



MINUTES
SPECIAL COUNCIL MEETING
TO BE HELD ON
TUESDAY
01 JUNE 2023
COMMENCING AT 5.30 PM



Disclosure of Interest Form
(Elected Members/Committee Members/Employees/Contractors)

Local Government Act 1995 (Section 5.65, 5.70 & 5.71)

To: Chief Executive Officer

☐ Ordinary Council Meeting held
on _____

☐ Special Council Meeting held
on _____

☐ Committee Meeting held on _____

☐ Other _____

Report No _____

Report Title _____

Name _____

☐ Elected
Member

☐
Committee

☐ Employee

☐ Contractor

Type of Interest (*see overleaf for further information)

☐ Proximity

☐ Financial

☐ Impartiality

Nature of Interest

Extent of Interest (if intending to seek Council approval to be involved with debate and/or vote)

Name: _____ Signed: _____ Date: _____

Note 1: For Ordinary meetings of Council, elected members and employees are requested to submit this completed form to the Chief Executive Officer prior to the meeting. Where this is not practicable, disclosure(s) must be given to the Chief Executive Officer prior to the matter being discussed.

Note 2: Employees or Contractors disclosing an interest in any matter apart from at meetings, where there is a conflict of interest including disclosures required by s5.71 are required to submit this form to the CEO as soon as practicable.

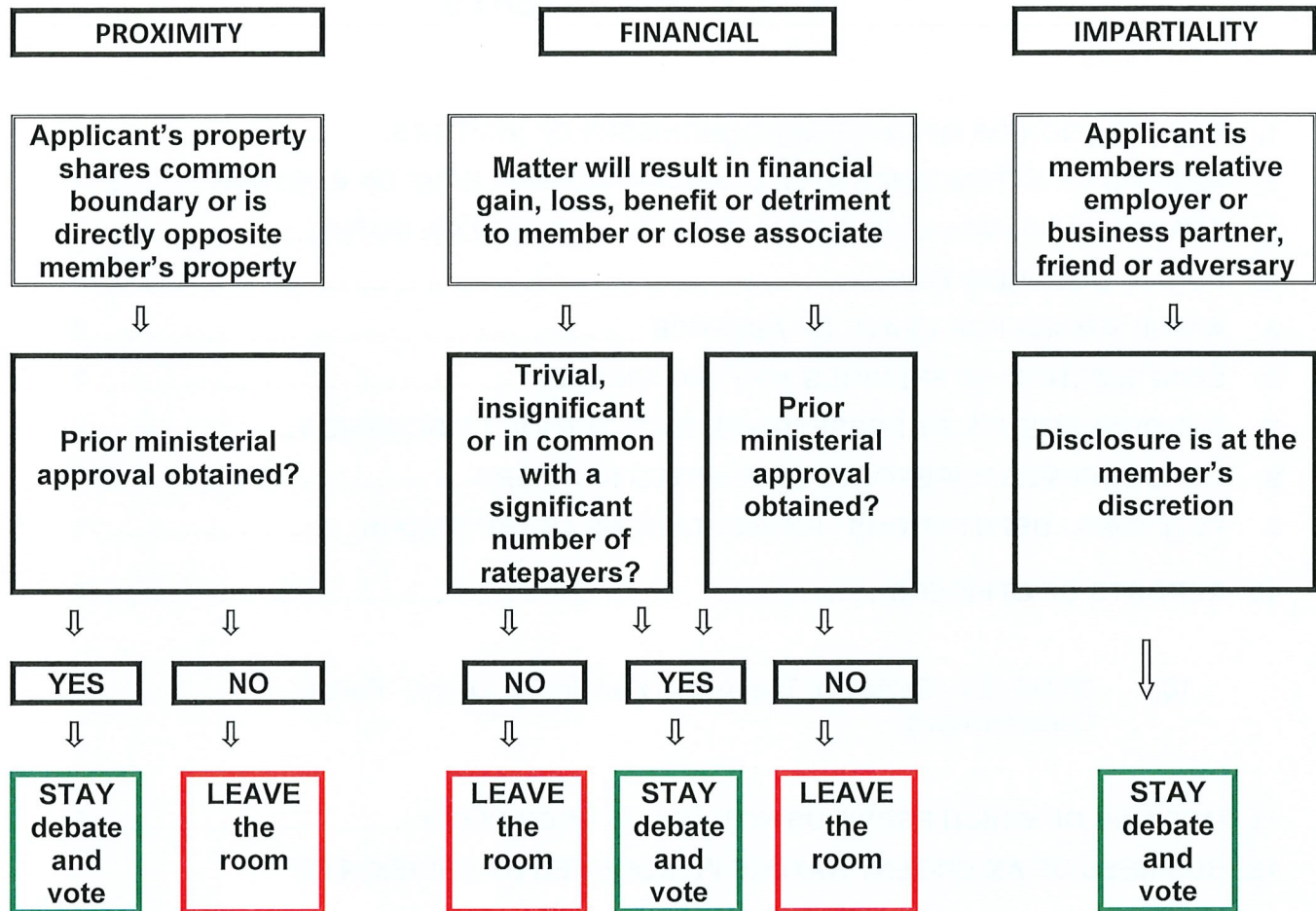
OFFICE USE ONLY

CEO
:

Signed: _____

Date: _____

Declaring an Interest



Local Government Act 1995 - Extract

5.65 - Members' interests in matters to be discussed at meetings to be disclosed.

- (1) A member who has an 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 CEO before the meeting; or (b) at the meeting immediately before the matter is discussed. (Penalties apply).
- (2) It is a defence to a prosecution under this section if the member proves that he or she did not know:
 - (a) that he or she had an interest in the matter; or (b) that the matter in which he or she had an interest would be discussed at the meeting.
- (3) This section does not apply to a person who is a member of a committee referred to in section 5.9(2)(f).

5.70 - Employees to disclose interests relating to advice or reports.

- (1) In this section: 'employee' includes a person who, under a contract for services with the local government, provides advice or a report on a matter.
- (2) An employee who has an interest in any matter in respect of which the employee is providing advice or a report directly to the Council or a committee must disclose the nature of the interest when giving the advice or report.
- (3) An employee who discloses an interest under this section must, if required to do so by the Council or committee, as the case may be, disclose the extent of the interest. (Penalties apply).

5.71 - Employees to disclose interests relating to delegated functions.

If, under Division 4, an employee has been delegated a power or duty relating to a matter and the employee has an interest in the matter, the employee must not exercise the power or discharge the duty and:

- (a) in the case of the CEO, must disclose to the mayor or president the nature of the interest as soon as practicable after becoming aware that he or she has the interest in the matter; and (b) in the case of any other employee, must disclose to the CEO the nature of the interest as soon as practicable after becoming aware that he or she has the interest in the matter. (Penalties apply)

'Local Government (Administration) Regulations 1996 – Extract

In this clause and in accordance with Regulation 34C of the Local Government (Administration) Regulations 1996:

"Interest" means an interest that could, or could reasonably be perceived to, adversely affect the impartiality of the person having the interest and includes an interest arising from kinship, friendship or membership of an association.

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AGENDA

1. DECLARATION OF OPENING/ANNOUNCEMENT OF VISITORS

The Shire President declared the meeting open at: 5:30pm

Acknowledgement of Country:-

The Shire of Three Springs acknowledges the traditional owners of this land – the Southern Yamatji people, and their continuing connection to land, water and community. We pay our respects to them and their cultures, and to elders both past, present and emerging.

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

	Attendance	Apologies	Approved Leave of Absence
Councillor Lane	Present		
Councillor Connaughton	Present		
Councillor Heal		Apologies	
Councillor Mutter	Present		
Councillor Mills		Apologies	
Councillor Ennor	Present		
Councillor Eva	Present		
Chief Executive Officer	Present		
Deputy Chief Executive Officer	Present		
Executive Secretary		Apologies	

3. RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

Nil

4. PUBLIC QUESTION TIME

Nil

5. APPLICATIONS FOR LEAVE OF ABSENCE

		OCM Month	Moved	Seconded	Vote	Date
5.1	Cr.		Cr.	Cr.		
5.2	Cr.		Cr.	Cr.		
5.3	Cr.		Cr.	Cr.		

6. CONFIRMATION OF PREVIOUS MEETING MINUTES

That the Minutes of the Council meeting are confirmed as true and accurate record of proceedings.					
	Date	Moved	Seconded	Vote	
6.1					

7. ANNOUNCEMENTS BY PRESIDING PERSON WITHOUT DISCUSSION

The Shire President reminds Council Members and Staff of the requirements of Section 5.65 of the *Local Government Act* to disclose any interest during the meeting prior to the matter being discussed.

8. ANNOUNCEMENTS/REPORTS OF ELECTED MEMBERS

Councillor	Activity
Cr. Lane	
Cr. Connaughton	
Cr. Heal	
Cr. Mutter	
Cr. Mills	
Cr. Ennor	
Cr. Eva	

9. PETITIONS / DEPUTATIONS / PRESENTATIONS / SUBMISSIONS

Nil

10.1 REPORTS OF OFFICERS

Corporate Services	
10.1. 2023/2024 - Setting of The Annual Rate In The Dollar – Further Considerations	
Agenda Reference:	
Location/Address:	Shire of Three Springs
Name of Applicant:	Shire of Three Springs
File Reference:	
Disclosure of Interest:	Nil
Date:	1 June 2023
Author:	Krys East - Deputy Chief Executive Officer
Attachment (s):	Nil

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 permits, 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:

After the conclusion of the Special Council meeting on May 30, 2023, an irregularity concerning the proposed UV Arrino Town rate in the dollar has come to light. This discrepancy would potentially lead to a violation of Section 6.33 (4) of the Local Government Act 1995, which mandates compliance. It is therefore necessary for the Council to deliberate on modifying both the Rate in the Dollar (RID) and the minimum amount applicable to the UV Arrino Town category in order to rectify the situation.

Background:

At the OCM held on 26 April 2023, Council resolved to

033/2023 OFFICER'S RECOMMENDATION and COUNCIL RESOLUTION 10.8																	
<u>MOVED:</u> Cr. Eva <u>SECONDED:</u> Cr. Connaughton That Council: - in arriving at the proposed rates in the dollar have attempted to balance the need for revenue to fund essential services and facilities with the desire to limit any increase on the ratepayer to affordable levels. - acknowledge that it reviews its expenditure and considers efficiency measures as part of budget deliberations. - authorise that the following proposed rates in the dollar for differential rates be advertised for 21 days on or after 1st of May 2023 (as per Local Government Act 1995 Section 6.36). <table border="1"> <tr> <td>Unimproved Value - Rural</td><td>1.2917 cents (0 % change)</td><td>Minimum \$500</td></tr> <tr> <td>Gross Rental Value - TS Town</td><td>12.7549 cents (0 % change)</td><td>Minimum \$500</td></tr> <tr> <td>Unimproved Value - Arrino Town</td><td>1.2917 cents (0 % change)</td><td>Minimum \$500</td></tr> <tr> <td>Gross Rental Value - Mining</td><td>23.9212 cents (87.55% change)</td><td>Minimum \$500</td></tr> <tr> <td>Unimproved Value - Mining</td><td>6.0800 cents (370.70 % change)</td><td>Minimum \$500</td></tr> </table> - consult individually with GRV Mining ratepayers as the category has fewer than 30 ratepayers. - furthermore, if no submissions are received at close of the advertising period, staff are to proceed with seeking Ministerial approval to allow for these rates to be adopted as part of the 2023/24 Budget adoption. - adopts the Objects and Reasons for the 2023/24 differential rates as presented. CARRIED: Voted: 6/0			Unimproved Value - Rural	1.2917 cents (0 % change)	Minimum \$500	Gross Rental Value - TS Town	12.7549 cents (0 % change)	Minimum \$500	Unimproved Value - Arrino Town	1.2917 cents (0 % change)	Minimum \$500	Gross Rental Value - Mining	23.9212 cents (87.55% change)	Minimum \$500	Unimproved Value - Mining	6.0800 cents (370.70 % change)	Minimum \$500
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Unimproved Value - Mining	6.0800 cents (370.70 % change)	Minimum \$500															

The proposed rates were advertised on the 1 May 2023 with submissions closing on the 23 May 2023. No submissions were received relating to UV Arrino Town.

Back in 2011/12 the Rating Information in the Annual Financials stated:

"The 2011/12 rates were quashed by the SAT on 29th June 2012 and ministerial approval for the differential rates was received on 4th July 2012. A special meeting of Council was held 4th July 2012 to re-adopt 2011/12 budget and accept Minimum and Differential rates imposed for 2011/12 financial year."

At the Special meeting of Council held 4th July 2012 part of the resolution was:

1. → Notes that the State Administrative Tribunal has quashed the general rate and minimum payments imposed by the Town of Three Springs on 31 August 2011.
- in accordance with s 6.82 of the *Local Government Act 1995*, as the 'UV – Mining' and 'UV – Arrino Town' minimum payment did not comply with ¶ s 6.35(4) (a) of the Act as it was applied to more than 50% of properties on that general rate.¶

¶

Section 6.35 (4) of the Local Government Act 1995 stipulates that no more than 50% of the assessments in a category can be on the minimum amount.

Officers Comment:

The Shire's Statutory Budget and Annual Reports have been combining UV Rural and UV Arrino Town rating information since the 2016-17 period. While these are distinct rating categories, their joint reporting has obscured the non-compliance of the UV Arrino Town Rate in the Dollar (RID) and minimum with Section 6.35 (4) of the Local Government Act 1995.

The reason this anomaly went unnoticed until now may be due to the absence of differential rating implementation in the intervening years, eliminating the need for ministerial approval.

It is important to note that the UV Arrino Town category comprises only four properties. However, when the advertised RID and minimum are applied to this category, all properties end up being charged the minimum amount, resulting in non-compliance.

To rectify this issue and achieve compliance, it is proposed that the Council approves an increase in the RID to 4.2000 cents while reducing the minimum to \$200. Table 1 presents the impact of these proposed changes on individual ratepayers.

Table 1

Assess	Rate Levied	Adjusted Rate Levied	Rate Levied After Capping	Rates Levied Last Year...	Var to L/Y
A506	201.6	201.6	201.6	500	-59.68%
A556	138.6	200	200	500	-60.00%
A578	138.6	200	200	500	-60.00%
A712	598.5	598.5	598.5	500	19.70%
	1077.3	1200.1	1200.1	2000	

Implementing the suggested modifications to the RID and the minimums would result in the following impacts:

- Ensuring compliance with Section 6.35 (4) of the Local Government Act 1995, which is crucial when seeking Ministerial approval for differential rating.
- Despite the modifications, Ministerial approval would still be necessary since the UV Arrino Town category, along with UV Mining, exceeds twice the proposed UV Rural RID.
- The rate revenue for the UV Arrino Town category would decrease from \$2,000 to \$1,200.
- Given that there are fewer than 30 ratepayers in this category, it is mandatory to send a letter to each ratepayer, informing them of the proposed rates and the resulting impact. They would have 21 days to submit their feedback, and even if no

submissions are received, Council must consider the matter. Afterwards, Ministerial approval can be sought for implementing these rates.

Although this course of action would introduce a delay of slightly over three weeks in obtaining Ministerial approval, it is anticipated that the overall timeline for adopting the Annual Budget by August 31, 2023, or potentially sooner, would still be met.

By taking these measures, the likelihood of receiving Ministerial approval is significantly increased.

Consultation:

Council

Staff

Valuer General's Office

Statutory Environment:

Local Government Act 1995 – Section 6.35 Minimum payment

“6.35. Minimum payment

- (1) Subject to this section, a local government may impose on any rateable land in its district a minimum payment which is greater than the general rate which would otherwise be payable on that land.*
- (2) A minimum payment is to be a general minimum but, subject to subsection (3), a lesser minimum may be imposed in respect of any portion of the district.*
- (3) In applying subsection (2) the local government is to ensure the general minimum is imposed on not less than —*
 - (a) 50% of the total number of separately rated properties in the district; or*
 - (b) 50% of the number of properties in each category referred to in subsection (6),**on which a minimum payment is imposed.*
- (4) A minimum payment is not to be imposed on more than the prescribed percentage of —*
 - (a) the number of separately rated properties in the district; or*
 - (b) the number of properties in each category referred to in subsection (6),**unless the general minimum does not exceed the prescribed amount.*
- (5) If a local government imposes a differential general rate on any land on the basis that the land is vacant land it may, with the approval of the Minister, impose a minimum payment in a manner that does not comply with subsections (2), (3) and (4) for that land.*
- (6) For the purposes of this section a minimum payment is to be applied separately, in accordance with the principles set forth in subsections (2), (3) and (4) in respect of each of the following categories —*
 - (a) to land rated on gross rental value; and*
 - (b) to land rated on unimproved value; and*
 - (c) to each differential rating category where a differential general rate is imposed.”*

Policy Implications:

Nil

Financial/Resources Implications:

2023-24 Budget discussions

Rate revenue will be reduced by \$800.

Strategic Implications:

This item is relevant to the Council's approved 'Strategic Community Plan 2018-2028'.

This item is relevant to the Council's approved 'Corporate Business Plan 2020 – 2024'.

Voting Requirements:

Simple majority

Officer's Recommendation:

044/2023	OFFICER'S RECOMMENDATION and COUNCIL RESOLUTION	10.1
<u>MOVED: Cr. Eva</u> <u>SECONDED: Cr. Ennor</u> That Council: 1. approve the adjustment of the UV Arrino Town formerly advertised rates in the dollar from \$0.012917 to \$0.042000 and revise the minimum amount to \$200 to ensure compliance with Section 6.35 of the Local Government Act 1995. 2. initiate individual consultations with ratepayers in the UV Arrino Town category, as it consists of fewer than 30 ratepayers. A formal letter will be sent to each ratepayer, outlining the details of the proposed rates and providing a 21-day period for ratepayers to submit their feedback or concerns. It is important to consider any received submissions during Council's decision-making process, even if no submissions are received. By implementing these measures, the Council aims to address the compliance requirements of the Local Government Act 1995 while ensuring effective communication and engagement with the UV Arrino Town ratepayers. CARRIED: Voted: 5/0		

11. MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

Nil

12. BUSINESS OF AN URGENT NATURE INTRODUCED BY DECISION OF MEETING

- 12.1. Elected Members - Nil
- 12.2. Staff - Nil

13. QUESTIONS BY MEMBERS WITHOUT NOTICE

Nil

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

Nil

15. TIME AND DATE OF NEXT MEETING

The Next Ordinary Council Meeting will be held on Wednesday, 28 June 2023 @ 5.30pm.

17. CONFIDENTIAL ITEMS

Nil

18. MEETING CLOSURE

There being no further business the Presiding Officer closed the meeting at 5:39 pm.

I confirm these Minutes to be a true and accurate record of the proceedings of this Council.

Signed: _____

Presiding Officer

Date: 28 June 2023