



**City of
Kalgoorlie
Boulder**

AGENDA

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

commencing at 7:00 PM

on

24 OCTOBER 2022

at the

Kalgoorlie Town Hall

14 October 2022



NOTICE OF MEETING

An Ordinary Council Meeting of the City of Kalgoorlie-Boulder will be held in the **Kalgoorlie Town Hall** on **Monday, 24 October 2022** commencing at **7:00 PM**.

Regards

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

ANDREW BRIEN

Chief Executive Officer

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1 DECLARATION OF OPENING / ANNOUNCEMENT OF VISITORS

2 OPENING PRAYER

To be conducted by Pastor Joel Tardo.

3 DISCLAIMER READING

The Mayor will read the disclaimer to those present.

Please note this meeting is being recorded and streamed live on the Council's website in accordance with Council's Recording and Streaming of Council Meetings Policy, which can be viewed on Council's website.

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

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

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

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

4 RECORD OF ATTENDANCE

4.1 Attendance

In Attendance:

Members of Staff:

Visitors:

Press:

4.2 Apologies

Apologies – Elected Members:

Apologies - Members of Staff:

4.3 Leave of Absence (Previously Approved)

Leave of Absence:

Nil

5 RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

Nil

6 PUBLIC ACCESS AND PUBLIC QUESTION TIME

6.1 Public Access

6.2 Public Question Time

7 PETITIONS / DEPUTATIONS / PRESENTATIONS

8 NOTATIONS OF INTEREST

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

8.2 Financial Interest Local Government Act Section 5.60A

8.3 Proximity Interest Local Government Act Section 5.60B

9 APPLICATIONS FOR LEAVE OF ABSENCE

10 ANNOUNCEMENTS BY THE PERSON PRESIDING WITHOUT DISCUSSIONS

10.1 Mayor Announcements

11 CONFIRMATION OF MINUTES

That the minutes of the Ordinary Meeting of Council held on 27 September 2022 be confirmed as a true record of that meeting.

That the minutes of the Special Meeting of Council held on 11 October 2022 be confirmed as a true record of that meeting.

12 MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

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

14 REPORTS OF COMMITTEES

14.1 Audit and Risk Committee Minutes - 21 September 2022

14.1.1 AUDIT AND RISK COMMITTEE STANDING ITEMS SEPTEMBER 2022

Responsible Officer:	David Trevaskis Director of Corporate and Commercial
Responsible Business Unit:	Corporate and Commercial
Disclosure of Interest:	Nil
Voting Requirements:	Simple
Attachments:	<ol style="list-style-type: none"> 1. 220916 Audit recommendations progress report 21092022 [14.1.1.1 - 5 pages] 2. Action Items Update 21092022 [14.1.1.2 - 2 pages]

COMMITTEE RECOMMENDATION

That Council receives the information.

Executive Summary

At the May 2021 Audit and Risk Committee Meeting, members recommended the inclusion of two standing items in future agendas, being the Audit Recommendations Progress Report and the Audit and Risk Committee action item list. The items are attached for review.

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:

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

Budget Implications

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

Report

The Audit and Finance Committee considered the Better Practice Guide for Public Sector Audit Committees at its May 2021 meeting and supported the inclusion of two standing items on the agenda.

Audit recommendations progress report

This report is designed to provide the Committee with an update on the progress of actions taken by management to implement audit recommendations from the OAG, internal audit and external reviews.

The September 2022 audit recommendations report has been updated to include the two findings from the Financial Management Review June 2022 undertaken by Hall Chadwick.

Audit and Risk Committee action item list

This report identifies Audit and Risk Committee recommendations that are adopted by Council, and how the resolutions are followed-up and addressed by the responsible officer. The report aims to include a level of information to allow the audit committee to understand the nature of actions taken to date and the real reasons for any delays.

The report uses a 'traffic light system' to categorise progress into three groups: red – not started, amber – in progress, and green – complete.

Please note the City is has yet to complete the Strategic Risk Register Review which was first requested at the Council meeting 23 August 2021. Since this meeting Hall Chadwick has been engaged to complete the review and they have advised the report will be finalised end of September 2022. This will then be presented to the Audit and Risk Committee at the meeting scheduled for December 2022.

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.

14.1.2 FINANCE MANAGEMENT REVIEW FY2022

Responsible Officer:	Xandra Curnock Executive Manager Finance
Responsible Business Unit:	Finance
Disclosure of Interest:	Nil
Voting Requirements:	Simple
Attachments:	1. 2022 CKB Financial Management Report [14.1.2.1 - 13 pages]

COMMITTEE RECOMMENDATION

That Council, in accordance with *section 5(2)(c) of the Local Government (Financial Management) Regulations 1996*, receives the Chief Executive Officer report on the appropriateness and effectiveness of the financial management systems and procedures of the City for the financial year 2021/22.

Executive Summary

The report has been prepared to provide the Committee with the final Financial Management Systems Review, required to be completed to meet regulation 5(2)(c) of the *Local Government (Financial Management) Regulations 1996*.

Community Engagement Consultation

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

Community Strategic Plan Links

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

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

Budget Implications

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

Report

The CEO is responsible for implementing policies, procedures and controls designed to ensure the effective and efficient management of the City's resources. At least once in every three financial years the CEO is to undertake a review of the appropriateness and effectiveness of the financial management systems and

procedures of the local government and report to Council the results of those reviews.

The last Financial Management Review was reviewed by Council on 15 May 2019 covering the period from 1 July 2018 to 8 May 2019. In accordance with the Regulations this review is now due for 2022. The City does not have an internal audit team and any staff who are responsible for the day to day accounting or financial management operations, including those who manage or supervise these employees, are not to conduct the financial management systems review in accordance with the regulations. To provide an accurate and unbiased review the CEO engaged an external accounting firm, Hall Chadwick.

Hall Chadwick have completed a review of documentation provided by the City’s finance team and have provided feedback within the attached report.

They identified two findings;

FINDINGS	RATING
<p>CREDIT CARD PROCEDURES</p> <ul style="list-style-type: none"> The policy needs to be updated to reflect the current procedures performed 	<p>Moderate</p>
<p>BANK RECONCILIATIONS</p> <ul style="list-style-type: none"> All Cash and Trust Reconciliations must be performed in a timely manner 	<p>Low</p>

Low risk items are identified as should “Manage by routine procedures – action when resources permit. Corrective action is required but with a lower priority than higher risks.”

Moderate risk items are identified as “Management responsibility and timeframe for risk reduction must be specified. Corrective action is generally required as soon as possible.”

The finance team will review the Credit Card Policy and provide an update prior to the next Audit and Risk Committee meeting.

Completion of bank reconciliations were delayed during the FY2022 year due to staffing issues within the finance team. The City does not consider this to be an issue moving forward.

Statutory Implications

Regulation 5(2)(c) of the Local Government (Financial Management) Regulations 1996 requires the CEO to undertake reviews of the appropriateness and effectiveness of the financial management systems and procedures of the local government regularly (and not less than once in every 3 financial years) and report to the local government the results of those reviews.

Regulation 5(1) of the Local Government (Financial Management) Regulations 1996 requires that the Chief Executive Officer establish efficient systems and procedures:

- (a) For the proper collection of money owing the local government; and

- (b) For the safe custody and security of all money collected or held by the local government; and
 - (c) For the proper maintenance and security of the financial records of the local government (whether maintained in written form or by electronic or other means or process); and
 - (d) To ensure proper accounting for municipal or trust – (i) Revenue received or receivable; and
 - (ii) Expenses paid or payable; and
 - (iii) Assets and liabilities;
- AND
- e) To ensure proper authorisation for the incurring of liabilities and the making of payments; and
 - (f) For the maintenance of payroll, stock control and costing records; and
 - (g) To assist in the preparation of budgets, budget reviews, accounts and reports required by the Act or these regulations.

Regulation 6 of the Local Government (Financial Management) Regulations 1996 A local government is to ensure that an employee to whom is delegated responsibility for the day to day accounting or financial management operations of a local government is not also delegated the responsibility for –

- (a) Conducting an internal audit; or
- (b) Reviewing the discharge of duties by that employee,

Or for managing, directing or supervising a person who carries or a function referred to in paragraph (a) or (b).

Policy Implications

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

14.1.3 OAG - Local Government Focus Reports 2022

Responsible Officer:	David Trevaskis Director of Corporate and Commercial
Responsible Business Unit:	Finance Governance
Disclosure of Interest:	Nil
Voting Requirements:	Simple
Attachments:	<ol style="list-style-type: none"> 1. Fraud- Risk- Management- Better- Practice- Guide [14.1.3.1 - 64 pages] 2. Information- Systems- Audit- Report-2022- Local- Government- Entities [14.1.3.2 - 28 pages] 3. Financial- Audit- Results- Local- Government- 2020-21 [14.1.3.3 - 68 pages]

COMMITTEE RECOMMENDATION

That Council notes the results from the following Western Australian Auditor General's reports:

- Information Systems Audit Report 2022 – Local Government Entities;
- Financial Audit Results – Local Government 2020-21; and
- Fraud Risk Management – Better Practice Guide.

Executive Summary

The Audit and Risk Committee is responsible for communicating and liaising with the OAG. This includes reviewing results of relevant OAG reports and better practice publications for guidance on good practices. Management will undertake self-assessment against the better practice principles and where applicable include as actions items in the City's risk register. The OAG has recently published the following reports which are presented for the Committee's review:

- Information Systems and Audit Report 2022 – Local Government Entities (28 June 2022);
- Financial Audit Results – Local Government 2020-21 (17 August 2022); and
- Fraud Risk Management – Better Practice Guide (22 June 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.

Budget Implications

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

Report

Information Systems Audit Report 2022 – Local Government Entities

The report summarises important findings and recommendations from the OAG's 2020-21 annual cycle of information systems audits with 45 local government entities. The recommendations provided are useful for the City to identify any weaknesses in information systems controls and to help improve capability maturity.

The report provides the following recommendations based on 6 capability and maturity focus categories:

1. *Information security*
 - a. *Senior executives should implement appropriate policies and procedures to ensure the security of information systems and support their entity business objectives.*
 - b. *Management should ensure good security policies and practices are implemented and continuously monitored for control areas identified, including:*
 - i. *patching and vulnerability management*
 - ii. *application hardening and control*
 - iii. *implement technical controls to prevent impersonation and detect/prevent phishing emails*
 - iv. *strong passphrases/passwords and multi-factor authentication*
 - v. *limit and control administrator privileges*
 - vi. *segregate network and prevent unauthorised devices*
 - vii. *secure cloud infrastructure, databases, email and storage, and know clearly 'who' they are handing entity and citizen data to through their use of cloud services*
 - viii. *cyber security monitoring, intrusion detection and protection from malware.*
2. *Business continuity*

Entities should have appropriate business continuity, disaster recovery and incident response plans to protect critical systems from disruptive events. These plans should be periodically tested.
3. *Management of IT risks*

Entities should:

 - a. *understand their information assets and apply controls based on their value*

b. ensure IT risks are identified, assessed and treated within appropriate timeframes. Senior executives should have oversight of information and cyber security risks.

4. IT operations

Entities should implement policies and procedures to guide key areas of IT operations such as incident management and supplier performance monitoring.

5. Change control

Approved change control processes should be consistently applied when making changes to IT systems. All changes should go through planning and impact assessment to minimise the occurrence of problems. Change control documentation should be current and approved changes formally tracked.

6. Physical security

Entities should develop and implement physical and environmental control mechanisms to prevent unauthorised access, or accidental or environmental damage to IT infrastructure and systems.

These recommendations will form part of the City's guiding ICT Strategy and to inform the City's priority list of upcoming ICT improvement projects.

Financial Audit Results – Local Government 2020-21

The OAG published the report on the 17 August, tabling the results of financial audits for 132 local governments and the recurring issues identified during these annual audits.

The City was referenced in the report in relation to the following matter:

The City has operated the Yarri Road Refuse Facility in east Kalgoorlie since 1993. The site operates under a Class II landfill license under Part V of the Environmental Protection Act 1986 which requires licensing.

The City has never previously recognised a provision for landfill rehabilitation. It has disclosed a contingent liability for at least the three previous annual financial reports to fully restore the site at the end of its useful life. The City was also undertaking work to establish the scope and estimate the cost of the restoration, which was unable to be reliably estimated in previous financial reports.

During the 2020-21 period, the City engaged a third-party expert to prepare a closure and post-closure management plan and provide a comprehensive estimation of the future costs for the site closure, capping, restoration and monitoring activities. The plan was finalised in March 2021 and a landfill rehabilitation provision of \$28.8 million was recognised.

Recommendation 3.

The Department of Local Government, Sport and Cultural Industries should provide guidance to assist entities with understanding the requirements of and interpreting the AASB accounting requirements to ensure greater accounting consistency across the sector, including recognising provisions for the rehabilitation of landfills and other contaminated sites.

In addition, the City was highlighted for the below emphasis of matter which was included in the auditor's report:

Restatement of comparative balances – The opinion draws attention to Note 34 to the financial report which states that the amounts reported in the previously issues 30 June 2020 financial report have been restated and disclosed as comparatives in this financial report. The opinion is not modified in respect of this matter.

The emphasis of matter was in relation to the employee back pay error. The value was deemed relevant for the prior period 30 June 2019 and was restated in the opening and closing Trade and Other Payables and Retained Earnings comparative balances detailed in the 2020/21 Statement of Financial Position.

Fraud Risk Management – Better Practice Guide

This better practice guide aims to assist public sector entities to manage their fraud and corruption risk and provide advice on the development of a fraud and risk management program.

The City has an adopted Risk Management Policy and Risk Management Framework that provides guidance for the Executive, Audit and Risk Committee and Council in relation to Risk Management. An outstanding action item for the Committee is the review of the Strategic Risk Register. Hall Chadwick are currently working on this review in conjunction with the CEO's review of the appropriateness and effectiveness of the City's systems and procedures in relation to risk management, internal control and legislative compliance (LG Audit regulation 17). This review and report will be presented at the Committee's next meeting in December 2022.

Statutory Implications

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

Policy Implications

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

15 REPORTS OF OFFICERS

15.1 Chief Executive Officer

15.1.1 Award of Tender T002 22/23 - Christmas Decorations Installation

Responsible Officer:	Kevin Ketterer Director of Engineering
Responsible Business Unit:	Engineering
Disclosure of Interest:	Nil
Voting Requirements:	Absolute
Attachments:	<ol style="list-style-type: none"> 1. CONFIDENTIAL - Budget and Funding Implications (confidential) [15.1.1.1 - 1 page] 2. CONFIDENTIAL - Tender T 002 -22.23 [15.1.1.2 - 1 page]

Officer Recommendation

That Council:

1. Award Tender T002-22/23 Christmas Decorations Installation to Tenderer B at their tendered rates for two (2) years, with a one (1) year contract extension option.
2. Approve an amendment to the 22/23 Operating Budget of Property as follows:

Increase

Property - Christmas Decorations	\$66,000
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Decrease

Economic Development Initiatives	\$33,000
Community Development Events	\$33,000

Executive Summary

For Council to consider the submissions received for tender number T002 22/23 for the 2022 Christmas Decorations Installation. The public tender process led to two (2) submissions being received. Tenderer B is considered suitable and most advantageous. The award of a two (2) year contract, with one (1) year extension thereafter is recommended accordingly.

Community Engagement Consultation

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

Community Strategic Plan Links

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

CONNECTED: We will be connected to our history, culture and community.
CONNECTED: We provide public spaces that facilitate a diverse range of activities and strengthen social bonds within the community.

Budget Implications

As the comment on the budget provisions would require a discussion on the tendered prices, this has been provided in Confidential Attachment B.

Background

Every year the City provides decorations and banners in the city centres of Kalgoorlie and Boulder, as well as the ceremonial lighting of a Christmas tree in one of the city centres. With the redevelopment of St Barbara's Square, this option is not available for consideration in the Kalgoorlie city centre, and the ceremonial Christmas tree lighting is suggested to therefore take place in Boulder only.

Building on previous years' decorations, the City has planned for an expanded scope and scale of decorations for 2022, and several additional decorations have been acquired for this purpose. The additions have been planned for inclusion in an expanded scope and scale of the decorations.

Report

This Tender addressed the requirements to facilitate these celebrations through the erection of decorations and the ceremonial Christmas tree.

The Tenderer is required to supply all materials, plant, labour, tools and the execution of all activities necessary to transport, install, dismantle and return all the decorations to the City's storage facility. The awarded Tenderer will be responsible for all necessary approvals to complete the works.

In addition, the Tenderer will be required to meet all statutory requirements such as WHS, traffic management and electrical compliance.

Listed below are the locations and associated Christmas decorations proposed to be installed in 2022:

1. CENTENNIAL PARK

- 1 x 15m Christmas Tree including all associated lighting and decorations. Lighting and decorations include 24 x 60cm stars, 1 x tree topper and 3 x 2m stars for base of the tree. (Green 1.2m high fencing to also be installed and fixed into place.)
- 1 x 4m Walk Through Bauble.
- 2 x 3m Reindeers.
- 2 x 3m Tree.

2. HANNAN STREET AND CASSIDY STREET

- Christmas banners to be installed on centre poles in Hannan Street.

- 550m of icicle lights to be installed between centre poles between Wilson Street and Porter Street.
- 4 x 14.65m Christmas lights to be installed across Cassidy Street.

3. MARKET ARCADE

- 1 x 1.8m wreath hung on Market Arcade entry.
- 8 x 1m illuminated stars to be hung from Market Arcade ceiling.
- 200m of festoon lighting to be hung from Market Arcade ceiling.

4. BURT STREET

- Christmas banners to be installed on centre poles in Burt Street.
- 12 x 6m Icicle lights to be installed across top of centre poles between Brookman Street and Hamilton Street.
- Wrapping three (3) palm tree trunks with 100m lights each.

5. LOOPLINE PARK

- 1 x 10m Christmas Tree including all associated lighting and decorations. Lighting and decorations include 300m of fairy lights, 18 x 60cm star lights, 1 x 1m tree topper, and 2 x 2m stars for base of the tree.
- 18 x 60cm stars to be hung from trees.
- 1 x 1.8m Santa on a Swing to be hung from a tree.
- 20m of Icicle lights around the top of the Rotunda.
- 1 x 3.5m Walk Through Bauble.
- 1 x 4m Walkthrough Open Present Box.
- 1 x 3m Reindeers.
- 1 x 2m Star.
- 1 x 3m Tree.

6. ADMINISTRATION BUILDING

- Large wreath hung at Administration Building entry.
- 1 x 3m Reindeer.
- 1 x 3m Tree.
- 4 x flying reindeers to be installed in the garden bed or front of building.

7. AIRPORT

- 1 x 6m Christmas Tree with inbuilt lights (positioning in terminal will need to be predetermined as the height of the tree only suits certain areas of the terminal).
- 3 x 1m Wreaths to be suspended from the ceiling including all necessary wires and attachments.

Tender Assessment

Tender T002 22-23 Christmas Decorations Installation was issued on 18 June 2022 and closed on the 3 September 2022. At the close of tender, two submissions had

been received. These are provided in Confidential Attachment A. These tender submissions have been assessed by a tender assessment panel as being correct and compliant in line with the City’s ‘Request for Tender’ document. This Tender was assessed based on the following qualitative criteria:

- Relevant Experience
- Key Personnel
- Regional Contracting
- Tenderer’s Resources
- Price

The weighted scores as assessed are:

TENDERER		A	B
Relevant Experience, Demonstrated Understanding and Capacity	20%	17.33	13.33
Key Personnel	10%	6.67	8.00
Regional Contracting	10%	0.00	10.00
Tenderer's Resources	10%	6.67	8.67
Pricing	50%	50.00	46.43
TOTAL weighted score		80.67	86.43

Comment on submissions as follows:

1. Both tenderers can do the work and have good resources to perform all the requirements.
2. Tenderer B is slightly more costly by a margin of 7.6%.
3. The assessed scores are relatively close, with the local contractor Tenderer B attracting the 10% additional advantage in terms of Council's Policy in this regard.
4. Tenderer A had no allowance for the recommended \$20,000 “Provisional Allowance” in their submission. This has been rectified and their price amended to reflect the recommended allowance for this purpose.
5. Tenderer A could not commence on the stated commencement date and wanted to commence earlier by one week as they are committed to a several other local governments for similar contracts.
6. Tenderer B is a local company and has previously been involved with these installations and is more familiar with the requirements.

7. Tenderer B was awarded additional score as a local contractor as indicated in the assessment table..

Tenderer B has been assessed with the highest rated score, is a local contractor, is well experienced in this line of work and has in the past provided a good service to the City.

Tenderer B is therefore recommended.

Statutory Implications

Tenders were called in accordance with section 3.57 of the Local Government Act 1995 and Regulation 11(a) of the Local Government (Function and General) Regulations 1996 ("Regulations"). This requires tenders to be publicly invited according to the requirements of this Division 2 of Part 4 of the Regulations before a local government enters into a contract for another person to supply goods or services if the consideration under the contract is, or is expected to be, worth more than \$250,000 unless sub-regulation (2) states otherwise.

Policy Implications

The tender process ensures Policy CORP-AP-001 relating to purchasing is satisfied. More specifically, the requirement for public tenders where the aggregate value exceeds \$250,000 is met.

15.1.2 Award of Tender T001- 22/23- Detailed Design Kalgoorlie-Boulder Youth Precinct

Responsible Officer:	Kevin Ketterer Director of Engineering
Responsible Business Unit:	Engineering
Disclosure of Interest:	Nil
Voting Requirements:	Simple
Attachments:	1. CONFIDENTIAL - Confidential Attachment Youth Precinct [15.1.2.1 - 1 page]

Officer Recommendation

That Council accepts the tender submission Tender T001 – 22/33 – Detailed Design Kalgoorlie-Boulder Youth Precinct as recorded in the Tenders Register, received from H+H Architects, named as ‘Respondent B’ in the Evaluation Panel Report recommendation detailed in the Confidential Attachment as the most advantageous, for a lump sum value of \$423,000 ex GST

Executive Summary

The purpose of this report is for Council to consider the tender submissions received for tender number T001 22/23 – Detailed Design Kalgoorlie-Boulder Youth Precinct.

The public tender process led to four (4) submissions being received and assessed against the tender criteria. Based on the assessment of the panel and adjusted costs considering exclusions, provisional items and costed items, the submission of Tenderer B was scored the highest, was assessed as being most beneficial and is recommended for approval.

Community Engagement Consultation

No community consultation was considered necessary in relation to the recommendations of the report. Community engagement comprised a major element in the compilation of the Precinct Masterplan which will form the basis of this detailed design appointment.

Community Strategic Plan Links

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

CONNECTED: We provide public spaces that facilitate a diverse range of activities and strengthen social bonds within the community.
CAPABLE: We promote and support local tourism opportunities including facilitating tourism infrastructure and services.

Budget Implications

The financial implications of adopting the recommendation contained in this report can be accommodated in the 2022/23 budget provisions for this project.

Background

Council at the OCM of 23 May 2022 considered a report on this matter and resolved the following:

That Council:

1. *Not accept any tender submissions for T028 21/22 – Kalgoorlie-Boulder Youth Precinct Project Detailed Design & Documentation.*
2. *Adopt a staged approach to full scope delivery of the Youth Precinct Project as follows:*
 - i. *Allocate a total amount of \$5,500,000 (GST excl) in the 2022/23 financial year budget to the project.*
 - ii. *Advertise a tender for the design and documentation for the full development of Kingsbury Park (Stage 2), excluding the Lord Forrest (Stage 3).*
 - iii. *Include elements of the design as “preliminary items” which can be extracted from the contract depending on process and rates received in the tender submissions and the outcome of future grant funding applications with the Department of Local Government (CSRFF) and LotteryWest.*
 - iv. *Limit implementation to the value of \$3.6m, A maximum non-grant funded contribution from the City of \$1.83m (GST excl), being one-third of the total value of the Kingsbury Park (Stage 2) project.*

This report results from the implementation of the above resolution.

Tender Assessment

Tender T001 – 22/23 – Detailed Design Kalgoorlie-Boulder Youth Precinct was advertised on 20th August 2022 with four compliant submissions being received at closing. The details of these tenderers are provided in Confidential Attachment A.

The tenders were assessed by the assessment panel with rating provided independently by the assessors for each of the qualitative criteria as follows:

- Innovation
- Capability and Experience
- Methodology
- Project Resourcing
- Price

Based on the panel assessment the following ratings have resulted:

TENDERER		A	B	C	D
Creative and Clever- Innovation	10%	7.33	6.67	2.67	4.67
Capacity and Experience of Organisation	15%	12.00	8.50	9.50	11.00
Methodology and Plan for Performing Contract	15%	10.00	14.00	10.00	7.00
Proposed Project Resources	10%	8.00	8.33	7.33	6.67
Pricing	50%	34.78	41.53	35.77	50.00
TOTAL weighted score	100.00%	72.11	79.03	65.27	79.34

Comments on the submissions: and assessment;

1. The four submissions ranged in expertise and experience from very large high value precinct developments to niche developments, where some of each would be applicable for the City's proposed project. All submissions included experience and projects completed in the scale and scope of this project.
2. The prices submitted included project prices and provisional amounts, as well as un-costed exclusions. In order to make the price comparisons possible, the prices were adjusted to include all likely costs. These were then used in the price assessments. These details have been provided in the Confidential Attachment.
3. Tenderers B and D have scored very closely with a differential of 0.31 points.
4. Tender B was the only submission from a local supplier. After the application of the "Regional Price Preference/Buy Local" score, Tenderer B scores ahead of Tenderer D.
5. Considering the closeness of the assessment scores of all the submissions, and particularly the similarity of the final scores of Tenderers B and D, the panel considered the inclusion of the "Regional Price Preference/Buy Local" provision of the City's Procurement provisions in the assessment.

Based on the above assessment process, Tender B has been assessed as the most favourable and is recommended for award.

Statutory Implications

Tenders were called in accordance with section 3.57 of the Local Government Act 1995 and Regulation 11(a) of the Local Government (Function and General) Regulations 1996 ("Regulations"). These provisions require tenders to be publicly invited according to the requirements of Division 2 of Part 4 of the Regulations before

a local government enters into a contract for another person to supply goods or services if the consideration under the contract is, or is expected to be, worth more than \$250,000 unless sub-regulation (2) states otherwise.

Policy Implications

The tender process ensures Policy CORP-AP-001 relating to purchasing is satisfied. More specifically, the requirement for public tender where the aggregate value exceeds \$250,000 is met.

A price preference may be given to a local business by assessing the tender from that local business as if the price bids were reduced by the values set out in the Local Government Act (Functions and General) Regulations 1996 Part 4a 24(D).

15.1.3 Governance Framework

Responsible Officer:	Frances Liston Executive Manager Governance and Risk Services
Responsible Business Unit:	Office of the CEO Governance
Disclosure of Interest:	Nil
Voting Requirements:	Simple
Attachments:	1. Governance Framework [15.1.3.1 - 68 pages]

Officer Recommendation

That Council:

1. Adopt the Governance Framework;
2. Request that the Chief Executive Officer provide a copy of the approved framework to the Department of Local Government, Sports and Cultural Industries for their information; and
3. Authorise the CEO to undertake administrative amendments to the Governance Framework from time to time as required.

Executive Summary

In response to direction from the Department of Local Government, Sports and Cultural Industries, the Governance Framework has been developed by the CEO and Executive Manager of Governance and Risk Services, in consultation with directors, executive managers and elected members.

The Governance Framework sets out:

- guidelines and standards expected of elected members and employees;
- the various roles across the City and their relationships; and
- the many legal, ethical and financial responsibilities of elected members and employees.

Community Engagement Consultation

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

Community Strategic Plan Links

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

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

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

EMPOWERED: We are utilising diverse points of view to inform decision making and actions taken for the City.

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

Budget Implications

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

Report

The Department of Local Government, Sport and Cultural Industries provided direction to the CEO that the City needs to develop a Governance Framework to underpin and support its governance practices.

Good governance is critical if the community is to have confidence in the Council and the City administration. Accordingly, the Governance Framework has been developed to set out guidelines and standards expected of Elected Members and employees to achieve good governance through concepts such as compliance, community participation, ethical conduct, transparency, accountability and ongoing performance management. It also sets out the roles of Council members, management and employees of the City of Kalgoorlie-Boulder and their relationships, along with financial, legal and ethical responsibilities that impact individuals and the organisation.

The City of Kalgoorlie-Boulder's good governance is achieved through various strategies which are explored in this Governance Framework, including as follows:

- Ensuring individual and organisational compliance with the Local Government Act, supporting regulations and additional relevant legislative instruments;
- Ensuring individual and organisational compliance with applicable Codes of Conduct, policies, procedures and management practices;
- Developing and publishing policies and procedures to ensure consistency and fairness in all decisions as well as transparency and accountability in respect of such decisions (both internally and to the members of the public);
- Implementing effective risk management processes, including ongoing identification, assessment, review and management of operational and strategic risks;
- Ensuring clear role definition and clarity for Council members and employees;
- Acting efficiently and effectively in its decision-making processes including:
 - obtaining, collating and reporting accurate, comprehensive and relevant information to Council;
 - ensuring Council members have a sound understanding of matters prior to making critical decisions;
- Ensuring ethical behaviour of Council members and employees, characterised by honesty and integrity;
- Seeking community participation (through open elections, open Council meetings and question time processes as well as consultation processes);
- Effectively managing staff and resources to ensure efficiency and effectiveness in implementing Council resolutions; and

- Creating a positive culture to promote open communication, teamwork and accountability.

In employing these strategies, the City of Kalgoorlie-Boulder endeavours to comply with the Local Government Act to achieve:

- Better decision-making;
- Greater community participation;
- Greater accountability; and
- More efficient and effective operations.
- The draft of the Governance Framework was provided to all elected members for comments and was further considered at the Councillor workshop held on 10 October 2022. Final suggested amendments were provided to the Chief Executive Officer and the Executive Manager Governance and Risk Services for inclusion in the final draft which is presented as an attachment to this report.

Statutory Implications

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

Policy Implications

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

15.1.4 Monthly Financial Report - August 2022

Responsible Officer:	Xandra Curnock Executive Manager Finance
Responsible Business Unit:	Finance
Disclosure of Interest:	Nil
Voting Requirements:	Absolute Majority
Attachments:	1. Monthly Financial Report - August 2022 [15.1.4.1 - 26 pages]

Officer Recommendation

That Council in accordance with Regulation 34 of the Local Government (Financial Management Regulations 1996), receive the Statement of Financial Activity for the period ending 31 August 2022.

Executive Summary

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

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

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

Budget Implications

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

Report

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

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

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

For the year to date to 31 August 2022 income is over budget by 1.46% and expenditure is under budget by (6.25%), 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.

All figures noted are unaudited and subject to change prior to the finalisation of the year end annual financial statements.

INCOME CATEGORIES

Overall stated income is 1.46%, \$752,591 over budget. The sub programs which are outside the allowable variance is as follows.

Aerodromes

Description	YTD Budget	YTD Actual	YTD Variance
Aerodromes	\$1,961,310	\$2,702,496	\$741,186

This variance is mainly due to a 13% increase in passenger numbers when compared with budget. By comparing with last financial year, the passenger numbers for the period ending 31/08/2022 is 58,994, compared to passenger numbers for last financial year to 31/08/2021, which were 43,267.

EXPENSE CATEGORIES

Overall stated expenditure is (6.25%), (\$817,218) under budget. The sub programs which are outside the allowable variance is as follows.

Rates Revenue

Description	YTD Budget	YTD Actual	YTD Variance
Rates Revenue	\$190,656	\$132,310	(\$58,346)

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

Other Governance

Description	YTD Budget	YTD Actual	YTD Variance
Other Governance	\$292,158	\$212,897	(\$79,261)

This variance is due to contractors & consultants services of (\$34k), advertising of (\$14k), contributions, donations & subsidies of (\$11k), and employee salaries & wages of (\$20k) being less than budget.

Maintenace Roads Bridges Depots

Description	YTD Budget	YTD Actual	YTD Variance
Mtce Roads Bridges Depots	\$1,691,882	\$1,307,466	(\$384,416)

This variance is due to contractors & consultants services of (\$181k), electricity of (\$108k), and employee salaries & wages of (\$92k) being less than budget.

Road Plant Purchases

Description	YTD Budget	YTD Actual	YTD Variance
Road Plant Purchases	\$105,676	\$38,385	(\$67,291)

This variance is mainly due to the timing difference of loss on sale of Assets.

Aerodromes

Description	YTD Budget	YTD Actual	YTD Variance
Aerodromes	\$749,726	\$917,723	\$167,997

This variance is mainly due to an increase in passenger numbers when compared with budget.

Building Control

Description	YTD Budget	YTD Actual	YTD Variance
Building Control	\$170,894	\$116,512	(\$54,382)

This variance is due to admin overheads being (\$30k) under budget which is due to timing difference, and (\$19k) of employment costs which is due to current staff vacancies.

Business Unit Operations

Description	YTD Budget	YTD Actual	YTD Variance
Business Unit Operations	\$135,660	\$214,845	\$79,185

This is due to timing, will be corrected in Mid-year.

CAPITAL CATEGORIES

August 2022 year to date capital expenditure is under budget by (\$7.86m). Actual YTD expenditure is \$4.21m versus budgeted YTD spend of \$12.07m.

Main variances from Work in Progress of (\$3.61m), Infrastructure –Roads of (\$1.25m), Buildings of (\$1.15m), Sewerage of (\$0.93m), and Investment Property of (\$0.56m).

Statutory Implications

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

Policy Implications

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

15.1.5 Accounts Payable for September 2022

Responsible Officer:	Xandra Curnock Executive Manager Finance
Responsible Business Unit:	Finance
Disclosure of Interest:	Nil
Voting Requirements:	Simple
Attachments:	<ol style="list-style-type: none"> 1. Municipal EFT Payments - September 2022 [15.1.5.1 - 31 pages] 2. Municipal Cheque Payments - September 2022 [15.1.5.2 - 1 page] 3. Direct Debit Payments - September 2022 [15.1.5.3 - 1 page] 4. Credit Card Payments - September 2022 [15.1.5.4 - 12 pages]

Officer Recommendation

That Council receive the list of payments totalling \$7,546,639.82 as presented for the month of September 2022.

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 September 2022 and a list of corporate credit card transactions by card holder of the same period totalling \$7,546,639.82.

Municipal EFT	\$6,444,473.93
Municipal Cheque	\$1,091.75
Direct Debit	\$1,048,370.17
Credit Cards	\$52,703.97
Grand Total	\$7,546,639.82

Statutory Implications

The Accounts Payable for the Month of September 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.

15.1.6 CEO delegations

Responsible Officer:	Andrew Brien Chief Executive Officer Frances Liston Executive Manager Governance and Risk Services
Responsible Business Unit:	Office of the CEO Governance
Disclosure of Interest:	Nil
Voting Requirements:	Absolute Majority
Attachments:	1. Revised CEO Delegation Register [15.1.6.1 - 137 pages]

Officer Recommendation

That Council endorse the delegations to the Chief Executive Officer in accordance with the revised Register of CEO Delegated Authority attached.

Executive Summary

Council is able to delegate the exercise of some of its powers and discharge of some of its duties to the Chief Executive Officer (“CEO”) in accordance with section 5.42 Local Government Act 1995 (and other legislative instruments under which the City of Kalgoorlie-Boulder operates).

Pursuant the Local Government Act and relevant other legislation, the CEO is able in some circumstances to sub-delegate authority to employees.

By resolution dated 27 September 2022, Council endorsed the Register of CEO Delegated Authority as was then presented to Council. This register included a small number of authorities directly provided by Council to senior employees other than the CEO. In order to improve the ability of the CEO to sub-delegate authority to employees and to manage delegations, it is recommended that these additional authorities are not included as Council delegations (and removed or managed as CEO sub-delegations to the extent the CEO determines necessary).

Community Engagement Consultation

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

Community Strategic Plan Links

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

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

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

Budget Implications

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

Report

By resolution dated 27 September 2022, Council endorsed the Register of CEO Delegated Authority as was then presented to Council. This register included a small number of authorities directly provided by Council to senior employees other than the CEO. In order to improve the ability of the CEO to sub-delegate authority to employees and to manage delegations, it is recommended that these additional authorities are not included as Council delegations (and removed or managed as CEO delegations to the extent the CEO determines necessary).

The application of delegated authority does not undermine Council's roles and responsibilities but rather, improves the overall functions of the City of Kalgoorlie-Boulder. In turn, the ability of the CEO to delegate authority to employees further improves the overall functions of the City of Kalgoorlie-Boulder by:

1. Facilitating the CEO focussing on higher level strategic matters;
2. Improving efficiency, effectiveness and timeliness of decision-making; and
3. Facilitating the CEO satisfying his responsibilities under section 5.41 Local Government Act 1995.

The delegation by the CEO to employees is supported by policies, procedures and managerial oversight to ensure compliance with Council policies, the Local Government Act and other legislative and regulatory requirements.

The proposed removal of the additional authorities granted by Council to senior employees will facilitate the management by the CEO of those delegations.

The attached revised register includes tracking to show the recommended changes.

Statutory Implications

The authority to delegate as required by each relevant instrument is set within the revised Register of CEO Delegation Authority attached, including in particular:

Section 5.41 Local Government Act 1995: *Functions of CEO*

Section 5.42 Local Government Act 1995: *Delegation of some powers and duties to the CEO*

Section 5.43 Local Government Act 1995: *Limits on delegations to CEO*

Section 48 Bush Fires Act

Section 44 Cat Act 2011

Section 10AA Dog Act 1976

Section 118 Food Act 2008

Section 16 Graffiti Vandalism Act 2016

Section 21 Public Health Act 2016

Section 20 Environmental Protection Act 1986

Section 16 Planning and Development Act 2005

Regulation 297(2) Road Traffic Code 2000

Policy Implications

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

15.2 Development and Growth

15.3 Community Development

15.4 Engineering

15.4.1 Budget Amendment - Accommodation

Responsible Officer:	Kevin Ketterer Director of Engineering
Responsible Business Unit:	Engineering
Disclosure of Interest:	Nil
Voting Requirements:	Absolute Majority
Attachments:	Nil

Officer Recommendation

That Council:

1. Approve the following Budget Amendment to provide resources relating to accommodation management:

Increase 22/23 Operating Budget

Property Operations Expenditure	\$85,000
Property Operations Revenue	\$60,000

2. Approve the inclusion in the Property Department LTFP of additional amounts for Expenditure and Revenue of \$50,000 and \$100,000 respectively.

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:

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

Budget Implications

Amendments to the budget will be required with the adoption of the recommendations as detailed in the body of the report.

Background

On 5 September, Council approved a confidential report relating to the provision of accommodation, where approval was provided for the purchase and lease of several properties for the purpose of attracting staff to and retaining staff at the City. The report provided details on the capital and operating nature of cost implications, but the final recommendations did not include a provision for a budget amendment to increase the operating costs of the management of the accommodation, or to reflect the revenue generated.

Report

Following Council's resolution on 5 September 2022 regarding the acquisition of accommodation, the City has progressed and acquired several properties as resolved. There has been immediate occupancy of the properties by newly recruited staff and the initial intent has been very successful, in that the accommodation is fully occupied, with a potential waiting list pending.

The report to Council provided some detail on the expectation for operating costs, which at the time of writing was estimated at some \$40,000 pa. However, the initial set-up costs of furnishing the transitional accommodation were not considered, which amount to a one-off cost of some \$10,000 per property. After the initial set-up the accommodation will incur some costs related to statutory inspections and maintenance, as well as costs related to periods of non-occupancy between paying tenancies.

The operating costs for accommodation are therefore estimated as follows:

Financial Year	22/23	23/24	24/25 onwards
Initial Costs	\$60,000		
On-going Costs	\$25,000	\$50,000	\$50,000
Total Expenditure	\$85,000	\$50,000	\$50,000

On the revenue side, an increase in revenue will be reflected as the transitioning tenants will be paying rent. At current rates and working on a low vacancy rate, the conservative rental revenue is estimated to be \$60,000 for the 22/23 FY and \$100,000 pa thereafter as depicted below.

Financial Year	22/23	23/24	24/25 onwards
Total Revenue	\$60,000	\$100,000	\$100,000

This report therefore recommends amendment to the operating budgets to reflect increases to both the expenditure and revenue allocations of the Property Department.

Statutory Implications

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

Policy Implications

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

15.5 Corporate and Commercial

15.5.1 Airport Lease (BJ Cahoots Pty Ltd) - Part of Lot 4531 Hart Kerspian Drive, Broadwood

Responsible Officer:	David Trevaskis Director of Corporate and Commercial
Responsible Business Unit:	Airport
Disclosure of Interest:	Nil
Voting Requirements:	Simple
Attachments:	1. attachment 2 [15.5.1.1 - 1 page]

Officer Recommendation

That Council:

1. Authorise the CEO to approve up to a maximum ten (10) year lease with a five (5) year option between the City and BJ Cahoots 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. Approve for the CEO to request written authorisation of the lease from the Minister in accordance with s18 of the *Land Administration Act 1997*.
3. Subject to no public submissions being received and written authorisation from the Minister, authorise the CEO 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 to the lease agreement between the City and BJ Cahoots Pty Ltd for Part of Lot 4531 Hart Kerspian Drive, Broadwood.

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 of Governor. Therefore, approval of the lease is requested subject to the City's fulfilment of the requirements of s3.58 of the Act relating to disposition of property.

The proposed tenant has undertaken substantive capital investment by purchasing the existing Hanger from the previous lessee on the proposed lease site and as such is seeking a 5 year option in addition to the standing 10 year lease term offered to airport tenants.

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 if first given. Any submissions received will be considered by Council at an Ordinary Council Meeting.

Community Strategic Plan Links

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 and associated publishing costs. A further allocation is provided for the estimated legal fees associated with drafting the lease. These costs are offset by additional rent income in relation to the proposed lease site.

Report

The City is seeking to formalise a lease agreement between Cahoots Pty Ltd (the Lessee) and the City for part of Lot 4531 Hart Kerspian Drive, Broadwood.

The Lessee is the current occupier of the premises, having acquired the hanger building which is located on the proposed leased site. The current lease expires on 24 January 2024 and is a "land only" lease with a total lease area of approximately 480 square metres. Rather than assign the existing lease to the new Lessee for such a short period, it is considered beneficial and more cost effective to both parties to enter into a new lease agreement now. An independent valuer has been engaged to assess the market value for the rent to be charged which will be detailed in the public notice to be advertised.

As per the requirements of the Act, if the City receives any submissions in relation to the lease, the submissions will be presented to Council for consideration before the lease agreement is formalised.

The City has a variety of lease and licence agreements on commercial terms with users of the Kalgoorlie-Boulder Airport land, building and infrastructure assets. A site map of the proposed area for the lease is attached.

Master Plan Implications

The hanger is to be used for private storage of aircraft and there is no intention to run a commercial charter company from the leased site. On this basis the area is a suitable location for the proposed purposes of the Lessee.

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.

15.5.2 Airport Lease (Viva Energy) - Part of Lot 4531 Hart Kerspian Drive, Broadwood

Responsible Officer:	David Trevaskis Director of Corporate and Commercial
Responsible Business Unit:	Airport
Disclosure of Interest:	Nil
Voting Requirements:	Simple
Attachments:	1. VIVA [15.5.2.1 - 1 page]

Officer Recommendation

That Council:

1. Authorise the CEO to approve up to a maximum ten (10) year lease with a five (5) year option between the City and Viva Energy 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 s 3.58 of the *Local Government Act 1995*.
2. Approve for the CEO to request written authorisation of the lease from the Minister in accordance with s 18 of the *Land Administration Act 1997*.
3. Subject to no public submissions being received and written authorisation from the Minister, authorise the CEO 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 to the lease agreement between the City and Viva Energy Pty Ltd for Part of Lot 4531 Hart Kerspian Drive, Broadwood.

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 s 5.43 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 of Governor. Therefore, approval of the lease is requested subject to the City's fulfilment of the requirements of s 3.58 of the Act relating to disposition of property.

Viva Energy Pty Ltd (Viva) currently has supply contracts with a broad number of aviation companies and is the largest aviation fuel provider in Australia for General aviation. With recent contract wins Viva is looking to establish into-plane operations at Kalgoorlie. As part of this they would like to explore available land opportunities at the airport, landside or airside for a potential storage facility and operations office. The land portion desired is 2,500 to 3,500 sqm. The establishment of this facility will include a substantial capital investment from the lessee, as such a 5 year option in addition to a 10 year lease term is requested.

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 if first given. If any submissions are received they will be considered by Council at an Ordinary Council Meeting.

Community Strategic Plan Links

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 allocated for the purposes of public notices and the associated advertising costs. A further allocation is provided for the estimated legal fees associated with drafting the lease. This is a new lease so additional unbudgeted rent income will be received by the City in relation to the proposed lease site.

Report

The City is seeking to formalise a lease agreement between the Lessee and the City for part of Lot 4531 Hart Kerspian Drive, Broadwood. Viva Energy Aviation, formerly Shell Aviation provides aviation fuel to over 50 airports across Australia and is currently expanding the network with customer growth and recent contract wins. Viva provides Aviation fuel and associated services at 12 airports within WA to airlines, mine sites, general aviation, government medivac and emergency services, offshore upstream and more.

With a recent customer contract win Viva are seeking to commence airside refuelling operations in December/January and wish to construct and operate an aviation fuel facility at the airport, providing into-plane fuelling services for customers. The land portion desired would be around 2,500 to 3,000 sqm. Viva has been in contact with the City's acting Airport Manager and RAMS consultants to identify a suitable land area that is aligned with the draft Airport Master Plan currently being developed.

The planned operation would employ 2-3 fulltime staff, providing refuelling services to meet customers' needs, typically from 0600 to 1800, 7 days per week. The fuel facility would be of modular design for growth and ease of install, initially a 50,000 to 100,000 litre tank for Jet then possible expansion with avgas storage.

Viva has been looking to Kalgoorlie-Boulder Airport for market entry for some time now and with recent customer wins is seeking to progress this opportunity. As per the requirements of the Act, if the City receives any submissions in relation to the lease, the submissions will be presented to Council for consideration before the lease agreement is formalised.

The City has a variety of lease and licence agreements on commercial terms with users of the Kalgoorlie-Boulder Airport land, building and infrastructure assets. A site map of the proposed area for the lease is attached.

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

Nil

18 DATE OF NEXT MEETING

The next Ordinary Council Meeting will be held on 21 November 2022.

19 CLOSURE