



SPECIAL COUNCIL MEETING

MINUTES

**The Special Meeting of Council was held
in the Council Chambers, Welcome Road, Karratha,
on Friday, 6 June 2014
to consider the following item:**

- **Draft Differential Rates Model – 2014/15
Financial Year**

**CHRIS ADAMS
CHIEF EXECUTIVE OFFICER**



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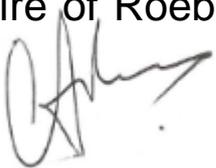
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The Shire of Roebourne warns that anyone who has any application lodged with the Shire of Roebourne must obtain and should only rely on

WRITTEN CONFIRMATION

of the outcome of the application, and any conditions attaching to the decision made by the Shire of Roebourne in respect of the application.

Signed: 
Chris Adams - Chief Executive Officer

DECLARATION OF INTERESTS (NOTES FOR YOUR GUIDANCE) (updated 13 March 2000)

A member who has a **Financial Interest** in any matter to be discussed at a Council or Committee Meeting, which will be attended by the member, must disclose the nature of the interest:

- (a) In a written notice given to the Chief Executive Officer before the Meeting or;
- (b) At the Meeting, immediately before the matter is discussed.

A member, who makes a disclosure in respect to an interest, must not:

- (c) Preside at the part of the Meeting, relating to the matter or;
- (d) Participate in, or be present during any discussion or decision-making procedure relative to the matter, unless to the extent that the disclosing member is allowed to do so under Section 5.68 or Section 5.69 of the Local Government Act 1995.

NOTES ON FINANCIAL INTEREST (FOR YOUR GUIDANCE)

The following notes are a basic guide for Councillors when they are considering whether they have a **Financial Interest** in a matter. I intend to include these notes in each agenda for the time being so that Councillors may refresh their memory.

1. A Financial Interest requiring disclosure occurs when a Council decision might advantageously or detrimentally affect the Councillor or a person closely associated with the Councillor and is capable of being measure in money terms. There are exceptions in the *Local Government Act 1995* but they should not be relied on without advice, unless the situation is very clear.
2. If a Councillor is a member of an Association (which is a Body Corporate) with not less than 10 members i.e. sporting, social, religious etc), and the Councillor is not a holder of office of profit or a guarantor, and has not leased land to or from the club, i.e., if the Councillor is an ordinary member of the Association, the Councillor has a common and not a financial interest in any matter to that Association.
3. If an interest is shared in common with a significant number of electors or ratepayers, then the obligation to disclose that interest does not arise. Each case needs to be considered.
4. If in doubt declare.
5. As stated in (b) above, if written notice disclosing the interest has not been given to the Chief Executive Officer before the meeting, then it **MUST** be given when the matter arises in the Agenda, and immediately before the matter is discussed.
6. Ordinarily the disclosing Councillor must leave the meeting room before discussion commences. The **only** exceptions are:
 - 6.1 Where the Councillor discloses the **extent** of the interest, and Council carries a motion under s.5.68(1)(b)(ii) or the Local Government Act; or
 - 6.2 Where the Minister allows the Councillor to participate under s.5.69(3) of the Local Government Act, with or without conditions.

INTERESTS AFFECTING IMPARTIALITY

DEFINITION: *An interest that would give rise to a reasonable belief that the impartiality of the person having the interest would be adversely affected, but does not include an interest as referred to in Section 5.60 of the 'Act'.*

A member who has an **Interest Affecting Impartiality** in any matter to be discussed at a Council or Committee Meeting, which will be attended by the member, must disclose the nature of the interest;

- (a) in a written notice given to the Chief Executive Officer before the Meeting; or
- (b) at the Meeting, immediately before the matter is discussed.

IMPACT OF AN IMPARTIALITY CLOSURE

There are very different outcomes resulting from disclosing an interest affecting impartiality compared to that of a financial interest. With the declaration of a financial interest, an elected member leaves the room and does not vote.

With the declaration of this new type of interest, the elected member stays in the room, participates in the debate and votes. In effect then, following disclosure of an interest affecting impartiality, the member's involvement in the Meeting continues as if no interest existed.

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AGENDA

1 OFFICIAL OPENING

The Special Council Meeting of Council held in the Council Chambers, Welcome Road, Karratha on 6 June 2014 was declared open at 2:02 pm. Cr Long acknowledged the traditions of the Ngarluma people, on whose land we are gathered here today.

2 PUBLIC QUESTION TIME

Nil.

3 RECORD OF ATTENDANCES / APOLOGIES / LEAVE OF ABSENCE

Councillors:	Cr Peter Long [President] Cr John Lally [Deputy President] Cr Garry Bailey Cr Geoff Harris Cr Harry Hipworth Cr Janine Miller Cr Evette Smeathers Cr Robin Vandenberg Cr Fiona White-Hartig
Staff:	Chris Adams Chief Executive Officer Phillip Trestrail Director Corporate Services Andrew Ward Director Community Services David Pentz Director Development Services Simon Kot Director Strategic Projects & Infrastructure Linda Franssen Minute Secretary
Apologies:	Cr Nerida Kickett
Absent:	Cr Michael Saylor
Leave of Absence:	Nil
Members of Public:	Nil
Members of Media:	Nil

4 DECLARATIONS OF INTEREST

Nil.

5 PETITIONS/DEPUTATIONS/PRESENTATIONS

Nil.

6 CORPORATE SERVICES

6.1 DRAFT DIFFERENTIAL RATES MODEL – 2014/15 FINANCIAL YEAR

File No:	FM.1
Responsible Executive Officer:	Director Corporate Services
Reporting Author:	Manager Financial Services/CFO
Date of Report:	4 June 2014
Applicant/Proponent:	Nil
Disclosure of Interest:	Nil
Attachment(s):	Submissions received from various ratepayers (itemised within agenda report)

PURPOSE

To consider submissions and initiate the process for seeking Ministerial Approval regarding the 2014/15 differential rates model.

BACKGROUND

At its Ordinary Council Meeting on 17 March 2014, Council resolved to endorse advertising of the following proposed differential rates for the 2014/15 financial year based on a predominant 6% increase in the rate in the \$:

GRV/UV	Differential Rates Categories 2014/15	Proposed Rate in \$	Minimum Rate
GRV	Residential	0.029386	\$1,400
GRV	Commercial / Tourism / Town Centre / Industry / Mixed Business	0.058772	\$1,400
GRV	Airport / GRV (Strategic Industry)	0.102851	\$1,400
GRV	Transient Workforce Accommodation / Workforce Accommodation	0.117544	\$1,400
UV	UV (Pastoral)	0.076693	\$1,400
UV	UV (Mining/Other)	0.153386	\$318
UV	UV (Strategic Industry)	0.191732	\$1,400

Advertising was undertaken in accordance with Section 6.36 of the *Local Government Act 1995* with the submission period for public comment of the proposed Differential Rates Model closing 29 May 2014. In addition to the statutory advertising process, letters were sent to ratepayers that were to receive a rate increase on their property greater than the predominant 6% increase. Typically these properties are those with a land use of Workforce Accommodation. A summary of submissions is included in the 'Community Consultation' section of this report and a copy of each submission is attached.

Since advertising, the annual UV update of valuations has been received from the Valuer General's Office. The anticipated overall reduction in unimproved values for UV Strategic Industry properties was not forthcoming in the UV Roll, however three (3) resource related projects received substantial valuation increases as shown in the table following:

Property	Owner	Description	UV Valuation 2013/14	UV Valuation 2014/15	UV Valuation Change
A78641	Woodside Burrup	Pt Lot 384 MOF Road	1,150,000	4,000,000	2,850,000
A78664	Woodside Burrup	Pluto Gas Plant	3,000,000	6,250,000	3,250,000
A88161	Apache Northwest	Devil Creek Gas Plant	1,000,000	2,800,000	1,800,000

Owners of these properties are in the process of being advised of the valuation changes which are calculated by the Valuer General's Office in-line with Ground Rentals associated with the respective land tenure.

Following its review of submissions Council is able to take into consideration any matters raised and revise its advertised Differential Rates Model accordingly. Alternatively Council may proceed with the advertised Differential Rates Model if the consideration of submissions does not alter Council's view that the advertised Differential Rates model best meets the Shire's rating objectives.

Although it is the view of officers that the submissions do not raise any significant issues that warrant a change in the proposed Differential Rates Model, the change in valuations referred to above and the addition of a number of other rateable properties in 2014/15 (including Wickham South and Gap Ridge) present an opportunity to reduce to the proposed 6% predominant increase in the Rate in the Dollar. This would assist in reducing the impact of the Pilbara Underground Power Project service charge due to be levied in 2014/15.

LEVEL OF SIGNIFICANCE

In accordance with Council Policy CE-8 Significant Decision Making Policy, this matter is considered to be of high significance in terms of Council's financial sustainability and ability to perform its role in delivering services to the Community.

COUNCILLOR/OFFICER CONSULTATION

Several Budget Workshops have been held with Councillors and Officers to assist Council's consideration of the rate setting requirements for the 2014/15 financial year.

COMMUNITY CONSULTATION

A summary of key points raised within submissions received and a response from Council Officers is contained within the following table:

Category	Property	Ratepayer	Submission	Officer's Comment
TWA	A34582 (Searipple Camp)	Fleetwood Corporation	<p>1. Recent rate increases affecting the property exceed normal annualised rate increases.</p> <p>2. Fleetwood has provided support to the growth of Karratha, employs staff and pays for utilities. Fleetwood also engages private local contractors to: remove village waste; maintain roads and footpaths within and connected to the property; and to maintain landscaping external to the village boundary on the site.</p> <p>3. Occupancy limit decreased from 1576 to 1356.</p>	<p>1. Recent rate increases include a significant increase in property valuation.</p> <p>2. Businesses are responsible for their own operating costs and property owners are responsible for their own maintenance costs.</p> <p>3. Rates are determined based on the valuation of the property not turnover.</p>
TWA	A54568 (Karratha Motel)	Finesser Pty Ltd	<p>1. Significant downturn in business, object to amount of rates imposed comparative to revenue streams.</p> <p>2. Objection to categorisation as TWA.</p>	<p>1. Rates are determined based on the valuation of the property not turnover. Higher rates are not paid when turnover is high.</p> <p>2. This is a separate matter that is being addressed in accordance with s 6.76 of the LGA.</p>

Category	Property	Ratepayer	Submission	Officer's Comment
Residential	A28517	Paul Middleton	<p>1. Owner/occupiers penalised for high rental returns enjoyed by property investors and therefore higher rates should be paid on investment properties.</p> <p>2. PUPP charge will increase amount payable in 2014/15.</p> <p>3. Rather than raising revenue, Council should look to reducing employment costs by reducing remuneration to reflect living in a city rather than a remote town.</p> <p>4. Burden on owner /occupiers is unfair as they pay the same for Council facilities as other residents who do not pay rates.</p>	<p>1. The rate in \$ is adjusted accordingly as general revaluations are held every third year (next revaluation is effective 1 July 2015). <i>LG Regs</i> do not allow concessions based on owner occupation.</p> <p>2. PUPP charge does not fund Council infrastructure and services. Ratepayers will be able to pay PUPP charge over a 4 year period.</p> <p>3. Remuneration is determined according to the Enterprise Agreement and the employment market. The current Enterprise Agreement does not expire until August 2015.</p> <p>4. Rates are effectively passed on to tenants through rent.</p>

A further submission was received from an unidentified property owner that was almost identical to the submission received from the owner of property A28517.

STATUTORY IMPLICATIONS

Sections 6.33 and 6.36 of the *Local Government Act 1995* makes provision for the application and communication of differential rates. Section 6.33(3) stipulates that Ministerial approval is required to impose a differential rate which is more than twice the lowest differential rate.

Section 6.76 of the Act provides that if the local government imposes a differential general rate a person may object to the rate record, on the ground that the characteristics of the land recorded in the rate record as the basis for imposing that rate should be deleted and other characteristics substituted. An objection is to be made within 42 days of the service of a rate notice and is to be considered promptly and either disallowed or allowed, wholly or in part.

POLICY IMPLICATIONS

CF-10 Rating Equity Policy.

FINANCIAL IMPLICATIONS

A comparison of rate revenue based on advertised rate increase with valuations current at the time of advertising compared with rate revenue based on updated valuations at 4, 5 and 6% is shown below:

DESCRIPTION	ADVERTISED 6%	CURRENT VALUATIONS 6%	CURRENT VALUATIONS 5%	CURRENT VALUATIONS 4%
Rate Revenue	\$38.3m	\$39.24m	\$38.9m	\$38.7m

Council's Long Term Financial Plan 2012-2022 (LTFP) projected rate revenue of \$35.01m in 2014/15 based on a 7% rate increase in addition to property growth. The difference between the LTFP projection and the options above is the rates levied on additional TWAs since the adoption of the LTFP plus the impact of valuation increases.

STRATEGIC IMPLICATIONS

This item is relevant to the Council's approved Strategic Community Plan 2012-2022 and Corporate Business Plan 2012-2016 and is consistent with the rating strategies and financial sustainability measures contained within Council's approved Long Term Financial Plan 2012-2022.

RISK MANAGEMENT CONSIDERATIONS

The level of risk is considered to be high to the Shire in terms of maintaining Council's financial sustainability.

IMPACT ON CAPACITY

There is no impact on capacity or resourcing to carry out the Officer's recommendation.

RELEVANT PRECEDENTS

Annually the Shire applies for, and has obtained, Ministerial approval in order to impose differential rating for all Gross Rental Value properties and Unimproved Value properties. Ministerial approval was obtained for the 2013/14 Financial Year to rate properties with a land use of: Transitory Workforce Accommodation (4 times the residential rate in the dollar); Airport/Strategic Industry/Workforce Accommodation (3.5 times residential); and UV Strategic Industry (2.5 times pastoral).

VOTING REQUIREMENTS

Simple Majority

OPTIONS:Option 1

That Council, having considered submissions regarding the advertised 2014/15 Differential Rates Model, by SIMPLE Majority pursuant to Section 6.33 of the *Local Government Act 1995* RESOLVES to SEEK Ministerial approval for the following differential rates model (6% predominant rate increase):

GRV/UV	Differential Rates Categories 2014/15	Proposed Rate in \$	Minimum Rate
GRV	Residential	0.029386	\$1,400
GRV	Commercial / Tourism / Town Centre / Industry / Mixed Business	0.058772	\$1,400
GRV	Airport / GRV (Strategic Industry)	0.102851	\$1,400
GRV	Transient Workforce Accommodation / Workforce Accommodation	0.117544	\$1,400
UV	UV (Pastoral)	0.067186	\$1,400
UV	UV (Mining/Other)	0.134372	\$318
UV	UV (Strategic Industry)	0.167965	\$1,400

Option 2

That Council, having considered submissions regarding the advertised 2014/15 Differential Rates Model, by SIMPLE Majority pursuant to Section 6.33 of the *Local Government Act 1995* RESOLVES to SEEK Ministerial approval for the following differential rates model (5% predominant rate increase):

GRV/UV	Differential Rates Categories 2014/15	Proposed Rate in \$	Minimum Rate
GRV	Residential	0.029109	\$1,400
GRV	Commercial / Tourism / Town Centre / Industry / Mixed Business	0.058218	\$1,400
GRV	Airport / GRV (Strategic Industry)	0.101882	\$1,400
GRV	Transient Workforce Accommodation / Workforce Accommodation	0.116436	\$1,400
UV	UV (Pastoral)	0.066552	\$1,400
UV	UV (Mining/Other)	0.133104	\$315
UV	UV (Strategic Industry)	0.166380	\$1,400

Option 3

That Council, having considered submissions regarding the advertised 2014/15 Differential Rates Model, by SIMPLE Majority pursuant to Section 6.33 of the *Local Government Act 1995* RESOLVES to SEEK Ministerial approval for the following differential rates model (4% predominant rate increase):

GRV/UV	Differential Rates Categories 2014/15	Proposed Rate in \$	Minimum Rate
GRV	Residential	0.028832	\$1,400
GRV	Commercial / Tourism / Town Centre / Industry / Mixed Business	0.057664	\$1,400
GRV	Airport / GRV (Strategic Industry)	0.100911	\$1,400
GRV	Transient Workforce Accommodation / Workforce Accommodation	0.115328	\$1,400
UV	UV (Pastoral)	0.065918	\$1,400
UV	UV (Mining/Other)	0.131836	\$312
UV	UV (Strategic Industry)	0.164795	\$1,400

CONCLUSION

Council adopted its preferred 2014/15 differential rates model for advertising on 17 March 2013 which included a predominant rate increase of 6%. Following consideration of submissions and the impact of additional properties and valuation changes, it is noted that Council can meet the revenue requirements of its Long term Financial Plan with a predominant rate increase between 4 and 6%. Accordingly it is recommended that Ministerial Approval be sought in accordance with Section 6.33(3) of the *Local Government Act 1995* based on Council's preferred option from those presented in the Officer's recommendation.

OFFICER'S RECOMMENDATION**Option 1**

That Council, having considered submissions regarding the advertised 2014/15 Differential Rates Model, by SIMPLE Majority pursuant to Section 6.33 of the *Local Government Act 1995* RESOLVES to SEEK Ministerial approval for the following differential rates model (6% predominant rate increase):

GRV/UV	Differential Rates Categories 2014/15	Proposed Rate in \$	Minimum Rate
GRV	Residential	0.029386	\$1,400
GRV	Commercial / Tourism / Town Centre / Industry / Mixed Business	0.058772	\$1,400
GRV	Airport / GRV (Strategic Industry)	0.102851	\$1,400
GRV	Transient Workforce Accommodation / Workforce Accommodation	0.117544	\$1,400
UV	UV (Pastoral)	0.067186	\$1,400
UV	UV (Mining/Other)	0.134372	\$318
UV	UV (Strategic Industry)	0.167965	\$1,400

OR

Option 2

That Council, having considered submissions regarding the advertised 2014/15 Differential Rates Model, by SIMPLE Majority pursuant to Section 6.33 of the *Local Government Act 1995* RESOLVES to SEEK Ministerial approval for the following differential rates model (5% predominant rate increase):

GRV/UV	Differential Rates Categories 2014/15	Proposed Rate in \$	Minimum Rate
GRV	Residential	0.029109	\$1,400
GRV	Commercial / Tourism / Town Centre / Industry / Mixed Business	0.058218	\$1,400
GRV	Airport / GRV (Strategic Industry)	0.101882	\$1,400
GRV	Transient Workforce Accommodation / Workforce Accommodation	0.116436	\$1,400
UV	UV (Pastoral)	0.066552	\$1,400
UV	UV (Mining/Other)	0.133104	\$315
UV	UV (Strategic Industry)	0.166380	\$1,400

OR

Option 3

That Council, having considered submissions regarding the advertised 2014/15 Differential Rates Model, by SIMPLE Majority pursuant to Section 6.33 of the *Local Government Act 1995* RESOLVES to SEEK Ministerial approval for the following differential rates model (4% predominant rate increase):

GRV/UV	Differential Rates Categories 2014/15	Proposed Rate in \$	Minimum Rate
GRV	Residential	0.028832	\$1,400
GRV	Commercial / Tourism / Town Centre / Industry / Mixed Business	0.057664	\$1,400
GRV	Airport / GRV (Strategic Industry)	0.100911	\$1,400
GRV	Transient Workforce Accommodation / Workforce Accommodation	0.115328	\$1,400
UV	UV (Pastoral)	0.065918	\$1,400
UV	UV (Mining/Other)	0.131836	\$312
UV	UV (Strategic Industry)	0.164795	\$1,400

COUNCIL RESOLUTION

Res No : 152855
 MOVED : Cr Lally
 SECONDED : Cr Vandenberg

That Council, having considered submissions regarding the advertised 2014/15 Differential Rates Model, by SIMPLE Majority pursuant to Section 6.33 of the *Local Government Act 1995* RESOLVES to SEEK Ministerial approval for the following differential rates model (4% predominant rate increase):

GRV/UV	Differential Rates Categories 2014/15	Proposed Rate in \$	Minimum Rate
GRV	Residential	0.028832	\$1,400
GRV	Commercial / Tourism / Town Centre / Industry / Mixed Business	0.057664	\$1,400
GRV	Airport / GRV (Strategic Industry)	0.100911	\$1,400
GRV	Transient Workforce Accommodation / Workforce Accommodation	0.115328	\$1,400
UV	UV (Pastoral)	0.065918	\$1,400
UV	UV (Mining/Other)	0.131836	\$312
UV	UV (Strategic Industry)	0.164795	\$1,400

CARRIED 6-3

FOR : Cr Long, Cr Harris, Cr Hipworth, Cr Lally, Cr Smeathers, Cr Vandenberg
 AGAINST : Cr Bailey, Cr Miller, Cr White-Hartig

7 CLOSURE & DATE OF NEXT MEETING

The meeting closed at 2.32 pm.

The date of the next Ordinary Council Meeting is to be held on Monday, 16 June 2014 at 6:30pm in Council Chambers - Welcome Road, Karratha.

I, Cr Peter Long, Shire President of the Shire of Roebourne, hereby declare on behalf of the Councillors of the Shire of Roebourne that the enclosed Minutes are a true and accurate record of the Special Council Meeting held on Friday 6 June 2014.

..... Date ____ / ____ / ____
Signed