

SHIRE OF WYNDHAM EAST KIMBERLEY

# Ordinary Council Meeting: Agenda

25 June 2024



## **DISCLAIMER**

Members of the Public are advised that recommendations to Council contained within this Agenda and decisions arising from the Council meeting can be subject to alteration.

Applicants and other interested parties should refrain from taking any action until such time as written advice is received confirming Council's decision with respect to any particular issue.

An audio and/or video record will be made of these proceedings to assist in the taking of minutes.

Signed on behalf of Council

A handwritten signature in black ink, appearing to read 'V. E. Lawrence', written in a cursive style.

**VERNON LAWRENCE**

**CHIEF EXECUTIVE OFFICER**

### **NOTES**

- 1. Councillors wishing to make alternate motions to officer recommendations are requested to provide notice of such motions electronically to the minute taker prior to the Council Meeting.**
- 2. Councillors needing clarification on reports to Council are requested to seek this from relevant Officers prior to the Council meetings.**

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**SHIRE OF WYNDHAM EAST KIMBERLEY  
ORDINARY COUNCIL MEETING  
AGENDA  
KUNUNURRA COUNCIL CHAMBERS  
TO BE HELD ON TUESDAY 25 JUNE 2024 AT 5:00PM**

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- 1. DECLARATION OF OPENING / ANNOUNCEMENT OF VISITORS**
- 2. RECORD OF ATTENDANCE / APOLOGIES / LEAVE OF ABSENCE  
(PREVIOUSLY APPROVED)**
- 3. DECLARATION OF INTEREST**
  - Financial Interest
  - Impartiality Interest
  - Proximity Interest
- 4. RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE**
- 5. PUBLIC QUESTION TIME**
- 6. APPLICATIONS FOR LEAVE OF ABSENCE**
- 7. PETITIONS**
- 8. CONFIRMATION OF MINUTES**

**OFFICER'S RECOMMENDATION**

**That Council confirms the Minutes of the Ordinary Council Meeting held on 28 May 2024.**

Note: The Minutes of the Ordinary Council Meeting held on 28 May 2024 are provided under separate cover via [www.swek.wa.gov.au](http://www.swek.wa.gov.au)

- 9. ANNOUNCEMENTS BY THE PERSON PRESIDING WITHOUT DISCUSSION**
- 10. MATTERS FOR WHICH THE MEETING MAY BE CLOSED**
- 11. DEPUTATIONS / PRESENTATIONS / SUBMISSIONS**
- 12. REPORTS**

## 12.1. MATTERS ARISING FROM COMMITTEES OF COUNCIL

### 12.1.1. Consideration of recommendations contained within the minutes of the Audit (Finance and Risk) Committee of 10 June 2024

<b>DATE:</b>	25 June 2024
<b>AUTHOR:</b>	Manager Finance
<b>RESPONSIBLE OFFICER:</b>	Vernon Lawrence, Chief Executive Officer
<b>ASSESSMENT NO:</b>	Various - As Detailed in the Minutes of the 10 June 2024 Audit (Finance and Risk) Committee meeting
<b>FILE NO:</b>	Various - As Detailed in the Minutes of the 10 June 2024 Audit (Finance and Risk) Committee meeting
<b>DISCLOSURE OF INTERESTS:</b>	Nil
<b>COUNCILS ROLE IN THE MATTER:</b>	Leader - Plan and provide direction through policy and practices Regulator - Responsible for the enforcement of statutory requirements
<b>VOTING REQUIREMENT:</b>	Simple Majority

#### COMMITTEE RECOMMENDATION 1

That Council, with reference to Item 7.1 *“Standing Item - Sundry Debtors”* as detailed in the 10 June 2024 Audit (Finance and Risk) Committee Agenda/Minutes, accept the report that the actions being undertaken by the administration in regard to sundry debtors including sundry debts in legal process are sufficient and appropriate.

#### COMMITTEE RECOMMENDATION 2

That Council, with reference to Item 7.2 *“Standing Item - Insurance Claims”* as detailed in the 10 June 2024 Audit (Finance and Risk) Committee Agenda/Minutes, note the Insurance Claims Report and associated attachments to the Agenda/Minutes of the 11 March 2024 Audit (Finance and Risk) Committee meeting.

#### COMMITTEE RECOMMENDATION 3

That Council, with reference to Item 7.3 *“Standing Item - Leases”* as detailed in the 10 June 2024 Audit (Finance and Risk) Committee Agenda/Minutes, note the Confidential Lease Schedule and the New and Renewal Lease Schedule attached to the Agenda/Minutes of the 10 June 2024 Audit (Finance and Risk) Committee Meeting.

## **COMMITTEE RECOMMENDATION 4**

**That Council, with reference to Item 7.4 “*Standing Item - Rates Debtors*” as detailed in the 10 June 2024 Audit (Finance and Risk) Committee Agenda/Minutes, accept the report that the actions being undertaken by the administration in regard to rates debtors including rates debts in legal process are sufficient and appropriate.**

### **PURPOSE**

To consider the recommendations from the Audit (Finance and Risk) Committee made at its meeting held on 10 June 2024.

### **BACKGROUND/ PREVIOUS CONSIDERATIONS BY COUNCIL/ COMMITTEE**

The background and details supporting the recommendations are contained within the Minutes of the 10 June 2024 Audit (Finance and Risk) Committee meeting and confidential attachments to the Agenda/Minutes.

### **STATUTORY IMPLICATIONS**

Various - detailed within the Minutes of the 10 June 2024 Audit (Finance and Risk) Committee meeting and confidential attachments to the Agenda/Minutes.

### **POLICY IMPLICATIONS**

Various - detailed within the Minutes of the 10 June 2024 Audit (Finance and Risk) Committee meeting and confidential attachments to the Agenda/Minutes.

### **FINANCIAL IMPLICATIONS**

Various - detailed within the Minutes of the 10 June 2024 Audit (Finance and Risk) Committee meeting and confidential attachments to the Agenda/Minutes.

### **STRATEGIC IMPLICATIONS**

**Focus Area:** SUSTAINABILITY

**Goal 10:** Community-driven Leadership - Leaders work with the community to develop and implement change in delivering positive outcomes

**Goal Outcome 10.3:** Advocacy - Strong and consistent advocacy for local needs and priorities

**Strategy 10.4:** Integrate all planning and resource management to drive continuous improvement and innovation.

### **RISK IMPLICATIONS**

Various - detailed within the Minutes of the 10 June 2024 Audit (Finance and Risk) Committee meeting and confidential attachments to the Agenda/Minutes.

## **COMMUNITY ENGAGEMENT**

Various - detailed within the Minutes of the 10 June 2024 Audit (Finance and Risk) Committee meeting and confidential attachments to the Agenda/Minutes.

## **COMMENTS**

Various - detailed within the Minutes of the 10 June 2024 Audit (Finance and Risk) Committee meeting and confidential attachments to the Agenda/Minutes.

## **ATTACHMENTS**

Nil

## 12.2. OFFICE OF THE CEO

### 12.2.1. Standing Item - Outstanding Actions from Previous Council Resolutions

<b>DATE:</b>	25 June 2024
<b>AUTHOR:</b>	Executive Officer to the CEO
<b>RESPONSIBLE OFFICER:</b>	Vernon Lawrence, Chief Executive Officer
<b>DISCLOSURE OF INTERESTS:</b>	Nil
<b>COUNCIL'S ROLE IN THE MATTER:</b>	Leader - plan and provide direction through policy and practices
<b>VOTING REQUIREMENT:</b>	Simple Majority

#### **OFFICER'S RECOMMENDATION**

That Council notes the report - Outstanding Actions from Previous Council Resolutions.

#### **PURPOSE**

To report to the Council on the progress of and provide comment on outstanding actions from Council resolutions.

#### **BACKGROUND/ PREVIOUS CONSIDERATIONS BY COUNCIL/ COMMITTEE**

At each meeting of Council, resolutions are made which require actions to be taken by officers to implement those resolutions. This monthly update advises the Council as to the status of the implementation of resolutions.

#### **STATUTORY IMPLICATIONS**

Nil

#### **POLICY IMPLICATIONS**

Nil

#### **STRATEGIC IMPLICATIONS**

Various, as referenced in individual reports presented to the Council.

#### **FINANCIAL IMPLICATIONS**

Various, as referenced in individual reports presented to the Council.



## **COMMUNITY ENGAGEMENT**

No community engagement is required.

## **COMMENTS**

An update of completed Council resolutions are detailed in Attachment 1.

Attachment 2 summarises all other actions that are outstanding from previous Council resolutions.

## **ATTACHMENTS**

Attachment 1 - Council Action Register - June 2024

Attachment 2 - Council Action Register - Outstanding Actions from Previous Council Resolutions

## 12.2.2. Standing Item - Use of the Common Seal

<b>DATE:</b>	25 June 2024
<b>AUTHOR:</b>	Executive Officer to the CEO
<b>RESPONSIBLE OFFICER:</b>	Vernon Lawrence, Chief Executive Officer
<b>DISCLOSURE OF INTERESTS:</b>	Nil
<b>COUNCIL'S ROLE IN THE MATTER:</b>	Regulator - enforce state legislation and local laws
<b>VOTING REQUIREMENT:</b>	Simple Majority

### OFFICER'S RECOMMENDATION

**That Council receives the report on the application of the Shire of Wyndham East Kimberley Common Seal for the period 24 May 2024 to 21 June 2024.**

### PURPOSE

For Council to receive this report on the application of the Shire of East Kimberley Common Seal for the period 24 May 2024 to 21 June 2024.

### STATUTORY IMPLICATIONS

*Local Government Act 1995*

#### **9.49A. Execution of documents**

- (1) *A document is duly executed by a local government if—*
  - (a) *the common seal of the local government is affixed to it in accordance with subsections (2) and (3);*  
*or*
  - (b) *it is signed on behalf of the local government by a person or persons authorised under subsection (4) to do so.*
- (2) *The common seal of a local government is not to be affixed to any document except as authorised by the local government.*
- (3) *The common seal of the local government is to be affixed to a document in the presence of—*
  - (a) *the mayor or president; and*
  - (b) *the chief executive officer or a senior employee authorised by the chief executive officer, each of whom is to sign the document to attest that the common seal was so affixed.*
- (4) *A local government may, by resolution, authorise the chief executive officer, another employee or an agent of the local government to sign documents on behalf of the local government, either generally or subject to conditions or restrictions specified in the authorisation.*
- (5) *A document executed by a person under an authority under subsection (4) is not to be regarded as a deed unless the person executes it as a deed and is permitted to do so by the authorisation.*
- (6) *A document purporting to be executed in accordance with this section is to be presumed to be duly executed unless the contrary is shown.*
  - (7) *When a document is produced bearing a seal purporting to be the common seal of the local government, it is to be presumed that the seal is the common seal of the local government unless the contrary is shown.*

## **POLICY IMPLICATIONS**

Nil

## **STRATEGIC IMPLICATIONS**

This matter relates to the following sections of the *Strategic Community Plan 2023-2033*:

**Goal 10:** Community-driven Leadership - Leaders work with the community to develop and implement change in delivering positive outcomes

**Goal Outcome 10.4:** Innovation - Embrace technology, creativity and innovation to solve complex problems

**Strategy 10.4:** Integrate all planning and resource management to drive continuous improvement and innovation

## **RISK IMPLICATIONS**

Nil

## **FINANCIAL IMPLICATIONS**

Nil

## **COMMUNITY ENGAGEMENT**

No community engagement is required

## **COMMENTS**

There were 2 document/s for the time period of 24 May 2024 to 21 June 2024 with the Shire of Wyndham East Kimberley Common Seal applied as per the table below:

<b>Date of Use</b>	<b>Document</b>
29-May-24	Mortgage with Commonwealth Bank of Australia (overdraft)
10-Jun-24	Department of Local Government, Sport and Cultural Industries Deed of Variation (No 2) Kununurra Leisure Centre Re-development

## **ATTACHMENTS**

Nil

## 12.3. PLANNING AND COMMUNITY DEVELOPMENT

### 12.3.1. Quarterly Progress Report - January to March 2024 (Q3)

<b>DATE</b>	28 May 2024
<b>AUTHOR</b>	Senior Projects Officer
<b>RESPONSIBLE OFFICER</b>	Nick Allen, Director of Planning and Community Development
<b>ASSESSMENT NO</b>	CM.10.19
<b>FILE NO</b>	Nil
<b>DISCLOSURE OF INTERESTS</b>	Leader - plan and provide direction through policy and practices
<b>COUNCIL'S ROLE IN THE MATTER</b>	Simple Majority
<b>VOTING REQUIREMENT</b>	Senior Projects Officer

#### **OFFICER'S RECOMMENDATION**

**That Council receives the Corporate Business Plan Quarterly Progress and Performance Report for January to March 2024 (Q3) at Attachment 1.**

#### **PURPOSE**

For the Council to receive the January to March 2024 Quarterly Progress and Performance Report.

#### **BACKGROUND/ PREVIOUS CONSIDERATIONS BY COUNCIL/ COMMITTEE**

The Shire produces Quarterly Progress and Performance Reports to provide an update on progress made in the applicable quarter towards the services and projects in the Corporate Business Plan (CBP) and the achievement of the strategic goals set out in the Strategic Community Plan (SCP). Performance reporting assists with continuous improvement and achieving community outcomes and improvements to Shire services.

#### **STATUTORY IMPLICATIONS**

The *Local Government Act 1995* provides a framework for the operations of local governments in Western Australia. *Section 1.3 (2)* states:

*This Act is intended to result in:*

- a) Better decision making by local governments;*
- b) Greater community participation in the decisions and affairs of local governments;*

- c) Greater accountability of local governments to their communities; and
- d) More efficient and effective government.

The Shire's Corporate Business Plan and quarterly progress reports are in line with the Western Australian Government's Integrated Planning and Reporting Framework which requires planning and reporting on local government activities.

## **POLICY IMPLICATIONS**

The Quarterly Progress and Performance Report supports the following policy objectives:

### **POL-3000 Community Engagement Policy**

The Community Engagement Policy aims to improve the outcomes and benefits of effective community engagement including:

- Increased community awareness about services, planning and program delivery;
- Increased awareness of the needs, priorities and diversity of the community, which in turn ensures that service provision and planning functions are aligned appropriately;
- Council and the community working together to address local issues where appropriate.

## **STRATEGIC IMPLICATIONS**

This matter relates to the following sections of the *Strategic Community Plan 2023-2033*:

### **Focus Area: SUSTAINABILITY**

**Goal 10:** Community-driven Leadership - Leaders work with the community to develop and implement change in delivering positive outcomes

**Goal Outcome 10.1:** Community engagement - The community is engaged in decision-making with opportunities to share their views on things that affect them

**Strategy 10.1:** The Shire will regularly inform the community about Shire projects, programs and services, and seek community input into decision making

**Goal Outcome 10.4:** Innovation - Embrace technology, creativity and innovation to solve complex problems

**Strategy 10.4:** Integrate all planning and resource management to drive continuous improvement and innovation

## **RISK IMPLICATIONS**

**Risk:** Failure to make Council decisions which allow for efficient and effective use of operational resources to deliver services which meet the needs of the community and region, comply with statutory requirements and promote economic and social development.

**Control:** Ensure that the Corporate Business Plan captures Council direction and decisions and directs the organisation to deliver those services and projects. The organisation will

report to the Council at the end of each quarter to monitor the implementation of operational priorities and activities and report on the achievement of the Corporate Business Plan and Strategic Community Plan goals.

**Risk:** Failure to create and maintain an organisational culture which promotes a safe and positive work environment, fosters employee satisfaction, motivates employees to perform and increases organisational effectiveness.

**Control:** The Corporate Business Plan Progress and Performance Report provides a mechanism for tracking the progress of actions and projects. Regular reporting of progress to the CEO, Directors and Council will ensure that performance is monitored and managed through the Integrated Planning and Reporting Framework.

**Risk:** Failure to manage the disbursement of funds to meet the needs of the Shire's forward planning requirements, including the Strategic Community Plan, Corporate Business Plan, Long Term Financial Plans and Annual Budget.

**Control:** The Corporate Business Plan Progress and Performance Report provides a mechanism for the Council to track the progress of disbursement of funds to projects that meet the needs of the Shire's forward planning requirements.

## **FINANCIAL IMPLICATIONS**

The attached quarterly report includes a financial summary.

## **Asset Considerations**

The attached quarterly report includes a capital works summary.

## **COMMUNITY ENGAGEMENT**

The Shire provides the community and Council with reports and updates regarding the achievements against the Corporate Business Plan on an ongoing basis. Some of these mechanisms include:

- Quarterly Progress Reports are made available on the Shire's website.
- Ongoing Council reports.
- Newsletters.
- Website updates.
- Media releases.

## **COMMENTS**

The attached progress report provides commentary on the Shire's services, actions and projects for the first quarter of this financial year. It is important to note that this is "as at 31 March" i.e. a snapshot in time of the status at the end of the second quarter and that at the time of reporting the current status of a project may have since changed.

The Shire's Corporate Business plan has 27 activities for year one (2023/24). These activities have been broken down into 47 tasks. The attached report summarises tasks by activity and provides a progress update for the end of the quarter. The report also provides an update on the 47 annual capital works items planned to be completed in 2023/24.

Shire officers recommend that the Council receive the attached report to support the Council in overseeing the Shire's performance and allocation of the Shire resources. It will also help to inform the community about the Shire's progress concerning the plans and strategies documented in the Shire's Corporate Business Plan and will be made available on the Shire website.

### **ATTACHMENTS**

Attachment 1 – Quarterly Progress Report - Q3 January to March 2024

## 12.4. CORPORATE SERVICES

### 12.4.1. Annual Budget 2024 - 2025

<b>DATE:</b>	25 June 2024
<b>AUTHOR:</b>	Chief Executive Officer
<b>RESPONSIBLE OFFICER:</b>	Vernon Lawrence, Chief Executive Officer
<b>FILE NO:</b>	FM.05.24
<b>DISCLOSURE OF INTERESTS:</b>	Nil
<b>COUNCIL'S ROLE IN THE MATTER:</b>	Leader - Planning and providing direction through policy and practices. Provider - Providing physical infrastructure and essential services. Funder - Providing funds or other resources Regulator - Undertaking responsibility for the enforcement of statutory requirements.
<b>VOTING REQUIREMENT:</b>	Absolute Majority

#### VOTING REQUIREMENT 1

Absolute Majority

#### OFFICER'S RECOMMENDATION 1

That Council notes *Council Policy POL-2018 Strategic Rating (Attachment 1)* and further notes the following rating categories for 2024/25 rating and budgeting purposes:

1. GRV - Includes all GRV valued land within the town site.
2. UV Rural - Includes all UV valued land located outside the gazetted town site other than land that is zoned Pastoral or land that is used mainly for mining purposes and encompasses mining leases, petroleum exploration permits and general purpose mining leases.
3. UV Pastoral - Includes all UV valued land located outside the gazetted town site which is used or capable of use primarily for pastoral purposes. Properties such as these have the characteristics of a commercial operation in an undeveloped and sparsely populated area.
4. UV Mining and Exploration - Includes all UV valued land located outside the gazetted town site which is used primarily for mining, exploration and prospecting purposes, and encompasses mining leases, petroleum exploration permits, prospecting licences and general purpose mining leases.



## **VOTING REQUIREMENT 2**

Absolute Majority

## **OFFICER'S RECOMMENDATION 2**

That Council, pursuant to sections 6.32, 6.33, 6.34 and 6.35 of the *Local Government Act 1995* and the revised *Council Policy POL-2018 Strategic Rating*, imposes differential general rates and minimum payments on Gross Rental Value properties and Unimproved Value properties for the 2024/25 financial year as follows:

As per Ordinary Council Meeting 28 May 2024 (Minute No: 28/05/2024-119021):

Rating Category	General Rate in the Dollar \$	Minimum Payments
GRV	0.1265	\$1,560
UV - Rural	0.0120	\$1,560
UV - Pastoral	0.0614	\$1,560
UV - Mining and Exploration	0.2911	\$1,560

## **VOTING REQUIREMENT 3**

Absolute Majority

## **OFFICER'S RECOMMENDATION 3**

That Council, pursuant to section 66 of the *Waste Avoidance and Resource Recovery Act 2007*, adopt a general rate for the Waste Management Charge to be imposed on all rated properties for the 2024/25 financial year at a rate in the dollar of:

Rating Category	Cent in the Dollar
GRV	0.0001
UV - Rural	0.0001
UV - Pastoral	0.0001
UV - Mining and Exploration	0.0001

#### **VOTING REQUIREMENT 4**

Absolute Majority

#### **OFFICER'S RECOMMENDATION 4**

That Council, pursuant to section 66 of the *Waste Avoidance and Resource Recovery Act 2007* and Part 5 of the *Local Government (Financial Management) Regulations 1996*, adopt a minimum payment to apply to the Waste Management Charge imposed on all rated properties in accordance with for the 2024/25 financial year of:

<b>Rating Category</b>	<b>Minimum Payment</b>
GRV	\$200
UV - Rural	\$200
UV - Pastoral	\$200
UV - Mining and Exploration	\$200

#### **VOTING REQUIREMENT 5**

Absolute Majority

#### **OFFICER'S RECOMMENDATION 5**

That Council, pursuant to section 6.45 of the *Local Government Act 1995* and in accordance with Regulation 64(2) of the *Local Government (Financial Management) Regulations 1996*, nominates the following instalment options for the payment of rates and service charges for the 2023/24 financial year:

1. **Option 1 (Full Payment)**  
Full amount of rates and charges including all arrears, to be paid on or before 2 September 2024, or 35 days after the date of issue appearing on the rate notice, whichever is the later.
2. **Option 2 (Two Instalments)**
  - i. First instalment to be made on or before 2 September 2024, or 35 days after the date of issue appearing on the rate notice whichever is later including all arrears and half of the current rates and service charges; and
  - ii. Second instalment to be made on or before 10 February 2025, or 4 months after the due date of the first instalment, whichever is later.
3. **Option 3 (Four Instalments)**
  - i. First instalment to be made on or before 2 September 2024, or 35 days after the date of issue appearing on the rate notice whichever is later including all arrears and a quarter of the current rates and service charges;
  - ii. Second instalment to be made on or before 4 November 2024, or 2 months after the due date of the first instalment, whichever is later;

- iii. Third instalment to be made on or before 10 February 2025, or 2 months after the due date of the second instalment, whichever is later; and
- iv. Fourth instalment to be made on or before 14 April 2025, or 2 months after the due date of the third instalment, whichever is later.

### **VOTING REQUIREMENT 6**

Absolute Majority

### **OFFICER'S RECOMMENDATION 6**

That Council, pursuant to section 6.46 of the *Local Government Act 1995* and Regulation 26 of the *Local Government (Financial Management) Regulations 1996*, adopt the following Rates Payment Incentive Scheme prize draws for the 2023/24 financial year with a total value of \$9,000 budgeted for and provided from municipal funds, noting that government departments and agencies, elected members, and employees of the Shire are ineligible and will be excluded from the draw:

1. Prize Draw A of \$6,000 - Open to all rate assessments paid in full, including all arrears and outstanding interest charges, by 4:00pm on 2 September 2024 or within 35 days of the issue of the rates notice.
  - i. First Prize - \$3,000
  - ii. Second Prize - \$1,500
  - iii. Third Prize - \$500
  - iv. Fourth - Seventh Prizes - \$250
2. Prize Draw B of \$3,000 - Open to;
  - a. All rate assessments paid via two instalments that are paid in full, including all arrears and outstanding interest charges, by 4:00 pm on 10 February 2025 or within 4 months of the first instalment due date, whichever is the later;
  - b. All rate assessments paid via four instalments that are paid in full, including all arrears and outstanding interest charges, by 4:00 pm on 14 April 2025 or within 6 months of the first instalment due date, whichever is later; and
  - c. All rate assessments on an approved payment arrangement with all payments up to date as at 4:00 pm on 14 April 2025 or within 6 months of the first instalment due date, whichever is later.
    - i. First Prize - \$1,500
    - ii. Second Prize - \$750
    - iii. Third Prize - \$250
    - iv. Fourth - Seventh Prizes - \$125
3. Payment to be made by purchase order issued to businesses operating within the Shire of Wyndham East Kimberley.

## **VOTING REQUIREMENT 7**

Absolute Majority

## **OFFICER'S RECOMMENDATION 7**

**That Council:**

- 1. Pursuant to section 6.16 of the *Local Government Act 1995*, adopt the amended Schedule of Fees and Charges for 2024/25 outlined in Attachment 2 to be effective from either 1 July 2024 or 1 January 2025, whichever date is indicated in Attachment 2.**

## **VOTING REQUIREMENT 8**

Absolute Majority

## **OFFICER'S RECOMMENDATION 8**

**That Council:**

- 1. Pursuant to section 6.45 of the *Local Government Act 1995* and Regulation 68 of the *Local Government (Financial Management) Regulations 1996*, impose an interest rate of 5.5% where the owner has elected to pay rates and service charges through an instalment option (excluding eligible pensioners and seniors).**
- 2. Pursuant to section 6.45 of the *Local Government Act 1995* and Regulation 67 of the *Local Government (Financial Management) Regulations 1996*, impose an instalment administration charge where the owner has elected to pay rates and service charges through an instalment option of \$12.00 per instalment after the initial instalment is paid.**
- 3. Resolve that the requirement to pay an additional charge (including an amount by way of interest) where payment of a rate or service charge is made by instalments does not not apply to a person who is considered to be suffering financial hardship in accordance with *Council Policy POL-2018 Financial Hardship - Rates and Sundry Debtors*.**

### **VOTING REQUIREMENT 9**

Absolute Majority

### **OFFICER'S RECOMMENDATION 9**

That Council:

1. Pursuant to section 6.51(1) and subject to section 6.51(4) of the *Local Government Act 1995* and Regulation 70 of the *Local Government (Financial Management) Regulations 1996*, impose an interest rate of 9.0% per annum for rates and service charges and costs of proceedings to recover such charges that remain unpaid after becoming due and payable (excluding eligible pensioners and seniors); and
2. Resolve that the requirement to pay interest on overdue rates and services charges does not apply to a person who is considered to be suffering financial hardship in accordance with *Council Policy POL-2016 Financial Hardship - Rates and Sundry Debtors*.

### **VOTING REQUIREMENT 10**

Absolute Majority

### **OFFICER'S RECOMMENDATION 10**

That Council:

1. Pursuant to section 6.13 of the *Local Government Act 1995* impose an interest rate of 9.0% per annum to be applied to any amount of money (other than rates and service charges) which is owed to Shire and has been owed for a period of 35 days in accordance with *Council Policy POL-2009 Sundry Debt Collection*.
2. Resolve that the requirement to pay interest on any amount of money (other than rates and services charges) which is owed to the Shire does not apply to a person who is considered to be suffering financial hardship in accordance with *Council Policy CP/FIN-3220 Financial Hardship - Rates and Sundry Debtors*.

### **VOTING REQUIREMENT 11**

Absolute Majority

### **OFFICER'S RECOMMENDATION 11**

That Council:

1. Notes that the Elected Members annual attendance fees and annual

allowances have been determined with reference to the revised Council Policy *POL-1001 Elected Member Allowances and Entitlements* (version 12.0) was adopted at the 18 April 2023 Ordinary Meeting of Council (Minute No. 18/04/2023 - 118817, current version is 12.1) to be incorporated into the 2023/24 Municipal Fund Budget.

2. Notes that the revised *Council Policy POL-1001 Elected Member Allowances and Entitlements* (version 12.0) adopted at the 18 April 2023 Ordinary Meeting of Council (Minute No. 18/04/2023 - 118817, current version is 12.1) provides for the maximum Salaries and Allowances Tribunal (SAT) determination levels so that:
  - a. The President's Annual Meeting Attendance Fee is 75% of the yearly maximum Salaries and Allowances Tribunal (SAT) determination.
  - b. The Elected Members Annual Meeting Attendance Fee is 75% of the yearly maximum Salaries and Allowances Tribunal (SAT) determination.
  - c. The President's Annual Allowance is 100% of the yearly maximum Salaries and Allowances Tribunal (SAT) determination.
  - d. The Deputy President's Annual Allowance is 25% of the President's Allowance.
  - e. The Elected Members will receive an Annual ICT Allowance of 75% of the maximum Salaries and Allowances Tribunal (SAT) determination.
3. Pursuant to section 5.99 of the *Local Government Act 1995*, adopt the following annual fees for payment of elected members in lieu of individual meeting attendance fees:
  - a. President \$25,279.50
  - b. Councillors \$18,852.75
4. Pursuant to section 5.98(5) of the *Local Government Act 1995*, adopt the following annual local government allowance to be paid in addition to the annual meeting allowance:
  - a. President \$68,552.00
5. Pursuant to section 5.98A(1) of the *Local Government Act 1995*, adopt the following annual local government allowance to be paid in addition to the annual meeting allowance:
  - a. Deputy President \$17,138.00
6. Adopts the changes to Council Policy *POL-1001 Elected Member Allowances and Entitlements V12.2* at Attachment 6 which has been amended to provide for the payment of a superannuation contributions on Elected Member Fees and that Council further notes that a provision of \$30,106 has been made in the budget in line with this amendment to Council Policy *POL-1001 Elected Member Allowances and Entitlements*.

### **VOTING REQUIREMENT 12**

Absolute Majority

### **OFFICER'S RECOMMENDATION 12**

That Council, pursuant to Regulation 34(5) of the *Local Government (Financial Management) Regulations 1996*, approves the materiality level for monthly reporting to be set at +/- 10% and +/- \$50,000 at financial statement level.

### **VOTING REQUIREMENT 13**

Absolute Majority

### **OFFICER'S RECOMMENDATION 13**

That Council adopt the Significant Accounting Policies contained within the Municipal Fund Budget for 2024/25 as contained in Attachment 3 to this agenda, subject to any changes to relevant Regulations or Accounting Standards.

### **VOTING REQUIREMENT 14**

Absolute Majority

### **OFFICER'S RECOMMENDATION 14**

That Council pursuant to section 6.2(4)(d) of the *Local Government Act 1995*, approve as part of the Annual Budget, the Shire to secure loan finance in the amount of \$4 million from the Western Australian Treasury Commission for the purposes of supporting the capital works program.

### **VOTING REQUIREMENT 15**

Absolute Majority

### **OFFICER'S RECOMMENDATION 15**

That Council, pursuant to the provisions of section 6.2 of the *Local Government Act 1995* and Part 3 of the *Local Government (Financial Management) Regulations 1996*, adopt the Municipal Fund Budget as contained in Attachment 3 of this agenda, for the Shire of Wyndham East Kimberley for the 2024/25 financial year which includes the following:

1. Statement of Comprehensive Income by Nature and Type;
2. Statement of Cash Flows;
3. Statement of Financial Activity showing a net amount raised from rates of \$12,102,067;
4. Notes to and forming Part of the Budget.

## **PURPOSE**

The purpose of this report is to consider the Municipal Fund Budget for the 2024/25 Financial Year together with the supporting schedules, including the imposition of Differential Rates and Minimum Payments, adoption of the Fees and Charges, setting of Elected Members Fees for the year and other consequential matters arising from the Budget papers.

## **BACKGROUND/ PREVIOUS CONSIDERATIONS BY COUNCIL/ COMMITTEE**

### **Introduction**

The Shire of Wyndham East Kimberley uses an Integrated Planning and Reporting Framework to guide its strategic direction and resource allocation for delivering services and projects that align with the community's needs and aspirations. The Framework consists of four key documents: the Strategic Community Plan, the Corporate Business Plan, the Asset Management Plan and the Long Term Financial Plan.

The Annual Municipal Fund Budget (Annual Budget) is a crucial part of the Framework that shows how the Shire will use its financial resources to implement the actions and outcomes identified in the Corporate Business Plan that support the community vision and goals of the new Strategic Community Plan 2023-2033. The Annual Budget is prepared through a comprehensive process of consultation and review with the Council, staff and community stakeholders to ensure that the Shire funds these services and projects in a financially sustainable manner. The budget also considers items that are raised in their bi-annual community survey and allocates funds accordingly where appropriate.

The Budget sets out the financial resources that the Shire can rely on to fund the expenditure necessary to meet the service obligations that the community expects. It is evident that the supply of funds is never sufficient to meet all the needs of the Community. Priorities need to be established and difficult decisions need to be made. These decisions need to be made in the context of what the Shire's legal obligations for service delivery are, what its asset management responsibilities are, what the Council and the Community regards as important and the ability of the Shire to fund these various matters in a sustainable manner.

The 2024/25 Budget process commenced in February 2023. The process is a comprehensive one involving the CEO, Directors, Managers and Responsible Officers in all departments of the Shire. It includes a detailed analysis of the current year revenue and expenditure for both operating and capital items, forecasting the 30 June 2024 budget position, and determining the funding requirements to maintain service levels and asset renewal obligations for the 2024/25 financial year where possible.

### **Decisions of Council relevant to the 2024/25 budget process**

At the 26 March 2024 Ordinary Council Meeting Council rescinded Council policy *POL-2002 Strategic Rating* and adopted a new Council policy *POL-2018 Strategic Rating* due to substantive changes in the policy were identified as part of a review to ensure compliance with the *Local Government Act 1995*, the *Local Government (Financial Management) Regulations 1996* and to ensure that the Shire's rating policy is implemented in accordance



with the Department of Local Government, Sport and Cultural Industries' (DLGSC) Rating Policy and its key values of Objectivity, Fairness and Equity, Consistency, and Transparency, and Administrative Efficiency. At the 23 April 2024 Ordinary Council Meeting, the Rating Model and Rating Strategy were adopted for advertising. Then at the 28 May 2024 Ordinary Council Meeting, Council adopted the proposed Schedule of Fees and Charges as well as the Differential General Rates and Minimum Payments. The Fees and Charges incorporated an average increase of 5.0%, the Strategic Rating Policy and Rating Model incorporated an increase of 5% in the Rate in the Dollar and an increase in Minimum Payments for most rate categories from \$1,500 to \$1,560.

Council Decision

Minute Number: 18/04/2023 – 118816

That Council:

1. Rescinds Council Policy CP/FIN-3219 COVID-19 Financial Hardship - Rates and Sundry Debtors.
2. Adopts the new Council Policy CP/FIN-3220 Financial Hardship - Rates and Sundry Debtors.

Moved: Cr T Chafer

Seconded: Cr N Brook

Decision: 8/0

Council Decision

Minute Number: 26/03/2024 - 118999

That Council adopts the amended Council policy Pol-1001 Elected Member Allowances and Entitlements.

Moved: Cr Robinson

Seconded: Cr Chafer

Decision: 8/0

COUNCIL DECISION

Minute Number: 26/03/2024 - 119000

Moved: Cr Robinson

Seconded: Cr Chafer

That Council:

1. Rescind Council Policy POL-2002 Strategic Rating; and
2. Adopt the Draft Council Policy POL-2018 Strategic Rating.

Carried / Lost: 7 / 0

For: Cr D Menzel, Cr T Chafer, Cr M Dear, Cr D Hearty, Cr B Kyne, Cr C McNeil, Cr B Robinson

Against: Nil

COUNCIL DECISION

Minute Number: 23/04/2024 - 119010

Moved: Cr M Dear

Seconded: Cr B Robinson

That Council:

1. Endorse the proposed 2024-25 Rating Model as follows, with the intention of seeking public submissions thereon and thereafter reporting to Council before striking the rates as part of the 2024-25 Budget adoption, subject to receiving Ministerial approval where required by legislation;

Differential Rating Category	Total Properties	Total Rateable Value of Properties \$	Proposed Minimum Payment \$	Proposed Rate in the Dollar	% of Properties on Minimum Payments	Proposed Rates Revenue Budget 2024/25 \$
GRV	2,236	68,117,483	1,575	0.1277	17%	8,936,424
UV – Rural	447	151,100,237	1,575	0.0121	14%	1,856,977
UV - Pastoral	21	9,788,237	1,575	0.0620	0%	606,871
UV - Mining and Exploration	111	2,634,021	1,575	0.2911	44%	807,909
TOTALS	2,815	231,639,978			14%	
<i>Total Budgeted Rates Revenue Raised</i>						12,208,181

2. Endorse for advertising for a minimum of twenty-one (21) days and seek public submissions on:

1. The Objects and Reasons (Attachment 1) for the proposed Differential Rates and Minimum Payments incorporated within the 2024-25 Rating Model;

The 2024-25 Rating Model (Attachment 2) along with the proposed Differential Rates and Minimum Payments to be applied from 1 July 2024 for the 2024-25 financial year in accordance with section 6.36 of the Local Government Act 1995.

Carried / Lost: 7/0

For: Cr D Menzel, Cr T Chafer, Cr M Dear, Cr B Kyne, Cr C McNeil, Cr B Robinson, Cr S Timms

Against: Nil

### COUNCIL DECISION

Minute Number: 28/05/2024 - 119023

Moved: Cr T Chafer

Seconded: Cr B Kyne

That Council:

1. Pursuant to section 6.16 and 6.18 of the Local Government Act 1995, adopt the proposed Schedule of Fees and Charges for 2024-25 outlined in attachment 1 to be effective from either 1 July 2024 or 1 January 2025, whichever date is applicable as indicated in the attachment; and
2. Request the Chief Executive Officer to give local public notice of Council's intention to impose the Schedule of Fees and Charges 2024-25, to apply from 1 July 2024 or 1 January 2025 as applicable, in accordance with section 6.19 of the Local Government Act 1995; and
3. Pursuant to Section 6.13 of the Local Government Act 1995, adopt an interest rate of 9% to be applied to any amount of money (other than rates and service charges) which is owed to

Shire and has been owed for a period of 35 days in accordance with Council Policy POL-2009-Sundry Debt Collection, subject to:

- a. This interest rate will not be applicable to a person who is considered to be suffering financial hardship in accordance with Council Policy POL-2016 Financial Hardship - Rates and Sundry Debtors.

Carried / Lost: 8/0

For: Cr T Chafer, Cr M Dear, Cr D Hearty, Cr J Gooding, Cr B Kyne, Cr B Robinson, Cr S Timms

Against: Nil

COUNCIL DECISION

Minute Number: 28/05/2024 - 119019

Moved: Cr B Robinson

Seconded: Cr J Gooding

That Council:

1. Notes no submissions were received from the general public or from UV Pastoral rating category in relation to the proposed Differential General Rates and Minimum Payments and Strategic Rating Policy; and
2. Notes that Budget efficiencies have been identified as part of the 2024/25 Budget process and these efficiencies will be included in the Annual Budget presented to Council for adoption.

Carried / Lost: 8/0

For: Cr T Chafer, Cr M Dear, Cr D Hearty, Cr J Gooding, Cr B Kyne, Cr B Robinson, Cr S Timms

Against: Nil

COUNCIL DECISION

Minute Number: 28/05/2024 - 119021

Moved: Cr B Kyne

Seconded: Cr T Chafer

That Council:

1. Endorse the 2024/25 Rating Model as follows, with the intention of striking the rates as part of the 2024/25 Budget adoption, subject to receiving Ministerial approval where required by legislation.

Differential Rating Category	Total Properties	Total Rateable Value of Properties \$	Proposed Minimum Payment \$	Proposed Rate in the Dollar	% of Properties on Minimum Payments	Proposed Rates Revenue Budget 2024/25 \$
GRV	2,236	68,117,483	1,560	0.1265	13%	8,852,391
UV – Rural	447	151,100,237	1,560	0.0120	14%	1,841,505

UV Pastoral	21	9,788,237	1,560	0.0614	0%	600,998
UV Mining and Exploration	111	2,634,021	1,560	0.2911	44%	807,174
TOTALS	2,815	231,639,978			14%	
<b>Total Budgeted Rates Revenue Raised</b>						<b>12,102,067</b>

2. Requests the CEO, or their delegate to seek approval from the Minister for Local Government to approve the Shire of Wyndham East Kimberley applications to impose a rate in the dollar which will result in it being more than twice the lowest differential general rate imposed for UV Mining category, in accordance with section 6.33(3) of the Local Government Act 1995.

Carried / Lost: 8/0

For: Cr T Chafer, Cr M Dear, Cr D Hearty, Cr J Gooding, Cr B Kyne, Cr B Robinson, Cr S Timms

Against: Nil

## **STATUTORY IMPLICATIONS**

The 2024/25 Budget has been prepared in accordance with the requirements of the *Local Government Act 1995*, the *Local Government (Financial Management) Regulations 1996*, and other relevant legislation detailed below:

### ***Local Government Act 1995***

#### ***Part 5 Administration***

#### ***Division 5 - Annual reports and planning***

#### ***5.56. Planning for the future***

(1) A local government is to plan for the future of the district.

(2) A local government is to ensure that plans made under subsection (1) are in accordance with any regulations made about planning for the future of the district.

### ***Local Government (Administration) Regulations 1996***

#### ***Part 5 - Annual reports and planning Division 3 - Planning for the future***

#### ***19DA. Corporate business plans, requirements for (Act s. 5.56)***

(1) A local government is to ensure that a corporate business plan is made for its district in accordance with this regulation in respect of each financial year after the financial year ending 30 June 2013.

(2) A corporate business plan for a district is to cover the period specified in the plan, which is to be at least 4 financial years.

(3) A corporate business plan for a district is to —

(a) set out, consistently with any relevant priorities set out in the strategic community plan for the district, a local government's priorities for dealing with the objectives and aspirations of the community in the district; and

(b) govern a local government's internal business planning by expressing a local government's priorities by reference to operations that are within the capacity of the local government's resources; and

- (c) develop and integrate matters relating to resources, including asset management, workforce planning and long-term financial planning.*
- (4) A local government is to review the current corporate business plan for its district every year.*
- (5) A local government may modify a corporate business plan, including extending the period the plan is made in respect of and modifying the plan if required because of modification of the local government's strategic community plan.*
- (6) A council is to consider a corporate business plan, or modifications of such a plan, submitted to it and is to determine\* whether or not to adopt the plan or the modifications.*  
\*Absolute majority required.
- (7) If a corporate business plan is, or modifications of a corporate business plan are, adopted by the council, the plan or modified plan applies to the district for the period specified in the plan.*

**5.63. Some interests need not be disclosed**

- (1) Sections 5.65, 5.70 and 5.71 do not apply to a relevant person who has any of the following interests in a matter —*
  - (a) an interest common to a significant number of electors or ratepayers; or*
  - (b) an interest in the imposition of any rate, charge or fee by the local government; or*
  - (c) an interest relating to (i) a fee, reimbursement of an expense or an allowance to which section 5.98, 5.98A, 5.99, 5.99A, 5.100 or 5.101(2) refers;*

**Local Government Act 1995**

**Part 2 – Constitution of local government**

**Division 2 – Local governments and councils of local government**

**2.7. Role of council**

- (1) The council —*
  - (a) governs the local government's affairs; and*
  - (b) is responsible for the performance of the local government's functions.*
- (2) Without limiting subsection (1), the council is to —*
  - (a) oversee the allocation of the local government's finances and resources; and*
  - (b) determine the local government's policies.*

**Local Government Act 1995**

**Part 6 - Financial management**

**Division 2 - Annual Budget**

**6.2. Local government to prepare annual budget**

- (1) During the period from 1 June in a financial year to 31 August in the next financial year, or such extended time as the Minister allows, each local government is to prepare and adopt\*, in the form and manner prescribed, a budget for its municipal fund for the financial year ending on the 30 June next following that 31 August.*  
\* Absolute majority required.
- (2) In the preparation of the annual budget the local government is to have regard to the contents of the plan for the future of the district made in accordance with section 5.56 and to prepare a detailed estimate for the current year of —*
  - (a) the expenditure by the local government; and*
  - (b) the revenue and income, independent of general rates, of the local government; and*
  - (c) the amount required to make up the deficiency, if any, shown by comparing the estimated expenditure with the estimated revenue and income.*
- (3) For the purposes of subsections (2)(a) and (b) all expenditure, revenue and income of the local government is to be taken into account unless otherwise prescribed.*
- (4) The annual budget is to incorporate —*
  - (a) particulars of the estimated expenditure proposed to be incurred by the local government; and*

- (b) detailed information relating to the rates and service charges which will apply to land within the district including —
- (i) the amount it is estimated will be yielded by the general rate; and
  - (ii) the rate of interest (if any) to be charged by the local government on unpaid rates and service charges; and
  - (c) the fees and charges proposed to be imposed by the local government; and
  - (d) the particulars of borrowings and other financial accommodation proposed to be entered into by the local government; and
  - (e) details of the amounts to be set aside in, or used from, reserve accounts and of the purpose for which they are to be set aside or used; and
  - (f) particulars of proposed land transactions and trading undertakings (as those terms are defined in and for the purpose of section 3.59) of the local government; and
  - (g) such other matters as are prescribed.
- (5) Regulations may provide for —
- (a) the form of the annual budget; and
  - (b) the contents of the annual budget; and
  - (c) the information to be contained in or to accompany the annual budget.

### **6.11. Reserve accounts**

- (1) Subject to subsection (5), where a local government wishes to set aside money for use for a purpose in a future financial year, it is to establish and maintain a reserve account for each such purpose.
- (2) Subject to subsection
- (3), before a local government —
- (a) changes\* the purpose of a reserve account; or
  - (b) uses\* the money in a reserve account for another purpose, it must give one month's local public notice of the proposed change of purpose or proposed use.
- \* Absolute majority required.
- (3) A local government is not required to give local public notice under subsection (2) —
- (a) where the change of purpose or of proposed use of money has been disclosed in the annual budget of the local government for that financial year; or
  - (b) in such other circumstances as are prescribed.
- (4) A change of purpose of, or use of money in, a reserve account is to be disclosed in the annual financial report for the year in which the change occurs.
- (5) Regulations may prescribe the circumstances and the manner in which a local government may set aside money for use for a purpose in a future financial year without the requirement to establish and maintain a reserve account.

### **6.12. Power to defer, grant discounts, waive or write off debts**

- (1) Subject to subsection (2) and any other written law, a local government may —
- (a) when adopting the annual budget, grant\* a discount or other incentive for the early payment of any amount of money; or
  - (b) waive or grant concessions in relation to any amount of money; or
  - (c) write off any amount of money, which is owed to the local government.
- \* Absolute majority required.
- (2) Subsection (1)(a) and (b) do not apply to an amount of money owing in respect of rates and service charges.
- (3) The grant of a concession under subsection (1)(b) may be subject to any conditions determined by the local government.
- (4) Regulations may prescribe circumstances in which a local government is not to exercise a power under subsection (1) or regulate the exercise of that power.

### **6.13. Interest on money owing to local governments**

(1) Subject to any other written law, a local government may resolve\* to require a person to pay interest at the rate set in its annual budget on any amount of money (other than rates and service charges) which —

- (a) that person owes to the local government; and
- (b) has been owed for the period of time referred to in subsection (6).

\* Absolute majority required.

(2) A resolution under subsection (1) is to be included in the annual budget.

(3) The rate of interest that may be set by the local government under this section is not to exceed the rate for the time being prescribed as the maximum rate of interest that may be set for the purposes of this section.

(4) Where a local government imposes interest under subsection (1) on any outstanding amount of money the local government is not to also impose an additional charge in relation to that amount.

(5) Accrued interest is, for the purpose of its recovery, taken to form part of the money owed to the local government on which it is charged.

(6) A local government is not to impose interest on any amount of money under subsection

(1) until the money has been owed to the local government for the period of time set by the local government in its annual budget (not being less than 35 days) after the date which is stated on the relevant account for payment as being the date the account was issued.

(7) Regulations may provide for the method of calculation of interest.

## **Local Government Act 1995**

### **Part 6, Division 5 – Financing local government activities**

#### **Subdivision 2 - Fees and Charges**

### **6.16 Imposition of fees and charges**

(1) A local government may impose\* and recover a fee or charge for any goods and service it provides or proposed to provide, other than a service for which a service charge is imposed.

\* Absolute majority required.

(2) A fee or charge may be imposed for the following —

- (a) providing the use of, or allowing admission to, any property or facility wholly or partly owned, controlled, managed or maintained by the local government;
- (b) supplying a service or carrying out work at the request of a person;
- (c) subject to section 5.94, providing information from local government records;
- (d) receiving an application for approval, granting an approval, making an inspection and issuing a licence, permit, authorisation or certificate;
- (e) supplying goods;
- (f) such other service as may be prescribed.

(3) Fees and charges are to be imposed when adopting the annual budget but may be —

- (a) imposed\* during a financial year; and
- (b) amended\* from time to time during a financial year.

\* Absolute majority required.

### **6.17 Setting level of fees and charges**

(1) In determining the amount of a fee or charge for a service or for goods a local government is required to take into consideration the following factors —

- (a) the cost to the local government of providing the service or goods; and
- (b) the importance of the service or goods to the community; and
- (c) the price at which the service or goods could be provided by an alternative provider.

(2) A higher fee or charge or additional fee or charge may be imposed for an expedited service or supply of goods if it is requested that the service or goods be provided urgently.

(3) The basis for determining a fee or charge is not to be limited to the cost of providing the service or goods other than a service —

- (a) under section 5.96; or
- (b) under section 6.16(2)(d); or
- (c) prescribed under section 6.16(2)(f), where the regulation prescribing the service also specifies that such a limit is to apply to the fee or charge for the service.
- (4) Regulations may —
  - (a) prohibit the imposition of a fee or charge in prescribed circumstances; or
  - (b) limit the amount of a fee or charge in prescribed circumstances.

**6.18. Effect of other written laws**

- (1) If the amount of a fee or charge for a service or for goods is determined under another written law a local government may not —
  - (a) determine an amount that is inconsistent with the amount determined under the other written law; or
  - (b) charge a fee or charge in addition to the amount determined by or under the other written law.
- (2) A local government is not to impose a fee or charge for a service or goods under this Act if the imposition of a fee or charge for the service or goods is prohibited under another written law.

**6.19. Local government to give notice of fees and charges**

- If a local government wishes to impose any fees or charges under this Subdivision after the annual budget has been adopted it must, before introducing the fees or charges, give local public notice of —
- (a) its intention to do so; and
  - (b) the date from which it is proposed the fees or charges will be imposed.

**Division 6 - Rates and service charges**

**Subdivision 2 - Categories of rates and service charges**

**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, whether or not under a local planning scheme or improvement scheme in force under the Planning and Development Act 2005; or
  - (b) a purpose for which the land is held or used as determined by the local government; or
  - (c) whether or not the land is vacant land; or
  - (d) any other characteristic or combination of characteristics prescribed.
- (2) Regulations may —
  - (a) specify the characteristics under subsection (1) which a local government is to use; or
  - (b) limit the characteristics under subsection (1) which a local government is permitted to use.
- (3) In imposing a differential general rate a local government is not to, without the approval of the Minister, impose a differential general rate which is more than twice the lowest differential general rate imposed by it.
- (4) If during a financial year, the characteristics of any land which form the basis for the imposition of a differential general rate have changed, the local government is not to, on account of that change, amend the assessment of rates payable on that land in respect of that financial year but this subsection does not apply in any case where section 6.40(1)(a) applies.
- (5) A differential general rate that a local government purported to impose under this Act before the Local Government Amendment Act 2009 section 39(1)(a) came into operation is to be taken to have been as valid as if the amendment made by that paragraph had been made before the purported imposition of that rate.

**6.34. Limit on revenue or income from general rates**

- Unless the Minister otherwise approves, the amount shown in the annual budget as being the amount it is estimated will be yielded by the general rate is not to —
- (a) be more than 110% of the amount of the budget deficiency; or
  - (b) be less than 90% of the amount of the budget deficiency.



### **6.35. Minimum payment**

- (1) Subject to this section, a local government may impose on any rateable land in its district a minimum payment which is greater than the general rate which would otherwise be payable on that land.*
- (2) A minimum payment is to be a general minimum but, subject to subsection (3), a lesser minimum may be imposed in respect of any portion of the district.*
- (3) In applying subsection (2) the local government is to ensure the general minimum is imposed on not less than —*
  - (a) 50% of the total number of separately rated properties in the district; or*
  - (b) 50% of the number of properties in each category referred to in subsection (6), on which a minimum payment is imposed.*
- (4) A minimum payment is not to be imposed on more than the prescribed percentage of —*
  - (a) the number of separately rated properties in the district; or*
  - (b) the number of properties in each category referred to in subsection (6), unless the general minimum does not exceed the prescribed amount.*
- (5) If a local government imposes a differential general rate on any land on the basis that the land is vacant land it may, with the approval of the Minister, impose a minimum payment in a manner that does not comply with subsections (2), (3) and (4) for that land.*
- (6) For the purposes of this section a minimum payment is to be applied separately, in accordance with the principles set forth in subsections (2), (3) and (4) in respect of each of the following categories —*
  - (a) to land rated on gross rental value; and*
  - (b) to land rated on unimproved value; and*
  - (c) to each differential rating category where a differential general rate is imposed.*

### **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;*
  - (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 that the document referred to in subsection (3A) —*
    - (i) may be inspected at a time and place specified in the notice; and*
    - (ii) is published on the local government's official website.*
- (3A) The local government is required to prepare a document describing the objects of, and reasons for, each proposed rate and minimum payment and to publish the document on the local government's official website.*
- (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.*

#### **6.45. Options for payment of rates or service charges**

*(1) A rate or service charge is ordinarily payable to a local government by a single payment but the person liable for the payment of a rate or service charge may elect to make that payment to a local government, subject to subsection (3), by —*

*(a) 4 equal or nearly equal instalments; or*

*(b) such other method of payment by instalments as is set forth in the local government's annual budget.*

*(2) Where, during a financial year, a rate notice is given after a reassessment of rates under section 6.40 the person to whom the notice is given may pay the rate or service charge (a) by a single payment; or*

*(b) by such instalments as are remaining under subsection (1)(a) or (b) for the remainder of that financial year.*

*(3) A local government may impose an additional charge (including an amount by way of interest) where payment of a rate or service charge is made by instalments and that additional charge is, for the purpose of its recovery, taken to be a rate or service charge, as the case requires, that is due and payable.*

*(4) Regulations may —*

*(a) provide for the manner of making an election to pay by instalments under subsection (1) or (2); and*

*(b) prescribe circumstances in which payments may or may not be made by instalments; and*

*(c) prohibit or regulate any matters relating to payments by instalments; and*

*(d) provide for the time when, and manner in which, instalments are to be paid; and*

*(e) prescribe the maximum amount (including the maximum interest component) which may be imposed under subsection (3) by way of an additional charge; and*

*(f) provide for any other matter relating to the payment of rates or service charges.*

#### **6.46. Discounts**

*Subject to the Rates and Charges (Rebates and Deferments) Act 1992, a local government may, when imposing a rate or service charge, resolve\* to grant a discount or other incentive for the early payment of any rate or service charge.*

*\* Absolute majority required*

#### **6.47. Concessions**

*Subject to the Rates and Charges (Rebates and Deferments) Act 1992, a local government may at the time of imposing a rate or service charge or at a later date resolve to waive\* a rate or service charge or resolve to grant other concessions in relation to a rate or service charge.*

*\* Absolute majority required.*

#### **6.50. Rates or service charges due and payable**

*(1) Subject to —*

*(a) subsections (2) and (3); and*

*(b) any concession granted under section 6.47; and*

*(c) the Rates and Charges (Rebates and Deferments) Act 1992, a rate or service charge becomes due and payable on such date as is determined by the local government.*

*(2) The date determined by a local government under subsection (1) is not to be earlier than 35 days after the date noted on the rate notice as the date the rate notice was issued.*

*(3) Where a person elects to pay a rate or service charge by instalments the second and each subsequent instalment does not become due and payable at intervals of less than 2 months.*

#### **6.51. Accrual of interest on overdue rates or service charges**

*(1) A local government may at the time of imposing a rate or service charge resolve\* to impose interest (at the rate set in its annual budget) on —*

(a) a rate or service charge (or any instalment of a rate or service charge); and

(b) any costs of proceedings to recover any such charge,

that remains unpaid after becoming due and payable.

\* Absolute majority required.

(2) The rate of interest that may be set by the local government under this section is not to exceed the rate for the time being prescribed as the maximum rate of interest that may be set for the purposes of this section.

(3) Accrued interest is, for the purpose of its recovery, taken to be a rate or service charge, as the case requires, that is due and payable.

(4) If a person is entitled under the Rates and Charges (Rebates and Deferments) Act 1992 or under this Act (if the local government in a particular case so resolves) to a rebate or deferment in respect of a rate or service charge —

(a) no interest is to accrue in respect of that rate or service charge payable by that person; and

(b) no additional charge is to be imposed under section 6.45(3) on that person.

## **Local Government (Financial Management) Regulations 1996**

### **Part 2 – General financial management**

#### **5. CEO's duties as to financial management**

(1) Efficient systems and procedures are to be established by the CEO of a local government —

(g) to assist in the preparation of budgets, budget reviews, accounts and reports required by the Act or these regulations.

(2) The CEO is to —

(b) assist the council to undertake reviews of fees and charges regularly (and not less than once in every financial year).

### **Part 3 - Annual Budget**

#### **26. Discounts for early payment etc., information about required**

(1) The annual budget is to include for each discount or other incentive proposed to be granted for early payment of any money and in respect of each waiver or concession proposed in relation to any money —

(a) in respect of a discount —

(i) the amount of the discount, or the percentage discount, to be allowed; and

(ii) the circumstances in which the discount will be granted; and

[(b) deleted]

(c) in relation to a waiver or concession —

(i) a brief description of the waiver or concession; and

(ii) a statement of the circumstances in which it will be granted; and

(iii) details of the persons or class of persons to whom it is available; and

(iv) the objects of, and reasons for, the waiver or concession.

(2) The annual budget is to include, separately in relation to all general rates, each specified area rate, each service charge and all fees and charges imposed under the Act or any other written law an estimate of —

(a) the total amount of the discounts which may be granted; and

(b) the total cost to the local government of each incentive scheme; and

(c) the total cost, or reduction of revenue, to the local government of a waiver or grant of a concession; and

(d) the total amount of money to be written off.

### **Part 5 – Rates and service charges**

#### **52A. Differential general rates - s. 6.33(1)(d)**

6.33 (1)(d) For the purposes of section 6.33(1)(d), the following are prescribed characteristics —

(a) whether or not the land is situated in a townsite as defined in the Land Administration Act 1997 section 3(1);

(b) whether or not the land is situated in a particular part of the district of the local government.

**53. Amount prescribed for minimum payment (Act s. 6.35(4))**

The amount prescribed for the purposes of section 6.35(4) is \$200.

**Waste Avoidance and Resource Recovery Act 2007**

**Part 6, Division 3 – Local laws and local government rates, fees and charges**

**66. Local government may impose waste collection rate**

(1) A local government may impose on rateable land within its district, and cause to be collected, an annual rate for the purpose of providing for the proper performance of all or any of the waste services it provides

(2) The annual rate must not exceed —

(a) 12 cents in the dollar on the gross rental value; or

(b) where the system of valuation on the basis of the unimproved value is adopted, 3 cents in the dollar on the unimproved value of the land in fee simple.

(3) The provisions of the Local Government Act 1995 relating to the making, payment and recovery of general rates apply with respect to rates referred to in subsection(1).

**67. Local government may impose receptacle charge**

(1) A local government may, in lieu of, or in addition to a rate under section 66, provide for the proper disposal of waste, whether within its district or not, by making an annual charge per waste receptacle, payable in one sum or by equal monthly or other instalments in advance, in respect of premises provided with a waste service by the local government.

(2) The charge is to be imposed on the owner (as defined in section 64(1)) or occupier, as the local government may decide, of any premises provided with a waste service by the local government.

(3) The provisions of the Local Government Act 1995 relating to the recovery of general rates apply with respect to a charge referred to in subsection (1).

(4) In the case of premises being erected and becoming occupied during the year for which payment is to be made, the charge for the service provided is to be the sum that proportionately represents the period between the occupation of the premises and the end of the year for which payment is made.

(5) Notice of any charge made under this section may be included in any notice of rates imposed under section 66 or the Local Government Act 1995, but the omission to give notice of a charge does not affect the validity of the charge or the power of the local government to recover the charge.

(6) A charge may be limited to premises in a particular portion of the area under the control of the local government.

(7) Charges under this section may be imposed in respect of and are to be payable for all premises in respect of which a waste service is provided, whether such premises are rateable or not.

(8) A local government may make different charges for waste services rendered in different portions of its district.

**68. Fees and charges fixed by local government**

Nothing in this Part prevents or restricts a local government from imposing or recovering a fee or charge in respect of waste services under the Local Government Act 1995 section 6.16.

**Cemeteries Act 1986**

**Part VII – Financial provisions**

**53. Fees and charges**

There are also numerous other sections of the *Local Government Act 1995* and *Local Government (Financial Management) Regulations 1996* that deal with specific parts of the Annual Budget. Where relevant the sections and/or regulations have been specifically mentioned in the officer's recommendations.

## **POLICY IMPLICATIONS**

The following Council Policies are relevant in the adoption of the annual budget and have been reviewed as required as part of the budget process:

- *POL-2018 Strategic Rating*
- *POL-2005 Rates Exemptions for Charitable Organisations (Non Rateable Land)*
- *POL-2006 Fees and Charges Pricing*
- *POL-1001 Elected Member Allowances and Entitlements*
- *POL-2016 Financial Hardship - Rates and Sundry Debtors*
- *POL-3002 Community Grants Program*

## **FINANCIAL IMPLICATIONS**

The annual Municipal Fund Budget is the primary means for a local government to manage and allocate its financial resources. The budget also provides the ability to impose rates, which is one of the primary means for a local government to raise income to fund the services the Shire is required to deliver.

The proposed budget aims to raise \$28,379,817 in operating revenue and \$34,016,500 in capital grants and other capital income. A net amount of \$6,310,290 will be transferred from the Shire's Reserves in support of both the capital works program and operations. This revenue together with existing cash resources and new loans will fund \$35,192,318 in operating expenses, \$48,185,073 in capital works and \$791,480 in debt repayments. The Shire also proposes to raise \$4 million in loan funds to support its capital works program.

Detailed financial implications are outlined in the Comments section of this report and in the 2024/25 Budget at Attachment 3 to this report.

## **STRATEGIC IMPLICATIONS**

The Annual Budget is a crucial part of the Framework that shows how the Shire will use its financial resources to implement the actions and outcomes identified in the Corporate Business Plan that support the community vision and goals of the new Strategic Community Plan 2023-2033.

## **RISK IMPLICATIONS**

**Risk:** Failure to adequately resource and manage funding requirements which meet the needs of the Shire's service delivery requirements and strategic objectives.

**Control:** Implementation of LTFP and Annual Budget.

**Risk:** Failure to manage and implement an effective, forward planned capital works program which meets the safety and functional requirements of the community.

**Control:** Long Term Financial Plan, Asset Management Strategy, Asset Management Policy and Forward Capital Works Programs.

**Risk:** Failure to manage the disbursement of funds to meet the needs of the Shires forward planning requirements, including the Strategic Community Plan, Corporate Business Plan, Long Term Financial Plans and Annual Budget.

**Control:** Corporate Business Plan Review, Mid Year Budget Review, Monthly Management accounts, Monthly Financial Report to Council.

## **COMMUNITY ENGAGEMENT**

Engagement has taken place in accordance with the Shire's Community Engagement Guidelines and includes the following:

### **23 April 2024 - Ordinary Council Meeting**

Council endorsed the Rates Model that determined the proposed Rate In the Dollar, endorsed the revised Council Policy *POL-2018 Strategic Rating* and Community Engagement Plan for the purposes of seeking public submissions (Minute Number: 23/04/2024 - 119010). Local Public Notice to Impose Differential General Rates and Minimum Payments was endorsed to advertise seeking Public Submissions from 2 May 2024. The closing date for Public Submissions was 24 May 2024.

In accordance with the Community Engagement Plan, advertising occurred in the following manner in order to seek public submissions on the proposed rate in the dollar:

- Local Public Notice in the Kimberley Echo newspaper on 2 May 2024;
- A copy of the Notice to Impose Differential General Rates and Minimum Payments for 2024/25 placed on the Coles Kununurra noticeboard on 2 May 2024;
- A copy of the Notice to Impose Differential General Rates and Minimum Payments for 2024/25 placed on the IGA Kununurra noticeboard on 2 May 2024;
- A copy of the Notice to Impose Differential General Rates and Minimum Payments for 2024/25 placed on the Wyndham Post Office noticeboard on 2 May 2024;
- A copy of the Notice to Impose Differential General Rates and Minimum Payments posted on the Shire's Facebook page and website on 2 May 2024;
- A copy of the Notice to Impose Differential General Rates and Minimum Payments for 2024/25, including Council Policy *POL-2018 Strategic Rating* placed on the Shire's website, public notice boards at the Libraries in both Kununurra and Wyndham on 2 May 2024.

### **30 May 2024 - Ordinary Council Meeting**

Council considered one public submission received and endorsed a rating model incorporating a 4% average yield rate in the dollar increase on all rate categories, and a minimum payment of \$1,560 on all rate categories at the 30 May 2024 Ordinary Council meeting for inclusion in the 2024/25 Budget (Minute Numbers: 28/05/2024 - 119020 and 28/05/2024 - 119021).

## **COMMENTS**

### **General**

As outlined in the Background section of this report, in preparing the Annual Budget there are many factors that the Shire needs to take into consideration. The Budget must align with the Shire's Strategic Community Plan and Corporate Business Plan to ensure the Shire is delivering on the strategic vision in an achievable and sustainable manner. Priorities need to be established and decisions made in the context of what the Shire's legal obligations for service delivery are, what its asset management responsibilities are, what the Council and the Community regards as important and the ability of the Shire to fund these various matters in a sustainable manner.

### **Economic Indicators**

Rates and Fees and Charges combined make up approximately 75% of the Shire's operating revenue. In determining likely increases to the cost of operations and the required increases in Rates and Fees and Charges to fund these operations, as part of the Budget process the Shire takes into consideration the current economic conditions and uses historical data, forecasts and economic indicators to determine appropriate increases.

#### **Consumer Price Index**

There are a number of economic indicators that can be used. The most commonly used one is the Consumer Price Index (CPI). The CPI is an index determined by the Australian Bureau of Statistics that is the rate of change in prices on a 'basket of goods' measured on a quarterly basis. This index is not a good measure of the change in the cost of doing business for local governments. The CPI is an index determined by the Australian Bureau of Statistics that is the rate of change in prices on a 'basket of goods' measured on a quarterly basis. This basket of goods does not generally reflect the components of costs that the Shire incur in delivering our services. This index does however provide an indication of the impact of rising prices on household income and the state of the economy in broad terms. The Perth CPI increase for the 12 months to March 2024 was 3.4%.

#### **Local Government Cost Index**

A more accurate measure of the Shire's cost profile is the Local Government Cost Index (LGCI). This index is based on the 'bundle of goods' relating to local government incorporating ten cost components which provide an accurate indicator of cost movements affecting local governments. The LGCI therefore provides an indication of those changes in costs that relate more closely to the function of local government. The Shire utilises the LGCI forecasts in the WALGA Local Government Economic Briefings. The March 2024 Economic Briefing reports an actual increase for 2022-23 of 4.4%, and forecasts a full year increase for 2023-24 of 3.9%. The forecast increase for 2024-25 is 3.1%.

### **Budget Efficiencies**

The increasing cost of maintaining Shire infrastructure and providing services without a corresponding increase in rates revenue over several years has required Shire officers, as part of the annual budget process, to critically evaluate the expenditure estimates for efficiencies and possible savings, and to prioritise expenditure. The process of identifying

efficiency gains is ongoing and Shire officers continue to seek to provide better value for money for the rates the community pays. The current economic environment and rapidly increasing costs makes this even more important and officers have worked diligently to ensure that the 2024-25 budget when finalised will reflect efficiency gains that have been identified which include:

- Capping CPI salary increases at 2%
- Reviewing all staff positions when they become vacant to ensure they still meet operational and service delivery requirements.
- Reviewing the condition and replacement cost of all assets to ensure accurate asset management planning occurs, that replacements are prioritised according to need, and that depreciation expenses are accurately calculated.
- Updating Asset Management Plans in line with the above.
- Identifying works that can be undertaken in house and revising works programs accordingly.
- Reviewing and updating work schedules to ensure the best utilisation of resources.
- Acquiring plant to self perform works previously contracted out. This includes the acquisition of a Street Sweeper, Footpath Sweeper, Jet Patcher, Multi Wheel Roller and Excavator.
- Reviewing customer service processes and systems to ensure that services are provided in the most efficient and effective manner thereby reducing costs.
- Reviewing procurement policies and processes to ensure that goods and services procured continue to provide the best value for money possible for the community
- Using local suppliers where possible to reduce mobilisation and freight costs.

### **Other Factors**

The Shire recognises that the Shire does have relatively high rates. Some of the factors that lead to having higher rates are unavoidable, however the Shire needs to continue to address the cost of service delivery aspects of the operation thoroughly to ensure that rate increases continue to be moderate. Matters that continue to be addressed include Officers compiling detailed forward capital works programs to determine the timing and extent of funds needed to renew our asset base and how we deliver those works. The Shire also needs to establish and document the services that the community value, the service levels required and the ongoing cost of providing those services. The financial strategies as set out in the Long Term Financial Plan are being implemented to ensure that the Shire progresses to a sustainable and consistently moderately rated Shire.

### **Budget Timing**

The Shire is adopting its budget prior to it having audited financial information for the 2023/24 year. This is to ensure that at the start of the financial year there is a budget in place and that the priorities for the full financial year can be addressed from the start of the year. It is therefore necessary to estimate the financial position at 30 June 2024 as the starting point for the 2024/25 Municipal Fund Budget. In estimating the 30 June 2024



forecasts Shire Officers have monitored the financial performance throughout the financial year and documented any significant variances from the budget position and used this data to project end of year balances and consequently the opening funding requirements and funding capacity for 2024/25 year. Council should note that in estimating the forecast data a conservative approach has been taken.

These projections remain estimates and are subject to change as actual data is captured. The results for the 2023/24 financial year end is estimated to be finalised in November 2024 with the finalisation of the annual audit. It is likely that there will be differences between the actual audited results reported and the projected data used in the 2023/24 Budget which may impact the final end of year surplus (or deficit) identified in the Statement of Financial Activity. Once the Annual Financial Report is finalised, differences between the actual data and the budget data will be determined and the 2024/25 budget data amended to reflect the necessary changes if material. This will be reported to Council at the appropriate time.

### **Budget Analysis**

The documents contained in Attachment 3 provide the details for the Statutory Annual Budget. They include the following:

- Statement of Comprehensive Income by Nature and Type
- Statement of Cash Flows
- Statement of Financial Activity
- Notes to the financial statements

Attachment 4 details the Capital Works Budget including the following:

- Forecasts for 2023/24
- Carry forward amounts
- New and total budgeted expenditure
- Works type
- Funding sources

These documents reflect the overall picture of the proposed budget. The details supporting the data have been presented to Council in working papers presented at budget briefings.

### **Statement of Comprehensive Income**

The Statement of Comprehensive Income shows budgeted Operating Revenue of \$28,379,817, Operating Expenditure of \$35,192,318, Non Operating Grants of \$34,016,500 resulting in a Net result of \$27,203,999. This is an increase on the prior years Net result mainly due to an increase in Non-Operating Grants (Capital Grants) to fund the capital works program.

### **Statement of Cash Flows**

The Cash Flow Budget for 2024/25 shows net cash used in operations of \$75,590 and a cash balance at the end of the financial year of \$10,630,558. This is a reduction of \$11,025,640 over the brought forward cash balance. This is mainly as a result of the timing of expenditure relating to capital works that is estimated to be delivered during 2024/25.

### Statement of Financial Activity

The Statement of Financial Activity shows a forecast surplus for the 2023/24 financial year of \$2,278,611 which represents an decrease in the surplus from 2022/23 of \$4,505,208. This is mainly due to the timing surrounding the advance payment of Financial Assistance Grants in 2023/24.

### Operating Budget

#### Operating Revenue

Comments relating to the changes in each operating revenue category, comparing the 2024/25 Municipal Fund Budget to the 2023/24 and budgets and 2023/24 forecast actuals are provided below.

<b>Operating Revenue By Category</b>	<b>2024/25 Proposed Budget \$</b>	<b>2023/24 Forecast \$</b>	<b>2023/24 Adopted Budget \$</b>
<b>Rates</b>	<b>12,102,067</b>	<b>11,636,777</b>	<b>11,627,504</b>
<b>Operating Grants</b>	<b>5,321,000</b>	<b>1,114,821</b>	<b>1,036,380</b>
<b>Fees and Charges</b>	<b>9,728,050</b>	<b>9,242,858</b>	<b>8,959,310</b>
<b>Interest Earnings</b>	<b>784,000</b>	<b>1,004,071</b>	<b>704,000</b>
<b>Other Revenue</b>	<b>444,700</b>	<b>413,323</b>	<b>426,203</b>
<b>Total</b>	<b>28,379,817</b>	<b>23,411,849</b>	<b>22,753,397</b>

#### Rates Revenue

Council is being requested to adopt the rating model for 2024/25 as endorsed at the 28 May 2024 Ordinary Council Meeting following the receipt of Ministerial approval of the Differential Rates and Minimum Payments where required.

The proposed Rates for the budget process were modelled within the guidelines in Council's Strategic Rating Policy. In determining the amount of rates to be raised the Shire applied the principles set out in the policy by ensuring that the setting of the Minimum Rate and calculation of the General Rate (Rate-in-the-Dollar) only recovers an amount (referred to as the Budget Deficiency), which is considered essential to the running of Shire's activities and ensuring the Shire's long term financial sustainability.

The budgeted rate revenue of \$12,102,067 consists of gross rate revenue only. In prior years ex-gratia rates of \$2,726 were accounted for but this has been questioned and so until the matter is resolved this has not been taken into account for budgeting purposes.. This amount of rate revenue is an overall increase in rate revenue of \$474,563 or 4.08% over the 2023/24 budget. The Shire does not budget for interim rates received. While the Shire expects to receive some interim rates it cannot predict with any certainty the timing and extent of any amounts that may be received.

### Financial assistance

Over the past three years Council introduced several measures to assist ratepayers and members of the community affected by the financial impacts of the COVID-19 pandemic. While the effects of the pandemic are still being felt by our community there has been very little demand for relief from Shire levied charges. In the 2023/24 budget the penalty interest rates and Instalment Administration Fees reverted to the pre-pandemic charges.

The Shire continues to provide assistance through the adoption of a new general financial hardship policy CP/FIN-3220 Financial Hardship - Rates and Sundry Debtors, which includes extended payment arrangement terms and the waiving of interest for ratepayers and sundry debtors assessed as being in financial hardship in accordance with the policy.

### Rates Incentive Prizes

The rates incentive prizes will be split into two prize draws pools, one of \$6,000 for those that pay their rates in full on or before the 1st instalment date, and one of \$3,000 for those that pay their rates in full via an instalment option or are up to date with their agreed payment plan. Each prize will be drawn individually and only one prize will be available per rate assessment. Where more than one ratepayer is listed on the rates assessment the prize will be awarded in the name of the first listed ratepayer. The Chief Executive Officer and Director Corporate Services will conduct the draw, using the dedicated software program within the rating system. Shire Councillors and Shire employees will be ineligible and will be excluded from the draw.

### Operating Grants, Contributions & Subsidies

The majority of Operating Grants and Subsidies remain fairly constant. The Budget has been framed on the basis that the 2024/25 allocation of Financial Assistance Grants (FA Grants) will be in even payments during the financial year and no advance payments will be received prior to 30 June 2024. The amount forecast for the 2024/25 financial year is \$4,5 million. Because the accounting standards require the Shire to recognise FA Grants revenue in the year in which they are received, the amount reflected for the 2023/24 financial year is only \$1,114,821 as the majority of the FA Grant was received as an advance payment in the 2022/23 financial year.

### Fees and Charges

The setting of the Fees and Charges is completed in accordance with the Council Policy CP/FIN-3211 *Fees and Charges Pricing*.

Each year all fees and charges imposed by Council are reviewed as part of the budget process to ensure compliance requirements are met, cost recoveries are in place and market rates are comparable. At the April 2024 Ordinary Council Meeting Council resolved to apply a 5.0% average increase to fees and charges for 2024/25 and this is reflected in the Schedule of Fees and Charges. In keeping with past practice the proposed Schedule of Fees and Charges was adopted prior to the adoption of the annual budget so that the amended Fees and Charges could be advertised and affected parties advised.

The fees and charges become effective from 1 July 2024 or from 1 January 2025 where it relates to Aerodromes. Council is being requested to re-adopt the Schedule of Fees and

Charges for the 2024/25 financial year as there have been minor changes made since the previous adoption.

The Shire currently has approximately 700 fees and charges (including statutory fees). The projected fees and charges revenue for 2024/25 is \$9,728,050 or 34% of total operating revenue. This is an increase of \$768,740 over the 2023/24 budget. This is due in part to the 5.0% increase in Fees and Charges but is mainly due to higher projected Aircraft Landing and Passenger Handling Fees and an increase in waste receptacle charges to better reflect the costs of processing waste.

The setting of the Fees and Charges was completed in accordance with Council Policy *CP/FIN-3211 Fees and Charges Pricing*. The intent of the Policy acknowledges that there are competing priorities between community service obligations, full cost recovery in a “user pays” environment and ensuring that the community is not unduly burdened. Where there is not a full cost recovery fee in place, the shortfall is made up by the ratepayers in general from municipal funds. Therefore, the Policy seeks to ensure that the Shire’s Fees and Charges are determined utilising key principles that ensure fair and reasonable charging to the community for the goods and services that the Shire provides, thereby achieving an appropriate balance between these competing principles.

#### Interest Earnings

Budgeted interest earnings for 2024/25 are \$784,000, an increase of \$80,000 from the 2023/24 budget. The 2023/24 forecast of \$1,004,071 is a reflection of cash investment rates increasing significantly during 2022/23 and remaining relatively high. The lower budgeted revenue is anticipating that the Shires cash reserves will be lower due to the large capital projects the Shire will be undertaking during the 2024/25 financial year.

#### Other Revenue

The majority of the revenue for the Other Revenue category relates to the Emergency Services Levy (ESL). Local Governments are required to collect ESL on behalf of the Department of Fire and Emergency Services (DFES). This is billed to all ratepayers as part of the Annual Rates Notices and there is a matching expense when this amount is paid to DFES.

#### Operational Expenditure

The table below details the summarised operational expenditure proposed for 2024/25.

<b>Operating Expenditure By Category</b>	<b>2023/24 Proposed Budget \$</b>	<b>2022/23 Forecast \$</b>	<b>2022/23 Adopted Budget \$</b>
<b>Employee Costs</b>	<b>13,902,338</b>	<b>12,416,208</b>	<b>14,433,018</b>
<b>Materials and contracts</b>	<b>7,889,796</b>	<b>7,553,285</b>	<b>6,565,061</b>
<b>Utility Charges</b>	<b>1,428,650</b>	<b>1,360,460</b>	<b>1,422,900</b>
<b>Depreciation</b>	<b>9,189,530</b>	<b>9,189,530</b>	<b>8,169,943</b>

<b>Finance Costs</b>	<b>241,015</b>	<b>183,272</b>	<b>183,272</b>
<b>Insurance</b>	<b>731,439</b>	<b>644,944</b>	<b>712,090</b>
<b>Other Expenditure</b>	<b>1,809,550</b>	<b>1,511,779</b>	<b>1,663,842</b>
<b>Total</b>	<b>35,192,318</b>	<b>32,879,479</b>	<b>33,150,126</b>

### Employee Costs

Employee Costs incorporate salaries and allowances, superannuation, workers compensation insurance, safety and protective clothing, training, fringe benefits tax, and other employee costs associated with recruitment and reallocation.

The 2024/25 Employee Costs budget of \$13,902,338 is based on FTEs and incorporates a 2% CPI wage increase for employees covered by the Shire's Enterprise Agreement and level increases where necessary. When compared to the 2023/24 budget this reflects substantially the same total Full Time Equivalents (FTE) of 108.4 (2023/24 - 108.6). The reason that the total amount has decreased is that with staff changes during the financial year there has been an opportunity to review roles and responsibilities resulting in a reduction in costs.

### Materials and Contracts

Materials and Contracts expenditure incorporates the majority of operating costs for the Shire other than employee costs. The total budgeted amount for 2024/25 of \$7,889,796 has increased by \$1,324,735 from the 2023/24 budget. This is due to correcting a budget omission in the prior year and it reflects the higher cost of goods and services the Shire pays to maintain its services and assets.

### Utility Charges

Utility charges comprising Electricity, Water and Gas are based on forecast unit charges together with any growth in usage. The budget for 2024/25 is \$1,428,650, a marginal increase of \$5,750. This is based on an analysis of the actual expenditure for the 2023/24 financial year and allowing for a 5 % increase over the 2023/24 forecast expenditure.

Shire Officers have continued investigations into the development of an Energy Strategy focused on energy supply and use and reducing the Shire's energy costs through investment in alternative sources of power and technology. Shire Officers consider that the first facilities to receive their own power generation capability are the East Kimberley Regional Airport, the Kununurra Administration Centre and the Kununurra Leisure Centre as they are the facilities with the highest electricity consumption and costs. Funding for these projects is actively being sought as well as considering self generation as part of any facility upgrade that the Shire undertakes.

### Depreciation

Depreciation is an accounting process which recognises the consumption of the Shire's property, plant and equipment including infrastructure assets such as roads, drains and footpaths that have occurred during the financial year. The depreciation charge is also a reflection of what the Shire should be spending on renewing its asset base annually in order

to preserve the service potential of that asset base. The calculation of the depreciation charge is determined by establishing the “fair value” of the asset then estimating what its useful life and its remaining useful life is.

The depreciation charge for 2024/25 has been calculated to be \$9,189,530, an increase of \$1,019,587 over the 2023/24 budget amount. This is due to the addition of new assets and the periodic revaluation of Infrastructure assets 30 June 2023 reflecting increases in unit rates used in determining the replacement cost, as well as increases in values for buildings valued at market value.

Shire Officers continue to work on the asset data to determine what the true commitment to asset renewals should be and consequently the depreciation charge. Data to be gathered from the capital works program and condition reports will inform ongoing assessments of the fair value of the Shire’s asset base and the amount needed to provide for the renewal of those assets. The Shire is required to conduct a revaluation of assets every 5 years with this next revaluation to take place for road infrastructure and land and building assets in 2026/27 and for all other classes of infrastructure in 2027/28.

#### Insurance Expenses

Insurance rates increased by an average of 10% over the forecast for the 2023/24 financial year. The Shire’s claims history in the past four years has been good and the Shire continues to look for value in its risk mitigation processes. It should be noted that the 2024/25 budgeted amount of \$731,439 is not the entire insurance cost for the year as some insurance costs have been included in the cost of providing services and workers compensation insurance budgeted at \$278,734 has been included in Employee Costs.

#### Interest Expenses

Interest expenses relate to loan agreements with Western Australian Treasury Corporation (WATC). Note 7 of the 2024/25 Statutory Budget (refer Attachment 3) details the Shire’s ongoing loan commitments. New borrowings of \$4,000,000 are budgeted to be taken out to support capital works programs that have commenced. This amount is made up of three components, the first being Carlton Hill Road where the Shire contribution being financed is \$1 million out of a \$5 million project. The second component is \$2 million for the bridges at Carlton Hill Road which form part of a \$6 million project. The third is \$1 million for a \$3.5 Million all abilities playground at Celebrity Tree Park.

During 2023/24 loan repayments of \$224,872 ceased and during 2024/25 a further \$210,705 of repayments will cease. The additional repayment the new loan will require is estimated to be \$497,555.

#### Other Expenses

Other Expenses relate to a number of items the more significant of which are:

- Members Allowances and Entitlements \$316,647
- Annual Community Grants Scheme \$415,000
- Marketing Tourism \$260,000
- Emergency Services Levy Payment to DFES \$370,000

Included in Members Allowances and Entitlements is an amount of \$30,106 for superannuation for Elected Members. Tranche 2 of the Local Government Reforms which is expected to be enacted during this financial year will specifically provide for these payments to be made. This budget provides for this change and the *Council Policy POL-1001 Elected Member Allowances and Entitlements* has been amended to provide for superannuation payments.

### **Reserves**

In accordance with section 6.11 of the *Local Government Act 1995*, a local government is required to establish and maintain a reserve account where it wishes to set aside money for use for a specific purpose in a future financial year. The local government is also required to disclose where a change of the purpose of the use of money is proposed.

The 2024/25 Budget includes transfers to Reserves of \$2,736,962 and transfers from Reserves of \$9,047,252 giving a budgeted total Reserves closing balance of \$12,405,590.

### **Capital Works Program**

The Capital Works Program is developed with the aim of primarily ensuring that the Shire renews its assets as they fall due in order that they continue to maintain the current service levels being delivered. However, there is another aspect to the capital works program and that is the construction of infrastructure that underpins economic development. It is difficult to execute both these processes with the limited resources available to the Shire.

With respect to the renewal process the Shire cannot maintain a renewal program that sustainably manages its assets until such time it is generating operating surpluses. With respect to the construction of new infrastructure the Shire relies heavily on grant, reserve and loan funds to deliver the projects.

The priority for renewal works is determined by the condition of the assets and the amount of funds both internal and external grant funds that are available to the Shire. The delivery of new assets depends totally on successful grant applications. Forward capital works programs continue to be developed to be included in the Asset Management Plans that will assist with the programming of maintenance, renewal, upgrade and replacement of existing assets in future periods. The current works program has been determined in part based on the condition of assets, risk of asset failure and obsolescence, community input and the availability of grant funding. It has also been determined by the availability of funding for specific projects to construct or upgrade assets.

The planned Capital Works Program for 2024/25 will cost \$48,185,073. This includes \$7,017,441 of works brought forward from 2023/24. The total renewal expenditure in this amount is \$7,569,106 which does not meet the amount required to preserve our asset base as it is less than the current estimate of depreciation of \$9,189,530. However upgrade works of \$2,963,341 will be performed which together with the renewal works would approximate the rate at which our assets have declined in the last financial year. The Shire further expects to spend \$37,652,626 to construct or acquire new assets during 2024/25.

The funding of the Capital Works Program is from a combination of current municipal funds, loans, grant funding and reserves. The capital works program will be supported by

\$34,016,500 or 71% of the Capital Works Program is funded from grant funding, \$4,000,000 (8%) from loans and \$9,047,252 (19%) from reserves. The remainder of the capital works program is funded by municipal funds.

The Capital Works Program for 2024/25 is guided by Council and community priorities with the focus on completing existing projects with the only new works being undertaken where grant funding is available. Proposed investments will focus on the following areas:

- Renewal and expansion of transport infrastructure including East Kimberley Regional Airport runway extension, road resealing and upgrades and drainage.
- Replacement and Upgrade of the Kununurra Leisure Centre Swimming Pool
- Replacement of the Celebrity Tree Park Playground with an all abilities playground
- Town centre connectivity with a key focus on footpaths and landscaping.

Details of the Capital Works Program are provided in Attachment 4. The following are some of the more significant projects for 2024/25:

#### Recreation Facilities

- Kununurra Leisure Centre Aquatic Pool Upgrade - \$13,623,000
- Celebrity Tree Park - All Abilities Playground - \$3,290,000
- Northern boat ramp - Wyndham - \$1,000,000
- Antons Landing renewal works - \$164,000

#### Airports

- East Kimberley Regional Airport - runway extension - \$17,399,626
- East Kimberley Regional Airport - Laine Jones Drive extension - \$550,000
- East Kimberley Regional Airport Pavement Rejuvenation \$220,000

#### Roads and Drainage Infrastructure

- Carlton Hill Road Bridges Construction \$3,000,000
- Lake Argyle Road - bridge \$700,000
- Lakeview Drive Kununurra Safety Improvements, widening and lighting \$604,240
- Road resealing program - \$1,000,000
- Weaber Plain various projects - \$1,143,101
- Weaber Plain Rd/Mulligans Lagoon Rd Intersection \$241,476

#### Footpaths

- Footpath Renewal Wyndham - \$250,000

#### Other

- Plant and equipment - \$600,000
- Reticulation upgrades - \$150,000
- Building upgrades - \$350,000

#### **Setting of materiality for monthly reporting**

The *Local Government Act 1995* and associated regulations require the Council to set the materiality level at which explanations are required for variances between year to date budget and year to date actual figures. The materiality level established for 2023/24 was +/-



10% and +/- \$50,000 at a financial statement level. It is the officer's recommendation that the materiality level of +/-10% or \$50,000 at statement level be retained and adopted for 2024/25 financial year.

### **Summary**

Council is being requested to adopt the 2024/25 Annual Budget and attached schedules as provided at Attachment 3. In addition to this separate Officer recommendations are included relating to the following:

1. Strategic Rating Policy and rating categories incorporated in the rate model for adoption
2. Differential Rates and Minimum Payments
3. Waste Management Charges
4. Waste Management Minimum Charges
5. Dates for payment of rates in full or by instalments
6. Rates Incentive Scheme prizes
7. Schedule of Fees and Charges
8. Rates instalment interest and administration charges
9. Interest on outstanding rates and service charges
10. Interest on monies other than rates or service charges
11. Elected Member annual fees and allowances
12. Materiality levels for Monthly Financial Reporting
13. Significant Accounting Policies

### **ATTACHMENTS**

Attachment 1 - POL-2018 Strategic Rating Policy

Attachment 2 - Schedule of Fees and Charges 2024-25

Attachment 3 - Statutory Budget 2024-25

Attachment 4 - Capital Works Program 2024-25

Attachment 5 - Ministerial Approval Differential Rates and Minimum Payments

Attachment 6 - POL-1001 Elected Member Allowances and Entitlements V13.0 - DRAFT

## 12.4.2. Monthly Financial Report May 2024

<b>DATE:</b>	25 June 2024
<b>AUTHOR:</b>	Manager Finance
<b>RESPONSIBLE OFFICER:</b>	Meredith Blair Manager Finance
<b>FILE NO:</b>	FM.09.29
<b>DISCLOSURE OF INTERESTS:</b>	Nil
<b>COUNCIL'S ROLE IN THE MATTER:</b>	Regulator - Responsible for the enforcement of statutory requirements
<b>VOTING REQUIREMENT:</b>	Simple Majority

### **OFFICER'S RECOMMENDATION**

**That Council receives the interim Monthly Financial Report for the period ended 31 May 2024.**

### **PURPOSE**

For Council to receive the Interim Monthly Financial Reports for the period ended 31 May 2024.

### **BACKGROUND/ PREVIOUS CONSIDERATIONS BY COUNCIL/ COMMITTEE**

Council is to prepare monthly financial reports as required by section 34 of the *Local Government (Financial Management Regulations) 1996*.

At the 28 June 2022 Ordinary Council Meeting, the Council resolved the following:

#### Council Decision

*Minute Number: 28/06/2022 - 118681*

*That Council, in accordance with Regulation 34(5) of the Local Government (Financial Management) Regulations 1996, approves the materiality level for monthly reporting to be set at +/- 10% and +/- \$20,000 at account level and +/- 10% and +/- \$100,000 at financial statement level.*

*Moved: Cr M Dear*

*Seconded: Cr J Farquhar*

*Decision 7/0*

The above materiality levels have been applied in the preparation of this report.

### **STATUTORY IMPLICATIONS**

*Local Government Act 1995, Section 6.4.*

#### **6.4. Financial report**

*(1) A local government is to prepare an annual financial report for the preceding financial year and such other financial reports as are prescribed.*

*(2) The financial report is to —*

*(a) be prepared and presented in the manner and form prescribed; and*

*(b) contain the prescribed information.*

*(3) By 30 September following each financial year or such extended time as the Minister allows, a local government is to submit to its auditor —*

*(a) the accounts of the local government, balanced up to the last day of the preceding financial year; and*

*(b) the annual financial report of the local government for the preceding financial year.*

#### **Local Government (Financial Management) Regulations 1996, Regulation 34.**

##### **34. Financial activity statement required each month (Act s. 6.4)**

*(1A) In this regulation —*

*committed assets means revenue unspent but set aside under the annual budget for a specific purpose.*

*(1) A local government is to prepare each month a statement of financial activity reporting on the revenue and expenditure, as set out in the annual budget under regulation 22(1)(d), for that month in the following detail —*

*(a) annual budget estimates, taking into account any expenditure incurred for an additional purpose under section 6.8(1)(b) or (c); and*

*(b) budget estimates to the end of the month to which the statement relates; and*

*(c) actual amounts of expenditure, revenue and income to the end of the month to which the statement relates; and*

*(d) material variances between the comparable amounts referred to in paragraphs (b) and (c); and*

*(e) the net current assets at the end of the month to which the statement relates.*

*(2) Each statement of financial activity is to be accompanied by documents containing —*

*(a) an explanation of the composition of the net current assets of the month to which the statement relates, less committed assets and restricted assets; and*

*(b) an explanation of each of the material variances referred to in subregulation (1)(d); and*

*(c) such other supporting information as is considered relevant by the local government.*

*(3) The information in a statement of financial activity may be shown —*

*(a) according to nature and type classification; or*

*(b) by program; or*

*(c) by business unit.*

*(4) A statement of financial activity, and the accompanying documents referred to in subregulation (2), are to be —*

*(a) presented at an ordinary meeting of the council within 2 months after the end of the month to which the statement relates; and*

*(b) recorded in the minutes of the meeting at which it is presented.*

*(5) Each financial year, a local government is to adopt a percentage or value, calculated in accordance with the AAS, to be used in statements of financial activity for reporting material variances.*

#### **POLICY IMPLICATIONS**

Significant Accounting Policies has been applied in the preparation of the report.

#### **FINANCIAL IMPLICATIONS**

There are no additional costs associated with the preparation of this report. Monthly financial reporting is a primary financial management and control process. This report provides Council with the ability to oversee the Shire's financial performance against budgeted targets.

## **STRATEGIC IMPLICATIONS**

This matter relates to the following sections of the *Strategic Community Plan 2017-2027*

**Focus Area 4:** Performance - Civic Leadership

**Goal 4.4:** Sustainably maintain the Shire's financial viability

**Strategy 4.4.4:** Apply best practice financial management to ensure long term sustainability

## **RISK IMPLICATIONS**

**Risk:** Failure to manage the disbursement of funds to meet the needs of the Shire's forward planning requirements, including the Strategic Community Plan, Corporate Business Plan, Long Term Financial Plans and Annual Budget.

**Controls:** Monthly Financial Report and List of Accounts Paid reported to Council on a monthly basis as required by Legislation and Regulations.

## **COMMUNITY ENGAGEMENT**

No community engagement is required in relation to this item.

## **COMMENTS**

The Shire has engaged Moore Australia to prepare the Monthly Financial Report on an ongoing basis. The basis of the report is the same as for previous Monthly Financial Reports but in addition to the Statements of Financial Activity by Program and by Nature or Type, the report includes summary information in the form of graphs showing budgets versus actuals, an executive summary of key financial activities, and additional explanatory notes to the financial statements.

Comments in relation to budget versus actual variances are included at note 16 in the Financial Statements.

Council should note that the report is an interim report as year end procedures need to be processed before a final position for 30 June 2024 is arrived at. These year end processes include adjustments to provisions, transfers to and from reserves and assessments for fair value of assets.

## **ATTACHMENTS**

Attachment 1 - Monthly Financial Report May 2024

### 12.4.3. List of Accounts Paid From Municipal Fund and Trust Fund

<b>DATE:</b>	25 June 2024
<b>AUTHOR:</b>	Accountant - Assets, Creditors and Tax
<b>RESPONSIBLE OFFICER:</b>	Meredith Blair, Manager Finance
<b>FILE NO:</b>	FM.09.36
<b>DISCLOSURE OF INTERESTS:</b>	Nil
<b>COUNCIL'S ROLE IN THE MATTER:</b>	Regulator - Responsible for the enforcement of statutory requirements
<b>VOTING REQUIREMENT:</b>	Simple Majority

#### **OFFICER'S RECOMMENDATION**

**That Council receives the lists of accounts paid from the Municipal and Trust funds for May 2024 being:**

**May 2024**

<b>Municipal EFT 148602 - 149006 (01/05/24 - 31/05/24)</b>	<b>\$ 6,049,941.56</b>
<b>Payroll (01/05//24 - 29/05/24)</b>	<b>\$ 841,011.00</b>
<b>Direct Bank Debits (01/05/24 - 20/05/24)</b>	<b>\$ 13,157.40</b>
<b>Total</b>	<b>\$ 6,904,109.96</b>

#### **PURPOSE**

For Council to receive the list of accounts paid from the Municipal Fund and Trust Fund in order to meet the requirements of the *Local Government (Financial Management) Regulations 1996*.

#### **BACKGROUND/ PREVIOUS CONSIDERATIONS BY COUNCIL/ COMMITTEE**

In accordance with Council's Delegations Register, which was adopted by Council on 27 September 2022, the Council has delegated to the CEO the exercise of its power under Regulations 12 and 13 of the *Local Government (Financial Management) Regulations 1996* to make payments from Municipal Fund and Trust Fund.

#### **STATUTORY IMPLICATIONS**

Amendments to the *Local Government (Financial Management) Regulations 1996 (Regulation 13A)* now require the List of Accounts Paid to include payments by employees via purchasing cards. The attached report includes these payments.

**Local Government Act 1995 - Section 5.42 Delegation of some power and duties to CEO**

(1) A local government may delegate\* to the CEO the exercise of any of its powers or the discharge of any of its duties under —

- (a) this Act other than those referred to in section 5.43; or
- (b) the Planning and Development Act 2005 section 214(2), (3) or (5).

\* Absolute majority required.

(2) A delegation under this section is to be in writing and may be general or as otherwise provided in the instrument of delegation.

**Local Government (Financial Management) Regulations 1996 -  
Regulation 5. CEO's duties as to financial management (in part)**

(1) Efficient systems and procedures are to be established by the CEO of a local government —

(e) to ensure proper authorisation for the incurring of liabilities and the making of payments; and

**Regulation 11. Payments, procedures for making etc.**

(1) A local government is to develop procedures for the authorisation of, and the payment of, accounts to ensure that there is effective security for, and properly authorised use of—

(a) cheques, credit cards, computer encryption devices and passwords, purchasing cards and any other devices or methods by which goods, services, money or other benefits may be obtained; and

(b) petty cash systems.

(2) A local government is to develop procedures for the approval of accounts to ensure that before payment of an account a determination is made that the relevant debt was incurred by a person who was properly authorised to do so.

(3) Payments made by a local government —

(a) subject to subregulation (4), are not to be made in cash;  
and

(b) are to be made in a manner which allows identification of—

(i) the method of payment; and

(ii) the authority for the payment; and

(iii) the identity of the person who authorised the payment.

(4) Nothing in subregulation (3)(a) prevents a local government from making payments in cash from a petty cash system.

**Regulation 12. Payments from municipal fund or trust fund, restrictions on making.**

(1) A payment may only be made from the municipal fund or the trust fund —

(a) if the local government has delegated to the CEO the exercise of its power to make payments from those funds — by the CEO; or

(b) otherwise, if the payment is authorised in advance by resolution of the council.

**Regulation 13. Payments from municipal fund or trust fund by CEO, CEO's duties etc.**

(1) If the local government has delegated to the CEO the exercise of its power to make payments from the municipal fund or the trust fund, a list of accounts paid by the CEO is to be prepared each month showing for each account paid since the last such list was prepared —

(a) the payee's name; and

(b) the amount of the payment; and

(c) the date of the payment; and

(d) sufficient information to identify the transaction.

(2) A list of accounts for approval to be paid is to be prepared each month showing —

(a) for each account which requires council authorisation in that month —

(i) the payee's name; and

(ii) the amount of the payment; and

(iii) sufficient information to identify the transaction;

and

(b) the date of the meeting of the council to which the list is to be presented.

(3) A list prepared under subregulation (1) or (2) is to be —

(a) presented to the council at the next ordinary meeting of the council after the list is prepared; and

(b) recorded in the minutes of that meeting.

### **13A. Payments by employees via purchasing cards**

(1) If a local government has authorised an employee to use a credit, debit or other purchasing card, a list of payments made using the card must be prepared each month showing the following for each payment made since the last such list was prepared —

- (a) the payee's name;
- (b) the amount of the payment;
- (c) the date of the payment;
- (d) sufficient information to identify the payment.

(2) A list prepared under subregulation (1) must be —

- (a) presented to the council at the next ordinary meeting of the council after the list is prepared; and
- (b) recorded in the minutes of that meeting.

[Regulation 13A inserted: SL 2023/106 r. 6.]

## **POLICY IMPLICATIONS**

Shire of Wyndham East Kimberley Delegation Register 2022-2023 Sub-delegation 6 "Payments from the Municipal Fund and Trust Fund" applies subject to compliance with Council Policy *POL-2004 Purchasing*.

## **FINANCIAL IMPLICATIONS**

There are no financial implications arising out of the preparation of this report. The financial implications arising from the payments made from the Municipal and Trust funds have been provided for in the Adopted Budget and any subsequent amendments thereto. This report provides for the ongoing management of the Shire's funds by providing the Council with sufficient information to monitor and review those payments made, as well as to comply with legislative requirements.

## **STRATEGIC IMPLICATIONS**

This matter relates to the following sections of the *Strategic Community Plan 2023-2033*:

**FOCUS AREA:** Sustainability

**GOAL 10:** Community-driven Leadership - Leaders work with the community to develop and implement change in delivering positive outcomes

**GOAL OUTCOME 10.4:** Innovation - Embrace technology, creativity and innovation to solve complex problems

**STRATEGY 10.4:** Integrate all planning and resource management to drive continuous improvement and innovation

## **RISK IMPLICATIONS**

**Risk:** Failure to manage the disbursement of funds to meet the needs of the Shires forward planning requirements, including the Strategic Community Plan, Corporate Business Plan, Long Term Financial Plan and Annual Budget.

**Controls:** Monthly Financial Report and List of Accounts Paid reported to Council on a monthly basis as required by Legislation and Regulations.

## **COMMUNITY ENGAGEMENT**

No community engagement is required in relation to this item.

## **COMMENTS**

In accordance with statutory requirements, each payment from the Municipal Fund or the Trust Fund is to be noted on a list compiled each month showing: the payee's name; the amount of the payment; the date of the payment, and sufficient information to identify the transaction. The list is to be presented to Council at the next Ordinary Council after the list is prepared and is to be recorded in the minutes of the meeting at which it is presented as required by the applicable regulations.

Amendments to the *Local Government (Financial Management) Regulations 1996 (Regulation 13A)* now require the List of Accounts Paid to include payments by employees via purchasing cards. The attached Lists of Accounts Paid include these payments.

## **ATTACHMENTS**

Attachment 1 - List of Accounts Paid May 2024



## 12.5. INFRASTRUCTURE

### 12.5.1. Funeral Directors Licence Renewal - Osiris Funerals

<b>DATE</b>	25 June 2024
<b>AUTHOR</b>	Business Support Officer - Infrastructure
<b>RESPONSIBLE OFFICER</b>	Paul Webb, Director Infrastructure and Strategic Projects
<b>FILE NO</b>	PH.12.11
<b>DISCLOSURE OF INTERESTS</b>	Nil
<b>COUNCIL'S ROLE IN THE MATTER</b>	Provider - provide physical infrastructure and essential services
<b>VOTING REQUIREMENT</b>	Simple Majority

#### **OFFICER'S RECOMMENDATION**

**That Council approves the issuing of an annual Funeral Director's Licence to Osiris Funerals for a period of one year from 1 July 2024 to 30 June 2025 in accordance with the Cemeteries Act 1986.**

#### **PURPOSE**

To consider Osiris Funerals' application for renewal of their annual funeral director's licence.

#### **BACKGROUND/ PREVIOUS CONSIDERATIONS BY COUNCIL/ COMMITTEE**

Jayden Cornish, the Director/Manager of Osiris Funerals, has held a Funeral Director's licence to conduct funerals within the Shire of Wyndham East Kimberley since December 2019. Jayden has a long established reputation for providing excellent service and has extensive experience in the funeral industry.

#### **STATUTORY IMPLICATIONS**

*Cemeteries Act 1986.*

*Division 3 - Licensing of funeral directors.*

16. *Licences*

*A funeral director's licence:*

- (a) is valid for the conduct of funerals at the cemetery or cemeteries specified in the licence;*
- (b) is valid for such period not exceeding one year from the day on which the licence is issued as the Board determines, unless the licence is sooner*

- (c) *suspended or cancelled; and is not transferable.*

17. *Applications for licences*

- (1) *An application for a funeral director's licence in respect of a cemetery shall be made to the Board responsible for the care, control and management of the cemetery in the manner required by the Board and shall be lodged with the Board together with the appropriate fee.*
- (2) *An applicant who satisfies the Board that the applicant:*
  - (a) *is of good repute and is fit to hold a funeral director's licence; and*
  - (b) *has suitable facilities and equipment for handling and storing dead bodies and conducting funerals, shall be entitled to be issued with a funeral director's licence.*

**POLICY IMPLICATIONS**

NIL

**STRATEGIC IMPLICATIONS**

This matter relates to the following sections of the *Strategic Community Plan 2023-2033*:

**Focus Area:** LIVEABILITY

**Goal 6:** Accessible places - Places that are connected, accessible and well maintained

**Goal Outcome 6.2:** Access to services - Attractive and resilient Town Centres that connect residents and visitors to shops and services

**Strategy 6.2:** Plan and deliver vibrant, attractive town centres that support services for residents and visitors

**RISK IMPLICATIONS**

**Risk:** Failure to provide community services which meet the needs and expectations of the community to support social cohesion and participation.

**Control:** Ensuring procedures are in place and being adhered to.

**FINANCIAL IMPLICATIONS**

Funeral Directors Licences are issued on an annual (financial year) basis.

The annual fee is \$377.00.

**COMMUNITY ENGAGEMENT**

No community engagement is required.

## **COMMENTS**

Jayden Cornish as the Director/Manager of Osiris Funerals is the only funeral director servicing the East Kimberley region. Osiris Funerals have established working relationships with all relevant departments, services and facilities to provide a complete service for the Shire. Jayden has met all requirements to hold a Funeral Directors Licence with the Shire of Wyndham East Kimberley.

Relevant supporting documents for this application have been sighted to the satisfaction of the Shire Administration

## **ATTACHMENTS**

Attachment 1 - Funeral Directors Licence Application

## 12.5.2. Barytes Road disposal to Main Roads WA

<b>DATE</b>	25 June 2024
<b>AUTHOR</b>	Director Infrastructure and Strategic Projects
<b>RESPONSIBLE OFFICER</b>	Paul Webb, Director Infrastructure and Strategic Projects
<b>FILE NO</b>	RD.13
<b>DISCLOSURE OF INTERESTS</b>	Nil
<b>COUNCIL'S ROLE IN THE MATTER</b>	Leader - plan and provide direction through policy and practices
<b>VOTING REQUIREMENT</b>	Simple Majority

### **OFFICER'S RECOMMENDATION**

**That Council approve the disposal of Barytes Road to Main Roads Western Australia and authorises the Chief Executive Officer to write to Main Roads Western Australia to give effect to this resolution.**

### **PURPOSE**

To seek approval from Council for the disposal of Barytes Road to Main Roads Western Australia.

### **BACKGROUND/ PREVIOUS CONSIDERATIONS BY COUNCIL/ COMMITTEE**

13 October 2020, Briefing, Haulage on Shire Roads  
27 July 2021, OCM, Roads 2030 list of applicable roads

### **STATUTORY IMPLICATIONS**

*Local Government Act 1995, Subdivision 5 - Certain provisions about thoroughfares, 3.52. Public access to be maintained and plans kept, (2) Except to the extent that it is authorised by law to close them or restrict their use, a local government is to ensure that public thoroughfares are kept open for public use.*

### **POLICY IMPLICATIONS**

POL-4000 Maintenance of Shire Assets  
POL-4006 Road Development  
POL-4010 Asset Management  
POL-4012 Shire Road Network

## **STRATEGIC IMPLICATIONS**

This matter relates to the following sections of the *Strategic Community Plan 2023-2033*:

**Focus Area:** SUSTAINABILITY

**Goal 10:** Community-driven Leadership - Leaders work with the community to develop and implement change in delivering positive outcomes

**Goal Outcome 10.4:** Innovation - Embrace technology, creativity and innovation to solve complex problems

**Strategy 10.4:** Integrate all planning and resource management to drive continuous improvement and innovation

## **RISK IMPLICATIONS**

**Risk:** Failure to manage the disbursement of funds to meet the needs of the Shires forward planning requirements, including the Strategic Community Plan, Corporate Business Plan, Long Term Financial Plans and Annual Budget.

**Control:** Progress disposal of Barytes Road in order to mitigate safety, access, commercial and financial risk to the Shire of Wyndham East Kimberley. Seek change of responsibility of a high cost commodity road from the Shire of Wyndham East Kimberley to Main Roads Western Australia

## **FINANCIAL IMPLICATIONS**

Disposal of Barytes Road will remove future costs for upgrade and maintenance of this asset. The State Government has provided third party funds for the upgrade of Barytes Road, which are being held by Main Roads Western Australia. The Shire is assisting by managing the initial \$300,000 of Grant funds for design, under the direction of a joint Steering Committee. Design is likely to continue with Shire assistance, however, subject to proposed handover, project delivery is likely to be managed by Main Roads.

## **Asset Considerations**

Barytes Road will be removed from the Shires asset inventory. 2008 cost for repair works of \$577,500 fall significantly short of actual reconstruction cost for a Restricted Access Vehicle road access, currently estimated reconstruction is approximately \$5,000,000 on the existing alignment, and construction of the component over the salt lake only at approximately \$14,000,000.

## **COMMUNITY ENGAGEMENT**

No community engagement is required for change of ownership.

## **COMMENTS**

The Shire is currently progressing a design for a new road, extension of Barytes Road, through the Steering Committee, on behalf of Cambridge Gulf Limited and in consultation with Main Roads Western Australia.

The Shire's representative on the Steering Committee, Mr Stuart Dyson, has in discussion with the Regional Manager for Main Roads WA, Mr Gerry Zoetelief, made a request for Main Roads WA to take ownership of Barytes Road.

Based on the Shires inability to self-fund construction and maintenance of a restricted access road, funding resources is most likely to be accumulated by user contributions and accompanying grant funding over time, with a combination of Regional Road Group, Roads to Recovery and other grant sources, redirecting funds from other high priority areas such as Lake Argyle Road, Weaber Plains Road, Carlton Hill Road, Research Station Road and Mill Road.

Benefits of handover of this asset to Main Roads, would be *much* lower financial contributions by haulage operators, a much higher level of service, funding of upgrade of Barytes Road by the State to the port and adjacent landholders.

Barytes Road is currently *not* a Restricted Access Vehicle Road, although conditional access is being acquired for haulage operators for a portion of the road to gain access to export associated with local mining activities.

## **ATTACHMENTS**

Nil

**13. MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN**

**14. QUESTIONS BY MEMBERS OF WHICH DUE NOTICE HAS BEEN GIVEN**

**15. URGENT BUSINESS APPROVED BY THE PERSON PRESIDING OR BY  
DECISION**

**16. MATTERS BEHIND CLOSED DOORS**

## 16.1. EOI01-23/24 CELEBRITY TREE PARK ALL ABILITIES PLAYGROUND

<b>DATE:</b>	25 June 2024
<b>AUTHOR:</b>	Senior Procurement Officer
<b>RESPONSIBLE OFFICER:</b>	Nick Allen, Director Planning and Community Development
<b>FILE NO:</b>	CM.16.476
<b>DISCLOSURE OF INTERESTS:</b>	Nil
<b>COUNCIL'S ROLE IN THE MATTER:</b>	Provider - provide physical infrastructure and essential services
<b>VOTING REQUIREMENT:</b>	Simple Majority

This item is to be considered behind closed doors as per the *Local Government Act 1995: Section 5.23. (2) (e)*

### 5.23. Meetings generally open to public

- (2) If a meeting is being held by a council or by a committee referred to in subsection (1)(b), the council or committee may close to members of the public the meeting, or part of the meeting, if the meeting or the part of the meeting deals with any of the following —
- (a) a matter affecting an employee or employees; and
  - (b) the personal affairs of any person; and
  - (c) a contract entered into, or which may be entered into, by the local government and which relates to a matter to be discussed at the meeting; and
  - (d) legal advice obtained, or which may be obtained, by the local government and which relates to a matter to be discussed at the meeting; and
  - (e) a matter that if disclosed, would reveal —
    - (i) a trade secret; or
    - (ii) information that has a commercial value to a person; or
    - (iii) information about the business, professional, commercial or financial affairs of a person, where the trade secret or information is held by, or is about, a person other than the local government; and
  - (f) a matter that if disclosed, could be reasonably expected to —
    - (i) impair the effectiveness of any lawful method or procedure for preventing, detecting, investigating or dealing with any contravention or possible contravention of the law; or
    - (ii) endanger the security of the local government's property; or
    - (iii) prejudice the maintenance or enforcement of a lawful measure for protecting public safety; and
    - (g) information which is the subject of a direction given under section 23(1a) of the Parliamentary Commissioner Act 1971; and
    - (h) such other matters as may be prescribed.
  - (3) A decision to close a meeting or part of a meeting and the reason for the decision are to be recorded in the minutes of the meeting.

## PURPOSE

This report contains a comprehensive summary of the tender and evaluation process to source a suitable contractor to carry out the required works for the above Project. The recommendation contained within this report requests that Council authorise the CEO to negotiate a contract for the Design and Construction of Celebrity Tree Park All Abilities Playground.

## 17. CLOSURE