



**City of  
Kalgoorlie  
Boulder**

# **MINUTES**

**(Unconfirmed)**

**of the Ordinary Council Meeting**

**held at 7:00 PM**

**on**

**23 JANUARY 2023**

**at the**

**Kalgoorlie Town Hall**

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

The Mayor declared the meeting open at 7:00 pm welcoming the gallery and those present.

## **2 OPENING PRAYER**

The opening prayer was conducted by Major Craig Spooner from the Salvation Army.

## **3 DISCLAIMER READING**

The Mayor 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**

#### **COUNCIL RESOLUTION**

**Moved By:**

**Cr Kirsty Dellar**

**Seconded By:**

**Cr Suzie Williams**

That Council authorises the attendance of Cr Mandy Reidy to participate in the Ordinary Meeting of Council in accordance with the provisions of the Local Government (Administration) Regulations 1996 Clause 14A.

**CARRIED  
(12 / 0)**

#### **In Attendance:**

Mayor John Bowler  
Deputy Mayor Glenn Wilson  
Cr Deborah Botica

Cr Mandy Reidy	Joined via telephone conference at 7:03pm
Cr Dave Grills	
Cr Terrence Winner	
Cr John Matthew	
Cr Kirsty Dellar	
Cr Amy Astill	
Cr Kim Eckert	
Cr Michael McKay	Via telephone conference
Cr Suzie Williams	
Cr Wayne Johnson	

**Members of Staff:**

Andrew Brien	Chief Executive Officer
David Trevaskis	Director Corporate and Commercial
Alex Wiese	Director Development and Growth
Kevin Ketterer	Director Engineering
Mia Hicks	Director Community Development
Frances Liston	Executive Manager Governance and Risk Services
Emma Holtum	Governance Officer
Parehina Thompson	Council Administrator Officer

**Visitors:**

2

**Press:**

3

**4.2 Apologies**

**Apologies - Elected Members:**

Nil

**Apologies - Members of Staff:**

Nil

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

**Leave of Absence:**

Nil

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

**Question asked by David Oates at the December Council Meeting:**

Regarding the Seniors Community Survey, this survey should be dealt with whilst abiding by the condition clearly set out in Cr Astill's motion, I see no relevance between the community kitchen meals on wheels issue and the City Aged friendly strategy group, where does the pledged \$350,000 fit into the picture?

**Response:**

The Council-endorsed Age Friendly Strategy was developed in consultation with the Seniors Focus Group which included an endorsed allocation of the \$350,000 budget line item to the 2022/23 initiatives. As per the Strategy Actions, a report will be provided to the Senior Focus Group on the program's feasibility in 2023/24.

Amana Living is the current service provider for Meals at Home with the contract being extended by the Federal Government to 30 June 2024. Without Commonwealth Home Support Program Services funding, the cost for delivery by the City of Kalgoorlie-Boulder for the next six months to all seniors 85 years and older residing in Kalgoorlie-Boulder is approximately \$1M, which significantly exceeds the budget provided.

Commencing late February, the City of Kalgoorlie-Boulder will provide a mid-day meal at the Eastern Goldfields Community Centre for seniors twice a week.

As per the Report provided to Council at the 27 September 2022 OCM, 100 survey respondents requested meals to be provided at the Community Centre; which was also endorsed by seniors through face-to-face consultation. Respondents to the survey were also asked if they had access to the Commonwealth Home Support Program (CHSP) Services, of which 21 respondents were eligible.

**6 PUBLIC ACCESS AND PUBLIC QUESTION TIME****6.1 Public Access**

Nil

**6.2 Public Question Time**

Nil

**7 PETITIONS / DEPUTATIONS / PRESENTATIONS**

Nil

**8 NOTATIONS OF INTEREST****8.1 Interest Affecting Impartiality City of Kalgoorlie-Boulder Code of Conduct**

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Councillor Kim Eckert declared an impartiality interest in item 17.1.1 as she is the Vice-Chair of the Kalgoorlie Boulder Visitor Centre.

Councillor Terrence Winner declared an impartiality interest in item 17.1.1 as he is the Chair of the Kalgoorlie Boulder Visitor Centre.

## **8.2 Financial Interest Local Government Act Section 5.60A**

Nil

## **8.3 Proximity Interest Local Government Act Section 5.60B**

Nil

## **9 APPLICATIONS FOR LEAVE OF ABSENCE**

**Moved By:**

**Cr Terrence Winner**

**Seconded By:**

**Cr Wayne Johnson**

That Council approves the leave request.

**CARRIED  
(13 / 0)**

### **Applicant: Mayor John Bowler**

Mayor John Bowler requested a leave of absence from 8 February to 18 February.

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

### **10.1 Mayor Announcements**

20 December 2022	Met Malaysian Atomic Energy and Lynas Rare Earths Officials
16 January 2023	Briefing on the future plans for Kalgoorlie Airport
16 January 2023	Council Agenda Briefing Meeting
18 January 2023	RAP Working Group Meeting
19 January 2023	Attend OWLS monthly meeting
19 January 2023	Met Officials from Men's Shed Committee

Mayor acknowledged a founding Councillor of the City of Kalgoorlie-Boulder Mr Ollie Swiderski who passed away on the weekend, our sympathies are with his family at this time.

## **11 CONFIRMATION OF MINUTES**

**Moved By:** Cr John Matthew  
**Seconded By:** Cr Terrence Winner

That the minutes of the Ordinary Meeting of Council held on 19 December 2022 be confirmed as a true record of that meeting.

**CARRIED**  
**(13 / 0)**

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

Nil

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

In accordance with Standing Orders Local Law 2013, Clause 3.10 (1) the Mayor consented for the late item to be considered by the Council as a recommendation was required by the Joint Development Assessment Panel prior to the next Ordinary Meeting of Council.



**13.1 Responsible Authority Report - Proposed Lodging House - Lot 302 (No. 1) Porter Street KALGOORLIE (P135/22)**

<b>Responsible Business Unit:</b>	Planning Development & Regulatory Services
<b>Disclosure of Interest:</b>	Nil
<b>Application Number:</b>	P135/22 (DAP/22/02360)
<b>Owner's Name:</b>	Anthony and Marcelle Caputo
<b>Applicant's Name:</b>	Planning Solutions
<b>Development Value:</b>	\$3 Million
<b>Voting Requirements:</b>	Simple
<b>Attachments:</b>	<ol style="list-style-type: none"> <li>1. Responsible Authority Report - P 135-22 - Lot 302 ( No. 1) Porter Street KALGOORLIE [13.1.1 - 14 pages]</li> <li>2. Attachment 1. Location Plan and Context Plan [13.1.2 - 2 pages]</li> <li>3. Attachment 2. Development Plans [13.1.3 - 11 pages]</li> <li>4. Attachment 3. Planning Consultant Report and Additional Information [13.1.4 - 34 pages]</li> <li>5. Attachment 4. Acoustic Reports [13.1.5 - 24 pages]</li> <li>6. Attachment 5. Traffic Impact Statement [13.1.6 - 25 pages]</li> <li>7. Attachment 6. Waste Management Plan [13.1.7 - 16 pages]</li> <li>8. Attachment 7. Landscaping Plan [13.1.8 - 3 pages]</li> <li>9. Attachment 8. Development Perspectives [13.1.9 - 2 pages]</li> </ol>

**OFFICER RECOMMENDATION/COUNCIL RESOLUTION**

**Moved By:** Cr Kirsty Dellar  
**Seconded By:** Cr John Matthew

That Council endorse the Responsible Authority's report on the application to the Regional Joint Development Assessment Panel.

**CARRIED**  
**(13 / 0)**

**For:** Cr Deborah Botica, Deputy Mayor Glenn Wilson, Mayor John Bowler, Cr Michael McKay, Cr Wayne Johnson, Cr Mandy Reidy, Cr David Grills, Cr Terrence Winner, Cr John

**Matthew, Cr Kirsty Dellar, Cr Amy Astill, Cr Kim Eckert and Cr Suzie Williams**

**Against: Nil**

### **Executive Summary**

An application has been made to the Regional Joint Development Assessment Panel (JDAP) for a proposed 'Lodging House' to be located at Lot 302 (No. 1) Porter Street, Kalgoorlie.

### **Authority/Discretion**

#### **Background**

<b>Address:</b>	Lot 302 (No. 1) Porter Street, Kalgoorlie	
<b>Lot Size:</b>	2747m <sup>2</sup>	
<b>Zoning</b>	<b>LPS1:</b>	General Residential R40
	<b>LPS2:</b>	Residential R40
<b>Existing Land Use:</b>	Lodging House	
<b>Proposed Land Use:</b>	Lodging House	
<b>Adjacent / Nearby Land Uses:</b>	Residential, Lodging House, St Mary's Catholic Church, St Mary's Primary School	

#### **Details**

See attached Responsible Authority Report.

### **Community Strategic Plan Links**

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

SUSTAINABLE: We advocate for the provision of land use.

### **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**

See attached Responsible Authority Report.

### **Policy Implications**

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

## 14 REPORTS OF COMMITTEES

Nil

## 15 REPORTS OF OFFICERS

### 15.1 Chief Executive Officer

#### 15.1.1 Code of Conduct for Council Members, Committee Members and Candidates

<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>	1. Code of Conduct for Council, Committee Members and Candidates [ <b>15.1.1.1</b> - 14 pages]

### OFFICER RECOMMENDATION/COUNCIL RESOLUTION

**Moved By:** Cr Terrence Winner  
**Seconded By:** Deputy Mayor Glenn Wilson

That Council:

1. adopt the Code of Conduct for Council Members, Committee Members and Candidates in substitution of the version adopted by Council on 27 April 2021;
2. appoint the Chief Executive Officer or Acting Chief Executive Officer at the relevant time to receive complaints and any withdrawals of complaints pursuant to clause 11(3) of the Code of Conduct for Council Members, Committee Members and Candidates; and
3. authorise the Chief Executive Officer to make minor administrative amendments to the Code of Conduct for Council Members, Committee Members and Candidates.

**CARRIED**  
**(13 / 0)**

**For:** Cr Deborah Botica, Deputy Mayor Glenn Wilson, Mayor John Bowler, Cr Michael McKay, Cr Wayne Johnson, Cr Mandy Reidy, Cr David Grills, Cr Terrence Winner, Cr John Matthew, Cr Kirsty Dellar, Cr Amy Astill, Cr Kim Eckert and Cr Suzie Williams

**Against:** Nil

### **Executive Summary**

The Code of Conduct for Council Members, Committee Member and Candidates (“Code of Conduct”) has been reviewed to ensure ongoing compliance with the Local Government (Model Code of Conduct) Regulations 2021 (“Regulations”).

The content of the Code of Conduct accords with the Regulations but some administrative updates are recommended as set out 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 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 5.104 of the Local Government Act 1995 requires all local governments to adopt a Code of Conduct incorporating the model code of conduct set out in the Regulations. This code of conduct is to be observed by council members, committee members and candidates.

On 27 April 2021, Council adopted the Code of Conduct as required by the Local Government Act and the Regulations.

City Officers have recently reviewed the Code of Conduct to ensure ongoing compliance with the Regulations. The content of the Code of Conduct accords with the Regulations but some administrative updates are recommended as follows:

1. Addition of Introduction in substitution of “Policy Purpose” statement;
2. Amendment to Policy Purpose;
3. Amendment to Citation;
4. Addition of definitions of terms used throughout the Code of Conduct;
5. Consistent capitalisation of defined terms when used;

6. Addition of “Notes” for Division 4 in accordance with Notes set out in Division 4, Schedule 1 of the Regulations; and
7. Change of terminology from “local government” to “City of Kalgoorlie-Boulder”.

On 22 February 2021, Council affirmed John Walker, the then CEO as the complaint officer. It is recommended that Council authorise the “CEO or the Acting CEO at the relevant time” to be the complaints officer, and that this authorisation be expressed to be made by Council in accordance with section 11(3) of the Code of Conduct.

### **Statutory Implications**

Compliance with section 5.104 Local Government Act 1995 and Local Government (Model Code of Conduct) Regulations 2021.

### **Policy Implications**

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

**15.1.2 Accounts Payable Report December 2022**

<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 - December 2022 [15.1.2.1 - 26 pages]</li> <li>2. Municipal Cheque Payments - December 2022 [15.1.2.2 - 1 page]</li> <li>3. Municipal Direct Debit Payments - December 2022 [15.1.2.3 - 1 page]</li> <li>4. Municipal Credit Card Payments - December 2022 [15.1.2.4 - 8 pages]</li> </ol>

**OFFICER RECOMMENDATION/COUNCIL RESOLUTION**

**Moved By:** Cr John Matthew

**Seconded By:** Cr Amy Astill

That Council receive the list of payments totalling \$8,230,097.92 as presented for the month of December 2022.

**CARRIED**  
**(13 / 0)**

**For:** Cr Deborah Botica, Deputy Mayor Glenn Wilson, Mayor John Bowler, Cr Michael McKay, Cr Wayne Johnson, Cr Mandy Reidy, Cr David Grills, Cr Terrence Winner, Cr John Matthew, Cr Kirsty Dellar, Cr Amy Astill, Cr Kim Eckert and Cr Suzie Williams

**Against:** Nil

**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 December 2022 and a list of corporate credit card transactions by card holder of the same period totalling \$8,230,097.92

Municipal EFT	\$	7,783,729.99
Municipal Cheque	\$	1,089.83
Direct Debit	\$	389,415.77
Credit Cards		55,862.33
Grand Total	\$	8,230,097.92

### **Statutory Implications**

The Accounts Payable for the Month of December 2022 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.

**15.1.3 Monthly Financial Report - November 2022**

<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. Monthly Financial Report - November 2022 [15.1.3.1 - 25 pages]

**OFFICER RECOMMENDATION/COUNCIL RESOLUTION**

**Moved By:** Cr Wayne Johnson  
**Seconded By:** Cr Kirsty Dellar

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 30 November 2022.

**CARRIED**  
**(13 / 0)**

**For:** Cr Deborah Botica, Deputy Mayor Glenn Wilson, Mayor John Bowler, Cr Michael McKay, Cr Wayne Johnson, Cr Mandy Reidy, Cr David Grills, Cr Terrence Winner, Cr John Matthew, Cr Kirsty Dellar, Cr Amy Astill, Cr Kim Eckert and Cr Suzie Williams

**Against:** Nil

**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 30 November 2022.

**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 30 November 2022 income is over budget by 3.32% and expenditure is over budget by 8.26%, 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 3.32%, \$1,955,142 over budget. The sub programs which are outside the allowable variance is as follows.

#### Other General Purpose Funding

Description	YTD Budget	YTD Actual	YTD Variance
<b>Other General Purpose Funding</b>	<b>\$492,273</b>	<b>\$744,470</b>	<b>\$252,198</b>

This variance is due to Federal Assistant Grant of (\$75k) being less than budget due to timing difference, and interest on term deposit of \$327k being more than budget, which is the result of higher-than-expected interest rates. This will be adjusted at mid-year budget review.

#### Other Recreation & Sport

Description	YTD Budget	YTD Actual	YTD Variance
<b>Other Recreation &amp; Sport</b>	<b>\$1,998,498</b>	<b>\$2,331,735</b>	<b>\$333,237</b>

This variance is due to a higher Oasis Health Club and Aquatics income of \$146k attributable to increased membership numbers, higher Golf Course Food & Beverage

income of \$87k due to a busy events schedule for the period leading into Christmas, higher Golf Course Membership Fees income of \$52k which will be adjusted at Mid-year, higher Golf Course Retail Sales income of \$22k, and a higher Golf Course Equipment Hire income of \$25k, when compared to budget.

### Aerodromes

Description	YTD Budget	YTD Actual	YTD Variance
<b>Aerodromes</b>	<b>\$4,884,525</b>	<b>\$5,872,150</b>	<b>\$987,625</b>

This variance is mainly due to a 22% increase in passenger numbers when compared with budget. Passenger numbers for the period ending 30/11/2022 were 155,028, compared to passenger numbers for last financial year to 30/11/2021 of 126,977.

### EXPENSE CATEGORIES

Overall stated expenditure is 8.26%, \$2,564,501 over budget. The sub programs which are outside the allowable variance is as follows.

#### Rates Revenue

Description	YTD Budget	YTD Actual	YTD Variance
<b>Rates Revenue</b>	<b>\$440,142</b>	<b>\$350,874</b>	<b>(\$89,268)</b>

This is due to a timing difference between budget and actuals, will be cleared by year end.

#### Other Governance

Description	YTD Budget	YTD Actual	YTD Variance
<b>Other Governance</b>	<b>\$869,440</b>	<b>\$640,798</b>	<b>(\$228,642)</b>

This variance is due to a timing difference in the award of contributions, and donations & subsidies of (\$97k), the engagement of contractors & consultants services of (\$79k), and reduced employee salaries & wages of (\$48k).

#### Other Law, Order & Public Safety

Description	YTD Budget	YTD Actual	YTD Variance
<b>Other Law, Order &amp; Public Safety</b>	<b>\$745,288</b>	<b>\$589,559</b>	<b>(\$155,729)</b>

This variance is due to employee salaries & wages of (\$96k) due to vacant positions, furniture & equipment depreciation of (\$30k) due to assets' useful lives changed following 30/06/2022 asset revaluations, and contractors & consultants services of (\$29k) being less than budget.

**Preventive Services – Inspection/Admin**

Description	YTD Budget	YTD Actual	YTD Variance
<b>Preventive Services – Inspection/Admin</b>	<b>\$642,761</b>	<b>\$490,360</b>	<b>(\$152,401)</b>

This variance is due to a reduction of employee salaries & wages of (\$93k) due to vacant positions and admin overhead costs of (\$70k) being less than budget.

**Staff Housing**

Description	YTD Budget	YTD Actual	YTD Variance
<b>Staff Housing</b>	<b>\$71,008</b>	<b>\$132,157</b>	<b>\$61,149</b>

This variance is mostly due to depreciation on buildings being \$56k over budget, attributable to assets' useful lives changed following 30/06/2022 asset revaluations.

**Town Planning & Regional Development**

Description	YTD Budget	YTD Actual	YTD Variance
<b>Town Planning &amp; Regional Development</b>	<b>\$672,605</b>	<b>\$602,564</b>	<b>(\$70,041)</b>

This variance is mainly due to admin costs of (\$78k) being less than budget, which is due to a timing difference, will be cleared by year end.

**Heritage**

Description	YTD Budget	YTD Actual	YTD Variance
<b>Heritage</b>	<b>\$203,675</b>	<b>\$147,646</b>	<b>(\$56,029)</b>

This variance is due to employee salaries & wages of (\$43k) being less than budget which will be adjusted at mid-year budget review.

**Const Roads Bridges Depots**

Description	YTD Budget	YTD Actual	YTD Variance
<b>Const Roads Bridges Depots</b>	<b>\$2,025,590</b>	<b>\$4,386,087</b>	<b>\$2,360,497</b>

This variance is mainly due to depreciation on roads works being \$2.36m over budget, which is due to the roads useful lives adjustment following 30/06/2022 asset revaluations.

**Mtce Roads Bridges Depots**

Description	YTD Budget	YTD Actual	YTD Variance
<b>Mtce Roads Bridges Depots</b>	<b>\$3,879,443</b>	<b>\$2,948,589</b>	<b>(\$930,854)</b>

This variance is due to a reduced spend with contractors & consultants services of (\$341k) due to contractor shortage, employee salaries & wages of (\$284k) due to position vacancies and labour overheads of (\$233k), electricity of (\$40k), and total depreciation of (\$25k) being less than budget.

**Parking Facilities**

Description	YTD Budget	YTD Actual	YTD Variance
<b>Parking Facilities</b>	<b>\$226,355</b>	<b>\$141,349</b>	<b>(\$85,006)</b>

This variance is due to depreciation of (\$50k), and employee salaries & wages of (\$33k) being less than budget.

**Aerodromes**

Description	YTD Budget	YTD Actual	YTD Variance
<b>Aerodromes</b>	<b>\$1,905,985</b>	<b>\$2,258,403</b>	<b>\$352,418</b>

This variance is due to depreciation on buildings of 278k, and depreciation on airport area infrastructure of \$188k being higher than budget due to useful lives adjusted following the 30/06/2022 asset revaluation, reduced employee salaries & wages of (\$66k) due to position vacancies, reduced materials purchased of (\$33k), and contractors & consultants services of (\$30k) being less than budget.

**Building Control**

Description	YTD Budget	YTD Actual	YTD Variance
<b>Building Control</b>	<b>\$416,403</b>	<b>\$303,567</b>	<b>(\$112,836)</b>

This variance is due to admin overhead costs being (\$67k), and total employee costs of (\$31k) being less than budget.

**Public Works Overheads**

Description	YTD Budget	YTD Actual	YTD Variance
<b>Public Works Overheads</b>	<b>\$207,416</b>	<b>\$1,117,533</b>	<b>\$910,117</b>

This is due to a timing difference in overhead allocations, will be cleared by year end.

**Plant Operation Costs**

Description	YTD Budget	YTD Actual	YTD Variance
<b>Plant Operation Costs</b>	<b>\$99,130</b>	<b>\$307,767</b>	<b>\$208,637</b>

This is due to a timing difference in overhead allocations, will be cleared by year end.

**Unclassified**

Description	YTD Budget	YTD Actual	YTD Variance
<b>Unclassified</b>	<b>\$23,180</b>	<b>\$122,266</b>	<b>\$99,086</b>

This is mainly due to total depreciation of \$103k being higher than budget, which is due to useful lives adjustments following 30/06/2022 asset revaluations.

**CAPITAL CATEGORIES**

November 2022 year to date capital expenditure is under budget by (\$9.78m). Actual YTD expenditure is \$14.30m versus budgeted YTD spend of \$24.08m.

Main variances from Infrastructure – Roads of (\$3.11m), relating to delays in Roads to Recovery and Regional Road Group funded projects, Sewerage of (\$2.22m) relating to a timing difference for the Water Bank project, Work in Progress of (\$1.91m) with the majority relating to Kal City Centre Project and Golf Course Resort, and Buildings of (\$1.73m) with delayed purchase of properties and time of the budget for the Youth Hub Project.

**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.

**15.2 Development and Growth**

**15.2.1 Trial of Hireable e-Scooters**

<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>	Absolute
<b>Attachments:</b>	Nil

**OFFICER RECOMMENDATION/COUNCIL RESOLUTION**

**Moved By: Deputy Mayor Glenn Wilson**

**Seconded By: Cr Kirsty Dellar**

That Council:

- 1) Authorises the CEO to issue a permit to Beam Mobility and Bird Ride to operate a 12-month Trial of Hireable Electric Scooters under the City’s *Thoroughfares and Trading in Public Places Local Law 2000* and in compliance with the City’s *Local Government Property Local Law 2010*, subject to the following conditions:
  - i) Following the expiry of the permit all e-scooters and associated infrastructure shall be removed from public roads and any other public lands, unless otherwise agreed to in writing by the City of Kalgoorlie-Boulder or the permit is renewed.
  - ii) Prior to deployment of e-scooters, the Permit Holder shall submit a complaints handling procedure to the City of Kalgoorlie-Boulder for approval. Following approval, the complaints management procedure shall be complied with to the satisfaction of the City of Kalgoorlie-Boulder.
  - iii) The complaints handling procedure shall:
    - Identify how the Permit Holder will respond to complaints and queries;
    - Identify appropriate communication channels for complaints and queries and advise how this information will be made available to the public;
    - Identify measures to limit complaints being directed to the City of Kalgoorlie-Boulder where the City is not the responsible authority; and
    - Provide the City with directions for re-directing complaints to the Permit Holder, where appropriate.
  - iv) Prior to deployment of e-scooters, the Permit Holder shall deliver a public codesign and education session. The codesign and education session shall:
    - Provide an on-ground community training session on safe e-scooter use;
    - Capture community feedback on geofenced areas; and

- Inform a final e-scooter program
- v) Prior to deployment of e-scooters, an e-scooter program shall be submitted to the City of Kalgoorlie-Boulder for approval. The Permit Holder must abide by the approved e-scooter program.
- vi) The Permit Holder shall maintain geofencing to ensure operations are consistent with the e-scooter program at all times.
- vii) The Permit Holder must adhere to any directives from the City of Kalgoorlie-Boulder to amend the e-scooter program and associated geofences. General modifications shall occur within 2 hours (120 minutes) of the initial request by the City of Kalgoorlie-Boulder during business hours.
- viii) The Permit Holder shall not have any claim for compensation or damages as a result of any disruption to business or loss incurred due to any event, market, parade, thoroughfare works or amendments to the e-scooter program.
- ix) The Permit Holder shall have systems in place to incentivise good e-scooter parking behaviour and penalise non-compliance. The Permit Holder will monitor for and ensure that e-scooters that have not been parked in an upright position or are leaning or resting on other street furniture, buildings or infrastructure, are promptly reparked and/or relocated.
- x) The Permit Holder shall regularly (at least twice a day) monitor the locations of all e-scooters to avoid nuisance, clutter or congestion being caused by e-scooters.
- xi) The Permit Holder shall ensure unused e-scooters left in no-parking areas are returned to the approved parking areas indicated within the e-scooter program within two (2) hours. Scooters left in no parking areas may be impounded by the City.
- xii) The Permit Holder to notify and provide reports on any known incidents and injuries resulting in hospitalisation or paramedic attendance of a user or third party within 24 hours of the incident time to the City of Kalgoorlie-Boulder.
- xiii) Hireable electric scooters shall not be equipped with user operable audible alarms or air horn percussive signalling instruments.
- xiv) The Permit Holder must ensure hireable e-scooters are not able to exceed the maximum speed limits prescribed under Western Australia Australian laws and regulations.
- xv) A public liability insurance policy of a minimum of \$20,000,000 is to be maintained at all times. The policy must cover any claim which arises as a result of the negligent act or omission of the Permit Holder.
- xvi) Personal accident insurance coverage for each trip that the customers of the Permit Holder undertake shall be maintained at all times.
- xvii) The Permit Holder shall indemnify and release Council from all liability arising from or in connection with this Permitted Activity or the conduct of the Permit Holder business by the Permit Holder or any of the Permit Holders Agents, including:
  - Any claim made by any person for injury, direct and indirect loss or damage arising in any manner;
  - Any direct or indirect loss or damage to any property belonging to the Permit Holder or other persons located in the vicinity of the Permitted Location caused by the Permit Holder or the Permit Holders Agents;

- Any direct and indirect loss, damage, injury or illness of any type sustained by any person in relation to or as a result of the Permitted Activity.
- xviii) Permit Holder shall make good any damage caused and/or reimburse Council for any maintenance/repair costs that are caused by or in connection with Permit Holder's (or its agents) activity pursuant to the e-scooter scheme.
- xix) The Permit Holder must provide a monthly report on the statistics of their operations. The report must be provided electronically by the 15th of every month and provide statistics of the preceding month. The report must include but is not limited to a summary of trips undertaken in the reporting month including trip duration, trip distance, trip start and end point, trip start and end times and dates.
- xx) The Permit Holder shall notify and provide reports on any known incidents and injuries resulting in hospitalisation or paramedic attendance of a user or third party within 24 hours of the incident time to the City of Kalgoorlie-Boulder.
- xxi) No advertising other than the logo or name of the Permit Holder, is permitted on the e-scooters, helmets or any associated infrastructure.
- xxii) The Permit Holder shall provide, maintain and install signage, decals or similar identifiers to clearly indicate e-scooter parking areas, as directed by the City of Kalgoorlie-Boulder. Following conclusion of the trial, these should be removed at full cost of the Permit Holder, unless otherwise agreed to in writing by the City of Kalgoorlie-Boulder.
- xxiii) Prior to the commencement of operations, the Permit Holder must pay a permit fee of \$3000 for the administration of the Permit.
- xxiv) The City of Kalgoorlie-Boulder reserves the right to cancel the permit without compensation for reasons including, but not limited to:
- Non-compliance with *Thoroughfares and Trading in Public Places Local Law 2000* and the *Local Government Property Local Law 2010*;
  - Non-compliance with the conditions of this permit; or
  - Non-compliance with the approved Operational Plan.
- 2) That the CEO provides an evaluation report to Council on the trial of hireable electric scooters in January 2024; and
- 3) Endorse the inclusion of a Hireable Electric Scooters Permit Fee of \$3000 in City's Schedule of Fees and Charges 2022-2023.

**CARRIED**  
**(12 / 1)**

**For:** Cr Deborah Botica, Deputy Mayor Glenn Wilson, Mayor John Bowler, Cr Michael McKay, Cr Mandy Reidy, Cr David Grills, Cr Terrence Winner, Cr John Matthew, Cr Kirsty Dellar, Cr Amy Astill, Cr Kim Eckert and Cr Suzie Williams

**Against:** Cr Wayne Johnson

**Executive Summary**



In recent years, micro mobility programs that mainly include e-scooters, have rapidly expanded within Australia and across the world. Within Western Australia, other local government's trialling these programs include the City of Stirling, City of Perth, City of Rockingham, City of Albany, City of Bunbury, City of Greater Geraldton and the Shire of Esperance.

The City of Kalgoorlie-Boulder has been approached by two micro mobility companies – Bird Ride (Bird) and Beam Mobility (Beam) – with a request to undertake a 12-month trial of hireable, shared e-scooters within the City of Kalgoorlie-Boulder.

Following research into operations of e-scooters at other local governments in Western Australia, the following report has been prepared.

A 12-month trial has been recommended for both operators in order to enable the City and community to evaluate e-scooter hire operations before deciding on a longer-term commitment.

### **Community Engagement Consultation**

No community consultation was considered necessary in relation to the recommendations of the report, however it is recommended that if a trial of e-scooters is to proceed, the City undertakes a community consultation program during the trial to ensure the program meets the needs and expectations of the community.

### **Community Strategic Plan Links**

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

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

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

SAFE: We support families and youth.

CONNECTED: We provide public spaces that facilitate a diverse range of activities and strengthen social bonds within the community.

SUSTAINABLE: We are a green ecologically sustainable City for current and future generations.

CAPABLE: We promote and support local tourism opportunities including facilitating tourism infrastructure and services.

### **Budget Implications**

Should Council resolve to proceed with the trial, a small amount of revenue will be raised through *Trading in Public Places* fees for the landing pads/parking places, and through the proposed revenue sharing arrangement included in Bird's proposal.

### **Report**

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**Background**

E-scooters offer a modern, convenient mode of transport and provide an alternative mobility choice to users. They are readily accepted, easy to use and are valued for being able to transport people to destinations quicker than walking.

E-scooters also appeal to the local tourist market, providing a quick and convenient option for tourists to explore a particular area. They will also provide linkages between strategic locations, where walking may otherwise be impractical, such as between the airport and Kalgoorlie-Boulder's CBD's.

The use of e-scooters may also contribute to less pollution and greenhouse gas emissions, which is a key consideration given the importance assigned to sustainability and climate action within the City of Kalgoorlie-Boulder Strategic Community Plan 2020-2030 – *We are a green ecologically sustainable City for current and future generations.*

Bird is a micro mobility company based in Santa Monica, California and predominately services the United States and European markets. Within Australia, Bird has e-scooters located in Hervey Bay, Bunbury and Sydney.

Beam is based in Singapore and claims to be the largest provider of micro mobility in the Asia Pacific Region. Beam currently operate in 18 Australian locations, including in Esperance, Albany, Bunbury and Rockingham.

E-scooters are deployed as part of these programs and made available for hire within a predetermined area, developed in consultation with the local government. Micro mobility companies use GPS and GSM technology, referred to as Geofencing, to delineate virtual boundaries and manage the behaviour of the e-scooters e.g. operational area, speed limits and parking /docking areas.

Users of e-scooter programs locate, register, pay, unlock and lock e-scooters through a mobile phone app. At the end of the journey, users do not need to physically lock the device with a conventional chain or return it to a designated station or rack. E-scooters are designed to be dockless, meaning the user can choose where to end their journey, provided the area is approved for e-scooter parking.

Operators of e-scooter shared services remotely monitor the battery life of the devices and employ local people to collect the devices for recharging and redistribution. Throughout the day, local employees are also responsible for relocating misplaced scooters and retrieving damaged scooters for repairs.

The daily operations cycle of e-scooters can be summarised as follows:

- E-scooters are made available for riding at docking points. Once the e-scooters reach a low charge, a GPS signal automatically flags the scooter for charging.
- Throughout the day, e-scooters with a low charge are collected by a local employee and relocated to a fleet charging and maintenance facility. E-scooters generally take 6-12 hours to fully charge. During charging e-scooters are cleaned and maintained.
- Once the e-scooter has finished charging, the local employee redeploys scooters to deployment location to be made available for riding.

While initially designed for short trips, providing options for the 'last mile' and links to public transport, data suggests e-scooters deployed in regional areas are frequently used for longer trips, with average trips in comparable regional areas being approximately 3.5kms.

### **The Proposals**

For detailed information on the proposals, please refer to *Confidential Attachment 1 - Bird Rides Proposal*, and *Confidential Attachment 2 – Beam Mobility Proposal*.

### **Officer Comment**

The City must determine the applications from both Bird (*refer to Confidential Attachment 1*) and Beam (*refer to Confidential Attachment 2*) to operate a 12-month trial of a hireable e-scooter program under the City's *Thoroughfares and Trading in Public Places Local Law 2000*. Both Bird and Beam have advised they have the ability to deploy e-scooters and commence operations in the City early in 2023. Bird's proposal includes a revenue sharing arrangement as outline on page 31 of the *Confidential Attachment 1*. *Beam's proposal do not include* a revenue sharing arrangement at this time.

A 12-month trial has been recommended for both operators in order to enable the City to evaluate e-scooter hire operations before deciding on a longer-term commitment.

If the 12-month trial is a success, Council can revisit the number of operators permitted within the City and make any necessary changes, including to locations of drop off and collection points, speed zones and geofenced areas. Council could also choose not to renew the permits or/and to issue additional permits to other operators.

### **Considerations**

Both operators have the capability to implement 'geo-fencing' before commencing their service. Geo-fencing refers to the use of GPS to create virtual designated areas to support a wider e-scooter program. These areas are shown on a map in the operator's mobile phone app.

Both Beam and Bird have offered to co-design the e-scooter programs in consultation with the City of Kalgoorlie-Boulder. This consultation will involve working collaboratively to establish:

- Operating Areas – If riders try to leave the area, their scooter will cut out.
- Slow Zones – vehicles speed will automatically be limited to a predetermined speed.
- No Parking Zones – riders attempting to end their trip here will be unable to end their trip and instead, directed to the closest parking spot in the mobile application.
- No Ride Zones – vehicles will temporarily stop working if they enter this area. Riders will be notified and can unlock the vehicle to ride out of the area. If they remain in the area, the vehicle will continue to lock.
- Slow & No Parking Zones – combines both slow and no parking elements.
- Parking Areas – either fixed parking areas or areas where riders are incentivised to leave vehicle through reward credits.

In order to ensure the City is satisfied with the e-scooter program, a condition requiring the program to be approved by the City of Kalgoorlie-Boulder prior to the

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commencement of operations is recommended. This will allow City officers to ensure WA Police and community feedback following co-design sessions have been sufficiently incorporated into the program/s.

To ensure the operators deliver a service that meets community needs and aligns with Council objectives, it is recommended that any e-scooter program be the same for all operators.

The agreed e-scooter program will be monitored on an ongoing basis with amendments to the program required to be made within 2 hours (120 minutes) following a request by the City.

This will allow responsiveness to both opportunities that are identified during the period (including one-off changes for festivals and events) as well as enabling community concerns to be resolved quickly should they arise.

Specifications of the proposed e-scooters to be used by the operators are provided within the confidential attachments.

To ensure the safety of users, the Permit Holders must ensure all e-scooters are legal and safe to operate under Australia laws and regulations at all times. Faulty or damaged scooters must be disabled immediately.

### ***Density Requirements***

Both potential operators have provided commercial in-confidence proposals for the operation of battery operated e-scooters within the City of Kalgoorlie-Boulder.

Should council resolve to proceed with both operators, it is expected the number of permitted e-scooters per operator would need to be reduced to avoid clutter and congestion. In this case, it is recommended that operators be limited to 200 e-scooters each.

### ***Legislative Requirements***

Within Western Australia, the speed of e-scooters is governed under State Government e-Rideables legislation through the *Road Traffic Code 2000*, which established the following speed limits:

- Footpaths: 10km/h or less
- Bicycle paths and shared paths: 25km/h or less
- Local roads with a speed limit of 50km/h or less: 25km/h or less
- E-scooters not permitted on roads with a speed limit exceeding 50km/h.

Operators must ensure e-scooters are not able to exceed the maximum speed limits prescribed under e-Rideables legislation.

In addition to the requirements of the e-Rideables legislation, both potential operators have advised they are willing to work with the City to establish additional speed limits in key areas however; a balanced approach is required to identify speed limits that are both safe and practical.

Speed limits will be established within the e-scooter program, developed in consultation with the City, following the co-design session.

Users must be at least 16 years of age to ride an e-scooter under State Government e-Rideables legislation

Beam have advised they will not hire scooters to anyone younger than 16 years of age, whilst Bird have advised they will not hire to anyone younger than 18 years of

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age. Age restrictions will be implemented through age verification when signing up to the app.

### **Safety**

Both operators have a number of measures in place to mitigate dangerous behaviour on e-scooters including:

- Moving e-scooter deployment location away from pubs and clubs during evening hours;
- Cognitive tests to ensure intoxicated people are unable to ride scooters (effectiveness unknown);
- Ability for general public to report dangerous use of e-scooter;
- Rider training and coaching initiatives;
- Ability to detect dangerous driving (such as hard braking, fast turning jumps etc.) through vehicles sensor technology and fine or suspend unsafe drivers using a “three strike” policy.

Where e-scooters are allowed to operate is an important consideration i.e. on footpaths, shared paths, on-road cycle lanes, local roads, and shared spaces. As more people choose e-scooters as a preferred mode of transport, there may be increased risks to pedestrians. City officers will need to work with e-scooter operators to identify conditions for an e-scooter shared service e.g. prohibition of use in particular areas/places i.e. exclusion zones. Standard exclusion zones include areas such as skate parks, schools and hospitals.

Operators will be required to demonstrate they have adequate insurance cover for any injuries or damage that may result from the use of e-scooters.

A condition is recommended requiring Permit Holders to notify and provide reports on any known incidents and injuries resulting in hospitalisation or paramedic attendance of a user or third party within 24 hours of the incident time to the City of Kalgoorlie-Boulder.

### **Insurance**

In accordance with the *Thoroughfares and Trading in Public Places Local Law 2000*, operators will be required to maintain public liability insurance. The *Thoroughfares and Trading in Public Places Local Law 2000* states that the amount of the public liability insurance cover, if any, to be obtained by the applicant is to be specified in the permit. Given the high-risk nature of the proposed activity, this sum is recommended to be Twenty Million Dollars (\$20,000,000).

A condition is also proposed that requires the Permit Holders maintain personal accident insurance coverage for each trip that the customers of the Permit Holders e-scooters undertake.

Given the number of serious e-scooter injuries recently reported in Western Australia, it is considered appropriate to require the Permit Holders to indemnify and release Council from all liability arising from or in connection with this Permitted Activity or the conduct of the Permit Holders business by the Permit Holder or any of the Permit Holder's Agents.

### **Helmets**

Regulation 209A (2) of the Road Traffic Code 2000 states:

A person shall not travel on a motorised scooter on a road or any path unless that person is wearing a protective helmet securely fastened on his or her head.

Regulation 244 (2) of the Road Traffic Code 2000 states:

A person shall not drive a motor cycle unless — (a) that person is wearing securely on his or her head a protective helmet.

There are no exemptions from helmet legislation for e-scooter shared services.

It is a requirement that every e-scooter will have a helmet attached, and operators have different ways of ensuring helmet use, including requiring a 'helmet selfie' or ensuring helmet are removed from the smart-lock system before the scooter will operate. However, helmet use will ultimately be the responsibility of the individual as measures to ensure use are not foolproof.

The risk of helmets being inappropriately disposed of, and therefore e-scooters being available for hire without helmets being provided is mitigated by the requirement for riders to re-attach the helmet to the lock prior to the trip ending, i.e. riders will still get charged by the minute if they do not have the helmet lock reattached.

### **Parking**

Parking areas are able to be controlled by the operator through geo-fencing. For example, when a user arrives in a designated parking area, the GPS software triggers a response notifying the user via the app they are at an appropriate parking location. If users fail to park their e-scooter inside the designated parking area, a notification will be received alerting the user to park in the designated zone or be penalised.

In order to mitigate the dangers or unsightliness of poorly parked or dropped e-scooters, a condition is recommended requiring the Permit Holders to regularly monitor the locations of all e-scooters to avoid nuisance, clutter or congestion caused by e-scooters. It is a condition that Permit Holders collect e-scooter within 2 hrs of being notified by the City.

A key consideration for the City of Kalgoorlie-Boulder is whether to limit e-scooter parking to a number of specified docking areas, or allow more freedom for e-scooters to be docked at any location (excluding roads, carparks and private property) within the operating area.

Although allowing parking at any location would provide much more flexibility for the user, this may also increase the potential for clutter and the docking of scooters at inappropriate locations such as the middle of parks or across car parking bays.

A number of local governments have advised of issues with e-scooters being left across paths, however the operators offer a discounted fee for the next ride if e-scooters are returned to designated parking areas as an incentive.

The City of Rockingham has decided on fixed docking locations only, with trips unable to be ended outside of specified locations including the Rockingham Visitor Centre, Rockingham Arts Centre, CBD, Safety Bay, Palm Beach Jetty and Rockingham Aquatic Centre. This approach may discourage the use of e-scooters for purposes other than tourism and recreation; however, it would minimise clutter and instances of e-scooters being placed in inappropriate locations.

Permit Holders will be required to obtain approval for designated e-scooter parking areas in accordance with the conditions of a permit. It is expected that the parking areas identified within the e-scooter program will be informed by feedback from community members received during the co-design/education session and requirements of the *Thoroughfares and Trading in Public Places Local Law 2000*.

In order to ensure unobstructed pedestrian access through thoroughfares and verges, it is recommended that fixed parking locations are enforced during the initial 12-month trial period. The City can re-evaluate this position should an e-scooter program continue following the trial.

The City may request that the Permit Holders provide, maintain and install signage, decals or similar identifiers to clearly indicate approved e-scooter parking areas. Following conclusion of the trial, these should be removed at full cost of the Permit Holders, unless otherwise agreed to in writing by the City of Kalgoorlie-Boulder.

A condition is recommended requiring Permit Holders to use all reasonable endeavours to ensure e-scooters that are not returned to approved parking areas are collected and redistributed to approved parking areas within twelve (12) hours.

The City has the ability to fine Permit Holders for any breaches of this requirements under the City's *Thoroughfares and Trading in Public Places Local Law 2000*, should non-compliance become a consistent issue.

### **Data**

The City of Kalgoorlie-Boulder will be granted access to a monthly data report from each operator. This will include information on:

- Trip origin and destination
- Rider frequency
- Total rides
- Total hours riding
- Kilometres travelled
- Co2 emissions avoided
- Average ride minutes
- Average ride distance.

### **Public Advertising**

Both potential operators have advised of a willingness to co-design e-scooter programs with the community to ensure the program aligns with community needs and Council objectives.

The requirement to deliver a community co-design and education session is recommended as a condition of planning consent. The session shall be attended and developed by all Permit Holders, in consultation with City of Kalgoorlie-Boulder staff.

The co-design and education session will capture community feedback on geofencing and inform a final e-scooter program. It is recommended that City staff attend co-design sessions, with particular emphasis on working to ensure community feedback is accurately captured.

The co-design and education session will also provide an on-ground community training session on safe e-scooter use.

### **Cancellation of permit**

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To ensure Permit Holders operate in an appropriate manner throughout the duration of the trial, it is recommended that the City of Kalgoorlie-Boulder reserves the right to cancel the permit for any reason, including but not limited to:

- Non-compliance with *Thoroughfares and Trading in Public Places Local Law 2000*;
- Non-compliance with conditions of permit;
- Non-compliance with e-scooter program.

### **Permit costs**

There are administration costs for the City of implementing the e-scooter program, with an expectation it will require staff to spend time on the program, through things such as attendance at co-design and check in sessions, work in developing and amending geofencing and the e-scooter program, reviewing reports and responding to public enquires about the scheme.

In order to help re-coup some of the indirect cost of the e-scooter program to the City, a permit fee of \$3000 is recommended to be implemented as a condition of approval.

The ability to charge a permit fee is provided for under 7.3(a) of the *Thoroughfares and Trading in Public Places Local Law 2000*.

### **Statutory Implications**

Any trial or long term arrangement entered into for the commercial operation of electric scooters must be compliant with the City's *Thoroughfares and Trading in Public Places Local Law 2000*.

The use of electric rideables, including e-scooters, is governed by the *Western Australian Road Traffic Code 2000*, and any use or activity involving e-scooters must be compliant with this legislation.

### **Policy Implications**

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



## 15.3 Engineering

### 15.3.1 SMART LED Streetlight Replacement Proposal

<b>Responsible Officer:</b>	Kevin Ketterer Director of Engineering
<b>Responsible Business Unit:</b>	Engineering
<b>Disclosure of Interest:</b>	Nil
<b>Voting Requirements:</b>	Simple
<b>Attachments:</b>	1. Memorandum of Understanding Smart Streetlights [15.3.1.1 - 7 pages]

#### OFFICER RECOMMENDATION/COUNCIL RESOLUTION

**Moved By:** Cr Suzie Williams

**Seconded By:** Cr David Grills

That Council:

1. Endorses the SMART LED Streetlight Replacement Project based on an estimated expenditure of \$3.5m over a two-year period (24FY and 25FY);
2. Endorses the City of Kalgoorlie-Boulder participating in the consortium of LGAs on the SMART LED Streetlight Replacement Project;
3. Authorises the Chief Executive Officer to sign the non-binding Memorandum of Understanding (Draft MOU Annexure A) relating to membership of the consortium funding the SMART LED Streetlight Replacement Project; and
4. Includes the costs of the SMART LED Streetlight Replacement Project to an amount of \$3.5m in the Long Term Financial Plan and Annual Budget deliberations.

**CARRIED**  
**(13 / 0)**

**For:** Cr Deborah Botica, Deputy Mayor Glenn Wilson, Mayor John Bowler, Cr Michael McKay, Cr Wayne Johnson, Cr Mandy Reidy, Cr David Grills, Cr Terrence Winner, Cr John Matthew, Cr Kirsty Dellar, Cr Amy Astill, Cr Kim Eckert and Cr Suzie Williams

**Against:** Nil

#### Executive summary

Streetlights are a major energy cost for the City of Kalgoorlie-Boulder (CKB) at approximately \$1.1m a year of the total energy costs and a significant source of greenhouse gas emissions in the City. The greenhouse gas emissions related to streetlights form part of the community emissions profile and represent carbon emissions of around 2,092 tonnes of CO<sub>2</sub>e annually from the community sector.

Western Power has been reluctant to consider the bulk replacement of streetlights with LED luminaires for a range of reasons but mainly due to the immediate capital costs and the early retirement of existing functioning assets. The City also has an old street lighting design which does not meet contemporary design standards and is the subject of numerous complaints. The installation of LED lighting would not address all the sub-standard aspects of the street lighting but would certainly provide a great improvement over the current lighting standards. It is also noted that Burt Street in the Boulder CBD is fitted with decorative lighting which would require separate attention were LED lighting to be considered for this location.

CKB has however recognised the importance of improved streetlighting as well as the contribution this would make to the reduction of the CKB carbon footprint and has allocated \$1m towards this project in the 23FY.

This report provides an update on the progress of this project and recommends Council's ongoing involvement.

## **Report**

A consortium comprising the Cities of Melville, Cockburn, Armadale, Canning and Albany have been working on a proposal with the respective Local Governments meeting the capital cost for replacement of existing inefficient streetlight luminaires with SMART LED, based on an eight-year payback period through savings associated with reduced tariffs applicable to LED compared to other streetlight luminaires. A detailed financial model has been prepared for this purpose and includes a cost model specific to the different luminaire types across Western Power's streetlight network assets. This model has also been applied to the City of Kalgoorlie-Boulder (CKB) with the outcomes further reported on below.

Consultancy firm Ironbark Sustainability was commissioned by the consortium to undertake the technical work and prepare a Business Case, with public relations consultants GRA Partners appointed to engage with key stakeholders such as State Ministers, Western Power and Local Members of Parliament. This two-pronged approach was aimed at maximising the success rate for the proposal by addressing key barriers associated with the current streetlight business model and garnering political support.

Being the first large-scale LED replacement programme in WA, the consortium has branded the initiative as a "Super Trial" to signify its unique qualities as a combined capital investment program involving over 43,866 streetlights, which represents 16% of the 276,000 streetlights on the South West Integrated System (SWIS) power grid incorporating south-west WA (including Kalgoorlie-Boulder).

More recently, the consortium has been investigating the use of SMART enabled LED luminaires that would enable other digital applications to be utilised through a wireless network operating on a specific waveband. Western Power trialled SMART LED streetlights and a proprietary wireless network in 100 streetlights in Melville, which was the first trial of its kind in WA, with resultant data providing promising results in the limited range of SMART applications tested.

SMART LED streetlights offer a range of benefits related to community and SMART City applications such as monitors to measure air pollution, noise levels, traffic movements, parking capacity and other uses. While some of these characteristics may not be immediately applicable to CKB, SMART LED streetlights also enable each streetlight to be metered separately to enable performance management at the individual light level as well as the accurate recording of light efficiency measures and energy use. In the longer term, and in consultation with WP, the SMART LED streetlights could be dimmed at various times at night to reduce energy consumption.

In the future, separate metering capability for streetlights may provide the opportunity for contestable power to be applied to streetlight energy provision under a deregulated asset and energy management model, as established in other Australian states. This opportunity would require the current tariff to be split into the infrastructure/maintenance tariff component (levied by Western Power) and the energy use tariff component (charged by Synergy).

For high profile areas such as activity centres and key civic spaces, there is the opportunity to establish SMART Poles which could incorporate a range of applications in sharing common infrastructure, including more advanced technology such as CCTV cameras and mobile phone interactions (to monitor event/crowd attendance).

### ***Status quo***

The City of Canning has recently withdrawn from the consortium providing CKB with an opportunity to take up their position, and where CKB would benefit from the work already undertaken over the past two years.

CKB in seeking to progress its own LED streetlight replacement program, have approached the consortium for consideration to be part of this initiative. This approach has been favourably received. Were the City of Kalgoorlie-Boulder to join the consortium at this stage, none of the initial investigation, consultation or business case preparation costs would be borne by CKB as these have already been incurred by the consortium.

It is proposed to replace the 5138 CKB streetlights with SMART LED over a two-year period, starting in the first quarter of 2024 with preliminary and preparatory work during FY23. This timeframe is aimed at ensuring that there is adequate availability of contractors for the luminaire exchanges and to provide the time to ensure that the ICT architecture and data management systems are in place. These critical installation and post-installation aspects of the proposal are required to be provided by Western Power.

The major barrier related to the streetlight replacement proposal is the capital costs for changing out luminaires, which is estimated at \$500 for each standard LED and \$675 with a SMART LED incorporating a Western Power hosted information management system. Western Power are currently evaluating tenders for the supply of ICT architecture and data management system requirements to support a transition to SMART LED streetlights, with a decision expected in the coming months. The data management system is necessary to enable optimum performance management and

the gathering of accurate energy use information associated with the SMART LED network.

As mentioned above, one of the major concerns of WP is the retirement of assets which still have a remaining useful life. The RAB (Regulated Asset Base) is the understanding that a streetlight has an economic life of 20 years, and if it is replaced/upgraded before then, some of the value (usually the written down book value) needs to be recovered by Western Power. In the initial stages of negotiation with WP, their approach was that the full RAB would need to be recovered from participating LGs. This approach has been included in the Business Case considerations, but the indications are that 50% of the RAB will be borne by WP, but is still to be confirmed.

### ***Other Agency Consultation***

The consortium has consulted with Western Power at senior levels and the public relations consultants have met with the Minister for Energy (Hon. Bill Johnson), his Chief of Staff and other agency staff associated with this proposal.

The City of Melville and City of Cockburn have taken the lead role in engaging with other Local Governments in the consortium and those interested in the proposal, but have not been able to commit funding toward luminaire replacement. The participating Councils have also been liaising closely with WALGA who are spearheading a broader action relating to LED replacements.

Consultants Ironbark Sustainability were engaged under a cost sharing arrangement to prepare a Business Case for Western Power, which has been lodged and is under consideration. Public relations firm GRA Partners were engaged to advance the proposal at political and agency levels in the lead up to the State election in March 2021 and continue to provide assistance over recent months, including arrangements for the meeting with the Minister for Energy.

In addition, the City of Albany has had the Business Case peer-reviewed by a respected streetlight expert in WA who acknowledged that it provided a sound basis and methodology for advancing the initiative.

### ***ICT Platform***

The consortium is now at an advanced negotiation stage with the next major step being the development of the ICT platform to manage the LED streetlight system. This would form a normal part of the WP responsibility and being a capital-intensive process (valued at some \$2.4m), would likely take several years to become approved based on the normal ICT priorities of WP. However, were this funded through the consortium of local governments as proposed, the project would be defined as an “externally” funded project, this would take precedence and could be completed by the WP ICT team in the short term.

Confirmation of participation in the consortium process through the completion of a non-binding Memorandum of Understanding (MoU) (attached as Annexure A) serves to initiate the process.

Western Power under such an arrangement would be responsible for delivering the ICT software and infrastructure and it would be a high priority for them to progress. The required ICT Contract would be consequently developed with agreement by all parties.

The ICT Contract would be binding and subject to agreement between the consortium Councils and Western Power on the Operating Protocol (access and usage of ICT infrastructure and database) and Project Contract (LED luminaire + SMART controller + installation + maintenance).

<b>Council</b>	<b>Streetlights</b>	<b>%</b>	<b>Contribution</b>
Albany	4,155	9.47	\$227,329
Armadale	11,489	26.19	\$628,587
Cockburn	13,850	31.57	\$757,762
Kalgoorlie-Boulder	5,138	11.85	\$284,503
Melville	9,172	20.92	\$501,819
<b>Totals</b>	<b>43,866</b>	<b>100.00</b>	<b>\$2,400,000</b>

Table 1: MoU ICT Infrastructure cost apportionment.

These costs would cover the full costs of the ICT platform for the implementation of the SMART LED lighting system across the SWIS network and be paid for by the consortium of LGs. With other SMART LED replacement programmes introduced over the next years, the ICT costs would be charged by WP for such programmes, whether these projects are introduced by WP or by other LGs. In this respect, access to the ICT platform for these new projects would be at a cost, and the consortium would recover a large proportion of their initial \$2.4m investment in the ICT platform in this manner, with an ultimate cost to the consortium limited to 16% of the total ICT costs in proportion to their proportion of the total number of streetlights.

At this time however, there is no indication of when or over which period this would occur.

### **Options**

The introduction of LED streetlighting is presented with several options. Below is an analysis of these options:

<b>Option</b>	<b>Advantages</b>	<b>Shortcomings</b>
1. Do nothing This will have as an outcome that WP will replace existing streetlights with LED at a very	No capital costs to the City.	LED lighting improvements will take place over a long period with inconsistent lighting levels across CKB.

<p>slow pace, with Mercury Vapours lights being first to be replaced.</p>		<p>Once replaced, a lost opportunity for SMART technology incorporation.</p> <p>Current high levels of street lighting operating costs maintained.</p> <p>CKB makes no material improvements to the lighting levels in the City.</p> <p>Slow reduction in per unit operating costs to the City as LED is introduced.</p> <p>No significant carbon emission reduction.</p>
<p>2. Introduction of SMART enabled LED street lighting. Can be completed within three financial years.</p>	<p>Immediate improvement to lighting levels once introduced.</p> <p>Lower street lighting costs due to lower tariffs.</p> <p>SMART enabled systems, with CCTV, environmental monitors, EV charging capabilities.</p> <p>Ability to meter and through negotiation with WP, control street lighting intensity levels.</p> <p>Reduction in costs due to bulk procurement through consortium membership.</p> <p>Significant carbon emission reduction.</p>	<p>Costs higher by some 26% (\$675 per unit vs \$500 per unit) against non-SMART lighting systems (not taking bulk procurement advantages into account).</p>
<p>3. Introduce non-SMART enabled LED lighting only. Can be completed within three financial years.</p>	<p>Lesser capital cost by approximately 26%.</p> <p>Immediate improvement to lighting levels once introduced.</p> <p>Lower street lighting costs due to lower tariffs (although not the same reduction as for SMART enabled street lighting systems).</p> <p>Significant carbon emission reduction.</p>	<p>Lost opportunity related to bulk procurement cost reductions.</p> <p>Loss of SMART enabled LED street lighting systems advantages.</p> <p>Once replaced, a 20yr lost opportunity for SMART technology incorporation in the public realm.</p>

By not opting for SMART enabled LED lighting systems, the introduction of new technologies in the public realm in the next 20 years will not be possible, as WP will

not be willing to change any system at cost before the life of the LEDs has been expended.

The inclusion of SMART LEDs in the streetlight replacement programme is therefore recommended.

### **Community Engagement Consultation**

This initiative has not yet been subject to a targeted community engagement. This would be considered once the project has been developed to the appropriate stage.

### **Community Strategic Plan Links**

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

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

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

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

SUSTAINABLE: We implement sustainable practices such as ensuring responsible use of water and other resources.

### **Financial Implications**

The City has 5138 streetlights and proposes to replace the existing streetlights with SMART LED luminaires over a two-year period at an estimated cost of \$3.5million. This cost is expected to represent a worst-case scenario as there are multiple areas where there are likely to be opportunities for improved negotiated outcomes with Western Power and Synergy.

The City has currently allocated funding for FY23 to the value of \$1m. At this stage it is envisaged that \$285,000 of this amount would be used to fund the initial ICT platform, as a contribution by CKB.

When fully implemented, annual operating savings are expected to range from approximately \$484,000 in Y4 to \$720,000 in Y20 (details in the following table). These financial savings are significant when measured against the current expenditure on streetlighting of approximately \$1.1m annually. The estimated annual greenhouse gas savings are estimated to be over 1,126t of CO<sub>2</sub>e.

Should there be any funding opportunities for this purpose, the City will pursue those.

The payback period for CKB to fund the replacement is estimated to be eight years, noting there may be opportunities for a reduced payback period through the removal of a proportion of the WP Regulated Asset Base (RAB) charge and the bulk purchase of SMART LED luminaires currently being negotiated with Western Power.

Year	1	2	3	4	5	6	7	8	9	10
<b>Old Streetlight Opex cost</b>	\$1,047,926	\$1,074,124	\$1,100,977	\$1,128,502	\$1,156,714	\$1,185,632	\$1,215,273	\$1,245,655	\$1,276,796	\$1,308,716
<b>LED Street Light Opex cost</b>	\$598,142	\$613,095	\$628,423	\$644,133	\$660,237	\$676,743	\$693,661	\$711,003	\$728,778	\$746,997
<b>Saving</b>	\$449,784	\$461,029	\$472,554	\$484,368	\$496,478	\$508,889	\$521,612	\$534,652	\$548,018	\$561,719
<b>Capital Cost</b>	\$3,545,905									
<b>Loan Reducing Balance</b>	\$0	\$3,256,750	\$2,943,252	\$2,604,027	\$2,237,621	\$1,842,508	\$1,417,084	\$959,666	\$0	\$0
<b>Interest on loan at 4.53%</b>	\$160,629	\$147,531	\$133,329	\$117,962	\$101,364	\$83,466	\$64,194	\$435	\$0	\$0
<b>Op saving after Int</b>	\$289,155	\$313,498	\$339,225	\$366,406	\$395,113	\$425,424	\$457,418	\$534,217	\$548,018	\$561,719
<b>Capital Repayment</b>	\$289,155	\$313,498	\$339,225	\$366,406	\$395,113	\$425,424	\$457,418	\$534,217	\$425,449	\$0
<b>Cash Saving</b>	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$122,569	\$561,719
<b>Discounted Cash Saving</b>	-	-	-	-	-	-	-	-	\$87,620	\$386,853

Table 2 : Financial Model: Demonstrated Loan payback period (8years)

Year	11	12	13	14	15	16	17	18	19	20
<b>Old Streetlight Opex cost</b>	\$1,341,434	\$1,374,970	\$1,409,344	\$1,444,578	\$1,480,692	\$1,517,709	\$1,555,652	\$1,594,543	\$1,634,407	\$1,675,267
<b>LED Street Light Opex cost</b>	\$765,672	\$784,814	\$804,434	\$824,545	\$845,159	\$866,288	\$887,945	\$910,144	\$932,897	\$956,220
<b>Saving</b>	\$575,762	\$590,156	\$604,910	\$620,032	\$635,533	\$651,422	\$667,707	\$684,400	\$701,510	\$719,048
<b>Capital Cost</b>										
<b>Loan Reducing Balance</b>	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
<b>Interest on loan at 4.53%</b>	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0



<b>Op saving after Int</b>	\$575,762	\$590,156	\$604,910	\$620,032	\$635,533	\$651,422	\$667,707	\$684,400	\$701,510	\$719,048
<b>Capital Repayment</b>	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
<b>Cash Saving</b>	\$575,762	\$590,156	\$604,910	\$620,032	\$635,533	\$651,422	\$667,707	\$684,400	\$701,510	\$719,048
<b>Discounted Cash Saving</b>	<b>382,008</b>	\$377,223	\$372,499	\$367,834	\$363,227	\$358,678	\$354,186	\$349,750	\$345,370	\$341,044
<b>NPV</b>		<b>\$4,086,290</b>								

Table 3: Financial Model: Future saving over the Asset Life.

**Statutory Implications**

The streetlights are Western Power assets, and the replacement luminaires would remain Western Power's assets under this proposal. There may be a requirement for a legal agreement between the participating Councils and Western Power to underpin the Super Trial project, however this is yet to be determined or confirmed.

The consortium has emphasised the importance of Local Government representation on any evaluation panel established by Western Power for the selection of tenders for the bulk provision of SMART LED luminaires, however Western Power is yet to formally advise whether this is possible under their procurement processes.

**Policy Implications**

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

**Conclusion**

The SMART LED Streetlight Replacement Project is a major and City-wide sustainability initiative that the City can champion in partnership with other consortium members. The proposal involves the replacement of existing inefficient and poorer quality streetlights with superior quality SMART LED luminaires with associated energy cost savings and greenhouse gas emission reductions, with the added benefit of placing the City to be able to take advantage of new technological developments in the public realm in the next 20 years.

Participation in the Consortium is recommended, which at this stage requires no financial commitment, but which would provide a good financial return were the Project successfully implemented.

**15.4 Corporate and Commercial****15.4.1 Application for Hire Car Licence and Site Lease**

<b>Responsible Officer:</b>	David Trevaskis Director of Corporate and Commercial
<b>Responsible Business Unit:</b>	Airport
<b>Disclosure of Interest:</b>	Nil
<b>Voting Requirements:</b>	Simple
<b>Attachments:</b>	Nil

**OFFICER RECOMMENDATION/COUNCIL RESOLUTION**

**Moved By:** Cr John Matthew  
**Seconded By:** Cr Deborah Botica

That Council:

1. Authorise the CEO to approve up to a maximum five (5) year lease with a five (5) year extension option between the City and Cedrant Enterprises Pty Ltd for Part of Lot 4531 Hart Kerspian Drive, Broadwood, under the following conditions:
  - (a) The rent be assessed in accordance with an independent valuation to be undertaken by the City; and
  - (b) The City effects public notice as required in accordance with s3.58 of the Local Government Act 1995;
2. Authorise the CEO to approve a five (5) year hire car concession licence with a five (5) year extension option under the terms and conditions which are standard for such arrangements in relation to the Kalgoorlie-Boulder Airport; and
3. Approve for the CEO to request written authorisation of the lease and licence from the Minister in accordance with s18 of the Land Administration Act 1997.

**CARRIED**  
**(13 / 0)**

**For:** Cr Deborah Botica, Deputy Mayor Glenn Wilson, Mayor John Bowler, Cr Michael McKay, Cr Wayne Johnson, Cr Mandy Reidy, Cr David Grills, Cr Terrence Winner, Cr John Matthew, Cr Kirsty Dellar, Cr Amy Astill, Cr Kim Eckert and Cr Suzie Williams

**Against:** Nil

## Executive Summary

The City has the Management Order over Reserve No. 4219, being Lot 4531 Hart Kerspian Drive, Broadwood (Airport). This includes the power to lease subject to the consent of the Minister. In accordance with s5.43 of the Local Government Act 1995 (the Act), Council cannot delegate to the CEO any power or duty that requires the approval of the Minister or Governor. Therefore, approval of the lease and car hire concession licence is requested subject to the City's fulfilment of the requirements of s3.58 of the Act relating to disposition of property.

## Community Engagement Consultation

In accordance with s3.58 of the Act, local public notice of the proposed disposition will be advertised describing the property concerned giving details of the proposed disposition and inviting submissions to be made before a date to be specified being a date not less than 2 weeks after the notice is first given. Any submissions received will be considered by Council at an Ordinary Council Meeting.

## Community Strategic Plan Links

- (1) This report links to the Strategic Community Plan through the following Guiding Theme/s:

SUSTAINABLE: We support opportunities for commercial and industrial land.

CAPABLE: We are exploring funding sources and revenue streams.

## Budget Implications

There is sufficient budget allocation in the 2022/23 annual budget for the purposes of public notices, associated publishing costs. A further allocation is provided for the estimated legal fees associated with drafting the legal documents. These costs will be offset by additional rent and fees in relation to the proposed lease and car hire agreement.

## Report

The City is seeking to establish a new lease agreement between Cedrent Enterprises Pty Ltd, trading as Enterprise Rent A Car (**Enterprise**) and the City for part of Lot 4531 Hart Kerspian Drive, Broadwood. In addition, Enterprise is seeking a car hire concession licence for the use of the vacant car hire booth within the Kalgoorlie Boulder Airport terminal building and access to parking bays adjacent to the terminal.

Enterprise is the largest rental car company in the world operating in 100 countries with 9500 locations. Existing clients in Kalgoorlie include BHP, Oz Minerals and MLG Oz. The company is looking to build an office and car wash facility using purpose built container officers and storage with a dome structure and concrete floors. The containers are already built and could be onsite within 4 weeks once all relevant approvals have been received.

In the submission received by the City Enterprise has noted the following benefits to Kalgoorlie-Boulder ...

- Employment: Staff will be employed from the local community where possible and will be offered the highest level of training in the car hire industry.
- Purchasing: The large fleet of vehicles will require servicing, tyres, batteries, cleaning products, panel repairs all of which will be sourced locally where possible.
- Clients: Enterprise supply fleet to BHP, Downer EDI, Oz Minerals and MLG Oz.
- Increased availability: Enterprise will increase the airports overall rental fleet numbers resulting in better access to rental cars for the public and business and increased competition.

It is recommended Enterprise be awarded a five-year land lease with a five-year extension option; and a five-year hire car licence with a five year extension option. All other standard conditions will apply.

### Master Plan Implications

The proposed lease site is 1361m<sup>2</sup> and is in proximity to other car hire companies leased sites at the airport. An aerial view of the proposed lease site is provided below. The lease purpose is considered appropriate for this site and for future planning as per the draft Master Plan. There are no impacts on the draft Airport Management Plan by approving this lease.



## Statutory Implications

### 3.58. Disposition of property

- (3) A local government can dispose of property other than under subsection (2) if, before agreeing to dispose of the property -
- a) it gives local public notice of the proposed disposition -
    - i) describing the property concerned; and
    - ii) giving details of the proposed disposition; and
    - iii) inviting public submissions to be made to the local government before a date to be specified in the notice, being a date not less than 2 weeks after the notice is first given;
- and
- b) It considers any submissions made to it before the date specified in the notice and, if its decision is made by the council of a committee, the decision and the reasons for it are recorded in the minutes of the meeting at which the decision was made.

### *Land Administration Act 1997*

#### **S 18. Crown land transactions that need Minister's approval**

- (2) A person must not without authorisation under subsection (7) -
- a) Grant a lease or licence under this Act, or a licence under the *Local Government Act 1995*, in respect of the whole or any part of that Crown land.
- (7) A person or lessee may make a transaction under subsection (1), (2), (3) or (4)-
- a) With the prior approval in writing of the Minister;

## 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 COUNCIL RESOLUTION

**Moved By:** Cr Suzie Williams

**Seconded By:** Cr Kirsty Dellar

That in accordance with Section 5.23 (2) of the *Local Government Act 1995* the meeting is closed to members of the public.

**CARRIED**  
**(13 / 0)**

**For:** Cr Deborah Botica, Deputy Mayor Glenn Wilson, Mayor John Bowler, Cr Michael McKay, Cr Wayne Johnson, Cr Mandy Reidy, Cr David Grills, Cr Terrence Winner, Cr John Matthew, Cr Kirsty Dellar, Cr Amy Astill, Cr Kim Eckert and Cr Suzie Williams

**Against:** Nil

Members of the press and gallery left the room at 7:35pm.

Council moved into Confidential Session at 7:35pm.

### 17.1 Purchase of Tourist Tram

<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 —
- (ii) information that has a commercial value to a person;
- (iii) information about the business, professional, commercial or financial affairs of a person,

**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.

**COUNCIL RESOLUTION**

**Moved By:** Cr Wayne Johnson

**Seconded By:** Cr Kirsty Dellar

That Council:

1. Authorise the CEO to purchase the Ruby Tourist Tram from Kevin Bird trading as Le Charabanc Private Charters (ABN 16 930 940 565) for \$80,000 ex GST from the Tourism & Area Promotion 2022/23 FY budget;
2. Approve amendment of the 2022/23 annual budget to reallocate \$80,000 (ex GST) expenditure from account number 1302202 (Tourism and Area Promotion) to account number 1302084 (Tourism and Area Promotion – Light Vehicle Purchase) for the purpose of purchasing the Ruby Tourist Tram; and
3. Authorise the CEO to negotiate a lease for the Ruby Tourist Tram with the Kalgoorlie Boulder Tourist Centre Inc. trading as Kalgoorlie Boulder Visitor Centre (ABN 45 375 098 440) (“KBVC”) for the operations of the Tourist Tram.

**CARRIED**  
**(11 / 2)**

**For:** Cr Deborah Botica, Mayor John Bowler, Cr Michael McKay, Cr Wayne Johnson, Cr Mandy Reidy, Cr David Grills, Cr Terrence Winner, Cr John Matthew, Cr Kirsty Dellar, Cr Amy Astill and Cr Kim Eckert

**Against:** Deputy Mayor Glenn Wilson and Cr Suzie Williams



**COUNCIL RESOLUTION**

**Moved By:** Cr Terrence Winner

**Seconded By:** Cr Amy Astill

That Council move out of Confidential Session and resume standing orders.

**CARRIED**  
**(13 / 0)**

**For:** Cr Deborah Botica, Deputy Mayor Glenn Wilson, Mayor John Bowler, Cr Michael McKay, Cr Wayne Johnson, Cr Mandy Reidy, Cr David Grills, Cr Terrence Winner, Cr John Matthew, Cr Kirsty Dellar, Cr Amy Astill, Cr Kim Eckert and Cr Suzie Williams

**Against:** Nil

Council moved out of Confidential Session and resumed standing orders at 7:46pm.

Members of the public returned to the Chamber and the Mayor read the resolutions adopted in the confidential section.

## **18 DATE OF NEXT MEETING**

The next Ordinary Council Meeting will be held on 27 February 2023.

## **19 CLOSURE**

There being no further business, the Mayor thanked the Councillors and Staff for their attendance and declared the meeting closed at 7:49 pm.