



*Due to the current pandemic situation, this meeting will be conducted electronically.*

# Special Council Agenda

**SPECIAL COUNCIL MEETING  
6.00pm, 20 May 2020**

# RECORDING AND ACCESS TO RECORDINGS OF COUNCIL MEETINGS POLICY

## **COVID-19 Pandemic Situation**

Given the current pandemic situation and the risk it poses to the health and well-being of Elected Members, staff and the public, all Briefing Sessions and Council meetings are to be conducted via electronic means until further notice. To ensure the safety of the members of the public, and in accordance with *Local Government (Administration) Amendment Regulations 2020* which came into effect on 26th March 2020, and in line with State and Federal Government advice, these meetings may not be attended by members of the public.

The City encourages any members of the public who wish to raise a question to Council or to present a deputation, to submit this information via the **City's online forms** and/or contact **Council Support on 9405 5027**.

- [Public Question online form](#)
- [Deputation online form](#)

The City will make every endeavour to provide a response to any submissions at the meeting. All submissions will form part of the electronic meeting and will be recorded in the Minutes of the Council meeting.

### **1. Time Permitted**

A minimum of 15 minutes is permitted for Public Question Time at Council Meetings. If there are not sufficient questions to fill the allocated time, the Presiding Member will move to the next item. If there are more questions to be considered within 15 minutes, the Presiding Member will determine whether to extend Public Question Time.

### **2. Protocols**

No member of the public may interrupt the Council Meeting proceedings or enter into conversation.

Members of the public wishing to submit written questions are requested to lodge them with the Chief Executive Officer at least 30 hours prior to the start of the meeting (that is, by 12noon on the day before the meeting). If the question relates to an item on the Agenda, the item number and title should be stated. The Presiding Member will control Public Question Time and ensure that each person wishing to ask a question is given a fair and equal opportunity to do so.

### **3. General Rules**

The following general rules apply to Public Question and Statement Time:

- Public Questions and Statements should only relate to the business of the local government and should not be a personal statement or opinion;
- Only questions relating to matters affecting the local government will be considered at a Council Meeting, and only questions that relate to the purpose of the meeting will be considered at a Special Council Meeting;
- Questions may be taken on notice and responded to after the meeting;
- Questions may not be directed at specific Elected Members or City Employee;
- Questions are not to be framed in such a way as to reflect adversely on a particular Elected Member or City Employee;
- First priority will be given to persons who are asking questions relating to items on the current Council Meeting Agenda; and
- Second priority will be given to Public Statements. Only Public Statements regarding items on the Council Agenda under consideration will be heard.
- Deputation requests must relate to items on the current Council Meeting Agenda.

**For further information please contact Council Support on 9405 5000.**

## **COVID-19 Pandemic Situation**

Given the current pandemic situation, Briefing Sessions and Council Meetings will be recorded and an audio recording will be made available on the City's website as soon as practicable after the meeting.

### **Objective**

- To ensure there is a process in place to outline the access to recorded Council Meetings.
- To emphasise that the reason for recording of Council Meetings is to ensure the accuracy of Council Meeting Minutes and that any reproduction of these Minutes are for the sole purpose of Council business.

### **Implications**

City of Wanneroo Strategic Community Plan 2017/2018 to 2026/2027:

*"4 Civic Leadership  
4.2 Good Governance  
4.2.1 Provide transparent and accountable governance and leadership"*

Recordings pertaining to the proceedings of Council Meetings shall be retained in accordance with the *State Records Act 2000*.

### **Implementation**

This Policy shall be printed within the Agenda of all Council Meetings which include:

- Ordinary Council Meeting;
- Special Council Meeting;
- Annual General Meeting of Electors; and
- Special Electors Meeting.

To advise the public that the proceedings of the meeting are recorded.

### **Evaluation and Review Provisions**

#### ***Recording of Proceedings***

1. Proceedings for Council Meetings; as well as Deputations and Public Question Time during these meetings shall be recorded by the City on sound recording equipment, except in the case of a meeting where Council closes the meeting to the public.
2. Notwithstanding subclause 1, proceedings of a Council Meeting, which is closed to the public, shall be recorded where the Council resolves to do so.
3. No member of the public is to use any audio visual technology or devices to record the proceedings of a Council or Committee Meeting, without the written permission of the Mayor or the Mayors Delegate.

#### ***Access to Recordings***

4. Members of the public may purchase a copy of the recorded proceedings or alternatively, listen to the recorded proceedings at the Civic Centre. Costs of providing a copy of the recorded proceedings to members of the public will include staff time to make the copy of the proceedings; as well as the cost of the digital copy for the recording to be placed on. The cost of staff time will be set in the City's Schedule of Fees and Charges each financial year.
5. Elected Members may request a copy of the recording of the Council proceedings at no charge.
6. All Elected Members are to be notified when recordings are requested by members of the public, and of Council.
7. Transcripts can be produced on the request of the Chief Executive Officer and will include staff time set by the City's Schedule of Fees and Charges.

## **COVID-19 Pandemic Situation**

8. COVID-19 pandemic situation – During the COVID-19 pandemic situation, Briefing Sessions and Council meetings that are conducted electronically, will be recorded. The CEO is authorised to make a broadcast of the audio recording of such meetings accessible to the public as soon as practicable after the meeting.



# City of Wanneroo

Notice is given that the next Special Council Meeting will be held electronically on  
**Wednesday 20 May, 2020** commencing at **6.00pm**.

D Simms  
Chief Executive Officer  
14 May, 2020

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# AGENDA

*Good evening Councillors, staff, ladies and gentlemen, we wish to acknowledge the traditional custodians of the land we are meeting on, the Whadjuk people. We would like to pay respect to the Elders of the Nyoongar nation, past and present, who have walked and cared for the land and we acknowledge and respect their continuing culture and the contributions made to the life of this city and this region and I invite you to bow your head in prayer:*

*Lord*

*We ask for your blessing upon our City, our community and our Council. Guide us in our decision making to act fairly, without fear or favour and with compassion, integrity and honesty. May we show true leadership, be inclusive of all, and guide the City of Wanneroo to a prosperous future that all may share. We ask this in your name.*

*Amen*

## **Item 1 Attendances**

## **Item 2 Apologies and Leave of Absence**

## **Item 3 Public Question Time**

In accordance with Section 7(4)(b) of the *Local Government (Administration) Regulations 1996*, a Council at a Special Meeting is not required to answer a question that does not relate to the purpose of the meeting. It is therefore requested that only questions that relate to items on the agenda be asked.

## **Item 4 Reports**

**Declarations of Interest by Elected Members, including the nature and extent of the interest. Declaration of Interest forms to be completed and handed to the Chief Executive Officer.**

## Transactional Finance

### SCS12-05/20 Proposal for Levying Differential Rates 2020/21

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File Ref: 35274 – 20/195331  
Responsible Officer: Director Corporate Strategy & Performance  
Disclosure of Interest: Nil  
Attachments: Nil

#### Issue

To consider a proposal for the setting of the rate in the dollar for the differential Rating categories to be applied to the Draft Budget for the 2020/21 Financial Year.

#### Background

The City has adopted differential general Rating categories based on the use of the land. Over time these categories have been amended to reflect the change in the use of the land and amended legislation.

The DLGSCI has also instigated a compliance audit in relation to the levying of Rates and Service Charges, providing several policy documents and guides for local governments to utilise in the process. It is imperative that the City complies with the legislation as not doing so will make the levying of the Rates and Service Charges unlawful.

At the Council Meeting held on 5 April 2016 the following differential general Rating categories were adopted:

#### GRV

- Residential Improved with a lesser minimum for Strata Titled Caravan Parks
- Residential Vacant
- Commercial/Industrial Improved with a lesser minimum for Strata Titled Storage Units
- Commercial/Industrial Vacant

#### UV

- Residential Improved
- Residential Vacant
- Commercial/Industrial Improved
- Commercial/Industrial Vacant
- Rural and Mining Improved
- Rural and Mining Vacant

#### Detail

The Rate in the Dollar and Minimum Rates that have been proposed, raise the funds required for the delivery of the City's annual budget, as discussed by Elected Members throughout the 2020/21 planning process.

## Consultation

The proposal to adopt Differential Rating will be advertised in accordance with Section 6.36 of the Act for public submissions on the proposed differential general Rates. Any submissions received are to be considered as part of the Budget adoption.

## Comment

*Part 6, Division 6 of the Act and Part 5 of the Local Government (Financial Management) Regulations 1996* provides the head of power for the levying of local government rates. The legislation is quite prescriptive in its application, with the following aspects of particular note:

- Except as provided for in Section 6.26, all land within a district is rateable land (S6.26);
- In order to make up the 'budget deficiency' a local government is to impose a general rate which may be imposed either uniformly or differentially. A local government may also impose a specified area rate, a minimum rate and a service charge (S6.32);
- A local government may impose a differential general rate (DGR) according to land zoning, land use, whether the land is vacant or not, or a combination of each characteristic (S6.33);
- No DGR in each category (UV or GRV) is to be more than twice the lowest DGR, unless approved by the Minister (S6.33);
- The amount shown in the Annual Budget as being the amount estimated to be yielded by the general rate is not to vary by +/- 10% of the budget deficiency, i.e. should essentially be a balanced budget (S6.34);
- The local government can impose differential minimum rates, however it is not to be applied to more than 50% of the properties with a district or within each category (S6.35);
- A minimum rate is to be applied separately for each of the following categories (S6.35):
  - a) to land rated on Gross Rental Value (GRV);
  - b) to land rated on Unimproved Value (UV); and
  - c) to each differential rating category where a differential rate is imposed.
- If a separate DGR is imposed on the basis of vacant land status, a separate minimum rate can be imposed with the approval of the Minister not in accordance with the 50% requirement (S6.35); and
- A lesser minimum charge can be applied to not more than 50% of the properties on minimum rates (within the district or within each category).

## Statutory Compliance

In accordance with section 6.36 of the Act, Council is required to give local public notice of its intention to levy differential general rates.

### ***“S6.36. 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;*
- (b) *is to contain —*
- (i) *details of each rate or minimum payment the local government intends to impose;*
  - (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 reasons for, each 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."*

### **Strategic Implications**

The proposal aligns with the following objective within the Strategic Community Plan 2017 – 2027:

*"4 Civic Leadership*

*4.2 Good Governance*

*4.2.2 Provide responsible resource and planning management which recognises our significant future growth"*

### **Risk Management Considerations**

There are no existing Strategic or Corporate risks within the City's existing risk registers which relate to the issues contained in this report.

### **Policy Implications**

Nil.

### **Financial Implications**

The application of differential Rating is about apportioning the Rate revenue that is required between different categories of property. There are no budget implications from applying differential Rating.



## Voting Requirements

Simple Majority

## Recommendation

That Council:-

1. **APPROVES** the application of differential general rates for the Draft Budget for the 2020/21 Financial Year; and
2. **APPROVES** advertising in accordance with Section 6.36 of the *Local Government Act 1995* for public submissions on the proposed differential general rates as set out in the table below:

<b>RATE CATEGORY</b>	<b>MINIMUM RATE</b>	<b>GRV Rate in \$</b>	<b>UV Rate in \$</b>
<b>Residential Improved With lesser minimum for Strata Titled Caravan Parks</b>	<b>\$988 \$144</b>	<b>7.6953</b>	<b>0.3850</b>
<b>Residential Vacant</b>	<b>\$970</b>	<b>13.4160</b>	<b>0.5622</b>
<b>Commercial/Industrial Improved With a lesser minimum for Strata Titled Storage Units</b>	<b>\$1,344 \$672</b>	<b>7.7080</b>	<b>0.2833</b>
<b>Commercial/Industrial Vacant</b>	<b>\$1,344</b>	<b>7.1860</b>	<b>0.3283</b>
<b>Rural &amp; Mining Improved</b>	<b>\$980</b>	<b>-</b>	<b>0.3762</b>
<b>Rural &amp; Mining Vacant</b>	<b>\$928</b>	<b>-</b>	<b>0.4991</b>

Attachments: Nil

**Item 5 Confidential**

Nil

**Item 6 To Be Tabled**

Nil

**Item 7 Date of Next Meeting**

The next Ordinary Council meeting has been scheduled for 7:00pm on Tuesday 2 June 2020, to be held in Council Chambers, Civic Centre (Level 1), 23 Dundobar Road, Wanneroo.

**Item 8 Closure**