



**City of  
Kalgoorlie  
Boulder**

# **AGENDA**

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

**on**

**12 AUGUST, 2019**

**at the**

**Kalgoorlie Town Hall**

9 August 2019



## **NOTICE OF MEETING**

An Ordinary Council meeting, of the City of Kalgoorlie-Boulder will be held in the **Kalgoorlie Town Hall** on **Monday, 12 August 2019** commencing at **7:00pm**.

Regards

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

**JOHN WALKER**  
Chief Executive Officer

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**1 DECLARATION OF OPENING/ANNOUNCEMENT OF VISITORS****2 OPENING PRAYER**

To be conducted by Lieutenant Jodie Jones of the Salvation Army.

**3 DISCLAIMER READING**

The Mayor will read the disclaimer to those present.

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/APOLOGIES/LEAVE OF ABSENCE (PREVIOUSLY APPROVED)**

**IN ATTENDANCE:**

**MEMBERS OF STAFF:**

**VISITORS:**

**PRESS:**

**APOLOGIES – ELECTED MEMBERS:**

**APOLOGIES – MEMBERS OF STAFF:**

**LEAVE OF ABSENCE:**

Cr Pam O'Donnell

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

**6 PUBLIC ACCESS AND 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**

**11 CONFIRMATION OF MINUTES**

[Minutes of Ordinary Council Meeting held on 22 July 2019](#)

That the minutes of the **Ordinary** meeting held on 22 July 2019 be confirmed as a true record of that meeting.

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

Nil

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

**14 REPORTS OF COMMITTEES**

Nil

## 15 REPORTS OF OFFICERS

### 15.1 CHIEF EXECUTIVE OFFICER

#### 15.1.1 CITY OF KALGOORLIE-BOULDER ACTIVITIES ON THOROUGHFARES AND TRADING IN THOROUGHFARES AND PUBLIC PLACES AND LOCAL GOVERNMENT PROPERTY AMENDMENT LOCAL LAWS 2019

Responsible Officer:	John Walker Chief Executive Officer
Author:	Michelle Todd Manager Governance and Legal Services
Disclosure of Interest:	Nil

#### VOTING REQUIREMENTS

Absolute

#### OFFICER RECOMMENDATION

That Council:

1. Adopt the City of Kalgoorlie-Boulder Activities on Thoroughfares and Trading in Thoroughfares and Public Places Amendment Local Law 2019 and the City of Kalgoorlie-Boulder Local Government Property Amendment Local Law 2019 made in accordance with section 3.12 of the *Local Government Act 1995* (“the Act”);
2. Authorise the affixing of the City’s common seal to the amendment local laws, to be witnessed, signed and dated by the Mayor and the CEO;
3. Pursuant to section 3.12(5) of the Act, give a copy of the adopted amendment local laws to the Minister, and publish the adopted amendment local laws in the Government Gazette;
4. Pursuant to section 3.12(6) of the Act, give local public notice, with the purpose and the effect of the amendment local laws summarised in the notice, specifying the date on which the amendment local laws comes into operation, and have copies of the adopted amendment local laws available for distribution; and
5. Pursuant to section 3.12(7) of the Act, give a signed Explanatory Memoranda and Explanatory Memoranda check list, copies of the amendment local laws and any other materials required, to the Joint Standing Committee on Delegated Legislation.

#### EXECUTIVE SUMMARY

On 13 May 2019 Council resolved to give Statewide public notice of the *City of Kalgoorlie-Boulder Activities on Thoroughfares and Trading in Thoroughfares and Public Places Amendment Local Law 2019* and the *City of Kalgoorlie-Boulder Local Government Property Amendment Local Law 2019* (together referred to as “**the 2019**”

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**Amendment Local Laws**”) and furnish a copy of the 2019 Amendment Local Laws and applicable notices upon the Minister.

Statewide public notice was effected on 22 May 2019 and the period for submissions concluded on 3 July 2019. No public submissions were received with respect to the 2019 Amendment Local Laws.

The Department of Local Government, Sport and Cultural Industries has provided its comments to the City, recommended minor grammar and formatting changes. The City has made the proposed minor amendments, with the 2019 Amendment Local Laws not changing in substance.

Council endorsement is sought to adopt the 2019 Amendment Local Laws pursuant to section 3.12 of the Act.

### **COMMUNITY STRATEGIC PLAN LINKS**

This report links to the Strategic Community Plan through the Community's Guiding Principles to be a family friendly city that is a safe place to live work and play.

### **BUDGET IMPLICATIONS**

Costs associated with the advertising and gazettal of the amendment local law will come from the local laws review budget. There are sufficient funds in the local laws review budget for this purpose. Implementing the amendment local law should not have any other financial implications for the City.

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### **REPORT**

The 2018 Amendment Local Laws were disallowed effective on and from 31 October 2018.

The City has considered the recommendations of the Committee and sought independent legal advice before commencing the process to make the local laws amendments as a 2019 amendment. The 2019 Amendment Local Laws have been drafted in accordance with that advice and considering the recommendations by the Committee.

#### *City of Kalgoorlie-Boulder Activities on Thoroughfares and Trading in Thoroughfares and Public Places Local Law 2000*

The **purpose** of the local law is to amend the *City of Kalgoorlie-Boulder Activities on Thoroughfares and Trading in Thoroughfares and Public Places Local Law 2000*.

The **effect** of the local law is to amend the framework for the control of specific activities and certain antisocial behaviour on thoroughfares and public places and will provide authority to enforce the laws and administer fines.

In summarising, the following amendments further to the proposed and subsequently disallowed *City of Kalgoorlie-Boulder Activities on Thoroughfares and Trading in*

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*Thoroughfares and Public Places Amendment Local Law 2018* are proposed as follows:

### 1. Clause 2.1 amended

The Committee recommended the City reconsider the use of the word annoy. This has been replaced with the word harass, the ordinary meaning of which is “1. to trouble by repeated attacks, incursions, etc., as in war or hostilities; harrass; raid. 2. to disturb persistently; torment.”. It is intended this will address concerns of “annoy” encompassing minimally disruptive behaviour.

References to “indecent act” at 2.1 have been removed based on the Committee’s view such behaviour should only be regulated by an Act of Parliament. The reference to “offensive act” is otherwise retained, having not been the subject of comment by the Committee.

The Committee considered that proposed 2.2(1)(n) contained matter not appropriate for subsidiary legislation as begging in streets and other public places ‘is a matter of broad social significance’ and prohibiting begging involves a ‘fundamental change to existing policy’ and a ‘fundamental change in the law, intended to alter and redefine rights, obligations and liabilities’. In consideration of this comment, this provision has been removed.

### 2. Clause 2.2 amended

The Committee addressed issues with the 2018 Amendment, as such the references to “placing of furniture” have been reworded so as to refer more generally to the placing of any thing in or on a public place so as to cause nuisance or obstruction.

### 3. Schedule 1

Schedule 1 has been amended as required to encompass the above amendments.

#### *City of Kalgoorlie-Boulder Local Government Property Local Law 2010*

The **purpose** of the local law is to amend the *City of Kalgoorlie-Boulder Local Government Property Local Law 2010*

The **effect** of the local law is to amend the requirements with which any person using or being on all local government property within the district, must comply.

In summarising, the following amendments further to the proposed and subsequently disallowed *City of Kalgoorlie-Boulder Local Government Property Amendment Local Law 2018* are proposed as follows:

### 1. Clause 4.1 amended

References to the word annoy have been replaced with the word harass for the same reasons identified above for the *Thoroughfares and Public Places Amendment Local Law*.

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References to “indecent act” at 2.1 have been removed based on the Committee’s view such behaviour should only be regulated by an Act of Parliament. The reference to “offensive act” is otherwise retained, having not been the subject of comment by the Committee.

The Committee’s comments in relation to soliciting money were again raised in the content of the Property Amendment Local Law. Accordingly references have been removed.

## **2. Other Amendments**

A definition of “nuisance” has been included, with the addition of a clause at 3.13(1)(t) prohibiting the creation of a nuisance on Local Government property without a permit. Clause 3.13(1)(u) has been reworded so as to refer more generally to the placement of any thing so as to cause a nuisance or obstruction.

The City has provided the Minister with a copy of the 2019 Amendment Local Laws in accordance with the Council resolution of 13 May 2019. The minor grammar and formatting recommendations by the Department have been adopted. These changes are not substantive in nature.

The Statewide public notice period concluded on 3 July 2019 and no submissions were received.

Accordingly, it is recommended Council endorse the adoption of the 2019 Amendment Local Laws.

## **STATUTORY IMPLICATIONS**

The City must comply with the procedure for amending Local Laws as prescribed in s3.12 of the *Local Government Act 1995*.

## **POLICY IMPLICATIONS**

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

## **COMMUNITY ENGAGEMENT CONSULTATION**

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

## **ATTACHMENTS**

Activities on Thoroughfare Amendment Local Law 2019 

Property Amendment Local Law 2019 

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### 15.1.2 2019 LOCAL GOVERNMENT ORDINARY ELECTION

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

**Author:** Michelle Todd  
Manager Governance and Legal Services

**Disclosure of Interest:** Nil

#### VOTING REQUIREMENTS

Simple

#### OFFICER RECOMMENDATION

**That Council receive the information for the 2019 Local Government Ordinary Election.**

#### EXECUTIVE SUMMARY

The purpose of this report is to advise Council and the Electors of key dates for the 2019 Local Government Ordinary Elections. This information is available from the Western Australian Electoral Commission (“**WAEC**”) and the Department of Local Government, Sport and Cultural Industries (“**the Department**”).

The City of Kalgoorlie-Boulder 2019 Local Government Ordinary Election will be held on Saturday 19 October 2019. The election will be for six (6) Councillor Positions and for the position of Mayor.

#### COMMUNITY STRATEGIC PLAN LINKS

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

#### BUDGET IMPLICATIONS

The budget provisions for the 2019 Local Government Ordinary Elections were made in the 2019/2020 Budget.

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#### REPORT

The purpose of this report is to advise Council and the Electors of key dates for the 2019 Local Government Ordinary Elections. This information is available to the public from the WAEC and the Department.

In Western Australia, Councillors are elected for a term of four years. Elections are held every two years for half the Council. Mayoral elections are held every four years and there will be a Mayoral election this year.

The 2019 election will be for six (6) Councillor Positions and for the position of Mayor.

The City has again contracted the WAEC to run the postal election following the resolution by Council on 12 November 2018. The Returning Officer has been appointed by the WAEC and the City will receive notification of the contact details of the appointed officer by way of the call for nominations advertisement on 28 August 2019.

2019 Key Dates:

*14 August 2019: Statewide public notice*

The WAEC Statewide public notice of the date and time of close of enrolments will commence on 14 August 2019. Notices will be published in the West Australian Newspaper, the Kalgoorlie Miner and displayed on City notice boards.

*30 August 2019: Close of roll*

The roll closes at 5:00pm on 30 August 2019. All enrolments for voters not currently enrolled must be lodged with the Chief Executive Officer by 5:00pm on Friday 30 August 2019.

*5 September 2019: Nominations will open*

First day for candidates to lodge completed nomination paper, in the prescribed form, with the Returning Officer. Candidates are required to complete the compulsory Local Government Candidate Induction facilitated by the Department prior to nominating.

*12 September 2019: Nominations will close*

Nominations will close at 4:00pm on the 37<sup>th</sup> day before the election. Candidates will be asked to declare they have completed the online induction when filling out the nomination form therefore should leave enough time to complete the induction before nominations close.

*18 September 2019: Statewide public notice*

The Returning Officer is to give Statewide public notice of the election.

*20 September 2019: Election packages lodgement*

The WAEC lodgement of election packages with Australia Post commences today. The City has nominated to utilise the priority post service for returned election packages.

*19 October 2019: Election Day*

Polls close at 6:00pm on 19 October 2019.

*24 October 2019: Election Result Advertisement*

The election result advertisement will be published on or about this date.

Following the declaration of the result, the Returning Officer will comply with the reporting requirements in accordance with the *Local Government Act 1995* and the *Local Government (Elections) Regulations 1997*.

**STATUTORY IMPLICATIONS**

The 2019 Local Government Ordinary Elections will be conducted in accordance with the *Local Government Act 1995* and relevant regulations provisions.

**POLICY IMPLICATIONS**

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

**COMMUNITY ENGAGEMENT CONSULTATION**

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

**ATTACHMENTS**

2019 LGE Postal Timeline 

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## 15.2 GENERAL MANAGER – INFRASTRUCTURE AND ENVIRONMENT

### 15.2.1 PROPOSED EXCISION AND DEDICATION OF PORTION OF RESERVE 35222

<b>Responsible Officer:</b>	<b>Stuart Devenish General Manager Infrastructure &amp; Environment</b>
<b>Author:</b>	<b>Matilda Hodge Planning Officer</b>
<b>Disclosure of Interest:</b>	<b>Nil</b>
<b>Assessment Number:</b>	<b>A27359</b>
<b>Owners Name:</b>	<b>City of Kalgoorlie-Boulder</b>
<b>Application Number:</b>	<b>N/A</b>
<b>Applicants Name:</b>	<b>Cardno Spectrum Survey</b>
<b>Development Value:</b>	<b>N/A</b>

#### VOTING REQUIREMENTS

Simple

#### OFFICER RECOMMENDATION

That Council resolve to:

1. Request the Minister for Transport, Planning to order the boundaries of Reserve 35222 to be amended pursuant to s51 of the *Land Administration Act 1997* to enable a portion of that Reserve to be amalgamated with adjacent lot 21 (32A) Campbell Street; and
2. Authorise the Chief Executive Officer and Mayor to sign and affix the Common Seal of the City of Kalgoorlie-Boulder in accordance with part 19.1(2) of the *Standing Order Local Law 2013* to any required documentation.

#### EXECUTIVE SUMMARY

Cardno Spectrum Surveys, on behalf of the landowner of Lot 21 (32A) Campbell Street, Lamington, is seeking Council's support to excise and amalgamate a portion of Reserve 35222 with Lot 21 (32A) Campbell Street, Lamington. The change is requested by the landowner to rectify longstanding building and fence line encroachments into the Reserve.

The City was granted a management order over Crown Reserve 35222 in October 2001 for the purpose of "Drain". The proposed excision does not impact upon the functionality of the Reserve. Additionally, there would be no change to the outward appearance of the Reserve as a result of the proposed excision.

The landowner has indemnified the City of Kalgoorlie-Boulder from any costs associated with this process.

Council is requested to support the proposal to seek the Minister's approval for the excision and subsequent amalgamation of the subject portion of Reserve 35222. Further land dealings and terms of land purchase are negotiated between the landowner and the State.

### **COMMUNITY STRATEGIC PLAN LINKS**

This report links to the Strategic Community Plan through the Community's Guiding Principles:

- Plan for regulated sustainable land use and development

### **BUDGET IMPLICATIONS**

There are no financial implications resulting from the recommendations of this report as the landowner has provided an undertaking to indemnify the City of Kalgoorlie-Boulder from any costs associated with this process.

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### **REPORT**

Acting for the landowner Jackson Hughes, Cardno Spectrum Survey is seeking Council's support to request the Minister's approval for the excision and amalgamation of a portion of Reserve 35222 into Lot 21 (32A) Campbell Street, Lamington.

Freehold Lot 21 (32A) Campbell Street, Lamington has structures encroaching approximately 207m<sup>2</sup> into neighbouring Reserve 35222. As illustrated in Figure 1, the boundary fence and portions of both the dwelling and outbuilding protrude into the Reserve. The applicant has estimated that the encroachments have existed for approximately 50 years.

Crown Reserve 35222 is zoned 'General Residential' R12.5 and, in addition to the use of the Lot as a drain way, it is also used as a garden (Davidson Garden). The proposed excision will not impact upon the existing location of the drain running through Reserve 35222, nor will there be any impact on the use or appearance of the Reserve as Davidson Garden. The proposal would not impact upon the location of existing utilities or services and no easement or encumbrances would be required as part of the excision and amalgamation process.

The landowner has indemnified the City against all costs associated with the excision and subsequent amalgamation of the land.

The excision and amalgamation of the portion of the Reserve will bring to conclusion an outstanding encroachment issue. Council's support for the excision and amalgamation will enable the landowner to proceed with purchasing the land from the State.





Figure 1 – Reserve 35222 and neighbouring Lot 32 (32A) Campbell Street, Lamington

## STATUTORY IMPLICATIONS

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


## POLICY IMPLICATIONS


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

## COMMUNITY ENGAGEMENT CONSULTATION

The proposed excision does not present any visual or operational change to the land, and as such, community consultation was not considered necessary in relation to the recommendations of the report.

## ATTACHMENTS

Attachment 1 – Application for proposed excision of R 35222 

Attachment 2 – Draft Survey of Lot 21 (32A) Campbell Street, Lamington and R 35222 

Attachment 3 – Letter from land owner indemnifying City of all costs 

Attachment 4 – Utilities and services locations 



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### 15.2.2 FEE REVIEW - BUILDING SERVICES

<b>Responsible Officer:</b>	<b>Stuart Devenish General Manager Infrastructure &amp; Environment</b>
<b>Author:</b>	<b>Paul Nuttall Planning and Development Team Leader</b>
<b>Disclosure of Interest:</b>	<b>Nil</b>

#### VOTING REQUIREMENTS

Absolute

#### OFFICER RECOMMENDATION

That Council:-

- 1. Adopt the statutory Building Fees and Charges for 2019/2020 set by the Building Commission as attached to this report; and**
- 2. Authorise the Chief Executive Officer to give public notice of the Fees and Charges referred to in 1. above in accordance with Section 6.19 of the *Local Government Act 1995*.**

#### EXECUTIVE SUMMARY

The Building Commission has released the 2019/2020 statutory fees and charges to be applied to building applications and associated permits. The new fees were not published at the time of adoption of the fee schedule by Council on 13 May 2019.

The new schedule of building fees reflect an increase of 7% as a result of a review conducted by the Department of Mines, Industry, Regulation and Safety. The fees are prescribed by State regulation and apply uniformly across local government.

It is recommended the Council adopt the revised fees and give notice in accordance with the requirements of the Act.

#### COMMUNITY STRATEGIC PLAN LINKS

This report links to the Strategic Community Plan through the Community's Guiding Principles to plan for regulated sustainable land use and development.

#### BUDGET IMPLICATIONS

The fee increases will generate additional revenue in the order of \$5,000.

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#### REPORT

The *Building Act 2011* provides powers to the Building Commission to set statutory fees for Local Governments for building applications and associated permits.

The attached table breaks down the building fees as prescribed by the *Building Regulations 2012*. The annual fee increases are the result of a review undertaken by the Department of Mines, Industry Regulation and Safety at the request of the Parliament's Joint Standing Committee on Delegated Legislation. Building fees as a result of this review, increased by 7% for the 2019/20 year. This increase affects all of the individual charge categories for the services provided by Building Services.

It is recommended that the City's schedule of fees and charges be amended to align with the prescribed charge rates.

### **STATUTORY IMPLICATIONS**

Section 6.19 of the *Local Government Act 1995* requires local government to give notice of a fee or charge for not less than 7-days for any goods or service it provides.

### **POLICY IMPLICATIONS**

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

### **COMMUNITY ENGAGEMENT CONSULTATION**

Public notice is required to be given in accordance with the statutory implication mentioned above.

### **ATTACHMENTS**

AMENDED BUILDING ACT FEES 2019 

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

**17 INFORMATION BULLETIN****17.1 CHIEF EXECUTIVE OFFICER****17.1.1 INFORMATION ITEM 12 AUGUST 2019**

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

**Author:** Karen Theaker  
Governance Officer

**Disclosure of Interest:** Nil

**VOTING REQUIREMENTS**

Simple

**OFFICER RECOMMENDATION**

That Council receive the information.

**EXECUTIVE SUMMARY**

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

**COMMUNITY STRATEGIC PLAN LINKS**

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

**BUDGET IMPLICATIONS**

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

**REPORT**

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

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

**STATUTORY IMPLICATIONS**

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

**POLICY IMPLICATIONS**

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

**COMMUNITY ENGAGEMENT CONSULTATION**

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

**ATTACHMENTS**

Seal Register 

Facebook Statistics 

Community Grant Register 

EGCC Meal Statistics 

Roadwise Minutes 

Roadwise Minutes attachment 

LEMC Minutes 

**18 CONFIDENTIAL ITEMS**

**19 DATE OF NEXT MEETING**

The next Ordinary Council Meeting will be on Monday 26 August 2019.

**20 CLOSURE**