Toured Hammond Park
4 September 2023	Men's Shed 30 <sup>th</sup> anniversary
5 September 2023	Filmed Rates videos
6 September 2023	CCTV Trial Meeting
8 September 2023	Governance and Policy Meeting
13 September 2023	Sports Star of the Year Meeting
14 September 2023	Civic Reception for Chamber of Commerce and Industry
15 September 2023	Announced Art Prize winners
18 September 2023	Met Minister Carey for a 4 million infrastructure grant
18 September 2023	Agenda Briefing
19 September 2023	Zoom meeting for Australian Mining Capitals Alliance
20 September 2023	Boulder Cup
26 September 2023	Citizenship Ceremony
27 September 2023	Visit prison to thank Blanket Appeal knitters

Cr Mandy Reidy left the room at 7:18 pm.



## **11 CONFIRMATION OF MINUTES**

**Moved By:** Cr Kirsty Dellar  
**Seconded By:** Cr Terrence Winner

That the minutes of the Ordinary Meeting of Council held on 28 August 2023 be confirmed as a true record of that meeting.

**CARRIED**  
**(12 / 0)**

**For:** Cr Deborah Botica, Deputy Mayor Glenn Wilson, Mayor John Bowler, Cr Michael McKay, Cr Wayne Johnson, Cr Mandy Reidy, Cr David Grills, Cr Terrence Winner, Cr John Matthew, Cr Kirsty Dellar, Cr Kim Eckert and Cr Suzie Williams

**Against: Nil**

Cr Mandy Reidy returned to the room at 7:54 am.

## **12 MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN**

## **13 URGENT BUSINESS APPROVED BY THE PERSON PRESIDING OR BY DECISION**

Nil.

## 14 REPORTS OF COMMITTEES

### 14.1 Governance and Policy Committee Minutes - 8 September 2023

#### 14.1.1 Review of Committees and Working Groups

<b>Responsible Officer:</b>	Andrew Brien Chief Executive Officer Frances Liston Executive Manager Governance and Risk Services
<b>Responsible Business Unit:</b>	Office of the CEO Governance
<b>Disclosure of Interest:</b>	Nil
<b>Voting Requirements:</b>	Simple
<b>Attachments:</b>	1. Council Committee and Working Group Handbook (tracked) [14.1.1.1 - 57 pages]

#### COMMITTEE RECOMMENDATION

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.

#### Chief Executive Officer Recommendation to comply with Caretaker Policy/ COUNCIL RESOLUTION

**Moved By:** Cr John Matthew  
**Seconded By:** Deputy Mayor Glenn Wilson

That Council note the recommendations of the Governance and Policy Committee and refer the matter to the October Ordinary Meeting for consideration of Council.

**CARRIED**  
**(12 / 0)**

**For:** Cr Deborah Botica, Deputy Mayor Glenn Wilson, Mayor John Bowler, Cr Michael McKay, Cr Wayne Johnson, Cr Mandy Reidy, Cr David Grills, Cr Terrence Winner, Cr John Matthew, Cr Kirsty Dellar, Cr Kim Eckert and Cr Suzie Williams

**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 be 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.

**14.1.2 Local law update**

<b>Responsible Officer:</b>	Andrew Brien Chief Executive Officer Frances Liston Executive Manager Governance and Risk Services
<b>Responsible Business Unit:</b>	Office of the CEO Governance
<b>Disclosure of Interest:</b>	Nil
<b>Voting Requirements:</b>	Simple
<b>Attachments:</b>	Nil

**COMMITTEE RECOMMENDATION/ COUNCIL RESOLUTION****Moved By: Cr Mandy Reidy****Seconded By: Cr Kirsty Dellar**

That Council note the update in relation to the City's local law review.

**CARRIED  
(12 / 0)**

**For: Cr Deborah Botica, Deputy Mayor Glenn Wilson, Mayor John Bowler, Cr Michael McKay, Cr Wayne Johnson, Cr Mandy Reidy, Cr David Grills, Cr Terrence Winner, Cr John Matthew, Cr Kirsty Dellar, Cr Kim Eckert and Cr Suzie Williams**

**Against: Nil****Executive Summary**

The City is required to review of its local laws within eight years of the relevant commencement date. This review is outstanding in respect of a number of the City's local laws. With an incoming Council in October 2023, and recent reform of the Local Government Act 1995, the CEO recommends that a comprehensive review of all local laws be undertaken with the assistance of an external consultant following Council elections in 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**

Following June 2023 endorsement by the Committee and Council of its proposed approach, the City is continuing to progress its local law review. The CEO and Executive Manager Governance and Risk Services (EMGRS) have undertaken further enquiries in relation to the options for the review to be completed in a way that is consistent, comprehensive and expeditious.

The CEO has raised with GVROC member organisations the possibility of those local governments jointly engaging a consultant to conduct a review of all local laws. Such a process would enable a more standardised approach within the Goldfields area and once the review is completed, each local government could then provide more individualised or specific instructions to reflect the needs of their district. CEOs for these GVROC members have indicated they are supportive of such an approach.

WALGA have advised the EMGRS that they do not currently have recommended consultants to undertake the review but that WALGA may be able to assist the City to carry out its own internal review (which is not the preferred approach of the City). The City will undertake further enquiries to progress this and will report to the Committee, Council and GVROC.

## **Statutory Implications**

Section 3.5 *Local Government Act 1995* (authority for a Local Government to enact local laws)

Section 3.16(1) *Local Government Act 1995* (periodic review of local laws)

Section 3.16(2) *Local Government Act 1995* (requirements for review of local laws)

## **Policy Implications**

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

**14.2 Youth Council Minutes - 29 August 2023**

**14.2.1 Youth Grant Program - Round 1 23/24**

<b>Responsible Officer:</b>	Mia Hicks Director of Community Development
<b>Responsible Business Unit:</b>	Community Development
<b>Disclosure of Interest:</b>	Nil
<b>Voting Requirements:</b>	Simple
<b>Attachments:</b>	1. CONFIDENTIAL - EGHA - YGP Application Round 1 23-24 FY [14.2.1.1 - 15 pages] 2. CONFIDENTIAL - WAAC YGP Application Form Round 1_2023-24 [14.2.1.2 - 23 pages]

**YOUTH COUNCIL/ COUNCIL RESOLUTION**

**Moved By: Cr Terrence Winner**

**Seconded By: Cr Kim Eckert**

That Council:

1. Endorse a total of \$4,000 in grant funding in the Minor Category of the City of Kalgoorlie-Boulder (City's) Youth Grant Program (YGP); and

<b>Applicant</b>	<b>Categories</b>	<b>Projects</b>	<b>Amount</b>
<b>WAAC</b>	Minor	End of Year Dance	\$2,000
<b>Eastern Goldfields Hockey Association</b>	Minor	Goldfields Hockey Academy	\$2,000

2. Request the Director of Community Development to set out the key performance indicators for each project and execute the funding agreements with the successful recipients.

**CARRIED  
(12 / 0)**

**For: Cr Deborah Botica, Deputy Mayor Glenn Wilson, Mayor John Bowler, Cr Michael McKay, Cr Wayne Johnson, Cr Mandy Reidy, Cr David Grills, Cr Terrence Winner, Cr John Matthew, Cr Kirsty Dellar, Cr Kim Eckert and Cr Suzie Williams**



**Against: Nil****Executive Summary**

This report seeks Councils endorsement of the recommendations put forward by the Kalgoorlie-Boulder Youth Council (KBYC) for the 2023/24 Round One (1) Youth Grant Program (YGP).

The YGP provides two rounds per financial year for one-off grants to not-for-profit community groups and organisations that have a focus on youth initiatives that support empowering young people, skills development for young people, and initiatives that encourage active participation for a vibrant and inclusive community for young people in Kalgoorlie-Boulder.

Funding is used to support projects that align with the City's Youth Strategic Action Plan 2018-2021 and City's Strategic Community Plan 2020-2030.

A total of two (2) applications were received across the two (2) categories for the first-round funding in the 2023/24 budget.

The YGP was open for applications from Monday, 24 July 2023 to Friday, 18 August 2023.

**Community Engagement Consultation**

The City promoted the YGP via email to the Youth Interagency Network, local schools and Youth Affairs Council of WA and at the Youth Interagency Network Meeting held monthly at the CKB Administration building.

The YGP was broadly promoted to the community through the City's electronic noticeboard located on Hannan Street in front of the Administration building, on the City's website and social media channels, with six posts to the City's Facebook page.

**Community Strategic Plan Links**

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

**SAFE:** We will deliver a safe and activated community that can be used day and night.

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

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

**Budget Implications**

There are no financial implications resulting from the recommendations of this report as Council has allocated the required funds through the financial year budget allocation process - \$20,000 is allocated per financial year, with \$10,000 allocated per round.

## Report

This report outlines the details for new applications received for the YGP Round One (1) of 2023/24.

Applications that successfully meet the selection criteria for the YGP may receive either a minor or major one-off contribution as nominated by Council.

Applications have been assessed against the City's Youth Strategic Action Plan 2018-2021, City's Strategic Community Plan 2020-2030 and the Youth Grant Program guidelines.

### **Western Australian Aids Council (WAAC)- End of Year Dance**

**Overview:** The project objective is to create a supportive and safe environment for LGBTQIA+ young people and others to meet socially and make connections to celebrate together in a safe and inclusive way.

The purpose is to create an inclusive environment with access to support services in a casual setting. Young people will be able to socialise without fear of judgement, bullying or prejudice. WAAC expects between 40-50 young people to attend the event and will be engaging with other Youth Service providers to support the event.

**Previous City Contributions:** No previous financial contributions have been provided by the City to WAAC.

**Percentage of funding requested (of Total Project Costs):** 78.43%

**Percentage of funding recommended:** 100%

**Recommendation:** Approve a grant of \$2,000 in the 2023/24 Financial Year.

### **Eastern Goldfields Hockey Association- Goldfields Hockey Academy.**

**Overview:** This initiative is a development program for young people playing Junior hockey to partake in a specialised hockey development program over six months.

The program aims to upskill approximately 40 young players to develop elite level skills to enable them to compete at State and National level. Funds will go towards covering costs for attendees and bringing professional grade coaches from Perth to run training sessions. The Association's intention is to offer the same level of development opportunities to Kalgoorlie-Boulder young people that would otherwise only be accessible by traveling to Perth.

**Previous City Contributions:** Eastern Goldfields Hockey Association were recipients of \$110,000 through the City's Annual Grant Program in the 2022/23 Financial Year and recently received \$5,000 through the City's Outstanding Individual Grant program for ten participants to attend the State and Master's Country State Hockey Championships.

**Percentage of funding requested (of Total Project Costs):** 30.3%

**Percentage of funding recommended:** 100%

**Recommendation:** Approve a grant of \$2,000 in the 2023/2024 Financial Year.

## Statutory Implications

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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.

**14.2.2 Kalgoorlie-Boulder Youth Council 2024 Meeting and Events Schedule**

<b>Responsible Officer:</b>	Mia Hicks Director of Community Development
<b>Responsible Business Unit:</b>	Community Development
<b>Disclosure of Interest:</b>	Nil
<b>Voting Requirements:</b>	Simple
<b>Attachments:</b>	1. 2024 KBYC Events and Meeting Schedule - KBYC Meetings& Events [14.2.2.1 - 2 pages]

**YOUTH COUNCIL/ COUNCIL RESOLUTION**

**Moved By:** Cr Deborah Botica  
**Seconded By:** Cr Mandy Reidy

That Council adopt the 2024 Kalgoorlie-Boulder Youth Council meetings and events schedule.

**CARRIED  
(12 / 0)**

**For:** Cr Deborah Botica, Deputy Mayor Glenn Wilson, Mayor John Bowler, Cr Michael McKay, Cr Wayne Johnson, Cr Mandy Reidy, Cr David Grills, Cr Terrence Winner, Cr John Matthew, Cr Kirsty Dellar, Cr Kim Eckert and Cr Suzie Williams

**Against:** Nil

**Executive Summary**

The Kalgoorlie Boulder Youth Council (KBYC) Terms of Reference state that the meeting schedule will be determined by the KBYC at the commencement of the financial year.

The purpose of the schedule is to set Youth Council's formal and casual meeting dates, scheduled training days and major youth events and projects. This schedule takes into consideration other factors that will impact the availability of Youth Councillors such as public holidays, school holidays, tertiary exam periods and other major City of Kalgoorlie-Boulder (City) events.

**Community Engagement Consultation**

The City consulted and workshopped the 2024 meeting and event schedule with the KBYC at their Casual meeting on Tuesday, 18 July 2023 with eight Youth Councillors, two City Officers and two Youth Mentors in attendance. A second workshop was held on Tuesday, 23 August 2023 to review and finalise the meeting

schedule with five Youth Councillors, two City Officers and two Youth Mentors in attendance.

KBYC and City held youth events and programs in the 2022 calendar year engaged a total of 2,152 young people, which is a total of 40.67% (ABS statistics ages 12-25) of young people in Kalgoorlie-Boulder, as presented at an Elected Member Concept Workshop on 13 February 2023.

## **PUBLIC CONSULTATION**

Public consultation was not considered necessary for this item.

## **Community Strategic Plan Links**

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

**SAFE:** We support families and youth.

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

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

## **Budget Implications**

There are no financial implications resulting from the recommendations of this report. All activities and events have been considered and approved within the annual budget.

## **Report**

The proposed schedule for meetings and events was submitted to the Kalgoorlie-Boulder Youth Council (KBYC) for the 2024 calendar year. It consists of the following - Casual Meetings, Formal Meetings, Training sessions, Team building days, key KBYC events and major projects, major City of Kalgoorlie-Boulder events, National awareness days, public holidays, school holiday periods and tertiary exam dates.

Consideration has been given to peak activity periods across the year, and anticipated times for Youth Councillor unavailability due to either holidays, school exam periods or other commitments that can be pre-emptively planned for. The schedule also caters for the time constraints of young people aged 12-25 who comprise membership of the KBYC while still maintaining operational continuity and project outcomes across the year.

The proposed meeting schedule is structured with four (4) formal meeting dates across the year and typically two (2) casual meetings every month. Each formal meeting includes general business opportunities for the KBYC to raise issues that are important to them. There is a minimum requirement to hold three (3) formal

meetings a calendar year under the terms of reference. If additional meetings are required, the Youth Mayor can call a meeting as required.

Included are six (6) dedicated training sessions in which City Officers or Consultants will facilitate training to upskill and develop the Youth Councillors. This includes but is not limited to; local government meeting procedures training, chairperson training, public speaking, interview skills and resume writing. These training sessions will replace a scheduled casual meeting to not add additional time requirements.

A key motivator for young people joining the KBYC is to upskill and develop themselves for future leadership and employment opportunities. These training opportunities will provide the Youth Councillors with essential skills to support them in their role as young leaders in the community.

In addition, the schedule includes the election date for the roles of the Youth Mayor and Deputy Youth Mayor for the 2024 term. The election date for these positions will be Tuesday, 20 February 2024 providing sufficient time (from November 2023) for Youth Council to meet with new members, develop as a team and set their priorities before electing a new Youth Mayor and Deputy Youth Mayor.

#### ***Formal Meeting dates***

<b>Item</b>	<b>Date</b>
Formal Meeting, Youth Mayor and Deputy Youth Mayor Elections	Tuesday 20 February 2024
Formal Meeting	Tuesday 7 May 2024
Formal Meeting	Tuesday 30 July 2024
Formal Meeting	Tuesday 17 September 2024

#### ***Major Event dates***

<b>Item</b>	<b>Date</b>
Youth Week WA	Friday 5 April- Friday 12 April 2024
Kalgoorlie Boulder Youth Awards	Friday 14 June 2024
Goldfields Youth Forum	Friday 16 August 2024
Youthfest	Saturday 28 September 2024

#### **Statutory Implications**

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

#### **Policy Implications**

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

**14.3 Chief Executive Officer Review Committee - 23 August 2023****14.3.1 Draft Annual Key Performance Indicators**

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

**COMMITTEE RECOMMENDATION**

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.

**Chief Executive Officer Recommendation to comply with Caretaker Policy/  
COUNCIL RESOLUTION**

**Moved By:** Deputy Mayor Glenn Wilson

**Seconded By:** Cr John Matthew

That Council note the recommendations of the Chief Executive Officer Review Committee and refer the matter to the October Ordinary Meeting for consideration of Council.

**CARRIED  
(12 / 0)**

**For:** Cr Deborah Botica, Deputy Mayor Glenn Wilson, Mayor John Bowler, Cr Michael McKay, Cr Wayne Johnson, Cr Mandy Reidy, Cr David Grills, Cr Terrence Winner, Cr John Matthew, Cr Kirsty Dellar, Cr Kim Eckert and Cr Suzie Williams

**Against:** Nil

**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:

<b>Key Performance Indicator Focus – People</b>		
<b>2022/23 KPI</b>	<b>Assessment of current KPI achievement</b>	<b>Recommendation for 2023/24 KPIs</b>
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.
Employee Satisfaction Survey	<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>	Based on the above it is recommended to retain a KPI focused around employee satisfaction.
Culture Score	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	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.
Finalisation of the Enterprise Agreement	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	It is recommended that this continue as a KPI be removed as this is now simply a legislative process.

	<p>delayed the certification of Agreements.</p> <p>The City is current awaiting the hearing on 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**

<b>2022/23 KPI</b>	<b>Assessment of current KPI achievement</b>	<b>Recommendation for 2023/24 KPIs</b>
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**

<b>2022/23 KPI</b>	<b>Assessment of current KPI achievement</b>	<b>Recommendation for 2023/24 KPIs</b>
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**

<b>2022/23 KPI</b>	<b>Assessment of current KPI achievement</b>	<b>Recommendation for 2023/24 KPIs</b>
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**

<b>2022/23 KPI</b>	<b>Assessment of current KPI achievement</b>	<b>Recommendation for 2023/24 KPIs</b>
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**

<b>2022/23 KPI</b>	<b>Assessment of current KPI achievement</b>	<b>Recommendation for 2023/24 KPIs</b>
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 - July 2023

<b>Responsible Officer:</b>	Casey Radford Finance Manager Xandra Curnock Executive Manager Finance
<b>Responsible Business Unit:</b>	Finance
<b>Disclosure of Interest:</b>	Nil
<b>Voting Requirements:</b>	Simple
<b>Attachments:</b>	1. SOFA July 2023 FINA L 2 [15.1.1.1 - 29 pages]

#### OFFICER RECOMMENDATION/COUNCIL RESOLUTION

**Moved By:** Cr Kirsty Dellar  
**Seconded By:** Cr Wayne Johnson

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 July 2023.

**CARRIED**  
**(12 / 0)**

**For:** Cr Deborah Botica, Deputy Mayor Glenn Wilson, Mayor John Bowler, Cr Michael McKay, Cr Wayne Johnson, Cr Mandy Reidy, Cr David Grills, Cr Terrence Winner, Cr John Matthew, Cr Kirsty Dellar, Cr Kim Eckert and Cr Suzie Williams

**Against:** Nil

#### Executive Summary

In accordance with regulation 34 of the *Local Government (Financial Management) Regulations 1996* (“**the Regulations**”), the City is to prepare a monthly Statement of Financial Activity for approval by Council. Attached for consideration is the completed Statement of Financial Activity for the period ending 31 July 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:

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

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 Statement of Financial Activity was introduced by the Department of Local Government from 1 July 2005; the change was implemented to provide elected members with a better idea of operating and capital revenues and expenditures. 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 July 2023 income is over budget by 0.75% and expenditure is under budget by (12.25%), 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 0.75%, \$408,325 over budget. The sub programs which are outside the allowable variance are as follows.

#### Other Recreation and Sport

Description	YTD Budget	YTD Actual	YTD Variance
<b>Other Recreation and Sport</b>	<b>\$504,568</b>	<b>\$403,071</b>	<b>(\$101,497)</b>

This is mainly due to Oasis casual entry income (\$11k), bookings income (\$8k) and swim school income (\$7k); and Golf course membership fees (\$36k), retail sales (\$10k) and food income (\$9k) being less than budgeted.

#### Construction Roads Bridges Depots

Description	YTD Budget	YTD Actual	YTD Variance
<b>Const Roads Bridges Depots</b>	<b>\$1,131,511</b>	<b>\$618,775</b>	<b>(\$512,736)</b>

This variance is due to revenue budgeted for grants for regional roads and roads to recovery programs \$601k not yet received, partially offset by funding received for blackspot projects of (\$72k).

### EXPENSE CATEGORIES

Overall stated expenditure is (12.25%), (\$901,306) under budget. The sub programs which are outside the allowable variance are as follows.

#### Sanitation – Household Refuse

Description	YTD Budget	YTD Actual	YTD Variance
<b>Sanitation – Household Refuse</b>	<b>\$697,820</b>	<b>\$344,848</b>	<b>(\$352,972)</b>

The variance is due to higher than budgeted expenses for payments to contractors and consultants (\$326k).

#### Other Recreation and Sport

Description	YTD Budget	YTD Actual	YTD Variance
<b>Other Recreation and Sport</b>	<b>\$1,839,059</b>	<b>\$1,639,308</b>	<b>(\$199,752)</b>

This variance is due to lower than budgeted employee salaries & wages of (\$53k), admin charges (\$48k), labour charges (\$45k) and contractors.

#### Other Culture

Description	YTD Budget	YTD Actual	YTD Variance
<b>Other Culture</b>	<b>\$256,172</b>	<b>\$183,152</b>	<b>(\$73,021)</b>

The variance is due to contractors & consultants services payments of (\$42k), materials (\$8k) and admin costs (\$7k) being less than budget.

#### Maintenance Roads Bridges Depots

Description	YTD Budget	YTD Actual	YTD Variance
<b>Maintenance Roads Bridges Depots</b>	<b>\$1,023,735</b>	<b>\$753,271</b>	<b>(\$270,464)</b>

This variance is mainly due to labour charges (\$173k) and salaries and wages (\$47k) being less than budgeted.

#### Aerodromes

Description	YTD Budget	YTD Actual	YTD Variance
<b>Aerodromes</b>	<b>\$493,803</b>	<b>\$417,980</b>	<b>(\$75,822)</b>

This variance is due to costs being lower than budgeted for levies and taxes (\$17k), contributions and subsidies (\$15k), payments to contractors and consultants (\$11k), and admin costs (\$9k).



**Economic Development**

Description	YTD Budget	YTD Actual	YTD Variance
<b>Economic Development</b>	<b>\$173,995</b>	<b>\$230,473</b>	<b>\$56,478</b>

This variance is due to costs employee salaries and wages being \$73k more than budgeted, this is partially offset by payments to contractors and consultants (\$9k), and utilities (\$7k).

**Public Works Overheads**

Description	YTD Budget	YTD Actual	YTD Variance
<b>Public Works Overheads</b>	<b>(\$3,124)</b>	<b>\$332,519</b>	<b>\$335,643</b>

This is mainly due to labour charges \$256k and salaries and wages \$139k. This is partially offset by administration expenses of (\$45k).

**Plant Operation Costs**

Description	YTD Budget	YTD Actual	YTD Variance
<b>Plant Operation Costs</b>	<b>(\$50,538)</b>	<b>\$43,824</b>	<b>\$94,362</b>

The variance is mainly due plant charges \$82k and salaries and wages costs \$21k. This is partially offset by vehicle insurances of (\$5k) and materials (\$4k).

**CAPITAL CATEGORIES**

July 2023 year to date capital expenditure is lower than budget by (\$1.21M). Actual YTD expenditure is \$719k versus budgeted YTD spend of \$1.93m. Main variances from:

- Buildings (\$388k) – relating to Youth hub project, Karlkurla toilet block and building maintenance works.
- Work in Progress of (\$376k) with the majority relating to Kalgoorlie City Centre Project and the Kalgoorlie Golf Course Resort;
- Plant and Equipment (\$126k) – relating to purchase of depot replacement plant
- Infrastructure - Roads of (\$123k) mainly relating to delays in R2R and RRG projects;
- Infrastructure - Sewerage (\$90k) – relating to waste water treatment plant and sewer network upgrades.

**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.

**15.1.2 RFT001-23/24- WATER BANK PROJECT**

<b>Responsible Officer:</b>	Johan Le Roux Manager Water Waste & Sustainability
<b>Responsible Business Unit:</b>	Water, Waste and Sustainability
<b>Disclosure of Interest:</b>	Nil
<b>Voting Requirements:</b>	Simple
<b>Attachments:</b>	1. CONFIDENTIAL - Tender T 001 22.23 [15.1.2.1 - 1 page]

**OFFICER RECOMMENDATION/COUNCIL RESOLUTION**

**Moved By:** Cr Kirsty Dellar  
**Seconded By:** Cr Wayne Johnson

That Council:

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.

**CARRIED**  
**(12 / 0)**

**For:** Cr Deborah Botica, Deputy Mayor Glenn Wilson, Mayor John Bowler, Cr Michael McKay, Cr Wayne Johnson, Cr Mandy Reidy, Cr David Grills, Cr Terrence Winner, Cr John Matthew, Cr Kirsty Dellar, Cr Kim Eckert and Cr Suzie Williams

**Against:** Nil

**Executive Summary**

The purpose of this report is for Council to consider the submissions received for tender number RFT001-23/24 - WATER BANK PROJECT. The intended contract is to construct a rock filter at the South Boulder Wastewater Treatment Plant (WWTP), a new pump main from the WWTP to Swan Lakes and several transfer tanks at different location along the pump route. A new SCADA system and electrical switch boards are also included in this contract.

The public tender process led to two (2) submissions being received on time and a third received past the deadline. After scrutiny, submissions were found to be non-compliant and it is therefore recommended that Council reject all tenders received for tender number RFT001-23/24 - WATER BANK PROJECT.

### **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:

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

SUSTAINABLE: We support opportunities for commercial and industrial land.

### **Budget Implications**

The budget for this contract is \$9,500,000 excluding GST for the 2023/24 financial year and the provision of \$3,000,000 in the Long-Term Financial Plan for 2024/25 financial year.

### **Report**

The purpose of this report is for Council to consider the Tender Assessment Panel recommendation in relation to the submissions received for RFT001-23/24- WATER BANK PROJECT.

### **Background**

The City of Kalgoorlie-Boulder owns and operates the sewer network, Wastewater Treatment Plant and Recycled Water Network. Recycled water is pumped to irrigators and a large industrial user. To ensure the City can supply the large industrial user the contracted quantity of Recycled Water, an expansion to the system is required.

The intended works includes the construction of a rock filter, a dedicated pipeline from the WWTP to Swan Lakes, the installation of tanks at the sites to allow water to be pumped from tank to tank reducing evaporation losses, the installation of a new SCADA software and control logic, the installation of new switchboards and connections to facilitate future works.

### **Tender Assessment**

Tender number RFT001-23/24 was issued on the 1 July 2023 and closed on the 28 August 2023. At the close of tender, two (2) submissions had been received. A further tender was received after the closing timeframe.

Tender submissions were assessed by a panel comprising of City officers and specialist consultants that resulted in non-compliances being identified in both tender submissions.

### Tenderer A

1. Electrical Agreement Tables as required by and to the standard of AS/NZS 61439 were not provided as evidence of capability.
2. The submission does not offer SCADA design, nor supply or installation. No SCADA or ICT personnel or sub-contractor listed.
3. The submission excluded/omitted detailed design works in the proposed works schedule, no design personnel or design sub-contractors are listed.

This submission is therefore non-compliant.

### Tenderer B

1. No Project schedule/timeline is submitted as required in RFT. The contractor did not sufficiently demonstrate their understanding of the works and their ability to put this contract together.
2. A separate entity from Tenderer B is not listed as a sub-contractor and no information is provided regarding resource availability of this entity and other commitments as requested by the RFT.
3. Electrical design – electricians suitable, but no professional electrical design engineer provided to sign off designs.
4. SCADA designer submitted at senior level only. No principal engineers. “Electrical engineers” are Cert3/4 and not suitable for design sign off.
5. The subcontractor for rail micro tunnelling – 2 listed personnel are managers, no drill supervisors or similar provided.
6. Professional Indemnity Insurance (PI). The RFT required PI of \$5m, Tenderer B provided only \$1m PI in their submission. The RFT required PI cover to continue for 7 years, Tenderer B limited their PI insurance to 12 months only. This is also a requirement of the AS4902-2000 – General Conditions of Contract.

This submission is therefore non-compliant.

### Tenderer C

Tender C was rejected as it did not meet the required deadline for submissions.

It is the Tender Assessment Panel’s recommendation that Council reject all tenders received for tender number RFT001-23/24 - WATER BANK PROJECT.

## **Statutory Implications**

Tenders were 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 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.

**15.1.3 Request for Probity Report**

<b>Responsible Officer:</b>	Andrew Brien Chief Executive Officer
<b>Responsible Business Unit:</b>	Office of the CEO
<b>Disclosure of Interest:</b>	Nil
<b>Voting Requirements:</b>	Simple
<b>Attachments:</b>	Nil

**OFFICER RECOMMENDATION/COUNCIL RESOLUTION**

**Moved By: Cr John Matthew**  
**Seconded By: Cr Wayne Johnson**

That Council:

1. Note the Chief Executive Officer’s advice that the matter is considered to be contrary to Caretaker Policy, specifically:
  - a. Clause 3.1 (a) and (b)
  - b. Definition of Major Policy Decision definition points (d), (e) and (f);
2. Note that in accordance with the provisions of the Caretaker Policy refer the matter for consideration of Council following the Local Government Elections.

**CARRIED**  
**(10 / 2)**

**For: Cr Deborah Botica, Deputy Mayor Glenn Wilson, Mayor John Bowler, Cr Michael McKay, Cr Wayne Johnson, Cr Mandy Reidy, Cr Terrence Winner, Cr John Matthew, Cr Kirsty Dellar and Cr Kim Eckert**

**Against: Cr David Grills and Cr Suzie Williams**

**Executive Summary**

A request for a Special Meeting was received from Cr Williams and supported by Councillors Johnson, Botica, Grills and Reidy. The Notice of Meeting was provided to Councillors to consider a motion to undertake a Probity Report in relation to a water supply contract and the negotiation process for the contract.

At the designated time for the Special Meeting there was not a quorum present and in accordance with the provisions of the Local Government Act 1995, the meeting did not commence as a quorum could not be obtained within the designated timeframes.

The motion requests a number of matters be investigated as part of the Probity Report which are likely to be problematic in implementing to get a complete picture

of the issues given that some of the staff and Councillors involved in the original decision are no longer with Council.

That point aside, there is substantial information which can be made available to the incoming Council which is confidential and will enable the Council to make an informed decision in relation to the process and current situation in relation to water supply agreements and contracts which will be included as part of the future report to Council.

### **Community Engagement Consultation**

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

### **Budget Implications**

There is a recommendation for the allocation of \$100,000 for the provision of the Probity Report and as such this funding will need to be identified and incorporated in the mid-year budget review.

### **Report**

The request for a Special Meeting to consider the development of a Probity Report was raised by Councillor Williams and was supported by Councillors Johnson, Botica, Grills and Reidy. At the designated meeting time commencement there were insufficient Councillors present to commence the meeting. In accordance with the provisions of the Local Government Act 1995 the matter was subsequently referred to the next Ordinary Meeting for consideration.

The matter has subsequently been reviewed to ensure compliance with the provisions of the Caretaker Policy of Council and it is considered to be contrary to the Policy, specifically:

Clause 3.1 (a) and (b) which state:

- (a) All Council Members will scrupulously avoid using or accessing City information, resources or employee resources and expertise for the purpose of gaining electoral advantage or disadvantage relevant to their own candidacy or any other person's candidacy.
- (b) All Council Member requests for information and advice from the City will be reviewed by the CEO and where the subject of the information or advice is considered as being related to an election campaign issue, the CEO will have absolute discretion to determine if the information or advice is / is not provided, including where information is provided to one candidate, if that information is also to be provided to all candidates (i.e. including candidates who are not current Council Members).

Definition of Major Policy Decision definition points (d), (e) and (f); which state:

- (d) That would commit the City to Significant Expenditure or actions that, in the CEO's opinion, are significant to the Local Government operations, strategic objectives and / or will have significant impact on the community,
-

- (e). To prepare a report, initiated by the administration, a Council Member, Candidate or member of the public that, in the CEO's opinion, may be perceived as or is actually an election campaign issue;
- (f). Initiated through a notice of motion by a Council Member, where the effect of that motion will change the status quo or, in the CEO's opinion, may be relevant to the circumstances described in subclauses (a) to (e) above.

Based on the CEO assessment of the matters it is considered that the original motion is not consistent with the Caretaker Policy provisions and as such the Chief Executive Officer has recommended that the matter be referred to the Council following the local government elections. This referral will also allow compilation of the previous history of the matter to enable the Council to make an informed decision on the most appropriate way forward.

### **Statutory Implications**

Officers have considered the draft motion and advice was provided previously to Cr Williams that the motion was not consistent with the provisions of the Local Government Act 1995 and the Local Government (Functions and General) Regulation 1996.

The Regulations state under Clause 11A Purchasing policies for local government state:

- (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).

### **Policy Implications**

Council's Purchasing Policy adopted in June 2023 states that for purchasing amounts of between \$50,001 to \$250,000, there should be three written quotes requested to comply with the policy. The proposed motion as outlined for consideration at the Special Meeting is contrary to the adopted Council Policy.



**15.1.4 Accounts Payable Report - August 2023**

<b>Responsible Officer:</b>	Xandra Curnock Executive Manager Finance
<b>Responsible Business Unit:</b>	Finance
<b>Disclosure of Interest:</b>	Nil
<b>Voting Requirements:</b>	Simple
<b>Attachments:</b>	<ol style="list-style-type: none"> <li>1. Municipal EFT Payments - August 2023 [15.1.4.1 - 14 pages]</li> <li>2. Municipal Cheque Payments - August 2023 [15.1.4.2 - 1 page]</li> <li>3. Municipal Direct Debit Payments - August 2023 [15.1.4.3 - 1 page]</li> <li>4. Credit Card Payments - August 2023 [15.1.4.4 - 7 pages]</li> <li>5. Fuel Card Payments - August 2023 [15.1.4.5 - 5 pages]</li> </ol>

**OFFICER RECOMMENDATION/COUNCIL RESOLUTION**

**Moved By:** Deputy Mayor Glenn Wilson

**Seconded By:** Cr Kirsty Dellar

That Council receive the list of payments totalling \$4,181,790.09 as presented for the month of August 2023.

**CARRIED  
(12 / 0)**

**For:** Cr Deborah Botica, Deputy Mayor Glenn Wilson, Mayor John Bowler, Cr Michael McKay, Cr Wayne Johnson, Cr Mandy Reidy, Cr David Grills, Cr Terrence Winner, Cr John Matthew, Cr Kirsty Dellar, Cr Kim Eckert and Cr Suzie Williams

**Against:** Nil

**Executive Summary**

The purpose of this report is for Council to receive the list of payments made from the Municipal and Trust funds including a report of credit card and fuel card transactions incurred by authorised card holders.

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, purchasing card (fuel) and credit card.

### **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.

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

### **Budget Implications**

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

### **Report**

The Local Government (Financial Management) Regulations 1996 requires that Local Governments that delegate the exercise of its power to make payment from the Municipal or Trust funds to the CEO, prepare a list of accounts paid and resent this to council each month.

Attached to this report are the lists of payments made during the month of August 2023, totalling \$4,181,790.09.

Municipal EFT	\$	3,958,502.12
Municipal Cheque	\$	1,922.43
Direct Debit	\$	143,875.44
Credit Cards	\$	68,100.73
Fuel Card (Purchasing Card)	\$	9,389.37
<b>Grand Total</b>	<b>\$</b>	<b>4,181,790.09</b>

### **Statutory Implications**

The Accounts Payable for the Month of August 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.

**15.2 Community Development**

**15.2.1 CSRFF Application - Oasis Redevelopment - Construction of an Outdoor Freeform Swimming Pool**

<b>Responsible Officer:</b>	Mia Hicks Director of Community Development
<b>Responsible Business Unit:</b>	Community Development
<b>Disclosure of Interest:</b>	Nil
<b>Voting Requirements:</b>	Simple
<b>Attachments:</b>	1. CONFIDENTIAL - 2024-2025 CSRFF Forward Planning Round Application Form - City of Kalgoorlie- Boulder [15.2.1.1 - 18 pages]

**OFFICER RECOMMENDATION/COUNCIL RESOLUTION**

**Moved By: Cr Terrence Winner**

**Seconded By: Cr Kim Eckert**

That Council:

1. Rank and rate the application to the Community Sport and Recreation Facilities Fund Forward Planning Grant as follows:
  - a. City of Kalgoorlie-Boulder – Oasis Redevelopment – Construction of an Outdoor Freeform Swimming Pool: Well-planned and needed by the municipality (A Rating); and
2. Endorse the above application to the Department of Local Government, Sport and Cultural Industries (DLGSCI).

**CARRIED  
(12 / 0)**

**For: Cr Deborah Botica, Deputy Mayor Glenn Wilson, Mayor John Bowler, Cr Michael McKay, Cr Wayne Johnson, Cr Mandy Reidy, Cr David Grills, Cr Terrence Winner, Cr John Matthew, Cr Kirsty Dellar, Cr Kim Eckert and Cr Suzie Williams**

**Against: Nil**

**Executive Summary**

This item seeks Council’s endorsement of one grant applications to the Department of Local Government, Sport and Cultural Industries (DLGSCI) for the 2024/2025 Community Sport and Recreation Facilities Fund (CSRFF) Forward Planning Grant Round. The application is as follows:

- City of Kalgoorlie-Boulder – Oasis Redevelopment – Construction of an Outdoor Freeform Swimming Pool

All CSRFF applications to DLGSCI must be accompanied by a formal Council resolution. As the DLGSCI 2024/25 CSRFF Forward Planning Grant Round closes on 29 September 2023, it is important that Council makes a decision on this matter at the Ordinary Council meeting in September.

**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:

SAFE: We support families and youth.

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

CAPABLE: We are exploring funding sources and revenue streams.

**Budget Implications**

There are no financial implications resulting from the recommendations of this report. Should the City be successful in its application, the City's contribution will be considered in a future budget and long-term financial plan.

**Report**

At the Ordinary Council Meeting on 22 May 2023, Item 15.4.1 - Goldfields Oasis Master Plan, Council resolved to -

1. ....
2. Endorse Stage 2 of the attached Goldfields Oasis Master Plan which includes the concept design for a new outdoor pool; upgrades to the outdoor water play assets; upgrades and consolidation of plant room infrastructure and equipment; and extension to the existing outdoor pool area;
3. Authorise the Chief Executive Officer to invite further public comment and submissions on the endorsed concept design for Stage 2 and that any comments or submissions be considered in order to formulate a business case to attract additional federal or state funding for the Stage 2 project.
4. ....
5. ....

The City has submitted, as part of the requirements to secure the Federal Government's 2022 election commitment of \$8M towards the construction of an outdoor pool at the Oasis, a Priority Community Infrastructure Program (PCIP) application.

Initial costings estimate the cost of the new facility to be approximately \$17M, which will require further investment to be made, hence the application for CSRFF funding. Further public comment and submissions will form part of the detailed design phase of the project which will commence once Federal funding has been secured. This phase of the project will also more accurate costings are obtained.

The Department of Local Government, Sport & Cultural Industries administers the CSRFF. The purpose of the fund is to provide financial assistance to sporting clubs, community groups and local government authorities to develop infrastructure for sport and recreation.

The program aims to increase participation in sport and recreation, with an emphasis on physical activity, through rational development of sustainable, good quality, well designed and well utilised facilities.

Forward planning grants will be given to the more complex projects that require a planning and delivery period of between one and three years. Grants in this category will have a total project cost (exclusive of GST) of over \$500,000 and may be allocated in one or a combination of the years in the next triennium. An example of forward planning grant includes - *Swimming pool — new or major upgrade including heating to allow increased use.*

The grant category for the Forward Planning Grant is shown below:

<b>Grant Category</b>	<b>Total Project Cost Range</b>	<b>Maximum DLGCSI Contribution</b>	<b>Frequency</b>
Forward Planning Grant	>\$500,000	Up to a maximum grant of \$2.5M	Annual

For applications to be supported by Department of Local Government, Sport & Cultural Industries, they must firstly be endorsed by the relevant Local Government Authority.

Ranking: The City is by required by Department of Local Government, Sport & Cultural Industries to rank in priority order the applications received for each CSRFF round.

Rating: The City is required by Department of Local Government, Sport & Cultural Industries to rate each application against the categories below:

- A - Well planned and needed by municipality
- B - Well planned and needed by applicant
- C - Needed by municipality, more planning required
- D - Needed by applicant, more planning required
- E - Idea has merit, more preliminary work needed
- F - Not recommended

Forward Planning grants occur annually with funding available for the 2024/25 FY which is in-line with the proposed timeline for the project to obtain all relevant funding sources by 1 July 2024.

**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.

## **16 QUESTIONS OF WHICH DUE NOTICE HAS BEEN GIVEN**

Nil

## **17 CONFIDENTIAL ITEMS COUNCIL RESOLUTION**

**Moved By:** Cr Deborah Botica

**Seconded By:** Cr Mandy Reidy

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

**CARRIED  
(12 / 0)**

**For:** Cr Deborah Botica, Deputy Mayor Glenn Wilson, Mayor John Bowler, Cr Michael McKay, Cr Wayne Johnson, Cr Mandy Reidy, Cr David Grills, Cr Terrence Winner, Cr John Matthew, Cr Kirsty Dellar, Cr Kim Eckert and Cr Suzie Williams

**Against:** Nil

Members of the press and gallery left the room at 7:37 pm.

Council moved into Confidential Session at 7:37 pm.

Cr Michael McKay disconnected call at 7:39 pm.

**17.1 Request to Vary Contract Value - Ertech Pty Ltd**

<b>Responsible Officer:</b>	Arno Gouws Manager Project Management
<b>Responsible Business Unit:</b>	Engineering
<b>Disclosure of Interest:</b>	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:

(c) a contract entered into, or which may be entered into, 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. The matter is required to be considered by the Council during the Caretaker Period to prevent additional financial penalties due to delays related to the finalisation of the project.

**COUNCIL RESOLUTION**

**Moved By:** Cr John Matthew  
**Seconded By:** Deputy Mayor Glenn Wilson

That Council:

1. Authorise the Chief Executive Officer to negotiate proposed amendments as outlined in the confidential report for the Kal City Centre Project;
2. Authorise the budget amendments as outlined in the confidential report and that these amendments be reflected in the mid-year budget review; and
3. Request a final report be provided to Council on the project outcomes including costs, delays and variations in relation to original scope of works and required amendments prior to the end of the 2023/24 financial year.

**CARRIED**  
**(11 / 0)**

**For:** Cr Deborah Botica, Deputy Mayor Glenn Wilson, Mayor John Bowler, Cr Wayne Johnson, Cr Mandy Reidy, Cr David Grills, Cr Terrence Winner, Cr John Matthew, Cr Kirsty Dellar, Cr Kim Eckert and Cr Suzie Williams

**Against:** Nil



**COUNCIL RESOLUTION**

**Moved By:** Cr Mandy Reidy

**Seconded By:** Cr Kirsty Dellar

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

**CARRIED**  
**(11 / 0)**

**For:** Cr Deborah Botica, Deputy Mayor Glenn Wilson, Mayor John Bowler, Cr Wayne Johnson, Cr Mandy Reidy, Cr David Grills, Cr Terrence Winner, Cr John Matthew, Cr Kirsty Dellar, Cr Kim Eckert and Cr Suzie Williams

**Against:** Nil

Cr Michael McKay dialed back into the meeting at 7:42 pm.

Council moved out of Confidential Session and resumed standing orders at 7:42 pm.

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

**18 DATE OF NEXT MEETING**

The next Ordinary Council Meeting will be held on 30 October 2023.

**19 CLOSURE**

The Mayor gave the Councillors the opportunity for brief member statements as this is the last Ordinary Council Meeting being held by this Council prior to the election. Each of the Councillors gave a short speech recognising the contributions of fellow Councillors, staff, family and the community.

There being no further business, the Mayor thanked the Councillors and Staff for their attendance and declared the meeting closed at 8:09 pm.