



SHIRE OF CARNARVON

MINUTES

SPECIAL COUNCIL MEETING

TUESDAY 6 JUNE 2023

CONFIRMATION OF MINUTES

These minutes were confirmed by the Council on

.....
as a true and accurate record.....
Chairman

Council Chambers, Stuart Street
CARNARVON, West Australia
Phone: (08) 9941 0000
Fax: ((08) 9941 1099
Website – www.carnarvon.wa.gov.au

DISCLAIMER

No responsibility whatsoever is implied or accepted by the Shire of Carnarvon for any act, omission or statement or intimation occurring during Council/Committee Meetings or during formal/informal conversations with Staff or Councillors. The Shire of Carnarvon disclaims any liability for any loss whatsoever and howsoever caused arising out of reliance by any person or legal entity on any such act, omission or statement or intimation occurring during Council/Committee Meetings or discussions. Any person or legal entity who acts or fails to act in reliance upon any statement does so at that person's or legal entity's own risk.

In particular and without derogating in any way from the broad disclaimer above, in any discussion regarding any planning application or application for a licence, any statement or limitation of approval made by a member or officer of the Shire of Carnarvon during the course of any meeting is not intended to be and is not taken as notice of approval from the Shire of Carnarvon. The Shire of Carnarvon warns that anyone who has an application lodged with the Shire of Carnarvon must obtain and only should rely on WRITTEN CONFIRMATION of the outcome of the application, and any conditions attaching to the decision made by the Shire of Carnarvon in respect of the application.

To be noted that, in accordance with Regulation 11 of the Local Government (Administration) Regulations 1996, the minutes of the Council Meeting are a record of the decisions of the Council, any additional officers' advice, and explanatory notes as required. The minutes contain a summary of questions asked by members of the public and the answers given. The minutes are not a transcript of the proceedings of the meetings.

INFORMATION ON PUBLIC QUESTION TIME

The following information is provided should you wish to ask a question of Council at the Ordinary Meetings held on a monthly basis.

Please note that questions that have not been filled out on the Submission Form will not be accepted.

- The Local Government Act 1995 allows members of the public to ask questions in regard to any issue relating to the Shire.
- A maximum of 15 minutes will be allowed for public question time and the Presiding Member will allow a maximum of three (3) verbal/written questions per person.
- Prior to asking a question, the speaker must state his/her name and address.
- Members of the public are discouraged from asking questions which contain defamatory remarks, offensive language or questioning the competency of staff or Council members.
- The Presiding Member may nominate a member or officer to answer the question and may also determine that any complex questions requiring research be taken on notice and answered in writing.
- No debate or discussion is allowed to take place on any question or answer.
- A summary of each question asked and the response given will be included in the minutes of the meeting –

Local Government (Administration) Regulations 1996 – Pt 2, r.11 – (in part reads -)

11. Minutes, content of (Act s.5.25(1)(f))

The content of minutes of a meeting of a council or a committee is to include –

(e) a summary of each question raised by members of the public at the meeting and a summary of the response to the question.

Responses to questions that are taken on notice will be responded to as soon as possible.

- If you wish to ask a question, please complete the Public Question Time Submission Form at the back of this information sheet. Alternatively, questions can be submitted in writing to the Shire of Carnarvon 3 days prior to the meeting.

SPECIAL MEETINGS OF COUNCIL

Members of the public are welcome to attend a Special Meeting of Council if open, and ask questions of the Council within the allotted public question time ***subject to the questions being asked only relating to the purpose of the Special Meeting*** (s5.23 of the Act and regulation 12 (4) of the Local Government (Administration) Regulations 1996, the Department of Local Government and Communities Guide to Meetings and Governance Bulletin April 2014 and Guideline No. 3 Managing Public Question Time.)

INDEX

1.0 ATTENDANCES , APOLOGIES & APPROVED LEAVE OF ABSENCE

(The Local Government Act 1995 Section 2.25 provides that a Council may, by resolution, grant leave of absence to a member for Ordinary Council Meetings. The leave cannot be granted retrospectively and an apology for non-attendance at a meeting is not an application for leave of absence.)

2.0 PUBLIC QUESTION TIME

(In accordance with Section 5.24 of the Local Government Act 1995, a 15 minute public question time is made available to allow members of the public the opportunity of questioning Council on matters concerning them. All questions are to be provided on the Public Question Time Submission Form.)

3.0 DECLARATIONS OF INTEREST

(Councillors and Staff are reminded of the requirements of Section 5.65 of the Local Government Act 1995, to disclose any interest during the meeting or when the matter is to be discussed.)

4.0 ITEMS FOR DISCUSSION

4.1 Intention to Impose Differential Rates 2023/20245

5.0 MATTERS FOR WHICH MEETING TO BE CLOSED TO MEMBERS OF THE PUBLIC

6.0 CLOSURE



**MINUTES OF THE SPECIAL MEETING OF COUNCIL HELD IN THE COUNCIL CHAMBERS, STUART STREET,
CARNARVON ON TUESDAY 6 JUNE 2023**

The meeting was declared open by the Presiding Member at 8.54am

The Shire of Carnarvon acknowledges the Yinggarda people as traditional custodians of this land and their continuing connection to land and community. We pay our respect to them, to their culture and to their Elders past and present.

1.0 ATTENDANCES, APOLOGIES AND APPROVED LEAVE OF ABSENCE

Cr B Maslen Councillor, Gascoyne/Minilya Ward
Cr L Skender Councillor, Town Ward
Cr A Fullarton Councillor, Town Ward
Cr L Vandeleur Councillor, Town Ward
Cr M Ferreirinha Councillor, Plantation Ward

Mrs A Selvey Chief Executive Officer
Mr A Thornton Deputy Chief Executive Officer
Mrs D Hill Senior Executive Officer

Apologies

Cr E Smith Presiding Member/Shire President
Cr T Langley Councillor, Town Ward
Cr A Cottrell Councillor, Coral Bay Ward

Leave of Absence Nil
Observers Nil

2.0 PUBLIC QUESTION TIME

(In accordance with Section 5.24 of the Local Government Act 1995, a 15 minute public question time is made available to allow members of the public the opportunity of questioning Council on matters concerning them. All questions are to be provided on the Public Question Time Submission Form.)

There was no public in attendance.

3.0 DECLARATIONS OF INTEREST

(Councillors and Staff are reminded of the requirements of Section 5.65 of the Local Government Act 1995, to disclose any interest during the meeting or when the matter is to be discussed.)

Nil

4.0 ITEMS FOR DISCUSSION

4.1 INTENTION TO IMPOSE DIFFERENTIAL RATES FOR 2023/2024

File No:	ADM0071
Location/Address:	Shire of Carnarvon
Name of Applicant:	Shire of Carnarvon
Name of Owner:	N/A
Author(s):	Dallas Wood Harris, Rates Officer Alan Thornton, Deputy Chief Executive Officer
Authoriser:	Andrea Selvey, Chief Executive Officer
Declaration of Interest:	Nil
Voting Requirement:	Absolute Majority
Previous Report:	Ordinary Council Meeting 26 April 2023 What date did we put this up for council to endorse advertising.
Schedules:	Schedule 4.1(a) Proposed Differential Rates Model 2023-2024 Schedule 4.1(b) Advert for Differential Rates 2023-2024 Schedule 4.1(c) Object and Reasons 2023-2024 Schedule 4.1(d) Submission from McMahon Mining Title Services 2023 Schedule 4.1(e) Proposed Submission Response Letter to McMahon Mining Title Services 2023

Authority/Discretion:

- | | | |
|-------------------------------------|-----------------------|--|
| <input type="checkbox"/> | Advocacy | When Council advocates on its own behalf or on behalf of its community to another level of government/body/agency. |
| <input checked="" type="checkbox"/> | 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 |
| <input type="checkbox"/> | Legislative | Includes adopting local laws, town planning schemes and policies. |
| <input type="checkbox"/> | Information | Includes items provided to Council for information purposes only that do not require a decision of Council (i.e. – for noting). |
| <input type="checkbox"/> | Quasi-judicial | When Council determines an application / matter that directly affects a person's right and interest. The judicial character arises from the obligations to abide by the principles of natural justice. Examples of Quasi-Judicial authority include town planning applications, building licenses, applications for other permits / licenses |

Summary of Item

Following the Council resolution on 26 April 2023 to publicly advertise its intention to impose differential rates, one public submission has been received. Therefore, as per the Council resolution on 26 April and legislation, Council is required to consider the submission in making their final determination in relation to the setting of differential rates.

Background

The purpose of levying rates is to meet Council's budget requirements in each financial year and enables Council to raise the revenue necessary to provide facilities, infrastructure and services to the entire community and visitors of the Shire of Carnarvon.

The rates levied on properties are determined by applying the rate in the dollar to the applicable valuation amount of the properties within the district, and if applicable, applying a minimum rate. The Shire applies a minimum rate to each rating category in accordance with S6.35 of the *Local Government Act 1995*, to ensure that properties with a low valuation still pay a fair and reasonable amount towards the maintenance and continuity of Shire infrastructure and services.

The method of land valuation (GRV or UV) is determined by the Minister for Local Government, Sports and Cultural Industries (the Minister) with individual valuations being provided to the Shire by the Valuer Generals Office (VGO) as part of Landgate. In May 2023, the rural and mining rolls were received by the Shire. The rolls showed that the future property values (2023/2024) had increased for Intensive Horticulture and Mining UV rating categories and decreased for the Pastoral UV rating category on the overall average. Within these overall averages, it should be noted that individual property values have increased or decreased, pending the specifics of each particular property.

The power to set differential rates is contained in the *Local Government Act 1995* section 6.33 (1) which provides the ability to differentially rate properties, based land characteristics.

The Department of Local Government, Sports and Cultural Industries (the Department) requires that Council endorse not only the imposition of differential rates, but also the objects and reasons for the imposition of differential rating. The application of differential rates and minimum payments to properties within the Shire maintains equity in the rating of properties.

At the Ordinary Meeting of Council on 26 April 2023, Council resolved as follows:

COUNCIL RESOLUTION OCM 20/04/23

Moved: Cr Burke Maslen

Seconded: Cr Luke Vandeleur

That Council, by Absolute Majority in accordance with Section 6.8 (1) (b) of the Local Government Act 1995 resolves to:

- 1. Publicly advertise its intention to impose differential rates with a 3% increase as per table below and invites public submissions for a period of twenty-one days commencing on; and***

2023-24 Budget (GRV & UV 3% increase on RID)					
RATE TYPE	Cents in \$	Number of Properties	Rateable Value \$	Budgeted Rate Revenue \$	Budgeted Total Revenue \$
Differential General Rate					
GRV - Residential	12.14082	1,285	22,298,089	2,707,170	2,707,170
GRV - Commercial/Industrial	11.24564	266	15,669,180	1,762,100	1,762,100
GRV - Special Use/Rural	12.14082	55	1,757,732	213,403	213,403
UV - Mining	26.76218	50	902,680	241,577	241,577
UV - Pastoral	12.18614	31	3,131,820	381,648	381,648
UV - Intensive Horticultural	2.79398	170	20,898,500	583,899	583,899
Sub - Total		1,857	64,658,001	5,889,797	5,889,797
Minimum Rates					
GRV - Residential	1,265	395	3,237,236	499,612	499,612
GRV - Commercial/Industrial	1,265	61	469,058	77,155	77,155
GRV - Special Use/Rural	1,265	47	373,933	59,447	59,447
UV - Mining	464	16	13,684	7,416	7,416
UV - Pastoral	1,265	9	30,700	11,384	11,384
UV - Intensive Horticultural	1,265	0	0	0	0
Sub-Total		528	4,124,611	655,014	655,014
Total Rates Levied		2,385	68,782,612	6,544,811	6,544,811
Change in Total Yield from 2022-2023 Budget				3.69%	232,732
Total GRV Yield					5,318,888
Total UV Yield					1,225,924
Check					0
Change in Total GRV Yield from 2022-23 Budget				3.49%	179,196
Change in Total UV Yield from 2022-23 Budget				4.57%	53,537
Total Change in Yield from 2022-23 Budget				3.69%	232,732

2. Consider any submissions in respect of imposition of differential rates as part of the 2023/2024 Budget deliberations.
3. Adopt the objects and reasons of the differential rates as provided in Schedule (c) and publish the document on the Shire of Carnarvon official website.

CARRIED BY ABSOLUTE MAJORITY 8/0

COUNCIL RESOLUTION OCM 21/04/23

Moved: Cr Burke Maslen
Seconded: Cr Luke Vandeleur

That Council, by Absolute Majority in accordance with Section 6.8 (1) (b) of the Local Government Act 1995, resolves that should no submissions be received during the public submission period, to progress to seeking approval from the Minister for Local Government to impose differential rates for 2023/2024 and for the objects and reasons as provided in Schedule (c) and to be adopted as part of the 2023/2024 budget.

CARRIED BY ABSOLUTE MAJORITY 8/0

(Note – Council considered that a 6% was too onerous on the ratepayers and therefore recommended that a 3% increase be implemented .)

Schedules presented to Council at the 26 April 2023 Ordinary Meeting of Council are as follows:

- Schedule 4.1(a) Proposed Differential Rates Model 2023-2024
- Schedule 4.1(b) Advert for Differential Rates 2023-2024
- Schedule 4.1(c) Object and Reasons 2023-2024

In accordance with Section 6.36 of the *Local Government Act 1995*, the Shire of Carnarvon is required to publish its Objects and Reasons for implementing Differential Rates. Differential rating is the method of applying a different rate in the dollar to a different category of property. This is allowed for and controlled by S6.33 of the *Local Government Act 1995* and the Shire applies differential rates according to property usage for GRV and UV Rated properties.

Legislation requires that should a submission or submissions be received, that Council needs to consider that submission or submissions. The Shire received one public submission from McMahon Mining Title Services Pty Ltd, as detailed in Schedule 4.1(d) Submission from McMahon Mining Title Services 2023.

Stakeholder and Public Consultation

Public notice of the Shire's intention to impose differential rates was advertised in the Midwest Times on 10 May 2023, 17 May 2023 and 24 May 2023. Public notice advertising on this matter also occurred on the Shire's website, Shire's Facebook page, and at the Shire's Administration Office and Library from 10 May 2023 to 1 June 2023.

The advertising period ended on 1 June 2023 with the Shire receiving one public submission, from McMahon Mining Title Services Pty Ltd – see Schedule 4.1(d).

Statutory Environment

Local Government Act 1995 Section 6.33 Differential general rates and 6.35 Minimum payment.

Relevant Plans and Policy

Nil

Financial Implications

The proposed uniform general rates and differential rates and minimum payments for the 2023-2024 financial year will raise approximately \$6,638,438 across the categories as detailed in Schedule 4.1(a).

Risk Assessment

Consequence		STEP 3 – Risk Tolerance Chart Used to Determine Risk				
		Insignificant 1	Minor 2	Major 3	Critical 4	Extreme 5
Likelihood						
Almost certain	A	High	High	Extreme	Extreme	Extreme
Likely	B	Moderate	High	High	Extreme	Extreme
Possible	C	Low	Moderate	High	Extreme	Extreme
Unlikely	D	Low	Low	Moderate	High	Extreme
Rare	E	Low	Low	Moderate	High	High

Risk Category	Description	Rating (Consequence x likelihood)	Mitigating Action/s
Financial	N/A	N/A	N/A
Health & Safety	N/A	N/A	N/A
Reputation	Community sensitivity to Council rate. Rates that are perceived as high have the potential to result in reputational damage.	High	This risk has to be balanced against raising revenue to support Shire operations and service delivery. Officers have kept the total rate revenue to minimum required.
Service disruption	N/A	N/A	
Compliance	The process is non compliant with legislation.	Low	Officers have checked with DLGSC representatives to ensure that all compliance requirements have been met in this updated report.
Property	N/A	N/A	N/A
Environment	N/A	N/A	N/A
Fraud	N/A	Low	N/A

Community and Strategic Objectives

Rates revenue provides a large percentage of funding required to deliver on the Community and Council's desired objectives as expressed in the *Community Strategic Plan 2022-2032*.

Comments

The objective of imposing differential rates is to ensure equity across different land uses, especially where values can vary greatly from properties close to townsites and those in more remote areas of the Shire. The ability of Council to apply a different rate in the dollar ensures that all properties make a fair contribution to the required revenue of the Shire.

Applying differential rates can also be used, should Council wish to offset dramatic changes in valuations which come about as part of Landgate's periodical revaluations.

At the end of the 2022/2023 Financial year, Landgate revalued the Intensive Horticultural, Mining and Pastoral Land Values. Values of Intensive Horticulture increased by approximately 8%. Pastoral properties were revalued downwards by approximately 3% on existing values. Mining values increased by approximately 3.54%. Based on the proposed rate in the dollar for the UV mining category for the 2023-2024 financial year, the overall increase in rate revenue raised would be \$33,021 from the 66 properties in this rating category, compared to the 2022-2023 financial year.

An overall increase of 8 percent was applied to the 2018/19 rates. A further increase of 6 percent was applied in 2019/20. No increase was levied for the 2020/21 financial year due to COVID relief and a 6% increase was applied for 2021/2022. In 2022-2023 rates increased by 6% (rate in the dollar increase).

The proposed differential rates based on the latest valuations from Landgate outlined below are set to maintain the relative contributions to general rate revenue for each differential category as applied in the 2022/2023 financial year. Overall, the rates modelling has been done to achieve a 3% rate in the dollar increase in each rating category as per the 26 April 2023 resolution of Council.

Individual property increases and decreases depend on valuations provided to the Shire by the Valuer Generals Office (VGO), and therefore may be different to the overall increase of 3%.

The actual rate applied will be the differential rates applied for and approved by the Ministerial delegation, unless a variation is approved by the Minister. This is to comply with the *Local Government Act 1995* Section 6.33(3).

At the close of the advertised public submission period on 1 June 2023, one public submission -from McMahon Mining Title Services Pty Ltd -concerning Council's intent to impose differential rates was received.

The submission acknowledges that the Valuer General and the Department of Mines, Industry Regulation and Safety is responsible for determining valuation amounts and rent rates imposed on mining tenements. Additionally, the submission raises matters relating to the value of the mining sector to the State's economy and the challenges of Covid on the mining sector, and requested that all government fees are set to reduce costs of doing business in the State, and not specially relating to the costs of doing business in the Shire of Carnarvon.

In regard to unimproved valued mining properties the object of this differential category is to apply a differential rate to mining related properties in the Shire in order to raise additional revenue to offset the costs associated with reducing and rehabilitating environmental impacts as well as the costs related to the increased maintenance and renewal of assets and infrastructure required by the impact of heavy mining and vehicles.

The Shire of Carnarvon recognises that mining related industries create a significant impact on the environment as well as the infrastructure within the Shire compared to properties that fall outside this land use. The reason this category is rated higher than the other two rates is to reflect the higher road infrastructure maintenance costs to the Shire resulting use of extensive lengths of Shire roads throughout the year, and the relatively low total contribution from this sector to the overall total.

The submission from McMahon Mining Title Services Pty Ltd does not address the Objects and Reasons for the application of a higher rate for the UV Mining as detailed in Schedule 4.1(c).

The one submission received concerning the Shire's intent to impose differential rates, does not address the Object and Reasons for the Shire applying a higher rate in the dollar for rates on properties valued on

an unimproved basis. Therefore, it is the officer's recommendation that Council endorse the differential rates for properties valued on an unimproved value and gross rental value basis.

The proposed response to McMahon Mining Title Services Pty Ltd submission is provided in Schedule 4.1(e) Proposed Submission Response Letter to McMahon Mining Title Services 2023.

OFFICER'S RECOMMENDATION

That Council, by Absolute Majority, pursuant to s.6.33 and s.6.35 of the Local Government Act 1995 resolves to:

- 1. Seek approval from the Minister for Local Government to impose differential rates for 2023/2024 land parcels that have unimproved value and gross rental value assigned to them as per the table below; and for the objects and reasons of the differential rates as provided in Schedule 4.1(c) and to be adopted as part of the 2023/2024 budget:*

Category	Cents in \$	Minimum Rate (\$)
GRV - Residential	12.1408	1,265
GRV - Commercial/Industrial	11.2456	1,265
GRV - Special Use/Rural	12.1408	1,265
UV - Mining	26.7622	464
UV - Pastoral	12.1861	1,265
UV - Intensive Horticultural	2.7940	1,265

- 2. Note the submission from McMahon Mining Title Services and advise McMahon Mining Title Services of Council's decision.*

SCM 1/6/23

COUNCIL RESOLUTION

Cr Vandeleur/Cr Skender

That Council, by Absolute Majority, pursuant to s.6.33 and s.6.35 of the Local Government Act 1995 resolves to:

- 1. Seek approval from the Minister for Local Government to impose differential rates for 2023/2024 land parcels that have unimproved value and gross rental value assigned to them as per the table below; and for the objects and reasons of the differential rates as provided in Schedule 4.1(c) and to be adopted as part of the 2023/2024 budget:*

Category	Cents in \$	Minimum Rate (\$)
GRV - Residential	12.1408	1,265
GRV - Commercial/Industrial	11.2456	1,265
GRV - Special Use/Rural	12.1408	1,265
UV - Mining	26.7622	464
UV - Pastoral	12.1861	1,265
UV - Intensive Horticultural	2.7940	1,265

2. *Note the submission from McMahon Mining Title Services and advise McMahon Mining Title Services of Council's decision.*

(Note: Reference to the rehabilitation of land is not to be included in the letter from the CEO to McMahon Mining Title Services as rehabilitation of land is the responsibility of the mining tenement holder.)

CARRIED BY ABSOLUTE MAJORITY
F5/A0

5.0 MATTERS FOR WHICH MEETING TO BE CLOSED TO MEMBERS OF THE PUBLIC

Nil

6.0 CLOSURE:

The Presiding Member declared the meeting closed at 9.00am