

Notice of Meeting



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Dear Elected Member

Special Council meeting of the Shire of Ravensthorpe will be held on Tuesday 29 June 2021 at the Council Chambers, Ravensthorpe Recreation Centre commencing at 5.30pm.

Schedule

5.30pm Special Council Meeting

A handwritten signature in black ink, appearing to read 'Gavin Pollock'.

Gavin Pollock
Chief Executive Officer

24 June 2021

DISCLAIMER

No responsibility whatsoever is implied or accepted by the Shire of Ravensthorpe for any act, omission or statement or intimation occurring during Council or Committee meetings or during formal/informal conversations with staff. The Shire of Ravensthorpe 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 Ravensthorpe during the course of any meeting is not intended to be and is not taken as notice of approval from the Shire of Ravensthorpe. The Shire of Ravensthorpe warns that anyone who has an application lodged with the Shire of Ravensthorpe 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 Ravensthorpe in respect of the application.

AGENDA

Shire of Ravensthorpe
Special Council Meeting
29 June 2021

MISSION STATEMENT

To Grow Our Community through the provision of leadership, services and infrastructure.

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 Ravensthorpe.

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 Ravensthorpe 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 Ravensthorpe Office and the Shire of Ravensthorpe website within ten (10) working days after the Meeting.



Gavin Pollock
Chief Executive Officer



WRITTEN DECLARATION OF INTEREST IN MATTER BEFORE COUNCIL

NOTE: USE ONE FORM PER DECLARATION

(1) I, _____
wish to declare an interest in the following item to be considered by council at its meeting
to be held on (2) _____

Agenda item (3) _____

The type of interest I wish to declare is;

- Financial pursuant to Sections 5.60A of the *Local Government Act 1995*.
- Proximity pursuant to Section 5.60B of the *Local Government Act 1995*.
- Indirect Financial pursuant to Section 5.61 of the *Local Government Act 1995*.
- Impartiality pursuant to Regulation 11 of the Local Government (Rules of Conduct) Regulation 2007.

(2) The nature of my interest is

(3) The extent of my interest is

I understand that the above information will be recorded in the Minutes of the meeting and recorded by the Chief Executive Officer in an appropriate Register.

DECLARATION BY:

Signature

Date

RECEIVED BY:

Chief Executive Officer

Date

- (1) Insert your name.
- (2) Insert the date of the Council Meeting at which the item it to be considered.
- (3) Insert the Agenda Item Number and Title.
- (4) Tick the box to indicate the type of interest.
- (5) Describe the nature of your interest.
- (6) Describe the extent of your interest (if seeking to participate in the matter under the s.5.68 of the Act).

DISCLOSURE OF FINANCIAL INTEREST, PROXIMITY INTEREST AND/OR INTEREST AFFECTING IMPARTIALITY

Financial pursuant to Sections 5.60A of the Local Government Act 1995

5.60A – Financial Interest

For the purpose of this Subdivision, a person has a financial interest in a matter if it is reasonable to expect that the matter will if dealt with by the local government, or an employee or committee of the local government or member of the council of the local government, in a particular way, result in a financial gain, loss, benefit or detriment for the person.

[Section 5.60A inserted by No. 64 of 1998 s. 30; amended by No. 49 of 2004 s. 50.]

Proximity pursuant to Section 5.60B of the Local government Act 1995

5.60B – Proximity Interest

- (1). For the purposes of this Subdivision, a person has a proximity interest in a matter if the matter concerns –
 - (a). a proposed change to a planning scheme affecting land that adjoins the person's land;
 - (b). a proposed change to zoning or use of land that adjoins that person's land; or
 - (c). a proposed development (as defined in section 5.63 (5)) of land that adjoins the person's land.
- (2). In this section, land ("**the proposal land**") adjoins a person's land if –
 - (a). the proposal land, not being a thoroughfare, has a common boundary with the person's land;
 - (b). the proposal land, or any part of it, is directly across a thoroughfare from, the person's land; or
 - (c). the proposal land is that part of a thoroughfare that has a common boundary with the person's land.
- (3). In this section a reference to a person's land is a reference to any land owned by the person or in which the person has any estate or interest.

[Section 5.60B inserted by No 64 of 1998 s. 30.]

Indirect Financial pursuant to Section 5.61 of the Local Government Act 1995

5.61 – Indirect financial interest

A reference in this Subdivision to an indirect financial interest of a person in a matter includes a reference to a financial relationship between that person and another person who requires a local government decision in relation to the matter.

Impartiality pursuant to Regulation 11 of the Local Government (Rules of Conduct) Regulation 2007

11 – Disclosure of interest

- (1). In this regulation –
Interest means an interest that could, or could reasonably be perceived to; adversely affect the impartiality of the person having the interest arising from kinship friendship or membership of an association.
- (2). A person who is a council member and who has an interest in any matter to be discussed at a council or committee meeting attended by the member must disclose 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.
- (3). Sub-regulation (2) does not apply to an interest referred to in section 5.60 of the Act.
- (4). Sub-regulation (2) does not apply if –
 - (a). A person who is a council member fails to disclose an interest because the person did not know he or she has an interest in the matter; or
 - (b). A person who is a council member fails to disclose an interest because the person did not know the matter in which he or she had an interest would be discussed at the meeting and the person disclosed the interest as soon as possible after the discussion began.
- (5). If, under sub-regulation (2)(a), a person who is a council member discloses an interest in a written notice given to the CEO before a meeting then –
 - (a). Before the meeting the CEO is to cause the notice to be given to the person who is to preside at the meeting; and
 - (b). At the meeting the person presiding is to bring the notice and its contents to the attention of the persons present immediately before a matter to which the disclosure related is discussed.
- (6). If –
 - (a). Under sub-regulation (2)(b) or (4)(b) a person's interest in a matter is disclosed at a meeting; or
 - (b). Under sub-regulation (5) (b) notice of a person's interest in a matter is brought to the attention of the persons present at a meeting.

The nature of the interest is to be recorded in the minutes of the meeting.

Describe the extent of your interest (If seeking to participate in the matter under the s.5.68 of the act)

5.68 – Councils and committees may allow members disclosing interests to participate etc. in meetings

- (1). If a member has disclosed, under section 5.65, an interest in a matter, the members present at the meeting who are entitled to vote on the matter
 - (a). may allow the disclosing member to be present during any discussion or decision making procedure relating to the matter; and
 - (b). may allow , to the extent decided by those members, the disclosing member to preside at the meeting (if otherwise qualified to preside) or to participate in discussions and the decision making procedures relating to the matter if –
 - (i) the disclosing member also discloses the extent of the interest; and
 - (ii) those members decide that the interest –
 - (I) is so trivial or insignificant as to be unlikely to influence the disclosing member's conduct in relation to the matter;
or
 - (II) is common to a significant number of electors or ratepayers.
- (2). A decision under this section is to be recorded in the minutes of the meeting relating to the matter together with the extent of any participation allowed by the council or committee.

- (3). This sections does not prevent the disclosing member from discussing, or participating in the decision making process on, the question on whether an application should be made to the Minister under section 5.69.

SHIRE OF RAVENSTHORPE

Agenda for the Ordinary Meeting of Council to be held at the Council Chambers, Ravensthorpe Recreation Centre on Tuesday 29 June 2021 – commencing at 5.30pm.

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EXTRACT FROM LOCAL GOVERNMENT ACT 1995

5.5. CONVENING COUNCIL MEETINGS

- (1) The CEO is to convene an ordinary meeting by giving each council member at least 72 hours' notice of the date, time and place of the meeting and an agenda for the meeting.
- (2) **The CEO is to convene a special meeting by giving each council member notice, before the meeting, of the date, time, place and purpose of the meeting.**

1. Declaration of Opening / Announcements of Visitors

The Presiding Member to declare the meeting open.

2. Attendance / Apologies / Approved Leave of Absence

COUNCILLOR'S: Cr Keith Dunlop (Shire President)
 Cr Julianne Belli (Deputy Shire President)
 Cr Ian Goldfinch
 Cr Sue Leighton
 Cr Thomas Major
 Cr Mark Mudie
 Cr Graham Richardson

STAFF: Gavin Pollock (Chief Executive Officer)
 Les Mainwaring (Director Corporate and Community Services)
 Graham Steel (Director Technical Services)
 Kim Bransby (Executive Assistant)

APOLOGIES:

ON LEAVE OF ABSENCE:

Nil.

ABSENT:

MEMBER OF THE PUBLIC:

3. Announcements by the Presiding Member

4. Disclosure of Interest

5. Business of an Urgent Nature Introduced by Decision of 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).

5.1 Elected Members

5.2 Officers

5.2.1 Differential Rates Submissions 2021-2022

File Reference: RV.RC.001
Location: Not Applicable
Applicant: Not Applicable
Author: Director Corporate and Community Services
Authorising Officer: Chief Executive Officer
Date: 24 June 2021
Disclosure of Interest: Nil
Attachments: McMahon Mining Titles Services Submission (Attachment Green)
Previous Reference: Nil

Summary:

This report recommends that Council endorse the submission received after the 21 days of advertising of proposed 2021/2022 differential rates which closed 16 June 2021.

Background:

At the Ordinary Council Meeting 18 May 2021 Council resolve to:

Endorse the following differential rates across all categories to form the basis of the proposed rate setting for the 2021/2022 budget.

	<i>Cost in \$</i>	<i>Minimum</i>
<i>GRV Residential</i>	<i>0.121852</i>	<i>\$905.00</i>
<i>GRV Commercial</i>	<i>0.136830</i>	<i>\$905.00</i>
<i>GRV Industrial</i>	<i>0.160607</i>	<i>\$905.00</i>
<i>GRV – Transient Workforce Camps / Short Stay Accommodation</i>	<i>0.327462</i>	<i>\$884.00</i>
<i>UV - Rural</i>	<i>0.008465</i>	<i>\$884.00</i>
<i>UV – Mining</i>	<i>0.086944</i>	<i>\$333.00</i>

Adopt the Objectives and Reasons for the Proposed Differential rates for 2021/2022.

Authorise the Chief Executive Officer to advertise the differential rates and call for public submissions in accordance with Section 6.36 of the Local Government Act 1995 for a minimum of 21 days.

Authorise the Chief Executive Officer to make application to seek Ministerial approval under Section 6.33 of the Local Government Act 1995 to impose differential rates that are more than twice the lowest differential rate being imposed.

As part of the process of Ministerial approval for Differential Rates Council is required to give full consideration to submissions received before proceeding with the application.

Comment:

Section 6.36 of the *Local Government Act (1995)* allows Council to implement a system of differential rating subject to public advertising, adoption by Council, and approval from the Minister for Local Government, Sport and Cultural Industries, before being applied.

The Act allows for differential rates to be applied to help overcome an issue where the land use within the rating category has a differing contributory cost to Council and therefore rates in the dollar applied are varied. The use of differential rating helps to ensure equality of contribution within the rating system.

The notice of intention to impose differential rates was advertised in the West Australian 26 May 2021 and submissions closed at 4pm on the 16 June 2021.

The one submission received from McMahon Mining Title Services Pty Ltd raised the point that the state government was increasing rents on prospecting licenses, exploration licenses and mining leases, therefore this would flow through to valuations and a local government increase would be placed against the increased valuations creating a compounding effect.

Our response to the submission was to make the point that whilst mention of the WA Government rental increases have had the effect of increasing mining valuations this does not cause an automatic increase in rates. We were pleased to advise that this is not the approach of the Shire of Ravensthorpe as we have determined a set yield in rates to make up our budget deficit and if valuations subsequently increase then rates in the dollar will be adjusted downwards to maintain the set yield, meaning there is no double dipping by setting a rate and letting rate income ride upwards through valuation increases. Alternatively if valuations fell, we would also adjust our rates in the dollar to maintain the set yield.

We also noted that the Shire of Ravensthorpe welcomes mining activity to the region and to assist mining families that want to relocate to the area, the Shire is heavily invested directly into medical services and early learning childcare for the support of families which are not functions generally attributed to local government core business.

We have also engaged promotional activities, in close collaboration with our mining partners, through the Channel 7 TV program Our Town in order to promote the liveability of the area in support of mining operations attracting and retaining staff by encouraging families to move and live in the area. We have a good working relationship with our mining partners and do all we can to assist in facilitating social initiatives for the benefit of the mining community.

In May 2021 Council endorsed a major review of all of its Integrated Planning documents to achieve a community consensus of key community service strategies together with a new long term financial plan that sets an agreed rates strategy that has set the increase in yield for 2021/2022.

Subsequent to advertising our rates in the dollar, and in keeping with the issue raised in the submission, we have received and uploaded our Unimproved Valuations (UV) revaluation roll which has required a decrease in the rate in the dollar for the two UV rating categories in order to maintain the yield as outlined in our Rating Strategy report in May 2021 and the adopted long term financial plan.

From the UV revaluation roll there has been an average overall change of +20.67% indicating the strength of land prices in the area, which has necessitated a significant drop in the UV Rural rate, noting that the overall change in UV values is never uniform across the region and would be influenced by localised land dealings.

The advertised rates in the dollar for 2021/2022 are outlined below with the reduced rates shown for Unimproved Valuations and UV Mining Tenements.:

RATING CATEGORY	2021/22 RATE Advertised Cent in \$	2021/22 RATE Adjusted for UV Valuation Cent in \$
GRV Residential	12.1852	
GRV Commercial	13.6830	
GRV Industrial	16.0607	
GRV Transient Workforce / Short Stay	32.7462	
UV Rural	0.008465	0.007008
UV Mining Tenements	0.086944	0.085928
Minimum Rates		
GRV Residential/Commercial/Industrial	\$905	
GRV Transient Workforce / Short Stay	\$884	
Unimproved Valuation	\$884	
UV Mining Tenements	\$333	

Consultation:

Elected Members.
Executive Team.

Statutory Environment:

Local Government Act 1995 - Sections 6.33, 6.35 and 6.36.

Policy Implications:

Nil.

Financial Implications:

Nil.

Strategic Implications:

Theme 4 – Civic Leadership: 4.1 Financial Sustainability.

Sustainability Implications:

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

Risk Implications:

Risk	Low (2)
Risk Likelihood (based on history and with existing controls)	Low (2)
Risk Impact / Consequence	Low (2)
Risk Rating (Prior to Treatment or Control)	Low (2)
Principal Risk Theme	Low (2)
Risk Action Plan (Controls or Treatment Proposed)	Low (2)

Risk Matrix:

Consequence Likelihood		Insignificant	Minor	Moderate	Major	Catastrophic
		1	2	3	4	5
Almost Certain	5	Medium (5)	High (10)	High (15)	Extreme (20)	Extreme (25)
Likely	4	Low (4)	Medium (8)	High (12)	High (16)	Extreme (20)
Possible	3	Low (3)	Medium (6)	Medium (9)	High (12)	High (15)
Unlikely	2	Low (2)	Low (4)	Medium (6)	Medium (8)	High (10)
Rare	1	Low (1)	Low (2)	Low (3)	Low (4)	Medium (5)

A risk is often specified in terms of an event or circumstance and the consequences that may flow from it. An effect may be positive, negative or a deviation from the expected and may be related to the following objectives; occupational health and safety, financial, service interruption, compliance, reputation and environment. A risk matrix has been prepared and a risk rating of 2 has been determined for this item. Any items with a risk rating over 10 (considered to be high or extreme risk) will be added to the Risk Register, and any item with a risk rating over 17 will require a specific risk treatment plan to be developed.

Voting Requirements:

Simple Majority.

Recommendation:

That Council;

1. **Receives the submission for the proposed UV differential rates for 2021/2022 from McMahon Mining Titles Services Pty Ltd.**
2. **Endorse the change to UV differential rates as a result of revaluation to form the basis of the proposed rate setting for the 2021/2022 budget.**

	Cost in \$	Minimum
UV - Rural	0.007008	\$884.00
UV – Mining	0.085928	\$333.00

3. **Authorise the Chief Executive Officer to make application to seek Ministerial approval under Section 6.33 of the Local Government Act 1995 to impose differential rates that are more than twice the lowest differential rate being imposed.**

Moved: _____

Seconded: _____

6. Matters Behind Closed Doors

7. Closure of Meeting

The Presiding Member to declare the meeting closed.

ATTACHMENT

24 May 2021

Mr Gavin Pollock
Chief Executive Officer
Shire of Ravensthorpe
PO Box 43
Ravensthorpe WA 6346

By email: shire@ravensthorpe.wa.gov.au

SUBMISSION - DIFFERENTIAL RATING 2021-2022

Thank you for the opportunity to make a submission regarding the proposed rates for 2021-22.

We note that valuations provided by the Valuer General are used in calculating mining tenement rates, and these valuations are based on the rent imposed by the Department of Mines, Industry Regulation and Safety. Any increases in the rent therefore result in an increase in valuations and in turn an automatic increase in rates.

Effective from 1 July 2020, the Department increased the rent rate for exploration licences by 2.17%, prospecting licences by 3.45% and mining leases by 1.01%. With the Shire proposing an increase in the UV Mining rate in the dollar for 2021-22 from 0.0836 to 0.08694, a significant increase in the actual rates levied will occur as illustrated in the table below.

2020/21 RID	0.0836	2021/22 Proposed RID			0.08694
	2020 Rates	2021 Rates - no change in RID	2021 Rates - proposed increase to RID	Actual percentage increase in rates	
P (200Ha)	\$242.44	\$250.80	\$260.82	7.6%	
E (10sbk)	\$288.42	\$294.69	\$306.46	6.3%	
M (100Ha)	\$827.64	\$836.00	\$869.40	5.0%	

The exploration and mining industry is one of the most significant contributors to the State's economy. It has played an integral role in the development and strength of this State, creating jobs and opportunities across the State but particularly in remote and regional parts of Australia. The industry will undoubtedly be critical to the future economic recovery of the State and country which has been severely impacted by the Covid-19 crisis.

To encourage the continued contributions made by the resources sector to the State economy it is critical that all government fees are set so as to reduce the cost of doing business in the State in the face of significant international competition wherever possible, and increase and incentivise investment in local exploration to discover vital new resources which benefit the whole of the State.

I would be happy to discuss this matter further on (08) 6467 7997.

Yours faithfully,



Shannon McMahon
Director
McMahon Mining Title Services