SHIRE OF IRWIN
DONGARA-PORT DENISON
A BRILLIANT BLEND

AGENDA

and

Notice of Special Council Meeting

to be held on

Tuesday 16 July 2024

at

6.00pm

in the

Shire of Irwin Council Chambers

11-13 Waldeck Street, Dongara

The purpose of the meeting is for Council to consider 2024-25 Differential Rates submissions

Shane Ivers
Chief Executive Officer
12 July 2024

Disclaimer

The Shire of Irwin advises that the purpose of an Ordinary Council Meeting is to discuss and, where possible, make resolutions about items appearing in the agenda. No person should rely or act on the basis of any decision, advice or information provided by a Member or Officer, or on the content of any discussion occurring during the course of the meeting. No person should rely on the decisions made by Council until formal written advice of the Council is received by that person.

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Contents

1. DECLARATION OF OPENING / ANNOUNCEMENT OF VISITORS 4
2. RECORD OF ATTENDANCE / APOLOGIES / LEAVE OF ABSENCE 4
3. DECLARATION OF PURPOSE OF MEETING 4
4. DECLARATIONS OF INTEREST 4
5. PUBLIC QUESTION TIME 4
6. OFFICER REPORTS 5
7. MATTERS FOR WHICH THE MEETING IS CLOSED TO THE PUBLIC 9
8. CLOSURE 9

SPECIAL COUNCIL MEETING

to be held on

Tuesday 16 July 2024

at 6.00pm

AGENDA

1. DECLARATION OF OPENING / ANNOUNCEMENT OF VISITORS

2. RECORD OF ATTENDANCE / APOLOGIES / LEAVE OF ABSENCE

Members

Councillor M Leonard	President
Councillor B Wyse	Deputy President
Councillor I Scott	
Councillor E Tunbridge	
Councillor A Gillam	
Councillor P Summers	

Staff

Mr S D Ivers	Chief Executive Officer
Miss P Machaka	Manager Finance
Mr M Connell	Manager Development
Ms F Boksmati	Acting Manager Community Services
Mr M Jones	Manager Operations
Ms S Mearns	Acting Executive Assistant

Apologies

Nil

Approved Leave of Absence

Nil

3. DECLARATION OF PURPOSE OF MEETING

The purpose of the meeting for Council to consider 2024-25 Differential Rates submissions.

4. DECLARATIONS OF INTEREST

Nil

5. PUBLIC QUESTION TIME

Nil

6. OFFICER REPORTS

CORPORATE AND COMMUNITY	CEO01-07/24
Subject:	**CC01-07/24 Differential Rates 2024/25 - Submissions**
Author:	**P Machaka, Manager Finance**
Responsible Officer:	**S Ivers, Chief Executive Officer**
File Reference:	**3.0683 Differential Rates**
Voting Requirements:	**Simple Majority**

Council Role:

☐	**Advocacy**	When Council advocates on its own behalf or on behalf of its community to another level of government/body/agency.
☒	**Executive**	The substantial direction setting and oversight role of the Council e.g., performance of the Local Government's function under law, administration of Local Laws, adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.
☐	**Legislative**	Includes adopting local laws and local planning schemes.
☐	**Review**	When Council reviews decisions made by Officers.
☐	**Quasi-judicial**	When Council determines an application/matter that directly affects a person's rights and interests. The judicial character arises from the obligation to abide by the principles of natural justice e.g., local planning applications, building permits, other permits/licences (e.g. under the Health Act, Dog Act or local laws) and other decisions that may be appealable to the State Administrative Tribunal (SAT).

Report Purpose:
To consider submissions and initiate the process for seeking Ministerial approval regarding the proposed 2024/25 differential rates.

Background:
At the Ordinary Council Meeting on 28 May 2024, Council resolved to advertise intention to adopt differential rates for the 2024/25 financial year:

OFFICER RECOMMENDATION AND COUNCIL DECISION **060524**

MOVED: Cr Summers **SECONDED: Cr Tunbridge**

That Council, by absolute majority in accordance with *Local Government Administration Regulation 10*, resolves to change Part 1 of its decision (CC01-05/24) made at the Special Council Meeting on 21 May 2024 as follows:

1. **Adopts the following rates in the dollar and minimum rates for the differential rating categories specified for the 2024/25 financial year:**

Rate Category	Rate in Cents in the Dollar	Minimum Rates
Gross Rental Valuations:		
General Rate	9.825	$1050
Unimproved Valuations:		
General Differential Rate	1.0891	$1050
Mining Differential Rate	21.147	$1050

VOTING DETAILS: **CARRIED: 6/0**

For: **Cr Leonard, Cr Wyse, Cr Scott, Cr Gillam, Cr Summers, Cr Tunbridge**

Against: **Nil**

The proposed 2024/25 differential rates were advertised in the Dongara Denison Local Rag from Wednesday 5 June 2024, on the Shire of Irwin website and on the public notice board located at the Dongara Public Library. 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 closing Thursday 26 June 2024.

Officer's Comment:
At the closing of the advertising period, no submissions were received.

The proposed rates of $6,935,566 includes a 5% increase on 2023/24 billed rates and interims revenue, with the minimum rate for all properties remaining the same at $1,050. To enable the 5% increase and taking into account the change in UV and GRV valuations as provided by Landgate for 2024/25, the rate in the dollar for UV Rural, UV Mining and GRV have decreased.

In accordance with Section 6.33 of the *Local Government Act 1995*, 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. The proposed UV Mining rate in the dollar is more than twice the UV Rural rate in the dollar. This is intended to ensure that the mining sector contributes an equitable contribution to the costs of providing for the Shire's assets and services. Mining tenements on average have a relatively low valuation in comparison to rural land unimproved valuations, and as such, a higher rate in the dollar is required to raise an appropriate level of rates income.

Consultation:
The proposed 2024/25 differential rates in the dollar were advertised from 5 June 2024 to 26 June 2024, allowing the minimum statutory submission period of 21 days.

Statutory Environment:
Local Government Act 1995

6.33. 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.

(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.

6.36. 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.

Policy Implications:
In accordance with the Department of Local Government and Communities' 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.

Objectivity

The land on which differential general rates has been rated according to one or more of the following land characteristics:

- *zoning*
- *land use*
- *vacant land.*

Where there has been a change to the boundaries of the district within the past five years, the land on which differential general rates apply may also be rated according to one or more of the following land characteristics:

- *whether or not it is situated in a town-site*
- *whether or not it is situated in a particular part of the district.*

The local government has proposed a differential general rate which is more than twice the lowest differential rate.

Fairness and Equity

The Council of the local government has reviewed its expenditure and considered efficiency measures as part of its budget deliberations. This is to be reflected in the council minutes when it adopts the budget strategy and endorses objects and reasons for each differential rating category and each minimum payment.

The objects of imposing differential rates and reasons for each proposed differential general rate are set out by the local government in a publicly available document.

These objects and reasons clearly explain why each differential general rate is proposed to be imposed.

The objects and reasons clearly explain why it is proposed to set the differential general rate at that particular rate.

If a category of ratepayer is significantly contributing to the local government's revenue through fees, charges and other payments, the local government has not used these same costs as the justification for the difference in differential general rate.

If there are fewer than thirty ratepayers who will be subject to the differential general rate, each affected ratepayer has been informed in writing by the local government of:

- *the terms of this policy (through the provision of a copy of this document to the ratepayer*
- *the local government's objects of and reasons for proposing to impose the differential general rates*
- *the differential general rate that will apply to the ratepayer's property; and*
- *the differential general rate that applied in the previous year for comparison and was given at least 21 days to make submissions to the local government on the proposal.*

The ratepayers' submissions, if any, and the local government's response to each ratepayer's submission (as recorded in the minutes of the Council meeting at which the response was adopted) have been provided to the Minister.

Consistency

The local government has rated similar properties that are used for the same purpose in the same way.

The proposed differential rates align with the rating strategy in the corporate business plan and long term financial plan or the council of the local government has detailed its reasons for deviating from that rating strategy.

The local government has reviewed and considered rates proposed in neighbouring or similar local government districts in the rating strategy.

Transparency and administrative efficiency
The local government has:
- *prepared and made publicly available a document clearly describing the object of and reason for each differential general rate;*
- *given public notice in a newspaper circulating generally throughout the district and exhibited to the public on a notice board at the local government's office and at every local government library in the district (refer to Rating Policy – Giving Notice)*
- *published the notices after 1 May in the relevant year.*

The public notice published by the local government contained:
- *details of each differential general rate that the local government intends to impose*
- *an invitation for submissions to be made by an elector or ratepayer*
- *a closing date for submissions which is at least twenty one days after the day on which the notice is published*
- *advice on the time and place where a document containing the objects of and reasons for the differential general rates can be inspected.*

The council of the local government has:
- *considered each ratepayer submission (if any)*
- *resolved to make the application provided the Minister with the minutes and agenda papers relevant to these matters.*

Financial/Resource Implications:
The proposed rates in the dollar will be used to raise rates based on valuations against individual properties to raise rate revenue in the 2024/25 financial year.

Strategic Implications:
Strategic Community Plan 2022 - 2032
Strategy 4.2.1 Ensure compliance whilst embracing innovation and best practice principles
Strategy 4.3.2 Adopt and follow better practice processes

Attachments:
Nil

OFFICER RECOMMENDATION:

That Council make application to the Minister for Local Government seeking approval under Section 6.33(3) of the *Local Government Act 1995* to impose a differential rate for UV Mining properties at more than twice the rate of UV Rural properties, as detailed below:

Unimproved Valuations Rating Category	Rate in Cents in the Dollar	Minimum Rate
General Differential Rate	**1.0891**	**$1050**
Mining Differential Rate	**21.147**	**$1050**

7. MATTERS FOR WHICH THE MEETING IS CLOSED TO THE PUBLIC

Nil

8. CLOSURE