



SHIRE OF YORK

**MINUTES OF THE SPECIAL
MEETING OF THE COUNCIL
HELD ON 5 AUGUST, 2013
COMMENCING AT 4.00pm
IN COUNCIL CHAMBERS,
YORK TOWN HALL, YORK**

SHIRE OF YORK
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RAY HOOPER
CHIEF EXECUTIVE OFFICER

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SHIRE OF YORK

THE SPECIAL MEETING OF THE COUNCIL
HELD ON MONDAY, 5 AUGUST, 2013, COMMENCING AT
4.00PM IN COUNCIL CHAMBERS, YORK TOWN HALL, YORK

The York Shire Council acknowledges the traditional owners of the land on which this meeting will be held.

1. OPENING

- 1.1 Declaration of Opening
Cr Tony Boyle, Shire President, declared the meeting open at 4.00pm
- 1.2 Chief Executive Officer to read the disclaimer
Ray Hooper, Chief Executive Officer, read the disclaimer
- 1.3 Suspension of Standing Orders (undergoing the repeal process)
Moved: Cr Duperouzel; Seconded: Cr Scott - Carried: 4/0
- 1.4 Announcement of Visitors
Nil
- 1.5 Announcement of any Declared Financial Interests
Nil

2. ATTENDANCE

- 2.1 Members
*Cr Tony Boyle, Shire President; Cr Roy Scott, Deputy Shire President;
Cr Brian Lawrance; Cr Mark Duperouzel*
- 2.2 Staff
*Ray Hooper, Chief Executive Officer; Graham Lantzke, Engineer – Works Manager;
Gail Maziuk, Finance Officer/Project Co-Ordinator; Tabitha Bateman, Finance
Officer; Helen D'Arcy-Walker, Executive Support Officer*
- 2.3 Apologies
Cr Hooper, Cr Smythe, Tyhscha Cochrane, DCEO
- 2.4 Leave of Absence Previously Approved
Nil
- 2.5 Number of People in Gallery at Commencement of Meeting
There were 7 people in the Gallery at the commencement of the meeting.

3. RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

- 3.1 Previous Public Questions Taken on Notice
Nil

4. PUBLIC QUESTION TIME

Public Question Time commenced at 4.03pm

Cr Boyle read the Public Question Time Statement

- 4.1 Written Questions – Current Agenda

Mr Denis Hill

From the comments made by the Chief Executive Officer at a SEARTG meeting on the 11th July, 2013 in relation to five years free tipping fees will be possible through a new proposed landfill which would be closer and easier to service:

Question 1:

Does this refer to the new proposed landfill at Alluwuna?

Response:

Yes

Question 2:

If so, when was Council approached with the offer?

Response:

No offer made, no planning application lodged.

Question 3:

Was this offer reported in Council records

Response:

No offer made, simply an officers opinion of what could be achieved.

Question 4:

Is this a conditional offer to the Shire of York?

Response:

No offer made, no planning application lodged.

Question 5:

Does this mean the Shire of York now has, or will have, a financial interest in the Allawuna proposal?

Response:

No

Question 6:

Why were the ratepayers not informed by their Council representatives?

Response

Nothing to report, no offer made, simply a statement by an officer of what might be.

4.2 Public Question Time

Ms Jane Ferro

Question 1:

If the 5 years of free tipping fees – as minuted at the SEARTG Board Meeting is not an offer by SITA to the Shire, then what is it if it can be openly discussed at this meeting and so minuted?

Response:

No offer made, no planning application has been lodged. Simply a statement made by an officer of what might be and the potential if amalgamation of four Shires went ahead.

Mrs Robyn Davies

Question 1:

If a landfill site goes ahead which will have a major impact on our land values, then will the Shire of York act on behalf of the people it represents and lower our rates accordingly?

Response:

Valuer General sets the value of land and rates are levied according to the valuations provided.

Question 2:

At the SEARTG meeting held on 11th July, 2013, Mr Ray Hooper stated that five years tipping fees will be possible through a proposed landfill, which will be closer and easier to service. Does this mean for the five years from/if the landfill site goes ahead no-one in the York Shire will have to pay a waste management fee, will this fee be abolished from our rates notice? The saving of \$89,000 per year tipping fees should be given back to the ratepayers of York.

Response:

The waste management fee relates to the development and operations of the transfer station and not the disposal cost of household waste to landfill currently paid to the Shire of Northam. No offer has been made, no planning application has been lodged and no potential savings on tipping fees has been included in the budget.

Mr Bill Roy

Question:

There appears to be a discrepancy between the calculated figure of 6.7% and the stated increase of 5.9% included in both the Officers Report and the Shire Budget document.

What is the explanation for this and why does the statement in the Officers Report regarding valuation change differ from that in the Annual Budget document?

Response:

The actual rate increase is 5.9% calculated as the difference between actual rates for 2012/13 including interim rates levied and the 2013/14 rates total.

Public Question Time was declared closed by the Shire President at 4.16pm

5. APPLICATIONS FOR LEAVE OF ABSENCE

Nil

6. PETITIONS / PRESENTATIONS / DEPUTATIONS

Nil

7. CONFIRMATION OF MINUTES OF PREVIOUS MEETING

Nil

8. ANNOUNCEMENTS BY PRESIDING MEMBER WITHOUT DISCUSSION

The National Party held their 100th Anniversary in York over the weekend. The original agreement was signed in Faversham House 100 years ago.

9. OFFICER'S REPORTS

9.1 Development Services

9.2 Administration Reports

9. OFFICER'S REPORTS
9.2 ADMINISTRATION REPORTS
9.2.1 Engineer – Works Management

FILE NO: P
COUNCIL DATE: 5 August 2013
REPORT DATE: 26 July 2013
LOCATION/ADDRESS: N/A
APPLICANT: Shire of York
SENIOR OFFICER: Ray Hooper, Chief Executive Officer
REPORTING OFFICER: Tyhscha Cochrane, DCEO
DISCLOSURE OF INTEREST: Nil
APPENDICES: Nil
DOCUMENTS TABLED: Nil

Summary:

That Council approve the appointment of the Engineer – Works Management, as per the Local Government Act 1995.

Background:

Council re-advertised the position.

Consultation:

Applicants.

Statutory Environment:

Local Government Act 1995

5.37. Senior Employees

- (1) A local government may designate employees or persons belonging to a class of employee to be senior employees.
- (2) The CEO is to inform the council of each proposal to employ or dismiss a senior employee, other than a senior employee referred to in section 5.39(1a), and the council may accept or reject the CEO's recommendation but if the council rejects a recommendation, it is to inform the CEO of the reasons for its doing so.
- (3) If the position of a senior employee of a local government becomes vacant, it is to be advertised by the local government in the manner prescribed, and the advertisement is to contain such information with respect to the position as is prescribed.
- (4) For the avoidance of doubt, subsection (3) does not impose a requirement to advertise a position where a contract referred to in section 5.39 is renewed.

[Section 5.37 amended by No. 49 of 2004 s. 45 and 46(4).]

5.39. Contracts for CEO's and senior employees

- (1) Subject to subsection (1a), the employment of a person who is a CEO or a senior employee is to be governed by a written contract in accordance with this section.
 - (1a) Despite section (1) –
 - (a) an employee may act in the position of a CEO or a senior employee for a term not exceeding one year without a written contract for the position in which he or she is acting; and
 - (b) a person may be employed by a local government as a senior employee for a term not exceeding 3 months, during any 2 year period, without a written contract.

- (2) A contract under this section –
 - (a) in the case of an acting or temporary position, cannot be for a term exceeding one year;
 - (b) in every other case, cannot be for a term exceeding 5 years.
- (3) A contract under this section is of no effect unless –
 - (a) the expiry date is specified in the contract;
 - (b) there are specified in the contract performance criteria for the purpose of reviewing the person's performance; and
 - (c) any other matter that has been prescribed as a matter to be included in the contract has been included.
- (4) A contract under this section is to be renewable and subject to subsection (5), may be varied.
- (5) A provision in, or condition of, an agreement or arrangement has no effect if it purports to affect the application of any provision of this section.
- (6) Nothing in subsection (2) or (3)(a) prevents a contract for a period that is within the limits set out in subsection 2(a) or (b) from being terminated within that period on the happening of an event specified in the contract.
- (7) A report made by the Salaries and Allowances Tribunal, under section 7A of the *Salaries and Allowances Act 1975*, containing recommendations as to the remuneration to be paid or provided to a CEO is to be taken into account by the local government before entering into, or renewing, a contract of employment with a CEO.

[Section 5.39 amended by No. 49 of 2004 s. 46(1)-(3).]

5.40 Principles affecting employment by local government

The following principles apply to a local government in respect of its employees –

- (a) employees are to be selected and promoted in accordance with the principles of merit and equity;
- (b) no power with regard to matters affecting employees is to be exercised on the basis of nepotism and patronage;
- (c) employees are to be treated fairly and consistently;
- (d) there is to be no unlawful discrimination against employees or persons seeking employment by a local government on a ground referred to in the *Equal Opportunity Act 1984* or on any other ground;
- (e) employees are to be provided with safe and healthy working conditions in accordance with the *Occupational Safety and Health Act 1984*; and
- (f) such other principles, not inconsistent with this Division, as may be prescribed.

Policy Implications:

No policy implications.

Financial Implications:

The salary has been provided for in the 2013/14 budget.

Strategic Implications:

This position will be partly responsible for the implementation of the following under the Built Environment: Enhanced Lifestyle Choices

Improved Quality of Our Assets	Upgrade and Maintain Our Infrastructure	<ul style="list-style-type: none"> ◇ Develop and implement Asset Management Plans. ◇ Work towards applying safe system principles to provide and maintain safe, efficient transport, including roads, footpaths and cycle ways. ◇ Provide and maintain facilities for youth and aged services. ◇ Provide and maintain local area spaces and parks. ◇ Implement asset plans for youth facility, skate park, park improvements, pool upgrades, archives centre, town hall upgrades. ◇ Lobby for the development of infrastructure plans that link to land use planning. ◇ Develop and implement a road safety management or action plan incorporating the safe system approach.
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Voting Requirements:

Absolute Majority Required: Yes

Site Inspection: N/A

Site Inspection Undertaken:

Triple bottom Line Assessment:

Economic Implications: Nil

Social Implications:

The community will be well served by a local government officer dedicated to customer service needs and standards.

Environmental Implications:

Not applicable, however all functions carried out will consider environmental implications associated with works.

Comment:

Mr Graham Lantzke has experience in local government in a similar role ie Shire of Chittering and has extensive knowledge of the ROMANS II system, as for the past five years he worked for WALGA.

Mr Graham Lantzke left the room at 4.20pm

RESOLUTION

010813

Moved: Cr Scott

Seconded: Cr Duperouzel

“That Council:

- 1 in accordance with Section 5.37 ratify the employment of Mr G Lantzke, Engineer – Works Management, for the Shire of York for a five (5) year term with the option of renewal; and***
- 2 authorise the Chief Executive Officer to negotiate, sign and affix the seal to a fixed term contract based on the WALGA standard contract of employment with Mr Graham Lantzke in accordance with Section 5.39 of the Local Government Act 1995, using the terms and conditions that were advertised and attached.”***

CARRIED:4/0

Mr Graham Lantzke returned to the room at 4.22pm

9.3 Works Reports

9.4 Financial Reports

9. OFFICER'S REPORTS

9.4 FINANCE REPORTS

9.4.1 Adoption of Annual Budget 2013/14 (Part 1)

FILE NO:	FI.BUD1314
COUNCIL DATE:	5 August 2013
REPORT DATE:	26 July 2013
LOCATION/ADDRESS:	N/A
APPLICANT:	Shire of York
SENIOR OFFICER:	R Hooper, CEO
REPORTING OFFICER:	T Cochrane, DCEO
DISCLOSURE OF INTEREST:	Nil
APPENDICES:	Appendix A – Draft Annual Budget 2013/14
DOCUMENTS TABLED:	Nil

Summary:

The purpose of this report is for Council to consider and adopt the 2013/14 Annual Budget.

Background:

The 2013/14 Annual Budget has been prepared in accordance with Section 6.2 of the Local Government Act 1995 and the Financial Management Regulations Part 3, Regulations 22 to 33.

Consultation:

Budget submissions were requested from the public in a notice in the Avon Valley Gazette, a newspaper circulating within the district free of charge on the 2 February 2013 and the York Community Information Update that is circulated in the district.

The submission period closed on Thursday, 28th March 2013.

Various meetings have been held with Councillors, in conjunction with the Forward Capital Works Plan, Strategic Plan, 10 Year Financial Plan and Forward Planning meetings.

Statutory Environment:

Local Government Act 1995 – Section 6.2; and
Financial Management Regulations Part 3 Regulations 22 – 33.

Policy Implications:

Shire of York - Accounting Policy.

Financial Implications:

The 2013/14 Annual Budget comprises the following information:

Budget Statement of Comprehensive Income
Budget Statement of Financial Activity
Budget Rate Setting Statement
Budget Statement of Cashflows
Statement of Rating Information
Schedule of Fees and Charges
Detailed Budget Schedules

Notes to the Annual Budget

1. Significant Accounting Policies
2. Operating, Revenues and Expenses
3. Descriptions of Functions/Activities
4. Operating, Revenues and Expenses
5. Cash

6. Disposal of Assets
7. Borrowings Information
8. Reserves
9. Cash Flow Information
10. Trust Fund Information
11. Comparison with Rate Setting Budget
12. Rating Information
13. Service Charges
14. Information about Discounts, Incentives, Concessions and Write Offs
15. Interest Charges for the Late Payment of Rate Charges
16. Fees and Charges Information
17. Investments
18. Council Members - Fees, Expenses and Allowances
19. Depreciation on Non-Current Assets
20. Major Land Transactions
21. Joint Venture
22. Trading Undertakings
23. Capital and Leasing Commitments
24. Financial Instruments
25. Position at Commencement of Financial Year

Strategic Implications:

Council considers the Strategic Implications for the Shire of York when adopting the Annual Budget.

Voting Requirements:

Absolute Majority Required: Yes

Site Inspection:

Site Inspection Undertaken: Not applicable

Comment:

That Council adopts the 2013/14 Annual Budget.

RESOLUTION

020813

Moved: Cr Lawrance

Seconded: Cr Boyle

“That Council:

Pursuant to Section 6.2 of the Local Government Act and Financial Management Regulation Part 3, Regulations 22 to 33, Council adopt the following Annual Budget as attached and included in Appendix A:

Budget Statement of Comprehensive Income

Budget Statement of Financial Activity

Budget Rate Setting Statement

Budget Statement of Cashflows

Statement of Rating Information

Schedule of Fees and Charges

Detailed Budget Schedules

Notes to the Annual Budget

- 1. Significant Accounting Policies***
- 2. Operating, Revenues and Expenses***
- 3. Descriptions of Functions/Activities***
- 4. Operating, Revenues and Expenses***
- 5. Cash***
- 6. Disposal of Assets***
- 7. Borrowings Information***
- 8. Reserves***
- 9. Cash Flow Information***
- 10. Trust Fund Information***
- 11. Comparison with Rate Setting Budget***
- 12. Rating Information***
- 13. Service Charges***
- 14. Information about Discounts, Incentives, Concessions and Write Offs***
- 15. Interest Charges for the Late Payment of Rate Charges***
- 16. Fees and Charges Information***
- 17. Investments***
- 18. Council Members – Fees, Expenses and Allowances***
- 19. Depreciation on Non-Current Assets***
- 20. Major Land Transactions***
- 21. Joint Venture***
- 22. Trading Undertakings***
- 23. Capital and Leasing Commitments***
- 24. Financial Instruments***
- 25. Position at Commencement of Financial Year”***

CARRIED: 4/0

Item 9.4.1 Appendices

9. OFFICER'S REPORTS

9.4 FINANCE REPORTS

9.4.2 General Rate – Annual Budget 2013/14 (Part 2)

FILE NO:	FI.BUD1314
COUNCIL DATE:	5 August 2013
REPORT DATE:	26 July 2013
LOCATION/ADDRESS:	N/A
APPLICANT:	Shire of York
SENIOR OFFICER:	R Hooper, CEO
REPORTING OFFICER:	T Cochrane, DCEO
DISCLOSURE OF INTEREST:	Nil
APPENDICES:	Nil
DOCUMENTS TABLED:	Nil

Summary:

The purpose of this report is for Council to give consideration to adopting the general rate on rateable property.

Background:

The rate in the dollar for the 2012/13 year for Gross Rental Values was 8.1500 cents and for Unimproved Values it was 0.5700 cents.

Consultation:

Councillors.

Statutory Environment:

In accordance with the Local Government Act 1995, Section 6.32 states the following:

“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;*

(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.”*

Policy Implications:

Not applicable.

Financial Implications:

This report forms part of the 2013/2014 Annual Budget and information is disclosed in the Statement of Rating Information.

Strategic Implications:

Council considers the Strategic Implications when considering the services and infrastructure required for the Shire of York when setting the rate.

Voting Requirements:

Absolute Majority Required: Yes

Site Inspection:

Site Inspection Undertaken: Not applicable

Comment:

The rate in the dollar for Gross Rental Value (GRV) will increase from 8.1500 cents to 8.8821 cents for the 2013/14 financial year. The rate in the dollar for Unimproved Value (UV) will increase from 0.5700 cents to 0.6944 cents for the 2013/2014 financial year.

Landgate: Shire of York – Rural Assessments – Summary of the General Valuation 2013/2014:

The following is a brief summary of changes occurring in the level of value and relativities in the 2013/14 general revaluation.

Total Valuation \$243,180,959

Overall Change (Reduction) Negligible

Note: This figure could change slightly due to the effect of interim values.

1. *Overall Variation to Unimproved Valuations*

There have been no significant changes to unimproved values effective 30 June 2013. This is a reflection of the depressed market for properties across all size ranges in the period leading up to the valuation.

The increase in amounts levied from 2012/13 to 2013/14 amounts to \$250,593 which represents a 5.90% increase in revenue raised.

Council is requested to give consideration to and adopt the above general rates on rateable property.

**RESOLUTION
030813**

Moved: Cr Duperouzel

Seconded: Cr Lawrance

“That Council:

***By an absolute majority, pursuant to Section 6.32 of the Local Government Act 1995,
impose the following general rate on:***

- 1. gross rental values of property***
8.8821 Cents in the Dollar
- 2. unimproved values of property***
0.6944 Cents in the Dollar”

CARRIED: 4/0

9. OFFICER'S REPORTS

9.4 FINANCE REPORTS

9.4.3 Minimum Rate Payment – Annual Budget 2013/14 (Part 3)

FILE NO: FI.BUD1314
COUNCIL DATE: 5 August 2013
REPORT DATE: 26 July 2013
LOCATION/ADDRESS: N/A
APPLICANT: Shire of York
SENIOR OFFICER: R Hooper, CEO
REPORTING OFFICER: T Cochrane, DCEO
DISCLOSURE OF INTEREST: Nil
APPENDICES: Nil
DOCUMENTS TABLED: Nil

Summary:

The purpose of this report is for Council to consider and impose the Minimum Rate Payment for the 2013/2014 financial year.

Background:

The Minimum Rate Payment for Gross Rental Value for 2012/13 was \$830.00 p.a.

The Minimum Rate Payment for Unimproved Value for 2012/13 was \$1,030.00 p.a.

Consultation:

Councillors.

Statutory Environment:

In accordance with the Local Government Act 1995, Section 6.32 and 6.35 states the following:

“6.35. Minimum payment

- (1) Subject to this section, a local government may impose on any rateable land in its district a minimum payment which is greater than the general rate which would otherwise be payable on that land.
- (2) A minimum payment is to be a general minimum but, subject to subsection (3), a lesser minimum may be imposed in respect of any portion of the district.
- (3) In applying subsection (2) the local government is to ensure the general minimum is imposed on not less than —
 - (a) 50% of the total number of separately rated properties in the district; or
 - (b) 50% of the number of properties in each category referred to in subsection (6),
on which a minimum payment is imposed.
- (4) A minimum payment is not to be imposed on more than the prescribed percentage of —
 - (a) the number of separately rated properties in the district; or
 - (b) the number of properties in each category referred to in subsection (6),
unless the general minimum does not exceed the prescribed amount.”

Policy Implications:

N/A

Financial Implications:

The minimum rate payment to be imposed for the 2013/2014 financial year is:

- \$850.00 per gross rental value (GRV), representing approximately 2.4% increase on the 2012/13 Minimum Rate Payment levied and this will affect a total of 602 assessments.

- \$1,030.00 per unimproved value (UV), no change from the 2012/13 Minimum Rate Payment levied.

The minimum rate payments will yield \$706,370.00.

Strategic Implications:

Council considers the Strategic Implications when considering the services and infrastructure required for the Shire of York when setting the rate.

Voting Requirements:

Absolute Majority Required: Yes

Site Inspection:

Site Inspection Undertaken: Not applicable

Comment:

That Council adopts the minimum rate of \$850.00 for gross rental value properties and \$1,030.00 for unimproved value properties for the 2013/2014 financial year.

RESOLUTION

040813

Moved: Cr Scott

Seconded: Cr Duperouzel

“That Council:

By an absolute majority, pursuant to Section 6.32 and 6.35 of the Local Government Act 1995, adopts the general Minimum rate as follows:

- 1. \$850.00 per gross rental value; and***
- 2. \$1,030.00 per unimproved value.”***

CARRIED: 4/0

9. OFFICER'S REPORTS

9.4 FINANCE REPORTS

9.4.4 Payment of Rate Charge – Annual Budget 2013/14 (Part 4)

FILE NO:	FI.BUD1314
COUNCIL DATE:	5 August 2013
REPORT DATE:	26 July 2013
LOCATION/ADDRESS:	N/A
APPLICANT:	Shire of York
SENIOR OFFICER:	R Hooper, CEO
REPORTING OFFICER:	T Cochrane, DCEO
DISCLOSURE OF INTEREST:	Nil
APPENDICES:	Nil
DOCUMENTS TABLED:	Nil

Summary:

The purpose of this report is for Council to consider and impose a rate of interest on overdue rates and service charges for the 2013/2014 financial year.

Background:

During 2012/13 Council imposed an interest charge of 11% on overdue rates and service charges. The Department tried to amend the interest charges and this was overturned.

During 2012/13 Council imposed an instalment interest charge of 5.5% for all rates and service charges made by the instalment method.

During 2012/13 Council imposed an administration charge per instalment of rates of \$8.00.

Consultation:

Staff.

Statutory Environment:

Section 6.45 of the Local Government Act 1995 states that Rates charged may be made by single payment or a person may elect to make payment by 4 equal or nearly equal instalments. A local government may impose an additional charge (including an amount by way of interest) where payment of a rate charge is made by instalments.

Financial Management Regulation 67 and 68 permits a Council to impose the following additional charge where payment of rates is by instalments:

- Additional Cost of Administration
- Interest component to a maximum of 5.5%.

Section 6.51 of the Local Government Act permits the Council to impose interest on a rate or service charge that remains unpaid (including instalment):

- (a) Where no election has been made to pay the rate charge by instalments due
 - (i) after it becomes due and payable;
 - or
 - (ii) 35 days after the date of issue of the rate noticewhichever is the later.
- (b) Where an election has been made to pay the rate charge by instalments and an instalment remains unpaid after it is due and payable.

Policy Implications:

Not applicable.

Financial Implications:

Financial Management Regulation 70 states that the maximum rate of interest on overdue rates to be imposed under Section 6.51 of the Local Government Act is 11%.

If a late payment interest charge of 11% was imposed the estimated revenue would amount to \$60,000.00.

If an instalment interest charge of 5.5% was imposed the estimated revenue would amount to \$16,000.00.

If an administration charge of \$8.00 was imposed the estimated revenue would amount to \$16,000.00.

Financial Management Regulation 71 details the method of calculation of interest on overdue rates.

- (1) Interest on rates and service charges and the cost of any proceedings to recover such charges, that remain unpaid after the date of becoming due and payable (“**the due date**”) is to be calculated on a simple interest basis for the number of days from the due date until the day before the day on which a payment is received by the local government.
- (2) The principal sum on which interest is calculated for a financial year may include interest accrued but not paid in a previous financial year but is not to include interest accrued in the current financial year.
- (3) If payment is received by the local government during the period from 1st July in a financial year until the annual budget for that financial year is adopted, interest referred to in subregulation (1) for that period is to be at the rate of interest imposed under section 6.51 (1) for the previous financial year.

Strategic Implications:

Not applicable.

Voting Requirements:

Absolute Majority Required: Yes

Site Inspection:

Site Inspection Undertaken: Not applicable

Comment:

It is recommended that Council impose an 11% rate of interest on overdue rates and service charges that remain unpaid after the 35 days. The revenue estimated from the imposition of the interest charge amounts to \$60,000.00 for the 2013/2014 financial year.

It is recommended that Council impose a 5.5% rate of interest to apply on instalment payments for rates and rubbish charges and an administration charge. The revenue estimated from the imposition of the interest charge amounts to \$16,000.00 for the 2013/2014 financial year.

It is recommended that Council impose an additional administration charge where payment of rates is made by instalments. The revenue estimated from the imposition of the administration charge amounts to \$16,000.00 for the 2013/2014 financial year.

Section 6.50 of the Local Government Act 1995 permits a Council to determine when a rate charge becomes due and payable, but can not be earlier than 35 days after the date noted on the rate notice as the date the rate notice was issued. Where a person elects to pay a rate charge by instalments the second and each subsequent instalment does not become due and payable at intervals of less than 2 months.

The due date of each instalment for the 2013/2014 financial year based on the rate notices being distributed on the 12th August 2013 is as follows:

- | | |
|------------------|---------------------------------|
| - 1st Instalment | 17 th September 2013 |
| - 2nd Instalment | 19 th November 2013 |
| - 3rd Instalment | 20 th January 2014 |
| - 4th Instalment | 20 th March 2014 |

**RESOLUTION
050813**

Moved: Cr Lawrance

Seconded: Cr Scott

“That Council:

By an absolute majority, pursuant to Section 6.45 and 6.51 of the Local Government Act 1995, resolves to impose the following charges for the 2013/14 financial year:

(a) for the late payment of rates, 11%; and

(b) charges for the payment of rates by instalment:

- i Additional Cost of Administration - \$8.00 per instalment***
- ii Interest component of 5.5%.”***

CARRIED: 4/0

9. OFFICER'S REPORTS

9.4 FINANCE REPORTS

9.4.5 Imposition of Fees and Charges – Inclusive of Rubbish Removal – Annual Budget 2013/14 (Part 5)

FILE NO:	FI.BUD1314
COUNCIL DATE:	5 August 2013
REPORT DATE:	26 July 2013
LOCATION/ADDRESS:	N/A
APPLICANT:	Shire of York
SENIOR OFFICER:	R Hooper, CEO
REPORTING OFFICER:	T Cochrane, DCEO
DISCLOSURE OF INTEREST:	Nil
APPENDICES:	Nil
DOCUMENTS TABLED:	Nil

Summary:

The purpose of this report is for Council to consider the Schedule of Fees and Charges for the 2013/2014 financial year, inclusive of the Rubbish Removal Charge.

Background:

Insert correspondence.

Consultation:

Avon Waste; and
Staff.

Statutory Environment:

Pursuant to Section 6.16 of the Local Government Act 1995 and Financial Management Regulation 25, a Local Government may impose and recover a fee or a charge for any goods or services it provides or proposes to provide other than a service for which a service charge is imposed.

Policy Implications:

N/A

Financial Implications:

Notes to the Annual Budget No 16 - Fees and Charges Information, details total Revenue for fees and charges for each program as required by Financial Management Regulation 25. In accordance with Financial Management Regulation 25, the estimates of total revenue from Fees and Charges for each program is summarised as follows:

Adopted Budget 2012/13		Actual 2012/13	Adopted Budget 2013/14
\$		\$	\$
26,100	General Purpose Funding	30,259	26,300
5,650	Governance	10,025	5,809
80,010	Law, Order, Public Safety	60,286	81,810
82,000	Health	42,129	52,800
29,000	Education and Welfare	29,810	29,000
0	Housing	0	0
612,737	Community Amenities	624,691	702,598
559,059	Recreation and Culture	260,551	640,418
0	Transport	762	0
174,654	Economic Services	133,917	154,297
74679	Other Property and Services	36,812	53,190
1,643,889	TOTAL FEES AND CHARGES	1,229,242	1,736,222

Incorporated into these fees and charges are the following Rubbish Removal Charges for the 2013/2014 financial year:

WASTE MANAGEMENT LEVY			
Levy being to provide for the proper performance of services as mentioned in S66 of the Waste Avoidance and Resource Recovery Act (2007).			
Waste Management Levy (Transfer Station)			
Per assessment/residence	50.00	-	50.00
Townsite properties			
Charge per bin service	230.00		230.00
Charge per 1.5m ³ bin service	1,515.00		1,515.00
Additional pickup of a 1.1m ³ or a 1.5m ³ litre bin	30.00		30.00
Charge per 3.0 m ³ bin service	3,280.00		3,280.00
Charge per 4.5 m ³ bin service	4,588.00		4,588.00
Purchase additional bin/s through Contractors			
Rural properties			
Charge per bin service	230.00		230.00
Charge per 1.5m ³ litre bin service	1,515.00		1,515.00
Charge per 3.0 m ³ bin service	3,280.00		3,280.00
Charge per 4.5 ³ bin service	4,588.00		4,588.00
All above costs to be charged for delivery	at cost	at cost	at cost

Strategic Implications:

N/A

Voting Requirements:

Absolute Majority Required: Yes

Site Inspection:

Site Inspection Undertaken: Not applicable

Comment:

That Council adopts the Fees and Charges as outlined in Report 9.4.1 for the 2013/2014 financial year.

RESOLUTION

060813

Moved: Cr Duperouzel

Seconded: Cr Boyle

“That Council:

By an absolute majority, pursuant to Section 6.16 of the Local Government Act 1995, resolves to adopt the:

- 1. Fees and Charges detailed in the “Schedule of Fees and Charges” as detailed in Report 9.4.1 – Adoption of Annual Budget 2013/14 (Part 1); and***
- 2. Rubbish removal charges and waste management levy as detailed in Report 9.4.1 – Adoption of Annual Budget 2013/14 (Part 1) under the “Schedule of Fees and Charges.”***

CARRIED: 4/0

9. OFFICER'S REPORTS

9.4 FINANCE REPORTS

9.4.6 Rates Incentive Scheme – Annual Budget 2013/14 (Part 6)

FILE NO: FI.BUD1314
COUNCIL DATE: 5 August 2013
REPORT DATE: 26 July 2013
LOCATION/ADDRESS: N/A
APPLICANT: Shire of York
SENIOR OFFICER: R Hooper, CEO
REPORTING OFFICER: T Cochrane, DCEO
DISCLOSURE OF INTEREST: Nil
APPENDICES: Nil
DOCUMENTS TABLED: Nil

Summary:

The purpose of this report is to inform Council on the information being issued with the 2013/2014 Rates Notice and the Rate Incentive Scheme Prizes to Ratepayers.

Background:

Council has had a Rate Incentive Scheme in past years and the 2013/2014 financial year also has incentives for Ratepayers to pay their rates by the due date in one lump sum.

Consultation:

Various organisations.

Statutory Environment:

N/A

Policy Implications:

Not applicable.

Financial Implications:

Council donates \$500.00 towards first prize.

Strategic Implications:

Not applicable.

Voting Requirements:

Absolute Majority Required: No

Site Inspection:

Site Inspection Undertaken: Not applicable

Comment:

The following prizes have been donated by the sponsors and the Shire of York of the Rate Payment Incentive Scheme:

FIRST PRIZE

A \$1,000 bank account provided by the Shire of York in conjunction with the York & Districts Community Bank Branch of Bendigo Bank

SECOND PRIZE

Two nights accommodation with two Adults in a Superior Room including breakfast valued at \$400 donated by Accor

THIRD PRIZE

Four (4) tickets to the West Australian Symphony Orchestra for Sol Gabetta Plays Dvorak on Saturday, 16th November, 2013, 7.30pm at the Perth Concert Hall

FOURTH PRIZE

\$200 litres of unleaded petrol donated by Fuel Distributors of WA Pty Ltd

The Draw will be conducted through the Random Prize Draw on Council's Synergy Program on the 18th September 2013 and the winners will be notified and presented with their prize at the Ordinary Council meeting to be held on the 21st October 2013.

The following conditions apply to all Prizes:

- All current and outstanding rates must be received on or before Tuesday 17th September 2013 to qualify.
- Councillors and Employees of the Shire of York and their immediate families are ineligible to enter.

The 2013/2014 rate notice package will include the following:

- Shire of York Information Booklet that contains matters relating to the following:
 - Shire Office Opening Hours
 - Shire Contacts
 - Rates Information – Your Property
 - Building Control
 - Health
 - Parking
 - The New Cat Laws and You
 - Responsible Dog Ownership – Your Responsibilities
 - Waste & Recycling Information
 - Rubbish & Recycling Collection Calendar
 - Bushfires Information
- FESA Insert
- Firebreak Notice
- Community Newsletter
- The Amalgamation Proposal Newsletter

**RESOLUTION
070813**

Moved: Cr Scott

Seconded: Cr Duperouzel

“That Council:

- 1. endorse the Report 9.4.6 - Rate Payment Incentive Scheme for 2013/2014; and***
- 2. authorise the Draw to be conducted through the Random Prize Draw on Council's Synergy Program on the 18th September 2013 and the winners will be notified and presented with their prize at the Ordinary Council meeting to be held on the 21st October 2013.***

Advice Note:

All current and outstanding rates must be received on or before Tuesday, 17th September 2013 to qualify for the prize draw.

Councillors and Employees of the Shire of York and their immediate families are ineligible to enter.”

CARRIED: 4/0

9. OFFICER'S REPORTS

9.4 FINANCE REPORTS

9.4.7 2013/14 Budget Statement of Financial Activity Statement (Part 7)

FILE NO: FI.BUD1314
COUNCIL DATE: 5 August 2013
REPORT DATE: 26 July 2013
LOCATION/ADDRESS: N/A
APPLICANT: Shire of York
SENIOR OFFICER: R Hooper, CEO
REPORTING OFFICER: T Cochrane, DCEO
DISCLOSURE OF INTEREST: Nil
APPENDICES: Refer Item 9.4.1 – Budget Financial Activity Statement
DOCUMENTS TABLED: Nil

Summary:

The Local Government (Financial Management) Regulations 1996 require a local government to prepare a Financial Activity Statement Report.

Background:

N/A

Consultation:

Staff

Statutory Environment:

Regulation 34 of the Local Government (Financial Management) Regulations 1996 require the following in relation to the Financial Activity Statement:

- (1) A local government is to prepare each month a statement of financial activity reporting on the sources and applications of funds, as set out in the annual budget under regulation 22(1)(d), for that month in the following detail-
 - (a) annual budget estimates, taking into account any expenditure incurred for an additional purpose under section 6.8.
 - (b) budget estimates to the end of the month to which the statement relates;
 - (c) actual amounts of expenditure, revenue and income to the end of the month to which the statement relates;
 - (d) material variances between the comparable amounts referred to in paragraphs (b) and (c);
and
 - (e) the net current assets at the end of the month to which the statement relates.
- (2) Each Statement of Financial Activity to is to be accompanied by documents containing-
 - (a) an explanation of the composition of the net current assets of the month to which the statement relates, less committed assets and restricted assets;
 - (b) an explanation of each of the material variances referred to in subregulation (1)(d);
and
 - (c) such other supporting information as is considered relevant by the local government.

- (3) The information in a Statement of Financial Activity may be shown-
- (a) according to nature and type classification;
 - (b) by program; or
 - (c) by business unit.
- (4) A Statement of Financial Activity and the accompanying documents referred to in subregulation (2), are to be
- (a) presented to the Council –
 - (i) at the next ordinary meeting of the Council following the end of the month to which the Statement relates; or
 - (ii) if the Statement is not prepared in time to present it to the meeting referred to in subparagraph (i), to the next ordinary meeting of the Council after that meeting;

and

 - (b) recorded in the minutes of the meeting at which it is presented.
- (5) Each financial year, a local government is to adopt a percentage or value, calculated in accordance with AAS 5, to be used in Statements of Financial Activity for reporting material variances.
- (6) In this regulation –
- “**committed assets**” means revenue unspent but set aside under the annual budget for a specific purpose;
- “**restricted assets**” has the same meaning as in AAS 27.

Policy Implications:

N/A

Financial Implications:

Detailed in the attached document.

Strategic Implications:

N/A

Voting Requirements:

Absolute Majority Required: No

Site Inspection:

Site Inspection Undertaken: Not applicable

Comment:

Accordingly, in order to meet the reporting requirements of the statement of financial activity, a twelve month Budget has been prepared for the 2013/2014 financial year in the required format.

It is recommended that Council adopts the 2013/2014 Budget Statement of Financial Activity.

**RESOLUTION
080813**

Moved: Cr Duperouzel

Seconded: Cr Scott

“That Council, by a simple majority:

- 1. In accordance with Regulation 34(5) of the Local Government (Financial Management) Regulations 1996 and Australian Accounting Standard Number 5, adopt the percentage of 10% or \$10,000 whichever is the greater for reporting material variances in the Statement of Financial Activity.”***

CARRIED: 4/0

9.5 Late Reports

9.6 Confidential Reports

10. NEXT MEETING

**RESOLUTION
090813**

Moved: Cr Lawrance

Seconded: Cr Scott

“That Council:

hold the next Ordinary Meeting of the Council on August 19, 2013 at 3.00pm in the York Town Hall Council Chambers.”

CARRIED: 4/0

Cr Scott thanked Tabitha Bateman and others for putting together the Budget and Financial Reports.

Cr Boyle stated that there is to be another Public Meeting on the 13th August, 2013 at 6.00pm in the Town Hall for community members to obtain information on the proposed amalgamation.

11. CLOSURE

Cr Boyle thanked everyone for their attendance and declared the meeting closed at 4.32pm.