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Shire of Kalamunda

# Ordinary Council Meeting

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Minutes for 21 May 2012



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## MINUTES

### 1.0 OFFICIAL OPENING

1.1 The Chairman opened the meeting at 6.30pm and welcomed Councillors, Staff and Members of the Public Gallery.

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

#### 2.1 Attendance

##### Councillors

Donald McKechnie	(Chairman) (Shire President)	North Ward
Margaret Thomas		North Ward
Sue Bilich		North Ward
Justin Whitten		South West Ward
Geoff Stallard		South East Ward
Frank Lindsey		South East Ward
John Giardina		South East Ward
Bob Emery		North West Ward
Dylan O'Connor		North West Ward

##### Members of Staff

James Trail	Chief Executive Officer
Clayton Higham	Director Development and Infrastructure Services
Rhonda Hardy	Director Corporate and Community Services
Andrew Fowler-Tutt	Manager Development Services
Darrell Forrest	Manager Governance
Peter Hayes	Manager Business and Strategy
Gerard Thomas	Manager Technology and Customer Service
Sam Assaad	Manager Infrastructure Operations
Michelle Clark	Executive Assistant
Donna McPherson	Minute Secretary

**Members of the Public** 7

**Members of the Press** Nil

#### 2.2 Apologies

##### Councillors

Noreen Townsend		South West Ward
Allan Morton	(Deputy Shire President)	South West Ward
Martyn Cresswell		North West Ward

#### 2.3 Leave of Absence Previously Approved

Nil

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**3.0 PUBLIC QUESTION TIME**

A period of not less than 15 minutes is provided to allow questions from the gallery on matters relating to the functions of this Committee. For the purposes of Minuting, these questions and answers are summarised.

3.1 Nil.

**4.0 PETITIONS/DEPUTATIONS**

4.1 A petition was tabled in relation to Fifteen Multiple Dwellings – Lot 3 (18) Heath Road, Kalamunda.

“We, Kalamunda Shire Residents ask all Kalamunda Shire Councillors to oppose the building of 15 units (two stories) at 18 Heath Road Kalamunda. We are bitterly opposed to high density, high rise in our Kalamunda area.”

4.2 Council heard an approved deputation from Mrs Heather Clements and Dr Allan on an item before Council being Fifteen Multiple Dwellings – Lot 3 (18) Heath Road, Kalamunda.

**5.0 APPLICATIONS FOR LEAVE OF ABSENCE**

5.1 Application for Leave of Absence – Cr Martyn Cresswell

RESOLVED OCM 41/2012

That Cr Martyn Cresswell be granted Leave of Absence for the Ordinary Council Meeting of 21 May 2012; Development & Infrastructure Services Committee of 5 June 2012 and Corporate & Community Services Committee of 11 June 2012.

Moved: **Cr John Giardina**

Seconded: **Cr Margaret Thomas**

Vote: **CARRIED UNANIMOUSLY (9/0)**

5.2 Application for Leave of Absence – Cr Bob Emery

RESOLVED OCM 42/2012

That Cr Bob Emery be granted Leave of Absence for all meetings for the period 22 September 2012 to 19 October 2012.

Moved: **Cr Dylan O'Connor**

Seconded: **Cr Justin Whitten**

Vote: **CARRIED UNANIMOUSLY (9/0)**

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**6.0 CONFIRMATION OF MINUTES OF PREVIOUS MEETING****6.1 RESOLVED OCM 43/2012**

That the Minutes of the Ordinary Council Meeting held on 16 April 2012 are confirmed as a true and correct record of the proceedings.

Moved: **Cr Bob Emery**

Seconded: **Cr Margaret Thomas**

Vote: **CARRIED UNANIMOUSLY (9/0)**

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

7.1 Nil.

**8.0 MATTERS FOR WHICH MEETING MAY BE CLOSED****8.1 C & C 40 Future of Lesmurdie School Community Library****Reason for confidentiality**

*Local Government Act 1995*: Section 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."

**9.0 DISCLOSURE OF INTERESTS****9.1 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*.)

9.1.1 Nil.

**9.2 Disclosure of Interest Affecting Impartiality**

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

9.2.1 Nil.

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**10.0 REPORT TO COUNCIL**

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

**10.1 Development and Infrastructure Services Committee Report**

**10.1.1 Adoption of Development and Infrastructure Services Committee Report**

RESOLVED OCM 44/2012

That the recommendations contained in the Development and Infrastructure Services Committee of 7 May 2012 be adopted.

Moved: **Cr Margaret Thomas**

Seconded: **Cr Justin Whitten**

Vote: **CARRIED UNANIMOUSLY (9/0)**

**10.1.2 D&I 38 Fifteen Multiple Dwellings – Lot 3 (18) Heath Road, Kalamunda**

EN BLOC RESOLUTION OCM 44/2012

That Council:

1. Determines that the use is consistent with the objectives of the particular zone and is therefore permitted.
2. Approves the application dated 7 February 2012 to build 15 multiple dwellings at Lot 3 (18) Heath Road, Kalamunda, subject to the following conditions:
  - a. The access way shall be suitably constructed, sealed and drained to the satisfaction of the Shire.
  - b. The crossover shall be designed and constructed to the satisfaction of the Shire.
  - c. Vehicle parking, manoeuvring and circulation areas to be suitably constructed, sealed, kerbed, line marked and drained to the satisfaction of the Shire.
  - d. The redundant crossover is to be removed, and the verge and kerbing reinstated to the Shire's satisfaction.
  - e. The balcony screening being maintained by the owner to the Shire's satisfaction.
  - f. An amended landscape plan showing the existing Marri tree in the south east corner of the property being retained, and an additional street tree being planted on the adjoining verge, either a *Eucalyptus spathulata* or *Eucalyptus luecoxylon "Rosea"*, being at least 1m from the proposed crossover. The amended landscape plan is to be approved by the Shire prior to the building licence being issued.



- g. The proposed landscaping being planted within 28 days of the proposed development's completion, and maintained thereafter by the landowner (Strata management group) to the Shire's satisfaction.
- h. A geo-technical report being submitted to and approved by the Shire prior to the building licence being issued.
- i. Stormwater being contained on site to the Shire's satisfaction.
- j. The applicant making the necessary arrangements for a waste bin contractor to enter the property and service the receptacles from the designated bin storage enclosures.
- k. The external colour and material details of the proposed dwellings being provided to, and approved by the Shire prior to the building licence being issued.
- l. A Construction Management Plan be prepared by the applicant addressing the following, but not limited to:
  - Construction Workers' Parking
  - Materials Delivery and Storage
  - Workers' ToiletsTo the satisfaction of the Manager Development Services, prior to the issue of a Building Licence.

Moved: **Cr Margaret Thomas**

Seconded: **Cr Justin Whitten**

Vote: **CARRIED UNANIMOUSLY (9/0)**

**10.1.3. D&I 39 Lot 112 (37) Norwich Way, High Wycombe- Modification to Structure Plan - High Wycombe Urban Area, Larwood Crescent - Stage 2**

EN BLOC RESOLUTION OCM 44/2012

That Council:

1. Supports the proposed modification to the adopted Structure Plan for Stage 2 Larwood Crescent, High Wycombe to allow for a change in density of 37 Norwich Way from R20 to R30.
2. Requests the proposed modification be forwarded to the WA Planning Commission for their endorsement.

Moved: **Cr Margaret Thomas**

Seconded: **Cr Justin Whitten**

Vote: **CARRIED UNANIMOUSLY (9/0)**

**10.1.4. D&I 40 Lot 7 (7) Emanuel Court, Wattle Grove – Proposed Scheme Amendment – Additional Use (Art Gallery)**

EN BLOCK RESOLUTION OCM 44/2012

That Council:

1. Initiates the 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. 47

That Council in pursuance of Part 5 of the *Planning and Development Act 2005*, amends the Local Planning Scheme No. 3. by inserting into Schedule 2 (Additional Uses) of the Scheme Text, the following:

No.	Description of Land	Additional Use	Conditions
47	7 Emmanuel Court, Wattle Grove	Art Gallery	An art gallery is not permitted unless approval is granted by Council ("D").

2. 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: **Cr Margaret Thomas**

Seconded: **Cr Justin Whitten**

Vote: **CARRIED UNANIMOUSLY (9/0)**

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**10.1.5 D&I 41 Lot 100 (17) Emanuel Court Wattle Grove - Application to Keep More Than Two Dogs**

EN BLOCK RESOLUTION OCM 44/2012

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*, grants the exemption to the applicant of 17 Emanuel Court, Wattle Grove to keep three dogs on this property.

Moved: **Cr Margaret Thomas**

Seconded: **Cr Justin Whitten**

Vote: **CARRIED UNANIMOUSLY (9/0)**

**10.1.6 D&I 42 Lot 210 (10) Briza Lane, Forrestfield - Application to Keep More Than Two Dogs**

EN BLOCK RESOLUTION OCM 44/2012

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*, grants the exemption to the applicant of 10 Briza Lane, Forrestfield to keep three dogs on this property.

Moved: **Cr Margaret Thomas**

Seconded: **Cr Justin Whitten**

Vote: **CARRIED UNANIMOUSLY (9/0)**

**10.1.7 D&I 43 Lot 201 (290) Welshpool Road East, Carmel - Application to Keep More Than Two Dogs**

EN BLOCK RESOLUTION OCM 44/2012

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*, grants the exemption to the applicant of 290 Welshpool Road East, Carmel to keep three dogs on this property.

Moved: **Cr Margaret Thomas**

Seconded: **Cr Justin Whitten**

Vote: **CARRIED UNANIMOUSLY (9/0)**

**10.1.8 D&I 44 Bulk Kerbside Collection**

EN BLOCK RESOLUTION OCM 44/2012

That Council:

1. Does not proceed with the in house bulk verge collection as adopted at the May OCM 2011 and requests a further report on the options for future bulk verge collection.
2. Notes that the Shire will exercise the option to extend the current contract T0708 for a further 12 month period with Western Maze.

Moved: **Cr Margaret Thomas**

Seconded: **Cr Justin Whitten**

Vote: **CARRIED UNANIMOUSLY (9/0)**

**10.2 Corporate and Community Services Committee Report**

**10.2.1 Adoption of Corporate and Community Services Committee Report**

RESOLVED OCM 45/2012

That the recommendations contained in the Corporate and Community Services Committee of 10 April 2012, except withdrawn item C&C 37 and C&C 40, be adopted.

Moved: **Cr Justin Whitten**

Seconded: **Cr Dylan O'Connor**

Vote: **CARRIED UNANIMOUSLY (9/0)**

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**10.2.2 C&C 33 Creditors' Accounts Paid During the Period 28 March to 26 April 2012**

EN BLOC RESOLUTION OCM 45/2012

That Council:

1. Receives the list of creditors paid during the period 28 March to 26 April 2012 (Attachment 1) in accordance with the requirements of the *Local Government (Financial Management) Regulations 1996 (Regulation 12)*.

Moved: **Cr Justin Whitten**

Seconded: **Cr Dylan O'Connor**

Vote: **CARRIED UNANIMOUSLY (9/0)**

**10.2.3 C&C 34 Monthly Financial Statements for the Nine Months 31 March 2012**

EN BLOC RESOLUTION OCM 45/2012

That Council:

1. Receives the monthly financial statement for the period ended 31 March 2012, which comprises:
  - Statement of Financial Position
  - Equity Statement
  - Statement of Comprehensive Income by Nature and Type
  - Statement of Comprehensive Income by Program
  - Rate Setting Statement
  - Reserve Balances Statement

Moved: **Cr Justin Whitten**

Seconded: **Cr Dylan O'Connor**

Vote: **CARRIED UNANIMOUSLY (9/0)**

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**10.2.4 C&C 35 Debtors and Creditors Reports for the Period Ended 31 March 2012**

EN BLOC RESOLUTION OCM 45/2012

That Council:

1. Receives the outstanding debtors (Attachment 1) and creditors (Attachment 2) reports for the period ended 31 March 2012.

Moved: **Cr Justin Whitten**

Seconded: **Cr Dylan O'Connor**

Vote: **CARRIED UNANIMOUSLY (9/0)**

**10.2.5 C&C 36 Rates Debtors Report for the Period Ending 31 March 2012**

EN BLOC RESOLUTION OCM 45/2012

That Council:

1. Receives the rates debtors report for the period ended 31 March 2012 (Attachment 1).

Moved: **Cr Justin Whitten**

Seconded: **Cr Dylan O'Connor**

Vote: **CARRIED UNANIMOUSLY (9/0)**

**10.2.6 C&C 38 Kalamunda Home and Community Care – March (2012) Quarterly Report**

EN BLOC RESOLUTION OCM 45/2012

That Council:

1. Receives the Kalamunda Home and Community Care Services March 2012 Quarterly Review.

Moved: **Cr Justin Whitten**

Seconded: **Cr Dylan O'Connor**

Vote: **CARRIED UNANIMOUSLY (9/0)**

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**10.2.7 C&C 39 Quarterly Progress Report – January to March 2012**

EN BLOC RESOLUTION OCM 45/2012

That Council:

1. Receives the Quarterly Interplan Progress Report for January to March 2012.

Moved: **Cr Justin Whitten**

Seconded: **Cr Dylan O'Connor**

Vote: **CARRIED UNANIMOUSLY (9/0)**

**10.2.8 C&C 37 Nominations for Membership – Hartfield Park Advisory Committee and Kostera Oval Advisory Committee**

RESOLVED OCM 46/2012

That Council:

1. Appoints David Brady representing Kalamunda Senior High School and Glenn Docherty representing Kalamunda Cricket Club, to the Kostera Oval Advisory Committee.
2. Appoints David Meier as a Deputy, representing Kalamunda Districts Hockey Club, to the Hartfield Park Advisory Committee.
3. Accepts the resignation of Heinz Luik from the Hartfield Park Advisory Committee.
4. Appoints Carlos Mendes as the member, representing the Forrestfield Soccer Club, to the Hartfield Park Advisory Committee.

Moved: **Cr Dylan O'Connor**

Seconded: **Cr Justin Whitten**

Vote: **CARRIED UNANIMOUSLY/ABSOLUTE MAJORITY (9/0)**

**10.2.9 C&C 40 CONFIDENTIAL ITEM- Future of Lesmurdie School Community Library**Reason for confidentiality

*Local Government Act 1995: Section 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."*

**COMMITTEE RECOMMENDATION TO COUNCIL (C&C 40/2012)**

That Council:

1. Agrees to issue a discussion paper on the closure of the Lesmurdie School Community Library for a 60 day comment period.

Moved:

Seconded:

Vote: **LAPSED**

The **LAPSED** as the Committee Recommendation to Council did not receive a mover and seconder. Cr Giardina moved a motion which better reflected Council intention of seeking comment on the community use section of the Library. The motion received a seconder as was put to a vote.

**RESOLVED OCM 47/2012**

That Council:

1. Agrees to issue a discussion paper on the proposed closure of the community use component of the Lesmurdie School Community Library for a 60 day comment period.

Moved: **Cr John Giardina**

Seconded: **Cr Justin Whitten**

Vote: **CARRIED UNANIMOUSLY (9/0)**



### 10.3 Chief Executive Officer's Report

#### 10.3.1 Metropolitan Local Government Review Panel Findings – Submission from the Shire of Kalamunda

Previous Items	N/A
Responsible Officer	Chief Executive Officer
Service Area	Office of CEO
File Reference	
Applicant	N/A
Owner	N/A

Attachment 1	Draft Metropolitan Local Government Review Panel Findings – Submission from the Shire of Kalamunda – December 2011
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#### PURPOSE

1. To seek Council endorsement of the attached Draft Metropolitan Local Government Review Panel Findings – Submission from the Shire of Kalamunda – December 2011.

#### BACKGROUND

2. An independent panel was established in June 2011 by the Minister for Local Government to review metropolitan local governments. The panel comprises:
  - Professor Alan Robson – Vice Chancellor of UWA - Chairman
  - Dr Peter Tannock former Vice Chancellor of Notre dame university
  - Dr Sue van Leeuwen CEO of Leadership WA.
3. The panel's purpose is to recommend appropriate boundaries and governance models for local governments in the Perth metropolitan area.
4. An issues paper was released by the panel on 31 October 2011 and called for submissions by the 23 December 2011.
5. As part of the Panel brief it is to make recommendations to the Minister of Local Government and the draft findings have been issued for public comment on 27 April 2012. Comment submissions are to be provided by 24 May 2012.

#### DETAILS

6. The terms of reference of the panel are
  1. Identify current and anticipated specific regional, social, environmental and economic issues affecting, or likely to affect, the growth of metropolitan Perth in the next 50 years.

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2. Identify current and anticipated national and international factors likely to impact in the next 50 years.
  3. Research improved local government structures, and governance models and structures for the Perth metropolitan area, drawing on national and international experience and examining key issues relating to community representation, engagement, and accountability and State imperatives among other things the panel may identify during the course of the review.
  4. Identify new local government boundaries and a resultant reduction in the overall number of local governments to better meet the needs of the community.
  5. Prepare options to establish the most effective local government structures and governance models that take into account matters identified through the review including, but not limited to, community engagement, patterns of demographic change, regional and State growth and international factors which are likely to impact.
  6. Present a limited list of achievable options together with a recommendation on the preferred option.
7. The Shire has developed a response submission to the Panel's findings shown as Attachment 1 to this report.

#### **STATUTORY AND LEGAL IMPLICATIONS**

8. Nil.

#### **POLICY IMPLICATIONS**

9. Nil.

#### **PUBLIC CONSULTATION/COMMUNICATION**

10. Nil.

#### **FINANCIAL IMPLICATIONS**

11. Nil.

#### **STRATEGIC AND SUSTAINABILITY IMPLICATIONS**

##### **Strategic Planning Implications**

12. *Shire of Kalamunda Strategic Plan 2009-2014*  
5.1 **Governance and planning** - Provide ethical governance and ensure appropriate levels of corporate planning for effective management .

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## Sustainability Implications

### Social implications

13. Local Government reform is likely to impact on the way services are delivered to the community.

### Economic Implications

14. The cost of Local Reform in other State's is well documented and very costly.

### Environmental Implications

15. Nil

## OFFICER COMMENT

16. The Shire submission agrees with some of the finds and disagrees with others.

### RESOLVED OCM 48/2012

That Council:

1. Endorses the Draft Metropolitan Local Government Review Panel Findings – Submission from the Shire of Kalamunda – May 2012 and request the submission be lodged on 24 May 2012.

Moved: **Cr Margaret Thomas**

Seconded: **Cr Justin Whitten**

Vote: For  
**Cr John Giardina**  
**Cr Geoff Stallard**  
**Cr Justin Whitten**  
**Cr Bob Emery**  
**Cr Dylan O'Connor**  
**Cr Sue Bilich**  
**Cr Margaret Thomas**  
**Cr Donald McKechnie**

Against  
**Cr Frank Lindsey**

**CARRIED (8/1)**

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

### **10.3.2 Rates – Refuse Fees Rebate 2012-2013 Budget**

Previous Items	
Responsible Officer	Director Corporate and Community Services
Service Area	Finance
File Reference	
Applicant	Shire of Kalamunda
Owner	Shire of Kalamunda
Attachment 1	Estimate of Rates Revenue – 7% Increase
Attachment 2	Estimate of Rates Revenue with Bins Charges Rolled into Rates
Attachment 3	Sample Properties with Rates Charge with Bin Charges rolled in

#### **PURPOSE**

1. To consider a review of the discounted refuse charge offered to eligible Pensioners by the Shire of Kalamunda and the level of discount, if any, to be implemented in the 2012/2013 Budget.

#### **BACKGROUND**

2. The Shire of Kalamunda has for many years allowed a discount on Refuse Collection charges to eligible Pensioners who live in the property they own.
3. A review undertaken, as part of the budget process, indicates the level of discount granted by the Shire of Kalamunda is one of the highest offered by the few Metropolitan local governments who currently provide a discount on the refuse service charge.

#### **DETAILS**

4. In the 2011/2012 Budget, the refuse charges were based on 17,500 standard services at \$340 and 3,273 Pensioner services at \$170 equating to \$556,410. Had no discount been offered the charge for each service would have been \$255. This equates to an extra \$85 being paid by each ordinary service in order to fund the subsidised pensioner service.
5. Based on the 2012/2013 draft budget the equivalent figures will be \$370.35 for a standard charge and \$185.18 for a 50% subsidy to eligible pensioners. This equates to an increase of \$30.35 or 8.9% in the standard charge in order to fund the pensioner discount.

6. Below is a table showing local governments in the metropolitan area that gave a discounted refuse service in 2011/2012 and the amount in the dollar value of the rebate.

Local Government	Discount Provided	No. of Eligible Pensioners	Value of Rebate
	Eligible Pensioners (blue Centrelink card)		
Shire of Kalamunda	50%	3,873	\$556,410
City of Canning	14%	6,566	\$288,904
City of Melville	\$40.00 if paid by 30 June	~ 5,000	\$200,000
Shire of Mundaring	25%	2,350	\$123,962
City of Subiaco	50%	671	\$96,237
City of Perth	50%	227	\$18,387

7. Currently eligible Pensioners may elect to either:
- Option 1 defer full payment of rates until either the property is sold or estate settlement.
- Option 2 apply for 50% rebate of rates and make a 50% payment before 30 June each year. Interest on deferment and the rebate is then paid to the Shire through the Office of State Revenue.

Whether electing either Option 1 or 2 Pensioners must still pay the refuse collection charge (discounted 50%) within the current rate period.

8. Combining the refuse collection charge with rates enables the entire amount to be available for deferment or subject to the rebate. The Shire currently has approximately 3,421 properties owned by eligible pensioners who would receive greater financial relief by the combination of the two charges. Based on the information in Point 5 of this Report then the refuse rebate would equate to \$633,500.
9. A combined rate and refuse collection charge would be based on property valuations. Currently, the cost of providing the domestic refuse collection service can be determined for each bin collected. The rate charged is the same for any additional bin services required.
10. Combining the rate and refuse charge could also have a positive impact on low-income ratepayers. The principle behind the combined rate and refuse collection charge if adopted would shift from a user pay system that does not differentiate anyone to a capacity to pay whereby the high GRV properties will carry an increased share of the rate burden and low GRV properties will have a reduced rate levied.

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**STATUTORY AND LEGAL IMPLICATIONS**

11. There are no statutory or legal implications to specifically dictate how the costs of the Refuse Service must be recovered. Although it is the norm to levy a separate charge for refuse services it is not compulsory and a number of local governments have chosen to include the charge within general rates.
12. The inclusion of the refuse charge in the general rates entrenches a 50% discount on the refuse component for eligible pensioners through the *Rates and Charges (Rebates and Deferments) Act 1992*. The pensioner discount on general rates is a State Government regulated and funded scheme.
13. The main argument in favour of a separate refuse charge is it is a clearly definable service and this practice ensures, subject to any Pensioner discount granted, different ratepayers pay the same amount for the same service.
14. The separate Refuse Charge is governed by the *Waste Avoidance and Resource Recovery Act 2007* which state "A local government may impose on rateable land within its district, and cause to be collected, an annual rate for the purpose of providing for the proper performance of all or any of the waste services it provides." It also state this power does not prevent local governments levying a service charge under the *Local Government Act 1995*, but in fact this Act does not list Waste Services as one of the permissible service charge items.

**POLICY IMPLICATIONS**

15. There is no formally adopted Council Policy on this matter.

**PUBLIC CONSULTATION/COMMUNICATION**

16. No public consultation has been undertaken.

**FINANCIAL IMPLICATIONS**

17. There are no financial implications for Council the issue is one of how to allocate the charge.
18. The Fees and Charges Schedule will be updated to reflect the change in the charge.

**STRATEGIC AND SUSTAINABILITY IMPLICATIONS****Strategic Planning Implications**

19. Nil.

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## **Sustainability Implications**

### Social Implications

20. The social implications of removing or reducing the eligible pensioner discount would be the even distribution of the cost of providing the services across all ratepayers.

### Economic Implications

21. That a shift to include rubbish in the rate will result in higher rate to commercial industrial and high valued residential properties.

### Environmental Implications

22. Nil.

## **OFFICER COMMENT**

23. It is appropriate Council be made aware of the levels of pensioner discounts for Refuse Services offered by other local government and be able to make a conscious and informed decision as to the level of discount the Shire of Kalamunda wishes to grant.
24. The Shire's refuse collection service currently charges ratepayers the same amount for the same service. This is compared to other local government services which are not easily attributable to residents for funding on a user pay basis.
25. By combining rates and the refuse collection charge properties would be charged differing amounts for what is the same service due to the reliance on the current model for generating rates which is based on property values.
26. Council in making this decision may receive a negative reaction from commercial and industrial land owners because of the redistribution of the rate burden to higher valued properties.

### RESOLVED OCM 49/2012

That Council

1. Agree to include the rubbish charges in the general rate.

Moved: **Cr John Giardina**

Seconded: **Cr Frank Lindsey**

Vote:

For

**Cr John Giardina**  
**Cr Frank Lindsey**  
**Cr Geoff Stallard**  
**Cr Bob Emery**  
**Cr Donald McKechnie**

Against

**Cr Justin Whitten**  
**Cr Dylan O'Connor**  
**Cr Sue Bilich**  
**Cr Margaret Thomas**

**CARRIED (5/4)**



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**11.0 MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN**

11.1 Nil.

**12.0 QUESTIONS BY MEMBERS WITHOUT NOTICE**

12.1 Waste Contract (Cr Lindsey)

Q. When will a report be prepared and presented to council on the Waste?

A. Council has recently resolved to extend the current contract for another year.

12.2 Monitoring Development (Cr Stallard)

Q. Does the Shire have the power and the capacity to monitor what happens with developments?

A. Taken on Notice.

Q. What actions if any are available to the Shire if development approvals are breached?

A. Taken on Notice.

12.3 Consultation on Development (Cr McKechnie)

Q. What influence can neighbours have during the public consultation period before a development is approved?

A. Taken on Notice

12.4 Public Open Space (Cr Whitten)

Q. When development applications are received does the Shire liaise with the Developer in relation to the provision of Public Open Space?

A. Taken on Notice.

12.5. Changing Shire Policy (Cr Bob Emery)

Q. Where a Shire policy is in conflict with State or Federal legislation what the process for updating the policy?

A. Taken on notice.

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**13.0 QUESTIONS BY MEMBERS OF WHICH DUE NOTICE HAS BEEN GIVEN**

13.1 Nil.

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

14.1 Nil.

**15.0 MEETING CLOSED TO THE PUBLIC**

15.2 Nil.

**16.0 CLOSURE**

There being no further business, the Chairman declared the meeting closed at 7.20pm.

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

Signed: \_\_\_\_\_  
Chairman

Dated this \_\_\_\_\_ day of \_\_\_\_\_ 2012