

SHIRE OF WYNDHAM EAST KIMBERLEY

Ordinary Council Meeting: Agenda

23 April 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 23 APRIL 2024 AT 5:00PM**

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

OFFICER'S RECOMMENDATION

<p>That Council confirms the Minutes of the Ordinary Council Meeting held on 26 March 2024.</p>
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Note: The Minutes of the Ordinary Council Meeting held on 26 March 2024 are provided under separate cover via www.swek.wa.gov.au

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

12.2.1. Standing Item - Outstanding Actions from Previous Council Resolutions

DATE:	23 April 2024
AUTHOR:	Executive Officer to the CEO
RESPONSIBLE OFFICER:	Vernon Lawrence, Chief Executive Officer
DISCLOSURE OF INTERESTS:	Nil
COUNCIL'S ROLE IN THE MATTER:	Leader - plan and provide direction through policy and practices
VOTING REQUIREMENT:	Simple Majority

OFFICER'S RECOMMENDATION

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

PURPOSE

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

BACKGROUND/ PREVIOUS CONSIDERATIONS BY COUNCIL/ COMMITTEE

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

STATUTORY IMPLICATIONS

Nil

POLICY IMPLICATIONS

Nil

STRATEGIC IMPLICATIONS

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 April 2024

Attachment 2 - Council Action Register - In Progress

12.2.2. Standing Item - Use of the Common Seal

DATE:	23 April 2024
AUTHOR:	Executive Officer to the CEO
RESPONSIBLE OFFICER:	Vernon Lawrence, Chief Executive Officer
DISCLOSURE OF INTERESTS:	Nil
COUNCIL'S ROLE IN THE MATTER:	Regulator - enforce state legislation and local laws
VOTING REQUIREMENT:	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 23 March 2024 to 19 April 2024.

PURPOSE

For Council to receive this report on the application of the Shire of East Kimberley Common Seal for the period 23 March 2024 to 19 April 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 was 1 document for the time period of 23 March 2024 to 19 April 2024 with the Shire of Wyndham East Kimberley Common Seal applied as per the table below:

Date of Use	Document
9 April 2024	Department of Local Government, Sport and Cultural Industries Deed of Variation (No 1) Kununurra Leisure Centre Redevelopment

ATTACHMENTS

Nil

12.2.3. The Shire of Wyndham East Kimberley Submission to The House of Representatives Standing Committee on Regional Development, Infrastructure and Transport Inquiry on Local Government Sustainability.

DATE	23 April 2024
AUTHOR	Chief Executive Officer
RESPONSIBLE OFFICER	Vernon Lawrence, Chief Executive Officer
DISCLOSURE OF INTERESTS	Nil
COUNCIL'S ROLE IN THE MATTER	Advocator - advocate and support initiatives on behalf of the community Leader - plan and provide direction through policy and practices
VOTING REQUIREMENT	Simple Majority

OFFICER'S RECOMMENDATION

That Council:

- 1. Endorse the draft submission to the House of Representatives Standing Committee on Regional Development, Infrastructure and Transport inquiry on Local Government Sustainability; and**
- 2. Authorise the Chief Executive Officer to submit the submission on behalf of the Shire.**

PURPOSE

The purpose of the report is for Council to consider and endorse the draft report compiled by the Chief Executive Officer (CEO) and to authorise the CEO to submit the report to the House of Representatives Standing Committee on Regional Development, Infrastructure and Transport inquiry on Local Government Sustainability.

BACKGROUND/ PREVIOUS CONSIDERATIONS BY COUNCIL/ COMMITTEE

Council has not considered this matter in previous meetings.

Financial sustainability remains one of the critical objectives of both the Shire Administration and the Elected Members. There is a shared belief in the Shire organisation as a whole that the funding mechanisms available to local governments are distributed on a basis that is less than equitable.

STATUTORY IMPLICATIONS

There are no statutory implications for the Shire arising from this report. The relevant Federal legislation relating to the Financial Assistance Grants is contained in the *Local Government (Financial Assistance) Act 1995*.

POLICY IMPLICATIONS

There are no policy implications arising from this report.

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

Strategy 10.3: The Shire will influence decisions of others in a way that recognises and prioritises the needs of our local community

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: Advocate and lobby for sustainable funding for the Shire that includes both untied funds and specific grants for asset renewal and asset construction.

FINANCIAL IMPLICATIONS

There are no financial implications arising from compiling this report.

If the Shire is funded sustainably then the Shire should receive additional funding streams of approximately between \$3 million and \$4 million per annum.

ASSET CONSIDERATIONS

There are no asset considerations arising from this report.

If the additional funding does materialise the Shire would be able to allocate significantly larger funds to road and other infrastructure renewal works.

COMMUNITY ENGAGEMENT

No community engagement is required.

COMMENTS

Local government sustainability refers to the ability of the local government to consistently provide the services that they are legally bound to provide and those services that the community requires at a level that is acceptable to their community. This obligation cannot be considered without considering the funding required to provide those services. In a local government context that refers mainly to the funding required for the management of infrastructure assets that provide services to the community. For our Shire it is funding for roads, drainage, footpaths, recreation centres, parks etc.

A simple view of the sustainability problem the Shire faces can be explained as follows. The Shire generates on average an operating deficit annually of approximately \$3,5 million. This means that in order to meet our asset renewal obligation of \$8,8 million we are only generating

funds of \$5,3 million to meet this need. This results in the gradual decline in the quality of our asset base. Additional funding is needed to address this gap.

The funding streams available to the Shire include Rates, Commonwealth Financial Assistance Grants (FAG's), specific funding streams from both State and Federal Governments and funds from other government controlled agencies. Rate income for our Shire is at a level where there is little capacity to raise significant amounts of additional income to address the issues of sustainability. The funds from State and Federal Governments consist of both funds that are untied and funds that come with conditions. The primary source of funds to address the sustainability issues we have are from FAG's.

There are three primary problems the Shire has with the FAG's system as it currently operates. There is the adequacy of the total quantum of funds, the division of that total pool of funds between the States and the method the State uses via the WA Grants Commission to distribute the funds between local governments. Our contention is that the current funding mechanism for FAG's is neither adequate nor equitable.

The Australian Local Government Association has been advocating for FAG's to return to 1% of tax revenue from its current 0.5% of tax revenue. This would certainly assist towards funding local governments sustainably but there is no guarantee that the Federal government will provide an increase of that magnitude in the near future.

The next problem is that the basis of distribution of FAG's to the States is based on relative population size. This favours the States with larger populations so for instance Queensland receives \$646 million compared to Western Australia where the amount is \$394 million. This formula does not take into account the ability of local governments to raise their own funds nor does it take into account the value of assets that need to be managed by the local governments. When one applies the National Principle of Minimum Grants in this scenario it delivers vastly different outcomes for local governments of similar demographics depending on which State they happen to fall into. An example of this that the Cook Shire Council in Queensland which has similar demographics to our Shire received \$14,3 million in FAG's whereas our Shire received \$4,5 million (refer to point 14 of the draft submission in Attachment 1). This is an equity issue that needs to be addressed by the Federal Government.

The inequality is further entrenched by the distribution methodology employed by the State. The State has to comply with the National Principles and the basis of distribution remains substantially based on population. Shire Officers will argue that the distribution methodology favours those local governments with large rate bases and those who are able to generate significant income from the resource sector. For example for the 2022-2023 financial year the City of Wanneroo received \$8,9 million in FAG's, made a surplus of \$17,5 million and has average rates per rateable property of \$1,735. Our Shire made a deficit of \$3,6 million, has average rates of \$3,951 and received \$4,5 million in FAG's (refer to points 9 and 10 in Attachment 1). There is an opportunity for the WA Grants Commission to undertake a review of the distribution methodology to achieve a more equitable outcome between larger metropolitan local governments and regional and remote local governments.

The draft submission also refers to implementing the proposed increases to the Roads to Recovery Program, making the Local Roads and Community Infrastructure Program a permanent funding program, making changes to the funding criteria for the Housing Australia Future Fund and the Northern Australia Infrastructure Facility to allow better access for remote local governments and to consistently apply the co-contribution criteria that recognises remoteness across all Federal funding programs as was done in the Growing Regions Program.

ATTACHMENTS

Attachment 1 – The Shire of Wyndham East Kimberley Submission to The House of Representatives Standing Committee on Regional Development

Attachment 2 – Local Government (Financial Assistance) Act 1995

Attachment 3 – Methodology for the distribution of commonwealth financial assistance grants

12.3. PLANNING AND COMMUNITY DEVELOPMENT

12.3.1. Artopia Community Murals Grant Application

DATE	23 April 2024
AUTHOR	Community Development Officer
RESPONSIBLE OFFICER	Nick Allen, Director Planning and Community Development
FILE NO	GS.05.65
DISCLOSURE OF INTERESTS	NIL
COUNCIL'S ROLE IN THE MATTER	Funder
VOTING REQUIREMENT	Simple Majority

OFFICER'S RECOMMENDATION

That Council allocate \$10,000 from the Annual Community Grants Budget to Artopia (auspiced by Kununurra Waringarri Aboriginal Corporation) for the Community Murals Project.

PURPOSE

For Council to consider an out of round application for funding lodged under the Community Grant Program.

BACKGROUND/ PREVIOUS CONSIDERATIONS BY COUNCIL/ COMMITTEE

The Shire has received an application from Artopia (auspiced by Waringarri Aboriginal Corporation) for a facilities grant of \$10,000. The funding is for stage one of a larger artwork project on a number of buildings throughout Kununurra. The Shire Grant Application outlining the goals of the project is included in Attachment 1.

The project will focus on hands-on involvement of local youth in mural painting workshops alongside renowned artists. The participation will not only teach the youth valuable artistic skills but also instil a sense of ownership and pride in the art and their community. By involving youth in the creation process, the project will empower them to take ownership of the murals, reducing the likelihood of vandalism and fostering a sense of responsibility for their surroundings.

The project in its entirety will include artwork on the Commonwealth Bank, East Kimberley Job Pathways, Ewin Childcare Centre, and Coles. The total cost of the project is estimated to be approximately \$180,000. Artopia approached Shire Officers requesting financial assistance to initiate stage one of the project, to assist with the cost to begin artwork on the Coles building.

The total project cost for stage one is \$70,431. A full budget estimate is included in Attachment 2 of this report. Currently, Artopia has secured \$10,000 from Coles and \$10,000 from the building owner to assist with costs. A further \$20,670 is pending from Horizon and Minderoo funding applications.

STATUTORY IMPLICATIONS

There are no statutory implications associated with this matter, however other approvals such as planning, building or to authorise works in a road or reserve may be required.

Discussions with the planning team have already been initiated and an inspiration image for the Coles building has been decided, and can be seen at Confidential Attachment 3.

POLICY IMPLICATIONS

POL-3002 Community Grant Program is applicable to the consideration of this matter.

STRATEGIC IMPLICATIONS

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

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

Goal Outcome 1.3: Families, Children, Young People - Families are supported and children and young people make better choices

Goal Outcome 4.2: Inclusive education pathways - Residents can access a broad range of educational opportunities, including alternative education pathways

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

Goal Outcome 8.1: Community participation - Active and resilient community groups and volunteers

Goal Outcome 8.2: Culture and art - Celebrate the East Kimberley's art, culture and heritage

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

Goal Outcome 10.2: Collaborative partnerships - Collaborative partnerships that build capacity and increase opportunities

Strategy 1.2: The Shire will design places, spaces and buildings following designing out crime principles and strategies to counter and reduce crime and anti-social behaviour

Strategy 4.2: The Shire will work with key partners to advocate for a broader range of inclusive educational opportunities

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

Strategy 8.1: Support an increase in community participation in community groups and volunteering

Strategy 8.2: Strengthen relationships with Aboriginal people which foster mutual respect and support, and cultural awareness

Strategy 10.2: Support collaboration and partnerships to deliver key outcomes for our community

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

RISK IMPLICATIONS

RISK: Failure to facilitate community development initiatives which support positive social outcomes for community members, including; health, aged care, youth services and Indigenous services.

CONTROL: Community Grant Program aims to support community lead community development initiatives through financial assistance.

FINANCIAL IMPLICATIONS

The budget allocation for all funding streams within the Community Grant Program is \$365,000. To date Council has committed funding to the following grant schemes:

Grant Type	Allocated Amount
Events Grants	\$204,000
Rates Assistance (Excluding Neighbourhood House)	\$68,621
Community Programs	\$16,000
Building and Facilities	\$53,499
Quick Grants	\$8,000
Future Leaders	\$1,000
Remaining Unallocated Funds	\$13,880

Shire officers originally had allocated an additional \$10,772 towards the Rate Assistance grants. However, Kununurra Neighbourhood House were already approved for an exemption meaning the total unallocated funds to date remains at \$13,880.

ASSET CONSIDERATIONS

Nil as the works conducted are on properties where the Shire is not responsible for the maintenance thereof.

COMMUNITY ENGAGEMENT

No community engagement is required.

COMMENTS

The application is considered eligible under the Community Grant Program. Officers recommend funding the application in full. The project aligns well with the Shire's Community Strategic Plan and the focus areas of Liveability and Connectivity.

ATTACHMENTS

Attachment 1 - Shire Grant Application
Attachment 2 - Project Budget - Stage One
Attachment 3 - Mural Project Image

12.3.2. Kununurra Leisure Centre Aquatic Redevelopment - 50m Pool Update

DATE	23 April 2024
AUTHOR	Director Planning and Community Development
RESPONSIBLE OFFICER	Nick Allen, Director Planning and Community Development
FILE NO	CM.16.438
DISCLOSURE OF INTERESTS	NIL
COUNCIL'S ROLE IN THE MATTER	Funder - provide funds or other resources Leader - plan and provide direction through policy and practices Provider - provide physical infrastructure and essential services
VOTING REQUIREMENT	Simple Majority

OFFICER'S RECOMMENDATION

That Council:

- 1. Endorses the revised scope of works for a 50m Swimming Pool, Program Pool and associated works; and**
- 2. Authorises the Chief Executive Officer to enter into contract negotiations with Kimberley Green Constructions to commence the construction stage of the redevelopment for a 50m Swimming Pool, Program Pool and associated works in the amount of \$14.2 million, subject to minor adjustments to the scope of works and costs as detailed in this report; and**
- 3. Authorises the Shire President and the Chief Executive Officer to execute the final contract on behalf of the Shire.**

PURPOSE

For Council to consider the revised changes of scope for the Kununurra Leisure Centre Aquatic redevelopment and associated costs. If Council approves the proposed revised scope, Council should then authorise the Chief Executive Officer (CEO) to commence contract negotiations with Kimberley Green Constructions to initiate the construction phase of the project to deliver the revised scope of works. Once contract negotiations are concluded to authorise the Shire President and the CEO to execute the contract on behalf of the Shire.

BACKGROUND/ PREVIOUS CONSIDERATIONS BY COUNCIL/ COMMITTEE

On March 27, 2024, Shire officers contacted Kimberley Green Constructions (KGC) and provided the following instructions:

1. Stop working on the current design based on a 25m pool.
2. Inform the Shire about the availability of funds under the Shire Purchase Order to complete a design based on a 50m pool. If funds are insufficient, please provide cost estimates based on the outlined scope.
3. Present a revised schedule.
4. Exclude building works not required for the Changing Places facility and the 50m pool.

5. While there is still a desire to proceed with the Leisure Pool, discussions are needed to scale it down to ensure budget compliance.
6. Complete site possession will be granted for construction, necessitating the demolition of the existing 25m pool as a first step.
7. Investigate the feasibility and potential cost implications of completing the project within a 12-month timeframe.

On April 17, 2024, Shire officers met with KGC to assess the financial viability of constructing a 50m swimming pool, a leisure pool, plant rooms, balance tanks, a chemical storage shed, and the Changing Places change room facility.

The outcome of this meeting was positive, with KGC providing a high-level cost estimate of \$14,150,618.15 (excluding GST) for construction of:

- 50m swimming pool with 8 lanes, 2.5m wide swim lanes, and depths ranging from 1.1m in the shallow end to 1.8m in the deep end.
- Associated plant room and balance tank.
- Leisure/Program pool with limited scope reduction, featuring a turbo channel, 3 walking lanes, water features, and a learn-to-swim area.
- Changing Places changeroom, remaining unchanged from the original scope.
- Chemical storage area, with only the proposed position being modified.

A site plan can be found in Attachment 1.

Council should be aware of several exclusions:

- The change room renovations have been removed from the scope.
- The current 25m pool will no longer be retained throughout the construction period, with an estimated demolition date in August 2024. Practical completion is estimated to be finalised in December 2025.
- There are some unknown cost factors, particularly regarding the installation of shade cover. Footings will be installed at this stage to allow for future shade installation if required. Efforts will be made to have a fixed shade over the program pool and at least 50% of the lap pool covered with a retractable shade sail.
- Some landscaping is excluded from the scope, including BBQ huts, some shaded seating options, and the cost to landscape the existing 25m pool area once it is demolished and top-filled.

STATUTORY IMPLICATIONS

Nil

POLICY IMPLICATIONS

There are no adverse policy implications that will impact this decision.

STRATEGIC IMPLICATIONS

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

Goal 2: Healthy communities - Encouraging active, healthy lifestyles

Goal Outcome 2.2: Access to sport and recreation facilities and services - Sport and recreation facilities and services are accessible and well maintained

Strategy 2.2: The Shire will collaborate with a wide range of stakeholders to advocate and provide accessible facilities that support a range of sporting and recreational activities

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: Regular finance monitoring and reporting against the budget allocation will identify funding gaps. The Shire's project management process will ensure that the project is meeting the strategic objectives. Spreading the financial cost over two financial years will also allow Shire officers to address the deficit concerns.

FINANCIAL IMPLICATIONS

Financial Assistance Agreement 1 - Detailed Design	Funding Amount
State	\$500,000
Shire	\$150,000
Sub total	\$650,000
Financial Assistance Agreement 2	Funding Amount
State	\$5,500,000
Shire	\$2,850,000
Sub Total	\$8,350,000
Changing Places	Funding Amount
State	\$170,000
Shire	\$33,000
Sub Total	\$203,000
State - Deed of Variation for additional State Funding	\$4,920,000
Total Available Funding	\$14,123,000

The high level costs KGC have provided to date estimate the final project costs are:

1. Detailed design - \$607,696
2. Construction - \$14,150,618

Total Project cost - \$14,758,314

Total budget deficit - -\$635,314.32

The project will extend over two financial years, allowing Shire officers to attempt to secure additional funding to reduce the proposed deficit. This may also provide the opportunity to raise additional funds to also accommodate stage two works which will include reinstating some of the scope omitted from stage one of the project. There is also a possibility of allocating additional Shire municipal funds toward the project arising out of the 2024-2025 budget process. Shire Officers note that there are tip fees included in the quote in the amount of \$84k which could be excluded to reduce the overall cost. An item for rise and fall in costs has been

included in the costings for \$600k which is essentially a contingency amount. Shire Officers will account for the deficit in both the 2024-2025 budget and the 2025-2026 budget.

COMMUNITY ENGAGEMENT

Comprehensive community engagement has taken place since the current pool failed in 2012.

COMMENTS

Shire officers are recommending that Council endorse the 50m swimming pool and program pool scope of works and approve that the CEO enter into contract negotiations with Kimberley Green Constructions to commence the construction stage of the KLC Aquatic Redevelopment. Delivering on the 2021 State Election promise of a 50m swimming pool, Changing Places, and the majority of the program pool features is a positive outcome. Proceeding with the proposed project scope demonstrates the Shire's commitment to delivering the majority of the community outcomes identified within the engagement process. The deficit does present a financial challenge; however, the project will span across two financial years, allowing some additional time for Shire officers to seek further funding or allocate future municipal funds to cover the cost. A copy of the proposed project schedule can be found in Attachment Two of the report.

Should Council endorse the proposed scope, it is critical to ensure transparency and community awareness. It will be necessary for Shire officers to distribute a media release and contact key stakeholders such as the Kununurra Croc's Swim Club, Lake Argyle Swim Committee, youth service providers, and local schools regarding the closure of the pool during the construction phase. It is worth noting that Shire officers do not intend to make contingency arrangements such as swimming lanes/buoys in Lake Kununurra. However, the Wyndham Swimming Pool could be made available to stakeholders such as the Swim Club at no cost should the club wish to arrange their own transport.

ATTACHMENTS

Attachment 1 – KLC Site Plan KGC 50m Pool Submission
Attachment 2 - Proposed Revised Project Timeline

12.4. CORPORATE SERVICES

12.4.1. 2024-25 Budget - Rating Strategy and Rate Model

DATE:	23 April 2024
AUTHOR:	Director Corporate Services
RESPONSIBLE OFFICER:	Felicity Heading, Director Corporate Services
FILE NO:	FM.05.29
DISCLOSURE OF INTERESTS:	Nil
COUNCIL'S ROLE IN THE MATTER:	Leader - plan and provide direction through policy and practices Regulator - Undertaking responsibility for the enforcement of statutory requirements.
VOTING REQUIREMENT:	Simple Majority

OFFICER'S RECOMMENDATION

That Council:

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

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

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

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

PURPOSE

For Council to endorse the proposed 2024-25 Rating Model, along with the Objects and Reasons for the proposed Differential Rates and Minimum Payments, for advertising with the intention of seeking public submissions thereon and thereafter reporting to Council before striking the rates as part of the 2024-25 Budget adoption, subject to receiving Ministerial approval where required by legislation.

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

The *Local Government Act 1995* (the Act) empowers local governments to impose differential general rates and minimum payments on rateable land. In accordance with the Act, the Minister for Local Government is authorised to approve the following in relation to rates:

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

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

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. Advice was also sought as to what was best practice for local government and where improvements could be made.

At Council Briefing sessions on 8 August 2023, 7 March 2024, and 16 April 2024, Council was presented with 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. In order to better align Council's rating strategy with the DLGSC Rating policy and principles, Council adopted a new Strategic Rating Policy at the 26 March 2024 Ordinary Council Meeting as follows:

COUNCIL DECISION

Minute Number: 26/03/2024 - 119000

Moved: Cr Robinson

Seconded: Cr Chafer

That Council:

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

Carried / Lost: 7 / 0

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

Against: Nil

STATUTORY IMPLICATIONS

Local Government Act 1995

Part 5

Division 6 – Disclosure of financial interests

5.63. Some interests need not be disclosed

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

Local Government Act 1995

Part 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.

POLICY IMPLICATIONS

The proposed differential general rates and minimum payments in the rate model are based on the principles outlined in Council Policy *POL-2018 Strategic Rating*.

FINANCIAL IMPLICATIONS

The differential general rates, minimum payments as per the rating model outlined above and in Attachment 2 are expected to yield gross rate revenue of \$12,208,181. This is an increase of \$583,403 or 5% over the 2023-24 Budgeted revenue.

The increasing cost of maintaining Shire infrastructure and providing services without a corresponding increase in rates revenue over several years has required Shire officers, as part of the annual budget process, to critically evaluate the expenditure estimates for efficiencies and possible savings, and to prioritise expenditure. The process of identifying efficiency gains is ongoing and Shire officers continue to seek to provide better value for money for the rates the community pays. The 2024-25 budget will reflect these efficiency gains once finalised.

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.

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 10.3: 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

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

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

Public notification will include the following:-

- Local public notice in the Kimberley Echo on 2 May 2024;
- A copy of the Notice to Impose Differential General Rates and Minimum Payments for 2024-25 placed on the Coles noticeboard on 1 May 2024;
- A copy of the Notice to Impose Differential General Rates and Minimum Payments for 2024-25 placed on the IGA noticeboard on 1 May 2024;
- A copy of the Notice to Impose Differential General Rates and Minimum Payments for 2024-25 placed on the Wyndham Post Office noticeboard on 1 May 2024;
- The Shire's Facebook page and website on 1 May 2024;
- Media Release on 1 May 2024; and
- A copy of the Notice to Impose Differential General Rates and Minimum Payments for 2024-25, including the Objects and Reasons for the Differential Rates and Minimum Payments placed on the Shire's website, public notice boards at the Civic Centres and Libraries in both Kununurra and Wyndham on 1 May 2024.

COMMENTS

The rate setting process is governed by the Council Policy POL-2018 Strategic Rating (the Policy). The Policy allows for the rate in the dollar to be determined on a differential basis. Following the strategic rating review undertaken, the number of differential rating categories has been reduced to better align with the DLGSC Rating Principles, Council Policy, and best practice. The proposed Rating Model provides for a uniform Gross Rental Value (GRV) rate, and three Unimproved Value (UV) rating categories of UV Rural, UV Pastoral, and UV Mining and Exploration.

Determining a proposed rate in the dollar

The rate setting formula is essentially a simple one whereby the amount of rates a property pays is determined by applying a rate in the dollar to the value assigned to the property. While a proposed increase in the rate in the dollar is generally subject to the most scrutiny, there are other aspects of setting the rate in the dollar that need to be highlighted. It is critical to note that the change to the actual rate in the dollar is only one factor in the rate setting process. Other factors include changes to the rates base. These can be changes to the total number of rateable properties, the mix between each rating category and the change in values placed on properties within each rating category. The changes in property values can happen on an incremental basis or on a periodic basis as part of a general revaluation of municipal properties. It is the combination of these factors that will have to be taken into account in assessing their impact on the rate in the dollar before assessing what increase to apply.

In developing the 2024-25 Annual Budget officers consider what overall percentage increases should be applied to Rates. Both the Consumer Price Index (CPI) and Local Government Cost Index (LGCI) are considered along with regional factors that affect the cost of maintaining infrastructure and providing services in line with community expectations.

Consumer Price Index

The CPI is an index determined by the Australian Bureau of Statistics that is the rate of change in prices on a 'basket of goods' measured on a quarterly basis. This basket of goods does not generally reflect the components of costs that local governments incur in delivering services. This index does however provide an indication of the impact of rising prices on household income and the state of the economy in broad terms. The Perth CPI increase for the 12 months to December 2023 was 3.6%.

Local Government Cost Index

The LGCI is based on the 'bundle of goods' relating to local government incorporating ten cost components which provide a more accurate indicator of cost movements affecting local governments. The Shire utilises the LGCI forecasts in the Western Australian Local Government Association's Local Government Economic Briefings. The March 2024 Briefing reports an actual increase for 2022-23 of 4.4%, a forecast full year increase for 2023-24 of 3.9% and a forecast for 2024-25 of 3.1%.

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

Rating Models

Shire Officers have undertaken modelling using various rates. The model shown below is one which provides an overall increase in rates yield of 5.0% as this provides additional funds to maintain current service levels. Over the past 4 years the LGCI has increased by a cumulative total of 16.6% while rates have increased by 6.15%. A 5.0% rate increase will again be below the increase in the cost of delivering Shire services and will still require the Shire to examine its cost structures to ensure that it is efficient in the delivery of its services.

The table below is an excerpt of the rating model which reflects the average weekly increase if a 5.0% increase in the rate in the dollar is adopted. The full model demonstrating a 5.0% increase in the rate in the dollar is provided in Attachment 2.

Rating Category	Proposed Rates Revenue 2024/25	Average Rates Payable 2024/25	Average weekly increase/decrease compared to 2024/25
	\$	\$	\$
GRV	8,936,424	3,997	3.52
UV - Rural	1,856,977	4,154	2.50
UV – Pastoral	606,871	28,898	26.88
UV - Mining and Exploration	807,909	7,278	13.52
TOTALS	12,208,181		

Other Factors

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

Summary

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

ATTACHMENTS

Attachment 1 - Objects and Reasons for the proposed Differential Rates and Minimum Payment for the 2024-25 Financial Year.

Attachment 2 - Proposed Rating Model 2024-25.

12.4.2. Monthly Financial Report

DATE:	23 April 2024
AUTHOR:	Manager Finance
RESPONSIBLE OFFICER:	Felicity Heading, Director Corporate Services
FILE NO:	FM.09.36
DISCLOSURE OF INTERESTS:	Nil
COUNCIL'S ROLE IN THE MATTER:	Regulator - Undertaking responsibility for the enforcement of statutory requirements.
VOTING REQUIREMENT:	Simple Majority

OFFICER'S RECOMMENDATION

That Council receives the Monthly Financial Report for the period ended 31 March 2024.

PURPOSE

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

CONTROL: 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 March 2024

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

DATE:	23 April 2024
AUTHOR:	Accountant - Assets, Creditors and Tax
RESPONSIBLE OFFICER:	Felicity Heading, Director Corporate Services
FILE NO:	FM.09.36
DISCLOSURE OF INTERESTS:	Nil
COUNCIL'S ROLE IN THE MATTER:	Regulator - Responsible for the enforcement of statutory requirements
VOTING REQUIREMENT:	Simple Majority

OFFICER'S RECOMMENDATION

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

March 2024	
Municipal EFT 148175 - 148400 (01/03/24 - 27/03/24)	\$ 1,435,005.22
Municipal CHQ 52068 (14/03/24)	\$ 18,033.45
Payroll (06/03/24 - 20/03/24)	\$ 591,554.17
Direct Bank Debits (01/03/24 - 28/03/24)	\$ 15,047.54
Total	\$ 2,059,640.38

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 February 2024, 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 2023-2024 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 March 2024

12.5. INFRASTRUCTURE

13. MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

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

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

16. MATTERS BEHIND CLOSED DOORS

17. CLOSURE