THREE SPRINGS SHIRE COUNCIL

Heart of North Midlands

AGENDA
SPECIAL COUNCIL MEETING
TO BE HELD ON
WEDNESDAY
16 JULY 2024
COMMENCING AT 5.30 PM

WILDFLOWER COUNTRY

SHIRE OF THREE SPRINGS
ORDINARY COUNCIL MEETING NOTICE PAPER
16 JULY 2024

President and Councillors,

An special meeting of Council is called for Wednesday, 16 July 2024, in the Council Chambers, Railway Road, Three Springs commencing at 5.30pm.

Keith Woodward PSM
Chief Executive Officer

15 July 2024

Shire of Three Springs
PO Box 117, Three Springs
WA 6519

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:** ______________________

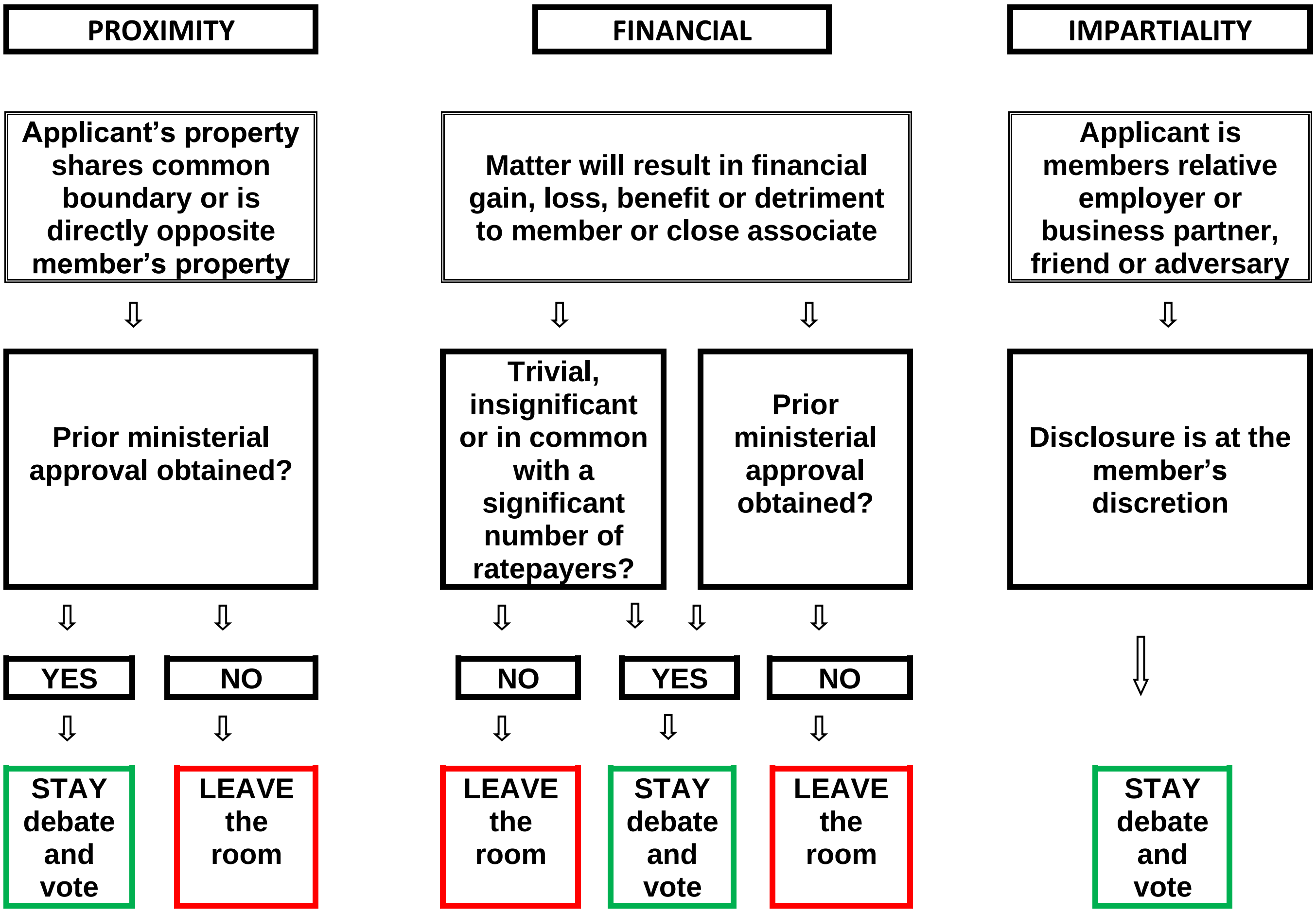
Note 1: For Ordinary meetings of Council, elected members and employees are requested to submit this completed form to the Chief Executive Officer prior to the meeting. Where this is not practicable, disclosure(s) must be given to the Chief Executive Officer prior to the matter being discussed.

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:

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	**Approved Leave of Absence**	**Absent**
Councillor Lane			
Councillor Eva			
Councillor Heal			
Councillor Mutter			
Councillor Ennor			
Councillor Connaughton			
Councillor Mills			
Chief Executive Officer			
Deputy Chief Executive Officer			
Manager of Infrastructure			

3. RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

4. PUBLIC QUESTION TIME

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	Ordinary Council Meeting		Cr.	Cr.	

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.

Members of the public are cautioned against taking any action on Council decisions, on items in which they may have an interest, until such time as they have seen a copy of the Minutes of the meeting or have been advised in writing by Shire of Three Springs staff.

8. ANNOUNCEMENTS/REPORTS OF ELECTED MEMBERS

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

9. PETITIONS / DEPUTATIONS / PRESENTATIONS / SUBMISSIONS

10. REPORTS OF OFFICERS

Corporate Services	
10.1. 2024/2025 - Setting Of The Annual Rate In The Dollar- Submission consideration	
Agenda Reference:	
Location/Address:	Shire of Three Springs
Name of Applicant:	Shire of Three Springs
File Reference:	
Disclosure of Interest:	Nil
Date:	16 July 2024
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:
To inform the Council that no submissions were received regarding the proposed differential rates and minimum payments for the 2024/25 financial year following the public consultation period and to seek Council's approval to proceed with seeking Ministerial approval for these rates.

Attachment:
Nil

Background:
Council at a Special Council meeting held on 19 June 2024 meeting resolved the following:

042/2024 OFFICER'S RECOMMENDATION and COUNCIL RESOLUTION 10.1

MOVED: Cr. Eva
SECONDED: Cr. Heal

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 (as per Local Government Act 1995 Section 6.36).

Gross Rental Value - TS Town	12.7549 cents (0% change)	Minimum $500
Gross Rental Value - Mining	23.9212 cents (0% change)	Minimum $500
Unimproved Value - Rural & Arrino Town	0.9214 cents (-19.88 % change)	Minimum $500
Unimproved Value - Mining	6.0800 cents **(0 % change)**	Minimum $500

- 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 2024/25 Budget adoption.
- adopts the Objects and Reasons for the 2024/25 differential rates as presented.

	FOR	AGAINST
Cr. Lane (President)	✓	
Cr. Eva (Deputy President)	✓	
Cr. Mutter	✓	
Cr. Heal	✓	
Cr. Connaughton	✓	

Recommendation changed:

Remove: *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 2024/25 Budget adoption.*

MOVED: Cr. Eva
SECONDED: Cr. Mutter

	FOR	AGAINST
Cr. Lane (President)	✓	
Cr. Eva (Deputy President)	✓	
Cr. Mutter	✓	
Cr. Heal	✓	
Cr. Connaughton	✓	

CARRIED:
VOTED: 5/0

Reason for change: That Council is to consider submissions or acknowledge that no submission was received prior to the ministerial process commencing.

An advertisement inviting submissions on the proposed differential rates and minimum payments for the 2024/25 financial year was placed in The West Australian newspaper on 22 June 2024, on the Shire's website on 20 June 2024, in two editions of a local newsletter, and on the Shire notice board.

The public consultation period closed at 4pm on 15 July 2024.

No submissions were received.

Officer's Comment:
As there were no submissions received during the public consultation period, it is recommended that the Council proceed with seeking Ministerial approval for the proposed differential rates and minimum payments for the 2024/25 financial year as previously resolved.

Consultation:
Council
Staff

Statutory Environment:
Local Government Act 1995 – Section 6.32 Rates and service charges.

"6.32. Rates and service charges

(1) When adopting the annual budget, a local government —

(a) in order to make up the budget deficiency, is to impose a general rate on rateable land within its district, which rate may be imposed either —*

(i) uniformly; or

(ii) differentially;

and

(b) may impose on rateable land within its district —*

(i) a specified area rate; or

(ii) a minimum payment;

and

(c) may impose a service charge on land within its district.*

** Absolute majority required.*

(2) Where a local government resolves to impose a rate it is required to —

(a) set a rate which is expressed as a rate in the dollar of the gross rental value of rateable land within its district to be rated on gross rental value; and

(b) set a rate which is expressed as a rate in the dollar of the unimproved value of rateable land within its district to be rated on unimproved value.

(3) A local government —

(a) may, at any time after the imposition of rates in a financial year, in an emergency, impose a supplementary general rate or specified area rate for the unexpired portion of the current financial year; and*

(b) is to, after a court or the State Administrative Tribunal has quashed a general valuation, rate or service charge, impose a new general rate, specified area rate or service charge.*

** Absolute majority required.*

(4) Where a court or the State Administrative Tribunal has quashed a general valuation the quashing does not render invalid a rate imposed on the basis of the quashed valuation in respect of any financial year prior to the financial year in which the proceedings which resulted in that quashing were commenced.

[Section 6.32 amended by No. 55 of 2004 s. 690.]"

Local Government Act 1995 – Section 6.33 Differential general rates

"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.

(2) Regulations may —

(a) specify the characteristics under subsection (1) which a local government is to use; or

(b) limit the characteristics under subsection (1) which a local government is permitted to use.

(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.

(4) If during a financial year, the characteristics of any land which form the basis for the imposition of a differential general rate have changed, the local government is not to, on account of that change, amend the assessment of rates payable on that land in respect of that financial year but this subsection does not apply in any case where section 6.40(1)(a) applies.

(5) A differential general rate that a local government purported to impose under this Act before the Local Government Amendment Act 2009 section 39(1)(a) came into operation [1] is to be taken to have been as valid as if the amendment made by that paragraph had been made before the purported imposition of that rate.

[Section 6.33 amended by No. 38 of 2005 s. 15; No. 17 of 2009 s. 39; No. 28 of 2010 s. 34.]"

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."

Local Government Act 1995 – Section 6.36 Notice of certain rates.

"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.

(5) Where a local government —

(a) *in an emergency, proposes to impose a supplementary general rate or specified area rate under section 6.32(3)(a); or*

(b) *proposes to modify the proposed rates or minimum payments after considering any submissions under subsection (4),*

it is not required to give local public notice of that proposed supplementary general rate, specified area rate, modified rate or minimum payment."

Policy Implications:
Nil

Financial/Resources Implications:
Precursor to 2024 – 2025 Budget adoption

Strategic Implications:
This item is relevant to the Council's approved 'Strategic Community Plan 2024-2034:

Strategic Community Plan 2024-2034	
Council Objectives:	**Outcome:**

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

Corporate Business Plan 2017 – 2021	
Scope Statement:	**Project Outputs:**

Voting Requirements:
Simple Majority.

Officer's Recommendation:

OFFICERS RECOMMENDATION and COUNCIL DECISION:	**10.1**
That Council: 1. Notes that no submissions were received during the public consultation period for the proposed differential rates and minimum payments for the 2024/25 financial year. 2. Authorises the Chief Executive Officer to seek Ministerial approval for the proposed differential rates and minimum payments as advertised.	

11. MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

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

12.1. Elected Members
12.2 Staff

13. QUESTIONS BY MEMBERS WITHOUT NOTICE

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

15. TIME AND DATE OF NEXT MEETING

The Next Ordinary Council Meeting will be held on Wednesday, 24 July 2024 @ 5.30pm.

16. CONFIDENTIAL ITEMS

17. MEETING CLOSURE

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

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

Signed: ____
Presiding Officer

Date: 24 July 2024