



SHIRE OF MENZIES

Minutes

**OF THE SPECIAL MEETING OF THE COUNCIL
HELD ON**

13 JUNE 2024

Commencing at 4.00 pm

**At the Council Chambers,
124 Shenton Street, Menzies**

A handwritten signature in black ink, appearing to read "Glenda Teede".

**Glenda Teede
Chief Executive Officer**

Resolution Numbers: 062/24 to 063/24

**Special Business:
Change in Decision-Differential Rates 2024/2025**

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DISCLOSURES OF INTEREST

A member who has an Impartiality, Proximity or Financial interest in any matter to be discussed at this meeting must disclose the nature of the interest either in a written notice, given to the Chief Executive Officer, prior to the meeting, or at the meeting immediately before the matter is discussed.

A member who makes a disclosure in respect to a Proximity or Financial interest must not preside at the part of the meeting which deals with the matter, or participate in, or be present during any discussion or decision-making process relative to the matter, unless the disclosing member is permitted to do so under Section 5.68 or Section 5.69 of the *Local Government Act 1995*.

Councillor Meeting Information

Shire of Menzies Council Meetings

Council Members are bound by legislation to act with integrity and make decisions for the whole of the Shire.

Attending meetings

Council Members have a duty to attend all the Council Meetings to ensure that electors are adequately represented. In recognition of this, under the *Local Government Act 1995* a Council Member who is absent from three consecutive meetings of the Council without leave being granted by the Council, is automatically disqualified. If a member wishes to be absent for more than six consecutive ordinary meetings, Ministerial approval is necessary as well as the Council approval.

It should be noted that applications for leave of absence are usually supported but must be approved by the Council before, or at, the meeting(s) the Council Member is to be absent from. Leave of absence cannot be approved retrospectively.

Voting at meetings

If a Council Member is present at a Council Meeting, he or she is required by law to vote on all matters before that meeting unless he or she has a financial interest in the matter. Agendas are delivered to the Council Members within the required timeframes of the Local Government Act 1995, being a minimum of seventy-two (72) hours prior to the advertised commencement of the meeting. While late items are generally not considered there is provision on the Agenda for items of an urgent nature to be considered.

Council Members are required to give due consideration to all matters contained in the agenda. Without adequate time for reading the agenda, it is extremely difficult for the Council Members to make effective assessments of issues and provide constructive input to the Council debate and decision making. It is recommended that further information be requested if there is insufficient material available to make an informed decision.

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1 DECLARATION OF OPENING

The Shire President, as Presiding Member declared the meeting open at 4.00pm.

Cr G Dwyer requested permission to participate in the meeting by electronic means from L 40/6 Niagara, Menzies. Cr G Dwyer confirmed that he is in a secure and private location for when confidential papers are discussed.

Cr I Baird requested permission to participate in the meeting by electronic means from 6/45 Galloway Ave, Ashmore Gold Coast Queensland 4214. Cr I Baird confirmed that he is in a secure and private location for when confidential papers are discussed.

Cr J Dwyer requested permission to participate in the meeting by electronic means from Room 3, Kellerberrin Hotel Motel, located at the corner of Massingham and Ripper Streets, Kellerberrin WA. Cr J Dwyer confirmed that she is in a secure and private location for when confidential papers are discussed.

The Shire President considered whether the location from which the members wished to attend the meeting and the equipment they intended to use were suitable for effective engagement in deliberations and communications. Satisfied that the members were in a secure location and the equipment was appropriate, the Shire President allowed their participation.

2 ANNOUNCEMENT OF VISITORS

Nil

3 RECORD OF ATTENDANCE

Councillors: Cr P Warner, Shire President
 Cr S Sudhir, Deputy Shire President
 Cr G Dwyer (joined electronically at 4pm)
 Cr J Dwyer (joined electronically at 4pm)
 Cr A Tucker
 Cr I Baird (joined electronically at 4pm)
 Cr K Tucker

Staff: Ms G Teede, Chief Executive Officer
 Ms K Van Kuyl, Chief Financial Officer
 Ms M Yulo-Uy, Executive Officer (Minutes)

4 PUBLIC QUESTION TIME (RELATING TO SPECIAL BUSINESS ONLY)

Nil

5 APPLICATION BY MEMBERS

Nil

6 DISCLOSURES OF INTEREST

Nil

7 NOTICE OF ITEMS TO BE DISCUSSED BEHIND CLOSED DOORS

Nil

8 PETITIONS/DEPUTATIONS/PRESENTATIONS

Nil

9 REPORTS OF OFFICERS

9.1 Finance Reports

9.1.1	Change of Decision - Differential Rates 2024/2025	
LOCATION	Not Applicable	
APPLICANT	Internal	
DOCUMENT REF		
DATE OF REPORT	12 June 2024	
AUTHOR	Chief Financial Officer, Kristy Van Kuyl	
RESPONSIBLE OFFICER	Chief Executive Officer, Glenda Teede	
OFFICER DISCLOSURE OF INTEREST	Nil	
ATTACHMENT	<ol style="list-style-type: none"> 1. Attachment 01 Notice Advertising Differential Rates V5 [9.1.1.1 - 1 page] 2. Attachment 02 2024 2025 Objects and Reasons V5 [9.1.1.2 - 2 pages] 	

SUMMARY:

To receive a notice of motion to change a previous decision of the Council, endorse the proposed differential rates and minimum payments for public advertising and the Objects and Reasons for the 2024/2025 financial year.

BACKGROUND:

At the Ordinary Council Meeting held on 30 May 2024, the Council resolved:

‘That:

1. Local public notice in accordance with Section 6.36 of the Local Government Act 1995, be given for the following proposed differential rates for the 2024/2025 financial year:

Differential General Rates		
GRV - Vacant Land	0.08940	Minimum rate \$200.00
GRV - Improved Land	0.08940	Minimum rate \$200.00
UV - Pastoral	0.08530	Minimum rate \$328.00
UV - Other	0.08530	Minimum rate \$328.00
 Mining		
UV - Mining Operations	0.17130	Minimum rate \$328.00
UV - Mining Exploration	0.15530	Minimum rate \$328.00
UV- Mining Prospecting	0.15290	Minimum rate \$328.00

2. Public submissions received regarding the differential rate shall be considered by the Council before the adoption of any proposed rate.
3. The '2024/2025 Objects and Reasons' for Rating in the Shire of Menzies 2024/2025 be received and endorsed.
4. The 2024/2025 Draft Annual Budget be received and adopted and advertised as required by Council Policy – 4.1 – Budget Preparation Timetable.

Following the public notice being published in the newspaper, some concerns appeared regarding the above resolution where the proposed rate in the dollar for UV – Mining Operations of 0.17130 are more than twice the lowest differential general rate proposed for UV Pastoral 0.08530 and UV Other 0.08530 as included in the recommendation and advertised in the newspaper. The Notice of Differential Rates in the Kalgoorlie Miner on 1 June 2024 erroneously published the financial year 2023/2024 instead of 2024/2025.

The rate in the dollar for UV Pastoral and UV Other workshopped and included within the content of the council report was 0.08580, though the resolution and advertisement included the incorrect rate in the dollar of 0.08530.

COMMENT:

The above circumstances have been recognised, and require correction to ensure compliance with legislation and avoid the requirement to obtain ministerial approval for differential rates which are more than twice the lowest differential general rate proposed. If ministerial approval is required, the application to the minister is to be submitted, and approval must be received prior to setting the 2024/25 budget.

To correct the rate in the dollar, it is proposed for the council decision of 30 May 2024 to be changed. In accordance with Regulation 10 of the *Local Government (Administration) Regulations 1996*, it is necessary for a notice of a motion to change the decision to be signed by at least 1/3 of the councillors, inclusive of the mover and be adopted by absolute majority.

Letters have been received from Cr P Warner, Cr K Tucker and Cr Sudhir in support of the notice of motion to change the decision for Item 13.1.5 Adoption of Differential Rates 2024/2025 at the Ordinary Council Meeting on 30 May 2024. Following adoption of the notice of motion by absolute majority, the updated recommendation for the 2024/25 proposed rates in the dollar and objects and reasons is to be considered.

As the advertisement has been placed following the council decision of 30 May 2024, it is necessary, in accordance with the *Shire of Menzies Meeting Procedures Local Law 2021* subclause 16.2(2) to include information regarding the legal and financial consequences of the motion. There may be legal implications if the original decision remains, due to the rates adopted for advertising on 30 May 2024 being non compliant.

There are financial implications associated with the change to the decision due to the minor variation of rate in the dollar being proposed. The rate in the dollar was

workshopped as one of the proposed models – Version 1. Although the rate in the dollar and the minimum payment were not increased, however there will be an increase in rates revenue due to the valuation being increase by Landgate. This results in the proposed rate in the dollar for UV – Mining Operations, Explorations, Prospecting to be lower than previously resolved to ensure compliance. The updates rates proposed will have an impact on the draft budget for the 2024/25 financial year as the rates revenue will be \$200,583.46 lower than previously indicated. This impact has been considered and, the budget will be prepared to ensure compliance with the limits set out in Section 6.34 of the *Local Government Act 1995*.

The proposed 2024 increase in rates revenue is summarised in the table below.

Rate Category	Total Properties	Total Revenue 2024/2025	Total Revenue 2023/2024	% Revenue
Gross Rental Revenue (GRV)	250	\$236,158.40	\$219,463.07	
Unimproved Value (UV)	1338	\$4,569,031.84	\$4,215,396.61	
Total	1588	\$4,805,190.24	\$4,434,859.68	8.35%

Should the officer's recommendation be adopted, Council must readvertise the updated proposed differential rates and give the local public notice for a period of 21 days, seeking submissions from electors and ratepayers. (Note, the 21 day submission period does not include the date on which the advertisement is made)

The following public notice engagement will take place:

- A Public notice will be published in the local Kalgoorlie Miner newspaper on Saturday 15 June 2024,
- Posted on notice boards at Shire Administration Office, Community Resource Centre, and
- Shire website and social media.

Any submissions received during the advertising period will be presented to Council for consideration during the budget adoption

CONSULTATION:

Moore Australia
Steven Tweedie

The public will be consulted through the local public notice seeking submissions on the proposed differential rates and minimum payments

STATUTORY AUTHORITY:

Local Government Act 1995: Subdivision 6 – Rates and Service Charges

- Section 6.33 ‘Differential general rates’
- Section 6.35 ‘Minimum payment’

- Section 6.36 'Local government to give notice of certain rates'
Local Government (Administration) Regulations 1996
- Regulation 10 'Revoking or changing decisions (Act s. 5.25(1)(e))'
Shire of Menzies Meeting Procedures Local Law 2021

POLICY IMPLICATIONS:

There are no policy implications in relation to the subject matter.

FINANCIAL IMPLICATIONS:

The Annual Budget for the 2024/2025 financial year incorporates will be prepared to include the updated differential rates.

RISK ASSESSMENT:

Risk Statement	Level of Risk	Risk Mitigation Strategy
Legislative and policy compliance	Unlikely	Rigorously comply with legislative requirements and Department Guidelines.

STRATEGIC IMPLICATIONS:

The Shire’s Strategic Community Plan 2021-2031 outlines the following Outcome and Strategy:

Outcome
4.2 An efficient and effective organisation.

Strategy
4.2.1 Maintain a high level of corporate governance, responsibility and accountability.

Accordingly, the officer’s recommendation aligns with the Strategic Community Plan.

VOTING REQUIREMENTS:

Absolute Majority

NOTICE OF MOTION

In accordance with Regulation 10 of the *Local Government (Administration) Regulations 1996* and Part 16 of the *Shire of Menzies Meeting Procedures Local Law 2021*, that the council decision made at the Ordinary Council Meeting on 30 May 2024, Item 13.1.5 Adoption of Differential Rates 2024/2025 may be changed.

COUNCIL DECISION:

Council Resolution Number	062 / 24
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Moved Cr Warner **Seconded** Cr K Tucker, Cr S Sudhir

Carried by Absolute Majority	7 / 0
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For: Cr P Warner, Cr S Sudhir, Cr G Dwyer, Cr J Dwyer, Cr A Tucker, Cr I Baird, and Cr K Tucker
Against: Nil

VOTING REQUIREMENTS:

Simple Majority

OFFICER RECOMMENDATION/ COUNCIL DECISION:

Council Resolution Number:	063 / 24
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Moved: Cr K Tucker **Seconded:** Cr S Sudhir

That Council:

- 1. Endorse the following proposed differential rates and minimum payments for the 2024/2025 financial year to provide local public notice in accordance with Section 6.36 of the *Local Government Act 1995*:**

Rate Category	Proposed rate in the Dollar \$	Proposed Minimum Payment \$
GRV	0.08940	200.00
UV - Pastoral / Other	0.08530	328.00
UV - Mining Operations	0.16393	328.00
UV - Mining Exploration / Prospecting	0.14754	328.00

- 2. Note any public submissions received regarding the differential rates and minimum payments shall be considered by the Council before the adoption of any proposed rate and the 2024/25 budget.**

3. Endorse the '2024/2025 Objects and Reasons' for differential rating in the Shire of Menzies 2024/2025 be received and endorsed (Marked as Attachment 9.1.1.2).

Carried	7 / 0
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For: Cr P Warner, Cr S Sudhir, Cr G Dwyer, Cr J Dwyer, Cr A Tucker, Cr I Baird,
and Cr K Tucker
Against: Nil



NOTICE OF PROPOSED DIFFERENTIAL RATES

In accordance with Section 6.36 of the Local Government Act 1995 notice is given that the proposed Differential Rates for the 2024/2025 financial year are as follows:

Rate Category	Proposed rate in the Dollar \$	Proposed Minimum Payment \$
GRV	0.08940	200.00
UV - Pastoral / Other	0.08530	328.00
UV - Mining Operations	0.16393	328.00
UV - Mining Exploration / Prospecting	0.14754	328.00

The figures shown are estimates and may change as part of the Council's deliberations after consideration of any submissions received.

A statement of Objects and Reasons for the proposed differential rates may be obtained from the Administration Office, Shenton Street Menzies and on the Council website www.menzies.wa.gov.au

Written submissions from electors and ratepayers are invited on the proposed rates and minimum payments. Submissions to be received by Shire of Menzies, PO Box 4, Menzies, WA, 6436 or submitted by email to admin@menzies.wa.gov.au **no later than 4.00pm Monday 8 July 2024.**

Further information may be obtained by contacting Shire of Menzies office on 9024 2041 or emailing admin@menzies.wa.gov.au

Glenda Teede
Chief Executive Officer



Objects and Reasons Proposed Differential Rates 2024/2025

INTRODUCTION

In accordance with section 6.36 Local Government Act 1995, the Shire is required to publish its Objects and Reasons for each proposed rate and minimum payment for implementing the differential rates categories.

Basis of Rating

The overall objective of the proposed rates in the 2024/2025 Financial Year Budget is to provide the net funding requirements for the Shire's services, activities, financing costs, and current and future capital requirements to achieve a balance budget.

The basis for property rates is calculated using two types of values; Gross Rental Value (GRV) which generally applies for residential, commercial, urban areas; and Unimproved Value (UV) which is generally applies for rural land values are provided by the Valuer Generals Office at Landgate. A minimum payment is applied to all differential rating categories within the Shire of Menzies.

The table below summaries the rating structure proposed for 2024/2025:

Description	Characteristics	Objects	Reason
Gross Rental Value (GRV)	This category includes all properties where the basis of rate is the Gross Rental Value (GRV)	The object of the rate in the dollar for this category is to raise sufficient revenue to offset the costs associated with the provision of current and future services	This rate ensures all ratepayers make a reasonable contribution towards the ongoing maintenance, provision of works, service, and facilities in the Shire.
Unimproved Value (UV) Mining	This category associated with all mining lease/tenements where the basis rate is Unimproved Value (UV)	The objective is to achieve an appropriate contribution from mining operations toward budgeted deficiency.	Due to the difference in valuation methodology and recognise the impact of mining related activities on the Shire

Unimproved Value (UV) Exploration and Prospecting	This category associated with all exploration and prospecting lease where the basis rate is Unimproved Value (UV)	Exploration leases are rated differentially to reflect the nature of the lease and acknowledge that these leases are not for the most part income producing.	This rate ensure an appropriate contribution towards the ongoing maintenance and provision throughout the Shire.
Unimproved Value (UV) Pastoral and Other	This category associated all pastoral and other land not included in other categories where the basis rate is Unimproved Value (UV)	Pastoral and Other leases are rated differentially to reflect the nature of the lease and acknowledge that these leases are not for the most part income producing.	This rate ensure an appropriate contribution towards the ongoing maintenance and provision throughout the Shire.
Minimum Payment Gross Rental Value (GRV)	The Council has established minimum rates for Gross Rental Value (GRV)	These amounts represent the minimum rate that should be charged reasonable contribution to services to the Community, and may exceed the result of calculating a property's rating basis valuation (GRV)	Minimum rates have been prepared to comply with the Local Government Act 1995 which required no more than 50% of properties to be levied on a minimum rate unless Ministerial approval is obtained.
Minimum Payment Unimproved Value (UV)	The Council has established minimum rates for Unimproved Value (UV)	These amounts represent the minimum rate that should be charged reasonable contribution to services to the Community, and may exceed the result of calculating a property's rating basis valuation (UV)	Minimum rates have been prepared to comply with the Local Government Act 1995 which required no more than 50% of properties to be levied on a minimum rate unless Ministerial approval is obtained.

Submissions

All submission with reference to the proposed differential rates should be forwarded to the Shire of Menzies:

Email: admin@menzies.wa.gov.au

By Post: Shire of Menzies, PO Box 4, Menzies – WA 6436

Submission close at 4.00pm on Monday 8 July 2024.

Once Council has considered any submissions received, the Differential Rates and the 2024/2025 Budget (with or without modification) will be adopted by Council.

9.2 Administration Reports

Nil

10 BEHIND CLOSED DOORS - CONFIDENTIAL REPORTS

Nil

11 CLOSURE OF MEETING

The Shire President, as Presiding Member declared the meeting closed at 4.06pm.