

# Special Council Meeting

Minutes for Monday 30 November 2015

**CONFIRMED**



**shire of  
kalamunda**

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## MINUTES

### 1.0 OFFICIAL OPENING

The Presiding Member opened the meeting at 6.31pm, welcoming Councillors, Staff and Members of the Public Gallery.

### 2.0 ATTENDANCE, APOLOGIES AND LEAVE OF ABSENCE PREVIOUSLY APPROVED

#### 2.1 Attendance

##### Councillors

Andrew Waddell JP	(Shire President) (Presiding Member)	North West Ward
Sara Lohmeyer		North West Ward
Dylan O'Connor		North West Ward
Sue Bilich		North Ward
Tracy Destree		North Ward
Michael Fernie		South East Ward
John Giardina		South East Ward
Geoff Stallard		South East Ward
Allan Morton		South West Ward
Brooke O'Donnell		South West Ward
Noreen Townsend		South West Ward

##### Members of Staff

Rhonda Hardy		Chief Executive Officer
Warwick Carter		Director Development Services
Dennis Blair		Director Infrastructure Services
Gary Ticehurst		Director Corporate Services
Darrell Forrest		Manager Governance & PR
Sam Assaad		Manager Infrastructure Operations
Donna McPherson	Executive Research Officer to	Chief Executive Officer
Nicole O'Neill		Public Relations Coordinator
Meri Comber		Governance Officer

**Members of the Public** 2

**Members of the Press** 0

#### 2.2 Apologies

##### Councillors

Simon Di Rosso		North Ward
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#### 2.3 Leave of Absence Previously Approved

Nil.

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### 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 this meeting. For the purposes of Minuting, these questions and answers are summarised.

#### 3.1 Neta Parker, Paulls Valley, Answers to Previous Questions

Q1. Have my questions from the Corporate & Community Services Meeting and Ordinary Council Meeting been answered?

A1. A letter has been prepared containing these answers and they will also appear in the relevant Agenda. A hard copy of the questions, as they will appear in the Corporate & Community Services Agenda and the Ordinary Council Meeting, was provided.

#### 3.2 Dick Lovegrove, Wattle Grove

Q1. What is the total budget for the North Forrestfield Area?

A1. Director Development Services indicated this information was not yet available as every site is different and no rule of thumb can be applied. Council has endorsed a budget of \$500,000, quotations for tenders are sought for various studies to be done, and as more information is received a better picture of the total cost will take form. Until this information is gathered it is not possible to give a definitive or even ball park figure for how much it will cost to plan this area.

Q2. How is the money spent by the Council in the North Forrestfield Area going to be recovered?

A2. Council have the option to recoup this money through the developer contribution scheme.

Q3. Has there always been a developer contribution scheme or have some projects gone through and not been charged?

A3. Director Development Services indicated that he was not aware of any project in the past decade that the Shire has undertaken and not put a developer contribution scheme in place to recover its costs where it has been the proponent. When other developers are the proponent they sometimes make their own cost arrangement.

Q4. Do I have the correct amount from Shire staff that an approximate cost of the contribution scheme for a block would be about \$28,000?

A4. I believe this would relate to the Cell 9 Area in Wattle Grove, however, the level of contribution scheme applied relates to the infrastructure required, for example if developing an area which already has services and a high levels of road, the amount of contribution would be less – but an area with no infrastructure becomes very expensive. Contribution schemes therefore vary hugely and until a study has been undertaken it is not possible to estimate what the cost would be.

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Q5. With regard to the Western Power site recently sold a decision was made not to levy a contribution tax, was this decision made by Council or was it an executive decision?

A5. Developer contribution schemes are generally used when you have a multitude of small landowners with small land parcels and some owners would be unfairly burdened. In the case of the land you mention in Hawtin Road there are only a handful of developers and instead of having a contribution scheme they worked out their own contribution arrangement. There are still costs payable to the Shire for the upgrading or roads but there is no need for a contribution scheme when dealing with a small number of landowners. The Presiding Member indicated the decision had been made under delegated authority.

Q6. So, two or three land owners and 28 ha would not evoke a contribution scheme as long as the developer pays all the infrastructure costs?

A6. The infrastructure does not change however many developers there are.

Q7. Can I therefore, extrapolate from that information that if I put in all the necessary infrastructure relating to my block of land that I would not have to pay a contribution tax?

A7. Director Development Services indicated it would be necessary to look at this through the structure plan process and ascertain whether one particular lot was unfairly burdened by other lots. If all lots benefitted equally in the development then, in theory, it may be possible to do without a contribution scheme, but without a structure plan in place it is too early to speculate.

The decision as to whether to put a developer contribution scheme in place is made by the Minister for Planning and the West Australian Planning Commission (WAPC), not by Council.

Q8. Regarding the Western Power land the developer is planning under R20, 420 lots but has the option to take this up to about 600 lots, which will return him a minimum of about \$45M, yet no contribution tax is payable. Why hasn't Council put up a case to the Minister for Planning to ask why this developer is not paying contribution tax?

A8. The Minister's role would only be to approve a town planning scheme that would put a development contribution scheme in place, the decision on the sub division structure plans would be made by the WAPC. The developer is paying the equivalent of a developer contribution scheme by paying money towards upgrading lands, building roads, putting in public open space, so it is not that they are avoiding those costs but as there are only two or three developers it is not necessary to go to the expense of setting up a complicated development contribution scheme. They are not avoiding costs, if the density increased so would other requirements for such things as road widths. Council would then make a recommendation to the WAPC that certain standards are met as part of assessing those sub divisions. The WAPC would then decide what conditions are put on the approval.

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#### **4.0 PETITIONS/DEPUTATION**

4.1 Nil.

#### **5.0 ANNOUNCEMENTS BY THE MEMBER PRESIDING WITHOUT DISCUSSION**

5.1 The Shire President passed on congratulations to Cr Sue Bilich who has been elected to the West Australian Local Government Association State Council and noted this is a first for the Shire of Kalamunda.

#### **6.0 MATTERS FOR WHICH MEETING MAY BE CLOSED**

6.1 Nil.

#### **7.0 DISCLOSURE OF INTERESTS**

##### **7.1 Disclosure of Financial and Proximity Interests**

- a. Members must disclose the nature of their interest in matters to be discussed at the meeting. (Section 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. (Section 5.70 of the *Local Government Act 1995*.)

7.1.1 Nil.

##### **7.2 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.

7.2.1 Nil.

#### **8.0 REPORTS TO COUNCIL**

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

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

**SCM 09. Acceptance of Annual Report 2014/2015**

Previous Items	
Responsible Officer	Chief Executive Officer
Service Area	Office of the Chief Executive Office
File Reference	FI-SRR-005
Applicant	N/A
Owner	N/A
Attachment 1	Draft 2014/2015 Annual Report

**PURPOSE**

1. To accept the 2014/2015 Annual Report and set the date for the Annual General Meeting of Electors.

**BACKGROUND**

2. Section 5.53 of the *Local Government Act 1995* (the Act) 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 statutory Annual Report is prepared to advise the Community on the activities of the local government. It reports on the annual outcomes achieved by the organisation against the strategic priorities, objectives and strategies set out in the Strategic Community Plan – Kalamunda Advancing.
7. The Annual Report also contains the audited Annual Financial Report, previously adopted by Council.

**STATUTORY AND LEGAL CONSIDERATIONS**

8. The Draft 2014/2015 Annual Report is in compliance with Sections 5.53 and 5.54 of the Act.
9. 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.

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## **POLICY CONSIDERATIONS**

10. There are no policy considerations with respect to the Annual Report.

## **COMMUNITY ENGAGEMENT REQUIREMENTS**

11. 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 CONSIDERATIONS**

12. The 2015/2016 Budget includes provision for the cost of producing the Annual Report for statutory and public distribution.

## **STRATEGIC COMMUNITY PLAN**

### **Strategic Planning Alignment**

13. *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**

14. Nil.

### **Economic Implications**

15. Nil.

### **Environmental Implications**

16. Nil.

## **RISK MANAGEMENT CONSIDERATIONS**

- 17.
- | <b>Risk</b>   | <b>Likelihood</b> | <b>Consequence</b> | <b>Rating</b> | <b>Action/Strategy</b>   |
|---|-------------------|--------------------|---------------|--|
| The Annual Report is not accepted as required by the Act. | Unlikely          | Minor              | Low           | Ensure the Annual Report is prepared in time to meet the legislative requirements. |



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## OFFICER COMMENT

18. 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.
19. 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.
20. 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
21. 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 14 December 2015 at 6.15pm.
22. Whilst the Corporate & Community 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.

*A Councillor queried the cost of producing hard copies of the Annual Report, Public Relations Coordinator informed Council only 50 copies of the full annual report will be printed and 100 of the abridged version; the final cost is anticipated to be approximately \$3,000.*

*A Councillor queried whether there was any specific timing required for the Annual General Meeting of Electors and asked if two weeks notification is sufficient for the Shire Electors to attend. Manager Governance stated there must be a maximum of 56 days between accepting the Annual Report and the Annual Electors Meeting. The average time between accepting the Annual Report and holding the Electors Annual General Meeting is 14 days.*

*The Councillor further queried when the communication will start for the community regarding the AGM and how will this be done? Manager Governance indicated that an ad was ready to go into the West Australian on 1 December 2015, it will be in a local paper tomorrow, other local papers by the end of the week, on the Shire's Website and on Shire notice boards.*

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<b>Voting Requirements: Absolute Majority</b>
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RESOLVED SCM 162/2015

That Council:

1. Pursuant to Section 5.54 of the *Local Government Act 1995*, accepts the 2014/2015 Annual Report (Attachment 1).
2. Endorses the production of a modified version of the 2014/2015 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 14 December 2015, commencing at 6.15pm.

Moved: **Cr Geoff Stallard**

Seconded: **Cr Sara Lohmeyer**

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

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**Attachment 1**

Annual Report 2014/2015

[Click HERE to go directly to the document](#)

**9.0 MEETING CLOSED TO THE PUBLIC**

9.1 Nil.

**10.0 CLOSURE**

10.1 There being no further business, the Presiding Member declared the meeting closed at 6.56pm.

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

Signed: \_\_\_\_\_  
Presiding Member

Dated this \_\_\_\_\_ day of \_\_\_\_\_ 2015