



SHIRE OF COOLGARDIE

# MINUTES

OF THE

SPECIAL MEETING OF COUNCIL

15 June 2017

6.00pm

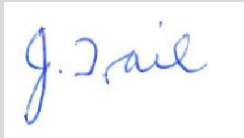
KAMBALDA

**SHIRE OF COOLGARDIE**

**NOTICE OF SPECIAL MEETING OF COUNCIL**

Dear Elected Member

A Special Meeting of the Shire of Coolgardie will be held on Thursday 15 June 2017 in the Kambalda Community Recreation Centre, Barnes Drive, Kambalda, commencing at 6.00pm

A handwritten signature in blue ink that reads "J. Trail". The signature is written in a cursive style and is contained within a white rectangular box.

**JAMES TRAIL  
ACTING CHIEF EXECUTIVE OFFICER**

DISCLAIMER

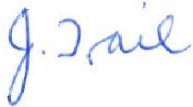
INFORMATION FOR PUBLIC ATTENDING COUNCIL MEETINGS

PLEASE NOTE:

THE RECOMMENDATIONS CONTAINED IN THIS AGENDA ARE OFFICERS RECOMMENDATIONS ONLY AND SHOULD NOT BE ACTED UPON UNTIL COUNCIL HAS RESOLVED TO ADOPT THOSE RECOMMENDATIONS.

THE RESOLUTIONS OF COUNCIL SHOULD BE CONFIRMED BY PERUSING THE MINUTES OF THE COUNCIL MEETING AT WHICH THESE RECOMMENDATIONS WERE CONSIDERED.

MEMBERS OF THE PUBLIC SHOULD ALSO NOTE THAT THEY ACT AT THEIR OWN RISK IF THEY ENACT ANY RESOLUTION PRIOR TO RECEIVING OFFICIAL WRITTEN NOTIFICATION OF COUNCILS DECISION.



James Trail  
ACTING CHIEF EXECUTIVE OFFICER

## COUNCIL MEETING INFORMATION NOTES

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

*Written notice of each question should be given to the Chief Executive Officer fifteen (15) minutes prior to the commencement of the meeting. A summary of each question and response is included in the Minutes.*

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

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

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

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

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

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

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

7. Agendas for Ordinary Meetings are available in the Coolgardie and Kambalda Offices/Libraries seventy-two (72) hours prior to the meeting and the public are invited to secure a copy.

8. Agenda items submitted to Council will include a recommendation for Council consideration. Electors should not interpret and/or act on the recommendations until after they have been considered by Council. Please note the Disclaimer in the Agenda (page 3).

9. Public Question Time – Statutory Provisions – Local Government Act 1995

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

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

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

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

#### **Local Government (Administration) Regulations 1996**

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

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

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

**Reg 6** (1) the minimum time to be allocated for the asking of and responding to questions raised by members of the public at ordinary meetings of councils and meetings referred to in regulation 5 is fifteen (15) minutes.

(2) Once all the questions raised by members of the public have been asked and responded to at a meeting referred to in sub regulation (1), nothing in these regulations prevents the unused part of the minimum question time period from being used for other matters.

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

#### **Local Government (Administration) Regulations 1996**

**Reg 7** (1) Procedures for the asking of and responding to questions raised by members of the public at a meeting referred to in regulation 6 (1) are to be determined:

- (a) by the person presiding at the meeting; or
- (b) in the case where the majority of members of the council or committee present at the meeting disagree with the person presiding, by the majority of members,

Having regard to the requirements of sub regulations (2) and (3).

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

## 10. Public Inspection of Unconfirmed Minutes (Reg 13)

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

### NOTE:

#### 10.3 Unopposed Business

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



Shire of Coolgardie

*Our Community, Our People, Our Future*

## Notice of Special Meeting

In accordance with Regulation 12 of the Local Government (Administration) Regulations, notice is hereby given that a Special Meeting of Council will be held on Tuesday 13 June 2017, commencing at 6.00pm at the Kambalda Recreation Centre.

For the purpose of:

- Financial Activity Statement for the Period Ended 30 April 2017
- Budget Review for the period ending 31 May 2017
- Service level reviews 2016/ 2017
- Review of the Information Technology Tender 05/17
- Road closure R1015
- Miscellaneous licence L15/352
- Coolgardie Skate park tender
- Appointment of the Chief Executive Officer

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

**James Trail**  
Acting Chief Executive Officer



Shire of Coolgardie

*Our Community, Our People, Our Future*

## Notice of Special Meeting

Notice is hereby given that the Special Meeting of Council to be held on Tuesday 13 June 2017, commencing at 6.00pm at the Kambalda Recreation Centre is now CANCELLED.

In accordance with Regulation 12 of the Local Government (Administration) Regulations, notice is hereby given that a Special Meeting of Council will be held on Thursday 15 June 2017, commencing at 6.00pm at the Kambalda Recreation Centre.

For the purpose of:

- Financial Activity Statement for the Period Ended 30 April 2017
- Budget Review for the period ending 31 May 2017
- Service level reviews 2016/ 2017
- Review of the Information Technology Tender 05/17
- Road closure R1015
- Miscellaneous licence L15/352
- Coolgardie Skate Park Tender

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

**James Trail**  
Acting Chief Executive Officer



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## 1.0 DECLARATION OF OPENING / ANNOUNCEMENT OF VISITORS

Shire President, M Cullen declared the meeting open at 6.05pm and welcomed fellow Councillors, visitors, and staff and thanked them for their attendance.

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

### 2.1 PRESENT:

Shire President, Malcolm Cullen  
Councillor, Tracey Rathbone  
Councillor, Kris Johnstone  
Councillor, Sherryl Botting  
Councillor, Norm Karafilis

### MEMBERS OF STAFF:

Acting Chief Executive Officer, James Trail  
Deputy Chief Executive Officer, Jill O'Brien  
Executive Officer, Tyler Thornton  
Recreation Coordinator, Melanie Finlay  
Works Supervisor, Peter Miller  
Finance Coordinator, Joelee Nolan  
Human Resource Officer, Rebecca Horan  
Leading Hand, Rod Franklin

### MEMBERS OF THE PUBLIC:

Jan McLeod  
Billy Ingham  
Andrew Mardocho  
Ravim, John Ravlich

### 2.2 APOLOGIES:

Councillor, Kathie Lindup  
Councillor, Betty Logan

### 2.3 APPROVED LEAVE OF ABSENCE:

Nil

### 3.0 DECLARATIONS OF INTEREST

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

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

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

Nil

### 4.0 PUBLIC QUESTION TIME

#### 4.1 Jan McLeod

##### General Question:

Instalment cost/ charges on rate/ instalment notices \$90 Instalment charges in budget – maximum \$30 when are the ratepayers who have paid by instalments going to receive a refund of \$60?

##### Questions related to Agenda item No. 7.5. Page 33:

1. Why didn't the Shire seek local knowledge re this agenda item as some of the comments and matters for consideration do not seem to relate to this road?
2. Could you please explain, under comments, that "the subject road is unmade"?
3. Could you please clarify "intersecting with Kingswood Street" as the eastern end of the road was realigned to form a wider and safer intersection with Kingswood Street and only the original eastern end of the No. 1051 road was closed.
4. Could you please explain, "There are various tracks located in close proximity... although none are located within dedicated road reservations."
5. I am of the understanding that MINCOR only want to close that portion of the road that will go across their proposed pit. Is this true?
6. Why is it then that the Shire is seeking the full road closure?
7. Does the Shire know the total length of road No.1015 and where it goes?
8. Under matters for consideration.
  - How is the road unmade? The road is wide and in good condition (initial section)
  - How does the road not provide any road function? – good to travel on and eastern end realigned & formed part of a recent Shire approved haulage campaign.
  - ..Or connectivity? – many tracks and roads are accessed from this road
  - Please explain "access... via various tracks that connect to Kingswood road." – only two roads

The closure of this road will affect access to leases by tenement holders, drilling companies and others. The road has a significant history. Partial closure across the proposed pit is understandable and maybe a detour back only road No. 1051 should be considered by MINCOR and encouraged by Council.



**Phone** (08) 9080 2111  
**Fax** (08) 9027 3125  
**Email** mail@coolgardie.wa.gov.au  
**Web** www.coolgardie.wa.gov.au

ABN: 89 88 33 88 617  
Irish Mulga Drive, Kambalda WA 6442  
**Postal Address:**  
PO Box 138, Kambalda WA 6442

OCR10196

16 June 2017

Mrs Jan McLeod  
Widgiemooltha WA 6443

## **RE: Response to Public Question Time Special Council Meeting 15 June 2017**

Thank you for your questions in correspondence to the Special Meeting of Council, Thursday 15 June 2017 at the Kambalda Recreation centre. You have requested Information on a number of questions which I have set out in order below.

### **General Question:**

**Instalment cost/ charges on rate/ instalment notices \$90 Instalment charges in budget – maximum \$30 when are the ratepayers who have paid by instalments going to receive a refund of \$60?**

Acting CEO Responded:

Journal is going to be done before the 30 June. I believe there is 307 assessments it needs to be applied to. If it is not done in this financial year it will be shown in the next rates notice.

### **Questions related to Agenda item No. 7.5. Page 33:**

1. Why didn't the Shire seek local knowledge re this agenda item as some of the comments and matters for consideration do not seem to relate to this road?
2. Could you please explain, under comments, that "the subject road is unmade"?
3. Could you please clarify "intersecting with Kingswood Street" as the eastern end of the road was realigned to form a wider and safer intersection with Kingswood Street and only the original eastern end of the No. 1051 road was closed.
4. Could you please explain, "There are various tracks located in close proximity... although none are located within dedicated road reservations."
5. I am of the understanding that MINCOR only want to close that portion of the road that will go across their proposed pit. Is this true?
6. Why is it then that the Shire is seeking the full road closure?
7. Does the Shire know the total length of road No.1015 and where it goes?
8. Under matters for consideration.
  - How is the road unmade? The road is wide and in good condition (initial section)



# Shire of Coolgardie

**Phone** (08) 9080 2111

**Fax** (08) 9027 3125

**Email** mail@coolgardie.wa.gov.au

**Web** www.coolgardie.wa.gov.au

ABN: 89 88 33 88 617

Irish Mulga Drive, Kambalda WA 6442

**Postal Address:**

PO Box 138, Kambalda WA 6442

- How does the road not provide any road function? – good to travel on and eastern end realigned & formed part of a recent Shire approved haulage campaign.
- ..Or connectivity? – many tracks and roads are accessed from this road
- Please explain “access... via various tracks that connect to Kingswood road.” – only two roads

The closure of this road will affect access to leases by tenement holders, drilling companies and others. The road has a significant history. Partial closure across the proposed pit is understandable and maybe a detour back only road No. 1051 should be considered by MINCOR and encouraged by Council.

Shire President responded:

If what you're saying is true than the agenda is incorrect. Public consultation will take place before the road closes. This will be addressed as part of the submission process. Any issues received will come back to Council to consider.

I would like to thank you for taking the time to correspond with the Council, and for the opportunity to hopefully provide clarification to your questions. If you have any enquiries into this matter, please contact the office at your convenience.

Yours Sincerely,

James Trail  
Acting Chief Executive Officer

5.0 APPLICATIONS FOR LEAVE OF ABSENCE

COUNCIL RESOLUTION: # 121/17

Moved: Cr, S Botting

Seconded: Cr, K Johnstone

That Council approve leave of absence for Cr Tracey Rathbone 14 July 2017 to 20 July 2017

That Council approve leave of absence for Cr Norm Karafilis 30 June 2017 to 7 August 2017

CARRIED ABSOLUTE MAJORITY 5/0

6.0 CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS

Nil

## 7.0 REPORTS

<b>AGENDA REFERENCE:</b>	7.1
<b>SUBJECT:</b>	Financial Activity Statement For The Period Ended 30 April 2017
<b>LOCATION:</b>	Nil
<b>APPLICANT:</b>	Nil
<b>FILE REFERENCE:</b>	NAM5414
<b>DISCLOSURE OF INTEREST:</b>	Nil
<b>DATE:</b>	12 June 2017
<b>AUTHOR:</b>	Acting Chief Executive Officer, James Trail

### **SUMMARY:**

For Council to receive the Monthly Financial Report for the period ending 30<sup>th</sup> April 2017.

### **BACKGROUND:**

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

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

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

### **COMMENT:**

Attached for consideration is the completed Monthly Financial Report.

The document attached includes Statements of Comprehensive Income by Program and Nature and Type, a Statement of Financial Position, an explanation of material variance as well as a summary of bank account balances at 30<sup>th</sup> April 2017, loan repayments, and reserve account status.

In accordance with the *Local Government (Financial Management) Regulations*, a report must be compiled on variances greater than the percentage agreed by Council which is currently 5% or \$10,000. With the report prepared at program level, comments have been made regarding variances. A nil variance is equal to 100%,

meaning that the year to date actual is identical to the year to date budget. Comments are therefore provided where variance values are <95% or >105%.

The financials for March continue to represent an improvement in the financial position of the Shire given the rates for 2016/2017 levied and the receipt of grant income. Operational expenditure has been closely monitored and controlled over the past ten months. This is reflective in operational expenditure being \$1,399,044 under budget once adjusted for depreciation. Operating expenditure less depreciation will remain under budget for the final two months.

The efficiencies that have been implemented are impacting positively on the financial position. Operating savings are evident along with unrestricted cash increasing.

The cash position of the Shire continues to remain relatively strong with cash and investments of just over \$5.6 million with \$760,000 currently unrestricted. It is anticipated May and June will see a draw done on funds with no major operating revenue being received. The year end cash flow position will be somewhat strengthened with an advance payment of \$550,876. The final installment of rates is due late May.

Operational savings continue to be made both as a result of savings due to the organizational restructure as well as a greater focus by staff on services and activities resulting in a reduction in costs on materials and contractors.

The works programme is well on schedule with all R2R works all now completed. Due to not enough own source funds being spent over the past 4 years, the Shire will not be receiving the R2R allocation of \$548,500 this financial year.

Operating costs at sub programme level and nature and type continue to be lower than ytd budget in the majority of cases.

As at the 30<sup>th</sup> April 2017 total comprehensive income was showing a deficit of \$5,479,187 compared to budget review of \$5,546,768. The surplus position at 30<sup>th</sup> April 2017 details \$3,216,596 compared to year end estimate of \$1,616,477.

During the month of June another budget review will be undertaken. Given the correspondence from Commonwealth Government on R2R funds not be received for the 2016/2017 financial year, a review of the impact on the year end position is essential

**CONSULTATION:**

Moore Stephens  
Shire Staff

**STATUTORY ENVIRONMENT:**

*Local Government Act 1995 6.4.*

**POLICY IMPLICATIONS:**

Nil

**FINANCIAL IMPLICATIONS:**

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



**STRATEGIC IMPLICATION:**

Nil

**VOTING REQUIREMENTS:**

Simple Majority

**OFFICER'S RECOMMENDATION:**

That Council notes the Financial Activity Statement for the period ending 30<sup>th</sup> April 2017 forming attachment 1 to Report 7.1.

**COUNCIL RESOLUTION: # 122/17**

Moved: Cr, T Rathbone

Seconded: Cr, N Karafilis

That Council notes the Financial Activity Statement for the period ending 30<sup>th</sup> April 2017 forming attachment 1 to Report 7.1.

CARRIED SIMPLE MAJORITY 5/0

**AGENDA REFERENCE:** 7.2

**SUBJECT:** Budget Review for the period ending 30 April 2017

**LOCATION:** Nil

**APPLICANT:** Nil

**FILE REFERENCE:** NAM4317

**DISCLOSURE OF INTEREST:** Nil

**DATE:** 13 June 2017

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

**SUMMARY:**

To consider recommendations from a review of the budget as at 31 December 2016

**BACKGROUND:**

In March 2017 Council received the Budget review for the period ending 31<sup>st</sup> December 2016 as per statutory requirements.

The Local Government Act 1995 (the Act), requires that all local authorities review their budget between January and March each year. The review provides the opportunity to make amendments to take up new funding opportunities (such as new grants), to reallocate savings where projects have been completed under budget or to provide additional funds to areas of over expenditure.

Council was asked to consider the:

- Reallocation of funds between operating accounts to reflect and projected expenditure;
- Allocation of the increased surplus from the previous year identified in the audited annual accounts; and
- Transfer to or from Reserve of projected savings or over expenditure in operations.

The detail of the changes in operating and capital provided to Council in the detailed trial balance for the period ending 31<sup>st</sup> December 2016 was provided. All of the detail was not presented in the body of the report given the significant amount of amendments required. Furthermore a separate breakdown of amendments to salaries and wages and materials was also provided.

Shire of Coolgardie						
STATEMENT OF BUDGET REVIEW						
(Nature or Type)						
For the period ended 31st December						
	Note	Budget v Actual		Predicted		
		Annual Budget (a)	YTD Actual (b)	Variance Permanent (c)	Year End (a)+(c)+(d)	
		\$	\$	\$	\$	
<b>Net current assets at start of financial year surplus/(deficit)</b>		1,586,120	1,586,120	492,052	2,078,172	▲
<b>Revenue from operating activities (excluding rates)</b>						
Grants, Subsidies and Contributions		1,323,875	795,376	107,000	1,430,875	▲
Profit on Asset Disposal	4.1.1	0			0	
Fees and Charges	4.1.2	1,046,997	931,797	(10,000)	1,036,997	▼
Specified Area Rates		245,996	261,618		245,996	
Interest Earnings	4.1.7	381,000	133,939	(110,000)	271,000	▼
Other Revenue	4.1.8	683,106	489,064	(203,906)	479,200	▼
		3,680,974	2,611,793	(216,906)	3,464,068	
<b>Expenditure from operating activities</b>						
Employee Costs	4.2.1	(4,095,672)	(1,858,711)	70,500	(4,025,172)	▼
Materials and Contracts		(2,625,607)	(1,138,841)	(431,036)	(3,056,643)	▲
Utilities Charges	4.2.3	(639,860)	(259,585)	30,000	(609,860)	▼
Depreciation (Non-Current Assets)		(4,248,829)		(4,431,696)	(8,680,525)	▲
Interest Expenses		(79,128)	(41,727)		(79,128)	
Insurance Expenses		(153,004)	(45,598)	12,545	(140,459)	▼
Loss on Asset Disposal	4.2.6	(71,520)			(71,520)	
Other Expenditure	4.2.7	(230,464)	(250,131)	(20,113)	(250,577)	▲
		(12,144,084)	(3,594,593)	(4,769,800)	(16,913,884)	
<b>Amount attributable to operating activities</b>		(2,391,087)	603,320	(62,958)	(11,371,644)	
<b>INVESTING ACTIVITIES</b>						
Grants, Subsidies and Contributions	4.1.3	1,828,305	570,744		1,828,305	
<b>Amount attributable to investing activities</b>		(2,464,533)	(390,480)	0	1,828,305	
<b>Estimated amount to be raised from general rates</b>		6,287,655	6,435,827	(80,000)	6,207,655	▼
<b>Total Comprehensive Income</b>	2	0	6,493,154	(142,958)	(5,413,856)	▼

Further to the statement above the Rate Setting Statement Below was adopted:

Shire of Coolgardie						
STATEMENT OF BUDGET REVIEW						
(Nature or Type)						
For the period ended 31st December						
	Note	Budget v Actual		Predicted		
		Annual Budget (a)	YTD Actual (b)	Variance Permanent (c)	Variance Timing (Carryover) (d)	Year End (a)+(c)+(d)
		\$	\$	\$	\$	\$
<b>Net current assets at start of financial year surplus/(deficit)</b>		1,586,120	1,586,120	492,052		2,078,172 ▲
<b>Revenue from operating activities (excluding rates)</b>						
Grants, Subsidies and Contributions		1,323,875	795,376	107,000		1,430,875 ▲
Profit on Asset Disposal	4.1.1	0				0
Fees and Charges	4.1.2	1,046,997	931,797	(10,000)		1,036,997 ▼
Specified Area Rates		245,996	261,618			245,996
Interest Earnings	4.1.7	381,000	133,939	(110,000)		271,000 ▼
Other Revenue	4.1.8	683,106	489,064	(203,906)		479,200 ▼
		3,680,974	2,611,793	(216,906)	0	3,464,068
<b>Expenditure from operating activities</b>						
Employee Costs	4.2.1	(4,095,672)	(1,858,711)	70,500		(4,025,172) ▼
Materials and Contracts		(2,625,607)	(1,138,841)	(431,036)		(3,056,643) ▲
Utilities Charges	4.2.3	(639,860)	(259,585)	30,000		(609,860) ▼
Depreciation (Non-Current Assets)		(4,248,829)		(4,431,696)		(8,680,525) ▲
Interest Expenses		(79,128)	(41,727)			(79,128)
Insurance Expenses		(153,004)	(45,598)	12,545		(140,459) ▼
Loss on Asset Disposal		(71,520)				(71,520)
Other Expenditure	4.2.7	(230,464)	(250,131)	(20,113)		(250,577) ▲
		(12,144,084)	(3,594,593)	(4,769,800)		(16,913,884)
<b>Funding Balance Adjustment</b>						
Add Back Depreciation		4,248,829		4,431,696		8,680,525 ▲
Adjust (Profit)/Loss on Asset Disposal	4.4.3	71,520				71,520
Adjust Provisions and Accruals		165,554	0			165,554
<b>Amount attributable to operating activities</b>		(2,391,087)	603,320	(62,958)	0	(2,454,045)
<b>INVESTING ACTIVITIES</b>						
Grants, Subsidies and Contributions	4.1.3	1,828,305	570,744	(132,912)		1,695,393 ▼
Land Held for Resale		0				0
Land and Buildings		(670,602)	(464,770)	8,200		(662,402) ▼
Plant and Equipment		(505,000)	(11,494)	384,000		(121,000) ▼
Furniture and Equipment		(205,213)	(45,355)	37,000		(168,213) ▼
Infrastructure Assets - Roads		(2,247,561)	(222,717)	344,000		(1,903,561) ▼
Infrastructure Assets - Other		(789,462)	(216,888)	136,400		(653,062) ▼
Purchase of Investments		0				0
Proceeds from Disposal of Assets		125,000		(84,537)		40,463 ▼
Proceeds from Sale of Investments		0				0
<b>Amount attributable to investing activities</b>		(2,464,533)	(390,480)	692,151	0	(1,772,382)
<b>FINANCING ACTIVITIES</b>						
Proceeds from New Debentures		0				0
Proceeds from Advances		0				0
Self-Supporting Loan Principal		0				0
Transfer from Reserves	9	2,204,051		(1,000,227)		1,203,824 ▼
Repayment of Debentures	10	(316,406)	(155,513)			(316,406)
Advances to Community Groups		0				0
Transfer to Reserves	9	(3,319,680)		2,067,511		(1,252,169) ▼
<b>Amount attributable to financing activities</b>		(1,432,035)	(155,513)	1,067,284	0	(364,751)
<b>Budget deficiency before general rates</b>		(6,287,655)	57,327	1,696,477	0	(4,591,178)
<b>Estimated amount to be raised from general rates</b>		6,287,655	6,435,827	(80,000)		6,207,655 ▼
<b>Closing Funding Surplus(Deficit)</b>	2	0	6,493,154	1,616,477	0	1,616,477 ▲

At the Ordinary Meeting of Council on the 31<sup>st</sup> March 2017 the Council resolved:

**COUNCIL RESOLUTION: # 080/17**

Moved: Cr, S Botting

Seconded: Cr, T Rathbone

That Council

1. Approve the amendments to the adopted budget as per attachment 2 Shire of Coolgardie Budget Review Report for the period ended 30 June 2016.
2. Adopt the amended Rate Setting Statement as per attachment 2 Shire of Coolgardie Budget Review Report for the period ended 30 June 2016.
3. Approve the Budget Review for the period ended 31 December 2016 carried out in accordance with the Local Government Financial Management Regulations 1995 Section 33A.

**CARRIED ABSOLUTE MAJORITY 7/0**

**COMMENT:**

Since the period ended 31<sup>st</sup> December 2017, some significant variations have occurred. Prudently a budget review to the period ending 30<sup>th</sup> April 2017 has been prepared. Furthermore, actual expenditure and revenue to the 31<sup>st</sup> May 2017 have been considered in preparing this review. Some of the significant variations are:

1. The receipt of R2R funding of \$548,500 will not be forthcoming in 2016-2017
2. Advance payment of 2017-2018 general purpose grant of \$278,611
3. Advance payment of 2017-2018 FAGS grant of \$272,265
4. Estimated reduction in employee and material costs of \$250,000
5. Carryover of blackspot road projects to 2017-2018 of \$350,000

Where reallocations are to occur within the operating budget within the same nature or type, and within the same function or activity, the change will not appear on this list, as the budget is adopted for the total of nature within an activity.

The changes impacting on the rate setting statement are detailed in the note on predicted variances. The rate setting statement for consideration as at 30<sup>th</sup> April 2017 is detailed below:

Shire of Coolgardie						
STATEMENT OF BUDGET REVIEW						
(Nature or Type)						
For the Period Ended 30/04/2017						
	Note	Budget v Actual		Predicted		
		Budget Review	YTD Actual (b)	Variance Permanent (c)	Variance Timing (Carryover) (d)	Year End (a)+(c)+(d)
		\$	\$	\$	\$	\$
<b>Net current assets at start of financial year surplus/(deficit)</b>		2,078,172	2,078,172			2,078,172
<b>Revenue from operating activities (excluding rates)</b>						0
Grants, Subsidies and Contributions		1,430,875	1,325,239		550,876	1,981,751 ▲
Profit on Asset Disposal	4.1.1	0				0
Fees and Charges	4.1.2	1,036,997	1,078,247			1,036,997
Specified Area Rates		245,996	245,996			245,996
Interest Earnings	4.1.7	271,000	265,285			271,000
Other Revenue	4.1.8	479,200	512,984			479,200
		3,464,068	3,427,751	0	550,876	4,014,944
<b>Expenditure from operating activities</b>						
Employee Costs	4.2.1	(4,025,172)	(3,358,121)	125,000		(3,900,172) ▼
Materials and Contracts		(3,056,643)	(2,410,597)	100,000		(2,956,643) ▼
Utilities Charges	4.2.3	(609,860)	(478,635)			(609,860)
Depreciation (Non-Current Assets)		(8,680,525)	(9,100,003)			(8,680,525)
Interest Expenses		(79,128)	(51,256)			(79,128)
Insurance Expenses		(140,459)	(208,036)	(140,000)		(280,459) ▲
Loss on Asset Disposal		(71,520)				(71,520)
Other Expenditure	4.2.7	(250,577)	(327,671)			(250,577)
		(16,913,884)	(15,934,319)	85,000		(16,828,884)
<b>Funding Balance Adjustment</b>						
Add Back Depreciation		8,680,525	9,100,003	0		8,680,525
Adjust (Profit)/Loss on Asset Disposal	4.4.3	71,520	(10,010)			71,520
Adjust Provisions and Accruals		165,554				165,554
<b>Amount attributable to operating activities</b>		(2,454,045)	(1,338,403)	85,000	550,876	(1,818,169)
<b>INVESTING ACTIVITIES</b>						
Grants, Subsidies and Contributions	4.1.3	1,695,393	774,132	(548,500)		1,146,893 ▼
Land Held for Resale		0				0
Land and Buildings		(662,402)	(555,258)			(662,402)
Plant and Equipment		(121,000)	(58,315)	(211,950)		(332,950) ▲
Furniture and Equipment		(168,213)	(30,936)	70,000		(98,213) ▼
Infrastructure Assets - Roads		(1,903,561)	(1,291,508)	350,000		(1,553,561) ▼
Infrastructure Assets - Other		(653,062)	(279,184)			(653,062)
Purchase of Investments		0				0
Proceeds from Disposal of Assets		40,463	40,463	60,000		100,463 ▲
Proceeds from Sale of Investments		0				0
<b>Amount attributable to investing activities</b>		(1,772,382)	(1,400,606)	(280,450)	0	(2,052,832)
<b>FINANCING ACTIVITIES</b>						
Proceeds from New Debentures		0				0
Proceeds from Advances		0				0
Self-Supporting Loan Principal		0				0
Transfer from Reserves	9	1,203,824		(87,928)		1,115,896 ▼
Repayment of Debentures	10	(316,406)	(252,050)			(316,406)
Advances to Community Groups		0				0
Transfer to Reserves	9	(1,252,169)		353,995		(898,174) ▼
<b>Amount attributable to financing activities</b>		(364,751)	(252,050)	266,067	0	(98,684)
<b>Budget deficiency before general rates</b>		(4,591,178)	(2,991,059)	70,617	550,876	(3,969,685)
<b>Estimated amount to be raised from general rates</b>		6,207,655	6,207,655			6,207,655
<b>Closing Funding Surplus(Deficit)</b>	2	1,616,477	3,216,596	70,617	550,876	2,237,970 ▲

The statement above shows a closing surplus position of \$2,237,970 compared to closing surplus position in the budget review to the period ending 31<sup>st</sup> March 2017 of \$1,616,477.

The Budget Review shows a year end surplus of \$2,237,970 demonstrating a sound financial result estimated to the financial year end. This significance factors influencing the surplus are detailed below:

1. Includes Black spot revenue already received - \$151,240
2. Reduction in transfer to infrastructure renewal reserve of \$253,995
3. Reduction in transfer from landfill reinstatement reserve of \$176,411
4. The receipt of R2R funding of \$548,500 will not be forth coming in 2016-2017
5. Advance payment of 2017-2018 general purpose grant of \$278,611
6. Advance payment of 2017-2018 FAGS grant of \$272,265
7. Estimated reduction in employee and material costs of \$250,000
8. Carryover of black spot road projects to 2017-2018 of \$350,000
9. Purchase of a new Shire Loader

The significance of carrying a surplus of around \$1,500,000 has been explained by the auditors to the Council. Currently, with the uncertainty of collected all rate debts into the future, it is essential the Shire maintains this surplus in the short term along with unrestricted cash in the vicinity of \$400,000 - \$500,000. It is anticipated that the concerted effort by Shire staff to chase outstanding rates and improve operational efficiencies will impact positively both in the short and long term.

Shire staff will continue to work with Council to ensure the liquidity position of the Shire improves along with the operating surplus ratio.

**CONSULTATION:**

Management Team  
Council  
Moore Stephens

**STATUTORY ENVIRONMENT:**

*Local Government Financial Management Regulations 1996 Section 33A.*

**POLICY IMPLICATIONS:**

Nil

**FINANCIAL IMPLICATIONS:**

The financial implications of the budget review are detailed in the attachments. Amendments and adjustments have already been made to bring the budget in line with the audited financial statements at the 30<sup>th</sup> June 2016.

**STRATEGIC IMPLICATION:**

**Solutions focussed and customer oriented organisation.**

- High quality corporate governance, accountability and compliance.
- Effective communication and engagement processes.

**VOTING REQUIREMENT:**

Absolute Majority

## OFFICER RECOMMENDATION

That Council

1. Approve the amendments to the adopted budget as per attachment 1 Shire of Coolgardie Budget Review Report for the period ended 30<sup>th</sup> April 2017.
2. Adopt the amended Rate Setting Statement as per attachment 1 Shire of Coolgardie Budget Review Report for the period ended 30<sup>th</sup> April 2017.
3. Approve the Budget Review for the period ended 30<sup>th</sup> April 2017 carried out in accordance with the Local Government Financial Management Regulations 1995 Section 33A.

## COUNCIL RESOLUTION: # 123/17

Moved: Cr, T Rathbone

Seconded: Cr, S Botting

That Council

1. Approve the amendments to the adopted budget as per attachment 1 Shire of Coolgardie Budget Review Report for the period ended 30<sup>th</sup> April 2017.
2. Adopt the amended Rate Setting Statement as per attachment 1 Shire of Coolgardie Budget Review Report for the period ended 30<sup>th</sup> April 2017.
3. Approve the Budget Review for the period ended 30<sup>th</sup> April 2017 carried out in accordance with the Local Government Financial Management Regulations 1995 Section 33A.

CARRIED ABSOLUTE MAJORITY 5/0



**AGENDA REFERENCE:** 7.3

**SUBJECT:** Level of Service Review

**LOCATION:** Shire of Coolgardie

**APPLICANT:** Shire of Coolgardie

**FILE REFERENCE:** NAM5519

**DISCLOSURE OF INTEREST:** Nil

**DATE:** 12 June 2017

**AUTHOR:** Jill O'Brien Deputy Chief Executive Officer

**SUMMARY:**

For Council to consider accepting the Level of Service Review recommendations, undertaken by the Shire of Coolgardie level of Service review team and John Ravlic (Ravim RBC).

**BACKGROUND:**

In November 2016 Council expressed an interest in carrying out a level of service review across the organisation. John Ravlic from "Ravim RBC" was engaged to guide the appointed level of service review team to ensure the service reviews meet the Council's aims including:

**Improving services**

- To understand the services delivered and enable improved management of services.

**Resource allocation**

- To confirm the level of resource allocation across the Council's portfolio of service

**Inform**

- To inform elected members and executives new and old alike, to what Council does and how it goes about it.

**Service standards**

- To understand and better target its service level/standard to avoid gold-plating services – providing services that exceed community expectations, thereby wasting limited resources.

**Benchmarking**

- To benchmark services against other Councils, against KPIs or against "future self" as part of a continuous improvement program.

**Shared services/Partnerships**

- To capture relevant data to specify the service for the purpose of exploring the provision of shared services/partnerships with neighbouring councils, regional organisations of councils, government agencies as part of a joined-up-approach, not-for-profit organisations or other likeminded parties.

The Service Review process will --

- lead to a range of service being changed that will result in quality improvements, timely delivery or savings
- identify services that will require further improvement with customers, partners, benchmarking and a more thorough Business Case due to complexity
- identify services that will benefit from a more regional approach to delivery.

The Service Review process will result in alignment of service delivery against community needs and expectations, thereby providing fit-for-purpose services the community can afford.

#### **COMMENT:**

Service delivery reviews are vital processes in ensuring local government services are:

- appropriate – that is, services meet current community needs and wants, and can be adapted to meet future needs and wants
- effective – that is, Councils deliver targeted, better quality services in new ways
- efficient – that is, Councils improve resource use (people, materials, plant and equipment, infrastructure, buildings) and redirect savings to finance new or improved services

#### **CONSULTATION:**

James Trail – Acting Chief Executive Officer

Level of Service review team consisting of:

- Melanie Finlay – Recreation Services Coordinator
- Noeline Poke – Administration Coordinator
- Peter Miller – Work Supervisor
- Rod Franklin – Leading hand
- Rebecca Horan – Human Resources officer
- Steve Forward – Waste Coordinator

#### **STATUTORY ENVIRONMENT:**

Nil

#### **POLICY IMPLICATIONS:**

Nil

#### **FINANCIAL IMPLICATIONS:**

If Council agree to the attached recommendations there will be financial savings into the new financial year.

#### **STRATEGIC IMPLICATION:**

**Solutions focused and customer oriented organisation.**

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

**VOTING REQUIREMENT:**

Simple Majority

**OFFICER RECOMMENDATION:**

That the Council receive the attached report and consider the recommendations for the level of service review conducted by Shire of Coolgardie service review team and Ravim RBC.

**COUNCIL RESOLUTION: # 124/17**

Moved: Cr, T Rathbone

Seconded: Cr, K Johnstone

That Council

1. Receive the attached report and consider the recommendations for the level of service review conducted by Shire of Coolgardie service review team and Ravim RBC.
2. Acknowledge the time and effort awarded to the delivery of this service level implementation by the staff in the shire of Coolgardie.

CARRIED SIMPLE MAJORITY 5/0

**AGENDA REFERENCE:** 7.4

**SUBJECT:** Reconsideration RFT 05/17 Information Technology Upgrade

**LOCATION:** Shire of Coolgardie

**APPLICANT:** Shire of Coolgardie

**FILE REFERENCE:** NAM5417

**DISCLOSURE OF INTEREST:** Nil

**DATE:** 13 June 2017

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

**SUMMARY:**

The purpose of this report is for Council to reconsider tender RFT 05/17 "Information technology upgrade"

**BACKGROUND:**

The Shire of Coolgardie called for Tender 05/17 "Information technology upgrade" the tender closed at 2.00pm Thursday 23 February 2017. Five tenders were received through the WALGA electronic tender portal and were opened electronically in the presence of Acting Chief Executive Officer James Trail, Deputy Chief Executive Officer Jill O'Brien, Administration Co-coordinator Noeline Poke, Rosemarie Ash, Procurement Specialist, WALGA

At the Ordinary Meeting of Council March 28<sup>th</sup> 2017, the Council agenda item 1.1.5 contained the following officer's comments:

*In order to assist the panel to assess the tender's, NANOSOFT were engaged to conduct a detailed assessment. The assessment and analysis is attached in CONFIDENTIAL Attachment 1.*

*All tenderers were supplied with a scope of works as well as attending a mandatory site visit. Following the site visit, numerous questions arose. These were provided to the Shire through WALGA. The questions and responses are provided in attachment 2.*

*Of the five tenders submitted only Tenderer A was fully compliant. The remaining Tenders were non-compliant for the following reasons:*

- 1. Tenderer B - Non-compliant – (Quoted Ruckus wireless access points and have made no reference to the size of the server memory)*

2. Tenderer C Non-compliant – (Quoted a different Cisco wireless solution and have made no reference to the size of the server memory)
3. Tenderer D - Non-compliant – (Quoted Ruckus Xirrus wireless solution)
4. Tenderer E - Non-compliant – (Quoted Fortinet Wireless access points and have made only 16GB of memory for the server)

Below is the tender criteria assessment matrix that was used for the assessment

<b>Emerge Technologies</b>		
<b>Criteria</b>	<b>Score (av)</b>	<b>Notes (justification for rating)</b>
Price schedule 50%	3	Value for money outstanding
Relevant Experience 25%	3.8	Experience excellent
Demonstrated understanding 25%	3.3	Resources excellent
<b>10.1 – 66%</b>		

Council resolved:

**COUNCIL RESOLUTION # 078/17**

Moved: Cr, K Johnstone

Seconded: Cr, T Rathbone

To add The IT Upgrade will be funded over three years as part of operating expenditure as point 4

CARRIED SIMPLE MAJORITY 7/0

**COUNCIL RESOLUTION: # 079/17**

Moved: Cr, S Botting

Seconded: Cr, T Rathbone

That Council

1. Authorise the Acting Chief Executive Officer to award Tender 05/17 "Information Technology upgrade "for \$256,523.57 ex GST to Tenderer (A) Emmerge Technologies Pty Ltd 49 Brookman Street, Kalgoorlie 6430.
2. Authorise a contract to Emmerge Technologies Pty Ltd 49 Brookman Street, Kalgoorlie for the Information Technology upgrade.
3. Authorise the Shire President and the Acting Chief Executive Officer to sign and affix the Common Seal in accordance with Part 19.1(2) of the Standing Orders Local Law to any required documentation.
4. The IT Upgrade will be funded over three years as part of operating expenditure.

**COMMENT:**

On the 30<sup>th</sup> March 2017, the Shire received correspondence from two tenderers. Both expressed:

*That the principles of probity that apply to local government tender processes have not been upheld, and wishes to appeal the decision of the Council to award the tender, without undertaking a full evaluation of all tender submissions.*

*Their opinion was that the Shire of Coolgardie has not followed procedural fairness in the evaluation of tenders submitted, by deeming four out of the five tender submissions noncompliant for submitting a different wireless solution and/or not referencing the size of server memory.*

*The Scope of Works detailed at Clause 2.5 of the initial Request for Tender (RFT) documentation for RFT05-07 makes no mention of the fact that tender proposals had to retain the existing wireless solution –it merely states that tenderers were to submit a “recommendation to optimise connectivity between all sites and provide access to sites with no current connectivity”.*

*We acknowledge receipt of Addendum 4, issued on 9 February 2017, which makes mention of ‘Cisco Meraki WiFi solution’ being required; somewhat ambiguously in response to a question about switching hardware. However, email advice from the nominated Contact Person listed at Clause 1.4 in in the Request for Tender documentation, dated 20 February 2017, clearly states that the Shire of Coolgardie would consider alternative wireless options, apart from Cisco Meraki WiFi, as part of the tender submission. I attached a copy of this email sent to [Tenderer] for your reference.*

*This calls into question the validity of the Shire’s evaluation panel to assess tenderer’s as being non-compliant on the basis of submitting a different WiFi solution from that referred to in Addendum 4.*

*In light of the above information, I request that the Shire of Coolgardie re-visit the evaluation process for RFT 05-07, ensuring the principles of probity are applied to the tender process and procedural fairness is afforded to all tenderers.*

On receipt of the correspondence the Shire reengaged NANOSOFT to undertake a full review of all tenders. Staff spoke to the Shire’s solicitors to request letters be drafted in response to the letters received on the 30<sup>th</sup> March 2017.

On the 26<sup>th</sup> April 2017, Nanosoft provided the Shire with the “*Shire Coolgardie: Assessment of the Tender process for RFT 05-07 Procurement Plan*”. The document was subsequently forwarded to the Shire Solicitor in order to draft responses to the two tenderers letters received on the 30<sup>th</sup> March 2017. In order to seek clarity, the Shire solicitor spoke to Nanosoft prior to drafting responses on the Shire’s behalf. Letters were sent to the two tenderers dated 4<sup>th</sup> May 2017 from the Acting Chief Executive Officer.

*The letter expressed the report to the Council for its meeting on 28<sup>th</sup> March 2017 incorrectly summarised that your tender was non-compliant because it quoted Ruckus wireless access points and have made no reference to the size of the server memory. This was an error and I sincerely apologise for the error and the misunderstanding that resulted. However I am satisfied that the tenders were properly assessed and that there were ample grounds for the Council's decision to select Emerge Technologies Pty Ltd as the preferred tenderer.*

Copies of the letters were also provided to the Department of Local Government and Communities.

On the 11<sup>th</sup> May 2017, the Acting Director Local Government Regulation and Support wrote to the Shire with regards to the matter of the awarding of the IT Tender.

The Department expressed;

*Although, it is noted that you are satisfied the tenders were properly assessed it occurs to the Department that if the information provided to Council in regard to the non-compliance of the other four tenders is considered incorrect then it may potentially call into doubt as to whether council has made an informed decision and whether it would also be satisfied that the tenders were properly assessed.*

*In view of these circumstances, the Department wishes to know if you intend on addressing the error and the resulting misinformation in the minutes which is now on the public record and ensure Council is made aware of the error in the information provided to it in the report.*

*The Department requests the Shire's assistance in seeking clarification by providing comment on these matters and an indication of whether the Shire would consider subjecting the Emerge Technologies tender to the same level of review that has been afforded the tenders of -----.*

As detailed above, Nanosoft was reengaged to undertake a full review of all tenders, resulting in all tenders being subjected to the same level of review.

Based on the omissions to Tenderer A'S pricing guide the 5 points allocated to Tenderer A for their best pricing was split between them and the remaining contender Emerge Technologies. This additional 2.5 points was enough to provide Emerge Technologies with the 61% weighted score which is enough to qualify to be awarded the tender. These results are in Appendix III. **(Confidential report)**.

No purchase order provided, meetings held or contract issued for the IT tender RFT05-07.

#### **CONSULTATION:**

Jill O'Brien Deputy Chief Executive Officer  
Graydon Robinson – Engineering Director - NANOSOFT  
McLeod's  
Department of Local Government and Communities

#### **STATUTORY ENVIRONMENT:**

*The tender process was actioned in accordance with the Local Government Act 1995 (Functions and General) Regulations 1996 Part 4 (Tenders for Providing Goods and Services).*

## POLICY IMPLICATIONS:

Nil

## FINANCIAL IMPLICATIONS:

The 2016/17 budget has an allocation of \$60,000 for the implementation of this financial years upgrade. This funding has been removed as part of the Budget Review for the period ending 30<sup>th</sup> April 2017 for reconsideration in 2017/2018.

## STRATEGIC IMPLICATION:

### Solutions focused and customer oriented organisation.

- High quality corporate governance, accountability and compliance.
- Effective communication and engagement processes.
- Development of Shire's resources to provide optimum benefit to the community.

## VOTING REQUIREMENT:

Absolute Majority

## OFFICER RECOMMENDATION:

That Council

1. Note the error and misinformation in the minutes of the Council Meeting held on the 28<sup>th</sup> March in agenda item 11.1.5 namely;  
*"Of the five tenders submitted only Tenderer A was fully compliant. The remaining Tenders were non-compliant for the following reasons:*
  1. *Tenderer B - Non-compliant – (Quoted Ruckus wireless access points and have made no reference to the size of the server memory)*
  2. *Tenderer C Non-compliant – (Quoted a different Cisco wireless solution and have made no reference to the size of the server memory)*
  3. *Tenderer D - Non-compliant – (Quoted Ruckus Xirus wireless solution)*
  4. *Tenderer E - Non-compliant – (Quoted Fortinet Wireless access points and have made only 16GB of memory for the server)"*
2. Note **Confidential Attachments:**
  - a. Letter dated 4<sup>th</sup> May 2017 to Tenderer B
  - b. Letter dated 3<sup>rd</sup> May 2017 to Tenderer D
  - c. Shire Coolgardie: Assessment of the Tender process for RFT 05-07 Procurement Plan dated 26<sup>th</sup> April 2017
  - d. Letter dated 30<sup>th</sup> March 2017 from Tenderer B
  - e. Letter dated 30<sup>th</sup> March 2017 from Tenderer D
3. Note the letter dated 11<sup>th</sup> May 2017 from the Department of Local Government and Communities as attached
4. Noting section 4 Conclusion of **Confidential Attachment Shire Coolgardie: Assessment of the Tender process for RFT 05-07 Procurement Plan**, authorise the Acting Chief Executive Officer to award Tender 05/17 "Information Technology upgrade "for \$256,523.57 ex GST to Tenderer (A) Emerge Technologies Pty Ltd 49 Brookman Street, Kalgoorlie 6430.



5. Authorise a contract to Emerge Technologies Pty Ltd 49 Brookman Street, Kalgoorlie for the Information Technology upgrade.
6. Authorise the Shire President and the Acting Chief Executive Officer to sign and affix the Common Seal in accordance with Part 19.1(2) of the Standing Orders Local Law to any required documentation.

**COUNCIL RESOLUTION: # 125/17**

Moved: Cr, K Johnstone

Seconded: Cr, S Botting

**That Council**

1. Note the error and misinformation in the minutes of the Council Meeting held on the 28<sup>th</sup> March in agenda item 11.1.5 namely;  
*“Of the five tenders submitted only Tenderer A was fully compliant. The remaining Tenders were non-compliant for the following reasons:*
  1. *Tenderer B - Non-compliant – (Quoted Ruckus wireless access points and have made no reference to the size of the server memory)*
  2. *Tenderer C Non-compliant – (Quoted a different Cisco wireless solution and have made no reference to the size of the server memory)*
  3. *Tenderer D - Non-compliant – (Quoted Ruckus Xirrus wireless solution)*
  4. *Tenderer E - Non-compliant – (Quoted Fortinet Wireless access points and have made only 16GB of memory for the server)”*
2. Note Confidential Attachments:
  - a. Letter dated 4<sup>th</sup> May 2017 to Tenderer B
  - b. Letter dated 3<sup>rd</sup> May 2017 to Tenderer D
  - c. Shire Coolgardie: Assessment of the Tender process for RFT 05-07 Procurement Plan dated 26<sup>th</sup> April 2017
  - d. Letter dated 30<sup>th</sup> March 2017 from Tenderer B
  - e. Letter dated 30<sup>th</sup> March 2017 from Tenderer D
3. Note the letter dated 11<sup>th</sup> May 2017 from the Department of Local Government and Communities as attached
4. Noting section 4 Conclusion of Confidential Attachment Shire Coolgardie: Assessment of the Tender process for RFT 05-07 Procurement Plan, authorise the Acting Chief Executive Officer to award Tender 05/17 “Information Technology upgrade “for \$256,523.57 ex GST to Tenderer (A) Emerge Technologies Pty Ltd 49 Brookman Street, Kalgoorlie 6430.
5. Authorise a contract to Emerge Technologies Pty Ltd 49 Brookman Street, Kalgoorlie for the Information Technology upgrade.
6. Authorise the Shire President and the Acting Chief Executive Officer to sign and affix the Common Seal in accordance with Part 19.1(2) of the Standing Orders Local Law to any required documentation.

**CARRIED ABSOLUTE MAJORITY 4/1**

**AGENDA REFERENCE** 7.5

**SUBJECT:** Road Closure Request

**LOCATION** Widgiemooltha

**APPLICANT:** Mincor Resources

**FILE REFERENCE** NAM5520

**DISCLOSURE OF INTEREST:** Nil

**DATE** 12 June 2017

**AUTHOR:** Francesca Lefante, Consultant Town Planner

**SUMMARY:**

Mincor Resources are seeking support for a road closure to enable the organisation to progress its mining operations.

The subject road is referred to as Road 1051 and is located in Widgiemooltha. The road comprises of a road reservation connecting with Kingswood Street. There is no constructed road along this portion of the subject road reservation.

**BACKGROUND:**

Mincor Resources is progressing its feasibility study and preliminary works towards the commencement of mining at the North Widge Gold Project which includes an open pit.

In support of this request to close the road Mincor have advised that :-

- DMP Tenograph mapping system shows that the eastern end is already closed and the remainder, which passes through our proposed Hronsky and West Oliver pits is currently unmaintained.
- Landgate have indicated that although Road 1015 is an official Road, it is un-named and no other details are held on file.

**COMMENTS:**

The subject road is unmade, located within Widgiemooltha, with the road reservation intersecting with Kingswood Street.

There are a various tracks located in close proximity to the subject reservation, connecting mining operations to Widgemooltha and the Coolgardie Esperance Highway, although none are located within dedicated road reservations

As Road 1051 reservation runs through the proposed mining operations and section 55 (3) (a) of the Land Administration Act 1997, suspends the operation of the Mining Act as it relates to the road reservation until such time as the relevant road is closed under Section 58, it will be necessary for Mincor to pursue this road closure.

## Process

The process to close a road is prescribed under Section 58 of the *Land Administration Act 1997* and Regulations 9 of the *Land Administration Regulations 1998*. The full details of this legislation are included further in this report, in summary the prescribed process is:-

- Step 1 - Council considers the request and any relevant matters, and where the proposal has merit may resolve to initiate the road closure process and undertake formal advertising (notification).
- Step 2 - Undertake public notification of the proposal for a period of 35 days including:-
  - notification in the newspaper and
  - Council may also want to notify property owners within close proximity (within the Widgeemooltha townsite).
- Step 3 - Prepare a sketch plans showing the location of the road.
- Step 4 --Council consideration of any submissions received during the notification period, and in the event the Council support the proposal, formal council resolution supporting the road closure is required.
- Step 5 - Forward all necessary documentation (as detailed in the legislation) to the Minister for consideration.
- Step 6 - The Minister will consider the Council request on the proposal and can either support the proposal, request the Council to reconsider the proposal or refuse the proposal.
- Step 7 - Where the road closure receives Ministerial approval, the land reverts back to the Crown and can be dealt with accordingly by the Department of Lands.

## Matters for Consideration

The key matters for consideration for this road closure request are the impact on current and future users and any asset implications for the Shire. Accordingly the followings matters are provided for council consideration. On this road closure:-

- Road Use and connectivity - the frequency of the use of the road and its connectivity.
  - In this instance the road is unmade and as such does not provide any road function or connectivity. There are various unnamed tracks throughout this area but none of them align with the road reservation.
  - Access to the mining activities in the area are via various tracks that connect to Kingswood Road.
- Road Condition and Shire Asset status.
  - This road is current unnamed and unmade.
  - The Shire Asset maintenance program does not include this road.
  - There are no implications on the Shires asset.
- Future development
  - The area surrounding this road is zoned rural and is subject to various mining activities.
  - There is limited development within the town site, with no developed sites location on the subject road reservation.
  - There is no future urban development (residential, commercial) in this area that would be impacted by the closure of this road.

## Summary

In light of the above comments there does not appear to be any negative impacts associated users of the proposed reservation nor any asset or financial implications to the Shire of Coolgardie with this road closure request.

## CONSULTATION:

Deputy Chief Executive Officer - Jill O'Brien

Section 58 (3) of the Land Administration Act 1997 sets out the statutory public notification and submission consideration required should the Shire pursue this road closure.

## STATUTORY ENVIRONMENT:

### ***Land Administration Act 1997 - Section 58 - Closing roads***

- (1) When a local government wishes a road in its district to be closed permanently, the local government may, subject to subsection (3), request the Minister to close the road.*
- (2) When a local government resolves to make a request under subsection (1), the local government must in accordance with the regulations prepare and deliver the request to the Minister.*
- (3) A local government must not resolve to make a request under subsection (1) until a period of 35 days has elapsed from the publication in a newspaper circulating in its district of notice of motion for that resolution, and the local government has considered any objections made to it within that period concerning the proposals set out in that notice.*
- (4) On receiving a request delivered to him or her under subsection (2), the Minister may, if he or she is satisfied that the relevant local government has complied with the requirements of subsections (2) and (3) -
  - (a) by order grant the request; or*
  - (b) direct the relevant local government to reconsider the request, having regard to such matters as he or she thinks fit to mention in that direction; or*
  - (c) refuse the request.**
- (5) If the Minister grants a request under subsection (4) —
  - (a) the road concerned is closed on and from the day on which the relevant order is registered; and*
  - (b) any rights suspended under section 55(3)(a) cease to be so suspended.**
- (6) When a road is closed under section, the land comprising the former road:-
  - (a) becomes unallocated Crown land; or*
  - (b) if a lease continues to subsist in that land by virtue of section 57(2), remains Crown land**

### ***Land Administration Regulation 1998 - Regulation 9 - Local government request to close road permanently(Act s. 58(2)), requirements for***

For the purposes of preparing and delivering under section 58(2) of the Act a request to the Minister to close a road permanently, a local government must include with the request —

- (a) written confirmation that the local government has resolved to make the request, details of the date when the relevant resolution was passed and any other information relating to that resolution that the Minister may require; and*
- (b) sketch plans showing the location of the road and the proposed future disposition of the land comprising the road after it has been closed; and*
- (c) copies of any submissions relating to the request that, after complying with the requirement to publish the relevant notice of motion under section 58(3) of the Act, the local government has received, and the local government's comments on those submissions; and*
- (d) a copy of the relevant notice of motion referred to in paragraph (c); and*

- (e) any other information the local government considers relevant to the Minister's consideration of the request; and
- (f) written confirmation that the local government has complied with section 58(2) and (3) of the Act.

**POLICY IMPLICATIONS:**

Nil

**FINANCIAL IMPLICATIONS:**

Cost of undertaken the statutory advertising

**STRATEGIC IMPLICATION:**

*Solutions focussed and customer oriented organisation.*

- High quality corporate governance, accountability and compliance.
- Effective communication and engagement processes.
- Development of Shire's resources to provide optimum benefit to the community.

*Cohesive and engaged community.*

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

*Diversified and strengthened local economy.*

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

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

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

**VOTING REQUIREMENT:**

Simple Majority

**OFFICER RECOMMENDATION:**

That Council, in relation to a request to the closure of Road 1051 Widgemooltha resolves to-

1. SUPPORT initiating the formal Road Closure process in accordance with Section 58 of the Land Administration Act and Regulations
2. SUPPORT in principle the request by Mincor Resources to close Road 1051 within Widgemooltha, has having merit.
3. INITIATES public notification of the proposed road closure for a period of no less than 35 days from publication in the newspaper circulating in the district that covers the subject site.
4. NOTIFIES landowners within Widgemooltha town site of the proposal by letter and invite comments.
5. INITIATES the preparation of sketch plans of the road reservation 1051.
6. CONSIDERS a further report on any submissions received during the notification period and makes a final recommendation.

COUNCIL RESOLUTION: # 126/17

Moved: Cr, S Botting

Seconded: Cr, N Karafilis

That Council, in relation to a request to the closure of Road 1051 Widgemooltha resolves to-

1. SUPPORT initiating the formal Road Closure process in accordance with Section 58 of the Land Administration Act and Regulations
2. SUPPORT in principle the request by Mincor Resources to close Road 1051 within Widgemooltha, has having merit.
3. INITIATES public notification of the proposed road closure for a period of no less than 35 days from publication in the newspaper circulating in the district that covers the subject site.
4. NOTIFIES landowners within Widgemooltha town site of the proposal by letter and invite comments.
5. INITIATES the preparation of sketch plans of the road reservation 1051.
6. CONSIDERS a further report on any submissions received during the notification period and makes a final recommendation.

CARRIED SIMPLE MAJORITY 5/0

AGENDA REFERENCE: 7.6  
SUBJECT: Miscellaneous Licence L15/352  
LOCATION: Widgiemooltha  
APPLICANT: Mincor Mining  
FILE REFERENCE: Nil  
DISCLOSURE OF INTEREST: Nil  
DATE: 15 June 2017  
AUTHOR: Acting Chief Executive Officer, James Trail

**VOTING REQUIREMENT:**

Absolute Majority

**OFFICER RECOMMENDATION:**

That Council withdraw item 7.6 to be presented to the Council meeting held on the 27 June 2017 for the reason being awaiting further information from the applicant

**COUNCIL RESOLUTION: # 127/17**

Moved: Cr, K Johnstone

Seconded: Cr, S Botting

That Council withdraw item 7.6 to be presented to the Council meeting held on the 27 June 2017 for the reason being awaiting further information from the applicant

CARRIED ABSOLUTE MAJORITY 5/0

**AGENDA REFERENCE:** 7.7

**SUBJECT:** Coolgardie Skate Park Tender 06/17

**LOCATION:** Coolgardie

**APPLICANT:** Shire of Coolgardie

**FILE REFERENCE:** NAM5513

**DISCLOSURE OF INTEREST:** Nil

**DATE:** 7 June 2017

**AUTHOR:** Melanie Finlay, Recreation Services Coordinator

**SUMMARY:**

For Council to consider accepting the tender for RFT 06/17 "Design and Construction for the Coolgardie skate park" from Services Inc Pty Ltd 13 Hardings Road Karrabin, Queensland 4306.

**BACKGROUND:**

The Shire has received funding through the Department of Sport and Recreation to the value of \$48,000, Evolution mining \$56,000 and with the Shire's co contribution of \$50,000 to redevelop the Coolgardie skate park. The Shire went through the tender process for the "Coolgardie skate park design and construction" through the WALGA preferred supplier panel in February, the tender closure date was 2.00pm 15 March 2017. One quote was recieved for the Cooglardie skate park from CONVIC for the price of \$140,000 excluding GST.

The Shire originally utilised the WALGA prefered suppliers E quotes portal online for the tender submissions for the contract. One tender was submitted and accepted by Council, however due to the approved contractor (CONVIC) wihtdrawing from the tender the Shire retendered for the project

The Coolgardie Skate Park tender was advertised on Saturday 29 April 2017, the Coolgardie Skate park tender closed on Thursday 1 June at 2pm 2017 with one submission.

The Tender received from "Services INC PTY LTD" of 13 Hardings Road, Karrabin Queensland. Services INC PTY LTD were engaged by the Shire for the desgin and contruction of the Kambalda Skate Park in 2013. Services Inc's quote outlined a 7 week methodology with start date being late June for the project to be completed in late August.

Specifications for concrete Skatetboard facility

1. Preliminaries
2. Construction drawings
3. Clearing



4. Excavation
5. Filling
  - 5.1 Material
  - 5.2 Placement
6. Concrete
  - 6.1 Concrete Skate surface
  - 6.2 Concrete skate obstacles
7. Drainage works
8. Final clean up

Services INC PTY LTD is managed by Warren Cross as Director and has completed over 200 Skate Parks successfully throughout Australia with all parks been completed on time and with satisfactory outcome to the client.

Services INC PTY LTD only uses experienced staff which have been working with Warren Cross for many years constructing Skate Parks throughout Australia.

Warren Cross has 18 years experience constructing Skate Parks, registered BSA license member.

Warren has stated in this tender submission that Services INC PTY LTD price has been based on an "M class" site to design and construct the skate park. A Classification of an M class (definition is below)

**Class M /  
M-D  
(20-40mm)**

**Moderately reactive clay or silt sites.** May experience moderate ground movement as a result of soil conditions and moisture changes.

The Shire is getting the Coolgardie skate park site surveyed and classified on Tuesday 13 June 2017, if the classification of the skate park is classed as an M and if Council agrees to accept this tender the skate park project will continue.

If the Skate park site is classified in any other category the results will be reported back to Council for further consideration.

The tenderer has stated that due to the limited budget he will not be able to include park furniture, as this was part of the scope of works.

**COMMENT:**

Having contracted the Kambalda skate park out to "Services INC PTY LTD" for the Kambalda Skate park project Warren and his team completed the project within the time frame and set budget, there were no concerns with his workmanship and the team was easy to deal with.

**CONSULTATION:**

Deputy Chief Executive Officer Jill O'Brien  
Warren Cross –Director of "Services Inc PTY INC"

**STATUTORY ENVIRONMENT:**

The tender process was actioned in accordance with the *Local Government Act 1995 (Functions and General) Regulations 1996 Part 4 (Tenders for Providing Goods and Services)*.

**POLICY IMPLICATIONS:**

Nil

**FINANCIAL IMPLICATIONS:**

The cost of the Coolgardie skate park project has been budgeted for in the 2016/17 budget.

**STRATEGIC IMPLICATION:**

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

- Foster excellence in urban and rural planning and development.
- Develop and maintain Shire buildings, facilities and infrastructure assets.
- Develop and maintain highly functional and attractive public open spaces.

**VOTING REQUIREMENT:**

Absolute Majority

**OFFICER RECOMMENDATION:**

1. Accept the Tender for RFT 06/17 "Design and Construction for the Coolgardie skate park" to Services INC PTY LTD of 13 Hardings Road, Karrabin, Queensland to the value of \$130,500 excluding GST with the following condition.
  - A. The site survey classification of the Coolgardie skate park is classified as an M Class classification.
2. Allow the Acting Chief Executive Officer to approve variations up to the 10% of the total value of the project.

**COUNCIL RESOLUTION: # 128/17**

Moved: Cr, N Karafilis

Seconded: Cr, S Botting

1. Accept the Tender for RFT 06/17 "Design and Construction for the Coolgardie skate park" to Services INC PTY LTD of 13 Hardings Road, Karrabin, Queensland to the value of \$130,500 excluding GST with the following condition.
  - A. The site survey classification of the Coolgardie skate park is classified as an M Class classification.
2. Allow the Acting Chief Executive Officer to approve variations up to the 10% of the total value of the project.

**CARRIED ABSOLUTE MAJORITY 5/0**

**8.0 CONFIDENTIAL ITEMS**

Nil

**9.0 CLOSURE OF MEETING**

Shire President, M Cullen declared the meeting closed at 6.49pm and thanked all for their attendance.

