



SHIRE OF WYNDHAM | EAST KIMBERLEY

AGENDA ORDINARY COUNCIL

23 February 2021

DISCLAIMER

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

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

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

Signed on behalf of Council

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

VERNON LAWRENCE

ACTING 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.**

C O N T E N T S

| | |
|---|-----------|
| 1. DECLARATION OF OPENING / ANNOUNCEMENT OF VISITORS | 4 |
| 2. RECORD OF ATTENDANCE / APOLOGIES / LEAVE OF ABSENCE (PREVIOUSLY APPROVED) | 4 |
| 3. DECLARATION OF INTEREST | 4 |
| 4. RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE | 4 |
| 5. PUBLIC QUESTION TIME | 4 |
| 6. APPLICATIONS FOR LEAVE OF ABSENCE | 4 |
| 7. PETITIONS | 4 |
| 8. CONFIRMATION OF MINUTES | 4 |
| 9. ANNOUNCEMENTS BY THE PERSON PRESIDING WITHOUT DISCUSSION | 4 |
| 10. MATTERS FOR WHICH THE MEETING MAY BE CLOSED | 4 |
| 11. DEPUTATIONS / PRESENTATIONS / SUBMISSIONS | 4 |
| 12. REPORTS | 5 |
| 12.1. MATTERS ARISING FROM COMMITTEES OF COUNCIL | 5 |
| 12.1.1. Consideration of recommendations contained within the minutes of the Audit (Finance and Risk) Committee of 8 February 2021 | 5 |
| 12.2. CHIEF EXECUTIVE OFFICER | 9 |
| 12.2.1. Standing Item - Outstanding Actions from Previous Council Resolutions .. | 9 |
| 12.2.2. Standing Item - Use of the Common Seal | 11 |
| 12.2.3. Elected Member Continuing Professional Development Policy | 13 |
| 12.2.4. Annual General Meeting of Electors 2 February 2021 | 17 |
| 12.3. PLANNING AND COMMUNITY DEVELOPMENT | 22 |
| 12.3.1. Quarterly Progress and Performance Report (Q2) | 22 |
| 12.3.2. Temporary Caravan Park Licence - Taylor's Carnival | 29 |
| 12.3.3. Renewal of Caravan Parks and Camping Grounds Licences | 33 |
| 12.4. CORPORATE SERVICES | 37 |
| 12.4.1. Interim Monthly Financial Reports December 2020 and January 2021 | 37 |
| 12.4.2. Budget Adjustments 2020/21 - Carry Overs from 2019/20 | 40 |
| 12.4.3. 2020/21 Mid Year Budget Review | 48 |
| 12.4.4. Review of Waiver of Aircraft Landing Fees | 57 |
| 12.4.5. List of Accounts Paid From Municipal Fund and Trust Fund | 62 |
| 12.4.6. Building Better Regions Funding Applications | 65 |
| 12.5. INFRASTRUCTURE | 71 |
| 13. MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN | 71 |
| 14. QUESTIONS BY MEMBERS OF WHICH DUE NOTICE HAS BEEN GIVEN | 71 |
| 15. URGENT BUSINESS APPROVED BY THE PERSON PRESIDING OR BY DECISION | 71 |
| 16. MATTERS BEHIND CLOSED DOORS | 71 |
| 16.1. EXPRESSION OF INTEREST EO101-20/21: KUNUNURRA WATER PLAYGROUND, DESIGN AND CONSTRUCT | 71 |
| 17. CLOSURE | 73 |

**SHIRE OF WYNDHAM EAST KIMBERLEY
ORDINARY COUNCIL MEETING AGENDA
WYNDHAM COUNCIL CHAMBERS
TO BE HELD ON Tuesday 23 February 2021 AT 5:00PM**

1. DECLARATION OF OPENING / ANNOUNCEMENT OF VISITORS

**2. RECORD OF ATTENDANCE / APOLOGIES / LEAVE OF ABSENCE
(PREVIOUSLY APPROVED)**

3. DECLARATION OF INTEREST

- Financial Interest
- Impartiality Interest
- Proximity Interest

4. RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

Nil

5. PUBLIC QUESTION TIME

6. APPLICATIONS FOR LEAVE OF ABSENCE

7. PETITIONS

8. CONFIRMATION OF MINUTES

OFFICER'S RECOMMENDATION

| |
|--|
| <p>That Council confirms the Minutes of the Ordinary Council Meeting held on 15 December 2020</p> |
|--|

Note: The Minutes of the Ordinary Council Meeting held on 15 December 2020 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

12.1.1. Consideration of recommendations contained within the minutes of the Audit (Finance and Risk) Committee of 8 February 2021

| | |
|---------------------------------|--|
| DATE: | 23 February 2021 |
| AUTHOR: | Director Corporate Services |
| RESPONSIBLE OFFICER: | Vernon Lawrence, Chief Executive Officer |
| ASSESSMENT NO: | Various - As Detailed in the Minutes of 8 February 2021 Audit (Finance and Risk) Committee meeting |
| FILE NO: | Various - As Detailed in the Minutes of 8 February 2021 Audit (Finance and Risk) Committee meeting |
| DISCLOSURE OF INTERESTS: | Nil |

VOTING REQUIREMENT

Simple Majority

COMMITTEE RECOMMENDATION 1

That Council, with reference to Item 7.1 “*Standing Item - Rates Debtors*” as detailed in the 8 February 2021 Audit (Finance and Risk) Committee Agenda/Minutes, accept the report that the actions being undertaken by the administration in regard to rates debtors including rates debts in legal process are sufficient and appropriate.

VOTING REQUIREMENT

Simple Majority

COMMITTEE RECOMMENDATION 2

That Council, with reference to Item 7.2 “*Standing Item - Sundry Debtors*” as detailed in the 8 February 2021 Audit (Finance and Risk) Committee Agenda/Minutes, accept the report that the actions being undertaken by the

administration in regard to sundry debtors including sundry debts in legal process are sufficient and appropriate.

VOTING REQUIREMENT

Simple Majority

COMMITTEE RECOMMENDATION 3

That Council, with reference to Item 7.3 “*Standing Item - Insurance Claims*” as detailed in the 8 February 2021 Audit (Finance and Risk) Committee Agenda/Minutes, note the Insurance Claims Report and associated attachments attached to the Agenda/Minutes of the 8 February 2021 Audit (Finance and Risk) Committee meeting.

VOTING REQUIREMENT

Simple Majority

COMMITTEE RECOMMENDATION 4

That Council, with reference to Item 7.4 “*Standing Item - Leases*” as detailed in the 8 February 2021 Audit (Finance and Risk) Committee Agenda/Minutes, note the Confidential Lease Schedule and the New and Renewal Lease Schedule attached to the Agenda/Minutes of the 8 February 2021 Audit (Finance and Risk) Committee Meeting.

VOTING REQUIREMENT

Simple Majority

COMMITTEE RECOMMENDATION 5

That Council, with reference to Item 7.5 “Compliance Audit Return 2020” as detailed in the 8 February 2021 Audit (Finance and Risk) Committee Agenda/Minutes and associated attachments:

- 1. Note the 2020 Compliance Audit Return has been completed;**
- 2. Authorise the Shire President and the CEO to certify the 2020 Compliance Audit Return; and**
- 3. Authorise the Chief Executive Officer to submit the 2020 Compliance Audit Return to the Department of Local Government by 31 March 2021.**

VOTING REQUIREMENT

Simple Majority

COMMITTEE RECOMMENDATION 6

That Council, with reference to Item 7.6 “Audit (Finance and Risk) Committee Terms of Reference Review” as detailed in the 8 February 2021 Audit (Finance and Risk) Committee Agenda/Minutes and associated attachments:

- 1. Adopt the reviewed Audit (Finance and Risk) Committee Terms of Reference; and**
- 2. Notes that the Shire’s annual financial audit will be conducted by the Office of the Auditor General commencing from the 2020/21 financial year.**

PURPOSE

To consider the recommendations from the Audit (Finance and Risk) Committee made at its meeting held on 8 February 2021.

NATURE OF COUNCIL’S ROLE IN THE MATTER

Leader - Plan and provide direction through policy and practices

Regulator - Responsible for the enforcement of statutory requirements

BACKGROUND/ PREVIOUS CONSIDERATIONS BY COUNCIL/ COMMITTEE

The background and details supporting the recommendations are contained in the Audit (Finance and Risk) Committee meeting minutes of 8 February 2021.

STATUTORY IMPLICATIONS

Various - detailed within the Minutes of the 8 February 2021 Audit (Finance and Risk) Committee meeting and confidential attachments to the Agenda/Minutes.

POLICY IMPLICATIONS

Various - detailed within the Minutes of the 8 February 2021 Audit (Finance and Risk) Committee meeting and confidential attachments to the Agenda/Minutes.

FINANCIAL IMPLICATIONS

Various - detailed within the Minutes of the 8 February 2021 Audit (Finance and Risk) Committee meeting and confidential attachments to the Agenda/Minutes.

STRATEGIC IMPLICATIONS

Strategic Community Plan 2017-2027

Focus Area 4: PERFORMANCE - Civic Leadership

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

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

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

Various - detailed within the Minutes of the 8 February 2021 Audit (Finance and Risk) Committee meeting and confidential attachments to the Agenda/Minutes.

COMMUNITY ENGAGEMENT

Various - detailed within the Minutes of the 8 February 2021 Audit (Finance and Risk) Committee meeting and confidential attachments to the Agenda/Minutes.

COMMENTS

Various - detailed within the Minutes of the 8 February 2021 Audit (Finance and Risk) Committee meeting and confidential attachments to the Agenda/Minutes.

ATTACHMENTS

Nil

12.2. CHIEF EXECUTIVE OFFICER

12.2.1. Standing Item - Outstanding Actions from Previous Council Resolutions

| | |
|---------------------------------|--|
| DATE: | 23 February 2021 |
| AUTHOR: | Executive Officer to the CEO |
| RESPONSIBLE OFFICER: | Vernon Lawrence, Chief Executive Officer |
| DISCLOSURE OF INTERESTS: | Nil |

VOTING REQUIREMENT

Simple Majority

OFFICER'S RECOMMENDATION

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

PURPOSE

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

NATURE OF COUNCIL'S ROLE IN THE MATTER

Leader - plan and provide direction through policy and practices

BACKGROUND/ PREVIOUS CONSIDERATIONS BY COUNCIL/ COMMITTEE

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

STATUTORY IMPLICATIONS

NIL

POLICY IMPLICATIONS

NIL

FINANCIAL IMPLICATIONS

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

STRATEGIC IMPLICATIONS

Strategic Community Plan 2017-2027

Focus Area 4: Civic Leadership

Goal 4.2: Good decision making through engagement with the community

Strategy 4.2.2: Ensure community input informs planning and decision making

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

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

RISK IMPLICATIONS

NIL

COMMUNITY ENGAGEMENT

No community engagement is required.

COMMENTS

An update of actions from the December 2020 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 - December 2020

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

12.2.2. Standing Item - Use of the Common Seal

| | |
|---------------------------------|--|
| DATE: | 23 February 2021 |
| AUTHOR: | Executive Officer to the CEO |
| RESPONSIBLE OFFICER: | Vernon Lawrence, Chief Executive Officer |
| DISCLOSURE OF INTERESTS: | NIL |

VOTING REQUIREMENT

Simple Majority

OFFICER'S RECOMMENDATION

That Council receives the report on the application of the Shire of Wyndham East Kimberley Common Seal for the period 27 October 2020 to 22 February 2021.

PURPOSE

For Council to receive this report on the application of the Shire of East Kimberley Common Seal for the period 27 October 2020 to 22 February 2021.

NATURE OF COUNCIL'S ROLE IN THE MATTER

Regulator - enforce state legislation and local laws

STATUTORY IMPLICATIONS

Local Government Act 1995

9.49A. Execution of documents

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

- (4) A local government may, by resolution, authorise the chief executive officer, another employee or an agent of the local government to sign documents on behalf of the local government, either generally or subject to conditions or restrictions specified in the authorisation.
- (5) A document executed by a person under an authority under subsection (4) is not to be regarded as a deed unless the person executes it as a deed and is permitted to do so by the authorisation.
- (6) A document purporting to be executed in accordance with this section is to be presumed to be duly executed unless the contrary is shown.
- (7) When a document is produced bearing a seal purporting to be the common seal of the local government, it is to be presumed that the seal is the common seal of the local government unless the contrary is shown.

POLICY IMPLICATIONS

NIL

FINANCIAL IMPLICATIONS

NIL

STRATEGIC IMPLICATIONS

Strategic Community Plan 2017-2027

Focus Area 4: Civic Leadership

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

RISK IMPLICATIONS

NIL

COMMUNITY ENGAGEMENT

No community engagement is required.

COMMENTS

There were 3 documents for the time period of 27 October 2020 to 22 February 2021 with the Shire of Wyndham East Kimberley Common Seal applied as per the table below:

| Date of Use | Document |
|--------------------|--|
| 07/12/2020 | Grant Agreement for Local Roads & Community Infrastructure |
| 07/12/2020 | Kununurra Shared Path - WA Regional Bike Network Programme 2020-21 project funding agreement |
| 18/01/2021 | Grant Agreement for Water Park |

ATTACHMENTS

NIL

12.2.3. Elected Member Continuing Professional Development Policy

| | |
|---------------------------------|-------------------------|
| DATE: | 23 February 2020 |
| AUTHOR: | Chief Executive Officer |
| RESPONSIBLE OFFICER: | Vernon Lawrence, CEO |
| DISCLOSURE OF INTERESTS: | NIL |

VOTING REQUIREMENT

Absolute Majority

OFFICER'S RECOMMENDATION

That

1. Council adopts the Council Policy CNC 3144 - Elected Member Continuing Professional Development.
2. Council authorises the CEO to publish CNC 3144 - Elected Member Continuing Professional Development on the Shire website.

PURPOSE

To ensure that Elected Members of the Shire of Wyndham East Kimberley meet and comply with the prescribed professional development requirements under the Local Government Act 1995, and to further encourage participation in other conferences and training specifically designed to enhance skills and knowledge relating to roles and responsibilities, as an Elected Member of the Shire of Shire of Wyndham East Kimberley.

NATURE OF COUNCIL'S ROLE IN THE MATTER

Leader - plan and provide direction through policy and practices.

Regulator - enforce state legislation and local laws.

BACKGROUND/ PREVIOUS CONSIDERATIONS BY COUNCIL/ COMMITTEE

This is a compliance matter that was an amendment to the Local Government Act 1995. The Local Government Legislation Amendment Act 2019 inserted Division 10 - Training and Development which deals with training for council members. It requires all Councillors to complete training in accordance with the regulations, that the CEO report on that training

and the local government prepare and adopt a policy in relation to the continuing professional development of council members by absolute majority.

There are no previous Council Decisions relating to this matter.

STATUTORY IMPLICATIONS

Division 10 — Training and development

5.126. Training for council members

- (1) *Each council member must complete training in accordance with regulations.*
- (2) *Regulations may —*
 - (a) *prescribe a course of training; and*
 - (b) *prescribe the period within which training must be completed; and*
 - (c) *prescribe circumstances in which a council member is exempt from the requirement in subsection (1); and*
 - (d) *provide that contravention of subsection (1) is an offence and prescribe a fine not exceeding \$5 000 for the offence.*

5.127. Report on training

- (1) *A local government must prepare a report for each financial year on the training completed by council members in the financial year.*
- (2) *The CEO must publish the report on the local government's official website within 1 month after the end of the financial year to which the report relates.*

5.128. Policy for continuing professional development

- (1) *A local government must prepare and adopt* a policy in relation to the continuing professional development of council members.*

** Absolute majority required.*

- (2) *A local government may amend* the policy.*

** Absolute majority required.*

- (3) *When preparing the policy or an amendment to the policy, the local government must comply with any prescribed requirements relating to the form or content of a policy under this section.*

- (4) *The CEO must publish an up-to-date version of the policy on the local government's official website.*
- (5) *A local government —*
 - (a) *must review the policy after each ordinary election; and*
 - (b) *may review the policy at any other time.*

POLICY IMPLICATIONS

NIL

FINANCIAL IMPLICATIONS

None associated with this report.

STRATEGIC IMPLICATIONS

Strategic Community Plan 2017-2027

Focus Area 4: PERFORMANCE - Civic Leadership

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

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

Strategy 4.3.3: Build internal capacity by attracting, developing and retaining the best people.

RISK IMPLICATIONS

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

Control: Review of Council Policies in line with Council Policy Management Policy and legislative requirements.

COMMUNITY ENGAGEMENT

No community engagement is required.

COMMENTS

As stated above this is a compliance matter. The Policy deals with the requirements of the legislation as well as setting out what is current practice for the Shire is with regard to professional development, eligible training events, budget allocations, permissible expenses, the procedure for approval to attend events and reporting requirements for the Shire.

The review dates for the Policy is every two years after local government elections or at such time the legislation changes that requires a change to the Policy..

ATTACHMENTS

Attachment 1 - CNC 3144 Elected Member Continuing Professional Development Policy

12.2.4. Annual General Meeting of Electors 2 February 2021

| | |
|---------------------------------|--|
| DATE: | 23 February 2021 |
| AUTHOR: | Chief Executive Officer |
| RESPONSIBLE OFFICER: | Vernon Lawrence, Chief Executive Officer |
| FILE NO: | CM.13.9 |
| DISCLOSURE OF INTERESTS: | N/a |

VOTING REQUIREMENT

Simple Majority

OFFICER'S RECOMMENDATION - Electors' Motion 1

That Council endorse the Chief Executive Officer to publish on the Shire website and the Shire social media page, the program of works to rectify the pothole damage to the Shire's road network and the planned road renewal works that will take place during the 2021 calendar year.

VOTING REQUIREMENT

Simple Majority

OFFICER'S RECOMMENDATION - Electors' Motion 2

That Council write to the Minister for Racing and Gaming to request that the existing regulations be amended to reinstate the 72 hour permit and to have a tourism exemption.

VOTING REQUIREMENT

Simple Majority

OFFICER'S RECOMMENDATION - Electors' Motion 3

That Council endorse that a statement be placed on the website explaining that the current asset management plan is being redrafted and will be replaced on completion.

PURPOSE

To present for Council consideration the motions carried at the Annual General Electors' Meeting held on 2 February 2021.

Council is only required to make a decision in response to a motion made at an electors' meeting, if it is moved, seconded, put to the vote and carried by a majority of Electors.

NATURE OF COUNCIL'S ROLE IN THE MATTER

Leader - plan and provide direction through policy and practices

BACKGROUND/ PREVIOUS CONSIDERATIONS BY COUNCIL/ COMMITTEE

A number of questions and motions were presented at the meeting with three (3) motions being voted on by the electors present, of which all were carried.

STATUTORY IMPLICATIONS

5.32. Minutes of electors' meetings

The CEO is to —

(a) cause minutes of the proceedings at an electors' meeting to be kept and preserved; and

(b) ensure that copies of the minutes are made available for inspection by members of the public before the council meeting at which decisions made at

the

electors' meeting are first considered.

5.33. Decisions made at electors' meetings

(1) All decisions made at an electors' meeting are to be considered at the next ordinary council meeting or, if that is not practicable —

(a) at the first ordinary council meeting after that meeting; or

(b) at a special meeting called for that purpose, whichever happens first.

(2) If at a meeting of the council a local government makes a decision in response to a decision made at an electors' meeting, the reasons for the decision are to be recorded in the minutes of the council meeting

POLICY IMPLICATIONS

NIL

FINANCIAL IMPLICATIONS

Financial implications are contingent upon Council's consideration of the motions as presented.

STRATEGIC IMPLICATIONS

Strategic Community Plan 2017-2027

Focus Area 4: Civic Leadership

Goal 4.2: Good decision making through engagement with the community

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

Strategy 4.2.2: Ensure community input informs planning and decision making

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

Strategy 4.3.1: Be adaptive, responsive with a strong customer focus

RISK IMPLICATIONS

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

Control: The Shire uses risk management practices to ensure community expectations are prioritised and met.

Control: Consideration of relevant legislation, Council Policy and Organisational Directives and processes in drafting officer recommendations to Electors' motions.

COMMUNITY ENGAGEMENT

The Annual General Meeting of Electors was advertised on the Shire's website, Facebook page and local public notice and all electors were invited to attend. Three (3) Elected Members and four (4) community members plus a number of Shire staff were in attendance.

COMMENTS

Questions tabled and answered at the meeting will appear in the AGM Minutes and as part of the Ordinary Council Meeting Agenda for 23 February 2021. There were three (3) Elector Motions carried at the Annual General Meeting of Electors.

The motions are responded to individually below:

Elector Motion 1

Moved: M Northover

Seconded: S Rushby

Request the Shire recognise the state of the roads with regards to potholes and report back to the community on a program of works to both rectify the problem and maintain the roads in an acceptable condition.

Carried: 7/0

Officer's Comment on Motion provided by Director Infrastructure, Stuart Dyson.

The Shire understands the extent of the pothole difficulty on our road network and recognises that patching is only a temporary solution. The Shire is prioritising renewal works on the road network as set out in our asset management plan as a more effective long term solution. The Shire has implemented a resealing program that will be conducted during this calendar year that will address part of the problem. However, resealing programs are extensive projects and expensive and so will be rolled out over a number of financial years. This strategy should reduce the number and extent of potholes in future. In the meantime potholing activities have commenced now that the weather permits. Coupled with this Officers will also be engaging additional resources through the use of a jet patching truck which is capable of patching much quicker than manually filling holes.

Elector Motion 2

Moved: D Spackman

Seconded: L Heading

Move that the Shire to write to the Minister for Racing and Gaming to request that the existing regulations be amended to reinstate the 72 hour permit and to have a tourism exemption.

Carried: 7/0

Officer's Comment on Motion provided by Chief Executive Officer

Shire Officers consider that writing to the Minister for Racing and Gaming on behalf of the electors should be done on the basis that it is consistent with the position taken by the Kimberley Zone. Mr Spackman in addressing the meeting expressed his desire for the situation in the Shire to return to the position that existed prior to the emergency regulations being introduced as part of the Covid-19 response.

Elector Motion 3

Moved: S Rushby

Seconded: Cr M McKittrick

Move that the Shire place a statement on the website explaining that the asset management plan is being redrafted and will be replaced on completion.

Carried: 7/0

Officer's Comment on Motion provided by Chief Executive Officer

The Chief Executive Officer considers that a statement on the website explaining that the Asset Management Plan is being drafted and the nature and the extent of the work that is being carried out would inform the community of the important work that is being undertaken on the Shires infrastructure assets.

ATTACHMENTS

NIL

12.3. PLANNING AND COMMUNITY DEVELOPMENT

12.3.1. Quarterly Progress and Performance Report (Q2)

| | |
|---------------------------------|--|
| DATE: | 23 February 2021 |
| AUTHOR: | Senior Projects Officer |
| RESPONSIBLE OFFICER: | Nick Kearns, Director Planning and Community Development |
| FILE NO: | CM.10.13 |
| DISCLOSURE OF INTERESTS: | Nil |

VOTING REQUIREMENT

Absolute Majority

OFFICER'S RECOMMENDATION

That Council:

- 1. Endorses updates to the Corporate Business Plan Action #164 and #166 following a mid year review at Attachment 1.**
- 2. Receives the Quarterly Progress and Performance Report for October to December 2020 (Q2) at Attachment 2.**

PURPOSE

For Council to consider the modifications to the Corporate Business Plan Actions following a mid year review that included updates linked to the CEO key performance indicators.

Update actions:

- #166 - Include a task for ensuring ongoing risks from COVID-19 are monitored and mitigated
- #164 - Reword action to include undertaking an organisational structure review to further develop a customer focused corporate structure

For the Council to receive the October to December 2020 Quarterly Progress and Performance Report against the Corporate Business Plan.

NATURE OF COUNCIL'S ROLE IN THE MATTER

Leader - plan and provide direction through policy and practices

BACKGROUND/ PREVIOUS CONSIDERATIONS BY COUNCIL/ COMMITTEE

The Corporate Business Plan (CBP) is the 4-year strategic service and project delivery program for the Shire. It is aligned to the strategic direction and priorities set within the 10-year Strategic Community Plan.

The purpose of the CBP is to demonstrate the operational capacity of the Shire to achieve its aspirational outcomes and objectives over the medium-term and is reviewed annually to ensure priorities are achievable and effectively timed.

The current CBP was adopted by Council at the 28 July 2020 Ordinary Council Meeting (**Minute No: 118281**).

In addition to receiving the report for the second quarter, Officers have reviewed and made recommendations to make two minor changes to the Corporate Business Plan, which are relevant to the Governance and Corporate areas. They are:

- #164 - Review the appropriateness and effectiveness of Shire's systems and procedures and implement corrective actions
- #166 - Review and implement a Governance and Risk Management Framework

These changes are relevant to the mid-year review and are linked to the CEO key performance indicators and previous actions included in the document in light of the COVID-19 pandemic and are explained in the tables below:

| | |
|------------------|--|
| Action | 164 |
| Action Title | Review the appropriateness and effectiveness of Shire's systems and procedures and implement corrective actions |
| Sections changed | Action Description 2020/21 Annual Task |
| Change | Description updated to include regular reviews in order to determine how the organisation needs to improve and adapt in line with strategic plans and workforce planning processes or in response to key events (such as changes in community needs, funding, technology). Annual Task updated to include undertaking an organisational structure review that is a key performance indicator for the CEO. |
| New section text | <u>Description</u> Undertake regular reviews in order to determine how the organisation needs to improve and adapt in line with strategic plans and workforce planning processes or in response to key events (such as changes in community needs, funding, technology). Action includes organisational reviews and audits required under the Regulation 17 provisions. <u>2020/21 Annual Task</u> |

| | |
|--|---|
| | <ol style="list-style-type: none">1. Undertake organisational structure review;2. Implement recommendations from the Regulation 17 Review. |
|--|---|

| | |
|------------------|---|
| Action | 166 |
| Action Title | Review and implement a Governance and Risk Management Framework |
| Section changed | 2020/21 Annual Task |
| Change | Include a third task to ensure risks from COVID-19 are monitored and mitigated on a monthly and quarterly basis |
| New section text | 1. Annual review of risk management processes and systems; 2. Regularly report risk to Audit Committee; 3. Ensure risks from COVID-19 are monitored and mitigated |

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 and the achievement of the strategic goals set out in the Strategic Community Plan. Performance reporting assists with continuous improvement and the achievement of community outcomes and improvements to Shire services.

The report gives details of how the Shire is progressing as an organisation against the services that the Shire has committed to deliver to the community and tracks the utilisation of these services by the community. It also provides an update on projects that are being undertaken to enhance services.

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 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.

FINANCIAL IMPLICATIONS

The attached quarterly report includes a financial summary.

STRATEGIC IMPLICATIONS

Strategic Community Plan 2017-2027

Focus Area 1: Civic Leadership

Goal 4.2: Good decision making through engagement with the community

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

Strategy 4.2.3: 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 4.3.1: Be adaptive, responsive with a strong customer focus

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

Corporate Business Plan

CBP Action: #53 - Ensure compliance with the Integrated Planning and Reporting Framework

CBP Task: Provide quarterly CBP progress reports

RISK IMPLICATIONS

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 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.

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 made available on the Shire's website.
- Ongoing Council reports.
- Elected Members' Information Bulletin updates.
- Newsletters.
- Website updates.
- Media releases.

COMMENTS

Corporate Business Plan Updates

Although minor at this stage, the modifications recommended will ensure that this key strategic and operational document is as up to date and relevant as it can be at this point in the financial year, noting that a more comprehensive review, inclusive of community and stakeholder input will be undertaken to coincide with the Shire's budget setting. They reflect a desire to better fine-tune the organisation within the context of being more adaptive and responsive within a risk management framework, particularly as that has been impacted by the COVID-19 pandemic.

The changes to the two parts of the Corporate Business Plan are at Attachment 1. *These are in the format of the Corporate Business Plan.*

Quarterly Progress and Performance Report

The Quarterly Progress and Performance Report is generated from the Shire's integrated planning and reporting process. It is a guide to future refinements to the Shire's Corporate Business Plan (CBP), particularly with respect to the first year priorities and actions and is proposed to be further refined to better monitor performance against core service delivery. It is considered that these refinements to the reporting will also be a useful resource for the Chief Executive Officer in reviewing operational performance and organisational structure and complements agreed KPI's and for Councillors to more accurately see how the organisation, as a whole, is performing.

A summary of progress on actions by quarter is provided in the tables below. They show that Officers

A summary of progress on actions by quarter is provided in the tables below. They show that Officers have indicated over 92% of actions have been started (and in progress), which is expected at the beginning of the financial year and also is reflective of a high number of actions on time and on budget.

| Action status by Quarter | Q1 | Q2 | Q3 | Q4 |
|------------------------------------|-----|------|----|----|
| Percentage on time (as reported) | 97% | 90% | | |
| Percentage on budget (as reported) | 98% | 100% | | |
| Complete | 3% | 3% | | |
| Not started | 9% | 5% | | |
| In progress | 88% | 92% | | |
| On hold | 0% | 0% | | |
| Deferred | 0% | 0% | | |

Progress of CBP actions against the Strategic Community Plan 2017-2027 within the quarter is summarised in the table below:

| Strategic Community Plan 2017-2027 Focus Areas | Actions completed | Actions in progress | Actions not started, on hold or deferred |
|--|-------------------|---------------------|--|
| 1 Healthy vibrant active communities (People) <i>Improving liveability through social and recreational opportunities, a range of inclusive community services and activities, and valuing our diversity.</i> | 0 | 9 | 0 |
| 2 Enhancing the environment (Place) <i>We value our Kimberley lifestyle and natural environment. We will work to improve the liveability of our towns and their connection to our surrounding environment.</i> | 1 | 23 | 0 |
| 3 Economic prosperity (Prosperity) <i>For the Shire to be open for business with a growing and successful economy and jobs for all.</i> | 1 | 13 | 1 |
| 4 Civic leadership (Governance) <i>We will deliver services to the community efficiently, provide leadership and governance that is future thinking, transparent and accountable.</i> | 0 | 9 | 2 |

It is recommended that the report at Attachment 2 be received by Council.

ATTACHMENTS

Attachment 1 - Updated Corporate Business Plan Actions 164, 166

Attachment 2 - Quarterly Progress and Performance Report - October to December 2020 (21Q2)

12.3.2. Temporary Caravan Park Licence - Taylor's Carnival

| | |
|---------------------------------|--|
| DATE: | 23 February 2021 |
| AUTHOR: | Senior Planning Officer |
| RESPONSIBLE OFFICER: | Nick Kearns, Director Planning and Community Development |
| FILE NO: | PH.12.5 |
| DISCLOSURE OF INTERESTS: | Nil |

VOTING REQUIREMENT

Simple Majority

OFFICER'S RECOMMENDATION

That Council:

- 1. Authorises the Chief Executive Officer to sign the application form for the Temporary Caravan Park and Camping Ground Licence for Tyrone Taylor of Taylor's Carnival at Lot 510 Chestnut Avenue, Kununurra (Kununurra Town Oval) and Lot 720 Great Northern Highway, Wyndham (Wyndham Town Oval).**
- 2. Grants a Temporary Caravan Park and Camping Ground Licence to Tyrone Taylor of Taylor's Carnival for 2 caravan short stay sites at the Kununurra Town Oval (Lot 510 Chestnut Avenue, Kununurra) and 2 caravan short stay sites at the Wyndham Town Oval (Lot 720 Great Northern Highway, Wyndham) in accordance with the approved event and subject to the following conditions:**
 - 1. Only event staff associated with the Carnival is to be accommodated in the park.**
 - 2. Taylor's Carnival will utilise the existing ablution facilities at the Kununurra and Wyndham Town Ovals. The following minimum ablution facilities are to be available for the duration of the Licence: 1 toilet, 1 hand basin and 1 shower.**
 - 3. All wastewater (including sullage water) is to be collected and removed from the site and is to be disposed of at an approved wastewater dump point.**
 - 4. Rubbish bins are to be sealed and provided within 90 metres of each site. All rubbish is to be removed from the site to the approved Landfill facility.**
 - 5. A fire extinguisher is to be located within 90 metres of the site.**

PURPOSE

For Council to consider an application made by Tyrone Troy Taylor of Taylor's Carnival for a Temporary Caravan Park and Camping Ground Licence at the Kununurra Town Oval located at Lott 510 Chestnut Avenue, Kununurra and the Wyndham Town Oval located at Lot 720 Great Northern Highway, Wyndham, associated with two carnival events.

NATURE OF COUNCIL'S ROLE IN THE MATTER

Regulator - enforce state legislation and local laws

BACKGROUND/ PREVIOUS CONSIDERATIONS BY COUNCIL/ COMMITTEE

Taylor's Carnival is a travelling carnival that passes through the Shire once a year and has previously operated at both the Kununurra and Wyndham Town Ovals. The Carnival last visited the Shire in 2017. Unfortunately the COVID-19 pandemic prevented the Carnival from attending the Shire in 2020, with the event postponed. An event application has been received for 2021 and is proposed to run from 25 March to 27 March in Kununurra and from 29 April to 1 May in Wyndham. Taylor's Carnival have applied for a temporary caravan park and camping ground licence from 24 March to 28 March 2021 at the Kununurra Town Oval and from 28 April to 2 May 2021 at the Wyndham Town Oval. As it is a travelling carnival, the participants running the event are required to be accommodated on-site for the duration of the event.

The applicant has advised that due to on-going negotiations with some locations within WA, the dates for the Kununurra event may change slightly. Any changes in dates will be communicated to the Shire in advance.

STATUTORY IMPLICATIONS

Caravan Parks and Camping Grounds Act 1995 (the Act)

s. 7(5) Before granting a licence a local government must ensure that —

- (a) the applicant has complied with the requirements of this Act;
- (b) the applicant is the owner of the land on which the facility is situated, or is to be situated, or has the written approval of the owner of that land to apply for a Licence.

Caravan Parks and Camping Grounds Regulations 1997 (the Regulations)

r. 47. Applications not dealt with within time are taken to be refused

(1) If within —

- (a) 63 days of receiving an application for a licence; or
- (b) 35 days of receiving an application for a renewal of a licence, the local government to which the application was made has not informed the applicant whether or not the application has been granted, the applicant may give the chief executive officer of the local government a notice requiring the local government to inform the applicant, within 14 days, whether or not the application is granted.

(2) If within 14 days after receiving a notice referred to in subregulation (1), the local

government has not informed the applicant whether or not the application is granted, the local government is to be taken to have refused the application and the applicant may make an application for review to the State Administrative Tribunal under section 27 of the Act.

r. 54 Temporary licence

(1) A local government may, on payment of the fee set out in item 3 of Schedule 3, grant a temporary licence for a facility which is to remain in force for such period of less than one year, as is provided in the licence.

(2) A local government is to endorse on a temporary licence for a facility as conditions of the licence —

- (a) the maximum number of sites that may be used at the facility;
 - (b) the maximum number of sites of particular types that may be used at the facility
- And
- (c) the services and facilities that are to be provided.

POLICY IMPLICATIONS

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

FINANCIAL IMPLICATIONS

If a temporary licence is issued to Taylor's Carnival, they will be invoiced for a licence fee which is calculated in accordance with Schedule 3 of the Regulations. For each of the proposed licences the minimum fee of \$100 will be applicable, and therefore a total fee of \$200 will be required.

STRATEGIC IMPLICATIONS

Strategic Community Plan 2017-2027

Focus Area 2: PLACE - Enhancing the environment

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

Strategy 2.3.5: Enforce effective public health and safety

RISK IMPLICATIONS

Risk:

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

Control:

Inspection by Shire officer and compliance with minimum requirements based on legislative requirements.

COMMUNITY ENGAGEMENT

No community engagement is required.

COMMENTS

The proposed temporary caravan park and camping ground licence meets the requirements and intentions of Council Policy CP/HTH-3762 Licensing of Temporary Caravan Parks and Camping Grounds. The licenced area will be occupied only by event staff and participants who stay on site with their equipment throughout the duration of the event, including setup.

ATTACHMENTS

Attachment 1 - Kununurra Site Plan and Event Plan

Attachment 2 - Wyndham Site Plan and Event Plan

12.3.3. Renewal of Caravan Parks and Camping Grounds Licences

| | |
|---------------------------------|--|
| DATE: | 23 February 2021 |
| AUTHOR: | Senior Environmental Health Officer |
| RESPONSIBLE OFFICER: | Nick Kearns, Director Planning and Community Development |
| FILE NO: | PH.12.5 |
| DISCLOSURE OF INTERESTS: | Nil |

VOTING REQUIREMENT

Simple Majority

OFFICER'S RECOMMENDATION

That Council approves the renewal of licences under the Caravan Parks and Camping Grounds Act 1995 for:

- **APT Mitchell Falls Wilderness Lodge;**
- **Bachsten Camp;**
- **Digger's Rest Station;**
- **Discovery Parks - Lake Kununurra;**
- **Drysdale River Station;**
- **El Questro Station Township;**
- **Ellenbrae Station;**
- **Emma Gorge Resort;**
- **Hidden Valley Caravan Park;**
- **Ivanhoe Village Caravan Resort;**
- **Kalumburu Mission Camping Ground;**
- **Kimberleyland Waterfront Holiday Park;**
- **Kununurra Agricultural Society;**
- **Lake Argyle Resort;**
- **Lakeside Caravan Park;**
- **McGowan Island Beach Resort;**
- **Mount Elizabeth Station;**
- **Parry Creek Farm Tourist Resort & Caravan Park;**
- **Town Caravan Park, and**
- **Wyndham Caravan Park.**

PURPOSE

For Council to approve the renewal of licences issued under the *Caravan Parks and Camping Grounds Act 1995* for camping areas and caravan parks in the Shire.

Proposed licences are at Attachment 1.

NATURE OF COUNCIL'S ROLE IN THE MATTER

Regulator - enforce state legislation and local laws

BACKGROUND/ PREVIOUS CONSIDERATIONS BY COUNCIL/ COMMITTEE

Caravan parks and camping grounds must be licenced under the *Caravan Parks and Camping Grounds Act 1995*. Licences remain in force for one year from the day on which the licence was granted or renewed. Licence renewal requires approval by Council.

Applications for licence renewal are at Attachment 1.

STATUTORY IMPLICATIONS

Caravan Parks and Camping Grounds Act 1995

6. Caravan park or camping ground not to be operated without a licence
 - (1) On and after the appointed day a person must not operate a facility, or a facility of a prescribed type, unless the person holds the appropriate licence under this Act in relation to that facility.

Penalty: \$5 000.
 - (2) In subsection (1) —
appointed day means such day as is fixed by the Minister by notice published in the *Government Gazette* to be the appointed day for the purpose of that subsection ².
7. Application for the grant or renewal of a licence
 - (1) An application for the grant or renewal of a licence for a facility is to be —
 - (a) made to the local government in the appropriate prescribed form;
 - (b) accompanied by the appropriate fee prescribed; and
 - (c) accompanied by any information that the local government reasonably requires for a proper consideration of the application.
 - (2) An applicant is to provide the local government with any further information that the local government by notice in writing requires the applicant to provide in respect of an application.

- (3) An applicant must, if required to do so by the local government, verify by statutory declaration any information contained in, or given in connection with, an application.
- (4) Subject to this section, a local government may grant or renew a licence and at any time may impose conditions on that licence.
- (5) Before granting a licence a local government must ensure that —
 - (a) the applicant has complied with the requirements of this Act;
 - (b) the applicant is the owner of the land on which the facility is situated, or is to be situated, or has the written approval of the owner of that land to apply for a licence.
- (6) A local government may refuse to renew a licence if —
 - (a) the licence holder has been convicted of an offence against this Act or any other written law relating to caravanning or camping which, in the opinion of the local government, renders the licence holder an unsuitable person to hold a licence;
 - (b) a condition imposed on the licence has been contravened; or
 - (c) the licence was obtained by fraud or misrepresentation.
- (7) Where a local government refuses to grant or renew a licence it must give notice in writing of that decision to the applicant.
- (8) Notice of a decision under this section is to state that the applicant or licence holder is entitled to apply to the State Administrative Tribunal for a review of the decision.

8. Duration of licence

A licence remains in force for the prescribed period unless —

- (a) it is provided otherwise in the licence; or
- (b) it is cancelled.

Caravan Parks and Camping Grounds Regulations 1997

52. Duration of licence

The prescribed period for the purposes of section 8 of the Act is one year from the day on which the licence was granted or renewed.

POLICY IMPLICATIONS

Overflow sites in caravan parks and camping grounds are approved in accordance with Council Policy CP/HTH-3761 Licensing of Overflow Sites in Caravan Parks and Camping Grounds.

FINANCIAL IMPLICATIONS

Annual caravan park fees that have not been received from the respective Caravan Park will not be sent their licence until the outstanding fees are paid.

STRATEGIC IMPLICATIONS

Strategic Community Plan 2017-2027

Focus Area 1: PEOPLE - Healthy vibrant active communities

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

Strategy 2.3.5: Enforce effective public health and safety

Corporate Business Plan

CBP Action: #340 Manage and provide environmental health

RISK IMPLICATIONS

Risk:

Failure to manage the appropriateness and effectiveness of the Shire's systems and procedures in relation to risk management, internal control and legislative compliance.

Control:

Inspection by Shire officers and compliance with minimum requirements based on legislative requirements for Caravan Parks and Nature Based Parks.

COMMUNITY ENGAGEMENT

No community engagement is required.

COMMENTS

There are no new licences for approval and all applications meet with requirements of Shire policy and are recommended for approval.

In regards to Home Valley Station and Home Valley Station - Pentecost Campground, the Pastoral Lessee is currently negotiating the future management of the facility, and once finalised, will apply for a renewed licence.

ATTACHMENTS

Attachment 1 - Proposed Licences - Caravan Parks and Camping Grounds

12.4. CORPORATE SERVICES

12.4.1. Interim Monthly Financial Reports December 2020 and January 2021

| | |
|---------------------------------|---|
| DATE: | 23 February 2021 |
| AUTHOR: | Financial Accountant |
| RESPONSIBLE OFFICER: | Felicity Heading, Director Corporate Services |
| FILE NO: | FM.09.25 |
| DISCLOSURE OF INTERESTS: | Nil |

VOTING REQUIREMENT

Simple Majority

OFFICER'S RECOMMENDATION

That Council receives the Interim Monthly Financial Reports for the periods ended 31 December 2020 and 31 January 2021.

PURPOSE

For Council to receive the Interim Monthly Financial Reports for the periods ended 31 December 2020 and 31 January 2021

NATURE OF COUNCIL'S ROLE IN THE MATTER

Regulator - Responsible for the enforcement of statutory requirements.

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 23 June 2020 Ordinary Council Meeting, the Council resolved the following:

Council Decision

Minute Number: 23/06/2020-118260

Moved: Cr D Menzel
Seconded: Cr M Dear

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.

Carried 9/0

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

At the 15 December 2021 Ordinary Council Meeting Council resolved to accept the 2019/2020 Annual Report including the Annual Financial Statements as follows:

Council Decision

Minute No: 118361

That Council:

- 1. Accepts the 2019/2020 Annual Report (including the Annual Financial Statements and Associated Notes) as presented.***
- 2. Convenes the Annual General Meeting of Electors to be held on 2 February 2021 at the Kununurra Council Chambers (commencing at 5pm).***
- 3. Requests that the Chief Executive Officer, pursuant to sections 5.29 and 5.55 of the Local Government Act 1995, provides the requisite statutory local public notice of the acceptance of the 2019/2020 Annual Report and the time and date of the Annual General Meeting of Electors.***
- 4. Requests that the Chief Executive Officer publish the Annual Report on the Shire's website within 14 days after it has been accepted.***

Moved: Cr J Farquhar

Seconded: Cr N Brook

Decision: 6/0

STATUTORY IMPLICATIONS

Local Government Act 1995, Section 6.4.

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

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 Shires forward planning requirements, including the Strategic Community Plan, Corporate Business Plan, Long Term Financial Plans and Annual Budget.

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

COMMUNITY ENGAGEMENT

No community engagement is required in relation to this item.

COMMENTS

Comments in relation to budget to actual variances are included as notes in the Interim Financial Reports attached.

The Covid-19 pandemic has had an impact on the financial position of the Shire as at 30 June 2020. Revenue and debt collections have reduced significantly with this being off-set by operational savings and the receipt of 2020/21 Federal Assistance Grants in advance. The full financial implications of Covid-19 are unknown at this stage, however estimates of the longer term impact have been considered in the preparation of the 2020/21 budget. Shire Officers and the Executive Management Team continue to closely monitor the cash flow of the Shire and have modified internal processes to assist in this regard.

It should be noted that the budget figures in the Interim Monthly Financial Reports for December 2020 and January 2021 do not include final carry forward figures and end of year adjustments for the year ended 30 June 2020, whereas the actual figures include carry forward figures and year end adjustments. The final position for the 2019/20 financial year was reported in the 2019/20 Annual Financial Statements included in the Annual Financial Report for 2019/20 which was presented to Council at the 15 December 2020 Ordinary Council Meeting. The required carry forward adjustments to the 2020/21 budget are included in a separate report in this agenda.

ATTACHMENTS

Attachment 1 - Interim Monthly Financial Report December 2020

Attachment 2 - Interim Monthly Financial Report January 2021

12.4.2. Budget Adjustments 2020/21 - Carry Overs from 2019/20

| | |
|---------------------------------|---|
| DATE: | 23 February 2021 |
| AUTHOR: | Financial Accountant |
| RESPONSIBLE OFFICER: | Felicity Heading, Director Corporate Services |
| FILE NO: | FM 05.21 |
| DISCLOSURE OF INTERESTS: | Nil |

VOTING REQUIREMENT

Absolute Majority

OFFICER'S RECOMMENDATION

That Council:

- 1. Adopts the changes to the Municipal Fund Budget 2020/21 and Reserves as detailed in Attachment 1 and Attachment 2; and**
- 2. Approves the transfer of an additional amount of \$277,077 to the Drainage Reserve.**

PURPOSE

The purpose of this report is to consider changes to the Municipal Fund Budget for the 2020/21 financial year arising from changes to the cash position estimated at the time of the preparation of the budget and the actual cash position achieved following the finalisation of the Annual Financial Statements for the year ended 30 June 2020.

NATURE OF COUNCIL'S ROLE IN THE MATTER

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

Funder - provide funds or other resources

Leader - plan and provide direction through policy and practices

Provider - provide physical infrastructure and essential services

Regulator - enforce state legislation and local laws

BACKGROUND/ PREVIOUS CONSIDERATIONS BY COUNCIL/ COMMITTEE

The 2020/21 Budget was considered by Council at the Ordinary Council Meeting on 23 June 2020. The relevant decision related to the Officer's Recommendation 12 of the report.

Council Decision

Minute Number: 23/06/2020-118262

Moved: Cr T Chafer

Seconded: Cr M Dear

Pursuant to the provisions of section 6.2 of the Local Government Act 1995 and Part 3 of the Local Government (Financial Management) Regulations 1996, that Council adopt the Municipal Fund Budget as contained in Attachment 1 of this agenda, for the Shire of Wyndham East Kimberley for the 2020/21 financial year which includes the following:

- 1. Statement of Comprehensive Income by Nature and Type**
- 2. Statement of Comprehensive Income by Program**
- 3. Statement of Cash Flows;**
- 4. Rate Setting Statement showing a net amount required to be raised from rates of \$10,425,101;**
- 5. Notes to and forming Part of the Budget;**
- 6. Fees and Charges Schedule.**

Carried 9/0

At the 15 December 2020 Ordinary Council Meeting Council resolved to accept the 2019/2020 Annual Report including the Annual Financial Statements as follows:

Council Decision

Minute No: 118361

That Council:

- 1. Accepts the 2019/2020 Annual Report (including the Annual Financial Statements and Associated Notes) as presented.**
- 2. Convenes the Annual General Meeting of Electors to be held on 2 February 2021 at the Kununurra Council Chambers (commencing at 5pm).**
- 3. Requests that the Chief Executive Officer, pursuant to sections 5.29 and 5.55 of the Local Government Act 1995, provides the requisite statutory local public notice of the acceptance of the 2019/2020 Annual Report and the time and date of the Annual General Meeting of Electors.**
- 4. Requests that the Chief Executive Officer publish the Annual Report on the Shire's website within 14 days after it has been accepted.**

Moved: Cr J Farquhar

Seconded: Cr N Brook

Decision:

6/0

STATUTORY IMPLICATIONS

Local Government Act 1995

Part 2 – Constitution of local government

Division 2 – Local governments and councils of local government

2.7. Role of council

(1) The council —

(a) governs the local government's affairs; and

(b) is responsible for the performance of the local government's functions.

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

(a) oversee the allocation of the local government's finances and resources; and

(b) determine the local government's policies.

Local Government Act 1995

Part 6, Division 2 – Annual Budget

6.2. Local government to prepare annual budget

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

** Absolute majority required.*

Local Government Act 1995

Part 6 - Financial management

Division 4 - General financial provisions Division

6.2. Local government to prepare annual budget

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

** Absolute majority required.*

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

(a) the expenditure by the local government; and

(b) the revenue and income, independent of general rates, of the local government; and

(c) the amount required to make up the deficiency, if any, shown by comparing the estimated expenditure with the estimated revenue and income.

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

(4) The annual budget is to incorporate —

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

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

(i) the amount it is estimated will be yielded by the general rate; and

(ii) the rate of interest (if any) to be charged by the local government on unpaid rates and service charges; and

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

and

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

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

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

(g) such other matters as are prescribed.

(5) Regulations may provide for —

(a) the form of the annual budget; and

(b) the contents of the annual budget; and

(c) the information to be contained in or to accompany the annual budget.

6.8. Expenditure from municipal fund not included in annual budget

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

(a) is incurred in a financial year before the adoption of the annual budget by the local government; or

(b) is authorised in advance by resolution*; or

(c) is authorised in advance by the mayor or president in an emergency.

* Absolute majority required.

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

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

(a) pursuant to subsection (1)(a), it is to be included in the annual budget for that financial year; and

(b) pursuant to subsection (1)(c), it is to be reported to the next ordinary meeting of the council.

[Section 6.8 amended by No. 1 of 1998 s. 19.]

6.11. Reserve accounts

(1) Subject to subsection (5), where a local government wishes to set aside money for use for a purpose in a future financial year, it is to establish and maintain a reserve account for each such purpose.

(2) Subject to subsection (3), before a local government —

(a) changes* the purpose of a reserve account; or

(b) uses* the money in a reserve account for another purpose, it must give one month's local public notice of the proposed change of purpose or proposed use.

* Absolute majority required.

(3) A local government is not required to give local public notice under subsection (2)

—
(a) where the change of purpose or of proposed use of money has been disclosed in the annual budget of the local government for that financial year; or

(b) in such other circumstances as are prescribed.

(4) A change of purpose of, or use of money in, a reserve account is to be disclosed in the annual financial report for the year in which the change occurs.

(5) Regulations may prescribe the circumstances and the manner in which a local government may set aside money for use for a purpose in a future financial year without the requirement to establish and maintain a reserve account.

Local Government (Financial Management) Regulations 1996

Part 2 – General financial management

5. CEO's duties as to financial management

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

(g) to assist in the preparation of budgets, budget reviews, accounts and reports required by the Act or these regulations.

(2) The CEO is to —

(b) assist the council to undertake reviews of fees and charges regularly (and not less than once in every financial year).

Local Government (Financial Management) Regulations 1996

32. Amounts which may be excluded when calculating budget deficiency (Act s. 6.2(3))

A local government may exclude from the calculation of the budget deficiency —

- (a) money borrowed or to be borrowed, to the extent that it is proposed in the annual budget to remain unspent at the end of the financial year; and*
- (b) reserves, to the extent that they are proposed in the annual budget to remain unspent at the end of the financial year; and*
- (c) in relation to a land transaction or trading undertaking, assets and liabilities, to the extent to which they are proposed in the annual budget to remain restricted to the purposes of the land transaction or trading undertaking at the end of the financial year; and*
- (d) any proposed amounts of depreciation of non-current assets; and*
- (e) assets from grants or gifts or non-cash revenue or expenditure; and*
- (f) current liabilities which, by their nature, are restricted, to the extent that they are proposed in the annual budget to remain uncleared at the end of the financial year; and*
- (g) any other current assets which, by their nature, are restricted, to the extent that they are proposed in the annual budget to remain unused at the end of the financial year.*

POLICY IMPLICATIONS

NIL

FINANCIAL IMPLICATIONS

The detailed financial implications have been set out in Attachment 1 and Attachment 2. The net impact on the operating position of the Shire is that there is additional available cash generated of \$372,312 which the officers recommend to be allocated to the 2020/21 Operating Budget in the amount of \$95,245 and a transfer of \$277,077 to the Drainage Reserve.

With respect to the Capital Works any cash not expended has been mainly quarantined in Reserves at 30 June 2020. These funds now need to be released and the capital works projects budgets increased accordingly. Projects carried over from 2019/20 amount to \$3,655,577 and these are to be funded from reserves of \$2,424,731 and additional grant income of \$1,230,846.

STRATEGIC IMPLICATIONS

Strategic Community Plan 2017 to 2027

Focus Area: 4: Civic Leadership

Goal 4.4: Sustainably maintain the Shire's financial viability

Strategy 4.4.3: 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 comply with legislative requirements leading to damage of reputation and/or financial loss.

Control: Annual financial audit.

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

Control: Current budget and service levels.

Risk: Failure to undertake proactive maintenance leading to damaged infrastructure

Control: Proactive maintenance included in Depot Maintenance Works program.

COMMUNITY ENGAGEMENT

No community engagement is required.

COMMENTS

At the time of the preparation of the 2020/21 Budget estimates of both capital and operating expenditure and revenue had to be made as actual data was not available at that time. It was the intention that once the actual data was available the budget would be revisited to adjust budget allocations for any change in circumstances due to any material variance between actual data and estimated data. This exercise is not a review of the budget as contemplated by Section 33A. Review of budget of the *Local Government (Financial Management) Regulations 1996*, but an adjustment to the budget based on information that was not available at the time the budget was prepared.

In the preparation of the 2020/21 Budget, the Rate Setting Statement detailed the estimated revenue and expenditure of both operating and capital nature, the financing activities, and the movement in the Reserves for the 2019/20 financial year. These estimates gave a forecast opening cash position of \$5,043,912 for the 2020/21 financial year. The actual position as presented in the finalised Annual Financial Statements for 30 June 2020 differed to the estimated position in each of these categories, yielding an opening cash position of \$3,510,348 which is less by \$(1,533,564) (Refer Attachment 1). The reason for this is primarily due to more cash being transferred to reserves (\$1,387,206), more cash being expended on capital works (\$289,909) offset by a greater than estimated operating, rates and financial position of \$711,890. This is explained more comprehensively below:

| | |
|---|----------------|
| More cash transferred to Reserves: | \$ (1,387,206) |
| More cash expanded on capital works: | \$ (289,909) |
| Operational Savings: | \$ 711,890 |
| Non-Utilised Grants transferred to Contract Liability (AASB1058): | \$ (542,187) |
| Less Grants received than estimated: | \$ (26,152) |
| Reduction in cash carried forward | \$ (1,533,564) |

The cash shortfall is being made up in the 2020/21 budget as follows:

| | |
|--|--------------|
| Additional cash transferred from reserves | \$ 1,060,470 |
| Cash transferred from Contract Liabilities | \$ 568,339 |
| Less additional operating expenditure | \$ (95,245) |
| Additional cash released to balance budget | \$ 1,533,564 |

Out of the net operational savings of \$711,890 greater than forecast, \$339,568 has been transferred into reserves as part of the Shire's normal year end reserve funding processes. Operating expenditure that was estimated to be spent in the 2019/20 financial year end but was not and needs to be carried forward to 2020/21 amounts to \$95,245. This leaves an unallocated balance of \$277,077. To be consistent with the prior year it is the officer's recommendation that this amount be transferred into the Drainage Reserve.

The capital works program in the rate setting statement shows that officers forecast a net spend of \$6,451,987 against an actual net spend of \$6,741,896 (refer Attachment 1). The greater than estimated aggregate spend on capital works has been accounted for in a lower amount of cash being transferred to the Reserves. The detail of the actual amount spent on capital works against forecast has been shown in Attachment 2. Adjustments to the Capital Works budget have also been made to reflect the uncompleted works that have been carried over from the 2019/20 financial year.

The third factor to consider in the analysis is the difference in the movement on reserves. The actual movement on reserves is a net transfer from reserves of \$243,880 against a forecast of a net transfer from reserves of \$1,631,086 (refer Attachment 1). The net difference is \$1,387,206 that has been transferred into reserves. This analysed as follows:

| | |
|--|-------------|
| Difference between actual and forecast on reserves | \$1,387,206 |
| Transfer to capital related reserves | \$1,047,638 |
| Transfer to Operating related reserves | \$ 339,568 |

Due to change in the Accounting Standards (AASB1058) the Shire's auditors have required the Shire to transfer all non-utilised non-operating grants to contract liabilities until the required obligations under the contracts are met. This accounts for \$542,187 as the difference between the actual non-operating grants and the forecast data.

ATTACHMENTS

Attachment 1 - Adjusted 2020/21 Budgeted Rate Setting Statement

Attachment 2 - Capital Works Program - Carry Over Adjustments

12.4.3. 2020/21 Mid Year Budget Review

| | |
|---------------------------------|---|
| DATE: | 23 February 2021 |
| AUTHORS: | Financial Accountant |
| RESPONSIBLE OFFICER: | Felicity Heading, Director Corporate Services |
| FILE NO: | FM.05.21 |
| DISCLOSURE OF INTERESTS: | Nil |

VOTING REQUIREMENT

Absolute Majority

OFFICER'S RECOMMENDATION

That Council:

- 1. Receives the 2020/21 Mid Year Budget Review Report for the period ended 31 December 2020;**
- 2. Approves the budget amendments as detailed in Attachment 1 and Attachment 2;**
- 3. Approves the transfer of \$14,500 from the Foreshore Reserve to fund the preparation of the Swim Beach Plan and Report;**
- 4. Approves the transfer of \$19,775 from Child Care Reserve for Building Maintenance for Kununurra and Wyndham Child Care;**
- 5. Approves the transfer of an additional \$60,910 from the Goomig Farmland Road Reserve to fund repairs to Moonamang Road;**
- 6. Approves the transfer of \$35,000 from the COVID-19 Response Reserve to fund the purchase of a generator for the Kununurra Landfill; and**
- 7. Approves the transfer of an additional \$25,000 from the Airport Reserve for Apron Lighting at East Kimberley Regional Airport.**

PURPOSE

To consider the proposed amendments to the 2020/21 Budget arising from the 2020/21 Mid-Year Budget Review process.

NATURE OF COUNCIL'S ROLE IN THE MATTER

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

Funder - provide funds or other resources
Leader - plan and provide direction through policy and practices
Provider - provide physical infrastructure and essential services
Regulator - enforce state legislation and local laws

BACKGROUND/ PREVIOUS CONSIDERATIONS BY COUNCIL/ COMMITTEE

In preparing the 2020/21 Municipal Fund Budget Shire officers followed a rigorous process from which estimates of income and expenditure for the 2020/21 financial year were determined. As the preparation of the budget was based on estimates of what the financial position of the Shire would be at 30 June 2020, once the 2019/20 Annual Financial Statements were finalised and audited, Officers had to consider differences between the forecast data used in preparing the 2020/21 Budget and the estimates used. A separate report in this agenda outlines the required adjustments made to the 2020/21 Adopted Budget to take into account changes to the forecast opening position at 1 July 2020. The starting point for the Mid Year Budget Review is the 2020/21 budget incorporating these adjustments.

The following Council decisions are relevant:

Council Decision

Minute Number: 23/06/2020 - 118262

Moved: Cr M Dear

Seconded: Cr J Farquhar

That Council, pursuant to the provisions of section 6.2 of the Local Government Act 1995 and Part 3 of the Local Government (Financial Management) Regulations 1996, adopt the Municipal Fund Budget as contained in Attachment 1 of this agenda, for the Shire of Wyndham East Kimberley for the 2020/21 financial year which includes the following:

- 1. Statement of Comprehensive Income by Nature and Type***
- 2. Statement of Comprehensive Income by Program***
- 3. Statement of Cash Flows;***
- 4. Rate Setting Statement showing a net amount required to be raised from rates of \$10,425,101;***
- 5. Notes to and forming Part of the Budget;***
- 6. Fees and Charges Schedule.***

Carried: 9/0

Council Decision

Minute Number: 25/02/2020 - 118174

Moved: Cr G Lodge

Seconded: Cr T Chafer

That Council:

- 1. Receives the 2019/20 Mid Year Budget Review Report for the period ended 31 December 2019;***
- 2. Approves the budget amendments as detailed in Attachment 1.***

Carried: 9/0

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

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

A detailed review of the financial position and operations for the period to 31 December 2020 has been undertaken identifying the reasons for significant variances and the action required to address them. The attachments contain the details of the Officer recommendations and is now presented to Council for its consideration.

Officers have ensured that Council resolutions presented during the 2020/21 financial year have been considered in this Mid Year Budget Review. Changes to the Adopted Budget are proposed by Officers where they believe that circumstances have occurred that impact permanently on the budget position for the financial year under review.

STATUTORY IMPLICATIONS

Local Government Act, 1995:

6.8. Expenditure from municipal fund not included in annual budget

- 1) *A local government is not to incur expenditure from its municipal fund for an additional purpose except where the expenditure —*
 - a) *is incurred in a financial year before the adoption of the annual budget by the local government; or*
 - b) *is authorised in advance by resolution*;*
 - c) *is authorised in advance by the mayor or president in an emergency.*

** Absolute majority required.*

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

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

Local Government (Financial Management) Regulations 1996:

Regulation 32 - Amounts which may be excluded when calculating budget deficiency (Act s. 6.2(3)):

A local government may exclude from the calculation of the budget deficiency —

- a) *money borrowed or to be borrowed, to the extent that it is proposed in the annual budget to remain unspent at the end of the financial year; and*
- b) *reserves, to the extent that they are proposed in the annual budget to remain unspent at the end of the financial year; and*
- c) *in relation to a land transaction or trading undertaking, assets and liabilities, to the extent to which they are proposed in the annual budget to remain restricted to the purposes of the land transaction or trading undertaking at the end of the financial year; and*
- d) *any proposed amounts of depreciation of non-current assets; and*
- e) *assets from grants or gifts or non-cash revenue or expenditure; and*
- f) *current liabilities which, by their nature, are restricted, to the extent that they are proposed in the annual budget to remain uncleared at the end of the financial year; and*
- g) *any other current assets which, by their nature, are restricted, to the extent that they are proposed in the annual budget to remain unused at the end of the financial year.*

Regulation 33A - Review of Budget:

(1) Between 1 January and 31 March in each financial year a local government is to carry out a review of its annual budget for that year.

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

- (a) consider the local government's financial performance in the period beginning on 1 July and ending no earlier than 31 December in that financial year; and*
- (b) consider the local government's financial position as at the date of the review; and*
- (c) review the outcomes for the end of that financial year that are forecast in the budget.*

(2) Within 30 days after a review of the annual budget of a local government is carried out it is to be submitted to the council.

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

**Absolute majority required.*

(4) Within 30 days after a council has made a determination, a copy of the review and determination is to be provided to the Department.

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

After taking into account all adjustments considered to be permanent changes to the budget position for the 2020/21 financial year, the overall adjustment to the budget is estimated to be additional funds of \$721,191.

The allocation of these funds is additional operating revenue of \$15,074 and additional operating expenditure of \$(139,142) not including depreciation. The net position estimated on a conservative basis for operating revenue and expenses is a deficit of \$124,068. Officers are confident that this will reverse by the financial year end.

With respect to the capital program, additional revenue for the purposes of capital works of \$3,248,168 is expected from new grants. Subsequently, additional expenditure on capital works of \$2,175,459 is expected to be achieved.

The funding impact of these amendments is a net surplus of \$721,191 in Municipal funds and a transfer to Reserves of \$227,439. The details of these changes are discussed below in the Comments section below.

STRATEGIC IMPLICATIONS

Strategic Community Plan 2017-2027

Focus Area 4: Civic Leadership

Goal 4.4: Sustainably maintain the Shire's financial viability

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

RISK IMPLICATIONS

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

Control: Annual financial audit.

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

Control: Current budget and service levels.

COMMUNITY ENGAGEMENT

No community engagement is required in relation to this item.

COMMENTS

General Comments

The 2020/21 Annual Budget was presented at the Ordinary Council Meeting held on the 23 June 2020 and a balanced Closing Funding Surplus was adopted. Under the separate report in this agenda on Budget Adjustments a balanced Closing Funding Surplus was achieved after making adjustments to the 2020/21 Adopted Budget for differences between projected year end balances and actual year end balances and as a result \$277,077 of additional funds were placed into the Drainage Reserve.

The Mid Year Budget Review examined both the operating income and expenditure of the Shire, and its capital works program for the year to 31 December 2020. From this examination a forecast has been made as to what the estimated position will be at the end of the financial

year and the impact it will have on the Reserves of the Shire and its cash resources. In performing this task Officers made use of financial information subsequent to 31 December 2020.

For the period under review the Shire's overall Net Current Assets at the end of the financial year is forecast to be \$721,191.

In the report below is a detailed analysis of the cash implications of trading for the first half of the financial year on the operating income and expenditure, the capital works program and the movement on reserves.

Operating Revenue and Expenditure

The Mid Year Budget Review has determined that there is a potential cash deficit compared to the budget position at the financial year end of \$124,068. Shire Officers have been conservative in their analysis of the operations and consider that the amount is not material and therefore no adjustment is necessary to be made to the Annual Budget at this time. A detailed analysis of the operational revenue and expenditure follows.

Operating Revenue

An analysis of the Statements of Financial Activity for the period ended 31 December 2020 identifies the estimated Operating Revenue for the 2020/21 financial year to be \$8,915,359 which is marginally more than the adopted budget by \$15,074.

This increase in operating revenue primarily relates to the following:

Additional grant income not budgeted for

\$133,788

Lower income on interest earnings on Shires Investments

\$(117,250)

Greater recovery of Legal Expenses from ratepayers

\$37,500

Receipt of interim rates

\$13,342

Additional Interest earnings from delayed payment by Debtors and Ratepayers

\$84,315

Lease Income is expected to exceed the year to date budget by

\$48,000

Decrease in earnings from Aircraft Landing and Passenger Screening Fees

\$(200,000)

Additional revenue from Administration and Service charges relating to rates

\$15,000

Operating Expenditure

Budgeted Operating Expenditure for the same period is \$26,432,647 which is \$897,836 higher than the 2020/21 adjusted budget. The majority of this is due to an increase in depreciation of \$758,694. As this is a non-cash item it will not affect the Net Current Asset position of the Shire.

The balance of the increase in operating expenditure of \$(139,142) is mainly due to the following:

Savings in the employee costs

\$229,986

Increase in Debt collection cost for Rates

\$(20,000)

Increase in Member fees for Councillors

\$(11,044)

Increase in the write off and waivers for Sundry Debtors and Airport Landing Fees

\$(89,964)

Savings on Audit Fees

\$21,500

Increase in Vehicle expenses on Public Works

\$(13,463)

Increase in Vehicle expenses - Executive

\$(50,000)

Additional projects to be undertaken in the 2020/21 financial year to be funded from reserves:

- a. Swim Beach Plan and Report to be funded from Foreshore Reserve.
\$(14,500)
- b. Survey of Land at East Kimberley Regional Airport for development of Business Precinct to be funded from the Airport Reserve
\$(30,972)
(Approved by Council October 2020 Minute No. 118328).
- c. Building Maintenance for Kununurra Child Care to be funded from the Child Care Reserve.
\$(10,000)
- d. Moonamang Road Maintenance Project to be funded from Goomig Reserve
\$(140,910)
(\$80,000 Reserve transfer approved by Council November 2019 Minute No. 118134).
- e. Building Maintenance for Wyndham Child Care to be funded from the Child Care Reserve.
\$(9,775)

Capital Works Program

To be consistent with previous years, any surplus or deficit in the capital works program is quarantined in the capital reserves by either transferring amounts to reserves or reallocating those funds to other capital projects. The Mid Year Budget Review has identified a net surplus of capital funds of \$1,072,709. This surplus is made up of the difference between the additional capital revenue and proceeds of \$3,248,168 and the additional capital expenditure of \$(2,175,459). This surplus has arisen mainly due to additional grant funding received for the Kununurra Water Park resulting in the Shire not having to use its own funds and to borrow to construct the facility. Shire Officers recommend that the allocation of the surplus capital funds

only be allocated at the end of the financial year. The detailed analysis of the capital works section is below.

Capital Revenue

For the Mid Year Budget Review capital revenue is forecast to be \$12,832,892 by financial year end. This is \$3,248,168 more than the \$9,584,724 in the Amended Budget. Which is mainly due to an expected increase in the grants to be received.

Some of this revenue will be offset by an increase in associated capital expenditure of \$(2,175,459). The major variances are as follows:

Kununurra Water Playground Funding additional grant funding

\$1,200,000

Additional Funding from DRFAWA expected

\$1,900,000

(This will be offset by equivalent capital expenditure on DRFAWA flood damage)

Additional Aboriginal Roads funding from Federal and State

\$158,668

Reduction in the Grant funding for RAU program at Wyndham Airport

\$(45,000) (received in the last financial year)

Additional revenue expected from disposal of Shire assets

\$34,500

Capital Expenditure

Capital Expenditure is forecast to be \$(18,331,514) by the financial year end. This is \$(2,175,459) more than the original budget of \$(16,156,055). Most of this will be funded from increases in grant revenue. The main items making up the adjustments are:

Additional funds required for Kununurra Water Playground

\$(200,000)

Increase in expenditure on DRFAWA flood damage

\$(1,900,000)

Increase in expenditure on Road and Drainage Upgrade

\$(21,000)

- to be funded from the Capital Works-Muni Reserve.

Purchase of a generator to operate the tyre baler

\$(35,000)

- to be funded from the COVID-19 Response Reserve.

Additional funds required for Apron Lighting - East Kimberley Regional Airport

\$(25,000)

- to be funded from the Airport Reserve

Additional fund transfers from Reserves previously approved by Council:

a. Wyndham Landfill Office Site

\$(51,950) (Approved by Council October 2020 Minute No.118329)

funds to be transferred from the Landfill Reserve.

b. Ewin Centre lighting upgrade

\$(25,000)

(Approved by Council November 2020 Minute No. 118351)

funds to be transferred from the Child Care Reserve.

- c. Implement Trails Master Plan
\$(25,000)
(Approved by Council November 2020 Minute No. 118353)
funds to be transferred from COVID-19 Response Reserve.
- d. Footpath renewal
\$(100,000) (Approved by Council November 2020 Minute No. 118353)
funds to be transferred from COVID-19 Response Reserve.

There is a decrease in estimated expenditure on the following capital works projects as actual funds spent in the 2019/20 financial year were more than forecast:

- a. Kalumburu Road-Resheet
\$105,594
- b. Airport Runway Extension Design
\$101,897

Reserves

The Budget adjusted for carry forwards anticipated a net transfer from Reserves of \$3,439,716. The Mid Year Budget Review estimates that the net transfer from reserves at the end of the financial year will be \$3,212,276. The difference of \$(227,439) is a reduction of cash into the capital works program representing timing issues related to completion of capital works projects, unspent grant income, loan borrowings and Reserve transfers.

It is essential that the Shire make adequate provision for the renewal of its asset base to ensure that they can provide services into the future. The surplus funds estimated from the capital works program of \$1,072,709 should be allocated to Reserves. By doing so the Shire's ability to meet the sustainability benchmarks with reference to asset management is improved. Shire Officers recommend that these funds only be allocated at the end of the financial year as there is significant activity taking place in the capital works area that may require the allocation of funds to new projects.

Summary

In summary the Mid Year Budget Review determined the following:

- Operating cash flows - deficit of \$124,068. No budget adjustment required as amount not regarded as material.
- Capital works program - surplus of \$1,072,709. No allocation of this amount to Reserves or other capital projects at this time but defer this action until the financial year end. All other capital works adjustments to be made.
- Reserves - reduction of \$227,439 into the capital works program. All adjustments to the movements in the Reserves should be made.

Attachment 1 details the changes to the relevant financial statements and Attachment 2 details the changes to the capital works budget.

ATTACHMENTS

Attachment 1 - 2020-21 Mid Year Budget Review

Attachment 2 - Capital Works Program 2020-21 MYBR

12.4.4. Review of Waiver of Aircraft Landing Fees

| | |
|---------------------------------|---|
| DATE: | 23 February 2021 |
| AUTHOR: | Director Corporate Services |
| RESPONSIBLE OFFICER: | Felicity Heading, Director Corporate Services |
| FILE NO: | GN.10.6, TT.05.1, TT.15.3 |
| DISCLOSURE OF INTERESTS: | Nil |

VOTING REQUIREMENT

Simple Majority

OFFICER'S RECOMMENDATION

That Council, pursuant to Section 6.12(1)(b) of the *Local Government Act 1995*, waive Aircraft Landing Fees at the East Kimberley Regional Airport and the Wyndham Airport for a period of five months from 01 February 2021 to 30 June 2021 for the following aircraft operators:

- Kimberley Air Tours
- Shoal Air Pty Ltd
- Aviair Pty Ltd
- HeliSpirit

PURPOSE

To request that Council consider the waiving of Aircraft Landing Fees at the East Kimberley Regional Airport and the Wyndham Airport for four local aircraft operators for a period of five months from 1 February 2021 to 30 June 2021.

NATURE OF COUNCIL'S ROLE IN THE MATTER

Funder - Provide funds or other resources

Leader - Plan and provide direction through policy and practices

BACKGROUND/ PREVIOUS CONSIDERATIONS BY COUNCIL/ COMMITTEE

The Covid-19 Pandemic has had a major financial impact on the East Kimberley tourism sector. The impact on local tour operators during 2020 was particularly severe with travel

restrictions and the closure of State and Regional borders preventing tourists from visiting the Kimberley generally and the East Kimberley in particular with some operators reporting a greater than 90% reduction in revenue for the 2020 tourist season compared to 2019. Whilst bookings for the 2021 tourist season are currently looking positive for local tourism operators, there remains a high degree of uncertainty for the industry and the likely impact on the 2021 season is still unknown.

Aircraft Landing Fees are set on an annual basis as part of the budget process and are incorporated in the Fees and Charges Schedule. They are invoiced to aircraft operators by Avdata Australia (Avdata) on behalf of the Shire on a monthly basis. The revenue is recognised in the Shire's financial reports based on monthly statements provided by Avdata. Invoices for the period up until 31 December 2020 have been raised and will be recorded in the financial statements for the period ended 31 January 2021.

The Shire received requests from local aircraft operators to waive Aircraft Landing Fees to support their ongoing operations and viability.

At the 28 July 2020 Ordinary Council Meeting Council resolved the following:

Council Decision:

Minute Number: 28/07/2020 – 118287

Moved: Cr T Chafer

Seconded: Cr D Pearce

That Council, pursuant to Section 6.12(1)(b) of the Local Government Act 1995, waive Aircraft Landing Fees at the East Kimberley Regional Airport for a period of three months from 1 July 2020 to 30 September 2020 for the following aircraft operators:

- ***Kimberley Air Tours***
- ***Shoal Air Pty Ltd***
- ***Aviair Pty Ltd***
- ***HeliSpirit***

Decision:

8/0

At the 27 October 2020 Ordinary Council Meeting Council resolved the following:

Council Decision:

Minute Number: 27/10/2020 – 118333

That Council, pursuant to Section 6.12(1)(b) of the Local Government Act 1995, waive Aircraft Landing Fees at the East Kimberley Regional Airport and the Wyndham Airport for a period of four months from 1 October 2020 to 31 January 2021 for the following aircraft operators:

- **Kimberley Air Tours**
- **Shoal Air Pty Ltd**
- **Aviair Pty Ltd**
- **HeliSpirit**

Moved: Cr D Pearce
Seconded: Cr T Chafer

Decision:

9/0

STATUTORY IMPLICATIONS

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

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

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

POLICY IMPLICATIONS

CP FIN-3211 Fees and Charges Pricing
 CP FIN-3214 Sundry Debt Collection
 CP FIN-3219 COVID-19 Financial Hardship - Rates and Sundry Debtors
 CP GOV-3114 Coronavirus (COVID-19) Emergency Response and Recovery Policy

FINANCIAL IMPLICATIONS

The total value of Aircraft Landing Fees waived for the period from 1 July 2020 to 31 December 2020 is \$87,449.32. Details are provided in Confidential Attachment 1 to this report.

Uncertainty regarding future operations for the four tour operators due to the current economic circumstances means it is difficult to estimate the likely value of Aircraft Landing Fees for the period from 1 February 2021 to 30 June 2021. The total value of Aircraft Landing Fees incurred by the four operators for the February to June period was \$113,902 in 2019 and \$56,398 in 2020. An estimate based on a mid point between these figures would suggest a value of

approximately \$85,000. Taking into account the value of waivers for January 2021 for which the data has not yet been received, the total value of Aircraft Landing Fees to be waived for the 2020/21 financial year is estimated to be approximately \$185,000.

The budget for Aircraft Landing Fees has been reduced for the 2020/21 financial year from \$1.5 million to \$1.0 million. The waivers have therefore already been anticipated for in this reduction of revenue.

STRATEGIC IMPLICATIONS

Strategic Community Plan 2017-2027

Focus Area 4: Civic Leadership

Goal 4.4: Sustainably maintain the Shire's financial viability

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

Corporate Business Plan

CBP Action: #167 Implementation of LTFP and Annual Budget

RISK IMPLICATIONS

Risk:

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

Controls:

- Implementation of LTFP and Annual Budget.
- Policies updated in accordance with schedule and operational requirements.
- Policies implemented to allow for appropriate financial support to the community while ensuring that the Shire's service delivery requirements and strategic objectives continue to be met.

COMMUNITY ENGAGEMENT

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

- Direct communication and correspondence with the parties requesting waivers.

COMMENTS

As previously outlined in the minutes of the 28 July 2020 and 27 October Ordinary Council Meetings, there are a number of policy options available to Council to provide financial relief to the local community during the Covid-19 Pandemic. These include financial assistance under policy CP FIN-3219 COVID-19 Financial Hardship Rates and Sundry Debtors and policy CP COM-3582 Community Grants Scheme.

In addition to policy responses, Council has the option to waive fees and charges in accordance with Section 6.12 of the *Local Government Act 1995*. The waiving of fees and charges can be approved in advance and may be considered by Council as an additional or alternative means of assistance where other policy options are not deemed to provide the desired level of financial support for individual businesses or community organisations, or in specific circumstances where Council determines additional financial support is appropriate.

In preparing the previous recommendation to waive Aircraft Landing Fees, officers considered that local tour operators are vital to the local tourism industry and the East Kimberley economy and that financial support in addition to that provided under the above policies was warranted. It was also considered that whilst a formal request for the waiving of landing fees was only received by the owners of two local tour operators, that it was equitable and appropriate to recommend the waiving of Landing Fees for four local tour operators.

Since the previous decision to waive Landing Fees was made the economic situation has not improved, with only limited flights being undertaken by all operators. In addition to this two of the operators suffered damage to planes in the severe storm that impacted the East Kimberley Regional Airport on 30 September 2020.

In consultation with the Manager Airports, it is the officer's recommendation that Aircraft Landing Fees be waived for the four operators for a further period of five months from 01 February 2021 to 30 June 2021. Consideration of waivers beyond 30 June 2021 will be undertaken as part of the budget deliberations for the 2021/22 financial year.

ATTACHMENTS

Confidential Attachment 1 - Aircraft Landing Fees Waived - 1 July 2020 to 31 December 2020

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

| | |
|---------------------------------|---|
| DATE: | 23 February 2021 |
| AUTHOR: | Creditors Officer |
| RESPONSIBLE OFFICER: | Felicity Heading, Director Corporate Services |
| FILE NO: | FM.09.25 |
| DISCLOSURE OF INTERESTS: | Nil |

VOTING REQUIREMENT

Simple Majority

OFFICER'S RECOMMENDATION

| | |
|--|-----------|
| That Council receive the lists of accounts paid from the Municipal and Trust funds for December 2020 & January 2021, being: | |
| Municipal EFT 139328 - 139631 (02/12/2020-30/12/2020) | \$ |
| 1,537,338.61 | |
| Municipal Cheques 52003- 52005 (09/12/2020) | \$ |
| 403.30 | |
| Trust EFT 502111- 502123 (02/12/2020 - 29/12/2020) | \$ |
| 11,164.30 | |
| Payroll (02/12/2020 - 30/12/2020) | \$ |
| 714,445.55 | |
| Direct Bank Debits (01/12/2020-31/12/2020) | \$ |
| 140,958.07 | |
| Total - December 2020 | \$ |
| 2,404,309.83 | |
| <hr/> | |
| Municipal EFT 139632 - 139886 (14/01/2021-28/01/2021) | \$ |
| 1,252,386.77 | |
| Municipal Cheques 52006- 52008 (14/01/2021-28/01/2021) | \$ |
| 273.15 | |

| | |
|---|-----------|
| Trust EFT 502124- 502132 (13/01/2021 - 29/01/2021) | \$ |
| 7,041.25 | |
| Payroll (13/01/2021 - 27/01/2021) | \$ |
| 460,418.36 | |
| Direct Bank Debits (04/01/2021-28/01/2021) | \$ |
| 94,144.78 | |
| Total - January 2021 | \$ |
| 1,814,264.31 | |

PURPOSE

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

NATURE OF COUNCIL'S ROLE IN THE MATTER

Regulator - Responsible for the enforcement of statutory requirements.

BACKGROUND/ PREVIOUS CONSIDERATIONS BY COUNCIL/ COMMITTEE

In accordance with Council's Delegations Register which was adopted by Council on 27 October 2020, the Council has delegated to the CEO the exercise of its power under Regulations 12 and 13 of the *Local Government (Financial Management) Regulations 1996* to make payments from Municipal Fund and Trust Fund.

STATUTORY IMPLICATIONS

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

Local Government (Financial Management) Regulations 1996 -

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

Regulation 11. Payments, procedures for making etc.

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

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

POLICY IMPLICATIONS

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

FINANCIAL IMPLICATIONS

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

STRATEGIC IMPLICATIONS

Strategic Community Plan 2017-2027.

Focus Area 4: Performance - Civic Leadership

Goal 4.4: Sustainably maintain the Shire's financial viability

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

RISK IMPLICATIONS

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

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

COMMUNITY ENGAGEMENT

No community engagement is required in relation to this item.

COMMENTS

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

ATTACHMENTS

Attachment 1 - List of Accounts Paid December 2020

Attachment 2 - List of Accounts Paid January 2021

12.4.6. Building Better Regions Funding Applications

| | |
|---------------------------------|---|
| DATE: | 23 February 2021 |
| AUTHOR: | Director Corporate Services |
| RESPONSIBLE OFFICER: | Felicity Heading, Director Corporate Services |
| FILE NO: | FM.04.16 |
| DISCLOSURE OF INTERESTS: | Nil |

VOTING REQUIREMENT

Simple Majority

OFFICER'S RECOMMENDATION

That Council:

- 1. Note that Shire Officers will be submitting a Building Better Regions Fund application for the upgrade to the airside infrastructure at the East Kimberley Regional Airport and included in that application, if successful, is a loan funding commitment from the Shire in the amount of \$1.4 million; and**
- 2. Note that Shire Officers will be submitting a Building Better Regions Fund application for the construction of a new swimming pool and associated infrastructure at the Kununurra Leisure Centre and included in that application, if successful, is a loan funding commitment from the Shire in the amount of \$2.5 million.**

PURPOSE

The purpose of this report is for Council to note the two Building Better Regions Funding (BBRF) applications and their associated funding models. In particular to note the funding portion that will require loan finance in order demonstrate that Council is aware of the funding requirements for the applications and that a portion of the funding will require loan finance.

NATURE OF COUNCIL'S ROLE IN THE MATTER

Advocator - advocate and support initiatives on behalf of the community and the Kimberley
Facilitator - bring stakeholders together

Funder - provide funds or other resources
Leader - plan and provide direction through policy and practices
Provider - provide physical infrastructure and essential services
Regulator - enforce state legislation and local laws

BACKGROUND/ PREVIOUS CONSIDERATIONS BY COUNCIL/ COMMITTEE

There have been no reports to Council regarding this round of BBRF funding.

STATUTORY IMPLICATIONS

Local Government Act 1995

6.20. Power to borrow

- (1) *Subject to this Act, a local government may —*
- (a) *borrow or re-borrow money; or*
 - (b) *obtain credit; or*
 - (c) *arrange for financial accommodation to be extended to the local government in ways additional to or other than borrowing money or obtaining credit,*
- to enable the local government to perform the functions and exercise the powers conferred on it under this Act or any other written law.*
- (2) *Where, in any financial year, a local government proposes to exercise a power under subsection (1) (power to borrow) and details of that proposal have not been included in the annual budget for that financial year —*
- (a) *unless the proposal is of a prescribed kind, the local government must give one month's local public notice of the proposal; and*
 - (b) *the resolution to exercise that power is to be by absolute majority.*
- (3) *Where a local government has exercised a power to borrow and —*
- (a) *it does not wish to proceed with the performance of the function or the exercise of the power for which the power to borrow was exercised; or*
 - (b) *after having completed the performance of the function or the exercise of the power for which the power to borrow was exercised, any part of the money borrowed, credit obtained or financial accommodation arranged has not been expended or utilized,*

the local government may resolve to expend the money or utilize the credit or financial accommodation for another purpose if one month's local public notice is given of the proposed change of purpose.*

** Absolute majority required.*

- (3) —
- (4) *A local government is not required to give local public notice under subsection*
- (a) *where the change of purpose has been disclosed in the annual budget of the local government for the relevant financial year; or*

- (b) *in such other circumstances as are prescribed.*
- (5) *A change of purpose referred to in subsection (3) is to be disclosed in the annual financial report for the year in which the change occurs.*

6.21. Restrictions on borrowing

- (1) *Where, under section 6.20(1), a regional local government borrows money, obtains credit or arranges for financial accommodation to be extended to the regional local government that money, credit or financial accommodation is to be secured only —*
 - (a) *by the regional local government giving security over the financial contributions of the participants to the regional local government's funds as set out or provided for in the establishment agreement for the regional local government; or*
 - (b) *by the regional local government giving security over Government grants which were not given to the regional local government for a specific purpose; or*
 - (c) *by a participant giving security over its general funds to the extent agreed by the participant.*
- (1a) *Despite subsection (1)(a) and (c), security cannot be given over —*
 - (a) *the financial contributions of a particular participant to the regional local government's funds; or*
 - (b) *the general funds of a particular participant, if the participant is not a party to the activity or transaction for which the money is to be borrowed by, the credit is to be obtained for, or the financial accommodation is to be extended to, the regional local government.*
- (2) *Where, under section 6.20(1), a local government borrows money, obtains credit or arranges for financial accommodation to be extended to the local government that money, credit or financial accommodation is only to be secured by giving security over the general funds of the local government.*
- (3) *The Treasurer or a person authorised in that behalf by the Treasurer may give a direction in writing to a local government with respect to the exercise of its power under section 6.20(1) either generally or in relation to a particular proposed borrowing and the local government is to give effect to any such direction.*
- (4) *In this section and in section 6.23 —*

general funds *means the revenue or income from —*

 - (a) *general rates; and*
 - (b) *Government grants which were not given to the local government for a specific purpose; and*
 - (c) *such other sources as are prescribed.*

[Section 6.21 amended: No. 49 of 2004 s. 59.]

POLICY IMPLICATIONS

There are no policy implications from the preparation of this report.

FINANCIAL IMPLICATIONS

There are no financial implications from the preparation of this report.

The financial implications will only arise if the Shire is successful in its BBRF applications. For the East Kimberley Regional Airport upgrade works the total cost of the project is \$10,091 million. The Shire portion of this \$2,523 million. Of this amount \$1,123 million will be funded from the Airport Reserve and \$1,4 million will be funded with loan finance. At current interest rates available from the WA Treasury Corporation, the estimated cost of borrowing \$1,4 million is \$87,000 in total interest over 10 years and annual repayments of principal and interest of \$150,000.

With respect to the Kununurra Leisure Centre the total project cost is \$15 million. The funding model will be \$6 million from the State Government as an election promise. BBRF will fund \$6 million and the Shire portion is \$3 million of which \$2,5 million is loan finance and \$500,000 will be from municipal funds. At current interest rates available from the WA Treasury Corporation, the estimated cost of borrowing \$2,5 million is \$155,000 in total interest over 10 years and annual repayments of principal and interest of \$265,000.

STRATEGIC IMPLICATIONS

Strategic Community Plan 2017-2027

Focus Area 1: PEOPLE - Healthy vibrant active communities

Goal 1.2: Increase participation in sporting, recreation and leisure activities

Strategy 1.2.1: Collaborate with a wide range of stakeholders to advocate and provide accessible facilities that supports a range of sporting and recreational activities

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 3.1.1: Improve the Shire's transport infrastructure, including Wyndham Port and East Kimberley Regional Airport through lobbying, project support and funding opportunities

Focus Area 4: PERFORMANCE - Civic Leadership

Goal 4.4: Sustainably maintain the Shire's financial viability

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

Strategy 4.4.3: 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

Corporate Business Plan

CBP Action: #237 EKRA - Extend the length of the runway to accommodate larger aircraft

CBP Action: #448 KLC - Renewal of Kununurra swimming pools

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.

Periodically Review the Shire's Long Term Financial Plan against the objectives in the Strategic Community Plan and Corporate Business Plan.

Monitor the critical funding sources for the Shire.

Risk:

Failure to plan and resource a suitable airport facility which meets the long term strategic goals and the region's economic development initiatives.

Control:

Council Endorsed East Kimberley Air Action Coordination Group Meeting Monthly to discuss ongoing economic development projects at the Kununurra Regional Airport.

COMMUNITY ENGAGEMENT

No Community Engagement is required in relation to this item.

Public notice will be given for any proposed borrowings in accordance with the requirements of the *Local Government Act 1995*.

COMMENTS

In order to apply for funding through the BBRF the Shire must demonstrate its capacity to fully fund the projects from the grant funding and from own source funding including any borrowings.

The Shire's ability to borrow funds from WA Treasury Corporation is determined by a demonstrated ability to generate sufficient cash flow to meet its repayment obligations through its normal operations.

A measure of the Shire's borrowing capacity is the Debt Service Cover Ratio which is a measure of the Shire's ability to meet its loan commitments from its operating surplus before interest and depreciation. The Department of Local Government, Sports and Cultural Industries basic standard for the Debt Service Cover Ratio is that it is greater than 2.0. The Shire's ratio over the last three years is 3.62 (2018), 3.35 (2019) and 3.00 (2020). This means that the Shire has the capacity to cover its current loan commitments three times from funds provided from operations.

The Shire's current borrowing commitments are well below historical borrowings with a total loan balance at 30 June 2020 of approximately \$2.6 million and current annual interest and principal repayments of approximately \$775,000. Historical borrowing levels over the past 10

years have been as high as \$7.6 million with loan commitments at significantly higher than current interest rates met within operational expenditure budgets.

The Shire has existing loans expiring between 2023 and 2025 which will reduce annual repayment commitments by approximately \$355k in 2023/24, \$210k in 2024/25 and a further \$210k in 2025/26. This means that the impact of the proposed new loans would be highest in the first two years and would reduce significantly after that with a maximum annual commitment in 2021/22 of approximately \$1,19 million reducing to \$415k by 2025/26. Officers consider that the estimated commitment of \$415,000 per annum for the proposed loans is well within the financial capacity of the Shire to meet.

If the BBRF funding applications are successful, formal approval for borrowing will be sought from Council in accordance with the *Local Government Act 1995* including all public notice requirements.

ATTACHMENTS

Nil

12.5. INFRASTRUCTURE

13. MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

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

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

16. MATTERS BEHIND CLOSED DOORS

16.1. EXPRESSION OF INTEREST EO101-20/21: KUNUNURRA WATER PLAYGROUND, DESIGN AND CONSTRUCT

| | |
|---------------------------------|--|
| DATE: | 23 February 2021 |
| AUTHOR: | Senior Procurement and Contracts Officer |
| RESPONSIBLE OFFICER: | Nick Kearns, Director Community Development & Planning |
| FILE NO: | CM.378 |
| DISCLOSURE OF INTERESTS: | Nil. |

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

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

To consider expressions of interests received for EOI01-20/21 and to shortlist acceptable tenderers for a restricted design and construction tender.

17. CLOSURE