

# Notice of Meeting



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Dear Elected Member

A Special Council meeting of the Shire of Wandering will be held on Tuesday 11 October 2022 in the Council Chambers commencing at 7pm.

## Schedule

7pm                      Special Council Meeting

Alan Hart  
Chief Executive Officer  
7 October 2022

## **DISCLAIMER**

No responsibility whatsoever is implied or accepted by the Shire of Wandering for any act, omission or statement or intimation occurring during Council or Committee meetings or during formal/informal conversations with staff. The Shire of Wandering 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 or Committee meetings or discussions. Any person or legal entity that act or fails to act in reliance upon any statement does so at the 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 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.

## **AGENDA**

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.***

***We wish to acknowledge the traditional custodians of the land we are meeting on today. We acknowledge and respect their continuing culture and the contribution they make to the Shire of Wandering, and convey our respects to Elders past, present and emerging.***

## **DISCLAIMER**

### **INFORMATION FOR THE PUBLIC ATTENDING COUNCIL MEETINGS**

#### **Please Note:**

The recommendations contained in this agenda are officers' recommendations only and should not be acted upon until Council has resolved to adopt those recommendations.

The resolutions of Council should be confirmed by perusing the minutes of the Council meeting at which these recommendations were considered.

Members of the public should also note that they act at their own risk if they enact any resolution prior to receiving official written notification of Council's decision.

#### **Meeting Procedures:**

1. All Council meetings are open to the public, except for matter raised by Council under "confidential items".
2. Members of the public may ask a question at an ordinary Council Meeting under "public question time".
3. Members of the public who are unfamiliar with meeting procedures are invited to seek advice at the meeting. If unsure about proceeding, just raise your hand when the presiding member announces public question time.
4. All other arrangements are in accordance with the Council's standing orders, policies and decision of the Shire of Wandering.

#### **Council Meeting Information:**

Your Council generally handles all business at Ordinary or Special Council Meetings.

From time to time Council may form a Committee to examine subjects and then report back to Council.

Generally all meetings are open to the public; however, from time to time Council will be required to deal with personal, legal and other sensitive matters under "confidential items". On those occasions Council will generally close that part of the meeting to the public. Every endeavour will be made to do this as the last item of business of the meeting.

Public Question Time. It is a requirement of the *Local Government Act 1995* to allow at least fifteen (15) minutes for public question time following the opening and announcements at the beginning of the meeting. Should there be a series of questions the period can be extended at the discretion of the presiding member.

Written notice of each question should be given to the Chief Executive Officer fifteen (15) minutes prior to the commencement of the meeting. A summary of each question and the response is included in the meeting minutes.

When a question is not able to be answered at the Council Meeting a written answer will be provided after the necessary research has been carried out. Council staff will endeavour to provide the answers prior to the next ordinary meeting of Council.

Councillors may from time to time have a financial interest in a matter before Council. Councillors must declare an interest and the extent of the interest in the matter on the Agenda. However, the Councillor can request the meeting to declare the matter trivial, insignificant or in common with a significant number of electors or ratepayers. The Councillor must leave the meeting whilst the matter is discussed and cannot vote unless those present agree as above.

Members of staff, who have delegated authority from Council to act on certain matters, may from time to time have a financial interest in a matter on the Agenda. The member of staff must declare that interest and generally the presiding member of the meeting will advise the Officer if he/she is to leave the meeting.

Agendas, including an Information Bulletin, are delivered to Councillors within the requirements of the *Local Government Act 1995*, i.e. seventy-two (72) hours prior to the advertised commencement of the meeting. Whilst late items are generally not considered there is provision on the Agenda for items of an urgent nature to be considered.

Should an elector wish to have a matter placed on the Agenda the relevant information should be forwarded to the Chief Executive Officer in time to allow the matter to be fully researched by a Shire Officer. An Agenda item, including a recommendation, will then be submitted to Council for consideration. The Agenda closes the Friday week prior to the Council Meeting (i.e. ten (10) days prior to the meeting).

The Information Bulletin produced as part of the Agenda includes items of interest and information, which does not require a decision of Council.

Agendas for Ordinary Meetings are available at the Shire of Wandering Office and on the Shire website seventy-two (72) hours prior to the meeting and the public are invited to view a copy at the Shire Office.

Agenda items submitted to Council will include a recommendation for Council consideration. Electors should not interpret and/or act on the recommendations until after they have been considered by Council. Please note the Disclaimer in the Agenda (page 2).

Public Inspection of Unconfirmed Minutes (Regulation 13).

A copy of the unconfirmed Minutes of Ordinary and Special Meetings will be available for public inspection from the Shire of Wandering Office and the Shire of Wandering website within ten (10) working days after the Meeting.

**Alan Hart**  
**Chief Executive Officer**

## SHIRE OF WANDERING

Agenda for the Special Meeting of Council to be 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 to declare the meeting open.

**2. Attendance / Apologies / Approved Leave of Absence**

**Councillors**

Cr Ian Turton (Shire President)  
Cr Paul Treasure (Deputy Shire President)  
Cr Graeme Parsons  
Cr Sheryl Little  
Cr Gillian Hansen  
Cr Max Watts

**Staff**

Alan Hart (Chief Executive Officer)

**Apologies**

**Members of the Public**

**3. Announcements by the Presiding Member**

**4. Response to Previous Public Questions Taken on Notice**

Nil

**5. Public Question Time**

**6. Petitions / Deputations / Presentations / Submissions**

**7. Applications for Leave of Absence**

**8. Disclosures of Interest**

**9. Confirmation of Minutes of Previous Meetings**

Nil

## **10. Chief Executive Officer**

### **10.1 2022/2023 Differential General Rates and General Minimum Payments**

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

#### **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 17<sup>th</sup> September 2022 in the West Australian. At the closing of submissions on 10<sup>th</sup> 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
<b>The Wandering Shire is financially sustainable</b>	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 10<sup>th</sup> 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.	The Shire cannot comment on the change in market value of properties in the Shire.



Assessment	Submission	Officer comment
	<p>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.</p> <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

**Officers Recommendation:**

**That Council having due regard to the submissions received;**

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

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

- 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;**

	<b>Minimum Rate</b>
<b>GRV - Rural Residential Vacant</b>	<b>\$1,204</b>
<b>GRV - Industrial Vacant</b>	<b>\$1,204</b>

Moved: \_\_\_\_\_

Seconded: \_\_\_\_\_

## 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

**Officer Recommendation:**

**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

Moved: \_\_\_\_\_

Seconded: \_\_\_\_\_

**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 to declare the meeting closed.