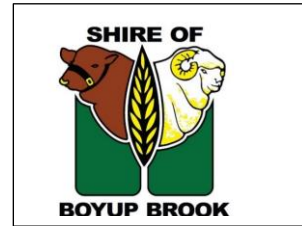


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Date: 15 August 2023

To: Shire President  
Deputy Shire President  
Councillors  
Community



## SPECIAL COUNCIL MEETING MINUTES

11 August 2023

A handwritten signature in black ink, appearing to read "Leonard Long". The signature is written in a cursive style with a large, sweeping initial "L".

**Leonard Long**  
Chief Executive Officer

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## AGENDA

### 1. DECLARATION OF OPENING

The Presiding Member declared the meeting open at 3:01pm.

### 2. RECORD OF ATTENDANCE

#### 2.1 ATTENDANCE

The Shire President has in terms of the *Local Government (Administration) Regulations 1996*, Reg 14C(2)(a)(iii), approved a request from Councillor Steel Alexander to attend the meeting by electronic means.

##### **Councillors**

Shire President	Cr Richard F Walker
Deputy Shire President	Cr Helen C O'Connell
Councillors	Cr Sarah E G Alexander
	Cr Steele Alexander (via MS Teams)
	Cr Charles A D Caldwell
	Cr Philippe Kaltenrieder
	Cr Darren E King
	Cr Kevin J Moir
	Cr Adrian Price

##### **Council Officers**

Chief Executive Officer	Leonard Long
Manager Finance	Ben Robinson
Manager Works & Services	Jason Forsyth

##### **Observers / Public Members**

Nil

#### 2.2 APOLOGIES

Deputy Chief Executive Officer	Carolyn Mallet
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#### 2.3 REQUEST FOR LEAVE OF ABSENCE

Nil

### 3. DEPUTATIONS, PETITIONS AND PRESENTATIONS

#### 3.1 DEPUTATIONS

Nil

#### 3.2 PETITIONS

Nil

#### 3.3 PRESENTATIONS

Nil

**4. PUBLIC QUESTION TIME**

**4.1 RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE**

Nil

**4.2 PUBLIC QUESTION TIME**

Nil

**5. DECLARATIONS OF INTEREST**

**5.1 FINANCIAL AND PROXIMITY INTEREST**

Nil

**5.2 DISCLOSURES OF IMPARTIALITY INTEREST THAT MAY CAUSE A CONFLICT**

- Cr King declared an impartiality interest in Item 6.1. Adoption Of 2023-2024 Annual Budget, being a community member on the Community Resource Centre Committee.

**6. REPORTS OF OFFICERS**

**6.1 Chief Executive Officer**

<b>6.1.1 ADOPTION OF 2023-2024 ANNUAL BUDGET</b>	
<b>File Ref:</b>	FM/1/002
<b>Previous Items:</b>	Nil
<b>Applicant:</b>	Nil
<b>Author and Title:</b>	Darren Long, Financial Consultant
<b>Declaration of Interest:</b>	Nil
<b>Voting Requirements:</b>	Absolute Majority
<b>Attachment Number</b>	6.1.1A 2023-2024 - Proposed Annual Budget

**COUNCIL RESOLUTION 23/08/138**

**That Council Resolves to:**

- 1. Pursuant to Section 6.2 of the *Local Government Act 1995* and the Local Government (Financial Management) Regulations Part 3, Regulations 22 to 33, adopt the 2023-2024 Annual Budget (as contained in Attachment 6.1.1A) for the Shire of Boyup Brook, including the following –**
  - (a) Budget Statement of Comprehensive Income by Nature/Type for the year ending 30 June 2024 showing a net result of (\$2,869,309).**
  - (b) Budget Statement of Cash Flows for the year ending 30 June 2024.**
  - (c) Budget Statement of Financial Activity for the year ending 30 June 2024.**
  - (d) Basis of preparation.**
  - (e) Rates and Service Charges.**
  - (f) Net Current Assets.**
  - (g) Reconciliation of cash.**
  - (h) Fixed Assets.**
  - (i) Asset Depreciation.**
  - (j) Borrowings.**
  - (k) Lease Liabilities.**
  - (l) Reserve Accounts.**
  - (m) Revenue Recognition.**
  - (n) Program Information.**
  - (o) Other Information.**
  - (p) Elected Members Remuneration.**
  - (q) Fees & Charges.**
  - (r) Schedule of Fees and Charges for 2023-2024.**
- 2. That Council establishes a new cash backed reserve called Co-Contributions Reserve with the purpose of “To be used to fund co-contributions towards grants approved by Council”.**

3. That Council establishes a new cash backed reserve called **Waste Reserve** with the purpose of “To be used to fund works required to the Shire’s waste facilities including the transfer station.”
4. That Council amends the purpose of the following reserves as detailed below and these amended purposes be included in the 2023-2024 budget:
  - (a) **Plant Reserve – To be used to fund the purchase of light vehicles and heavy plant and equipment.**
  - (b) **Building Reserve – To be used to fund the construction, renewal, and major maintenance of Council Buildings.**
  - (c) **Community Housing Reserve – To be used to fund maintenance of Community Housing as well as associated costs to temporarily relocate and house tenants (if required) during maintenance works.**
  - (d) **Emergency Reserve – To be used to fund any emergency as agreed by Council.**
  - (e) **Insurance Claim Reserve – To be used to fund the excess on all insurance claims.**
  - (f) **Commercial Reserve – To be used to fund development projects and events approved by Council.**
5. Pursuant to Regulation 34(5) of the Local Government (Financial Management) Regulations 1996, adopts the following as the materiality threshold for 2023-2024:
  - (a) **\$10,000 or 10%, whichever is the lowest, for the purposes of reporting material variances.**

Moved: Cr O'Connell  
 Seconded: Cr Caldwell

**CARRIED 9/0**

### **SUMMARY**

The purpose of this report is for Council to consider and adopt the 2023-2024 Annual Budget.

### **BACKGROUND**

The following draft Annual Budget is presented to Council, as a balanced budget, for consideration and adoption.

The 2023-2024 Annual Budget has been prepared in accordance with Section 6.2 of the *Local Government Act 1995* and the Local Government (Financial Management) Regulations Part 3, Regulations 22 to 33.

## **REPORT DETAIL**

The 2023-2024 Annual Budget comprises the following information -

1. Budget Statement of Comprehensive Income By Nature/Type for the Year Ending 30 June 2024.
2. Budget Statement of Cash Flows for the Year Ending 30 June 2024.
3. Budget Statement of Financial Activity/Rate Setting Statement for the Year Ending 30 June 2024.
4. Notes to the Budget.

### **Budget Highlights – Operating Activities**

#### General Purpose Funding

The proposed budget is presented with the total amount raised in rates for 2023-2024 increasing by 7.0%.

#### Law, Order & Public Safety

An allocation of \$23,214 has been set aside for bushfire planning risk activities.

#### Housing

An allocation of \$143,340 has been set aside for community housing maintenance, with funding from the State Government of \$143,340 carried over from last year.

#### Transport

An allocation of \$120,000 has been set aside for data collection on all Shire roads and footpaths that will assist in meeting fair value statutory obligations and with the development of a Roads Asset Management Plan.

#### Economic Services

An allocation of \$30,000 has been set aside for data collection on all Shire buildings that will assist with the development of a Buildings Asset Management Plan.

#### Other Property & Services

An allocation of \$804,236 has been set aside for Rylington Park operations. These costs are offset by revenue generated from Rylington park operations of \$719,229, and a transfer from the Rylington Park working capital reserve.

### **Budget Highlights – Investing Activities**

#### Furniture & Equipment

An allocation of \$25,000 has been set aside for the installation of telehealth facilities at the Boyup Brook medical centre. This will be fully funded by a State Government grant of \$25,000.

#### Buildings

An allocation of \$75,000 has been set aside for Medical Centre capital works consisting of \$20,000 for internal layout design; \$25,000 for internal painting, flooring, and blinds; and \$30,000 for structural work and external painting.

An allocation of \$40,000 has been set aside for Community Resource Centre capital works consisting of \$30,000 for external painting, new balustrades, and re-stumping; and \$10,000 for internal painting.

An allocation of \$23,000 has been set aside for Early Learning Centre capital works consisting of \$8,000 for external painting; \$10,000 for new kitchen cabinetry; and \$5,000 irrigation replacement.

An allocation of \$30,000 has been set aside for 1 Rogers Avenue capital works consisting of \$30,000 for replacement fencing.

An allocation of \$25,000 has been set aside for Dinninup Hall for drainage works.

An allocation of \$217,377 has been set aside for the refurbishment of the Boyup Brook Town Hall. This will be funded from Local Roads and Community Infrastructure Phase 3 funding.

An allocation of \$11,187 has been set aside for upgrade of the entrance to the Swimming Pool. This will be funded from Local Roads and Community Infrastructure Phase 3 funding.

An allocation of \$90,000 has been set aside for an upgrade of the septic system at the Visitor Centre.

An allocation of \$250,000 has been set aside for a new ablution facility at the Caravan Park. This will be funded by a loan.

An allocation of \$15,000 has been set aside for an upgrade of the septic system at the shops at 80 Abel Street.

An allocation of \$53,000 has been set aside for Rylington Park house capital works consisting of \$3,000 for water filtration system; \$10,000 for internal painting; and \$40,000 for roof and gutter replacement. These costs will be funded by a transfer from the Rylington Park Working Capital Reserve.

#### Plant & Equipment

An allocation of \$21,660 has been set aside for Protective clothing, wash station and fast fill trailer. This will be funded from a DFES capital grant of \$21,660.

An allocation of \$132,000 has been set aside for the acquisition of small plant and equipment.

An allocation of \$738,000 has been set aside for the replacement of heavy plant and equipment. The replacement of plant and equipment will be funded from \$310,000 in proceeds from the trade in of existing plant and equipment, with the remaining balance funded from general revenue.

#### Road Infrastructure

An allocation of \$573,561 has been set aside for Roads to Recovery projects, with funding of \$420,714 from the Commonwealth Government.

An allocation of \$966,401 has been set aside for Regional Road Group Projects, with \$631,700 of grant funding coming from the Regional Road Group funding pool.

An allocation of \$411,000 has been set aside for Council's own road construction projects.



Footpath Infrastructure

An allocation of \$75,075 has been set aside for footpath construction. This will be funded from Local Roads and Community Infrastructure Phase 4B funding.

Airstrip

An allocation of \$53,056 has been set aside for resheeting of the gravel airstrip.

Drainage Infrastructure

An allocation of \$58,566 has been set aside for drainage works at the Boyup Brook Town Hall. This will be funded from Local Roads and Community Infrastructure Phase 3 funding.

Parks & Ovals Infrastructure

An allocation of \$200,000 has been set aside for upgrade works to the Sandakan Playground.

Recreation Infrastructure

An allocation of \$150,000 has been set aside for reticulation upgrades to the sports oval, with \$100,000 in funding proposed to come from the Commonwealth Government.

Other Infrastructure

An allocation of \$35,000 has been set aside for the fencing installation at the Boyup Brook landfill site.

An allocation of \$214,313 has been set aside for the landscaping and car park upgrade works at the Boyup Brook Town Hall. This will be funded from Local Roads and Community Infrastructure Phase 3 funding.

An allocation of \$5,000 has been set aside for the installation of water tanks at the Flax Mill. This will be funded from Community Water Supply grant funding.

An allocation of \$40,000 has been set aside for installation of card swipe facilities at two water standpipe facilities.

An allocation of \$50,000 has been set aside for the construction of an access path to the Blackwood River.

**SHIRE OF BOYUP BROOK STRATEGIC COMMUNITY PLAN 2021 - 2031**

<b>Key Imperatives</b>	Governance and Organisation
<b>Outcome</b>	Demonstrate effective leadership, advocacy, and governance
<b>Objective</b>	Provide transparent decision making that meets our legal and regulatory obligations, reflects the level of associated risk, and is adequately explained to the community.

**OTHER STRATEGIC LINKS**

Nil

**STATUTORY ENVIRONMENT**

*Local Government Act (1995) s.6.2. (1)* states that each Local Government is to prepare an annual budget prior to 31 August, unless an extension from the Minister is granted.

**SUSTAINABILITY AND RISK CONSIDERATIONS**

**Economic** – (Impact on the Economy of the Shire and Region)  
Nil

**Social** – (Quality of life to community and / or affected landowners)  
Nil

**POLICY IMPLICATIONS**

Nil

**RISK MANAGEMENT IMPLICATIONS**

Shire of Boyup Brook's commitment to the identification and management of risks that may impact on the achievement of its business objectives.

<b>Risk Level</b>	<b>Comment</b>
High	It is a statutory requirement for a local authority to adopt an annual budget prior to 31 August. Council will be non-compliant with the <i>Local Government Act 1995</i> .

**CONSULTATION**

Internal – Senior Executives, Councillors  
External - Nil

**RESOURCE IMPLICATIONS****Financial**

The 2023-2024 budget is presented as a balanced budget.

**Workforce**

Nil

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end

<b>6.1.2 VALUATIONS AND GENERAL RATES FOR 2023-2024 ANNUAL BUDGET</b>	
<b>File Ref:</b>	FM/1/002
<b>Previous Items:</b>	Nil
<b>Applicant:</b>	Nil
<b>Author and Title:</b>	Darren Long, Financial Consultant
<b>Declaration of Interest:</b>	Nil
<b>Voting Requirements:</b>	Absolute Majority
<b>Attachment Number</b>	6.1.1A – 2023-2024 Proposed Annual Budget

### **COUNCIL RESOLUTION 23/08/139**

**That Council Resolves to:**

- 1. Adopt the valuations, as supplied by the Valuer General's Office, and recorded in the Rate Book, for the 2023-2024 year-**

**Gross Rental Valuations           \$ 3,690,782**

**Unimproved Valuations           \$475,659,913**

- 2. That Council, pursuant to Section 6.32 of the *Local Government Act 1995*, impose the following rate in the dollar general rate for 2023-2024 -**

**GRV properties                         \$0.158467**

**UV properties                         \$0.005903**

**Moved:           Cr Kaltenrieder**

**Seconded:      Cr Sarah Alexander**

**CARRIED 9/0**

### **SUMMARY**

The purpose of this report is for Council to consider the adoption of applicable valuations and the imposition of general rates on rateable property.

### **BACKGROUND**

Section 6.32 of the *Local Government Act 1995* states:

**6.32. Rates and service charges-**

**(1) When adopting the annual budget, a local government**

**(a) in order to make up the budget deficiency, is to impose\* a general rate on rateable land within its district, which rate may be imposed either:**

**(i) uniformly; or**

**(ii) differentially; and**

**(b) may impose\* on rateable land within its district**

**(i) a specified area rate; or**

**(ii) a minimum payment; and**

**(c) may impose\* a service charge on land within its district.**

*\* Absolute majority required.*

- (2) *Where a local government resolves to impose a rate, it is required to:*
- (a) *set a rate which is expressed as a rate in the dollar of the gross rental value of rateable land within its district to be rated on gross rental value; and*
  - (b) *set a rate which is expressed as a rate in the dollar of the unimproved value of rateable land within its district to be rated on unimproved value.*

## **REPORT DETAIL**

Following the draft budget workshops held with Council, the following general rates are presented for Councils consideration.

The deficiency of expenditure over income for the purpose of striking the rate for the 2023-2024 financial year amounts to \$3,576,929.

\$3,576,929 to be raised by way of rates will impact as follows-

- (a) Rates levied will result in \$242,733 additional revenue when compared to the rates levied in the 2022-2023 financial year.

Every year, the unimproved value (UV) of each property is reassessed by the State's Valuer Generals Office. The gross rental valuation (GRV) of each property for country local governments is reassessed by the State's Valuer Generals Office every five (5) years. The Shire's UV properties were revalued effective 1 July 2023.

The following valuations are currently recorded in Council's 2023-2024 rate book-

- (a) Unimproved Valuations (UV) - \$475,659,913, of which \$42,772,828 are minimum values.
- (b) Gross Rental Valuations (GRV) - \$3,690,782, of which \$246,432 are minimum values.

The Shire bases the determination of annual property rates payable upon the unimproved values (UV) for rural properties and the gross rental values (GRV) for non-rural properties; with the values set by the Valuer General. The Shire applies a rate in the dollar charge for each valuation category, which is multiplied against a property's valuation.

The rate in the dollar adopted for the 2022-2023 financial year was, for UV properties at 0.6662 cents, and for GRV properties at 14.8100 cents. This becomes the base rate in the dollar when determining the following year's rate in the dollar. When properties are revalued, the previous year's rate in the dollar is adjusted in consideration of the whether the valuation has increased or decreased. This allows for a revised base rate that would have generated the same amount of revenue using the new property valuations. The increase in UV valuations of 21.45% has necessitated an adjustment to the UV rate in the dollar as follows:

1. UV – decrease from 0.6662 cents to 0.55175 cents to account for the valuation increment.

The rates in the dollar proposed in the draft budget are as follows-

- (a) The GRV rate in the dollar for 2023-2024 will increase from 14.81007 cents to 15.8467 cents, equating to a 7.00% increase; and
- (b) UV rate in the dollar for 2023-2024 will increase from 0.5517 cents to 0.5903 cents, equating to a 7.00% increase.

### **SHIRE OF BOYUP BROOK STRATEGIC COMMUNITY PLAN 2021 - 2031**

<b>Key Imperatives</b>	Governance and Organisation
<b>Outcome</b>	Demonstrate effective leadership, advocacy, and governance
<b>Objective</b>	Provide transparent decision making that meets our legal and regulatory obligations, reflects the level of associated risk, and is adequately explained to the community.

### **OTHER STRATEGIC LINKS**

Nil

### **STATUTORY ENVIRONMENT**

*Local Government Act (1995) s.6.2. (1)* states that each Local Government is to prepare an annual budget prior to 31 August, unless an extension from the Minister is granted.

*Local Government Act 1995 s.6.32.*

### **SUSTAINABILITY AND RISK CONSIDERATIONS**

**Economic** – (Impact on the Economy of the Shire and Region)

Nil

**Social** – (Quality of life to community and / or affected landowners)

Nil

### **POLICY IMPLICATIONS**

Nil

### **RISK MANAGEMENT IMPLICATIONS**

Shire of Boyup Brook's commitment to the identification and management of risks that may impact on the achievement of its business objectives.

<b>Risk Level</b>	<b>Comment</b>
High	It is a statutory requirement for a local authority to adopt an annual budget prior to 31 August. Council will be non-compliant with the <i>Local Government Act 1995</i> .

### **CONSULTATION**

Internal – Senior Executives, Councillors

External - Nil

## **RESOURCE IMPLICATIONS**

### **Financial**

The 2023-2024 budget is presented as a balanced budget.

### **Workforce**

Nil

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end

<b>6.1.3 MINIMUM RATE PAYMENT FOR 2023-2024 ANNUAL BUDGET</b>	
<b>File Ref:</b>	FM/1/002
<b>Previous Items:</b>	Nil
<b>Applicant:</b>	Nil
<b>Author and Title:</b>	Darren Long, Financial Consultant
<b>Declaration of Interest:</b>	Nil
<b>Voting Requirements:</b>	Absolute Majority
<b>Attachment Number</b>	6.1.1A – 2023-24 Proposed Annual Budget

### **COUNCIL RESOLUTION 23/08/140**

**That Council Resolves to:**

- 1. Pursuant to Sections 6.32 and 6.35 of the *Local Government Act 1995*, impose the following Minimum Payment for 2023-2024-**

<b>GRV properties</b>	<b>\$1,179 per rateable assessment</b>
<b>UV properties</b>	<b>\$1,067 per rateable assessment</b>

**Moved: Cr Moir**  
**Seconded: Cr Caldwell**

**CARRIED 9/0**

### **SUMMARY**

The purpose of this report is for Council to consider the adoption and imposition of the Minimum Payment on rateable property for 2023-2024.

### **BACKGROUND**

Section 6.35 of the *Local Government Act 1995* states:

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

*on which a minimum payment is imposed.*
- (4) A minimum payment is not to be imposed on more than the prescribed percentage of —*

- (a) *the number of separately rated properties in the district; or*
- (b) *the number of properties in each category referred to in subsection (6),*

*unless the general minimum does not exceed the prescribed amount.*

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

### **REPORT DETAIL**

The following minimum payments are presented for Councils consideration. The Minimum Payment for both UV and GRV properties is proposed to increase by 7.00%, to \$1,067 for UV properties and \$1,179 for GRV properties.

The proposed 2023-2024 UV Minimum Payment will be imposed on 384 UV property assessments, being 39.75% of the total UV property assessments. Council will have to monitor future increases in this minimum rate to ensure the number of properties subject to the minimum rate does not exceed 50%, as per the requirements of S6.35(3) of the *Local Government Act 1995*.

The proposed 2023-2024 GRV Minimum Payment will be imposed on 56 GRV property assessments, being 15.82% of the total GRV property assessments.

### **SHIRE OF BOYUP BROOK STRATEGIC COMMUNITY PLAN 2021 - 2031**

<b>Key Imperatives</b>	Governance and Organisation
<b>Outcome</b>	Demonstrate effective leadership, advocacy, and governance
<b>Objective</b>	Provide transparent decision making that meets our legal and regulatory obligations, reflects the level of associated risk, and is adequately explained to the community.

### **OTHER STRATEGIC LINKS**

Nil

### **STATUTORY ENVIRONMENT**

*Local Government Act 1995 s.6.35.*

The imposition of the proposed Minimum Payment complies with the percentage requirements of subclause (3) of Section 6.35.



**SUSTAINABILITY AND RISK CONSIDERATIONS****Economic** – (Impact on the Economy of the Shire and Region)

Nil

**Social** – (Quality of life to community and / or affected landowners)

Nil

**POLICY IMPLICATIONS**

Nil

**RISK MANAGEMENT IMPLICATIONS**

Shire of Boyup Brook’s commitment to the identification and management of risks that may impact on the achievement of its business objectives.

<b>Risk Level</b>	<b>Comment</b>
High	It is a statutory requirement for a local authority to adopt an annual budget prior to 31 August. Council will be non-compliant with the <i>Local Government Act 1995</i> .

**CONSULTATION**

Internal – Senior Executives, Councillors

External - Nil

**RESOURCE IMPLICATIONS****Financial**

The 2023-2024 budget is presented as a balanced budget.

**Workforce**

Nil

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 end

<b>6.1.4 IMPOSITION OF FEES AND CHARGES AND RUBBISH REMOVAL CHARGES FOR 2023-2024 ANNUAL BUDGET</b>	
<b>File Ref:</b>	FM/1/002
<b>Previous Items:</b>	Nil
<b>Applicant:</b>	Nil
<b>Author and Title:</b>	Darren Long, Financial Consultant
<b>Declaration of Interest:</b>	Nil
<b>Voting Requirements:</b>	Absolute Majority
<b>Attachment Number</b>	6.1.1A – 2023-2024 Proposed Annual Budget

### **COUNCIL RESOLUTION 23/08/141**

**That Council Resolves to:**

- 1. Pursuant to Sections 6.16 of the *Local Government Act 1995*, adopts the fees and charges, as listed in the Schedule of Fees and Charges for 2023-2024, and incorporates the Schedule of Fees and Charges into its 2023-2024 annual budget.**

**Moved: Cr Price**  
**Seconded: Cr O'Connell**

**CARRIED 9/0**

### **SUMMARY**

The purpose of this report is for Council to consider the imposition of –

1. Fees and charges for the 2023-2024 financial year.
2. Rubbish removal charges and recycling removal charges for the 2023-2024 financial year.

### **BACKGROUND**

Sections 6.16 to 6.19 of the *Local Government Act 1995* govern how a local government may impose fee and charges for the provision of goods or services.

Section 6.16 states:

#### **6.16. Imposition of fees and charges**

- (1) *A local government may impose\* and recover a fee or charge for any goods or service it provides or proposes to provide, other than a service for which a service charge is imposed.*  
*\* Absolute majority required.*
- (2) *A fee or charge may be imposed for the following —*
  - (a) *providing the use of, or allowing admission to, any property or facility wholly or partly owned, controlled, managed or maintained by the local government.*
  - (b) *supplying a service or carrying out work at the request of a person.*

- (c) *subject to section 5.94, providing information from local government records.*
  - (d) *receiving an application for approval, granting an approval, making an inspection and issuing a licence, permit, authorisation or certificate.*
  - (e) *supplying goods.*
  - (f) *such other service as may be prescribed.*
- (3) *Fees and charges are to be imposed when adopting the annual budget but may be —*
- (a) *imposed\* during a financial year; and*
  - (b) *amended\* from time to time during a financial year.*
- \* Absolute majority required.*

### **6.17. Setting level of fees and charges**

- (1) *In determining the amount of a fee or charge for a service or for goods a local government is required to take into consideration the following factors —*
- (a) *the cost to the local government of providing the service or goods; and*
  - (b) *the importance of the service or goods to the community; and*
  - (c) *the price at which the service or goods could be provided by an alternative provider.*
- (2) *A higher fee or charge or additional fee or charge may be imposed for an expedited service or supply of goods if it is requested that the service or goods be provided urgently.*
- (3) *The basis for determining a fee or charge is not to be limited to the cost of providing the service or goods other than a service —*
- (a) *under section 5.96; or*
  - (b) *under section 6.16(2)(d); or*
  - (c) *prescribed under section 6.16(2)(f), where the regulation prescribing the service also specifies that such a limit is to apply to the fee or charge for the service.*
- (4) *Regulations may —*
- (a) *prohibit the imposition of a fee or charge in prescribed circumstances; or*
  - (b) *limit the amount of a fee or charge in prescribed circumstances.*

### **6.18. Effect of other written laws**

- (1) *If the amount of a fee or charge for a service or for goods is determined under another written law a local government may not —*
- (a) *determine an amount that is inconsistent with the amount determined under the other written law; or*
  - (b) *charge a fee or charge in addition to the amount determined by or under the other written law.*
- (2) *A local government is not to impose a fee or charge for a service or goods under this Act if the imposition of a fee or charge for the service or goods is prohibited under another written law.*

### **6.19. Local government to give notice of fees and charges.**

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

- (a) its intention to do so; and*
- (b) the date from which it is proposed the fees or charges will be imposed.*

Sections 67 and 68 of the *Waste Avoidance and Resource Recovery Act 2007* also apply to the imposition of rubbish and recycling removal charges. Section 67 of the *Waste Avoidance and Resource Recovery Act 2007* states:

### **67. Local government may impose receptacle charge**

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

Section 68 of the *Waste Avoidance and Resource Recovery Act 2007* states:

### **68. Fees and charges fixed by local government**

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

**REPORT DETAIL**

Incorporated into the Schedule of Fees and Charges are the following Rubbish Removal Charges relating to the 2023-2024 financial year:

**Annual Fee GST Exclusive**

Waste Collection 240lt bin – weekly service	\$252.80
Additional Waste Collection 240lt bin – weekly service	\$252.80
Recycling Removal 240lt bin – fortnightly service	\$126.40
Additional Recycling Removal 240lt bin – fortnightly service	\$126.40

**SHIRE OF BOYUP BROOK STRATEGIC COMMUNITY PLAN 2021 - 2031**

<b>Key Imperatives</b>	Governance and Organisation
<b>Outcome</b>	Demonstrate effective leadership, advocacy, and governance
<b>Objective</b>	Provide transparent decision making that meets our legal and regulatory obligations, reflects the level of associated risk, and is adequately explained to the community.

**OTHER STRATEGIC LINKS**

Nil

**STATUTORY ENVIRONMENT**

*Local Government Act 1995* s.6.16 to s.6.19.

*Waste Avoidance and Resource Recovery Act 2007*, s.67 and s.68

**SUSTAINABILITY AND RISK CONSIDERATIONS**

**Economic** – (Impact on the Economy of the Shire and Region)

Nil

**Social** – (Quality of life to community and / or affected landowners)

Nil

**POLICY IMPLICATIONS**

Nil

**RISK MANAGEMENT IMPLICATIONS**

Shire of Boyup Brook's commitment to the identification and management of risks that may impact on the achievement of its business objectives.

<b>Risk Level</b>	<b>Comment</b>
High	It is a statutory requirement for a local authority to adopt an annual budget prior to 31 August. Council will be non-compliant with the <i>Local Government Act 1995</i> .

## **CONSULTATION**

Internal – Senior Executives, Councillors  
External - Nil

## **RESOURCE IMPLICATIONS**

### **Financial**

The 2023-2024 budget is presented as a balanced budget.

### **Workforce**

Nil

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end

<b>6.1.5 WASTE COLLECTION RATE FOR 2023-2024 ANNUAL BUDGET</b>	
<b>File Ref:</b>	FM/1/002
<b>Previous Items:</b>	Nil
<b>Applicant:</b>	Nil
<b>Author and Title:</b>	Darren Long, Financial Consultant
<b>Declaration of Interest:</b>	Nil
<b>Voting Requirements:</b>	Absolute Majority
<b>Attachment Number</b>	6.1.1A – 2023-2024 Proposed Annual Budget

**COUNCIL RESOLUTION 23/08/142**

**That Council Resolves to:**

**1. Pursuant to Section 66 of the *Waste Avoidance and Resource Recovery Act 2007*, and Section 6.35 of the *Local Government Act 1995*, impose a Waste Collection Rate for 2023-2024 on rateable land as follows-**

<b>GRV properties</b>	<b>\$0.000006 Rate in the Dollar</b>
<b>UV properties</b>	<b>\$0.000006 Rate in the Dollar</b>
<b>GRV properties</b>	<b>\$25 Minimum per rateable assessment</b>
<b>UV properties</b>	<b>\$25 Minimum per rateable assessment</b>

**Moved: Cr O'Connell**  
**Seconded: Cr King**

**CARRIED 9/0**

**SUMMARY**

The purpose of this report is for Council to consider the imposition of a Waste Collection Rate for 2023-2024 under the *Waste Avoidance and Resource Recovery Act 2007*.

**BACKGROUND**

Section 66 of the *Waste Avoidance and Resource Recovery Act 2007* permits a local government to impose an annual rate on rateable land for the purposes of providing for the performance of waste services.

Section 66 *Waste Avoidance and Resource Recovery Act 2007* states-

**66 Local government may impose waste collection rate**

- (1) *A local government may impose on rateable land within its district, and cause to be collected, an annual rate for the purpose of providing for the proper performance of all or any of the waste services it provides.*
- (2) *The annual rate must not exceed —*
  - (a) *12 cents in the dollar on the gross rental value; or*

- (b) *where the system of valuation on the basis of the unimproved value is adopted, 3 cents in the dollar on the unimproved value of the land in fee simple.*
- (3) *The provisions of the Local Government Act 1995 relating to the making, payment and recovery of general rates apply with respect to rates referred to in subsection (1).*

Section 66(3) of the *Waste Avoidance and Resource Recovery Act 2007* requires that a local government comply with the provisions of the *Local Government Act 1995* that relate to the making, payment and recovery of general rates.

This means that all of the relevant provisions within Division 6 of Part 6 of the *Local Government Act 1995* that relate to the making, payment and recovery of general rates, apply to a waste collection rate imposed under the *Waste Avoidance and Resource Recovery Act 2007*. As the Waste Collection Rate is imposed as a Minimum Payment of \$200 per assessment, Section 6.35 of the Act applies.

Section 6.35 of the *Local Government Act 1995* states-

### **6.35. Minimum payment**

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

*on which a minimum payment is imposed.*
- (4) *A minimum payment is not to be imposed on more than the prescribed percentage of —*
  - (a) *the number of separately rated properties in the district; or*
  - (b) *the number of properties in each category referred to in subsection (6),*

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



- (a) to land rated on gross rental value; and
- (b) to land rated on unimproved value; and
- (c) to each differential rating category where a differential general rate is imposed.

This also triggers the application of Regulations 52 and 53 of the *Local Government (Financial Management) Regulations 1996*.

Regulation 52 states-

**52. Percentage prescribed for minimum payment (Act s. 6.35(4))**

*The percentage prescribed for the purposes of section 6.35(4) is 50%.*

Regulation 53 states-

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

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

**REPORT DETAIL**

Section 66(3) of the *Waste Avoidance and Resource Recovery Act 2007* requires that a local government comply with the provisions of the *Local Government Act 1995* that relate to the making, payment and recovery of general rates. This means that all the relevant provisions within Division 6 of Part 6 of the *Local Government Act 1995* that relate to the making, payment and recovery of general rates, apply to a waste collection rate imposed under the *Waste Avoidance and Resource Recovery Act 2007*.

The Waste Collection Rate for 2022-2023 was set with a Rate in the Dollar of \$0.000006, and a Minimum Payment of \$25.00 per assessment.

The Waste Collection Rate for 2022-2023 resulted in 1,350 properties being levied with a minimum rate of \$25.00.

It is suggested that the Waste Collection Rate for 2023-2024 be imposed with a Rate in the Dollar of \$0.000006, and a minimum payment of \$25.00.

The rate will be imposed on 1,350 properties, providing a yield of \$33,750.

**SHIRE OF BOYUP BROOK STRATEGIC COMMUNITY PLAN 2021 - 2031**

<b>Key Imperatives</b>	Governance and Organisation
<b>Outcome</b>	Demonstrate effective leadership, advocacy, and governance
<b>Objective</b>	Provide transparent decision making that meets our legal and regulatory obligations, reflects the level of associated risk, and is adequately explained to the community.

**OTHER STRATEGIC LINKS**

Nil

**STATUTORY ENVIRONMENT**

*Waste Avoidance and Resource Recovery Act 2007.*

*Local Government Act 1995.*

*Local Government (Financial Management) Regulations 1996.*

**SUSTAINABILITY AND RISK CONSIDERATIONS**

**Economic** – (Impact on the Economy of the Shire and Region)

Nil

**Social** – (Quality of life to community and / or affected landowners)

Nil

**POLICY IMPLICATIONS**

Nil

**RISK MANAGEMENT IMPLICATIONS**

Shire of Boyup Brook’s commitment to the identification and management of risks that may impact on the achievement of its business objectives.

<b>Risk Level</b>	<b>Comment</b>
High	It is a statutory requirement for a local authority to adopt an annual budget prior to 31 August. Council will be non-compliant with the <i>Local Government Act 1995</i> .

**CONSULTATION**

Internal – Senior Executives, Councillors

External - Nil

**RESOURCE IMPLICATIONS****Financial**

The 2023-2024 budget is presented as a balanced budget.

**Workforce**

Nil

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end

<b>6.1.6 PAYMENT OF RATES OPTIONS AND INTEREST CHARGES FOR 2023-2024 ANNUAL BUDGET</b>	
<b>File Ref:</b>	FM/9/002
<b>Previous Items:</b>	Nil
<b>Applicant:</b>	Nil
<b>Author and Title:</b>	Darren Long, Financial Consultant
<b>Declaration of Interest:</b>	Nil
<b>Voting Requirements:</b>	Absolute Majority
<b>Attachment Number</b>	6.1.1A – 2023-2024 Proposed Annual Budget

### **COUNCIL RESOLUTION 23/08/143**

**That Council Resolves to:**

- 1. Pursuant to Section 6.45 of the *Local Government Act 1995*, offer two payment options for rates and service charges for the 2023-2024 financial year, being-
 
  - (a.) Option 1 – Payment in full by a single instalment by the due date, being 35 days from the date of issue of the rate notice.**
  - (b.) Option 2 - Payment in four equal instalments, being:
 
    - (i) Instalment 1 - 25% of the rates and service charges within 35 days of date of issue of the rate notice.**
    - (ii) Instalment 2 - 25% of the rates and service charges within 2 months of (i).**
    - (iii) Instalment 3 - 25% of the rates and service charges within 2 months of (ii); and**
    - (iv) Instalment 4 - 25% of the rates and service charges within 2 months of (iii).******
- 2. Pursuant to Section 6.45 of the *Local Government Act 1995*, that no administration fee applies to the payment of rates by instalments.**
- 3. Pursuant to Section 6.45 of the *Local Government Act 1995*, impose an instalment interest charge of 5.5%, which is to apply to Instalments 2, 3 and 4 under payment option 2.**
- 4. Pursuant to Section 6.51 of the *Local Government Act 1995*, impose a 11.0% rate of penalty interest on overdue rates and service charges that remain unpaid after the due date.**

**Moved: Cr King**  
**Seconded: Cr O'Connell**

**CARRIED 9/0**

### **SUMMARY**

The purpose of this report is for Council to consider the-

1. Setting of options for the payment of rates and service charges for the 2023-2024 financial year.

2. Imposition of an administration fee and instalment interest charge for payments made by instalments; and
3. Imposition of a rate of interest on overdue rates and service charges for the 2023-2024 financial year.

## **BACKGROUND**

Section 6.45 requires a local government to set the options for the payment of rates or service charges; as well as the ability to impose an administration fee and an instalment interest charge applicable to those payment options.

Section 6.45 of the *Local Government Act 1995* states-

### **6.45. Options for payment of rates or service charges**

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

Section 6.51 provides for a local government to impose an interest charge on a rate of service charge that remains unpaid after becoming due and payable.

### **6.51. Accrual of interest on overdue rates or service charges**

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

- (a) a rate or service charge (or any instalment of a rate or service charge); and*
- (b) any costs of proceedings to recover any such charge, that remains unpaid after becoming due and payable.*

*\* Absolute majority required.*

## **REPORT DETAIL**

### ***Payment options***

The Shire has traditionally offered two payment options-

- Option 1      Payment in full by the due date.
- Option 2      Payment in four equal instalments, being-
  - (a) Instalment 1 - 25% of the rates and service charges within 35 days of date of issue.
  - (b) Instalment 2 - 25% of the rates and service charges within 2 months of (a).
  - (c) Instalment 3 - 25% of the rates and service charges within 2 months of (b); and
  - (d) Instalment 4 - 25% of the rates and service charges within 2 months of (c).

It is suggested that these payment options continue.

### ***Administration fee and instalment interest charge***

Section 6.45 of the Act permits Council to impose an administration charge where a payment of rate or service charge is made by instalments.

Regulations 67 and 68 of the *Local Government (Financial Management) Regulations 1996* limit how much can be imposed as an administration charge and as an instalment interest charge.

In 2022-23 the Shire imposed no administration fee on the second, third and fourth instalment payments.

It is suggested that no administration fee apply to the second, third and fourth instalment payments for 2023-2024.

The State Government did not publish a *Local Government (COVID-19 Response) Amendment Order* this year, meaning local governments are now able to impose the maximum instalment interest rate, being 5.5% under Regulation 68.

The Shire has also previously imposed an instalment interest charge of 5.5% when option 2 is selected by ratepayers.

It is suggested that Council continue to impose an instalment interest charge of 5.5%.

### ***Accrual of interest on overdue rates or service charges***

Section 6.51 of the Act permits Council to impose an interest charge on overdue rates or service charges.

The State Government did not publish a *Local Government (COVID-19 Response) Amendment Order* this year, meaning local governments are now able to impose the maximum late payment penalty interest rate, being 11% under Regulation 70.

It is suggested that Council impose a late payment interest charge of 11% on overdue rates or service charges not paid by the due date.

### **SHIRE OF BOYUP BROOK STRATEGIC COMMUNITY PLAN 2021 - 2031**

<b>Key Imperatives</b>	Governance and Organisation
<b>Outcome</b>	Demonstrate effective leadership, advocacy, and governance
<b>Objective</b>	Provide transparent decision making that meets our legal and regulatory obligations, reflects the level of associated risk, and is adequately explained to the community.

### **OTHER STRATEGIC LINKS**

Nil

### **STATUTORY ENVIRONMENT**

*Local Government Act 1995* s.6.45, 6.50, 6.51.

*Local Government (Financial Management) Regulations 1996*, Regulations 67, 68, 70 and 71.

Local Government (COVID-19 Response) Amendment Order 2021

### **SUSTAINABILITY AND RISK CONSIDERATIONS**

**Economic** – (Impact on the Economy of the Shire and Region)

Nil

**Social** – (Quality of life to community and / or affected landowners)

Nil

### **POLICY IMPLICATIONS**

Nil

### **RISK MANAGEMENT IMPLICATIONS**

Shire of Boyup Brook's commitment to the identification and management of risks that may impact on the achievement of its business objectives.

<b>Risk Level</b>	<b>Comment</b>
High	It is a statutory requirement for a local authority to adopt an annual budget prior to 31 August. Council will be non-compliant with the <i>Local Government Act 1995</i> .

**CONSULTATION**

Internal – Senior Executives, Councillors  
External - Nil

**RESOURCE IMPLICATIONS**

**Financial**

The 2023-2024 budget is presented as a balanced budget.

**Workforce**

Nil

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end

**7. CLOSURE**

There being no further business the meeting closed at 3:19pm.

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Presiding Member

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Date