



**City of  
Kalgoorlie  
Boulder**

# **AGENDA**

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

**commencing at 7:00 PM**

**on**

**24 JULY 2023**

**at the**

**Kalgoorlie Town Hall**

13 July 2023



## NOTICE OF MEETING

An Ordinary Council Meeting of the City of Kalgoorlie-Boulder will be held in the **Kalgoorlie Town Hall** on **Monday, 24 July 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

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

### **2 OPENING PRAYER**

To be conducted by Father Brennan from the Catholic Church.

### **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 Council's Recording and Streaming of Council Meetings 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)**

##### **Leave of Absence:**

Nil

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

Nil

#### **6 PUBLIC ACCESS AND PUBLIC QUESTION TIME**

##### **6.1 Public Access**

##### **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**

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

##### **10.1 Mayor Announcements**

#### **11 CONFIRMATION OF MINUTES**

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

That the minutes of the Special Meeting of Council held on 10 July 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**

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## **14 REPORTS OF COMMITTEES**

Nil

## 15 REPORTS OF OFFICERS

### 15.1 Chief Executive Officer

#### 15.1.1 Proposed Update to Schedule of Fees and Charges

<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>Attachments:</b>	<ol style="list-style-type: none"> <li>1. Revised Schedule of Fees and Charges 2023-24 [<b>15.1.1.1</b> - 31 pages]</li> <li>2. Amendments to Fees and Charges 2023-24 [<b>15.1.1.2</b> - 2 pages]</li> </ol>

#### Officer Recommendation

That Council:

- 1) Approve the attached amendments to the Schedule of Fees and Charges 2023/2024; and
- 2) Request the Chief Executive Officer advertise the amended Schedule of Fees and Charges in accordance with the requirements of the Local Government Act 1995.

#### Executive Summary

The City's Schedule of Fees and Charges for the 2023/2024 financial year was adopted by Council on the 22nd of May 2023 and public notice was given for these charges to be adopted from the 1st of July 2023.

Council may impose and recover a fee or charge for any goods or service it provides or proposes to provide, other than a service for which a service charge is imposed, in accordance with section 6.16(1) of the Local Government Act 1995,

Since the adoption of the report presented in May 2023, a number of charges have been amended and are presented to Council for Elected Member Consideration.

#### Community Engagement Consultation

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

#### Community Strategic Plan Links



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

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

### **Budget Implications**

A 5% increase was applied to the Schedule of Fees and Charges for the 2023/2024 year in the May Report. This was in line with the City's Long Term Financial Plan (2023-2033) estimated fees and charges increase. The proposed changes have been factored into the 2023/24 Annual Budget.

### **Report**

A review of the City's Schedule of Fees and Charges is a necessary step in the budgeting process. In accordance with section 6.16(1) of the Local Government Act 1995, the City may impose and recover a fee or charge for any goods or service it provides or proposes to provide, other than a service for which a service charge is Imposed.

The City completed a review of the proposed fees and charges for 2023/24 and this review was presented to Council on the 22nd of May 2023. In the time since the May report was prepared, City officers have further reviewed several charges.

Some charges are statutory charge changes that have recently been released by the governing body responsible for the setting of the charge, hence resulting in an amendment to the 2023/24 fee or charge. Other proposed adjustments are due to administrative errors, where the 5% increase was miscalculated, fees noted on the incorrect line or where a dollar figure replaced a percentage.

Most changes are considered minor in nature, with the exception of the 240L Mobile Bin Charges for both refuse and recycling. This charge was not increased by the agreed upon 5% increase as adopted in the City Long term Financial Plan due to an administrative error. The charge listed has been increased by the nominated 5% on the revised schedule, which has been attached to this report.

For ease of review, a second attachment has also been provided, outlining the changes to the adopted schedule from the May report with commentary explaining the proposed adjustments.

### **Statutory Implications**

Section 6.16 of the Local Government Act 1995 requires the Local Government to adopt its fees and charges either at the time of adopting the budget or some other time during the year. If Council wishes to adopt the fees and charges outside of the budget process, then the Local Government is required to give local public notice in accordance with section 6.19 of the Local Government Act 1995.

Regulation 5(2)(b) of the Local Government (Financial Management) Regulations 1996 requires the CEO to assist the Council to undertake reviews of fees and charges regularly (and not less than once in every financial year).

### **Policy Implications**

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

### 15.1.2 Monthly Financial Report - May 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>Attachments:</b>	1. SOFA REPORT - MAY 2023 [15.1.2.1 - 30 pages]

#### 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 May 2023.

#### Executive Summary

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

#### Community Engagement Consultation

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

#### Community Strategic Plan Links

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

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

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

#### Budget Implications

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

#### Report

The Statement of Financial Activity was introduced by the Department of Local Government from 1 July 2005; the change was implemented to provide elected members with a better idea of operating and capital revenues and expenditures. It was

also intended to link operating results with balance sheet items and reconcile with the end of month balances.

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

For the year to date to 31 May 2023 income is under budget by (9.07%) and expenditure is under budget by (5.34%), commentary is provided at sub program level. A nil variance means that the year to date actual value is identical to the year to date budget estimate. Comments are therefore provided where the variances value is >10% and >\$50,000 under or over budget.

## INCOME CATEGORIES

Overall stated income is (9.07%), (\$8,400,425) under budget. The sub programs which are outside the allowable variance are as follows.

### Other General Purpose Funding

Description	YTD Budget	YTD Actual	YTD Variance
Other General Purpose Funding	\$3,295,360	\$2,150,371	(\$1,144,990)

The variance is due to grant receipts received of (\$1.66m) being less than budgeted, partially offset by higher than budgeted interest received on investments \$517k.

### Preventative Services - Inspection

Description	YTD Budget	YTD Actual	YTD Variance
Other Welfare	\$486,697	\$550,236	\$63,539

The variance is due to higher fee revenue for food premises registrations and permits for trading in public places.

### Staff Housing

Description	YTD Budget	YTD Actual	YTD Variance
Staff Housing	\$161,271	\$66,947	(\$94,323)

The variance is due to rent income received on fixed term housing being less than budgeted for.

### Town Planning & Regional Development

Description	YTD Budget	YTD Actual	YTD Variance
Town Planning & Regional Development	\$156,002	\$289,970	\$133,968

The variance is due to the planning application fees of \$133k being more than budget.

#### Other Community Amenities

Description	YTD Budget	YTD Actual	YTD Variance
<b>Other Community Amenities</b>	<b>\$80,076</b>	<b>\$7,850</b>	<b>(\$72,226)</b>

The variance is due to the Boulder Landcare Group contribution \$70k budgeted but not received, due to delay in Karlkurla Park works.

#### Other Culture

Description	YTD Budget	YTD Actual	YTD Variance
<b>Other Culture</b>	<b>\$626,317</b>	<b>\$868,613</b>	<b>\$242,296</b>

The variance is due to the increased events income of \$325k partially offset by operating grants for Kidsfest and the Goldfields Arts Centre less than budgeted of (\$104k).

#### Construction Roads Bridges Depots

Description	YTD Budget	YTD Actual	YTD Variance
<b>Const Roads Bridges Depots</b>	<b>\$6,682,088</b>	<b>\$4,755,220</b>	<b>(\$1,926,869)</b>

This is due to Federal grants budgeted for regional roads, roads to recovery and blackspot funding of \$2.68m not yet received, partially offset by land infrastructure grant of (\$747k).

#### Maintenance Roads Bridges Depots

Description	YTD Budget	YTD Actual	YTD Variance
<b>Maintenance Roads Bridges Depots</b>	<b>\$163,652</b>	<b>\$75,170</b>	<b>(\$88,482)</b>

This variance is due to revenue received for grants for the bike development program (\$82k) and street lighting (\$6k) being less than budgeted.

#### Tourism and Area Promotion

Description	YTD Budget	YTD Actual	YTD Variance
<b>Tourism and Area Promotion</b>	<b>\$5,093</b>	<b>\$71,858</b>	<b>\$66,765</b>

The variance is due to hire fees being more than budgeted.

**Economic Development**

Description	YTD Budget	YTD Actual	YTD Variance
<b>Economic Development</b>	<b>\$10,001,082</b>	<b>\$3,492,954</b>	<b>(\$6,508,128)</b>

This variance is due to timing differences in the drawdown of grant funds for the Kalgoorlie City Centre project, held by the WA Treasury Corporation of (\$7.08m), partially offset by an increase in income from property and the invoicing of commercial water customers of \$467k.

**EXPENSE CATEGORIES**

Overall stated expenditure is (5.34%), (\$4,366,483) under budget. The sub programs which are outside the allowable variance are as follows.

**Rates Revenue**

Description	YTD Budget	YTD Actual	YTD Variance
<b>Rates Revenue</b>	<b>\$939,466</b>	<b>\$788,310</b>	<b>(\$151,156)</b>

The variance is due to timing of contributions, donations and subsidies (\$99k) and reduced expenditure on valuations and bad debts expenses (\$70k) partially offset by reduced salaries of \$20k.

**Other Law, Order & Public Safety**

Description	YTD Budget	YTD Actual	YTD Variance
<b>Other Law, Order &amp; Public Safety</b>	<b>\$1,495,831</b>	<b>\$1,329,525</b>	<b>(\$166,305)</b>

This variance is due to reduced expenditure on materials (\$79k), contractors & consultants services (\$30k) and administration costs (\$51k).

**Other Welfare**

Description	YTD Budget	YTD Actual	YTD Variance
<b>Preventative Services - Inspections</b>	<b>\$1,692,341</b>	<b>\$2,027,880</b>	<b>\$335,538</b>

This variance is due to contributions, donations and subsidies being more than budgeted of \$346k and higher than budgeted expenditure on employee salaries & wages of \$83k partially offset by lower than budgeted administration costs of (\$68k).

**Staff Housing**

Description	YTD Budget	YTD Actual	YTD Variance
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<b>Staff Housing</b>	<b>\$384,618</b>	<b>\$458,132</b>	<b>\$73,514</b>
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This variance is due to higher than budgeted leasing costs of \$133k and materials of \$29k offset by reduced expenditure on contractors (\$97k).

### Town Planning & Regional Development

Description	YTD Budget	YTD Actual	YTD Variance
<b>Town Planning &amp; Regional Development</b>	<b>\$1,430,616</b>	<b>\$1,248,883</b>	<b>(\$181,732)</b>

This variance is due to contractors (\$83k); contributions and donations (\$55k); administration costs of (\$28k) and advertising costs (\$23k) being less than budgeted.

### Other Recreation and Sport

Description	YTD Budget	YTD Actual	YTD Variance
<b>Other Recreation and Sport</b>	<b>\$20,150,869</b>	<b>\$18,125,152</b>	<b>(\$2,025,717)</b>

The variance is due to lower than budgeted utilities of (\$593k), labour costs (\$518k); administration costs (\$459k); asset sales (\$367k); contractors (\$251k) and plant hire (\$182k), partially offset by increased wages of \$520k.

### Maintenance Roads Bridges Depots

Description	YTD Budget	YTD Actual	YTD Variance
<b>Maintenance Roads Bridges Depots</b>	<b>\$10,822,757</b>	<b>\$6,871,595</b>	<b>(\$3,951,163)</b>

The variance is due to contractors & consultants services payments of (\$779k) being less than budgeted due to contractor shortage; employee salaries & wages of (\$745k), utilities (\$261k) and labour overheads of (\$1.90m) being less than budget due to vacant positions.

### Road Plant Purchases

Description	YTD Budget	YTD Actual	YTD Variance
<b>Road Plant Purchases</b>	<b>\$733,185</b>	<b>\$211,010</b>	<b>(\$522,174)</b>

This variance is due to loss on sale of assets of (\$491k) being less than budget and depreciation of (\$16k).

### General Admin Overheads

Description	YTD Budget	YTD Actual	YTD Variance
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<b>General Admin Overheads</b>	<b>\$8,689</b>	<b>\$69,863</b>	<b>\$61,175</b>
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This is mainly due to interest expenses on loans of \$45k.

### Public Works Overheads

Description	YTD Budget	YTD Actual	YTD Variance
<b>Public Works Overheads</b>	<b>\$30,144</b>	<b>\$3,086,026</b>	<b>\$3,055,882</b>

This is due to employee costs \$619k and labour overheads \$2.86m, partially offset by admin costs (\$412k).

### Plant Operation Costs

Description	YTD Budget	YTD Actual	YTD Variance
<b>Plant Operation Costs</b>	<b>\$106,263</b>	<b>\$869,592</b>	<b>\$763,329</b>

The variance is due to internal hire allocation costs of \$668k and insurance costs of \$40k.

### Business Unit Operations

Description	YTD Budget	YTD Actual	YTD Variance
<b>Business Unit Operations</b>	<b>\$756,728</b>	<b>\$911,962</b>	<b>\$155,234</b>

The variance is due to salary and wages being more than budgeted of \$221k, this is partially offset by depreciation (\$45k) and levies and taxes (\$25k).

## CAPITAL CATEGORIES

May 2023 year to date capital expenditure is lower than budget by (\$22.30m). Actual YTD expenditure is \$34.56m versus budgeted YTD spend of \$56.86m. Main variances from:

- Work in Progress of (\$9.97m) with the majority relating to Kalgoorlie City Centre Project and the Kalgoorlie Golf Course Resort;
- Infrastructure - Roads of (\$5.98m) mainly relating to delays in R2R and RRG projects;
- Buildings of (\$2.65m) with delayed purchase of properties and the Youth Hub Project,
- Investment Property of (\$2.64m) - majority of works for this have been delayed to next financial year; and
- Infrastructure - Sewerage (\$1.58m) – delayed purchase of water tanks for parks and reserves.



**Statutory Implications**

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

**Policy Implications**

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

**15.1.3 Accounts Payable Report - June 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>Attachments:</b>	<ol style="list-style-type: none"> <li>1. Municipal EFT Payments - June 2023 [15.1.3.1 - 24 pages]</li> <li>2. Municipal Cheque Payments - June 2023 [15.1.3.2 - 1 page]</li> <li>3. Municipal Direct Debit Payments - June 2023 [15.1.3.3 - 1 page]</li> <li>4. Municipal Credit Card Payments - June 2023 [15.1.3.4 - 9 pages]</li> </ol>

**Officer Recommendation**

That Council receive the list of payments totalling \$6,878,591.30 as presented for the month of June 2023.

**Executive Summary**

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

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

**Community Engagement Consultation**

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

**Community Strategic Plan Links**

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

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

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

**Budget Implications**

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

**Report**

Attached to this report are the lists of all cheque and EFT payments made during the month of June 2023 and a list of corporate credit card transactions by card holder of the same period totalling \$6,878,591.30

Municipal EFT	\$	6,280,031.78
Municipal Cheque	\$	1,082.75
Direct Debit	\$	528,890.18
Credit Cards	\$	68,586.59
<b>Grand Total</b>	<b>\$</b>	<b>6,878,591.30</b>

**Statutory Implications**

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

**Policy Implications**

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

**15.1.4 Annual Budget 2023-2024**

<b>Responsible Officer:</b>	Xandra Curnock Executive Manager Finance
<b>Responsible Business Unit:</b>	Finance
<b>Disclosure of Interest:</b>	Nil
<b>Voting Requirements:</b>	Absolute Majority
<b>Attachments:</b>	1. Attachment 1 - 2023-24- Budget [ <b>15.1.4.1</b> - 40 pages] 2. Attachment 2 - Adopted 23-24 Statement of Objects and Reasons [ <b>15.1.4.2</b> - 15 pages]

**Officer Recommendation**

That Council:

1. Pursuant to Sections 6.32, 6.33, 6.34 and 6.35 of the Local Government Act 1995, adopt the following Differential General Rates and Minimum Payments for Gross Rental Values (GRV) and Unimproved Values (UV) for the 2023/24 financial year; representing a 3.97% rate in the dollar and minimum payment increase for GRV and UV ratepayers from the previous 2022/23 financial year budget.
2. Pursuant to Section 6.45 of the Local Government Act 1995 and Regulation 64(2) of the Local Government (Financial Management) Regulations 1996, impose the following due dates for the payment in full by instalments.
  - The first instalment of 25% of the total current rates plus the total of any outstanding arrears is payable within 35 days of the issue date of the annual rate notice. Payment must be received by the City of Kalgoorlie-Boulder on or before 29 September 2023.
  - The second instalment of 25% of the total current rates is payable and must be received by the City of Kalgoorlie-Boulder by 1 December 2023.
  - The third instalment of 25% of the total current rates is payable and must be received by the City of Kalgoorlie-Boulder by 2 February 2024.
  - The fourth instalment of 25% of the total current rates is payable and must be received by the City of Kalgoorlie-Boulder by 5 April 2024.
3. Pursuant to section 6.46 of the Local Government Act 1995, authorise the Chief Executive Officer to allow for payment incentive prizes for rates paid in full by 10:00pm WST on the dates listed below and in accordance with terms and conditions table in this report:
  - *1st Prize \$7,000 Cash payment due by 15 September 2023*
  - *2nd Prize \$2,000 Cash payment due by 22 September 2023*
  - *3rd Prize \$1,000 Cash payment due by 29 September 2023*
4. Pursuant to Section 6.46 of the Local Government Act 1995, authorise the Chief Executive Officer to conduct an incentive eRates prize draw for ratepayers who

register to receive their future rate notices electronically by 10:00pm WDT on 29 September 2023 and in accordance with terms and conditions tabled in this report”.

- *1st prize \$500 VISA Gift Card*
5. Pursuant to Section 6.51(1) and subject to Section 6.51(4) of the Local Government Act 1995 and Regulation 70 of the Local Government (Financial Management) Regulations 1996, impose an interest rate of 7% for rates (and charges) and costs of proceedings to recover such charges that remain unpaid after becoming due and payable.
  6. Pursuant to Section 6.45 of the Local Government Act 1995 and Regulation 68 of the Local Government (Financial Management) Regulations 1996, impose an interest rate of 5% where the owner has elected to pay rates and service charges through an instalment option.
  7. Pursuant to Section 6.45 of the Local Government Act 1995 and Regulation 67 of the Local Government (Financial Management) Regulations 1996, impose an instalment administration charge of \$9.00 of rates levied per instalment.
  8. Pursuant to Section 6.45 of the Local Government Act 1995 and Regulation 67 of the Local Government (Financial Management) Regulations 1996, impose a flat fee of \$43.00 on any ratepayer who wishes to negotiate alternative payment arrangements.
  9. Pursuant to Section 67 of the Waste Avoidance and Resources Recovery Act 2007, impose the following charges for collection of domestic and commercial waste, incorporating a weekly refuse collection and fortnightly residential recycling service.
    - \$411.00 per annum for one (1) refuse service per week and a fortnightly residential recycling service.
    - \$411.00 per annum for one (1) weekly refuse service for non-residential services.
    - \$411.00 per annum for each additional 240 litre refuse service (residential / non-residential)
    - \$182.00 per annum for each additional fortnightly residential recycling service.
  10. Pursuant to Section 41 of Health (Miscellaneous Provision) Act 1911, the following sewerage rates are to be levied:
    - \$0.031934 cents in the dollar, per GRV, per lot of location.
  11. \$436 minimum payment, per GRV, per lot of location Pursuant to Section 106 of Health (Miscellaneous Provision) Act 1911, the following utility service charges (i.e., pan charge) are to be levied on properties that hold rate exemption status (under section 6.26 (2) of the Local Government Act 1995), in lieu of sewerage rates; \$433.00 per individual utility unit (i.e., water closer, pedestal, Universal Rundle (U.R.C), slophopper and/or cleaners sink).
  12. Pursuant to Regulation 53 of the Building Regulations 2012, a Swimming Pool Inspection fee levy of \$58.45 is set on each owner of occupier of land on which there is a swimming pool for the 2023/24 financial year.

13. Pursuant to Regulation 34(5) of the Local Government (Financial Management) Regulations 1996 and AASB 1031 Materiality, a variance of 10% and a minimum of \$50,000 is to be used in the Statements of Financial Activity and Annual Budget Review.
14. Pursuant to the provision of Section 6.2 of the Local Government Act 1995 and Part 3 of the Local Government (Financial Management) Regulations 1996, Council adopts the Municipal Fund Budget 2023/24 for the City of Kalgoorlie-Boulder (as contained in [Attachment 1](#)).

### **Executive Summary**

The purpose of this report is to consider the Municipal Fund Budget for the 2023/24 financial year, including imposition of rates and minimum payments, and other consequential matters arising from the Budget papers.

The estimated brought forward balance from 30 June 2023 is a \$5.23 million surplus and the budgeted closing position for 2023/24 is a (\$0.48) million deficit. This is unaudited and may be subject to change. Any change will be addressed as part of a future Budget Review.

The major features of the 2023/24 Budget are as follows.

- A six percent (6%) revenue increase to GRV and UV rate income resulting in a \$1.6m increase in rates income.
- A six percent (6%) overall increase in fees and charges income.
- Operating expenditure has increased overall by eight percent (8%) due to CPI (Consumer Price Index) increases, an increase in the use of contractors and an expected loss on disposal of assets.

The Capital Works Program budgeted expenditure for 2023/24 totals \$97 million, including upgrades and renewal spend on roads, footpaths, other infrastructure, land, buildings, plant equipment, furniture, and equipment.

### **Community Engagement Consultation**

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

### **Community Strategic Plan Links**

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

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

### **Budget Implications**

The Budget for 2023/24 is expected to deliver a cash deficit of (\$0.48 million), the details of which are outlined in the Statutory 2023/24 Budget Report included in the report as [Attachment 1](#).

### **Report**

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Local Governments must prepare Annual Budgets in the format prescribed in the *Local Government Act 1995* and the *Local Government (Financial Management) Regulations 1996* and Australian Accounting Standards.

The draft 2023/24 Budget (Attachment 1) is based on the principles contained within the Strategic Community Plan (SCP) (adopted by Council on 28 April 2020).

### **FY2024 Budget highlights:**

1. 2022/23 is showing a projected surplus of \$5.23m versus a budgeted deficit of (\$0.18m).
2. 2023/24 is showing a budgeted deficit of (\$0.48m).
3. Total capital spends for 2023/2024 is budgeted at \$97.47m. This consists of.
  - \$25.39m on roads renewals and upgrades,
  - \$21.21m of sewerage works program, being partly funded by \$12.5m loans,
  - \$10m on the Golf Course Resort,
  - \$6.03m for the development of a Youth Hub,
  - \$6.0m for the purchase of land, fully funded by a \$6.0m loan,
  - \$4.42m for the Kal City Centre Transformation Project.
4. Total income is budgeted to be 23% (\$21.33m) higher than 2022/23 forecasted income.
5. Rates increase of 6% providing increased Rates income of \$1.6m against 2022/2023 forecasted Rates income.
6. 6% overall increase in fees and charges totalling \$2.73m as per increase in schedule of fees and charges, and an expected increase in number of sales.
7. Employment costs are \$1.7m higher than 2022/23 forecast. This 6% increase reflects proposed salary increase across the City, along with filling vacant positions.
8. Materials and contracts are \$5.1m higher than 2022/23 forecast. Additional expenditure is expected in 2023/24 due to delays in project completions and staff shortages.

## **RATES**

### **Differential Rating**

The *Local Government Act 1995*, Section 6.33 allows Councils to adopt differential rates. The intent behind adopting differential rates is to take into account the levels of services provided to different types of properties, to reflect the cost of provision of services to those categories of properties as well as the need to encourage the specific types of activities within the City. It is a fair and equitable method of rating.

### **Rating & Minimum Payments**

The raising of revenue via annual rates is an important source of funds for all Councils throughout Australia. The *Local Government Act 1995* empowers Western Australian Councils to impose general rates and minimum payments. The 2023/24 Objects and

Reasons Statement for Differential Rates and Minimum Payments is attached to this report as [Attachment 2](#). The Objects and Reasons Statement provides details of budget principles applied in formulating the 2023/24 Annual Budget.

### Ministerial Approval

In accordance with *Section 6.35 of the Local Government Act 1995*, Ministerial approval has been sought for the imposition of UV Mining Operations and Exploration and Prospecting differential rates due to their rate in the dollar being more than twice the lowest UV differential rate for the Pastoral category. A copy of the ministerial approval letter will be attached to this report prior to the meeting as [Attachment 3](#). If this letter is not received prior to 24 July 2023 this report will be deferred to another date for Council consideration.

### Rate Increase

Council's long term financial plan 2023-2033 provides for a rate increase of six percent (6%) in 2023/24. This assumption is used for planning purposes and there remains scope to adjust individual year rate increases as part of the annual budget process.

At Council Meeting on 26 June 2023 Council approved to implement an increase of six percent (6.0%) overall rate revenue increase for 2023/24 financial year. The rates modelling conducted at the time reported the combined GRV and UV valuations as \$339,778,571 with an estimated rates yield of \$30,654,313.

On the finalisation of the budget which includes 1 July 2023 valuations for unimproved values (i.e., mining tenements and rural properties) and recent interim movements in gross rental values, the total rate yield has increased to \$30,692,497 and valuations increased to \$339,735,458, as summarised in Table 1 below.

**Table 1      2023/24 Valuations Actual Rates to Raise**

Rate Code	Rate Code Description	Valuations \$	Property Count	Rates to Raise \$
<b>Gross Rental Values (GRV)</b>				
01	GRV All Residential	202,259,269	12,172	15,923,930
2	GRV Central Business	28,020,047	306	2,161,982
03	GRV General Industry	28,847,362	358	2,388,504
04	GRV Mining	5,077,520	13	272,552
08	GRV All Other Properties	38,910,077	650	3,229,041
<b>Subtotal</b>		<b>303,114,275</b>	<b>13,499</b>	<b>23,976,009</b>
<b>Unimproved Values (UV)</b>				
05	UV Pastoral	2,975,941	53	259,181
09/11	UV Mining Operations	25,929,075	882	4,949,717
10	UV Exploration / Prospecting	7,716,167	1818	1,507,590



<b>Subtotal</b>	<b>36,621,183</b>	<b>2,753</b>	<b>6,716,488</b>
<b>TOTAL</b>	<b>339,735,458</b>	<b>16,252</b>	<b>30,692,497</b>

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**Gross Rental Values (GRV)**

The *Local Government Act 1995* empowers a Council to impose different rates in the dollar for different land zoning's or uses and different rates for improved or vacant land. This power is provided to help local governments with particular rating difficulties and to achieve a better rating equity between different land uses.

Section 6.33 of the *Local Government Act 1995* states: -

- “A local government may impose differential general rates according to any, or a combination, of the following characteristics.
- the purpose for which the land is zoned, whether (or not) under a town planning scheme or improvement scheme in force under the *Planning and Development Act 2005*.
- a purpose for which the land is held or used as determined by the local government.
- whether or not the land is vacant land; or any other characteristic or combination of characteristics prescribed.”

The City of Kalgoorlie-Boulder has adopted the combination of characteristics relating to land zoned under the Town Planning Scheme and the purpose for which the land is held or used. It should be noted, that where, during the rating year, land is rezoned or its use changes, the City cannot issue an amended rate notice reflecting that change until the new rating year.

GRV Mining rate in the dollar of \$0.052526 forms the base rate for rate calculations for Gross Rental Value (GRV) properties, with a higher rate in the dollar for Central Business (\$0.076498) and General Industry (\$0.082601) properties. Both the Commercial and Industrial sectors require greater resourcing and expenditure from the City in relation to Health, Building and Town Planning services.

The 2023/24 GRV minimum payment of \$1019 has again been set to ensure the minimum level of service required is adequately funded and all properties contribute an equitable rate amount.

Council will continue to benchmark its rates in the dollar and minimum payments with other neighbouring local governments to ensure that some equity is retained within the region.

**Valuations**

The most recent revaluation of the City’s GRV properties was updated 1 July 2019 and there is no change for the 2022/23 rating year. The next revaluation cycle review is scheduled for 2023/24, with the valuations to take effect 1 July 2024.

Gross Rental Values (GRV) have increased by 0.39% from the previous 2022/23 financial year (from \$301,931,368 to \$303,114,275) and GRV rates revenue by 4.38% (from \$22,969,841 to \$23,976,009). This data is summarised in table 2 and 3 below.

**Table 2 2023/24 Gross Rental Values (GRV) Valuations**

Rating Category	2022/23 Valuations \$	2023/24 Valuations \$	change to LY \$	change to LY %
Gross Rental Values	301,931,368	303,114,275	1,182,907	0.39%

**Table 3 2023/24 Gross Rental Values (GRV) Rates Revenue**

Rating Category	2022/23 Rates to Raise \$	2023/24 Rates to Raise \$	change to LY \$	change to LY %
Gross Rental Values	22,969,841	23,976,009	1,006,168	4.38%

**Unimproved Values (UV)**

Rural properties assigned an Unimproved Value (UV) such as Pastoral, Mining Operations, Exploration and Prospecting Leases are rated differentially to reflect the nature of their lease.

1. Pastoral Leases rate in the dollar of \$0.086521 and minimum payment of \$317 was set after taking into account issues of rating equity including capacity to pay.
2. Mining Operations (Mining and General-Purpose Leases) rate in the dollar of \$0.187562 and minimum payment of \$441 is set after considering the operations of mining and the effect of their large-scale equipment on the City’s Road network. The City makes a large investment in roads and road drainage infrastructure to service mining activities on rural roads. The ongoing costs involved in maintaining the road network that services this land use extends all the way to the WA/SA state boundary.
3. Exploration/Prospecting rate in the dollar of \$0.187562 and minimum payment of \$317 was set after considering the operations of mining and the effect of their large-scale equipment on the City’s Road network.

Mining Tenements and Rural/Pastoral properties are subject to annual valuation reviews which take effect 1 July. The 1 July 2023 valuation changes have been factored into the 2023/24 budget.

Unimproved Values (UV) have increased by 8.50% from the previous 2022/23 financial year (from \$33,750,924 to \$36,621,183), and UV rates revenue by 12.91% (from \$5,948,730 to \$6,716,488). This data is summarised in tables 4 and 5 below.

**Table 4 2023/24 Unimproved Values (UV) Valuations**

Rating Category	2022/23 Valuations \$	2023/24 Valuations \$	change to LY \$	change to LY %
Unimproved Values	33,750,924	36,621,183	2,870,259	8.50%

**Table 5 2023/24 Unimproved Values (UV) Rates Revenue**

Rating Category	2022/23 Rates to Raise \$	2023/24 Rates to Raise \$	change to LY \$	change to LY %
<b>Unimproved Values</b>	5,948,730	6,716,488	767,758	12.91%

**General Charges, Concessions, and Interest**

The City notes the following:

- It does not provide any discount for early payment of rates, however, endorses and acknowledges the rates incentive prize draw sponsor National Bank of Australia for their assistance in collecting the rates early.
- The rates set by the State Government for the Emergency Services Levy (ESL) for Category 2 and 5 regions for 2023/24 and apply these rates on assessments against valuations from Landgate as of 1 July 2023.
- The City is not responsible for setting Emergency Services Levy rates and simply acts as a collection agent for the funds on behalf of the State Government.
- Under section 6.47 of the *Local Government Act 1995* and the terms of Council Policy CORP-F-100, Rates Concession Policy (Rateable Land), the City provides rates relief to not-for-profit recreation, sporting and community groups within the City who meet the eligibility criteria.

**Advertised Differential Rates as set out in Public Notices**

Council considerations of its rating strategy and reviewing the operating expenditure required for 2023/24, it was evident that the proposed 3.97% rate in the dollar and minimum payments increase for GRV and UV rating categories, as set out in the local public notice of 25 May 2023 of its intention to impose rates for 2023/24 was necessary to meet any budget shortfalls.

The projected rates revenue of \$30.6M has allowed Council to include additional capital work projects in the 2023/24 financial year.

**Table 6 2023/24 Differential General Rates – Rates in the Dollar (RID)**

Rate Code	Rate Code Description	2023/24 Public Notice RID (Cents)	2023/24 Adopted RID (Cents)
01	GRV All Residential	0.072860	0.072860
02	GRV Central Business	0.076498	0.076498
03	GRV General Industry	0.082601	0.082601
04	GRV Mining	0.052526	0.052526

08	GRV All Other Properties	0.081590	0.081590
05	UV Pastoral	0.086521	0.086521
09/11	UV Mining Operations	0.187562	0.187562
10	UV Exploration / Prospecting	0.187562	0.187562

**Table 7 2023/24 Differential General Rates – Minimum Payments**

Rate Code	Rate Code Description	2023/24 Public Notice Min Pay \$	2023/24 Adopted Min Pay \$
01	GRV All Residential	\$1019	\$1019
02	GRV Central Business	\$1019	\$1019
03	GRV General Industry	\$1019	\$1019
04	GRV Mining	\$1019	\$1019
08	GRV All Other Properties	\$1019	\$1019
05	UV Pastoral	\$ 317	\$ 317
09/11	UV Mining Operations	\$ 441	\$ 441
10	UV Exploration / Prospecting	\$ 317	\$ 317

### Payment Options

In accordance with Section 6.45 of the Local Government Act 1995, the City offers the following options for the payment of rates by instalments:

#### Option One - One Instalment

Payment in full must be received by the City of Kalgoorlie-Boulder within 35 days of the issue date of the annual rates billing notice. Payment must be received by the City of Kalgoorlie-Boulder on or before 29 September 2023.

#### Option Two - Two Instalments

- The first instalment of 50% of the total current rates plus the total outstanding arrears is payable within 35 days of the issue date of the annual rates billing notice. Payment must be received by the City of Kalgoorlie-Boulder on or before 29 September 2023.
- The second instalment of 50% of the total current rates must be received by the City of Kalgoorlie-Boulder on or before 1 December 2023.

#### Option Three – four instalments

- The first instalment of 25% of the total current rates plus the total of any outstanding arrears is payable within 35 days of the issue date of the annual rate notice.

- Payment must be received by the City of Kalgoorlie-Boulder on or before 29 September 2023.
- The second instalment of 25% of the total current rates is payable and must be received by the City of Kalgoorlie-Boulder by 1 December 2023.
- The third instalment of 25% of the total current rates is payable and must be received by the City of Kalgoorlie-Boulder by 2 February 2024.
- The fourth instalment of 25% of the total current rates is payable and must be received by the City of Kalgoorlie-Boulder by 5 April 2024.

#### **Option Four - Special Payment Arrangements**

Ratepayers who are unable to pay their rates by the due date, may apply in writing to enter into a payment arrangement with the City to make periodical payments.

These special arrangements usually require weekly, fortnightly, or monthly direct debit payments from an Australian bank account. An annual administration fee of \$43.00 applies.

#### **Interest Charges**

Interest is charged at 7% per annum, calculated daily, to all outstanding rate assessments that remain unpaid after 29 September 2023. This excludes any rates accounts paying under payment options two and three (i.e., two or four instalments).

Interest is payable, at a rate of 5% per annum calculated daily to overdue rate accounts that pay through the instalment payment options two and three. This interest reflects the loss of investment income to Council by offering the instalment scheme.

#### **Administration Charges**

An administration charge of \$9.00 will apply to rates accounts paying under instalment payment options two or three.

An administration fee of \$43.00 per agreement will apply to any ratepayer wishing to negotiate alternative payment arrangements.

#### **Levying of 2023/24 Refuse Collection Charges**

Local Governments have a statutory obligation under the Waste Avoidance and Resources Recovery Act 2007 to collect domestic waste.

**Table 8 Refuse Collection Charges**

<b>Charge Type</b>	<b>Description</b>	<b>2022/23 Fee</b>	<b>2023/24 Fee</b>
Domestic Refuse & Recycling Fee	Per Service	\$390.90	\$411.00
Commercial Refuse & Recycling Fee	Per Service	\$390.90	\$411.00
Additional Refuse Fee (domestic & commercial)	Per Service	\$390.90	\$411.00
Additional Recycling Fee	Per Service	\$172.50	\$182.00

The Act permits recovery of the cost of providing this service through a separate charge.

**Levying of 2023/24 Sewerage Rates**

Pursuant to section 41 of Health (Miscellaneous Provisions) Act 1911 the following sewerage rates are to be levied.

**Table 9 Sewerage Rates**

Charge Type	Description	2022/23 Levy	2023/24 Levy
<b>GRV per Lot of Location</b>	Per assessment Rate in the dollar (cents)	\$0.030715	\$0.031934
	Per Assessment Minimum Payment	\$419.00	\$436.00

The Act permits recovery of the cost of providing this service through a separate charge.

**Levying of 2023/24 Utility Service Charges**

Pursuant to Section 106 of Health (Miscellaneous Provisions) Act 1911, the following utility service charges (i.e., pan charge) are to be levied on properties that hold rate exemption status under section 6.26 (2) of the Local Government Act 1995, in lieu of a sewerage rate.

**Table 10 Utility Service Charges**

Charge Type	Charge Description	2022/23 Fee	2023/24 Fee
<b>Utility Service Charge per unit</b>	Pedestal	\$411.50	\$433.00
	Water Closet	\$411.50	\$433.00
	Slophopper /Cleaners Sink	\$411.50	\$433.00
	Universal Rundle (U.R.C.)	\$411.50	\$433.00

The Act permits recovery of the cost of providing this service through a separate charge.

**Rates Prize Incentives**

**Early Payments – Cash Prize Draws**

An incentive for early payment has been included with three (3) cash prizes, sponsored by the City and the National Australia Bank (50/50).

To be eligible for the prize draws, rates must be paid in full by 10.00pm WST by the following dates:

- 15 September 2023            1st prize        \$7,000 Cash
- 22 September 2023           2nd prize        \$2,000 Cash
- 29 September 2023           3rd prize        \$1,000 Cash

### **Terms and Conditions**

This competition is a promotion run by the City of Kalgoorlie-Boulder (“Promoter”), ABN 63 711 737 609.

Entries and information on prizes and how to enter form part of these Terms and Conditions.

Participation in this competition constitutes acceptance of these Terms and Conditions.

To enter the competition, the entrant must.

1. Be a current individual ratepayer of the City of Kalgoorlie-Boulder (Elected Members and staff are excluded – refer to clause 4)
2. Pay their 2023/24 rates in full by the due dates displayed in the annual rates billing notice:
  - 1st prize \$7,000 Cash, Payment due by 10.00pm WST, 15 September 2023
  - 2nd prize \$2,000 Cash, Payment due by 10.00pm WST, 22 September 2023
  - 3rd prize \$1,000 Cash, Payment due by 10.00pm WST, 29 September 2023
3. City of Kalgoorlie-Boulder Elected Members and staff are ineligible to enter the competition.
4. An Excluded Entity is not eligible for inclusion in the Competition. Excluded entities are;
  - a. State and / or Federal Government Agencies.
  - b. Corporations; and
  - c. Property owners of non-rateable land as per Section 6.26(2) of the Local Government Act 1995.
5. Payment must be received before the nominated closing dates to go into the draws. No responsibility is accepted for late, lost, or misdirected payments.
6. The competition commences 1 July 2023 and closes 10.00pm WST on 29 September 2023. The competition will be drawn at 10.00am on Wednesday 11 October 2023 at the City of Kalgoorlie-Boulder Administration Building, 577 Hannan Street, Kalgoorlie.
7. Three winners will be randomly selected via a computer program, under the supervision of representatives from the City and the National Australia Bank. The promoter’s decision is final, and no correspondence will be entered into.
8. The winners will be notified by phone, email, and registered mail of their prize win.

9. The 1<sup>st</sup> prize winner will be invited to attend a Rates Prize Draw photo session at a date to be advised.
10. The prize winners will receive their cash payment via an EFT transaction into their nominated bank account.
11. Competition results will be published in the Kalgoorlie Miner Newspaper on Saturday 21 October 2023.
12. The information that entrants provide will be used by the Promoter for the purpose of conducting the competition. By entering this competition entrants' consent to the use of their contact details for the purposes described in this clause.

## **2. ERates Registration**

The City has launched a competition to help reduce paper use and postage costs and give one ratepayer a chance to win a \$500 Visa Gift Card.

To enter ratepayers must successfully subscribe to Council's online eRates service before 10.00pm WST 29 September 2023. Once subscribed all future rates notice will be sent directly to the ratepayer's email address and the ratepayer will be automatically entered into the draw.

Any ratepayer that has already subscribed to eRates will be automatically entered into the prize draw. Where a managing agent receives and pay the rates and charges on a property, the agent can subscribe to eRates on behalf of the owner to allow them entry into the competition.

Entries open 1 July 2023 and close at 10.00pm WST Friday 29 September 2023. The winner will be randomly drawn at 10.00am on Wednesday 11 October 2023. See full terms and conditions below.

### **Terms and Conditions:**

1. This competition is a promotion run by the City of Kalgoorlie-Boulder ("Promoter"), ABN 63 711 737 609.
2. Entries and information on prizes and how to enter form part of these terms and conditions.
3. Participation in this competition constitutes acceptance of these terms and conditions.
4. To enter the competition, the entrant must.
5. Be a current individual ratepayer of the City of Kalgoorlie-Boulder (Elected Members and Staff are excluded – refer to clause 8).
6. Have registered for the City's online eRates service before 10.00pm WST 29 September 2023.
7. Not be considered an "excluded entity" as described in clause 6.
8. City of Kalgoorlie-Boulder Elected Members and staff are ineligible to enter the competition.
9. An Excluded Entity is not eligible for inclusion in the Competition. Excluded Entities are;



- State and / or Federal Government Agencies.
  - Corporations; and
  - Property owners of non-rateable land as per Section 6.26(2) of the Local Government Act 1995.
10. The draw will take place at 10.00am WST on Wednesday 11 October 2023, at City of Kalgoorlie-Boulder Administration Building, 577 Hannan Street Kalgoorlie.
  11. One entry will be awarded per registered Assessment Number. One Assessment Number will be drawn at random, and its owner as shown on the Annual Rates & Charges Notice will be deemed the winner. The Promoter's decision is final, and no correspondence will be entered into.
  12. The cash prize value is \$500 and will be rewarded in the form of a Visa Gift Card.
  13. The Prize must be taken as offered and is not exchangeable, transferable, or redeemable for cash.
  14. The drawn winner will be contacted using the email address supplied in their Electronic Rates Registration within two business days of the draw and will be required to respond back to Council by email confirming their eligibility within five business days of the draw.
  15. If the drawn winner is not confirmed as eligible within five business days of the draw, a redraw will occur.
  16. The Promoter has the rights to disqualify any entrants or entries where it is suspected that any unlawful or improper conduct, such as infringing a third party's intellectual property rights, or if there has otherwise been a breach of the competition terms and conditions.
  17. Information collected in the Registration process will be used by the Promoter only as agreed by the registrant during registration and for conducting the random draw.
  18. On confirmation of an eligible winner, the winner agrees to be photographed and have their name published on the Promoter's website, [www.ckb.wa.gov.au](http://www.ckb.wa.gov.au) and in media and other media platforms used by the Promoter.
  19. The Promoter will not be liable for any loss or damage or for any personal injury sustained because of taking the Prize or entering this competition, nor for any tax implications that may arise from accepting the Prize.

## **OTHER BUDGET ITEMS**

### **Adoption of Material Variance**

Each year a Material Variance must be adopted to assist in reviewing the Monthly Financial Statements and the Annual Budget Review.

In accordance with Regulation 34 of the *Local Government (Financial Management) Regulations 1996*, each Council must adopt a percentage over which a Budget variance would be considered material when it reviews the monthly statements of financial activities and accepts the Annual Budget Review.

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Over the past number of financial years, Council has adopted a Material Variance of 10% and \$50,000, whichever is the greater amount. This amount is again recommended for the 2023/24 Financial Year.

### **Elected Member Sitting Fees, Expenses and Allowances**

There is no proposed change to the Elected Members annual sitting fee and Mayor and Deputy Mayor's annual allowances and a zero increase to the ITC allowance. As such, the fees and allowances will remain at 2021/22 levels;

- Mayoral Annual Allowance \$ 88,864.
- Deputy Mayor Annual Allowance \$22,216
- Elected Member Sitting Fees \$31,364 per annum per member
- Elected Members ICT Allowance \$1,000 per annum per member

### **Triple Bottom Line Assessment**

#### **- Economic Implications**

The draft 2023/24 Budget applies sound financial management and accounting principles and is considered to deliver a sustainable service outcome for the community and Council.

#### **- Social Implications**

The draft 2023/24 Budget delivers social outcomes via diverse community services, including the provision of building and community infrastructure and financial support to community organisations throughout the City.

#### **- Environmental Implications**

The draft 2023/24 Budget supports key environmental strategies and initiatives previously adopted by Council.

### **STATUTORY IMPLICATIONS**

Section 6.2 of the *Local Government Act 1995* refers.

**Section 6.2(2)** of the Act requires that in preparing its annual budget the Council is to have regard to the contents of its plan for the future prepared in accordance with section 5.56. Under the *Integrated Planning Framework for Local Government*, that is the *Community Strategic Plan*. This section requires that the City must prepare detailed estimates of:

(a) Expenditure.

(b) Revenue and income, independent of general rates

(c) The amount required to make up the 'deficiency' if any shown by comparing the estimated expenditure with the estimated revenue and income.

**Section 6.2(3)** requires that all expenditure, revenue, and income must be taken in account unless otherwise prescribed. *Local Government (Financial Management Regulation 32* prescribes amounts that may be excluded in calculating the 'budget deficiency'

**Section 6.2(4)** requires the annual budget to incorporate:

- (a) *Particulars of estimated expenditure proposed.*
- (b) *Detailed information relating to the rates and service charges which will apply, including:*
  - i. Amount estimated to be yielded by the general rate.*
  - ii. Rate of interest to be charge on unpaid rates and service charges.*
- (c) *Fees and charges.*
- (d) *Borrowings and other financial accommodations proposed.*
- (e) *Reserve account allocations and uses.*
- (f) *Any proposed land transactions or trading undertakings per section 3.59.*

*Local Government (Financial Management) Regulations 1996 22 through 31* prescribe requirements in relation to form and content of the Budget and required Notes to and forming part of the Budget.

### **Ministerial Approval Requirements**

Should Council seek to adopt a rating and minimum payments model other than that set out in the Executive Recommendation, then such a determination should be deferred, to enable necessary assessment under the requirements of sections 6.33 and 6.35 of the Act, noting that if Ministerial approvals are required in respect of a different model of differential rates and minimum payments, such approvals must be obtained before Council can subsequently adopt a revised Budget.

### **Change from Publicised Intended Rates**

Section 6.36(4) of the Act envisages that a Council may adopt differential rates or minimum payments different from those set out in its local public notice of intent to impose differential rates and minimum payments.

In accordance with *Local Government Financial Management Regulations 23(b)* and *56(4)(b)*, if Council adopts a differential rate or minimum payment that differs from that set out in its local public notice, then the changes and reasons for must be detailed in the annual budget document, and in the rates notices or in information accompanying rates notices.

### **Local Government Act 1995 Section 6.47: Concessions**

“Subject to the *Rates and Charges (Rebates and Deferrals) Act 1992*, a local government may at the time of imposing a rate or service charge or at a later date resolve to waive\* a rate or service charge or resolve to grant other concessions in relation to a rate or service charge”.

*(\*absolute majority required.)*

There are no impediments deriving from the *Rates and Charges (Rebates and Deferrals) Act 1992*.

**Statutory Implications**

*Local Government (Financial Management) Regulations 1996* – Regulation 26: specifies requirements for information on concessions, for inclusion in annual budgets.

*Local Government (Financial Management) Regulations 1996* – Regulation 42: specifies requirements for information on concessions, for inclusion in annual financial reports.

*Building Regulations 2012*

*Local Government Act 1995*

*Local Government (Financial Management) Regulations 1996*

*Local Government (Administration) Regulations 1996*

*Waste Avoidance and Resource Recovery Act 2007*

*Health (Miscellaneous Provisions) Act 1911*

*Local Government Amendment (COVID-19 Response) ACT 2020*

*Local Government (COVID-19 Response) Order 2020*

**Policy Implications**

The City has a Budget Amendment Policy (Corp-F-008) that provides the CEO with authority to make minor budget amendments up to the value of \$25,000. In addition to this limit, each variation shall not impact the quality, quantity, frequency, range of level of service previously intended within the initial budget allocation.

The City has several other financial policies which have been taken into consideration in the budget process, including its policies on investments, assets, treatment of income and expenditure, rates arrears and rating policies (rates charges, rates exemption, rates concession (rateable land), Financial Hardship Policy for Debtors and Financial Hardship Policy for Water Services).

### 15.1.5 Elected member training records and Elected Member Continuous Professional Development 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>Attachments:</b>	<ol style="list-style-type: none"> <li>1. Elected Member Continuing Professional Development Policy [<b>15.1.5.1</b> - 4 pages]</li> <li>2. 2021-2022 and 2022-2023 Training Register - Elected Members (current 2023) [<b>15.1.5.2</b> - 2 pages]</li> </ol>

#### Officer Recommendation

That Council:

1. Receive the register of Elected Member completed training for 2021/22 and 2022/23 financial years; and
2. Adopt the amended Elected Member Continuing Professional Development Policy.

#### Executive Summary

Section 2 of the City's Elected Member Continuing Professional Development policy includes the requirements for the City to:

1. Report annually on completed training; and
2. Publish the Elected Member training register on the City's website, updated annually following the report to Council.

Accordingly, this report presents the register of completed Elected Member training.

It is recommended that the Elected Member Continuing Professional Development policy be amended in order for ongoing updates to the Elected Member training register to be published throughout the year, rather than just at the end of each financial year.

#### Community Engagement Consultation

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

#### Community Strategic Plan Links

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

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

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

## **Budget Implications**

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

## **Report**

Section 5.126 of the Local Government Act provides as follows:

*(1) Each council member must complete training in accordance with regulations.*

*(2) Regulations may:*

- a. Prescribe a course of training;*
- b. Prescribe the period within which training must be completed;*
- c. Prescribe circumstances in which a Council member is exempt from the requirement in subsection 1; and*
- d. Provide that contravention of subsection (1) is an offence and prescribe a fine not exceeding \$5,000 for the offence.*

Sections 5.128 require the City to prepare and adopt by absolute majority a policy in relation to Elected Member continuing professional development, in accordance with the regulations. This must be amended by absolute majority.

Regulation 35(1) *Local Government (Administration) Regulations* sets out the requirements for Elected Member training which set out as follows:

*(1) A council member completes training for the purposes of section 5.126(1) if the Council Member passes the course of training specified in sub-reg (2) within the period specified in sub-reg (3).*

Pursuant to regulation 35(2), the course of training is the course titled "Council Member Essentials" which is conducted by North Metropolitan TAFE, South Metropolitan TAFE or WALGA. Regulation 35(3) requires this to be completed within 12 months of the day on which an elected member is elected. Regulation 36 *Local Government (Administration) Regulations* sets out the exemptions to these training requirements.

Section 5.127 of the *Local Government Act* and Section 2 of the City's Elected Member Continuing Professional Development policy includes the requirements for the City to:

1. Report annually on completed training; and
2. Publish the Elected Member training register on the City's website, updated annually following the report to Council.

In 2022, this report was not provided to Council and the register was not updated on the City's website. Accordingly, this report presents the register of completed Elected Member training for both the 2021/22 and 2022/2023 financial years.

On 26 June 2023, Council accepted the recommendation of the following changes to the Elected Member Continuing Professional Development Policy:

- a. In clause 1(e) add the word “total” before “travel time”;
- b. In clause 1(i) add a final new sentence as follows: “Where expenses of an Elected Member’s spouse are paid for by the City for any reason other than as permitted under this paragraph, the Elected Member will repay the City for such expenses forthwith.”;
- c. In paragraph 1(l) delete the words “including partner’s meals and business and conference expenses”; and
- d. In paragraph (2), add a new sub-paragraph (e) to read “The CEO will cause the elected member training register to be published in the City’s Annual Report.”.

Further changes are now recommended as follows:

- e. Delete existing clause 2(b): “Completed training must be published on the City’s website for that financial year”;
- f. Insert as a new clause 2(b): “The CEO will publish on the City’s website an up-to-date version of the Elected Member Training Register as soon as practicable following notification by an Elected Member of their completion of any training or professional development”; and
- g. Insertion of compliance requirements “Section 5.126, section 5.127, section 5.128 *Local Government Act*, Regulations 35 and 36 *Local Government (Administration) Regulations*, \* Absolute majority required to adopt policy or amended policy”.

The further recommendation that policy be amended such that the CEO provide up to date records on the City’s website does not obviate the requirements under section 5.127 of the Local Government Act to prepare a report for each financial year, and publish the report on the City’s website. However, more frequent updating will improve transparency and accountability to the Kalgoorlie-Boulder community.

### **Statutory Implications**

Section 5.126, section 5.127, section 5.128 *Local Government Act* set out requirements for training and reporting about training.

Regulation 35 *Local Government (Administration) Regulations* provides details on training requirements

### **Policy Implications**

There are no policy implications resulting from the recommendations of this report other than in respect of the policy as outlined herein.

### 15.1.6 Electoral Caretaker Period 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>	Simple
<b>Attachments:</b>	1. Electoral Caretaker Period Policy clean [15.1.6.1 - 10 pages]

#### Officer Recommendation

That Council adopt the revised Electoral Caretaker Period Policy.

#### Executive Summary

As part of the recent *Local Government Act* reforms, some amendments were made to the *Local Government Act* in respect of the caretaker period. Accordingly, it is recommended that the City's Electoral Caretaker Period Policy is updated to reflect that amendment, as well as additional changes recommended in the report below.

#### Community Engagement Consultation

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

#### Community Strategic Plan Links

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

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

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

#### Budget Implications

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

#### Report

The *Local Government Amendment Act 2023* has made the following relevant changes to the *Local Government Act*:



1. In section 4.49(a):
  - a. Delete “44th” and insert “51st” and
  - b. Delete “37th” and insert “44th”.
2. Addition of new section “1.4A Caretaker period” that reads as follows:
  - (1) *In this Act -*  
***caretaker period***, in relation to a local government, means a period that -
    - (a) *begins at the close of nominations (as defined in section 4.49(a)) for a relevant election for the local government; and*
    - (b) *ends:*
      - (i) *on the day after the day on which the returning officer declares the result of the relevant election under section 4.77; or*
      - (ii) *if section 4.57(1) applies to the relevant election – on the day after the day on which the close of nominations falls; or*
      - (iii) *if section 4.58(1) applies to the relevant election – on the day after the day on which the candidate dies.*

As a result of these amendments, the electoral nominations will now open 51 days prior to the election date (31 August 2023) and will close 44 days prior to the election date (7 September 2023). The Electoral Caretaker Period will therefore commence on 7 September 2023.

It is therefore recommended that the definition of “Caretaker Period” in the definitions section of the City’s Electoral Caretaker Period Policy be amended from “37” to “44” days in accordance with the revised legislation.

In addition to this legislative requirement, the following additional changes are recommended for adoption by Council:

1. General administrative changes to update format, wording, definition use and general grammar;
2. Insertion of definitions as follows:
  - a. “Candidate” means a person who has nominated for election to become a Council Member;
  - b. “CEO” means the Chief Executive Officer of the City”;
  - c. “City” means the City of Kalgoorlie-Boulder”;
  - d. “Council Member” means a member of the elected governing body of the City, including the Mayor;
  - e. “Employee” means an employee of the City;
  - f. “Returning Officer” means the person appointed to that role by the Western Australian Electoral Commission or other relevant authority.
  - g. “Significant Expenditure” means expenditure that exceeds 1% of the City’s annual budgeted revenue (inclusive of GST) in that relevant financial year.
3. Amendment to definition of “Caretaker Period” as follows:
  - a. Delete “37”; and
  - b. Insert “44”.
4. Amendment to sub-paragraph (b) of the definition of “Major Policy Decision” as follows:

- a. delete the words “with a total City of Kalgoorlie-Boulder contribution that would constitute significant expenditure”; and
  - b. Insert the words “have been” in substitution of “are” in the second last line, prior to the word “allocated”.
5. Delete the following wording from clause 1.2:

*“Each report included in an Agenda for Council’s consideration during a Caretaker Period, will include a statement that demonstrates due consideration of the requirements of this Policy. If the matter is not a Major Policy Decision, the following statement must appear in the Report:*

***Electoral Caretaker Period Policy Statement***

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

and insert the following:

*“During the Caretaker Period, the CEO will ensure that a Caretaker Statement is included in every agenda submitted to Council or a committee.*

*The Caretaker Statement will state: “The decisions recommended in all reports on this agenda do not fall within the definition of a Major Policy Decisions unless a report specifies therein that it is submitted under Extraordinary Circumstances in accordance with clause 1.2.1 of this policy.”*

6. In clause 1.4(b) delete the words “in consideration of clause 2.1(3) above”.
7. Under heading 2:
  - a. after “Extraordinary Election Days” add the words “(within the meaning given by the Local Government Act 1995”); and
  - b. Delete “3” and replace with “2”.
8. In clause 2.3(a)(ii) delete the words “providing each candidate” and insert “provided”;
9. Under heading 3:
  - a. after “Extraordinary Election Days” add the words “(within the meaning given by the Local Government Act 1995”); and
  - b. delete “4” and replace with “3”.
10. Under heading 4:
  - a. after “Extraordinary Election Days” add the words “(within the meaning given by the Local Government Act 1995”); and
  - b. delete “5” and replace with “4”.

## **Statutory Implications**

Section 6 and section 40 of the *Local Government Amendment Act 2023* have resulted in amendments to the *Local Government Act 1995* which impact the operation of the Electoral Caretaker Period Policy.

**Policy Implications**

There are no policy implications resulting from the recommendations of this report other than the policy amendments detailed herein.

**15.1.7 SALE OF LAND - YARRI ROAD**

<b>Responsible Officer:</b>	Xandra Curnock Executive Manager Finance
<b>Responsible Business Unit:</b>	Corporate and Commercial
<b>Disclosure of Interest:</b>	Nil
<b>Voting Requirements:</b>	Simple
<b>Attachments:</b>	1. CONFIDENTIAL - Draft Offer and Acceptance (04 07 2023) [15.1.7.1 - 4 pages]

**Officer Recommendation**

That Council provide delegated authority for the CEO to enter into a contract of sale for Lot 3, Goldfields Highway.

**Executive Summary**

The purpose of this report is to seek Council endorsement to dispose of Lot 3, Goldfields Highway to Bellini Group WA Pty LTD (Bellini).

**Community Engagement Consultation**

The City is required to undertake Community Engagement in accordance with section 3.58 of the Local Government Act 1995. Please see public consultation section below for further information.

**PUBLIC CONSULTATION**

Public consultation was 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:** 14 Days

**Method:** Public notice (*Kalgoorlie Miner* Newspaper, *The West Australian* Newspaper, electronic noticeboard, physical noticeboard at 577 Hannan Street)

**Submissions Received:** None

**Community Strategic Plan Links**

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

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

## Budget Implications

The City will receive proceeds of \$280,500 from the disposition (sale) of the land.

## Report

Bellini approached the City requesting purchase of Lot 3, Goldfields Highway as they are looking to purchase the land directly located behind this lot, being Lot 4, Goldfields Highway.

As Lot 3 provided access to Goldfields Highway, Bellini were not willing to purchase Lot 4 without being guaranteed sale of Lot 3.

See diagram below.



The City obtained a market valuation for this land using an external valuer, who valued Lot 3 at \$255,000 plus GST. Bellini have offered to pay market value for this land.

The City put out public notice regarding the sale of this land. No applications or objections were received during the public notice period.

Based on Bellini offering market value and there being no public objection, staff recommend Council approve the sale of Lot 3, Goldfields Highway to Bellini.

## 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 2022/2023 financial year, therefore the land disposal does not require a business case and only requires advertising and public notice, which has been undertaken.

**Policy Implications**

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

## 15.2 Development and Growth

### 15.2.1 Aboriginal Cultural Heritage Act 2021

<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>Attachments:</b>	<ol style="list-style-type: none"> <li>1. Aboriginal Cultural Heritage Act 2021 [<b>15.2.1.1</b> - 4 pages]</li> <li>2. CKB List of Registered Aboriginal Sites DPLH [<b>15.2.1.2</b> - 13 pages]</li> </ol>

#### Officer Recommendation

That Council;

1. Note the report;
2. Request a meeting for elected members and staff with Department of Planning, Lands and Heritage representatives to discuss the detail and implications of the *Aboriginal Cultural Heritage Act 2021*; and
3. Provide endorsement for the City to join the Western Australia Local Government Association (WALGA)'s Local Government Aboriginal Cultural Heritage Network.

#### Executive Summary

Western Australia's new *Aboriginal Cultural Heritage Act 2021* (the Act) commenced on 1 July 2023 and repeals the *Aboriginal Heritage Act 1972* (WA). Multiple State Government guiding documents and information sheets about the new Act exist, but the full implications of this legislation on activities within the City of Kalgoorlie-Boulder are yet to be understood. A public workshop about the Act was held by the Department of Planning, Lands and Heritage (DPLH) in Kalgoorlie-Boulder on 16 June 2023 and, at the time of writing, an additional public workshop was scheduled to be held in Kalgoorlie on 18 July 2023. However, the City is able to request an additional workshop be held by DPLH for City Councillors and staff. Local governments are also able to join a Local Government Aboriginal Cultural Heritage Network being set up by WALGA to provide support around implementation of the Act. This report outlines some of the background and key points of the Act. Further analysis will be required to assess how the Act could impact specific City landholdings.

## Community Engagement Consultation

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

## Community Strategic Plan Links

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

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

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

CONNECTED We document and celebrate the contributions of Aboriginal people in the development of Kalgoorlie-Boulder.

SUSTAINABLE: We educate the community on the value and importance of natural areas and biodiversity, and encourage community involvement in caring for our natural environment.

SUSTAINABLE: Our unique natural environment is maintained, enhanced and connected. Establishing appropriate forums and resources to coordinate and drive Aboriginal economic development.

## Report

### Background:

The *Aboriginal Heritage Act 1972* (the 1972 Act) was enacted to ensure that Aboriginal heritage could be appropriately protected and preserved.

Under section 17 of the 1972 Act, a person who excavated, destroyed, damaged, concealed or in any way altered any Aboriginal site committed an offence, unless he or she acted with the authorisation of the Registrar of Aboriginal Sites under section 16, or the consent of the Minister for Aboriginal Affairs under section 18.

The Section 16 and Section 18 exemptions of the 1972 Act were sometimes controversial. The 2020 blasting of two 46,000-year-old Aboriginal rock shelters in the Juukan Gorge, in the Pilbara, by Rio Tinto was legally permitted through a Section 18 exemption approved by the WA State Government.

A 2021 Senate Inquiry into the Juukan Gorge destruction recommended new, overarching federal legislation to protect cultural heritage.

The new Act removes the Section 18 approvals process, replacing it with a tiered approach, which has categories according to the potential level of harm, and a corresponding authorization process for each of the tiers. Under the new Act, if parties involved cannot agree on a Cultural Heritage Management Plan, and mediation has taken place, WA's Minister for Aboriginal Affairs will make the final decision on an application. However, the Minister can only make a decision if the Aboriginal Cultural Heritage Council is satisfied that consultation has taken place, and reasonable steps are in place to avoid or minimise the risk to Aboriginal Cultural Heritage.

Existing Section 18 approvals expire in 10 years unless purpose has substantially commenced. Stop activity orders can be made over projects with Section 18 approvals, where the activity that is harming, or may harm Aboriginal cultural heritage, is not in accordance with Section 18.



Some aspects of the old Act, including the processing of outstanding Section 18 exemption applications, will run alongside the new Act until 31 December 2023. In addition, a requirement for cultural heritage surveys within the Act has been pushed back until 1 July 2024.

The State Government has established an implementation group to monitor, report and help address any issues that may arise in the initial stages of implementing the new Act.

### Officer Comment

Multiple WA State Government fact sheets outline the intent and detail of the new Act, and several are compiled and attached to this report (Attachment 15.2.4.1). Some of the key points of the Act are as follows:

1. The new Act gives Aboriginal people more say in how their heritage is looked after and seeks to achieve equity between Aboriginal people, industry and government.
2. Consultation with Aboriginal people is mandatory under the Act, and Due Diligence Assessments must be completed by all proponents, unless their activity is exempt. Residential properties under 1100m<sup>2</sup> are exempt from the Act, and residential properties over 1100m<sup>2</sup> have significant exemptions. Local Area Cultural Heritage Services will be set up as part of this consultation, to give Aboriginal people a statutory role in managing and protecting local Aboriginal cultural heritage. Native Title Services Goldfields and DPLH can also assist with the identification of persons who need to be consulted.
3. The newly created Aboriginal Cultural Heritage Council will advise the State Government; approve permits and plans; and facilitate negotiations between proponents and Aboriginal parties when agreement cannot be reached. If parties involved cannot agree on a Cultural Heritage Management Plan, and mediation has taken place, WA's Minister for Aboriginal Affairs will make the final decision on an application
4. Miners and developers must talk to Aboriginal people about their heritage, and try to agree with Aboriginal people about what they do to Aboriginal heritage. Case-by-case clarification will be needed to determine how new "like for like activities" and "new and additional disturbance" classifications impact existing and/or evolving mining operations.
5. A tiered approach categorises the potential level of harm from land activities. It is the responsibility of landowners to find out if their activity is exempt, or what type of approval might be needed. Where there is no impact to Aboriginal cultural heritage, no approval is required.
6. Various registered Aboriginal sites exist within the City of Kalgoorlie-Boulder. A new technology platform is being developed to help establish whether Aboriginal cultural heritage exists in an area.
7. There are substantially increased penalties for those who damage, destroy, excavate, alter or conceal Aboriginal heritage.

### **1. The New Act:**

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The intention of the Act is to achieve equity in the relationship between Aboriginal people, industry and government, providing a modern framework for the recognition, protection, conservation and preservation of Aboriginal cultural heritage. It gives Aboriginal people more say in how their heritage is looked after, and allows Aboriginal people to say what is Aboriginal heritage and tell people where it exists. The Act says special heritage places can have stronger protection. Aboriginal people can manage Protected Areas, and become heritage inspectors.

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”. Aboriginal cultural heritage can include a place where tangible elements of Aboriginal cultural heritage are present; objects; a group of areas (a cultural landscape) interconnected through tangible or intangible elements of Aboriginal cultural heritage; and Aboriginal ancestral remains.

## **2. Consultation and Due Diligence:**

The new Act does not change the need to seek approval for activities that may harm Aboriginal cultural heritage – that already existed under the previous Act. However, the new Act makes genuine consultation with Aboriginal people mandatory, and stipulates that Aboriginal people must give informed consent for agreements reached. The guidelines note that “Early and ongoing engagement in a culturally appropriate and respectful manner contributes to the development of trust and relationships, resulting in outcomes that respond to the needs of all parties”.

A State Government Aboriginal Cultural Heritage Management Code has been developed to outline the steps required for Due Diligence Assessments (DDA), which assess whether an activity can proceed without an approval, or whether a permit or plan is required, and identifies the Aboriginal parties who need to be notified or consulted. A DDA needs to be completed by any person or proponent that is proposing to undertake an activity other than an exempt activity.

Consultation guidelines for the Act have also been developed. The guidelines are detailed, and will need examined to ensure consultation requirements in the Act for specific proposals are complied with. The guidelines include information about multiple areas of the consultation requirements, including when an Aboriginal Cultural Heritage Management Plan is required, and who should be consulted. The guidelines say the persons to be consulted about an activity that a proponent is carrying out, or a proposed activity that the proponent intends to carry out, are:

- a) each Local Area Cultural Heritage Service (LACHS) for the area or a part of the area;
- b) if there is no LACHS for the area or a part of the area — each native title party and each Knowledge Holder for the area or the part of the area;
- c) if there is not a LACHS, native title party or Knowledge Holder — each native title representative body (NTRB) for the area or the part of the area.

Note:

- i. LACHS have not yet been set up, including in Kalgoorlie-Boulder. Applications from existing Aboriginal incorporated organisations to become LACHS will be decided by the Aboriginal Cultural Heritage Council. State Government information sheets describe LACHS as a “one-stop-shop” for both notification and consultation by a land user. LACHS will engage and negotiate with land users and proponents, native title holders and Knowledge Holders; make or facilitate Aboriginal Cultural Heritage Management Plans; and advise proponents and the Aboriginal Cultural Heritage Council.
- ii. Aboriginal Knowledge Holders are defined as those with particular knowledge about the Aboriginal cultural heritage of an area. Information about Aboriginal Knowledge Holders will be included in an Aboriginal Cultural Heritage Directory which is being set up.
- iii. Native title has not been determined in the City’s local government area. There is one current registered claim, and previously there have been up to two other registered claims in the City’s local government area. The Federal Government appointed native title organisation in Kalgoorlie-Boulder is Native Title Services Goldfields.
- iv. A proponent may request the assistance of DPLH to identify the persons to be consulted.

### **3. Aboriginal Cultural Heritage Council:**

An Aboriginal Cultural Heritage Council (the Council) has been established under the Act and will promote the role of Aboriginal people as the right people to speak for their country and determine activities that may cause harm to their cultural heritage. The Council is a fundamental part of the Act. It will provide advice to the State Government and Minister for Aboriginal Affairs; designate LACHS; set standards to identify, protect and manage Aboriginal cultural heritage; approve Aboriginal cultural heritage permits and management plans; and facilitate negotiations between proponents and Aboriginal parties when agreement cannot be reached. The Council has also overseen the third and final phase of the co-design process involving consultation required by the Act of key statutory guidelines, before the Act was submitted to the Government for final consideration.

The Act allows for a total of 11 members of the Council, with majority Aboriginal membership. The inaugural members of the Council have all been appointed for the terms of September 2002 to September 2024. The inaugural members are:

Irene Stainton (co-chairperson)

Ken Wyatt (co-chairperson)

Dr Mark Bin Bakar

Merle Carter

Graham Castledine

Dr Debbie Fletcher

Belinda Moharich

Kevin Walley

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Jonathan Griffin

Karen Oborn

Denzyl Moncreiff

#### **4. Miners and developers:**

There is mandatory due diligence for all parties under the Act, and there must be “full and proper disclosure by the proponent of the method and other feasible alternative methods for their proposed activities”. State information sheets include further specific reference to miners and developers, saying miners, developers, Government and others must talk to Aboriginal people about their heritage, and must try to agree with Aboriginal people about what they do to Aboriginal heritage.

The Act introduces two new defined terms: “like for like activities” and “new and additional disturbance”. If a proposed activity is “like for like”, i.e. an activity previously done on the site, and does not cause “new and additional disturbance”, the activity would be exempt from the Due Diligence Assessment process. However, the complexity and nature of evolving mining operations means it remains to be clarified how this could impact specific operations.

#### **5. Approvals required**

The type of approval needed is based on the level of your activity on the site, the scale of disturbance and the potential to impact Aboriginal cultural heritage. However, there are some exemptions. Where there is no impact to Aboriginal cultural heritage, no approval is required. It is important that landowners find out if their activity is exempt from needing an approval, or what type of approval will be needed.

- Residential properties under 1100sqm are exempt from the Act. This includes constructing a home, and general maintenance.
- Residential properties over 1100sqm have significant exemptions, including to undertake activities like installing a patio or pool.
- People undertaking like-for-like activities – such as farmers working on established paddocks in a way they have been previously, or maintaining existing water, electricity and other infrastructure, are exempt.

#### **6. Registered Aboriginal sites**

Various registered Aboriginal sites exist within the City of Kalgoorlie-Boulder, including quarries, artefact areas, burial and ceremonial sites, camps and natural features (Attachment 15.2.4.2). Specific areas can be searched, and maps at different scales and reports generated, using the Aboriginal Heritage Inquiry System map viewer found within the following website:

[Search Aboriginal sites or heritage places \(AHIS\) \(www.wa.gov.au\)](http://www.wa.gov.au)

A new technology platform ACHknowledge is also being established to help proponents establish whether Aboriginal cultural heritage exists in an area. Through the platform people/proponents will be able to:

- Search for Aboriginal cultural heritage in the area

- Use ACHknowledge to submit information about their activities.
- Monitor their application from start to finish using the platform.

DPLH staff will also be a key contact and source of information. Questions about Aboriginal Cultural Heritage can be directed to [Aboriginalheritage@dplh.wa.gov.au](mailto:Aboriginalheritage@dplh.wa.gov.au)

## **7. Penalties**

The Act features substantially increased penalties for those who destroy or damage Aboriginal cultural heritage. Penalties from offences will go to a special compensation fund to allow for compensation to Aboriginal people for harm to their cultural heritage. There is a longer statute of limitations for prosecutions. State agencies can now be prosecuted for offences.

### **Next steps**

As a landowner the City of Kalgoorlie-Boulder will be subject to the Act, including in the areas of consultation, Due Diligence Assessments, assessing whether Aboriginal Cultural Heritage exists on City landholdings, and developing any Aboriginal Cultural Heritage Management Plans as required.

The City does not have a role in ensuring that other proponents comply with the requirements of the Act when undertaking development.

DPLH has advised that the City is able to request a meeting about the Act with DPLH representatives. DPLH has advised any meeting may be conducted via Teams.

Local governments are also able to join a Local Government Aboriginal Cultural Heritage Network set up by WALGA to provide support around implementation of the Act. WALGA has advised this network will provide an online platform to share questions, advice or comments regarding the Act; explore opportunities for partnership and collaboration between Local Governments; disseminate information; and co-ordinate meetings and events.

Information, fact sheets and webinars about the Act can be accessed on the [DPLH website](#).

The 280-page Act can be viewed here:

[Aboriginal Cultural Heritage Act 2021 - \[00-00-00\].pdf \(legislation.wa.gov.au\)](#)

### **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.

### 15.2.2 Application for Planning Approval P128/22 - Resource Recovery Centre - Lot 504 (No. 405) Anzac Drive, Broadwood

<b>Responsible Business Unit:</b>	Development and Growth
<b>Disclosure of Interest:</b>	Nil
<b>Application Number:</b>	P128/22
<b>Owner's Name:</b>	Dodd and Dodd Pty Ltd
<b>Applicant's Name:</b>	Dynamic Planning and Developments
<b>Development Value:</b>	\$100,000
<b>Voting Requirements:</b>	Simple
<b>Attachments:</b>	1. Development and Site Plan [ <b>15.2.2.1</b> - 14 pages]

#### Officer Recommendation

That Council:

approve Planning Application P128/22 for a resource recovery centre located at Lot 504 Anzac Drive, Broadwood, as set out in the approved plans, and subject to the following conditions:

1. This development must substantially commence within two (2) 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. The approved development must comply in all respects with the attached approved plans, as dated, marked and stamped. The plans approved as part of this application form part of the development approval issued.
3. The applicant is to enclose Lot 504 with mesh fencing to a minimum height of 1.8 metres to the satisfaction of the City.

Advice note:

- a. If an applicant or owner is aggrieved by this determination there is a right of review by the State Administrative Tribunal in accordance with the *Planning and Development Act 2005* Part 14. An application must be made within 28 days of the determination.

#### Executive Summary

A 'resource recovery centre' is a use not specifically mentioned in the zoning table of Local Planning Scheme No. 1. (LPS1). Council resolved at its meeting on 22 May that a 'Resource Recovery Centre' may be consistent with the objectives and purposes of the Rural Zone in accordance with Clause 3.6 of LPS1. It was also resolved to initiate advertising prior to consideration of the application for planning approval.

It is considered that the proposed use of the site for a resource recovery centre is consistent with the objectives of LPS1 and the proposed long-term use of the locality for general industrial purposes as indicated in draft LPS2 and as such the proposed development is supported.

## Public Consultation

Cl.3.6 of LPS1 addresses the process to be followed for a Uses Not Listed, this clause is mirrored in cl. 18(4) of the *Planning and Development (Local Planning Schemes) Regulations 2015*. However, cl.64 (1) of the Regulations also addresses Uses Not Listed, suggesting an alternative advertising process. To clarify this matter the City sought and received the following legal advice:

*The relationship between cl.18(4) of the model provisions and cl.64(1) of the deemed provisions is unclear.*

*Clause 18(4) of the model provisions suggests that it is only necessary to advertise an application for a use not listed if the local government first determines that it may be consistent with the objectives and purposes of the zone. On the other hand, clause 64(1) of the deemed provisions states that the local government must advertise a complex application. [A use not listed is defined as a 'complex application'.]*

*It is not clear whether:*

*The provisions can be read together, such that the requirement to advertise a complex application (where it is a use not listed) only arises if the Council has first determined that the use may be consistent with the objectives and purposes of the zone; or*

*There is an inconsistency between the provisions, in which case clause 64(1) of the deemed provisions prevails.*

In light of the above advice the City undertook advertising in accordance with the provisions of cl.64(1).

Advertising was undertaken for a period of 28 days. The process included having a sign on-site, letters being sent out to landowners within 200 metres of the subject site, and details being placed the City's website. No submissions were received.

## Details

The applicant has provided the following details on the proposed development:

*Dodd & Dodd Pty Ltd have more than 50 years' experience as dedicated scrap metal recyclers throughout Western Australia and is a market leader for safe recycling, responsible salvaging, and are on-site specialists for extensive clean-ups. The proponent already has an operating Scrap Metal Recycling Centre in Kalgoorlie located at 1 Coath Road, Kalgoorlie. The proposed development will be an additional supporting facility and storage area to the existing operation.*

The subject site is located approximately 600 metres south of Kalgoorlie Airport and is adjacent to Anzac Drive in Broadwood. The subject site and adjoining land site has been used for unauthorised dumping of building materials, scrap metal and other waste material for some time. See Figure 1.

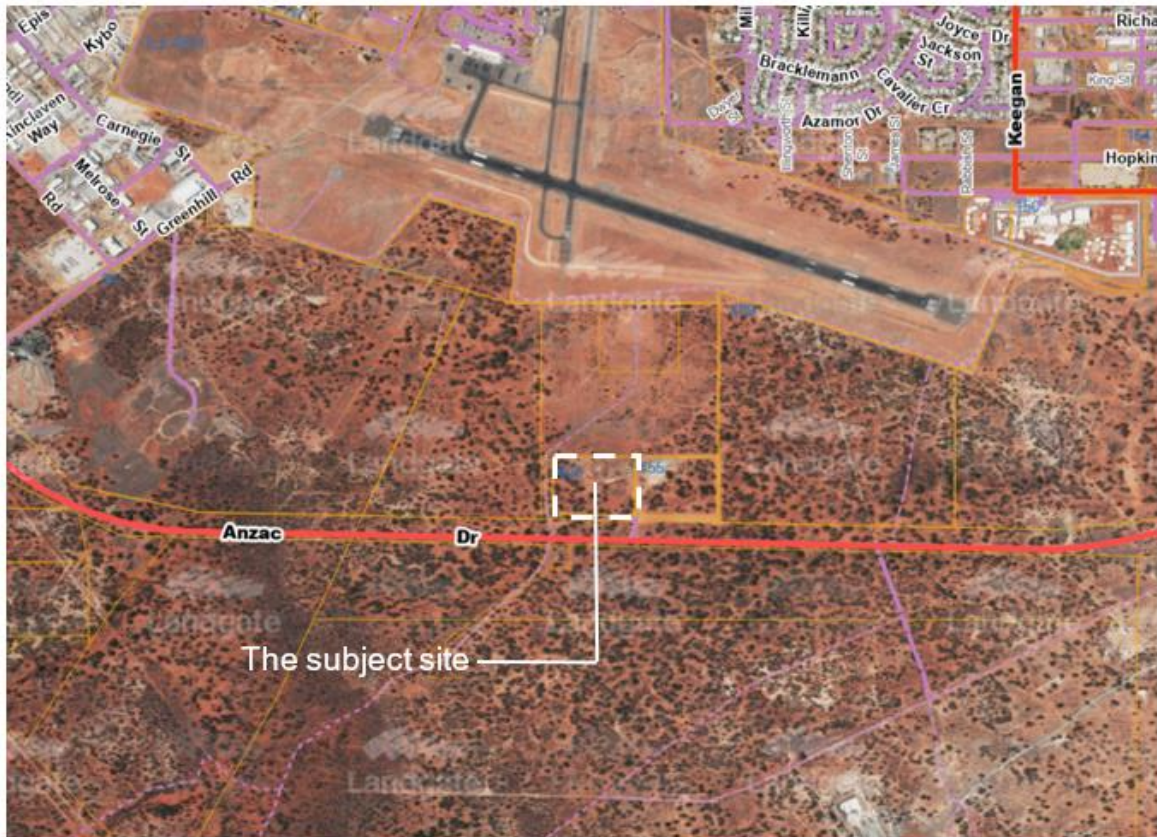


Figure 1. Site for the proposed resource recovery facility

The site is relatively isolated and the adjoining land, although zoned rural, is not being used for any specific rural or mining purpose. The site is constrained for some uses by its proximity to the airport's north-south runway. It is considered that a resource recovery centre would not be incompatible with the adjoining land uses and would not compromise any existing land uses in the locality.

In light of the above comments it is considered that the land use would not compromise future development permitted under the Rural zone and it is considered that a resource recovery centre is consistent with the objectives of a Rural zone.

### Local Planning Scheme No. 1 (LPS1)

It is proposed that the Resource Recovery Centre facility would be located within an area zoned Rural under LPS1. However, the use is not listed in the zoning table. Cl. 3.6 of LPS1 deals with uses not listed within the zoning table. Clause 3.6 (b) states that the Council may:

- b. determine, by absolute majority, that the proposed use may be consistent with the objectives and purposes of the zone and require the procedures set out in*



*clause 6.6 to be complied with before considering an application for planning approval;*

The proposed development was considered by Council at its meeting on 22 May where Council resolved that a 'Resource Recovery Centre' may be consistent with the objectives and purposes of the Rural Zone in accordance with Clause 3.6 of LPS1. It was also resolved to initiate advertising prior to consideration of the application for planning approval.

The Objectives of the Rural Zone under LPS1 are as follows:

- a. *To provide for the development of rural activity as appropriate.*
- b. *To provide for the development of mining activity as appropriate.*
- c. *To protect land from urban uses that may jeopardise the future use of that land for priority mining and rural uses.*
- d. *To accommodate the development of isolated communities including Aboriginal and railway settlements.*

Subsequently advertising was undertaken in accordance with the requirements of LPS1. No submissions were received in response to the advertisement.

It is considered that the proposed development is consistent with the objectives of LPS1 and that the use would not have an adverse impact on surrounding land uses, nor would it jeopardise the future use of that land for priority mining and rural uses.

### **Draft Local Planning Scheme No. 2 (LPS2)**

In accordance with Clause 67 (2) (b) of the *Planning and Development (Local Planning Schemes) Regulations 2015* the local government must have due regard to any proposed local planning scheme that the local government is seriously considering adopting or approving. At the Ordinary Council Meeting 26 July 2021, Council resolved to support draft Local Planning Scheme No. 2 (LPS2).

Under LPS2 the subject land is located within an area designated a General Industry zone, and a Resource Recovery Centre is an 'A' - discretionary use requiring advertising. It is considered that the proposed development can be considered to be consistent with the intended future general industrial use of this locality.

### **Development (Local Planning Schemes) Regulations 2015**

'A Resource Recovery Centre' is defined in the Regulations as:

*Resource recovery centre means premises other than a waste disposal facility used for the recovery of resources from waste;*

The definition specifies that a resource recovery centre cannot be used as a general waste disposal site. However, the definition does not specify the type of waste nor does it limit activity to metal recycling or exclude paper, plastics or other recyclable materials. As such it is considered appropriate that the site perimeter, which measures approximately 1.0km, be fenced to ensure that any recyclable materials to be processed at the centre are contained within the site.

**Conclusion**

It is considered the most appropriate use class for the proposed development to be 'Resource Recovery Centre' as defined in the Model Scheme Text of the *Planning and Development (Local Planning Schemes) Regulations 2015*; a land use not included in the Zoning Table of Local Planning Scheme No. 1 (LPS1).

It is considered that the use of the land is consistent with the objectives and purposes of the Rural Zone in accordance with Clause 3.6 of Local Planning Scheme No. 1 and with the objectives for the subject site under draft LPS2.

Based on the assessment of the land use against the objectives of the zone, it is recommended that the Council grant development approval for the proposed development.

**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.

**Budget Implications**

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

**Strategic Implications**

There are no strategic 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.

## 15.3 Community Development

### 15.3.1 Mount Charlotte Expanded Tourist Lookout

<b>Responsible Officer:</b>	Mia Hicks Director of Community Development
<b>Responsible Business Unit:</b>	Community Development
<b>Disclosure of Interest:</b>	Nil
<b>Voting Requirements:</b>	Simple
<b>Attachments:</b>	Nil

#### Officer Recommendation

That Council note the outcomes of consultation with the Water Corporation on opportunities for evolving the Mount Charlotte Reservoir into an improved tourism asset.

#### Executive Summary

At the Ordinary Meeting of Council on 16 March 2023, Council requested the Chief Executive Officer prepare a submission to the Water Corporation to enter into discussions to construct an expanded tourist lookout at the Mt Charlotte Reservoir. The purpose of this motion was to celebrate CY O'Connor and the Goldfields Pipeline with information requested back to Council on the investigations conducted.

Water Corporation representatives contacted the City shortly after the meeting to discuss the motion and to provide feedback on the internal work that has been completed on the asset.

This report provides an overview of the status of the discussions with Water Corporation for the Mount Charlotte Reservoir.

#### Community Engagement Consultation

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

#### Community Strategic Plan Links

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

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

#### Budget Implications

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

### **Report**

The Mount Charlotte Reservoir is an operational asset for the Water Corporation. However, the asset also brings significant historical value to the city; especially for visitors. City Officers are working closely with the Water Corporation to ensure that the Mount Charlotte Reservoir is recognised for this value and will continue to work with them on the options for any enhanced tourism offering.

The Mount Charlotte Reservoir site has a mixture of tenure ownership which includes the Water Corporation, Department for Planning, Lands & Heritage (DPLH) and the National Trust.

Water Corporation have confirmed that internal discussions on initial improvements to enhance the asset for tourism purposes has commenced and they will continue to keep City Officers informed on any developments for cross-promotional activities and projects.

Based on the well-acknowledged value of the Mount Charlotte Reservoir to the local Kalgoorlie-Boulder tourism industry, the City and Water Corporation will continue to work together to examine, in consultation with the community and tourism stakeholders, options for creating an enhanced tourism offering. It is important to note that any works to create this offering will require financial investment to design concepts and implement the project.

The City is intending to develop a Kalgoorlie-Boulder Tourism Strategy in close consultation with tourism operators and will ensure that Water Corporation, whilst not tourism providers, are included in these discussions. Further, City Officers have held initial conversations with the Shire of Mundaring to discuss any cross-promotional activities that could be completed to enhance the tourism experience from the source of Kalgoorlie's water to the end of the pipeline.

### **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.

**15.3.2 Events Calendar January - June 2024**

<b>Responsible Officer:</b>	Mia Hicks Director of Community Development
<b>Responsible Business Unit:</b>	Community Development
<b>Disclosure of Interest:</b>	Nil
<b>Voting Requirements:</b>	Simple
<b>Attachments:</b>	Nil

**Officer Recommendation**

That Council receive the Calendar of Events from January to June 2024 as presented in this report.

**Executive Summary**

The City of Kalgoorlie-Boulder produces an assortment of annual events that make the city a desirable place to live and visit. City Officers have been making preliminary arrangements for the 2024 Events Schedule to assist with forward planning. This report details events from January to June 2024, to coincide with the City’s financial year budgets.

**Community Engagement Consultation**

Community consultation was completed with an online survey open for the community between 14 April and 30 April 2023. A total of 283 responses were received and considered in the preparation 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.
- CONNECTED: We will be connected to our history, culture and community.
- FUTURISTIC: We plan for the future proofing of our City by being a thinking and innovative society.
- SUSTAINABLE: We are a green ecologically sustainable City for current and future generations.
- CAPABLE: We will have the resources to contribute to our community and economy.

**Budget Implications**

The City’s annual events are delivered within existing operational budgets as follows:

JOB NUMBER	PROJECT	2023/24
268007	Sunset Concert Series	\$227,500.00
268009	KidsFest	\$233,500.00
268014	Multicultural Festival	\$70,000.00

## Report

In previous years, Council has endorsed a calendar year of Events (January to December) with the 2023 Events being endorsed at OCM on 22 August 2022. However, this report outlines the events from January to June 2024, to coincide with the City's financial year budgets. Future events will then be presented at the beginning of each financial year to align with the City's annual budget.

City Officers have compiled the annual events calendar as below for consideration of Council and to assist with broader community planning to ensure there are no event clashes.

DATE	EVENT	VENUE
Friday 26 January 2024	Sunset Concert Series 1	Centennial Park
TBC (February 2024)	Sunset Concert Series 2	Centennial Park
Saturday 13 and Sunday 14 April 2024	KidsFest	Centennial Park
Saturday 8 June 2024	Multicultural Festival	Lord Forrest Precinct and Cassidy Street

### Sunset Concert Series

**Date:** 26 January and February 2024

**Location:** Centennial Park

**Audience:** 15,000

The Sunset Concert Series is a highlight in the City's event calendar and makes the most of the summer twilight weather and holiday vibe in the early months of the year. The first concert of the series will be held on Australia Day (26 January 2024), and the second will be held in February 2024. The February date is yet to be confirmed and will be finalised in the coming months depending on the availability of the selected headline act.

Each year the concerts generate large crowds and interest from the community. In 2023, the largest crowds were in attendance in the history of this event, due to the quality and renowned acts procured such as Coterie, the Rubens and ILLY. Pending a successful Civil Aviation Safety Authority permit application, it is proposed that a unique experience to the 2024 Series be introduced with the addition of a drone light show, a first for the community of Kalgoorlie-Boulder.

These concerts are valued by local community members and tourists as they provide access to musicians, they would normally need to travel to metropolitan Perth to experience. In addition, they provide local and regional musicians with the

opportunity to perform as the support act which provides them with exposure and new experiences.

**KidsFest****Date:** 13 and 14 April 2024**Location:** Centennial Park**Audience:** 10,000 to 15,000

This action-packed two (2) day festival brings exciting entertainment, activities and sports to one place for a whole weekend of fun. Suitable for up to 12-year-olds, this free event celebrates all fun things with a full schedule of activities and non-stop stage entertainment.

This event draws on average 10,000 visitors through the gates to explore, create and learn, and provides an opportunity for children of the Goldfields to have access to high quality entertainment and activities rarely bought to the region.

**Multicultural Festival****Date:** 8 June 2024**Location:** Lord Forrest Precinct and Cassidy Street**Audience:** 6,000 to 7,000

The Multicultural Festival celebrates the diverse cultures of Kalgoorlie-Boulder bringing entertainment, food and drink from around the world into the heart of the Goldfields. This popular event attracts stall holders from a wide variety of local businesses and community groups and is attended by patrons of all ages from Kalgoorlie-Boulder and the wider communities.

The Multicultural Festival will again be held in the Lord Forrest Precinct and Cassidy Street. This will be the fourth year the event has taken place in this venue with positive feedback from the community. City Officers also wish to expand and value-add to the event by offering new initiatives such as cooking demonstrations and indigenous story telling.

The Multicultural Festival provides a significant economic benefit for local food vendors and community groups due to the large number of attendees. It also provides exposure for local entertainment groups as they perform on stage providing an opportunity to recruit new members.

**Statutory Implications**

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

**Policy Implications**

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

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

Nil

**17 CONFIDENTIAL ITEMS****17.1 Annual Grant Program Budget Amendment**

<b>Responsible Officer:</b>	Mia Hicks Director of Community Development
<b>Responsible Business Unit:</b>	Community Development
<b>Disclosure of Interest:</b>	Nil

**Officer Recommendation**

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

- (e) a matter that if disclosed, would reveal —
- (iii) information about the business, professional, commercial or financial affairs of a person,
- (h) such other matters as may be prescribed.

**Executive Summary**

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



## **18 DATE OF NEXT MEETING**

The next Ordinary Council Meeting will be held on 28 August 2023.

## **19 CLOSURE**