



SHIRE OF WYNDHAM | EAST KIMBERLEY

AGENDA ORDINARY COUNCIL MEETING

Tuesday 31 May 2022

DISCLAIMER

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

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

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

Signed on behalf of Council



VERNON LAWRENCE

CHIEF EXECUTIVE OFFICER

NOTES

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

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**SHIRE OF WYNDHAM EAST KIMBERLEY
ORDINARY COUNCIL MEETING AGENDA
WYNDHAM COUNCIL CHAMBERS
TO BE HELD ON TUESDAY 31 MAY 2022**

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

<p>That Council confirms the Minutes of the Ordinary Council Meeting held on Tuesday 26 April 2022</p>

Note: The Minutes of the Ordinary Council Meeting held on Tuesday 26 April 2022 are provided under separate cover via www.swek.wa.gov.au

9. ANNOUNCEMENTS BY THE PERSON PRESIDING WITHOUT DISCUSSION

10. MATTERS FOR WHICH THE MEETING MAY BE CLOSED

11. DEPUTATIONS / PRESENTATIONS / SUBMISSIONS

12. REPORTS

12.1. MATTERS ARISING FROM COMMITTEES OF COUNCIL

12.2. CHIEF EXECUTIVE OFFICER

12.2.1. Standing Item - Outstanding Actions from Previous Council Resolutions

DATE:	31 May 2022
AUTHOR:	Executive Officer to the CEO
RESPONSIBLE OFFICER:	Vernon Lawrence, Chief Executive Officer
DISCLOSURE OF INTERESTS:	NIL
COUNCIL'S ROLE IN THE MATTER:	Leader - plan and provide direction through policy and practices
VOTING REQUIREMENT:	Simple Majority

OFFICER'S RECOMMENDATION

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

PURPOSE

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

BACKGROUND/ PREVIOUS CONSIDERATIONS BY COUNCIL/ COMMITTEE

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

STATUTORY IMPLICATIONS

NIL

POLICY IMPLICATIONS

NIL

STRATEGIC IMPLICATIONS

Strategic Community Plan 2017-2027

Focus Area 4: Civic Leadership

Goal 4.2: Good decision making through engagement with the community

Strategy 4.2.2: Ensure community input informs planning and decision making

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

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

RISK IMPLICATIONS

{scp-risks}

FINANCIAL IMPLICATIONS

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

COMMUNITY ENGAGEMENT

No community engagement is required.

COMMENTS

An update of actions from the April 2022 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 - April 2022

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

12.2.2. Standing Item - Use of the Common Seal

DATE:	31 May 2022
AUTHOR:	Executive Officer to the CEO
RESPONSIBLE OFFICER:	Vernon Lawrence, Chief Executive Officer
DISCLOSURE OF INTERESTS:	NIL
COUNCIL'S ROLE IN THE MATTER:	Regulator - enforce state legislation and local laws
VOTING REQUIREMENT:	Simple Majority

OFFICER'S RECOMMENDATION

That Council receives the report on the application of the Shire of Wyndham East Kimberley Common Seal for the period 18 April 2022 to 17 May 2022.

PURPOSE

For Council to receive this report on the application of the Shire of East Kimberley Common Seal for the period 18 April 2022 to 17 May 2022.

STATUTORY IMPLICATIONS

Local Government Act 1995

9.49A. Execution of documents

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

- (5) A document executed by a person under an authority under subsection (4) is not to be regarded as a deed unless the person executes it as a deed and is permitted to do so by the authorisation.
- (6) A document purporting to be executed in accordance with this section is to be presumed to be duly executed unless the contrary is shown.
- (7) When a document is produced bearing a seal purporting to be the common seal of the local government, it is to be presumed that the seal is the common seal of the local government unless the contrary is shown.

POLICY IMPLICATIONS

NIL

STRATEGIC IMPLICATIONS

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

FINANCIAL IMPLICATIONS

NIL

COMMUNITY ENGAGEMENT

No community engagement is required.

COMMENTS

There were 2 documents for the time period of 18 April 2022 to 17 May 2022 with the Shire of Wyndham East Kimberley Common Seal applied as per the table below:

Date of Use	Document
16/05/2022	Section 70A notification for Lot 147 Whimbrel Road Not being connected to a reticulated sewer system
16/05/2022	Section 70A notification for Lot 147 Whimbrel Road Not connected to a potable water supply.

ATTACHMENTS

NIL

12.3. PLANNING AND COMMUNITY DEVELOPMENT

12.3.1. Quarterly Progress Report - January to March

DATE:	31 May 2022
AUTHOR:	Senior Projects Officer
RESPONSIBLE OFFICER:	Nick Kearns, Director Planning and Community Development
FILE NO:	CM.10.13
DISCLOSURE OF INTERESTS:	Nil
COUNCIL'S ROLE IN THE MATTER:	Leader - plan and provide direction through policy and practises
VOTING REQUIREMENT	Simple Majority

OFFICER'S RECOMMENDATION

That Council receives the Corporate Business Plan Quarterly Progress and Performance Report for January to March 2022 (Q3) at Attachment 1.

PURPOSE

For the Council to receive the January to March 2022 Quarterly Progress and Performance Report.

BACKGROUND/ PREVIOUS CONSIDERATIONS BY COUNCIL/ COMMITTEE

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

The following table provides context of regular reporting to Council.

Strategic Community Plan	<ul style="list-style-type: none">Annual Report to Council on progress towards the long term community goals
Corporate Business Plan	<ul style="list-style-type: none">Annual Report to Council on delivery of Shire services and projects.

	<ul style="list-style-type: none"> • Quarterly reports to Council on delivery of Shire services and progress of projects.
Annual Budget	<ul style="list-style-type: none"> • Annual report of financial performance against the annual budget • Monthly reports to Council financial performance

The quarterly report reflects the progress of individual actions of the CBP which are linked to the Strategic Community Plan. This ensures each staff member is working towards achieving those specific directions that the Council has prioritised. The status of actions at the end of each financial year are listed as complete or deferred.

The Officer responsible for an action or task in the CBP is required to provide an update each quarter, giving an indication of how the action is progressing. This information is collated to provide an overview of how the organisation is performing to the CEO, Directors and Council to ensure that performance is being appropriately monitored and managed.

Quarterly progress reports are used to assist with the annual review of the CBP, to prioritise projects and services capturing Council’s decision making, planning and evaluation.

STATUTORY IMPLICATIONS

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

This Act is intended to result in:

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

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

POLICY IMPLICATIONS

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

CP/COM-3100 - Community Engagement Policy

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

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

STRATEGIC IMPLICATIONS

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

Focus Area 4: PERFORMANCE - Civic Leadership

Goal 4.2: Good decision making through engagement with the community

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

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

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

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

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

RISK IMPLICATIONS

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

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

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

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

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

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

FINANCIAL IMPLICATIONS

The attached quarterly report includes a financial summary.

COMMUNITY ENGAGEMENT

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

- Quarterly Progress Reports are made available on the Shire’s website.
- Ongoing Council reports.
- Elected Members’ Information Bulletin updates.
- Newsletters.
- Website updates.
- Media releases.

COMMENTS

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

There are 49 actions/projects for year one (2021/22) of the Shire’s Corporate Business plan. The table following summarises the reported status at the end of each quarter.

Action status by Quarter	Quarter 1 (July – Sept)	Quarter 2 (Oct – Dec)	Quarter 3 (Jan – Mar)	Quarter 4 (Mar – June)
Complete	0	3	6	
Not started	9	6	0	
In progress	40	40	42	
On hold	0	0	0	
Deferred	0	0	1	

The projects within the Corporate Business Plan are assigned annual tasks that are to be completed within the reporting period. Projects are also reviewed and funded as part of Council’s annual budget process. Responsible officers provide an indication of progress along this annual timeline and against the adopted budget.

Action performance by Quarter	Q1	Q2	Q3	Q4
On time (as reported)	88%	88%	88%	
On budget (as reported)	97%	96%	96%	

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

ATTACHMENTS

Attachment 1 - Quarterly Progress and Performance Report - January to March 2022 (Q3)

12.3.2. Proposed closure of portions of Moonamang Road

DATE:	31 March 2022
AUTHOR:	Manager Planning and Regulatory Services
RESPONSIBLE OFFICER:	Nick Kearns, Director Planning and Community Development
ASSESSMENT NO:	N/a
FILE NO:	RD.19.1
DISCLOSURE OF INTERESTS:	Nil
COUNCIL'S ROLE IN THE MATTER:	Regulator - enforce state legislation and local laws
VOTING REQUIREMENT	Simple Majority

OFFICER'S RECOMMENDATION

That Council:

- 1. Advertises the proposed closure of portion(s) of Moonamang Road, being Lots 602 and Lot 603 on Deposited Plan 410592, in accordance with section 58 of the *Land Administration Act 1997*.**
- 2. Resolves to close portion(s) of Moonamang Road, being Lots 602 and Lot 603 on Deposited Plan 410592, subject to no objections being received during the advertising period.**
- 3. Following completion of the advertising period (subject to no objections), requests the Department of Planning, Lands and Heritage to close portions of Moonamang Road, being Lots 602 and Lot 603 on Deposited Plan 410592, to be reverted to unallocated Crown land.**

PURPOSE

For Council to commence road closure action to close portions of Moonamang Road.

BACKGROUND/ PREVIOUS CONSIDERATIONS BY COUNCIL/ COMMITTEE

As part of the Ord East Kimberley Expansion Project the Department of Planning, Lands and Heritage are proposing to issue a development lease for irrigated agriculture over an area referred to as Knox Plain. The proposal will consider the alignment of two new water supply channels; one to connect between the existing M2 channel and the proposed NT channel, with a second channel adjacent to the alignment to supply the Knox Plain development. These channels are each proposed to be 60 metres wide and parallel to the dedicated road.

The proposed land actions outlined will require the closure of dedicated portions of Moonamang Road, specifically Lot 602 and Lot 603 on Deposited Plan 410592, as shaded red on the tenure plan at Attachment 1 and on the aerial plan at Attachment 2.

Attachment 3 is a sketch plan showing the proposed road closure area coloured red, which has a total area of 7.0704ha.

Although it is the Department of Planning, Lands and Heritage requesting the road closure action, under the current *Land Administration Act 1997*, it requires the Shire to advertise the proposed road closure prior to Council formally deciding to close the road.

STATUTORY IMPLICATIONS

Land Administration Act 1997 (LAA)

Section 58 of the LAA outlines the process for closing roads, which requires the local government to advertise a proposed road closure for a period of 35 days before it can resolve to request the Minister for Lands to close a road, or portion thereof.

Land Administration Regulations 1998

Regulation 9 of the *Land Administration Regulations 1998* outlines the information that a local government is required to provide to request to close a road permanently under section 58(2) of the LAA. This regulation requires the local government to provide:

- (a) *written confirmation that the local government has resolved to make the request, details of the date when the relevant resolution was passed and any other information relating to that resolution that the Minister may require; and*
- (b) *sketch plans showing the location of the road and the proposed future disposition of the land comprising the road after it has been closed; and*
- (c) *copies of any submissions relating to the request that, after complying with the requirement to publish the relevant notice of motion under section 58(3) of the Act, the local government has received, and the local government's comments on those submissions; and*
- (d) *a copy of the relevant notice of motion referred to in paragraph (c); and*
- (e) *any other information the local government considers relevant to the Minister's consideration of the request; and*
- (f) *written confirmation that the local government has complied with section 58(2) and (3) of the Act.*

POLICY IMPLICATIONS

Nil

STRATEGIC IMPLICATIONS

This matter relates to the following sections of the *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

Strategy 3.1.3: Plan and advocate for infrastructure that supports business

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

Service Area: Land Use Planning

RISK IMPLICATIONS

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

Control: Ensure the Shire advocates for and supports regionally important projects and industries.

FINANCIAL IMPLICATIONS

There will be minimal costs associated with advertising the proposed road closure, which will require a notice to be published in the Kimberley Echo for two weeks.

COMMUNITY ENGAGEMENT

Engagement will take place in accordance with the legislative requirements and will include:

- Advertising the proposed road closure in the Kimberley Echo, with public notices at the Shire's Administration Offices and Kununurra School and Community Library and Shire's website, giving 35 days for submissions to be received.
- Notification letters sent to service providers for comment.

COMMENTS

The portions of road reserve requested to be closed were surveyed to include the original road alignment of the access road to the Northern Territory border. The extension of Moonamang Road has since been constructed to the north to connect to the proposed (Northern Territory) road, and the portions proposed to be closed are no longer required as road reserve.

Although not initiated by the Shire, under the current *Land Administration Act 1997* the proposed road closure is required to be advertised by the local government prior to Council formally resolving to close the road. In order to streamline the process, it is recommended that Council resolve to both advertise the proposed road closure, and subject to no objections being received (within the notice period), resolve to close the subject portions of Moonamang Road. If an objection is received, it will be required to be considered by Council.

When the road closure action is finalised, the land will revert to unallocated Crown Land to allow future land assembly by the Department of Planning, Lands and Heritage.

ATTACHMENTS

Attachment 1 - Tenure Plan of proposed road closure

Attachment 2 - Aerial of proposed road closure

Attachment 3 - Sketch Plan of road closure area

12.3.3. Sponsorship - Taste of the Kimberley

DATE:	31 May 2022
AUTHOR:	Manager Community Development
RESPONSIBLE OFFICER:	Nick Kearns, Director Planning and Community Development
ASSESSMENT NO:	NIL
FILE NO:	GS.0.44
DISCLOSURE OF INTERESTS:	As per declaration forms
COUNCIL'S ROLE IN THE MATTER:	Facilitator - bring stakeholders together Funder - provide funds or other resources
VOTING REQUIREMENT	Simple Majority

OFFICER'S RECOMMENDATION

That Council approves the allocation of \$20,000 from the take-away Alcohol Management System (TAMS) expenditure as a one off sponsorship payment for the 2022 Taste of the Kimberley, subject to the following conditions:

- **Enter into a funding agreement;**
- **Provide no additional financial support through waiver of other associated costs such as park hire or facility modifications;**
- **Provide an acquittal at the completion of the event;**
- **Suitably acknowledge the support of the Shire, and**
- **Ensure that all necessary approvals and insurances are obtained prior to the event - including COVID directions.**

PURPOSE

For Council to repurpose funds within the Municipal Fund to sponsor a community event in Kununurra.

BACKGROUND/ PREVIOUS CONSIDERATIONS BY COUNCIL/ COMMITTEE

The Shire recently received a request from Ord Valley Events Inc. for sponsorship of the Taste of the Kimberley event in Kununurra, commencing on 19 August 2022.

The organisers have advised that the '*Taste of the Kimberley*' is a celebration of the diversity of the Kimberley's incredible produce and agriculture through a series of food experiences. The festival would run for three days.

The event is proposed to be held at Celebrity Tree Park and feature local food business and consist of a Cattleman's Dinner and a Farm Tour. The festival would conclude with a BBQ cook-off, a free family event where competitors compete for a cash prize.

Typically, a request for sponsorship should be directed through the Shire's Annual Community Grant Program however these funds have been allocated for the financial year and therefore an event funding submission would be unable to be considered. However, the Ord Valley Events proposal would meet the Shire Community Grants Program Guidelines and eligibility. There is synergy with key focus areas and goals within the Shire's Strategic Community Plan, in particular "healthy vibrant active communities".

STATUTORY IMPLICATIONS

There are no statutory implications associated with this matter other than requirements arising from the State Government's directions with respect to COVID-19 as they relate to conducting major events, which are provided to event organisers and which can be conditioned with approval of the request.

POLICY IMPLICATIONS

CP/COM-3582 Community Development Program is applicable for the purpose of attaching conditions.

STRATEGIC IMPLICATIONS

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

Focus Area 1: PEOPLE - Healthy vibrant active communities

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

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

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

Shire Project: 107 - Deliver a Community Grant Program

Service Area: Community Development
Community Development

RISK IMPLICATIONS

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

Control: The event will be subject to the Community Grant Program and associated policy in future years. This will ensure that the Ord Valley Events will be considered as funding submission and will be assessed inline with the guidelines and eligibility criteria. The Community Grant Program aims to support community-led initiatives that support priority social focus areas through financial assistance, which includes health, aged care, youth services and Indigenous services.

FINANCIAL IMPLICATIONS

The Shire budgeted \$35,000 as a co-contribution with the other municipalities in the Kimberley to implement the new BDR/TAMS system, however the State Government funded its implementation in its entirety, leaving the \$35,000 operational expenditure untouched. The repurpose of \$20,000 of this operational expenditure, therefore, will have no financial implications for the organisation.

COMMUNITY ENGAGEMENT

No community engagement is required.

COMMENTS

Shire Officers have considered the request for sponsorship based on the Community Grants Guidelines and eligibility criteria. A formal assessment, however, has not been provided to Council as there was no funding application submitted. Shire Officers believe that the event proposal does meet the Shire's applicable eligibility criteria and has alignment with community strategic objectives; community need; budget, and Ord Valley Events has the necessary capacity and capability to run the event.

The event's vision is to promote local business and grow local tourism. The longer-term vision for the event is to grow and incorporate additional events hosted by Ord Valley Events as well as satellite events hosted by local operators and community organisations. The BBQ Cook-off would be a family free event and ensure that there is an opportunity for all residents to be part of the event and to experience the showcasing of local produce.

The request for sponsorship would be a one off payment from the current budget and any future support for the event would need to be considered as part of the Shire's Community Grant Program.

Shire Officers recommend that Council approve the \$20,000 request as a one off payment subject to conditions requiring the applicant to:

- Enter into a funding agreement;
- Provide no additional financial support through waiver of other associated costs such as park hire or facility modifications;
- Provide an acquittal at the completion of the event;

- Suitably acknowledge the support of the Shire, and
- Ensure that all necessary approvals and insurances are obtained prior to the event - including COVID directions.

ATTACHMENTS

Attachment 1: Taste of the Kimberley Partnership Opportunities

12.4. CORPORATE SERVICES

12.4.1. Monthly Financial Report April 2022

DATE:	31 May 2022
AUTHOR:	Coordinator Finance
RESPONSIBLE OFFICER:	Felicity Heading, Director Corporate Services
FILE NO:	FM.09.29
DISCLOSURE OF INTERESTS:	Nil
COUNCIL'S ROLE IN THE MATTER:	Regulator - Responsible for the enforcement of statutory requirements
VOTING REQUIREMENT:	Simple Majority

OFFICER'S RECOMMENDATION

That Council receives the Monthly Financial Report for the period ended 30 April 2022.

PURPOSE

For Council to receive the Interim Monthly Financial Reports for the period ended 30 April 2022.

BACKGROUND/ PREVIOUS CONSIDERATIONS BY COUNCIL/ COMMITTEE

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

At the 27 July 2021 Ordinary Council Meeting, the Council resolved the following:

Council Decision

Minute Number: 27/07/2021 - 11496

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

Moved: Cr G Lodge

Seconded: Cr M McKittrick

Decision 9/0

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

STATUTORY IMPLICATIONS

Local Government Act 1995, Section 6.4.

6.4. Financial report

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

(2) The financial report is to —

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

(b) contain the prescribed information.

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

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

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

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

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

(1A) In this regulation —

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

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

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

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

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

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

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

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

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

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

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

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

(a) according to nature and type classification; or

(b) by program; or

(c) by business unit.

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

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

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

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

POLICY IMPLICATIONS

CP/FIN-3201 Significant Accounting Policies has been applied in the preparation of the report.

FINANCIAL IMPLICATIONS

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

STRATEGIC IMPLICATIONS

Strategic Community Plan 2017-2027

Focus Area 4: Performance - Civic Leadership

Goal 4.4: Sustainably maintain the Shire's financial viability

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

RISK IMPLICATIONS

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

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

COMMUNITY ENGAGEMENT

No community engagement is required in relation to this item.

COMMENTS

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

The Monthly Financial Report for the period ended 30 April 2022 includes the adjusted opening surplus as at 30 June 2021 and adjustments to carry forward figures at 30 June 2021 for the capital works program. The budget figures include amendments to the 2021/22 budget approved by Council following the mid-year budget review. Comments in relation to budget versus actual variances are included at note 16 in the Financial Statements.

ATTACHMENTS

Attachment 1 - Monthly Financial Report April 2022

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

DATE:	31 May 2022
AUTHOR:	Director Corporate Services
RESPONSIBLE OFFICER:	Felicity Heading, Director Corporate Services
FILE NO:	FM.05.22
DISCLOSURE OF INTERESTS:	Nil
COUNCIL'S ROLE IN THE MATTER:	Leader - Plan and provide direction through policy and practices. Regulator - Responsible for the enforcement of statutory requirements.
VOTING REQUIREMENT:	Simple Majority

OFFICER'S RECOMMENDATION

That Council adopts the amended Council Policy CP/CNC-3141 Elected Member Allowances and Entitlements.

PURPOSE

For Council to consider amendments to Council Policy *CP/CNC-3141 Elected Member Allowances and Entitlements* which will provide the Administration with the policy framework to determine Members Allowances and Entitlements in the annual budget process for the 2022/23 financial year.

BACKGROUND/ PREVIOUS CONSIDERATIONS BY COUNCIL/ COMMITTEE

The Council considers Members' Allowances and Entitlements on an annual basis. For the 2017/18 financial year the Commissioner reduced the amounts down from 100% of the maximum Salaries and Allowances Tribunal (SAT) determination to 70% of the determination.

Council in the 2018/19 and 2019/20 budget processes maintained the level at 70%.

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

For the 2021/22 financial year, Council set the level at 70% of the maximum Salaries and Allowances Tribunal (SAT) determination.

At the March 2022 Ordinary Council Meeting Council adopted an amended *Council Policy CP/CNC-3141 Elected Member Allowances and Entitlements* increasing the allowances for the 2022/23 financial year to 75% of the maximum SAT amount subject to a further review of the policy after the declaration of the Salaries Administrative Tribunals 2022.

COUNCIL DECISION

Minute Number: 27/07/2021 - 118495

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) provides 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, adopts 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, adopts 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, adopts the following annual local government allowance to be paid in addition to the annual meeting allowance:
- a. Deputy President \$11,086.95

Moved: Cr J Farquhar

Seconded: Cr M Dear

Carried 9/0

At the March 2022 Ordinary Council meeting, Council resolved the following:

Council Decision

Minute Number: 22/03/2022 – 118606

That Council adopt the amended Council Policy CP/CNC-3141 Elected Member Allowances, subject to the Policy being brought to Council briefing after the declaration of the Salaries Administrative Tribunals 2022.

Moved: Cr T Chafer Seconded: Cr M Dear

Decision:

8/0

STATUTORY IMPLICATIONS

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

5.98. Fees etc. for council members

(1A) In this section —

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(6) A local government cannot —

(a) make any payment to; or

(b) reimburse an expense of,

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

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

(a) council members only; or

(b) *council members and employees.*

[Section 5.98 amended: No. 64 of 1998 s. 36; No. 17 of 2009 s. 33; No. 2 of 2012 s. 14.]

5.98A. *Allowance for deputy mayor or deputy president*

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

** Absolute majority required.*

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

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

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

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

(a) *the annual fee determined by the Salaries and Allowances Tribunal under the Salaries and Allowances Act 1975 section 7B; or*

(b) *where the local government has set a fee within the range for annual fees determined by that Tribunal under that section, that fee.*

** Absolute majority required.*

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

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

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

(a) *the annual allowance determined by the Salaries and Allowances Tribunal under the Salaries and Allowances Act 1975 section 7B for that type of expense; or*

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

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

* *Absolute majority required.*

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

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

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

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

POLICY IMPLICATIONS

There are no other policy implications.

FINANCIAL IMPLICATIONS

If Council adopts the amended policy incorporating the 2.5% increase contained within the 2022 Salaries and Allowances Tribunal (SAT) determination and the recommended 100% allowance for the Shire President, the total funding requirement will be \$269,585. This is an increase of \$40,658 from the 2021/22 budgeted amount of \$228,927. The financial implications of the policy will be contained in the 2022/23 Annual Budget.

The increase to individual members allowances for 2022/23 over the 2021/22 allowances will be as follows:

Meeting Fees Elected Members other than Shire President - \$1,597.25 x 8 = \$12,778.00

Meeting Fees Shire President - \$2,141.70

Shire Presidents Allowance - \$20,590.20

Deputy Shire Presidents Allowance - \$5,147.55

Total increase - \$40,567.45

STRATEGIC IMPLICATIONS

Strategic Community Plan 2017-2027

Focus Area 4: PERFORMANCE - Civic Leadership

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

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

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

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

RISK IMPLICATIONS

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

Control: Implementation of LTFP and Annual Budget.

Policies updated in accordance with schedule and operational requirements.

COMMUNITY ENGAGEMENT

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

COMMENTS

The Salaries and Allowances Tribunal (SAT) determination 2022 (refer attachment 1) published in April contains a 2.5% increase over the 2021 amounts.

Officers have undertaken a comparison of Elected Members Allowances for other Band 2 Shires in the Kimberley as reported in their adopted budgets for 2020/21 and 2021/22 (refer Attachment 2). Elected Members allowances are generally set at 75% of the maximum allowance under the SAT determination.

Taking the above into consideration, the increased costs associated with attending meetings and briefings, and additional responsibilities being undertaken by Elected Members in particular the Shire President in relation to major infrastructure and economic development strategies and the chairing of the Kimberley Zone, the draft Policy CP/CNC-3141 Elected Member Allowances and Entitlements (refer attachment 3) incorporates the increase to allowances for members other than the President to 75% of the SAT amount as adopted at the March 2022 Ordinary Council meetings and includes an additional amendment to increase the Shire President's allowance to 100% of the SAT amount.

ATTACHMENTS

Attachment 1 - SAT Local Government CEO and Elected Members Determination 2022

Attachment 2 - Comparison of Elected Members Allowances - Kimberley Shires

Attachment 3 - Council Policy CP/CNC-3141 Elected Member Allowances and Entitlements - DRAFT

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

DATE:	31 May 2022
AUTHOR:	Finance Creditors Officer
RESPONSIBLE OFFICER:	Felicity Heading, Director Corporate Services
FILE NO:	FM.09.29
DISCLOSURE OF INTERESTS:	Nil
COUNCIL'S ROLE IN THE MATTER:	Regulator - Responsible for the enforcement of statutory requirements
VOTING REQUIREMENT:	Simple Majority

OFFICER'S RECOMMENDATION

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

Municipal EFT 142957 - 143199 (07/04/2022 - 29/04/2022)	\$
1,265,504.17	
Trust EFT 502026 - 502036 (01/04/2022 - 29/04/2022)	\$
4,821.00	
Payroll (06/04/2022 - 20/04/2022)	\$
469,992.73	
Direct Bank Debits (01/04/2022 - 21/04/2022)	\$
111,128.46	
Total	\$
1,851,446.36	

PURPOSE

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

BACKGROUND/ PREVIOUS CONSIDERATIONS BY COUNCIL/ COMMITTEE

In accordance with Council's Delegations Register which was adopted by Council on 27 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 2021/22 Adopted Budget and any subsequent amendments thereto. This report provides for the ongoing management of the Shire's funds by providing the Council with sufficient information to monitor and review those payments made.

STRATEGIC IMPLICATIONS

Strategic Community Plan 2017-2027.

Focus Area 4: Performance - Civic Leadership

Goal 4.4: Sustainably maintain the Shire's financial viability

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

RISK IMPLICATIONS

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

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

COMMUNITY ENGAGEMENT

No community engagement is required in relation to this item.

COMMENTS

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

ATTACHMENTS

Attachment 1 - List of Accounts Paid April 2022

12.4.4. 2022/23 Budget - Differential General Rates and Minimum Payments and Consideration of Public Submissions

DATE:	31 May 2022
AUTHOR:	Rates Officer
RESPONSIBLE OFFICER:	Felicity Heading, Director Corporate Services
FILE NO:	FM.05.14
DISCLOSURE OF INTERESTS:	NIL
COUNCIL'S ROLE IN THE MATTER:	Leader - plan and provide direction through policy and practices Regulator - enforce state legislation and local laws
VOTING REQUIREMENT:	Simple Majority

OFFICER'S RECOMMENDATION 1

That Council:

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

OFFICER'S RECOMMENDATION 2

That Council

- 1. Endorse the 2022/23 Rating Model as follows, with the intention of striking the rates as part of the 2022/23 Budget adoption, subject to receiving Ministerial approval where required by legislation.**

Differential Rating Category	Total Properties	Total Rateable Value of Properties \$	Proposed Minimum Payment \$	Proposed Rate in the Dollar	% of Properties on Minimum Payments	Proposed Concessions	Proposed Rates Revenue Budget 2022/23 \$	
GRV - Residential	1,711	32,835,927	1,400	0.1487	6.32%		4,903,190	
GRV - Other Vacant	121	507,316	1,400	0.2306	81.97%		200,920	
GRV - Commercial	191	13,181,349	1,400	0.1467	32.46%		1,947,529	
GRV - Industrial	178	7,457,086	1,400	0.1426	7.30%		1,072,301	
GRV - Rural Residential	26	272,424	1,400	0.1487	30.77%		43,452	
UV - Rural Residential	199	32,168,500	1,400	0.0134	25.63%		436,751	
UV - Pastoral	21	9,773,238	1,400	0.0570	0.00%		557,075	
UV - Commercial/Industrial	68	12,034,900	1,400	0.0079	38.24%		121,756	
UV - Agriculture	80	60,935,109	1,400	0.0119	1.25%		725,540	
UV - Horticulture	93	27,404,000	1,400	0.0104	0.00%		285,002	
UV - Mining	65	2,010,583	1,400	0.2813	46.15%		590,510	
UV - Mining Exploration and Prospecting	44	552,851	390	0.1406	18.18%		78,954	
UV - Other	5	8,960,000	1,400	0.0067	40.00%		60,755	
TOTALS	2,802	208,093,283						
Total Budgeted Net Rates Revenue Raised								11,023,735

PURPOSE

For the Council to consider public submissions received in relation to the proposed rates in the dollar and minimum payments in accordance with section 6.36(4) of the *Local Government Act 1995* and to subsequently consider adopting the revised Council Policy *CP/FIN-3200 Strategic Rating*.

For Council to further endorse the proposed 2022/23 rate model following the updating of all unimproved property (UV) valuations to take effect from 1 July 2022

BACKGROUND/ PREVIOUS CONSIDERATIONS BY COUNCIL/ COMMITTEE

Rates revenue is a substantial source of discretionary revenue for the Shire of Wyndham East Kimberley (The Shire), accounting for approximately 52% of the total operating revenue in the adopted 2021/22 Budget. The *Local Government Act 1995* (the Act) empowers local governments to impose differential general rates and minimum payments on rateable land.

The Shire has adopted a differential general rate and general minimum payments for a number of years. The imposition of differential rates is a conscious decision by the Council to distribute the rate burden in its district by imposing a higher impost on some ratepayers and a lower impost on others.

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

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

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

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

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

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

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

Rates are calculated by multiplying the valuation (either GRV or UV), provided by Landgate (the Valuer General), with a rate in the dollar, imposed by the Council. When Landgate perform a general revaluation of properties, Council can adjust the rate in the dollar to offset significant fluctuations in valuations in order to maintain the overall rate yield (amount of rates collected) and preserve the rate yield per category. It is customary to preserve the ratios between the different rate categories by increasing the yield from each category uniformly on an annual basis to maintain the service levels provided by the Shire. This is the “rate increase” and is subject to much community comment. Please note that this does not mean that the rate in the dollar will increase uniformly.

UV PASTORAL RATING CATEGORY

Western Australia's pastoral rents are reviewed every five years by the Valuer General, in consultation with the Pastoral Lands Board and in accordance with the *Land Administration Act 1997*. New pastoral rents became effective in July 2019 and Shire Officers understand that this was to bring the pastoral rents up to a fair market value. This had a direct impact on the rateable valuation of properties in the UV Pastoral rate category. Annual rent of a pastoral lease is calculated on the unimproved value multiplied by a capitalisation rate. Landgate then multiply the annual rent by a factor of 20 to determine the rateable value of the property.

The Kimberley region saw the greatest rateable value increases as well as the greatest variation, with pastoral leases in the Shire of Wyndham East Kimberley, initially experiencing increases ranging from 18% to over 400% across the affected properties (the Kimberley average was 328%). This resulted in significant increases in rates calculated.

At the Council Briefing on 2 June 2020 the following options were presented to Council for consideration in how to treat the significant valuation increases experienced in the UV Pastoral rating category:

1. Applying current valuation changes with an unchanged rate in the dollar.
2. Adjusting the UV Pastoral Rate in the Dollar to achieve the same rate yield as the 2019/20 Budget.
3. The use of Rate Concessions in managing the UV Pastoral rate increases, of which two scenarios were presented:

- a. Phasing the rates increase in, with the 2020/21 rates for individual properties being no more than 120% of the 2019/20 rates (service charges, waste charges, and ESL excluded).
- b. Phasing the rates increase in, with the 2020/21 rates for individual properties being calculated at the 2019/20 rates plus 20% of the total increase (service charges, waste charges, and ESL excluded).

At a special council meeting on 9 June 2020 it was resolved by Council, in accordance with Section 6.47 of the *Local Government Act 1995*, to grant Rate Concessions for the Differential Rating Category UV Pastoral whereby the rates increase for the 2020/21 year for individual properties would be no more than 120% of the 2019/20 rates (service charges, waste charges, and ESL excluded).

Council Decision

Minute Number: 09/06/2020 - 118236 - in part

Moved: Cr T Chafer

Seconded: Cr J Farquhar

Carried: 9/0

That Council:

- 3. In accordance with Section 6.47 of the Local Government Act 1995, endorse the following Rate Concessions under Differential Rating Category UV Pastoral with the intention of granting them as part of the 2020/21 Budget adoption; (Table Omitted)**
- 4. Endorse that should the 1 July 2020 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 2020/21 financial year will be no greater than 120% of the 2019/20 rates;**

At a special council meeting on 27 July 2021 it was resolved by Council, in accordance with Section 6.47 of the *Local Government Act 1995*, to grant Rate Concessions for the Differential Rating Category UV Pastoral whereby the rates increase for the 2021/22 year for individual properties would be no more than 140% of the 2019/20 rates (service charges, waste charges, and ESL excluded).

Council Decision

Minute Number: 27/07/2021 – 118485

Moved: Cr M McKittrick

Seconded: Cr G Lodge

Decision: 9/0

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.**

Following the 2019 review of pastoral rents which resulted in significant increases to pastoral rating values, many pastoral lease holders lodged objections to the rent increases with the Pastoral Lands Board and to the rating valuations with the Valuer General's Office. On 13 May 2021 the Shire was advised that the Valuer General had allowed the objections to the valuations. As a result of this decision the rateable values of properties in the Shire's UV Pastoral Rating Category reduced significantly with the average increase in valuations across the Kimberley being reduced from 325% to 104%.

The Financial impact to the Shire of these revaluations did not have a significant impact on the 2020/21 or 2021/22 rates as the concession amounts were revised in accordance with Council Resolutions 09/06/2020 - 118236 and 27/07/2021 – 118485.

UV RURAL RESIDENTIAL RATING CATEGORY

All properties valued on an Unimproved Valuation basis are revalued annually by the Valuer General. These revaluations are usually conducted in August each year with the new valuations taking effect from 1 July of the following year. Council usually adopts the rate in the dollar for advertising in March or April each year prior to the new valuation roll being received. Normally variations in valuations on an annual basis are minimal and any changes to the rate in the dollar required to ensure the budgeted yield from each rating category is maintained are generally minor and are implemented following the public submission period.

At the 27 April 2021 Ordinary Council Meeting, Council resolved the following:

Council Decision

Minute Number: 27/04/2021 - 118424 - in part

Moved: Cr M McKittrick

Seconded: Cr G Lodge

Carried: 9/0

That Council:

- 2. Endorse the 2020/21 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	78.23%	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	2790	232,806,214				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 2021/22 rating model, including the Object of and Reasons for Differential Rates;**
- b. **The 2021/22 Rating Model (Attachment 3) 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.**

On 26 May 2021 the annual Unimproved Value (UV) valuation rolls were received from Landgate and loaded into the Shire's rates model for 2021/22. The rolls included significant and varying reductions in values for the UV Rural Residential category due to a large

number of sales in the Valentine Falls Estate in 2020. Valuations in this rate category decreased by an average of 35% with decreases for individual properties varying from 0 to 75%.

This meant that the usual method of adjusting the rate in the dollar to achieve the desired total rate yield, whilst also maintaining equitable rates across the rate category, could not be applied as this would have resulted in some ratepayers receiving increases of up to \$1,300 while others received decreases of up to \$2,600.

At the 1 June 2021 Special Council Meeting, Council considered public submissions received and endorsed a revised rating model which included an adjusted rate in the dollar and proposed rate concessions for the UV Rural Residential rating category designed to mitigate the impact of the changes in values to ensure that the rates for individual ratepayers in this category received the intended 1% increase in rates for the 2021/22 financial year.

At the 1 June 2021 Special Council Meeting, Council resolved the following:

Council Decision

Minute Number: 1/6/2021 - 118451

Moved: Cr D Menzel

Seconded: Cr N Brook

Against: Cr A Petherick

Carried: 6/1

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.**

Council Decision

Minute Number: 1/6/2021 - 118453

Moved: Cr M Dear

Seconded: Cr J Farquhar

Carried: 7/0

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.**

Council Decision

Minute Number: 1/6/2021 - 118454

Moved: Cr N Brook

Seconded: Cr M Mckittrick

Against: Cr A Petherick

Carried: 6/1

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 Concessions	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%	782,321	487,926
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				1,351,379	
Total Budgeted Net Rates Revenue Raised							10,566,482

As part of the rate setting and annual budget process each year, Local Governments in Western Australia are required to seek Ministerial approval for any proposed differential rate that is more than twice the lowest differential rate imposed. Advertising the rates and seeking Ministerial approval is part of the normal process undertaken each year prior to Council adopting its Annual Budget.

On 4 June 2021 applications were submitted to the Minister for Local Government for the differential rates and minimum payments with the expectation that the approvals would be received prior to Council adopting the 2021/22 Annual Budget at the 29 June 2021 Ordinary Council Meeting.

On 29 June 2021 Ministerial approval was received for all the proposed differential rates and minimum payments with the exception of the differential rate for the UV Rural Residential rating category. This notification was received 19 minutes before the Ordinary Council Meeting was scheduled to start. As the rating model and the annual budget can not be adopted without the required Ministerial approval for all differential rates, the proposal to adopt the 2021/22 Annual Budget was withdrawn from the agenda at the 29 June 2021 Ordinary Council Meeting.

Subsequent to 29 June, amendments to the rating model were made to ensure that the differential rate for the UV Rural Residential rating category met the requirements for Ministerial approval. A revised rating model was presented to Council at a Special Council Meeting on 8 July 2021. At this meeting Council resolved not to endorse the amended rating model and strategic rating policy and requested the CEO to obtain a definitive legal position on the application of concessions within the UV Rural Residential and UV Pastoral rating categories.

At the 8 July 2021 Special Council Meeting, Council resolved the following:

Council Decision

Minute Number: 08/07/2021 – 118470

Moved: Cr D Menzel

Seconded: Cr A Petherick

Carried: 6/0

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 (Table omitted) 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.**
- 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 UVPastoral 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.**

Further clarification was sought from the Department of Local Government, Sport and Cultural Industries (the Department) regarding the decision not to approve the UV Rural Residential rate in the dollar, and legal advice was sought regarding the proposed application of concessions.

In summary, the response from the Department reaffirmed their decision and that Council's discretionary power to grant concessions is not 'unfettered' and cannot be used to circumvent the requirement to use the valuation of land as the general basis for determining rates.

Legal advice received did not provide a definitive position regarding the use of concessions, and Officers considered it confirmed that the Department was not prepared to change their decision at this time and that any further action to obtain a more definitive legal position would need to be taken outside the Ministerial approval process.

At the 22 July 2021 Special Council Meeting, Officers presented a revised Rating Model 2021/22 recommending Council endorse a rate in the dollar of 0.0168 for the UV Rural Residential Category. This rate would return the same yield from the category as the 2020/21 financial year without the requirement to apply any concessions. The disparity in individual rates however ranged between increases of \$1,920 and decreases of \$2,580. This rate in the dollar still required Ministerial approval to be obtained in order for the 2021/22 Annual Budget to be adopted.

Cr Mat Dear moved to amend the motion, as he believed that the proposed UV Rural Residential rate in the dollar contained in the Officer Recommendation would lead to unnecessary volatility in the UV Rural Residential rating category and that adopting a UV Rural Residential rate in the dollar of 0.0132 that did not require Ministerial approval would be more appropriate.

At the 22 July 2021 Special Council Meeting, Council resolved the following:

Council Decision

Minute Number: 22/07/2021 – 118472 - in part

Moved: Cr G Lodge

Seconded: Cr M Dear

Carried: 8/0

That Council:

- 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***

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 - 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		
Total Budgeted Net Rates Revenue Raised								10,477,720

By adopting a rate in the dollar of 0.0132, the total budgeted rates revenue decreased by approximately \$89,000 and the disparity in individual rates changed to increases of up to \$728 and decreases as large as \$2,928.

Advertising of Proposed Differential Rates and Minimum Payments

At the 26 April 2022 Ordinary Council Meeting, Officers presented a Rating Model for the 2022/23 financial year recommending Council endorse, for the purpose of advertising, a 2.5% increase in the rate in the dollar across all rating categories except UV Pastoral. When included with the natural increase this would result in an increase in total rate revenue of 4.87% or \$509,966 over the 2021/22 budgeted rate revenue. The proposed rate model was

determined in line with estimated budget requirements resulting in a total rates yield for 2022/23 of \$10,986,089.

Cr Mat Dear moved to amend the motion by increasing minimum payments from \$1,123 to \$1,400 for all rate categories except UV Mining - Exploration and Prospecting, from \$313 to \$390 for the UV Mining - Exploration and Prospecting rate category, and to reduce the general increase for all properties not on minimums from 2.5% to 1.65%. This would result in approximately the same total yield as the original Officer recommendation. The reasons provided included that properties on lower valuations are more likely to be undeveloped or underdeveloped and that raising the minimum payment would provide some encouragement to property owners to develop their properties in a time of accommodation shortages.

Council resolved to adopt the amendment and as a result at the Ordinary Council Meeting on 26 April 2022 Council resolved the following:

Council Decision

Minute Number: 26/04/2022-118634

Moved: Cr M McKittrick

Seconded: Cr M Dear

Carried: 8/0

That Council:

- 1. Endorse the revised Council Policy CP/FIN-3200 Strategic Rating to reflect the Rate in the Dollar and Minimum Payments as per revised Attachment 1;**
- 2. Endorse the 2022/23 Rating Model as follows, with the intention of seeking public submissions thereon and thereafter reporting to Council before striking the rates as part of the 2022/23 Budget adoption, subject to receiving Ministerial approval where required by legislation;**

Differential Rating Category	Total Properties	Total Rateable Value of Properties \$	Proposed Minimum Payment \$	Proposed Rate in the Dollar	% of Properties on Minimum Payments	Proposed Rates Revenue Budget 2022/23 \$
GRV - Residential	1,710	32,826,775	1,400	0.1487	6.32%	4,901,790
GRV - Other Vacant	122	508,216	1,400	0.2306	81.97%	202,320
GRV - Commercial	192	13,186,549	1,400	0.1467	32.81%	1,948,929
GRV - Industrial	178	7,457,086	1,400	0.1426	7.30%	1,072,301
GRV - Rural Residential	26	272,424	1,400	0.1487	30.77%	43,452

UV - Rural Residential	200	28,79,000	1,400	0.0134	41.00%	426,256
UV - Pastoral	21	10,227,738	1,400	0.0570	0.00%	582,981
UV - Commercial/ Industrial	68	12,038,500	1,400	0.0079	38.24%	121,756
UV - Agriculture	80	60,935,105	1,400	0.0119	1.25%	725,540
UV - Horticulture	93	27,183,000	1,400	0.0104	0.00%	282,703
UV - Mining	65	1,840,908	1,400	0.2813	46.15%	544,333
UV - Mining Exploration and Prospecting	41	509,393	390	0.1406	21.95%	72,973
UV - Other	5	8,960,000	1,400	0.0067	40.00%	60,755
TOTALS	2,801	204,924,698				10,986,089

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

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

STATUTORY IMPLICATIONS

Local Government Act 1995

Part 5

Division 6 – Disclosure of financial interests

5.63. Some interests need not be disclosed

(1) Sections 5.65, 5.70 and 5.71 do not apply to a relevant person who has any of the following interests in a matter —

- (a) an interest common to a significant number of electors or ratepayers; or

- (b) *an interest in the imposition of any rate, charge or fee by the local government; or*
- (c) *an interest relating to a fee, reimbursement of an expense or an allowance to which section 5.98, 5.98A, 5.99, 5.99A, 5.100 or 5.101(2) refers...*

Local Government Act 1995

Part 6

Division 6 – Rates and service charges

6.33. Differential general rates

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

6.35. Minimum payment

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

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

6.36. Local government to give notice of certain rates

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

6.45. Options for payment of rates or service charges

- (1) A rate or service charge is ordinarily payable to a local government by a single payment but the person liable for the payment of a rate or service charge may elect to make that payment to a local government, subject to subsection (3), by —
 - (a) 4 equal or nearly equal instalments; or
 - (b) such other method of payment by instalments as is set forth in the local government's annual budget.
- (2) Where, during a financial year, a rate notice is given after a reassessment of rates under section 6.40 the person to whom the notice is given may pay the rate or service charge (a) by a single payment; or (b) by such instalments as are remaining under subsection (1)(a) or (b) for the remainder of that financial year.
- (3) A local government may impose an additional charge (including an amount by way of interest) where payment of a rate or service charge is made by instalments and that additional charge is, for the purpose of its recovery, taken to be a rate or service charge, as the case requires, that is due and payable.
- (4) Regulations may —
 - (a) provide for the manner of making an election to pay by instalments under subsection (1) or (2); and
 - (b) prescribe circumstances in which payments may or may not be made by instalments; and
 - (c) prohibit or regulate any matters relating to payments by instalments; and
 - (d) provide for the time when, and manner in which, instalments are to be paid; and
 - (e) prescribe the maximum amount (including the maximum interest component) which may be imposed under subsection (3) by way of an additional charge; and
 - (f) provide for any other matter relating to the payment of rates or service charges.

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

The following amendments were made to Section 6.45 of the *Local Government Act 1995* effective 8 May 2020 as follows:

Local Government (COVID-19 Response) Order 2020 SL 2020/57

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 the 2020/21 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.*

Further amendments were made to Section 6.45 of the Local Government Act 1995 effective 1 June 2021:

Local Government (COVID-19 Response) Amendment Order 2021 SL 2021/66

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

section 6.45 -

- (a) *the 2020/21 financial year; or*
- (b) *the 2021/22 financial year.*

6.47. Concessions

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

** Absolute majority required.*

6.51. Accrual of interest on overdue rates or service charges

- (1) *A local government may at the time of imposing a rate or service charge resolve* to impose interest (at the rate set in its annual budget) on —*
 - (a) *a rate or service charge (or any instalment of a rate or service charge); and*
 - (b) *any costs of proceedings to recover any such charge, that remains unpaid after becoming due and payable.*

** Absolute majority required.*
- (2) *The rate of interest that may be set by the local government under this section is not to exceed the rate for the time being prescribed as the maximum rate of interest that may be set for the purposes of this section.*
- (3) *Accrued interest is, for the purpose of its recovery, taken to be a rate or service charge, as the case requires, that is due and payable.*
- (4) *If a person is entitled under the Rates and Charges (Rebates and Deferments) Act 1992 or under this Act (if the local government in a particular case so resolves) to a rebate or deferment in respect of a rate or service charge —*
 - (a) *no interest is to accrue in respect of that rate or service charge payable by that person; and*
 - (b) *no additional charge is to be imposed under section 6.45(3) on that person.*

The following amendments were made to Section 6.51 of the *Local Government Act 1995* effective 8 May 2020 as follows:

Local Government (COVID-19 Response) Order 2020 SL 2020/57

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 the 2020/21 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 is not to exceed 8%.
- (4) Subclause (3) applies despite the Local Government (Financial Management) Regulations 1996 regulation 70.

Local Government (COVID-19 Response) Amendment Order 2021 SL 2021/66

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

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%.

Local Government (Financial Management) Regulations 1996

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

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

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

POLICY IMPLICATIONS

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

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

FINANCIAL IMPLICATIONS

The differential general rates, minimum payments, and proposed concessions as per the rating model outlined below are expected to yield gross rate revenue of \$11,023,735. This is an increase of \$546,015 or 5.21% over the 2021/22 Budgeted revenue. The rate revenue

generated is based on a natural increase of 2.61%, and an average rate in the dollar increase of 1.65% across all Rate Categories, excluding UV Pastoral.

For the 2022/23 financial year, rates for the UV Pastoral rating category will be calculated based on the full property value as at 1 July 2020. This forms part of the original officer recommendation and subsequent Council Resolutions in 2020/21 and 2021/22 to phase in the 2020/21 property valuation increases over three years to allow leaseholders time to make cash-flow adjustments. The additional revenue generated for 2022/23 from the full application of the change in valuations will be approximately \$136,000.

STRATEGIC IMPLICATIONS

Strategic Community Plan 2017-2027

Focus Area 4: PERFORMANCE - Civic Leadership.

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

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

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

RISK IMPLICATIONS

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

Control: Implementation of LTFP and Annual Budget.

Policies updated in accordance with schedule and operational requirements.

COMMUNITY ENGAGEMENT

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

In accordance with legislative requirements a public notice of the proposed rates in the dollar was advertised for a period of 21 days seeking public submissions.

Public notification included the following:-

- Local public notice in the Kimberley Echo on 5 May 2022;
- Local public notice in the May 2022 issue of the Bastion Bulletin;
- A copy of the Notice to Impose Differential General Rates and Minimum Payments for 2022/23 placed on the Coles noticeboard on 2 May 2022;
- A copy of the Notice to Impose Differential General Rates and Minimum Payments for 2022/23 placed on the IGA noticeboard on 2 May 2022;
- A copy of the Notice to Impose Differential General Rates and Minimum Payments for 2022/23 placed on the Wyndham Post Office noticeboard on 2 May 2022;

- The Shire’s Facebook page and website on 2 May 2022;
- Media Release on 2 May 2022; and
- A copy of the Notice to Impose Differential General Rates and Minimum Payments for 2022/23, including Council Policy *CP/FIN-3200 Strategic Rating* placed on the Shire’s website, public notice boards at the Civic Centres and Libraries in both Kununurra and Wyndham on 2 May 2022.

COMMENTS

Submissions received

Four (4) Rates Submissions were received in relation to the advertised Proposed Differential Rates and Minimum Payments for 2022/23 prior to the closing time of 4.00pm, Friday 27 May 2022:

Submission No.	Date Received	Name	Summary of Submission
1	17 May 2021	McMahon Mining Title Services Pty Ltd	Submits that the proposed 1.65% RID increase results in a higher effective increase in rates on the basis that rents for prospecting licences and mining leases on which rating valuations are based have increased.
2	17 May 2021	M. Middap	Submits that the proposed 24% increase in the Minimum Payment from \$1,123 to \$1,400 is unjustified.
3	26 May 2022	C Longson	Submits that the proposed 24% increase in the Minimum Payment from \$1,123 to \$1,400 is an “Outrageous Imposition”
4	26 May 2022	M Northover	Submits that the proposed 24% increase in the Minimum Payment from \$1,123 to \$1,400 does not underpin the equity principle and is counter-productive to encouraging development in the Shire.

Copies of all submissions received are included in Confidential Attachment 2 to this report.

Rate setting process

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

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

In determining the rate yield (amount of rates collected) “natural growth” is one of the first components considered. It is determined by applying the prior year rate in the dollar to the rates base as amended before any general revaluation is factored in and as such incorporates any increase in the number of properties (growth) and increases in valuations that have occurred during the year (increase). The Shire has had natural growth of 2.61%

for the 2021/22 year to date, which includes a 1.3% increase from the UV Pastoral rating Category due to no concessions being applied.

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

Determining a proposed rate in the dollar

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

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

Consumer Price Index

A significant factor in setting the rate in the dollar is deciding what increment to implement. Traditionally this has been determined with reference to the Consumer Price Index (CPI). This index is not a good measure of the change in the cost of doing business for local government. The CPI is an index determined by the Australian Bureau of Statistics that is the rate of change in prices on a 'basket of goods' measured on a quarterly basis. This basket of goods does not generally reflect the components of costs that the Shire incur in delivering our services. This index does however provide an indication of the impact of rising prices on household income and the state of the economy in broad terms. The Perth CPI increase for the 12 months to March was 7.6%.

Local Government Cost Index

A more accurate measure of the Shire's cost profile is the Local Government Cost Index (LGCI). This index is based on the 'bundle of goods' relating to local government incorporating ten cost components which provide an accurate indicator of cost movements affecting local governments. The LGCI therefore provides an indication of those changes in costs that relate more closely to the function of local government. The Shire utilises the LGCI forecasts in the WALGA Local Government Economic Briefings. The March 2022 Briefing forecasts a full year increase for 2021/22 of 5.7% with the biggest increases occurring in Non-residential building (11.7%), Non-road infrastructure (11.1%), and Road and bridge construction (8.9%). The forecast increases for 2022/23 and 2023/24 are 2.5% and 2.2% respectively.

Other Factors

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

Budget Efficiencies

The increasing cost of maintaining Shire infrastructure and providing services without a corresponding increase in rates revenue over several years has required Shire officers, as part of the annual budget process, to critically evaluate the expenditure estimates for efficiencies and possible savings, and to prioritise expenditure. The process of identifying efficiency gains is ongoing and Shire officers continue to seek to provide better value for money for the rates the community pays. The current economic environment and rapidly increasing costs makes this even more important and officers have worked diligently to ensure that the 2022/23 budget when finalised will reflect efficiency gains that have been identified which include:

- Capping CPI salary increases at 2%.
- Reviewing all staff positions when they become vacant to ensure they still meet operational and service delivery requirements.
- Reviewing the condition and replacement cost of all assets to ensure accurate asset management planning occurs, that replacements are prioritised according to need, and that depreciation expenses are accurately calculated.
- Identifying works that can be undertaken in house and revising works programs accordingly, including acquiring plant to self perform works previously contracted out.
- Reviewing customer service processes and systems to ensure that services are provided in the most efficient and effective manner thereby reducing costs.
- Reviewing procurement policies and processes to ensure that goods and services procured continue to provide the best value for money possible for the community
- Using local suppliers where possible to reduce mobilisation and freight costs.

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

Rating Models

Shire Officers undertook modelling using various rates. The model shown below is one with a rate increase of 1.65% on all rate categories, excluding UV Pastoral, and a minimum payment of \$1,400 on all rate categories, excluding UV Mining Exploration and Prospecting for which the minimum payment is \$390. This provides additional funds to maintain current

service levels but will still require the Shire to examine its cost structure to ensure that it is efficient in the delivery of its services. A 5.21% revenue increase will again be below the anticipated 5.7% increase to the cost of delivering Shire services. The UV Pastoral rate category has been excluded from the 1.65% Rate in the Dollar increase as this category is already subject to additional increases in rates (between 3% - 171%) due to the 2020/21 revaluations.

The table below is an excerpt of the rating model which reflects the average weekly increase of a 1.65% increase in the rate in the dollar (excluding UV Pastoral) and a \$1,400 Minimum Payment (excluding UV Mining Exploration and Prospecting). The full model demonstrating these increases is provided in Attachment 3. The full model shows that natural growth will result in a 2.61% increase in total rate revenue (1.31% excluding UV Pastoral) and that a 1.65% increase in the rate in the dollar will result in an additional 2.54% increase in total rate revenue. This is a total increase in rate yield of 5.21% against the 2021/22 budget.

Differential Rating Category	Proposed Rates Revenue 2022/23 \$	Average Rates Payable 2022/23 \$	Average weekly increase/decrease compared to 2021/22 \$
GRV - Residential	4,903,190	2,866	1.17
GRV - Other Vacant	200,920	1,660	4.64
GRV - Commercial	1,947,529	10,196	5.51
GRV - Industrial	1,072,301	6,024	2.18
GRV - Rural Residential	43,452	1,671	1.43
UV - Rural Residential	436,751	2,195	3.83
UV - Pastoral	557,075	26,527	124.88
UV - Commercial/ Industrial	121,756	1,791	1.09
UV - Agriculture	725,540	9,069	2.99
UV - Horticulture	285,002	3,065	1.53
UV - Mining	590,510	9,085	16.80
UV - Mining Exploration and Prospecting	78,954	1,794	2.22
UV - Other	60,755	12,151	5.33
TOTALS	11,023,735		

Impact of the 2022 UV Valuation Roll

All properties valued on an Unimproved Valuation basis are revalued annually by the Valuer General's Office (VGO). These revaluations are usually conducted in August each year with

the new valuations taking effect from 1 July of the following year. Council usually adopts the rate in the dollar for advertising in March or April each year prior to the new valuation roll being received. In May the new valuations are incorporated into the final rate model for adoption by Council with the annual budget in June. Any changes to the rate in the dollar required to ensure the budgeted yield from each rating category is maintained are generally minor and are implemented following the public submission period.

The 2022 UV and UV Mining Valuation rolls were received from the VGO on 27 May 2022 and have been incorporated into the updated model provided in Attachment 3. No changes to the Rate in the Dollar have been made from those that were advertised.

Rate Concessions:

In the 2020/21 and 2021/22 financial years, Council resolved to grant concessions to the UV Pastoral rating category so as to ease the impact of the 1 July 2020 valuation increases. Shire officers will not be recommending any Rate concessions for the 2022/23 financial year.

Summary

The rating model outlined above and in Attachment 3 considers a range of factors in determining the rate in the dollar. The revenue that the proposed rate in the dollar would raise will be sufficient for the Shire to meet its statutory obligations and maintain Shire services at current service levels. Shire Officers further consider that an average rate increase of 1.65% is consistent and reasonable in the circumstances.

ATTACHMENTS

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

Confidential Attachment 2 - Rates Submissions (provided under separate cover)

Attachment 3 - Rating Model 2022/23

12.5. INFRASTRUCTURE

12.5.1. Main Roads Department, construction of truck stop bay, Ivanhoe Road, Kununurra

DATE:	31 May 2022
AUTHOR:	Manager of Assets and Engineering
RESPONSIBLE OFFICER:	Chief Executive Officer
FILE NO:	RD. 07.21
DISCLOSURE OF INTERESTS:	Nil
COUNCIL'S ROLE IN THE MATTER:	Advocator - advocate and support initiatives on behalf of the community
VOTING REQUIREMENT	Simple Majority

OFFICER'S RECOMMENDATION

That Council resolves to provide in principle support to Main Roads Department Western Australia, to reconstruct and seal the existing truck bay on Ivanhoe Road Kununurra, subject to:

- 1. Approvals by other agencies required for this construction are obtained;**
- 2. There being no reduction in service to existing drainage through that location;**
- 3. The Shire not incurring any cost for project construction, and**
- 4. Final design, whole of life costs and future maintenance program, to be submitted to the Shire prior to consideration of final acceptance.**

PURPOSE

For Council to consider and provide in principle support for the reconstruction of the Truckstop on Ivanhoe Road, Kununurra, by Main Roads Department Western Australia.

BACKGROUND/ PREVIOUS CONSIDERATIONS BY COUNCIL/ COMMITTEE

Nil.

STATUTORY IMPLICATIONS

Part 3 - Functions of local governments, 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 - 3659 Asset Management

STRATEGIC IMPLICATIONS

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

Focus Area 2: PLACE - Enhancing the environment

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

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

Shire Project: 207 - Road Upgrade and Creation Program

Service Area: Asset Management and Capital Works - Property and Facilities Management

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: Seek the appetite of Council to proceed with this project.

FINANCIAL IMPLICATIONS

Initial construction is at no cost to Council. The design will need to consider whole of life costs, to be provided by Main Roads Department, for consideration by Council on final submission of design or acceptance of project.

COMMUNITY ENGAGEMENT

No community engagement is required by the Shire. Community engagement is the responsibility of Main Roads WA for this project.

COMMENTS

The administration of the Shire of Wyndham East Kimberley has been approached by Main Roads Department Western Australia (MRD) representatives, seeking support for the reconstruction of the existing truck stop on Ivanhoe Road, Kununurra (please see attachment, MRD Truckstop).

Mr Shariful Islam, Project Manager Development at MRD, is currently progressing this project through MRD grant funding, to provide respite for long haul operators, and provision of a break down area for large vehicles. The design requires use of Road Reserve, Ivanhoe Road over the existing gravel truck stop area, and expansion into adjacent Lot 596, being Reserve 38106, Reserve for public purposes, to the State of Western Australia. Reserve

38106 currently contains the Ivanhoe Drain, that discharges stormwater from the adjacent industrial area, North to South. MRD will be required to seek approval of the State of Western Australia for this use.

The proposed concept will require realignment of the Ivanhoe Drain, reconstruction and seal of the existing bay. A request has also been made to provide security lighting to that location as part of the design.

Mr Shariful has indicated that the truck bay forms part of a longer term plan by MRD, to develop the Kununurra townsite bypass, which may run along the future Mills Road alignment.

It is noted that the existing location appears to be used for storage of dollies and trailers, or that those items have been abandoned at that location. It is likely (although not certain) that there may be a future requirement to ensure that the area is fully utilised for a truck rest area only, and parking restrictions *may* need to be developed by the Shire to prohibit temporary or long term storage of private use equipment, other than for the purpose of temporary breakdown to service the townsite or surrounds, or as a temporary rest area for long haul operators. Early advice from Council on this use would be appreciated.

As the proposal will improve service to the location, generally improve ascetic appeal at that location and may provide increased revenue to service provision businesses in our townsite, it is believed that this project will provide benefit to the Kununurra Townsite.

As the project is only in concept stage, relevant approval will need to be sighted by the administration, and clarification will be to be provided on final ownership of the asset, maintenance period and whole of life costs pertaining to that final construction.

ATTACHMENTS

Attachment 1 Ivanhoe RTAA concept - Layout 1

Attachment 2 MRD Truckstop

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. EXERCISE OF POWER OF SALE FOR RECOVERY OF OUTSTANDING RATES

DATE:	31 May 2022
AUTHOR:	Rates Officer
RESPONSIBLE OFFICER:	Felicity Heading, Director Corporate Services
FILE NO:	FM.11.168, A142D, A195D, A2072D, A402D, A476D
DISCLOSURE OF INTERESTS:	Nil
COUNCIL'S ROLE IN THE MATTER:	Funder - provide funds or other resources Leader - plan and provide direction through policy and practices
VOTING REQUIREMENT:	Absolute Majority

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

5.23. Meetings generally open to public

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

- (a) *a matter affecting an employee or employees; and*
- (b) *the personal affairs of any person; and*
- (c) *a contract entered into, or which may be entered into, by the local government and which relates to a matter to be discussed at the meeting; and*
- (d) *legal advice obtained, or which may be obtained, by the local government and which relates to a matter to be discussed at the meeting; and*
- (e) *a matter that if disclosed, would reveal —*
 - (i) *a trade secret; or*
 - (ii) *information that has a commercial value to a person; or*
 - (iii) *information about the business, professional, commercial or financial affairs of a person, where the trade secret or information is held by, or is about, a person other than the local government; and*
- (f) *a matter that if disclosed, could be reasonably expected to —*
 - (i) *impair the effectiveness of any lawful method or procedure for preventing, detecting, investigating or dealing with any contravention or possible contravention of the law; or*

- (ii) *endanger the security of the local government's property; or*
 - (iii) *prejudice the maintenance or enforcement of a lawful measure for protecting public safety; and*
 - (g) *information which is the subject of a direction given under section 23(1a) of the Parliamentary Commissioner Act 1971; and*
 - (h) *such other matters as may be prescribed.*
 - (3) *A decision to close a meeting or part of a meeting and the reason for the decision are to be recorded in the minutes of the meeting.*

PURPOSE

For Council to consider exercising a power of sale under Part 6 Subdivision 6 of the *Local Government Act 1995* in relation to Rates Assessment numbers A142, A195, A2072, A402, A476 for the recovery of outstanding rates, service charges, interest, and legal costs.

16.2. QUOTATION AWARD FOR RFQ03-20/21 MANAGED ICT SERVICES

DATE:	31 May 2022
AUTHOR:	Senior Procurement and Contracts Officer
RESPONSIBLE OFFICER:	Director Corporate Services
ASSESSMENT NO:	N/A
FILE NO:	CM.16.429
DISCLOSURE OF INTERESTS:	Nil
COUNCIL'S ROLE IN THE MATTER:	Provider - provide physical infrastructure and essential services
VOTING REQUIREMENT	Simple Majority

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

5.23. Meetings generally open to public

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

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

- (h) *such other matters as may be prescribed.*
- (3) *A decision to close a meeting or part of a meeting and the reason for the decision are to be recorded in the minutes of the meeting.*

PURPOSE

For Council to consider the recommendation in the confidential Evaluation Report for RFQ03-21/22 Managed ICT Services, and for Council to authorise the Chief Executive Officer to negotiate and sign a contract with the preferred respondent, or where a contract cannot be executed with the preferred respondent, to negotiate a contract with the second or third preferred respondent.

The value of the purchase exceeds \$500,000 therefore the award of a Contract cannot be approved by the Chief Executive Officer under Delegation 7.

**16.3. DISPOSAL OF LAND (LEASE) - LOT 509 MILLINGTON DRIVE,
KUNUNURRA**

DATE:	31 May 2022
AUTHOR:	Manager Planning and Regulatory Services
RESPONSIBLE OFFICER:	Nick Kearns, Director Planning and Community Development
FILE NO:	CP.07.10
DISCLOSURE OF INTERESTS:	Nil

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

5.23. Meetings generally open to public

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

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

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

VOTING REQUIREMENT

Simple Majority

PURPOSE

For Council to consider submission(s) received during the local public notice period advertising the proposed disposition of land (lease) over Lot 509 (on Deposited Plan 66529,) Millington Drive, Kununurra.

16.4. APPOINTMENT OF DIRECTOR INFRASTRUCTURE

DATE:	31 May 2022
AUTHOR:	Chief Executive Officer
RESPONSIBLE OFFICER:	Vernon Lawrence, Chief Executive Officer
FILE NO:	PL.21.93
DISCLOSURE OF INTERESTS:	Nil

5.23. Meetings generally open to public

(1) Subject to subsection (2), the following are to be open to members of the public —

- (a) all council meetings; and
- (b) all meetings of any committee to which a local government power or duty has been delegated.

(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

For Council to be informed of the Chief Executive Officer's intention to make an appointment to the vacant Director Infrastructure and Strategic Projects position.

17. CLOSURE