



SHIRE OF WYNDHAM | EAST KIMBERLEY

AGENDA ORDINARY COUNCIL MEETING

18 APRIL 2023

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



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.**

1. DECLARATION OF OPENING / ANNOUNCEMENT OF VISITORS	4
2. RECORD OF ATTENDANCE / APOLOGIES / LEAVE OF ABSENCE (PREVIOUSLY APPROVED)	4
3. DECLARATION OF INTEREST	4
4. RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE	4
5. PUBLIC QUESTION TIME	4
6. APPLICATIONS FOR LEAVE OF ABSENCE	4
7. PETITIONS.....	4
8. CONFIRMATION OF MINUTES	4
9. ANNOUNCEMENTS BY THE PERSON PRESIDING WITHOUT DISCUSSION	4
10. MATTERS FOR WHICH THE MEETING MAY BE CLOSED.....	4
11. DEPUTATIONS / PRESENTATIONS / SUBMISSIONS.....	4
12. REPORTS	4
12.1. MATTERS ARISING FROM COMMITTEES OF COUNCIL	4
12.2. OFFICE OF THE CEO	5
12.2.1. Standing Item - Outstanding Actions from Previous Council Resolutions .	5
12.3. PLANNING AND COMMUNITY DEVELOPMENT	7
12.3.1. Strategic Community Plan	7
12.3.2. Request to Waive Fees and Charges	18
12.4. CORPORATE SERVICES	23
12.4.1. Review of Financial Hardship Policy.....	23
12.4.2. Review of Council Policy CP/CNC-3141 Elected Member Allowances and Entitlements.....	29
12.4.3. Schedule of Fees and Charges for 2023-24	35
12.4.4. 2023-24 Budget - Strategic Rating Policy, Rate Model and Local Public Notice	44
12.4.5. Reserve Fund - Kimberley Regional Group.....	59
12.4.6. Monthly Financial Report.....	63
12.4.7. List of Accounts Paid From Municipal Fund and Trust Fund.....	67
12.5. INFRASTRUCTURE	69
13. MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN	69
14. QUESTIONS BY MEMBERS OF WHICH DUE NOTICE HAS BEEN GIVEN	69
15. URGENT BUSINESS APPROVED BY THE PERSON PRESIDING OR BY DECISION	69
16. MATTERS BEHIND CLOSED DOORS	69
17. CLOSURE	69

**SHIRE OF WYNDHAM EAST KIMBERLEY
ORDINARY COUNCIL MEETING AGENDA
KUNUNURRA COUNCIL CHAMBERS
TO BE HELD ON TUESDAY 18 APRIL 2023 AT 5:00PM**

- 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

<p>That Council confirms the Minutes of the Ordinary Council Meeting held on 21 March 2023.</p>
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Note: The Minutes of the Ordinary Council Meeting held on 23 March 2023 are provided under separate cover via 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**

12.2. OFFICE OF THE CEO

12.2.1. Standing Item - Outstanding Actions from Previous Council Resolutions

DATE:	18 April 2023
AUTHOR:	Executive Officer to the CEO
RESPONSIBLE OFFICER:	Vernon Lawrence, Chief Executive Officer
DISCLOSURE OF INTERESTS:	NIL
COUNCIL'S ROLE IN THE MATTER:	Leader - plan and provide direction through policy and practices
VOTING REQUIREMENT:	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

Strategic Community Plan 2017-2027

Focus Area 4: Civic Leadership

Goal 4.2: Good decision making through engagement with the community

Strategy 4.2.2: Ensure community input informs planning and decision making

Goal 4.3: Ensure a strong and progressive organisation delivering customer focused services

Strategy 4.3.2: Create a culture that encourages innovation, collaboration, best practice and organisational discipline to improve efficiency, effectiveness and productivity

RISK IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

Not applicable as referenced in individual reports presented to the Council.

COMMUNITY ENGAGEMENT

No community engagement is required.

COMMENTS

An update of actions from the March 2023 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 - March 2023

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

12.3. PLANNING AND COMMUNITY DEVELOPMENT

12.3.1. Strategic Community Plan

DATE:	18 April 2023
AUTHOR:	Senior Projects Officer
RESPONSIBLE OFFICER:	Nick Kearns, Director Planning and Community Development
FILE NO:	CM.10.18
DISCLOSURE OF INTERESTS:	Nil
COUNCIL'S ROLE IN THE MATTER:	Leader - plan and provide direction through policy and practices
VOTING REQUIREMENT	Absolute Majority

OFFICER'S RECOMMENDATION

That Council:

- 1. Adopts the Strategic Community Plan 2023-2033 as per Attachment A, in accordance with section 5.56 of the Local Government Act 1995 and regulation 19C of the Local Government (Administration) Regulations 1996.**
- 2. Requests that the Chief Executive Officer provide local public notice of the adoption of the Strategic Community Plan 2023-2033 as per Section 19D of the Local Government (Administration) Regulations 1996.**

PURPOSE

This report seeks Council adoption of the Strategic Community Plan 2023–2033 as per Attachment 1. The Plan is the outcome of the major review of the Shire's Strategic Community Plan 2017-2027.

BACKGROUND/ PREVIOUS CONSIDERATIONS BY COUNCIL/ COMMITTEE

To ensure the Strategic Community Plan remains responsive to the changing community it undergoes a minor review after two years followed by a four-year major review. The draft Strategic Community Plan 2023-2033 (the SCP) is the outcome of the major review of Shire's Strategic Community Plan adopted in 2017 and reviewed in 2020.

The review has primarily focused on identifying the needs and priorities of the community. The review process involved research, engaging the community on their aspirations and priorities for the future, followed by an in-depth review and analysis of the engagement results in the development of strategic goals and outcomes. The analysis also included establishing and formulating the Shire's Response. Individual Councillors were given the opportunity to provide input into the development of priorities, and development of the Shire's role.

Research

The SCP needs to consider and take into account current and emerging trends locally, nationally and internationally and will look to capitalise on opportunities being created while responding proactively to risks and challenges. To identify these key drivers, Officers followed the principles of an environmental analysis including the following areas:

- Political: The extent to which political factors influence the Shire, such as impacts from state and federal election manifestos and budgets
- Economic: This includes overall economic forces that could affect the Shire, such as inflation rates, interest rates, or economic growth patterns. As well as the Shire's current and future resource capacity.
- Social: These factors look at the social environment, such as cultural trends, demographics and population analysis. Also important to this are attitudes and shared beliefs of the community, including those around health, work, leisure, money, family and religion.
- Technological: These factors include advancements in technology which could influence the Shire, either positively or negatively. Examples include communication technology and automation.
- Legal/legislation: This includes current and future legal and regulatory requirements impacting the services and future projects of the Shire.
- Environmental: Consider the impacts such as climate, weather, geographical location, and climate changes.

To support the Shire in conducting the environmental analysis the Shire engaged an external consultant to provide an environmental scan report, which has formed the basis for much of the information needs of the SCP. A review of existing Shire informing strategies was also undertaken. Where these strategies remain relevant their content has been considered in the development of the goals and the Shire's role and strategies. The Shire's informing strategies should have an interdependent nature throughout the Integrated Planning and Reporting Framework and it is recommended that these plans be reviewed following the adoption of the updated SCP. Those plans included, for example, the:

- Economic Development Strategy
- Local Planning Scheme
- Local Planning Strategy

Achieving the goals of the SCP relies on having a good understanding of the Shire's operating context and establishing and maintaining strong relationships with stakeholders.

Stakeholders have varying levels of interest and this can impact in different ways on how the Shire operates. Consideration of strategies and plans of the WA State, Commonwealth and other entities in the region has also been made. Many of the strategic goals are predominantly the responsibility of state and commonwealth agencies, such as housing and welfare, and affecting change in these areas requires alignment and understanding of others' goals and objectives.

Community engagement

To review the vision, priorities and aspirations of the plan and gather community data and input the Shire conducted broad community and stakeholder engagement using a wide range of community engagement methods, namely:

- Community Scorecard Survey
- Community Visioning Survey
- Community Pop-up and Drop-in information and awareness sessions

Analysis

In developing the content of SCP, consideration has been made to how best to interpret and express the community aspirations and the challenges and opportunities identified in the environmental analysis. Several methods were used to assist including gap analysis and root cause analysis such as the five why method.

A customised gap analysis was used to help identify the gap between the aspirations of the community and the current situation.

The five why method was also used to consider the underlying issues that are linked to the symptoms that the community wants to see tackled.

The methods employed distilled the community comments and summarised and defined the problems. These in turn have informed the goals, goal outcomes, and the Shire's role and strategies in achieving the goal. Defining each problem process was based on the research and information gathered and developing an insightful understanding of what is actually happening in each area. This included developing different future state scenarios.

There are inherent limitations with any analysis and it is difficult to predict which, if any, of the scenarios might eventuate. Scenario analysis relies on assumptions that may or may not be, or prove to be, correct and may or may not eventuate, and scenarios may be impacted by additional factors.

Through the methods employed the following topics were identified:

- Safety
- Health and access to sport and recreational activities
- Housing
- Education and childcare
- Employment and job creation
- Transport and remote location
- Culture and heritage
- Environment
- Governance and Leadership in the community

These have formed the basis of the ten community goals. The community goals are the ten things that the community wants everyone to work together to improve over the next ten years.

Developing the SCP Goals

The following structure has been applied in developing the goals contained in the new SCP:

Strategic Community Goals

Goals are how the Shire has interpreted and grouped the things that the community wants everyone to work on together to improve over the next ten years.

Goal outcomes

The goal outcomes are what the community will see when the goal is achieved.

Shire role - What the Shire will do in achieving the goal

Once the strategic goals and outcomes had been identified the Shire needed to identify how it can contribute to these goals by developing a position statement describing the role the Shire will take in practical terms to help achieve the goals. The goals of the Shire are then an assessment of the value proposition, community priority and outside influences. This in turn informs the role the Shire will have in working towards each goal. Prioritisation will direct finite resources to areas where they will have the greatest impact and are most relevant to our community.

Shire strategies in achieving the goal

Once the Shire's role in each goal was identified, strategies were drafted based on current and potential future activities of the Shire.

Shire Vision statement

Community input supported the development of a revised vision statement for the community through the community stakeholder workshop.

A vision statement is a crucial foundation for long-term planning. It sets out the philosophy, values, and priorities of the plan and provides it with context and intent. This vision statement evolved from the community engagement workshop and was supported by a majority of those present.

Proposed Vision: ***Connecting our cultures, striving for prosperity, celebrating the spirit of country and community***

Shire Purpose statement

Shire officers attended a Shire workshop to review and revise the Shire's mission statement. A purpose statement is a directive made by the Shire's officers for the Shire's officers. It is a guiding principle designed to apply widely to the functions of the Shire. During the officer's engagement and feedback workshop, the following purpose statement was developed which gained the near-unanimous support of those present.

Proposed Shire Purpose: ***Work with community to influence and lead change to deliver positive outcomes***

Each phrase in this sentence has carefully devised meaning. "Work with the community" is at the front to reflect the fact that the community comes first and references the need to collaborate. "Influence and lead" was developed to reflect the need to be proactive in developing and implementing change. "Deliver positive outcomes" references the need to ensure tangible, real, results.

Strategic Community Goals

Strategic Community Goals are the summarised outcomes that the community wants to achieve over the next decade. They are based on the vision and aspirations of the community, as expressed through various engagement processes and feedback mechanisms. The Strategic Community Goals provide a framework to guide the Council and other agencies operating within the Shire in planning, prioritising the delivery of services, programs and projects that respond to the current and future needs and challenges across the Shire. The ten Strategic Community Goals Detailed in the SCP are:

1. Safe communities - A community where we all feel safe
2. Healthy communities - Encouraging active, healthy lifestyles
3. Access to Housing - There are housing opportunities for everyone
4. Access to education - Education and training opportunities for everyone
5. Access to employment - Inspiring meaningful growth and prosperity
6. Accessible places - Places are connected, accessible and well maintained
7. Connecting to the world - Creating access and turning our remoteness into a positive experience
8. Connecting our cultures - Celebrating our rich culture and heritage
9. Conserving Country - Protect and enhance our unique natural environment for generations to come
10. Community-driven leadership - Leaders work with the community to develop and implement change in delivering positive outcomes

Focus Areas

The Shire is committed to delivering on the strategic community goals that reflect the vision and aspirations of its residents. To achieve this, the Shire has identified three focus areas that will guide its planning and decision making processes. These are:

- Liveable communities: Improving liveability through social, recreational and economic opportunities, and addressing quality of life factors.
 - Goals: Safe communities; Healthy communities; Access to Housing; Access to education; Access to employment; Connecting to the world
- Connected communities: Improving physical and social connectivity within the Shire. Improving connectivity with family, friends and services in Perth and further afield through strong communications and travel links.
 - Goals: Accessible places; Connecting our cultures
- Sustainable communities: The spectacular natural environment and relaxed lifestyle are some of the main attractions of living here. It is important that a balance is maintained so the region is able to grow and thrive without compromising these lifestyle benefits.
 - Goals: Conserving Country; Community driven leadership

These focus areas are interrelated and interdependent, and the Shire will adopt an integrated approach that considers multiple goals when developing projects and policies. The Shire will also engage with its stakeholders and partners to ensure that its actions are aligned with the community's expectations and needs.

Strategic Projects

The SCP identifies key overarching projects that will support the Shire in addressing the goals and are listed against the focus areas:

- Community Safety Plan (Focus Area 1)
 - Develop and implement a Community Safety Plan to prioritise and coordinate the efforts of different stakeholders to improve community safety. The plan will address issues such as crime prevention, emergency management, road safety, public health and wellbeing, and community resilience.

- Recreation Master Plan (Focus Area 1)
 - The Recreation Master Plan guides planning, prioritising, and funding recreation services and facilities. The plan will include the refurbishment and upgrade of the Kununurra Leisure Centre and development of an integrated civic and recreation centre for Wyndham. The plan will also identify the needs and preferences of the community for recreation activities, programs and spaces.

- Economic Development Strategy (Focus Area 1)
 - Implement actions that will create more jobs, increase incomes and improve living standards for all.

- East Kimberley Regional Airport (EKRA) Master Plan (Focus Area 2)
 - The East Kimberley Regional Airport (EKRA) Master-plan is a strategic document that outlines the vision, objectives and actions for the development and management of the airport over the next 20 years.

- Strategic Resource Plan (Focus Area 2)
 - Long term plan for financial and non-financial resources required to achieve the goals and strategies of the Shire.

- Arts and Culture Strategy (Focus Area 2)
 - Develop and implement an Arts and Culture Strategy that supports and promotes arts and culture in the community and aims to enhance social cohesion. The strategy will identify the role of the Shire and its partners in delivering arts and culture.

- Strategic Land Use Planning (Focus Area 3)
 - The project aims to meet the community's current and future needs while ensuring environmental sustainability by taking an innovative and flexible approach to

- Waste Management Strategy (Focus Area 3)
 - The Shire of Wyndham East Kimberley is committed to implementing a sustainable and effective waste management strategy that minimises the environmental and social impacts of waste generation and disposal.

- Partnership and Innovation Strategy (Focus Area 3)
 - Develop and implement a Partnership and Innovation Strategy to build strong partnerships with stakeholders and drive innovation and positive change in the Shire.

Following adoption of the SCP, the key themes and priorities will inform development of the Shire’s Corporate Business Plan 2023-2028. The Corporate Business Plan will detail the actions designed to achieve the community goals and strategic projects, and the Shire’s service delivery.

Both the SCP and the Corporate Business Plan inform and are informed by the Shire’s Strategic Resource Plan (incorporating the Long-Term Financial Plan, Asset Management Plan and Workforce Plan). The Shire’s Strategic Resource Plan will also be updated following the adoption of the SCP.

Draft SCP

The Shire developed a Draft SCP and invited the community to provide feedback on the draft SCP via written submissions or completing an online survey by the 31st of March 2023. The survey was designed to take about 10 minutes to complete and asked respondents to rate the draft goals, outcomes, Shire response and Shire strategies. The survey also invited the community to comment on each goal and suggest changes to the draft SCP. Community comment on the draft through this process totaled 55, with 70% of the respondents being female and 30% male, and 13% of respondents were from Wyndham.

The community feedback has helped Shire officers to test and refine the draft SCP before it is presented to the Council for adoption.

STATUTORY IMPLICATIONS

Section 1.3 of the *Local Government Act 1995*, requires the Shire in carrying out its functions as a local government to use its best endeavours to meet the needs of current and future generations through the integration of environmental protection, social advancement and economic prosperity.

Section 5.56 of the *Local Government Act 1995*, requires the Shire to produce a ‘Plan for the Future’ for the district. The *Local Government (Administration) Regulations 1996*, state that a “Strategic Community Plan and Corporate Business Plan, together form a ‘Plan for the Future’ of a district”.

The requirements for the preparation, consideration, consultation and advertising of a Strategic

Community Plan are detailed in regulations 19C and 19D of the *Local Government (Administration) Regulations 1996*. In summary, the requirements of the SCP are:

- Has a minimum 10-year timeframe
- States community aspirations, vision and goals/objectives
- Developed or modified through engagement with the community, and this is documented

- Has regard to current and future resource capacity
- Has regard to demographic trends
- Has regard to strategic performance indicators and the ways of measuring its strategic performance

POLICY IMPLICATIONS

The Shire policy *CP GOV-3100 Community Engagement Policy* has guided the delivery of community and stakeholder engagement design for the major review of the SCP.

The *Western Australian Government's Advisory Standard for Integrated Planning and Reporting (IPR)* has set the minimum standard for the Shire review of the SCP. The standard is satisfied when:

1. an adopted strategic community plan meets all regulatory requirements;
2. a local government has a community engagement policy;
3. community engagement involves at least 500 or 10% of community members, whichever is the fewer and is conducted by at least two documented mechanisms; and
4. a strategic review occurs every two years, alternating between a minor and major strategic review.

STRATEGIC IMPLICATIONS

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

Focus Area 4: PERFORMANCE - Civic Leadership

Goal 4.2: Good decision making through engagement with the community

Strategy 4.2.1: Engage and communicate with all sections of the community to better understand needs and priorities

Strategy 4.2.2: Ensure community input informs planning and decision making

Strategy 4.2.3: Ensure community awareness of issues, activities and decisions affecting the Shire

Goal: 4.3: Ensure a strong and progressive organisation delivering customer focused services

Strategy 4.3.2: Integrate all planning, resources and reporting in accordance with best practice and statutory requirements

This matter relates to the following sections of the *Corporate Business Plan 2021-2025*:

Shire Project: 405 - Coordinate the Integrated Planning and Reporting Framework

Service Area: Strategic and Corporate Planning

RISK IMPLICATIONS

Risk: Failure to provide effective advocacy for the Shire and the Region to develop projects, support industry and provide opportunities for all.

Control: Strategic Community Plan identifies significant community issues and projects for Council and staff to advocate for.

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

Control: Strategic Community Plan identifies the needs and expectations of the community to support social cohesion and participation.

Risk: Failure to undertake effective community engagement strategies which develop the Shire's understanding of the needs and aspirations of the community, grow community capacity and ensure supportable outcomes are reached with stakeholders.

Control: The Strategic Community Plan, based on extensive community engagement, assists Council and staff understanding of the needs and aspirations of the community.

FINANCIAL IMPLICATIONS

The Plan lists priority projects that will require significant capital expenditure. The Long-Term Financial Plan will be updated to reflect the estimated expenditure and proposed funding sources for future projects in out years.

COMMUNITY ENGAGEMENT

Engagement has taken place in accordance with the Community Engagement Guidelines and was designed with the following main objectives:

- Informed decision-making: Community engagement provides an opportunity for the Shire and community members to share information and perspectives, allowing for informed decision-making that is reflective of the community's vision and goals.
- Relationship building: Community engagement can lead to a better understanding of the issues that concern the community, which can foster trust between the community and the Shire. This can also create opportunities for ongoing collaboration and dialogue.
- Ownership and empowerment: Through community engagement, community members can develop a sense of ownership and empowerment in the review process, fostering a deeper connection to the SCP and increasing the likelihood of successful implementation.

Community engagement to inform the review of the Plan began with the Catalyse Pty Ltd Community Satisfaction (Scorecard) Survey. This provided a broad data set that considered social and demographic. Based on this information more issue and area specific engagement was developed and undertaken. The methods and number of engagements achieved is outlined in the table below:

Method	participation
Catalyse Survey	338
Community Vision Survey	203
Pop-up sessions	148
Drop-in sessions	81
Workshops	67
Social media interactions	595
Feedback on the draft Plan	55
TOTAL	1,487

Shire Officers have also used the community engagement process to raise general community awareness of the project to review the SCP. Raising awareness of the review of the SCP is a vital component of the community engagement process, providing an opportunity to promote community involvement and participation in the review process and helping to build an understanding of the Shire's role in the community.

Methods to raising awareness and the recorded reach is outlined in the table below:

Method	People reached
Social media	4,052
Direct mail	1,181
TOTAL	5,233

Engagement will take place in accordance with the Community Engagement Guidelines and will include:

- Local public notice of the adoption of the Community Strategic Plan 2023-2033
- Public displays of the new SCP at libraries and other events to be included with the community engagement for the CBP.

COMMENTS

The Strategic Community Plan (SCP) for 2023-2033 outlines the vision, values, goals and strategies of the Shire and its community for the next decade. It is based on extensive consultation and feedback from the community and reflects their aspirations and priorities.

The SCP is a statutory requirement under the *Local Government Act 1995* and the Integrated Planning and Reporting Framework. The requirement to develop and maintain an SCP provides a clear direction and accountability for the Shire's governance and service delivery. It also enables the Shire to communicate effectively with its community and stakeholders about its vision, goals and strategies.

The attached SCP is based on extensive community engagement and feedback, as well as research and analysis of the current and future trends and challenges facing the Shire and its community. The SCP reflects the community's aspirations and priorities, as well as the Shire's commitment to sustainability, resilience and innovation.

Implementation of the SCP will be measured through biennial surveys of the community and through tracking delivery of the Shire's Corporate Business Plan.

The SCP is a living document that will be reviewed and updated regularly to ensure it remains relevant and responsive to changing needs and circumstances. The Shire will continue to engage with the community and stakeholders throughout the implementation of the SCP.

ATTACHMENTS

Attachment 1 - Strategic Community Plan for 2023-2033

12.3.2. Request to Waive Fees and Charges

DATE:	18 April 2023
AUTHOR:	Community Grants and Events Officer
RESPONSIBLE OFFICER:	Felicity Heading, Director Corporate Services
FILE NO:	FM.07.6 ED.02.1
DISCLOSURE OF INTERESTS:	Nil
COUNCIL'S ROLE IN THE MATTER:	Funder - provide funds or other resources Leader - plan and provide direction through policy and practices
VOTING REQUIREMENT:	Simple Majority

OFFICER'S RECOMMENDATION 1

That Council does not approve the request to waive Waste Disposal Fees for the disposal of commercial waste to landfill from Ord Valley Events Incorporated.

PURPOSE

For Council to consider a request by Ord Valley Events Incorporated to waive Waste Disposal Fees for the disposal of commercial waste to landfill from the 2023 Ord Valley Muster. All requests to waive Fees and Charges with a value over \$2,000 require a decision of Council.

BACKGROUND/ PREVIOUS CONSIDERATIONS BY COUNCIL/ COMMITTEE

The Shire is committed to providing a sustainable and efficient waste management service to its residents and local businesses. Waste Disposal Fees are imposed to cover the cost of processing and managing waste at the Landfill sites. Waste disposal fees act as a financial incentive that encourages individuals and businesses to reduce their waste generation and divert waste from landfill. As a result, it can reduce the cost of waste disposal while minimising the environmental impact of waste disposal. In addition to reducing waste, waste disposal fees also provide funds to support the development of future waste management infrastructure and promote alternative waste management practices.

The fee for commercial waste is currently \$57 per cubic metre and is based on a partial cost recovery model and reflects the actual cost of processing and managing waste at the Landfill sites. The Shire's current practice is that all domestic waste delivered to the landfills by businesses and not for profit organisations is considered to be of a commercial nature as those businesses or organisations have been paid to provide a service either by direct fee or through funding arrangements.

Ord Valley Events (OVE) organises and hosts the annual Ord Valley Muster, a 10-day festival that showcases the East Kimberley region. The Ord Valley Muster attracts thousands of visitors and locals to enjoy a variety of events, including music, art, food, and comedy. OVE has received significant financial support from the Shire for the Ord Valley Muster. In 2020 the Shire committed \$150,000 to the OVE over three years through the Annual Community Grant Program. It is also understood that whilst OVE are an incorporated not for profit organisation, many of the events conducted as part of the Ord Valley Muster are ticketed and generate significant revenue to cover the costs incurred in holding these events.

OVE has recently requested that Council waive Waste Disposal Fees for the disposal of commercial waste to landfill from the 2023 Ord Valley Muster. It is estimated that the event will generate approximately 36 cubic metres of waste which will incur \$2,052 in tip fees. All requests to waive Fees and Charges with a value over \$2,000 require a decision of Council. Other regulatory fees with respect to event approvals will still apply, and there are costs associated with park hire and any repairs required to the park on completion of the event.

Previous decisions of Council

At the Ordinary Council Meeting of 27 October 2020, Council approved an allocation of \$150,000 over three years from the Community Grant Program - Event funding to Ord Valley Events Incorporated. OVE have invoiced the Shire for \$50,000, the 2022/23 financial year being the final year of three year funding agreement.

At the 15 December 2020 Ordinary Council Meeting Council resolved to approve the request to waive hire fees for the Ord Valley Events Inc. as follows:

Council Decision:

Minute No: 118362

That Council approves a request from the Ord Valley Muster Event Committee to waive the hire fee for Celebrity Tree Park for the 2021 Ord Valley Muster.

Moved: Cr N Brook

Seconded: Cr G Lodge

Against: Cr A Petherick

Decision: 5/1

STATUTORY IMPLICATIONS

Local Government Act 1995

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.

Shire of Wyndham East Kimberley Delegations Register 2020/2021

DA-11 Waive, Grant Concessions or Write Off Debts

In this delegation:

Waive means to provide a special concession to a person or organisation that extinguishes a debt that would have been owed to the Shire. A waiver may be provided prior to, or subsequent to the date that the debt is incurred.

Write Off occurs following the realisation that the asset can no longer be converted into cash (eg. a bad debt), can provide no further use to the Shire, or has no market value.

The Council delegates its authority and power to the Chief Executive to:

1. Waive or grant concessions in relation to sundry debts owed to the Shire (other than rates and services charges)
2. Write off money owed to the Shire
3. Determine the conditions to be applied to waive, grant a concession or write off money owed to the Shire

Delegates - Chief Executive Officer

Subdelegates - Director Corporate Services

Conditions:

- a) Limited to individual debts not exceeding \$2,000
- b) Write-off rates and service charges not exceeding \$200
- c) Report to the Audit (Finance and Risk) Committee on the exercise of this delegation.

POLICY IMPLICATIONS

CP/FIN-3211 Fees and Charges Pricing Policy is applicable. It seeks fundamentally to ensure that Council considers the income anticipated from the imposition of a charge and the anticipated expenditure of administering the service associated with it.

The Fees and Charges Pricing Policy categorises the hire of a park as a 'Shared Benefit', as an event would have community and private benefits and full cost recovery is not anticipated - so a waiver, in some circumstances, is reasonable. Fees associated with applications are, however, regulatory in nature and are fixed by legislation.

The Fees and Charges Pricing Policy does not make any specific reference to waivers, which can only be made under delegated to the CEO (for sums under \$2,000) or by an absolute majority decision of Council.

FINANCIAL IMPLICATIONS

If Council were to approve the waiver as requested the financial implications would be a reduction in Landfill revenue of approximately \$2,100 as a one off amount for Ord Valley Events.

STRATEGIC IMPLICATIONS

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

Focus Area 1: PEOPLE - Healthy vibrant active communities

Goal 1.1: Bring community together and promote our rich culture and heritage

Strategy 1.1.2: Support and promote an increase in the number of events and activities that encourage a sense of identity, belonging and promote cultural diversity

Focus Area 3: PROSPERITY - Economic Prosperity

Goal 3.2: To be business friendly and the Shire of choice for inward investment in the Kimberley

Strategy 3.2.1: Market the East Kimberley as the place to live, visit and do business

Strategy 3.2.3: Minimise the bureaucracy placed on business and provide an efficient and effective approval processes

Focus Area 4: PERFORMANCE - Civic Leadership

Goal 4.4: Sustainability maintain the Shire's Financial viability

Strategy 4.4.3: Adequate plan for and fund asset maintenance and renewal to deliver planned services

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: Review of resource needs against budgeted income and expenditure and decisions with respect to these matters must be undertaken in line with any applicable policy and legislative requirement.

COMMUNITY ENGAGEMENT

No community engagement is required.

COMMENTS

After careful consideration of the request and its implications, it is the Officer's recommendation that Council does not approve the request to waive Waste Disposal Fees for OVE. The reasons for this recommendation are as follows:

- The Shire has already provided substantial financial support to OVE through the Annual Community Grant program, which is intended to assist community groups and organisations with their operational costs and project delivery including associated fees and charges.

- The Ord Valley Muster is a well-established and successful event that generates substantial income from ticket sales and sponsorships. OVE should be able to cover their Waste Disposal Fees from their own revenue sources without compromising the quality or diversity of their festival program.
- The Shire's Waste Disposal Fees are based on a cost-recovery model and reflect the actual cost of processing and managing waste at the Landfill sites. Waiving these fees for OVE would create a shortfall in funding of processing and managing waste as well as funding essential future waste management infrastructure.
- The Shire's Waste Disposal Fees are also an important mechanism to encourage waste minimisation and recycling practices among users of the Landfill sites. Waiving these fees for OVE would undermine this objective and potentially increase the amount of waste generated by the Ord Valley Muster.
- The Shire's current practice of charging Waste Disposal Fees for commercial waste delivered by businesses and not for profit organisations is consistent with the principles of equity and transparency. Waiving these fees for OVE would create inconsistency and confusion among other users of the Landfill sites and potentially lead to more requests for fee waivers in the future.

In conclusion, it is recommended that Council does not approve the request to waive Waste Disposal Fees for OVE for the 2023 Ord Valley Muster. This recommendation is based on the rationale that OVE has already received significant financial support through the Community Grant Program from the Shire, that OVE has sufficient revenue sources to cover their Waste Disposal Fees, that waiving these fees would undermine the Shire's waste management objectives, and that waiving these fees would lead to more requests for fee waivers reducing funding for Shire Landfill sites.

ATTACHMENTS

Nil

12.4. CORPORATE SERVICES

12.4.1. Review of Financial Hardship Policy

DATE:	18 April 2023
AUTHOR:	Director Corporate Services
RESPONSIBLE OFFICER:	Felicity Heading, Director Corporate Services
FILE NO:	GN.10.06
COUNCIL'S ROLE IN THE MATTER:	Leader - plan and provide direction through policy and practices Regulator - enforce state legislation and local laws
VOTING REQUIREMENT:	Absolute Majority

OFFICER'S RECOMMENDATION

That Council:

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

PURPOSE

For Council to consider rescinding Council Policy CP/FIN-3219 COVID-19 Financial Hardship - Rates and Sundry Debtors and adopting the new financial hardship policy CP/FIN-3220 Financial Hardship - Rates and Sundry Debtors.

BACKGROUND/ PREVIOUS CONSIDERATIONS BY COUNCIL/ COMMITTEE

As part of the Shire's Coronavirus (COVID-19) Response Plan in 2020, Council adopted Council Policy CP/FIN-3219 COVID-19 Financial Hardship - Rates and Sundry Debtors at the 28 April 2020 Ordinary Council Meeting. The policy was reviewed in March 2021 to extend its cover to include the 2021-22 financial year and again in March 2022 to cover the 2022-23 financial year.

Council Decision

Minute Number: 28/04/2020 - 118208

Moved: Cr A Petherick

Seconded: Cr M McKittrick

Carried: 9/0

That Council adopt the draft policy CP/FIN-3219 COVID-19 Financial Hardship – Rates and Sundry Debtors.

Council Decision

Minute Number: 30/03/2021 - 118409

Moved: Cr T Chafer

Seconded: Cr M Dear

Carried: 9/0

That Council adopts the revised policy CP/FIN-3219 COVID-19 Financial Hardship - Rates and Sundry Debtors.

Council Decision

Minute Number: 26/04/2022 - 118632

That Council adopts the revised policy CP/FIN-3219 COVID-19 Financial Hardship - Rates and Sundry Debtors.

Moved: Cr McNeil

Seconded: Cr McKittrick

Decision: 8/0

The Local Government (COVID-19 Response) Orders ceased to have effect from 4 February 2023 following the end of the Western Australian Public Health State of Emergency in Western Australia on 4 November 2022. All provisions under the *The Local Government (COVID-19 Response) Orders* which included provisions relating to the maximum rate of interest that can be charged and the charging of interest for persons considered to be suffering financial hardship under Section 6.13 of the *Local Government Act 1995* are no longer in effect. As a result the previous provisions of Section 6.13 will apply for the 2023-24 financial year.

STATUTORY IMPLICATIONS

Local Government Act 1995

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.

[Section 6.12 amended: No. 64 of 1998 s. 39.]

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.
[Section 6.13 modified: SL 2020/57 1M.]

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.

[Section 6.45 modified: SL 2020/57 1M.]

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.

6.51. 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.

POLICY IMPLICATIONS

The following Council policies are relevant to this item.

CP FIN-3212 Rates and Charges Debt Collection

CP FIN-3214 Sundry Debt Collection

CP FIN-3211 Fees and Charges Pricing Policy

CP GOV-3112 Policy Management Policy

FINANCIAL IMPLICATIONS

The adoption of policy CP/FIN3219 COVID-19 Financial Hardship - Rates and Sundry Debtors has had financial implications for the 2019-20, 2020-21, 2021-22 and 2022-23 financial years. The number of applications received has been less than anticipated and the financial impact on revenue and cash flows from reductions in interest and fees along with extended payment terms is estimated to be less than \$10,000 in total to date.

If the new policy CP/FIN3220 Financial Hardship - Rates and Sundry Debtors is adopted by Council, ratepayers and sundry debtors approved under the previous policy will be reassessed for the 2023-24 financial year and if determined to still be applicable will continue to be eligible for fee and interest relief under the new policy. The cost of this is estimated to be no more than \$5,000 per annum. This will be taken into account in the preparation of the 2023-24 Annual Budget.

It should be noted that rates debts are debts against the property and all amounts deferred under the Policy will ultimately be recovered, with the possible exception of some pastoral leases and mining tenements. With respect to sundry debtors there is a real risk that amounts owed or deferred will not be recoverable at all. Appropriate provision has been made in the financial accounts for the financial year ended 30 June 2023 to reflect this and will also be taken into account in the preparation of the 2023-24 Budget.

STRATEGIC IMPLICATIONS

Strategic Community Plan 2017-2027

Focus Area 4: 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 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.

Policies reviewed and updated in accordance with schedule and operational requirements.

Risk: Failure to develop appropriate, meaningful policies which enable the administration to perform in an effective and efficient way.

Control: New policies adopted as required.

Policies reviewed and updated in accordance with schedule and operational requirements.

COMMUNITY ENGAGEMENT

Community engagement will include the following:

- Correspondence with ratepayers, business and other community members on a general and individual basis as required.
- Contact with individual rates and sundry debtors at the time their account falls into arrears.

COMMENTS

Since 2020 the Shire has adopted a range of options to provide financial relief and assistance to the community in line with and in support of the position adopted by the WALGA State Council, taking into consideration the circumstances unique to the Shire of Wyndham East Kimberley.

The COVID-19 Financial Hardship - Rates and Sundry Debtors policy adopted in 2020 is based on the WALGA Rates Hardship Policy template revised to Council's policy format with amendments to incorporate the inclusion of sundry debtors as well as rates debtors under the policy. Following adoption of the policy, Officers made some minor administrative changes to the policy to align with current Council policies and procedures.

The proposed new Financial Hardship - Rates and Sundry Debtors policy is essentially a revised version of the COVID-19 Financial Hardship policy, with amendments to make the policy applicable as a general Financial Hardship policy. The policy will continue to enable the Shire to provide financial relief to ratepayers and sundry debtors on a case by case basis as needed. The criteria for the assessment of financial hardship is applied in accordance with the policy's stated intention to provide fair, equitable, consistent and dignified support to the community.

In accordance with the relevant sections of the *Local Government Act 1995* outlined in the statutory implications section above, requests to waive interest will continue to be presented to Council for consideration as required. Governance oversight of the application of this policy is through the Audit (Finance and Risk) Committee which will continue to receive quarterly updates at its formal meetings.

Whilst the number of applications for financial hardship under the COVID-19 Financial Hardship policy has been less than anticipated, Shire officers consider that it is appropriate to continue to have a financial hardship policy in place even though the Western Australian Public Health State of Emergency and the *Local Government (COVID-19 Response) Orders* have ended.

ATTACHMENTS

Attachment 1 - Council Policy CP/FIN-3219 COVID-19 Financial Hardship - Rates and Sundry Debtors

Attachment 2 - Council Policy CP/FIN-3220 Financial Hardship - Rates and Sundry Debtors
DRAFT

12.4.2. Review of Council Policy CP/CNC-3141 Elected Member Allowances and Entitlements

DATE:	18 April 2023
AUTHOR:	Director Corporate Services
RESPONSIBLE OFFICER:	Felicity Heading, Director Corporate Services
FILE NO:	FM.05.26
DISCLOSURE OF INTERESTS:	NIL
COUNCIL'S ROLE IN THE MATTER:	Leader - Plan and provide direction through policy and practices. Regulator - Responsible for the enforcement of statutory requirements.
VOTING REQUIREMENT:	Simple Majority

OFFICER'S RECOMMENDATION

That Council adopt the revised Council Policy CP/CNC-3141 Elected Member Allowances and Entitlements.

PURPOSE

For Council to review proposed amendments to Council Policy *CP/CNC-3141 Elected Member Allowances and Entitlements* which will provide the Administration with the policy framework to determine Members Allowances and Entitlements in the annual budget process for the 2023-24 financial year.

BACKGROUND/ PREVIOUS CONSIDERATIONS BY COUNCIL/ COMMITTEE

The Council considers Members' Allowances and Entitlements on an annual basis. For the 2017-18 financial year the Commissioner reduced the amounts down from 100% of the maximum Salaries and Allowances Tribunal (SAT) determination to 70% of the determination. Council in the 2018/19 and 2019/20 budget processes maintained the level at 70%.

For the 2020-21 financial year at the time of budget adoption Council set the level at 60% of the maximum Salaries and Allowances Tribunal (SAT) determination as a strategy to limit the impact of Covid-19. Council subsequently amended the President's and Deputy President's allowances and fees for 2020-21 to 70% at the November 2020 Ordinary Council Meeting to recognise the additional work that they put in as part of the Covid-19 response. Councillor's fees remained at 60%. For the 2021-22 financial year, Council set the level at 70% of the maximum Salaries and Allowances Tribunal (SAT) determination.

For the 2022-23 financial year, Council set the level at 75% of the maximum Salaries and Allowances Tribunal (SAT) determination for meeting fees and 100% of the maximum for the Shire President's Annual Allowance as follows:

COUNCIL DECISION

Minute Number: 28/06/2022 - 118680

That Council:

- 1. Notes that the Elected Members annual attendance fees and annual allowances have been determined with reference to the revised Council Policy CP/CNC-3141 Elected Member Allowances and Entitlements adopted at the 31 May 2022 Ordinary Meeting of Council (Minute No. 31/05/2022 - 118644) to be incorporated into the 2022/23 Municipal Fund Budget.**
- 2. Notes the revised Council Policy CP/CNC-3141 Elected Member Allowances and Entitlements adopted at the 31 May 2022 Ordinary Meeting of Council (Minute No. 31/05/2022 - 118644) 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 ICT Allowance of \$2,400 per annum.**
- 3. Pursuant to section 5.99 of the Local Government Act 1995, adopts the following annual fees for payment of elected members in lieu of individual meeting attendance fees:**
 - a. President \$23,946.00**
 - b. Councillors \$17,858.25**
- 4. Pursuant to section 5.98(5) of the Local Government Act 1995, adopts the following annual local government allowance to be paid in addition to the annual meeting allowance:**
 - a. President \$64,938.00**
- 5. Pursuant to section 5.98A(1) of the Local Government Act 1995, adopts the following annual local government allowance to be paid in addition to the annual meeting allowance:**
 - a. Deputy President \$16,234.50**

Moved: Cr J Farquhar
Seconded: Cr M Dear

Decision 7/0

STATUTORY IMPLICATIONS

Local Government Act 1995 Division 8 — Local government payments and gifts to its members

5.98. Fees etc. for council members

(1A) In this section —

determined means determined by the Salaries and Allowances Tribunal under the Salaries and Allowances Act 1975 section 7B.

(1) A council member who attends a council or committee meeting is entitled to be paid

—

(a) the fee determined for attending a council or committee meeting; or

(b) where the local government has set a fee within the range determined for council or committee meeting attendance fees, that fee.

(2A) A council member who attends a meeting of a prescribed type at the request of the council is entitled to be paid —

(a) the fee determined for attending a meeting of that type; or

(b) where the local government has set a fee within the range determined for meetings of that type, that fee.

(2) A council member who incurs an expense of a kind prescribed as being an expense

—

(a) to be reimbursed by all local governments; or

(b) which may be approved by any local government for reimbursement by the local government and which has been approved by the local government for reimbursement,

is entitled to be reimbursed for the expense in accordance with subsection (3).

(3) A council member to whom subsection (2) applies is to be reimbursed for the expense —

(a) where the extent of reimbursement for the expense has been determined, to that extent; or

(b) where the local government has set the extent to which the expense can be reimbursed and that extent is within the range determined for reimbursement, to that extent.

(4) If an expense is of a kind that may be approved by a local government for reimbursement, then the local government may approve reimbursement of the expense either generally or in a particular case but nothing in this subsection limits the application of subsection (3) where the local government has approved reimbursement of the expense in a particular case.

(5) The mayor or president of a local government is entitled, in addition to any entitlement that he or she has under subsection (1) or (2), to be paid —

(a) the annual local government allowance determined for mayors or presidents; or

(b) where the local government has set an annual local government allowance within the range determined for annual local government allowances for mayors or presidents, that allowance.

(6) A local government cannot —

- (a) make any payment to; or
- (b) reimburse an expense of,

a person who is a council member or a mayor or president in that person's capacity as council member, mayor or president unless the payment or reimbursement is in accordance with this Division.

(7) A reference in this section to a committee meeting is a reference to a meeting of a committee comprising —

- (a) council members only; or
- (b) council members and employees.

[Section 5.98 amended: No. 64 of 1998 s. 36; No. 17 of 2009 s. 33; No. 2 of 2012 s.

14.]

5.98A. Allowance for deputy mayor or deputy president

(1) A local government may decide* to pay the deputy mayor or deputy president of the local government an allowance of up to the percentage that is determined by the Salaries and Allowances Tribunal under the Salaries and Allowances Act 1975 section 7B of the annual local government allowance to which the mayor or president is entitled under section 5.98(5).

* Absolute majority required.

(2) An allowance under subsection (1) is to be paid in addition to any amount to which the deputy mayor or deputy president is entitled under section 5.98.

[Section 5.98A inserted: No. 64 of 1998 s. 37; amended: No. 2 of 2012 s. 15.]

5.99. Annual fee for council members in lieu of fees for attending meetings

A local government may decide* that instead of paying council members a fee referred to in section 5.98(1), it will instead pay all council members who attend council or committee meetings —

- (a) the annual fee determined by the Salaries and Allowances Tribunal under the Salaries and Allowances Act 1975 section 7B; or
- (b) where the local government has set a fee within the range for annual fees determined by that Tribunal under that section, that fee.

* Absolute majority required.

[Section 5.99 amended: No. 2 of 2012 s. 16.]

5.99A. Allowances for council members in lieu of reimbursement of expenses

(1) A local government may decide* that instead of reimbursing council members under section 5.98(2) for all of a particular type of expense it will instead pay all eligible council members —

- (a) the annual allowance determined by the Salaries and Allowances Tribunal under the Salaries and Allowances Act 1975 section 7B for that type of expense; or
- (b) where the local government has set an allowance within the range determined by the Salaries and Allowances Tribunal under the Salaries and Allowances Act 1975 section 7B for annual allowances for that type of expense, an allowance of that amount,

and only reimburse the member for expenses of that type in excess of the amount of the allowance.

* *Absolute majority required.*

(2) *For the purposes of subsection (1), a council member is eligible to be paid an annual allowance under subsection (1) for a type of expense only in the following cases —*

(a) *in the case of an annual allowance that is paid in advance, if it is reasonably likely that the council member will incur expenses of that type during the period to which the allowance relates;*

(b) *in the case of an annual allowance that is not paid in advance, if the council member has incurred expenses of that type during the period to which the allowance relates.*

[Section 5.99A inserted: No. 64 of 1998 s. 38; amended: No. 2 of 2012 s. 17; No. 26 of 2016 s. 13.]

POLICY IMPLICATIONS

There are no other policy implications.

FINANCIAL IMPLICATIONS

If Council adopts the amended policy incorporating the 1.5% increase contained within the 2023 Salaries and Allowances Tribunal (SAT) determination the total funding requirement will be \$275,346.25. This is an increase of \$5,761.75 from the 2022-23 budgeted amount of \$269,584.50. The financial implications of the policy will be contained in the 2023-24 Annual Budget.

The increase to individual members allowances for 2023-24 over the 2022-23 allowances will be as follows:

Meeting Fees Elected Members other than Shire President \$269.25 x 8 = \$2,154.00

Meeting Fees Shire President \$361.50

Shire Presidents Allowance \$977.00

Deputy Shire Presidents Allowance \$244.25

Annual ICT Allowance \$225.00 x 8 = \$2,025.00

Total increase in budget required \$5,761.75

STRATEGIC IMPLICATIONS

Strategic Community Plan 2017-2027

Focus Area 4: PERFORMANCE - Civic Leadership

Goal: 4.1: Effective representation through advocacy at a regional, state and national level.

Goal: 4.3: Ensure a strong and progressive organisation delivering customer focused services.

Strategy 4.1.1: Advocate and lobby effectively on behalf of the community.

Strategy 4.3.4: Build internal capacity by attracting, developing and retaining the best people.

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.
Policies updated in accordance with schedule and operational requirements.

COMMUNITY ENGAGEMENT

No community engagement is required. Community engagement on the budget in general will be conducted later in the budget process.

COMMENTS

The Salaries and Allowances Tribunal (SAT) determination 2023 (refer attachment 2) published on 6 April 2023 contains a 1.5% increase over the 2022 amounts.

In 2022 Officers undertook a comparison of Elected Members Allowances for other Band 2 Shires in the Kimberley as reported in their adopted budgets for 2020-21 and 2021-22. Elected Members allowances were generally set at 75% of the maximum allowance under the SAT determination. This was taken into consideration in the recommendation to set the allowances at 75% for 2022-23. Council subsequently resolved to set the Shire President's Annual Allowance at 100% of the maximum allowance under the SAT determination due to additional responsibilities being undertaken by the Shire President in relation to major infrastructure and economic development strategies.

It is the Officer's recommendation that the allowances be set at the same level for the 2023-24 financial year and that the Annual ICT allowance be set at 75% of the maximum allowance in the SAT Determination. This will increase the Annual ICT Allowance from \$2,400 to \$2,625. The total additional budget required for 2023-24 over the 2022-23 budget will be \$5,761.75.

This is reflected in the draft Policy CP/CNC-3141 Elected Member Allowances and Entitlements at Attachment 1 to this report.

ATTACHMENTS

Attachment 1 - CP/CNC-3141 Elected Member Allowances and Entitlements - DRAFT
Attachment 2 - SAT Local Government CEO and Elected Members Determination 2023

12.4.3. Schedule of Fees and Charges for 2023-24

DATE:	18 April 2023
AUTHOR:	Director Corporate Services
RESPONSIBLE OFFICER:	Felicity Heading, Director Corporate Services
FILE NO:	FM.05.26
DISCLOSURE OF INTERESTS:	Nil
COUNCIL'S ROLE IN THE MATTER:	Leader - plan and provide direction through policy and practices Regulator - enforce state legislation and local laws
VOTING REQUIREMENT:	Absolute Majority

OFFICER'S RECOMMENDATION

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 2023-24 outlined in attachment 1 to be effective from either 1 July 2023 or 1 January 2024, 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 2023-24, to apply from 1 July 2023 or 1 January 2024 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 CP/FIN-3214-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 CP/FIN-3220 Financial Hardship - Rates and Sundry Debtors.**

PURPOSE

For Council to review the proposed Schedule of Fees and Charges for 2023-24 to commence from 1 July 2023 or 1 January 2024 whichever is applicable.

BACKGROUND/ PREVIOUS CONSIDERATIONS BY COUNCIL/ COMMITTEE

Council adopts the Schedule of Fees and Charges on an annual basis in accordance with section 6.16(1) of the *Local Government Act 1995*. In terms of this section the Council may impose and recover a fee or charge for any goods or services it provides or proposes to provide, other than a service for which a service charge is imposed. The Council has approximately 500 different fees and charges. Some of these fees and charges can be implemented from 1 July 2023 and it is therefore recommended that the proposed Fees and Charges are adopted prior to the adoption of the annual budget.

All Fees and Charges have been reviewed by Council Officers with recommended changes incorporated in the proposed Schedule of Fees and Charges. If adopted these Fees and Charges will be used by Shire officers when compiling the 2023-24 Annual Budget.

At the Ordinary Council Meeting on 21 March 2023 Council adopted the reviewed Council Policy CP-FIN 3211 Fees and Charges Pricing. This policy outlines the principles and pricing basis methodology for the setting of Fees and Charges for the 2023-24 financial year.

The Schedule of Fees and Charges for the 2022-23 financial year was adopted incorporating an average increase of 2.5%. This followed a 1.0% increase for the 2021-22 financial year.

Council Decision

Minute Number: 21/03/2023 - 118803

That Council adopts the reviewed CP-FIN-3211 Fees and Charges Pricing Policy.

Moved: Cr McNeil

Seconded: Cr Dear

Decision: 8/0

Council Decision

Minute Number: 26/04/2022 - 118635

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 2022/23 outlined in attachment 1 to be effective from either 1 July 2022 or 1 January 2023, 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 2022/23, to apply from 1 July 2022 or 1 January 2023 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 a reduced interest rate of 7% 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 CP/FIN-3214-Sundry Debt Collection, subject to:

- a. This interest rate cannot be applied to a person who is considered to be suffering financial hardship as a consequence of the COVID-19 Pandemic in accordance with Council Policy CP/FIN-3219 COVID-19 Financial Hardship - Rates and Sundry Debtors.**

**Moved: Cr Kyne
Seconded: Cr Dear**

Decision: 8/0

Council Decision

Minute Number: 28/06/2022 - 118676

That Council:

- 1. Pursuant to section 6.16 of the Local Government Act 1995, adopt the amended Schedule of Fees and Charges for 2022/23 outlined in Attachment 2 to be effective from either 1 July 2022 or 1 January 2023, whichever date is indicated in Attachment 2.**

**Moved: Cr D Menzel
Seconded: Cr B Kyne**

Decision: 7/0

Council Decision

Minute Number: 28/06/2022 - 118679 – 118494

That Council:

- 1. Pursuant to section 6.13 and amendments SL 2020/57, SL 2021/66 and SL 2022/107 to section 6.13 of the Local Government Act 1995 impose an interest rate of 7.0% 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 CP/FIN-3214 Sundry Debt Collection.**
- 2. Pursuant to amendments SL 2020/57, SL 2021/66 and SL 2022/107 to section 6.13 of the Local Government Act 1995, 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 as a consequence of the COVID-19 Pandemic in accordance with Council Policy CP/FIN-3219 COVID-19 Financial Hardship - Rates and Sundry Debtors.**

**Moved: Cr T Chafer
Seconded: Cr B Kyne**

Decision: 7/0

STATUTORY IMPLICATIONS

Local Government Act 1995

Part 6, 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.*

(4) The annual budget is to incorporate —

(c) the fees and charges proposed to be imposed by the local government...

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.

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).

19A. Maximum rate of interest prescribed (Act s. 6.13(3))

The maximum rate of interest to be imposed under section 6.13(1) is prescribed as 11%.

Local Government Act 1995

Part 6, Division 4 — General financial provisions

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.*
- [Section 6.13 modified: SL 2020/57 1M.]

Local Government Act 1995

Part 10 - Provisions for COVID-19 pandemic

10.3. Modification or suspension of provisions of Act or regulations

- (1) *The Minister may, by order, modify or suspend the operation of —*
- (a) *specified provisions of this Act (other than provisions of this Part); or*
 - (b) *specified provisions of regulations made under this Act.*
- (2) *The Minister can make an order under subsection (1) only if each of the following conditions is satisfied —*
- (a) *the order is made while a COVID emergency declaration is in force;*
 - (b) *the Minister considers that the order is necessary to deal with consequences of the COVID-19 pandemic.*
- (3) *Unless sooner revoked under section 9.65(2), an order made under subsection (1) is revoked at the end of —*
- (a) *the last day of the period of 3 months beginning on the day on which the COVID emergency declaration referred to in subsection (2)(a) is revoked or otherwise ceases to have effect; or*
 - (b) *any earlier day specified in the order.*

Local Government (COVID-19 Response) Order 2020

*The Local Government (COVID-19 Response) Order 2020 ceased to have effect from 4 February 2023 in accordance with section 10.3(3)(a) above following the end of the State of Emergency in Western Australia on 4 November 2022. All provisions under the *The Local Government (COVID-19 Response) Order 2020*, the *Local Government (COVID-19 Response) Amendment Order 2021* and *Local Government (COVID-19 Response) Amendment Order 2022* relating to the maximum rate of interest that can be charged and the charging of interest for persons considered to be suffering financial hardship under Section 6.13 of the *Local Government Act 1995* are no longer in effect. The previous provisions of Section 6.13 will apply for the 2023-24 financial year.*

POLICY IMPLICATIONS

The following policies are relevant:

CP-FIN 3211 Fees and Charges Pricing Policy

CP-FIN 3212 Rates and Charges Debt Collection
CP-FIN 3214 Sundry Debt Collection
CP-FIN 3219 Covid-19 Financial Hardship - Rates and Sundry Debtors

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 4.4.3: Adequately plan for and fund asset maintenance and renewal to deliver planned services

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

This matter relates to the following sections of the *Corporate Business Plan 2021-2025*:

Service Area: Financial Services

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.

Controls: Implementation of LTFP and Annual Budget.

Policies updated in accordance with schedule and operational requirements.

Annual review of Fees and Charges with reference to the cost of services, service levels and extent of subsidisation by general rate revenue.

FINANCIAL IMPLICATIONS

The setting of fees and charges for 2023-24 has a minor impact on the current financial year in relation to costs associated with implementing the changes to be effective from 1 July 2023. It has significant financial implications for the 2023-24 financial year and the setting of the Annual Budget for 2023-24.

Fees and Charges revenue for the 2022-23 financial year are forecast to be approximately \$8.0m. Assuming the same mix of services are provided for the 2023-24 financial year and average increase of 3.0%, the budgeted yield from Fees and Charges is expected to be approximately \$8.2m for 2023-24.

COMMUNITY ENGAGEMENT

Engagement will take place in accordance with the Community Engagement Guidelines and will include:

- Shire officers responsible for fees and charges;
- Councillor briefing conducted during April 2023;
- Feedback from the community will be considered after local public notice has been given;
- Where material changes are made to fees and charges, notices to current debtors who may be affected will be given.

COMMENTS

Determining the proposed Fees and Charges

The proposed Schedule of Fees and Charges 2023-24 has been compiled with reference to Council Policy CP/FIN-3211 Fees and Charges Pricing. The policy acknowledges that there are competing priorities between community service obligations, maintaining infrastructure and ensuring that the community is not unduly burdened. It further acknowledges that there are fees in which the Shire has no discretion as they are regulatory fees set by other legislation. In setting the Fees and Charges, Shire officers attempt to ensure that a fair balance is maintained between the service levels provided, the cost of providing those services and the extent of subsidising the services provided.

Consumer Price Index

A significant factor in setting Fees and Charges is deciding what increment to implement. Traditionally this has been determined with reference to the Consumer Price Index (CPI). This index is not a good measure of the change in the cost of doing business for local government. 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 December 2023 was 8.3% and the weighted average of Australian Capital cities was 7.8%

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 2023 Briefing reports an actual increase for 2021-22 of 6.4%, and forecasts a full year increase for 2022-23 of 4.5% with the biggest increases occurring in Machinery and Equipment (10.7%), Road and bridge construction (5.1%) and Materials and Contracts (4.8%). The forecast increases for 2023-24 and 2024-25 are 2.9% and 2.4% respectively.

Proposed Schedule of Fees and Charges

The proposed Schedule of Fees and Charges for 2023-24 includes an average increase of 3.0%. Shire officers consider this to be a reasonable increase that balances the need to keep fees increases at a reasonable level while covering the increasing cost of operating in the current economic environment. This proposed increase follows increases of 1.0% in 2021-22, and 2.5% in 2022-23 against LGCI increases of 6.4% and 4.5% (forecast) respectively.

Other Proposed changes to the Fees and Charges include:

- Rates Penalty Interest and Sundry Debtors Penalty Interest to increase from 7% per annum to the pre-Covid rate of 9% per annum.
- Rates Instalment Interest to increase from 2.5% to the pre-Covid rate of 5.5%
- Rates Instalment Charges to increase from \$6.00 to the pre-Covid amount of \$12.00 per instalment notice.
- Rates and Sundry Debtors Special Payment Arrangement Administration Charges to increase \$63.00 which is the pre-Covid amount plus 3%.

Proposed new fees and charges include:

- Collective Food Vendors Application Fee (Between 2 – 10 food vendors/stalls)
- Collective Food Vendors Application Fee (More than 10 food vendors/stalls)
- Bronze Medallion Course (Full Course)
- Bronze Medallion Course (Requalification)
- Bronze Medallion Course Full course (6 or more people)
- Bronze Medallion Course Requalification (6 or more people)

The above charges will not apply to Ratepayers and Sundry Debtors who qualify under Council Policy CP/FIN-3220 Financial Hardship - Rates and Sundry Debtors.

ATTACHMENTS

Attachment 1 - Schedule of Fees and Charges for Review 2023-24 DRAFT

12.4.4. 2023-24 Budget - Strategic Rating Policy, Rate Model and Local Public Notice

DATE:	18 April 2023
AUTHOR:	Director Corporate Services
RESPONSIBLE OFFICER:	Felicity Heading, Director Corporate Services
FILE NO:	FM.05.26
DISCLOSURE OF INTERESTS:	Nil
COUNCIL'S ROLE IN THE MATTER:	Leader - plan and provide direction through policy and practices Regulator - enforce state legislation and local laws
VOTING REQUIREMENT:	Simple Majority

OFFICER'S RECOMMENDATION

That Council:

- 1. Endorse the revised Council Policy CP/FIN-3200 Strategic Rating;**
- 2. Endorse the 2023-24 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 2023-24 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 2023/24 \$
GRV - Residential	1,712	32,900,407	1,470	0.1561	6.37%	5,157,297
GRV - Other Vacant	122	531,256	1,470	0.2421	81.15%	216,950
GRV - Commercial	194	13,312,674	1,470	0.1540	31.96%	2,064,686
GRV - Industrial	178	7,536,886	1,470	0.1497	7.30%	1,137,641
GRV - Rural Residential	26	272,424	1,470	0.1561	30.77%	45,617
UV - Rural Residential	200	32,401,500	1,470	0.0141	25.50%	462,692

UV - Pastoral	21	9,773,238	1,470	0.0599	0.00%	585,417
UV - Commercial/ Industrial	68	12,307,500	1,470	0.0083	36.76%	128,718
UV - Agriculture	81	60,935,109	1,470	0.0125	1.23%	762,121
UV - Horticulture	93	27,404,000	1,470	0.0109	0.00%	298,704
UV - Mining	65	2,010,583	1,470	0.2954	46.15%	620,104
UV - Mining Exploration and Prospecting	48	535,154	410	0.1476	20.83%	80,580
UV - Other	5	8,960,000	1,470	0.0071	40.00%	64,355
TOTALS	2,813	208,880,731				
Total Budgeted Rates Revenue Raised						11,624,882

- 3. Endorse for advertising for a minimum of twenty-one (21) days and seek public submissions on:**
- a. Council Policy CP/FIN-3200 Strategic Rating (Attachment 1) that outlines the principles which underpin the proposed 2023-24 rating model, including the Object of and Reasons for Differential Rates;**
 - b. The 2023-24 Rating Model (Attachment 2) which incorporates the Object of and Reasons for Differential Rates, along with the proposed differential rates and minimum payments to be applied from 1 July 2023 for the 2023-24 financial year in accordance with section 6.36 of the Local Government Act 1995.**

PURPOSE

For Council to endorse the revised Council Policy *CP/FIN-3200 Strategic Rating* and the rating model prepared based on the updated Policy. For Council to further endorse for advertising and community engagement Council Policy *CP/FIN-3200 Strategic Rating* and the attached rating model.

BACKGROUND/ PREVIOUS CONSIDERATIONS BY COUNCIL/ COMMITTEE

Rates revenue is a substantial source of discretionary revenue for the Shire of Wyndham East Kimberley (The Shire), accounting for approximately 52% of the total operating revenue in the adopted 2022/23 Budget. The *Local Government Act 1995* (the Act) empowers local governments to impose differential general rates and minimum payments on rateable land.

The Shire has adopted a differential general rate and general minimum payments for a number of years. The imposition of differential rates is a conscious decision by the Council to distribute

the rate burden in its district by imposing a higher impost on some ratepayers and a lower impost on others.

The overall objective of a rating model is to provide for the net funding requirements of the Shire's services, activities, financing costs and the current and future capital requirements of the Shire as outlined in the Strategic Community Plan, Long Term Financial Plan, and Corporate Business Plan. Asset management is a significant challenge for all local governments and any rating model must also support asset renewal and replacement requirements in line with defined service levels.

In accordance with the Act, the Minister for Local Government is authorised to approve the following in relation to rates:

- The imposition of a differential general rate which is twice the lowest differential general rate imposed by a local government;
- A minimum payment on vacant land that does not comply with legislative provisions;
- Changes in the method of valuation of land; and
- Land exempt from rates.

The Department of Local Government, Sport and Cultural Industries has developed a range of policies and application forms to ensure that local governments provide all the necessary information.

The Council adopted a revised Council Policy *CP/FIN-3200 Strategic Rating* during 2014/15 which utilised five (5) principles in the development of the rating methodology being:

1. Equity
2. Incentive
3. Administrative Efficiency
4. Compliance
5. Sustainability.

The differential rates applied ensure greater equity and contribution of rates according to land use, zoning or a combination of these. The 2014/15 financial year was the first year that the differential rating model (including minimum payments) attempted to align with the Town Planning Scheme No. 7 Kununurra and Environs (TPS7) and the Town Planning Scheme No. 6 Wyndham Townsite (TPS6) in an effort to ensure greater equity across the differential rating categories. The Shire of Wyndham East Kimberley Local Planning Scheme No. 9 (LPS9) was gazetted on 19 February 2019 and Council Policy *CP/FIN-3200 Strategic Rating* was amended in April 2019 to incorporate changes to ensure continued alignment of the rating model with the Local Planning Scheme LPS9.

Rates are calculated by multiplying the valuation (either GRV or UV), provided by Landgate (the Valuer General), with a rate in the dollar, imposed by the Council. When Landgate perform a general revaluation of properties, Council can adjust the rate in the dollar to offset significant fluctuations in valuations in order to maintain the overall rate yield (amount of rates collected) and preserve the rate yield per category. It is customary to preserve the ratios between the

different rate categories by increasing the yield from each category uniformly on an annual basis to maintain the service levels provided by the Shire. This is the “rate increase” and is subject to much community comment. Please note that this does not mean that the rate in the dollar will increase uniformly.

At the 26 April 2022 Ordinary Council Meeting, Council resolved the following:

Council Decision

Minute Number: 26/04/2022 - 118634

That Council:

- 1. Endorse the revised Council Policy CP/FIN-3200 Strategic Rating;**

- 2. Endorse the 2022/23 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 2022/23 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 Concessions	Proposed Rates Revenue Budget 2022/23 \$
GRV - Residential	1,710	32,826,775	1,400	0.1487	6.32%		4,901,790
GRV - Other Vacant	122	508,216	1,400	0.2306	81.97%		202,320
GRV - Commercial	192	13,186,549	1,400	0.1467	32.81%		1,948,929
GRV - Industrial	178	7,457,086	1,400	0.1426	7.30%		1,072,301
GRV - Rural Residential	26	272,424	1,400	0.1487	30.77%		43,452
UV - Rural Residential	200	28,979,000	1,400	0.0134	41.00%		426,256
UV - Pastoral	21	10,227,738	1,400	0.0570	0.00%		582,981
UV - Commercial/ Industrial	68	12,038,500	1,400	0.0079	38.24%		121,756
UV - Agriculture	80	60,935,109	1,400	0.0119	1.25%		725,540
UV - Horticulture	93	27,183,000	1,400	0.0104	0.00%		282,703
UV - Mining	65	1,840,908	1,400	0.2813	46.15%		544,333

UV - Mining Exploration and Prospecting	41	509,393	390	0.1406	21.95%		72,973	
UV - Other	5	8,960,000	1,400	0.0067	40.00%		60,755	
TOTALS	2,801	204,924,698						
Total Budgeted Net Rates Revenue Raised								10,986,089

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

- a. **Council Policy CP/FIN-3200 Strategic Rating (Attachment 1) that outlines the principles which underpin the proposed 2022/23 rating model, including the Object of and Reasons for Differential Rates;**
- b. **The 2022/23 Rating Model (Attachment 2) which incorporates the Object of and Reasons for Differential Rates, along with the proposed differential rates and minimum payments to be applied from 1 July 2022 for the 2022/23 financial year in accordance with section 6.36 of the Local Government Act 1995.**

4. Properties affected by the increase in the minimum rate will be contacted individually to notify them of the impact of the change.

Moved: Cr M McKittrick

Seconded: Cr M Dear

Decision: 8/0

At the 31 May 2022 Ordinary Council Meeting, Council resolved the following:

Council Decision

Minute Number: 31/05/2022 - 118646

That Council:

- 1. Notes the submissions received in relation to the proposed Differential General Rates and Minimum Payments and Strategic Rating Policy, and thanks the respondents for their input;**
- 2. Notes that Budget efficiencies have been identified as part of the 2022/23 Budget process and these efficiencies will be included in the Annual Budget presented to Council for adoption; and**
- 3. Adopt revised Council Policy CP/FIN-3200 Strategic Rating as per Attachment 1.**

Moved: Cr M Dear

Seconded: Cr M McKittrick

Decision: 8/0

Council Decision**Minute Number: 31/05/2022 - 118647**

- 1. Endorse the amended 2022/23 Rating Model as follows, with the intention of striking the rates as part of the 2022/23 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 Concessions	Proposed Rates Revenue Budget 2022/23 \$
GRV - Residential	1,711	32,835,927	1,400	0.1487	6.32%		4,930,190
GRV - Other Vacant	121	507,316	1,400	0.2306	81.97%		200,920
GRV - Commercial	191	13,181,349	1,400	0.1467	32.46%		1,947,529
GRV - Industrial	178	7,457,086	1,400	0.1426	7.30%		1,072,301
GRV - Rural Residential	26	272,424	1,400	0.1487	30.77%		43,452
UV - Rural Residential	199	32,168,500	1,400	0.0134	25.63%		436,751
UV - Pastoral	21	9,773,238	1,400	0.0570	0.00%		557,075
UV - Commercial/Industrial	68	12,034,900	1,400	0.0079	38.24%		121,756
UV - Agriculture	80	60,935,109	1,400	0.0119	1.25%		725,540
UV - Horticulture	93	27,404,000	1,400	0.0104	0.00%		285,002
UV - Mining	65	2,010,583	1,400	0.2813	46.15%		590,510
UV - Mining Exploration and Prospecting	44	552,851	390	0.1406	18.18%		78,954
UV - Other	5	8,960,000	1,400	0.0067	40.00%		60,755
TOTALS	2,802	208,093,283					
Total Budgeted Net Rates Revenue Raised							11,023,735

2. **Requests the CEO, or their delegate to seek approval from the Minister for Local Government; Heritage; Culture and the Arts to approve the Shire of Wyndham East Kimberley applications to:**
- a. **Impose minimum payments for vacant land which will result in more than 50% of the properties in the GRV Other Vacant rating category subject to minimum payments in accordance with section 6.35(5) of the Local Government Act 1995; and**
 - b. **Impose a rate in the dollar which will result in it being more than twice the lowest differential general rate imposed for UV Mining, UV Mining Exploration and Prospecting and UV Pastoral rating categories, in accordance with section 6.33(3) of the Local Government Act 1995.**

Moved: Cr M Dear

Seconded: Cr M McKittrick

Decision: 8/0

STATUTORY IMPLICATIONS

Local Government Act 1995

Part 5

Division 6 – Disclosure of financial interests

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 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 6

Division 6 – 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 under a local planning scheme in force under the Planning and Development Act 2005;
 - (b) the predominant purpose for which the land is held or used as determined by the local government;
 - (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 the 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.*

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;*
 - (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 of the time and place where a document describing the objects of, and reasons for, each proposed rate and minimum payment may be inspected.
- (4) The local government is required to consider any submissions received before imposing the proposed rate or minimum payment with or without modification.
- (5) Where a local government -
 - (a) in an emergency, proposes to impose a supplementary general rate or specified area rate under section 6.32(3)(a); or
 - (b) proposes to modify the proposed rates or minimum payments after considering any submissions under subsection (4), it is not required to give local public notice of that proposed supplementary general rate, specified area rate, modified rate or minimum payment.

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.

[Section 6.45 modified: SL 2020/57 1M.]

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.*

6.51. 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

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.

POLICY IMPLICATIONS

The proposed differential general rates and minimum payments in the rate model are based on the Council's revised Policy *CP/FIN-3200 Strategic Rating* that aligns the rating model closely to LPS9 in terms of land use.

If there are modifications to the differential general rates or minimum payments from those proposed, then Council Policy *CP/FIN-3200 Strategic Rating* may need to also be amended to reflect the modifications.

FINANCIAL IMPLICATIONS

The differential general rates, minimum payments, and proposed concessions as per the rating model outlined above and in Attachment 2 are expected to yield gross rate revenue of \$11,624,882. This is an increase of \$601,147 or 5.45% over the 2022-23 Budgeted revenue. The rate revenue generated is based on a natural growth of \$0.43%, and an average rate in the dollar increase of 5.0% across all Rate Categories.

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 2023-34 budget will reflect these efficiency gains once finalised.

STRATEGIC IMPLICATIONS

Strategic Community Plan 2017-2027

Focus Area 4: PERFORMANCE - Civic Leadership.

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

Strategy 4.4.3: Adequately plan for and fund asset maintenance and renewal to deliver planned services.

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

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.

Policies updated in accordance with schedule and operational requirements.

COMMUNITY ENGAGEMENT

Engagement will take place in accordance with the Shire's Community Engagement Guidelines.

In accordance with legislative requirements it is proposed to provide local public notice of the proposed rates in the dollar for a period of 21 days and seek public submissions.

Public notification will include the following:-

- Local public notice in the Kimberley Echo on 4 May 2023;

- Local public notice in the May 2023 issue of the Bastion Bulletin;
- A copy of the Notice to Impose Differential General Rates and Minimum Payments for 2023-24 placed on the Coles noticeboard on 1 May 2023;
- A copy of the Notice to Impose Differential General Rates and Minimum Payments for 2023-24 placed on the IGA noticeboard on 1 May 2023;
- A copy of the Notice to Impose Differential General Rates and Minimum Payments for 2023-24 placed on the Wyndham Post Office noticeboard on 1 May 2023;
- The Shire's Facebook page and website on 1 May 2023;
- Media Release on 1 May 2023; and
- A copy of the Notice to Impose Differential General Rates and Minimum Payments for 2023-24, including Council Policy *CP/FIN-3200 Strategic Rating* placed on the Shire's website, public notice boards at the Civic Centres and Libraries in both Kununurra and Wyndham on 1 May 2023.

COMMENTS

The rate setting process is governed by the Council Policy *CP/FIN-3200 Strategic Rating* (the Policy). The rate setting formula is essentially a simple one whereby the amount of rates a property pays is determined by applying a rate in the dollar to the value assigned to the property. However, both parts of this equation have variable aspects to them and these are laid out in the Policy.

The Policy allows for the rate in the dollar to be determined on a differential basis. The Shire rates different land uses differently and also employs the use of minimum rates.

In determining the rate yield (amount of rates collected) "natural growth" is one of the first components considered. It is determined by applying the prior year rate in the dollar to the rates base as amended before any general revaluation is factored in. The Shire has had natural growth of 0.43% for the 2022-23 year to date.

The rate setting process requires officers to determine a rate in the dollar based on the policy. It is therefore prudent that the policy is amended at the same time as the proposed rates are approved for community consultation.

Rate Concessions:

In the 2020-21 and 2021-22 financial years, Council resolved to grant concessions to the UV Pastoral rating category so as to ease the impact of the 1 July 2020 valuation increases. Most pastoral valuations were adjusted downwards in 2022-23 following objections lodged with Landgate by the leaseholders. Shire officers will not be recommending any Rate concessions for the 2023-24 financial year.

Determining a proposed rate in the dollar

While a proposed increase in the rate in the dollar is generally subject to the most scrutiny, there are other aspects of setting the rate in the dollar that need to be highlighted. It is critical to note that the change to the actual rate in the dollar is only one factor in the rate setting process. Other factors include changes to the rates base. These can be changes to the total number of rateable properties, the mix between each rating category and the change in values placed on properties within each rating category. The changes in property values can happen

on an incremental basis or on a periodic basis as part of a general revaluation of municipal properties. It is the combination of these factors that will have to be taken into account in assessing their impact on the rate in the dollar before assessing what increase to apply. The Shire attempts to ensure that the actual dollar value that a ratepayer pays increases as close to the increased percentage as possible.

Consumer Price Index

A significant factor in setting the rate in the dollar is deciding what increment to implement. Traditionally this has been determined with reference to the Consumer Price Index (CPI). 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 December 2022 was 8.3%.

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 2023 Briefing reports an actual increase for 2021-22 of 6.4%, and forecasts a full year increase for 2022-23 of 4.5% with the biggest increases occurring in Machinery and Equipment (10.7%), Road and bridge construction (5.1%) and Materials and Contracts (4.8%). The forecast increases for 2023-24 and 2024-25 are 2.9% and 2.4% respectively.

Shire Officers also need to consider surrounding circumstances such as the state of the local economy and neighbouring districts when considering their rate in the dollar and any proposed increase. Rates levied across other Kimberley Shire's have also been regarded and with all things considered Officers consider the Shire's rating levels to be fair and reasonable.

Rating Models

Shire Officers have undertaken modelling using various rates. The model shown below is one with a rate increase of 5.0% on all Rate Categories, as this provides additional funds to maintain current service levels. Over the past 3 years the LGCI has increased by a cumulative total of 12.7% while rates have increased by a total of 2.7%. A 5.0% rate increase will again be below the increase in the cost of delivering Shire services and will still require the Shire to examine its cost structures to ensure that it is efficient in the delivery of its services.

The table below is an excerpt of the rating model which reflects the average weekly increase (properties on minimum payments excluded) if a 5.0% increase in the rate in the dollar is adopted. The full model demonstrating a 5.0% increase in the rate in the dollar is provided in Attachment 2. The full model shows that natural growth will result in a 0.43% increase in total rate revenue and that a 5.0% increase in the rate in the dollar and minimum payments will result in an additional 5.0% increase in total rate revenue.

Differential Rating Category	Proposed Rates Revenue 2023/24 \$	Average Rates Payable 2022/23 \$	Average weekly increase/decrease compared to 2022/23 \$
GRV - Residential	5,157,297	3,117	2.92
GRV - Other Vacant	216,950	3,105	5.24
GRV - Commercial	2,064,686	14,951	10.13
GRV - Industrial	1,137,641	6,778	7.51
GRV - Rural Residential	45,617	1,880	1.71
UV - Rural Residential	462,692	2,602	2.57
UV - Pastoral	585,417	27,877	25.95
UV - Commercial/ Industrial	128,718	2,138	2.05
UV - Agriculture	762,121	9,508	6.57
UV - Horticulture	298,704	3,211	2.83
UV - Mining	620,104	16,457	15.11
UV - Mining Exploration and Prospecting	80,580	2,012	-1.81
UV - Other	64,355	20,471	22.18
TOTALS	11,624,882		

Other Factors

Shire Officers recognise 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.

Summary

The rating model outlined above and in Attachment 2 considers a range of factors in determining the rate in the dollar. The revenue that the proposed rate in the dollar will raise will be sufficient for the Shire to meet its statutory obligations and maintain Shire services at

current service levels. Shire Officers further consider that an average rate increase of 5.0% is consistent and reasonable in the circumstances. The draft Council Policy CP/FIN-3200 Strategic Rating at Attachment 1 incorporates a 5.0% increase.

ATTACHMENTS

Attachment 1 - Council Policy CP/FIN-3200 Strategic Rating - DRAFT

Attachment 2 - Rating Model 2023-24 - Natural Growth with 5.0% RID Increase

12.4.5. Reserve Fund - Kimberley Regional Group

DATE:	18 April 2023
AUTHOR:	Director Corporate Services
RESPONSIBLE OFFICER:	Felicity Heading, Director Corporate Services
FILE NO:	RK.01.1, RK.02.1
DISCLOSURE OF INTERESTS:	Nil
COUNCIL'S ROLE IN THE MATTER:	Leader - plan and provide direction through policy and practices Regulator - enforce state legislation and local laws
VOTING REQUIREMENT:	Absolute Majority

VOTING REQUIREMENT

Absolute Majority

OFFICER'S RECOMMENDATION

That Council:

- 1. Endorses that the Shire of Wyndham East Kimberley provide the administration services for the Kimberley Regional Group; and**
- 2. Note that the Shire President is the elected Chair of the Kimberley Regional Group; and**
- 3. Resolve to establish a Reserve being the "Kimberley Regional Group Reserve" with the purpose to hold member contributions and other funds received for the operation of the Kimberley Regional Group; and**
- 4. Authorise the CEO to transfer funds received for the operation of the Kimberley Regional Group to the Kimberley Regional Group Reserve as an amendment to the 2022-23 Annual Budget; and**
- 5. Authorise the CEO to disburse funds from the Kimberley Regional Group Reserve to meet the operating expenses of the Kimberley Regional Group.**

PURPOSE

To request Council to approve the establishment of a new Reserve fund being the "Kimberley Regional Group Reserve" with the purpose to hold member contributions and other funds received for the operation of the Kimberley Regional Group in accordance with the Kimberley Regional Group Governance Agreement.

NATURE OF COUNCIL'S ROLE IN THE MATTER

Lead - plan and provide direction through policy and practices

Fund - Provide funds or other resources

Regulate - Responsible for the enforcement of statutory requirements

BACKGROUND/ PREVIOUS CONSIDERATIONS BY COUNCIL/ COMMITTEE

There are no decisions of Council in relation to this matter.

The administration of the Kimberley Regional Group (KRG) rotates approximately every 5 years. The Shire of Broome was responsible for the KRG for the past 5 years and felt it was time for one of the other Kimberley Shires to assume responsibility for the KRG. The Shire of Wyndham East Kimberley was nominated to assume responsibility for the KRG on 1 July 2022. Funds were transferred to the Shire after the annual financial audit was completed for the year ended 30 June 2022.

STATUTORY IMPLICATIONS

Local Government Act 1995 Part 6 Division 2

6.2. Local government to prepare annual budget (extract)

(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.*

(4) *The annual budget is to incorporate —*

(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;

Local Government Act 1995 Part 6 Division 3

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.

POLICY IMPLICATIONS

There are no specific policy implications that impact on the consideration of this report however there is a need to meet good governance principles in assessing the request.

FINANCIAL IMPLICATIONS

There are no direct budget implications for the setting up of the KRG Reserve. All contributions and funds received for and on behalf of the KRG will be held in the reserve. Disbursements from the KRG Reserve will be in line with the KRG Annual Budget that is approved by the KRG board. There is no burden on the Shire other than some officers' time in processing transactions on behalf of the KRG. The balance of funds transferred to the Shire was \$298,453. This amount will be transferred to the KRG Reserve.

STRATEGIC IMPLICATIONS

Strategic Community Plan 2017-2027

Focus Area 3: Economic Prosperity

Goal 3.1: To deliver the critical infrastructure that will create the conditions for economic growth across the Shire

Strategy 3.1.4: Plan for current and future business and infrastructure land use needs.

Goal 3.2: To be business friendly and the Shire of choice for inward investment in the Kimberley.

Strategy 3.2.3: Minimise the bureaucracy placed on business and provide efficient and effective approval processes.

Strategy 3.2.4: Support the identification and development of investment opportunities that create jobs.

Focus Area 4: 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 adequately resource and manage funding requirements which meet the needs of the Shire's service delivery requirements and strategic objectives.

Controls: Implementation of Long Term Financial Plan and Annual Budget

COMMUNITY ENGAGEMENT

No Community Consultation is required in relation to this matter.

COMMENTS

The Shire has assumed the responsibility for the administration of the KRG. This requires an investment of time from both the Shire President, his Deputy, the CEO, the Shire Executive and Shire Officers. For the Shire Officers and the Executive this is not a significant investment in time or resources. The Shire President and the CEO will be allocating time and resources to this as it is a worthwhile exercise in leading the advocacy role for the Kimberley community.

The four Shires making up the Kimberley Regional Group each pay an amount of \$50,000 per year giving an operational budget of \$200,000. From this amount the operating expenses are met which include a consultant who delivers a research and secretariat service and meeting expenses. The balance of KRG funds transferred to the Shire from the Shire of Broome was \$298,453.

Other than Officers time there are no other cash disbursements for the KRG that will be borne by the Shire.

ATTACHMENTS

Nil

12.4.6. Monthly Financial Report

DATE:	18 April 2023
AUTHOR:	Manager Finance
RESPONSIBLE OFFICER:	Felicity Heading, Director Corporate Services
FILE NO:	FM.09.32
DISCLOSURE OF INTERESTS:	Nil
COUNCIL'S ROLE IN THE MATTER:	Regulator - Responsible for the enforcement of statutory requirements
VOTING REQUIREMENT:	Simple Majority

OFFICER'S RECOMMENDATION

That Council receives the Monthly Financial Reports for the period ended 31 March 2023.

PURPOSE

For Council to receive the Monthly Financial Reports for the period ended 31 March 2023.

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

CP/FIN-3201 *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. 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 14 in the Financial Statements.

ATTACHMENTS

Attachment 1 - Monthly Financial Report March 2023

Attachment 2 - Note 15 - Material Variances

12.4.7. List of Accounts Paid From Municipal Fund and Trust Fund

DATE:	18 April 2023
AUTHOR:	Manager Finance
RESPONSIBLE OFFICER:	Felicity Heading, Director Corporate Services
FILE NO:	FM.09.32
DISCLOSURE OF INTERESTS:	Nil
COUNCIL'S ROLE IN THE MATTER:	Regulator - Responsible for the enforcement of statutory requirements
VOTING REQUIREMENT:	Simple Majority

OFFICER'S RECOMMENDATION

That Council receive the lists of accounts paid from the Municipal and Trust funds for March 2023, being:

Municipal EFT 144948 - 145215 (03/03/23 - 24/03/23)	\$ 1,670,447.52
Trust EFT 52068 - 52086 (01/03/23 - 30/03/23)	\$ 5,149.05
Payroll (08/03/23 - 22/03/23)	\$ 521,435.84
Direct Bank Debits (01/03/23 - 31/03/23)	\$ 122,376.99
Total March	\$ 2,319,409.40

PURPOSE

To present the list of accounts paid from the Municipal Fund and Trust Fund in accordance with 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

Local Government Act 1995 - Section 5.42 Delegation of some power and duties to CEO
Local Government (Financial Management) Regulations 1996 -

Regulation 5. CEO's duties as to financial management.
Regulation 11. Payments, procedures for making etc.
Regulation 12. Payments from municipal fund or trust fund, restrictions on making.
Regulation 13. Payments from municipal fund or trust fund by CEO, CEO's duties etc.

POLICY IMPLICATIONS

Sub-delegation 12 "Payments from the Municipal Fund and Trust Fund" applies subject to compliance with *Council Policy CP/FIN-3204 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 2022/23 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.

STRATEGIC IMPLICATIONS

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 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 meeting of Council after the list is prepared and is to be recorded in the minutes of the meeting at which it is presented.

ATTACHMENTS

Attachment 1 - List of Accounts Paid March 2023

12.5. INFRASTRUCTURE

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

17. CLOSURE