



# **MINUTES**

## **ORDINARY COUNCIL MEETING**

**TUESDAY 25 JULY 2017**

**(Held at the Shire of Waroona Council Chambers)**

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**1. DECLARATION OF OPENING/ANNOUNCEMENTS**

The Shire President declared the meeting open at 4.00 pm and welcomed Councillors and Staff present.

**2. RECORD OF ATTENDANCE/APOLOGIES/LEAVE OF ABSENCE PREVIOUSLY APPROVED**

Cr Noel Dew	Shire President
Cr Larry Scott	Deputy Shire President
Cr Christine Germain	Councillor
Cr John Salerian	Councillor
Cr Craig Wright	Councillor
Cr Laurie Snell	Councillor
Mr Ian Curley	Chief Executive Officer
Mr Laurie Tilbrook	Deputy CEO/ Director Corporate Services
Mr Patrick Steinbacher	Director Technical Services
Mr Louis Fouche	Director Development Services
Mr Leonard Long	Manager Development Services
Mrs Sue Cicolari	Executive Support Officer

**APOLOGIES**

Cr John Mason Councillor

There were no members of the public present at the commencement of the meeting.

**LEAVE OF ABSENCE PREVIOUSLY APPROVED**

Cr Trish Witney Councillor

**3. RESPONSE TO PREVIOUS QUESTIONS TAKEN ON NOTICE**

Nil

**4.1 PUBLIC QUESTION TIME**

Nil

**4.2 PUBLIC STATEMENTS**

Nil

**5. APPLICATIONS FOR LEAVE OF ABSENCE****COUNCIL RESOLUTION**

**OCM17/07/062**

**MOVED: CR SALERIAN**

**SECONDED: CR SNELL**

**That Leave of Absence be granted to Cr Scott and Cr Wright for Special Council meeting of 8<sup>th</sup> August 2017.**

**CARRIED 6/0**

**6. DISCLOSURES OF MEMBERS' & OFFICERS' INTERESTS**

Nil



**7. PETITIONS/DEPUTATIONS/PRESENTATIONS**

Nil

**8. CONFIRMATION OF MINUTES**

**8.1 ORDINARY COUNCIL MEETING – 27 JUNE 2017**

**COUNCIL RESOLUTION**

**OCM17/07/063**

**MOVED: CR WRIGHT**

**SECONDED: CR SNELL**

**That the Minutes of the Ordinary Council Meeting held 27 June 2017 be confirmed as being a true and correct record of proceedings.**

**CARRIED 6/0**

**9.0 REPORTS OF OFFICERS AND COMMITTEES**

**9.1 DIRECTOR TECHNICAL SERVICES**

Nil

## 9.2 DIRECTOR DEVELOPMENT SERVICES

<b>9.2.1 ADOPTION OF AMENDMENT 37 TO LOCAL PLANNING SCHEME NO. 7</b>	
Reporting Officer / Officer's Interest:	Chris Dunlop – Senior Town Planner; No Interest
Responsible Officer / Officer's Interest	Leonard Long – Manager Development Services; No Interest
Proponent:	Shire of Waroona
Landowner:	Not Applicable
Date of Report: 4/7/2017	File No.: TPS7A37
Previous Reference:	OCM17/03/024 of 28 March 2017
Policy Implications:	Development Control Policy 1.2 Development Control – General Principles (DCP 1.2)
Statutory Implications:	Planning and Development Act 2005 Environmental Protection Act 1986 Planning and Development (Local Planning Schemes) Regulations 2015 Shire of Waroona Local Planning Scheme No. 7 1996
Strategic Implications:	Nil
Financial Implications:	See heading below
<b>LINKED TO STRATEGIC OBJECTIVE NUMBER (<i>Strategic Community Plan-SCP</i>): E, No. 3</b> <b><i>“Responsible Land Use Planning and Protecting Rural Land”</i></b>	

### **PROPOSAL SUMMARY**

Council is requested to consider the adoption of amendment 37 to the Shire's Local Planning Scheme No. 7. Amendment 37 proposes the inclusion of additional provisions in Schedule A, with the intention of exempting Single Houses and associated structures from requiring planning consent where a Single House is a “P” use in the zone, except within the Rural Residential zone.

A copy of the amending documentation is at **APPENDIX 9.2.1A**. The proposed amendment is considered to be a standard amendment for the purposes of the *Planning and Development (Local Planning Schemes) Regulations 2015*.

### **BACKGROUND/INITIAL COMMENTS**

The gazettal of the *Planning and Development (Local Planning Schemes) Regulations 2015* introduced deemed provisions for all local planning schemes. These deemed provisions include exemptions from planning consent for certain forms of development, including a Single House and associated development where the Residential Design Codes (R Codes) are applicable to the lot and the deemed to comply provisions of the R Codes are met.

The gazettal of Amendment 32 to the Scheme on 17 January 2017 (OCM15/06/060) brought the Scheme in line with the Regulations. As part of Amendment 32 clauses relating to exemptions from planning consent were altered and relocated to Schedule A of the Scheme in order to comply with the Regulations. As a result of these changes the previous exemption for Single Houses, clause 6.1.2 is no longer applicable. This has resulted in a situation where only proposals subject of the R Codes have the ability to be exempt from planning consent, meaning that all lots not subject to the R Codes i.e. Rural zoned lots now require planning consent for the construction of a Single House and/or associated structures such as patios, sheds and swimming pools.



At its meeting of 28 March 2017 Council resolved to initiate the amendment for advertising purposes. Since that time advertising has been undertaken in accordance with the Planning and Development (*Local Planning Schemes*) Regulations 2015. No submissions were received during the advertising period.

### **PLANNING – STRATEGIC IMPLICATIONS**

Nil.

### **REFERRALS**

Discussions with the Department of Planning have confirmed that the amendment is considered a standard amendment and that there is no objection to the proposal at officer level.

### **STRATEGIC COMMUNITY PLAN ISSUES/IMPLICATIONS**

The relevant Strategic Community Plan issue area is number 3 “Responsible Land Use Planning and Protecting Rural Land”.

### **FINANCIAL ISSUES/IMPLICATIONS**

Cost of advertising (included in operational budget).

Cost and time implications to the community for the submission of applications for planning consent for developments that were previously exempt from approval.

### **POLICY ISSUES/IMPLICATIONS**

#### **Development Control Policy 1.2 Development Control – General Principles (DCP 1.2)**

This policy provides for exemption from planning consent for inter alia the following development:

*‘c) on land zoned by the scheme, the erection of a single dwelling house on a lot or the carrying out of works in, on, over, or under a street or road by a public authority pursuant to the provisions of any Act, provided the land is not the subject of a notice under clause 32 of the MRS and not included in a planning control area; and’*

### **STATUTORY ISSUES/ENVIRONMENT/IMPLICATIONS**

#### **Planning and Development Act 2005**

Section 75 of the Act states that a local government may amend a local planning scheme with reference to any land within its district, or with reference to land within its district and other land within any adjacent district, by an amendment —

- (a) Prepared by the local government, approved by the Minister and published in the *Gazette*; or
- (b) Proposed by all or any of the owners of any land in the scheme area, adopted, with or without modifications, by the local government, approved by the Minister and published in the *Gazette*.

Section 81 of the Act states that when a local government resolves to prepare or adopt a local planning scheme, or an amendment to a local planning scheme, the local government is to refer the proposed local planning scheme or amendment to the EPA.

Section 84 of the Act states that after compliance with sections 81 and 82, a local planning scheme prepared or adopted, or an amendment to a local planning scheme prepared or adopted, by a local government, is to be advertised for public inspection in accordance with the regulations.

#### Environmental Protection Act 1986

Section 48A of the Environmental Protection Act 1986 sets out the process for the EPA to determine whether a scheme is required to be assessed by the EPA where that scheme is referred under the relevant scheme act.

#### Planning and Development (Local Planning Schemes) Regulations 2015

The Regulations are made under the Planning and Development Act. Part 5 of the Regulations sets out the process for amending a scheme. In accordance with the definitions provided by Part 5 of the Regulations the proposal constitutes a 'standard amendment'.

Regulation 35 sets out the process for the adoption of a scheme amendment.

Regulation 47 provides the process for the advertisement of a standard amendment.

Clause 61 of Schedule 2 to the Regulations outlines development for which approval is not required under the scheme.

#### Shire of Waroona Local Planning Scheme No.7 1996

Schedule A of the Scheme sets out supplementary provisions to Clause 61 of the deemed provisions, providing additional exemptions from planning consent for certain forms of development.

### **LEGAL ISSUES/IMPLICATIONS**

See statutory issues.

### **COMMUNITY CONSULTATION**

Consultation has been undertaken in accordance with Regulation 47 of the Planning and Development (*Local Planning Schemes*) Regulations 2015. No submissions were received during the consultation period.

### **OFFICER'S FINAL COMMENTS / CONCLUSIONS**

Amendment 32 reformatted the Scheme to be consistent with the Planning and Development (Local Planning Schemes) Regulations 2015, which included the deletion of Clause 6.1.2 that previously provided exemptions from the requirement for planning consent and moved those provisions to Schedule A.

The inclusion of the proposed provisions into Schedule A of the Scheme is consistent with the Model Scheme Text and is considered to be an integral action to the proper



and orderly planning of the Shire. The current requirement for planning consent for compliant Single Houses on all lots is an unnecessary and onerous requirement that does not necessarily contribute to the objectives of the Shire in relation to preservation of amenity, protection of vegetation, fire safety or environmental value.

It is therefore recommended that Amendment 37 be adopted.

<b>Appendices Attached:</b>	<b>Yes</b>	<b>Appendices Numbers:</b>	<b>9.2.1</b>
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### **VOTING REQUIREMENTS**

Absolute Majority

#### **COUNCIL RESOLUTION**

**OCM17/07/064**

**MOVED: CR SNELL**

**SECONDED: CR SALERIAN**

1. That in relation to proposed Amendment 37 to the Shire of Waroona Local Planning Scheme No. 7 to include additional provisions in Schedule A – Supplementary provisions to the deemed provisions and pursuant to Regulation 35 of the *Planning and Development (Local Planning Schemes) Regulations 2015*, Council resolves to;
  - A. Adopt Amendment 37 to the Shire of Waroona Local Planning Scheme No. 7 1996 in accordance with APPENDIX 9.2.1A as a standard amendment.
  - B. Authorise the Shire President and Chief Executive Officer to execute the Amendment documents.
  - C. Forward the Amendment documents to the Western Australian Planning Commission.

**CARRIED BY ABSOLUTE MAJORITY 6/0**





**9.3 DEPUTY CEO/DIRECTOR CORPORATE SERVICES**

<b>9.3.1 ACCOUNTS FOR PAYMENT</b>	
Reporting Officer / Officer's Interest:	Kathy Simpson, Finance Officer / Nil
Responsible Officer / Officer's Interest	Ashleigh Nuttall – Manager Financial Services / Nil
Proponent:	N/A
Landowner:	N/A
Date of Report: 17/07/17	File No.: 1/3
Previous Reference:	N/A
Policy Implications:	N/A
Statutory Implications:	N/A
Strategic Implications:	N/A
Financial Implications:	N/A
<b>LINKED TO STRATEGIC OBJECTIVE NUMBER (Strategic Community Plan-SCP): No. 6 "Active Civic Leadership, Good Governance, &amp; Excellence in Management"</b>	
<b>Voting Requirements</b>	<b>Simple Majority</b>

<b>Appendices Attached:</b>	<b>Yes</b>	<b>Appendices Numbers:</b>	<b>9.3.1</b>
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**COUNCIL RESOLUTION****OCM17/07/065****MOVED: CR GERMAIN****SECONDED: CR SCOTT****That Vouchers numbered:**

<b><u>ACCOUNT</u></b>	<b><u>CHEQUE NOS.</u></b>	<b><u>TOTAL \$</u></b>
<b>Municipal</b>	<b>Cheques 8617 - 8652</b>	<b>\$44,857.18</b>
<b>Trust (Cheque/EFTs)</b>	<b>EFT N/A Chq: 11126-11128</b>	<b>\$895.70</b>
<b>Electronic Transfers Municipal Fund</b>	<b>EFT 25181 to 25491</b>	<b>\$996,521.14</b>
<b>Direct Wages</b>	<b>01/6/17 – 30/6/17 inclusive</b>	<b>\$169,568.80</b>
<b>Direct Debits</b>	<b>01/6/17 – 30/6/17</b>	<b>\$1,884.43</b>
<b>GRAND TOTAL:</b>		<b><u>\$1,213,727.25</u></b>

**and attached at Appendix 9.3.1 be endorsed.****CARRIED 6/0**

<b>9.3.2 MONTHLY STATEMENT OF FINANCIAL ACTIVITY FOR THE PERIOD 1 JULY 2016 TO 30 JUNE 2017</b>	
Reporting Officer / Officer's Interest:	Ashleigh Nuttall – Manager Financial Services / Nil
Responsible Officer / Officer's Interest	Ashleigh Nuttall – Manager Financial Services / Nil
Proponent:	N/A
Landowner:	N/A
Date of Report: 19/7/17	File No.: 1/1
Previous Reference:	N/A
Policy Implications:	N/A
Statutory Implications:	N/A
Strategic Implications:	N/A
Financial Implications:	N/A
<b>LINKED TO STRATEGIC OBJECTIVE NUMBER (<i>Strategic Community Plan-SCP</i>): No. 6 “Active Civic Leadership, Good Governance, &amp; Excellence in Management”</b>	
<b>Voting Requirements</b>	<b>Simple Majority</b>

<b>Appendices Attached:</b> Yes	<b>Appendices Numbers:</b> 9.3.2
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<p><b><u>COUNCIL RESOLUTION</u></b>  <b>OCM17/07/066</b>  <b>MOVED: CR SCOTT</b>  <b>SECONDED: CR SNELL</b></p> <p><b>That the Monthly Statements of Financial Activity for the period 1 July 2016 to 30 June 2017 be received and noted.</b></p> <p style="text-align: right;"><b>CARRIED 6/0</b></p>
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<b>9.3.3 WORKFORCE PLAN – REVISED VERSION (As at 30 June 2017)</b>	
Reporting Officer / Officer's Interest:	John Crothers, Co-Ordinator Corporate Planning; No Interest
Responsible Officer / Officer's Interest	Laurie Tilbrook, DCEO; No Interest
Proponent:	Not Applicable
Landowner:	Not Applicable
Date of Report: 18 July 2017	File No.: 11/1
Previous Reference:	20 July 2016
Policy Implications:	See detailed note
Statutory Implications:	See detailed note
Strategic Implications:	See detailed note
Financial Implications:	See detailed note
<b>LINKED TO STRATEGIC OBJECTIVE NUMBER (Strategic Community Plan-SCP): No. 5</b> "Responsible Stewardship of Assets, <b>Effective Resources Supervision</b> , and pursuit of Best Practice Financial Management and Sustainability".	

### **PROPOSAL SUMMARY**

Council is requested to endorse and adopt the latest version of the revised "Shire of Waroona Workforce Plan", which forms part of the Integrated Planning and Reporting Framework.

### **BACKGROUND/INITIAL COMMENTS**

The original Workforce Plan (WFP) was adopted in November 2012, and revised versions have been adopted in June or July each subsequent year.

As a result of changes to the organisational structure in 2014/15, the re-allocation of various duties, and subsequent out-sourcing of the certain services (Health Inspections, Building Inspections, Ranger services, and Emergency Response services) there has been changes to the Workforce, with consequent implications to the preparation and updates to the 5 year Corporate Business Plan, and also to the, longer, 10 year Long Term Financial Plan.

### **PLANNING – STRATEGIC IMPLICATIONS**

None Applicable

### **REFERRALS**

None Applicable

### **STRATEGIC COMMUNITY PLAN ISSUES/IMPLICATIONS**

The relevant Strategic Community Plan issue area is number 5 "Responsible Stewardship of Assets, **Effective Resources Supervision**, and pursuit of Best Practice Financial Management and Sustainability".

### **FINANCIAL ISSUES/IMPLICATIONS**

Some significant changes were made to the Internal Organisational structure occurred in the 2014/15 financial year, which also involved the re-allocation of various duties. Subsequently there was out-sourcing of the Health Inspection service, the Building Inspection service, and the Ranger services.



**POLICY ISSUES/IMPLICATIONS**

There are no Policy implications associated with the adoption of this latest version of the Workforce Plan.

**STATUTORY ISSUES/ENVIRONMENT/IMPLICATIONS**

The workforce plan forms part of the Council's Integrated Planning and Reporting Framework as an "informing strategy", and should be reviewed each year.

**LEGAL ISSUES/IMPLICATIONS**

There are no Legal implications associated with the adoption of this latest version of the Workforce Plan.

**COMMUNITY CONSULTATION**

No direct community consultation was carried out when compiling this Workforce Plan.

The WFP document is reflective of our attempts to achieve positive outcomes for each of the 6 themes/areas of emphasis outlined in the Strategic Community Plan.

**OFFICER'S FINAL COMMENTS/CONCLUSIONS**

The reviewed and revised plan contains a number of amendments to some text and statistical information. It should be noted that the attached Workforce Plan includes figures as at 30 June 2017.

The amendments to the Workforce Plan have now been updated to the latest Corporate Business Plan and Long Term Financial Plan.

<b>Appendices Attached:</b>	<b>Yes</b>	<b>Appendices Numbers: 9.3.3</b>
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**VOTING REQUIREMENTS**

Absolute Majority

**COUNCIL RESOLUTION**

**OCM17/07/067**

**MOVED: CR SNELL**

**SECONDED: CR GERMAIN**

**That the reviewed and revised Workforce Plan for Shire of Waroona as at 30 June 2017 as attached at APPENDIX 9.3.3 be adopted.**

**CARRIED BY ABSOLUTE MAJORITY 6/0**



<b>9.3.4 RATES – CONCESSIONS ON COMMERCIAL AND FARMING PROPERTIES OCCUPIED BY PENSIONERS/SENIORS</b>	
Reporting Officer / Officer's Interest:	Kirsty Ferraro, Senior Rates Officer; Nil Interest
Responsible Officer / Officer's Interest	Laurie Tilbrook – Deputy CEO/Director Corporate Services / Nil
Proponent:	N/A
Landowner:	N/A
Date of Report: 30.06.2017	File No.: 111/1
Previous Reference:	OCM 09/215 – Dec 2009
Policy Implications:	<i>See heading below.</i>
Statutory Implications:	Rates and Charges (Rebates and Deferments) Act 1992
Strategic Implications:	<i>See heading below</i>
Financial Implications:	<i>See heading below</i>
<b>LINKED TO STRATEGIC OBJECTIVE NUMBER (Strategic Community Plan-SCP):</b>	
<i>No 6 Good Government: Active &amp; Responsible Civic Leadership, &amp; Excellence in Management</i>	

### **PROPOSAL SUMMARY**

To replace policy 3.24 to set the method of calculation for pensioner/senior rebates on properties where there is a curtilage, or dual commercial use calculation as determined by the Office of State Revenue Procedural Manual.

### **BACKGROUND / INITIAL COMMENTS**

Since the *Rates and Charges (Rebates and Deferments) Act* was proclaimed in 1992, a number of queries have been raised with the Office of State Revenue regarding the entitlement of applicants who reside on property used for commercial purposes, including properties used for farming.

In particular:

- How to apportion concessions for pensioners and seniors seeking rebates on commercial or farming properties; and
- The inconsistencies that have arisen over past years in the treatment of rebates to pensioners residing on property used for commercial purposes.

Generally, the concessional arrangements are targeted at pensioner owned and occupied residential property.

It follows that all commercial properties, including farms, do not qualify for the Act's concessional arrangements unless circumstances dictate otherwise.

Commercial property is generally excluded from the concessional arrangements because;

- Rate charges are tax deductible for commercial operations;
- The rating value reflects the non-residential use of the property;
- In respect to farm properties, the annual and volumetric charge, in the case of water, is levied at a discount to that which would apply to residential land; and

- The owner/occupier of a commercial/farm property may receive a double benefit if a pensioner rates concession is made available in addition to the above.

Notwithstanding the general exclusion of commercial property from the concessional arrangements, section 28(2) of the act provides that:

*“Where although the land is used as the ordinary place of residence of the applicant or registered person and it is not the sole use of that land, the administrative authority may apportion the prescribed charge, and any rebate allowable according to:*

- a. the extent to which the land is so used as a place of residence; and*
- b. any other use,*

*on a basis proportionate to the respective uses”.*

This provision enables an administrative authority to allow a concession, in an equitable way, to that part of the rates account relating to the residential use of a commercial property, if the circumstances so warrant.

To arrive at an equitable solution to this problem, it is necessary to examine in detail the various concession options available.

In this respect, the following five options have been identified by the Office of State Revenue to provide either:

1. No concession;
2. A proportionate rebate, based on the area used for residential purposes against that used for commercial or farm (income generating) purposes.
3. A proportionate rebate, by applying an arbitrary curtilage of 2ha in respect to the residential component of the rated property.
4. A minimum rate or valuation based rate, for example, in the case of hobby farms or where the residence is situated on a distinct identifiable parcel of land that has no commercial use, irrespective of the property size; or
5. A concession based on the total rates levied against the property, notwithstanding that all or part of the property may have some commercial/farm use.

An example of each option is provided below:

### **Option 1 – No concession**

This is self-explanatory.

### Option 2 – Proportionate based on usage

Case example: A pensioner couple occupy a house that is situated on a farm. The farm is worked by their son who resides on a neighbouring property. The house has been constructed on a 5ha block, which has no facilities used for farming operations, that is, no shearing or equipment storage sheds. A single rate notice is issued for the total property including that area occupied by the pensioner couple.

Total rateable area:	1,000ha
House Block:	5ha
Rates:	\$2,000
Rates proportioned in accordance with Section 28(2).	
By area:	$5/1,000 \times \$2,000 = \$10.00$
Rebate:	$\$10 \times 50\% = \$5.00$

### Option 3 – Arbitrary curtilage of 2 hectares

Case example: A pensioner couple occupy a house that is situated on a farm. The farm is worked by their son who resides on a neighbouring property. The house occupied by the pensioner couple is located amidst the various farm sheds (it may be the original farm house) and cannot be separately distinguished from the rest of the property. A single rate notice is issued for the total property including that area occupied by the pensioner couple. As the residential area is non-specific and cannot be clearly identified, a curtilage of 2ha is applied.

Total rateable area:	1,000ha
Curtilage:	2ha
Rates:	\$2,000
Rates proportioned in accordance with section 28(2)	
By curtilage:	$2/1,000 \times \$2,000 = \$4.00$
Rebate:	$\$4 \times 50\% = \$2.00$

### Option 4 – A minimum rate or valuation based rate – hobby farms

A pensioner resides on a clearly identifiable parcel of land (that is, a titled location) with no commercial buildings or operations. The property is identified as a being a hobby farm.

Rates on property:	\$1,920.00
Minimum rate on property:	\$1,010.00
Rebate on minimum rate (50%):	\$ 505.00
Total rates paid by ratepayer:	\$1,415.00

### Option 5 – A concession based on the total rates levied

*Note: This option is considered inappropriate by the Office of State Revenue because it does not produce an equitable outcome.*

If an eligible person has leased the entitlement to the property (that is, leased the farm land but remains resident on the property) a rebate may be allowed in accordance with options 1 to 4. However, if the eligible person has assigned the liability for payment of all rates to the lessee, no concessions would be available.

Given the potential outcomes of the above options, the eligible person may elect not to register an interest in the property as the benefit may be only very marginal.



Furthermore, should the registered owner/pensioner share ownership of the property with a non-pensioner, the rebate allowed is to be calculated on a basis proportional to the respective interests of each.

In 2009, the Shire of Waroona created a policy to determine that the calculation of pensioner/senior rebates for income producing farming properties would be calculated using Option 4 – a minimum rate or valuation based rate for all farming properties within the shire claiming a concession.

However, the Office of State Revenue have notified us that this method is only suitable for properties with a distinct identifiable parcel of land that has no commercial use (hobby farms). Therefore, we have no further option than to reassess policy 3.24 and therefore reassess our method of calculation.

Local Governments are not obliged under the Act to provide a concession to persons residing on a property used to generate income. However, should the circumstances justify the provision of a concession, then section 28(2) is the means by which the authority may provide assistance. The Office of State Revenue's only concern in cases where a concession is being considered is that the Local Government adopts a consistent approach to ensure pensioners and seniors in similar circumstances in the municipality are treated the same.

#### **PLANNING – STRATEGIC IMPLICATIONS**

Nil.

#### **REFERRALS**

Nil

#### **STRATEGIC COMMUNITY PLAN ISSUES/IMPLICATIONS**

The relevant Strategic Community Plan issue area is number 6.

#### **FINANCIAL ISSUES/IMPLICATIONS**

There are no financial implications to the Shire of Waroona in relation to the administration of the pensioner/senior rebate. Any rebate offered and granted is refunded in full by the Office of State Revenue.

#### **POLICY ISSUES/IMPLICATIONS**

The Council is required to review its policies on an annual basis (usually October each year). This item has been brought forward as a Council decision is required prior to rates adoption.

#### **STATUTORY ISSUES/ENVIRONMENT/IMPLICATIONS**

Section 28(2) of the Rates and Charges (Rebates and Deferments) Act 1992 provides that:

*“Where although the land is used as the ordinary place of residence of the applicant or registered person and it is not the sole use of that land, the administrative authority may apportion the prescribed charge, and any rebate allowable according to:*





- a. *the extent to which the land is so used as a place of residence; and*  
 b. *any other use,*

*on a basis proportionate to the respective uses”.*

### **LEGAL ISSUES/IMPLICATIONS**

Nil.

### **COMMUNITY CONSULTATION**

Ratepayers applying for a pensioner/senior rebate for any property over 5 acres will be provided with a “Pensioner Review Form” specifically designed to determine which method of calculation will be required to calculate the rebate on their property.

### **OFFICER'S FINAL COMMENTS/CONCLUSIONS**

In order to comply with the procedural guidelines of the Office of State Revenue, it is necessary to reassess our method for calculating the rebate for pensioners/seniors who are residing on commercial or income producing farming properties.

The method of calculating the curtilage rebate on farming properties is clear from the advice offered by the Office of State Revenue whereby the use of option 2 and 3 is the most fair and equitable method of calculating the rebate for revenue producing farming properties and option 4 for nonrevenue producing hobby farms.

However, the determination of whether a property is revenue producing is difficult to determine without the contribution of the ratepayer.

The Office of State Revenue direct that a pensioner/senior review is conducted every three years with the Shire of Waroona conducting and completing their most recent review in June 2017. It is suggested that any ratepayer who applies for a rebate and resides on a property with an area over 5 acres be included in a separate review process which coincides with the 3 yearly pensioner review to make a declaration as to whether their property is incoming producing. Therefore, should the claim be questioned by the Office of State Revenue, the Shire of Waroona will be able to provide the declaration made by the owner as evidence. This will also provide the Officer making the determination with factual information rather than relying on the use of aerial mapping and limited property information to make their determination.

<b>Appendices Attached:</b>	<b>Yes</b>	<b>Appendices Numbers:</b>	<b>9.3.4</b>
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### **VOTING REQUIREMENTS**

Absolute Majority



**COUNCIL RESOLUTION**

**OCM17/07/068**

**MOVED: CR GERMAIN**

**SECONDED: CR SCOTT**

**That in accordance with section 28 (2) of the Rates and Charges (Rebates and Deferments) Act 1992, the Shire of Waroona determine an equitable and consistent method of calculating concessions on commercial and farming properties occupied by pensioners/seniors.**

**On this basis, the replacement of Policy 3.24 as attached at Appendix 9.3.4 is recommended.**

**CARRIED BY ABSOLUTE MAJORITY 5/1**  
**For the Motion: Cr's Germain, Scott, Dew, Snell & Wright**  
**Against the Motion: Cr Salerian**

**9.4 CHIEF EXECUTIVE OFFICER**

Nil.

**10. CONFIDENTIAL REPORTS**

Nil

**11. ELECTED MEMBERS MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN, OR FOR CONSIDERATION AT NEXT MEETING**

**12. NEW BUSINESS OF AN URGENT NATURE/REPORTS & INFORMATION**

**12.1 ELECTED MEMBERS**

Nil

**12.2 OFFICERS**

Nil

**13. CLOSURE OF MEETING**

There being no further business the Chairperson closed the meeting the time being 4.36 pm.

I CERTIFY THAT THESE MINUTES WERE CONFIRMED AT THE SPECIAL COUNCIL MEETING HELD 8 AUGUST 2017 AS BEING A TRUE AND CORRECT RECORD OF PROCEEDINGS.

.....  
PRESIDING MEMBER  
.....  
DATE

