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MINUTES

Shire of Wandering Special Council Meeting 11 October 2022

OUR VISION

Wandering is a community of responsible, resilient and adaptable residents thriving in our scenic, economically diverse environment.

These Minutes of the Council meeting held 11 October 2022 are confirmed as a true and correct record of proceedings without amendment.

.....

Cr Turton Presiding Member

DISCLAIMER

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The purpose of this council meeting is to discuss and, where possible, make resolutions about items appearing on the agenda. Whilst Council has the power to resolve such items and may in fact, appear to have done so at the meeting, no person should rely on or act on basis of such decision or on any advice or information provided by a member or officer, or on the content of any discussion occurring, during the course of the meeting.

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 Wandering during the course of any meeting is not intended to be and is not taken as notice of approval from the Shire of Wandering. The Shire of Wandering warns that anyone who has an application lodged with the Shire of Wandering 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 Wandering in respect of the application.

Persons should be aware that the provisions of the Local Government Act 1995 (section 5.25 (e)) establish procedures for revocation or rescission of a Council decision.

The Shire of Wandering expressly disclaims liability for any loss or damage suffered by any person as a result of relying on or acting on the basis of any resolution of Council, or any advice or information provided by a member or officer, or the content of any discussion occurring, during the course of the Council meeting.

Alan Hart
Chief Executive Officer

SHIRE OF WANDERING

Minutes of the Special Meeting of Council held at/in Council Chambers on Tuesday 11 October 2022 – commencing at 7pm.

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1. Declaration of Opening / Announcements of Visitors

The Presiding Member declared the meeting open at 7.02pm

2. Attendance / Apologies / Approved Leave of Absence

Councillors

Cr Ian Turton (Shire President)

Cr Max Watts (Arrived 7.32pm)

Cr Gillian Hansen

Cr Graeme Parsons

Cr Sheryl Little

Staff

Alan Hart (Chief Executive Officer)

Apologies

Cr Paul Treasure (Deputy Shire President)

Members of the Public

Nil

3. Announcements by the Presiding Member

Nil

4. Response to Previous Public Questions Taken on Notice

Nil

5. Public Question Time

No members of the public were present.

6. Petitions / Deputations / Presentations / Submissions

Nil

7. Applications for Leave of Absence

Nil

8. Disclosures of Interest

Nil

9. Confirmation of Minutes of Previous Meetings

Nil

10. Chief Executive Officer

10.1 2022/2023 Differential General Rates and General Minimum Payments

File Reference:	03.031.03103
Location:	
Applicant:	
Author:	Alan Hart, Chief Executive Officer
Authorising Officer	Alan Hart, Chief Executive Officer
Date:	7 October 2022
Disclosure of Interest:	
Attachments:	Nil
Previous Reference:	Special Council Meeting 21 July 2022 – Item 10.1 Special Council Meeting 4 August 2022 – Item 10.1 Ordinary Council Meeting 15 September 2022 – Item XX.X

Summary

The purpose of this report is to consider comments received as a result of advertising the Shire's Differential Rating Strategy for the 2022/23 year and seek approval from the Minister for the proposed 2022/2023 Differential General Rates and General Minimum Payments as required by s6.35 of *The Local Government Act 1995*.

Background

Council resolved to give local public notice of its intention to impose differential general rates for the 2022/2023 financial year on 17th September 2022 in the West Australian. At the closing of submissions on 10th October 2022, there were 2 submissions received by Council.

Statutory / Legal Implications

Local Government Act 1995:

S6.33. 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.*

s6.35. 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.*

s6.36. 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

In accordance with the Department of Local Government Rating Policy – Differential Rates, Council must demonstrate that consideration has been given to the key values of Objectivity, Fairness and Equity, Consistency, Transparency and Administrative Efficiency.

Financial Implications

The differential rates model as endorsed by Council will directly influence Councils ability to fund expenditure requirements proposed to be included in the 2022/2023 budget. Expenses will be incurred in relation to advertising, which are accommodated within the current budget.

Strategic Implications

IMPROVE OUR FINANCIAL POSITION

Our Goals	Our Strategies	Our Measurement
The Wandering Shire is financially sustainable	Improve accountability and transparency Develop an investment strategy that plans for the future and provides cash backed reserves to meet operational needs Prudently manage our financial resources to ensure value for money	Rate review implemented over a staged process by 2020 Balanced budget delivered annually Annual external financial audit identifies no adverse issues Long Term Financial Plan updated annually Investment Strategy

Consultation / Communication

Via local public notice

Comment

As of the closing date on the 10th October, 2022, the submissions received are detailed below and the officer comment is next to each submission:

Assessment	Submission	Officer comment
A548	Having checked my previous rates for rural/residential the new levy are not much different but if we are being charged the same as residential, can we expect the same services provided as townies?	Council has determined the minimum rate as the minimal cost of service provision to the community.
A383	I am email to voice my objection to the change in the minimum rates on properties in Wandering Downs Estate in Wandering We bought our property on Pollard Road back in 2008 and the property has continued to decrease in value ever since. We lived on the property in a B grade dwelling in the hopes of being able to build, however after 6 years the Shire at the time told us we were no longer able to live there as we hadn't built, however we couldn't borrow the money to build as the land had depreciated and no bank would loan us the money we required.	The Shire cannot comment on the change in market value of properties in the Shire.

Assessment	Submission	Officer comment
	<p>We have consistently tried to borrow to build on the property and are consistently knocked back due to the lack of value to the land. This year we had the land valued and we were advised that it was worth \$110,000. We paid over \$200,000 for the land when we purchased it. This is land that we can't sell, build on or live on. Land that we don't believe we should be charged MORE in rates for.</p> <p>We no longer live in the area so we don't use any of the services, we don't need rubbish collection and we don't require lighting – in fact when we lived there the street lights were never turned on. If we still lived on the property, even in a B grade dwelling we would not object to this increase however as the Shire refused to allow us to continue living on the property I don't see any reason to need to pay the additional costs. We comply to the fire break requirements and have the block slashed as needed.</p> <p>In short, we don't believe that we should pay more rates on a piece of land that we are not allowed to live on, we cannot build on and are unable to sell and as it has no house, we cannot rent out.</p>	

Voting Requirements

Simple Majority

011022 Moved: Cr G Parsons Seconded: Cr G Hansen

Officers Recommendation and Council Decision:

That Council having due regard to the submissions received;

- Endorses the following differential rates for the 2022/23 financial year;**

	CENTS IN THE DOLLAR	MINIMUM RATE
GRV - Residential	13.7841	\$1,204
GRV - Special Use	15.6112	\$1,204
GRV - Rural Residential	9.2758	\$1,204
GRV - Rural Residential Vacant	9.2759	\$1,204
GRV - Industrial	7.8200	\$1,204
GRV - Industrial Vacant	7.8300	\$1,204
UV -Rural	0.6160	\$1,204
UV - Mining	0.6160	\$1,204

- 2. Seeks the approval from the Minister for Local Government, to apply the minimum rate in accordance with section 6.35 (5) of the Local Government Act (1995) as amended FOR THE FOLLOWING RATE CATEGORIES;**

	Minimum Rate
GRV - Rural Residential Vacant	\$1,204
GRV - Industrial Vacant	\$1,204

Carried 4/0

7.32pm Cr Watts Arrived.

10.2 Update to Fees and Charges – 19 Humes Way Wandering

File Reference:

Location:

Applicant:

Author: Alan Hart, Chief Executive Officer

Authorising Officer: Alan Hart, Chief Executive Officer

Date: 7 October 2022

Disclosure of Interest:

Attachments: Nil

Previous Reference: N/A

Summary:

To adopt a fee for the rental of 19 Humes Way Wandering as short-term accommodation.

Background:

The house at 19 Humes Way Wandering has been used for staff housing and is now vacant. As there is a lack of short-term accommodation in the town it is proposed that the house be offered as a short term rental until such a time that it is required again for staff housing purposes.

Comment:

It should be noted that Council has an obligation under the *Local Government Act 1995* to determine the amount of a fee or charge taking into consideration the cost to the local government of providing the service or goods, the importance of the service and goods to the community, and the price at which the service or goods could be provided by an alternative provider.

Consultation:

Alan Hart, CEO
Shire Councillors

Statutory Environment:

Local Government Act 1995

Policy Implications:

Nil.

Financial Implications:

The Shire has no existing fee for the rental of 19 Humes Way, Wandering. There will be minor costs involved to have the house ready for rental and to obtain income from rental of the property.

Strategic Implications:

Provide Strong Leadership

Our Goals	Our Strategies
We plan for the future and are strategically focused	Ensure accountable, ethical and best practice governance Develop and maintain our Asset Management Plan Service Level Plans detail operational roles, responsibilities and resources.

Sustainability Implications:

- **Environmental:** There are no known significant environmental considerations
- **Economic:** There are no known significant economic considerations
- **Social:** There are no known significant social considerations

Risk Implications:

Nil

Voting Requirements:

Absolute Majority

021022 Moved: Cr G Parsons Seconded: Cr S Little

Officer Recommendation and Council Decision:

That Council:

1. Pursuant to s6.16 of the *Local Government Act 1995*, imposes the following fees and charges for the 2022/23 financial year:

The rental of 19 Humes Way, Wandering be set at:

- \$250 per night with a two-night booking minimum; and
- \$800 per week

2. Authorises the CEO to give local public notice of same

Carried by Absolute Majority 5/0

11. New Business or Urgent Business Introduced by Decision of the Meeting

New business of an urgent nature introduced by decision of the meeting. Best practice provides that Council should only consider items that have been included on the Agenda (to allow ample time for Councillors to research prior to the meeting) and which have an Officer Report (to provide the background to the issue and a recommended decision).

11.1 Elected Members

11.2 Officers

12. Matters Behind Closed Doors

13. Closure of Meeting

The Presiding Member declared the meeting closed at 7.43pm