



MINUTES

ORDINARY COUNCIL MEETING

Tuesday
22nd November 2016

CONTENTS PAGE

1.0	OPENING & ANNOUNCEMENT OF VISITORS	1
2.0	ATTENDANCE RECORD.....	1
2.1	Present.....	1
2.2	Apologies	1
2.3	Leave Of Absence Previously Granted	1
3.0	PUBLIC QUESTION TIME	1
4.0	APPLICATIONS FOR LEAVE OF ABSENCE	2
5.0	MINUTES OF PREVIOUS MEETINGS.....	2
5.1	Ordinary Council Meeting – 25 th October 2016	2
6.0	NOTICES OF URGENT BUSINESS.....	2
7.0	MOTIONS OF WHICH NOTICE HAS BEEN RECEIVED.....	2
8.0	PETITIONS/DEPUTATIONS/PRESENTATIONS/ SUBMISSIONS.....	2
8.1	Mr WM Dinnie – Presentation of Badge to Cr GH Sanderson – Freeman of the Shire of Dalwallinu.....	2
9.0	MEMBERS REPORTS	2
9.1	Declarations of Interest	2
10.0	MATTERS FOR CONSIDERATION – WORKS	3
11.0	MATTERS FOR CONSIDERATION – COMMUNITY SERVICES.....	3
11.1	Kalannie Community Resource Centre - Dimensions of Women’s Wellness – Partnership/Funding request	3
12.0	MATTERS FOR CONSIDERATION – TOWN PLANNING	5
12.1	Amendment of Existing Planning Approval	5
12.2	Subdivision Application – SD 021617: Martin Road, Kulja	8
12.3	Lease Proposal- Pithara –Mobile & Emergency Services Facility	11
13.0	MATTERS FOR CONSIDERATION – HEALTH AND BUILDING.....	14
13.1	Building Approvals.....	14

14.0	MATTERS FOR CONSIDERATION – ECONOMIC DEVELOPMENT	16
15.0	MATTERS FOR CONSIDERATION – FINANCE	16
15.1	Accounts for Payment for October 2016	16
15.2	Monthly Financial Statements for October 2016	19
15.3	Outstanding Rates Debtors Report for October 2016.....	21
16.0	MATTERS FOR CONSIDERATION - ADMINISTRATION	24
17.0	URGENT BUSINESS BY DECISION OF THE MEETING	24
18.0	CONFIDENTIAL BUSINESS - AS PER LOCAL GOVERNMENT ACT 1995, SECTION 5.23(2).....	24
19.0	SCHEDULING OF MEETING	24
20.0	CLOSURE	24
21.0	CERTIFICATION	24

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SHIRE OF DALWALLINU

MINUTES of the Ordinary Meeting of Council held at the Council Chambers, Shire Administration Centre, Dalwallinu on Tuesday, 22nd November 2016.

1.0 OPENING & ANNOUNCEMENT OF VISITORS

The Chairperson (President) opened the meeting at 3.30pm; welcomed Ms Jean Sutherland and Mr Bill Dinnie and expressed words of appreciation to outgoing Chief Executive Officer, Mr Tony Doust for his contribution to the Shire of Dalwallinu during the past (12) months.

2.0 ATTENDANCE RECORD

2.1 Present

Shire President	Cr SC Carter
Deputy President	Cr KL Carter
	Cr RS Nixon
	Cr GH Sanderson JP
	Cr KM McNeill JP
	Cr AR Dickins
	Cr NW Mills
	Cr KJ Christian

IN ATTENDANCE

Chief Executive Officer	Mr AJR Doust
Deputy Chief Executive Officer	Mr KT Jones
Executive Support Officer	Mrs GC Matias

Guests	Mr WM Dinnie
(Chief Executive Officer as From 28/11/2016)	Ms JM Sutherland

2.2 Apologies

Cr IW Hyde

2.3 Leave Of Absence Previously Granted

Nil

3.0 PUBLIC QUESTION TIME

Nil

4.0 APPLICATIONS FOR LEAVE OF ABSENCE

Nil

5.0 MINUTES OF PREVIOUS MEETINGS

5.1 Ordinary Council Meeting – 25th October 2016

MOTION 8730

Moved Cr AR Dickins

Seconded Cr KL Carter

That the Minutes of the Ordinary Meeting of Council held 25th October 2016 be confirmed.

CARRIED 8/0

6.0 NOTICES OF URGENT BUSINESS

Nil

7.0 MOTIONS OF WHICH NOTICE HAS BEEN RECEIVED

Nil

8.0 PETITIONS/DEPUTATIONS/PRESENTATIONS/ SUBMISSIONS

8.1 Mr WM Dinnie – Presentation of Badge to Cr GH Sanderson – Freeman of the Shire of Dalwallinu

Former Councillor (President of Shire of Dalwallinu Council, 1985-1995), Mr WM Dinnie presented a badge to Cr GH Sanderson as Honorary Freeman of the Shire of Dalwallinu.

Response from Cr GH Sanderson who thanked Mr Dinnie for the badge he had produced as an extension of the recognition Cr GH Sanderson received at a special dinner in April 2014.

9.0 MEMBERS REPORTS

9.1 Declarations of Interest Nil

10.0 MATTERS FOR CONSIDERATION – WORKS

Nil

11.0 MATTERS FOR CONSIDERATION – COMMUNITY SERVICES

11.1 Kalannie Community Resource Centre - Dimensions of Women's Wellness – Partnership/Funding request

Applicant:	Kalannie Community Resource Centre
File No:	CU/1 Customer Service – Requests
Previous Meeting Reference:	Community Services & Economic Development Committee Meeting – 15 th November 2016
Attachments:	Nil
Author:	Mrs Tess Joynerslot
Disclosure of Interest:	Nil
Date of Report:	10 December 2016
Senior Officer:	Mr Tony Doust

Purpose of Report

To consider the request from the Kalannie Community Resource Centre for the Shire of Dalwallinu to endorse, partner and/or support the 'Dimensions of Women's Wellness' event to be held in March 2017.

Background

The Kalannie Community Resource Centre hosted the Dimensions of Women's Wellness event in March 2016 which attracted over 100 attendees and 15 presenters. The program will cover health and wellness areas of physical, occupational, spiritual, environmental, financial, social, intellectual and emotional wellbeing. This event allows participants to engage with keynote speakers, attend workshops, interact one on one with health professionals for more private, personal matters and to network with other isolated regional women.

Comment

The Shire of Dalwallinu supported the Kalannie Community Resource Centre, 'Dimensions of Women's Wellness' program in March 2016 by donating \$550.00 towards the venue hire and made a \$2000.00 cash donation.

Policy Requirements

Nil

Legislative Requirements

Nil

Strategic Implications

Strategic Community Plan 2013-2023 – Outcome 4.1

Sustainability Implications

Environment

There are no known environmental implications.

Economic

This program could bring visitors to the Shire thereby contributing to the local economy.

Social (Community Consultation)

This event is organised by the Kalannie Community Resource Centre.

Financial Implications

Account E041195 (Donations and Grants) has available balance of \$1085.00.

Voting Requirements

Simple Majority

Officer Recommendation

For Committee consideration and recommendation to Council.

Committee Recommendation/ Resolution

MOTION 8731

Moved Cr RS Nixon
Seconded Cr KM McNeill

That Council makes a donation of \$1,000 and the cost of hiring any Shire owned facilities to a maximum value of \$550.

CARRIED 8/0

12.0 MATTERS FOR CONSIDERATION – TOWN PLANNING

12.1 Amendment of Existing Planning Approval

Applicant: Daly International P/L *obo* Optus
File No: ED/4
Previous Meeting Reference: Full Council Meeting - 26 June 2012
Full Council Meeting - 27 May 2014
Full Council Meeting – 17 May 2016
Community Services & Economic Development Committee meeting – 15 November 2016
Attachments: Nil
Author: Mr Doug Burke
Disclosure of Interest: Nil
Date of Report: 11 November 2016
Senior Officer: Mr Tony Doust

Purpose of Report

For Council to consider a request from Daly International to amend the current development approval in regard to a telecommunications tower the proposed to be erected at Lot 2878 Pithara East Road.

Background

In 2012 NBN Co Ltd applied for planning consent to erect a Fixed Wireless Broadband Telecommunications Facility at Lot 2878 Pithara East Road, Kalannie.

On 26 June 2012 at the Full Council Meeting Council resolved as follows:

MOTION 7445

Moved Cr SC Carter
Seconded Cr IW Hyde

That Council approve the application from NBN Co Ltd to erect a Fixed Wireless Broadband Telecommunications Facility at Lot 2878 Pithara East Road, Kalannie.

CARRIED 8/0

Subsequent to that initial approval in 2012, application was made in 2014 to extend the time period for the development by a further two years. Another application was approved in May 2016 for the addition of five years to complete the project.

Comment

Correspondence has now been received from Daly International dated 18 April 2016 advising that NBN Co Ltd no longer have an interest in completing the project, and that Optus have an interest in taking on the project with desired modifications to the development approved in 2012. The new proposal is to erect a mobile phone base station on the location. The base station will physically differ from that originally proposed insofar as the type of telecommunications that it will support and the overall height of the tower (an effective decrease of approximately four metres).

Section 77 (1)(c) of the *Planning and Development Regulations 2015* allows a planning authority to consider a proposed amendment of an aspect of a development consent that is in force, if the proposed amendment will not substantially change the development.

Council has discretion as to the extension of time for planning approvals under cl.77 of Part 9 of the *Planning & Development (Local Planning Schemes) Regulations 2015*.

The local government may determine an application by —

- (a) approving the application without conditions; or
- (b) approving the application with conditions; or
- (c) refusing the application.

Policy Requirements

Compliance with the *Shire of Dalwallinu's Local Planning Scheme No.2*

Legislative Requirements

Nil

Strategic Implications

The strengthening of communication infrastructure is essential for future development in the region.

Sustainability Implications

Environment

Implications unknown

Economic

Improvement to the telecommunications system has a flow on effect to businesses and the local economy.

Social (Community Consultation)

Community consultation is not required.

Financial Implications

Unknown

Voting Requirements

Simple Majority

Officer/Committee Recommendation/ Resolution

MOTION 8732

Moved Cr AR Dickins
Seconded Cr KL Carter

That Council approve Daly International P/L's request to amend the current development approval to erect a Fixed Wireless Broadband Telecommunications Facility at Lot 2878 Pithara East Road, Kalannie. The amendment will acknowledge Optus as the recipient of the approval and will incorporate the modified plans (Drawing N^o P8104-P1 & P8104-P2) to the exclusion of all plans and drawings relating to this development submitted before November 2016.

CARRIED 8/0

12.2 Subdivision Application – SD 021617: Martin Road, Kulja

Applicant: Paul Kraft & Associates
File No: SD021617
Previous Meeting Reference: Community Services & Economic Development Committee Meeting – 15th November 2016
Attachments: Nil
Author: Mr Doug Burke

Disclosure of Interest: NTD
Date of Report: 11 November 2016
Senior Officer: Mr Tony Doust

Purpose of Report

The Western Australian Planning Commission has referred an application for the subdivision of the subject property to Council for comment (refer to attachment 5.4). Council has until the 30th November 2016 to provide the Western Australia Planning Commission with their response.

The recommendation is that the Western Australian Planning Commission be advised that the Shire of Dalwallinu has no objection to the proposed freehold subdivision; subject to any given conditions.

Background

Subject Property: Lot 4045 & 4046 Martin Road, Kulja
Land Use Zoning: Rural
Property Owner: Thomas Brian McCreery
Applicant: Paul Kraft & Associates *obo* TB McCreery
Consent Authority: Western Australia Planning Commission
Proposed Development: Boundary adjustment between two existing lots
Value of Development: N/A
Outside Consultation: Nil

The applicant, Paul Kraft & Associates on behalf of the owners have submitted a proposal to subdivide the existing land parcels to allow for a boundary realignment. The property is located between Warren Road to the north, and Martin Road to the east. The existing property is an established agricultural property entity currently supporting cereal crop.



Location of subject property (googlemap)

Comment

The proposal suggests the recreation of the two existing land parcels into a new configuration that utilises an existing fence line.

The creation of the new allotments will not attract headworks charges as the properties are not serviced by

Policy Requirements

There are no local planning policies currently in force.

Legislative Requirements

Planning and Development Act 2005

Shire of Dalwallinu Town Planning Scheme N^o 2

Comment: The Scheme allows for subdivision in the Rural land use zone located east of the Rabbit Proof Fence Road to create lots that are 200ha or greater in size and allow for continued rural land uses. The proposed lots to be created will be greater than 200ha respectively (Lot A = 1394ha & Lot B = 895.9ha) and will not impede the current use.

Strategic Implications

The *Dalwallinu Local Planning Strategy 2013* identifies that the Shire should:

“Ensure protection of agricultural resources by restricting subdivision of agricultural land.”

Comment: The number of land parcels created as a result of the subdivision will not be increased.

“Actively protect prime agricultural land. Subdivision may be considered for lots east of the Rabbit Proof Fence Road, subject to the resulting lots having an area of 200ha or greater, and allows for the continued rural use of the land.”

Comment: The proposed land parcels will each be greater in area than 200ha and will not preclude agricultural pursuits common to the locality.

Sustainability Implications

Environment

There are no known environmental implications.

Economic

There are no known economic implications.

Social (Community Consultation not indicated for this activity)

There are no known social implications.

Financial Implications

This determination has no financial implications.

Voting Requirements

Simple Majority

Officer/Committee Recommendation/ Resolution

MOTION 8733

Moved Cr RS Nixon
Seconded Cr GH Sanderson

That the Western Australian Planning Commission be advised that the Shire of Dalwallinu has no objection to the proposed subdivision of Lots 4045 & 4046 Martin Road, Kulja as per the plan of subdivision accompanying the Application No: 154355.

CARRIED 8/0

12.3 Lease Proposal- Pithara –Mobile & Emergency Services Facility

Applicant: Deighton P/L
File No: TP10
Previous Meeting Reference: Community Services & Economic Development Committee Meeting – 15th November 2016
Attachments: Nil
Author: Mr Doug Burke

Disclosure of Interest: Nil
Date of Report: 11 November 2016
Senior Officer: Mr Tony Doust

Purpose of Report

For Council to consider a request from Deighton P/L to lease a portion of the subject property to allow for proposed development.

It is recommended that Council agree to the proposal and undertake to give local public notice of intended disposition of land by way of lease arrangement.

Background

Subject Property: Lot 1 DP 13289 Pithara East Road, Pithara
Land Use Zoning: Rural
Property Owner: Shire of Dalwallinu
Applicant: Deighton P/L *obo* Aurecon *obo* Telstra Corporation Ltd
Consent Authority: Council of the Shire of Dalwallinu
Proposed Development: Emergency Services/ Mobile Telephone Communications Site
Value of Development: \$130K
Outside Consultation: Nil

Correspondence has been received from Deighton P/L advising that Telstra is working on a Commonwealth Government and State Government funded project to put emergency services and mobile communications in areas where current coverage is deficient and is proposing a site at the given location (refer to attachments). This program is known as the 'Black Spot Program' and Telstra has been contracted to undertake the construction of the site.

The proposal is to install at the site in Pithara a 60m guyed mast with an equipment room located at the base of the structure. Additionally, the lower area of the structure is to be reserved for the emergency services organisations for potential future requirements.

The site chosen for the development is located on Pithara East Road, Pithara. This property is owned by the Shire and is currently utilised by the Pithara Speedway Club for race day meetings.



Subject site Lot 1 DP13289 Pithara East Road, Pithara

Comment

Before Council can consider the proposed development as a planning issue requiring assessment and consideration under the *Planning and Development Act 2005*, a lease arrangement for that portion of land needs to be addressed.

The Heads of Agreement provided by Telstra Corporation (refer to attachment) advises as to their intent to lease the designated portion of the property from the Shire for a period of ten years by way of two by five year options for the nominated rental fee of \$2,500 plus GST per annum with a 2% uplift compounding.

Policy Requirements

Nil

Legislative Requirements

Local Government Act 1995

Comment: Part 3 Section 3.58 of the Act stipulates that a local government can only dispose of property by way of tender or auction. Disposal is defined as including the lease thereof. Property can be disposed of other than by way of the auction or tender process if the local government gives local public notice of the proposal and inviting submissions for a period of not less than fourteen days.

Strategic Implications

Nil

Sustainability Implications

Environment

Unknown

Economic

Unknown.

Social (Community Consultation)

Proposed public notice in compliance with Part 3 Section 3.58 of the *Local Government Act 1995*.

Financial Implications

Unknown

Voting Requirements

Simple Majority

Officer/Committee Recommendation/Resolution

MOTION 8734

Moved Cr NW Mills
Seconded Cr KL Carter

That Council direct the Chief Executive Officer to instigate the required process under Part 3 Section 3.58 of the *Local Government Act 1995* to allow for that portion of Lot 1 DP 13289, Pithara East Road to be leased to Telstra Corporation Ltd as per the cited Heads of Agreement.

CARRIED 8/0

13.0	MATTERS FOR CONSIDERATION – HEALTH AND BUILDING
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13.1 **Building Approvals**

Applicant: Shire of Dalwallinu
 File No: DB/1 Development & Building Controls
 Previous Meeting Reference: Community Services & Economic Development Committee meeting – 15 November 2016
 Attachments: Nil
 Author: Mr Doug Burke

Disclosure of Interest: Nil
 Date of Report: 9th November 2016
 Senior Officer: Mr Tony Doust

Purpose of Report

To receive and note the monthly report prepared to inform Council and the community regarding recent building/demolition approvals granted under the *Building Act 2011*.

Comment

A table of building approvals for the month of **October 2016** is provided below for Council's information.

Permit N°	Owner	Builder	Address	Type of work	Cost of Work
BP021617	Dalwallinu Golf Club	Goodthing United	Colin Anderson Dr Dalwallinu	Construction of Storage Shed	\$ 22,000

Running totals for the value of construction for the financial year to date are as follows:

Residential: \$ 979,195

Industrial/Commercial: \$ 22,000

Policy Requirements

Nil

Legislative Requirements

The Shire's Building Surveyor has delegated authority under s.95 of the *Building Act 2011* to approve building/demolition applications on behalf of Council.

Strategic Implications

Nil

Sustainability Implications

Environment

Nil

Economic

Unknown

Social (Community Consultation)

Nil

Financial Implications

Nil

Voting Requirements

Simple Majority

Officer/Committee Recommendation/Resolution

MOTION 8735

Moved Cr KM McNeill

Seconded Cr AR Dickins

That the report detailing building approvals for the month of October 2016 be received.

CARRIED 8/0

14.0 MATTERS FOR CONSIDERATION – ECONOMIC DEVELOPMENT
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Nil

15.0 MATTERS FOR CONSIDERATION – FINANCE

15.1 Accounts for Payment for October 2016

Applicant:	Shire of Dalwallinu
File No:	FM/6 - Expenditure Reports
Previous Meeting Reference:	Finance & Audit Committee meeting – 15 th November 2016
Attachments:	Nil
Author:	Mrs Hanna Jolly
Disclosure of Interest:	Nil
Date of Report:	8 November 2016
Senior Officer:	Mr Tony Doust

Purpose of Report

To consider the acceptance and approval of the Schedule of Accounts for Payment.

Background

A list of invoices paid for the month of October 2016 from the Municipal Account, to the sum of \$18,515.75 paid by cheque and \$483,987.76 paid by EFT are attached, together with a list of Bank Fees, Payroll, Direct Debit Payments and transfers to Reserve & Term Deposit. These payments total \$750,263.62. In addition, payments of \$123,158.40 were made from the Trust Account. The total payments from all accounts being \$873,422.02 have been listed for Council's ratification.

Comment

In accordance with the requirements of the Local Government Act 1995 a list of accounts paid, by approval of the Chief Executive Officer under the Council's delegated authority, is to be completed for each month showing:

- a) The payees names
- b) The amount of the payments
- c) Sufficient information to identify the payment
- d) The date of the payment

The attached list meets the requirements of the Financial Regulations.

In addition to the above statutory provisions, Financial Management Regulation Section 13(4) requires 'the total of other outstanding accounts be calculated and a statement be presented to Council at the next Council meeting'.

Policy Requirements

Nil

Legislative Requirements

Local Government (Financial Management) Regulations Act 1996, Regulation 12; and Regulations 13(3) (a) (b); 13(1); and 13(4).

Strategic Implications

Nil

Sustainability Implications

Environment

Nil

Economic

Nil

Social (Community Consultation)

Nil

Financial Implications

Account payments are in accordance with the adopted budget for 2016/17 or authorized by separate resolution.

Voting Requirements

Simple Majority

MOTION 8736

Moved Cr KL Carter
Seconded Cr RS Nixon

That in accordance with the requirements of section 13(1), 13(3) and 13(4) of the Local Government (Financial Management) Regulations 1996 a list of payments made in October 2016 under the CEO's delegated authority is endorsed in respect to the following Bank accounts:

(a) Municipal Fund Account totalling \$750,263.62 consisting of:

Cheque Numbers 34985 – 34995	\$18,515.75
Electronic Fund Transfers 5815 – 5932 <i>(ex Trust EFTs 5811-5814,5849-5850,5885-5886,5912)</i>	\$483,987.76
Electronic Fund Transfers Payroll	\$151,907.00
Bank Fees	\$4,419.85
Direct Debit Payments (Superannuation)	\$49,386.18
Loan 157	\$42,047.08

(b) Trust Account payments totalling \$123,158.40 consisting of:

Cheque Numbers 557 – 560	\$437.30
Electronic Funds Transfers 5811-14,5849-50,5885-86,59	\$4,686.60
Direct Debits - Payments to DPI	\$118,034.50

CARRIED 8/0

15.2 Monthly Financial Statements for October 2016

Applicant: Shire of Dalwallinu
File No: FM/6 - Expenditure Reports
Previous Meeting Reference: Finance & Audit Committee meeting – 15th November 2016
Attachments: Nil
Author: Mrs Hanna Jolly

Disclosure of Interest: Nil
Date of Report: 11 November 2016
Senior Officer: Mr Tony Doust

Purpose of Report

To receive the Financial Reports for the month ending 31 October 2016.

Background

There is a statutory requirement that Financial Reports be recorded in the Minutes of the meeting to which they are presented. The Financial Reports, as circulated, give an overview of the current financial position of the Shire and the status of capital income and expenditure.

Comment

Financial Reports as at last day of business of the previous month are appended, for the period ending 31 October 2016.

Attached for Council's consideration are:

- Statement of Financial Activity
- Variance Reports
- Investments Held
- Bank Reconciliations

As per Council resolution, all items that have a variance of more than \$5,000 have been noted on the variance reports.

Policy Requirements

Nil

Legislative Requirements

Local Government Act 1995 s1.3 (2) (c)

Local Government (Financial Management) Regulations 1996, s34 (1)

Local Government (Financial Management) Regulations 1996, s19 (1) (2)

Local Government (Financial Management) Regulations 1996, s34 (2)

Strategic Implications

Nil

Sustainability Implications

Environment

Nil

Economic

Nil

Social (Community Consultation)

Nil

Financial Implications

Nil

Voting Requirements

Simple Majority

Officer/Committee Recommendation/Resolution

MOTION 8737

Moved Cr KL Carter
Seconded Cr AR Dickins

That the Financial Reports as submitted for the month ending 31 October 2016 be accepted.

CARRIED 8/0

15.3 Outstanding Rates Debtors Report for October 2016

Applicant: Shire of Dalwallinu
File No: FM/6 - Expenditure Reports
Previous Meeting Reference: Finance & Audit Committee meeting – 15th November 2016
Attachments: Nil
Author: Miss Christie Andrews

Disclosure of Interest: Nil
Date of Report: 9 November 2016
Senior Officer: Mr Tony Doust

Purpose of Report

To receive the Outstanding Rates Debtors Reports as at 31 October 2016.

Background

Council's Policy Clause 3.6(vi) requires a report to be submitted at each Ordinary Council meeting detailing the current outstanding rates and the progress made towards their collection.

Reports on Rates Debtors contain totals for Rates, Rubbish, Sewerage and Emergency Services Levy (ESL). The ESL is a State Government charge for provision of emergency services which, due to legislation, the Shire is required to collect and forward on to the Fire & Emergency Services Authority (FESA).

Comment

Report on Outstanding Rates Debtors as at 31 October 2016 appends.

The 2016/17 Rates were raised and issued on 12 August 2016.

Important dates are as follows:

Rates due date	16 September 2016
Instalment option selection date	16 September 2016
Final Notices issued	30 September 2016
Second instalment due	18 November 2016
Third instalment due	20 January 2017
Fourth instalment due	17 March 2017

Breakdown of unpaid rates debtors as at 31 October 2016

Rates	507,976.16
Rubbish	27,416.58
Sewerage	45,289.88
ESL	14,175.85
Deferred Pensioner Rates	12,967.26
Paid in Advance	-3,019.20
Total Outstanding	604,806.53

As we achieved an unpaid rates percentage of 2.35% as at 30 June 2016, we aim to have a similar percentage as at the 30 June 2017, notwithstanding that 3% outstanding is an acceptable industry average. We will strive to better this figure and at the close of the 2016/17 financial year aim to have an unpaid rates percentage no higher than 1.5%.

Policy Requirements

Nil

Legislative Requirements

Nil

Strategic Implications

Nil

Sustainability Implications

Environment

There are no known environmental implications.

Economic

There are no known economic implications.

Social (Community Consultation)

There has been no community consultation.

Financial Implications

As at 31 October 2016 rates outstanding were \$604,806.53 in respect to collectable rates of which \$69,472.57 has been carried forward from 2015/16 or prior rating years, with 2016/17 rates raised being \$3,680,823.00.

Ratio =	<u>Total Outstanding</u> Collectable
=	<u>604,806.53</u> 3,750,295.57
=	16.13%
Ratio =	<u>Total Overdue</u> Collectable
=	<u>198,724.18</u> 3,750,295.57
=	5.30%

The total rates overdue figure is the figure that we are currently trying to recover.

Voting Requirements

Simple Majority

Officer/Committee Recommendation/Resolution

MOTION 8738

Moved Cr KL Carter
Seconded Cr RS Nixon

That the Outstanding Rates Debtors Reports as at 31 October 2016 for ratepayers with unpaid balances be accepted.

CARRIED 8/0

16.0 MATTERS FOR CONSIDERATION - ADMINISTRATION

Nil

17.0 URGENT BUSINESS BY DECISION OF THE MEETING

Nil

18.0 CONFIDENTIAL BUSINESS - As per Local Government Act 1995, Section 5.23(2)

Nil

19.0 SCHEDULING OF MEETING

MOTION 8739

Moved Cr KM McNeill
Seconded Cr RS Nixon

That an Ordinary Meeting of Council be held on 20th December 2016 at Council Chambers, Dalwallinu commencing at 3.30pm.

CARRIED 8/0

20.0 CLOSURE

There being no further business, the Chairperson closed the meeting at 3.48pm.

21.0 CERTIFICATION

I, **Steven Clifford CARTER**, certify that the Minutes of the meeting held on 22nd November 2016, as shown on page numbers 1 to 24 were confirmed as a true record at the meeting held on the 20th December 2016.

CHAIRPERSON

DATE