



**City of  
Kalgoorlie  
Boulder**

# **AGENDA**

**Notice is hereby given  
for the Ordinary Council Meeting**

**commencing at 7:00 PM**

**on**

**18 DECEMBER 2023**

**at the**

**Kalgoorlie Town Hall**

6 December 2023



## NOTICE OF MEETING

An Ordinary Council Meeting of the City of Kalgoorlie-Boulder will be held in the **Kalgoorlie Town Hall** on **Monday, 18 December 2023** commencing at **7:00 PM**.

Regards

A handwritten signature in black ink, appearing to read "Andrew Brien". The signature is stylized with a long, sweeping underline that extends to the right.

**ANDREW BRIEN**

Chief Executive Officer

**Nature of Council's Role in Decision-Making**

Advocacy:	When Council advocates on its own behalf or on behalf of its community to another level of government/body/agency.
Executive Strategic:	The substantial direction setting and oversight role of the Council, e.g. adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.
Legislative:	Includes adopting local law, town planning schemes and policies.
Review:	When Council reviews decisions made by officers.
Quasi-Judicial:	<p>When Council determines an application/matter that directly affects a person's rights and interests. The Judicial character arises from the obligations to abide by the principles of natural justice.</p> <p>Examples of Quasi-Judicial authority include town planning applications, building licenses, applications for other permits/licenses (e.g. under Health Act, Dog Act or Local Laws) and other decisions that may be appealable to the State Administrative Tribunal.</p>

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

## **2 OPENING PRAYER**

## **3 DISCLAIMER READING**

The Mayor will read the disclaimer to those present.

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

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

The recommendations contained in this Agenda are Officer's Recommendations only and should not be acted upon until Council has resolved to adopt those recommendations.

The resolutions of Council should be confirmed by perusing the Minutes of the Council Meeting at which these recommendations were considered.

Members of the public should also note that they act at their own risk if they enact any resolution prior to receiving official written notification of Council's decision.

## **4 RECORD OF ATTENDANCE**

### **4.1 Attendance**

**In Attendance:**

**Members of Staff:**

**Visitors:**

**Press:**

### **4.2 Apologies**

**Apologies – Elected Members:**

**Apologies - Members of Staff:**

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

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**Leave of Absence:**

Cr Deborah Botica from 12 December 2023 to 2 January 2024.

**5 RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE**

David Coulston, a resident of Boulder asked the following questions:

1. Regarding the contract with the Pig, Skull and Whistle can the contract be cancelled?
2. Reconciliation Park has gone to support the extension of the Giants Basketball stadium on the public road. Why was that piece of land removed from the Reconciliation Park?

Response from Mayor: Mayor thanked Mr Coulston and informed him that both of his questions will be taken on notice.

**6 PUBLIC ACCESS AND PUBLIC QUESTION TIME****6.1 Public Access****6.2 Public Question Time****7 PETITIONS / DEPUTATIONS / PRESENTATIONS****8 NOTATIONS OF INTEREST****8.1 Interest Affecting Impartiality City of Kalgoorlie-Boulder Code of Conduct****8.2 Financial Interest Local Government Act Section 5.60A****8.3 Proximity Interest Local Government Act Section 5.60B****9 APPLICATIONS FOR LEAVE OF ABSENCE**

**Applicant: Cr Viskovich**

Cr Carla Viskovich requests leave of absence from 23 January 2024 to 28 January 2024.

**10 ANNOUNCEMENTS BY THE PERSON PRESIDING WITHOUT DISCUSSIONS****10.1 Mayor Announcements**

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## 11 CONFIRMATION OF MINUTES

That the minutes of the Ordinary Meeting of Council held on 20 November 2023 be confirmed as a true record of that meeting.

## 12 MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

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

## 14 REPORTS OF COMMITTEES

## 15 REPORTS OF OFFICERS

### 15.1 Chief Executive Officer

#### 15.1.1 Monthly Financial Report October 2023

<b>Responsible Officer:</b>	Casey Radford Finance Manager
<b>Responsible Business Unit:</b>	Finance
<b>Disclosure of Interest:</b>	Nil
<b>Voting Requirements:</b>	Simple
<b>Nature of Council's Role in Decision-Making:</b>	Legislative
<b>Attachments:</b>	Statement Of Financial Activity October 2023

### SUMMARY STATEMENT

In accordance with regulation 34 of the *Local Government (Financial Management) Regulations 1996* ("the Regulations"), the City is to prepare a monthly Statement of Financial Activity for approval by Council. Attached for consideration is the completed Statement of Financial Activity for the period ending 31 October 2023.

### REPORT

The Statement of Financial Activity was introduced by the Department of Local Government from 1 October 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 October 2023 income is over budget by 2.91% and expenditure is over budget by 0.77%, 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.

**Explanation of Material Variances**

**Operating Revenue**

Description	Comment	Var. \$	Var. %	Nature of Variance
<b>General rates</b>	General rates exceed budget due to an increase in excess rates received from ratepayers. These amounts were not budgeted for.	<b>96,559</b>	<b>0.31%</b>	Permanent
<b>Grants, subsidies and contributions</b>	Grant income receipts were less than budgeted. The main variances are from the Job Support Hub (\$419k) and the Community Welfare Support Fund (\$252k), partially offset by road operating grant funding of \$78k being more than budgeted.	<b>(556,426)</b>	<b>(35.49%)</b>	Timing
<b>Fees and charges</b>	This variance is mostly due to the timing of pool inspection income	<b>(171,026)</b>	<b>(0.65%)</b>	Timing
<b>Interest revenue</b>	Interest on investments of \$508k has come in higher than budgeted, with better interest rates being obtained. Interest on overdue rates of \$265k was also higher than budgeted.	<b>772,841</b>	<b>206.30%</b>	Permanent
<b>Other revenue</b>	Income received on commercial water sale contract \$1.25m is a misallocation in the budget that will be corrected in the mid-year budget review. Other differences are partly from property lease income of \$152k being more than budgeted.	<b>1,585,567</b>	<b>143.13%</b>	Timing

**Operating Expenditure**

Description	Comment	Var. \$	Var. %	Nature of Variance
<b>Employee Costs</b>	This is due the budget accounting for more vacancies based on historical trends. Will be reviewed and assessed in mid-year budget review.	(633,153)	(6.51%)	Timing
<b>Materials and contracts</b>	This is mainly due to airport passenger security screening fees being (\$163k) higher than budgeted, due to increased passenger numbers.	(138,861)	(1.98%)	Permanent
<b>Utility charges</b>	Mainly due to electricity costs being higher than budget (\$247k). This is due to an increase the tariffs for power supply and seasonal trends. CKB has since changed suppliers and budgets will be adjusted at mid-year review.	(199,408)	(20.40%)	Timing
<b>Insurance</b>	Property \$167k, vehicle \$21k and public liability \$29k insurance premiums came in less than budgeted.	199,451	36.03%	Timing
<b>Other expenditure</b>	Administration costs \$112k were more than budgeted, offset by plant overhead allocation costs (\$265k) being less than budgeted.	(150,851)	(202.21%)	Timing

**Capital Revenue**

Description		Var. \$	Var. %	Nature of Variance
<b>Proceeds from capital grants, subsidies and contributions</b>	Timing of grants received due to timing of completion of capital projects. Delays with major projects e.g. Sewerage \$1.33m, Roads to Recovery \$500k, Community funding \$200k and other welfare projects \$117k.	(2,048,701)	(24.02%)	Timing

## Capital Expenditure

Description	Comment	Var. \$	Var. %	Nature of Variance
<b>Payments for property, plant and equipment</b>	Delays to reactive plant works at the Oasis \$626k, residential housing purchases \$800k, upgrades to Kalgoorlie and Boulder Town Halls \$274k, maintenance works on Administration building \$587k, and Loopline park renewal works \$100k make up this variance. This is mostly due to delays obtaining contractors.	<b>2,491,294</b>	<b>47.26%</b>	Timing
<b>Payments for construction of infrastructure</b>	Delays to Wastewater Treatment Plant upgrades \$1.33m, lighting upgrades for parks and reserves \$301k and works to commence at Lake Douglas \$100k. This is mostly due to delays obtaining contractors.	<b>1,843,451</b>	<b>26.54%</b>	Timing
<b>Payments for investment property</b>	Delays to Endowment block renewal works \$113k and power upgrades (\$4k) due to negotiations ongoing with contractors for Demolition of old Coles/Kmart building	<b>109,365</b>	<b>88.20%</b>	Timing

## Reserves

Description	Comment	Var. \$	Var. %	Nature of Variance
<b>Transfer to reserves</b>	Transfers to reserves are more than budget due to higher-than-expected interest earned	<b>(390,058)</b>	<b>(3.31%)</b>	Permanent

## Community Engagement Consultation

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

## Budget Implications

There are no financial implications resulting from the recommendations of this

## Statutory Implications

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

**Policy Implications**

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

**Community Strategic Plan Links**

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

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

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

**OFFICER RECOMMENDATION**

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 October 2023.

**15.1.2 Accounts Payable Report - November 2023**

<b>Responsible Officer:</b>	Casey Radford Finance Manager
<b>Responsible Business Unit:</b>	Finance
<b>Disclosure of Interest:</b>	Nil
<b>Voting Requirements:</b>	Simple
<b>Nature of Council’s Role in Decision-Making:</b>	Review
<b>Attachments:</b>	<ol style="list-style-type: none"> <li>1. Municipal EFT Payments - November 2023 [15.1.2.1 - 31 pages]</li> <li>2. Municipal Cheque Payments - November 2023 [15.1.2.2 - 1 page]</li> <li>3. Municipal Direct Debit Payments - November 2023 [15.1.2.3 - 1 page]</li> <li>4. Municipal Credit Card Payments - November 2023 [15.1.2.4 - 8 pages]</li> <li>5. Municipal Fuel Card Payments - November 2023 [15.1.2.5 - 11 pages]</li> <li>6. Municipal Coles Card Payments - November 2023 [15.1.2.6 - 1 page]</li> </ol>

**SUMMARY STATEMENT**

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

**REPORT**

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

Attached to this report are the lists of all EFT and cheque payments made during the month of November 2023 and a list of corporate credit card transactions and fuel card transactions by card holder of the same period totalling \$14,943,952.91.

Municipal EFT	\$	14,500,674.04
Municipal Cheque	\$	1,022.81
Direct Debit	\$	371,649.44
Credit Cards	\$	39,825.71
Fuel Cards	\$	30,780.91
Coles Cards	\$	450.00



### 15.1.3 Council Calendar 2024

<b>Responsible Officer:</b>	Andrew Brien Chief Executive Officer Frances Liston Executive Manager Governance and Risk Services
<b>Responsible Business Unit:</b>	Office of the CEO Governance
<b>Disclosure of Interest:</b>	Nil
<b>Voting Requirements:</b>	Simple
<b>Nature of Council’s Role in Decision-Making:</b>	Executive Strategic
<b>Attachments:</b>	1. Calendar for OCM 2024 Council [15.1.3.1 - 1 page]

#### SUMMARY STATEMENT

Council is required to endorse the calendar of Council meetings for 2024, including Ordinary Council Meetings, Agenda Briefings, Briefing/Workshops and Concept Forums.

#### REPORT

To assist administrative functions, enable long-term planning and ensure the availability of Councillors to attend Council meetings, forums and workshops, it is recommended that Council adopt the attached 2024 Council calendar.

On 30 October 2023, Council resolved to continue the current monthly meeting schedule, and adopted dates for Ordinary Council Meetings over 2024 (fourth Monday of the month). These dates have been incorporated into attached Council calendar, along with Agenda Briefings the week prior as resolved (third week of the month).

In addition, as currently occurs, the first two Mondays of each month are generally scheduled for Concept Forums and Briefings/Workshops to provide opportunity for Council to:

1. Hear presentations from external stakeholders;
2. Hear presentations from staff;
3. Discuss strategic or other future plans and proposals; and
4. Provide guidance or direction to City officers regarding Council’s preliminary views on upcoming City matters.

On 30 October 2023, Council also resolved to review the meeting processes and procedures in mid 2024 which will include consideration of whether the monthly meeting cycle continues as set out, or whether an alternative is instead adopted.

#### Community Engagement Consultation



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

**Budget Implications**

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

**Statutory Implications**

The City will provide public notice of the Council calendar for 2024 following adoption.

**Policy Implications**

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

**Community Strategic Plan Links**

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

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

**OFFICER RECOMMENDATION**

That Council adopt the attached 2024 calendar for Ordinary Council meetings, Agenda Briefings, forums and workshops.

### 15.1.4 Temporary Employment or Appointment of CEO Policy

<b>Responsible Officer:</b>	Andrew Brien Chief Executive Officer Frances Liston Executive Manager Governance and Risk Services
<b>Responsible Business Unit:</b>	Office of the CEO Governance
<b>Disclosure of Interest:</b>	Nil
<b>Voting Requirements:</b>	Absolute Majority
<b>Nature of Council's Role in Decision-Making:</b>	Executive Strategic
<b>Attachments:</b>	1. Temporary employment or appointment of CEO tracked [15.1.4.1 - 4 pages]

#### SUMMARY STATEMENT

Council is asked to adopt the amended Temporary Employment or Appointment of CEO Policy in accordance with the attached revised policy.

#### REPORT

The Local Government Act requires Council to adopt a Temporary Employment or Appointment of CEO Policy (Policy). The purpose of the policy is to provide a framework, and certain authorisations to the CEO, for decisions to be made by Council or the CEO in relation to temporary appointments of an Acting CEO.

Section 5.36(2) of the Local Government Act provides that a person is not to be employed in the position of CEO unless the Council believes the person is suitably qualified for the position and is satisfied with the provisions of the proposed employment contract.

Paragraph 2(b) of the Policy has provided some operational difficulty in its wording, being "the CEO must appoint an Acting CEO for any leave periods greater than five (5) days and less than six (6) weeks".

The difficulty arises from the impracticality of requiring the CEO to appoint an Acting CEO in cases where the CEO may only be out of the office for part of a week, or across a week that includes public holidays. This is impractical from an operational perspective as it requires handover between the CEO and the acting CEO and takes resources away from the relevant directorate.

To overcome this, it is proposed that this paragraph be amended as follows:

1. Change "five (5) days" to "seven (7) Business Days"; and
2. Add definition of "Business Days" to mean "a day other than Saturday, Sunday or a public holiday recognised in Western Australia".

#### Community Engagement Consultation

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

### **Budget Implications**

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

### **Statutory Implications**

Section 5.39C *Local Government Act* provides as follows:

1. A local government must prepare and adopt\* a policy that sets out the process to be followed by the local government in relation to the following —
  - a. the employment of a person in the position of CEO for a term not exceeding 1 year;
  - b. the appointment of an employee to act in the position of CEO for a term not exceeding 1 year.
2. A local government may amend\* the policy.
3. When preparing the policy or an amendment to the policy, the local government must comply with any prescribed requirements relating to the form or content of a policy under this section.
4. The CEO must publish an up-to-date version of the policy on the local government's official website.

\* *Absolute majority required.*

### **Policy Implications**

There are no policy implications resulting from the recommendations of this report other than in respect of the operation of Temporary Employment or Appointment of CEO Policy.

### **Community Strategic Plan Links**

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

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

<b>OFFICER RECOMMENDATION</b>
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That Council the amended Temporary Employment or Appointment of CEO Policy as attached to this report.
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### 15.1.5 Review and Establishment of Committees and Working Groups

<b>Responsible Officer:</b>	Andrew Brien Chief Executive Officer
<b>Responsible Business Unit:</b>	Office of the CEO Governance
<b>Disclosure of Interest:</b>	Nil
<b>Voting Requirements:</b>	Absolute Majority
<b>Nature of Council's Role in Decision-Making:</b>	Executive Strategic Legislative
<b>Attachments:</b>	1. Terms of Reference Strategic and General Purposes Committee [15.1.5.1 - 2 pages]

#### SUMMARY STATEMENT

As a result of the reduction in the number of elected members at the last local government elections, the Council is being asked to consider the review of the Committees and Working Group appointments along with a review of the Committee structures.

#### REPORT

The Council at the Ordinary Meeting in October 2023 considered the appointment of Councillors to Committees and Working Groups. During the discussion on the appointments it became apparent that the workload associated with the number of Committees and Working Groups was not sustainable given the reduction of elected members. The Council requested the Chief Executive Officer to undertake a review and provide a recommendation to Council on alternative options and membership arrangements.

The Council had previously resolved to establish the following Committees and appointments:

##### Audit and Risk Committee

- Mayor Wilson
- Deputy Mayor Cr Dellar
- Cr Winner
- Cr Johnson
- Cr O'Donnell
- Cr Turner

##### Chief Executive Officer Performance Review Committee

- Mayor Wilson
- Cr Botica
- Cr O'Donnell

##### Youth Council

- Cr Winner

- Cr Brownley (Deputy)

#### Local Emergency Management Committee

- Mayor Wilson
- Deputy Mayor Cr Dellar
- Cr Turner

#### **Membership of External Committees**

Kalgoorlie Boulder Liquor Accord

Goldfields Voluntary Regional Organisation of Councils

Kalgoorlie Boulder Visitors Centre

(Joint) Development Assessment Panel

Regional Roads Group

At this stage the Council has not appointed or established any working groups.

This report deals with the proposal to review all of the Committees now that the Councillors have had the opportunity to review the workloads and other options available for the Council to consider. At the workshop arranged to consider the Committees and Working Groups the option to rationalise the number of Committees and Working Groups to ensure appropriate Council representation and equality of workloads was considered to be the most appropriate option.

As a result of the briefing workshop it is proposed to establish only the statutorily required committees (Audit and CEO Review) and amalgamate the remaining committees and working groups into a single Committee. This will see the number of internal committees reduced and allow for a structured reporting approach for all of the working groups and remaining Committee information to be reported to Council and incorporated into the regular Monday meeting cycle.

To facilitate the establishment of a new Committee, Council is required to adopt by absolute majority the terms of reference and membership of the Committee and consistent with the Council's Committee and Working Group Handbook must address the following:

- The purpose of the proposed Committee is to consider all operational and strategic reports of officers aligned to the Council's Strategic Community Plan and Corporate Business Plan.
- The terms of reference of the proposed Committee are attached to this report.
- The number of council members to be appointed to the proposed Committee will be the Mayor and all Councillors;
- The Committee will not have any delegated authority and all recommendations of the Committee will be referred to Council for decision; and
- All members of the City's Executive Leadership Team will be required to provide reports and attend all the scheduled Committee Meetings

#### **Community Engagement Consultation**

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

**Budget Implications**

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

**Statutory Implications**

Subdivision 2 of Division 2 of Part 5 of the Local Government Act contains provisions regarding the establishment of committees and the structure of their meetings.

**Policy Implications**

The recommendations of this report will result in changes to the Council policy and guidelines relating to Committees and Working Groups.

**Community Strategic Plan Links**

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

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

**OFFICER RECOMMENDATION**

That Council:

- 1) Endorse the establishment of the Strategic and General Purposes Committee with the Mayor and all Councillors being members of the Committee;
- 2) Endorse the Terms of Reference as attached for the Committee;
- 3) Note that the Committee will meet four times per annum at a minimum;
- 4) Note that a review of memberships of all Committees and External Groups will be provided to the January Ordinary Council meeting.

## 15.2 Development and Growth

### 15.2.1 Local Planning Scheme No. 2 - Planning Policies

<b>Responsible Officer:</b>	Alex Wiese Director Development and Growth
<b>Responsible Business Unit:</b>	Planning Development & Regulatory Services
<b>Disclosure of Interest:</b>	Nil
<b>Voting Requirements:</b>	Simple
<b>Nature of Council's Role in Decision-Making:</b>	Executive Strategic
<b>Attachments:</b>	<ol style="list-style-type: none"> <li>1. LP S 2 - LP P 1 - Workforce Accommodation [15.2.1.1 - 10 pages]</li> <li>2. LP S 2 - LP P 2 - Advertising Planning Proposals [15.2.1.2 - 9 pages]</li> <li>3. LP S 2 - LP P 3 - Outbuilding In Residential And Rural Zones Policy [15.2.1.3 - 3 pages]</li> <li>4. LP S 2 - LP P 4 - Sea- Container Policy [15.2.1.4 - 5 pages]</li> <li>5. LP S 2 - LP P 5 - Repurposed Dwellings in Residential and Rural Zones Policy [15.2.1.5 - 4 pages]</li> <li>6. LP S 2 - LP P 6 - Home Based Business &amp; Family Day Care Policy [15.2.1.6 - 5 pages]</li> <li>7. LP S 2 - LP P 7 - Policy Template For Planning Policy's lpp 7 Local Heritage Fund Policy [15.2.1.7 - 5 pages]</li> <li>8. LP S 2 - LP P 9 - Signage [15.2.1.8 - 13 pages]</li> <li>9. LP S 2 - LP P 10 - Landscaping LP P 10 [15.2.1.9 - 9 pages]</li> <li>10. LP S 2 - LP P 11 - Parking Policy [15.2.1.10 - 5 pages]</li> <li>11. LP S 2 - LP P 12 Waiver Planning Fees [15.2.1.11 - 3 pages]</li> </ol>

### SUMMARY STATEMENT

This report seeks Council's consideration of the draft Local Planning Policies (the policies) that were previously presented to Council on 18 August 2023. Now that the consultation period has finished and the City has received no comments on the policies, Council is requested to adopt the policies through publication in accordance with Schedule 2, Part 2, Division 2 of the *Planning and Development (Local Planning Schemes) Regulations 2015* (the regulations).

## REPORT

City officers have developed draft policies as part of the implementation of the new scheme. The regulations provide that policies may be prepared by a local government in respect of any matter relating to planning and development, subject to planning scheme provisions.

The regulations prescribe the statutory process and actions associated with preparing, advertising, approving, revoking and publishing local planning policies; and provide Council with the option to proceed with the previously notified policies (without modification) by way of publishing the policies in accordance with Clause 87 of the regulations.

As the City received no submissions resulting from the public consultation, Council is requested to consider the draft policies as attached and to give force to the policies through requiring the Chief Executive Officer to publish the policies in accordance with the regulations.

It should be noted that the following policies are amended policies: LPS2 DRAFT LPP1 - Workforce Accommodation, LPS2 DRAFT LPP7 - Local Heritage Fund, and LPS2 DRAFT LPP9 – Signage. As these policies have been amended, a statement has been included in the policies to revoke the previous policies as required by the regulations. Please also note that whilst there has been no content change to the policies since advertising, City officers have made minor changes to ensure clarity and ease of use.

For completeness, the new policies are as follows:

- LPS2 DRAFT LPP2 - Advertising Planning Proposals
- LPS2 DRAFT LPP3 - Outbuildings in Residential and Rural zones
- LPS2 DRAFT LPP4 - Sea-Containers in Residential Areas
- LPS2 DRAFT LPP5 - Repurposed Dwellings in Residential Areas
- LPS2 DRAFT LPP6 - Home Based Businesses and Family Day Care
- LPS2 DRAFT LPP10 - Landscaping
- LPS2 DRAFT LPP11 - Parking
- LPS2 DRAFT LPP12 - Waiver Planning Fees.

Councillors should note that LPP 8 - Residential Design Codes Variations is required to be sent to the Western Australian Planning Commission (the Commission) prior to being referred to Council, as the policy changes the 'deemed-to-comply' provisions of the Residential Design Codes (R-Codes). This policy will be presented to Council in 2024 for their consideration after receiving approval from the Commission.

## Public Consultation

By Council resolution dated 28 August 2023, the public advertising of the draft local planning policies was undertaken for a minimum of twenty-one (21) days, commencing 16 October 2023, in accordance with the statutory requirements contained in Schedule 2, Part 2, Clause 4 and Part 12, Clause 87 of the regulations.

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As noted above, the City has received no submission(s) on the policies as advertised.

**Requirement:** Schedule 2, Part 2, Clause 4 and Part 12, Clause 87 of the regulations.

**Duration:** 21 Days

**Method:** Published Public Notice in the Kalgoorlie Miner on Monday, 16 October 2023, and Saturday, 21 October 2023; on the City's website (via a hyperlink) Facebook page; and copies available for review at the City's Administration Offices during normal business hours.

**Submissions Received: Nil**

### **Budget Implications**

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

### **Statutory Implications**

1. Schedule 2, Part 2, Division 2 of the *Planning and Development (Local Planning Schemes) Regulations 2015* enables the City to amend, revoke, and adopt local planning policies and set out the procedures to do so.
2. Previously adopted policies may be revoked through the publication of a new (replacement) policy provided that policy includes a revocation clause.

### **Policy Implications**

The preparation and implementation of the amended and new policies will ensure effective and consistent decision-making by City staff and will provide clarity on matters to be considered and addressed in regard to new developments. They will also provide guidance to applicants/developers on the matters that Council considers important for new developments in the City.

### **Community Strategic Plan Links**

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

FUTURISTIC: We plan for the future proofing of our City by being a thinking and innovative society.

#### **OFFICER RECOMMENDATION**

That Council adopt and publish the following local planning policies by directing in accordance with Schedule 2, Part 12, Clause 87 of the *Planning and Development (Local Planning Schemes) Regulations 2015*:

1. LPS2 LPP1 - Workforce Accommodation
2. LPS2 LPP2 - Advertising Planning Proposals

3. LPS2 LPP3 - Outbuildings in Residential and Rural zones
4. LPS2 LPP4 - Sea-Containers in Residential Areas
5. LPS2 LPP5 - Repurposed Dwellings in Residential Areas
6. LPS2 LPP6 - Home Based Businesses and Family Day Care
7. LPS2 LPP7 - Local Heritage Fund
8. LPS2 LPP9 - Signage
9. LPS2 LPP10 - Landscaping
10. LPS2 LPP11 - Parking
11. LPS2 LPP12 - Waiver Planning Fees

### 15.2.2 Hart Kerspien Key Workers Village

<b>Responsible Business Unit:</b>	Planning Development & Regulatory Services
<b>Disclosure of Interest:</b>	Nil
<b>Application Number:</b>	P143/23
<b>Owner's Name:</b>	City of Kalgoorlie-Boulder
<b>Applicant's Name:</b>	M/Group Pty Ltd
<b>Development Value:</b>	\$140,000,000
<b>Voting Requirements:</b>	Simple
<b>Nature of Council's Role in Decision-Making:</b>	Review
<b>Attachments:</b>	<ol style="list-style-type: none"> <li>1. P 143.23 - Rowe group - Development Approval Application - Lots 9003,9004,9005 [15.2.2.1 - 124 pages]</li> <li>2. CONFIDENTIAL REDACTED - P143.23 - Consultation comments - Lots 9003, 9004, 9005 [15.2.2.2 - 4 pages]</li> <li>3. P 143.23 - RAR Report - Lots 9003, 9004, 9005 [15.2.2.3 - 15 pages]</li> </ol>

### SUMMARY STATEMENT

On 7 November 2023 Rowe Group lodged an application seeking planning approval to develop a worker's lifestyle village on Lots 9003,9004, and 9005 Hart Kerspien Drive, Broadwood 6430, for the development of 393 dwellings, communal open space, caretaker's residence, office, and communal facilities. The application also includes car parking, an internal street network to service individual dwellings, communal facilities, and a swimming pool. Private open space is associated with each dwelling, and a communal open space area provides amenity to the communal facility experience.

As the application has a value of \$140m the application must be referred to the Joint Development Assessment Panel (JDAP) for determination. JDAP has requested that the Responsible Authority Report (RAR) be provided to them by 31 January 2024.

### Background

<b>Address:</b>	Lots 9003,9004, and 9005 Hart Kerspien Drive, Broadwood 6430	
<b>Lot Size:</b>	16.07 ha	
<b>Zoning:</b>	<b>LPS2:</b>	Residential/R40
<b>Existing Land Use:</b>	Vacant land	

<b>Proposed Land Use:</b>	Worker’s Lifestyle Village consisting of 393 dwellings, communal open space, caretaker’s residence, office, and communal facilities.
<b>Adjacent / Nearby Land Uses:</b>	Residential suburb of Broadwood and Public Purposes Reserve (Airport).

Rowe Group has lodged an application on behalf of the M Group seeking approval from JDAP for the development of a worker lifestyle village on Lots 9003, 9004 and 9005 Hart Kersprien Drive, Broadwood (the subject land).

The subject land “is” owned in freehold by the City of Kalgoorlie-Boulder; however, the M Group have had an option to purchase the land. A ‘Notice of Exercise to Purchase Option’ has been signed unconditionally by the Directors of the Essential Workers Lifestyle Trust on 21 November 2023 meaning that subject to settlement and transfer the Essential Workers Lifestyle Trust own the land.

The site is currently the subject of a Crown land subdivision approval by the WA Planning Commission which involves the amalgamation of all lots and the ceding of land for road reserve and drainage purposes.

Under Local Planning Scheme No. 2 (LPS 2) the subject land is zoned as ‘Residential/R40. The proposed use is considered to be a Grouped Dwelling; the permissibility of the use is defined as a “P” use, meaning that the use is permitted if it complies with all relevant development standards and requirements of the Scheme.

As the proposal is for residential use, it must also be considered under State Planning Policy 7.3 Residential Design Codes (R Codes). The applicant seeks design variations under the R-codes deemed-to-comply requirements for inter alia (among other things) street setbacks, boundary setbacks, landscaping, and fencing.

The proposed use of “Grouped dwelling” is defined in the R-codes as: *“A dwelling that is one of a group of two or more dwellings on the same lot such that no dwelling is placed wholly or partly vertically above or below another, except where special conditions of landscape or topography dictate otherwise and includes a dwelling on a survey strata with common property.”*

The City has received 89 submissions resulting from the public consultation, with six (6) submissions supporting the application, one (1) indecisive, and eighty-two (82) submissions opposed to the proposed development. The submission themes are outlined below and discussed in detail in the attached RAR report.

**Details of the Proposal**

The applicant has described the proposed development as being the development of an Essential Workers Lifestyle Village; a residential housing estate intended to provide affordable housing and accommodation for government and essential workers. The proposed development includes the following key elements:

- 397 Grouped Dwellings (the Form 1 states 394 - to be clarified by conditions) including 18 (36) dual key dwellings, being the combination of one (1) one-bedroom dwelling and one (1) two-bedroom dwelling, 253 standalone two-bedroom dwellings, and 108 standalone three-bedroom dwellings.
- Communal open space totalling 1.6ha across the development site, including a central 1.29ha village green.

- Common vehicle access throughout the site, with access proposed via two crossovers to Hart Kerspian Drive and a crossover to the future airport road to the east of the site, which will provide connection to Gatacre Drive.
- Various pedestrian access links to Hart Kerspian Drive and Gatacre Drive.
- Caretaker facilities located near the proposed eastern entry to the site.
- Administration and communal recreational facilities located centrally within the site, adjacent to the village green.

The applicant puts forward that the design intent for this development is to create a residential community that is characterised by a high level of amenity through extensive landscape provision and focus on the central village green area.

The application states that the proposed development is to be constructed in stages influenced by the ability to construct and deliver the proposed dwellings, the availability of utilities and servicing to support the development, and the construction of the proposed future airport road to the east of the subject site, to allow for the provision of the proposed eastern access to the site.

The proposal is proposed to be delivered in two stages: the first stage being the construction of approximately 100 units due to constraints on wastewater discharge capacity; and secondly the remainder of the development with off-site works to include the proposed two roundabouts to Hart Kerspian Drive. It should be noted that the applicant's Traffic Impact Assessment advises that with the full development completed, the Hart Kerspian Drive/Gatacre Drive intersection without modification will operate at Level of Service (LoS) F which is unacceptable in traffic engineering terms. To address the constraints resulting from the limited downstream sewer capacity and the local traffic network (existing Hart Kerspian Drive/Gatacre Drive intersection, conditions have been included in the recommended conditions should the JDAP approve the application.

### **Description of the Site**

The subject land has an area of 17.8ha and is bounded by Hart Kerspian Drive, Gatacre Drive, and the airport. The site is vacant with a gentle slope from west to east. Aerial imagery shows evidence of a former aircraft runway located on the site. Stormwater drainage channels surround the site, and the ground surface has a sparse vegetation of grasses and some small shrubs. The two prominent roads are Hart Kerspian Drive and Gatacre Drive.



Figure 1 – Lots 9003, 9004 & 9005

**Site History/Previous Approvals**

The City’s records include the following applications;

Application No.	Date	Description	Outcome
P59	03/12/1996	Subdivision	-
S161545	09/11/2021	Subdivision	Approval subject to conditions

**Previous Relevant Decisions of Council**

Ordinary Council Meeting Agenda, 25 July 2022, 15.2.3 Commercial lease – Lots 9003 & 9004 Hart Kerspien Drive.

Ordinary Council Meeting Agenda, 24 April 2023, 15.2.5 Sale of lots 9003, 9004, and 9005 Hart Kerspien Drive.

**Applicant’s Submission**

The full application as submitted is attached to this report (attachment 1). Other than the response by the applicant to the community submissions, no additional information has been provided by the applicant.

**Public Consultation**

Public consultation was undertaken in the following manner:

The Regulations require the affected owners/occupiers must be notified. As the proposal will have traffic impacts on the Hart Kerspien Drive and the Gatacre Drive

intersection, all owners/occupiers within the residential area of Broadwood were notified as was the owners/occupiers in Somerville for blocks fronting Gatacre Drive. The public consultation (advertising) provided a period of 21 days for submissions as agreed by the applicant.

The method of public notice is prescribed by the Regulations - schedule 2, part 8 cl. 64 (4) which states that a non-complex application is advertised by doing any or all of the following, as determined by the local government:

- Cl.64 (4)(a) in accordance with clause 87 public notice on the newspaper and website publishing;
- Cl.64 (4)(b) giving owners and occupiers in the vicinity of the development who, in the opinion of the local government, are likely to be affected by the granting of development approval; and
- Cl.64 (4)(c) erecting, in the manner approved by the commission a signs or signs.

Public notice of the proposal was undertaken in all the above prescribed ways.

#### Submissions Received:

The City has received eighty-nine (89) submissions from the community resulting from the public consultation (refer to confidential attachment 2); six (6) were in support of the proposal, one (1) was indecisive, and eighty-two (82) were opposed to the proposed development. The submissions opposing the proposal are grouped under the following themes for convenience:

- Possible property devaluation;
- Development would promote a Fly In, Fly Out workforce if sold to companies;
- Traffic and noise concerns;
- Safety;
- Impacts on walkability;
- Lifestyle village would not be family friendly and would offer lower standard of living than traditional built houses;
- Current infrastructure is incapable of supporting development.
- Incompatibility with existing streetscape;
- Lack of amenities in the area to support increased population (schools, childcare, shops);
- Lifecycle of development;
- Impact on community amenity; and
- Not enough information provided to make an accurate decision.

All submissions were acknowledged in writing, and the respondents have been advised that the matters raised will be seriously considered and included in the report to Council and the JDAP.

#### **Consultation with Other Agencies**

Clause 66 (1) of the Regulations outlines the methods for undertaking consultation with external agencies. In the opinion of the City, the following agencies may be affected by the proposed development; City officers provided a copy of the application to the agencies for comment:

- Water Corporation WA (WaterCorp) - the forty-two (42) consultation period ends on 26 December 2023. It is understood that the connection and supply of potable water to the development is a matter between the WaterCorp and the developer, however any comments received after the Council meeting can be included as an addendum to the RAR.
- Department of Planning, Lands and Heritage - the consultation period is the same as outlined above. Likewise, any comments received after the Council meeting can be included as an addendum to the RAR.

### **Internal Referrals**

The proposal has been circulated to the relevant departments within the City, and their requirements have been included in the recommended draft conditions.

### **Details**

#### Zoning and Land Use Permissibility

The subject land is identified in Local Planning Scheme No.2 as “Residential” with an R40 overlay. The proposed use of “Grouped dwelling” is defined in the R-codes as:

*“A dwelling that is one of a group of two or more dwellings on the same lot such that no dwelling is placed wholly or partly vertically above or below another, except where special conditions of landscape or topography dictate otherwise, and includes a dwelling on a survey strata with common property.”*

“Grouped Dwelling” is listed as a “P” use in the Residential zone under LPS 2. The identifier “P” is defined as: *“the use is permitted if it complies with all relevant development standards and requirements of this Scheme”*.

The application seeks minor design variations under the R-codes deemed-to-comply requirements. Local Planning Scheme 2 states that: “If a use of land is identified in a zone as being a class P or class I use, the local government may not refuse an application for development approval for that use in that zone but may require works that are to be undertaken in connection with that use to have development approval”. Considering the above, it is recommended that conditions be included to ensure the proposal represents orderly and proper planning.

#### State Planning Policy 7.3 – Residential Design Codes

Part 4 General Development Requirements of the scheme - clause 25, outlines the R-Codes as a development requirement for applicable areas. The provisions of the R-Codes shall apply to the proposed development. Compliance with the R-Codes can be achieved by way of meeting the ‘deemed-to-comply’ provisions or alternatively fulfilling the relevant design principles. The proposed development was assessed and considered to comply with the relevant ‘deemed-to-comply’ and ‘design principles’ provisions of the R-Codes.

#### Traffic

The subject land fronts Hart Kerspian Drive and Gatacre Drive which is a 4-lane divided carriageway road linking South Kalgoorlie with South Boulder. There is an existing 2.5m footpath on Hart Kerspian Drive in front of the existing dwellings, which extends just north of Jordan Street, and then continues along the south-western edge of the subject land to the corner of Hart Kerspian Drive and Gatacre Drive. The path extends along the southern edge of Gatacre Drive to a location opposite Seinor



Street, where it crosses Gatacre Drive and joins with the existing northern Gatacre Drive shared path.

The applicant has engaged DVC Consultants to undertake a Transport Impact Assessment of the impacts of additional traffic generated by the development on the local road network. The report assumes that on average the development will generate 9-10 trips per day per dwelling with a 50/50 split of inbound and outbound trips. The report assumes that if approved, 100 dwellings will be constructed by 2025 (Stage 1) and the remainder will be finalised by the end of 2028.

The traffic modelling predicts that the intersection of Gatacre Drive and Hart Kerspian Drive can comfortably accommodate the additional traffic from Stage 1 (LoS C), however, under the scenario where the entire development is constructed the outcome at this intersection is a LoS F, which is an unacceptable performance level. A condition is recommended to address this intersection upgrade before the completion of the second stage of the proposal.

#### Contamination

The application addresses the matter of potential soil contamination on the subject land in Section 2.4.4 Contamination of the report as follows: 'A search of the Department of Water and Environmental Regulation (DWER) Contaminated Sites Database does not identify the subject site or immediate surrounds as being a known or suspected contaminated site.' Early aerial photography and site evidence shows that the previous Kalgoorlie Airport runway operated on the land.

Clause 67(r), Schedule 2, Part 9 of the *Planning and Development (Local Planning Schemes) Regulations 2015* requires local government "to assess the suitability of the land for the development, taking into account the possible risk to human health and safety"; a condition has been recommended for this work to be undertaken, and associated remediation works performed (if required) prior to the commencement of construction.

#### Wastewater

The City's engineers have advised the applicant that the downstream stormwater infrastructure can accommodate an additional dry weather load of 58,736 litres per day. The details of Stage 1 of the proposal have not been clearly indicated and therefore definitive information on this stage will be required as a condition of the approval. However, the final number of dwellings in Stage 1 and the associated wastewater discharge volume must be determined by the downstream infrastructure capacity. A condition must therefore be included to restrict wastewater discharge from all Stage 1 development to 58,736 litres per day.

#### Noise

As the proposed residential development is adjacent to the airport and Gatacre Drive, it is important that residents are provided with an acceptable level of amenity including acceptable noise intrusion into dwellings. State Planning Policy 5.4 Road and Rail Noise requires that in potentially unacceptable situations a noise exposure forecast assessment should be undertaken. The "Quiet House Design" standards associated with the above policy provide options for mitigation of noise impacts on

dwellings. Therefore, specific conditions have been recommended to address this matter if it is found to be relevant to the proposal.

### **acRecommended Conditions**

1. This development must substantially commence within four (4) years from the date of this decision letter, unless an extension of the approval is received from the City prior to this approval expiring.
2. This development taking place in accordance with the approved plans, and any plans amended and approved as a result of conditions relating to this approval.
3. Prior to the commencement of any site works, the applicant/owner shall undertake Preliminary Site Investigations (PSI) to determine any potential contaminants that could be of danger to human health as related to the proposed residential development. If required, a Detailed Site Investigation (DSI) shall be undertaken in accordance with the Assessment and Management of Contaminated Sites Guideline (DWER 2021). If site remediation is required, remediation works shall be undertaken in accordance with an approved validation of remediation report (consistent with the Assessment and Management of Contaminated Sites Guideline (DWER 2021).
4. Prior to the commencement of site works (excluding works relating to Detailed Site Investigations, a Construction Management Plan must be submitted and approved by the City, addressing the following:
  - a. Public safety and amenity.
  - b. A site construction plan and security.
  - c. Contact details of essential site personal, the construction period and operating hours.
  - d. Community information, consultation, and complaints management plan.
  - e. Noise, vibration, air, and dust management.
  - f. Traffic, access, and parking management.
  - g. Waste management, and materials re-use.
  - h. Earthworks, excavation, land retention /piling and associated matters.
  - i. Stormwater and sediment control.
  - j. Street tree protection along the Hart Kersprien frontage noting that the native vegetation on the verge must be retained unless it is demonstrated that some trees/shrubs must be removed for the new site access locations and associated sight lines.
  - k. The trees/shrubs to be retained must be fenced to ensure protection and the fencing shall be retained until completion of all construction.
  - l. An asbestos removal management plan (if applicable).
5. The applicant/owner is to engage a Professional Drainage Engineer to prepare a Stormwater Management Assessment Report for the site, to be approved by the City, prior to the commencement of any site works. The report is to include the following:

- a. A Stormwater Management Plan (Turflow Model) to meet the requirements of the City and demonstrate that low-lying infrastructure and property is not negatively impacted. The model is to address:
    - I. 1% AEP Extreme Flooding Scenario to retain all development peak flows on site and model safe water depths and flood velocities, and the flood impacts of the major stormwater infrastructure upstream and boundary channels for both scenarios.
    - II. 20% AEP High-Frequency Flooding Scenario that shows depth flood mapping in general and possible erosion impact scenarios on site.
  - b. The Stormwater Management Plan must show the depth and risk of flows for high frequency and extreme events, and that erosion protection measures are in place for the development.
  - c. Demonstrate how to connect stormwater infrastructure to the City's stormwater network and provide detailed designs for erosion protection works as per the City's standards and address the City's Stormwater Information Sheet requirements.
  - d. A Professional Engineering Certificate including a Risk Assessment for the design of any proposed detention basins must be submitted to and approved by the City, prior to the commencement of works.
6. Prior to the commencement of on-site civil works development detailed engineering drawings shall be submitted to the City for approval addressing the following:
- a. Road detailed designs addressing the proposed roundabouts on Hart Kerspien Drive to Main Roads WA standards and/or Austroads guidelines, and the design details of the internal cul-de-sac(s) and road profiles/cross sections.
  - b. Internal road designs demonstrating that a Waste Truck (City's Waste Contractor) can safely operate within the site in a forward direction (including demonstrated swept paths).
  - c. The minimum external road width shall be 7.0m, and The minimum internal road width shall be 6.0m.
  - d. The location and specification of all vehicle carparking within the site demonstrating vehicle movements to parking sites plus ACROD parking to the community centre.
  - e. The location of mobile wheelie bin collection pads for all dwellings and associated buildings with the locations ensuring efficient and safe bin collection.
  - f. The location of the boom gates installed at the intersection of internal roads and Hart Kerspien Drive intersection demonstrating that sufficient queuing is

- available on-site to ensure that Hart Kerspien Drive traffic is not unduly disrupted.
- g. A Road Safety Audit must be submitted as part of the design process for all public road upgrades, and if required by the audit the existing crossing shall be upgraded to the satisfaction of the City.
  - h. Implement safe pedestrian crossings and connections that link the City's footpath network to the required standards of the City.
  - i. Fencing details within the proximity of the Hart Kerspien Drive access roads demonstrating that appropriate vehicle sight lines are achieved.
  - j. Stormwater design details of all internal proposed roads and their interface with the City's connecting road infrastructure.
  - k. The location and form of street lighting relating to the development including connections with Hart Kerspien Drive. Note: Detailed design plans should include the normal suite of details including, but not limited to, line and level, geometric details, coordinates of control points, materials proposed, material specifications, full suite of dimensions, standard specifications and drawings where applicable, standard referencing, existing underground service locations, and the interface with existing services and stormwater infrastructure.
7. Prior to the commencement of development, the applicant/owner is to prepare a Staging Plan, outlining the manner in which the proposed development is to be implemented, to the satisfaction of the City. The Staging Plan must demonstrate how each stage of development is to be adequately serviced and drained within the capacity of the existing servicing network, with upgrades as required, in accordance with any legislative requirements.
8. Prior to the commencement of development, a detailed landscaping plan must be submitted and approved by the City. The landscaping plan shall be generally consistent with the Landscape Concept Plan lodged with the application and shall include, but not be limited to, the following details:
- a. The location, number, size, density and species of proposed grasses, groundcovers, trees and shrubs.
  - b. Those areas to be reticulated/irrigated and mulched.
  - c. The location, size, edge gradient/ treatment and associated planting of any permanent water bodies (non-ephemeral detention ponds) associated with the stormwater management of the development.
  - d. Landscaping of adjacent road verges, where appropriate.
  - e. Landscaping maintenance schedule for establishment and ongoing plant maintenance.
  - f. Design details of the proposed fencing to the Gatacre Drive and Hart Kerspien Drive frontages (if applicable), and the proposed fencing to the airport boundary.
-

9. Satisfactory arrangements are to be made with the City for the construction of the proposed Hart Kerspien Drive roundabouts, prior to the occupancy of any adjacent development on the site and any direct access to Hart Kerspien Drive from the development site.
10. Satisfactory arrangements are to be made with the City for the provision of vehicular access to Gatacre Drive, either directly from the subject site or via adjacent Lot 9000 on Plan 32844, prior to the development of more than 350 dwellings on the site. Alternatively, should the intersection of Hart Kerspien Drive and Gatacre Drive be upgraded to accommodate additional traffic flows, more than 350 dwellings can be constructed on the site without the provision of vehicular access to Gatacre Drive.
11. Satisfactory arrangements are to be made with the City for the upgrading of the City's downstream sewer system, including any associated cost of undertaking upgrade works.
12. Any liquid waste from air conditioning, swimming pools, or other liquid generating plant or activities, shall be retained on site or connected to the City's sewer system and comply with AS/NZ3500, subject to any pre-treatment requirements prior to discharge.
13. All plant and machinery (including air conditioner unit(s) and pool pump(s)) shall be suitably located to minimise the transmission of noise/vibration to adjoining dwellings/properties and installed so as not to cause a nuisance. All equipment noise must comply with the *Environmental Protection (Noise) Regulations 1997*.
14. Prior to the occupancy of the development, a Mosquito Management Plan is to be prepared and implemented on an ongoing basis, to the satisfaction of the City.
15. Satisfactory arrangements are to be made with the City for the connection of the development to the reticulated sewer network.

**Advice Notes:**

1. All aquatic facilities must comply with the *Aquatic Facilities Regulations 2007* and the Code of Practice for the Design, Construction, Operation, Management & Maintenance of Aquatic Facilities. The City will conduct monthly water testing (fees apply). The applicant must complete and apply to construct, alter, or extend an aquatic facility to the State Department of Health. For more information contact the State Department of Health's Water Unit via email at [swimmingpools@health.wa.gov.au](mailto:swimmingpools@health.wa.gov.au).

2. The owner/applicant must apply to the City's Health Services via an Application to Construct, Alter or Extend a Public Building for the proposed gym as required in accordance with the *Health (Public Buildings) Regulations 1992*. An Application for a Certificate of Approval (form 2) and a Certificate of Electrical Compliance (Form 5) must also be submitted to the City's Health Services. The City's Health Services will provide a Maximum Accommodation Certificate dictating the number of persons permitted inside the venue at one time, the floor space, the number of toilets and emergency exit routes will be used to calculate the approved capacity.
  3. In relation to Condition 6, detailed design plans should include the normal suite of details including, but not limited to, line and level, geometric details, coordinates of control points, materials proposed, material specifications, full suite of dimensions, standard specifications and drawings where applicable, standard referencing, existing underground service locations, and the interface with existing services and stormwater infrastructure.
  4. In relation to Condition 8, plant species should be drought tolerant species suitable to the region. Refer to the City's Local Planning Policy – Landscaping.
  5. In relation to Condition 15:
    - i. Hydraulic drawings detailing how the proposed development will be connected to the City's sewer main must be submitted to the City for approval.
    - ii. If temporary wastewater treatment is required until the sewer is available to this site, the development must comply with the *Health (Treatment of Sewage and Disposal of Effluent and Liquid Waste) Regulations 1974*. The applicant is to liaise directly with the Environmental Health Directorate of the WA State Government Health Department to determine if a temporary system can be installed. All enquiries can be directed to [WWApps@health.wa.gov.au](mailto:WWApps@health.wa.gov.au) An application to Install an Effluent Disposal System will be required.
    - iii. Any upsized or additional sewer junction(s) that is required to connect the proposed development to the City's infrastructure will be at no cost to the City. Please contact Water Services on [Water@ckb.wa.gov.au](mailto:Water@ckb.wa.gov.au) to request the works and arrange payment.
    - iv. Installation of Reflux Valves are required where connecting to the sewer network. The installation of the reflux valve must meet AS/NZS 3500.
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6. The Building Permit shall be accompanied by drawings for any piled foundations designed by a qualified structural engineer are to be submitted to and approved by the City for any construction adjacent to the City's underground infrastructure. The approved foundations are to be constructed and certified prior to any construction.

### **Conclusion**

The approval of the Development Application subject to conditions will allow for the development of a range of dwelling types and sizes providing efficient and sustainable housing for the Kalgoorlie-Boulder community, and affordable housing options for essential workers. The proposed development represents an orderly and proper planning outcome for land zoned for residential purposes.

### **Budget Implications**

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

### **Strategic Implications**

The proposal is consistent with the objectives of the City's Local Planning Strategy 2013 - 2023.

### **Statutory Implications**

There are no statutory implications from the approval of this application.

### **Policy Implications**

There are no policy implications resulting from the approval of this application.

### **Community Strategic Plan Links**

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

FUTURISTIC: We plan for the future proofing of our City by being a thinking and innovative society.

### **OFFICER RECOMMENDATION**

That Council, pursuant to *Regulation 12 of the Planning and Development (Development Assessment Panels) Regulations 2011* recommends that the Regional Joint Development Assessment Panel resolves to:

1. Accept that the DAP Application reference DAP/23/02591 is appropriate for consideration as a "Grouped Dwelling" land use and compatible with the objectives of the zoning table in accordance with Clause 17 of the City of Kalgoorlie-Boulder Local Planning Scheme No. 2;
2. Approve DAP Application reference DAP/23/02591 and accompanying plans in accordance with Clause 68 of Schedule 2 (Deemed Provisions) of the *Planning and Development (Local Planning Schemes) Regulations 2015*, and the provisions of Clause no.25 of the City of Kalgoorlie-Boulder Local Planning Scheme No. 2, subject to the conditions outlined in the Officer Recommendation; and

3. Note the attached Responsible Authority Report (RAR) (attachment 3) to be submitted Development Assessment Panel (JDAP) in relation to Application reference DAP/23/02591.



**15.2.3 Areas 1 and 2, Broadwood**

<b>Responsible Officer:</b>	Alex Wiese Director Development and Growth
<b>Responsible Business Unit:</b>	Development and Growth
<b>Disclosure of Interest:</b>	Nil
<b>Voting Requirements:</b>	Simple
<b>Nature of Council's Role in Decision-Making:</b>	Executive Strategic
<b>Attachments:</b>	<ol style="list-style-type: none"> <li>1. CONFIDENTIAL REDACTED - Aboriginal Cultural Heritage Assessment Areas 1 and 2 and other parcels CK B, Neale Draper and Assoc [15.2.3.1 - 33 pages]</li> <li>2. Consultation Policy Section 18 [15.2.3.2 - 5 pages]</li> <li>3. Aboriginal Heritage Act 1972 Guidelines [15.2.3.3 - 10 pages]</li> </ol>

**SUMMARY STATEMENT**

Residential development has previously been considered on two parcels of undeveloped land in Broadwood known as Areas 1 and 2, on which Aboriginal Heritage is registered. This report explores the potential for residential development to still occur; the processes, protections and approval processes in place for development on private land with registered Aboriginal Heritage; and for an economic contribution to preservation and truth-telling of Aboriginal Cultural Heritage to be made from the proposed sale of the land.

**REPORT**Background

The shortage of residential housing in Kalgoorlie-Boulder is the single biggest issue facing the City, contributing to a range of economic and social issues. A 2022 multi-stakeholder Kalgoorlie-Boulder Housing and Land Position Paper which detailed the extent of the housing crisis said there was extremely low rental availability, low land availability, and constrained long term land supply. There was a current estimated undersupply of at least 168 dwellings in the Kalgoorlie-Boulder district, a need for further accommodation for workers for another 2000+ jobs currently advertised in the region, and a need for up to 4000 new dwellings in the next 5-10 years.

To help alleviate Kalgoorlie-Boulder's housing crisis, future-proof the City and encourage population growth the City is facilitating residential housing development through various means, including the release and sale of land for housing projects, and the enhancement of infrastructure such as sewer networks that allow residential development to occur.

Residential development has previously been explored for two parcels of land known as Area 1 (Lots 95-106) and Area 2 (Lots 47, 97 and 769), in Broadwood.

#### Land description and previous proposal

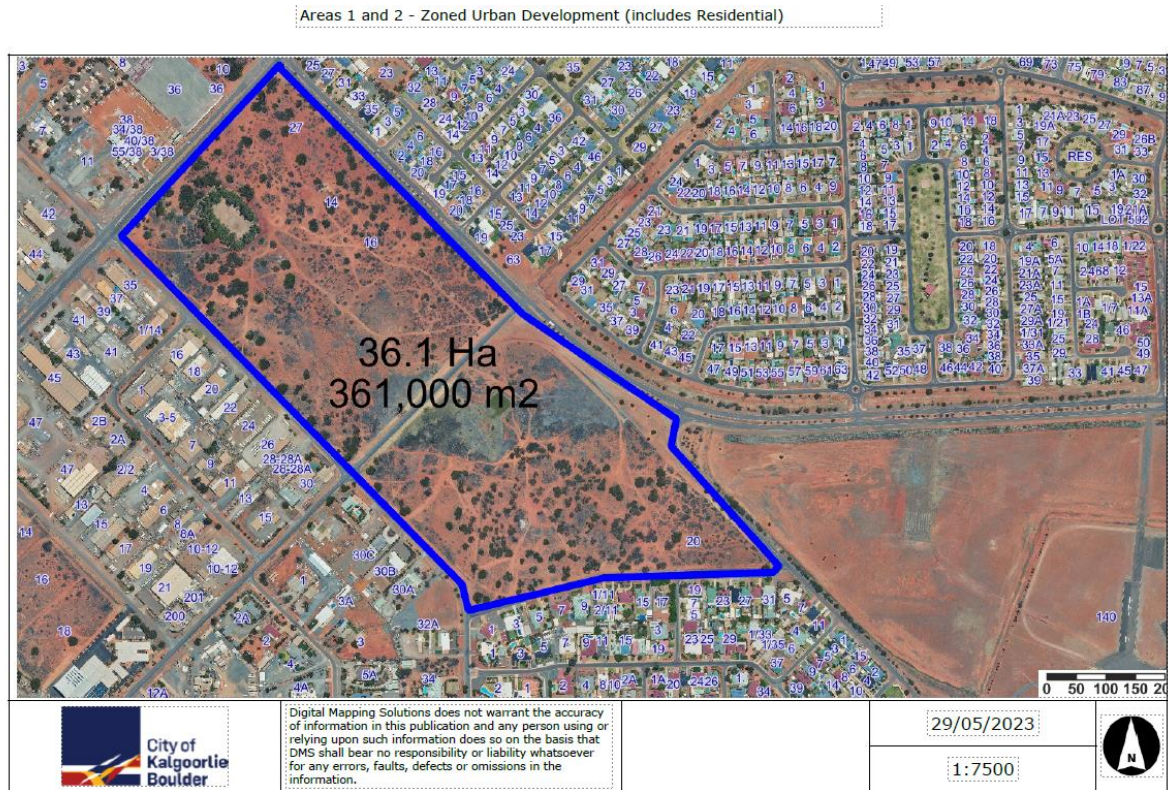
Areas 1 and 2 are private land held in freehold by the City, and are zoned urban development. M/Group - a well-known and respected property investment and development group which has delivered projects with a combined value of more than \$500 million since being established in 2001 - had proposed a high quality residential development with a range of dwelling types on Areas 1 and 2, incorporating a cultural heritage trail to acknowledge the site's cultural history. M/Group has significant experience in developing sites with Aboriginal Heritage, and has a 50% ownership of Marawar, the largest Aboriginal construction company in WA, via its subsidiary, M/Group Construction.

#### Previous Council consideration

In a confidential meeting of Council on 23 August 2021 the Council resolved to authorise the Chief Executive Officer to effect local public notice in accordance with s3.58 of the *Local Government Act 1995* for the sale of Areas 1 and 2, having received a market-led proposal to purchase and develop the land, and to further consider the matter following the local public notice.

At an Ordinary Council Meeting on 13 December 2021, Council resolved to table the item until it could be fully assessed by the incoming CEO.

At an Ordinary Council Meeting on 26 April 2022, following the appointment of Andrew Brien as the new CEO at the City, Council voted on a recommendation to accept the offer by M/Group as advertised in August 2021 to purchase Areas 1 and 2; to authorise the Mayor and CEO to execute the option for the sale of the land; and to advise M/Group to liaise directly with the knowledge holders involved with registering Aboriginal Heritage over the land during the six month option period, to ensure that Aboriginal Heritage and site-specific issues were included in the overall future plan for the sites. The motion was lost 5-7.



Aboriginal Heritage Legislation

The amended *Aboriginal Heritage Act 1972* is the legislation that defines and governs Aboriginal Cultural Heritage (the *Aboriginal Heritage Legislation and Repeal Bill 2023*, which came into effect on 15 November 2023, repealed the *Aboriginal Cultural Heritage Act 2021*, and amended the *Aboriginal Heritage Act 1972*).

The Act defines Aboriginal Cultural Heritage as:

The tangible and intangible elements that are important to the Aboriginal people of the State, and are recognised through social, spiritual, historical, scientific or aesthetic values, as part of Aboriginal tradition, including the following:

- (i) an area (an Aboriginal place) in which tangible elements of Aboriginal cultural heritage are present;
- (ii) an object (an Aboriginal object) that is a tangible element of Aboriginal cultural heritage;
- (iii) a group of areas (a cultural landscape) interconnected through tangible or intangible elements of Aboriginal cultural heritage; and
- (iv) the bodily remains of a deceased Aboriginal person (Aboriginal ancestral remains), other than remains that are buried in a cemetery where non-Aboriginal persons are also buried or remains that have been dealt with or are to be dealt with under a law of the State relating to the burial of the bodies of deceased persons.

Registration of Areas 1 and 2

An Aboriginal Heritage site record for an historical site within Area 2 was submitted in 2011 by heritage consultant Wayne Glendenning, at the request of Brian and Tim Champion, of the Kalamaya Gubrun people. The site, known as Site 1 and identified as Gubrun Camp – ID 30639, was approximately 16ha and made up of Lot 97 Great Eastern Highway Broadwood, Lot 769 Jordan Street Broadwood, and Lot 47 Hart Kerspien Drive Broadwood. Site 1 (the site) is also known as Area 2. The status of the site still existed as “lodged” in 2016, when the City of Kalgoorlie-Boulder commissioned an Aboriginal Heritage Assessment for the site and two other parcels of land. (The other two land parcels that were assessed were Lot 301 and Lot 405 Yarri Road, Kanowna. They do not form part of this report).

The Aboriginal Heritage Assessment was provided on 16 April 2016 by Neale Draper and Associates (fieldwork for the assessment of Site 1 was done in February 2015). The 2016 assessment (Confidential attachment 15.2.4.1) stated that documentary evidence that could be sourced in relation to the land use history of Site 1 was sparse. Archeological evidence at Site 1 was also sparse. The location information included with the Gubrun site record was partial and inconsistent. However, the remains of Historic Camps and scarred trees at the site were consistent with oral history provided about the presence of Gubrun Camp in the locality until about the mid-1940s. The assessment included the following:

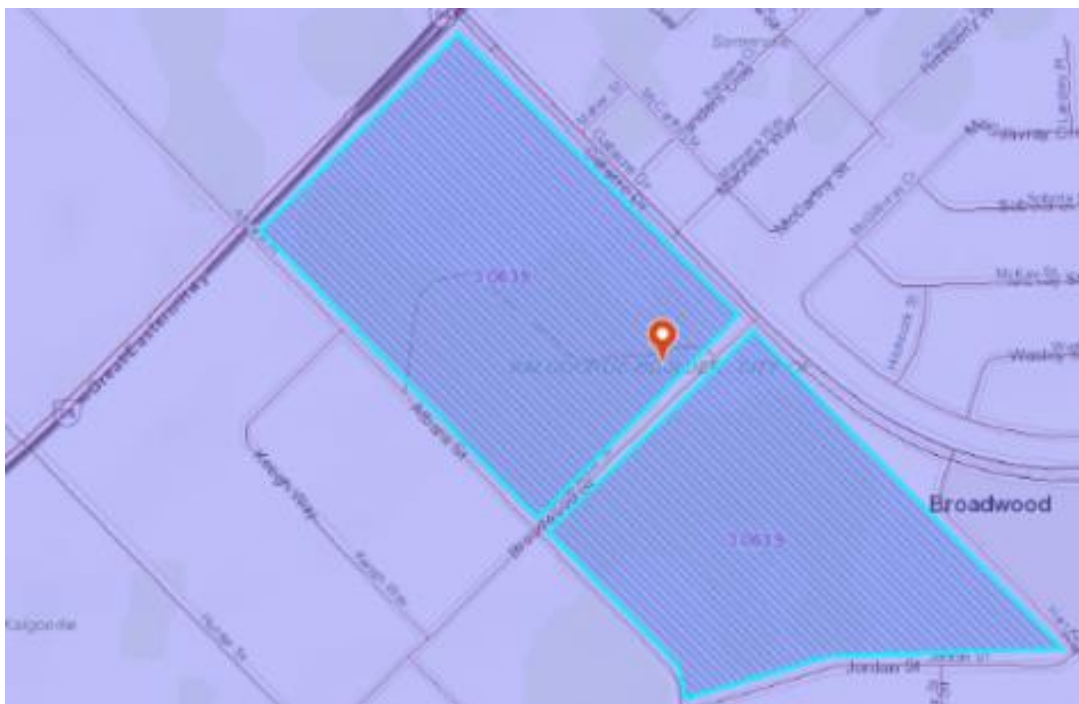
- The site was Crown Land and predominantly bushland until 1955, then part of it was owned by a local poultry farmer, until 1970. Archeological evidence suggests some grazing activities also occurred on the site.
- At the time of assessment the site was used by the public for transit and recreational use via numerous pedestrian and bike tracks, and had been used occasionally for dumping rubbish or stolen property, and short-term camping. There is an earth dam of unknown age and purpose in the northwestern corner of the site, which is fed, together with an adjacent, ephemeral wetland, by rainwater runoff flowing in from the bushland to the west, via a culvert under Broadwood Street.
- The site was just outside (south) of the municipal boundaries of Kalgoorlie and Boulder, established in 1896-7. Under local Municipal ordinances, Aboriginal people were not allowed to remain within Municipal boundaries after sunset, and occupied fringe camps around the margins of the towns. The use of the site as a historic Aboriginal camp is therefore plausible.
- Local resident Aboriginal Elders provided information for the assessment, and also provided an introduction to the Aboriginal informants for the DAA-30639 Gubrun Camp site record (Brian Champion and Tim Champion, of the Kalamaya Gubrun people). Additional historical information on the land use history of the site was obtained from the City of Kalgoorlie-Boulder heritage team, and the Eastern Goldfields Historical Society Inc.
- The Aboriginal informants for the Gubrun Camp, Brian and Tim Champion, said Gubrun Camp was used by the Kalamaya Gubrun people as a camping area up until the 1960s, and was highly significant to the Gubrun people. Tim Champion lived there as a child. Brian Champion camped there as a child up to the age of eight or nine years, until they were forcibly removed during the 1940s by police. Aboriginal families were then given the choice of having their children sent to Moore River, on the West Coast, or putting them into the Norseman Mission; they were loaded onto open, flatbed rail trucks on a train

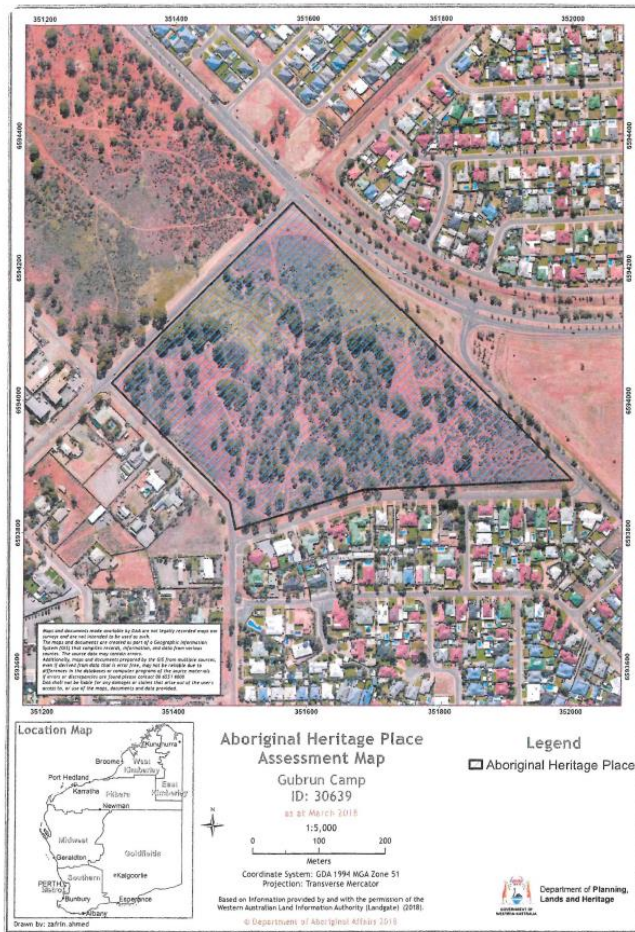
heading south, and the children (including Brian and Tim) were put into the Norseman Mission.

- The site has fencing remains, sections of rusted corrugated iron and flat sheet metal; items of historic rubbish spanning more than a century; a scarred tree consistent with an Aboriginal scarred tree; and other evidence of occupation by Aboriginal people consistent with oral history accounts, such as a bone dump, ceramic and metal can fragments, and old broken glass including two definite flaked glass tools.
- The assessment said a Section 18 authorisation would be required for the development of the site for residential use if Gubrun Camp was registered as having Aboriginal Heritage. The Champion brothers had indicated that, as an alternative, they would like to talk to Council representatives about future recognition of their history and association with the site.

A Department of Planning, Lands and Heritage (DPLH) assessment in March 2018 concluded that Section 5(a) of the *Aboriginal Heritage Act 1972* did apply to Gubrun Camp, because multiple objects there indicated past habitation by Aboriginal people over an extensive period, and the Aboriginal representative provided specific details regarding his experiences camping at the place during his childhood. The DPLH assessment found that on an adjacent reported Aboriginal Heritage place ID 37171 (Gubrun Camp Kaprun Camp, within Area 1), although it had been claimed that site was previously used as a traditional camp site by the Kaprun people for many years during early colonial settlement through to the mid-1960s, there was no physical evidence of habitation, and no further evidence provided. Therefore Section 5 of the *Aboriginal Heritage Act* did not apply to Gubrun Camp Kaprun Camp, ID 37171.

However, the two parcels of land (Areas 1 and 2) were later joined into one Aboriginal site on the WA State Register of Places and Objects. The combined Areas 1 and 2 site is now recorded as ID 30639 on the Aboriginal Cultural Heritage Register.





Process for approval to undertake development on private land with Aboriginal Heritage

Development on Areas 1 and 2 (private land held in freehold by the City) that appropriately acknowledges their registered Aboriginal History may be possible. The DPLH have advised the following process applies to development on private land with Aboriginal Heritage:

Any development would require a Section 18 consent under the *Aboriginal Heritage Act 1972*. Section 18 applications are made to the Aboriginal Cultural Heritage Committee, and assessed by the Committee and the Minister for Aboriginal Affairs. The Committee makes a recommendation to the Minister as to whether consent to develop the land should be granted, and recommends any conditions which should be attached to the consent if granted. The Minister is required to consider the Committee’s recommendation, having regard to the general interest of the community, with special consideration given to the interests of relevant Aboriginal people affected.

DPLH’s Consultation Policy for Section 18 applications says that, before submitting a Section 18 application, the landowner should consult with the relevant Aboriginal

people. (Refer DPLH Consultation Policy for Section 18 applications Attachment 15.2.4.2, and *Aboriginal Heritage Act 1972* Guidelines Attachment 15.2.4.3).

Good practice consultation provides for an understanding of the importance and significance to Aboriginal people of any Aboriginal sites, and obtains their views on the likelihood and extent of harm by the proposed land use. Early engagement and consultation can help identify ways to minimise and avoid harm to, or disturbance of, Aboriginal sites, including potentially removing any need for a Section 18 consent. It is the City's understanding that previous requests for engagement over Areas 1 and 2 with relevant Kalgoorlie-Boulder Knowledge Holders by private parties have not been responded to. The DPLH Consultation Policy says that, where proponents have in good faith sought to undertake consultation but have not been able to, it is recommended DPLH be contacted for advice as to how to proceed. Advice may relate to alternative means of consultation or obtaining relevant information.

#### Reconsideration of development on Areas 1 and 2

The City has received further interest in Areas 1 and 2 from developers, while the housing shortage in Kalgoorlie-Boulder continues. There is limited land supply for residential development, but strong public demand for new housing

Consideration could be given to the sale of Areas 1 and 2 to facilitate residential development in a way that incorporates public acknowledgement of Aboriginal Cultural Heritage and manages and protects the Aboriginal Heritage sites on the land. Areas 1 and 2 are appropriately zoned, owned in freehold by the City and capable of residential development. They have good connections to infrastructure, and could deliver much-needed additional housing stock to increase Kalgoorlie-Boulder's population, and achieve significant economic and community benefits.

It is recommended that engagement and consultation with relevant Aboriginal people be done by the purchaser and developer, who would be required to comply with all aspects of the *Aboriginal Heritage Act 1972* in terms of consultation and consents, including for any Section 18 application.

Appropriate Aboriginal Cultural Heritage measures on Areas 1 and 2 could include, but not be limited to, the protection and management of sites (including scarred trees), and an Aboriginal heritage trail within the residential development, including public information panels that allowed for truth-telling. To support and achieve objectives in the City's Reconciliation and Action Plan, which has actions including connecting to our history, culture and community; and providing public spaces that facilitate a diverse range of activities that strengthen local community bonds, it is recommended that a contribution from the land sale be made by the City to contribute to Aboriginal Cultural Heritage on Areas 1 and 2. It is recommended that this would be a matched contribution of up to 5% of the sale value of the land (matched with the cost incurred by the developer in meeting approval conditions related to Aboriginal Heritage). This would be specifically dedicated to protection and acknowledgement of Aboriginal Heritage on Areas 1 and 2, in consultation with relevant Knowledge Holders.

#### **Community Engagement Consultation**

The City is required to undertake public consultation regarding the proposed disposition of land in accordance with section 3.58 of the *Local Government Act*

1995. Consultation will also be undertaken in accordance with the *Aboriginal Heritage Act 1972* and the *Planning and Development Act 2005*.

The Knowledge Holders have been notified in writing of the reconsideration of the sale of the land.

### **Public Consultation**

Public consultation is to be undertaken in the following manner:

Requirement: Local public notice of the proposed disposition must be provided in accordance with the requirements of section 3.58 of the *Local Government Act 1995*.

Duration: 42 days

Method: Public Notice (City website and *Kalgoorlie Miner* Newspaper)

### **Budget Implications**

There are no budget implications at this stage.

Valuations on Lot 95 Great Eastern Highway and Lot 97 Gatacre Drive were done in July 2021. An updated valuation on Areas 1 and 2 would be sought in line with public notice of the proposed sale of the land parcels. Funds from any sale will be placed into the City's Future Projects Reserve. Funds from this reserve are to be used either to acquire other property for investment purposes or facilitate projects such as residential housing, or to deliver other facilities or services for the community.

### **Statutory Implications**

The City must comply with s3.58 and s3.59 of the *Local Government Act 1995*, and s8A of *Local Government (Functions and General) Regulations 1996* when undertaking land transactions which include land disposal and leasing. This land disposal is not considered to be a major land transaction as the value is less than 10% of the City's operating revenue for the 2021/2022 financial year, therefore the land disposal does not require a business case and only requires advertising and public notice, which will be undertaken.

### **Policy Implications**

The City adopted the Land Acquisition and Disposal Policy in May 2023, and the Land Acquisition and Disposal Strategy in June 2023. Any proposed sale of Areas 1 and 2 would comply with the frameworks in this policy and strategy, which guide the City's management of its land and property assets. The policy dictates that proceeds from the sale of City land should be placed in the City's Future Projects Reserve.

### **Community Strategic Plan Links**

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

SAFE: We support families and youth.

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

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SUSTAINABLE: We advocate for the provision of land use.

CAPABLE: We are combating Fly-In Fly-out (FIFO) and targeting residential population growth of 3% per annum.

#### **OFFICER RECOMMENDATION**

That Council:

1. Authorise the CEO to effect local public notice in accordance with s3.58 of the *Local Government Act 1995* for the disposal (sale) of Lots 95 – 106, known as 'Area 1' and Lots 47, 97 and 769, known as 'Area 2', Broadwood for a period of 6 weeks;
2. That the public notice advises that the land has registered Aboriginal Heritage, and consultation with relevant Aboriginal Knowledge Holders and a Section 18 consent under the *Aboriginal Heritage Act 1972* is required to develop the land;
3. Require the CEO to report back to Council about any submissions and offers received during the local public notice period; and
4. Resolve to quarantine up to 5% of the proceeds of any sale of Areas 1 and 2 as a matched developer contribution for the protection and management of Aboriginal Cultural Heritage on Areas 1 and 2, noting there will be consultation with the Knowledge Holders.

**15.2.4 City's Community Safety and Crime Prevention Plan 2024-2028**

<b>Responsible Officer:</b>	Alain Baldomero Manager Health and Community Safety
<b>Responsible Business Unit:</b>	Health and Community Safety
<b>Disclosure of Interest:</b>	Nil
<b>Voting Requirements:</b>	Simple
<b>Nature of Council's Role in Decision-Making:</b>	Executive Strategic
<b>Attachments:</b>	<ol style="list-style-type: none"> <li>1. CONFIDENTIAL REDACTED - Attachment 1 – City's Informing Documents and Community Consultation (MB Consultancy) [15.2.4.1 - 40 pages]</li> <li>2. Attachment 2 - City's Community Safety &amp; Crime Prevention Plan 2024-2028 [15.2.4.2 - 39 pages]</li> </ol>

**SUMMARY STATEMENT**

The purpose of this report is for the Council to consider adopting the City of Kalgoorlie-Boulder's Community Safety and Crime Prevention Plan 2024-2028.

**REPORT**

Background

The City of Kalgoorlie-Boulder (the City) re-engaged CATALYSE to manage the Community Perception survey in 2023. The 2023 study assessed performance against the objectives and key performance indicators in the City's Strategic Community Plan, determine community priorities, and benchmarked the City's performance against other local governments. A total of 1,300 responses were received from residents, ratepayers, and visitors. Community safety was identified as the top priority for the City.

The City engaged an experienced community safety and crime prevention consultant (Michelle Blackhurst Consultancy) to develop the City's Community Safety and Crime Prevention Plan. The consultant completed the extensive consultation and provided an informing document (refer Attachment 1) for City review.

Through the contractor's community and stakeholder consultation, a diverse range of information was collected which focused on what those living in and visiting the City consider to be important in relation to community safety and their perceptions on crime. Four focus areas were identified through this process:

1. Creating Safer Places and Spaces in the City of Kalgoorlie-Boulder.
2. Supporting Families, Children and Young People in the City of Kalgoorlie-Boulder;
3. Reducing Priority Offences; and
4. Strengthening Partnerships and Internal Capacity.

The City's Community Safety and Crime Prevention Plan 2024-2028 (CSCPP 2024-2028 – refer to Attachment 2) was developed. The City's priority actions which address the identified issues within each of the focus area have been incorporated in the CSCPP 2024-2028.

### Officer's Comment

The City plays a central role in community safety and crime prevention. By working together with the community and authorities such as the Police, to develop and implement programs and policies towards education and early prevention. The City can also contribute to community safety through the implementation of CCTV, facilitating Neighbourhood Watch, designing out crime, cleaning up graffiti and disrupting anti-social activities.

It is recommended that Council adopt the CSCPP 2024-2028.

In addition, the City is investigating the purchase or hire options for a CCTV trailer or deployment equipment to deter anti-social activities in hot spots. If the plan is adopted, it would be beneficial to have the CCTV equipment available in the first half of 2024. As a result, it is also recommended Council consider a budget amendment of \$100,000 to the Community Safety account during the mid-year budget review to allow for the purchase or hire of CCTV equipment.

### **Community Engagement Consultation**

The consultant completed extensive engagement consultation which included:

- The 2023 perception survey findings;
- Thirteen (13) key stakeholder engagements with local agencies and organisations;
- Consideration of seven (7) existing community consultation in the goldfields;
- The review of fourteen (14) existing local, regional, state and national strategies; and
- Data analysis (local crime statistics).

### **Budget Implications**

The report recommends a budget amendment of \$100,000 to the Community Safety account for the purchase or hire of mobile CCTV equipment during the 2023/24 mid-year budget review.

Other initiatives included in the CSCPP 2024-2028 will be funded through the adoption of the City's annual budget for the relevant financial year.

### **Statutory Implications**

Installing CCTV is regulated by Surveillance Devices Act 1998.

### **Policy Implications**

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

### **Community Strategic Plan Links**

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

SAFE: We will be safe and free from harm and crime.

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

SAFE: We have safe, reliable and efficient public transport and road networks.

#### **OFFICER RECOMMENDATION**

That Council:

1. Adopts the Community Safety and Crime Prevention Plan 2024-2028 (Attachment 2);
2. Consider a budget amendment of \$100,000 to the Community Safety account at during 2023/24 mid-year budget review; and
3. Amend the Corporate Business Plan to incorporate the "Implement the Community Safety and Crime Prevention Plan 2024-2028" as an action item.

## 15.3 Community Development

### 15.3.1 Cruickshank Sporting Arena

<b>Responsible Officer:</b>	Xandra Curnock Executive Manager Finance
<b>Responsible Business Unit:</b>	Community Development
<b>Disclosure of Interest:</b>	Nil
<b>Voting Requirements:</b>	Simple
<b>Nature of Council’s Role in Decision-Making:</b>	Executive Strategic
<b>Attachments:</b>	<ol style="list-style-type: none"> <li>1. CONFIDENTIAL REDACTED - Attachment 1 - Cruickshank Sporting Complex ( CS A) - User Group Consultation Summary [<b>15.3.1.1</b> - 4 pages]</li> <li>2. CONFIDENTIAL REDACTED - Attachment 2 - Cruickshank Sporting Complex ( CS A) - Building and Infrastructure Analysis [<b>15.3.1.2</b> - 5 pages]</li> <li>3. CONFIDENTIAL REDACTED - Attachment 3 - Norman Johns Hall Inspection [<b>15.3.1.3</b> - 12 pages]</li> </ol>

### SUMMARY STATEMENT

The future use of the Cruickshank Sporting Arena (CSA) has been under consideration by Council for several years, with the potential redevelopment of the site providing an overall long-term benefit to the City’s growth and development.

This report therefore provides the background to these considerations together with options for Council consideration.

### Report

#### Current Users

##### *Kalgoorlie-Boulder Community Fair Society (Fair Society)*

The Fair Society has an active Committee with plans to drive several event activities over the next year. They intend to add value to the annual Fair event and become a sustainable organisation through the development and implementation of new events. The Fair Society confirmed that in this respect, they have a Strategic Plan to guide their future, but this has not been made available to Officers.

The Fair Society has provided several suggestions in addition to the annual Fair that could activate the CSA ranging from Country Music Festivals to car boot sales. These events could be considered aspirational rather than practical as they require significant

upfront sponsorships (such as the Country Music Festival) due to the lack of working capital to invest in the events (booking of artists etc) until ticket sales are released.

At the time of writing this report, the City has not received financial acquittals from the Fair Society for funding provided in the 2023/23 financial year. The City has also not received financial acquittals for funding provided for the 2020, 2021 or 2022 Fair events.

#### *Golden Mile Trotting Club (GMTC)*

In March 2018, the Chief Executive of Racing and Wagering WA, Richard Burt, confirmed that harness racing would cease in Kalgoorlie-Boulder in December 2018. This was primarily due to Kalgoorlie-Boulder not having the population required to sustain harness racing in the region.

During the recent Race Round, the GMTC reportedly met with the then Minister for Racing and Waging, the Hon. Minister Dr Tony Buti MLA who confirmed that the GMTC would need to demonstrate a good cause for why harness racing should be brought back to the Goldfields. At the very minimum, the GMTC expressed that they would like to add a few meetings during the Race Round calendar of events at the Cruickshank Sporting Arena.

The City has addressed a letter to the current Minister for Racing and Wagering to request feedback on whether Racing and Wagering WA were considering re-establishment of harness racing in Kalgoorlie-Boulder soon.

Racing and Wagering Western Australia currently financially support the Golden Mile Trotting Club via a training venue payment. This payment is contingent on the Club hosting training for a minimum number of horses per annum. The Club no longer meets this minimum with only the one harness trainer registered for the venue. This has prompted the conversation on the Club remaining a registered Club with RWWA.

The GMTC have confirmed that they have ten Committee members (no financial members) and currently have no horses stabled on the Cruickshank Sporting Arena.

#### *Kalgoorlie-Boulder Air Cadets*

At the time of consultation, the Kalgoorlie-Boulder Air Cadets membership base had 18 young people. The Deputy Liaison Officer for the Airforce has confirmed that their preferred location for the Air Cadets would be a block of land near the airport. This would allow the Australian Defence Force to create what is referred to as a MUD (Multi-user Defence) location, which could include army, navy and air cadets.

#### **Current Status**

Since 2018, the assets at Cruickshank Sporting Arena have started to exceed regular maintenance, and the facility now requires the City to decide on the long-term strategic future of this site. This would include making a significant investment in bringing the facility up to a public space standard.

At the Ordinary Council Meeting on 27 February 2023, Council approved that *“Cruickshanks Oval be de-commissioned as a sporting oval with no irrigation supply.”*

#### **Land**

The City of Kalgoorlie-Boulder holds the management order over Reserve 24855 and is vested with the power to lease not exceeding 21 years. It is currently zoned “Parks and Recreation” under TPS1 and under LPS2, “Public Open Space.”

Should any use other than “Parks and Recreation” be envisaged, then the process for amending this use would be required through the Department of Planning, Lands, and Heritage.

The GMTC own a small land parcel on the CSA reserve which was donated to them by the Perth Mint. Access is currently through the CSA but were the CSA to be repurposed for any other use this GMTC land could be accessed off the Goldfields HW.



**Leases**

All user groups are currently on expired leases with the City since 2019 and all are in “holding over” as below -

Lessee	Lease Until	Cost per Lessee
Golden Mile Trotting Club	30 June 2019	\$110 per annum
Kalgoorlie-Boulder Fair Society	31 October 2019	
Kalgoorlie Air Cadets		
Lions’ Club of Kalgoorlie		

Previous users, the Lake View Cricket Club and Eastern Goldfields Little Athletics relocated to other City facilities many years ago.

Should Council decide to terminate these leases, a 30 days' notice will be required.

### **Buildings**

Over the years, the Fair Society and the Golden Mile Trotting Club have claimed ownership on the following buildings -

- Fair Society – Office and adjoining shed (confirmed ownership with Esther Roadnight, previous President, built by Fair Society in 1980s)
- GMTC – Grandstand (1981 build), modular office, horse stables, and tote shed

The lease agreements state that,

*“...before the expiry or termination of the Lease or, if it is terminated by the Lessor (City), within five (5) days after this Lease is terminated, the Lessee (users) must:*

- *Remove all fittings and accessories, fixtures, improvements, alterations and additions that the Lessee has erected or installed on the Leased Premises other than those deemed to form an integral part of the Leased Premises pursuant to clause 14(4) and make good any damage occasioned by such removal to the satisfaction of the Lessor; and*
- *Remove all its property, including furniture, plant, equipment and stock in trade, from the Leased Premises.”*

The City has provided a Building and Infrastructure Analysis Report which outlines the condition of the buildings and infrastructure at the CSA. Refer to Attachment 2 - Cruickshank Sporting Complex (CSA) - Building and Infrastructure Analysis. Many buildings and infrastructure are classified as average or very poor condition.

A structural report has been conducted by an independent Engineering company which has recommended the demolition of Norman Johns Hall due to it being structurally unsound. Refer to Attachment 3 – Norman Johns Hall Inspection.

Therefore, several buildings could and should be demolished as their condition is poor or there is no ready purpose for the buildings.

### **Future of the CSA**

Several options exist for the future of the CSA. These are;

***Option 1 – Cease all current (expired) leases as from 1 January 2024, and negotiate new leases with existing leaseholders at alternative City facilities, where the need exists***

By all accounts and by the recent record of events held at this location, there are few community events or activities held on site. This is despite the intentions provided to the City by the associations and Clubs based on the property.

The City currently maintains all the ovals and buildings apart from the building in which the Fair Society is based. Most buildings are in poor condition, with the Norman Johns Hall being declared structurally unsound and is unused, apart from during the annual Fair event.

The City and Council need to determine the strategic and future use of the site for City Officers to be able to develop options, costings and annual budget allocations for the ongoing use of the site.



This will be achieved by opening an expression of interest process to consider strategic, large-scale enhancement and development options for the CSA which will be presented to Council for their consideration. Included in this report will be the zoning implications for each valid expression of interest submitted.

Option 1 is the preferred option for the following reasons -

- Despite the consultations undertaken, there seems to be no intention from two resident user groups to relocate their activities to any other facilities;
- There are other appropriate facilities in the City able to accommodate these groups and their activities;
- Over the last five years, CSA has experienced a significant reduction in the number of users of the facility and the number of events being held;
- There are other City facilities that can host the Kalgoorlie-Boulder annual Fair
- The infrastructure and assets have reached a critical stage where significant or major investment is required to provide a suitable venue that meets the requirements to hold large community events;
- There is a difference in the City's and remaining users' expectations in terms of renewal and maintenance/servicing of the grounds and assets; and
- There is no indication that harness racing will ever be returning to the Goldfields region.

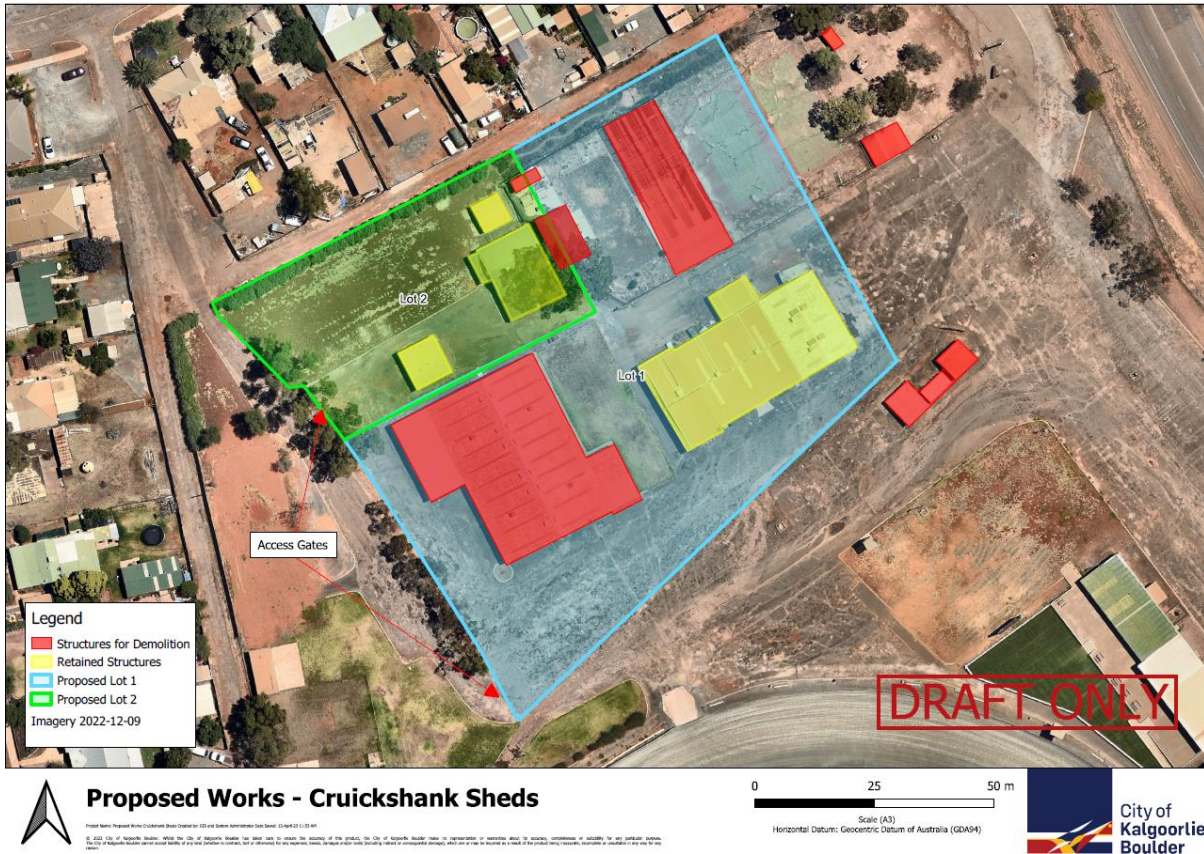
This is the recommended Option

***Option 2 – Segregate the Fair Society and Air Cadets Buildings from the main CSA property***

Based on consultation undertaken by the City Officers, the Fair Society has expressed strong opposition to ever being relocated to any other facility in the city to undertake their activities. The Air Cadets have confirmed that they understand that it could take several years to obtain a parcel of land and develop their MUD facility.

If the two organisations are not prepared to relocate, the City could exercise the option to sublease two separate areas to the Fair Society and the Air Cadets respectively (refer to the below diagram) and restrict access to the remaining Cruickshank Sporting Arena with fencing. This would provide the two users with individual and separate access to the existing Fair Society and Air Cadet buildings.

This is not a recommended Option.



**Option 3 – Provide the funds for a complete refurbishment of the CSA.**

Council could consider re-establishing the CSA as a safe and suitable venue for the Fair Society and permit them to expand their event activities. The GMTC would be able to remain at the Oval for training and a renewed facility could be established for the Air Cadets. Initial costings based on the Building and Infrastructure Analysis Report indicate significant costs to rectify the property for the above and expanded usage.

This is not a recommended Option

**Community Engagement Consultation**

At the Ordinary Council Meeting on 14 February 2022, Council resolved as follows;

*“That Council*

1. ....
2. ....
3. *Invite current users to a forum to consider their roles over the Cruickshank Sports Arena (CSA) working with Council in developing future use options for the CSA.”*

On 19 October 2022, the City arranged and hosted a workshop at the Kalgoorlie-Boulder Community Fair Society’s building at Cruickshank Sporting Complex (CSA).

In attendance were representatives from the Kalgoorlie Boulder Fair Society Inc. Committee (Fair Society), the Golden Mile Trotting Club Inc. Committee (GMTC), and the Kalgoorlie Air Cadets (via videoconference).

The purpose of the meeting was to obtain feedback from the organisations on future-use options for the CSA as per the Council resolution of 14 February 2022.

A summary of the proposed future uses for the CSA was developed by the user groups and is available at Attachment 1 - Cruickshank Sporting Complex (CSA) - User Group Consultation Summary.

At the Ordinary Council Meeting on 27 February 2023, Council resolved as follows;

*“That Council*

1. ....
2. ....
3. *Request the CEO to continue with the negotiations with all key users around the future of Cruickshanks Sporting Area immediately after the 2023 Fair or sooner as applicable.”*

On 5 April 2023, the City hosted another CSA user workshop at the City's Administration Building. In attendance were representatives from the Fair Society, the GMTC and the Air Cadets.

The purpose of the meeting was to obtain feedback from the organisations on the future of the CSA as per the Council resolution of 27 February 2023.

The Air Cadets indicated a willingness to relocate to an alternate site; however, both the Fair Society and the GMTC expressed their strong opposition to ever being relocated for any of their activities.

The GMTC confirmed it would be possible to hold harness races at the Kalgoorlie-Boulder Racing Club; however, it was not a suitable venue for training due to accessibility. The Fair Society indicated their strong belief that there is no other venue for holding the annual Kalgoorlie-Boulder Fair.

A summary of required assets for each existing user group to successfully operate at any location was developed at the workshop. These have been detailed in the combined consultation document. Refer to Attachment 1 - Cruickshank Sporting Complex (CSA) - User Group Consultation Summary.

**Budget Implications**

The City currently expends a significant amount of funds, (separate to the preparations for the few events at the CSA) on maintaining and servicing Cruickshanks Sporting Arena’s buildings and the site.

If the use of the site continues as in the past, without significant capital renewal investment, then the maintenance and operational costs will continue to increase significantly due to the increasing vandalism to and deterioration of the assets.

**Statutory Implications**

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

**Policy Implications**

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

## Community Strategic Plan Links

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

**SUSTAINABLE:** We advocate for the provision of land use.

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

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

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

### Officer Recommendation

That Council:

1. Notes that all leases expired in 2019 and have been in holding over since that time;
2. Authorises the CEO to issue notice of termination to all leaseholders, providing 60 days' notice;
3. Authorises the CEO to identify potential alternative City-controlled locations for:
  - a. Kalgoorlie-Boulder Community Fair Society;
  - b. Eastern Goldfields Number 9 Flight Air Cadet Unit;
  - c. Rotary Club of Kalgoorlie; and
  - d. Lions Club of Kalgoorlie

and if agreement is reached, negotiate the entry into short term license or similar temporary agreements for the use of such locations, pending the adoption by Council of a Community Leasing Policy;

4. Place the site in care and maintenance from 1 January 2024; and
5. Request the CEO schedule a strategic workshop for Council in early 2024 for Council to consider all options on the future of the site.

## 15.4 Engineering

### 15.4.1 Proposed Partial Road Closure - Ora Banda Davyhurst Road

<b>Responsible Officer:</b>	Lui Camporeale Director Engineering
<b>Responsible Business Unit:</b>	Engineering
<b>Disclosure of Interest:</b>	Nil
<b>Voting Requirements:</b>	Simple
<b>Nature of Council's Role in Decision-Making:</b>	Legislative
<b>Attachments:</b>	Nil

#### SUMMARY STATEMENT

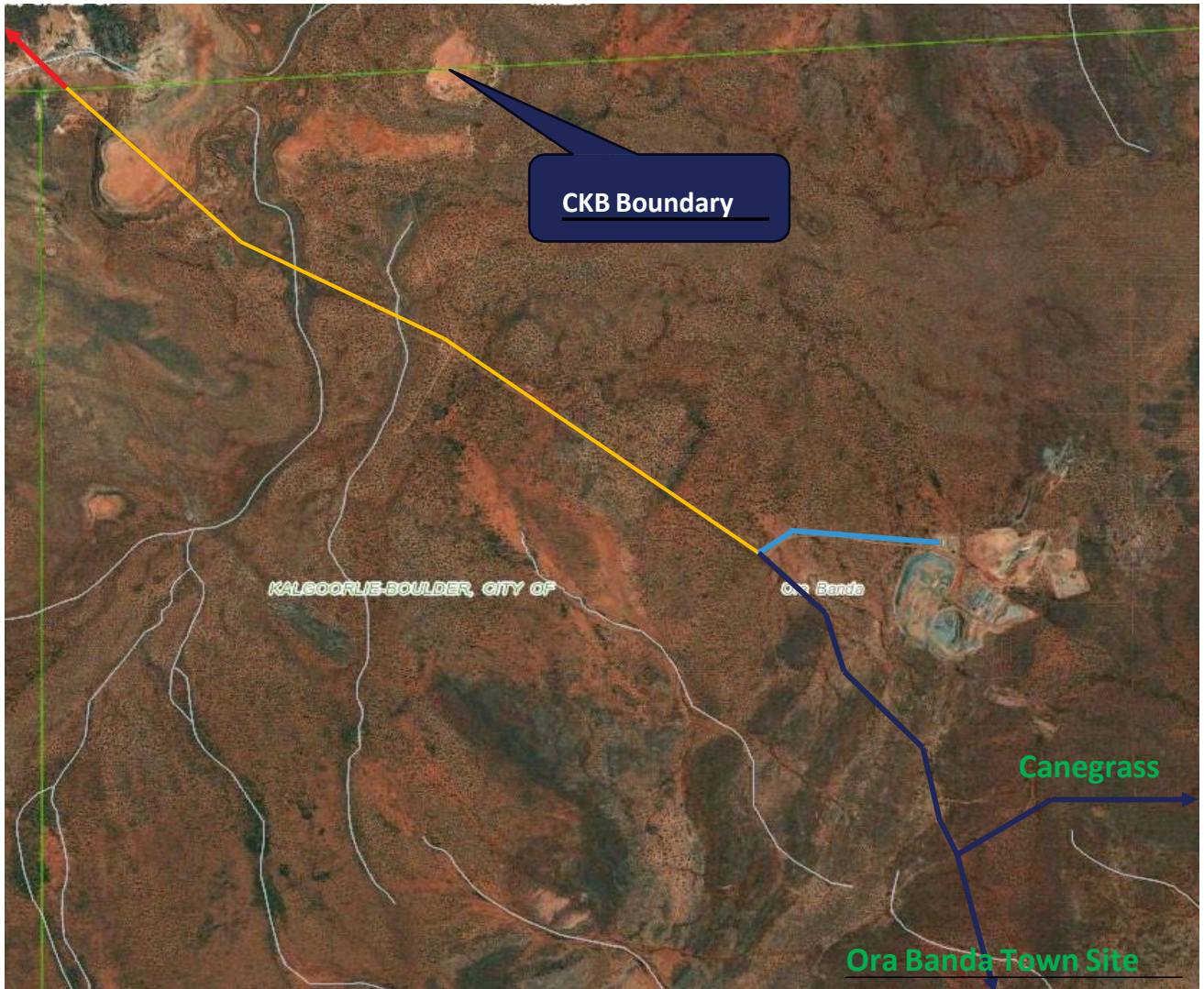
Council is asked to consider the partial closure of the Davyhurst Ora Banda Road that sits within the City of Kalgoorlie Boulder boundary from the Siberia Mine access road through to the Northwestern shire boundary corner to facilitate larger GCM road train haulage.

#### REPORT

##### *Background*

Ora Banda Mining (OBM), in partnership with current haulage contractor, MLG Oz, uses a section of the Davyhurst Ora Banda Road from its Siberia mine to its Davyhurst gold mine operation. This section of the Ora Banda Road was originally built as a private haul road in 1986 that stretched from Canegrass swamp on the Goldfields Highway through to the old historic town site of Siberia and then on to the newly constructed Davyhurst Mine site. CKB (City of Kalgoorlie & Boulder) added this section of road within its boundaries to its registered road network in the mid 1990's with it being gazetted shortly thereafter.

The below map shows the section of road on the Davyhurst Ora Banda road that OBM are seeking to partially close (indicated in yellow). It extends from the point that the Siberia Access Road intersects it (indicated in light blue). The rest of the road that extends northeast of the City boundary and within the Menzies Shire is a private road and not open to public access.



*Proposal*

Operation of road trains between the Siberia Mine Access Road and the boundary of the City of Kalgoorlie Boulder must be carried out in line with on-road operations (the same as a main Highway). This limits the ability to carry larger pay loads and increases the cost per tonne. Once the trucks reach the City boundary the operations convert to an offroad portion that has the option to allow larger payload trucks. Given the section of this road outside of the City of Kalgoorlie Boulder is private, OBM has the capacity to effectively close this road at the City boundary creating a road to nowhere.

OBM and MLG Oz are requesting that the City utilises section 3.50 of the *Local Government Act 1995* item (1a) to provide a closure of the section of road indicated in the map above (in yellow).

OBM and MLG Oz propose to keep the section of this road between Siberia, Ora Banda town site and the Goldfields Highway open to the public, allowing the Golden Quest Discovery Trail to still operate (indicated in the below map by dark blue).

Road closure signs would be placed at the Siberia Mine Access interaction with a turning loop allowing public vehicles that traverse that far to effectively return.

### *Use of Permits*

As part of this requested partial road closure, OBM and MLG Oz propose to still allow access to parties that have a genuine requirement to access it under an access permit system that would be issued through either the City or the Ora Banda Administration at the Dayhurst or Siberia Mine sites.

### *Advantages for Key Stakeholders*

By supporting OBM and MLG Oz's Davyhurst haulage route optimisation, the following benefits are observed for the key stakeholders involved.

### Ora Banding Mining and MLG Oz

- Ability to operate larger payload trucks delivering a reduction in cost per tonne for OBM.
- The current public road element restricts trucks to 175 tonne gross combined mass load, versus the use of fit for purpose engineered off road trucks operating up to a gross combined mass of 300 tonne.
- The ability to operate under the mines regulations for fatigue management providing effective fatigue management in line with a 2-weeks on 1 week off roster.
- Operating on public roads requires compliance with Work Safe fatigue regulations that will only allow operations 6 days a week every week but does not factor in the week off that our people get in a fly in fly out structure.
- A reduction in truck numbers to shift the required volume as the larger payloads reduces total truck movements on the road.
- A reduction of fuel burnt per tonne hauled reducing the overall carbon footprint of the project.
- The ability to utilise MLG Oz's DAMA (Designated Area Migration Agreement) employee pool that can only operate on private road networks for the first 12 months in country due to the Western Australian licensing requirements.
- Reduction in total overall operating costs for OBM resulting in lower grade tonnes being included in OBM's mine plan, allowing for possible extension to the project life, which will be to the benefit of all stakeholders and the wider Goldfields Community.

### City of Kalgoorlie-Boulder

- Underlying ownership of the road still sits with the City of Kalgoorlie Boulder.
- The City of Kalgoorlie Boulder still has the capacity to claim road user funding for these kilometers of the road network due to its ownership still sitting with CKB however being able to direct those funds elsewhere due to all cost of operation sitting with OBM and MLG Oz.
- Management and liability responsibility sits with OBM and MLG Oz for the duration of the roads closure (it is envisaged that if this was to be supported there would be a road user agreement that will limit the CKB liability).

- All costs incurred with maintenance upgrade and ongoing management of this section of road would sit with OBM and MLG Oz.
- Any upgrade works undertaken would be passed back to the City at no cost at the end of the road closure period.
- The material reduction in operating costs drives a longer period of economic contribution to the wider goldfields community than the project current has but also delivers a longer direct contribution to CKB through rates contribution associated with a continually operating mine site at Siberia.

### **Community Engagement Consultation**

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

### **Budget Implications**

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

### **Statutory Implications**

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

### **Policy Implications**

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

### **Community Strategic Plan Links**

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

SUSTAINABLE: We advocate for the provision of land use.

SUSTAINABLE: We support opportunities for commercial and industrial land.

### **OFFICER RECOMMENDATION**

That Council:

1. In accordance with section 3.50 of the *Local Government Act 1995*, resolve to temporarily close the section of Ora Banda Road that is SLK 23.93 through to SLK 32.40 subject to:
  - a) Agreement being reached between the City and Ora Banda Mining in relation to the upgrading, maintenance, operation and remediation of Ora Banda Road; and
  - b) Ora Banda Mining indemnifying the City in full with respect to the section of Ora Banda Road Temporary Closure;



2. Subject to 1. above, grant Ora Banda Mining employees and contractors access to the partially closed section of Ora Banda Road (being SLK 23.93 to SLK 32.40) following temporary closure;
3. Provide access other parties being granted access to the temporarily closed portion of Ora Banda Road by means of a permit system administered by the City;
4. Authorise the Chief Executive Officer to negotiate with Ora Banda Mining to develop an agreement and refer that proposed agreement to Council for adoption; and
5. Authorise the Chief Executive Officer to undertake all necessary actions in accordance with the statutory requirements of Section 58 of the *Land Administration Act 1997*.

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

Nil

## **17 CONFIDENTIAL ITEMS**

Nil

## **18 DATE OF NEXT MEETING**

The next Ordinary Council Meeting will be held on 29 January 2024.

## **19 CLOSURE**