



SPECIAL COUNCIL MINUTES

Notice is hereby given that a Special Meeting
of the Council held:

DATE: Tuesday, 1 July 2008

TIME: 2.45pm

VENUE: Council Chambers

SPECIAL BUSINESS

To consider and adopt the 2008 / 2009 General (Refuse Site) Rate
To consider and adopt rates in the dollar for 2008 / 2009 Property Rates
To consider and adopt the 2008 / 2009 Budget

Rob Stewart
CHIEF EXECUTIVE OFFICER

MEMBERSHIP – Quorum (5)

Members:

Cr K Forbes - Rocky Gully / West Ward - Shire President
Cr B Hollingworth - Town Ward - Deputy Shire President
Cr K Clements - Town Ward
Cr J Mark - Town Ward
Cr J Moir - South Ward
Cr M Skinner - East Ward
Cr D Nye-Chart - East Ward
Cr S Grylls - Rocky Gully / West Ward
Cr A Budrikis - Kendenup Ward

Information and recommendations are included in the reports to assist the Council in the decision making process and may not constitute the Council's decision until considered by the Council.

TABLE OF CONTENTS

ITEM	SUBJECT	PAGE NO
1	DECLARATION OF OPENING / ANNOUNCEMENT OF VISITORS.....	1
2	RECORD OF ATTENDANCE / APOLOGIES / LEAVE OF ABSENCE (PREVIOUSLY APPROVED).....	1
3	REPORTS OF COMMITTEES AND OFFICERS.....	2
3.1	CORPORATE SERVICES REPORTS	2
3.1.1	GENERAL HEALTH (REFUSE SITE) RATE	2
3.1.2	PROPERTY RATES – 2008/2009	4
3.1.3	ADOPTION OF 2008/2009 BUDGET AND PLAN FOR THE FUTURE 2008/2010	9
4	CLOSURE OF MEETING.....	12

1 DECLARATION OF OPENING / ANNOUNCEMENT OF VISITORS

2.50pm The Presiding Member declared the meeting open.

2 RECORD OF ATTENDANCE / APOLOGIES / LEAVE OF ABSENCE (PREVIOUSLY APPROVED)Members Present:

Cr K Forbes
Cr B Hollingworth
Cr K Clements
Cr S Grylls
Cr J Mark
Cr J Moir
Cr D Nye-Chart
Cr M Skinner

In Attendance:

Mr R Stewart	Chief Executive Officer
Mr J Fathers	Deputy Chief Executive Officer
Mr P Duncan	Manager Development Services
Mr I Bartlett	Manager Works and Services

There were no member(s) of the public in attendance.
There were no member(s) of the media in attendance

Previously Approved Leave of Absence

Cr A Budrikis – 30 June to 4 July 2008 (inclusive)

3 REPORTS OF COMMITTEES AND OFFICERS

3.1 CORPORATE SERVICES REPORTS

3.1.1 GENERAL HEALTH (REFUSE SITE) RATE

File No: FM/64/5
Responsible Officer: Rob Stewart
Chief Executive Officer
Author: John Fathers
Deputy Chief Executive Officer
Proposed Meeting Date: 1 July 2008

Purpose

The purpose of this report is to set the General Health (Refuse Site) rate for the 2008/2009 financial year.

Background

The Council first established the General Health (Refuse Site) rate in the 2001/2002 financial year. The minimum refuse site rate is currently \$53.00.

The Council has since adopted conditions associated with the rate, as follows:

'As the Council is of the opinion that the imposition of more than one refuse site rate would be inequitable in those circumstances where properties are owned and / or operated in identical name or names and where no habitable or commercially rented properties are situated on additional properties, then in those circumstances the Council shall write off such refuse site rate moneys owing that meet the above mentioned criteria.'

It is intended to maintain this condition as part of the rate, so as not to impact unfairly on owners of multiple vacant properties.

Statutory Environment

The General Health (Refuse Site) rate is raised in accordance with Section 40 of the Health Act 1911.

Consultation

Consultation has occurred with staff, the Council and the community in the preparation of the budget, including the General Health (Refuse Site) Rate.

Financial Implications

The General Health (Refuse Site) rate will raise a budgeted figure of \$157,887.00 in the 2008/2009 financial year.

Policy Implications

There are no policy implications for this report.

Strategic Implications

One of the Aims of Key Result Area 2 – Infrastructure is to:

'Protect the community's health by managing waste in a timely, effective, economic and environmentally safe manner.'

Officer Comment

The Council is introducing a number of charges for disposal of refuse at Council controlled waste disposal sites from July 2008. Some may perceive charging tip fees and imposing a waste rate as double charging for the same service, although the costs of maintaining waste sites still outweighs the expected income. The administration is currently preparing a report on the possibility of calling tenders for waste recycling services. When this information is available and has been considered by the Council, there will be an opportunity to re-evaluate the level of refuse collection and waste rate charges.

Voting Requirements

Absolute Majority

OFFICER RECOMMENDATION / COUNCIL RESOLUTION

Moved Cr J Moir, seconded Cr B Hollingworth

That:

1. The rate in the dollar and the minimum rate for the 2008/2009 refuse site rate be set as follows:

	Cents in the \$	Min. Rate
Gross Rental Value	0.0001	\$53.00
Unimproved Value	0.0001	\$53.00

2. As the Council is of the opinion that the imposition of more than one General Health (Refuse Site) rate would be inequitable in those circumstances where properties are owned and / or operated in identical name or names and where no habitable or commercially rented structures are situated on additional properties, then in those circumstances the refuse site rate moneys owing that meet the above mentioned criteria shall be written off.

CARRIED (8/0)

NO. 121/08

(ABSOLUTE MAJORITY)

3.1.2 PROPERTY RATES – 2008/2009

File No: FM/64/5
Responsible Officer: Rob Stewart
Chief Executive Officer
Author: John Fathers
Deputy Chief Executive Officer
Proposed Meeting Date: 1 July 2008

Purpose

The purpose of this report is to set the property rates, establish the early payment discount, early payment incentive, payment instalment options and fees, and set the interest rates for overdue and late payments in readiness for the adoption of the 2008/2009 budget.

BackgroundLevel of Rates

As part of the 2008/2009 budget workshop process, the Council established that property rates should be set at a 6.5% increase on total rate revenue raised in 2007/2008.

The 2008/2009 budget and the respective property rates have been determined on that basis.

Discount

Section 6.12 (1)(a) permits a local government to grant a discount or incentive for the early payment of money which is owed to the Council. It is recommended that a discount not be offered and no allowance has been made for any early payment discount to reflect this.

Incentive

The Council has previously offered incentive prizes to encourage the early payment of rates. This year, a bank account of \$500.00 with the Bendigo Bank will be offered as first prize, with one (1) carton of mixed wine donated by Mount Barker Wine Producers Association at a retail value of \$250.00 offered as second prize.

Instalments

It is recommended to the Council that it continue to offer the following three (3) payment options as in previous years.

- (1) To pay the total rates and charges included on the rate notice in full by the 35th day after the date of issue of the rates notice; or
 - (2) To pay by two (2) equal instalments. The first instalment will be due on the 35th day after the date of issue of the rates notice and the second instalment four (4) calendar months after this date.
 - (3) To pay by four (4) equal instalments. The first instalment will be due on the 35th day after the date of issue of the rates notice and the remainder at two (2) calendar month intervals after this date.
-

Instalment Fee

It is recommended that an instalment fee of \$5.00 be charged for each instalment reminder issued after the first instalment is paid. This is consistent with the previous year's charge and the Local Government Act.

Interest on Instalments

It is recommended that the maximum interest rate of 5.5% per annum be applied to instalment payments. Again, this is consistent with the previous year's charge and statutory requirements.

Late Payment Penalty Interest

It is recommended that the Council adopt a late payment penalty interest of 11% per annum. It is proposed that the late payment penalty interest will apply to rates that remain unpaid where no election was made to pay the rate by instalments and on overdue instalment payments where an election was made to pay by instalments.

Statutory Environment

Section 6.25 to 6.82 of the Local Government Act 1995 and Regulations 52 to 78 of the Local Government (Financial Management) Regulations legislates property rating requirements and procedures.

Consultation

Consultation has occurred with staff, the Council and the community.

Financial Implications

The property rates proposed have been established on the basis of delivering a deficit budget of \$100,000 with a 6.5% increase on the 2007/2008 rate revenue.

Policy Implications

There are no policy implications for this report. Policy A/PA/8 Rating – Rate Incentive Prize applies.

Strategic Implications

The sensible setting of rates is critical in generating revenue for the Council to deliver services to the community and attain its mission:

'To improve the quality of life for the people of Plantagenet, both present and future.'

Voting Requirements

Absolute Majority

OFFICER RECOMMENDATION

Moved Cr J Mark, seconded Cr M Skinner

That for the 2008/2009 financial year:

1. No discount be offered for the early payment of property rates.
2. Incentive prizes for the payment of property rates in full by the due date be offered as follows:
 - a. First prize – Bank Account to the value of \$500.00, donated by the Bendigo Bank.
 - b. Second prize – one (1) carton of wine with a retail value of in excess of \$250.00 donated by the Mount Barker Wine Producers Association.
3. The following instalment plan options be offered:
 - a. To pay the total rates and charges included on the rate notice in full by the 35th day after the date of issue of the rates notice; or
 - b. To pay by two (2) equal instalments. The first instalment will be due on the 35th day after the date of issue of the rates notice and the second instalment four (4) calendar months after this date; or
 - c. To pay by four (4) equal instalments. The first instalment will be due on the 35th day after the date of issue of the rates notice and the remainder at two (2) calendar month intervals after this date.
4. An instalment fee of \$5.00 per instalment (excluding the first instalment) and an interest rate of 5.5% per annum on instalment payment plans be charged.
5. A late payment penalty interest on overdue and defaulted payment plans be charged at 11%, such penalty interest charge to apply to overdue property rates, refuse site rate, rubbish collection charges, Emergency Services Levy and legal expenses.
6. The rate in the dollar and minimum rate for property rates be as follows:

	Cents in the \$	Min.Rate
Rural Townsites (GRV)	10.7020	\$500.00
Rural (GRV)	10.7020	\$500.00
Mount Barker Townsite (GRV)	10.7020	\$500.00
Strata Titles (GRV)	10.7020	\$500.00
Rural (UV)	0.6498	\$500.00
Mining (UV)		\$500.00

AMENDMENT:

Moved Cr K Clements, seconded Cr B Hollingworth

That a part (c) be added to Part 2 reading:

'Pursuant to Council Policy A/PA/8 – Rating –Rate Incentive Prize, all Councillors and staff and their immediate families (ie Spouses and Partners) are ineligible for the prizes'.

CARRIED (7/1)

NO. 122/08

COUNCIL DECISION

That for the 2008/2009 financial year:

1. No discount be offered for the early payment of property rates.
2. Incentive prizes for the payment of property rates in full by the due date be offered as follows:
 - a. First prize – Bank Account to the value of \$500.00, donated by the Bendigo Bank.
 - b. Second prize – one (1) carton of wine with a retail value of in excess of \$250.00 donated by the Mount Barker Wine Producers Association.
 - c. Pursuant to Council Policy A/PA/8 – Rating –Rate Incentive Prize, all Councillors and staff and their immediate families (ie Spouses and Partners) are ineligible for the prizes.
3. The following instalment plan options be offered:
 - a. To pay the total rates and charges included on the rate notice in full by the 35th day after the date of issue of the rates notice; or
 - b. To pay by two (2) equal instalments. The first instalment will be due on the 35th day after the date of issue of the rates notice and the second instalment four (4) calendar months after this date; or
 - c. To pay by four (4) equal instalments. The first instalment will be due on the 35th day after the date of issue of the rates notice and the remainder at two (2) calendar month intervals after this date.
4. An instalment fee of \$5.00 per instalment (excluding the first instalment) and an interest rate of 5.5% per annum on instalment payment plans be charged.
5. A late payment penalty interest on overdue and defaulted payment plans be charged at 11%, such penalty interest charge to apply to overdue property rates, refuse site rate, rubbish collection charges, Emergency Services Levy and legal expenses.
6. The rate in the dollar and minimum rate for property rates be as follows:

	Cents in the \$	Min.Rate
Rural Townsites (GRV)	10.7020	\$500.00
Rural (GRV)	10.7020	\$500.00
Mount Barker Townsite (GRV)	10.7020	\$500.00

Strata Titles (GRV)	10.7020	\$500.00
Rural (UV)	0.6498	\$500.00
Mining (UV)		\$500.00

CARRIED (8/0)

NO. 123/08

(ABSOLUTE MAJORITY)

3.1.3 ADOPTION OF 2008/2009 BUDGET AND PLAN FOR THE FUTURE 2008/2010

Councillors Forbes, Nye-Chart, Skinner, Hollingworth and Moir each disclosed an interest in the adoption of the budget.

A Financial Interest was disclosed by Cr M Skinner

Nature and Extent of Interest: Farming - 400 head of cattle

A Financial Interest was disclosed by Cr K Forbes

Nature and Extent of Interest: Cattle Producer - 240 head of mixed cattle

A Financial Interest was disclosed by Cr D Nye-Chart

Nature and Extent of Interest: Cattle Producer – 60 head of cattle, partner in Mount Barker Veterinary Hospital

A Financial Interest was disclosed by Cr J Moir

Nature and Extent of Interest: Cattle Producer, Casual Employee of Elders, Casual Employee of Mitchell's Transport

A Proximity Interest was disclosed by Cr B Hollingworth

Nature and Extent of Interest: Adjoining Landowner, Owner of Lots 1414 and 1415 Albany Highway Mount Barker

Authority to participate pursuant to Section 5.69 (3) (a) and (b) of the Local Government Act 1995

The Chief Executive Officer advised that pursuant to a letter dated 26 June 2008 (a copy of which is attached to these minutes) the Manager of Compliance and Advice of the Department of Local Government and Regional Development had approved the Shire's application, under section 5.69 of the *Local Government Act 1995*, to allow disclosing members Cr K Forbes, Cr M Skinner, Cr B Hollingworth, Cr J Moir and Cr D Nye-Chart to fully participate in the discussion and decision making process and for Cr Forbes to chair the meeting when the Shire adopts its Budget at the meeting to be held on 1 July 2008 in relation to expenditure in connection with the Great Southern Cattle Saleyards.

This approval is subject to the following conditions:

1. The approval is only valid for the special meeting of Council to be held on 1 July 2008 when the Shire adopts its budget.
2. The disclosing members declare the nature and extent of their interest at the Council Meeting when this matter is considered together with the approval provided.
3. The CEO is to provide a copy of the Department's letter advising of the approval to each declaring member.
4. The CEO is to ensure that the declarations, including the approval given and any conditions imposed, are recorded in the minutes of the meeting when this matter is discussed.

File No: FM/26/41
Responsible Officer: Rob Stewart
Chief Executive Officer
Author: John Fathers
Deputy Chief Executive Officer
Proposed Meeting Date: 1 July 2008

Purpose

The purpose of this report is to adopt the 2008/09 Annual Budget and Plan for the Future 2008/2010.

Background

The 2008/2009 budget has been prepared as a deficit budget of \$100,000. The draft budget and Plan for the Future has had significant input from staff, elected members and the community.

Statutory Environment

Section 6.2 of the Local Government Act 1995 requires a local government to prepare and adopt, by absolute majority, an annual budget prior to 31 August in each year.

The Shire of Plantagenet's Plan for the Future has been prepared pursuant to Section 5.56 of the Local Government Act 1995 which provides that:

'(1) A local government is to plan for the future of the district.'

Further, the Local Government (Administration) Regulations provide for, at 19C and 10D, among other things, that the Plan for the Future is to be adopted by the Council and that the electors and ratepayers of the district are consulted during the development of the plan.

Consultation

Consultation has occurred with elected members, staff and the community throughout the budget and Plan for the Future preparation process. The document was advertised in accordance with best practice principles and a public briefing session held on 20 May 2008. Eighteen (18) members of the public attended that meeting.

Financial Implications

The adoption of the Budget enables the operations of the Council to continue effectively and issue rates in a timely manner to assist with income generation and cash flow.

Policy Implications

There are no policy implications for this report.

Strategic Implications

The 2008/09 budget and the Plan for the Future have been prepared with due regard for the Council's Strategic Plan adopted and published in 2003.

Officer Comment

In addition to feedback received at the public meeting, one submission has been received in relation to the proposed rate increase. No submissions have been received about the draft Plan for the Future.

Voting Requirements

Absolute Majority

OFFICER RECOMMENDATION / COUNCIL RESOLUTION

Moved Cr M Skinner, seconded Cr B Hollingworth

That the Annual Budget for the year ending 30 June 2009, incorporating the Plan for the Future for the period 1 July 2008 to 30 June 2010, as presented, be adopted.

CARRIED (6/2)

NO. 124/08

(ABSOLUTE MAJORITY)

4 CLOSURE OF MEETING

3:00 PM The Presiding Member declared the meeting closed.

CONFIRMED: CHAIRPERSON _____ **DATE:** ____ / ____ / ____