

Ordinary Council Meeting

Minutes for Monday 17 December 2012



**shire of
kalamunda**

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MINUTES

1.0 OFFICIAL OPENING

1.1 The Presiding Person opened the meeting at 5.30pm 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 Person) (Shire President)	North Ward
Margaret Thomas		North Ward
Noreen Townsend		South West Ward
Justin Whitten		South West Ward
Allan Morton		South West Ward
Geoff Stallard		South East Ward
Frank Lindsey		South East Ward
John Giardina		South East Ward
Martyn Cresswell		North West Ward
Bob Emery		North West Ward
Dylan O'Connor		North West Ward

Members of Staff

Clayton Higham	Acting Chief Executive Officer
Rhonda Hardy	Director Corporate & Community Services
Darrell Forrest	Manager Governance
Sam Assaad	Manager Infrastructure Operations
Andrew Fowler-Tutt	Manager Development Services
Warwick Carter	Manager Economic, Property & Procurement
Gerard Thomas	Manager Technology & Corporate Support
Rajesh Malde	Manager Financial Services
Darren Jones	Manager Community Development
Michelle Clark	Executive Assistant
Meri Comber	Governance Officer

Members of the Public 14

Members of the Press (From 6.20pm) 1

2.2 Apologies

Nil.

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.

Written questions were received at the meeting from Clive Garnham and Jane Genovese. The Shire President asked if they were happy to leave the question for inclusion in the Minutes, this was accepted and not all the questions were read at the meeting. Responses will be published in the Agenda and Minutes for the February 2013 Ordinary Council Meeting.

3.1 Clive Garnham – Aged Care Accommodation

Q1. I direct my question through the chair to Councillor Margaret Thomas. At the Ordinary Council Meeting on 15 August 2011, the following motion was passed by Council:

“That the Shire of Kalamunda, noting its documented need for Aged Care facilities as set out in the Shire’s *Aged Accommodation Strategy*, which shows a shortfall of 421 Nursing Home beds over the next 15 years, request the Shire President write separately to the Premier, the Minister for Health, the Treasurer, the Minister for Planning and the Leader of the Opposition, expressing its concerns:

(iv) that the Minister for Planning and officers of the Department of Planning are being unduly swayed by a campaign of deliberate misinformation by a single issue lobby group.”

Can Margaret Thomas state who the single issue lobby group was? Can she also state what the deliberate misinformation was to which she was referring to?

Q2. Could the Chair please request that Cr Stallard list some of the positive benefits to the ratepayers of Kalamunda that he expects to achieve by debating a motion to express disappointment in the Minister Day’s decision to reject Amendment 18?

A. The Acting Chief Executive Officer noted that questions must be directed to the Council as a whole. The questions are taken on notice.

Q3. If the Forensic Audit into the Shire’s finances indicated adverse findings as has been suggested, what is the Audit Committee’s role in overseeing and identifying such occurrences and who was on the Audit Committee at the time in question?

A. Taken on notice.

3.2 Jane Genovese – Aged Care Accommodation

Q1. Why has Councillor Geoff Stallard put forward a motion for the council to express extreme disappointment in Minister for Planning John Day’s decision regarding Amendment 18?

- Q2. Is Geoff Stallard aware of the fact that the site (32 Gavour Road, Wattle Grove) is not able to be serviced by reticulated sewerage and that the Western Australian Planning Commission said it was an inappropriate location for an aged care facility?
- Q3. Has Geoff Stallard read the Minister for Planning's public statement in relation to Amendment 18 in which he states "... All issues considered, the only proper decision is to not approve the Amendment. To do otherwise would be to continue a false expectation regarding the community's desire for additional residential aged care facilities on this particular site"?
- Q4. Given the site has been deemed to be not appropriate and even unable to deliver aged care services to the elderly in this Shire, who is Geoff Stallard representing when he puts forth such a motion?
- Q5. At the Ordinary Council Meeting on 15 August 2011, the following motion was passed by Council:

"That the Shire of Kalamunda, noting its documented need for Aged Care facilities as set out in the Shire's *Aged Accommodation Strategy*, which shows a shortfall of 421 Nursing Home beds over the next 15 years, request the Shire President write separately to the Premier, the Minister for Health, the Treasurer, the Minister for Planning and the Leader of the Opposition, expressing its concerns:

- (iv) that the Minister for Planning and officers of the Department of Planning are being unduly swayed by a campaign of deliberate misinformation by a single issue lobby group."

Can Councillor Margaret Thomas who put forth the motion state who the single issue lobby group was to which she was referring to? Can Councillor Margaret Thomas state what the deliberate misinformation was to which she was referring to?

- A. Taken on notice.

3.3 Zig Zag Scenic Drive – Andy Farrant/Susan Ellesbury

- Q. In relation to item 10.2.5 on tonight's agenda - the Zig Zag Scenic Drive Community Action Plan, could I ask if Council will approve a site visit by all to take place early in the new year? This visit will enable all Councillors to be more familiar with the issues that the community have faced over recent years and will help them fully understand the background to the four recommendations that are contained within the Plan.

- A. The Acting Chief Executive Officer is happy to arrange a mutually suitable time for Councillors to visit the Zig Zag Scenic Drive early in the new year.

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 179/2012

That the Minutes of the Ordinary Council Meeting held on 19 November 2012 are confirmed as a true and accurate record of the proceedings.

Moved: **Cr Martyn Cresswell**

Seconded: **Cr Bob Emery**

Vote: **CARRIED UNANIMOUSLY (11/0)**

6.2 RESOLVED OCM 180/2012

That the Minutes of the Special Council Meeting held on 5 December 2012 (5.30pm) are confirmed as a true and accurate record of the proceedings.

Moved: **Cr Frank Lindsey**

Seconded: **Cr Noreen Townsend**

Vote: **CARRIED UNANIMOUSLY (11/0)**

6.3 RESOLVED OCM 181/2012

That the Minutes of the Special Council Meeting held on 5 December 2012 (5.30pm) are confirmed as a true and accurate record of the proceedings.

Moved: **Cr John Giardina**

Seconded: **Cr Dylan O'Connor**

Vote: **CARRIED UNANIMOUSLY (11/0)**

6.4 RESOLVED OCM 182/2012

That the Minutes of the Special Council Meeting held on 5 December 2012 (5.30pm) are confirmed as a true and accurate record of the proceedings.

Moved: **Cr Bob Emery**

Seconded: **Cr John Giardina**

Vote: **CARRIED UNANIMOUSLY (11/0)**

7.0 ANNOUNCEMENTS BY THE PERSON PRESIDING WITHOUT DISCUSSION

7.1 Nil.

8.0 MATTERS FOR WHICH MEETING MAY BE CLOSED

8.1 **D&I 108. Tender RFT 1208 – Mowing Turf Grasses on Reserves**
(Confidential Attachment 1)

Reason for Confidentiality *Local Government Act 1995 S5.23 (2) (c) - " a contract entered into, or which may be entered into, by the local government which relates to a matter to be discussed at the meeting".*

8.2 **D&I 109. Tender RFT 1209 – Chemical Treatment of Unwanted Vegetation** (Confidential Attachment 1)

Reason for Confidentiality *Local Government Act 1995 S5.23 (2) (c) - " a contract entered into, or which may be entered into, by the local government which relates to a matter to be discussed at the meeting".*

8.3 **C&C 96. Confidential Item Proposed Renewal of Lease, 38 Collins Road**, Provided under separate cover.

Reason for Confidentiality – *Local Government Act 1995: Section 5.23 (2) (c), "a contract entered into, or which may be entered into, by the local government which relates to a matter to be discussed at the meeting".*

8.4 **Audit 10. Rates Debtor Write-Off 2012** - Provided under separate cover.

Reason for Confidentiality – *Local Government Act 1995: Section 5.23 (2) (a), "the personal affairs of any person".*

8.5 **10.4.4 Remuneration and Key Performance Targets for Appointed Acting Chief Executive Officer** – (Confidential Attachment 1)

Reason for Confidentiality: *Local Government Act 1995 S5.23 (2)(a) – "a matter affecting an employee or employees".*

8.6 **10.4.5 Confidential Item – Disposal of Shire Land Assets – 514 Kalamunda Road, High Wycombe and 20 Booralie Way, Maida Vale**

Reason for Confidentiality: *Local Government Act 1995 S5.23(2)(h) - Local Government (Administration) Regulations 1996 Clause 4A "the determination by the local government of a price for the sale or purchase of property by the local government, and the discussion of such a matter".*

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 Councillor Thomas declared a Financial Interest in Item C&C 94, Disposal of Lots 7, 8 and 4255 Lewis Road, Wattle Grove as there is a very small chance Retirees WA may be interested in purchasing the properties and she is the Chief Executive Officer and Chief Financial Officer of that organisation.

9.1.2 Clayton Higham declared a Financial Interest in Item 10.4.4 Remuneration and Key Performance Targets for Appointed Acting Chief Executive Officer as he has been Acting Chief Executive Officer in 2012 and will act as Chief Executive Officer in 2013.

9.1.3 Rhonda Hardy declared a Financial Interest in Item 10.4.4 Remuneration and Key Performance Targets for Appointed Acting Chief Executive Officer as she will act as Chief Executive Officer in 2013.

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.

9.1.2 Councillor John Giardina declared an Interest Affecting Impartiality regarding Item 11.3, Notice of Motion – Aged Care Accommodation, due to Kinship (Uncle) who is a nearby resident of Gavour Road.

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 183/2012

Voting Requirements: Simple Majority

That the recommendations contained in the Development & Infrastructure Services Committee of 3 December 2012 be adopted.

Moved: **Cr Frank Lindsey**

Seconded: **Cr Dylan O'Connor**

Vote: **CARRIED UNANIMOUSLY (11/0)**

10.1.2 D&I 97 Delegation and Authorisations – *Building Act 2011*

EN BLOC RESOLUTION OCM 183/2012

That Council:

1. Adopts the following varied delegation and authorisations as shown in BLD 1 - Delegation – Building Services (Attachment 1).

10.1.3 D&I 98 Proposed Local Planning Policy - Signage on Private Property

EN BLOC RESOLUTION OCM 183/2012

That Council:

1. Endorses the draft Local Planning Policy DEV 42 – Signage on Private Property for the purpose of advertising, in accordance with Clause 2.4 of Local Planning Scheme No. 3 (Attachment 1).

10.1.4 D&I 99 Review of the Shire of Kalamunda's Sign Local Law

EN BLOC RESOLUTION OCM 183/2012

That Council:

1. Pursuant to Section 3.12 of the *Local Government Act 1995*, give State wide public notice that a Signs Local Law is proposed for the Shire of Kalamunda (Attachment 2) with the purpose and effect of this local law to:

- Purpose: Provide for the regulation, control and administration of signage throughout the Shire of Kalamunda.
- Effect: Establish the requirements with which any person intending to erect signage on Shire property and public areas that are under control and management of the Shire of Kalamunda must comply.

10.1.5 D&I 100 Amendment to Local Planning Scheme No. 3 – Modifications to Exempted Advertisements Schedule

EN BLOC RESOLUTION OCM 183/2012

That Council:

1. Initiates the amendment to Local Planning Scheme No. 3, in accordance with the following:

<p>PLANNING AND DEVELOPMENT ACT 2005 RESOLUTION DECIDING TO AMEND A LOCAL PLANNING SCHEME SHIRE OF KALAMUNDA LOCAL PLANNING SCHEME NO. 3 AMENDMENT NO.</p>		
<p>Resolved that Council, in pursuance of Part 5 of the <i>Planning and Development Act 2005</i>, amends the above Local Planning Scheme as follows:</p>		
<p>(a) Modify Schedule 5 (Exempted Advertisements) of Local Planning Scheme No. 3 to include the following provisions for election, political and community event signs:</p>		
LAND USE AND/OR DEVELOPMENT	EXEMPTED SIGN	MAX. SIZE
Political Signs	<p>One sign per property displayed for the period following the issue of the writs for a State or Federal election, or 37 days before a local election in accordance with Section 4.49(a) of the <i>Local Government Act 1995</i>.</p> <p>The sign will be required to be removed no later than 14 days after the relevant election.</p>	1sqm

Community Event Signs	One sign per property displayed no earlier than three weeks prior to the event.	1sqm
<p>The amendment documents being adopted by Council and the Amendment being formally advertised for 42 days in accordance with the provisions of the <i>Town Planning Regulations 1967</i>, without reference to the Western Australian Planning Commission.</p> <p>(b) Modify Schedule 1 (Dictionary of Defined Words and Expressions) by inserting the following definitions:</p> <p>“Community Association ” means an institution, association, club, society or body, the objective of which are charitable, benevolent, religious, cultural, educational, recreational, sporting or other like nature and the members of which are not entitled to or permitted to receive any pecuniary profit from the transactions”</p> <p>“Political Sign” means a sign which displays, or makes reference to, matters of a political nature and/or promotes sitting members, candidates, or potential candidates, for the Parliament of the Commonwealth or the State, or for the Council of the Local Government but does not include a sign erected by the Local Government for public information.</p>		

10.1.6 D&I 101 Modification to the Wattle Grove Cell 9 Structure Plan – Lot 34 (338) and Lot 33 (332) Hale Road, Wattle Grove

EN BLOC RESOLUTION OCM 183/2012

That Council:

1. Adopts the proposed modification to the Wattle Grove Cell 9 Structure Plan to change Lot 34 (338) and Lot 33 (332) Hale Road, Wattle Grove, from Neighbourhood Centre to Commercial. Also to change a rear portion of Lot 33 (332) Hale Road, Wattle Grove, from Public Open Space to Commercial, retaining a 11m wide portion of Public Open Space along the rear boundary.
2. Forwards the modified Wattle Grove Cell 9 Structure Plan to the WA Planning Commission for endorsement.

**10.1.7 D&I 102 Amendment No. 50 to Local Planning Scheme No. 3 –
Modifications to the Site Requirements Table**

EN BLOC RESOLUTION OCM 183/2012

That Council:

1. Notes the submissions received in response to Amendment No. 50 to Local Planning Scheme No. 3.
2. Adopts the amendment to Local Planning Scheme No. 3 without modifications, in accordance with the following:

PLANNING AND DEVELOPMENT ACT 2005
RESOLUTION DECIDING TO AMEND A LOCAL
PLANNING SCHEME
SHIRE OF KALAMUNDA
LOCAL PLANNING SCHEME NO. 3
AMENDMENT NO. 50

Resolved that Council, in pursuance of Part 5 of the *Planning and Development Act 2005*, amends the above Local Planning Scheme as follows:

- (a) Modify Table 2 (Site Requirements) of Local Planning Scheme No. 3 to include provisions for the Industrial Development zone.

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

10.1.8 D&I 103 Child Care Premises Extension – Lot 15 (185) Maida Vale Road, High Wycombe

EN BLOC RESOLUTION OCM 183/2012

That Council:

1. Approves the application dated 11 October 2012 for an extension to the existing child care premises at Lot 15 (185) Maida Vale Road, High Wycombe, subject to the following conditions:
 - a. The provision and maintenance of a total of seven car spaces including a minimum of one disabled bay.
 - b. All car parking being contained on site.
 - c. All car parking bays and vehicle access ways being

maintained by the landowner to the satisfaction of the Shire.

- d. The external colour and material details of the proposed extension blending with existing development on the property.
- e. Colour and material details of the proposed extension are to be submitted to and approved by the Shire prior to the building licence being issued.

10.1.9 D&I 104 Detailed Area Plan – Lot 24 (48) and 163 (40) Hardey East Road, Wattle Grove

EN BLOC RESOLUTION OCM 183/2012

That Council:

1. Refuses the Detailed Area Plan for Lot 24 (48) and 163 (40) Hardey East Road, Wattle Grove, as it would provide for a built form and appearance that is not in keeping with the surrounding Residential coding of predominantly R20.

10.1.10 D&I 105 Wattle Grove Village Centre Design Guidelines

EN BLOC RESOLUTION OCM 183/2012

That Council:

1. Adopts the Design Guidelines for the Wattle Grove Village Centre comprising Lots 30-34 Hale Road, Wattle Grove, as per (Attachment 2).

10.1.11 D&I 106 Dedication of Land for the Perth Airport and Freight Access Project

EN BLOC RESOLUTION OCM 183/2012

That Council:

1. Provides a letter to Main Roads WA with the following statement:
Council at its meeting of 17 December 2012 concurred with the dedication of the land, the subject of Main Roads Drawing numbered 1260-032 as road under Section 56 of the Land Administration Act 1997.
2. Includes a copy of the council minutes relating to the concurrence with the letter to Main Roads WA.

**10.1.12 D&I 107 Forrestfield/High Wycombe Industrial Area Stage 1–
Adoption of Developer Contribution Rate**

EN BLOC RESOLUTION OCM 183/2012

That Council:

1. Adopts the Developer Contribution Rate of \$23.030 plus GST per sqm for Stage 1 of the Forrestfield/High Wycombe Industrial Area effective from 1 January 2013.

10.1.13 D&I 108 Tender RFT1208 – Mowing Turf Grasses on Reserves

EN BLOC RESOLUTION OCM 183/2012

That Council:

1. Endorses the recommendation of the Tender Evaluation Panel to award the tender RFT1208 for Mowing of Turf Grasses on Reserves to Turfworks PL.

**10.1.14 D&I 109 Tender RFT1209 – Chemical Treatment of Unwanted
Vegetation**

EN BLOC RESOLUTION OCM 183/2012

That Council:

1. Endorses the recommendation of the Tender Evaluation Panel to award the tender RFT1209 for Chemical Treatment of Unwanted Vegetation to Website Weed & Pest PL.

10.2 Corporate & Community Services Committee Report

10.2.1 Adoption of Corporate & Community Services Committee Report

Voting Requirements: Simple Majority

RESOLVED OCM 184/2012

That the recommendations contained in the Corporate & Community Services Committee Report of 10 December 2012, except withdrawn items C&C 91, C&C 92, C&C 94 and C&C 97 be adopted.

Moved: **Cr Frank Lindsey**

Seconded: **Cr Martyn Cresswell**

Vote: **CARRIED UNANIMOUSLY (11/0)**

10.2.2 C&C 88 Creditor Accounts Paid for the Period 5 November to 27 November 2012

EN BLOC RESOLUTION OCM 184/2012

That Council:

1. Receives the list of creditors paid during the period 5 November to 27 November 2012 (Attachment 1) in accordance with the requirements of the Local Government (Financial Management) Regulations 1996 (Regulation 12).

10.2.3 C&C 89 Monthly Financial Statements for the Four Months to 31 October 2012

EN BLOC RESOLUTION OCM 184/2012

That Council:

1. Receives the monthly financial statements for the four months to 31 October 2012, which comprises:
 - Statement of Comprehensive Income by Program
 - Statement of Comprehensive Income by Nature and Type
 - Rate Setting Statement including net funding position
 - Statement of Financial Position
 - Equity Statement
 - Statement of Cash flows
 - Reserve Balances Statement
 - Investment Schedule

10.2.4 C&C 90 Debtors and Creditors Reports for the Period Ended 31 October 2012

EN BLOC RESOLUTION OCM 184/2012

That Council:

1. Receives the outstanding Debtors (Attachment 1) and Creditors (Attachment 2) reports for the period ended 31 October 2012.

10.2.5 C&C 93 Community Care – September (2012) Quarterly Report

EN BLOC RESOLUTION OCM 184/2012

That Council:

1. Receives the Community Care Services September (2012) Quarterly Review.

10.2.6 C&C 95 Request to Initiate Amendment to the Metropolitan Region Scheme – Lot 59 Wilkins Road, Kalamunda

EN BLOC RESOLUTION OCM 184/2012

That Council:

1. Requests the Western Australian Planning Commission initiate an amendment to the Metropolitan Region Scheme, rezoning Lot 59 Wilkins Road in Kalamunda from a "Parks and Recreation" reserve to "Urban" zone.
2. Requests the Department of Regional Development and Lands transfer the land to the Shire, in order to progress an Aged Accommodation development on the site.
3. Advises the Minister for Planning of these requests, seeking support for the development.

10.2.7 C&C 96 Confidential Item – Proposed Renewal of Lease, 38 Collins Road, Kalamunda

Reason for Confidentiality: Local Government Act 1995 S5.23(2)(c) – " a contract entered into, or which may be entered into, by the local government which relates to a matter to be discussed at the meeting."

EN BLOC RESOLUTION OCM 184/2012

That Council:

1. Approves the extension of the lease under the current terms to the tenants until 31 December 2013.

2. Seeks Expressions of Interest from the community for leasing of the building and that a report to be presented back to Council evaluating the proposals.

For Separate Consideration

C&C 91 Debtors & Creditors Reports for the Period Ended 31 October 2012 was withdrawn as at the Corporate & Community Services Meeting, Manager Finance was requested to resubmit this report to the OCM with a revised point 17.

10.2.8 C&C 91 Rates Debtors Report for the Period Ended 31 October 2012

RESOLVED OCM 185/2012

Voting Requirements: Simple Majority

That Council:

1. Receives the rates debtors report for the period ended 31 October 2012 (Attachment 1).

Moved: **Cr Margaret Thomas**

Seconded: **Cr Justin Whitten**

Vote: **CARRIED UNANIMOUSLY (11/0)**

C&C 92 The Zig Zag Scenic Drive Community Action Plan was withdrawn as a Councillor wished to make an Amendment to the Committee Recommendation.

10.2.9 C&C 92 The Zig Zag Scenic Drive Community Action Plan

Voting Requirements: Simple Majority

That Council:

1. Receives the Zig Zag Scenic Drive Community Action Plan shown as (Attachment 1) to the Report.
2. Requests the actions outlined in the Zig Zag Scenic Drive Community Action Plan to be investigated for cost implications and listed for further consideration in the forthcoming budget deliberations in 2013.
3. Requests the Chief Executive Officer write to the community participants advising them of the outcome and thanking them for their participation and input into the process.
4. Investigate options as to how this report can provide access and inclusion to all people, particularly seniors and people with disabilities.

Moved: **Cr Noreen Townsend**

Seconded: **Cr Margaret Thomas**

Vote:

The Original Committee Recommendation received a Mover and Seconder; prior to the vote being taken a Councillor requested an Amendment by the addition of a further Point 5. The Mover and Seconder did not accept the proposed addition. The Chair then ruled that the proposed additional point be debated as an Amendment to the Substantive Committee Recommendation.

Amendment

RESOLVED OCM 186/2012

Voting Requirements: Simple Majority

That Council:

5. Investigate the option of gating the lower section of the Zig Zag from 6.00pm to 6.00am.

Moved: **Cr Dylan O'Connor**

Seconded: **Cr Frank Lindsey**

Vote: **For**
Cr John Giardina
Cr Frank Lindsey
Cr Geoff Stallard
Cr Justin Whitten
Cr Bob Emery
Cr Martyn Cresswell
Cr Dylan O'Connor
Cr Sue Bilich

Against
Cr Allan Morton
Cr Noreen Townsend
Cr Margaret Thomas

CARRIED 8/3

The Amendment was carried and added to the Substantive Committee Recommendation and voted on.

RESOLVED OCM 187/2012

Vote: **For**
 Cr John Giardina
 Cr Frank Lindsey
 Cr Geoff Stallard
 Cr Allan Morton
 Cr Justin Whitten
 Cr Bob Emery
 Cr Martyn Cresswell
 Cr Dylan O'Connor
 Cr Sue Bilich

Against
Cr Noreen Townsend
Cr Margaret Thomas

CARRIED 9/2

C&C 94 – Disposal of Lots 7, 8 and 4255 Lewis Road, Wattle Grove is withdrawn as a Disclosure of Financial Interest was received from Councillor Margaret Thomas as there is a small chance that Retirees WA may be interested in purchasing, Councillor Thomas is the Chief Executive Officer and Chief Financial Officer of Retirees WA. Cr Thomas left the Chambers at 5.59pm, returned at 6.00pm and was not present for the vote.

10.2.10 C&C 94 Disposal of Lots 7, 8 and 4255 Lewis Road, Wattle Grove

RESOLVED OCM 188/2012

Voting Requirements: Simple Majority

That Council:

1. Endorses the issuance of an Expression of Interest process and advertises for a period of three months Lots 7, 8 and 4255 Lewis Road in Wattle Grove for disposal either as single parcels or in any combination. Regulations 1996 (Regulation 12).

Moved: **Cr John Giardina**

Seconded: **Cr Allan Morton**

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

C&C 97 – Cell 9 Wattle Grove Urban Area – Review of Cell Infrastructure Contribution was withdrawn as an absolute majority is required.

10.2.11 C&C 97 Cell 9 Wattle Grove Urban Area – Review of Cell Infrastructure Contribution

RESOLVED OCM 189/2012

Voting Requirements: Absolute Majority

That Council:

1. Adopts the revised Cell Infrastructure Contribution Rate of \$27,335 plus GST per lot or dwelling, effective from 1 January 2013.
2. Delegates authority to the Chief Executive Officer to finalise the purchase of a portion of Lot 30 Hale Road for the purpose of extending Arthur Road to The Promenade at a figure of \$1.25sqm.

Moved: **Cr Allan Morton**

Seconded: **Cr Justin Whitten**

Vote: **CARRIED UNANIMOUSLY / ABSOLUTE MAJORITY (11/0)**

10.3 Audit Committee Report

10.3.1 Adoption of Audit Committee Report

Voting Requirements: Simple Majority

RESOLVED OCM 190/2012

That the recommendations contained in Audit Committee Report of 10 December 2012 be adopted.

Moved: **Cr Margaret Thomas**

Seconded: **Cr Dylan O'Connor**

Vote: **CARRIED UNANIMOUSLY (11/0)**

10.3.2 AU 09 Financial Statements for Year Ended 30 June 2012

EN BLOC RESOLUTION OCM 190/2012

That Council:

1. Receive the Audited Financial Report for the year ended 30 June 2012 shown as (Attachment 1).
2. Receive the Independent Audit Report of the Shire of Kalamunda for the financial year ended 30 June 2012 as presented as (Attachment 2).

10.3.3 AU 10 Confidential Report - Rates Debtor Write-Off 2012

Reason for Confidentiality – *Local Government Act 1995*: Section 5.23 (2) (a), "the personal affairs of any person".

EN BLOC RESOLUTION OCM 190/2012

That Council:

1. Endorses the write off of rates debts totalling \$18,150.33 as detailed in (Attachment 1).
2. Endorses the write off of Services, Legal Fees and Penalty debts totalling \$7,693.08 as detailed in (Attachment 2).

10.4 CHIEF EXECUTIVE OFFICER REPORTS

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

10.4.1. Budget Review for the Four Months to 31 October 2012

Previous Items	N/A
Responsible Officer	Director Corporate & Community Services
Service Area	Finance
File Reference	
Applicant	N/A
Owner	N/A
Attachment 1	Amended Financial Activity Statement by Nature and Type
Attachment 2	Amended Financial Activity Statement by Program
Attachment 3	Net Current Asset Position
Attachment 4	Summarised Report of Amendments
Attachment 5	Statement of Amended Reserve Account Movement and Balances

PURPOSE

1. To allow Council to consider amendments to the 2012/2013 Adopted Budget as identified in the four months to 31 October 2012 budget review.

BACKGROUND

2. The Shire is required to review its budget against actuals during a financial year. The four months to 31 October 2012 budget review was undertaken in November 2012 and the findings are presented to assist elected members in their considerations.
3. The budget review for four months to 31 October 2012 is the first review undertaken in the current financial year. The main objective of regular budget reviews is to ensure the Shire is closely monitoring its expenditure to mitigate any possibility of the Shire posting a deficit at the end of this financial year. It also provides the opportunity to monitor and implement strategies to ensure the Shire's Current Ratio and Untied Cash to Unpaid Trade Creditors Ratio will be further improved upon for the year ending 30 June 2013.

DETAILS

Operating Surplus

4. The Operating Surplus as per the Financial Activity Statement as at 31 October 2012 is \$24,556,963. This is in line with budget projections after the revenue from land sales for the Edney Rd/Cygnnet Court project is removed. The Edney Road/ Cygnnet Court project is being rescheduled to 2013/2014 because of delays occurring with the Cygnnet Court rezoning process.

5. The surplus as at 31 October of \$24,556,963 will be utilised in the next seven months to fund the balance of Operational and Capital Expenditure leaving a revised estimated surplus of \$1,350,201 at the end of the financial year. The Shire will still need to keep tight control over income and expenditure to ensure a surplus is in place at 30 June 2013 to strengthen the Council's financial capacity and Reserves.
6. Capital projects completed so far have mainly come within budget, with savings being used to fund other projects where scope has been widened or costs tendered are coming in higher than budgeted. These amounts are shown in (Attachment 4).

Reserve Account Adjustments

Land and Property Reserve

7. There has been an adjustment to the Land and Property Reserve with the transfer to Reserve decreasing by \$2,984,172 as a result of delays in obtaining West Australian Planning Commission approval on the Edney Road/Cygnnet Court development.

HACC Reserve

8. A transfer of \$362,657 is recommended in the October review to agree with the acquittal report sent to the Commonwealth. These funds were surplus to operating requirements in 2011/2012 and essentially need to be set aside for future transfers should there be a requirement for the Shire to fund deficits in the coming years.

Environmental Reserve

9. Transfer to this reserve has been reduced by \$33,845 to reflect the reduction in profit from sales of the Edney Road/Cygnnet Court development which has now been deferred to 2013/2014.
10. An amount of \$36,091 has been listed for additional transfers from the reserve to fund other projects requested by the business unit, a summary is provided in (Attachment 4).

Forrestfield Industrial Area Reserve

11. Transfers from this reserve have been reduced by \$24,000 from \$107,000 to \$83,000 to reflect changes in the timing of project requirements for this financial year.

EDP – IT Equipment Reserve

12. A transfer from this reserve of \$45,000 is recommended to allow for the cost of the Infrastructure Audit requested by Council in the quarter under review.

All Reserves

13. The opening balances have been revised to reflect the balances as per Audited Financial Statements.

-
14. In light of this Budget Review all future Financial Reports presented to Council for adoption will include adjustments to the current Budget and amendments based on operations and new information.
15. (Attachment 1) being the amended Rates Setting Statement incorporates all the above mentioned proposed adjustments and reveals a balanced budget with a revised closing balance of \$1,350,201.

STATUTORY AND LEGAL IMPLICATIONS

16. Section 6.8 (1)(b) of the *Local Government Act 1995* requires an absolute majority decision by Council for any budget amendments.

POLICY IMPLICATIONS

17. Nil.

PUBLIC CONSULTATION/COMMUNICATION

18. Nil.

FINANCIAL IMPLICATIONS

19. The Rate Setting Statement shows the Shire is projected to be in a surplus position at the end of the financial year.

STRATEGIC AND SUSTAINABILITY IMPLICATIONS

Strategic Planning Implications

20. Nil.

Sustainability Implications

Social Implications

21. Nil.

Economic Implications

22. Nil.

Environmental Implications

23. Nil.

OFFICER COMMENT

24. The amended Rate Setting Statement following the October budget review in Column 5 (2012/2013 Proposed Budget Review) reveals a balanced budget estimate for 30 June 2013 with a surplus of \$1,350,201.
25. It needs to be noted that the Reserves overall are still set to increase from \$2,677,466 to \$3,555,465 as shown in (Attachment 5).

26. The key to addressing the Shire's ongoing liquidity will be in its land sales, property rationalisation program and close monitoring of actual expenditure against budgets allocated.
27. It is critical that Council is committed to this strategy; otherwise significant decisions will need to be made about service reduction to maintain sustainability in the longer term and meet asset management requirements.

Auditor's Assessment of Financial Ratios

28. The audited Financial Report for the year ending 30 June 2012 highlighted a healthy improvement in two of the Shire's six financial ratios.

Current Ratio

29. It is generally accepted that this ratio should be greater than 1:1. The Shire's position at 30 June 2012 was 0.853:1. Whilst this was a significant improvement from the year ending 2011 result of 0.13:1, the Shire still must show fiscal restraint throughout 2012/2013 to further improve the ratios.

Untied Cash to Unpaid Trade Creditors Ratio

30. The Shire's position for this ratio also improved significantly from 0.00:1 in June 2011 to 0.845:1 at June 2012.
31. In order to address the Liquidity Ratios of the Shire during 2012/2013 a number of strategies are being deployed.
 - The continued Sale of Land assets.
 - Expenditure being closely monitored and savings retained wherever possible.
 - Quarterly Budget review processes have been initiated to ensure cost control is maximised.
 - Cash flow analysis will be tightened and monitored to ensure Cash at Bank is retained in surplus and not deficit by year end.
32. The Shire may again need to review its staffing levels and service levels in 2013/2014 if expenditure monitoring and lands sales are not realised.

Repayment of Overdraft Facility

33. An overdraft facility of up to \$1.5 million dollars was established in May 2011 to facilitate the development of the East Welshpool Road land known as Smokebush Estate.
34. The last remaining lots were sold in September 2012 and the outstanding overdraft of \$969,975 was repaid in October 2012.
35. Currently the overdraft balance stands at \$nil.

36. The budget review has recognised that this facility will be used in the later course of the year to fund the Edney Road/Cygnnet Court development to the amount of \$1.2 million. The facility will remain outstanding at the end of the financial year and as the lots come on sale in 2013/2014.
37. The timing differences expected between the development and sales of Edney Road and Cygnnet Court may be an issue for liquidity by June 2013. This is another reason why strict expenditure controls will need to be applied for the remainder of this financial year.

Voting Requirement – Absolute Majority

RESOLVED OCM 191/2012

That Council:

1. Notes the 2012/2013 Budget Review Explanation and Summary (Attachment 1) be noted.
2. Pursuant to Section 6.8 (1) (b) of the *Local Government Act 1995*, authorises the Acting Chief Executive Officer to amend the 2012/2013 current budget to reflect the changes summarised in the Amended Rates Setting Statement (Attachment 1).

Moved: **Cr Frank Lindsey**

Seconded: **Cr Margaret Thomas**

Vote: **CARRIED UNANIMOUSLY / ABSOLUTE MAJORITY (11/0)**

Attachment 1

SHIRE OF KALAMUNDA STATEMENT OF FINANCIAL ACTIVITY (NATURE OR TYPE) BUDGET REVIEW OCTOBER 2012						
	Actual 31/10/2012	Budget YTD 2012-13	Budget 2012-13	Variance	Variance	Budget Review Oct 2012
	\$	\$	\$	\$	%	\$
OPERATING REVENUES						
Operating Grants and Subsidies	2,002,122	2,325,999	5,647,248	(323,877)	(13.02%)	5,629,892
Contributions, Reimbursements and Donations	202,351	221,710	774,751	(19,359)	(8.73%)	766,679
Profit on Asset Disposals	948,939	764,043	4,030,111	184,898	24.20%	2,676,312
Fees and Charges	8,183,462	8,267,961	11,163,933	(84,498)	(1.02%)	11,184,783
Interest Earnings	122,766	166,138	847,591	(43,302)	(26.11%)	845,591
Other Revenue	(72,226)	32,824	98,501	(105,650)	(320.04%)	109,001
Total (Excluding Rates)	11,387,414	11,778,695	22,562,135	(391,281)	(3.32%)	21,212,258
OPERATING EXPENSES						
Employee Costs	(6,529,139)	(6,788,896)	(19,818,916)	259,757	(3.33%)	(19,293,334)
Materials and Contracts	(4,433,934)	(4,876,461)	(14,714,865)	442,527	(3.07%)	(14,572,679)
Utility Charges	(776,521)	(687,173)	(2,080,134)	(89,348)	13.00%	(2,482,297)
Depreciation on Non-Current Assets	(3,179,397)	(3,106,404)	(9,319,448)	(72,993)	2.35%	(9,478,169)
Interest Expenses	(172,806)	(170,560)	(511,688)	(2,146)	1.32%	(511,688)
Insurance Expenses	(567,505)	(577,148)	(577,185)	9,643	(1.67%)	(598,979)
Loss on Asset Disposal	(22,805)	-	-	(22,805)	-	(20,000)
Other Expenditure	(114,985)	(83,648)	(266,472)	(31,337)	37.46%	(285,034)
Total	(15,797,092)	(16,290,290)	(47,288,708)	493,199	(3.03%)	(47,242,180)
Funding Balance Adjustment						
Non-Cash Expenditure and Revenue						
(Profit)/Loss on Land Disposals	(948,939)	(764,043)	(4,021,297)	(184,898)	24.20%	(2,676,312)
(Profit)/Loss on Asset Disposals	22,805	-	(8,814)	22,805	-	20,000
Depreciation and Amortisation on Assets	3,179,397	3,106,404	9,319,448	72,993	2.35%	9,478,169
Movement in Employee Benefit Provisions	189,963	-	-	189,963	-	-
Total	2,443,226	2,342,361	5,289,337	100,865	4.31%	5,821,857
Net Operating Result Excluding Rates	(1,966,451)	(2,569,234)	(19,437,236)	202,783	(3.35%)	(19,208,065)
CAPITAL REVENUES						
Non-Operating Grants, Subsidies and Contributions	1,425,778	749,671	3,435,851	676,107	90.19%	2,644,484
Proceeds from Disposal of Land	1,432,250	2,624,596	6,561,491	(1,192,347)	(45.43%)	3,561,491
Proceeds from Disposal of Assets	40,741	110,660	276,650	69,919	(33.18%)	285,391
Proceeds from New Debentures	0	6,560	19,680	(6,560)	(100.00%)	19,680
Proceeds from Lease Financing	(3,205)	-	-	-	-	0
Self-Supporting Loan Principal Income	24,879	19,828	59,537	5,051	25.48%	59,537
Overdraft Funds Utilised	-	0	1,200,000	-	-	1,200,000
Transfers from Reserves (Restricted Assets)	0	610,488	1,831,484	(610,488)	(100.00%)	1,888,575
Total	2,920,443	4,121,803	13,384,699	(1,198,155)	(29.07%)	9,759,158
CAPITAL EXPENDITURE						
Purchase Land Held for Resale	(220,455)	(1,157,636)	(3,472,940)	937,181	(80.26%)	(3,422,940)
Purchase Land and Buildings	(72,361)	(863,860)	(2,592,000)	791,499	(31.62%)	(2,429,758)
Purchase Infrastructure Assets - Roads	(808,252)	(1,680,612)	(5,042,757)	872,360	(51.91%)	(4,050,212)
Purchase Infrastructure Assets - Drainage	(151,860)	(210,628)	(632,000)	58,768	(27.90%)	(586,913)
Purchase Infrastructure Assets - Parks and Ovals	(4,505)	(259,892)	(780,022)	255,387	(38.27%)	(583,022)
Purchase Infrastructure Assets - Footpaths	(79,184)	(154,348)	(463,324)	75,164	(48.70%)	(416,909)
Purchase Infrastructure Assets - Special Works	(21,544)	(183,168)	(549,686)	161,624	(88.24%)	(504,415)
Purchase Plant and Equipment	(5,404)	(251,316)	(753,956)	245,912	(97.85%)	(1,035,732)
Purchase Furniture and Equipment	(59,012)	(35,200)	(54,900)	(23,812)	67.85%	(44,329)
Capital Contributions and Grants Owning	-	-	(41,667)	-	-	(41,667)
Repayment of Debentures	(245,189)	(245,189)	(559,442)	-	0.00%	(559,442)
Overdraft Funds (Repayment)	(971,176)	(971,739)	(971,739)	563	(0.06%)	(971,739)
Advances to Clubs	0	0	(19,680)	-	-	(19,680)
Transfers to Reserves (Restricted Assets)	(1,420,822)	(1,718,848)	(5,425,107)	298,026	(17.34%)	(2,766,574)
Total	(4,059,765)	(7,732,436)	(21,359,220)	3,672,671	(47.80%)	(17,433,332)
Rate Revenue	25,709,699	25,344,010	25,572,914	365,689	1.44%	25,923,920
Opening Funding Surplus (Deficit)	1,963,038	1,963,038	2,142,790	-	0.00%	2,308,520
Closing Funding Surplus (Deficit)	24,566,963	21,527,181	303,941	3,039,783	14.12%	1,350,201

Attachment 2

SHIRE OF KALAMUNDA RATE SETTING STATEMENT BUDGET REVIEW OCTOBER 2012						
	Actual 31/10/2012	Budget YTD 2012-13	Budget 2012-13	Variance	Variance	Budget Review Oct 2012
	\$	\$	\$	\$	%	\$
REVENUE						
Governance	487	3,876	11,639	(3,380)	(87.45%)	13,626
General Purpose Funding	532,552	882,921	3,292,338	(360,380)	(39.88%)	3,303,743
Law, Order, Public Safety	149,904	138,852	359,089	11,052	7.96%	359,089
Health	70,948	31,332	94,049	30,616	126.44%	102,217
Education and Welfare	1,783,301	1,724,899	3,506,528	58,402	3.39%	3,653,074
Community Amenities	8,191,175	7,996,960	12,054,088	104,216	2.43%	10,674,791
Recreation and Culture	511,134	665,101	2,481,039	(153,067)	(23.15%)	2,379,405
Transport	1,288,898	700,655	3,232,434	688,343	83.97%	2,322,434
Economic Services	261,409	253,594	586,221	7,816	3.08%	636,161
Other Property and Services	23,284	130,176	390,566	(106,892)	(87.11%)	412,161
Total (Excluding Rates)	12,813,192	12,528,366	25,997,986		0.00%	23,856,742
EXPENSES						
Governance	(944,120)	(872,154)	(2,620,316)	(71,966)	8.25%	(2,559,511)
General Purpose Funding	(233,467)	(234,088)	(667,690)	621	(0.27%)	(717,048)
Law, Order, Public Safety	(490,869)	(539,999)	(1,512,502)	49,130	(9.10%)	(1,560,444)
Health	(302,491)	(300,634)	(874,196)	(1,857)	0.62%	(811,895)
Education and Welfare	(1,157,653)	(1,341,764)	(4,005,746)	184,111	(13.72%)	(4,035,217)
Community Amenities	(3,103,505)	(3,385,191)	(10,727,794)	481,686	(13.44%)	(10,652,091)
Recreation & Culture	(5,640,838)	(5,841,777)	(17,198,588)	200,939	(3.44%)	(17,078,514)
Transport	(2,544,171)	(2,481,636)	(7,444,501)	(62,335)	2.52%	(7,861,145)
Economic Services	(264,173)	(281,983)	(726,199)	17,810	(8.32%)	(823,722)
Other Property and Services	(1,115,805)	(811,064)	(1,492,176)	(304,741)	37.57%	(1,122,594)
Total	(15,797,092)	(16,290,290)	(47,289,708)	493,199	(3.03%)	(47,242,180)
Net Operating Result Excluding Rates	(2,983,899)	(3,761,924)	(21,291,722)	493,199	(13.11%)	(23,385,438)
Adjustments for Cash Budget Requirements:						
Non-Cash Expenditure and Revenue						
(Profit)/Loss on Land Disposal	(948,939)	(761,107)	(4,021,297)	(187,832)	24.68%	(2,676,312)
(Profit)/Loss on Asset Disposal	22,805	(2,936)	(8,814)	25,741	(870.73%)	20,000
Depreciation and Amortisation on Assets	3,179,397	3,106,404	9,319,448	72,993	2.35%	9,478,169
Movement in Employee Benefit Provisions	189,963	-	-	189,963		
Capital Expenditure and Revenue						
Purchase Land Held for Resale	(220,455)	(1,157,636)	(3,472,940)	937,181	(80.95%)	(3,422,940)
Purchase Land and Buildings	(72,361)	(863,860)	(2,592,000)	791,499	(91.52%)	(2,429,758)
Purchase Infrastructure Assets - Roads	(808,252)	(1,680,612)	(5,042,757)	872,360	(91.91%)	(4,050,212)
Purchase Infrastructure Assets - Drainage	(151,860)	(210,628)	(632,000)	58,768	(27.90%)	(586,913)
Purchase Infrastructure Assets - Parks and Ovals	(4,505)	(259,892)	(780,022)	255,587	(98.27%)	(583,022)
Purchase Infrastructure Assets - Footpaths	(79,184)	(154,348)	(463,324)	75,164	(48.70%)	(416,909)
Purchase Infrastructure Assets - Special Works	(21,544)	(183,168)	(549,686)	161,624	(88.24%)	(504,415)
Purchase Plant and Equipment	(5,404)	(251,316)	(753,956)	245,912	(27.85%)	(1,035,732)
Purchase Furniture and Equipment	(59,012)	(35,200)	(54,900)	(23,812)	67.65%	(44,329)
Proceeds from Disposal of Assets	40,741	110,660	276,650	69,919	(83.18%)	285,391
Proceeds from Disposal of Land	1,432,250	2,624,596	6,561,491	(1,192,347)	(45.43%)	3,661,491
Capital Contributions and Grants Owing	-	-	(41,667)	-	-	(41,667)
Repayment of Debentures	(245,189)	(245,189)	(559,442)	-	0.00%	(559,442)
Proceeds from New Debentures	-	6,560	19,680	(6,560)	(100.00%)	19,680
Proceeds from Lease Financing	(3,205)	-	-	-	-	(0)
Self-Supporting Loan Principal Income	24,879	19,828	59,537	5,051	25.48%	59,537
Overdraft Funds Utilised	-	-	1,200,000	-	-	1,200,000
Overdraft Funds (Repayment)	(967,533)	-	(971,739)	(967,533)	-	(971,739)
Advances to Clubs	-	-	(19,680)	-	-	(19,680)
Transfers to Reserve (Restricted Assets)	(1,420,822)	(1,718,848)	(5,425,110)	298,026	(17.34%)	(2,766,574)
Transfers from Reserve (Restricted Assets)	-	610,488	1,831,484	(610,488)	(100.00%)	1,838,575
To be reallocated - Budget Review	-	-	-	-	-	-
ADD: Estimated Surplus/(Deficit) July 1 B/Fwd	1,963,038	1,963,038	2,142,790	-	0.00%	2,308,520
LESS: Estimated Surplus/(Deficit) October 31 C/Fwd	24,570,606	22,498,920	303,941	2,071,687	9.21%	1,350,201
Amount Required to be Raised from Rates	(25,709,699)	(25,344,010)	(25,573,920)	(365,689)	1.44%	(25,923,920)

Attachment 3

**SHIRE OF KALAMUNDA
BUDGET REVIEW OCTOBER 2012
FOR THE YEAR ENDED 30 JUNE 2013**

RATING INFORMATION - 2012/13 FINANCIAL YEAR	2013 Revised Budget	2013 Adopted Budget
Information on Surplus/(Deficit) Brought Forward		
	\$	
Surplus/(Deficit) Brought Forward	<u>1,350,201</u>	<u>303,941</u>
<u>Comprises:</u>		
Cash - Unrestricted	4,060,450	2,291,911
Cash - Restricted - Reserves	3,555,465	6,271,090
Trades and Other Receivables	3,163,151	3,110,315
Inventories		
- Land Held for Resale	0	1,452,000
- Fuel and Materials	222,291	222,291
- Land Held for Re-sale	0	0
Less:		
Reserves - Restricted Cash	(3,555,465)	(6,271,090)
Overdraft	0	(1,200,000)
Payables	(6,095,691)	(5,320,576)
Current Employee Benefits Provision	0	(559,442)
Current Employee Benefits Provision	(2,036,972)	(2,036,972)
Add back		
Current Employee Benefits Provision	2,036,972	2,036,972
Interest Bearing Liabilities	0	1,759,442
Re-classification of Non-Current Asset to current asset		
Land Held for resale	0	(1,452,000)
Surplus/(Deficit)	<u>1,350,201</u>	<u>303,941</u>

Attachment 4

Shire of Kalamunda			
Budget Review for four months to 31 October 2012			
Details	Inc/Dec \$	Sub-total \$	RSS Total \$
Rate Setting Closing Balance forecasted with original budget			303,941
BUSINESS UNIT CHANGES			
<i>Council</i>			
120 Governance			
Reduction in Advertising and Courier fees	13,000	13,000	13,000
<i>CEO Units</i>			
150 Leadership and Strategic Management			
Increase in Consultancy (forensic audit) and Legal Expenses	(90,000)		
savings in Contractors, Employee Recognition Scheme and Seminars and Conferences	73,735		
Running costs for FESA Officer	(10,000)	(26,265)	
160 Public relations			
Reduction in Annual Report production costs as it is done in-house	4,000	4,000	
170 Functions			
Savings in use of Bar, Melbourne Cup and Staff Xmas Party	5,562	5,562	
315 Events			
Reduction in income - LG Golf Tournament not run by the Shire in 2012/13	(20,786)		
Reduction in income - Tourism Income in-correctly budgeted	(3,101)		
Savings in events run and misc. - Walk the Zig Zag and Targa West	1,463	(22,424)	
230 Human Resources			
Increase in revenue - staff outsource to Shire of Broome and LGIS Experience Account	19,185		
Increase in Staff Costs - Use of casual staff extended to year end	(26,784)		
OHS - Testing and Tagging Costs	(9,000)		
Legal costs	(20,000)		
Risk Management project will be done in house	16,000	(20,589)	(59,726)
<i>Corporate Support</i>			
240 Information Technology			
Increase in telephone utility costs	(23,468)		
Savings in Plant and Equipment hire - Macquarie lease costs are lower	43,000	19,532	
260 Records Management			
Increase in photocopying costs - in house PR printing costs higher and iPads savings are negligible	(11,000)		
Purchase of dedicated scanner to assist in digitizing records	(8,648)		
Minor staff savings	2,500	(17,148)	2,384
<i>Economic, Property and Procurement Services</i>			
221 Economic, Property and Procurement Services			
Savings in use of consultants - Westbury's and misc.	12,636		
Reduction in profit - Edney Rd - sales deferred to 2013/14. Impact on RSS is loss of proceeds projected	(2,987,345)		
Sales of East Welshpool Rd, Malda Vale and Barbigal	87,345		
Other development costs - reduction Forrestfield community hub	50,000	(2,837,364)	

Shire of Kalamunda			
Budget Review for four months to 31 October 2012			
Details	Inc/Dec	Sub-total	RSS Total
	\$	\$	\$
310 Economic Development			
Staff savings as position has been vacant for part of the year	12,036	12,036	(2,875,328)
Financial Services			
219,220,225 and 250 Financial Services including rates			
Staff costs changes - savings	15,225		
reduction in Waiga subscriptions	5,160		
Increase in fuel rebates	2,430		
Higher debt collection costs - rates write-off worth \$23K	(4,000)		
Insurance premiums higher than budgeted	(19,014)		
Increase in audit fees to allow for extra work done	(10,000)		
Budget missed for security firm which collect muni cash	(30,000)		
Interest income changes in reserves, rates instalment interest and penalty interest	11,405		
Income from Interims increased as schedules received show	350,000		
Increase in valuation costs due to higher number of schedules from Landgate	(20,000)	301,206	301,206
Community Development			
390,391, 392, 393 Libraries			
Increase in maintenance costs - Kalamunda Library	(10,000)		
Stained Glass Celebration - missed out in budget	(5,000)	(15,000)	
303 Community Dev. Coordination			
Targeted CCTV Surveillance project for which grant received in 2011/12	(21,536)	(21,536)	
350 Community Halls and Buildings			
Increased utility charges	(30,000)	(30,000)	
330 Recreation Services			
Increase in contributions for capital works	(10,548)		
Increase in costs incurred for Darling Range Master Plan	(3,715)	(14,258)	
335 Hartfield Park Rec Centre			
Increases in income from programmes	10,500		
Net changes in various operating costs - slight reduction	1,889	12,389	(68,405)
Community Care			
380 Senior Citizen Services			
Budget allowed for use of the Community Bus	(7,200)	(7,200)	(7,200)
Changes to Operations Area			
410,411,412 Infrastructure Management, Asset Management and Forward Planning, Design and Development			
Savings in staff costs - Vacant various engineering positions including the Manager role	448,651		
Chipping Drive - acquittal of audit project ended in 2011/12 but invoice received in 2012/13	(4,500)		
Survey equipment maintenance	(2,600)	441,551	
415 Engineering Works Maintenance			
Utilities - Street Lighting - to allow for increase in charges coming through Street Traffic Signage costs	(340,000)	10,000	(330,000)

Shire of Kalamunda			
Budget Review for four months to 31 October 2012			
Details	Inc/Dec	Sub-total	RSS Total
	\$	\$	\$
420 Engineering Works Construction			
Drainage construction renewal - savings on jobs completed	26,681		
Road Construction renewal - savings on jobs completed	89,823		
Car parks - Hartfield Park Hockey Club additional works required	(20,000)		
Reduction in contribution from capital works - Abernethy Rd delays will mean we will get the grant in 2013/14	(900,000)		
Footpath construction - new - savings on jobs completed	46,415		
Road construction new - savings on jobs completed	2,722		
Road construction new - deferral of works on Abernethy Rd	900,000		
Car parks - new - savings on jobs completed	65,271		
Drainage construction new - savings on jobs completed	<u>18,406</u>	229,318	
440 Plant Operations			
Increase in costs of purchasing for FE Loader and Back Hoe	(76,600)		
Rangers vehicle - replacement 2 Vehicles with Cat/Dog Pod @ \$38,000 each	(76,000)		
Minor Plant Budget missed out	<u>(10,000)</u>	(162,600)	
450 Parks & Reserves Renewal & Development			
Davies Park Playground - transfer of funds to Woodlupine Living Stream Project	85,000		
Hartfield Park Rugby Oval - Deferral of project to 2013/14 at the conclusion of the rugby season	117,000		
Scott Reserve Fencing - additional funds required	<u>(5,000)</u>	197,000	
375 Waste Management			
Savings on overtime	25,000		
Reduction waste fees - amount generated via rates came in lower	(154,438)		
Reduction in contractor verge collection costs	<u>100,000</u>	(29,438)	
550 Building Maintenance			
SKAMP Public Toilets - additional maintenance works required	(5,000)		
Decorative Street Lights Budget missed out	(20,000)		
Urgent Building Maintenance funds allocated	(20,000)		
Un-allocated Maintenance budget released	140,229		
Savings in KADS project	70,000		
Additional funds required for Norm Saddler Pavilion	(65,000)		
History Village Toilet Facilities additional funds required	(20,000)		
Kalamunda Waterpark - overflow of invoices from the refurb	(9,305)		
FIRS Airconditioner - additional funds required	(6,500)		
Kalamunda Men's Shed relocation - release of budget as project substantially completed	63,551		
Maida Vale Reserve Lighting - deferral of some works	<u>100,000</u>	227,975	573,805
Planning and Development Services			
519 Strategic Planning & Sustainability Management			
Engineering position to assist in sub-division work - prorata for the 6 months	(59,206)		
Reimbursement of bond incorrectly recognised as revenue in 2010	(40,057)		
Forrestfield District Structure Plan Deferred	57,000		
Local Housing Strategy moved from CEO consultancy	<u>(24,000)</u>	(66,263)	
520 Strategic Planning Services			
Savings in staff and advertising	5,396		
Bush fire Management Strategy new project request	<u>(6,000)</u>	(604)	

Shire of Kaiamunda			
Budget Review for four months to 31 October 2012			
Details	Inc/Dec	Sub-total	RSS Total
	\$	\$	\$
510 Sustainability (Environmental) Management			
Additional monies for Woodlupine Living Stream - Nature space costs coming in higher	(85,000)		
Hartfield Park Offset Plan (grant received in 2008-9)	(67,500)		
New Projects and budgets missed out funded via draws on reserves			
Bush Crew Operating budget missed out	(38,000)		
Cities for Climate Protection	(2,500)		
Environmental Education	(17,000)		
Railway Reserve Heritage Trail	(5,000)		
Leomurdie Fall Feasibility Study	(5,000)		
Friends Group Support	(5,000)		
Fire Management Weed Control	(5,000)	(230,000)	
522 Statutory Planning Services			
Increase in development fees	50,000		
Staff Savings	29,967		
Legal Fees budget increase request as litigation increases	(50,000)	29,967	
540 Building Services			
Increase in services to the Regional Shires and other services	48,360		
Fire Rates Cupboards required for emergency archiving	(11,000)	37,360	(229,540)
Health & Rangers			
365 Health & Rangers Service Management			
Staff costs increases related to changes to manager's contract	(10,198)	(10,198)	
370 Environmental Health & Community Compliance and Safety			
Increase in income for rise in infringements issues	8,188		
Savings in staff costs due to vacancies	28,499		
Transfer of costs from contract to special projects code - contaminated sites	44,000		
Special Projects - additional funding for Contaminated Sites	(90,000)	(9,333)	(19,531)
Consolidation of savings all other minor adjustments made across all budget items			649,970
RESERVE MOVEMENTS			
Transfer to HACC reserves to address underspend in 2011/12	(362,657)		
Changes to opening balances with audited accounts	4,722		
Forrestfield Industrial area - reduction in money drawn as project costs is lower	(24,000)		
Building Reserve - reduction in transfers to reserves to allow for deferral of sales on Edney Rd	2,987,623		
Increase in transfers from Environmental reserves to fund new project requests	36,091		
Reserves drawn from EDP IT Equipment to allow for Infrastructure Audit	40,000		
Decrease in transfer to Environmental reserves as a result of deferral of profit from the sale of Edney Rd	33,845	2,715,624	2,715,624
New Closing Balance - RSS			<u>1,350,201</u>

Attachment 5

**SHIRE OF KALAMUNDA
NOTES TO AND FORMING PART OF THE REVISED BUDGET
AS AT 31 OCTOBER 2012**

	Budget Review 30/06/2013 \$	Original Budget 30/06/2013 \$
RESERVES - CASH/INVESTMENT BACKED		
(a) Land and Property		
Opening Balance	1,653,467	1,653,745
Interest Earned	47,559	47,559
Amount Set Aside / Transfer to Reserve	1,991,770	4,979,115
Amount Used / Transfer from Reserve	<u>(1,648,439)</u>	<u>(1,648,439)</u>
	<u>2,044,357</u>	<u>5,031,980</u>
(b) Waste Management		
Opening Balance	151,513	151,540
Interest Earned	4,358	4,358
Amount Set Aside / Transfer to Reserve	0	0
Amount Used / Transfer from Reserve	<u>0</u>	<u>0</u>
	<u>155,871</u>	<u>155,898</u>
(c) EDP - IT Equipment		
Opening Balance	11,977	11,979
Interest Earned	344	344
Amount Set Aside / Transfer to Reserve	268,463	268,463
Amount Used / Transfer from Reserve	<u>(45,000)</u>	<u>0</u>
	<u>235,784</u>	<u>280,786</u>
(d) Local Government Elections		
Opening Balance	28,725	28,737
Interest Earned	826	826
Amount Set Aside / Transfer to Reserve	0	0
Amount Used / Transfer from Reserve	<u>0</u>	<u>0</u>
	<u>29,551</u>	<u>29,563</u>
(e) Long Service Leave		
Opening Balance	70,744	70,750
Interest Earned	2,035	2,035
Amount Set Aside / Transfer to Reserve	0	0
Amount Used / Transfer from Reserve	<u>0</u>	<u>0</u>
	<u>72,779</u>	<u>72,785</u>
(f) Plant and Equipment		
Opening Balance	27,432	27,436
Interest Earned	789	789
Amount Set Aside / Transfer to Reserve	0	0
Amount Used / Transfer from Reserve	<u>0</u>	<u>0</u>
	<u>28,221</u>	<u>28,225</u>

SHIRE OF KALAMUNDA
NOTES TO AND FORMING PART OF THE REVISED BUDGET
AS AT 31 OCTOBER 2012

	Budget Review 30/06/2013 \$	Original Budget 30/06/2013 \$
(g) Stirk Park Reserve		
Opening Balance	23,926	23,951
Interest Earned	689	689
Amount Set Aside / Transfer to Reserve	0	0
Amount Used / Transfer from Reserve	0	0
	<u>24,615</u>	<u>24,640</u>
(h) HACC		
Opening Balance	129,951	129,956
Interest Earned	3,737	3,737
Amount Set Aside / Transfer to Reserve	362,657	0
Amount Used / Transfer from Reserve	0	0
	<u>496,345</u>	<u>133,693</u>
(i) Forrestfield Industrial Area		
Opening Balance	157,853	157,874
Interest Earned	4,540	4,540
Amount Set Aside / Transfer to Reserve	0	0
Amount Used / Transfer from Reserve	(83,000)	(107,000)
	<u>79,393</u>	<u>55,414</u>
(j) Insurance Contingency		
Opening Balance	159,382	159,409
Interest Earned	4,584	4,584
Amount Set Aside / Transfer to Reserve	0	0
Amount Used / Transfer from Reserve	0	0
	<u>163,966</u>	<u>163,993</u>
(k) Light Plant		
Opening Balance	32,361	32,383
Interest Earned	931	931
Amount Set Aside / Transfer to Reserve	0	0
Amount Used / Transfer from Reserve	0	0
	<u>33,292</u>	<u>33,314</u>
(l) Revaluation		
Opening Balance	132,001	132,006
Interest Earned	3,796	3,796
Amount Set Aside / Transfer to Reserve	0	0
Amount Used / Transfer from Reserve	0	0
	<u>135,797</u>	<u>135,802</u>

**SHIRE OF KALAMUNDA
NOTES TO AND FORMING PART OF THE REVISED BUDGET
AS AT 31 OCTOBER 2012**

	Budget Review 30/06/2013 \$	Original Budget 30/06/2013 \$
(m) Nominated Employee Leave Provisions		
Opening Balance	23,551	23,554
Interest Earned	677	677
Amount Set Aside / Transfer to Reserve	0	0
Amount Used / Transfer from Reserve	0	0
	<u>24,228</u>	<u>24,231</u>
(n) Unexpended Capital Works and Specific Purpose Grants		
Opening Balance	0	0
Amount Set Aside / Transfer to Reserve	0	0
Amount Used / Transfer from Reserve	0	0
	<u>0</u>	<u>0</u>
(o) Environmental Reserve		
Opening Balance	74,583	74,146
Interest Earned	2,132	2,132
Amount Set Aside / Transfer to Reserve	66,687	100,532
Amount Used / Transfer from Reserve	(112,136)	(76,045)
	<u>31,266</u>	<u>100,765</u>
TOTAL CASH BACKED RESERVES	<u><u>3,555,465</u></u>	<u><u>6,271,089</u></u>

SUMMARY

	2012-13 Budget \$	2012-13 Orig. Budget \$
Opening Balance	2,677,466	2,677,466
Transfer from Accumulated Surplus - Interest	76,997	76,997
Transfer from Accumulated Surplus	2,689,577	5,348,110
Transfer to Accumulated Surplus	<u>(1,888,575)</u>	<u>(1,831,484)</u>
Closing Balance	<u><u>3,555,465</u></u>	<u><u>6,271,089</u></u>

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

10.4.2 Proposed Amendment to Current Cycle of Committee and Council Meetings

Previous Items	N/A
Responsible Officer	Chief Executive Officer
Service Area	Office of the CEO
File Reference	OR-MTG-006
Applicant	N/A
Owner	N/A
Attachment 1	Proposed Schedule of Committee and Council Meetings for the period February 2013 to December 2013

PURPOSE

1. For Council to consider an amendment to the current cycle of Committee and Council meetings and to endorse the Schedule of Meetings for the period February 2013 to December 2013.

BACKGROUND

2. Council has previously agreed the cycle of Ordinary Meetings be as follows:
 - Development & Infrastructure Services Committee – first Monday of the month.
 - Corporate & Community Services Committee – second Monday of the month.
 - Ordinary Council Meeting – third Monday of the month.
3. Committee and Council Meetings are held at 6.30pm in the Council Chambers of the Shire of Kalamunda, 2 Railway Road, Kalamunda.
4. Council policy determines that scheduled meeting dates which fall on a Public Holiday will move to the next available day.
5. It is a requirement of Regulation 12 of the *Local Government (Administration) Regulations 1996* that local public notice be given annually of Committee and Council meetings for the next 12 months.

DETAILS

6. It is proposed that the current meeting cycle be amended to the second, third and fourth Mondays of each month [except January].
7. This will enable the resolution of some issues with respect to administrative support to Council, particularly the provision of timely and current financial reports.

8. Under the current meeting cycle it is virtually impossible for the Finance Staff to prepare the necessary Finance Reports for the current month for presentation to Council. Consequently the Reports when presented are not current and the opportunity for immediate remedial action, if necessary, is delayed by a month.

STATUTORY AND LEGAL IMPLICATIONS

9. Section 5.4 (b) of the *Local Government Act 1995*, provides that the Council can decide when to hold ordinary meetings.
10. It is a requirement of Regulation 12 of the *Local Government (Administration) Regulations 1996* that local public notice be given of the meeting dates.

POLICY IMPLICATIONS

11. Nil.

PUBLIC CONSULTATION/COMMUNICATION

12. Nil.

FINANCIAL IMPLICATIONS

13. There are no financial implications arising from the endorsement of this proposed schedule.

STRATEGIC AND SUSTAINABILITY IMPLICATIONS

Strategic Planning Implications

14. Nil.

Sustainability Implications

Social Implications

15. Nil.

Economic Implications

16. Nil.

Environmental Implications

17. Nil.

OFFICER COMMENT

18. It is timely to consider an amendment to the current meeting cycle to ensure staff have adequate time to present the most current information to Council.

19. This is particularly relevant in light of issues identified in the recent forensic audit undertaken at the Shire.
20. A change will also align the Shire of Kalamunda to the same cycle as most other local governments in Western Australia and reduce the number of meetings which clash with Public Holidays

An amended (Attachment 1) had been circulated to Councillors prior to the meeting.

Voting Requirement – Simple Majority

RESOLVED OCM 192/2012

That Council:

1. Agrees to amend the current Council meeting cycle to :
 - Development and Infrastructure Services Committee – second Monday of the month.
 - Corporate and Community Services Committee – third Monday of the Month.
 - Ordinary Council Meeting – fourth Monday of the Month.No meetings are scheduled for January 2013.
2. Amends the meeting cycle for December 2013 to the first, second and third Mondays.
3. Endorses the Schedule of Committee and Council Meetings (Attachment 1) for the period February 2013 to December 2013.

Moved: **Cr John Giardina**

Seconded: **Cr Margaret Thomas**

Vote: **CARRIED UNANIMOUSLY (11/0)**

Amended Attachment 1:

Proposed Schedule of Committee and Council Meetings for the Period February 2013 to December 2013

All Meetings to be at 6.30pm with the exception of The December 2013 OCM which will be at 5.30pm

January 2013

No Meetings Scheduled

February 2013

Monday 11	Development & Infrastructure Services Committee
Monday 18	Corporate& Community Services Committee
Monday 25	Ordinary Council Meeting

March 2013

Monday 11	Development & Infrastructure Services Committee
Monday 18	Corporate& Community Services Committee
Monday 25	Ordinary Council Meeting

April 2013

Monday 08	Development & Infrastructure Services Committee
Monday 15	Corporate& Community Services Committee
Monday 22	Ordinary Council Meeting

May 2013

Monday 13	Development & Infrastructure Services Committee
Monday 20	Corporate& Community Services Committee
Monday 27	Ordinary Council Meeting

June 2013

Monday 10	Development & Infrastructure Services Committee
Monday 17	Corporate& Community Services Committee
Monday 24	Ordinary Council Meeting

July 2013

Monday 08	Development & Infrastructure Services Committee
Monday 15	Corporate& Community Services Committee
Monday 22	Ordinary Council Meeting

August 2013

Monday 12 Development & Infrastructure Services Committee
Monday 19 Corporate& Community Services Committee
Monday 26 Ordinary Council Meeting

September 2013

Monday 09 Development & Infrastructure Services Committee
Monday 16 Corporate& Community Services Committee
Monday 23 Ordinary Council Meeting

October 2013

Monday 14 Development & Infrastructure Services Committee
Monday 21 Corporate& Community Services Committee
Monday 28 Ordinary Council Meeting

November 2013

Monday 11 Development & Infrastructure Services Committee
Monday 18 Corporate& Community Services Committee
Monday 25 Ordinary Council Meeting

December 2013

Monday 02 Development & Infrastructure Services Committee
Monday 09 Corporate& Community Services Committee
Monday 16 Ordinary Council Meeting

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

10.4.3 2012 Annual Report and Annual General Meeting

Previous Items	N/A
Responsible Officer	Acting Chief Executive Officer
Service Area	Office of the CEO
File Reference	FI-SRR-005
Applicant	N/A
Owner	N/A
Attachment 1	Draft 2012 Annual Report (Under Separate Cover)

PURPOSE

1. To accept the 2012 Annual Report and set the date for the Annual General Meeting of Electors.

BACKGROUND

2. The *Local Government Act 1995* (the "Act") Section 5.53 requires a local government to prepare an Annual Report for each financial year and details what the Annual Report is to contain.
3. Section 5.54 of the Act requires a local government to accept the Annual Report for a financial year no later than 31 December in the year after that financial year, subject to the availability of the Auditor's Report.
4. Section 5.55 of the Act requires the Chief Executive Officer to give local public notice of the availability of the Annual Report as soon as practicable after the Annual Report has been accepted by the local government.
5. Section 5.27 of the Act requires that a general meeting of the electors of a district is to be held once every financial year.

DETAILS

6. The Draft 2012 Annual Report is presented as (Attachment 1) for the Council's acceptance.

STATUTORY AND LEGAL IMPLICATIONS

7. The Draft 2012 Annual Report is in compliance with Sections 5.53 and 5.54 of the Act.
8. Section 5.27(2) of the Act requires that the Annual General Meeting of Electors is required to be held within 56 days of acceptance of the Annual Report.

POLICY IMPLICATIONS

9. There are no policy implications.

PUBLIC CONSULTATION/COMMUNICATION

10. Although no public consultation is required in the preparation of the Annual Report, Section 5.55 of the Act requires that the Chief Executive Officer give local public notice of the availability of the annual Report as soon as practicable after the Annual Report has been accepted by the local government.

FINANCIAL IMPLICATIONS

11. The 2012/2013 Budget includes provision for the cost of producing the Annual Report for statutory and public distribution.

STRATEGIC AND SUSTAINABILITY IMPLICATIONS

Strategic Planning Implications

12. Nil.

Sustainability Implications

Social Implications

13. Nil.

Economic Implications

14. Nil.

Environmental Implications

15. Nil.

OFFICER COMMENT

16. Whilst Section 5.53 of the Act stipulates the content of the Annual Report which is to be accepted by Council and utilised for statutory purposes, it is permissible to produce a modified version of the Annual Report for general community distribution.
17. A modified version of the Annual Report involves the inclusion of an abridged version of the financial statements, thereby reducing significantly the size of the Annual Report and, consequently, printing costs.

18. The abridged financial statements include:
- Statement of Comprehensive Income by Nature and Type
 - Statement of Comprehensive Income by Program
 - Statement on Financial Position
 - Statement of Changes in Equity
 - Cash Flow Statement
 - Rate Setting Statement
19. It is proposed that the Annual General Meeting of Electors be held on Monday 11 February 2013 at 6.30pm.
20. Whilst this is the time of the Development & Infrastructure Services Committee meeting which would normally be held on that date, because of timing issues it is considered preferable to hold the Annual General Meeting of Electors first, followed immediately by the Committee meeting.

A draft Annual Report was circulated to Councillors prior to the meeting.

Voting Requirements: Absolute Majority

RESOLVED OCM 193/2012

That Council:

1. Pursuant to Section 5.54 of the *Local Government Act 1995*, accepts the 2012 Annual Report (Attachment 1).
2. Endorses the production of a modified version of the 2012 Annual Report, containing an abridged set of financial statements, for general community distribution.
3. Agrees that the Annual General Meeting of Electors be held on Monday 11 February 2013, commencing at 6.30pm.

Moved: **Cr Margaret Thomas**

Seconded: **Cr Justin Whitten**

Vote: **CARRIED UNANIMOUSLY/ABSOLUTE MAJORITY (11/0)**

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

Acting Chief Executive Officer, Clayton Higham and Director Corporate & Community Services, Rhonda Hardy had submitted a Disclosure of Financial Interest as they will both act Chief Executive Officer.

10.4.4 Remuneration and Key Performance Targets for Appointed Acting Chief Executive Officer

Previous Items	Item 6.1 Special Council Meeting 5 December 2012
Responsible Officer	Chief Executive Officer
Service Area	HR and Organisational Development
File Reference	
Applicant	N/A
Owner	N/A

Confidential Attachment 1 Acting Chief Executive Officer KPIs
Reason for Confidentiality: *Local Government Act 1995 S5.23 (2)(a) – "a matter affecting an employee or employees".*

PURPOSE

1. To endorse the salary and key performance measures for the Acting Chief Executive Officer.

BACKGROUND

2. At the Special Meeting of Council on 5 December 2012, Council resolved inter alia to:
 1. *Appoint an Acting Chief Executive Officer as follows:*
 - *For the period 6 December 2012 to 31 December 2012 – Mr Clayton Higham.*
 - *For the period 1 January 2013 to 31 March 2013 – Ms Rhonda Hardy.*
 - *For the period 1 April 2013 to 30 June 2013 – Mr Clayton Higham.*
 2. *Requests the Shire President to negotiate a salary package for endorsement by Council.*

DETAILS

3. In order to effect the appointment of an Acting Chief Executive Officer, Council must endorse Key Performance Measures for the Acting Chief Executive Officer to achieve in the duration of their appointment (Confidential Attachment 1). Draft recommended measures for consideration are outlined in (Confidential Attachment 1).
4. The remuneration for the Acting Chief Executive Officer is outlined in (Confidential Attachment 1).
5. The initial appointment of Mr Clayton Higham as Acting Chief Executive Officer occurred on 21 September 2012. It was intended this acting period would be for three weeks. Mr Higham has been acting in the role for three months and therefore it is appropriate to remunerate Mr Higham for this period by back-dating the higher duties.

STATUTORY AND LEGAL IMPLICATIONS

6. *Local Government Act 1995.*
Local Government (Administration) Regulations 1996.

POLICY IMPLICATIONS

7. Nil.

PUBLIC CONSULTATION/COMMUNICATION

8. Nil.

FINANCIAL IMPLICATIONS

9. Nil.

STRATEGIC AND SUSTAINABILITY IMPLICATIONS

Strategic Planning Implications

10. Nil.

Sustainability Implications

Social Implications

11. Nil.

Economic Implications

12. Nil.

Environmental Implications

13. Nil.

OFFICER COMMENT

14. Council endorses remuneration and key performance measures for the Acting Chief Executive Officer (Confidential Attachment 1) and back-dates the higher duties remuneration for Mr Higham from 21 September 2012.

This item was discussed at Point 15 of this Agenda.

The meeting closed to the public at 6.35pm. All members of the public, press and staff left the meeting apart from Manager Governance.

At 6.39pm, after the vote had been taken for Item 10.4.4 Acting Chief Executive Officer, Clayton Higham and Director Corporate & Community Services were invited to return to the meeting.

Voting Requirements: Simple Majority

RESOLVED OCM 200/2012

That Council:

1. Endorses the salary and Key Performance Measures outlined in the (Confidential Attachment 1) in order to provide for the remuneration and the performance of the Acting Chief Executive Officer.
2. Agrees to back-date higher duties for Mr Higham for the period as Acting Chief Executive Officer from 21 September 2012.

Moved: **Cr Martyn Cresswell**

Seconded: **Cr Margaret Thomas**

Vote: **CARRIED UNANIMOUSLY (11/0)**

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

10.4.5 Confidential Item - Disposal of Shire Land Assets –514 Kalamunda Road, High Wycombe and 20 Booralie Way, Maida Vale

Reason for Confidentiality: *Local Government Act 1995 S5.23(2)(h) - Local Government (Administration) Regulations 1996* Clause 4A "the determination by the local government of a price for the sale or purchase of property by the local government, and the discussion of such a matter".

Previous Items	
Responsible Officer	Director Corporate & Community Services
Service Area	Economic, Property & Procurement
File Reference	KL2/514, BR14/20
Applicant	N/A
Owner	Shire of Kalamunda

This item was discussed under point 15 of this Agenda

Voting Requirements: Absolute Majority

RESOLVED OCM 201/2012

That Council:

1. Requests valuations on the properties at 20 Booralie Way in Maida Vale and 514 Kalamunda Road in High Wycombe.
2. Delegates authority to the Chief Executive Office to dispose of the properties within 90% of the valuation, in accordance with the provisions of Section 3.58 of the *Local Government Act 1995*.

Moved: **Cr John Giardina**

Seconded: **Cr Dylan O'Connor**

Vote: **CARRIED UNANIMOUSLY / ABSOLUTE MAJORITY (11/0)**

11.0 MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

11.1 Cr Townsend – Amalgamation Prospects

That Council:

1. Commence formal discussions with the City of Belmont and the Shire of Mundaring in relation to amalgamation prospects with either or both of those local governments.
2. Appoints a Working Party of three Councillors and the Acting Chief Executive Officer to progress those discussions and explore any other possible amalgamation prospects. The Shire President to be an "*ex officio*" member of that Working Party.

Councillor Townsend withdrew this Motion and replaced it with the following:

RESOLVED OCM 194/2012

That Council:

1. Notes that the Chief Executive Officer is to have informal discussions with the Chief Executive Officers of the City of Belmont and Shire of Mundaring on Wednesday 19 December 2012 with respect to investigating possible synergies that could lead to amalgamation prospects.
2. Request the Chief Executive Officer to prepare a report for Council on the outcome of the discussions.
3. Appoints a Working Party of three Councillors and the Acting Chief Executive Officer to progress those discussions and explore any other possible amalgamation prospects. The Shire President to be an "*ex officio*" member of that Working Party.

Moved: **Cr Noreen Townsend**

Seconded: **Cr Frank Lindsey**

Vote: **For**
Cr Frank Lindsey
Cr Allan Morton
Cr Noreen Townsend
Cr Justin Whitten
Cr Bob Emery
Cr Margaret Thomas

Against
Cr John Giardina
Cr Geoff Stallard
Cr Martyn Cresswell
Cr Dylan O'Connor
Cr Sue Bilich

CARRIED (6/5)

A Motion was put that the following Councillors make-up the Working Party

RESOLVED OCM 195/2012

That Council:

1. Appoint Councillor Noreen Townsend, Councillor Frank Lindsey and Councillor Bob Emery to the Working Party together with the Acting Chief Executive Officer and the Shire President as an "ex officio" member.

Moved: **Cr Noreen Townsend**

Seconded: **Cr Margaret Thomas**

Vote: **For**
Cr Frank Lindsey
Cr Geoff Stallard
Cr Allan Morton
Cr Noreen Townsend
Cr Justin Whitten
Cr Bob Emery
Cr Margaret Thomas
Cr Sue Bilich

Against
Cr John Giardina
Cr Martyn Cresswell
Cr Dylan O'Connor

CARRIED (8/3)

11.2 Cr Townsend – Audit Committee Membership

Note, the premise for this change is that this is the only Committee required of Council by the *Local Government Act 1995*, and it is currently the only Standing Committee that does not have full Council Membership. This seems incongruous, it is vital that we, as a Council are more diligent with our review of our financial documentation.

That Council:

1. Appoint all elected members to be a member of the Audit Committee.
2. Requests the Audit Committee meet at least every three months.
3. Amend the Terms of Reference of the Audit Committee to reflect these decisions.

Councillor Townsend withdrew this Motion and replaced it with the following:

RESOLVED OCM 196/2012

That Council:

1. Request the Chief Executive Officer to prepare a report for Council on Audit Committee Structures and Terms of Reference currently existing in other local governments.
2. Request this report be presented to the February 2013 OCM.

Moved: **Cr Noreen Townsend**

Seconded: **Cr Allan Morton**

Vote: **CARRIED UNANIMOUSLY (11/0)**

11.3 Cr Stallard – Aged Care Accommodation

RESOLVED OCM 197/2012

That Council:

1. Express extreme disappointment at the decision of the Minister for Planning, the Hon John Day in relation to Amendment 18 Gavour Road, Wattle Grove.

Councillor Giardina left the room at 6.20pm and returned at 6.23pm as he had declared an Interest Affecting Impartiality due to Kinship (Uncle) who is a nearby resident to Gavour Road. He was not present for the vote.

Councillor Stallard explained why he had put this Motion and asked for support from his fellow Councillors as he felt the area was desperately short of aged care places.

Moved: **Cr Geoff Stallard**

Seconded: **Cr Margaret Thomas**

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

11.4 Cr Frank Lindsey – Request for Report

RESOLVED OCM 198/2012

That Council:

Request the Chief Executive Officer prepare a report for Council which examines:

- a. Options for policy and administrative reforms to minimise the possibility for a reoccurrence of the indiscretions that have been highlighted in the recent Auditor's Report.

- b. Options for a Council Policy regarding the employment of and performance reviews of future Chief Executive Officers to ensure compliance with all legislative requirements.
- c. Current policies and procedures for “whistle-blowers” protections for staff who wish to bring to Council evidence of illegal acts to ensure compliance with all legislative requirements.
- d. Consideration of legislative reforms that could be suggested to the Minister for Local Government to strengthen provisions of the *Local Government Act 1995* or Regulations relating to governance, including the possibility of far greater input by Councils with respect to employment of Directors of Departments (especially finance).

Cr Lindsey spoke for the Motion.

Moved: **Cr Frank Lindsey**

Seconded: **Cr John Giardina**

Vote: **CARRIED UNANIMOUSLY (11/0)**

12.0 QUESTIONS BY MEMBERS WITHOUT NOTICE

12.1 Cr Geoff Stallard – Occurrences at Corporate & Community Services Committee

Q. How can we put in a complaint as the occurrences of last week brought the council process into disrepute?

A. The Presiding Person asked the Manager Governance to answer; he suggested the Councillors could formally write a letter to the Acting Chief Executive Officer who can consider it and pass it to other relevant organisations to make them aware of the occurrence if appropriate.

12.2 Cr Noreen Townsend – Follow-up Question

Q. Who are the other relevant organisations?

A. That will depend on the complaints received; advice may need to be sought from the Department of Local Government. The Council may be able to take action against those people to curtail their involvement in future Council Meetings or our response to them.

12.3 Cr Bob Emery – Reference to Cr Lindsey’s Motion

Q. In the light of Cr Lindsey’s motion, will that review include a Policy Review?

A. The Shire President indicated that this would be discussed at Point 15 on the Agenda as part of KPI’s for the Acting CEO and noted she was keen that such a review should be included.

13.0 QUESTIONS BY MEMBERS OF WHICH DUE NOTICE HAS BEEN GIVEN

13.1 Cr Bob Emery – Request to the EMRC

Q. I have previously suggested that due to the developments within the EMRC we ask their Chief Executive Officer, Peter Schneider to come and speak to the Shire of Kalamunda, will this be taking place?

A. Arrangements will be made for the EMRC to make a presentation to Councillors early in the new year.

14.0 URGENT BUSINESS APPROVED BY THE PERSON PRESIDING OR BY DECISION

The Shire President wished all those present a Happy and Safe Christmas.

15.0 MEETING CLOSED TO THE PUBLIC

15.1 **Meeting Closed to the Public**

RESOLVED OCM 199/2012

Voting Requirements: Simple Majority

That the meeting go behind closed doors to consider 10.4.4 Remuneration and Key Performance Targets for Appointed Acting Chief Executive Officer (Confidential Attachments) and 10.4.5 Confidential Item – Disposal of Shire Land Assets – 514 Kalamunda Road, High Wycombe and 20 Booralie Way, Maida Vale.

Moved: **Cr Dylan O'Connor**

Seconded: **Cr Justin Whitten**

Vote: **CARRIED UNANIMOUSLY (11/0)**

The meeting closed to the public at 6.35pm. All members of the public, press and staff left the meeting apart from Manager Governance

Acting Chief Executive Officer, Clayton Higham and Director Corporate & Community Services, Rhonda Hardy had submitted a Disclosure of Financial Interest as they will both act Chief Executive Officer.

At 6.39pm, after the vote had been taken for Item 10.4.4 Acting Chief Executive Officer, Clayton Higham and Director Corporate & Community Services were invited to return to the meeting.

15.2 **10.4.4 Remuneration and Key Performance Targets for Appointed Acting Chief Executive Officer**

Voting Requirements: Simple Majority

RESOLVED OCM 200/2012

That Council:

1. Endorses the salary and Key Performance Measures outlined in the (Confidential Attachment 1) in order to provide for the remuneration and the performance of the Acting Chief Executive Officer.
2. Agrees to back-date higher duties for Mr Higham for the period as Acting Chief Executive Officer from 21 September 2012.

Moved: **Cr Martyn Cresswell**

Seconded: **Cr Margaret Thomas**

Vote: **CARRIED UNANIMOUSLY (11/0)**

15.3 **10.4.5 Confidential Item - Disposal of Shire Land Assets –514 Kalamunda Road, High Wycombe and 20 Booralie Way, Maida Vale**

Voting Requirements: Absolute Majority

RESOLVED OCM 201/2012

That Council:

1. Requests valuations on the properties at 20 Booralie Way in Maida Vale and 514 Kalamunda Road in High Wycombe.
2. Delegates authority to the Chief Executive Office to dispose of the properties within 90% of the valuation, in accordance with the provisions of Section 3.58 of the *Local Government Act 1995*.

Moved: **Cr John Giardina**

Seconded: **Cr Dylan O'Connor**

Vote: **CARRIED UNANIMOUSLY/ABSOLUTE MAJORITY (11/0)**

15.4 **Meeting Reopened to the Public**

RESOLVED OCM 202/2012

Voting Requirements: Simple Majority

That the meeting reopen to the public.

Moved: **Cr Noreen Townsend**

Seconded: **Cr Allan Morton**

Vote **CARRIED UNANIMOUSLY (11/0)**

The meeting reopened to the public at 6.42pm. Members of the public and press returned to the Council Chambers at the resumption of the meeting. The Acting Chief Executive Officer read the two Resolutions of Councils passed behind closed doors.

16.0 CLOSURE

16.1 There being no further business, the Chairman declared the meeting closed at 6.50pm.

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

Signed: _____
Chairman

Dated this _____ day of _____ 2013