



**City of
Kalgoorlie
Boulder**

MINUTES

of the Special Council Meeting

held at 6:00 PM

on

9 MARCH 2023

at the

Administration Building

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1 DECLARATION OF OPENING / ANNOUNCEMENT OF VISITORS

The Mayor declared the meeting open at 6:00 pm welcoming the gallery and those present.

2 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.

3 RECORD OF ATTENDANCE

3.1 Attendance

COUNCIL RESOLUTION

Moved By: Deputy Mayor Glenn Wilson
Seconded By: Cr Deborah Botica

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

CARRIED
(10 / 0)

In Attendance:

Mayor John Bowler
Deputy Mayor Glenn Wilson
Cr Deborah Botica
Cr Mandy Reidy Via teams
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 Wayne Johnson

Members of Staff:

Andrew Brien	Chief Executive Officer
David Trevaskis	Director Corporate and Commercial
Alex Wiese	Director Development and Growth
Mia Hicks	Director Community Development
Emma Holtum	Governance Officer
Rajan Prajapati	IT Technical Systems Analyst

Visitors:

3

Press:

0

3.2 Apologies

Apologies - Elected Members:

Nil

Apologies - Members of Staff:

Nil

3.3 Leave of Absence (Previously Approved)

Leave of Absence:

Cr Suzie Williams

4 PUBLIC ACCESS AND PUBLIC QUESTION TIME

4.1 Public Access

Nil

4.2 Public Question Time

Brad French resident of Somerville asked the following question:

Brad introduced himself as the Operations Manager, Goldfields Giants and former Chairperson of the Kalgoorlie-Boulder Basketball Association, he stated he has no questions as such, but is available for questioning by any of the Councillors.

Response from Mayor:

The Mayor thanked Mr. French and informed him that if the Councillors have any questions, they can ask him.

5 PETITIONS / DEPUTATIONS / PRESENTATIONS

Nil

6 NOTATIONS OF INTEREST

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

Mayor John Bowler declared an impartiality interest in item 9.1.1 as he is a member of the Basketball Club.

Deputy Mayor Glenn Wilson declared an impartiality interest in item 9.1.1 as he commentates Basketball games for NBL 1 West.

Councillor John Matthew declared an impartiality interest in item 9.1.1 as his son is a director of a company that may be tendering on the project.

6.2 Financial Interest Local Government Act Section 5.60A

Nil

6.3 Proximity Interest Local Government Act Section 5.60B

Nil

7 APPLICATIONS FOR LEAVE OF ABSENCE

Nil

8 URGENT BUSINESS APPROVED BY THE PERSON PRESIDING OR BY DECISION

Nil

9 REPORTS OF OFFICERS

9.1 Development and Growth

9.1.1 PLANNING APPLICATION P160/22 - LOT 4942 (2) BROOKMAN STREET, KALGOORLIE - PROPOSED BASKETBALL STADIUM REDEVELOPMENT

Responsible Business Unit:	Development and Growth
Disclosure of Interest:	Nil
Application Number:	P160/22
Owner's Name:	City of Kalgoorlie-Boulder
Applicant's Name:	Robert Tagliaferri – Kalgoorlie-Boulder Basketball Association Inc.
Development Value:	\$12,996,000
Voting Requirements:	Simple
Attachments:	<ol style="list-style-type: none"> 1. Aerial Location Plan [9.1.1.1 - 1 page] 2. Redevelopment Plans [9.1.1.2 - 19 pages] 3. Road Closure Consultation Plan [9.1.1.3 - 1 page] 4. LPS1 Map 6 [9.1.1.4 - 1 page] 5. RAR Responsible Authority Report [9.1.1.5 - 18 pages]

OFFICER RECOMMENDATION/COUNCIL RESOLUTION

Moved By: Cr John Matthew

Seconded By: Cr Kirsty Dellar

That Council, by Simple Majority, pursuant to Section 3.18 of the Local Government Act 1995 endorse the attached Responsible Authority Report (RAR) that includes the proposed conditions of approval.

CARRIED
(12 / 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 and Cr Kim Eckert

Against: Nil

Executive Summary

Planning approval is sought for the redevelopment of the Niels Hansen Basketball Stadium Brookman Street, Kalgoorlie by the Kalgoorlie-Boulder Basketball Association which is a not-for-profit entity located on land it leases from the City of Kalgoorlie Boulder. The development has a value of \$12,996,000 and as such will be determined by the Joint Development Assessment Panel (JDAP).

The attached Responsible Authority Report (RAR), Attachment 9.2.1.5, sets out the proposal in detail and provides an assessment against the relevant development criteria.

This report recommends that Council supports the officer recommendation as contained in the RAR and that it be submitted to the JDAP for a decision. It also includes the proposed conditions of approval.

Description of the Site

The subject site is located at the junction of Brookman Street, Outridge Tce. and Croesus Street, Kalgoorlie.



Intramaps image of the subject site.

Site History/Previous Approvals

At the Special Council Meeting of 26 February 2021, it was resolved:

That Council:

1. Agree to make a contribution of \$3 million towards the Kalgoorlie Boulder Basketball Association Basketball Stadium Project;
2. Agree to provide a \$500k self-supporting loan to the Association in addition to the grant and at the same time as the grant to be repaid over a 20 year period at prevailing interest rates;
3. Provide the grant funds from Council's future capital projects reserve fund; and

4. Determine that should the project not begin within 2 years from the 30 June 2021, the matter be brought back to Council for reconsideration. The proposed road closure will need to be considered to enable the Basketball Association to progress with the redesign of the facility to fit onto the amended site footprint.

Subsequent to this resolution being made, the Basketball Association progressed with design options and proposals to facilitate the development.

On 15 June 2022 the City was advised that the negotiations for the acquisition of part of the adjoining site (Southern Cross Homes) had ceased with no outcome achieved. As a result, the focus returned to an earlier design concept that requires the closure of a portion of Outridge Terrace over the frontage of the proposed development site.

The proposed closure of Outridge Terrace was addressed at the Special Council meeting on 5 September 2022 where the following was resolved:

That Council pursuant to;

1. Section 58 of the Land Administration Act 1997:
 - a. Close a portion of Outridge Terrace between Victoria and Brookman Street, Kalgoorlie as depicted in Figure 1 contained in this report; and
 - b. Authorise the Chief Executive Officer to request the Minister of Lands to close the portion of road upon a development approval being granted for the proposed Basketball Stadium redevelopment. The approval must not prevent access and egress to the existing established crossover located on the northeastern boundary of 1 Croesus Street, Kalgoorlie.
2. Section 42 of the Land Administration Act 1997 requests the Minister of Lands to amend Reserve 21837 to incorporate all the portion of closed road as created in recommendation 1 above.

Public Consultation

Under LPS 1 advertising is not prescribed for development within Reserves. Furthermore, the proposal does not entail a new or a change of use of the sports facility which has been in operation for approximately 40 years, nor does it entail an expansion in the number of courts.

Consultation with Other Agencies

N/A

Details

Zoning and Land Use Permissibility

Under LPS1 the subject land is designated as a Parks and Recreation Reserve. A private Recreation Facility is defined as follows:

Private recreation means the use of land for parks, gardens, playgrounds, sports areas or other grounds for recreation which are not normally open to the public without charge.

LPS1 Applicable Objective for a Parks and Recreation Reserve:

- b. To facilitate the provisions of education, health, and welfare services for all age and social groups at accessible locations throughout the City, in an equitable manner.

2.3 Matters to be considered by Council where an application for land is made with respect to land within a reserve:

Where an application for planning approval is made with respect to land within a reserve, the Council shall have regard to the purpose intended for the reserve and the Council shall, in the case of land reserved for the purposes of a public authority, confer with that authority making its determination.

The proposed development proposal satisfies with the above LPS1 land use and purpose requirements.

Conclusion

It is considered that the proposed redevelopment of the basketball stadium is consistent with the objectives and purpose of the 'Parks and Recreation' reserve, which is 'to facilitate the provision of education, health and welfare services for all age and social groups at accessible locations throughout the city, in an equitable manner.'.

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

The Council has previously resolved to commit funds towards this project. This report does not recommend any further financial contributions.

Strategic Implications

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

Statutory Implications

If aggrieved by the decision of the Joint Development Assessment Panel or any development conditions applied, the applicant will have a right of appeal to the State Administrative Tribunal. A review must be lodged within 28 days of the decision being made. An advice note to this effect will be included in the decision notice.

Policy Implications

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

9.2 Corporate and Commercial

9.2.1 Mid-Year Review of the Annual Budget 2022-23

Responsible Officer:	Casey Radford Finance Manager David Trevaskis Director of Corporate and Commercial
Responsible Business Unit:	Finance
Disclosure of Interest:	Nil
Voting Requirements:	Absolute Majority
Attachments:	1. 2023 Mid- Year Review [9.2.1.1 - 6 pages]

OFFICER RECOMMENDATION/COUNCIL RESOLUTION

Moved By: Deputy Mayor Glenn Wilson

Seconded By: Cr David Grills

That Council:

1. Adopts the attached 2023 Mid-Year Review of the annual budget for the 2022-23 financial year; and
2. Approve the amended reserve transfers for 2022/23 as per the Reserves Note included in the 2023 Mid-Year Review.

CARRIED
(12 / 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 and Cr Kim Eckert

Against: Nil

Executive Summary

A budget review is a detailed comparison of the year-to-date actual results with the adopted or amended budget, and a re-forecast/re-budget of the remainder of the year's expected results. It establishes whether the City continues meeting its budget commitments, is in receipt of income and incurs expenditure in accordance with the adopted budget. The review of the 2022/23 annual budget has been completed. A number of variations have been identified and details are included in the attached Mid-Year Budget Review 2022/23. A summary of the material variances within the Mid-Year Review is provided in the report.

The budget review has been prepared to deliver a balanced budget with a \$0 closing funding position as at 30 June 2023

Community Engagement Consultation

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

Community Strategic Plan Links

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

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

Budget Implications

The estimated revised budget includes a net closing funding position of \$0 compared to the approved deficit budget of (\$184,059). Additional financial details are provided in the attached report.

The rate setting statement includes year to date actuals to the end of December 2022.

Report

The net position as at 31 December 2022 shows an Actual Funding Position of \$47M compared to a budgeted year-to-date surplus of \$30M. The variance is due to:

- \$1M higher opening surplus
- \$8M higher attributable to operating activities (adjusted for non-cash movements)
- (\$6M) less in capital revenue received
- \$14M less capital expenditure

The budget review has comprised of a review of the adopted budget and assessment of actual results against budget through to 31 December 2022. Based on this assessment a revised forecast has been prepared for the likely results over the remainder of the financial year, which includes revised revenue estimates, the deferral and addition of some significant capital projects and amendments to funding of these projects through adjustments to the loan and reserve transfers. A summary of the material variances and amendments is provided below:

Surplus carried forward

The actual surplus carried forward from 2021/22 was \$1,272,448 (unaudited) higher than the adopted budget estimate. The City has yet to receive the 2021/22 Audit Report and Annual Financial Report which is expected to be received in April 2023. When the financial audit has been completed, and if there is a further change to the opening carried forward surplus, a report will be prepared to adjust this figure by a budget variation approved by Council.

Operating grants, subsidies and contributions

This movement is due to a reclass of the Commonwealth Contract – Services grant as an Operating Grant. This was presented as a Non-Operating Grant in the original budget.

Fees and charges

There has been an increase of \$2.2M in airport revenue for the year to 31 December 2022 and this is forecast to continue through to 30 June 2023.

Interest earnings

Interest earnings were \$470K higher as at 31 December 2022 and this is expected to continue through to 30 June 2023 due to the higher interest rates on offer for the City's term deposit investments.

Employee costs

Employee costs are slightly higher (\$130K) as at December 2022 and a further increase is estimated through to 30 June 2023 due to salary and wage increases.

Contributions, donations & subsidies

The City received a \$550K grant during the year for Suicide Prevention projects.

Depreciation

Depreciation has increased following the 30 June 2022 fair value revaluations of all the City's property and infrastructure assets. This is a non-cash adjustment so does not reduce the City's estimated closing position.

Non-operating grants, subsidies and contributions

Several significant capital projects that have are either wholly or partially funded by grant funding will be deferred to next financial year. This includes the deferral of the following grants:

- WA State funding grant for the Youth Hub - \$2M
- Lotterywest funding for the Youth Hub - \$1.5M
- WA State funding Karlkurla Park Nature Playground - \$600K

\$600K funding for the Commonwealth Contract – Services was reclassified as an Operating Grant.

Capital projects

The overall estimated capital expenditure (capex) has reduced by \$4M. This is due to both deferral of projects and the addition of new projects previously not budget for. A summary of the material project amendments is provided below:

- \$990K additional capex for the development of new landfill cells.
- \$4.3M additional capex for water bank projects.
- \$1.3M additional capex for residential housing purchases.
- \$5M additional capex for road infrastructure projects.
- \$6M deferral of capex for the Golf course resort contribution.
- \$5.2M deferral for the Youth Hub project.

Borrowings

The City approved \$12.5M loan funding in the annual budget. This has been reduced to \$10.8M for the following projects for the 2022/23 financial year.

- \$4.5M for water bank projects
- \$2.1M for residential housing projects
- \$2.8M for land acquisition
- \$1.1M administration building renewal
- \$300K for the upgrade to the street lighting

Reserves

The net transfer from reserves is forecast to increase by \$4M. This comprises of a decrease in transfers from the reserves of \$10M due to the deferral of projects including the Golf Course Resort \$6M. There is also a \$2M reduction in the transfer from the sewerage reserve due to \$0 transfer into this reserve. The proposed transfers into reserves have been reduced to NIL for all reserves except for the Valuation Equalisation Reserve (\$150K) and the Future Projects Reserve (\$3M).

Statutory Implications

Financial Management Regulation 33A requires the City to conduct a budget review between 1 January and 31 March each financial year. Council is to consider the review and to determine, by absolute majority, whether or not to adopt the review, any parts of the review or any recommendations made in the review. Within 30 days after Council has made a determination, a copy of the review is to be provided to the Department.

Policy Implications

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

10 CONFIDENTIAL ITEMS

Nil

11 CLOSURE

There being no further business, the Mayor thanked the Councillors and Staff for their attendance and declared the meeting closed at 6:07 pm.