



SHIRE OF ASHBURTON

SPECIAL MEETING OF COUNCIL

MINUTES & ATTACHMENTS

**Onslow Multi-Purpose Centre, Cnr
McGrath Rd and Hooley Ave, Onslow**

3 September 2013

SHIRE OF ASHBURTON
SPECIAL COUNCIL MEETING

Dear Councillor

Notice is hereby given that an Special Meeting of the Council of the Shire of Ashburton will be held on 3 September 2013 at Onslow Multi-Purpose Centre, Cnr McGrath Rd and Hooley Ave, Onslow commencing at 7:00.pm.

The business to be transacted is shown in the Agenda.

Frank Ludovico
A/CHIEF EXECUTIVE OFFICER

DISCLAIMER

The recommendations contained in the Agenda are subject to confirmation by Council. The Shire of Ashburton warns that anyone who has any application lodged with Council must obtain and should only rely on written confirmation of the outcomes of the application following the Council meeting, and any conditions attaching to the decision made by the Council in respect of the application. No responsibility whatsoever is implied or accepted by the Shire of Ashburton for any act, omission or statement or intimation occurring during a Council meeting.

Special Meeting of Council 3 September 2013

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1. DECLARATION OF OPENING

The Shire President declared the meeting open at 7.03 pm.

2. ANNOUNCEMENT OF VISITORS

Ms Jenni Law, Manager, Advice and Support, Department of Local Government was contacted by telephone.

3. ATTENDANCE

3.1 PRESENT

Onslow Multi-Purpose Centre, Cnr of McGrath & Hooley Avenue, Onslow

Cr K White	Shire President, Onslow Ward
Cr A Eyre	Ashburton Ward

Council Chambers, Recreation Centre, Central Road, Tom Price

Cr C Fernandez	Tom Price Ward
Cr L Shields	Tom Price Ward

Mr F Ludovico	A/Chief Executive Office
Mr T Davis	Executive Manager, Technical Services
Mrs L Hannagan	A/Executive Manager, Corporate Services
Ms D Wilkes	Executive Manager, Community Development

Paraburdoo Library, Ashburton Avenue, Paraburdoo

Cr L Rumble	Deputy Shire President, Paraburdoo Ward
Cr D Dias	Paraburdoo Ward

Pannawonica Library, Pannawonica Drive, Pannawonica

Cr D Wright	Pannawonica Ward
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Bay View Caravan Park Reception Area, Robinson Street, Coral Bay

There was nobody present at this venue.

Dampier Port Authority Offices, 16 Parliament Place, West Perth

There was nobody present at this venue.

3.2 APOLOGIES

Cr L Thomas	Tableland Ward
Ms A O'Halloran	Executive Manager, Strategic & Economic Development

3.3 APPROVED LEAVE OF ABSENCE

There were no approved Leave of Absence.

4. ANNOUNCEMENTS BY THE PRESIDING PERSON WITHOUT DISCUSSION

There was no announcements by the Presiding Person.

5. DECLARATION BY MEMBERS

That Councillors White, Eyre, Fernandez, Shields, Rumble, Dias and Wright gave due consideration to all matters contained in the Agenda presently before the meeting.

5.1 **DECLARATION OF INTEREST**

Councillors to Note

A member who has a Financial Interest in any matter to be discussed at a Council or Committee Meeting, that will be attended by the member, must disclose the nature of the interest:

(a) In a written notice given to the Chief Executive Officer before the Meeting
or;

(b) At the Meeting, immediately before the matter is discussed.

A member, who makes a disclosure in respect to an interest, must not:

(c) Preside at the part of the Meeting, relating to the matter or;

(d) Participate in, or be present during any discussion or decision-making procedure relative to the matter, unless to the extent that the disclosing member is allowed to do so under Section 5.68 or Section 5.69 of the Local Government Act 1995.

NOTES ON FINANCIAL INTEREST (FOR YOUR GUIDANCE)

The following notes are a basic guide for Councillors when they are considering whether they have a Financial Interest in a matter.

I intend to include these notes in each agenda for the time being so that Councillors may refresh their memory.

1. A Financial Interest requiring disclosure occurs when a Council decision might advantageously or detrimentally affect the Councillor or a person closely associated with the Councillor and is capable of being measure in money terms. There are exceptions in the Local Government Act 1995 but they should not be relied on without advice, unless the situation is very clear.
2. If a Councillor is a member of an Association (which is a Body Corporate) with not less than 10 members i.e. sporting, social, religious etc), and the Councillor is not a holder of office of profit or a guarantor, and has not leased land to or from the club, i.e., if the Councillor is an ordinary member of the Association, the Councillor has a common and not a financial interest in any matter to that Association.
3. If an interest is shared in common with a significant number of electors or ratepayers, then the obligation to disclose that interest does not arise. Each case needs to be considered.
4. If in doubt declare.
5. As stated in (b) above, if written notice disclosing the interest has not been given to the Chief Executive Officer before the meeting, then it **MUST** be given when the matter arises in the Agenda, and immediately before the matter is discussed.
6. Ordinarily the disclosing Councillor must leave the meeting room before discussion commences. The **only** exceptions are:

Special Meeting of Council 3 September 2013

- 6.1 Where the Councillor discloses the **extent** of the interest, and Council carries a motion under s.5.68(1)(b)(ii) or the Local Government Act; or
- 6.2 Where the Minister allows the Councillor to participate under s.5.69(3) of the Local Government Act, with or without conditions.

6. BUSINESS

6.1A COUNCILLOR PARTICIPATION IN THE SPECIAL MEETING 3 SEPTEMBER 2013

MINUTE: 14

FILE REFERENCE: FI.BU.13.14

AUTHOR'S NAME AND POSITION: Frank Ludovico
A/Chief Executive Officer

NAME OF APPLICANT/RESPONDENT: Not Applicable

DATE REPORT WRITTEN: 2 September 2013

DISCLOSURE OF FINANCIAL INTEREST: The author has no financial interest in the proposal.

PREVIOUS MEETING REFERENCE: Agenda Item 18.1 (Minute No: 11624), Ordinary Meeting of Council 21 August 2013

Summary

At Council's August 2013 Council meeting it decided to conduct a Special Meeting to adopt the 2013/14 Budget. It was decided to do this by instantaneous communication and Council designated various locations for Councillors to attend.

Circumstances have changed for Councillors Eyre and Shields and they will not be in the locations specified in the Council resolution.

The purpose of this item is to advise Council and to present a draft resolution enabling Cr Shields to participate in a special meeting.

As Cr Eyre will be in attendance at the site of the physical meeting a resolution enabling her to participate in a Special Meeting is not required.

At Council's August 2013 Meeting it resolved the following:

- 3. Convene a Special Meeting of Council at Onslow Multi-Purpose Centre, corner of McGrath Rd and Hooley Rd Onslow on 3 September 2013 commencing at 7.00 pm for the purpose of determining the 2013/14 Annual Budget.*
- 4. Approve the use of instantaneous communications for the Special Meeting in the following locations:*

Special Meeting of Council 3 September 2013

<i>Location</i>	<i>Councillors</i>
<i>Onslow Multi-Purpose Centre, corner of McGrath Rd and Hooley Rd Onslow</i>	<i>Cr K White</i>
<i>Tom Price Council Chambers, Central Rd, Tom Price</i>	<i>Cr C Fernandez Cr P Foster Cr L Thomas</i>
<i>Ashburton Hall, Ashburton Ave, Paraburdoo</i>	<i>Cr L Rumble Cr D Dias</i>
<i>Pannawonica Library, Pannawonica Drive, Pannawonica</i>	<i>Cr D Wright</i>
<i>Bay View Caravan Park Reception Area, Robinson St, Coral Bay</i>	<i>Cr A Eyre</i>
<i>Dampier Port Authority Offices, 16 Parliament Place, West Perth</i>	<i>Cr L Shields</i>

Councillors A Eyre and L Shields will not be able to attend the places designated in the above resolution.

It is understood that Cr Eyre will be attending the meeting in Onslow and Cr Shields will be attending the meeting in Tom Price.

After seeking advice from the Department of Local Government and Communities this agenda item has been prepared.

As Cr Shields will be participating in the Special Meeting by instantaneous communications in Tom Price, Council will need to determine she can participate from this alternate venue.

As Cr Eyre will be in attendance at the site of the physical meeting a resolution enabling her to participate in the Special Meeting in an alternate location will not be required.

Council staff have prepared notices for the Bay View Caravan Park, Coral Bay and the Dampier Port Authority offices in West Perth advising that Councillors and staff will not be in attendance at these locations and indicated a process if members of the public wish to participate in the Special Meeting. A similar notice has also been placed on our website.

Comment

It is appropriate that Council allows Councillors to participate in the Special Meeting of Council adopting the 2013/14 Budget.

Financial Implications

There are no specific policy implications relative to this issue.

Strategic Implications

Shire of Ashburton, 10 Year Community Strategic Plan 2012-2022, Goal 5 – Inspiring Governance, Objective 3 – Council Leadership.

Policy Implications

There are no specific policy implications relative to this issue.

Special Meeting of Council 3 September 2013

Voting Requirement

Absolute Majority Required

Council Decision

MOVED: Cr L Rumble

SECONDED: Cr C Fernandez

That Council allow Councillor L Shields to participate in person at, the Special Meeting of Council dated 3 September 2013 commencing at 7:00pm at the Tom Price Council Chambers, Central Road, Tom Price by for the purpose of determining the 2013/14 Annual Budget.

CARRIED BY ABSOLUTE MAJORITY 7/0

6.1 ADOPTION OF DRAFT ANNUAL BUDGET 2013/2014

FILE REFERENCE:	FI.BU.13.14
AUTHOR'S NAME AND POSITION:	Lisa Hannagan A/Executive Manager, Corporate Services
NAME OF APPLICANT/RESPONDENT:	Not Applicable
DATE REPORT WRITTEN:	2 September 2013
DISCLOSURE OF FINANCIAL INTEREST:	The author has no financial interest in the proposal
PREVIOUS MEETING REFERENCE:	Agenda Item 18.1 (Minute: 11624), Ordinary Meeting of Council 21 August 2013

Summary

The draft Annual Budget for the year ended 30 June 2014 was workshopped by Council with the Integrated Planning Workshops held on 16 July and 30 July 2013.

The statutory form of the budget has now been finalised, taking into account Council's input at these workshops. The document is now submitted to Council for formal adoption.

The draft 2013/2014 Annual Budget is attached.

Background

The draft 2013/2014 Annual Budget has been compiled based on the principles contained in the Strategic Plan and informed by the consultation process used to develop the Community Strategic Plan. The 2013/14 draft Annual Budget has been prepared taking into account the issues workshopped by Council at its May and June 2012 Briefing Sessions.

The proposed differential rates were approved by the Council on 5 June 2013 and advertised for public comment. No submissions were received by 8 July 2013 when the public comment period closed. A request for approval to use these rates in the dollar has been submitted to the Minister for Local Government for his approval. Staff have been working intensively with the Department of Local Government and Communities and expect the Minister's approval by the Council meeting.

Special Meeting of Council 3 September 2013

Comment

The budget has been prepared to include information required by the Local Government Act 1995, Local Government (Financial Management) Regulations 1996 and Australian Accounting Standards. The main features of the draft budget include:

- The Capital Works program totalling \$ 38.2 million has been provided for with investment in:
 - Staff Housing with \$300,500 in renewals and \$2.1m for the construction of one by 4 staff housing units in Onslow.
 - Paraburdoo Child Care Centre Building of \$1.5m in for the design and construction of a purpose-built child care facility including after-school care.
 - Purchase of new Community Christmas Lights to install over 4 x Shire towns of \$17,000.
 - Tom Price Swimming Pool of \$37,400 for increased storage capacity for lane ropes and pool blankets as well as a BBQ and seating near the playground area.
 - Four Mile Creek Revitalisation of \$204,800 to enable the revitalisation and upgrade of this amenity and provide access to the beach.
 - Tom Price Sporting Pavilion of \$ 3.3m and Club Facility Development of \$100,000.
 - Paraburdoo Town Centre Revitalisation of \$1.58m.
 - Skate Park Lighting Tom Price of \$100,000.
 - Area W Master Plan of \$350,000.
 - Ian Blair Memorial Boardwalk Onslow finalise installation of new floor boards for \$500,000.
 - Various upgrades to Community amenities across all 4 x Shire Towns of \$593,950 plus an additional \$200,000 for playground upgrades.
 - Information Technology Upgrade of \$288,500.
 - Plant & Equipment of \$2.2m.
 - Finalise Onslow Airport and Terminal Construction \$ 15.2m.
 - Land Development (Tom Price LIA, Tom Price Residential and Onslow Residential) \$2.2m.
 - Upgrade of Onslow and Tom Price Pounds of \$115,400.
 - Urban Storm Water Drainage for Paraburdoo, Tom Price and Onslow for \$670,000.
 - Improvement of street lighting in all 4 x Shire Town sites for \$100,000.

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- Maintenance and upgrades of roads across all 4 x Shire Town sites for \$ 3.8m.
 - Sanitation Upgrades of Paraburdoo and Onslow Landfill facilities for \$1.1m.
 - Footpaths (all Towns) \$1.1m.
 - Grant and Contributions income of \$19.6m including \$ 13.4 m for the Onslow aerodrome terminal construction, \$4m for the Tom Price Sports Pavilion and \$2.8m for roads across the Shire.
 - In accordance with Section 5.2 of the Local Government Act 1995 the Organisational Structure of the Shire is amended to reflect the positions funded in the 2013/14 Annual Budget.
- Fees and Charges have generally been increased to reflect the Shire's costs of providing services.

There has been an expansion in the structure of the fees for other venues to allow for greater flexibility when hiring these venues.

ATTACHMENT 6.1 UNDER SEPARATE COVER

Consultation

Council and Councillors
Executive Management Group
Officers from relevant functional areas

Statutory Environment

Section 6.2 of the *Local Government Act 1995* requires that not later than 31 August in each financial year, or such extended time as the Minister allows, each local government is to prepare and adopt, (Absolute Majority required) in the form and manner prescribed, a budget for its Municipal Fund for the financial year ending on the next following 30 June.

Approval has been sought from the Minister for Local Government to adopt this budget after 31 August.

The *Local Government Act 1995* [Section 5.63 (1)(b)] specifically excludes the need for Elected Members to "Declare a Financial Interest" in imposing a rate, charge or fee.

The Section reads as follows:

*"5.63(1) Sections 5.65, 5.70 and 5.71 do not apply to a relevant person who has any of the following interests in a matter –
(b) an interest arising from the imposition of any rate, charge or fee by the local government;"*

Additionally, the declaration provisions of the Act do not apply to Council business reimbursements or to Members sitting fees. Any other interest, be it Financial, Proximity or Impartiality must be declared.

Special Meeting of Council 3 September 2013

Divisions 5 and 6 of the Local Government Act 1995 refer to the setting of budgets and raising of rates and charges. The Local Government (Financial Management) Regulations 1996 details the form and content of the budget. The draft 2012/13 Annual Budget as presented is considered to meet statutory requirements.

Waste Avoidance & Recovery Act 2007 deal with aspects of the budget including rating and fees and charges.

Financial Implications

The financial implications of the budget are based upon the objective of achieving a balanced budget at 30 June 2014 after carrying out normal operational requirements and an extensive capital program.

Strategic Implications

The budget has been prepared on the basis of achieving a near normal year of operations and an ambitious capital program while also consolidating the management and operational aspect of the Shire.

The budget has been drafted with regard to the Strategic Plan and informed by the consultation process used to develop the Community Strategic Plan.

Policy Implications

There are no specific policy implications relative to this issue.

Voting Requirement

Absolute Majority Required

The Acting Chief Executive Officer advised that the proposed differential rates were approved by the Council on 5 June and advertised for public comment. No submissions were received by 8 July 2013, the close of the public comment period. A request for approval to use these rates in the dollar has been submitted to the Minister for Local Government and Communities, but approval has not yet been received.

Council Decision

MOVED: Cr L Shields

SECONDED: Cr L Rumble

That Council suspend standing orders at 7.10 pm.

ABSOLUTE MAJORITY CARRIED 7/0

Council Decision

MOVED: Cr L Shields

SECONDED: Cr L Rumble

That Council re-instate standing orders at 7.17 pm.

ABSOLUTE MAJORITY CARRIED 7/0

Special Meeting of Council 3 September 2013

Recommendation

That Council:

1. Pursuant to the provisions of section 6.2 of the Local Government Act 1995 and Part 3 of the Local Government (Financial Management) Regulations 1996, the Council adopt the Municipal Fund Budget as contained in **ATTACHMENT 6.1 UNDER SEPARATE COVER** of this agenda and the minutes, for the Shire of Ashburton for the 2013/14 financial year which includes the following:
 - Statement of Comprehensive Income by Nature and Type
 - Statement of Comprehensive Income by Program
 - Statement of Cash Flows
 - Rate Setting Statement
 - Notes to and Forming Part of the Budget
 - Budget Functional Schedules
 - Schedule of Fees & Charges
2. For the purpose of yielding the deficiency disclosed by the Municipal Fund Budget adopted at Part A above, Council pursuant to sections 6.32, 6.33, 6.34 and 6.35 of the Local Government Act 1995 impose the following differential general and minimum rates on Gross Rental and Unimproved Values.

Rate Code Description	Rate in the \$
GRV Residential	0.036637
GRV Commercial	0.045788
GRV Tourism	0.045788
GRV Community	0.036637
GRV Industrial	0.045788
GRV Workers Accommodation Facilities	0.045788
UV Pastoral	0.031822
UV Commercial	0.350432
UV Industrial	0.350432
UV Tourism	0.154332
UV Mining Leases	0.350432
Minimum Payment	\$550.00

- 2.1 Pursuant to section 6.45 of the Local Government Act 1995 and regulation 64(2) of the Local Government (Financial Management) Regulations 1996, Council nominates the following due dates for the payment in full by instalments:

Option 1	
Due Date	Mon 14 October 2013
Option 2	
1st Instalment Due	Mon 14 October 2013
2nd Instalment Due	Mon 14 February 2014
Option 3	
1st Instalment Due	Mon 14 October 2013
2nd Instalment Due	Mon 16 December 2013
3rd Instalment Due	Mon 17 February 2014
4th Instalment Due	Thur 17 April 2014

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- 2.2 Pursuant to section 6.45 of the Local Government Act 1995 and regulation 67 of the Local Government (Financial Management) Regulations 1996, Council adopts an instalment administration charge where the owner has elected to pay rates (and service charges) through an instalment option of \$10 for each instalment after the initial instalment is paid.
- 2.3 Pursuant to section 6.45 of the Local Government Act 1995 and regulation 68 of the Local Government (Financial Management) Regulations 1996, Council adopts an interest rate of 5.5% where the owner has elected to pay rates and service charges through an instalment option.
- 2.4 Pursuant to section 6.51(1) and subject to section 6.51(4) of the Local Government Act 1995 and regulation 70 of the Local Government (Financial Management) Regulations 1996, Council adopts an interest rate of 11% for rates (and service charges) and costs of proceedings to recover such charges that remains unpaid after becoming due and payable.
- 2.5 Pursuant to section 6.13 of the Local Government Act 1995 and regulation 19A of the Local Government (Financial Management) Regulations 1996, Council adopts an interest rate of 11% for any amount of money (other than rates and service charges) owing to the Local Government that remains unpaid after becoming due and payable.
3. Pursuant to section 53 of the Cemeteries Act 1986 the Council adopts the Fees and Charges for all Cemeteries in the Shire of Ashburton included at page 107 of the draft 2012/13 Annual Budget included as Attachment 11.5 of this agenda and minutes.
- 3.1 Pursuant to section 245A(8) of the Local Government (Miscellaneous Provisions) Act 1960 the Council adopts a swimming pool inspection fee of \$13.75 inclusive of GST.
- 3.2 Pursuant to section 67 of the Waste Avoidance and Resources Recovery Act 2007, Council adopt the following charges for the removal and deposit of domestic and commercial waste:
- 3.2.1 Residential Premises (including recycling)
- | | |
|---|----------|
| • 240ltr bin per weekly collection | \$400 pa |
| • 240ltr bin per weekly collection | |
| Additional bin pick up at time of normal collection | \$440 pa |
| New Replacement 240ltr bin | \$145 pa |
- 3.2.2 Commercial Premises
- | | |
|------------------------------------|------------|
| • 240ltr bin per weekly collection | \$712 pa |
| • 1.1m3 per weekly collection | \$1,500 pa |
- 3.3 Pursuant to section 67 of the Waste Avoidance and Resources Recovery Act 2007, and section 6.16 of the Local Government Act 1995 Council adopt the following charges for the deposit of domestic and commercial waste:
- | | |
|--|--------------|
| • Domestic (private residents: cars, utilities, trailers only) | No Charge |
| • Unsecured Domestic Loads | \$20.00/load |
| • Unsecured Commercial Loads | \$20.00/load |
| • Commercial Bulk Waste delivered to landfill site | \$50/m3 |

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- Comingled Waste and Recyclable material (including timber & Steel) \$100.00/ m3
 - Car and light vehicle tyres \$10.00/tyre
 - Truck tyres \$15.00/tyre
 - Earthmover tyres by negotiation
 - Gas bottles valve intact \$10.00ea
 - Waste oil \$1.00/ltr
 - Vehicle batteries \$10.00 per battery
 - Asbestos (Double Wrapped) \$50.00/m3
 - Oversized Items by negotiation

 - Recyclable materials separated & uncontaminated free
 - Car Bodies free
- (All oils (including diff oil), fuels and batteries removed) free

4. Pursuant to section 5.99 of the Local Government Act 1995 and regulation 30 of the Local Government (Administration) Regulations 1996, Council adopts the following annual fees for payment of elected members in lieu of individual meeting attendance fees:

President	\$29,500 pa
Councillors	\$22,000 pa

- 4.1 Pursuant to section 5.99A of the Local Government Act 1995 Council adopts the following annual local government allowance for elected members:

Information & Communications Technology (ICT) Allowance \$ 500 pa

- 4.2 Pursuant to section 5.99A of the Local Government Act 1995 Council and regulation 32 of the Local Government (Administration) Regulations 1996 adopts the following annual local government allowance for elected members:

Child Care the actual cost per hour or \$25 per hour, whichever is the lesser amount.

- 4.3 Pursuant to section 5.99A of the Local Government Act 1995 regulation 31 of the Local Government (Administration) Regulations 1996 Council adopts the following annual local government allowance for elected members:

Travelling Expenses rate applicable to the reimbursement of travel costs in the same or similar circumstances under the Public Service Award 1992 issued by the Western Australian Industrial Relations Commission

- 4.4 Pursuant to section 5.98(5) of the Local Government Act 1995 Council adopts the following annual local government allowance to be paid in addition to the annual meeting allowance:

President	\$60,000 pa
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- 4.5 Pursuant to section 5.98A of the Local Government Act 1995 Council adopts the following annual local government allowance to be paid in addition of the annual meeting allowance:

Deputy President	\$15,000 pa
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5. In Accordance with Section 34(5) of the Local Government (Financial Management) Regulations 1996 adopt the following materiality thresholds:

Condition	Action
Actual variances to Budget up to 5% of Budget	Don't Report
Actual variances to Budget up to 10% of Budget	Use Management Discretion
Actual Variance exceeding 10% and a greater value greater than \$20,000	Must Report

Author: Lisa Hannagan	Signature:
Manager: Frank Ludovico	Signature:

Council Decision

MOVED: Cr A Eyre

SECONDED: Cr L Rumble

That Council adjourn the Special Meeting of Council to Wednesday 11 September 2013 at 7.00 pm.

CARRIED 7/0

7. DECLARATION OF OPENING

The Shire President declared the meeting open at 7.01 pm on Wednesday 11 September 2013.

8. ANNOUNCEMENT OF VISITORS

Ms Jenni Law, Manager, Advice and Support, Department of Local Government was contacted by telephone. Darren Lundberg from Chevron Pty Ltd and Jaime Hanrahan from the Department of State Development were present in Onslow.

9. ATTENDANCE

9.1 PRESENT

Onslow Multi-Purpose Centre, Cnr of McGrath & Hooley Avenue, Onslow

Cr K White Shire President, Onslow Ward
Cr A Eyre Ashburton Ward

Ms A O'Halloran Executive Manager, Strategic & Economic
Development

Ms D Wilkes Executive Manager, Community Development

Council Chambers, Recreation Centre, Central Road, Tom Price

Cr C Fernandez Tom Price Ward
Cr P Foster Tom Price Ward
Cr L Shields Tom Price Ward

Mr F Ludovico A/Chief Executive Office
Mr T Davis Executive Manager, Technical Services
Mrs L Hannagan A/Executive Manager, Corporate Services
Ms J Smith Executive Officer CEO
Mrs C Newby CEO & Councillor Support Officer

Paraburdoo Library, Ashburton Avenue, Paraburdoo

Cr L Rumble Deputy Shire President, Paraburdoo Ward

Pannawonica Library, Pannawonica Drive, Pannawonica

Cr D Wright Pannawonica Ward

9.2 APOLOGIES

Cr L Thomas Tableland Ward
Cr D Dias Paraburdoo Ward

10. DECLARATION BY MEMBERS

That Councillors White, Eyre, Fernandez, Shields, Rumble, Foster and Wright gave due consideration to all matters contained in the Agenda presently before the meeting.

10.1 DECLARATION OF INTEREST

Councillors to Note

A member who has a Financial Interest in any matter to be discussed at a Council or Committee Meeting, that will be attended by the member, must disclose the nature of the interest:

(b) In a written notice given to the Chief Executive Officer before the Meeting

or;

(b) At the Meeting, immediately before the matter is discussed.

A member, who makes a disclosure in respect to an interest, must not:

(c) Preside at the part of the Meeting, relating to the matter or;

(d) Participate in, or be present during any discussion or decision-making procedure relative to the matter, unless to the extent that the disclosing member is allowed to do so under Section 5.68 or Section 5.69 of the Local Government Act 1995.

NOTES ON FINANCIAL INTEREST (FOR YOUR GUIDANCE)

The following notes are a basic guide for Councillors when they are considering whether they have a Financial Interest in a matter.

I intend to include these notes in each agenda for the time being so that Councillors may refresh their memory.

1. A Financial Interest requiring disclosure occurs when a Council decision might advantageously or detrimentally affect the Councillor or a person closely associated with the Councillor and is capable of being measure in money terms. There are exceptions in the Local Government Act 1995 but they should not be relied on without advice, unless the situation is very clear.
2. If a Councillor is a member of an Association (which is a Body Corporate) with not less than 10 members i.e. sporting, social, religious etc), and the Councillor is not a holder of office of profit or a guarantor, and has not leased land to or from the club, i.e., if the Councillor is an ordinary member of the Association, the Councillor has a common and not a financial interest in any matter to that Association.
3. If an interest is shared in common with a significant number of electors or ratepayers, then the obligation to disclose that interest does not arise. Each case needs to be considered.
4. If in doubt declare.
5. As stated in (b) above, if written notice disclosing the interest has not been given to the Chief Executive Officer before the meeting, then it **MUST** be given when the matter arises in the Agenda, and immediately before the matter is discussed.

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6. Ordinarily the disclosing Councillor must leave the meeting room before discussion commences. The **only** exceptions are:
 - 6.1 Where the Councillor discloses the **extent** of the interest, and Council carries a motion under s.5.68(1)(b)(ii) or the Local Government Act; or
 - 6.2 Where the Minister allows the Councillor to participate under s.5.69(3) of the Local Government Act, with or without conditions.

Council Decision

MOVED: Cr L Rumble

SECONDED: Cr D Wright

That Council reconvene the Special Meeting of Council from Tuesday 3 September 2013.

CARRIED 7/0

11. NEW BUSINESS OF AN URGENT NATURE INTRODUCED BY DECISION OF MEETING

Council Decision

MOVED: Cr A Eyre

SECONDED: Cr L Rumble

That Council considers the following New Business of an Urgent Nature:

11.1 PROPOSED DIFFERENTIAL RATES 2013/14

CARRIED 7/0

11.1 NEW BUSINESS OF AN URGENT NATURE - PROPOSED DIFFERENTIAL RATES 2013/14

MINUTE: 15

FILE REFERENCE: FI.RA.00.00

AUTHOR'S NAME AND POSITION: Frank Ludovico
Acting Chief Executive Officer

NAME OF APPLICANT/RESPONDENT: Not Applicable

DATE REPORT WRITTEN: 11 September 2013

DISCLOSURE OF FINANCIAL INTEREST: The author has no financial interest in the proposal.

PREVIOUS MEETING REFERENCE: Agenda Item 17.1 (Minute No. 11624) – Ordinary Meeting of Council 21 August 2013
Agenda Item 11.6 (Minute No. 11547) – Ordinary Meeting of Council 5 June 2013
Agenda Item 12.06.32 – Ordinary Meeting of Council 17 June 2008

Summary

At Council's June 2013 meeting, Council determined the Differential rate for the 2013/14 Budget. This was subsequently advertised with no comments received.

A submission was made to the Minister for Local Government to approve the Differential rates in the dollar.

During this process revaluations were received that would have effectively increased Council's rate income by over \$1.4 million.

The Administration in consultation with the Department of Local Government and Communities (DLGC) withdrew the request for the Minister to approve the advertised Differential rate and developed a new item in order to review our differential rate in the dollar for 2013/14. This was considered at Council's 21 August 2013 meeting.

Subsequent to that meeting approval was sought from the Minister for Local Government to approve the differential rates adopted by Council.

Advice was received from the Minister late on 9 September 2013 indicating he "would give favourable consideration" if the UV rates in the dollar across all categories were raised to "maximum of approximately 7% increase from the 2012/13 rate in the dollar"

This item seeks Council approval to adopt rates in the dollar in line with the Ministers "advice".

Special Meeting of Council 3 September 2013

Background

At Council's June 2013 meeting, Council determined the Differential rate for the 2013/14 Budget. This was subsequently advertised with no comments received.

A submission was made to the Minister for Local Government to approve the Differential rates in the dollar.

During this process revaluations were received that would have effectively increased Council's rate income by over \$1.4 million.

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This item seeks Council approval to adopt rates in the dollar in line with the Ministers "advice".

ATTACHMENT 11.1

Comment

It is prudent to adopt the Ministers suggested increase in the rate in the dollar.

The calculated the effect of this "suggestion" on our budget is our income will be reduced by approximately \$386,200.

The Administration is considering what variations Council could make to the proposed 2013/14 Budget to account for this reduced income.

Please note once Council has adopted the new rates in the dollar, they will need to be again submitted to Minister for his approval.

Once this has been received Council will be able to determine its 2013/14 Budget.

Consultation

Executive Management Team
Department of Local Government

Statutory Environment

Local Government Act 1995, Part 6, Division 6 – Rates and Service Charges, Sections 6.32, 6.33, 6.35.

- Section 6.32 of the *Local Government Act* 1995 provides Council with the power to apply rates to property;
- Section 6.33 of the *Local Government Act* 1995 provides Council with the power to apply differential general rates although Ministerial approval is required where a differential rate is more than the lowest differential rate to be imposed;

Special Meeting of Council 3 September 2013

- Section 6.35 of the *Local Government Act* 1995 provides Council with the power to apply a minimum payment which is greater than the general rate which would otherwise be payable on that land.

Section 6.2 Local Government Act 1995 – The budget must be adopted by 31 August or such time as extended by the Minister for Local Government.

Part 5 of the Local Government (Financial Management) Regulations 1996. In particular Regulation 56(4)(b) where any changes to the differential rates advertised must be include or accompany the rates notice.

Financial Implications

The rate level set by Council will underpin its ability to provide services and facilities for the 2013/14 Financial Year and into the future.

Strategic Implications

The rate level adopted by Council will affect the Shire's ability to deliver on all aspects of the Strategic Plan.

Policy Implications

There are no Council Policy Implications relative to this issue.

Voting Requirement

Absolute Majority Required

Council Decision

MOVED: Cr A Eyre

SECONDED: Cr L Rumble

That Council:

That Council:

- 1. Adopt the following rates in the dollar and minimum rates for the differential rating categories specified for the 2013/14 Financial Year:**

Rate Code Description	Rate in the \$
GRV Residential	0.036637
GRV Commercial	0.045788
GRV Tourism	0.045788
GRV Community	0.036637
GRV Industrial	0.045788
GRV Workers Accommodation Facilities	0.045788
UV Pastoral	0.030655
UV Commercial	0.337570
UV Industrial	0.337570
UV Tourism	0.148670
UV Mining Leases	0.337570
Minimum Payment / assessment	
	\$550

- 2. Apply to the Minister of Local Government to approve Council in imposing the Schedule of Rates outlined in point 1 above.**

CARRIED BY ABSOLUTE MAJORITY 7/0

12. NEXT MEETING

The next Ordinary Meeting of Council will be held on 18 September 2013, at the Barry Lang Centre, Pannawonica, commencing at 1.00 pm.

13. CLOSURE OF MEETING

The Shire President closed the meeting at 7.09 pm.



**The Hon Tony Simpson MLA
Minister for Local Government; Community Services;
Seniors and Volunteering; Youth**

Our Ref: 49-01865

Mr Frank Ludovico
A/Chief Executive Officer
Shire of Ashburton
PO Box 567
TOM PRICE WA 6751

Dear Mr Ludovico

SHIRE OF ASHBURTON – DIFFERENTIAL GENERAL RATES 2013/14

I refer to the Shire's letter dated 22 August 2013 requesting approval for the second time to impose differential general rates that are more than twice the lowest rate in the unimproved value (UV) category.

After careful consideration, I have decided not to approve the Shire's application. In approving applications under section 6.33(3) of the *Local Government Act 1995*, I need to be convinced that the imposition of a differential general rate that is more than twice the lowest is justified. I am not satisfied with the reasons provided by the Shire in justifying the proposed significant increase in UV rates of 11.07 per cent.

However, I am willing to give favourable consideration, should the Shire see fit, to an application where the differential general rates in the UV Commercial, Industrial, Tourism and Mining Leases categories are subject to the same percentage increase in the rate as is being applied to the GRV Residential category for the 2013/14 financial year, if this constitutes a maximum of approximately seven per cent increase from the 2012/13 rate in the dollar.

Before proposing differential general rates for the 2014/15 financial year, the Shire should ensure that there is a complete review of the rating categories and methods. If there are significant changes in the rates, the Shire needs to consult individually with the rate categories with a small number of ratepayers. I note that the Shire failed to consult with ratepayers in the UV Tourism category after being advised to do so by the Department.

Consideration should also be given as to whether property uses are sufficiently similar within a category to be rated in the same way; for example, whether wilderness parks and providers of mining accommodation should be both rated as UV Tourism.

The Shire also needs to take into consideration the effects of any re-valuation of assessments before proposing rates for the categories. It is noted that this was not done in the Shire's first application for the 2013/14 financial year.

If you have any enquiries, please contact Ms Sheryl Siekierka, Principal Legislation Officer at the Department of Local Government and Communities, on 6552 1569 or by email at sheryl.siekierka@dlgc.wa.gov.au.

Yours sincerely



**HON TONY SIMPSON MLA
MINISTER FOR LOCAL GOVERNMENT; COMMUNITY SERVICES;
SENIORS AND VOLUNTEERING; YOUTH**

09 SEP 2013