



**City of  
Kalgoorlie  
Boulder**

# **AGENDA**

**Notice is hereby given  
for the ORDINARY Meeting of Council  
commencing at 7:00PM**

**on**

**14 OCTOBER, 2019**

**at the**

**Kalgoorlie Town Hall**

8 October 2019



## **NOTICE OF MEETING**

An Ordinary Council meeting, of the City of Kalgoorlie-Boulder will be held in the **Kalgoorlie Town Hall** on **Monday, 14 October 2019** commencing at **7:00pm**.

Regards

A handwritten signature in black ink, appearing to be "John Walker", written over a horizontal line.

**JOHN WALKER**  
Chief Executive Officer

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Cr Linden Brownley has applied for leave of absence from 7 October 2019 to 31 October 2019.

**10 ANNOUNCEMENTS BY THE PERSON PRESIDING WITHOUT DISCUSSIONS****11 CONFIRMATION OF MINUTES**

[Minutes of Ordinary Council Meeting held on 23 September 2019](#)

That the minutes of the **Ordinary** meeting held on 23 September 2019 be confirmed as a true record of that meeting.

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

Nil

**13 URGENT BUSINESS APPROVED BY THE PERSON PRESIDING OR BY DECISION****14 REPORTS OF COMMITTEES**

Nil

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## 15 REPORTS OF OFFICERS

### 15.1 CHIEF EXECUTIVE OFFICER

#### 15.1.1 REVIEW OF EXEC-CEO-013 ELECTORAL CARETAKER PERIOD POLICY

**Responsible Officer:** John Walker  
Chief Executive Officer

**Author:** John Walker  
Chief Executive Officer

**Disclosure of Interest:** Nil

#### VOTING REQUIREMENTS

Simple

#### ELECTORAL CARETAKER PERIOD POLICY STATEMENT

The Officer Recommendation has been reviewed in context of the City of Kalgoorlie-Boulder's Electoral Caretaker Period Policy and the CEO has determined that it does not constitute a Major Policy Decision. The CEO therefore provides this report for Council's consideration.

#### OFFICER RECOMMENDATION

**That Council give consideration to the effectiveness of policy EXEC-CEO-013 Electoral Caretaker Period Policy during this current election cycle and whether it should be recommended to the new Council to be amended or repealed.**

#### EXECUTIVE SUMMARY

In 2018, Council adopted the WALGA recommended policy on Electoral Caretaker Periods. At the time it was considered this would be best practice. In reality the policy has curtailed Council business during the period and may appear over-controlling or indeed unnecessary. It is considered appropriate that the incumbent Council considers whether or not the policy has worked and whether it should be modified or repealed.

#### COMMUNITY STRATEGIC PLAN LINKS

This report links to the Strategic Community Plan through the Community's Guiding Principles to demonstrate a transparent and inclusive local government.

#### BUDGET IMPLICATIONS

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

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## REPORT

On 28 July 2018, Council adopted a new policy: EXEC-CEO-013 Electoral Caretaker Period Policy. The policy was advocated and drafted by WALGA and claimed to establish best practice protocols for Local Government election periods.

The objective is to ensure Councils avoid making major decisions prior to an election which would bind an incoming Council, to prevent the use of public resources in ways seen to be advantageous to, or promoting, current Councillors seeking re-election, and to ensure incumbent Councillors and staff act with impartiality in relation to all candidates. Caretaker periods apply for State and Federal elections, although that is more because the actual voting chamber is dissolved and there is always a real chance of a total change of Government.

Having enacted the policy during this election process is it considered advantageous for the current Council to consider its effectiveness and determine whether or not it should be modified or continued.

Local Government in WA is unlike State or Federal Governments in that only half of a Council is up for election at any time and rarely do all of the Councillors re-standing for Council not continue.

Therefore the change of control argument is not as relevant and therefore restrictions on decision making are perhaps unnecessary or best left to common sense. Much of the policy is potentially onerous and probably over-exceeds the need that exists.

Whilst aspects of the policy such as the non-use of resources for sitting Councillors remain relevant, they are contained in other statutory regulations anyway.

Similarly access to information and advice is also common sense and the CEO has discretion in any event.

The policy, in many ways, has had the effect of curtailing Council activity for a relatively long period of time. This is not considered ideal or best practice.

Council should give consideration to the effectiveness and value of this policy and whether it should continue.

### **STATUTORY IMPLICATIONS**

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

### **POLICY IMPLICATIONS**

The outcome of this recommendation will determine the policy implications.

### **COMMUNITY ENGAGEMENT CONSULTATION**

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

### **ATTACHMENTS**

Electoral Period Caretaker Policy 



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**15.1.2 REQUEST FOR EXTENDED TRADING HOURS CHRISTMAS PERIOD 2019**

**Responsible Officer:** John Walker  
Chief Executive Officer

**Author:** Cally Galliers  
Manager Organisation and People

**Disclosure of Interest:** Nil

**VOTING REQUIREMENTS**

Simple

**ELECTORAL CARETAKER PERIOD POLICY STATEMENT**

The Officer Recommendation has been reviewed in context of the City of Kalgoorlie-Boulder's Electoral Caretaker Period Policy and the CEO has determined that it does not constitute a Major Policy Decision. The CEO therefore provides this report for Council's consideration.

**OFFICER RECOMMENDATION**

**That Council endorse the 2019 Boxing Day trading hours as requested by the Kalgoorlie-Boulder Chamber of Commerce and Industry and authorise the CEO to submit a Temporary/Short Term Adjustment application to the Department of Commerce.**

**EXECUTIVE SUMMARY**

Council is asked to consider a request from the Kalgoorlie-Boulder Chamber of Commerce and Industry (KBCCI) to submit a variation to trading hours on Boxing Day, Thursday 26 December 2019, between the hours of 9:00am – 2:00pm.

**COMMUNITY STRATEGIC PLAN LINKS**

This report links to the Strategic Community Plan through the Community's Guiding Principles to boost opportunities for economic development and tourism, and to cultivate a strong and vibrant local business environment by providing retail shopping hours that meet consumer needs.

**BUDGET IMPLICATIONS**

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

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**REPORT**

Correspondence was received from the KBCCI on behalf of the Retail Sub-Committee ("**the Committee**") requesting extended trading hours on Boxing Day, Thursday 26 December 2019.

The KBCCI Executive takes guidance from the Committee on matters pertaining to extended trading. The Committee has 52 retail members who have businesses located in the Kalgoorlie CBD, O'Connor Street (Kalgoorlie) and Burt Street (Boulder). Current trading hours in Kalgoorlie-Boulder are 7am to 7pm Monday,

Tuesday, Wednesday and Friday; 7am to 9pm Thursday; 7am to 6pm Saturday and 9am to 2pm Sunday.

Following receipt of this correspondence Council is requested to review trading hours over the Christmas period.

**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 ENGAGEMENT CONSULTATION**

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

**ATTACHMENTS**

Retail Extended Trading Hours Submission 

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## 15.2 GENERAL MANAGER – INFRASTRUCTURE AND ENVIRONMENT

### 15.2.1 T005-19/20 - CHARLES STREET DETENTION BASIN

<b>Responsible Officer:</b>	<b>Stuart Devenish General Manager Infrastructure &amp; Environment</b>
<b>Author:</b>	<b>Johannes Prinsloo Engineering Services Team Leader</b>
<b>Disclosure of Interest:</b>	<b>Nil</b>

#### VOTING REQUIREMENTS

Simple

#### ELECTORAL CARETAKER PERIOD POLICY STATEMENT

The Officer Recommendation has been reviewed in context of the City of Kalgoorlie-Boulder's Electoral Caretaker Period Policy and the CEO has determined that it does not constitute a Major Policy Decision. The CEO therefore provides this report for Council's consideration.

#### OFFICER RECOMMENDATION

That Council:

1. **Award Tender T005 – 19/20 - Charles Street Detention Basin to Boord Constructions WA Pty Ltd at a lump sum price of \$298,804 (ex GST);**
2. **Authorise the Mayor and CEO to sign the contract documents under the common seal of the City of Kalgoorlie-Boulder in accordance with part 19.1 (2) of the Standing Order Local Law; and**
3. **Issue a Project Update to residents of Charles Street advising of the planned works to commence week beginning 28 October 2019.**

#### EXECUTIVE SUMMARY

The purpose of this report is for Council to consider tender submissions to undertake construction of a detention basin immediately south of properties fronting Charles Street.

The 6,000m<sup>3</sup> basin is to receive stormwater from Charles Street, reducing backing-up of water at this location and consequent flooding of private property. The basin will also allow beneficial use of the stormwater by the Kalgoorlie-Boulder Racing Club.

The submission received from local company Boord Constructions WA Pty Ltd achieved the highest scoring by an assessment panel and offers a price that is within budget allocations. The company is able to commence works by the end of October. Awarding the civil works construction contract to Boord Constructions WA Pty Ltd is recommended accordingly. Distribution of a project update to residents in the area is also recommended.

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## COMMUNITY STRATEGIC PLAN LINKS

This report links to the Strategic Community Plan through the Community's Guiding Principles to ensure a sustainable asset and infrastructure base.

## BUDGET IMPLICATIONS

The total lump sum tender amount of the recommended contractor is within the adopted budget allocation of \$300,000.

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## REPORT

The purpose of this report is for Council to consider tender submissions the construction of a detention basin that will receive stormwater from Charles Street.

### ***Background to Proposed Work***

The planned detention basin is component of drainage works aimed at alleviating property flooding at Charles Street and surrounds. More specifically, the 6,000m<sup>3</sup> basin to be situated immediately south of the Charles Street properties, will receive stormwater via underground culverts (between 24-26 Charles Street) and an overland flow path (swale) at the park fronting Charles Street. The basin is to relieve stormwater impact on private property. Agreement has been reached with the Kalgoorlie-Boulder Racing Club (KBRC) to place the detention basin on a vacant area on the northern perimeter of the race track.

The proposed detention basin is consistent with the works outlined to affected residents at a public forum on Saturday 29 June 2019.

Works include clearing of the site (removal of trees within the basin area), excavation, and construction of maintenance ramps, inlet and outlet structures along with erosion measures. A new pipe – 121 metres long and 300mm in diameter will be installed between the detention basin and water storage areas central to the racecourse. This will allow the detention basin itself to drain away and for water to be stored for beneficial use by KBRC. The pipe will be installed through underground horizontal drilling, avoiding disturbance to the race track surface. In the event of extreme storm conditions, the detention basin has an emergency overflow/outfall channel heading eastwards and towards Maxwell Street.

A plan showing the detention basin and associated works is included at the **Attachment** to this report.

### ***Tender Assessment***

Tender number RFT T005 - 19/20 – Charles Street Detention Basin was open for submission between 24 August and 19 September 2019. During this period, an on-site meeting was convened for prospective tenderers to achieve a better understanding of site conditions and practical work requirements.

Three tender submissions were received, being from:

- Boord Constructions WA Pty Ltd

- Comiskey's Contracting Pty Ltd
- Castle Civil Pty Ltd

All submissions are first assessed against compliance with submission requirements. The submission received from Castle Civil Pty Ltd did not address various details as set out in the tender documentation and was consequently deemed non-compliant and disqualified. The two remaining submissions were assessed against nominated criteria by a three-member evaluation panel, with aggregate scoring as follows:

<b>Tenderers</b>		<b>BOORD CONSTRUCTIONS</b>	<b>COMSIKEY'S CONTRACTING</b>
<b>Relevant Experience</b>	10%	8.27%	7.33%
<b>Key Personnel</b>	10%	7.67%	8.0%
<b>Key Personnel – Regional Contracting</b>	5%	5%	0%
<b>Demonstrated Understanding</b>	15%	9.17%	10%
<b>Pricing</b>	60%	31.27%	27.27%
<b>TOTAL weighted score</b>	<b>100.00%</b>	<b>61.9%</b>	<b>52.6%</b>

It is noted that Boord Constructions WA Pty Ltd was the only tenderer who attended the on-site briefing. It is also noted that the company is able to commence work by week beginning Monday 28 October 2019.

The submission received from Boord Constructions is found to be the most advantageous to the City. Awarding the contract is recommended accordingly.

### **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 \$150,000 unless sub-regulation (2) states otherwise.

### **POLICY IMPLICATIONS**

The tender process ensures Policy CORP-AP-001 relating to purchasing is satisfied. Further, the requirement for public tender where the aggregate value exceeds \$150,000 is complied with.

### **COMMUNITY ENGAGEMENT CONSULTATION**

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

It is noted that the proposed works were presented at a public forum on Saturday 29 June 2019. A written project update was subsequently provided to residents on 29 August 2019. A further update will be distributed to residents following Council's consideration of this report.

**ATTACHMENTS**

Proposed Charles Street Detention Basin Works 

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## 15.3 CHIEF FINANCIAL OFFICER

### 15.3.1 MONTHLY FINANCIAL REPORT - AUGUST 2019

<b>Responsible Officer:</b>	<b>Xandra Curnock Acting Chief Financial Officer</b>
<b>Author:</b>	<b>Ishani Subaharan Corporate Accountant</b>
<b>Disclosure of Interest:</b>	<b>Nil</b>

#### VOTING REQUIREMENTS

Absolute

#### **ELECTORAL CARETAKER PERIOD POLICY STATEMENT**

The Officer Recommendation has been reviewed in context of the City of Kalgoorlie-Boulder's Electoral Caretaker Period Policy and the CEO has determined that it does not constitute a Major Policy Decision. The CEO therefore provides this report for Council's consideration.

#### **OFFICER RECOMMENDATION**

**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 2019.**

#### **EXECUTIVE SUMMARY**

In accordance with regulation 34 of the Local Government (Financial Management) 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 August 2019.

#### **COMMUNITY STRATEGIC PLAN LINKS**

This report links to the Strategic Community Plan through the Community's Guiding Principles to demonstrate a transparent and inclusive local government.

#### **BUDGET IMPLICATIONS**

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

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## **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 August 2019, income is under budget by 5.09% and expenditure is under budget by 9.33%, 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 within the allowable variance as dictated by Council, being 5.09%, \$1,081,595 under budget. The sub programs which are outside the allowable variance is as follows.

#### Other General Purpose Funding

Description	YTD Budget	YTD Actual	YTD Variance
Other General Purpose Funding	\$750,666	\$385,023	-\$365,643

\$248k of this variance relates to Grant income being received later than anticipated.

#### Other Culture

Description	YTD Budget	YTD Actual	YTD Variance
Other Culture	\$160,290	\$99,023	-\$61,267

Approximately \$64k of this variance relates to Diggers and Dealers income. This was budgeted for in the month of July, but the event and income occurred in September 2019.

#### Construction Roads Bridges Depots

Description	YTD Budget	YTD Actual	YTD Variance
Construction Roads Bridges Depots	\$711,964	\$33,333	-\$678,631

\$678k of this variance relates to Grant income being received later than anticipated

### EXPENSE CATEGORIES

Overall stated expenditure is within the allowable variance as dictated by Council, being 9.33% \$1,165,147 under budget. The sub programs which are outside the allowable variance is as follows.

#### Other Governance

Description	YTD Budget	YTD Actual	YTD Variance
Other Governance	\$228,673	\$165,984	-\$62,689

(\$42k) of the variance is due to timing difference of contractor costs and (\$19k) due to contributions, donations, subsidies.

#### Sanitation – Household Refuse

Description	YTD Budget	YTD Actual	YTD Variance
Sanitation – Household Refuse	\$609,607	\$524,277	-\$85,330

(\$75k) of the variance is due to timing difference of material costs.



**Town Planning and Regional Development**

Description	YTD Budget	YTD Actual	YTD Variance
<b>Town Planning and Regional Development</b>	<b>\$281,400</b>	<b>\$201,813</b>	<b>-\$79,587</b>

(\$80k) of this variance relates to a timing difference on advertising costs.

**Other Community Amenities**

Description	YTD Budget	YTD Actual	YTD Variance
<b>Other Community Amenities</b>	<b>\$125,804</b>	<b>\$57,405</b>	<b>-\$68,399</b>

(\$65k) of this variance relates to timing difference of contributions, donations, subsidies.

**Other Recreation & Sport**

Description	YTD Budget	YTD Actual	YTD Variance
<b>Other Recreation &amp; Sport</b>	<b>\$2,915,148</b>	<b>\$2,555,085</b>	<b>-\$360,063</b>

Labour overheads not allocated for July & August 2019. This is to be fixed 1<sup>st</sup> September 2019.

**Other Culture**

Description	YTD Budget	YTD Actual	YTD Variance
<b>Other Culture</b>	<b>\$437,869</b>	<b>\$372,778</b>	<b>-\$65,091</b>

2020 Budget was based on prior year events. Less events in July and August 2019 than in 2018, therefore reduction in employee costs, contractors and materials of (\$33k), (\$12k) and (\$21k) respectively.

**Tourism and Area Promotion**

Description	YTD Budget	YTD Actual	YTD Variance
<b>Tourism and Area Promotion</b>	<b>\$247,042</b>	<b>\$164,550</b>	<b>-\$82,492</b>

(\$28k) of this variance relates to a timing difference of contributions and donations, (\$25k) on materials and (\$33k) on labour overheads.

**Economic Development**

Description	YTD Budget	YTD Actual	YTD Variance
<b>Economic Development</b>	<b>\$334,851</b>	<b>\$184,547</b>	<b>-\$150,304</b>

The main reason for this variance is a timing difference of (\$162k) relating to contractor costs.

**Public Works Overheads**

Description	YTD Budget	YTD Actual	YTD Variance
<b>Public Works Overheads</b>	<b>-\$9,302</b>	<b>\$339,304</b>	<b>\$348,606</b>

Labour overheads are \$217k more than budget, and employee costs are \$137k more than budget. This is due to timing of works completed.

**Plant Operation Costs**

Description	YTD Budget	YTD Actual	YTD Variance
<b>Plant Operation Costs</b>	<b>\$160,740</b>	<b>\$259,141</b>	<b>\$98,401</b>

Internal plant hire recharge is \$273k less than budgeted, this is partially offset by depreciation being (\$187k) less than budget.

**Salaries and Wages**

Description	YTD Budget	YTD Actual	YTD Variance
<b>Salaries and Wages</b>	<b>\$46,748</b>	<b>-\$5,152</b>	<b>-\$51,900</b>

Employee costs are less than budgeted of (\$52k). This is due to timing of work carried out.

**CAPITAL CATEGORIES**

August 2019 capital expenditure is under budget by (\$341k) YTD. Actual YTD expenditure is \$1.35m versus budgeted YTD spend of \$1.69m.

The main variance is in Land & Buildings of (\$651k). This is largely due to the project for CBD revitalisation (\$352k) which did not commence until September 2019.

The remaining variances are due to timing of spend on Infrastructure – Airport (\$107k) and Infrastructure - Parks (\$101k).

These variances are partially offset by Plant and Equipment \$456k. This wholly relates to the adoption of AASB 16. This new standard dictates that all historic operating leases must be treated as finance leases in the financial statements from 1 July 2019. Therefore all assets held on an operating lease have been capitalised at their fair value as at 1 July 2019.

**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 ENGAGEMENT CONSULTATION**

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

**ATTACHMENTS**

STATEMENT OF FINANCIAL ACTIVITY - AUGUST 2019 

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

**17 INFORMATION BULLETIN****17.1 CHIEF EXECUTIVE OFFICER****17.1.1 INFORMATION ITEM 14 OCTOBER 2019**

**Responsible Officer:** John Walker  
Chief Executive Officer

**Author:** Karen Theaker  
Governance Officer

**Disclosure of Interest:** Nil

**VOTING REQUIREMENTS**

Simple

**ELECTORAL CARETAKER PERIOD POLICY STATEMENT**

The Officer Recommendation has been reviewed in context of the City of Kalgoorlie-Boulder's Electoral Caretaker Period Policy and the CEO has determined that it does not constitute a Major Policy Decision. The CEO therefore provides this report for Council's consideration.

**OFFICER RECOMMENDATION**

**That Council receive the information.**

**EXECUTIVE SUMMARY**

The purpose of this report is to keep Elected Members informed on items for information as received by the City.

**COMMUNITY STRATEGIC PLAN LINKS**

This report links to the Strategic Community Plan through the Community's Guiding Principles to demonstrate a transparent and inclusive local government.

**BUDGET IMPLICATIONS**

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

**REPORT**

The City of Kalgoorlie-Boulder regularly receives and produces information for receipt by the Elected Members.

<b>INFORMATION ITEM:</b>	<b>DATE:</b>
Seal Register	September 2019
Facebook Statistics	September 2019
Minor Community Grants	September 2019
EGCC Meals Statistics	September 2019
Contract Variations	Nil

RoadWise Minutes	September 2019
LEMC Minutes	September 2019

**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 ENGAGEMENT CONSULTATION**

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

**ATTACHMENTS**

Seal Register - September 

Facebook Statistics - September 

Minor Community Grants 

EGCC Meal Statistics September 2019 

RoadWise Minutes September 

LEMC Minutes September 2019 

**18 CONFIDENTIAL ITEMS**

**19 DATE OF NEXT MEETING**

The next Ordinary Council Meeting will be on Monday 28 October 2019.

**20 CLOSURE**