



SHIRE OF WYNDHAM | EAST KIMBERLEY

AGENDA ORDINARY COUNCIL

27 JULY 2021

DISCLAIMER

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

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

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

Signed on behalf of Council

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

VERNON LAWRENCE

CHIEF EXECUTIVE OFFICER

NOTES

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

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**SHIRE OF WYNDHAM EAST KIMBERLEY
ORDINARY COUNCIL MEETING AGENDA
KUNUNURRA COUNCIL CHAMBERS
TO BE HELD ON TUESDAY 22 JULY 2021 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

Nil

5. PUBLIC QUESTION TIME

6. APPLICATIONS FOR LEAVE OF ABSENCE

7. PETITIONS

8. CONFIRMATION OF MINUTES

OFFICER'S RECOMMENDATION

That Council confirms the Minutes of the Ordinary Council Meeting held on 29 June 2021 and the Minutes of the Special Council Meetings held on 8 July 2021 and 22 July 2021.

Note: The Minutes of the Ordinary Council Meeting held on 29 June 2021, and the Special Council Meetings held on 8 July 2021 and 22 July 2021 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

16.1 Tender T11 20/21: Clarrie Cassidy Oval (Wyndham Oval) Lights and Changerooms

11. DEPUTATIONS / PRESENTATIONS / SUBMISSIONS

12. REPORTS

12.1. MATTERS ARISING FROM COMMITTEES OF COUNCIL

12.2. CHIEF EXECUTIVE OFFICER

12.2.1. Standing Item - Outstanding Actions from Previous Council Resolutions

DATE:	27 July 2021
AUTHOR:	Executive Officer to the CEO
RESPONSIBLE OFFICER:	Vernon Lawrence, Chief Executive Officer
DISCLOSURE OF INTERESTS:	NIL

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.

NATURE OF COUNCIL'S ROLE IN THE MATTER

Leader - plan and provide direction through policy and practices

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

FINANCIAL IMPLICATIONS

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

STRATEGIC IMPLICATIONS

Strategic Community Plan 2017-2027

Focus Area 4: Civic Leadership

Goal 4.2: Good decision making through engagement with the community

Strategy 4.2.2: Ensure community input informs planning and decision making

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

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

RISK IMPLICATIONS

Nil

COMMUNITY ENGAGEMENT

No community engagement is required.

COMMENTS

An update of actions from the June 2021 Council resolutions are detailed in Attachment 1.

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

ATTACHMENTS

Attachment 1 - Council Action Register - June 2021

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

12.2.2. Standing Item - Use of the Common Seal

DATE:	27 July 2021
AUTHOR:	Executive Officer to the CEO
RESPONSIBLE OFFICER:	Vernon Lawrence, Chief Executive Officer
DISCLOSURE OF INTERESTS:	NIL

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 24 June 2021 to 22 July 2021.

PURPOSE

For Council to receive this report on the application of the Shire of East Kimberley Common Seal for the period 24 June 2021 to 22 July 2021.

NATURE OF COUNCIL'S ROLE IN THE MATTER

Regulator - enforce state legislation and local laws

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

FINANCIAL IMPLICATIONS

NIL

STRATEGIC IMPLICATIONS

Strategic Community Plan 2017-2027

Focus Area 4: Civic Leadership

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

RISK IMPLICATIONS

NIL

COMMUNITY ENGAGEMENT

No community engagement is required.

COMMENTS

There were 2 documents for the time period of 24 June 2021 to 22 July 2021 with the Shire of Wyndham East Kimberley Common Seal applied as per the table below:

Date of Use	Document
25/06/2021	WA Bicycle Network Grant Program Agreement (Department of Transport)
28/06/2021	Contract with Robro for DRFAWA Emergency Road Works

ATTACHMENTS

NIL

12.2.3. Local Government Elections Caretaker Policy

DATE:	27 July 2021
AUTHOR:	Chief Executive Officer
RESPONSIBLE OFFICER:	Vernon Lawrence, Chief Executive Officer
DISCLOSURE OF INTERESTS:	Nil

VOTING REQUIREMENT

Simple Majority

OFFICER'S RECOMMENDATION

That Council adopts the revised CP GOV - 3106 Council Elections Caretaker Period Policy at Attachment 1.

PURPOSE

The purpose of this policy is to provide elected members and employees with guidance to ensure the Shire acts impartially in relation to Local Government elections and candidates.

NATURE OF COUNCIL'S ROLE IN THE MATTER

Leader - plan and provide direction through policy and practices
Regulator - enforce state legislation and local laws

BACKGROUND/ PREVIOUS CONSIDERATIONS BY COUNCIL/ COMMITTEE

This Policy was first adopted in February 2017 and has not been reviewed since then. As Local Government elections are being conducted in October of this year it is appropriate that Councillors review the Policy.

COUNCIL DECISION

Minute No: 28/02/2017-11611

Commissioner resolved:

That Council adopt the Local Government Election Caretaker Policy as attached to this Agenda.

Carried 1/0

STATUTORY IMPLICATIONS

Local Government Act 1995 Part 4

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

There are no financial implications associated with the adoption of this policy

STRATEGIC IMPLICATIONS

Strategic Community Plan 2017-2027

Focus Area 4: PERFORMANCE - Civic Leadership

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

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

RISK IMPLICATIONS

Risk:

Failure to manage a governance framework which transparently embraces good governance practices.

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

Control:

Ensure all Elected Members and applicable Shire staff are aware of the contents of the Policy and its application.

COMMUNITY ENGAGEMENT

No community engagement is required.

COMMENTS

This policy is seen as best practice in ensuring a clear and comprehensive statement by Council regarding the expectations for Shire employees and elected members in relation to activities undertaken in the period leading up the Local Government Elections. The period the Policy applies from the date nominations close, being 4:00pm 9 September 2021 until 6:00pm on Election day, being 16 October 2021.

ATTACHMENTS

Attachment 1 - Local Government Elections Caretaker Policy - 2021 Track Changes

12.2.4. Governance Policies for Review

DATE:	27 July 2021
AUTHOR:	Chief Executive Officer
RESPONSIBLE OFFICER:	Vernon Lawrence, Chief Executive Officer
DISCLOSURE OF INTERESTS:	Nil

VOTING REQUIREMENT

Simple Majority

OFFICER'S RECOMMENDATION

That Council adopts the following amended policies:

- **CP/GOV-3305 Designation of Senior Employees**
- **CP/GOV-3103 Legal Representation for Council Members and Employees**
- **CP/CNC-3140 Council Briefing Sessions**

PURPOSE

For Council to consider adopting three reviewed Governance Policies with minor amendments.

NATURE OF COUNCIL'S ROLE IN THE MATTER

Leader - plan and provide direction through policy and practices
Regulator - enforce state legislation and local laws

BACKGROUND/ PREVIOUS CONSIDERATIONS BY COUNCIL/ COMMITTEE

The following are relevant (previous) decisions with regard to the policies prepared and updated by the Office of the CEO:

For Designation of Senior Employees:

COUNCIL DECISION

Minute No. 10698

Moved: Cr G Taylor

Seconded: Cr B Robinson

That Council adopts the proposed Council Policy (CP/HR-3350 Designation of Senior Employees).

Carried unanimously 8/0

For Legal Representation for Council Members and Employees:

COUNCIL DECISION

Minute No. 11215

Moved: Cr B Robinson

Seconded: Cr S Cooke

That Council:

- **Repeals Council Policy *M.C.8 Legal Representation and Cost Indemnification* as contained within the minutes of the 15 August 2002 Council meeting; and**
- **Adopts the Council Policy *CP/GOV-3103 Legal Representation for Council Members and Employees* as per Attachment 1.**

Carried 5/4

For: Cr J Parker, Cr B Robinson, Cr S Cooke, Cr N Perry, Cr E Bolto

Against: Cr D Spackman, Cr K Wright, Cr S Rushby, Cr A Petherick

For Council Briefing Sessions:

COUNCIL DECISION

Minute No. 11150

Moved: Cr B Robinson

Seconded: Cr D Spackman

1. **That Council accepts the following dates and locations for 2016 Council Briefing Sessions and Ordinary Council Meetings:**

Month	Briefing Session	Ordinary Council Meeting	Location of OCM (all Briefing Sessions to be held in Kununurra)
January	No briefing	27 January	Kununurra
February	9 February	23 February	Wyndham
March	8 March	29 March	Kununurra
April	12 April	26 April	Kununurra
May	10 May	31 May	Wyndham
June	14 June	28 June	Kununurra
July	12 July	26 July	Kununurra
August	9 August	30 August	Wyndham
September	13 September	27 September	Kununurra
October	11 October	25 October	Kununurra
November	8 November	29 November	Wyndham
December	13 December	20 December	Kununurra

2. That Council accepts that the above 2016 Council Briefing Sessions and Ordinary Council Meetings will all commence at 5.00pm.
3. That Council authorises the Chief Executive Officer to give public notice, by way of advertising of the accepted meeting dates, times and location of all 2016 Ordinary Council Meetings.
4. That Council repeals policy CPMC15 Councillor Briefing Sessions/Forums and adopts the Council Briefing Session Policy as per Attachment 1.

STATUTORY IMPLICATIONS

Local Government Act 1995 Section 5.37, 5.38 & 5.39

Local Government Act 1995 – Sections 3.1, 6.7(2) and 9.56

POLICY IMPLICATIONS

Council Policy CP/GOV-3112 Policy Management Policy requires that policies be reviewed a minimum of every five years and a report presented to Council detailing any proposed changes.

FINANCIAL IMPLICATIONS

There are no financial implications associated with the review of these policies.

STRATEGIC IMPLICATIONS

Strategic Community Plan 2017-2027

Focus Area 4: PERFORMANCE - Civic Leadership

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

Strategy 4.3.3: Improve organisational systems with a focus on innovative solutions to improve efficiency, effectiveness and productivity

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

RISK IMPLICATIONS

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

Control: Policies updated in accordance with schedule and operational requirements.

COMMUNITY ENGAGEMENT

No community engagement is required.

COMMENTS

The following policies have been reviewed in accordance with the policy review schedule and have minor amendments:

CP/GOV-3305 Designation of Senior Employees: The only change to this policy is the changes to the review date.

CP/GOV-3103 Legal Representation for Council Members and Employees: Minor formatting changes and the addition of paragraph 3.8 to make clear that all applications must come to Council for approval.

CP/CNC-3140 Council Briefing Sessions: Minor formatting changes and the addition of words to paragraph 5 to clarify the nature and types of reports that may be put to a briefing session.

ATTACHMENTS

Attachment 1 - CP/GOV-3305 Designation of Senior Employees - 2021 Track changes

Attachment 2 - CP/GOV-3103 Legal Representation for Council Members and Employees - 2021 Track changes

Attachment 3 - CP/CNC-3140 Council Briefing Sessions - 2021 Track changes

12.3. PLANNING AND COMMUNITY DEVELOPMENT

12.3.1. Corporate Business Plan 2021-2025

DATE:	27 July 2021
AUTHOR:	Senior Projects Officer
RESPONSIBLE OFFICER:	Nick Kearns, Director Planning and Community Development
ASSESSMENT NO:	N/a
FILE NO:	CM.10.16
DISCLOSURE OF INTERESTS:	NA

VOTING REQUIREMENT

Absolute Majority

OFFICER'S RECOMMENDATION

That Council:

- 1) Adopts the Corporate Business Plan (2021 - 2025) as contained in Attachment 1.**
- 2) Directs the Chief Executive Officer to give local public notice that the Corporate Business Plan (2021 - 2025) has been adopted.**

PURPOSE

This report presents for adoption, the Corporate Business Plan 2021 - 2025, summarising Council's planned services and projects and actions over the five year period.

NATURE OF COUNCIL'S ROLE IN THE MATTER

Advocator - advocate and support initiatives on behalf of the community and the Kimberley

Facilitator - bring stakeholders together

Funder - provide funds or other resources

Leader - plan and provide direction through policy and practices

Provider - provide physical infrastructure and essential services

Regulator - enforce state legislation and local laws

BACKGROUND/ PREVIOUS CONSIDERATIONS BY COUNCIL/ COMMITTEE

The Corporate Business Plan (CBP) is an integrated business plan that summarises all of the services and projects included in business unit plans for the delivery of outcomes and objectives in the Strategic Community Plan (SCP). It is developed within the Shire's

financial, workforce and asset management capability, and in turn informs resourcing across these areas.

The previous CBP was adopted by Council at the 28 July 2020 Ordinary Council Meeting and reflected changes required following the outbreak of the COVID-19 (Coronavirus) pandemic and the declared state of emergency in WA. The 2021-2025 version has now been updated to:

- Better reflect external influences on the Shire such as closed borders and stimulus spending
- Link actions and projects to the areas delivering them through inclusion in operational plans
- Provide a summary of five year projects linked to the SCP goals they support
- Prepare project plans to help promote project awareness and support advocacy

The 2021 review of the CBP has included work to make the Shire's projects more accessible to the community and to Shire officers. The updated CBP presents the Shire's projects in three formats. The first is a summary list with projects listed against the Goals and Strategies of the SCP that they will support. This is intended to provide a high level summary. The second captures the projects within the operational plans for each responsible department of the organisation, which have a five year outlook and detail the services and projects to be delivered. The third provides additional detail to the Shire's five year projects listed in numerical order. It follows the 'Project on a Page' or POAP model where each project is presented as a flyer with additional information relevant to the community; including what community engagement will be undertaken.

Each project in the CBP now includes a photograph to increase visual communication and better connect with our community and help a wider audience understand the information and increase the comprehension of the activities being undertaken by the Shire. Impactful images are displayed and stay in the mind for longer. Studies show that only 10-20 percent of participants were able to remember spoken and written information while over 50 percent recall visuals and images. The old adage states that "a picture is worth a thousand words". During the open house events the community commented positively on the use of images against each project and have indicated to Officers that this is a preferred method.

The number of actions within the document has been refined to ensure a better organisational focus. It now has 53 actions over the five year period. This is a marked reduction on the 300 projects listed in the original 2016/17 document.

The lifting of COVID restrictions allowed the Shire to again engage with the community about the projects listed in the CBP that had to be suspended in 2020. This year, Officers held four open house events covering a range of times and days of the week to increase the opportunity for the community to attend and provide comments. The events provided the opportunity to comment on each project using coloured dots. Green dots to indicate projects that the community thought were a priority, yellow or orange dots for projects that needed further refinement and red dots to indicate projects that they did not like or should not be a priority in the plan. In total the community provided 447 comments in the form of dots and 109 written comments about the Shire's five year projects. Encouragingly there were more green dots and yellow than red dots. There were 359 green, 81 yellow and 7 red dots.

Written comments were also constructive and have all been considered in the review of the plan. The community comments are provided at Attachment 2.

The table below provides a comparison of engagement over the last three years.

Year	2019/20	2020/21	2021/22
Dots	186	0	447
Comments	21	16	109
Social Media views	1,567	463	7,350
Social Media interactions	183	50	399
Total contact	1,957	529	8,305

The CBP has been prepared to achieve compliance with relevant legislative requirements. It is informed by a range of strategic documents including the Long Term Financial Plan, Asset Management Strategy and Workforce Management Strategy, and more particularly captures the key actions and initiatives to meet with the community's goals as articulated in the Shire's SCP. It also takes into account external influences on the municipality which have been 'magnified' since the state of emergency, obliging the organisation to be more in touch with community needs and priorities and to be more responsive - particularly to take advantage of new funding/stimulus sources for major projects. Officers are confident that the new document presents a better balance between 'planning' and 'doing'. In addition, the drafting of the new document has had the benefit of the recent Community Scorecard Survey and the comments received and priorities that were identified have shaped the priority actions including:

- upgrades to playgrounds, parks and reserves.
- preparation and implementation of a Community Safety and Crime Prevention Plan.
- preparation of town centre (revitalisation) plans - some already initiated in Wyndham and in Kununurra associated the new water playground and new shared loop path and foreshore trail.
- greater attention to sporting and recreation facilities and services, including major upgrades to the Kununurra Leisure Centre, new Kununurra Water Playground and major upgrades to the Wyndham (Clarrie Cassidy) Oval.
- work and advocacy to address issues associated with access to housing.

The document is able to be changed and improved and will be reviewed each quarter, in line with the preparation of quarterly performance reports or in response to community comment or shifts in external influences and this is likely following the comprehensive review of the SCP which will be initiated in the first half of next year.

POLICY IMPLICATIONS

CP/COM-3100 - Community Engagement Policy

The Corporate Business Plan supports the intent of Council's Community Engagement Policy, 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.

FINANCIAL IMPLICATIONS

The CBP is set within the financial constraints of the Long Term Financial Plan, asset management plans and is integrated with the Annual Budget.

STRATEGIC IMPLICATIONS

Strategic Community Plan 2017-2027

Focus Area 4: PERFORMANCE - Civic Leadership

Goal 4.2: Good decision making through engagement with the community

Strategy 4.2.2: Ensure community input informs planning and decision making

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

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

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

Corporate Business Plan

CBP Action: #53 Coordinate the Integrated Planning and Reporting Framework

Task: Annual review of the Corporate Business Plan

RISK IMPLICATIONS

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

Control: Undertake an annual review of the CBP and Annual Budget.

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

Control: Ensure community input into the Annual review of the CBP.

COMMUNITY ENGAGEMENT

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

- Website
 - Dedicated page on the organisation's website for the community to view and comment on the Draft Corporate Business Plan.
- Print
 - Advertising in local news print (Kimberley Eco and The Bastion)
 - Public notice boards (Shire offices, Library, leisure centres)
- Social Media and other online mediums
 - Posts on facebook (including paid ads), an article in the Shire's E-Newsletter and emails sent to Shire's Community Contact list.
- Survey
 - The 2021 Community Perceptions Scorecard Survey - (338 responses)
- Public Open House Events
 - Wyndham Council Chambers on a weekday between 12am and 3pm. The event was designed to allow residents to pop in during their lunch break or after picking up children from school.
 - Kununurra Library on a weekday between 12am and 3pm. The event was designed to allow residents to pop in during their lunch break or after picking up children from school as well as users of the library
 - Kununurra Library on a Saturday morning Between 9am and 12pm. The event was designed to provide an opportunity for people to have their say outside of work hours.
 - Kununurra Neighbourhood House on a weekday between 8am and 12pm. This event was aimed at parents dropping off and picking up children from Stepping Stones Pre-school, and other demographic users of the House such as users of the community op-shop program and emergency relief program.

Additional engagement will take place in accordance with the Shire's Community Engagement Guidelines and will include:

- Public notices that the Shire has adopted the CBP 2021-2025
- Making the CBP available online

COMMENTS

The Corporate Business Plan has been prepared to achieve compliance with relevant legislative requirements. It is informed by a range of strategic documents including the Long Term Financial Plan, Asset Management Strategy and Workforce Management Strategy, and more particularly captures the key actions and initiatives to meet with the community's goals as articulated in the Shire's Strategic Community Plan. It has also been drafted to better reflect external influences and to better respond to community needs and priorities.

The updated Corporate Business Plan is more focussed and more accurately describes those actions required to be undertaken in order to meet the community's goals in the adopted Strategic Community Plan and to better address the highest priorities identified in the more recent Community Scorecard (Community Satisfaction) Survey. Additional input by

community members, Councillors and Officers has also resulted in a more succinct list of projects and actions that can better be achieved and reported against.

It is recommended that Council adopts the plan as attached and gives public notice to that effect.

ATTACHMENTS

Attachment 1 - Corporate Business Plan 2021-2025

Attachment 2 - Community Comment on the Shire Projects in CBP

12.3.2. Kununurra PCYC Redevelopment Agreement

DATE:	27 July 2021
AUTHOR:	Director Planning and Community Development
RESPONSIBLE OFFICER:	Nick Kearns, Director Planning and Community Development
ASSESSMENT NO:	A306
FILE NO:	CP.07.20
DISCLOSURE OF INTERESTS:	Nil

VOTING REQUIREMENT

Simple Majority

OFFICER'S RECOMMENDATION

That Council authorises the Chief Executive Officer to:

- 1. complete negotiations to finalise the Lease, the Licence and the Redevelopment Agreement (Documents) with the WA Police and Community Youth Centres Incorporated conditional on the material terms adopted by Council on 24 November 2020 not being the subject of further negotiation; and**
- 2. execute the finally negotiated Documents together with the Shire President subject to compliance with recommendation 1 above.**

PURPOSE

To seek Council's approval of draft documentation associated with the redevelopment of the Kununurra Youth Hub for the WA Police and Community Youth Centres (PCYC) .

NATURE OF COUNCIL'S ROLE IN THE MATTER

Provider - provide physical infrastructure and essential services

BACKGROUND/ PREVIOUS CONSIDERATIONS BY COUNCIL/ COMMITTEE

Council has previously considered matters related to the establishment of a PCYC at the Kununurra Youth Hub and at the November 2020 Ordinary Meeting decided (**Minute Number: 24/11/2020 – 118348**) the following:

That Council:

- 1. Approves entering into a Memorandum of Understanding with PCYC and the Shire, committing to a 10 year community lease, with 10 year further option, of the Kununurra Youth Hub (Part Lot 510 Ron Hodnett Drive, Kununurra), from 31 October 2021, subject to Ministerial approval and conditional on the parties agreeing on the terms of the redevelopment of the community facility, and**
- 2. Approves that agreement of the terms of redevelopment between the parties is reflected in a deed of agreement to be referred back to Council for approval.**

The Memorandum of Understanding (MoU) has been prepared and agreed by both parties.

As a consequence of the 24 November 2020 Council resolution, the Documents (Lease, Licence and Redevelopment Agreement) have been drafted taking into consideration the Council approval as to the material terms. The Documents will be provided to PCYC for the purposes of negotiation and execution.

The draft Lease material terms remain the same as approved by Council on 24 November 2020, being that the Lease runs for a term of 10 years with a 10 year option at the nominal rent of \$500 excluding GST per annum and conditional on the Minister for Lands' consent. It includes relevant default provisions and links to the Redevelopment Agreement which is relevant to future improvement to the facility.

The draft Licence is required to allow legal access to the existing ablutions/changerooms (Community Ablutions) situated on the reserve but not forming part of the Premises under the Lease so that the PCYC has access to the Community Ablutions at all times convenient to it and its participants in PCYC activities. The Licence will run concurrently with the Lease, and will also be subject to Minister for Lands' consent.

The draft Redevelopment Agreement is reflective of the intention of the parties to jointly redevelop the Kununurra Youth Hub in two stages:

Stage 1 - refurbishment of the existing administrative component to accommodate PCYC staff and WA Police Youth Policing Officers as well as some co-tenants and to repurpose the existing activity area and kitchen to deliver diversionary programs.

Stage 2 - Proposed construction of multi-purpose (indoor) playing courts and an automotive workshop.

The draft Redevelopment Agreement includes a commitment for PCYC to commence construction of the Stage 2 redevelopment within 3 years of completion of Stage 1 to ensure that PCYC does not defer the greater commitment on which the term of the Lease and nominal rent were based on which Council has approved the very favourable terms of the Lease; and to also reflect the obligations of each party to contribute financially to the funding of refurbishment (Stage 1) and to submit a joint grant application for the construction costs for the future stage (Stage 2). This includes provisions which align with the Shire's procurement policies and thresholds.

The draft Redevelopment Agreement, draft Lease and draft Licence are provided at Attachment 2, 3 and 4 respectively.

STATUTORY IMPLICATIONS

Section 3.58 of the Local Government Act 1995 is relevant to the lease document and is subject to Ministerial approval, which will be sought.

POLICY IMPLICATIONS

CP PMG-3780 Leasing of Council Managed Reserve Land - Community is relevant to the lease.

No other policies are relevant.

FINANCIAL IMPLICATIONS

A payment of \$58,000 is allowed for within the draft 2021/22 budget for Stage 1. The proposed Stage 2 stage redevelopment will be dependent upon external funding.

STRATEGIC IMPLICATIONS

Action #347 of the Corporate Business Plan refers to the development of a 'Youth and Resilience Hub' to support East Kimberley based youth programs, which reflects an intention to redevelop the facility for the purposes proposed by PCYC.

RISK IMPLICATIONS

Risk: Failure to meet statutory requirements or to account for potential legal parameters relevant to lease obligations or that are relevant to the redevelopment of land and management of Shire facilities.

Control: Ensure that suitable legal mechanisms are put in place to protect the Shire's interests with respect to lease and (future) development proposals.

COMMUNITY ENGAGEMENT

Nil

COMMENTS

At the November 2020 OCM Council agreed to the preparation of a Memorandum of Understanding (MoU) and deed of agreement (redevelopment agreement) for the purpose of confirming the Shire's contribution to the staged redevelopment of the community facility and with due regard to commitment of the Shire and PCYC in relation to undertakings given by the parties for the preparation of (future) joint funding submissions to deliver redevelopment. The Council position was also based on the understanding that other related matters on

which a negotiated position remains to be agreed between the parties with regard to the redevelopment of the facility will be the subject of continuing negotiations.

As per the previous Council resolution, the agreement of the terms of redevelopment was to be reflected in a deed of agreement and referred back to Council for approval. Accordingly, Council's consideration on the draft Redevelopment Agreement is sought.

The draft Redevelopment Agreement and draft Licence are documents which will run concurrently with the Lease, with the Documents collectively having been prepared to act and be read in conjunction with each other. The expiry date of the Redevelopment Agreement will occur on practical completion of the Stage 1 and Stage 2 works and the Licence will run concurrently with the Lease and therefore expire at the same time as the Lease.

The draft Redevelopment Agreement proposes that PCYC will be responsible for all authorisations, permits, development and other approvals of whatsoever nature required for Stage 1 refurbishment and construction of Stage 2 Redevelopment. It also requires that refurbishment and repurposing works (Stage 1) are to commence within 6 months (and be completed within 12 months) of commencement of the Lease, with Stage 2 to commence within 3 years of completion of Stage 1 works, and outlines the obligations of each party in relation to the respective funding and a joint submission for a grant for the redevelopment works.

The draft Lease has been drafted in accordance with the material terms as included in Schedule 1 of the MoU, including that PCYC will be responsible for paying rates and taxes, utilities, maintenance, and insurance. PCYC will also indemnify the Shire against any claims arising. The draft Licence has been drafted as per the pro forma deed of licence included as Attachment 2 to the MoU.

The draft Documents have been referred to PCYC which is in agreement to them, noting that there is scope for minor modification that could be negotiated prior to final signing. In any case and per Council's previous resolution, all Documents will need to be negotiated, finalised and signed to allow commencement of the Lease as of 31 October 2021. To ensure that this can be undertaken in the required timeline and provided Council is comfortable with the draft Documents, authorisation is sought from Council for the Chief Executive Officer to complete negotiations with PCYC to finalise the agreement between the parties and the Documents reflecting the final position agreed, subject to constraining the Chief Executive Officer from any delegated authority to negotiate a variation to the material terms already agreed to by Council as non-negotiable.

Authorisation is also sought for the Chief Executive Officer and Shire President to execute the documents once finalised.

ATTACHMENTS

Attachment 1 - Draft Redevelopment Agreement between the Shire of Wyndham East Kimberley and WA Police and Community Youth Centres (PCYC)

Attachment 2 - Draft Lease between the Shire of Wyndham East Kimberley and WA Police and Community Youth Centres (PCYC)

Attachment 3 - Draft Licence between the Shire of Wyndham East Kimberley and WA Police and Community Youth Centres (PCYC)

12.3.3. Application for Caravan Park Overflow Sites - Kununurra Agricultural Society

DATE:	27 July 2021
AUTHOR:	Manager Planning and Regulatory Services
RESPONSIBLE OFFICER:	Nick Kearns, Director Planning and Community Development
ASSESSMENT NO:	A7620
FILE NO:	PH.12.5
DISCLOSURE OF INTERESTS:	Nil

VOTING REQUIREMENT

Simple Majority

OFFICER'S RECOMMENDATION

That Council

- 1. Authorises the Chief Executive Officer to sign the application form for the Temporary Caravan Park and Camping Ground Licence for the Kununurra Agricultural Society at Reserve 29799, 199 (Lot 504) Coolibah Drive, Kununurra.**
- 2. Grants a Temporary Caravan Park and Camping Ground Licence to Kununurra Agricultural Society for 10 short stay sites at the Kununurra Agricultural Grounds from 30 July 2021 to 30 September 2021, subject to the following conditions:**
 - 1. The following minimum ablution facilities are to be available for the duration of the licence: 2 toilets, 2 hand basins, and 2 showers.**
 - 2. All wastewater (including sullage water) is to be collected and removed from site to be disposed of at an approved wastewater dump point.**
 - 3. Rubbish bins are to be sealed and provided within 90 metres of every site. All rubbish to be removed from the site.**
 - 4. Fire extinguishers are to be located within 90 metres of every site.**

PURPOSE

For Council to consider an application from the Kununurra Agricultural Society to establish a temporary overflow facility for caravans at the Kununurra Agricultural Society Caravan Park.

NATURE OF COUNCIL'S ROLE IN THE MATTER

Regulator - enforce state legislation and local laws

BACKGROUND/ PREVIOUS CONSIDERATIONS BY COUNCIL/ COMMITTEE

The Kununurra Agricultural Society Inc. has lodged an application for a Temporary Caravan and Camping Ground Licence to add an additional 10 temporary overflow sites. The sites will be for self-sufficient caravans and be located directly adjacent to the main office/administration building and have access to those amenities. The request is supported by an email provided by the Kununurra Agricultural Society Inc. and the email and application form (with location map) are provided at Attachment 1.

STATUTORY IMPLICATIONS

Caravan Parks and Camping Grounds Act 1995 (the Act)

- s. 7(5) Before granting a licence a local government must ensure that -
- (a) The applicant has complied with the requirements of this Act;
 - (b) The applicant is the owner of the land on which the facility is situated, or is to be situated, or has the written approval of the owner of that land to apply for a licence.

Caravan Parks and Camping Grounds Regulations 1997 (the Regulations)

- r. 47 *Applications not dealt with within time are taken to be refused*
- (1) *If within -*
- (a) *63 days of receiving an application for a licence; or*
 - (b) *35 days of receiving an application for a renewal of a licence, the local government to which the application was made has not informed the applicant whether or not the application has been granted, the applicant may give the chief executive officer of the local government a notice requiring the local government to inform the applicant, within 14 days, whether or not the application is granted.*
- (2) *If within 14 days after receiving a notice referred to in subregulation (1), the local government has not informed the applicant whether or not the application is granted, the local government is to be taken to have refused the application and the applicant may make an application for review to the State Administrative Tribunal under section 27 of the Act.*
- r. 20. *Use of overflow area*
- The licence holder of a facility is to ensure that an overflow area of the facility is used only —*
- (a) *with the approval of the local government; and*
 - (b) *for the period of time specified in that approval; and*
 - (c) *in accordance with any conditions specified in that approval.*
- r. 48. *Overflow areas*
- A local government may specify in a licence for a facility, an area of the facility as an overflow area.*
- r. 50. *Licence to specify number and types of sites and other conditions*
- A local government is to endorse on each licence, as conditions of the licence —*

- (a) the maximum number of sites that may be used at the facility, other than at any overflow area; and*
- (b) where the facility has an overflow area, the maximum number of sites that may be used at any overflow area when the area is in use; and*
- (c) the maximum number of sites of particular types that may be used at the facility, other than at any overflow area; and*
- (d) where the facility has an overflow area, the maximum number of sites of particular types that may be used at any overflow area when the area is in use.*

r. 66. Local government register of licences

For the purposes of section 14(1) of the Act, the following details are prescribed details to be recorded in respect of each licence granted —

- (a) the name and address of the facility;*
- (b) the name and address of each licence holder;*
- (c) the type of licence;*
- (d) the number and type of sites authorised to be used at the facility;*
- (e) whether or not the facility has an overflow area, and if so, the number and type of sites authorised to be used at the overflow area;*
- (f) the number of buildings on the facility that are used for occupation by persons;*
- (g) any conditions imposed on the licence.*

POLICY IMPLICATIONS

Council policy *CP/HTH-3761 Licensing of Overflow Sites in Caravan Parks and Camping Grounds* was developed to provide a consistent approach to overflow areas in Caravan Parks and Camping Grounds. In line with the *Caravan Parks and Camping Grounds Regulations 1997*, the policy outlines that the use of any overflow should be applied for as part of the annual licence and should clearly be designated on a site map. The Policy does not allow for any reduction in services or facilities for sites approved within an overflow area, and outlines that:

- a. Up to 10% of a facility's sites may be designated as overflow area.
- b. The overflow area may be used for no more than 3 months in any year
- c. The overflow area should be a single designated area separate from other areas of the facility and able to be closed outside the licenced period.
- d. Where possible the overflow area will not include the most desirable sites within a park.

Council policy *CP/HTH-3762 Licensing of Temporary Caravan Parks and Camping Grounds* provides guidelines for the approval of temporary licences. The Policy provides for a reduction in amenity and requirements of the Regulations which is considered appropriate as temporary licences are usually issued only for a short time.

Council at its June 2021 Ordinary Meeting granted approval for 50 temporary caravan and camping sites on the property although this approval was only for Agricultural Show vendors and that approval expired on 11 July 2021.

FINANCIAL IMPLICATIONS

There are no financial implications.

STRATEGIC IMPLICATIONS

Strategic Community Plan 2017-2027

Focus Area 2: PLACE - Enhancing the environment

Goal 2.3: Make towns safe and inviting for locals and visitors

Strategy 2.3.5: Enforce effective public health and safety

RISK IMPLICATIONS

Risk: Failure to comply with minimum health and safety standards resulting in illness or injury to members of the public.

Control: Inspection by Shire Officers and compliance with minimum requirements based on legislative requirements.

COMMUNITY ENGAGEMENT

No community engagement is required.

COMMENTS

Officers are aware that the 2021 dry season has seen a large influx of self-drive visitors to town, resulting in most, if not all, of the caravan parks being at capacity. It is understood that most of the other resorts, and hotels/motels have also seen increased occupancy rates and have been at capacity for large parts of the tourist season so far. This has been exacerbated by border closures along with the closure of the Lakeside Resort - for caravans and camping. For this reason, a flexible approach may be needed to assist visitors in this peak demand period, aligning with the request.

The proposed temporary licence application and request meets the requirements and intentions of Council Policy CP/HTH-3762 Licencing of Temporary Caravan Parks and Camping Grounds. Ablution facilities are available and the use of the nearby amenities in the office/administrative building will assist, noting all the same, that the caravans will be self sufficient and will have access to a dump point.

Conditions proposed will be as per the minimum required for this type of facility.

ATTACHMENTS

Attachment 1 - Email and Application for overflow facility - Kununurra Agricultural Society

12.4. CORPORATE SERVICES

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

DATE:	27 July 2021
AUTHOR:	Creditors Officer
RESPONSIBLE OFFICER:	Felicity Heading, Director Corporate Services
FILE NO:	FM.09.25
DISCLOSURE OF INTERESTS:	Nil

VOTING REQUIREMENT

Simple Majority

OFFICER'S RECOMMENDATION

That Council receive the lists of accounts paid from the Municipal and Trust funds for June 2021, being:

Municipal EFT 140739 - 140940 (03/06/2021-30/06/2021)	\$ 2,203,188.78
Municipal Cheques 52011-52012 (11/06/2021-24/06/2021)	\$ 910.95
Trust EFT 502193- 502204 (03/06/2021 - 30/06/2021)	\$ 7,175.75
Payroll (02/06/2021 - 30/06/2021)	\$ 757,463.79
Direct Bank Debits (01/06/2021-30/06/2021)	\$ 280,084.93
Total - May 2021	\$ 3,248,824.20

PURPOSE

To present the list of accounts paid from the Municipal Fund and Trust Fund in accordance with the requirements of the *Local Government (Financial Management) Regulations 1996*.

NATURE OF COUNCIL'S ROLE IN THE MATTER

Regulator - Responsible for the enforcement of statutory requirements.

BACKGROUND/ PREVIOUS CONSIDERATIONS BY COUNCIL/ COMMITTEE

In accordance with Council's Delegations Register which was adopted by Council on 27 October 2020, the Council has delegated to the CEO the exercise of its power under

Regulations 12 and 13 of the *Local Government (Financial Management) Regulations 1996* to make payments from Municipal Fund and Trust Fund.

STATUTORY IMPLICATIONS

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

Local Government (Financial Management) Regulations 1996 -

Regulation 5. CEO's duties as to financial management.

Regulation 11. Payments, procedures for making etc.

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

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

POLICY IMPLICATIONS

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

FINANCIAL IMPLICATIONS

There are no financial implications arising out of the preparation of this report. The financial implications arising from the payments made from the Municipal and Trust funds have been provided for in the 2020/21 Adopted Budget and any subsequent amendments thereto. This report provides for the ongoing management of the Shire's funds by providing the Council with sufficient information to monitor and review those payments made.

STRATEGIC IMPLICATIONS

Strategic Community Plan 2017-2027.

Focus Area 4: Performance - Civic Leadership

Goal 4.4: Sustainably maintain the Shire's financial viability

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

RISK IMPLICATIONS

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

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

COMMUNITY ENGAGEMENT

No community engagement is required in relation to this item.

COMMENTS

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

ATTACHMENTS

Attachment 1 - List of Accounts Paid June 2021

12.4.2. Annual Budget 2021/22

DATE:	27 July 2021
AUTHORS:	Director Corporate Services
RESPONSIBLE OFFICER:	Felicity Heading, Director Corporate Services
FILE NO:	FM.05.20
DISCLOSURE OF INTERESTS:	Nil

VOTING REQUIREMENT 1

Absolute Majority

OFFICER'S RECOMMENDATION 1

That Council adopt the revised *Council Policy CP/FIN-3200 Strategic Rating* (Attachment 1) incorporating the following rating categories for 2021/22 rating purposes:

GRV Residential

Includes all GRV valued land within the town site, other than land zoned Rural Residential or Rural Smallholdings, which is used primarily for residential purposes with the exception of Workforce Accommodation (Transient Accommodation in previous scheme), as outlined in Appendix A. of *Council Policy CP/FIN-3200 Strategic Rating*.

GRV Other Vacant

Includes all GRV valued land within the town site which is deemed to be vacant land (unimproved land).

GRV Commercial

Includes all GRV land which is used primarily for commercial purposes, and may include land uses such as caravan parks, fast food outlets, hotels, restaurants, or veterinary centres as outlined in Appendix A of *Council Policy CP/FIN-3200 Strategic Rating*.

GRV Industrial

Includes all GRV valued land which is used primarily for industrial purposes and as outlined in Appendix A of the *Council Policy CP/FIN-3200 Strategic Rating*.

GRV Rural Residential

Includes all GRV valued land that is zoned Rural Residential and Rural Smallholdings which is used primarily for or capable of being used primarily for rural residential purposes.

UV Rural Residential

Includes all UV valued land located outside the gazetted town site that is zoned Rural

Residential or Rural Smallholding which is used primarily for or capable of being used primarily for rural residential purposes.

UV Pastoral

Includes all UV valued land located outside the gazetted town site which is used or capable of use primarily for pastoral purposes. Properties such as these have the characteristics of a commercial operation in an undeveloped and sparsely populated area.

UV Commercial/Industrial

Includes all UV valued land located outside the gazetted town site that is used primarily for, or capable of being used primarily for commercial, industrial and/or tourism purposes.

UV Agriculture

Includes all UV valued land located outside the gazetted town site which is zoned Agriculture – State or Regional Significance or Rural which is used or capable of being used primarily for extensive agriculture, agroforestry and/or horticultural purposes.

UV Horticulture

Includes all UV valued land located outside the gazetted town site which is zoned Local Horticulture which is used primarily for, or is capable of use primarily for intensive agriculture and/or horticultural purposes.

UV Mining

Includes all UV valued land located outside the gazetted town site which is used primarily for mining purposes and encompasses mining leases, petroleum exploration permits and general purpose mining leases.

UV Mining Exploration and Prospecting

Includes all UV valued land located outside the gazetted town site which is used primarily for mining purposes and encompasses exploration and prospecting licences.

UV Other

Includes all UV valued land located outside the gazetted town site which is not otherwise rated as UV Rural Residential, UV Pastoral, UV Commercial/Industrial, UV Agriculture, UV Horticulture, UV Mining, or UV Mining Exploration and Prospecting.

VOTING REQUIREMENT 2

Absolute Majority

OFFICER'S RECOMMENDATION 2

That Council:

- 1. Pursuant to section 6.47 of the *Local Government Act 1995* and regulation 26 of the *Local Government (Financial Management) Regulations 1996*, grant Rate Concessions with a total value of \$569,058 under Differential Rating Category**

UV Pastoral as detailed in Confidential Attachment 1; as part of the 2021/22 Budget adoption as per Special Council Meeting on 01 June 2021 (Minute No: 118452-1/6/2021); and

2. Adopt, that should the 1 July 2021 valuation for any UV Pastoral property be revised down, the concession amount for that property will be recalculated and adjusted for the new valuation so that the revised rates for the 2021/22 financial year will be no greater than 140% of the 2019/20 rates.

VOTING REQUIREMENT 3

Absolute Majority

OFFICER'S RECOMMENDATION 3

That Council, pursuant to sections 6.32, 6.33, 6.34 and 6.35 of the *Local Government Act 1995* and the revised *Council Policy CP/FIN-3200 Strategic Rating*, imposes differential general rates and minimum payments on Gross Rental Value properties and Unimproved Value properties for the 2021/22 financial year as follows:

As per Special Council Meeting 22 July 2021 (Minute No: 118472-22/7/2021):

Rating Category	General Rate in the Dollar \$	Minimum Payments
GRV - Residential	0.1463	\$1,123
GRV - Other Vacant	0.2269	\$1,123
GRV - Commercial	0.1443	\$1,123
GRV - Industrial	0.1403	\$1,123
GRV - Rural Residential	0.1463	\$1,123
UV - Rural Residential	0.0132	\$1,123
UV - Pastoral	0.0570	\$1,123
UV - Commercial/Industrial	0.0078	\$1,123
UV - Agriculture	0.0117	\$1,123
UV - Horticulture	0.0102	\$1,123
UV - Mining	0.2767	\$1,123
UV - Mining Exploration and Prospecting	0.1383	\$313
UV - Other	0.0066	\$1,123

VOTING REQUIREMENT 4

Absolute Majority

OFFICER'S RECOMMENDATION 4

That Council, pursuant to section 66 of the *Waste Avoidance and Resource Recovery Act 2007*, adopt a general rate for the Waste Management Charge to be imposed on all rated properties for the 2021/22 financial year at a rate in the dollar of:

Rating Category	Cent in the Dollar
GRV - Residential	0.0001
GRV - Other Vacant	0.0001
GRV - Commercial	0.0001
GRV - Industrial	0.0001
GRV - Rural Residential	0.0001
UV - Rural Residential	0.0001
UV - Pastoral	0.0001
UV - Commercial/Industrial	0.0001
UV - Agriculture	0.0001
UV - Horticulture	0.0001
UV - Mining	0.0001
UV - Mining Exploration and Prospecting	0.0001
UV - Other	0.0001

VOTING REQUIREMENT 5

Absolute Majority

OFFICER'S RECOMMENDATION 5

That Council, pursuant to section 66 of the *Waste Avoidance and Resource Recovery Act 2007* and Part 5 of the *Local Government (Financial Management) Regulations 1996*, adopt a minimum payment to apply to the Waste Management Charge imposed on all rated properties in accordance with for the 2021/22 financial year of:

Rating Category	Minimum Payment
GRV - Residential	\$200
GRV - Other Vacant	\$200
GRV - Commercial	\$200

GRV - Industrial	\$200
GRV - Rural Residential	\$200
UV - Rural Residential	\$200
UV - Pastoral	\$200
UV - Commercial/Industrial	\$200
UV - Agriculture	\$200
UV - Horticulture	\$200
UV - Mining	\$200
UV - Mining Exploration and Prospecting	\$200
UV - Other	\$200

VOTING REQUIREMENT 6

Absolute Majority

OFFICER'S RECOMMENDATION 6

That Council, pursuant to section 6.45 of the *Local Government Act 1995* and in accordance with Regulation 64(2) of the *Local Government (Financial Management) Regulations 1996*, nominates the following due dates for the payment of rates and service charges for the 2021/22 financial year:

- a. 8 October 2021 or to pay in full within 35 days of the issue of the rates notice;
- b. To pay by 2 (50%) equal instalments being:
 - i. 8 October 2021 or within 35 days of the issue of the rates notice;
 - ii. 11 February 2022 or within 4 months of (i);
- c. To pay by 4 (25%) equal instalments being:
 - i. 8 October 2021 or within 35 days of the issue of the rates notice;
 - ii. 10 December 2021 or within 2 months of (i);
 - iii. 11 February 2022 or within 2 months of (ii);
 - iiii. 22 April 2022 or within 2 months of (iii) being 6 months from the expiration of the initial 35 day period and 6 months and 35 days from the date of issue of the rates notice.

VOTING REQUIREMENT 7

Absolute Majority

OFFICER'S RECOMMENDATION 7

That Council, pursuant to section 6.46 of the *Local Government Act 1995* and Regulation 26 of the *Local Government (Financial Management) Regulations 1996*, adopt the following Rates Payment Incentive Scheme prize draws for the 2021/22 financial year with a total value of \$9,000 budgeted for and provided from municipal funds, noting that elected members and employees of the Shire are ineligible and will be excluded from the draw:

1. Prize Draw A of \$6,000 - Open to all rate assessments paid in full, including all arrears and outstanding interest charges, by 4:00pm on 8 October 2021 or within 35 days of the issue of the rates notice.
 - i. First Prize - \$3,000
 - ii. Second Prize - \$1,500
 - iii. Third Prize - \$500
 - iv. Fourth - Seventh Prizes - \$250
2. Prize Draw B of \$3,000 - Open to;
 - a. All rate assessments paid via two instalments that are paid in full, including all arrears and outstanding interest charges, by 4:00pm on 11 February 2022 or within 4 months of the first instalment due date.
 - b. All rate assessments paid via four instalments that are paid in full, including all arrears and outstanding interest charges, by 4:00pm on 22 April 2022 or within 6 months of the first instalment due date.
 - c. All rate assessments on an approved payment arrangement with all payments up to date as at 4:00pm on 22 April 2022 or within 6 months of the first instalment due date.
 - i. First Prize - \$1,500
 - ii. Second Prize - \$750
 - iii. Third Prize - \$250
 - iv. Fourth - Seventh Prizes - \$125
3. Payment to be made by purchase order issued to businesses operating within the Shire of Wyndham East Kimberley.

VOTING REQUIREMENT 8

Absolute Majority

OFFICER'S RECOMMENDATION 8

That Council:

1. Pursuant to section 6.16 of the *Local Government Act 1995*, adopt the amended Schedule of Fees and Charges for 2021/22 outlined in Attachment 3 to be effective from either 1 July 2021 or 1 January 2022, whichever date is indicated in Attachment 3.

VOTING REQUIREMENT 9

Absolute Majority

OFFICER'S RECOMMENDATION 9

That Council:

- 1. Pursuant to section 6.45 of the *Local Government Act 1995* and Regulation 68 of the *Local Government (Financial Management) Regulations 1996*, impose an interest rate of 2.5% where the owner has elected to pay rates and service charges through an instalment option (excluding eligible pensioners and seniors).**
- 2. Pursuant to section 6.45 of the *Local Government Act 1995* and Regulation 67 of the *Local Government (Financial Management) Regulations 1996*, impose an instalment administration charge where the owner has elected to pay rates and service charges through an instalment option of \$6.00 per instalment after the initial instalment is paid.**
- 3. Pursuant to amendments SL2020/57 and SL 2021/66 to section 6.45 of the *Local Government Act 1995*, resolve that the requirement to pay an additional charge (including an amount by way of interest) where payment of a rate or service charge is made by instalments does not not apply to a person who is considered to be suffering financial hardship as a consequence of the COVID-19 Pandemic in accordance with *Council Policy CP/FIN-3219 COVID-19 Financial Hardship - Rates and Sundry Debtors*.**

VOTING REQUIREMENT 10

Absolute Majority

OFFICER'S RECOMMENDATION 10

That Council:

- 1. Pursuant to section 6.51(1) and amendments SL 2020/57 and SL 2021/66 to section 6.51 and subject to section 6.51(4) of the *Local Government Act 1995* and Regulation 70 of the *Local Government (Financial Management) Regulations 1996*, impose an interest rate of 7.0% per annum for rates and service charges and costs of proceedings to recover such charges that remain unpaid after becoming due and payable (excluding eligible pensioners and seniors); and**
- 2. Pursuant to amendments SL 2020/57 and SL 2021/66 to section 6.51 of the *Local Government Act 1995*, resolve that the requirement to pay interest on overdue rates and services charges does not apply to a person who is considered to be suffering financial hardship as a consequence of the COVID-19 Pandemic in accordance with *Council Policy CP/FIN-3219 COVID-19 Financial Hardship - Rates and Sundry Debtors*.**

VOTING REQUIREMENT 11

Absolute Majority

OFFICER'S RECOMMENDATION 11

That Council:

1. Pursuant to section 6.13 and amendments SL 2020/57 and SL 2021/66 to section 6.13 of the *Local Government Act 1995* impose an interest rate of 7.0% per annum to be applied to any amount of money (other than rates and service charges) which is owed to Shire and has been owed for a period of 35 days in accordance with *Council Policy CP/FIN-3214 Sundry Debt Collection*.
2. Pursuant to amendments SL 2020/57 and SL 2021/66 to section 6.13 of the *Local Government Act 1995*, resolve that the requirement to pay interest on any amount of money (other than rates and services charges) which is owed to the Shire does not apply to a person who is considered to be suffering financial hardship as a consequence of the COVID-19 Pandemic in accordance with *Council Policy CP/FIN-3219 COVID-19 Financial Hardship - Rates and Sundry Debtors*.

VOTING REQUIREMENT 12

Absolute Majority

OFFICER'S RECOMMENDATION 12

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 30 March 2021 Ordinary Meeting of Council (Minute No. 30/03/2021 - 118408) to be incorporated into the 2021/22 Municipal Fund Budget.
2. Notes the revised *Council Policy CP/CNC-3141 Elected Member Allowances and Entitlements* adopted at the 30 March 2021 Ordinary Meeting of Council (Minute No. 30/03/2021 - 118408) provide for the maximum Salaries and Allowances Tribunal (SAT) determination levels so that:
 - a. The President's Annual Meeting Attendance Fee is 70% of the yearly maximum Salaries and Allowances Tribunal (SAT) determination.
 - b. The Elected Members Annual Meeting Attendance Fee is 70% of the yearly maximum Salaries and Allowances Tribunal (SAT) determination.
 - c. The President's Annual Allowance is 70% of the yearly maximum Salaries and Allowances Tribunal (SAT) determination.
 - d. The Deputy President's Annual Allowance is 25% of the President's

Allowance.

- e. The Elected Members will receive an ICT Allowance of \$2,400 per annum.
- 3. Pursuant to section 5.99 of the *Local Government Act 1995*, adopt the following annual fees for payment of elected members in lieu of individual meeting attendance fees:
 - a. President \$21,804.30
 - b. Councillors \$16,261.00
- 4. Pursuant to section 5.98(5) of the *Local Government Act 1995*, adopt the following annual local government allowance to be paid in addition to the annual meeting allowance:
 - a. President \$44,347.80
- 5. Pursuant to section 5.98A(1) of the *Local Government Act 1995*, adopt the following annual local government allowance to be paid in addition to the annual meeting allowance:
 - a. Deputy President \$11,086.95

VOTING REQUIREMENT 13

Absolute Majority

OFFICER'S RECOMMENDATION 13

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 +/- \$20,000 at account level and +/- 10% and +/- \$100,000 at financial statement level.

VOTING REQUIREMENT 14

Absolute Majority

OFFICER'S RECOMMENDATION 14

That Council adopt the revised *Council Policy CP/FIN-3201 Significant Accounting Policies* provided in Attachment 4.

VOTING REQUIREMENT 15

Absolute Majority

OFFICER'S RECOMMENDATION 15

That Council, pursuant to the provisions of section 6.2 of the *Local Government Act 1995* and Part 3 of the *Local Government (Financial Management) Regulations 1996*, adopt the Municipal Fund Budget as contained in Attachment 5 of this agenda, for the Shire of Wyndham East Kimberley for the 2021/22 financial year which includes the

following:

- 1. Statement of Comprehensive Income by Nature and Type**
- 2. Statement of Comprehensive Income by Program**
- 3. Statement of Cash Flows;**
- 4. Rate Setting Statement showing a net amount required to be raised from rates of \$10,485,671;**
- 5. Notes to and forming Part of the Budget;**
- 6. Fees and Charges Schedule.**

PURPOSE

The purpose of this report is to consider the Municipal Fund Budget for the 2021/22 Financial Year together with the supporting schedules, including the imposition of Differential Rates and Minimum Payments, adoption of the Fees and Charges, setting of Elected Members Fees for the year and other consequential matters arising from the Budget papers.

NATURE OF COUNCIL'S ROLE IN THE MATTER

Lead - Plan and provide direction through policy and practices

Provide - Provide physical infrastructure and essential services

Fund - Provide funds or other resources

Regulate - Responsible for the enforcement of statutory requirements

Partner - Collaborate with external stakeholders to deliver services and projects

Advocate - Proactively represent the community

BACKGROUND/ PREVIOUS CONSIDERATIONS BY COUNCIL/ COMMITTEE

Introduction

The Annual Municipal Fund Budget is one of the most important documents that Council produces in any one year. The document has an impact on the community in that it not only raises funds from the community but also uses those funds to provide functions and services for the benefit of the community as a whole. It addresses all priorities highlighted in the 2021 Community Scorecard Survey and aligns with the Shire's Strategic Community Plan and with the draft Corporate Business Plan, which is currently out for comment. It also has a focus on the key priority areas of the Economic Development Strategy, which was adopted by Council in April of this year.

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

The 2021/22 Budget process commenced in February 2021. The process is a comprehensive one involving the CEO, Directors, Managers and Responsible Officers in all departments of the Shire. It includes a detailed analysis of the current year revenue and expenditure for both operating and capital items, forecasting the 30 June 2021 budget position, and determining the funding requirements to maintain service levels and asset renewal obligations for the 2021/22 financial year where possible.

Impacts of COVID-19

The COVID-19 Pandemic continues to impact the Shire's operations and those of its stakeholders and ratepayers. The pandemic has had a major impact on the local economy during the 2020/21 financial year and subsequently the 2021/22 budget deliberations. Whilst the local economy is showing signs of recovery due to increased tourist activity, there is still uncertainty surrounding longer term economic stability. Should major regional infrastructure projects become a reality there will be a considerable increase in longer term confidence in the economy.

The June 2021 WALGA Economic Briefing outlines that while the WA economy is recovering well, there is still a high degree of uncertainty remaining in forecasting future economic conditions. In addition to this it is expected that strengthening economic activity and capacity constraints will lead to higher construction costs for infrastructure projects as a result of increases in materials and labour costs. The briefing also emphasises the need for Local Governments to take into account local and regional issues when considering cost pressures. The 2021/22 Budget has been prepared taking these factors into consideration.

In developing the 2021/22 Budget the Shire continues to focus on providing assistance to ratepayers and the local Community as a whole and to focus expenditure towards supporting local business. Both State and Federal Governments have provided additional funds for programs for this purpose which are reflected in the budget details.

Decisions of Council relevant to the 2021/22 budget process

At the 30 March 2021 Ordinary Council Meeting the following policies relevant to the 2021/22 budget were reviewed and adopted. Elected Member Meeting Fees and Allowances were set at 70% of the maximum amount under the 2021 Salaries and Allowances Tribunal determination.

Council Decision

Minute Number: 30/03/2021 – 118407

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

Moved: Cr T Chafer

Seconded: Cr N Brook

Decision: 9/0

Council Decision

Minute Number: 30/03/2021- 118408

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

Moved: Cr M McKittrick

Seconded: Cr N Brook

Decision: 9/0

Council Decision

Minute Number: 30/03/2021– 118409

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

Moved: Cr T Chafer

Seconded: Cr M Dear

Decision: 9/0

At the 27 April 2021 Ordinary Council Meeting the proposed Fees and Charges, Strategic Rating Policy and Rating Model were adopted for advertising. The Fees and Charges incorporated a 1% increase and the Strategic Rating Policy and Rating Model incorporated a 1% increase in the Rate in the Dollar.

Council Decision

Minute Number: 118423 - 27/04/2021

That Council:

- 1. Pursuant to section 6.16 and 6.18 of the Local Government Act 1995, adopt the proposed Schedule of Fees and Charges for 2021/22 outlined in attachment 1 to be effective from either 1 July 2021 or 1 January 2022, whichever date is applicable as indicated in the attachment; and**
- 2. Request the Chief Executive Officer to give local public notice of Council's intention to impose the Schedule of Fees and Charges 2021/22, to apply from 1 July 2021 or 1 January 2022 as applicable, in accordance with section 6.19 of the Local Government Act 1995; and**
- 3. Pursuant to Section 6.13 of the Local Government Act 1995, adopt a reduced interest rate of 7% to be applied to any amount of money (other than rates and service charges) which is owed to Shire and has been owed for a period of 35 days in accordance with Council Policy CP/FIN- 3214-Sundry Debt Collection, subject to:**
 - a. This interest rate cannot be applied to a person who is considered to be suffering financial hardship as a consequence of the COVID-19 Pandemic in accordance with Council Policy CP/FIN-3219 COVID-19 Financial Hardship - Rates and Sundry Debtors.**

Moved: Cr M Dear

Seconded: Cr J Farquhar

Decision: 9/0

Council Decision

Minute Number: 118424-27/04/2021

Moved: Cr M McKittrick

Seconded: Cr G Lodge

That Council:

- 1. Endorse the revised Council Policy CP/FIN-3200 Strategic Rating;**
- 2. Endorse the 2021/22 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 2021/22 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 2021/22 \$
GRV - Residential	1,697	32,481,391	1,123	0.1463	1.30%	4,758,205
GRV - Other Vacant	124	514,841	1,123	0.2269	78.57%	176,922
GRV - Commercial	188	12,864,449	1,123	0.1443	8.51%	1,862,045
GRV - Industrial	178	7,457,086	1,123	0.1403	5.06%	1,052,089
GRV - Rural Residential	26	272,424	1,123	0.1463	11.54%	41,521
UV - Rural Residential	200	43,920,000	1,123	0.0111	0.00%	487,512
UV - Pastoral	21	21,053,985	1,123	0.0570	0.00%	425,932*
UV - Commercial/Industrial	68	13,550,080	1,123	0.0078	30.88%	125,549
UV - Agriculture	81	60,726,109	1,123	0.0117	1.23%	711,501
UV - Horticulture	93	28,651,000	1,123	0.0102	0.00%	292,240
UV - Mining	64	1,815,307	1,123	0.2767	43.75%	520,933
UV - Mining Exploration and Prospecting	45	524,542	313	0.1383	24.44%	73,861
UV - Other	5	8,975,000	1,123	0.0066	20.00%	59,368
TOTALS	2,790	232,806,2149				10,587,678

**includes proposed concession subject to Council approval*

- 3. Endorse for advertising for a minimum of twenty-one (21) days and seek public submissions on:**
 - a. Council Policy CP/FIN-3200 Strategic Rating (Attachment 1) that outlines the principles which underpin the proposed 2020/21 rating model, including the Object of and Reasons for Differential Rates;**
 - b. The 2021/22 Rating Model (Attachment 2) which incorporates the Object of and Reasons for Differential Rates, along with the proposed differential rates and minimum payments to be applied from 1 July 2021**

for the 2021/22 financial year in accordance with section 6.36 of the Local Government Act 1995.

4. Hold a Special Council Meeting on 1 June 2021 to:

- a. Consider Public Submissions received in relation to the Proposed Differential General Rates and Minimum Payments and Strategic Rating Policy;**
- b. Endorse Council Policy CP/FIN-3200 strategy Rating including the 2021/22 Rating Model, with the intention of striking rates a part of the 2021/22 Budget adoption;**
- c. Request the CEO, or their delegate to seek Ministerial approval where required by legislation.**

Carried: 9/0

At the 1 June 2021 Special Council Meeting, Council considered submissions received, adopted the Strategic Rating Policy, endorsed proposed rate concessions, and endorsed the Rating Model incorporating a 1% increase in the Rate in the Dollar subject to Ministerial Approval with the intention of striking rates are part of the 2021/22 budget adoption as follows:

Council Decision

Minute Number: 118451 - 1/6/2021

That Council:

- 1. Notes the submissions received in relation to the proposed Differential General Rates and Minimum Payments and Strategic Rating Policy, and thanks the respondents for their input;**
- 2. Notes that Budget efficiencies have been identified as part of the 2021/22 Budget process and these efficiencies will be included in the Annual Budget presented to Council for adoption; and**
- 3. Adopt revised Council Policy CP/FIN-3200 Strategic Rating as per Attachment 1.**

Moved: Cr D Menzel

Seconded: Cr N Brook

Against: Cr A Petherick

Decision: 6/1

Council Decision

Minute Number: 118452 - 1/6/2021

That Council:

- 1. In accordance with Section 6.47 of the Local Government Act 1995, endorse Rate Concessions with a total value of \$569,058 under Differential Rating Category UV Pastoral as detailed in Confidential Attachment 2, with the intention of granting them as part of the 2021/22 Budget adoption; and**

2. **Endorse that should the 1 July 2021 valuation for any UV Pastoral property be revised down, the concession amount for that property will be recalculated and adjusted for the new valuation so that the revised rates for the 2021/22 financial year will be no greater than 140% of the 2019/20 rates.**

Moved: Cr J Farquhar

Seconded: Cr M McKittrick

Decision: 7/0

Council Decision

Minute Number: 118453 - 1/6/2021

That Council:

1. **In accordance with Section 6.47 of the Local Government Act 1995, endorse Rate Concessions with a total value of \$782,321 under Differential Rating Category UV Rural Residential as detailed in Confidential Attachment 3, with the intention of granting them as part of the 2021/22 Budget adoption; and**
2. **Endorse that should the 1 July 2021 valuation for any UV Rural Residential property be revised down, the concession amount for that property will be recalculated and adjusted for the new valuation so that the revised rates for the 2021/22 financial year will be no greater than 101% of the 2020/21 rates.**

Moved: Cr M Dear

Seconded: Cr J Farquhar

Decision: 7/0

Council Decision

Minute Number: 118454 - 1/6/2021

That Council

1. **Endorse the 2021/22 Rating Model as follows, with the intention of striking the rates as part of the 2021/22 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 2021/22 \$
GRV - Residential	1,697	32,493,871	1,123	0.1463	1.30%	4,760,031
GRV - Other Vacant	126	520,841	1,123	0.2269	77.78%	178,805
GRV - Commercial	188	12,871,625	1,123	0.1443	8.51%	1,863,081
GRV - Industrial	178	7,457,086	1,123	0.1403	5.06%	1,052,089

GRV - Rural Residential	26	272,424	1,123	0.1463	11.54%	41,521
UV - Rural Residential	200	28,935,000	1,123	0.0439	0.00%	487,512
UV - Pastoral	21	17,364,229	1,123	0.0570	0.00%	420,703
UV - Commercial/Industrial	68	12,516,580	1,123	0.0078	35.29%	117,912
UV - Agriculture	80	60,935,109	1,123	0.0117	1.25%	713,093
UV - Horticulture	93	27,215,000	1,123	0.0102	0.00%	277,593
UV - Mining	64	1,832,448	1,123	0.2767	43.75%	525,518
UV - Mining Exploration and Prospecting	41	490,179	313	0.1383	24.39%	68,842
UV - Other	5	8,960,000	1,123	0.0066	20.00%	59,368
TOTALS	2,787	211,864,3929				
Less Rate Concessions						1,351,3793
Total Budgeted Net Rates Revenue Raised						10,566,482

Moved: Cr N Brook

Seconded: Cr M McKittrick

Against: Cr A Petherick

Decision: 6/1

Council Decision

Minute Number: 08/07/2021 – 118470

That Council:

- 1. Does not endorse revised Council Policy CP/FIN-3200 Strategic Rating as per Attachment 1; and**
- 2. Does not endorse the revised 2021/22 Rating Model as follows and as per Attachment 2, with the intention of striking the rates as part of the 2021/22 Budget adoption, subject to receiving Ministerial approval for the UV Rural Residential differential rating category.**

Differential Rating Category	Total Properties	Total Rateable Value of Properties \$	Proposed Minimum Payment \$	Proposed Rate in the Dollar	% of Properties on Minimum Payments	Proposed Concessions	Proposed Rates Revenue Budget 2021/22 \$
GRV -	1,697	32,493,871	1,123	0.1463	1.30%		4,760,031

<i>Residential</i>							
GRV - Other Vacant	126	520,841	1,123	0.2269	77.78%		178,805
GRV - Commercial	188	12,871,625	1,123	0.1443	8.51%		1,863,081
GRV - Industrial	178	7,457,086	1,123	0.1403	5.06%		1,052,089
GRV - Rural Residential	26	272,424	1,123	0.1463	11.54%		41,521
UV - Rural Residential	200	28,935,000	1,123	0.0168	21.50%		488,634
UV - Pastoral	21	17,364,229	1,123	0.0570	0.00%	569,058	420,703
UV - Commercial/Industrial	68	12,516,580	1,123	0.0078	35.29%		117,912
UV - Agriculture	80	60,935,109	1,123	0.0117	1.25%		713,093
UV - Horticulture	93	27,215,000	1,123	0.0102	0.00%		277,593
UV - Mining	64	1,832,448	1,123	0.2767	43.75%		525,518
UV - Mining Exploration and Prospecting	41	490,179	313	0.1383	24.39%		68,842
UV - Other	5	8,960,000	1,123	0.0066	20.00%		59,368
TOTALS	2,787	211,846,392				569,058	
Total Budgeted Net Rates Revenue Raised							10,567,190

- 3. Request the CEO to obtain a definitive legal position on the application of the concessions within the UV-Rural Residential rating category and the UV-Pastoral rating category and to clarify the inconsistent treatment of concessions by the Department of Local Government Sport and Cultural Industries with respect to Ministerial approval of differential rates.**

Moved: Cr D Menzel

Seconded: Cr A Petherick

Decision: 6/0

Council Decision

Minute Number: 22/07/2021 – 118472

That Council:

- 1. Endorse revised Council Policy CP/FIN-3200 Strategic Rating as per revised Attachment 1 with the UV Residential Rate in the Dollar revised to 0.0132;**
- 2. Endorse the revised 2021/22 Rating Model as follows and as per revised Attachment 2, with the intention of striking the rates as part of the 2021/22 Budget adoption; and**

<i>Differential Rating Category</i>	<i>Total Properties</i>	<i>Total Rateable Value of Properties \$</i>	<i>Proposed Minimum Payment \$</i>	<i>Proposed Rate in the Dollar</i>	<i>% of Properties on Minimum Payments</i>	<i>Proposed Concessions</i>	<i>Proposed Rates Revenue Budget 2021/22 \$</i>
GRV - Residential	1,697	32,493,871	1,123	0.1463	1.30%		4,760,031
GRV - Other Vacant	126	520,841	1,123	0.2269	77.78%		178,805
GRV - Commercial	188	12,871,625	1,123	0.1443	8.51%		1,863,081
GRV - Industrial	178	7,457,086	1,123	0.1403	5.06%		1,052,089
GRV - Rural Residential	26	272,424	1,123	0.1463	11.54%		41,521
UV - Rural Residential	200	28,935,000	1,123	0.0132	37.50%		399,164
UV - Pastoral	21	17,364,229	1,123	0.0570	0.00%	569,058	420,703
UV - Commercial/Industrial	68	12,516,580	1,123	0.0078	35.29%		117,912
UV - Agriculture	80	60,935,109	1,123	0.0117	1.25%		713,093
UV - Horticulture	93	27,215,000	1,123	0.0102	0.00%		277,593
UV - Mining	64	1,832,448	1,123	0.2767	43.75%		525,518
UV - Mining Exploration and Prospecting	41	490,179	313	0.1383	24.39%		68,842
UV - Other	5	8,960,000	1,123	0.0066	20.00%		59,368
TOTALS	2,787	211,846,392				569,058	
<i>Total Budgeted Net Rates Revenue Raised</i>							<i>10,477,720</i>

3. Require the CEO to contact all the Ratepayers in the UV Rural Residential rating category who have an increase of more than 1% to explain the reasons for their increase.

Moved: Cr G Lodge

Seconded: Cr M Dear

Decision: 8/0

STATUTORY IMPLICATIONS

The 2021/22 Budget has been prepared in accordance with the requirements of the *Local Government Act 1995*, the *Local Government (Financial Management) Regulations 1996*, and other relevant legislation detailed below:

Local Government Act 1995

Part 5 Administration

Division 5 - Annual reports and planning

5.56. Planning for the future

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

Local Government (Administration) Regulations 1996

Part 5 - Annual reports and planning Division 3 - Planning for the future 19DA.

Corporate business plans, requirements for (Act s. 5.56)

- (1) A local government is to ensure that a corporate business plan is made for its district in accordance with this regulation in respect of each financial year after the financial year ending 30 June 2013.*
- (2) A corporate business plan for a district is to cover the period specified in the plan, which is to be at least 4 financial years.*
- (3) A corporate business plan for a district is to —*
 - (a) set out, consistently with any relevant priorities set out in the strategic community plan for the district, a local government's priorities for dealing with the objectives and aspirations of the community in the district; and*
 - (b) govern a local government's internal business planning by expressing a local government's priorities by reference to operations that are within the capacity of the local government's resources; and*
 - (c) develop and integrate matters relating to resources, including asset management, workforce planning and long-term financial planning.*
- (4) A local government is to review the current corporate business plan for its district every year.*
- (5) A local government may modify a corporate business plan, including extending the period the plan is made in respect of and modifying the plan if required because of modification of the local government's strategic community plan.*
- (6) A council is to consider a corporate business plan, or modifications of such a plan, submitted to it and is to determine* whether or not to adopt the plan or the modifications.*
**Absolute majority required.*
- (7) If a corporate business plan is, or modifications of a corporate business plan are, adopted by the council, the plan or modified plan applies to the district for the period specified in the plan.*

5.63. Some interests need not be disclosed

- (1) Sections 5.65, 5.70 and 5.71 do not apply to a relevant person who has any of the following interests in a matter —*
 - (a) an interest common to a significant number of electors or ratepayers; or*
 - (b) an interest in the imposition of any rate, charge or fee by the local government; or*

(c) an interest relating to (i) a fee, reimbursement of an expense or an allowance to which section 5.98, 5.98A, 5.99, 5.99A, 5.100 or 5.101(2) refers;

Local Government Act 1995

Part 2 – Constitution of local government

Division 2 – Local governments and councils of local government

2.7. Role of council

(1) The council —

- (a) governs the local government's affairs; and*
- (b) is responsible for the performance of the local government's functions.*

(2) Without limiting subsection (1), the council is to —

- (a) oversee the allocation of the local government's finances and resources; and*
- (b) determine the local government's policies.*

Local Government Act 1995

Part 6 - Financial management

Division 2 - Annual Budget

6.2. Local government to prepare annual budget

(1) During the period from 1 June in a financial year to 31 August in the next financial year, or such extended time as the Minister allows, each local government is to prepare and adopt, in the form and manner prescribed, a budget for its municipal fund for the financial year ending on the 30 June next following that 31 August.*

** Absolute majority required.*

(2) In the preparation of the annual budget the local government is to have regard to the contents of the plan for the future of the district made in accordance with section 5.56 and to prepare a detailed estimate for the current year of —

- (a) the expenditure by the local government; and*
- (b) the revenue and income, independent of general rates, of the local government; and*
- (c) the amount required to make up the deficiency, if any, shown by comparing the estimated expenditure with the estimated revenue and income.*

(3) For the purposes of subsections (2)(a) and (b) all expenditure, revenue and income of the local government is to be taken into account unless otherwise prescribed.

(4) The annual budget is to incorporate —

(a) particulars of the estimated expenditure proposed to be incurred by the local government; and

(b) detailed information relating to the rates and service charges which will apply to land within the district including —

- (i) the amount it is estimated will be yielded by the general rate; and*
- (ii) the rate of interest (if any) to be charged by the local government on unpaid rates and service charges; and*

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

(d) the particulars of borrowings and other financial accommodation proposed to be entered into by the local government; and

(e) details of the amounts to be set aside in, or used from, reserve accounts and of the purpose for which they are to be set aside or used; and

(f) particulars of proposed land transactions and trading undertakings (as those terms are defined in and for the purpose of section 3.59) of the local government; and

(g) such other matters as are prescribed.

(5) Regulations may provide for —

- (a) the form of the annual budget; and*
- (b) the contents of the annual budget; and*
- (c) the information to be contained in or to accompany the annual budget.*

6.11. Reserve accounts

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

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

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

6.13. Interest on money owing to local governments

- (1) Subject to any other written law, a local government may resolve* to require a person to pay interest at the rate set in its annual budget on any amount of money (other than rates and service charges) which —*
 - (a) that person owes to the local government; and*
 - (b) has been owed for the period of time referred to in subsection (6).*
- * Absolute majority required.*
- (2) A resolution under subsection (1) is to be included in the annual budget.*

- (3) *The rate of interest that may be set by the local government under this section is not to exceed the rate for the time being prescribed as the maximum rate of interest that may be set for the purposes of this section.*
- (4) *Where a local government imposes interest under subsection (1) on any outstanding amount of money the local government is not to also impose an additional charge in relation to that amount.*
- (5) *Accrued interest is, for the purpose of its recovery, taken to form part of the money owed to the local government on which it is charged.*
- (6) *A local government is not to impose interest on any amount of money under subsection (1) until the money has been owed to the local government for the period of time set by the local government in its annual budget (not being less than 35 days) after the date which is stated on the relevant account for payment as being the date the account was issued.*
- (7) *Regulations may provide for the method of calculation of interest.*

Local Government (COVID-19 Response) Orders 2020 SL 2020/57 and SL 2021/66 amendments to Section 6.13 of the Local Government Act 1995

8. Section 6.13 modified (interest on money owing to local governments)

- (1) *Section 6.13 is modified as set out in this clause in relation to a resolution of a local government under section 6.13(1) that is to be included in -*
- (a) *Its 2020/21 annual budget; or*
 - (b) *Its 2021/22 annual budget.*
- (2) *The resolution-*
- (a) *cannot require a person who is considered by the local government to be suffering financial hardship as a consequence of the COVID-19 pandemic to pay interest; and*
 - (b) *is to specify that the requirement to pay interest does not apply to a person who is considered by the local government to be suffering financial hardship as a consequence of the COVID-19 Pandemic.*
- (3) *The rate of interest that may be set by the local government under section 6.13 -*
- (a) *In its 2020/21 annual budget is not to exceed 8%; and*
 - (b) *In its 2021/22 annual budget is not to exceed 7%.*
- (4) *Subclause (3) applies despite the Local Government (Financial Management) Regulations 1996 regulation 19A.*

Local Government Act 1995

Part 6, Division 5 – Financing local government activities

Subdivision 2 - Fees and Charges

6.16 Imposition of fees and charges

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

** Absolute majority required.*

- (2) *A fee or charge may be imposed for the following —*
- (a) *providing the use of, or allowing admission to, any property or facility wholly or partly owned, controlled, managed or maintained by the local government;*
 - (b) *supplying a service or carrying out work at the request of a person;*
 - (c) *subject to section 5.94, providing information from local government records;*

(d) receiving an application for approval, granting an approval, making an inspection and issuing a licence, permit, authorisation or certificate;

(e) supplying goods;

(f) such other service as may be prescribed.

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

(a) imposed during a financial year; and*

(b) amended from time to time during a financial year.*

** Absolute majority required.*

6.17 Setting level of fees and charges

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

(a) the cost to the local government of providing the service or goods; and

(b) the importance of the service or goods to the community; and

(c) the price at which the service or goods could be provided by an alternative provider.

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

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

(a) under section 5.96; or

(b) under section 6.16(2)(d); or

(c) prescribed under section 6.16(2)(f), where the regulation prescribing the service also specifies that such a limit is to apply to the fee or charge for the service.

(4) Regulations may —

(a) prohibit the imposition of a fee or charge in prescribed circumstances; or

(b) limit the amount of a fee or charge in prescribed circumstances.

6.18. Effect of other written laws

(1) If the amount of a fee or charge for a service or for goods is determined under another written law a local government may not —

(a) determine an amount that is inconsistent with the amount determined under the other written law; or

(b) charge a fee or charge in addition to the amount determined by or under the other written law.

(2) A local government is not to impose a fee or charge for a service or goods under this Act if the imposition of a fee or charge for the service or goods is prohibited under another written law.

6.19. Local government to give notice of fees and charges

If a local government wishes to impose any fees or charges under this Subdivision after the annual budget has been adopted it must, before introducing the fees or charges, give local public notice of —

(a) its intention to do so; and

(b) the date from which it is proposed the fees or charges will be imposed.

Division 6 - Rates and service charges

Subdivision 2 - Categories of rates and service charges

6.33. Differential general rates

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

6.34. Limit on revenue or income from general rates

Unless the Minister otherwise approves, the amount shown in the annual budget as being the amount it is estimated will be yielded by the general rate is not to —

- (a) be more than 110% of the amount of the budget deficiency; or
- (b) be less than 90% of the amount of the budget deficiency.

6.35. Minimum payment

- (1) Subject to this section, a local government may impose on any rateable land in its district a minimum payment which is greater than the general rate which would otherwise be payable on that land.
- (2) A minimum payment is to be a general minimum but, subject to subsection (3), a lesser minimum may be imposed in respect of any portion of the district.
- (3) In applying subsection (2) the local government is to ensure the general minimum is imposed on not less than —
- (a) 50% of the total number of separately rated properties in the district; or
 - (b) 50% of the number of properties in each category referred to in subsection (6), on which a minimum payment is imposed.
- (4) A minimum payment is not to be imposed on more than the prescribed percentage of —
- (a) the number of separately rated properties in the district; or

- (b) the number of properties in each category referred to in subsection (6), unless the general minimum does not exceed the prescribed amount.*
- (5) If a local government imposes a differential general rate on any land on the basis that the land is vacant land it may, with the approval of the Minister, impose a minimum payment in a manner that does not comply with subsections (2), (3) and*
- (4) for that land.*
- (6) For the purposes of this section a minimum payment is to be applied separately, in accordance with the principles set forth in subsections (2), (3) and (4) in respect of each of the following categories —*
 - (a) to land rated on gross rental value; and*
 - (b) to land rated on unimproved value; and*
 - (c) to each differential rating category where a differential general rate is imposed.*

6.36. Local government to give notice of certain rates

- (1) Before imposing any differential general rates or a minimum payment applying to a differential rate category under section 6.35(6)(c) a local government is to give local public notice of its intention to do so.*
- (2) A local government is required to ensure that a notice referred to in subsection (1) is published in sufficient time to allow compliance with the requirements specified in this section and section 6.2(1).*
- (3) A notice referred to in subsection (1)*
 - (a) may be published within the period of 2 months preceding the commencement of the financial year to which the proposed rates are to apply on the basis of the local government's estimate of the budget deficiency;*
 - (b) is to contain -*
 - (i) details of each rate or minimum payment the local government intends to impose;*
 - (ii) an invitation for submissions to be made by an elector or a ratepayer in respect of the proposed rate or minimum payment and any related matters within 21 days (or such longer period as is specified in the notice) of the notice; and*
 - (iii) any further information in relation to the matters specified in subparagraphs (i) and (ii) which may be prescribed; and*
 - (c) is to advise electors and ratepayers of the time and place where a document describing the objects of, and reasons for, each proposed rate and minimum payment may be inspected.*
- (4) The local government is required to consider any submissions received before imposing the proposed rate or minimum payment with or without modification.*
- (5) Where a local government -*
 - (a) in an emergency, proposes to impose a supplementary general rate or specified area rate under section 6.32(3)(a); or*
 - (b) proposes to modify the proposed rates or minimum payments after considering any submissions under subsection (4), it is not required to give local public notice of that proposed supplementary general rate, specified area rate, modified rate or minimum payment.*

6.45. Options for payment of rates or service charges

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

(a) 4 equal or nearly equal instalments; or

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

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

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

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

(4) Regulations may —

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

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

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

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

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

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

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

Local Government (COVID-19 Response) Orders SL 2020/57 and SL 2021/66 amendments to Section 6.45 of the Local Government Act 1995

13. Section 6.45 (options for payment of rates or service charges)

(1) In this clause —

financial hardship policy, in relation to a local government, means a policy addressing the manner in which the local government will deal with financial hardship that may be suffered by ratepayers and other persons who are required to make payments to the local government.

(2) Section 6.45 is modified as set out in this clause in relation to payment by instalments of a rate or service charge imposed by a local government in -

(a) the 2020/21 Financial year; or

(b) the 2021/22 financial year.

(3) The local government cannot impose an additional charge (including an amount by way of interest) under section 6.45(3) in respect of payment by instalments made by an excluded person.

(4) If the local government has not adopted a financial hardship policy, the maximum rate of interest that may be imposed by the local government under section 6.45(3) is 3%.

Subclause (4) applies despite the Local Government (Financial Management) Regulations 1996 regulation 68.

6.46. Discounts

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

** Absolute majority required*

6.47. Concessions

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

** Absolute majority required.*

6.50. Rates or service charges due and payable

(1) Subject to —

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

(b) any concession granted under section 6.47; and

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

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

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

6.51. Accrual of interest on overdue rates or service charges

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

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

(b) any costs of proceedings to recover any such charge, that remains unpaid after becoming due and payable.

** Absolute majority required.*

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

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

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

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

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

Local Government (COVID-19 Response) Orders 2020 SL 2020/57 and SL 2021/66 amendments to Section 6.51 of the Local Government Act 1995

14. Section 6.51 modified (accrual of interest on overdue rates or service charges)

(1) Section 6.51 is modified as set out in this clause in relation to a resolution made under section 6.51(1) by a local government at the time of imposing a rate or service charge for -

- (a) *The 2020/21 financial year; or*
- (b) *the 2021/22 financial year.*
- (2) *The resolution —*
 - (a) *cannot impose interest in respect of a rate or service charge payable by an excluded person; and*
 - (b) *is to specify that the imposition of interest does not apply in respect of a rate or service charge payable by an excluded person.*
- (3) *The rate of interest that may be set by the local government under section 6.51 -*
 - (a) *For the 2020/21 financial year is not to exceed 8%; and*
 - (b) *For the 2021/22 financial year is not to exceed 7%*
- (4) *Subclause (3) applies despite the Local Government (Financial Management) Regulations 1996 regulation 70.*

Local Government (Financial Management) Regulations 1996

Part 2 – General financial management

5. CEO's duties as to financial management

- (1) *Efficient systems and procedures are to be established by the CEO of a local government —*
 - (g) *to assist in the preparation of budgets, budget reviews, accounts and reports required by the Act or these regulations.*
- (2) *The CEO is to —*
 - (b) *assist the council to undertake reviews of fees and charges regularly (and not less than once in every financial year).*

Part 3 - Annual Budget

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

- (1) *The annual budget is to include for each discount or other incentive proposed to be granted for early payment of any money and in respect of each waiver or concession proposed in relation to any money —*
 - (a) *in respect of a discount —*
 - (i) *the amount of the discount, or the percentage discount, to be allowed; and*
 - (ii) *the circumstances in which the discount will be granted; and*
 - [(b) *deleted*]
 - (c) *in relation to a waiver or concession —*
 - (i) *a brief description of the waiver or concession; and*
 - (ii) *a statement of the circumstances in which it will be granted; and*
 - (iii) *details of the persons or class of persons to whom it is available; and*
 - (iv) *the objects of, and reasons for, the waiver or concession.*
- (2) *The annual budget is to include, separately in relation to all general rates, each specified area rate, each service charge and all fees and charges imposed under the Act or any other written law an estimate of —*
 - (a) *the total amount of the discounts which may be granted; and*
 - (b) *the total cost to the local government of each incentive scheme; and*
 - (c) *the total cost, or reduction of revenue, to the local government of a waiver or grant of a concession; and*
 - (d) *the total amount of money to be written off.*

Part 5 – Rates and service charges

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

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

- (a) whether or not the land is situated in a townsite as defined in the Land Administration Act 1997 section 3(1);
- (b) whether or not the land is situated in a particular part of the district of the local government.

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

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

Waste Avoidance and Resource Recovery Act 2007

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

66. Local government may impose waste collection rate

- (1) *A local government may impose on rateable land within its district, and cause to be collected, an annual rate for the purpose of providing for the proper performance of all or any of the waste services it provides*
- (2) *The annual rate must not exceed —*
 - (a) *12 cents in the dollar on the gross rental value; or*
 - (b) *where the system of valuation on the basis of the unimproved value is adopted, 3 cents in the dollar on the unimproved value of the land in fee simple.*
- (3) *The provisions of the Local Government Act 1995 relating to the making, payment and recovery of general rates apply with respect to rates referred to in subsection(1).*

67. Local government may impose receptacle charge

- (1) *A local government may, in lieu of, or in addition to a rate under section 66, provide for the proper disposal of waste, whether within its district or not, by making an annual charge per waste receptacle, payable in one sum or by equal monthly or other instalments in advance, in respect of premises provided with a waste service by the local government.*
- (2) *The charge is to be imposed on the owner (as defined in section 64(1)) or occupier, as the local government may decide, of any premises provided with a waste service by the local government.*
- (3) *The provisions of the Local Government Act 1995 relating to the recovery of general rates apply with respect to a charge referred to in subsection (1).*
- (4) *In the case of premises being erected and becoming occupied during the year for which payment is to be made, the charge for the service provided is to be the sum that proportionately represents the period between the occupation of the premises and the end of the year for which payment is made.*
- (5) *Notice of any charge made under this section may be included in any notice of rates imposed under section 66 or the Local Government Act 1995, but the omission to give notice of a charge does not affect the validity of the charge or the power of the local government to recover the charge.*
- (6) *A charge may be limited to premises in a particular portion of the area under the control of the local government.*

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

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

68. Fees and charges fixed by local government

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

Cemeteries Act 1986

Part VII – Financial provisions

53. Fees and charges

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

POLICY IMPLICATIONS

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

- *CP/FIN-3201 - Significant Accounting Policies*
- *CP/FIN-3200 - Strategic Rating*
- *CP/FIN-3208 - Rates Exemptions for Charitable Organisations (Non Rateable Land)*
- *CP/FIN-3211 - Fees and Charges Pricing*
- *CP/CNC-3141 - Elected Member Allowances and Entitlements*
- *CP/FIN-3219 - COVID-19 Financial Hardship - Rates and Sundry Debtors*
- *CP/COM-3582 - Community Grants Scheme*

FINANCIAL IMPLICATIONS

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

The proposed budget aims to raise \$20,115,669 in operating revenue and \$16,883,412 in capital grants and other capital income. A net amount of \$4,432,222 will be transferred from the Shires Reserves in support of both the capital works program and the Shire's response to support the local business community from the COVID-19 Response Reserve. This revenue together with existing cash resources and new loans will fund \$20,684,646 in operating expenses, \$27,003,510 in capital works and \$1,025,884 of debt repayments.

Detailed financial implications are outlined in the Comments section of this report and in the 2021/22 Budget at Attachment 5 to this report.

STRATEGIC IMPLICATIONS

Strategic Community Plan 2017 to 2027

Focus Area: 4: Civic Leadership

Goal 4.4: Sustainably maintain the Shire's financial viability

Strategy 4.4.1: Diversifying and strengthening funding streams and pursue non-rates revenue opportunities

Strategy 4.4.2: Secure the maximum grant assistance available, whilst ensuring the greatest relevant benefit to the community

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

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

RISK IMPLICATIONS

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

Control: Implementation of LTFP and Annual Budget.

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

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

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

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

COMMUNITY ENGAGEMENT

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

27 April 2021 - Ordinary Council Meeting

Council adopted the Schedule of Fees and Charges for 2021/22 for advertising. In addition to Local Public Notice, the Shire distributed general notices to current debtors to ensure that they can take any change in Fees and Charges into account in their future planning. (Minute Number: 118423 - 27/04/2021).

Council endorsed the Rates Model that determined the proposed Rate In the Dollar, endorsed the revised Council Policy *CP/FIN-3200 Strategic Rating* and Community Engagement Plan for the purposes of seeking public submissions (Minute Number: 118424-27/04/2021). Local Public Notice to Impose Differential General Rates and Minimum

Payments was endorsed to advertise seeking Public Submissions from 1 May 2021. The closing date for Public Submissions was 28 May 2021.

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

- Local Public Notice in the Kimberley Echo newspaper on 06 May 2021;
- A copy of the Notice to Impose Differential General Rates and Minimum Payments for 2021/22 placed on the Coles Kununurra noticeboard on 01 May 2021;
- A copy of the Notice to Impose Differential General Rates and Minimum Payments for 2021/22 placed on the IGA Kununurra noticeboard on 01 May 2021;
- A copy of the Notice to Impose Differential General Rates and Minimum Payments for 2021/22 placed on the Wyndham Post Office noticeboard on 01 May 2021;
- A copy of the Notice to Impose Differential General Rates and Minimum Payments posted on the Shire's Facebook page and website on 01 May 2021;
- A copy of the Notice to Impose Differential General Rates and Minimum Payments for 2021/22, including Council Policy *CP/FIN-3200 Strategic Rating* placed on the Shire's website, public notice boards at the Libraries in both Kununurra and Wyndham on 01 May 2021.

1 June 2021 - Special Council Meeting

Council considered seven public submissions received and endorsed a rating model reflecting a 1% rate in the dollar increase at the 1 June 2021 Special Council meeting for inclusion in the 2021/22 Budget (Minute Number: 118454 - 1/6/2021).

MARKYT Community Scorecard Survey

From 18 March to 19 April the Shire 2021 the Shire conducted its bi-annual MARKYT Community Scorecard Survey. Community feedback provided from this survey and the priorities that were highlighted were taken into consideration in the preparation of the 2021/22 Budget.

COMMENTS

General

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

Economic Indicators

Rates and Fees and Charges combined make up approximately 85% of the Shire's operating revenue. In determining likely increases to the cost of operations and the required increases in Rates and Fees and Charges to fund these operations, as part of the Budget

process the Shire takes into consideration the current economic conditions and uses historical data, forecasts and economic indicators to determine appropriate increases.

There are a number of economic indicators that can be used. The most popular one is the Consumer Price Index (CPI). The CPI is an index based on the rate of change in prices on a basket of goods measured on a quarterly basis. This basket of goods does not generally reflect the components of costs that the Shire incurs in delivering services, however it does provide an indication of the impact rising prices have on household income and the state of the economy in broad terms.

The impact of the COVID-19 Pandemic has meant that the calculation of the CPI has been confounded due to the inclusion of government stimulus and support packages and changes in spending habits resulting in a re-weighting of the components of the CPI to a greater degree than normally occurs. The Perth CPI for the 12 months to March 2021 was 1.0%. The Perth CPI for the 2020/21 Financial Year is forecast to increase by 1.5% and then at an average of 1.83% per annum between 2021-22 and 2023-24.

A more accurate measure of the Shire's cost profile is the Local Government Cost Index (LGCI). This index is based on the 'bundle of goods' relating to local government incorporating ten cost components which provide an accurate indicator of cost movements affecting local governments. The LGCI therefore provides an indication of those changes in costs that relate more closely to the function of local government.

The Shire utilises the LGCI forecasts in the WALGA Local Government Economic Briefings. The June 2021 Economic Briefing forecasts a 3.3% LGCI increase for 2020/21 and increases of 3.2% for 2021/22 and 2.8% for 2022/23. These forecasts have increased significantly since the March 2021 Economic Briefing, driven by higher construction costs for roads and bridges, buildings and other infrastructure and reflect an expected increase in wage, construction and machinery and equipment costs as the economic recovery gathers pace and capacity is constrained. These changes to the forecast LGCI also highlight the level of uncertainty that remains regarding the economic recovery and mean that in preparing budgets and forward estimates the Shire must continue to monitor conditions and actual data as it becomes available and make adjustments where required.

As a measure in support of the financial impacts of the COVID-19 pandemic, Council adopted 0% increases to Rates and Fees and Charges for the 2020/21 financial year. This followed 0% Rate increases for the two prior years. The impact of 0% rate increases in the 2018/19, 2019/20 and 2020/21 financial years rather than ones reflective of increases in costs resulted in a cumulative reduction in rate revenue of approximately \$850,000 over three years. This has required the Shire, as part of the 2021/22 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 as the Shire continues to seek to provide better value for money for the rates the community pays. The 2021/22 budget reflects these efficiency gains.

Budget Timing

The Shire is adopting its budget prior to it having audited financial information for the 2020/21 year. This is to ensure that at the start of the financial year there is a budget in

place and that the priorities for the full financial year can be addressed from the start of the year. It is therefore necessary to estimate the financial position at 30 June 2021 as the starting point for the 2021/22 Municipal Fund Budget. In estimating the 30 June forecasts Shire Officers have monitored the financial performance throughout the financial year and documented any significant variances from the budget position and used this data to project end of year balances and consequently the opening funding requirements and funding capacity for 2021/22 year.

These projections remain estimates and are subject to change as actual data is captured. The results for the 2020/21 financial year end will be finalised in October 2021 with the annual audit. It is likely that there will be differences between the actual audited results reported and the projected data used in the 2021/22 Budget which may impact the final end of year surplus (or deficit) identified in the Rate Setting Statement. Once the Annual Financial Report is finalised, differences between the actual data and the budget data will be determined and the 2021/22 budget data amended to reflect the necessary changes if material. This will be reported to Council at the appropriate time.

Budget Analysis

The documents contained in Attachment 5 provide the details for the Statutory Annual Budget. They include the following:

- Statement of Comprehensive Income by Nature and Type
- Statement of Comprehensive Income by Program
- Statement of Cash Flows
- Rate Setting Statement
- Notes to the financial statements

Attachment 6 details the Capital Works Budget including the following:

- Forecasts for 2020/21
- Carry forward amounts
- New and total budgeted expenditure
- Works type
- Funding sources

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

Statement of Comprehensive Income

The Statement of Comprehensive Income by Nature or Type shows budgeted Operating Revenue of \$20,115,669, Operating Expenditure of \$27,801,145, Non Operating Grants of \$16,883,412 resulting in a Net Result of \$9,156,436. This is an increase on the prior years Net Result mainly due to an increase in Non-Operating Grants (Capital Grants) to fund the capital works program.

Statement of Cash Flows

The Cash Flow Budget for 2021/22 shows a reduction in cash at the end of the financial year from the 30 June forecast figure of \$2,972,045 to \$15,742. This is mainly due to the carry forward of some capital works projects from 2020/21 and additional budgeted expenditure for new capital works.

Rate Setting Statement

The Rate Setting Statement Shows a forecast surplus for the 2020/21 financial year of \$3,956,303 which represents an increase in the surplus from 2019/20 of \$445,955.

Operating Budget

At the time of adopting the Annual Budget details are usually provided with comments relating to changes from the prior year budget and forecast amounts. Due to the exceptional circumstances surrounding the 2020/21 budget as a result of the COVID-19 pandemic, data has been provided in relation to the 2019/20 budget to allow comparison with what would be considered a more normal operations year.

Operating Revenue

Comments relating to the changes in each operating revenue category, comparing the 2021/22 Municipal Fund Budget to the 2019/20 and 2020/21 budgets and 2020/21 forecast actuals are provided below.

Operating Revenue By Category	2019/20 Adopted Budget \$	2020/21 Adopted Budget \$	2020/21 Forecast \$	2021/22 Proposed Budget \$
Rates	10,428,336	10,425,101	10,442,008	10,485,671
Operating Grants	2,230,000	2,114,625	4,263,412	2,290,088
Fees and Charges	8,646,680	6,021,080	5,982,081	6,689,792
Interest Earnings	590,823	377,155	315,016	272,194
Other Revenue	378,500	387,425	374,458	377,925
Total	22,273,339	19,325,386	21,376,975	20,115,669

Rates Revenue

Council is being requested to adopt the rating model for 2021/22 as endorsed at the 22 July 2021 Special Council Meeting following the receipt of Ministerial approval of the Differential Rates and Minimum Payments where required.

The proposed Rates for the budget process were modelled within the guidelines in Council's Strategic Rating Policy. In determining the amount of rates to be raised the Shire applied the principles set out in the policy by ensuring that the setting of the Minimum Rate and calculation of the General Rate (Rate-in-the-Dollar) only recovers an amount (referred to as

the Budget Deficiency), which is considered essential to the running of Shire's activities and ensuring the Shire's long term financial sustainability.

The budgeted rate revenue of \$10,485,671 consists of gross rate revenue of \$11,046,778 plus ex-gratia rates of \$7,951 less rate concessions of \$569,058. This will result in an overall increase in rate revenue of \$60,570 or 0.57% over the 2020/21 budget. The Shire does not budget for interim rates received. While the Shire expects to receive some interim rates it cannot predict with any certainty the timing and extent of any amounts that may be received.

Rate Concessions

Rate concessions are discretionary and provide a method by which Council can provide equitable rate increases to ratepayers in exceptional circumstances. The proposed rate concessions of \$569,058 included in the 2021/22 budget are for the UV Pastoral rating category as endorsed by Council at the 1 June Special Council Meeting. The UV Pastoral concessions are being applied to reduce the impact of changes to valuations due to increases in pastoral rents and allow the phasing in of those increases.

Rates incentives and assistance

For the 2020/21 year Council introduced several measures to assist ratepayers and members of the community affected by the financial impacts of the COVID-19 pandemic including the following:

- Adoption of Council policy CP/FIN-3219 COVID-19 Financial Hardship-Rates and Sundry Debtors
- Extended payment arrangement terms
- Waiving of some Fees and Charges
- Reduction in penalty interest for outstanding rates and fees and charges
- A Rates Incentive Prize draw

The 2021/22 budget includes the following additional provisions to further assist ratepayers:

- A further reduction in penalty interest for outstanding rates and fees and charges to 7%
- Increase in the rates incentive prize amounts by 50%
- Reduction in interest rate for rates instalments from 5.5% to 2.5%
- Reduction in the Instalment Administration Fee from \$12.00 to \$6.00
- Removal of the Special Payment Arrangement Administration fee of \$61.30
- Extension of the periods for payment of rates by two or four instalments

The financial impact of these additional measures is estimated to be approximately \$22,000.

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

Operating Grants, Contributions & Subsidies

The majority of Operating Grants and Subsidies remain fairly constant. The budgeted amount for 2021/22 has increased by \$175,463 over the 2020/21 budget. This is mainly due to an increase in Financial Assistance Grants (FAGs) over the original budgeted amount for 2020/21. The forecast amount for 2020/21 is higher than the budget amount due to the advance payment of 2021/22 FAGs. The accounting standards require the Shire to recognise FAGs revenue in the year in which it is received however these advance payments are not included in the budgeted amounts.

Fees and Charges

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

Each year all fees and charges imposed by Council are reviewed as part of the budget process to ensure compliance requirements are met, cost recoveries are in place and market rates are comparable. At the April 2021 Ordinary Council Meeting Council resolved to apply a 1.0% increase to fees and charges for 2021/22 and this is reflected in the Schedule of Fees and Charges. In keeping with past practice the proposed Schedule of Fees and Charges was adopted prior to the adoption of the annual budget so that the amended Fees and Charges could be advertised and affected parties advised.

The fees and charges become effective from 1 July 2021 or from 1 January 2022 where it relates to Aerodromes. In addition, following legislative amendments put in place during the COVID-19 pandemic, the interest rate for overdue Fees and Charges has been amended to 7.0% with restrictions on the ability to charge interest to debtors assessed as being in financial hardship.

Council is being requested to re-adopt the Schedule of Fees and Charges for the 2021/22 financial year as there have been minor changes made since the previous adoption.

The Shire currently has approximately 700 fees and charges (including statutory fees). The projected fees and charges revenue for 2021/22 is \$6,689,792 or 33% of total operating revenue. This is an increase of \$668,712 over the 2020/21 budget. This is due in part to the 1% increase in Fees and Charges but is mainly due to higher projected Aircraft Landing and Passenger Handling Fees due to increased flight numbers. The budgeted revenue still remains conservative when compared to the 2019/20 year due to uncertainty surrounding the recovery from the impact of COVID-19.

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

Interest Earnings

Budgeted interest earnings for 2021/22 are \$272,194, a reduction of \$104,961 from the 2020/21 budget. This is a reflection of continued historic low cash rates. The Shire is further estimating a decrease in cash on hand levels during the forecast period.

Other Revenue

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

Operational Expenditure

The table details the summarised operational expenditure proposed for 2021/22.

Operating Expenditure By Category	2019/20 Adopted Budget \$	2020/21 Adopted Budget \$	2020/21 Forecast \$	2021/22 Proposed Budget \$
Employee Costs	11,478,651	10,591,444	10,090,280	11,227,445
Materials and contracts	5,871,335	5,420,591	5,488,749	6,134,193
Utility Charges	1,097,650	1,245,350	1,167,463	1,268,730
Depreciation	6,400,706	6,180,879	6,970,278	7,116,239
Interest Expenses	157,108	89,088	89,088	99,221
Insurance Expenses	456,500	468,200	485,686	476,501
Other Expenditure	2,351,421	1,440,909	1,371,607	1,478,816
Total	27,813,371	25,436,461	25,663,150	27,801,145

Employee Costs

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

At the time of preparing the 2020/21 Budget the potential impacts of the COVID-19 pandemic on Shire operations was largely unknown. As a result the Employee Costs Budget was prepared on the basis that a reduction in employee hours may be required to ensure that all permanent employees were able to be kept employed. The budgeted number of employee Full Time Equivalents (FTEs) was reduced from 98.7 to 89.5 resulting in a reduction in the Employee Costs Budget of \$887,207 when compared to the 2019/20 Budget. The forecast for 2020/21 is that the reduced budget will be met. This has been achieved largely through some vacant positions not being filled rather than a reduction in hours for existing employees.

The 2021/22 Employee Costs budget of \$11,227,445 is based on 92.98 FTEs and incorporates a 1% CPI wage increase for employees covered by the Shire's Enterprise Agreement. When compared to the 2019/20 budget this reflects a decrease of approximately 6 FTEs. This reduction in FTEs follows a review of operational staffing requirements across all departments.

Materials and Contracts

Materials and Contracts expenditure incorporates the majority of operating costs for the Shire other than employee costs. The total budgeted amount for 2021/22 of \$6,134,193 has increased by \$713,602 (13.15%) over the 2020/21 budget and \$262,858 (4.47%) over the 2019/20 budget. Areas of increased expenditure include:

- East Kimberley Regional Airport Survey and consultancy works relating to Airport development \$67,000
- East Kimberley Regional Airport Ornithological Services \$70,000
- East Kimberley Regional Airport Building and Equipment Maintenance \$72,000
- Operating costs Kununurra Water Playground \$70,000
- Economic Development Strategic projects \$60,000
- Strategic Land Use Planning \$50,000
- Preparation of Heritage Listing \$40,000
- Election expenses \$40,000
- Kimberley Writers Festival \$30,000
- Fair Value revaluation expenses \$25,000

Utility Charges

Utility charges comprising Electricity, Water and Gas are based on forecast unit charges together with any growth in usage. The budget for 2021/22 is \$1,268,730, an increase of \$23,380 over the 2020/21 budget amount. Electricity makes up the greatest portion of the total budget of \$977,500 with street lighting making up \$220,000 (22.5%) of total electricity costs followed by the Kununurra Leisure Centre \$219,000 (22.4%) and East Kimberley Regional Airport \$217,000 (22.2%).

Shire Officers have commenced investigations into the development of a Energy Strategy focused on energy supply and use and reducing the Shire's energy costs through investment in alternative sources of power and technology. Initial investigations have focused on the East Kimberley Regional Airport and the Kununurra Leisure Centre as the facilities with the highest electricity consumption and costs.

Depreciation

Depreciation is an accounting process which recognises the consumption of the Shire's property, plant and equipment including infrastructure assets such as roads, drains and footpaths that have occurred during the financial year. The depreciation charge is also a reflection of what the Shire should be spending on renewing its asset base annually in order to preserve the service potential of that asset base. The calculation of the depreciation charge is determined by establishing the "fair value" of the asset then estimating what its useful life and its remaining useful life is.

The depreciation charge for 2021/22 has been calculated to be \$7,116,239 which is an increase of \$145,961 over the 2020/21 forecast amount. Shire Officers continue to work on the asset data to determine what the true commitment to asset renewals should be and consequently the depreciation charge. Data to be gathered from the capital works program and condition reports will inform ongoing assessments of the fair value of the Shire's asset base and the amount needed to provide for the renewal of those assets.

Insurance Expenses

It is expected that insurance rates will continue to remain effectively static for the 2021/22 year. It is anticipated that the sums insured between the different categories will change marginally and we believe the resultant effect on premiums will be minimal. The Shire's claims history in the past three years has been good so it is not anticipated that we present a bigger risk than normal to the insurers. The Shire will continue to look for value in its risk mitigation processes. It should be noted that the 2021/22 budgeted amount of \$476,501 is not the entire insurance cost for the year as some insurance costs have been included in the cost of providing services and workers compensation insurance budgeted at \$194,056 has been included in Employee Costs.

Interest Expenses

The Interest Expenses relate to loan agreements with Western Australian Treasury Corporation (WATC). Note 6 of the 2021/22 Statutory Budget (refer Attachment 5) details the Shire's ongoing loan commitments. New borrowings of \$3,300,000 are anticipated for the 2021/22 financial year, \$3,000,000 being for the Kununurra Leisure Centre Aquatic Pool Renewal and \$300,000 for the Kununurra Water Playground. Loan principal outstanding on existing loans is expected to decrease from \$1,911,417 at 30 June 2021 to \$1,198,562 at 30 June 2022. Total Interest expenses budgeted for 2021/22 including the new loans is \$99,221.

At the 28 July 2020 Ordinary Council Meeting, Council resolved to apply for funding from the WATC's Short Term Lending Facility to support cash flow if required during the COVID-19 pandemic. \$2,000,000 in funding was subsequently approved with a requirement that the funds be drawn upon by 30 June 2021 and repaid by June 2023. This facility has not been utilised by the Shire. Approval for future short term funding to support liquidity will be sought from Council if required.

Other Expenses

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

- Members Allowances and Entitlements \$281,227
- Annual Community Grants Scheme \$300,000

- Marketing Tourism \$260,000
- Emergency Services Levy Payment to DFES \$340,000

Reserves

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

The 2021/22 Budget includes transfers to Reserves of \$4,674,935 and transfers from Reserves of \$9,107,157 giving a budgeted total Reserves closing balance of \$10,549,965.

In 2020 in response to the COVID-19 pandemic the Department of Local Government Sport and Cultural Industries urged local governments to repurpose their reserves in support of local business. To this end Council passed a resolution at its 26 May 2020 Ordinary Council Meeting to create a COVID-19 Response Reserve. At the end of the 2019/20 financial year \$1,438,228 was repurposed from existing reserves into the COVID-19 Response Reserve for the express purpose of supporting the local economy in delivering capital works programs based on consultation with the community. The forecast is that at 30 June 2021 \$416,127 will be transferred from the COVID-19 Response Reserve for projects funded from this reserve during the 2020/21 financial year. The 2021/22 budget includes \$366,000 in Capital Works projects to be funded from the COVID-19 Response Reserve.

Capital Works Program

The Capital Works Program is developed with the aim of primarily ensuring that the Shire renews its assets as they fall due in order that they continue to maintain the current service levels being delivered. The priority for these works is determined by the condition of the assets and the amount of funds both internal and external grant funds that are available to the Shire. Forward capital works programs continue to be developed to be included in the Asset Management Plans that will assist with the programming of maintenance, renewal, upgrade and replacement of existing assets in future periods. The current works program has been determined in part based on the condition of assets, risk of asset failure and obsolescence, community input and the availability of grant funding. It has also been determined by the availability of funding for specific projects to construct or upgrade assets.

Shire Officers have been busy throughout the 2020/21 financial year providing input to the Asset Management Plan and the 10 year Capital Works Plan. Every asset category has now been documented and condition assessments completed for major items. This work has been critical to provide input to the Shire's asset and renewal needs. The Capital Works Plan includes recommendations for strategic capital investments over the next 10 years to address the Shire's portfolio of ageing infrastructure and amenities and ensure the Shire remains in a financially sustainable and resilient position. The 10 year Capital Works Plan is a living document and will be reviewed and updated regularly at the following points:

- Annually;
- As changes occur and new priorities and risks emerge;
- As and when grants and funding are secured; and
- To address Council and Community priorities.

Capital works expenditure is classified into three types being renewal, upgrade and new:

Renewal - The replacement or refurbishment of an existing asset with a new asset capable of delivering the same level of service;

Upgrade - Expenditure carried out on an existing asset to provide a higher level of service;

New - Expenditure on new assets that provides a service that does not currently exist.

In order to meet the Asset Management obligations under the benchmarks set out by the Department of Local Government, Sport and Cultural Industries Guidelines, the majority of expenditure is focused on renewals rather than upgrading and constructing new assets. The Shire is expected to meet its asset sustainability and consumption benchmarks for the 2021/22 financial year based on these estimates. The Shire has committed in this budget to spend an amount that is well in excess of the amount its asset base depreciates by, and thereby is renewing its asset base as required and managing it in a sustainable manner.

The table below outlines the Capital Expenditure Budget for 2021/22 by Expenditure type and Funding source.

	Renewal	Upgrade	New	Other	Total
Muni	1,836,242	-	1,348,000	75,000	3,259,242
New Loans	1,500,000	1,500,000	300,000	-	3,300,000
Grants	11,251,933	3,603,480	3,467,124	-	18,322,537
Reserves	1,706,438	241,704	123,589	50,000	2,121,731
Total	16,294,613	5,345,184	5,238,713	125,000	27,003,510

The planned Capital Works Program for 2021/22 will cost \$27,003,510. The total renewal expenditure in this amount is \$16,294,613 which compares favourably with the current estimate of depreciation of \$7,116,239. This means for the budget period the Shire will renew assets faster than the expected use of those assets. The Shire further expects to spend \$5,345,184 on upgrading assets and \$5,238,713 to construct or acquire new assets during 2021/22. The remaining costs of \$125,000 relate to design and inspection costs that will ultimately form part of the cost of construction for new or renewed assets.

The funding of the Capital Works Program is from a combination of current municipal funds, new loans, reserves and grant funding. The reserve amount of \$2,121,731 includes amounts transferred from reserves created from unspent municipal funds from capital works allocated to reserves. \$18,322,537 or 67.8% of the Capital Works Program is funded from grant funding and the Shire will contribute \$3,259,242 of its own funds and \$3,300,000 in new loans to the Capital Works Program.

The Capital Works Program for 2021/22 is guided by Council and community priorities. Proposed investments will focus on the following areas:

- Renewal and expansion of transport infrastructure including East Kimberley Regional Airport, roads and drainage.
- Investment in town centre recreational facilities.
- Town centre connectivity with a key focus on footpaths.
- Upgrades to jetties and boat ramps.
- Emergency works as a result of wet season damage, with funding from the Disaster Recovery Funding Arrangements Western Australia (DRFAWA) to address Tourism.

Details of the Capital Works Program are provided in Attachment 6. The following are some of the more significant projects for 2021/22:

Plant Replacement Program

- Purchase of an Excavator to self perform drainage works \$475,000

Recreation Facilities

- Kununurra Water Playground \$3,000,000
- Kununurra Leisure Centre Aquatic Pool Upgrade \$9,000,000
- Wyndham (Clarrie Cassidy) Oval Lights and Change rooms \$840,000
- Wyndham (Clarrie Cassidy) Oval Surface Upgrade \$120,000

Airports

- East Kimberley Regional Airport Carpark Upgrade \$325,000
- East Kimberley Regional Airport Pavement Rejuvenation \$95,000
- Wyndham Airport Electrical System and Generator Replacement \$120,000

Roads and Drainage Infrastructure

- Kalumburu Rd Resheet \$371,846
- Carlton Hill Rd - Road and Bridge Design \$344,619
- Research Station Rd Renewal \$1,268,859
- Nutwood Crescent & Rosewood St - Road & Drainage Upgrades \$284,312
- DRFAWA Flood Damage Repair Works \$5,007,545
- Stock Route Rd Renewal \$327,000
- Road Reseal Program 2021/22 \$500,000
- Ivanhoe Rd Upgrade \$347,850
- Weaber Plains Rd Upgrade \$311,625
- Erythrina St Stage 2 \$149,162
- Bandicoot Drive Renewal Stage 3 \$766,960
- Coolibah Drive Blackspot improvements \$135,750
- Dulverton St Wyndham Reconstruct \$200,000
- Barytes Rd Wyndham Detailed Design \$100,000

Footpaths

- Footpath Construction Shared Loop path Stage 2 \$550,000
- Footpath Renewal Kununurra to Swim Beach \$250,000
- Footpath Lighting, Landscaping and Reticulation \$150,000

Other

- Anthon's Landing Structural Renewal Works \$194,180

- Wyndham Community Club Essential Renewal Works \$267,000

Setting of materiality for monthly reporting

The Local Government Act 1995 and associated regulations require the Council to set the materiality level at which explanations are required for variations between year to date budget and year to date actual figures. The materiality level established for 2020/21 was +/- 10% and +/- \$20,000 at account level (this is general ledger account number level), and +/- \$100,000 at a financial statement level (equivalent to the program level). It is recommended that these materiality levels remain for 2021/22 as the overall turnover and related operating expenses have not changed significantly.

Summary

Council is being requested to adopt the 2021/22 Annual Budget and attached schedules as provided at Attachment 5. In addition to this separate Officer recommendations are included relating to the following:

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

ATTACHMENTS

Attachment 1 - CP/FIN-3200 Strategic Rating Policy 2021-22

Confidential Attachment 2 - UV Pastoral Concessions (provided under separate cover)

Attachment 3 - Schedule of Fees and Charges 2021-22

Attachment 4 - CP/FIN-3201 Significant Accounting Policies June 2021

Attachment 5 - Statutory Budget 2021-22

Attachment 6 - Capital Works Schedule

Attachment 7 - Ministerial Approval Differential Rates and Minimum Payments

12.5. INFRASTRUCTURE

12.5.1. Funeral Directors Licence - Osiris Funerals

DATE:	27 July 2021
AUTHOR:	Infrastructure Support Officer
RESPONSIBLE OFFICER:	Gary Wright, Acting Director Infrastructure
FILE NO:	PH.12.11
DISCLOSURE OF INTERESTS:	NIL

VOTING REQUIREMENT

Simple Majority

OFFICER'S RECOMMENDATION

That Council approves the issuing of an annual Funeral Director's Licence to Osiris Funerals for a period of one year from 1 July 2021 to 30 June 2022 in accordance with the Cemeteries Act 1986.

PURPOSE

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

NATURE OF COUNCIL'S ROLE IN THE MATTER

Provider - provide physical infrastructure and essential services

BACKGROUND/ PREVIOUS CONSIDERATIONS BY COUNCIL/ COMMITTEE

Jayden Cornish, the Director/Manager of Osiris Funerals, has held a Funeral Director's licence to conduct funerals within the Shire of Wyndham East Kimberley since December 2019. He has a long established reputation for providing excellent service and has extensive experience in the funeral industry, having taken over from his father Paul Cornish who operated Derby and Broome Funeral Services for over 26 years.

STATUTORY IMPLICATIONS

Cemeteries Act 1986.

Division 3 - Licensing of funeral directors.

16. Licences

A funeral director's licence:

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

17. Applications for licences

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

POLICY IMPLICATIONS

NIL

FINANCIAL IMPLICATIONS

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

The annual fee is \$358.00.

STRATEGIC IMPLICATIONS

Strategic Community Plan 2017-2027

Focus Area 2: Enhancing the environment

Goal 2.2: Provide sustainable public infrastructure that serves the current and future needs of the community

Strategy 2.2.1: Provide and maintain infrastructure that promotes sustainable growth and positively impacts the well-being and lifestyle of residents and users

COMMUNITY ENGAGEMENT

No community engagement is required.

COMMENTS

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

ATTACHMENTS

Attachment 1 - Funeral Director's Licence - Osiris Funerals

12.5.2. Roads 2030 list of applicable roads

DATE:	27 July 2021
AUTHOR:	Manager Assets and Engineering
RESPONSIBLE OFFICER:	Gary Wright, Acting Director Infrastructure
FILE NO:	RD.02.2
DISCLOSURE OF INTERESTS:	Nil

VOTING REQUIREMENT

Simple Majority

OFFICER'S RECOMMENDATION

That Council resolve, subject to Main Roads Western Australia approval:

1. Remove the following roads from the proposed Roads 2030 document:

- Duncan Road
- Gibb River Kalumburu Road
- Glen Hill Road
- King River Road
- Mount Elizabeth Road
- Ningbing Road
- Port Warrender Road

2. Add the following roads to the proposed Roads 2030 document:

- Moonamang Road
- Barytes Road
- Carlton Hill Road

PURPOSE

To endorse changes to roads in the Main Roads 2030 document, that define roads that may attract partner funding by the Shire of Wyndham East Kimberley being roads that are major commodity generators for the regions.

NATURE OF COUNCIL'S ROLE IN THE MATTER

Provider - provide physical infrastructure and essential services

BACKGROUND/ PREVIOUS CONSIDERATIONS BY COUNCIL/ COMMITTEE

Within policies and guidelines established by the State Road Funds to Local Government Advisory Committee, the RRG is responsible for the assessment of road

funding needs, the annual distribution of State funds to Local Government roads and monitoring and reporting on the effectiveness of the application of the State funds for Local Government roads in its region.

The RRG ensures that funds made available by the State are applied to the road network to:

- Maximise benefits to the community;
- Preserve, improve and extend the road system;
- Maximise capacity and resources through joint purchasing and resource sharing; and
- Comply with the obligations of the Managing Director of MRWA under legislation.

The role of RRGs is to recommend Local Government road funding priorities to the Advisory Committee and to monitor the implementation of the Local Roads Program in their own Regions.

The RRG may delegate certain functions and tasks to Regional Sub Groups, provided that all Regional Sub Groups have the same delegated responsibilities, as outlined in the Procedures. The Kimberley Region RRG consists of four local government areas, being the Shires of Broome, Derby-West Kimberley, Halls Creek and Wyndham East Kimberley. Each Shire has one Council representative and a technical committee comprising of local government engineers or similar.

STATUTORY IMPLICATIONS

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

POLICY IMPLICATIONS

CP/OPS-3661 Shire Road Network

FINANCIAL IMPLICATIONS

Will provide direction on future expenditure on road improvements. The Shire will need to contribute a ratio of \$1 for every \$2 of Regional Road Group funding provided to a project.

STRATEGIC IMPLICATIONS

Strategic Community Plan 2017-2027

Focus Area 3: PROSPERITY - Economic Prosperity

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

3.1.2: Improve access and transport links to the East Kimberley (air, road and

Corporate Business Plan

CBP Action: # Asset Management Plan

Manage all assets over their whole of life in accordance with asset management principles and the Shire's Asset Management Plan. This includes the planning and development of, operating, maintaining, upgrading, and disposing of assets in the most cost-effective manner.

RISK IMPLICATIONS

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

Control: Provide Council with information in order to direct resources and services to those area of most need.

COMMUNITY ENGAGEMENT

No community engagement is required.

COMMENTS

Main Roads Department Western Australia is currently in the process of reviewing the Roads 2020 document, in preparation for the development of the Roads 2030 document.

The Roads 2030 document will act as the base document in identifying roads that the Council consider a priority for development over the next 10 year period, which can be subject to the Regional Road Group (RRG) funding allocations.

Two steps are required for inclusion of roads into the 2030 document, namely:

- Roads considered must comply with application guidelines (to be a significant road)

- Roads for inclusion to be approved by the regional Road Group Committee

Roads considered significant are:

- All 'highways' and 'main roads'.
- Roads hierarchy roads with a category of District Distributor or Regional Distributor. (Roads with a lesser classification may be included if it can be demonstrated to the State Advisory Committee (SAC) they do, or will, have a clear role in the provision of a positive and measurable contribution to the economic and/or social wellbeing of Western Australia)
- Roads shown at Appendix B Figure 5 of the *Local Government Grain Freight Heavy Vehicle Strategic Pathway Mapping and Access Policy* report

Generally, a significant road is required to be a major commodity generator, or regionally linking road or a major tourist route.

Roads that are accepted onto the Roads 2030 list, are applicable for RRG funding, to which there is a one third/two third contribution method, than being on third of funding being supplied by the Local Government, and two thirds being supplied by Main Roads. All RRG road funds are subject to Main Roads approval.

As of the Roads 2020 report, roads currently listed under the Shire of Wyndham East Kimberley as significant roads are;

- Coolibah Drive
- Duncan Road
- Erythrina Street
- Gibb River Kalumburu Road
- Glen Hill Road
- Hugo Austla Drive
- Ivanhoe Road
- Kelly Road
- King River Road
- Lake Argyle Road
- Mills Road
- Mount Elizabeth Road
- Ningbing Road
- Packsaddle Road
- Parry Creek Road
- Port Warrender Road
- Research Station Road
- Stock Route Road
- Weaber Plains Road
- Weero Road

Currently the Rural 10 year plan for co-funded road maintenance/reconstruction focuses on Research Station Road, Ivanhoe Road, Lake Argyle Road, Mills Road, River Farm Road and

Weaver Plain Road. This program, due to funding levels, will probably extend beyond the 10 year period.

The reporting officer is requesting that roads that are likely *not* to be funded in the next 20 years be removed from the 2030 document, and roads that are likely, due to deterioration by commodity reasons, to be funded, be added. The reason for this request is that roads that are on the list may provide false indication to ratepayers that there is some certainty of ratepayer funds being used to substantially upgrade a road.

In relation to the removal of roads from the 2030 list, the officer requests that consideration be given to removal of the following roads from the 2030 program;

- Duncan Road
- Gibb River Kalumburu Road
- Glen Hill Road
- King River Road
- Mount Elizabeth Road
- Ningbing Road
- Port Warrender Road

Since Council will consider funding in future for roads on the list of approved roads, and that the works on those roads are very likely to be approved by the Regional Road Group Committee, the responsible officer requests that the following roads be added for Roads 2030 consideration;

- Moonamang Road
- Barytes Road
- Carlton Hill Road

Moonamang Road, Carlton Hill Road and Barytes Roads carry (or will carry) significant commodities which are important to local, regional and State wealth, and are very likely to garner the approval of Council to limit deterioration and extend the life of the roads.

Subject to Council approval, the approved list of roads will be submitted to the Regional Road Group Committee for consideration.

ATTACHMENTS

Nil

12.5.3. Regional Road Group 10 year forward expenditure plan

DATE:	27 July 2021
AUTHOR:	Manager Assets and Engineering
RESPONSIBLE OFFICER:	Gary Wright, Acting Director Infrastructure
FILE NO:	RD.02.2
DISCLOSURE OF INTERESTS:	Nil

VOTING REQUIREMENT

Simple Majority

OFFICER'S RECOMMENDATION

That Council notes the proposed 10 year Regional Road Group plan as set out in Attachment 1.

PURPOSE

For Council to note the Regional Road Group 10 year plan as set out in Attachment 1.

NATURE OF COUNCIL'S ROLE IN THE MATTER

Provider - provide physical infrastructure and essential services

BACKGROUND/ PREVIOUS CONSIDERATIONS BY COUNCIL/ COMMITTEE

Within policies and guidelines established by the State Road Funds to Local Government Advisory Committee, the RRG is responsible for the assessment of road funding needs, the annual distribution of State funds to Local Government roads and monitoring and reporting on the effectiveness of the application of the State funds for Local Government roads in its region.

The RRG ensures that funds made available by the State are applied to the road network to:

- Maximise benefits to the community;
- Preserve, improve and extend the road system;
- Maximise capacity and resources through joint purchasing and resource sharing; and
- Comply with the obligations of the Managing Director of MRWA under legislation.

The role of RRGs is to recommend Local Government road funding priorities to the Advisory Committee and to monitor the implementation of the Local Roads Program in their own Regions.

The RRG may delegate certain functions and tasks to Regional Sub Groups, provided that all Regional Sub Groups have the same delegated responsibilities, as outlined in the Procedures. The Kimberley Region RRG consists of four local government areas, being the Shires of Broome, Derby-West Kimberley, Halls Creek and Wyndham East Kimberley. Each Shire has one Council representative and a technical committee comprising of local government engineers or similar.

STATUTORY IMPLICATIONS

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

POLICY IMPLICATIONS

CP/OPS-3661 Shire Road Network

FINANCIAL IMPLICATIONS

The Shire will need to contribute a ratio of \$1 for every \$2 of Regional Road Group funding provided to a project normally provided from Shire municipal funds.

STRATEGIC IMPLICATIONS

Strategic Community Plan 2017-2027

Focus Area 4: PERFORMANCE - Civic Leadership

Goal 4.4: Sustainably maintain the Shire's financial viability

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

Corporate Business Plan

CBP Action: #

Manage all assets over their whole of life in accordance with asset management principles and the Shire's Asset Management Plan. This includes the planning and development of, operating, maintaining, upgrading, and disposing of assets in the most cost-effective manner.

RISK IMPLICATIONS

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

Control: Provide Council with information in order to direct resources and services to those areas of most need.

COMMUNITY ENGAGEMENT

No community engagement is required.

COMMENTS

The Roads 2030 document will act as the base document in identifying roads that the Council consider a priority for development over the next 10 year period, which can be subject to the Regional Road Group (RRG) funding allocations.

The confidential attachment provides a 10 year expenditure plan for Regional Road Group, which the administration will use to program funding for the next 10 years period. The actual plan may vary in future years depending on the greatest need at the time.

Regional Road Group applications require that submissions demonstrate a 5 year plan. Projects that propose continuity of project have a high level of successfully securing funding (subject to Main Roads approval and level of available funding) whilst one off projects are considered as a stand alone item, and have a lower chance of success.

Project locations for works are extracted from the Shire of Wyndham East Kimberley Sealed Roads Renewal Plan, which was developed by Mr Karl Roche in the 2019/2020 financial period.

The provided 10 year program requires a tacit agreement from Council, hence the Officer Recommendation for Council to “note” the contents of Attachment 1. As each budget is considered on its own merit by both Council and Main Roads, and so future funding of the projects as set out in Attachment 1 cannot be guaranteed. The provided list demonstrates a ‘priority road list’ for the next 10 years for Regional Road Group Funding, and as such will only require a simple majority vote. On successfully obtaining annual RRG funding from Main Roads, items will be put to the budget for funding, where an absolute majority will be required.

ATTACHMENTS

Attachment 1 - Council 10 year road plan RRG 02

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. TENDER T11 20/21: CLARRIE CASSIDY OVAL (WYNDHAM OVAL) LIGHTS AND CHANGEROOMS

DATE:	27 July 2021
AUTHOR:	Senior Procurement and Contracts Officer
RESPONSIBLE OFFICER:	Nick Kearns, Director Planning and Community Development
FILE NO:	CM.16.404
DISCLOSURE OF INTERESTS:	Nil

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

Local Government Act 1995

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.*

VOTING REQUIREMENT

Simple Majority

PURPOSE

The Shire of Wyndham East Kimberley was successful in receiving \$591,783 funding, from the Department of Local Government, Sport and Cultural Industries (DLGSC) Community Sporting and Recreation Facilities Fund (CSRFF). The funding was obtained to assist with the proposed \$950,961 upgrade of oval sporting floodlights and the construction of new change room facilities at the Clarrie Cassidy Oval (more commonly known as the Wyndham Oval).

The upgrades to the sporting facility have been identified as important and necessary developments for the main users of the oval; the Port Wyndham Crocs Football Club; other user groups such as Garnduwa, Wyndham Aboriginal Youth Corporation, WAPOL Youth Programs, Ngnowar-Aerwah Aboriginal Corporation, and the wider community. The project will assist with positive social development, in particular with encouraging more youth and female participation in sport. It is also modelled to meet the current WAFL facility and lighting guidelines.

This report contains a comprehensive summary of the tender and evaluation process undertaken in an attempt to source contractors to carry out the required works. Suitably qualified contractors were invited to tender on any of the following options:

- **Option A:** Design, Construct and Install New LED Sporting Oval Floodlights;
or
- **Option B:** Design and Construct Multipurpose Change Rooms; or
- **Option C:** Design, Construct and Install New LED Sporting Oval Floodlights
and Multipurpose Change Rooms.

The recommendation contained within this report requests that Council authorise the CEO to negotiate and award a Contract to the most advantageous Tenderer for the Design, Construct and Installation of New LED Sporting Oval Floodlights. The report does not contain recommendations for the 'Design and Construct of Multi-purpose Changerooms' as non conforming Tenders were received for options B or C. Details on other options available for proceeding with the design and constructions of new changerooms have been outlined in the report.

17. CLOSURE