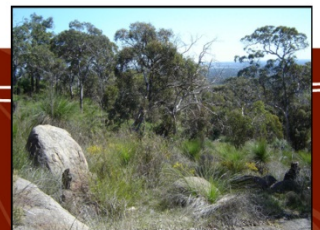


Ordinary Council Meeting

Minutes for Monday 25 November 2013

UNCONFIRMED



**shire of
kalamunda**

INDEX

1.0	OFFICIAL OPENING.....	3
2.0	ATTENDANCE, APOLOGIES AND LEAVE OF ABSENCE PREVIOUSLY APPROVED	3
3.0	PUBLIC QUESTION TIME.....	4
4.0	PETITIONS/DEPUTATIONS.....	4
5.0	APPLICATIONS FOR LEAVE OF ABSENCE	4
6.0	CONFIRMATION OF MINUTES OF PREVIOUS MEETING	4
7.0	ANNOUNCEMENTS BY THE PRESIDING MEMBER WITHOUT DISCUSSION	4
8.0	MATTERS FOR WHICH MEETING MAY BE CLOSED	5
9.0	DISCLOSURE OF INTERESTS	5
10.0	REPORTS TO COUNCIL	5
10.1	DEVELOPMENT & INFRASTRUCTURE SERVICES COMMITTEE REPORT	6
10.1.1	ADOPTION OF DEVELOPMENT & INFRASTRUCTURE SERVICES COMMITTEE REPORT.....	6
10.1.2	D&I 75 APPLICATION TO KEEP MORE THAN TWO DOGS – LOT 41 (14) WATERLOO CRESCENT, LESMURDIE	6
10.1.3	D&I 76 SHIRE OF KALAMUNDA DRAFT COMMUNITY HEALTH & WELLBEING PLAN 2013- 2016.....	6
10.1.4	D&I 77 AMENDMENT NO 59 TO LOCAL PLANNING SCHEME NO.3 –REZONE FROM PUBLIC PURPOSE TO SPECIAL RURAL AND ADDITIONAL USES – LOT 5 (33) AND 4255 (29) LEWIS ROAD, WATTLE GROVE	7
10.1.5	D&I 78 HEALTH AND FITNESS CENTRE – LOT 34 (338) HALE ROAD, WATTLE GROVE.....	8
10.1.6	D&I 79 PROPOSAL TO USE CASH IN LIEU FUNDS TO INSTALL A CONCRETE FOOTPATH AT PINKER CRESCENT, MAIDA VALE	9
10.1.7	D&I 80 PROPOSED SHIRE CONTRIBUTION FOR THE BENDIGO BANK POISON GULLY RESTORATION PROJECT	9
10.1.8	D&I 81 COMMUNITY SUSTAINABILITY ADVISORY COMMITTEE (CSAC) APPOINTMENT OF COMMUNITY REPRESENTATIVES	10
10.1.9	D&I 82 HILLS RURAL STUDY – LAND USE PLANNING AND ECONOMIC DEVELOPMENT ANALYSIS.....	10
10.1.10	D&I 83 CONFIDENTIAL ITEM – BREWER ROAD MAIDA VALE FORMER SHIRE LANDFILL: SHIRE RESPONSIBILITY FOR THREE PRIVATELY OWNED PROPERTIES CLASSIFIED UNDER THE CONTAMINATED SITES ACT 2003	11
10.2	CORPORATE & COMMUNITY SERVICES COMMITTEE REPORT	12
10.2.1	ADOPTION OF CORPORATE & COMMUNITY SERVICES COMMITTEE REPORT	12
10.2.2	C&C 63 DEBTORS AND CREDITORS REPORT FOR THE PERIOD ENDED 31 OCTOBER 2013.....	12
10.2.3	C&C 64 RATES DEBTORS REPORT FOR THE PERIOD ENDED 31 OCTOBER 2013.....	13
10.2.4	C&C 65 QUARTERLY REPORT – KALAMUNDA COMMUNITY CARE SEPTEMBER 2013.....	13
10.2.5	C&C 69 ZIG ZAG SCENIC DRIVE COMMUNITY ACTION PLAN – DISCUSSION PAPER ON OPTIONS AND POSSIBILITIES – PUBLIC CONSULTATION	13
10.2.6	C&C 66 APPOINTMENT OF COMMUNITY REPRESENTATIVES TO THE DISABILITY ACCESS AND INCLUSION ADVISORY COMMITTEE (DAIAC).....	14
10.2.7	C&C 67 APPOINTMENT OF COMMUNITY REPRESENTATIVES TO MANAGEMENT AND ADVISORY COMMITTEES	14
10.2.8	C&C 68 PICKERING BROOK HERITAGE GROUP INC – SEEKING APPROVAL OF SUBSIDY OF OCCUPANCY COSTS.	17
10.3	CHIEF EXECUTIVE OFFICER REPORTS.....	18
10.3.1	DRAFT MONTHLY FINANCIAL STATEMENTS TO 31 OCTOBER 2013	18

10.3.2	EXECUTION OF DOCUMENTS – AMENDMENT TO AUTHORISATIONS	42
10.3.3	<i>Dog Act 1976 – DELEGATION OF POWERS</i>	46
10.3.4.	APPLICATION FOR LEAVE – CHIEF EXECUTIVE OFFICER	49
10.3.5	KALAMUNDA CHAMBER OF COMMERCE LOAN	52
10.3.6	APPLICATION FOR CHANGE IN VALUATION METHODOLOGY	55
10.3.7	DISPUTE IN RELATION TO THE FORMER CHIEF EXECUTIVE OFFICER	62
11.0	MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN.....	63
12.0	QUESTIONS BY MEMBERS WITHOUT NOTICE	70
13.0	QUESTIONS BY MEMBERS OF WHICH DUE NOTICE HAS BEEN GIVEN	71
14.0	URGENT BUSINESS APPROVED BY THE PRESIDING MEMBER OR BY DECISION.....	71
15.0	MEETING CLOSED TO THE PUBLIC	71
16.0	CLOSURE	72

MINUTES

1.0 OFFICIAL OPENING

1.1 The Presiding Member opened the meeting at 6.32pm and welcomed Councillors, Staff and Members of the Public Gallery.

2.0 ATTENDANCE, APOLOGIES AND LEAVE OF ABSENCE PREVIOUSLY APPROVED

2.1 Attendance

Councillors

Sue Bilich	(Presiding Member) (Shire President)	North Ward
Simon Di Rosso		North Ward
Noreen Townsend		South West Ward
Allan Morton		South West Ward
Geoff Stallard		South East Ward
Frank Lindsey		South East Ward
John Giardina		South East Ward
Andrew Waddell		North West Ward
Bob Emery		North West Ward
Dylan O'Connor		North West Ward

Members of Staff

Rhonda Hardy	Chief Executive Officer
Warwick Carter	Director Development Services
Gary Ticehurst	Director Corporate Services
Darrell Forrest	Manager Governance
Craig Fitzgerald	Acting Manager Infrastructure Operations
Andrew Fowler-Tutt	Manager Development Services
Nicole O'Neill	Public Relations Coordinator
Kristy McGuire	Acting Governance Officer

Members of the Public 4

Members of the Press Nil

2.2 Apologies

Councillors

Margaret Thomas	North Ward
Justin Whitten	South West Ward

2.3 Leave of Absence Previously Approved

Nil.

3.0 PUBLIC QUESTION TIME

A period of not less than 15 minutes is provided to allow questions from the gallery on matters relating to the functions of Council. For the purposes of Minuting, these questions and answers are summarised.

3.1 Nita Sadler, 143 Brewer Road, Maida Vale – Confidential Item 83.

Q. Why have properties 135, 137 and 143 Brewer Road Maida Vale, previously been listed on the Contaminated Sites register as a Kalamunda Shire landfill site and on sold to unsuspecting buyers, been listed as a confidential item? Denying any consultation or input from the current land owners who discovered this on the Shire's website with a recommendation that the Shire no longer undertakes further works unless required by law to do so? Is it because asbestos was recently discovered on one of the blocks?

A. Director Development Services responded by saying that the Item 83 is listed as confidential due to Section 5.23 subsection 2(d) of the Local Government Act as it relates to legal advice received. Therefore as the officer report relates directly to that advice it is listed for consideration behind closed doors.

4.0 PETITIONS/DEPUTATIONS

4.1 Nil.

5.0 APPLICATIONS FOR LEAVE OF ABSENCE

5.1 Nil.

6.0 CONFIRMATION OF MINUTES OF PREVIOUS MEETING

6.1 RESOLVED OCM 180/2013

That the Minutes of the Ordinary Council Meeting held on 28 October 2013 are confirmed as a true and accurate record of the proceedings.

Moved: **Cr John Giardina**

Seconded: **Cr Dylan O'Connor**

Vote: **CARRIED UNANIMOUSLY (10/0)**

7.0 ANNOUNCEMENTS BY THE PRESIDING MEMBER WITHOUT DISCUSSION

7.1 The Presiding Member reminded Councillors about the upcoming Citizenship Ceremony on 5 December 2013.

8.0 MATTERS FOR WHICH MEETING MAY BE CLOSED

8.1 D&I 83. Brewer Road Maida Vale Former Shire Landfill: Shire Responsibility for Three Privately Owned Properties Classified under the Contaminated Sites Act 2003

Reason for Confidentiality – *Local Government Act 1995: S5.23 (2) (d)* “legal advice obtained, or which may be obtained, by the local government and which relates to a matter to be discussed at the meeting”

8.2 10.3.7 Dispute in Relation to the former Chief Executive Officer

Reason for Confidentiality – *Local Government Act 1995: S5.23(2) (b)*, “the personal affairs of any person”

Local Government Act 1995: S5.23 (2) (d) “legal advice obtained or maybe obtained by the local government and which relates to a matter to be discussed at the meeting”

9.0 DISCLOSURE OF INTERESTS

9.1 Disclosure of Financial and Proximity Interests

- a. Members must disclose the nature of their interest in matters to be discussed at the meeting. (Sections 5.60B and 5.65 of the *Local Government Act 1995*.)
- b. Employees must disclose the nature of their interest in reports or advice when giving the report or advice to the meeting. (Sections 5.70 and 5.71 of the *Local Government Act 1995*.)

9.1.1 Nil.

9.2 Disclosure of Interest Affecting Impartiality

- a. Members and staff must disclose their interest in matters to be discussed at the meeting in respect of which the member or employee had given or will give advice.

9.2.1 Cr John Giardina - Item 10.2.8 Pickering Brook Heritage Group Inc, he is a member on the committee.

10.0 REPORTS TO COUNCIL

Please Note: declaration of financial/conflict of interests to be recorded prior to dealing with each item.

Declaration of financial / conflict of interests to be recorded prior to dealing with each item.

10.1 Development & Infrastructure Services Committee Report

10.1.1 Adoption of Development & Infrastructure Services Committee Report

RESOLVED OCM 181/2013

Voting Requirements: Simple Majority

That the recommendations D&I 75 to D&I 83 inclusive, contained in the Development & Infrastructure Services Committee of 11 November 2013, be adopted by Council en bloc, except withdrawn items D&I 82 and D&I 83.

Moved: **Cr John Giardina**

Seconded: **Cr Simon Di Rosso**

Vote: **CARRIED UNANIMOUSLY (10/0)**

10.1.2 D&I 75 Application to Keep More Than Two Dogs – Lot 41 (14) Waterloo Crescent, Lesmurdie

EN BLOC RESOLUTION OCM 181/2013

That Council:

1. Pursuant to Clause 3.2 of the Shire of Kalamunda Dogs Local Law 2010 made under Section 26(3) of the *Dog Act 1976*, grant exemption to the applicant at Lot 41 (14) Waterloo Crescent Lesmurdie to keep four dogs on this property.

10.1.3 D&I 76 Shire of Kalamunda Draft Community Health & Wellbeing Plan 2013-2016

EN BLOC RESOLUTION OCM 181/2013

That Council:

1. **Receives** the Draft Shire of Kalamunda Community Health & Wellbeing Plan 2013-2016 for the purposes of advertising for a period of 60 days

10.1.4 D&I 77 Amendment No 59 to Local Planning Scheme No.3 –Rezone from Public Purpose to Special Rural and Additional Uses – Lot 5 (33) and 4255 (29) Lewis Road, Wattle Grove

EN BLOC RESOLUTION OCM 181/2013

That Council:

1. Notes the submission received in response to Amendment No. 59 to Local Planning Scheme No. 3.
2. Adopts the amendment to Local Planning Scheme No. 3 without modification, in accordance with the following:

<p>PLANNING AND DEVELOPMENT ACT 2005</p> <p>RESOLUTION DECIDING TO AMEND A LOCAL PLANNING SCHEME</p> <p>SHIRE OF KALAMUNDA</p> <p>LOCAL PLANNING SCHEME NO. 3</p> <p>AMENDMENT NO. 59</p> <p>Resolved that the Council in pursuance of Part 5 of the Planning and Development Act 2005 amend the above Local Planning Scheme by:</p> <ol style="list-style-type: none">1. Rezoning Lot 7 (25) and 4255 (29) Lewis Road, Wattle Grove, from Public Purpose (Hall/Community Centre) to Special Rural.2. Inserting the following into Schedule 2 (Additional Uses) of the Scheme:			
No.	Description of Land	Additional Use	Conditions
A 49	Lot 7 (25) and 4255 (29) Lewis Road, Wattle Grove	Community Purpose and Place of Worship.	Uses are not permitted unless approval is granted by Council ("D").

3. Amends the Scheme Zoning Map and text accordingly.
4. Duly executes the Amendment documents and forwards them and the submission received to the Minister for Planning requesting final approval be granted.

10.1.5 D&I 78 Health and Fitness Centre – Lot 34 (338) Hale Road, Wattle Grove

EN BLOC RESOLUTION 181/2013

That Council:

1. Approves the application dated 12 September 2013 to build a health and fitness centre at Lot 34 (338) Hale Road, Wattle Grove, subject to the following conditions:
 - a. The access way shall be suitably constructed, sealed and drained to the satisfaction of the Shire.
 - b. Vehicle parking, maneuvering and circulation areas, except for the overflow area, to be suitably constructed, sealed, kerbed, line marked and drained to the satisfaction of the Shire.
 - c. The provision and maintenance of a total of 19 car spaces including a minimum of (1) disabled car bay. All car parking and vehicle access ways being line marked, sealed and drained prior to the occupation of the building and maintained thereafter.
 - d. The applicant to submit a landscape plan detailing the landscaping to be provided between the Health and Fitness Centre and the Public Open Space and the species of shade trees for the car park area to the satisfaction of the Shire of Kalamunda.
 - e. The proposed landscaping being planted within 28 days of the proposed development's completion, and maintained thereafter by the landowner to the satisfaction of the Shire.
 - f. All storm water to be managed in accordance with the adopted Drainage Strategy for the Wattle Grove Cell 9 Structure Plan.
 - g. The development shall be connected to reticulated sewer.
 - h. A contribution to the Shire of Kalamunda in accordance with Schedule 11 of the Shire of Kalamunda Local Planning Scheme No. 3 shall be paid for cell infrastructure costs for Wattle Grove Cell 9. The contribution shall be paid in full prior to the issue of a Certificate of Occupancy.
 - i. A geotechnical report being submitted prior to the issue of a building license detailing site conditions, particularly in respect to soil and groundwater and

storm water disposal by soakage (Clearance, quantity, soil permeability and location and size of soak wells).

- j. Prior to issuing the building licence, the landowner, shall grant to the public an easement in gross pursuant to sections 195 and 196 of the *Land Administration Act 1997* over the proposed lots for the purposes of vehicular and pedestrian access (Easement). The Easement shall be prepared by the Shire's solicitors and shall be in accordance with the specifications of and to the satisfaction of the Shire. The applicant shall be responsible to pay all costs associated with the Shire's solicitor's costs of and incidental to the preparation of (including all drafts), stamping and registration of the Easement at Landgate.

10.1.6 D&I 79 Proposal to use Cash in Lieu Funds to Install a Concrete Footpath at Pinker Crescent, Maida Vale

EN BLOC RESOLUTION 181/2013

That Council:

1. Endorses an application to the Minister for Planning to utilise \$116,250 (ex gst) Cash in Lieu funds to install a concrete footpath at Pinker Crescent Public Open Space, High Wycombe. The \$116,250 Cash in Lieu funds will be sourced from West Australian Planning Commission Application 129345.

10.1.7 D&I 80 Proposed Shire Contribution for the Bendigo Bank Poison Gully Restoration Project

EN BLOC RESOLUTION 181/2013

That Council:

1. Endorses the Poison Gully Restoration Plan.
2. Subject to financial support from Bendigo Bank give consideration to the following:
 - a) The inclusion of \$54,767.00 in the 2013/2014 quarterly budget review process.
 - b) **The inclusion of \$54,767.00 in the 2014/2015 Annual Budget Process.**
 - c) **The inclusion of \$54,767.00 in the 2015/2016 Annual Budget Process.**

10.1.8 D&I 81 Community Sustainability Advisory Committee (CSAC) Appointment of Community Representatives

EN BLOC RESOLUTION 181/2013 (ABSOLUTE MAJORITY)

That Council:

1. Pursuant to Section 5.10(1)(a) of the *Local Government Act 1995* appoints the following community representatives to the Community Sustainability Advisory Committee.
 - Ms Avril Cross
 - Mr Steve Gates
 - Ms Matilda Hodge
 - Dr David Keast
 - Dr Coral Pepper
 - Ms Aileen Reid
 - Ms Maureen Robinson
 - Mr Mark Simpson
 - Mr Tomas Stump
 - Ms Julie Ward

For Separate Consideration

Item D&I 82 was withdrawn as a Councillor wished to vote against the Committee Recommendation.

10.1.9 D&I 82 Hills Rural Study – Land Use Planning and Economic Development Analysis

RESOLVED OCM 182/2013

That Council:

1. **Receives** the Economic Development Discussion Paper ([Attachment 3](#)), draft Hills Rural Study ([Attachment 4](#)) and draft Hills Rural Study Appendices ([Attachment 5](#)) for a 80 day public consultation period from 26 November closing on 14 February 2014.
2. Approves a public forum to be held during the consultation period to provide detailed presentations of the Reports and to provide an opportunity for clarification on any matters required by the Community.

Moved: **Cr Frank Lindsey**

Seconded: **Cr Dylan O'Connor**

Declaration of financial / conflict of interests to be recorded prior to dealing with each item.

10.2 Corporate & Community Services Committee Report

10.2.1 Adoption of Corporate & Community Services Committee Report

Voting Requirements: Simple Majority

RESOLVED OCM 183/2013

That the recommendations C&C 63 to C&C 69 inclusive, contained in the Corporate & Community Services Committee of 18 November 2013, be adopted by Council en bloc, except withdrawn items C&C 66, C&C 67 and C&C 68.

Moved: **Cr Geoff Stallard**

Seconded: **Cr Noreen Townsend**

Vote: **CARRIED UNANIMOUSLY (10/0)**

10.2.2 C&C 63 Debtors and Creditors Report for the Period Ended 31 October 2013

EN BLOC RESOLUTION OCM 183/2013

That Council:

1. Receives the outstanding debtors (Attachment 1) and creditors (Attachment 2) reports for the period ended 31 October 2013.
2. Receives the list of creditors paid during the month of October 2013 (Attachment 3) in accordance with the requirements of the *Local Government (Financial Management) Regulations 1996 (Regulation 13)*.
3. Receives the list of payments made from the Trust accounts in October 2013 as noted in point 12 above in accordance with the requirements of the *Local Government (Financial Management) Regulations 1996 (Regulation 12)*.

10.2.3 C&C 64 Rates Debtors Report for the Period Ended 31 October 2013

EN BLOC RESOLUTION OCM 183/2013

That Council:

1. Receives the rates debtors report for the period ended 31 October 2013 (Attachment 1).

10.2.4 C&C 65 Quarterly Report – Kalamunda Community Care September 2013

EN BLOC RESOLUTION 183/2013

That Council:

1. Receives the Community Care Quarterly Report – September 2013.

10.2.5 C&C 69 Zig Zag Scenic Drive Community Action Plan – Discussion Paper on Options and Possibilities – Public Consultation

EN BLOC RESOLUTION 183/2013

That Council:

1. Receives the report - Zig Zag Scenic Drive Community Action Plan – Discussion Paper on Options and Possibilities shown as Attachment 1. **With an amendment to incorporate reference to the impact of the Targa Quit Rally utilising the Zig Zag Scenic Drive.**
2. Request the Chief Executive Officer to advertise the Zig Zag Scenic Drive Community Action Plan – Discussion Paper on Options and Possibilities for the purpose of inviting public comment over a period of 90 days concluding on Monday 24 February 2014.

For Separate Consideration

Items C&C 66 and C&C 67 are withdrawn as Absolute Majority is required.

10.2.6 C&C 66 Appointment of Community Representatives to the Disability Access and Inclusion Advisory Committee (DAIAC)

RESOLVED OCM 184/2013

That Council:

1. Accept and appoint the following six nominations to the Disability Access and Inclusion Advisory Committee.
 - Elizabeth Small
 - Mandy Corkill
 - Carol Everett
 - Peter Thorpe
 - Simon Dowling
 - Diane Milligan

Moved: **Cr Allan Morton**

Seconded: **Cr Dylan O'Connor**

Vote: **CARRIED UNANIMOUSLY / ABSOLUTE MAJORITY (10/0)**

10.2.7 C&C 67 Appointment of Community Representatives to Management and Advisory Committees

RESOLVED OCM 185/2013

That Council:

1. Appoints those nominees to the relevant Advisory or Management Committee as per (Attachment 1).

Moved: **Cr Noreen Townsend**

Seconded: **Cr Andrew Waddell**

Vote: **CARRIED UNANIMOUSLY / ABSOLUTE MAJORITY (10/0)**

Attachment 1

**2013 – 2015 Community Representative Nominations to
Management & Advisory Committees**

JACK HEALEY CENTRE ADVISORY COMMITTEE	
Richard Vickers	Kalamunda Stamp Club
Maurice Clark	Kalamunda Senior Citizens Club
Ruth Jopling	Seniors Computer Class Group
Francis Dean	Red Hat Society
Rowland Ian Tarling	Kalamunda Community Learning Centre
Sally Attwater	Wednesday Card Ladies
Barry Lucas	Kalamunda Probus Club combined

KOSTERA OVAL ADVISORY COMMITTEE	
Jean Jeans	Kalamunda Lapidary Club
Kathy Ritchie	Kalamunda Senior High School
Glenn Docherty	Kalamunda Cricket Club
Mike Perry	Kalamunda & Districts Junior Football Club
Wayne Garwood	Lions Club of Kalamunda and the Kalamunda Show Committee

HARTFIELD PARK ADVISORY COMMITTEE	
Carlos Mendes	Forrestfield United Soccer Club
Terry Davidson	Forrestfield Football Club
Rex West	Forrestfield Flyers Tee-ball Club
Phillip Fawell	Kalamunda Districts Hockey Club
David Meier	Kalamunda Districts Hockey Club (Deputy)
Kevin Adams	Kalamunda Rugby Club
Jason Gill	Forrestfield Cricket Club

SCOTT RESERVE ADVISORY COMMITTEE	
Frank Scardifield	High Wycombe Cricket Club
Brent Scardifield	High Wycombe Cricket Club (Deputy)
Craig Gallagher	High Wycombe Amateur Football Club
Aaron Savory	High Wycombe Junior Football Club
Martyn Cresswell	Edney Primary School

FALLS FARM ADVISORY COMMITTEE	
Joan Saunders	Tranquil Oasis (Meditation & Relaxation Group)
Peter Goodall	Lesmurdie & Districts Community Association Inc (Deputy)
Pauline Tonkin	Community Representative
Derek Winter	Lions Club of Lesmurdie
Iris Jones	Lesmurdie & Districts Community Association Inc
John Kenny	Community Representative
Geraldine Smailes	Soroptimist International of Darling Downs

RAY OWEN SPORTS CENTRE MANAGEMENT COMMITTEE	
Nicole McKennay	Kalamunda and Districts Netball Association
Marian Rolfe	Kalamunda and Districts Basketball Association
Peter Hanson	Kalamunda and Districts Basketball Association
Tracey Clemesha	Kalamunda and Districts Netball Association

Item C&C 68 was withdrawn as Cr John Giardina disclosed an Interest.

Cr Giardina left the Chambers at 6.47pm and returned at 6.48pm, he was not present for the vote.

10.2.8 C&C 68 Pickering Brook Heritage Group Inc – Seeking Approval of Subsidy of Occupancy Costs.

RESOLVED OCM 186/2013

That Council:

1. Approves the request for a one off subsidy to the Pickering Brook Heritage Group Inc of \$1,650 ex GST.
2. Notes that the funds are to be sourced from the budget item "CEO Donations" (a/c 150710.533).

Moved: **Cr Frank Lindsey**

Seconded: **Cr Noreen Townsend**

Vote: **CARRIED UNANIMOUSLY (9/0)**

Declaration of financial / conflict of interests to be recorded prior to dealing with each item.

10.3 CHIEF EXECUTIVE OFFICER REPORTS

10.3.1 Draft Monthly Financial Statements to 31 October 2013

Previous Items	N/A
Responsible Officer	Director Corporate Services
Service Area	Finance
File Reference	FIR-SRR-006
Applicant	N/A
Owner	N/A

Attachment 1 Draft Statements of Financial Activity for the month to 31 October 2013 incorporating the following:

- Statement of Comprehensive Income by Program
- Statement of Comprehensive Income by Nature and Type
- Statement of Cash Flow
- Statement of Financial Position
- Statement of Financial Activity (Nature or Type)
- Statement of Financial Activity (Statutory Reporting Program)
- Net Current Funding Position, note to financial statement
- Statement of Changes in Equity
- Reserves – Cash / Investment Backed – note to financial statement
- Investment Schedule – note to financial statement

PURPOSE

1. To provide Council with financial reports on the activity of the Shire of Kalamunda with indications of performance against adopted budget.

BACKGROUND

2. The Statement of Financial Activity (Attachment 1), incorporating various sub-statements, has been prepared in accordance with the requirement of the *Local Government Act 1995, Local Government (Financial Management) Regulations 1996* (Regulation 34).
3. As the 2012/2013 financial position is unaudited at this stage, the opening funding position in the Statement of Financial Activity statement could change once audit adjustments are brought to account.

DETAILS

4. The *Local Government Act 1995* requires Council to adopt a percentage or value to be used in reporting variances against Budget. Council has adopted the reportable variances of 10% or \$50,000 whichever is greater.

Financial Commentary

Draft Statement of Comprehensive Income by Nature and Type for the four Months to 31 October 2013

5. This Statement reveals a net result of a surplus of \$24,012,128 against revised budget for the same period of \$23,811,915.

Revenue

6. Total Revenue is under budget by \$37,218. This is made up as follows:
- Rates are under budget by \$339,031. The reason for the variance is due to timing. The raising of interim rates will normalise the situation over the coming months of November and December.
 - Operating Grants and Subsidies and Contributions, Reimbursements and Donations are over budget by \$225,079. This is a timing issue.
 - Fees and Charges variance is over budget by \$17,986 and within the reporting threshold.
 - Interest earnings are slightly under budget by \$14,942 even though the current rates of return are within 3.0% and 3.5% as compared to the budget which was based on a 4.5% investment return basis. This is due prudent investment decision and strict cash flow management of Shire funds.
7. Other Revenue is over budget by \$9,452, which is within the reporting threshold. Most "Other Revenues" comprise of various fines and penalties which are difficult to predict.

Expenditure

8. Total expenses are under budget with a variance of \$1,492,074. The significant variances within the individual categories are as follows:
- Employment Costs are under budget by \$749,450 due to some vacant positions in various business units and the deferment of some key positions for six months to allow for the over-run on the verge collection costs in June 2013.
 - Materials and Contracts is under budget by \$384,294 largely due to:
 - October Council Elections bill from Western Australian Electoral Commission is pending reflected by under budget of \$107,000.

-
- Contractor Verge Collection is under by \$177,300 mainly due to timing of invoices however being a new service the budget will be under review.
 - Programme expenditure for Community Care services is under by approximately \$110,900 This is due to the lower volume of services being delivered.
- Utilities were under by \$242,729 which is due to street lighting accounts not received in this period.
 - Insurance expense is under by \$14,651 which is within the reporting threshold.
 - Other expenditure is over budget by \$22,964, which is primarily due to unutilised donations to community groups for various activities and timing differences.
9. The interest expense is slightly under budget by \$1,723, which is the result of a timing difference between amounts accrued and the budget which is based on the debenture payment schedule.
10. Depreciation, although a non-cash cost, is tracking slightly under budget, reporting a small variance of \$158,191 or 1.6% of the total depreciation budget. The reasons for the variance are:
- Plant depreciation for the month was not run for the month to allow for completion of a revaluation exercise. Amount impacted is an estimated \$50,000 which will re-couped in the following month, November.
 - The other category is building depreciation which is due to some buildings assessed as impaired beyond use in the 2012/13 financials resulting in reduction of depreciation charge. The budget will be adjusted accordingly in the November Budget Review.

Non-Operating Grants

11. Non-Operating Grants are under budget by \$675,616 which is principally a timing issue. This component is made up of various infrastructure projects which are planned to commence later in the financial year. Majority relate to road grants with claims commencing shortly as Federal Assistance Grants Scheme and Main Roads Regional Grants claims are lodged.

Profit / (Loss) on Asset Disposals

12. The variance of \$592,003 relates primarily to property sales. There were no properties disposed of in the month of October.

Draft Statement of Comprehensive Income by Program for the four Months to 31 October 2013

13. The overall result comments are as above and generally each Program is within accepted budget except for General Purpose Funding and Community Amenities.

Draft Statement of Financial Activity for the four Months to 31 October 2013

14. This Statement compares the actual year to date with the budget year to date.
15. The results to 31 October 2013 discloses a closing surplus of \$30,088,521 made up of:
- Overall income, excluding rates, is under budget by \$284,646 with the bulk of the variance being grants and contributions, profit on asset disposal and interest earnings as previously explained in Point 6 of this report.
 - Expenditure is \$1,501,537 lower than forecast with the main variance in Employment Costs and Materials and Contracts. These have been commented on in Point 8 of this report.
 - Land Development for Edney Road/ Cygnet Court and Hale Road has not yet commenced in 2013/2014, resulting in an underspend of \$932,256.
 - Infrastructure projects made up of roads and parks and ovals has incurred \$1,104,344 against budget of \$ 3,174,728.
 - \$532,225 unspent on land and building renewal budget. Part of this budget will be now treated as un-spent as the Shire reviews the work that was targeted for the Administration building.
 - Rates generation is under budget and the variance of \$339,031 relates to timing of interim rates as explained previously in Point 6.
16. The Shire will undertake a review of its planned projects and initiatives in light of the announcement of the amalgamation and confirmation of grant funding attached to some of the projects.
17. The closing current position of \$30,088,521 is still above YTD budget of \$23,168,507, due to project based activities reflected above still in progress. This draft position will change as audit adjustments are finalised for 2012/2013.

Investments as at 31 October 2013

18. A total of \$40.245 million is in term deposits or online saving accounts. This represents a net increase of \$1 million in cash deposits which can be related to the ongoing rates collection and monies received on behalf of Cell 9.
19. The above is made of:

Municipal Funds	Reserve Funds	Trust Monies
\$24,988,234	\$2,366,381	\$12,890,826 (includes amounts for Public Open Space of \$2,224,388)

-
20. Average interest rates on term deposits have dropped significantly as indicated previously with current investment rates dropping to between 3.0% and 3.50%. The Reserve Bank of Australia (RBA) current cash rate is 2.5% with the probability of a rate cut of 25 basis points in December 2013.
21. All deposits complied with the Investment Policy requirements and are no longer than 120 days.

Draft Statement of Financial Position as at 31 October 2013

22. Net Current Assets (Current Assets less Current Liabilities) show a positive result of \$37.3 million. The cash position has an improved position of \$27.4 million when compared with the 2012/2013 balance of \$10.2 million. This is due to the commencement of the rates and waste fees in July.
23. Trade and other receivables comprise of rates and sundry debtors totalling \$9.38 million outstanding.
- The rates balance has reduced by \$2.48 million in the month. This represents a collection rate of 66.45% to date. Debt collection strategies are being rigorously enforced to assist in collections.
24. Sundry debtors have reduced by \$152,026 to \$183,240 outstanding. The main overdue debtors are:
- Forrestfield United Soccer Club \$4,891 – loan instalments, reserve hire and operational expenses. Fortnightly direct debit of \$800 is in place; and
 - Lesmurdie Tennis Club \$28,234 being an overdue contribution for the clubhouse re-fit and extension.
25. Fixed Assets additions are below budget by \$1,438,146 in both asset categories of Property, Plant and Equipment and Infrastructure asset category. Hopefully this will pick up in the coming months as grant commitments and design specifications are finalised.
26. Provisions for annual and long service leave are currently stable at \$2.2 million, with no significant difference from July 2013. The long term goal is to bring this liability down to a more manageable level.
27. Long term borrowings are at \$7.28 million. The Shire has no plans to extend its loan portfolio in 2013/2014.

2012/13 Year End Financial Statements Update

28. The external auditors have received a final set of financial statements to the 30 June 2013.
29. Issues currently outstanding are:
- Notes to accounts on fixed assets
 - A review of the new asset ratios.

The above should be resolved in November before the Audit Committee meeting in December.

STATUTORY AND LEGAL CONSIDERATIONS

30. The *Local Government Act 1995* and the *Local Government (Financial Management) Regulations 1996* require presentation of a monthly financial activity statement.

POLICY CONSIDERATIONS

31. Nil.

COMMUNITY ENGAGEMENT REQUIREMENTS

32. Nil.

FINANCIAL CONSIDERATIONS

33. Nil.

STRATEGIC COMMUNITY PLAN

Strategic Planning Alignment

34. *Kalamunda Advancing: Strategic Community Plan to 2023*

OBJECTIVE 6.8 – To ensure financial sustainability through the implementation of effective financial management, systems and plans.

Strategy 6.8.4 Provide effective financial services to support the Shire's Operations and to meet sustainability planning, reporting and accountability requirements.

SUSTAINABILITY

Social Implications

35. Nil.

Economic Implications

36. Nil.

Environmental Implications

37. Nil.

RISK MANAGEMENT CONSIDERATIONS

38.	Risk	Likelihood	Consequence	Action / Strategy
	Over-spending the budget	Medium	Major	<ul style="list-style-type: none"> Monthly management reports are reviewed by the Shire. Weekly engineering reports on major projects and maintenance. Reviewed by the Shire.
	In-sufficient disclosure	Low	Major	<ul style="list-style-type: none"> The financial report is scrutinized by the Shire to ensure that all statutory requirements are met.

OFFICER COMMENT

38. The Shire's draft financial statements as at 31 October 2013 demonstrate the Shire has managed its budget and financial resources effectively.

A Councillor asked for clarification on point 15; \$532,225 unspent on land and building renewal budget. The Chief Executive Officer advised that \$350,000 was allocated to upgrade the Shire Administration Building and this was put on hold given the uncertainty of the local government reform and amalgamation. The remainder is from smaller projects and the Chief Executive Officer will provide information regarding these in an email outside of the meeting.

Voting Requirements: Simple Majority

RESOLVED OCM 187/2013

That Council:

1. Receives the draft monthly financial statements for the month to 31 October 2013, which comprises:
 - Statement of Comprehensive Income by Program.
 - Statement of Comprehensive Income by Nature and Type.
 - Statement of Cash Flow.
 - Statement of Financial Position.
 - Statement of Financial Activity (Nature or Type).
 - Statement of Financial Activity (Statutory Reporting Program).
 - Net Current Funding Position, note to financial statement.
 - Statement of Changes in Equity.
 - Reserves – Cash / Investment Backed - note to financial statement.
 - Investment Schedule – note to financial statement.

Moved: **Cr Bob Emery**

Seconded: **Cr Dylan O'Connor**

Vote: **CARRIED UNANIMOUSLY (10/0)**

Attachment 1

**SHIRE OF KALAMUNDA
STATEMENT OF COMPREHENSIVE INCOME
BY PROGRAM
FOR THE 4 MONTHS TO 31 OCTOBER 2013**

	31/10/2013 Actual \$	31/10/2013 Budget \$	2013/14 Budget \$	31/10/2012 Actual \$
REVENUE				
Governance	2,381	5,620	16,876	487
General Purpose Funding	28,905,563	29,145,328	32,118,251	26,242,251
Law, Order, Public Safety	171,755	126,016	378,076	149,904
Health	189,591	33,472	103,560	70,948
Education and Welfare	1,781,566	1,644,684	3,586,880	1,783,301
Community Amenities	8,298,479	8,524,240	9,109,070	7,242,491
Recreation and Culture	718,722	656,895	2,013,333	374,891
Transport	44,741	672	2,020	(537)
Economic Services	244,474	232,204	696,677	261,409
Other Property and Services	117,072	136,888	410,723	23,284
	<u>40,474,344</u>	<u>40,506,019</u>	<u>48,435,466</u>	<u>36,148,429</u>
EXPENSES EXCLUDING FINANCE COSTS				
Governance	(959,375)	(1,055,507)	(2,733,002)	(944,120)
General Purpose Funding	(278,129)	(261,181)	(745,018)	(233,467)
Law, Order, Public Safety	(543,817)	(630,897)	(1,768,318)	(490,869)
Health	(314,390)	(384,805)	(1,032,205)	(302,491)
Education and Welfare	(1,174,069)	(1,444,230)	(4,135,736)	(1,157,653)
Community Amenities	(3,413,078)	(3,656,121)	(12,664,730)	(3,103,505)
Recreation & Culture	(6,061,023)	(6,545,299)	(18,528,974)	(5,640,838)
Transport	(2,611,107)	(2,749,356)	(8,248,294)	(2,544,170)
Economic Services	(317,214)	(346,872)	(968,241)	(264,173)
Other Property and Services	(598,648)	(717,389)	(2,047,845)	(920,449)
	<u>(16,270,850)</u>	<u>(17,791,657)</u>	<u>(52,872,363)</u>	<u>(15,601,735)</u>
FINANCE COSTS				
Other Property and Services	(161,069)	(162,792)	(488,374)	(172,806)
	<u>(161,069)</u>	<u>(162,792)</u>	<u>(488,374)</u>	<u>(172,806)</u>
FAIR VALUE ADJUSTMENTS				
Fair Value Adjustments to Financial Assets at Fair Value through Profit or Loss				
General Purpose Funding	0	0	3,086,769	0
	<u>0</u>	<u>0</u>	<u>3,086,769</u>	<u>0</u>
NON-OPERATING GRANTS, SUBSIDIES AND CONTRIBUTIONS				
Recreation and Culture	0	506,028	1,425,233	136,243
Transport	(6,155)	163,433	2,411,202	1,289,535
	<u>(6,155)</u>	<u>669,461</u>	<u>3,836,435</u>	<u>1,425,778</u>
PROFIT/(LOSS) ON DISPOSAL OF ASSETS				
Community Amenities	0	597,548	2,741,310	948,684
Other Property and Services	(22,111)	(6,664)	(20,000)	(22,550)
	<u>(22,111)</u>	<u>590,884</u>	<u>2,721,310</u>	<u>926,134</u>
NET RESULT	24,014,159	23,811,914	4,719,243	22,725,800
Other Comprehensive Income				
Changes on Revaluation of non-current assets	(2,031)	0	(1,000,000)	0
Total Other Comprehensive Income	<u>(2,031)</u>	<u>0</u>	<u>(1,000,000)</u>	<u>0</u>
TOTAL COMPREHENSIVE INCOME	24,012,128	23,811,914	3,719,243	22,725,800

**SHIRE OF KALAMUNDA
STATEMENT OF COMPREHENSIVE INCOME
BY NATURE OR TYPE
FOR THE 4 MONTHS TO 31 OCTOBER 2013**

	31/10/2013 Actual \$	31/10/2013 Budget \$	2013/14 Budget \$	31/10/2012 Actual \$
REVENUE				
Rates	28,110,280	28,449,311	28,755,308	25,709,700
Operating Grants and Subsidies	2,108,225	1,883,146	5,427,783	2,002,122
Contributions, Reimbursements and Donations	336,312	272,075	811,106	202
Fees and Charges	9,540,439	9,522,452	12,357,702	8,183,462
Interest Earnings	344,896	359,838	1,025,933	122,766
Other Revenue	28,648	19,196	57,633	(72,226)
	<u>40,468,800</u>	<u>40,506,018</u>	<u>48,435,465</u>	<u>36,148,175</u>
EXPENSES				
Employee Costs	(6,810,732)	(7,560,182)	(21,139,829)	(6,529,139)
Materials and Contracts	(4,948,021)	(5,332,315)	(18,274,940)	(4,433,934)
Utility Charges	(653,917)	(896,646)	(2,686,347)	(776,521)
Depreciation	(3,134,093)	(3,292,284)	(9,877,138)	(3,179,397)
Interest Expenses	(161,069)	(162,792)	(488,374)	(172,806)
Insurance Expenses	(605,500)	(620,151)	(626,040)	(567,505)
Other Expenditure	(113,042)	(90,078)	(268,068)	(114,985)
	<u>(16,426,374)</u>	<u>(17,954,448)</u>	<u>(53,360,736)</u>	<u>(15,774,287)</u>
	24,042,426	22,551,570	(4,925,271)	20,373,888
Non-Operating Grants, Subsidies				
Non-Operating Grants, Subsidies and Contributions	(6,155)	669,461	3,836,435	1,425,778
Fair Value adjustments to financial asset				
at fair value through profit or loss:				
Increase in equity - EMRC	0	0	3,086,769	
Profit on Asset Disposals	5,545	597,548	2,741,310	948,939
Loss on Asset Disposals	(27,657)	(6,664)	(20,000)	(22,805)
	<u>24,014,159</u>	<u>23,811,915</u>	<u>4,719,243</u>	<u>22,725,800</u>
NET RESULT				
Other Comprehensive Income				
Changes on Revaluation of non-current assets	(2,031)	0	(1,000,000)	0
Total Other Comprehensive Income	<u>(2,031)</u>	<u>0</u>	<u>(1,000,000)</u>	<u>0</u>
TOTAL COMPREHENSIVE INCOME	<u>24,012,128</u>	<u>23,811,915</u>	<u>3,719,243</u>	<u>22,725,800</u>

**SHIRE OF KALAMUNDA
STATEMENT OF CASH FLOWS
FOR THE 4 MONTHS TO 31 OCTOBER 2013**

	NOTE	31/10/2013 Actual \$	2013/14 Budget \$	30/06/2013 Actual \$
Cash Flows From Operating Activities				
Receipts				
Rates		27,885,809	28,857,508	26,576,923
Operating Grants and Subsidies		2,108,225	5,585,783	3,128,456
Contributions, Reimbursements and Donations		336,312	811,106	3,259,791
Fees and Charges		2,245,181	12,357,702	9,094,025
Interest Earnings		344,896	1,025,933	756,651
Goods and Services Tax		692,997	3,255,223	2,345,247
Other Revenue		28,648	57,633	75,532
		<u>33,642,067</u>	<u>51,950,888</u>	<u>45,236,625</u>
Payments				
Employee Costs		(7,137,789)	(21,286,194)	(19,198,428)
Materials and Contracts		(5,740,472)	(18,165,227)	(15,826,937)
Utility Charges		(653,917)	(2,686,347)	(2,484,928)
Insurance Expenses		(605,500)	(626,042)	(585,646)
Interest Expenses		(220,463)	(498,832)	(491,882)
Goods and Services Tax		(248,020)	(2,967,377)	(875,557)
Other Expenditure		(113,042)	(268,068)	(391,588)
		<u>(14,719,203)</u>	<u>(46,498,087)</u>	<u>(39,854,966)</u>
Net Cash Provided By (Used In) Operating Activities	(b)	<u>18,922,864</u>	<u>5,452,801</u>	<u>5,381,658</u>
Cash Flows from Investing Activities				
Work In Progress		0	0	(20,081)
Payments for Development of Land Held for Resale		(507)	0	(66,691)
Payments for Purchase of Property, Plant & Equipment		(651,792)	(7,807,111)	(2,482,132)
Payments for Construction of Infrastructure		(1,104,343)	(9,372,047)	(4,634,162)
Non-Operating Grants, Subsidies and Contributions used for the Development of Assets		(6,155)	3,836,435	2,741,392
Proceeds from Sale of Land		0	6,180,000	2,455,163
Sale of Land Receivable		187,087	0	(187,087)
Proceeds from Sale of Plant & Equipment		36,045	327,100	314,340
Net Cash Provided By (Used In) Investing Activities		<u>(1,539,665)</u>	<u>(6,835,623)</u>	<u>(1,879,258)</u>
Cash Flows from Financing Activities				
Repayment of Debentures		(260,064)	(757,930)	(559,442)
Proceeds from Self Supporting Loans		26,519	64,999	59,537
Net Cash Provided By (Used In) Financing Activities		<u>(233,545)</u>	<u>(692,931)</u>	<u>(499,905)</u>
Net Increase (Decrease) in Cash Held		<u>17,149,654</u>	<u>(2,075,753)</u>	<u>3,002,495</u>
Cash at Beginning of Year		<u>10,211,894</u>	<u>9,956,625</u>	<u>7,209,398</u>
Cash and Cash Equivalents at the End of the period	(a)	<u>27,361,548</u>	<u>7,880,872</u>	<u>10,211,894</u>
Cash and Cash Equivalents		27,361,548		
Bank Overdraft		<u>0</u>		
		<u>27,361,548</u>		

**SHIRE OF KALAMUNDA
STATEMENT OF FINANCIAL POSITION
AS AT 31 OCTOBER 2013**

NOTE	Actual YTD 31/10/2013 \$	Estimated Actual 30/06/2013 \$
CURRENT ASSETS		
Cash and Cash Equivalents	27,361,548	10,211,894
Trade and Other Receivables	9,388,650	2,512,831
Inventories	161,593	156,335
Work In Progress	20,081	20,081
Land Held for Resale	384,867	384,360
TOTAL CURRENT ASSETS	37,316,739	13,285,501
NON-CURRENT ASSETS		
Other Receivables	995,186	1,009,857
Land Held for Resale	-	-
Shares in Other Equities	15,937,574	15,937,574
Property, Plant and Equipment Infrastructure	158,701,054	159,558,767
	155,451,525	156,031,958
TOTAL NON-CURRENT ASSETS	331,085,339	332,538,156
TOTAL ASSETS	368,402,078	345,823,657
CURRENT LIABILITIES		
Trade and Other Payables	4,320,057	5,582,844
Borrowings	561,216	559,442
Provisions	2,231,703	2,142,561
TOTAL CURRENT LIABILITIES	7,112,976	8,284,847
NON-CURRENT LIABILITIES		
Long Term Borrowings	7,288,771	7,550,609
Provisions	579,165	579,165
TOTAL NON-CURRENT LIABILITIES	7,867,936	8,129,774
TOTAL LIABILITIES	14,980,912	16,414,621
NET ASSETS	353,421,166	329,409,038
EQUITY		
Retained Surplus	224,126,808	200,318,202
Reserves - Cash/Investment Backed	2,366,381	2,160,828
Reserves - Asset Revaluation	126,927,977	126,930,008
TOTAL EQUITY	353,421,166	329,409,038

**SHIRE OF KALAMUNDA
STATEMENT OF FINANCIAL ACTIVITY
BY NATURE OR TYPE
FOR THE 4 MONTHS TO 31 OCTOBER 2013**

	31/10/2013 YTD Actual (b) \$	31/10/2013 YTD Budget (a) \$	Annual Budget \$	Var. \$ (b)-(a) \$	Var. % (b)-(a)/(b) %
Operating Revenues					
Operating Grants and Subsidies	2,108,225	1,883,146	5,427,783	225,079	10.7%
Contributions, Reimbursements and Donations	336,312	272,075	3,897,875	64,237	19.1%
Profit on Asset Disposal	5,545	597,548	2,741,310	(592,003)	(10676.3%)
Fees and Charges	9,540,439	9,522,452	12,357,702	17,987	0.2%
Interest Earnings	344,896	359,838	1,025,933	(14,942)	(4.3%)
Other Revenue	28,648	19,196	57,633	9,452	33.0%
Total (Excluding Rates)	12,364,065	12,654,255	25,508,236	(290,190)	
Operating Expense					
Employee Costs	(6,810,732)	(7,560,182)	(21,139,829)	749,450	11.0%
Materials and Contracts	(4,948,021)	(5,332,315)	(18,274,940)	384,294	7.8%
Utilities Charges	(653,917)	(896,646)	(2,686,347)	242,729	37.1%
Depreciation (Non-Current Assets)	(3,134,093)	(3,292,284)	(9,877,138)	158,191	5.0%
Interest Expenses	(161,069)	(162,792)	(488,374)	1,723	1.1%
Insurance Expenses	(605,500)	(620,151)	(626,040)	14,651	2.4%
Loss on Asset Disposal	(27,657)	(6,664)	(20,000)	(20,993)	(73.9%)
Other Expenditure	(113,042)	(90,078)	(268,068)	(22,984)	(20.3%)
Total	(16,454,031)	(17,961,112)	(53,380,736)	1,507,081	
Funding Balance Adjustment					
Add Back Depreciation	3,134,093	3,292,284	9,877,138	(158,191)	(5.0%)
Adjust (Profit)/Loss on Asset Disposal	22,112	(590,884)	(2,721,310)	612,996	2772.2%
EMRC Contribution (Non-cash)	0	0	(3,086,769)	0	
Movement in Provisions	0	0	122,782	0	
Pensioners Deferred Rates Movement	0	0	(27,800)	0	
Total	3,156,205	2,701,400	4,164,041	454,805	
Net Operating (Ex. Rates)	(933,761)	(2,605,457)	(23,708,459)	1,671,696	
Capital Revenues					
Proceeds from Disposal of Assets	36,045	592,258	6,507,100	(556,213)	(1543.1%)
Grants, Subsidies and Contributions	(6,155)	669,461	3,836,435	(675,616)	10976.7%
Self-Supporting Loan Principal	26,519	26,519	64,999	0	0.0%
Overdraft Funding	0	0	1,500,000	0	
Transfer from Reserves	0	0	8,345,000	0	
Total	56,409	1,288,238	20,253,534	(1,231,829)	

**STATEMENT OF FINANCIAL ACTIVITY
BY NATURE OR TYPE
FOR THE 4 MONTHS TO 31 OCTOBER 2013**

	31/10/2013 YTD Actual (b) \$	31/10/2013 YTD Budget (a) \$	Annual Budget \$	Var. \$ (b)-(a) \$	Var. % (b)- (a)/(b) %
Capital Expenses					
Land Held for Resale	(507)	0	0	(507)	(100.0%)
Land Development Costs	(16,904)	(949,160)	(2,847,500)	932,256	3514.9%
Land and Buildings New	(56,529)	(84,172)	(252,591)	27,643	48.9%
Land and Buildings Replacement	(314,313)	(846,538)	(2,589,969)	532,224	109.3%
Plant and Equipment New	(13,214)	(18,664)	(38,000)	5,450	41.2%
Plant and Equipment Replacement	(121,757)	(259,744)	(779,242)	137,987	113.3%
Furniture and Equipment	(129,074)	(431,600)	(1,299,809)	302,526	234.4%
Infrastructure Assets - Roads New	(73,221)	(1,178,434)	(3,221,523)	1,105,214	1509.4%
Infrastructure Assets - Roads Renewal	(138,125)	(238,737)	(672,098)	100,613	72.8%
Infrastructure Assets - Drainage New	(74,412)	(288,841)	(708,549)	214,429	288.2%
Infrastructure Assets - Drainage Renewal	(234,599)	(366,496)	(625,516)	131,897	36.2%
Infrastructure Assets - Foothpaths New	(60,191)	(32,448)	(97,358)	(27,743)	(46.1%)
Infrastructure Assets - Foothpaths Renewal	(88,838)	(107,396)	(322,236)	18,358	20.9%
Infrastructure Assets - Car Parks New	(5,000)	(35,052)	(105,175)	30,052	601.0%
Infrastructure Assets - Car Parks Renewal	0	(69,636)	(409,630)	69,636	100.0%
Infrastructure Assets - Parks and Ovals New	(392,919)	(597,474)	(2,480,637)	204,555	32.1%
Infrastructure Assets - Parks and Ovals Renewal	(37,039)	(260,214)	(729,325)	223,175	602.5%
Repayment of Debentures	(260,064)	(252,640)	(757,930)	(7,424)	(2.9%)
Overdraft Funding (Repayment)	0	0	0	0	
Transfer to Reserves	(205,553)	(6,680)	(7,197,558)	(198,873)	(96.8%)
Total	(2,222,259)	(6,023,926)	(25,134,646)	3,801,667	
Net Capital	(2,165,850)	(4,735,687)	(4,881,112)	2,569,837	
Total Net Operating + Capital	(3,099,611)	(7,341,144)	(28,589,571)	4,241,533	
Rate Revenue	28,110,280	28,449,311	28,755,308	(339,031)	(1.2%)
Opening Funding Surplus(Deficit)	5,077,852	2,060,341	2,060,341	3,017,511	39.4%
Closing Funding Surplus(Deficit)	30,088,521	23,168,508	2,226,078	6,920,013	

**SHIRE OF KALAMUNDA
STATEMENT OF FINANCIAL ACTIVITY
(STATUTORY REPORTING PROGRAM)
FOR THE 4 MONTHS TO 31 OCTOBER 2013**

	31/10/2013 YTD Actual (b) \$	31/10/2013 YTD Budget (a) \$	Annual Budget \$	Var. \$ (b)-(a) \$	Var. % (b)-(a)/(b) %
Operating Revenues					
Governance	2,381	5,620	16,876	(3,239)	(136.0%)
General Purpose Funding	795,284	696,017	6,449,712	99,267	12.3%
Law, Order and Public Safety	171,755	126,016	378,076	45,739	26.0%
Health	189,591	33,472	103,560	156,119	82.3%
Education and Welfare	1,781,566	1,644,684	3,586,880	136,882	7.7%
Community Amenities	8,298,479	8,524,240	9,109,070	(225,761)	(2.7%)
Recreation and Culture	718,722	656,895	2,013,333	61,827	8.0%
Transport	44,741	672	2,020	44,069	98.3%
Economic Services	244,474	232,204	696,677	12,270	5.0%
Other Property and Services	122,617	734,436	3,152,033	(611,819)	(499.0%)
Total (Excluding Rates)	12,369,610	12,654,256	25,508,237	(284,646)	
Operating Expense					
Governance	(959,375)	(1,055,507)	(2,733,002)	96,132	10.0%
General Purpose Funding	(278,129)	(261,181)	(745,018)	(16,948)	(6.1%)
Law, Order and Public Safety	(543,817)	(630,897)	(1,768,318)	87,080	16.0%
Health	(314,390)	(384,805)	(1,032,205)	70,415	22.4%
Education and Welfare	(1,174,069)	(1,444,230)	(4,135,736)	270,161	23.0%
Community Amenities	(3,413,078)	(3,656,121)	(12,664,730)	243,043	7.1%
Recreation and Culture	(6,061,023)	(6,545,299)	(18,528,974)	484,276	8.0%
Transport	(2,611,107)	(2,749,356)	(8,248,294)	138,249	5.3%
Economic Services	(317,214)	(346,872)	(968,241)	29,658	9.3%
Other Property and Services	(787,374)	(886,845)	(2,556,219)	99,471	12.0%
Total	(16,459,576)	(17,961,113)	(53,380,737)	1,501,537	
Funding Balance Adjustment					
Add back Depreciation	3,134,093	3,292,284	9,877,138	(158,191)	(3.0%)
Adjust (Profit)/Loss on Asset Disposal	22,112	(590,884)	(2,721,310)	612,996	2772.2%
EMRC Contribution (Non-cash)	0	0	(3,086,769)	0	
Movement In Provisions	0	0	122,782	0	
Pensioners Deferred Rates Movement	0	0	(27,800)	0	
Total	3,156,205	2,701,400	4,164,041	454,805	
Net Operating (Ex. Rates)	(933,761)	(2,605,458)	(23,708,459)	1,671,697	
Capital Revenues					
Proceeds from Disposal of Assets	36,045	592,258	6,507,100	(556,213)	(1543.1%)
Capital Contributions and Grants	(6,155)	669,461	3,836,435	(673,610)	10976.7%
Self-Supporting Loan Principal Income	26,519	26,519	64,999	0	0.0%
Overdraft Funding Utilised	0	0	1,500,000	0	
Transfer from Reserves	0	0	8,345,000	0	
Total	56,409	1,288,238	20,253,534	(1,231,829)	

**SHIRE OF KALAMUNDA
STATEMENT OF FINANCIAL ACTIVITY
(STATUTORY REPORTING PROGRAM)
FOR THE 4 MONTHS TO 31 OCTOBER 2013**

Capital Expenses					
Land Held for Resale	(507)	0	0	(507)	(100.0%)
Land Development Costs	(16,904)	(949,160)	(2,847,500)	932,256	3514.9%
Land and Buildings New	(56,529)	(84,172)	(252,591)	27,043	48.9%
Land and Buildings Replacement	(314,313)	(846,538)	(2,589,969)	532,224	169.3%
Plant and Equipment New	(13,214)	(18,664)	(38,000)	5,450	41.2%
Plant and Equipment Replacement	(121,757)	(259,744)	(779,242)	137,987	113.3%
Furniture and Equipment	(129,074)	(431,600)	(1,299,809)	302,526	234.4%
Infrastructure Assets - Roads New	(73,221)	(1,178,434)	(3,221,523)	1,105,214	1509.4%
Infrastructure Assets - Roads Renewal	(138,125)	(238,737)	(672,098)	100,613	72.8%
Infrastructure Assets - Drainage New	(74,412)	(288,841)	(708,549)	214,429	288.2%
Infrastructure Assets - Drainage Renewal	(234,599)	(366,496)	(625,516)	131,897	56.2%
Infrastructure Assets - Foothpaths New	(60,191)	(32,448)	(97,358)	(27,743)	(46.1%)
Infrastructure Assets - Foothpaths Renewal	(88,838)	(107,396)	(322,236)	18,558	20.9%
Infrastructure Assets - Car Parks New	(5,000)	(35,052)	(105,175)	30,052	601.0%
Infrastructure Assets - Car Parks Renewal	0	(69,636)	(409,630)	69,636	100.0%
Infrastructure Assets - Parks and Ovals New	(392,919)	(597,474)	(2,480,637)	204,555	52.1%
Infrastructure Assets - Parks and Ovals Renewal	(37,039)	(260,214)	(729,325)	223,175	602.5%
Repayment of Debentures	(260,064)	(252,640)	(757,930)	(7,424)	(2.9%)
Overdraft Funds (Repayment)	0	0	0	0	
Transfer to Reserves	(205,553)	(6,680)	(7,197,558)	(198,873)	(96.8%)
Total	(2,222,259)	(6,023,926)	(25,134,646)	3,801,667	
Net Capital	(2,165,850)	(4,735,687)	(4,881,112)	2,569,837	
Total Net Operating + Capital	(3,099,611)	(7,341,145)	(28,589,571)	4,241,534	
Rate Revenue	28,110,280	28,449,311	28,755,308	(339,031)	(1.2%)
Opening Funding Surplus(Deficit)	5,077,852	2,060,341	2,060,341	3,017,511	59.4%
Closing Funding Surplus(Deficit)	30,088,521	23,168,507	2,226,078	6,920,014	

SHIRE OF KALAMUNDA
NOTES TO AND FORMING PART OF THE FINANCIAL REPORT
FOR THE 4 MONTHS TO 31 OCTOBER 2013

NET CURRENT FUNDING POSITION

	Positive=Surplus (Negative=Deficit) 2012-13	
	31/10/2013	Last Period
	\$	\$
Current Assets		
Cash Unrestricted	24,995,167	25,073,398
Cash Restricted	0	0
Cash at Bank - Reserves (Restricted)	2,366,381	2,361,367
Receivables - Rates and Rubbish	8,611,039	10,550,854
Receivables -Other	640,779	824,977
Inventories	161,593	172,184
(* exclude loan receivable)	<u>36,774,959</u>	<u>38,982,780</u>
Less: Current Liabilities		
Payables	(4,320,057)	(3,089,026)
Provisions	(2,231,703)	(2,214,964)
(* exclude loan payable)	<u>(6,551,759)</u>	<u>(5,303,989)</u>
Net Current Asset Position	<u>30,223,199</u>	<u>33,678,791</u>
Add:		
Provision for Long Service Leave	696,752	679,267
Provision for Annual Leave	1,534,951	1,535,697
Less:		
Restricted Cash (Reserves)	<u>(2,366,381)</u>	<u>(2,361,367)</u>
Cash Restricted		
Net Current Funding Position	<u>30,088,521</u>	<u>33,532,387</u>
Balance made up of Municipal Surplus	<u>30,088,521</u>	<u>33,532,387</u>

**SHIRE OF KALAMUNDA
STATEMENT OF CHANGES IN EQUITY
FOR THE 4 MONTHS TO 31 OCTOBER 2013**

	RETAINED SURPLUS \$	RESERVES CASH/ INVESTMENT BACKED \$	REVALUATION SURPLUS \$	TOTAL EQUITY \$
Balance as at 30 June 2012	194,723,847	2,677,466	129,665,629	327,066,942
Restated Balance	194,723,847	2,677,466	129,665,629	327,066,942
Comprehensive Income				
Net Result	5,077,717	0	0	5,077,717
Changes on Revaluation of Non-Current Assets	0	0	(2,735,621)	(2,735,621)
Total Comprehensive Income	5,077,717	0	(2,735,621)	2,342,096
Reserve Transfers	516,638	(516,638)	0	0
Balance as at 30 June 2013	200,318,202	2,160,828	126,930,008	329,409,038
Comprehensive Income				
Net Result	24,014,159	0	0	24,014,159
Changes on Revaluation of Non-Current Assets	0	0	(2,031)	(2,031)
Total Other Comprehensive Income	24,014,159	0	(2,031)	24,012,128
Reserve Transfers	(205,553)	205,553	0	0
Balance as at 31 October 2013	224,126,808	2,366,381	126,927,977	353,421,166

**SHIRE OF KALAMUNDA
NOTES TO AND FORMING PART OF THE FINANCIAL REPORT
FOR THE 4 MONTHS TO 31 OCTOBER 2013**

	Actual 31/10/2013 \$	Original Budget 30/06/2014 \$	Original Budget 30/06/2014 \$
RESERVES - CASH/INVESTMENT BACKED			
(a) Land and Property			
Opening Balance	717,693	3,235,498	3,235,498
Interest Earned	7,045	97,065	97,065
Amount Set Aside / Transfer to Reserve	185,897	5,200,000	5,200,000
Amount Used / Transfer from Reserve	0	(6,865,000)	(6,865,000)
	910,635	1,667,563	1,667,563
(b) Waste Management			
Opening Balance	156,580	154,349	154,349
Interest Earned	1,368	4,630	4,630
Amount Set Aside / Transfer to Reserve	0	0	0
Amount Used / Transfer from Reserve	0	0	0
	157,948	158,979	158,979
(c) EDP - IT Equipment			
Opening Balance	169,913	122,666	122,666
Interest Earned	1,484	3,680	3,680
Amount Set Aside / Transfer to Reserve	0	1,250,000	1,250,000
Amount Used / Transfer from Reserve	0	(1,228,000)	(1,228,000)
	171,397	148,346	148,346
(d) Local Government Elections			
Opening Balance	0	0	0
Interest Earned	0	0	0
Amount Set Aside / Transfer to Reserve	0	110,000	110,000
Amount Used / Transfer from Reserve	0	(110,000)	(110,000)
	0	0	0
(e) Long Service Leave			
Opening Balance	73,109	72,067	72,067
Interest Earned	639	2,162	2,162
Amount Set Aside / Transfer to Reserve	0	100,000	100,000
Amount Used / Transfer from Reserve	0	(60,000)	(60,000)
	73,748	114,229	114,229

**SHIRE OF KALAMUNDA
NOTES TO AND FORMING PART OF THE FINANCIAL REPORT
FOR THE 4 MONTHS TO 31 OCTOBER 2013**

	Actual 31/10/2013 \$	Original Budget 30/06/2014 \$	Original Budget 30/06/2014 \$
RESERVES - CASH/INVESTMENT BACKED			
(f) Plant and Equipment			
Opening Balance	28,350	27,946	27,946
Interest Earned	248	838	838
Amount Set Aside / Transfer to Reserve	0	0	0
Amount Used / Transfer from Reserve	0	0	0
	28,598	28,784	28,784
(g) Stirk Park Reserve			
Opening Balance	24,723	24,373	24,373
Interest Earned	215	731	731
Amount Set Aside / Transfer to Reserve	0	0	0
Amount Used / Transfer from Reserve	0	0	0
	24,938	25,104	25,104
(h) HACC			
Opening Balance	443,392	437,831	437,831
Interest Earned	3,874	13,135	13,135
Amount Set Aside / Transfer to Reserve	0	250,000	250,000
Amount Used / Transfer from Reserve	0	0	0
	447,266	700,966	700,966
(i) Forrestfield Industrial Area			
Opening Balance	160,787	77,804	77,804
Interest Earned	1,405	2,334	2,334
Amount Set Aside / Transfer to Reserve	0	0	0
Amount Used / Transfer from Reserve	0	(30,000)	(30,000)
	162,192	50,138	50,138
(j) Insurance Contingency			
Opening Balance	164,706	162,362	162,362
Interest Earned	1,439	4,871	4,871
Amount Set Aside / Transfer to Reserve	0	0	0
Amount Used / Transfer from Reserve	0	0	0
	166,145	167,233	167,233

**SHIRE OF KALAMUNDA
NOTES TO AND FORMING PART OF THE FINANCIAL REPORT
FOR THE 4 MONTHS TO 31 OCTOBER 2013**

	Actual 31/10/2013 \$	Original Budget 30/06/2014 \$	Original Budget 30/06/2014 \$
RESERVES - CASH/INVESTMENT BACKED			
(k) Light Plant			
Opening Balance	33,443	32,967	32,967
Interest Earned	293	989	989
Amount Set Aside / Transfer to Reserve	0	0	0
Amount Used / Transfer from Reserve	0	0	0
	<u>33,736</u>	<u>33,956</u>	<u>33,956</u>
(l) Revaluation			
Opening Balance	136,416	134,472	134,472
Interest Earned	1,192	4,034	4,034
Amount Set Aside / Transfer to Reserve	0	50,000	50,000
Amount Used / Transfer from Reserve	0	0	0
	<u>137,608</u>	<u>188,506</u>	<u>188,506</u>
(m) Nominated Employee Leave Provisions			
Opening Balance	24,340	23,990	23,990
Interest Earned	213	720	720
Amount Set Aside / Transfer to Reserve	0	0	0
Amount Used / Transfer from Reserve	0	0	0
	<u>24,553</u>	<u>24,710</u>	<u>24,710</u>
(n) Unexpended Capital Works and Specific Purpose Grants			
Opening Balance	0	0	0
Amount Set Aside / Transfer to Reserve	0	0	0
Amount Used / Transfer from Reserve	0	0	0
	<u>0</u>	<u>0</u>	<u>0</u>
(o) Enviromental Reserve			
Opening Balance	27,376	45,647	45,647
Interest Earned	241	1,369	1,369
Amount Set Aside / Transfer to Reserve	0	101,000	101,000
Amount Used / Transfer from Reserve	0	(52,000)	(52,000)
	<u>27,617</u>	<u>96,016</u>	<u>96,016</u>
TOTAL CASH BACKED RESERVES	<u>2,366,381</u>	<u>3,404,530</u>	<u>3,404,530</u>

**SHIRE OF KALAMUNDA
NOTES TO AND FORMING PART OF THE FINANCIAL REPORT
FOR THE 4 MONTHS TO 31 OCTOBER 2013**

	Actual 31/10/2013 \$	Original Budget 30/06/2014 \$	Original Budget 30/06/2014 \$
RESERVES - CASH/INVESTMENT BACKED			
SUMMARY			
	2012-13 Actual YTD \$	2012-13 Budget \$	2011-12 Orig. Budget \$
Opening Balance	2,160,828	4,551,972	4,551,972
Transfer from Accumulated Surplus - Interest	19,656	136,558	136,558
Transfer from Accumulated Surplus	185,897	7,061,000	7,061,000
Transfer to Accumulated Surplus	0	(8,345,000)	(8,345,000)
Closing Balance	<u>2,366,381</u>	<u>3,404,530</u>	<u>3,404,530</u>

**Shire of Kalamunda
Investments
as at 31 October 2013**

		<u>Fund</u>	<u>Amount</u>
<u>MUNICIPAL FUNDS</u>			
<u>Cash at Bank</u>			
SOK - MOW	ANZ-Meals on Wheels	Municipal	\$9,231.51
SOK - KHACC	Bank West-Home and Community Care	Municipal	\$57,882.18
SOK	Commonwealth Chequing Account	Municipal	\$239,420.76
SOK	Commonwealth Savings Account	Municipal	\$3,287,515.64
SOK	Commonwealth CIP	Municipal	\$0.00
SOK	Commonwealth Savings Account (Health)	Municipal	\$0.00
SOK	Commonwealth Savings Account (Trybooking)	Municipal	\$0.00
SOK	Commonwealth Overdraft \$1,500,000 GFL	Municipal	\$838.60
			<u>\$3,594,888.69</u>

<u>Invest #</u>	<u>Bank</u>	<u>Term</u>	<u>Interest Rate %</u>	<u>Weighted Int Rate</u>	<u>Maturity</u>	<u>Fund</u>	<u>Amount</u>
<u>MUNICIPAL FUNDS</u>							
<u>Cash Investments</u>							
9075	ING	180	3.88%	0.1679%	3/3/14	Municipal	\$1,271,498.37
9081	NAB	120	4.00%	0.2824%	22/11/13	Municipal	\$2,075,001.99
9083	NAB	120	4.00%	0.1412%	22/11/13	Municipal	\$1,037,501.01
9087	Westpac	120	4.20%	0.1429%	16/11/13	Municipal	\$1,000,000.00
9088	Suncorp	120	4.10%	0.1395%	19/11/13	Municipal	\$1,000,000.00
9089	Bendigo	120	3.80%	0.1293%	29/11/13	Municipal	\$1,000,000.00
9090	St George	128	3.51%	0.1206%	6/3/14	Municipal	\$1,009,345.21
9091	Suncorp	90	3.60%	0.1225%	4/11/13	Municipal	\$1,000,000.00
9092	Bendigo	90	3.80%	0.1293%	4/11/13	Municipal	\$1,000,000.00
9093	ING	120	3.82%	0.1300%	4/12/13	Municipal	\$1,000,000.00
9094	St George	120	3.60%	0.1225%	4/12/13	Municipal	\$1,000,000.00
9095	Westpac	120	3.70%	0.1259%	9/12/13	Municipal	\$1,000,000.00
9096	Suncorp	180	3.85%	0.2620%	10/2/14	Municipal	\$2,000,000.00
9097	St George	180	3.74%	0.2545%	13/2/14	Municipal	\$2,000,000.00
9098	ING	180	3.95%	0.1344%	11/2/14	Municipal	\$1,000,000.00
9099	ING	180	3.93%	0.1337%	17/2/14	Municipal	\$1,000,000.00
9100	NAB	180	3.78%	0.2573%	11/3/14	Municipal	\$2,000,000.00

<u>Cash Backed Reserves</u>							
SOK	Commonwealth Bank Savings Account					Reserve	<u>\$2,366,381.18</u>
							<u>\$2,366,381.18</u>
Total Municipal/Reserve Funds							<u>\$27,354,616.45</u>

**Shire of Kalamunda
Investments
as at 31 October 2013**

Trust Funds

SOK	Shire of Kalamunda-BCITF, BRB, Unclaimed Monies					Trust	\$65,381.77
SOK	Shire of Kalamunda-Environmental Friends Group					Trust	\$4,032.95
SOK	Forrestfield Industrial Area Trust					Trust	\$208,865.48
							<u>\$278,280.20</u>

Cell 9 Scheme Contributions

CELL9 TD2	NAB	180	3.77%	0.1496%	24/3/14	Trust	\$1,165,821.42
CELL9 TD5	Westpac	90	3.40%	0.1344%	10/12/13	Trust	\$1,161,474.31
CELL9 TD6	Bendigo	120	3.80%	0.1472%	29/11/13	Trust	\$1,136,060.68
CELL9 TD7	Bendigo	120	3.80%	0.1472%	29/11/13	Trust	\$1,136,060.68
CELL9 TD9	ING	180	3.75%	0.1398%	10/3/14	Trust	\$1,095,283.52
CELL9 TD10	Westpac	90	3.40%	0.1226%	12/12/13	Trust	\$1,056,960.56
	Cell 9 Cheque Account/Online Saver						\$3,630,497.06
							<u>\$10,388,158.23</u>

Public Open Space Funds

POS	ING Commonwealth	120	4.30%	0.1808%	13/12/13	Trust	\$1,235,321.11
POS	Cash at Bank	At Call				Trust	\$989,066.84
							<u>\$2,224,387.95</u>

Total Trust Funds

\$12,890,826.38

SUMMARY OF FUNDS

Municipal/Reserve Funds

\$27,354,616.45

Trust Funds

\$12,890,826.38

Total Funds

\$40,245,442.83

SOK Shire of Kalamunda-BCITF, BRB, Unclaimed Monies
SOK Shire of Kalamunda-Environmental Friends Group
SOK Forrestdfield Industrial Area Trust

Cell 9 Scheme
Contributions

CELL9 TD2	NAB	180	3.77%	0.1496%
CELL9 TD5	Westpac	90	3.40%	0.1344%
CELL9 TD6	Bendigo	120	3.80%	0.1472%
CELL9 TD7	Bendigo	120	3.80%	0.1472%
CELL9 TD9	ING	180	3.75%	0.1398%
CELL9 TD10	Westpac	90	3.40%	0.1226%
	Cell 9 Cheque Account/Online Saver			

Public Open Space
Funds

POS	ING	120	4.30%	0.1808%
	Commonwealth			
POS	Cash at Bank	At Call		

Total Trust Funds

**SUMMARY OF
FUNDS**

Municipal/Reserve
Funds
Trust Funds

Total Funds

Declaration of financial / conflict of interests to be recorded prior to dealing with each item.

10.3.2 Execution of Documents – Amendment to Authorisations

Previous Items	OCM 81/2010 & OCM 21/2012
Responsible Officer	Chief Executive Officer
Service Area	Governance
File Reference	LE-ACT-006
Applicant	N/A
Owner	N/A

PURPOSE

1. For Council, under the current legislative framework, to amend the authorisations previously provided to specified staff to sign documents on behalf of the Shire of Kalamunda that do not required the affixing of the Common Seal.

BACKGROUND

2. The *Local Government Act 1995* (the Act), was amended in late 2009 to clarify the requirements for the execution of documents with or without the Common Seal.
3. Initial authorisations for some staff to execute documents on behalf of the Shire of Kalamunda were provided in 2010 and amended in 2012 following an Organisation Review. These authorisations are only for where signing under the Common Seal is not required for the document to be validly executed.

DETAILS

4. With the Organisational Review initiated by the new Chief Executive Officer now complete with respect to the abolition and creation of positions, it is an appropriate time to review the Authorisations and amend them where necessary.
5. It is proposed to continue to provide full Authorisation to the Directors with a number of Managers being provided Authorisations appropriate to their positions.

STATUTORY AND LEGAL CONSIDERATIONS

6. *Section 9.49A - Execution of Documents, provides:*
 - (1) *A document is duly executed by a local government if:-*
 - (a) *the common seal of the local government is affixed to it in accordance with subsections (2) and (3); or*
 - (b) *it is signed on behalf of the local government by a person or persons authorised under subsection (4) to do so.*
 - (2) *The common seal of a local government is not to be affixed to any document except as authorised by the local government.*
 - (3) *The common seal of the local government is to be affixed to a document in the presence of:-*
 - (a) *the mayor or president; and*

- (b) *the chief executive officer or a senior employee authorised by the chief executive officer, each of whom is to sign the document to attest that the common seal was so affixed.*
- (4) *A local government may, by resolution, authorise the Chief Executive Officer, another employee or an agent of the local government to sign documents on behalf of the local government, either generally or subject to conditions or restrictions specified in the Authorisation.*
- (5) *A document executed by a person under an authority under subsection (4) is not to be regarded as a deed unless the person executes it as a deed and is permitted to do so by the authorization.*
- (6) *A document purporting to be executed in accordance with this section is to be presumed to be duly executed unless the contrary is shown.*
- (7) *When a document is produced bearing a seal purporting to be the common seal of the local government, it is to be presumed that the seal is the common seal of the local government unless the contrary is shown.*

Section 9.49B – Contract formalities, provides:-

- (1) *Insofar as the formalities of making, varying or discharging a contract are concerned, a person acting under the authority of a local government may make, vary or discharge a contract in the name of or on behalf of the local government in the same manner as if that contract was made, varied or discharged by a natural person.*
- (2) *The making, variation or discharge of a contract in accordance with subsection (1) is effectual in law and binds the local government concerned and other parties to the contract.*

Subsection (1) does not prevent a local government from making, varying or discharging a contract under its common seal.

POLICY CONSIDERATIONS

7. There are no policy implications.

COMMUNITY ENGAGEMENT REQUIREMENTS

8. Public consultation is not required for this issue.

FINANCIAL CONSIDERATIONS

9. There are no financial implications arising out of this issue.

STRATEGIC COMMUNITY PLAN

Strategic Planning Alignment

10. *Kalamunda Advancing: Strategic Community Plan to 2023*

OBJECTIVE 6.3 – To lead, motivate and advance the Shire of Kalamunda.

Strategy 6.6.6 Regularly review the organisation's structure, policies and procedures in response to changing circumstances.

SUSTAINABILITY

Social Implications

11. Nil.

Economic Implications

12. Nil.

Environmental Implications

13. Nil.

RISK MANAGEMENT CONSIDERATIONS

14.

Risk	Likelihood	Consequence	Action/Strategy
Recommended authorisations are not approved	Low	High	Administration processes with respect to execution of documents will need to be modified to minimise the impact on operational efficiency.

OFFICER COMMENT

15. The Authorisations contained in the Officer Recommendations are in accordance with the provisions of the Act and provide the framework for continued efficient operations within the Administration.

A Councillor queried if staff will be signing documents in place of, or on behalf of, the Chief Executive Officer. The Chief Executive Officer confirmed that this is correct.

Voting Requirements: Simple Majority

RESOLVED OCM 187/2013

That Council:

1. Authorises the following Officers of the Shire of Kalamunda to sign documents on behalf of the Shire of Kalamunda, as specified:

- i. The Chief Executive Officer*
- ii. The Director of Development Services*
- iii. The Director of Infrastructure Services*
- iv. The Director of Corporate Services*

any document, including Deeds, that is necessary or appropriate to be signed for these officers to carry out their functions and duties under any written law.

- v. Manager Community Development*
- vi. Manager Development Services*
- vii. Manager Infrastructure Operations*
- viii. Manager Health and Rangers*

any document, excluding Deeds, that is necessary or appropriate to be signed to carry out the Manager's functions and duties under any written law.

- ix. Manager Financial Services*
 - a. Leases
 - b. Extensions of Lease
 - c. Assignments of Lease
 - d. Deed of Variation of Lease
 - e. Surrenders of Lease
 - f. Licences
 - g. Assignments and Assignments and Variations of Licence

Moved: **Cr Noreen Townsend**

Seconded: **Cr Frank Lindsey**

Vote: **CARRIED UNANIMOUSLY (10/0)**

Declaration of financial / conflict of interests to be recorded prior to dealing with each item.

10.3.3 Dog Act 1976 – Delegation of Powers

Previous Items	Nil.
Responsible Officer	Director Development Services
Service Area	Health & Ranger Services
File Reference	
Applicant	N/A
Owner	N/A

PURPOSE

1. To approve the delegation of powers and duties under the *Dog Act 1976* (the Act) to the Chief Executive Officer (CEO).

BACKGROUND

2. The Act was amended and is implemented from 1 November 2013. One of the amendments introduced a power of delegation by the Council to the CEO.
3. In order to carry out its functions efficiently and effectively, Council has the ability to delegate its powers and duties to the CEO. To enable the orderly implementation and ongoing management of the various provisions stipulated in the Act, it is considered prudent to delegate those powers and duties in the Act that can be delegated, to the CEO.
4. Until the Act was amended, Council has been required to consider numerous applications for the approval to keep more than two dogs. Council can now delegate this function to the CEO.

DETAILS

5. Under Section 10AA (1) of the Act:
"A local government may, by absolute majority as defined in the Local Government Act 1995 section 1.4, delegate to its chief executive officer any power or duty of the local government under another provision of this Act."

STATUTORY AND LEGAL CONSIDERATIONS

6. Section 10AA of the Act.

POLICY CONSIDERATIONS

7. Where necessary, Policies will reflect the principles and conditions included in any delegation.

COMMUNITY ENGAGEMENT REQUIREMENTS

8. Nil.

FINANCIAL CONSIDERATION

9. Nil.

STRATEGIC COMMUNITY PLAN

Strategic Planning Alignment

10. *Kalamunda Advancing: Strategic Community Plan to 2023*

OBJECTIVE 6.3 – To lead, motivate and advance the Shire of Kalamunda.

Strategy 6.3.3 Regularly review the organisation's structure, policies and procedures in response to changing circumstances.

SUSTAINABILITY

Social Implications

11. Nil.

Economic Implications

12. Nil.

Environmental Implications

13. Nil.

RISK MANAGEMENT CONSIDERATIONS

14.

Risk	Likelihood	Consequence	Action/Strategy
Council does not delegate its powers and duties to the CEO.	Low	High	Need to develop an alternative process to manage the effective and efficient implementation of the provisions of the Act.

OFFICER COMMENT

15. The Officer recommendations reflect the objective of the Shire to provide excellent customer service and as such will provide an effective framework for the efficient implementation and operation of the Act through the responsible discharge of the those powers and duties delegated by Council.

A Councillor questioned if this delegation gives the Chief Executive Officer the authority to enforce fines. The Chief Executive Officer advised that this delegation allows her to endorse more than three dogs on a property and advised that the policy that the Councillor is referring to is yet to be put forward to Council.

A Councillor stated that this is a very broad delegation of powers under the Dog Act, so where a situation arises where a dog is declared dangerous, and the person objects to the officer who has declared the dog dangerous, is that something that the Council needs to consider or is it to be dealt with by the officer. Director Development Services responded by saying that currently it is handled by an Authorised Officer under the Dog Act who can determine this. The Councillor questioned if this could be clarified with the Dog Act. The Director Development Services took this on notice.

A Councillor asked if in terms of the consistent applications that Council receives for more than two dogs at a property, are Council still going to be approving these or are officers to handle these. Director Development Services advised that this will now allow the Chief Executive Officer to determine the majority of these applications.

The Manager of Governance added that while the recommendation is a broad delegation, Council has the authority to put conditions upon any delegation. For example, Council can limit the amount of dogs that staff can approve before it needs to be put forward to Council and a delegation can be amended or changed at any time by Council.

Voting Requirements: Absolute Majority

RESOLVED OCM 189/2013

That Council:

1. Approves the delegation of powers and duties under the *Dog Act 1976* to the Chief Executive Officer (CEO).

Moved: **Cr John Giardina**

Seconded: **Cr Bob Emery**

Vote: **CARRIED UNANIMOUSLY /ABSOLUTE MAJORITY (10/0)**

Declaration of financial / conflict of interests to be recorded prior to dealing with each item.

10.3.4. Application for Leave – Chief Executive Officer

Previous Items	N/A
Responsible Officer	Chief Executive Officer
Service Area	Office of CEO
File Reference	OR-CMA-025
Applicant	N/A
Owner	N/A

PURPOSE

1. To seek the approval of Council for leave arrangements for the Chief Executive Officer and to approve cover arrangements.

BACKGROUND

2. Nil.

DETAILS

3. The Chief Executive Officer, Rhonda Hardy, wishes to be absent from the position on annual leave from:
 - Monday 23 December 2013 to Friday 10 January 2014 inclusive, and
 - Tuesday 11 February 2014 to Friday 14 February 2014 inclusive.

STATUTORY AND LEGAL IMPLICATIONS

4. Section 5.36 of the *Local Government Act 1995* provides that the Council is responsible for all appointments to the position of Chief Executive Officer.

POLICY IMPLICATIONS

5. Shire leave policy requires that all employees apply for leave and have this leave approved.

PUBLIC CONSULTATION/COMMUNICATION

6. Public consultation is not required with respect to this matter.

FINANCIAL CONSIDERATIONS

7. There are no financial implications arising from this proposal, as annual leave is paid from the annual leave provision account.

STRATEGIC COMMUNITY PLAN

Strategic Planning Alignment

8. *Kalamunda Advancing: Strategic Community Plan to 2023*

OBJECTIVE 6.10 To build a high performing and motivated workforce.

SUSTAINABILITY

Social Implications

9. Nil.

Economic Implications

10. Nil.

Environmental Implications

11. Nil.

RISK MANAGEMENT CONSIDERATIONS

12.

Risk	Likelihood	Consequence	Action/Strategy
Council does not accept the Chief Executive Officer's application for annual leave.	Low	High	Alternative arrangements would need to be considered to enable the Chief Executive Officer to have some leave.

OFFICER COMMENT

13. As the proposed periods of annual leave are of short duration and the Chief Executive Officer will be available in emergencies, it is not proposed to appoint an Acting Chief Executive Officer.
14. The Director Development Services, Warwick Carter, will be appointed as the designated Director to act on behalf of the Chief Executive Officer to sign documents and for operational day to day decisions.
15. This designation involves the provision of sufficient authorisation and powers to ensure continuation of the Shire's administration and that all statutory and legal requirements can be met.

Voting Requirements: Simple Majority

RESOLVED OCM 190/2013

That Council:

1. Approves Chief Executive Officer, Rhonda Hardy, to have annual leave for the periods:
 - Monday 23 December 2013 to Friday 10 January 2014 inclusive, and
 - Tuesday 11 February 2014 to Friday 14 February 2014 inclusive.

2. Notes that the Director Development Services will be appointed pursuant to section 5.44 of the *Local Government Act 1995* as the designated Director to act on behalf of the Chief Executive Officer during these periods of absence.

Moved: **Cr John Giardina**

Seconded: **Cr Allan Morton**

Vote: **CARRIED UNANIMOUSLY (10/0)**

Declaration of financial / conflict of interests to be recorded prior to dealing with each item.

10.3.5 Kalamunda Chamber of Commerce Loan

Previous Items	GSC 61/2010 - June 2010 GSC 38/2009 - April 2009 OCM 150/2013 – September 2013
Responsible Officer	Chief Executive Officer
Service Area	Office of the CEO
File Reference	CN-11/GEN
Applicant	N/A
Owner	N/A

PURPOSE

1. To consider revoking Resolution of Council OCM 150/2013.

BACKGROUND

2. During the recent audit of the 2012/2013 year financial statements an outstanding debt was inspected on the Shire's balance sheet which represented the loan of \$10,000 made to the Kalamunda Chamber of Commerce (KCC).
3. The Shire investigated this outstanding debt and it was concluded the Shire had not received payment which resulted in the debt still appearing as unpaid on the Shire's financial records.
4. Follow up with the KCC indicated the previous Chief Executive Officer, Mr James Trail, had advised the then President of the KCC there would be no expectation to repay the loan as he would waiver the loan by offsetting it against discretionary funds from within the Shire's budget.
5. The former CEO, James Trail, did not have delegated authority to waiver or write off a debt, or make donations greater than \$1,000, from the Shire's Municipal funds. Write offs or donations greater than \$1,000 require a resolution of Council.

DETAILS

6. At the Ordinary Meeting of Council held on the 23 September 2013 it was resolved:

That Council (OCM 150/2013)

1. *Request the Chief Executive Officer to advise the Kalamunda Chamber of Commerce the loan is not waived and they will be required to repay the Shire the full amount.*
2. *Agrees to a schedule of payments arrangement with the Kalamunda Chamber of Commerce in order to assist in the repayment of the loan over a two year period.*

7. Correspondence received from the KCC's legal representative detailed the Chamber's understanding of the events which occurred which led to the Chamber to the belief the loan had been converted into a sponsorship arrangement and was no longer required to be repaid. This correspondence was forwarded to the Shire's solicitors for advice.
8. The Shire's solicitor has reviewed the claim made by the KCC and concluded that there did not appear to be any reasonable prospect of success in pursuing the KCC for repayment of the loan given their reliance on the decision made by the former Chief Executive Officer.

STATUTORY AND LEGAL CONSIDERATIONS

9. Section 6.12 of the *Local Government Act 1995* ("the Act") provides the power for a local government to waive or write off any amount of money.

POLICY CONSIDERATIONS

10. Nil.

COMMUNITY ENGAGEMENT REQUIREMENTS

11. Nil.

FINANCIAL CONSIDERATIONS

12. Should Council choose to write off or waiver the debt, it will result in a reduction of sundry debtors and increase in expenditure of \$10,000 as a write off of a debtor.

STRATEGIC COMMUNITY PLAN

Strategic Planning Alignment

13. *Kalamunda Advancing: Strategic Community Plan to 2023*
 - Strategy 1.8.2 Identify and partner funding opportunities to support the financial sustainability of local community groups.
 - Strategy 5.3.2 Proactively engage and partner with local and regional businesses to support further economic development.
 - Objective 6.8 - To ensure financial sustainability through the implementation of effective financial management, systems and plans.
 - Strategy 6.8.4 Provide effective financial services to support the Shire's operations and to meet sustainability planning, reporting and accountability requirements.

SUSTAINABILITY

Social Implications

14. Nil.

Economic Implications

15. Nil.

Environmental Implications

16. Nil.

RISK MANAGEMENT CONSIDERATIONS

17.

Risk	Likelihood	Consequence	Action/Strategy
The Shire will lose its case against the KCC.	High	High	Withdraw the decision to pursue the KCC for the money.

OFFICER COMMENT

18. The Shire will need to consider alternative options in relation to how it deals with the outstanding debt.

Voting Requirements: Absolute Majority

RESOLVED OCM 191/2013

That Council:

1. Revoke resolution *OCM 150/2013*:
That Council
- Request the Chief Executive Officer to advise the Kalamunda Chamber of Commerce the loan is not waived and they will be required to repay the Shire the full amount.*
 - Agrees to a schedule of payments arrangement with the Kalamunda Chamber of Commerce in order to assist in the repayment of the loan over a two year period.*

Moved: **Cr John Giardina**

Seconded: **Cr Frank Lindsey**

Vote:

<u>For</u>	<u>Against</u>
Cr John Giardina	Cr Noreen Townsend
Cr Frank Lindsey	Cr Andrew Waddell
Cr Geoff Stallard	Cr Dylan O'Connor
Cr Allan Morton	
Cr Bob Emery	
Cr Simon Di Rosso	
Cr Sue Bilich	

CARRIED / ABSOLUTE MAJORITY (7/3)

Declaration of financial / conflict of interests to be recorded prior to dealing with each item.

10.3.6 Application for Change in Valuation Methodology

Previous Items	Nil.
Responsible Officer	Director Corporate Services
Service Area	Financial Services
File Reference	
Applicant	RW Leighton – Lot 500, 32 Gavour Rd, Wattle Grove
Owner	RW Leighton
Attachment 1	Letter from RW Leighton requesting change in rating methodology
Attachment 2	Map of location of property

PURPOSE

1. For Council to support an application to have the valuation methodology changed from Un-improved Valuation (UV) to Gross Rental Valuation (GRV) for Lot 500, 32 Gavour Rd, Wattle Grove [the Property].

BACKGROUND

2. The applicant has challenged the valuation method applied to the Property and which is then utilised to determine the local government rates payable (Attachment 1).
3. Valuations are provided by Landgate (formally known as the Valuer General Office) which is a State Government Agency.
4. A search of all surrounding properties shows that the neighbouring properties' valuations are based on the GRV method rather than the UV method. The surrounding properties changed from UV to GRV in 2003. The Shire has no knowledge as to why the UV for this particular property was not included in the valuations provided by Landgate that occurred in 2003.
5. This change being proposed to the valuation method from UV to GRV would provide equity for this particular property within the Gavour Road area.

DETAILS

6. An application for a change in the method of valuation was submitted to the Minister of Local Government & Communities on 17 June 2013.
7. The Shire recently followed up on the submission made in June 2013 and was advised that the Council would need to support the application before the Minister could make his determination.
8. Section 6.28 of the *Local Government Act 1995*, provides:
 1. *The Minister is to -*
 - a. *determine the method of valuation of land to be used by a local government as the basis for a rate; and*

SUSTAINABILITY

Social Implications

15. Nil.

Economic Implications

16. Effective collection of all outstanding debtors leads to enhanced financial sustainability for the Shire.

Environmental Implications

17. Nil.

RISK MANAGEMENT CONSIDERATIONS

18.

Risk	Likelihood	Consequence	Action/Strategy
The Shire is exposed to the potential risk of the ratepayer wanting to have the revaluation made retrospective and the current debt written off.	High	High	Legal advice may be required to ensure the Shire is not liable for the loss of past rates.

OFFICER COMMENT

19. The application for a change in the valuation methodology from UV to GRV is supported, particularly in light of evidence from surrounding properties which are of a similar land use.
20. The Minister of Local Government and Communities is likely to only approve the valuation methodology starting from this current financial year and not retrospectively.

A Councillor questioned the amount in back rates and whether there has been any agreement entered into to have it paid. The Chief Executive Officer advised that there is no agreement with the Shire and it is money that is still owed and something that the Shire will need to pursue, unless the Minister makes it retrospective.

A Councillor queried if with changes in rating methodologies, is it common practice to make it retrospective. The Chief Executive Officer advised no.

A Councillor then suggested an amendment to the recommendation to include the following; "Subject to payment of all back rates." After discussion the Mover and Seconder did not accept the proposed recommendation.

The Presiding Member asked if the Councillor wished to move this as a formal amendment to the substantive motion. The Councillor indicated that the requested change is to be moved as a formal amendment.

Amendment Motion

Subject of payment of all back rates

Moved: ***Cr Andrew Waddell***

Seconded:

Vote:

No seconder could be found and the proposed amendment motion lapsed.

The Presiding Member advised that the original recommendation would stand and the vote was taken.

Voting Requirements: Simple Majority

RESOLVED OCM 192/2013

That Council:

1. Supports the application to the Minister of Local Government and Communities to change method of valuation for Lot 500, 32 Gavour Rd, Wattle Grove, from Un-improved Valuation to Gross Rental Valuation.

Moved: **Cr Noreen Townsend**

Seconded: **Cr Simon Di Rosso**


Vote:

<u>For</u> Cr John Giardina Cr Frank Lindsey Cr Geoff Stallard Cr Allan Morton Cr Noreen Townsend Cr Bob Emery Cr Dylan O'Connor Cr Simon Di Rosso Cr Sue Bilich	<u>Against</u> Cr Andrew Waddell
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CARRIED (9/1)

Attachment 1

PETER D WEBB AND ASSOCIATES



CONSULTANTS IN TOWN PLANNING AND URBAN DESIGN

4 February 2013 Our Ref: C1185-185.docx

Ms R Hardy
A/- CEO Shire of Kalamunda
PO Box 42
Kalamunda WA 6926

Attention: Ms S O'Meagher: Team Leader, Revenue

Dear Ms Hardy

**Re: Review of Basis of Calculation of Rates
Lot 500 (SN 32) Gavour Road, Wattle Grove (Mr R Leighton)**

This is to advise that we act for the owners of a property situated at 32 Gavour Road, Wattle Grove (Mr and Mrs Ross Leighton).

We are advised that Mr Leighton had met with you, together with the Shire President (Ms Sue Bilich) and the Shire's (previous) Team Leader, Revenue - Ms Stephanie O'Meagher.

Mr Leighton has again instructed that we thank you most sincerely for your time and professional, competent advice at that meeting.

You will recall that Mr Leighton had requested the meeting upon learning of a difference in the way in which properties are rated in the Wattle Grove locality and in particular, noting that Mr Leighton is rated, based on Unimproved Capital Value of his property, while an immediately adjoining neighbour (Mr Johnson) is rated based on the gross rental value of his property.

We are aware that the Valuer General has increased the value of Mr Leighton's property from \$1.2M, to \$7.0M. This has had the effect of **dramatically increasing your rates** of the property from approximately \$3000 to \$18,000! (We are aware that Mr Leighton is currently appealing this dramatic increase in the valuation of his property and which Appeal is based at least in part, upon advice from this office to the effect that, notwithstanding the (Special Rural) zoning of his site, existing circumstances as described (in a copy of our attached correspondence) actually prevent Mr Leighton from taking any advantage of that zoning of his land.

We are aware that in fiscal year 2010/2011, the property adjoining that of Mr Leighton's was valued by the Valuer General at almost the same value as Mr Leighton's being \$1.16M for the neighbouring property and \$1.20M for Mr Leighton's property.

In that fiscal year, we are aware that Mr and Mrs Leighton paid to the Shire an amount in the order of \$3,100.00 for their rates while Mr Johnson only paid \$600.00. It appears that this rate differential occurred through the different way that the rating of the two properties is based (as described above).

Unit Two, 19 York Street Subiaco Postal: PO Box 920, Subiaco Western Australia 6904
Telephone (+61 8) 9388 7111 Facsimile (+61 8) 9388 7240 Mobile 0413 777 932
email: planning@webbplan.com.au website: www.webbplan.com.au
Trading for Bellingham Nominees Pty. Ltd. ACN 008 970 009

P E T E R D W E B B A N D A S S O C I A T E S

*Review of Basis of Calculation of Rates
Lot 500 (SN 32) Gavour Road, Wattle Grove (Mr R Leighton)*

*Our Ref: C1185-185.docx
Page 2*

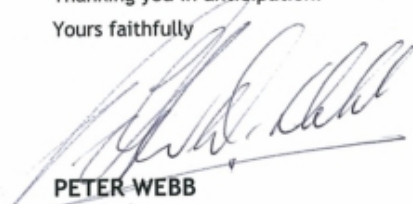
We are therefore formally requesting that the Shire change the basis of its rating of Mr and Mrs Leighton's property to be rated based upon gross rental value and not Unimproved Capital Value as is currently the case.

If the Shire is agreeable to this proposal then we would respectfully seek to have your office support the proposal for a Retrospective Review of Mr and Mrs Leighton's rating system to include the fiscal year 2011/2012 and the current year.

We now look forward to the Shire's advice that it is able to accommodate this request and that Mr and Mrs Leighton's rating structure has been modified as has been suggested in this correspondence.

Thanking you in anticipation.

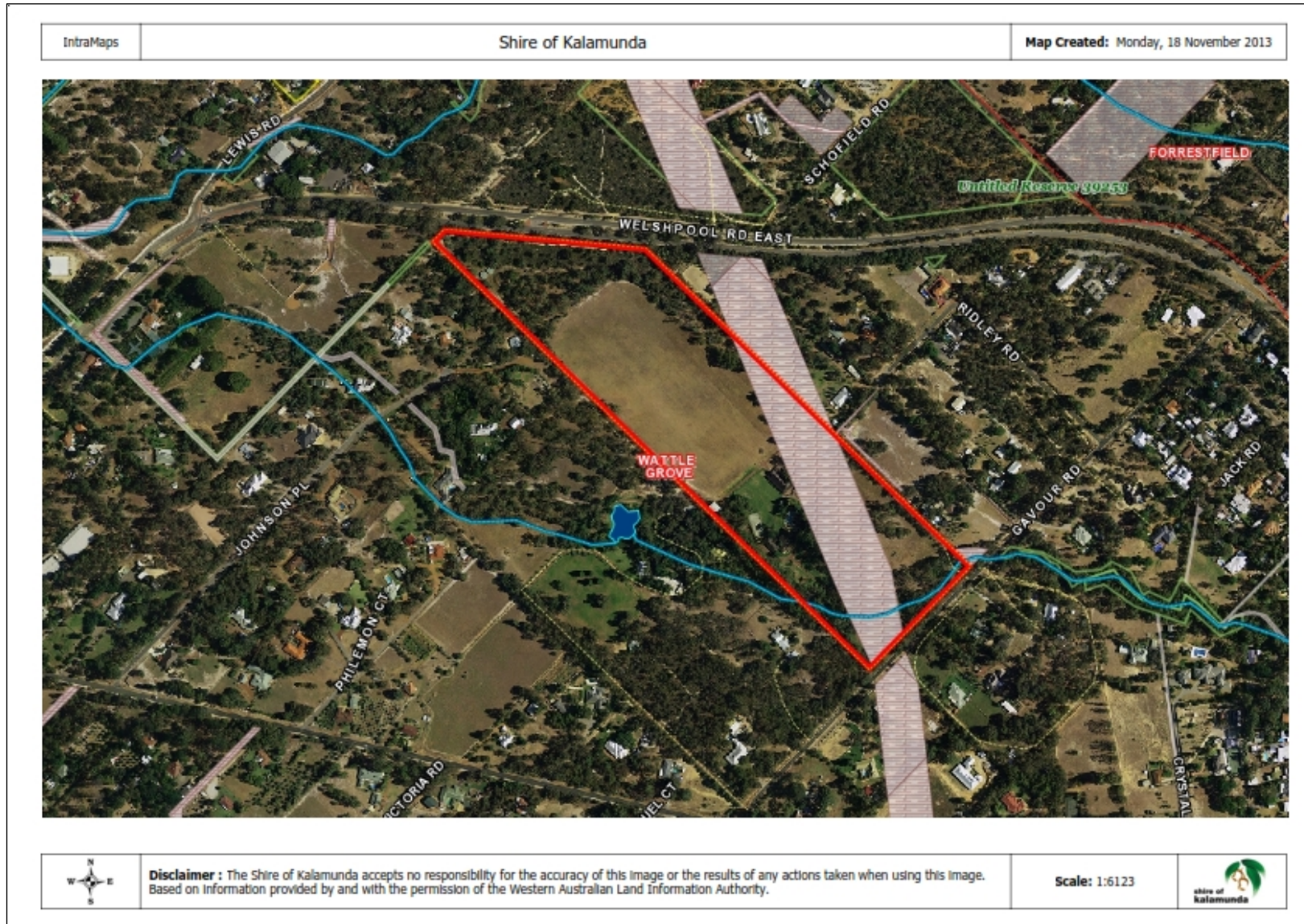
Yours faithfully



PETER WEBB
Principal

cc: Mr and Mrs R Leighton

Attachment 2



Declaration of financial / conflict of interests to be recorded prior to dealing with each item.

10.3.7 Dispute in relation to the former Chief Executive Officer

Previous Items	Item 6.1 Special Council Meeting 9 September 2013 Item 6.1 Special Council Meeting 10 December 2012 Item 6.1 Special Council Meeting 5 December 2012 Item 6.1 Ordinary Council Meeting 15 October 2012 Item 6.1 Special Council Meeting 20 September 2012 Item 6.1 Special Council Meeting 23 September 2013
Responsible Officer	Chief Executive Officer
Service Area	Office of the Chief Executive Officer
File Reference	
Applicant	N/A
Owner	N/A
Confidential Attachment 1	Order - Case Management Direction from the Supreme Court of Western Australia <i>Reason for Confidentiality – Local Government Act 1995: Section 5.23 (2) (b), “the personal affairs of any person”. Section 5.23 (2) (d) “ legal advice obtained or maybe obtained by the Local government and which relates to a matter to be discussed at the meeting”</i>

The report will be provided to Councillors under separate cover at the meeting.

Voting Requirements: Simple Majority

RESOLVED OCM 198/2013

That Council:

1. Appoints the Shire President Sue Bilich, Councillor Simon Di Rosso and the Chief Executive Officer Rhonda Hardy, to represent the Council in mediation in relation to the dispute with the former Chief Executive Officer.

Moved: **Cr Bob Emery**

Seconded: **Cr Noreen Townsend**

Vote: **CARRIED UNANIMOUSLY (10/0)**

Director Development Services left chambers at 7.37pm and returned at 7.40pm
Manager Development Services left chambers at 7.40pm and returned at 7.43 pm
Director Corporate Services left chambers at 7.45pm and returned at 7.48pm

11.0 MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

11.1 Cr Andrew Waddell – Political Party Events

Rationale

The objective of this motion will be to ensure that council funds are not spent directly or indirectly on a political party. It will ensure that our residents maintain faith in our independence from the political parties and that there is no opportunity for any impunity on our independence to be brought into question.

Voting Requirements: Simple Majority

RESOLVED OCM 193/2013

That Council:

1. Shall not pay for any Shire staff member or Councillor to attend a party political event. The Shire shall not donate funds or donate services in kind to any political party.
2. **Request the Chief Executive Officer bring to the December Ordinary Council Meeting a policy that would define any donations and/or paid attendance to party political events.**

Moved: **Cr Andrew Waddell**

Seconded: **Cr Frank Lindsey**

Vote:	<u>For</u>	<u>Against</u>
	Cr John Giardina	Cr Noreen Townsend
	Cr Frank Lindsey	Cr Simon Di Rosso
	Cr Geoff Stallard	Cr Sue Bilich
	Cr Allan Morton	
	Cr Andrew Waddell	
	Cr Bob Emery	
	Cr Dylan O'Connor	

CARRIED (7/3)

Officer Comments

The abovementioned motion is not specific and may cause operational issues if accepted in its current form. For example the Shire undertakes ongoing advocacy which requires that State and Federal Politicians are regularly briefed and canvassed to support funding projects for the Shire. During the course of the last State election campaign the Shire was able to secure \$7 million of election promises and this was achieved through effective advocacy that often requires Shire representatives attending certain functions and events in order to speak with key political decision makers.

Also each year the Shire funds the cost of the Shire President and senior officer(s) to travel to Canberra for the purpose of advocating for funding for the Shire. It is unknown if the intent of this motion will impact on such activities and hence could be detrimental to the advancement of the Shire. It is for these reasons that the Shire needs the flexibility to conduct its advocacy role without restraint that the first part of the motion is not supported from an operational perspective.

The Council has also adopted a Conference Policy which only provides for attendance at events provided for in the Policy and any requests for attendance at something else would require Council approval. Likewise the Council has a Policy on Reimbursement of Expenses which also stipulates certain costs that can be paid without Council authority. Therefore Council currently has a decision in place regarding what costs can be approved and all other items outside of the scope of these Policies cannot be approved without Council decision.

The second part of the motion in relation to donations to political parties is a very valid point and should be supported.

Cr Waddell was invited to outline the details of his motion; Cr Waddell indicated that there had been an attendance at a political event incurring significant cost. A Councillor sought clarification from the Chief Executive Officer as to whether such an incident had occurred. The Chief Executive Officer indicated that no evidence could be found supporting this claim of a significant cost to attend a political party event.

The motion was debated and point two was added to the Recommendation.

Cr Townsend left the Chambers at 8.06pm and returned at 8.08pm.

11.2 Cr Andrew Waddell - Amalgamation

Rationale

This is an opportunity to progress the debate on the amalgamation, share perspectives, and create a roadmap for how the councils can co-operate to bring about an outcome in the best interests of our respective communities.

Voting Requirements: Simple Majority

That Council:

1. Should host a joint meeting between the Shire of Kalamunda Councillors and the City of Belmont Councillors for the purpose of discussing:
 - a. A plan to oppose the amalgamation.
 - b. The creation of a joint amalgamation steering group with the following Terms of Reference:
 - i. Implement plans to oppose the amalgamation
 - ii. Develop a framework for negotiating any potential amalgamation.
 - iii. Develop and implement a community awareness program.

Moved: **Cr Andrew Waddell**

Seconded:

Vote:

Officer Comments

In March 2013 Council endorsed a submission in response to the Government's Expert Panel Report on Reform, known as the Robson Report. The Council's position was to oppose an amalgamation with the City of Swan and the Shire of Mundaring. The Council also requested a Community Poll be undertaken to gather the views of its community in relation to the Robson report and it was found that 88% of the 43% of vote received affirmed a position that it did not wish to amalgamate.

Notwithstanding the above the State Government in July 2013 announced its position which proposed the Shire to be amalgamated with the City of Belmont.

Since this announcement the Council has investigated the option of a proposed amalgamation with Belmont and in August 2013 agreed to commence discussions with Belmont and to form a Local Implementation Committee as per the structure outlined in the State Governments reform process. Council adopted this position at its Ordinary Council Meeting (OCM) August 2013 Item 10.4.3 Refers.

Further it should be noted that Council resolved at its September 2013 meeting (OCM 155/2013 refers) to submit a proposal to the Local Government Advisory

Board (LGAB) that conforms to the State's proposal to amalgamate with the City of Belmont as follows:-

The Shire of Kalamunda being an affected local government within the meaning of Schedule 2.1 of the Local Government Act 1995 (LGA), submits a proposal to the Local Government Advisory Board, pursuant to clause 2 (1) of Schedule 2.1 of the LGA, that order be made by the Governor under Section 2.1 of the LGA that the Districts of the Shire of Kalamunda and City of Belmont be abolished to form a new local government with additional amendments to district boundaries involving the Cities of Swan and Canning.

The Shire of Kalamunda proposes that:

- 1. The whole of the existing local government districts of the Shire of Kalamunda and the City of Belmont be abolished to create one "new" local government district as shown on the enclosed Plan.*
- 2. Portions of the Cities of Canning and Swan be incorporated into the proposed "new" local government district as shown on the enclosed Plan.*

In light of the recent position taken by Council to date, and the fact that the LGAB is currently considering the Shire's submission, to now take a position of opposition to the amalgamation may produce an unintended consequence of confusion within the community.

It should also be noted that should the Shire attempt to withdraw or change its direction then the LGAB will still have the State Government and Belmont submissions to consider. This may leave the Shire at a disadvantage as far as having some input into the final outcome.

Furthermore, the Shire has not received any petitions or subsequent opposition from its community in relation to the proposed amalgamation with Belmont since the Shire's submission was lodged in early October 2013. The Shire's submission was covered by significant media and press releases and there has been no community feedback against the Shire's current Proposal.

In relation to a meeting with Belmont the Shire wrote to the City of Belmont requesting that the Local Implementation Committee (LIC) commence meetings and we are still awaiting a response.

Cr Waddell was invited to outline the details of his motion; he spoke in favour of having an opportunity for the City of Belmont and the Shire of Kalamunda to discuss ways forward and how we should approach the amalgamation process in a positive matter.

A Councillor questioned if the Chief Executive Officer could explain if the motion would contradict the submission that the Shire has already submitted to the Local Government Advisory Board. The Chief Executive Officer believed that it would and for Councillors to refer the quoted text above.

A Councillor foreshadowed a motion to amend the recommendation; Councillors debated the motion and agreed to delete point a) and point i) from the original recommendation. The mover and seconder were happy with this outcome.

Voting Requirements: Simple Majority

RESOLVED OCM 194/2013

That Council:

1. Should host a joint meeting between the Shire of Kalamunda Councillors and the City of Belmont Councillors for the purpose of discussing:
 - a. The creation of a joint amalgamation steering group with the following Terms of Reference:
 - i. Develop a framework for negotiating any potential amalgamation.
 - ii. Develop and implement a community awareness program.

Moved: **Cr Andrew Waddell**

Seconded: **Cr Geoff Stallard**

Vote: **CARRIED UNANIMOUSLY (10/0)**

11.3 Cr Dylan O'Connor – Pylon Sign, Boab Tavern, High Wycombe

Rationale

This motion comes after the applicant was advised to defer their application given the timing of the Local Government elections and the controversy surrounding signage on public land. The applicant is the Boab Tavern and Family Restaurant, who are located in High Wycombe.

Since the Boab began operating, there has been positive community feedback regarding the service, facilities, the standard of food and the general atmosphere. The applicant has worked with the shire to address any concerns regarding the installation of advertising signage.

The Shire allows advertising signage to be erected in many locations throughout the Shire of Kalamunda. The signage that is being proposed is of a very high standard in both appearance and design. Signs very similar to the ones proposed are regularly used throughout other Local Governments as a standard to strive for. The signs that the applicant is proposing to create, install and pay for is, of a quality beyond what is often seen in the Shire of Kalamunda.

The signs are proposed to be located within the Road Reserve so as not to obstruct pedestrian movement and/or the sightlines of road users. The pylon sign structures are to be 5.3m in height above ground level. The pylon signs are to be 1.88sqm in area, advertise the Boab Tavern and Bottlemart, and at the top include the Shire of Kalamunda emblem.

At 2.75m above ground level, is proposed to be a street name sign. The suburb name within which the proposed signage is located is to be on the support pier. Main Roads WA has no objection to the proposed signage being installed at the intersections of Kalamunda Road and Wittenoom Road, and Abernethy Road and Dundas Road, High Wycombe.

Allowing for advertising for community benefit will help promote a vibrant community. The proposed signage will assist the proponent in attracting customers to the Boab Tavern and Family Restaurant. The Shire of Kalamunda and Council encourage the support and development of local businesses. As a significant employer of local people, the Boab Tavern is part of our local business community and would benefit from our support.

Voting Requirements: Simple Majority

RESOLVED OCM 195/2013

That Council:

1. **Approves** the application to install a pylon sign and street name signage which includes the Shire of Kalamunda emblem and a sign advertising the Boab Tavern and Bottlemart, at the intersections of Kalamunda Road and Wittenoom Road, and Abernethy Road and Dundas Road, High Wycombe.

Moved: **Cr Dylan O'Connor**

Seconded: **Cr Andrew Waddell**

Vote:	<u>For</u>	<u>Against</u>
	Cr Geoff Stallard	Cr John Giardina
	Cr Andrew Waddell	Cr Frank Lindsey
	Cr Bob Emery	Cr Allan Morton
	Cr Dylan O'Connor	Cr Noreen Townsend
	Cr Simon Di Rosso	
	Cr Sue Bilich	

CARRIED (6/4)

Officer Comments

The Shire has no objection to in principle support for the application. It should be noted that as requested by Councillors, we are currently researching practices of other local governments as well as commercial agreements on similar signage throughout Perth.

Cr O'Connor encouraged Councillors to support the motion as he believes that this type of sign may become the standard throughout the Shire as is within other shires. The Shire retains the right to modify, change or remove the sign as it is on public land or road reserve, so the Shire is not bound by any decision.

A Councillor asked for clarification on the Shire's right to have the sign modified at a later date. Director Development Services advised that the decision tonight is to support the application and the Shire would need to put conditions on the application, for example as it is located on a road reserve, that the Shire could require the applicant to remove it should it be needed for road widening. It would also need to comply with the relevant Australian Standards including, location, heights and appearance.

A Councillor queried if this process might cause any problems for further applications for the Council as normal procedure has not been followed in this instance. Director Development Services advised that the staff are currently working on a local law covering signage in public places.

12.0 QUESTIONS BY MEMBERS WITHOUT NOTICE

12.1 Cr John Giardina – Bushfire Ready Group

Q. There was a suggested policy that came through not long ago regarding verges, when will this be ready as it has been in progress for over two years?

A. Director Development Services advised that when it was brought to the forum in November there were considerable changes requested by Councillors, and these are currently being worked through and the policy should be presented early 2014.

12.2 Cr Bob Emery – Delegation of Powers for Consultants

Q1 With delegation of powers, particularly with consultants, what is the level of rate of charges for a consultant that it must be referred to Council?

A1 The Chief Executive Officer advised that this is guided by the Shire's Tender and Procurement policies and the Local Government Act, so if the consultant's quote exceeds the tender regulations of \$100,000.00 then it would be presented to Council, anything under that it is delegated to the Chief Executive Officer as an operational matter.

Cr Noreen Townsend – Amount of delegation (Follow up question)

Q2. Does that mean the Chief Executive Officer can appoint any consultant on any matter up to \$99,999.00 without it coming to Council? That delegation may need to be reviewed.

A2. Manager Governance responded that it is not specifically a delegation, it is an administrative function drawn out of the fact that Council allocate a certain amount of money to carry out a particular project in the budget, Council then gives the authority to the Chief Executive Officer to manage that budget.

12.3 Cr Andrew Waddell – Maintenance at Foothills Learning Centre

Q1. In relation to my question asked at the Corporate & Community Services Committee Meeting I raised a question regarding the building maintenance at the Foothills Learning Centre, I am yet to receive any advice as to what is happening with the maintenance program there.

A1. The Chief Executive Officer took this question on notice.

12.4 Cr Andrew Waddell – Controversy surrounding the fencing at 28-30 Prospect Crescent, Kalamunda

Q1. I have had regular contact with the resident who has questions regarding the Shire's Fencing Local Law. Has any further research been done in regards to this particular problem?

A1. Director Development Services advised that we have had extensive legal positions on the matter; we have a dispute on the matter and will be presented to the December Ordinary Council Meeting for Council to determine the outcome.

13.0 QUESTIONS BY MEMBERS OF WHICH DUE NOTICE HAS BEEN GIVEN

13.1 Nil.

14.0 URGENT BUSINESS APPROVED BY THE PRESIDING MEMBER OR BY DECISION

14.1 Nil.

15.0 MEETING CLOSED TO THE PUBLIC

15.1 **Meeting Closed to the Public**

Voting Requirements: Simple Majority

RESOLVED OCM 196/2013

That the meeting go behind closed doors to consider **10.1.10 D&I 83 – Confidential Item – Brewer Road Maida Vale Former Shire Landfill: Shire Responsibility for Three Privately Owned Properties Classified under the Contaminated Sites Act 2003**

and

10.3.7 Dispute in relation to the former Chief Executive Officer.

Moved: **Cr Allan Morton**

Seconded: **Cr Bob Emery**

Vote: **CARRIED UNANIMOUSLY (10/0)**

The meeting closed to the public at 8.39pm. All members of the public and staff left the meeting apart from the Chief Executive Officer, Manager Governance and Acting Governance Officer.

15.2 **Meeting Reopened to the Public**

Voting Requirements: Simple Majority

RESOLVED OCM 199/2013

That the meeting reopen to the public.

Moved: **Cr Allan Morton**

Seconded: **Cr Dylan O'Connor**

Vote: **CARRIED UNANIMOUSLY (10/0)**

The meeting reopened to the public at 9.05pm. As there were no members of the public present the Presiding Member did not read the resolutions.

16.0 CLOSURE

16.1 There being no further business, the Presiding Member declared the meeting closed at 9.06pm.

I confirm these Minutes to be a true and accurate record of the proceedings of this Council.

Signed: _____
Presiding Member

Dated this _____ day of _____ 2013