

Ordinary Council Meeting

Agenda for 16 December 2013



**shire of
kalamunda**

NOTICE OF MEETING ORDINARY COUNCIL MEETING

Dear Councillors

Notice is hereby given that the next meeting of the Ordinary Council Meeting will be held in the Council Chambers, Administration Centre, 2 Railway Road, Kalamunda on **Monday 16 December 2013 at 6.00pm**.

Rhonda Hardy
Chief Executive Officer
12 December 2013

Our Vision and Our Values

Our Vision

The Shire will have a diversity of lifestyle and people. It will take pride in caring for the natural, social, cultural and built environments and provide opportunities for people of all ages.

Our Core Values

Service – We deliver excellent service by actively engaging and listening to each other.

Respect – We trust and respect each other by valuing our difference, communicating openly and showing integrity in all we do.

Diversity – We challenge ourselves by keeping our minds open and looking for all possibilities and opportunities.

Ethics – We provide honest, open, equitable and responsive leadership by demonstrating high standards of ethical behavior.

Our Aspirational Values

Prosperity – We will ensure our Shire has a robust economy through a mixture of industrial and commercial development.

Harmony – We will retain our natural assets in balance with our built environment.

Courage – We take risks that are calculated to lead us to a bold new future.

Creativity – We create and innovate to improve all we do.

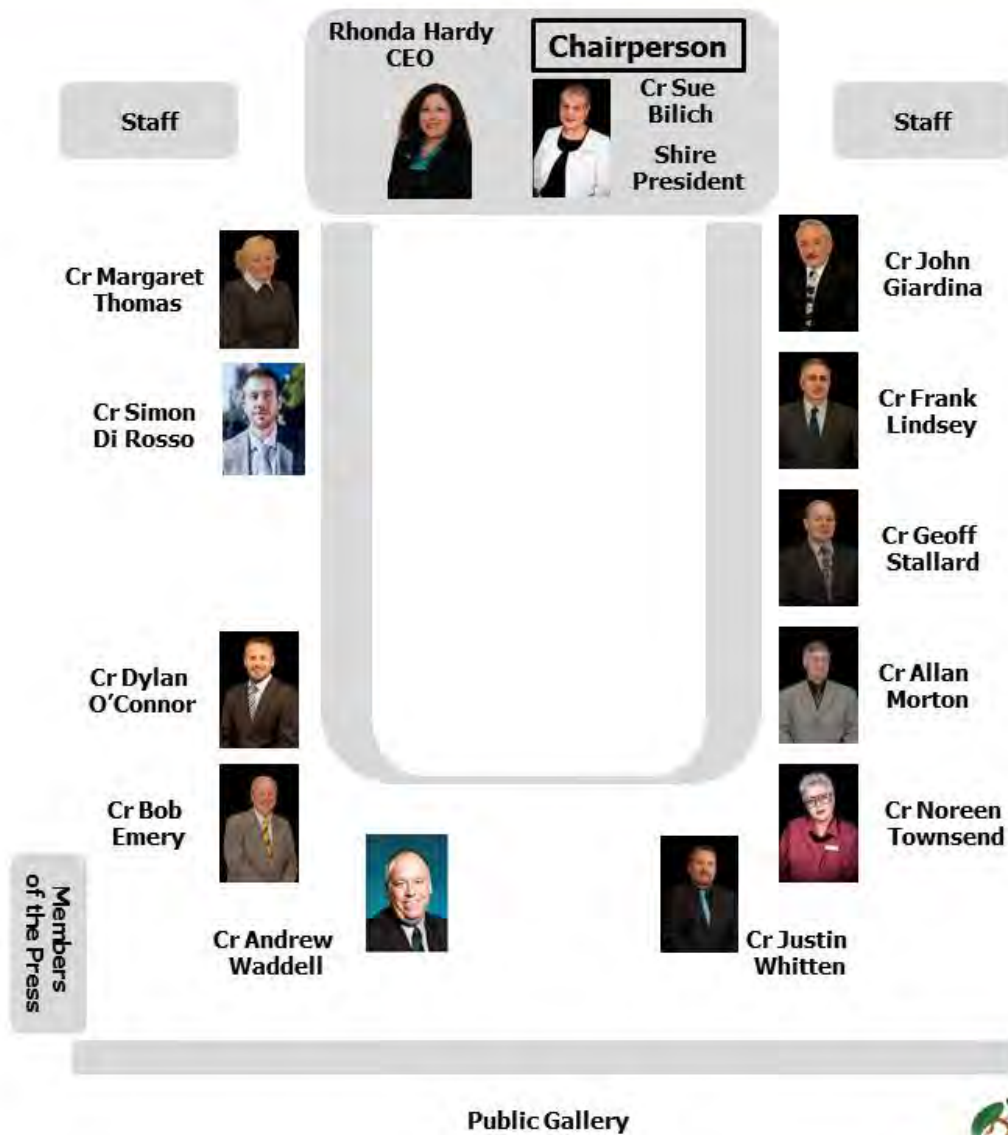


INFORMATION FOR THE PUBLIC ATTENDING COUNCIL MEETINGS

Welcome to this evening's meeting. The following information is provided on the meeting and matters which may affect members of the public.

If you have any queries related to procedural matters, please contact a member of staff.

Council Chambers – Seating Layout



Ordinary Council Meetings – Procedures

1. Council Meetings are open to the public, except for Confidential Items listed on the Agenda.
2. Members of the public who are unfamiliar with meeting proceedings are invited to seek advice prior to the meeting from a Shire Staff Member.
3. Members of the public are able to ask questions at an Ordinary Council Meeting during Public Question Time.
4. To facilitate the smooth running of the meeting, silence is to be observed in the public gallery at all times except for Public Question Time.
5. All other arrangements are in general accordance with Council's Standing Orders, the Policies and decision of the Shire or Council.

Emergency Procedures

Please view the position of the Exits, Fire Extinguishers and Outdoor Assembly Area as displayed on the wall of Council Chambers.

In case of an emergency follow the instructions given by Council Personnel.

We ask that you do not move your vehicle as this could potentially block access for emergency services vehicles.

Please remain at the assembly point until advised it is safe to leave.

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AGENDA

1.0 OFFICIAL OPENING

2.0 ATTENDANCE, APOLOGIES AND LEAVE OF ABSENCE PREVIOUSLY APPROVED

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 will be summarised.

4.0 PETITIONS/DEPUTATIONS

4.1 10.4.8 Lot 213 (28) Lewis Road, Wattle Grove – Amendment to Local Planning Scheme No. 3 – Additional Use.

The Shire President has approved a deputation from the applicant

5.0 APPLICATIONS FOR LEAVE OF ABSENCE

6.0 CONFIRMATION OF MINUTES OF PREVIOUS MEETING

6.1 That the Minutes of the Ordinary Council Meeting held on 25 November 2013 are confirmed as a true and accurate record of the proceedings.

Moved:

Seconded:

Vote:

Statement by Presiding Member

"On the basis of the above Motion, I now sign the Minutes as a true and accurate record of the meeting of 25 November 2013".

7.0 ANNOUNCEMENTS BY THE MEMBER PRESIDING WITHOUT DISCUSSION

8.0 MATTERS FOR WHICH MEETING MAY BE CLOSED

8.1 A&R14 Financial Statements for year ended 30 June 2013

Confidential Attachment 3 (if discussion to occur)

Audit Management Letters and Administration's Response

Reason for Confidentiality – Local Government (Administration) Regulations 1996

R14 (2) "Nothing in Sub regulation (1) entitles members of the public to inspect the information referred to in that sub regulation if in the CEO's opinion, the meeting or that part of the meeting to which the information refers is likely to be closed to members of the public under section 5.23(2)."

8.2 10.4.6 Objection to the Issuing of a Notice of Breach – Lots 83 (30) and Lot 84 (28) Prospect Crescent, Gooseberry Hill

Confidential Attachment 2 Samec Legal Advice

Confidential Attachment 3 McLeods Legal Advice

Confidential Attachment 4 McLeods Legal Advice

8.3 **10.4.9 Dispute in relation to the former Chief Executive Officer**

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"

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*.)

9.2 **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.

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

Item D&I 84 and D&I 85 were deferred at Development & Infrastructure Services Committee of 2 December 2013 to this meeting for further consideration. The original Officer Recommendations are presented to Council.

10.1.1 D&I 84 Amendment No. 51 to Local Planning Scheme No. 3 – Modifications to Exempted Advertisements Schedule

COMMITTEE RECOMMENDATION TO COUNCIL (D&I 84/2012)

That Council:

1. That the item be deferred to the December 2013 Ordinary Council Meeting to enable further legal advice to be sought.

Voting Requirements: Simple Majority

OFFICER RECOMMENDATION

That Council:

1. Notes the submission received in response to Amendment No. 51 to Local Planning Scheme No. 3.
2. Adopts the amendment to Local Planning Scheme No. 3 with modification, 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. 51

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 Schedule 5 (Exempted Advertisements) of Local Planning Scheme No. 3 to include the following provisions for election, political and community event signs:

LAND USE AND/OR DEVELOPMENT	EXEMPTED SIGN	MAXIMUM SIZE
Election and	One sign per	2sqm

Political Signs	<p>street frontage 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 within 14 days after the relevant election.</p>	
Community Association Event Signs	<p>One sign per street frontage displayed no earlier than three weeks prior to the event.</p> <p>The sign will be required to be removed within 14 days after the relevant event.</p>	2sqm

- (b) Modify Schedule 1 (Dictionary of Defined Words and Expressions) by inserting the following definitions:

“Community Association ” means an institution, association, club, society or body, whether incorporated or not, 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.

“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 election to 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.

3. Amends the Scheme 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.

Moved:

Seconded:

Vote:

10.1.2 D&I 85 Proposed Local Planning Policy - Signage on Private Property

COMMITTEE RECOMMENDATION TO COUNCIL (D&I 85/2012)

That Council:

1. That the item be deferred to the December 2013 Ordinary Council Meeting to enable further legal advice to be sought.

Voting Requirements: Simple Majority

OFFICER RECOMMENDATION

That Council:

1. Adopts Local Planning Policy DEV 42 – Signage on Private Property with amendments (Attachment 1) and a notice to this effect be placed in a newspaper circulating the District.

Moved:

Seconded:

Vote:

10.2 Corporate & Community Services Committee Report

10.2.1 Adoption of Corporate & Community Services Committee Report

Voting Requirements: Simple Majority

That the recommendations C&C 70, C&C 71 & C&C73 contained in the Corporate & Community Services Committee Report of 9 December 2012 be adopted by Council en bloc. Withdrawn item C&C 72 requires an absolute majority and will be considered separately.

Moved:

Seconded:

Vote:

10.2.2 C&C 70 Creditors Accounts Paid During the Period 6 November to 20 November 2013

COMMITTEE RECOMMENDATION TO COUNCIL (C&C 70/2012)

That Council:

1. Receives the list of creditors paid during the period 6 November to 20 November 2013 (Attachment 1) in accordance with the requirements of the *Local Government (Financial Management) Regulations 1996 (Regulation 12)*.

10.2.3 C&C 71 Schedule of Council and Committee Meetings 2014

COMMITTEE RECOMMENDATION TO COUNCIL (C&C 71/2012)

That Council:

1. Endorses the Schedule of Committee and Council Meetings (Attachment 1) for the period February 2014 to December 2014.

10.2.3 C&C 73 Amendment to Local Planning Scheme No. 3 – Modification to the Car Parking Requirement for Shops

COMMITTEE RECOMMENDATION TO COUNCIL (C&C 73/2012)

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</p>

SHIRE OF KALAMUNDA
LOCAL PLANNING SCHEME NO. 3
AMENDMENT NO.

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 3 (Parking Requirements) by deleting the current car parking requirements for the use 'Shop' and replace with the following:

"5 bays per 100sqm of NLA."

The amendment documents being adopted by Council and the Amendment being formally advertised for 42 days in accordance with the provisions of the *Town Planning Regulations 1967*, without reference to the Western Australian Planning Commission.

For separate consideration

Voting Requirements: Absolute Majority

10.2.5 C&C 72 Reinstatement of Community Safety and Crime Prevention Advisory Committee

COMMITTEE RECOMMENDATION TO COUNCIL (C&C 71/2012)

That Council:

1. Adopt the proposed Terms of Reference for the Community Safety and Crime Prevention Advisory Committee. (Attachment 1)
2. Accept and endorse the following six nominations to the Community Safety and Crime Prevention Advisory Committee:
 - Snr Sgt Walter Brierley
 - Jennifer Dass
 - Peter Goodall
 - Sara Lohmeyer
 - Aleisha Nunn
 - Harvey Reeves

Moved:

Seconded:

Vote:

10.3 Audit & Risk Committee Report

10.3.1 A&R14 Financial Statements for year ended 30 June 2013

Voting Requirements: Simple Majority

COMMITTEE RECOMMENDATION TO COUNCIL (A&R 14/2013)

That the Committee recommend that Council:

1. Receive the Audited Financial Report for the year ended 30 June 2013 shown as Attachment 1.
2. Receive the Independent Audit Report of the Shire of Kalamunda for the financial year ended 30 June 2013 as presented as Attachment 2.
3. The Committee notes the Administration's response to the Management Letters as per Confidential Attachment 3.

Moved:

Seconded:

Vote:

10.4 CHIEF EXECUTIVE OFFICER REPORTS

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

10.4.1 Debtors and Creditors Reports for the Period Ended 30 November 2013

Previous Items	N/A
Responsible Officer	Director Corporate & Community Services
Service Area	Finance
File Reference	FI-CRS-002
Applicant	N/A
Owner	N/A
Attachment 1	Summary of Debtors for the period ended 30 November 2013
Attachment 2	Summary of Creditors for the period ended 30 November 2013

PURPOSE

1. To receive a monthly report on debtors and creditors (Attachments 1 and 2).

BACKGROUND

2. Attached are the reports detailing aged Debtors (Attachment 1) and Creditors (Attachment 2) as at 31 August 2013.
3. Council has requested reports detailing outstanding debtors and creditors on a monthly basis.

DETAILS

4. Invoices over 30 days total \$63,760.59 Debts of significance:
 - Bridget Creaney \$12,695.00 – Bonds Works
 - City of Perth \$18,298.31 Long Service Leave reimbursement
 - City of Stirling \$5,769.41 Long Service Leave reimbursement
5. Invoices over 60 days total \$14,889.60 Debts of significance:
 - Western Power \$7,695.10 – private works – repairs to damaged storm water pipes;
 - Zig Zag café Kalamunda \$4,899.32 – Café lease and utility expenses – debtor has committed to make \$1,600 fortnightly payments
6. Invoices over 90 days total 35,402.28. Debts of significance:
 - Forrestfield United Soccer Club \$3,194.18 - operational expenses. A fortnightly direct debit of \$600 is in place.
 - Lesmurdie Tennis Club Inc \$25,500 – Contribution to extension. Additional works requested to be completed by January 2014 by which time Club has committed to pay.

Creditors

7. Payments totalling \$4,306,883.64 were made during the month of November 2013. Standard payment terms are 30 days from the end of month, with local businesses and contractors on 14 day terms.

8. Significant Municipal payments made in the month were:

Supplier	Purpose	\$
PH Concrete	Footpath Programme and Maintenance – various locations	114,937.49
Australian Tax Office	PAYG	284,157.12
Datacom	IT Infrastructure Replacement Programme	276,374.99
Price Waterhouse Coopers	Professional services – Smokebush Estate	89,067.00
Redline WA Pty Ltd	Progress payment – Abernethy Rd Sewerage works	383,705.41
EMRC	Domestic/Waste - Red Hill Tip Charges	371,577.63
Beaver Tree Services	Tree removal/pruning various locations	90,742.30
McKay Earthmoving Pty Ltd	Infrastructure works programme – various locations	48,755.07
LGIS	Insurance – Public Liability, Property and Workcare	472,774.56
Synergy	Power Charges	129,173.30
WA Local Government Superannuation	Super Contributions	174,798.43
Perth Waste Pty Ltd	Collection and disposal of putrescible waste	222,633.10

9. These payments total \$2,658,696.40 and represent 61% of all payments for the month.

Trust Account Payments

10. The Trust Accounts maintained by the Shire relate to the following types:

- CELL 9 Trust
- POS Trust
- BCITF Levy
- Building Licence Levy

- Unclaimed Monies

11. The following payments were made from the Trust Accounts in the month November 2013:

Cell 9 Transactions		Amount (\$)
Date	Description	
11/11/2013	Scanlan Surveys Pty Ltd - Subdivision Hale Rd, Wattle Grove WAPC 148971	715.00
11/11/2013	Shire of Kalamunda - Project Management costs for October 2013	1,991.00
25/11/2013	Kalamunda Fencing & Gatemakers – Progress payment for gates	13,068.00
29/11/2013	ATO – October 2013 BAS Payment	98,235.08
Building & Construction Industry		Amount (\$)
Date	Description	
05/11/2013	BCITF Training Fund Levy - October 2013	29,335.90
Forrestfield Industrial Area Trust		Amount (\$)
01/11/2013	Savills Valuations Pty Ltd – Valuation of Stage 1 – Forrestfield Industrial Area	12,000.00
19/11/2013	Shire of Kalamunda – Project Management Fees – October 2013	1,086.25

STATUTORY AND LEGAL CONSIDERATIONS

12. In accordance with the requirements of the *Local Government (Financial Management) Regulations 1996 (Regulation 13)* a list of accounts paid by the CEO is to be prepared each month and presented in the manner required as per the Regulation.

POLICY CONSIDERATIONS

13. Nil.

COMMUNITY ENGAGEMENT REQUIREMENTS

14. Nil.

FINANCIAL CONSIDERATION

15. Nil.

STRATEGIC COMMUNITY PLAN

Strategic Planning Alignment

16. *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

17. Nil.

Economic Implications

18. Nil.

Environmental Implications

19. Nil.

RISK MANAGEMENT CONSIDERATIONS

Debtors

20.

Risk	Likelihood	Consequence	Action/Strategy
The Shire is exposed to the potential risk of the debtor failing to make payments which it is obligated to do. This will result in the disruption of cash flows and increased collection costs. The loss may be complete or partial and can arise in a number of circumstances.	Low	Low	Ensure debt collections is rigorously managed.

Creditors

21.

Risk	Likelihood	Consequence	Action/Strategy
If the Shire defaults on a payment to a creditor, the Shire runs the risk of a negative credit record resulting in potential future disruptions on cash flows and ability to obtain credit.	Low	Low	Ensure all disputes are resolved in time

OFFICER COMMENT

22. Nil.

Voting Requirements: Simple Majority

OFFICER RECOMMENDATION

That Council:

1. Receives the outstanding debtors (Attachment 1) and creditors (Attachment 2) reports for the period ended 30 November 2013.
2. Receives the list of payments made from the Trust Accounts in November 2013 as noted in point 11 above in accordance with the requirements of the *Local Government (Financial Management) Regulations 1996 (Regulation 12)*.

Moved:

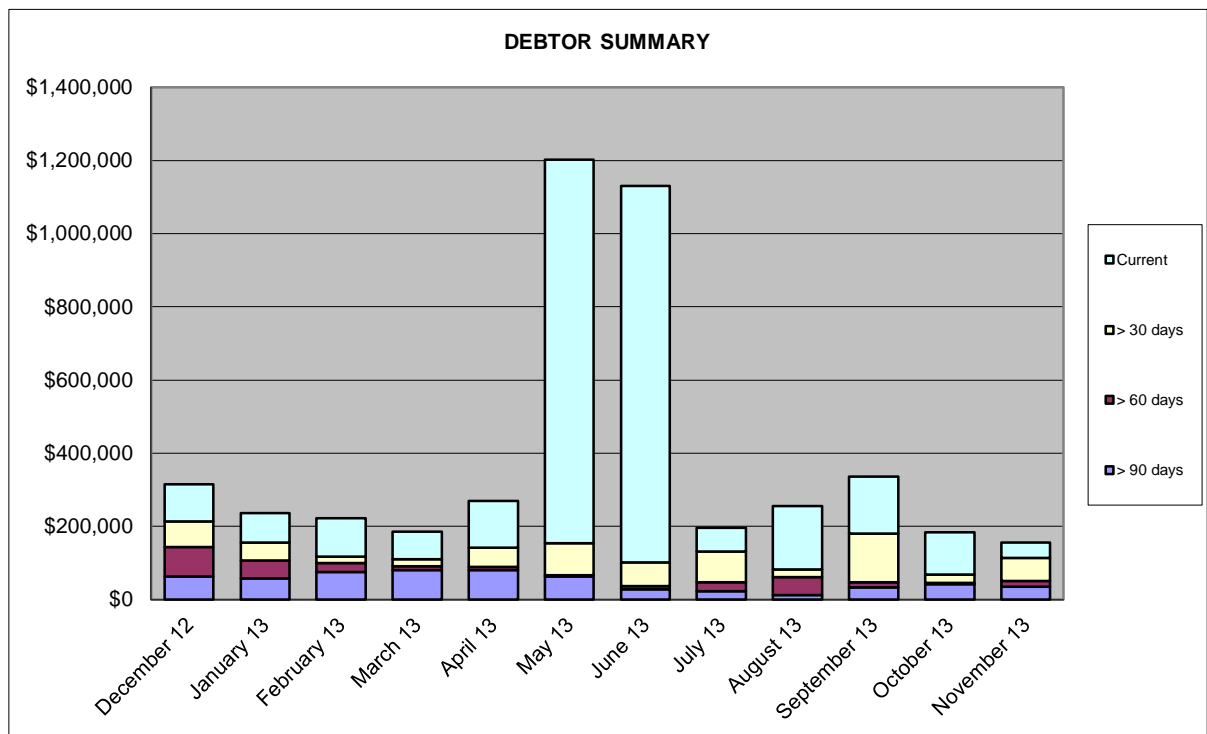
Seconded:

Vote:

**SHIRE OF KALAMUNDA
 SUMMARY OF DEBTORS
 FOR THE PERIOD ENDED 30th November 2013**

Sundry Debtors Trial Balance - Summary Aged Listing

	> 90 days	> 60 days	> 30 days	Current	Total
December 12	\$62,557	\$81,810	\$68,850	\$101,098	\$314,316
January 13	\$58,449	\$48,824	\$48,471	\$80,427	\$236,171
February 13	\$76,014	\$23,599	\$17,881	\$105,556	\$223,051
March 13	\$81,111	\$9,196	\$20,088	\$75,939	\$186,335
April 13	\$80,450	\$8,181	\$53,087	\$128,415	\$270,133
May 13	\$63,398	\$2,436	\$88,471	\$1,047,105	\$1,201,410
June 13	\$27,854	\$8,275	\$66,371	\$1,026,898	\$1,129,399
July 13	\$22,971	\$24,180	\$84,188	\$63,956	\$195,295
August 13	\$12,386	\$48,665	\$21,521	\$172,620	\$255,193
September 13	\$33,547	\$13,845	\$132,820	\$155,054	\$335,266
October 13	\$41,669	\$3,852	\$22,138	\$115,581	\$183,240
November 13	\$35,402	\$14,890	\$63,761	\$41,601	\$155,654



**SHIRE OF KALAMUNDA
 SUMMARY OF DEBTORS
 FOR THE PERIOD ENDED 30 November 2013**

	AMOUNT	DEBTOR	DETAILS	STATUS
>90 days				
	\$3,194.18	Forrestfield United Soccer Club WA Inc ^	Operational Expenses	Fortnightly Direct Debits in place - \$600.
	\$1,047.71	Kalamunda & Districts Football Club	Utilities - Ray Owen Centre	Final Payment Notice mailed.
	\$2,385.00	Kalamunda Farmers Market ^	Trading in Thoroughfares	Fortnightly Direct Debits in place - \$480. Final deduction 06/02/14
	\$25,500.00	Lesmurdie Tennis Club Inc *	Contribution to Extension	The Shire is monitoring.
	\$3,275.39	90+ Days Debts consisting of amounts under \$1,000.00.		Debtors to be contacted by telephone to advise debt recovery action pending / final notices issued or debt with D&B.
	\$35,402.28	Total Debts 90+ Days		
>60 days				
	\$7,695.10	Western Power	Private Works - repair to damaged storm water pipes	Western Power has requested additional details regarding liability.
	\$4,899.32	Zig Zag Café Kalamunda ^	Zig Zag Café Lease / Utility Expenses	Debtor has committed to make fortnightly payments of \$1600. Shire is monitoring.
	\$7,194.50	60+ Days Debts consisting of amounts under \$1,000.00.		All debtors to be contacted by telephone / email - copy invoices mailed as required.
	\$14,889.60	Total Debts 60+ Days		

**SHIRE OF KALAMUNDA
 SUMMARY OF DEBTORS
 FOR THE PERIOD ENDED 30 November 2013**

	AMOUNT	DEBTOR	DETAILS	STATUS
>30 days				
	\$12,695.00	Bridget Creaney	Bond - Works	Reminder invoices to be sent.
	\$18,298.31	City of Perth	Long Service Leave reimbursement	Reminder invoices to be sent.
	\$5,769.41	City of Stirling	Long Service Leave reimbursement	Reminder invoices to be sent.
	\$2,164.45	Goldfocus Enterprises Pty	Property Valuation reimbursement	Reminder invoices to be sent.
	\$3,881.75	Hills District Callisthenics	Hall Hire - Hire Wycombe Centre	Reminder invoices to be sent.
	\$4,406.69	Kalamunda & Districts Basketball	Utilities - Ray Owen Centre	Reminder invoices to be sent.
	\$2,612.34	Lesmurdie Tennis Club Inc	Loan 215	Reminder invoices to be sent.
	\$3,885.60	Lone Star Developments Pty	Bond - Works	Reminder invoices to be sent.
	\$1,153.00	Simon Mead	Hall Hire - Hire Wycombe Centre	Reminder invoices to be sent.
	\$1,835.63	Zig Zag Café Kalamunda ^	Zig Zag Café Lease / Utility Expenses	As above.
	\$7,058.41	30+ Days Debts consisting of amounts under \$1,000.00.		Reminder invoices to be sent.
	\$63,760.59	Total Debts 30+ Days		
< 30 days				
	\$45,129.76	Total of Current Debts		
	-\$3,528.34	Total of Accounts in Credit		
	\$155,653.89	Total - Debtors Trial Balance		
FOOTNOTES				
* Denotes currently in negotiation of invoice amount and details				
^ Denotes payment arrangement in place				

**SHIRE OF KALAMUNDA
SUMMARY OF CREDITORS
FOR THE PERIOD ENDED 30 NOVEMBER 2013**

Sundry Creditors Trial Balance - Summary Aged Listing

Month End	> 90 days	> 60 days	> 30 days	Current	Total
31/07/2012	\$1,129	\$2,418	\$829,279	\$1,240,322	\$2,073,148
31/08/2012	\$5,953	\$434	\$10,731	\$1,784,665	\$1,801,783
30/09/2012	\$13,713	\$1,630	\$6,362	\$1,036,804	\$1,058,509
31/10/2012	\$923	\$91,135	\$40,634	\$1,275,858	\$1,408,551
30/11/2012	\$8,738	\$4,059	\$10,289	\$1,387,687	\$1,410,773
31/12/2012	\$8,580	-\$454	\$53,987	\$544,597	\$606,710
31/01/2013	\$2,275	-\$4	\$10,756	\$380,050	\$393,077
28/02/2013	-\$191	-\$154	\$8,042	\$500,380	\$508,078
31/03/2013	-\$344	\$6,566	\$5,034	\$163,125	\$174,380
30/04/2013	\$7,253	\$39,057	\$10,266	\$690,585	\$747,161
31/05/2013	\$1,225	\$942	\$14,952	\$1,077,590	\$1,094,709
30/06/2013	\$9,393	\$13,544	\$364,665	\$1,914,271	\$2,301,873
31/07/2013	\$3,168	\$30,928	\$7,860	\$704,407	\$746,364
31/08/2013	\$1,618	\$6,095	\$46,102	\$542,740	\$596,555
30/09/2013	\$3,630	\$53,734	\$7,014	\$383,394	\$447,773
31/10/2013	\$12,120	\$1,454	\$107,830	\$1,566,553	\$1,687,957
30/11/2013	\$12,873	\$19,461	\$188,950	\$1,734,521	\$1,955,805

Comment

- > 90 days Original Invoices for Written Perspectives P/L, Green Skills, Plunkett Homes & Cameron Kerr not received in Accounts to process
- > 60 days Original Invoices for Green Skills, MacDonald Johnston Engineering, Hills Gourmet & Landmark Products Ltd not received in Accounts to process.
- > 30 days These invoices are paid on the third fortnightly payment run.

Creditor Payments made

Month	Amount \$	Quantity		
		Cheques	EFTs	Total
Jul-12	\$ 3,085,557	88	531	619
Aug-12	\$ 2,928,637	77	356	433
Sep-12	\$ 5,229,543	101	569	670
Oct-12	\$ 2,931,587	66	497	563
Nov-12	\$ 3,692,467	70	512	582
Dec-12	\$ 4,255,844	68	493	561
Jan-13	\$ 2,396,387	59	397	456
Feb-13	\$ 3,426,479	100	568	668
Mar-13	\$ 4,766,915	69	588	588
Apr-13	\$ 2,869,343	70	482	552
May-13	\$ 3,222,475	73	568	641
Jun-13	\$ 3,221,716	68	544	612
Jul-13	\$ 3,861,531	83	462	545
Aug-13	\$ 2,924,590	107	573	680
Sep-13	\$ 3,520,038	69	523	592
Oct-13	\$ 4,358,209	79	513	592
Nov-13	\$ 4,306,884	75	577	652

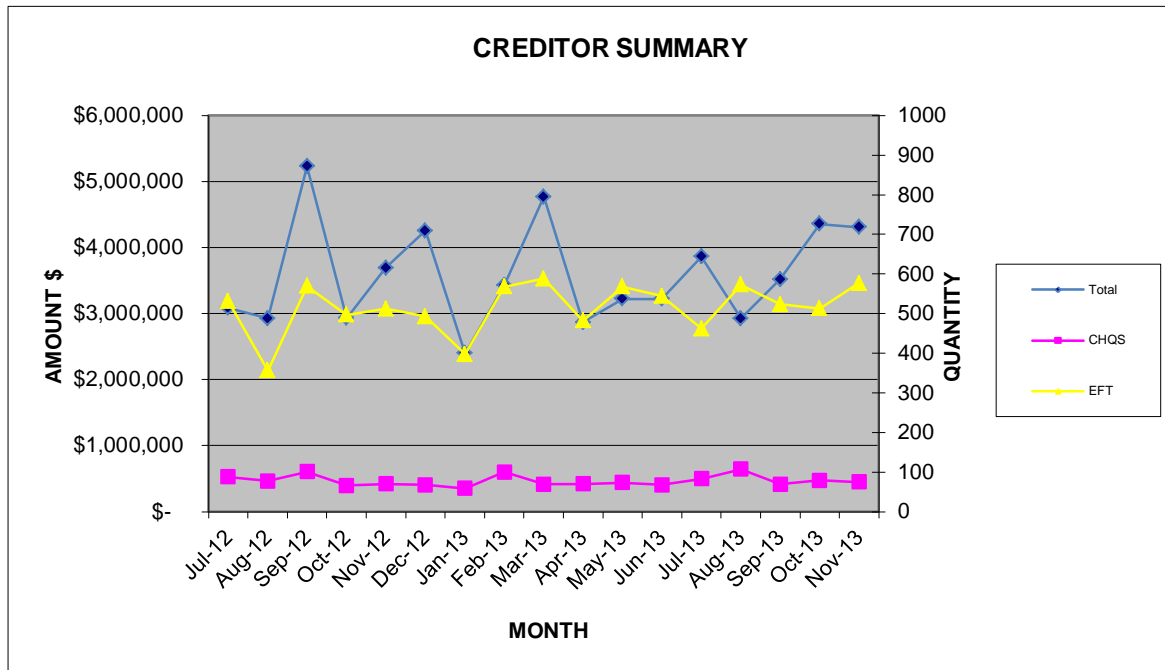
*Excludes net staff payroll

*Creditors on 30 day terms are paid on the 28th of the month following.

*Local suppliers are paid on 14 day terms.

SHIRE OF KALAMUNDA

**SUMMARY OF CREDITORS
 FOR THE PERIOD ENDED 30 NOVEMBER 2013**



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

10.4.2 Rates Debtors Report for the Period Ended 30 November 2013

Previous Items	N/A
Responsible Officer	Director Corporate Services
Service Area	Finance
File Reference	FI-DRS-004
Applicant	N/A
Owner	N/A

Attachment 1	Summary of Outstanding Rates for the period ended 30 November 2013
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PURPOSE

1. To receive a report on rates debtors for the period ended 30 November 2013.

BACKGROUND

2. Attached is the report detailing rates debtors for the period ended 30 November 2013 (Attachment 1).

3. Rates notices were issued on 08 July 2013.

Instalment dates are as follows:

Option 1 (Full Payment) - By 12 August 2013

Option 2 (Two Instalments) – 1st Instalment Date by 12 August 2013

2nd Instalment Date by 16 December 2013

Option 3 (Four Instalments) – 1st Instalment Date by 12 August 2013

2nd Instalment Date by 14 October 2013

3rd Instalment Date by 16 December 2013

4th Instalment Date by 10 February 2014

A grace period of two weeks was given before closing the instalment period. Any amounts outstanding on those ratepayers with an instalment option are regarded as defaulted and essentially are removed from this arrangement. The Shire can accept a direct debit payment arrangement to finalise the balance or a special payment arrangement is made in extenuating circumstances. Strict protocols are maintained so that the Shire is seen to be fair and equitable to all ratepayers.

4. 813 Letter of Demands ratepayers with outstanding balances on 12 November 2013. All but 417 have either paid in full or have taken up a direct debit payment arrangement to pay the balance of their rates.
5. As noted on (Attachment 1), the Shire has collected \$19,007,436 or 69% of the debt from the date the rates and service charges were raised. As a comparison, last year's collection of rates were lower at 64% mainly due to the delay in issuance of the rates notices.

6. A small amount of interim rates of \$18,549 have been raised to November. Processing of the interim rates will be a focus during December and January to ensure all potential revenue is recognised.

DETAILS

Debt Recovery

7. All of the 22 outstanding debts that remain with Dun & Bradstreet (D&B) have had Judgement entered against them; 8 have been served with a "Property Search & Seizure Order" (PSSO). The balances are still to have PSSO issued once located.

As indicated in point 4 above, there were still 417 ratepayers who have not responded to the D&B or are in the process of finalising an arrangement with the Shire. The Shire will continue pursuing closure on the outstanding debtors throughout December. This will include an extended call campaign after which, the balance will be directed towards the processing of a "General Procedure Claim" (GPC).

A report will then be brought to Council in the new year to approve those that haven't settled on their GPC claims requesting Council to authorise either a PSSO or Land Warrant.

STATUTORY AND LEGAL CONSIDERATIONS

8. The Shire collects its rates debts in accordance with the *Local Government Act (1995) Division 6 – Rates and Service Charges under the requirements of subdivision 5 – Recovery of unpaid rates and service charges.*

POLICY CONSIDERATIONS

9. Nil.

COMMUNITY ENGAGEMENT REQUIREMENTS

10. Nil.

FINANCIAL CONSIDERATIONS

11. The early raising of rates in July has allowed the Shires operations to commence without delays in addition to earning additional interest.

STRATEGIC COMMUNITY PLAN

Strategic Planning Alignment

12. *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

13. Debt collection can have implications upon those ratepayers facing hardship and the Shire must ensure equity in its debt collection processes.

Economic Implications

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

Environmental Implications

15. Nil.

RISK MANAGEMENT CONSIDERATIONS

- 16.

Risk	Likelihood	Consequence	Action/Strategy
The Shire is exposed to the potential risk of the ratepayer failing to make payments which it is obligated to do. This will result in the disruption of cash flows and increased collection costs.	Low	Low	Ensure debt collections is rigorously managed.

OFFICER COMMENT

17. Nil.

Voting Requirements: Simple Majority

OFFICER RECOMMENDATION

That Council:

1. Receives the rates debtors report for the period ended 30 November 2013 (Attachment 1).

Moved:

Seconded:

Vote:

**SHIRE OF KALAMUNDA
 SUMMARY OF OUTSTANDING RATES
 For the Period ended 30 November 2013**

Rates Outstanding Debtors

	3rd Previous Year + Outstanding	2nd Previous Year Outstanding	Previous Year Outstanding	Current Outstanding	Total Outstanding	Previous Year Total Outstanding
31/07/2013	\$315,936	\$94,910	\$295,163	\$22,754,586	\$23,460,595	\$779,089
31/08/2013	\$313,756	\$91,341	\$223,784	\$14,084,885	\$14,713,766	\$22,398,443
30/09/2013	\$310,039	\$87,180	\$183,695	\$12,571,976	\$13,152,890	\$13,496,792
30/10/2013	\$309,076	\$83,444	\$165,097	\$10,113,059	\$10,670,676	\$12,802,377
30/11/2013	\$305,152	\$81,878	\$142,520	\$8,882,464	\$9,412,015	\$9,569,596
31/12/2013					\$0	
31/01/2014					\$0	
28/02/2014					\$0	
31/03/2014					\$0	
30/04/2014					\$0	
31/05/2014					\$0	
30/06/2014					\$0	
	\$1,553,960	\$438,752	\$1,010,260	\$68,406,970	\$10,670,676	

Rate Levied 2013/2014

Interim 2013/2014

\$28,416,654

Back Rates

\$0

\$2,797

Total Levies To Date for 2013/14

\$28,419,451

Total Rates Outstanding

10,670,676

Current Deferred Rates Amount (from Rate Reports)

\$ 463,579

Total Rates amount to be collected not including deferred

\$10,207,097

% of Rates Outstanding :

32.97%

Comment

The 2013/2014 Instalment Dates are as follows:

	4xinstalments	2xinstalments
1st Instalment	12/08/2013	12/08/2013
2nd Instalment	14/10/2013	16/12/2013
3rd Instalment	16/12/2013	
4th Instalment	10/02/2014	

Statistics as of 05/12/2013

12,004

Assessments - Paid in Full or who are in 'Credit' balance

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

10.4.3 Draft Monthly Financial Statements to 30 November 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 five months to 30 November 2013 incorporating the following: <ul style="list-style-type: none">• 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
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PURPOSE

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

This Statement compares the actual year to date with the budget year to date.

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 now audited, the opening funding position in the Statement of Financial Activity statement has now been changed to reflect the correct position.
4. Although the administration has completed its first budget review, the figures reported are based on the original budget position as the outcome of the review is awaiting approval by Council at its meeting on 16 December 2013.

DETAILS

5. 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 five Months to 30 November 2013

6. This Statement reveals a net result of a surplus of \$21,841,940 against revised budget for the same period of \$20,850,737.

Revenue

7. Total Revenue is under budget by \$111,319. This is made up as follows:
 - Rates are under budget by \$354,498. The reason for the variance is due to timing. The raising of interim rates will normalise the situation over the coming months.
 - Operating Grants and Subsidies and Contributions, Reimbursements and Donations are over budget by \$271,854. This is a timing issue.
 - Fees and Charges variance is slightly under budget by \$6,939 and within the reporting threshold.
 - Interest earnings are slightly under budget by \$37,905 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 to prudent investment decisions and strict cashflow management of Shire funds. The budget review has been adjusted downwards slightly to reflect the current rates of return.
8. Other Revenue is over budget by \$14,789, which mainly relates to infringements based on successful prosecutions for dog attacks. Most "Other Revenues" comprise of various fines and penalties which are difficult to predict.

Expenditure

9. Total expenses are under budget with a variance of \$1,907,488. The significant variances within the individual categories are as follows:
 - Employment Costs are under budget by \$831,826 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 \$653,602 largely due to:
 - October Council Elections bill from Western Australian Electoral Commission is pending reflected by under budget of \$107,000. The bill has finally been received in December and will be reflected in the next month's financials.
 - Contractor Waste and Verge Collection is under by \$204,755 mainly due to timing of invoices however, as the verge collection is a new service, the budget will be under review.
 - Programme expenditure for Community Care services is under by approximately \$263,403. This is due to the lower volume of services being delivered.
 - Utilities were under by \$254,964 which is due partially to an error in the community hall budget with a double up on the Pioneer Pavilion Hall worth \$86,953 and the rest is mainly due to delayed billing from Synergy on street lighting and operational accounts not received in this period. The adjustment will be corrected in the budget review.
 - Insurance expense is under by \$15,374 relating to lower worker's compensation insurance costs.
 - Other expenditure is over budget by \$40,683, which is primarily due to timing differences on project based expenditure and donations to community groups for various activities.
10. The interest expense is slightly under budget by \$7,084, which is the result of a timing difference between amounts accrued and the budget which is based on the debenture payment schedule.
11. Depreciation, although a non-cash cost, is tracking slightly under budget, reporting a small variance of \$185,321 or 1.8% of the total depreciation budget. The reasons for the variance are:
- Plant depreciation is down by \$59,000 which is mainly related to the revaluation exercise. An investigation will be conducted to determine the cause for the lower depreciation and changes will be brought into the 2nd budget review.
 - 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

12. Non-Operating Grants are under budget by \$277,472 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. The majority relate to road grants with claims commencing shortly as Federal Assistance

Grants Scheme and Main Roads Regional Grants claims are lodged. It is noted that the amounts budgeted for Black Spot funding, \$200,000, will need to be revised to nil in the November Budget Review as we have not been successful in receiving any monies this year.

Profit / (Loss) on Asset Disposals

13. The variance of \$500,319 relates primarily to property sales. There were no properties disposed of in the month of November. The ATO has refunded the excess GST of \$473,000 funds on the sale of Smokebush Estate lots which will be reflected in the December financials.

Draft Statement of Comprehensive Income by Program for the five Months to 30 November 2013

14. The overall result comments are as above and generally each Program is within accepted budget except for General Purpose Funding and Community Amenities. Major variances have been reported by Nature and Type under points 7 to 13 above.

Draft Statement of Financial Activity for the five Months to 30 November 2013

15. The results to 30 November 2013 discloses a closing surplus of \$26,866,626 made up of:
- Overall income, excluding rates, is under budget by \$262,957 with the bulk of the variance being grants and contributions, profit on asset disposal and interest earnings as previously explained in Point 7 of this report.
 - Expenditure is \$1,905,457 lower than forecast with the main variance in Employment Costs and Materials and Contracts. These have been commented on in Point 9 of this report.
 - Land Development for Edney Road/ Cygnet Court and Hale Road has not yet commenced in 2013/14, resulting in an underspend of \$1,161,916. It is understood that there have been delays on re-zoning and title issuance which will result in the projects being deferred to 2014/15. Adjustments will be made in the November Budget Review to reflect the revised status on land developments.
 - Infrastructure projects made up of roads and parks and ovals has incurred \$2,414,698 against budget of \$ 4,063,401.
 - \$622,171 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 \$354,498 relates to timing of interim rates as explained previously in Point 7.

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 \$26,866,626 is still above YTD budget of \$19,128,540, due to project based activities reflected above still in progress.

Draft Investments Schedule as at 30 November 2013

18. A total of \$38.9 million is in term deposits or online saving accounts. This represents a net decrease of \$1.28 million in cash deposits which can be related to the increase in expenditures exceeding collections from rates collection, fees and charges and monies received on behalf of Cell 9.
19. The above is made of:

Municipal Funds	Reserve Funds	Trust Monies
\$23,451,455	\$2,371,244	\$13,141,820 (includes amounts for Public Open Space of \$2,226,420)

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%. Reserve Bank of Australia ("RBA") cash rate is at 2.5% with a low probability of further rate cuts.
21. All deposits complied with the Investment Policy requirements and are no longer than 120 days.

Draft Statement of Financial Position as at 30 November 2013

22. The commentary on the Financial Position is based on comparison of the current month actuals against the previous month actuals.
23. Net Current Assets (Current Assets less Current Liabilities) show a positive result of \$26.86 million. The cash position has a positive position of \$23.45 million which is slightly lower when compared to the previous month's balance of \$24.95 million. This is due to the expenditures exceeding collections for rates and fees and will be the trend now for the coming months.
24. Trade and other receivables comprise of rates and sundry debtors totalling \$7.87 million outstanding.
 - The rates balance has reduced by \$1.26 million in the month. This represents a collection rate of 68.5% to date. Debt collection strategies are being rigorously enforced to assist in collections.

-
25. Sundry debtors have increased by \$153,235 to \$794,014 outstanding. The main overdue sundry debtors are:
- Western Power \$7,695 for repairs on damaged storm water pipes. Additional details have been requested by the debtor to ascertain the validity of the liability; and
 - Lesmurdie Tennis Club \$28,112 being an overdue contribution for the clubhouse re-fit and extension. Additional works are being completed by the Shire in January which should be acceptable by the Club.
26. Fixed Assets additions are below budget by \$2,270,874 in both asset categories of Property, Plant and Equipment and Infrastructure asset category. Strategies will be put in place to improve the delivery of infrastructure projects.
27. Provisions for annual and long service leave are currently stable at \$2.2 million, with a slight difference from October 2013. The long term goal is to bring this liability down to a more manageable level.
28. 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

- 29.
- The year-end financials were signed off by the Chief Executive Officer on the 2nd of December 2013.
 - They were presented to the Audit Committee on the 9th December 2013 along with the responses from the administration on the management letters.
 - The statements will be presented to the Council for approval on the 16th December 2013.

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. The following risks have been considered:

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

39. The Shire's draft financial statements as at 30 November 2013 demonstrate the Shire has managed its budget and financial resources effectively.

Voting Requirements: Simple Majority

OFFICER RECOMMENDATION

That Council:

1. Receives the draft monthly financial statements for the month to 30 November 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:

Seconded:

Vote:

CEOR 10.4.3

Attachement 1

SHIRE OF KALAMUNDA
STATEMENT OF COMPREHENSIVE INCOME
BY PROGRAM
FOR THE 5 MONTHS TO 30 NOVEMBER 2013

	30/11/2013 Actual \$	30/11/2013 Budget \$	2013/14 Budget \$	30/11/2012 Actual \$
REVENUE				
Governance	3,034	7,025	16,876	6,042
General Purpose Funding	29,320,584	29,579,521	32,118,251	26,351,303
Law, Order, Public Safety	293,252	157,556	378,076	183,244
Health	194,331	41,840	103,560	78,157
Education and Welfare	1,892,995	1,748,229	3,586,880	1,889,587
Community Amenities	8,366,130	8,600,251	9,109,070	7,329,946
Recreation and Culture	887,329	925,660	2,013,333	484,278
Transport	45,522	840	2,020	1,938
Economic Services	276,948	290,255	696,677	317,250
Other Property and Services	128,138	168,405	410,723	160,523
	<u>41,408,263</u>	<u>41,519,582</u>	<u>48,435,466</u>	<u>36,802,268</u>
EXPENSES EXCLUDING FINANCE COSTS				
Governance	(1,192,636)	(1,254,892)	(2,733,002)	(1,243,000)
General Purpose Funding	(324,671)	(320,270)	(745,018)	(329,268)
Law, Order, Public Safety	(675,273)	(768,739)	(1,768,318)	(628,642)
Health	(395,268)	(463,143)	(1,032,205)	(383,406)
Education and Welfare	(1,443,027)	(1,773,028)	(4,135,736)	(1,394,159)
Community Amenities	(4,350,185)	(4,701,297)	(12,664,730)	(4,305,199)
Recreation & Culture	(7,580,339)	(8,031,944)	(18,531,274)	(6,974,992)
Transport	(3,187,687)	(3,436,695)	(8,248,294)	(3,186,357)
Economic Services	(377,434)	(421,817)	(968,241)	(316,489)
Other Property and Services	(616,488)	(865,770)	(2,047,845)	(1,128,926)
	<u>(20,143,008)</u>	<u>(22,037,595)</u>	<u>(52,874,663)</u>	<u>(19,890,438)</u>
FINANCE COSTS				
Other Property and Services	(196,406)	(203,490)	(488,374)	(214,271)
	<u>(196,406)</u>	<u>(203,490)</u>	<u>(488,374)</u>	<u>(214,271)</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				
Education and Welfare	0	0	0	119,176
Recreation and Culture	18,333	503,512	1,425,233	136,243
Transport	371,140	163,433	2,411,202	1,289,535
	<u>389,473</u>	<u>666,945</u>	<u>3,836,435</u>	<u>1,544,954</u>
PROFIT/(LOSS) ON DISPOSAL OF ASSETS				
Community Amenities	407,488	913,625	2,741,310	948,684
Other Property and Services	(21,839)	(8,330)	(20,000)	(44,186)
	<u>385,649</u>	<u>905,295</u>	<u>2,721,310</u>	<u>904,498</u>
CHANGES IN FAIR VALUE INCREMENT DUE TO ASSET DISPOSAL				
Other Property and Services	(2,031)	0	0	0
	<u>(2,031)</u>	<u>0</u>	<u>0</u>	<u>0</u>
NET RESULT	21,841,940	20,850,737	4,716,943	19,147,011
Other Comprehensive Income				
Changes on Revaluation of non-current assets	0	0	(1,000,000)	0
Total Other Comprehensive Income	<u>0</u>	<u>0</u>	<u>(1,000,000)</u>	<u>0</u>
TOTAL COMPREHENSIVE INCOME	<u>21,841,940</u>	<u>20,850,737</u>	<u>3,716,943</u>	<u>19,147,011</u>

SHIRE OF KALAMUNDA
STATEMENT OF COMPREHENSIVE INCOME
BY NATURE OR TYPE
FOR THE 5 MONTHS TO 30 NOVEMBER 2013

	30/11/2013 Actual \$	30/11/2013 Budget \$	2013/14 Budget \$	30/11/2012 Actual \$
REVENUE				
Rates	28,117,540	28,472,038	28,755,308	25,485,803
Operating Grants and Subsidies	2,468,072	2,196,218	5,427,783	2,347,430
Contributions, Reimbursements and Donations	398,857	403,294	811,106	259,558
Fees and Charges	9,899,079	9,906,018	12,357,702	8,478,503
Interest Earnings	477,193	515,098	1,025,933	206,658
Other Revenue	41,704	26,915	57,633	24,058
	<u>41,402,445</u>	<u>41,519,581</u>	<u>48,435,465</u>	<u>36,802,010</u>
EXPENSES				
Employee Costs	(8,370,245)	(9,202,071)	(21,139,829)	(8,036,534)
Materials and Contracts	(6,217,981)	(6,871,583)	(18,277,240)	(6,223,924)
Utility Charges	(866,366)	(1,121,330)	(2,686,347)	(946,495)
Depreciation	(3,930,034)	(4,115,355)	(9,877,138)	(3,952,994)
Interest Expenses	(196,406)	(203,490)	(488,374)	(214,271)
Insurance Expenses	(605,500)	(620,874)	(626,040)	(567,505)
Other Expenditure	(147,064)	(106,381)	(268,068)	(162,729)
	<u>(20,333,596)</u>	<u>(22,241,084)</u>	<u>(53,363,036)</u>	<u>(20,104,452)</u>
	21,068,849	19,278,497	(4,927,571)	16,697,558
Non-Operating Grants, Subsidies				
Non-Operating Grants, Subsidies and Contribut	389,473	666,945	3,836,435	1,544,954
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	413,306	913,625	2,741,310	948,939
Loss on Asset Disposals	(27,657)	(8,330)	(20,000)	(44,440)
Changes in fair value increment due to asset disposals	(2,031)	0	0	0
	<u>773,121</u>	<u>1,572,240</u>	<u>6,643,514</u>	<u>2,449,453</u>
NET RESULT	21,841,940	20,850,737	4,716,943	19,147,011
Other Comprehensive Income				
Changes on Revaluation of non-current assets	0	0	(1,000,000)	0
Total Other Comprehensive Income	<u>0</u>	<u>0</u>	<u>(1,000,000)</u>	<u>0</u>
TOTAL COMPREHENSIVE INCOME	<u>21,841,940</u>	<u>20,850,737</u>	<u>3,716,943</u>	<u>19,147,011</u>

SHIRE OF KALAMUNDA
STATEMENT OF CASH FLOWS
FOR THE 5 MONTHS TO 30 NOVEMBER 2013

	NOTE	30/11/2013 Actual \$	2013/14 Budget \$	30/06/2013 Actual \$
Cash Flows From Operating Activities				
Receipts				
Rates		29,425,111	28,857,508	26,576,923
Operating Grants and Subsidies		2,468,072	5,585,783	3,128,456
Contributions, Reimbursements and Donations		398,857	811,106	3,259,791
Fees and Charges		3,793,801	12,357,702	9,094,025
Interest Earnings		477,193	1,025,933	756,651
Goods and Services Tax		374,672	3,255,223	2,345,247
Other Revenue		41,704	57,633	75,532
		<u>36,979,410</u>	<u>51,950,888</u>	<u>45,236,625</u>
Payments				
Employee Costs		(8,653,492)	(21,286,194)	(19,198,428)
Materials and Contracts		(6,735,356)	(18,165,227)	(15,826,937)
Utility Charges		(866,366)	(2,686,347)	(2,484,928)
Insurance Expenses		(605,500)	(626,042)	(585,646)
Interest Expenses		(224,565)	(498,832)	(491,882)
Goods and Services Tax		(1,195,914)	(2,967,377)	(875,557)
Other Expenditure		(147,064)	(268,068)	(391,588)
		<u>(18,428,257)</u>	<u>(46,498,087)</u>	<u>(39,854,966)</u>
Net Cash Provided By (Used In)				
Operating Activities	(b)	<u>18,551,153</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		(1,305,030)	(7,807,111)	(2,482,132)
Payments for Construction of Infrastructure		(2,414,698)	(9,372,047)	(4,634,162)
Non-Operating Grants, Subsidies and Contributions used for the Development of Assets		389,473	3,836,435	2,741,392
Proceeds from Sale of Land		407,488	6,180,000	2,455,163
Sale of Land Receivable		187,087	0	(187,087)
Proceeds from Sale of Plant & Equipment		36,318	327,100	314,340
		<u>36,318</u>	<u>327,100</u>	<u>314,340</u>
Net Cash Provided By (Used In)				
Investing Activities		<u>(2,699,869)</u>	<u>(6,835,623)</u>	<u>(1,879,258)</u>
Cash Flows from Financing Activities				
Repayment of Debentures		(263,048)	(757,930)	(559,442)
Proceeds from Self Supporting Loans		29,503	64,999	59,537
		<u>29,503</u>	<u>64,999</u>	<u>59,537</u>
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		15,617,739	(2,075,753)	3,002,495
Cash at Beginning of Year		10,211,894	9,956,625	7,209,398
		<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>25,829,633</u>	<u>7,880,872</u>	<u>10,211,894</u>
Cash and Cash Equivalents		25,829,633		
Bank Overdraft		0		
		<u>25,829,633</u>		

Please note that the following amount is included in the Total Cash and Cash Equivalents shown above.
This amount is the Restricted Cash for Reserve Accounts.

**SHIRE OF KALAMUNDA
STATEMENT OF FINANCIAL POSITION
AS AT 30 NOVEMBER 2013**

	NOTE	Actual YTD 30/11/2013 \$	Actual YTD 30/11/2012 \$
CURRENT ASSETS			
Cash and Cash Equivalents		25,829,633	20,403,842
Trade and Other Receivables		7,932,548	9,239,168
Inventories		154,527	191,921
Work in Progress		20,081	0
Land Held for Resale		384,867	153,331
TOTAL CURRENT ASSETS		<u>34,321,656</u>	<u>29,988,262</u>
NON-CURRENT ASSETS			
Other Receivables		992,499	996,051
Land Held for Resale		0	284,660
Shares in Other Equities		15,937,574	13,420,932
Property, Plant and Equipment		158,970,647	160,767,168
Infrastructure		156,349,584	155,795,064
TOTAL NON-CURRENT ASSETS		<u>332,250,304</u>	<u>331,263,875</u>
TOTAL ASSETS		<u>366,571,960</u>	<u>361,252,137</u>
CURRENT LIABILITIES			
Trade and Other Payables		4,619,302	4,179,348
Borrowings		563,818	559,442
Provisions		2,275,513	2,054,529
TOTAL CURRENT LIABILITIES		<u>7,458,633</u>	<u>6,793,319</u>
NON-CURRENT LIABILITIES			
Long Term Borrowings		7,283,184	7,859,591
Provisions		579,165	385,274
TOTAL NON-CURRENT LIABILITIES		<u>7,862,349</u>	<u>8,244,865</u>
TOTAL LIABILITIES		<u>15,320,982</u>	<u>15,038,184</u>
NET ASSETS		<u>351,250,978</u>	<u>346,213,953</u>
EQUITY			
Retained Surplus		221,951,758	212,439,089
Reserves - Cash/Investment Backed		2,371,243	4,109,235
Reserves - Asset Revaluation		126,927,977	129,665,629
TOTAL EQUITY		<u>351,250,978</u>	<u>346,213,953</u>

SHIRE OF KALAMUNDA
STATEMENT OF FINANCIAL ACTIVITY
BY NATURE OR TYPE
FOR THE 5 MONTHS TO 30 NOVEMBER 2013

	30/11/2013 YTD Actual (b) \$	30/11/2013 YTD Budget (a) \$	Annual Budget \$	Var. \$ (b)-(a) \$	Var. % (b)-(a)/(b) %
Operating Revenues					
Operating Grants and Subsidies	2,468,072	2,196,218	5,427,783	271,854	11.0%
Contributions, Reimbursements and Donations	398,857	403,294	3,897,875	(4,437)	(1.1%)
Profit on Asset Disposal	413,306	913,625	2,741,310	(500,319)	(121.1%)
Fees and Charges	9,899,079	9,906,018	12,357,702	(6,939)	(0.1%)
Interest Earnings	477,193	515,098	1,025,933	(37,905)	(7.9%)
Other Revenue	41,704	26,915	57,633	14,789	35.5%
Total (Excluding Rates)	13,698,211	13,961,168	25,508,236	(262,957)	
Operating Expense					
Employee Costs	(8,370,245)	(9,202,071)	(21,139,829)	831,826	9.9%
Materials and Contracts	(6,217,981)	(6,871,583)	(18,277,240)	653,602	10.5%
Utilities Charges	(866,366)	(1,121,330)	(2,686,347)	254,964	29.4%
Depreciation (Non-Current Assets)	(3,930,034)	(4,115,355)	(9,877,138)	185,321	4.7%
Interest Expenses	(196,406)	(203,490)	(488,374)	7,084	3.6%
Insurance Expenses	(605,500)	(620,874)	(626,040)	15,374	2.5%
Loss on Asset Disposal	(2,031)	0	0	(2,031)	(100.0%)
Other Expenditure	(147,064)	(106,381)	(268,068)	(40,683)	(27.7%)
Total	(20,335,627)	(22,241,084)	(53,363,036)	1,905,457	
Funding Balance Adjustment					
Add Back Depreciation	3,930,034	4,115,355	9,877,138	(185,321)	(4.7%)
Adjust (Profit)/Loss on Asset Disposal	(411,275)	(913,625)	(2,741,310)	502,350	(122.1%)
EMRC Contribution (Non-cash)	0	0	(3,086,769)	0	
Deferred Loan (non-current) FUSC	(12,146)	0	0		
Movement in Provisions	132,953	0	122,782	132,953	100.0%
Pensioners Deferred Rates Movement	0	0	(27,800)	0	
Total	3,639,566	3,201,730	4,144,041	449,982	
Net Operating (Ex. Rates)	(2,997,850)	(5,078,186)	(23,710,759)	1,959,529	
Capital Revenues					
Proceeds from Disposal of Assets	443,806	592,258	6,507,100	(148,452)	(33.4%)
Grants, Subsidies and Contributions	389,473	666,945	3,836,435	(277,472)	(71.2%)
Self-Supporting Loan Principal	29,503	32,106	64,999	(2,603)	(8.8%)
Overdraft Funding	0	0	1,500,000	0	
Transfer from Reserves	0	0	8,345,000	0	
Total	862,782	1,291,309	20,253,534	(428,527)	
Capital Expenses					
Land Held for Resale	(507)	0	0	(507)	(100.0%)
Land Development Costs	(24,534)	(1,186,450)	(2,847,500)	1,161,916	4735.9%
Land and Buildings New	(107,001)	(105,215)	(252,591)	(1,786)	(1.7%)
Land and Buildings Replacement	(427,199)	(1,051,156)	(2,589,969)	623,957	146.1%
Plant and Equipment New	(13,214)	(21,080)	(38,000)	7,866	59.5%
Plant and Equipment Replacement	(134,112)	(324,680)	(779,242)	190,568	142.1%
Furniture and Equipment	(598,970)	(542,500)	(1,299,809)	(56,470)	(9.4%)
Infrastructure Assets - Roads New	(1,098,052)	(1,407,488)	(3,221,523)	309,437	28.2%
Infrastructure Assets - Roads Renewal	(220,946)	(384,467)	(672,098)	163,522	74.0%
Infrastructure Assets - Drainage New	(71,584)	(367,585)	(708,549)	296,001	413.5%
Infrastructure Assets - Drainage Renewal	(299,287)	(398,870)	(625,516)	99,583	33.3%
Infrastructure Assets - Footpaths New	(60,184)	(40,560)	(97,358)	(19,624)	(32.6%)
Infrastructure Assets - Footpaths Renewal	(96,478)	(134,245)	(322,236)	37,767	39.1%
Infrastructure Assets - Car Parks New	(4,810)	(43,815)	(105,175)	39,005	810.9%
Infrastructure Assets - Car Parks Renewal	(21,751)	(102,045)	(409,630)	80,294	369.2%
Infrastructure Assets - Parks and Ovals New	(502,664)	(865,477)	(2,480,637)	362,813	72.2%
Infrastructure Assets - Parks and Ovals Renewal	(38,943)	(318,849)	(729,325)	279,906	718.8%
Repayment of Debentures	(263,048)	(315,800)	(757,930)	52,752	20.1%
Overdraft Funding (Repayment)	0	0	0	0	
Transfer to Reserves	(210,415)	(6,680)	(7,197,558)	(203,735)	(96.8%)
Total	(4,193,698)	(7,616,962)	(25,134,646)	3,423,264	
Net Capital	(3,330,916)	(6,325,653)	(4,881,112)	2,994,737	
Total Net Operating + Capital	(6,328,766)	(11,403,839)	(28,591,871)	4,954,266	
Rate Revenue	28,117,540	28,472,038	28,755,308	(354,498)	(1.3%)
Opening Funding Surplus(Deficit)	5,077,852	2,060,341	2,060,341	3,017,511	59.4%
Closing Funding Surplus(Deficit)	26,866,626	19,128,540	2,223,778	7,617,279	

**SHIRE OF KALAMUNDA
STATEMENT OF FINANCIAL ACTIVITY
(STATUTORY REPORTING PROGRAM)
FOR THE 5 MONTHS TO 30 NOVEMBER 2013**

	30/11/2013 YTD Actual (b) \$	30/11/2013 YTD Budget (a) \$	Annual Budget \$	Var. \$ (b)-(a) \$	Var. % (b)-(a)/(b) %
Operating Revenues					
Governance	3,034	7,025	16,876	(3,991)	(131.5%)
General Purpose Funding	1,203,044	1,107,483	6,449,712	95,561	7.9%
Law, Order and Public Safety	293,252	157,556	378,076	135,696	46.3%
Health	194,331	41,840	103,560	152,491	78.5%
Education and Welfare	1,892,995	1,748,229	3,586,880	144,766	7.6%
Community Amenities	8,366,130	8,600,251	9,109,070	(234,121)	(2.8%)
Recreation and Culture	887,329	925,660	2,013,333	(38,331)	(4.3%)
Transport	45,522	840	2,020	44,682	98.2%
Economic Services	276,948	290,255	696,677	(13,307)	(4.8%)
Other Property and Services	541,444	1,082,030	3,152,033	(540,586)	(99.8%)
Total (Excluding Rates)	13,704,029	13,961,169	25,508,237	(257,140)	
Operating Expense					
Governance	(1,192,636)	(1,254,892)	(2,733,002)	62,256	5.2%
General Purpose Funding	(324,671)	(320,270)	(745,018)	(4,401)	(1.4%)
Law, Order and Public Safety	(675,273)	(768,739)	(1,768,318)	93,466	13.8%
Health	(395,268)	(463,143)	(1,032,205)	67,875	17.2%
Education and Welfare	(1,443,027)	(1,773,028)	(4,135,736)	330,001	22.9%
Community Amenities	(4,350,185)	(4,701,297)	(12,664,730)	351,112	8.1%
Recreation and Culture	(7,580,339)	(8,031,944)	(18,531,274)	451,605	6.0%
Transport	(3,187,687)	(3,436,695)	(8,248,294)	249,008	7.8%
Economic Services	(377,434)	(421,817)	(968,241)	44,383	11.8%
Other Property and Services	(814,925)	(1,069,260)	(2,536,219)	254,335	31.2%
Total	(20,341,445)	(22,241,085)	(53,363,037)	1,899,640	
Funding Balance Adjustment					
Add back Depreciation	3,930,034	4,115,355	9,877,138	(185,321)	(4.7%)
Adjust (Profit)/Loss on Asset Disposal	(411,275)	(913,625)	(2,741,310)	502,350	(122.1%)
EMRC Contribution (Non-cash)	0	0	(3,086,769)	0	
Deferred Loan (non-current) FUSC	(12,146)	0	0	(12,146)	100.0%
Movement in Provisions	132,953	0	122,782	132,953	100.0%
Pensioners Deferred Rates Movement	0	0	(27,800)	0	
Total	3,639,566	3,201,730	4,144,041	437,836	
Net Operating (Ex. Rates)	(2,997,850)	(5,078,186)	(23,710,759)	1,959,529	
Capital Revenues					
Proceeds from Disposal of Assets	443,806	592,258	6,507,100	(148,452)	(33.4%)
Capital Contributions and Grants	389,473	666,945	3,836,435	(277,472)	(71.2%)
Self-Supporting Loan Principal Income	29,503	32,106	64,999	(2,603)	(8.8%)
Overdraft Funding Utilised	0	0	1,500,000	0	
Transfer from Reserves	0	0	8,345,000	0	
Total	862,782	1,291,309	20,253,534	(428,527)	
Capital Expenses					
Land Held for Resale	(507)	0	0	(507)	(100.0%)
Land Development Costs	(24,534)	(1,186,450)	(2,847,500)	1,161,916	4735.9%
Land and Buildings New	(107,001)	(105,215)	(252,591)	(1,786)	(1.7%)
Land and Buildings Replacement	(427,199)	(1,051,156)	(2,589,969)	623,957	146.1%
Plant and Equipment New	(13,214)	(21,080)	(38,000)	7,866	59.5%
Plant and Equipment Replacement	(134,112)	(324,680)	(779,242)	190,568	142.1%
Furniture and Equipment	(598,970)	(542,500)	(1,299,809)	(56,470)	(9.4%)
Infrastructure Assets - Roads New	(1,098,052)	(1,407,488)	(3,221,523)	309,437	28.2%
Infrastructure Assets - Roads Renewal	(220,946)	(384,467)	(672,098)	163,522	74.0%
Infrastructure Assets - Drainage New	(71,584)	(367,585)	(708,549)	296,001	413.5%
Infrastructure Assets - Drainage Renewal	(299,287)	(398,870)	(625,516)	99,583	33.3%
Infrastructure Assets - Footpaths New	(60,184)	(40,560)	(97,358)	(19,624)	(32.6%)
Infrastructure Assets - Footpaths Renewal	(96,478)	(134,245)	(322,236)	37,767	39.1%
Infrastructure Assets - Car Parks New	(4,810)	(43,815)	(105,175)	39,005	810.9%
Infrastructure Assets - Car Parks Renewal	(21,751)	(102,045)	(409,630)	80,294	369.2%
Infrastructure Assets - Parks and Ovals New	(502,664)	(865,477)	(2,480,637)	362,813	72.2%
Infrastructure Assets - Parks and Ovals Renewal	(38,943)	(318,849)	(729,325)	279,906	718.8%
Repayment of Debentures	(263,048)	(315,800)	(757,930)	52,752	20.1%
Overdraft Funds (Repayment)	0	0	0	0	
Transfer to Reserves	(210,415)	(6,680)	(7,197,558)	(203,735)	(96.8%)
Total	(4,193,698)	(7,616,962)	(25,134,646)	3,423,264	
Net Capital	(3,330,916)	(6,325,653)	(4,881,112)	2,994,737	
Total Net Operating + Capital	(6,328,766)	(11,403,839)	(28,591,871)	4,954,266	
Rate Revenue	28,117,540	28,472,038	28,755,308	(354,498)	(1.3%)
Opening Funding Surplus(Deficit)	5,077,852	2,060,341	2,060,341	3,017,511	59.4%
Closing Funding Surplus(Deficit)	26,866,626	19,128,540	2,223,778	7,617,279	

SHIRE OF KALAMUNDA
NOTES TO AND FORMING PART OF THE FINANCIAL REPORT
FOR THE 5 MONTHS TO 30 NOVEMBER 2013

NET CURRENT FUNDING POSITION

Positive=Surplus (Negative=Deficit)
2012-13

	30/11/2013 \$	Last Period \$
Current Assets		
Cash Unrestricted	23,458,390	24,995,167
Cash Restricted	0	0
Cash at Bank - Reserves (Restricted)	2,371,244	2,366,381
Receivables - Rates and Rubbish	7,078,996	8,611,039
Receivables -Other	794,014	640,779
Inventories	154,527	161,593
(* exclude loan receivable)	<u>33,857,171</u>	<u>36,774,959</u>
Less: Current Liabilities		
Payables	(4,619,302)	(4,320,058)
Provisions	(2,275,513)	(2,231,703)
(* exclude loan payable)	<u>(6,894,815)</u>	<u>(6,551,760)</u>
Net Current Asset Position	<u>26,962,356</u>	<u>30,223,199</u>
Add:		
Provision for Long Service Leave	710,973	696,752
Provision for Annual Leave	1,564,541	1,534,951
Less:		
Restricted Cash (Reserves)	(2,371,244)	(2,366,381)
Cash Restricted		
Net Current Funding Position	<u>26,866,626</u>	<u>30,088,521</u>

**SHIRE OF KALAMUNDA
STATEMENT OF CHANGES IN EQUITY
FOR THE 5 MONTHS TO 30 NOVEMBER 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
Comprehensive Income				
Net Result	1,860,385	0	0	1,860,385
Changes on Revaluation of Non-Current Assets	<u>0</u>	<u>0</u>	<u>481,711</u>	<u>481,711</u>
Total Comprehensive Income	1,860,385	0	481,711	2,342,096
Other				
Transfer of previously recognised increment in fair value due to asset write off	3,217,332	0	(3,217,332)	0
Reserve Transfers	<u>516,638</u>	<u>(516,638)</u>	<u>0</u>	<u>0</u>
Total Other	<u>3,733,970</u>	<u>(516,638)</u>	<u>(3,217,332)</u>	<u>0</u>
Balance as at 30 June 2013	200,318,202	2,160,828	126,930,008	329,409,038
Comprehensive Income				
Net Result	21,841,940	0	0	21,841,940
Changes on Revaluation of Non-Current Assets	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>
Total Other Comprehensive Income	21,841,940	0	0	21,841,940
Other				
Transfer of previously recognised increment in fair value due to asset disposals	2,031	0	(2,031)	0
Reserve Transfers	<u>(210,415)</u>	<u>210,415</u>	<u>0</u>	<u>0</u>
	<u>(208,384)</u>	<u>210,415</u>	<u>(2,031)</u>	<u>0</u>
Balance as at 30 November 2013	<u>221,951,758</u>	<u>2,371,243</u>	<u>126,927,977</u>	<u>351,250,978</u>

This statement is to be read in conjunction with the accompanying notes.

SHIRE OF KALAMUNDA
NOTES TO AND FORMING PART OF THE FINANCIAL REPORT
FOR THE 5 MONTHS TO 30 NOVEMBER 2013

	Actual 30/11/2013 \$	Original Budget 30/06/2014 \$
RESERVES - CASH/INVESTMENT BACKED		
(a) Land and Property		
Opening Balance	717,693	3,235,498
Interest Earned	8,916	97,065
Amount Set Aside / Transfer to Reserve	185,897	5,200,000
Amount Used / Transfer from Reserve	<u>0</u>	<u>(6,865,000)</u>
	<u>912,506</u>	<u>1,667,563</u>
(b) Waste Management		
Opening Balance	156,580	154,349
Interest Earned	1,692	4,630
Amount Set Aside / Transfer to Reserve	0	0
Amount Used / Transfer from Reserve	<u>0</u>	<u>0</u>
	<u>158,272</u>	<u>158,979</u>
(c) EDP - IT Equipment		
Opening Balance	169,913	122,666
Interest Earned	1,836	3,680
Amount Set Aside / Transfer to Reserve	0	1,250,000
Amount Used / Transfer from Reserve	<u>0</u>	<u>(1,228,000)</u>
	<u>171,749</u>	<u>148,346</u>
(d) Local Government Elections		
Opening Balance	0	0
Interest Earned	0	0
Amount Set Aside / Transfer to Reserve	0	110,000
Amount Used / Transfer from Reserve	<u>0</u>	<u>(110,000)</u>
	<u>0</u>	<u>0</u>
(e) Long Service Leave		
Opening Balance	73,109	72,067
Interest Earned	791	2,162
Amount Set Aside / Transfer to Reserve	0	100,000
Amount Used / Transfer from Reserve	<u>0</u>	<u>(60,000)</u>
	<u>73,900</u>	<u>114,229</u>
(f) Plant and Equipment		
Opening Balance	28,350	27,946
Interest Earned	307	838
Amount Set Aside / Transfer to Reserve	0	0
Amount Used / Transfer from Reserve	<u>0</u>	<u>0</u>
	<u>28,657</u>	<u>28,784</u>

SHIRE OF KALAMUNDA
NOTES TO AND FORMING PART OF THE FINANCIAL REPORT
FOR THE 5 MONTHS TO 30 NOVEMBER 2013

	Actual 30/11/2013 \$	Original Budget 30/06/2014 \$
(g) Stirk Park Reserve		
Opening Balance	24,723	24,373
Interest Earned	266	731
Amount Set Aside / Transfer to Reserve	0	0
Amount Used / Transfer from Reserve	0	0
	24,989	25,104
(h) HACC		
Opening Balance	443,392	437,831
Interest Earned	4,793	13,135
Amount Set Aside / Transfer to Reserve	0	250,000
Amount Used / Transfer from Reserve	0	0
	448,185	700,966
(i) Forrestfield Industrial Area		
Opening Balance	160,787	77,804
Interest Earned	1,738	2,334
Amount Set Aside / Transfer to Reserve	0	0
Amount Used / Transfer from Reserve	0	(30,000)
	162,525	50,138
(j) Insurance Contingency		
Opening Balance	164,706	162,362
Interest Earned	1,780	4,871
Amount Set Aside / Transfer to Reserve	0	0
Amount Used / Transfer from Reserve	0	0
	166,486	167,233
(k) Light Plant		
Opening Balance	33,443	32,967
Interest Earned	363	989
Amount Set Aside / Transfer to Reserve	0	0
Amount Used / Transfer from Reserve	0	0
	33,806	33,956
(l) Revaluation		
Opening Balance	136,416	134,472
Interest Earned	1,475	4,034
Amount Set Aside / Transfer to Reserve	0	50,000
Amount Used / Transfer from Reserve	0	0
	137,891	188,506

SHIRE OF KALAMUNDA
NOTES TO AND FORMING PART OF THE FINANCIAL REPORT
FOR THE 5 MONTHS TO 30 NOVEMBER 2013

	Actual 30/11/2013 \$	Original Budget 30/06/2014 \$
(m) Nominated Employee Leave Provisions		
Opening Balance	24,340	23,990
Interest Earned	263	720
Amount Set Aside / Transfer to Reserve	0	0
Amount Used / Transfer from Reserve	0	0
	<u>24,603</u>	<u>24,710</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	27,376	45,647
Interest Earned	298	1,369
Amount Set Aside / Transfer to Reserve	0	101,000
Amount Used / Transfer from Reserve	0	(52,000)
	<u>27,674</u>	<u>96,016</u>
TOTAL CASH BACKED RESERVES	<u><u>2,371,243</u></u>	<u><u>3,404,530</u></u>

SUMMARY

	2013-14 Actual YTD \$	2013-14 Budget \$
Opening Balance	2,160,828	4,551,972
Transfer from Accumulated Surplus - Interest	24,519	136,558
Transfer from Accumulated Surplus	185,897	7,061,000
Transfer to Accumulated Surplus	<u>0</u>	<u>(8,345,000)</u>
Closing Balance	<u><u>2,371,243</u></u>	<u><u>3,404,530</u></u>

**Shire of Kalamunda
Investments as at 30 November 2013**

30/11/2013

Invest#	Bank	Term	Interest Rate %	Weighted Int Rate	Maturity	Fund	Amount
<u>MUNICIPAL FUNDS</u>							
<u>Cash at Bank</u>							
SOK - MOW	ANZ-Meals on Wheels					Municipal	\$9,937.51
SOK - KHACC	Bank West-Home and Community Care					Municipal	\$71,028.28
SOK	Commonwealth Chequing Account					Municipal	\$1,065,908.89
SOK	Commonwealth Savings Account					Municipal	\$1,822,715.54
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	\$685.66
							\$2,970,275.88
<u>Cash Investments</u>							
9075	ING	180	3.88%	0.1731%	3/3/14	Municipal	\$1,271,498.37
9081	NAB	120	3.66%	0.2700%	21/3/14	Municipal	\$2,102,971.88
9083	NAB	120	3.66%	0.1350%	21/3/14	Municipal	\$1,051,485.96
9087	Westpac	120	3.35%	0.1192%	17/3/14	Municipal	\$1,014,153.42
9088	Suncorp	120	3.60%	0.1280%	19/3/14	Municipal	\$1,013,479.45
9090	St George	128	3.51%	0.1243%	6/3/14	Municipal	\$1,009,345.21
9091	Suncorp	120	3.50%	0.1239%	4/3/14	Municipal	\$1,008,876.71
9092	Bendigo	90	3.45%	0.1222%	3/2/14	Municipal	\$1,009,369.86
9093	ING	120	3.82%	0.1340%	4/12/13	Municipal	\$1,000,000.00
9094	St George	120	3.60%	0.1263%	10/12/13	Municipal	\$1,000,000.00
9095	Westpac	120	3.70%	0.1298%	9/12/13	Municipal	\$1,000,000.00
9096	Suncorp	180	3.85%	0.2701%	10/2/14	Municipal	\$2,000,000.00
9097	St George	180	3.74%	0.2624%	13/2/14	Municipal	\$2,000,000.00
9098	ING	180	3.95%	0.1386%	11/2/14	Municipal	\$1,000,000.00
9099	ING	180	3.93%	0.1379%	17/2/14	Municipal	\$1,000,000.00
9100	NAB	180	3.78%	0.2652%	11/3/14	Municipal	\$2,000,000.00
							\$20,481,180.86
<u>Cash Backed Reserves</u>							
SOK	Commonwealth Bank Savings Account					Reserve	\$2,371,243.61
							\$2,371,243.61
<u>Total Municipal/Reserve Funds</u>							\$25,822,700.35
<u>Trust Funds</u>							
SOK	Shire of Kalamunda-BCITF, BRB, Unclaimed Monies					Trust	\$45,797.40
SOK	Shire of Kalamunda-Environmental Friends Group					Trust	\$4,032.95
SOK	Forrestfield Industrial Area Trust					Trust	\$196,252.37
							\$246,082.72
<u>Cell 9 Scheme Contributions</u>							
CELL9 TD2	NAB	180	3.77%	0.1542%	24/3/14	Trust	\$1,165,821.42
CELL9 TD5	Westpac	90	3.40%	0.1385%	10/12/13	Trust	\$1,161,474.31
CELL9 TD6	Bendigo	120	3.60%	0.1456%	29/3/14	Trust	\$1,152,397.13
CELL9 TD7	Bendigo	120	3.60%	0.1456%	29/3/14	Trust	\$1,152,397.13
CELL9 TD9	ING	180	3.75%	0.1441%	10/3/14	Trust	\$1,095,283.52
CELL9 TD10	Westpac	90	3.40%	0.1263%	12/12/13	Trust	\$1,058,960.56
	Cell 9 Cheque Account/Online Saver						\$3,882,983.34
							\$10,669,317.41
<u>Public Open Space Funds</u>							
POS	ING	120	4.30%	0.1864%	13/12/13	Trust	\$1,235,321.11
POS	Commonwealth	At Call				Trust	\$991,099.17
							\$2,226,420.28
<u>Total Trust Funds</u>							\$13,141,820.41
<u>SUMMARY OF FUNDS</u>							
<u>Municipal/Reserve Funds</u>							\$25,822,700.35
<u>Trust Funds</u>							\$13,141,820.41
<u>Total Funds</u>							\$38,964,520.76

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

10.4.4 Budget Review for Four Months to October 2013

Previous Items	N/A
Responsible Officer	Director Corporate 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 2013/2014 Adopted Budget as identified in the four months to 31 October 2013 budget review.

BACKGROUND

2. The Shire is required to review its budget against actuals during a financial year. The four months to 31 October 2013 budget review was undertaken in November 2013 and the findings are presented to assist elected members in their considerations.
3. The budget review for four months to 31 October 2013 is the first review undertaken in the current financial year. The main objective of regular budget reviews is to ensure that the Shire is closely monitoring its expenditure to mitigate the risk 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 2014.

DETAILS

Operating Surplus

4.

Summary of Movements			
Description	Original Budget	Proposed Revised Budget	Variance
	\$	\$	\$
Operating Revenue Excluding Rates	25,508,236	25,058,080	(450,156)
Operating Expenditure	(53,380,738)	(52,801,656)	579,082
Non Cash Movements	4,164,042	4,941,364	777,322
Capital Revenues	20,253,534	11,079,153	(9,174,381)
Capital Expenditure	(25,134,647)	(20,783,952)	4,350,695
Closing Surplus Position	2,226,076	1,326,149	(899,927)

5. The Operating Surplus as per the Financial Activity Statement as at 31 October 2013 is \$30,088,520. This is in line with budget projections after the revenue from land sales for the Edney Road/Cygnnet Court and Hale Road projects are deferred. The Edney Road/ Cygnnet Court project is being rescheduled to 2014/2015 because of delays in receiving rezoning approvals.

6. The surplus as at 31 October of \$30,088,520 will be utilised in the next seven months to fund the balance of Operational and Capital Expenditure leaving a revised estimated surplus of \$1,326,149 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 2014 to strengthen the Council's financial capacity and Reserves.

7. Capital projects completed so far have mainly come within budget, with savings being used to fund other projects where scope has been widened or tended costs for capital contracts are coming in higher than budgeted.

The main changes are as follows: \$'000

Roads (New)

Abernethy Rd – Road component deferred 450
Sorensen Rd – New project added (92)

Roads (Renewal)

Baden Rd (359)
5 MRRG Roads Added (1,475)

Net Increase to Roads Projects (1,476)

The above increase is funded via (Main Roads Regional Grants) MRRG funding of \$985,867 and the rest via municipal funding.

These amounts are shown in (Attachment 4).

Reserve Account Adjustments

Land and Property Reserve

8. There has been an adjustment to the Land and Property Reserve with the net transfers from Reserve reducing by \$557,087 from the original budget position as a result of delays in obtaining West Australian Planning Commission approval on the Edney Road/Cygnet Court and Hale Rd developments.

The administration is recommending that building maintenance be funded partially from Municipal funds with less of a draw on the reserve. This will ensure that this particular reserve is maintained at a positive level.

EDP – IT Reserve

9. The reserve balance is higher by \$86,163 due to a higher opening balance and recomputed interest. These funds were surplus to operating requirements in 2012/2013 and essentially need to be set aside for future transfers should there be a requirement for the Shire to fund future IT based expenditure in the coming years.

Long Service Leave Reserve

10. Transfer to this reserve has been increased by \$64,073 to partially address the significant rise in Long Service Leave provision balance as per audited financial statement as at 30 June 2013.

The administration will be looking at reducing this exposure by implementing several strategies including a leave management strategy.

Environmental Reserve

11. Transfer to this reserve has been reduced by \$74,787 to reflect the reduction in profit from sales of the Edney Road/Cygnet Court and Hale Rd developments which has now been deferred to 2014/2015.
12. An amount of \$5,000 has been listed for additional transfers from the reserve to fund an additional on ground project named, "Rainbow Lorikeets and Corellas", as requested by the business unit.

Forrestfield Industrial Area Reserve

13. Transfers from this reserve have been increased by \$83,138 from \$50,138 to \$133,276 to reflect changes in the timing of project requirements for this financial year.

All Reserves

14. The opening balances have been revised to reflect the balances as per Audited Financial Statements as at 30 June 2013.
15. 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.
16. (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 \$3,032,399 reflecting a slight reduction from \$3,404,530 estimated when preparing the original budget.

STATUTORY AND LEGAL CONSIDERATIONS

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

POLICY CONSIDERATIONS

18. Nil.

COMMUNITY ENGAGEMENT REQUIREMENTS

19. Nil.

FINANCIAL CONSIDERATION

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

STRATEGIC COMMUNITY PLAN

Strategic Planning Alignment

21. *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

22. Nil

Economic Implications

23. Nil

Environmental Implications

24. Nil

RISK MANAGEMENT CONSIDERATIONS

25.

Risk	Likelihood	Consequence	Action/Strategy
Expenditure exceeds budgeted allocation resulting in negative impact on closing funds position	Low	High	Monthly management reports are tracked by business unit managers to ensure that they are operating within budget parameters. Budget reviews and forecasting of expenditures against potential revenues are monitored closely.
Funds spent without a budget allocation	Low	High	E-quotes purchasing system in place which tracks and allows authorisation of purchase orders only if a budget is available;

OFFICER COMMENT

26. The amended Rate Setting Statement following the October budget review in Column 5 (2013/2014 Proposed Budget Review) reveals a balanced budget estimate for 30 June 2014 with a surplus of \$1,326,149.

27. It needs to be noted that the Reserves overall are still maintained at a high level albeit a slight decrease from \$3,404,530 to \$3,032,399 as shown in (Attachment 5).

28. 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.
29. 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.
30. The administration is focussed on ensuring that the Shire returns a positive surplus and is constantly looking at improving its financial sustainability in line with the new ratios introduced.

Repayment of Overdraft Facility

31. 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.
32. The last remaining lots were sold in September 2012 and the outstanding overdraft of \$969,975 was repaid in October 2012.
33. Currently the overdraft balance stands at \$nil.
34. The budget review has recognised that this facility would be used in the later course of the year to fund the Edney Road/Cygnnet Court development to the amount of \$1.2 million. With the delay in planning approvals, the administration does not believe it will need to use this facility in 2013/2014.

Voting Requirements: Absolute Majority

OFFICER RECOMMENDATION

That Council:

1. Notes the 2013/2014 Budget Review Explanation and Summary (Attachment 4) be noted.
2. Pursuant to Section 6.8 (1) (b) of the *Local Government Act 1995*, authorises the Chief Executive Officer to amend the 2013/2014 current budget to reflect the changes summarised in the Amended Rates Setting Statement (Attachment 1).

3. Pursuant to Section 6.16 (2) (a) of the *Local Government Act 1995*, approves the imposition of new fees and charges for the facility known as, "Foothills Netball Recreation Centre":

- Court hire \$8.50 per hour
- Function Hourly rate \$65.00
- Commercial Hourly rate \$25.00
- Community Group Hourly rate \$20.00.

Moved:

Seconded:

Vote:

CEOR 10.4.4

Attachment 1

Shire of Kalamunda

RATE SETTING STATEMENT
By Nature or Type
FOR THE PERIOD ENDED 31/10/2013

	31/10/2013 Actual YTD \$	31/10/2013 YTD Budget \$	2013/14 Original Budget \$	2013/14 Budget Review Nov-13 \$	Variance \$	Variance %
OPERATING REVENUES						
Operating Grants and Subsidies	2,108,225	1,883,146	5,427,783	5,716,408	288,625	15.33
Contributions, Reimbursements and Donations	336,312	272,075	3,897,874	4,058,656	160,782	59.09
Profit on Asset Disposals	5,545	597,548	2,741,310	1,948,040	(793,270)	(132.75)
Fees and Charges	9,540,439	9,522,452	12,357,702	12,254,501	(103,201)	(1.08)
Interest Earnings	344,896	359,838	1,025,933	1,000,876	(25,057)	(6.96)
Other Revenue	28,648	19,196	57,633	79,598	21,965	114.42
Total (Excluding Rates)	12,364,065	12,654,255	25,508,236	25,058,080	(450,156)	(3.56)
OPERATING EXPENSES						
Employee Costs	(6,810,732)	(7,560,182)	(21,139,829)	(20,992,884)	146,944	1.94
Materials and Contracts	(4,948,020)	(5,332,315)	(18,274,941)	(17,317,276)	957,666	17.96
Utility Charges	(653,917)	(896,646)	(2,686,346)	(2,580,308)	106,038	11.83
Depreciation on Non-Current Assets	(3,134,093)	(3,292,284)	(9,877,138)	(9,861,190)	15,948	0.48
Interest Expenses	(161,069)	(162,792)	(488,374)	(488,374)	-	-
Insurance Expenses	(605,500)	(620,151)	(626,041)	(630,740)	(4,699)	(0.76)
Loss on Asset Disposal	(27,657)	(6,664)	(20,000)	(20,000)	-	-
Other Expenditure	(113,042)	(90,078)	(268,069)	(910,884)	(642,815)	(713.62)
Total	(16,454,031)	(17,961,112)	(53,380,738)	(52,801,656)	579,082	3.22
	(4,089,966)	(5,306,858)	(27,872,502)	(27,743,576)	128,926	2.43
FUNDING BALANCE ADJUSTMENTS						
Non-Cash Expenditure and Revenue						
Profit on Asset Disposals	(5,545)	(597,548)	(2,741,310)	(1,948,040)	793,270	132.75
Loss on Asset Disposals	27,657	6,664	20,000	20,000	-	-
Depreciation and amortisation on Assets	3,134,093	3,292,284	9,877,138	9,861,190	(15,948)	(0.48)
EMRC Contribution (Non-Cash)	-	-	(3,086,769)	(3,086,769)	-	-
Movement in Provisions (Non-current)	-	-	122,782	122,782	-	-
Pensioners Deferred Rates Movement	-	-	(27,800)	(27,800)	-	-
Total	3,156,204	2,701,401	4,164,042	4,941,364	777,322	28.77
Net Operating Result Excluding Rates	(933,761)	(2,605,457)	(23,708,461)	(22,802,213)	906,248	34.78
CAPITAL REVENUES						
Proceeds from Disposal of Land	-	-	6,180,000	2,783,000	(3,397,000)	-
Proceeds from Disposal of Assets	36,045	592,258	327,100	327,100	-	-
Capital Contributions & Grants	(6,155)	669,461	3,836,435	4,349,054	512,619	76.57
Proceeds from New Debentures	-	-	-	-	-	-
Self-Supporting Loan Principal Income	26,519	26,519	64,999	64,999	-	-
Loan funds raised	-	-	-	-	-	-
Overdraft Funds Utilised	-	-	1,500,000	-	(1,500,000)	-
Transfers from Reserves (Restricted Assets)	-	-	8,345,000	3,555,000	(4,790,000)	-
Total	56,409	1,288,238	20,253,534	11,079,153	(9,174,381)	(712.17)
CAPITAL EXPENDITURE						
Purchase Land Held for Resale	(17,411)	(949,160)	(2,847,500)	(140,500)	2,707,000	285.20
Purchase Land and Buildings	(370,842)	(930,710)	(2,842,560)	(2,672,804)	169,756	18.24
Purchase Infrastructure Assets - Roads	(211,346)	(1,417,172)	(3,893,621)	(5,373,958)	(1,480,337)	(104.46)
Purchase Infrastructure Assets - Drainage	(309,011)	(655,337)	(1,334,066)	(1,334,066)	-	-
Purchase Infrastructure Assets - Parks and Ovals	(429,958)	(857,688)	(3,209,961)	(3,154,846)	55,115	6.43
Purchase Infrastructure Assets - Footpaths	(149,029)	(139,844)	(419,594)	(419,594)	-	-
Purchase Infrastructure Assets - Special Works	(5,000)	(104,688)	(514,805)	(409,630)	105,175	100.47
Purchase Plant and Equipment	(134,971)	(278,408)	(817,242)	(593,242)	224,000	80.46
Purchase Furniture and Equipment	(129,074)	(431,600)	(1,299,809)	(1,500,809)	(201,000)	(46.57)
Capital Contributions and Grants Owing	-	-	-	-	-	-
Repayment of Debentures	(260,064)	(252,640)	(757,930)	(757,930)	-	-
Overdraft Funds (Repayment)	-	-	-	-	-	-
Advances to Clubs	-	-	-	-	-	-
Transfers to Reserves (Restricted Assets)	(205,553)	(6,680)	(7,197,559)	(4,426,573)	2,770,986	41,481.83
Total	(2,222,260)	(6,023,926)	(25,134,647)	(20,783,952)	4,350,695	72.22
Rate Revenue	28,110,280	28,449,311	28,755,308	28,755,308	-	-
Opening Funding Surplus (Deficit)	5,077,852	2,060,341	2,060,341	5,077,852	3,017,511	146.46
Closing Funding Surplus (Deficit)	30,088,520	23,168,507	2,226,076	1,326,149	(899,927)	(3.88)

CEOR 10.4.4 **Attachment 2**
Shire of Kalamunda

RATE SETTING STATEMENT
By Program
FOR THE PERIOD ENDED 31/10/2013

	31/10/2013 Actual YTD \$	31/10/2013 YTD Budget \$	2013/14 Original Budget \$	2013/14 Budget Review Nov-13 \$	Variance \$	Variance %
REVENUE						
Governance	2,381	5,620	16,876	115,488	98,612	1,754.66
General Purpose Funding	795,283	696,017	6,449,712	6,424,145	(25,567)	(3.67)
Law, Order, Public Safety	171,755	126,016	378,076	398,076	20,000	15.87
Health	189,591	33,472	103,560	103,560	-	-
Education and Welfare	1,781,566	1,644,684	3,586,880	3,615,196	28,316	1.72
Community Amenities	8,298,479	9,121,788	11,850,380	11,304,289	(546,091)	(5.99)
Recreation and Culture	718,723	656,895	2,013,333	1,976,545	(36,787)	(5.60)
Transport	44,741	672	2,020	2,020	-	-
Economic Services	244,474	232,204	696,677	599,293	(97,384)	(41.94)
Other Property and Services	117,072	136,888	410,723	519,468	108,745	79.44
Total (Excluding Rates)	12,364,065	12,654,255	25,508,236	25,058,080	(450,156)	(3.56)
EXPENSES						
Governance	(959,375)	(1,055,507)	(2,733,003)	(2,987,453)	(254,450)	(24.11)
General Purpose Funding	(278,129)	(261,181)	(745,018)	(767,999)	(22,981)	(8.80)
Law, Order, Public Safety	(543,817)	(630,897)	(1,768,320)	(1,604,836)	163,484	25.91
Health	(314,390)	(384,805)	(1,032,205)	(1,024,921)	7,284	1.89
Education and Welfare	(1,174,069)	(1,444,230)	(4,135,736)	(4,176,767)	(41,032)	(2.84)
Community Amenities	(3,413,078)	(3,656,122)	(12,664,730)	(12,827,119)	(162,390)	(4.44)
Recreation & Culture	(6,061,023)	(6,545,299)	(18,528,974)	(18,694,628)	(166,654)	(2.53)
Transport	(2,611,107)	(2,749,356)	(8,248,294)	(8,318,294)	(70,000)	(2.55)
Economic Services	(317,214)	(346,872)	(968,241)	(968,977)	729,264	8.44
Other Property and Services	(781,828)	(886,845)	(2,556,218)	(1,460,662)	1,095,556	123.53
Total	(16,454,031)	(17,961,112)	(53,380,738)	(52,801,656)	579,082	3.22
FUNDING BALANCE ADJUSTMENTS						
Non-Cash Expenditure and Revenue						
Profit on Asset Disposals	(5,545)	(597,548)	(2,741,310)	(1,948,040)	793,270	132.75
Loss on Asset Disposals	27,657	6,664	20,000	20,000	-	-
Depreciation and Amortisation on Assets	3,134,093	3,292,284	9,877,138	9,861,190	(15,948)	(0.48)
EMRC Contribution (Non-Cash)	-	-	(3,086,769)	(3,086,769)	-	-
Movement in Provisions (Non-current)	-	-	122,782	122,782	-	-
Pensioners Deferred Rates Movement	-	-	(27,800)	(27,800)	-	-
Total	3,156,204	2,701,401	4,164,042	4,941,364	777,322	28.77
Net Operating Result Excluding Rates	(933,761)	(2,605,457)	(23,708,461)	(22,802,213)	906,248	
CAPITAL REVENUES						
Proceeds from Disposal of Land	-	-	6,180,000	2,783,000	(3,397,000)	-
Proceeds from Disposal of Assets	36,045	592,258	327,100	327,100	-	-
Capital Contributions & Grants	(6,155)	669,461	3,836,435	4,349,054	512,619	76.57
Proceeds from New Debentures	-	-	-	-	-	-
Self-Supporting Loan Principal Income	26,519	26,519	64,999	64,999	-	-
Loan funds raised	-	-	-	-	-	-
Overdraft Funds Utilised	-	-	1,500,000	-	(1,500,000)	-
Transfers from Reserves (Restricted Assets)	-	-	8,345,000	3,555,000	(4,790,000)	-
Total	56,409	1,288,238	20,253,534	11,079,153	(9,174,381)	(712.17)
CAPITAL EXPENDITURE						
Purchase Land Held for Resale	(17,411)	(949,160)	(2,847,500)	(140,500)	2,707,000	285.20
Purchase Land and Buildings	(370,842)	(930,710)	(2,842,560)	(2,672,804)	169,756	18.24
Purchase Infrastructure Assets - Roads	(211,346)	(1,417,172)	(3,893,621)	(5,373,958)	(1,480,337)	(104.46)
Purchase Infrastructure Assets - Drainage	(309,011)	(655,337)	(1,334,066)	(1,334,066)	-	-
Purchase Infrastructure Assets - Parks and Ovals	(429,958)	(857,688)	(3,209,961)	(3,154,846)	55,115	6.43
Purchase Infrastructure Assets - Footpaths	(149,029)	(139,844)	(419,594)	(419,594)	-	-
Purchase Infrastructure Assets - Special Works	(5,000)	(104,688)	(514,805)	(409,630)	105,175	100.47
Purchase Plant and Equipment	(134,971)	(278,408)	(817,242)	(593,242)	224,000	80.46
Purchase Furniture and Equipment	(129,074)	(431,600)	(1,299,809)	(1,500,809)	(201,000)	(46.57)
Capital Contributions and Grants Owing	-	-	-	-	-	-
Repayment of Debentures	(260,064)	(252,640)	(757,930)	(757,930)	-	-
Overdraft Funds (Repayment)	-	-	-	-	-	-
Advances to Clubs	-	-	-	-	-	-
Transfers to Reserves (Restricted Assets)	(205,553)	(6,680)	(7,197,559)	(4,426,573)	2,770,986	41,481.83
Total	(2,222,260)	(6,023,926)	(25,134,647)	(20,783,952)	4,350,695	72.22
Rate Revenue	28,110,280	28,449,311	28,755,308	28,755,308	-	-
Opening Funding Surplus (Deficit)	5,077,852	2,060,341	2,060,341	5,077,852	3,017,511	146.46
Closing Funding Surplus (Deficit)	30,088,520	23,168,507	2,226,076	1,326,149	(899,927)	(3.88)

SHIRE OF KALAMUNDA

NOTES TO AND FORMING PART OF THE BUDGET REVIEW

FOR THE PERIOD ENDED 31 OCTOBER 2013

Composition of Estimated Net Current Asset Position

	2013/14 Actual \$	2013/14 Original Budget \$	2013/14 Budget Review \$
Surplus Brought Forward and Carried Forward Make Up (In Rate Setting Statement) :	30,088,520	2,226,076	1,326,149
Current Assets			
Cash Unrestricted	24,995,167.07	5,976,345	4,083,365
Cash Restricted - Grants	-	-	-
Cash at Bank - Reserves (Restricted)	2,366,381	3,404,530	3,032,399
Receivables - Rates and rubbish	8,611,039	883,660	350,660
Receivables - Sundry	387,249	1,241,434	337,250
GST Receivable	192,128	267,078	167,128
Prepayments	61,402	61,402	61,402
Inventories	161,593	229,640	226,593
<i>*excludes loan receivables</i>	<u>36,774,959</u>	<u>12,064,089</u>	<u>8,258,796</u>
Less : Current Liabilities			
Payable - Sundry	(1,846,119)	(3,461,057)	(1,496,119)
Bonds and Deposits	(2,023,205)	(1,920,935)	(1,573,205)
GST Payable	-	-	-
Accrued Expenses	(350,692)	(397,321)	(400,692)
Accrued Interest on debentures	(99,032)	(147,969)	(124,032)
Accrued Salaries & Wages	(1,009)	(506,200)	(506,200)
Current Employee Benefits Provision	(2,231,703)	(1,770,467)	(2,431,703)
<i>*excludes current loan payables</i>	<u>(6,551,760)</u>	<u>(8,203,949)</u>	<u>(6,531,951)</u>
Net Current Asset Position	30,223,198	3,860,139	1,726,845
Add			
Provision for Long Service Leave	696,752	578,211	846,752
Provision for Annual Leave	1,534,951	1,192,256	1,784,951
Less			
Interest Bearing Liabilities	-	-	-
Reclassification of non current assets to current assets	-	-	-
Restricted Cash (Grants)	-	-	-
Restricted Cash (Reserves)	(2,366,381)	(3,404,530)	(3,032,399)
Net Current Funding Position	30,088,520	2,226,076	1,326,149

**QUARTERLY BUDGET REVIEW TO OCTOBER 2013
SCHEDULE OF AMENDMENTS**

	\$	\$	Variance \$
	Increase/ (decrease)	Increase/ (decrease)	Increase/ (decrease)
Funding Surplus C/F as per Original Budget			2,226,076
OPERATING			
Income			
Operating Grants and Subsidies			
Operating Grant for the Metro Local Government Reform		100,000	
Operating grant income for Kidsport		61,670	
Operating Community Grant for the Poison Gully		54,767	
Operating grant income for HACC		36,372	
Operating Grant received from Lotterywest for Stirk Overflow Cottage Conservation Plan		9,772	
Operating Grant from WAPC for Forrestfield/High Wycombe Industrial Area		25,000	287,581
Operating Contributions, reimbursements and donations			
Increased reimbursement for KPAC		13,500	
Reimbursement for development costs for Forrestfield site already incurred		150,000	163,500
Profit on Assets Disposals			
Profit on Sale - Welshpool Road East not included in the original budget		401,000	
Profit on Sale - 39 (Lot 263) Maida Vale Road was recognised in 2012-13 and not to be included in 2013-14		(138,430)	
Profit on Sale - Edney Road - deferred to 2014-15		(1,477,000)	
Profit on Sale - 88 Hale Road - incorrect budget included in the original budget being removed		(663,885)	
Profit on Sale - Lewis Road - estimates for this property were not available when producing the original budget		1,079,500	(798,815)
Fees and Charges			
Budgeted fee income for golf tournament held in previous financial years included to original budget by error being removed		(42,819)	
Fee income included in the original budget for YMCA lease was incorrect - being reduced		(116,708)	

**QUARTERLY BUDGET REVIEW TO OCTOBER 2013
SCHEDULE OF AMENDMENTS**

	\$	\$	Variance \$
Fee income from adult day care lower due to low client numbers		(24,500)	
Increase in income from Cat Licences		27,000	
Increase in fees from Rollerama lease		23,284	
Fee income from providing financial services to other councils		10,000	
Fees for fines enforcement increase		13,000	(110,743)

Interest Earnings

Revised calculations for interest on			
Bank Deposits		(71,440)	
Investments		132,192	
Reserves		(84,558)	(23,806)

Other Revenue

Increase in income from fines and penalties from Pavlinovich		19,000	19,000
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Expenditure

Employee costs

Savings on employee costs from vacant positions			
Employee relations Officer - HR		33,075	
Director - Corporate Services		86,267	
Savings on motor vehicle allowances due to certain staff not moving to novated lease		70,000	
Staff costs relating to infrastructure rollout project capitalised		20,000	
Reduction due to 30 week application of level 5/4 and 4/4 salaries - Zig Zag		84,492	
Appointment of Director Infrastructure Services		(107,013)	
Increased salaries at KPAC		(21,500)	
Youth Community Assistant		(16,500)	148,821

Materials and Contracts

Revision of salaries and allowances for members of the council		(240,400)	
Expenditure for the Metro Local Government Reform Grant		(100,000)	
Removal of IT expenditure double counted at original budget		1,227,809	
IT expenses - licences and registrations related to Asset Management and Forward Planning & Design staff not included in original budget		(90,700)	

**QUARTERLY BUDGET REVIEW TO OCTOBER 2013
SCHEDULE OF AMENDMENTS**

	\$	\$	Variance \$
2 quarterly payments for hire of IT equipment being included		(176,355)	
Reduced cost of meals - lower client numbers HACC		28,000	
Labour OH omitted at original budget being included		(247,369)	
Grant Contribution for Poison Gully		(54,767)	
Savings on cancellation of the Bibblumun Track Terminus Project		14,000	
Reduction in maintenance budget for Lesmurdie Library		7,000	
Budget for air conditioner replacement reclassified to furniture and equipment		8,000	
Reclassification of budgets in in Strategic Planning Services (ie Jobs N257,N312, N313, N317,N331) from consultants costs to contributions - (Refer to details in other expenditure below)		587,000	962,218

Utility Costs

PABX costs transferred to capital job		38,000	
Double up on Pioneer Park for maintenance		86,953	124,953

Depreciation on Non Current Assets

Reduced depreciation due to write off of assets		22,300	22,300
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Other Expenditure

Expenditure related to Kids Sport program		(26,900)	
Reclassification of expenses on the Chaplaincy Program to donations		(20,500)	
Reclassification of budgets in in Strategic Planning Services (ie Jobs N257,N312, N313, N317,N331) from consultants costs to contributions - (Refer to details in Materials and Contracts above)		(587,000)	(634,400)

CAPITAL

Income

Proceeds from Disposal of Land

Proceeds from Smokebush Estate (not included in the original budget)		473,000	
Sale of Lewis Road properties not included in the original budget		1,630,000	
Sale of Edney Road deferred to 2014-15		(3,000,000)	

**QUARTERLY BUDGET REVIEW TO OCTOBER 2013
SCHEDULE OF AMENDMENTS**

	\$	\$	Variance \$
Removal of sales proceeds from No 88 Hale Road - incorrect information		(2,500,000)	(3,397,000)
Capital Contributions & Grants			
Ray Owen Masterplan		18,333	
Pioneer Park Masterplan		18,333	
Ray Owen Energy Efficiency Upgrade		39,468	
Reduced capital grant income budgets due to grants not yet being approved - Roads			
Mundaring Weir Road		(100,000)	
Road Renewal Projects		(764,250)	
Dawson Road		(87,687)	
Reduced capital grant income budgets due to reclassification of funding source - Roads			
Abernethy Road (Dundas Road to Kalamunda Road)		(200,000)	
Newburn Road		(85,750)	
Baden Road		(136,265)	
Black Spot Funded road projects		(225,000)	
Increased capital grant income budgets for new funding approved subsequent to original budget - Roads			
Railway Road - 0.33 slk to mead st reseal (MRRG)		67,800	
Hale Road - Welshpool Road east to Hardey Road east reseal (MRRG)		171,400	
Kalamunda Road - (East Bound) Maida Vale Hawtin to Midland Road reseal (MRRG)		120,400	
Kalamunda Road (Westbound) - Maida Vale Hawtin Road 3.84 to 5.1 slk reseal (MRRG)		256,000	
Welshpool Road - slk 2.90 to 3.97 reseal (MRRG)		151,320	
Welshpool Road (East) - Lewis slk 1.5-2.67		256,600	
Abernethy Road (Dundas Road to Kalamunda Road)		893,334	
Increased capital contribution income budgets for new funding identified subsequent to original budget - Roads			
Hale Road Upgrade - Staged		27,922	
Hale Road - Welshpool Road east to Hardey Road east reseal (MRRG)		142,833	
Increased capital contribution income budgets for new new projects submitted through this budget review			
Ray Owen Energy Efficiency Upgrade		39,468	

**QUARTERLY BUDGET REVIEW TO OCTOBER 2013
SCHEDULE OF AMENDMENTS**

	\$	\$	Variance \$
Other amendments/corrections to capital grants and contribution income			
Reduction to Public Open Space funding		(120,000)	
Corrections to original budget		24,226	508,485
Overdraft Funding			
Reduction in overdraft funding available due to deferring land development expenditure		(1,500,000)	(1,500,000)
Transfers from reserves to accumulated surplus			
Land and Property Enhancement and Maintenance Reserve		(4,735,000)	(4,735,000)
Expenditure			
Purchase Land Held for Resale			
Woodlupine Lot 106 Hale Road - deferred to 2014-15		1,282,000	
Edney Road Cygnet Court - deferred to 2014-15		1,470,000	
Carmel Road- selling costs		5,000	
Various Land Development Expenditure		(50,000)	2,707,000
Purchase Land and Buildings		169,756	
Purchase Infrastructure Assets - Roads		(1,480,337)	
Purchase Infrastructure Assets - Parks and Ovals		55,115	
Purchase Infrastructure Assets - Special Works		105,175	
Purchase Plant and Equipment		224,000	
Purchase Furniture and Equipment			
IT Software Projects		(158,000)	
PABX Project		(38,000)	(1,122,291)
Transfers to Reserves (Restricted Assets)			
Land and Property Enhancement and Maintenance Reserve		2,755,580	
Other reserves		15,406	2,770,986
Funding Surplus before adjusting for the difference in opening position between Original budget and Audited Financial Statements 2012-13			(2,381,135)

**QUARTERLY BUDGET REVIEW TO OCTOBER 2013
SCHEDULE OF AMENDMENTS**

	\$	\$	Variance \$
<u>Adjustments for significant differences between estimated and actual results for 2012/2013</u>			
Adjustments for Non cash expenditure and revenue			
Movements in provisions - leave and deferred provision	(362,201)	(362,201)	
Capital Revenues			
Proceeds from land disposal	(444,767)		
Proceeds from asset disposal	28,949		
Transfers From Reserves	(2,524,398)	(2,940,216)	
Capital Expenditure			
Land Development Costs	366,494		
Land and Buildings New and Renewal	598,398		
Purchase Infrastructure Assets - various	392,360		
Purchase Plant and Equipment New, Renewal and Replacement	213,524		
Purchase Furniture and Equipment Replacement	(50,179)		
Transfers to Reserves	4,915,542	6,436,139	
Other consolidated differences between estimates and actuals for 2012-13	(116,211)	(116,211)	
Difference (i.e. Increase) in opening funding surplus between Original budget and Audited Financial Statements 2012-13		3,017,511	3,017,511
			636,376
Other budget review changes			689,773
Funding Surplus C/F as per Budget Review November 2013			1,326,149

SHIRE OF KALAMUNDA

NOTES TO AND FORMING PART OF FINANCIAL REPORT

For the Period Ended 31 OCTOBER 2013

	2013/14 Actual \$	2013/14 Original Budget \$	Budget Review November 2013/14 \$
RESERVES - CASH BACKED			
(a) Land and Property Enhancement and Maintenance Reserve			
Opening Balance	717,693	3,235,498	717,693
Transfer from Accumulated Surplus - Interest	7,045	97,065	78,364
Transfer from Accumulated Surplus	185,897	5,200,000	2,444,420
Transfer to Accumulated Surplus	-	(6,865,000)	(2,130,000)
	<u>910,635</u>	<u>1,667,563</u>	<u>1,110,476</u>
This reserve was renamed from 'Building Reserve' to 'land and Property Reserve' to fund land and property purchases within the Shire of Kalamunda and the upgrading of existing property.			
(b) Waste Management			
Opening Balance	156,580	154,349	156,580
Transfer from Accumulated Surplus - Interest	1,368	4,630	4,697
Transfer from Accumulated Surplus	-	-	-
Transfer to Accumulated Surplus	-	-	-
	<u>157,948</u>	<u>158,979</u>	<u>161,278</u>
This reserve was set up to fund financing operations for the development of Council's sanitation service. To be spent according to budget.			
(c) EDP - IT Equipment			
Opening Balance	169,913	122,666	169,913
Transfer from Accumulated Surplus - Interest	1,484	3,680	42,597
Transfer from Accumulated Surplus	-	1,250,000	1,250,000
Transfer to Accumulated Surplus	-	(1,228,000)	(1,228,000)
	<u>171,397</u>	<u>148,346</u>	<u>234,509</u>
This reserve was set up to provide for the upgrade / replacement of the Shire's computer hardware and software requirements. To be spent according to budget.			
(d) Local Government Elections			
Opening Balance	0	-	0
Transfer from Accumulated Surplus - Interest	-	-	3,300
Transfer from Accumulated Surplus	-	110,000	110,000
Transfer to Accumulated Surplus	-	(110,000)	(110,000)
	<u>0</u>	<u>-</u>	<u>3,300</u>
This reserve was set up to fund the cost of future Council elections. To be spent according to budget.			
(e) Long Service Leave			
Opening Balance	73,109	72,067	73,109
Transfer from Accumulated Surplus - Interest	639	2,162	5,193
Transfer from Accumulated Surplus	-	100,000	100,000
Transfer to Accumulated Surplus	-	(60,000)	-
	<u>73,747</u>	<u>114,229</u>	<u>178,302</u>

The purpose of this reserve is to provide cash-backing for all annual and long service leave entitlements. Transfers to this reserve are based on the leave liability at each year end. To be spent according to budget.

SHIRE OF KALAMUNDA

NOTES TO AND FORMING PART OF FINANCIAL REPORT

For the Period Ended 31 OCTOBER 2013

CASH BACKED RESERVES (cont'd)

	\$ 2013/14 Actual	\$ 2013/14 Original Budget	\$ Budget Review November 2013/14
(f) Plant and Equipment			
Opening Balance	28,350	27,946	28,350
Transfer from Accumulated Surplus - Interest	248	838	850
Transfer from Accumulated Surplus	-	-	-
Transfer to Accumulated Surplus	-	-	-
	<u>28,598</u>	<u>28,784</u>	<u>29,201</u>

This reserve was set up to fund future replacement of Council's plant and associated equipment. To be spent according to budget.

(g) Stirk Park			
Opening Balance	24,723	24,373	24,723
Transfer from Accumulated Surplus - Interest	215	731	741
Transfer from Accumulated Surplus	-	-	-
Transfer to Accumulated Surplus	-	-	-
	<u>24,938</u>	<u>25,104</u>	<u>25,464</u>

This reserve was set up to fund improvements to Stirk Park. To be spent according to budget.

(h) HACC			
Opening Balance	443,392	437,831	443,392
Transfer from Accumulated Surplus - Interest	3,874	13,135	20,801
Transfer from Accumulated Surplus	-	250,000	250,000
Transfer to Accumulated Surplus	-	-	-
	<u>447,267</u>	<u>700,966</u>	<u>714,193</u>

This reserve was set up to fund future HACC Services programmes and asset replacement. To be spent according to budget.

(i) Forrestfield Industrial Area			
Opening Balance	160,787	77,804	160,787
Transfer from Accumulated Surplus - Interest	1,405	2,334	2,489
Transfer from Accumulated Surplus	-	-	-
Transfer to Accumulated Surplus	-	(30,000)	(30,000)
	<u>162,191</u>	<u>50,138</u>	<u>133,276</u>

This reserve was set up to fund infrastructure requirements for the Forrestfield Industrial Area. To be spent according to budget.

(j) Insurance Contingency Reserve			
Opening Balance	164,707	162,362	164,707
Transfer from Accumulated Surplus - Interest	1,439	4,871	4,941
Transfer from Accumulated Surplus	-	-	-
Transfer to Accumulated Surplus	-	-	-
	<u>166,145</u>	<u>167,233</u>	<u>169,647</u>

This reserve was set up to fund insurance premium variations and potential call backs. To be spent according to budget.

SHIRE OF KALAMUNDA

NOTES TO AND FORMING PART OF FINANCIAL REPORT

For the Period Ended 31 OCTOBER 2013

CASH BACKED RESERVES (cont'd)

	\$ 2013/14 Actual	\$ 2013/14 Original Budget	\$ Budget Review November 2013/14
(k) Light Plant Reserve			
Opening Balance	33,443	32,967	33,443
Transfer from Accumulated Surplus - Interest	293	989	1,004
Transfer from Accumulated Surplus	-	-	-
Transfer to Accumulated Surplus	-	-	-
	<u>33,736</u>	<u>33,956</u>	<u>34,447</u>

This reserve was set up to fund future replacement of Council's plant and associated equipment. To be spent according to budget.

(l) Revaluation Reserve			
Opening Balance	136,416	134,472	136,416
Transfer from Accumulated Surplus - Interest	1,192	4,034	5,592
Transfer from Accumulated Surplus	-	50,000	50,000
Transfer to Accumulated Surplus	-	-	-
	<u>137,608</u>	<u>188,506</u>	<u>192,008</u>

This reserve was set up to fund triennial rating revaluations. To be spent according to budget.

(m) Nominated Employee Leave Provisions Reserve			
Opening Balance	24,340	23,990	24,340
Transfer from Accumulated Surplus - Interest	213	720	730
Transfer from Accumulated Surplus	-	-	-
Transfer to Accumulated Surplus	-	-	-
	<u>24,553</u>	<u>24,710</u>	<u>25,069</u>

This reserve was set up to receive funds for nominated staff leave entitlements. To be spent according to budget.

(n) Unexpended Capital Works and Specific Purpose Grants Reserve			
Opening Balance	-	-	-
Transfer from Accumulated Surplus - Interest	-	-	-
Transfer from Accumulated Surplus	-	-	-
Transfer to Accumulated Surplus	-	-	-
	<u>-</u>	<u>-</u>	<u>-</u>

This new reserve is intended to be used to carry forward available funding for uncompleted projects and specific purpose grants, that will be completed and expended in ensuing financial years.

SHIRE OF KALAMUNDA

NOTES TO AND FORMING PART OF FINANCIAL REPORT

For the Period Ended 31 OCTOBER 2013

CASH BACKED RESERVES (cont'd)	\$ 2013/14 Actual	\$ 2013/14 Original Budget	\$ Budget Review November 2013/14
(o) Environmental Reserve			
Opening Balance	27,376	45,647	27,376
Transfer from Accumulated Surplus - Interest	241	1,369	2,278
Transfer from Accumulated Surplus	-	101,000	48,575
Transfer to Accumulated Surplus	-	(52,000)	(57,000)
	<u>27,617</u>	<u>96,016</u>	<u>21,229</u>

This new reserve is intended to be used to carry forward available funding for uncompleted projects and specific purpose grants, that will be completed and expended in ensuing financial years.

Total Reserve Closing Balance	<u>2,366,381</u>	<u>3,404,530</u>	<u>3,032,399</u>
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SUMMARY	2013/14 Actual \$	2013/14 Budget \$	Budget Review November 2013/14 \$
Opening Balance	2,160,828	4,551,972	2,160,828
Transfer from Accumulated Surplus - Interest	19,655	136,558	173,577
Transfer from Accumulated Surplus	185,897	7,061,000	4,252,995
Transfer to Accumulated Surplus	-	(8,345,000)	(3,555,000)
Closing Balance	<u>2,366,381</u>	<u>3,404,530</u>	<u>3,032,399</u>

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

10.4.5 Adoption of Annual Report 2012/2013

Previous Items	N/A
Responsible Officer	Chief Executive Officer
Service Area	Office of the Chief Executive Officer
File Reference	FI-SRR-005
Applicant	N/A
Owner	N/A

[Attachment 1](#)

[Draft 2012/2013 Annual Report](#)

PURPOSE

1. To accept the 2013 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 2013 Annual Report is presented as ([Attachment 1](#)) for the Council's acceptance.

STATUTORY AND LEGAL CONSIDERATIONS

7. The Draft 2013 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 CONSIDERATIONS

9. There are no policy implications.

COMMUNITY ENGAGEMENT REQUIREMENTS

10. Although no community engagement 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 CONSIDERATION

11. The 2013/2014 Budget includes provision for the cost of producing the Annual Report for statutory and public distribution.

STRATEGIC COMMUNITY PLAN

Strategic Planning Alignment

12. *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

13. Nil.

Economic Implications

14. Nil.

Environmental Implications

15. Nil.

RISK MANAGEMENT CONSIDERATIONS

- 16.
- | Risk | Likelihood | Consequence | Action/Strategy |
|--|------------|-------------|---|
| The Annual Report is not adopted as required by the Act. | Low | Low | Ensure the Annual Report is prepared in time to meet the legislative requirements.. |

OFFICER COMMENT

17. 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.

18. 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
19. 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
20. As the Act requires that the Annual General Meeting (AGM) of Electors is required to be held within 56 days of acceptance of the Annual Report, it is proposed that the Annual General Meeting of Electors be held on Monday 10 February 2014 at 6.15pm
21. Whilst the Development & Infrastructure Services Committee meeting is scheduled for 6.30pm on this night, the timing of previous AGM's should mean that the committee meeting will not be impacted.

Voting Requirements: Absolute Majority

OFFICER RECOMMENDATION

That Council:

1. Pursuant to Section 5.54 of the *Local Government Act 1995*, accepts the 2013 Annual Report ([Attachment 1](#)).
2. Endorses the production of a modified version of the 2013 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 10 February 2014, commencing at 6.15pm.
4. Request the Chief Executive Officer to ensure the Annual Financial Statements are forwarded to the Department of Local Government & Communities before the due date required.

Moved:

Seconded:

Vote:

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

10.4.6 Objection to the Issuing of a Notice of Breach – Lots 83 (30) and Lot 84 (28) Prospect Crescent, Gooseberry Hill

Previous Items	N/A
Responsible Officer	Director Development Services
Service Area	Development Services
File Reference	PR-09/028; PR-09/030; LK-01/015
Applicants	M M McLean & R Trawnitschek
Owners	Rolf Trawnitschek – Lot 84 (28) Prospect Crescent, Kalamunda Malcolm McLean – Lot 83(30) Prospect Crescent, Kalamunda
Attachment 1	Notices of Objection
Confidential Attachment 2	Samec Legal Advice – Confidential in accordance with <i>Clause 5.23(2)(d) of the Local Government Act 1995</i>
Confidential Attachment 3	McLeods Legal Advice - Confidential in accordance with <i>Clause 5.23(2)(d) of the Local Government Act 1995</i>
Confidential Attachment 4	McLeods Legal Advice - Confidential in accordance with <i>Clause 5.23(2)(d) of the Local Government Act 1995</i>

PURPOSE

1. To consider two objections in relation to the issuing of a Notices of Breach pertaining to a rear boundary fence between Lot 84 (28), Lot 83 (30) Prospect Crescent Kalamunda, and Lot 81 (15) Lookout Road, Kalamunda.

BACKGROUND

2. **Land Details: Lot 84 (28) Prospect Crescent, Kalamunda**

Land Area:	2066m ²
Local Planning Scheme Zone:	Residential - R5
Metropolitan Regional Scheme Zone:	Urban

3. **Lot 83 (30) Prospect Crescent, Kalamunda**

Land Area:	2161m ²
Local Planning Scheme Zone:	Residential - R5
Metropolitan Regional Scheme Zone:	Urban

4. **Lot 81 (15) Lookout Road, Kalamunda**

Land Area:	2098m ²
Local Planning Scheme Zone:	Residential - R5
Metropolitan Regional Scheme Zone:	Urban

5. **Locality Plan**

5.



6.



7. In September 2011 the owner of Lot 83 wrote on behalf of him and his neighbour at Lot 84, to the owners of Lot 15 to advise them of the intention to construct a 1.8m high solid colorbond fence along their common lot rear boundary. The owners of Lot 83 were subsequently advised by a person acting for the owners of Lot 15 that the owners were currently overseas and that they wished to discuss the proposal upon their return in November 2011.
8. A colorbond fence was subsequently erected by the owners of Lots 83 and 84 whilst the owners of Lot 15 remained overseas.
9. In late November 2011, the owners of Lot 15 wrote to the Shire objecting to the erection of the fence without their agreement. The basis of their objection was as follows:
- uneven height of the fence;
 - the excessive height of the fence when measured above the lower level; and
 - the new fence not complying with the *Shire's Fencing Local Law* (the local law) definition of a sufficient fence.
10. In December 2011 Shire officers met with the owner of Lot 83 on site to discuss the matter of the fence. Based on the Shire's understanding of the local law at that time the owner was advised that no approval was required for the fence as it was considered to be compliant as it exceeded the requirements for a sufficient fence under the local law. The Shire subsequently wrote to the owner of Lot 15 advising that the fence conformed to the Shires requirements.

11. In August 2012, legal advice was received from a solicitor acting for the owners of Lot 15 stating that the fence as constructed does not comply with the Shire's local law for a property zoned R5. Moreover, the Shire had been interpreting the local law incorrectly in situations where a neighbour wishes to construct a fence of a higher quality to that defined as a sufficient fence (refer Attachment 2).
12. In January 2013, the Shire sought legal advice in response to the above claim and found as a matter of law, the legal advice received was correct (refer Attachment 3). The requirements of the local law for land zoned R5 are that a person shall not erect a boundary fence that is not a sufficient fence, unless all the landowners of the adjoining land also make an application for approval. Where such an application has been made, the Shire has the discretion to approve a fence other than a sufficient fence. The minimum standard for a sufficient fence as described in Schedule 1 of the local law is a wire mesh rail-less fence with steel posts.
13. In September 2013 following discussions with the owners of the Lots 83 and 84, the Shire issued a Notice of Breach pursuant to the local law. Both owners have now exercised their right of review to Council.

DETAILS

14. The owners of Lots 83 and 84 have lodged an objection to the issuing of a Notice of Breach to the Shire under *Section 9.5 of the Local Government Act*.
15. The grounds of objection to the issuing of the Notice of Breach are listed in Attachment 1. For the purpose of this report, the objections are summarised as follows:
 - The definition of a sufficient fence under the local law is not a sole requirement.
 - The above interpretation is consistent with the Shire's "Fencing" and "Minor and Incidental Structures" Information Sheets.
 - The Fencing information sheet notes that landowners erecting a fence of a higher standard than a sufficient fence without obtaining the approval of the adjoining landowner, can only claim half the cost of erecting the sufficient fence.
 - The fence is for privacy purposes.
 - The fence has not blocked the views of the owner of Lot 15 Lookout Road.

STATUTORY AND LEGAL CONSIDERATIONS

16. The *Dividing Fences Act 1961* details the process when a sufficient fence, as defined by a local authority's Fencing Local Law, is to be constructed and cost sharing is being sought. The Shires *Fencing Local Law* defines a sufficient fence, and the procedures involved with constructing a fence other than a sufficient fence.

-
17. Under Schedule 1 of the local law a sufficient fence for land zoned R5 or R2.5, or having an area of 2,000sqm is as follows:

"A sufficient fence shall be defined as a 1 metre high, 2.5mm wire mesh rail-less fence with steel poles at a maximum 3 metre spacing, terminal posts to be braced with a diagonal brace in the line of the fence."

18. Discretion to approve a fence other than a sufficient fence is dealt with under clause 2.1(1) and 3.4(1) of the local law. Clause 2.1(1) prohibits a person from erecting a fence which that is not a sufficient fence. Clause 3.4(1) however provides discretion where all landowners of land which adjoin the lot boundary make an application for approval. Further legal advice was sought regarding the correct interpretation of Clause 2.1 (Attachment 4)
19. Under Clause 7.1(1) of the local law, failure to comply with a Notice of Breach is liable upon conviction to a maximum penalty of \$5,000 and if the offence continues a daily penalty of \$500.
20. Under Section 9.5 and 9.6(1) of the *Local Government Act 1995* (the Act) a person whom a Notice of Breach has been served may lodge an objection to the Council. Under Section 9.7 of the Act the affected person may apply to the State Administrative Tribunal for a review of a decision.

POLICY CONSIDERATIONS

21. In light of the matter before Council, consideration will be given to reviewing the local law.

COMMUNITY ENGAGEMENT REQUIREMENTS

22. Nil.

FINANCIAL CONSIDERATIONS

23. The cost associated with seeking legal advice were provided for in the Development Services budget 2012/13.

STRATEGIC COMMUNITY PLAN

Strategic Planning Alignment

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

OBJECTIVE 4.1 – To ensure the Shire's development is in accord with the Shire's statutory and legislative obligations and accepted urban design planning standards.

Strategy 4.3.1 Provide efficient building and development approval services to the community.

Strategy 4.3.2 Undertake efficient monitoring and compliance of building developments within the Shire.

SUSTAINABILITY

Social Implications

25. The applicants cite a need for privacy necessitating the need for a 1.8m high solid fence. The complainants state a loss of amenity and enjoyment of commanding views to the coastal plains.

Economic Implications

26. Nil.

Environmental Implications

27. Nil.

RISK MANAGEMENT CONSIDERATIONS

- 28.

Risk	Likelihood	Consequence	Action/Strategy
Council may support the Objection and not require the fence to be removed.	Unlikely	Major	Ensure Council is aware that under the Fencing Local Law there is no discretion to approve the fence unless approval has been obtained from adjoining landowners.

OFFICER COMMENT

29. In respect to the objections raised, the advice contained in the information sheet on Fences and the Minor and Incidental Structures was reflective of the Shire's understanding of the local law at that time. In light of the legal advice received by the Shire on the matter, the respective information sheets have been removed and will be modified.
30. Acknowledging the concerns in respect to privacy and potential overlooking from Lot 15, there must however be agreement and approval obtained from the adjoining landowner before, in this instance, a solid fence is erected.
31. From the legal advice received by the Shire on this matter it is evident that the effect of clause 2.1(1) of the local law when read in conjunction with clause 3.4(1) is to prohibit the erection of a fence other than a sufficient fence. There is some general discretion to this, where the adjoining landowner's approval is obtained. In this instance however, the colorbond fence was erected by the owners of Lots 83 and 84 without the approval of the owner of Lot 15.

32. Despite the Shire's previous misinterpretation of the local law due to this clause, unless approval is obtained from all adjoining landowners to erect a fence other than a sufficient fence, Council has no discretion to approve the fence.
33. *The Dividing Fences Act 1961* only deals with the procedures required to be adopted where a sufficient fence is to be erected and neighbours are being compelled to contribute.
34. The issue of fencing in residential areas and the interpretation under the local law has as a result of this matter been the subject of considerable discussion. It is noted that solid colorbond fencing is found throughout the Shire on residential zone land, which may reflect community consensus on this form of fencing in some circumstances.
35. As a consequence of the legal advice received it is considered that the objection should be dismissed. If Council resolves to dismiss the objection under the Local Government Act, a right of review exists to the State Administrative Tribunal if the applicants are aggrieved by Council's decision.

Voting Requirements: Simple Majority

OFFICER RECOMMENDATION

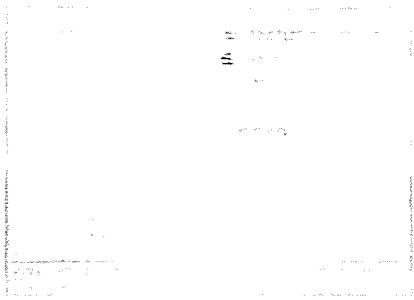
That Council:

1. Dismisses the Objection under Section 9.5 of the *Local Government Act 1995* pertaining to the two (2) Notices of Breach issued in relation to the fence constructed within Lot 84 (28) Prospect Crescent, Kalamunda and Lot 83 (30) Prospect Crescent, Kalamunda adjacent to the rear boundary of Lot 81 (15) Lookout Road, Kalamunda.
2. Notes the original Notice of Breach requiring the owners of Lot 84 (28) Prospect Crescent, Kalamunda and Lot 83 (30) Prospect Crescent, Kalamunda that the Colorbond fence constructed within Lot 84 (28) Prospect Crescent, Kalamunda and Lot 83 (30) Prospect Crescent, Kalamunda adjacent to the rear boundary of Lot 81 (15) Lookout Road, Kalamunda to remove the fence.

Moved:

Seconded:

Vote:



Form 4

[reg. 33(1)]

Local Government Act 1995

Local Government (Functions and General) Regulations 1996

OBJECTION UNDER SECTION 9.5 OF THE LOCAL GOVERNMENT ACT

To the **Shire of Kalamunda**

I, ROLF TRAWNITSCHER
(full name of person objecting)

of 28 PROSPECT CRES
KALAMUNDA WA 6076
(postal address of person objecting)

hereby object to the issuing of a Notice of Breach pursuant to Part 6, section 6.1 of the *Shire of Kalamunda Fencing Local Law 2008* requiring that the Colorbond metal erected along the rear boundary of Lot 83 (30) Prospect Crescent Kalamunda be removed.

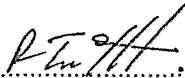
The grounds of my objection are as follows:

- THIS FENCE IS FOR PRIVACY FOR MY FAMILY
AND I, BEFORE THIS FENCE WAS ERECTED I
FELT THAT I COULD NOT GO IN MY OWN
BACK YARD. I SHOULD HAVE THE RIGHT
TO GO INTO MY BACK YARD AND NOT FEEL
UNCOMFORTABLE
- THE VIEW FROM MR GUSTER HOUSE HAS
(give details of grounds of objection)

In support of my objection I attach the following:
(plans, specifications, letters, notices, or other documents, if appropriate)

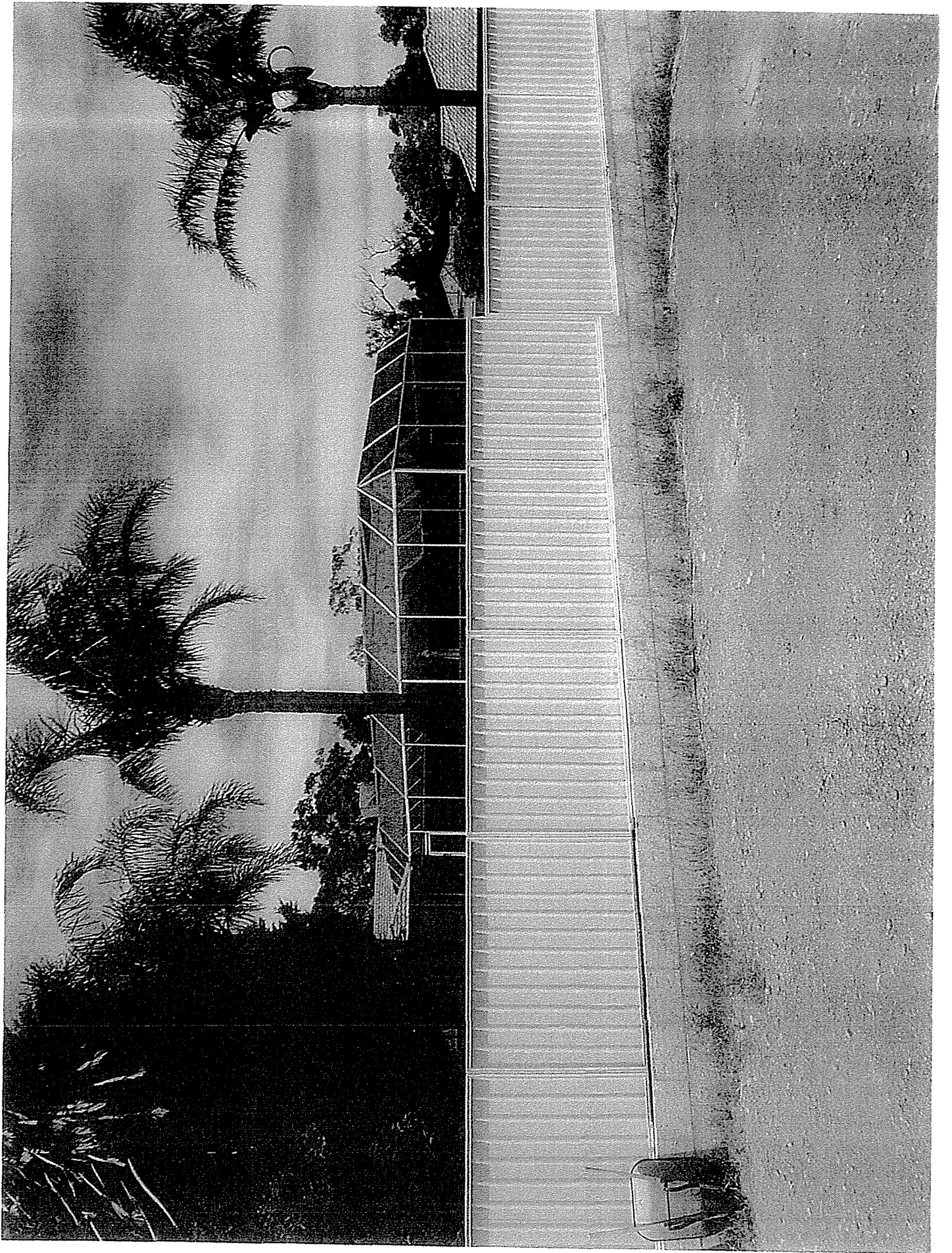
NOT BEEN TOTALLY BLOCKED AS HIS LAND STEPS
UP ^{1 METER WHICH IS} 4 METERS FROM THE BACK FENCE AND
HIS POOL PERGOLA ROOF TOWERS 2 METERS
ABOVE THE TOP OF THE BACK FENCE (SEE PHOTO).
- THERE IS A SIDE FENCE/WALL WHICH IS
2.6 METER ON MR GUSTER AND MALCOLM'S
PROPERTY, SO WHY IS A 1.8 METER FENCE
IN QUESTION?
- MR GUSTER'S POOL FENCE IS NOT TO A
SAFE STANDARD SO THIS BACK FENCE SHOULD
REMAIN FOR THE SAFETY OF THE CHILDREN
IN THE ADJOINING PROPERTY'S
- MR GUSTER SOMETIMES/OR HAS A DOG

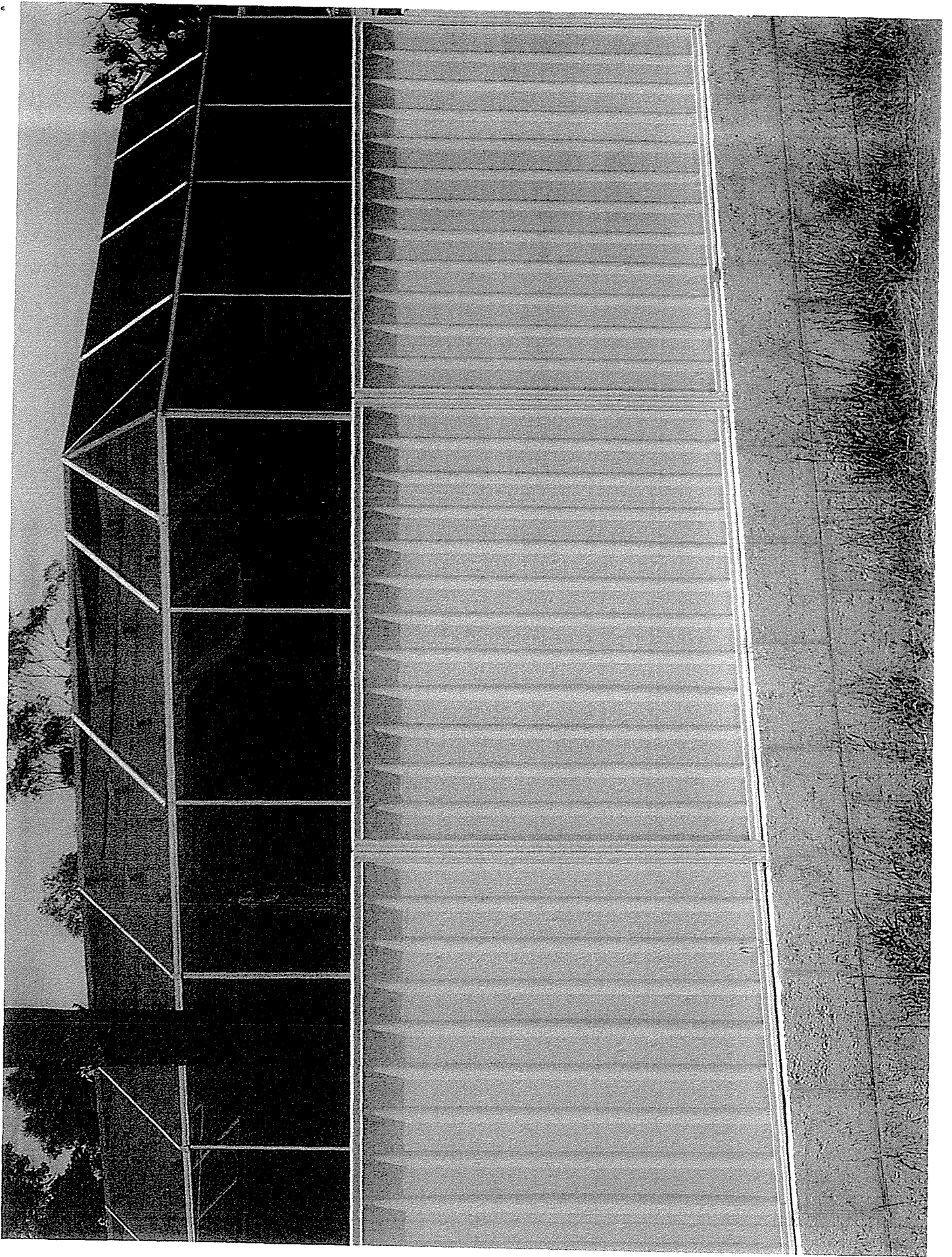
Dated the ^{3RD} day of NOVEMBER 2013



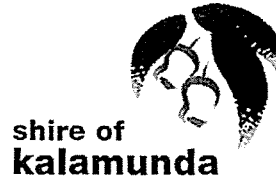
(signature of person objecting)

PH 0400 904 334.





<p>RECEIVED FRONT COUNTER</p> <p>DATE <u>5.11.13</u> TIME <u>10:35</u></p> <p>RECEIVED BY <u>[Signature]</u></p>
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Form 4
 [reg. 33(1)]
 Local Government Act 1995
 Local Government (Functions and General) Regulations 1996

OBJECTION UNDER SECTION 9.5 OF THE LOCAL GOVERNMENT ACT

To the **Shire of Kalamunda**

I, MALCOLM DONALD McLEAN
 (full name of person objecting)

of 30 PROSPECT CRES
KALAMUNDA 6076
 (postal address of person objecting)

hereby object to the issuing of a Notice of Breach pursuant to Part 6, section 6.1 of the *Shire of Kalamunda Fencing Local Law 2008* requiring that the Colorbond metal erected along the rear boundary of Lot 83 (30) Prospect Crescent Kalamunda be removed.

The grounds of my objection are as follows:

SEE LETTER ATTACHED:

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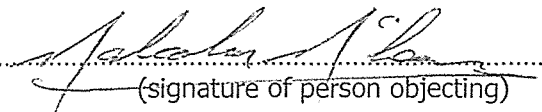
.....

(give details of grounds of objection)

In support of my objection I attach the following:
(plans, specifications, letters, notices, or other documents, if appropriate)

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Dated the 5TH day of NOVEMBER 2013


.....
(signature of person objecting)

5.11.13,

The Grounds for my Objection are as follows:

The line in question of the local law states a sufficient fence "shall be defined as" -- so that is only a definition and not a "SOLE" requirement. This ties in with the first page of the Shire of Kalamunda's own fences handout that says on page (1) under heading "Local Government"- set the " Minimum" fencing standard required under the local laws. Furthermore on page 5 of the same document, under "note" , dot point 3 " If you decide to erect a dividing fence of a "Higher" standard than a sufficient fence without obtaining the agreement of the adjoining owner, you may only claim half of the cost of erecting and maintaining a sufficient fence as defined above. Therefore you ARE allowed to erect a fence that is above the minimum standard and we did not claim any contribution from the adjoining property owners in question. Furthermore both side fences on that property are also 1.8 metre fences and there are hundreds of 1.8 metre fences in the area, indicating everyone is of the same opinion as I am regarding the interpretation of the local laws.


The fence also complies with all criteria set out in the Shire of Kalamunda's information sheet #10 "Minor and incidental structures" and under heading "structures Exempt" from a formal building permit approval.

sub heading 2. Non masonry fence

A Non masonry fence is exempt from a building permit approval if:

- (1) It complies with the Shire OF Kalamunda's fencing local law. "COMPLIES" FOR THE REASONS LISTED ABOVE.
- (2) Does not exceed a height of 1.8 METRES above the natural ground level behind the building setback line. "COMPLIES" The fence height ranges from 1.55 - 1.8 meters.
- (3) It does not exceed a height of 1.2 metres above natural ground level forward of the building setback line. This relates to front fence only, therefore is not applicable.
- (4) It does not support any change of ground levels. "COMPLIES" The old retaining wall supports this.
- (5) It is constructed/erected in accordance with the product manufacture's specification. "COMPLIES" Was erected by a qualified and experienced fencing contractor.
- (6) Where the fence is a dividing fence, it is constructed with agreement of the adjoining neighbour in accordance with the Dividing Fences act.1961. "COMPLIES" Agreement of the adjoining owner is only required if you wish to claim half of the cost of erecting the fence. We did Not claim any contribution from the neighbour. This legal position was confirmed by receiving legal advice.
- (7) It does not cause a reflective nuisance to neighbours."COMPLIES" The neighbours in question are on the south side of the fence therefore reflections are not possible.

For all the above reasons I believe this fence complies with all the requirements and furthermore I have followed the process carefully and every step has been checked and confirmed by consulting with : the citizens advice bureau, Landgate , The Building Commission, a lawyer and the Shire Of Kalamunda, who inspected the fence on completion 2 years ago and approved it. Everything has been done correctly and the fence should remain.


MALCOLM McLEAN

Fences



Definitions

A "boundary fence" is a fence that is installed along a street or public open space or reserve.

A "dividing Fence" is usually a fence that separates two privately owned properties. It does not include a fence running along the boundary of a road and it does not include a retaining wall.

General

Dividing fences are covered by the *Dividing Fences Act 1961*.

If you require specific information relation to the process of agreeing to, and sharing the costs of a dividing fence with your neighbour then please read the current Dividing Fences brochure available on the Building Commission's website:

http://www.buildingcommission.wa.gov.au/bid/Dividing_Fences.aspx

The *Dividing Fences Act 1961* deals with the process of sharing the costs of building and maintaining your dividing fence, with your neighbour. Other matters regarding boundaries are dealt with by other legislation, government agencies and/or the Courts.

Alternatively, you can access the complete Dividing Fences Act 1961 on the Building Commission's website or by going to the State Law Publisher website at www.slp.wa.gov.au

If you require further information please contact the Building Commission on 1300 489 099.

Landgate - provides information on defining and surveying boundaries;

Local Government - set the minimum fencing standards required under local laws, and are responsible for controlling construction work on boundaries such as retaining walls, parapet walls, party walls and the like under Part XV of the *Local Government (Miscellaneous Provisions) Act 1960*.

The Magistrates Court - may rule on disputes between adjoining owners on issues such as, nuisance for trees, overhead branches and falling leaves under the provisions of Common Law. However, you will need to seek independent legal advice in respect of each case.

What is the law relating to dividing fences in WA?

In Western Australia, the *Dividing Fences Act 1961* combines with local government by-laws to regulate dividing fences in WA. The Shire's Fencing Local Laws stipulates what type of fencing is deemed to be sufficient depending on a property's zoning.

Erecting a new fence where both blocks are developed

If you or your neighbour want to erect a dividing fence, you should first negotiate to determine whether you are able to reach an agreement for the erection of the dividing fence. If an agreement is reached, you should record it in writing. You may also check your Certificate of Title or with Landgate to determine whether it contains covenants that relate to dividing fences.

If you and your neighbor are unable to agree, either of you may serve the other a Notice to Fence which should set out:

- the boundary to be fences
- a proposal for fencing; and
- the kind of fence proposed to be constructed.

A sample of this notice is available on the Building Commission's website.

Where the owners are unable to agree on the need for the fence, the boundary or other line to be fenced, or the kind of fence to be constructed, either owner may, after 21 days, make an application to the nearest magistrates Court of an order determining:

- the need for an kind of fence to be constructed;
- the proportion to be constructed by each owner;
- the time within which fence is to be constructed;
- the line on which to construct the fence; and
- any compensation one owner may receive for loss of occupation of land.

In making its order, the court will consider the type of fence typically constructed in the area, how the lands are used and any local laws prescribing the type of fence for your area. The court's order is final.

Where the owners agree or a court orders the erection of a fence, the owners must fulfill their obligations within the specified time (or if no time is specified, within 3 months). If the owner does not fulfill their obligations within this time, the other owner may complete the work and recover half the cost from the owner in default by issuing a summons in the magistrates' court.

Erecting a new fence where one or both blocks are vacant

Where one or both blocks of land are vacant, the situation is slightly different. You should still attempt to negotiate with the owner of the adjoining block out of courtesy. If you are able to agree with the other owner, you should record the agreement in writing, and erect the fence according to the terms of the agreement.

If you are unable to agree with your neighbour, either of you may erect a dividing fence provided it is

is a sufficient fence (according to your local government regulations). You would then be able to require your neighbour to contribute to the cost of the dividing fence once they had completed a building or substantial structure on their land **(under the Act, a person is not liable to contribute to the cost of erecting a dividing fence until they have completed a building or substantial structure on their land).**

If your neighbour objects to paying you or disputes the line on which the fence was built, you may apply to the nearest magistrates' court for an order requiring the other owner to contribute. For information on the location of the magistrates' court or court procedures and costs, contact the Department of the Attorney General on 13 67 57 or the Magistrates; Court Civil Department on 9425 2247.

Repairing a dividing fence

Under the Act, the repair of fences includes the realignment and re-erection of a dividing fence. It does not however, include the replacement of an existing fence with a fence made of altogether different materials. If you or your neighbour want to construct a fence made of different materials, the procedure for erecting a new fence must be followed.

When a dividing fence is in need of repair, the owners of land divided by the fence are generally liable to pay half the cost of those repairs each, even where one or both of those pieces of land is vacant. There are general exceptions to this rule, including situations where:

- the dividing fence was built partly by one owner and partly by the other. In this case each owner is responsible to repair the part of the fence they built.
- the dividing fence is damaged by a storm, fire, flood, lightning or accident. In this case either owner may repair the fence without notice and recover half the cost of the repair from the other owner.
- the dividing fence is damaged by fire or a falling tree or branch. In this case the owner whose neglect caused the damage must repair the fence as soon as possible.

There are a number of steps followed to have a dividing fence repaired. They are:

- Attempt to negotiate with your neighbour. If you are able to agree with your neighbour, you should record the agreement in writing. The fence should then be repaired in accordance with the agreement. If you are unable to agree, you may give your neighbour a notice describing the kind of extent of repairs and indicating you are willing to:
 - repair the fence and pay half the cost if they will contribute half;
 - permit the other owner to repair the fence and you will pay half; or
 - pay half the cost of having the fence repaired by a third party.
- Your neighbour will have 14 days to object in writing to the notice. If your neighbour objects, you may apply to the nearest magistrates' court to obtain an order to repair the fence. Only a person who issues the notice to repair the fence may apply to the court to determine the issue. To find the nearest magistrates' court contact the Department of the Attorney General on 13 67 57.

- The magistrates' court may make a number of orders, including orders to repair the fence, orders prescribing the type and extent of repair, who is to repair the fence and the time within which the repairs are to be completed.
- The fence should then be repaired in accordance with the order of the magistrates' court.

If I have to negotiate with my neighbour, how do we reach an agreement?

In each neighbour's interests to attempt to resolve dividing fences disputes between themselves in a courteous and friendly manner. The Act encourages agreement between owners of adjoining land, as any agreement overrides the Act. There are many steps that can be taken to reach agreement with a neighbour to provide for dividing fences. These include:

- Approaching your negotiation with an appropriate communication style.
- Identifying key needs you would like to have met. Recognise your neighbour may have competing needs, try to acknowledge these.
- Commencing the negotiation with a positive statement regarding your mutual needs.
- Gaining agreement on common ground during the negotiation, this will help identify the points of difference between you and your neighbour.
- Being aware that you may have an ongoing relationship with your neighbour - be reasonable. Pushing too hard or becoming adversarial will alienate your neighbour and possibly harm your future relationship.
- Recognising that you have not only dividing fences rights, but also responsibilities.
- Remembering that where both parties are satisfied, each will work to make the agreement and relationship succeed.
- If you and your neighbour can agree, record the agreement in writing.

Taking a claim to court should be a last resort. The Act encourages neighbours to try to agree before undertaking expensive and time consuming legal action.

The *Dividing Fences Act 1961* covers both the erection and repair of dividing fences, having the boundary determined and provides a mechanism for courts to deal with disputes over dividing fences. It does not apply to retaining walls, fence height restrictions or encroachments.

What is a dividing fence?

A dividing fence is a fence that separates the land of different owners whether the fence is on the common boundary of adjoining lands or in a line other than the common boundary. A dividing fence does not include a retaining wall.

A "sufficient fence" is:

1. a fence prescribed by a local government local law;
2. a fence of any standard agreed upon by adjoining owners provided that it does not fall below the standard prescribed by the relevant local government law;
3. a substantial fence that is ordinarily capable of resisting the trespass of cattle and sheep; or
4. a fence determined by a magistrate in a magistrates' court to be a sufficient fence.

Note:

- What is considered to be a sufficient fence is mentioned in the Shire's Fencing Local Laws depending on the property's zoning. You are advised to contact the Shire with regards to whether planning approval is necessary.
- A fence which accords with (3) or (4) is only a sufficient fence where no local law or agreement is made.
- If you decide to erect a dividing fence of a higher standard than a sufficient fence without obtaining the agreement of the adjoining owner, you may only claim half the cost of erecting and maintaining a sufficient fence as defined above.

Does the Dividing Fences Act 1961 apply to everyone?

No. The Act does not bind the Crown, so where the adjoining land owner is owned by the Commonwealth, state or local government and is used for public purposes (for example, roads, parks or government offices) the local government or Commonwealth or state government department is not required to contribute to the costs of erecting or maintaining a dividing fences.

The Act does not interfere with agreements, contracts or covenants relating to dividing fences between owners of adjoining land. It may be worth checking your Certificate of Title or with Landgate to enquire whether there are any covenants relating to dividing fences between you and adjoining landowners. Any agreement, contract or covenant relating to dividing fences overrides the Act.

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

10.4.7 Forrestdfield/High Wycombe Industrial Area Stage 1 – Adoption of Developer Contribution Rate

Previous Items	OCM183/2012
Responsible Officer	Director Development Services
Service Area	Development Services
File Reference	PG-STU-028
Applicant	N/A
Owner	Various

Attachment 1	Schedule 12 – Developer Contribution items
Attachment 2	Adopted Local Structure Plan Stage 1
Attachment 3	Breakdown of Infrastructure Costs
Attachment 4	Developer Contribution Cost Schedule

PURPOSE

- To consider the adoption of a new Developer Contribution Rate for the Forrestdfield/High Wycombe Industrial Area – Stage 1, to apply from 16 December 2013.

BACKGROUND

- Land Details:**

Local Planning Scheme Zone:	Industrial Development
Metropolitan Regional Scheme Zone:	Urban

Locality Plan

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4. Stage 1 of the Forrestfield/High Wycombe Industrial Area comprises 63 lots with multiple landowners. Refer Attachment 1 Locality Plan.
 5. In November 2011, the Minister for Planning approved Amendment No.34 to Local Planning Scheme No.3 (the "scheme") to rezone the land bounded by Berkshire Road, Roe Highway, Sultana Road West and Milner Road, with the exception of Lots 497,498 and 499 Sultana Road West and a portion of Lots 1 and 2 Sultana Road West, Forrestfield, from Special Rural to Industrial Development. The subject area represents Stage 1 of the proposed Forrestfield/High Wycombe Industrial Area.
 6. In July 2012, Council resolved to endorse a Structure Plan for Stage 1 of the Forrestfield/High Wycombe Industrial Area, which, amongst other matters, identifies the developer contribution items relevant to the structure planning area.
 7. In August 2012, Council resolved to adopt Amendment No.48 to the Scheme, which included the following:
 - Provisions to administer the Developer Contribution Scheme (DCS) under Clause 6.5 and Schedule 11 of the Scheme; and
 - Infrastructure and administration items for the DCS inserted under Schedule 12 of the Scheme (refer Attachment 1).

The amendment was approved by the Minister for Planning in April 2013.

8. In December 2012, Council resolved to adopt a Developer Contribution rate of \$23.03 plus GST / m² for Stage 1 of the Forrestfield/High Wycombe Industrial Area.
9. In February 2013, the Local Structure Plan for Stage 1 was endorsed by the WA Planning Commission subject to a number of modifications including the existing Notation C for Lots 5, 6 and 8 Ashby Close and Lots 50, 51 and 52 Sultana Road West being replaced with the following:

Notation C denotes that single or shared battle-axe legs are not permitted to service industrial development on existing Lots 50,51 and 52 Sultana Road west and Lots 5,6 and 8 Ashby Close. Approval to non-residential development is contingent on securing direct access to a constructed public road.
10. Prior to properties being redeveloped and/or amalgamated, landowners within the development area will be required to make a proportional contribution to the cost of common infrastructure such as road upgrades and modifications, land acquisition for road reserves, dual use paths and administration costs of the sharing arrangements.

DETAILS

11. Council is requested to consider adopting a new developer contribution rate of \$28.49 plus GST/m² for Stage 1 of the Forrestfield/High Wycombe Industrial Area. This rate replaces the previous rate adopted by Council of \$23.03.
12. In November 2013, Savills Australia undertook a valuation of land required to be purchased by the Scheme for road reserves. The report recommended that a land valuation rate of \$275.00 be adopted. The previous land valuation rate was \$250/m².
13. The following is a summary of the projected infrastructure cost estimates for Stage 1 of the Forrestfield/High Wycombe Industrial Area:

Infrastructure item	Preliminary Improvement Cost Estimate
Berkshire Road	\$650,468
Dundas Road	\$594,092
Milner Road	\$1,057,661
Nardine Close	\$5,557,423
New Road (Nardine/Berkshire)	\$3,155,232
Ashby Close	\$1,682,476
Sultana Road West	\$2,159,743
New Road 2A (Ashby)	\$2,225,957
Bush Forever Lots	\$88,687
Civil Engineering Fees	\$125,000
Consultancy costs associated with development of the Industrial Area framework	\$150,000
Contingency costs to accommodate service relocation	\$1,950,000
Gross Lot Area	680,851/m ²
Total Projected Infrastructure Cost Estimate	\$19,396,748
Contribution Rate \$/m²	\$28.49

14. The costs to administer the DCS are incorporated as a percentage of the total road cost.

15. The preliminary cost estimates in respect to land acquisition included in the above total cost estimate figure is as follows:

Land required for Road Reserve	17,310sqm
Preliminary cost	\$7,232,700

16. The principal cost estimates include the following:

- Land acquisition for all new roads and widening where required.
- The extension of Nadine Close through to Ashby Close.
- The creation of a new road linking Nardine Close and Berkshire Road.
- The creation of new roads extending off Ashby Close and Sultana Road West.
- The upgrading of the Berkshire Road and Ashby Close intersection.
- The closure of Milner Road at the intersection with Berkshire Road.
- The upgrading of the Berkshire and Dundas Road intersection.
- Widening of the carriage way along Berkshire Road, Milner Road, Nadine Close and Sultana Road West.
- Relocation of services such as power poles and underground services.
- The provision of drainage swales within all existing and proposed new roads and the relocation of the existing drainage pits.
- Provision of pedestrian footpaths and dedicated cycle lanes where appropriate.
- Provision of street trees to all existing and proposed new roads and the construction of two landscaped entry statements on Berkshire Road.

17. The cost estimates do not include any provision to assist with the upgrading of the Berkshire Road and Roe Highway intersection and the provision of public utilities to Stage 1. A breakdown of the infrastructure costs are shown in (Attachment 3).

18. The apportionment of the infrastructure costs on a per lot basis are shown on the Developer Contribution Cost Schedule (refer Attachment 4).

STATUTORY AND LEGAL CONSIDERATIONS

19. Scheme amendment 48 has introduced provisions under Clause 6.5 (Development Contribution Areas) of the Scheme by which the Shire can administer the DCS for Stage 1. The amendment has also introduced under Schedule 12 of the DCS common infrastructure items which all landowners within the Development Control Area make a proportional contribution to the cost of the works.
20. State Planning Policy 3.6 Developer Contributions for Infrastructure establishes the principles and considerations that apply to development contributions for the provision of infrastructure in new and established urban areas.

POLICY CONSIDERATIONS

21. The Forrestfield/High Wycombe Industrial Area has been identified as a strategically important industrial area for both State and Local government. As such the area has been identified under the *Economic and Employment Lands Strategy – non heavy industry April 2012*.

COMMUNITY ENGAGEMENT REQUIREMENTS

22. Landowners will be notified of Council resolution regarding the adoption of the new developer contribution rate.

FINANCIAL CONSIDERATIONS

23. The Developer Contribution Scheme for Stage 1 of the Forrestfield/high Wycombe Industrial Area will be cost neutral to the Shire.
24. The cost of the Shire to administer the DCS is met through the developer contributions.

STRATEGIC COMMUNITY PLAN

Strategic Planning Alignment

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

5.1.3 – Encourage new commercial development to locate in the Shire to provide local employment opportunities for knowledge workers living within the Shire.

5.1.4 – Promote the Shires new industrial land releases as a hub for high tech or resource sector investment.

SUSTAINABILITY

Social Implications

26. Infrastructure needs to be carefully designed, costed and ultimately delivered to ensure that social impacts are minimised and that benefits are maximised.

Economic Implications

27. Annual reviews of the DCS are essentially to ensure increased costs or changes to items of infrastructure are accounted for. If the new developer contribution rate is not adopted, this may result in insufficient income from developer contributions to meet infrastructure expenditure.

Environmental Implications

28. The cost estimates include the provision of new fencing along the Nadine Close extension and Sultana Road West frontages adjacent to the Bush Forever lots. The new fencing will afford the environmentally significant site a greater level of protection.

RISK MANAGEMENT CONSIDERATIONS

29.

Risk	Likelihood	Consequence	Action/Strategy
That Council does not endorse the new contribution rate	Unlikely	Critical	Ensure Council is fully aware that adoption of the new rate is critical to ensure contributions received are sufficient to meet the expenditure associated with infrastructure and land acquisition costs.

OFFICER COMMENT

30. The increase in the developer contribution rate from \$23.039/m² to \$28.49/m² is due to a number of factors, namely:
- An increase in land values in the area from \$250.00/m² to \$275.00/m².
 - The inclusion of Road 2A and 2B as Scheme roads in accordance with the adopted Local Structure Plan. In the event that Lots 4, 5 and 6 Ashby Close and Lots 50, 51 and 52 are amalgamated onto on single title then the costs associated with the land acquisition and construction of the roads will not be required.
 - Increased contingency costs associated with the relocation of services resulting from road widening and modifications to road intersections.
31. In respect to the last dot point, the Shire has engaged consulting engineers to provide detailed design drawings for all new roads and drainage and the upgrading of new roads, drainage and intersections. The designs have revealed an additional number of services i.e. power poles, gas lines that will have to be relocated. These designs are now complete and are being costed for inclusion in the next review of the DCS. For the purpose of this review an appropriate contingency has been included to cover the costs.
32. When the projected costs have been finalised any resulting change to the developer contribution rate will be brought to Council for consideration. It is anticipated that the costs will be finalised by February/March 2014.

33. To date only one contribution payment has been received by the DCS. It is anticipated however that additional payments will be received over the coming months which will assist with the current cash flow which is very poor at present.
34. There have been a number of land sales in Stage 1. However, only one development has commenced construction on site. The Shire has approved two other developments; however these have yet to proceed to the building license stage.
35. Importantly, without the appropriate cash flow, the DCS cannot acquire land to enable Scheme roads and drainage to be constructed. The construction of the road and drainage infrastructure is critical in ensuring the industrial area is developed in a timely manner.
36. In light of the above, it is recommended the new Developer Contribution Rate of \$28.49 plus GST/m² be adopted.

Voting Requirements: Simple Majority

OFFICER RECOMMENDATION

That Council:

1. Adopt the Developer Contribution Rate of \$28.49 plus GST/m² for Stage 1 of the Forrestfield/High Wycombe Industrial Area effective from 17 December 2013.
2. Notify all landowners of the new adopted Developer Contribution Rate.

Moved:

Seconded:

Vote:

Attachment 01

Forrestfield/High Wycombe Industrial Area Stage 1 – Adoption of Developer Contribution Rate

Schedule 12 – Developer Contribution items

SCHEDULE 12 – DEVELOPMENT CONTRIBUTION AREAS

Ref No.	DCA1
Area:	Forrestfield Light Industrial Area – Stage 1 (Area bounded by Berkshire Road, Milner Road, Sultana Road West and Roe Highway)
Relationship to other planning instruments	The development contribution plan generally conforms to the Strategic Community Plan to 2022 (Draft).
Infrastructure and Administrative items to be found	<p>All landowners within DCA1 shall make a proportional contribution to the cost of common infrastructure.</p> <p>The proportional contribution is to be determined in accordance with the provisions of clause 6.5 of the Scheme.</p> <p>Contributions shall be made towards the following items—</p> <ul style="list-style-type: none"> (a) 50% to the widening and upgrading of Berkshire Road between Dundas Road and Roe Highway, including the cycling lanes; (b) Any required modifications to Milner Road, including the closure procedure and installation of a cul-de-sac at the intersection point with Berkshire Road; (c) Upgrading of Nardine Close and Ashby Close; (d) Upgrading of the Berkshire Road and Dundas Road intersection; (e) Upgrading of the Berkshire Road and Ashby Close intersection; (f) 50% of any required modifications to Sultana Road West, including the cycling lane which will form part of the dual use path depicted on the applicable Forrestfield/High Wycombe Industrial Area Structure Plan; (g) Acquisition of land required for the section of road linking Ashby Close to Nardine Close and the new section of road linking Nardine Close with Berkshire Road. (h) Land required for the construction and drainage for all internal roads—Water Sensitive Urban Design principles to be incorporated as per the adopted Drainage Strategy; (i) Full earthworks associated with road and drainage construction; (j) Dual use paths as depicted on the applicable Forrestfield/High Wycombe Industrial Area Structure Plan; (k) Landscaping of verges and entry statements including maintenance; (l) Fencing treatment for Bush Forever site; (m) Servicing infrastructure relocation where necessary; (n) Costs associated with the preparation of the development area framework to meet the statutory requirements and obligations including the local water management strategy and monitoring, structure plan design and report, drainage strategy and development contribution costings. (o) Costs to prepare and administer cost sharing arrangements— preliminary engineering drainage design and costings, valuations, annual or more frequent reviews and audits (where identified as appropriate at the discretion of the local government) and administrative costs; and (p) Costs for the repayment of any loans raised by the local government for the purchase of any land for road reserves or any of the abovementioned works.
Method for Calculating Contributions	<p>All landowners within DCA 1 shall make a proportional contribution to the cost of common infrastructure and administrative items based on net lot areas.</p> <p>The contributions will be in accordance with the Cost Contribution Schedule adopted by the local government for DCA1 which will be reviewed annually.</p> <p>Owner's cost contribution – net lot area (m²) x contribution rate</p> <p>Where</p> <p>Contribution rate = $\frac{\text{cost of infrastructure items} + \text{cost of administrative items}}{\text{Total area of DCA (m}^2\text{)}}$</p>

	<p>Net lot area = lot area (m²) – area of road reserve (m²)</p> <p>The contributions will be in accordance with the Cost Contribution Schedule adopted by the local government for DCA 1 which will be reviewed annually.</p>
Period of Operation	10 years
Priority and timing of infrastructure	The timing of the provision of infrastructure will be developer driven and subject to market demand for land. Infrastructure is generally to be provided within the 10 year operating period for the DCP.
Review Process	<p>The plan will be reviewed when considered appropriate, though not exceeding a period of five years duration, having regard to the rate of subsequent development in the development contribution area since the last review and the degree of development potential still existing.</p> <p>The estimated infrastructure costs will be reviewed at least annually to reflect changes in funding and revenue sources and indexed based on the Building Cost index or other appropriate index as approved by the qualified person undertaking the certification of costs.</p>

Attachment 02
Forrestfield/High Wycombe Industrial Area Stage 1 – Adoption of Developer Contribution Rate
Adopted Local Structure Plan Stage 1



LEGEND

Structure Plan Boundary	Existing Road	Roading Highway	10 metre Setback Line (minor street)
Metropolitan Region Scheme Reserve - Parks and Recreation	New Road	Pedestrian Path	8 metre Landscaped Buffer to Subiaco West Road
Local Planning Scheme No. 3 - Industrial Development Zone	Potential New Road	Shared Path	6 metre Landscaping Strip
	New road connection/intersection	20 metre setback line (main street)	Bulk Forestry Interface Treatment

Structure Plan Notes

Subdivision, strata titling and design requirements

- General**
1. Notation A denotes the closure of Minter Road at the intersection of Berkshire Road to alleviate potential traffic conflicts with the nearby Dundas Road intersection and the creation of a replacement cut-throat street with industrial vehicle specification.
 2. Notation A1 depicts modification to the Berkshire Road and Dundas Road intersection to allow for left turn and right turn traffic movements from Dundas Road to Berkshire Road.
 3. Potential Roads 2A and 2B will only be constructed to service current business configured lots of land assembly and consolidation processes on not provide the affected blocks with access from gazetted and constructed public roads. Where such road access is required only one of the potential roads will be gazetted and constructed.
- Lot Size**
4. Industrial subdivision is to meet the requirements of the Scheme and WAPC Policy DC4.1 - Industrial Subdivision unless otherwise specified.
 5. A minimum lot size of approximately one (1) hectare applies to any subdivision within the Structure Plan area.
- Between Developments**
6. Notation B denotes that no between subdivision will be supported (unless otherwise depicted on the Structure Plan Map).
 7. Notation C denotes that single or shared between legs are not permitted to service industrial development on existing Lots 50, 51 and 52 Subiaco Road West and Lots 5, 6 and 8 Ashby Close. Approval to non-residential development is contingent on securing direct access to a constructed public road.
 8. No further subdivision will be permitted on Lots 50, 51 and 52 Subiaco Road West and Lots 5, 6 and 8 Ashby Close based on a shared between leg access arrangement.

Industrial Strata Titling

9. Industrial and strata titling will only be supported in circumstances where a management statement is imposed as a condition of strata approval to the satisfaction of the State that ensures appropriate management arrangements and ongoing compliance with all development criteria as contained within the Scheme, the Structure Plan, any supporting planning policy or design guidelines, or any other requirements specified by the State.

Development Criteria and Requirements

Land Use Permissibility

10. Although the permissibility of uses is as set out in Table 1 in the Scheme, the Structure Plan intent is to facilitate land uses that take advantage of the lands strategic location in respect to major transport infrastructure, including Perth Airport, Roe Highway and Tonkin Highway. On this basis, logistics and other transport based industries are preferred land uses to take advantage of the lands locational attributes.
11. When non-roading development applications for 'D' and 'A' uses under the Scheme, consideration will be given to the extent that the proposed use supports the Structure Plan intent in accordance with (a) above.

Bulk Farm

12. In addition to the requirements of the Scheme, any applicable planning policy and design guidelines, any wall or building facing any street is to be certified or otherwise treated to ensure an appropriate standard of visual amenity to the satisfaction of the State.
13. In addition to the requirements of the Scheme, any applicable planning policy and design guidelines, service areas, bin and storage areas and services such as air conditioners and other machinery are to be screened such that they are not visible from the street.

Vehicle Access and Movement

14. No vehicular access for non-residential development will be permitted via existing between legs.
15. All vehicular access for all non-residential development is to be taken directly from a gazetted and constructed public road.
16. In addition to the requirements of the Scheme, any applicable planning policy and design guidelines, internal driveways and car parks are to be designed to ensure slow speeds. Lengths of driveway or car parks exceeding 50 metres are to incorporate speed control devices including level changes.
17. Vehicle access at the intersection of Ashby Close and Berkshire Road will be restricted to left in, left out only.

Pedestrian Movement and Amenity

18. In addition to the requirements of the Scheme, any applicable planning policy and design guidelines, footpaths are to be provided connecting car parking areas to buildings to the satisfaction of the State.

Landscaping

19. In addition to the requirements of the Scheme, any applicable planning policy and design guidelines, landscaping is to be provided within any development site of a sufficient quality to ensure an attractive well-landscaped environment.
20. Landscaping within car parks throughout the Structure Plan area is to be in accordance with the requirements of the Scheme, any applicable planning policy and design guidelines.
21. In addition to the requirements of the Scheme, any applicable planning policy and design guidelines, the trees species implemented, when not used for screening purposes, shall be of a type having high branch free stems to facilitate surveillance and visibility of building fronts and with a large canopy to screen adequate shading of car parking areas.

Signage

22. In addition to the requirements of the Scheme, any applicable planning policy and design guidelines, signage is to relate directly to the building containing the use or service and any associated products for advertising purposes, and is not to be excessive or unnecessary. Third party signage is not permitted.

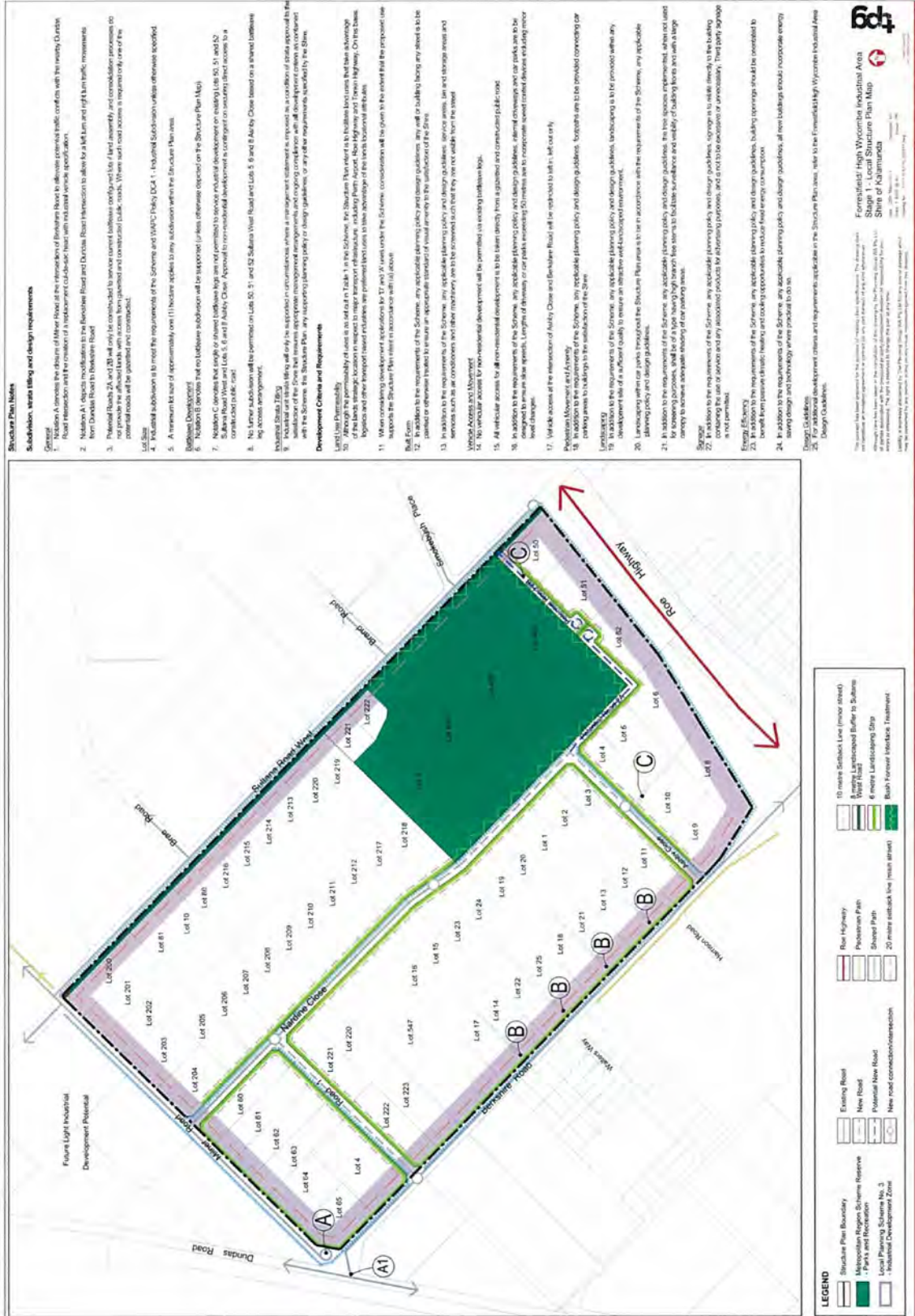
Energy Efficiency

23. In addition to the requirements of the Scheme, any applicable planning policy and design guidelines, building openings should be orientated to benefit from passive domestic heating and cooling opportunities to reduce fossil energy consumption.
24. In addition to the requirements of the Scheme, any applicable planning policy and design guidelines, all new buildings should incorporate energy saving design and technology where practical to do so.

Design Guidelines

25. For additional development criteria and requirements applicable in the Structure Plan area, refer to the Forrestfield/High Wycombe Industrial Area Design Guidelines.

Attachment 02
Forrestfield/High Wycombe Industrial Area Stage 1 – Adoption of Developer Contribution Rate
Adopted Local Structure Plan Stage 1



Structure Plan Notes

Subdivision, street siting and design requirements

General

1. Notation A denotes the absence of a sewer from the intersection of Mariboon Road to alleviate potential public conflicts with the nearby Dundas Road intersection and the creation of a 'subdivided' 'crossover' from an industrial service to a residential street.
2. Notation A1 depicts modifications to the Mariboon Road and Dundas Road Intersections to allow for left turn and right turn traffic movements from Dundas Road to Mariboon Road.
3. Proposed Roads 2A and 2B will only be constructed to service current business and/or lot 7/land assembly and consolidation provisions on the site. The road works will be undertaken in accordance with the requirements of the relevant public works. Where road access is required only one of the proposed roads will be granted an easement.
4. Notation A2 denotes the location of the proposed roads to be constructed in accordance with the requirements of the Scheme and WAPC Policy DC4.1 - Industrial Subdivision unless otherwise specified.
5. A minimum lot size of approximately one (1) hectare applies to any subdivision within the Structure Plan area.

Boundary Development

6. Notation B denotes that no business subdivision will be supported (or less otherwise specified) on the Structure Plan Map.
7. Notation C denotes that single or shared footpaths are not permitted to service industrial development or existing Lots 50, 51 and 52. Suburban Road and Lots 5, 6 and 8 Aulby Close. Approval for residential development is contingent on securing shared access to a constructed public road.
8. No further subdivision will be permitted on Lots 50, 51 and 52 Suburban Road and Lots 5, 6 and 8 Aulby Close based on a shared business parking access arrangement.

Industrial Street Design

9. The design of industrial streets will be subject to the requirements of the Scheme and WAPC Policy DC4.1 - Industrial Subdivision unless otherwise specified.

Development Criteria and Requirements

Lot/Use Compatibility

10. Although the compatibility of uses is not set out in Table 1 in the Scheme, the Structure Plan refers to industrial functions that have advantage of the large strategic location in respect to major transport infrastructure, including Perth Airport, Alton Highway and Tonkin Highway. On the basis of the location and other transport based criteria, any proposed industrial use shall have advantage of the large industrial site.
11. When considering development applications for 'I' and 'C' uses under the Scheme, consideration will be given to the extent that the proposed use supports the Structure Plan vision in accordance with (a) above.

Right of Way

12. In addition to the requirements of the Scheme, any applicable planning policy and design guidelines, any wall or building facing any street is to be painted to a minimum standard to ensure an appropriate level of visual amenity for the location of the Site.
13. In addition to the requirements of the Scheme, any applicable planning policy and design guidelines, service areas, bus and storage areas and services such as air conditioning or other machinery, are to be increased such that they are not visible from the street.

Vehicle Access and Movement

14. No vehicle access for non-residential development will be permitted on existing footpaths.
15. All vehicle access for all non-residential development is to be taken directly from a gazetted and constructed public road.
16. In addition to the requirements of the Scheme, any applicable planning policy and design guidelines, shared on-street car parks are to be designed to ensure clear sightlines, lengths of driveway or car parks exceeding 50 metres are to incorporate speed control devices and adequate minor level changes.
17. Vehicle access at the intersection of Aulby Close and Mariboon Road will be required to left in, left out only.

Provision of Services and Utilities

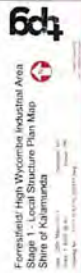
18. In addition to the requirements of the Scheme, any applicable planning policy and design guidelines, footpaths are to be provided connecting car parking areas to buildings to be visible to the street.
19. In addition to the requirements of the Scheme, any applicable planning policy and design guidelines, landscaping is to be provided within any development site to a sufficient quality to ensure an attractive and landscaped environment.
20. Landscaping within car parks throughout the Structure Plan area is to be in accordance with the requirements of the Scheme, any applicable planning policy and design guidelines.
21. In addition to the requirements of the Scheme, any applicable planning policy and design guidelines, the two spaces experimental when not used for screening purposes, shall be of a high enough standard to facilitate surveillance and safety of building lots and with a large canopy to protect the building from the weather.
22. In addition to the requirements of the Scheme, any applicable planning policy and design guidelines, signage is to be visible to the building concerning the use of services and any associated products for advertising purposes, and is not to be excessive or unbecomely. Third party signage is not permitted.

Energy Efficiency

23. In addition to the requirements of the Scheme, any applicable planning policy and design guidelines, building openings should be oriented to benefit from passive heating and cooling opportunities to reduce energy consumption.
24. In addition to the requirements of the Scheme, any applicable planning policy and design guidelines, all new buildings should incorporate energy saving design and technology measures pursuant to (a) to (c).

Design Guidelines

25. In addition to the requirements of the Scheme and any applicable planning policy and design guidelines, all new buildings should incorporate energy saving design and technology measures pursuant to (a) to (c).
26. In addition to the requirements of the Scheme, any applicable planning policy and design guidelines, building openings should be oriented to benefit from passive heating and cooling opportunities to reduce energy consumption.



Attachment 03

Forrestfield/High Wycombe Industrial Area Stage 1 – Adoption of Developer Contribution Rate

Breakdown of Infrastructure Costs

Road	Preliminary Improvement Cost Estimate	Development Area (m2)
Berkshire Road	\$650,478	
Dundas Road	\$594,092	
Milner Road	\$1,057,661	
Nardine Close	\$5,557,423	
New Road	\$3,155,232	
Ashby Close	\$1,682,476	
Sultana Road West	\$2,159,743	
New Road No. 2A	\$2,225,957	
Bush Forever Lots	\$88,687	
Civil Engineering Fees	\$125,000	
Consultancy costs associated with development of the Industrial Area framework	\$150,000	
Contingency to accommodate service relocations	\$1,950,000	
Total Preliminary Improvement Cost Estimate	\$19,396,748	
Gross Lot Area less Bush forever lots		690,481
Gross Lot Area less Bush forever lots minus equivalent land area/contribution received		680,851
Contribution Rate \$/m2 (Gross Lot Area) minus equivalent land area/contribution received	\$28.49	

2.11.2. Berkshire Road

Berkshire Road Length (m) = 1300
 Dundas Road to Roe Highway

Description	Base Costs	Amount
Siteworks		\$56,300.00
Drainage		\$28,100.00
Roads		\$100,117.00
Miscellaneous		\$392,515.00
Site supervision		\$0.00
Site Facilities		\$2,885.16
Contingency (10%)		\$57,991.72
SUB TOTAL		\$637,908.88
Fees		
Feature survey (600m/day@\$1250)		\$3,000.00
Council 1.5%		\$9,568.63
TOTAL		\$650,477.51

2.11.3. Dundas Road Length (m) = 350
 Dundas Road
 Berkshire Road intersection

Description	Base Costs	Amount
Siteworks		\$63,563.00

Fees		
Feature survey		\$3,500.00
Council 1.5%		\$82,077.67
TOTAL		\$5,557,422.60

2.11.6. Ashby Close

Ashby Close Length (m) = 350
 Nardine Close to Berkshire Road

Description	Base Costs	Amount
Siteworks		\$90,950.00
Drainage		\$87,180.00
Roads		\$304,696.00
Miscellaneous		\$159,100.00
Site supervision		\$0.00
Site Facilities		\$6,419.26
Land Acquisition		\$857,500
Contingency (10%)		\$150,584.53
SUB TOTAL		\$1,656,429.79

Fees		
Feature survey		\$1,200.00
Council 1.5%		\$24,846.45

TOTAL \$1,682,476.23

2.11.7. New Road

New Road Length (m) = 350
Nardine Close to Berkshire Road

Description	Base Costs	Amount
Siteworks		\$142,262.00
Drainage		\$103,800.00
Roads		\$457,026.00
Miscellaneous		\$175,900.00
Site supervision		\$0.00
Site Facilities		\$8,789.88
Land Acquisition		\$1,937,150.00
Contingency (10%)		\$282,492.79

SUB TOTAL \$3,107,420.67

Fees

Feature survey \$1,200.00

Council 1.5% \$46,611.31

TOTAL \$3,155,231.98

2.11.8. Sultana Road West

Sultana Road West Length (m) = 1275

Milner Road to cul-de-sac

Description	Base Costs	Amount
Siteworks		\$48,415.00
Drainage		\$279,900.00
Roads		\$953,030.00
Miscellaneous		\$626,795.00
Site supervision		\$0.00
Site Facilities		\$19,081.40
Contingency (10%)		\$192,722.14
SUB TOTAL		\$2,119,943.54
Fees		
Feature survey		\$8,000.00
Council 1.5%		\$31,799.15
TOTAL		\$2,159,742.69

2.11.9. Bush Forever Site

Bushforever Site Length (m) = 1020
 Nardine Close / Sultana Road West / New Road

Description	Base Costs	Amount
Siteworks		\$0.00

Drainage	\$0.00
Roads	\$0.00
Miscellaneous	\$75,400.00
Site supervision	\$0.00
Site Facilities	\$898.20
 Contingency (10%)	 \$7,629.82
 SUB TOTAL	 \$83,928.02
 Fees	
Feature survey	\$3,500.00
 Council 1.5%	 \$1,258.92
 TOTAL	 \$88,686.94

2.11.10. New Road 2A

New Road No. 2A Length (m) = 300
Ashby Close to cul-de-sac

Description	Base Costs	Amount
Siteworks		\$19,512.00
Drainage		\$69,700.00
Roads		\$408,378.00
Miscellaneous		\$105,650.00
Site supervision		\$0.00
Site Facilities		\$6,032.40
Land acquisition		\$1,383,300.00

Contingency (10%)	\$199,257.24
SUB TOTAL	\$2,191,829.64
Fees	
Feature survey	\$1,250.00
Council 1.5%	\$32,877.44
TOTAL	\$2,225,957.08

2.11.11. New Road 2B

New Road No. 2B Length (m) = 300
Sultana Road West to cul-de-sac

<u>Description</u>	<u>Base Costs</u>	<u>Amount</u>
Siteworks		\$17,912.00
Drainage		\$52,180.00
Roads		\$313,674.00
Miscellaneous		\$95,250.00
Site supervision		\$0.00
Site Facilities		\$4,790.16
Land acquisition		\$1,053,300.00
Contingency (10%)		\$153,710.62
SUB TOTAL		\$1,690,816.78
Fees		
Feature survey		\$1,250.00

Council 1.5%

\$25,362.25

TOTAL

\$1,717,429.03

Attachment 04
Forrestfield/High Wycombe Industrial Area Stage 1 – Adoption of Developer Contribution Rate
Developer Contribution Cost Schedule

Road	Lot Number	Gross Lot Area m ²	Road Reserve m ²	Net lot Area m ²	Road Reserve Land Cost based on 275/m2	Contribution rate on Gross area minus equivalent land area/contribution	Developer Contribution	Net Developer Contribution	
Berkshire Rd	8	11,306		11,306	\$ -	\$28.49	\$225,467.47	\$225,467	
	9	10,441		10,441	\$ -	\$28.49	\$208,217.39	\$208,217	
	11	10,397	340	10,057	\$ 93,500	\$28.49	\$296,199.90	\$202,700	
	12	10,032		10,032	\$ -	\$28.49	\$285,801.42	\$285,801	
	13	10,008		10,008	\$ -	\$28.49	\$285,117.69	\$285,118	
	21	10,032		10,032	\$ -	\$28.49	\$285,801.42	\$285,801	
	18	10,008		10,008	\$ -	\$28.49	\$285,117.69	\$285,118	
	25	10,000		10,000	\$ -	\$28.49	\$284,889.78	\$284,890	
	22	10,000		10,000	\$ -	\$28.49	\$284,889.78	\$284,890	
	14	10,000		10,000	\$ -	\$28.49	\$284,889.78	\$284,890	
	17	10,000		10,000	\$ -	\$28.49	\$284,889.78	\$284,890	
	547	40,570		40,570	\$ -	\$28.49	\$1,155,797.83	\$1,155,798	
	223	10,139		10,139	\$ -	\$28.49	\$288,849.75	\$288,850	
	222	10,150		10,150	\$ -	\$28.49	\$289,163.12	\$289,163	
4	19,046	3296	15,750.0	\$ 906,400	\$28.49	\$542,601.07	-\$363,799		
Milner Road	65	9,149		9,149	\$ -	\$28.49	\$260,645.66	\$260,646	
	64	9,611		9,611	\$ -	\$28.49	\$273,807.57	\$273,808	
	63	10,817	933	9,885	\$ 256,438	\$28.49	\$308,165.27	\$51,728	
	62	10,815	933	9,883	\$ 256,438	\$28.49	\$308,108.29	\$51,671	
	61	10,815	933	9,883	\$ 256,438	\$28.49	\$308,108.29	\$51,671	
	60	10,817	933	9,885	\$ 256,438	\$28.49	\$308,165.27	\$51,728	
	204	9,527		9,527	\$ -	\$28.49	\$271,414.49	\$271,414	
	203	9,557		9,557	\$ -	\$28.49	\$272,269.16	\$272,269	
	202	9,627		9,627	\$ -	\$28.49	\$274,263.39	\$274,263	
	201	9,627		9,627	\$ -	\$28.49	\$274,263.39	\$274,263	
	200	9,619		9,619	\$ -	\$28.49	\$274,035.48	\$274,035	
	Nardine Close	205	9,760		9,760	\$ -	\$28.49	\$278,052.42	\$278,052
		206	9,566		9,566	\$ -	\$28.49	\$272,525.56	\$272,526
207		9,567		9,567	\$ -	\$28.49	\$272,554.05	\$272,554	
208		9,565		9,565	\$ -	\$28.49	\$272,497.07	\$272,497	
209		9,563		9,563	\$ -	\$28.49	\$272,440.09	\$272,440	
210		9,562		9,562	\$ -	\$28.49	\$272,411.61	\$272,412	
211		9,560		9,560	\$ -	\$28.49	\$272,354.63	\$272,355	
212		9,558		9,558.0	\$ -	\$28.49	\$272,297.65	\$272,298	
217		9,821	290	10,111.0	\$ 79,750	\$28.49	\$279,790.25	\$359,540	
218		9,823	844	10,667.0	\$ 232,100	\$28.49	\$279,847.23	\$511,947	
Bush Forever		223	30,816			\$ -	\$28.49		
	221	10,155		10,155	\$ -	\$28.49	\$289,305.57	\$289,306	
	220	10,150		10,150	\$ -	\$28.49	\$289,163.12	\$289,163	
	16	10,296		10,296	\$ -	\$28.49	\$293,322.52	\$293,323	
	15	10,296		10,296	\$ -	\$28.49	\$293,322.52	\$293,323	
	23	10,295	293	10,002	\$ 80,658	\$28.49	\$293,294.03	\$212,637	
	24	10,295	844	9,451	\$ 231,971	\$28.49	\$293,294.03	\$61,323	
	19	10,286	1168	9,118	\$ 321,200	\$28.49	\$293,037.63	-\$28,162	
	20	10,262	1168	9,094	\$ 321,200	\$28.49	\$292,353.89	-\$28,846	
	1	10,286	1168	9,118	\$ 321,200	\$28.49	\$293,037.63	-\$28,162	
	2	10,262	1168	9,094	\$ 321,200	\$28.49	\$292,353.89	-\$28,846	
	3	10,061	2052	8,009	\$ 564,273	\$28.49	\$286,627.61	-\$277,645	
	Ashby Close	10	10,353		10,353	\$ -	\$28.49	\$206,462.47	\$206,462
		4	10,855	2083	8,772	\$ 572,825	\$28.49	\$309,247.85	-\$263,577
5		11,434		11,434	\$ -	\$28.49	\$325,742.97	\$325,743	
6		14,307		14,307	\$ -	\$28.49	\$407,591.80	\$407,592	
Sultana Road West	81	9,568		9,568	\$ -	\$28.49	\$272,582.54	\$272,583	
	10	9,569		9,569	\$ -	\$28.49	\$272,611.03	\$272,611	
	80	9,566		9,566	\$ -	\$28.49	\$272,525.56	\$272,526	
	216	9,569		9,569	\$ -	\$28.49	\$272,611.03	\$272,611	
	215	9,569		9,569	\$ -	\$28.49	\$272,611.03	\$272,611	
	214	9,568		9,568	\$ -	\$28.49	\$272,582.54	\$272,583	
	213	9,568		9,568	\$ -	\$28.49	\$272,582.54	\$272,583	
	220	9,822		9,822	\$ -	\$28.49	\$279,818.74	\$279,819	
	219	9,823		9,823	\$ -	\$28.49	\$279,847.23	\$279,847	
	221	5,153		5,153	\$ -	\$28.49	\$146,803.70	\$146,804	
	222	4,583		4,583	\$ -	\$28.49	\$130,564.99	\$130,565	
	Bush Forever	497	40,544			\$ -	\$28.49		
Bush Forever	498	40,519			\$ -	\$28.49			
Bush Forever	499	40,519			\$ -	\$28.49			
50	10,895		10,895	\$ -	\$28.49	\$310,387.41	\$310,387		
51	12,279		12,279	\$ -	\$28.49	\$349,816.16	\$349,816		
52	12,901		12,901	\$ -	\$28.49	\$367,536.30	\$367,536		
Total Area (m2)		690481m2 Excluding Bush for Ever area			\$ 4,760,176		Total	\$ 14,948,423	
New Road Reserve		842,879	17310						
Net Lot Area less Road Reserve(m2)				674,305		Total Cost land and construction	\$ 19,396,749		
Total Area minus equivalent land area/contribution received (m2)				680,851					
Land cost for Road Reserve									
Development Construction Cost									
Total Development Contribution									
Total Cost (land and construction)									

Red = increase in lot area

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

10.4.8 Lot 213 (28) Lewis Road, Wattle Grove – Amendment to Local Planning Scheme No. 3 – Additional Use

Previous Items	Nil
Responsible Officer	Director Development Services
Service Area	Development Services
File Reference	LW-04/028
Applicant	Fount of Life Outreach Ministries Inc.
Owner	K & L Gorman
Attachment 1	Applicant's submission

PURPOSE

1. To consider a proposal to initiate an Amendment to Local Planning Scheme No. 3 (the Scheme) to include in Schedule 2 – Additional Uses the following Uses:
 - Place of Worship
 - Chalet
 - Community Purpose

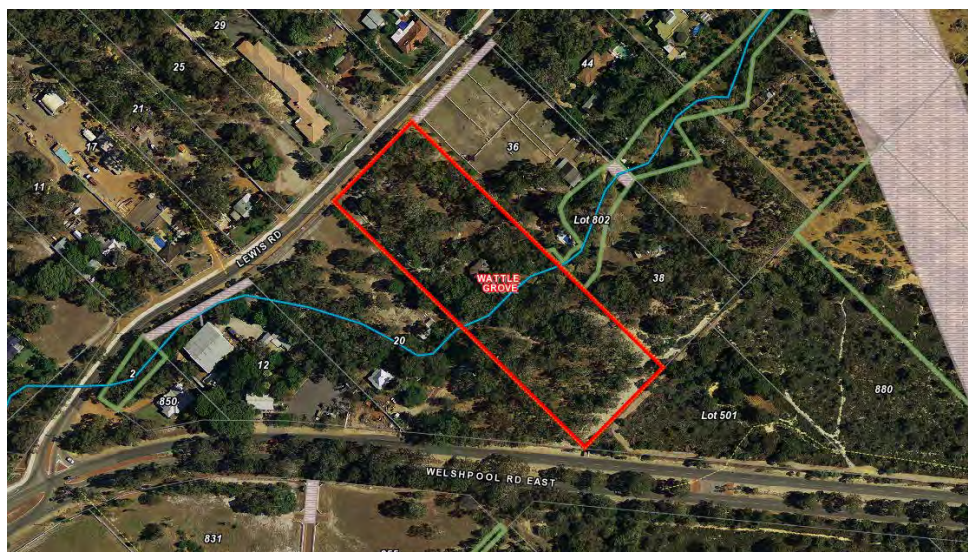
BACKGROUND

2. Land Details:

Land Area:	20082 m ²
Local Planning Scheme Zone:	Special Rural
Metropolitan Regional Scheme Zone:	Rural

Locality Plan

3.



DETAILS

4. The applicant seeks to amend the Scheme to allow for a number of land use activities related to community development. Under the Scheme a Community Purpose is defined as:

“Means the use of premises designed or adapted primarily for the provision of educational, social or recreational facilities or services by organisations involved in activities for community benefit”.

5. The applicant advises that they wish to establish the following activities:

Bethel Conference, learning and Worship Centre

The conference centre would be used for the purpose of community development based on social issues. The uses would include conference and counselling facilities for community organisations such as Drug Arm, Life Line, Beyond Blue, Diabetes WA, YMCA etc.

The Centre would also be used as a Place of Worship.

Grace Lodge

Short term stay (limited to 3 months) for people going through a difficult time who may require emotional, physical and mental support. The chalets would only be used by people associated with the Conference and Learning Centre and assessed for support if needed through external bodies. As such, the chalets would not be used for tourist uses or be available to the public at large.

Eden Nursery

This would supply food to the community café which in turn would supply food to the on-site café and people at the Grace Lodge and Bethel Conference Centre.

This will also include a “petting farm” with domestic animals (chickens, goats, pigs etc.) to be used by visitors to the site associated with the Bethel Conference Centre.

Manna Café

This would involve the development of a commercial kitchen and dining room to be used by persons using the services of Grace Lodge and Bethel Conference Centre. It would also be used for community education purposes to teach people food and nutrition skills.

6. Essentially the uses would be limited to those persons associated with the Ministries and not to the broader public.

STATUTORY AND LEGAL CONSIDERATIONS

7. The Town Planning Regulations 1967 and Planning and Development Act 2005 establish procedures relating to amendments to local planning schemes. If Council resolves to adopt the amendment, then ultimately it will be determined by the Minister for Planning.

POLICY CONSIDERATIONS

8. Nil.

COMMUNITY ENGAGEMENT REQUIREMENTS

9. If the amendment is initiated by Council, it would be formally advertised for 42 days in accordance with the provisions of the *Town Planning Regulations* and *Planning and Development Act 2005*.
10. The amendment would be required to be advertised in the form of a notice being published in a district newspaper. A sign advertising the proposal would also be required to be erected on the site and nearby and affected land owners would be contacted in writing.

FINANCIAL CONSIDERATIONS

11. Costs associated with the processing of the amendment, including advertising and officer time will be recouped in accordance with the adopted budget.

STRATEGIC COMMUNITY PLAN

Strategic Planning Alignment

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

Objective 1.8 - To support local community groups to grow, prosper and shape the future of Kalamunda.

Strategies

1.8.1 Provide leadership and assistance to local community groups and organisations.

1.8.3 Proactively investigate opportunities that facilitate the establishment and/or growth of local community groups.

1.8.4 Support and encourage opportunities to increase volunteering within the Shire.

SUSTAINABILITY

Social Implications

13. The applicant currently provides charitable and not for profit activities in Forrestfield and High Wycombe which would be replicated at the subject site should the amendment proceed.

Economic Implications

14. Nil.

Environmental Implications

15. Nil at this stage. There is remnant vegetation and a water course traversing the site. Any development as a consequence of the amendment should it proceed, will need to have due regard to the natural environment.

RISK MANAGEMENT CONSIDERATIONS

- 16.

Risk	Likelihood	Consequence	Action/Strategy
Council will not initiate the amendment	Possible	Minor	If Council does not initiate the amendment it is open to the applicant to re-submit the proposal.

OFFICER COMMENT

17. Whilst the applicant has requested the scheme be amended to allow a "community purpose", the Shire believes it appropriate to also define "Place of Worship" and "Chalets" as discretionary uses to give more certainty to the proposal.
18. With the exception of the short stay accommodation use, the proposed uses are fundamentally currently undertaken by the applicant in the Shire of Kalamunda. The intent is to consolidate these uses on one site.
19. Officers assessed and determined that as the "café" component is not open to the general public for use it should be considered as a kitchen in any other place of worship, which is used for incidental preparation and serving of food.
20. The uses are considered to be compatible within the rural environs in which the subject site is located. If development occurs as anticipated by the amendment, it is unlikely to have a detrimental impact of future strategic planning of the locality. It is recommended that Council initiate the amendment.

Voting Requirements: Simple Majority

OFFICER RECOMMENDATION

That Council:

1. Initiates the amendment to Local Planning Scheme No. 3 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. #

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

- (a) Amending Schedule 2 (Additional Uses) by including the following provision:

NO.	DESCRIPTION OF LAND	ADDITIONAL USE	CONDITIONS
A2	Lot 213 Lewis Road, Wattle Grove	Community Purpose Place of Worship Chalets	The uses are not permitted unless approval is granted by the Local Government ("D")

Moved:

Seconded:

Vote:



FOUNT OF LIFE OUTREACH MINISTRIES INC.

ABN: Number: 35112667547

Address:
18 Campbell Road
Canning Vale
Western Australia 6155

Contact:
Director: Maria Daniel - 0417987331 / 9456 4726 / Email: medaniel@bigpond.net.au
Secretary: Vijayalakshmi Vincent - 0422 914 369 / 61613177 / Email: vvi_76@yahoo.com
Treasurer: Rob Whinnett - 0408 090 287 / 9453 1219 / Email: robnet@live.com

Rezoning Application for 28 Lewis Road, Wattle Grove, WA

Maria Daniel
Director/Pastor – Fount of Life Outreach Ministries Inc.

Submission Date:
Monday 25th November 2013





FOUNT OF LIFE OUTREACH MINISTRIES INC.

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To
The Shire of Kalamunda
2 Railway Rd,
Kalamunda WA 6076

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From
Ms Maria Daniel
Director/Pastor – Fount of Life Outreach Ministries Inc.
18 Campbell Road
Canning Vale WA 6155

25th November 2013

Dear Sir/Madam

Re: Application request for rezoning of land.

Please see attached a proposal for re-zoning of the land on 28 Lewis Road, Wattle Grove from 'Rural' to include the additional use of 'Community Purpose' as defined under LPS 3 – The criteria for Community Purpose under LPS 3 defined as: *"The use of premises designed or adapted primarily for the provision of educational, social or recreational facilities or services by organisations involved in activities for community benefit."*

I am the Director and Pastor of a volunteer, not-for-profit charity 'Fount of Life Outreach Ministries Inc.' also known as 'FOLOMI' (as in.... 'Follow Me'). We currently operate from the Forrestfield Hall, Hale Road, Forrestfield WA. The Association provides the following services to the community:

1. Free Thursday night community café on Edinburgh road, now moving to new premises at Lincoln Park. Attended by approximately 80 – 120 boys, girls and adults from all walks of life.
2. Free English tuition every Wednesday to children in school years 5 – 8 operating from the Anderson Road Hall, Anderson Road, Forrestfield.
3. Church every Sunday morning at the Forrestfield Hall– currently attended by approximately 100 people from the shire.





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4. Barnabas Box: Essential packaged food and household essentials to any family / individual in the community who are struggling with their living costs and food needs.
5. Angel Baskets: A wellness basket packed with health and wellbeing products for those individuals and families going through grief, trauma, mental health issues, and the like as an encouragement to 'press-on'.
6. We provide food and petrol Vouchers, dental and other assistance as required working through the 'Forrestfield Information and Referral Service' or through the community café.
7. We also organise a community Christmas each year. Last year we held a small gathering at the community café on Edinburgh Road and this year, we have been instrumental in gathering the local churches and businesses in the shire, in a spirit of unity to hold a free 'Christmas at Hartfield Park', Forrestfield, on the 14th December 2013.

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Attached to this request letter for rezoning is the vision for the building of 'The Sanctuary' which was born in 2007 and the proposal. The Sanctuary has a fourfold purpose as highlighted in the proposal – serving the community through social education and training, a retreat centre, nursery and a café.

We as an association have been looking at several blocks of lands but none had the appeal as 28 Lewis Road, Wattle Grove. This land fulfils the vision of 'The Sanctuary' and I have highlighted this in the proposal for your consideration.

I hereby request the Shire, based on our current credentials having served and continuing to serve the local community effectively in the last three years and the goal to further enhance social services to the community by way of 'The Sanctuary', to please endorse this written request for LPS 3 to be amended to have additional uses (Community Purpose and Chalets – Short Term Accommodation) for the property on 28 Lewis Road, Wattle Grove.

I am happy to discuss this proposal further with you and can be contacted either by email: medaniel@bigpond.net.au or mobile phone on 0417 987 331.

I thank you for your consideration.

Kind Regards

Maria Daniel





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THE STORY BEHIND THE SANCTUARY



Maria Daniel
Pastor/Director - Fount of Life Outreach Ministries Inc.

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The Sanctuary.....It was the summer of 2007. I clearly remember looking at this building as I stood in front of it. It was long and had glass doors running down the side of the building. The front seemed like a double door. It was nothing much to look at from the outside, except that it had a flight of steps leading to a brightly lit wide open double door. But what drew my attention was that every door was open wide and had light streaming through. It seemed as though the place inside was lit with a thousand lights and it exuded a happy and peaceful atmosphere. What was even more interesting was, there were people walking into the building with what looked like Bibles in their hands. I knew deep down in my heart that I was going to be a part of this building somehow somewhere..... How? I did not know at the time.

I saw the building again in 2010 and in 2011. Amazingly nothing had changed. It was still the same piece of architecture with the same peace and tranquillity. I pondered how I would be connected to something as beautiful and peaceful as this. I just knew in my heart there was a deeper meaning and a purpose to this building and it somehow involved me.



I decided to follow the path to my right and passed what looked like a farm. Something told me that this was a farm centre where people with varying abilities, physical,





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emotional and intellectual, undertook meaningful community work every day to give back to the local community.

I kept on walking to my right and I realised that the pathway led me down to what looked like a 'Community Cafe'. I saw people, those that were down and out, some poor, some with heavy hearts, some so focussed on eating their food as if there was no tomorrow, and some others sitting under trees with a care-worker talking. All of them were eating from bowls..... It appeared they were eating soup and noodles. There they sat, lonely souls, but together, safe and at peace. There was such an intensity of peace in the air, with the people just eating their noodles!

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There was a gentle breeze and I looked up to see lanterns hanging from the trees, throwing out a soft glow of yellow light. It seemed that the lanterns were at peace and danced happily in the wind. 'Truly', I said to myself, 'this is some place! A 'Sanctuary' of some sort, a place of hope and refuge.'

Enjoying the still beauty of the place, I headed to the main pathway that led back to the centre building. The building stood like a fortress, at peace and bathed in light. I walked up to the roundabout at the centre of the driveway wondering who it belonged to and stood mesmerized by its presence. I thought 'What a beautiful place, open 24/7!'

While I stood there, a lady came up to me on my right. I actually did not see her approach me, she may have come from the garden centre. 'This can be yours you know,' she said. I looked at her not really knowing how to respond. 'Really?', I replied puzzled by her statement. I did not know who she was. I had never met her before. 'Yes', she replied. She proceeded to open the palm of my hand and placing a large silver key stated 'This can be yours from tomorrow if you will only believe.'

I felt a tremendous excitement and a burden well up within me for the people I saw. But what was more astonishing was I realised that I was standing in front of the exact same building I had seen in 2007. I realised standing there with the key in my hand...that the task was a huge one. I turned to look to the lady that had given me the key as I had so many questions, but she had gone.....

I woke up from my sleep with this excitement in heart!

It all made sense now. For so long I had searched for a purpose in my life. It had taken 5 years from the birth of the original dream to now for the full picture to be revealed. It made sense!





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The vision was for me to run with but I was going to need a team of people to catch the fire and believe they could assist the West Australian community at large.

I looked at the time.... It was approximately 3am on Friday 22 June 2012. I had the first thing to do now... To get my full vision down on paper.... to activate by faith what God had placed in my heart. Switching on my bed lamp, I retraced my steps on paper, remembering so vividly, the place, the trees, the wind blowing, the people, the light, the lanterns, the slurping sound of the noodles, the lady, the key 'The Sanctuary'!

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Maria Daniel
Director/Pastor
Fount of Life Outreach Ministries Inc. (FOLOMI)





FOUNT OF LIFE OUTREACH MINISTRIES INC.

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PROPOSAL FOR 'THE SANCTUARY'

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Four-fold Purpose:

The Sanctuary will have a fourfold purpose as listed below. It will be a centre that deals with:

1. Education and training;
2. Social Issues;
3. Social Justice; and
4. Recreational use

It is acknowledged that with the current social, cultural and economic environment, families and individuals are doing it tough. The aim and purpose of The Sanctuary is such that it benefits the families and the future of the Western Australian community. The centre will be run as a not-for-profit centre with a focus on community development.

Education and Training– As the proverb goes: “Give a man a fish and you feed him for a day. Teach a man to fish and you feed him for a lifetime.” The Sanctuary is based on this motto. An educated child is a leader of the future. The Sanctuary is a place where the educational needs of a person (child or adult) can be met and developed to realise their full potential and contribute back to community. The conference centre will be let out to not-for profit and social justice agencies that can come in and use the facilities and assist with running programs that will benefit the overall community.

Addressing matters of Social Issues – Millions of dollars are spent in Western Australia in helping to address issues relating to alcohol and drug abuse, over dose of prescription medication, poverty, joblessness, apathy, teenage suicide, depression and the like. The Sanctuary will be a place where education will be provided to help the members of the community focus towards a better life and future and be a centre for learning and training, enabling participants to look beyond the individual self and determining how they can as individuals better the lives of another in communities they live in.

Provision of Social Justice – The Sanctuary is a place where assistance and help can be sought for issues relating to social justice. Abuse and neglect, disability, the elderly, trauma, grief, and mental health issues are just a few issues that are plaguing our society today. The sanctuary will provide a safe haven of learning, development and rebuilding of





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lives where children, men and women will feel safe until assistance can be provided to help them cope with the stresses of life. This assistance can take the form of agencies who will be co-opted in to provide services to people in 'The Sanctuary' – i.e. Counselling and rehabilitation services.

Provision of Recreational Learning Environment – The Sanctuary will be a place of learning through fun and enjoyment. The nursery will be a place for the elderly to teach the younger generation how to sustain nature and live of the fruit of the earth. It will cater to the elderly and people and children with disabilities who can volunteer their services as a day placement activity and enjoy contributing back to the community through the labour of their own hands and having fun at the same time in a learning environment. Some examples could be: Young mothers learning to cook at the community café, teenagers learning skills through the engagement of agencies like YMCA, Aboriginal children being ministered to through the likes of David Wirrapunda Foundation and the Deadly Sisters Program, etc etc..... the options are endless...

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The learning, fun and enjoyment that this environment can give are limitless to the local community.

This is the FIRST of its kind in Western Australia!





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Four Key Functions of 'The Sanctuary'

1. Bethel Conference, Learning and Worship Centre
2. Grace Lodge - An eco – friendly Retreat Centre
3. Eden Nursery – Organic food nursery
4. Manna Café – Community Cafe

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Purpose

1. Bethel Conference, learning and Worship Centre

This conference centre will be used solely for the purpose of community development. To this effect community based social justice organisations and those who work in the area of social issues and who want to use the facilities can and will also be called upon to deliver services to people availing of respite services or when FOLOMI runs its own community based education programs.

These organisations could be the likes of Drug Arm, Life Line, Beyond Blue, Ngala, Blooming Minds, Emergency Support Network, Diabetes WA, YMCA, etc. to name a few.

An example would be where a free session could be held for young mothers in the community and the care of their new born babies. In this instance a social organisation like Ngala could be asked to come in & deliver training to the young mothers.

Another example would be where life skills & social values could be taught to aboriginal youth in the community through organisations such as the YMCA, David Wirrapunda Foundation, etc.





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FOLOMI currently runs 'Free English Tuition' for years 5 – 8 in the Forrestfield area. We hire the Anderson Rd Community Hall every Wednesday to do this. This service will then move to the Conference Centre and further opportunities for growth of education to support children with their studies after school could be provided for.

The Conference Centre will also be available to other Social Justice and not-for profit Organisations to run their community and social events thus having a community presence.

The Conference facilities will be used by FOLOMI for its currently held Sunday Worship Service and holding of conferences national and international.

Students from other organisations can visit the centre for a learning experience and this could be an inspiration to them to contribute back to society either by working at the community café, the nursery or assisting at the retreat centre.

It is anticipated that the conference centre will have the following facilities:

- Auditorium / meditation area
- Office
- Reception
- Rooms – Board, counselling, crèche, store, meeting and training rooms, etc.
- Toilets
- Library for people availing of the retreat services
- Dining hall
- Kitchen for short term supplies.





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2. Grace Lodge



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The purpose of Grace Lodge is to help provide 'temporary' harbour for people going through a difficult time. This may include emotional, physical & mental support. Grace Lodge will provide an eco-friendly environment with very basic amenities amongst nature. The check-in to Grace Lodge will be under strict guide lines with both entry and exit criteria done through a governance model. Grace Lodge will be a place where people can rest away from the hustle & bustle of life amidst tranquil surroundings & nature.

Grace Lodge characteristics:

- Eco-friendly retreat centre.
- Only used for short-stay guests.
- Will be used by those associated with the Conference and Learning Centre and those persons who just want a rest among nature.
- It will contain a play area for children.
- Gopher facilities for the aged / people in respite care.
- Will be accessibility friendly with due consideration to people with disabilities.
- People availing of the respite service will be able to work at the garden centre & assist the volunteers at the garden centre.
- Contain a small pool.





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Grace Lodge build:

- Small self-contained units.
- Basic cooking facilities – i.e. microwave, kettle, and a mini fridge.
- Ensuite – toilet/shower
- Living area
- One or more bedrooms

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Duration of stay:

- By any person, limited to a maximum of 3 months in any 12-month period
- Short term stays at the Retreat / Respite Centre will range from 1 day /overnight stay to 1 week and dependent on the situation not more than 3 months.
- People assessed through the organisation and its support partners as requiring medium to long term support will be immediately connected to other agencies to provide this support.
- The aim of the retreat / respite centre will be that should people be assessed as requiring other services, they will be connected immediately to other agencies who can facilitate/provide this support.
- Grace Lodge will be a short term respite centre

Who will avail of Grace Lodge?

- Every person in need of time-out.
- People who want to get away from a busy lifestyle for a short period to refresh, rejuvenate and get motivated again!
- People who need some physical, emotional and mental rest amidst nature!

Conditions of Grace Lodge

- People availing of services must genuinely require a break away from phones and the busyness of life. Entry level criteria will be determined.
- As it is an introspective and meditative environment they must be willing to keep the whole aspect of the lodge that way.
- They must be able and willing to participate or contribute as deemed necessary in generic activity held at the nursery and the community café so there is an intrinsic giving back to the community through their efforts.
- They will have the choice of participating in any conferences and educational/training options that may be held at Bethel Conference centre.
- They will be expected to abide by the rules of 'The Sanctuary' as place of peace and meditation .





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3. Eden Nursery



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AIM: Supplies food to the community café which in turn will supply food to the on-site café and people at Grace Lodge & Bethel Conference Centre.

Vision:

- A place that connects people of all ages, backgrounds and abilities.
- A place where people can give of their time and see the work of their hands benefitting the community.
- A place for people who have nowhere to go as a day placement and who can volunteer their time in a productive capacity to give back to the community, i.e. the elderly and children with disabilities.

What will it contain?

- A horticultural centre
- Garden store for after the food has been harvested for preparation.
- Equipment shed
- Toilets





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How managed:

- The Garden Centre will be open to volunteers who will work alongside a dedicated gardener.
- Senior citizens
- People with disabilities
- Students of Agricultural background and training
- People availing services at Grace Lodge as a part of rehabilitation service – 'Contributing back to the community' concept.

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Joshie's Hub – A mini animal farm



- In conjunction with Eden Garden, 'Joshie's Hub' is a small 'petting farm' that will bring many a joy to children with disabilities.
- The inspiration behind this concept is 9 year old Joshua Perera who wishes to have an opportunity to work with the garden centre and the petting farm.
- Autism is no barrier to achieving great things in the community.
- The contribution of which will foster and nurture the Manna Café.
- The farm could have a couple of chickens, a sheep/goat, a pony, a pig, etc.
- Proceeds from the petting farm will feed into 'The Sanctuary' as a whole, i.e. eggs for Manna Café, gold coin donation for the upkeep of the place, etc...





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4. "Manna Café"



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The aim of "Manna Café" (the community café):

- Is to provide food and a learning experience to people availing of the services at the Grace Lodge and Bethel Conference Centre.
- It is to provide community educational programs on nutrition to youth, students, people of all ages who can be trained at Manna Café.

How managed:

- Will be managed by the Proprietor of 'The Well' Café currently operating at 45 Berkshire Road, Forrestfield, WA.
- 'The Well' Café is a registered business and hospitality training organisation for apprentices.
- Volunteers from the community who would like to give of their time.
- Guests from Grace Lodge wishing to partake in Manna Café, serving and assisting the coordinator and other team members in a voluntary capacity to give back to their community.
- This café may also be used as a learning centre for students who may wish to learn social welfare activities and the Grace Lodge could be used for overnight stays.

The Manna Café will consist of a:

- Commercial kitchen
- Dining and alfresco area
- Store Room
- Cool Room
- Toilets
- Green Organic Bins for waste food scraps to generate fertiliser for the nursery.





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How the activity on the property would benefit the community:

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Overall benefit:

1. Deals with social Issues, justice and education matters in a safe environment.
2. Develops the local community to see beyond its 'wants' and assess its 'needs' instead through community participation and education.
3. Encourages sustainable employment albeit on a small scale within the community.
4. Provides support to the government volunteering program.
5. Enhances the value of people from all walks of life, cultural backgrounds, abilities and ages.

Activity	Benefit to the Community
Bethel Conference, Learning and Worship Centre	<ol style="list-style-type: none"> 1. Provision of education and training to people from all walks of life. 2. Assists to deal with social issues that are plaguing our community 3. Training provided equips and enables people to lead fulfilling and rewarding lives, free from abuse and neglect. 4. Affordability - The quality of the same services in the local market provided either free of cost or at significantly discounted rates. 5. Encourages the employment opportunities of people living in the shire. 6. Brings together churches and local businesses to foster a spirit of peace and community 'we-feeling'. 7. Provides national and international recognition as seen from the recently held 'Perth Apostolic Convention'.
The Retreat	<ol style="list-style-type: none"> 1. A rest for those within the community who cannot afford to go away to recover. 2. Mental, emotional and physical arbour. 3. Less drain on our local hospitals / institutions. 4. Encourages the employment opportunities of people living in the shire. 5. A community togetherness – achieving things to





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	give back into the community.
Eden Garden	<ol style="list-style-type: none"> 1. Provides a valued status to our senior citizens 2. Provides a meaningful support for children and people with disabilities. 3. Preserves the concept of promoting more gardens and parks. 4. Promotes organic grown food with a reduction in chemicals and fertilisers. 5. Fosters community togetherness – achieving things to give back into the community.
Manna Café	<ol style="list-style-type: none"> 1. A place where people can come together to see their hard work paid off into actual food production to be used by various people availing services in The Sanctuary. 2. Student learning centre / apprenticeship centre 3. A community togetherness – achieving things to give back into the community 4. A place where the elderly can come and be part of community food production and give of their talents.

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The proposed hours of operation:

- Reception hours – 9am to 5pm
- Grace Lodge: 24hrs – with on-site House Parent/s facility, a caretaker and external crisis contact with Police, Ambulance and Department of Fire and Emergency Services as required.
- Bethel Conference, Learning and Worship Centre: 8am-4pm and as per social justice agency programs. Onsite administrator available for the entirety of the program.
- Eden Gardens: 8am-4pm every day.
- Manna Café: Functions and Programs based hours. Will operate as per the hours of Bethel Conference, Learning and Worship Centre and Grace Lodge. Hospitality Manager and team on-site for the entirety of the program.





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The proposed number of staff:

Volunteer and paid:

- Centre Manager
- Receptionist
- Secretary
- Hospitality Director
- Treasurer
- House Parent/s
- Caretaker
- Horticulturist
- Nursery Manager
- IT Administration Officer
- Disability and Aged Services Coordinator
- Librarian

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Visits to the property

The property will be open to visitors / guests by appointment only via the Receptionist.

Several Uses of 'The Sanctuary'

1. Worship Centre
2. A learning centre
3. Training centre in matters relating to social issues and social justice.
4. People in the community will use it as a 'Get Away' option to de-stress.
5. Placement day option for the elderly
6. Placement day option for children and people with disabilities.
7. Training centre for aboriginal youth and families on specific matters relating to their life
8. Conference centre for national and international seminars and conferences
9. Art and Exhibition Centre
10. Craft Centre
11. Apprenticeship centre for Hospitality





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12. Apprenticeship centre for Horticultural studies.
13. Community kids programs and touch farm facilities
14. Respite and crisis care centre
15. Tourist Centre due to its quirkiness.
16. A centre where assistance could be given by community helps to people in the local community in kind.
17. Music centre
18. Function Centre for community events
19. Open Garden Centre with free community events and afternoon teas.
20. Counselling centre
21. Local schools could use it as a professional development centre
22. Local businesses meeting centre
23. Young mothers groups
24. Social justice organisations such as – Drug Arm, Life Line, etc could use it as a training ground.
25. Churches could use it as a neutral meeting ground for a one-stop function centre.





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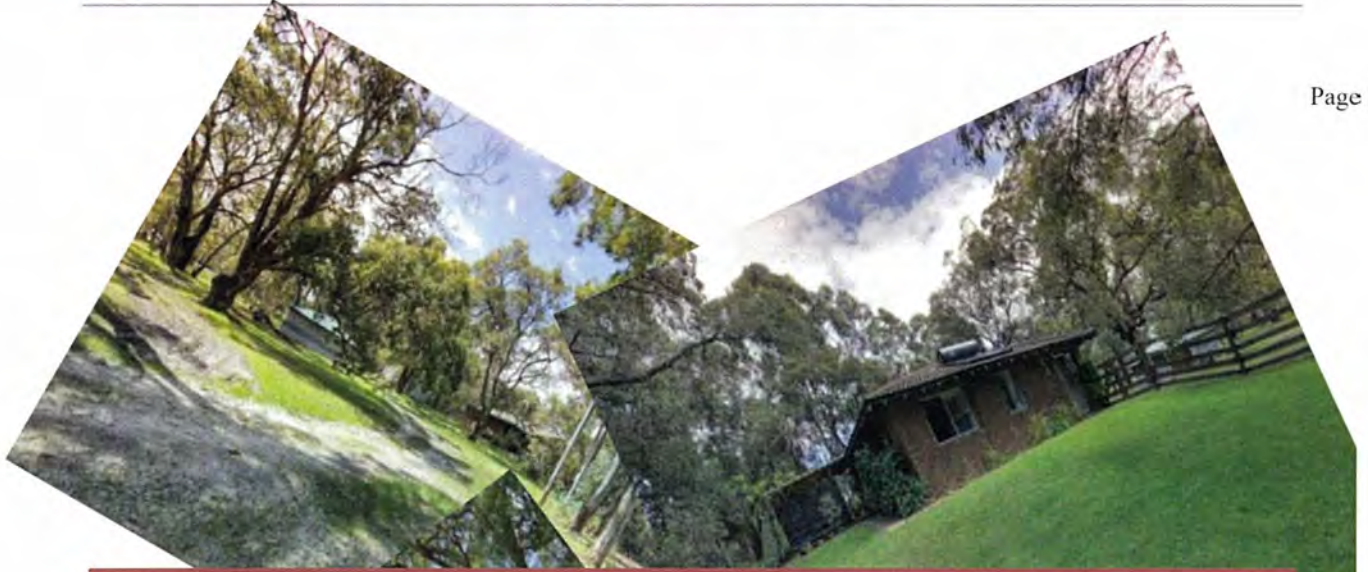
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So Why 28 Lewis Road?.....

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We believe it has the right environment!





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Integration of 'The Sanctuary' Services





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Signed consent of current owners

- Signed letter of consent to be provided by the owners.

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Scheme Amendment document

- Consultants TPG WA will provide the service and an initial meeting has occurred to discuss this service.

Conclusion

The Sanctuary is a place of:

- Learning
- Worship
- Training
- Refreshment
- Meditation
- Individual Development
- Community Development
- Refuge; and
- Cultural diversity

It is the first of its kind in Western Australia and can be significant enough to impact the local community and perhaps even the state of Western Australia in a positive way. The possibilities are endless as a centre where every social organisation can tap into to make a difference to people's lives.

Age, culture, ability, background, race, and religion are not a barrier to service. The Sanctuary is founded on Christian principles of FAITH, HOPE and LOVE, the greatest of these being LOVE.

It is the vision that the people of availing of the services at 'The Sanctuary' will feel God's love shown to them irrespective of circumstances and restoration to get back and face the challenges of life fully replenished and ready to put into practice what they have learnt both on an individual and community level.



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

CONFIDENTIAL ITEM

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"

10.4.9 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 Item 10.3.7 Ordinary Council Meeting November 2013
Responsible Officer	Chief Executive Officer
Service Area	Office of the Chief Executive Officer
File Reference	N/A
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>
Confidential Attachment 2	Legal Advice <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>

- 11.0 MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN**

- 12.0 QUESTIONS BY MEMBERS WITHOUT NOTICE**

- 13.0 QUESTIONS BY MEMBERS OF WHICH DUE NOTICE HAS BEEN GIVEN**

- 14.0 URGENT BUSINESS APPROVED BY THE PRESIDING MEMBER OR BY
 DECISION**

- 15.0 MEETING CLOSED TO THE PUBLIC**

- 16.0 CLOSURE**