



MINUTES

Ordinary Council Meeting

Thursday, 28 July 2016
11:00 am

Held in the Council Chambers, Hack St Sandstone



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ORDINARY COUNCIL MEETING HELD ON 28 July 2016
AGENDA SUMMARY and TABLE OF CONTENTS

PAGE	AGENDA	ITEM	MINUTE No.
6	1.0	Declaration of Opening and Announcement of any Visitors	
6	2.0	Announcements from the Presiding Member and/or Councillors (without discussion unless otherwise determined)	
6	3.0	Attendance	
7	4.0	Response to Previous Public Questions Taken on Notice	
7	5.0	Applications for Leave of Absence	
7	6.0	Declarations of Interest	
7	7.0	Public Question Time	
7	8.0	Confirmation of Minutes from Previous Meeting(s)	
7	8.1	Ordinary Council Meeting – 23 June 2016	58/16
8	9.0	Presentations	
9	10.0	Officer's Reports	
9	10.1	Chief Executive Officer's Reports	
9	10.1.1	Integrated Planning and Reporting – Status Update	59/16
12	10.1.2	Status Update Report – June 2016	60/16
14	10.2	Financial Reports	
14	10.2.1	Financial Statements for the Month of June 2016	61/16
16	10.2.2	Accounts Update for the Month of June 2016 (includes for Credit Cards, the Caravan Park & Fuel Sales)	62/16
19	10.2.3	Differential Rates	63/16
27		Additional Items Brought Forward For Consideration	64/16
27	10.2.4	Curtilage/Dual Property Use	65/16
30	10.1.3	Proposed Dog Local Law 2016	66/16
32	10.3	Health, Building and Town Planning	
32	10.4	Works and Services	
32	11	Motions of which Previous Notice Has Been Given	
32	12	Questions from Members Without Notice	
32	13	New Business of an Urgent Nature Introduced by Decision of the Meeting	

32	14	Meeting Items Closed to the Public	
33		Time and Date of Next Meeting	
33	15	Closure of the Meeting	
33		Certification of the Minutes of the Previous Meeting(s)	

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MINUTES

ORDINARY COUNCIL MEETING HELD IN COUNCIL CHAMBERS, SANDSTONE ON THURSDAY, 28 July 2016

1 DECLARATION OF OPENING AND ANNOUNCEMENT OF ANY VISITORS

The Presiding Member, Cr Bethel Walton (Shire President) declared the Meeting open at 11.02 am.

1.1 Visitors

Barbara Thompson:	Regional Development Australia
Nan Rickards:	Art Exhibition Expert
Sue Chiera:	Journalist – ABC and Bundiyarra Aboriginal Organisation

The visitors discussed with Council the possibility of commencing an annual art exhibit in Sandstone from August 2017. The exhibit will consist of a number of events over at least a two day period and should reflect the uniqueness that the district has to offer. The visitors are prepared to provide their expertise to implement such an event.

Cr Hodshon entered the meeting at 11:05AM.

Ms Thompson, Ms Rickards, Ms Chiera and Mr Fletcher left the meeting at 11.21AM. Mr Fletcher returned to the meeting at 11:23AM.

2 ANNOUNCEMENTS FROM THE PRESIDING MEMBER AND/OR COUNCILLORS (without discussion unless otherwise determined)

Nil

3 ATTENDANCE

3.1 Present

Elected Members

Cr B (Bethel) Walton	Shire President (and Presiding member of this Meeting)
Cr C (Carol) Hodshon	Deputy Shire President
Cr F (Freda) May	
Cr K (Kerry) Key	
Cr J P Bennett	

Staff Members

Mr Sean Fletcher	A/Chief Executive Officer
Mr Rob Moss	Works Supervisor
Ms Rhonda	Observer

3.2 Apologies

Nil

3.3 Approved Leave of Absence

Nil

4 RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

Nil

5 APPLICATIONS FOR LEAVE OF ABSENCE

Nil

6 DECLARATIONS OF INTEREST

6.1 Declarations of Financial Interest

6.2 Declarations of Proximity Interest

6.3 Declarations of Indirect Financial Interest

6.4 Declarations of Impartiality Interest

Cr F May Item 10.2.2. EFT Payment 4628 Halsall & Associates. An employee of this firm is Cr May's Son-in-Law.

Cr B Watson Item 10.2.3. Adoption of Differential Rates and Minimum Rates. The Shire President's partner has prospecting leases.

7 PUBLIC QUESTION TIME

Nil

8 CONFIRMATION OF MINUTES FROM PREVIOUS MEETING

8.1 That the Minutes of the Ordinary Meeting of Council held on 23 June 2016 be confirmed as a true and accurate record of proceedings.

COUNCIL RESOLUTION

58/16

MOVED: Cr F May

SECONDED: Cr K Key

That the Minutes of the Ordinary Meeting of Council held on 23 June 2016 are confirmed as a true and accurate record of proceedings including the following amendment:

“Not Carried” removed from Council Resolution 49/16 (Item 10.1.2)

CARRIED (5/0)

9 PRESENTATIONS

9.1 Petitions

Nil

9.2 Presentations

See Visitors

9.3 Deputations

Nil

9.4 Delegates/Councillor's Reports

Nil

10 OFFICERS REPORTS

10.1 CHIEF EXECUTIVE OFFICER'S REPORTS

10.1.1 Integrated Planning and Reporting

Agenda Reference: CEO 7/16 - 01
Location/Address: Shire of Sandstone
Name of Applicant: Shire of Sandstone
Disclosure of Interest: Nil
Date of Report: 15 July 2016
File No:
Previous References: OCM 23 June 2016: 10.1.1
Author: **Sean Fletcher, Acting Chief Executive Officer**

Summary

The purpose of this report is to advise Council on the status of the Shire's Integrated Planning and Reporting.

Attachments

Nil

Background

The Workforce Plan has yet to have its interim review. The Department of Local Government and Communities has yet to provide feedback on this plan, and it would appear that this will not be forthcoming in the near future.

The major review of the Shire's Integrated Planning and Reporting documents is due in 2017.

Comment

The author, time permitting, may be able to complete the interim review of the Work Force Plan before finishing his current term with the Shire of Sandstone.

Time To Implement Required Changes to IPR Documents

The updated timeline to implement the required changes is as follows:

Plan	Who	Cost	Feb	Mar	Apr	May	Comments
SCP	CEO						<ul style="list-style-type: none"> Changes adopted 2 June 2016
CBP	CEO						<ul style="list-style-type: none"> Changes adopted 2 June 2016
LTFP	CEO	\$5,000					Queries by the Department on a number of ratios addressed
AMP	CEO						<ul style="list-style-type: none"> Changes adopted 2 June 2016
WFP	CEO						The Workforce Plan requires an interim review

Legend

	Indicator
Time required	
In progress	
Completed	
Revised due date	

Consultation

Nil

Statutory Environment

Local Government Act 1995 – Section 5.56 - Planning for the Future. A local government is to ensure that its plans are made in accordance with any regulations made.

Local Government (Administration) Regulations 1996 – Division 3 Planning for the Future. This division sets out the finer detail regarding Integrated Planning and Reporting including the SCP, CBP, LTFP, AMP and WFP.

Policy Implications

Nil

Financial Implications

Nil

Strategic Implications

As discussed in the body of this report.

Voting Requirements

Simple majority

Officer Recommendation

That Council accepts the July 2016 report on the status of the Shire of Sandstone's Integrated Planning and Reporting documents.

COUNCIL RESOLUTION

59/16

MOVED: Cr F May

SECONDED: Cr K Key

That Council accepts the July 2016 report on the status of the Shire of Sandstone's Integrated Planning and Reporting documents.

CARRIED (5/0)

10.1.2 Status Report Update – July 2016

Agenda Reference: CEO 7/16 - 02
Location/Address: Shire of Sandstone
Name of Applicant: Shire of Sandstone
Disclosure of Interest: Nil
Date of Report: 15 July 2016
File No:
Previous References: OCM 23 June 2016
Author: Sean Fletcher, Acting CEO

Summary

The purpose of this report is to advise Council on the status of its decisions from previous Council meetings.

Attachments

10.1.2A Status Update June 2016

Background

It is important that the Council receives an update on the outcome of its resolutions on a regular basis.

Comment

As per the comments in the body of this report.

Consultation

Nil

Statutory Environment

Nil

Policy Implications

Nil

Financial Implications

Nil

Strategic Implications

Nil

Voting Requirements

Simple majority

Officer Recommendation – Item 10.1.2

That Council accepts the Status Update for July 2016 including Attachment 10.1.2A

COUNCIL RESOLUTION 60/16

MOVED: Cr C Hodshon

SECONDED: Cr F May

That Council accepts the Status Update for July 2016 including Attachment 10.1.2A

CARRIED (5/0)

10.2 FINANCIAL REPORTS

10.2.1 FINANCIAL STATEMENTS FOR MONTHS OF JUNE 2016

Location: Shire of Sandstone
Applicant: Shire of Sandstone
Disclosure of Interest: Nil
Date of Report: 15 July 2016
File No:
Previous References: OCM 23 June 2016
Author: Sean Fletcher, A/Chief Executive Officer

Signature of Author:



Summary

The Statement of Financial Activity reports for the month ending 30 June 2016 is presented to Council in accordance with *Regulations 34 of the Local Government (Financial Management) Regulations 1996*. Councillors will note a significant increase in the levels of deposits in the two Municipal Accounts. This is because we have rolled two large International Money Market investments back into the Municipal Accounts pending reinvestment with BankWest Geraldton, which has now occurred.

Attachments

- 10.2.1A: Monthly Financial Report for the period ended 30 June 2016
- 10.2.1B: New Term Deposits

Background

The Financial Management Regulations require a monthly statement of financial activity to be presented to Council. It is good financial practice for Council to conduct regular monthly monitoring of (operating and capital) revenue and expenses.

Summary of Funds – Shire of Sandstone as at (Note 4): 30 June 2016

Municipal Cheque Account - On-line (BWA)	\$2,309,379*
Municipal Cheque Account - On-line (BWA)	\$291,197
Municipal Investment Account – On-line (BWA)	\$1,202,017
Trust Fund (Bank West)	\$4,692
Bankwest Geraldton Term Deposits	\$2,754,637

***Note:** \$2,309,379 in the Muni Cheques Account (Note 4) rolled into Term Deposits post 30 June 2016 taking the total in reserves to \$5,064,016.

Consultation

- Finance Officer
- Bankwest Geraldton – Mel Stiles

Statutory Environment

Local Government (Financial Management) Regulations 1996 - Regulations 34 (1A) and 17.

The Regulations require a Local Government to prepare each month a statement of financial activity, accompanied by relevant documents and that this information must be presented to Council at an ordinary meeting within 2 months after the end of the month.

Policy Implications

4.2 – Surplus Funds Investment

Financial Implications

Please refer to the comments in the body of this report.

Strategic Implications

Nil

Voting Requirements

Simple Majority

Officer Recommendation – Item 10.2.1

That Council accepts the Statement of Financial Activity for the month of June 2016 as presented, including the attachments 10.2.1A Monthly Financial Report for June 2016 and Attachment 10.2.1B New Term Deposits.

COUNCIL RESOLUTION **61/16**

MOVED: Cr F May

SECONDED: Cr K Key

That Council accepts the Statement of Financial Activity for the month of June 2016 as presented, including the Attachment 10.2.1A Monthly Financial Report for June 2016 and Attachment 10.2.1B New Term Deposits.

CARRIED (5/0)

Impartial interest declared by Cr F May Item 10.2.2. EFT Payment 4628 Halsall & Associates. An employee of this firm is Cr May's Son-in-Law.

10.2.2 ACCOUNTS UPDATE FOR THE MONTH OF JUNE 2016 (includes Credit Cards, the Caravan Park and Fuel Sales)

Location: Shire of Sandstone
Applicant: Shire of Sandstone
Disclosure of Interest: Nil
Date of Report: 11 June 2016
Author: Rhonda Miles – Finance Officer
Senior Officer: Sean Fletcher – A/Chief Executive Officer

Summary

Presented for Council's information is the list of accounts paid in the month from the Municipal Fund and Trust Fund in accordance with the requirements of the *Local Government (Financial Management) Regulations 1996*. Payments made through the corporate credit cards as well as income from the Caravan Park and Fuel Sales are included as attachments.

Attachments

- 10.2.2A to C: The list of accounts (EFT and cheque payments) is attached which will enable Council to see the payments made to the Shire's creditors.
- 10.2.2D to F: Payments via Credit Cards (CEO and Works Supervisor), Caravan Park Income and Fuel Sales Income.

Background

Council has delegated to the CEO the exercise of its power under Financial Management Regulation 12 to make payments from Municipal Fund and Trust Fund.

The *Financial Management Regulations (Regulation 13 (3))* requires a schedule of payments made through the Shire's bank accounts to be presented to Council. The lists include details for each payment made incorporating the payee's name, amount of payment, date of payment and a brief transaction description.

Comment

Invoices supporting all payments are available for inspection. Queries regarding any payment should be made through the CEO to the staff who handle the financial transactions prior to this meeting.

All invoices and vouchers presented to Council have been certified as to receipt of the goods or services and that the amounts shown were due for payment.

Consultation

Nil

Statutory Environment

Local Government Act 1995

Financial Management (Local Government) Regulations 1996 – Regulation 12

Financial Management (Local Government) Regulations 1996 – Regulation 13

Please, also refer to the comments in the Background Section.

Policy Implications

Payments have been made under Council delegation.

Financial Implications

Funds were available to meet the expenditure.

Strategic Implications

Nil

Voting Requirements

Simple majority

Staff Recommendation – Item No. 10.2.2

That Council receives the June 2016 accounts paid as presented:

Municipal Fund

- Municipal printed cheque numbers 105050-105060 totalling \$21,075.96
- EFT Payment Numbers 4600-4681 totalling \$802,997.51
- Superannuation \$18,573.13

Trust Fund:

- Trust printed cheques numbers 205008-205010 totalling \$926.85

Payroll EFT:

June 2016 - \$27,258.00, \$29,611.49 and \$28,757.00 totalling \$85,626.49

Credit Cards:

EFT 4640 totalling \$2,476.38 (included in 10.2.2B)

COUNCIL RESOLUTION

62/16

MOVED: Cr K Key

SECONDED: Cr JP Bennett

That Council receives the June 2016 accounts paid as presented:

Municipal Fund

- Municipal printed cheque numbers 105050-105060 totalling \$21,075.96
- EFT Payment Numbers 4600-4681 totalling \$802,997.51
- Superannuation \$18,573.13

Trust Fund:

- Trust printed cheques numbers 205008-205010 totalling \$926.85

Payroll EFT:

June 2016 - \$27,258.00, \$29,611.49 and \$28,757.00 totalling \$85,626.49

Credit Cards:

EFT 4640 totalling \$2,476.38 (included in 10.2.2B)

CARRIED (5/0)

Impartial Interest declared by Cr B Walton Item 10.2.3. Adoption of Differential Rates and Minimum Rates. The Shire President's partner has prospecting leases.

10.2.3 ADOPTION OF DIFFERENTIAL RATES AND MINIMUM RATES 2016/17

Agenda Reference: FIN 07/16 – 03
Location/Address: Shire of Sandstone
Name of Applicant: Shire of Sandstone
Disclosure of Interest: Nil
Date of Report: 19 July 2016
File No:
Previous References: OCM 23 June 2016: Item 10.2.3
Author: Sean Fletcher, Acting CEO

Summary

Council is requested to adopt a 3% rate increase for 2016/17 that imposes the minimum rates and differential general rates on Gross Rental and Unimproved Values specified for the 2016/17 financial year. Council is also requested to authorise the CEO to make a submission to the Minister for Local Government and Communities seeking his approval regarding the imposition of the differential rates and minimum rates. Council is once again asked to impose the 3.5% rate discount to those who pay their rates within 14 days.

Attachments

- 10.2.3A: The Statement of Objects and Reasons for Differential Rates and Minimum Payments for 2016/17
10.2.3B: MMTS – Submission Regarding Intention to Levy Differential Rates 2016/2017

Background

At the ordinary meeting on 23 June 2016, Council considered, in line with the Department of Local Government and Communities Rating Policy, its intent to impose differential rates for 2016/17.

Such a consideration represents a conscious decision by Council to undertake the redistribution of the rate burden in the district by imposing a higher impost on some ratepayers and a lower impost on others. To this end, the objects and reasons were reviewed by Council and authorised the CEO (Acting) to advertise them accordingly. Council's resolution was as follows:

COUNCIL RESOLUTION 54/16

MOVED: Cr F May

SECONDED: Cr K Key

That Council:

1. In accordance with section 6.36 of the *Local Government Act 1995*, authorises the CEO to advertise through local public notice the Shire of Sandstone’s intent to adopt the following rates in the dollar and minimum rates for the differential categories specified for the 2016/17 financial year:

Rate Category	No of Properties	2015-16 Rate in \$	2015-16 Minimum Rates	2015-16 Budgeted Revenue \$	2016/17 Proposed Rate in \$	2016-17 Proposed Minimum Rates	2016-17 Budgeted Revenue \$
GRV	34	6.4239		14,244	6.61666		14,671
Townsite (Residential and Commercial)	31 Min		200.00	6,000		200.00	6,200
GRV Mining/Transient Workforce Facilities	4 0 Min	33.8630	200.00	24,388	34.487920	200.00	25,120 0
UV Rural	19 1 Min	5.5424	310.00	38,807 310	5.70860	315.00	39,971 315
UV Mining (Tenements)	89 46 Min	26.1052	305.00	787,203 14,570	25.21649	315.00	810,790 15,007
Discounts Write offs				(11,000) (10,000)			(11,857)
Totals	224			864,522			900,231

2. The Local Public Notice referred to in Point 1 is to contain the Objects and Reasons for Differential Rates and Minimum Payments as set out in Attachment 10.2.3A.
3. Authorises the CEO to make application to the Minister for Local Government and Communities for approval to adopt the differential rating strategy for those categories that exceed 2:1 as outlined in Point 1 including:
 - a. GRV Mining/Transient Workforce Facilities.
 - b. UV Mining.
 - c. However, this is subject to no submissions being received in response to the Local Public Notice specified in Point 1 and Point 2.

CARRIED (4/0)

Following resolution 54/16, the author advertised through local public notice, the Shire of Sandstone's intent to adopt the rates in the dollar and minimum rates for the differential categories specified for the 2016/17 financial year. This included using the following mediums:

- Advertising in a special edition of the Bush Telegraph;
- Posting the notice on the Shire's notice board;
- Making copies of the Objects and Reasons available at the Shire Office and on the Shire website;
- Providing a copy of the Objects and Reasons to those who requested a copy.

At the close of the submission period at 4:00 PM on 18 July 2016, the Shire received one submission. This was from McMahon Mining Title Services Pty Ltd (MMTS). Council is now required to evaluate the submission, and the Shire is then to advise the Minister for Local Government and Communities accordingly.

A copy of the submission is provided in Attachment 10.2.3B.

Comment

The submission provided by MMTS seeks a fairer treatment regarding the rate burden for those conducting exploration or prospecting within the Shire of Sandstone.

MMTS acts for a number of exploration and prospecting companies which are concerned by the high rate proposed for exploration/prospecting licences.

In essence, MMTS argues that the proposed UV Mining rate fails to recognise the vast difference between mining operations and the exploration activities and their respective impact on Shire infrastructure. This includes the argument that exploration activities have far less impact on Shire infrastructure and also exploration companies have far less financial resources than mining companies.

MMTS writes that the mining and exploration sector has suffered significantly from "plummeting commodity prices that has resulted in massive unemployment, reduced international competitiveness and capital investment, lower discovery rates, lower grades and deeper deposits, and higher production and operating costs. Companies have implemented extensive cost-cutting programs to maintain viability, with exploration expenditure hit hardest". MMTS also points out that exploration expenditure is at its lowest since 2006-07.

MMTS argues further that with prospecting licences, the State charges \$0.20 in rent as opposed to the amount that the Shire proposes of \$0.2521649 for the same property. MMTS comments further "It seems somewhat illogical that the cost for the primary rate granted by the State Government to minerals on its land is less than a secondary Local Government fee for the right to access its infrastructure – infrastructure we note all other ratepayers and visitors are entitled to access".

In response to the comments by MMTS, the author can advise Council (as it would be aware), that the Valuer General is responsible for the valuation of all properties within a local government's district. Further to this, the Valuer General in accordance with the *Valuation of Land Act 1978*, determines the value of land according to its' purpose or use. In otherwords, if mining is conducted on a tenement, then the value of the land in question would be much

higher than if the same tenement was used for exploration purposes. This means that once the UV Mining rate in the dollar is applied, the exploration/prospecting tenements will pay less in rates than a tenement that has mining occurring on it.

Finally, the State through the Local Government Act, expects local governments to the best of their ability to provide services and facilities within its district. This means the local government in the first instance picks up the full cost for providing activities including local road infrastructure. The Shire through 2016 has already seen the impact that the heavier than expected rain activity has had on its roads, including the damage caused by exploration vehicles and plant accessing these roads during the times that these roads are closed due to the rainfall impact.

It should be noted that in the author's considered opinion, if the State was to provide such services and facilities in lieu of local government, the exploration/prospecting licences would be charged at a significantly higher rate.

In conclusion, it is the author's recommendation that Council after consideration of the submission from MMTS proceeds with adopting the differential rates and minimum rates strategy as proposed for 2016/17. The remaining criteria regarding the imposition of rates such as the due dates and applicable interest rate charges will be implemented with the adoption of the 2016/17 Budget.

Consultation

- Council at the Budget Briefing Session 19 July 2016;
- Finance Officer.

Statutory Environment

Local Government Act 1995:

Section 6.32 – Rates and service charges. When adopting the annual budget, a local government in order to make up the budget deficiency, is to impose a general rate on rateable land within its district. This can either be uniformly or differentially and must be made by way of an absolute majority.

As Council is only considering the intent to adopt differential rates at this stage, and advertising the objects and reasons accordingly, the decision required is by way of a simple majority regarding today's matter.

Section 6.33 – A local government may impose differential general rates according to the following characteristics: zoning category, purpose of the land, whether or not the land is vacant or any other prescribed purpose.

Section 6.35 – Minimum payments for each differential category is to be applied.

Section 6.36 – A local government is to give local public notice of its intent to adopt differential rates, including the objects and reasons for doing so.

Section 6.46 – Discounts. Absolute Majority required.

Local Government (Financial Management) Regulations 2006:

Regulation 23 – The annual budget is to include the objects and reasons for adopting differential rates.

Regulation 52A – Characteristics prescribed for differential rates – relevant district. In essence deals with matters where there have been changes to the district.

Valuation of Land Act 1978

Definition of Unimproved Value (UV)

Schedule 2 Fees and Rents:

- 5 – Annual rent of mining lease per hectare or part of one hectare = 17.05;
- 7 - Annual rent of prospecting licence per hectare or part of one hectare (minimum of \$25) = 2.50

Policy Implications

The Shire has historically applied a rate discount of 3.5% for all rates paid within 14 days of the date of issue of the rates notice.

Financial Implications

The raising of rates is used to help fund Council activities for the year. The expected increase in the level of revenue for 2016/17 based on a rate increase of 3% is \$35,709. This can be seen as follows:

Rate Category	No of Properties	2015-16 Rate in \$	2015-16 Minimum Rates	2015-16 Budgeted Revenue \$	2016/17 Proposed Rate in \$	2016-17 Proposed Minimum Rates	2016-17 Budgeted Revenue \$
GRV Townsite (Residential and Commercial)	34	6.4239		14,244	6.61666		14,671
	31 Min		200.00	6,000		200.00	6,200
GRV Mining/Transient Workforce Facilities	4	33.8630		24,388	34.487920		25,120
			200.00	0		200.00	0
UV Rural	19	5.5424		38,807	5.70860		39,971
	1 Min		310.00	310		315.00	315
UV Mining (Tenements)	89	26.1052		787,203	25.21649		810,790
	46 Min		305.00	14,570		315.00	15,007
Discounts				(11,000)			(11,857)
Write offs				(10,000)			
Totals	224			864,522			900,231

Table Two: Expected Increase of Income from Rates for 2016/17

A discount of 3.5% applies to all rates paid within 14 days of the date of issue of the rates notice. The Shire has 29 non-rateable properties in the District.

With modelling applied, it can be seen that the minimums for GRV Townsite, GRV Mining/Transient Workforce Facilities will not change (\$200). However, the minimums for all UV properties will increase from \$310 to \$315.

It should be noted that as properties change hands during the course of the year, the value of the property may change leading generally to an increase in corresponding rate revenue. This has not traditionally been budgeted for by the Shire of Sandstone.

CPI for the March 2016 Quarter was 2.9%, down from 3.1% for the previous quarter.

Strategic Implications

The Shire's Corporate Business Plan recognises that the revenue raising options available to a small remote country Shires such as the Shire of Sandstone are limited by a small rates base that is to a large extent mining based and therefore subject to substantial fluctuations and limited opportunities for other income earning activities.

The rate assumption (expected increase) in the Shire's Long Term Financial Plan for 2016/17 is a rate increase of 4%. The author is suggesting for 2016/17 that the rate increase is 3% to keep in line with changing economic circumstances.

Voting Requirements

Absolute Majority

Officer Recommendation – Item 10.2.3

That Council:

1. Pursuant to sections 6.32, 6.33, 6.34 and 6.35 of the *Local Government Act 1995*, adopts a 3% rate increase for 2016/17 that imposes the following minimum rates and differential general rates on Gross Rental and Unimproved Values specified for the 2016/17 financial year:

Rate Category	No of Properties	2016/17 Rate in \$	2016-17 Minimum Rates	2016-17 Budgeted Revenue \$
GRV (Residential and Commercial)	34	6.6167		14,671
Townsite and	31 Min		200.00	6,200
GRV Mining/ Workforce Facilities	4	34.4879		25,120
Transient	0 Min		200.00	0
UV Rural	19	5.7086		39,971
	1 Min		315.00	315
UV Mining (Tenements)	89	25.2165		810,790
	46 Min		315.00	15,007
Discounts Write offs				(11,857)
Totals	224			900,231

2. Authorises the CEO to apply to the Minister for Local Government for the approval of the differential rates and minimums as provided in Point 1.
3. In accordance with s6.46 of *the Local Government Act 1995* authorises the CEO to apply a discount of 3.5% to ratepayers who have paid their rates and service charges in full, including any arrears, on or before 14 days of the date of issue of the rate notice.
4. Authorises the CEO to respond to McMahon Mining Title Services Pty Ltd (MMTS) and it for its submission. The CEO is to further advise MMTS that after careful consideration of the submission, Council has resolved to adopt differential rates in accordance with its rating strategy for 2016/17 as advertised on 24 June 2016 and as presented in Point 1.

COUNCIL RESOLUTION**63/16****MOVED: Cr F May****SECONDED: Cr K Key**

That Council:

1. Pursuant to sections 6.32, 6.33, 6.34 and 6.35 of the *Local Government Act 1995*, adopts a 3% rate increase for 2016/17 that imposes the following minimum rates and differential general rates on Gross Rental and Unimproved Values specified for the 2016/17 financial year:

Rate Category	No of Properties	2016/17 Rate in \$	2016-17 Minimum Rates	2016-17 Budgeted Revenue \$
GRV Townsite and Commercial	34	6.6167		14,671
	31 Min		200.00	6,200
GRV Mining/ Transient Workforce Facilities	4	34.4879		25,120
	0 Min		200.00	0
UV Rural	19	5.7086		39,971
	1 Min		315.00	315
UV Mining (Tenements)	89	25.2165		810,790
	46 Min		315.00	15,007
Discounts Write offs				(11,857)
Totals	224			900,231

2. Authorises the CEO to apply to the Minister for Local Government for the approval of the differential rates and minimums as provided in Point 1.
3. In accordance with s6.46 of *the Local Government Act 1995* authorises the CEO to apply a discount of 3.5% to ratepayers who have paid their rates and service charges in full, including any arrears, on or before 14 days of the date of issue of the rate notice.
4. Authorises the CEO to respond to McMahon Mining Title Services Pty Ltd (MMTS) and thank it for its submission. The CEO is to further advise MMTS that after careful consideration of the submission by MMTS, Council has resolved to adopt differential rates in accordance with its rating strategy for 2016/17 as advertised on 24 June 2016 and as presented in Point 1.

CARRIED BY ABSOLUTE MAJORITY (5/0)

COUNCIL RESOLUTION 64/16

MOVED: Cr C Hodshon

SECONDED: Cr F May

That Council brings forward the following items for consideration:

- 10.1.3 Proposed Dog Local Law
- 10.2.4 Curtilage / Dual Property Use

CARRIED (5/0)

10.2.4 CURTILAGE / DUAL PROPERTY USE

Location/Address: Shire of Sandstone
Name of Applicant: Alan Bloore, Black Hill Station
Disclosure of Interest: Nil
Date of Report: 21 July 2016
Author: **Rhonda Miles, Finance Officer**

Signature of Author: _____

Summary

Council is requested to approve a Curtilage Pensioner rebate for Black Hill Station

Attachments

Email dated 20 July 2016 from Nely Freeman - ITVision Rates Support

Background

A full rebate is not an entitlement on this property as this is considered a dual use property. Below is an excerpt from the Pensioner & Senior User Guide

Section 6.12 of the Local Government Act 1995 requires any write off of money to be resolved by Council by absolute majority;

4.5 CURTILAGE/DUAL PROPERTY USE

Curtilage is where the amount of rebate applied to a Property is limited due to commercial use of part of the assessment. For example, a pensioner owns a farm. Rebate is applied to the portion of the Property relating to the pensioner's home, not the entire property.

Councils have several options in apportioning the pensioner rebate on a property that is dual use (residential and commercial) including;

- . granting the full rebate,
- . granting no rebate,

- . granting a rebate based on a minimum rate,
- . granting a rebate based on residential area (as per the 'Concessions on Commercial and Farming Properties Occupied by Pensioners' section of the procedure manual).
- . granting a rebate based on the maximum rebate amount.

It is up to the council to decide which option you use and to put a policy in place. However, councils should seek advice from the Office of State Revenue to ensure the calculations meet the council's responsibilities for claiming this rebate.

When performing these calculations the equity of the pensioner/senior also needs to be considered. E.g. If the pensioner/senior only has 20% equity the curtilage rebate percentage will only be 20% of what has been calculated and the Equity % will be left blank.

Method One : Set Rebate to be Offered

This is ideal if the rebate to be given is based on the rebate that would apply to the minimum levy for assessments. Work on the rebate that would be applicable if the minimum levy applied to the assessment. Divide this by the Actual Rates Levied on the Assessment to determine the Curtilage Rebate Percentage.

Method Two : Based on Area of Residential Use

The second method is ideal if the area of residential use is the majority of the assessment. In this case the area for the residential land use, OSR generally allow 2 hectares, is divided by the total area of the land governed by this assessment.

Method Three: Based on Maximum Rebate (Capping) Amount

If choosing to apply the maximum rebate.

Comment

Rates Consultant Nely Freeman at IT Vision recommends Method One : Set Rebate to be Offered

Consultation

Nely Freeman – IT Vision

Statutory Environment

Section 6.12 of the Local Government Act 1995
Section 4.5 of the Pensioner & Senior User Guide

Policy Implications

Nil

Financial Implications

Council would not be able to claim Pensioner rebate from Office of State Revenue as it would be rejected as incorrect

Strategic Implications

Nil

Voting Requirements

Absolute majority

Staff Recommendation – Item 10.2.4

That Council approves using Method One : Set Rebate to be Offered for A1086 - Black Hill Station

COUNCIL RESOLUTION **65/16**

MOVED: Cr C Hodshon

SECONDED: Cr F May

That Council approves using Method One for calculating the rebate for Curtilage/Dual Property use for A1086

CARRIED BY ABSOLUTE MAJORITY (5/0)

10.1.3 PROPOSED DOG LOCAL LAW 2016

Agenda Reference:
Location/Address: Shire of Sandstone
Name of Applicant: Shire of Sandstone
Disclosure of Interest: Nil
Date of Report: 21 July 2016
Author: Niel Mitchell, Consultant

Summary

To commence the formal process for adoption of the proposed local law

Attachments

- 1) Proposed Shire of Sandstone Dog Local Law 2016
- 2) Summary of Submissions – Dog

Background

The purpose of this report is –

- 1) consider the submissions received on the proposed Local Law and determine if any drafting amendment(s) are required as a result of the submissions received;
- 2) give notice of the purpose and effect of the Local Law;
- 3) make the Local Law, incorporating all amendments as approved by Council;
- 4) authorise the affixing of the Common Seal to the local law;
- 5) authorise the local law's publication in the *Government Gazette*; and
- 6) give local public notice, (after Gazettal), of the date the Local Laws will come into effect.

Comment

At its ordinary meeting held on the 25 February 2016 Council resolved to re-commence the process to make the Dog Local Law.

The procedure for making local laws requires Council to advertise state-wide, advising of its intention to make a local law, and invite submissions to be made on the proposed local law for a six-week period. At the closure of the submission period, Council is to consider all submissions before making a local law.

After completing the required advertising etc, the Department advised that the mandatory period for public submissions had not been met. Accordingly, readvertising was required.

Council advertised, both locally and state-wide, for public comment on the proposed Local Law.

An advertisement was placed in the West Australian on 1 June 2016 and the Sandstone Bush Telegraph on 6 June 2016, with the submission period for public comment closing on 20 July 2016.

At the close of the submission period, comment had been received from Dept of Local Government & Communities. No public submissions were received.

The Departmental submission covered several areas, however, no substantive matters were raised with the items being of a context or technical nature, punctuation and grammar.

Despite the number of corrections, it is considered that the amendments are not of a significant nature that requires re-advertising. The amendments relate to wording or style, are intended to simplify the repeal local law, and have the same intent and effect as the draft.

Once formally adopted by Council, the local law –

- is to be published in the Government Gazette
- copies are sent to the Parliamentary Joint Standing Committee on Delegated Legislation together with other required documentation, within 10 days of publication,
- signed copy is sent to Minister for Local Government,
- local public notice given of adoption (as opposed to proposal previously advertised).

Please note –

- disallowance of the local law may be made by Parliament, and could take some time depending on sitting days,
- takes effect immediately on publication in the Government Gazette.

Consultation

Mr Sean Fletcher, Acting CEO
Dept of Local Government

Statutory Environment

Local Government Act 1995 –

- 3.12 – Notice of purpose and effect of local law to be given by the person presiding

Policy Implications

Nil

Financial Implications

Cost of publication in the Government Gazette
Cost of local public notice

Strategic Implications

Compliance with the Local Government Act

Voting Requirements

Absolute majority

Officer Recommendation – Item No. 10.1.3

That Council –

- 1. notes the submissions from the Department of Local Government and Communities in relation to the following proposed Dog Local Law.**
- 2. resolves to make the Dog Local Law noted above as per the attached drafts, incorporating amendments outlined by the Department of Local Government and Communities;**
- 3. authorise the affixing of the Common Seal to the Dog Local Law;**
- 4. publish the Dog Local Law noted above, in the Government Gazette;**
- 5. provide copy of the local law to the Minister for Local Government;**
- 6. forward a copy of the Gazetted Local Laws, explanatory memoranda and associated documentation to the Parliamentary Joint Standing Committee on Delegated Legislation for review.**

COUNCIL RESOLUTION

66/16

MOVED: Cr F May**SECONDED:** Cr K key

That Council –

1. notes the submissions from the Department of Local Government and Communities in relation to the following proposed Dog Local Law.
2. resolves to make the Dog Local Law noted above as per the attached drafts, incorporating amendments outlined by the Department of Local Government and Communities;
3. authorise the affixing of the Common Seal to the Dog Local Law;
4. publish the Dog Local Law noted above, in the Government Gazette;
5. provide copy of the local law to the Minister for Local Government;
6. forward a copy of the Gazetted Local Laws, explanatory memoranda and associated documentation to the Parliamentary Joint Standing Committee on Delegated Legislation for review.

CARRIED BY ABSOLUTE MAJORITY (5/0)**10.3 HEALTH, BUILDING and TOWN PLANNING**

Nil

10.4 WORKS and SERVICES

Nil

11 MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

Nil

12 QUESTIONS FROM MEMBERS WITHOUT NOTICE

Nil

13 NEW BUSINESS OF AN URGENT NATURE INTRODUCED BY DECISION OF THE MEETING

Nil

14 MEETING ITEMS CLOSED TO THE PUBLIC**13.1 Meeting Closed to the Public**

Nil

13.2 Public Reading of Resolutions to be made Public

Nil

TIME and DATE of NEXT MEETING

The next scheduled Ordinary Council Meeting will be held on Thursday 25 August 2016.

Cr Hodshon and Mr Fletcher indicated that they were not available during the week commencing 22 August 2016.

15 CLOSURE OF MEETING

There being no further business, the Shire President closed the meeting at 11:52 PM.

CERTIFICATION

I, _____, certify that the Minutes of the Meeting held on 28 July 2016, as shown, were confirmed as a true and accurate record at the Meeting held on 25 August 2016.

(Presiding Member)

Date: 25 August 2016