



Shire of
Koorda

Drive in, stay awhile

MINUTES

Ordinary Council Meeting

Held in Shire of Koorda Council Chambers

10 Haig Street, Koorda WA 6475

Wednesday 20 July 2022

Commencing 5.01pm

UNCONFIRMED

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 20 July 2022 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

Lana Foote
Acting Chief Executive Officer
15 July 2022

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



Darren Simmons
Chief Executive Officer

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**Shire of Koorda
Ordinary Council Meeting
5.00pm, Wednesday 20 July 2022**



1. Declaration of Opening

The Presiding person welcomed those in attendance and declared the meeting open at 5.01pm.

2. Record of Attendance, Apologies and Leave of Absence

Councillors:

Cr JM Stratford	President
Cr BG Cooper	Deputy President
Cr GW Greaves	
Cr GL Boyne	
Cr LC Smith	
Cr NJ Chandler	

Staff:

Mr DJ Simmons	Chief Executive Officer (CEO)
Miss L Foote	Deputy Chief Executive Officer (DCEO)

Members of the Public:

Apologies:

Approved Leave of Absence:

3. Public Question Time

4. Disclosure of Interest

5. Applications for Leave of Absence

Resolution 010722

Moved CR GL Boyne

Seconded CR NJ Chandler

That Cr BG Cooper & Cr GW Greaves be approved a leave of absence for the August 2022 Council Meeting.

CARRIED 6/0

6. Petitions and Presentations

7. Confirmation of Minutes from Previous Meetings

7.1. Ordinary Council Meeting held on 15 June 2022

[Click here to view the previous minutes](#)

Voting Requirements Simple Majority Absolute Majority

Officer Recommendation Resolution 020722

Moved CR BG Cooper

Seconded CR GW Greaves

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 15 June 2022, as presented, be confirmed as a true and correct record of proceedings.

CARRIED 6/0

7.2. Special Council Meeting held on 29 June 2022

[Click here to view the previous minutes](#)

Voting Requirements Simple Majority Absolute Majority

Officer Recommendation Resolution 030722

Moved CR NJ Chandler

Seconded CR GW Greaves

That, in accordance with Sections 5.22(2) and 3.18 of the *Local Government Act 1995*, the Minutes of the Special Council Meeting held 29 June 2022, as presented, be confirmed as a true and correct record of proceedings.

CARRIED 6/0

8. Minutes of Committee Meetings to be Received

8.1. Great Eastern Country Zone Minutes for meeting held 27 June 2022

[Click here to view](#)

Voting Requirements Simple Majority Absolute Majority

Officer Recommendation Resolution 040722

Moved CR LC Smith

Seconded CR GL Boyne

That, in accordance with Sections 5.22(2) and 3.18 of the *Local Government Act 1995*, Council receives the Minutes of the Great Eastern Country Zone Meeting held 27 June 2022, as tabled.

CARRIED 6/0

9. Recommendations from Committee Meetings for Council Consideration

10. Announcements by the President without Discussion

The Shire President outlined that since the last Council meeting, and following further discussions between representatives of CBH Group (CBH) and the Shires of Mt Marshall and Koorda, the CEO has granted CBH an administrative approval to transport a reduced quantum of grain on a circular route from Beacon-Bencubbin-Koorda and then empty back to Beacon via Mollerin.


The Shire President extended congratulations to Mr Ryan Greaves – winner of the 2022 Eastern Districts Rural Ambassador Awards, and wished him well for the next tier of the Awards.

CEO decisions made under delegated authority since last Ordinary Meeting of Council

Applicant	Date received / Details of application	Address	Estimated project cost / Shire planning fee	Decision / Date
Nil.				

11. OFFICER'S REPORTS – CORPORATE & COMMUNITY

11.1. List of Accounts Paid

Corporate and Community		
Date	15 July 2022	
Location	Not Applicable	
Responsible Officer	Lana Foote, Deputy Chief Executive Officer	
Author	As above	
Legislation	<i>Local Government Act 1995; Local Government (Financial Management) Regulations 1996</i>	
Disclosure of Interest	Nil	
Purpose of Report	<input type="checkbox"/> Executive Decision <input checked="" type="checkbox"/> Legislative Requirement <input type="checkbox"/> Information	
Attachments	List of Accounts Paid	

Background:

This item presents the List of Accounts Paid, paid under delegated authority, for the period 10 June to 30 June 2022.

Comment:

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

Consultation:

Darren Simmons, Chief Executive Officer
Tracey McMiles, Finance Officer

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 Strategic Community Plan
4.2.4 - Operate in a financially sustainable manner (ongoing)
4.3.3 - Provide reporting processes in a transparent, accountable and timely manner

Financial Implications:

Funds expended are in accordance with Council's adopted 2021/2022 Budget.

Voting Requirements: Simple Majority Absolute Majority

**Officer Recommendation
Resolution 050722**

Moved CR BG Cooper

Seconded CR GW Greaves

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 10 June 2022 to 30 June 2022


Municipal Voucher V673 to V769	Totalling \$ 521,611.10
Credit Card Transaction (V707, V752, V753)	Totalling \$ 6,956.70
	Total \$ 528,567.80

CARRIED 6/0

UNCONFIDENTIAL

12. OFFICER'S REPORTS – GOVERNANCE & COMPLIANCE

12.1 Offer to purchase vacant Shire-owned property at Lot 28 (36) Allenby Street, Koorda

Governance and Compliance		
Date	7 July 2022	
Location	Not applicable	
Responsible Officer	Darren Simmons, Chief Executive Officer	
Author	As above	
Legislation	Local Government Act 1995	
Disclosure of Interest	Nil	
Purpose of Report	<input checked="" type="checkbox"/> Executive Decision <input checked="" type="checkbox"/> Legislative Requirement <input type="checkbox"/> Information	
Attachments	Offer and Acceptance Form (Confidential to Councillors only) Market Valuation (Confidential to Councillors only)	

Background:

The Shire owns the vacant property at Lot 28 (36) Allenby Street, Koorda (between the Koorda Meat Supply building and Koorda Motor and Military Museum).

The administration has been contacted by Mr Derek Henning, for and on behalf of Oakenshield Pty Ltd (ATF The Oakbank Property Trust) with an offer to purchase Lot 28 (36) Allenby Street, Koorda (Lot 28), as follows:

“Hi Darren,

As discussed I wish to make a formal offer to purchase Lot 28 Allenby Street, Koorda (vacant block next to the Butcher Shop) at market value subject to evaluation.”

In a subsequent email, Mr Henning formally offered (via an “Offer and Acceptance” form) to purchase Lot 28 for \$12,000 with a settlement date within 30 days of acceptance.

On 28 June 2022, the Shire received a market valuation (dated 10 June 2022) for Lot 28 of \$12,000. (A copy of the valuation report has been provided to Councillors under confidential separate cover).

Comment:

Should Council resolve that they are prepared to accept the offer made, there would be a requirement for the offer to be put out for public consultation. This period would then allow Council to receive feedback from the community and take account of any comments or objections prior to a final decision being made by Council at the August 2022 Council Meeting.

Consultation:

Please see s3.58 (3) under the Statutory Implications heading of this report.

Statutory Implications:

Local Government Act 1995

3.58. Disposing of property

(1) In this section —

dispose includes to sell, lease, or otherwise dispose of, whether absolutely or not;

property includes the whole or any part of the interest of a local government in property, but does not include money.

(2) Except as stated in this section, a local government can only dispose of property to —

(a) the highest bidder at public auction; or

(b) the person who at public tender called by the local government makes what is, in the opinion of the local government, the most acceptable tender, whether or not it is the highest tender.

(3) A local government can dispose of property other than under subsection (2) if, before agreeing to dispose of the property —

(a) it gives local public notice of the proposed disposition —

(i) describing the property concerned; and

(ii) giving details of the proposed disposition; and

(iii) inviting submissions to be made to the local government before a date to be specified in the notice, being a date not less than 2 weeks after the notice is first given;

and

(b) it considers any submissions made to it before the date specified in the notice and, if its decision is made by the council or a committee, the decision and the reasons for it are recorded in the minutes of the meeting at which the decision was made.

(4) The details of a proposed disposition that are required by subsection (3)(a)(ii) include —

(a) the names of all other parties concerned; and

(b) the consideration to be received by the local government for the disposition; and

(c) the market value of the disposition —

(i) as ascertained by a valuation carried out not more than 6 months before the proposed disposition; or

(ii) as declared by a resolution of the local government on the basis of a valuation carried out more than 6 months before the proposed disposition that the local government believes to be a true indication of the value at the time of the proposed disposition.

(5) This section does not apply to —

(a) a disposition of an interest in land under the Land Administration Act 1997 section 189 or 190; or

(b) a disposition of property in the course of carrying on a trading undertaking as defined in section 3.59; or

(c) anything that the local government provides to a particular person, for a fee or otherwise, in the performance of a function that it has under any written law; or

(d) any other disposition that is excluded by regulations from the application of this section.

[Section 3.58 amended: No. 49 of 2004 s. 27; No. 17 of 2009 s. 10.]

Policy Implications:

Nil.

Strategic Implications:

Shire of Koorda Integrated Strategic Plan (2022)

3.1.1 - Manage Shire Assets sustainably using the Strategic Resourcing Plan.

Financial Implications:

Processing of sale proceeds from disposal of property to be determined if disposal (sale) proceeds.

Voting Requirements: Simple Majority Absolute Majority

Officer Recommendation

Resolution 060722

Moved CR GL Boyne

Seconded CR GW Greaves

That Council;

1. Subject to S3.58 (3) Local Government Act 1995, determine to dispose of the following Shire-owned property:

• **Lot 28 (36) Allenby Street, Koorda;**

2. Subject to S3.58 (3) Local Government Act 1995 direct the Chief Executive Officer to give local public notice that it is the intention of the Shire to dispose of the following Shire-owned property:


• **Lot 28 (36) Allenby Street, Koorda**

With a Goods and Services Tax (GST) exclusive market valuation of \$12,000 (as at 10 June 2022) for \$12,000 excluding GST, subject to any public comment; and

3. Direct the Chief Executive Officer to present any public comments along with a final recommendation relating to disposal of the Lot 28 (36) Allenby Street, Koorda to the August 2022 Ordinary Meeting of Council.

CARRIED BY ABSOLUTE MAJORITY 6/0

12.2 Proposed NEWROC Regional Subsidiary

Governance and Compliance		 Shire of Koorda <small>Drive in, stay awhile</small>
Date	8 July 2022	
Location	Not applicable	
Responsible Officer	Darren Simmons, Chief Executive Officer	
Author	As above	
Legislation	<i>Local Government Act 1995</i>	
Disclosure of Interest	Nil	
Purpose of Report	<input checked="" type="checkbox"/> Executive Decision <input type="checkbox"/> Legislative Requirement <input type="checkbox"/> Information	
Attachments	Draft Charter (click here to view) Business Plan (click here to view) Communications Plan (click here to view)	

Background:

The North Eastern Wheatbelt Regional Organisation of Councils (NEWROC) was established in 1994 and is now comprised of the Shires of Dowerin, Koorda, Mt Marshall, Mukinbudin, Nungarin, Trayning and Wyalkatchem.

NEWROC was established to provide the seven (7) member Councils a united voice advocating, promoting, and marketing the communities as a great place to live, work and invest.

The State Government is currently poised to make amendments to the Local Government Act 1995 (the Act).

NEWROC have advocated for changes to the Act to enable it to form a Regional Subsidiary due to the Act and regulations not being fit for purpose.

If the changes to the Act are sufficient, the NEWROC will be prepared and will subsequently submit its Regional Subsidiary Charter to the Minister.

Comment:

A regional subsidiary will allow its member local governments to pool their resources and cooperate more closely.

In addition to increasing the efficiency of existing services, a regional subsidiary may increase the viability of new services which local governments want to and are required to provide. It may also form a mechanism for groups of local governments to come together to deal with region-specific issues.

A regional subsidiary, whilst like a Voluntary Regional Association of Councils (VROC), it is more binding on its members.

A regional subsidiary is also similar to a regional council but has more flexibility and fewer reporting requirements.

The regional subsidiary is predominantly governed by its Charter, which can be individually tailored to suit the subsidiary's activities and role in the community.

Under its current voluntary organisation of Councils structure, the NEWROC experiences the following challenges:

- A lead local government is required for projects, shared resources and grant applications which is additional administration for the lead local government as well as compliance and financial management;
- MoU guides the voluntary Region of Councils but requires good faith as its underlying principle;
- No legal entity to apply for grants;
- Chair and CEO positions rotate every two (2) years with a 'host' Council;
- Regional shared equipment requires a 'host' Council to purchase the asset and for it to be shown on their asset management register; and
- NEWROC initiatives and projects are limited by the MoU and the 'host' Council commitments.

Consultation:

As per the recommendation, the CEO commenced local public notice of the NEWROC regional subsidiary proposal via the Narkal Notes and the Shire's website, Facebook page and noticeboard and which included an invitation for public submissions.

Councillors also received the draft Charter and Business Plan documents as well as a video briefing by the NEWROC Executive Officer concerning the regional subsidiary proposal at the Council Forum on 18 May 2022.

Statutory Implications:

Local Government Act 1995

Policy Implications:

Nil.

Strategic Implications:

Shire of Koorda Integrated Strategic Plan (2022)

4.3.1 - Actively participate in regional collaboration initiatives. (e.g. NEWROC regional subsidiary)

Financial Implications:

Currently the membership fee for NEWROC is \$13,000 per year. It is anticipated this will remain the same with the creation of a regional subsidiary.

Voting Requirements: Simple Majority Absolute Majority

**Officer Recommendation
Resolution 070722**

Moved CR NJ Chandler

Seconded CR LC Smith

That Council;


- 1. Notes and endorses the CEO's action in commencing local public notice, including the invitation of public submissions, concerning the NEWROC Regional Subsidiary proposal; and**
- 2. Subject to no public submissions being received by the close of business on 29 July 2022, endorses the proposed NEWROC Regional Subsidiary draft Charter, Business Plan and Communications Plan as presented and advise NEWROC accordingly.**

CARRIED 6/0

UNCONFIRMED

13. OFFICER'S REPORTS – WORKS & ASSETS

13.1 Wheatbelt Secondary Freight Network (WSFN) – Draft Governance Plan (June 2022)

Works and Assets		
Date	7 July 2022	
Location	Not applicable	
Responsible Officer	Darren Simmons, Chief Executive Officer	
Author	As above	
Legislation	<i>Local Government Act 1995</i>	
Disclosure of Interest	Nil	
Purpose of Report	<input checked="" type="checkbox"/> Executive Decision <input type="checkbox"/> Legislative Requirement <input type="checkbox"/> Information	
Attachments	Draft Wheatbelt Secondary Freight Network Governance Plan (June 2022) (click here to view)	

Background:

At its meeting held on 18 September 2019, Council resolved:

COUNCIL DECISION

Officer Recommendation

Moved CR LC Smith

Seconded CR BG Cooper

That Council:

- 1. Formalise their commitment to the program the Wheatbelt Secondary Freight Network Program enabling them to be eligible for future funding and project consideration.**
- 2. Receive the following WSFN Program documents which outline how the WSFN Steering Committee propose to administer the WSFN Program:**
 - Program Governance Plan**
 - Program Delivery Plan**
 - Multi Criteria Analysis Methodology.**
- 3. Endorse the processes and procedures outlined in the Program Governance Plan which enables the Wheatbelt North and Wheatbelt South Regional Road Groups and the WSFN Steering Committee to make decisions in accordance with in the Program Governance Plan.**

**PUT & CARRIED:5/0
RESOLUTION NO: 070919**

Since Council's resolution and the same or similar resolutions of the 41 other Wheatbelt local governments, the WSFN has operated under the endorsed governance arrangements.

However, in early 2022, both the Wheatbelt North Regional Road Group (of which the Shire of Koorda is a member) and Wheatbelt South Regional Road Group requested an independent review of the WSFN governance arrangements.

Arising from this review, the Shire is in receipt of the following email correspondence from Main Roads Wheatbelt Region:

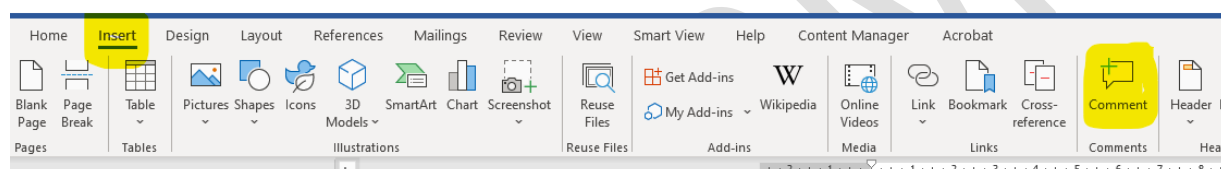
“Good evening,

Following on from the request by the WBN and WBS RRGs at the last RRG meetings in February and March 2022 for an independent review of the document, please find the Wheatbelt Secondary Freight Network DRAFT Governance Plan attached for your perusal.

The review and draft have been undertaken by Nova Corvus Consulting Pty Ltd.

This document is the first draft, to be taken to your July Council meetings for comment.

This document is in an editable format, if Council wish to make any comments, please do so by clicking in the area of the document and using the “Insert” – “Comments” options in Word, or in the body of your response email - listing the page and the paragraph.



Please return your responses to me once done.

The final draft will be compiled and distributed before the WBN RRG meeting on 08 August 2022.”

Comment:

The draft Wheatbelt Secondary Freight Network Governance Plan of June 2022 (the Plan) has been provided as a separate attachment.

The purpose of the Plan, as outlined in section 2, states:

“The purpose of this Governance Plan (GP) is to identify how key governance and administrative aspects will be undertaken to ensure successful delivery of the program. It will assist to outline the structure and processes for decision making and consultation within the Wheatbelt Region Regional Road Groups (WR RRG), their respective Sub-Groups and Local Governments. It will address who has responsibility for decision making on specific components. The GP will provide a framework and guidelines for all members of the WSFN program to operate within. It also outlines how key administrative roles associated with program management such as stakeholder engagement, funding acquittal, project development and delivery and general correspondence will be undertaken. The GP links all administrative tasks into a single concise document that members of the program governance team can regularly refer to.

The GP will be used to communicate to all stakeholders how the program will be governed. It also provides a reference from which the governance of the program can be evaluated at any point in time and modified or improved as required.

The process and procedures outlined in this GP will enable Wheatbelt North and Wheatbelt South RRGs and the WSFN Steering Committee to make decisions in accordance with in the

GP. This approach would mitigate the need for every decision to be considered by all 42 Shires and would therefore enable swifter decision making.

This Governance Plan:

- 1. Provides for strategic leadership and direction for the WSNF program;*
- 2. Ensures that timely, fully informed decisions concerning the implementation of work are made at the most appropriate level;*
- 3. Ensures that the project maintains on-going funding support;*
- 4. Provides oversight and guidance; and*
- 5. Fosters accountability and transparency.”*

Having reviewed the Plan, the CEO is satisfied that the provisions outlined aligns with the purpose and it is recommended that Council endorse the Plan and advise the Wheatbelt North Regional Road Group (via Main Roads Wheatbelt Region), accordingly.

Consultation:

Nil.

Statutory Implications:

Local Government Act 1995

Policy Implications:

Nil.

Strategic Implications:

Shire of Koorda Integrated Strategic Plan (2022)

2.1.2 Advocate regionally to reduce economic barriers such as access and reliability of water, electricity, logistics infrastructure and telecommunications.

3.2.1 Continue to improve the road and footpath network by maximising external funding sources and delivering infrastructure projects to a high standard.

4.3.1 Actively participate in regional collaboration initiatives

Financial Implications:

Local Governments with projects approved over the course of the WSNF program will be required to contribute approximately 7% of each individual project's total cost. The remaining funding will be provided by Federal Government 80% and State Government 13%.

Voting Requirements:

Simple Majority Absolute Majority

Officer Recommendation

Resolution 080722

Moved CR GL Boyne

Seconded CR NJ Chandler

That Council endorse the draft Wheatbelt Secondary Freight Network Governance Plan of June 2022 and advise the Wheatbelt North Regional Road Group (via Main Roads Wheatbelt Region), accordingly.

CARRIED 6/0

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

15. Elected Members' Motions

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16. Matters Behind Closed Doors

Resolution 090722

Moved CR GL Boyne


Seconded CR GW Greaves

That Council close the meeting to the public at 5.33pm in accordance with section 5.23 (2) (a) of the Local Government Act 1995 as the matter relates to an employee.

CARRIED 6/0

At 5.34pm, the CEO and DCEO left the meeting

16.1 2022 CEO Performance Review Arrangements

Governance and Compliance		
Date	20 July 2022	
Location	Not applicable	
Responsible Officer	Cr Jannah Stratford, Shire President	
Author	As above	
Legislation	Local Government Act 1995	
Disclosure of Interest	Nil	
Purpose of Report	<input checked="" type="checkbox"/> Executive Decision <input checked="" type="checkbox"/> Legislative Requirement <input type="checkbox"/> Information	
Attachments	The Shire President circulated relevant confidential information to Councillors at the meeting.	

At 5.45pm, the CEO and DCEO returned to the meeting.

Resolution 100722

Moved CR BG Cooper

Seconded CR GW Greaves

That Council re-open the meeting to the public at 5.46pm.

CARRIED 6/0

Resolution 110722

Moved CR NJ Chandler

Seconded CR GL Boyne

That Council, in accordance with the Shire of Koorda Standards for CEO Recruitment, Performance and Termination and clause 4.3 of the CEO's employment contract, resolves to accept the 'in-person' proposal from Dr Shayne Silcox of Strategic Leadership Consulting Group to facilitate the 2022 CEO performance review.

CARRIED 6/0

17. Closure

The Presiding Person thanked Councillors and staff for their attendance and declared the meeting closed at 5.47pm.

Signed: _____

Presiding Person at the meeting at which the minutes were confirmed.

Date: 17 August 2022

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