



“good country for hardy people”

Minutes

Special Meeting of Council

29th May

2018

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1. DECLARATION OF OPENING/ANNOUNCEMENT OF VISITORS

The Presiding Member declared the meeting open at 4.02pm

2. ANNOUNCEMENTS FROM THE PRESIDING MEMBER

Nil

3. ATTENDANCE

Presiding Member	Cr O Truran	Shire President
Members	Cr W Della Bosca Cr B Close Cr G Guerini Cr P Nolan Cr S Shaw	Deputy Shire President-
Council Officers	P Clarke C Watson N Mwale N Warren J Gemund	Acting Chief Executive Officer Executive Manager Corporate Services Finance Manager Manager Regulatory Services Manager Community Services
Apologies:	Nil	
Observers:	Nil	

4. LEAVE OF ABSENCE

The Shire President advised that Cr Pasini had sought Leave of Absence from this Special Meeting and also the June 2018 Ordinary Meeting to be held on Thursday, 21 June.

68/2018

Moved Cr Shaw/Seconded Cr Guerini

That Cr Pasini be granted Leave of Absence from this Special Meeting and also the June 2018 Ordinary Meeting to be held on Thursday, 21 June.

CARRIED (6/0)

5. DECLARATION OF INTEREST

Cr Nolan Declared an Impartiality Interest in Item 7.1 relating to his interests in Mining Tenements which are the subject of Differential Rating and in respect to which he has made a submission to Council on this matter.

The Shire President indicated that Cr Nolan's Impartiality Interest declaration entitled him to remain in the Chamber and vote on the issue of declaration.

6. PUBLIC QUESTION TIME

Nil

7 Reporting Officer – Executive Manager Corporate Services

7.1 Differential Rates – 2018/19

File Reference	8.1.1.5
Disclosure of Interest	Nil
Voting Requirements	Absolute Majority
Attachments	Rating Strategy Object and Reasons Submissions

Purpose of Report

To consider the proposed Differential Rate in the dollar for the 2018/2019 financial year for all land categories that was advertised in accordance with the *Local Government Act (1995)*.

Background

At the March 2018 Ordinary meeting of Council resolved the following as the commencement of the Differential Rating process for the 2018/2019 financial year:-

26/2018

Moved Cr Guerini/Seconded Cr Della Bosca

That Council:

- 1. Endorse the Differential Rating – Objects and Reasons for the 2018/2019 rating years as presented;**
- 2. Endorse the following proposed Differential General Rates Categories, Rates in the Dollar and Minimum amounts for the Shire of Yilgarn for the 2018/2019 financial year:**

<i>Land Category</i>	<i>Rate – Cents in the Dollar</i>	<i>Minimum Payment</i>
<i>GRV - Residential/Industrial</i>	<i>11.1773</i>	<i>\$500</i>
<i>GRV - Commercial</i>	<i>7.8681</i>	<i>\$400</i>
<i>GRV - Minesites</i>	<i>15.7362</i>	<i>\$400</i>
<i>GRV -Single Persons Quarters</i>	<i>15.7362</i>	<i>\$400</i>
<i>UV - Rural</i>	<i>1.7487</i>	<i>\$400</i>
<i>UV - Mining</i>	<i>17.3058</i>	<i>\$400</i>

- 3. Endorse a public consultation process on the proposed Differential General Rates and General Minimum Rates as follows:**
 - Statewide and local public notice on Wednesday 2nd May 2018 as per the requirements of section 6.36 of the Local Government Act 1995.**

- ***Individual ratepayer consultation for all ratepayers in General Rate Categories with less than 30 ratepayers.***

Carried (6/1)

*Cr Nolan recorded his vote against the motion

In accordance with Section 6.33 (3) of the Local Government Act 1995, a Local Government is not, without the approval of the Minister, to impose a differential general rate which is more than twice the lowest differential general rate imposed by it.

With the Differential General Rates being proposed in the 2018/2019 Rating Strategy and Objects & Reasons, Council falls under the umbrella of this section of the Act. Note however that it is only applicable to UV Mining.

Accordingly, Ministerial approval is required and the proposal to impose this rate required that it be advertised for a period of not less than 21 days with any submissions received subsequently being presented to Council for consideration.

Comment

Following the statutory advertising period (21 days) and being advertised in the *"Kalgoorlie Miner"* and *"Crosswords"* editions of 2 May 2018 and 3 May 2018 respectively. At the close of the submission period of Thursday, 24 May 2018, the following two (2) submissions were received.

- Cr Phil Nolan
- McMahon Mining Title Services Pty Ltd

The submissions received are attached to this Report together with comments from staff and recommended actions related to the various points that have been submitted for Council consideration.

Statutory Environment

Local government Act 1995

6.33. Differential general rates

- (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.
- (2) A local government is required to ensure that a notice referred to in subsection (1) is published in sufficient time to allow compliance with the requirements specified in this section and section 6.2(1).
- (3) A notice referred to in subsection (1) —
 - (a) may be published within the period of 2 months preceding the commencement of the financial year to which the proposed rates are to apply on the basis of the local government's estimate of the budget deficiency; and
 - (b) is to contain —
 - (i) details of each rate or minimum payment the local government intends to impose; and
 - (ii) an invitation for submissions to be made by an elector or a ratepayer in respect of the proposed rate or minimum payment and any related matters within 21 days (or such longer period as is specified in the notice) of the notice; and
 - (iii) any further information in relation to the matters specified in subparagraphs (i) and (ii) which may be prescribed;and
 - (c) is to advise electors and ratepayers of the time and place where a document describing the objects of, and reasons for, each proposed rate and minimum payment may be inspected.
- (4) The local government is required to consider any submissions received before imposing the proposed rate or minimum payment with or without modification.

Strategic Implications

Attachment - 2018/2019 Rating Strategy, contains a detailed listing of the Local Government Act rating provisions.

Policy Implications

Nil

Financial Implications

The endorsed rate in the dollar will form the basis of the 2018/2019 budgeted rates revenue.

Prior to the recommendation being put to Council the Shire President requested the Executive Manager Corporate Services (EMCS) to present a Draft Rate Modelling for the 2018/2019 financial year based on the proposed Differential Rating scenario.

The EMCS advised that the rate Modelling was based upon the annual revaluations from Landgate for all Unimproved Valuations. The EMCS indicated that this Rate Modelling was based on a 1.5% rate increase for 2018/2019 and the Differential Rating was subject to Ministerial approval and also further consideration by Council when Budget Workshops were scheduled for early July 2018.

The Shire President then opened the meeting for questions/queries by Councillors in relation to the information supplied by the EMCS and also in respect to the Submissions presented and the responses supplied by staff in the attachments to the Agenda document.

Cr Nolan, for clarification, explained the situation of Mining Leases as opposed to Exploration and Prospecting tenements. In respect to Mining Leases, Cr Nolan indicated that there are some very different impacts upon consumption and need in respect to Shire rates and there is a strong case for the different spectrums (size of operations) of the mining sector in the paying of rates and why should all mining companies subsidise those that are the heavy users of the Shire's road network.

Officer Recommendation and Council Decision

69/2018

Moved Cr Guerini/Seconded Cr Della Bosca

That Council:

- 1. Council notes that it has complied with Sections 6.36 of the Local Government Act 1995 in respect advertising requirements and preparation of the "2018/2019 Rating Strategy" and "Objects and Reasons" documents being prepared;***
- 2. Receives the submission from Cr Phil Nolan and McMahan Mining Title Services Pty Ltd and notes the comments made therein and further, endorses the comments and recommendations submitted by staff in relation to the submissions;***
- 3. Endorse the following proposed Differential General Rates Categories, Rates in the Dollar and Minimum amounts for the Shire of Yilgarn for the 2018/2019 financial year:***

<i>Land Category</i>	<i>Rate – Cents in the Dollar</i>	<i>Minimum Payment</i>
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<i>UV - Rural</i>	1.7487	\$400
<i>UV - Mining</i>	17.3058	\$400

and

- 4. Make application to the Minister for Local Government to impose the UV Mining Differential Rate, being more than twice the lowest differential UV rate.*

CARRIED BY ABSOLUTE MAJORITY (5/1)

Cr Nolan wished to have his name recorded as voting against the motion

8 CLOSURE

As there was no further business to discuss, the Presiding Member declared the meeting closed at 4.26pm