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Shire of Kalamunda

# Ordinary Council Meeting Agenda

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Monday 18 October 2010

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**Separate Document**

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## **NOTICE OF MEETING ORDINARY MEETING OF COUNCIL**

Councillors,

Notice is hereby given that the next meeting of the Ordinary Meeting of Council will be held in the Council Chambers, Administration Centre, 2 Railway Road, Kalamunda on:

**Monday 18 October 2010, commencing at 6.30 pm.**

For the benefit of members of the public, attention is drawn to the following requirements as adopted by Council.

### **Open Council Meetings – Procedures**

1. All Council Meetings are open to the public, except for matters raised by Council under Item No. 15.0 of the Agenda.
2. Members of the public may ask a question at an Ordinary Council Meeting under Item 3.0 of the Agenda.
3. Members of the public who are unfamiliar with meeting procedures are invited to seek advice at the meeting. If unsure about proceedings, just raise your hand when the Shire President opens '*question time*' under Item 3.0 of the Agenda.
4. All other arrangements are in accordance with Council's Standing Orders, Policies and decision of the Shire or Council.

James Trail  
**Chief Executive Officer**

14 October 2010

***\*Dinner will be served at 5.30pm\****

# AGENDA

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**1.0 OFFICIAL OPENING**

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

**3.0 PUBLIC QUESTION TIME**

A period of not less than 15 minutes is provided to allow questions from the Public Gallery on matters relating to the functions of Council.

**4.0 PETITIONS/DEPUTATIONS**

**5.0 APPLICATIONS FOR LEAVE OF ABSENCE**

**6.0 CONFIRMATION OF MINUTES OF PREVIOUS MEETING**

**6.1 Confirmation of Ordinary Council Meeting Minutes 20 September 2010.**

That the Minutes of the Ordinary Council Meeting of the Shire of Kalamunda held in the Council Chambers on 20 September 2010 be confirmed.

Moved:

Seconded:

Statement by Presiding Member

**“On the basis of the above motion I now sign the minutes as a true and accurate record of the meeting of 20 September 2010.”**

**7.0 ANNOUNCEMENTS BY THE PERSON PRESIDING WITHOUT DISCUSSION**

**8.0 MATTERS FOR WHICH THE MEETING MAY BE CLOSED**

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## **9.0 DISCLOSURE OF INTERESTS**

### Disclosure of Financial and Proximity Interests

- (a) Members must disclose the nature of their interest in matters to be discussed at the meeting. (*Sections 5.60B and 5.65 of the Local Government Act 1995*).
- (b) Employees must disclose the nature of their interest in reports or advice when giving the report or advice to the meeting. (*Sections 5.70 and 5.71 of the Local Government Act 1995*)

9.1 Nil.

### Disclosure of Interest Affecting Impartiality

- (a) Members and staff must disclose their interest in matters to be discussed at the meeting in respect of which the member or employee has given or will give advice.

9.2 Nil.

## **10.0 REPORT TO COUNCIL**

*Declaration of Financial/Conflict of interests to be recorded prior to dealing with each item.*

### **10.1 Planning Services Committee Report**

#### **10.1.1 Adoption of Planning Services Committee Report**

That the recommendations contained in the Planning Services Committee of the 4 October 2010 be adopted.

Moved:

Seconded:

**PSC58. Policies for the Planning and Development Directorate – Proposed Revocation and Amendment of Outbuilding Policies**COMMITTEE RECOMMENDATION TO COUNCIL

PS - 58/2010

1. That Council agrees to advertise amended Local Planning Policy DEV20 - Outbuildings for public comment, in accordance with provision 2.4 of Local Planning Scheme No. 3.
2. That Council revokes Local Planning Policy DEV21 – Outbuildings in Subdivisions and a notice of revocation be published once a week for 2 consecutive weeks in a newspaper circulating in the Shire area.

Moved:

Seconded:

**PSC59. Policies for the Planning and Development Directorate – Proposed Revocations**COMMITTEE RECOMMENDATION TO COUNCIL

PS - 59/2010

1. That Council revokes the following planning policies in accordance with clause 2.5 of Local Planning Scheme No 3:
  - DEV 2 - Amusement Parlours
  - DEV 6 - Cash in Lieu of Car Parking
  - DEV 7 - Child Care Centres
  - DEV16 - Fuel Storage Applications
  - DEV25 - Public Open Space Contributions – Subdivision Applications
  - DEV27 - Reduced Setbacks to Verandahs, Patios and Carports

Moved:

Seconded:

**PSC60. Local Planning Scheme No. 3 Amendment – Initiation of Rezoning from Special Rural to Industrial Development – Forrestfield Industrial Area Stage 1 – Land Bounded by Berkshire Road, Roe Highway, Sultana Road West and Milner Road, Forrestfield**COMMITTEE RECOMMENDATION TO COUNCIL

PS - 60/2010

1. That Council initiates an amendment to Local Planning Scheme No. 3 in accordance with the following:

PLANNING AND DEVELOPMENT ACT 2005  
 RESOLUTION DECIDING TO AMEND A LOCAL PLANNING SCHEME  
 SHIRE OF KALAMUNDA  
 LOCAL PLANNING SCHEME NO. 3  
 AMENDMENT NO. 34

Resolved that the Council in pursuance of Part 5 of the *Planning & Development Act 2005* amends the Local Planning Scheme by:

Rezoning all lots bounded by Berkshire Road, Roe Highway, Sultana Road West And Milner Road, with the exception of Lots 497, 498, 499 Sultana Road West and a portion of Lots 1 and 2 Sultana Road West, Forrestfield from Special Rural to Industrial Development.

Insert an additional provision in the Local Planning Scheme No.3 as follows:

#### 4.2.4 Industrial Zones

##### Industrial Development

- To provide for orderly and proper planning through the preparation and adoption of a Structure Plan establishing the overall design principles for the area.
- To permit the development of the land for industrial purposes and for commercial and other uses normally associated with industrial development.

2. That the Local Planning Scheme No.3 map be modified to identify the subject site with the annotation 'DA'.

3. That Clause 5.4 – Special applications for the subdivision of land be deleted from the Scheme.

Moved:

Seconded:

**PSC61. Local Planning Scheme No. 3 Amendment – Forrestfield/High Wycombe Industrial Area – Stage 2 – Initiation of Rezoning from Urban Development to Industrial Development – Logs 4, 9, 11, 12 Ibis Close, Lot 7 Raven Street, Lots 5 & 6 sultana Road West and Lots 1 & 7 Milner Road, High Wycombe**

COMMITTEE RECOMMENDATION TO COUNCIL

PS - 61/2010

1. That Council initiates an amendment to Local Planning Scheme No. 3 in accordance with the following:

PLANNING AND DEVELOPMENT ACT 2005  
RESOLUTION DECIDING TO AMEND A LOCAL PLANNING SCHEME  
SHIRE OF KALAMUNDA  
LOCAL PLANNING SCHEME NO. 3  
AMENDMENT NO. 23

Resolved that the Council in pursuance of Part 5 of the *Planning & Development Act 2005* amends the Local Planning Scheme by:

1. Rezoning Lots 4, 9, 11 & 12 Ibis Close, Lot 7 Raven Street, Lots 5 & 6 Sultana Road West and Lots 1 & 7 Milner Street, High Wycombe from Urban Development to Industrial Development.

2. Insert additional provisions in the Scheme as follows:

4.2.4 Industrial zones

Industrial Development

- To provide orderly and proper planning through the preparation and adoption of a Structure Plan setting the overall design principles for the area.
  - To permit the development of land for industrial purposes and for commercial and other uses normally associated with industrial development.
3. That the Scheme map be modified to identify the subject site with the annotation 'DA'.
4. Delete clause 6.2.10 of the Local Planning Scheme and replace with the following clause
- 6.2.10 In respect of the Industrial Development Zone generally bounded by Milner Road, West Sultana Road, Dundas Road and Maida Vale Road, the Structure Plan for this area shall ensure the protection of the threatened ecological community in the area of Lot 12 (11) Ibis Place, High Wycombe, for conservation purposes. The boundary of the threatened ecological community shall be defined from a botanical survey by a suitably qualified botanist and may extend beyond the lot boundary. In addition, a vegetation management plan shall be prepared and implemented. The management plan and boundary determination shall be completed on advice of the Department of Environment and Conservation and to the requirements of the Environmental Protection Authority, prior to determination of the Structure Plan.
5. Delete Part 2: Milner Road, High Wycombe from Schedule 11 - Development Areas and replace with:
- In respect of the Industrial Development zone generally bounded by Milner Road, West Sultana Road, Dundas Road and Maida Vale Road, the Structure Plan for this area shall ensure the protection of the threatened ecological community in the area of Lot 12 (11) Ibis Place, High Wycombe, for conservation purposes. The boundary of the threatened ecological community shall be defined from botanical survey by a suitably qualified botanist and may extend beyond the lot boundary. In addition, a vegetation management plan shall be prepared and implemented. The management plan and boundary determination shall be completed on advice of the Department of Environment and Conservation and to the requirements of the Environmental Protection Authority, prior to determination of the Structure Plan.

Moved:

Seconded:

**PSC62. Local Planning Scheme No. 3 Amendment – Density Increase Lot 31 (16) and 32 (20) Halleendale Road and Lot 33 (10) Dan Close, Walliston**

COMMITTEE RECOMMENDATION TO COUNCIL

PS - 62/2010

1. That Council initiates an amendment to Local Planning Scheme No. 3 in accordance with the following:

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

That Council in pursuance of Part 5 of the *Planning and Development Act 2005*, amends Local Planning Scheme No. 3 by:

1. Changing the density Lot 31 (16) and 32 (20) Halleendale Road and Lot 33 (10) Dan Close Walliston, from Residential Bushland R2.5 to Residential Bushland R5.

In accordance with the Scheme Amendment Map.

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

Moved:

Seconded:

**PSC63. Local Planning Scheme No. 3 Amendment – Additional Uses (Consulting Room Officers) Lot 83 (178) and 109 (182) Canning Road, Kalamunda**

COMMITTEE RECOMMENDATION TO COUNCIL

PS - 63/2010

1. That Council does not initiate the amendment to allow for the additional uses (Consulting Rooms and Offices) at Lot 83 (178) and 109 (182) Canning Road, Kalamunda, as the proposal is contrary to orderly and proper planning principles.

Moved:

Seconded:

**PSC64. Local Planning Scheme No. 3 Amendment – Additional Uses – Veterinary Centre and Consulting Rooms Lot 301 (384) Holmes Road, Forrestfield**

COMMITTEE RECOMMENDATION TO COUNCIL

PS - 64/2010

1. That Council initiates an amendment to Local Planning Scheme No. 3 in accordance with the following:

PLANNING AND DEVELOPMENT ACT 2005

RESOLUTION DECIDING TO AMEND A LOCAL PLANNING SCHEME

SHIRE OF KALAMUNDA

LOCAL PLANNING SCHEME NO. 3

AMENDMENT NO.

That Council in pursuance of Part 5 of the *Planning and Development Act 2005*, amends Local Planning Scheme No. 3 by:

1. Including Consulting Rooms and Veterinary Centre under item 4 of Schedule 4 (Special Uses).
2. Delete condition (a) under item 4 of the Scheme's Schedule 4 and replace with the following:

*(a) "The development of the site shall be limited to a total of 580sqm gross leasable area"*

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

Moved:

Seconded:

## **10.2 General Services Committee Report**

### **10.2.1 Adoption of General Services Committee Report**

That the recommendations contained in the General Services Committee of the 11 October 2010, except withdrawn items GSC 109 and GSC 113, be adopted.

Moved:

Seconded:

**GSC105 Creditors Accounts paid during the Period 1 September 2010 to 28 September 2010**

COMMITTEE RECOMMENDATION TO COUNCIL GS 105/2010

1. That the list of Creditors paid during the period 1 September 2010 to 28 September 2010 (**GS 105/2010, Attachment 1.**) be received by Council in accordance with the requirements of Regulation 12 of the *Local Government (Financial Management) Regulations 1996*.

Moved:

Seconded:

**GSC 106 Monthly Financial Statements for the Period Ending 31 August 2010**

COMMITTEE RECOMMENDATION TO COUNCIL GS 106/2010

1. That the monthly Financial Statements which comprise the Rate Setting Statement and the Statement of Comprehensive Income for the period ending 31 August 2010 (**GS 106/2010, Attachment 1.**) be received.

Moved:

Seconded:

**GSC 107 Debtors and Creditors Report**

COMMITTEE RECOMMENDATION TO COUNCIL GS 107/2010

1. That the outstanding debtors (**GS 107/2010, Attachment 1.**) and creditors (**GS 107 /2010, Attachment 2.**) report as at 31 August 2010 be received.

Moved:

Seconded:

**GSC 108 Rates Debtors Report**

COMMITTEE RECOMMENDATION TO COUNCIL GS 108/2010

1. That the rates debtors report as at 31 August 2010 (**GS 108 /2010, Attachment 1.**) be received.

Moved:

Seconded:

**GSC 110 Active Reserves Usage Policy – Proposed Adoption following Public Comment Period**

COMMITTEE RECOMMENDATION TO COUNCIL GS 110/2010

That Council:

1. Receives the community feedback on the endorsed Active Reserves Usage Policy.
2. Revokes the Seasonal Bookings of Sporting Reserves Policy FAC17 (**Attachment 3.**)

3. Adopts the Active Reserves Usage Policy as attached (***Attachment 2.***)

Moved:

Seconded:

**GSC 111 Application To Keep More Than Two Dogs – 7 Gumnut Close, Maida Vale**

COMMITTEE RECOMMENDATION TO COUNCIL

GS 111/2010

That Council

1. Pursuant to Clause 3.2 of the Shire of Kalamunda Dogs Local Law 2010 made under *Section 26(3)* of the *Dog Act 1976*, grant an exemption to the applicant of 7 Gumnut Close, Maida Vale to keep a third dog on this property.

2. Advise the adjoining neighbours of Council's decision.

Moved:

Seconded:

**GSC 112 Application To Keep More Than Two Dogs – 13 Trafalgar Road, Lesmurdie**

COMMITTEE RECOMMENDATION TO COUNCIL

GS 112/2010

That Council:

1. Pursuant to Clause 3.2 of the Shire of Kalamunda Dogs Local Law 2010 made under *Section 26(3)* of the *Dog Act 1976*, refuse an exemption to the applicant of 13 Trafalgar Road, Lesmurdie to keep a third dog on this property.

2. Advises the applicant that they may appeal Council's decision by writing to the State Administrative Tribunal within 28 days of receiving notification from the Shire of Kalamunda.

3. Advise the adjoining neighbours of Council's decision.

Moved:

Seconded:

**GSC 114 Recognition of Service Policy: Gratuity Payments to Employees on Resignation or Retirement**

COMMITTEE RECOMMENDATION TO COUNCIL

GS 114/2010

1. That pursuant to *Section 5.50(1)* of the *Local Government Act 1995*, Council adopts the proposed HR 13 Recognition of Service: Gratuity Payments to Employees on Resignation or Retirement Policy, (***Attachment 2.***)

2. There shall be no payment for years 1 – 4 of employment.

Moved:

Seconded:

**GSC 115 Leave Management – Proposed Policy**COMMITTEE RECOMMENDATION TO COUNCIL GS 115/2010

1. That Council adopts the proposed Leave Management policy, as per **(Attachment 1.)**

Moved:

Seconded:

**GSC 116 Proposed Footpath – Springdale Road Kalamunda**COMMITTEE RECOMMENDATION TO COUNCIL GS 116/2010

1. That the footpath on Springdale Road, between Gloucester Road to the cul-de-sac be deleted from the Works Programme and the footpath between Gloucester Road and Canning Road be constructed, as provided in the 2010/11 Works Programme.

Moved:

Seconded:

**Motion of which previous Notice was given**COMMITTEE RECOMMENDATION TO COUNCIL

Access New Wattle Grove Primary School GS 117/2010

1. That the CEO approach the Minister for the release of sufficient funds from the Cell 9 POS monies, being some \$5,000,000+ to facilitate the construction of footpaths from the Yule Brook and Sheffield Park residential developments to the New Wattle Grove Primary School.
2. This matter to be treated with some urgency in light of there only being four months to commencement of the school opening in the New Year.
3. The determination of the location of the footpaths be made in consultation with local residents.
4. A progress report on this matter be presented to the November Planning Services Committee.

Moved:

Seconded:

**ABSOLUTE MAJORITY REQUIRED****GSC 109 Budget Amendment – 510 Environmental Management**COMMITTEE RECOMMENDATION TO COUNCIL GS 109/2010

1. That Council amend the Shire of Kalamunda 2010-2011 adopted Budget to incorporate further funding and expenditure for Weed Eradication at Lower Lesmurdie Falls. The budget amendment is to increase revenue in account 510606.465 to (\$30,000) and increase expenditure in new job 1132 under 510730 to \$30,000.

Moved:

Seconded:

**ABSOLUTE MAJORITY**

**GSC 113 Conduct of Local Government Elections**COMMITTEE RECOMMENDATION TO COUNCIL

GS 113/2010

1. That the Western Australian Electoral Commissioner be declared responsible for the conduct of all local government elections for the period 1 January 2011 until 31 December 2015 for the Shire of Kalamunda.
2. That all local government elections for the period 1 January 2011 until 31 December 2015 for the Shire of Kalamunda be conducted as postal elections.

Moved:

Seconded:

**ABSOLUTE MAJORITY****10.3 Audit Committee Report**10.3.1 Adoption of Audit Committee Report

That the recommendations contained in the Audit Committee of the 11 October 2010 be adopted.

Moved:

Seconded:

**AC 6/2010 Kalamunda Home and Community Care Annual Financial Report for 2009/2010**COMMITTEE RECOMMENDATION TO COUNCIL

AC 3/2010

That Council:

1. Accepts Kalamunda Home and Community Care Annual Financial Report of 2009/2010.
2. Endorse the Kalamunda Home and Community Care Annual Financial Return in the Required Department of Health format.
3. Council adopt the Kalamunda Home and Community Care Funding Strategy as outlined in the amended ***(Amended Confidential Attachment 2)***.
4. A Report on the Kalamunda Home and Community Care Services situation be given to Full Council at the October Ordinary Council Meeting 18 October 2010.
5. A review of the Kalamunda Home and Community Care Services strategies be presented to the Audit Committee on a 2 monthly basis.

Moved:

Seconded:

**AC 7/2010 UHY Haines Norton Financial Management Review**

COMMITTEE RECOMMENDATION TO COUNCIL AC 7/2010

1. That the Audit Committee receives the progress report on the recommendations contained in the UHY Haines Norton Financial Management Review.

Moved:

Seconded:

**AC 8 / 2010 Investment Report**

COMMITTEE RECOMMENDATION TO COUNCIL AC 8/2010

1. That the report on Investments held by the Shire of Kalamunda be received.

Moved:

Seconded:

**AC 9 /2010 Sundry Debtors Write Off Report**

COMMITTEE RECOMMENDATION TO COUNCIL AC 9/2010

1. That the Audit Committee notes the write-off of \$681.58 of sundry debtors.

Moved:

Seconded:

**10.4 Chief Executive Officers' Report****CONFIDENTIAL ITEM****10.4.1 Scott Reserve High Wycombe – Sports Grounds, Oval Number 2, Turf Replacement**

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

**11.0 MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN****11.1 OCM Amendment, 18 Kalamunda Road, LPS3**

That the CEO be requested to prepare a report for the November 2010 Planning Committee to progress Amendment Number 18, Kalamunda LPS 3, Lot 500 Gavour Road, Wattle Grove.

Moved: Cr Frank Lindsey

**12.0 QUESTIONS BY MEMBERS WITHOUT NOTICE****13.0 QUESTIONS BY MEMBERS OF WHICH DUE NOTICE HAS BEEN GIVEN****13.1 Responsibility of Council in Relation to Fuel Loads (Cr Geoff Stallard)**

Q. Is there a legal responsibility in relation to areas that have a fuel loading of above a certain limit and have not been burnt for a certain amount of time?

A. No, the Shire of Kalamunda is not legally bound by the Bush Fires Act 1954 to burn Shire bush reserves no matter what the fuel loading may be. However it is desirable to keep fuel loadings below 8 tonnes per hectare in bush areas close to urban areas by prescribed burning or other approved methods so as to reduce the possibility of a large scale fire developing under adverse weather conditions.

Annual fuel reduction and hazard mitigation programs for council reserves are developed and coordinated by the Shire of Kalamunda Ranger and Emergency Services and carried out by the Fire Protection Crew on an as required basis using the resources available.

Fuel reduction by prescribed burning on Department Environment and Conservation land and other managed areas will be in accordance with specific management plans, as formulated by the designated land managers.

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13.2 Pensioner Rate Subsidy 2010/2011 (Cr Frank Lindsey)

Q1. Is it correct that the total revenue foregone by the Shire in 2010/2011 as a result of offering pensioners a 50% subsidy on their rates refuse amounts to approximately \$480,000pa, and if not, what is the correct figure? (Note: after clarification via telephone, this question was amended to refer to refuse subsidies instead of rates subsidies)

A1. The Shire does not forego any rates or rubbish amounts as a result of the pensioners 50% subsidy.

In relation to rubbish charges the Shire provides a 50% subsidy to eligible pensioners. This revenue is not foregone as the ordinary services pay a higher rubbish fee as explained the 4<sup>th</sup> dot point in the answer to question 2. below.

Q2. If the Shire's currently separate charges for rates and rubbish collection were combined, would this afford pensioners an additional subsidy from the State Government for the rubbish collection component of the newly combined rates, for which they would otherwise be ineligible?

- A2.
- For reference refer to the report presented to Council at the Ordinary Meeting of Council on 19 July 2010.
  - At this meeting council resolved to provide eligible pensioners with a 50% discount from the normal domestic waste charge for the 2010/2011 Financial Year.
  - The discount is funded by increasing the charge to the balance of users.
  - In the 2009/2010 Budget, the Refuse charges were based on 17,500 Ordinary Services at \$276.90 and 3,000 Pensioner Services at \$138.45. Had there been no discount, the charge for each service would have been \$256.64, which means that each ordinary service paid an additional \$20.26 in order to fund the pensioner subsidy.
  - If the Shire resolved to combine the charges for rates and rubbish and levy this as a combined account, eligible pensioners and seniors could receive a discount on the combined amount through the *Rates and Charges [Rebates and Deferments] Act 1992*.
  - By combining the rates and rubbish charges, the State Government would fund the discount for eligible pensioners and seniors.

Q3. If the answer to question (2) is in the affirmative, what would be the net financial gain to pensioners within the Shire of combining rates and rubbish collection charges?

- A3.
- By combining the rates and rubbish charges, accounts are levied based on the GRV of the property. This results in different ratepayers paying different amounts for the same rubbish service. Some ratepayers would therefore realise a saving, and some will be charged more than the present arrangements. As detailed in responses to Q4, it would also result in some ratepayers paying for a rubbish service when in fact, they don't receive such a service.

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- The main argument in favour of a separate Waste charge is it is a clearly definable service. This practice ensures that, subject to any pensioner discount that is granted, different ratepayers pay the same amount for the same service.
- Q4. What would be the net financial impact to the Shire of combining both rates and rubbish collection charges in order to allow pensioners to obtain a 50% discount on the amalgamated sum and how would that compare with current arrangements?
- A4.
- Current legislation allows a charge to be made wherever a Bin is provided, and no charge if a Bin is not provided. Under the current rating provisions of the *Local Government Act 1995* if we move to including a component for Rubbish in the General Rate, then it will need to be applied to all properties within the GRV General and UV General categories.
  - Under this system a charge would then be levelled on vacant/undeveloped land where a bin is not provided and therefore no service is performed. Additionally, any non-rateable land such as churches etc which are provided with a bin and can therefore be charged, would not be charged although a service would be provided.
  - Merging the rubbish charge with the General Rate could bring rise to appeals based on natural justice and procedural fairness. It could also lead to a [remote] possible challenge to the validity of our rates, all be it a very technical case, in that a part of the rates is for a service not being provided when there is specific provisions in other legislation which provides for specific charges for a specific service.
  - A further issue is that by adding several cents in the dollar to the current rate in the dollar to calculate the rates for General GRV and UV would lead to a reduction in the relativities currently being established between General rates, ie residential and that for Commercial and Industrial. If the Shire were to maintain that relativity then this would require increase to those rates without any quantifiable justification.

13.3 Bahen Road, Hacketts Gully (Cr Frank Lindsey)

Q. Have Shire staff taken any action to ensure that the end of Bahen Road, which has been closed by someone placing rocks across the road reserve and planting the road reserve with tress and shrubs, remains open and continues to be available as an escape route for residents in the event of a bush fire approaching Hacketts Gully from the north?

A. An answer to this question will be supplied at the Ordinary Council Meeting.

**14.0 URGENT BUSINESS APPROVED BY THE PERSON PRESIDING OR BY DECISION**

**15.0 MEETING CLOSED TO THE PUBLIC**

**16.0 CLOSURE**

