



**City of
Kalgoorlie
Boulder**

AGENDA

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

commencing at 6:00 PM

on

10 JULY 2023

at the

Administration Building

6 July 2023



NOTICE OF MEETING

An Special Council Meeting of the City of Kalgoorlie-Boulder will be held in the **Administration Building** on **Monday, 10 July 2023** commencing at **6:00 PM** to consider the Road Reserve Closures - KCGM Fimiston South Project report.

Regards

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

ANDREW BRIEN

Chief Executive Officer

Table of Contents

1	DECLARATION OF OPENING / ANNOUNCEMENT OF VISITORS	4
2	DISCLAIMER READING	4
3	RECORD OF ATTENDANCE	4
	3.1 ATTENDANCE	4
	3.2 APOLOGIES	4
	3.3 LEAVE OF ABSENCE (PREVIOUSLY APPROVED).....	4
4	PUBLIC ACCESS AND PUBLIC QUESTION TIME	5
	4.1 PUBLIC ACCESS	5
	4.2 PUBLIC QUESTION TIME	5
5	PETITIONS / DEPUTATIONS / PRESENTATIONS	5
6	NOTATIONS OF INTEREST	5
	6.1 INTEREST AFFECTING IMPARTIALITY CITY OF KALGOORLIE-BOULDER CODE OF CONDUCT	5
	6.2 FINANCIAL INTEREST LOCAL GOVERNMENT ACT SECTION 5.60A	5
	6.3 PROXIMITY INTEREST LOCAL GOVERNMENT ACT SECTION 5.60B	5
7	APPLICATIONS FOR LEAVE OF ABSENCE	5
8	URGENT BUSINESS APPROVED BY THE PERSON PRESIDING OR BY DECISION	5
9	REPORTS OF OFFICERS	6
	9.1 ENGINEERING.....	6
	9.1.1 Road Reserve Closures - KCGM Fimiston South Project.....	6
10	CONFIDENTIAL ITEMS	11
11	CLOSURE	11

1 DECLARATION OF OPENING / ANNOUNCEMENT OF VISITORS

2 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.

3 RECORD OF ATTENDANCE

3.1 Attendance

In Attendance:

Members of Staff:

Visitors:

Press:

3.2 Apologies

Apologies – Elected Members:

Apologies - Members of Staff:

3.3 Leave of Absence (Previously Approved)

Leave of Absence:

Cr Amy Astill

4 PUBLIC ACCESS AND PUBLIC QUESTION TIME

4.1 Public Access

4.2 Public Question Time

5 PETITIONS / DEPUTATIONS / PRESENTATIONS

6 NOTATIONS OF INTEREST

6.1 Interest Affecting Impartiality City of Kalgoorlie-Boulder Code of Conduct

6.2 Financial Interest Local Government Act Section 5.60A

6.3 Proximity Interest Local Government Act Section 5.60B

7 APPLICATIONS FOR LEAVE OF ABSENCE

8 URGENT BUSINESS APPROVED BY THE PERSON PRESIDING OR BY DECISION

PROCEDURAL MOTION

That in accordance with Standing Order Clause 12.3(2) the debate is to resume on report item Road Reserve Closure – KCGM Fimiston South Project.

In accordance with the provisions of the Standing Orders Local Law, the following Councillors have spoken on the question.

- Cr Suzie Williams
- Cr Mandy Reidy
- Cr David Grills

9 REPORTS OF OFFICERS

9.1 Engineering

9.1.1 Road Reserve Closures - KCGM Fimiston South Project

Responsible Officer:	Kevin Ketterer Director of Engineering
Responsible Business Unit:	Engineering
Disclosure of Interest:	Nil
Voting Requirements:	Simple
Attachments:	<ol style="list-style-type: none"> 1. Fimiston South Road Closures Second Application MAP [9.1.1.1 - 1 page] 2. KCGM Stage 2 Road Closures Submission [9.1.1.2 - 1 page] 3. CKB Response to Public Comment [9.1.1.3 - 4 pages] 4. 20230321 Aerial Map - Dedication of UCL Lot 4488 on DP 189485 as road [9.1.1.4 - 1 page] 5. 20230321 Tenure Map - Dedication of UCL Lot 4488 on DP 189485 as road [9.1.1.5 - 1 page]

Officer Recommendation/ Motion

Moved By: Cr John Matthew

Seconded By: Deputy Mayor Glenn Wilson

That Council:

1. Pursuant to Section 58 of the *Land Administration Act 1997 and Regulation 9 of the Land Administration Regulations 1998*, being satisfied that there have been no substantiated objections related specifically to the proposed road closures:
 - a. Support the closure of the portions of road as depicted in the attached map; and
 - b. Authorise the Chief Executive Officer to request the Minister of Lands to close these gazette portions of road;
2. Notes the response from the City to the public comment received during the advertising period relating to the proposed closure of a number of roads depicted in the attached map, as requested by Kalgoorlie Consolidated Gold Mines (KCGM), related to the expansion of the Fimiston South Mine; and
3. Agrees that it will indemnify and keep indemnified the State of Western Australia, the Department of Planning, Lands and Heritage and the Minister for Lands and hold them harmless from and against all liabilities, obligations, costs, expenses or disbursements of any kind including, without limitation, compensation payable to any party under the Native Title Act 1993 (Cth) which may be imposed on or incurred by the Indemnified Parties, relating to

or arising directly or indirectly from the dedication of Unallocated Crown Land Lot 4488 on Deposited Plan 189485 as a road, noting that KCGM has provided an indemnity in the favour of the City for the same purposes.

Executive Summary

This report presents Kalgoorlie Consolidated Gold Mines' (KCGM) application for road closures (*see Attachment 9.1.1 and 9.1.2*) to the City; public comment received before the submission of this report with the City's response to respective comment (*see Attachment 9.1.3*).

It also seeks to provide an update on the construction of a turning circle at the end of Hopkins Street pursuant to Council resolution at the OCM of 27 February 2023 and inform Council what is currently required of the City in order to progress.

Community Engagement Consultation

Community consultation was undertaken in accordance with the statutory requirements of Section 58 of the *Land Administration Act 1997* in the form of a 35 - day advertising period between 24 March 2023 and 28 April 2023. One (1) response was received and is included in this report (without reference to the name or address of the respondent) along with the City's response provided in Attachment 9.1.3.

Community Strategic Plan Links

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

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

SUSTAINABLE: We advocate for the provision of land use.

Budget Implications

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

Report

Background

As part of Fimiston South's growth project, KCGM is now seeking to de-gazette a number of historic roads currently located within their operations and surrounds, as well as to the east of the Super Pit. These roads are highlighted in the map provided (*see Attachment 9.1.1*). It should be noted that some of these roads no longer exist. However, they intersect proposed infrastructure as part of the Fimiston South project, such as future waste rock dumps. Currently these gazetted roads are inaccessible to the public and are purely cadastral, and as such, the City seeks Council's approval to permanently close these roads.

Public Notice was given between 24 March to 28 April 2023 prior to the presentation of this report to Council, according to the statutory requirements of Section 58 of the

Land Administration Act 1997 and Regulation 9 of the Land Administration Regulations 1998.

One (1) response opposing the proposal was received.

Response to Public Notice

The public notice period closed on 28 April 2023 with opposed comment received from one (1) respondent primarily objecting that the previously demolished towns and roads within the modern mining pit operations had not been identified by their names, thus not given due respect to the European cultural heritage of the area. The respondent also notes concern that the gazetted roads are within the State Bushfire Mapping and questions adherence to procedure for the roads to be closed in this regard. The City has addressed the respondent's questions, which is included in this report (see *Attachment 9.1.3*).

Lot 4488 – Dedication from “Unallocated Crown Land (UCL)” to “road”

Background

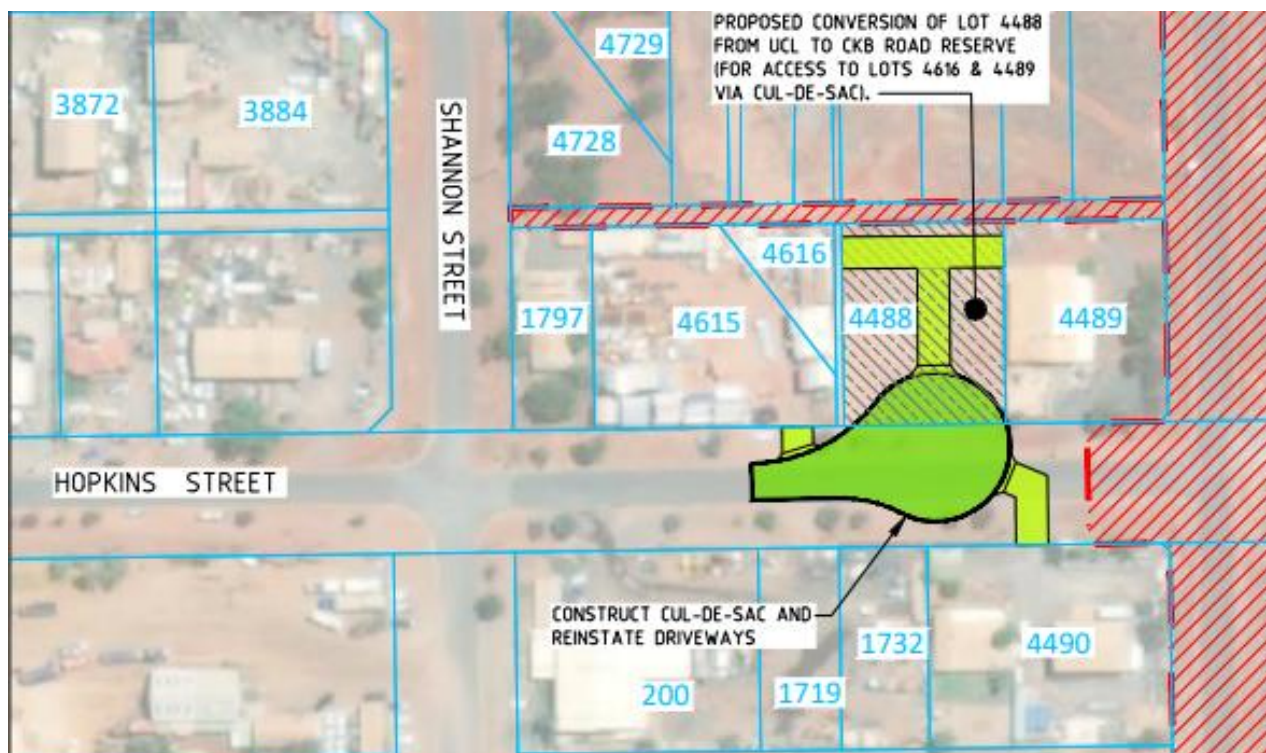
At the OCM of 27 February 2023, Council approved the following recommendation:

“1.

4. *Pursuant to Section 56 of the Land Administration Act 1997 and Regulation 8 of the Land Administration Regulations 1998, based on the requirement for the provision of a turning circle at the end of Hopkins Road:*
 - a. *Support the dedication of Lot 4488 from “Unallocated Crown Land” (UCL) to “road”; and*
 - b. *Authorise the Chief Executive Officer to request the Minister of Lands to dedicate Lot 4488 from “UCL” to “road”.*

Requirement of Department of Planning, Lands and Heritage (DPLH)

On 13 April 2023, the City received notice from DPLH regarding the Council endorsed dedication of Unallocated Crown Land Lot 4488 on Deposited Plan 189485 as a road to allow the construction of a turning circle at the end of Hopkins Street. See below plan indication of the affected land.



DPLH has stipulated that in order to proceed and comply with Section 56(4) of the Land Administration Act 1997, the City of Kalgoorlie-Boulder must agree to indemnify the State of WA, the Department of Planning, Lands and Heritage and the Minister for Lands against any claim for compensation.

DPLH has stipulated that the City formalise the indemnity as soon as possible by providing letterhead signed by the City's Chief Executive Officer with the text of the indemnity to be passed by Council as follows:

"The City of Kalgoorlie-Boulder agrees that it will indemnify and keep indemnified the State of Western Australia, the Department of Planning, Lands and Heritage and the Minister for Lands and hold them harmless from and against all liabilities, obligations, costs, expenses or disbursements of any kind including, without limitation, compensation payable to any party under the Native Title Act 1993 (Cth) which may be imposed on or incurred by the Indemnified Parties, relating to or arising directly or indirectly from the dedication of Unallocated Crown Land Lot 4488 on Deposited Plan 189485 as a road."

An aerial and tenure map were provided by DPLH and are referenced as Attachments 9.1.4 and 9.1.5.

It has been confirmed that as the UCL is to be used for road purposes and amalgamated with an adjoining road reserve, the matter of native title is suppressed. In addition, Northern Star Resources Limited has provided an indemnity in favour of the City against any costs arising out of these processes.

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.

10 CONFIDENTIAL ITEMS

Nil

11 CLOSURE