



# **AGENDA**

## **Special Council Meeting**

**3rd, August 2017**  
**9.00am**

To be held in the Council Chambers, Hack St Sandstone



## SPECIAL COUNCIL MEETING NOTICE PAPER

**3rd August 2017 – 9.00am**

Dear President and Councillors,

A Special Meeting of Council has been called for 3rd August 2017, in the Council Chambers, Hack Street, Sandstone, commencing at 9.00am.

### **Councillors please note:**

Only items in this agenda may be discussed at the meeting.

A handwritten signature in black ink, appearing to read 'H. Hawkins', is positioned above a horizontal line.

***Harry Hawkins***  
Chief Executive Officer

**Tuesday 1<sup>st</sup> August 2017**

### **PUBLIC QUESTION TIME**

A 15 minute public question time is available to allow members of the public the opportunity of submitting questions to Council on matters concerning them. Questions should be submitted in writing prior to the meeting. The questions will be addressed by the President or their nominated person. Where an answer cannot be given at the meeting, a reply will be given in writing subsequent to the meeting.

Discussion will not be allowed.



## **DISCLAIMER**

*No responsibility whatsoever is implied or accepted by the Sandstone Shire Council for any act, omission, statement or intimation occurring during Council/Committee meetings or during formal/informal conversations with staff. The Sandstone Shire Council 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, statement, intimation or otherwise occurring during Council/Committee Meetings or discussions. Any person or legal entity that acts or fails to act in reliance upon any statement does so at that person's or legal entity's own risk.*

*In particular but without derogating in any way from the broad disclaimer above, in any discussion regarding any planning application or application for a licence or permit, any statement or limitation of approval made by an Elected Member or by a Staff Member of Sandstone Shire Council during the course of any Meeting is not intended to be and is not to be taken as notice of approval from the Sandstone Shire Council. The Sandstone Shire Council warns that anyone who has an application lodged with the Sandstone Shire Council must obtain and only should rely on **WRITTEN CONFIRMATION** of the outcome of the application including any conditions attaching to the decision made by the Sandstone Shire Council in respect of the application.*

A handwritten signature in black ink, appearing to read 'H. Hawkins', is positioned above a horizontal line.

**Harry Hawkins**  
Chief Executive Officer

1<sup>st</sup> August 2017

Hack Street, SANDSTONE WA 6639  
Tel (08) 9963 5802; Fax (08) 9963 5852  
E-mail: [ceo@sandstone.wa.gov.au](mailto:ceo@sandstone.wa.gov.au)



## WRITTEN DECLARATION OF INTEREST IN MATTER BEFORE COUNCIL

**NOTE: USE ONE FORM PER DECLARATION**

I, (1) \_\_\_\_\_ hereby declare an interest in the following item to be considered by Council at its Meeting to be held on (2) \_\_\_\_\_ and regarding

Agenda item (3) \_\_\_\_\_

The type of interest I wish to declare is (4)

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

The nature of my interest is (5)

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

The extent of my interest is (6)

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

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

\_\_\_\_\_  
(Signature)

\_\_\_\_\_  
(Date)

RECEIVED BY:

\_\_\_\_\_  
(Chief Executive Officer)

\_\_\_\_\_  
(Date)

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

**Financial pursuant to Section 5.60A of the Local Government Act 1995**

**s5.60A Financial Interest**

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

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

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

**s5.60B Proximity Interest**

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

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

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

**s5.61 Indirect Financial Interest**

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

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

**reg 11 Disclosure of Interest**

- (1). In this regulation –  
Interest means an interest that could, or could reasonably be perceived to; adversely affect the impartiality of the person having the interest arising from kinship, friendship or membership of an association.
- (2). A person who is a council member and who has an interest in any matter to be discussed at a council or committee meeting attended by the member must disclose the nature of the interest –
  - (a). in a written notice given to the CEO before the meeting;
  - or
  - (b). at the meeting immediately before the matter is discussed.

- (3). Sub-regulation (2) does not apply to an interest referred to in section 5.60 of the Act.
- (4). Sub-regulation (2) does not apply if –
  - (a). A person who is a council member fails to disclose an interest because the person did not know he or she has an interest in the matter; or
  - (b). A person who is a council member fails to disclose an interest because the person did not know the matter in which he or she had an interest would be discussed at the meeting and the person disclosed the interest as soon as possible after the discussion began.
- (5). If, under sub-regulation (2)(a), a person who is a council member discloses an interest in a written notice given to the CEO before a meeting then –
  - (a). Before the meeting the CEO is to cause the notice to be given to the person who is to preside at the meeting; and
  - (b). At the meeting the person presiding is to bring the notice and its contents to the attention of the persons present immediately before a matter to which the disclosure related is discussed.
- (6). If –
  - (a). Under sub-regulation (2)(b) or (4)(b) a person's interest in a matter is disclosed at a meeting; or
  - (b). Under sub-regulation (5) (b) notice of a person's interest in a matter is brought to the attention of the persons present at a meeting.

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

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

**s5.68 Councils and Committees may allow Members disclosing interests to participate etc. in Meetings**

- (1). If a member has disclosed, under section 5.65, an interest in a matter, the members present at the meeting who are entitled to vote on the matter
  - (a). may allow the disclosing member to be present during any discussion or decision making procedure relating to the matter; and
  - (b). may allow , to the extent decided by those members, the disclosing member to preside at the meeting (if otherwise qualified to preside) or to participate in discussions and the decision making procedures relating to the matter if –
    - (i) the disclosing member also discloses the extent of the interest; and
    - (ii) those members decide that the interest –
      - (I) is so trivial or insignificant as to be unlikely to influence the disclosing member's conduct in relation to the matter; or
      - (II) is common to a significant number of electors or ratepayers
- (2). A decision under this section is to be recorded in the minutes of the meeting relating to the matter together with the extent of any participation allowed by the council or committee.
- (3). This sections does not prevent the disclosing member from discussing, or participating in the decision making process on, the question on whether an application should be made to the Minister under section 5.69.



## SHIRE OF SANDSTONE ELECTED MEMBER'S REQUEST FORM

Councillor's Name: \_\_\_\_\_

Date: \_\_\_\_/\_\_\_\_/2017

**Urgency:** Low / Medium / High / Strategic

Road / Public Building / Area: \_\_\_\_\_

Request: \_\_\_\_\_

Description: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**OFFICE USE ONLY:**-----

Action Taken: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Comment: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Completed: \_\_\_\_/\_\_\_\_/2017

Signature: \_\_\_\_\_

Inspected and/or authorised by: \_\_\_\_\_  
(Chief Executive Officer)

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## Councillor's Claim for Sitting Fees and Travel

Councillor \_\_\_\_\_

Creditor No \_\_\_\_\_

<i>Date</i>	<i>Meeting</i>	<i>Sitting Fees</i>	<i>Travel Km's</i>	<i>Amount</i> 74 cents per km
Date of Meeting	Type of Meeting	\$170/ \$340	No of km's	Office Use
	<b>Full Council</b>			

Fees payable are in accordance with the Local Government Act (5.98) – Administration Regulations (30)

Total		Total
<input style="width: 100%;" type="text"/>		<input style="width: 100%;" type="text"/>
04109	Line Item 370	04100
TOTAL:		<input style="width: 100%;" type="text"/>

### OTHER MEETINGS ATTENDED IN THE MONTH

Date	Meeting	Km's	Vehicle supplied?

If this form is not filled out correctly with all information the claim will be rejected.

\_\_\_\_\_ (Signature)                      \_\_\_\_\_ (Date)

Calculations Checked \_\_\_\_\_ Date \_\_\_\_\_

Goods Received / Payment Approved \_\_\_\_\_

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**SPECIAL COUNCIL MEETING HELD ON 11 MAY 2017  
AGENDA SUMMARY and TABLE OF CONTENTS**

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<b>13</b>	2.0	Announcements from the Presiding Member and/or Councillors (without discussion unless otherwise determined)	
<b>13</b>	3.0	Attendance	
<b>13</b>	6.0	Declarations of Interest	
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<b>14</b>	10.1	CEO Reports	
<b>14</b>	10.1.1	Differential Rates	
<b>16</b>	14	Meeting Items Closed to the Public	
<b>16</b>		Time and Date of Next Meeting	
<b>16</b>	15	Closure of the Meeting	

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## AGENDA and STAFF REPORTS

### SPECIAL COUNCIL MEETING HELD IN COUNCIL CHAMBERS, SANDSTONE ON 3rd August 2017

#### 1 DECLARATION OF OPENING AND ANNOUNCEMENT OF ANY VISITORS

The Presiding Member, Cr Carol Hodshon (Deputy Shire President) to declare the Meeting open at 9.00am.

##### 1.1 Visitors Nil

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

Nil

#### 3 ATTENDANCE

##### 3.1 Present

###### Elected Members

Cr C (Carol) Hodshon Deputy Shire President (and Presiding member of this Meeting)

Cr K (Kerry) Key  
Cr J P Bennett  
Cr D Lefroy

###### Staff Members

Ms Margaret Duhig Administration Office

##### 3.2 Apologies

Mr Harry Hawkins Chief Executive Officer  
Ms Beth Walton (Shire President)  
Ms Freda May

##### 3.3 Approved Leave of Absence

#### 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

## 7 PUBLIC QUESTION TIME

Nil

## 10 OFFICERS REPORTS

### 10.1 CHIEF EXECUTIVE OFFICERS REPORTS

#### 10.1.1 Differential Rates

<b>Agenda Reference:</b>	10.1.1
<b>Location/Address:</b>	None
<b>Name of Applicant:</b>	None
<b>Disclosure of Interest:</b>	Nil
<b>Date of Report:</b>	1 August 2017
<b>Previous References:</b>	Resolution 49/17 June 2017
<b>Author:</b>	Harry Hawkins Chief Executive Officer

#### **Summary**

Council are being asked to approve the imposition of differential rates for the financial year 2017-2018

#### **Attachments**

Statement of Objects and reasons

#### **Background**

Council at its June ordinary meeting resolved to increase rates by 2% while not taking into account the change in valuations on the same basis as 2016-2017 including the imposition of differential rates. The imposition of differential rates that are more than twice the level of other rates requires the minister's approval.

When asking Council to approve this at the June and July 2017 meetings the CEO left crucial information out of the final recommendations/resolutions meaning the minister could not grant approval of the imposition of those differential rates. The budget cannot be adopted nor rates raised until the Minister's approval is given.

#### **Comment**

To allow the minister to approve differential rates the full details of the rates including the rate in the dollar is required to be a part of the resolution and resolution 49/2017 did not include the rate in the dollar among other things. The full details of proposed rates for the 2017-2018 year are as follows.

	Rate in \$	Number of properties	Rateable value \$	2017/18 Budgeted rate revenue \$
<b>Differential general rate or general rate</b>				
GRV Townsite	0.062899	36	236,236	14,859
GRV Transient Workforce Accommodation	0.355768	4	72,020	25,622
UV Rural	0.058227	19	700,188	40,770
UV Mining	0.257208	110	3,582,304	921,397
<b>Sub-Totals</b>		169	4,590,748	1,002,648
<b>Minimum payment</b>				
	<b>Minimum \$</b>			
GRV Townsite	200	29	17,998	5,800
GRV Transient Workforce Accommodation	200	0	0	0
UV Rural	315	7	7,917	2,205
UV Mining	315	40	26,240	12,600
<b>Sub-Totals</b>		76	52,155	20,605
		<b>245</b>	<b>4,642,903</b>	<b>1023,253</b>

### Statutory Environment

Local Government Act 1995 and Local Government (Financial Management Regulations)

### Policy Implications

Nil

### Financial Implications

Nil, the budget will be set accordingly.

### Strategic Implications

Nil

### Voting Requirements

Absolute Majority

### Staff Recommendation

### Moved Cr

### Seconded Cr

1. That Council determines to impose rates as per the following table which includes a 2% increase ignoring any changes in the valuations and differential rates where the rates for mining ratepayers is more than twice the rate of other ratepayers and minimum rates for GRV rated properties is \$200 and for UV \$315.

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		<b>245</b>	<b>4,642,903</b>	<b>1,023,253</b>

2. That Council adopt the attached revised Objects and Reasons

Carried/ Not carried by Absolute Majority (??)

#### 14 MEETING ITEMS CLOSED TO THE PUBLIC

##### 14.1 Meeting Closed to the Public

Nil

##### 14.2 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 24 August 2017  
At 11.00am

#### 15 CLOSURE OF MEETING

There being no further business, the Deputy Shire President closed the meeting at  
\_\_\_\_\_am.