



## SHIRE OF CARNARVON

# MINUTES

## SPECIAL COUNCIL MEETING 12 JULY 2021

### CONFIRMATION OF MINUTES

These minutes were confirmed by the Council on

.....  
as a true and accurate record

.....  
Chairman

---

## DISCLAIMER

No responsibility whatsoever is implied or accepted by the Shire of Carnarvon for any act, omission or statement or intimation occurring during Council/Committee Meetings or during formal/informal conversations with Staff or Councillors. The Shire of Carnarvon 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/Committee Meetings or discussions. Any person or legal entity who acts or fails to act in reliance upon any statement does so at that 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 Carnarvon during the course of any meeting is not intended to be and is not taken as notice of approval from the Shire of Carnarvon. The Shire of Carnarvon warns that anyone who has an application lodged with the Shire of Carnarvon 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 Carnarvon in respect of the application.

To be noted that, in accordance with Regulation 11 of the Local Government (Administration) Regulations 1996, the minutes of the Council Meeting are a record of the decisions of the Council, any additional officers' advice, and explanatory notes as required. The minutes contain a summary of questions asked by members of the public and the answers given. The minutes are not a transcript of the proceedings of the meetings.

---

## INFORMATION ON PUBLIC QUESTION TIME

The following information is provided should you wish to ask a question of Council at the Ordinary Meetings held on a monthly basis.

Please note that questions that have not been filled out on the Submission Form will not be accepted.

- The Local Government Act 1995 allows members of the public to ask questions in regard to any issue relating to the Shire.
- A maximum of 15 minutes will be allowed for public question time and the Presiding Member will allow a maximum of three (3) verbal/written questions per person.
- Prior to asking a question, the speaker must state his/her name and address.
- Members of the public are discouraged from asking questions which contain defamatory remarks, offensive language or questioning the competency of staff or Council members.
- The Presiding Member may nominate a member or officer to answer the question and may also determine that any complex questions requiring research be taken on notice and answered in writing.
- No debate or discussion is allowed to take place on any question or answer.
- A summary of each question asked and the response given will be included in the minutes of the meeting –

*Local Government (Administration) Regulations 1996 – Pt 2, r.11 – (in part reads -)*

*11. Minutes, content of (Act s.5.25(1)(f))*

*The content of minutes of a meeting of a council or a committee is to include –*

*(e) a summary of each question raised by members of the public at the meeting and a summary of the response to the question.*

Responses to questions that are taken on notice will be responded to as soon as possible.

- If you wish to ask a question, please complete the Public Question Time Submission Form at the back of this information sheet. Alternatively, questions can be submitted in writing to the Shire of Carnarvon 3 days prior to the meeting.

---

### SPECIAL MEETINGS OF COUNCIL

Members of the public are welcome to attend a Special Meeting of Council if open, and ask questions of the Council within the allotted public question time ***subject to the questions being asked only relating to the purpose of the Special Meeting*** (s5.23 of the Act and regulation 12 (4) of the Local Government (Administration) Regulations 1996, the Department of Local Government and Communities Guide to Meetings and Governance Bulletin April 2014 and Guideline No. 3 Managing Public Question Time.)

# INDEX

## 1.0 ATTENDANCES , APOLOGIES & APPLICATIONS FOR LEAVE OF ABSENCE

(The Local Government Act 1995 Section 2.25 provides that a Council may, by resolution, grant leave of absence to a member for Ordinary Council Meetings. The leave cannot be granted retrospectively and an apology for non-attendance at a meeting is not an application for leave of absence.)

## 2.0 PUBLIC AND ELECTED MEMBER QUESTION TIME

(In accordance with Section 5.24 of the Local Government Act 1995, a 15 minute public question time is made available to allow members of the public the opportunity of questioning Council on matters concerning them. All questions are to be provided on the Public Question Time Submission Form.)

### 2.1 QUESTIONS TAKEN ON NOTICE FROM PREVIOUS MEETING –

### 2.2 PUBLIC QUESTION TIME

## 3.0 DECLARATIONS OF INTEREST

(Councillors and Staff are reminded of the requirements of Section 5.65 of the Local Government Act 1995, to disclose any interest during the meeting or when the matter is to be discussed.)

## 4.0 ITEMS FOR DISCUSSION

### 4.1 Differential Rates 2021/2022

## 5.0 MATTERS FOR WHICH MEETING TO BE CLOSED TO MEMBERS OF THE PUBLIC

## 6.0 CLOSURE



**MINUTES OF THE SPECIAL MEETING OF COUNCIL HELD IN THE COUNCIL CHAMBERS, STUART STREET,  
CARNARVON ON MONDAY 12 JULY 2021**

DUE TO THE LACK OF A QUORUM, THE SHIRE PRESIDENT ADVISED THAT THE MEETING WILL BE RECONVENED AT 8.45AM TO ENABLE A QUORUM OF ELECTED MEMBERS TO BE PRESENT.

The meeting was declared open by the Presiding Member at 8.45am

*The Shire of Carnarvon acknowledges the Yingarrda people as the Traditional Custodians of this land which we work and live on. We pay our respects to their Elders past, present and future and extend this respect to all Aboriginal people and their ongoing connection to this Country.*

---

**1.0 ATTENDANCES, APOLOGIES AND APPROVED LEAVE OF ABSENCE**

Cr E Smith.....Presiding Member/Shire President  
Cr J Nelson ..... Councillor, Town Ward  
Cr K Pinner ..... Councillor, Town Ward  
Cr A Fullarton ..... Councillor, Town Ward  
Cr L Vandeleur..... Councillor, Town Ward

Mrs A Selvey..... Chief Executive Officer  
Ms S Mizen..... Manager, Finance  
Mrs D Hill .....Senior Executive Officer

Observers ..... Nil  
Leave of Absence ..... Nil

**Apologies**

Cr B Maslen..... Councillor, Gascoyne/Minilya Ward  
Cr K Simpson ..... Councillor, Coral Bay Ward  
Cr L Skender.....Councillor, Plantation Ward

---

**2.0 PUBLIC AND ELECTED MEMBER QUESTION TIME**

*(In accordance with Section 5.24 of the Local Government Act 1995, a 15 minute public question time is made available to allow members of the public the opportunity of questioning Council on matters concerning them. All questions are to be provided on the Public Question Time Submission Form.)*

There was no public question time.

---

### 3.0 DECLARATIONS OF INTEREST

(Councillors and Staff are reminded of the requirements of Section 5.65 of the Local Government Act 1995, to disclose any interest during the meeting or when the matter is to be discussed.)

Nil

---

### 4.0 ITEMS FOR DISCUSSION

**FC 1/7/21**

**COUNCIL RESOLUTION**

**Cr Pinner/Cr Vandeleur**

*That Standing Orders Section 13 be suspended at 8.47am to enable Council to be briefed on the revaluations conducted by Landgate.*

**CARRIED**  
**F5/AO**

**FC 2/7/21**

**COUNCIL RESOLUTION**

**Cr Pinner/Cr Nelson**

*That Standing Orders Section 13 resume at 8.55am.*

**CARRIED**  
**F5/AO**

### **4.1 INTENTION TO IMPOSE DIFFERENTIAL RATES FOR 2021/2022**

File No: ADM0071  
Date of Meeting: 12 July 2021  
Location/Address: Shire of Carnarvon  
Name of Applicant: Shire of Carnarvon  
Name of Owner: Shire of Carnarvon  
Author/s: Susan Mizen – Manager of Finance  
Declaration of Interest: Nil  
Voting Requirements: Absolute Majority

#### Authority / Discretion

	<b>Advocacy</b>	When Council advocates on its own behalf or on behalf of its community to another level of government/body/agency.
X	<b>Executive</b>	The substantial direction setting and oversight role of the Council. E.g., adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.
	<b>Legislative</b>	Includes adopting local laws, town planning schemes and policies.
	<b>Quasi-Judicial</b>	When Council determines an application / matter that directly affects a person's right and interest. The judicial character arises from the obligations to abide by the principles of natural justice. Examples of Quasi-Judicial authority include town planning

		applications, building licenses, applications for other permits / licenses.
	<b>Information</b>	Includes items provided to Council for information purposes only that do not require a decision of Council (i.e. – for noting).

### Summary of Item:

As part of the 2021/2022 budget process, the Council is required to endorse the proposed differential rates for properties valued on an unimproved basis. The proposed differential rates presented here represent an holistic approach to setting rates where rates are levied that reflect associated costs of providing infrastructure and services to the various ratepayers. Differential rates have been applied to three groups of unimproved properties and range from 2.273 cents in the dollar of valuation, to 24.512 cents in the dollar of valuation.

### Description of Proposal:

It is proposed to levy the following differential rates for properties classed as unimproved:

	Rate in \$	Minimum Rate
UV Mining	24.512	\$400
UV Pastoral	11.11	\$1158.58
UV Intensive Horticultural	2.2730	\$1158.58

The objective of imposing differential rates is to ensure equity across different land uses, especially where values can vary greatly from properties close to townsites and those in more remote areas of the Shire. The ability of Council to apply a different rate in the dollar ensures that all properties make a fair contribution to the required revenue of the Shire.

Applying differential rates can also be used, should Council wish to offset dramatic changes in valuations which come about as part of Landgate's periodical revaluations. At the end of the 2020/2021 Financial year Landgate revalued both the Intensive Horticultural and Pastoral Land Values. Values of Intensive Horticulture reduced by approximately 36% and Pastoral properties were revalued downwards dependent only on objections lodged by Pastoralists to the existing values. The revaluation from a reduction in values ranged from approximately 10% to approximately 54%. The new values for Pastoral Properties were backdated to include rates raised during the 2020/2021 financial year and will result in a refund to Pastoralists of an approximate total of \$82,255.

The proposed differential rates contained in this report are set to maintain the relative contributions to general rate revenue for each differential category as applied in the rates model endorsed in April 2021.

### Background:

The purpose of levying rates is to meet Council's budget requirements in each financial year and enables Council to raise the revenue necessary to provide facilities, infrastructure and services to the entire community and visitors of the Shire of Carnarvon. The rates levied on properties are determined by applying the rate in the dollar to the applicable valuation amount of the properties within the district, and if applicable, applying a minimum rate where considered appropriate. The Shire applies a minimum rate to each rating category in accordance with S6.35 of the Act, to ensure that properties with a low valuation still pay a fair and reasonable amount towards the maintenance and continuity of Shire Infrastructure and services.

The method of land valuation (GRV or UV) is determined by the Minister for Local Government, Sports and Cultural Industries (the Minister) with individual valuations being provided to the Shire by the Valuer Generals Office (VGO) as part of Landgate. Valuations were revised downwards in the past weeks for Intensive Horticulture and Pastoral Properties, these events happening after the proposed Differential Rates for 2021/2022 were adopted by Council and advertised for 21 days. Further the revaluations for Pastoral Properties were not as a result of overall revaluations but only if the Pastoral property owner had lodged an

objection to their valuation. As a result, Pastoral properties have revalued downwards by between 54% and 10.6% with 10 properties left unchanged and an anticipated refund amount of approximately \$82,255. However, Landgate have allowed objections to be lodged up to 30<sup>th</sup> June 2021 and further revaluations may be granted.

The power to set differential rates is contained in the Local Government Act 1995 section 6.33 (1) which provides the ability to differentially rate properties, based land characteristics, an excerpt of the act is shown under the Statutory Environment later in this document.

The Department of Local Government, Sports and Cultural Industries (the Department) requires that Council endorse not only the imposition of differential rates, but also the objects and reasons for the imposition of differential rating. The application of differential rates and minimum payments to properties within the Shire maintains equity in the rating of properties.

This report has been prepared to:

1. Present the proposed 2021/2022 Differential Rates Model that will reflect the rate in the dollar and minimum rate for each unimproved rating category
2. Present the required public notice for approval which may be advertised for at least 21 days from 1 May 2021.

The Objectives and Reasons to support the imposition of the proposed 2021/2022 Differential Rates were presented to Council at the Ordinary Meeting of Council on 27 April 2021. It is proposed that these do not need to be changed.

**Consultation:**

Nil

**Statutory Environment:**

*Local Government Act 1995 Section 6.3 and 6.35*

**Relevant Plans and Policy:**

Corporate Business Plan 2018 – 2022

Strategic Community Plan 2018

**Financial Implications:**

The proposed differential rates and minimum payments for the 2021/2022 financial year will raise approximately \$1,023,875 being \$38,653 more than the proposed differential rates endorsed at the April 2021 meeting. The additional amount is to somewhat compensate for the anticipated \$82,255 refund of the 2020/2021 rates raised for Pastoral properties.

Adoption of the proposal will see a differential rate, which may alter after advertising and seeking submissions from the electorate. Following consideration of the submissions from the electorate, a request will be sent to the Minister to seek approval for the differential rate. The actual rate applied will be the differential rates applied for and approved by the Ministerial delegation, unless a variation is approved by the Minister, (the interpretation of this latter part was missed in prior years). This is to comply with the Local Government Act 1995 Section 6.33(3):



Risk Assessment:

STEP 3 – Risk Tolerance Chart Used to Determine Risk						
Consequence		Insignificant 1	Minor 2	Major 3	Critical 4	Extreme 5
Likelihood						
Almost certain	A	High	High	Extreme	Extreme	Extreme
Likely	B	Moderate	High	High	Extreme	Extreme
Possible	C	Low	Moderate	High	Extreme	Extreme
Unlikely	D	Low	Low	Moderate	High	Extreme
Rare	E	Low	Low	Moderate	High	High

Risk Category	Description	Rating (Consequence x likelihood)	Mitigating Action/s
Financial	1. Further reductions in values for Pastoral Properties. 2. The Minister may not approve the proposed differential rates	Low	Advice from the Valuer General’s office is that there will be few or no further revaluations due to objections. All compliance requirements have been met to date and advertising the differential rates and reviewing any objections will take place at the end of the advertising period of 21 days and before submission to the Minister for approval.
Health & Safety	NA	NA	
Reputation	Community sensitivity to Council rate. Rates that are perceived as high have the potential to result in reputational damage.	High	This risk has to be balanced against raising revenue to support Shire operations and service delivery. Officers have kept the total rate revenue to minimum required and in accordance with Council appetite.
Service disruption	NA	NA	
Compliance	N/A	NA	
Property	NA	NA	
Environment	NA	NA	
Fraud	N/A	Low	

Community & Strategic Objectives:

ITEM	OUTCOMES AND STRATEGIES
5.2	The Shire has a high standard of governance and accountability
5.2.1	Robust decision-making by culturally aware, well-informed and supported Councillors
5.2.3	Risks are well managed
5.2.6	Compliance with the Local Government Act 1995 and all other relevant legislation and regulations
5.4	Sound financial and asset management
5.4.4	Financial transactions are accurate and timely

**Comment:**

The legislative requirements surrounding the imposition of Differential Rates impose a considerable time factor as the steps following the endorsement of the differential rate are as follows:

- Advertise the proposed differential rates which is 21 days
- Consideration of any submissions received and determine the final differential rates
- Seek Ministerial approval which may be up to 21 days.

As noted above, all this needs to be completed at a time before the adoption of Council’s budget for the next financial year; hence the reason the differential rates are based upon estimations using:

- the latest valuations from Landgate
- estimated UV increase or not as the case may be, for any valuation objections; and
- estimated rate revenue increases for the next year based on the adopted Corporate Business Plan, budget deliberations to date or other Council approved factors.

An overall increase of 8 percent was applied to the 2018/19 rates yield and a further increase of 6 percent was applied in 2019/20, no increase was levied for the 2020/21 financial year due to COVID relief. These rate increases were identified through Council’s major strategic review undertaken in 2018 and was driven by Council’s commitment to deliver on services and projects that have been recognised as key community priorities in both the Strategic Community Plan (SCP) and the Corporate Business Plan (CBP).

If any submissions are received, Council must consider the submissions prior to seeking Ministerial approval and prior to formally adopting the differential rates and minimum payments as part of the annual budget process.

OFFICER’S RECOMMENDATION

*That Council, by Absolute Majority, under section 6.33 of the Local Government Act 1995 resolves to:*

1. *Seek approval from the Minister for Local Government to impose differential rates for 2021/2022 land parcels that have unimproved valuations assigned to them as follows;*

<i>Category</i>	<i>Rate in the \$</i>	<i>Minimum Rate \$</i>
<i>UV Mining</i>	<i>24.512</i>	<i>400.00</i>
<i>UV Pastoral</i>	<i>11.11</i>	<i>1158.58</i>
<i>UV Intensive Horticulture</i>	<i>2.2730</i>	<i>1158.58</i>

2. *Publicly advertise its intention to impose differential rates, pursuant to section 6.36(1) of the Local Government Act 1995 and invites public submissions for a period of twenty-one days; and*
3. *Consider any submissions in respect of imposition of differential rates as part of the 2021/2022 Budget deliberations.*
4. *That the Shire of Carnarvon initiate negotiations with the State Government to amend State Legislation as to set valuations of unimproved land to be as of 31 March of each year.*

**FC 3/7/21**

COUNCIL RESOLUTION

*Cr Fullarton/Cr Pinner*

*That Council, by Absolute Majority, under section 6.33 of the Local Government Act 1995 resolves to:*

1. *Seek approval from the Minister for Local Government to impose differential rates for 2021/2022 land parcels that have unimproved valuations assigned to them as follows;*

<i>Category</i>	<i>Rate in the \$</i>	<i>Minimum Rate \$</i>
<i>UV Mining</i>	<i>24.512</i>	<i>400.00</i>
<i>UV Pastoral</i>	<i>11.11</i>	<i>1158.58</i>
<i>UV Intensive Horticulture</i>	<i>2.2730</i>	<i>1158.58</i>

2. *Publicly advertise its intention to impose differential rates, pursuant to section 6.36(1) of the Local Government Act 1995 and invites public submissions for a period of twenty-one days; and*
3. *Consider any submissions in respect of imposition of differential rates as part of the 2021/2022 Budget deliberations.*
4. *That the Shire of Carnarvon initiate negotiations with the State Government to amend State Legislation as to set valuations of unimproved land to be as of 31 March of each year.*

CARRIED BY ABSOLUTE MAJORITY  
F5/A0

---

5.0 MATTERS FOR WHICH MEETING TO BE CLOSED TO MEMBERS OF THE PUBLIC

Nil

---

6.0 CLOSURE:

The Presiding Member declared the meeting closed at 9.09am .