



**MINUTES
OF THE
SPECIAL MEETING OF
COUNCIL**

HELD ON

MONDAY, 5 AUGUST 2019

Council Chambers

Honour Avenue

Wyalkatchem

Commencement 3:35pm

Closure 4:05pm

Preface

When the Chief Executive Officer approved these Minutes for distribution they are in essence "Unconfirmed" until the following Ordinary Meeting of Council, where the minutes will be confirmed subject to any amendments.

The "Confirmed" Minutes are then signed off by the Presiding Member

Unconfirmed Minutes

These minutes were approved for distribution on 6 August 2019.



Taryn Dayman

Chief executive Officer

Confirmed Minutes

These minutes were confirmed at the Ordinary Meeting of Council held 15 August 2019.

Signed: 

**Cr Quentin Davies, Shire President and Presiding Member
Shire of Wyalkatchem**

Note: The Presiding Member at the meeting at which the minutes were confirmed is the person who signs above

Disclaimer

No responsibility whatsoever is implied or accepted by the Shire of Wyalkatchem for any act, omission or statement or intimation occurring during this meeting. It is strongly advised that persons do not act on what is heard at this meeting and should only rely on written confirmation of Council's decisions, which will be provided within ten days of this meeting

TABLE OF CONTENTS

1.	DECLARATION OF OPENING	1
2.	PUBLIC QUESTION TIME	1
2.1.	Response to Public Questions Previously Taken on Notice.....	1
2.2.	Declaration of Public Question Time opened	1
2.3.	Declaration of Public Question Time closed	1
3.	ATTENDANCE, APOLOGIES, LEAVE OF ABSENCE	1
3.1.	Attendance.....	1
3.2.	Apologies.....	1
3.3.	Approved Leave of Absence.....	1
3.4.	Applications for Leave of Absence.....	1
4.	PETITIONS, DEPUTATIONS, PRESENTATIONS.....	1
4.1.	Petitions	1
4.2.	Deputations.....	1
4.3.	Presentations	1
5.	DECLARATIONS OF INTEREST	2
5.1.	Financial and Proximity Interest	2
5.2.	Impartiality Interests.....	2
6.	ANNOUNCEMENTS BY THE PRESIDING PERSON WITHOUT DISCUSSION	2
7.	MATTERS FOR WHICH THE MEETING MAY BE CLOSED.....	2
8.	REPORTS	3
8.1.	ADOPTION OF MATERIAL VARIANCE	3
8.2.	FEES AND CHARGES	5
8.3.	COUNCILLOR ALLOWANCE.....	7
8.4.	INFORMATION, COMMUNICATION, TECHNOLOGY (ICT) ALLOWANCE	10
8.5.	INSTALMENT PAYMENT PLAN OPTION – ADDITIONAL CHARGES	13
8.6.	RATE AND CHARGES PAYMENT OPTIONS.....	15
8.7.	PENALTY INTEREST ON OVERDUE RATES.....	18
8.8.	REFUSE COLLECTION AND DISPOSAL CHARGES.....	20
8.9.	ADOPTION OF RATES	23
8.10.	ADOPTION OF ANNUAL BUDGET 2019/2020	26
8.11.	PROVISION OF SERVICES AND FACILITIES	29
9.	MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN	31

10.	QUESTIONS BY MEMBERS OF WHICH DUE NOTICE HAS BEEN GIVEN	31
11.	URGENT BUSINESS APPROVED BY THE PERSON PRESIDING OR BY DECISION	31
12.	MATTERS BEHIND CLOSED DOORS.....	31
13.	CLOSURE OF THE MEETING	31

1. DECLARATION OF OPENING

The Chairperson, Shire President Cr Davies, opened the meeting at 3:35pm.

2. PUBLIC QUESTION TIME

2.1. Response to Public Questions Previously Taken on Notice

Nil

2.2. Declaration of Public Question Time opened

Public Question Time opened at 3:35pm.

There were no members of the Public.

2.3. Declaration of Public Question Time closed

Public Question Time closed at 3:35pm.

3. ATTENDANCE, APOLOGIES, LEAVE OF ABSENCE

3.1. Attendance

Members:	Cr. Quentin Davies	President (Presiding Member)
	Cr Owen Garner	
	Cr Emma Holdsworth	
	Cr. Stephen Gamble	
	Cr. Fred Butt	
	Cr. Heather Metcalfe	

Staff:	Taryn Dayman	Chief Executive Officer
	Stephanie Elvidge	Governance Executive Officer
	Darryn Watkins	Manager of Work

3.2. Apologies

Nil

3.3. Approved Leave of Absence

Nil

3.4. Applications for Leave of Absence

Nil

4. PETITIONS, DEPUTATIONS, PRESENTATIONS

4.1. Petitions

Nil

4.2. Deputations

Nil

4.3. Presentations

Nil

5. DECLARATIONS OF INTEREST

5.1. Financial and Proximity Interest

Nil

5.2. Impartiality Interests

Nil

6. ANNOUNCEMENTS BY THE PRESIDING PERSON WITHOUT DISCUSSION

Cr Davies expressed a sincere thank you to staff and Councillors for their assistance and contribution with the preparation the budget. Cr Davies felt Ms Drayman's new format was helpful and worked well.

7. MATTERS FOR WHICH THE MEETING MAY BE CLOSED

Nil

8. REPORTS

8.1. ADOPTION OF MATERIAL VARIANCE

Applicant:	Shire of Wyalkatchem
Location:	Shire of Wyalkatchem
Date:	22 July 2019
Reporting Officer:	Taryn Dayman, Chief Executive Officer
Disclosure of Interest:	No interest to disclose
File Number:	12.5.07
Attachment Reference:	Nil

SUMMARY

In accordance to regulation 34(5) of the Local Government (Financial Management) regulations, each financial year, a local government is to adopt a percentage or value, calculated in accordance with AAS5, to be used in statements of financial activity for reporting material variances.

BACKGROUND

Previously Council has adopted a percentage value of 10% with a minimum value of \$10,000.

COMMENT

It is recommended that Council adopt a percentage value of 10% and with the minimum value of \$10,000.

STATUTORY ENVIRONMENT

Local Government (Financial Management)

“34. Financial activity statement required each month (Act s. 6.4)

(5) Each financial year, a local government is to adopt a percentage or value, calculated in accordance with the AAS, to be used in statements of financial activity for reporting material variances”.

POLICY IMPLICATIONS

There are no direct policy implications in relation to this item.

FINANCIAL IMPLICATIONS

There are no significant financial implications in relation to this item.

COMMUNITY & STRATEGIC OBJECTIVES

The matter before Council generally accords with the following Shire desired outcome as expressed in the revised Shire of Wyalkatchem Strategic Community Plan.

Objective: A well-managed and effective Council organisation

Outcome No.	Outcome	Action No.	Actions
5.1	A well-governed, efficient and responsive organisation	5.1.2	Embed sound risk management frameworks to mitigate council's strategic and operational risk

5.4	Robust and accountable business and financial processes	5.4.1	Maintain long term financial plan that is integrated with asset management plans
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VOTING REQUIREMENT

Simple Majority

OFFICER'S RECOMMENDATION

That Council adopt a percentage value of 10% with a minimum value of \$10,000 that is considered to be a material variance as per regulation 34(5) of the Local Government (Financial Management) Regulations.

COUNCIL RESOLUTION:

(93/2019) Moved: Cr Gamble

Seconded: Cr Butt

That Council adopt a percentage value of 10% with a minimum value of \$10,000 that is considered to be a material variance as per regulation 34(5) of the Local Government (Financial Management) Regulations.

CARRIED 6/0

8.2. FEES AND CHARGES

Applicant:	Shire of Wyalkatchem
Location:	Shire of Wyalkatchem
Date:	22 July 2019
Reporting Officer:	Taryn Dayman, Chief Executive Officer
Disclosure of Interest:	No interest to disclose
File Number:	12.09
Attachment Reference:	Attachment 9.2 – 2019/2020 Fees and Charges

SUMMARY

In accordance with the *Local Government Act 1995, section 6.16*, a local government may impose a fee or charge for any goods or services that it provides.

A Schedule of Fees and Charges is included in the 2019/2020 Budget.

BACKGROUND

The fees & Charges lay out has been converted to provide more detail and linkages to the relevant acts and regulations. The current fees and charges have been reviewed to ensure cost recovery.

Fees that have been increased are indicated with the symbol ▲

It should be noted that due to the new layout some fees may indicate an increase, however may actually be a result of changing the layout and providing an increase list of fees and charges.

COMMENT

The fees and charges are established with reference to State Government statutory fees (such a planning, building, environmental health) and fees that seek to ensure a reasonable return of costs to the Shire.

It is recommended that Council adopt the Schedule of Fees and Charges as proposed in the 2019/2020 Annual Budget.

STATUTORY ENVIRONMENT

Local Government Act 1995, section 6.16.

6.16. Imposition of fees and charges

- (1) *A local government may impose* and recover a fee or charge for any goods or service it provides or proposes to provide, other than a service for which a service charge is imposed.*

** Absolute majority required.*

- (2) *A fee or charge may be imposed for the following –*
- (a) providing the use of, or allowing admission to, any property or facility wholly or partly owned, controlled, managed or maintained by the local government;*
 - (b) supplying a service or carrying out work at the request of a person;*
 - (c) subject to section 5.94, providing information from local government records;*
 - (d) receiving an application for approval, granting an approval, making an inspection and issuing a licence, permit, authorisation or certificate;*
 - (e) supplying goods;*
 - (f) such other service as may be prescribed.*

- (3) Fees and charges are to be imposed when adopting the annual budget but may be —
- (a) imposed* during a financial year; and
 - (b) amended* from time to time during a financial year.

* Absolute majority required.

POLICY IMPLICATIONS

There are no direct policy implications in relation to this item.

FINANCIAL IMPLICATIONS

Income derived from fees and charges in the 2019/2020 annual budget.

COMMUNITY & STRATEGIC OBJECTIVES

The matter before Council generally accords with the following Shire desired outcome as expressed in the revised Shire of Wyalkatchem Strategic Community Plan.

Objective: A well-managed and effective Council organisation

Outcome No.	Outcome	Action No.	Actions
5.1	A well-governed, efficient and responsive organisation	5.1.2	Embed sound risk management frameworks to mitigate council's strategic and operational risk
5.4	Robust and accountable business and financial processes	5.4.1	Maintain long term financial plan that is integrated with asset management plans

VOTING REQUIREMENT

Absolute Majority

OFFICER'S RECOMMENDATION

That Council adopts the Schedule of Fees and Charges as detailed for 2019/2020, as provided for in the attachment 9.2.

COUNCIL RESOLUTION:

(94/2019) Moved: Cr Holdsworth

Seconded: Cr Garner

That Council adopts the Schedule of Fees and Charges as detailed for 2019/2020, as provided for in the attachment 9.2.

CARRIED BY ABSOLUTE MAJORITY 6/0

8.3. COUNCILLOR ALLOWANCE

Applicant:	Shire of Wyalkatchem
Location:	Shire of Wyalkatchem
Date:	22 July 2019
Reporting Officer:	Taryn Dayman, Chief Executive Officer
Disclosure of Interest:	No interest to disclose
File Number:	13.06.05
Attachment Reference:	Nil

SUMMARY

Council is requested to determine to pay Councillors an annual attendance fee as remuneration for 2019/2020.

BACKGROUND

In the past, the Council of the Shire of Wyalkatchem has elected to pay council members an annual fee in lieu for attending meetings. In accordance with the *Local Government Act 1995 section 5.98(5) Fees etc. for Council members*, the mayor or president of a local government is entitled, in addition to any entitlement that he or she has under subsection (1) or (2), to be paid –

- (a) The annual local government allowance determined for mayors or presidents; or
- (b) Where the local government has set an annual local government allowance within the range determined for annual local government allowances for mayors or presidents that allowance.

The *Local Government Act 1995 section 5.98A – Allowance for deputy mayor or deputy president* provides that a local government may decide to pay the deputy mayor or deputy president an allowance of up to the percentage that is determined by the Salaries and Allowance Tribunal under the *Salaries and Allowance Act 1975 section 7B* of the annual local government allowance to which the mayor or president is entitled under section 5.98(5). *Section 7B (2) of the Salaries and Allowance Act 1975* the Salaries and Allowances Tribunal is required to “inquire into and determine –

- (a) The amount of fees, or the minimum and maximum amount of fees, to be paid under the Local Government Act to elected council members for attendance at meetings, and
- (b) The amount of expenses, or the minimum and maximum of expenses, to be reimbursed under the Local Government Act 1995 to elected council members; and
- (c) The amount of allowances, or the minimum and maximum amounts of allowances, to be paid under the Local Government Act 1995 to elected council members.”

The Salaries and Allowances Tribunal has been determined that the Shire of Wyalkatchem is a Band 4 in the Tribunal’s local government banding model. The Tribunal has also determined the following minimums and maximums for a Band 4 Council:

Annual attendance fees in Lieu of council meeting and committee meeting attendance fees

For a council member other than the mayor or president		For a council member who holds the office of mayor or president	
Minimum	Maximum	Minimum	Maximum
\$3,589	\$9,504	\$3,589	\$19,535

Annual allowance for a Mayor, President or Chairman

For a Mayor or president	
Minimum	Maximum
\$513	\$20,063

Annual allowance for a Deputy Mayor, Deputy President or Deputy Chairman

The percentage determined for the purpose of section 5.98A (1) of the Local Government Act is 25 per cent.

For a Deputy Mayor or Deputy president	
Minimum (25%)	Maximum (25%)
\$128.25	\$5015.75

COMMENT

In 2018/2019 allowances were as follows

Type	\$
Annual Meeting fee	\$4,793
President Allowance	\$6,090
D President Allowance	\$1,523

STATUTORY ENVIRONMENT

Local Government Act 1995

5.99. *Annual fee for council members in lieu of fees for attending meetings*

A local government may decide that instead of paying council members a fee referred to in section 5.98(1), it will instead pay all council members who attend council or committee meetings –*

- (a) the annual fee determined by the Salaries and Allowances Tribunal under the Salaries and Allowances Act 1975 section 7B; or*
- (b) where the local government has set a fee within the range for annual fees determined by that Tribunal under that section, that fee.*

** Absolute majority required.*

Salaries and Allowances Act 1975

POLICY IMPLICATIONS

Policy 6.7 Elected member’s fees, allowance, reimbursement and benefits.

FINANCIAL IMPLICATIONS

Councillor annual sitting fees \$28,758, President annual sitting fees \$4,793
 President Allowance \$6,090 and Deputy President Allowance \$1,523.

COMMUNITY & STRATEGIC OBJECTIVES

The matter before Council generally accords with the following Shire desired outcome as expressed in the revised Shire of Wyalkatchem Strategic Community Plan.

Objective: A well-managed and effective Council organisation

Outcome No.	Outcome	Action No.	Actions
5.1	A well-governed, efficient and responsive organisation	5.1.2	Embed sound risk management frameworks to mitigate council's strategic and operational risk
5.4	Robust and accountable business and financial processes	5.4.1	Maintain long term financial plan that is integrated with asset management plans

VOTING REQUIREMENT

Absolute Majority

OFFICER'S RECOMMENDATION

That Council elects to pay Councillors an annual attendance fee and adopts the following Councillors remuneration for 2019/2020:

- *Annual Councillor Sitting Fee* \$4,793
- *President Annual Sitting Fee* \$4,793
- *President Allowance* \$6,090
- *Deputy President Allowance* \$1,523

COUNCIL RESOLUTION:

(95/2019) Moved: Cr Gamble

Seconded: Cr Holdsworth

That Council elects to pay Councillors an annual attendance fee and adopts the following Councillors remuneration for 2019/2020:

- ***Annual Councillor Sitting Fee*** \$4,793
- ***President Annual Sitting Fee*** \$4,793
- ***President Allowance*** \$6,090
- ***Deputy President Allowance*** \$1,523

CARRIED BY ABSOLUTE MAJORITY 6/0

8.4. INFORMATION, COMMUNICATION, TECHNOLOGY (ICT) ALLOWANCE

Applicant:	Shire of Wyalkatchem
Location:	Shire of Wyalkatchem
Date:	22 July 2019
Reporting Officer:	Taryn Dayman, Chief Executive Officer
Disclosure of Interest:	No interest to disclose
File Number:	13.06.05
Attachment Reference:	Nil

SUMMARY

Council is requested to determine to pay Councillors an annual 'Information, Communication, Technology' (ICT) Allowance and adopt an annual ICT Allowance of \$544 per elected member for 2019/2020.

BACKGROUND

In accordance with *Local Government Act 1995 section 5.99A – Allowance for council members in lieu of reimbursement of expenses*, a local government may decide that instead of reimbursing council members under section 5.98(2) for all of a particular type of expense it will instead pay all council members –

- (a) The annual allowance determined by the Salaries and Allowance Tribunal under the *Salaries and Allowance Act 1975 section 7B* for that type of expense; or
- (b) Where the local government has set an allowance within the range determined by the Salaries and Allowance Tribunal under the *Salaries and Allowance Act 1975 section 7B* for annual allowance for that type of expense, an allowance of that amount.

Section 7B(2) of the Salaries and Allowance Act 1975 provides that the Salaries and Allowances Tribunal is required to “inquire into and determine –

- (a) The amount of fees, or the minimum and maximum amount of fees, to be paid under the Local Government Act to elected council members for attendance at meetings, and
- (b) The amount of expenses, or the minimum and maximum of expenses, to be reimbursed under the Local Government Act 1995 to elected council members; and
- (c) The amount of allowances, or the minimum and maximum amounts of allowances, to be paid under the Local Government Act 1995 to elected council members.”

The Salaries and Allowances Tribunal has been determined that the Shire of Wyalkatchem is a Band 4 in the Tribunal’s local government banding model. The Tribunal has determined the following minimums and maximums for a Band 4 Council;

Annual allowance for ICT expenses

Elected Members	
Minimum	Maximum
\$500	\$3,500

COMMENT

Council accesses meeting documents via electronic means using a Council supplied iPad, making internet a primary tool to conduct elected members business. Councillors will usually need to use private internet service to access meeting and other Council related documents.

The fees and charges are established with reference to State Government statutory fees Based on the Salaries and Allowances Tribunal determinations, it is appropriate for Council to pay Councillors an annual 'Information, Communication, Technology' (ICT) Allowance and adopt an annual ICT Allowance of \$544 per elected member for 2019/2020.

STATUTORY ENVIRONMENT

Local Government Act 1995, Part 5 Administration
Salaries and Allowances Act 1975

POLICY IMPLICATIONS

Policy 6.7. Elected member's fees, allowance, reimbursement and benefits.

FINANCIAL IMPLICATIONS

Councillors annual ICT Allowance \$3,808

COMMUNITY & STRATEGIC OBJECTIVES

The matter before Council generally accords with the following Shire desired outcome as expressed in the revised Shire of Wyalkatchem Strategic Community Plan.

Objective: A well-managed and effective Council organisation

Outcome No.	Outcome	Action No.	Actions
5.1	A well-governed, efficient and responsive organisation	5.1.2	Embed sound risk management frameworks to mitigate council's strategic and operational risk
5.4	Robust and accountable business and financial processes	5.4.1	Maintain long term financial plan that is integrated with asset management plans

VOTING REQUIREMENT

Absolute Majority

OFFICER'S RECOMMENDATION

That Council elects to pay Councillors an annual 'Information, Communication, Technology' (ICT) Allowance and adopts an annual ICT Allowance of \$544 per elected member for 2019/2020.

COUNCIL RESOLUTION:

(96 /2019) Moved: Cr Holdsworth

Seconded: Cr Gamble

That Council elects to pay Councillors an annual 'Information, Communication, Technology' (ICT) Allowance and adopts an annual ICT Allowance of \$544 per elected member for 2019/2020.

CARRIED BY ABSOLUTE MAJORITY 6/0

8.5. INSTALMENT PAYMENT PLAN OPTION – ADDITIONAL CHARGES

Applicant:	Shire of Wyalkatchem
Location:	Shire of Wyalkatchem
Date:	22 July 2019
Reporting Officer:	Taryn Dayman, Chief Executive Officer
Disclosure of Interest:	No interest to disclose
File Number:	25.08
Attachment Reference:	Nil

SUMMARY

For Council to consider imposing additional charges where payment of rates and services is made by instalments.

BACKGROUND

In accordance with the *Local Government Act 1995, section 6.45(3)*, a local government may impose an additional charge (including an amount by way of interest) where payment of a rate and service charge is made by instalments. The maximum amount of interest that may be imposed is 5.5%.

COMMENT

Reflecting past arrangements, it is recommended that Council impose an additional charge of \$5 per instalment notice and a 5.5% interest charge for all rates assessments paid by the instalment option.

STATUTORY ENVIRONMENT

Local Government Act 1995

6.45. *Options for payment of rates or service charges*

- (1) *A rate or service charge is ordinarily payable to a local government by a single payment but the person liable for the payment of a rate or service charge may elect to make that payment to a local government, subject to subsection (3), by —*
 - (a) *4 equal or nearly equal instalments; or*
 - (b) *such other method of payment by instalments as is set forth in the local government's annual budget.*

- (2) *Where, during a financial year, a rate notice is given after a reassessment of rates under section 6.40 the person to whom the notice is given may pay the rate or service charge —*
 - (a) *by a single payment; or*
 - (b) *by such instalments as are remaining under subsection (1)(a) or (b) for the remainder of that financial year.*

- (3) *A local government may impose an additional charge (including an amount by way of interest) where payment of a rate or service charge is made by instalments and that additional charge is, for the purpose of its recovery, taken to be a rate or service charge, as the case requires, that is due and payable.*

- (4) Regulations may —
- (a) provide for the manner of making an election to pay by instalments under subsection (1) or (2); and
 - (b) prescribe circumstances in which payments may or may not be made by instalments; and
 - (c) prohibit or regulate any matters relating to payments by instalments; and
 - (d) provide for the time when, and manner in which, instalments are to be paid; and
 - (e) prescribe the maximum amount (including the maximum interest component) which may be imposed under subsection (3) by way of an additional charge; and
 - (f) provide for any other matter relating to the payment of rates or service charges.

POLICY IMPLICATIONS

Policy “2.10. Revenue collection” provides as follows;

Rates and other charged are due and payable within 35 days of the issue of a notice. Payment may be made either in full by the due date or in four instalments, the first of which is payable by the initial due date. There are no direct policy implications in relation to this item.

FINANCIAL IMPLICATIONS

Recovery of administrative costs of rates and service charges paid by instalments.

COMMUNITY & STRATEGIC OBJECTIVES

The matter before Council generally accords with the following Shire desired outcome as expressed in the revised Shire of Wyalkatchem Strategic Community Plan.

Objective: A well-managed and effective Council organisation

Outcome No.	Outcome	Action No.	Actions
5.1	A well-governed, efficient and responsive organisation	5.1.2	Embed sound risk management frameworks to mitigate council's strategic and operational risk
5.4	Robust and accountable business and financial processes	5.4.1	Maintain long term financial plan that is integrated with asset management plans

VOTING REQUIREMENT

Absolute Majority

OFFICER’S RECOMMENDATION

That Council imposes an additional charge of \$5 per instalment notice and 5.5% interest rate where payment of rates is made by instalments.

COUNCIL RESOLUTION:

(97 /2019) Moved: Cr Garner

Seconded: Cr Metcalfe

That Council imposes an additional charge of \$5 per instalment notice and 5.5% interest rate where payment of rates is made by instalments.

CARRIED BY ABSOLUTE MAJORITY 6/0

8.6. RATE AND CHARGES PAYMENT OPTIONS

Applicant:	Shire of Wyalkatchem
Location:	Shire of Wyalkatchem
Date:	22 July 2019
Reporting Officer:	Taryn Dayman, Chief Executive Officer
Disclosure of Interest:	No interest to disclose
File Number:	25.08
Attachment Reference:	Nil

SUMMARY

The *Local Government Act 1995* provides for the payment of rates and charges imposed by Council, by a single payment or by 4 instalments.

COMMENT

The following options are proposed for the payment of rates and charges for 2019/2020.

Option 1 (Full Payment)

- Full amount, less any entitled discount, of rates and charges including arrears to be paid on or before 21 days after the date of service appearing on the rate notice. Granting a 5% discount on this option.

Option 2 (Full Payment)

- Full amount, of rates and charges including arrears to be paid on or before 35 days after the date of service appearing on the rate notice.

Option 3 (4 Instalments)

- First instalment can be received on or before 35 days after the date of service appearing on the rate notice. This option is only allowed if all arrears (including accrued interest) are included in the first instalment.
- Second instalment to be made on or before 95 days after the date of service appearing on the rate notice.
- Third instalment to be made on or before 155 days after the date of service appearing on the rate notice.
- Fourth instalment to be made on or before 217 days after the date of service appearing on the rate notice.

STATUTORY ENVIRONMENT

Local Government Act 1995

6.45. *Options for payment of rates or service charges*

- (1) *A rate or service charge is ordinarily payable to a local government by a single payment but the person liable for the payment of a rate or service charge may elect to make that payment to a local government, subject to subsection (3), by —*
- (a) 4 equal or nearly equal instalments; or*
 - (b) such other method of payment by instalments as is set forth in the local government's annual budget.*

- (2) Where, during a financial year, a rate notice is given after a reassessment of rates under section 6.40 the person to whom the notice is given may pay the rate or service charge —
- (a) by a single payment; or
 - (b) by such instalments as are remaining under subsection (1)(a) or (b) for the remainder of that financial year.
- (3) A local government may impose an additional charge (including an amount by way of interest) where payment of a rate or service charge is made by instalments and that additional charge is, for the purpose of its recovery, taken to be a rate or service charge, as the case requires, that is due and payable.
- (4) Regulations may —
- (a) provide for the manner of making an election to pay by instalments under subsection (1) or (2); and
 - (b) prescribe circumstances in which payments may or may not be made by instalments; and
 - (c) prohibit or regulate any matters relating to payments by instalments; and
 - (d) provide for the time when, and manner in which, instalments are to be paid; and
 - (e) prescribe the maximum amount (including the maximum interest component) which may be imposed under subsection (3) by way of an additional charge; and
 - (f) provide for any other matter relating to the payment of rates or service charges.

POLICY IMPLICATIONS

Policy 2.10 ‘Revenue Collection’.

FINANCIAL IMPLICATIONS

Rate revenue 2019/2020 Annual Budget.

COMMUNITY & STRATEGIC OBJECTIVES

The matter before Council generally accords with the following Shire desired outcome as expressed in the revised Shire of Wyalkatchem Strategic Community Plan.

Objective: A well-managed and effective Council organisation

Outcome No.	Outcome	Action No.	Actions
5.1	A well-governed, efficient and responsive organisation	5.1.2	Embed sound risk management frameworks to mitigate council's strategic and operational risk
5.4	Robust and accountable business and financial processes	5.4.1	Maintain long term financial plan that is integrated with asset management plans

VOTING REQUIREMENT

Absolute Majority

OFFICER'S RECOMMENDATION

That Council adopts the following options for the payment of rates and charges for 2019/2020:

Option 1 (Full Payment less Discount)

- *Full amount, less any entitled discount, of rates and charges including arrears to be paid on or before 21 days after the date of service appearing on the rate notice. Granting a 5% discount on this option.*

Option 2 (Full Payment)

- *Full amount, of rates and charges including arrears to be paid on or before 35 days after the date of service appearing on the rate notice.*

Option 3 (4 Instalments)

- *First instalment can be received on or before 35 days after the date of service appearing on the rate notice. This option is only allowed if all arrears (including accrued interest) is included in the first instalment.*
- *Second instalment to be made on or before 95 days after the date of service appearing on the first rate notice.*
- *Third instalment to be made on or before 155 days after the date of service appearing on the rate first notice.*
- *Fourth instalment to be made on or before 217 days after the date of service appearing on the first rate notice.*

COUNCIL RESOLUTION:

(98 /2019) Moved: Cr Holdsworth

Seconded: Cr Gamble

That Council adopts the following options for the payment of rates and charges for 2019/2020:

Option 1 (Full Payment less Discount)

- ***Full amount, less any entitled discount, of rates and charges including arrears to be paid on or before 21 days after the date of service appearing on the rate notice. Granting a 5% discount on this option.***

Option 2 (Full Payment)

- ***Full amount, of rates and charges including arrears to be paid on or before 35 days after the date of service appearing on the rate notice.***

Option 3 (4 Instalments)

- ***First instalment can be received on or before 35 days after the date of service appearing on the rate notice. This option is only allowed if all arrears (including accrued interest) is included in the first instalment.***
- ***Second instalment to be made on or before 95 days after the date of service appearing on the first rate notice.***
- ***Third instalment to be made on or before 155 days after the date of service appearing on the rate first notice.***
- ***Fourth instalment to be made on or before 217 days after the date of service appearing on the first rate notice.***

CARRIED BY ABSOLUTE MAJORITY 6/0

8.7. PENALTY INTEREST ON OVERDUE RATES

Applicant:	Shire of Wyalkatchem
Location:	Shire of Wyalkatchem
Date:	22 July 2019
Reporting Officer:	Taryn Dayman, Chief Executive Officer
Disclosure of Interest:	No interest to disclose
File Number:	25.08.01
Attachment Reference:	Nil

SUMMARY

A local government may at the time of imposing a rate or service charge resolve by absolute majority to impose interest on a rate or service charge that remains unpaid after it is due.

The maximum amount of interest that may be imposed is 11%.

COMMENT

Reflecting past arrangements, it is recommended that Council impose 11% interest on unpaid rates and service charges for 2019/2020.

STATUTORY ENVIRONMENT

Local Government Act 1995

6.51. *Accrual of interest on overdue rates or service charges*

- (1) *A local government may at the time of imposing a rate or service charge resolve* to impose interest (at the rate set in its annual budget) on —*
- (a) a rate or service charge (or any instalment of a rate or service charge); and*
 - (b) any costs of proceedings to recover any such charge,*
- that remains unpaid after becoming due and payable.*

** Absolute majority required.*

- (2) *The rate of interest that may be set by the local government under this section is not to exceed the rate for the time being prescribed as the maximum rate of interest that may be set for the purposes of this section.*
- (3) *Accrued interest is, for the purpose of its recovery, taken to be a rate or service charge, as the case requires, that is due and payable.*
- (4) *If a person is entitled under the Rates and Charges (Rebates and Deferments) Act 1992 or under this Act (if the local government in a particular case so resolves) to a rebate or deferment in respect of a rate or service charge —*
- (a) no interest is to accrue in respect of that rate or service charge payable by that person; and*
 - (b) no additional charge is to be imposed under section 6.45(3) on that person.*
- (5) *Regulations may provide for the method of calculation of interest.*

POLICY IMPLICATIONS

Policy 2.10. Revenue collection.

FINANCIAL IMPLICATIONS

Recovery of administrative costs or unpaid rates and service charges.

COMMUNITY & STRATEGIC OBJECTIVES

The matter before Council generally accords with the following Shire desired outcome as expressed in the revised Shire of Wyalkatchem Strategic Community Plan.

Objective: A well-managed and effective Council organisation

Outcome No.	Outcome	Action No.	Actions
5.1	A well-governed, efficient and responsive organisation	5.1.2	Embed sound risk management frameworks to mitigate council's strategic and operational risk
5.4	Robust and accountable business and financial processes	5.4.1	Maintain long term financial plan that is integrated with asset management plans

VOTING REQUIREMENT

Absolute Majority

OFFICER'S RECOMMENDATION

That Council imposes penalty interest at the rate of 11% for all rates and charges that remain unpaid after the due date.

COUNCIL RESOLUTION:

(99 /2019) Moved: Cr Garner

Seconded: Cr Holdsworth

That Council imposes penalty interest at the rate of 11% for all rates and charges that remain unpaid after the due date.

CARRIED BY ABSOLUTE MAJORITY 6/0

8.8. REFUSE COLLECTION AND DISPOSAL CHARGES

Applicant:	Shire of Wyalkatchem
Location:	Shire of Wyalkatchem
Date:	22 July 2019
Reporting Officer:	Taryn Dayman, Chief Executive Officer
Disclosure of Interest:	No interest to disclose
File Number:	31.05.01
Attachment Reference:	Nil

SUMMARY

In accordance with Section 67 of the *Waste Avoidance and Resource Recovery Act 2007* a local government may impose an annual charge for the collection and disposal of refuse.

BACKGROUND

There has been an increase in the cost of the contract for rubbish removal and disposal. The amount of the charge for collection and disposal of rubbish is calculated on the recovery costs to Council of providing the services.

COMMENT

A review of all rubbish services has been completed taking into account increased costs for the coming year. To make the recovery equitable and to encourage recycling, the following annual charges are recommended:

Domestic Rubbish Service	\$319.00
Commercial Rubbish Service	\$319.00
Pensioner Domestic Rubbish Service-1 st service	\$223.00
Rural Rubbish Levy – Per UV Assessment	\$ 63.00

STATUTORY ENVIRONMENT

Waste Avoidance and Resource Recovery Act 2007

67. *Local government may impose receptacle charge*

- (1) *A local government may, in lieu of, or in addition to a rate under section 66, provide for the proper disposal of waste, whether within its district or not, by making an annual charge per waste receptacle, payable in one sum or by equal monthly or other instalments in advance, in respect of premises provided with a waste service by the local government.*
- (2) *The charge is to be imposed on the owner (as defined in section 64(1)) or occupier, as the local government may decide, of any premises provided with a waste service by the local government.*
- (3) *The provisions of the Local Government Act 1995 relating to the recovery of general rates apply with respect to a charge referred to in subsection (1).*
- (4) *In the case of premises being erected and becoming occupied during the year for which payment is to be made, the charge for the service provided is to be the sum that proportionately represents the period between the occupation of the premises and the end of the year for which payment is made.*

- (5) *Notice of any charge made under this section may be included in any notice of rates imposed under section 66 or the Local Government Act 1995, but the omission to give notice of a charge does not affect the validity of the charge or the power of the local government to recover the charge.*
- (6) *A charge may be limited to premises in a particular portion of the area under the control of the local government.*
- (7) *Charges under this section may be imposed in respect of and are to be payable for all premises in respect of which a waste service is provided, whether such premises are rateable or not.*
- (8) *A local government may make different charges for waste services rendered in different portions of its district.*

68. *Fees and charges fixed by local government*

Nothing in this Part prevents or restricts a local government from imposing or recovering a fee or charge in respect of waste services under the Local Government Act 1995 section 6.16.

POLICY IMPLICATIONS

Policy 1.11. ‘Rubbish service charge discount’ provides as follows:

A 30% discount will be allowed on the Rubbish Service Charge to Pensioner Concession holders who have registered and are eligible for a rebate on their rates under the Rates and Charges (Rebates and Deferments) Act 1992.

The rate of discount will be reviewed annually by Council in conjunction with adopting the annual budget.

Where the eligible pensioner is co-owner with a non-pensioner the full discount will still be allowed and any person who becomes eligible during the rating year will be allowed a pro-rata discount.

FINANCIAL IMPLICATIONS

Recovery of costs of providing domestic and commercial rubbish collection service.

COMMUNITY & STRATEGIC OBJECTIVES

The matter before Council generally accords with the following Shire desired outcome as expressed in the revised Shire of Wyalkatchem Strategic Community Plan.

Objective: A well-managed and effective Council organisation

Outcome No.	Outcome	Action No.	Actions
5.1	A well-governed, efficient and responsive organisation	5.1.2	Embed sound risk management frameworks to mitigate council's strategic and operational risk

5.4	Robust and accountable business and financial processes	5.4.1	Maintain long term financial plan that is integrated with asset management plans
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VOTING REQUIREMENT

Absolute Majority

OFFICER’S RECOMMENDATION

That Council, in accordance with section 67 of the Waste Avoidance and Resource Recovery Act 2007, imposes the following charges for 2019/2020 for the collection and disposal of refuse as follows:

<i>Domestic Rubbish Service</i>	<i>\$319.00</i>
<i>Commercial Rubbish Service</i>	<i>\$319.00</i>
<i>Pensioner Domestic Rubbish Service-1st service</i>	<i>\$105.00</i>
<i>Rural Rubbish Levy – per UV assessment</i>	<i>\$ 63.00</i>

COUNCIL RESOLUTION:

(100/2019) Moved: Cr Butt

Seconded: Cr Metcalfe

That Council, in accordance with section 67 of the Waste Avoidance and Resource Recovery Act 2007, imposes the following charges for 2019/2020 for the collection and disposal of refuse as follows:

<i>Domestic Rubbish Service</i>	<i>\$319.00</i>
<i>Commercial Rubbish Service</i>	<i>\$319.00</i>
<i>Pensioner Domestic Rubbish Service-1st service</i>	<i>\$223.00</i>
<i>Rural Rubbish Levy – per UV assessment</i>	<i>\$ 63.00</i>

CARRIED BY ABSOLUTE MAJORITY 6/0

Council’s Resolution differed from the Officers Recommendation as the Officers Recommendation incorrectly stated the Pensioner Domestic Rubbish Service – 1st Service rate of \$105, whereas the correct amount is \$223.00.

8.9. ADOPTION OF RATES

Applicant:	Shire of Wyalkatchem
Location:	Shire of Wyalkatchem
Date:	22 July 2019
Reporting Officer:	Taryn Dayman, Chief Executive Officer
Disclosure of Interest:	No interest to disclose
File Number:	25.03
Attachment Reference:	Nil

SUMMARY

The *Local Government Act 1995*, section 6.32 allows a local government to impose a general rate on rateable land within its district in order to make up the budget deficient.

COMMENT

The 2019/2020 annual budget has been prepared on the basis of a 2.9% increase in revenue raised from rates. The following rates are proposed for 2019/2020:

General Rates:

Gross Rental Value	\$0.10504
Unimproved Value	\$0.016423

Minimum Rates:

GRV -	\$495.00 Per Assessment
UV	\$550.00 Per Assessment

STATUTORY ENVIRONMENT

Local Government Act 1995

6.32. Rates and service charges

- (1) *When adopting the annual budget, a local government —*
- (a) *in order to make up the budget deficiency, is to impose* a general rate on rateable land within its district, which rate may be imposed either —*
 - (i) *uniformly; or*
 - (ii) *differentially;**and*
 - (b) *may impose* on rateable land within its district —*
 - (i) *a specified area rate; or*
 - (ii) *a minimum payment;**and*
 - (c) *may impose* a service charge on land within its district.*

* Absolute majority required.

- (2) *Where a local government resolves to impose a rate it is required to —*
- (a) *set a rate which is expressed as a rate in the dollar of the gross rental value of rateable land within its district to be rated on gross rental value; and*
 - (b) *set a rate which is expressed as a rate in the dollar of the unimproved value of rateable land within its district to be rated on unimproved value.*

- (3) A local government —
- (a) may, at any time after the imposition of rates in a financial year, in an emergency, impose* a supplementary general rate or specified area rate for the unexpired portion of the current financial year; and
 - (b) is to, after a court or the State Administrative Tribunal has quashed a general valuation, rate or service charge, impose* a new general rate, specified area rate or service charge.

* Absolute majority required.

- (4) Where a court or the State Administrative Tribunal has quashed a general valuation the quashing does not render invalid a rate imposed on the basis of the quashed valuation in respect of any financial year prior to the financial year in which the proceedings which resulted in that quashing were commenced.

POLICY IMPLICATIONS

There are no direct policy implications in relation to this item.

FINANCIAL IMPLICATIONS

Revenue from rates 2019/2020 Annual Budget.

COMMUNITY & STRATEGIC OBJECTIVES

The matter before Council generally accords with the following Shire desired outcome as expressed in the revised Shire of Wyalkatchem Strategic Community Plan.

Objective: A well-managed and effective Council organisation

Outcome No.	Outcome	Action No.	Actions
5.1	A well-governed, efficient and responsive organisation	5.1.2	Embed sound risk management frameworks to mitigate council's strategic and operational risk
5.4	Robust and accountable business and financial processes	5.4.1	Maintain long term financial plan that is integrated with asset management plans

VOTING REQUIREMENT

Absolute Majority

OFFICER'S RECOMMENDATION

That Council adopts the following rates to be imposed on rateable property for 2019/2020:

General Rates:

Gross Rental Value \$0.10504

Unimproved Value \$0.016423

Minimum Rates

*RV - \$495.00 Per Assessment
UV - \$550.00 Per Assessment*

COUNCIL RESOLUTION:

(101 /2019) Moved: Cr Holdsworth

Seconded: Cr Gamble

That Council adopts the following rates to be imposed on rateable property for 2019/2020:

General Rates:

***Gross Rental Value \$0.10504
Unimproved Value \$0.016423***

Minimum Rates

***RV - \$495.00 Per Assessment
UV - \$550.00 Per Assessment***

CARRIED BY ABSOLUTE MAJORITY 6/0

8.10. ADOPTION OF ANNUAL BUDGET 2019/2020

Applicant:	Shire of Wyalkatchem
Location:	Shire of Wyalkatchem
Date:	22 July 2019
Reporting Officer:	Taryn Dayman, Chief Executive Officer
Disclosure of Interest:	No interest to disclose
File Number:	12.05.07
Attachment Reference:	Attachment 9.10 a) – 2019/2020 Annual Budget Attachment 9.10 b) – Annual Budget Supplementary Information

SUMMARY

The *Local Government Act 1995*, section 6.2 requires a Local Government to prepare and adopt a budget before 31 August. Council is recommended to adopt the proposed 2019/2020 Annual Budget as provided to Councillors.

BACKGROUND

The draft Annual Budget was presented to Councillors and reviewed at the budget workshop on 25 July 2019. Further amendments reflecting the direction of Councillors from the workshop have been undertaken resulting in the proposed budget.

STATUTORY ENVIRONMENT

Local Government Act 1995

“6.2. Local government to prepare annual budget

- (1) *During the period from 1 June in a financial year to 31 August in the next financial year, or such extended time as the Minister allows, each local government is to prepare and adopt*, in the form and manner prescribed, a budget for its municipal fund for the financial year ending on the 30 June next following that 31 August.*

** Absolute majority required.*

- (2) *In the preparation of the annual budget the local government is to have regard to the contents of the plan for the future of the district made in accordance with section 5.56 and to prepare a detailed estimate for the current year of —*
- (a) the expenditure by the local government; and*
 - (b) the revenue and income, independent of general rates, of the local government; and*
 - (c) the amount required to make up the deficiency, if any, shown by comparing the estimated expenditure with the estimated revenue and income.*
- (3) *For the purposes of subsections (2)(a) and (b) all expenditure, revenue and income of the local government is to be taken into account unless otherwise prescribed.*
- (4) *The annual budget is to incorporate —*
- (a) particulars of the estimated expenditure proposed to be incurred by the local government; and*
 - (b) detailed information relating to the rates and service charges which will apply to land within the district including —*
 - (i) the amount it is estimated will be yielded by the general rate; and*

- (ii) *the rate of interest (if any) to be charged by the local government on unpaid rates and service charges;*
 - and*
 - (c) *the fees and charges proposed to be imposed by the local government; and*
 - (d) *the particulars of borrowings and other financial accommodation proposed to be entered into by the local government; and*
 - (e) *details of the amounts to be set aside in, or used from, reserve accounts and of the purpose for which they are to be set aside or used; and*
 - (f) *particulars of proposed land transactions and trading undertakings (as those terms are defined in and for the purpose of section 3.59) of the local government; and*
 - (g) *such other matters as are prescribed.*
- (5) *Regulations may provide for —*
- (a) *the form of the annual budget; and*
 - (b) *the contents of the annual budget; and*
 - (c) *the information to be contained in or to accompany the annual budget.”*

POLICY IMPLICATIONS

Policy 2.4. Budget preparation.

FINANCIAL IMPLICATIONS

Budget of estimated income and expenditure for the 2019/20 financial year.

COMMUNITY & STRATEGIC OBJECTIVES

The matter before Council generally accords with the following Shire desired outcome as expressed in the revised Shire of Wyalkatchem Strategic Community Plan.

Objective: A well-managed and effective Council organisation

Outcome No.	Outcome	Action No.	Actions
5.1	A well-governed, efficient and responsive organisation	5.1.2	Embed sound risk management frameworks to mitigate council's strategic and operational risk
5.4	Robust and accountable business and financial processes	5.4.1	Maintain long term financial plan that is integrated with asset management plans

VOTING REQUIREMENT

Absolute Majority

OFFICER’S RECOMMENDATION

That Council adopts the 2019/2020 Annual Budget, as proposed in the Attachment 9.10.

COUNCIL RESOLUTION:

(102 /2019) Moved: Cr Butt

Seconded: Cr Garner

That Council adopts the 2019/2020 Annual Budget, as proposed in the Attachment 9.10.

CARRIED BY ABSOLUTE MAJORITY 6/0

8.11. PROVISION OF SERVICES AND FACILITIES

Applicant:	Shire of Wyalkatchem
Location:	Shire of Wyalkatchem
Date:	22 July 2019
Reporting Officer:	Taryn Dayman, Chief Executive Officer
Disclosure of Interest:	No interest to disclose
File Number:	12.05.07
Attachment Reference:	Nil

SUMMARY

Council is requested to determine that the provision of services and facilities provided for in the 2019/2020 Budget comply, to its satisfaction, with the requirements of section 3.18(3) of the Local Government Act 1995.

BACKGROUND

Section 3.18(3) of the *Local Government Act 1995* requires Council to satisfy itself that the services and facilities that it provides:

- a) Integrate and coordinate, so far as practicable, with any provided by the commonwealth, the state or any public body;
- b) Do not duplicate, to an extent that Council considers inappropriate, services or facilities provided by the commonwealth, the state or any other body or person, whether public or private; and
- c) Are managed efficiently and effectively.

COMMENT

The 2019/2020 Budget has been prepared on the basis that the services and facilities provided for in each of the program schedules comply, to Council's satisfaction, with the requirements of section 3.18(3) of the Local Government Act 1995.

STATUTORY ENVIRONMENT

Local Government Act 1995

3.18. *Performing executive functions*

- (1) *A local government is to administer its local laws and may do all other things that are necessary or convenient to be done for, or in connection with, performing its functions under this Act.*
- (2) *In performing its executive functions, a local government may provide services and facilities.*
- (3) *A local government is to satisfy itself that services and facilities that it provides —*
 - (a) *integrate and coordinate, so far as practicable, with any provided by the Commonwealth, the State or any public body; and*
 - (b) *do not duplicate, to an extent that the local government considers inappropriate, services or facilities provided by the Commonwealth, the State or any other body or person, whether public or private; and*
 - (c) *are managed efficiently and effectively.*

POLICY IMPLICATIONS

There are no direct policy implications in relation to this item.

FINANCIAL IMPLICATIONS

Budget of estimated income and expenditure for the 2019/20 financial year.

COMMUNITY & STRATEGIC OBJECTIVES

The matter before Council generally accords with the following Shire desired outcome as expressed in the revised Shire of Wyalkatchem Strategic Community Plan.

Objective: A well-managed and effective Council organisation

Outcome No.	Outcome	Action No.	Actions
5.1	A well-governed, efficient and responsive organisation	5.1.2	Embed sound risk management frameworks to mitigate council's strategic and operational risk
5.4	Robust and accountable business and financial processes	5.4.1	Maintain long term financial plan that is integrated with asset management plans

VOTING REQUIREMENT

Simple Majority

OFFICER'S RECOMMENDATION

That Council determines that the provision of services and facilities provided for in the 2019/2020 Budget comply, to its satisfaction, with the requirements of section 3.18(3) of the Local Government Act 1995.

COUNCIL RESOLUTION:

(103 /2019) Moved: Cr Garner

Seconded: Cr Gamble

That Council determines that the provision of services and facilities provided for in the 2019/2020 Budget comply, to its satisfaction, with the requirements of section 3.18(3) of the Local Government Act 1995.

CARRIED 6/0

9. MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

Nil

10. QUESTIONS BY MEMBERS OF WHICH DUE NOTICE HAS BEEN GIVEN

Nil

11. URGENT BUSINESS APPROVED BY THE PERSON PRESIDING OR BY DECISION

Nil

12. MATTERS BEHIND CLOSED DOORS

Nil

13. CLOSURE OF THE MEETING

There being no further business to discuss, the Chairperson thanked everyone for their attendance and closed the meeting at 4:05pm.