

MINUTES
SPECIAL COUNCIL MEETING

30th JULY, 2014

**2.00 pm, Wednesday 30 July 2014, Wadeye
Council Office**

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The West Daly Regional Council advises that anyone who has any application lodged with the West Daly Regional Council shall obtain and should only rely on **WRITTEN CONFIRMATION** of the outcome of the application, and any conditions attaching to the decision made by the West Daly Regional Council in respect of the application.

A handwritten signature in blue ink, appearing to read 'Daly', with a checkmark at the end.

Signed: Acting Chief Executive Officer

MINUTES

SPECIAL COUNCIL MEETING

HELD AT THE WADEYE COUNCIL OFFICE

ON 30TH JULY, 2014

COMMENCING AT 2.00 PM

Note that the agendas were circulated to all, Councillors for their vote.

1 PERSONS PRESENT

ELECTED MEMBERS PRESENT

Mayor	Harold Wilson
Deputy Mayor	Andrew Brown
Councillor	Wally Minjin
Councillor	Tobias Nganbe
Councillor	Mark Martin
Councillor	Gary Ariuu

STAFF

Acting Chief Executive Officer	Lee Farrell
Regional Service Manager Wadeye	Peter Curwen-Walker
Regional Service Manager Palumpa	Fred Graham
Regional Service Manager Peppimenarti	Rose Peckham

2 ADOPTION OF REGIONAL PLAN AND DECLARATION OF RATES

Applicant:	Acting Chief Executive Officer
Location/Address:	Darwin
File Ref:	N/A
Disclosure of Interest:	NIL
Date:	30 July 2014
Author:	Acting Chief Executive Officer, Lee Farrell
Attachments:	NIL

SUMMARY

In accordance with Section 24(2) (c) of the Local Government Act Council has advertised its draft 2014/15 Regional Plan for 21 days and have not received any written submissions.

BACKGROUND

The West Daly Regional Council's draft Regional Plan and Declaration of Rates and Charges were prepared and advertised inviting the public to send Council written submissions by 30th July 2014 according to the Local Government Act .

COMMENT

CONSULTATION

Council and the larger Community

STATUTORY ENVIRONMENT

24 Annual review of municipal, regional or shire plan

- (1) A council must adopt its municipal, regional or shire plan (or revisions to its municipal, regional or shire plan) between 1 April and 31 July in each year and forward a copy of the plan (or the revised plan) to the Agency by the latter date.
- (2) Before the council adopts its municipal, regional or shire plan (or revisions to its municipal, regional or shire plan) for a particular year, the council must:
 - (a) prepare a draft of the plan (incorporating any proposed revisions); and
 - (b) make the draft plan accessible on the council's website and make copies available for public inspection at the council's public offices; and
 - (c) publish a notice on its website and in a newspaper circulating generally in the area inviting written submissions on the draft plan within a period (at least 21 days) from the date of the notice; and
 - (d) consider the submissions made in response to the invitation and make any revisions to the draft the council considers appropriate in the light of the submissions.
- (3) Although the council's budget forms part of its municipal, regional or shire plan, this section does not apply to the adoption of the budget or of amendments to it.

(4) The adoption of a budget, or of amendments to it, operates to amend the municipal, regional or shire plan so that it conforms with the most recent text of the council's budget.

128 Adoption of budget or amendment

- (1) A council must adopt its budget for a particular financial year on or before 31 July in the relevant financial year.
- (2) Subject to subsection (2A), a council may, after adopting its budget for a particular financial year, adopt an amendment to its budget.
- (2A) An amendment cannot have the effect:
 - (a) of increasing the amount of an allowance for the financial year for the members of the council; or
 - (b) of changing the amount of an allowance for the financial year for members of a local authority established by the council except in accordance with any guidelines made by the Minister.
- (3) As soon as practicable after adopting its budget, or an amendment to its budget, for a particular financial year, a council must:
 - (a) publish the budget or the amendment as adopted on the council's website; and
 - (b) notify the Agency in writing of the adoption of the budget or amendment; and
 - (c) publish a notice in a newspaper circulating generally in the area informing the public that copies of the budget or amendment may be downloaded from the council's website or obtained from the council's public office.
- (4) The council's budget forms part of the council's municipal, regional or shire plan.

Part 11.5 Imposition of rates and charges

Division 1 General and special rates

155 General rates

- (1) A council must, on or before 31 July in each year, declare rates (general rates) on allotments throughout the area to raise the amount the council intends to raise for general purposes for the financial year.
- (2) The council may, at the same time, raise an amount towards a special purpose.
- (3) The declaration must state:
 - (a) the amount to be raised for general purposes and, if an amount is to be raised for a special purpose, the amount to be raised for the special purpose; and
 - (b) the basis or bases of the rates; and
 - (c) if the rates are to be payable in instalments – the number of instalments and when they will be payable.

156 Special rates

- (1) A council may at any time declare rates for a particular purpose (special rates).
- (2) If special rates are imposed for the benefit of a particular part of the area, they may be limited to allotments within the relevant part of the area.
- (3) A declaration under this section must:
 - (a) state the purpose for which the special rates are imposed; and
 - (b) state the amount to be raised; and
 - (c) state the basis of the special rates; and

(d) state whether the special rates are imposed on rateable property generally, or on rateable property within a particular part of the area and, if they are limited to a particular part of the area, identify the relevant part.

Division 2 Charges

157 Imposition of charges

(1) If a council carries out work, or provides services, for the benefit of land, or the occupiers of land, within its area, the council may declare a charge on the land.

(2) A declaration of a charge must:

(a) state the amount or basis of the charge; and

(b) identify the land to which the charge will apply.

(3) The amount of a charge need not be limited to the cost of providing the service.

(4) Subject to the following exceptions, the provisions of this Chapter applicable to rates apply with necessary adaptations and modifications to charges imposed under this section.

Exceptions

1 A charge may be imposed on land that is not liable to rates (including land that is exempt from rates).

2 A charge may have a reasonable basis that differs from rates.

Example

A charge to recover the cost of kerbing might consist of an amount per metre of the frontage of an allotment.

3 The provisions for rate concessions do not apply to charges.

Part 11.6 General and particular notice

158 Public notice

(1) Within 21 days after declaring rates, the council must publish notice of the rates:

(a) on its website; and

(b) in a newspaper circulating generally in the council's area.

(2) The notice must:

(a) give details of the rates; and (b) state the date on which payment of the rates will fall due and, if the council has resolved to allow payment by instalment, the date on which each instalment will fall due for payment; and (c) give details of any discount or other concession or benefit the council has resolved to allow for prompt payment of the rates in full.

(3) Failure to publish the notice within the time limit fixed by subsection (1) does not invalidate the declaration.

POLICY IMPLICATIONS

Not applicable.

FINANCIAL IMPLICATIONS

Not applicable.

VOTING REQUIREMENT

Simple majority

RESOLUTION 30/07/2014/001

THAT in accordance with Section 24(2) (c) of the Local Government Act Council has advertised its draft 2014/15 Regional Plan for 21 days and have not received any written submissions.

THAT in accordance with Section 24(1) of the Local Government Act Council adopts its 2014/15 Regional Plan.

THAT in accordance with Section 128(1) of the Local Government Act Council adopts the budget contained within the 2014/15 Regional Plan.

THAT it is noted that the Minister's Restructuring Order published in the Northern Territory Government gazette dated 27/06/2014 is taken to be an approved rating proposal for the West Daly Region in the same form as the rating proposal that was approved for the Victoria Daly Region on 17 April 2014.

THAT pursuant to Section 155(1) of the Local Government Act, the following rates and charges are declared in respect of the financial year ending 30 June 2015:

Rates

Council intends to raise \$462,869 for general purposes by way of rates.

The bases of the rates will be differential valuation-based and differential fixed charges as described below. In the case of valuation based charges, the assessed value will be the unimproved capital value (UCV) of an allotment. The UCV of a mining tenement is its assessed value, which is 20 times the annual rental payable under the tenement.

Rates will apply per allotment as identified in the assessment record.

Class 1 Allotments (Residential rate)

Rateable allotments which are not rated under any other class and are used for residential purposes

Fixed charge of \$731.23 per allotment

Class 2 Allotments (Commercial rate)

Rateable allotments which are not rated under any other class and are used for commercial purposes

Fixed charge of \$865.29 per allotment

Class 3 Allotments (Conditional rate 1)

Crown leases of pastoral land under the *Pastoral Land Act*

0.000291 of the UCV or minimum of \$359.65, whichever is greater

Class 4 Allotments (Conditional rate 2)

Mining tenements as defined in the *Local Government Act*

0.00340 of the UCV or minimum of \$851.17, whichever is greater

Class 5 Allotments (Other rate)

Rateable allotments not described in any other class

Fixed charge of \$731.23 per allotment

Charges

Council intends to raise \$242,230 by charges for garbage collection services and landfill access services.

Council declared the following charges in respect of garbage collection services and waste management.

Garbage Collection Services

A charge for each allotment for which council is willing and able to provide a collection service of a 240 litre bin collected weekly. The standard service is one bin per week but a ratepayer may request additional bins. The fee for additional bins will be the same as the cost of one bin.

Garbage collection service charge for residential allotments = \$582.27 for one 240 litre bins.

Garbage collection service charge for commercial allotments = \$1055.23 multiplied by the number of 240 litre bins.

Landfill Access Service

A charge of each allotment for which council is not able or not willing to provide a garbage collection service.

This charge provides access to landfill facilities within the Council boundaries.

Landfill access service charge = \$182.93 for residential allotments.

Landfill access service charge = \$479.65 for commercial allotments.

Relevant interest rate

The relevant interest rate for the late payment of rates and charges is fixed in accordance with Section 162 of the Act at the rate of 17% per annum and is to be calculated on a daily basis.

Moved: Clr. Wilson

Seconded: Clr. Brown

Carried 6/0