



*Shire of*  
**Koorda**

*Drive in, stay awhile*

# AGENDA

## Ordinary Council Meeting

To be held in Shire of Koorda Council Chambers

10 Haig Street, Koorda WA 6475

Wednesday 16 April 2025

Commencing 5.00pm

## NOTICE OF MEETING

Dear Elected Members,

Notice is hereby given that the next Ordinary Meeting of Council of the Shire of Koorda will be held on Wednesday, 16 April 2025 in the Shire of Koorda Council Chambers, 10 Haig Street, Koorda.

The format of the day will be:

5.00pm	Council Meeting
Following conclusion of Council Meeting	Council Forum

Zac Donovan  
Chief Executive Officer  
11 April 2025

## DISCLAIMER

No responsibility whatsoever is implied or accepted by the Shire of Koorda for any act, omission or statement or intimation occurring during Council or Committee meetings.

The Shire of Koorda disclaims any liability for any loss whatsoever and howsoever caused arising out of reliance by any person or legal entity on any such act, omission or statement or intimation occurring during Council or Committee meetings.

Any person or legal entity who acts or fails to act in reliance upon any statement, act or omission made in a Council or Committee meeting does so at that person's or legal entity's own risk.

In particular and without derogating in any way from the broad disclaimer above, in any discussion regarding any planning application or application for a license, and statement or intimation of approval made by a member or officer of the Shire of Koorda during the course of any meeting is not intended to be and is not to be taken as notice of approval from the Shire of Koorda.

The Shire of Koorda warns that anyone who has any application lodged with the Shire of Koorda must obtain and should only rely on **written confirmation** of the outcome of the application, and any conditions attaching to the decision made by the Shire of Koorda in respect of the application.

To be read aloud if any member of the public is present.

Signed



Zac Donovan  
Chief Executive Officer

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**Shire of Koorda  
Ordinary Council Meeting  
5.00pm, Wednesday 16 April 2025**



**1. Declaration of Opening**

The Presiding person welcomes those in attendance and declares the meeting open at X.XXpm.

**2. Record of Attendance, Apologies and Leave of Absence**

**Councillors:**

Cr JM Stratford	President
Cr GW Greaves	Deputy President
Cr GL Boyne	
Cr KA Fuchsbichler	

**Staff:**

Mr Z Donovan	Chief Executive Officer
Miss L Foote	Deputy Chief Executive Officer

**Members of the Public:**

**Apologies:**

**Visitors:**

**Approved Leave of Absence:**

Cr NJ Chandler

**3. Public Question Time**

**4. Disclosure of Interest**

**5. Applications for Leave of Absence**

**6. Petitions and Presentations**

## 7. Confirmation of Minutes from Previous Meetings

### 7.1. Ordinary Council Meeting held on 24 March 2025

Ordinary Council Minutes

**Voting Requirements**     Simple Majority     Absolute Majority

#### Officer Recommendation

That, in accordance with Sections 5.22(2) and 3.18 of the *Local Government Act 1995*, the Minutes of the Ordinary Council Meeting held 24 March 2025, as presented, be confirmed as a true and correct record of proceedings.

## 8. Minutes of Committee Meetings to be Received

### 8.1. Minutes of Internal Committee Meetings to be Received

- a. Audit & Risk Committee Meeting Minutes for meeting held 19 March 2025  
Audit & Risk Meeting Minutes
- b. BFAC Meeting Minutes for meeting held 26 March 2025  
BFAC Meeting Minutes
- c. LEMC Meeting Minutes for meeting held 26 March 2025  
LEMC Meeting Minutes

**Voting Requirements**       Simple Majority       Absolute Majority

#### Officer Recommendation

**That, in accordance with Sections 5.22(2) and 3.18 of the *Local Government Act 1995*, Council receives the Minutes of the below Internal Committee meetings, as tabled.**

- a. Audit & Risk Meeting, 19 March 2025;**
- b. BFAC Meeting, 26 March 2025; and**
- c. LEMC Meeting, 26 March 2025.**

**9. Recommendations from Committee Meetings for Council Consideration**

**10. Announcements by the President without Discussion**

## 11. OFFICER'S REPORTS – CORPORATE & COMMUNITY

### 11.1. Monthly Financial Statements

Corporate and Community		
<b>Date</b>	9 April 2025	
<b>Location</b>	Not Applicable	
<b>Responsible Officer</b>	Zac Donovan, Chief Executive Officer	
<b>Author</b>	Lana Foote, Deputy Chief Executive Officer	
<b>Legislation</b>	<i>Local Government Act 1995;</i> <i>Local Government (Financial Management) Regulations 1996</i>	
<b>Disclosure of Interest</b>	Nil	
<b>Purpose of Report</b>	<input type="checkbox"/> Executive Decision <input checked="" type="checkbox"/> Legislative Requirement <input type="checkbox"/> Information	
<b>Attachments</b>	March 2025 Financial Activity Statement	

#### Background:

This item presents the Statement of Financial Activity to Council for the period ending 31 March 2025.

Section 6.4 of the *Local Government Act 1995* requires a local government to prepare financial reports.

Regulations 34 and 35 of the *Local Government (Financial Management) Regulations 1996* set out the form and content of the financial reports, which have been prepared and presented to Council.

#### Comment:

All financial reports are required to be presented to Council within two meetings following the end of the month that they relate to.

#### Consultation:

Zac Donovan, Chief Executive Officer  
Finance Officers

#### Statutory Implications:

Council is required to adopt monthly statements of financial activity to comply with Regulation 34 of the *Local Government (Financial Management) Regulations 1996*.

#### Policy Implications:

Finances have been managed in accordance with the Shire of Koorda policies.

#### Strategic Implications:

Shire of Koorda Integrated Strategic Plan 2024

4.1.1 - Ensure efficient use of resources and that governance and operational compliance and reporting meets legislative and regulatory requirements.

**Risk Implications:**

<b>Risk Profiling Theme</b>	Failure to fulfil statutory regulations or compliance requirements
<b>Risk Category</b>	Compliance
<b>Risk Description</b>	No noticeable regulatory or statutory impact
<b>Consequence Rating</b>	Insignificant (1)
<b>Likelihood Rating</b>	Rare (1)
<b>Risk Matrix Rating</b>	Low (1)
<b>Key Controls (in place)</b>	Governance Calendar, Financial Management Framework and Legislation
<b>Action (Treatment)</b>	Nil
<b>Risk Rating (after treatment)</b>	Adequate

Timely preparation of the monthly financial statements within statutory guidelines is vital to good financial management. Failure to submit compliant reports within statutory time limits will lead to non-compliance with the Local Government Act 1995 and the Local Government (Financial Management) Regulations 1996.

**Financial Implications:**

Nil

**Voting Requirements:**     Simple Majority     Absolute Majority

**Officer Recommendation**

**That Council, by Simple Majority, pursuant to Regulation 34 of the *Local Government (Financial Management) Regulations 1996*, receives the statutory Financial Activity Statement report for the period ending 31 March 2025, as presented.**

## 11.2. List of Accounts Paid

<b>Corporate and Community</b>		
<b>Date</b>	9 April 2025	
<b>Location</b>	Not Applicable	
<b>Responsible Officer</b>	Zac Donovan, Chief Executive Officer	
<b>Author</b>	Lana Foote, Deputy Chief Executive Officer	
<b>Legislation</b>	<i>Local Government Act 1995;</i> <i>Local Government (Financial Management) Regulations 1996</i>	
<b>Disclosure of Interest</b>	Nil	
<b>Purpose of Report</b>	<input type="checkbox"/> Executive Decision <input checked="" type="checkbox"/> Legislative Requirement <input type="checkbox"/> Information	
<b>Attachments</b>	List of Accounts Paid	

### Background:

This item presents the List of Accounts Paid, paid under delegated authority, for the period 13 March 2025 to 9 April 2025.

### Comment:

From 1 September 2023, Regulations were amended that required Local Governments to disclose information about each transaction made on a credit card, debit card or other purchasing cards. Purchase cards may include the following: business/corporate credit cards, debit cards, store cards, fuel cards and/or taxi cards.

The List of Accounts Paid as presented has been reviewed by the Chief Executive Officer.

### Consultation:

Zac Donovan, Chief Executive Officer  
Finance Team

### Statutory Implications:

Regulation 12 and 13 of the *Local Government (Financial Management) Regulations 1996* requires that a separate list be prepared each month for adoption by Council showing creditors paid under delegate authority.

### Policy Implications:

Finances have been managed in accordance with the Shire of Koorda policies. Payments have been made under delegated authority.

### Strategic Implications:

Shire of Koorda Integrated Strategic Plan 2024

4.1.1 - Ensure efficient use of resources and that governance and operational compliance and reporting meets legislative and regulatory requirements.

**Risk Implications:**

<b>Risk Profiling Theme</b>	Failure to fulfil statutory regulations or compliance requirements
<b>Risk Category</b>	Compliance
<b>Risk Description</b>	No noticeable regulatory or statutory impact
<b>Consequence Rating</b>	Insignificant (1)
<b>Likelihood Rating</b>	Rare (1)
<b>Risk Matrix Rating</b>	Low (1)
<b>Key Controls (in place)</b>	Governance Calendar
<b>Action (Treatment)</b>	Nil
<b>Risk Rating (after treatment)</b>	Adequate

**Financial Implications:**

Funds expended are in accordance with Council's adopted 2024/2025 Budget.

**Voting Requirements:**     Simple Majority     Absolute Majority

**Officer Recommendation**

That Council, by Simple Majority, pursuant to Section 6.8(1)(a) of the *Local Government Act 1995* and Regulation 12 & 13 of the *Local Government (Financial Management) Regulations 1996*;

Receives the report from the Chief Executive Officer on the exercise of delegated authority in relation to creditor payments from the Shire of Koorda Municipal Fund, as presented in the attachment, and as detailed below:

For the period 13 March 2025 to 9 April 2025.

Municipal Voucher V611 to V662  
Purchase Card Transactions (V635)

**Totalling \$ 516,321.29**  
**Totalling \$ 1,667.55**  
**Total \$ 517,988.84**

**11.3. Proposed Budget Development 2025/2026**

<b>Corporate and Community</b>		
<b>Date</b>	9 April 2025	
<b>Location</b>	Not Applicable	
<b>Responsible Officer</b>	Zac Donovan, Chief Executive Officer	
<b>Author</b>	As above	
<b>Legislation</b>	<i>Local Government Act 1995;</i> <i>Local Government (Financial Management) Regulations 1996</i>	
<b>Disclosure of Interest</b>	Nil	
<b>Purpose of Report</b>	<input checked="" type="checkbox"/> Executive Decision <input checked="" type="checkbox"/> Legislative Requirement <input type="checkbox"/> Information	
<b>Attachments</b>	Budget Projects 2025 - Integrated Strategic Plan Shire of Koorda Integrated Strategic Plan 2024	

**Background:**

Each local government is required to develop and adopt an operating (municipal fund) budget for the succeeding financial year as per the Local Government Act 1995 (6.2) and in accordance with the Financial Management Regulations 1996 (part 3) and Australian Accounting Standards.

The annual budget estimates expenditure for operations, services and assets and projects income including grants, fees and charges and earnings, but excluding rate revenue, to define any deficiency. It needs to define the general rates to be raised, fees and charges, any borrowing obligations, funds for reserves and the local government’s land transactions and trading activities, if applicable.

The Act requires Council to develop and adopt the annual municipal fund budget and submit it to the Department by August 31, 2025.

The purpose of the item is to set out a timetable for Council to undertake budget planning and adoption and present preliminary strategic direction required on key assets and projects so to commence the process.

**Comment:**

As proposed in the following, the process for the development of the 2025-26 Shire of Koorda Budget will be a variation of that adopted by Council for the previous year. This is a consequence of the 2024-25 budget development being undertaken with the biennial review of the Integrated Strategic Plan and associated actions, the first tranche of which flowed directly to the annual budget. Whereas the 2025-26 budget picks up the next tranche of strategic priorities rather than developing new projects.

The development of the 2025-26 Shire Budget will however be similar to the process adopted the previous year in that it will initially focus on the strategic considerations and setting priorities in consideration of underlying assumptions before the addition of the financial constraints.

As with the previous year, undertaking the strategic process prior to financial or rationing considerations allows Council to consider projects and set priorities based on merit and community need rather than being restricted in their deliberations by the application of funding realities.

A proposed timetable for the 2025-26 budget development process is proposed in the following table. As shown the first item is the current OCM for which it is proposed Council be presented the budget timetable and detail of the 10 projects from the Integrated Strategic Plan.

DATE		OBJECTIVES
16 April	<b>Ordinary Council Meeting</b>	<ul style="list-style-type: none"> <li>• Proposed 2024-25 budget timetable.</li> <li>• Outline key strategic project decisions</li> </ul>
30 April	<b>Budget Strategic Workshop</b>	<ul style="list-style-type: none"> <li>• Strategic Projects Approach and Priorities</li> <li>• Strategy for fees and charges</li> </ul>
	<i>Staff Action</i>	<ul style="list-style-type: none"> <li>• Explore costings, quotes, funding for projects</li> <li>• Develop underlying budget assumptions</li> </ul>
21 May	<b>Ordinary Council Meeting</b>	<ul style="list-style-type: none"> <li>• Present underlying budget assumptions</li> <li>• Present Project cost estimations</li> </ul>
	<i>Staff Action</i>	<ul style="list-style-type: none"> <li>• Prepare agenda for Works Committee meeting.</li> </ul>
4 June	<b>Works Committee Meeting</b>	<ul style="list-style-type: none"> <li>• Presentation of annual works budget and program to Works Committee to advise budget development.</li> </ul>
	<i>Staff Action</i>	<ul style="list-style-type: none"> <li>• Develop draft budget (excluding year-end results)</li> </ul>
18 June	<b>Ordinary Council Meeting</b>	<ul style="list-style-type: none"> <li>• Present preliminary 2025-26 Shire Budget (including year-end results)</li> <li>• Subject to June year end results</li> </ul>
	<i>Staff Action</i>	<ul style="list-style-type: none"> <li>• Amend draft 2025-26 Shire Budget as per Council direction</li> </ul>
16 July	<b>Ordinary Council Meeting</b>	<ul style="list-style-type: none"> <li>• Present draft 2025-26 Shire of Koorda Budget</li> <li>• For Council to approve or amend further.</li> </ul>
	<i>Staff Action</i>	<ul style="list-style-type: none"> <li>• Second and final budget amendment as per Council direction</li> </ul>
20 August	<b>Ordinary Council Meeting</b>	<ul style="list-style-type: none"> <li>• Present amended 2025-26 Shire of Koorda Budget</li> <li>• Final opportunity for Council to endorse Budget</li> </ul>
31 August	<i>Staff Action</i>	<ul style="list-style-type: none"> <li>• Ensure Shire Budget is forwarded to Department of Local Government by August 31</li> </ul>

As shown in the timetable, it is proposed that the presentation and consideration of the various iterations of the 2025-26 Shire Budget be aligned with Ordinary Council Meetings, save for a Budget Workshop proposed in two weeks (for Wednesday, 30 April) and Works Committee meeting on 4 June.

The purpose of the Budget Workshop is to enable open discussion by Council separate to the OCM environment for an open discussion both on the priority of the 10 projects (list with strategic alignment attached) but also to discuss preferred options by which to implement each preferred outcome.

As shown in the attachment, each of the 10 projects offered for discussion and determination at the Budget Workshop are directly related or listed in the Shire of Koorda Integrated Strategic Plan. That is

not to say that Council is unable to introduce additional projects to be considered however there should be demonstrated alignment with an action contained within the Integrated Strategic Plan (attached).

It is proposed the Budget Workshop would also consider additional strategic objectives including:

- A review of Shire short-term accommodation and staff housing costs,
- Local Government reforms regarding elected member superannuation and remuneration,
- Fees and charges for users of Shire facilities including the recreation precinct, and
- Any other inflator, variable or initiative raised by elected members in the meeting.

At the conclusion of the Budget Workshop, it is anticipated for staff to be informed by Council by the underlying strategic intent in developing the 2025-26 Shire Budget and the projects to prioritise for detailed costings as to determine the extent of which can be encompassed in the final plan.

As shown in the timetable, the OCM following the Budget Workshop is intended to present cost estimated for the various priority projects and provide Council the underlying budget assumptions on key inflators such as adjustments to fees and charges, rates and staff salary and general inflators.

It is proposed for the OCM of 18 June, the preliminary 2025-26 Shire of Koorda Budget be presented for consideration, on the understanding that financial year-end results would not yet be determined and will likely impact the final budget presented to Council. The timing does however allow Council a preliminary review of the budget and the opportunity to propose amendments.

As such, the plan is for the 2025-26 Shire of Koorda Annual Budget to be finalised at the OCM of 16 July, which provides for (as shown in the table) the contingency of an additional OCM on 20 August should Council require further changes – prior to the budget needing to be finalised, adopted and forwarded to the Department of Local Government to meet the 31 August deadline.

### **Consultation:**

Lana Foote, Deputy Chief Executive Officer

### **Statutory Implications:**

Local Government Act 1995 (6.2) and Financial Management Regulations 1996 (part 3).

### **Policy Implications:**

G - Legislative Compliance V1.0

W - Asset Management V1.0

### **Strategic Implications:**

Shire of Koorda Integrated Strategic Plan 2024

3.1.1 – Review asset management program to include asset life planning and replacement with defined scheduled maintenance program.

4.1.1 – Ensure efficient use of resources and that governance and operational compliance and reporting meets legislative and regulatory requirements.

4.1.2 – Ongoing refinement of organisational structure and capacity, and alignment of resources with strategic Community, Economic and Environmental priorities.

### **Risk Implications:**

<b>Risk Profiling Theme</b>	Failure to fulfil statutory regulations or compliance requirements
<b>Risk Category</b>	Compliance
<b>Risk Description</b>	Some temporary non-compliance
<b>Consequence Rating</b>	Minor (2)
<b>Likelihood Rating</b>	Unlikely (2)

<b>Risk Matrix Rating</b>	Low (4)
<b>Key Controls (in place)</b>	Local Government Act and regulations and Budget Development Plan
<b>Action (Treatment)</b>	Nil
<b>Risk Rating (after treatment)</b>	Effective

**Financial Implications:**

The Shire of Koorda 2025-26 Budget will be developed as a balanced budget.

**Voting Requirements:**     Simple Majority     Absolute Majority

**Officer Recommendation**

**That Council adopted the proposed budget development approach and accompanying timetable as presented.**

## 11.4. NEWTRAVEL Draft MOU and Funding Request

<b>Corporate and Community</b>		
<b>Date</b>	26 March, 2025	
<b>Location</b>	Shire of Koorda	
<b>Responsible Officer</b>	Zac Donovan, Chief Executive Officer	
<b>Author</b>	As above	
<b>Legislation</b>	Nil	
<b>Disclosure of Interest</b>	Nil	
<b>Purpose of Report</b>	<input type="checkbox"/> Executive Decision <input type="checkbox"/> Legislative Requirement <input checked="" type="checkbox"/> Information	
<b>Attachments</b>	NEWTRAVEL MoU document draft 2024-25 Wheatbelt Way Impact Report to Member Councils NEWTRAVEL Strategic Plan 2022-25	

### Background:

NEWTRAVEL is the representing body for collective marketing in the Shires of Koorda, Dowerin, Wyalkatchem, Trayning, Nungarin, Mukinbudin, Mt Marshall and Westonia with the key purpose to market and promote the Wheatbelt Way and tourism assets in the region.

NEWTRAVEL was first incorporated in 1997 as a non-for-profit association with the Wheatbelt Way developed by NEWTRAVEL and NEWROC in 2010 with funding support from Royalties for Regions. The following year the group secured \$1.38m funding from R2R to support almost \$2m investment in infrastructure, signage and street furniture for the participating Shires.

Since its inception, NEWTRAVEL has implemented a host of initiatives to provide expertise and enhancement to the market positioning of the Wheatbelt Way which – as shown in the (attached) 2024-25 Impact Report – has coincided with an increase of visitors to the region from about 1000 in 2013 to more than 15,000, last year as captured in visitor data from accommodation providers.

The Shire of Koorda, along with other participating Shires, for the 2024-25 financial year each contributed \$8605 to fund the continued operation of NEWTRAVEL. The contribution by each Shire is made with the endorsement each of the respective annual budgets passed by each Shire.

With the current NEWTRAVEL 2022-2025 Strategic Plan coming due for renewal and with a view for more certainty in funding and continuity, NEWTRAVEL has proposed a Memorandum of Understanding (attached) with participating Shires that would require a five-year funding commitment, with the amount depending on the option selected by Council from that contained in the MOU and Council support.

The purpose of this item is to present the MoU for Council consideration, and that the financial implications of which would be realised in outgoing annual budgets.

### Comment:

The NEWTRAVEL Tourism Officer Linda Vernon was invited to present to Council at the 16 April OCM to discuss the proposed MoU and the achievements of NEWTRAVEL and future potential.

The primary reason NEWTRAVEL seeking an MoU from participating shires with the corresponding ongoing funding commitment, is to help provide certainty to NEWTRAVEL which would assist in retaining staff and enable forward planning beyond the current period. Currently NEWTRAVEL develops three-year strategic plans, but with funding only confirmed year to year.

The counter though, in considering the need for the MoU, is that NEWTRAVEL has been operating for 28 years – and the Wheatbelt Way for 15 years – without the provision of such a document or commitment by participating councils which are referred to in the document as having provided “strong support” since inception.

To provide funding certainty the terms of the draft MoU (attached) require that participating Shires commit to maintaining an annual contribution for the five-year term of the agreement. As such the MoU proposes two options for Council consideration – comparative existing base with an annual adjustment of \$500, or a higher base with an annual CPI increase.

The two options are as follows:

**Option 1 – Lower base rate with \$500 escalation**

2025-26	2026-27	2027-28	2028-29	2029-30
\$8400	\$8900	\$9400	\$9900	\$10,400

**Option 2 – Higher base rate with annual CPI adjustment**

2025-26	2026-27	2027-28	2028-29	2029-30
\$10,000	\$10,000*	\$10,000*	\$10,000*	\$10,000*

\*CPI adjusted

As shown, Option 1 has a \$500 annual inflator that in year one equates to a 5.9% and by the final year is 4.8%; while Option 2 applies CPI for which the long-term average is 2.8%. As such, in real terms, assuming CPI at the long-term average of 2.8%, the present value of the cost to the Shire for the two options over the five years of the MoU would be \$44,378 for Option 1 or \$48,395 for Option 2.

To put the percentage increases as proposed in the two options in context, Shire contributions to NEWTRAVEL have increased on average 6.9% each year since when first introduced in 2013 at \$3900 and increasing to \$8605 for 2024-25.

In addition, the current NEWTRAVEL Strategic Plan 2022-25 (attached) is scheduled to be renewed prior to 2026, the timing of which provides the potential for Council to define expectations to be addressed in the strategic review to support endorsement of the proposed five-year MoU agreement.

**Consultation:**

Linda Vernon, Marketing Officer NEWTRAVEL  
 Lana Foote, Deputy Chief Executive Officer

**Statutory Implications:**

Nil

**Policy Implications:**

Nil

**Strategic Implications:**

Shire of Koorda Integrated Strategic Plan 2024

2.2 Tourism helps to diversify and grow our local economy

**Risk Implications:**

<b>Risk Profiling Theme</b>	The shire is unable to meet the financial obligations of the MoU
<b>Risk Category</b>	Reputation
<b>Risk Description</b>	Impact of perception of shire with other participating Shires.
<b>Consequence Rating</b>	Minor (2)
<b>Likelihood Rating</b>	Rare (1)

<b>Risk Matrix Rating</b>	Low (2)
<b>Key Controls (in place)</b>	Financial management of Shire
<b>Action (Treatment)</b>	Financial reporting and management
<b>Risk Rating (after treatment)</b>	Effective

**Financial Implications:**

Depending on option selected by Shire if MoU endorsed.

**Voting Requirements:**     Simple Majority     Absolute Majority

**Officer Recommendation**

**That Council endorse the development of a Memorandum of Understanding between the Shire and NEWTRAVEL.**

## 12. OFFICER'S REPORTS – GOVERNANCE & COMPLIANCE

### 12.1. Caravan Park Local Law Use of Common Seal

<b>Governance and Compliance</b>		
<b>Date</b>	9 April, 2025	
<b>Location</b>	Koorda Caravan Park	
<b>Responsible Officer</b>	Zac Donovan, Chief Executive Officer	
<b>Author</b>	As above	
<b>Legislation</b>	Local Government Act 1995 Caravan Parks and Camping Grounds Act 1995 Caravan Parks and Camping Grounds Regulations 1997	
<b>Disclosure of Interest</b>	Nil	
<b>Purpose of Report</b>	<input checked="" type="checkbox"/> Executive Decision <input type="checkbox"/> Legislative Requirement <input type="checkbox"/> Information	
<b>Attachments</b>	Shire of Koorda Caravan Park Local Law	

#### Background:

The Shire of Koorda has begun the process to create and adopt a local law for the purpose to provide for the regulation, control and management of the Koorda Caravan Park and in effect establish the requirements for entry to, and use of, the Koorda Caravan Park.

The purpose of this item is for Council to approve the application of the Common Seal on the Shire of Koorda Caravan Park Local Law as endorsed by Council and attached and as per the Local Government Act 1995 sections 9.49A and 9.49B and the shire policy G - Use of the Shire of Koorda Common Seal-Executing of Legal Documents V1.0.

#### Comment:

The Ordinary Council Meeting of 19 February endorsed the development of the local law and the 24 March OCM endorsed the final version to be dispatched to the Director General of the Department of Local Government, Sport and Cultural Industries as per the Local Government Act Section 3.12(3)(b).

The advice was sent as per advice from WALGA via email ([legislation@dlgsc.wa.gov.au](mailto:legislation@dlgsc.wa.gov.au)) and marked to the Director General's attention on 25 March, following the March OCM with a follow up enquiry requesting acknowledgement of receipt on 9 April.

The OCM of 24 March also determined that the Shire of Koorda office at 10 Haig Street, Koorda would be the place the Local Law could be inspected during the six weeks period of public submissions, to conclude on 8 May when the feedback will be returned to Council to consider.

The proposed Local Law was also published on the Shire website and social media platform (Facebook) to help ensure the community were aware of the opportunity to provide comment via submissions.

Given the timing, the Shire of Koorda Caravan Park Local Law was submitted to the Director General with the signatures of the President and CEO as the draft to be finalised following public submissions, with this item to endorse the application of the common seal, should that be requested for the draft.

**Consultation:**

Marnie Herrington, Governance Specialist, WALGA  
Mark Gregory, Principal, M Gregory Legal

**Statutory Implications:**

Local Government Act 1995  
Caravan Parks and Camping Grounds Act 1995  
Caravan Parks and Camping Grounds Regulations 1997

**Policy Implications:**

W - Recreational Vehicles and Overflow Camping Grounds V1.0  
G - Use of the Shire of Koorda Common Seal-Executing of Legal Documents V1.0

**Strategic Implications:**

Shire of Koorda Integrated Strategic Plan 2024  
1.1 Local people feel safe, engaged and enjoy a healthy and peaceful lifestyle  
2.2 Tourism helps to diversify and grow our local economy  
3.1 Shire facilities are renewed and maintained to meet community needs

**Risk Implications:**

<b>Risk Profiling Theme</b>	The local law is rejected by the Director General
<b>Risk Category</b>	Reputation
<b>Risk Description</b>	Local laws are not permitted to conflict with other legislation.
<b>Consequence Rating</b>	Moderate (3)
<b>Likelihood Rating</b>	Possible (3)
<b>Risk Matrix Rating</b>	Moderate (9)
<b>Key Controls (in place)</b>	Shire engaging professional legal advice
<b>Action (Treatment)</b>	Adhere to legal advice
<b>Risk Rating (after treatment)</b>	Adequate

**Financial Implications:**

Nil additional

**Voting Requirements:**     Simple Majority     Absolute Majority

**Officer Recommendation**

**That Council**

**Approve the use of the Shire of Koorda Common Seal on the Caravan Park Local Law as endorsed by Council.**

**12.2. Rates Recovery Program**

<b>Governance and Compliance</b>		
<b>Date</b>	3 April 2025	
<b>Location</b>	Shire of Koorda	
<b>Responsible Officer</b>	Zac Donovan, Chief Executive Officer	
<b>Author</b>	As above	
<b>Legislation</b>	Local Government Act 1995 (sections 6.64 and 6.68) and Schedule 6.2	
<b>Disclosure of Interest</b>	Nil	
<b>Purpose of Report</b>	<input checked="" type="checkbox"/> Executive Decision <input type="checkbox"/> Legislative Requirement <input type="checkbox"/> Information	
<b>Attachments</b>	Nil	

**Background:**

The Shire of Koorda debt recovery program is gradually recovering outstanding payments through the application of final demand letters, action by the bailiff to seize property and the sale of land and houses. To this end the Ordinary Council Meeting of 23 October 2024, approved that the Shire commences the sales process for two properties – 1 Allenby Street and 23 Smith Street – on which rates had been owed for more than three years.

At the commencement of the debt recovery process following the OCM of 18 September 2024, the 15 properties identified at that time were owing a combined total of \$119,140. The list has been reduced to nine properties owing a total \$107,834, of which 87 per cent is attributed to six properties.

These six properties – which owe a combined \$94,312 - include the two properties currently proceeding through the seizure and sales process; two properties for which Council approval to proceed to sale is requested in this item; one property for which the repayment plan ceased in October and Council will likely be requested to approve sale at a future meeting; and a property previous subject to a sales order on which full payment was made prior to sale with interest and all recovery costs.

The remaining three properties on the debt recovery list – owing a combined \$13,288 – comprise one property for which the fortnightly repayment has been increased from \$25 to \$150; another property for which a vehicle has been seized; and one in the final demand letter stage.

The purpose of this item is to request Council endorsement to commence the property sale process on two properties – 27 and 51 Smith Street - and provide an update on the sales process for 1 Allenby Street and 23 Smith Street.

**Comment:**

The two properties for which Council support is requested to proceed to Property Seizure and Sale Orders (PSSO) owe a combined \$25,887 – comprising \$13,774 owed on 51 Smith Street and \$12,113 on 27 Smith Street. These properties have a common owner and rates payments have not been made on either property for more than three years.

Anticipated legal and administrative fees to proceed to sale are estimated at \$5500 for each property, however as the properties are owned by the same individual, one of which is the owner’s place of

residence there is a higher likelihood that the matters will not proceed to sale. Irrespective the costs are recoverable at the time of sale.

While neither property has been independently valued, they are each more saleable than the other properties the Shire is currently seizing for sale - 1 Allenby Street and 23 Smith Street – and as such would be expected to realise funds to cover all rates and costs owed on each property.

Regarding the two properties approved by Council at the OCM of 23 October 2024 to proceed to sale - 1 Allenby Street and 23 Smith Street – the process is now at the point where the Shire is to provide public notice for 35 days of the intent to sell to give the property owners up to three months to pay the outstanding rates and costs before proceeding to sale.

It is anticipated if the rates and costs are not paid that the sale of the property will be at least a further month later, to provide an opportunity to advertise the sale and attract potential buyers. Under Schedule 6.2 of the Local Government Act 1995, funds realised from the sale of the property are allocated in the following priority – first to meeting the costs of the sale then rates and costs and monies owing to the Crown (allocated pro rata if insufficient funds are realised to meet all local and state government cost).

While it is unlikely for either 1 Allenby Street or 23 Smith Street for any additional funds to remain after the initial allocation as detailed above, any that were to remain would then be distributed in order: vendors costs, sewerage connection costs, discharge of mortgages, the original property owner.

Information from AMPAC is there are no encumbrances on 23 Smith Street however a mortgage and state memorial is evident for 1 Allenby Street, neither of which would be redressed until after costs for the process have been refunded to the Shire.

Should the properties fail to sell after 12 months under the Local Government Act 1995 section 6.71, the Shire can elect to transfer ownership of the land to the Shire or the Crown. Under the legislation any encumbrances on the properties remain in place if the property is transferred to the Shire to redress, whereas if the Shire opts to transfer the property to the Crown all encumbrances are no longer in effect.

### **Consultation:**

Jodie Earney, Team Collections Leader, AMPAC Debt Recovery  
Monique Moro, Solicitor, Palisade Corporate Law  
Lana Foote, Deputy Chief Executive Officer

### **Statutory Implications:**

Local Government Act 1995 (sections 6.64 and 6.68) and Schedule 6.2

### **Policy Implications:**

F- Debt Recovery V1.0

### **Strategic Implications:**

Shire of Koorda Integrated Strategic Plan 2024

4.1.1 Ensure efficient use of resources and that governance and operational compliance and reporting meets legislative and regulatory requirements.

### **Risk Implications:**

<b>Risk Profiling Theme</b>	Failure to recover all or at least substantial quantum of outstanding rates
<b>Risk Category</b>	Financial
<b>Risk Description</b>	Financial impact

<b>Consequence Rating</b>	Moderate (3)
<b>Likelihood Rating</b>	Possible (3)
<b>Risk Matrix Rating</b>	Moderate (9)
<b>Key Controls (in place)</b>	Structured debt recovery program
<b>Action (Treatment)</b>	Management controls
<b>Risk Rating (after treatment)</b>	Effective – Moderate (6)

### **Financial Implications:**

As outlined in the item, given the potential variables, there is a myriad of potential outcomes for the Shire which, most of which are unlikely to realise a net positive results and the full recovery of outstanding rates.

**Voting Requirements:**     Simple Majority     Absolute Majority

### **Officer Recommendation**

**That Council require staff:**

Pursuant to s6.64 (1) (b) of the *Local Government Act 1995*, to proceed to issuing a Property Seizure and Sale Order for the sale of the property at 51 Smith Street, Koorda, which has rates and services in arrears for 3 years or more.

Pursuant to s6.64 (1) (b) of the *Local Government Act 1995*, to proceed to issuing a Property Seizure and Sale Order for the sale of the property at 27 Smith Street, Koorda, which has rates and services in arrears for 3 years or more.

Engage the AMPAC debt recovery agency to manage the sales process for both properties – 51 Smith Street, Koorda and 27 Smith Street, Koorda – in line with legislative requirements and the agreed schedule of fees.

Provide an update to Council when additional encumbrances are known for both or either property; or at the time of any change to the costs or assumptions detailed in the item.

## 13. OFFICER'S REPORTS – WORKS & ASSETS

### 13.1. Thomas Street Access Approval

<b>Works and Assets</b>		
<b>Date</b>	3 April, 2025	
<b>Location</b>	Thomas Street, Koorda	
<b>Responsible Officer</b>	Zac Donovan, Chief Executive Officer	
<b>Author</b>	As above	
<b>Legislation</b>	Nil	
<b>Disclosure of Interest</b>	Nil	
<b>Purpose of Report</b>	<input checked="" type="checkbox"/> Executive Decision <input type="checkbox"/> Legislative Requirement <input type="checkbox"/> Information	
<b>Attachments</b>	Thomas Street Resident Report to Shire	

#### **Background:**

Constructed as a cul-de-sac Thomas Street has long served as a vehicle access point to the Koorda Sports Club carpark. It is understood the street was previously a through road to the carpark but was changed to a cul-de-sac for the safety of children when there was a playground situated in the area.

Access via the northern side of the cul-de-sac has not been an issue and largely without incident, however, on 26 March the Shire received an online notice (attached) from a Thomas Street resident claiming concern for their safety and highlighting a risk in allowing the continued informal access. Consequently, the Shire was compelled to close the access point and issue notice to the community.

The purpose of this item is to have works approved by Council to revert the Thomas Street cul-de-sac to a through road into the Koorda Sports Club carpark by accessing existing road reserves and adding traffic calming to mitigate any safety issues.

#### **Comment:**

The notice from the Thomas Street resident, received through the Shire's works request portal, that the temporary access route was a hazard cannot be ignored by the Shire. There is an obligation to ensure that its facilities and amenities, including local roads, do not pose a risk to the community.

However, in closing the road and making the announcement to the community via social media on 28 March, the Shire foreshadowed that it considered that the access point to the carpark seemed to be a natural extension of Thomas Street and could be considered for future works depending on budget.

As has transpired the Shire Works Supervisor expects that the extension of Thomas Street could be scheduled, with Council approval, for the current financial year as he has an expectation that at least one of the current major road projects will realise a budget saving sufficient to complete the works.

The notice from the Thomas Street resident, that led to the closure of the access road, claimed a hazard when reversing from his driveway and that a vehicle was "speeding through on multiple occasions". Setting aside that compliance with road speed limits is a WAPOL matter, the Shire needs to take safety concerns into account when deciding whether to open the access to traffic.

The resident also claimed the risk was enhanced in that when reversing from their driveway, they cannot "see over their fence" for approaching vehicles. The Shire CEO has met with the resident and explained the proposal. It was explained that if the resident believed the risk persisted after the

extension works were completed, the Shire could apply to reclaim land to create a 3-metre easement on the corner or require the resident to reduce the height of the fence as per building codes.

The proposed works (depicted in the following graphic) would realign Thomas Street so to avoid the power pole on the northern corner entrance to the carpark, by installing new kerbing (marked in red). The kerbing on the northern edge is extended to help redirect traffic and help remove both power poles as a risk for local traffic.

Given that the new carpark entrance would create unrestricted transit from Greenham Street, through the car park to Thomas street, and in light of the residents safety concerns, it is proposed to install a traffic calming device (speed hump) at the new Thomas street entrance, which would also serve to help remove the power pole as a risk to local traffic. Reflective signage would be installed at both directions to warn of changed conditions.



Planning advice is that the Shire can open access to the carpark, with Council approval, as Thomas Street abuts the existing road reserve allocated to the lane between Thomas Street and Birdwood Street, as depicted in the following capture from Landgate, depicting the road boundaries in yellow.



The Shire Works Supervisor estimates the works to provide the Thomas Street extension and kerbing, would cost \$12,000 and an estimated \$6000 for the speed hump and signage, with works able to be complete in the current financial year. He believed the costs could be accommodated within the existing works budget as he anticipated savings in projects. The only delay could be in scheduling contractors.

Regarding community consultation on the change, as mentioned the CEO has visited the resident who lodge the notice and explained the proposal to open the road would be put to Council and the existing

road provisions. Also, the Shire had foreshadowed in the social media post about the closure that the Thomas Road extension could be part of future works, and it is understood Councillors have already received feedback from the community.

**Consultation:**

Paul Bashall, Planning Consultant, PlanWest  
Darren West, Works Supervisor

**Statutory Implications:**

Nil

**Policy Implications:**

W – Asset Management V1.0  
G – Risk Management V1.0

**Strategic Implications:**

Shire of Koorda Integrated Strategic Plan 2024  
3.2 – Safe, efficient and well-maintained road and footpath infrastructure.

**Risk Implications:**

<b>Risk Profiling Theme</b>	Council will receive some community criticism if it proceeds with the officer recommendation.
<b>Risk Category</b>	Reputation
<b>Risk Description</b>	There are strong community opinions for both opening the road and keeping it closed.
<b>Consequence Rating</b>	Minor (2)
<b>Likelihood Rating</b>	Likely (4)
<b>Risk Matrix Rating</b>	Moderate (8)
<b>Key Controls (in place)</b>	Opponents anticipated to be in the minority
<b>Action (Treatment)</b>	Traffic calming devices
<b>Risk Rating (after treatment)</b>	Adequate

**Financial Implications:**

Expenditure of up to \$18,000 from the works budget.

**Voting Requirements:**     Simple Majority     Absolute Majority

**Officer Recommendation**

**That Council:**

- a) Approve works for Thomas Street as proposed at a cost of \$18,000 to be funded from the existing works budget, with the works to include:
- i) the installation of a speed hump at the new Thomas Street extension, and
  - ii) installation of signage as required to alert motorists of the changed conditions.

**14. Urgent Business Approved by the Person Presiding or by Decision**

**15. Elected Members' Motions**

**16. Matters Behind Closed Doors**

**17. Closure**