

SHIRE OF WYNDHAM EAST KIMBERLEY

# Ordinary Council Meeting: Agenda

26 March 2024



## **DISCLAIMER**

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

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

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

Signed on behalf of Council



**VERNON LAWRENCE**

**CHIEF EXECUTIVE OFFICER**

### **NOTES**

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

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**SHIRE OF WYNDHAM EAST KIMBERLEY  
ORDINARY COUNCIL MEETING AGENDA  
KUNUNURRA COUNCIL CHAMBERS  
TO BE HELD ON TUESDAY 26 MARCH 2024 AT 5:00PM**

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

**OFFICER'S RECOMMENDATION**

<p><b>That Council confirms the Minutes of the Ordinary Council Meeting held on 27 February 2024.</b></p>
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Note: The Minutes of the Ordinary Council Meeting held on 27 February 2024 are provided under separate cover via [www.swek.wa.gov.au](http://www.swek.wa.gov.au)

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

**12.1.1. Consideration of recommendations contained within the minutes of the Audit (Finance and Risk) Committee of 11 March 2024**

<b>DATE:</b>	26 March 2024
<b>AUTHOR:</b>	Director Corporate Services
<b>RESPONSIBLE OFFICER:</b>	Vernon Lawrence, Chief Executive Officer
<b>ASSESSMENT NO:</b>	Various - As Detailed in the Minutes of the 11 March 2024 Audit (Finance and Risk) Committee meeting
<b>FILE NO:</b>	Various - As Detailed in the Minutes of the 11 March 2024 Audit (Finance and Risk) Committee meeting
<b>DISCLOSURE OF INTERESTS:</b>	Nil
<b>COUNCILS ROLE IN THE MATTER:</b>	Leader - Plan and provide direction through policy and practices Regulator - Responsible for the enforcement of statutory requirements
<b>VOTING REQUIREMENT:</b>	Simple Majority

**COMMITTEE RECOMMENDATION 1**

That Council, with reference to Item 7.1 *“Standing Item - Rates Debtors”* as detailed in the 11 March 2024 Audit (Finance and Risk) Committee Agenda/Minutes, accept the report that the actions being undertaken by the administration in regard to rates debtors including rates debts in legal process are sufficient and appropriate.

**COMMITTEE RECOMMENDATION 2**

That Council, with reference to Item 7.2 *“Standing Item - Sundry Debtors”* as detailed in the 11 March 2024 Audit (Finance and Risk) Committee Agenda/Minutes, accept the report that the actions being undertaken by the administration in regard to sundry debtors including sundry debts in legal process are sufficient and appropriate.

**COMMITTEE RECOMMENDATION 3**

That Council, with reference to Item 7.3 *“Standing Item - Insurance Claims”* as detailed in the 11 March 2024 Audit (Finance and Risk) Committee Agenda/Minutes, note the Insurance Claims Report and associated attachments to the Agenda/Minutes of the 11 March 2024 Audit (Finance and Risk) Committee meeting.

#### **COMMITTEE RECOMMENDATION 4**

That Council, with reference to Item 7.4 *“Standing Item - Leases”* as detailed in the 11 March 2024 Audit (Finance and Risk) Committee Agenda/Minutes, note the Confidential Lease Schedule and the New and Renewal Lease Schedule attached to the Agenda/Minutes of the 11 March 2024 Audit (Finance and Risk) Committee Meeting.

#### **COMMITTEE RECOMMENDATION 5**

That Council, with reference to Item 7.5 *“Review of Financial Management, Risk Management, Legislative Compliance and Internal Controls”* as detailed in the 11 March 2024 Audit (Finance and Risk) Committee Agenda/Minutes:

Note the progress report contained within the Confidential Attachments to the 11 March 2024 Audit (Finance and Risk) Committee Agenda/Minutes arising from the Chief Executive Officer’s review on the appropriateness and effectiveness of the Shire’s systems and procedures in relation to risk management, internal control and legislative compliance as required by Regulation 17 of the Local Government (Audit) Regulations 1996 and the review of the appropriateness and effectiveness of the financial management systems and procedures of the Shire as required by Regulation 5(2)(c) of the Local Government (Financial Management) Regulations 1996.

#### **COMMITTEE RECOMMENDATION 6**

That Council, with reference to Item 6 *“Compliance Audit Return”* as detailed in the 11 March 2024 Audit (Finance and Risk) Committee Agenda/Minutes and the attachments to the Agenda/Minutes of the 11 March 2024 Audit (Finance and Risk) Committee Meeting:

1. Note the 2023 Compliance Audit Return has been completed;
2. Authorise the Shire President and the CEO to certify the 2023 Compliance Audit Return; and
3. Authorise the Chief Executive Officer to submit the 2023 Compliance Audit Return to the Department of Local Government by 31 March 2024.

#### **PURPOSE**

To consider the recommendations from the Audit (Finance and Risk) Committee made at its meeting held on 11 March 2024.

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

The background and details supporting the recommendations are contained within the Minutes of the 11 March 2024 Audit (Finance and Risk) Committee meeting and confidential attachments to the Agenda/Minutes.

#### **STATUTORY IMPLICATIONS**

Various - detailed within the Minutes of the 11 March 2024 Audit (Finance and Risk) Committee meeting and confidential attachments to the Agenda/Minutes.

## **POLICY IMPLICATIONS**

Various - detailed within the Minutes of the 11 March 2024 Audit (Finance and Risk) Committee meeting and confidential attachments to the Agenda/Minutes.

## **FINANCIAL IMPLICATIONS**

Various - detailed within the Minutes of the 11 March 2024 Audit (Finance and Risk) Committee meeting and confidential attachments to the Agenda/Minutes.

## **STRATEGIC IMPLICATIONS**

**Focus Area:** SUSTAINABILITY

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

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

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

## **RISK IMPLICATIONS**

Various - detailed within the Minutes of the 11 March 2024 Audit (Finance and Risk) Committee meeting and confidential attachments to the Agenda/Minutes.

## **COMMUNITY ENGAGEMENT**

Various - detailed within the Minutes of the 11 March 2024 Audit (Finance and Risk) Committee meeting and confidential attachments to the Agenda/Minutes.

## **COMMENTS**

Various - detailed within the Minutes of the 11 March 2024 Audit (Finance and Risk) Committee meeting and confidential attachments to the Agenda/Minutes.

## **ATTACHMENTS**

Nil

### 12.1.2. Minutes and Recommendations from the Kimberley Zone and Kimberley Regional Group Meetings of 16 February 2024

<b>DATE:</b>	26 March 2024
<b>AUTHOR:</b>	Chief Executive Officer
<b>RESPONSIBLE OFFICER:</b>	Vernon Lawrence, Chief Executive Officer
<b>DISCLOSURE OF INTERESTS:</b>	Nil
<b>COUNCIL'S ROLE IN THE MATTER:</b>	Advocator, Facilitator and Leader
<b>VOTING REQUIREMENT:</b>	Simple Majority

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

**That Council:**

- 1. Receives and endorses the resolutions of the Kimberley Zone and the Kimberley Regional Group as attached in the meeting minutes of 16 February 2024 for the Kimberley Zone and the Kimberley Regional Group as provided at Attachments 1 and 2 to this report.**

#### **PURPOSE**

This report, presents for Council's endorsement, the Minutes from the last meeting of the Kimberley Zone and Kimberley Regional Group (KRG).

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

The Kimberley Zone is a group established to represent regional issues to the State Council of the Western Australian Local Government Association (WALGA). This group includes the four Kimberley Shires in addition to the Shires of Christmas Island and Cocos Keeling Islands.

The KRG is a group defined through a Memorandum of Understanding between the four Kimberley Shires and a Governance agreement, which has recently been updated.

The Shire of Wyndham East Kimberley is the Secretariat for both groups and all meetings are held jointly.

The Minutes of the Kimberley Zone are at Attachment 1 and the Minutes of the KRG are at Attachment 2. A copy of the State Council Agenda is at Attachment 3.

#### **STATUTORY IMPLICATIONS**

Nil

#### **POLICY IMPLICATIONS**

Nil



## **STRATEGIC IMPLICATIONS**

The work of the KRG and Kimberley Zone strongly reinforces the strategy of the Shire as that relates to improvements to local and regional programs and policy and for the initiation of major projects that promote economic investment and which maximise community benefit. The KRG and Kimberley Zone also promote strong collaboration around common issues and strengthen the Shire's ability to advocate around matters of interest to the community.

The primary role of the Kimberley Zone is to consider the motions put up to the State Council.

## **RISK IMPLICATIONS**

Nil

## **FINANCIAL IMPLICATIONS**

A Financial Report was tabled at the meeting and is included in the Minutes of the KRG meeting (Attachment 2) at page 19. The KRG remains in a strong financial position with members interests totalling \$426k.

Councillors will note that a further \$45k was allocated to projects that include:

- Review of Financial Assistance Grants;
- KRG Community Safety and Crime Prevention Investment Package;
- Benchmarking;
- Pre State and Federal Government Election Strategy

## **COMMUNITY ENGAGEMENT**

Nil

## **COMMENTS**

There were a number of matters discussed in the KRG meeting to note. These include the setting up of a Kimberley Housing Roundtable, A Strategy for State and Federal Government Elections and Alcohol restrictions.

The housing roundtable is an attempt for the KRG to take a more active role in addressing the problems associated with housing. Funding has been sought from the Kimberley Development Commission for this and we have been notified that we have been successful. Funding from Regional Development Australia Kimberley is still pending.

With both State and Federal Governments having elections in 2025 it is prudent that the KRG have a strategy and prospectus for our Kimberley wide priorities. This will be a separate body of work conducted to put together all the material needed to make our case to both levels of government.

Alcohol restrictions are frequently on the agenda. The purpose of the report was to discuss the lack of uniform measures across the Kimberley and to provide feedback on the implementation of the changes to the Banned Drinkers Register. Further work on uniform measures is needed. Some matters arose from the implementation of the Banned Drinkers Register but in the main the changes have been regarded as being much improved.

With respect to the Kimberley Zone matters the information is contained in the attachment. The WALGA President Karen Chappel did provide a synopsis of the activity for the 2023 calendar year which is contained in the minutes at page 5.

The next meeting of the KRG, which will be held jointly with the WALGA Zone, is planned for 19 April 2023.

### **ATTACHMENTS**

Attachment 1 - KRG Zone Minutes Feb 2024

Attachment 2 - KRG Minutes 16 Feb 2024

Attachment 3 - State Council Agenda 6 March 2024

## 12.2. OFFICE OF THE CEO

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

<b>DATE:</b>	26 March 2024
<b>AUTHOR:</b>	Executive Officer to the CEO
<b>RESPONSIBLE OFFICER:</b>	Vernon Lawrence, Chief Executive Officer
<b>DISCLOSURE OF INTERESTS:</b>	Nil
<b>COUNCIL'S ROLE IN THE MATTER:</b>	Leader - plan and provide direction through policy and practices
<b>VOTING REQUIREMENT:</b>	Simple Majority

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

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

#### **PURPOSE**

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

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

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

#### **STATUTORY IMPLICATIONS**

Nil

#### **POLICY IMPLICATIONS**

Nil

#### **STRATEGIC IMPLICATIONS**

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

#### **FINANCIAL IMPLICATIONS**

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

## **COMMUNITY ENGAGEMENT**

No community engagement is required.

## **COMMENTS**

An update of completed actions from previous 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 - Completed March 2024

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

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

<b>DATE:</b>	26 March 2024
<b>AUTHOR:</b>	Executive Officer to the CEO
<b>RESPONSIBLE OFFICER:</b>	Vernon Lawrence, Chief Executive Officer
<b>DISCLOSURE OF INTERESTS:</b>	Nil
<b>COUNCIL'S ROLE IN THE MATTER:</b>	Regulator - enforce state legislation and local laws
<b>VOTING REQUIREMENT:</b>	Simple Majority

### **OFFICER'S RECOMMENDATION**

**That Council receives the report on the application of the Shire of Wyndham East Kimberley Common Seal for the period 24 February 2024 to 22 March 2024.**

### **PURPOSE**

For Council to receive this report on the application of the Shire of East Kimberley Common Seal for the period 24 February 2024 to 22 March 2024.

### **STATUTORY IMPLICATIONS**

*Local Government Act 1995*

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

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

## **POLICY IMPLICATIONS**

Nil

## **STRATEGIC IMPLICATIONS**

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

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

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

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

## **RISK IMPLICATIONS**

Nil

## **FINANCIAL IMPLICATIONS**

Nil

## **COMMUNITY ENGAGEMENT**

No community engagement is required

## **COMMENTS**

There were 2 document/s for the time period of 24 February 2024 to 22 March 2024 with the Shire of Wyndham East Kimberley Common Seal applied as per the table below:

<b>Date of Use</b>	<b>Document</b>
27 February 2024	Lease over part Reserve 3029o, part Lot 707 on Deposited Plan 217504, Drovers Road, Kununurra – Josh Melville T/A Gourmet Camp Oven Experience
4 March 2024	Deemed Assignment of Lease – Lot 506 of the Commercial Boating Facility, Millington Drive, Kununurra – Discovery Holiday Parks Pty Ltd has brought shares in Triple J Tours Kununurra Pty Ltd via a Share Sale Agreement
4 March 2024	Deemed Assignment of Lease – Lot 508 of the Commercial Boating Facility, Millington Drive, Kununurra – Discovery Holiday Parks Pty Ltd has brought shares in Hayley and Lodge Pty Ltd via a Share Sale Agreement

## **ATTACHMENTS**

Nil

### 12.2.3. Minutes and Recommendations from the North West Defence Alliance - 8 March 2024

<b>DATE:</b>	26 March 2024
<b>AUTHOR:</b>	Chief Executive Officer
<b>RESPONSIBLE OFFICER:</b>	Vernon Lawrence, Chief Executive Officer
<b>DISCLOSURE OF INTERESTS:</b>	Nil
<b>COUNCIL'S ROLE IN THE MATTER:</b>	Advocator, Facilitator and Leader
<b>VOTING REQUIREMENT:</b>	Simple Majority

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

**That Council receives and endorses the minutes and resolutions of the North West Defence Alliance meeting Minutes of 8 March 2024 as provided at Attachments 1 and 2 to this report.**

#### **PURPOSE**

This report, presents for Council's endorsement, the Minutes from the last joint meeting of the North West Defence Alliance (NWDA).

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

The NWDA Zone is a group of nine local governments from the Kimberley and the Pilbara that are advocating for a greater defence presence in the north of Western Australia. This group includes the four Kimberley Shires in addition to the Shire of Exmouth, Town of Port Hedland and City of Karratha.

The NWDA is a group established and operating within a now revised Terms of Reference. The objectives of the group set out in the Terms of Reference as:

- Represent the concerns of the membership to the federal government and Department of Defence regarding strategic vulnerability and the need for defence presence;
- Act as a point of liaison for the Department of Defence and associated authorities to exchange information and increase transparency;
- Identify opportunities for industry in the north-west to support ADF activities and defence related infrastructure work;
- Support local businesses that are interested in defence related opportunities with accessing the necessary resources to become 'defence ready';
- Develop and maintain a capability directory of businesses that are seeking defence related work;
- Advocate for defence related science and innovation in the north-west to include test and evaluation of emerging technologies;
- Host forums to attract new business to the north-west to enhance defence industry capabilities and capacity; and

- Maintain effective communication and collaboration between the members and stakeholders to promote one another's strategic objectives.

Council considered the Minutes and Resolutions from the North West Defence Alliance Meeting Minutes of 13 February 2024 at the 27 February 2024 Ordinary Council Meeting.

### **COUNCIL DECISION**

*Minute Number: 24/10/2023 - 118918*

*Moved: Cr D Hearty*

*Seconded: Cr T Chafer*

*That Council receives and endorses the minutes and resolutions of the North West Defence Alliance meeting Minutes of 18 September 2023 as provided at Attachment 1 to this report.*

*Carried: 5 / 0*

*For: Cr D Menzel, Cr T Chafer, Cr D Hearty, Cr B Kyne, Cr C McNeil*

*Against: Nil*

### **STATUTORY IMPLICATIONS**

Nil

### **POLICY IMPLICATIONS**

Nil

### **STRATEGIC IMPLICATIONS**

The NWDA is aligned with the strategy of the Shire for better cooperation between the Federal Government and the Shire for investment in and upgrading of infrastructure that promote economic investment across the North of Western Australia.

### **RISK IMPLICATIONS**

Nil

### **FINANCIAL IMPLICATIONS**

Financial information is provided in the minutes of the meeting. The Shire has been requested to provide a contribution of \$5,000 for the 2024 calendar year. This can be met out of existing budget allocations if required during this financial year. As part of the budget deliberations for the 2024/25 financial year a separate line item for this amount will be budgeted.

### **COMMUNITY ENGAGEMENT**

Nil

### **COMMENTS**

The meeting was held specifically to accept the new terms of reference, to provide a financial update and to appoint the Executive positions for 2024. The NDWA was also proposed to be



widened to include the business community with membership options being put forward. The Minutes of the NDWA give a comprehensive account of the meeting.

**CONFIDENTIAL ATTACHMENTS**

Attachment 1 - Minutes - North West Defence Alliance Meeting 8 - 2024 03 08

Attachment 2 - North West Defence Alliance - Terms of Reference Rev 6.

## 12.3. PLANNING AND COMMUNITY DEVELOPMENT

### 12.3.1. Quarterly Progress Report - October to December 2023 (Q2)

<b>DATE</b>	27 March 2023
<b>AUTHOR</b>	Senior Projects Officer
<b>RESPONSIBLE OFFICER</b>	Nick Allen, Director of Planning and Community Development
<b>FILE NO</b>	CM.10.19
<b>DISCLOSURE OF INTERESTS</b>	Nil
<b>COUNCIL'S ROLE IN THE MATTER</b>	Leader - plan and provide direction through policy and practices
<b>VOTING REQUIREMENT</b>	Simple Majority

### OFFICER'S RECOMMENDATION

That Council:

1. **Receives the Corporate Business Plan Quarterly Progress and Performance Report for October to December 2023 (Q2) at Attachment 1.**
2. **Considers any changes to the Corporate Business Plan following the midyear budget review.**

### PURPOSE

For the Council to receive the October to December 2023 Quarterly Progress and Performance Report.

### BACKGROUND/ PREVIOUS CONSIDERATIONS BY COUNCIL/ COMMITTEE

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

### STATUTORY IMPLICATIONS

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

*This Act is intended to result in:*

- a) *Better decision making by local governments;*

- b) Greater community participation in the decisions and affairs of local governments;
- c) Greater accountability of local governments to their communities; and
- d) More efficient and effective government.

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

## **POLICY IMPLICATIONS**

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

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

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

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

## **STRATEGIC IMPLICATIONS**

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

### **Focus Area: SUSTAINABILITY**

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

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

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

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

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

## **RISK IMPLICATIONS**

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

**Control:** Ensure that the Corporate Business Plan captures Council direction and decisions and directs the organisation to deliver those services and projects. The organisation will report to the Council at the end of each quarter to monitor the implementation of operational priorities and activities and report on the achievement of the Corporate Business Plan and Strategic Community Plan goals.

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

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

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

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

## **FINANCIAL IMPLICATIONS**

The attached quarterly report includes a financial summary.

## **Asset Considerations**

The attached quarterly report includes a capital works summary.

## **COMMUNITY ENGAGEMENT**

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

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

## **COMMENTS**

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

The Shire's Corporate Business plan has 27 activities for year one (2023/24). These activities have been broken down into 47 tasks. The attached report summarises tasks by activity and provides a progress update for the end of the quarter.

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

Council may also note that the second quarter progress report will offer the Shire an opportunity to undertake a mid-year review of actions/projects within the Corporate Business Plan. A mid-year review will ensure that the planned activities and reporting remain strategically aligned.

## **ATTACHMENTS**

Attachment 1 – Quarterly Progress Report - Q2 October to December

## 12.4. CORPORATE SERVICES

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

<b>DATE:</b>	26 March 2024
<b>AUTHOR:</b>	Accountant - Assets, Creditors and Tax
<b>RESPONSIBLE OFFICER:</b>	Felicity Heading, Director Corporate Services
<b>FILE NO:</b>	FM.09.36
<b>DISCLOSURE OF INTERESTS:</b>	Nil
<b>COUNCIL'S ROLE IN THE MATTER:</b>	Regulator - Responsible for the enforcement of statutory requirements
<b>VOTING REQUIREMENT:</b>	Simple Majority

### OFFICER'S RECOMMENDATION

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

February 2024

Municipal EFT 147225 - 147733 (01/02/24 - 22/02/24)	\$ 2,773,826.08
Payroll (07/02/24 - 21/02/24)	\$ 533,803.28
Direct Bank Debits (01/02/24 - 29/02/24)	\$ 13,124.95
<b>Total</b>	<b>\$ 3,320,754.31</b>

### PURPOSE

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

### BACKGROUND/ PREVIOUS CONSIDERATIONS BY COUNCIL/ COMMITTEE

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

### STATUTORY IMPLICATIONS

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

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

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

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

\* Absolute majority required.

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

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

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

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

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

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

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

(b) petty cash systems.

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

(3) Payments made by a local government —

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

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

(i) the method of payment; and

(ii) the authority for the payment; and

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

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

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

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

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

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

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

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

(a) the payee's name; and

(b) the amount of the payment; and

(c) the date of the payment; and

(d) sufficient information to identify the transaction.

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

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

(i) the payee's name; and

(ii) the amount of the payment; and

(iii) sufficient information to identify the transaction;

and

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

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

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

(b) recorded in the minutes of that meeting.

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

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

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

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

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

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

## **POLICY IMPLICATIONS**

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

## **FINANCIAL IMPLICATIONS**

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

## **STRATEGIC IMPLICATIONS**

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

**FOCUS AREA:** Sustainability

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

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

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

## **RISK IMPLICATIONS**

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

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



## **COMMUNITY ENGAGEMENT**

No community engagement is required in relation to this item.

## **COMMENTS**

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

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

## **ATTACHMENTS**

Attachment 1 - List of Accounts Paid February 2024

## 12.4.2. Monthly Financial Report

<b>DATE:</b>	26 March 2024
<b>AUTHOR:</b>	Manager Finance
<b>RESPONSIBLE OFFICER:</b>	Felicity Heading, Director Corporate Services
<b>FILE NO:</b>	FM.09.36
<b>DISCLOSURE OF INTERESTS:</b>	Nil
<b>COUNCIL'S ROLE IN THE MATTER:</b>	Regulator - Responsible for the enforcement of statutory requirements
<b>VOTING REQUIREMENT:</b>	Simple Majority

### **OFFICER'S RECOMMENDATION**

**That Council receives the Monthly Financial Report for the period ended 29 February 2024.**

### **PURPOSE**

For Council to receive the Monthly Financial Report for the period ended 29 February 2024.

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

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

At the 27 June 2023 Ordinary Council Meeting, the Council resolved the following:

#### Council Decision

Minute Number: 27/06/2023 - 118865

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

Moved: Cr D Menzel  
Seconded: Cr T Chafer

Decision 8/0

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 the previous month (the **relevant 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 relevant month; and*

*(c) actual amounts of expenditure, revenue and income to the end of the relevant month; 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 relevant month and a note containing a summary explaining the composition of the net current assets.*

*(1B) The detail included under subregulation (1)(e) must be structured in the same way as the detail included in the annual budget under regulation 31(1) and (3)(a).*

*(1C) Any information relating to exclusions from the calculation of a budget deficiency that is included as part of the budget estimates referred to in subregulation (1)(a) or (b) must be structured in the same way as the corresponding information included in the annual budget.*

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

*(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 must be shown according to nature classification.*

*(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 relevant month; 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.*

*[Regulation 34 inserted: Gazette 31 Mar 2005 p. 1049-50; amended: Gazette 20 Jun 2008 p. 2724; SL 2022/88 r. 8; SL 2023/106 r. 19.]*

**35. Financial position statement required each month**

*(1) A local government must prepare each month a statement of financial position showing the financial position of the local government as at the last day of the previous month (the previous month) and —*

*(a) the financial position of the local government as at the last day of the previous financial year; or*

*(b) if the previous month is June, the financial position of the local government as at the last day of the financial year before the previous financial year.*

*(2) A statement of financial position must be —*

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

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

*[Regulation 35 inserted: SL 2023/106 r. 20.]*

**POLICY IMPLICATIONS**

The Significant Accounting Policies incorporated within the 2023/24 annual budget have 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 2023-2033*:

**FOCUS AREA:** Sustainability

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

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

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

## **RISK IMPLICATIONS**

**Risk:** Failure to manage the disbursement of funds to meet the needs of the 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**

The Shire of Wyndham East Kimberley's *POL-3000 Community Engagement Policy* has been considered in relation to this item.

No community engagement is required in relation to this item.

## **COMMENTS**

Changes to the *Local Government (Financial Management) Regulations 1996* effective for the 2023/24 financial year mean the reporting requirements for the Monthly Financial Reports have changed with additional information required to be reported including a Statement of Financial Position (Balance Sheet) and an explanation of Net Current Assets.

Moore Australia has prepared the attached Monthly Financial Report in accordance with the amended regulations.

## **ATTACHMENTS**

Attachment 1 - Monthly Financial Report February 2024

### 12.4.3. Mid Year Budget Review 2023/24

<b>DATE:</b>	26 March 2024
<b>AUTHORS:</b>	Director Corporate Services
<b>RESPONSIBLE OFFICER:</b>	Felicity Heading, Director Corporate Services
<b>FILE NO:</b>	FM.05.26
<b>DISCLOSURE OF INTERESTS:</b>	Nil
<b>COUNCIL'S ROLE IN THE MATTER:</b>	Provider - provide physical infrastructure and essential services
<b>VOTING REQUIREMENT:</b>	Absolute Majority

### OFFICER'S RECOMMENDATION

#### **That Council:**

- 1. Adopts the 2023/24 Budget Review Report for the period ended 31 January 2024 at Attachment 1;**
- 2. Notes that the actual cash balance carried forward and the estimated cash balance carried forward used in the 2023/24 Annual Budget differed by \$1,194,712;**
- 3. Adopts budget amendments for the Predicted Variances as detailed in the 2023/24 Budget Review Report at Attachment 1; and**
- 4. Directs the CEO to update the Corporate Business Plan to reflect the amendments to the 2023/24 budget contained within the 2023/24 Budget Review Report at Attachment 1.**

### PURPOSE

For Council to consider the proposed amendments to the 2023/24 Budget arising from the 2023/24 budget review process including to report the changes to the opening cash position for the 2023/24 Annual Municipal Fund Budget arising from the difference between the estimates as at 30 June 2023 for budget purposes and the actual cash position achieved following the finalisation of the Annual Financial Statements for the year ended 30 June 2023.

### BACKGROUND/ PREVIOUS CONSIDERATIONS BY COUNCIL/ COMMITTEE

In preparing the 2023/24 Municipal Fund Budget, Shire officers followed a rigorous process from which estimates of income and expenditure for the 2023/24 financial year were determined. As the preparation of the budget was based on estimates of what the financial position of the Shire would be at 30 June 2023, once the 2022/23 Annual Financial Statements were finalised and audited, Officers had to consider differences between the forecast data used in preparing the 2023/24 Budget and the estimates used.

At the 27 June 2023 Ordinary Council Meeting, Council resolved the following:

Minute Number: 27/06/2023 - 118867

Pursuant to the provisions of section 6.2 of the Local Government Act 1995 and Part 3 of the Local Government (Financial Management) Regulations 1996, that Council adopt the Municipal Fund Budget as contained in Attachment 3 of this agenda, for the Shire of Wyndham East Kimberley for the 2023/24 financial year which includes the following:

1. Statement of Comprehensive Income by Nature and Type
2. Statement of Cash Flows;
3. Statement of Financial Activity showing a net amount required to be raised from rates of \$11,627,504;
4. Notes to and forming Part of the Budget;

Moved: Cr D Menzel

Seconded: Cr T Chafer

Carried 8/0

The Department of Local Government and Communities issued Circular No. 06/2006 to provide local governments with information about the budget review process. The following paragraph is a key point from the circular:

*“A budget review is a detailed comparison of the year to date actual results with the adopted budget. It establishes whether a local government continues meeting its budget commitments, is in receipt of income and incurs expenditure in accordance with the adopted budget.”*

A detailed review of the financial position and operations for the period to 31 January 2024 has been undertaken identifying the reasons for significant variances and the action required to address them. Attachment 1 contains the details of the Officer recommendations and is now presented to Council for its consideration.

Officers have ensured that Council resolutions presented during the 2022/23 financial year have been considered in this budget review. Changes to the adopted budget are proposed by Officers where they believe that circumstances have occurred that impact permanently on the budget position for the financial year under review.

## **STATUTORY IMPLICATIONS**

### **Local Government Act, 1995:**

#### **6.8. Expenditure from municipal fund not included in annual budget**

1) A local government is not to incur expenditure from its municipal fund for an additional purpose except where the expenditure —

- a) is incurred in a financial year before the adoption of the annual budget by the local government;
- or
- b) is authorised in advance by resolution\*;
- c) is authorised in advance by the mayor or president in an emergency.

\* Absolute majority required.

(1a) In subsection (1) — **additional purpose** means a purpose for which no expenditure estimate is included in the local government’s annual budget.

2) Where expenditure has been incurred by a local government —

- a) pursuant to subsection (1)(a), it is to be included in the annual budget for that financial year;
- an
- b) pursuant to subsection (1)(c), it is to be reported to the next ordinary meeting of the council [Section 6.8 amended by No. 1 of 1998 s. 19.]

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

### **33A. Review of budget**

*(1) Between 1 January and the last day of February in each financial year a local government is to carry out a review of its annual budget for that year.*

*(2A) The review of an annual budget for a financial year must —*

*(a) consider the local government's financial performance in the period beginning on 1 July and ending no earlier than 31 December in that financial year; and*

*(b) consider the local government's financial position as at the date of the review; and*

*(c) review the outcomes for the end of that financial year that are forecast in the budget; and*

*(d) include the following —*

*(i) the annual budget adopted by the local government;*

*(ii) an update of each of the estimates included in the annual budget;*

*(iii) the actual amounts of expenditure, revenue and income as at the date of the review;*

*(iv) adjacent to each item in the annual budget adopted by the local government that states an amount, the estimated end-of-year amount for the item.*

*(2) The review of an annual budget for a financial year must be submitted to the council on or before 31 March in that financial year.*

*(3) A council is to consider a review submitted to it and is to determine\* whether or not to adopt the review, any parts of the review or any recommendations made in the review.*

*\*Absolute majority required.*

*(4) Within 14 days after a council has made a determination, a copy of the review and determination is to be provided to the Department.*

*[Regulation 33A inserted: Gazette 31 Mar 2005 p. 1048-9;  
amended: Gazette 20 Jun 2008 p. 2723-4; SL 2023/106 r. 18.]*

## **POLICY IMPLICATIONS**

Nil

## **FINANCIAL IMPLICATIONS**

The budget review analysis revealed that the estimated forecast of expenditure as at 30 June 2023 on the capital works programs for budget purposes was overestimated by \$1,194,712. As these funds are related to capital works they are quarantined within the capital works program. The surplus funds are made up of a mixture of municipal funds, reserve funds, grant funding and contract funding. As these funds are in the custody of the Shire they are carried forward to the relevant capital works projects in the 2023/24 financial year.

The budget review determined that there were no major changes required to the operating budget. Amendments to the operating budget have been included in the Budget Review Report at Attachment 1. These include an increase in operating revenue of \$172,725 and increase to operating expenditure of \$1,105,434 resulting in a net increase in the amount attributable to operating activities of \$132,166 after adjustment for non-cash amounts.

The budget review identified a number of capital projects requiring budget amendments. The changes are included in the Budget Review Report at Attachment 1 and have been highlighted in the comments section below.

The revised net surplus estimated at 30 June 2024 is \$807,605 against the adopted budget surplus of \$0.

## **STRATEGIC IMPLICATIONS**

**Focus Area:** SUSTAINABILITY

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

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

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

## **RISK IMPLICATIONS**

**Risk:** Failure to comply with legislative requirements leading to damage of reputation and/or financial loss.

**Control:** Annual financial audit.

**Risk:** Inability to deliver levels of service expected by the community.

**Control:** Current budget and service levels.

## **COMMUNITY ENGAGEMENT**

No community engagement is required in relation to this item.

## **COMMENTS**

### **Carry Forward Cash Position**

At the time of the preparation of the 2023/24 Budget estimates of both capital and operating expenditure and revenue had to be made as actual data was not available at that time. It was the intention that once the actual data was available after the audit of the 2022/23 annual financial statements that the 2023/24 budget would be revisited to adjust budget allocations for any change in circumstances due to any material variance between actual data and estimated data.

In the preparation of the 2023/24 Budget, the Statement of Financial Activity detailed the estimated revenue and expenditure of both operating and capital nature, the financing activities, and the movement in the Reserves for the 2022/23 financial year. These estimates gave a forecast opening cash position of \$3,320,497 for the 2022/23 financial year. The actual position as presented in the audited Annual Financial Statements for 30 June 2023 was \$4,505,209. The difference to the estimated position is an increase in cash available of \$1,194,712.



The 2023/24 Annual Budget was presented at the Ordinary Council Meeting held on the 27 June 2023 and a balanced closing funding surplus was adopted. The reviewed budget shows an anticipated closing surplus of \$807,605.

## **Budget Review**

The budget review examined both the operating income and expenditure of the Shire, and the capital works program for the 2023/24 financial year to date at 31 January 2024. Predicted variances identified outlined below and in the Budget Review Report at Attachment 1 are being recommended for adoption as amendments to the 2024/25 budget. Positive figures represent an increase in available cash and negative figures represent a decrease in available cash.

## **Operating Budget**

### Operating Revenue

- Rates \$290
- Grants, subsidies and contributions - \$135,076
- Fees and Charges - \$17,829
- Interest Revenue - \$62,073
- Other Revenue - (\$42,543)

### Operating Expenditure

- Employee costs - \$420,224
- Materials and contracts - (\$482,799)
- Utility Charges - (\$16,955)
- Other Expenditure - \$38,951
- Depreciation - non cash item excluded from operating activities - (\$1,064,875)

## **Capital Works Program**

### Capital Revenue

- Capital Grants - (\$274,897)

### Capital Expenditure

Amendments to the Capital Expenditure Budget:

- Carry forward adjustments from the 2022/23 - (\$976,303)
- Kununurra Pound Upgrade Works - (\$3,110)
- Kununurra Water Playground - (\$73,991)
- Wyndham Pool Retractable Shade Sails - \$298,380
- Wyndham Boat Launching Facility - Northern Boat Ramp - (\$932,813)
- Kununurra Leisure Centre Aquatic Pool Renewal - deferred to 2024/25 - \$8,000,000
- Kununurra Leisure Centre Floor Matting - savings - \$1,272
- Wyndham Oval Lights - \$15,065
- Wyndham Oval Change Rooms - (\$93,965)
- Wyndham Parks Upgrade - deferred - \$20,010
- Wyndham Oval Surface Upgrade - deferred - \$60,000
- Mulligans Lagoon Rd Resheet and Floodway Improvements - (\$120,000)
- Footpath Renewal Kununurra to Swim Beach - (\$51,583)
- Bandicoot Dve Renewal Stage 3B - (\$770,264)
- Packsaddle Springs Rd Drainage & Road Improvements Stage 2 - (\$300,000)
- Erythrina St Stage 2 Blackspot project - \$21,837

- Road Reseal Program - carry forward savings - \$832
- Lake Argyle Rd RRG Project savings - \$101,983
- Carlton Hill Rd - Road Construction - \$142,059
- Carlton Hill Rd - Bridge Construction - (\$2,900,000)
- Weaber Plain Rd RRG Project - (\$19,522)
- DFRAWA Storm Damage AGRN951 - (\$1,919,386)
- DFRAWA Flood Damage AGRN907 - (\$68,988)
- East Kimberley Regional Airport Apron Lighting - savings - \$18,987
- Est Kimberley Regional Airport Taxiway and Apron Upgrade - (\$1,942,705)

## **ATTACHMENTS**

Attachment 1 - 2023/24 Budget Review Report for the Period Ended 31 January 2024

#### 12.4.4. POL-2006 Fees and Charges Pricing - Policy Review

<b>DATE:</b>	26 March 2024
<b>AUTHOR:</b>	Director Corporate Services
<b>RESPONSIBLE OFFICER:</b>	Felicity Heading, Director Corporate Services
<b>FILE NO:</b>	FM.05.26
<b>DISCLOSURE OF INTERESTS:</b>	Nil
<b>COUNCIL'S ROLE IN THE MATTER:</b>	Provider - provide physical infrastructure and essential services Regulator - enforce state legislation and local laws
<b>VOTING REQUIREMENT:</b>	Simple Majority

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

**That Council adopt the reviewed Council Policy POL-2006 Fees and Charges Pricing.**

#### **PURPOSE**

For Council to consider adopting the reviewed Council Policy POL-2006 Fees and Charges Pricing prior to the review of the Fees and Charges Schedule for the 2024/25 financial year.

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

Fees and charges are generally established as part of the annual budget setting process. The 2014/15 financial year was the first year that the Council resolved to apply pricing principles and a pricing basis methodology to ensure fair and reasonable charging to the community for the goods and services that the Shire provides. Shire Officers consider that it is prudent to review the Policy on an annual basis as part of the Fees and Charges setting process. This process has been implemented and the Policy was last reviewed in March 2023.

#### **COUNCIL DECISION**

*Minute No. 21/03/2023 - 118803*

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

*Moved: Cr McNeil*

*Seconded: Cr Dear*

*Carried 8/0*

#### **STATUTORY IMPLICATIONS**

*Local Government Act 1995  
Part 6, Division 5*

### 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.

### 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.

## **POLICY IMPLICATIONS**

There are no other policy implications.

## **FINANCIAL IMPLICATIONS**

The application of the Policy and associated assessment against financial impacts is not finalised for the 2024/25 Budget at this stage of the budget process. Any significant changes

to individual fees and charges will be identified as part of the revised Fees and Charges Schedule that will be presented to Council for adoption at a later stage in the budget process.

## **STRATEGIC IMPLICATIONS**

**Focus Area:** SUSTAINABILITY

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

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

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

## **RISK IMPLICATIONS**

**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.

## **COMMUNITY ENGAGEMENT**

Engagement will take place in accordance with Section 6.19 of the *Local Government Act 1995*, which outlines the requirements for the Shire to provide local public notice of fees and charges.

## **COMMENTS**

The Policy has been reviewed to ensure legislation is referenced correctly and the goods and services pricing basis are still relevant. The Policy makes for good governance in that it provides the community with transparency as to what factors are considered when the Council reviews its annual fees and charges, and also provides guidance for officers as to the principles that need to be considered when recommending fees and charges for goods or services.

The attached policy has been updated into the new policy format as part of the Shire's document review that is currently being undertaken. There have been no other changes made to the policy.

## **ATTACHMENTS**

Attachment 1 - POL-2006 Fees and Charges Pricing - DRAFT

#### 12.4.5. POL-1001 Elected Member Allowances and Entitlements - Policy Review

<b>DATE:</b>	26 March 2024
<b>AUTHOR:</b>	Director Corporate Services
<b>RESPONSIBLE OFFICER:</b>	Felicity Heading, Director Corporate Services
<b>FILE NO:</b>	FM.05.26
<b>DISCLOSURE OF INTERESTS:</b>	NIL
<b>COUNCIL'S ROLE IN THE MATTER:</b>	Leader - Plan and provide direction through policy and practices. Regulator - Responsible for the enforcement of statutory requirements.
<b>VOTING REQUIREMENT:</b>	Simple Majority

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

**That Council adopt the reviewed Council Policy POL-1001 Elected Member Allowances and Entitlements.**

#### **PURPOSE**

For Council to review proposed amendments to Council Policy *POL-1001 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 2024-25 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 and 2023-24 financial years, 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.

## **COUNCIL DECISION**

Minute Number: 27/06/2023 - 118864

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 18 April Ordinary Meeting of Council (Minute No. 18/04/2023 - 118817) to be incorporated into the 2023/24 Municipal Fund Budget.
2. Notes the revised Council Policy CP/CNC-3141 Elected Member Allowances and Entitlements adopted at the 18 April Ordinary Meeting of Council (Minute No. 18/04/2023 - 118817) 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 75% of the maximum Salaries and Allowances Tribunal (SAT) determination.
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 \$24,307.50
  - b. Councillors \$18,127.50
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 \$65,915.00
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 \$16,478.75

Moved: Cr D Menzel

Seconded: Cr T Chafer

Decision 8/0

## **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**

Based on the 2023 Salaries and Allowances Tribunal (SAT) determination the total funding requirement to be incorporated in the annual budget for 2024-25 annual will be \$275,346.25. If a similar increase of 1.5% is included in the 2024 SAT determination the total budget required will be \$279,476, an increase of approximately \$4,130. The final amount will be determined once the 2024-25 budget is finalised.

## **STRATEGIC IMPLICATIONS**

**Focus Area:** SUSTAINABILITY

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

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

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

## **RISK IMPLICATIONS**

**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 contained a 1.5% increase over the 2022 amounts. It is the Officer's recommendation that there be no changes to the policy for the 2024-25 financial year. Any increase in allowances will be in line with the 2024 SAT determination.

This is reflected in the draft Policy POL-1001 Elected Member Allowances and Entitlements at Attachment 1 to this report. The policy has also been updated into the new policy format as part of the Shire's document review that is currently being undertaken.

## **ATTACHMENTS**

Attachment 1 - POL-1001 Elected Member Allowances and Entitlements DRAFT

#### 12.4.6. POL-2002 / POL-2018 Strategic Rating - Policy Review

<b>DATE:</b>	26 March 2024
<b>AUTHOR:</b>	Director Corporate Services
<b>RESPONSIBLE OFFICER:</b>	Felicity Heading, Director Corporate Services
<b>FILE NO:</b>	FM.05.26
<b>DISCLOSURE OF INTERESTS:</b>	Nil
<b>COUNCIL'S ROLE IN THE MATTER:</b>	Leader - plan and provide direction through policy and practices Regulator - enforce state legislation and local laws
<b>VOTING REQUIREMENT:</b>	Simple Majority

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

**That Council:**

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

#### **PURPOSE**

For Council to consider rescinding Policy *POL-2002 Strategic Rating* and adopting *POL-2018 Strategic Rating*.

#### **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 51% of the total operating revenue in the adopted 2023/24 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 rating strategy 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 Council's rating strategy must also support asset renewal and replacement requirements in line with defined service levels.

Council's Strategic Rating Policy and rating strategy last underwent a comprehensive review in 2014. In 2023 Officers engaged a consultant to undertake a strategic rating review to ensure compliance with the *Local Government Act 1995*, the *Local Government (Financial*

Management) Regulations 1996, and to ensure that the Shire's rating policy is implemented in accordance with the Department of Local Government, Sport and Cultural Industries' (DLGSC) Rating Policy and its key values of Objectivity, Fairness and Equity, Consistency, and Transparency, and Administrative Efficiency.

At Council Briefing sessions on 8 August 2023 and 7 March 2024, the consultant presented information on the general principles of rating, the legislative framework, the Shire's current rating structure and history, The DLGSC Rating Policy, and alternative rating structures.

## **STATUTORY IMPLICATIONS**

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

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

#### ***Division 6 – Disclosure of financial interests - In Part***

##### ***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;

### ***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; and
  - (b) is to contain -
    - (i) details of each rate or minimum payment the local government intends to impose; and
    - (ii) an invitation for submissions to be made by an elector or a ratepayer in respect of the proposed rate or minimum payment and any related matters within 21 days (or such longer period as is specified in the notice) of the notice; and
    - (iii) any further information in relation to the matters specified in subparagraphs (i) and (ii) which may be prescribed; and
  - (c) is to advise electors and ratepayers that the document referred to in subsection (3A) -
    - (i) may be inspected at a time and place specified in the notice: and
    - (ii) is published on the local government's official website.
- (3A) The local government is required to prepare a document describing the objects of, and reasons for, each proposed rate and minimum payment and to publish the document on the local government's official website.
- (4) The local government is required to consider any submissions received before imposing the proposed rate or minimum payment with or without modification.
- (5) Where a local government -
  - (a) in an emergency, proposes to impose a supplementary general rate or specified area rate under section 6.32(3)(a); or
  - (b) proposes to modify the proposed rates or minimum payments after considering any submissions under subsection (4),
 it is not required to give local public notice of that proposed supplementary general rate, specified area rate, modified rate or minimum payment.

**6.47. 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.

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

**52A. Characteristics prescribed for differential general rates — (Act. 6.33 (1)(d))**

6.33 (1)(d) For the purposes of section 6.33(1)(d), the following the following characteristics are prescribed in relation to land in a relevant district, where not more than 5 years has elapsed since the district last became a relevant district —

- (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**

Council Policy *POL-1014 Policy Management* requires that when a new policy or review of an existing policy is commenced, the following key elements must be considered:

1. Statutory compliance obligations
2. Industry standards, codes of practice, guidelines
3. Risk implications
4. Customer / community needs and expectations
5. Whether it effectively integrates in the Shires operations
6. External stakeholder consultation, where determined appropriate
7. Internal stakeholder consultation
8. Potential resource and budget implications

## **FINANCIAL IMPLICATIONS**

Costs relating to the undertaking of the Strategic Rating Review are included in the 2023/24 budget. Any financial implications resulting from the adoption of a new Rating Policy and Strategy will be further considered in the 2024/25 budget deliberations and incorporated in the final budget for adoption.

## **STRATEGIC IMPLICATIONS**

Rating Strategy is an important part of overall Council strategy for raising revenue to fund the renewal and maintenance of Shire infrastructure and the provision of services that meet the needs of the community. Council's rating strategy needs to meet these requirements whilst remaining compliant with legislation.

**Focus Area:** SUSTAINABILITY

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

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

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

## **RISK IMPLICATIONS**

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

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

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

**CONTROL:** Review policies in accordance with the policy review schedule and as required.

## **COMMUNITY ENGAGEMENT**

The Shire of Wyndham East Kimberley's *POL-3000 Community Engagement Policy* has been considered in relation to this item.

Community engagement will be undertaken during the Strategic Rating Review process to keep ratepayers informed of any changes to the rating strategy or the method of valuation.

## **COMMENTS**

The current Strategic Rating Policy incorporates the Objects and Reasons for each Differential Rate and Minimum Payment. The policy has been reviewed each year as part of the budget process and endorsed by Council prior to advertising the Differential Rates and Minimum Payments and seeking public submissions. Any changes to the Differential Rates and Minimum Payments following public submissions or due to changes in valuations received after the advertising period had to be amended in the policy and re-adopted by Council prior to adoption of the annual budget.

In consultation with the consultants, Shire officers consider that the best process for determining rating strategy is to first set the policy to provide guidance that is compliant with legislation, in line with DLGSC guidelines and best practice, and meets the needs of the Shire. Once the policy has been adopted by Council, the Rating Strategy can be developed and differential rates determined. The Objects and Reasons for each differential rate and minimum payment will then be outlined in a separate document to be advertised with the rates in the dollar. Officers are therefore recommending that Council consider rescinding the current Strategic policy and adopting the draft Strategic rating policy.

## **ATTACHMENTS**

Attachment 1 - POL-2002 Strategic Rating V11.1 N-50069 - Current

Attachment 2 - POL-2018 Strategic Rating V1.0 N-51118 - In Draft

## 12.5. INFRASTRUCTURE

### 12.5.1. Police Protection Barriers, removal by order LGIS

<b>DATE</b>	27 February 2024
<b>AUTHOR</b>	Director Infrastructure and Strategic Projects
<b>RESPONSIBLE OFFICER</b>	Director Infrastructure and Strategic Projects
<b>ASSESSMENT NO</b>	N/A
<b>FILE NO</b>	RK.01.7
<b>DISCLOSURE OF INTERESTS</b>	Nil
<b>COUNCIL'S ROLE IN THE MATTER</b>	Advocator - advocate and support initiatives on behalf of the community Partner - Collaboration with external stakeholders to deliver service and projects.
<b>VOTING REQUIREMENT</b>	Simple Majority

### OFFICER'S RECOMMENDATION

**That Council:**

- 1. Recommend the removal of a total of 12 identified Police Protection barrier placements, being 6 at the intersection of Weaber Plains Road and Erythrina Street, and 6 at the intersection of Weaber Plain and Victoria Highway, as dictated by Local Government Insurance Services (LGIS): and**
- 2. Request that the CEO seek alternative funding for design and installation of devices that provide the same or better level of protection to police, reduce risk to the community and protect other road users and pedestrians, to the satisfaction of Local Government Insurance Services.**

### PURPOSE

Support the administration in progressing removal of 'offending' protection mechanisms at Police Protection Barrier locations, as instructed by Local Government Insurance Services.

### BACKGROUND/ PREVIOUS CONSIDERATIONS BY COUNCIL/ COMMITTEE

*Minute Number: 23/08/2022 - 118701*

*That Council approve the Administration to:*

- 1. Commence with the design for construction of 'Disruptive and Protective Hardcover installations', in consultation with Local Police, the consideration of the placement being subject to appropriate engineering standards to reduce run off road impact object crash speeds to 40kmh or lower and the installation being aesthetic fit for purpose to the satisfaction of Council;*
- 2. Accept the receipt of grant funding in the amount of \$49,500 to be allocated to this project;*



3. Determine detailed costings for the project; and

4. Seek Council approval for the final project design and costings before project commencement.

### **STATUTORY IMPLICATIONS**

Local Government Act 1995, Part 3, Division 1, 3.1 (1) the general function of a local government is to provide for the good government of persons in its district.

### **POLICY IMPLICATIONS**

*POL-4012 Shire Road Network*

This policy provides guidance on the extent of the Shire public road network.

### **STRATEGIC IMPLICATIONS**

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

**Focus Area:** LIVEABILITY

**Goal 1:** Safe communities - A community where we all feel safe

**Goal Outcome 1.2:** Safe Physical Environment - People feel safe on the streets and in public areas and can engage in healthy vibrant active lives

**Strategy 1.1:** The Shire will work to improve the distribution and awareness of information and resources on safety and crime prevention

### **RISK IMPLICATIONS**

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

**CONTROL:** Seek alternative designs that satisfy Local Government Insurance Services, to reinstate Police Protection Barriers, which have demonstrated effective control and protection to Police, Businesses, members of the community, pedestrians and visitors, as well as protecting the Shires reputation.

### **FINANCIAL IMPLICATIONS**

Existing budget will allow for relocation of rocks to Swim Beach.

IE number 1041203330 Kununurra Disruptive & Protective Hardcovers

### **Asset Considerations**

A total of 12 rocks in the road reserve will be relocated to Swim Beach as seating/features. The advice provided does not impact structure on the cadastral (property) boundary or installed gates at firebreak locations.

As it is likely that there will be a reciprocal return to stolen vehicle events in town, there will be an accompanying increase in damage to Shire/community assets.

## **COMMUNITY ENGAGEMENT**

No community engagement is required.

## **COMMENTS**

The initial problem being addressed that initiated the installation of Police protection barriers, was criminal thieves in stolen vehicles (CTSV's) rampaging through the town, ram raiding businesses, causing ongoing and escalating reputational harm, as well as risk to local Police, other road users, pedestrians and private property.

In order to address this significant escalating issue, Kununurra Police officers provided in July 2022 the *WAPOL Kununurra Disruptive and Protective Hardcover Proposal 2022*. This document was reviewed, and a (thought at the time) relevant engineering solution put in place that considered all risks.

As the program has expanded, there has been corresponding substantiated reduction of stolen vehicle events in the Kununurra townsite, with associated reduction in parallel risks. Per the Briefing on 13 February attended by the Acting Officer in Charge Kununurra Police, it was stated that there was a reduction in stolen vehicle events, but where they occurred, they now headed away from town.

Somewhere in this process, the matter has come to the attention of the Shire insurers, LGIS, who have stated that they will not provide insurance cover on these installations. As a result, NFO's, that being rocks in the road reserve are being removed immediately, and LGIS has been informed of that action.

Of note, is the absence of these structures is likely to manifest in a reciprocal escalation to previous behaviours.

Council will recall, in a worst case scenario, that Kununurra was subject to a stolen vehicle event every night for a fortnight, and as best, several events a week. Ram raids to businesses were occurring with enough frequency that businesses were requesting guidelines for installation of crash bollards at the front of their properties, and police were being chased by CTSV's. The lack of the State or Federal government to address criminal activity in town (as well as other rural townsites) effectively forced the hand of Council to step into the crime prevention space.

The administration will:

- continue to work with LGIS, to find an engineered solution to the matter, and should that fail, to make State and Federal support for a similar solution.
- Based on the obvious success of the barriers, the Council and the Administration to continue to seek solutions to this (possibly ongoing) issue.
- There are currently \$34,290 in remnant funds on these projects. It would be requested to seek survey and design for existing, and expanded locations, and then to seek State or Federal funding for installation of those structures, the matter in reality being a law and order matter, and a part (although effective) solution to a wider issue.

## **ATTACHMENTS**

Nil

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

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

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

**16. MATTERS BEHIND CLOSED DOORS**

**16.1. RFT01 – 23/24 EAST KIMBERLEY REGIONAL AIRPORT RUNWAY EXTENSION & ASSOCIATED INFRASTRUCTURE UPGRADES STAGE 2**

<b>DATE</b>	26 March 2024
<b>AUTHOR</b>	Contract Manager Special Projects
<b>RESPONSIBLE OFFICER</b>	Vernon Lawrence, Chief Executive Officer
<b>DISCLOSURE OF INTERESTS</b>	Nil
<b>COUNCIL’S ROLE IN THE MATTER</b>	Provider - provide physical infrastructure and essential services
<b>VOTING REQUIREMENT</b>	Absolute Majority

This item is to be considered behind closed doors as per the *Local Government Act 1995*:

**(2) (c)**

**5.23. Meetings generally open to public**

(2) If a meeting is being held by a council or by a committee referred to in subsection (1)(b), the council or committee may close to members of the public the meeting, or part of the meeting, if the meeting or the part of the meeting deals with any of the following —

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

(3) A decision to close a meeting or part of a meeting and the reason for the decision are to be recorded in the minutes of the meeting.

**PURPOSE**

For Council to consider RFT01 – 23/24 East Kimberley Regional Airport Runway Extension & Associated Infrastructure Upgrades Stage 2.

**17. CLOSURE**