

MINUTES

Special Council Meeting Friday, 5 July 2019

Date:Friday, 5 July 2019Time:8.30amLocation:Council Chambers
Clarendon Street
Derby



Order Of Business

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MINUTES OF SHIRE OF DERBY / WEST KIMBERLEY SPECIAL COUNCIL MEETING HELD AT THE COUNCIL CHAMBERS, CLARENDON STREET, DERBY ON FRIDAY, 5 JULY 2019 AT 8.30AM

- **PRESENT:** Cr Geoff Haerewa (Shire President), Cr Paul White (Deputy Shire President), Cr Denise Andrews (by telephone), Cr Chris Kloss, Cr Peter McCumstie (by telephone), Cr Iris Prouse, Cr Andrew Twaddle
- **IN ATTENDANCE:** Amanda O'Halloran (Chief Executive Officer), Danielle Hurstfield (Manager Administration and Governance), Carlie McCulloch (Governance Officer)
- VISITORS: Nil

GALLERY: Nil

APOLOGIES: Nil

APPROVED LEAVE OF ABSENCE: Nil

ABSENT: Nil

1 DECLARATION OF OPENING, ANNOUNCEMENTS OF VISITORS

The meeting was opened at 8.36am by Shire President, Geoff Haerewa.

2 ATTENDANCE VIA TELEPHONE/INSTANTANEOUS COMMUNICATIONS

In accordance with regulation 14A of the Local Government (Administration) Regulations 1996 Council must approve (by Absolute Majority) the attendance of a person, not physically present at a meeting of Council, by audio contact. The person must be in a 'suitable place' as approved (by absolute majority) by Council. A 'suitable place' means a place that is located in a townsite or other residential area and 150km or further from the place at which the meeting is to be held.

APPROVE REMOTE ATTENDANCE

RESOLUTION 70/19

Moved: Cr Chris Kloss Seconded: Cr Andrew Twaddle

That Council, BY AN ABSOLUTE MAJORITY:

1. APPROVES Cr Peter McCumstie and Cr Denise Andrew's attendance at the Council Meeting held 5 July 2019 via telephone communication in accordance with regulation 14A(1) of the *Local Government (administration) Regulations 1996*;

2. APPROVES Perth and Fitzroy Crossing, Western Australia, as a suitable place for Councillor attendance in accordance with regulation 14A(4) of the *Local Government (Administration) Regulations 1996*.

Favour: Crs Geoff Haerewa, Paul White, Chris Kloss, Iris Prouse and Andrew Twaddle

<u>Against:</u> Nil

CARRIED BY AN ABSOLUTE MAJORITY 5/0

3 DISCLOSURE OF INTERESTS

Section 5.65 and 5.70 of the *Local Government Act 1995* requires an Elected Member or officer who has an interest in any matter to be discussed at a Committee/Council Meeting that will be attended by the Elected Member or officer must disclose the nature of the interest in a written notice given to the Chief Executive Officer before the meeting; or at the meeting before the matter is discussed.

An Elected Member who makes a disclosure under section 5.65 or 5.70 must not preside at the part of the meeting relating to the matter; or participate in; or be present during, any discussion or decision making procedure relating to the matter, unless allowed by the Committee/Council. If Committee/Council allow an Elected Member to speak, the extent of the interest must also be stated.

3.1 Declaration of Financial Interests

Nil

- **3.2** Declaration of Proximity Interests
- Nil
- 3.3 Declaration of Impartiality Interests

Nil

- 4 PUBLIC TIME
- 4.1 Public Question Time

Nil

4.2 Public Statements

Nil

5 ANNOUNCEMENTS BY PRESIDING PERSON WITHOUT DISCUSSION

Nil

At	08:38	am,	Cr	Paul	White	left	the	meeting.
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SUSPENSION OF STANDING ORDERS

RESOLUTIO	ON 71/19
	Cr Chris Kloss Cr Andrew Twaddle
A motion w	vas moved that Council suspend standing orders.
<u>In Favour:</u>	Crs Geoff Haerewa, Denise Andrews, Chris Kloss, Peter McCumstie, Iris Prouse and Andrew Twaddle
<u>Against:</u>	Nil
	CARRIED 6/0
8.40 am $-$ S	uspension of Standing Orders

Suspension of Standing Orders.

6 CORPORATE SERVICES

6.1 SUBMISSION REGARDING DIFFERENTIAL MINING RATES

File Number: 5174

Author:	Amanda O'Halloran, Chief Executiv	ve Officer
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Responsible Officer: Amanda O'Halloran, Chief Executive Officer

Authority/Discretion: Executive

SUMMARY

At the May 2019 Ordinary Council Meeting Council resolved to raise Differential Rates on mining and pastoral properties in accordance with Section 6.33 of the Local Government Act. Council also resolved to give notice of its intention to raise Differential Rates in accordance with Section 6.36 of the Local Government Act with closing date of submission being 28 June 2019. Two submission have been received from McMahon Mining Title Services Pty Ltd and Maxima Pearling Company Pty Ltd. Council is required to consider any submissions received.

This report has been prepared for Council to consider submissions received as part of the advertising of the proposed differential rates and to request that the Minister for Local Government, Sport and Cultural Industries (Minister) approve the proposed differential rates prior to the adoption of the rates through the budget process. At the Ordinary Council Meeting on 30 May 2019, Council endorsed to advertise the Statement of Objects and Reasons and proposed differential rates and minimum payments for the 2019/20 financial year in accordance with the Local Government Act 1995.

Advertising which occurred in the West Australian and Broome Advertiser on the 3 and 6 of June 2019 respectively called for public submissions until close of business on Friday the 28 June 2019.

Copies of the Statement of Objects and Reasons were also made available for public inspection at the Shires Administration Building and website. At the expiration of the statutory advertising period, two submissions were received. Full details of the submissions are contained within Attachment A.

This report has been prepared for Council to consider the submissions prior to the adoption of the rates through the Annual Budget process in accordance with section 6.36(4) of the Act.

DISCLOSURE OF ANY INTEREST

Nil.

BACKGROUND

The following 2019/20 proposed differential rates was advertised in the West Australian and the Broome Advertiser on the 3rd and 6th June 2019 respectively as well as exhibited on public notice boards in accordance with s1.7 of the local government act 1995:

Rate Code Description	18/19 Rate in the \$ (expressed as cents in the dollar)	19/20 Rate in the \$ (expressed as cents in the dollar)	Change in Yield	General Minimum
GRV General Rate	12.6200	13.3772	6%	\$1027
UV General Rate	21.6939	22.9955	6%	\$1027
UV Mining	26.8233	28.4327	6%	\$1027
UV Pastoral	6.4434	6.8300	6%	\$1027

THAT A PROVISION BE INCLUDED IN THE BUDGET FOR THE OFFERING OF A 2.0% DISCOUNT ON THE EARLY PAYMENT OF RATES FOR THE 2019/2020 YEAR.

The rate revenue level is based on an increase in the rate in the dollar of 6 per cent on 2018/19 for:

- GRV General
- UV General
- UV Mining
- UV Pastoral

Landgate determines all properties gross rental valuations (GRV) and unimproved valuations (UV) used by the Shire to determine property rates, and undertakes a revaluation process on a five year cylcle for GRV and yearly for UV. In regards to GRV the latest valuation was applied from 1 July 2016. The 2019-2020 financial year will be the fifth and final year in the current valuation period.

POLICY IMPLICATIONS

AF20- Rating Administration Policy

STATUTORY ENVIRONMENT

- 1. Local Government Act Section 6.28 Basis of Rates
 - 1). The Minister is to -
 - (a) determine the method of valuation of land to be used by a local government as the basis for a rate; and
 - (b) publish a notice of the determination in the government gazette.

- 2). In determining the method of valuation of land to be used by a local government the Minister is to have regard to the general principle that the basis for a rate on any land is to be
 - (a) where the land is used predominantly for rural purposes, the unimproved value of the land, and
 - (b) where the land is used predominantly for non-rural purposes, the gross rental value of the land.
- 2. Local Government Act Section 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 under a local planning scheme in force under the Planning and Development Act 2005;
 - (b) the predominant purpose for which the land is held or used as determined by the local government;
 - (c) whether or not the land is vacant land; or
 - (d) any other characteristic or combination of characteristics prescribed.
- 3. Local Government act 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.
 - (2) A local government is required to ensure that a notice referred to in subsection (1) is published in sufficient time to allow compliance with the requirements specified in this section and section 6.2(1).
 - (3) A notice referred to in subsection (1)
 - (a) may be published within the period of 2 months preceding the commencement of the financial year to which the proposed rates are to apply on the basis of the local government's estimate of the budget deficiency; and
 - (b) is to contain —
 - (i) details of each rate or minimum payment the local government intends to impose; and
 - (ii) an invitation for submissions to be made by an elector or a ratepayer in respect of the proposed rate or minimum payment and any related matters within 21 days (or such longer period as is specified in the notice) of the notice; and
 - (iii) any further information in relation to the matters specified in subparagraphs (i) and (ii) which may be prescribed;

and

- (c) is to advise electors and ratepayers of the time and place where a document describing the objects of, and r e a s o n s f o r, e a c h proposed rate and minimum payment may be inspected.
- (4) The local government is required to consider any submissions received before imposing the proposed rate or minimum payment with or without modification.
- (5) Where a local government
 - (a) in an emergency, proposes to impose a supplementary general rate or specified area rate under section 6.32(3)(a); or
 - (b) proposes to modify the proposed rates or minimum payments after considering any submissions under subsection (4),

it is not required to give local public notice of that proposed supplementary general rate, specified area rate, modified rate or minimum payment.

FINANCIAL IMPLICATIONS

For the 2019/20 financial year the prosed differential rates for mining will raise an estimated rates revenue of \$961,787.

STRATEGIC IMPLICATIONS

GOAL	OUTCOME	STRATEGY
Leadership that provides strategic direction for the community, supported by efficient and effective service delivery.	Financial sustainability and accountability for performance.	Develop, maintain and monitor rating and property strategies.

RISK MANAGEMENT CONSIDERATIONS

RISK	LIKELIHOOD	CONSEQUENCE	RISK ANALYSIS	MITIGATION
Financial:	Unlikely	Moderate	Medium	Accept officer
Loss of Revenue				recommendation

CONSULTATION

Before Council can establish a Differential Rating Model, the proposed Differential Rates together with the Statement of Objects and Reasons for Differential Rates and Minimum Payments and reasons for each Rate must be advertised for a minimum period of 21 days. This submission is a result of that consultation.

COMMENT

McMahon Mining Title Services Pty Ltd and Maxima Pearling Company Pty Ltd. have forwarded submissions regarding the Shire of Derby West Kimberley's intention to raise Differential Rates in regards to UV Mining and UV Commercial.

Council has tried to maintain a minimal increase in rates for all categories given the economic down turn experienced in recent years with rate increases of:

- 2015/19 0.5% across all categories
- 2016/17 1.5% across all categories
- 2016/17 0.9% across all categories

being imposed. Unfortunately rising costs and aging infrastructure and the ongoing maintenance of critical infrastructure such as the Port and Airport operations have seen costs rise considerably which is putting significant pressure on the Shires ability to perform its general operations.

The key points for the Shire of Derby West Kimberley 2019/20 rating strategy: -

- Raise sufficient yield to maintain current services and begin to provide for future infrastructure renewal to meet community expectations, as outlined in the strategic community plan 2012-2021.
- Review of the number and type of rating categories and move towards uniform rating across the GRV and UV categories of residential, industrial, commercial, mining and pastoral categories to ensure fairness and equity;
- Spread the rates burden more equitably across the rating differential categories to more effectively reflect and equitable contribution to the provision of council resources, maintenance and improvement of said resources, services and infrastructure;
- Significant increase in costs due to the implementation of councillor training, implementation of the Auditor General auditing process and increasing governance imposts and the decreasing availability of grant funding has had a flow on effect to how the Shire continues to meet ongoing asset renewal and maintaining service levels.

The Officer considers that the proposed increases to the rating categories for the 2019/20 financial year are in line with council's strategic direction and are necessary to maintain operations and current service levels.

Simple majority

RESUMPTION OF STANDING ORDERS

RESOLUTION 72/19

Moved: Cr Andrew Twaddle Seconded: Cr Iris Prouse

A motion was moved that Council resume standing orders.

<u>In Favour:</u> Crs Geoff Haerewa, Denise Andrews, Chris Kloss, Peter McCumstie, Iris Prouse and Andrew Twaddle

Against: Nil

CARRIED 6/0

9.14am – Resumption of Standing Orders.

ATTACHMENTS

- 1. Submission McMahon Mining Title Services 🗓 🛣
- 2. Submission Maxima Pearls 🗓 🛣
- 3. Advertisment Broome Advertiser 🕂 🛣
- 4. Advertisement The West Australian 🗓 🛣

RESOLUTION 73/19

Moved: Cr Andrew Twaddle Seconded: Cr Iris Prouse

That Council:

- 1. Acknowledge and note the submissions received as per ATTACHMENT;
- 2. Adopt the following advertised 2019/20 Differential Rates for consideration for 2019/20 Budget;

GRV General Rate13.3772UV General Rate22.9955UV Mining28.4327UV Pastoral6.8300General Minimum Rate for both GRV and UV of \$1027

- 3. Request the Chief Executive Officer seek Ministerial approval to impose differential general rates which are more than twice the lowest differential rate for the 2019/20 financial year, in accordance with Section 6.33(3) of the Local Government Act 1995.
- In Favour: Crs Geoff Haerewa, Denise Andrews, Chris Kloss, Peter McCumstie, Iris Prouse and Andrew Twaddle

Against: Nil

CARRIED 6/0



5 June 2019

Mr Wayne Neate Acting Chief Executive Officer Shire of Derby/West Kimberley PO Box 94 DERBY WA 6728

by email to: sdwk@sdwk.wa.gov.au

Dear Sir

SUBMISSION - DIFFERENTIAL RATING 2019/20

Thank you for the opportunity to make a submission regarding the proposed rates for 2019-20.

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 2018, the Department increased the rent rate by 1.5% for exploration licences and 6% for all other mining tenements. From 1 July 2019, the Department will increase exploration licence rents by a further 1.5% and the rent of all other mining tenements by a further 6%.

The resource sector is already one of the most significant contributors to the State's economy, with the WA Government receiving royalty revenue totalling \$5.8 billion in 2017–18 – a major proportion of the State's annual revenue. It is also one of the most significant employers in the State, with the WA minerals sector directly employing over 120,000 people in 2018.

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 for the whole of the State.

We note that the Shire has proposed an increase in the rate in dollar and the minimum for UV Mining for 2019-20. We write to ensure the automatic increase in rates due to the increase in rents is taken into account in your budget modelling, and ask that you consider maintaining or reducing the rates for mining tenements for the 2019-20 year.

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

Yours sincerely

Shannon McMahon Director

28/168 Guildford Rd Maylands WA 6051 PO Box 592 Maylands WA 6931 (08) 6467 7997 mmts@mmts.net.au

www.mmts.net.au

Danielle Hurstfield

From:	Accounts Maxima Opportunity <accounts@maximaopportunity.com.au></accounts@maximaopportunity.com.au>
Sent:	Friday, 28 June 2019 11:32 AM
To:	Records Mailbox
Cc:	John Hutton Max OP; 'Randal Wells'
Subject:	CS1671 - Proposed 2019/20 Rates (Lot: MEDA LOC 24 A600235 231)
Follow Up Flag:	Follow up
Flag Status:	Flagged

Chief Executive Officer Shire of Derby/ West Kimberley PO Box 94 Derby WA 6728

Your Reference: A600235

Dear Sir,

Proposed 2019/20 Rates (Lot: MEDA LOC 24 A600235 231)

Thank you for your letter dated 31 May 2019.

Maxima Pearling Company Pty Ltd (Maxima) holds a Lease of Crown Land over Lot 24 on Deposited Plan 9327 (also known as Turtle Island). The permitted use under the lease is for Aquaculture and Land Base in support of Pearling.

Currently, the Rating Category of Turtle Island is UV General Rate (UV Commercial). The Shire's proposed Rate in the Dollar for 2019/20 is 22.9955.

In Maxima's view, the Rating Category UV General Rate (UV Commercial) is not appropriate given the permitted use described above.

Maxima's Pearling operations have for some time not been profitable. Maxima is therefore focussing attention on Research and Development (R&D) of Aquaculture, rock oysters in particular. Maxima is incurring significant costs during the R&D stage. If Maxima's R&D program is successful, significant benefits to the Shire are likely to emerge including employment opportunities.

The unsuitability of the UV General Rate to Turtle Island is further illustrated by the Reasons in the following extract from the Shire's Statement of Objects and Reasons for Differential Rates and Minimum Payments for the Year Ending 30 June 2019:

Proposed Differential Rates

Following are the objects and reasons for each of the differential rates:

Description		Characteristics		Objects	Reasons		
GRV Rate	General	Properties within town site boundaries	the	This rate is to contribute to the service desired by the community. All GRV properties within the Shire have the same Rate in the Dollar applied.	This is considered to be the base rate above which all other GRV rated properties are assessed.		
UV General Rate		Properties that located outside of town sites.	are the	This rate is to contribute to the service desired by the community. All UV properties have the same Rate in the Dollar except for Mining and Pastoral.	The higher rate is proposed in order to levy a somewhat commensurate rate comparative with their impact on the local community i.e. heav haulage vehicle movements, environmental health and strategic planning. In addition, these propertie have access to all other services and facilities provided by council.		

The remoteness of Turtle Island and the nature of the activities on Turtle Island is such that there is no material "impact on the local community i.e. heavy haulage movements, environmental health and strategic planning" nor does Turtle Island enjoy any significant "access to all other services and facilities provided by council."

In view of the above, Maxima requests a Rating Category reclassification of the property to the UV Concessions Raised category including an appropriate concessionary Rate in the Dollar. Maxima suggests the concessionary Rate in the Dollar should be the same as the Shire's proposed 2019/20 UV Pastoral Rate in the Dollar of \$6.8300. To support this suggestion, the permitted use of the land and buildings on Turtle Island in support of the Aquaculture activities in Cone Bay is comparable to a farmer's use of a farm house, sheds and workshops on a Pastoral lease.

Kindly contact the undersigned should you have any queries or if you require any further information to support Maxima's request.

Yours sincerely John Hutton 27 June 2019

Alison Hutton

Finance and Administration Manager

Mobile: 0411 076 627 Phone: (08) 9387 5870 Address: PO Box 8311 Subiaco East WA 6008 Email: <u>accounts@maximaopportunity.com.au</u> Web: <u>maximaopportunity.com.au</u>



5 July 2019



6/12/2019

Item 6.1 - Attachment 4

AAA 6 + Japanese Girls 5 Sturning Cirts [18+] Available V/U/Mo. 0432 739 328 Fmo MA Kelmecott Arris & Friend Bush ABest Thai Massage Foor & Body 7 days 0450 543 395 AAA QUEENS PARK HOT Son 345 Proty Bush UN IS DOCK F/S, I/O 247 D404 625 464 CLASSIFIEDS THE WEST AUSTRALIAN Burly Schooly. do everything for you. U.M. 0404 155 301 AVA Sets Nairy Bendley Stim Abian r/p lingers 224 5120 20, 2250 Jap/Ker 2800 Cu Abian r/p lingers 224 5120 20, 2250 Jap/Ker 2800 Cu Fr35 0414 692 878 nr Currentins 1, Dave 0414 665 42 4x4 • Accessories • Camping ADVERTISE NOW 9482 3160 6 U All your motoring needs! AAAA THOPHULE/005NELLS Sz 5 D0 828 0/All 64th Fr 580 24hr I/O 0426 625 760 AAA E.CANNENGTON Tairen \$40 Ver \$70h Massage \$100 Ver \$130hr F/S 0484059 067 AAA GOOD THAI MASSAGE Suzara from Thailand 35y 578 0448 714 947 Westminister AAA Bendoy 4065 Buildy 8605 over Guessi Creat Righty 8605 o478 801 422 Nr Cington Str AA Bayewator/Morloy protty Asia, GFE, No Runh Hour Sotiety U NO 0452 572 383 eXtra 2 Westwheel **W** Classifieds see more ??? Visit: www.thewestcla WMARESS SENSUPLIERES Asian Binen Model Barn 2002 Postana Privi Horna 0432 562353 Sim Burry Long Har Phy Sim Burry Long Har Phy 0405 441 775 24 hrs Good Sampa, Bush 62274 Franch + Mass 0423 817 889 Want to STRAP-ON Costume Corpour Booker Biody For Dobrie Parter Body Print AAAAAA Asian Staters Protty 26/27 yo Slim Busty Long hait Priv In/Dus. 0449 582 030 AAAAAA OSBORNE PARK + HOT PRIV F/S V.BUSTY A/C BEO LUCT + 0404 429 928 • AAAA BELMONT 2 Students 1922byo Busty Kim Toyo 05 AB Tunco AAAAA DIANELLA SZ4 880F/8+ Maaa 0452 586 642 AAAAA Kanwiok/Langford DD- SiLKY B2B F/3vc Hases Fr 380 24h I/O 0420 873 505 Bunty Greak Do All Quick Sary More Fisto 0431 0434 04374 AAAA BALCATTA Friendly 24v RAAAA Beyewater VUM Jap Taiwan Maga, French Sim Bushy 24/7 Fun 0404 692 019 MAAA Asian Boaution 19yo Pige 2 Vieweck Bally 338 229 AAAAA Maddington Thai \$70 20% Sad Polite Period Bod 20% F/S 1/0. 0406 783 137 NAMA SINGAPORE LAD Hot 21y Sary Blain Portect Tov Groat F/S 0405 919 311 AAAAA NEW to Parth 18/20 \$24/526 Savy Fun Frs Fr 57 Mirrabooka 00 0426 883 75 SIM HE GRAD TANAN RIVERVALE 324 consideration of any two is noted that a growth tanton to the distinguish to the rate failurents to the rate rate of by Council in Elearner and representation and the doctmant description the objects and the minimum payment at the proposed rate and the properties of the bine during normal working three during normal working three during normal working arra Flato arra Flato St 513/17 St 513/17 St 513/17 St 513/17 St 512 St 513 St 512 St m payment and and any mattern by clease of the score and t In accordance with section (3.56 of his local Community Act 1995, the Shire of Dary/West Kimberly hardry green notes of its intention to green notes of its intention to differential rates and minimum Paymant: \$1027 Payment: \$1027 igures shown above are also and may change as of Council delibration and ratepayers in and ratepayers in it the proposed rules. NOTING CHIEF EXECUTIVE NOTICE OF INTENTION TO LEVY DIFFERENTIAL RATES 2019/20 Pets and Livestock ocal Govt. m payment and matters by olo as Friday 28 June asions are to FOR SALE Notices **W** The West Classifieds Place an Advertisement The West Classifieds.com.au ads any time of the day just by logging onto ANDORODOWNOVICE AND ADDR You can place your AT AT **NestWHEELS** dav 66 • MONDAY, JUNE 3, 2019 25

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7 NEW BUSINESS OF AN URGENT NATURE

8 CLOSURE

8.1 Date of Next Meeting

The next ordinary meeting of Council will be held Thursday, 25 July 2019 in the Council Chambers, Clarendon Street, Derby.

8.2 Closure of Meeting

The Presiding Member closed the meeting at 9.16am.

These minutes were confirmed at a meeting on
Signed:
Presiding Person at the meeting at which these minutes were confirmed.
Date: