



MINUTES

For the

**ORDINARY MEETING
OF COUNCIL**

held on

Tuesday, 24 July 2018

PLEASE READ THE FOLLOWING DISCLAIMER BEFORE PROCEEDING

Members of the public are cautioned against taking any action on Council decisions, on items in these Minutes in which they may have an interest, until such time as they have been advised in writing by Council staff.

Index-Ordinary Council Meeting 24 July 2018

AGENDA REFERENCE	DESCRIPTION	PAGE NO	MINUTE NO
1.	DECLARATION OF OPENING/ANNOUNCEMENT OF VISITORS	1	
2.	RECORD OF ATTENDANCE/APOLOGIES/LEAVE OF ABSENCE	1	
3.	RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE	1	
4.	PUBLIC QUESTION TIME	3	
5.	APPLICATIONS FOR LEAVE OF ABSENCE	3	
6.	PETITIONS AND DEPUTATIONS	4	
7.	CONFIRMATION OF MINUTES	4	
7.1	MINUTES OF SPECIAL COUNCIL MEETING HELD 20 JUNE 2018	4	010718
7.2	MINUTES OF THE ORDINARY COUNCIL MEETING HELD 26 JUNE 2018	4	010718
7.3	MINUTES OF THE SPECIAL COUNCIL MEETING HELD 10 JULY 2018	4	010718
8.	ANNOUNCEMENTS BY THE PERSON PRESIDING WITHOUT DISCUSSION	4	
9.1	OFFICER REPORTS	5	
CS01 – 07/18	Accounts for Payment	5	020718
CS02 – 07/18	Financial Statements for the Period ending 30 June 2018	7	030718
CS03 – 07/18	Differential Rates 2018/19 - Submissions	10	040718 050718 060718
9.2	COUNCIL COMMITTEE REPORTS	16	
10.	MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN	16	
11.	QUESTIONS BY MEMBERS OF WHICH DUE NOTICE HAS BEEN GIVEN	16	
12.	URGENT BUSINESS APPROVED BY PERSON PRESIDING OR BY DECISION	16	
13.	MATTERS BEHIND CLOSED DOORS	16	
14.	CLOSURE	16	

I certify that this copy of the Minutes is a true and correct record of the meeting held on
24 July 2018

Signed:
Presiding Elected Member

Date:.....



MINUTES OF THE ORDINARY COUNCIL MEETING HELD IN THE COUNCIL CHAMBERS ON TUESDAY, 24 JULY 2018 COMMENCING AT 5.00PM

PRESENT:	Councillors	Cr M T Smith (President) Cr B Wyse (Deputy President) Cr A J Gillam Cr S F Gumley Cr M Leonard Cr I Scott Cr I F West (<i>via teleconference</i>) Cr K L Wilson
	Staff	Mr S D Ivers – (Acting) Chief Executive Officer Mrs H Sternick – Manager Customer Services Mrs D K Chandler - Coordinator Executive Services
	Apologies	
	Gallery	Mr Adrian Cachard
	Media	Mr Geoff Vivian – Geraldton Newspapers

1. DECLARATION OF OPENING/ANNOUNCEMENT OF VISITORS

The Shire President welcomed Councillors, staff and guests.

2. RECORD OF ATTENDANCE/APOLOGIES/LEAVE OF ABSENCE

Nil.

3. RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

The Shire President requested that it be noted, in accordance with the Shire of Irwin's Meeting Procedures Local Law 2016, Council encourages members of the public to raise operational matters through administration and will be directed to do so in future. Council will also not respond to any matters that have already been raised at a previous meeting, although significant new information can be brought forward.

Members of the public are asked to please give careful consideration to how a question is worded and ensure that it is clear and concise. Question and answers may be summarised for the minute record.

J Rossiter – Why did the Shire take new stuff to the Transfer Station and bury it, when it could have been salvaged or sold?

Response: No new materials were thrown away or buried at the transfer station.

Shire President: With regards to the response provided in the agenda, Mr Rossiter has since contacted the Shire to seek additional information. Therefore this response has been withdrawn and I will now refer this to the Acting Chief Executive Officer for the new response:

Acting Chief Executive Officer: The Shire notes that Mr Rossiter has already asked this question on 18 June 2018 and this information had previously been provided to Mr Rossiter 22 June 2018. To clarify previous correspondence, low value items were buried to discourage foraging/scavenging in an uncontrolled and unsafe area and the associated public liability risks should someone get injured. In good faith, the Shire notes Mr Rossiter's request for additional information regarding specific items that were disposed of at the Transfer Station. All the items identified by Mr Rossiter had low or no residual value. Examples include:

- *Drypak Pave Set 30 kg – the bags were donated to the Shire almost 10 years ago and had gone hard due to moisture contamination.*
- *Street sweeper discs –left over from the Merlo telehandler, which was auctioned last year.*
- *Small roll of plastic coated second hand wire – the second hand wire was at the Depot for more than 5 years and consisted of several small pieces rolled into one larger roll. Longer lengths of the wire were stored at the Depot.*
- *Geo fabric bags - were identified both by Mr Rossiter and the Shire operations supervisor as an item accidentally disposed of. The bags were promptly recovered in good condition.*

A comprehensive response will be provided to Mr Rossiter in writing.

J Arden – Who is allowed to make the decision that it is not in the public interest, and why was it not made by the resident's elected members, regarding a retaining wall between the properties at 12 and 14 Bartlett Place?

Response: The retaining wall is a private matter dealt with by the relevant Shire Officer/s under delegated authority, as per the Delegations Register adopted by Council.

J Arden – A letter was sent from the Shire to residents at 14 Bartlett Place advising the contractor had been instructed to remove the unauthorised retaining wall by 9 June 2017. Why has the Shire not followed through with this in terms of the retaining wall footing being removed, which is affecting other infrastructure?

Response: The Shire has not received any notification advising of outstanding footing issues from the residents affected by the wall. At the February 2018 Council meeting, in response to the Chief Executive Officer's question, one resident stated that the matter of the wall was resolved.

Shire President: With regards to the response provided in the agenda, the Acting Chief Executive Officer advised that new information has come to light that wasn't available at the time of the original response. Therefore this response has been withdrawn and I will now refer this to the Acting Chief Executive Officer for the new response.

Acting Chief Executive Officer: An agreement has been reached to have the unauthorised retaining wall footing removed to the satisfaction of the residents at 14 Bartlett Place.

J Arden queried whether it is now in the best interest of the Shire to take legal action against Bailey Engineering regarding the retaining wall footing not being removed?

Response: Refer to response to previous question. The Shire is of the understanding that this matter has been resolved.

Shire President: With regards to the response provided in the agenda, the Acting Chief Executive Officer advised that new information has come to light that wasn't available at the time of the original response. Therefore this response has been withdrawn and I will now refer this to the Acting Chief Executive Officer for the new response.

Acting Chief Executive Officer: An agreement has been reached to have the unauthorised retaining wall footing removed to the satisfaction of the residents at 14 Bartlett Place.

J Arden – How is the Shire addressing the issue of steps installed by Bailey Engineering at the rear of 12 Bartlett Place?

Response: The Shire is currently assessing the matter and working through options to achieve the most reasonable outcome. At this time, it is appropriate for the Shire to deal directly with the affected property owners.

J Arden – How many residents have raised claims with SRM? Is there a limit to expenditure on these claims?

It is assumed that this question is regarding home indemnity insurance.

Response: A total of four (4) claims have been made. The Shire has the benefit of indemnity insurance for these claims, which will provide adequate coverage.

4. PUBLIC QUESTION TIME

Adrian Cachard of Sheoak Road, Springfield was present to address Council, on behalf of him and Karen Cachard and Russell and Janelle Keene. Adrian advised Council that his son Noah Cachard and Russell and Janelle Keene's son, Mitchell Keene, placed 2nd and 5th respectively in the State Cross Country Championships and have been selected to represent WA in the Australian All School Cross Country Championships in Queensland 23 to 27 August 2018. Fundraising has been ongoing to help cover approximately \$2,000 for travel plus \$450 for compulsory uniforms as well as costs associated with several trips to and from Perth for training. Adrian said that his request for financial assistance has not been supported by the Shire even though funds were made available last year for similar situations. Adrian's question to Council is: Why is there no support and will this be ongoing as there will be lots of kids coming up through the ranks in elite sports that may require assistance. He understands that financial support may not be possible, but perhaps the Shire could investigate other forms of support such as free gym membership or a small financial gesture to demonstrate to the kids that their achievements are recognised.

The Shire President thanked Adrian for his time and advised that his question has been taken on notice.

5. APPLICATIONS FOR LEAVE OF ABSENCE

Nil.

6. PETITIONS AND DEPUTATIONS

Nil.

7. CONFIRMATION OF MINUTES

7.1 MINUTES OF THE SPECIAL COUNCIL MEETING HELD ON 20 JUNE 2018

A copy of the Minutes of the Special Council Meeting held on 20 June 2018 has been provided to all Councillors under separate cover.

7.2 MINUTES OF THE ORDINARY COUNCIL MEETING HELD ON 26 JUNE 2018

A copy of the Minutes of the Ordinary Council Meeting held on 26 June 2018 has been provided to all Councillors under separate cover.

7.3 MINUTES OF THE SPECIAL COUNCIL MEETING HELD ON 10 JULY 2018

A copy of the Minutes of the Special Council Meeting held on 10 July 2018 has been provided to all Councillors under separate cover.

COUNCIL DECISION EN BLOC 010718:

MOVED: Cr Leonard

SECONDED: Cr Wyse

That the Minutes of the Special Council Meeting held on 20 June 2018, Minutes of the Ordinary Council Meeting held on 26 June 2018 and the Minutes of the Special Council Meeting held on 10 July 2018, be confirmed as true and accurate recordings of those meetings.

VOTING DETAILS:

CARRIED 8/0

8. ANNOUNCEMENTS BY THE PERSON PRESIDING WITHOUT DISCUSSION

Functions and Events

29 June The Hon Alannah MacTiernan chartered a flight to Dongara to announce the Shire's success in applying for Aged Care Regional Accommodation Funding of \$2.5 million towards the Dongara Age Appropriate Accommodation Facility. Ms MacTiernan visited the construction site where the six new independent living units will be built.

2 July Tony Krsticevic, Shadow Minister for Local Government, visited the Shire and met with the Shire President, Deputy Shire President and Acting Chief Executive Officer.

WALGA Quarterly Report

To improve engagement with WALGA members and their respective communities, WALGA have prepared and issued quarterly reports in regards to services accessed, professional development opportunities and events, and industry matters that WALGA may be advocating on. I wish to table the Q2 April - June 2018 Overview Report provided by WALGA.

[Back to Index](#)

9.1 OFFICER REPORTS

CUSTOMER SERVICES

CS01 – 07/18

Subject: Accounts for Payment
Reporting Officer: Finance Officer/Manager Customer Services
Responsible Executive: Acting Chief Executive Officer
File Reference: Minute Book
Voting Requirements: Simple Majority

Council Role:

- Advocacy** When Council advocates on its own behalf or on behalf of its community to another level of government/body/agency.
- Executive** The substantial direction setting and oversight role of the Council e.g. adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.
- Legislative** Includes adopting local laws, local planning schemes and policies.
- Review** When Council reviews decisions made by Officers.
- Quasi-judicial** When Council determines an application/matter that directly affects a person's rights and interests. The judicial character arises from the obligation to abide by the principles of natural justice e.g. local planning applications, building licences, other permits/licences (e.g. under Health Act, Dog Act or local laws) and other decisions that may be appealable to the State Administrative Tribunal (SAT).

Report Purpose:

To receive the list of accounts paid under delegated authority during June 2018.

OFFICER'S RECOMMENDATION AND COUNCIL DECISION 020718:

MOVED: Cr Gumley

SECONDED: Cr Gillam

That Council receives the Accounts paid during June 2018 as presented in Attachment Booklet – July 2018, represented by:

Payment Type/Numbers	Total Amount
EFT 22770 – 22926	\$827,413.60
Muni Cheques - 31742 – 31760	\$123,116.70
Direct Debit – Solar Panel Repayments 05-06/18	\$4,115.32
Direct Debit - Credit Card	\$6,935.82
Direct Debit – Superannuation	\$31,105.43
Direct Debit - Transport – PL300518 – PL270618	\$69,385.95
Grand Total	\$1,062,072.82

VOTING DETAILS:

CARRIED 8/0

Attachment:

Accounts for Payment – June 2018

Background:

A list of accounts paid under delegated authority is attached showing all payments made during the month of June 2018.

Officer's Comment:

Nil

Stakeholder Engagement:

Nil

Financial / Resource Implications:

Nil

Statutory Environment:

The Local Government (Financial Management) Regulations 1996 provides as follows:

13. *Payments from municipal fund or trust fund by CEO, CEO's duties as to etc.*
- (1) *If the local government has delegated to the CEO the exercise of its power to make payments from the municipal fund or the trust fund, a list of accounts paid by the CEO is to be prepared each month showing for each account paid since the last such list was prepared —*
 - (a) *the payee's name;*
 - (b) *the amount of the payment;*
 - (c) *the date of the payment; and*
 - (d) *sufficient information to identify the transaction.*
 - (3) *A list prepared under sub-regulation (1) or (2) is to be —*
 - (a) *presented to the council at the next ordinary meeting of the council after the list is prepared; and*
 - (b) *recorded in the minutes of that meeting.*

Policy Implications:

Under Delegation CEO3 Council has delegated authority to the Chief Executive Officer to authorise all payments by Council.

Strategic Implications:

Strategic Community Plan 2017 - 2027

Strategy 4.2.1 Ensure compliance whilst embracing innovation and better practice principles

Strategy 4.3.2 Adopt and follow better practice processes

[Back to Index](#)

CUSTOMER SERVICES

CS02 – 07/18

Subject: Financial Statements for the Period ending 30 June 2018
Reporting Officer: Coordinator Finance/Manager Customer Service
Responsible Executive: Acting Chief Executive Officer
File Reference: Minute Book
Voting Requirements: Simple Majority

Council Role:

- Advocacy** When Council advocates on its own behalf or on behalf of its community to another level of government/body/agency.
- Executive** The substantial direction setting and oversight role of the Council e.g. adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.
- Legislative** Includes adopting local laws, local planning schemes and policies.
- Review** When Council reviews decisions made by Officers.
- Quasi-judicial** When Council determines an application/matter that directly affects a person's rights and interests. The judicial character arises from the obligation to abide by the principles of natural justice e.g. local planning applications, building licences, other permits/licences (e.g. under Health Act, Dog Act or local laws) and other decisions that may be appealable to the State Administrative Tribunal (SAT).

Report Purpose:

To consider and receive the Monthly Financial Statements for the period 1 July 2017 to 30 June 2018.

OFFICER'S RECOMMENDATION AND COUNCIL DECISION 030718:

MOVED: Cr Gillam

SECONDED: Cr Leonard

That the Monthly Financial Statement for the period 1 July 2017 to 30 June 2018 be received, as provided in Attachment Booklet – July 2018.

VOTING DETAILS:

CARRIED 8/0

Attachment:

Financial Statements for the Month Ending 30 June 2018.

Background:

The Monthly Financial Report to the 30 June 2018 is prepared in accordance with the requirements of the Local Government Act and the Local Government (Financial Management) Regulations and includes the following:

- Summary Information and Graphs
- Statement of Financial Activity by Program
- Statement of Financial Activity by Nature & Type
- Statement of Cash Flows
- Statement of Capital Acquisitions and Capital Funding

- Significant Accounting Policies
- Explanation of Material Variances
- Net Current Funding Position
- Cash and Investments
- Budget Amendments
- Receivables
- Cash Backed Reserves
- Capital Disposals
- Rating Information
- Information on Borrowings
- Grants and Contributions
- Trust Fund
- Detailed of Capital Acquisitions

Officers Comment:

The provisional financial position to the end of June 2018 is detailed in the attached report and summarised as follows relative to year to date budget expectations:

Operating Revenue	\$9,786,854	14.9% negative variance
Operating Expenditure	(\$9,207,704)	29.5% positive variance
Net Operating	\$579,150	
Capital Revenue	\$1,775,348	53.4% negative variance
Capital Expenditure	\$3,501,793	55.7% positive variance
Cash at Bank – Municipal	\$564,207	
Cash at Bank – Reserve	\$1,637,248	
Total Funds Invested	\$0	
Net Rates Collected	94.72%	
Non Rates Receivables Outstanding	\$600,016	

The attached report provides explanatory notes for items greater than 10% or \$5,000. This commentary provides Council with an overall understanding of how the financial position is situated in relation to the adopted budget.

Stakeholder Engagement:

Nil.

Financial / Resource Implications:

Any issues in relation to expenditure and revenue allocations or variance trends are identified and addressed each month.

Statutory Environment:

Local Government Act 1995 - Section 6.4

The Local Government (Financial Management) Regulations provides as follows:

Section 34 Financial activity statement report

- (1) *A local government is to prepare each month a statement of financial activity reporting on the sources and applications of funds, as set out in the annual budget under regulation 22(1)(d), for that month in the following detail -*
 - (a) *annual budget estimates, taking into account any expenditure incurred for an additional purpose under section 6.8(1)(b) or (c);*

- (b) *budget estimates to the end of the month to which the statement relates;*
 - (c) *actual amounts of expenditure, revenue and income to the end of the month to which the statement relates;*
 - (d) *material variances between the comparable amounts referred to in paragraphs (b) and (c); and*
 - (e) *the net current assets at the end of the month to which the statement relates.*
- (2) *Each statement of financial activity is to be accompanied by documents containing -*
- (a) *an explanation of the composition of the net current assets of the month to which the statement relates, less committed assets and restricted assets;*
 - (b) *an explanation of each of the material variances referred to in sub-regulation (1)(d); and*
 - (c) *such other supporting information as is considered relevant by the local government.*
- (3) *The information in a statement of financial activity may be shown -*
- (a) *according to nature and type classification;*
 - (b) *by program; or*
 - (c) *by business unit.*
- (4) *A statement of financial activity, and the accompanying documents referred to in sub-regulation (2), are to be -*
- (a) *presented to the council -*
 - (i) *at the next ordinary meeting of the council following the end of the month to which the statement relates; or*
 - (ii) *if the statement is not prepared in time to present it to the meeting referred to in subparagraph (i), to the next ordinary meeting of the council after that meeting; and*
 - (b) *recorded in the minutes of the meeting at which it is presented.*

Policy Implications:

Nil.

Strategic Implications:

Strategic Community Plan 2017 - 2027

Strategy 4.2.1 Ensure compliance whilst embracing innovation and better practice principles

Strategy 4.3.2 Adopt and follow better practice processes

[Back to Index](#)

CUSTOMER SERVICES

CS03 – 07/18

Subject: Differential Rates 2018/19 - Submissions
Reporting Officer: Rating and Payroll Officer/Manager Customer Services
Responsible Executive: Acting Chief Executive Officer
File Reference: RV.RT.5
Voting Requirements: Simple Majority

Council Role:

- Advocacy** When Council advocates on its own behalf or on behalf of its community to another level of government/body/agency.
- Executive** The substantial direction setting and oversight role of the Council e.g. adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.
- Legislative** Includes adopting local laws, local planning schemes and policies.
- Review** When Council reviews decisions made by Officers.
- Quasi-judicial** When Council determines an application/matter that directly affects a person's rights and interests. The judicial character arises from the obligation to abide by the principles of natural justice e.g. local planning applications, building licences, other permits/licences (e.g. under Health Act, Dog Act or local laws) and other decisions that may be appealable to the State Administrative Tribunal (SAT).

Report Purpose:

To consider submissions and initiate the process for seeking Ministerial approval regarding the 2018/19 differential rates.

OFFICER'S RECOMMENDATION:

MOVED: Cr Wyse

SECONDED: Cr Gumley

That Council make application to the Minister for Local Government; Heritage; Cultural and Arts seeking approval under Section 6.33 (3) of the Local Government Act 1995 to impose a differential rate for UV Mining properties at more than twice the rate of UV Rural properties

<u>Rate Category</u>	<u>Rate in Cents in the Dollar</u>	<u>Minimum Rates</u>
<i>Unimproved Valuations</i>		
General Differential Rate	1.3135	\$999
Mining Differential Rate	16.6110	\$999

In accordance with Clause 10.15 of the Shire of Irwin Meeting Procedures Local Law 2016, Council granted leave to withdraw the substantive motion.

COUNCIL DECISION 040718:

MOVED: Cr Leonard

SECONDED: Cr Gillam

That Council suspends the meeting under Clause 10.2 of the Shire of Irwin Meeting Procedures Local Law 2016 at 5.15pm.

VOTING DETAILS:

CARRIED 8/0

The Manager Customer Services provided Councillors with further clarification in regards to differential rates and outlined that no submissions were received during the advertising period ending Monday, 23 July 2018.

COUNCIL DECISION 050718:

MOVED: Cr Gillam

SECONDED: Cr Leonard

That Council reconvenes the meeting under Clause 10.2 of the Shire of Irwin Meeting Procedures Local Law 2016 at 5.25pm.

VOTING DETAILS:

CARRIED 8/0

AMENDED MOTION AND COUNCIL DECISION 060718:

MOVED: Cr Leonard

SECONDED: Cr Gillam

That Council make application to the Minister for Local Government; Heritage; Cultural and Arts seeking approval under Section 6.33 (3) of the Local Government Act 1995 to impose a differential rate for UV Mining properties at more than twice the rate of UV Rural properties.

<u>Rate Category</u>	<u>Rate in Cents in the Dollar</u>	<u>Minimum Rates</u>
<i>Unimproved Valuations</i>		
General Differential Rate	1.3135	\$999
Mining Differential Rate	17.5726	\$999

VOTING DETAILS:

CARRIED 6/2

Note the original motion was amended to reflect Council's previously adopted mining differential rate in cents in the dollar of 17.5726 at the 26 June 2018 Ordinary Council Meeting.

Attachment:

Nil

Background:

At its Ordinary Council Meeting on 26 June 2018, council resolved to advertise its intention to adopt differential rates for the 2018/19 financial year.

OFFICER'S RECOMMENDATION AND COUNCIL DECISION 040618:

MOVED: Cr Wyse

SECONDED: Cr Scott

That Council;

- 1) Adopts the following rates in the dollar and minimum rates for the differential rating categories specified for the 2018/19 financial year.

<u>Rate Category</u>	<u>Rate in Cents in the Dollar</u>	<u>Minimum Rates</u>
<i>Gross Rental Valuations</i>		
General Rate	10.3473	\$999
<i>Unimproved Valuations</i>		
General Differential Rate	1.3135	\$999
Mining Differential Rate	17.5726	\$999

- 2) Approves the advertising of its intention in accordance with Section 6.36 of the Local Government Act 1995.
- 3) Endorses the Statement of Objects and Reasons, as presented in the Attachments Booklet – June 2018 under separate cover.
- 4) Confirms that expenditure has been reviewed and the following efficiency measures have been considered as part of budget deliberations:

As part of the budget process, Councillors reviewed the projected changes in operating revenue and expenditure, along with efficiency measures, proposed capital works, projects and new initiatives. Although Council's adopted Long Term Financial Plan includes at 5.7% rate increase in 2017/18 the proposed differential rates were based on a 3.5% increase in the rate in the dollar across all categories.

Advertising was undertaken in accordance with Section 6.36 of the Local Government Act 1995 with the submission period for public comment of the proposed Differential Rates closing on the Monday, 23 July 2018. In addition to the statutory advertising process, letters were sent to the owners of mining properties.

Officer's Comment:

At the time of preparing the agenda report (Thursday, 19 July 2018) no submissions have been received, any submissions received after this date will be detailed in an attachment to this report, circulated to Elected Members and tabled at the Council Meeting.

Subject to receiving any submissions after this date, any matters raised in the submissions the Acting Chief Executive Officer may be required to provide an amended officer's recommendation.

It is suggested that Council consider reducing the mining differential rate in the dollar to 16.6110 due to the current economic climate and to encourage investment within this sector. The economic benefit of reducing the rate in the dollar may increase economic growth in our community. Using this rate in the dollar will reduce the draft budget rates revenue by approximately \$20,000.

Stakeholder Engagement:

Community consultation occurred through advertising of the differential rates for 21 days in the Geraldton Guardian dated 29 June 2018 and the Rag. Correspondence was sent to all Mining Tenement owners.

Financial/Resource Implications:

The proposed rates in the dollar will be used to raise rates based on valuations against individual properties to raise rate revenue in the 2018/19 financial year.

Statutory Environment:

Local Government Act 1995.

6.33. Differential general rates

- (1) *A local government may impose differential general rates according to any, or a combination, of the following characteristics —*
 - (a) *the purpose for which the land is zoned, whether or not under a local planning scheme or improvement scheme in force under the Planning and Development Act 2005; or*
 - (b) *a purpose for which the land is held or used as determined by the local government; or*
 - (c) *whether or not the land is vacant land; or*
 - (d) *any other characteristic or combination of characteristics prescribed.*
- (3) *In imposing a differential general rate a local government is not to, without the approval of the Minister, impose a differential general rate which is more than twice the lowest differential general rate imposed by it.*

6.36. Local government to give notice of certain rates

- (1) *Before imposing any differential general rates or a minimum payment applying to a differential rate category under section 6.35(6)(c) a local government is to give local public notice of its intention to do so.*

Policy Implications:

In accordance with the Department of Local Government and Communities' Rating Policy – Differential Rates, Council must demonstrate that consideration has been given to the key values of Objectivity, Fairness and Equity, Consistency, Transparency and Administrative Efficiency.

Objectivity

The land on which differential general rates has been rated according to one or more of the following land characteristics:

- *zoning*
- *land use*
- *vacant land.*

Where there has been a change to the boundaries of the district within the past five years, the land on which differential general rates apply may also be rated according to one or more of the following land characteristics:

- *whether or not it is situated in a town-site*
- *whether or not it is situated in a particular part of the district.*

The local government has proposed a differential general rate which is more than twice the lowest differential rate.

Fairness and Equity

The Council of the local government has reviewed its expenditure and considered efficiency measures as part of its budget deliberations. This is to be reflected in the council minutes when it adopts the budget strategy and endorses objects and reasons for each differential rating category and each minimum payment.

The objects of imposing differential rates and reasons for each proposed differential general rate are set out by the local government in a publically available document.

These objects and reasons clearly explain why each differential general rate is proposed to be imposed.

The objects and reasons clearly explain why it is proposed to set the differential general rate at that particular rate.

If a category of ratepayer is significantly contributing to the local government's revenue through fees, charges and other payments, the local government has not used these same costs as the justification for the difference in differential general rate.

If there are fewer than thirty ratepayers who will be subject to the differential general rate, each affected ratepayer has been informed in writing by the local government of:

- o the terms of this policy (through the provision of a copy of this document to the ratepayer*
- o the local government's objects of and reasons for proposing to impose the differential general rates*
- o the differential general rate that will apply to the ratepayer's property; and*
- o the differential general rate that applied in the previous year for comparison and was given at least 21 days to make submissions to the local government on the proposal.*

The ratepayers' submissions, if any, and the local government's response to each ratepayer's submission (as recorded in the minutes of the Council meeting at which the response was adopted) have been provided to the Minister.

Consistency

The local government has rated similar properties that are used for the same purpose in the same way.

The proposed differential rates align with the rating strategy in the corporate business plan and long term financial plan or the council of the local government has detailed its reasons for deviating from that rating strategy.

The local government has reviewed and considered rates proposed in neighbouring or similar local government districts in the rating strategy.

Transparency and administrative efficiency

The local government has:

- o prepared and made publically available a document clearly describing the object of and reason for each differential general rate;*
- o given public notice in a newspaper circulating generally throughout the district and exhibited to the public on a notice board at the local government's office and at every local government library in the district (refer to Rating Policy – Giving Notice)*
- o published the notices after 1 May in the relevant year.*

The public notice published by the local government contained:

- o details of each differential general rate that the local government intends to impose*
- o an invitation for submissions to be made by an elector or ratepayer*
- o a closing date for submissions which is at least twenty one days after the day on which the notice is published*
- o advice on the time and place where a document containing the objects of and reasons for the differential general rates can be inspected.*

The council of the local government has:

- *considered each ratepayer submission (if any)*
- *resolved to make the application provided the Minister with the minutes and agenda papers relevant to these matters.*

Strategic Implications:

Strategic Community Plan 2017 – 2027

Strategy 4.2.1 Ensure compliance whilst embracing innovation and best practice principles

Strategy 4.3.2 Adopt and follow better practice processes

9.2 COUNCIL COMMITTEE REPORTS

Nil.

10. MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

Nil.

11. QUESTIONS BY MEMBERS OF WHICH DUE NOTICE HAS BEEN GIVEN

Nil.

12. URGENT BUSINESS APPROVED BY PERSON PRESIDING OR BY DECISION

Nil.

13. MATTERS FOR WHICH THE MEETING IS CLOSED TO THE PUBLIC

Nil.

Cr West ended the teleconference at 5.34pm.

14. CLOSURE

There being no further business, the Presiding Member declared the meeting closed at 5.35pm.

An electronic copy of the Minutes are available for download from the Shire's website
<http://www.irwin.wa.gov.au/Agendas-Minutes.aspx>

I certify that this copy of the Minutes is a true and correct record of the meeting held on
24 July 2018

Signed:
Presiding Elected Member

Date:.....